

NITRO CITY COUNCIL MEETING

JANUARY 4, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on January 4, 1977, 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 Robert L Blixt, Pastor of The First Baptist Church Of Nitro, gave the invocation.

APPROVAL OF MINUTES: DECEMBER 21, 1976

COUNCIL MEETING: Mayor Gibson stated each Councilman had received a copy of the minutes in the mail, and had an opportunity to review the minutes. Councilman at Large Pennington made a motion that the minutes be approved. The motion was seconded by Councilman Dr. Cassell, and passed by a unanimous vote.

DECEMBER 1976, FINANCIAL REPORT: Mr. Tom Melton, Recorder and Chairman of the Finance Committee, gave the following report:

Balance December 1, 1976	58,399.20	General Fund
Receipts for the month	21,987.26	
Disbursements	43,713.38	
Balance in checking account	36,673.08	
Balance in savings account	10,063.79	

SECOND READING OF ORDINANCE TO PURCHASE 14 ACRES MORE OR LESS OF THE PROPERTY OWNED BY THE WEST VIRGINIA WATER COMPANY: Mr. Melton, City Recorder, read the second 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 the second reading of the ordinance 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). The motion was seconded by Councilman Dr. Cassell.

Councilman Miller asked, "Does this mean we are going to buy the property, and what sequence follows now in regard to the purchase of the property?" Mr. Armada, City Attorney, stated that the title has been examined relative to the marketability of it, and there is going to be negotiations relative to the payment of the funds to the seller. Councilman Miller wanted to know that in regard to the recent litigation if this was going to affect the purchase of the property in any way. Mr. Armada said that should the seller want all their money at one particular time that this could forestall the purchase, but this does bind the city to go ahead with the purchase. Mr. Armada stated that if the seller does not want to meet our wishes relative to payment on it the city will not buy it.

The Councilmen voted approval of the second reading of the ordinance, with the exception of Councilman Miller who abstained.

REPORT ON DECISION OF POLICE COMMITTEE TO AWARD BID FOR 1977 POLICE CRUISER: Councilman at Large Dr. Allen, Chairman of the Police Committee, stated that he had nothing to report at this time. Councilman at Large Pennington stated that the Police Committee had not had a meeting and suggested that this matter be continued.

STATUS REPORT ON HEARING BEFORE JUDGE PATRICK CASEY DECEMBER 30, 1976 REGARDING JUDGEMENT PENDING AGAINST THE CITY OF NITRO: Mayor Gibson stated that this judgement was a result of an automobile accident that happened on Wilson Street in February, 1972, prior to him becoming involved in city government.

Mr. Armada, City Attorney, stated that judgement was rendered by a jury in The Circuit Court of Kanawha County in favor of Mrs. Mae L. Haynes, a passenger in a vehicle that went upon the Penn Central Railroad tracks, as a result of no barricades being erected and no railroad crossing being present. Mr. Armada said that the street on both sides of the tracks was paved, and the crossing was removed by Penn Central 13 months before the accident occurred. Mr. Armada stated that the street banked up to the tracks and therefore you could not see that there was no crossing until you were actually physically on top of it, and as a result of the accident Mrs. Haynes was severely injured, and judgement was recorded against the city.

According to Mr. Armada the suit was appealed to the West Virginia Supreme Court of Appeals, and that the Supreme Court of Appeals will let the city in for the purpose of hearing its appeal on only one question, on whether or not Judge Herbert Belcher committed error in directing a verdict for Penn Central holding them not liable. He said that the Supreme Court will hear our appeal on whether or not Penn Central Railroad should contribute to the payment, however Mrs. Haynes has a legal, forceable judgement against the city, and that Mr. Masinter, counsel for Mrs. Haynes, instituted a mandamus proceeding before Judge Patrick Casey in the Circuit Court of Kanawha County telling the city to pay.

Mr. Armada explained that up until recently until the city got an opinion from the Revenue Sharing people, that the city had no money from which to pay other than what was in the general fund which was not enough to satisfy that judgement. Now, Mr. Armada said we have a ruling from John R. Melton, Director of Local Government Relations Division of the State Tax Department of West Virginia, who says that the Office of Revenue Sharing has indicated that revenue sharing money can be used to pay the judgement. With this in mind, Mr. Armada stated that his advice to the city is that the judgement be satisfied out of the revenue sharing funds.

Councilman at Large Pennington stated that there were three things that bothered him:

1. The two hundred thousand dollars(\$200,000) that was earmarked to buy the West Virginia Water Company property.
2. What action was taken in obtaining the money from the Kanawha County Commission or some other agency, and where was the money coming from if we didn't have it?

3. What was the amount of the judgement?

Mr. Armada replied that up until we received this directive from Mr. John R. Melton there was no indication that revenue sharing could be used. Mr. Armada stated that the money could come from extending a levy, which could only be extended at levy time, which is in March.

Mr. Armada further stated that the amount of judgement as of last Tuesday (December 28, 1976) was ninety-five thousand nine hundred sixty-eight dollars and sixty-five cents. (\$95,968.65)

Councilman at Large Karnes made a motion to pay the judgement to Mrs. Mae L. Haynes out of revenue sharing funds. Councilman Dr. Cassell seconded the motion, and the motion passed unanimously.

Mayor Gibson mentioned a letter he had received from the Union Public Service District and he will supply Council with a copy of the letter. This letter was in reply to a letter the Mayor had written to Union Public Service District dated September 29, 1976. (Supplement File to the Minutes, October 5, 1976)

Mayor Gibson stated since last Council Meeting Council had received in the mail copies of the following Correspondence. (Copies of letters are in Supplement File to the Minutes.)

1. Mayor Gibson received a letter dated December 29, 1976 from the West Virginia Department of Highways confirming the meeting (which he had requested previously) held with various local plant managers of the Hub Industrial Park in the Commissioner's Conference Room, November 5, 1976.
2. A letter dated January 3, 1977 was sent to Mr. Clyde Mynes from Mayor Gibson in reference to the deteriorated sidewalk situated at 110 21st Street.

Mayor Gibson supplied the Council with the Nitro Fire Department Rules And Regulations which were up-dated and adopted February 6, 1973.

Mayor Gibson stated he would supply Council with the Zoning Ordinance Booklet. Mr. Armada stated that minor changes or variances were made by the Zoning Board of Appeals, and that Council changes zoning by ordinance when major changes are needed.

Mayor Gibson said that at the December 21, 1976 Council Meeting he had requested a recommendation from the Councilmen in locating someone qualified to appoint to the Housing Inspection Program which will be financed by a federal government block grant.

Councilman Dr. Cassell recommended Mr. Charles Collins, a retired gentleman from West Virginia State College.

Mayor Gibson informed Council that he had talked to both Mr. Charles Collins, and to Mr. Kenneth King, recently retired as Chief of the Nitro Fire Department. Mayor Gibson told the Council he would like to have their approval of his appointment of both Mr. Charles Collins and Mr. Kenneth King to the Housing Inspection Program. He further stated that these gentlemen could perhaps direct a lot of their attention to vacant and dilapidated property.

Councilman at Large Pennington made a motion to approve Mayor Gibson's appointment of Mr. Charles Collins and Mr. Kenneth King to the Housing Inspection Program. The motion was seconded by Councilman Bailey and passed by unanimous vote.

RECORDER MELTON: No new business, but the Finance Committee is meeting next week.

COUNCILMAN MILLER: Councilman Miller stated that he wished they (referring to city officials) could have a 6 month, 1 year, 5 year, or a 10 year plan to show what council's intentions are, and tell citizens where we are going and be realistic about it.

COUNCILMAN THOMAS: No new business.

COUNCILMAN at LARGE DR. ALLEN: Councilman at Large Dr. Allen wished to compliment Mr. Williams and the Street Department on the nice work they have been doing in salting the streets.

MR. ARMADA, CITY ATTORNEY: Mr. Armada stated that the only reason we have a government is to provide a service, and certain things come up that you are not going to be able to anticipate. He said that a city is subjected to a lot more variances in what may happen than when you are operating a legitimate business whose sole goal is profit making. Mr. Armada further stated that we should establish priorities, but realize that there are a lot of things you can't accomplish that you want to accomplish.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell told Council that they didn't have the data back from the core drilling on Barrington Road.

COUNCILMAN BAILEY: Councilman Bailey stated that the dirt streets in Ward IV are virtually impassable. The streets he referred to were: Spring Street, Owens Street, Dupont Avenue, Kanawha Avenue South, Michigan Avenue South, and Old County Road.

Councilman Bailey said that he was getting complaints from the citizens of this area constantly.

Councilman Bailey stated, "I was in talking with Mr. Williams and I was somewhat appalled at what he told me, and I quote, 'That the basis of our street repairs as they relate in that area to the streets was on a complaint basis' unquote."

Councilman Bailey asked for consideration to put a cover on these dirt streets, and then on a regular schedule monthly basis fill in the potholes.

Councilman Bailey stated cinders is not the answer, and that rock balast is good for the deep holes but is not good for cover on the streets.

Mayor Gibson stated that money was put in general funds for maintaining equipment, but this year there was no money allocated from revenue sharing for stone. The Mayor suggested the citizens of this area sign a petition in favor of street paving.

Councilman Bailey stated that he needed assistance in regard to the City Ambulance Service.

Councilman Bailey said that in talking to merchants, there is a need for more parking space in the business area. Councilman Bailey introduced Mr. Earl Marion from the Businessmen's Association. Mr. Marion said that they will present a plan to Mayor Gibson in regard to this need.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington stated that the railroad crossings were being repaired.

Councilman at Large Karnes made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.

Reverend Robert I. Blixt gave the closing prayer.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

JANUARY 18, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on January 18, 1977, 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 Mel Pennington, Councilman at Large Donald Karnes, Councilman Dr. Guy Cassell, Councilman Homer Thomas, Jr., and Councilman Dean Miller. Councilman Gus Bailey was absent.

The meeting was called to order by the Honorable Mayor Gibson. The Reverend Robert I. Blixt, Pastor of The First Baptist Church Of Nitro, gave the invocation.

APPROVAL OF MINUTES: JANUARY 4, 1977

COUNCIL MEETING: 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.

APPROVAL OF DECEMBER 1976 FINANCIAL STATEMENT:

Tom Melton, City Recorder and Chairman of the Finance Committee, stated each Councilman had received a copy of the December, 1976, Financial Statement in the mail. Mr. Melton made a motion that the December, 1976, Financial Statement be accepted. The motion was seconded by Councilman at Large Pennington and passed unanimously.

REPORT ON DECISION OF POLICE COMMITTEE TO

AWARD BID FOR 1977 POLICE CRUISER: Councilman at Large Dr. Allen, Chairman of the Police Committee, stated that the Police Committee had met, and it was the decision of the Police Committee to award the bid to Childers Chevrolet.

RESOLUTION TO BE PRESENTED BY THE NITRO

MINISTERIAL ASSOCIATION REGARDING AMBULANCE SERVICE: Father Leroy Beyer, President Of The Nitro Ministerial Association, and Councilman Gus Bailey, Chairman of The Emergency Ambulance Service Committee, were not present.

Mr. Melton, City Recorder, read the Resolution regarding ambulance service presented by the Nitro Ministerial Association. The Resolution was read as follows:

RESOLUTION

Whereas Nitro is the center of a large number of people, and

Whereas the nearest hospital is eight miles away, and

Whereas the nearest ambulance service is seven miles away (Cross Lanes) and three and a half miles away (St. Albans); and when the Nitro-St. Albans Bridge is closed the distance will be increased to seven miles (The time that it would take for any of these ambulances to get to Nitro would ordinarily be fifteen minutes [this time would increase with traffic problems, bridge closing etc.]) and,

Whereas some citizens of Nitro have asked their ministers to work for an ambulance stationed in Nitro, and

Whereas efficient, professional, and quick ambulance service can be instrumental in saving lives,

The Nitro Ministerial Association recommends that the Mayor and City Council of Nitro take immediate steps to secure professional ambulance service to be located in Nitro.

Resolution approved by all members of the Nitro Ministerial Association.

Rev. Leroy O. Beyer, President
 Rev. Robert Blixt, Sec.-Treas.
 Rev. James Arbogast
 Rev. William Westlund
 Rev. Arley Cravens
 Rev. Wilbur Turner
 Rev. Garlen O'Dell

Councilman at Large Pennington made a motion to refer this to the Emergency Ambulance Service Committee. The motion was seconded by Councilman at Large Karnes, and the motion passed by a unanimous vote.

Mayor Gibson stated since last Council Meeting Council had received in the mail copies of the following correspondence: (Copies of the following letters are in Supplement File to the Minutes.)

1. Mayor Gibson had written a letter dated January 5, 1977, to Colonel Scott B. Smith, 502 8th Street, Huntington, West Virginia. Mayor Gibson requested further assistance from the Corps under the Streambank Erosion Control Evaluation and Demonstration Program, and requested a detailed on-site investigation of the bank erosion problems at Nitro.

Mayor Gibson stated that he had in the last few days received a phone call from the Corps of Engineers by Mr. Ted Newsome. Mr. Newsome assured the Mayor that his letter had been received, and that after the weather clears up they will further study streambank erosion in Nitro.

2. Mayor Gibson wrote a letter dated January 5, 1977, to Mr. Roy Stricklen, Eastview Land Company, Kanawha Valley Bank, One Valley Square, Charleston, West Virginia, in reference to the deteriorated sidewalk situated at the corner of Bank Street and 21st Street in Nitro.

Mr. Frank Armada, City Attorney, stated that Meade Construction Company had made a claim on the City of Nitro in regard to the termination of its contract for the garage, in excess of some eight thousand dollars (\$8,000), which they claim was the cost that they incurred as a result of sub contractors going upon the job and performing varied services, incidental fees, and their anticipated completion of the contract. Mr. Armada said that the contract was terminated when it was discovered the building site for the garage was improper.

Mr. Armada told Council that Meade Construction Company has a legitimate claim, and stated that Mr. Hayne of Appalachian Engineers, after reviewing several of the estimates that were given to him indicated in his letter dated January 14, 1977 to Mayor Gibson that the sum of five thousand six hundred twenty-six dollars (\$5,626) should be paid. (The above mentioned letter is in the Supplement File to the Minutes.)

Mr. Armada stated that they were in the process of negotiating a settlement with Meade Construction Company, and recommended this matter be referred to the Finance Committee with the authority to settle this matter.

Councilman Dr. Cassell made a motion to refer this matter to the Finance Committee as requested. The motion was seconded by Councilman Miller, and the motion passed.

Mayor Gibson stated that a check for ninety-six thousand ninety-six dollars and twenty-four cents (\$96,096.24) had been written to Mrs. Mae L. Haynes as a result of an automobile accident that happened on Wilson Street in February, 1972, prior to him becoming involved in city government. Mr. Armada further stated that releases have been secured.

Mayor Gibson said that he had received a letter dated January 14, 1977, from Mr. Paul R. Hill and Ms. Nedra Brace submitting their resignation from the Nitro Police Civil Service Commission effective January 14, 1977.

Mayor Gibson stated that he had received a letter dated January 18, 1977 from Mr. Earl Marion, President of the Nitro Business and Professional Association, saying that Mr. James A. Marrs of 201 Lee Avenue, Nitro, had been appointed to the Nitro Police Civil Service Commission to fill the vacancy created by Ms. Brace's resignation. Councilman at Large Dr. Allen made a motion to accept the appointment of Mr. James A. Marrs to the Nitro Police Civil Service Commission. The motion was seconded by Councilman at Large Pennington, and the motion passed. (The letter mentioned above is in the Supplement File to the Minutes.)

Councilman at Large Pennington made a motion to accept Mr. Paul R. Hill's resignation from the Nitro Police Civil Service Commission effective January 14, 1977. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.

Mayor Gibson recommended the appointment of Mr. Omar Cunningham of 104 Broadway Avenue to the Nitro Policemen's Civil Service Commission to fill the vacancy created by Mr. Paul R. Hill's resignation. Councilman at Large Pennington made a motion to accept the appointment of Mr. Omar Cunningham to the Nitro Policemen's Civil Service Commission. The motion was seconded by Councilman Thomas, and the motion passed.

Mr. Bill Fortune, President of the Golden Oldies Street Rod Association, Inc., read a letter to Council requesting permission for the usage of Nitro City Park on the weekend of April 22-24, 1977 for the purpose of holding their 4th Annual Street Rod Meet. (Copy of letter is in Supplement File to the Minutes.)

Councilman at Large Pennington made a motion to give the Golden Oldies Street Rod Association Inc. permission to use the Nitro City Park on the weekend of April 22-24, 1977, for the purpose of holding their 4th Annual Street Rod Meet. The motion was seconded by Councilman Miller, and the motion passed.

Mayor Gibson told Council that he had an inquiry from a gentleman who was interested in building a small apartment building with off-street parking. The location of the proposed apartment is 2210 Twenty-Second Street. The Mayor further stated that he was of the opinion that this location was presently zoned for an apartment building and wanted the Councilmen's remarks if they felt otherwise.

Mayor Gibson asked for the Committee Chairman Reports.

RECORDER MELTON: No Committee Reports.

COUNCILMAN MILLER: No Committee Reports. Councilman Miller suggested the Mayor write a letter to Mr. Williams commending the Street Department for the manner they have kept the streets during the recent bad weather.

COUNCILMAN THOMAS: No Committee Reports.

COUNCILMAN AT LARGE DR. ALLEN: No Committee Reports.


COUNCILMAN DR. CASSELL: No Committee Reports.


COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington stated that he had a letter addressed to the Mayor and Council from the Nitro Firemen. The letter was in regard to the State Code, Chapter 8, Act 15, Section 10, total hours of duty for firemen and Fire Department employees on overtime requirements.

Councilman at Large Pennington made a motion to refer this letter to the Finance Committee. The motion was seconded by Councilman Thomas, and the motion passed.

COUNCILMAN AT LARGE KARNES: No Committee Reports. Councilman at Large Karnes made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.

Reverend James B. Arbogast, Pastor of St. Paul's
United Methodist Church, gave the closing prayer.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

FEBRUARY 1, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on February 1, 1977, 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 Dean Miller, and Councilman Gus Bailey. Councilman Homer Thomas, Jr. was absent.

The meeting was called to order by the Honorable Mayor Gibson. The Reverend Garlen O'Dell, Pastor of The Otterbein United Methodist Church, gave the invocation.

APPROVAL OF JANUARY 18, 1977 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 Miller and the motion passed.

JANUARY 1977 FINANCIAL REPORT: Mr. Tom Melton, Recorder and Chairman of the Finance Committee, gave the following report:

Balance January 1, 1977	36,673.08	General Fund
Receipts for the month	40,880.49	
Disbursements	70,668.05	
Balance in checking account	6,885.52	
Balance in savings account	10,234.48	

LETTER FROM KANAWHA VALLEY BANK REGARDING SIDEWALK ON CORNER OF BANK STREET AND 21st STREET:

Mr. Roy Stricklen had written a letter dated January 19, 1977, to the Mayor in reference to the sidewalk on the corner of Bank Street and 21st Street. This letter was in response to a letter dated January 5, 1977 which Mayor Gibson had sent Mr. Stricklen. (Copy of letter is in supplement file to the minutes.)

FISCIAL YEAR HUD COMMUNITY DEVELOPMENT METRO
DISCRETIONARY FUNDS (TWO PUBLIC MEETINGS NECESSARY):

Mayor Gibson stated that two public meetings were necessary before submission of preapplication for the FY 1977 HUD Community Development metro discretionary funds. (Mayor Gibson received a letter from HUD dated November 1, 1976, in regard to FY 1977 HUD Community Development metro discretionary funds, which is in the supplement file to the minutes.)

Councilman Bailey made a motion to hold the meetings February 15, 1977 at 10:00 a.m., and at 8:00 p.m. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

RECIPROCAL FIRE PROTECTION AGREEMENT BETWEEN
THE CITY OF SOUTH CHARLESTON AND THE CITY OF NITRO:

Councilman at Large Pennington made a motion to accept the reciprocal fire protection agreement between the City of South Charleston and The City of Nitro, and to accept the reciprocal fire protection agreement between The City of Dunbar and The City of Nitro. (Copies of agreements are in the supplement file to the minutes.) The motion was seconded by Councilman Miller, and the motion passed by unanimous vote.

CONSENT TO FIRSTMARK FINANCIAL CORPORATION
REGARDING KANAWHA CABLE/VISION: (Copy of consent is in supplement file to the minutes.) Councilman at Large Pennington made a motion that Council consents to the assignment to Firstmark Financial Corporation, 110 East Washington Street, Indianapolis, Indiana 46204, of the current franchise, as amended, of Kanawha Cable Television Company (Kanawha Cablevision). The motion was seconded by Councilman Dr. Cassell, and the motion passed. (Copy of consent is in the supplement file to the minutes.)

Mayor Gibson stated that in the past four years The City of Nitro had adopted:

1. The Southern Standard Plumbing Code,
2. The Southern Standard Building Code, and
3. The Southern Standard Fire Prevention Code.

Mayor Gibson told Council that Mr. Collins, who was appointed to the Building Inspection Program, and he had attended a meeting with two gentlemen from Pittsburg in the office of The Regional Intergovernmental Council. They recommended The City of Nitro adopt:

1. The Southern Standard Gas Code,
2. The Southern Standard Housing Code, and
3. The Southern Standard Excavating and Grading Code.

- Councilman Bailey made a motion to adopt;
1. The Southern Standard Gas Code,
 2. The Southern Standard Housing Code, and
 3. The Southern Standard Excavating and Grading Code

on the first reading. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

Mayor Gibson stated that Council had on their desk a letter written to him, dated January 27, 1977, from Mr. William A. Hartig of the West Virginia Department of Highways in regard to the installation of a new traffic signal at the intersection of WVA Route 25 and Center Street in Nitro. (Copy of letter is in supplement file to the minutes.)

Councilman at Large Pennington made a motion the agreement between the West Virginia Department of Highways and The City of Nitro be signed and executed by the Mayor in regard to the installation of the new traffic signal installation at the intersection of WVA Route 25 and Center Street in Nitro. The motion was seconded by Councilman Miller, and the motion passed by a unanimous vote.

Mayor Gibson supplied Council with a contract between The City of Dunbar and Ade Emergency Services, Inc., and a contract between The City of South Charleston and Ade Emergency Services, Inc. (Copy of contract between The City of Dunbar and Ade Emergency Services, and copy of contract between The City of South Charleston and Ade Emergency Services is in the supplement file to the minutes.) Councilman Bailey suggested the Nitro Ministerial Association be sent copies of the contracts.

Mayor Gibson referred to the January 20, 1977, Minutes of The Board of Zoning Appeals meeting, in regard to a request from Mr. A. R. Thomas, representing Thomas Tire Service, Inc., for an exception to the present zoning laws to allow the construction of a parking area, service area, and to expand the present facilities of lots located adjacent to the Old County Road and Thomas Tire Service. (Copy of the January 20, 1977, minutes of The Board of Zoning Appeals Meeting is in supplement file to the minutes.)

Mayor Gibson stated that Lieutenant Ernest Hedrick of the Fire Department was promoted to the rank of Captain under the guidelines of the Firemen's Civil Service Commission.

RECORDER MELTON: Mr. Melton stated that the Finance Committee had met January 31, 1977. Mr. Melton said that overtime for the years 74-75, 75-76 for all City of Nitro employees was discussed, but primarily the discussion was about the Police Department's, and the Fire Department's overtime.

Mr. Melton told Council there was one thousand eight hundred dollars (\$1,800) in the general fund (due to the fact that we are currently short of men in the Police Department), seven thousand five hundred ninety dollars (\$7,590) (interest in revenue sharing funds), and four thousand three hundred dollars (\$4,300) (in various items in revenue sharing) which could be used to pay the overtime. He stated that the money in the general fund (\$1,800) did not need to be reallocated, however the interest (\$7,590) in revenue sharing funds, and the \$4,300 under various items in revenue sharing would have to be reallocated.

Mr. Melton further stated that money for the balance owed (\$1,700) on the 1977 4-wheel drive truck that was purchased for the Street Department would also have to be reallocated.

Councilman at Large Pennington made a motion to pay the City employees their overtime for 74-76, and 75-76. The motion was seconded by Councilman Bailey and the motion passed.

Councilman Miller made a motion to reallocate the funds from revenue sharing to pay the City employees overtime for 74-75, and 75-76, and to pay the balance owed (\$1,700) on the 1977 4-wheel drive truck. The motion was seconded by Councilman at Large Pennington, and the motion passed.

Mayor Gibson, at this point asked for the Council Committee Reports.

COUNCILMAN MILLER: None.

COUNCILMAN AT LARGE DR. ALLEN: None.

COUNCILMAN DR. CASSELL: None.

COUNCILMAN BAILEY: Councilman Bailey expressed his thanks to Mr. Gene Williams, for his help on the streets in Ward IV, and Councilman Bailey also thanked the Nitro Ministerial Association for their help in regard to securing professional ambulance service to be located in Nitro.


Councilman Bailey suggested a letter of congratulations be written to F.M.C. of Nitro. F.M.C. had gone one year without a disabling injury.

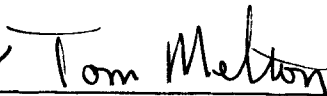
COUNCILMAN AT LARGE PENNINGTON: None.

COUNCILMAN AT LARGE KARNES: None.

Councilman at Large Karnes made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed.

The Reverend James B. Arbogast, Pastor of St. Paul's United Methodist Church gave the closing prayer.


MAYOR


RECORDER

1. The first part of the document is a list of names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are given below each name. The list includes the names of the members of the committee, the names of the members of the sub-committee, and the names of the members of the advisory committee. The addresses are given in the form of street names and city names.

2. The second part of the document is a list of the names of the members of the committee, the names of the members of the sub-committee, and the names of the members of the advisory committee. The names are listed in alphabetical order, and the addresses are given below each name. The list includes the names of the members of the committee, the names of the members of the sub-committee, and the names of the members of the advisory committee. The addresses are given in the form of street names and city names.

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NITRO CITY COUNCIL MEETING

FEBRUARY 15, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on February 15, 1977, 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 Mel Pennington, Councilman Dr. Guy Cassell, Councilman Homer Thomas, Jr., Councilman Dean Miller and Councilman Gus Bailey. Councilman at Large Donald Karnes was absent.

There were fourteen (14) citizens present for the meeting. Namely:

- | | |
|---|--|
| 1. Harvey Collins,
1436 Sattes Circle,
Nitro, WV | 8. Larry Donegan,
2170 21st Street,
Nitro, WV |
| 2. Clarence Hudson,
Four Gravely Drive,
Nitro, WV | 9. Jack Eastwood,
Nitro,
WV |
| 3. Hershel Facemyre,
1316 13th Street,
Nitro, WV | 10. Romie C. Hughart,
1834 18th Street,
Nitro, WV |
| 4. Jean Keener,
3971 39th Street,
Nitro, WV | 11. Reverend Garlen O'Dell,
117 Lock Street,
Nitro, WV |
| 5. Betty Parker,
3974 39th Street,
Nitro, WV | 12. Loretta Daniels,
1370 Valentine Circle,
Nitro, WV |
| 6. Ruth Donegan,
2170 21st Street, N
Nitro, WV | 13. Earl Marion,
United Dodge, Inc.,
Nitro, WV, and |
| 7. Tom Boch,
1520 W. 15th Street,
Nitro | 14. Rusty Casto,
Casto Hardware,
Nitro, WV. |

The meeting was called to order by the Honorable Mayor Gibson. The Reverend Garlen O'Dell, Pastor of The Otterbein United Methodist Church, gave the invocation.

Mayor Gibson informed those present that in addition to this being a Council Meeting it was a Public Meeting in an effort to qualify for Community Development metro discretionary funds, and that each citizen would be given an opportunity to make recommendations and to ask questions.

APPROVAL OF MINUTES: FEBRUARY 1, 1977 COUNCIL MEETING: Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review.

Councilman Bailey asked that a correction be made on page 16, last paragraph, of the February 1, 1977, Council Meeting Minutes.

The paragraph read as follows:

Councilman Bailey expressed his thanks to Mr. Gene Williams, for his help on the streets in Ward IV, and Councilman Bailey also thanked the Nitro Ministerial Association for their help in regard to securing professional ambulance service to be located in Nitro.

The paragraph should have read as follows:

Councilman Bailey expressed his thanks to Mr. Gene Williams, for his help on the streets in Ward IV, and Councilman Bailey also thanked the Nitro Ministerial Association for their expressed interest in having a permanent ambulance service in our City.

Councilman at Large Pennington made a motion the minutes be approved as corrected. The motion was seconded by Councilman Miller and the motion passed.

APPROVAL OF JANUARY 1977 FINANCIAL STATEMENT: Tom Melton, City Recorder and Chairman of the Finance Committee, stated each Councilman had received a copy of the January, 1977, Financial Statement in the mail. Mr. Melton made a motion that the January, 1977, Financial Statement be accepted. The motion was seconded by Councilman at Large Pennington and the motion passed by a unanimous vote.

FISCAL YEAR HUD COMMUNITY DEVELOPMENT METRO DISCRETIONARY FUNDS (TWO PUBLIC MEETINGS FEB. 15th AT 10:00 A.M. AND AT 8:00 P.M.): The second Public Meeting was held during the regular scheduled Council Meeting in the Council Chambers of Nitro City Hall at 8:00 p.m. on February 15, 1977.

Mr. Tom Melton briefly highlighted the First Public Meeting held February 15, 1977, at 10:00 a.m. (Copy of February 15, 1977, 10:00 a.m. Public Meeting Minutes is in supplement file to the minutes.)

In complying with the federal requirements of the preapplication certification Recorder Melton made a motion to give Mayor Gibson the authority to sign the preapplication certification and other necessary papers. The motion was seconded by Councilman Miller and the motion passed by a unanimous vote.

There was a question and answer period for the citizens present, and the citizens suggested the priorities they felt were important. In was the consensus of the citizens that housing for the elderly was high on their list of priorities.

After a lengthy discussion, Councilman Dr. Cassell made a motion to accept the following priorities:

1. housing for the elderly (purchase of land)
2. paving city owned parking areas - parking lots and roadways at the City Park and Ridenour Memorial Park
3. Cost of installing lights at Nitro City Park. (The lights were donated by the Nitro High School to the Recreation Department.)
4. paving of unpaved streets:

Ivy Street,	Spring Street,
River Avenue,	Cedar Street, and
Kanawha Avenue,	Owens Street,
Old County Road,	
5. up-grade storm sewers from 21st Street to 4th Street on 3rd Avenue.

The motion was seconded by Councilman at Large Pennington, and the motion passed.

Mayor Gibson introduced Ms. Betty Parker. Ms. Parker stated that she is the owner of the Little Princess Beauty Salon at 21st Street and 2nd Avenue. With Ms. Parker were Mr. Clarence Hudson, a representative of the First Baptist Church on Second Avenue, Ms. Ruth Donegan, a representative of Holy Trinity Catholic Church on Second Avenue, and Mr. Tom Boch, a representative of Holy Trinity Catholic Church on Second Avenue. Mr. Hershel Facemyre and Jean Keener were also present.

Ms. Parker said that she had a petition, signed by approximately 100 people, which the Mayor asked that she read. The petition read as follows:

WE, THE UNDERSIGNED CITIZENS (CUSTOMERS & BUSINESS PERSONS) OF THE CITY OF NITRO, DO HEREBY SIGN THIS PETITION AS A REFLECTION OF OUR PROTEST IN ACCORDANCE WITH THE CITY ORDINANCES AGAINST THE PARKING SITUATION FROM 21st. STREET TO 23rd. STREET AND AROUND THE PROPERTY OPERATED BY UNITED DODGE, INC. WE PROTEST THIS COMPANY USING THE CITY STREET FOR PARKING THEIR SERVICE VEHICLES AND CUSTOMERS VEHICLES LEAVING NO PARKING PLACES FOR OTHER BUSINESSES OR CUSTOMERS IN THIS AREA:

(Petition is in supplement file to the minutes.)

Ms. Parker stated this parking problem had cost her a loss of business.

Several alternatives were suggested: the leasing of property for the parking of vehicles, parking meters, and a two-hour limit on parking.

Mr. Boch stated that Father Beyer had informed him, Mr. Earl Marion, owner of United Dodge, Inc., is taking steps to remedy this parking problem.

Mr. Marion stated that he had bought the service station on the corner of 21st Street and 2nd Avenue for the purpose of parking customer's cars. Mr. Marion further stated that he got a bid for 200 trucks that has to be serviced, undercoated, and had to be ready for delivery, and that every day he has been delivering trucks to Buckhannon. He said that once he gets the state trucks out of there that it is going to eliminate the biggest percentage of the parking problem.

Councilman at Large Pennington made a motion to refer this petition to the Ordinance Committee, and to the Street and Traffic Committee. The motion was seconded by Councilman Bailey, and the motion passed. Councilman Miller and Councilman at Large Dr. Allen abstained from voting.

Councilman at Large Dr. Allen asked for an immediate meeting of the business people in Nitro. Mayor Gibson stated that he would also like for the ministers and any interested citizens to attend the meeting to discuss the parking problem.

SECOND READING TO ADOPT SOUTHERN STANDARD GAS CODE, HOUSING CODE, EXCAVATING AND GRADING CODE: Mayor Gibson stated that the City Attorney, Mr. Armada had informed him that the other which was read as the first reading at the last Council Meeting was more of a resolution type reading, and should not be considered as the first reading. Mr. Armada had presented the Mayor with the final draft of the ordinance, and the Mayor informed Council that we need to have the first reading of the ordinance to-night.

Mayor Gibson asked Mr. Melton to read the title of the Ordinance.

FIRST READING OF AN ORDINANCE ADOPTING AND ESTABLISHING MINIMUM STANDARDS GOVERNING HOUSING, EXCAVATION AND GRADING AND THE INSTALLATION AND MAINTENANCE OF GAS PIPING: City Recorder, Mr. Melton, read the title of the ordinance which reads as follows:

ORDINANCE

AN ORDINANCE ADOPTING AND ESTABLISHING MINIMUM STANDARDS GOVERNING HOUSING, EXCAVATION AND GRADING AND THE INSTALLATION AND MAINTENANCE OF GAS PIPING

Councilman Dr. Cassell made a motion to accept the first reading of the ordinance. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed unanimously.

MINUTES OF THE BOARD OF ZONING APPEALS
FEBRUARY 3, 1977: Mayor Gibson referred to the February 3, 1977 minutes of The Board of Zoning Appeals meeting, and to a letter dated February 7, 1977, written from The Board of Zoning Appeals to Mr. A. R. (Ray) Thomas. (Copy of The Board of Zoning Appeals Meeting Minutes, February 3, 1977, and a copy of the letter to Mr. Thomas is in the supplement file to the minutes.) Mr. Harry B. Russell, Chairman of the Board of Zoning Appeals, advised Mr. Thomas the zoning classification on lots 142A, 143A, 144A, 145A, and 146A of Dupont Place Addition to St. Albans, City of Nitro, Union District, located in Section 18 of Nitro Zoning map will be changed from "R3" to "B1".

Council concurred in the decision of the Board of Zoning Appeals.

Mayor Gibson referred to the following letters which is in the supplement file to the minutes. A brief summary of the letters follows:

1. Mrs. Marjorie Sales had written Mayor Gibson a letter, dated February 4, 1977, asking the City of Nitro to allot the Community School one thousand five hundred dollars (\$1,500) for the coming year.

This request was referred to the Recreation Committee and the Finance Committee.

Councilman Bailey made a motion to pay the second payment of five hundred dollars (\$500) to the Community School for the year 76-77. The motion was seconded by Councilman at Large Pennington, and the motion passed.

2. G. C. Smith of the West Virginia Water Company had Written Mayor Gibson a letter dated February 7, 1977, in reference to the West Virginia Water Company's former Nitro Treatment Plant Property situated near the City Park.
3. Truda Null, Executive Director of the National Multiple Sclerosis Society, had written a letter to the City of Nitro requesting a permit to solicit funds from April 25 to June 1, 1977.

Councilman at Large Pennington made a motion to permit The National Multiple Sclerosis Society to solicit funds April 25 to June 1, 1977. The motion was seconded by Councilman Bailey and the motion passed.

4. Phares E. Reeder, President, Kanawha County Unit of the American Cancer Society, had written Mayor Gibson a letter dated February 10, 1977, to apply for permission to solicit funds April 1 to May 15, 1977.

Councilman at Large Dr. Allen made a motion to give the American Cancer Society permission to solicit funds April 1 to May 15, 1977. The motion was seconded by Councilman at Large Pennington, and the motion passed.

Mr. Tom Melton referred to a letter to Mr. Frank Armada from William H. Jones, Jr., attorney for the Meade Construction Company, dated January 29, 1977. (Copy of letter is in supplement file to the minutes.) Mr. Melton, Chairman of the Finance Committee, stated that the Finance Committee had agreed to pay Meade Construction Company six thousand five hundred twenty-six dollars (\$6,526) as a final settlement.

Mayor Gibson stated that he needed to make two reappointments and an appointment to the Planning Commission. Mayor Gibson asked for a vote of Council on the following reappointments and the appointment to the Planning Commission:

reappointment of Mr. Tom Townsend of
Seven Main Avenue, Nitro

Councilman Pennington made a motion to approve the reappointment of Mr. Tom Townsend to the Planning Commission. The motion was seconded by Councilman Dr. Allen, and the motion passed.

reappointment of Mr. William Curtis Woods
of 812 Kanawha Avenue, Nitro

Councilman at Large Dr. Allen made a motion to approve the reappointment of Mr. William Curtis Woods to the Planning Commission. The motion was seconded by Councilman at Large Pennington, and the motion passed.

appointment of Mr. Lonnie Norvell of
Valentine Circle

Councilman at Large Dr. Allen made a motion to approve the appointment of Mr. Lonnie Norvell to the Planning Commission. The motion was seconded by Councilman Dr. Cassell and the motion passed. Councilman Miller abstained from voting.

Mayor Gibson asked for new business and Committee Reports.

COUNCILMAN MILLER: Councilman Miller made a motion that a street light be erected on Planck Street. The motion was seconded by Councilman at Large Pennington and the motion passed.

Mr. TOM MELTON: No new business.

COUNCILMAN THOMAS: No new business.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen stated that the Bank of Nitro is collecting for the C & P Telephone Company and all other utility bills with the exception of Kanawha Cablevision.

COUNCILMAN DR. CASSELL: No new business.

COUNCILMAN BAILEY: Councilman Bailey reported that on 1135 Main Street there was a large hole 18 inches to 20 inches deep, that needed repaired.

Councilman Bailey stated that he had been informed by Mrs. Harper that Dunbar Supply and Sash Company had fenced in a part of Michigan Avenue South.

COUNCILMAN AT LARGE PENNINGTON: No new business.

Councilman at Large Pennington made a motion for adjournment. The motion was seconded by Councilman Miller and the motion passed by a unanimous vote.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

MARCH 1, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on March 1, 1977, 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 Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Homer Thomas, Jr., and Councilman Gus Bailey. Mr. Frank Armada, City Attorney, and Councilman Dean Miller were absent.

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

APPROVAL OF MINUTES: FEBRUARY 15, 1977

COUNCIL MEETING: Mayor Gibson stated each Councilman had received a copy of the minutes in the mail, and had an opportunity to review the minutes. Councilman at Large Pennington made a motion that the minutes be approved. The motion was seconded by Councilman Bailey, and the motion passed by a unanimous vote.

FEBRUARY 1977, FINANCIAL REPORT: Mr. Tom Melton, City Recorder and Chairman of the Finance Committee, gave the following report:

Balance January 31, 1977	6,885.52	General Fund
Receipts, February	58,127.30	
Disbursements, February	47,999.21	
Balance in checking account		
February 28	17,013.61	
Balance in savings account		
General Fund	10,234.48	

SCHEDULED MEETING WITH KANAWHA COUNTY COURT COMMISSIONERS - KANAWHA COUNTY COURT HOUSE, MARCH 2, 1977 - 10:30 A.M.: Councilman Bailey, Chairman of the Emergency Ambulance Service Committee, reported that as a result of the action of Mayor Gibson the meeting was set forth with the Kanawha County Court Commissioners March 2, 1977, at 10:30 a.m., and Councilman Bailey urged each member of Council to be there if possible.

Councilman Bailey stated that Father Leroy Beyer, Pastor of Holy Trinity Catholic Church, and Reverend James Arbogast, Pastor of St. Paul's United Methodist Church, will be there to lend support in the presentation.

PUBLIC MEETING WITH BUSINESS PEOPLE OF NITRO, WEST VIRGINIA: Councilman at Large Dr. Allen stated that the meeting would be held at City Hall Saturday, March 5, 1977, at 2:00 p.m. Councilman at Large Dr. Allen asked that the various news media be notified of the meeting. Councilman at Large Dr. Allen stated that this meeting would be held in regard to any parking problems within the City of Nitro.

REPORT ON BARRINGTON ROAD: Councilman at Large Dr. Allen reported that Mr. Robert Y. Hayne, of Appalachian Engineers, Inc. has written to Estill & Greenlee and told them what the great difficulty was with the area out there in relationship to the use of the garbage trucks and the Fire Department to get to the area because of the slide on Barrington Road.

Councilman at Large Dr. Allen stated that Mr. Hayne had requested some alternate plans of construction for the road repairs from Mr. McGuffey, engineer for Estill & Greenlee. There are three different proposals (resulting from Mr. Haynes request) to correct the situation of the Barrington Road slide in the letter written by Mr. McGuffey, stated Councilman at Large Dr. Allen. Councilman at Large Dr. Allen said that the cost of the three different proposals to correct the Barrington Road slide ranged from nineteen thousand three hundred sixty-five dollars (\$19,365) to twenty-nine thousand dollars (\$29,000).

Mayor Gibson stated that Council had agreed to meet Estill & Greenlee half way, up to four thousand five hundred dollars (\$4,500) as originally quoted by Mr. Jack McGuffey in his letter dated 8-12-1976. Mayor Gibson further stated that the City's Engineering Firm has concurred with the nineteen thousand three hundred sixty-five dollars (\$19,365) proposal to correct the Barrington Road slide.

Councilman at Large Pennington made a motion to refer the Barrington Road Slide problem to the Street and Traffic Committee, and give the Street and Traffic Committee authority to act as they deem necessary. The motion was seconded by Councilman Bailey, and the motion passed by a unanimous vote.

Mayor Gibson stated since last Council Meeting Council had received in the mail copies of the following correspondence. (Copies of letters are in Supplement File to the Minutes.)

1. Mayor Gibson had written a letter dated February 17, 1977, to Mr. Paul T. Cain, Area Director of the Department of Housing and Urban Development in reference to the Block Grant Preapplication, and with this letter was other necessary data.
2. Mayor Gibson had written a letter dated February 17, 1977, to Mr. Earl Marion, President of the Nitro Business and Professional Association, bringing the Nitro Business and Professional Association up to date on the problem in reference to the Nitro Policemen's Civil Service Commission appointment.
3. Mr. Earl Marion had written a letter, dated March 1, 1977, to Mayor Gibson, informing the Mayor that at the Nitro Business & Professional Association's special meeting on February 24, 1977, they had appointed Mr. V. E. Townsend, of 1436 14th Street, for a four-year term on the Nitro Policemen's Civil Service Commission.

Mr. Earl Marion was present at the meeting and stated that Mr. James Marrs had resigned from The Nitro Policemen's Civil Service Commission.

Mayor Gibson stated that he had several requests in regard to Holley Street and Wilson Street being blocked by railroad cars setting on side tracks. Mayor Gibson said that he had talked to Mr. Fenneken, a train master, and that the railroad cars would not block the street in the future, and that the railroad cars would be moved on down the river.

Mayor Gibson asked for new business and committee reports.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes stated that the primary reason the problem came up about the railroad cars blocking the area back of Big Star, was that the school bus stop for the Nitro Jr. High students had been changed, and the students had to cross the railroad tracks to get to the bus stop at Nitro Furniture Store on First Avenue.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington reported that Chief Craft was in the hospital, and asked the Council to sign a card to be sent to Chief Craft, which Ms. Frazier had given him.

COUNCILMAN BAILEY: Councilman Bailey thanked the Mayor for the letter he wrote to Mr. Leo Cavender, Plant Manager of the FMC Corporation. The letter was in reference to the Nitro FMC Plant's excellent safety record.

COUNCILMAN DR. CASSELL: Nothing to report.

MAYOR GIBSON: Mayor Gibson stated that a letter will be written to the C & P Telephone Co. thanking them for their help in getting the Christmas decorations down. Mayor Gibson introduced Mr. Romie Hughart, a representative of the C & P Telephone Company.

Mayor Gibson said that he had a copy of a summons type ticket that he would refer to Mr. Armada, the City Attorney. The City of Nitro has had complaints about dogs, and this summons type ticket may simplify things for the humane officer.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen asked if ConRail had completed the work on the railroad crossing at Lock Street. Mayor Gibson said he had been told that ConRail had not been able to get the materials they needed to repair the railroad crossing, but he had been assured that when the materials were available the work would be completed.

COUNCILMAN THOMAS: No reports.

MR. MELTON: No reports.

Councilman Bailey made a motion for Adjournment. The motion was seconded by Councilman at Large Pennington and the motion passed by a unanimous vote.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

MARCH 15, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on March 15, 1977, 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, Councilman Dean Miller, and Councilman Gus Bailey.

The meeting was called to order by the Honorable Mayor Gibson. The Reverend Arley Cravens, Pastor of the Nitro Church of God, gave the invocation.

APPROVAL OF MINUTES: MARCH 1, 1977 COUNCIL MEETING: 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.

APPROVAL OF FEBRUARY 1977 FINANCIAL STATEMENT: Tom Melton, City Recorder and Chairman of the Finance Committee, stated each Councilman had received a copy of the February, 1977, Financial Statement in the mail. Mr. Melton made a motion that the February, 1977, Financial Statement be accepted. The motion was seconded by Councilman at Large Karnes and the motion passed by a unanimous vote.

SECOND READING OF AN ORDINANCE ADOPTING AND ESTABLISHING MINIMUM STANDARDS GOVERNING HOUSING, EXCAVATION AND GRADING AND THE INSTALLATION AND MAINTENANCE OF GAS PIPING: City Recorder, Mr. Melton read the second reading of the ordinance which reads as follows:

ORDINANCE

AN ORDINANCE ADOPTING AND ESTABLISHING MINIMUM STANDARDS GOVERNING HOUSING, EXCAVATION AND GRADING AND THE INSTALLATION AND MAINTENANCE OF GAS PIPING

WHEREAS, in order to protect the health, safety and welfare of the citizens of the City of Nitro, the City Council has found that a basic minimum housing standard code, an excavation and grading code and a gas code should be adopted and

WHEREAS, the City Council has reviewed the 1976 edition of the standard housing code, the 1975 edition of the standard excavation and grading code and the 1976 edition of the standard gas code as adopted and promulgated by the Southern Building Code Congress International, Inc. and

WHEREAS, copies of the aforesaid codes have been made available to the general public at the Mayor's and Clerk's Offices for their inspection and

WHEREAS, the City Council is of the opinion that the adoption of said codes would promote the general health, safety and welfare of the inhabitants of the City of Nitro and

WHEREAS, the City Council is desirous that said codes become enacted into law and made a part of the Nitro City Code.

NOW, THEREFORE BE IT ORDAINED AND ENACTED, THAT the 1976 edition of the standard housing code, the 1975 edition of the standard excavation and grading code and the 1976 edition of the standard gas code as adopted by the Southern Building Code Congress International, Inc. and as the same have been amended by Council, be, and the same are hereby, enacted and adopted as law for the City of Nitro to the same extent as if the same were duly set out and printed herein.

It is further ordained and enacted, that ten copies of each code shall be on file in the Office of the City Recorder for the inspection and use of the general public and sufficient additional copies of said codes shall be kept for distribution to the public on demand.

Introduced on first reading on the 15th day of February, 1977.

Adopted upon second reading on the 15th day of March, 1977.


MAYOR


RECORDER

Councilman at Large Dr. Allen made a motion to accept the second reading of the ordinance. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

REPORT REGARDING PUBLIC MEETING PERTAINING TO PARKING PROBLEMS. (MEETING DATE MARCH 5, 1977, 2:00 P.M.)
Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated that the meeting was a very fruitful meeting as far as the input that the citizens put into the areas that were in question, and that since that time the Street and Traffic Committee has been visiting areas to correct some of the situations that exist. We have not corrected them all, Councilman at Large Dr. Allen said, but we are still working on them.

Councilman Miller asked about the problem on 21st Street and Bank Street. Councilman at Large Dr. Allen stated that when he had an opportunity he would talk to Chief Craft about the parking problem on 21st Street and Bank Street.

AGREEMENT PERTAINING TO BARRINGTON ROAD LAND SLIDE REPAIRS: Councilman at Large Dr. R. V. Allen, Chairman of the Street and Traffic Committee, explained that we have a tentative agreement, and that Mr. Armada had requested that certain minor changes be made in the agreement pertaining to the sanitary sewer because Brookhaven is served by the Union Public Service District.

Councilman at Large Dr. R. V. Allen made a motion to authorize the Mayor to sign the agreement as corrected by Mr. Armada which had been prepared by the attorney of Estill & Greenlee. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote. (Copy of agreement is in supplement file to the minutes.)

EMERGENCY AMBULANCE SERVICE COMMITTEE MEETING WITH KANAWHA COUNTY COURT COMMISSIONERS (MEETING DATE MARCH 2, 1977, 10:30 A.M.): Councilman Bailey, Chairman of the Emergency Ambulance Service Committee, explained that the purpose of the meeting with the Kanawha County Court Commissioners was to emphasize the need for ambulance service. Councilman Bailey pointed out that Nitro had a population of approximately 8,900 people, and the population was well scattered geographically. Councilman Bailey further said that another point they emphasized was the closing of the Nitro - St. Albans Bridge in regard to this need. Councilman Bailey stated they were seeking avenues of financial assistance from the Kanawha County Court Commissioners.

EMERGENCY AMBULANCE SERVICE COMMITTEE MEETING WITH MR. JACK WHITING, REGIONAL DEVELOPMENT AUTHORITY AND MR. JACK DEARIEN, ADE AMBULANCE SERVICE (MEETING DATE MARCH 9, 7:30 P.M) Councilman Bailey, Chairman of the Emergency Ambulance Service Committee, stated that the purpose of the meeting was for determining cost factors, and for determining the protection we can give the citizens of Nitro, if and when we are able to enter into a contractual agreement for a permanent installation of an emergency ambulance here in our city.

Councilman Bailey said that a second meeting with the Kanawha County Court Commissioners had been scheduled Wednesday, March 23, 1977, at 11:30 a.m., in the hearing room on the 1st floor of the Kanawha County Court House, and at this meeting they would give the Kanawha County Court Commissioners data that had been received at the March 9, 1977, meeting.

Councilman Bailey referred to a letter from The Nitro Ministerial Association, dated March 14, 1977, which was in regard to their recommendations in reference to ambulance service. (Copy of letter is in supplement file to the minutes.)

Mayor Gibson introduced Mr. Olaf K. Walker, Manager Of Governmental Affairs, with Columbia Gas of West Virginia. Mr. Walker read the resolution to support the Arctic Gas Project.

RESOLUTION

Memorializing the President and Congress to support the Arctic Gas Project.

WHEREAS the United States suffers economically and environmentally from a severe shortage of natural gas; and

WHEREAS the events of this past winter and the natural gas shortages which we incurred here in West Virginia and in other states, dramatically points up the need for quickly establishing the best method of bringing the natural gas reserves of the Prudhoe Bay area of Alaska to the lower 48 states, and

WHEREAS the major supplier of natural gas to the State of West Virginia, Columbia Gas Transmission Corporation, is a participant in the Arctic Gas Project designed to move Prudhoe Bay gas by large diameter pipeline through Canada to eastern and midwestern markets, including those served by Columbia Gas Transmission Corporation in this and six neighboring states, thereby affording the most direct means by which Alaskan gas can be made available to markets in this State, and

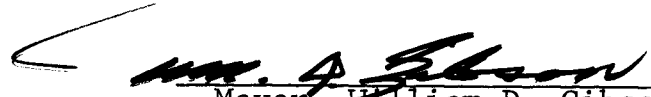
WHEREAS our nation's chief architect of Federal Power Planning and Action, the Federal Power Commission, in its December, 1976 meeting issued staff recommendation for certification of the Arctic Gas Project as being "vastly superior" when compared with alternative projects, and

WHEREAS virtually all of the assemblage of data thus compiled indicates that the proposed overland pipeline route through Alaska and Canada will afford the safest, most environmentally acceptable and economically prudent method proposed to date for the movement of Arctic Gas to markets in the lower 48 states: now, Therefore be it

RESOLVED, That the municipal Council of the City of Nitro Kanawha County, West Virginia hereby expenses its support for the Arctic Gas Project.

RESOLVED further, This Council urges the President of the United States, the Secretary of the Interior, the Congress of the United States, and other responsible federal agencies to expeditiously take all necessary action for the furtherance of the authorization of the construction and operation of the proposed Arctic Gas Project.

The Clerk of the City is directed to forward copies of this resolution to the West Virginia Congressional Delegation.


Mayor, William D. Gibson

City Hall
Nitro, West Virginia

DATE

City clerk,

Councilman at Large Pennington made a motion to adopt the resolution. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

Mayor Gibson read a petition addressed to the Mayor and Nitro City Councilmen. The petition was signed by 79 citizens, and they petitioned the Nitro City Government to provide them with whatever assistance possible and proper to provide them with relief from the conditions which have been common since the establishment in the community of the business known as the "Pub." Many of the citizens who signed the petition and live in the area were present and expressed much dissatisfaction in general regarding the way the "Pub" is being operated. (Copy of petition is in supplement file to the minutes.)

Mayor Gibson referred to a letter, dated March 10, 1977, he had written to Mr. Patrick B. Boggs, Commissioner of the Alcohol Beverage Control, and with this letter Mayor Gibson had enclosed a copy of the petition, and the Mayor requested The Alcohol Beverage Control's full cooperation in this matter. (Copy of letter is in supplement file to the minutes.)

Mayor Gibson read a petition dated March 10, 1977, which he received March 15, 1977. The petition stated that a 31 foot air stream camper parked at 614 6th Street was blocking driveways and causing parking problems on the street. (Copy of the petition is in supplement file to the minutes.) Councilman Miller recommended the petition be referred to the Ordinance Committee.

Mayor Gibson introduced Rose Pontier and Karen Harpold from Nitro High School. Rose read a letter which stated the recommendations of the NHS traffic sub-Committee in reference to the vehicle traffic situation.

Karen said that the recommendations had been passed by a unanimous vote by the Student Council. (Copy of letter is in supplement file to the minutes.)

Councilman at Large Pennington made a motion to commend the Traffic Sub Committee of Nitro High School for their recommendations. Councilman at Large Dr. Allen seconded the motion, and the motion passed by a unanimous vote.

Mayor Gibson stated since last Council Meeting Council had received in the mail copies of the following correspondence. (Copies of correspondence are in supplement file to the minutes.)

1. The City of Nitro had received a notice dated February 28, 1977, from The Kanawha County Commission stating that effective March 15, 1977, the price at the Western Landfill for the disposal of solid waste will be \$4.00 per ton which was increased from \$2.75 per ton.
2. Joseph S. Jones, Commissioner of the West Virginia Department of Highways had written a letter to Mayor Gibson acknowledging the Mayor's letter to them, dated February 8, 1977, requesting initiation of the improvements to the Nitro - St. Albans Bridge.
3. Roy Stricklen, Real Estate Department of the Kanawha Valley Bank, had written Mayor Gibson a letter dated March 3, 1977, stating that he did not have the authority to make the repairs on the sidewalk on the corner of Bank Street and 21st Street, Nitro, but that he had directed a copy of the Mayor's letter to the owner, Andrew Payne, Jr.
4. Robert Y. Hayne had written a letter to Mayor Gibson, dated March 11, 1977, in reference to their recommendations on Armour Creek Bridge just off 40th Street Road near Brookhaven.

Mayor Gibson asked for committee reports and new business.

COUNCILMAN AT LARGE KARNES: No new business.

COUNCILMAN AT LARGE PENNINGTON: No new business.

COUNCILMAN BAILEY: Councilman Bailey reminded council of the meeting with the Kanawha County Court Commissioners, March 23, 1977, at 11:30 a.m.

COUNCILMAN DR. CASSELL: No new business.

MAYOR GIBSON: Mayor Gibson stated that the problem of the train blocking the street in the east end had been corrected, and that the rail road crossings had been up graded at Lock Street and Eleventh Street.

COUNCILMAN DR. ALLEN: No new business.

COUNCILMAN THOMAS: No new business.

COUNCILMAN MILLER: No new business.

MR. MELTON: No new business.

Councilman at Large Dr. Allen made a motion for adjournment. The motion was seconded by Councilman Thomas and the motion passed by a unanimous vote.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

APRIL 5, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on April 5, 1977, 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, Councilman Dean Miller, and Councilman Gus Bailey. Mr. Armada, City Attorney, and Councilman at Large Dr. R. V. Allen were absent.

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

APPROVAL OF MINUTES, MARCH 15, 1977 COUNCIL MEETING: 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 Bailey, and the motion passed.

MARCH 1977, FINANCIAL REPORT: Mr. Tom Melton, City Recorder and Chairman of the Finance Committee, gave the following report:

Balance February 28, 1977	17,013.61	General Fund
Receipts, March	34,574.70	
Disbursements, March	50,207.94	
Balance in checking account		
March 31, General Fund	1,380.37	
Balance in savings account		
March 31, General Fund	10,234.48	

EMERGENCY AMBULANCE SERVICE COMMITTEE MEETING WITH KANAWHA COUNTY COMMISSIONERS (MEETING DATE MARCH 23, 1977, 11:30 A.M.): Councilman Bailey, Chairman of the Emergency Ambulance Service Committee, stated that they had met with the Kanawha County Commissioners, and at the request of the Kanawha County Commissioners they had a meeting last evening, April 4, to pursue another area of concern as it relates to our ambulance service. Nitro is in a two county area and this presents a host of legal technicalities, Councilman Bailey said.

Councilman Bailey further stated that they were pursuing this area now, and hopefully within three to four weeks they will be able to announce the final results of these meetings.

AGREEMENT PERTAINING TO BARRINGTON ROAD LAND SLIDE:

Mayor Gibson stated that Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, was out of West Virginia on business, and Mayor Gibson announced that the agreement had been signed by both Estill & Greenlee Realtors, Inc. and The City of Nitro.

Mayor Gibson stated that the public meeting on the Revenue Sharing Budget was held April 2, 1977 at 1:30 p.m. This meeting was advertised in the Kanawha Valley Leader March 31, 1977 as prescribed by law.

Mayor Gibson referred to a letter dated March 23, 1977, from Mayor Gibson to Mr. Patrick B. Boggs, Director of Enforcement Division of the West Virginia Alcohol Beverage Control regarding the "Pub" on Main Avenue.

Mayor Gibson also referred to a letter with attachments to him dated March 28, 1977, from Jack B. Lavender, Director of Enforcement Division of the West Virginia Alcohol Beverage Control. The letter stated that the Commissioner had suspended the license of The Pub effective April 12 until June 30, 1977.

Mayor Gibson stated since last Council Meeting Council had received in the mail copies of the following correspondence. (Copies of correspondence are in supplement file to the minutes.)

1. Mayor Gibson received the following letters in regard to the resolution adopted by The Nitro City Council in support of the Arctic Gas Project:
 - (A) from Honorable Robert C. Byrd U. S. Senator, a letter dated March 23, 1977
 - (B) from Honorable Harley O. Staggers, Congressman, a letter dated March 24, 1977
 - (C) from Honorable John Slack, Congressman, a letter dated March 26, 1977
 - (D) from Honorable Robert H. Mollohan, Congressman, a letter dated March 31, 1977
2. Mayor Gibson referred to the following letters which were in reference to lower Plant Road 42nd Street, Nitro, Con-Rail railroad crossing:

- (A) from Bud Miller, Building & Industrial Whsle. Co., a letter dated March 21, 1977, to J. J. Dwyer, Director, Railroad Safety Division, Public Service Commission
 - (B) from Mayor Gibson a letter dated March 22, 1977, to J. J. Dwyer, Director, Railroad Safety Division, Public Service Commission
 - (C) from A. S. Thomas, Jr., a letter dated March 22, 1977, to Mayor Gibson
3. Mayor Gibson read the letter dated March 25, 1977, to Mr. Robert Hayne, Appalachian Engineers, Inc. from Mayor Gibson, asking for an inspection and an up-to-date report in reference to the hump in the road near the residence of Dr. R. V. Allen on 21st Street.

A delegation from 31st Street, East was present and informed council of the bad condition of the road on 31st Street, East, the slip on 31st Street, East, and the drainage problems on 31st Street, East. The delegation also voiced their complaints about three old houses, and about junked cars and junked trucks in the area.

The citizens present are as follows:

Gilbert Cook 49 31st Street, East	Richard McGrew 50 31st Street, East
Alma Cook 49 31st Street, East	Mary Cook 51 31st Street, East
Edna McClanahan 32 31st Street, East	Ralph Cook 51 31st Street, East
Jack and Violet Cavender 80 31st Street, East	Ruthie McGrew 50 31st Street, East
Orville Q. Miller 63 31st Street, East	James E. Hackett 46 31st Street, East
Hugh M. Lunsford 77 31st Street, East	Louise Hackett 46 31st Street, East
Charles Boggess 64 31st Street, East	R. A. Daily 61 31st Street, East

Councilman at Large Pennington made a motion to refer problems of 31st Street, East to the Storm Drain Committee because it appeared that the storm drains needed to be upgraded first. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

Mr. Earl Marion asked about the railroad crossing that had been taken out beside Center Street near a business which he operates. Mr. Marion stated that there was no way of getting to the body shop except going through the car lot.

Mayor Gibson referred to a letter from the Kidney Foundation of West Virginia, Inc. dated March 21, 1977, in which they requested a solicitation permit for April 9, 1977.

Councilman at Large Pennington made a motion to give them permission to solicit April 9, 1977. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

Mayor Gibson also referred to a letter from The Tri-River Council Camp Fire Girls, Inc., in which they requested a permit to solicit in the City of Nitro.

Councilman at Large Pennington made a motion to table the decision on giving The Tri-River Council Camp Fire Girls, Inc. permission to solicit in The City of Nitro until more research could be done. The motion was seconded by Councilman at Large Karnes, and the motion passed.

Mayor Gibson stated that he had received a letter dated March 22, 1977, from Samuel L. Britten, Lt Col, Corps of Engineers, Huntington District, in reference to the Final Draft Plans pertaining to the proposed boat marina and other recreational facilities situated between Kanawha River and Main Avenue near Smith Street.

Councilman at Large Pennington made a motion that Mayor Gibson correspond with the Corps of Engineers to inform them that Council concurs with the Final Draft Master Plans encourage them to proceed.

The motion was seconded by Councilman Thomas and the motion carried by a unanimous vote.

Mayor Gibson stated that he would supply Council with the appraisal and deed on the track of land situated at Cochran Hollow off Bailes Drive which had been offered to The City of Nitro for one thousand five hundred dollars (\$1,500). Located on this land is a tower which supplies The City radio communications.

Mayor Gibson said that Nitro Firemen's Civil Commission scheduled an examination in an effort to promote a fireman to sergeant, and to promote a sergeant to lieutenant at City Hall April 18, 1977 at 7:30 p.m.

Mayor Gibson stated that the Policemen's Civil Service Commission had started the public hearing of Mr. Jerry Summers, a former policeman at 7:00 p.m., March 30, 1977. The Mayor further stated that the hearing had been continued to April 6, 1977, at 7:00 p.m. because they were unable to finish the hearing in one night.

Mr. Tom Melton, City Recorder, and Chairman of The Finance Committee stated that The Finance Committee and Council had met April 2, 1977, and that Council needed to vote on the budget estimate for the fiscal year 1977-1978.

Mr. Melton stated that all full time employees would receive a \$25.00 per month raise. This would not include elected officials, Mr. Melton said, but that The City would pay all full time employee's hospitalization insurance, however, this would not include the employee's family.

1977-1978 tentative Revenue Sharing Budget is as follows:

<u>POLICE DEPARTMENT</u>	
Equipment	5,000
Operating Maintenance	5,000
<u>FIRE DEPARTMENT</u>	
Equipment	2,415
Training & Education	2,500
Operating Maintenance	1,800
<u>ENVIRONMENTAL PROTECTION</u>	
Equipment	4,000
Operating Maintenance	23,000
<u>PARKS AND PLAYGROUNDS</u>	
Salaries	33,809
Operating Maintenance	9,475
<u>FINANCIAL ADMINISTRATION</u>	
Equipment	600
Operating Maintenance	637
<u>MULTIPURPOSE AND GENERAL GOVERNMENT</u>	
City Garage	50,000
<u>CREMATORY AND GARBAGE DEPARTMENT</u>	
Operating Maintenance	20,000
	<hr/>
	158,236

After a lengthy discussion on priorities Mr. Melton made a motion to vote on the approval of the budget estimate for the fiscal year 1977-1978. Councilman at Large Karnes seconded the motion, and the motion passed. Councilman at Large Pennington opposed, and Councilman Miller abstained from voting.

(Copy of the Budget estimate for the fiscal year 1977-1978 is in the supplement file to the minutes.)

Mr. Melton asked the Mayor and Council to sign the budget estimate.

Mayor Gibson asked for committee reports and new business.

COUNCILMAN MILLER: Councilman Miller stated that he had received a call from Kenneth West who lived on Washington Avenue about a broken storm sewer that resulted in water on Mr. West's property.

Councilman Miller said that people were concerned about the heavy traffic and heavy equipment which would be a result of the apartments being built on the Milhoan property complex. Councilman Miller felt that the City should document the condition of the street at this time because the people were concerned about the continued deterioration of Lock Street.

COUNCILMAN THOMAS: No new business.

COUNCILMAN CASSELL: Councilman Cassell asked if the work on the storm sewer at the entrance to Brookhaven had been accepted. Mayor Gibson stated he would report to him when the work was fully accepted as being complete.

COUNCILMAN BAILEY: Councilman Bailey asked that a letter be sent to The Department of Highways asking them to ditch on First Avenue, South from Red Oak Drive down to United Dodge. Mayor Gibson stated that perhaps a telegram could be sent to The Department of Highways that this might be more effective.

Councilman Bailey stated that on Michigan Avenue off Blackwood Street there was an area around a manhole three feet deep that he felt the contractor should repair.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington stated the crossing guard who was supposed to be at the Plant Road crossing at 2:30 p.m. when the school children got out of school sometimes was not there.

COUNCILMAN AT LARGE KARNES: No new business.

Mr. Paul Hill of 615 6th Street asked if any action had been taken on the petition in reference to the thirty-one foot camper parked at 614 6th Street which was discussed at the March 15, 1977 Council Meeting.

Mayor Gibson stated that Councilman at Large Dr. Allen, Chairman of the Ordinance Committee was absent but had been contacting some of the other cities in an effort to obtain information.

Mr. Earl Marion expressed his thanks for the upgrading of the parking lot at 21st Street.

Councilman Dr. Cassell made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed.

NITRO CITY COUNCIL MEETING

APRIL 19, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on April 19, 1977, 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.

PUBLIC HEARING ON REVENUE SHARING MONIES -
APRIL 2, 1977, MINUTES: Mr. Tom Melton, Chairman of The Finance Committee, made a motion the Minutes of the April 2, 1977, Public Hearing On Revenue Sharing Monies be put in The Minutes Book as a matter of official record and that The Revenue Sharing Allocation be approved. The motion was seconded by Councilman at Large Karnes, and the motion passed. The April 2, 1977 Minutes of The Public Hearing On Revenue Sharing Monies is as follows:

PUBLIC HEARING, REVENUE SHARING

APRIL 2, 1977

7-1-1977

to

6-30-1978

The Revenue Sharing Public Hearing was called to order on April 2, 1977 at 1:30 p.m. o'clock at Nitro City Hall by the Honorable William D. Gibson. Present were City Recorder, Tom Melton, Councilman at Large Mel Pennington, Councilman at Large Donald Karnes, Councilman at Large Dr. Roy Allen, Councilman Gus Bailey and Councilman Homer Thomas, Jr. Councilman Dr. Guy Cassell and Councilman Dean Miller were absent.

The first item for discussion was the removal of one policeman's and one Street Department employee's salary from Revenue Sharing Fund and transferred to the General Fund. This would give additional monies in the Revenue Sharing Fund for other expenses. The decision to transfer the two salaries will go into effect July 1, 1977.

The Council then took under consideration giving all City employees an annual salary increase from the Revenue Sharing Fund. After a lengthy discussion, Treasurer Tom Melton explained that any increase in salaries is a continual expense and Revenue Sharing Funds are disbursed by the Federal Government and there was a possibility at some future date these funds could be terminated.

Further discussion followed on how the Revenue Sharing Funds should be allocated, those present decided that the monies should be used as follows:

<u>POLICE DEPARTMENT</u>	
Equipment	5,000
Operating Maintenance	5,000
<u>FIRE DEPARTMENT</u>	
Equipment	2,415
Training & Education	2,500
Operating Maintenance	1,800
<u>ENVIRONMENTAL PROTECTION</u>	
Equipment	4,000
Operating Maintenance	23,000
<u>PARKS AND PLAYGROUNDS</u>	
Salaries	33,809
Operating Maintenance	9,475
<u>FINANCIAL ADMINISTRATION</u>	
Equipment	600
Operating Maintenance	637
<u>MULTIPURPOSE AND GENERAL GOVERNMENT</u>	
City Garage	50,000
<u>CREMATORY AND GARBAGE DEPARTMENT</u>	
Operating Maintenance	20,000
	<u>158,236</u>

APPROVAL OF MINUTES, APRIL 5, 1977 COUNCIL MEETING:

Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman Thomas made a motion the minutes be approved. The motion was seconded by Councilman Miller, and the motion passed.

APPRAISAL AND DEED ON THE TRACK OF LAND AT COCHRAN HOLLOW OFF OF BAILES DRIVE: Mayor Gibson stated that The City of Nitro had been offered a half undivided interest in the track of land situated at Cochran Hollow off Bailes Drive where a tower is located which supplies The City radio communications.

Councilman Bailey made a motion to purchase a half undivided interest in the track of land situated at Cochran Hollow off Bailes Drive where a tower is located which supplies The City radio communication for one thousand five hundred dollars (\$1,500) from Mrs. Clarence Jones, contingent on the findings of The City Attorney. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

APPROVAL OF MARCH 1977 FINANCIAL STATEMENT:

Mr. Melton, City Recorder and Chairman of The Finance Committee made a motion the March, 1977 Financial Statement be accepted. The motion was seconded by Councilman Miller, and the motion passed.

STORM DRAIN PROBLEMS ON 31st STREET, EAST:

Councilman Miller, Chairman of The Storm Drain Committee, stated that 80 to 90 per cent of the storm drains on East 31st Street were not in operation, and that it would be a major undertaking to up grade the storm drain system. Councilman Miller made a motion to have Appalachian Engineers, Inc. to investigate the storm drains on East 31st Street and for them to come up with a proposed plan which would be submitted to the residents for their approval. The motion was seconded by Councilman Dr. Allen, and the motion passed.

LETTER FROM TRI-RIVER COUNCIL CAMP FIRE GIRLS, INC.:

Councilman at Large Pennington made a motion to table the decision on giving The Tri-River Council Camp Fire Girls, Inc. permission to solicit in The City of Nitro. The motion was seconded by Councilman at Large Karnes, and the motion passed.

Mayor Gibson stated that on March 23, 1977, he did on behalf of Nitro sign an agreement with Estill & Greenlee Co. to start repairs on Barrington Road and restore the area to its original condition before the slide took place. He further stated that he had been in touch with Union Public Service regarding the breakdown of the sanitary sewers in the area. The sanitary sewers and the sanitary sewer service is provided by The Union Public Service District, Mayor Gibson said.

Mr. Robert D. Schwartz
17 Barrington Road,

Mrs. Debbie Criste
12 Barrington Road, and

Mr. Gerald J. Trosper
20 Barrington Road,

Miss Karen Harpold
24 Barrington Road,

were present as a delegation from Barrington Road.

Miss Harpold expressed her concern over the delay in beginning the repairs of the slide. Mayor Gibson assured her everything was being done that could be done.

Miss Harpold stated that a representative of Estill & Greenlee told her that they would not get the steel to be used in the repairs until the end of the month.

Mrs. Criste said that she felt that the residents should be asked to use their garage and driveway instead of parking their cars on Barrington Road because of the problem the firemen had in getting up and down Barrington Road when they went to a recent fire on Barrington Road.

Mr. Schwartz asked that a fire hydrant be put at the top of the hill on Barrington Road.

Chief Clyde Harris of The Nitro Fire Department explained that The Fire Department had two tanker trucks, a Mack Truck that carries 1,000 gallons of water, and a 67 Ford Truck that carries 500 gallons of water. Chief Harris said that each truck has 1500 feet of 2½ inch hose, 600 feet of 1½ inch hose, and 200 feet booster lines. He stated that they had permission to go through a yard to get up the hill, and that they could and would answer all fire calls.

Councilman Dr. Cassell made a motion to erect "NO PARKING" signs on the right side of Barrington Road from Brentwood Circle up to the slip until the slip is corrected. The motion was seconded by Dr. Allen, and the motion passed by a unanimous vote.

Mrs. William Harper of 311 Michigan Avenue, South explained that Mr. Gerome Goldberg had put above her property a fence across Michigan Avenue. She stated that she owns Lot 36 and Lot 37, and beside Lot 38, Lot 39, and Lot 40 in the street was where Mr. Goldberg had piled dirt, trash, and trees, and that he had completely blocked the street, and there was no way out. Mrs. Harper said that her driveway comes from First Avenue, South, through to the back of her house.

Mayor Gibson replied that Mr. Goldberg had petitioned The City to abandon the right of way behind the Dunbar Supply & Sash, and The City had abandoned it.

Mr. Armada told Mrs. Harper that the critical question was is the debris on Mr. Goldberg's property or is it on the unpaved street. Councilman Bailey stated that there was no question, it was in the street.

Mrs. Harper said she would supply Mayor Gibson with a map which listed Lots 38, 39, and 40 as unknown.

Mrs. Harper said there were three houses that Mr. Goldberg owned that was not on the sanitary sewer system. Mayor Gibson assured her the problem would be looked into.

When asked if she had any comment, Mrs. Trout of 1st Avenue, South said that she had nothing to say, that Mrs. Harper had said it all.

Mayor Gibson stated that on October 21, 1975, the former City Council adopted a resolution and passed an ordinance giving The Sanitary Board permission to issue bonds for the amount of one hundred forty-nine thousand dollars (\$149,000).

Mayor Gibson referred to a letter to him from Dennis R. Vaughan, Jr. dated April 4, 1977, and to the copy of a Resolution awarding the one hundred forty-nine thousand dollars (\$149,000) Series 1975 City of Nitro sewage system revenue bond to the United States Department of Agriculture, Farmers Home Administration at 5% per annum.

The resolution is as follows:

CITY OF NITRO

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

RESOLUTION AWARDING \$149,000 SERIES 1975
CITY OF NITRO SEWERAGE SYSTEM REVENUE BOND
AND FIXING THE RATE OF INTEREST THEREON

WHEREAS, the City of Nitro, West Virginia, by Bond Authorizing Ordinance heretofore duly adopted on the 16th day of September, 1975, authorized, among other things, the issuance of an \$149,000 Series 1975 Revenue Bond of the City; and

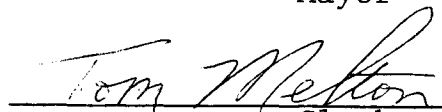
NOW, THEREFORE, BE IT AND IT IS HEREBY ENACTED, that the City of Nitro hereby formally accepts the bid of the United States Department of Agriculture, Farmers Home Administration, for the Bond, does hereby award such Bond to said successful bidder, and does further hereby set the interest rate on the Bond at 5% per annum, all other terms, provisions and conditions of said Bond to be as provided in the aforesaid Bond Authorizing Ordinance; and it is ordered that this Resolution shall be effective immediately upon its adoption.

Resolution Adopted:

4-19-1977



Mayor



Clerk

Councilman at Large Dr. Allen made a motion to adopt the resolution. The motion was seconded by Councilman Dr. Cassell, and the motion passed by unanimous vote.

Mayor Gibson told Council that the Drainage Project on East 39th Street had been pending four years. The water comes off Bailes Drive down onto 40th Street and onto East 39th Street which is paved. The Mayor stated that an agreement had been prepared for the property owners signatures but the owners would not sign the agreement.

Mayor Gibson stated that the engineering work had been done on The Drainage Project on East 39th Street starting on the property owned by Freda Patton, however, The City must obtain a right of entry on property owned by Orville Q. Miller and Cathy E. Miller before they can proceed with the project.

Mayor Gibson asked the Council's approval for The City Attorney to get a twenty foot in width right of entry for the drainage project on East 39th Street.

Councilman at Large Pennington made a motion for The City Attorney to get a twenty foot in width right of entry onto the Miller Property for the drainage project on East 39th Street. The motion was seconded by Councilman Dr. Cassell and the motion passed by unanimous vote.

Mayor Gibson asked that the file he presented before Council on the drainage project on East 39th Street be made a part of the supplement file to the minutes.

Mayor Gibson stated that Mr. Harvey Collins had requested that the Nitro Little League Baseball players be given permission to conduct a parade at 10:30 a.m. April 30, 1977, with a police escort from 21st. Street down 1st Avenue up 19th Street and out Plant Road to the ball park. Councilman Miller made a motion to give them permission to conduct the parade with police escort. The motion was seconded by Councilman Bailey and the motion passed.

Mayor Gibson said that he had a request from W. D. Henson for Council's approval on the removal of a street light between 1460 and 1462 Sattes Circle. This request was referred to the Street Light - Street Numbering & Street Sign Committee.

Mr. Armada announced his resignation as City Attorney and commended The Administration and Council on the open Council Meetings.

Mr. Armada recommended Layton F. Cottrill of Poca, West Virginia who is presently Assistant Attorney General for the State of West Virginia as his replacement as City Attorney for Nitro. Mr. Armada stated that he would prepare a letter to Mayor Gibson setting forth the exact date of his resignation.

Councilman Dr. Cassell made a motion to accept the resignation of Mr. Armada, and as per Mr. Armada's request, that Mr. Layton F. Cottrill be employed to replace him. The motion was seconded by Councilman Bailey and the motion passed by unanimous vote.

Mayor Gibson asked for committee chairman reports and new business.

MR. MELTON, RECORDER AND CHAIRMAN OF THE FINANCE COMMITTEE: Mr. Melton made a motion Council approve the Rates of Levies for fiscal year 1977-1978 for the State Tax Department. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.
(Rates of Levies are in supplement file to the minutes.)

COUNCILMAN MILLER: Councilman Miller suggested the citizens be asked to participate in the clean up of city streets.

COUNCILMAN THOMAS: No new business or committee reports.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen stated that he would consult with Mr. Cottrill on the problem of trailers being parked on the streets, and that he would ask for a definition of terms in reference to trailers and recreation vehicles.

COUNCILMAN DR. CASSELL: No new business or committee reports.


COUNCILMAN BAILEY: Councilman Bailey said that he had a request from Mr. Charles Johnson for Mrs. Lola Parsons who lives on Michigan Avenue off Cleveland Avenue for a "QUITE, SICKNESS" sign to be erected.

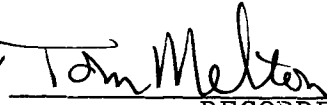
Councilman Bailey, Chairman of the Emergency Ambulance Service Committee, stated that The Kanawha County Commissioners were willing to support Nitro financially 6 months and on a month to month basis while the St. Albans- Nitro Bridge is closed, however, Ade Emergency Services, Inc. will not enter into a contract with The City of Nitro for a period less than one year.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington asked about the crossing guard at 19th Street. Mayor Gibson stated that the gentleman who was the crossing guard had resigned and a replacement for him had not been hired, but that in the meantime the police were taking care of traffic at 19th Street. The Mayor encouraged the Councilmen to assist him in his efforts to obtain a replacement.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes stated that he had several complaints about drivers in vehicles speeding at Valentine Circle, and he suggested that some signs might be erected such as "CHILDREN PLAYING" and perhaps a school zone sign.

Councilman at Large Dr. Allen made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

MAY 3, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on May 3, 1977, 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 Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Homer Thomas, Jr., and Councilman Gus Bailey. City Attorney Frank Armada, and Councilman Miller were absent.

The meeting was called to order by the Honorable Mayor Gibson. Reverend Wilbur Turner, Associate Pastor of St. Paul's United Methodist Church, gave the invocation.

APPROVAL OF MINUTES, APRIL 19, 1977 COUNCIL MEETING:
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.

APRIL 1977 FINANCIAL REPORT: Mr. Tom Melton, City Recorder and Chairman of the Finance Committee, gave the following report:

Balance March 31, 1977	1,380.37	General Fund
Receipts, April	84,611.64	
Disbursements	64,126.60	
Balance in checking account		
April 30, General Fund	21,865.41	
Investment Saving,		
General Fund	10,373.27	

LETTER FROM TRI-RIVER COUNCIL CAMP FIRE GIRLS:
Councilman Dr. Allen stated that he had talked to Ms. Toby Pino, Charleston Area District Director of The Tri-River Council Camp Fire Girls, and that there were no Camp Fire Girl Units in the City of Nitro, but there were units in surrounding communities.

Councilman Bailey made a motion to give The Tri-River Council Camp Fire Girls, Inc. permission to solicit businesses in Nitro. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

City Recorder Melton, Councilman at Large Pennington, and Councilman at Large Karnes opposed the motion; Councilman Thomas, Councilman Dr. Cassell, and Councilman Bailey voted in favor of the motion. Councilman at Large Allen abstained from voting and Mayor Gibson cast the deciding vote in favor of the motion.

REMOVAL OF STREET LIGHT BETWEEN 1460 AND 1462 SATTES CIRCLE: Mayor Gibson stated that Councilman Miller, Chairman of the Street Light Committee, was out of town, but that Councilman Miller had talked with the residents who had requested permission for removal of the light, and Councilman Miller felt that the light should be removed.

Councilman at Large Karnes made a motion to give permission for the removal of the street light between 1460 and 1462 Sattes Circle. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.

STREET CLEAN UP REQUESTING THE CITIZEN'S PARTICIPATION: Mayor Gibson said that he had talked with Mr. Williams, Director of Public Works, and that Mr. Williams would like to start the street clean up June 1, with the trucks picking up the debris from the streets each Wednesday in the month of June. The debris should be put in bags, boxes or metal containers and placed on the curb, Mayor Gibson said.

Mayor Gibson stated since last Council Meeting Council had received copies of the following correspondence: (Copies of correspondence are in supplement file to the Minutes.)

1. Mayor Gibson received a letter dated April 26, 1977, from Reverend Leroy O. Beyer in reference to the new Church they are planning to build.
2. Mayor Gibson had written a letter, dated April 28, 1977, to Reverend Leroy Beyer, informing him that the site plan of New Holy Trinity Church meets the building requirements of the City of Nitro in all respects.
3. Mayor Gibson had written a letter to residents of Barrington Road dated April 28, 1977, regarding the status of pending repairs to Barrington Road.

Mayor Gibson stated that he talked with Mr. Paul Greenlee on the phone and that Mr. Greenlee expected delivery of the steel May 4, 1977, and that work should start immediately thereafter.

4. The Recreation Department received a letter dated April 28, 1977, from the Community School in regard to the closing of the building, effective April 28, for the Wednesday evening Recreation Program.
5. Mayor Gibson had written a letter, dated May 1, 1977, to Mr. Henry Booth in reference to a discrepancy in building permit regarding number of apartment units and estimated cost of construction requesting that Mr. Booth pay an additional two hundred dollars (\$200) for his building permit.

Mayor Gibson stated that Mr. Booth had in fact already complied with his request.

6. Mayor Gibson had written a letter dated May 3, 1977, to Mrs. Leona O'Neill in reference to two dwellings owned by Mrs. O'Neill situated on the corner of Walker Street and Lee Avenue stating that the buildings had to either be torn down or repaired in compliance with the City of Nitro Building Code.

Mayor Gibson said that he had received a letter from ADT Security Systems, and that the Heck's Store under construction in Cross Lanes wanted to tie into the Nitro Police Department's Alarm System.

This matter was referred to the Police Department Committee, and Councilman at Large Dr. Allen, Chairman of the Police Department Committee, was to give a report at the May 17th Council Meeting.

Mayor Gibson stated that at the May 17th Council Meeting he would have the facts about which streets needed to be repaved and a cost estimate from Mr. Hayne of Appalachian Engineers, Inc.

Mayor Gibson stated that he had requested Mr. Jerry Thornton submit a bill to the City for an appraisal of property on Bailes Drive he had made for the City. Councilman Dr. Cassell who had arranged for Mr. Thornton to make the appraisal said that Mr. Thornton is a native of Nitro and did this at the wishes of the City and Mr. Thornton does not wish to send a bill, and there will be no fees involved. The Mayor stated that he had already written a letter of thanks to Mr. Thornton, and further stated that Mr. Thornton had done excellent work in this regard.

Mayor Gibson stated the Police Chief, Colonel Craft, felt that in order to have a well balanced Police Department there was a need for the establishment of rank of corporal in the Police Department. He is of the opinion that a policeman should serve as corporal before becoming sergeant and that The Police Department Rules And Regulations which were adopted by City Council October 21, 1975 be amended accordingly.

Councilman Dr. Cassell made a motion that Police Chief Craft's wishes be complied with and that this matter be referred to the Police Committee for their review, with the committee given the authority to act on Colonel Craft's request. The motion was seconded by Councilman Bailey and the motion passed unanimously.

Mayor Gibson asked for the committee chairman reports.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes said that at the Walker Street railroad crossing a tie was missing. Councilman at Large Karnes stated that there was a dangerous situation on Route 25 at Lum's Restaurant created by drivers of vehicles making "U TURNS" at the break in the median there.

Councilman at Large Karnes made a motion to request the West Virginia State Road Commission designate that vehicles not be allowed to make "U Turns there. The motion was seconded by Councilman Dr. Allen and the motion passed unanimously.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington, Chairman of the Recreation Committee stated that anyone wanting to purchase a season pass for the pool in the future would be required to fill out an application. Councilman at Large Pennington submitted Mr. Eastwood's proposed changes in prices on season passes and other price changes for the pool, on shelter rentals at Ridenour Park, and on boat rental at Ridenour Park.

Councilman at Large Pennington stated that in the future pool passes purchased by people living outside the City limits of Nitro would be doubled as compared to what Nitro residents will pay. This also includes passes purchased at the gate.

The new prices for the pool are:

<u>RESIDENTS OF</u> <u>THE CITY OF NITRO</u>	<u>THOSE RESIDING OUTSIDE</u> <u>NITRO CITY LIMITS</u>
SEASON PASSES AT POOL	SEASON PASSES AT POOL
Family pass \$50.00	Family pass \$100.00
Single pass \$25.00	Single pass \$ 50.00
AT POOL GATE	AT POOL GATE
12 yrs. of age	12 yrs. of age
or over \$ 2.00	or over \$ 4.00
Under 12 yrs.	Under 12 yrs.
of age \$ 1.25	of age \$ 2.50

The new price for shelter rental at Ridenour Park will be \$10.00 for $\frac{1}{2}$ day, and \$15.00 for all day.

At Ridenour Park the paddle boats rent for \$1.50 for $\frac{1}{2}$ hour. The john boats rent for \$1.50 for 1 hour.

Councilman at Large Pennington made a motion that the new prices be acceptd, and that any person more than three months in arrears on municipal service or sanitary service be denied season passes at the pool. The motion was seconded by Councilman at Large Karnes, and the motion passed by a unanimous vote.

COUNCILMAN BAILEY: Councilman Bailey referred to a letter from Barbara B. Bacon requesting assistance be given to Mr. Kenneth Turner to obtain sewer facilities next to Hansford Cochran's lot. (Copy of letter is in supplement file to the minutes.)

Mayor Gibson stated that the Sanitary Board had been working on this problem several months in an effort to provide this service and further informed Council that Mr. Cochran with the approval of the Sattes heirs had gone through the procedure of closing an alley designated on property maps in this area. The Mayor further stated that Attorney Vaughan's opinion was that this alley had not been legally closed and that he was researching this transaction further in an effort to make a final decision.

Councilman Bailey reported that a glass had been broken on the sign of The First Presbyterian Church of Nitro on 21st Street, Saturday, April 12th. Previously, window lights had been broken on the back side of the church on 22nd Street.

Councilman Bailey asked for assistance in doing something about the deplorable condition of the vacant lot near The Dunbar Supply & Sash Company. Mayor Gibson stated that a junk yard business had been operating there for many years prior to being annexed into the City, but that he was willing to cooperate in everyway possible to clean up the area.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell had no reports. Councilman Dr. Cassell asked about a committee to take care of the old houses that should be torn down. Mayor Gibson stated that the Building and Planning Committee could handle this.

Councilman at Large Pennington made a motion that the month of June be declared Nitro Beautification Month. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

MAYOR GIBSON: Mayor Gibson stated that the City had one man for the electrical inspections and one man for the building inspections. Mayor Gibson said he felt that one man should be employed to fill the double role of electrical inspector and building inspector.

Councilman at Large Pennington made a motion for the Mayor to locate and hire one man to fill the positions of both electrical inspector and building inspector. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen had no reports.

COUNCILMAN THOMAS: Councilman Thomas had no reports.

Councilman at Large Dr. Allen made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed.


MAYOR

RECORDER

NITRO CITY COUNCIL MEETING

MAY 17, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on May 17, 1977, at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Dr. R. V. Allen, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Dean Miller, and Councilman Gus Bailey. Councilman at Large Donald Karnes and Councilman Thomas were absent.

The meeting was called to order by the Honorable Mayor Gibson. Mayor Gibson, on behalf of the elected officials, welcomed the citizens who were in attendance. Mayor Gibson introduced Mr. Layton Cottrill, Nitro's new City Attorney.

Reverend Wilbur Turner, Associate Pastor of St. Paul's United Methodist Church, gave the invocation.

APPROVAL OF MINUTES, MAY 3, 1977: 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 at Large Pennington, and the motion passed.

APPROVAL OF APRIL 1977 FINANCIAL STATEMENT: Tom Melton, City Recorder and Chairman of the Finance Committee, stated each Councilman had received a copy of April, 1977, Financial Statement in the mail. Mr. Melton made a motion that the April, 1977, Financial Statement be accepted. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

ADT SECURITY SYSTEMS - HECK'S STORE, CROSS LANES: Councilman at Large Dr. Allen Chairman of the Police Department Committee, requested that this matter be put on the agenda for the June 7, 1977 Council Meeting. Councilman at Large Dr. Allen explained that he had talked with the Heck's Company, and that they knew very little about the request to tie into the Nitro Police Department's Alarm System, and that he wanted to talk to the gentleman from ADT Security Systems and determine just what our Police Department's responsibilities are because the Nitro Police Department cannot answer calls in Cross Lanes.

STREET REPAVING REPORT (APPALACHIAN ENGINEERS):

Councilman at Large Dr. Allen, Chairman of The Street Committee, stated that Appalachian Engineers were getting facts and cost figures, and that Mr. Hayne wanted the Ward Councilmen to contribute input into the program in order that they have a more comprehensive program.

Councilman Dr. Cassell asked about assistance on East 31st Street. Mayor Gibson stated that a cost estimate on upgrading the drainage system on East 31st Street had been requested from Appalachian Engineers by Council.

Councilman Miller stated that a gentleman from 400 Washington Street had asked Council to consider paving Cherry Street. This matter was referred to the Street Committee.

Councilman Bailey stated that there was a cave in where they built the manhole for the sewer on Michigan Avenue off Blackwood Street. Councilman Bailey asked if the contractors who did this work were under obligation to correct this cave in. Mayor Gibson stated that they were under obligation to correct this cave in.

STATUS REPORT ON BARRINGTON ROAD SLIDE:

Councilman Dr. Guy Cassell of the first ward reported that they had steel on site and equipment on site, and hopefully we will see a lot of action in the very near future.

Councilman Dr. Cassell stated that the "NO PARKING" sign placed on each side of the slip on Barrington Road is not sufficient. He explained they need several signs reading "NO PARKING ON THIS SIDE" erected as you approach the slip on the upper side. Mayor Gibson said that he would talk to Mr. Williams about this problem.

Mayor Gibson stated that there was a delegation of citizens from 34th Street present.

They are as follows:

Betty Pennybacker
3404 34th St.

Dortha Slowin
3407 34th St. and

Ed Pennybacker
3404 34th St.

Gene Slowin
3407 34th St.

Clarence Hedrick
3403 34th St.

Mayor Gibson read a letter written to Mr. and Mrs. Gene Slowin, 3407 34th Street, from John P. Carter, Attorney and Counselor at Law, dated May 10, 1977. Mr. Carter represents Mr. Denny L. Dickerson. The letter requested that Mr. and Mrs. Slowin refrain from crossing and trespassing upon Mr. Dickerson's property.

Mayor Gibson stated that it appears that the property referred to was a City right of way. Mayor Gibson said that a letter would be sent to Mr. Denny L. Dickerson asking him to take down the wheels and cross bar connecting the same which is on the City right of way.

Mayor Gibson stated since last Council Meeting Council had received copies of the following correspondence: (Copies of correspondence are in supplement file to the Minutes.)

1. Mayor Gibson had written a letter dated April 10, 1977, to Mr. Charles Saber, Chief Sanitarian, of Kanawha Charleston Health Department in reference to a large pile of cans and garbage situated at the head of a driveway across 40th Street Road near the C & J Beer Tavern.
2. Mayor Gibson received a letter dated April 14, 1977, from William R. Costello of the Department of Housing and Urban Development in reference to the Community Development Block Grant Program for the fiscal year 1977 which stated that the City of Nitro is not being invited to submit a full application and that funding would not be provided for fiscal year 1977.
3. Mayor Gibson received a letter dated April 20, 1977, from The Honorable Robert C. Byrd, U. S. Senator, in reference to the Community Development Block Grant application.
4. Mayor Gibson received a letter dated May 2, 1977, from E. E. Flanagan. Mr. Flanagan recommended replacement of the radio presently installed in the 1966 Ford fire truck at an approximate price of Five hundred fifty dollars (\$550).

Councilman Dr. Allen made a motion to refer the decision to the Fire Department Committee. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

5. Mayor Gibson had written a letter dated May 10, 1977, to Mr. Kyle Hilbert, Jr. of 3710 37th Street in reference to the City of Nitro Ordinance governing health standards pertaining to the keeping of dogs within the corporate limits of Nitro.

6. Pool Pass Application (Had been sent to each Councilman for their review.)
7. Mayor Gibson received a letter dated May 11, 1977, from the West Virginia Home Mission on Benimati Street requesting a "No Parking" zone in front of the Church.

Councilman Miller made a motion for a "No Parking" zone in front of the Church for two car spaces. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.

8. Nitro City Council received a letter dated May 11, 1977, from Nitro-Putnam Elementary School PTA requesting permission to solicit merchants and businesses in Nitro for advertisements for a cookbook which they are preparing.

Councilman at Large Dr. Allen made a motion to give the Nitro-Putnam Elementary School PTA permission to solicit merchants and businesses in Nitro for advertisements for a cookbook. The motion was seconded by Councilman Miller, and the motion passed.

Councilman Bailey asked that a committee be appointed to govern solicitations of businesses and the professions. Mayor Gibson said that he would appoint a committee.

9. Mayor Gibson said that a petition had been received from residents on Michigan Avenue in reference to mail delivery. The residents also stressed the need of street and road repairs in that section.

Mayor Gibson said that the petition would be forwarded to the Post Master.

Mayor Gibson stated that Councilman Thomas had called him about a request which he had received from a citizen in regard to establishing a bicycle route down Main Street to Lock Street to the City Park, and on 2nd Avenue.

Councilman at Large Pennington made a motion to refer this request to the Street and Traffic Committee. The motion was seconded by Councilman Miller and the motion passed.

Mayor Gibson asked for new business and committee chairman reports.

MR. MELTON, RECORDER AND CHAIRMAN OF THE FINANCE COMMITTEE: No reports.

COUNCILMAN MILLER: Councilman Miller stated that he had an inquiry from a senior at the high school who was on the tennis team about the need for tennis courts. Councilman Miller said that during the summer there was only one tennis court where the net remained up. Councilman Miller asked if any tennis courts were planned at the Smith Street Landfill. It was decided that the preliminary drawing presented by The Corps of Engineers indicated a tennis court. This matter was referred to the Recreation Committee.

COUNCILMAN AT LARGE DR. ALLEN: No reports.

COUNCILMAN DR. CASSELL: No reports.

COUNCILMAN BAILEY: Councilman Bailey, Chairman of the Emergency Ambulance Service Committee, stated that Ade Ambulance Service would not sign a contract for less than one year, and that there were several avenues he could pursue. Councilman Bailey said that he could schedule a meeting with Mr. (Jerry) Quentin Roper who is in charge of the Ambulance Service in Putnam County, and The West Virginia Department of Emergency Services. Councilman Bailey said that The First Presbyterian Church of Nitro would like to erect a sign on Mr. Graves property on 1st Avenue and Bank Street. There were no objections.

Councilman Bailey asked if the closed railroad crossing near Stadler Greenhouse was a State right of way. Mayor Gibson stated that it was.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington stated that he had an estimated total cost for nine (9) fire hydrants for the City;
 five (5) fire hydrants along 40th Street Road from Easter Road to State Route #62,
 one (1) on Easter Road,
 two (2) on Barrington and Brentwood Road,
 and one (1) on Norwood Road.

Councilman at Large Pennington referred to a letter dated 8-6-76 from the West Virginia Water Company and stated that the estimated total cost for the nine fire hydrants was eleven thousand dollars (\$11,000) and further stated that the City would be billed monthly by the West Virginia Water Co. Councilman at Large Pennington made a motion to accept this proposal from the West Virginia Water Company. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

Councilman at Large Pennington asked that a stop sign be erected at Broadway and Lock Street. Mayor Gibson stated that Mr. Williams would take care of this matter.

Councilman at Large Pennington stated that the backboards for basketball would be up May 18th. Mayor Gibson stated that this may have to be moved further down on the priority list and stated several reasons why.

COUNCILMAN MILLER: Councilman Miller suggested a letter be written to Mr. Jerry Jeffries of 201 Fredrick Street to commend him on the attractive appearance of his home which was recently remodeled.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen stated that there was a need for the purchase of an additional truck for trash pick up.

Councilman at Large Pennington stated that the Police Department Committee felt that there was a need for two corporals in the Police Department. Councilman at Large Pennington made a motion that a test be given for the positions of two corporals, and that The Police Department Rules and Regulations which were adopted October 21, 1975 be amended accordingly, and that this be placed in the Ordinance Book in ordinance form if necessary. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed unanimously.

Betty Knowlton reported that the sidewalk on Second Avenue between 35th Street and 36th Street needed to be repaired.

Councilman Miller made a motion for adjournment. The motion was seconded by Councilman Dr. Allen, and the motion passed by a unanimous vote.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

JUNE 7, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on June 7, 1977, 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 Mel Pennington, Councilman at Large Donald Karnes, Council Dr. Guy Cassell, Councilman Homer Thomas, Jr., Councilman Dean Miller and Councilman Gus Bailey. City Attorney Layton Cottrill was absent.

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

Reverend William W. Westlund of the First Presbyterian Church gave the invocation.

APPROVAL OF MAY 17, 1977, 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 that the minutes be approved. Councilman Bailey seconded the motion and the motion passed unanimously.

MAY 1977, FINANCIAL REPORT: City Recorder Melton gave the following financial report:

Balance April 30, 1977	10,947.41	General Fund
Receipts: May 1977	55,759.02	
Disbursements: May 1977	45,149.35	
Balance 31, 1977 in checking	21,557.08	General Fund
Saving Account General Fund	10,373.27	

ADT SECURITY SYSTEMS - HECKS STORE, CROSS LANES: Councilman at Large Dr. Allen, Chairman of the Police Committee, stated after reviewing this request for the hook-up to the ADT in the Police Department, it was his recommendation and motion that the request be denied at this time. Councilman at Large Pennington seconded the motion. The motion passed unanimously.

STREET REPAVING REPORTS: Councilman at Large Dr. R.V. Allen, Chairman of the Street Committee, stated that each Councilman had received a letter from Appalachian Engineers asking that each Ward Councilman and each Councilman at Large to prepare a list of streets that they desire in their respective Wards to be paved. Councilman at Large Dr. Allen stated he felt the Councilman had not had opportunity to review this and made a motion that it be delayed until next Council Meeting Councilman Dr. Cassell seconded the motion and the motion passed unanimously.

STATUS REPORT ON BARRINGTON ROAD: Councilman Dr. Cassell stated there had been some progress on Barrington Road and it was now passable. The re-enforcing steel had been put in and it had been filled and graded. Councilman Cassell stated the residents on Barrington Road did have access to their homes now, but there was some dry weather cracking in the fill.

Mayor Gibson stated that he had a conversation with Paul Greenlee, and Mr. Greenlee informed him that the fill would have to settle for approximately 6 weeks before work could resume involving the paving.

STATUS REPORT ON CLEAN UP AND PAINT UP MONTH: Mayor Gibson stated on behalf of all the City Officials of the City of Nitro, he wanted to sincerely thank Mr. William Blake of the Kanawha Valley Leader for doing such an outstanding job on presenting the importance of paint up and clean up throughout the City. Mr. Blake was very complimentary of Councilman Miller. Councilman Miller stated he thought it was an excellent front page story and he was very appreciative of Mr. Blake pointing out some areas. Councilman Miller stated he hoped the article would encourage citizens to participate in this effort.

SOLICITATIONS COMMITTEE: Mayor Gibson was of the opinion that the Committee of Business and Civic Betterment would be very capable of handling requests for soliciting in the City of Nitro. Mayor Gibson stated the Members of this Committee were:

Councilman at Large Pennington, Chairman
Councilman at Large Dr. Allen
Councilman Dr. Cassell.

Mayor Gibson stated that he would like to attract the Committee's attention to some of the Ordinances that are in the Code Book, starting at page 83 through 87 and page 198 through 200, and it does stipulate that an application should be completed in the Recorder's Office.

Mayor Gibson briefly outlined the following correspondence received and answered since the last Council Meeting. (Photostatic copies are on record in the supplement file to the Minutes).

1. Mayor Gibson had received a letter of facts dated May 13, 1977, from the Nitro Policeman's Civil Service Commission pertaining to the recent Public Hearing conducted involving former Police Officer, Jerry Summers.

2. Mayor Gibson had received a copy of a letter directed to the Nitro Policeman's Civil Service Commission, dated May 17, 1977, from Charles A. Riffie, II, Attorney at Law, representing Jerry Summers and requesting a copy of the Commission's findings as well as the transcript. The letter indicated there would be an appeal.

3. Mayor Gibson had received a letter dated May 18, 1977, over the signature of Robert Y. Hayne of Appalachian Engineers, Inc., in reference to the slip of 21st Street. Mayor Gibson read the recommendation that was made by Appalachian Engineers, and stated that several years ago, that the same steps had been taken and several Hundreds of Dollars were spent on the slip. Mayor Gibson stated he felt that it should be placed in the Street and Traffic Committee for their recommendation.

4. Mayor Gibson stated he had written a letter to Mr. Dewey Johnson of 307 Mercer Street, Dunbar, West Virginia, regarding the high weeds on the corner of Center Street and Fenton Circle, in Nitro, owned by Mr. Johnson. Mayor Gibson had requested that Mr. Johnson clear this property of the weeds, which Mr. Johnson promptly did.

5. Mayor Gibson had four letters on Union Boiler stationary, all letters being dated May 20, 1977, in reference to the West Virginia Water Company property on Plant Road. These letters were written in an effort to close out the 14 acres of property. Mr. William R. McDavid, of Union Boiler Company is purchasing 7 acres of the property and the City of Nitro is purchasing the remaining 7 acres, totaling 14 acres. Each of the 7 acres has a brick building and the City would like to upgrade the building that is constructed on the City's 7 acres and use it for a maintenance garage for City equipment.

6. Mayor Gibson received a letter from Appalachian Engineers over the signature of Robert Y. Hayne and dated May 24, 1977, in reference to the Street Improvement Program. Appalachian Engineers requested that each Ward Councilman furnish them with a list of important projects within their ward before they started any engineering work, so they could focus their attention to the critical areas. The letter also stated that they had looked into the drainage problem on 31st Street, East, and the City would receive their recommendation in the near future.

7. Mayor Gibson stated he had written a letter to Mr. Denny L. Dickerson of 3406 34th Street, Nitro, on May 24, 1977, requesting that Mr. Dickerson remove the two wheels and cross bar on the public right-of-way in Nitro. Mayor Gibson stated that Mr. Dickerson had complied with the request.

8. Mayor Gibson had received a letter from Mr. Harold Carr, Principal of Poca High School, requesting permission for band supporters to solicit renewal advertisements in the City for their Putnam County Band Festival. Councilman Dr. Cassell made a motion to grant permission, the motion was seconded by Councilman Miler and passed unanimously.

9. Mayor Gibson received a letter dated June 1, 1977, from the Nitro Church of God requesting permission for a parade advertising Vacation Bible School on July 16, 1977, to begin at 1:00 p.m. They further requested permission for a Police escort and a Fire Truck with the Minister riding on the Fire Truck.

Discussion followed on the insurance coverage of a private citizen riding on the fire truck, it was decided that this matter would have to be taken under consideration with the City Attorney and the insurance checked.

City Recorder Melton made a motion that the permission be given for the parade, but not for a passenger on a fire truck, until it could be checked on, the motion was seconded by Councilman at Large Pennington and passed unanimously.

10. Mayor Gibson had sent a letter to Mr. Laymon Smith, District Engineer for the Department of Highways, dated June 3, 1977, in reference to the drainage problem at the end of the Nitro-St. Albans Bridge in the area of the United Dodge Car Lot. Mr. Ben Henry of Hillside Drive had received a large amount of property damage approximately two months ago during the heavy rain. Appalachian Engineers, Inc., wrote a letter to Mr. Smith on April 14, 1977, and have not received an answer from this, as of this date, so this letter was a follow-up of June 3rd. Mayor Gibson stated that Mr. Henry had called him recently and told him that someone from the Department of Highways had been there but he was not at home at the time.

Mayor Gibson stated he had a letter prepared to Mr. Paul T. Cain, Department of Housing and Urban Development, Pittsburgh Area Office, Pittsburgh, Pennsylvania, in reference to the 1975 Community Block Grant Award that the City of Nitro received in the amount of \$106,000.00. There was \$80,000.00 allocated for up-grading of storm drains in various sections of the City and \$20,000.00 for Housing Inspection Program. We have been working for the last several months to get someone to take charge of this Inspection Program. The late Mr. Charles Collins agreed to take charge but unfortunately he had a heart attack and passed away. The former Fire Chief was willing to help but now he feels that he doesn't have the time. At this time, Mayor Gibson stated, he felt that we should ask the Department of Housing and Urban Development to allow the City of Nitro to use this \$20,000.00 to further up-grade some storm drains in the Brookhaven section, which was deleted before. We had \$21,406.25 of estimated engineering work that was included in our application to HUD which needed to be done in that section. Mayor Gibson requested permission to send this letter and request that they allow the City to transfer this money and use it on storm drains. Councilman at Large Pennington made a motion that the Mayor be allowed to send the letter, Councilman Miller seconded the motion and it passed unanimously.

Mayor Gibson stated that several months ago, he received a petition from residents of Kanawha and Washington Avenues, requesting that the 600 to 700 Block of Washington Avenue be used as a landfill. Mayor Gibson stated that he had acquired a map of the area that was marked off in lots and he and the City Attorney felt this map would be very useful in working out an agreement with the residents. The area is approximately the size of a city block and would be very beneficial to the City, not only saving the City considerable revenue, but it would also get rid of a very swampy area and add beautification to the City. Councilman at Large Pennington stated that he had spoke with several of the residents of this area and they were most anxious to have the City use this as a landfill. Councilman at Large Pennington made a motion to have the City use this with the stipulation of what the City Attorney found out about the feasibility and legalities. Councilman Dr. Cassell seconded the motion. Councilman Miller stated that he was opposed to the motion, because of the past experience of the area in which he resides having previously been used as a landfill. The Mayor explained that this was a different situation entirely, this would not be used for any household garbage or chemicals, this would be strictly trash, brush, discarded household items, etc. The motion passed with only Councilman Miller opposing.

Mayor Gibson stated that Mr. Don Patton, of Kanawha Cablevision had passed out a packet of information and was supplying the City Attorney with the same information for study and would like to have this discussed at the next Council Meeting.

Mayor Gibson stated he had done some investigation of the fire truck radio request that the Fire Department and Mr. Flanagan had submitted and there was definitely a need for a new radio. Councilman at Large Pennington stated that he had looked into the matter also and he agreed that it was necessary. Councilman at Large Pennington moved that a new radio be purchased, the motion was seconded by Councilman at Large Dr. Allen and passed unanimously.

CITY RECORDER MELTON: City Recorder Melton had no reports or new business.

COUNCILMAN MILLER: Councilman Miller stated that he had no reports but had received several complaints on the "Pub". Mayor Gibson stated has written a new letter to the Alcohol Beverage Commission, just recently. Mayor Gibson stated he felt that the City was doing as much as possible to cope with the problem. After a lengthy discussion of what the Police Department could do and the problems the Pub was causing, it was decided that the Council would have Mayor Gibson write another letter to the Alcohol Beverage Commission and all Councilmen would sign it.

COUNCILMAN THOMAS: Councilman Thomas did not have any reports but stated he had a note from Arthur Coleman of 605 Main Avenue, saying the sidewalk in that area was deteriorating. This complaint was given to the Sidewalk Committee for further study.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen stated that someone had made a request for a bicycle path into town and further stated he wanted to discuss this with some other Communities before taking any action. He also stated he would like for the Council Members to consider this request and where to put a bicycle path.

Mayor Gibson stated he would like to inform Council that he had appeared in Court last Thursday night in regard to dogs on Michigan Avenue. One of the dogs did bite a child, but the child was in the dog owners yard at the time it occurred. Mayor Gibson further stated that Kanawha County Dog Wardens are deputized by the Kanawha County Sheriff and have actual policing powers, they carry a gun and have a badge and the authority to make an arrest if it is necessary. The Tri-City Animal Warden does not have any of these powers, and it may be necessary to consider giving him more authority in the future and perhaps discuss this with the Cities of St. Albans and Dunbar.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell had no reports but stated he had received several calls about the trash pick up in the Brookhaven area. Mayor Gibson explained because of the holiday there had been some confusion and an error had been made but it had been rectified.

COUNCILMAN BAILEY: Councilman Bailey stated that there is a hazardous situation with a large hole exposing the new sewer line, diagonally toward the hill from Spring Street. Councilman Bailey stated that one car had already gone into it. Mayor Gibson stated he did not know that and would certainly check it the first thing the next day.

Councilman Bailey stated there was some trash and tree limbs on the corner of Blackwood and Main Avenue and they had been there approximately two months. Mayor Gibson stated there had been some difficulty with the City's chopper cutting the tree limbs because they were so dry and it would be taken care of as soon as possible. Mayor Gibson also stated that the City may have to purchase another truck in order to take care of the increasing growth of trash.


COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington stated on behalf of Mr Foster, Band Director and Jack Legg, Band Boosters President, he wanted to thank the Mayor and Council for allowing the carnival to use the property next to the swimming pool. Councilman at Large Pennington stated that he had checked the area and the band members had it cleaned up.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes stated he did not have any Committee reports but he would like to mention the fact that Third Avenue had a total of 8 streets that needed "One-Way" signs and West Sattes School needed a "Children Playing" sign. Councilman at Large Karnes ask that this be put in the Street Sign Committee

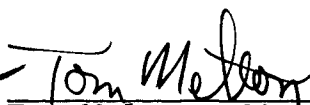
Mayor Gibson ask Reverend Westlund if he had any suggestions or anything he felt the City could improve on. Reverend Westlund did have have at this time.

Reverend Westlund gave the closing prayer.

Councilman at Large Karnes made a motion for adjourment, the motion was seconded by Councilman at Large Pennington and passed unanimously.



William D. Gibson, Mayor



Tom Melton, City Recorder

NITRO CITY COUNCIL MEETING

JUNE 21, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on June 21, 1977, at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Dean Miller, and Councilman Gus Bailey. Councilman Homer Thomas, Jr. was absent.

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

Reverend James Arbogast, Pastor of St. Paul's United Methodist Church, gave the invocation.

APPROVAL OF MINUTES, JUNE 7, 1977, COUNCIL MEETING:

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 that the minutes be approved. Councilman Bailey seconded the motion and the motion passed by unanimous vote.

APPROVAL OF MAY, 1977, FINANCIAL STATEMENT:

City Recorder Melton, Chairman of the Finance Committee, stated each Councilman had received a copy of the May, 1977, Financial Statement. City Recorder Melton made a motion that the Financial Statement be accepted. The motion was seconded by Councilman at Large Karnes, and passed by a unanimous vote.

STREET PAVING REPORTS: Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated that he would have a complete report to present at the next council meeting on July 5, 1977.

EMERGENCY AMBULANCE SERVICE MEETING JUNE 15, 1977, KANAWHA COUNTY COMMISSION COURTROOM AT 7:30 P.M.:

Mayor Gibson stated that Council had received a copy of the minutes of May 25, 1977, of the Emergency Ambulance Service Meeting held in the Kanawha County Commission Courtroom.

Councilman Bailey, Chairman of the Emergency Ambulance Service Committee, stated that there is a concerned effort being expended now by our County Commissioners through involving as many of the communities willing to be involved throughout the county as it relates to the Emergency Ambulance Service.

Councilman Bailey said there were perhaps forty people at the meeting June 15, representing most of the areas of Kanawha County. They are hoping to iron out problems each community is confronted with: cost, number of ambulances, the equipment, the trained personnel, etc. Councilman Bailey stated then they will make a detailed report to the Kanawha County Commissioners.

Councilman Bailey stated that there is another meeting scheduled the second week in July, with people involving expertise in various areas of this particular concern.

Councilman Bailey stated that this is a vast undertaking, one that is needed, and one that is many years behind time.

REPORT ON KANAWHA VALLEY REGIONAL TRANSPORTATION

AUTHORITY:

Councilman Dr. Cassell, City Representative of the Kanawha Valley Regional Transportation Committee, stated that the Kanawha Valley Regional Transportation Authority now has all new buses, and that is it doing the best it can to serve the community of Kanawha Valley, and in addition, looking for ways to better serve the elderly and the handicapped.

Councilman Dr. Cassell stated that it was their feeling that the bus service would be better utilized if there were more dependence put into the schedules, and with this in mind they voted to place radios in each of the buses, and in case of breakdown a replacement bus could be dispatched immediately. Councilman Dr. Cassell further stated that the management is attempting to serve the community more by having buses that would come to particular locations where parking facilities would be available. They are considering one possible site in Cross Lanes and one site in Nitro, and from there "Through Buses" would be dispatched to the State House and to the Tech Center. Councilman Dr. Cassell stated that this would be five days a week, from 7:00 a.m. to 5:00 p.m.

TITLE SEARCH 0.13 ACRES PLUS COMMUNICATION TOWER:

(LETTER FROM ATTORNEY COTTRILL)

Mayor Gibson stated that Council had received a letter from Mr. Layton Cottrill, City Attorney, and that Mr. Cottrill had informed him that he needed to do more checking on this matter before his final decision would be rendered.

KANAWHA CABLEVISION: Mr. Bennett Burgess, Attorney for Kanawha Cablevision, stated Council had received a copy of a proposed ordinance change in which there are six sections that requires some changes with regard to the present franchise that is in effect in Nitro. After considerable time spent in discussion, Councilman at Large Dr. Allen made a motion to refer the proposed ordinance change to the Ordinance Committee in order that Council have time to talk to Mr. Cottrill, City Attorney. The motion was seconded by Councilman Miller and the motion passed. Councilman Bailey opposed the motion.

Mayor Gibson read a letter of resignation from Councilman Homer Thomas, Jr. of 1934 19th Street, Councilman for Ward II, effective June 21, 1977.

Councilman at Large Pennington made a motion to accept Councilman Thomas' resignation. The motion was seconded by Councilman Bailey and passed unanimously.

Mayor Gibson recommended that a very civic-minded individual, by the name of Romie C. Hughart of 1834 18th Street be appointed to replace Councilman Thomas and serve his unexpired term as Councilman for Ward II.

Councilman Bailey made a motion to appoint Mr. Romie C. Hughart as Councilman for Ward II to serve the balance of Councilman Thomas' unexpired term. The motion was seconded by Councilman at Large Dr. Allen and passed unanimously.

Mayor Gibson informed Council he had appointed Mr. Charles Robert Sergeant, who lives at 454 Blake Road, to serve in the capacity of both electrical inspector and building inspector, and if there were no objections, Mr. Sergeant's appointment would become effective July 1, 1977. (Mr. Cole has been serving as the electrical inspector and Mr. Alva Jarrell has been serving as building inspector).

Mayor Gibson further stated that an ordinance may have to be passed to establish the rates of electrical inspection which would be basically the same as used in past years, but the fees would be paid to the City of Nitro. It was agreed upon that the same fee structures should be used and Councilman at Large Pennington made a motion that should an ordinance be required for the rates on electrical inspections to be paid to the City of Nitro, Mr. Layton Cottrill, City Attorney prepare an ordinance. The motion was seconded by Councilman Bailey and passed unanimously.

Mayor Gibson stated that the Fireman's Civil Service Commission had given examinations for two positions April 19, 1977.

Mayor Gibson suggested Council comply with the recommendations of the Fireman's Civil Service Commission and promote James L. Stover from Sergeant to Lieutenant, with the promotion be retroactive to April 1, 1977.

Councilman at Large Dr. Allen made a motion to promote James L. Stover to the position of Lieutenant, with the promotion being retroactive to April 1, 1977. The motion was seconded by Councilman at Large Karnes and passed unanimously.

In complying with the recommendation of the Mayor, Councilman at Large Karnes made a motion to promote Dale Bruce from Fireman to Sergeant, with the promotion being retroactive as of April 1, 1977, the motion was seconded by at Large Pennington and the motion passed by a unanimous vote.

Mayor Gibson stated since last Council Meeting, Council had received copies of the following correspondence: (Copies of correspondence are in supplement file to the Minutes).

1. Mayor Gibson had written a letter to Colonel George A. Bicher, District Engineer, Department of the Army, Huntington District, Corps of Engineers, dated May 31, 1977, in reference to the Corps of Engineers Master Plan for the Winfield Locks and Dam Navigation Pool, Kanawha River.

2. Mayor Gibson had written a letter, dated June 6, 1977, to Mr. D. K. Carr, Operations Manager of the West Virginia Water Company requesting installation of new fire hydrants.

3. Mayor Gibson had written a letter dated June 6, 1977, to Mr. Paul T. Cain, Department of Housing and Urban Development, Pittsburgh Area Office, Pittsburgh, PA 15212, requesting the transfer of Twenty Thousand (\$20,000.00) Dollars from Code Enforcement to Public Works, facilities and site improvements, involving storm sewers.

4. Mayor Gibson had written a letter dated June 8, 1977, to Mr. Joseph Jones, Commissioner of West Virginia Department of Highways, in reference to a traffic hazard in front of Lums Restaurant of State Route 25, in Nitro, requesting that "NO U TURNS" signs be erected.

5. Mayor Gibson had written a letter dated June 9, 1977, signed by the Elected Officials to Mr. Patrick B. Boggs, Commissioner of the West Virginia Alcohol Beverage Commission, in reference to the "Pub".

6. Mayor Gibson had written a letter dated June 13, 1977, to Mr. Paul T. Cain, Area Director of the Department of Housing and Urban Development, requesting a priority list of activities showing the respective ratings.

7. Mayor Gibson received a letter dated June 15, 1977 from George H. Francis, Shelter Director of the Charleston Humane Association, commending Mr. Dwain Whittington, Humane Officer.

8. The Sanitary Board of the City of Nitro, fiscal year 1977-78 Budget was submitted to each Councilman for their review.

CITY RECORDER MELTON AND CHAIRMAN OF THE FINANCE COMMITTEE: Recorder Melton stated that Council had received a copy of the budget adjustment taken from May Financial Statement. Recorder Melton made a motion that the budget adjustment be accepted and sent to the State Tax Department. The motion was seconded by Councilman Miller, and passed by a unanimous vote.

COUNCILMAN MILLER: Councilman Miller presented Mayor Gibson with a list of things in need of attention in Ward III. Councilman Miller requested this list be made part of the minutes. (A Copy of the same is attached hereto and made a part hereof).

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen stated that he had been asked about an apartment complex that has no back door, and referred Council to The Southern Standard Building Code.


COUNCILMAN DR. CASSELL: Councilman Dr. Cassell had no reports or new business.

COUNCILMAN BAILEY: Councilman Bailey asked if Mrs. James Rader's property at Four Red Oak Drive was in Nitro city limits. Mayor Gibson stated that it was.

Councilman Bailey stated there was a need for the parking lanes on 21st Street to be repainted, and further stated that there was a problem of dust on Owens Street, and asked that something be put on the street to keep down the dust.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington stated that the basketball court on Main Street at the Smith Street Landfill was now in use.

Councilman Pennington made a motion for adjournemnt, the motion was seconded by Councilman at Large Allen, and the motion passed unanimously.


WILLIAM D. GIBSON, MAYOR


TOM MELTON, CITY RECORDER

TO: William D. Gibson, Mayor

DATE: June 21, 1977

FROM: H. Dean Miller, Councilman
Ward III

SUBJECT: Things in Need of Attention in Ward III

Storm Sewers

Corner of Smith Street and Washington. This storm drain is to the river but was never completed. It is now filled with dirt and trash and needs to be cleaned and finished.

The two storm drains at the end of Washington Street where it intersects with Smith have been stopped up for six years. Needs to be repaired.

Smith Street Land Fill

Needs a general cleanup and all the weeds mowed.

Basketball Court area where fill was made on Mrs. Vickers needs some more dirt, the large pieces of asphalt removed, leveled down and sown to grass as promised.

Piles of dirt behind and toward the river need leveled down.

Piles of dirt in front of Basketball Court need leveled down and drainage provided in this area. If Smith street were paved in this area it would take care of this problem.

Grass Needing Cut

As stated previously all of Smith Street Land fill

Property in front of Smith Street owned by Tennessee Gas Transmission with offices in Clendenin - Telephone 965-3661.

Resident at 800 Dupont

Complained of teenagers after curfew riding bicycles and playing at corner of Hickory and Dupont until late at night.

Eula Walker

Layne Avenue where C. J. Hughes (Water Company Contractor) put in water line tore up driveway, curb, and street needs replaced.

Where city put new sewer and tore out fence, hedge, etc. Says city promised new fence and hedge and that contractor is using old material. Further says City promised McNeil Fence and is being replaced by Dunn.

Mrs. Madison

Main Street - Received call referred her to State A. B. C.

I will be happy to meet with Mayor, Street Commissioner or whoever to review the above if necessary.

H. Dean Miller

H. Dean Miller
Councilman, Ward III
2 Smith Street
Nitro, WV 25143

NITRO CITY COUNCIL MEETING

JULY 5, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on July 5, 1977, at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey.

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

Reverend Leroy Beyer of Holy Trinity Catholic Church gave the invocation.

Mayor Gibson, on behalf of the elected officials welcomed Councilman Hughart aboard as a newly appointed councilman for Ward II. Edith Ann, Councilman Hughart's wife, was also recognized as being present.

APPROVAL OF MINUTES, JUNE 21, 1977 COUNCIL MEETING: 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 that the minutes be approved. Councilman Bailey seconded the motion and the motion passed by unanimous vote.

JUNE 1977 FINANCIAL REPORT: Tom Melton, City Recorder and Chairman of the Finance Committee stated that because Thursday was the end of the month and Monday was a holiday there had not been sufficient time to prepare the report, but that the June 1977 Financial Report would be presented at the next council meeting.

STREET PAVING REPORTS: Councilman at Large Dr. Allen, Chairman of The Street and Traffic Committee, reported that he had just received from the various Ward Councilmen a complete list of streets proposed for repair and pavement, and he presented the Mayor with the list. Councilman at Large Dr. Allen requested Mayor Gibson set up a meeting with Appalachian Engineers, Inc. in reference to their recommendations, cost factors, etc.

KANAWHA CABLE/VISION - ORDINANCE REQUEST:

Councilman at Large Dr. Allen, Chairman of the Ordinance Committee, stated that council did meet after last council meeting with The Ordinance Committee, and that it was the opinion of each and every person present that we can't relinquish our rights of justifying to them that they can dictate to us the cost of the rate increases they want from time to time.

Councilman at Large Dr. Allen further stated that they, Kanawha Cablevision, would have complete control over that proposed ordinance and he said, "I don't think we can go that route."

TITLE SEARCH 0.13 ACRES PLUS COMMUNICATIONS TOWER:

Mayor Gibson stated that this track of land is situated at Cochran Hollow off Bailes Drive where a tower is located which supplies the City radio communications.

Mr. Layton Cottrill, City Attorney, stated that the title search had been completed some time ago, but what he was interested in was that this property was held as tenants in common, with Mrs. Jones and Concrete Supply being the owners.

Mr. Cottrill stated that it had been expressed to him that it was the City's desire to gain some type of control of a portion of this property. He said that he had contacted Mr. Dean Lewis, who owns Concrete Supply, and that Mr. Lewis was willing to sell. Mr. Cottrill felt that it was preferable for the City to own this track of land rather than a portion of the land.

Councilman at Large Dr. Allen made a motion to table the decision on this track of land two weeks to give Mr. Cottrill more time for research. The motion was seconded by Councilman Bailey, and the motion passed by unanimous vote.

PROPOSED AMENDMENT TO COMMUNITY DEVELOPMENT

BLOCK GRANT B-75-DS-54-0017: Mayor Gibson referred to a letter he received from Lynn B. Daniels, Program Manager, Department of Housing and Urban Development, Pittsburgh, Pennsylvania 15212, in answer to his request for an Amendment to Community Development Block Grant, B-75-DS-54-0017, for the transference of approximately twenty thousand dollars (\$20,000) from housing inspection to storm sewer improvements for the Brookhaven section.

Mayor Gibson stated that two public meetings must be held on the proposed Amendment to Community Development Block Grant, and recommended the first meeting be held during the next Council Meeting at 8:00 p.m., July 19, 1977, and the second meeting be held at 11:00 a.m. Wednesday, July 20, 1977.

Everyone agreed that this would be a good approach to allow the citizens two opportunities for input.

It was suggested that RIC send a representative to the meetings, and that Appalachian Engineers, Inc. be present for the meetings.

Councilman at Large Karnes made a motion that the first public meeting on the proposed Amendment to Community Development Block Grant be held July 19, at 8:00 p.m. during the regular council Meeting and that the second public meeting be held July 20, at 11:00 a.m. in the Council Chambers. The motion was seconded by Councilman at Large Pennington, and the motion passed unanimously.

Mayor Gibson stated since last Council Meeting council had received copies of the following correspondence: (Copies of correspondence are in supplement file to the minutes.)

1. Mayor Gibson received a letter from Robert Y. Hayne, Appalachian Engineers, Inc., dated March 11, 1977, in reference to the Brentwood Road drainage problem.

Councilman at Large Pennington made a motion to refer this matter to Appalachian Engineers, Inc. for further study, and for the engineers to advise them further on this matter. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

2. Mayor Gibson received a letter from Harold A. Miller, General Manager, Kanawha Valley Regional Transportation Authority, dated June 21, 1977 in reference to a Public Hearing on Tuesday, July 26, 1977 at 7:30 p.m. at the Kanawha County Courthouse, on the application to the Urban Mass Transportation Administration for operating assistance funds for FY-78.
3. Mayor Gibson wrote a letter to Mr. Jerome Goldberg, 800 First Avenue South, Nitro, in reference to complaints from citizens regarding mud and damage to the street caused by the hauling of dirt from an excavation site under Mr. Goldberg's supervision.
4. Mayor Gibson had written Mr. Laymon Smith, District Engineer, District #1, W. Va. Department of Highways, a letter dated June 28, 1977, in reference to property damage resulting from water overflowing the ditch line on the lower side of State Route 25 from Red Oak Drive going in a north westerly direction to Modern Supply Company, 501 First Avenue South, Nitro, West Virginia.

5. Mayor Gibson received a letter, dated June 29, 1977, from Robert Y. Hayne, Appalachian Engineers, Inc. in reference to their recommendation to install hand-rails at the headwall on Norwood Avenue and also along Rt. 62, near the entrance to Brookhaven.
6. Mayor Gibson had written a letter dated June 29, 1977, to the residents of Barrington Road in reference to the repairs of Barrington Road. (Attached hereto is a letter to Mayor Gibson, dated June 27, 1977, from Paul Greenlee.
7. Mayor Gibson had written a letter, dated June 29, 1977, to Mr. W. H. Jones, Appalachian Power Company, 620 6th Street, St. Albans, West Virginia 25177, informing Mr. Jones that Mr. Charles Robert Sergeant had been appointed to serve in the capacity of Electrical Inspector for the City of Nitro, effective July 1, 1977.
8. Mayor Gibson had written a letter to residents of 21st Street in regard to the 21st Street slip area. (Attached to this letter was a letter dated May 18, 1977, from Appalachian Engineers, Inc. to Mayor Gibson.)
9. Mayor Gibson had written a letter, dated July 1, 1977, to Mr. Bob Brohard, Postmaster, Nitro Post Office, Nitro, West Virginia 25143, in reference to a petition from citizens who reside on Michigan Avenue. They had requested that the City of Nitro assist them in getting the postal authorities to deliver mail to their residence in lieu of delivering it to mail boxes located some distance from where they reside.

Mr. Bennett Burgess, attorney for Kanawha Cablevision, stated that the proposed ordinance change to which the Council took exception was the regulation of rates to subscribers. He suggested for Council's consideration that on October 1, 1977, a 50 cent increase be granted to enable Kanawha Cablevision to get Chanel 17 from Atlanta, then on January 19, 1978 a 5 percent increase could be available on an annual basis each and every year thereafter for the life of the franchise. Copyright fees and permit fees would be allowed to be passed to subscribers on 30 days notice, and thereafter there would be no longer regulation by Council on rates.

Councilman at Large Pennington made a motion to refer the proposed rate increases to The Ordinance Committee. The motion was seconded by Councilman Miller, and the motion passed by unanimous vote.

Mr. Denzil Starcher, 58 31st Street East, stated that 31st. Street East, was in need of repair, and asked if speed bumps could be installed to slow down traffic on the street.

Mr. Danny Guthrie, 62 31st. Street East, stated that where they worked on the sewer the bank had slipped at 62 31st. Street East. Mayor Gibson told Mr. Guthrie the contractor who did the work had not been released.

Mayor Gibson asked for Committee Chairman Reports.

MR. MELTON, RECORDER AND CHAIRMAN OF THE FINANCE COMMITTEE: No new business.

COUNCILMAN MILLER: Councilman Miller stated that the mud on Layne Avenue was caused by the contractor at Broadway Gardens.

Councilman Miller said there had been a request for a street light at 806 Dupont Avenue.

Mayor Gibson mentioned a request for a new street light on Broadway Avenue just above the entrance to Broadway Gardens.

COUNCILMAN HUGHART: Nothing to report, but Councilman Hughart had a few question to ask regarding the hump on Twenty First Street.

COUNCILMAN AT LARGE DR. ALLEN: No reports.

COUNCILMAN DR. CASSELL: No reports.

COUNCILMAN BAILEY: Councilman Bailey stated that the surface drains in the Riverdale Acres area were higher than the road and asked that a maintenance crew check this problem.

Councilman Bailey made a motion for permission to ask OSHA to help on a business in the area. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.

COUNCILMAN MILLER: Councilman Miller stated that a house and garage, owned by Mrs. Cornwell on the Old County Road, would be torn down by a church group if the City could haul the debris away. The Mayor stated the City would locate a truck when the debris could be loaded.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington stated that Kapok Street needed repair, where the church had torn up Kapok Street putting in a sewer.

COUNCILMAN AT LARGE KARNES: No reports.

Councilman at Large Karnes made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed unanimously.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

JULY 19, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on July 19, 1977, at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, and Councilman Romie Hughart. Councilman Dean Miller was absent.

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

APPROVAL OF MINUTES, JULY 5, 1977, COUNCIL MEETING:

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 that the minutes be approved. Councilman at Large Dr. Allen seconded the motion and the motion passed by unanimous vote.

APPROVAL OF JUNE 1977 FINANCIAL STATEMENT:

Tom Melton, City Recorder and Chairman of the Finance Committee, stated each Councilman had received a copy of the June, 1977 Financial Statement. Mr. Melton made a motion that the June 1977 Financial Statement be accepted. The motion was seconded by Councilman at Large Karnes and the motion passed by a unanimous vote.

STREET PAVING REPORTS FROM APPALACHIAN ENGINEERS, INC:

Mayor Gibson stated that Mr. Hayne from Appalachian Engineers, Inc. had informed him they need more time for the report, and to inform Council that he appreciated their assistance. (Councilmen input pertaining to street paving is in supplement file to the minutes.)

Councilman at Large Dr. Allen asked Council if there were additions to be added to the list. Several Councilmen said they did have some minor additions.

TITLE SEARCH 0.13 ACRES PLUS COMMUNICATIONS TOWER:

Mr. Layton Cottrill, Nitro City Attorney, stated that Mr. Dean Lewis, who owns Concrete Supply, did not wish to convey his interest in the track of land situated at Cochran Hollow off Bailes Drive to the City of Nitro.

However, Mr. Layton Cottrill stated that he would prepare the necessary papers for the closing of the sale, conveying Mrs. Clarence Jones's interest in the track of land to The City of Nitro.

PUBLIC MEETING ON PROPOSED AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT B-75-DS-54-0017, JULY 19, 1977, AT 8:00 P.M. (\$20,000.00): Mayor Gibson stated that the proposed Amendment to Community Development Block Grant had been discussed at the July 5, 1977 Council Meeting, and the purpose of the amendment was for the transference of twenty thousand dollars (\$20,000) from the Housing Inspection Program back to Storm sewer improvements for the Brookhaven section.

Mayor Gibson stated that the engineering work for the Brookhaven section had been done.

Mayor Gibson asked Council if they had any recommendations or objections. There were no recommendations or objections, however, those present were in favor of the transfer of funds to the storm sewer project.

Mayor Gibson said the second Public Meeting on the proposed amendment would be Wednesday, July 20, at 11:00 a.m.

Mayor Gibson stated since last Council Meeting Council had received copies of the following correspondence: (Copies of correspondence are in supplement file to the minutes.)

1. Mayor Gibson received a letter June 30, 1977 from

Paul T. Cain
Area Director
Department of Housing and Urban Development
Pittsburgh Area Office
Two Allegheny Center
Pittsburg, Pennsylvania 15212

in reference to the Preapplication Review and Rating System, FY '77.

2. Mayor Gibson received a letter dated July 7, 1977, from

Joseph S. Jones
West Virginia Department of Highways
1900 Washington Street, East
Charleston, West Virginia 25305

in reference to NO U-TURN signs which will be installed in the median opening adjacent to Lum's Restaurant on WVA Route 25 in Nitro.

3. Chief Craft received a letter dated July 8, 1977, from

American District Telegraph Company
James E. Thompson
Sales Representative
4508 MacCorkle Avenue, S.W.
South Charleston, West Virginia 25309

requesting Heck's Department Store burglar alarm system be connected to the ADT Headquarters located at the Police Department in Nitro.

4. Mayor Gibson received a letter dated July 14, 1977, from

Ray O. Darnall
Senior Vice President
Heck's Inc.
P. O. Box 158
Nitro, West Virginia 25143

requesting permission to connect their alarm system for a new store in Cross Lanes into the Police Department's system.

Councilman at Large Dr. Allen made a motion to table the decision until next Council Meeting, August 2, 1977. The motion was seconded by Councilman at Large Pennington and the motion passed unanimously.

5. Mr. Al Jarrell, the former Building Inspector had written a letter dated May 6, 1977, to

Oshel Craigo
203 West Main Street
St. Albans, West Virginia 25177

in reference to a retaining wall being constructed at 301 First Avenue, South in Nitro.

6. Mayor Gibson had written a letter dated July 21, 1977 (Corrected date, July 11, 1977) to

Craigo Real Estate, Inc.
301 First Avenue, South
Nitro, West Virginia 25143

in reference to the pending application for a building permit.

7. Mayor Gibson received a letter dated July 18, 1977 from

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

in reference to the Craigo retaining wall.

8. Mayor Gibson had written a letter dated July 14, 1977 to

William E. Blake, Editor
Kanawha Valley Leader
P. O. Box 38
Nitro, West Virginia 25143

in reference to the Nitro City Code, and in reply to a letter dated July 11, 1977, from Mr. Blake.

9. Mayor Gibson had written a letter dated July 13, 1977 to

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

in reference to storm drain problems along Rt. 25 from Red Oak Drive to the five hundred block of First Avenue. (Attached was a letter dated July 5, 1977, addressed to Mayor Gibson from

L. S. Smith
District Engineer, West Virginia Department of Highways
Charleston, West Virginia 25301

in reference to this problem.)

10. Residents of Michigan Avenue received a letter dated July 12, 1977, from Mayor Gibson in reference to postal service.

(Attached was a letter dated July 11, 1977, written to the Mayor from

George E. Wright
MSC Manager/Postmaster
United States Post Office
Charleston, West Virginia 25301

in reference to postal service on Michigan Avenue.)

11. A memorandum, dated July 12, 1977, was received from

Richard Robb, Chairman
Jack C. Whiting, Secretary

in reference to the Emergency Ambulance Service Committee meeting which will be July 29, 1977 at 7:30 p.m. in the Kanawha County Commission Hearing Room.

Mayor Gibson stated he had been informed that another meeting was scheduled Friday, July 22, 1977 at 10:00 a.m. with the Kanawha County Commissioners at the Kanawha County Commissioner's Office.

12. Mayor Gibson read a letter from

Mr. H. M. Graves, Jr.
Manager
Southern Supply Company
Nitro, West Virginia 25143

proposing to the City of Nitro that the elected officials go on record regarding the Lower Viscose Road designating it as Pickens Road, and that the City of Nitro recommend to the Putnam County Executive Committee that Lower Viscose Road be known as Pickens Road in the future.

Councilman at Large Dr. Allen made a motion the City of Nitro change the name of Lower Viscose Road to Pickens Road, and that the City of Nitro advise the Putnam County Executive Committee of the change. The motion was seconded by Councilman Bailey, and the motion passed by unanimous vote.

Mayor Gibson stated he had been in touch with the contractor working down on First Avenue where C and P Telephone Company was putting in trunk lines. Mayor Gibson said the contractor had assured him they will regravell the area, clean out the storm drains, and raise the storm drains.

Mayor Gibson stated that Mr. Jones, Commissioner of the West Virginia Department of Highways, told him that during the month of July they are supposed to let out bids for the artery of roadway they are intending to build down under the interstate.

Mayor Gibson stated the 40th Street traffic light is in working order and that recent repairs were necessary.

Mayor Gibson asked for new business and committee chairman reports.

MR. MELTON: No reports.

COUNCILMAN HUGHART: No reports.

COUNCILMAN AT LARGE DR. ALLEN: No reports.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington referred a letter from Mrs. Paul Willard to The Street Light Committee. (Copy of letter is in supplement file to the minutes.)

MR. COTTRILL, NITRO CITY ATTORNEY: Mr. Cottrill informed Council that an appeal Mr. Armada had filed on behalf of the City of Nitro in The Supreme Court of Appeals of The State of West Virginia in the case of May L. Haynes versus the City of Nitro will be heard October 11, 1977.

Mr. Cottrill said that Mr. Guy Bussi wanted his fee modified for his work he will do on the appeal.

Mr. Bennett Burgess, attorney for Kanawha Cablevision, asked about the modified ordinance on rates which was referred to the Ordinance Committee at the July 5, 1977 Council Meeting. Mr. Cottrill said that he would try to meet with the Ordinance Committee before next Council Meeting.

Councilman at Large Pennington mentioned a summons he had received from Patrick B. Boggs, Alcohol Beverage Control Commissioner, to appear before the Alcohol Beverage Control Commissioner, at Nitro City Hall on August 10, 1977, at 10:00 a.m. in reference to the Pub. Mayor Gibson replied that all Councilmen had received a summons.

COUNCILMAN AT LARGE KARNES: No reports.

Councilman at Large Dr. Allen made a motion for adjournment. The motion was seconded by Councilman at Large Karnes, and the motion passed unanimously.


MAYOR


RECORDER

SECOND PUBLIC MEETING ON PROPOSED AMENDMENT TO
COMMUNITY DEVELOPMENT BLOCK GRANT B-75-DS-54-0017
JULY 20, 1977, AT 11:00 A.M. (\$20,000.00)

The Second Public Meeting on the proposed Amendment to Community Development Block Grant B-75-DS-54-0017 was held in the Council Chambers on July 20, 1977, at 11:00 a.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman Dr. Guy Cassell, Councilman Bailey, and Mr. William Cunningham, an employee of Appalachian Engineers, Inc.

Mayor Gibson called the meeting to order and declared it to be a public meeting encouraging citizen's participation.

Mayor Gibson stated that the purpose of the amendment was for the transference of twenty thousand dollars (\$20,000) from the Housing Inspection Program back to the Storm Sewer System Program. Mayor Gibson turned the meeting over to Mr. William Cunningham who is with Appalachian Engineers, Inc.

Mr. Cunningham stated that basically the project is an effort to pick up the portion of the Storm Sewer System which was deleted due to federal funds not being available at the time the original bids were let.

The actual scope of the project will remain the same Mr. Cunningham said, with 36 inch pipe in Brookhaven Drive and Fairview Drive. The estimate which the original contract was let was for twenty-one thousand four hundred six dollars and twenty-five cents (\$21,406.25). Mr. Cunningham said that Mr. Habib, who is with Appalachian Engineers, Inc. has reviewed engineer digest and that Mr. Habib feels that if the contractor can come back with an estimate of cost approximately 8 to 8.8 percent increase of the original contract that would be within reason, however, if the cost exceeds this amount a contract would more than likely have to be let for bids.

Everyone in attendance agreed that the twenty thousand dollars (\$20,000) should be allocated for the purpose of the Storm Sewer Project.

The meeting was adjourned by Mayor Gibson.

1



NITRO CITY COUNCIL MEETING

AUGUST 2, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on August 2, 1977, at 8:00 p.m. Present were Mayor William D. Gibson, City Attorney Layton Cottrill, Councilman at Large Donald Karnes, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey.

City Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, and Councilman at Large Mel Pennington were absent.

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

Reverend Robert I. Blixt, Pastor of The First Baptist Church, gave the invocation.

APPROVAL OF JULY 19, 1977, COUNCIL MEETING:

Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman Bailey made a motion that the minutes be approved. Councilman Hughart seconded the motion. Mayor Gibson stated that by approving these minutes Council was also approving the First Public Meeting on the proposed amendment to The Community Development Block Grant B-75-DS-0017 which was held at the July 19th. Council Meeting. The motion passed by unanimous vote.

Mayor Gibson said that attached to the July 19, 1977, minutes were the minutes for the Second Public Meeting on the Proposed Amendment To The Community Development Block Grant B-75-DS-54-0017 which was held July 20, 1977, and he entertained a motion that these minutes be approved.

Councilman Dr. Cassell made a motion the Minutes for the Second Public Meeting on the Proposed Amendment To The Community Development Block Grant be approved. The motion was seconded by Councilman Bailey, and the motion passed by unanimous vote.

JULY, 1977, FINANCIAL REPORT: Mayor Gibson stated that Mr. Melton, City Recorder and Chairman of the Finance Committee, had to be out of town, and Mayor Gibson gave the following report:

Balance July 1, 1977	1,029.83	General Fund
Receipts, July	58,665.91	
Disbursements, July	46,961.69	
Balance in checking account		
July 31, 1977	12,734.05	

ADT SECURITY SYSTEMS - HECKS STORE, CROSS LANES:

Councilman at Large Dr. Allen, Chairman of the Police Committee, is out of state on a trip, Mayor Gibson said. Councilman Hughart made a motion to keep the request in Committee. The motion was seconded by Councilman Bailey, and the motion passed by unanimous vote.

MODIFIED ORDINANCE ON KANAWHA CABLEVISION RATES:

Mr. Cottrill, City Attorney, presented to Council an ordinance to amend an ordinance granting to Kanawha Cable Television Company a franchise.

THE ORDINANCE READS AS FOLLOWS:

ORDINANCE NUMBER: _____ PASSED BY COUNCIL _____

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 COMPLY WITH RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION, MODIFY PAYMENT TO THE CITY, PROVIDE WRITTEN NOTICE OF RATE AND CHARGES, PROVIDE STANDARDS FOR CUSTOMER COMPLAINT, DELETE PAY TELEVISION PROHIBITION, PROVIDE FOR SEVERABILITY, AND PROVIDE CUSTOMER SERVICE RATE INCREASE.

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

That an ordinance entitled: "An ordinance granting a Franchise to the Kanawha Cable Television Company, a Corporation, to construct, operate and maintain a community television system for distributing and relaying signals by means of wire cables, or other like connections, in, through, under over and from public streets, alleys, public ways and public places to receiving sets of subscribers to said service in the City of Nitro, West Virginia", as amended be amended as to Sections I, VII, IX, XIII, and adding Sections XVIII & IXX all to read as follows:

SECTION I TERM OF FRANCHISE

THIS FRANCHISE IS GOVERNED BY AND SUBJECT TO ALL APPLICABLE RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION, SPECIFICALLY INCLUDING PART 76 AND BY THE LAWS OF THE STATE OF WEST VIRGINIA. SHOULD THERE BE ANY MODIFICATION OF THE PROVISION OF SECTION 76.31 OF THE RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION WHICH MUST BE INCORPORATED INTO THIS FRANCHISE, PURSUANT TO SAID REGULATIONS, THE CITY AND GRANTEE AGREE THAT SUCH INCORPORATION SHALL BE ACCOMPLISHED WITHIN ONE [1] YEAR AFTER THE EFFECTIVE DATE OF THE FCC'S ADOPTION OF THE MODIFICATION, OR UPON THE RENEWAL OF THE FRANCHISE, WHICHEVER OCCURS FIRST.

SECTION VII RATES

- C. MONTHLY CHARGES FOR DOMESTIC SERVICE FOR THE FIRST OUTLET IN A SINGLE FAMILY RESIDENCE, SEVEN DOLLARS [\$7] FOR EACH ADDITIONAL OUTLET IN THE SAME FAMILY RESIDENCE, FOR THE SAME IMMEDIATE FAMILY ON THE SAME PREMISES, _____ DOLLAR [_____].

D. MONTHLY CHARGES FOR OTHER THAN DOMESTIC SERVICE, SUCH AS BUT NOT LIMITED TO HOTELS, MOTELS, HOSPITALS, RESTAURANTS, AND TAVERNS, FOR THE FIRST OUTLET, _____ DOLLARS [_____] FOR EACH ADDITIONAL OUTLET FOR THE SAME NON-DOMESTIC SUBSCRIBER, ON THE SAME PREMISES, _____ DOLLAR [_____].

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

J. THE GRANTEE SHALL FILE ITS CURRENT SCHEDULE OF RATES AND CHARGES WITH THE CITY CLERK. WRITTEN NOTICE OF CHANGES IN RATES AND CHARGES SHALL BE FILED WITH THE CITY CLERK AND GIVEN TO ALL SUBSCRIBERS AT LEAST THIRTY [30] DAYS IN ADVANCE OF THE EFFECTIVE DATE THEREOF. NO CHARGES OTHER THAN THOSE SPECIFIED IN SUCH RATE SCHEDULE SHALL BE MADE.

SECTION IX PAYMENT TO THE CITY

FOR THE RIGHT AND PRIVILEGE OF THIS FRANCHISE, THE GRANTEE SHALL PAY UNTO THE CITY AN ANNUAL FEE OF ONE THOUSAND DOLLARS [\$1,000.00], PAYABLE ON THE EFFECTIVE DATE OF THIS ORDINANCE.

SECTION XIII DELETED

SECTION XVIII CUSTOMER COMPLAINT

"THE GRANTEE SHALL MAINTAIN A LOCAL OFFICE, AGENT, OR A LISTED TOLL FREE TELEPHONE NUMBER FOR RECEIVING COMPLAINTS AND INQUIRIES. EACH SUBSCRIBER SHALL BE MADE AWARE OF THE PROCEDURE TO REPORT A COMPLAINT. EACH COMPLAINT SHALL BE SERVICED WITHIN 48 HOURS AFTER RECEIPT. IF A COMPLAINT IS NOT SERVICED AS STATED, THE CUSTOMER SHALL NOTIFY CITY HALL OF SAID FAILURE."

SECTION IXX SEVERALBILITY

"IF ANY PORTION OF THIS FRANCHISE IS HELD INVALID OR UNCONSTITUTIONAL by any court or governmental body of competent jurisdiction, SUCH PORTION SHALL BE DEEMED A SEPARATE AND INDEPENDENT

PROVISION, AND SUCH HOLDING SHALL NOT EFFECT THE VALIDITY OF THE REMAINING FRANCHISE". IN ALL OTHER RESPECTS THE AFORESAID ORDINANCE ENACTED JANUARY 19, 1965, AS PREVIOUSLY AMENDED, 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 2ND DAY OF AUGUST, 1977, and WILL COME UP FOR A SECOND READING AT A REGULAR MEETING OF THE CITY COUNCIL TO BE HELD ON THE 16TH DAY OF AUGUST, 1977.


MAYOR [WILLIAM GIBSON]


CITY CLERK [TOM MELTON]

Councilman Bailey made a motion to accept the presentation of the ordinance on first reading as prepared by Mr. Cottrill, contingent on Kanawha Cablevision's addition of Channel 17 to the system. The motion was seconded by Councilman Miller, and the motion passed unanimously.

REQUEST FOR STREET LIGHTS: Councilman Miller, Chairman of the Street Light, Street Sign and Street Numbering Committee, made a motion that the request for Street Lights be kept in committee until the first council meeting in September, when he would be present. The motion was seconded by Councilman at Large Karnes, and the motion passed.

EMERGENCY AMBULANCE SERVICE MEETING WITH KANAWHA COUNTY COURT COMMISSIONERS HELD IN THE COMMISSIONER'S COURT ROOM (MEETING DATE, JULY 22, 1977, 10:00 a.m.): Mayor Gibson said that he did attend the meeting along with Mayor Robb from South Charleston, Mayor Randall from St. Albans, and Mayor Leone from Dunbar.

Mayor Gibson stated that the primary purpose of the meeting was to be certain the four mayors would cooperate, financially and otherwise with them in an effort to establish a county wide Emergency Ambulance Service based upon formulas that would have to be worked out in future months to come.

EMERGENCY AMBULANCE SERVICE MEETING HELD IN THE COMMISSIONER'S COURT ROOM, RICHARD ROBB, CHAIRMAN, WITH COMMITTEE MEMBERS, (MEETING DATE JULY 29, 1977, 7:30 p.m.):
Councilman Bailey, Chairman of the Emergency Ambulance Service Committee stated that the meeting was very interesting: Dr. Fred Cooley, Department Head of The West Virginia Emergency Service, informed them on future plans the state has for upgrading the emergency medical technicians and paramedics, a gentleman from C & P Telephone Company talked on centralized communication and an alternate system, and Mr. Fred Melton from the Charleston Area Medical Center explained the training facilities that are available for the upgrading of ambulance attendants.

Mayor Gibson stated Council had received a copy of the June 15, 1977, Emergency Ambulance Service Committee Meeting. (Copy of minutes are in supplement file to the minutes.)

Mayor Gibson stated that The City of Nitro is very fortunate to have six young men from Nitro as players on the Western All Stars Team which won the state championship last Saturday. The Mayor said that he felt we are blessed to have such outstanding young men as citizens of our town.

Mayor Gibson said he intends to write a letter to Mr. Gene Brightwell and Mr. Barry McClanahan, residents of Nitro, thanking them for the outstanding job they have done as coaches of the team.

Mayor Gibson asked Council's approval to sponsor the annual outing for the Senior Citizens. Councilman Cassell made a motion to sponsor the annual outing for the Senior Citizens. The motion was seconded by Councilman Bailey, and the motion passed by a unanimous vote.

Mayor Gibson stated that there was a request for soliciting for the Matt Hodges Charity Fund which has been established at the Bank of St. Albans. Matt Hodges is eight years old, and has had several brain operations, and is presently a patient in the Georgetown University Hospital.

Councilman at Large Karnes made a motion to give permission for soliciting for the Matt Hodges Charity Fund. the motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

Mayor Gibson recommended a request for permission to solicit from Ms. Moreings and Ms. Hoppe be referred to The Business and Civic Betterment Committee. They are wanting to contact the local funeral home and bank in an effort to sell them advertising and signs which would read SLOW CHILDREN PLAYING.

Councilman Bailey made a motion to refer this request to the Business and Civic Betterment Committee. The motion was seconded by Councilman Dr. Cassell, and the motion passed by unanimous vote.

Mayor Gibosn asked for committee reports.

COUNCILMAN AT LARGE KARNES: no reports.

COUNCILMAN BAILEY: Councilman Bailey had no reports. Councilman Bailey introduced Mrs. Clara Walker, who lives at 31 21st. Street.

Mrs. Walker stated that she was distressed because she felt that the planned repairs for the hump on 21st Street werenot sufficient, and that not much consideration had been given to the homes in the area. (Mrs. Miller's home, Cavender's home, Harry Graves home, and her home.)

Mayor Gibson said that Appalachian Engineers and Mr. Cottrill would be asked to inspect the 21st Street hump, and advise council accordingly as to their recommendations.

COUNCILMAN DR. CASSELL: no committee reports. Councilman Dr. Cassell made a motion that a STOP SIGN be erected at Rockledge Drive where it intersects with Brookhaven Circle. The motion was seconded by Councilman Miller, and the motion passed by a unanimous vote.

Councilman Cassell asked that the city communicate with the owners of certain property in Brookhaven where trees and shrubs block the view in order to correct this hazard.

* Councilman Bailey stated that at 325 Frist Avenue, South, adjacent to Dunbar Supply and Sash Company that the view was obstructed by a pile of rocks.

* CORRECTION Councilman Bailey stated that at 311 Michigan Avenue, South that the view was obstructed by a pile of rock.

MR. COTTRILL, CITY ATTORNEY: Mr. Cottrill stated that Council had in its possession a copy of the executed deed signed between Genevieve P. Jones and the City of Nitro. Mr. Cottrill said the transaction is consummated.

Mr. Cottrill reminded Council that should anyone not be able to meet at 9:00 a.m. Wednesday, August 10th., in reference to the subpoena from ABC Commission they should contact him.

Mr. Cottrill stated that in regard to the appeal of the Mae Haynes case it has been indicated by the attorney presently representing the city he is no longer willing to proceed as he had originally indicated.

Mr. Cottrill highly recommended Betty Caplan to take the case at a fee remaining for the original contract price.

Councilman Dr. Cassell made a motion to authorize Mr. Cottrill to obtain Ms. Caplan to take the case. The motion was seconded by Councilman Bailey, and the motion passed. Councilman Miller opposed the motion.

Regarding a letter pertaining to property owned by Mr. Egbert Morris of 305 Fredrick Street, Nitro, dated 7-25-77 to Layton Cottrill from attorney, John P. Carter, Mayor Gibson stated that he had checked a building permit(206-77) and that Mr. Rhule felt that he had taken care of his responsibilities. Mayor Gibson stated that he would forward a copy of the building permit to each councilman.


COUNCILMAN HUGHART: Councilman Hughart made a motion permission be granted by City Council for the Nitro Lions Club to close off 21st. Street between 1st. Avenue and 2nd. Avenue September 9th. from 6:30 p.m. to 10:30 p.m. for the purpose of a street dance for teenagers; to close off 21st. Street between 1st. Avenue and 2nd. Avenue, and Bank Street between 21st. Street and 22nd. Street September 10th. from 6:00 a.m. to 5:00 p.m. for the purpose of The Antique Car Show. Councilman Hughart also included in his motion that they be given permission to have a parade September 10th. at 2:00 p.m. The motion was seconded by Councilman at Large Karnes and the motion passed unanimously.


COUNCILMAN MILLER: Councilman Miller expressed his appreciation to the way Layne Street was cleaned up this past weekend and asked that the contractor be requested to clean the street on Friday afternoons prior to quitting for the weekend. Councilman Miller also mentioned a damaged area in the concrete street on Layne Avenue.

Councilman Miller said that he had received numerous complaints from Broadway Gardens during the heavy downpours of last week.

Mayor Gibson stated that the streets at Broadway Gardens had not been dedicated to the city by the owner and were not owned by the City of Nitro, but Mr. Bud young who had recently purchased Broadway Gardens wants to dedicate the streets to the City of Nitro.

Councilman at Large Karnes made a motion for adjournment. The motion was seconded by Councilman Bailey, and the motion passed unanimously.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

AUGUST 16, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on August 16, 1977 at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman Dr. Guy Cassell, Councilman Romie Hughart, and Councilman Gus Bailey, Councilman at Large Pennington and Councilman Miller were absent.

APPROVAL OF AUGUST 2, 1977 COUNCIL MEETING MINUTES:

Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman Bailey asked that a correction be made on page 101 of the last paragraph. (Correction made.)

Councilman at Large Dr. Allen made a motion that the minutes be approved. The motion was seconded by Councilman at Large Karnes, and the motion passed by unanimous vote.

APPROVAL OF JULY 1977 FINANCIAL STATEMENT:

Tom Melton, City Recorder and Chairman of the Finance Committee, asked that the July 1977 Financial Statement be tabled until the September 6, 1977 Council Meeting because he had been on vacation. Councilman Dr. Cassell made a motion the Financial Statement be tabled until next council meeting. The motion was seconded by Councilman Bailey, and the motion passed.

ADT SECURITY SYSTEMS - HECKS STORE, CROSS LANES:

Councilman at Large Dr. Allen, Chairman of The Police Committee, stated that after much discussion with the various council members and the Police Department it was their recommendation that Heck's system be entered to the Nitro Police Department.

Councilman at Large Dr. Allen made a motion that Heck's system be entered to the Nitro Police Department on the basis that the City of Nitro is "held harmless", and suggested that Mr. Cottrill, City Attorney, or the Mayor write a letter regarding an agreement with ADT and Hecks to this effect, and also, the City can refuse to continue the service by a written 30 days notice. The motion was seconded by Councilman Bailey, and the motion passed by unanimous vote.

MODIFIED ORDINANCE ON KANAWHA CABLEVISION RATES

SECOND READING: Councilman at Large Dr. Allen, Chairman of the Ordinance Committee, asked that Mr. Melton, City Recorder, read the ordinance.

Mr. Melton read the second reading of the Modified Ordinance

On Kanawha Cablevision Rates which reads as follows:

CITY OF NITRO

ORDINANCE NUMBER 187PASSED BY COUNCIL August 16, 1977

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 COMPLY WITH RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION, MODIFY PAYMENT TO THE CITY, PROVIDE WRITTEN NOTICE OF RATE AND CHARGES, PROVIDE STANDARDS FOR CUSTOMER COMPLAINT, DELETE PAY TELEVISION PROHIBITION, PROVIDE FOR SEVERABILITY, AND PROVIDE CUSTOMER SERVICE RATE INCREASE.

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

That an ordinance entitled: "An ordinance granting a Franchise to the Kanawha Cable Television Company, a Corporation, to construct, operate and maintain a community television system for distributing and relaying signals by means of wire cables, or other like connections, in, through, under over and from public streets, alleys, public ways and public places to receiving sets of subscribers to said service in the City of Nitro, West Virginia", as amended be amended as to Section I, VII, IX, XIII, and adding Sections XVIII & IXX all to read as follows:

SECTION I TERM OF FRANCHISE

THIS FRANCHISE IS GOVERNED BY AND SUBJECT TO ALL APPLICABLE RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION, SPECIFICALLY INCLUDING PART 76 AND BY THE LAWS OF THE STATE OF WEST VIRGINIA. SHOULD THERE BE ANY MODIFICATION OF THE PROVISION OF SECTION 76.31 OF THE RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION WHICH MUST BE INCORPORATED INTO THIS FRANCHISE, PURSUANT TO SAID REGULATIONS, THE CITY AND GRANTEE AGREE THAT SUCH INCORPORATION SHALL BE ACCOMPLISHED WITHIN ONE [1] YEAR AFTER THE EFFECTIVE DATE OF THE FCC'S ADOPTION OF THE MODIFICATION, OR UPON RENEWAL OF THE FRANCHISE, WHICHEVER OCCURS FIRST.

SECTION VII RATES

- C. MONTHLY CHARGES FOR DOMESTIC SERVICE FOR THE FIRST OUTLET IN A SINGLE FAMILY RESIDENCE, SEVEN DOLLARS [\$7.00] FOR EACH ADDITIONAL OUTLET IN THE SAME FAMILY RESIDENCE, FOR THE SAME IMMEDIATE FAMILY ON THE SAME PREMISES, TWO DOLLARS [\$2.00].
- J. THE GRANTEE SHALL FILE ITS CURRENT SCHEDULE OF RATES AND CHARGES WITH THE CITY CLERK. WRITTEN NOTICE OF CHANGES IN RATES AND CHARGES SHALL BE FILED WITH THE CITY CLERK AND GIVEN TO ALL SUBSCRIBERS AT LEAST THIRTY [30] DAYS IN ADVANCE OF THE EFFECTIVE DATE THEREOF. NO CHARGES OTHER THAN THOSE SPECIFIED IN SUCH RATE SCHEDULE SHALL BE MADE.
- K. THE RATE INCREASE GIVEN GRANTEE IN PARAGRAPH C OF THIS SECTION SHALL BECOME OPERATIVE ONLY UPON GRANTEE'S ACQUISITION OF CHANNEL 17.

SECTION IX PAYMENT TO THE CITY

FOR THE RIGHT AND PRIVILEGE OF THIS FRANCHISE, THE GRANTEE SHALL PAY UNTO THE CITY AN ANNUAL FEE OF ONE THOUSAND DOLLARS [\$1,000.00], PAYABLE ON THE EFFECTIVE DATE OF THIS ORDINANCE.

SECTION XIII DELETEDSECTION XVIII CUSTOMER COMPLAINT


"THE GRANTEE SHALL MAINTAIN A LOCAL OFFICE, AGENT, OR A LISTED TOLL FREE TELEPHONE NUMBER FOR RECEIVING COMPLAINTS AND INQUIRIES. EACH SUBSCRIBER SHALL BE MADE AWARE OF THE PROCEDURE TO REPORT A COMPLAINT. EACH COMPLAINT SHALL BE SERVICED WITHIN 48 HOURS AFTER RECEIPT. IF A COMPLAINT IS NOT SERVICED AS STATED, THE CUSTOMER SHALL NOTIFY CITY HALL OF SAID FAILURE."

SECTION IXX SEVERALBILITY

"IF ANY PORTION OF THIS FRANCHISE IS HELD INVALID OR UNCONSTITUTIONAL BY ANY COURT OR GOVERNMENTAL BODY OF COMPETENT JURISDICTION, SUCH PORTION SHALL BE DEEMED A SEPARATE AND INDEPENDENT PROVISION, AND SUCH HOLDING SHALL NOT EFFECT THE VALIDITY OF THE

REMAINING FRANCHISE". IN ALL OTHER RESPECTS THE AFORESAID ORDINANCE ENACTED JANUARY 19, 1965, AS PREVIOUSLY AMENDED, 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 2ND DAY OF AUGUST, 1977, AND WAS ADOPTED UPON SECOND READING AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 16TH DAY OF AUGUST, 1977.


MAYOR [WILLIAM GIBSON]


CITY CLERK [TOM MELTON]

Councilman at Large Dr. Allen made a motion to accept the ordinance on second reading. The motion was seconded by Councilman Dr. Cassell, and the motion passed by unanimous vote.

AMERICAN CANCER SOCIETY REQUEST FOR AUGUST 20, 1977:
In the absence of Councilman at Large Pennington, Chairman of the Business and Civic Betterment Committee, Mayor Gibson read a letter from the American Cancer Society requesting approval from the City to conduct a TAG DAY on August 20, 1977 from the hours of 11:00 a.m. to 3:00 p.m.

Councilman Dr. Cassell made a motion to give approval. The motion was seconded by Councilman Hughart, and the motion passed by unanimous vote.

MEETING OF AUGUST 11, 1977 AT 10:00 A.M. WITH WEST VIRGINIA DEPARTMENT OF HIGHWAY OFFICIALS REGARDING NITRO/ST. ALBANS BRIDGE: Mayor Gibson stated that the West Virginia Department of Highways hopes to start repairs on the Nitro - St. Albans Bridge in early spring and close the bridge May or June of 1978.

They plan to repaint the bridge, redeck the bridge, and construct a third lane on the St. Albans end when the bridge is closed. Mayor Gibson said they feel it will be closed eight to ten months.

Plans are for the West Virginia Department of Highways to advertise for bids for the repairs to the Nitro - St. Albans Bridge in October of 1977 with the bids to be opened in mid December of 1977.

A delegation from 31st Street, East was present and Mrs. Alma Cook of 49 31st Street, East stated that they were here for the same purpose as when they were here four months ago. (April 5, 1977 Council Meeting: condition of the road, the slip, and the drainage problems. Also complaints about three old houses in the area, and junked cars.)

Mayor Gibson stated that the City felt that before any repaving or major repairs were made that the drainage problem should be corrected first. Mayor Gibson stated that this had been turned over to Appalachian Engineers, Inc., and that council should have a detailed report by the September 6, 1977 Council Meeting.

Mrs. Alma Cook asked about the slip, and said it's moving all the time.

Councilman Dr. Cassell made a motion that a letter be sent to the owner (Mr. Frank Given at 16 31st Street, East) and request that within 30 days he outline his intended plans in reference to the slip. The motion was seconded by Councilman Bailey and the motion passed.

Mr. Gilbert Cook of 49 31st Street, East asked if in the mean time the road could be patched with blacktop. Mayor Gibson said that Mr. Williams felt that it was a waste of money to do this before the drainage problem was corrected. Mr. Melton stated that the Street Department had approximately one thousand three hundred dollars (\$1,300) a month for the use of materials in repairing streets throughout Nitro. Mr. Cook stated that he did not think 31st Street, East was getting their share.

Mr. Richard Dailey of 61 31st Street, East said that the Simpson's house was ready to fall in. Mayor Gibson said that this had been discussed before and that the attorney was going to assist by working through the fire marshall's office.

Mrs. Sandre Lavigne of 45 31st Street, East said that as she passed this area late one night she thought the side of her car had been shot with b bs.

Mr. D. L. Starcher of 58 31st Street, East said that under his driveway he had hot-water tanks for drainage, and that when the contractors were working on the sewers they tore this up, and at the time the contractors proposed to fix it and never did.

Mayor Gibson stated that since last council meeting council had received in the mail copies of the following correspondence: (Copies of correspondence are in supplement file to the minutes.)

1. July 29, 1977 Ambulance Committee Meeting Minutes held in the Kanawha County Commissioner's Hearing Room.
2. Copy of building permit (No. 206-77) issued to Tom Rhule Motors

Mayor Gibson stated that Mr. Williams and he had inspected the paved parking area, and that it appears to them that Mr. Rhule has elevated the paved parking area so that water does drain toward the catch basin on First Avenue and that Mr. Rhule had permission from the West Virginia Department of Highways to construct the drain and parking Area.

Mayor Gibson stated that Mr. Rhule informed him that he plans to put a four inch curb on the back side of the parking lot.

Mayor Gibson announced that the Senior Citizen's picnic held August 12th at the Nitro City Park was a smashing success. Councilman Hughart complimented Mrs. Frazier who planned the picnic.

Mayor Gibson announced that Councilman at Large Dr. Allen was elected as secretary of The Regional Inter-governmental Council.

Mayor Gibson asked for committee reports.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes said that at the corner of 36th Street and 2nd Avenue the sidewalk right-of-way had been fenced and asked if a building permit had been issued.

Councilman at Large Karnes also asked what kind of fence may be going in on the corner of Walker Street and Main Avenue at Kanawha Brick and Block Company. He further stated that if it was going to be a chain link fence it would probably not obstruct vision.

COUNCILMAN BAILEY: Councilman Bailey stated that there were five families on Michigan Avenue, South between Owens Street and Dunbar Supply & Sash who were not getting their mail delivered to their homes.

Councilman Bailey said that parked business vehicles are obstructing the flow of traffic from Hillside Drive and First Avenue South off of Wilson Street.

Councilman Bailey made a motion that after the engineers determine where the City right-of-way is through Wilson Street that a yellow line be painted on each side so designating the same, erect the proper signs, and that the owners of the two businesses be notified of this. The motion was seconded by Councilman at Large Karnes, and the motion passed by unanimous vote.

Councilman Bailey said that the high weeds in the highway medium at the intersection of Center Street and First Avenue creates a safety hazard.

Councilman Hughart stated that there is a light pole down in the same general area.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell said that Union Public Service District provides the Sanitary sewers for Brookhaven, and the residents are deserving of a little better service than they are getting.

Councilman Dr. Cassell stated that he had received several calls because of sewer backup, and that there was an error somewhere that should and could be corrected.

Mayor Gibson said that he would write a letter to the Union Public Service District informing them of this condition in Brookhaven.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen said that he hopes the City can stay in contact with the Construction firm doing work for the C and P Telephone Company on First Avenue.

Mayor Gibson stated that a telegram had been sent to James R. Campbell, district engineer of the West Virginia Department of Highways, and the same telegram had been sent to Mr. Marlin Davis, assistant to the district engineer, informing them of a meeting (7-12-77) with the inspector for the West Virginia Department of Highways, and with a representative of Upton Construction Company at which time they were informed the storm drains were not working properly. Gene Williams, Director of Public Works, accompanied the Mayor at the meeting.

Mayor Gibson said that a copy of the telegram would be sent to council.

Councilman at Large Dr. Allen stated that from five houses above the head of 21st Street down to Third Avenue that there had been sewer water in the basements of resident's homes.

COUNCILMAN HUGART: Councilman Hugart stated that if we have an application for Water Infiltration Study then we should follow up on it.

Councilman Hugart stated that the day of the Antique Car Show (September 10, 1977) the world's champion woodchopper will be there, and that they also plan to have a 10,000 meter distance run. On the 10,000 meter distance run they are planning to ask the Parks and Recreation Director, Mr. Eastwood to be the director.

Councilman Hugart said that the parking lines on 21st Street and Bank Street need to be painted.

MR. MELTON, CITY RECORDER: no reports.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

SEPTEMBER 6, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on September 6, 1977 at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Mel Pennington, Councilman at Large Donald Karnes, Councilman at Large Dr. R. V. Allen, Councilman Romie Hughart, Councilman Dean Miller, Councilman Gus Bailey, and Councilman Dr. Guy Cassell.

The meeting was called to order by the Honorable Mayor Gibson. The invocation was given by the Reverend Wilbur Turner, Associate Pastor at St. Paul's United Methodist Church.

APPROVAL OF AUGUST 16, 1977 COUNCIL MEETING MINUTES:

Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman Hughart made a motion that the minutes be approved. Councilman at Large Dr. Allen seconded the motion, and the motion passed by unanimous vote.

APPROVAL OF JULY 1977, FINANCIAL STATEMENT:

Mr. Melton, City Recorder and Chairman of the Finance Committee, stated each Councilman had received a copy in the mail of the July, 1977, Financial Statement. Mr. Melton made a motion that July, 1977 Financial Statement be accepted. The motion was seconded by Councilman at Large Karnes and the motion passed by a unanimous vote.

REQUESTS FOR NEW STREET LIGHTS: Mayor Gibson asked that requests for new street lights be kept in committee since Councilman Miller was not present at this time.

STREET PAVING REPORTS: Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated that council had received copies of the reports from Appalachian Engineers, Inc. and requested that council study these reports. Councilman at Large Dr. Allen said that the Street and Traffic Committee would go over these reports in detail with Appalachian Engineers, Inc.

Mayor Gibson stated that these two reports were distinct, separate reports, one report on 31st. Street East, and one report on generally the streets throughout town.

Councilman Bailey asked that Wilson Street and the lower half of Hillside Drive be added to the list.

EMERGENCY AMBULANCE SERVICE MEETING WITH
KANAWHA COUNTY COURT COMMISSIONERS (MEETING DATE AUGUST 24, 1977,
7:30 P.M. : Councilman Gus Bailey, Chairman of the Emergency Ambulance Service Committee, stated that the recommendations to the County Commission would be submitted after Labor Day. (Copy of Emergency Ambulance Service Meeting with Kanawha County Court Commissioners, meeting date August 24, 1977, is is supplement file to the minutes.)

Mayor Gibson stated that Mr. Cottrill, City Attorney, had drawn up an ordinance prohibiting the operation or parking of any motor vehicle on city streets without the proper current year registration plates.

The ordinance reads as follows:

ORDINANCE NO. _____

SUBMITTED TO COUNCIL SEPTEMBER 6, 1977

AN ORDINANCE PROHIBITING THE OPERATION OR PARKING OF ANY MOTOR VEHICLE ON CITY STREETS WITHOUT THE PROPER CURRENT YEAR REGISTRATION PLATES AS PRESCRIBED BY CHAPTER 17A, ARTICLE 3, SECTION 1, OF THE WEST VIRGINIA CODE OF 1931, AS AMENDED, OR PARKING OF SAID VEHICLES WITHOUT A VALID REGISTRATION PLATE ISSUED BY ANOTHER JURISDICTION; SAID ORDINANCE TO BE KNOWN AS SECTION 21-131 OF THE NITRO CITY CODE AND SUBJECT TO THE PENALTIES PRESCRIBED IN SECTION 21 OF SAID CODE;

NOW THEREFORE BE IT ENACTED BY THE CITY OF NITRO: NO PERSON SHALL OPERATE OR PARK, NOR SHALL AN OWNER KNOWINGLY PERMIT TO BE OPERATED OR PARKED, ANY MOTOR VEHICLE UPON ANY STREETS OF THE CITY UNLESS THERE SHALL BE ATTACHED THERETO AND DISPLAYED THEREON THE PROPER REGISTRATION PLATE FOR THE CURRENT YEAR FOR SUCH VEHICLE AS REQUIRED BY SECTION 1, ARTICLE 3, CHAPTER 17A, OF THE WEST VIRGINIA CODE, 1931, OR A VALID REGISTRATION PLATE ISSUED BY ANY OTHER STATE, PROVINCE OR COUNTRY.

SUBMITTED FOR FIRST READING THIS THE SIXTH DAY OFSEPTEMBER, 1977.

Wm. D. Gibson
WILLIAM D. GIBSON (Mayor)

TOM ELTON (Recorder)

Councilman at Large Dr. Allen made a motion to accept the ordinance on first reading. The motion was seconded by Councilman at Large Pennington. At this particular time this motion was not brought to a vote.

Mr. Earl Marion stated that as President of the Nitro Business and Professional Association, he was against the ordinance and explained reasons why.

Councilman at Large Pennington made a motion to amend the proposed ordinance before first reading giving the person fifteen days to move the vehicle after a citation has been issued. The motion was seconded by Councilman at Large Karnes, and the motion was defeated by lack of a majority vote. Councilman at Large Dr. Allen, Councilman Dr. Cassell, Councilman Miller, and Councilman Hughart opposed the motion.

At this time Councilman at Large Dr. Allen's previous motion to accept on first reading as written was brought to a vote, and the motion passed. Councilman Miller and Councilman at Large Karnes opposed the motion.

Mr. Earl Marion, Jr., President of the Nitro Business and Professional Association, informed council of parking problems which were discussed at a special meeting of the Nitro Business and Professional Association held August 29, 1977. (Copy of the minutes is in supplement file to the minutes.)

The recommendations of the Nitro Business and Professional Association on the parking situation was referred to the Street and Traffic committee on a motion made by Councilman at Large Pennington. The motion was seconded by Councilman at Large Karnes, and the motion passed.

Mayor Gibson asked that Mr. Cottrill review the City Code Book regarding the ordinance on two-hour parking.

Mayor Gibson stated since last Council Meeting Council had received copies of the following correspondence: (Copies of correspondence are in supplement file to the minutes.)

1. Mayor Gibson received a letter dated August 23, 1977 from

Ken F. Kobetsky, Director
Traffic Engineering Division
West Virginia Department of Highways

in reference to uniform traffic control devices
regarding CHILDREN AT PLAY.

2. Mayor Gibson received a letter dated August 25, 1977 from

Walter P. Pierson
Regional Director
Federal Insurance Administration
Department of Housing and Urban Development
Regional Office, Curtis Building, Sixth and Walnut Street
Philadelphia, Pennsylvania 19106

in reference to a flood insurance rate study
for Nitro.

3. Mayor Gibson had written a letter dated August 22, 1977 to

Mr. James E. Thompson
Sales Representative
ADT Security Systems
4808 MacCorkle Avenue, S. W.
South Charleston, WV 25305

in reference to an agreement ADT Security Systems, Inc. and Hecks, Inc. must sign with the City of Nitro before the new Hecks Store in Cross Lanes will be allowed to tie into the ADT Security Systems, Inc. situated in the Nitro Police Department.

4. Mayor Gibson had written a letter dated August 25, 1977 to

Mr. Charles E. Buerhaus
3618 36th. Street
Nitro, WV 25143

in reference to a request that a fence be moved off of the city right-of-way at 3618 36th. Street.

5. Mayor Gibson received a letter dated August 26, 1977 from

George A. Bicher
Colonel, Corps of Engineers
District Engineer
Department of the Army
Huntington District, Corps of Engineers
P. O. Box 2127
Huntington, West Virginia 25721

in reference to the Nitro Park Project proposed in the Winfield Navigation Pool Master Plan, and cost-sharing requirements.

6. Mayor Gibson had written a letter dated August 28, 1977 to

West Virginia Department of Highways
Mr. Ed Hayne Building and Ground Supervisor
1334 Smith Street
Charleston, WV

in reference to a request that a light pole located at Center Street and First Avenue, Nitro, which was knocked down be repaired.

7. Mayor Gibson had written a letter dated August 29, 1977 to

Union Public Service District
5110 West Washington Street
Charleston, West Virginia 25312

in reference to complaints on Brookhaven Drive, Barrington Road, and Norwood Road that the Union Public Service District sewer backed up into the basements of residences during the night of Saturday August 8, 1977.

8. Mayor Gibson received a letter dated Septmeber 1, 1977 from

Thomas T. Kirk, P. E.
Vice President
Wildwood Development Corporation

in reference to complaints from residents along Brookhaven Drive about surface water.

9. Mayor Gibson had written a letter dated August 30, 1977 to

Mr. Frank Given
Sixteen 31st. Street, East
Nitro, West Virginia 25143

requesting Mr. Given to remove the dirt from the street right-of-way on Thirty First Street, East which has accumulated due to a land slide on his property.

10. Mayor Gibson had written a letter dated August 31, 1977 to

Mr. Walter Smittle, III
West Virginia Fire Marshall
Room 634, Building 3
1800 Washington Street, East
Charleston, West Virginia

in reference to the dilapidated building, first house on the left as you start out 31st Street East, Nitro, West Virginia owned by Mr. Carl A. Simpson 3311 33rd Street, Nitro.

11. Mayor Gibson had written a letter dated August 31, 1977 to

Mr. Roy Stricklen
Real Estate Department
Kanawha Valley Bank
One Valley Square
Charleston, West Virginia 25326

in reference to a deteriorated sidewalk situated at the corner of Bank Street and Twenty First Street.

12. Mayor Gibson had written a letter dated August 31, 1977 to

Mr. Clyde Mynes
Western Auto Associate Store
110 21st Street
Nitro, West Virginia 25143

in reference to the deteriorated sidewalk at 110 21st Street. Nitro, WV.

13. Mayor Gibson had written a letter dated August 31, 1977 to

Mr. George E. Wright
MSC Manager/Postmaster
United States Post Office
Charleston, West Virginia 25301

in reference to mail delivery to citizens residing on Michigan Avenue, (300 block) Nitro, WV.

Mayor Gibson referred a request from Chief Craft to sell a 1964 Plymouth by sealed bids to the Police Department Committee.

Mayor Gibson stated there was a need to have a Public Meeting on Federal Revenue Sharing Funds for the Fiscal Year 1977-1978.

Councilman at Large Pennington made a motion to have the Public Meeting on Federal Revenue Sharing Funds for the Fiscal Year 1977-1978, Monday, September 19, 1977 at 7:00 p.m. The motion was seconded by Councilman Dr. Cassell, and the motion passed by unanimous vote.

Mayor Gibson asked for committee chairman reports.

MR. MELTON: none.

COUNCILMAN MILLER: Councilman Miller said that he had several calls from people who reported that a young boy approximately 8 to 10 years old was seen loitering near Kristi's Dairy Bar, at the corner of Hickory Street and Main Avenue, as late as 2:00 a.m. Councilman Miller said that because of operators of vehicles driving recklessly in the area people were afraid someone would be hurt.

COUNCILMAN HUGHART: Councilman Hughart stated that he had attended Municipal Court last Thursday, and he commended Judge Crewdson and the officers present for the manner in which police court was conducted.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen asked the help of the press to impress upon the parents and children the importance of obeying traffic laws when riding bicycles, such as not riding them on the sidewalk.

MR. COTTRILL, NITRO CITY ATTORNEY: Mr. Cottrill stated that a lease on the land for the proposed landfill was possible.

Mr. Cottrill stated that an appeal which had been filed on behalf of the City of Nitro in The West Virginia Supreme Court of Appeals in the May L. Haynes case, and the appeal will be heard October 11, 1977. (The West Virginia Supreme Court of Appeals is located on the 3rd. floor, East Wing of the Capitol.) Mr. Cottrill said the hearing would be open to the public.

COUNCILMAN DR. CASSELL: no committee reports, but Councilman Dr. Cassell stressed the need of enlarging the culvert and of enlarging the storm drains in certain areas of the Brookhaven section and asked for an opportunity to present the information to the Storm Drain Committee.

Mayor Gibson stated that it was necessary to advertise again for sealed bids on the storm drain amendment to Community Development Block Grant #B75-DS-54-0017. He further stated that the contractor could not do the job for the original contract price.

Councilman Dr. Cassell made a motion to advertise for sealed bids on the storm drain improvement in Brookhaven which had previously been withdrawn due to lack of enough block grant money. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.

COUNCILMAN BAILEY: Councilman Bailey stated that Mrs. Louise Bailey's property at 209 Fredrick Street floods, and said there was a need to improve drainage in the area. Mayor Gibson stated that the water backed up because the storm drain pipe was not large enough when heavy down pours for a long period of time occur.


Councilman Bailey also stressed the need for ditching on Owens Street, and said that water runs under the house of Mr. Raymond Cremeans at 201 Owens Street.

Councilman Bailey said that there had been complaints about the noise from the flow of traffic of trucks at night at the junk yard in the area.

* COUNCILMAN PENNINGTON: none.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes stated that he had not been successful in getting signs, NO PARKING WITHIN 10 FEET OF ROAD, erected on First Avenue South at Walker Street, Locust Street, and at the driveway of his service station. Councilman at Large Karnes stated that vehicles parking within 2 feet of the highway obstructed the vision of drivers of vehicles entering First Avenue South. Councilman Karnes was informed he should contact the West Virginia Department of Highways and the possibility of adopting an ordinance governing such parking would be checked into.

Councilman at Large Karnes made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed unanimously.


MAYOR


RECORDER

* CORRECTION COUNCILMAN AT LARGE PENNINGTON: Councilman at

Large Mel Pennington stated that it had been several months since he had attended police court and he was very happy to hear that Mr. Hughart was satisfied with the way police court was conducted. He stated that when he attended it was atrocious but if it had improved he was very happy.

PUBLIC MEETING ON FEDERAL REVENUE SHARING FUNDS
FOR FISCAL YEAR 1977 - 1978
SEPTEMBER 19, 1977

A Public Meeting on Federal Revenue Sharing Funds was held in the Council Chambers on September 19, 1977 at 7:00 p.m.

Present were Mayor William D. Gibson, Councilman at Large Donald Karnes, Councilman Gus Bailey, Councilman Dr. Guy Cassell, Councilman Dean Miller, Councilman Romie Hughart, Councilman at Large Dr. R. V. Allen, and several citizens of Nitro, Mr. Tom Boch, 1520 West 15th Street, Nitro, Mr. Kermit Thompson, 3953 39th Street, Nitro, Mr. Charles H. Boggess, 64 31st Street, East, Nitro.

The meeting was called to order by the Honorable Mayor Gibson. Mayor Gibson stated that the purpose of this meeting has been advertised in the Charleston Gazette, the Charleston Daily Mail, and the Kanawha Valley Leader for approximately two weeks, and the public meeting was on revenue sharing funds for the assurances for Entitlement Period Nine, from October 1, 1977 to September 30, 1978. At this time Mayor Gibson asked for the recommendations from the citizens present and stated that this meeting is being held so the citizens of Nitro could express their views and recommendations on Revenue Sharing spending.

Mr. Kermit Thompson of 3953 39th Street, Nitro proposed that storm drains that work on First Avenue, between 23rd and 28th Streets be given first priority. Mayor Gibson explained that First Avenue was state maintained, and the City of Nitro couldn't use money for that particular purpose if it wanted to, and concurred that there was a definite drainage problem in that area. Mayor Gibson explained that telegrams had been sent to Mr. James R. Campbell and Mr. Marlin Davis of the West Virginia Department of Highways, 1334 Smith Street, Charleston, West Virginia, advising them of the problem. Mr. Thompson suggested that perhaps it could be the city's drains going on out to the creek that may be stopped up, and that this possibility should be explored.

Mayor Gibson had his secretary to get a copy of the telegrams which the Mayor read as follows:



2-045431 E228002 08/16/77 ICS IPMMTZZ CSP CHWC
1 3047555643 MGM TDMT NITRO WV 08-16 0318P EST

CITY OF NITRO, W GIBSON
20 ST AND 2 AVE
NITRO WV 25143

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

3047555643 MGM TDMT NITRO WV 145 08-16 0318P EST
ZIP
JAMES R CAMPBELL, DISTRICT ENGINEER
1334 SMITH ST
CHARLESTON WV 25301

ON JULY 12, 1977 I PERSONALLY TALKED WITH MR WILLIAM J YOUNG, INSPECTOR FOR WEST VIRGINIA DEPARTMENT OF HIGHWAYS AND ALSO TALKED WITH MR JIM UPTON REGARDING THE STORM DRAINS NOT WORKING CORRECTLY BETWEEN 22ND STREET AND 25 STREET NITRO WEST VIRGINIA. THE STORM DRAINS ARE SITUATED ON 1ST AVENUE (ROUTE 25) ADJACENT TO CONRAIL RAILROAD. THE UPTON CONSTRUCTION COMPANY WAS AT THAT TIME AND STILL IS DOING WORK ON STATE RIGHT OF WAY FOR THE C AND P TELEPHONE COMPANY.

DURING HEAVY RAINS, BECAUSE OF THE MALFUNCTIONING STORM DRAINS WATER IS ACCUMULATING IT IS GOING ACROSS ROUTE 25 INTO BUSINESS PLACES CAUSING CONSIDERABLE DAMAGE AND INCONVENIENCE. THE ACCUMULATED WATER IS ALSO CREATING A TRAFFIC HAZARD TO VEHICULAR TRAFFIC DUE TO SEVERAL INCHES OF WATER STANDING ON THE HIGHWAY.

IT IS RESPECTFULLY REQUESTED THAT IMMEDIATE ATTENTION BE GIVEN TOWARD CORRECTING THIS BAD SITUATION.

WILLIAM D GIBSON
MAYOR CITY OF NITRO WEST VIRGINIA

1523 EST

MGMCOMP MGM

2-045832E228002 08/16/77 ICS IPMTZZ CSP CHVB
1 3047555643 MGM IDHT NITRO WV 08-16 0323P EST

CITY OF NITRO, W GIBSON
20 ST AND 2 AVE
NITRO WV 25143

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

3047555643 MGM IDHT NITRO WV 145 08-16 0323P EST
ZIP
MARLIN DAVIS
1334 SMITH ST
CHARLESTON WV 25301

ON JULY 12, 1977 I PERSONALLY TALKED WITH MR WILLIAM J. YOUNG, INSPECTOR FOR WEST VIRGINIA DEPARTMENT OF HIGHWAYS AND ALSO TALKED WITH MR JIM UPTON REGARDING THE STORM DRAINS NOT WORKING CORRECTLY BETWEEN 22ND STREET AND 25 STREET NITRO WEST VIRGINIA. THE STORM DRAINS ARE SITUATED ON 1ST AVENUE (ROUTE 25) ADJACENT TO CONRAIL RAILROAD. THE UPTON CONSTRUCTION COMPANY WAS AT THAT TIME AND STILL IS DOING WORK ON STATE RIGHT OF WAY FOR THE C AND P TELEPHONE COMPANY.

DURING HEAVY RAINS, BECAUSE OF THE MALFUNCTIONING STORM DRAINS WATER IS ACCUMULATING IT IS GOING ACROSS ROUTE 25 INTO BUSINESS PLACES CAUSING CONSIDERABLE DAMAGE AND INCONVENIENCE. THE ACCUMULATED WATER IS ALSO CREATING A TRAFFIC HAZARD TO VEHICULAR TRAFFIC DUE TO SEVERAL INCHES OF WATER STANDING ON THE HIGHWAY.

IT IS RESPECTFULLY REQUESTED THAT IMMEDIATE ATTENTION BE GIVEN TOWARD CORRECTING THIS BAD SITUATION.

WILLIAM D GIBSON
MAYOR CITY OF NITRO WEST VIRGINIA

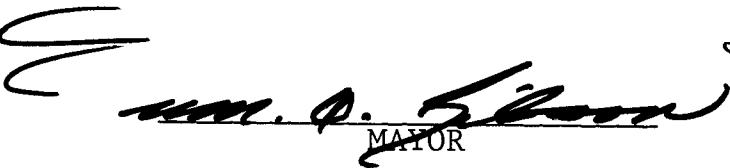
15 EST
13 01P MGM

Mr. Tom Boch stated that there was a need to up grade the three tennis courts at the Nitro City Park on Park Avenue.

Mayor Gibson ask Mr. Boggess if he had any suggestions as to how the money should be spent and Mr. Boggess stated that he had none.

Mayor Gibson stated that the second Public Meeting on Federal Revenue Sharing Funds would be September 26, 1977 at 7:00 p.m.

Mayor Gibson said that if there were no more recommendations he would entertain a motion for adjournment. Councilman at Large Dr. Allen made a motion for adjournment. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

SEPTEMBER 20, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on September 20, 1977 at 8:00 p.m. Present were Mayor William D. Gibson, City Attorney Layton Cottrill, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman Dr. Guy Cassell, Councilman Dean Miller, and Councilman Romie Hughart.

City Recorder Tom Melton, Councilman at Large Mel Pennington, and Councilman Bailey were absent.

The Meeting was called to order by the Honorable Mayor Gibson. The invocation was given by the Reverend James Arbogast, Pastor at St. Paul's United Methodist Church.

APPROVAL OF SEPTEMBER 6, 1977 COUNCIL MEETING MINUTES:
Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review.

Mayor Gibson stated that Councilman at Large Pennington's daughter was head majorette at Nitro High School and was participating in the annual Majorette Festival at Charleston tonight, and that Councilman at Large Pennington felt that he should, by all means, be there.

Mayor Gibson said that Councilman at Large Pennington requested that a copy of his comment regarding the City Judge and Police Court which was left out of the September 6, 1977 minutes be given to council. Mayor Gibson gave a copy of the comment to each Councilman. Mayor Gibson said that Councilman at Large Pennington felt the minutes of September 6, 1977 should be amended to show this particular comment. (Correction made.)

Councilman Dr. Cassell made a motion that the minutes be accepted with the amendment as requested by Councilman at Large Pennington. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.

APPROVAL OF MINUTES - PUBLIC MEETING ON FEDERAL REVENUE SHARING FUNDS FOR THE FISCAL YEAR 1977-1978, HELD ON MONDAY, SEPTEMBER 19, 1977 AT 7:00 P.M.: Mayor Gibson stated that each Councilman had received a copy of the minutes for their review.

Councilman at Large Dr. Allen made a motion the minutes be approved. The motion was seconded by Councilman Miller, and the motion passed by a unanimous vote.

Mayor Gibson stated that the next Revenue Sharing Public Meeting will be held next Monday, September 26, at 7:00 p.m. at City Hall, and he encouraged the citizens of Nitro to attend and requested that the news media so inform the citizens that we need their recommendations and participation.

REQUEST FOR NEW STREET LIGHTS: Councilman Miller, Chairman of the Street Light Committee, stated that the committee had met and that there had been several requests for street lights. He said the committee recommends that on Broadway Avenue the two lights on pole #112-C-53 be removed, and one light be installed on pole #112-C-54, and one light be installed on pole #112-C-52. The committee further recommends that on 11th Street a light be installed on pole #112-C-60, and a light be installed on pole # 112-D-439 at the corner of Locust Street and Okey Avenue.

Councilman Miller made a motion that the recommendations of the Street Light Committee be approved. The motion was seconded by Councilman at Large Dr. Allen and the motion passed unanimously.

Councilman Miller said that on the request to install a light in front of Mr. Burdette's residence on Third Avenue, the committee makes no recommendation, either to install or not to install a light, and that there is no pole in front of Mr. Burdette's residence.

Councilman at Large Karnes made a motion to keep this request in committee. The motion was seconded by Councilman at Large Dr. Cassell, and the motion passed.

STREET PAVING REPORTS: Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated that he hasn't had an opportunity to meet with the engineers, but in the near future when they meet he felt that all members of the council should be present.

SECOND READING OF ORDINANCE PROHIBITING THE OPERATION OR PARKING OF ANY MOTOR VEHICLE ON CITY STREETS WITHOUT PROPER CURRENT YEAR REGISTRATION PLATES: Councilman at Large Dr. R. V. Allen, Chairman of the Ordinance Committee, stated that at the first reading of the ordinance there was some discussion of the time element that would be allotted, and that if a time element is going to be used that he was of the opinion that 72 hours is sufficient time to remove the vehicle after the vehicle has received a ticket. Councilman Hughart agreed that 72 hours was a reasonable time limit. Mr. Layton Cottrill recommended that, in light of a time element period, a fixed amount of time should be used after a citation is issued.

Mayor Gibson read the second reading of the ordinance which is as follows:

ORDINANCE NUMBER 21-131 PASSED BY COUNCIL SEPTEMBER 20, 1977

AN ORDINANCE PROHIBITING THE OPERATION OR PARKING OF ANY MOTOR VEHICLE ON CITY STREETS WITHOUT THE PROPER CURRENT YEAR REGISTRATION PLATES AS PRESCRIBED BY CHAPTER 17A, ARTICLE 3, SECTION 1, OF THE WEST VIRGINIA CODE OF 1931, AS AMENDED, OR PARKING OF SAID VEHICLES WITHOUT A VALID REGISTRATION PLATE ISSUED BY ANOTHER JURISDICTION; SAID ORDINANCE TO BE KNOWN AS SECTION 21-131 OF THE NITRO CITY CODE AND SUBJECT TO THE PENALTIES PRESCRIBED IN SECTION 21 OF SAID CODE;

NOW THEREFORE BE IT ENACTED BY THE CITY OF NITRO: NO PERSON SHALL OPERATE OR PARK, NOR SHALL AN OWNER KNOWINGLY PERMIT TO BE OPERATED OR PARKED, ANY MOTOR VEHICLE UPON ANY STREETS OF THE CITY UNLESS THERE SHALL BE ATTACHED THERETO AND DISPLAYED THEREON THE PROPER REGISTRATION PLATE FOR THE CURRENT YEAR FOR SUCH VEHICLE AS REQUIRED BY SECTION 1, ARTICLE 3, CHAPTER 17A, OF THE WEST VIRGINIA CODE, 1931, OR A VALID REGISTRATION PLATE ISSUED BY ANY OTHER STATE, PROVINCE OR COUNTRY.

ANYONE VIOLATING THE AFORMENTIONED SHALL BE SUBJECT TO A NOTICE OF THE ALLEGED VIOLATION AND SUCH ALLEGED VIOLATION NOTICE SHALL BE AFFIXED TO OR PLACED WITHIN OR UPON SUCH VEHICLE.

SHOULD THE MOTOR VEHICLE INVOLVED BE BROUGHT INTO COMPLIANCE WITH THE LAW WITHIN SEVENTY TWO (72) HOURS BY ATTACHING THERETO AND DISPLAYED THEREON THE PROPER REGISTRATION PLATE FOR THE CURRENT YEAR FOR SUCH VEHICLE AS REQUIRED BY SECTION 1,

ARTICLE 3, CHAPTER 17A, OF THE WEST VIRGINIA CODE, 1931
OR A VALID REGISTRATION PLATE ISSUED BY ANY OTHER STATE,
PROVINCE OR COUNTRY. IN THIS EVENT THE CHARGE OF VIOLATION
SHALL BE TREATED AS THOUGH IT HAD NEVER OCCURRED.

Introduced on first reading on the 6th day of
September, 1977.

Adopted upon second reading on the 20th day of
September, 1977.


MAYOR

RECORDER

Councilman Hughart stated that the number pertaining to the ordinance should read 21-131A in lieu of 21-131. Mr. Cottrill agreed and stated that the A had been left off due to an oversight.

Councilman at Large Dr. Allen made a motion to approve the second reading of the ordinance as outlined above and that the ordinance be numbered 21-131A in lieu of 21-131. (Councilman at Large Dr. Allen stated that he made the motion with no intention to do anything except to do something for our residential areas within our city.) The motion was seconded by Councilman Miller, and the motion passed by a unanimous vote.

COMMITTEE REPORT REGARDING THE SALE OF A 1974
PLYMOUTH POLICE CRUISER, BY SEALED BIDS: Councilman at Large Dr. Allen, Chairman of the Police Committee, made a motion that bid forms be sent out and that the sealed bids be opened at the regular Council Meeting October 18, 1977. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

Mayor Gibson stated that Baker Elementary Grade School had called him and suggested that the City of Nitro designate Monday October 31, 1977 as TRICK OR TREAT NIGHT. Councilman Dr. Cassell made a motion the Mayor be given authority to make the decision after checking with the other cities.

The motion was seconded by Councilman Hughart, and the motion passed by a unanimous vote.

Mayor Gibson circulated a map for each Councilman to review. Mayor Gibson stated that Mr. Cottrill, City Attorney, had requested council to vote on accepting the map as prepared by Field Engineering Company, Charleston, West Virginia dated August 15, 1977 as the official boundary map for the proposed land purchase from West Virginia Water Company.

The engineers had presented the map to Mayor Gibson as being the legal boundaries of the acreage (6.177 acres) with a brick building situated thereon, on Plant Road, adjacent to the Nitro City Park and the Kanawha River.

R - E - S - O - L - U - T - I - O - N


BE IT HEREBY RESOLVED THAT THE CITY OF NITRO ACCEPTS SAID MAP AS DRAWN BY THE FIELD ENGINEERING COMPANY OF CHARLESTON, WEST VIRGINIA DATED AUGUST 15, 1977 AS THE LEGAL BOUNDARY FOR SAID PURCHASE OF ACREAGE (6.177 ACRES) FROM WEST VIRGINIA WATER COMPANY.

THE TRACK OF LAND LOCATED IN UNION DISTRICT, KANAWHA COUNTY AND POCATALICO DISTRICT, PUTNAM COUNTY, WEST VIRGINIA.

BE IT FURTHER RESOLVED THAT THE CITY OF NITRO IS DESIROUS OF THE PURCHASE OF THE ACREAGE (6.177 ACRES) WITH A BRICK BUILDING SITUATED THEREON FOR THE SUM OF ONE HUNDRED THOUSAND DOLLARS (\$100,000)

Approved upon September 20, 1977.


MAYOR


RECORDER

Councilman at Large Dr. Allen made a motion to accept the resolution as read. The motion was seconded by Councilman Dr. Cassell, and the motion passed with one opposing vote. Councilman Miller opposed the motion.

Mayor Gibson asked for the committee chairman reports.

COUNCILMAN AT LARGE DONALD KARNES: no reports.

COUNCILMAN DR. GUY CASSELL: no committee reports, but Councilman Dr. Cassell stated that he had several phone calls regarding East 31st Street. Mayor Gibson stated that Mr. Williams plans to start repairs tomorrow, September 21st.

Mayor Gibson stated since last Council Meeting Council had received copies of the following correspondence: Copies of correspondence are in supplement file to the minutes;)

1. City Council of Nitro received a letter dated September 6, 1977 from Betty L. Caplan, Attorney at Law, in reference to Mae L. Haynes vs City of Nitro. (Attachments included.)
2. Mayor Gibson received a complimentary letter dated September 6, 1977, from Robert L. May, Vice-Principal of Nitro High School regarding good trash pick up, fly and mosquito spray at Underwood Field, and thanked the Police Department for providing security at school activities.
3. Mayor Gibson received a letter dated September 6, 1977, from Ben Henry in reference to a drainage problem at 603 Hillside Drive.

Councilman at Large Karnes made a motion to ask for the assistance of Appalachian Engineers, Inc. with this problem. The motion was seconded by Councilman Miller, and the motion passed unanimously.

4. Mayor Gibson had written a letter to Robert Y. Hayne Appalachian Engineers, Inc. dated 9-9-77
in reference to construction at 2176 21st Street, owned by Mr. Charley Damron. (attachments included.)
5. Mayor Gibson received a letter dated 9-9-77 pertaining to Ambulance Committee meeting with Kanawha County Commissioners September 15, 1977 at 9:30 A.M.

6. Layton Cottrill, City Attorney, had written a letter dated September 12, 1977 to Mr. John P. Carter, Attorney at Law, in reference to the Egbert Morris drainage problem.

Mr. Cottrill stated that on a follow up Mr. Carter said that his client indicated to him that the drainage problem still exists.

Councilman Miller made a motion to have Appalachian Engineers, Inc. become involved and supply cost figures on the needed improvements of the storm drains from the Smith Street landfill (and including the landfill) up to and including the area of Walker Street. The motion was seconded by Councilman at Large Karnes and the motion passed by a unanimous vote.

7. Mayor Gibson had written a letter dated September 12, 1977, to

Mr. C. Leon McIntosh
WV Department of Highways
Maintenance Division

in reference to the storm drain problem along Rt. 25 from Red Oak Drive to the five hundred block of First Avenue.

8. City Council received a letter dated September 12, 1977 from The Children's Home Society of West Virginia asking financial support for the new Kanawha County Emergency Shelter for abused, neglected and dependent children.

Councilman Miller made a motion to refer this request to the Business and Civic Betterment Committee. The motion was seconded by Councilman at Large Karnes, and the motion passed by a unanimous vote.

Mayor Gibson asked for the remaining committee reports.

COUNCILMAN AT LARGE DR. ALLEN: no committee reports, but Councilman at Large Dr. Allen recommended that council have someone from the Regional Intergovernmental Council meet with them at City Hall for the purpose of assisting them in the city's applications for financial assistance from the various federal and state agencies.

Councilman at Large Karnes stated that he did have applications and guidelines for housing for the elderly which is funded by the West Virginia Housing Authority.

COUNCILMAN HUGHART: no committee reports, but Councilman Hughart thanked the Mayor and the various departments who assisted the Lions Club during the Antique Car. Show.

COUNCILMAN MILLER: no committee reports, but Councilman Miller stated it was reported that there was drinking of beer in front of childred at a playground area near his residence. Councilman Miller made a motion that an ordinance be prepared prohibiting intoxicating beverages and beer on city property which would include the lake area and the playground areas.

Mr. Cottrill suggested that this be referred to the ordinance committee, in order to give him some guidance.

Councilman Miller made a motion to refer this matter to the Ordinance Committee. The motion was seconded by Councilman at Large Karnes and the motion passed by a unanimous vote.

Councilman Miller said that he had received a phone call which reported the speeding of vehicles on Park Avenue.

Councilman at Large Dr. Allen made a motion for adjournment. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.


MAYOR

RECORDER

PUBLIC MEETING ON FEDERAL REVENUE SHARING FUNDS
FOR FISCAL YEAR 1977 - 1978
SEPTEMBER 26, 1977

The Second Public Meeting on Federal Revenue Sharing Funds for the assurances for Entitlement Period Nine, from October 1, 1977 to September 30, 1978, was held in the Council Chambers on September 26, 1977 at 7:00 p.m.

Present were Mayor William D. Gibson, Recorder Tom Melton, Councilman at Large Donald Karnes, Councilman Dr. Cassell, Councilman at Large Dr. R. V. Allen, Councilman Romie Hughart, and Councilman Dean Miller.

The meeting was called to order by the Honorable Mayor Gibson. Mayor Gibson turned the meeting over to Mr. Melton, Recorder and Chairman of the Finance Committee.

Mr. Melton stated that he had been on vacation and that he didn't have the figures with him on how much money they had to allocate from revenue sharing, but that after the Finance Committee met, and there was a breakdown on the Parks and Recreation Department budget with an adjustment due to the minimum wage, then the remainder of the money would be what would be allocated to the various other departments.

Mr. Melton recommended that neither salaries nor salary increases be allocated from Federal Revenue Sharing Funds.

Mayor Gibson stated that some citizens felt that Nitro should purchase the other 6.177 acres of property adjacent to the property which Nitro had agreed to purchase from the Water Company.

Councilman Hughart stressed the need of an increase in salaries, especially, in the Police Department and the Fire Department.

Councilman at Large Karnes stated that what would help Nitro and more people in Nitro would be to correct the drainage problem. Councilman Miller concurred.

Councilman Hughart stated that there was a need for a fire hydrant to be installed on 18th Street hill.

Councilman Dr. Cassell stated that our major problem, as in other municipalities, is the dire need of more revenue to enhance the salaries of the city employees because when you fall behind in salaries you fall behind in the quality of work, too. We need to find general revenue of a sufficient amount to increase salaries, Councilman Dr. Cassell said.

Mr. Melton stated that the main source of general revenue was from:

1. property taxes,
2. municipal service fees, and
3. business and occupation taxes.

Councilman Dr. Cassell stated that in comparison with some other states West Virginia's tax rates were much lower.

Councilman at Large Dr. Allen stated that in years past the big problem was in having the people pay the business and occupation taxes.

Mr. Melton stated that approximately a year and a half ago the City of Nitro had received from the state a run-down, their complete B & O listing of everyone who paid the state which had the zip code 25143.

There being no further items to discuss Councilman at Large Dr. Allen made a motion for adjournment. The motion was seconded by Councilman at Large Karnes, and the motion passed.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

OCTOBER 4, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on October 4, 1977 at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Dr. R.V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey.

The meeting was called to order by the Honorable Mayor Gibson. The invocation was given by the Reverend William Westlund, Pastor of the First Presbyterian Church.

APPROVAL OF MINUTES - SEPTEMBER 20, 1977, COUNCIL MEETING: Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman Bailey made a motion that the minutes be approved. The motion was seconded by Councilman at Large Dr. Allen and the motion passed.

APPROVAL OF AUGUST, 1977 FINANCIAL STATEMENT: Mr. Melton, City Recorder and Chairman of the Finance Committee, stated each Councilman had received a copy of the August, 1977, Financial Statement.

Mr. Melton, City Recorder and Chairman of the Finance Committee, gave the following report:

GENERAL FUND FOR AUGUST, 1977	Received	89,572.53
	Disbursements	73,783.81
	Balance August 31	25,303.26

Mr. Melton stated that as Chairman of the Finance Committee he made a motion that the August, 1977 Financial Statement be accepted. The motion was seconded by Councilman at Large Karnes and the motion passed by a unanimous vote.

THE CHILDREN'S HOME SOCIETY OF WV ASKING FINANCIAL SUPPORT FOR THE KANAWHA COUNTY EMERGENCY SHELTER: Councilman at Large Pennington, Chairman of the Business and Civic Betterment Committee, stated that with council's approval this request would be put back in committee, and then be put on the agenda for the next council meeting, October 18th.

Mayor Gibson stated since last Council Meeting council had received copies of the following correspondence: (Copies of the correspondence will be kept in the supplement file to the minutes.)

1. Mayor Gibosn had received an inspection report dated 9-14-77 from the West Virginia State Fire Marshal's Office in reference to property on 31st Street East, owned by Carl A. Simpson.

Mr. Cottrill, City Attorney, stated that he would check the report out, that there was a possibility of an error.

2. Mayor Gibson had received a letter dated September 20, 1977, from Robert Y. Hayne, Appalachian Engineers, Inc. in reference to the Craigo retaining wall on 1st Avenue, and the specifications and drawing which was prepared by Brackenrich & Associates, Consulting Engineers.
3. Mayor Gibson had received a letter dated September 26, 1977 from John E. Homer, Secretary-Treasurer, of the Kings and Queens Chess Club requesting his aid in publicizing National Chess Day, October 8, 1977, and proclaiming this day Nitro Chess Day.

Mayor Gibson stated he was issuing a proclamation to this effect.

4. The Nitro Fire Department received a letter from John G. Hutchinson, Mayor of Charleston expressing his appreciation for their participation in the Charleston Jaycees Firemen's Parade during the Seventh Annual Charleston Sternwheel Regatta Festival.
5. The City of Nitro received a letter dated 9-22-77 from Mrs. Patty Slack, President of the Nitro-Putnam PTA requesting permission to solicit merchandise for their fall school carnival during the month of October.

Councilman at Large Pennington made a motion to give them permission to solicit. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

Councilman Bailey submitted a petition from the citizens of the Fourth Ward. Councilman Bailey read the petition. A copy of the petition which Councilman Bailey read is as follows:

The undersigned citizens of the Fourth Ward, City of Nitro, respectfully submit the following petition, of four parts, to the Mayor and Members of the City Council, City of Nitro for their information, to affirm its validity and to request that they take the necessary action for correction!

1. Need of a draining ditch on the West side of Owens street fronting the property of Mr. & Mrs. Ray Creameans.
2. Loud noise from inbound and outbound trucks of Raleigh Junk Company using Owens Street throughout the night hours, seven days a week.
3. It is suggested that Mr. Noffsinger, 727-8251, Supervisor, Raleigh Junk Company be first given the opportunity to correct this unpleasant condition.
4. To keep Owens Street in a better state of repair than is now the case. This also includes Michigan Avenue South from its Western Terminus from Spring Street to its eastern terminus from Owens street. Also includes eastern portion of Kanawha Avenue South.
 - a. To request and hopefully demand the State Department of Highways to correct the huge and deep chug holes leading onto Owens Street from State Route 25 (First Avenue South.)

James H. Young
Rosemary H. Young
Jae J. Perrock
Lela C. Perrock
Harold Thomas
Cathy Thomas
Willie Crowder
Roger Crowder
Rita C. Runnison
Tom J. Runnison
Charles A. Runnison
Dorothy A. Alexander
James H. Steele

Nancy C. Steele
Betty Spino
J. R. Louns
Jim Jenkins
Louise Jenkins
Linda Hudson
Austin Hudson
Lulah Adkins
Everell Adkins
Mark Adkins
Cassie Hester
Beth Adkins
Ray Creameans
Kathleen Creameans

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 - a. To request and hopefully demand the State Department of Highways to coreect the huge and deep chug holes leading onto Owens Street from State Route 25 (First Avenue South.)

James E. Crow
Barbara A. Crow
William F. Gannon
Elyse L. Gannon
Benlah Kidd
Jimmy L. Kidd
Frank McClanahan
Judy M. McClanahan
Daphne Neal
Lawrence E. Clayton
Carol Y. Clayton
W.B. Harp
D.L. Wade

802 1st Ave. So.
803 1st Ave. So.
811 First Avenue S.
"Sander"
308 Michigan Ave.
303 Michigan Ave.
801 1st Ave South
801 1st Ave South
729 1st. Ave. So St.
727 1st ave
727 1st ave, SD
731 1st Ave, So, Nitro

Mrs. Ray Cremeans stated that the noise of the trucks' horns at night is disturbing and is making it difficult to sleep.

Mrs. Brenda Shaffer who resides at 704 Michigan Avenue and is in the Fourth Ward stated that she considers the W. A. Braunlin property near Michigan Avenue hazardous. She said there was a building on the property which was unoccupied and unlocked that contains medicine. Mrs. Shaffer said there was no fence around the property.

Mrs. Shaffer stated that equipment used for moving houses which was on a vacant lot created an eye sore, and that she wanted her neighborhood upgraded.

Mrs. Shaffer further said that there were undesirables in the neighborhood, and that her neighbor, Brenda Ferrell, and she had been threatened. She stated that she had obtained a peace warrant for the individual.

Mrs. Shaffer said there was a serious drainage problem in the area, and that the truck that sprays for mosquitos and flies turns at 707 Michigan Avenue and starts spraying at 709 Michigan Avenue and didn't spray on down where she lives.

Council recommended that a letter be written to W. A. Braunlin of First Avenue South resulting from complaints from citizens in the area because of the buildings on his property which are considered hazardous.

Mayor Gibson said that he had received a phone call from Mr. Tom Knight, publisher of the Kanawha Valley Leader, in response to a letter he had written to Mr. Knight on behalf of the elected officials welcoming him to the City of Nitro. Mayor Gibson said that Mr. Knight plans to attend council meetings.

Mayor Gibson informed council of the Ambulance Committee meeting with the Kanawha County Commissioners Thursday, October 6, 1977 at 9:00 a.m. and encouraged council to attend. Mayor Gibson said he would contact Mr. Dearian (with Ade Ambulance Service) and ask him to attend the meeting.

Mayor Gibson stated there had been a three hour meeting with Mr. James Campbell, District Number One, Engineer of the West Virginia Department of Highways, and two of his assistants, Mr. Marlin Davis and Mr. Bill Wood. Mayor Gibson said that Police Chief Craft and Mr. Williams also attended the meeting.

Mayor Gibson said that the various problems in Nitro were discussed and pointed out.

Mayor Gibson stated that Monday night, October 31, 1977, 6:30 p.m. to 8:30 p.m. had been selected for TRICK OR TREAT NIGHT.

Mayor Gibson said that the building of a Best Western Motel by a corporation by the name of Nitro Motel Group Limited is in the final planning stages. The motel will have 122 rooms, a meeting room, a restaurant with a seating capacity of 130, and a coffee shop. The motel will be located west of the Interstate across the railroad near United Distributors.

Mayor Gibson asked for the committee chairman reports.

MR. MELTON: none.

COUNCILMAN MILLER: Councilman Miller requested that council entertain an annexation movement of the Rock Branch area, and stated that business was moving toward this area.

COUNCILMAN HUGHART: nothing.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen stated that the sealed bids on the 1974 police cruiser would be opened at the next council meeting, October 18th.

MR. COTTRILL, CITY ATTORNEY: Mr. Cottrill stated the hearing before the West Virginia Supreme Court of Appeals involving the case between Mae Haynes and the City of Nitro will be the afternoon of October 11th. and will be the last case on the docket.

Mr. Cottrill stated that week before last the West Virginia Supreme Court handed down a case which struck down the requirement that a ninety day notice had to be given as to suits against municipalities.

COUNCILMAN DR. CASSELL: no committee reports, but Councilman Dr. Cassell thanked Mr. Williams for his support to the Brookhaven Garden Club. He also thanked the Mayor for painting a panel of the fence.

COUNCILMAN BAILEY: Councilman Bailey reiterated the importance of the petition turned in by the citizens in the Fourth Ward.

Councilman Bailey stated that he had been approached about the possibility of an annexing to the City of Nitro the area from the traffic light at Cross Lanes west on Route 62 to the First Ward at Brookhaven.

COUNCILMAN AT LARGE PENNINGTON: no committee reports.
Councilman at Large Pennington thanked the Mayor for a note the Mayor had written to the Nitro High School Band and the majorettes wishing them well at the Majorette Festival.

He suggested that a letter be written to Jim Landers on the beautification of his building on Main Avenue.

Mayor Gibson stated that he would also send a letter to Mr. Charles Baisden who owns Ace Furniture Company located at 1202 Main Avenue.

COUNCILMAN AT LARGE KARNES: no committee reports.
Councilman at Large Karnes stated that in considering annexations he would recommend that the loop be considered, from Brookhaven down on Route 62 to the intersection of Route 62 and Route 25, up Route 25 to the lower Nitro city limits.

Councilman at Large Karnes made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

OCTOBER 18, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on October 18, 1977 at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill. Councilman at Large Dr. R.V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, and Councilman Gus Bailey. Councilman Dean Miller was absent.

The meeting was called to order by the Honorable Mayor Gibson. The invocation was given by the Reverend William Westlund, Pastor of the First Presbyterian Church.

APPROVAL OF OCTOBER 4, 1977 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 that the minutes be approved. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.

APPROVAL OF SEPTEMBER 26, 1977 PUBLIC MEETING MINUTES ON REVENUE SHARING FUNDS: Councilman at Large Dr. Allen made a motion the September 26, 1977 Public Meeting Minutes on Revenue Sharing Funds be approved. The motion was seconded by Councilman at Large Karnes, and the motion passed unanimously.

APPROVAL OF SEPTEMBER, 1977 FINANCIAL STATEMENT:
Mr. Melton, City Recorder and Chairman of the Finance Committee, stated that council had received a copy of the September, 1977 Financial Statement, and Mr. Melton made a motion the September, 1977 Financial Statement be approved. The motion was seconded by Councilman at Large Karnes, and passed unanimously.

THE CHILDREN'S HOME SOCIETY OF W. VA. ASKING FINANCIAL SUPPORT FOR THE KANAWHA COUNTY EMERGENCY SHELTER:
Councilman at Large Mel Pennington, Chairman of the Civic Business and Betterment Committee, requested that a decision on this request be kept in committee.

Councilman at Large Pennington explained that there were some questions he had, and that he would prefer to talk with officials of the Children's Home Society of W. Va. before a decision was made.

SEALED BIDS FOR SALE OF 1974 POLICE CRUISER:
Councilman at Large Dr. R.V. Allen, Chairman of the Police Committee, stated that there were no bids received, and that he would make a recommendation later.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM -
STORM SEWER IMPROVEMENTS - STORM DRAIN BIDS, PERTAINING TO
BROOKHAVEN: Councilman Dean Miller, Chairman of the Storm Drain Committee, was absent. Councilman Hughart, a member of the Storm Drain Committee, passed out the sealed envelopes to the various Councilmen. Members of council opened the five sealed bids and read them.

The bids are as follows:

Councilman Hughart read the bid as follows:

BID I:- Valley Development of West Virginia, Inc.

	<u>AMOUNT</u>
ITEM 1 -----	\$20,320.30
ITEM 2 -----	3,700.00
ITEM 3 -----	1,250.00
ITEM 4 -----	540.00
ITEM 5 -----	650.00
ITEM 6 -----	720.00
ITEM 7 -----	<u>300.00</u>
TOTAL BID PRICE	\$27,480.30

Councilman Dr. Cassell read the bid as follows:

BID II- Lester Construction Company

	<u>AMOUNT</u>
ITEM 1 -----	\$28,885.50
ITEM 2 -----	3,910.00
ITEM 3 -----	1,230.00
ITEM 4 -----	486.00
ITEM 5 -----	975.00
ITEM 6 -----	1,152.00
ITEM 7 -----	<u>1,585.00</u>
TOTAL BID PRICE	\$38,223.50

Councilman Bailey read the bid as follows:

BID III - Wilson Construction Company

	<u>AMOUNT</u>
ITEM 1 -----	\$32,487.00
ITEM 2 -----	7,100.00
ITEM 3 -----	2,300.00
ITEM 4 -----	558.00
ITEM 5 -----	712.50
ITEM 6 -----	900.00
ITEM 7 -----	<u>1,200.00</u>
TOTAL BID PRICE	\$45,257.50

Councilman at Large Pennington read the bid as follows:

BID IV - G. E. Ray Construction Company

	<u>AMOUNT</u>
ITEM 1 -----	\$29,400.00
ITEM 2 -----	4,000.00
ITEM 3 -----	1,800.00
ITEM 4 -----	540.00
ITEM 5 -----	625.00
ITEM 6 -----	960.00
ITEM 7 -----	<u>500.00</u>
TOTAL BID PRICE	\$37,825.00

Councilman at Large Karnes read the bid as follows:

BID V - Putillion Excavation Company

	<u>AMOUNT</u>
ITEM 1 -----	\$14,896.00
ITEM 2 -----	1,700.00
ITEM 3 -----	1,200.00
ITEM 4 -----	450.00
ITEM 5 -----	625.00
ITEM 6 -----	600.00
ITEM 7 -----	<u>500.00</u>
TOTAL BID PRICE	\$19,971.00

Councilman at Large Dr. Cassell made a motion to refer the bids to the Storm Drain Committee, and give the committee authority to act. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed by a unanimous vote.

PROPOSED EMERGENCY AMBULANCE SERVICE CONTRACT:

Councilman Gus Bailey, Chairman of the Emergency Ambulance Service Committee, stated that at a recent meeting Mr. Dearian (of the Ade Emergency Services, Inc.) gave a presentation on the proposed emergency ambulance service contract. Councilman Bailey said that Ade Emergency Services, Inc. would provide service to the City of Nitro for one year, (from October 15, 1977 to October 14, 1978) for a total cost of five thousand seven hundred dollars (\$5,700) to be paid quarterly in advance. However, Mr. Bailey said that Mr. Cottrill, the city attorney, advised that the city pay monthly four hundred seventy-five dollars (475) in advance on a monthly basis.

Councilman Bailey made a motion to approve the proposed emergency ambulance service contract. The motion was seconded by Councilman at Large Karnes and the motion passed unanimously. Mr. Cottrill stated that he would prepare the contract.

Mayor Gibson stated since last Council Meeting Council had received copies of the following correspondence: (Copies of the correspondence will be kept in the supplement file to the minutes.)

1. Mayor Gibson had received a letter from John D. Rockefeller IV, Governor, dated October 6, 1977, informing him that the amount of \$1,423.50 had been approved in federal matching funds through the Criminal Justice and Highway Safety Division, for acquiring a breathalyzer for the Nitro Police Department.
2. Mayor Gibson received a letter dated October 12, 1977 from Carolyn Henshaw, President of the Kanawha Valley Heart Association, requesting permission to conduct its Annual Heart Fund Drive during the month of February, 1978.

Councilman at Large Pennington made a motion to grant the request. The motion was seconded by Councilman Hughart, and the motion passed.

3. Mayor Gibson had written a letter dated October 13, 1977 to

Mr. Ray Joens
Executive Director
Criminal Justice and Highway Safety Division
1212 Lewis Street
Charleston, West Virginia 25301

requesting a grant for funds to purchase a Speedalyzer Tri-Bar Moving Radar Unit for the Police Department.

4. Mayor Gibson had written a letter dated October 13, 1977, to Mr. Ray Joens requesting a grant for funds for a Data Speed Model 40 Teletype for the Police Department.
5. BID AND PROPOSAL FORM WITH SPECIFICATIONS ON A 1978 POLICE CRUISER - LESS TRADE IN OF A 1974 POLICE CRUISER

Councilman at Large Dr. Allen, Police Committee Chairman made a motion to put bids out for a 1978 Police Cruiser, with the sealed bids to be opened the second council meeting in November, the date being November 15, 1977. The motion was seconded by Councilman at Large Karnes, and the motion passed.

6. STEEL HOPPER BODY SALT SPREADER FOR PICK UP TRUCK SPECIFICATIONS

Councilman Dr. Cassell made a motion to put bids out for a salt spreader, with the sealed bids to be opened at the November 1, 1977 Council Meeting. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.

Mayor Gibson stated that the City of Nitro is sponsoring a Halloween Party for the Senior Citizens, with the help of the Recreation Department, to be held at the Nitro Women's Club October 31st at 1:30 p.m.

Mayor Gibson said that costumes for the party are optional.

Mayor Gibson asked for the committee chairman reports.

MR. MELTON: Mr. Melton, Chairman of the Finance Committee, stated that there was a need to allocate the money (\$10,550) from the coal severance tax for this fiscal year (1977-1978).

Mr. Melton made a motion to allocate the \$10,550 from the coal severance tax to engineering. The motion was seconded by Councilman at Large Pennington, and the motion passed.

Mr. Melton stated that every local government is required by law to file a Statement of Assurances for each entitlement period of the General Revenue Sharing Program in order to receive payments. Each Councilman has received in advance during a meeting the budget material which includes the City of Nitro Statement of Assurances for Entitlement Period Nine (9) October 1, 1977 through September 30, 1978.

The Revenue Sharing Budget is as follows:

REVENUE SHARING BUDGET

1.	One (1) Drill Per Month	Fire Dept.	1,245
2.	Hose	Fire Dept.	300
3.	Jaws of Life (Rescue Tool)	Fire Dept.	5,000
4.	Salt Spreader (Additional Cost)	Street Dept.	1,000
5.	One (1) Dump Truck - Heavy Duty	Street Dept.	12,000
6.	Gravelly Tractor & Attachments	Street Dept.	2,500
7.	Two (2) Garbage & Packer Trucks	Street Dept.	40,000
8.	Police Cruiser	Police Dept.	6,000
9.	Street Signs - Etc.	Street Dept.	4,000
10.	Ten (10) C. B. Radios	All Depts.	500
11.	Over Time Pay - Emergency	All Depts.	10,000
12.	Bad Weather Gear	Police Dept.	600
13.	Two (2) Tennis Courts		18,000
14.	Road Scraper		10,000
15.	Recreation - July 78 to Sept. 78		12,815
16.	Street Maintenance		4,000
17.	Operation & Maintenance	Garbage & Street	39,560
18.	Emergency Ambulance Service		5,700
19.	Communications - Pagers	Fire Dept.	<u>8,500</u>
			\$181,720

Mr. Melton made a motion the Revenue Sharing Budget be approved, and that the necessary forms be filled out and sent to the federal government. The motion was seconded by Councilman Bailey, and the motion passed unanimously.

COUNCILMAN HUGHART: no reports.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen made a motion to increase the patrol guards salaries from \$100 to \$125 a month and to increase the salary of the gentleman who takes care of 19th Street and 41st Street traffic plus assisting the school children from \$150 to \$200 a month. The motion was seconded by Councilman Hughart and the motion passed unanimously.

COUNCILMAN DR. CASSELL: no committee reports.

COUNCILMAN BAILEY: no committee reports.

COUNCILMAN AT LARGE PENNINGTON: no comments, however, the new proposed landfill in the area of Fir Street and Gum Street was discussed and it was decided to request Appalachian Engineers, Inc. to assist the city attorney in locating the various properties which would be involved.

COUNCILMAN AT LARGE KARNES: no committee reports.

Councilman at Large Karnes made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

NOVEMBER 1, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on November 1, 1977 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 Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey. City Attorney Layton Cottrill was absent.

The meeting was called to order by the Honorable Mayor Gibson. The invocation was given by the Reverend Arley Cravens, Pastor of the Nitro Church of God.

APPROVAL OF OCTOBER 18, 1977 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 that the minutes be approved. The motion was seconded by Councilman at Large Pennington, and the motion passed.

THE CHILDREN'S HOME SOCIETY OF W.V. ASKING FINANCIAL SUPPORT FOR THE KANAWHA COUNTY EMERGENCY SHELTER:
Councilman at Large Pennington, Chairman of the Business and Civic Betterment Committee, stated that he had talked with Mrs. Sulek, and that the property does not belong to The Children's Home Society, but the property is a church facility, and the property is outside the Nitro city limits.

Councilman at Large Pennington made a motion based on the information from the city attorney to refuse financial support for the Kanawha County Emergency Shelter. The motion was seconded by Councilman Miller, and the motion passed.

REQUEST FROM THE SALVATION ARMY, REGARDING CHRISTMAS KETTLE: Councilman at Large Pennington, Chairman of the Business and Civic Betterment Committee, made a motion to give permission to the Salvation Army to place the traditional Salvation Army Christmas Kettles in Nitro. The motion was seconded by Councilman Bailey, and the motion passed.

STORM DRAIN BIDS PERTAINING TO BROOKHAVEN:

Councilman Miller, Chairman of the Storm Drain Committee, stated that the committee recommends that they accept the low bid which was made by Putillion Excavation Company.

SEALED BIDS OPENED FOR SALT SPREADER:

Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated they had received four sealed bids and requested that they be opened.

Councilman Miller quoted the price from the envelope which he opened, \$2,448.50

Logan Corporation

P. O. Box 456

Nitro, West Virginia 25143, estimated shipping date, 30-45 days.

Councilman Hughart quoted the price from the envelope which he opened, \$1,983.20

Machinery, Inc.

5800 MacCorkle Avenue, S.E.

Charleston, West Virginia 25304, delivery, 4 to 5 weeks.

Councilman Dr. Cassell quoted the price from the envelope which he opened, \$1,626.00

West Virginia Tractor & Equipment Co.

P. O. Box 473

Charleston, West Virginia, 25322, delivery, 1-2 weeks, subject to prior sales.

Councilman Bailey quoted the price from the envelope which he opened, \$1,850.00

Stewart Equipment Company, Inc.

P. O. Box 6784

Charleston, West Virginia 25302, delivery, 30 days after receipt of order.

Councilman Dr. Cassell made a motion to refer the bids to the Street and Traffic Committee for further study in reference to the specifications, and to give the committee authority to act. The motion was seconded by Councilman Bailey, and the motion passed.

A.D.T. SECURITY REQUEST REGARDING MULTI-SOUND MUSIC CORPORATION: Councilman at Large Dr. Allen, Chairman of the Police Committee, made a motion to refer this request to the Police Committee. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

Mayor Gibson stated since last Council Meeting Council had received copies of the following brochures and correspondence: Copies of the brochures and Correspondence will be kept in the supplement file to the minutes.)

1. brochure on the 707 super grader (Street Department)
2. brochure on the Motorola selective signaling alert monitor (Fire Department)
3. Mayor Gibson received a letter from

Paul T. Cain, Area Director
Department of Housing and Urban Development
Pittsburgh Area Office
Two Allegheny Center
Pittsburgh, Pennsylvania 15212

informing him that on October 12, 1977, President Carter signed the Housing and Community Development Act. of 1977, which will alter many of HUD'S existing programs and provide a new emphasis on assistance to local governments and housing interest groups.

4. Mayor Gibson had written a letter dated October 23, 1977, to the Senior Citizens inviting them to a Halloween Party sponsored by the City of Nitro at the Nitro Woman's Club, Monday, October 31st at 1:30 p.m.
5. Mayor Gibson wrote a letter dated October 24, 1977 to

Alfred L. Shepard, President
Kanawha County Court Commission
Kanawha County Court House
Charleston, West Virginia

expressing his appreciation for the bleachers for the City Park recently received, which were made available through the Kanawha County Court.

6. Mayor Gibson wrote a letter dated October 24, 1977, to

Mr. Kenneth C. Shock
Administrator
Little League Association
5512 Lancaster Avenue, S.E.
Charleston, West Virginia

requesting his assistance in reference to obtaining lights for the Little League Field at the City Park.

7. Mayor Gibson received a letter dated October 24, 1977, from

Malmarie Sulek, Executive Director
The Children's Home Society of West Virginia
1118 Kanawha Boulevard, East
Charleston, West Virginia 25301

to clarify their request for financial assistance.

8. Mr. Layton Cottrill, City Attorney, wrote a letter dated October 25, 1977 to

Mr. Frank Given
16 31st Street East
Nitro, West Virginia 25143

in reference to a request which Mayor Gibson had made in a letter dated August 30, 1977 which received no response regarding the removal of dirt from the street resulting from the landslide.

Mayor Gibson stated that he had an appointment November 2, 1977, with Mrs. Given to discuss this matter.

9. Mayor Gibson received a letter dated October 26, 1977, from

Sam F. Lee, Jr., Principal
Nitro Junior High School
Park Avenue
Nitro, West Virginia 25143

thanking him for taking part in the school activities, and attending the dinner and Homecoming festivities.

Mayor Gibson said that Mr. A. James Manchin, Secretary of State, was there and was well received.

10. Mayor Gibson referred to an article in the Gazette, October 26, 1977, which was very complimentary of the fans who attended the football game at Nitro when Nitro played George Washington.
11. Mayor Gibson received a letter dated October 28, 1977, from Mr. Lee, Principal at Nitro Junior High School requesting additional Police protection at the field and school on November 5, at 7:30 p.m. for the football game between Andrew Jackson Junior High and Nitro Junior High.

12. Mayor Gibson received a letter dated October 31, 1977, from

James E. Amburgey, President
Nitro Junior High School Band Boosters

requesting permission to hold a well supervised bond-fire pep-rally November 3, 1977 from 6:30 to 7:30 p.m. on the city parking lot adjacent to the baseball field and across the street from the swimming pool, and he also asked that a police crusier stand by.

Councilman at Large Dr. Allen made a motion to grant Mr. Amburgey's request. The motion was seconded by Councilman at Large Karnes and the motion passed unanimously.

Mayor Gibson asked for the committee chairman reports.

MR. MELTON: Mr. Melton, Recorder and Chairman of the Finance Committee, had no reports.

COUNCILMAN MILLER: Councilman Miller, Chairman of the Storm Drain Committee, stated that he had given his report earlier in the meeting. However, he informed council of the dangerous situation that exists on the hill near the Moose Club on Route 25.

Councilman Miller stated that station wagons, motorcycles, jeeps, and other vehicles were driving up this steep dirt hill and he thought the vehicles were coming out at Ridenour Park, and he requested the assistance of the Mayor's office and the Police Department in correcting this dangerous situation. He suggested that a barricade be erected within the city limits, which could prevent access to the hill.

Councilman Miller said that October 31, 1977 a jeep had turned over on the hill.

Councilman Miller said that this dirt road on the hill may be the property of the gas company or the power company, which could have the right-of-way the vehicles are using.

Councilman Miller suggested the property owners be contacted.

COUNCILMAN HUGHART: Councilman Hughart stated that there were several signs that needed to be replaced, a ONE WAY sign at 21st Street and 3rd Avenue, and DO NOT ENTER sign at 23rd Street on 2nd Avenue.

Councilman Hughart wanted to know about the status on 1st Avenue where gravel is to be put on the side of the road on 1st Avenue where Upton Construction Company had been working. The Mayor stated that he would check into it.

COUNCILMAN AT LARGE DR. ALLEN: no committee reports. Councilman at Large Dr. Allen stated that he understood that Mr. A. James Manchin, Secretary of State, will try to get legislation passed that will dispose of dilapidated houses which are not occupied, and are beyond repair. He suggested that a resolution be adopted by Council in reference to this. Mayor Gibson stated that he felt it was proper that a resolution be prepared and adopted by council on this position, and that the resolution be presented to members of the legislature.

MAYOR GIBSON: Mayor Gibson referred to an invitation to Nitro City Council and him from the Nitro Nazarene Church, 1400 Sattes Circle for Community Day Service, on November 6, 1977 at 10:00 a.m.

Mayor Gibson stated that a tentative meeting was scheduled on November 14, 1977 at 7:00 p.m. with Appalachian Engineers for the purpose of discussing street paving and encouraged all Councilmen to be present.

Mayor Gibson stated that some young adults were riding bicycles on the sidewalks, and that they should not. He suggested an add be placed in the newspaper to the effect.

Councilman Hughart suggested that a schedule of the trash pick up should be placed in the newspaper.

COUNCILMAN CASSELL: no committee reports.

COUNCILMAN BAILEY: no committee reports.

COUNCILMAN AT LARGE PENNINGTON: no committee reports.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes requested that a petition given to him prior to the council meeting which bears about 300 names be made a part of the minutes. The petition was signed by people who were opposed to the proposed annexation of the Rock Branch area to the City of Nitro. Councilman Dr. Cassell, Chairman of the Annexation Committee, stated that the committee would receive the petition. The Mayor stated that most of those signing did not give their address. Councilman at Large Karnes stated that he knew people who lived in the area who are definitely against an annexation.

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

Councilman Miller said that he realized they couldn't annex anyone that doesn't want to be annexed.

Councilman Miller said,

But somehow I still feel that we are letting a terrific tax base go...I must get just as specific as I possibly can and that is out here from Plant Road (19th Street) on down.

I just can't imagine why that we are sitting here providing all of the services to the plants and to all the businesses down here and we are just letting this go. We are dying anyway. If we are not concerned about taking in where the business is going, let's just annex ourselves to St. Albans, because we don't have any business, and if we don't take it in and control it and promote it let's just become a part of St. Albans, if we are not interested in growing. I guess that is pretty strong, but that is exactly how I feel. Here we sit, we have sat here since 1918 and let all of these places over here legislate themselves out of the city limits. I think it is a crime to let all of these businesses sit over there paying no B and O taxes or anything else.

I have made it plain how I feel.

Councilman Romie Hughart said they were ~~were~~ paying through the Civic Benefit Association.

Councilman Miller said, "My friend, you try to annex them and see how they jump around here and spend a lot of money trying to keep from being annexed." "There must be a good reason why they do not want to be annexed." "I feel quite strongly about this."

Councilman at Large Pennington made a motion for adjournment. The motion was seconded by Councilman at Large Karnes, and the motion passed by a unanimous vote.


MAYOR


RECORDER



NITRO CITY COUNCIL MEETING

NOVEMBER 15, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on November 15, 1977, at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey. Mayor Gibson stated that Councilman Dr. Guy Cassell was absent because of the death of his father.

The meeting was called to order by the Honorable Mayor Gibson. The invocation was given by the Reverend Robert Blixt, Pastor of the First Baptist Church of Nitro.

APPROVAL OF NOVEMBER 1, 1977 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 that the minutes be approved. The motion was seconded by Councilman Bailey, and the motion passed.

APPROVAL OF OCTOBER, 1977 FINANCIAL STATEMENT:

Mr. Melton, City Recorder and Chairman of the Finance Committee, stated that council had received a copy of the October, 1977 Financial Statement in the mail, and Mr. Melton made a motion the October, 1977 Financial Statement be approved. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed unanimously.

STREET PAVING REPORT - MEETING NOVEMBER 14, 1977,

7:00 P.M.: Councilman at Large Dr. R. V. Allen, Chairman of the Street and Traffic Committee, stated that the meeting would be rescheduled for Sunday, November 20, 1977 at 2:30 p.m. because the meeting had been canceled because some of the councilmen could not attend.

DECISION ON PURCHASE OF SALT SPREADER:

Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated that a decision on the purchase of the salt spreader had not been made, but that he had conversed with the men who will operate this equipment and would like to have their recommendations before making a decision later this week.

A.D.T. SECURITY REQUEST REGARDING MULTI-SOUND MUSIC CORPORATION: Councilman at Large Dr. Allen, Chairman of the Police Committee, made a motion this request be tabled. The motion was seconded by Councilman at Large Karnes.

Councilman Hughart stated that he felt the City of Nitro should negotiate some type of a fee with the company which the city would receive, and he wanted the Police Committee to know this.

*

After a lengthy discussion, the motion that Councilman at Large Dr. Allen made and was seconded by Councilman at Large Karnes passed by a unanimous vote.

SEALED BIDS TO BE OPENED FOR PURCHASE OF NEW POLICE CRUISER: Councilman at Large Dr. Allen, Chairman of the Police Committee, stated there had been one bid received.

Councilman Hughart read the bid from

Childers Chevrolet
41st Street and First Avenue
Nitro, West Virginia 25143, for a Chevrolet Nova Sedan:

New 1978 Police Cruiser	Total	\$6,517.80
Less trade-in of one 1974 Police Cruiser		1,059.75
		<hr/>
	Net Total	\$5,458.05
		<hr/> <hr/>

Delivery: 45 days from Purchase Order.

Councilman at Large Pennington made a motion to refer this bid to the Police Committee, and to give the committee authority to act. The motion was seconded by Councilman Bailey, and the motion passed by a unanimous vote.

Mayor Gibson stated since last Council Meeting Council had received copies of the following correspondence: (Copies of the correspondence will be kept in the supplement file to the minutes.)

1. Mayor Gibson read an agreement dated October 15, 1977, between The City of Nitro and Ade Emergency Services.

Councilman Bailey requested that the Nitro Emergency Ambulance Service Committee be supplied with the Kanawha County Ambulance Committee Meeting Minutes in the future.

- * CORRECTION - Insertion of two paragraphs (paragraph III and IV) on this page (page 164) is found on supplement page 164-A.

Councilman at Large Pennington stated that he was strongly opposed to granting A.D.T.'s request to add Multi-Sound Music Corporation to their system. Councilman Miller, also, opposed granting A.D.T.'s request.

Councilman at Large Pennington further stated that he was also opposed when Hecks was added to the system, and that he was opposed to Councilman Hughart's suggestion that the City of Nitro should negotiate some type of a fee with the company which the city would receive, and that he, in fact, was opposed to A.D.T. connecting any business to the system which is outside the city limits.



2. Mayor Gibson received a letter dated October 27, 1977, from

George A. Bicher
Colonel, Corps of Engineers
District Engineer
Department of the Army
Huntington District, Corps of Engineers

in reference to the flood elevation study.

3. All RIC Members received a memorandum from

Joseph J. Footen
208 Program Coordinator
Regional Intergovernmental Council

in reference to Region III Clean Water Program Review, its appraisal and adoption.

Councilman at Large Dr. Allen suggested that they have Appalachian Engineers, Inc. study the material and then schedule a meeting with Appalachian Engineers, and have them appraise the material for Council.

4. Mayor Gibson had sent a mailgram to Upton Construction Co., Inc. with a copy going to the C & P Telephone Co. in reference to the parking area on First Avenue, which Upton Construction Co., Inc. promised to restore to its original condition.
5. Colonel Craft, Chief of Police received a complimentary letter dated November 6, 1977, from Mrs. Imogene S. Parker, Roanoke, Virginia 24017, in reference to her purse which had been lost.
6. Mayor Gibson had written a letter dated November 7, 1977, to Mr. James Landers, 149 Main Avenue, Nitro, on behalf of all the city officials, expressing their appreciation in reference to the improvements made to his business building located at 149 Main Avenue.
7. Mayor Gibson had written a letter dated November 7, 1977, to Mr. and Mrs. Baisden, 1202 Main Avenue, Nitro, on behalf of all the city officials, expressing their appreciation in reference to the improvements made to their business building located at 1202 Main Avenue.

8. Mayor Gibson and Members of City Council received a letter from
Sam F. Lee, Principal
Nitro Jr. High School

thanking them for their permission for the Nitro Junior High School to have their Pep Rally and Bonfire on the city parking lot, and for the police protection given during the Andrew Jackson - Nitro football game.

9. Mayor Gibson received a letter dated November 9, 1977, from Dan Warner, Appalachian Engineers, Inc. outlining property owners and deed descriptions in reference to the proposed landfill site located at Elm Street - Hickory Street Area, Fry Thayer sub-division.

Mayor Gibson introduced Mr. Romey Swanson. Mr. Swanson gave a presentation on Youth With A Vision, Inc. and requested that council approve the issuance of a general store license to Youth With A Vision, Inc. by the Recorder, Mr. Melton.

Mr. Swanson said that the youth center, Youth With A Vision, Inc. would be located in the old Comstock Building on 21st Street. The building is owned by Lemont Corporation located at Charleston, West Virginia and is leased to Youth With A Vision, Inc.

Mr. Swanson said that Youth With A Vision, Inc. is a charitable non-profit organization chartered in the State of West Virginia as a corporation.

Mr. Swanson stated, "We feel the ministry is needed not only in the Nitro area, and this is just a beginning place for it."

"We have visions of opening up other centers in other cities."

Mr. Swanson said they were interested primarily in ministering to youth with drug problems and alcohol problems.

Mr. Swanson stated that presently he and his family are living at Hurricane, but when the building where the center will be located is renovated, he and his family will live there.

Mr. Swanson stated that the center will have offices, a Christian book store, an assembly hall, a short order restaurant, a game room and two dormitories. The boy's dormitory will sleep 4 boys and a live in counselor. The girl's dormitory will sleep 4 girls and a live in counselor.

Mr. Swanson said there would be counsel rooms available staffed with qualified counselors.

Councilman at Large Pennington made a motion to approve the issuance of a general store license by the Recorder, Mr. Melton, to Youth With A Vision, Inc. The motion was seconded by Councilman Hughart and passed by a unanimous vote.

Councilman at Large Pennington made a motion the request of Mr. Steve King in reference to parking in front of Nitro Elementary School on 2nd Avenue from 18th Street to 19th Street involving vehicles being parked where school buses need to load and unload be referred to to the Street and Traffic Committee. The motion was seconded by Councilman Miller and passed unanimously.

Mayor Gibson asked for the committee chairman reports.

MR. MELTON: Mr. Melton, Recorder and Chairman of the Finance Committee, had no reports.

COUNCILMAN MILLER: Councilman Miller said that he had no reports, but he wanted to know if the amount contributed by the Civic Benefit Association went to the general revenue fund or the Sanitary Board. Mr. Melton stated the money originally went to the City of Nitro, ten years in advance to help pay for the swimming pool, and another time, five years in advance for Ridenour Memorial Park. The money was advanced to the City of Nitro for the Sanitary Board. The Sanitary Board is paying back \$3,100 a month to the city.

Councilman Miller wanted to know if a study had ever been made on the businesses from 19th Street down to I-64 to compare the amount the city gets through them by the Civic Benefit Association, and what the city might get from them through B and O taxes, etc. Mr. Melton said he knew of no such study.

COUNCIL HUGHART: no reports.

COUNCILMAN AT LARGE DR. ALLEN: no reports.

COUNCILMAN BAILEY: no reports.

COUNCILMAN AT LARGE PENNINGTON: no reports.

COUNCILMAN AT LARGE KARNES: no reports.

Councilman at Large Karnes made a motion for adjournment. The motion was seconded by Councilman Bailey and the motion passed by a unanimous vote.


MAYOR

RECORDER

NITRO CITY COUNCIL MEETING

DECEMBER 6, 1977

The regular meeting of the Nitro City Council was held in the Council Chambers on December 6, 1977, 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 Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey. The City Attorney, Layton Cottrill was absent.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by the Reverend Arley Cravens, Pastor of the Nitro Church of God.

APPROVAL OF NOVEMBER 15, 1977 COUNCIL MEETING

MINUTES: Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman at Large Mel Pennington asked that the November 15, 1977, Council Meeting Minutes show that he was opposed to A.D.T. adding Multi-Sound Music Corporation to their system. (Correction made on page 164 of the November 15, 1977, Council Meeting Minutes.)

Councilman at Large Dr. Allen made a motion that the minutes be approved with the correction Councilman at Large Pennington requested. The motion was seconded by Councilman Hughart and the motion passed by a unanimous vote.

STREET PAVING REPORT - MEETING NOVEMBER 20, 1977:

Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee stated that at the meeting with Danny Warner of Appalachian Engineers, Inc. several things were brought to their attention:

1. because of the time element required to get the job done, the weather restricts them, and
2. closure of asphalt plants in the very near future restricts them.

Councilman at Large Dr. Allen stated that they would continue to go along with the recommendations of the ward councilmen, but that it may be spring before they can complete all the work necessary to get this job going.

Councilman Hughart mentioned the need to cut down and straighten the hump on 21st Street, which is a traffic hazard.

Mayor Gibson replied that there would be more work involved than this, and that he had conversed with Mr. Hayne, President of Appalachian Engineers, Inc. and that a decision on this should be postponed.

Mayor Gibson further stated that the wheels are in motion toward having the West Virginia Department of Highways take into its system 21st Street from Route 25 to the end of 21st Street near the Ridenour Memorial Park.

DECISION ON AWARDING THE PURCHASE OF SALT SPREADER: Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated that the lowest bid (\$1,626.00) was from West Virginia Tractor & Equipment Company and the salt spreader had been purchased from them. Mr. Melton said that the salt spreader had arrived and was on the truck.

DECISION ON AWARDING THE PURCHASE OF 1978 POLICE CRUISER: Councilman at Large Dr. Allen, Chairman of the Police Committee, stated that the only bidder on the 1978 Nova Sedan Police Cruiser was Childers Chevrolet, and that the 1978 Police Cruiser was on order from Childers Chevrolet.

NITRO ELEMENTARY SCHOOL PARKING PROBLEM BETWEEN 19th STREET AND 20th STREET ON 2nd AVENUE: Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated that he would talk to Mr. Steve King, acting principal, at Nitro Elementary School, and he would report back at the next council meeting. (January 3, 1978)

Mayor Gibson stated that the Senior Citizen's Dinner will be held at Nitro Woman's Club December 11, 1977, at 1:30 p.m. and will be sponsored by the City of Nitro. Mayor Gibson said that Mrs. Frazier is in charge of the arrangements. Mrs. Frazier said that the Gospel Light Quartet will provide the entertainment.

Mayor Gibson stated since last council meeting Council had received copies of the following correspondence: (Copies of the correspondence will be kept in the supplement file to the minutes.)

1. Mayor Gibson read a letter from Reverend Cravens, Pastor of the Nitro Church of God, dated December 6, 1977. The church requested permission to fly Santa Clause by helicopter to the City Park on December 17, 1977 at 2:00 p.m.

Councilman at Large Dr. Allen made a motion to grant the request. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

2. Mayor Gibson received a letter from Homer W. Hanna, Jr., Attorney at Law, dated November 15, 1977, in reply to Mayor Gibson's letter to the Union Public Service District, dated August 29, 1977, in reference to sewer back up on Brookhaven Drive, Barrington Road, and Norwood Road.
3. HOUSING NEWSLETTER dated November, 1977 regarding #208 Water Management Plan. Mayor Gibson stated that the Charleston Regional Chamber of Commerce and Development will go on record requesting the Regional Intergovernmental Council to delay the review deadline from December 13, 1977 for the Clean Water Program until March 1, 1978. Mayor Gibson said that he personally felt that the deadline should be delayed.
4. Mayor Gibson received a letter dated November 27, 1977 from (Mrs.) Mark H. Schaul, Acting Executive Director, of Sunrise, Inc. requesting permission to solicit in Nitro for the period from February 1 to March 31, 1978.

Councilman at Large Pennington made a motion to give them permission to solicit in Nitro. The motion was seconded by Councilman at Large Karnes, and the motion passed by unanimous vote.

5. MEMORANDUM dated November 22, 1977 -

To: B. G. Crookshanks, Chairman
B-C-K-P Regional Intergovernmental Council

From: Charles W. Macqueen, Planning Director
Kanawha County Planning Commission
718 Morris Street
Charleston, West Virginia 25311

in reference to 208 Water Quality Management Plan
Volume 4-Domestic Wastewater Report.

and attached was a preliminary review of
Volume 4-The Domestic Waste Water Report.

6. Mayor Gibson received a letter dated November 21, 1977 from Mr. Warner of Appalachian Engineers, Inc. in reference to the side walk settlement on Broadway Avenue. Mayor Gibson stated that he would communicate with the builder.

7. Mayor Gibson received a carbon copy of a letter dated November 23, 1977 to Mr. Dale Parsons, Director
Solid Waste Disposal Program
State Health Department

in reference to a Site Evaluation Request for an approximate five acre tract in Kanawha County, in the City of Nitro, for use as a Class III Landfill.

8. Mayor Gibson had written a letter dated November 23, 1977 to

Mr. Quentin Rooper
Putnam County Ambulance Service
Box 336
Winfield, West Virginia 25213

thanking him for the prompt and efficient ambulance service which he is providing Nitro.

9. Mayor Gibson had written a letter dated November 28, 1977 to

Honorable Ralph Allen, President
Putnam County Court Commission
Putnam County Courthouse
Winfield, West Virginia 25213

thanking him and other Putnam County Court Members for the prompt and efficient ambulance service which is being provided for the citizens of Nitro through the Putnam County Court and Putnam County Ambulance Service.

10. Mayor Gibson had written a letter dated November 29, 1977 to

Mr. John Jennings
Head Football Coach
Poca High School
Poca, West Virginia 25159

on behalf of the elected officials and the citizens of Nitro commending Mr. Jennings and members of the Poca football team for winning the AA State Football Championship.

Mayor Gibson asked for the committee chairman reports.

MR. MELTON: no reports.

COUNCILMAN MILLER: no reports.

COUNCILMAN HUGHART: no reports.

COUNCILMAN AT LARGE DR. ALLEN: no reports.

MAYOR GIBSON: Mayor Gibson stated that a request from A.D.T. to connect Multi-Sound Music Corporation to their system located at the Nitro Police Department had been tabled at the November 15, 1977 Council Meeting by council.

Mayor Gibson stated that on Friday, November 18, 1977, A.D.T. had connected Multi-Sound Music Corporation to their system located in the Police Department. Mayor Gibson said that this wasn't discovered until Monday November 21, 1977, and at that time A.D.T. was immediately told that council had not given them permission to do this, and to disconnect Multi-Sound Music Corporation from the system. Mayor Gibson stated that this was done. Mayor Gibson said there was an apology made by an A.D.T. representative for the misunderstanding.


COUNCILMAN DR. CASSELL: no reports, however Dr. Cassell made a motion that the next regularly scheduled council meeting (December 20, 1977) be rescheduled to January 3, 1978. Dr. Cassell stated that this motion was made due to the proximity of the December 20, 1977 scheduled council meeting and the Christmas holidays. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.

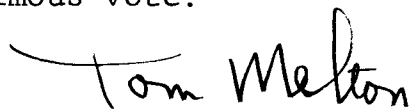
COUNCILMAN BAILEY: no reports.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington made a motion to have citizen band radios installed in the police cruisers. Councilman at Large Pennington stated that this would assist the ambulance drivers of the Putnam County Emergency Service in reaching their destination, because they may not be familiar with the area. The motion was seconded by Councilman Bailey, and the motion passed by a unanimous vote.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes stated that he had received several complaints about the trash at the lower end of the city park parking area toward the Water Company Plant and requested that Mr. Williams check this.

Councilman at Large Karnes made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

JANUARY 3, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on January 3, 1978, at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Mel Pennington, Councilman at Large Donald Karnes, Councilman at Large Dr. R. V. Allen, Councilman Dean Miller, Councilman Gus Bailey, Councilman Dr. Guy Cassell and Councilman Romie Hughart.

The Meeting was called to order by the Honorable William D. Gibson. Reverend James Arbogast, Minister of St. Paul's United Methodist Church gave the invocation.

APPROVAL OF DECEMBER 6, 1977 COUNCIL MEETING MINUTES:

Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman at Large Karnes made a motion the minutes be approved, the motion was seconded by Councilman Hughart and passed unanimously.

APPROVAL OF NOVEMBER 1977 FINANCIAL STATEMENT:

City Recorder Melton stated there is a balance in the General Fund of \$33,837.92. City Recorder Melton made a motion that the Financial Statement be approved, the motion was seconded by Councilman at Large Pennington, and passed unanimously.

NITRO ELEMENTARY SCHOOL PARKING PROBLEM BETWEEN 19th STREET AND 20th STREET ON SECOND AVENUE: Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated that he knew what the problem concerned but he did not know what time elements that Acting Principal, Mr. Steve King, wanted and he would like for him to come to the next Council Meeting to discuss this further.

Mayor Gibson stated he was in possession of the following correspondence. (Copies of all the following correspondence will be in the supplement file to the Minutes).

1. Mayor Gibson stated that December 9, 1977, he had written to Mr. John Coleman, Engineer, of Appalachian Power Company, making a second request for two lights on Pole #112-C53 be removed and one light be installed on Pole #112-C-54 and Pole #112-C-52 on Broadway Avenue. Also, on 11th Street, a light be installed on Pole #112-C-60 and a light be installed on Pole #112-D-439 at the corner of Locust Street and Okey Avenue. Mayor Gibson stated that Appalachian Power Company had called him and they were going to give this request their undivided attention.

2. Mayor Gibson stated that he had received a copy of a letter from Dan E. Warner of Appalachian Engineers, Inc. dated December 14, 1977, addressed to Mr. Layton Cottrill, City Attorney, forwarding one original and one copy of executed Right-of-Way Agreements for Parcels No. 12 through 19 to facilitate construction of a new 36" storm drain pipe in the area of Brookhaven and Fairview Drive, for recording in the Kanawha County Courthouse. City Attorney Cottrill stated the Right-of-Way Agreements would have been recorded before this date but he had been very ill and they would be recorded on January 4, 1978.

3. Mayor Gibson stated he also had a copy of a letter dated December 16, 1977, over the signature of Harry B. Russell, Chairman of the Board of Zoning Appeals, to Mr. Bill Gibson, Twin City Furniture & Appliance, Inc. The letter advised Mr. Gibson that his request to construct a "Mini-Mall" on the corner of 21st Street and Bank Street was approved by the Board of Zoning Appeals, But construction must comply with existing city codes in all respects and it would be necessary for him to obtain a building permit.

4. The Mayor had received a letter from Brackenrich & Associates, Inc., Consulting Engineers and Planners of Lewisburg, West Virginia, dated December 16, 1977. The letter was in reference to the retaining wall constructed by Craigo Real Estate at 302 First Avenue, South. Mr. Brackenrich stated in his letter that he had made intermintent inspections of the wall during and after the construction and in his opinion the wall was structurally sound and the subdrainage is satisfactory. Mayor Gibson stated that he had written Mr. Craigo a letter informing him that he would have to conclude this matter before James H. Crewdson, City Judge.

5. Mayor Gibson stated he had a form letter, dated December 20, 1977, to All RIC Members from Chester E. Gates, Jr., Chairman, Policy Advisory Committee. The letter was in reference to the wastewater management program "208 Process", requesting any additional comments or suggestions before Jaunuary 16, 1978.

Councilman at Large Dr. Allen stated that any Council Members would be welcome to go to the next meeting on January 26, 1978. Councilman at Large Allen stated the program would have to be presented to the Govenor and the E. P. A. for approval. Councilman at Large Allen stated that he felt the program would pass because it was a very good program.

6. Mayor Gibson had received a copy of a letter dated December 21, 1977, from State of West Virginia, Department of Health, over the signature of Michael F. Goff, Staff Engineer, Solid Waste Program, addressed to Appalachian Engineers, Inc. Mr. Goff had met with Dan Warner of Appalachian Engineers on December 13, 1977, for proposed Class III landfill for the City, to be located in an area beginning at the Corner of Hickory Street and Dupont Avenue indicated several items which must be addressed in an operating plan. Mayor Gibson stated it appeared they were willing to approve this site contingent upon certain rules and regulations that would have to be met. Councilman Miller inquired about other low areas that also needed to be filled in the vicinity of Ivy and Main Streets. Mayor Gibson stated that he could not foresee any problems in filling them, if the residents in these areas requested it and were willing to enter into a properly drawn contract.

7. Mayor Gibson asked that Councilman at Large Pennington, Chairman of the Business and Civic Betterment Committee, bring before Council a letter he had received.

Councilman at Large Pennington stated that Rock Branch Boosters of the Rock Branch Elementary School would like to obtain permission from Council to solicit for their Spring Carnival. Councilman at Large Pennington made a motion that they be allowed to solicit, the motion was seconded by Councilman at Large Karnes and passed unanimously.

8. Mayor Gibson had written a letter dated December 28, 1977, to Mr. Ray Joens, Executive Director of Criminal Justice and Highways Division, in reference to obtaining a grant for acquiring "Jaws of Life" through the Criminal Justice and Highway Safety Division. Mayor Gibson stated that Mr. Joens had called him and is going to send a representative to Nitro this week to meet with the Fire and Police Department Officials.

Mayor Gibson stated that each Councilman had a copy of a resolution adopted April 19, 1977. Mayor Gibson stated on October 21, 1975, the former City Council had adopted a resolution and passed an ordinance giving the Sanitary Board permission to issued bonds in the amount of \$149,000.00. Again on April 19, 1977, this governing body adopted a resolution, and in view of these two resolutions, the Federal Government had requested the Mayor bring to the attention of Council certain forms, being: FMHA44247 Loan Resolution, FMHA400-1 Equal Opportunity Agreement, FMHA400-4 Discrimination Agreement and FMHA442-7 Budgets. Mayor Gibson stated these were standard forms, but he was making them available for Council's review, as requested by the Federal Government. Councilman Bailey made a motion that Council concur with these forms, the motion was seconded by Councilman Dr. Cassell. The motion carried unanimously.

Mayor Gibson stated that City Attorney Cottrill had some business to discuss with Council concerning the suit against the City of Nitro by Mae L. Haynes.

City Attorney Cottrill stated that on December 20, 1977, an order was filed by Justice Harshbarger, Supreme Court of Appeals of West Virginia, stating that the trial Court erred in dismissing Penn Central and that the City of Nitro has a valid cause of action for contribution against Penn Central. Therefore, the findings by the Trial Court were reversed and remanded.

City Attorney Cottrill continued saying the City now has a right to file suit against the Trustees of Penn Central and attempt to seek any or all portions of the money damages, up to one-half. He further stated that the City should bring suit and had a legal right to do so, established by the opinion of Justice Harshbarger, Supreme Court of Appeals of West Virginia.

City Attorney Cottrill stated further, there would be some damages available to the City from Penn Central assets, on the basis of the time factor which would revert back to the time of the suit rather than to the time of judgment. The City would have a priority claim as in bankruptcy court and there is still another possibility, at the time of receivership there was still in effect some type of liability insurance on the part of Penn Central

City Attorney Cottrill stated that he would recommend to the City that in light of the questionable amount of money that could be received that the City attempt to sue and attempt to do it on contingency fee retainer basis. This in fact would be, the attorney would not be given any sum of money unless he won the suit.

A lengthy discussion followed on the payment of an attorney, the feasibility of City Attorney Cottrill taking charge of the suit or former City Attorney Frank Armada being retained on a contingency fee.

Councilman at Large Pennington made a motion to leave this decision in the hands of the City Attorney Cottrill and the Mayor to act in negotiating legal council regarding this matter. Councilman at Large Karnes seconded the motion. The motion passed unanimously.

Mayor Gibson stated that on January 4, 1978, at 2:00 p.m., the City of Nitro will close the transaction on the approximate 6.177 acres of land located on Plant Road adjacent to the City Park. The transaction will take place at the West Virginia Water Company, in the office of Mr. Bob Dawson.

Mayor Gibson stated that the Kanawha County Ambulance Authority would be having a meeting on January 4, 1978, at 7:30 p.m. at the headquarters at Smith Street and Ruffner Avenue. There will be discussion on how to set up headquarters in municipalities to keep cost at a minimum and in an effort to provide prompt and efficient service in emergency situations.

Mayor Gibson stated that he had received a phone call this day from Mr. Jim Mills of the Department of Highways, wanting the area blocked off between Route 25 (First Avenue) and Conrail Railroad from 22nd Street to 24th Street, so work can begin to improve the berm in this area.

Mayor Gibson stated that when the Honorable Senator Randolph was here that he was impressed that all of the elected officials attended the meeting. Mayor Gibson informed Council that Senator Randolph stated he would be in touch with him by Tuesday. Further, that shortly after the Senator left, the Mayor received a telephone call from Mr. Phil McGantz stating that he had been informed that Nitro had a lack of projects. Mr. McGantz stated that if they could, they would send a representative to Nitro from Washington, D.C. Mayor Gibson informed Mr. McGantz that the City of Nitro would like projects in housing for the elderly citizens, the boat marina and consideration given toward adding various rooms to the swimming pool, making it a year around facility and making it a multi-purpose type building.

RECORDER MELTON: Recorder Melton had no reports or new business.

COUNCILMAN MILLER: Councilman Miller had no reports or new business.

COUNCILMAN HUGHART: Councilman Hughart had no reports or new business.

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

CITY ATTORNEY COTTRILL: City Attorney Cottrill stated that he would be conducting an instructional meeting on Police Civil Service Commission procedures on January 12, 1978, from 7:00 p.m. to 10:00 p.m., in Nitro City Hall and all the Councilmen were welcome to attend.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell had no reports or new business.

COUNCILMAN BAILEY: Councilman Bailey stated he would like to thank Gene Williams for the outstanding job that is being performed in the fourth (4) ward on the streets. Councilman Bailey stated that he would like a letter of appreciation sent to Mr. James Noffsinger on the cooperation that he had shown to the City.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington stated that Reverend James Arbogast of St. Paul's Methodist Church, informed him shortly before Council Meeting began, that he was getting several complaints about the Nitro Taxi Stand. Councilman at Large Pennington also stated that he would like to see something done about a sign on the door of the Nitro Library, stating the hours that it is open to the public.

Councilman Hughart stated that he had complaints about the Nitro Taxi Company also. Mayor Gibson stated that he would be willing to do anything that Council would authorize him to do in order to take action in getting it cleaned up. Council decided to leave this in the hands of City Attorney Cottrill to investigate legal steps that could be taken.

Councilman Miller asked what could be done about the obscene literature that is being sold in the City of Nitro at the News Stand and other stores. Mayor Gibson stated that the City of St. Albans just recently adopted an ordinance on this and he was going to request a copy, to see how they handled this situation.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes had no reports or new business.

Councilman at Large Karnes made a motion for adjournment, the motion was seconded by Councilman at Large Pennington and passed unanimously.

MAYOR

RECORDER

NITRO CITY COUNCIL MEETING

JANUARY 17, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on January 17, 1978, at 8:00 p.m. Present were Mayor William D. Gibson, City Attorney Layton Cottrill, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey. City Recorder, Tom Melton, was absent.

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

APPROVAL OF JANUARY 3, 1978 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 that the minutes be approved. The motion was seconded by Councilman Bailey, and the motion passed by a unanimous vote.

APPROVAL OF DECEMBER 1977 FINANCIAL STATEMENT:

Councilman Bailey made a motion to defer the approval of the December, 1977 Financial Statement until February 7, 1978, the next council meeting, because of the absence of Mr. Melton, City Recorder and Chairman of the Finance Committee. The motion was seconded by Councilman at Large Karnes, and the motion passed by a unanimous vote.

RECOMMENDATION REGARDING A PROCEDURE FOR OBTAINING
FEDERAL FUNDS FOR PROPOSED PROJECTS FOR THE CITY OF NITRO:

Councilman Gus Bailey read the proposal which he submitted to the Mayor and to council.

THE PROPOSAL IS AS FOLLOWS:

January 17, 1978

Mr. Mayor, Gentlemen of the Council:

I submit to you the following proposal:

In order for our city to be the recipient of federally funded programs, we must have an official representative of our city government for the express purpose of keeping abreast of availability of such funds and the wherewithal to secure them to meet the needs of our city.

As you already know, we have discussed this need, informally, for the past two or three months. We are indeed fortunate to have a member of our City Council with the academic credentials, with an abundance of common sense, leadership experience and tenure that qualify him for any responsibilities we might wish to assign him. I am speaking of Dr. Guy Cassell, Councilman, First Ward of our city. He has expressed a great desire to accept this task assignment. He has agreed to assume this additional responsibility without salary per se. This would also apply to any of his assistants.

For the benefit of everyone concerned I should like to present to you some highlights of his credentials for this particular assignment.

a. Graduate of Greenbank High School, Greenbank, W. Va.
BS Degree - in Agriculture -- West Va. University.
MS " " Marketing -- University of Maryland.
Phd. " " Economics -- " " "
Seventeen years service as a Marketing Economist
at No. Carolina State University. This job required both
Research and Extension Activities and included publicatio
of information for use by State Officials (No, Carolina)
Created and Developed Marketing programs and
Management training program for industrial groups
throughout the state of No. Carolina.
Presently, he is a Professor of Business Administrat-
ion at West Virginia State College. He was Chairman

Page 2
January 17, 1978

ion Department for six years, and now teaches Management, Marketing and Economics. He is now Chairman of the Education Policies Committee. He is also a member of the Committee for Economic Development - West Va. Chamber of Commerce. He served as an Officer in the United States Marine Corps in World War II and in the Korean War, and retired with the rank of Lt. Colonel - USMCR.

His credentials are truly outstanding for this particular task.

I should like to present to you the following basic guidelines that are intended to be helpful to Dr. Cassell in the performance of his duties in this instance.

They are as follows:

1. To construct whatever criteria is needed to provide a flexible and operable system of contact.
2. To work cooperatively with the Mayor and Council members to bring about a fruitful experience in the constant search for additional revenues.
3. To make whatever contact he deems necessary with our county officials, State and Federal legislative representatives and/or their respective agencies.
4. All expenses (telephone calls, postage, travel expense, food, motel or hotel, short term travel insurance, et cetera) incurred by Dr. Cassell and his assistants would be reimbursed by the city government. A print-out of expenses should accompany a request for reimbursement.
5. No formal action upon any application for county, state, or federal funds assistance could be taken without approval of the City Council. This would not eliminate prior agreement of Council.
6. His assistants would be such members of the City Council that he chooses to call upon.

Mr. Mayor, Gentlemen of the Council, I move the adoption of this proposal as presented.

Thank you,
Gus C. Bailey
Councilman, Fourth Ward
City of Nitro

The motion was seconded by Councilman Hughart.

Mayor Gibson asked for any questions or comments. Councilman Miller said that he would like the last sentence of statement 4 on the second page amended to read shall instead of should.

Councilman at Large Karnes said that he agreed with that, but "one other thing we might consider, not... but I think all city officials are limited as to how much money can be spent without prior authorization and this would not limit him to any degree at all and I think there should be some kind of limits."

Mayor Gibson said that he didn't quite understand what Councilman Miller wanted done about number 4 being amended.

Councilman Miller stated that he wasn't up on Roberts Rules and perhaps he should make a motion. Councilman Miller made a motion to amend the last sentence of the basic guidelines, number 4, page 2, of the proposal changing the word should to shall. The last sentence in the basic guidelines, number 4 will read: A print-out of expenses shall accompany a request for reimbursement. The motion was seconded by Councilman Hughtart.

Mayor Gibson asked, "Is there any questions on the amendment, or any comments?"

Councilman at Large Karnes said that all departments within the city are limited to what money can be spent without prior authorization, and this would not limit that. "Not that I really feel that it's necessary, but I don't really think it's necessary in some of the other departments either, but they are, and I think it should be uniform," he said.

Mr. Cottrill stated he would like to speak to that issue. Mr. Cottrill stated that it might be wise for council to consider adopting a set of regulations for expense accounts in general.

Councilman at Large Karnes said that he did not mean to limit motel bills and dinner expenses, but he said the way this stands there is no limit to when and where Dr. Cassell travels, and they would have no prior knowledge, necessarily. Councilman at Large Karnes stated that he didn't mean even to infer that he was worried about a particular expense. For example, he said, Dr. Cassell could leave for Washington D.C. without anyone's prior knowledge and stay as long as he deems necessary, and the word necessary is quite flexible, and they would not have to be informed that he is gone, how long, or anything else.

Councilman Dr. Cassell suggested adding to guideline number 2, "with prior approval of the Mayor."

Councilman at Large Pennington said that he felt that we should follow the suggestion of our attorney and adopt it as it is, and then add the extra features as they are needed as we see fit.

Councilman at Large Karnes stated, "I can't vote for all expenses and no control, and that's what we are voting for. I want you to know where I stand and I can't vote for that."

After more discussion, Mayor Gibson called for a vote on the motion made previously by Councilman Miller to amend the last sentence of the basic guidelines, number 4, page 2 of the proposal, changing the word should to shall. The motion had been seconded by Councilman Hughart and the motion passed by a unanimous vote.

Mayor Gibson called for a vote on the motion Councilman Bailey had made to move the adoption of this proposal as presented. This motion had been seconded by Councilman Hughart, and the motion passed. Councilman at Large Karnes and Councilman Miller opposed.

REPORT ON THE KANAWHA COUNTY AMBULANCE AUTHORITY
MEETING Jan. 4, 1978 (7:30 p.m.) Charleston, WV:

Councilman Gus Bailey, Chairman of the Ambulance Service Committee, stated that both he and Mayor Gibson attended the meeting, and that the purpose of the meeting was basically to determine the various aspects of their requirements for the ensuing year to operate a county funded ambulance service.

Councilman Bailey stated Mayor Gibson and the Mayors of South Charleston, St. Albans, and Dunbar had met a number of times to work out a criteria and a computing factor cost of having an ambulance service in each of these cities through county funding. Councilman Bailey said this was contingent on approval of the Kanawha County Commissioners.

Mayor Gibosn said that the proposal for local fiscal support was submitted to the Kanawha County Emergency Ambulance Authority by Mayors Robb, Randall, Leone, and himself, and that the Kanawha County Emergency Ambulance Authority would present the proposal to the Kanawha County Commissioners.

Mayor Gibson explained that they proposed that the Kanawha County Commission subsidize all the first half of the total annual cost of the ambulance service based on the idea citizens of the incorporated areas are county citizens and taxpayers too. They further proposed that the Kanawha County Commission and the cities of St. Albans, Nitro, Dunbar and South Charleston subsidize all the costs of the second half of the total annual cost of the ambulance service based on their proportionate share by population.

Mayor Gibson gave an example:

- a. Total Annual Cost of Service \$400,000.00
 - b. Kanawha County Commission pays 200,000.00 or first 50% of total.
 - c. St. Albans, South Charleston, Nitro and Dunbar pays 88,000.00
 - d. Kanawha County Commission pays 112,000.00
- together pay second 50%.

The four cities pay 44% or \$88,000.00 of the second 50% of the total, based on the fact that they constitute 44% of the total population. The Kanawha County Commission pays 56% or \$112,000.00, the remaining balance based on census reports showing that 56% of the population resides in the unincorporated areas.

Mayor Gibson explained that the following population figures were obtained from the 1970 Census reports.

South Charleston	16,333 = 34% of total of 4 cities
St. Albans	14,356 = 30% " " " "
Dunbar	9,151 = 19% " " " "
Nitro	8,019 = 17% " " " "
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	47,859 = 44% of total population

Unincorporated areas

Alum Creek (Part of District 2)	3,400
District 3	16,780
District 4 (Excluding Elk River Basin portion)	41,075
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	61,255 = 56% of total population

NITRO ELEMENTARY SCHOOL PARKING PROBLEM BETWEEN 19th STREET AND 20th STREET ON 2nd AVENUE (MR. STEPHEN KING, ACTING PRINCIPAL NITRO ELEMENTARY SCHOOL):
Councilman at Large Dr. R. V. Allen, Chairman of the Street and Traffic Committee, introduced Mr. Stephen King, Acting Principal, of the Nitro Elementary School.

Mr. King stated that Nitro Elementary School had children leaving school at various times of the day, and they had to walk between parked cars in front of the school to board busses stopped in the lane of traffic. Mr. King requested restricting parking part of the time or all the time in front of the school.

Councilman at Large Dr. Allen wanted to know if there was a bus driver who parks his bus in front of the school from 9:30 a.m. to 1:30 p.m. Mr. King said yes, the bus driver works at the school.

Mr. King stated that repairing the sign which was there that reads NO PARKING 7 to 9 a.m., 2 to 4 p.m., and adding 11 to 12 a.m. would take care of 95 per cent of the problem, or to limit it to school busses only while school is in session.

Councilman at Large Pennington stated he didn't see any difference in walking between cars or walking between busses and cars. Mr. King said the bus had never been a problem.

Mayor Gibson stated that the Nitro Police Department would keep the parking in front of Nitro Elementary School under surveillance for two to four weeks.

Councilman at Large Dr. Allen made a motion to keep Mr. King's request in the Street and Traffic Committee until a decision has been made. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.

REPORT ON THE POLICEMEN'S CIVIL SERVICE COMMISSION PROCEDURE MEETING CONDUCTED BY THE CITY ATTORNEY, Jan. 12, 1978 (7:00 p.m. until 10:00 p.m.) CITY HALL: Councilman at Large Dr. R. V. Allen, Chairman of the Police Committee, stated that the meeting was not a meeting of any decision making policies, but a meeting to be informed. Councilman at Large Dr. Allen commended Mr. Cottrill, City Attorney, on explaining The Civil Service Rules and Regulations, and said that he knew that a lot of research had gone into the presentation Mr. Cottrill had given them. Councilman at Large Dr. Allen said he would like for Mr. Cottrill to make any comments he wanted to make.

Mr. Cottrill thanked those who attended the meeting including the Policemen's Civil Service Commission members, Mr. Omar Cunningham and Mr. V. E. Townsend, and he pointed out that perhaps sometimes council underestimates the difficulty of being a member of the Police Civil Service Commission.

Mayor Gibson stated he wanted to introduce Mr. Leo Bradley who was in attendance at this meeting. Mayor Gibson said that council had met Mr. Bradley and had already approved of him as the police chief. Mayor Gibson further stated that Lieutenant Colonel L. R. Craft who had tendered his resignation as Chief of Police was also very much impressed with Mr. Bradley's resume.

Mayor Gibson said that Mr. Bradley was a graduate of Dunbar High School and that Mr. Bradley's wife was a graduate of Stonewall Jackson High School. Mayor Gibson stated, "I'm sure I'm speaking for all the elected officials when I say we are very proud and feel extremely happy to have Mr. Bradley as our new chief."

Mayor Gibson explained that Mr. Bradley had worked as a policeman at Hurricane and Dunbar, West Virginia, and had worked nine years as a policeman with Indian Harbor Beach City Police in Florida. Mayor Gibson further explained Mr. Bradley has an associate degree in criminal justice from Brevard Community College in Florida.

Mayor Gibson stated council had already given their stamp of approval, and said that he would again like to ask their concurrence with the hiring of Mr. Leo Bradley as Nitro's Police Chief.

Councilman Miller made a motion concurring with the hiring of Mr. Leo Bradley as Police Chief of Nitro. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.

Chief Bradley expressed his appreciation for the affirmative vote, and said that he needed their support and the support of the citizens.

It's not a one man operation and I don't intend to make it one. I intend to make it a first-class police department, one the people will be proud of and one the officers will be proud of. I expect them to earn their money as I expect to earn my own.

Any time this police department can be of assistance.... If you have a complaint against an officer or myself, or the police department come to me.... If I don't hear the bad and the good then I can't correct a mistake or give a man a pat on the back when he deserves it.

Mayor Gibson introduced Bill Fortune, President of the Golden Oldies Street Rod Association, Inc., and Jerry Withrow, Vice President. Mr. Fortune wanted permission to conduct the 5th Annual Street Rod Meet at the Nitro City Park April 21st, 22nd, and 23rd, 1978. Mr. Fortune pointed out that they wanted to maintain control over all matters dealing with the show and any concessions.

Mr. Fortune said they were preparing for 500 cars this year, and with the bad weather last year they had 250 cars, and estimated last year there were 4,000 people at the meet. Mayor Gibson suggested that they work very closely with the Recreation Director and the Recreation Committee if necessary.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence: (Copies of the correspondence will be kept in the supplement file to the minutes.)

1. Mayor Gibson had received a letter dated December 29, 1977, with attachments from Robert Y. Hayne, Appalachian Engineers, Inc. pertaining to 1978 Street Improvements Program. Mayor Gibson said that he had discussed this with Mr. Hayne, and any additional streets council might want considered they would be glad to prepare the necessary information as requested.
2. Mayor Gibson had received a letter from Robert Y. Hayne dated December 30, 1977, with attachments:
 - (1) Letter from Department of Health dated December 21, 1977, and
 - (2) Exhibit A - Schedule of Rates and Charges in reference to the Class III Landfill, and their proposal to perform the necessary Engineering Services for a fee to be determined on the basis of the actual time and costs incurred in accordance with Exhibit A - dated January, 1976.

Mayor Gibson said that he had discussed this with the city attorney, and Mr. Cottrill felt he should sign the letter proposal indicating his acceptance, but he had not done so yet, and he would concur with council's decision.

Councilman at Large Pennington made a motion that Mayor Gibson sign the letter proposal. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed by a unanimous vote.

3. Mayor Gibson had received a letter dated January 3, 1978 from Mr. Sam Pickard, Regional Vice President, Monsanto Company, 1101 17th Street, N. W., Washington, D. C. 20038, who visited City Hall when Senator Randolph was here, December 30, 1977.
4. Mayor Gibson received a letter dated January 4, 1978 from Philip M. Goldstein, D.D.S., Dental Clinic Director, Kanawha County Dental Health Council, Inc. requesting a contribution of \$2,000.00.

This request was referred to the Business and Civic Betterment Committee, and the Consumer Protection Committee.

Councilman at Large Dr. Allen stated he would invite Mr. Leo Moses to come to the next council meeting, February 7, 1978 to speak on this request.

5. Mayor Gibson received a letter dated January 5, 1978 from Ray N. Joens, Governor's Office of Economic and Community Development informing him that the Governor's Committee on Crime, Delinquency and Correction had approved his request for a teletype terminal.

Mayor Gibson stated that this is funded 100 per cent through the governor's office. The City of Nitro will pay for supplies and personnel. The contract will have to be renegotiated each year, and they will train our personnel to operate the teletype machine.

Chief Bradley stressed the value of the teletype terminal in which the information needed was quickly received. He said it could be a life saver to a policeman very easily by providing facts in advance of becoming involved with a subject.

6. The City of Nitro received a letter dated January 12, 1978 from Orders and Haynes Paving Co., Inc. in reference to prices for 1978, effective January 15, 1978 which areas follows:

Hot Laid Asphaltic Concrete Base Course	\$17.00/ton
Hot Laid Asphaltic Concrete Wearing Course	17.00/ton
All Stone	7.25/ton
Sand	5.25/ton

Mayor Gibson asked for the committee chairman reports.

COUNCILMAN MILLER: Councilman Miller had no reports but he wanted to know about his request of an ordinance to prohibit beer and intoxicating beverages in the city parks, which had been referred to the Ordinance Committee.

Mayor Gibson stated that there was an ordinance to this effect, but signs will be erected in the city parks and recreational areas prohibiting beer and intoxicating beverages.

Mayor Gibson stated that council and the city attorney had received a copy of the ordinance St. Albans had recently passed, on prohibiting the preparation, distribution or exhibition of obscene matter to minors.

Mayor Gibson said that the City of Nitro has a brief ordinance already along these lines, but it doesn't go into detail like the St. Albans ordinance does, and that as far as he knows the city attorney intends to tie this one in with the ordinance Nitro has. Mayor Gibson said the city attorney said the present ordinance Nitro has isn't worth the paper it is written on, that it doesn't define anything.

COUNCILMAN HUGHART: Councilman Hughart said that he didn't want to defend pornography, but the ordinance St. Albans has, shut the door completely.

Councilman Hughart requested a flashing light be put on the truck that spreads salt on the street for the purpose of public relations and for the purpose of safety.

Mayor Gibson appointed Councilman Hughart as a committee of one with the assistance of the mechanic for the city, Mr. Brown, to get a light and have it installed. Mr. Cottrill said the light must be amber in color.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen stated the Street Committee will have to get together on the Street Improvements Program, and requested Council go over the list and add streets they want considered. He said they should be mailed in to Eve Frazier, the Mayor's secretary, at City Hall as soon as possible, that they wanted to get the cost factor, and that the Finance Committee will meet February 28, 1978 to study the budget for fiscal year 1978-1979 which will be submitted by the various departments.

Councilman at Large Dr. Allen stated that there was a considerable amount to be paid for ambulance service in the future that had not been anticipated, that will have to be considered in the next budget.

Councilman at Large Dr. Allen quoted the Governor:

I've often said that being Mayor of a small community is one of the most difficult jobs in America. That is where the demands for services are the greatest and where the financial sources for providing these services are the least.

Councilman at Large Dr. Allen said that they selected a man here in Dr. Cassell who is very knowledgeable, who can do the job, and Dr. Cassell with the assistance of Council will get some financial aid.

MAYOR GIBSON: Mayor Gibson said that we received funding from the Governor's Office on the new breathalyzer, that the policemen had been trained to operate it, and that it was in service.

Mayor Gibson mentioned the teletype terminal which he had explained previously, and briefly highlighted a letter he had received from the Governors Office of Economic and Community Development in response to a letter from him requesting a Jaws of Life for the City of Nitro. He said he felt Nitro's chances were good that they would get funding for the "Jaws of Life". He further said that the agency had sent a man to interview Captain Hedrick of the Fire Department regarding the city's need for this equipment.

Mayor Gibson stated that Nitro Police Department and Nitro Fire Department had responded to a request earlier in the day to assist at the Poca Super Market where the roof had caved in, and a police cruiser had escorted a truck taking material from Southern Supply to the scene.

MR. LAYTON COTTRILL, CITY ATTORNEY: Mr. Cottrill commended the two policemen from Nitro who actively assisted in the movement of traffic, and assisted in keeping people away from the scene at the Poca Super Market. He stated they were very helpful and quite a credit to the City of Nitro.

Mr. Cottrill stated that Council requested that he research the Public Service Statutes Rules and Regulations in regard to vehicles, common carriers that are engaged in transportation of passengers in regard to the Nitro Taxi service. He said that Regulations 3.04 of those rules and regulations provide that any violation of Chapter 17, 17A, 17B, 17C, or 17D is sufficient to suspend their ratification of license with that encompassing the entire motor vehicle statutes including licensing provisions and registration provisions.

Mr. Cottrill said that another provision that might potentially apply to this area that council is concerned about is regulation 5.07 which provides the responsibility for servicing and maintaining the vehicle and is on the holder's certificate of authorizing operation that is likewise failure to comply is subject to suspension of ratification.

He said there are two ways you may go about it:

1. you may proceed under Rule 6A informally by lodging a complaint with the Public Service Commission upon which they will conduct an investigation and try to conciliate the matter, or
2. you can proceed formally under formal petition under Rule 6B in which you file a petition alleging certain violations. The defendant has an opportunity to answer at a formal hearing.

Mr. Cottrill stated this is up to council's discretion.

Mr. Cottrill stated that council requested whether or not council need approve a zoning variance for a mini mall. He said that under Section 1602 subsection D, page 24, of the Nitro zoning regulations it appears that council had delegated all authority in that regard to the Zoning Board of Appeals and the Zoning Board, and as a result only upon an appeal would you potentially be requested to vote upon it. He said, I see no problem.

Mr. Cottrill said that the travel expense guidelines as they pertain to official city business could be brought into conformity to those used by the State of West Virginia. Mr. Cottrill requested council's pleasure as to the method by which approval is obtained.

Councilman Bailey said he thought it ought to be a polling of council rather than a constituted meeting because time might be an element in various situations.

Councilman Dr. Cassell said:

I greatly appreciate the confidence and generous statements made by Councilman Bailey, I have worked in this capacity on several occasions, and if Council wants me to use my own discretion and go to meetings I'm going to have to find out who these people are, where they are and it's going to take a lot of time and trouble.

I am not going to be placed at the discretion of some individual that wants to not worry about what I'm going to accomplish but what I'm going to put on my expense account. I'm not going to be subjected to that.

Mayor Gibson said, "I don't blame you one bit, Dr. Cassell."

Councilman Dr. Cassell further stated:

If I'm not an honorable individual then let's forget the whole thing. If your only concern is what I'm going to put on my expense account just forget it.

I would prefer to have the prior approval of the Mayor in the event of a trip to Washington, and Dr. Allen can tell you, these trips to Washington may come at 10:00 this evening, I may be calling the airport for a reservation the next morning and in order for us to get the information we need and make the contacts we need it may have to be done in that manner.

I'm not going to Washington and then worry about whether you're going to pass on my expense account after I get back, not with some of the concerns you have expressed here.

Councilman at Large Karnes said, my only concern was that it would be like handing you my credit card, I'm not trying to say you're going to mistreat it in anyway.

He said he thought it would be fine for the Mayor's office to approve a trip to Washington, and that it would be ridiculous to expect for Dr. Cassell to be policed as far as postage and phone calls, and said:

I think, in fact, all the city officials are governed as to how much money they can spend without authorization and this would not limit you, and I think it should fall under some kind of guidelines along those lines.

Councilman Dr. Cassell stated that he was in complete agreement with Councilman at Large Karnes that some prior approval and the like was in order.

Mr. Cottrill, City Attorney, requested council's proposals. Councilman at Large Dr. Allen stated, with prior approval of the Mayor should be sufficient. Most of the councilmen concurred with Dr. Allen's proposal as Councilman Dr. Cassell had previously stated, that he wished prior approval of the Mayor before making a trip.

Councilman Miller stated that he didn't think it was intended for anyone to try to limit Dr. Cassell, but someone may have to fill his job at a later date. Mayor Gibson said that we're going to have another council meeting in two weeks, (February 7, 1978) and every two weeks thereafter and we can appoint someone else or we can drop this appointment during any future council meetings.

Councilman Miller said that any company operates under guidelines for expense accounts, and he thought it was foolish to assume we can operate without guidelines.

Mr. Cottrill, the City Attorney, stated he would provide council with some guidelines later.

Mr. Cottrill said that he had not reviewed the ordinance in regard to obscenity, and cautioned that with an obscenity ordinance it is a restriction of the First Amendment, and if not written properly can cause trouble with civil rights actions. He said he was not satisfied with the St. Albans ordinance, and was absolutely not satisfied with the ordinance Nitro had.

Mayor Gibson suggested that Mr. Cottrill take the ordinance Nitro presently has, the one St. Albans has, and any other ordinances which he may want to scrutinize on obscenity, review them and come up with an ordinance on obscenity that he can recommend.

Mr. Cottrill said that an ordinance of this nature, the concern is that when it is enforced it does not subject you to liability under 1983 Civil Rights Action where damages can be sought against the city for the denial of free speech in the Federal Court.

Mr. Cottrill said he would attempt to come up with the proper ordinance.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN BAILEY: Councilman Bailey said that he had a call on the Old County Road, where the cruiser had gotten stuck up. Mayor Gibson said that this had been taken care of Monday, January 16th. Councilman Bailey complimented Mr. Gene William on the work done on Owens Street, Spring Street, and Kanawha Avenue, South.

COUNCILMAN AT LARGE PENNINGTON: no reports.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes had no reports, but said the only thing I want to defend a little bit. I think this is just another side of Dr. Cassell's dedication, this is quite a task, with no salary, and I think he can depend on any of our support, I know he can mine, and addressed Dr. Cassell:

If it were you who would always be there,
I believe I would go ahead and give you
my credit card.

Councilman at Large Karnes made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.


MAYOR

RECORDER

NITRO CITY COUNCIL MEETING

FEBRUARY 7, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on February 7, 1978, 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 Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey. City Attorney Layton Cottrill and Councilman at Large Dr. R. V. Allen were absent.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Councilman Gus Bailey.

APPROVAL OF MINUTES - JANUARY 17, 1978 COUNCIL MEETING: Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman Bailey made a motion that the minutes be approved. The motion was seconded by Councilman Hughart, and the motion passed by a unanimous vote.

APPROVAL OF DECEMBER 1977 FINANCIAL STATEMENT: Mr. Melton, City Recorder and Chairman of the Finance Committee, stated that council had received a copy of the December 1977 Financial Statement in the mail, and Mr. Melton made a motion the December 1977 Financial Statement be approved. The motion was seconded by Councilman at Large Karnes, and the motion passed unanimously.

DECISION TO BE MADE REGARDING A LETTER DATED JANUARY 4, 1978 FROM DR. PHILIP M. GOLDSTEIN, D.D.S., KANAWHA COUNTY DENTAL HEALTH COUNCIL, INC. REQUESTING CONTRIBUTION OF \$2,000.00 (MR. LEO MOSES, REPRESENTATIVE): Mr. John Buffington, Treasurer of the Kanawha County Dental Health Council, introduced the following people who are interested and work in the clinics:

George Moses, Vice President of the Kanawha County Dental Health Council,

Peggy Miller, President of the Kanawha County PTA Council,

Jerry Bondurant, full-time dentist,

Bess Stahl, dental assistant, works at the Nitro clinic,
Ardith Rohmiller, Principal of the Nitro Elementary
Grade School where the Nitro clinic is
located,

Dr. Phil Goldstein, Director of clinics, and

Dr. Leo Moses, Member of the Board, and head of the
committee on clinics.

Dr. Leo Moses stated that the Kanawha County
Dental Health Council is a community organization through
out the county which in its inception (1955) was formed for
the basic purpose of the teaching and treatment of preventive
dentistry for all indigent children in Kanawha County.
Dr. Moses said that the council was formed after they had run
a survey which showed that there were over 12,000 children in
Kanawha County receiving no dental treatment.

Dr. Moses said they wanted to go further and they
formed the Kanawha County Dental Health Council, Inc. which
is the PTA's, the Kanawha County Board of Education, the
municipalities, the Kanawha County Commission, the Kanawha
Valley Dental Society, the civic organizations, and many
individuals who wanted to be a part of this program.

Dr. Moses stated that 5,000 to 6,000 students are
now being treated a year and that now they know that they
can treat preschoolers through the elderly indigent in the
clinics without any problem. He said they have the eight
clinics, they have the equipment, they have the supplies,
and they have the know-how; they need just one thing,
"dollar bills."

He said, "Now, we want to come back and say we've
got to be able to set a line item in every community and
this be the minimum they can contribute to us, that we can
have a budget in which we can say next year we know we have
this amount of money to work with."

Dr. Moses said that last year at the Nitro Clinic
they had done an estimated \$3,400.00 worth of treatment.
"What did Nitro return to us? I'm not being critical, this
has to be a cooperative type of thing, we've got to do it
together," he said.

Dr. Goldstein showed slides with a slide projector
of actual cases they have done at the dental clinics.

Mayor Gibson introduced members of the Nitro City Council to the guests. Mayor Gibson stated that in the very near future the Finance Committee would start having meetings to organize the City of Nitro's upcoming fiscal year budget (July 1, 1978 to June 30, 1979).

The Mayor further stated that an estimated amount of approximately \$20,000.00 was going to have to be allocated for emergency ambulance service which would be a new line item to our budget.

Councilman at Large Pennington made a motion to refer the request of \$2,000.00 from the Kanawha County Dental Health Council, Inc. to the Finance Committee. The motion was seconded by Councilman Miller, and the motion passed by a unanimous vote.

RESOLUTION AMENDING THE BOND ORDINANCE, NUMBERED 182 AND PASSED BY THE COUNCIL OF THE CITY OF NITRO ON SEPTEMBER 16, 1975, TO REVISE THE DEFINITION OF "CITY," TO INCREASE THE AMOUNT OF INSTALLMENT PAYMENT, TO ESTABLISH THE AGGREGATE AMOUNT IN THE REPLACEMENT FUND AND TO DELETE SECTION 5.01:

CITY OF NITRO, WEST VIRGINIA

\$149,000 Sewerage System
Revenue Bond

Series 1975

MINUTES ON AMENDMENT
OF BOND ORDINANCE

The Council of The City of Nitro met in regular session in Council Chambers at Nitro, in Kanawha and Putnam Counties, West Virginia, at 8:00 p.m. on Tuesday, the 07th day of February, 1978.

PRESENT: Councilman at Large Donald Karnes
Councilman at Large Mel Pennington
Councilman Dr. Guy Cassell
Councilman Romie Hughart
Councilman Dean Miller
Councilman Gus Bailey
William D. Gibson, Mayor
Tom Melton, Recorder

ABSENT: Councilman at Large Dr. R.V. Allen

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The Mayor announced that a quorum of members was present.

Thereupon, the Mayor presented a proposed Resolution in writing entitled:

RESOLUTION AMENDING THE BOND ORDINANCE,
NUMBERED 182 AND PASSED BY THE COUNCIL
OF THE CITY OF NITRO ON SEPTEMBER 16,
1975, TO REVISE THE DEFINITION OF "CITY,"
TO INCREASE THE AMOUNT OF INSTALLMENT
PAYMENT, TO ESTABLISH THE AGGREGATE
AMOUNT IN THE REPLACEMENT FUND AND TO
DELETE SECTION 5.01

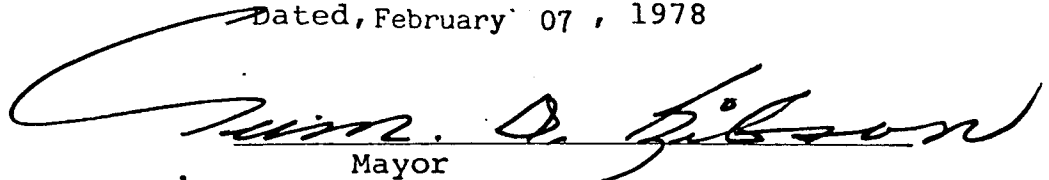
and caused the same to be read, and there was discussion. There-
upon, on motion of Councilman at Large Karnes, seconded by Councilman Bailey,
it was unanimously ordered that the said Resolution be adopted and
be in full force and effect on and from the date hereof.

* * *

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* * *

Dated, February 07 , 1978


Mayor


Recorder

Resolution Numbered 182

Introduced by William D. Gibson, Mayor

Adopted by Council February 7, 1978

RESOLUTION AMENDING THE BOND ORDINANCE,
NUMBERED 182 AND PASSED BY THE COUNCIL
OF THE CITY OF NITRO ON SEPTEMBER 16,
1975, TO REVISE THE DEFINITION OF "CITY,"
TO INCREASE THE AMOUNT OF INSTALLMENT
PAYMENT, TO ESTABLISH THE AGGREGATE
AMOUNT IN THE REPLACEMENT FUND AND TO
DELETE SECTION 5.01

WHEREAS, this Council of the City of Nitro, Kanawha and Putnam Counties, West Virginia, by Bond Ordinance numbered 182 and heretofore duly passed by said Council on the 16th day of September, 1975, authorized, among other things, the issuance of a single, fully registered Sewerage System Revenue Bond, Series 1975, in the aggregate principal amount of \$149,000;

WHEREAS, "City" was defined in section 1.04 of said Bond Ordinance as "the City of Nitro, in Kanawha County, West Virginia";

WHEREAS, the City of Nitro is situate in both Kanawha and Putnam Counties, West Virginia;

WHEREAS, the sum of \$730, derived from application of an amortization factor of .00490, was set forth in the bond form on line 20, page 7, of said Bond Ordinance as the amount of monthly installment of principal and interest to be paid after the first 24 months after the date of the Bond;

WHEREAS, due to a change in the applicable amortization factor from .00490 to .00491 since the Farmers Home Administration letter of conditions in July 1975, said sum of \$730 no longer represents correctly the amount of monthly installment of principal and interest to be paid after the first 24 months after the date of the Bond;

WHEREAS, section 3.02(B)(4) of said Bond Ordinance established a Replacement Fund as one of the required dispositions of the Revenue Fund but did not provide for the aggregate amount that must be maintained therein;

WHEREAS, the sum of \$5,000 represents an adequate and satisfactory amount to be maintained in said Replacement Fund;

WHEREAS, section 5.01 of said Bond Ordinance required the City of Nitro to execute and file Financing Statements in accordance with the Uniform Commercial Code of West Virginia; and

WHEREAS, the City of Nitro was excluded by amendment to the Uniform Commercial Code of West Virginia from the execution and filing of said Financing Statements;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:

That the Bond Ordinance, numbered 182 and duly passed by the Council of the City of Nitro on the 16th day of September, 1975, be hereby amended as follows:

(A) The word "County" shall be deleted from the definition of "City" in section 1.04, line 25, page 3, of said

Bond Ordinance, and the phrase "and Putnam Counties" shall be inserted therein in its stead;

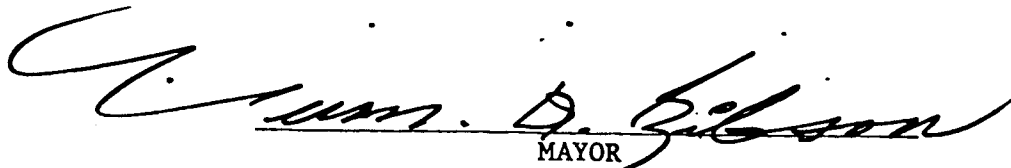
(B) The figure \$730 shall be deleted from the bond form, line 20, page 7, of said Bond Ordinance, and the figure \$732 shall be inserted therein in its stead;

(C) The figure \$5,000 shall be inserted in section 3.02(B)(4), after the dollar sign (\$) on line 47, page 12, of said Bond Ordinance; and

(D) The title and paragraph following the phrase "Section 5.01" shall be deleted from lines 3-9, page 21, of said Bond Ordinance, and the word "RESERVED" shall be inserted therein in their stead.

Resolution adopted:

February 7, 1978


MAYOR


RECORDER

Mayor Gibson introduced Mr. Earl Marion, President of the Nitro Businessmen and Professional Association, and President of the Lions Club. Mr. Marion thanked Mayor Gibson and Mr. Gene Williams, Director of Public Works, for the job they had done during the heavy snow season, under extreme hardships they have had this winter. Mr. Williams stated that they couldn't satisfy everone, but they did try. He also said that they had a snow plow ordered.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence: (Copies of the correspondence will be kept in the supplement file to the minutes.)

1. Mayor Gibson received a letter dated January 18, 1978 from The Honorable John D. Rockefeller IV informing him that his proposal to acquire a speed detection unit for the City of Nitro has been approved in the amount of \$1,250.00 in federal matching funds made available through the Governor's Criminal Justice and Highway Safety Division.
2. Mayor Gibson received a letter dated January 23, 1978 from Jim Amburgey thanking the city and its workers for the extra effort during the recent snow storm.
3. Mayor Gibson received a letter dated January 24, 1978 from Mary Elizabeth Wampler thanking the Police Department who together with St. Albans Police delivered a prescription to her during the recent bad weather.
4. Mayor Gibson received a letter from John Bowyer, 114 Fairview Drive, Nitro in regard to the snow piled on the streets in Brookhaven, and the fact that the garbage truck did not go to Brookhaven January 23, 1978.
5. Mayor Gibson had received a letter dated January 25, 1978 from Chief Bradley, Nitro Police Department expressing the extreme need of employing another dispatcher, and that he felt that CETA could sponsor a dispatcher for the Nitro Police Department.

ATTACHMENTS:

1. Mayor Gibson had written a letter to

Mr. Curtis Hardman, Director
Kanawha County Manpower Program, requesting
two CETA workers as dispatchers.

2. Mayor William D. Gibson received a letter from Mr. Curtis Hardman, Director of Kanawha County Manpower Office informing him that the Kanawha County Commission has recommended one position as a dispatcher for the Nitro Police Department.
6. Mayor Gibson received a letter dated January 25, 1978 from Marjorie Sales, Nitro Community Education requesting the City's financial support for Nitro Community Education, with attachments.

Councilman Bailey made a motion to refer the request for financial support for the Nitro Community Education to the Finance Committee. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

7. Mayor Gibson received a letter dated January 26, 1978 from the Honorable Harry L. Newell, House of Delegates of the West Virginia Legislature. Enclosed was a copy of House Bill No. 1319 allowing municipalities to charge a two percent tax on retail sales which was introduced January 26, 1978, and referred to the Committee on Political Subdivisions.
8. Mr. James Jefferies, 1119 W. 11th Street, Nitro, received a letter from Robert E. Sparks, Secretary Fraternal Order of Police, St. Albans, Lodge No. 88 requesting that Mr. Jefferies resign.

ATTACHMENT:

A letter of resignation from James Jefferies dated January 27, 1978 from the Police Civil Service Commission for the City of Nitro.

9. Mayor Gibson sent mailgrams to the following:

President Carter, White House,
Honorable Robert C. Byrd, United States Senate,
Honorable Jennings Randolph, United States Senate,
Honorable John Slack, House of Representatives, and
Honorable John D. Rockefeller, IV, Governor of
West Virginia

at the request of the plant manager of Avtex Fibers, Inc.
in reference to the Lenzing Case.

ATTACHMENTS:

replies from the above mailgrams to Mayor Gibson.

10. Mayor Gibson received a letter dated January 26, 1978 from Mayor Roy W. Alford, Jr. of the City of Poca thanking Mayor Gibson and the Nitro Police Department for their assistance when the Poca Supermarket roof collapsed.
11. Mayor Gibson and Chief Leo Bradley received a letter January 27, 1978 from Ivan W. Neeley, Jr. resigning as dispatcher of the Nitro Police Department to become a patrolman at the Charleston Police Department.
12. Mayor Gibson received a letter January 27, 1978 from James Allen Goins resigning as patrolman of the Nitro Police Department to accept a position with Union Carbide in South Charleston.

Mayor Gibson asked for the committee chairman reports.

TOM MELTON, CITY RECORDER: no reports.

COUNCILMAN MILLER: no reports, and he said that he sympathized with Eve Frazier, the Mayor's secretary, that he had received many phone calls in the last two weeks, none complimentary and in most cases gave the telephone calls to Eve.

Councilman Miller said that an irate citizen on Park Avenue had been called out to work, and when he returned someone had parked in his parking place. Councilman Miller said he could park on the sidewalk or in the middle of the street, and the man parked on the sidewalk, and received a parking ticket. Councilman Miller said that under these conditions he felt the police should not issue citations.

COUNCILMAN HUGHART: Councilman Hughart said that the light had been installed on the truck which spreads salt. Mayor Gibson thanked Councilman Hughart for his suggestion on having the light installed.

COUNCILMAN DR. CASSELL: Councilman Cassell stated that last Friday, February 3, 1978 he, the Mayor, and Chief Bradley had met at Lum's Restaurant with Mr. Doug Freeman, who is with Facilities Development Department in the Governor's Office, in regard to looking for funds.

Councilman Dr. Cassell said that they found Mr. Freeman to be very knowledgeable and very helpful, and that Mr. Freeman made some pointed recommendations, that he would like to bring them in to council soon.

Councilman Dr. Cassell said that in order to go about this systematically Mr. Freeman recommended a Planning Commission or Planning Committee which would bring into focus:

1. Representatives of citizenry from each ward
2. The business community
3. The industry
4. Very likely the youth division, and
5. The education.

He said that if we get some real thinking together and start out with:

1. short range goals
2. intermediate goals, and
3. long range goals,

and tie these to things that will lend themselves to funding, such as housing for the elderly, and the storm sewers, and to show where this fits into the long range goals of the city.

Councilman Bailey made a motion that all members of council meet in the Council Chambers Tuesday 14th at 7:30 p.m. in executive session so that they can have input to laying the groundwork and organizing guidelines for the Planning Committee and to decide what areas of the City can be best represented on the Planning Committee. The motion was seconded by Councilman Hughart and the motion passed by a unanimous vote.

COUNCILMAN BAILEY: Councilman Bailey stated that if the ice had melted sufficiently that help was needed to clear the street in front of the Valley Cash Feed Store at 1511 Main Street, and in front of Snyder's Potato Chip Warehouse at 112 Blackwood Avenue.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington requested that a 3x4 or 3x5 sign be put on the door of the Nitro Library posting the hours that the library is open.

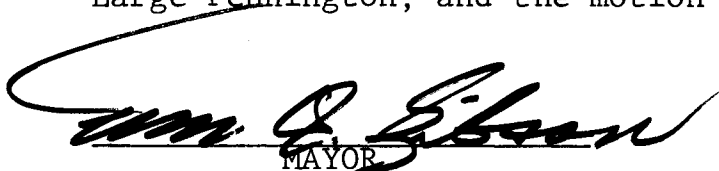
Mayor Gibson asked that Eve Frazier, his secretary attend to this. Eve said that she had talked to Mrs. Paxton about this and that she thought that this had been taken care of.

Mayor Gibson stated that signs, NO BEER OR ALCHOLIC BEVERAGES PERMITTED, had been ordered and would be erected at the parks and recreational areas.

Mayor Gibson said that Chief Bradley had permission to order signs, NITRO POLICE DEPARTMENT IS ON CB CHANNEL 9, to be erected at the various entrances to Nitro.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes said that he appreciated Dr. Cassell's report.

Councilman at Large Karnes made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.


MAYOR


RECORDER



NITRO CITY COUNCIL MEETING

FEBRUARY 21, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on February 21, 1978, at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Dr. R.V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, and Councilman Gus Bailey. Councilman Dean Miller was absent.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Councilman Gus Bailey.

APPROVAL OF FEBRUARY 7, 1978 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 by a unanimous vote.

APPROVAL OF JANUARY 1978 FINANCIAL STATEMENT:

Mr. Melton, City Recorder and Chairman of the Finance Committee, stated that council had received a copy of the January 1978 Financial Statement in the mail, and Mr. Melton made a motion the January 1978 Financial Statement be approved. The motion was seconded by Councilman at Large Karnes, and the motion passed unanimously.

STATUS REPORT ON AN APPROXIMATE ANNUAL EXPENDITURE NECESSARY FOR FUNDING OF EMERGENCY AMBULANCE SERVICE FOR THE CITY OF NITRO (FISCAL YEAR JULY 1, 1978 to JULY 1, 1979)

PROVIDING MANPOWER EMPLOYEES CAN BE UTILIZED: Councilman Bailey, Chairman of the Emergency Ambulance Service Committee, stated that he didn't have a full detailed report because he had just received the information a little while ago. Councilman Bailey said that basically this is a proposed budget, there are two offers which are as follows, 6 ambulances and 9 ambulances that are being proposed to the Kanawha County Commissioners by the Kanawha County Emergency Ambulance Authority for consideration and hopefully for acceptance to provide sufficient funds from various sources to have an ambulance service throughout Kanawha County.

Councilman Bailey stated that for Nitro to have an ambulance stationed here Nitro must provide a facility in which to house the ambulance, provide quarters for personnel, insurance, uniforms, etc. He said the cost is based on population, and Nitro's cost would be approximately 18% of half of the proposed budget. Councilman Bailey stated that the City of Nitro would have to provide \$50,000 (A ball park figure) in order to have this service within the confines of the city itself, and that this is a "ball park figure" because the budget has not yet been approved by the Kanawha County Court.

Councilman Bailey requested this matter be kept in the hands of the Finance Committee for further study and consideration.

NITRO PATROLMAN MR. DAVID DEAN REQUESTED THAT RICHARD INGRAM, A ST. ALBANS POLICEMAN REPRESENTING FRATERNAL ORDER OF POLICE, ST. ALBANS LODGE #88, BE ALLOWED TO ADDRESS COUNCIL REGARDING A PAY RAISE FOR THE NITRO POLICE DEPARTMENT:
Mr. Richard Ingram, a St. Albans Policeman and an officer of St. Albans Lodge Number 88 which Nitro is a part of listed the qualifications and attributes of policemen.

Mr. Ingram stated that you want to attract people and keep people, and that he didn't know till a while ago what a large turn over you have here. He said that it took 2 to 5 years to train a police officer, and that Nitro has 7 or 9 officers with less than 5 years experience, and that is a lot of inexperience.

Mr. Ingram said that they didn't expect to be paid a lot of money, that they realize that they are civil servants and that private enterprise is more profitable, but that you have to make it somewhat competitive.

Councilman at Large Pennington made a motion to refer the proposed salary increases and benefits for the Nitro Police Department to the Finance Committee. The motion was seconded by Councilman at Large Karnes.

Mr. Melton, City Recorder, asked if this was a proposed budget from FOP Number 88. Mr. Ingram said no, this is from the whole Nitro Police Department.

Mr. Melton asked Mr. Ingram, "Did the FOP Lodge Number 88 or any of your members go to City Council over to St. Albans with your plea for more money?" Mr. Ingram said he headed a group, and they did not address council themselves, that they did it differently and went committee by committee.

Councilman at Large Dr. Allen wanted to know how much communication Mr. Ingram had with the Nitro Chief of Police. Mr. Ingram said that he had just met the Chief of Police today, that he was chosen as a representative of the Lodge. Councilman at Large Dr. Allen asked, "Has any member of our Police Department had any communication with him?" Mr. Dean stated that he had given Chief Bradley a copy of the proposed salary increases and benefits and that he had requested that Chief Bradley put this in the budget.

Mayor Gibson stated that there was a motion on the floor and that it had been duly seconded and called for a vote on the motion made previously by Councilman at Large Pennington to refer the proposed salary increases and benefits for the Nitro Police Department to the Finance Committee. The motion was previously seconded by Councilman at Large Karnes. The motion as presented passed by a unanimous vote.

REQUEST FOR A NEW BALL FIELD FOR NITRO LITTLE LEAGUE:

Councilman at Large Pennington, Chairman of the Recreation Committee, requested that Mr. Eastwood, Recreation Director, inform council on the request for a new ball field for Nitro Little League. Mr. Eastwood stated that last summer Mr. Clyde Willard and he had marked off land on the backside of the pool for a new ball field for Nitro Little League. Mr. Eastwood said that it would take an estimated \$1,500.00 to have a fence and a backstop installed.

Mr. Eastwood stated that the main problem is the men's soft ball field. Mr. Eastwood said that there were teams from St. Albans, Dunbar, and other teams from outside the city that are in the league, and they think this is a problem as far as Nitro people not getting to use the field.

Mr. Eastwood said that the Recreation Committee, Little League, and he would have to draw lines and meet half way with each other, and said that something can be worked out.

Mr. Gene Brightwell introduced Mrs. Betty Landers and Mrs. Judy Raynes. Mr. Brightwell stated that we have one of the best recreational facilities around, here in Nitro. He said the problem last year is that they didn't have enough field space for the amount of kids they had playing over there. Mr. Brightwell said that there is talk about getting lights on the big ball field, and that would really help out.

Mr. Brightwell said they brought the girls in 4 years ago, and last year 300 children were involved in Little League, and it's really growing, and they don't have fields for them. He said that last year he had a big league team and that they had to play on Sunday, and had no field to practice.

Mr. Brightwell said he knew the Nitro Soft Ball League has been in existence for years and that he wanted to go on record he is not against it, that he thinks it's great for men to get out and have their exercise but if there's anyway we can arrange to use our fields that would benefit everybody, especially the kids from Nitro, I think we should go in that direction. He stated, "I don't want to have them take anything away from the Men's Soft Ball League but right now we just don't have room to play."

Councilman at Large Pennington stated that what Mr. Brightwell has reference to is:

We have a name team 'Nitro Soft Ball' it is, in fact, St. Albans, Dunbar, Hurricane, and everyone else but Nitro. There are maybe two teams from Nitro, and everyone else is playing there using our field, taking up one of our Little League or Big League's field.

If we can work this out so that these people can have fields for our children to play on I'm not opposed to this continuing as it has been, but if, in fact, we can't supply these people with a field and are not using our facilities for Nitro people then those people are going to have to find a field elsewhere.

Mrs. Judy Raynes said that she didn't want to see the Men's Soft Ball League done away with either, but that she felt something should be worked out where Little League could use that field certain days or certain times in the evening. She said that Little League had been here since 1954, and that last year they had 19 teams with an average of 15 people on a team, and that this did not include T-Ball.

Mrs. Betty Landers stated that teams should practice 3 times a week and that last year her daughter's team had to practice on the football field.

Councilman at Large Pennington made a motion to refer this problem to the Recreation Committee. The motion was seconded by Councilman at Large Karnes, and the motion passed by a unanimous vote.

Mr. Melton, City Recorder stated that the Senior League, Little League, and Minor League fields are utilized 100 per cent.

Councilman Hughart stated he would like to attend the meeting of the next Recreation Committee providing this would be in order. Councilman at Large Mel Pennington stated that he would be happy to have Councilman Hughart in attendance and he would let him know when the meeting would be scheduled.

Mayor Gibson introduced Nitro Police Chief as the next person to be recognized.

Chief Bradley stated that the new radar equipment had arrived, and that as soon as the men are trained they are going to use it. He said the men will be trained Thursday night, February 23, 1978, and March 2, 1978, and further he has an instructor coming to assist him in filling out license for the Federal Communication Commission because they operate on the radio frequency and this requires a license.

Chief Bradley displayed and explained the radar equipment (HR-8, MR-9, and computer) to the governing body.

Mayor Gibson gave to council a packet including a deed pertaining to the 6.177 acres with a building on it adjacent to the Nitro City Park that the City of Nitro had purchased from the West Virginia Water Company, and requested that this be made a part of the supplement file to the minutes.

The packet which Mr. Cottrill supplied the Mayor with included:

1. release dated December 7, 1977,
2. release dated November 29, 1977, and
3. deed dated November 30, 1977.

Union Boiler Company had purchased the land adjacent to the property Nitro had purchased. Mr. Cottrill stated that Mr. Andrews, Attorney at Law, representing Union Boiler Company, Mr. Bill McDavid, and he agreed that it was necessary for both parties to have easements across the particular piece of property for the purpose of utilities. Mr. Cottrill further stated that council should give the Mayor authority to sign said agreement and that a 40 foot easement was to also be granted and conveyed to the Union Boiler Company for a roadway adjacent to the property owned by Allied Chemical Corporation.

Councilman at Large Pennington made a motion to give Mayor Gibson power to ratify the easement agreement dated January 4, 1978. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed by a unanimous vote.

On the set of uniform travel regulations Mr. Cottrill suggested Mayor Gibson, himself, and someone of council's choosing meet and look over the travel guidelines prior to presentation to council.

Councilman at Large Dr. Allen made a motion for Mayor Gibson, Mr. Cottrill, Mr. Melton, and Councilman at Large Karnes meet in reference to the travel regulations prior to their presentation to council. The motion was seconded by Councilman Bailey, and the motion passed unanimously.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence: (Copies of the correspondence will be kept in the supplement file to the minutes.)

1. Mr. Melton, City Recorder, received a letter dated February 6, 1978, from John R. Melton, Director Local Government, Relations Division, State Tax Department of West Virginia, in reference to an inquiry from Mr. Tom Melton if Federal Revenue Sharing monies may be used to retire an existing debt consisting of revenue bonds remaining outstanding from a 1965 issue for the purpose of constructing the swimming pool.

Mr. Melton, City Recorder, stated that Federal Revenue monies could not be used for this purpose because it didn't meet one of the provisions (Number 3) based on regulation of the Office of Revenue Sharing, revised August 1976.

2. Mayor Gibson sent a mailgram dated February 7, 1978, to Mr. William Sloan, Director of Motor Carrier Division, West Virginia Public Service Commission, regarding complaints from various citizens about the poor operation of the Nitro Taxi Cab Company.
3. Mr. Jack Eastwood, Recreation Director, received a letter dated February 7, 1978, from Mrs. Sarah Price requesting a confirmation for Sunday, May 14th or the 21st, 1978 on the shelter at Ridenour Park.

Councilman Hughart made a motion to refer this request to the Recreation Committee. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

4. Mayor Gibson received a letter dated February 7, 1978, from William P. Specht, President of Herbert J. Thomas Memorial Hospital in reference to the Mayor's willingness and that of the Nitro Police Department to help transport their employees during the blizzard two weeks ago.

5. Mayor Gibson received a letter dated February 8, 1978, from Betty Jo Carpenter, 104 Brookhaven Circle, in reference to the condition of the streets on Brookhaven Circle.
6. Mayor Gibson had sent a letter dated February 9, 1978 to Mr. Charles Miller, Commissioner West Virginia Department of Highways in reference to State Route 25/1, and a slide on the hillside above No. 2176 21st Street.
7. Mayor Gibson received a letter from J. Howard Henderson, Director Employment & Training Division Governor's Office of Economic and Community Development, dated February 10, 1978

acknowledging receipt of the Equal Employment Opportunity Policy Statement for the City of Nitro, and stating that it was in compliance with established guidelines.
8. Mayor Gibson received a letter dated February 11, 1978 from Robert E. Sparks, Secretary of FOP Lodge #88 proposing Mr. John F. Altano, 705 7th Street, Nitro be appointed as the FOP Lodge No. 88 representative on the Nitro Police Department Civil Service Commission replacing James Jefferies.
9. NITRO POLICE DEPARTMENT BULLETIN DATED FEBRUARY 13, 1978
ATTACHMENT
Schedule for Dispatchers
10. Mayor Gibson sent a mailgram to Mr. James P. Jefferies, Nitro Taxi, 2021 Second Avenue, Nitro, requesting Mr. Jefferies communicate with City Hall for a discussion and informing him that he had discussed certain problems involving the Nitro Taxi Cab service with two representatives from West Virginia Public Service Commission.

Mayor Gibson stated he had received no answer from Mr. Jefferies.
11. Mayor Gibson received a letter February 15, 1978, from Peter D. Ehrenhaft, Deputy Assistant Secretary and Special Counsel (Tariff Affairs) Department Of The Treasury,, Washington, D.C. 20220, in reply to Mayor Gibson's mailgram to President Carter concerning their recent decision with respect to the alleged dumping of rayon staple fiber by the Austrian Company Lenzing, and stating they hope to have a basis for deciding whether or not to reopen the case by February 17, 1978.

12. Chief Bradley, Nitro Police Department, received a letter dated February 15, 1978, from the Manager of United Finance Company, thanking his staff and particularly Officer Shelby Harrison for the efforts put forth when the door to the finance company was found open.
13. NITRO POLICE DEPARTMENT BULLETIN NO. 2, DATED FEBRUARY 20, 1978 from Mr. Leo Bradley, Nitro Police Chief

Mayor Gibson recommended that council appoint Dr. Charles Byrd, 603 Kanawha Avenue, South, Nitro to replace Mr. Borden Gewin on the Nitro Planning Commission.

Councilman at Large Dr. Allen made a motion to appoint Dr. Charles Byrd to the Nitro Planning Commission. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously. Councilman at Large Pennington abstained from voting.

Mayor Gibson recommended that council appoint Mr. Lloyd Hart, 206 Brookhaven Drive, Nitro to replace Mr. Phillip Morrison on the Nitro Planning Commission.

Councilman Dr. Cassell made a motion to appoint Mr. Lloyd Hart to the Nitro Planning Commission. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed unanimously.

Mayor Gibson recommended to council the reappointment of Mr. F. Douglas Bess, 73 North 21st Street, Nitro to the Nitro Sanitary Board.

Councilman at Large Karnes made a motion to reappoint Mr. F. Douglas Bess to the Nitro Sanitary Board. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

Mayor Gibson recommended to council the reappointment of Mr. Victor Wilford, 116 Brookhaven Circle, Nitro, to the Nitro Sanitary Board.

Councilman at Large Dr. Allen made a motion to reappoint Mr. Victor Wilford to the Nitro Sanitary Board. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

Mayor Gibson recommended to council the reappointment of Ms. Constance Stephens, Secretary-Treasurer of the Nitro Sanitary Board.

Councilman at Large Pennington made a motion to reappoint Ms. Constance Stephens as Secretary-Treasurer of the Nitro Sanitary Board for the City of Nitro. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

Mayor Gibson asked for the committee chairman reports.

TOM MELTON, CITY RECORDER: no reports.

COUNCILMAN HUGHART: no reports.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen stated that Mayor Gibson, Mr. Olaf Walker, and he had attended the meeting of the Regional Inter-governmental Council, Saturday 18, 1978, and that they had an election of officers. He said Mayor Robb of South Charleston was elected president and that he was elected secretary.

Councilman at Large Dr. Allen, Chairman of the Police Committee said:

I resent this type of remark from the gentleman from St. Albans (Having reference to the policeman from St. Albans.) and the method by which the proposed budget was submitted.

I 'm on the Finance Committee and I'm Chairman of the Police Committee, and this is the only time I've ever seen anything like this.

I think it's wrong that we have to have someone from outside of the City Government to speak for people on our Police Department.

Mr. Melton, City Recorder asked if he could interrupt. Mr. Melton stated that when this policeman, Patrolman Dean, came in the same day he had given Chief Bradley a copy of last year's budget and asked for the base salaries. Then, Patrolman Dean was told that he (Tom Melton) had given this to the Police Chief and assumed that Patrolman Dean was working with the Police Chief on the budget.

Mr. Melton stated that Chief Bradley is currently working on a budget he is going to turn in to the Finance Committee and he feels that the Finance Committee and the governing body should work through the Police Chief.

Councilman at Large Pennington stated that he was on the Police Committee, and he was asked about this, and he advised those concerned to turn this in to the Police Chief, and then the Finance Committee, and they did not follow his suggestion.

Mr. Melton said this (salary increases and benefits for the Nitro Police Department) would still go to the Finance Committee.

MAYOR GIBSON: Mayor Gibson said that on Friday morning, February 24, 1978, at 11:00 a.m. he had been asked to have as many councilman present as possible, that they needed a quorum for the closing of the \$149,000 FHA loan. The Nitro Sanitary Board and the City of Nitro has been working on for 3 to 4 years.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell stated that KRT had established new bus routing which expedites trips into town, that instead of the one hour trip it now takes thirty minutes.

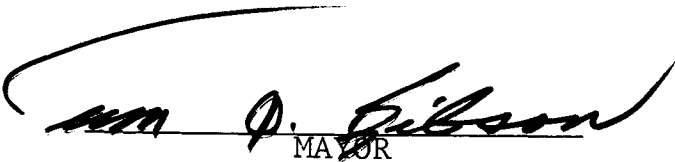
COUNCILMAN BAILEY: no reports.

COUNCILMAN AT LARGE PENNINGTON: no reports.

COUNCILMAN AT LARGE KARNES: no reports.

Mayor Gibson said that a Certificate of Appreciation had been presented to Chief Bradley, Nitro Police Department, by the Lions Club.

Councilman at Large Pennington made a motion for adjournment. The motion was seconded by Councilman at Large Karnes and the motion passed unanimously.


MAYOR

RECORDER

JOINT SPECIAL SESSION OF THE
NITRO CITY COUNCIL AND THE NITRO SANITARY BOARD
COUNTIES OF KANAWHA & PUTNAM

FEBRUARY 24, 1978

ATTENDING: Mayor Wm. D. Gibson; Councilman at Large, Dr. Roy Allen; Councilman Dr. Cassell; Councilman at Large Donald Karnes; City Recorder, Tom Melton. Also present were members of the Nitro Sanitary Board, Mr. Doug Bess and Vic Wilford; Secretary, Connie Stephens; Attorney for the Nitro Sanitary Board, Dennis R. Vaughan, Jr.; Sanitary Board Accountant, Bob Cunningham; Engineer, Robert Y. Hayne of Appalachian Engineers, Inc. Representatives of Farmers Home Administration, Mr. Bob Sergeant and Mr. Max Crumb. Representatives of Jackson, Kelly, Holt & O'Farrell, Bond Council for the Nitro Sanitary Board; Mrs. Taunja Miller and Mrs. Mary Gall. Also secretary for Dennis R. Vaughan, Jr., Linda Ireland.

Mayor Gibson called the Joint Special Session of the Nitro City Council and the Nitro Sanitary Board to order, stating that there was a quorum present and the meeting was open for business. Mayor Gibson asked each of those persons present to introduce themselves.

At this point Mayor Gibson stated that he would turn the meeting over to the Nitro Sanitary Board Attorney, Mr. Vaughan. Mr. Vaughan stated that he had been authorized by Mr. Donald Karnes to introduce a resolution to council on his behalf.

Mr. Vaughan stated that this Resolution provides as follows:

RESOLUTION AMENDING THE BOND ORDINANCE,
NUMBERER 182 AND PASSED BY THE COUNCIL
OF THE CITY OF NITRO ON SEPTEMBER 16,
1975, TO REVISE THE PAYMENT DATE, TO
DELETE THE WORDS "PRIOR TO" FROM §4.04

THEREOF: TO REVISE THE PARITY REQUIRE-
MENTS AND TO REMOVE THE EXCLUSION OF THE
CONSTRUCTION FUND FROM THE FIDELITY BOND
REQUIREMENT.

Mr. Vaughan stated that he would like to call for a vote on this Resolution and ask that it be passed by Council.

Dr. Roy Allen, stated that he would so move; this was seconded by Dr. Guy Cassell, with the full vote for unanimous passage of the quorum present.

Mr. Vaughan stated that at this time he would like Council to authorize that there be no further need to read the text of this Resolution in its entirety.

It was so moved by Mr. Donald Karnes, seconded by Dr. Roy Allen, and passed by unanimous vote of the quorum present.

As there was no further business to be discussed at this time, the motion was made by Dr. Guy Cassell that the Joint Special Session of The Nitro City Council and The Sanitary Board be adjourned, this motion was seconded by Dr. Roy Allen, with unanimous vote of the quorum present.


MAYOR

RECORDER

SECRETARY, SANITARY BOARD

NITRO CITY COUNCIL MEETING

March 7, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on March 7, 1978, at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Dr. R.V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Reverend Wilbur Turner, Assistant Pastor of St. Paul's United Methodist Church.

APPROVAL OF FEBRUARY 21, 1978 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.

STATUS REPORT ON AN APPROXIMATE ANNUAL EXPENDITURE FOR FUNDING OF EMERGENCY AMBULANCE SERVICE FOR THE CITY OF NITRO (FISCAL YEAR JULY 1, 1978 to JULY 1, 1979) PROVIDING MANPOWER EMPLOYEES CAN BE UTILIZED: Mr. Melton stated that council had received a packet from Mayor Gibson which included an article where Mayor Gibson (Nitro), Mayor Robb (South Charleston), Mayor Randall (St. Albans), and Mayor Leone (Dunbar) asked the County Commission to put a \$2.5 million excess levy on the ballot in November to fund the Emergency Ambulance Service.

Mr. Melton stated that the Kanawha County Emergency Ambulance Authority suggest a cost of \$3,960 per ambulance for the City of Nitro for Emergency Ambulance Service per month if the city has manpower personnel.

Mr. Melton stated that the Kanawha County Emergency Ambulance Authority suggests a cost of \$47,032 per ambulance for the City of Nitro for Emergency Ambulance Service per year. Mr. Melton stated that a minimum of \$55,000 would be needed for this plan for the first year, and that he feels that most of the council thinks our citizens deserve a full time ambulance service.

Mr. Melton said that he felt sure the \$55,000 would have to come from Revenue Sharing and that this had been discussed by the Finance Committee.

Mayor Gibson said there would be a meeting Friday 10, 1978 at 10:00 a.m. at the Kanawha County Courthouse, and invited council to attend the meeting.

RECREATION COMMITTEE REPORT, MEETING OF MARCH 2, 1978, 7:00 P.M.: Councilman at Large Mel Pennington, Chairman of the Recreation Committee, said there was a possibility of obtaining property in Ward IV for a small play ground, and on 40th Street in Ward I. He said they would be getting lights for the big field at Nitro City Park.

Councilman at Large Pennington stated that (Mrs.) Sarah Price, President of Omega Chapter, Beta Sigma Phi Sorority, 5407 Ohio Street, South Charleston, WV 25309, will be given a confirmation date on the reserving of the shelter located at Ridenour Park.

He said Mr. Jack Eastwood was going to reschedule Men's Soft Ball League games to 2 or 3 times a week in order for the Little League to have use of the field.

The building of tennis courts on Main Avenue and Park Avenue was discussed.

Councilman at Large Pennington said that this summer people buying passes to the Nitro Swimming Pool will receive the numbered metal tags. He also expressed the need for the recreational vehicles to be marked.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence: Copies of the correspondence will be kept in the supplement file to the minutes.)

1. For an applicant for a job, list of lawful pre-employment inquiries and further stated that the city of Nitro was in compliance therewith.
2. The Honorable John Slack, House of Representatives, Washington, D.C. 20515, had forwarded a letter to Mayor Gibson written to Mr. Slack dated February 15, 1978 from Gene E. Godley, Assistant Secretary
(Legislative Affairs)
Department of The Treasury
Washington, D.C. 20220
in reference to the Treasury's decision to discontinue its antidumping investigation involving Lenzing.

3. Chief of Police, Leo J. Bradley had written a letter dated February 20, 1978 to Captain E. W. Hedrick asking him to bring to the attention of his firemen at his next meeting not to abuse the traffic laws of the City of Nitro, mainly the speeding ordinances.
4. The Nitro Fire Department received a letter dated February 20, 1978 from Tyler Plaza, Inc. and Big Star Supermarkets, Inc. expressing their appreciation for the prompt and efficient manner the Fire Department performed on Sunday evening February 19, 1978 in connection with the fire loss to Big Star Supermarket located at Tyler Plaza.
5. HOUSING NEWSLETTER, VOL. II, NO.2, FEBRUARY 1978 from CHARLESTON REGIONAL CHAMBER OF COMMERCE AND DEVELOPMENT
6. Mayor Gibson received a letter dated February 24, 1978 from Earl F. Marion, Jr., President
Nitro Business & Professional Association
Post Office Box 453
Nitro, West Virginia 25143

thanking Mayor Gibson, Mr. Gene Williams and employees of the various departments for the time and effort put forth during the recent snow storm.

7. Mayor Gibson received a letter from E. W. Hedrick, Fire Chief, and Mr. Gene Williams, Director of Public Works, requesting that 20th Street be made a one-way street from Second Avenue to First Avenue.
Councilman at Large Pennington made a motion to refer this request to the Street and Traffic Committee. The motion was seconded by Councilman Miller, and the motion passed.
8. Mayor Gibson received a request from E. W. Hedrick, Nitro Fire Department dated February 27, 1978 asking permission for the Street Department to paint large yellow arrows in the middle of the streets pointing to the location of fire hydrants.

Councilman Hughart made a motion to refer this request to the Fire Department Committee. The motion was seconded by Councilman at Large Karnes and the motion passed.
9. Mayor Gibson received a request dated February 27, 1978 from Chief Hedrick, Nitro Fire Department, asking for the additional space of the old city maintenance garage when it becomes available.

Councilman Miller made a motion to refer this request to the Fire Department Committee. The motion was seconded by Councilman Hughart, and the motion passed.

10. Mayor Gibson read a letter addressed to him from Chief E. W. Hedrick expressing the need for the ninth man at the Fire Department.

Councilman at Large Pennington, Chairman of the Fire Department Committee stated he would accept the request. Mayor Gibson suggested this request be referred to the Fire Department and the Finance Committee and that they both work together. This was so approved.

11. Mayor Gibson read a copy of a letter received written by William E. Cunningham in reference to a Partnership Grant Application which had been submitted for approval in the amount of \$175,000 for paving 4 parking areas and access road in Ridenour Park, and installing storm sewers at Ivy St., Cedar St. Michigan Ave. and Bailes Drive.
12. Mayor Gibson read a letter received dated March 2, 1978 regarding the application as mentioned above from Daniel S. Green, Manager

Program Support Services, Governor's Office of Economic and Community Development.

13. Mayor Gibson received a letter of thanks dated February 28, 1978 from

Mr. Jack G. Knight
Plant Manager
Avtex Fibers, Inc.

in reference to mailgrams Mayor Gibson sent supporting Avtex anti-dumping petition against Lenzing of Austria.

14. Mayor Gibson received a copy of a letter dated March 1, 1978 to

Mr. Kenneth Shock
Little League Director
WV District No. 3 from

Mr. Thomas Black, President and
Mr. Alfred L. Shepard Commissioner
Office of the Kanawha County Commission

informing him his request of \$55,000 for lighting materials for 3 ballfields had been granted. (One of the fields to be lighted is Nitro City Park Field.)

15. Mayor Gibson received a letter from

F. W. Wanner, Jr.
LTC, Corps of Engineers
Acting District Engineer
Department of the Army

in reference to the Nitro Park Project proposed in the Winfield Navigation Pool Master Plan.

16. The Mayor's Office received a letter dated March 2, 1978 from

John B. Rader
President, Kanawha County Unit
American Cancer Society

asking permission to enact its Income Development Crusade from door to door and in the business establishments within the City of Nitro, April 1 to May 15, 1978.

Councilman Bailey made a motion to refer this request to the Business and Civic Betterment Committee. The motion was seconded by Councilman at Large Pennington, and the motion passed.

17. NITRO POLICE DEPARTMENT BULLETIN NUMBER III,
FROM LEO J. BRADLEY, CHIEF OF POLICE

Mayor Gibson stated that there had been a request that wasn't on the agenda, and asked Mr. Melton, City Recorder to comment. Mr. Melton stated that Mr. Mark Bova is present and would like to ask council for permission to solicit in Nitro for the Unification Church.

Mr. Bova stated that they had been arrested before, last year, for soliciting in Nitro without a permit, and didn't see where they had to register with City Council.

Mr. Bova said that he had sent a letter to the Mayor in January by registered mail. Mayor Gibson said he had received no letter and inquired if Mr. Bova had a receipt for the letter. Mr. Bova did not present a receipt.

Mr. Cottrill, City Attorney, stated that under Chapter 15, Section 3 of the NITRO CITY CODE BOOK soliciting for charities or organizations, etc. requires an application in writing to City Council and a statement of names, addresses, and the purpose sought for solicitation.

Councilman at Large Dr. Allen made a motion to refer this request to the Business and Civic Betterment Committee. The motion was seconded by Councilman Bailey, and the motion passed.

Mayor Gibson recommended the appointment of Janice Weibl, 203 Brookhaven Drive to the Planning Commission.

Councilman Hughart said that Ward I, Ward II, Ward III, and Ward IV should be represented on the Planning Commission, and was informed that there will be four subcommittees.

Councilman Bailey made a motion to appoint Janice Weibl to the Planning Commission. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.

Mr. Layton Cottrill, City Attorney, presented council with (a) a lease agreement and (b) two sets of travel regulations.

Mr. Cottrill said that he would like the Ordinance Committee to work with him on an ordinance in reference to license fee for contractors.

Mayor Gibson asked for the committee chairman reports.

TOM MELTON, CITY RECORDER: Mr. Melton stated that they have had a finance meeting, and that more were scheduled. He said he had received the final papers from Putnam and Kanawha County for the budget.

COUNCILMAN MILLER: no reports.

COUNCILMAN HUGHART: Mr. Hughart suggested lights at the 19th Street rail-road crossing.

COUNCILMAN AT LARGE DR. ALLEN: no reports.

MAYOR GIBSON: Mayor Gibson introduced Mr. Bryan Smithers from St. Albans who is a candidate for State Senator for the 8th Senatorial District.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN BAILEY: no reports.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington had given the Recreation Committee Report earlier (No. 3 on the agenda). He asked that a card be sent to Mrs. Mary Wears (1117 11th Street) on her 95th birthday.

Councilman at Large Karnes made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed unanimously.



Wm. J. Gibson

MAYOR

RECORDER



NITRO CITY COUNCIL MEETING

MARCH 21, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on March 21, 1978, 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 Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Reverend Wilbur Turner, Assistant Pastor of St. Paul's United Methodist Church.

APPROVAL OF FEBRUARY 24, 1978 JOINT SPECIAL SESSION OF THE NITRO CITY COUNCIL AND THE NITRO SANITARY BOARD: Councilman at Large Dr. Allen made a motion the Minutes of the February 24, 1978 Joint Special Session of the Nitro City Council and the Nitro Sanitary Board be approved. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

APPROVAL OF MARCH 7, 1978 COUNCIL MEETING MINUTES: Mayor Gibson stated each Councilman has received a copy of the February 21, 1978 Council Meeting 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.

APPROVAL OF FEBRUARY 1978 FINANCIAL STATEMENT: Mr. Tom Melton, City Recorder and Chairman of the Finance Committee, requested the February, 1978 Financial Statement be tabled until next council meeting (April 4, 1978).

Mr. Melton stated that the proposed budget (the general fund, revenue sharing fund, and the coal severance fund) for Fiscal Year 1978-1979 was prepared by the Finance Committee to present to council for their approval.

Mr. Melton said there were several things the Finance Committee had proposed, two ordinances, one for changing the city holidays for employees which would make the holidays uniform for all city employees, and one for a contractor's license to be purchased each year by each contractor doing business in the corporate limits.

Mr. Melton said that \$55,000 had been put aside for emergency ambulance service in the budget, and that funds had been provided for the hiring of the ninth fireman for the Fire Department. He stated that insurance for the city employees will increase 20 to 30 per cent, and the city will pay the insurance in total on each employee, however, it will not pay for employee's dependants insurance.

Mr. Melton stated that the Finance Committee had also taken into consideration that the city is going to attempt to get federal monies (pot hole money) and that will hopefully free other money in the revenue sharing fund.

He further stated that Mayor Gibson had been working with St. Albans, South Charleston, and Dunbar for the emergency ambulance service, and that this could free some money which may be dispersed to the city employees in the form of pay raises.

Councilman at Large Pennington stated that he was very much opposed to putting \$55,000 aside for the purpose of emergency ambulance service, denying employees raises or compensation because of the \$55,000. He stated he was not taking anything away from the efforts you people have done.

Councilman Bailey, Chairman of the Emergency Ambulance Service Committee, stated that Nitro was going to have to be a participant in it, until, by some way, or some means, we can do otherwise.

Councilman at Large Dr. Allen made a motion they have a special session of council March 27, 1978 at 7:00 p.m. to discuss and to vote on the Fiscal Year 1978 - 1979 Budget. The motion was seconded by Councilman at Large Karnes, and the motion passed by all voting in favor with the exception of Councilman Miller. Councilman Miller stated that he voted against having the special session because he could not be present for the meeting as he would be out of town. Councilman Hughart stated that he could not vote on a budget that did not give the city employees a raise in salary.

REQUEST FOR DOOR TO DOOR CRUSADE APRIL 1, 1978 THROUGH MAY 15, 1978 (AMERICAN CANCER SOCIETY): Councilman at Large Pennington, Chairman of the Civic Betterment Committee, made a motion to grant the request of the American Cancer Society. The motion was seconded by Councilman Hughart, and the motion passed.

SOLICITATION REQUEST FROM THE UNIFICATION CHURCH:

Councilman at Large Pennington, Chairman of the Civic Betterment Committee, made a motion to keep this request in committee until he had time to study the literature on this. The motion was seconded by Councilman Bailey, and the motion passed by a unanimous vote.

Mrs. E. C. Colcord, Jr., Mrs. Violet Donahoe, Mrs. Claude Williams, and Mrs. Gifford Sizemore were present representing the Home Life Department of the Nitro Womans Club.

Mrs. Colcord said they would like to help with a city wide clean-up program such as posters and papers, or to make the city wide clean-up program a special event.

Mrs. Colcord informed council that at 2110 21st Street, at the apartment building which Mr. James W, Sovine owns, the water run off from the hill brings down debris. She, also mentioned other problems:

1. trees on First Avenue need to be trimmed,
2. high school students are speeding in vehicles over the bump on 21st Street,
3. the need for more trash cans,
4. hidden corners where the view is blocked
 - a. Lock Street and First Avenue where the view is blocked by a telephone pole,
 - b. Betsy Ross Bakery at the corner of 35th Street and First Avenue,
 - c. 11th Street where the weeds are grown up, and
5. the litter at the Nitro Womans Club, which is a drop off place for newspapers.

The planting of a tree, and fixing up the flower boxes at the Nitro Library were discussed.

Councilman Dr. Cassell, Chairman of the Library Committee, stated they would welcome the opportunity to work with them and he would like the Womans Club to be highly represented on the Planning Committee, and asked their help in establishing the time for the city wide clean-up project.

Mayor Gibson and council expressed their sincere gratitude to Mrs. Colcord, Jr., Mrs. Donahoe, Mrs Williams, and Mrs. Sizemore.

Mayor Gibson introduced Mr. Gerald R. Karnes who lives at 1223 Park Avenue, Nitro. Mr. Gerald Karnes informed council that he feared for the life and safety of his children. On Sunday, March 19, 1978 a dog came into his yard and wrestled his 2 year old son to the ground, and his wife and daughter were able to rescue him with only scratches on his arm. He said that on Monday, March 20, 1978 the same dog came into his yard, again wrestled his son to the ground, and the dog bit his son on the neck.

Mr. Gerald Karnes wanted to know what affirmative action the city plans for minimizing such hazards for all children. (Copy of Mr. Gerald R. Karnes statement is in the supplement file to the minutes.)

Mayor Gibson stated that Mayor Leone, Mayor Randall, and himself had met with Mr. Ken Pauley, director of the Kanawha-Charleston Humane Association's animal shelter on March 10, 1978 at which time the dog problems were discussed at great length, and supplied council with a photo copy of a summons used by the City of Charleston for violation which would be signed by the humane officer. Mayor Gibson said that council had been supplied with a copy of an ordinance which the City of Charleston has in reference to this matter.

Mayor Gibson stated that the three Mayors were in favor of all three cities adopting a uniform ordinance for the three cities as this ordinance would much better serve the needs.

Mr. Gerald Karnes stated he felt that the city is taking affirmative action and that the problem is recognized.

Mr. Tom Melton, City Recorder read the Resolution requesting a speedy repair of the Nitro - St. Albans Bridge.

The Resolution is as follows:

R E S O L U T I O N

REQUESTING A SPEEDY REPAIR OF THE NITRO-ST. ALBANS BRIDGE

WHEREAS, the Nitro-St. Albans Bridge was constructed in the year 1934 to foster and promote business, trade and commerce; to stimulate growth, progress and prosperity, plus speedy access between the two municipalities; to generate cooperative activity for the benefit, welfare and economy of the citizens, residents, homeowners and taxpayers of the City of Nitro and St. Albans and their adjacent communities and neighbors in Kanawha and Putnam Counties.

WHEREAS, the citizens and economic commerce, progress, and prosperity is highly dependent in a large and substantial measure upon the use of the Nitro-St. Albans Bridge for the purpose of attending the church of their choice, banking, shopping and transportation to and from their place of employment and numerous other reasons.

WHEREAS, the State of West Virginia through the State Department of Highways and its agents have deemed it necessary to implement and provide necessary repairs which would result in the closure of the said structure for public use for an extensive period of time, more specifically for fifteen (15) months; the events over the years, the bad winters, and the shortage of gasoline dramatically points up the need for quickly establishing the best and the fastest method to complete the necessary repairs to the Nitro-St. Albans Bridge.

WHEREAS, virtually all of the assemblage of data thus compiled indicates that the proposed closing of the Nitro-St. Albans Bridge for a period of fifteen (15) months, by the West Virginia Department of Highways will not serve this city, the surrounding communities, its industrial and commercial complex in a prudent manner, and will potentially do irreparable harm.

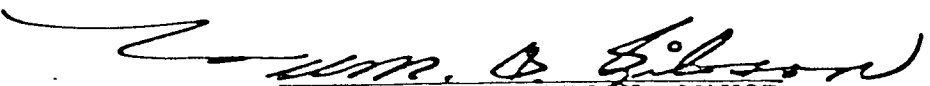
WHEREAS, the Nitro St. Albans Bridge provides such expeditiously an important means of access between the two communities and serves the good citizens of both Nitro and St. Albans, the surrounding commercial and residential areas which provides a sizeable portion of the taxes which finance State Government and its agencies.

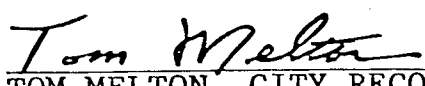
NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Nitro hereby goes on record that it would be a prudent decision, fitting and proper that this governing body express its concern for wanting this important roadway of transportation repaired at an accelerated speed.


FURTHER, the Mayor and the City Council of the City of Nitro urges Governor John D. Ruckerfeller, IV, and Charles Miller, West Virginia State Road Commissioner, to take all necessary action to sufficiently provide the proper lighting of the Nitro-St. Albans Bridge, so that workers can work three

(3) eight hour shifts, thereby, taking advantage of the good weather during the upcoming months and hopefully complete the necessary repairs in a fast and prudent manner for the benefit of everyone served by this very important bridge.

CITY OF NITRO
CITY HALL
NITRO, WEST VIRGINIA


WILLIAM D. GIBSON, MAYOR


TOM MELTON, CITY RECORDER


ADOPTED:

MARCH 21, 1978

Councilman at Large Dr. Allen made a motion to adopt the Resolution. The motion was seconded by Councilman Bailey, and the motion passed by a unanimous vote.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence: (Copies of the correspondence will be kept in the supplement file to the minutes.)

1. In response to a letter from Senator Byrd, Mayor Gibson, Chairman of the Nitro Sanitary Board, had written a letter dated March 7, 1978 to
The Honorable Robert C. Byrd
United States Senator
Washington, D. C. 20510

regarding Mr. and Mrs. Joe Thomas, 4123-41 st Street,
Nitro, West Virginia. Re: Mr. & Mrs. Joe Thomas
SSES, EPA Project:
C-540518

2. Nitro Fire Department received a letter dated March 7, 1978 from ADT Security Systems requesting that their fire alarm services which will be installed at NAPA, W. 19th Street, Nitro, be connected to the ADT Headquarters located in the Nitro Fire Department.
3. Mayor Gibson and the Fire Department Committee received a letter dated March 17, 1978 from Chief Hedrick, Nitro Fire Department, recommending that the request of ADT Security Systems for their fire alarm services for NAPA be connected to the ADT Headquarters located in the Nitro Fire Department be denied until their maintenance and service is improved.

Councilman at Large Pennington made a motion to deny the request of ADT Security Systems until their maintenance and service is improved. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

4. Mayor Gibson received a copy of a letter written by Warren H. Means, P. E., Assistant Chief, Municipal Grants Branch, Water Resources Division, State of West Virginia, Department of Natural Resources, dated March 9, 1978 to
Mr. Greene A. Jones, Director
Water Programs Division
Environmental Protection Agency
Region III
Philadelphia, PA 19106

stating that their office concurs with request for a Sewer System Evaluation Survey and a State Certification of Excessive Infiltration/Inflow for the City of Nitro, and asking that the funding for the SSES be made available from state funds.
Re: C549518, City of Nitro, Grant Amendment.

5. Mayor Gibson received a letter dated March 13, 1978 from J. Kemp McLaughlin, Executive Director, Kanawha County Emergency Ambulance Authority with a fiscal year 1979 budget document showing a breakdown of expenses to cities of South Charleston, St. Albans, Dunbar, and Nitro.
6. There was also the Kanawha County Emergency Ambulance Authority Interim Budget March 1, 1978 through June 30, 1978.
7. Mayor Gibson had written a letter dated March 16, 1978 to Mr. J. G. Knight, Plant Manager of Avtex Fibers, Inc. in reference to the mailgram concerning the Lenzing Corporation of Austria.
8. Mayor Gibson and Robert Sargent, Building Inspector, had written a letter dated March 16, 1978 to Mr. Charley Damron, P. O. Box 9186, Spring Hill Station, 624 Chestnut Street, South Charleston, in reference to Building Permits #136-77 and 136-77 as amended, and notifying him that the work has not been completed in accordance with the specifications and plans which had his signature affixed thereto for the dwelling situated on lots #2175 and #2176.
9. Mayor Gibson had written a letter to
 Mr. Jacob Silver
 Chief, Geography Division
 Bureau of the Census
 Washington, D. C. 20233
 in reference to a certification of corporate boundaries for Mr. Silver's assistance in preparation for the 1980 Census of Population and Housing.
10. Mayor Gibson and Nitro City Council received a letter dated March 21, 1978 from Chief Bradley, Nitro Police Department requesting permission to dispose of three shotguns which were ineffective weapons.

Councilman at Large Karnes made a motion to refer this request to the Police Committee. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

11. Mayor Gibson and Nitro City Council received a letter from Mr. Gene Williams, Director of Public Works, requesting some changes necessary in their monthly trash pick up.

Councilman at Large Pennington made a motion to refer this request to the Finance Committee. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

Mayor Gibson asked for the committee chairman reports.

COUNCILMAN AT LARGE KARNES: no reports.

COUNCILMAN AT LARGE PENNINGTON: no reports.

COUNCILMAN BAILEY: no reports.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell stated there were nine families who live within the city limits off 40th Street (Smith Addition), however, the street has not been dedicated to the city, and is not city maintained.

Councilman Dr. Cassell made a motion to permit Mr. Gene Williams in case it becomes an emergency to help these people in scraping the mud off the street should he deem it necessary. The motion was seconded by Councilman at Large Pennington, and the motion passed. Councilman Hughart and Councilman Miller opposed.

Councilman Miller questioned using city equipment on private property. Councilman Dr. Cassell stated the street would not be city maintained, but the city could take action in event of an emergency to keep the street open for a fire truck and the like.

Councilman Hughart stated that there were dirt streets off Penwood Avenue which are designated city streets, and there were no street lights or fire hydrants on these streets. Councilman Miller said the streets at Broadway Gardens had been left out.

MAYOR GIBSON: Mayor Gibson stated that he had a meeting at City Hall with Mr. Ed Goodno, Corps of Engineers March 15, 1978, about the proposed boat marina in Ward III (Councilman Miller's ward) and that he was optimistic, and felt the city was in a good position to receive federal monies for this project. However, Mr. Goodno stated that we would have to be very patient because it may involve 2, 3, or 4 years to bring the project around.

COUNCILMAN AT LARGE DR. ALLEN: no reports.

COUNCILMAN MILLER: Councilman Miller stated that there was six inches of water standing in Mrs. Loretta Vickers yard at One Smith Street. Mayor Gibson said that Mr. Gene Williams, Director of Public Works, would inspect the drainage problem.

Councilman Miller further stated that the alley way at Mr. Kenneth West's home, Five Washington Avenue needs to be cleaned up, and that at the former Diehls property on the river side in the 700 block of Dupont Avenue there is a one to one and a half foot deep hole beside the sidewalk.

MR. MELTON: no reports.

Councilman Miller made a motion for adjournment. The motion was seconded by Councilman at Large Karnes, and the motion passed by a unanimous vote.


MAYOR

RECORDER

REVENUE SHARING FUND .

POLICE DEPARTMENT

New Equipment	\$ 5,500
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GARBAGE DEPARTMENT

General Expense	20,000
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STREET DEPARTMENT

Materials, Supplies, and expenses	20,000
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UNCLASSIFIED

Parks and playgrounds, Salaries, Supplies & Expense	57,436
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Emergency Ambulance Service	55,000
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Kanawha County Dental Clinic	300
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Total Estimated Disbursements	<hr/> \$158,236
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COAL SEVERANCE FUND EXPENDITURES

STREETS AND SEWERS

Salaries, Engineering Dept.	<u>\$ 12,000</u>
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Total Estimated Disbursements	\$ 12,000
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STATE OF WEST VIRGINIA

ies

COUNTY OF KANAWHA & PUTNAMMUNICIPALITY OF NITRO

To-wit:

At a SPECIAL

session of the council of the municipality of

NITRO

held in the council chambers thereof, in the

CITY HALLbuilding on the 27day of March, 19 78

there

were present WILLIAM D. GIBSON

Mayor,

TOM MELTON

Recording Officer, and

DR. R. V. ALLEN, GUS BAILEY, GUY CASSELL, DONALD KARNES, AND ROMIEHUGHART

members of the council of said municipality.

In accordance with Section 14, Article 8, Chapter 11, of the West Virginia Code as Amended, the Council proceeded to make an estimate of the amounts necessary to be raised by levy of taxes for the current fiscal year, and doth determine and estimate the several amounts to be as follows:

CURRENT REGULAR MUNICIPAL PURPOSES

Estimate Form No. 1

ESTIMATE

(1) The amount due and the amount that will become due and collectible from every source during the fiscal year, EXCEPT FROM THE LEVY OF TAXES to be made for the year.

Cash Balance on Hand (Estimated).....	\$ <u>30,500</u>
Balance in Hands of Sheriff (Estimated).....	<u>30,500</u>
Redemption and Sale Delinquent Land	
Police Fines and Costs.....	<u>23,000</u>
Taking Meters..... <u>CIVIC BENEFITS</u>	<u>30,000</u>
Federal Housing	
Rents-- Buildings and Concessions	<u>600</u>
Taxes (Other than Property Taxes).....	<u>268,250</u>
Fees.....	<u>292,000</u>
Licenses	<u>7,100</u>
Permits.....	<u>7,000</u>
Grants.....	
Miscellaneous	<u>5,500</u>
Total Estimated Receipts.....	\$ <u>604,450</u>

ESTIMATED CURRENT EXPENDITURES:

1. Salary of Mayor	\$ 13,800
2. Salary of Recorder or Clerk	10,500
3. Salary of Treasurer	1
4. Salary of Police Judge	2,700
5. Salary of City Attorney	3,300
6. Salary of City Auditor	
7. Salary of Councilmen or Commissioners	2,100
8. Salaries of Assistants and Clerks	32,280
9. Salaries of Chief and 10 Police	11,820
10. New Equipment Police Department	3,000
11. General Expenses Police Department	11,000
12. Policemen's Pension Fund	2,964
13. Salaries and Expenses Feeding Prisoners	33,795
14. Salaries and Chief and 8 Firemen	92,265
15. New Equipment Fire Department	
16. General Expense Fire Department	10,000
17. Firemen's Pension Fund	17,396
18. Salaries Health Commissioner and Employees	2,300
19. New Equipment Health Department	
20. General Expenses Health Department	2,750
21. Salaries, Creamatory and Garbage Employees	99,170
22. New Equipment Crematory and Garbage Department	
23. General Expenses Crematory and Garbage Department	21,000
24. Buildings Maintenance Salaries and Supplies	4,500
25. Repairs to Jail and City Buildings	600
26. Furniture, Fixtures and Office Machines	3,000
27. Stationery, Office Supplies and Equipment	3,000
28. Postage	2,000
29. Water-Fire Protection, Streets and Sewers	8,500
30. Water-City Building and Other Purposes	1,100
31. Light for Street Lighting	21,800
32. Light-City Building, Traffic Lights, Etc.	4,100
33. Repairs, Street and Traffic Lights	1,500
34. Fuel-Heating City Building	2,100
35. Telephone and Telegraph (All Departments)	4,000
36. Rents-City Hall and Other Buildings	
37. Legal Publications	1,100
38. Insurance on City Building and Other Property	18,900
39. Premiums on Policemen's and Official Bonds	500
40. Election Expenses	2,000
41. Attorneys' Fees, Court Costs and Damages	1,000
42. Salaries, Engineering Department	1,000
43. General Expense, Engineering Department	1,000
44. Salaries and Wages all Street Employees	62,970
45. New Equipment Street Department	

46. Materials, Supplies and Expenses, Street Department	20,000
47. Maintenance of Sewers, Salaries and Supplies	
48. Construction of New Street, Sidewalks and Sewer	
49. Workmen's Compensation Premiums	10,000
50. Audit by Tax Commissioner	1,000
51. Refunding Erroneous Payment	243
52. Parking Meters, Salaries, Supplies and Expenses	
53. Parks and Playgrounds, Salaries, Supplies and Expenses	1,000
54. Cemetery-Salaries, Supplies and Expenses	
55. Traveling and Car Expenses of City Officials	3,000
56. Parking Lot, Salaries, Supplies and Expenses	
57. Market House, Salaries, Supplies and Expenses	
58. Airport/Salaries, Supplies and Expenses TREASURER FEES	175
59. Library, Salaries, Supplies and Expenses	12,000
60. Social Security	30,000
60. A. Public Employees Retirement	29,000
60. B. Employees Insurance	21,315
61. Contingent Expense (Mandatory only)	6,900
62. Dues to Municipal League (Code 8-12-6)	1,900
63. Capital reserve fund (Code 8/13/19) DOG POUND	4,300
64.	
65.	
66. Orders Outstanding	
67. Unpaid Bills	
TOTAL ESTIMATED EXPENDITURES	\$ 765,784

	Assessed Valuation	Proposed Rate of Levy	
CLASS I			
Personal Property	\$ 2,629,084	18.75	c
Public Utility Property	422,400	18.75	c
TOTAL	3,051,484		
CLASS II			
Real Estate	13,194,856	37.5	c
Personal Property	70,163	37.5	c
TOTAL	13,265,019		
CLASS IV			
Real Estate	6,713,913	75.	c
Personal Property	7,113,207	75.	c
Public Utility Property	2,696,620	75.	c
TOTAL	16,523,620		
TOTAL VALUATION	\$ 32,840,123		

STATE OF WEST VIRGINIA,

COUNT^{ies} OF KANAWHA AND PUTNAM

MUNICIPALITY OF NITRO

TO-WIT:

I, TOM MELTON

Recording Officer of said municipality.

do hereby certify that the foregoing are true copies from the record of orders made and entered by the council of
said municipality on the 27th day of March, 1978

Given under my hand this 28th day of March, 1978

Tom Melton
CITY RECORDER

(Official Title)

NITRO CITY SPECIAL COUNCIL MEETING

MARCH 27, 1978

The special meeting of the Nitro City Council was held in the Council Chambers on March 27, 1978 at 8:00 p.m. to discuss and to vote on the Fiscal Year 1978 - 1979 Budget. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Dr. R.V. Allen, Councilman at Large Donald Karnes, Councilman Dr. Guy Cassell, Councilman Romie Hughart, and Councilman Gus Bailey. Councilman at Large Mel Pennington and Councilman Dean Miller were absent.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Councilman Gus Bailey.

Mayor Gibson stated that the special meeting was for the purpose of discussing and approving the Fiscal Year 1978 - 1979 Budget (July 1, 1978 to June 30, 1979), and turned the meeting over to Mr. Tom Melton, City Recorder and Chairman of the Finance Committee. Mr. Melton discussed the Nitro City Budget for Fiscal Year 1978 - 1979 which was presented to council at the March 21, 1978 Council Meeting.

THE NITRO CITY BUDGET FOR FISCAL YEAR 1978 - 1979

(JULY 1, 1978 TO JUNE 30, 1979) - GENERAL FUND
REVENUE SHARING FUND
COAL SEVERANCE FUND

IS ATTACHED HERETO AND MADE A PART HEREOF.

Mr. Melton brought up for discussion the two ordinances the Finance Committee had proposed, one for changing the city holidays for employees which would make the holidays uniform for all city employees, and one for a contractor's license to be purchased each year by each contractor doing business in the corporate limits.

Councilman Hughart wanted to know how much revenue the contractor's license would bring in. Mr. Melton said he estimated that it would be approximately \$4,000 (\$2,000 for special license and \$2,000 in gross sales taxes). Mr. Melton stated that the contractor's license was needed not only for revenue but it was needed for the protection of the people. Mayor Gibson stated that he felt the contractors should have to be bonded in many situations.

Councilman Hughart requested an explanation of the holidays proposed for city employees. Mr. Melton stated that the State Legislature had passed a law that employees under civil service (firemen and policemen) who worked these 13 holidays be given time off or be compensated for these holidays, and that the Finance Committee recommended that all city employees who work for the city have the same holidays. He said that the city employees not under civil service were now getting 7 holidays, and would get 6 additional holidays.

The city employees not under civil service now receive the following holidays:

1. New Years Day
2. Memorial Day
3. July 4
4. Labor Day
5. Veterans Day
6. Thanksgiving Day
7. Christmas Day

Additional holidays are as follows:

1. West Virginia Day
2. Columbus Day
3. Lincoln Birthday
4. Washington Birthday
5. Good Friday
6. Election Day (not every year)

Mr. Melton stated that insurance hospitalization for the city employees will increase 30 percent, and the city will pay 100 percent of this (including the 30 percent increase) for the employee, however it will not pay the insurance for the employee's dependants.

Mr. Melton made a motion that the holidays for all city employees be in compliance with 814 2A and 815 2A, and the employees would receive the thirteen holidays listed on the preceding page. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

Mayor Gibson requested that Mr. Cottrill draft an ordinance on a contractor's license.

Mayor Gibson read a letter dated March 14, 1975, from the Civic Benefit Association in reference to sewer facilities and stated that the Civic Benefit Association owes the City of Nitro \$33,750 which is past due. A copy of the letter is attached hereto and made a part hereof.

Councilman Bailey made a motion to refer this letter to Mr. Cottrill, City Attorney, and Mr. Vaughan, Sanitary Board Attorney, to take under advisement. The motion was seconded by Councilman at Large Karnes, and the motion passed by unanimous vote.

Councilman Hughart stated that it was now his understanding that the budget can be amended at any time council so desires. Mr. Melton said that was correct. Councilman Hughart then made a motion for the adoption of the proposed budget as presented for the Fiscal Year 1978 - 1979, and that the budget be sent to the tax commissioner. The motion was seconded by Councilman at Large Karnes.

Councilman at Large Dr. Allen wanted to know where the \$8,000 was that was to be paid for workmens compensation. Mr. Melton stated this would have to come in the form of an amendment to the budget.

Mayor Gibson reminded council of a critical drainage problem on East 39th Street which had been discussd before. He stated that the city does, now, have an easement and will correct this problem. The drainage problem is near the residence of Mrs. Freda Patton.

Councilman Bailey asked if the budget would have to be amended prior to July 1, 1978 before it will be legal. Mr. Melton stated that it would have to be amended before any pay raises. Councilman Bailey asked if the \$8,000 for workmens compensation would have to be amended before July 1, 1978. Mr. Melton said no, but it would have to be amended before July 1, 1978 for a pay raise and stated that if they got a pay raise in January the budget would have to be adjusted in December. Councilman Hughart stated that he didn't

intend to wait till November to bring this subject up again.

After further discussion, the motion for approval of the adoption of the proposed budget for the Fiscal Year 1978 - 1979 which Councilman Hughart had made, and which was seconded by Councilman at Large Karnes was brought to a vote, and the motion passed unanimously.

Councilman at Large Karnes made a motion for adjournment. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.


MAYOR

RECORDER

NITRO CITY COUNCIL MEETING

APRIL 4, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on April 4, 1978, 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 Donald Karnes, Councilman Gus Bailey, Councilman Dr. Guy Cassell, Councilman Romie Hughart and Councilman Dean Miller. Councilman at Large Mel Pennington and City Attorney Layton Cottrill were absent. Also present were Leo J. Bradley, Nitro Chief of Police and Gene Williams, Director of Public Works.

The meeting was called to order by the Honorable William D. Gibson. Reverend William Westlund, Minister of The First Presbyterian Church gave the invocation.

APPROVAL OF MARCH 21, 1978, 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 Miller and passed unanimously.

APPROVAL OF SPECIAL SESSION COUNCIL MEETING MINUTES, MARCH 27, 1978: City Recorder Melton stated that due to other functional demands that there had not been sufficient time to have the minutes typed for this meeting. City Recorder Melton made a motion to have the approval of the Special Session Council Meeting tabled until the next regular Council Meeting. Councilman at Large Karnes seconded the motion and the motion passed unanimously.

APPROVAL OF FEBRUARY 1978 FINANCIAL STATEMENT: City Recorder Melton stated that the Councilman had received a copy of the Financial Statement in the mail for their review and made a motion that the Financial Statement be approved. Councilman Miller seconded the motion and the motion passed unanimously.

SOLICITATION REQUEST FROM THE UNIFICATION CHURCH: Mayor Gibson stated that Councilman at Large Pennington, Chairman, of the Civic Betterment Committee, was not present. Councilman Miller made a motion in lieu of Councilman at Large Pennington's presence, that the Solicitation Request from the Unification Church be tabled indefinitely. Councilman at Large Dr. Allen seconded the motion.

Councilman Bailey stated that it would be out of order to table it indefinitely since the Committee had not made a presentation.

Councilman at Large Dr. Allen stated that he had discussed this with Councilman at Large Pennington, on the telephone. Further that Councilman at Large Pennington could bring this back before Council at his discretion.

withdraw Councilman Bailey asked if Councilman Miller wanted to his motion.

Councilman Miller stated "I do not want to withdraw my motion."

Councilman Bailey stated that he would amend the motion to the effect it was tabled definitely. Councilman Hughart seconded the amendment.

Councilman Dr. Cassell, Councilman Bailey, Councilman Hughart and City Recorder Melton voted to amend the motion. Councilman at Large Karnes, Councilman at Large Dr. Allen and Councilman Miller voted against the amended motion. The motion carried to amend Councilman Miller's original motion.

A vote was then taken to accept the motion as amended. Councilman Dr. Cassell, Councilman Bailey, Councilman Hughart and City Recorder Melton voted to accept the amended motion. Councilman at Large Dr. Allen, Councilman at Large Karnes and Councilman Miller voted against the amended motion, the amended motion carried by majority vote.

REQUEST FROM MR. E. R. HIVELEY, 1611 16th STREET REGARDING OPEN AIR SERVICE: Councilman Bailey made a motion to put this request in the Civic Betterment Committee for further study, Councilman Hughart seconded the motion, the motion passed unanimously.

Mayor Gibson stated that he had also received a request for Solicitation of funds in the City of Nitro, from the National Multiple Sclerosis Society, Southern West Virginia Chapter, over the signature of Truda Null.

Councilman at Large Karnes made a motion to keep this in the Civic Betterment Committee, until the next regular Council Meeting, the motion was seconded by Councilman Bailey and passed unanimously.

CLEAN UP CAMPAIGN DURING THE MONTH OF APRIL: Mayor Gibson stated that each year during the month of April, the City tried to have a clean up campaign and this involved two Committees, the Civic Betterment Committee and the Garbage, Health and Trash Committee. Mayor Gibson stated that Mr. Williams, Director of Public Works, was present and he was in favor of this clean up campaign.

Mayor Gibson stated that at last Council Meeting, the Nitro Woman's Club, Home Life Department, had been represent by Mrs. C.E. Williams, Mrs G. P. Sizemore, Mrs. Violet Donahoe and Mrs. E. C. Colcord, with suggestions on city improvements. Mayor Gibson stated he had written a letter to the Home Life Department of the Woman's Club, thanking them for their concern and interest on March 30, 1978. (Photostatic copy of the letter is on record in the supplement file to the Minutes).

Mayor Gibson stated that Mrs. Colcord had conversation with Mrs. Ardith Rohmiller, Principal of Nitro Elementary School, and they are trying to get all of the civic groups in Nitro involved in one of the largest clean up campaigns, that has been conducted in Nitro.

Mayor Gibson stated that Mrs. Rohmiller has scheduled a meeting for this clean up and paint up campaign, on April 10, 1978, in the Multi-purpose room at Nitro Elementary School, at 7:30 p.m. and encouraged the Councilmen to attend, if their schedules would permit.

Mayor Gibson stated that he had received a request from the Emergency Ambulance Service Authority, wanting a resolution to have a member present at each meeting. Mayor Gibson stated that he felt that Councilman Bailey should be made a member, since he is Chairman of the Emergency Ambulance Service Committee, and further there should be another member to fill in, if it were not possible for Councilman Bailey to attend.

Councilman at Large Dr. Allen made motion that it be resolved that Councilman Bailey be appointed as the member to the Kanawha County Ambulance Authority and since Mayor Gibson had been attending past meetings, that he felt the Mayor would be the best alternate. The motion was seconded by Councilman Miller and passed unanimously.

Mayor Gibson stated that the Kanawha County Commission had informed him that the Emergency Ambulance Service Authority wanted the City of Nitro to pledge \$1,300.10 each month until the end of the fiscal year, 1978, which would be April, May and June, to provide an ambulance, which would be stationed in the Corporate Limits of Nitro.

Councilman Bailey made a motion to pay the Kanawha County Commission the total sum of \$1,300.10, each month, for April, May and June, 1978, from Revenue Sharing Funds. Councilman at Large Karnes seconded the motion and the motion passed unanimously.

Mayor Gibson stated that he had a request from Mr. Sammy Williams, 18 Layne Avenue, who has contacted the property owners on Layne Avenue and they would like to have specifications and approximate price for the paving of Layne Avenue, with asphalt. The abutting property owner is Conrail. Mr. Williams requested the Mayor get two estimates to do the paving of the street. Mayor Gibson stated he had prepared a letter to Appalachian Engineers, Inc., because he wanted to assist the citizens on Layne Avenue, but felt the Council should be aware of the request, as it was time to start considering any paving that should be done during the paving season. Council Bailey and Councilman Miller stated they had also received requests for paving.

Councilman at Large Dr. Allen requested that each Councilman up-date their present list of paving needs and mail them to him before the next Council Meeting, in order to prepare the organizational factors.

Mayor Gibson stated that HUD Community Development Block Grant Small City Briefing Session would meet for the Fiscal Year 1978-79, on April 4th and 5th at 9:00 a.m., at Coonskin Park, for the West Virginia Communities. Mayor Gibson stated that he was unable to attend the meeting on the 4th, but he and Councilman Dr. Cassell would be attending the meeting on the 5th, and further that if any of the Councilmen wanted to attend too, they would be welcome.

Mayor Gibson recognized Mrs Clara Walker, 31 21st Street, Nitro, who was present to request help with the road conditions on 21st Street. Mrs. Walker elaborated on the drainage problem, the damage and safety factors, this situation was creating.

Mayor Gibson explained in length and detail the steps that are in progress to rectify this situation. Mayor Gibson stated that it was a very costly project but he was hopeful that repairs would be initiated in the near future, by the West Virginia Department of Highways, and he was willing to do anything Council was in favor of to achieve the needed repairs.

Mrs. Walker also wanted to know if there was something that could be done about the high school children not obeying the traffic regulations at 21st Street and Second Avenue. She stated that she had almost been hit twice and asked if a Police Officer could be stationed there at noon hour.

Nitro Police Chief Bradley stated they were doing everything possible to control this area, and he had patrolled the area himself, but with the bridge closing, there were several areas that were very congested and the Police Department was doing everything possible to patrol all the congested areas.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes had no reports or new business.

COUNCILMAN BAILEY: Councilman Bailey had no reports or new business.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell had no reports, but did ask about the dog ordinance, the City was in progress of adopting.

Mayor Gibson stated that City Attorney, Layton Cottrill, had telephoned, stating that due to his Father being ill, he could not be at Council Meeting, but was working on an ordinance and would try to have it ready for the next regular Council Meeting.

Mayor Gibson stated that he had received a telephone call from Mr. Homer Messenger, of Concrete Supply, stating that a blind shelter had been built up at the radio tower and asked if the City had given permission for this. Mr. Messenger stated they were using a four wheel drive vehicle and tearing up the road. Mayor Gibson stated that he was unaware of this, but that approximately one year ago, that the Federal Government had asked permission to observe the John Amos Plant from the radio tower.

City Recorder Melton stated that he had not given permission for anyone to use the road.

Mayor Gibson stated that he had received a thank you note from Mrs. Sizemore, for the City's cooperation in a clean-up campaign and the City had taken care of the planter and top soil for it at the Library.

Mayor Gibson stated he had communicated with Mr. Chaney owner of a vacant service station at the corner of Main Avenue and Lock Street, to use for the Emergency Ambulance Service and ambulance attendants, that are stationed in Nitro. Mr. Chaney stated that he would lease the building to the City for one year for \$100.00 per month. Mayor Gibson stated that the building had a bay for the ambulance and a small room with bathroom facilities. The Mayor also stated the building would need a fresh coat of paint and some cleaning.

Councilman at Large Dr. Allen made a motion to put this in the Emergency Ambulance Committee with permission from Council to let them act upon these matters. Councilman at Large Karnes seconded the motion and the motion passed unanimously.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen stated he would like to know if the shotguns had been destroyed, per Chief Bradley's written request dated March 21, 1978. Police Chief Bradley stated that he had not been given permission to destroy the guns as of this date.

Councilman at Large Dr. Allen made a motion that Chief Bradley be given permission to destroy them, the motion was seconded by Councilman Dr. Cassell and passed unanimously.

Councilman at Large Dr. Allen made a motion that Police Chief Bradley also be given permission to trade one shotgun in on two new ones, per Chief Bradley's written request dated March 21, 1978. Councilman Bailey seconded the motion and the motion passed unanimously.

Mayor Gibson recognized Mr. Gene Williams, Director of Public Works.

Mr. Williams stated he would like Council's permission to work his men 5 days a week, 10 hours per day or hire 4 part-time employees. Mr. Williams explained with the weather conditions causing heavy road damage and needed street repair

and painting, plus this being the season for heavy trash pick-up, that he did not have enough time to get it all done. Mr. Williams stated it would be better to work the 10 hour day rather than to employ 4 inexperienced employees.

Councilman Miller asked for an approximate length of time this would be necessary.

Mr. Williams stated approximately four to six weeks, according to weather conditions, but they would only be working on days that the weather permitted, they would not work if it rained.

Councilman Bailey made a motion that Mr. Williams be granted permission to work at his discretion. Councilman Dr. Cassell seconded the motion and the motion passed unanimously.

A discussion followed on the trash accumulation in Nitro, where it was coming from, a means to find out who was illegally dumping and what could be done to control the accumulation of trash, which accumulates in many cases, shortly after the truck makes its regularly scheduled pick-up. It was discussed that possibly an extra charge should be imposed, if the trash crew had to make a special trip to pick up trash that had been put out between the scheduled time.

Mayor Gibson stated that consideration should be given to adding certain percentages to building permits in an effort to help subsidize the cost of the City for dumping. He stated that in many cases there were one or more truck loads of debris due to house remodeling and building.

Councilman at Large Karnes made a motion that Mr. Williams' written request, dated March 21, 1978, and directed to the Mayor and City Council be put in the proper Committee for complete study. The motion was seconded by Councilman Dr. Cassell and passed unanimously.

COUNCILMAN HUGHART: Councilman Hughart had no reports or new business, but asked if it would be proper to appeal to the public for help with the trash pickup, if the man of the house was home, to give the City a helping hand.

COUNCILMAN MILLER: Councilman Miller asked Mr. Williams, Director of Public Works, if anything is in the planning in the land fill area on the drainage problem.

Mr. Williams stated they were planning to haul in dirt in an effort to correct the drainage problem.

Councilman Miller stated that if the situation could be alleviated, it would take care of some of the problems in that area.

Councilman Miller also asked about the hole on the upper part of Dupont that is causing problems.


Mayor Gibson stated this was the Sanitary Boards responsibility and that he would contact them the next morning to be sure they were aware of this and have it corrected.

The Mayor gave reference to the following correspondence. (Photostatic copies are filed in the supplemental file to the Minutes).

1. William F. Carroll, Deputy Attorney General, had written a letter to Fire Chief Hedrick, dated March 6, 1978, in reference to the retirement of James Raynes, Fireman.
2. Mayor Gibson had received a letter over signature of John Machita, Jr., Chief Grants Administration Branch, informing the Mayor that West Virginia Department of Natural Resources had forwarded Nitro's application for grant assistance under the Federal Water Pollution Control Act.
3. Mayor Gibson also brought to the attention of Council, Bulletin No. 4, dated March 27, 1978, from Police Chief Bradley and complimented Chief Bradley on the Bulletin and the outstanding job he was achieving in the Police Department.
4. Mayor Gibson had received a photostatic copy of a letter, dated March 27, 1978, and directed to William J. Tricarico, Secretary, Federal Communications Commission, Washington, D.C., over the signaute of John P. Cole, Jr., Kanawha Cable Television, requesting that certification be issued to January 18, 1990, in accordance with the Ordinance adopted January 19, 1965, as amended, granting a cable TV franchise for a term of 25 years (§1).
5. Mayor Gibson had received a letter from Harold L. Frankel, Mayor, City of Huntington, in reference to an earlier letter dated March 21, 1978, regarding the proposed rate increase by Appalachian Power Company. Mayor Frankel stated he was incorrect in the rate increases. The rates will increase for homeowners by 27% and the Commercial increase was 29%.
6. Mayor Gibson stated he had written a letter to Fire Chief Hedrick, dated March 29, 1978, with two requests concerning Fire Department personnel.

CITY RECORDER MELTON: City Recorder Melton had no reports or new business.

Councilman at Large Dr. Allen made a motion for adjournment, the motion was seconded by Councilman at Large Karnes and passed unanimously.



 MAYOR

 CITY RECORDER



PEOPLES FEDERAL CREDIT UNION

**The supervisory committee
is making an audit of your account.**

**If the balances do not agree,
please report any differences**

immediately to:

Mr. Joe Gresham, Chairman

P. O. Box 635

Nitro, WV 25143



NITRO CITY COUNCIL MEETING

APRIL 18, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on April 18, 1978, 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 Donald Karnes, Councilman Gus Bailey, Councilman Dr. Guy Cassell, and Councilman Romie Hughart, Councilman at Large Mel Pennington, Councilman Dean Miller and City Attorney Layton Cottrill were absent. Also present was Nitro Chief of Police Leo J. Bradley and Director of Public Works, Gene Williams.

The meeting was called to order by the Honorable William D. Gibson, Reverend William Westlund, Minister of The First Presbyterian Church gave the invocation.

APPROVAL OF SPECIAL SESSION COUNCIL MEETING MINUTES, MARCH 27, 1978: Councilman Hughart made a motion that the Minutes be approved, as amended correcting the typographical error under Salaries of Policemen to \$111,820. The motion was seconded by Councilman Dr. Cassell. The motion passed by a unanimous vote.

APPROVAL OF APRIL 4, 1978, COUNCIL MEETING MINUTES: Mayor Gibson stated that each Councilman had received a copy of the April 4, 1978, Council Meeting Minutes for their review and inspection. Councilman at Large Dr. Allen made a motion that the minutes stand approved, the motion was seconded by Councilman Hughart. The motion passed unanimously.

APPROVAL OF MARCH 1978, FINANCIAL STATEMENT: City Recorder Melton, Chairman of the Finance Committee, stated each Councilman had received a copy of the Financial Statement for their review and made a motion that the Financial Statement be approved. Councilman at Large Karnes seconded the motion, the motion passed by unanimous vote.

SOLICITATION REQUEST FROM THE UNIFICATION CHURCH: Councilman at Large Dr. Allen stated that in the absence of Councilman at Large Pennington, Chairman of the Civic Betterment Committee, and as a member of this Committee, he would again make a motion that this request be tabled indefinitely. Councilman at Large Karnes seconded the motion, the motion carried with only Councilman Bailey opposing the motion.

SOLICITATION REQUEST FROM NATIONAL MULTIPLE SCLEROSIS SOCIETY: Mayor Gibson stated he had conversation with Truda Null, Executive Director of the M.S. Society, and Mrs. Null would like to have Council's decision before the first week of May. In the absence of Councilman at Large Pennington, Chairman of the Civic Betterment Committee, Councilman Hughart made a motion this request be taken out of Committee and be approved. The motion was seconded by Councilman Dr. Cassell and passed unanimously.

REQUEST FROM MR. E. R. HIVELY, 1611 16th STREET
REGARDING OPEN AIR SERVICE: Councilman Dr. Cassell, member of the Civic Betterment Committee, stated that there had not been a decision made in Committee on this request at present time. Councilman at Large Karnes made a motion that this request be tabled until the next regular Council Meeting the motion was seconded by Councilman Hughart and passed unanimously.

COMMITTEE FOR A CLEANER NITRO REPORT OF MEETING
APRIL 10, 1978: Councilman at Large Karnes, Chairman of the Garbage-Health and Trash Committee, stated the meeting was very successful with Ardith Rohmiller, Principal of Nitro Elementary School, presiding over the meeting. Mildred Barrickman was appointed secretary and Dolly Withrow was appointed publicity chairwoman. The purpose of the meeting was to get as many citizens interested and involved in the clean up campaign, as possible. Councilman at Large Karnes stated that each Ward Councilman was requested to get as many Team Captains as possible, preferably one for each Street in Nitro. Further, that another meeting was scheduled for April 24, 1978, at 7:30 p.m. in the Multi-purpose room at Nitro Elementary School. Trash bags will be furnished by the City and can be picked up at Nitro City Garage or the Nitro Police Department. The Kick-Off date for the Clean-up Campaign will be April 29, 1978.

Mayor Gibson stated that the National Guard had been requested to furnish approximately five (5) trucks, in an effort to help the City with this Clean-up campaign.

Mayor Gibson stated since the last Council Meeting, he had sent the Councilmen copies of the following correspondence. (The following correspondence is of record in the supplemental file to the minutes.)

1. Richard A. Robb, Mayor of South Charleston, had written to Dr. Frederick M. Cooley, Director, State Office of EMS, on March 31, 1978, requesting training opportunities for municipal employees, including Policemen and Firemen.

2. Mayor Gibson had received a letter dated April 3, 1978, over the signature of Richard A. Robb, Mayor of South Charleston, in reference to the Kanawha County Levy Estimate of receipts and the County Revenue Sharing receipts.

Councilman Hughart had questions on how the Revenue Sharing Funds were disbursed. Mayor Gibson stated he would encourage all Councilmen to attend the next meeting of the Kanawha County Emergency Ambulance Authority. The Mayor further stated that there were many wrinkles that needed ironing out regarding the fair share that the various cities should have to pay opposed to the Kanawha County Commission.

3. Mayor Gibson had written a letter to Mrs. Thomas Jones, 1116 West 11th Street, resulting from a telephone call, dated April 3, 1978, in reference to Ridenour Memorial Park.

4. Mayor Gibson had written to the Honorable Harold L. Frankel, Mayor of Huntington, congratulating him on his part in the Channel 3 TV program, April Fool prank, abolishing Spring. Mayor Gibson received a reply from Mayor Frankel, dated April 11, 1978, thanking the Mayor for his interest and comments.

5. Mayor Gibson had received a copy of a letter directed to Mr. David Accord, Kanawha County Board of Education over the signature of Alvin Hicks, President of Nitro Lions Little League, dated April 8, 1978, requesting the use of the lot behind Nitro Jr. High School for girls softball.

6. Mayor Gibson read verbatim, a letter directed to him, over the signature of Alvin Hicks, President of Nitro Lions Little League, dated April 8, 1978, requesting a field be prepared behind Nitro Swimming Pool.

Councilman at Large Karnes made a motion that the request for a field behind Nitro Swimming Pool be placed in the Recreation Committee for further study, the motion was seconded by Councilman Dr. Cassell and passed unanimously.

7. Mayor Gibson had written a letter dated April 14, 1978, to Mr. Dave Thompson, Scout Master of Boy Scout Troop #77, thanking the troop for planting flowers and trees at Ridenour Memorial Park. The Mayor had also presented the troop with a certificate of appreciation.

8. Mayor Gibson had written Mrs. Claude Deardoff, 1424 Sattes Circle, on April 14, 1978, in reference to the streets in that area that needed repaired or resurfaced.

9. Mayor Gibson had received a request from Nitro Police Chief, Leo J. Bradley, dated April 10, 1978, requesting the two vacancies in the rank of Sergeant be filled.

Mayor Gibson responded to this request by letter dated April 12, 1978, directed to Mr. Omar Cunningham, President of the Nitro Policemen's Civil Service Commission, respectfully requesting the Nitro Policemen's Civil Service Commission schedule a test for the rank of Sergeant at their earliest convenience.

10. Mayor Gibson had written a letter dated April 14, 1978, to Mrs. Edward Botkins, 1228 West 12th Street, acknowledging receipt of her complimentary and considerate telephone call in reference to the Nitro Police Department and the Emergency Ambulance Service.

11. Mayor Gibson had written a letter dated April 14, 1978, to Mr. George Leslie, Charleston National Bank, Charleston, West Virginia, in reference to a request my Mr. and Mrs. Charles Boggs, requesting property situated at 106 Broadway Avenue be divided into two lots. Mayor Gibson advised that the City of Nitro had no objections to the subdividing of this property in accordance with the plans and specifications as submitted.

12. Nitro Police Chief, Leo J. Bradley, had received a written request dated April 14, 1978, from Ardith Rohmiller, Principal of Nitro Elementary School, for signs to be installed at the driveway behind the building. Cheif Bradley stated that "15 MPH Speed Limit" signs were needed on 19th Street. Mr. Gene Williams, Director of Public Works, stated he would erect the speed limit signs. It was Chief Bradley and Council's feeling that signes on the Kanawha County School Board property should be handled by the Kanawha County School Board.

Mayor Gibson recognized Mr. E.C. Childers, 3956 39th Street, East; Mr. Simms 3958 39th Street East; and Mr. Fred Kennedy of 3960 39th Street East. As spokesman, Mr. Childers stated they were having a very bad drainage problem where the new sewer line went through their individual properties. The elevation was not done properly and the properties will not drain, and leaves water standing. A discussion followed on the right-of way privileges and responsibilities.

Mayor Gibson stated that Mr. Robert Hayne, Appalachian Engineers, Inc. and Head Engineer for the City of Nitro, would be available Tuesday, April 25, 1978, and that Mr. Hayne would go see the property and take steps to see that it was corrected.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes had no Committee reports or new business.

Mayor Gibson recognized Mr. Omar Cunningham, President of the Nitro Policemen's Civil Service Commission. Mr. Cunningham stated the Commission was getting very well organized and wanted to thank the Mayor and City Council for their cooperation.

COUNCILMAN BAILEY: Councilman Bailey stated he had three items to bring before the Council.

The first was complaints from the citizens in Sattes Circle wanting relief from the potholes in that area.

The second were complaints from citizens about Modern Supply Co. of 501 First Avenue, blocking Wilson Street with large trucks and littering. Trucks are parking and extending to the middle of the street making one-way traffic on Wilson Street.

Councilman Bailey also had a report from the Emergency Ambulance Service Committee, of which he is Chairman. Councilman Bailey stated the Committee had discussed the renting of the building, owned by Mr. Chaney, at the corner of Lock Street and Main Avenue, to house the ambulance attendants and ambulances. Councilman Bailey stated since there would have to be a certain amount of refinishing and furnishings added to the building that he would make a motion to enter into a contractual agreement, drawn up by City Attorney Layton Cottrill, that the City be permitted to lease the building for one year, for One Hundred Dollars (\$100.) per month. The motion was seconded by Councilman at Large Karnes and passed unanimously.

Mayor Gibson stated, last fall, the Council did vote in favor of determining the right-of-way between Nitro Furniture Co. and Modern Supply Co. Mayor Gibson requested that Mr. Williams, Director of Public Works, do the necessary yellow marking, to show the right-of-way, as opposed to the berm. Mayor Gibson stated if Mr. Williams had any questions, he could direct them to Mr. Robert Hayne, Engineer of Appalachian Engineers.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell stated that the storm drain line had been installed in Brookhaven and most of the residents seemed well pleased, except in one area that it did need to be dressed up.

Councilman Dr. Cassell also requested that some new signs be erected in the Brookhaven area.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen requested Mr. Williams, Director of Public Works, to get the sign on 31st Street and First Avenue, that had been torn down by a car.

Councilman at Large Dr. Allen also requested that the lists on street paving needs be delayed until next Council Meeting, giving the Councilmen more time to study the needs in each ward.

COUNCILMAN HUGHART: Councilman Hughart stated that he had several complaints about citizens putting their household garbage in plastic bags outside, and large dogs tearing the bags open and spreading the trash. He requested Mr. Williams, Director of Public Works to make a list of citizens that are responsible of doing this, so they may be duly notified by letter of the Code of the City of Nitro, Chapter 11, Section 11, which states that garbage must be placed in a suitable container. It was Council's decision that metal or plastic barrels would be suitable.

CITY RECORDER MELTON: City Recorder Melton made a motion that the Council lay the Levy Rates for the Budget 1978-79 fiscal year. The total Municipal Levy Rates are

Class I - 18.75 Cents
Class II - 37.5 Cents
Class IV - 75 Cents

Councilman at Large Dr. Allen seconded the motion and the motion passed unanimously.

Mayor Gibson requested all Councilmen to be very serious minded about the Spring Clean-Up Campaign and assist in everyway possible to make the massive Spring Clean-Up a smashing success.

Councilman at Large Dr. Allen made a motion for adjournment, the motion was seconded by Councilman at Large Karnes and passed unanimously.

Mayor Gibson requested a closing prayer be given by the Reverend William Westlund, Minister of the First Presbyterian Church.


MAYOR

CITY RECORDER

NITRO CITY COUNCIL MEETING

MAY 2, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on May 2, 1978 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 Donald Karnes, Councilman Dr. Guy Cassell, Councilman Romie Hughart, and Councilman Dean Miller. City Attorney Layton Cottrill, Councilman at Large Mel Pennington, and Councilman Gus Bailey were absent.

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

APPROVAL OF APRIL 18, 1978 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 the motion passed by a unanimous vote.

REQUEST FROM MR. E. R. HIVELY, 1611 16th STREET
REGARDING OPEN AIR SERVICE: Mayor Gibson read a memorandum from Councilman at Large Pennington, Chairman of the Civic Betterment Committee. It was Councilman at Large Pennington's recommendation to Mayor Gibson and to council that the request be denied after discussing this with Mr. Hivley on the phone, for the following reasons:

1. It might place some of his neighbors in an uncomfortable position,
2. The area in question has elderly people and shift workers, and
3. Mr. Hively was not sure of the type of music or the exact hours of the meeting.

Councilman at Large Dr. Allen made a motion to accept Councilman at Large Pennington's recommendation. The motion was seconded by Councilman at Large Karnes and the motion passed. Councilman Miller did not vote.

SOLICIATION REQUEST FROM ANDREW HEIGHTS
ELEMENTARY SCHOOL, TORNADO, WV SCHOOL CARNIVAL, MAY 6, 1978:
Councilman at Large Karnes made a motion that this request be denied. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.

SOLICIATION REQUEST FOR POWDER PUFF BOWLING
LEAGUE BANQUET TO BE HELD MAY 23, 1978. SOLICIATIONS TO BE
MADE DURING THE WEEK OF MAY 8th: Councilman at Large Karnes stated that the league bowled at Towne 'N' Country Lanes located in Nitro, and he made a motion to give the league permission to solicit. The motion was seconded by Councilman Dr. Cassell and the motion passed.

Mayor Gibson stated that the newly adopted Rules and Regulations of the Nitro Policemen's Civil Service Commission had been mailed out to each councilman for their review. Plus a letter of 4/28/78, Chief Bradley requesting that the rank of Corporal be eliminated which had been established 5/3/1977.

APPROVAL OF THE NEWLY ADOPTED RULES AND
REGULATIONS OF THE NITRO POLICEMEN'S CIVIL SERVICE COMMISSION
MEETING HELD APRIL 24, 1978: Chairman of the Police Committee, Councilman at Large Dr. R. V. Allen stated that this is something that has been needed for a number of years, and introduced Mr. Omar Cunningham, Chairman of the Policemen's Civil Service Commission. Mr Cunningham recommended that council accept the RULES AND REGULATIONS as adopted April 24, 1978 by the Nitro Policemen's Civil Service Commission. He stated that a tremendous amount of work had gone into the formulation of these rules and regulations and stated that they would be a big asset to the Police Department. Dr. Allen, Councilman at Large and Chairman of the Police Committee stated that they should first act on Chief Bradley's letter and made a motion to honor the request made by Chief Bradley that the rank of Corporal be eliminated from the rank structure of the Nitro Police Dept. and that it become effective immediately. The motion was seconded by Councilman at Large Donald Karnes. The Mayor ask if there were any questions. There were no questions and the motion passed unanimously.

THE RULES AND REGULATIONS ARE AS FOLLOWS:

MAY 2, 1980

265

RULES AND REGULATIONS
OF THE
NITRO POLICEMEN'S
CIVIL SERVICE COMMISSION
OF THE
CITY OF NITRO, WEST VIRGINIA

RULE I.

ORGANIZATION AND DUTIES

At a regular meeting held in January of each year, the Commission shall elect one of its number as President. It shall be the duty of the Commission to adopt, amend and enforce a code of rules for examinations for positions in the police service of the City of Nitro and for the appointments and promotions therein, and they may amend the same from time to time or may temporarily suspend any of the provisions of the rules upon giving due notifications and publication of such amendment or temporary suspension in the manner provided by law. They shall supervise all examinations held under these rules to ascertain the fitness and merit of candidates for the service of the City of Nitro Police Department and for promotions therein, in respect to ability, character and industry, shall estimate and determine the relative excellence or standing of the persons examined, and shall certify the same as herein provided. The Commission shall have the power to appoint such examiners, stenographers and clerks as may be necessary from time to time, provided the City Council by appropriation shall provide for such additional assistance. It shall be the duty of the Commission to keep an accurate record of its proceedings and to make such recommendations to the Mayor, the Chief of Police, and the City Council as it may deem best for the interest of the service.

RULE II

QUORUM

Two members of the Commission shall constitute a quorum for the transaction of business. At least two members of the Commission must supervise all examinations for appointments or promotions and determine those to be certified to appointment or promotion. In all cases of appeal for reinstatement after discharge, the full Commission will hear the evidence, provided, however, that should expediency necessitate such hearing while one Commissioner is sick or unavoidably absent, no decision will be rendered until such absent member has read the transcript of the evidence submitted at such hearing, and a vote of all the Commissioners is held on the case. The individual votes of the Commissioners shall be a matter of public record and records will be made available upon request.

RULE III

APPLICATION FOR EXAMINATION

The Commission shall require persons applying for admission to any examination, provided for by the Civil Service Act passed by the 1937 session of the West Virginia State Legislature, and as amended in 1971, or by the Rules of the Commission herein prescribed, to file with the Chief of Police, at least 14 days prior to the proposed examination, a formal application which shall be in his own handwriting. The application may be obtained at the City Police Department.

(1) The Commission may refuse to examine or, after examination, to certify as eligible, applicants found to lack any of the established preliminary requirements for the examinations for which they apply; or who are physically so disabled as to be rendered unfit for the performance of the duties of the position to which they seek appointment; or who are receiving disability income from any source; or who are addicted to the use of drugs or the use of intoxicating beverages to excess or who have been guilty of a crime or a misdemeanor involving moral turpitude or disgraceful conduct; or who have been convicted of a felony, or who have been dismissed from the public service for delinquency or misconduct; or who have intentionally made a false statement of any material fact, or have practiced or attempted to practice any deception or fraud in their applications, in their examination or in securing their eligibility or appointment; or whose character, in the opinion of the Commission, is unsatisfactory. Any of the foregoing disqualifications shall be sufficient cause for removal of any appointee from the service if ascertained within five years after appointment.

(2) Any person who has or hereafter may resign under pending charges, or who has been or may hereafter be dismissed upon charges, shall not be reinstated or admitted to examination for any position in the police service.

(3) No application for any position shall remain on file for more than one year from the date of application unless he/she has been placed on an eligibility list resulting from a competitive examination held under the Policemen's Civil Service Provision.

(4) Any applicant who fails to appear for examination when notified by the City Clerk, Police Chief or Mayor, by mail to the last address given shall be disqualified from further examination until the next examination is scheduled, unless a reasonable excuse for such absence be given in writing to the Commission for such, within 30 days and agreed upon by said Commission, City Clerk, Chief of Police and Mayor.

RULE IV

APPLICATIONS FOR ELIGIBILITY LIST FOR
POSITIONS PROBATIONER PATROLMAN

All applicants for examination for the position of probationer patrolman shall be, in addition to the general requirements of RULE III.

The Nitro Civil Service Commission approve the following requirements as requested by the Police Department of the City of Nitro. The approval being given in order to upgrade the standards of the Police Department.

<u>HEIGHT</u>	<u>MINIMUM</u>	<u>WEIGHT</u>	<u>MAXIMUM</u>
5'9"	155 lbs.		185 lbs.
5'10"	155 lbs.		195 lbs.
5'11"	160 lbs.		205 lbs.
6'0"	160 lbs.		215 lbs.
6'1"	170 lbs.		225 lbs.
6'2"	170 lbs.		235 lbs.
6'3"	175 lbs.		245 lbs.
MAXIMUM HEIGHT 6'8"		MINIMUM HEIGHT 5'9"	
MAXIMUM WEIGHT 275 lbs.		MINIMUM WEIGHT 155 lbs.	

Required to pass a physical examination given by any Medical Doctor who has an established practice in the City of Nitro.

Be required to pass, before appointment, if requested a psychiatric examination given by the Medical Examiners approved by the State of West Virginia.

Required to have been honorably discharged if he/she has had previous military service.

RULE V

PROMOTIONS

All applicants for examination for promotion from a lower grade to the next higher grade shall be required to have completed at least two years service in the next lower grade before they shall be eligible for consideration for promotion.

RULE VI
REINSTATEMENT

Applicants for reinstatement under the provisions of Section 8-14-12 of the Civil Service Act shall file a regular application form and submit to a physical examination and psychiatric examination, if requested in exactly the same manner as any new applicant with Height and Weight requirements being a part of the Physical Examination. Upon being properly certified by the Medical Examiner and meeting all the Civil Service Requirements he/she shall report such fact to the City Clerk, Chief of Police or Mayor, who in turn shall immediately notify the President of the Commission and such applicant may be eligible for reinstatement at the discretion of the Commission with all pertinent facts being considered as outlined in 8-14-12 of the West Virginia Code and certified to the Mayor within thirty days next following the Medical Examiner's report, and he/she may then be reappointed to the lowest in rank in the department next above the probationers

No policemen of any grade who has been discharged or resigned under charges due to an investigation in progress by the Chief of Police or Mayor and whose case has been reviewed by the Commission and the discharge or resignation sustained by the Commission and who has not been appealed as provided by law, shall be ineligible for reinstatement.

RULE VII

NOTICE OF EXAMINATION

Notice of competitive examinations to be held for appointment to the Police Department shall be given by advertisements in at least one newspaper of general circulation in the City of Nitro for one issue at least thirty days prior to such examination. If examination is promotional in the department, notice shall be posted conspicuously on the daily bulletin board of the Police Department at least fourteen days prior to said examination.

All examinations shall be held at the City Hall in the City of Nitro in the City Council Chamber, provided, however, that on occasions when the Council Chamber is not available or cannot conveniently accommodate the number of applicants expected, the examination shall be transferred to a suitable public place and all candidates notified of such change in a reasonable time prior to the holding of such examination. Notice published on the police bulletin board twenty-four hours in advance of such change will be considered a reasonable notice.

RULE VIII

CONDUCT OF EXAMINATIONS FOR NEW APPLICANTS

SECTION 1. EXAMINATIONS TO BE PRACTICAL: All fitness tests shall be practical in character, shall relate directly to those matters which will fairly test the relative capacity of the person examined to discharge the particular duties of the class of position to which appointment is sought and shall include tests of physical qualifications and health.

SECTION 2. CONTENT OF EXAMINATIONS FOR APPLICANTS FOR APPOINTMENT AS PROBATIONER PATROLMAN: Applicants shall be graded on a scale of 110 points to be comprised of 75 points for written examination, 20 points for physical fitness and 10 points for oral interview, and 5 points for two or more years of active Federal Military Service. At least 10 points of applicant's score must have been awarded of the 20 points for physical fitness.

(A) WRITTEN EXAMINATION: This part shall consist of a written demonstration designed to show the familiarity of competitors with the knowledge involved in the position to which they seek appointment, their ability in the use of English, the range of their general information, intelligence and educational attainments, their capacity to adjust their thinking to new problems and conditions, and to ascertain any special character traits and aptitudes.

(B) PHYSICAL FITNESS: This part shall consist of such number of reasonable fitness and agility tests as may be prescribed by doctors or experts in the field of physical fitness, designed to show the

bodily condition, muscular strength, endurance, agility and physical capacity of competitors. Points shall be awarded only for the successful completion of the individual tests prescribed, and at least 10 points of the possible 20 points are required to pass this phase of the examination.

(C) ORAL INTERVIEW; This part to be conducted in a manner deemed appropriate by the Nitro Policemen's Civil Service Commission.

RULE IX

CONTENTS OF EXAMINATIONS FOR APPLICANTS FOR
PROMOTION WITHIN THE CITY OF NITRO
POLICE DEPARTMENT

SECTION 1. Applicants shall be graded on a scale of 100 points to be comprised of points for written examination, efficiency and service record, and seniority. Subsections A, B, and C will be graded on a score of 100 points each. The three sections will then be totaled and divided by 3 to obtain the applicant's score.

(A) WRITTEN EXAMINATION. This part shall consist of such number of questions as may be set forth by the Commission.

(B) EFFICIENCY RATING AND SERVICE RECORD.

(C) ORAL INTERVIEW.

1. Efficiency Rating. The possible 50 points to be awarded for this part shall be computed by determining from the applicant's personnel record his average efficiency rating for the past five years. Efficiency ratings may be based on the following: absenteeism, accident rating, character and conduct, attitude, personal appearance, initiative, industry, judgement, reporting ability, ability to work under pressure and on dangerous assignments, ability to meet and deal with others, ability to organize work, knowledge of duties, laws ordinances and rules applicable to his work, accuracy and attention to pertinent details, emotional stability, leadership and promoting high morale.

2. Service Record. The possible 50 points to this part shall be computed by awarding 30 points to each applicant and adding 5 points for each citation or commendation he has received in the past five years, up to 25 points; from this total, the following deductions are then made: 2 points for each day of suspension in the past five years, 1 point for each official reprimand in the past five years.

(C) Seniority. The possible 100 points for this part shall be under the responsible supervision of at least two members of the Commission who shall be free from interference, participation or influence of the appointing officer or of any persons other than the examiners, experts or agents designated or employed by the Commission in the direction of some phase or phases of the examination, and the Commission is hereby authorized to designate or employ such assistants or experts, and for this purpose may exempt from examination, under these rules, any person engaged in private business who shall render it any professional, scientific, technical or other expert service of an occasional or exceptional character.

SECTION 3. Any applicant for appointment or promotion shall be automatically disqualified if he attempts, in any manner, to communicate with or influence the Commission or any members thereof with respect to any other applicant or to any matter under their jurisdiction, except in a matter provided by law. Further, the Commission shall not receive or consider any such communication except such as it may invite in accordance with its rules and regulations or such as is submitted in a manner provided by law.

RULE X

ELIGIBLE LIST

SECTION 1. POSTING OF LISTS: From the returns of each examination, the Commission shall prepare and keep open to public inspection an eligible list of the persons whose average grade in the examination for the class is passing and who are otherwise eligible. Such persons shall be notified and take rank upon the eligible list in the order of their relative grades without reference to priority of time and examination.

Whenever it becomes necessary to hold a subsequent examination in order to obtain additional eligibles, the Commission may consolidate existing lists for the same class by rearranging the eligible names therein according to their grades. All persons whose names appear on an existing list which is to be merged with a new list shall have an opportunity to compete in the second examination.

SECTION 2. DURATION OF LISTS: The term of eligibility of each list and of the names appearing thereon shall be fixed by the Commission at not more than three years for original appointment or as may be deemed necessary or expedient by a majority vote of the Commission members.

RULE XI

PERSONNEL RECORD

It shall be the duty of the Chief of Police and or the Mayor, immediately after the adoption of these rules, to establish and maintain a seperate personnel file for every member of the Police Department of the City of Nitro, pertinent to the member's employment.

RULE XII
GRIEVANCES

Any member or group of members of the Police Department of the City of Nitro may file a written complaint with the Chief of Police or the Mayor whenever he/she feel that any of the provisions of the Civil Service Act or the Rules and Regulations of the Police Civil Service Commission have been violated by virtue of any order or instruction issued in the Police Department. Such complaint shall clearly set out the section or rule of which complaint is based and likewise set out the full text of instruction or order that in his or her opinion constitutes the violation. The complaint must be properly signed and sworn to.

APPLICATION FOR
EMPLOYMENTPOSITION(S) APPLIED FOR:
TITLE

PERSONAL

Name (Last)	(First)	(Middle)	Social Security Number
Present Address (Street)			(City) (State) (Zip Code)
Telephone Number			Home Business

Person to Notify in Case of Emergency

Name: Address: Telephone Number:

Do You Have a No ☐Driver's License? Yes ☐

Have You Ever Been Discharged or Forced to Resign From a Job?	No <input type="checkbox"/>	Yes <input type="checkbox"/> (Explain on page 4)	Were You Previously Employed by the City?	No <input type="checkbox"/>	Yes <input type="checkbox"/> (Explain on page 4)
---	-----------------------------	--	---	-----------------------------	--

Will You Accept:	Full Time Work <input type="checkbox"/>	Shift Work <input type="checkbox"/>	Salary Desired (Minimum)
	Part-Time Work <input type="checkbox"/>	Temporary Work <input type="checkbox"/>	

Military Service:	Rank	Serial No.	Dates	Type of Discharge
None <input type="checkbox"/> Branch				

PHYSICAL DATA

Have you any physical handicaps, disease or other disability which should be noted?

☐ Yes ☐ No If yes, give details:

Date of last physical examination: Name and Address of examining physician:

Are you subject to any recurring illness? If so, what?

How much time have you lost during the past two years due to sickness?

Have you received compensation benefits for injuries? If yes, please describe:

EDUCATION

281

TYPE OF SCHOOL	NAME OF SCHOOL	COURSE MAJORED IN	YEARS ATTENDED FROM - TO	DATE GRADUATED	DEGREE
Last Elementary					
Last High School					
College					
Graduate or Special Work					
Business or Trade School					
Corresp. or Night School					

What are your present plans (if any) for improving your education?

Describe academic honors, awards, scholarships

Describe special skills or abilities

TYPING SPEED	DICTATION SPEED	LIST MEMBERSHIPS IN PROFESSIONAL ORGANIZATIONS
WPM	WPM	

EMPLOYMENT HISTORY

List work experience, beginning with your present or most recent job. Describe each job separately. Give special attention to experience relating to the job for which you are applying. Incomplete descriptions may result in lower ratings.

EMPLOYING FIRM		ADDRESS		FROM: _____	Month	Year
YOUR TITLE	NUMBER SUPERVISED	SUPERVISOR		TO: _____	Month	Year
DUTIES				FULL TIME: <input type="checkbox"/>		
				PART TIME: <input type="checkbox"/>		
				STARTING SALARY \$		
				LAST SALARY \$		
Reason for wanting to leave				May We Contact Your Present Employer? <input type="checkbox"/> Yes <input type="checkbox"/> No		

EMPLOYING FIRM		ADDRESS		FROM: _____	Month	Year
YOUR TITLE	NUMBER SUPERVISED	SUPERVISOR		TO: _____	Month	Year
DUTIES:				FULL TIME: <input type="checkbox"/>		
				PART TIME: <input type="checkbox"/>		
				STARTING SALARY \$		
				LAST SALARY \$		

Reason for leaving:

282

EMPLOYING FIRM		ADDRESS	
YOUR TITLE	NUMBER SUPERVISED	SUPERVISOR	
DUTIES:		FROM: _____ Month Year	
		TO: _____ Month Year	
		FULL TIME: <input type="checkbox"/>	
		PART TIME: <input type="checkbox"/>	
		STARTING SALARY \$ _____	
Reason for leaving: _____		LAST SALARY \$ _____	

EMPLOYING FIRM		ADDRESS	
YOUR TITLE	NUMBER SUPERVISED	SUPERVISOR	
DUTIES:		FROM: _____ Month Year	
		TO: _____ Month Year	
		FULL TIME: <input type="checkbox"/>	
		PART TIME: <input type="checkbox"/>	
		STARTING SALARY \$ _____	
Reason for leaving: _____		LAST SALARY \$ _____	

**ADDITIONAL
EXPERIENCE**

Describe volunteer work, hobbies, or other experiences that may contribute to your qualifications for the job

REFERENCES

Do Not List Relatives or Former Employers

NAME	HOME ADDRESS	PHONE	BUSINESS	YEARS KNOWN

ADDITIONAL
INFORMATION

Use This Space For Additional Comment Or Explanations As Necessary

I hereby certify that the answers given by me to the foregoing questions and the statements made by me are true to the best of my knowledge. I understand that any false statement or misrepresentation of facts included in this application or supplements thereto is cause for rejection of my application or discharge after my employment.

Applicant's Signature

Date

Permission is hereby granted by the applicant to the investigating officer of the Nitro Police Department to complete the following and I hereby release said persons from any liability or claim whatsoever for issuing this information.

- (a) Check with family physician for previous medical history
- (b) Prepare an approved set of fingerprints
- (c) Credit Check

I also grant permission to the investigating officer to contact previous employers listed in this application.

Applicant's Signature

Date

Nitro Police Department

Nitro, West Virginia 25143

Phone 755-3356

NAME OF EMPLOYEE

RANK

DATE OF EMPLOYMENT

DATE THIS EVALUATION

FULL-TIME POLICE DEPARTMENT PERSONNEL

KEY: (Unacceptable U) (Below Average B/A) (Average A)
(Above Average A/A) (Excellent E) (Non-Applicable N/A)

1. Accuracy of Reports _____
2. Neatness of Reports _____
3. Spelling _____
4. Terminology and Sentence Structure _____
5. Conducts Thorough Investigation _____
6. Ability to Reach Logical Decision (Common Sense) _____
7. Works Without Supervision _____
8. Job Knowledge (laws, rules of evidence, etc.) _____
9. Performance During Emergencies _____
10. Case Preparation and Testimony in Court _____
11. Ability to Learn (Comprehend Duties) _____
12. Interrogation and Interview Ability _____
13. Leadership Ability _____
14. Court Appearance (Punctuality) _____
15. Ability to Work With Others _____
16. Completes Assignment Readily _____
17. Follows Instructions _____
18. Attention To Traffic Law Enforcement _____
19. Seeks Out Police Problems _____

Nitro Police Department

285

Nitro, West Virginia 25143

Phone 755-3356

PAGE II

20. Honesty - Integrity
21. Courteous To The Public
22. Ability To Handle People (Tact)
23. Temperment
24. Loyalty To The Department (Enthusiam)
25. Accepts Responsibility
26. Accepts Changes In Methods and Procedures
27. Uses Good English (Oral Expression)
28. Neatness in Uniform (Haircut, leather, fit, etc.)
29. Observance Of Safety Rules (Excluding Traffic)
30. Physical Fitness (Overweight, etc.)
31. Care of City Property
32. Stays Within Assigned Boundaries
33. Maintains Notebook
34. Does Not Violate Radio Procedures

COMMENDATIONS SINCE LAST EVALUATION _____

DATE	TYPE	DATE	TYPE

DISCIPLINARY REPORTS SINCE LAST EVALUATION _____

DATE	REASON (INCLUDE SUSPENSIONS)

SICK DAYS UTILIZED SINCE LAST EVALUATION _____

Circumstances:

Nitro Police Department

Nitro, West Virginia 25143

Phone 755-3356

NITRO POLICE DEPT. PHYSICAL FITNESS TEST

100 - Points to pass test

- | | | |
|----------------------|-------------------------------|------------------|
| 1. CHIN UPS | Minimum - 8 20 points | Number Completed |
| 2. TOE TOUCHERS..... | Minimum - 40 20 points | Number Completed |
| 3. SIT UPS..... | Minimum - 45 20 points | Number Completed |
| 4. PUSH UPS..... | Minimum - 25 20 points | Number Completed |
| 5. SQUAT THRUST..... | Minimum - 40 20 points | Number Completed |
| 6. 400 YARD RUN..... | Minimum - 1:25 20 points | Number Completed |
| 7. SHUTTLE RUN..... | Minimum - 9 sec. 20 points | Number Completed |

TOTAL SCORE _____

NAME _____

DATE _____

HEIGHT _____

WEIGHT _____

Test was given by:

NAME _____

Nitro Police Department

287

Nitro, West Virginia 25143

Phone 755-3356

PROBATIONARY OFFICER: _____

DATE EMPLOYED: _____

DATE OF EVALUATION: _____

FIELD TRAINING OFFICER: _____

	SATISFACTORY	UNSATISFACTORY	REMARKS
APPEARANCE: CLEAN, NEAT WELL GROOMED AND BUSINESS LIKE			
ATTITUDE: TOWARD POLICE DEPARTMENT, JOB, FELLOW OFFICERS AND HONESTY			
JOB KNOWLEDGE: LAWS, RULES & REGULATIONS PATROL PROCEDURES			
QUALITY OF WORK: ACCURACY, SPEED, NEATNESS, FOLLOW THROUGH			
DEPENDABILITY: ATTENDANCE, PUNCTUALITY, FOLLOWING INSTRUCTIONS			
POTENTIAL FOR ADVANCEMENT: CAPACITY FOR ASSUMING GREATER RESPONSIBILITIES			

SUMMARY OF EVALUATION: _____

SIGNATURE OF FIELD TRAINING OFFICER _____

NITRO POLICE DEPARTMENT ACTIVITY REPORT

MONTH

OFFICER	REPORTS	FELONY	MISDEMEANOR	REPORTS	FELONYS	TRAFFIC ACCIDENTS	TRAFFIC ACCIDENTS P. I.	OTHER CALLS FOR	TRAFFIC	ARREST	TRAFFIC MIS.
	REPORTS	FELONY	MISDEMEANOR		CLEARED	PROPERTY DAMAGE	INVESTIGATED	POLICE SERVICE	CITATIONS	OTHER THAN	
WEBB											
HARRISON / ANGELL											
BRIGHTWELL											
DEAN											
JOHNSON											
PARSONS											
JOYCE											
HILL											
TOTAL											

Councilman at Large Dr. Allen made a motion to accept the RULES AND REGULATIONS as presented by the Policemen's Civil Service Commission. The motion was seconded by Councilman Hughart and the motion passed unanimously.

"CITIZENS IN ACTION FOR NITRO" - REPORT OF MEETING HELD APRIL 17, 1978 and APRIL 24, 1978 (C.A.N.) "CITIZENS IN ACTION FOR NITRO": Councilman at Large Karnes, Chairman of the Garbage, Health and Trash Committee, said that he didn't know who had come up with the name "Citizens in Action For Nitro," (C.A.N.) and was informed by Mr. Tom Melton that Mrs. Dolly Withrow was responsible for the name and that Mrs. Ardith Rohmiller was chairwoman. Councilman at Large Karnes stated that the people are really enthusiastic about the project, but there is a need for more citizens and businesses to take an interest. Councilman at Large Karnes said that on Frederick Street the citizens were working and filling a lot of trash bags and he mentioned an area of 40th Street Road which had been successful and expressed his sincere appreciation toward Dr. Cassell and his energetic group of citizens who were assisting him in this most worthwhile project. Councilman at Large Karnes mentioned other areas of the city where the citizens were becoming involved.

Councilman at Large Karnes stated that the next meeting for "C.A.N." (Citizens in Action for Nitro) will be held Monday, May 8th, at 7:30 p.m. at Nitro Elementary School and encouraged all of the councilmen to attend.

Councilman Hughart stated that he could really see some changes on 18th Street hill, and that Patty Cook who is chairperson in Ward II, had the teenagers in this area cutting weeds and gathering trash. He requested that a truck be sent on the 18th Street hill to pick up this trash.

Mayor Gibson stated that (Mrs.) Dolly Withrow was present and was Publicity Chairman of C.A.N. (Citizens in Action for Nitro) and asked that Dolly address council.

Dolly stated that she would give a few of the ideas she had shared with the Mayor.

Dolly said that aside from the name and some of the writing she had an idea for going into phase II to launch the beautification phase, a parade. She described the coming parade where the Mayor and Councilmen would be walking dressed in work clothes carrying an empty paint can, a paint brush, a hoe, etc. The majorettes would do a "Can Can Dance," and a person with a dunce cap would be throwing litter, a parade where citizens from the tiniest tot to the oldest citizen would participate. Then a group would pick up the litter as the parade moved along.

Dolly said that her job was to come up with new and unusual ideas, and indeed, Dolly's new and unusual ideas were met with an enthusiastic burst of applause from everyone.

Mayor Gibson recognized Mr. Calwell and Mr. Payton from the law firm of Calwell, Steele, McCormick and Peyton, and Mr. Gorman Wise who owns Nitro Furniture. Mr. Wise said that he hopes it is the plans to make the paving on Main Avenue in the 1300 and 1400 block to look as good as the houses.

Miles Robinson, manager of the Broadway Townhouses, stated that Broadway Avenue needed to be repaved, and Lock Street, 11th Street, and Park Avenue needed to be repaired. Mr. Robinson said that he has a problem with a resident of private property at Number 16 Broadway Gardens who seems to be running an automobile repair business. He said that the resident keeps 6 to 8 cars and a wrecker parked in front of his house, and complained about tires being placed against the building and tires being placed in the parking area, and a motorcycle parked against a fence at this address.

Mayor Gibson stated that if Mr. Robinson had documented evidence that the resident was charging for automobile repair the city could take action. The Mayor requested that Mr. Robinson attempt to get a receipt signifying that charges for repairs were being made.

Mr. Robinson also complained about vehicles speeding on Broadway Avenue and Park Avenue, and about the garbage pick-up service.

Mayor Gibson referred to a letter dated April 14, 1978 which had been given to each councilman, with an attached drawing, the letter had been sent by Mayor Gibson to Mr. George Leslie, an attorney representing the Charleston National Bank, Charleston, West Virginia. The letter advised Mr. Leslie that the City of Nitro has no objections to the sub-dividing of said lot and the proposed 8 ft. right-of-way, situated at 106 Broadway avenue owned by Mr. Charles Boggs and Diana Boggs. He further stated that he had discussed the matter with Mr. Cottrill, the Nitro City Attorney. Mayor Gibson stated that now it was requested by Mr. Leslie, attorney, that they have city council's approval. (Letter and map is in supplement file to the minutes.)

Councilman at Large Karnes made a motion to resolve that the sub-dividing of the property and the proposed 8 ft. right-of-way was in order, situated at 106 Broadway Avenue owned by Mr. Charles Boggs and Diana Boggs, and further stated that the governing body had no objections to said request. He further stated that Mayor Gibson's letter should have been sufficient. The motion was seconded by Councilman Miller and the motion passed unanimously.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence: (Copies of the correspondence will be kept in the supplement file to the minutes.)

1. Mayor Gibson received a letter dated April 17, 1978 from Charles F. Dodrill
Executive Vice President
Citizens National Bank
605-613 MacCorkle Avenue S.W.
St. Albans, WV 25177
in reference to Lots 39, 40 and 41, Block M, East Crawford Addition to the City of Nitro, West Virginia and asking for a review by the Zoning Board of Appeals for a variance.
2. Mr. Harry Russell
Zoning Board of Appeals
108 Holley Street
Nitro, West Virginia 25143 was sent a letter from Mayor Gibson in reference to a request for a variance in zoning by The Citizens National Bank of St. Albans on Lots 39, 40, and 41, Block M, East Crawford Addition to the City of Nitro, Kanawha County.
3. Mayor Gibson had written a letter to Mr. Charles Dodrill, Executive Vice President, Citizens National Bank, acknowledging receipt of letter dated April 17, 1978.
4. Mayor Gibson had written a letter to Mr. Charles Miller, Commissioner
West Virginia Department of Highways
1800 Washington Street
Charleston, West Virginia in reference to State Route 25/1 regarding displacement of surface due to a slide on the hill side above 2176 21st Street, Nitro, WV.
5. Mr. Tom Melton, City Recorder had written a letter to Mayor Gibson dated April 20, 1978 in reference to the need of a secretary-bookkeeper position, and suggesting that CETA could possibly sponsor a secretary-bookkeeper for the City Recorder's office.
6. Mayor Gibson had written a letter to Mr. Curtis Hardman, Director
Kanawha County Manpower Program
P. O. Box 442
Charleston, West Virginia 25332 in reference to letter Number 5, as outlined above.
7. Mr. Omar Cunningham, President of Nitro Policemen's Civil Service Commission, Nitro had written a letter to Mr. Lyle S. Edmonds
5301 Lisa Court
Charleston, West Virginia 25312 in reference to Mr. Edmonds letter dated September 27, 1977 directed to Mr. James Jefferies requesting reinstatement to the Nitro Police Department.

Mr. Edmonds request for reinstatement was denied by the Nitro Policemen's Civil Service Commission.

8. A letter had been received from Kanawha County Emergency Ambulance Authority, P. O. Box 292, Charleston, West Virginia 25321, dated April 24, 1978, regarding a Special Meeting for Members on Thursday, May 4, 1978 at 7:30 p.m.

Mayor Gibson encouraged each councilman to be in attendance if possible.

9. Mayor Gibson had received a letter dated April 24, 1978 from Samuel P. Calabretta
Urban, Calabretta and Associates, Inc.
4500 Mobile Drive
Columbus, Ohio 43220, in reference to their interest in leasing land from the city on a long-term basis.

Councilman at Large Dr. Allen made a motion to refer this request to the Business and Civic Betterment Committee. The motion was seconded by Councilman at Large Karnes and passed by a unanimous vote.

10. Mayor Gibson had sent a mailgram to Mr. James Campbell, District Engineer
1334 Smith Street
Charleston, WV 25301, in reference to a stopped-up drain which connects to the West Virginia Department of Highway drain system that goes under State Route 25 located near the Nitro Moose Lodge.
11. Mayor Gibson received a letter dated April 27, 1978 from William B. Raney, CPA
Commanding
Company D
1092B Engineer Battalion (Combat) (Army)
West Virginia Army National Guard
St. Albans, West Virginia 25177 stating that 3-5 trucks would be made available at 9:30 a.m. on May 6 for use in the clean-up campaign, and their utilization will be under Mayor Gibson's direction during the day.
12. Nitro City Councilmen received a letter dated April 28, 1978 from Chief Bradley, Nitro Police Department requesting that Council rescind the ruling made on May 3, 1977 which created the rank of Corporal.
13. Chief Hedrick, Nitro Fire Department sent a letter dated May 1, 1978 to Mr. David Means, 923 Ninth Street, Nitro thanking Mr. Means for his years of faithful service to the Nitro Fire Department.

Mayor Gibson asked for the committee chairman reports.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes had no reports. He made a motion to refer a letter from Mr. Charles Buzzard, Charleston Booking Agency, 3983 Mt. Vernon Building, Scott Depot, West Virginia 25560 to the Consumer Protection Committee, and give them authority to act. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed. Councilman Miller did not vote. (Copy of the letter is in supplement file to the minutes.)

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell had no reports.

MAYOR GIBSON: Mayor Gibson respectfully requested council members to attend "C.A.N." (Citizens in Action for Nitro) meeting Monday 8, 1978 at 7:30 p.m. at the Nitro Elementary School.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen referred to a letter to Mayor Gibson dated April 11, 1978 from Mr. John F. Santrock, Superintendent of Schools, Kanawha County. (Copy is in supplement file to the minutes.) The letter was in reference to the renewal of the excess levy for the operation of the Kanawha County public schools during the period of July 1, 1979 - June 20, 1983 which the Board of Education will submit to the electorate of Kanawha County on May 9, 1978.

Councilman at Large Dr. Allen made a motion that this governing body go on record in favor of the Kanawha County School levy. The motion was seconded by Councilman Hughart and the motion passed by a unanimous vote.

Mayor Gibson stated that he was declaring May 16, 1978 Santrock Day in Nitro in honor of Mr. John F. Santrock. The Mayor further stated that Mr. Santrock had taught him when he was a student at Nitro High School and he has great admiration for this most outstanding man.


Councilman at Large Dr. Allen announced a meeting of the Street and Traffic Committee Tuesday 9, at 7:00 p.m. in reference to proposed street paving and requested that all councilmen attend the meeting.

COUNCILMAN HUGHART: Councilman Hughart had no reports.

COUNCILMAN MILLER: Councilman Miller had no committee reports, but requested that Mayor Gibson write to Mrs. Betty Knowlton and Mrs. C. L. Mollohan requesting their presence at council meetings.

MR MELTON: Mr. Melton commended Mayor Gibson and stated that Mayor Gibson had made John Priddy, a 12 year old, very happy. Mayor Gibson had written John Priddy a letter in reference to a no-hit baseball game John had pitched, striking out 18 consecutive batters. Mr. Melton said John had also received a certificate from the Recreation Department. Mayor Gibson stated that Mr. Melton is one of the coaches of the team and was complimentary in this regard.

Councilman at Large Dr. Allen made a motion for adjournment. The motion was seconded by Councilman Miller and the motion passed unanimously.


MAYOR

RECORDER

NITRO CITY COUNCIL MEETING

May 16, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on May 16, 1978 at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Dr. R.V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Gus Bailey, and Councilman Dean Miller.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Reverend Arley Cravens, Pastor of the Nitro Church of God.

APPROVAL OF MAY 2, 1978 COUNCIL MEETING MINUTES:

Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman at Large Miller made a motion the minutes be approved. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed by a unanimous vote.

APPROVAL OF APRIL FINANCIAL STATEMENT: Mr. Melton, City Recorder and Chairman of the Finance Committee, stated that council had received a copy of the April, 1978 Financial Statement, and Mr. Melton made a motion the April, 1978 Financial Statement be approved. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

(C.A.N.) CITIZENS IN ACTION FOR NITRO - TRASH PICK - UP DAY, MAY 6, 1978: Councilman at Large Karnes, Chairman of the Garbage, Health and Trash Committee, stated that Saturday, May 6, eighty tons of trash had been picked up by (the city and sanitary board employees,) three trucks from the National Guard and a truck that Mr. Jim Landers had supplied. Mayor Gibson was very complimentary of Ms. Connie Stephens, a sanitary board employee, who worked with Councilman at Large Dr. Allen, Police Chief Bradley, Mike Lamb and himself.

"CITIZENS IN ACTION FOR NITRO"(C.A.N. MEETING MAY 8, 1978): Councilman at Large Karnes, Chairman of the Garbage, Health and Trash Committee, stated that at the meeting they basically came up with each organization that will participate to have their own pet project for beautifying a particular place.

(Mrs.) Dolly Withrow, Publicity Chairman of Citizens in Action for Nitro (C.A.N.), stated that she had spent three hours today (May 16) personally visiting the merchants and asking them to come to the meeting of C.A.N. next Monday, May 22 at 7:00 p.m. and if they couldn't be there to send a representative.

REPORT ON STREET PAVING MEETING HELD TUESDAY, MAY 9, 1978 - 7:00 P.M.: Councilman at Large Dr. R.V. Allen, Chairman of the Street and Traffic Committee, stated that he had some reports that will be attached to the first report they had, and if there were no objections he would have to meet with legal counsel and then turn it over to Appalachian Engineers, Inc. He said if anyone had any corrections to make, call him and he would be glad to delete or add to the report.

Mayor Gibson stated that he had received a letter and specifications from Appalachian Engineers Inc. as a result of a request that had been made by Mr. Sammy Williams in reference to the proposed paving of Layne Avenue, and that four (4) copies had been given to Mr. Williams and copies would be given to council.

Mayor Gibson said that the citizens on Layne Avenue would like to work with the Church of Christ, and that Jim Landers has been working with them, and that perhaps the property owners could get a contractor to do the work for them and the city stay out of it. "The Church of Christ owns abutting property and the story I get is that they intend to pave the church parking lot, possibly, at the same time if and when the street is paved," Mayor Gibson said.

KIDNEY FOUNDATION OF W.VA., INC. SOLICITATIONS
JUNE 17, and JUNE 18, 1978: Councilman at Large Mel Pennington, Chairman of the Business and Civic Betterment Committee, made a motion to give permission to the Kidney Foundation of W. VA., Inc. to solicit in Nitro on June 17 and June 18, 1978. The motion was seconded by Councilman at Large Dr. Allen and the motion passed unanimously.

KANAWHA COUNTY EMERGENCY AMBULANCE SERVICE AUTHORITY MEETING, THURSDAY MAY 4, 1978: Mayor Gibson stated that Councilman Bailey, Chairman of the Emergency Ambulance Service Committee, was unable to attend the meeting, but Councilman Hughart and himself did attend the meeting. Mayor Gibson said that he had received a copy of the minutes of the May 4 meeting and that council would receive a copy.

Councilman Hughart said that one of the main unresolved questions was how each of the cities and county is going to pay for the emergency ambulance service.

Councilman Bailey said that from April 2 until today (May 16) there had been 62 emergency calls the emergency ambulance had made. (The emergency ambulance is on call 24 hours a day and is stationed here.)

Councilman Bailey made a motion to rent the building at the corner of Lock Street and Main Avenue for the proposed sum of \$100 per month for the period of one year contingent on the advice of Mr. Cottrill, City Attorney. (The building would house the emergency ambulance and the E.M.Ts.) The motion was seconded by Councilman at Large Karnes, and the motion passed.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence: (Copies of the correspondence will be kept in the supplement file to the minutes.)

1. Mayor Gibson received a letter dated April 26, 1978 from Fred Cutlip, Manager, Facilities Development Governor's Office of Economic and Community Development informing him that his request for funds from the Community Partnership Grant Program has not been approved.

2. Mayor Gibson received a letter dated May 2, 1978 from Maria Maser, Secretary, Putnam County Planning Commission stating that Mr. Joe Muck, a member of the Putnam County Planning Commission, has been appointed to serve as the County's representative to the Nitro Municipal Planning Commission.

3. Mayor Gibson received a letter dated May 4, 1978 from Charles L. Miller, Commissioner, West Virginia Department of Highways in reference to the slide affecting Kanawha County Route 25/1 in the vicinity of 2176 21st Street in the City of Nitro.

4. Mayor Gibson received a letter dated May 5, 1978 from George A. Bicher, Colonel, Corps of Engineers, District Engineer in reference to the proposed Nitro Park Project and The Winfield Navagation Pool Master Plan. Attached were copies of Congressional Record of the Senate dated 2-22, 1978 and 2-23, 1978.

5. Mayor Gibson received a copy of a letter written by Dan E. Warner, Appalachian Engineers, Inc. to Putillion Excavating Company, 805 Nease Drive, Charleston, West Virginia 25312, in reference to the Nitro Community Block Grant Program, Brookhaven Drive and Fairview Drive Project informing them that inspection of completed work for storm drains in the area of Brookhaven Drive and Fairview Drive was held on May 5, 1978 and listing the items which must be corrected prior to final payment.

6. Mayor Gibson had received a letter dated May 8, 1978 from Frank P. Moats, 21 Main Avenue stating his objection to Lock Street being paved from Main Street to Broadway Avenue. at the property owner's expense.

7. Mr. Eastwood had received a letter dated May 8, 1978 from Mrs. Sue M. Shank, Teacher at Baker Elementary requesting the use of the Nitro Swimming Pool on June 6th from 1:00 p.m. until 2:15 p.m.

8. Mayor Gibson and Council received a letter dated May 10, 1978 from Kidney Foundation of West Virginia, Inc. Council took action on this request previously tonight.

9. Mr. Jack Eastwood, Recreational Director received a letter dated May 10, 1978 from Jo Ann Meadows

Cub Scout Day Camp Director
Buckskin Council, No. 617
1319 Quarrier Street
Charleston, WV 25301

requesting the use of the swimming pool between 10:00 and 11.00 a.m. Monday through Thursday June 19 to 22 and 26 to 29.

10. PRESS RELEASE in reference to the Nitro Cleanup C.I.A.N. Mayor Gibson expressed his thanks to Mr. Tom Knight, Editor of the Kanawha Valley Leader.

11. Mayor Gibson sent a letter dated May 15, 1978 to Mr. John F. Santrock, Jr., Superintendent of the Kanawha County Board of Education, Charleston, West Virginia informing Mr. Santrock that he was proclaiming Tuesday, May 16, 1978 as John F. Santrock, Jr. Day in the City of Nitro. Attached was the Proclamation.

12. Two cost estimates one from Motorola Communication and Electronics, Inc. and one from Federal Signal Division on equipment the Nitro Fire Department requested.

13. Information regarding the Recreation Department had been sent out to the Councilmen.

RECREATION DEPARTMENT INFORMATION IS AS FOLLOWS:

POOL OPENS MAY 27, 1978RESIDENTS OF
THE CITY OF NITROSEASON PASSES AT POOL

Family pass \$50.00

Single pass \$25.00

AT POOL GATE12 yrs. of age \$ 2.00
or overUnder 12 yrs.
of age \$ 1.25THOSE RESIDING OUTSIDE
NITRO CITY LIMITSSEASON PASSES AT POOL

Family pass \$100.00

Single pass \$ 50.00

AT POOL GATE12 yrs. of age \$ 4.00
or overUnder 12 yrs.
of age \$ 2.50

POOL HOURS ARE TUESDAY THROUGH SATURDAY 12:00 TILL 8:00

SUNDAY 1:00 TILL 9:00

CLOSED MONDAY

SWIMMING LESSONS ARE FOR 6 YEARS OLD AND OLDER, SIGN UP AT THE POOL ONLY

SWIMMING LESSONS - FIRST SESSION : June 12th through 23rdSECOND SESSION : July 3rd through 14thRIDENOUR PARKSHELTER RENTAL \$10.00 for 1/2 day 9:00 till 3:00 or 3:00 till 9:00

\$15.00 for all day

BOATS: paddle boat \$1.50 per hr.
john boat \$1.50 per hour

Councilman at Large Pennington made a motion to accept the fees listed for the Nitro Swimming Pool and the fees listed for Ridenour Park. The motion was seconded by Dr. Allen and the motion passed.

Mayor Gibson asked for the committee chairman reports and new business.

MR. MELTON: Mr. Melton had no committee reports nor new business.

COUNCILMAN MILLER: Councilman Miller had no committee reports nor new business.

COUNCILMAN HUGHART: Councilman Hughart had no committee reports nor new business.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen stated that last Wednesday (May 10) Mayor Gibson and he had attended a meeting of the Regional Intergovernmental Council, and that at Nitro's next council meeting (June 6) that two representatives from RIC would be present.

CHIEF OF POLICE, LEO BRADLEY: Chief Bradley requested council consider adopting an ordinance which would prohibit the sale of hypodermic syringes and hypodermic needles to anyone without a prescription.

COUNCILMAN AT LARGE KARNES introduced Mr. and Mrs. Pat Oxley who reside at 201 Hillside Drive, Nitro.

Mr. Oxley stated that they had lived at 201 Hillside Drive over a year. He said that during this time they have continuously had a problem with the trash build-up behind Modern Supply Company, and that their house fronts to the back of Modern Supply.

Mrs. Oxley stated that the street between Modern Supply Company and Nitro Furniture was often blocked by tractor-trailer trucks at Nitro Furniture, and further stated that the city had promised to paint yellow lines to designate this city street and this had never been done. Mr. Oxley also mentioned the 60 percent deterioration of the street.

Mr. Cottrill, City Attorney, said that in reference to the trash build-up behind Modern Supply Company that Modern Supply Company would be notified by letter that they were in violation of Chapter 11, Section 3 of the City Code Book.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell had no reports. However, Dr. Cassell requested that the Garbage, Health and Trash Committee get together with the Ordinance Committee before next council meeting and take action on Mr. Gene Williams letter dated March 21, 1978. Dr. Cassell said that he would like to get some road blocks

up at the end of East 31st Street.

Mayor Gibson requested that council consider adding an extra percentage to the building permit fee for people reroofing buildings and a percentage to remodeling permits in an effort to help defray some of the cost of hauling off trash.

COUNCILMAN BAILEY: Councilman Bailey had no reports.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington had no reports.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes stated that the Putnam County Planning Commission had requested that they be sent a notice when the Nitro Planning Commission has a meeting. He said they suggested that he could sit in on their meetings and asked for council's approval.

Councilman at Large Dr. Allen made a motion to approve Councilman at Large Karnes as Nitro's representative for attending the meetings of the Putnam County Planning Commission. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

Councilman Miller made a motion for adjournment. The motion was seconded by Councilman at Large Karnes and the motion passed by a unanimous vote.


MAYOR

RECORDER



NITRO CITY SPECIAL COUNCIL MEETING

JUNE 1, 1978

The special meeting of the Nitro City Council was held in the Council Chambers on June 1, 1978 at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Dr. R.V. Allen, Councilman at Large Donald Karnes, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey. Councilman at Large Mel Pennington was absent.

Mayor Gibson stated the Notice of the Special Meeting, June 1, 1978, would be made a part of the minutes and would be attached thereto.

The purpose of the meeting is as follows:

- (1) A briefing on how to obtain Federal Monies to be conducted by the Regional Intergovernmental Council, and
- (2) to discuss the advantages and/or disadvantages of allowing branch banking in Nitro and the possibility of rezoning a large portion of Zoning District Number 18 as "B-2" creating therefrom a new district hereafter to be known as Zoning District Number 20.

The Mayor introduced Mr. Mike Russell and (Mrs.) Pat White and requested that the other persons in the room to start from left to right introducing themselves. Mr. Olaf Walker, Dr. Charles Byrd, and Mr. Tom Townsend were present.

Mr. Mike Russell and (Mrs.) Pat White from the Regional Intergovernmental Council conducted a briefing on how to obtain State and Federal Monies for the City of Nitro. Mr. Russell and Pat White supplied the Council with information that was requested and various persons in attendance asked questions regarding different aspects related to obtaining State and Federal Monies.

Mr. Melton, City Recorder, read the Resolution (in reference to creating a new zoning area district) which is as follows:

RESOLUTION NO. 185

WHEREAS, the governing body of the City of Nitro through the Mayor and Council are desirous of creating a new zoning area district and denominating it as "B-2" Central Business, said district being a portion of zoning area district 18; and

WHEREAS, Chapter 8, Article 24 of the West Virginia Code of 1931 as amended, and Article 17, Chapter 1703 of "City of Nitro Zoning Ordinance" as incorporated and reference in Chapter 22 of the Code of the City of Nitro, West Virginia , requires submission of such proposed ordinance to the Planning Commission for the City of Nitro to allow for said Commission to study and make recommendation as to the proposed ordinance to amend or change the zoning ordinance of said city and further to allow said Commission to prepare a report of its findings in regard to said proposed ordinance change; and

WHEREAS, the aforementioned statutes requires a public hearing to be held upon any proposed change in accordance with proper and adequate Class-I legal notice for said hearing; and

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Nitro, West Virginia that the proposed ordinance effectuating the changes in district are classification and creation of an additional zoning area be and the same is hereby submitted to the Planning Commission for the City of Nitro for its report of recommendation and findings concerning said zoning change. Furthermore it is directed by the governing body that the Mayor of the City of Nitro transmit a copy of this resolution and the proper ordinance to said Commission.

Passed this 1st day of June, 1978, at a properly called special meeting of Council to consider this matter.

SIGNED:

Tom Melton
Tom Melton, Municipal Recorder

SIGNED:

William D. Gibson
Honorable William D. Gibson, Mayor

At this point the proposed ordinance was introduced and discussed at length. The ordinance would need to be adopted by the City Council in order to make the new Zoning District as "B-2", Central Business, said district being a portion of area Zoning District Number 18.

THE PROPOSED ORDINANCE IS AS FOLLOWS:

ORDINANCE NO. _____

DATE _____

INTRODUCED BY _____

AN ORDINANCE DIVIDING ZONING AREA DISTRICT NUMBER EIGHTEEN (18) AS SHOWN ON THE "OFFICIAL ORDINANCE MAP" ON FILE IN THE OFFICE OF THE ZONING OFFICER, CITY OF NITRO AND CREATING THEREFROM A NEW DISTRICT HEREAFTER TO BE KNOWN AS ZONING DISTRICT NUMBER TWENTY (20) AND FURTHER PROVIDING FOR CLASS "B-2", CENTRAL BUSINESS USE DESIGNATED AS PRESCRIBED IN ARTICLE 9 SECTION 901 ET SEQ OF THE "CITY OF NITRO ZONING ORDINANCE" ADOPTED, OCTOBER 6, 1970, BY THE CITY COUNCIL OF NITRO AND INCORPORATED BY REFERENCE IN CHAPTER TWENTY TWO OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA; SAID ORDINANCE IN NO WAY SHALL AFFECT THE CURRENT ZONING OF THE REMAINING AREA OF ZONING AREA DISTRICT 18, NOW DESIGNATED "R-3" MOBILE HOMES AND MOBILE HOME PARKS.

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF NITRO, WEST VIRGINIA, that Zoning District Number 18 be divided and the hereinafter described new district be created and enumerated Zoning Area District 20 with zoning use designation of "B-2", central business and designated as such in the "Official Zoning Map" in accordance with the following description:

AREA NO. 20 (ZONING AREA B-2)

Beginning at a point on the Conn Rail Right of Way line (formerly know as Penn Central Corp.) and a common corner to areas 16 and 17; thence following in a North Easternly direction the common boundry line of the areas 15 and 16 as adjoin former area 18 to a point being the common corner of area 15 and former area 18 (and also denominated as 1967 annexation South East of Incorporation); thence S 53° 37' E 977 feet +; thence S 77° 01' E 4,062 feet +; thence N 29° 35' E 31 feet; thence S 76° 39' E 150 feet; thence in a Southernly direction, S 17° 54' E 41 feet; thence S 52° 53' W 530 feet + to the centerline of State Route 25 and following said center line 2,980 feet + in a North Westernly direction to a concrete box colvert under Route 25; thence running along center of branch in a Southernly direction to the aforementioned rail road right of way line and following along said right of way line in a north westernly direction to the place of the beginning.

Passed by council this 1-56 day of June 19778


William D. Gibson, Mayor

Tom Melton, Municipal Recorder

PAID
25-10-11

Councilman at Large Karnes made a motion the Resolution be approved, and that the Resolution and the proposed ordinance be referred to both the Planning Commission and the Ordinance Committee for further consideration. The motion was seconded by Councilman Dr. Cassell.

Councilman Hughart stated that he felt that all of the property adjacent to Route 25 from city limits to city limits should be zoned "B-2 in an effort to keep people shopping in Nitro and to make a better tax base.

Councilman Miller asked what criteria was used in deciding what part of the old section would be used in the new zoning area. Mr. Cottrill, City Attorney, answered, "money," and further stated that he could arrive at certain meets and bounds by doing it this way without having to have any engineering work performed thereby saving the city money. The Mayor stated that he thought these new meets and bounds are proper and fitting.

Councilman at Large Karnes said that this was only to refer the proposed ordinance and the Resolution to the Planning Commission and for the Planning Commission to report back to council.

After further discussion the Mayor brought the motion to a vote that the Resolution be approved, and that the proposed ordinance and Resolution be referred to both the Planning Commission and the Ordinance Committee for further consideration. The motion carried by a unanimous vote.

At this point Councilman at Large Dr. Allen made a motion for adjournment. The motion was seconded by Councilman at Large Karnes, and the motion passed unanimously.


MAYOR


RECORDER



NITRO CITY COUNCIL MEETING

JUNE 6, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on June 6, 1978 at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Dr. R.V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Reverend Robert Blixt, Pastor of the First Baptist Church.

APPROVAL OF COUNCIL MEETING MINUTES -MAY 16, 1978:
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.

APPROVAL OF SPECIAL COUNCIL MEETING MINUTES - JUNE 1, 1978: Mayor Gibson stated each Councilman had received a copy of the minutes earlier in the evening. Councilman at Large Dr. Allen made a motion the minutes be approved. The motion was seconded by Councilman Dr. Cassell, and the motion passed. Mayor Gibson explained that Councilman at Large Pennington abstained from voting because he was not present at the special meeting. Otherwise, the motion was approved by a unanimous vote.

"CITIZENS IN ACTION FOR NITRO" (C.A.N.) MEETING - MAY 22, 1978, AT 7:00 P.M.

"CITIZENS IN ACTION FOR NITRO" (C.A.N.) MEETING - JUNE 5, 1978 HELD AT NITRO ELEMENTARY SCHOOL: Councilman at Large Karnes said that due to the Nitro High School graduation there was an extremely poor turnout at the meeting. He stated that the Nitro Woman's Club was sponsoring a YARD OF THE MONTH contest, and that Mrs. Tom Townsend at 755-2414 should be called regarding any YARD OF THE MONTH which should be considered. He said the winner would have a sign placed in the yard for one month.

Councilman at Large Karnes said he felt more businesses should be involved, and that Monday, June 5, Mrs. Rohmiller showed picture slides of the City of Weston and what had been accomplished by planning, advertising, and making facilities so that business is welcome.

He stated that the guidelines will be out the middle of June for entering the Chamber of Commerce's ALL WEST VIRGINIA CITY for this year and that Nitro's application will be entered.

Councilman at Large Allen said that signs will be erected that will specify the LITTER LAW will be enforced, and he further stated that for violation of this law there is a maximum fine of \$500.

KANAWHA COUNTY EMERGENCY AMBULANCE SERVICE AUTHORITY MEETING - MAY 29, 1978 - 1:00 P.M.: Mayor Gibson stated that Mayor Leone of Dunbar and himself had attended the meeting, and called attention to the information supplied each of the councilmen that the base share for ambulance service is \$23,126.97 annually plus certain other expenses such as housing, utilities, gasoline and minor repairs.

Mayor Gibson stated the Kanawha County Ambulance Authority prepared the contract between the Kanawha County Emergency Ambulance Authority and the City of Nitro and wanted the agreement signed by Mayor Gibson.

Councilman at Large Dr. Allen stated he felt that this contract was the best Nitro was going to do, and further said that he admired Mayor Gibson for asking the "Regional Intergovernmental Council's Formula" be used and that this cut Nitro's share tremendously.

Councilman at Large Dr. Allen made a motion to authorize Mayor Gibson to sign the contract. The motion was seconded by Councilman Hughart. Mr. Cottrill, City Attorney, said he found the agreement basically satisfactory.

Mayor Gibson called for a vote on the motion to authorize him to sign the contract and the motion passed by a unanimous vote.

PROPOSED STREET PAVING REPORTS TO BE CLEARED THROUGH THE CITY ATTORNEY AND THE CITY ENGINEER: Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated that he had placed the proposed street paving reports in the hands of Mr. Cottrill, City Attorney, and that Mr. Cottrill would work in conjunction with the city engineers, and a plan would be forthcoming.

MINUTES OF THE NITRO POLICEMEN'S CIVIL SERVICE COMMITTEE MEETING HELD APRIL 24, 1978: Mayor Gibson stated that each councilman had received a copy of the Minutes of the Nitro Policemen's Civil Service Committee Meeting held April 24, 1978, and called council's attention to one item on page 5, paragraph 3 and paragraph 4 of the minutes.

Mr. Omar Cunningham, Chairman of the Nitro Policemen's Civil Service Commission said that on the physical fitness part for the sergeants test they could find no requirement that they should take a physical fitness test due to the fact they would have taken the test when they were considered for patrolmen. He said that these sergeants will come from the patrolmen ranks, and it was the Commission's recommendation that the requirement of a physical examination for sergeants be withdrawn from the RULES AND REGULATIONS.

Councilman at Large Dr. Allen made a motion the requirement of a physical examination for sergeants be excluded from the RULES AND REGULATIONS. The motion was seconded by Councilman at Large Pennington.

Mayor Gibson requested Mr. Cottrill, City Attorney, check it out to make sure this was legal, and then called for a vote on the motion made by Dr. Allen, and the motion passed unanimously.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence: (Correspondence will be kept in the supplement file to the minutes.)

1. MINUTES OF A SPECIAL MEETING OF THE KANAWHA COUNTY EMERGENCY AMBULANCE AUTHORITY held on May 4, 1978 at 7:30 p.m.

Mayor Gibson stated that the minutes would reveal that his motion which was seconded by Mayor Leone to go with "RIC Formula" was defeated at this meeting, but later there was a reversal which was made while in a meeting with the Kanawha County Court members.

2. PROPOSED 1978-1979 BUDGET FOR NITRO SANITARY BOARD
Mayor Gibson stated the proposed budget shows a 23 percent rate increase which will be necessary to keep the Sanitary Board solvent. He stated that it will have to be approved by the West Virginia Public Service Commission.

3. Mayor Gibson received a copy of a memorandum dated May 10, 1978 to Harold J. Kessel, Area Conservationist, SCS, Parkersburg, WV 26101 from Dixie L. Shreve District Conservationist, United States Department of Agriculture, 1422 Federal Bldg., 500 Quarrier Street, Charleston, WV 25301 in reference to proposed expanding of some basic recreation facilities at Ridenour Park, Blakes Creek, Site 7.

4. Mayor Gibson had received a copy of a letter dated May 12, to Layton Cottrill, City Attorney, from Dan E. Warner, Appalachian Engineers, Inc. in reference to NITRO SANITARY LANDFILL EASEMENTS.

Mr. Cottrill stated he felt a lease type agreement would be preferable.

5. Mayor Gibson received a letter dated May 18, 1978 from Alvin Hicks, President of the Nitro Lions Little League requesting permission for their boys and girls to canvas the neighborhood on June 3 beginning at 10:00 a.m. for their annual "Tag Day."

6. Mayor Gibson had written a letter dated May 22, 1978 to Mr. Omar Cunningham, President of the Nitro Policemen's Civil Service Commission in reference to the minutes of their meeting on April 24, 1978, the rank of corporal being eliminated, and approval of the new RULES AND REGULATIONS.

7. Mayor Gibson received a letter dated May 23, 1978 from E. W. Hedrick, Chief of the Nitro Fire Department, in reference to new pagers.

8. Mayor Gibson had written a letter to Mr. Alvin Hicks, President of the Nitro Lions Little League giving him official approval for the Little League members to canvas the neighborhood on June 3, 1978 beginning at 10:00 a.m. for their annual "Tag Day."

9. Mayor Gibson received a letter dated May 26, 1978 from Alvin Hicks, President of the Nitro Lions Little League in reference to the Little League Board meeting and the items that were brought up and agreed upon that should be asked of the city. There was also a copy of the minutes.

10. NITRO POLICE DEPARTMENT BULLETIN NUMBER 5, DATED May 23, 1978 which was signed by Leo Bradley, Police Chief

11. Mayor Gibson received a copy of a letter dated May 31, 1978 sent to Ms. Maxine Pauley, Rt. 2, Box 81-A, Hurricane, WV 25526 from F. Layton Cottrill, City Attorney for Nitro, in reference to the alleged auto damage occurring on or about October 4, 1977.

Mayor Gibson asked for the committee chairman reports.

MR. MELTON: Mr. Melton, Chairman of the Finance Committee, read the Fiscal Year, 1978-1979 Budget Adjustment for General Fund Expenditures and Revenue Sharing Fund which is as follows:

1978 - 79 BUDGET ADJUSTMENT

GENERAL FUND EXPENDITURES

INCREASE

# 9	SALARIES, POLICE DEPARTMENT	1,000.00	
#64	UNEMPLOYMENT COMPENSATION	8,000.00	
#67	INSURANCE	<u>22,200.00</u>	31,200.00

DECREASE

#23	GENERAL EXPENSE, GARBAGE DEPARTMENT	16,100.00	
#46	GENERAL EXPENSE, STREET DEPARTMENT	<u>15,100.00</u>	31,200.00

REVENUE SHARING FUNDINCREASE

#23	GENERAL EXPENSE, GARBAGE DEPARTMENT	16,100.00	
#46	GENERAL EXPENSE, STREET DEPARTMENT	<u>15,100.00</u>	31,200.00

DECREASE

#66	EMERGENCY AMBULANCE SERVICE	31,200.00	
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Mr. Melton made a motion these budget adjustments be approved for Fiscal Year, 1978-1979 and be sent to the State Tax Department. The motion was seconded by Councilman Hughart, and the motion passed unanimously.

COUNCILMAN MILLER: Councilman Miller had no reports.

COUNCILMAN HUGHART: Councilman Hughart stated that he felt the Business and Civic Betterment Committee should offer their help and guidance to the businesses of Nitro.

Councilman at Large Pennington stated that he had attended a meeting some months ago of the Nitro Business and Professional Organization and had offered assistance either as a body or as a committee, and as yet has had no response. Councilman Hughart said we should try again.

Councilman Hughart stated that Mayor Gibson deserves a great deal of credit on the ambulance arrangements.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen questioned if there was an ordinance to prohibit people from making repairs to vehicles on city streets, or if one could be put on the books. The city attorney was to check into this matter.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell had no reports.

COUNCILMAN BAILEY: Councilman Bailey introduced Mrs. Charles Brown who resides at 206 First Avenue South, and Mrs. Vincent J. Pontier who resides at 217 Frederick Street. Mrs. Brown requested that they prevent the trucks that service a warehouse near the Nitro Veterinary Clinic from entering Frederick Street.

Councilman at Large Karnes made a motion to refer this problem to the Street and Traffic Committee. The motion was seconded by Councilman at Large Pennington. Councilman Bailey said that the Telephone Company or the Power Company has erected a pole and the guy wire from the pole prohibits the trucks from backing to get to the warehouse. He stated that gravel needs to be put on the streets. Councilman at Large Karnes suggested a NO PARKING sign be erected on Locust Street.

Councilman Bailey said that a petition was being circulated for the cleaning out of a ditch from the culvert at Locust Street down to Kapok Street. Mrs. Brown also complained about trucks parking in the alley and blocking traffic.

Mayor Gibson called for a vote on Councilman at Large Karnes motion that they refer the problem of trucks using Frederick Street to service a warehouse to the Street and Traffic Committee, and the motion passed.

Councilman Bailey said that he had a complaint from Mr. M. T. Raynes who resides at 121 Hillside Drive in reference to the grass and weeds that need to be cut at United Dodge.

Councilman Bailey said that Mrs. Means who resides at 44 Old County Road informed him that the STOP sign is down at Red Oak Drive and that he was informed that Old County Road was being used as a drag strip. He further stated that there is a drainage problem at the last house on the right, and that cinders or gravel is needed for the holes on Old County Road.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington was very complimentary of the Cross Lanes Woman's Club for sponsoring an all night affair at Venture Lanes for the Nitro Seniors on June 5th.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes had no reports.

Councilman at Large Karnes made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed unanimously.


MAYOR

RECORDER

NITRO CITY COUNCIL MEETING

JUNE 20, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on June 20, 1978 at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Dr. R.V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Councilman Gus Bailey, Councilman for Ward IV.

APPROVAL OF COUNCIL MEETING MINUTES - JUNE 6, 1978:
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.

APPROVAL OF MAY 1978, FINANCIAL STATEMENT:
City Recorder Melton, Chairman of the Finance Committee, stated each Councilman had received a copy of the Financial Statement and made a motion that the Financial Statement be approved. The motion was seconded by Councilman at Large Karnes, and the motion passed by a unanimous vote. (Copy of the May, 1978 Financial Statement is in supplement file to the minutes.)

CITIZENS IN ACTION FOR NITRO (C.A.N.) STATUS REPORT:
Councilman at Large Karnes, Chairman of the Garbage, Health, and Trash Committee, said that since last council meeting there had been no meeting of C.A.N., but that he had met with Mrs. Rohmiller, Chairwoman of C.A.N., and that a meeting will be scheduled, hopefully soon.

Councilman at Large Karnes stated that he had been approached by seven Boy Scouts who are interested in earning their Eagle Scout status, and each are volunteering eight hours of work to the city. He requested council's suggestions on where the Boy Scouts could be of service.

Councilman at Large Karnes suggested the possibility of acquiring the property at the intersection of First Avenue and Second Avenue between Seventh Street and Eighth Street and have the Boy Scouts work there to beautify the property.

Councilman Hughart suggested the Boy Scouts working on the corner of Main Avenue and Lock Street where the emergency ambulance and the employees will be housed.

PLANNING COMMISSION MEETING JUNE 6, 8:30 p.m.
AND JUNE 13, 7:30 p.m. 1978, PETITION FROM RESIDENTS IN
REFERENCE TO PROPOSED REZONING: Councilman at Large Karnes, member of the Planning Commission, stated that the Planning Commission had received a petition from the residents in reference to proposed rezoning area at the June 13, meeting and at that meeting there was not time to study the petition. Councilman at Large Karnes stated that the meeting of the Planning Commission June 20, 1978 was to be a field trip and an information gathering trip, however the chairman, Mr. Walker, was called out of town, and, in effect, there was no formal meeting, but a considerable amount of work had been accomplished. However, he said there was a meeting of the Planning Commission scheduled June 27, 1978 at 7:00 p.m. and the petition would be discussed then.

STREET AND TRAFFIC REPORT REGARDING A PROBLEM
AS EXPLAINED BY MRS. CHARLES BROWN, 206 FIRST AVENUE, SOUTH,
AND MRS. VINCENT PONTIER, 217 FREDERICK STREET, NITRO:
 Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated that he wanted an opportunity to talk to the owner of the business establishment in reference to the problem, and that the Street and Traffic Committee had a meeting scheduled Monday, June 26, 1978, and requested that this be put on the agenda of the Council Meeting July 11, 1978.

ADVERTISING FOR PROPOSED STREET PAVING MEETING
BETWEEN THE CITY ATTORNEY AND APPALACHIAN ENGINEERS, INC.
JUNE 14, 1978: Mr. Cottrill, City Attorney, stated that he, Mayor Gibson, and Mr. Haynes, and Mr. Warner of Appalachian Engineers, Inc. had met and reviewed a similar proposal submitted to council in 1971, and that any type of paving ordinance requires an updating of the title of the property abutting the street to be improved. He said that they had conferred with Dr. Allen and that it was their recommendation to council that a public meeting be held, and that it was necessary for council to allow him to proceed and prepare the Class II legal notices to inform the residents of the proposed action.

Councilman Hughart made a motion to allow Mr. Cottrill to proceed and prepare the Class II legal notices for the public meetings on the street proposals. The motion was seconded by Councilman Bailey.

Mayor Gibson wanted to know if this took into consideration the changes that were made by the ward councilmen. Mr. Cottrill said that the proposed changes had not been submitted to him and requested a list of the proposed changes. Councilman at Large Dr. Allen said that he had the information. After further discussion, Mayor Gibson called for a vote on the motion made by Councilman Hughart, and the motion passed by a unanimous vote.

UP-TO-DATE PROGRESS REPORT ON THE PROPOSED LANDFILL MEETING JUNE 14, 1978: Mr. Cottrill, City Attorney, said that in regard to the landfill they had met with Appalachian Engineers, Inc. and that yesterday (June 19) he was supplied with a list of the names of the property owners as indicated from the assessor's cards in the assessor's office in Kanawha County. Mr. Cottrill stated that the cards can be inaccurate for a period of 11 months, and the only true way to determine ownership of property is the official records in the Kanawha County clerks office. He said they now have the list of property owners that can be updated.

Mr. Cottrill stated that the drainage system has been established and located and that the elevation had been considered. Mayor Gibson stated that they may have to cut through a street to raise a drain pipe.

Mr. Cottrill said that the landfill would be developed in three phases. The first phase would be the area between Gum Street and Hickory Street, and stated that his advice was to acquire rights to fill the entire portion of the landfill at the beginning stage of the project.

Councilman Miller asked whether this property will be filled according to the sanitary landfill requirements of the State of West Virginia. Mr. Cottrill replied, "Yes Sir, it will be specified in the lease." Councilman Miller wanted to know if the landfill will be inspected by the proper county or state authorities. Mr. Cottrill said that it should be, but he couldn't guarantee it. Councilman Miller wanted to know whether this area would be filled by the solid landfill requirements, and further stated that he wanted to be absolutely sure that they do not have the same situation up there that presently exists at the old landfill behind his house. Mr. Cottrill said that they would comply with all state requirements.

Councilman at Large Mel Pennington stated that he thought Councilman Miller was failing to realize that garbage was not going to be dumped into the proposed landfill as had been the case at the Smith Street landfill.

Mayor Gibson stated that in addition to garbage there had been many barrells of chemicals from local industry dumped at the Smith Street landfill, and this will not be the case in the future.

Councilman Miller introduced a delegation from Ward III. They are as follows:

Mr. Ed Machir, Washington Avenue and Smith Street,
 Mr. Alan Cross, Two Washington Avenue,
 Mr. and Mrs. Robert Chrest, Seven Washington Avenue,
 Mr. Jim Hively, Nine Washington Avenue, and
 Mr. V. Acharya, One N. Washington Avenue.

Councilman Miller stated that they were disturbed because the city was making corrections at the Smith Street landfill, and that the equipment had been moved out.

He said that on the private property of Mr. Kenneth West, Five Washington Avenue, there was a stagnant pool of water perhaps 50 feet in length, 15 to 20 feet wide, and 4 feet deep.

Mr. Chrest requested some assurance of what the city is going to do. Mayor Gibson stated that the city had put in a new pipe, a new catch basin, and tied the pipe from the catch basin to another manhole, and in order to put the pipe in they had to dig up some old garbage that will be hauled to the Western Landfill. Then, they will bring in new dirt, and they intend to take care of the problem, hopefully tomorrow. He further stated that one piece of equipment and the operator was hired by the hour and after the ditch was dug the equipment was moved out.

Mr. Chrest said that there was a rumor that children had been run off the playground (at the Smith Street landfill) and that it had been sold. Mr. Melton said that he had heard over at the park that it had been sold, and had assured the person the property hadn't been sold.

Mr. Melton requested that the gentleman find out who is running the children off the playground, and who supposedly bought the property.

Mr. Machir mentioned the stopped up drain at Washington and Smith Street. Councilman Miller said that Mr. Williams had assured them that the drain would be corrected. Mayor Gibson said that the city had only so much money and so many employees, and he couldn't promise that the work would be done next week, next month or next year, but if council wants to appropriate the money he would have a contractor come in and do it.

Mr. Cottrill, City Attorney, stated he would like to view the situation and consult with the city engineers. Councilman Miller requested that Mr. Cottrill meet with him and the property owners.

(Mrs.) Viola Nichols who resides at 504 Michigan Avenue stated that she had contacted Mayor Gibson six weeks ago about the water running under the state road (Rt. 25) and backing up in the yards of property owners in the 500 block of Michigan Avenue. Mrs. Nichols said that she had contacted Mr. Harris with the Department of Highways, and that he had been down. Mr Charles V. Nichols, her husband, said that the water had caused his garage to crack.

(Mrs.) Ellen Taylor who resides at 507 Michigan Avenue stated that her father (Mr. Roy Stowers at 916 First Avenue, South) had 3 to 4 feet of water backed up on his property, and that he had been offered \$80,000 for his property, and that they were concerned about the possible damage to the foundation of his house. His property is on the corner of First Avenue and Dupont Lane, and this water is stopped up on Dupont Lane at Mr. Delmer Redman's property at 501 Michigan Avenue. She said that the city had sent someone up with a rod to unstop the drain there just to let the water run through.

She stated that they had to replace their furnace twice at 507 Michigan Avenue because of the water. Her husband, Mr. Gene Taylor at 507 Michigan Avenue said that he had also lost his porch and some trees because of this problem.

Mayor Gibson stated that he would like to have copies of the deeds of the people concerned, and that he would have copies made and he would have the city attorney check this out to see who is legally responsible.

In reference to the petition in opposition to rezoning the following citizens from Ward IV were present:

Mary Elizabeth Wampler, 111 Michigan Avenue,
Rosemary W. Young, 209 Michigan Avenue,
Kathleen Cremeans, 201 Owens Street,
Margaret A. Hudson, 105 Kanawha Avenue, South, and
Hattie Tincher, 118 Blackwood Street.

THE PETITION DATED JUNE 12, 1978

FROM: Nitro Citizens of the Proposed Rezoning Area

TO: Mr. Olaf K. Walker, Chairman, plus the other members of
of the Municipal Planning Commission -
City of Nitro

Council Members - City of Nitro

Zoning Board Members - City of Nitro

Mayor "Bill" Gibson - City of Nitro

Mr. Thomas A. Knight - Kanawha Valley Leader Newspaper -
Nitro

THE PETITION IS IN THE SUPPLEMENT FILE TO THE MINUTES.

Rosemary Young, 209 Michigan Avenue, questioned if there was a member on the Planning Commission who lives in the area that could be affected by the rezoning of the area. The reply was no. Councilman Dr. Cassell said that council made recommendations as to who was on the Planning Commission on the basis of wards rather than areas within the wards.

Kathleen Cremeans, 201 Owens Street, stated that water was standing in her yard and under her home and that she would take her septic tank over the sewer any time.

Margaret A. Hudson, 105 Kanawha Avenue, South, asked, "Why was this area chosen first for rezoning?" Councilman at Large Karnes answered that the area meets the criteria for businesses, a main highway, railroad, and it's not far from an interstate, and the area does not meet the criteria for residential property.

Miss Hudson said that it was her opinion that we are all evading why that area was first, because it has to be Citizens Bank. She said, "Everything fell in line too soon, click, click, click, that's my opinion."

Miss Hudson stated that she had been to a Zoning Board Meeting, a Planning Commission Meeting, and to the Nitro City Council Meeting, and she said she wanted to be sure she had the relation between all three of those clear. She said that as she understood it the City Council asked that the Planning Commission look into it and make recommendations as to this property. Mr. Cottrill said that council had the ultimate power and authority.

Miss Hudson asked who on the City Council was a member of the Planning Commission. Councilman Bailey stated that Councilman at Large Karnes was the only member on the Planning Commission.

Hattie Tincher, 118 Blackwood Steet, stated that she had the names of 9 members of the Planning Commission and there was one missing, and that they would like for one to be appointed from their area. Mayor Gibson stated that there were already three (3) members appointed in Ward IV. Namely: Dr. Byrd, Lonnie Norvell, and Donald Karnes.

Ms. Tincher stated that when the Planning Commission surveyed last Tuesday (June 13) why did they look only from W.M.U.L. and out Blackwood Street and come and zero in on this piece of property.

Mayor Gibson said that they were the only people there and they were seemingly interested in that area, and it was to make it convenient for those people. Because if they had taken time to walk and look at the entire area there was no way they could have had a meeting as had been scheduled.

Mr. Delmer Redman, 501 Michigan Avenue, wanted to know if anything had been done about the trucks tearing up the street, and the mud on Dupont Lane. Councilman at Large Dr. Allen said that they would be up there next Monday evening (June 26) to servey the problem. Mr. Redman stated that Mr. Goldberg said that if he (Mr. Redman) parked on Dupont Lane he (Mr. Goldberg) would take an endloader and move his truck.

After further discussion on the proposed rezoning, Mayor Gibson stated that since last council meeting council had received copies of the following correspondence: (This correspondence will be kept in the supplement file to the minutes.)

1. Mayor Gibson received a letter dated June 8, 1978, from Thomas T. Kirk, P.E.

Vice President

Wildwood Development Corporation

Box 3626

Charleston, West Virginia 25335

aknowledging receipt of his letter dated June 5, 1978 concerning Section 14 of Brookhaven Subdivision. The letter had to do with surface drainage problems.

2. Mayor Gibson received a letter dated June 8, from Robert Y. Hayne, Appalachian Engineers, Inc. in reference to Brookhaven storm sewers, complaints of creek bank erosion in the area of 230 and 232 Brookhaven Drive. This was an area which had been observed by Mr. Hayne, Danny Warner, Dr. Cassell, and Mayor Gibson.

3. Mayor William D. Gibson received a letter dated June 8, 1978 from Robert Y. Hayne, Appalachian Engineers, Inc. in reference to the drainage problem, Warzyniak property, Brookhaven Sub-Division.

4. Mayor Gibson received a letter from Dan E. Warner, Appalachian Engineers, Inc. in reference to Brookhaven storm sewer, Community Development Block Grant Program. Reference was made of complaint from Fred Weible, 203 Brookhaven Drive regarding damage of 2 apple trees and one cherry tree during construction of a 36" storm sewer..

5. Mayor Gibson received a letter dated June 15, 1978 from Dan E. Warner, Appalachian Engineers, Inc. in reference to the proposed landfill site - Elm Street - Hickory Street area and an attachment outlining property owner's lot numbers.

6. Mayor Gibson received a letter dated June 19 1978 from Leo J. Bradley, Chief of the Nitro Police Department, requesting the speed limit within Ridenour Memorial Park be reduced to 5 miles per hour.

Councilman Dr. Cassell made a motion to lower the speed limit within Ridenour Memorial Park to 5 miles per hour. The motion was seconded by Councilman Bailey. Mayor Gibson called for a vote and the motion passed unanimously.

In reference to the Mayor's question to putting used oil on the road up at Ridenour Park, Mr. Cottrill, City Attorney, said that he felt a phone call to the Soil Conservation Commission for their approval would be sufficient.

7. Schedule of events at Ridenour Memorial Park for the Cub Scouts June 19, through June 22, and June 26 through June 29, 1978.

Mayor Gibson stated that Mr. Jack Eastwood, Recreational Director had told him he was resigning effective the end of June, 1978, but to this date he has not received anything in writing.

MAYOR GIBSON ASKED FOR THE COMMITTEE REPORTS.

MR. MELTON: Mr. Melton, Chairman of the Finance Committee stated that council had received the budget revisions for fiscal year 1977 - 1978 which are as follows:

BUDGET REVISIONS
FISCAL YEAR 1977 - 78

DISBURSEMENTS:

ITEM NO.		<u>ESTIMATE</u>	<u>REVISED</u>	<u>DIFFERENCE</u>
11	GEN. EXP. POLICE	11,000	21,000	+10,000
12	POLICEMEN PENSION	2,964	3,214	+ 250
13	SALARIES, FEED PRISONERS	33,810	37,310	+ 3,500
17	FIREMEN PENSION	10,916	12,916	+ 2,000
24	BUILDING MAINT & SALARIES	4,500	5,500	+ 1,000
26	FURNITURE & FIXTURES	3,000	3,500	+ 500
27	STATIONERY OFFICE SUPPLIES	3,000	4,000	+ 1,000
28	POSTAGE	2,000	2,400	+ 400
29	WATER - FIRE PROTECTION	8,500	10,500	+ 2,000
30	WATER - CITY BUILDING	1,100	1,300	+ 200
31	LIGHT FOR STREETS	21,800	22,800	+ 1,000
35	TELEPHONE ALL DEPTS.	4,000	6,000	+ 2,000
38	INSURANCE ON BUILDING	9,195	19,695	+10,500
39	OFFICIAL BONDS	500	1,000	+ 500
41	ATTORNEY'S FEES	750	2,050	+ 1,300
46	GEN EXP. STREET DEPT.	15,000	18,000	+ 3,000
50	AUDIT	1,300	1,600	+ 300
51	ERRONEOUS PAY REFUND	150	500	+ 350
53	PARKS SALARIES & SUPPLIES	1,000	1,500	+ 500
59	LIBRARY SALARIES & EXP	12,000	12,500	+ 500
60	SOCIAL SECURITY	27,500	34,500	+ 7,000
60A	PUBLIC EMP. RETIREMENT	27,500	29,500	+ 2,500
60B	EMPLOYEES INSURANCE	11,700	12,700	+ 1,000
61	CONTINGENT EXPENSE	3,900	15,500	+11,600
63	CAPITAL IMPROVEMENTS	4,300	5,800	+ 1,500
				64,400

BUDGET REVISIONS
FISCAL YEAR 1977 - 78

RECEIPTS:

	<u>ESTIMATE</u>	<u>REVISED</u>	<u>DIFFERENCE</u>
POLICE FINES & COST	20,000	26,300	+ 6,300
CIVIC BENEFITS	18,000	26,800	+ 8,800
GROSS SALES	184,000	200,000	+16,000
UTILITIES	42,000	60,000	+18,000
MUNICIPAL SERVICE	190,000	200,000	+10,000
RECREATION	6,000	4,000	- 2,000
BUILDING PERMITS	2,700	10,000	+ 7,300
			<u>64,400</u>

Mr. Melton made a motion that these revisions be approved, and be sent to the state tax department. The motion was seconded by Councilman at Large Karnes, and the motion passed unanimously.

COUNCILMAN MILLER: Councilman Miller had no reports.

COUNCILMAN HUGHART: Councilman Hughart had no reports.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen had no reports.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell had no reports.

COUNCILMAN BAILEY: Councilman Bailey wanted to know if a letter had been written to United Dodge in reference to the complaint of weed and grass at United Dodge made by Mr. M. T. Raynes who resides at 121 Hillside Drive. Mayor Gibson stated that he had not written the letter.

Councilman Bailey asked what had been done up on Old County Road where the motorcycles were using the road for a drag strip. Chief Bradley of the Police Department stated they were trying to send extra patrol up there.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington had no reports.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes had no reports.

Someone in the audience who had previously been heard several times during the meeting held up his hand and wanted to have the floor again.

Councilman at Large Pennington made a motion for adjournment. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed with two councilmen voting against adjournment.

Sam. A. Sloan

MAYOR

RECORDER

NITRO CITY COUNCIL MEETING

JULY 11, 1978

The meeting of the Nitro City Council was held in the Council Chambers on July 11, 1978, at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Layton Cottrill, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller and Councilman Gus Bailey.

The meeting was called to order by the Honorable William D. Gibson, Mayor. Mayor Gibson, on behalf of the elected officials, welcomed each one present. The invocation was given by Councilman Dean Miller, Councilman for Ward III.

APPROVAL OF JUNE 20, 1978, COUNCIL MEETING MINUTES:

Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman Bailey made a motion the minutes be approved. The motion was seconded by Councilman Hughart, and the motion passed by a unanimous vote.

STREET AND TRAFFIC REPORT REGARDING A PROBLEM AS EXPLAINED BY MRS. CHARLES BROWN, 206 FIRST AVENUE, SOUTH, AND MRS. VINCENT PONTIER, 217 FREDERICK STREET, NITRO:

Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated that they had talked to the owner of the business establishment there and that he did want to cooperate, and that he wanted to pave around the building. The owner had requested that Appalachian Power Company take down one of the guy lines so that there would be better access into the parking area at the rear of the building.

Councilman Hughart stated there was a real drainage problem there. Councilman at Large Dr. Allen said that a ditch line had been filled in and that another ditch would have to be dug to take care of the problem. Councilman Hughart said that the owner said that large trucks had been parking there but they were not tractor trailer trucks.

REQUEST TO USE CITY RECREATION BUILDING FOR CLUB MEETINGS THE THIRD TUESDAY OF EACH MONTH BY THE WHITE DOVE NUMBER 1 DEGREE OF POCAHONTAS, A LOCAL WOMAN'S GROUP:

Councilman at Large Mel Pennington, Chairman of the Business and Civic Betterment Committee, stated that he had talked to Mrs. Kilgore but he didn't make a commitment, and because the City was to have a new Parks and Recreational Director, in the near future, Councilman at Large Pennington made a motion to keep this request in Committee, until the new Recreation Director has an opportunity to get orientated. The motion was seconded by Councilman at Large Karnes and passed unanimously.

PLANNING COMMISSION MEETING OF JUNE 27, 1978, AND
JULY 11, 1978, AT 7:00 P.M., IN REFERENCE TO PROPOSED RE-
ZONING:

Councilman at Large Karnes, member of the Planning Commission stated that they did not have a quorum at either meeting and therefore did no business and that another meeting will be scheduled.

Mayor Gibson stated that three members of the Planning Commission were from Ward IV, two from Ward III, and three from Ward I. He said that there were two more that should be appointed to the Planning Commission, further that he felt that both appointments should be made from Ward II because Ward II was not represented on the Planning Commission.

Mayor Gibson appointed Mr. James E. Landers of #22 Tim-Mar Heights to the Planning Commission to replace Mr. Lloyd Hart who had resigned.

Councilman Hughart made a motion to confirm Mayor Gibson's appointment of Mr. James E. Landers to the Planning Commission. The motion was seconded by Councilman Miller, the motion passed unanimously.

Mayor Gibson appointed Mr. Arthur F. Whaples, Jr., who resides at 1823 18th Street to the Planning Commission. Councilman Hughart made a motion to confirm Mayor Gibson's appointment of Arthur F. Whaples, Jr., to the Planning Commission. The motion was seconded by Councilman Bailey, the motion passed by a unanimous vote.

Mr. Cottrill, City Attorney, introduced and explained a resolution in reference to the amended, recently enacted by the State Legislature regarding Open Governemntal Proceeding Act (Sunshine Law).

THE RESOLUTION IS AS FOLLOWS:

RESOLUTION NO. _____

Whereas Chapter 6, Article 9A, et seq., of the West Virginia Code of 1931 as amended (otherwise known as the Open Governmental Proceeding Act) was amended by the West Virginia Legislature on March 11, 1978 and said Amendment was to be effective ninety days from its passage, and

Whereas, such amendment of said act provided in Section Three (3) that "Each governing body shall promulgate rules by which the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings are made available, in advance, to the public and news media, except in the event of an emergency requiring immediate official action.", and

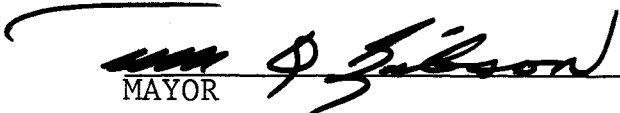
Whereas, the City of Nitro would constitute and fall within the scope of the definition of a "governing body" as provided in section One (1), subsection Three (3) of said act,

NOW THEREFORE BE IT RESOLVED that the City Council does hereby promulgate the following rules and regulation in compliance with the mandate of the Open Governmental Proceedings Act as amended and providing for reasonable advance notice of meetings by this body:

1. A notice shall be posted by the Municipal Recorder at the front door of the Nitro City Hall the time and place fixed for holding of regularly scheduled sessions. If a particular regularly scheduled session is cancelled, a notice of such cancellation shall be posted at the front door of the City Hall.

2. A notice shall be posted by the Municipal Recorder at the front door of the Nitro City Hall at least two days before a special session to be held, stating the time, place, and purpose for which such special session shall be held. If the special session is cancelled, a notice of such cancellation shall be posted at the front door of the City Hall.

Passed by majority vote of Council the 11 day of July, 1978.


MAYOR

MUNICIPAL RECORDER

Councilman at Large Pennington made a motion to accept the resolution as read. The motion was seconded by Councilman at Large Karnes, and the motion passed by a unanimous vote.

Chief Bradely introduced the two police officers who had been promoted to the rank of Sergeant, Sergeant Shelby Harrison and Sergeant John Johnson.

Mayor Gibson presented the Sergeant's badges to Mrs. Jo Ann Harrison and Mrs. Yevone Johnson and stated they would do the honors and pin the badges on their husband's uniforms.

Mayor Gibson announced that the hump on 21st Street (caused by a slide) had been removed by the West Virginia Dept. of Highways with more work yet to be performed. Councilman at Large Dr. Allen stated that Mayor Gibson had been very instrumental in accomplishing this.

Mayor Gibson stated that since last Council Meeting Council had received copies of the following correspondence. (This correspondence will be in the supplement file to the minutes).

1. Mayor Gibson received a letter dated June 14, 1978, from the Honorable John D. Rockefeller, IV, in reference to Mayor Gibson's proposal for \$2,500 in Federal matching funds for the City of Nitro, and informing him this had been approved. Mayor Gibson stated that this was for a "Jaws of Life."

2. Mayor Gibson received a copy of a letter dated June 22, 1978, to Mr. Cottrill from Danny E. Warner, Appalachian Engineers, Inc., in reference to the proposed Nitro landfill, Elm Street - Hickory Street area.

3. Mayor Gibson received a letter dated June 22, 1978, from Kanawha County Emergency Ambulance Authority. Enclosed was the copy of the Agreement of Participation.

4. Mayor Gibson read a mailgram sent June 26, 1978, sent by Mayor Gibson to Mrs. E. E. Rogers on her 99th birthday.

5. Mayor Gibson received the minutes of the Nitro Lions Little League from Mr. Alvin Hicks on June 22, 1978.

6. A letter had been sent to the former Recreation Director, Mr. Jack Eastwood, dated June 28, 1978, from Mr. Ronald C. Casabella, Assistant Director of the Bluegrass Chapter, Cystic Fibrosis Foundation, Room 208, 1951 Bishop Lane, Louisville, KY 40218. This was in reference to their request to conduct a Bike-A-Thon this fall in Nitro.

Councilman at Large Pennington made a motion to refer this request to the Recreation Committee. The motion was seconded by Councilman at Large Karnes and the motion passed unanimously.

Councilman Bailey resolved that a letter of sympathy be sent to the Honorable John D. Rockefeller, IV, Governor of West Virginia, due to the loss of his father. The motion was seconded by Councilman Cassell and the motion passed by a unanimous vote.

MAYOR GIBSON ASKED FOR COMMITTEE REPORTS:

CITY RECORDER MELTON: Mr. Melton, City Recorder, had no reports.

COUNCILMAN MILLER: Councilman Miller expressed his appreciation to Mr. Gene Williams, Director of Public Works, on his immediate action to eliminate the danger at the Smith Street landfill. He stated that there was more work to be done but he was grateful for what has been accomplished thus far.

COUNCILMAN HUGHART: Councilman Hughart referred a request for a street light on 18th Street between First Avenue and Second Avenue to the Street Light Committee.

Councilman Hughart asked if the Building Inspector was supposed to police construction sites. He stated that it was repoted to him that on 21st Street, on the proposed site for a "Mini Mall", that a dangerous situation exists. He said that it was reported there is a large hole beside the sidewalk there, and at the alley there is a three foot drop and there is no fence there.

Mayor Gibson stated that this would be checked out.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen stated that the City needed an ordinance in reference to the building sites of contractors. He said the contractors should remove the debris from the sites or be required to pay for the removal if the City removes the debris. He referred an ordinance to Mr. Cottrill, City Attorney, and requested he come up with something that would be applicable for the City of Nitro.

Mr. Cottrill, stated that he didn't feel an ordinance was necessary. He said that, in fact, it is a violation of the City Code for the contractor to leave the debris. However, after more discussion it was decided that the matter should be looked into further.

Councilman Dr. Cassell said that there should be a limit imposed on the amount of trash the average citizen puts out for pick and an extra charge for special pick-up of trash. He stated that he felt sure the Ordinance Committee and Mr. Cottrill, City Attorney could come up with something that would be applicable.

Councilman at Large Dr. Allen stated that he and Councilman Hughart had gone into the area of Dunbar Supply and Sash (located at 800 Firest Avenue, South) and asked Mr. Cottrill, City Attorney, if it would be possible to block off the open end of a dead-end street (Michigan Avenue, South). Mr. Cottrill said, "I could not give you an answer now." Dr. Allen stated that he wanted Mr. Cottrill to see the

location, if he could.

Councilman at Large Dr. Allen said that the first preference would be to close the open end of Michigan Avenue, South, making it a dead-end street and the second preference would be for Dunbar Supply and Sash to use another entrance.

Councilman at Large Dr. Allen stated that the gentleman had asked about a street (Kanawha Avenue, South) across the railroad and that the Raleigh Junk Company had fenced it off. Dr. Allen said that as far as he could determine there was no street, but this would have to be researched. Mr. Cottrill said that a tax map was in^{no} way evidence, and that he thought that the City had an original plat.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell had no reports.

COUNCILMAN BAILEY: Councilman Bailey stated that a street light had been requested by Mr. Henry Brown at 1423 Sattes Circle.

Councilman Bailey introduced several people from Ward IV. Mrs. Harper who resides at 311 Michigan Avenue, South, stated that Mr. Goldberg or an employee of his, today had a bulldozer down below where he had put a fence across Michigan Avenue, South. She said they were grading that all out and had pushed it out next to the highway and that when the water gets up between her house and First Avenue there is no way out. "You have to almost swim out," she said.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes, Chairman of the Consumer Protection Committee, asked that Chief Hedrick of the Fire Department check out abandoned or temporarily abandoned fuel tanks within the City to see if they are in compliance with the State and City Code.

Mayor Gibson stated he would like permission to get approximately 18 to 24 signs to erect within the City which would read as follows:

M A X I M U M \$500.

F I N E

T O L I T T E R

Councilman at Large Pennington made a motion to get and erect the signs within the City. The motion was seconded by Councilman Dr. Cassell, the motion passed unanimously.

Councilman at Large Karnes made a motion to get and erect signs within the City reading "Please Deposit Litter In Cans" or to that effect, and locate cans throughout the City. The motion was seconded by Councilman at Large Pennington and the motion passed by a unanimous vote.

Councilman at Large Karnes made a motion for adjournment, the motion was seconded by Councilman Dr. Cassell, the motion passed by unanimous vote.


MAYOR

MUNICIPAL RECORDER

NITRO CITY COUNCIL MEETING

JULY 18, 1978

The Nitro City Council Meeting was held in the Council Chambers on July 18, 1978, at 8:00 P.M. Present were the Honorable William D. Gibson, Mayor, Tom Melton, City Recorder, Donald Karnes, Councilman at Large, Dr. R. V. Allen, Councilman at Large, Dean Miller, Councilman, Romie Hughart, Councilman, Dr. Guy Cassell, Councilman, and Gus Bailey, Councilman. Layton Cottrill, City Attorney, and Mel Pennington, Councilman at Large, were absent.

The meeting was called to order by the Honorable William D. Gibson, Mayor. Mayor Gibson called upon Councilman Bailey for the invocation.

APPROVAL OF JULY 11, 1978, COUNCIL MEETING MINUTES:

Mayor Gibson stated each Councilman had received a copy of the minutes for their review. Councilman Bailey made a motion the minutes be approved. The motion was seconded by Councilman at Large Karnes, the motion passed unanimously.

APPROVAL OF JUNE - 1978 FINANCIAL STATEMENT:

City Recorder Melton stated that due to circumstances beyond his control, the Financial Statement was not ready. City Recorder Melton made a motion this be tabled until the next Council Meeting. Councilman at Large Dr. Allen seconded the motion, the motion carried unanimously.

Councilman at Large Karnes, Vice President of the Planning Commission, stated that the Planning Commission had taken the Resolution which was adopted by City Council, June 1, 1978, under advisement and had also considered the pros and cons of the proposed ordinance introduced on June 1, 1978.

Councilman at Large Karnes stated that the Planning Commission concurred with City Council in principal, but recommended that the up-river boundary be adjusted to include the property owned by Mr. W. Braunlin from the railroad over and across State Route 25, thereby taking in the building which once upon a time housed Rutledge's Grocery and across the Old County Road up the right hand side of Hog Pen Hollow to the corporate limit boundary.

Mr. Karnes, Councilman at Large, further stated that the Planning Commission had looked the area over very closely and it is the Planning Commission's recommendation that the meets and bounds be changed as outlined or described in the revised ordinance as follows:

REVISED ORDINANCE AS REQUESTED BY THE NITRO PLANNING COMMISSION:

ORDINANCE NO _____

DATE _____

INTRODUCED BY: _____

AN ORDINANCE DIVIDING ZONING AREA DISTRICT NUMBER EIGHTEEN (18) AS SHOWN ON THE "OFFICIAL ORDINANCE MAP" ON FILE IN THE OFFICE OF THE ZONING OFFICER, CITY OF NITRO AND CREATING THEREFROM A NEW DISTRICT HEREAFTER TO BE KNOWN AS ZONING DISTRICT NUMBER TWENTY (20) AND FURTHER PROVIDING FOR CLASS "B-2", CENTRAL BUSINESS USE DESIGNATED AS PRE-SCRIBED IN ARTICLE 9 SECTION 901 ET SEQ OF THE "CITY OF NITRO ZONING ORINDNACE" ADOPTED, OCTOBER 6, 1970, BY THE CITY COUNCIL OF NITRO AND INCORPORATED BY REFERENCE IN CHAPTER TWENTY TWO OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA: SAID ORDINANCE IN NO WAY SHALL AFFECT THE CURRENT ZONING OF THE REMAINING AREA OF ZONING AREA DISTRICT 18, NOW DESIGNATED "R-3" MOBILE HOMES AND MOBILE HOME PARKS. THAT PORTION OF AREA 18 LYING SOUTH OF THE BEFORE DESCRIBED AREA 20 SHALL BE REDESIGNATED AS AREA #21 (ZONING AREA R-3)

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF NITRO, WEST VIRGINIA, that Zoning District Number 18 be divided and the hereinafter described new district be created and enumerated Zoning Area District 20 with zoning use designation of "B-2", central business and designated as such in the "Official Zoning Map" in accordance with the following description. That portion of area 18 lying south of the before described Area 20 shall be resdesignated as Area #21.

AREA 20 (Zoning Area B-2)

Beginning at a point in the northerly right-of-way of the Consolidated Railroad Company right-of-way line (formerly known as Penn Central Corp.) and the common corners of Area 15 and 16; thence North 32 degree 42' East - 740 feet + to the Nitro Corporation line; thence with the Nitro Corporation line, south 37' East 977 feet +; thence South 77 degrees 01' East 1500 feet + to the center of "Hog Pen Branch"; thence in a southerly direction with said branch 450 feet +; thence in an easterly direction 150 feet + to a point in the center of Old County Road; thence in a southerly direction 125 feet + to the centerline of WV Route 25; thence with the center of WV Route 25 in an easterly direction 155 feet +; thence in a southerly direction 335 feet + to the northerly right-of-way line of the Consolidated Railroad Company, said line being the common boundaries of properties presently owned by E. Mitchell, W. Braunlin and D. Osborne; thence with the aforementioned Con-Rail right-of-way line in a westerly direction 3950 feet, more or less, to the point of beginning. All being a portion of Area 18 shown on the zoning map of the City of Nitro. That portion of Area 18 lying south of the before described Area 20 shall be redesignated as Area 21 (Zoning Area R-3).

Passed by Council this _____ day of _____, 1978.


WILLIAM D. GIBSON, MAYOR


TOM MELTON, MUNICIPAL RECORDER

The motion was seconded by Councilman Dr. Cassell. Councilman Bailey stated that Layton Cottrill, City Attorney, had stated that if any business organization in the spectrum of the B-2 rating could, if qualified or you meet the criteria according to City Ordinance and State Law, could in fact establish a business of any kind. Councilman Bailey stated this concerned him, if his understanding was right, City Council would have no control whatsoever. On this basis, I could not really vote, not necessarily on the change, and I recognize the need for monies, but if my understanding is right, many businesses of light nature could be offensive, and there would be very little the City could do about it, under the City Ordinance as it now exists.

Councilman Hughart stated he could understand Councilman Bailey's concern but the City did have some control and reflected on one business that had been closed by the City. Councilman Hughart stated business could be policed and he felt the City did have some control. He stated that he wanted the residents to be assured they were not in jeopardy.

A discussion followed by the Councilmen of several aspects of the re-zoning and the control the City had over the type businesses that operate within the corporate limits.

City Recorder Melton read Chapter 12, Section 2, Paragraph 3 of the Nitro City Code, pertaining to the control the City had in issuing City License to new businesses.

Councilman Bailey stated that the people in his Ward, (Ward IV) had very strong feelings in regard to this, particularly because of the action of the Zoning Appeals Board, having turned down the application of the Citizen's National Bank of St. Albans, and then shortly thereafter, they are confronted with a rezoning which I supported. Councilman Bailey stated some of the residents were present and if it were in order, he would like for them to have an opportunity to express themselves.

Margaret Hudson, spokeswoman for the residents stated, I have mixed feelings about the voting on part of their recommendation, before you get the total recommendation. If they are recommending change in boundary, you are getting the report piece-meal, they did that, now your are going to do something else.

Councilman at Large Karnes stated this had to be done in order to have the Public Hearing.

Mrs. Hudson stated that she understood that, but it was like a piece-meal thing. She said it was a real shame it hinged on the bank and that is what brought it all to a head. That if the bank people had come and talked to some of the people that live in that area, they could have avoided this whole mess. It was rammed down your throats, instead of saying, if we build this, we want to do this, and this is where it has to be, how can we build this and get along with you all, but that wasn't the way it was handled. I think these people would concur with me, we don't have anything against the bank.

Mayor Gibson stated he didn't want to sound smart or out of order but when you say "if". These are thing we don't know about until they happen. As in "If our foresight was as good as out hindsight", there would be all kind of changes made.

Mrs. Hudson stated that she was 110% sure, if the bank had come over and talked to the people in that area, this whole mess could have been avoided.

Mayor Gibson asked if everyone understood the motion, everyone seemed to understand the motion. There were no questions and a vote was taken on amending the proposed ordinance and Resolution No. 185. The motion carried with Councilman Bailey abstaining and Councilman Miller voting against the amendment.

Councilman at Large Karnes stated he had one other thing to bring before Council, and it was also in the minutes of the Nitro Planning Commission Meeting. The Planning Commission would like for Council to work along with them on getting the road straightened out on Route 25 at 21st Street, and the City to try to acquire the plot of property situated between Bank Street and First Avenue and 20th and 21st Street. Councilman at Large Karnes stated this would make a sizeable parking lot for the citizens of Nitro.

Councilman at Large Karnes made a motion that this be placed in the Business and Civic Betterment Committee. Councilman Hughtart seconded the motion, the motion carried unanimously.

Mayor Gibson brought to the attention of Council the following correspondence. (Photostatic copies are in the supplement file to the minutes of this meeting).

1. Mayor Gibson received a letter over the signature of Charles L. Miller, Commission, West Virginia Department of Highways, dated July 5, 1978, in reference to the traffic signal of WV Route 25. The letter stated the signal had been completed by the contractor and accepted by the Department of Highways.

2. Mayor Gibson had received a letter dated July 11, 1978, over the signature of Alvin Hicks, President of the Nitro Lions Little League, complimenting the City on the improvements made at Nitro City Park.

3. Mayor Gibson had received a copy of a letter directed to Leo J. Bradley, Nitro Chief of Police, dated July 14, 1978, over the signature of Don Karnes, Councilman at Large, Complimenting Officer Wesley Hill on his alertness and action, in a matter that was of initial interest to Mr. Karnes.

4. Mayor Gibson had sent a mailgram to Governor John D. Rockefeller, IV, in an expression of sympathy on the loss of his father, John D. Rockefeller, III.

5. Mayor Gibson received a complimentary letter from Arley K. Cravens, Pastor of the Nitro Church of God, on the police escorts for funerals.

6. Mayor Gibson brought to the attention of Council a brochure on Garbage and Trash Collection Service for the City of Hurricane, the Mayor felt this could be helpful to the City in initiating a similar type program for Nitro.

Mayor Gibson brought to the attention of Council, the problems that are being caused by one of the older police cruisers that has over 87,000 miles on it. The Mayor stated that the funds had been appropriated for a new one, and he felt that Council may be wanting to put out bids for a new 1979 cruiser.

Councilman Dr. Cassell made a motion that this be placed in the hands of the Police Department Committee. Councilman Bailey seconded the motion and the motion carried unanimously.

Mayor Gibson stated each Councilman had specifications for a new communication system in the Fire Department. He further stated that it had been placed in the hands of the Fire Department Committee.

Councilman Hughart, Member of the Fire Department Committee, stated that the present siren system was not very efficient, it had frozen up twice during the winter and wouldn't go off, it needed to be replaced and it was over twenty years old. Further it would cost over \$10,000 to replace it. The new pager system that had been recommended would cost approximately \$5,000, it would do away with the siren. Councilman Hughart stated the pager system had several codes that could be used, which would be advantageous to the Fire Department.

Councilman Hughart made a motion to advertise for "Sealed Bids" on the new communication system for the Fire Department, to be opened at the regularly scheduled Council Meeting on August 15, 1978.

Councilman at Large Karnes seconded the motion and the motion carried unanimously.

Councilman Hughart stated, as a member of the Fire Department Committee, he would like to bring back to Council, a request from the Fire Chief, to paint large yellow arrows in the streets indicating the location of fire hydrants. Councilman Hughart explained the advantages of the arrows and the beneficial effectiveness they would have for the efficiency of the Fire Department.

Councilman Hughart made a motion to have the arrows painted on the streets.

The motion was seconded by Councilman Bailey and carried unanimously.

MAYOR GIBSON CALLED FOR COMMITTEE REPORTS:

CITY RECORDER MELTON: City Recorder Melton had no reports or new business.

COUNCILMAN MILLER: Councilman Miller stated he would again like to explain why he voted "No." on the revision of the amendment of the ordinance or Resolution No. 185. "I voted no, because I felt that had the thing not come so quickly on the heels of a 'turn down' on the Citizens National Bank, had it not come so quickly, I am for business, I hope the papers, the rest of the Councilmen and the Mayor, don't get the idea I am not for business, I am for business and this City needs business in the worst way, but some how it just sort of smacked me the wrong way. So I votes against it."

Councilman at Large Karnes asked Councilman Miller, If he voted no because it came on the heels of that or because he thought the decision was wrong, that is the only question I have, when we have a decision to make it should be made in the best interest of the City, and that is one reason I was disappointed in that, I think everybody has a right to their vote, but I think if you are saying you voted "no" because it was on the heels of something else, then that is wrong, in my opinion.

Councilman Miller stated he didn't think we should pretend that the Citizen's National Bank didn't have a part in it. I think had we pretended it had not, then I wouldn't had any problem voting for it.

COUNCILMAN HUGHART: Councilman Hughart stated that the Fire Department had made a request to the Street and Traffic Committee to make some of the streets in Nitro one-way-streets. The first being Lock Street to Boundry Street, Boundry Street to Layne Avenue, Layne Avenue to Lock Street. The reason for this request is that the streets are very narrow and there is parking on both sides, making it impossible for a fire truck to get through. Also, Layne Avenue is to narrow and close to the railroad tracks to make a right turn.

Councilman Hughart stated he knew there would be opposition to this request but suggested that the City have a trial period for approximately three (3) months and then make a decision on whether to leave it or to find a better solution.

Mayor Gibson stated as far as he knew, this had to be done by passing an ordinance, it would have to be advertised. He further stated if that area was going to be considered, that there were several other areas that needed to be considered too.

Councilman Hughart stated he did have one more that needed to be considered, which was 20th Street. He stated that the Fire Department had requested that 20th Street be made one-way from Second Avenue to First Avenue. The reason being the Fire Truck could leave the station with more expediency and it would provide a continual fire lane. He stated, again, he knew there would be opposition but he would like to try it for a period of time.

Councilman Hughart stated there was another area from 31st Street to 40th Street on Second Avenue. This is a very congested area, with cars parking on both sides of the street. Councilman Hughart stated for efficiency of traffic flow and safety factors involved that he felt this would be beneficial to the City.

A discussion followed on making the streets one-way, how it would effect traffic and the advantages and disadvantages. It was decided to continue this until the Council could get advice from City Attorney, Layton Cottrill, on the ordinance.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen had no reports or new business, but he would like for the Mayor to give a progress report on the condition on 21st Street.

Mayor Gibson stated that he had been advised by one of the Supervisors, that was in charge of the work on 21st Street of removing the hump, he informed me that the West Virginia Department of Highways intended to come back and extend it approximately 40 feet further up 21st Street, because there is still a large slant there and move some of the slag into the new area resulting from the proposed construction. They want to get the road as level as possible, they feel they are going to have some drainage problems otherwise. Mayor Gibson stated he had received a telephone call from the foreman stating that they were going to come back and finish the job as soon as possible.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell had no reports or new business.

COUNCILMAN BAILEY: Councilman Bailey stated that he had received several complaints about high water blocking Michigan Avenue, South, and Cleveland Avenue. Councilman Bailey stated that Mr. Williams, Director of Public Works, had the pipe to take care of this, but he was waiting on the back-hoe, but he would like for Mr. Williams to have it taken care of as soon as possible.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes stated that he knew the residents and some of the Councilmen felt that the re-zoning was caused by the Citizen's National Bank, and he would say that it happened when it happened because of the bank, but the town in the last few months had changed. We have pretty much a full time Building Inspector now, and he is doing an outstanding job on policing the building that is being done. This re-zoning would have happened and should have happened long ago. He further stated that the Planning Commission had quite a few places on the agenda to consider.

Councilman at Large Karnes made a motion to adjourn.

The motion was seconded by Councilman Dr. Cassell and passed unanimously.


WILLIAM D. GIBSON, MAYOR


TOM MELTON, MUNICIPAL RECORDER

NITRO CITY COUNCIL MEETING

AUGUST 1, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on August 1, 1978, 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 Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey. City Attorney Layton Cottrill and Councilman at Large Dr. R. V. Allen were absent.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Councilman Miller. Councilman at Large Pennington reported that Reverend Wilbur Turner was unable to attend Council Meeting because he has had a mild stroke and is a patient at Thomas Memorial Hospital.

APPROVAL OF COUNCIL MEETING MINUTES JULY 18, 1978:
Mayor Gibson stated each Councilman had received a copy of the minutes for their review. Councilman Hughart made a motion the minutes be approved. The motion was seconded by Councilman Bailey, and the motion passed by a unanimous vote.

APPROVAL OF JUNE 1978 FINANCIAL STATEMENT: Mr. Melton, City Recorder and Chairman of the Finance Committee, made a motion the June 1978 Financial Statement be approved. The motion was seconded by Councilman Miller, and the motion passed. Councilman at Large Pennington stated that he had not received the statement in time to review it and he, therefore, abstained from voting.

PLANNING COMMISSION MEETING HELD JULY 24, 1978:
Councilman at Large Karnes, Vice President of the Planning Commission, stated that the Planning Commission had decided to furnish Council with the minutes of each Planning Commission Meeting.

Councilman at Large Karnes stated that the Planning Commission had adopted a resolution in regard to the amended Open Governmental Proceeding Act (Sunshine Law), and they were in compliance with the State Code.

Councilman at Large Karnes stated that a member of the Board of Education had been invited to a meeting to supply information on the Nitro Junior High School and Nitro High School exchanging locations.

Councilman at Large Karnes informed Council that Mr. Fred Whaples had resigned, and there was a vacancy on the Planning Commission.

PLANNING COMMISSION MEETING HELD JULY 31, 1978:

Councilman at Large Karnes stated that this was not a formal meeting, but, in fact, a field trip in reference to zoning.

He announced that the next meeting of the Planning Commission would be Monday, August 7th at 7:30 p.m.

Councilman at Large Karnes made a motion to have the first reading on the proposed amendment to the Zoning Ordinance Dated October 6, 1970, as recommended by the Nitro Planning Commission, and authorize Class I publication of a notice in the local newspaper of a public hearing to be held for the citizens of Nitro which would be held in the Council Chambers on September 11, 1978 at 7:30 p.m.

The first reading of the amendment to the Zoning Ordinance dated October 6, 1970, as recommended by the Nitro Planning Commission is as follows:

ORDINANCE NO

DATE

INTRODUCED BY:

AN ORDINANCE DIVIDING ZONING AREA DISTRICT NUMBER EIGHTEEN (18) AS SHOWN ON THE "OFFICIAL ORDINANCE MAP" ON FILE IN THE OFFICE OF THE ZONING OFFICER, CITY OF NITRO AND CREATING THEREFROM A NEW DISTRICT HEREAFTER TO BE KNOWN AS ZONING DISTRICT NUMBER TWENTY (20) AND FURTHER PROVIDING FOR CLASS "B-2", CENTRAL BUSINESS USE DESIGNATED AS PRESCRIBED IN ARTICLE 9 SECTION 901 ET SEQ OF THE "CITY OF NITRO ZONING ORDINANCE" ADOPTED, OCTOBER 6, 1970, BY THE CITY COUNCIL OF NITRO AND INCORPORATED BY REFERENCE IN CHAPTER TWENTY TWO OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA: SAID ORDINANCE IN NO WAY SHALL AFFECT THE CURRENT ZONING OF THE REMAINING AREA OF ZONING AREA DISTRICT 18, NOW DESIGNATED "R-3" MOBILE HOMES AND MOBILE HOME PARKS. THAT PORTION OF AREA 18 LYING SOUTH OF THE BEFORE DESCRIBED AREA 20 SHALL BE REDESIGNATED AS AREA #21 (ZONING AREA R-3)

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF NITRO, WEST VIRGINIA, that Zoning District Number 18 be divided and the hereinafter described new district be created and enumerated Zoning Area District 20 with zoning use designation of "B-2", central business and designated as such in the "Official Zoning Map" in accordance with the following description. That portion of area 18 lying south of the before described Area 20 shall be redesignated as Area #21.

AREA 20 (Zoning Area B-2)

Beginning at a point in the northerly right-of-way of the Consolidated Railroad Company right-of-way line (formerly known as Penn Central Corp.) and the common corners of Area 15 and 16; thence North 32 degree 42' East - 740 feet \pm to the Nitro Corporation line; thence with the Nitro Corporation line, south 37' East 977 feet \pm ; thence South 77 degrees 01' East 1500 feet \pm to the center of "Hog Pen Branch"; thence in a southerly direction with said branch 450 feet \pm ; thence in an easterly direction 150 feet \pm to a point in the center of Old County Road; thence in a southerly direction 125 feet \pm to the centerline of WV Route 25; thence with the center of WV Route 25 in an easterly direction 155 feet \pm ; thence in a southerly direction 335 feet \pm to the northerly right-of-way line of the Consolidated Railroad Company, said line being the common boundaries of properties presently owned by E. Mitchell, W. Braunlin and D. Osborne; thence with the aforementioned Con-Rail right-of-way line in a westerly direction 3950 feet, more or less, to the point of beginning. All being a portion of Area 18 shown on the zoning map of the City of Nitro. That portion of Area 18 lying south of the before described Area 20 shall be redesignated as Area 21 (Zoning Area R-3).

Passed by Council this 1st day of August, 1978.

WILLIAM D. GIBSON, MAYOR

TOM MELTON, RECORDER

The motion was seconded by Councilman Dr. Cassell, and the motion passed.

Councilman Hughart stated that St. Albans had decided to have their own Humane Officer. Nitro, Dunbar, and St. Albans have had a Tri-City arrangement. Now plans are for Dunbar and Nitro to have a Twin-City arrangement, and there will be an increase in cost. Mayor Gibson stated that Mayor Leone felt that Nitro and Dunbar should buy St. Albans' share of the truck.

Mr. Melton, City Recorder stated that the expense for the Humane Officer was \$5,800 each year for Nitro's share now. Under the Twin-City arrangement Nitro will be paying an additional one half which would be \$2,900.

Councilman at Large Pennington made a motion to accept the offer of Dunbar and have a Twin-City arrangement between Dunbar and Nitro, and deal with the same amount of salary for the Humane Officer with Nitro paying one half instead of one third. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

Mayor Gibson stated that since last council meeting, Council had received copies of the following correspondence: (Copies of the correspondence will be kept in the supplement file to the minutes.)

1. Mr. Gene Williams, Public Works Director, received a letter from James L. Stover, Chief Engineer, Rude & Associates, Inc. Consulting Engineers, 332 Sixth Avenue, Suite One, P. O. Box 8717 South Charleston, WV 25303 in reference to WVDOT Improvement Project, WV Route 25, from 41st Street to 36th Street. They requested information on the existing storm sewer system.

2. Dated July 17, 1978 - NOTICE OF SPECIAL MEETING OF THE MEMBERS OF THE KANAWHA COUNTY EMERGENCY AMBULANCE AUTHORITY, Wednesday, July 26, 1978 at 7:30 p.m.

Chief Bradley, Nitro Police Department, said that the employees of the Kanawha County Emergency Ambulance Authority stationed at the Nitro Police Department had moved into their new office at Lock Street and Main Avenue at 2:00 p.m. today.

3. Mayor Gibson received a letter from Dan E. Warner, Appalachian Engineers, Inc.
ATTACHED: description of Area 20 (Zoning Area B-2).

4. Mayor Gibson and the Nitro City Council received a letter dated July 24, 1978 in reference to the water backing up on the street at the intersection of N. Washington Avenue and Smith Street.

5. Mayor Gibson received a letter July 27, 1978 from Wilda Snyder, 1401 Sattes Circle, Nitro in reference to the condition at Stadler's Greenhouse.

Councilman Hughart stated that a letter from Mr. Gene Williams, Director of Public Works, had been in committee several months in reference to trash pick up, and that some action should be taken on Mr. Williams suggestions. Trash, junked cars, and the conditions at various locations in Nitro were discussed, and Mayor Gibson asked that Police Chief Bradley have one or two policemen check out these locations, and talk to the owners.

Locations discussed were:

1. across from 100 First Avenue, South (Twin City Bible Church) at 201 First Avenue, South,
2. upper side of (1212 Main Avenue) where Landers Heating and Insulating, Inc. used to be,
3. trash at 22nd Street and Second Avenue,
4. cars at 21st Street and Second Avenue,
5. Dunbar Supply and Sash on Route 25 at 800 First Avenue South,
6. six to 8 junked cars on private property on the right as you come into Nitro from the east,
7. weeds at 109 Main Avenue, and
8. the abandoned service station ~~the~~ the intersection of Eighth Street and First Avenue.

MAYOR GIBSON ASKED FOR COMMITTEE CHAIRMAN REPORTS.

MR. MELTON: no reports.

COUNCILMAN MILLER: no reports.

COUNCILMAN HUGHART: no reports.


COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN BAILEY: no reports.

COUNCILMAN AT LARGE PENNINGTON: no reports.

COUNCILMAN AT LARGE KARNES: no reports.

Councilman at Large Pennington made a motion for adjournment. The motion was seconded by Councilman at Large Karnes, and the motion passed unanimously.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

AUGUST 15, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on August 15, 1978, 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 Donald Karnes, Councilman Dr. Guy Cassell, and Councilman Gus Bailey. City Attorney Layton Cottrill, Councilman at Large Mel Pennington, Councilman Romie Hughart, and Councilman Dean Miller were absent.

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

APPROVAL OF COUNCIL MEETING MINUTES - AUGUST 1, 1978:

Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman Bailey made a motion the minutes be approved. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

NITRO PLANNING COMMISSION MEETING HELD ON AUGUST 7, 1978: Councilman at Large Karnes, Vice President of the Nitro Planning Commission, highlighted the meeting, and stated that each Councilman had received a copy of the minutes. (Copy of the August 7, 1978 Planning Commission Minutes is in Supplement File to the Minutes.)

Councilman at Large Karnes stated that a Public Meeting will be held September 1, 1978 for the Citizens of Nitro on the proposed changes in zoning for a portion of the Riverdale Acres area. The meeting will be held in the Council Chambers at City Hall September 1, 1978 at 7:30 p.m., unless this meeting date is in conflict with other events of an important nature. Mr. Karnes further stated that the next Planning Commission Meeting will be held Monday, August 21, 1978 at 7:30 p.m.

SEALED BIDS OPENED FOR NEW PAGE SYSTEM FOR FIRE DEPARTMENT: Mr. Melton, City Recorder, stated he had received a letter from General Electric stating that they must submit a no bid because they do not manufacture the items described. Mr. Melton stated that only one bid had been received.

Councilman at Large Dr. Allen opened the sealed bid and stated that the total bid was \$8,068.50 from Motorola Communications and Electronics Inc.

Councilman at Large Karnes made a motion that the bid be referred to the Fire Department and Finance Committee, and that they be given the authority to act. The motion was seconded by Councilman Dr. Cassell and the motion passed by a unanimous vote.

SEALED BIDS FOR 1979 POLICE CRUISER: Mayor Gibson stated no bids had been received.

Mayor Gibson stated there had been vandalism recently on Park Avenue and in the area of the Nitro Swimming Pool; street signs pulled up and thrown over the fence at the pool into the swimming pool, lights knocked out, and some break and enterings. Mayor Gibson suggested that two dusk-to-dawn lights be erected in the area of the swimming pool to alleviate the problem.

Councilman at Large Karnes made a motion to refer this problem to the Recreation Committee and give them authority to act. The motion was seconded by Councilman Bailey and the motion passed without any opposition.

Chief Leo J. Bradley of the Nitro Police Department explained the assets of the teletype terminal, and explained the contract between the Governor's Committee on Crime, Delinquency and Correction and the City of Nitro.

Councilman at Large Dr. Allen made a motion that Mayor Gibson be granted the authority to sign the contract for the rental of the Data Speed 40 Terminal for the period beginning July 13, 1978 and ending July 12, 1979. The motion was seconded by Councilman Bailey and the motion passed by a unanimous vote.

Mayor Gibson passed out Proposed Rules and Regulations for Nitro City Pool, recommended by Rose Pontier, Manager and John G. McGinn, Assistant. The proposed Rules and Regulations were referred to the Recreation Committee giving them authority to act.

Mayor Gibson stated that Nitro High School Student Council had requested that Nitro High School be given permission to have a Pep Rally at the parking lot across from the Nitro Swimming Pool on Viscose Road on August 31, 1978 at 8:00 p.m., and they also asked that they be allowed to have a bon fire. It is their opinion that the Nitro Band will play at the rally which is the night before Nitro High plays their first football game with Hurricane.

Councilman at Large Karnes made a motion to grant the request. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

Mayor Gibson announced that the Kanawha County Ambulance Authority is meeting Monday, August 21, 1978 at 7:30 p.m. at the corner of Smith Street and Ruffner Avenue, in Charleston, West Virginia.

MAYOR GIBSON ASKED FOR COMMITTEE CHAIRMAN REPORTS.

MR. MELTON: no reports.

COUNCILMAN AT LARGE DR. ALLEN: no reports.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN BAILEY: Councilman Bailey, Chairman of the Emergency Ambulance Service Committee, stated that there was a need for two more electric receptacles to be installed at the ambulance headquarters at the corner of Lock Street and Main Avenue.

COUNCILMAN AT LARGE KARNES: no reports.

Councilman at Large Dr. Allen made a motion for adjournment. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.


MAYOR

RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

SEPTEMBER 5, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on September 5, 1978, 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 Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey. Also present was Layton Cottrill, City Attorney.

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

APPROVAL OF AUGUST 15, 1978 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 the motion passed.

APPROVAL OF JULY, 1978 FINANCIAL STATEMENT:
Mr. Tom Melton, City Recorder and Chairman of The Finance Committee, stated each Councilman had received a copy of the July, 1978 Financial Statement, and made a motion the July, 1978 Financial Statement be accepted. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.

PLANNING COMMISSION MEETINGS, AUGUST 14, AUGUST 21, AND AUGUST 28, 1978: Councilman at Large Karnes, Vice President of the Planning Commission, said that he had nothing conclusive to report, that the Planning Commission was moving slowly and had many things in planning. He said that several recommendations would be forthcoming.

KANAWHA COUNTY AMBULANCE AUTHORITY MEETING, AUGUST 21, 1978: Councilman Bailey, Chairman of the Emergency Ambulance Service, stated that the Kanawha County Emergency Ambulance Authority Meeting was a routine business meeting. Councilman Bailey said that it would be necessary for Mayor Gibson to send a letter to Mr. McLaughlin Executive Director, Kanawha County Emergency Ambulance Authority, certifying that he (Councilman Bailey) was appointed by Nitro City Council as a representative.

Councilman Bailey said that they could have a proxy but the proxy would not be able to vote, that only a certified representative could vote.

Councilman at Large Dr. Allen made a motion the letter be written to Mr. McLaughlin certifying that Mr. Gus Bailey was appointed by Nitro City Council as a representative. The motion was seconded by Councilman Dr. Cassell and the motion passed.

POSSIBILITY OF ADVERTISING FOR A 1979 POLICE CRUISER: Councilman at Large Dr. Allen, Chairman of the Police Committee, stated there was a need for a new police cruiser, and made a motion to advertise for bids on a 1979 police cruiser (trade in a 1976 Chevrolet S. No. 1X69L6W164316) with the sealed bids to be opened the second council meeting in October, which would be October 17, 1978. The motion was seconded by Councilman at Large Pennington, and the motion passed.

Mayor Gibson stated that an ad had appeared in the Kanawha Valley Leader (August 30 issue) in reference to the Public Meeting on proposed rezoning of a certain area of Nitro. The Public Meeting is scheduled September 11, 1978 at 7:30 p.m. in the Council Chambers at Nitro City Hall. The Mayor further stated that the letter of the law is being complied with.

Mayor Gibson stated that an ad had appeared in the Kanawha Valley Leader in reference to the Public Meeting on proposed street paving. The Public Meeting is scheduled September 18, 1978 at 7:30 p.m. in Council Chambers at Nitro City Hall.

Councilman at Large Pennington made a motion to endorse both ads. The motion was seconded by Councilman at Large Karnes, and the motion passed without opposition.

Councilman Bailey said that inadvertently Main Avenue, from Walker Street to Center Street had been omitted from the list on proposed street paving, and that the right lane of Main Avenue from Walker Street to Center Street should be considered for repaving.

Councilman Bailey made a motion that the city advertise for proposed street paving in the Kanawha Valley Leader September 13 and September 20 of the Public Hearing to be held October 3, 1978 in conjunction with the regularly scheduled Council Meeting October 3, 1978 at 8:00 p.m. in reference to the right lane of Main Avenue going east from Walker Street to Center Street which was omitted from the proposed street paving list. The motion was seconded by Dr. R. V. Allen and the motion passed.

Mayor Gibson stated that since last Council Meeting, Council had received copies of the following correspondence. (This correspondence will be in the supplement file to the minutes.)

1. Mayor Gibson and Council received a letter dated August 22, 1978 thanking them for their cooperation and informing them of the amount which was contributed in Nitro to the Kidney Foundation of West Virginia, Inc. The letter was from Harry A. Stansbury, Jr., Executive Director of the Kidney Foundation of West Virginia, Inc.

2. Mayor Gibson and Nitro City Council Members received the Minutes of The Board of Zoning Appeals Preliminary Hearing August 1, 1978, at 7:30 p.m. Nitro City Hall.

Councilman at Large Dr. Allen requested Mr. Cottrill, City Attorney, review these Minutes of The Board of Zoning Appeals Hearing and advise council in this instance. Councilman at Large Karnes stated that he would like for the city attorney to tell council what powers the Board of Zoning Appeals has.

3. August 17, 1978, 6:00 p.m. Nitro Lions Little League Minutes

4. Mayor Gibson sent a letter dated August 22, 1978 to Honorable John Henson, President, Putnam County Commission, Putnam County Courthouse, Winfield, West Virginia, with copies going to the other commissioners in reference to the collapsed main sewer line in the area of 4115 41st Street going to the Sanitary Treatment Plant and the decision by Appalachian Engineers, Inc. and Cadle Sanitary Service that the old line needs to be abandoned. This necessitates the construction of a new main line for a distance of approximately 534 ft. plus 2 manholes. Mayor Gibson asked that the Putnam County Commission pay for the construction of the new sewer line as outlined in the letter.

Mayor Gibson stated that they were also having problems with the main sewer line in front of Union Boiler on Route 25. He further stated that the main sewer line was very old and was beginning to cause several complications which are involving large sums of money for maintenance.

5. The City of Nitro received a petition from citizens in the 500 block of Michigan Avenue, South asking that the City of Nitro take some action in their behalf regarding the lack of cablevision service in their area from the Kanawha Cable Vision Company.

Councilman at Large Mel Pennington made a motion a letter be written to Kanawha Cable Vision Company in this regard. The motion was seconded by Councilman at Large Karnes, and the motion passed without opposition.

6. Mayor Gibson received a letter dated September 2, 1978 from Nitro Jr. High Band Boosters requesting permission to have a Tag Day in Nitro on or about September 9, 1978.

Councilman at Large Pennington made a motion to grant their request. The motion was seconded by Councilman at Large Karnes, and the motion passed.

MAYOR GIBSON CALLED FOR COMMITTEE CHAIRMAN REPORTS.

CITY RECORDER MELTON: no reports.

COUNCILMAN MILLER: Councilman Miller stated that Ms. Artie McCoy who resides at 200½ Main Avenue had a problem. Ms. McCoy said that the alley behind her house had become a community junk yard, and that this is blocking the alley. Mayor Gibson assured Ms. McCoy that a letter would be written to the people that she stated has dumped trash there.

COUNCILMAN HUGHART: Councilman Hughart stated the Nitro Lions Club was having their annual Antique Car Show Saturday, September 16, 1978. Thursday evening, September 14, 1978 would be Band Night when the junior high and the high school would give a concert type presentation, and Friday evening, September 15 there would be a teenage street dance.

Councilman Hughart made a motion that 21st Street be blocked off 6-10p.m September 14 and September 15. That September 16, 21st Street be blocked off from 6:00 a.m. to 5:00 p.m. and that Bank Street from 21st Street to 22nd Street also be blocked off September 16, from 6:00 a.m. till 5:00 p.m. He also requested the aid of the Street Department and the Police Department, and stated that the parade would be at 2:00 p.m September 16 and that Dr. Allen will be the parade marshal. The motion was seconded by Councilman at Large Pennington, and the motion passed. Mayor Gibson was complimentary of the Nitro Lions Club and assured Mr. Hughart that the City of Nitro will cooperate and assist in everyway possible.

Councilman Hughart stated that this evening he had a report that on Blake's Drive there was an open sanitary sewer in the vicinity of the slip.

Mayor Gibson stated that two grinder pumps had been installed and that they serviced two houses. The Mayor stated that the matter would be checked into at an early date.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen referred to the petition which had been received requesting that Second Avenue be made a "ONE WAY" street from 22nd Street down to 40th Street.

Councilman at Large Pennington made a motion to refer this petition to the Street and Traffic Committee, and to the Fire Department Committee. The motion was seconded by Councilman Miller and the motion passed.

COUNCILMAN DR. CASSELL: no committee reports, but Councilman Dr. Cassell did refer to the storm sewer problem in the Brookhaven area. Mayor Gibson said that he had talked with Mr. Kirk and Mr. Kirk would have a proposal as to what he intends to do to correct the problem by Thursday.

COUNCILMAN BAILEY: Councilman Bailey stated that he had received calls this week about water standing at the 700 block of Michigan Avenue South off Cleveland Avenue, and about an open sewer there.

Councilman at Large Dr. Allen made a motion to refer the need for equipment to correct problems of this nature to the Finance Committee. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington requested that the truck that sprays for bugs spray at the football field prior the game Friday.

Councilman Pennington made a motion to reject the one bid which was opened August 15, 1978. The motion was seconded by Councilman at Large Karnes, and the motion passed.

Councilman Pennington stated that when the Fire Department Committee and the Finance Committee met it was agreed that they ask for separate bids on the pagers and the base station.

Councilman Pennington made a motion to ask for separate bids on the pagers and the base station with the sealed bids to be opened October 3, 1978. The motion was seconded by Councilman Bailey and the motion passed.

Councilman at Large Pennington made a motion to place signs in the parking area over at the park stating that no heavy trucks be permitted to park there other than city vehicles. The motion was seconded by Councilman Bailey, and the motion passed.

Councilman at Large Pennington made a motion that any person or group who wants to address council must contact the Mayor's office by Friday noon prior to the Council Meeting and state what they would present to Council. The motion was seconded by Councilman at Large Karnes.

Councilman Miller stated he was very much opposed to that and stated why. He said that this rule was adopted by a previous Council and that if the newspaper ads were checked you would find that we came out and said we would not have that.

Mr. Cottrill suggested that if any motion such as this was passed that notices of such be posted on both doors at city hall.

Councilman Bailey stated that he felt that Councilman at Large Pennington had voiced a valid point but that it was too restrictive.

Mr. Melton, City Recorder, stated that this would in no way close the communication lines between the citizens and their Councilmen.

Mayor Gibson called for a vote on the motion made by Councilman at Large Pennington which was seconded by Councilman at Large Karnes, and the motion passed. Councilman Miller and Councilman Bailey voted against the motion.


Councilman at Large Pennington suggested that a notice of this procedure rule be placed in the newspapers to inform the citizens.

COUNCILMAN KARNES: no reports.

MAYOR GIBSON: Mayor Gibson announced that Councilman at Large Dr. Allen had been appointed as a member of the board of directors on the West Virginia Municipal League for the fiscal year 1978 - 1979.

MR. COTTRILL, CITY ATTORNEY: Mr. Cottrill advised Council that at the last meeting of the Planning Commission the commission was submitted documents on proposed sub-division ordinances for the City of Nitro from the West Virginia Code, and that copies will be mailed to council members this week.

Councilman at Large Pennington made a motion for adjournment. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.


MAYOR

RECORDER

SPECIAL PUBLIC MEETING ON PROPOSED REZONING

HELD JOINTLY BETWEEN

THE NITRO CITY COUNCIL

AND

THE NITRO PLANNING COMMISSION

SEPTEMBER 11, 1978

The public meeting was held in the Council Chambers on September 11, 1978 at 7:30 p.m. on proposed rezoning for a portion of the Riverdale Acres area.

Mayor Gibson called the meeting to order and on behalf of the Nitro Planning Commission and the Nitro City Council welcomed those present. Mayor Gibson requested that each person who wished to speak limit their speaking from 2 to 5 minutes, to stand and be recognized, and give their name and address.

At this point the planning commission and the elected officials introduced themselves.

Present were members of the Nitro Planning Commission:

1. Mr. Olaf Walker, President,
2. Mr. Donald Karnes, Vice President,
3. Mayor William Gibson,
4. Dr. Charles Byrd,
5. Mr. Curtis Woods,
6. Mrs. Janice Weibl,
7. Mr. Lonnie Norvell, and
8. Mr. Joe Muck, Putnam County Planning Commissioner.

Present were the elected officials of Nitro:

1. Mayor William D. Gibson, Member of the Nitro Planning Commission,
2. Mr. Tom Melton, City Recorder,
3. Councilman Romie Hughart,
4. Councilman at Large Dr. R. V. Allen,
5. Councilman Dr. Guy Cassell,
6. Councilman at Large Mel Pennington, and
7. Councilman at Large Donald Karnes, Vice President of the Planning Commission.

Citizens of Nitro and other interested parties who were present are as follows:

DO YOU WISH
TO SPEAK

FOR

AGAINST

NEUTRA

NAME AND ADDRESS	DO YOU WISH TO SPEAK		FOR	AGAINST	NEUTRA
	YES	NO			
Vellie Cadle					
16 Blackwood St. Nitro W. Va.					
Grace Snodgrass 105 Michigan Ave.		X			
Coal Ricketts 205 Michigan Ave. Maybe				X	
Lola Perrock 201 Michigan		X		X	
Mrs Mrs Annie F. McClanahan		X		X	
J. R. Clark	X		X		
Bob Hammett					X
Ed Maguire	X				
Dorothy Hudson	X			X	
107 Kan. Ave S					
Francis Johnson				X	
107 Kan. Ave					
Douglas E. Johnson		X		X	
Bledys Arthur		X			
Ray E. Arthur		X			
Mr H. Moore	X				
W. A. Brunner	+				
W. A. Brunner	X				
W. A. Brunner		X			
Dr. L. D. B. B.		+			

NAME AND ADDRESS

DO YOU WISH
TO SPEAK

FOR

AGAINST

365
NEUTRAL

YES

NO

H. Lemon
H. Fern 108 Blackwood Ave

Mary Elizabeth Hamplon

Rosemary H. Young

James F. DODRILL Bent

Edward Jackson H. Allen

William T. Carr

H. W. W.

Harry Cullen

1936 JONES Cir

Luanita Steele

723 1st. ave. S. Nitro

Gloria Neal-729 1st. ave. Nitro

Luanita Glass-103 Michigan Ave

James Stephens 101 Butler St.

Betty A. Tucker 118 Blackwood St.

Kernick L Thompson

[illegible]

Mrs. Rosemary Young, 209 Michigan Avenue, and Mrs. Hattie Tincher, 118 Blackwood Street, gave a presentation of picture slides. They showed the 100 block of Michigan Avenue's residential area and called attention to the well kept homes and grounds, and the age-old trees, and stated that the majority of the residents had lived there 40 to 50 years.

And, in contrast, they showed the Boswell property, the last house of this section of Michigan Avenue. Mrs. Tincher said that they had been told that this property had been purchased by the Citizens National Bank of St. Albans. In this picture and with the two pictures following, she asked, "Is this fair to the residents of the 100 block of Michigan Avenue?"

They showed several more slides, a business property on First Avenue South in the east end, protected by the "grandfather clause," another business granted a variance, an abandoned store under the "grandfather clause" on First Avenue, the junk yard, also under the wing of the "grandfather clause," open 24 hours a day, 7 days a week. Mrs. Tincher stated they have the noise, and impairment of the streets to the extent surrounding property owners must pay for the upkeep of the streets. She asked, "Why give us more of the same?" They showed a picture slide of the house moving business, also protected by the "grandfather clause."

Mrs. Tincher stated that the incorporation has done little for us and the few times we have asked for something, we have been ignored.

Mayor Gibson stated that in defense (in reference to two of the picture slides) he had a letter dated March 21, 1973 from Phyllis Gillispie and Gene Collins asking that they be given a variance, and that they were turned down. He said that he had a letter dated February 22, 1977 from Mr. W. A. Braunlin asking that this property be rezoned for business. Mr. Ed McGuire, 1506 Fenton Circle stated he could not understand why the variances were brought up.

Dr. Byrd explained a variance versus a zoning change. He said that when an appeal is for a variance they are requesting that the restrictions that apply to a given zone be overlooked to some comparative minor degree. He said that this is where the Zoning Board of Appeals comes in. However, the Planning Commission becomes involved when change in zoning is necessary.

Mayor Gibson read a paragraph (page 339 and 340) out of the State Code Book that outlined the principle objectives of the Planning Commission which are as follows:

§ 8-24-1. Planning commissions authorized; statement of objective.

The governing body of every municipality and the county court of every county may by ordinance create a planning commission in order to promote the orderly development of its governmental units and its environs. It is the object of this article to encourage local units of government to improve the present health, safety, convenience and welfare of their citizens and to plan for the future development of their communities to the end that highway systems be carefully planned; that new community centers grow only with adequate highway, utility, health, educational and recreational facilities; that the needs of agriculture, industry and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the

§ 8-24-2

growth of the community is commensurate with and promotive of the efficient and economical use of public funds.

In accomplishing this objective, it is intended that the planning commission shall serve in an advisory capacity to the governing body of a municipality or a county court, that certain regulatory powers be created over the developments affecting the public welfare and not now otherwise controlled, and that additional powers and authority be granted to the governing bodies of municipalities and to counties to carry out the objective and overall purposes of this article. (1959, c. 118; 1969, c. 86)

Those who spoke against the proposed rezoning are as follows:

1. Mrs. Dorothy Hudson, 105 Kanawha Avenue South, Nitro,
2. Mr. M. H. Moses, 118 Blackwood Street, Nitro,
3. Mrs. Mary Elizabeth Wampler, 111 Michigan Avenue, Nitro,
4. Mr. William Casto, 101 Blackwood Street, Nitro,
5. Mrs. Hattie Tinchler, 118 Blackwood Street, Nitro,
6. Mr. Kermit Thompson, 3953 39th Street, East. Nitro,
7. Mrs. Nellie Cadle, 116 Blackwood Street, Nitro, and
8. Mr. Clarence Hudson, Four Gravelly Drive, Nitro.

Mr. John Planck, 1238 Main Avenue, Nitro, Mr. W. A. Braunlin, 1104 First Avenue South, Nitro, and his attorney Mr. Walter Wagner, Dunbar spoke in favor of the proposed rezoning. Mr. Charles Dodrill, spoke in favor of the proposed rezoning. Dr. Edward Jackson accompanied Mr. Dodrill.

Before the meeting was turned over to Mr. Olaf Walker, President of the Planning Commission, Mrs. Hattie Tinchler referred to the State Code Book (page 460, section 8,24,48) and wanted to know if the Citizens of east Nitro have a right to call for a referendum vote and vote on this issue. She stated that she had hoped that Mr. Cottrill, City Attorney would be present. The Mayor stated that Mr. Cottrill was unable to be present.

Mr. Olaf Walker, President of the Planning Commission took charge of the meeting and asked that Mr. Karnes point out the area considered for proposed rezoning on the map located on the left wall of Council Chambers.

Mr. Karnes pointed out the area and stated that the area was presently zoned R-3 and one small portion was zoned R-2 and they were considering zoning some of these two areas to B-2.

Mr. Karnes also mentioned the fact that the Planning Commission had spent many hours in meetings and referred to a proposed revised ordinance that the Planning Commission recommended to the City Council.

The proposed revised ordinance that the Planning Commission recommended to the City Council is as follows:

REVISED ORDINANCE AS REQUESTED BY THE NITRO PLANNING COMMISSION:

ORDINANCE NO _____

DATE _____

INTRODUCED BY: _____

AN ORDINANCE DIVIDING ZONING AREA DISTRICT NUMBER EIGHTEEN (18) AS SHOWN ON THE "OFFICIAL ORDINANCE MAP" ON FILE IN THE OFFICE OF THE ZONING OFFICER, CITY OF NITRO AND CREATING THEREFROM A NEW DISTRICT HEREAFTER TO BE KNOWN AS ZONING DISTRICT NUMBER TWENTY (20) AND FURTHER PROVIDING FOR CLASS "B-2", CENTRAL BUSINESS USE DESIGNATED AS PRESCRIBED IN ARTICLE 9 SECTION 901 ET SEQ OF THE "CITY OF NITRO ZONING ORINDNACE" ADOPTED, OCTOBER 6, 1970, BY THE CITY COUNCIL OF NITRO AND INCORPORATED BY REFERENCE IN CHAPTER TWENTY TWO OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA: SAID ORDINANCE IN NO WAY SHALL AFFECT THE CURRENT ZONING OF THE REMAINING AREA OF ZONING AREA DISTRICT 18, NOW DESIGNATED "R-3" MOBILE HOMES AND MOBILE HOME PARKS. THAT PORTION OF AREA 18 LYING SOUTH OF THE BEFORE DESCRIBED AREA 20 SHALL BE REDESIGNATED AS AREA #21 (ZONING AREA R-3)

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF NITRO, WEST VIRGINIA, that Zoning District Number 18 be divided and the hereinafter described new district be created and enumerated Zoning Area District 20 with zoning use designation of "B-2", central business and designated as such in the "Official Zoning Map" in accordance with the following description. That portion of area 18 lying south of the before described Area 20 shall be resdesignated as Area #21.

AREA 20 (Zoning Area B-2)

Beginning at a point in the northerly right-of-way of the Consolidated Railroad Company right-of-way line (formerly known as Penn Central Corp.) and the common corners of Area 15 and 16; thence North 32 degree 42' East - 740 feet + to the Nitro Corporation line; thence with the Nitro Corporation line, south 37' East 977 feet +; thence South 77 degrees 01' East 1500 feet + to the center of "Hog Pen Branch"; thence in a southerly direction with said branch 450 feet +; thence in an easterly direction 150 feet + to a point in the center of Old County Road; thence in a southerly direction 125 feet + to the centerline of WV Route 25; thence with the center of WV Route 25 in an easterly direction 155 feet +; thence in a southerly direction 335 feet + to the northerly right-of-way line of the Consolidated Railroad Company, said line being the common boundaries of properties presently owned by E. Mitchell, W. Braunlin and D. Osborne; thence with the aforementioned Con-Rail right-of-way line in a westerly direction 3950 feet, more or less, to the point of beginning. All being a portion of Area 18 shown on the zoning map of the City of Nitro. That portion of Area 18 lying south of the before described Area 20 shall be redesignated as Area 21 (Zoning Area R-3).

Several of the Nitro Citizens expressed their view that they could live with a bank in the area but they were concerned about other businesses that could come into the area.

Mrs. Juanita Goss, 103 Michigan Avenue stated that there was one house between her and where the proposed bank would be and questioned the traffic pattern. Mr. Charles Dodrill said they would bring traffic in off Route 25 and back onto Route 25 and not use Michigan Avenue at all so far as traffic ingress or egress go. Mr. Dodrill's remarks seemed to satisfy several citizens present because they were of the opinion that Michigan Avenue was going to be used for the traffic flow pattern.

Mrs. Mary Elizabeth Wampler, 111 Michigan Avenue, Nitro, wanted to know why a business house like a bank would go ahead and purchase property on the assumption it may be rezoned unless they had some assurance from someone that they could put in a bank on the property.

Mr. Charles F. Dodrill, Executive Vice President of the St. Albans Citizens National Bank answered that under West Virginia law any bank is entitled to one off-premise facility and only one within 2,000 measured feet from the furthest point of your furthest corner of your property to the nearest corner of the property you are going to situate on. He said that going across the river to Nitro that they decided they had to be on Route 25, and when we surveyed the only point that we could reach Route 25 was in a very narrow arc where we are. Mr. Dodrill said that, quite frankly, it never occurred to him that the citizens would object to as low a key business as an off-premise bank. He said, "It never occurred it would be objectional."

Mayor Gibson addressed Mr. Dodrill, "When you said you had approval from...." Mr. Dodrill replied, "The Controller of Currency, he is the regulatory body that governs national banks."

Mr. Bill Gibson, 1302 Valentine Circle, Nitro questioned Mr. Dodrill, "Can you give us an approximate time when you initially started to work on trying to get this approved by this agency?"

Mr. Dodrill said, "Better than 4 months from the time we initially-- before we could make application to the Controller of the Currency we had to have a location nailed down."

Mr. Harvey Collins, 1436 Sattes Circle questioned the Mayor as to what powers the city had to prevent a person from taking 20 feet off of Sattes Circle and adding it onto Main Avenue.

The Mayor read the penalty out of the zoning ordinance and requested that Mr. Collins provide him with documented evidence.

Mr. Olaf Walker, President of the Planning Commission thanked everyone for attending the meeting, and for their input and stated that what you have said will be taken under consideration at Council Meeting and Council will either approve the ordinance or reject it.

A JOINT PUBLIC MEETING HELD JOINTLY BY THE
NITRO CITY COUNCIL AND THE NITRO PLANNING COMMISSION


WILLIAM D. GIBSON, MAYOR

TOM MELTON, RECORDER

MR. OLAF WALKER, PRESIDENT
NITRO PLANNING COMMISSION

SPECIAL PUBLIC MEETING ON PROPOSED STREET PAVING

SEPTEMBER 18, 1978

The Special Public Meeting on proposed street paving was held in the Council Chambers on September 18, 1978, at 7:30 p.m.

Present were Mayor 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 Dr. Guy Cassell, Councilman Romie Hughart, and Councilman Gus Bailey. Also present was City Attorney Layton Cottrill. Councilman Dean Miller was absent.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Councilman Gus Bailey.

Mayor Gibson welcomed everyone present and stated that on behalf of the governing body, we are not attempting in the slightest way to force street repaving on anyone that doesn't want it done. He requested that each one who wished to speak give his or her name and address and the person would be given an opportunity to be heard.

Mayor Gibson called for Dr. Allen, Chairman of the Street and Traffic Committee, to chair the meeting providing he had no objection.

Councilman at Large Dr. Allen stated that what we attempt to do is for the better interest of the people in our community.

He said that each ward councilman: Dr. Cassell, Ward I, Mr. Gus Bailey, Ward IV, Mr. Romie Hughart, Ward II, and Mr. Dean Miller, Ward III, tried to determine what streets needed some paving or repaving. He stated that the last paving program for the city was 1971, and that some streets which are on the list now being considered were deleted from the 1971 list.

Dr. Allen stated that he would call out the names of streets as they appeared in the newspaper, and that anyone who wished to speak would be recognized.

EIGHTH STREET (SECOND AVENUE TO THIRD AVENUE)

Mr. Martin Rice, 816 Eighth Street, Nitro, stated water was coming off the hill behind O'Dells. He said that if the drainage of this water was taken care of it would save the street if it was worked on again.

NINTH STREET (SECOND AVENUE TO THIRD AVENUE)

No response.

SIXTH STREET (SECOND AVENUE TO THIRD AVENUE)

Mr. Paul Hill, 615 Sixth Street, Nitro, stated that they have a similar problem with drainage of water. He asked if they were going to remove the old asphalt and resurface the entire street. Mr. Warner said no, that there would be a 2 inch cap. Mr. Hill said that he would like this considered later on, not now or this winter.

Mr. Leo Boggess, 621 Sixth Street, Nitro, questioned why pave in the winter instead of the spring. Dr. Allen answered that he didn't feel, personally, they could pave until spring. Mr. Dan E. Warner of Appalachian Engineers, Inc. confirmed this.

TENTH STREET (SECOND AVENUE TO THIRD AVENUE)

Mrs. Eddie Casto, 1027 Tenth Street, Nitro spoke in favor of repaving.

SIXTEENTH STREET (SECOND AVENUE TO THIRD AVENUE)

No response.

WASHINGTON AVENUE (BETWEEN GUM STREET AND HICKORY STREET) Mr. Rex White, 803 Washington Avenue, Nitro, said he did not think it should be repaved, that it was in no worse shape than in 1971. Mr. White said that a petition would be forthcoming.

DUPONT AVENUE (BETWEEN IVY STREET AND HICKORY STREET)

Dr. Allen said that he had received a PETITION from residents of the 800 block of Dupont Avenue protesting proposed street paving. A COPY OF THE PETITION IS ATTACHED HERETO AND MADE A PART HEREOF.

Mr. George K. Britt, 804 Dupont Avenue, Nitro said that the street had World War I concrete which was better than World War II concrete.

DUPONT AVENUE (BETWEEN IVY STREET AND JUNIPER STREET)

Mr. Harley Goff, 910 Dupont Avenue wanted to know the width of the street and the cost per foot. Mr. Warner stated the cost per foot would be \$5.53 for an 18 foot wide street. Mr. Goff stated that if they paved over existing roadways they are against it, that

the indication of the residents of his street is, they would like to see it widened.

Mr. Bill Layne, 904 Dupont Avenue said he was opposed to alleys being paved. Dr. Allen said no alley will be paved.

Mr. Chris Cline, 905 Dupont Avenue inquired about the cost from yard line to yard line. Mr. Warner said the cost estimate for a 50 foot lot with the street 30 feet wide would be \$9.21 per foot.

Mr. Howard Childers, 903 Dupont Avenue, said why not pave from grass line to grass line and put in a curb.

Dr. Allen stated, if that is what you want give us a petition.

Someone questioned when action would be taken. Dr. Allen said no final decision will be made tomorrow night, it will be a couple meetings or so from now.

DUPONT AVENUE (BETWEEN JUNIPER STREET AND KAPOK STREET)

No response.

PARK AVENUE (BETWEEN WEST 11th STREET AND WEST 13th STREET)

Mr. Kenneth McGrath, 1219 Park Avenue read petition protesting the present proposal to resurface said street. A COPY OF THE PETITION IS ATTACHED HERETO AND MADE A PART HEREOF.

Mr. Hugo Tidquist, 1109 Park Avenue, Nitro said that the traveling areas were in good shape and that minor repairs would take care of the area along where people park cars. He said that the asphalt would crack where the cement had cracks if resurfaced.

THIRD AVENUE (BETWEEN 39th STREET EAST AND 40th STREET)

No response.

THIRD AVENUE (21st STREET TO 31st STREET)

No response.

THIRTY-FIRST STREET EAST TO BURDETTE ROAD

Mr. Orville Miller, 63-31st Street East said that when they put the sewer in last year they redid from McGrews around to Hickory Road, and asked "Do you think that's fair to have to pay for something that was done a year ago?" Mayor Gibson said that drainage was another project, and that they were trying to find money to take care of the drainage. Mr. Miller said that if it's drained properly he is for it.

SECOND AVENUE (27th STREET TO 40th STREET)

Mr. Barry McClanahan, 2816 28th Street said that he had a corner lot and that on Second Avenue from 22nd Street to 31st Street it was his opinion that it doesn't need repaved.

Mr. Charles R. Milam, 3120 31st Street, Nitro, stated he was opposed to paving.

Mr. A. G. Parsons, 3115 31st Street, Nitro stated the street doesn't need paved. Several people present concurred.

TWENTY-SECOND STREET (FIRST AVENUE TO SECOND AVENUE)

No response.

TWENTY-THIRD STREET (FIRST AVENUE TO SECOND AVENUE)

No response.

TWENTY-EIGHTH STREET (FIRST AVENUE TO SECOND AVENUE)

A petition was received against proposed repaving of Twenty-Eighth Street. A COPY OF THE PETITION IS ATTACHED HERETO AND MADE A PART HEREOF.

Mr. Barry McClanahan, 2816 28th Street, Nitro stated that the petition was 99 percent against paving. The 1 percent represented the Solo Station, the owner is in Kentucky and they couldn't get in touch with him.

Mr. Clarence Hudson stated he would like to speak on behalf of the First Baptist Church for Twenty-Second and Twenty-Third Street and requested the church be given consideration because of the buses that use Twenty-Second Street, and other traffic that uses both these streets.

THIRTY-FIRST STREET TO THIRD AVENUE - REPAIR BRIDGE DECKING
Dr. Allen stated that the repair of the bridge decking was the responsibility of the city.

Mr. Stewart Calwell, Attorney at Law, stated that he represented twenty-two people on Thirty-First Street between First Avenue and Third Avenue. He requested the city give some consideration to making a special exception where Thirty-First Street is concerned, and try to provide some planning to give people on this street some assistance on paving. He stated they were not necessarily opposed to paving as such, but were primarily opposed to paying the full load themselves.

Mr. Terry Davis, 3122 31st Street, Nitro said that they got quite a bit of traffic from the school.

Mr. Dick Davis, 3121 said the street does not need paving. Mr. A. G. Parsons, 3115 31st Street, Nitro said he didn't see a need for paving.

THIRTY-NINTH STREET, E. (FROM CREEK TO EASTER ROAD)

No response.

WILLIAMS DRIVE (FROM 40th STREET - APPROXIMATELY 200 FEET)

No response.

BLAKE DRIVE - EIGHTEENTH STREET HILL

No response.

CALDERWOOD AVENUE - EIGHTEENTH STREET HILL (KNOWN AS SOUTHERN DRIVE)

No response.

SEVENTH STREET (SECOND AVENUE TO THIRD AVENUE)

Mr. Wayne Casto, 714 Seventh Street, Nitro said the street was full of pot holes, that there was a drainage problem. He said the storm sewers were filled, and stopped up.

LOCK STREET (RAILROAD TO KANAWHA RIVER)

A petition was received from the property owners and residents of Lock Street between Main Avenue and Broadway Avenue. The petition was to delete this area from the proposed street paving program. A COPY OF THE PETITION IS ATTACHED HERETO AND MADE A PART HEREOF.

Mr. Frank Moats, 21 Main Avenue, Nitro, on the corner of Main Avenue and Lock Street stated that the street was for general public use and the 8 people living there were against repaving.

MAIN AVENUE (BOUNDRY STREET TO KAPOK STREET)

Mr. Jim Carrier, 707 Main Avenue, Nitro, said the main concern was that buses, and heavily loaded trucks would be using the new road. He said the residents are paying more than their share and will not receive full benefits of a new street. Mr. Leroy Miles, 708 Main Avenue, Nitro, concurred with Mr. Carrier, and questioned if it could be done by bond issue.

LAYNE AVENUE (LOCK STREET TO END OF STREET, SO. DIRECTION)

No response.

CEDAR STREET (MAIN AVENUE TO KANAWHA AVENUE)

A PETITION was received from the property owners with boundry lines adjacent to Cedar Street, stating they do not desire to have Cedar Street paved. A COPY OF THE PETITION IS ATTACHED HERETO AND MADE A PART HEREOF.

IVY STREET (MAIN AVENUE TO KANAWHA AVENUE)

A PETITION was received from the residents and property owners of Ivy Street protesting proposed paving. A COPY OF THE PETITION IS ATTACHED HERETO AND MADE A PART HEREOF.

DUPONT AVENUE (KAPOK STREET TO HICKORY STREET)

Dupont Avenue (Kapok Street to Hickory Street) was covered previously on the list by:

Dupont Avenue (Between Ivy Street and Hickory Street),
Dupont Avenue (Between Ivy Street and Juniper Street),
and Dupont Avenue (Between Juniper Street and Kapok Street).

WASHINGTON AVENUE (GUM STREET TO JUNIPER STREET)

Mr. David Carte, 903 Washington Avenue asked for cost estimates. Mr. Warner said it would be \$6.78 per foot and the width is 22 feet. Mr. Carte wanted to know if federal funds were available, Dr. Allen stated that the City of Nitro had applied for federal funds, but was turned down. Mr. Carte said the street was in good shape.

Mrs. Ernestine Withrow, 904 Washington Avenue, said that she was opposed to paving, that the street did have 3 or 4 holes that could be repaired.

Mr. John Callihan, 102 Juniper Street stated that he was speaking for 4 people on the corner of Juniper Street and Washington Avenue and that they were opposed to paving.

GUM STREET (KANAWHA AVENUE TO WASHINGTON AVENUE)

No response.

VALENTINE CIRCLE (WEST ENTRANCE TO BE REPAVED FROM
MAIN AVENUE AND VALENTINE CIRCLE
INTERSECTION TO ENTRANCE OF
WEST SATTES GRADE SCHOOL)

No response.

WILSON STREET (FROM FIRST AVENUE, SO. TO HILLSIDE DRIVE
INTERSECTION)

Two letters from business establishments were received opposing the repaving. A COPY OF THE LETTERS IS ATTACHED HERETO AND MADE A PART HEREOF.

HOLLY STREET AND SATTES CIRCLE (STARTING AT MAIN AVENUE)

Mr. Bill Engle, 1418 Sattes Circle,
Mr. A. D. McDonald, 1409 Sattes Circle,
Mr. Herman Brown, 1413 Sattes Circle,
Mr. S. R. Kenney, 1452 Sattes Circle,
Mr. Claude Deardorff, 1424 Sattes Circle
Mr. Harvey Collins, 1436 Sattes Circle,
Mr. V. B. Slater, 1414 Sattes Circle,
Mr. Bob Mattox, 1405 Sattes Circle,
Mrs. Virginia Slater, 1414 Sattes Circle, and
Mr. T. Ray Perrine, 1407 Sattes Circle

voiced their opinions. The consensus of those present were in favor of a 16 feet wide, two inch cap at \$4.82 per foot, but only after corrective measures were taken to take care of the drainage problem on Sattes Circle.

Mr. Bob Mattox said there were 3 catch basins covered over that should be checked. Mr. A. D. McDonald, 1409 Sattes Circle, mentioned drains covered up. Mayor Gibson said he would like to know where the drains were covered. Mr. McDonald stated he would be glad to show him.

SPRING STREET

No response.

KANAWHA AVENUE, SOUTH

No response.

OWENS STREET

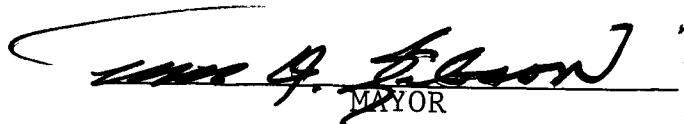
Mrs. Kathleen Cremeans, 201 Owens Street, Nitro, said that she was the only owner on the street, and she was opposed to paving.

Mr. and Mrs. Arnie F. McClanahan, 801 First Avenue South agreed with Mrs. Cremeans.

OLD COUNTY ROAD

No response.

Councilman at Large Dr. Allen made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed by unanimous vote.


MAYOR

RECORDER

TO: MAYOR AND CITY COUNCIL
City of Nitro, WV

September 18, 1978

PETITION

RE: Proposed street paving - 800 Block DuPont Avenue (between Hickory and Ivy Streets), Nitro, WV

We, the undersigned, all residents and property owners of the above mentioned block, do hereby protest paving, surfacing, repaving, resurfacing (whichever applies) of said block and request Mayor and City Council to withdraw plans for same. We do not feel that such improvement is necessary at this time, especially as three (3) of the undersigned residents are living on fixed incomes and this project would impose an unnecessary financial hardship on these people.

SIGNED:

George K. Britt
Nelen L. Britt
Joseph D. Fleck
Delphia Fleck
C. W. Hughes
Sue K. Hughes
Nell Carney
Robert R. Carney
Jean Jones
Stephen R. Diehl
Jan Diehl
Janice Dodrill
Aman Williams
Mary Jo Williams
Agnes H. Rayner
James L. Rayner
Ralph Turkey
Francis Turkey

804 Du Pont Ave.
804 Du Pont Ave.
807 Dupont Ave.
807 Dupont ave.
805 Dupont AVE
805 Dupont Ave.
801 - Dupont ave
801 - Du Pont Ave
808 - Dupont Ave
803 Du Pont ave.
" " "
810 Dupont ave.
800 Dupont ave.
800 Dupont ave.
806 Du Pont ave.
806 Du Pont ave.
809 Du Pont Ave
809 Dupont Ave.

September 18, 1978

Nitro City Council
Nitro, W. V.

Gentlemen:

We, the undersigned property owners, do hereby protest the present proposal to resurface Park Avenue between 11th and 13th Streets for the reasons listed below:

1. The property owners are being discriminated against because most of the wear and damage to the street is caused by the general public, especially the following:
 - A. School traffic, including buses and service trucks.
 - B. Plant traffic, including trucks and all plant traffic during Railroad crossing blockage.
 - C. Swimming pool traffic
 - D. City park traffic
 - E. Underwood Field traffic
2. The property owners are being discriminated against by selecting only a portion of Park Avenue and not all of Park Avenue and 11th Street West, which are in about the same condition.
3. When the School Bond Issue was passed to build the schools on Park Avenue, it was understood that an access road along the west side of the railroad tracks was to be built to provide access to the schools from 11th Street West.

This was not done, but instead Park Avenue was widened to an additional lane and the north end of Park Avenue, which was formerly a dead-end street, was connected to Park Road and Plant Road.

This work subsequently opened up this previously residential neighborhood for heavy general public traffic.

If the property owners are to be required to pay for resurfacing of Park Avenue, then we submit that a new access road be built to the schools and that Park Avenue be closed between 15th Street West and Underwood Field.

The property owners along Park Avenue have long been subjected to high speed and heavy traffic since the street was widened and connected through to Plant Road.

It is grossly unfair and discriminatory that we should also be subjected to high maintenance cost on a street mostly used by the Board of Education and the City of Nitro.

~~Martha E. Smith~~, Mrs. H. Smith 1215 Park Ave.

Hugo W. Tidgwell 1109 Park Ave.

Lee Thompson 1111 Park Ave.

Charles H. Smith 1213 Park Ave.

Bill & Dora Bosty 1217 Park Ave.

Virginia & Forrest Hull 1101 Park Ave.

Mr. & Mrs. James D. Balch 1107 Park Ave.

Willard Ramsey 1105 Park Ave.

Agatha McGrath & Kenneth McGrath 1212 Park Ave.

Bessie R. Karnes & Alma L. Karnes 1223 Park Ave.

Donald W. Lewis 1103 Park Ave.

Sept. 14, 1978

We the undersigned, all property owners on 28th Street, Nitro, wish to petition the city of Nitro not to pave our street at this time. We do not feel this to be a necessity at the present time and could cause financial hardships.

Thank you for considering our wishes.

1. Mr. & Mrs. Barry McManahan 755-1094
2. Mr. & Mrs. Hubert P. Smith 755-3680
3. Mrs. Judy McLaughlin 755-4606
4. Brattin O. Hill 755-1622
5. Wm. B. Miller 755-5941
6. Camden E. Grant 984-3167
7. Edward E. Hull, Sr. 755-7549
- ② 8. Jesus O. Hault 755-1363
9. Ed Harmon SR 755-3763
10. Bessie French 755-7135
11. Susan G. Cagins 755-4223
12. Dr. W. F. Blair 755-5650-755-5911
13. Mr. & Mrs. Fred Dampson 7273827

100%

Nitro, w. Va.
9/15/78

* PETITION *

* PETITION *

* PETITION *

To the city council and street improvement council of the
City of Nitro, w. Va.

We the undersigned property owners and residents of Locke St.
between main Ave. and Broadway, hereby petition the City of
Nitro, to delete this area from the proposed street paving
program,

<u>NAME</u>	<u>ADDRESS</u>
<u>Frank P. Moore</u>	<u>21 Main Ave</u> <u>Corner of Locke & Main</u>
<u>Chester Essline</u>	<u>110 Locke St.</u>
<u>F. E. Liskin</u>	<u>109 Locke St.</u>
<u>James M. Adkins</u>	<u>111 Locke St.</u>
<u>Mr & Mrs Howard Kinrich</u>	<u>113 Locke St.</u>
<u>Mrs. Cecil Walker</u>	<u>115 Lockst</u> <u>215 Broadway Ave</u>
<u>Miss L. V. Minnick</u>	<u>CORNER of Locke Street</u>
<u>14.74. Whif under</u>	<u>123 Main Ave</u> <u>Corner Locke & Main</u>

This Petition represents 100% of the property owners

H.

September 14, 1978 re: PROPOSED PAVING OF CEDAR STREET IN NITRO,
WEST VIRGINIA

TO WHOM IT MAY CONCERN:

We, the following property owners with boundry lines adjacent to Cedar Street in Nitro, West Virginia, do not desire to have Cedar Street paved for various reasons; i.e. paved streets (Beech and Dogwood) are approximately 200 feet from Cedar; the unpaved street is used primarily as a play area for neighborhood youngsters; only one (1) house faces the subject street; the expense in paving this street would be a severe financial hardship on certain property owners.

NAME

ADDRESS

1. Mr & Mrs W.D. Martin, 300 DuPont Ave Nitro W.V.
2. Mr. & Mrs. Floyd D. Wilson 208 Washington Ave. Nitro, W.V.
3. Mr. & Mrs. Charles Brick 301 Wash. Ave Nitro, W.Va.
4. Mr & Mrs Lyle Jensen 209 Wash Ave, Nitro, W.Va
5. Mr & Mrs Kenneth Aldham 301 Kanawha Ave Nitro W.Va
6. Mr & Mrs Ronald H. Bill - 211 DuPont Ave, Nitro
7. Calvin & Dixie Paulus 206 Cedar & Main ave Nitro, W.
8. Mr & Mrs Carl B. Mathes 308 Main Ave. Nitro
9. Mr. Monty Taylor 109 Wash ave Nitro W.V.
10. Helen Jividen & Monty Taylor 301 DuPont Ave Nitro
11. Sandra K. Harbert 212 DuPont Avenue, Nitro, WV
- 12.

5.

TO: MAYOR AND CITY COUNCIL
City of Nitro, WV

September 18, 1978

PETITION

RE: Proposed street paving - Ivy Street (Main Avenue to Kanawha Avenue)
Nitro, WV

We, the undersigned, all residents and property owners of the above mentioned street, do hereby protest paving, surfacing, repaving, resurfacing (whichever applies) of said street and request Mayor and City Council to withdraw plans for same. We do not feel that such improvement is necessary at this time.

SIGNED:

Frank Turkey	809 Dupont Ave
Francis Turkey	809 Dupont Ave.
Thomas S. Kelly	901 Main Ave
James R. Doob	900 Dupont Ave.
Dorothy Bartholomew	901 Dupont Ave
Madeline Bartholomew	901 Dupont Ave.
Charles L. Outley	809 Washington Ave
Mrs. Virginia Faulter	809 Washington Ave
Mrs. Janice Dodrill	810 Dupont Ave.
Mr. Samuel D. Snyder	901 Washington Ave.
Mrs. Rita J. Perry	810 Washington Ave.
David M. Perry	80 Washington Ave
Harold J. Young	900 Kanawha Ave.
Wilma V. Young	900 Kanawha Ave
C. E. Rogan	809 Kanawha Ave.
S. M. Rogan	809 Kanawha Ave.

TO: MAYOR AND CITY COUNCIL
City of Nitro, WV

September 18, 1978

PETITION

RE: Proposed street paving - Ivy Street (Main Avenue to Kanawha Avenue)
Nitro, WV

We, the undersigned, all residents and property owners of the above mentioned street, do hereby protest paving, surfacing, repaving, resurfacing (whichever applies) of said street and request Mayor and City Council to withdraw plans for same. We do not feel that such improvement is necessary at this time.

SIGNED:

James R. Tidd
Cynthia Tidd

900 Wash. Ave
Nitro, WV

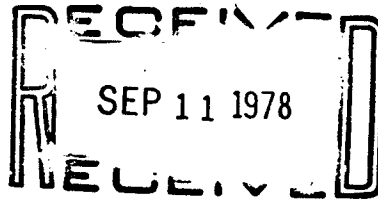
6

Modern Supply Company

WALLPAPER-PAINTS
RUBBER COVE BASE
ARMSTRONG FLOOR COVERING

501 FIRST AVENUE, SOUTH
NITRO, WEST VIRGINIA 25143
PHONE 755-3631

QUARRY TILE-SLATE
MIDSTATE CERAMIC TILE
FAMOUS NAME CARPETS



September 8, 1978

The Honorable William Gibson
Mayor, City of Nitro
Nitro, West Virginia

Re: Proposed Street Paving
Wilson Street

Dear Mayor Gibson:

It is our contention that Wilson Street does not require repaving at this time. We are also concerned that a build up of the street surface will cause flooding in our building as well as Nitro Furniture Co.

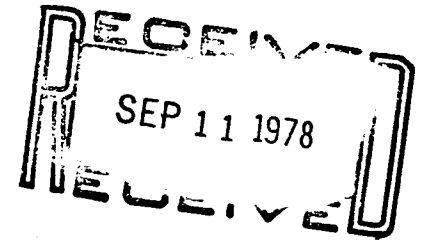
Yours truly,

Charles H. Bayless, Owner

CHB:em

Nitro FURNITURE COMPANY

G. L. Wise, Owner-Manager
NITRO, WEST VIRGINIA



September 9, 1978
RE; Paving Wilson Street

Dear Sir:

It is my humble opinion that at this time Wilson Street doesn't need repaving..The extra build up would increase the the chances of flooding both Modern Supply Company and Nitro Furniture Company.

Yours Truly

Gorman L. Wise
Owner-Manger
Nitro Furniture Company

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

SEPTEMBER 19, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on September 19, 1978 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 Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Gus Bailey, and City Attorney Layton Cottrill. Councilman Dean Miller was absent.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Councilman Gus Bailey.

APPROVAL OF COUNCIL MEETING MINUTES SEPTEMBER 5, 1978:

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 Bailey, and the motion passed unanimously.

APPROVAL OF AUGUST, 1978 FINANCIAL STATEMENT:

Mr. Tom Melton, City Recorder and Chairman of the Finance Committee, made a motion the August, 1978 Financial Statement be tabled until next meeting, October 3, 1978. The motion was seconded by Councilman Dr. Cassell and the motion passed.

REPORT ON PUBLIC MEETING ON PROPOSED REZONING, SEPTEMBER 11, 1978: Councilman at Large Donald Karnes, Vice President of the Nitro Planning Commission, made a motion the minutes of the Special Public Meeting on Proposed Rezoning held jointly between the Nitro City Council and the Nitro Planning Commission be approved. The motion was seconded By Councilman Dr. Cassell, and the motion passed.

Councilman at Large Karnes read a letter dated September 19, 1978, addressed to Mayor William D. Gibson from Don Karnes, Vice President of the Nitro Planning Commission.

The letter is as follows:

NITRO PLANNING COMMISSION

NITRO CITY HALL

NITRO, WEST VIRGINIA 25143

OLAF WALKER
President

September 19, 1978

DONALD KARNES
Vice PresidentHonorable William D. Gibson
Mayor
City of Nitro
Nitro, West Virginia 25143

Dear Mayor Gibson:

The Nitro Planning Commission appreciates your concern for the future growth of the City of Nitro.

As requested by the Nitro City Council in their resolution, adopted in a Special Council Meeting, held on June 1, 1978, the Nitro Planning Commission has done an in depth study of the area considered for re-zoning.

After considering all available facts and after reviewing in detail the Resolution and proposed ordinance to re-zone a part of area 18 from R-3 to B-2, Mr. W. Curtis Woods made a motion, which was seconded and passed unanimously, that the Planning Commission concur with City Council in principle, but recommended that the up-river boundary be adjusted to include the property owned by Mr. Braunlin from the railroad over and across State Route #25, thereby taking in the building which once upon a time housed Rutledge Grocery and across the Old County Road up the right hand side of Hog Pen Hollow to the Corporate Limit Boundary. (Mr. Woods explained the meets and bounds by making a yellow mark on the information map which was attached to the wall). It was decided further, that the City Council consider amending the Resolution and proposed ordinance to change the description of proposed Area 20 to read as follows:

Beginning at a point in the northerly right-of-way of the Consolidated Railroad Company right-of-way line (formerly known as Penn Central Corp.) and the common corners of Area 15 and 16; thence North 32 degrees 42' East - 740 feet + to the Nitro Corporation line; thence with the Nitro Corporation line, south 37' east 977 feet; thence south 77 degrees 01' east - 1500 feet + to the center of "Hog Pen Branch"; thence in southerly direction with said branch 450 feet +; thence in an easterly direction 150 feet + to a point in the center of Old County Road; thence in a southerly direction 125 feet + to the center line of WV Route 25; thence with the center of WV Route 25 in an easterly direction 155 feet +; thence in a southerly direction 335 feet + to the northerly right-of-way

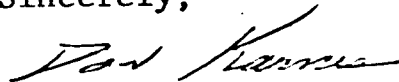
Honorable William D. Gibson
September 19, 1978
Page 2

line of the Consolidated Railroad Company, said line being the common boundaries of properties presently owned by E. Mitchell, W. Braunlin and D. Osborne; thence with the aforementioned Con-Rail right-of-way in a westerly direction 3950 feet more or less, to the point of beginning. All being a portion of Area 18 shown on the zoning map of the City of Nitro. That portion of Area 18 lying south of the before described Area 20 shall be redesignated as Area 21 (Zoning Area R-3).

The Nitro Planning Commission is desirous of informing the Nitro City Council that all of the input from the various citizens who were in attendance at the Public Hearing held September 11, 1978, has been considered and evaluated. Be further advised that the Nitro Planning Commission, in their regularly scheduled meeting of September 18, 1978, reaffirmed their earlier recommendation, as it pertained to the Resolution and proposed ordinance to re-zone a part of Area 18 from R-3 to B-2 and encourage the Governing Body of the City of Nitro to adopt the same.

Your patience in this matter is appreciated.

Sincerely,



Don Karnes, Vice President
Nitro Planning Commission

DK:tg

cc: Mr. Tom Melton, Nitro City Recorder
Mr. Layotn Cottrill, Nitro City Attorney
Nitro City Councilmen
Nitro Planning Commission

Councilman at Large Karnes stated he would like to read a statement he had prepared.

I believe its the responsibility of the city officials to guide the city in its future growth and development, to achieve the most beneficial and convenient relationships among the residents, non-residential and public areas within the city.

Considering the existing conditions, trends in population, and modes of living and considering the future requirements of such conditions both within the city and relationships to areas outside thereof.

To protect their character and social and economic stability in all parts of the city. To encourage the orderly and beneficial development of all parts of the city. To protect and conserve the value of land and buildings. To bring about the gradual conformity of the uses of land and buildings throughout the city. To promote the most beneficial relationships between the uses of land and buildings, and to provide a guide for public action in an orderly and efficient manner.

With the cost of operating the city on the rise as it is I believe we're limited to three directions to go, increase taxes, reduce services, or broaden our financial base. I think the logical direction is to broaden our financial base.

I believe we need to use extreme caution when taking into consideration any new business applications as to the effects it will have on the neighborhood.

Councilman at Large Karnes said that with all these things in mind and considerable study of the facts, he would make a motion the city officials adopt Ordinance Number 189 by having the second reading thereby amending the existing Zoning Ordinance pertaining to area 18. (The existing ordinance was adopted by the City Council of the City of Nitro, West Virginia October 6, 1970.) Mayor Gibson said, we have had the first reading of the Ordinance, Number 189 and made a request of Mr. Cottrill (City Attorney) "Do you see any reason why a second reading could not be had tonight?" Mr. Cottrill said, I think its quite in order.

THE SECOND READING OF ZONING ORDINANCE NUMBER 189 IS AS FOLLOWS:

REVISED ORDINANCE AS REQUESTED BY THE NITRO PLANNING COMMISSION:

ORDINANCE NO 189

DATE September 19, 1978

INTRODUCED BY: Councilman at Large Donald Karnes

AN ORDINANCE DIVIDING ZONING AREA DISTRICT NUMBER EIGHTEEN (18) AS SHOWN ON THE "OFFICIAL ORDINANCE MAP" ON FILE IN THE OFFICE OF THE ZONING OFFICER, CITY OF NITRO AND CREATING THEREFROM A NEW DISTRICT HEREAFTER TO BE KNOWN AS ZONING DISTRICT NUMBER TWENTY (20) AND FURTHER PROVIDING FOR CLASS "B-2", CENTRAL BUSINESS USE DESIGNATED AS PRE-SCRIBED IN ARTICLE 9 SECTION 901 ET SEQ OF THE "CITY OF NITRO ZONING ORINDNACE" ADOPTED, OCTOBER 6, 1970, BY THE CITY COUNCIL OF NITRO AND INCORPORATED BY REFERENCE IN CHAPTER TWENTY TWO OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA: SAID ORDINANCE IN NO WAY SHALL AFFECT THE CURRENT ZONING OF THE REMAINING AREA OF ZONING AREA DISTRICT 18, NOW DESIGNATED "R-3" MOBILE HOMES AND MOBILE HOME PARKS. THAT PORTION OF AREA 18 LYING SOUTH OF THE BEFORE DESCRIBED AREA 20 SHALL BE REDESIGNATED AS AREA #21 (ZONING AREA R-3)

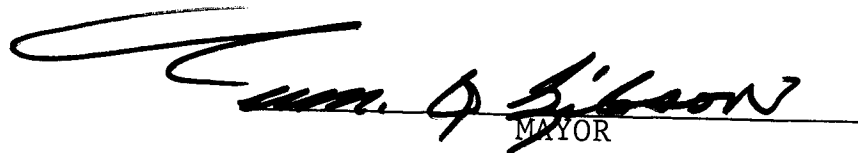
THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF NITRO, WEST VIRGINIA, that Zoning District Number 18 be divided and the hereinafter described new district be created and enumerated Zoning Area District 20 with zoning use designation of "B-2", central business and designated as such in the "Official Zoning Map" in accordance with the following description. That portion of area 18 lying south of the before described Area 20 shall be resdesignated as Area #21.

AREA 20 (Zoning Area B-2)

Beginning at a point in the northerly right-of-way of the Consolidated Railroad Company right-of-way line (formerly known as Penn Central Corp.) and the common corners of Area 15 and 16; thence North 32 degree 42' East - 740 feet + to the Nitro Corporation line; thence with the Nitro Corporation line, south 37' East 977 feet +; thence South 77 degrees 01' East 1500 feet + to the center of "Hog Pen Branch"; thence in a southerly direction with said branch 450 feet +; thence in an easterly direction 150 feet + to a point in the center of Old County Road; thence in a southerly direction 125 feet + to the centerline of WV Route 25; thence with the center of WV Route 25 in an easterly direction 155 feet +; thence in a southerly direction 335 feet + to the northerly right-of-way line of the Consolidated Railroad Company, said line being the common boundaries of properties presently owned by E. Mitchell, W. Braunlin and D. Osborne; thence with the aforementioned Con-Rail right-of-way line in a westerly direction 3950 feet, more or less, to the point of beginning. All being a portion of Area 18 shown on the zoning map of the City of Nitro. That portion of Area 18 lying south of the before described Area 20 shall be redesignated as Area 21 (Zoning Area R-3).

Introduced on first reading on the 1st day of August,
1978.

Adopted upon second reading on the 19th Day of September,
1978.


MAYOR


RECORDER

Councilman at Large Pennington seconded the motion made by Councilman at Large Karnes that the Ordinance Number 189 (This is the second reading.) be adopted, thereby amending the existing ordinance.

Councilman Hughart made a motion to table the motion made by Councilman at Large Karnes, and for the motion made by Mr. Karnes to come up under new business later this evening. Councilman Hughart stated that he believed to table takes priority over any motion. The motion was seconded by Councilman Bailey, and the motion passed.

Mr. Melton, City Recorder, Councilman at Large Dr. Allen, Councilman Gus Bailey, and Councilman Romie Hughart voted in favor of the motion.

Councilman at Large Karnes, Councilman at Large Pennington, and Councilman Dr. Cassell did not vote.

PLANNING COMMISSION MEETING SEPTEMBER 18, 1978:

Councilman at Large Karnes, Vice President of the Planning Commission, stated that Mr. Cottrill, City Attorney, has supplied them with a Proposed Subdivision Ordinance for the City of Nitro, and that the Planning Commission will make a recommendation on this.

He said that there is a difference of opinion on the zoning ordinances as they are (by definition as B-1, C-1, etc.) and that the Planning Commission is working on the entire Zoning Ordinance booklet and will make recommendations.

Mayor Gibson addressed Mr. Karnes, Vice President of the Planning Commission, and said that so many people were concerned about beer taverns in the B-2 (Central Business District) area that we are involved with on the proposed revised ordinance he thought it would be proper and in order that the next recommendation to the city by the Planning Commission that they seriously consider that beer taverns or pool parlors be struck in that particular area from the ordinance. This would be under 901 permissive uses (Article IX).

REPORT ON PUBLIC MEETING ON PROPOSED STREET PAVING SEPTEMBER 18, 1978: Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated that when the minutes of this meeting are received a report will be made.

Councilman at Large Dr. Allen said he had received a petition from residents of 26th Street asking a change in the present sidewalk on the east side of 26th Street from First Avenue to Second Avenue. They want the sidewalk to be where it will be adjacent to the curb of 26th Street. Councilman at Large Dr. Allen said he would add this petition to the proposed street paving packet in order to get a cost estimate for the residents.

REQUEST DATED SEPTEMBER 11, 1978 TO BE PLACED ON THE AGENDA OF SEPTEMBER 19, 1978 REGARDING REZONING, RIVERDALE ACRES AREA: Mrs. Hattie Tincher, 118 Blackwood Street, asked Mr. Karnes for the date of the letter changing the area on the resolution. Mr. Karnes, Vice President of the Planning Commission said that it would be on the minutes of the Planning Commission that he wasn't sure he had them with him and he would look for it.

Mrs. Tincher said while you look I have one more comment, "Mr. Braunlin doesn't live on that property, so therefore, I don't see that he can be that concerned about it."

Mrs. Tincher said she happened to come across this (documents) this afternoon, and you all have a copy of it. She said this is from St. Albans Citizens National Bank, dated June 6, 1978, addressed to Mr. Donald Karnes, Planning Council, City of Nitro, Nitro, West Virginia, and she read a portion of the letter.

I have been asked so many times if we intend or propose off premise facilities to be only temporary until the St. Albans-Nitro Bridge reopens. I believe it mandatory to restate our intentions.

She said the letter was signed by Mr. Dodrill.

Mrs. Tincher said that she had another letter dated May 1, and that this was before their public hearing before the Zoning Board of Appeals. She said, this other letter (June 6) seems to indicate the same thing. She said in the first paragraph it says,

As an informational follow up to our letter of April 17, 1978, requesting a variance in zoning on lots 39, 40, and 31, block M, East Crawford Addition, the following exhibits are presented for your review.

She said, we own lot 31, block M.

Mrs. Tincher stated, "Mr. Dodrill told us that on May 13, he went back to his bank, he redid everything so that the traffic would not come down Michigan Avenue and out Blackwood Street. This is the same thing, here it shows Route 25, the mobile unit, out the side of it, down Michigan Avenue."

She said she asked him prior to the meeting when he was telling her all this if he would please let her have this in writing. She said,

He told me that he was a country boy from Nicholas County, he didn't believe in having everything in writing.

"I informed him that I was a country girl from Sattes and that until this time I had never required everything in writing," Mrs. Tincher stated.

She said, Now, I would like this explained to me.

Mr. Karnes said about the best explanation and the only one I can remember, really, is -- first off, this other question you had first. I don't have with me the minutes of the Planning Commission Meeting, but it was July 17, 1978.

Mrs. Tincher inquired, "That was before the first reading, is that correct?" Mr. Karnes replied, "Yes, the first reading was August 1, 1978."

Mr. Karnes said, "There was a move at one point for the people at the bank to, I guess you might call it, give a presentation of what they intended to build."

Mrs. Tincher said that she asked for a meeting and he did not contact me before hand. Mr. Karnes said, Back at that time when that letter was dated I put everything he gave me in a packet and gave a copy to all Planning Commission members at the time. Then, the city attorney advised us it was not our function to act on a piece of property. As a result the presentation never did take place.

Mr. Karnes said that the latest thing he understood and was brought up here at the Public Hearing was that they did not intend to disturb Blackwood Street in their traffic pattern.

Mrs. Tincher replied, "He told me as of May 13, this letter is dated June 6." Mr. Karnes said that he didn't know when that copy of the diagram of traffic flow was printed, but it was prior to the Zoning Board of Appeals Meeting.

Mrs. Tincher said that she had another question, "This is on Nitro Police Department stationery, a listing of all the commercial accounts, the saving accounts, checking accounts, and loans from Nitro, I just don't understand all this." Mr. Karnes replied that was just a part of that same presentation. She asked, "Why is this on Nitro Police Department stationery?" Mr. Karnes said, "I just used it to make copies with, most likely, I just got whatever paper was handy."

She said, "I think you just better watch that a little, Donald, it looks very official coming out of the Nitro City Police Department."

Mr. Karnes said, "The Police Department had nothing to do with this, that was a part of their packet to make a presentation to this town that we need competition for the Bank of Nitro.... I think they were showing a need."

Mrs. Tincher stated, "This is a bank, when we think of businesses what could be more respectful than a bank, all right, they have lied to me. Why wouldn't Ginos lie to me?"

Mr. Karnes said that he couldn't speak for the bank.

REQUEST DATED SEPTEMBER 12, 1978 TO BE PLACED ON THE AGENDA OF SEPTEMBER 19, 1978 REGARDING REZONING, RIVERDALE ACRES: Mrs. Mary E. Wampler, who lives at 111 Michigan Avenue, said that in more or less a follow up of Mrs. Tincher, it was her understanding and it came pretty directly, the bank had already purchased the trailer and hired their help before there were any negotiations and that they

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Mrs. Wampler referred to the question she addressed to the vice president of the bank (St. Albans Citizens National Bank) and his answer (Special Public Meeting On Proposed Rezoning, September 11, 1978). Mrs Wampler said that her point is the man must have had some kind of assurance or he would not have put his institution on the line.

Mrs. Tincher stated that if he thinks he owns lot 31-M he's mistaken.

After further discussion, Mrs. Wampler asked, was my question a logical one. Mr. Karnes replied yes, I think it is a logical one.

Mrs. Wampler said "I'm not accusing anyone of anything, I am just concerned...."

Mr. Cottrill, City Attorney said that basically, the answer to your question is that it probably put them in a better position with the banking commission as to approval of their type of application that they might have, because 9 times out of 10 that's where most banks run up against their opposition.... He said that might be it, I don't know.

Mrs. Wampler said, "I still say the picture they presented to whomever they presented it is very much blurred."

REQUEST DATED SEPTEMBER 12, 1978 TO BE PLACED ON THE AGENDA OF SEPTEMBER 19, 1978 REGARDING REZONING, RIVERDALE ACRES AREA: Mrs. Rosemary Young, 209 Michigan Avenue, said that she noticed Mr. Braunlin's attitude at the public meeting, and that he really did not care about us. She said that they have had two court orders and the property was in just as bad a shape as it was, and that they had no regard for anyone around them.

Mrs. Young said

This is what we're trying to say, this is the attitude of the business men in the district. Now, what are we going to have to put up with if it is rezoned. You say you are going to make more stringent laws, but will you?

Mr. Karnes said absolutely.

Mrs. Tincher addressed Mr. Karnes, "I have been there 45 years and I intend to stay as long as I live, You are assuring me and I think I can believe you, but what about the people that come after you?"

Mr. Karnes said that we can't promise anything beyond our term, but he felt we would have responsible people here.

REQUEST DATED SEPTEMBER 15, 1978 TO BE PLACED
ON THE AGENDA OF SEPTEMBER 19, 1978 REGARDING REZONING
RIVERDALE ACRES AREA: Mr. Clarence Hudson, Four Gravely Drive,
 addressed Mayor Gibson and Councilmen.

You are in a few minutes going to make a decision here that's going to affect a lot of people. It's going to affect a lot of people after we're gone. This decision is important. You know we're going to be able to tell whether or not the decision you all make here tonight is a decision that -- We're going to know whether or not you represent the people who elected you to your job or whether or not after you got elected that you don't care anymore about the people.

You know, if after you all get elected then you don't care about the people that come to the meetings and have something to say, if you don't care about listening to them, then, we'll know what kind of people you really are. You'll show your true colors.

Mayor Gibson said let me interrupt you a moment if I may.

You're kind of off base, I think you're trying to say that the men sitting around this table are not honorable and that these men could care less about the citizens up there, and about the progress of Nitro and I, personally for one, resent very much your statements.

Mr. Hudson stated you know some months ago when the Citizens Bank applied for rezoning they came through proper channels, they applied through the rezoning.

Mr. Karnes stated, "May I correct you there, they did not come through proper channels."

Mr. Hudson said, I stand corrected they came through the Zoning Board of Appeals, they had their just say, The people in the area affected had their just say and the Zoning Board of Appeals ruled in favor of the people.

Mr. Hudson continued,

You know, this brings us to the reason that this great United States has come to be. You know, the United States was formed because the people needed a voice in what was going on. You know, the Boston Tea Party. How many remember the Boston Tea Party, England was taxing the United States and the United States didn't have anything to say about it, that is the same thing we have got here. The people threw tea in the ocean to rebel .

Coming on up to modern times, the great country of Japan, they build a multi-million dollar airport without asking the people. So what happens; now, they can't use it. Because the people rebel ed. The people has to be heard. Somebody has to listen to the people.

Here in the United States in the last few months, the people want proposition 13 in California, this is a good example, that government has long had a blank check to do with as they please with what they have got and all they can get, but the people had a say so in it.

The people says it time to stop and listen to the people. You know, and I am not going to tell you all, you know that if you all rezone this up here that we are going to have a revolution or that we are going to throw tea in the Kanawha River, but I'm going to tell you that the people is going to be heard. In this day and time the people has to be listened to, cause you represent the people.

He further stated, "However this thing goes, the people in this room and the people that have been here before and the people that will be here after will know how you vote, tonight, and they will know and they will tell in the next election whether you vote the way the people that elected you wanted you to. If I'm out of order, I will apologize to the committee and thank you for allowing me to be heard."

REQUEST TO BE PLACED ON THE AGENDA REGARDING LIGHT AT SOFTBALL FIELD: Mr. Joe Javins, 4120 3rd Avenue, was not present.

Mrs. Juanita Goss, 103 Michigan Avenue, said said that she lived in the second house below where the bank will be, if the rezoning goes through. She asked if they would widen the street if traffic goes down Michigan Avenue. She said she has a son that is a paraplegic and she was concerned about him backing the car onto Michigan Avenue.

Mrs. Tincer said that they said they (the bank) changed it (traffic pattern) May 13, but in this letter June 6, they still have not changed it.

Councilman at Large Dr. Allen said we can get a statement what they are and what they are not going to do.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence: (Copies of the correspondence will be kept in the supplement file to the minutes.)

1. Nitro Police Department Activity Report for August, 1978 and attached thereto was Dunbar - Nitro Animal Control report for August, 1978

2. Mr. F. Layton Cottrill, Nitro City Attorney, had written a letter dated August 28, 1978 to Mr. Peyton in reply to a letter dated July 11, 1978 to Mayor Gibson from Harvey D. Peyton of Calwell, Steel, McCormick and Peyton, L.C. in reference to Lots 6, 7, 8, 9 and 10, Crescent City Subdivision, Blake's Drive, Nitro, West Virginia, owned by Mr. Guy Sizemore.

3. Mayor Gibson received a letter dated September 6, 1978 from Mr. M.V. Dunlap, 3506 35th Street, in response to the petition given Mayor Gibson by residents on Second Avenue to make that avenue one way from Twenty-Second Street toward 40th Street.

4. Minutes of the Pension Board Meeting, September 6, 1978

5. Mayor Gibson received a letter dated September 8, 1978 from Mr. Alvin Hicks, President of the Nitro Lions Little League requesting the city provide the labor for a new roof on the press box, and the city provide the labor to construct another building close to the present concession stand.

Councilman at Large Pennington made a motion the city provide the labor for a new roof on the press box. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

6. Proposed subdivision Ordinance, City of Nitro - and each councilman was encouraged to read it one time and recommend changes if they desired. Mr. Cottrill spoke briefly regarding the proposed subdivision ordinance.

Mayor Gibson said that he had talked to Mrs. Betty Layton on the phone September 13, 1978 and that Mrs. Doris Hudnall, Mrs. Trish Finch, and Mrs. Layton were requesting that a "NO TRESPASSING" sign erected near the end of Minor Avenue be removed so that their children who go to Baker Elementary School could walk through the Smith Street Landfill to and from school thereby keeping off the sidewalk near Main Avenue.

Councilman at Large Pennington made a motion the sign be removed. The motion was seconded by Councilman at Large Karnes, and the motion passed.

MAYOR GIBSON CALLED FOR COMMITTEE CHAIRMAN REPORTS AND NEW BUSINESS.

TOM MELTON, CITY RECORDER: no reports.

COUNCILMAN HUGHART: Councilman Hughart stated the Lions Club Antique Car Show was successful, and he thanked the city for its assistance.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen said that council had a copy from the Police Department Civil Service Commission of the changes in the physical fitness test which they had approved and that the Policemen's Civil Service Commission was requesting the City Council's approval. Councilman at Large Dr. Allen made a motion the changes be approved. The motion was seconded by Councilman Dr. Cassell and the motion passed. (A copy of the same will be kept in the supplement file to the minutes.)

Councilman at Large Dr. Allen made a motion to allow \$3,000 to Mr. Gene Williams, Director of Public Works to take care of some of the drainage problems in the city. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

In reference to the petition turned in by the residents of 26th Street concerning the sidewalk, Councilman at Large Dr. Allen asked Mr. Carl Ashley, 2610 26th Street to comment.

Mr. Carl Ashley said that they would go so far as to buy this 12 feet of ground up to the curb and put in the sidewalk themselves, if there was any way they could do this

Councilman at Large Dr. Allen said that this would become a part of the paving program in order to get the residents a cost estimate.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN BAILEY: Councilman Bailey explained section G, paragraph 901 entitled permissive uses, Article IX of the Zoning Ordinance for the City of Nitro. He stated that section G pertains to theaters, assembly halls, billiard or pool parlors, bowling alleys, and other public recreation uses.

Councilman Bailey made a motion the Ordinance Committee take under advisement section G, paragraph 901 entitled permissive uses, Article IX and be it resolved that these types of business could be approved only by special consideration of the City Council with a unanimous vote, and that this be turned over to the City Planning Commission. The motion was seconded by Councilman Hughart, and the motion passed unanimously. Some discussion took place by some of the elected officials as to whether it would be constitutional to require a unanimous vote by the governing body as opposed to a majority vote.

COUNCILMAN AT LARGE PENNINGTON: no reports

Councilman Hughart made a motion the previous motion made by Councilman at Large Donald Karnes, Vice President of the Planning Commission regarding the second reading of the Zoning Ordinance, which was tabled be brought back on the floor. The motion was seconded by Councilman Dr. Cassell and the motion passed.

Councilman Hughart stated he would like to say a couple of thing before we vote on this.

I feel that the bank did answer the question the other night in the public hearing and it's in the minutes of the special meeting as to why they bought the property. Also the bank did make a statement and it's in the minutes of the public meeting as their plans for egress and ingress on Route 25 only.

I think to some people who have fears of beer joints and undesirable businesses that we have proven how we feel about it in your motion. I think as we vote we are voting our feeling and we are planning on doing a job for the city, and regardless of how I vote, I feel like I am doing the right thing.

Councilman Bailey stated

I feel that I'm as well aware of the need for change and progress as anyone and the people is aware of the need for additional revenue for our city.

However I believe that I would be doing wrong and this is in no way in alignment with what Jerry mentioned tonight, because I have been praying about this thing and I've been thinking about it and talking about it very constantly with the constituents in my ward.

I feel very strongly I would be going against the people since the vast majority of those who have voiced their feelings, not only verbally but in writing that are in opposition to it. Particularly those who signed the petition who are directly affected. Now not those who signed the petition that normally -- Mr. Johnson signed it, his family -- he would only be indirectly affected by it but others can sign it also where there are other areas of concern. I believe the petition said about 97 percent or about 93 percent or something like that.

But anyway I feel that I would be doing wrong to vote for the ordinance to rezone because of their voiced verbal and written opposition to it.

I think there are additional avenues which we must also consider and I think this comes under the Planning Commission to pursue, one of which we have already set the machinery in orderly foundation. We haven't as yet utilized this.

I also feel our attorney is helping us in the direction of changing some of the ordinances as well as the Planning Commission to up date it and to bring it up to the modern times if that is the proper term.

But, I must vote against the zoning issue and for these reasons I have just stated.

Dr. Allen stated

To me I have not discussed this with but only one person in this room, as Gus Bailey. I have stayed away from meetings, public meetings to not get a biased mind. This is a question that is very challenging for the City of Nitro in the status quo condition that we're in. I hope this will be a change, a course of events in the city and hopefully it will be the beginning of a change to eliminate the one comment that you hear within our city, "The city is dying on the vine and we must do something about it." I do know also that this is generally a very unpopular thing for these men who are sitting around this table, but we cannot stand idly by and allow apathy to continue which will influence the future of our city. I know there are people who question the wisdom for the change and I respect their opinions.


I also believe that there are other people in the community who would be equally as hostile if we do not try to make changes to better our city, but again its the old saying, "Whose ox has been gored", so, I would say I will personally vote for the change in zoning. I can't ignore the minds of the citizens or the needs of the city.


I sit on the Finance Committee and I know that we have to do something, we have to do it immediately. I hope this will make for a better place to live and to provide the services that are needed within our community.

Thank you, Mayor.

Mayor Gibson called for a vote on the motion made by Councilman at Large Karnes (That the city officials adopt the Zoning Ordinance, number 189 by having the second reading thereby amending the existing Zoning Ordinance which was adopted by City Council, October 6, 1970) pertaining to zoning area 18, and seconded by Councilman at Large Pennington, and the motion passed. Councilman Bailey voted in opposition of adopting the Ordinance, number 189.

Councilman at Large Pennington made a motion for adjournment. The motion was seconded by Councilman at Large Karnes, and the motion passed.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

OCTOBER 3, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on October 3, 1978 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 Mel Pennington, Councilman at Large Donald Karnes, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Reverend James B. Arbogast, Pastor of St. Paul's United Methodist Church.

APPROVAL OF SPECIAL PUBLIC MEETING MINUTES ON PROPOSED STREET PAVING HELD ON SEPTEMBER 18, 1978:
Councilman Hughart stated that he had a letter from the people on Sixth Street petitioning that the street not be paved.

Councilman Bailey stated that he had received a phone call from Mr. and Mrs. Raymond Cremeans, 201 Owens Street, and they were against paving Owens Street. Mayor Gibson said that he had also received a letter from Mr. and Mrs. Cremeans to this effect, the Mayor at this time passed out a copy of the letter.

Councilman at Large Karnes made a motion the Special Public Meeting Minutes On Proposed Street Paving held on September 18, 1978 be approved. The motion was seconded by Councilman Bailey, and the motion passed.

APPROVAL OF COUNCIL MEETING MINUTES - SEPTEMBER 19, 1978: Councilman at Large Pennington made a motion the Council Meeting Minutes be approved. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

APPROVAL OF AUGUST, 1978 FINANCIAL STATEMENT:
Mr. Melton, City Recorder and Chairman of the Finance Committee, stated that council had received a copy of the August, 1978 Financial Statement, and made a motion the August, 1978 Financial Statement be approved. The motion was seconded by Councilman at Large Karnes, and the motion passed.

PLANNING COMMISSION MEETING HELD ON SEPTEMBER 25, 1978 AND OCTOBER 2, 1978: Councilman at Large Karnes, Vice President of the Planning Commission said that everyone had a copy of the September 18, Planning Commission Meeting Minutes.

Councilman at Large Karnes referred to a letter to the Nitro Planning Commission from Mayor Gibson dated September 25, 1978 asking that they examine and make recommendations on section G, paragraph 901, Article IX of the Zoning Ordinance for the City of Nitro. Mr. Karnes stated it was the consensus of the Nitro Planning Commission that they need legal advice to make that change, and they do not have a recommendation yet, but one will be forthcoming.

Councilman at Large Karnes stated that at the October 2, 1978 meeting Ms. Pat White and Mr. Byron Carpenter were present at the Planning Commission Meeting. They are from the Regional Intergovernmental Council. He said they felt the best direction to go was Urban Development Action Grants. He further stated that the Regional Intergovernmental Council was willing to assist the city in everyway possible.

Councilman at Large Karnes referred to a letter to Mayor Gibson from the Nitro Planning Commission in reference to their recommendations for improving the image of the City of Nitro. Mr. Karnes credited Dr. Byrd for the suggestion of the letter and for the rough draft. Mr. Karnes stated that it was not the intent of the Planning Commission to point a finger at anyone but thought everyone needed to take more interest as the letter indicated.

BIDS OPENED FOR NEW PAGER SYSTEM FOR FIRE DEPARTMENT:
Mr. Melton, City Recorder, stated that he had received 5 bids, and passed them to members of council and requested they be opened and read.

COUNCILMAN MILLER: from John D. Bruffy & Associates, Inc.
14 Bank Street, Nitro, WV 25143

1 Ea. Redicom pager, Model RF-654, each unit \$258.00	25 units
1 Commex Paging Encoder, Model 100-C	495.00

TOTAL \$6,945

Estimated delivery time: six (6) weeks from date of receipt of order.

COUNCILMAN HUGHART: from Electronic Communication, Inc.
408 Old Goff Mountain Road
Nitro, WV 25143

25 Voice Alert Pagers and one Voice Alert Encoder.

TOTAL COST OF Bid is \$8,105.

COUNCILMAN DR CASSELL: from Dill's Mountaineer
Associates, Inc.
Ravenswood, WV 26164

25 VA3 Pager, \$242 each	\$6,050
25 RP123 Batteries, \$7 each	175
25 group call option, \$15 each	375
25 RP119 charger amplifier, \$50 each	1,250
1 TE100 tone encoder	525
<u>TOTAL</u>	<u>\$8,375</u>

terms net 30 days
F.O.B. Nitro, WV
delivery 8-12 weeks
Pagers and encoder - 1 year warranty parts and labor
Encoder is for equipment only and not installed.

COUNCILMAN BAILEY: from Signal Division
Federal Signal Corporation
P. O. Box 406
Worthington, OH 43085

25 Federal Voice Alert Pagers, model VA3, including nicad battery (RP123) group call option, and RP119 charge amplifier	\$6,280
1 Federal model TE100 tone encoder with capability of 90 individual calls and 10 group calls	420
TOTAL bid price	\$6,700

FOB Nitro, WV
terms, net 30 days
all items include a full one-year parts and
labor warranty.

COUNCILMAN AT LARGE KARNES: from Motorola Communication and
Electronics, Inc.
1304 Charleston National Plaza
Charleston, WV 25301

25 HO3EAB1212-N Minitor	each \$235.00	\$5,875.00
25 NLN1292 Charger 1 amp	each 65.00	1,625.00
1 Moden 100, Encoder	each 568.00	568.00
		<u>\$8,068.50</u>

Councilman at Large Karnes said he didn't know where
the 50 cents came in.

Note: Group call option for individual plus group call
capability - add \$25 per unit.

Councilman at Large Pennington stated there were two factors to consider, are the batteries rechargable and are they included in this price, and is the charger included in the price or do we have to buy this separately.

Councilman Dr. Cassell made a motion to refer these bids to the Fire Department Committee and give them authority to act. The motion was seconded by Councilman Bailey, and the motion passed.

PUBLIC MEETING REGARDING PROPOSED PAVING OF A PORTION OF MAIN AVENUE STARTING FROM THE INTERSECTION OF MAIN AVENUE AND WALKER STREET GOING EAST TO THE INTERSECTION OF MAIN AVENUE AND CENTER STREET: Mr. Don Evans who owns apartments at 1212 Main Avenue, Nitro, asked about the cost. Councilman at Large Dr. Allen stated he could not give him a cost factor at this time, but he would get an answer for him. Mayor Gibson suggested Mr. Evans call Mr. Dan Warner of Appalachian Engineers, Inc. and said that it was doubtful any work would be done till next spring. Mr. Evans stated that Main Avenue is a main artery and it seems a shame the property owners on that street have to pay for the bulk of the traffic coming from all the other feeder streets, and asked if only the property owners on the right hand side of the street would pay or would the property owners on both sides of Main Avenue pay for the repaving. Councilman at Large Dr. Allen stated that the city attorney would give us an answer on this question. There was also some discussion regarding the engineering as it pertains to making a recap to only one side of Main Avenue.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence: (Copies of the correspondence will be kept in the supplement file to the minutes.)

1. Mayor Gibson received a letter dated September 22, 1978, from Thomas T. Kirk, P.E. Vice President of Wildwood Development Corporation, confirming the meeting which was held on the site on September 19, 1978 in Section 14 of Brookhaven sub-division with Dr. Guy Cassell, Mr. Danny Warner of Appalachian Engineers, Inc., Mr. Robert Rogers, and Mr. Kirk.

2. Mayor Gibson had written Mr. Steve Muth, Department of Natural Resources, McClintic Wildlife Division, Rt. 1, Box 125, Pt. Pleasant, WV 25550, a letter dated September 22, 1978, granting the West Virginia Department of Natural Resources permission to stock the fishing lake at Ridenour Memorial Park with trout one month each year, either late winter or early spring.

3. Mayor Gibson had written a letter dated September 25, 1978 to Mr. Olaf Walker, President, Nitro Planning Commission, asking that they examine and make recommendations on Article IX, paragraph 901, section G of the Zoning Ordinance for the City of Nitro, West Virginia.

4. E. W. Hedrick, Chief of the Nitro Fire Department had written a letter dated September 26, 1978, to Mr. Dave Jones, Nitro Fireman, congratulating him on his performance and abilities.

5. E. W. Hedrick, Chief of the Nitro Fire Department, had written a letter dated September 26, 1978, to Reverend James Arbogast, thanking him for the years of faithful service he had given the Nitro Fire Department.

6. E. W. Hedrick, Chief of the Nitro Fire Department, had written a letter dated September 26, 1978, to Mayor Gibson requesting a copy of blue prints or floor plans of all multiple family dwelling and all business buildings in the City of Nitro.

7. Nitro City Council and Mayor Gibson received a letter dated September 27, 1978 from Elaine H. King, Principal of Andrews Heights School requesting permission for three of the mothers to call on a number of merchants in Nitro for donations for their carnival October 12 and 13.

Councilman at Large Pennington made a motion to grant their request. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

8. Mayor Gibson had written a letter dated September 29, 1978 to Mr. Chester H. Bradeen, Vice President of Operations, Americare of West Virginia, Inc., 1730 Charleston National Plaza, Charleston, West Virginia 25301 in reference to a proposed nursing home in the Nitro area.

MAYOR GIBSON CALLED FOR COMMITTEE CHAIRMAN REPORTS.

COUNCILMAN AT LARGE KARNES: no reports.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington referred to a letter dated October 2, 1978 from Mr. Clyde Willard, 1428 West 14th Street, Nitro, in reference to a proposed women's softball field to be situated on city property behind the swimming pool, to be used primarily for Senior League Girls, ages 12 through 15, Big League Girls, ages 16 through 18, and a women's softball league. Mr. Willard requested support in this matter.

Councilman at Large Karnes made a motion to refer this request to the Recreation Committee giving them the authority to act. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

COUNCILMAN BAILEY: no reports.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen stated that at a Police Committee meeting they had been discussing the Crime Prevention Program, and they are in the process of organizing a crime prevention unit of the Nitro Police Department and they will spend a total of 20 hours a week on this program. He stated that the Nitro unit would be eligible for some state and federal monies to assist with the expenses of this.

Patrolman Hill gave a presentation on Crime Prevention. (Copy is in supplement file to the minutes.) His Presentation was applauded by everyone present.

Councilman at Large Dr. Allen said that he received a letter today to the Police Committee from Leo Bradley, Chief of Police, regarding traffic problems that generate on the west side during hockey and football games.

Dr. Allen read the letter. (Copy is in the supplement file to the minutes.)

COUNCILMAN MILLER: Councilman Miller stated that he had a petition in regard to this situation signed by 75 people, and requested it be filed in the Police Committee for consideration (Copy of petition is in supplement file to the minutes.)

Councilman at Large Dr. Allen made a motion to accept Chief Bradley's recommendations as outlined in his letter dated October 2, 1978. The motion was seconded by Councilman at Large Pennington, and the motion passed by unanimous vote.

After hearing some of the complaints from some of the citizens present who had signed the petition it was decided that the letter requested correction to most of the problems.

One of the ladies present stated that the soccer teams play 2 days a week from 8:30 a.m. until night, and there is no sanitary facilities.

COUNCILMAN HUGHART: no reports.

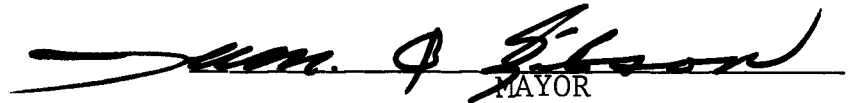
COUNCILMAN MILLER: Councilman Miller said he would defer recommendation for street lights until next meeting, but he would like to know if Martins Court is a dedicated Street or if it was private property.

MAYOR GIBSON: Mayor Gibson stated that a lot of work on the drainage problem had been done on Michigan Avenue, and this new drainage tile and ditching should correct the drainage problem that Councilman Bailey has been receiving complaints about.

Mr. Kermit Null stated that if they were going to talk to Mr. Sam Lee, Principal at Nitro Junior High School, to ask him to have the buses load and unload on the parking lot.

Councilman Miller made a motion to refer this to the Traffic Committee and Police Committee. The motion was seconded by Councilman at Large Pennington, and the motion passed.

Councilman Dr. Cassell made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion passed.


MAYOR

RECORDER

