

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

OCTOBER 17, 1978

The regular meeting of the Nitro City Council was held in the Council Chambers on October 17, 1978 at 8:00 p.m. Present were Mayor William D. Gibson, Layton Cottrill, City Attorney, 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 William Westlund, Pastor of the Nitro First Presbyterian Church.

APPROVAL OF OCTOBER 3, 1978 COUNCIL MEETING MINUTES:
Councilman at Large Pennington made a motion the Council Meeting Minutes be approved. The motion was seconded by Councilman Bailey and the motion passed.

APPROVAL OF SEPTEMBER FINANCIAL STATEMENT:
Mayor Gibson stated that Tom Melton, City Recorder and Chairman of the Finance Committee, was on vacation and the September Financial Statement was not ready.

SEALED BIDS OPENED FOR 1979 POLICE CRUISER:
Councilman at Large Dr. R. V. Allen, Chairman of the Finance Committee passed the 4 bids to members of council and requested they be opened and read.

COUNCILMAN MILLER: from Childers Chevrolet
41st Street and 1st Avenue
Nitro, West Virginia 25143

1 New 1979 Police Cruiser	TOTAL	\$7,432.47
Less trade-in of one 1976 Chevrolet Police Cruiser		1,323.54
	NET TOTAL	\$6,108.93

DELIVERY, approximately 45-50 days from date of firm order.

COUNCILMAN HUGHART: from Joe Holland Chevrolet, Inc.
210 MacCorkle Avenue
South Charleston, WV 25303

1 New 1979 Police Cruiser	TOTAL	\$6,072.56
Less trade-in of one 1976 Chevrolet Police Cruiser		400.00
	NET TOTAL	\$5,672.56

DELIVERY, approximately 100 days from date of firm order.

COUNCILMAN DR. CASSELL : from Tag Galyean Chevrolet, Inc.
Washington and Broad Street
Charleston, WV 25301

1 New 1979 Police Cruiser	TOTAL	\$6,473.51
Less trade-in of one 1976 Chevrolet Police Cruiser		250.00
	NET TOTAL	\$6,223.51

DELIVERY, 8 to 10 weeks from date of firm order.

COUNCILMAN AT LARGE PENNINGTON: from

C & O Motors, Inc. Fleet Dept.
402 MacCorkle Avenue
St. Albans, WV 25177

1 New 1979 Police Cruiser	TOTAL	\$7,530.38
Less trade-in of one 1976 Police Cruiser		1,799.48
	NET TOTAL	\$5,730.90

DELIVERY, 100 days from date of firm order.

Councilman Hughart made a motion the bids for the new 1979 police cruiser be referred to the Police Department Committee and then be brought back to council. The motion was seconded by Councilman at Large Karnes.

Councilman Hughart, Councilman at Large Karnes, and Councilman Bailey voted for the motion. Councilman Dr. Cassell, Councilman at Large Pennington, and Councilman Miller voted against the motion. Dr. Allen, Chairman of the Police Department Committee, stated that he was chairman of the committee and therefore did not vote.

Since the vote was tied Mayor Gibson cast the deciding vote, voting against the motion, therefore, the motion was rejected.

Then, Councilman Dr. Cassell made a motion to refer the bids for the new police cruiser to the Police Department Committee and give the committee authority to act. The motion was seconded by Councilman at Large Pennington, and the motion passed. Councilman Dr. Cassell, Councilman at Large Pennington, and Councilman Miller voted for the motion. Councilman Hughart, Councilman at Large Karnes, and Councilman Bailey voted against the motion.

Again, Mayor Gibson cast the deciding vote, voting for the motion, and the motion carried.

REPORT ON SEALED BIDS WHICH WERE OPENED OCTOBER 3, 1978 FOR NEW PAGER SYSTEM FOR THE FIRE DEPARTMENT: Councilman at Large Mel Pennington informed council that the low bid for the new pager system for the Fire Department was turned in by Signal Division - Federal Signal Corporation, and the total bid price was \$6,700. Councilman at Large Pennington further stated that the Fire Department Committee had been given the authority to act and that the Fire Department Committee has awarded the contract to Signal Division - Federal Signal Corporation. P. O. Box 406, Worthington, Ohio.

SEALED BIDS TO BE OPENED FOR BASE STATION CONTROL UNIT FOR THE FIRE DEPARTMENT: Councilman Mel Pennington, Chairman of the Fire Department Committee, passed the bids to members of council and requested they be opened and read.

COUNCILMAN DR. CASSELL: from Electronic Communications, Inc.
408 Old Goff Mountain Road
Nitro, WV 25143

One Base Station Control Unit	\$850.00
Installation	75.00
	<u>\$925.00</u>

COUNCILMAN BAILEY: from Signal Division-Federal Signal Corp.
P. O. Box 406
Worthington, OH 43085

The letter stated "No Bid" was being submitted on One Base Station Control Unit.

COUNCILMAN AT LARGE KARNES: from John D. Bruffy & Associates, Inc. 14 Bank St., Nitro, WV

Fire Station Remote Control Unit		
One RCA DC Remote as per Specifications	TOTAL	\$385.00

COUNCILMAN DR. CASSELL: from Motorola Communications
and Electronics, Inc.
1304 Charleston National
Plaza
Charleston, WV 25301

One Tl882 Desk Top Controller \$438.00

(Please note on the attached specifications sheet that the FCC requires a Supervisory Switch and a Line Operated Transmit Light when using parallel dispatch points. These items may be added to the above price for an additional \$74.50.)

Councilman Dr. Cassell made a motion to refer the bids for the base station control unit to the Fire Department Committee and give the Fire Department Committee authority to act. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.

Councilman Hughart and Councilman at Large Karnes voted against the motion. Councilman Hughart stated that he felt the department heads should be consulted before decisions are made for purchasing equipment and further explained that Chief Hedrick of the Nitro Fire Department did not get what he wanted (pager system). Councilman at Large Pennington replied that he got what was called for in the specifications.

REPORT ON MEETING HELD OCTOBER 11, 1978 AT
CANAAN VALLEY (WV COUNCIL OF TOWNS AND CITIES):
Councilman at Large Dr. R. V. Allen, member of the Board of Directors of the West Virginia Council of Towns and Cities, stated that the purpose of the meeting was to discuss proposed bills or resolutions to be enacted in this session of the West Virginia State Legislature which would affect the towns and cities.

He stated that at a meeting to be held at the Daniel Boone Hotel January 28-30, 1979, invitations will be issued to the members of the legislature, and that certain bills will be discussed.

Councilman at Large Dr. Allen encouraged the city officials of Nitro to attend the meeting.

DATE FOR HALLOWEEN, TENTATIVE DATE OCTOBER 31,
1978: Councilman at Large Pennington made a motion Nitro observe October 31, 1978 from 6:00 p.m. till 9:00 p.m. for Halloween. The motion was seconded by Councilman Bailey, and the motion passed.

6-11-78
KANAWHA CABLEVISION: Mayor Gibson stated that he had written a letter asking Mr. Don Patton from Kanawha CableVision to the council meeting as a result of a petition he had received from residents of Michigan Avenue (500 block), and complaints from citizens in the area of 31st Street East.

He stated that he had also received complaints from citizens on Rockledge Drive and Rockledge Circle regarding the delay in getting Kanawha CableVision.

Mrs. Edward Limbach, 210 Rockledge Drive, Nitro, Mrs. James T. Sykes, 307 Rockledge Circle, Nitro, and Mr. Robert J. Cochran, 206 Rockledge Drive, were present and expressed their viewpoints. They were of the opinion that they had been getting the "run around" for a few months as to when they could expect cablevision service.

Mr. Don Patton stated that they should be through with construction on the 500 block of Michigan Avenue by November 10, 1978.

He stated that they must finish another underground project before they could start on Rockledge Drive and Rockledge Circle and that easements from property owners must first be obtained.

Mr. Robert J. Cochran, 206 Rockledge Drive inquired when will the service be made available. Mr. Patton said November 15, five or six days of that date. He said they had to get easements from the builder on the unsold lots.

After further discussion Mr. Patton said that they would start construction on East 31st Street when they finish Michigan avenue, the last half of November.

Mayor Gibson said that he had received a petition from the residents of Old County Road to have their mail delivered to their door to eliminate vandalism of mail boxes and theft of mail.

Councilman at Large Dr. Allen made a motion to authorize Mayor Gibson to write a letter to the Charleston Post Office in reference to the petition with a copy going to the Nitro Post Office. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.

Mayor Gibson stated he had received a request from Mr. Bill Fore to have an auction at 118 Bank Street, Nitro Thursday or Friday night to sell new and used furniture, and miscellaneous items.

Councilman Dr. Cassell made a motion to refer the request to the Business and Civic Betterment Committee. The motion was seconded by Councilman Dr. Allen, and the motion passed. Councilman at Large Pennington said he would report back to council at the next council meeting (November 14, 1978).

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 29, 1978 from Charles L. Miller, Commissioner of the West Virginia Department of Highways, 1900 Washington Street East, Charleston, West Virginia 25305, in reference to plans to add an additional lane to WV Route 25 in Nitro from the intersection of Plant Road to the vicinity of 38th Street. (A field review of this project has been scheduled for Friday, October 20, 1978.. All parties will meet at the intersection of Route 25 and Plant Road at 9:00 a.m.)

2. Mayor Gibson had written a letter dated October 2, 1978 to Mr. Fred Haddad and Mr. Russell Isaacs of Hecks, Inc. thanking them for their Public Service Campaign..

3. Mayor Gibson had received a copy of a letter dated October 4, 1978 to Mr. Charles Miller, Commissioner West Virginia Department of Highways, 1900 Washington Street, E., Charleston, WV 25305 from Michael J. Russell, Executive Director, Regional Intergovernmental Council, 1426 Kanawha Boulevard, East, Charleston, West Virginia 25301, in reference to a request from Mayor Gibson concerning the intersection of Route 25 and 21st Street. (A bend had existed in Route 25 which creates a hazard to smooth traffic flow through the intersection.)

4. NITRO LIONS LITTLE LEAGUE MINUTES, October 4, 1978.

5. Mayor Gibson had written a letter dated October 6, 1978 to Mr. Don Patton, Kanawha Cablevision Service (500 block of Michigan Avenue).

6. Mayor Gibson had written a letter dated October 6, 1978 to Don Patton regarding complaints from residents living on Rockledge Drive and Rockledge Circle.

MAYOR GIBSON CALLED FOR COMMITTEE CHAIRMAN REPORTS.

COUNCILMAN AT LARGE KARNES: no reports.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington complimented Mr. Don Bowman, the humane officer, on the excellent job he felt Mr. Bowman was doing.

COUNCILMAN BAILEY: Councilman Bailey said he understood road work was being done on Spring Street, and that the hand railing was broken on Spring Street.

He stated that the fire hydrant just to the right of Owens Street before you get to the railroad track is hidden by weeds, and requested that a representative of the fire department inspect the fire hydrants.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN AT LARGE DR. ALLEN: Dr. Allen stated that he was still receiving petitions on not paving the streets. He said he would meet with the Street Committee and Mr. Cottrill, City Attorney, to make a decision how to handle this type of thing. Councilman at Large Dr. Allen said that council would be notified of the results of the meeting.

COUNCILMAN HUGHART: no reports.

COUNCILMAN MILLER: Councilman Miller made a motion a street light be installed on Martin Court and that street lights be installed around the new garage. The motion was seconded by Councilman Bailey, and the motion passed unanimously.

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

A closing prayer was given by Reverend William Westlund, Pastor of the Nitro First Presbyterian Church.

MAYOR



RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

NOVEMBER 14, 1978

The meeting of the Nitro City Council was held in the Council Chambers on November 14, 1978 at 8:00 p.m. Present were Mayor William D. Gibson, Tom Melton, City Recorder, Layton Cottrill, City Attorney, 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 Miller.

Mayor Gibson stated the rose was placed before us to signify true and genuine respect for our departed public servant, the late Mr. Hugo Tidquist, a former councilman and a gentleman, whom we highly respected and loved.

Mayor Gibson announced that as a special tribute to the late Mr. Tidquist City Hall will be closed tomorrow afternoon starting at 1:00 p.m, and said, "I'm sure I'm speaking for all of us when I say we've truly lost a wonderful friend."

APPROVAL OF OCTOBER 17, 1978 COUNCIL MEETING MINUTES:
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 SEPTEMBER FINANCIAL STATEMENT:
Mr. Tom Melton, City Recorder and Chairman of the Finance Committee, stated each Councilman had received a copy of the September, 1978 Financial Statement, and made a motion the September, 1978 Statement be accepted. The motion was seconded by Councilman at Large Karnes, and the motion passed by a unanimous vote.

REQUEST FROM BILL FORE TO HAVE AN AUCTION AT 118 BANK STREET TO SELL USED FURNITURE AND MISCELLANEOUS ITEMS: Councilman at Large Pennington, Chairman of The Business and Civic Betterment Committee, stated that it was decided Mr. Fore would have an opportunity on a trial basis to operate the store, and would only be open on Friday nights. Mr. Melton said that a license has been issued to Mr. Fore.

REQUEST TO SOLICIT FROM SALVATION ARMY DURING CHRISTMAS SEASON: Councilman at Large Pennington, Chairman of The Business and Civic Betterment Committee, gave the floor to Councilman Hughart. Councilman Hughart stated that The Nitro Lions Club had assumed the responsibility of taking care of all the Christmas baskets in the Nitro area. Councilman Hughart made a motion to give permission to the Salvation Army, and to give permission to the Lions Club to solicit in Nitro during the Christmas season for their contributions to the needy. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

REQUEST FROM MRS. MARY JANE GOFF REGARDING THE ERECTION OF A ONE WAY TRAFFIC SIGN ON 23rd STREET AT THE PARKING LOT EXIT OF THE FIRST BAPTIST CHURCH: Mayor Gibson stated he had received a request from Mary Goff that a ONE WAY TRAFFIC sign be erected at the exit of the Baptist Church parking so people driving out of parking lot would turn the correct way onto 23rd Street.

Councilman Miller made a motion the sign be erected. The motion was seconded by Councilman Dr. Cassell and the motion passed unanimously.

PROPOSED STREET DEDICATION REQUEST AS MADE BY MOTOR CAR SUPPLY COMPANY REGARDING BROADWAY GARDEN APARTMENTS: Mayor Gibson referred to a letter dated October 13, 1978, from Mr. Otis L. O'Connor of Steptoe and Johnson, a law firm representing Motor Car Supply Company addressed to Mr. Cottrill, City Attorney. Mr. O'Connor stated he was authorized to convey to Mr. Cottrill, as City Attorney for the City of Nitro, the offer of Motor Car Supply Company, a corporation, to dedicate to the City of Nitro all of the streets within the boundaries of the property of Broadway Gardens Apts., which property fronts on Broadway Avenue in Nitro. Mr. Cottrill explained a document of dedication, and said he thought it was brought to his attention that the property in question wasn't really that suitable for making it a public street, that Mr. Williams, Director of Public Works, indicated it was more of a parking lot.

Councilman at Large Karnes made a motion to reject the offer made by Motor Car Supply Company which was to dedicate to the City of Nitro all of the streets within the boundaries of the property of Broadway Gardens Apts., which property fronts on Broadway Avenue in Nitro. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.

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12-8-78
CORRECTION

* Delete: and the motion passed.

After further discussion on the pros and cons of the offer made by Motor Car Supply Company, and the consideration of the private citizens who own property there, it was decided that it was not a through street. Since much of the cement right-of-way was privately owned, probably, just to turn an automobile around would necessitate driving upon privately owned property.

Mayor Gibson called for a vote on the motion made by Councilman at Large Karnes to reject the offer made by Motor Car Supply Company. This motion was seconded by Councilman at Large Dr. Allen, and the motion passed. Councilman Miller and Councilman Bailey voted against the motion.

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Councilman at Large Hughart stated that as a councilman under certain conditions he would reconsider but not as the conditions are now. Mayor Gibson was questioned as to whether or not the citizens were receiving city services. Mayor Gibson stated that at Broadway Gardens people were receiving services: trash pick up, garbage pick up, and services from the other departments.

Mr. Cottrill was requested by council to convey the decision of the city council to the proper parties.

REQUEST FROM GREYHOUND LINES, INC.: Mayor Gibson referred to a letter he had received dated October 18, 1978 from Greyhound Lines, Inc. requesting the designation of a bus parking zone only directly in front of the Nitro News, Mrs. Gordon R. Priestly's place of business, for the hours 11:30 a.m. through 2:00 p.m.

Councilman at Large Pennington made a motion to refer the request of the Greyhound Lines, Inc. to the Street and Traffic Committee. The motion was seconded by Councilman Miller, and the motion passed.

Mayor Gibson stated he appointed Mr. Jay Byron Long who resides at 1107 Main Avenue, Nitro, as the Recreation Director, replacing Jack Eastwood as Recreation Director, pending council's approval.

Councilman at Large Karnes made a motion to approve the Recreation Director appointment made by the Mayor. The motion was seconded by Councilman Hughart, and the motion passed unanimously.

Mr. Long said that officially he would start working November 16, and that unofficially he had been on the job one week getting a midget basketball program worked out. He said they were planning 2 more softball fields, and he expressed his appreciation to all present for the vote of confidence. He assured everyone that he would make every effort to do an outstanding job as department head of the Recreation Department.

12-8-78

CORRECTION

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Councilman Hughart

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. NITRO PLANNING COMMISSION, OCTOBER 2, 1978
Minutes

2. NITRO POLICE BULLETIN, NUMBER 7

3. Mayor Gibson and Council Members received a memorandum from concerned citizens of this area in reference to a better route that was suggested to Mr. Welch for Kanawha County School Bus, Number 651 (Driver: Mr. Poff).

4. Mayor Gibson received a letter dated October 20, 1978 from E. R. Barnard, Manager Governmental Bids, Domtar Industries Inc., Sifto Salt Division in reference to Mayor Gibson's request for price quotation on Nitro highway de-icing salt requirements for the 1978-79 winter season.

5. Mayor Gibson had written a letter dated October 25, 1978 to The Honorable John D. Rockefeller, IV, Governor, in reference to a request for funding from the Partnership Grant Program (for two projects) for seventy-three thousand five hundred dollars (73,500).

6. Mayor Gibson received a letter dated November 2, 1978 from H. O. Ours, Pastor of the Nitro Church of the Nazarene, thanking him for attending their Community Day Service.

7. Memorandum dated November 3, 1978 from Leo J. Bradley, Chief of Nitro Police Department to Kanawha County Ambulance Personnel stationed at the Nitro Office in reference to several complaints received from citizens.

8. Mayor Gibson and Mr. Melton, City Recorder, received a letter from Don Patten, Manager of Kanawha Cablevision in reference to their request of an increase of fifty cents a month on their service (making the rate \$7.50).

Councilman Hughart made a motion to refer this request to the Consumer Protection Committee. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

9. Mayor Gibson received a letter from Ivan D. Meadows, President, Nitro Lions Little League, asking council's approval to fence the new field just inside the Nitro Park.

Councilman at Large Dr. Allen made a motion to refer this request to the Recreation Committee. The motion was seconded by Councilman Pennington, and the motion passed.

10. Mayor Gibson read a letter dated November 13, 1978, addressed to him from Gene Williams, Director of Public Works, in reference to the contract price, two thousand nine hundred dollars (\$2,900) quoted by Mr. O.G. Huffman to cut an opening 12 feet by 14 feet through the masonry wall in the basement of the City Maintenance Garage situated on Plant Road.

Councilman at Large Karnes made a motion to accept the contract price by Mr. O.G. Huffman as quoted in his agreement dated November 13, 1978 to provide the necessary equipment, material, and labor for a sum of two thousand nine hundred dollars (\$2,900) to cut an opening 12 feet by 14 feet through the masonry wall in the basement of the City Maintenance Garage situated on Plant Road and other additional work as outlined in Mr. O. G. Huffman's agreement dated November 13, 1978 addressed to Mayor Gibson providing Mr. Huffman have sufficient liability insurance, and that Mr. Huffman does the work as a contractor and not as a City of Nitro employee. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

11. Mayor Gibson had written a letter dated November 14, 1978 to Mr. George Wright, Postmaster in reference to a petition received from residents of Old County Road requesting mail delivery to their door.

12. Mayor Gibson and Members of Nitro City Council received a letter dated November 14, 1978 from Mrs. Ardith Rohmiller, Principal of Nitro Elementary School inviting them to attend an open meeting of the Nitro Elementary School Parent-Teacher Association, Monday, November 20th, at 7:30 p.m.

13. WEST VIRGINIA REGION III, PROJECT PACKAGE, OCTOBER, 1978 - Mayor Gibson said that application had been made for ARC Funding for one hundred thousand dollars (\$100,000) to renovate and equip a city maintenance building on a site owned by the City of Nitro.

Mayor Gibson called attention to the name of the City of Nitro being on the Prioritized Project Package list.

MAYOR GIBSON said there was a need for signs to be erected at Ridenour Park:

at the shelter area, NO TRESPASSING VIOLATORS WILL BE PROSECUTED - THIS SHELTER IS OFF LIMITS UNLESS RENTED BY RESERVATION,

near the entrance gate, WHEN GATE IS LOCKED ABSOLUTELY NO TRESPASSING,

and on Blakes Creek Road, during the winter months when the park is closed, EXCEPT FOR FISHING ABSOLUTELY NO TRESPASSING - VIOLATORS WILL BE PROSECUTED.

Councilman Dr. Allen made a motion the signs be erected. The motion was seconded by Councilman at Large Pennington, and the motion passed.

MAYOR GIBSON CALLED FOR COMMITTEE CHAIRMAN REPORTS.

MR. MELTON, CITY RECORDER: Mr. Melton, Chairman of the Finance Committee, had no reports.

COUNCILMAN MILLER: Councilman Miller, Chairman of the Street Light-Street Numbering and Street Sign Committee, recommended that another street light not be installed on Sattes Circle.

Councilman Miller made a motion that next weeks Council Meeting (November 14, 1978) not be held, and the next regular scheduled meeting be the first meeting in December (December 5, 1978). The motion was seconded by Councilman at Large Pennington, and the motion passed.

COUNCILMAN HUGHART: Councilman Hughart made a motion that tomorrow (November 15, 1978) the flag be flown at half staff in honor of former Councilman, Mr. Hugo Tidquist. The motion was seconded by Councilman at Large Donald Karnes. and the motion passed by unanimous vote.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen, made a motion to accept the bid of C & O Motors, Inc., five thousand seven hundred thirty dollars and ninety cents (\$5,730.90) for one new 1979 Chevrolet police cruiser. The motion was seconded by Councilman at Large Karnes, and the motion passed.

MAYOR GIBSON: Mayor Gibson read a letter dated November 13, 1978, addressed to him from Olaf Walker, President of the Nitro Planning Commission recommending and encouraging the elected officials to give consideration to the possibility of hiring a professional planner. Mayor Gibson asked that Mr. Cottrill, City Attorney, look into the possibility of Putnam County and the City of Nitro jointly hiring a city planner.

COUNCILMAN CASSELL: no committee reports.

COUNCILMAN BAILEY: no committee reports.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington, Chairman of the Fire Department Committee, stated that the bid for the fire station remote control unit from John D. Bruffy & Associates, Inc. for three hundred eighty-five dollars (\$385) had been accepted.

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

MAYOR

RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

DECEMBER 5, 1978

The meeting of the Nitro City Council was held in the Council Chambers on December 5, 1978 at 8:00 p.m. Present were Mayor William Gibson, Tom Melton, City Recorder, Layton Cottrill, City Attorney, 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 the Reverend Robert Blixt, Pastor of the First Baptist Church.

APPROVAL OF NOVEMBER 14, 1978 COUNCIL MEETING MINUTES:
Councilman at Large Dr. Allen made a motion the minutes be approved. The motion was seconded by Councilman Dr. Cassell. Councilman Hughart pointed out an error on page 11, paragraph 3, line 1. Councilman at Large Karnes pointed out an error on page 10, last paragraph, last sentence, a part of which should be deleted.

Councilman Hughart made a motion the motion be amended, that the corrections be made and the minutes be approved. The motion was seconded by Councilman at Large Karnes, and the motion passed.

APPROVAL OF OCTOBER, 1978 FINANCIAL STATEMENT:
Mr. Melton, City Recorder and Chairman of the Finance Committee made a motion this be tabled until the next council meeting, December 19. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

REQUEST TO HAVE PERMISSION TO ADDRESS COUNCIL BY HECKS, INC. IN REFERENCE TO NITRO POLICE DEPARTMENT:
Mr. John Altano, Security Director for Hecks, Inc. presented Chief Bradley, Chief of the Nitro Police Department, with a certificate of appreciation to the Nitro City Police Department from Heck's, Inc. (Copy of Mr. Altano's address to Chief Bradley is in the supplement file to the minutes.)

"BUS PARKING ONLY" FROM 11:30 A.M. THROUGH 2:00 P.M., REQUEST FROM GREYHOUND LINES, INC.: Mayor Gibson referred to a letter to him dated October 18, 1978 from A. W. Sue, District Manager, Greyhound Lines, Inc., and said that council had a copy of the letter.

Councilman at Large Dr. R. V. Allen, Chairman of the Street and Traffic Committee, stated that Councilman Hughart and he had met with Mr. Sue and had come to an agreement with him. Councilman at Large Dr. Allen made a motion to allow buses to park close along the side of the Valley Bell Building on Bank Street and place a sign there, BUS PARKING, with the time specified on the sign, and also, to block out one space for a car and put LOADING sign there at the Nitro News. The motion was seconded by Councilman Bailey, and the motion passed.

KANAWHA CABLEVISION - REQUEST FOR AN INCREASE OF FIFTY CENTS A MONTH MAKING THE MONTHLY RATE SEVEN DOLLARS AND FIFTY CENTS (\$7.50): Councilman at Large Karnes, Chairman of the Consumer Protection Committee, said that the committee did meet, and that he had met with Mr. Don Patton with questions the committee had. Councilman at Large Karnes stated the information he had been supplied by Mr. Patton and research he, himself, had done he felt that Kanawha Cablevision did warrant the increase they had requested.

Councilman at Large Karnes made a motion to have Mr. Cottrill, City Attorney, prepare an amendment to the ordinance (last amended August 16, 1977 - No 187) increasing monthly charges for domestic service for the first outlet in a single family residence from \$7.00 to \$7.50, and to change the \$2.00 to \$1.50 maximum for each additional outlet in the same family residence on the same premises; that citizens with low income be provided with Kanawha Cable Television Company services at a reduced rate of \$4.00 per month using the guidelines of the Municipal Services of The City of Nitro for reduced rates. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

REQUEST FOR ABANDONMENT OF PROPERTY ON RIVER AVENUE AND FIRST AVENUE (LOTS #46, 46A, 47, and 47A) NITRO, WEST VIRGINIA: Mayor Gibson referred to a letter City Council had received on November 14, 1978 from Mr. John Burgess and said that the letter was not very specific, and that a map was not enclosed with the letter. Mayor Gibson referred the request to the Street and Traffic Committee, and requested they work with Mr. Cottrill, City Attorney, on this request.

REQUEST TO INSTALL A GAME CENTER AT #8 BANK STREET APPLICANTS - GALIK CONSTRUCTION CORP.): Mr. Melton, City Recorder, stated that an application for license had been received from Galik Construction Corp. for 11 coin machines at #8 Bank Street.



LEO J. BRADLEY, CHIEF

Nitro Police Department

Nitro, West Virginia 25143

Phone 755-3356

December 5, 1978

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

Re: Street Improvements

Dear Mayor Gibson:

The Nitro Police Department has made a study of some of the hazardous street problems in Nitro. The recommendations, we feel need immediate attention, are numbered by priority as follows:

1. The old water intake plant needs the fence repaired or replaced, and the building secured. This has become a hang-out for teenagers. It is very difficult to patrol and/or check.

One boy has already fallen through the old grating into the river. This should be taken care of as soon as possible, before someone gets injured, or sues the City.

2. The barricades at Blackwood Avenue and the railroad tracks are in need of repair or replacement. Signs need to be erected indicating "Dead End", this would also include a warning sign.

This should also have immediate attention, before someone is injured on the old railroad crossing.

3. We further recommend the City make DuPont Lane and Michigan Avenue, a "3 Way Stop" intersection, giving DuPont Lane traffic coming across the railroad tracks, the right-of-way. This will give cars coming over the tracks the opportunity to keep moving. When they have to stop, there is a chance of them getting hit by another car coming up over the grade, and not being able to see the stopped car, or causing a car to stop on the tracks and a chance of getting hit by a train.
4. There should be a "Stop" sign at the intersections of the new street (referred to as Fifth Street on old Tax Map), this is the street the City cut between Route 25 (First Avenue, So.) and Michigan Avenue. The sign should be installed at First Avenue and at Michigan Avenue, on the new street.
5. We also recommend the City barricade the end of Michigan Avenue, where it joins the property of Dunbar Supply & Sash Company.

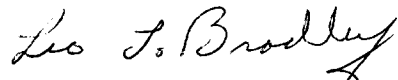
This recommendation is made to protect Dunbar Supply & Sash and the City. It would be very easy for someone to assume Dunbar Supply & Sash property is a City right-of-way and drive through, causing damage to the property or equipment, that may be stored on private property. They could also do damage to their vehicle and try to collect damages from the City. The barricades should be secured in cement and marked with a sign indicating "Dead End", a warning sign placed at the corner indicating the street is a "Dead End" street. The barricades should be reflectorized.

6. A "Stop" sign installed on Owens Street and First Avenue South (Route 25) intersection.

Mayor William D. Gibson
December 5, 1978
Page 3

I respectfully request, if you feel these recommendations need immediate attention that you submit them to the Nitro City Council Members for their advisement or approval.

Sincerely,

A handwritten signature in cursive script that reads "Leo J. Bradley". The signature is written in dark ink and is positioned above the printed name.

Leo J. Bradley, Chief

tg

After a question and answer session with the applicant Mayor Gibson referred the application for license from Galik Construction Corp. to the Business and Civic Betterment Committee.

Members of the committee concurred that they would meet with Mr. Greg Galik at 7:00 p.m. Tuesday, December 12, in the conference room at City Hall. Councilman at Large Dr. Allen invited members of the council to the meeting.

PETITION RECEIVED NOVEMBER 20, 1978, 4:23 P.M.
REQUESTING AN ELECTION ON ZONING ORDINANCE IN THE CITY OF NITRO:
 Mr. Tom Melton, City Recorder, stated that a 48 page petition, with 456 names attached had been hand delivered to him at 4:23 p.m., on November 20, 1978 and the petition requested permission to hold an election on the Zoning Ordinance (No. 189) in the City of Nitro. Mr. Melton requested that this petition be made a part of the supplement file to the minutes.

Mr. Cottrill requested that Mr. Melton, City Recorder, supply him with a certified copy of the minutes when Ordinance No. 189 was adopted. Mr. Cottrill said that it appeared to him there is a possibility of some time discrepancy, that in Code Section 8-24-48 it is an absolute necessity the petition be filed with the recorder within 60 days following the adoption of the ordinance, those signing the petition be qualified voters, and there must constitute a number which is greater than 15 percent of the total legal votes cast for all candidates for governor in the area at the last previous gubernatorial election.

Mr. Cottrill said he had tendered a request to the Secretary of State's office, and will go to the county clerk's office to attempt to find the certified results of the number of votes, so that we can verify the petition. He said that if the 60 day time limit is not met, it could end there.

PROPOSED OPERATING AGREEMENT BETWEEN THE DEPT. OF HIGHWAYS AND THE CITY OF NITRO FOR W. VA. ROUTE 25, WIDENING - PROJECT U340-25-1.43: Mr. Cottrill, City Attorney, explained the agreement and pointed out certain items of the agreement the city should be concerned with: item IV, item V, item VI, on page 2, and item VIII, on page 3. After further discussion Councilman at Large Dr. Allen made a motion that first the West Virginia Department of Highways be requested to modify item VI, page 2 (No parking will be permitted on 40th Street within 250 feet of its intersection with the Highway.) and that Mr. Melton, City Recorder be authorized to sign the resolution which authorizes Mayor Gibson to sign the agreement. The motion was seconded by Councilman Dr. Cassell, and the motion passed by a unanimous vote.

Mayor Gibson requested that Chief Bradley address council on recommendation of barricades, street signs, and fences, where, now, the conditions are considered hazardous. A copy of Chief Bradley's recommendations is attached hereto and made a part hereof.

Councilman at Large Karnes made a motion that Chief Bradley's recommendations which are attached hereto and made a part hereof be approved. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

Mayor Gibson stated that the City of Nitro was in a position to purchase a used road grader (Austin and Western, Serial No. 99L1556) for eight thousand dollars (\$8,000) from Hurricane Equipment Company. Mayor Gibson questioned if the money had been allocated for a road grader. Mr. Melton, Recorder and Chairman of the Finance Committee, stated that \$10,000 had been allocated, but three months ago \$3,000 of the \$10,000 had been allocated by council for ditching.

Councilman Dr. Cassell made a motion to authorize Mayor Gibson to purchase the road grader for the amount of eight thousand dollars (\$8,000) from Hurricane Equipment Company. The motion was seconded by Councilman Hughart, and the motion passed unanimously.

Mayor Gibson stated that the annual Christmas dinner for the senior citizens would be held at the Nitro Women's Club at 1:30 p.m. Sunday, December 17.

Councilman Dr. Cassell made a motion that one parking space in front of the Women's Club be designated as an unloading and loading area. 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. (This correspondence is in the supplement file to the minutes.)

1. Mayor Gibson received a letter of transmittal dated October 27, 1978, from William E. Cunningham of Appalachian Engineers, Inc. notifying him that copies had been submitted pertaining to the proposed addition to the maintenance garage for the Appalachian Regional Commission application. The amount of the application to the A.R.C. was for one hundred sixty thousand dollars (\$160,000).

2. A letter was received from Mrs. Hugo Tidquist thanking Mayor Gibson, Mr. Melton, City Council, and others for the courtesies extended to the late Mr. Hugo Tidquist.

3. Mayor Gibson sent a mailgram November 20, 1978, to Mr. Marlin Davis, Assistant of the West Virginia Department of Highways, 1334 Smith Street, Charleston, West Virginia 25301 in reference to the request for repairs of a manhole in the vicinity of 313 First Avenue South, Nitro, West Virginia.

4. Mayor Gibson received a letter dated November 22, 1978 from Robert E. Kittle, Superintendent of Kanawha County Schools inviting him to the local seminar (Kanawha County Education and Government Seminar) on Wednesday, January 17, 1979 at 5:30 p.m. at the Maroon and Gold Room, Geary Student Union Building at Morris Harvey College.

MAYOR GIBSON CALLED FOR COMMITTEE CHAIRMAN REPORTS.

MR. MELTON, CITY RECORDER: no reports.

COUNCILMAN HUGHART: Councilman Hughart expressed the immediate need for emergency lighting in the Police Department at the dispatcher's desk.

Councilman Hughart made a motion that the City of Nitro full-time employees (excluding the elected officials) be given a turkey for Christmas. The motion was seconded by Councilman at Large Karnes, and the motion passed unanimously.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen addressed Councilman at Large Karnes, Vice President of the Planning Commission. He questioned, was it not the recommendation of the Nitro Planning Commission to the City Council that the city rezone the area up there (part of Ward IV, also known as the Riverdale Acres area). Councilman at Large Karnes replied, yes it was.

MAYOR GIBSON: Mayor Gibson stated the Policemen had appointed Mr. Paul Hill, 3614 36th Street, as their representative to the Nitro Policemen's Civil Service Commission.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN BAILEY: Councilman Bailey had no reports, but he referred the following to the proper committees:

1. a street sign should be erected at the intersection of Spring Street and First Avenue South.
2. there is a section of Michigan Avenue South off Blackwood Street where the sewer line was installed that is still sinking and this needs to be refilled and resurfaced, and
3. some street signs are bent and are in need of repairs.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes had no reports, but he stated that the Nitro Planning Commission would have their next meeting January 8, 1979.

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

MAYOR



RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

DECEMBER 19, 1978

The meeting of the Nitro City Council was held in the Council Chambers on December 19, 1978 at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, Mr. Layton Cottrill, City Attorney, 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 the Reverend Robert Blixt, Pastor of the First Baptist Church.

APPROVAL OF DECEMBER 5, 1978, COUNCIL MEETING MINUTES:
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 OCTOBER, 1978 FINANCIAL STATEMENT:
Mr. Tom Melton, City Recorder and Chairman of the Finance Committee made a motion the October, 1978 Financial Statement be accepted. The motion was seconded by Councilman at Large Pennington, and the motion passed.

REQUEST TO INSTALL GAME CENTER AT #8 BANK STREET - APPLICANT - GALIK CONSTRUCTION CORPORATION: Councilman at Large Pennington, Chairman of the Business and Civic Betterment Committee, stated that it was the recommendation of the committee that with certain restrictions, and with cooperation from the Galik Construction Corporation, that the application for license be accepted. Councilman at Large Pennington made a motion the license application be accepted and the license be issued. The motion was seconded by Councilman Dr. Cassell, and the motion passed. Councilman Hughart voted against the motion.

PETITION RECEIVED NOVEMBER 20, 1978, 4:30 P.M.
Mr. Layton Cottrill, City Attorney, said that his advice to council was the petition was not timely filed within the sixty (60) days limitation, and he recommended the petition be noted. (Petition is on file in supplement file 12-5-78.) He said he did not believe it was incumbent upon the city to respond to the petition.

MEETINGS TO BE SCHEDULED REGARDING BLOCK GRANT APPLICATION: Mr. Melton, City Recorder, stated that there must be two public meetings before the preapplication for any Community Development Block Grant monies for the fiscal 1979. He said the preapplication must be postmarked by February 5, 1979. A Special Public Meeting was scheduled by the Nitro City Council Saturday, January 13, 1979, 1:00 p.m. at the Nitro Library. The second meeting was scheduled for the regular council meeting January 16, 1979. Mayor Gibson stated that at the first public meeting citizens could help establish priorities and have input as to projects to be considered.

Mayor Gibson stated that Mr. William Curtis Woods had been transferred to Akron, Ohio, and had resigned from the Nitro Planning Commission. Mayor Gibson recommended appointing Mr. Russell W. Casto III, who resides at 87 North 21st Street to the Nitro Planning Commission. Councilman at Large Pennington made a motion to appoint Mr. Russell W. Casto III to the Nitro Planning Commission. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

Mayor Gibson stated that he had talked with Mrs. George Haber, 313 First Avenue, Nitro in reference to the Matt Hodges Charity Fund, but had no request in writing. He said that Mrs. Haber would be requested again to put the request in writing.

Mayor Gibson stated that since last Council Meeting Council had received copies of the following correspondence. (This correspondence is in the supplement file to the minutes.)

1. Mayor Gibson received a letter dated December 1, 1978 from Mr. Earl M. Vickers, Director of Legislative Services, Room E-132, State Capitol, in reference to a memorandum entitled "Curfew Ordinances in West Virginia."

2. Mayor Gibson received a letter from George E. Wright, MSC Manager/Postmaster, United States Post Office, Charleston, West Virginia, in reference to request for extension of mail delivery on Old County Road, Nitro.

Mayor Gibson said that he would send a copy of the letter from Mr. Wright to Mrs. Boling, along with a questionnaire in reference that Old County Road be made one-way.

MAYOR GIBSON CALLED FOR 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 had no reports, however, he requested that the need for street lights on Rockledge Drive be referred to the proper committee.

MAYOR GIBSON: Mayor Gibson stated that the city garage had been vandalized Monday night, and that Appalachian Power Company would be installing lights at the city garage, hopefully very soon as the lights are already ordered.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen had no reports. He stated that at the senior citizens dinner, December 17, there was a good turnout, that 169 senior citizens attended the dinner, but that because of the increase in number of those attending, that next year they would have to have the dinner somewhere else other than the Nitro Womens Club.

COUNCILMAN HUGHART: Councilman Hughart stated he would like for the Finance Committee to work on a comprehensive budget beginning the first of the year for fiscal year 1979.

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

MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

JANUARY 2, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on January 2, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, Mr. Layton Cottrill, City Attorney, 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. Mr. Tom Melton, City Recorder, and Councilman Dean Miller were absent.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Councilman Bailey.

APPROVAL OF DECEMBER 19, 1978 COUNCIL MEETING MINUTES:

Councilman at Large Pennington made a motion the minutes be approved. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

APPROVAL OF NOVEMBER 1978 FINANCIAL STATEMENT:

Mayor Gibson said that his secretary, Mrs. Frazier, gave him a message from Mr. Melton. Mr. Melton, City Recorder, called Mrs. Frazier at 12:10 p.m. today, he was in Charleston attending meetings, and said that he wasn't going to be able to be here tonight. Mayor Gibson said that the Financial Statement for November so far as he knew hasn't been prepared.

REQUEST BY KANAWHA VALLEY HEART ASSOCIATION TO CONDUCT ITS ANNUAL HEART FUND DRIVE DURING THE MONTH OF FEBRUARY:

Councilman at Large Mel Pennington, Chairman of The Business and Civic Betterment Committee, made a motion to allow the Kanawha Valley Heart Association to conduct its Annual Heart Fund Drive in the City of Nitro during the month of February, 1979. The motion was seconded by Councilman at Large Karnes, and the motion passed by unanimous vote.

Mayor Gibson stated that since last Council Meeting Council had received copies of the following correspondence. (This correspondence is in the supplement file to the minutes.)

1. Mayor Gibson received a memorandum dated 12-28-78 from Mr. Long, Recreation Director in reference to The Department of Natural Resources stocking trout at Ridenour Lake January 2. Mayor Gibson stated that this would be postponed several days until the weather cleared.

2. Regional Intergovernmental Council Members received a letter dated December 20, 1978 from Carson P. Frazier, in reference to UMTA 16 (b) 2 applications.

3. Mayor Gibson and Nitro City Councilmen received A CONFIDENTIAL NITRO POLICE DEPARTMENT ACTIVITY REPORT for the month of November 1978, from Leo J. Bradley, Chief of Police.

ATTACHED - DUNBAR-NITRO ANIMAL CONTROL REPORT, for the month of November, 1978.

Mayor Gibson stated they had a letter of resignation from Donald R. Bowman, Nitro and Dunbar Humane Officer. Mayor Gibson said that he gave the reasons:

1. lack of care and backing from city officials, and
2. personal conflicts with supervisors.

Mayor Gibson stated that a while back that the Planning Commission had written a letter to council requesting they give serious consideration of trying to purchase the parcel of land between 20th and 21st Street, adjacent to Bank Street and Route 25.

Councilman Hughart said that he thought what we should consider if the city is going to buy a parcel of land that council should consider is to buy some land where we can get a home for the elderly, something we can work into a federal program where we have the land to furnish and then get the dollars in to draw the people in.

Councilman Hughart asks about the property at the end of 40th Street and Route 62. Mayor Gibson said the people who owned the property on the left going out 40th Street would consider selling, but that the property on the right was not for sale.

Mr. Cottrill, City Attorney, said the Planning Commission was more interested in, he thought, is that in the heart of the downtown business district of Nitro you have a small strip of property that at the present is not being used for anything beneficial, they are more concerned with aiding the business area and potentially providing any aid they could, which in the long run gives the City of Nitro an increase in taxes received. He said that parking was a critical problem in the business area.

Mayor Gibson said the City of Nitro could utilize the property between 20th and 21st Street, adjacent to Bank Street and Route 25 to great advantage if they didn't use the property for anything other than parking.

Mayor Gibson said that there would be someone from the Regional Governmental Council at the block grant meeting, January 13, 1979 at 1:00 p.m. at the Nitro Public Library, to answer questions and to assist in any way possible. He said that the second block grant meeting would be at the next regular council meeting, January 16, 1979.

Mayor Gibson stated that 4½ or 5 years ago the city was looking for a location to erect a city garage, and at this time Monsanto Company gave to the city property (approximately 125' x 200') located below the interstate bridge. Mayor Gibson said that he had talked with Mr. Max Galloway and that Mr. Galloway said that they would be glad to have their attorney draw up the deed if the city would deed the property back to Monsanto Company.

Councilman at Large Dr. Allen asks the city attorney, Mr. Cottrill what route they should go. Mr. Cottrill said to allow him to look at the deed.

MAYOR GIBSON CALLED FOR COMMITTEE CHAIRMAN REPORTS:

COUNCILMAN AT LARGE KARNES: no reports.

COUNCILMAN AT LARGE PENNINGTON: no reports.

COUNCILMAN BAILEY: no reports.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN AT LARGE DR. ALLEN: no reports.

COUNCILMAN HUGHART: no reports.

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

MAYOR


RECORDER

SPECIAL PUBLIC MEETING
ON COMMUNITY DEVELOPMENT PROGRAM

JANUARY 13, 1979

The Special Public Meeting on Community Development Program was held at the Nitro Public Library on January 13, 1979 at 1:00 p.m.

Present were:

Mayor William D. Gibson,
Mr. Tom Melton, City Recorder,
Councilman at Large Dr. R. V. Allen,
Councilman at Large Donald Karnes,
Councilman Romie Hughart,
Councilman Gus Bailey,
Mr. Byron Carpenter, a staff member of the Regional
Intergovernmental Council and appointed to assist the
City of Nitro,
Mrs. Hattie Tinchler,
Mrs. Mary Elizabeth Wampler,
Mrs. Rosemary Young,
Miss Margaret Hudson, and
Mr. Jay Long.

Mayor Gibson called the meeting to order, and introduced Mr. Byron Carpenter and stated that Mr. Carpenter was with Regional Intergovernmental Council and that he would explain the purpose of the meeting.

Mr. Carpenter stated the purpose of the meeting is to provide the citizens of the City of Nitro an opportunity to provide input in commentary upon the appointment of Housing and Urban Development Small Community Development Block Grant Program. Mr. Carpenter said there were seven things that he needed to state before we can start talking about activities within the program as part of the requirements of HUD, that is dealing with the purpose of the public meeting.

They are as follows:

1. Provide citizens with adequate information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken under the program and other program requirements.

2. Be utilized to obtain the views of citizens on community development and housing needs.

3. Provide citizens an adequate opportunity to participate in the development of the pre-application and in the development of any revisions, changes, or amendments.

4. Inform citizens of the maximum grant the applicant may apply for.

5. Inform citizens of the Department of Housing and Urban Development's criteria for selection of pre-applications.

6. Inform citizens that the number of pre-applications submitted may substantially exceed the number of pre-applications that may be ultimately approved, and

7. Let the citizens know the approximate number of counties, cities, and towns which the applicant is in competition with.

Mr. Carpenter stated that the Community Development Block Grant Program for the coming fiscal year in West Virginia has been allocated for the metro area of which Nitro is a part for approximately \$2,740,000 and that one million dollars of this is reserved for ongoing projects. He said there were five metro areas in the state, and the City of Nitro would be in competition with about 56 cities and counties within these five metro areas, and that the competition is very, very stiff.

Mr. Carpenter said the city may apply for grants in one of three categories:

1. a single purpose grant with a maximum of \$500,000,
2. comprehensive grant with a maximum of \$600,000, and
3. a multi-year comprehensive grant of \$600,000 per year up to a maximum of \$1,500,000 over a 3 year period.

Miss Hudson requested that Mr. Carpenter state the maximum again.

He. said the Department of Housing and Urban Development uses two sets of criteria:

1. one set is for both comprehensive programs, and
2. the other is for the single purpose program.

Mr. Carpenter said the things HUD looks for in reading the comprehensive program are the relative number of poverty persons within a community and the percentage of poverty persons within a community. He said you can be awarded up to 150 points on this criteria, and another criteria they use is total housing units versus the number of sub-standard units and the percentage of sub-standard units.

Mr. Carpenter said that probably the most important factor in HUD's selecting of any grant application is the percentage of benefit to low and moderate income persons. Mayor Gibson wanted to know the definition of low and moderate income. Mr. Carpenter said that based upon the metro area 1970 census any persons earning \$6,935 or less are to be considered to have low to moderate or low and moderate income.

He said all of these are evaluated by the Department of Housing and Urban Development, and the maximum amount of the point awards is determined by them. He said you may be awarded up to 400 points on the program impact in specified problem areas within the community. He further stated, in the case of Nitro which is a previous grant recipient you can be awarded additional points for your program performance in past grant awards.

He said you may be awarded an additional 25 points for minority participation and a high minority employment rate within the City of Nitro.

Mr. Carpenter said that the only difference between the single purpose program and the comprehensive purpose program is that you are only allowed 200 points maximum on your program impact (to encourage comprehensive plans in communities which have a wide range of needs).

Mr. Carpenter said the city's application can address any of the following areas:

1. housing,
2. public facilities, and
3. economic conditions.

He gave Nitro's relative standing with the other counties and cities:

1. On poverty Nitro ranked 30,
2. on sub-standard housing Nitro ranked 40, and
3. on age of housing Nitro ranked 43.

Dr. Allen wanted to know who calculated these figures.

Mr Carpenter stated the types of programs the Department of Housing and Urban Development are looking for are primarily housing related, housing rehabilitation, building code enforcement, and that type of activity, and that they will not fund any housing construction under this program.

Mrs. Wampler wanted to know if the age only had total bearing or did the condition of the house affect the standing. Mr. Carpenter stated that the condition of the dwelling was taken into consideration, too. Mr. Carpenter stated that HUD would start taking applications January 22, 1979, and the deadline for taking applications would be February 5, 1979.

Councilman Hughart questioned if this could cover low interest type loans to rebuild or remodel. Mr. Carpenter answered that housing rehabilitation could provide the community with funds to conduct either a grant program or a low interest loan program to home owners, property owners to rehabilitate sub-standard housing units. He stated that any public building for administration of the city itself is ineligible under this program. Miss Hudson wanted to know if this included business establishments. Mr. Carpenter stated that it did not include business places. He further stated that Nitro will be able under application to pick up some extra points because the area has been included in both the state development plan and the regional development plan that the Regional Intergovernmental Council's Office prepared two months ago. He said that it will be up to the Governor's Office to determine how many points Nitro could get.

Mr. Carpenter said that another important part to consider in your application is determining direct benefit to low and moderate income persons: for example, he said, if you would want to put a storm sewer project in, you would have to identify preferably an area of low to moderate income persons that needed the storm sewers and indicate that 60 percent of the funds were going to this low and moderate income area.

Mr. Carpenter stated this public meeting and the meeting Tuesday, January 16, 1979 were publicized in the paper, and the minutes from this meeting and the one Tuesday night will be available for citizen review at City Hall, and any citizen will also be able to provide written comments on the Community Development Program at City Hall up until the application is submitted, January 22, 1979.

Mayor Gibson said the meeting would be open for questions, ideas, and recommendations, what the citizens feel we need, and to question what programs were eligible. There was a considerable amount of discussion regarding various possible projects including needed housing for the elderly.

Mr. Carpenter stated practically every thing with the exception of building housing units, building city halls, and sewage is eligible. He stated the best chance for actual funding was housing rehabilitation and building code enforcement, and along with this bring in street paving, street lighting, and storm sewers.

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

JANUARY 16, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on January 16, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, Mr. Tom Melton, City Recorder, Mr. Layton Cottrill, City Attorney, 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 Miller.

On behalf of the elected officials Mayor Gibson welcomed the people present. They are as follows:

Mr. Byron Carpenter, staff member of the Regional Intergovernmental Council,

Alice Paxton, 3517 35th Street, Nitro, West Virginia,

Nat Hulshizer, 601 Cross Lanes Dr. #3, Nitro, West Virginia,

B. E. Medford, 2152 21st Street, Nitro, West Virginia,

Wm. J. Cooper, Condos Ltd.

Mr. and Mrs. Kent Karnes, 201 First Ave. South, Nitro, West Virginia

B. A. Rick, 22 Barrington Road, Nitro, West Virginia,

Norma Poe, 2716 27th Street, Nitro, West Virginia,

Ed Hulshizer, 2157 21st Street, Nitro, West Virginia,

Mary Hulshizer, 2157 21st Street, Nitro, West Virginia,

Norman M. Asbury, 304-A Woodland Drive, Nitro, West Virginia,

Bill Comstock, 2180 21st Street, Nitro, West Virginia,

Jimmy Persinger, 2113 21st Street, Nitro, West Virginia,
 Sandy Williams, 81 Evergreen Circle, Poca, West Virginia,
 Robert D. Donohoe, 2178 21st Street North, Nitro,
 West Virginia,

Ric Childress, 106½ Layne Avenue, Nitro, West Virginia,
 Cindy Childress, 106½ Layne Avenue, Nitro, West Virginia,
 Hattie Tincher, 118 Blackwood Avenue, Nitro, West Virginia,

and

Ancella Bickley, Charleston Daily Mail, Charleston,
 West Virginia.

APPROVAL OF NOVEMBER 1978 FINANCIAL STATEMENT:

Mr. Melton, City Recorder and Chairman of the Finance Committee, stated that council had received a copy of the November 1978 Financial Statement in the mail, and Mr. Melton made a motion the November 1978 Financial Statement be approved. The motion was seconded by Councilman at Large Karnes, and the motion passed.

APPROVAL OF DECEMBER 1978 FINANCIAL STATEMENT:

Mr. Melton, City Recorder and Chairman of the Finance Committee, made a motion that this be tabled until the next meeting (February 6, 1979). The motion was seconded by Councilman Dr. Cassell, and the motion passed.

NITRO PLANNING COMMISSION MEETING HELD JANUARY 8,

1979: Councilman at Large Karnes, Vice President of the Planning Commission, said there were several things the Planning Commission is working on: (1) sub-division regulations, (2) other zoning recommendations, (3) reenforce some of the definitions of the present zoning ordinance for the city. He said there were no decisions made, and no recommendations.

MEETING HELD JANUARY 13, 1979, NITRO PUBLIC LIBRARY,

REGARDING COMMUNITY DEVELOPMENT BLOCK MONIES FOR FISCAL YEAR 1979:

Mr. Melton, City Recorder, asked that the Special Public Meeting held January 13, 1979 be made a part of the minutes, and that a copy of the Citizen Participation Plan which was passed out by Mr. Byron Carpenter, a staff member of the Regional Intergovernmental Council, also be made a part of the minutes. Mr. Melton stated that a copy of the advertisements of both the public meetings, January 13, 1979 and January 16, 1979, and the notices that Mayor Gibson had posted on the bulletin board be made a part of the minutes. (A copy of the Citizen Participation Plan, the advertisements of both public meetings, and the notices of the public meetings is in the supplemental file to the minutes, January 16, 1979.)

PUBLIC MEETING, JANUARY 16, 1979, REGARDING
COMMUNITY DEVELOPMENT BLOCK GRANT MONIES FOR FISCAL YEAR 1979:
Mr. Melton, City Recorder, stated he was turning the meeting
over to Mr. Byron Carpenter;

Mr. Carpenter stated he worked for the Regional Intergovernmental Council in Charleston and as a part of the normal council meeting of Nitro tonight we wanted to provide citizens an opportunity to know about and also to participate in the Department of Housing and Urban Development's Block Grant Program, fiscal year 1979.

MR. CARPENTER STATED

Nitro is eligible to submit a preapplication for a variety of eligible activities and I will go into those a little later. But, first I want to emphasize the fact that this is a preapplication. It will be submitted to HUD sometime between January 22, 1979 and February 5, 1979.

HUD will review the application and will make a decision on whether or not to invite the city to submit a full application sometime around April 5 of 1979.

I just want to emphasize the fact that this is a preapplication, and there is no guarantee or no commitment to funding simply because of submitting a preapplication.

The State of West Virginia under this program is divided into two basic areas; the first is nonmetro, and the second is metro of which Nitro is a part. HUD anticipates approximately \$2,740,000 being available under the program for the metro area of West Virginia. The City of Nitro will be in competition with approximately 56 other communities and counties in the state for this money.

The actual amount available for grants is divided into two categories; one is comprehensive grant, the other is a single purpose grant. Under the comprehensive program a total state wide available is \$691,950; under single purpose there will be a total amount available of \$911,050. So, you can see by the low dollar amounts to be split between 56 communities and counties the competition has got to be very fierce.

The city can submit a grant application or a grant preapplication in one of the three categories: The first of these is a single purpose grant and the maximum amount the city can apply for under that program is \$500,000, the second category is a comprehensive grant with a maximum amount to apply for is \$600,000, and finally there is the multi-year comprehensive grant program which has a maximum amount of \$600,000 per year with a maximum total of \$1.5 million over a three year period.

The objectives of the Community Development Block Grant Program are to provide direct benefit to low and moderate income persons, to prevent or eliminate slums or blight conditions within a concentrated area of a community or to meet needs having a particular urgency.

The single purpose program provides funds for one or more projects designed to meet a specific community development need, i.e., housing rehabilitation or storm sewers, or just a particular need that the residents and the city council and the community decides need to be met.

The Comprehensive Program must address a substantial portion of community development needs in one concentrated area or two concentrated areas of the city. It must involve two or more related activities, have a beneficial impact within a reasonable period of time and be developed through a city wide assessment of community development housing and economic needs.

As I said before, there are a number of eligible activities in this program, but HUD has another word they use and that's called "fundable." Everything that is eligible is not necessarily fundable, and HUD places the greatest emphasis upon the rating system on benefit to low and moderate income persons, and that is direct benefit. Not less than 75 percent of the grant a community may receive has to be spent on principally to benefit low and moderate income persons.

The Department of Housing and Urban Development for the purposes of this program identify low to moderate income in this particular area as any family who makes less than \$6,935 a year. This is a 1969 figure, adjusted to 1978 figures that would be any family with a total income of less than \$12,240.

I want to emphasize again that this is a preapplication and has no commitment of funding. The HUD Office in Pittsburgh expects to receive considerable more preapplications than there is funds available. Now, if the city were selected to submit a full application that would require a great deal more detail work. This would take place sometime in April and you could expect a decision sometime in September of 1979, if selected to submit a full application.

One particular activity that was brought up at the meeting on Saturday by one of the citizens was the feasibility of providing Nitro with an emergency route in the event of some sort of catastrophe at the plants or something of this nature that would block the normal entrances and exits to town. At the Mayor's request, I contacted the HUD's regional office in Pittsburgh today and was informed that this particular type of activity would not meet the funding criteria of HUD. So, there is a number of other available programs that city council and the residents may wish to discuss that we might be able to submit a preapplication for.

AT THIS TIME, MR. CARPENTER OPENED THE MEETING FOR GENERAL DISCUSSION.

Councilman at Large Pennington said, "Mr. Carpenter, a few years back we went to a great deal of trouble and expense to file for such a grant and it was for housing for the aged. And we went through the necessary paper work that has to be done, We had our high school band to solicit throughout the city, and even brought down to the finest point as to what each dwelling consist of, whether it was wood, or brick, or this type of thing, only to have the thing shoved back in our face without anything ever being done. Now, I'm fully aware of the government regulations that you're governed by. But what I'm asking is this; is there, are we really beating our heads against the wall since, number one, let's call a spade a spade, we don't have a lot of blacks and we don't have a lot of indigents in the area. Isn't this going to curtail us from getting any funding?"

Mr. Carpenter stated, "Well, I should emphasize first off that this particular program does not use minority population as a major criteria."

Councilman at Large Pennington said, "You use low and moderate."

Mr. Carpenter said, "We use low and moderate income as the major criteria. Nitro according to the figures I have here in terms of relative poverty and that would be the low to moderate income would rate number 30 out of approximately 56 other applicants. So, you are fairly far down the list. That's not to say that the community is automatically ineligible because of being there if your activity would take place in a concentration of low to moderate income persons."

Councilman at Large Pennington said, "All right, isn't it also true that because we did not take advantage of the urban renewal that we're being penalized for that, also."

Mr. Carpenter answered, "Yes, that is true."

Councilman at Large Pennington replied, "Thank you, that's all I have to say."

Mayor Gibson questioned, "Along these lines. housing for the senior citizens, what can we do in this application to help to bring about the possibility of getting some housing for the elderly?"

Mr. Carpenter said, "This particular program will not build housing as such. What you can do with this program is apply for money to purchase land and then get a developer talk with the West Virginia Housing Development Fund and go through their programs to actually construct the housing. This program will pay for the purchase of a site and site improvements to build elderly or such as housing."

Councilman at Large Karnes questioned, "In your opinion, how good are the odds that we can qualify for that?"

Mr. Carpenter answered, "With the guidelines written the way they are any housing activity like this would improve your chances. I'll be honest with you, the chances aren't good but you have to make application before you know for sure."

Councilman Miller asked, "What about such things as sewer and drainage problems that are very, very much a problem in our city?"

Mr. Carpenter answered, "Sanitary sewers are ineligible under the program. They are covered by the Environmental Protection Agency, almost exclusively. Now, storm sewers, on the other hand, are an eligible activity. I use the word eligible because from HUD's viewpoint they aren't entirely fundable."

It's a distinction that they make. We at the Regional Council, are working with several communities on developing storm sewer applications under this program."

Councilman Miller questioned, "In your best advice, what type of advice would you give the city as to what type of program to apply for?"

Mr. Carpenter said, "Well, my best advice would be that the city could develop something along the lines of a housing rehabilitation or housing for senior citizens, some type of program along those lines would be your best chance with the emphasis that HUD places on benefit to low to moderate and on housing, of course. That would be the best shot. Probably next would be and I hate to get in this business of prioritizing what may or may not fund, but probably storm sewer, possibly recreational type activity. It won't rate as well. I'll be honest with you, it won't rate as well as would other activities you might want to think about."

Councilman Bailey said, "Would you mind explaining for the benefit of our citizens here that it's a change in emphasis is one reason why there is a certain amount of doubt entertained by the cities to apply."

Mr. Carpenter said, "Yes, in the past, rate of federal regulation have been known to change with each coming year, so what was a good project a year ago might not necessarily be a good project this year. We were kind of surprised this year the guidelines didn't change and the emphasis is going to be about the same which was on housing rehabilitation and site development for elderly housing."

Councilman Bailey questioned, "May I ask just one more question. Will you define housing rehabilitation?"

Mr. Carpenter said, "...The Housing rehabilitation program is an effort to provide either low interest loans or grants to upgrade substandard housing within a particular area and it would entail building code enforcement city wide and that type of activity. You would have to bring on probably a full-time and possibly a part-time, as well, building inspector. You would have to conduct a city wide inspection program, and identify a particular target area within the community that you wanted to do rehabilitation to. And, that would be to bring houses up to safe wiring standards, plumbing standards, exterior maintenance and repair, principally for low income persons."

Councilman Hughart asked, "Could you break the housing rehabilitation down to senior citizens only?"

Mr. Carpenter answered, "No, its very specific.

You can't charge it that narrowly, it has to be within a concentrated area of your town but not limited to say people over 65. You would have to make it available to all low income persons within your particular target area. But it would also entail the development of neighborhood development strategies. That would be more during the full application phase and requires quite a bit of detail and numerous forms to fill out."

Councilman Hughart asked, "The building code would still have to apply city wide, total?"

Mr. Carpenter replied, "Yes sir."

Councilman Hughart inquired, "If you can see two blocks here in one part of the city and two blocks in another part of the city and two blocks in another part, they are not all one place but two blocks here and two blocks there, would that be considered a targeted area?"

Mr. Carpenter said, "Yes, you can target in different parts of the city as long as you do have a cohesive neighborhood type group. I believe South Charleston in their program, I believe it started two years ago, targeted two neighborhoods, initially. But, one was in the west end of town and one was in the eastern part of the city. Like I said, it requires city wide inspection and this addressing of very well defined neighborhood area."

Councilman Hughart asked, "How much trouble did they have with this building inspector going around and telling everyone they needed to upgrade?"

Mr. Carpenter said, "I'm not sure, I have not heard of any real trouble that they have had."

Mayor Gibson said he was anxious to hear from some of the citizens.

Mr. Ed Hulshizer, 2157 21st Street, Nitro, said, "Does that mean the city would have to foot the bill for the full time inspector and the part time inspector?"

Mr. Carpenter said, "The administrative cost for hiring the building inspector and/or part time inspector plus a community development administrator could be made a part of the grant application where they would, eventually the city would have to pick that up because the grants are for specified periods of time. And, if you go into a program with the idea that we will keep it as long as the federal government is paying for it, well, they are not going to fund it, because you are going to have to make a commitment to keep anything you start to grant to make a commitment to keep that up."

Mr. Hulshizer said, "This might throw a little light on the subject, my case won't apply to everyone but I live in an area of town that would not be eligible for the grants and low interest loans. And yet at the same time, my house has the original plumbing and original wiring, I would come under harassment by the city inspector and I wouldn't be eligible for any funds. So, in my case, I say 'boo' on that."

Mr. Carpenter said, "That's the major problem with the program."

Councilman at Large Karnes questioned if Mr. Carpenter had ever ran into the problem where an absentee property owner, who is renting several substandard houses, is forced as a result of the enacted program to bring up to standard his housing. Mr. Karnes said, he is not eligible for anything because he's not in this level income, and as a result of being forced to make improvements to his property he doubles the rent, which defeats the overall purpose of the program.

Mr. Carpenter answered, "He would be eligible for funds to bring his property up because it is in the target neighborhood. And you're right, there is nothing that would prevent him if he did it himself or if he got a grant or a loan to do it, he could very easily raise the rent to two or three times what he was getting for it originally. There is no legal way that I know that you can have this landowner to agree to participate in the program yet not charge these people additional rent. What it would end up would be, the program would be paying this man to improve his property and he would be reaping all the gains."

Mr. Karnes said, "Maybe I missed the point but I thought there was a maximum income for people that were going to be able to qualify for low interest money to do this with."

Mr. Carpenter said, "In a lot of your substandard neighborhoods, it is a case where there is an absentee landowner or property owner who is renting the property out. The idea behind the program was first to bring this property up to standard so the people who are low to moderate income will have decent, safe housing. So, the landowner would be eligible to apply for a grant or a loan to bring that property up to standard regardless of his income. And, that has posed a problem. I'm not aware of a problem in this particular area but nationwide there have been some problems. I might mention, also, that the town of Handley in the eastern end of the valley is in the process of instituting just such a program, and they are trying to negotiate with the absentee property owners that they will at least not raise rent on the improved property as long as the people who are currently living there continue to live there. There is no way they could coerce the property owner to keep rent at that low level."

It's totally voluntary on the part of the property owner. It is fraught with pitfalls, this program."

Councilman Bailey said, "Mr. Carpenter, even if we were to comply with the prerequisite here we are talking about a year or more of time. The pertinent thing now seems to me would be some other avenue to pursue."

Mr. Carpenter said, "If you were going into a housing rehabilitation program I would suggest that you make a comprehensive grant application and extend it over three years of time, and try to tie some other activities: storm sewer, street lighting, and that type of thing with it. For a single year shot housing rehabilitation is sometime not worth the effort that it would take to set it up."

Councilman Bailey stated, "It may not meet the approval of the citizens."

Mr. Carpenter stated, "It takes time to have a program like this accepted. Handley went in for a three year comprehensive grant last year, and they were funded. And, they don't actually anticipate starting their housing rehabilitation program till the second and third year of their grant."

Mayor Gibson questioned if there were any other questions.

Mrs. Hattie Tincher, 118 Blackwood Street, stated, "On the sheets that Mr. Carpenter passed out on Saturday we have statistics here for the total population, poverty, substandard housing, and age of housing. Are there any statistics on the number of senior citizens in the City of Nitro?"

Mr. Carpenter said, "There are statistics available in my office. They are not included as a part of this meeting. They can be considered in your grant application, I understand. And we do make mention of that. Fifty-five and over, I think is the criteria now."

Mrs. Tincher said, "I think Dr. Allen spoke to that point on Saturday, and we do have a large number of senior citizens."

Mr. Carpenter stated, "We find usually, I think I mentioned this Saturday, as well, that if you do have a large number of senior citizens they are usually living on a fixed income and will meet the low income - moderate income classification."

Mrs. Tincher replied, "Not necessarily, we have talked about this before and some of our senior citizens receive lower garbage rates and we got into this thing with 'T.V.' one night and we found that this wasn't really...."

Mr. Carpenter said, "No, it's not always the case. It happens often enough that it needs to be considered."

Mayor Gibson inquired, "Any other questions or recommendations as to how we can spend money, monies that we don't have yet."

Councilman at Large Dr. Allen said, "Byron, you made a comment the other day that all the amounts of money you were speaking, that some of that money is already allocated."

Mr. Carpenter replied, "Yes, I gave the revised figures tonight. They have to keep a certain percentage in a contingency type of situation and also portions of the money will be allocated to recipients of last year who are in multiyear programs."

Mayor Gibson said, "That leaves about \$1,700,000 or \$1,800,000."

Mr. Carpenter said, "About \$1.7 million for the metro area throughout the state."

Mayor Gibson asked, "And every city can apply up to \$500,000?"

Mr. Carpenter said, "Five hundred thousand dollars on a single purpose."

Mayor Gibson questioned, "What about the county commission?"

Mr. Carpenter said, "County Commission, also. Five hundred thousand dollars, single purpose, six hundred thousand dollars on a comprehensive program."

Mayor Gibson said, "And we have 56 applicants in the running for the money."

Mr. Carpenter replied, "Yes."

Mr. Melton, City Recorder questioned, "Don't we also have to have a motion and second to give the Mayor authority to sign this preapplication."

Mr. Carpenter replied, "Yes."

Councilman at Large Pennington made a motion to give Mayor Gibson authority to sign the Community Development Block Grant preapplication on behalf of the City of Nitro. The motion was seconded by Councilman Bailey, and the motion passed by a unanimous vote.

SPECIAL LEVY ELECTION TO BE HELD FEBRUARY 24, 1979:

Mr. Melton, City Recorder, stated that tonight we have to have the first reading of a resolution and order calling for the special election to continue the current excess levy.

Mr. Melton stated that the State Tax Department says that every three years we have to have an excess levy election, and that this will be the 31st year in a row that this has been voted on by the City of Nitro.

Mr. Melton gave the first reading of the resolution and order calling for the special election to continue the current excess levy to be held on February 24, 1979, as follows:

NOTICE OF SPECIAL ELECTION

FOR

ADDITIONAL MUNICIPAL LEVY

TO THE VOTERS OF NITRO, WEST VIRGINIA

TAKE NOTICE

That a regular meeting of the Council of the City of Nitro State of West Virginia, held on the 16th day of January, 1979, the following order was made and entered of record. TO-WIT:

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

1. That the purpose for which additional funds are needed is as follows:

Street Maintenance and Repairs
Parks and Recreation
Firemen's Wages
Additional Street Lighting
Policemen's Wages
Library
Fire Hydrant Rental

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

Street Maintenance and Repairs, \$9,000.00 for each fiscal year for a period of three years.

Parks and Recreation, \$6,818.00 for each fiscal year for a period of three years.

Firemen's Wages, \$10,000.00 for each fiscal year for a period of three years.

Additional Street Lighting, \$5,500.00 for each fiscal year for a period of three years.

Policemen's Wages, \$15,500.00 for each fiscal year for a period of three years.

Library, \$5,000.00 for each fiscal year for a period of three years.

Fire Hydrant Rental, \$2,000.00 for each fiscal year for a period of three years.

5. That the total approximate amount for said purpose or purposes is \$53,818.00 for each fiscal year for a period of three years.

4. That the separate and aggregate assessed valuation of each class of taxable property within the municipality of Nitro is as follows: Class I, \$3,051,484; Class II \$13,265,019; Class IV, \$16,523,620; Aggregate \$32,840,123.

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

6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1979; July 1, 1980; July 1, 1981.

7. That the question of such additional levy shall be submitted to a vote at a special election, to be held on the 24th day of February, 1979

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

of this order shall also be posted at each place of voting at least ten days before said election. All the provisions of the laws concerning General Election shall apply as far as practicable, except that a separate ballot shall be used at such election when held in connection with any other election.

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

OFFICIAL LEVY BALLOT
CITY OF NITRO
WEST VIRGINIA
SPECIAL ELECTION

Special election to authorize additional levies for the fiscal years beginning July 1, 1979; July 1, 1980; and July 1, 1981 for the following purposes and in the approximate amounts set forth as follows:

For steet maintenance and repairs, the annual approximate amount of	9,000.00
For park and recreation the annual approximate amount of	6,818.00
For Firemen's wages, the annual approximate amount of	10,000.00
For additional street lighting, the annual approximate amount of	5,500.00
For Policemen's wages, the annual approximate amount of	15,500.00
For Library, the annual approximate amount of	5,000.00
For fire hydrant rental, the annual approximate amount of	2,000.00
The annual total approximate amount to be expended during the term of this levy is \$53,818.00.	

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

() For the Levies

() Against the Levies

Instructions: Those favoring the additional levies, place (X) in the square before "For the Levies"; those against such levies place (X) in the square before "Against the Levies."

Council of the City of Nitro

BY: _____ Mayor

Attest:



City Recorder

Mr. Melton made a motion that this be accepted as the first reading. The motion was seconded by Councilman at Large Pennington.

Councilman at Large Karnes asked, "Does this change in any way the taxes we are now paying?"

Mr. Melton said, "No."

Mayor Gibson said that it helps to maintain and keep the tax structure as it presently is.

Mr. Melton said that we're talking about approximately \$52,000 a year for our general budget, and without it we would have to cut and curtail services.

Mayor Gibson called for a vote on the motion made by Mr. Melton, the acceptance of first reading of the resolution and order calling for a special election to continue the current excess levy. The motion passed unanimously.

Mayor Gibson stated that some of the citizens wanted to be heard regarding Ridenour Memorial Park.

Mr. Bill Medford, 2152 21st Street, asked council that Ridenour Park be opened for sleigh riding at the same hours the lake is open for fishing.

After further discussion, Councilman at Large Dr. Allen made a motion Ridenour Memorial Park be opened for sleigh riding daylight till 10:00 p.m. weekdays, and daylight till 11:00 p.m. weekends. The motion was seconded by Councilman Miller and the motion passed.

After much discussion on there not being a place to park at Ridenour Park, Councilman at Large Pennington made a motion the cable be taken down, the two parking lots be open on the road side of the park, and the "No Trespassing" signs be taken down. The motion was seconded by Councilman at Large Karnes, and the motion passed.

Councilman Bailey made a motion the Recreation Committee draw up detailed regulation to govern Ridenour Park so the facility can be operated with a minimum amount of confusion. The motion was seconded by Councilman Hughart, and the motion passed.

Mayor Gibson referred to a letter dated January 15, 1979 from Ivan Meadows, President of the Nitro Lions Little League, and also to the Minutes of the Nitro Lions Little League, January 13, 1979. The Mayor stated that council had not made formal decision regarding previous correspondence from the Little League Association in reference to a new ball field and an additional storage building.

Councilman at Large Pennington made a motion to give them permission to build a backstop located beside the basketball court but not to allow construction of an outfield fence at this time. The motion was seconded by Councilman at Large Karnes and the motion passed.

Mayor Gibson referred to a letter dated September 8, 1978 from Mr. Alvin Hicks, President of the Nitro Lions Little League in reference to a storage building. Councilman at Large Pennington made a motion to give them permission to build a storage building (approximately 14' x 20') at their expense beside the present concession stand. The motion was seconded by Councilman Hughart, and the motion passed.

In the discussion prior to the vote giving the Nitro Lions Little League permission to build the storage building it was decided that any labor supplied by the city employees would be completely voluntary. Councilman Hughart said he would assist them.

Mayor Gibson stated that the Garbage Department was in much need of two garbage trucks and two packers. He stated that the two 1973 garbage trucks now in use need to be replaced. Councilman Hughart asked that this be referred to the Finance Committee.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence. (This correspondence is in the supplement file to the minutes.)

1. Mr. Jay Long, Recreation Director, received a thank you letter dated January 11, 1979 from the Honorable John D. Rockefeller IV, Governor of West Virginia.

2. Mayor Gibson received a letter dated January 11, 1979 from R. L. Smith, AIA, Architectural Associates, Box 1331, Charleston, WV 25325, in reference to housing for the City of Nitro.

MAYOR GIBSON CALLED FOR THE COMMITTEE CHAIRMAN REPORTS.

COUNCILMAN AT LARGE KARNES: no reports.

COUNCILMAN AT LARGE PENNINGTON: no reports.

COUNCILMAN BAILEY: Councilman Bailey said a raise in the monthly cost Nitro pays to Kanawha County Ambulance Authority can be anticipated because of the effected cuts CETA will have on operating expenses. He said he would have more information after the January 31, 1979 meeting.

COUNCILMAN DR. CASSELL: no reports.

MAYOR GIBSON: Mayor Gibson stated that the Civic Benefit Association does owe the City of Nitro money which should have been paid many months ago.

Councilman Hughart made a motion to authorize Mr. Cottrill, City Attorney, to contact the various corporations individually by letter in an effort to obtain the money for the city. The motion was seconded by Councilman Dr. Cassell, and the motion passed by unanimous vote.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen made a motion that a light be installed at the main gate by the dam at Ridenour Park. The motion was seconded by Councilman Miller, and the motion passed. Councilman Bailey and Councilman Hughart cast opposing votes.

COUNCILMAN HUGHART: Councilman Romie Hughart introduced a friend of his, Mr. Bill Cooper. Mr. Cooper stated that a group had acquired a piece of property, Manor Court, on Main Avenue, and they were going to convert to condominiums.

COUNCILMAN MILLER: no reports.

MR. MELTON: no reports.

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

MAYOR

James H. Karnes
RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

FEBRUARY 6, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on February 6, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, 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. Mr. Layton Cottrill, City Attorney, and Councilman at Large Mel Pennington were absent.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Councilman Gus Bailey.

APPROVAL OF JANUARY 16, 1979 COUNCIL MEETING MINUTES:

Councilman Miller made a motion the January 16, 1979 Council Meeting Minutes be approved. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.

RESIGNATION LETTER DATED JANUARY 29, 1979 PERTAINING TO TOM "BUCKY" MELTON, CITY RECORDER, LAST WORKING DAY FEBRUARY 1, 1979: Mayor Gibson stated he had received a letter of resignation dated January 29, 1979 from Mr. Melton, and requested that the letter be made a part of the minutes. Mayor Gibson read, verbatim, the letter.

THE LETTER IS AS FOLLOWS:

City of Nitro

NITRO, WEST VIRGINIA 25143

WM. D. (BILL) GIBSON
MAYOR
755-5643

Looking to the Future
January 29, 1979

JERRY T. MELTON
RECORDER-TREASURER
755-3521

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

Dear Mayor Gibson:

It is with mixed emotions that I write this letter of resignation. I will continue working a two week notice including vacation time.

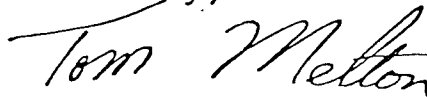
My first thoughts are of how I am improving myself by accepting a new job with Continental Can Corp.

The only disadvantages to my position, as City Recorder, were the facts, as an elected official, I could only get a salary increase every four years and the lack of job security of being elected each term. These are circumstances that cannot be changed.

It is with sad feelings in my heart that I must leave you. Mayor, it has been an honor working with you, the Councilmen, the department heads and all of the other employees. During the past six and a half years, we have had some wonderful times together. I will always consider the employees here to be my friends forever, working together we have been more like a family.

Thank you all and may God be with you.

Sincerely,



Tom "Bucky" Melton

cc: Nitro City Councilmen
Nitro City Employees

tg

Mayor Gibson said, "It's up to council as to what action you want to take at this point and time, I have had our CPA, Mr. Robert Cunningham checking out the financial accounting and bookkeeping matters in general." The Mayor stated that Mr. Cunningham may want to make some comment as to what he has found in the way of record keeping, and further said, "I know you haven't had much time to review the records, but you might give them a 'bird's eye view' on matters."

Mr. Cunningham replied:

What I find has been somewhat incomplete in so far as documentation is concerned. I've reconciled, I think about all the accounts and in most cases found some differences; in some cases small, and some large.

I guess one of my concerns has to do with budgetary control for the remaining portion of the year. I don't know what the official budget is, but at the end of January 31, 1979, we had about five thousand dollars (\$5,000) in the general fund. I intended to go back and try to find how we stood in January 31 of prior years, and couldn't find those numbers. But, it's something the Finance Committee should look at: actual budget results against budget preparation at this point I think perhaps. In addition to \$5,000, I think tonight just before the council meeting I ran across approximately eighteen or nineteen thousand dollars (\$18,000 or \$19,000) of unpaid taxes from the month of January, the fourth quarter of 1978.

Councilman at Large Dr. Allen asked, "That's normal though, that's normal taxes isn't it?"

Mr. Cunningham answered, "Yes, The only thing I couldn't find was the third quarter of 1978, Workmen's Compensation." "I couldn't find that, that's a couple thousand, I don't think it was paid."

Councilman Dr. Cassell made a motion that council proceed and accept Mr. Melton's resignation with regrets. The motion was seconded by Councilman at Large Karnes, and the motion passed by unanimous vote.

APPROVAL OF DECEMBER 1978 FINANCIAL STATEMENT

APPROVAL OF JANUARY 1979 FINANCIAL STATEMENT:

Mayor Gibson referred to a letter sent by him to Mr. Melton dated February 1, 1979, requesting the December 1978, and January, 1979 Financial Statements, and the current bank balance of each account through January 31, 1979, less outstanding checks and outstanding incumbrances for outstanding purchases so as to provide a clear picture of each banking account through January, 1979. Mayor Gibson stated that Mr. Melton did supply us with some figures in his own handwriting last Thursday, February 1 which was his (Mr. Melton's) last working day. Mayor Gibson stated that he had the handwritten figures typed onto the sheets of which you have a copy. He said, "If you will notice, it's a very brief recap during the December and January Financial period." The Mayor requested that a copy of the handwritten December and January financial information be filed in the supplement file to the minutes.

Councilman Hughart made a motion that the December 1978 and the January 1979 Financial Statement be referred to the Finance Committee with the Finance Committee reporting back to council at the next council meeting (February 20). The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

Councilman Dr. Cassell made a motion that in accordance with the City Code, that council declare a vacancy in the case of our City Recorder and Treasurer. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed unanimously.

Mayor Gibson stated we need council to resolve to pass a resolution that a councilman can sign the bank account cards and be able to sign the checks along with the Mayor.

Councilman Hughart made a motion that Councilman at Large Karnes be so designated. The motion was seconded by Councilman Bailey, and the motion passed unanimously.

SECOND READING OF RESOLUTION, SPECIAL LEVY ELECTION, FEBRUARY 24, 1979: Mayor Gibson stated council had passed a resolution on first reading in order to hold a special election February 24, 1979, and stated we do need a second reading.

Councilman at Large Dr. Allen gave the second reading of the resolution and order calling for the special election to continue the current excess levy to be held on February 24, 1979, as follows:

FOR

ADDITIONAL MUNICIPAL LEVY

TO THE VOTERS OF NITRO, WEST VIRGINIA

TAKE NOTICE

That a regular meeting of the Council of the City of Nitro, State of West Virginia, held on the 6th day of February, 1979, the following order was made and entered of record. TO-WIT:

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

1. That the purpose for which additional funds are needed is as follows:

Street Maintenance and Repairs
Parks and Recreation
Firemen's Wages
Additional Street Lighting
Policemen's Wages
Library
Fire Hydrant Rental

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

Street Maintenance and Repairs, \$9,000.00 for each fiscal year for a period of three years.

Parks and Recreation, \$6,818.00 for each fiscal year for a period of three years.

Firemen's Wages, \$10,000.00 for each fiscal year for a period of three years.

Additional Street Lighting, \$5,500.00 for each fiscal year for a period of three years.

Policemen's Wages, \$15,500.00 for each fiscal year for a period of three years

Library, \$5,000.00 for each fiscal year for a period of three years.

Fire Hydrant Rental, \$2,000.00 for each fiscal year for a period of three years.

3. That the total approximate amount for said purpose or purposes is \$53,818.00 for each fiscal year for a period of three years.

4. That the separate and aggregate assessed valuation of each class of taxable property within the municipality of Nitro is as follows: Class I, \$3,051,484; Class II \$13,265,019; Class IV, \$16,523,620; Aggregate \$32,840,123.

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

6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1979; July 1, 1980; July 1, 1981.

7. That the question of such additional levy shall be submitted to a vote at a special election, to be held on the 24th day of February, 1979.

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

election. All the provisions of the laws concerning General Election shall apply as far as practicable, except that a separate ballot shall be used at such election when held in connection with any other election.

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

OFFICIAL LEVY BALLOT
CITY OF NITRO
WEST VIRGINIA
SPECIAL ELECTION

Special election to authorize additional levies for the fiscal years beginning July 1, 1979; July 1, 1980; and July 1, 1981 for the following purposes and in the approximate amounts set forth as follows:

For street maintenance and repairs, the annual approximate amount of	9,000.00
For parks and recreation the annual approximate amount of	6,818.00
For Firemen's wages, the annual approximate amount of	10,000.00
For additional street lighting, the annual approximate amount of	5,500.00
For Policemen's wages, the annual approximate amount of	15,500.00
For Library, the annual approximate amount of	5,000.00
For fire hydrant rental, the annual approximate amount of	2,000.00
The annual total approximate amount to be expended during the term of this levy is \$53,818.00	

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

() For the Levies

() Against the Levies

Instructions: Those favoring the additional levies, place (X) in the square before "For the Levies"; those against such levies place (X) in the square before "Against the Levies".

Council of the City of Nitro

BY: _____, Mayor

Attest:



City Recorder

Councilman at Large Karnes made a motion this be accepted as the second reading. The motion was seconded by Councilman Miller and the motion passed by a unanimous vote.

REQUEST FROM AMERICAN CANCER SOCIETY TO CONDUCT ITS INCOME DEVELOPMENT CRUSADE FROM DOOR TO DOOR, APRIL 1 TO MAY 15, 1979: Councilman at Large Karnes made a motion to table this until Councilman at Large Pennington, Chairman of the Business and Civic Betterment Committee returns, due to the fact they don't need this till April 1. The motion was seconded by Councilman Bailey, and the motion passed.

Mayor Gibson referred to a letter from Mrs. Brenda Tyler, Fund Raising Chairman of the Nitro Junior High School Band Boosters requesting permission to have a parade in the City of Nitro on February 24, 1979.

Councilman Dr. Cassell made a motion to grant their request. The motion was seconded by Councilman Miller, and the motion passed.

NITRO PLANNING COMMISSION MEETING HELD JANUARY 15, 1979: Councilman at Large Donald Karnes, Vice President of the Planning Commission, said:

The Planning Commission is working on several projects that we feel are very important to the city. We've been working on subdivision regulations for quite sometime and we're only maybe a step or two away from passage of a final draft, I believe.

Another important project that we've had in committee for some time is maybe examination of some of the definitions of our present zoning ordinance....

There's no recommendation on either of those but there will be, I think very shortly, in both cases. And I do think we need to get these two things in line quickly.

APPOINTMENT REQUEST BY MR. J. H. CREWDSON, MUNICIPAL JUDGE, REGARDING AN OFFICIAL CLERK OF NITRO MUNICIPAL COURT (Sec. 13-4) MRS. SONIA "TONI" GILLENWATER: Mayor Gibson referred to a letter from Mr. J. H. Crewdson, Nitro Municipal Judge, dated January 25, 1979, requesting that Mrs. Sonia Gillenwater be appointed as the official clerk of the Nitro Municipal Court, and to the letter is attached page (page 172) of the Nitro City Code.

Councilman Hughart made a motion to table this at this time until the next council meeting, February 20, 1979. (Councilman Hughart stated that he really had no objections to the judge's request, but he would like more time to give it some thought.) The motion was seconded by Councilman at Large Karnes, and the motion passed. There was one abstaining vote, Councilman Miller.

Mayor Gibson stated there was a need to approve the appointments of the election workers for the Special Levy Election of February 24, 1979.

THE LIST OF THE APPOINTMENTS IS AS FOLLOWS:

CITY OF NITRO
SPECIAL LEVY ELECTION
FEBRUARY 24, 1979

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<u>PRECINCT 363</u>	<u>NITRO HIGH SCHOOL</u>	
CLERK	Joan Stephens, 111 Brookhaven Dr.	776-2822
CLERK	Mrs. Naomi Baker, 224 Brookhaven Dr.	776-3232
SUPPLY COMMISSIONER	Geneva Crewdson, 2430 3rd Ave.	755-1292
COMMISSIONER	Janice Weibl, 203 Brookhaven Dr.	776-4602
COMMISSIONER	Charmagne Mazzei, 1 Barrington Rd.	776-3122
<u>PRECINCT 364</u>	<u>NITRO HIGH SCHOOL</u>	
CLERK	Garnet Galloway, 2 Blakes Rd.	755-2482
CLERK	Mary Campbell, 2437 3rd Ave.	755-1642
SUPPLY COMMISSIONER	Leyland Campbell, 2437 3rd Ave.	755-1642
COMMISSIONER	Jan Tauscher, 2127 21st Street	755-4662
COMMISSIONER	Mrs. Harry Miller, Jr., 2151 21st St.	755-2622
<u>PRECINCT 365</u>	<u>NITRO ELEMENTARY SCHOOL</u>	
CLERK	Joyce Middleton, 1922 19th St.	755-2882
CLERK	Velma Kinder, 1816 18th St.	755-3122
SUPPLY COMMISSIONER	Viola Ragle, 1619 16th St.	755-2662
COMMISSIONER	Isabelle Hudnall, 1522 15th St.	755-3422
COMMISSIONER	Margarite Grover, 1409 14th St.	755-2622
<u>PRECINCT 366</u>	<u>BAKER ELEMENTARY SCHOOL</u>	
CLERK	Sue Fowler, 921 9th St.	755-7512
CLERK	Jessie Raynes, 1123 11th St.	755-3522
SUPPLY COMMISSIONER	Ruth Carpenter, 1022 10th St.	755-2432
COMMISSIONER	Audry Deeter, 722 7th St.	755-5402
COMMISSIONER	Lennie Long, 817 8th St.	755-1102

<u>PRECINCT 367</u>			<u>BAKER ELEMENTARY SCHOOL - MULTI-PURPOSE ROOM</u>		
CLERK	Golda Roark, 1332 W. 13th St.	755-132			
CLERK	Elsie Simmons, 305 Kanawha Ave.	755-137			
SUPPLY COMMISSIONER	Betty Shrewsbury, 1441 Park Ave.	755-543			
COMMISSIONER	Ruby Hustead, 2 Main Avenue	755-421			
COMMISSIONER	Janice Amburgey, 1426 W 14th St.	755-543			
<u>PRECINCT 368</u>			<u>BAKER ELEMENTARY SCHOOL - LIBRARY</u>		
CLERK	Lucille Callihan, 102 Juniper St.	755-357			
CLERK	Nell Carney, 901 Dupont Ave.	755-461			
SUPPLY COMMISSIONER	Bonnie Jones, 200 Juniper St.	755-365			
COMMISSIONER	Iris Miles, 708 Main Avenue	755-441			
COMMISSIONER	Virginia Coalter, 809 Washington Ave.	755-142			
<u>PRECINCT 369</u>			<u>WEST SATTES ELEMENTARY SCHOOL - East End of School</u>		
CLERK	Ruth Phalen, 1372 Valentine Circle	727-582			
CLERK	Reba Lewis, 1343 Valentine Circle	727-151			
SUPPLY COMMISSIONER	Evelyn Sheperd, 210 Lee St.	722-320			
COMMISSIONER	Marjorie Sales, 1358 Valentine Circle	727-558			
COMMISSIONER	Mae McCune, 1224 Main Avenue	727-558			
<u>PRECINCT 370</u>			<u>WEST SATTES ELEMENTARY SCHOOL</u>		
CLERK	Ollie Hancock, 711 Kanawha Ave. So	727-3792			
CLERK	Vesta Arman, 707 Kanawha Avenue So.	727-0796			
SUPPLY COMMISSIONER	Sue Goodwin, 103 Cleveland Avenue	727-3780			
COMMISSIONER	Rita Shahan, 706 Kanawha Avenue	727-0384			
COMMISSIONER	Amy Yates, 712 Michigan Avenue	727-1270			
<u>PRECINCT 22</u>			<u>NITRO-PUTNAM ELEMENTARY SCHOOL</u>		
CLERK	Mrs. Roland Carroll, 3818 38th St	755-1198			
CLERK	Hazel Townsend, 4122 Third Avenue	755-137			
SUPPLY COMMISSIONER	Joan Savilla, 4034 40th Street	755-3284			
COMMISSIONER	Virginia Roush, 3610 36th Street	755-4635			
COMMISSIONER	Florence Mollohan, 3813 38th St.	755-4553			

Councilman at Large Dr. Allen made a motion to approve the appointments of the election workers. The motion was seconded by Councilman Hughart, and the motion passed.

Mayor Gibson stated that three years ago Mrs. Viola Ragle and Mrs. Velma Kinder had been appointed Ballot Commissioners, and there is a need to approve their appointments again. Councilman at Large Dr. Allen made a motion to approve the appointments of Mrs. Viola Ragle and Mrs. Velma Kinder as Ballot Commissioners. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

Mayor Gibson stated that the tentative date for the schooling (election workers) is February 15, 1979, 7:30 p.m. at the Nitro High School, Room 115.

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

1. Mayor Gibson received a letter signed by the various firemen of the Nitro Fire Department in reference to Nitro Fire Department Rules and Regulations. The signed letter signified that they clearly understood their duties and they understood all contents of the Rules and Regulations which were adopted by Nitro City Council February 6, 1973.

2. NITRO POLICE DEPARTMENT ACTIVITY REPORT for the month of December, 1978 from Police Chief Leo Bradley
ATTACHED TO THE ACTIVITY REPORT: DUNBAR - NITRO ANIMAL CONTROL REPORT for the month of December, 1978

3. Mr. Darrell Young, Young Builders and Construction Company, Route 2, Box 892, Winfield, WV 25213, received a letter from the Board of Zoning Appeals dated January 12, 1979. This letter advised Mr. Young that his request for certain exceptions and variances to present City Zoning Ordinance to allow the construction of a proposed one story office building on the corner of First Avenue and 29th Street was approved by the Board of Zoning Appeals January 11, 1979.

ATTACHED: Copy of the Minutes of The Board of Zoning Appeals meeting, December 19, 1978 at 7:00 p.m. at Nitro City Hall.

Councilman Miller questioned, does the Board of Zoning Appeals have a right to grant or do they have the right to recommend, when someone requests a variance or exception. Mayor Gibson said that it was his understanding the board has a right to grant within the confines of the ordinance on variances.

4. Mr. Harry Russell, Chairman of the Zoning Board of Appeals, received a letter dated January 17, 1979 from Mayor Gibson in reference to Mr. Roger A. Cooke's request for a zoning variance from business to residential. The property is located at the corner of Twenty-First Street and Third Avenue. Enclosed was a copy of a letter to Mayor Gibson from Roger A. Cooke dated January 16, 1979 in reference to the request.

ATTACHED: Letter dated January 16, 1979 was sent from Charles Robert Sergeant, Building Inspector, to Mr. Roger A. Cooke, rejecting building permit (number 4-79).

Councilman Miller requested a clarification on what the Board of Zoning Appeals can grant and what they must recommend to council. (clarification from the city attorney on a like case). Councilman Karnes stated that it was the procedure he questioned.

5. Mayor Gibson received a memorandum from an interested unknown citizen (no signature) dated January 18, 1979 in reference to parking on certain street, namely Blackwood Street, Valentine Circle, and other streets.

6. Mayor Gibson received a letter dated January 19, 1979 from the Honorable John D. Rockefeller IV, Governor of West Virginia advising Mayor Gibson that the Governor was recommending to Appalachian Regional Commission the award of a grant in the amount of \$160,000 to the City of Nitro for the Maintenance Garage project.

7. ARTICLE IN HUNTINGTON HERALD DISPATCH, dated January 20, 1979 - City Council in Mount Vernon, Ohio rejected a \$2.5 million federal grant slated for the city.

8. Mayor Gibson received a letter dated January 23, 1979 from Ms. Alicia Tyler, Facilities Development Representative, Governor's Office of Economic and Community Development, in reference to Governor Rockefeller's recommendation to ARC for funds to aid in implementation of the Nitro Maintenance Garage project.

9. Mayor Gibson received a letter dated January 23, 1979, from George A. Bicher, Colonel, Corps of Engineers, in reference to status of the Nitro Park Project proposed in the Winfield Navigation Pool Master Plan, Kanawha River.

10. Mayor Gibson received a letter dated January 23, 1979 from Mr. Robert E. Kittle, Superintendent of Kanawha County Schools thanking him for his participation in the Kanawha County Education and Government Seminar.

11. Mayor Gibson had written a letter dated January 23, 1979 to Mrs. Mary Frances Bleidt, Director of Community Education requesting a full-time community education coordinator to take control of the Nitro Program, 1979-1980.

12. Mayor Gibson received a letter January 23, 1979 from Neil Richardson, Executive Officer, West Virginia Army National Guard, Company D. 1092D Engineer Battalion, St. Albans, West Virginia 25177, offering their assistance on community projects.

Councilman Bailey asked that a letter of appreciation be written to the National Guard for the opportunity given to the City of Nitro by them.

13. ARTICLE FROM THE CHARLESTON GAZETTE, dated January 25, 1979 regarding policemen attempting to rescue someone who fell through ice into Charles River.

14. Mayor Gibson received a letter dated January 31, 1979 from Charles C. Steele, Executive Director, West Virginia Housing Development Fund in reference to housing for the elderly in Nitro stating that he had received a telephone call from Governor Rockefeller.

MAYOR GIBSON CALLED FOR THE COMMITTEE CHAIRMAN REPORTS.

COUNCILMAN AT LARGE KARNES: no reports.

COUNCILMAN BAILEY: Councilman Bailey requested that the letter from an interested citizen regarding street parking be referred to the Street and Traffic Committee, and that this be a part of the minutes.

Councilman Bailey stated that the Kanawha Valley Emergency Ambulance Authority will be voting on the proposed budget for fiscal year 1979-1980 tomorrow evening (Wednesday, February 7). Councilman Bailey said the Mayors of the four participating cities (Nitro, Dunbar, St. Albans, South Charleston) will get together and iron out with the County Commissioners their responsibility on the fiscal strength of the city to participate in this budget.

A figure of fifty-two thousand dollars (\$52,000) plus has been set by the authority as an equal amount for each city for the bare minimum cost of maintaining one ambulance and four attendants for a year, which is a bargain in itself, Councilman Bailey stated. Councilman Bailey said that no agreement now exists between the mayors of the four cities as it relates to fiscal year 1979-1980 proposed budget.

Councilman Bailey said he would see that council received copies of the proposed budget.

Councilman at Large Dr. Allen requested that the Finance Committee be given the cost factor for the City of Nitro as soon as it is available.

COUNCILMAN DR. CASSELL: no reports.

Councilman at Large Dr. Allen stated that the work on street improvements had been completed with the exception of the two barricades. These were the recommendations on street improvements which Chief Bradley of the Nitro Police Department presented to council at the December 5, 1978 Council Meeting, he said.

Councilman Bailey said that he had a request for a DEAD END sign for Martins Court. He stated that he also had requests for street signs at Martins Court and at Spring Street.

Councilman Miller requested a street sign for Smith Street.

COUNCILMAN HUGHART: no reports.

COUNCILMAN MILLER: no reports.

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

MAYOR



NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

FEBRUARY 20, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on February 20, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, Mr. Layton Cottrill, City Attorney, 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. 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 6, 1979 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 February 6, 1979 Council Meeting Minutes be approved. The motion was seconded by Councilman Hughart, and the motion passed unanimously.

APPROVAL OF DECEMBER 1978 FINANCIAL STATEMENT:

Mayor Gibson stated that council had received the very brief financial statement at last council meeting and Councilman Hughart wanted to delay approval until this meeting. Mayor Gibson asked Mr. Bob Cunningham, CPA if he had a report for council.

Mr. Cunningham stated he believed the financial statement as presented has some minor discrepancies with one major exception and I believe that all those will be reflected in the February 1979 Financial Statement. Mr. Cunningham said that the major exception has to do with the revenue sharing fund checking account, the January 31 statement shows a balance of \$46,286.97; the reconciled checking account balance of the same account shows \$86,638.55, all other differences are minor and will be reflected in February.

APPROVAL OF JANUARY 1979 FINANCIAL STATEMENT:

Mayor Gibson asked Mr. Cunningham if he was speaking of December 1978 and January 1979 Financial Statements. Mr. Cunningham answered, yes, I think the December Financial Statement is fairly close to accurate. He further said the revenue sharing receipt was received in January of 1979.

Councilman Hughart made a motion to table approval of the December 1978, and the January 1979 Financial Statements. The motion was seconded by Councilman at Large Karnes, and the motion passed. Councilman at Large Dr. Allen did not vote.

Mr. Cottrill, City Attorney, stated that it could be brought up prior to the end of fiscal year 1978 - 1979.

REQUEST FROM AMERICAN CANCER SOCIETY TO CONDUCT ITS INCOME DEVELOPMENT CRUSADE FROM DOOR TO DOOR APRIL 1 TO MAY 15, 1979: Councilman at Large Pennington made a motion to grant their request. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

APPOINTMENT REQUEST BY MR. J. H. CREWDSON, MUNICIPAL JUDGE, REGARDING AN OFFICIAL CLERK OF NITRO MUNICIPAL COURT (SEC. 13-4) MRS. SONIA "TONI" GILLENWATER: Councilman Hughart made a motion to approve the request. The motion was seconded by Councilman at Large Karnes, and the motion passed. Councilman at Large Dr. Allen did not vote.

EMERGENCY AMBULANCE SERVICE BUDGET, FISCAL YEAR 1979 - 1980: Councilman Bailey, Chairman of the Emergency Ambulance Service Committee stated that council had received a copy of the Kanawha County Emergency Ambulance Authority's Proposed Budget for FY 1979 - 1980.

Councilman Bailey said the thing about which we are most involved is the figure \$200,000, and also before you is a copy of the actual cost of operating one ambulance, which is self explanatory. It gives a total cost of \$126,408.06. He said in effect this \$50,000 figure for each of the four participating municipalities (Nitro, Dunbar, South Charleston and St. Albans) is a bargain it itself dollar wise, however, this current year that we are now operating on we are paying on the basis of the RIC formula, which means in effect our monthly payment is considerably less.

Councilman Bailey stated that Mayor Gibson will appear with one of us, or as he so chooses individually or cooperatively, before the Kanawha County Commissioners and present our side of the financial picture, whether or not we can continue on the basis that we are now operating. He said they may be receptive to our reality of being able to meet x number of dollar payments and they could take up the difference and add it to their portion of the budget which is \$786,758.89 as it now stands.

Councilman at Large Dr. Allen asked how many CETA personnel do they have. Councilman Bailey said he was not sure of the exact number, that they have lost forty.

Councilman at Large Dr. Allen asked, "What is that going to do when the CETA Program winds down?"

Councilman Bailey said, "They are on 18 month slots, what this means is each month period we get new people in that has to be retrained, and these people are lost."

Mayor Gibson referred to a page from a packet which was included last year and said the packet was dated March 13 of 1978. This was presented to the Mayors of Dunbar, South Charleston, St. Albans and Nitro when they appeared before the Kanawha County Commission, he said, and there is a total cost of \$44,474.95 which was the amount each municipality was going to pay.

Mayor Gibson called attention to the figure \$22,237.48 (on the same page) the cities of South Charleston and St. Albans each were to pay for an additional ambulance which would give them a total of three ambulances. Mayor Gibson said that the Mayors of South Charleston and St. Albans refused to pay the \$22,237.48 and that he read in the paper some weeks later where the Kanawha County Commission picked this amount of money up, they just paid it. Mayor Gibson stated he resented it then, the Mayor of Dunbar resented it at that time; and I still resent it today, and Mayor Leone resents it very much today because we do not feel that our small municipality with a much smaller population should pay as much as South Charleston, as much as St. Albans. Mayor Gibson said that when South Charleston's ambulance is taken out of the city and they had another call Dunbar would go to South Charleston. He said, the same way with us, if St. Albans goes out, we move ours from the center part of Nitro and put it up on the other end of the bridge.

Mayor Gibson stated that the 1970 census shows South Charleston has a population of 16,333, Nitro has a population of 8,153, Dunbar has a population of 9,151 and St. Albans has a population of 14,356. He said that on a percentage basis Nitro had 17 percent, Dunbar had 19 percent, St. Albans had 30 percent, and South Charleston had 34 percent.

Mayor Gibson contended if you have twice the population generally speaking on a percentage basis in most cases year in and year out the double population is going to require almost double the amount of ambulance service. We do not think it's right and I do not understand why the ambulance authority is taking this position.

Councilman Bailey said, "We are not paying it now, by virtue of your involvement we are paying it on a prorated basis now; what I'm saying, Mayor, that is your responsibility as well as ours, if we can appear before the Kanawha County Commission and still continue on the same basis as we are now, and I think it can be done, rather than pay this amount."

Mayor Gibson stated that Dunbar had bought two ambulances from ADE about a year ago and that Mayor Leone said that if he has to he would try to get some volunteers and pay some personnel and may go on his own, it all depends on the circumstances.

Mr. Cottrill, City Attorney, said that if you are going to do it on a perfectly equitable basis it should be on a per capita basis.

Councilman at Large Karnes said if Mayor Leone does go with his own ambulance service look at the direction that's going to put Nitro, St. Albans, and South Charleston.

Mayor Gibson said that he was willing to plead Nitro's case in person before the Kanawha County Commissioners but he felt we should inform them ahead of time council's position, and also explore the avenue of negotiating something with Putnam County Ambulance Authority.

Councilman Bailey said we are serving the plants over here and we're not getting any help from them. Mayor Gibson said they were supposed to contact the plants and try to get their help. Councilman at Large Allen stated that most the plants are in Putnam County.

Councilman at Large Dr. Allen made a motion authorizing the Mayor to write a letter expressing disapproval of the high cost to the City of Nitro, and stating council's position. The motion was seconded by Councilman at Large Pennington.

Mr. Cottrill said at the same time it might be good to authorize someone to approach the Putnam County Commission and the Putnam County Ambulance authority.

Mayor Gibson and various councilman expressed to Councilman Bailey their thanks for the outstanding job he has done.

Mayor Gibson called for a vote on the motion made by Dr. Allen which was seconded by Councilman at Large Pennington to authorize the Mayor to write a letter to the Kanawha County Commission. The motion passed unanimously.

ELECTION SEMINAR CONDUCTED FEBRUARY 15, 1979, 7:30 P.M.
FOR LEVY ELECTION POLL WORKERS: Mayor Gibson stated that he had attended the seminar, and welcomed the poll workers and thanked them in advance. He said Mrs. Peggy Miller, Kanawha County Clerk, and Mrs. Womack and Mrs. Spangler from the voters registration office were also present.

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

1. NITRO POLICE DEPARTMENT ACTIVITY REPORT for the month of January, 1979 from Police Chief Leo Bradley
ATTACHED TO THE ACTIVITY REPORT: DUNBAR - NITRO ANIMAL CONTROL REPORT for the month of January, 1979

Also attached were three complimentary letters in reference to the Police Department.

Councilman at Large Dr. Allen stated that Mr. Bowman, Humane Officer had resigned. Police Chief Leo Bradley said that they were considering a man to replace Mr. Bowman, and the replacement would be hired shortly.

2. Minutes of the Board of Zoning Appeals meeting, January 19, 1979 at 7:00 p.m. at Nitro City Hall

Councilman at Large Dr. Allen asked if council had to approve this. Mayor Gibson said to his knowledge they had never done so in the past. After further discussion on the action taken by the Board of Zoning Appeals in reference to rezoning a parcel of land from B-2 Central Business to R-2 General Residence, situated on the corner of 21st Street and Third Avenue, the consensus of council was to ask Mr. Cottrill, City Attorney, for clarification to determine whether or not the Board of Zoning Appeals has the authority to rezone a parcel of land.

3. Minutes, Nitro Little League, January 30, 1979, 7:00 p.m.

4. Mr. Cottrill, City Attorney, had written a letter dated February 5, 1979 to the Civic Benefits Association Members in reference to the non-payment of its pledge to the City

5. Mayor Gibson had written a letter dated February 6, 1979 to Neil Richardson, West Virginia Army National Guard, St. Albans, West Virginia in reference to the assistance the National Guard offered the City of Nitro on community projects.

6. Mayor Gibson received a letter from the State Tax Department of West Virginia in reference to a Seminar for Budget Preparation, February 21, 9:30 till 3:00 p.m. at 1800 Washington Street, East, Charleston, West Virginia. Mayor Gibson requested that everyone attend, if at all possible, and said that he intended to be there.

7. Mayor Gibson received a letter February 9, 1979 from the Kanawha County Commissioners in reference to helping set the priorities for Revenue Sharing expenditures in fiscal year 1979 -1980.

8. Mayor Gibson had written a letter dated February 15, 1979 to Mr. Charles L. Miller, Commissioner West Virginia Department of Highways, 1900 Washington Street, East, Charleston, West Virginia 25305, in reference to off-system bridges.

Mayor Gibson stated that he had a request from the Golden Oldies today. (Usage of the Nitro City Park on May 11, 12, 13, 1979 for the purpose of conducting their 6th Annual Street Rod Show and Swap Meet.)

Councilman at Large Pennington said that this has been successful in the past and made a motion to let the Golden Oldies proceed as in the past. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

Mayor Gibson stated that a police cruiser was involved in a head-on collision and the cruiser was totaled. Police Chief Leo Bradley stated that the cruiser which was totaled was a 1977 Nova. He said that a new cruiser was on order, and that they were renting one for \$13 per day. He said that it was necessary to purchase a new cruiser as soon as possible. The chief further stated that the driver of the other vehicle ran and to date we have not been able to apprehend him.

Councilman at Large Pennington made a motion to refer this to the Police Department Committee and that they be given the authority to act. The motion was seconded by Councilman Dr. Cassell, and the motion passed. Councilman Hughart cast an opposing vote.

MAYOR GIBSON CALLED FOR THE COMMITTEE CHAIRMAN REPORTS.

COUNCILMAN AT LARGE KARNES: no reports.

COUNCILMAN AT LARGE PENNINGTON: no reports.

COUNCILMAN BAILEY: Councilman Bailey said he had been getting some calls on Old County Road. He said that the road needed some cinders or stone to make the road passable.

COUNCILMAN DR. CASSELL: no reports.

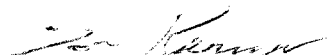
COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen questioned if the rate schedule for Kanawha Cable Television Company coincided with the agreement the City of Nitro had with Kanawha Cable Television Company. He asked why the rate schedule was in effect February 1. Councilman at Large Donald Karnes said that they had to give a thirty day notice.

COUNCILMAN HUGHART: no reports.

Mayor Gibson entertained a motion for adjournment.

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

Mayor



NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

MARCH 6, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on March 6, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, 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. Mr. Layton Cottrill, City Attorney, and Councilman Dean Miller were absent.

The meeting was called to order by the Honorable Mayor William Gibson, and on behalf of the elected officials welcomed those present. The invocation was given by Councilman Gus Bailey.

APPROVAL OF FEBRUARY 20, 1979 COUNCIL MEETING MINUTES:
Mayor Gibson stated that council had received a copy of the minutes in the mail for their review. Councilman Bailey made a motion the February 20, 1979 Council Meeting Minutes be approved. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

KANAWHA COUNTY EMERGENCY AMBULANCE AUTHORITY REPORT:
Councilman Bailey introduced Mr. J. Kemp McLaughlin, Executive Director of the Kanawha County Emergency Ambulance Authority.

Mr. McLaughlin stated:

We're organized under state laws of West Virginia, and we're in the business of life saving; and that's our sole reason for being in business.

We have had assistance the past year from the federal government in the way of CETA employees. We have had excellent cooperation from your community and city officials.

We organized quickly late in the fall of 1977 when Ade Corporation went out of business. I think we have had a modicum of success.

We have had several problems. We have been a major factor in saving many lives, particularly heart attack victims around over the county.

We operate by contract with 12 communities in the county out of the 14 that have ambulance service available.

We have made progress of installing and are finalizing now a very fine communication system that hooks our ambulance personnel from the scene of the accident of a heart attack directly to the hospital emergency room.

We have for the past year been training people as emergency medical technicians which is the first phase of emergency medical training to enable them to assist people at the scene and en route to the hospital.

This year we have a special training program on through the Charleston Area Medical Center, Herbert Thomas Hospital, and West Virginia State College; a special paramedic training course which is a stiff long course. It takes a student about 6 months to get through it. It's a particularly tough course. Some of our people are not able to pass the entrance examinations and a good many will have difficulty in passing tests. But, at the end of this year we hope to have enough people trained as paramedics, licensed as paramedics to perform all of the normal emergency life saving advanced life saving services at the scene and en route to the hospital. Some of this, of course, will be under the radio control of the doctor in the emergency room.

I don't think there is any point in going into the technical aspects of it, my assistant Mr. Frank Kirk who is a paramedic is with me tonight, and he actually schedules the ambulances and the personnel, and he will answer questions in this area.

We are facing a serious money problem in that the federal government chose to withdraw its CETA support all over the country. The CETA program was designed to get to the hard-core jobless, the hard core employee, the drop outs, people who couldn't find a job. We have taken a good many of those people and trained and put them in fruitful and productive work. Some of them we have not been able to do that for. However now, they are cutting back on the program and during the coming fiscal year beginning next July 1, each month they are going to cut somebody off and we must put them on our payroll.

I think you have a copy of our budget, these people are in the four to six dollar an hour range, roughly speaking, depending on experience, license, and whether they're a paramedic or not. By the time you add 18 percent fringes you get into the class of cost of around a thousand dollars a month. So we have jumped from what we spent this past year in the amount of actual cost; 350 or 360 thousand dollars to \$1,067,000 this year.

We are asking a community such as yours to continue to support us for half of a crew of 4 members on a crew for each ambulance, as we are asking the other three incorporated cities here which would be a total of \$200,000 for the four cities, or \$50,000 each. We're expecting to collect in collections this year \$120,000 or \$10,000 a month from ambulance calls. We hope it will be higher than that, that's a conservative estimate.

We are asking the county commission to put up the other \$700,000 approximately to cover the difference. That is a synopsis of where we stand now.

Mr. McLaughlin further stated:

I will tell you before you go further that the county commission has not approved our budget. Our hearing before the county commission is next Tuesday, March 13th. At that time we will present and go over our budget item per item with them. Sometime after that, they will let us know whether they concur with all of it; part of it, and which part.

I'm merely asking, if you can, to concur in your part of the budget so that when we get to the county commission we can let them know where you stand, and the others stand, and hopefully encourage them to come along with their part.

I'll stop there, Mr. Mayor, and try to answer any questions.

Mayor Gibson asked, "Have you read my letter?"

Mr. McLaughlin answered, "Yes sir."

Mayor Gibson stated:

You know, what I don't understand and I think I'm speaking for the entire council, is why you all, the authority, would expect a small city like Nitro with about half the population of South Charleston, to pay the same amount as South Charleston. Or, we can talk about Nitro as compared to St. Albans.... We are at a complete loss as to why you expect us to pay as much as St. Albans and South Charleston.

Initially, it wasn't set up that way.

Mr. McLaughlin replied, "Yes sir, it wasn't actually, but it was changed, sir. Last year when we put the thing together in the planning stage before the budget was approved we established it on the comprehensive plan which meant each community would furnish 4 men for half a crew for the ambulance. It takes $8\frac{1}{2}$ people plus a supervision to operate an ambulance when you count the days vacation leave, and every thing that goes into it; 24 hours a day, 365 days a year. We ask you and the other communities to furnish 4 people. Now, the pay requirements for 4 men for that crew is approximately \$12,500 each, or for 4 people \$50,000. Now, last year we set it up the same way, and then when you all objected the county commission agreed to it, and then in February or the latter part of January, I had to go back to the county commission and ask for \$59,000 as a deficit supplemental appropriation to see out the rest of the fiscal year."

Mr. McLaughlin stated:

This year it was again set up for the pay of 4 people for each crew at each community and the cost was \$12,500 each average, for a total cost of \$50,000 per community.

Now, we could have lumped it all into \$200,000, I suppose, and sent it to the four mayors of the four cities council and Said "You all divide it up," but I don't know where we would have gotten. Or, we could have sent it to the county commission and asked them to either pay it or to divide it up and send it on to you.

But, the authority whom I work for voted on it this way and that's why it came to you this way sir. I have no pride of authorship, I did the writing on the budget. I'm the person that put it down, and I'll take that responsibility for it.

I understand, I think you have a legitimate complaint. I realize that we're asking you to pay 25 percent of the amount and we're going to run more ambulance calls on St. Albans ambulances and more on South Charlestons ambulances than we're going to run on your ambulances. Our statistics will prove that. And we're going to run some of yours outside your community. But, we also provide you with backup service when your ambulance leaves your community for any reason. We back you up. We guarantee you that we'll have an ambulance available to you. I don't know how the right way to do it is, sir.

Councilman at Large Dr. Allen stated:

On the basis of Nitro paying \$50,000 and we have a population of a little over 8,000 people it's going to cost us \$6.13 per capita, it's going to cost the citizens of South Charleston \$3.06 per capita. That's double the figure for the City of Nitro.

Mr. McLaughlin said:

Yes sir, I understand what you are saying. I have no other way, I am not in any position to try to change it or to regulate it. If I were, I would have probably done it differently.

I can only suggest to you, sir, that you take this matter up with the county commissioners and ask them to help adjust it.

When I sent this budget to the county commission I said to them in my cover letter, this budget is currently being forwarded to the 4 incorporated cities mentioned above, South Charleston, St. Albans Dunbar and Nitro, for their approval and acceptance. Since in at least 2 cases the fiscal requirements of these cities has doubled over that required in this fiscal year you should perhaps anticipate inquiries therefrom.

Mayor Gibson said:

But, Mr. McLaughlin, this is a packet you presented to the 4 mayors dated March 13, 1978. We all met at the county courthouse before the county commission and on the third page it showed the cities of South Charleston and St. Albans each add 50 percent of the basic cost to cover an additional ambulance.

And you show \$22,237.48 entry for each South Charleston and St. Albans, to pay for an extra ambulance because of population and also the outlying areas. And the council of these two cities (South Charleston and St. Albans) refused to pay this.

Mr. McLaughlin said, "They said they didn't want the ambulance."

Mayor Gibson said, "Then I read in the paper where the Kanawha County Court picks this up."

Mr. McLaughlin answered, "No, no, no, we never stationed another ambulance over there."

Mayor Gibson said, "No, not an ambulance, but a while ago you said you had a deficit of \$59,000 and had to ask the county commission for a deficit supplemental appropriation."

Mr. McLaughlin answered, "That was on the basis, sir, that when the old county court I got caught in the middle, one county court put me in business and approved cutting you back from \$44,000 to \$24,000. Then I got 2 new members elected to the county commission, and then I had to go in, in January to a new county commission and attempt to explain this. What really happened, sir for the bulk of that \$59,000 was at the rate you were paying this year, you instead of paying \$44,000 you were going to pay \$24,000. Dunbar was paying \$29,000 or \$30,000. There was a \$35,000 or \$40,000 deficit between these two communities, plus some other things that were loaded on me in between, that ran it up to \$59,000. The two cities on the other side of the river said simply, 'We don't want the third ambulance, We're not going to worry about what is outside our cities, that's for the county commissioners to worry about.'"

Mayor Gibson said "Our ambulance has been all over the county, if ours just went to the end of the bridge I don't think we would be complaining very much."

Mr. McLaughlin said, "we have to have a backup system to insure response quick enough to save lives, if you don't get a response within 6 to 10 minutes you're really not getting the job done."

Mayor Gibson referred to schedule of payment the cities were to pay for the last 4 months of the old fiscal year. Mr. McLaughlin said that Nitro was to pay monthly \$1,300, South Charleston was to pay \$4,500, St. Albans was to pay \$2,500 and Dunbar was to pay \$1,500 based on the RIC formula by agreement of the 4 mayors.

Mayor Gibson stated, "This is the way it should be."

Mr. McLaughlin stated, "I won't argue with you on that basis, I simply say to you sir, I don't have the authority to set or decide it. I think it's going to have to be set by agreement between the four mayors and the county commission."

Councilman Bailey said, "When we sent this proposed budget to the county commission we made them aware of the fact that there was not any agreement between the 4 participating municipalities, Dunbar, Nitro, St. Albans and South Charleston, as it would relate to the proposed budget of FY 1979 - 1980. We still have to appear before the county commission and fight our battle."

Mayor Gibson said, "This should not be necessary. What's the authority for: What's the purpose of the authority: To mistreat and to be partial, I mean I don't see why I should have to go before the county commission. I just don't understand why that would be necessary."

Mr. McLaughlin said, "The authority board has never had any direction in this respect. Last year was off the top of their head and this year was to a great degree based on last year. Now the change that was made in the budget for you folks was not made last year by the authority board, it was made by agreement between you and the county commission."

Mayor Gibson said, "No, no, no, no, no."

Mr. McLaughlin said, "Well, it was made by the county commission without your agreement, then."

Mayor Gibson said, "The ambulance authority voted to use this formula."

Mr. McLaughlin said, "They voted to use the formula for the last 4 months, sir, and when the county commission sent it back to them and requested so they did it that way. But, I don't know why the authority didn't do it the other way. I can say why they did it the way they did it, I think, and that was simply because I wrote it down that way. I'll take that responsibility for saying that this is the cost of 4 men to operate an ambulance at each community. So, they just accepted it on that basis and set it in a budget on that basis. I don't think they feel they have the authority to decide who's to pay what and how it's to be paid. They set it out as they see it and let it be decided by somebody else. Now, who that somebody else is I'm not prepared to say."

Councilman at Large Dr. Allen said, "We've had an increase of 50 percent from \$24,000 to \$50,000 and I don't know how we can explain to our citizens the tremendous increase. It's going to hurt our budget."

Mr. McLaughlin said, "Let me recommend to you, Mr. Mayor, that a committee or you or whomever you choose to do it come up to the county commission next Tuesday, March 13, at my budget hearing and tell them just this." And let them sit down with you and decide what they can afford to do and what is fair for you and what's right and what's not right. I don't feel I have that authority, I'll tell you that, now."

He further stated:

It cost somewhere between \$125,000 to \$150,000 a year to operate an ambulance 24 hours a day with licensed trained people, and our problem is where do we get the money to keep it going. We try to lay it out the best we can.

The county commission is now being asked to pay this coming year \$767,000 out of 1,087,000 or about 74 percent of it. I don't know whether that's right or not. I haven't talked to them yet about that, I don't know how they're going to feel about that. I hope they're going to agree to it. Perhaps they would agree to adding another 10 or 12 thousand dollars on to take up the difference on your problem. Maybe they can talk the Mayors from St. Albans and South Charleston into adding it on to theirs. I don't know how it's to be done, I hope it will get settled this year though and we don't go back through this another year.

Mr. Karnes said:

It seems to me this is a county budget for the county. I know the cities are all involved. But, to make up a budget to have the town of Nitro no bigger than it is, in effect, to pay part of the share of the other towns, why not submit the whole budget to the county commission and then if the county commission says that the city has to pay it then we would either have to pay it or be out of it.

Mr. McLaughlin replied:

That could be done, the reason it was set up this way we set up a plan of operating an ambulance service all over the county in which the county shared with the community on the support of the ambulance. Every local community where we operate furnished half the ambulance crew or more.

All over the county in all the 13 places we operate by contract with the local groups they furnish the place to keep the ambulance, the gasoline to operate it on, and half the crew or more, and in many instances they furnish their own ambulance and more.

Now, that plan envisions all ways the community would be a partnership operation all over the county for many reasons; reasoning against the day that maybe we can't afford an ambulance service. And if you have enough people who have been working it here trained, etc. you would be able to take it over at least on a part time basis to operate it.

Mr. Karnes said:

It looks to me like that's the route these other towns and Nitro should themselves consider if they're going to have to help pay for the out-lying areas and the other bigger towns.

Mr. McLaughlin said:

Well, that's what we're doing now. Cross Lanes, for instance, which backs you up when your ambulance goes out of town furnishes 4 people to man an ambulance 24 hours a day, you furnish 4, so does every other community in the county.

Councilman at Large Pennington said, "Colonel, are you telling me that you propose to get \$50,000 from Cross Lanes."

Mr. McLaughlin said, "No, I get the services of four people, and they furnish a place to keep the ambulance."

Mayor Gibson asked, "Who pays the bill on that?"

Mr. McLaughlin said, "They have chartered themselves an organization, Cross Lanes Emergency Ambulance Authority. They collect their own money and keep their own treasury, run a roster of their own people to serve on our ambulance. We have trained some of them for them as EMTs...."

Mayor Gibson stated, "In my letter I explained an ambulance was sent to Point Pleasant and was taken out of our city for approximately 4 hours and 12 minutes on February 9, 1979 on a snowy and icy day, and I understand the man had a broken leg...."

Mr. McLaughlin said that they have two things to go by, if it's critical we take him to the nearest facility, or to the hospital of his choice. And he chose Point Pleasant, and was adamant, he said. He said, you are right, to leave the community for 4 hours is not the thing to do, and it's the only time it's happened this way and I hope it will never happen again.

Mr. McLaughlin said they were running about 74 percent collection rate on calls, and that it was a very expensive business. He said it cost them \$225 or \$230 to make a call and we're billing 15 to 16 percent, that is what their charge reflects of that cost. He said that if he could get their frequency of calls up to an average of 10 calls per day per ambulance then our collections would be getting up to close to break even. However, he said they average about 2 calls every 24 hours year round.

Mr. McLaughlin stated:

We're working toward either a levy vote on the ambulance service or toward an actual outright charge by the county commission to pay for the ambulance service which would pay for it outright and relieve you of having to worry about it further. But we've got some peculiar problems that enter into it in that the City of Charleston which comprises a third of the voters in the county has a free ambulance service.

Councilman Bailey said that Mayor Gibson and council is aware that \$50,000 a year is a bargain for ambulance service, that there is no way you can buy an ambulance, equip it, maintain it and operate it for anything near \$50,000 a year. He said, "However we have to face reality and realize that the City of Nitro being a very small city, numerically speaking, our fiscal ability to meet a sum of \$50,000 is almost impossible." He stated we do have an alternative and that is to go to the county commission and present our case to them.

Mr. Karnes stated:

I think there is no question, we do have to have an ambulance. But, based on the last half of last year the City of Nitro paid \$112 per trip. The City of South Charleston paid \$50 per trip.

I object to the City of Nitro paying more than twice what South Charleston pays for the same service.

Councilman Hughart stated that with all the criticism I think we've had a good ambulance service.

Mr. McLaughlin said the Police Chief, the Mayor, and you've been most cooperative, and it's been a pleasure to work with you down here; and I hope we can improve service and continue to do a good job, and do a better job.

Mayor Gibson said, the biggest complaint I have is the manner in which you're expecting us and the other municipalities to pay. "There's no way that I can go along with it. "It's just not right." Mayor Gibson said, "Now, you know yourself South Charleston was locked in with Ade to the tune of \$90,000 a year, and Ade was going to raise it to about \$120,000....Then South Charleston comes out, they're getting ambulance service as far as I'm concerned almost given to them," he said.

Mr. McLaughlin said, "I will be happy to go with you to the county commission to help you argue your point and furnish you with all the information that you need, and stand up for you any time you select."

Mayor Gibson said we don't have any big complaints, just that one.

Mr. McLaughlin said:

As I said before we have some peculiar problems and I'm hopeful before another year that we'll either have a levy election or we'll have a charge made by the county commission. We may have to have your help to get that, Mayor.

Mayor Gibson said:

General McLaughlin, you see, we are to a great extent in Putnam County and we have Putnam County ambulance service. That is one more reason why I don't think we should pay as much as a big city like South Charleston or St. Albans, when we have ambulance service in Putnam County and we're helping support that.

Mr. McLaughlin said, "We're serving all the adjacent areas as you well know, simply complementing Putnam County.

Mayor Gibson expressed his appreciation to Mr. McLaughlin and Mr. Kirk for their presence.

LICENSE, "AL AND DAVID'S DROP INN" 21st STREET AND 2nd AVENUE:
Mayor Gibson stated that Mr. Paul Whittington had applied for license, and introduced Mr. Whittington. Mr. Whittington said that his wife and he would manage the business, and would be open from 7:00 a.m. till 11:00 p.m.

Councilman at Large Karnes said that at this location for many years food had been sold to school children, and that the location was in sight of the Nitro Police Station. Councilman at Large Karnes made a motion to issue the license to Mr. Whittington for 5 coin machines and general store. The motion was seconded by Councilman Hughart, and the motion passed. Councilman Pennington cast an opposing vote.

KANAWHA VALLEY SOCCER LEAGUE, PLAY GROUND -
NITRO JR. HIGH SCHOOL: Mayor Gibson read a letter addressed to him and council members from Mr. Sam F. Lee, Jr., Principal of Nitro Junior High School.

The letter is as follows:

Nitro Junior High School

PARK AVENUE
NITRO, WEST VIRGINIA 25143
PHONE 755-4364

To: Hon. William Gibson & City Council Members
From: Sam F. Lee, Jr., Principal
Subject: Use of Kanawha County School Property by
Kanawha Valley Soccer League

Nitro Jr. High has been contacted by the Kanawha Valley Soccer League wanting the use of our fields between NJHS and Baker on each Saturday and Sunday (all day) beginning March 15 and continuing through June 15th. Approximately 800 people would be attending, of which about 200 are citizens of Nitro. The Soccer leagues are for the following age groups:

1. under 19 years of age
2. under 16 years of age
3. under 14 years of age
4. under 12 years of age
5. under 10 years of age
6. under 8 years of age

The Kanawha Valley Soccer League will be asked to have its participants who drive cars park in the NJHS parking lot and/or the City Parking Lot below the swimming pool. Secondly, that some type of self contained camping trailer or toilet will be provided for participants.

I feel that City Council needs to consider this request very carefully in light of the fact that three citizens living near or along Park Avenue have raised questions about the use of this area. Their complaints are relative to congested parking, no bathroom facilities and the noise which results from the games.

Your conclusion will weigh heavily in the final decision. The Kanawha County Board of Education has requested that our fields be made available for soccer if it does not interfere with school related activities. We have no scheduled activities or events during the time requested.

Residents present from the Park Avenue area in question are as follows:

J. D. Balch, 1107 Park Avenue,
 Janice Amburgey, 1426 W. 14th Street,
 Don and Patty Mellert, 1318 W. 13th Street,
 Doris Boster, 1217 Park Avenue,
 Inez Smith, 1213 Park Avenue,
 Rebecca B. Hamilton, 1316 W. 13th Street
 W. Finney, 1105 Park Avenue,
 Martha E. Smith, 1215 Park Avenue,
 Glen D. Smith, 1215 Park Avenue,
 Curtis Brewer, 1416 W. 14th Street
 Gerald R. Karnes, 1223 Park Avenue, and
 Alma L. Karnes, 1223 Park Avenue.

Councilman at Large Pennington said this was some of the things that happened last year, and he stated, I think we should take a long look at this, and do whatever we can to help these people over in that area.

Mr. Tom Huzzey, manager of the league, stated that they had operated the Kanawha Valley Soccer League since 1973, and had begun with a small group and had expanded it this past fall to 800 people. Mr. Huzzey said they were not playing solely at Nitro, that they were also playing at South Charleston and Cabell field. Mr Huzzey said that this was a constructive endeavor to keep the kids off the street.

Mr. Huzzey stated that any other activity that is there is strictly voluntary, there is no scheduled practice on that field, other than that they play on Saturdays and Sundays.

Mr. Don Mellert said that it was his understanding that the fields between Nitro Junior High School and Baker Elementary School was not a sanctioned athletic field.

Mrs. Martha Smith stated that last year the soccer league played every weekday evening 5:00 p.m till dark, on Saturday 8:00 a.m. till dark and Sunday afternoon, and that they played up in the month of November.

Mrs. Martha Smith further stated that last summer we have tolerated noise, traffic congestion, lack of parking, litter, yard and property damage, and absolute rudeness from some of the participants; that seven days a week of being denied the pleasurable use of our homes and our yards is really expecting too much tolerance from anyone. Mrs. Smith stated that this was the consensus of the residents who live in the area.

Mrs. Inez Smith reported a storm door had been damaged and cars had been damaged by soccer ball.

After further discussion on other possible locations for the soccer league Councilman Hughart made a motion that City Council go on record as recommending that the area so suggested by the soccer league not be used for this purpose because it's not a good facility for this purpose. The motion was seconded by Councilman at Large Pennington, and the motion passed by a unanimous vote.

Councilman Hughart made a motion that the possibility of having the soccer league play in the area of Nitro be referred to the Recreation Committee. The motion was seconded by Councilman at Large Karnes, and the motion passed.

KANAWHA COUNTY HEALTH DEPARTMENT PROPOSED BUDGET REQUEST FOR CITY OF NITRO FOR 1979 - 1980: Mayor Gibson stated that council had received a copy of the proposed budget for their study. Councilman at Large Dr. Allen said that this item should be referred to the Finance Committee for use in making out their budget.

SPECIAL LEVY ELECTION RESULTS HELD FEBRUARY 24, 1979: Donald Karnes, Councilman at Large, stated that there were 156 votes for the levy, 15 against, and two challenged votes.

CANVASS OF SPECIAL LEVY ELECTION RESULTS, CONDUCTED FEBRUARY 28, 1979:


A copy of the Special Levy Election, February 24, 1979 Result Sheet is as follows:


CITY OF NITRO
SPECIAL LEVY ELECTION
FEBRUARY 24, 1979
RESULT SHEET

PRECINCT NO.	FOR	AGAINST	PUBLIC COUNTER	PROTECTIVE COUNTER	MACHINE NO.	
22	18	1	19	04047	20865	
363	9	0	9	03056	20866	
364	25	2	27	03163	20867	
365	17	3	20	03286	20868	
366	15	1	16	03407	20869	
367	17	1	18	03158	20870	
368	22	5	27	03210	20871	
369	22	2	24	03355	20872	
370	11	0	11	03393	20873	
TOTAL	156	15				

PLUS TWO CHALLENGED VOTES (2)

THE ABOVE RESULTS ARE TRUE AND ACCURATE AND WERE VERIFIED BY A CANVASS
ON THE VOTING MACHINES FEBRUARY 28, 1979.


WILLIAM D. GIBSON, MAYOR


DONALD KARNES, COUNCILMAN AT LARGE

Council compared the result sheet with the tallies of the commissioners and they were in agreement.

Councilman Bailey made a motion the results and canvass be accepted. The motion was seconded by Councilman Dr. Cassell and the motion passed unanimously.

Councilman at Large Dr. Allen made a motion to accept the two challenged votes from Precinct No. 22 making the total vote for all precincts, 158 for, and 15 against. The motion was seconded by Councilman at Large Pennington, and the motion passed unanimously.

Councilman at Large Dr. Allen made a motion the expenses of the election be approved (approximately \$2,500). The motion was seconded by Councilman at Large Karnes and the motion passed.

Mr. Harold W. Harmon, 108 River Avenue and Mr. Ezra H. Graley, 110 River Avenue, were introduced by Councilman Bailey. They were interested in getting River Avenue paved. It was suggested by Mayor Gibson and Councilman at Large Dr. Allen that they have the abutting property owners sign a petition and submit it to council, and were told that the paving would have to be done according to specifications of the city engineers, and that the cost of paving would be the responsibility of the property owners.

BUDGET PREPARATION SEMINAR, FEBRUARY 21, 1979
(9:30 A.M. TILL 3:00 P.M.): Councilman at Large Karnes stated that the State of West Virginia furnished them with a book that will contain the entire budget. We have had 60 some line items in the past which will be reduced to 5, he said. He stated the forms in the book will definitely be of help in accounting for the city, it's designed to not have any deficit spending. He said there will be more detailed seminars later.

Mayor Gibson stated that it is a more comprehensive way in budgeting, and will tighten up the reins on spending in every department because it is segmented into much more detail for each department.

PETITION TO NITRO CITY COUNCIL FROM THE NITRO SANITARY BOARD REQUESTING AN APT AND PROPER DEED CONVEYING TO SAID SANITARY BOARD A RIGHT-OF-WAY ALONG SAID ALLEY, THROUGH PARCEL #98, OUTLINED ON KAN. COUNTY TAX MAP #13, IN AN EFFORT TO INSTALL A SANITARY SEWER TO TURNER MOTOR SALES: Mayor Gibson stated that council had received a copy of the petition which is as follows:

BE IT DULY RESOLVED at a regularly scheduled meeting of the Nitro Sanitary Board, held on the 22nd day of February, 1979,

P E T I T I O N

Now comes the Nitro Sanitary Board, before the City Council of the City of Nitro, and said Sanitary Board does petition the said City Council as follows:

WHEREAS, the Nitro Sanitary Board is authorized and required to provide sanitary-sewage services to the residents of the City of Nitro and its environs; and

WHEREAS, the Nitro Sanitary Board has been requested to render sanitary-sewage services to that certain parcel of land as more fully shown on a map of same attached hereto and made a part hereof for all pertinent purposes; and

WHEREAS, the City of Nitro presently has ownership of that certain alley adjacent to the subject parcel;

NOW, THEREFORE, comes the aforesaid Nitro Sanitary Board and requests that the City Council of the City of Nitro provide its Sanitary Board with an apt and proper deed conveying to said Sanitary Board a right-of-way along said alley, which said right-of-way shall be used for the purpose of laying and installing a sanitary-sewage line to the subject parcel.

NITRO SANITARY BOARD

BY: _____

Its: Chairman

Voting For: _____

Voting Against: _____

Mayor Gibson stated that the attorney for the Sanitary Board had checked this out in detail, and in his opinion there is a gray area as to whether the alley way was properly closed or not, and to expedite this he felt they should petition council and let the city attorney become involved and seek his advice.

Councilman at Large Dr. Allen made a motion to accept this petition as presented. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

Mayor Gibson stated he had advertised in the Kanawha Valley Leader two scheduled public meetings: Saturday, March 17, 1979 at 1:00 p.m. and Monday March 19, 1979 at 7:00 p.m.

The public meetings are for the purpose of allowing the citizens of Nitro to have input; make recommendations and suggestions as to how we can utilize our revenue sharing monies for the statement of assurances of the 10th entitlement period. He said we're talking about approximately \$165,000 of revenue sharing money. The mayor encouraged the councilmen to be present at these meetings.

Mayor Gibson recommended that Councilman at Large Donald Karnes, 101 Holley Street, Nitro, be appointed city recorder. Councilman Dr. Cassell made the motion Mr. Karnes be appointed city recorder. The motion was seconded by Councilman Hughart, and the motion passed. Councilman at Large Karnes did not vote.

Mayor Gibson stated that in the past the city recorder had been appointed to serve as treasurer for \$1 per year. He said he felt that this was ridiculous and recommended that this be increased from \$1 per year to approximately \$3,000 per year.

Councilman Dr. Cassell made a motion to place the position of permanent treasurer in the Finance Committee for study. The motion was seconded by Councilman Bailey, and the motion passed. There was one abstaining vote which was cast by Councilman at Large Pennington.

Councilman Dr. Cassell made a motion to appoint Mr. Karnes as temporary treasurer at \$1 per year. The motion was seconded by Councilman Hughart, and the motion passed by a unanimous vote.

Councilman at Large Dr. Allen called for the sealed bids for the 1979 police cruiser to be opened and read.

Mr. Long questioned the priorities the recreation would have on this. Mr. Carpenter said during the past two years the priorities have been low for recreation.

Councilman Bailey questioned what constitutes low income during recent years. Mr. Carpenter said their 1978 estimate for the Charleston metropolitan area was anyone earning less than \$12,240.

Mrs. Hattie Tinchler asked if this has anything to do with the number of dependents, as an example, a family making \$12,000 with ten children. Mr. Carpenter stated that dependents are considered.

Mrs. Wampler asked the definition of income. Mr. Carpenter stated interest, pensions, welfare payments and anything filed with Internal Revenue Service is considered income.

Mrs. Tinchler wanted to know if housing rehabilitation was the highest priority. Mr. Carpenter answered, yes, for the past two years.

Mr. Hughart questioned Mr. Carpenter regarding the possibility of establishing an escape route to provide safety to the citizens just in case toxic fumes escape from one of the near by chemical plants. Mr. Carpenter stated that he would have to check with the regional office of HUD and obtain the answer to this question.

Mrs. Young wanted to know if this program would allow a person to repair their sub-standard house at a low rate of interest. Mr. Carpenter stated this was true. He said the City of Handley had this type of a program.

After other relevant questions were asked and answered, Councilman Hughart made a motion for adjournment. The motion was seconded by Councilman at Large Dr. Allen and the motion passed.

MAYOR



RECORDER

Councilman Bailey read the bid from C & O Motors, Inc. for a 1979 Chevrolet Malibu, 4-door sedan, model #1AT19, 90 days delivery, for \$6,713.60, no trade in.

Councilman Hughart read the bid from Joe Holland Chevrolet, Inc. for a 1979 Chevrolet, 4-door sedan, model #1AT, 115 days delivery, for \$6,414.25, no trade in.

Councilman at Large Pennington made a motion to accept the low bid from Joe Holland Chevrolet, Inc. for the price of \$6,414.25. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

Councilman at Large Dr. Allen stated that on the 1977 police cruiser which was totaled the insurance company will pay \$2,750 and allow the city to retain the vehicle.

Councilman at Large Dr. Allen made a motion to approve the \$1,100 annual assessment to the Regional Governmental Council. The motion was seconded by Councilman at Large Pennington, and the motion passed.

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. Letter from Charles R. Miller, Commissioner West Virginia Department of Highways, in reference to the proposed straightening of West Virginia Route 25 at 21st Street, Nitro

2. Minutes, Nitro Little League, February 17, 1979

3. Mayor Gibson received a letter dated February 16, 1979 from Daniel S. Green, Manager Program Support Services, Governor's Office of Economic and Community Development in reference to application for single purpose community development for acquisition of land to locate an elderly housing project.

4. The Recreation Committee received a letter from Ivan D. Meadows, President of the Little League Baseball dated February 23, 1979 requesting additional lighting be provided around the concession stand and press box.

5. From Orders and Haynes, dated March 1, 1979 a list of price increases, effective immediately

6. Mayor Gibson received a letter from Police Chief Bradley in reference to Patrolman Hill completing a course of training at the West Virginia Police Academy for city and county officers, and stating he was selected to be the speaker for the graduation ceremony.

MAYOR GIBSON CALLED FOR THE COMMITTEE CHAIRMAN REPORTS.

COUNCILMAN HUGHART: no reports.

COUNCILMAN AT LARGE DR. ALLEN: no reports.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN BAILEY: no reports.

COUNCILMAN AT LARGE PENNINGTON: no reports.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes stated that he had no reports, but he made a motion that Patrolman Wes Hill be presented a plaque and a certificate for being selected to be the speaker for the graduation ceremony upon completing a course of training at the West Virginia State Police Academy. The motion was seconded by Councilman Dr. Cassell, and passed unanimously.

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

MAYOR

Dow Karnes
RECORDER

PUBLIC MEETING

REVENUE SHARING TENTH (10) ENTITLEMENT PERIOD

10/1/78 - 9/30/79

March 17, 1979

Mayor William Gibson called the meeting to order and stated that the purpose of the meeting was to encourage citizens participation in assisting the elected officials in allocation the Revenue Sharing Allocation for the period October 1, 1978 to September 30, 1979 (Entitlement Period 10 in the amount of \$165,766.00) to be paid to the City of Nitro quarterly, starting January 1979.

The Mayor stated that this meeting had been advertised in accordance with the Revenue Sharing laws in the Kanawha Valley Leader, March 7, 1979 and also in the Charleston Daily Mail.

Those in attendance were: Mayor Gibson, City Recorder, Don Karnes, Councilman at Large Dr. R. V. Allen, Councilman Dr. Guy Cassell, Councilman Gus Bailey, Councilman Dean Miller and a citizen, Mr. Lonnie Norvell. Absent were, Councilman at Large Mel Pennington and Councilman Romie Hughart.

There was much discussion regarding the various needs within the city and the City Recorder was asked what Revenue Sharing Monies were used to support during Entitlement Period Nine (9). October 1, 1977 to September 30, 1978. The allocations were as follows:

Police Department	New Equipment	5,500
Garbage Department	General Expense	20,000
Street Department	Materials	20,000
Recreation		57,436
Kanawha County Dental Clinic		300
Emergency Ambulance Service		55,000
		<u>\$158,236</u>

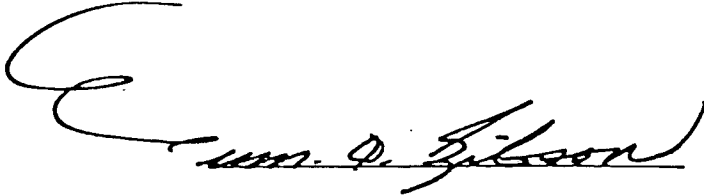
It was finally decided that Revenue Sharing Monies should be spent as much as possible for capital improvements or investments. Mr. Norvell stated that he would give the matter of needs and priorities serious thought and would attend the next Public Revenue Sharing Meeting scheduled for 7:00 P.M. March 19, 1979, Nitro City Hall.

After much discussion the following was decided as some of the needs of the City.

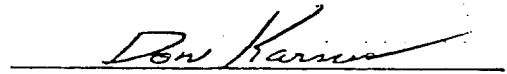
1. Another story added to the building owned by the City located at 2nd Avenue and 22nd Street
2. Two (2) new garbage trucks
3. One (1) new heavy duty dump truck
4. One (1) used tanker truck for Street Cleaning

5. Possibility of purchasing a parcel of land situated on Bank Street, between 20th and 21st Street for the purpose of a City Parking Lot.
6. The possible need for a new fire truck.

The meeting started at 1:15 P.M. and adjourned at 3:00 P.M.

A large, stylized handwritten signature in dark ink, appearing to read "Wm. D. Gibson".

Mayor William D. Gibson

A handwritten signature in dark ink, appearing to read "Don Karnes", written over a horizontal line.

City Recorder Don Karnes

Councilman Dr. Cassell made a motion the minutes of the Public Meeting held Saturday, March 17, 1979 be approved. The motion was seconded by Councilman Bailey, and the motion passed unanimously.

PUBLIC MEETING HELD MONDAY, MARCH 19, 1979, 7:00 P.M.
REVENUE SHARING MONIES FOR THE 10th ENTITLEMENT PERIOD:
 Mayor Gibson said that this meeting, also, had been productive.

Councilman at Large Dr. Allen made a motion the minutes of the Public Meeting held Monday, March 19, 1979 be approved. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

Copy of March 17, 1979, March 19, 1979, minutes of Public Meetings is attached hereto and made a part hereof.

POCA MIDDLE SCHOOL REQUEST TO SOLICIT THE MERCHANTS
OF NITRO FOR A SCHOOL CARNIVAL APRIL 27, 1979: Councilman Dr. Cassell made a motion to grant the request. The motion was seconded by Councilman Bailey, and the motion passed unanimously.

SOLICITATION OF FUNDS, NATIONAL MULTIPLE SCLEROSIS,
LAST WEEK OF APRIL TILL THIRD WEEK OF MAY: Councilman Dr. Cassell made a motion to grant their request. The motion was seconded by Councilman Hughart, and the motion passed by a unanimous vote.

Mayor Gibson said that a letter had been received March 19, 1979 from Rock Branch Elementary School for permission to solicit for donations for the Spring Festival April 7, 1979. Councilman Dr. Cassell made a motion to grant the request. The motion was seconded by Councilman Hughart, and the motion passed unanimously.

STREET PAVING PETITION - 39th STREET EAST: Mayor Gibson stated that everyone on the street had signed the petition with the exception of one person who wasn't a resident there, but the person did own lots there. (This is the dirt road from Easter Road to the creek, he said.)

Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee stated they would accept the petition and tie it in to their total program.

POSSIBLE CONFLICT WITH RESPECT TO DATE OF MUNICIPAL
ELECTIONS: Mayor Gibson stated that council had received a copy of the letter from W. T. Brotherton, Jr., President, West Virginia State Senate. Mayor Gibson stated the letter was self-explanatory, and referred this to Mr. Cottrill, City Attorney, and said that an ordinance would have to be enacted.

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

MARCH 20, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on March 20, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Don Karnes, Councilman at Large Dr. R. V. Allen, Councilman Dr. Guy Cassell, Councilman Romie Hughart, and Councilman Gus Bailey. Mr. Layton Cottrill, City Attorney, 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 Reverend James Arbogast, Pastor of St. Paul's United Methodist Church.

APPROVAL OF MARCH 6, 1979 COUNCIL MEETING MINUTES:

Councilman Bailey made a motion the March 6, 1979 Council Meeting Minutes be approved. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

APPROVAL OF FEBRUARY 1979 FINANCIAL STATEMENT:

Mr. Karnes, City Recorder made a motion to table this until the next regularly scheduled council meeting, April 3, 1979. The motion was seconded by Councilman Hughart, and the motion passed by a unanimous vote.

MEETING WITH KANAWHA COUNTY COMMISSION MARCH 13, AND MARCH 15, 1979, REGARDING ANNUAL COST OF EMERGENCY AMBULANCE SERVICE: Mayor Gibson stated he had attended both meetings, and as a result of the meetings, rather than each of the four cities paying \$50,000 each for emergency ambulance service, Nitro will be expected to pay \$30,000, Dunbar \$35,000, St. Albans \$55,000, and South Charleston \$80,000. Mayor Gibson said that in addition to this each must provide a place to house the employees and the ambulance, provide minor maintenance repairs, and supply gasoline for the vehicle.

PUBLIC MEETING HELD SATURDAY, MARCH 17, 1979, 1:00 P.M. - REVENUE SHARING MONIES FOR THE 10th ENTITLEMENT PERIOD: Mayor Gibson stated that they had the meeting as scheduled, and that the meeting had been duly advertised in the newspaper. He said that he felt that the meeting had been fruitful.

CITY OF NITRO
PUBLIC HEARING -- REVENUE SHARING

March 19, 1979

The Revenue Sharing Public Hearing was called to order on March 19, 1979, at 7:00 p.m. o'clock at Nitro City Hall, by the Honorable William D. Gibson. Present were City Recorder, Don Karnes; Councilman at Large, Dr. Roy Allen; Councilman Romie Hughart; Councilman Gus Bailey; Councilman Dr. Guy Cassell. Councilman at Large Mel Pennington and Councilman Dean Miller were absent.

CITIZEN IN ATTENDANCE: Mr. Lonnie Norvell of 1318 Valentine Circle.

Mayor Gibson stated that this Revenue Sharing money was the tenth (10th) Entitlement period covering fiscal period October 1, 1978 through September 30, 1979; in the amount of \$165,766.00. He further stated that in order to bring us into compliance with the law, this Public Hearing has been advertised in:

Kanawha Valley Leader	March 7, 1979
Charleston Gazette	March 7, 1979
Charleston Daily Mail	March 7, 1979

The first item for discussion was the Ambulance Service. Mayor Gibson stated this will cost the City of Nitro \$30,000.00 plus expenses amounting to approximately \$5,000.00 for a total of approximately \$35,000.00. He further stated over the past recent years these monies were taken from Revenue Sharing Funds.

Mr. Lonnie Norvell stated that Nitro was a nice town and that there was nothing wrong with it that cannot be improved with some cooperation from business and citizens alike. Mr. Norvell suggested we use as much Revenue Sharing money in Capital Improvements as possible, as this creates long range benefits.

Councilman Bailey suggested possibly buying a small parcel of land on the corner of Twenty-first (21st) Street and First Avenue, this to be used for a parking lot. He also suggested a Childrens Park somewhere in Ward IV.

Councilman Hughart said he understood the City owned building on Second Avenue at Twenty-second (22nd) Street, needs extensive repairs on the roof, and suggested the city look into the possibility of adding a second floor.

Councilman Cassell said maybe the city could finish the second floor, lease it for office space, thereby, producing revenue for the city.

Councilman Hughart suggested the city consider an evacuation plan,

in case of an emergency. This should include an off premises communication system.

Mayor Gibson stated that we may need to use some of the Revenue Sharing money for the purchase of one or two packer trucks for the Garbage Department. He further stated that Mr. Williams has requested a street washer that we should consider.

City Recorder, Don Karnes, stated that last fiscal year we earmarked approximately \$57,000.00 for the Recreation Department, and after looking over the proposed budget for that department, it looked as if we may need to purchase six (6) paddle boats, this at a cost of approximately \$700.00 each. Considering the ongoing cost of other things, such as labor, etc., this amount may need to be increased.

After lengthy discussion on all these matters, the meeting was adjourned at approximately 10:00 p.m. o'clock.

Wm. D. Gibson, Mayor

Don Karnes, Recorder

Mayor Gibson stated that there is a delegation present from Main Avenue in reference to the proposed paving of Main Avenue.

Councilman Bailey introduced Mr. Gary Justice, 1305-B Main Avenue, as the speaker for the group.

Mr. Justice stated:

I don't think the majority of our people are opposed to the paving; I think the majority of our people are opposed to paying or bearing the full brunt of the cost of the paving.

We have a petition here with approximately 150 signatures on it with more coming, they have not all had the opportunity to sign.

But, we feel that with the street being a public facility and not a private street that we would be wrongly judged if we were to bear the full brunt of the payment for the street paving. There are a large number of public utilities and private business enterprises with large heavy equipment that use this street. We don't believe that the property owners and residents who live on Main Avenue are the people that are really tearing the street up.

We don't mind paying our fair share, we just don't want to have to pay the whole brunt of the attack.

Mr. John B. Shawhan, 1403 Main Avenue said:

I want to know why a citizen of this town should have to pay any of it. Where is our tax money going? How come there isn't enough tax in our treasury of this city to pave every street....

Dr. Cassell stated he was on the Finance Committee and so was Dr. Allen, and he said there is no such funds available to us to do anything with. "We have open meetings when the Finance Committee meets, I would like for any and all of you to come to those."

Mr. Karnes asked Mr. Justice if he thought the citizens in general would be in favor of some sort of a fee on an ongoing basis for street paving and maintenance.

Mr. Justice replied, there's nothing wrong with that.

Mr. Harold Kocher, 103 Main Avenue asked, "What is the cost, that he had heard it was going to cost anywhere from \$400 to \$4,000 for 60 feet of frontage."

Councilman Hughart said that from Boundary Street to Kapok Street the engineers estimated \$64,000 or \$6.66 per linear foot, that is for a two inch cap.

Councilman Bailey said that as of September 1978 it was \$6.66.

Mr. Joe Walker, 1305 Main Avenue asked, "Is there any possibility the state will take Main Avenue over as an alternate to Route 25?"

Mayor Gibson said they haven't been approached since I've been involved with city government, we could pursue this.

Mr. Carl Winter, 809 Main Avenue questioned who is paying for the intersections.

Councilman Hughart said it was built into the \$6.66 a foot.

Mayor Gibson stated council had received Mr. Karnes letter of resignation as councilman at large, and recommended Mr. Jack Legg, Number 10 Gravely Drive, Nitro, West Virginia, be appointed councilman at large to complete the unexpired term of Councilman at Large Karnes.

Mr. Karnes made a motion to appoint Mr. Jack Legg as Councilman at Large. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

Mayor Gibson asked that council approve the appointment of Mr. George William Trout, Number One Tim Mar Heights, as a member of the Planning Commission to replace Mr. James Landers.

Councilman Hughart made a motion to accept the appointment of Mr. George W. Trout as a member of the Planning Commission. The motion was seconded by Councilman Dr. Cassell and the motion passed unanimously.

Mayor Gibson asked council to approve the appointment of Mrs. Dolly Withrow, Number 24 Broadway Gardens, Nitro, West Virginia, as a member of the Planning Commission.

Councilman Hughart made a motion to accept the appointment of Mrs. Dolly Withrow as a member of the Planning Commission. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

"SPRING CLEAN UP MONTH" was discussed. It was suggested that the National Guard be contacted to find out when they could help. It was also suggested that Reverend Donald Cummings, Pastor of the Twin City Bible Church, be contacted and get permission to use their property to dump trash there to fill in the property.

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. Minutes of the Board of Zoning Appeals meeting February 22, 1979.

ATTACHED: Letter to Mr. Gorman Wise dated February 23, 1979 from Harry Russell, Chairman of the Zoning Appeals Board, informing him a variance from present zoning ordinance to permit the proposed construction of a Furniture warehouse situated at 493 First Avenue, South, Nitro, West Virginia was approved February 22, 1979.

2. Minutes, Nitro Little League, February 24, 1979.

3. Mayor Gibson had written a letter dated March 8, 1979, to Mr. Layton Cottrill, City Attorney in reference to copies of correspondence and building permits, Charley Damron, P. O. Box 9186, South Charleston, WV.

4. Mayor Gibson had written Mr. Layton Cottrill March 8, 1979 in reference to the Board of Zoning Appeals.

5. Constance J. Stephens, General Manager, Nitro Sanitary Board, had sent a letter dated March 13, 1979 to Council Members in reference to future street paving projects.

6. Mayor Gibson received a letter from Patrolman Wes C. Hill, Nitro Police Department in reference to a speed limit recommendation.

Councilman at Large Dr. Allen made a motion Mayor Gibson contact the Department of Highways to attempt to get the speed limit between the Moose Lodge and Twin City Bible Church changed from 55 mph to 40 mph (approximately 3/4 mile). The motion was seconded by Councilman Hughart, and the motion passed.

7. The Recreation Committee received a letter dated March 14, 1979 from Jay Long, Recreation Director, recommending the C & P Telephone Company be allowed to install a public phone booth near the entrance of Ridenour Memorial Park.

8. Mr. Gregory Patton, Mr. and Mrs. Jerry Patton, and to whom it may concern, had received letters dated March 14, 1979 from Jay Long, Recreation Director, in reference to Gregory Patton, 44 21st Street.

Mayor Gibson said he had received complaints for 2 or 3 months about vehicles parking on the roadway pavement at Ridenour Memorial Park.

Mr. Karnes, City Recorder, made a motion signs be erected in the vicinity, DO NOT PARK ON PAVEMENT. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

9. From Chief of Police, Leo J. Bradley, NITRO POLICE DEPARTMENT REPORT, February, 1979.

10. Mayor Gibson had written a letter dated March 20, 1979 to Mr. Emory R. Young, Jr., 1303 Summit Drive, Charleston, West Virginia 25302 in reference to complaints received regarding various problems that exist at Broadway Gardens.

MAYOR GIBSON CALLED FOR THE COMMITTEE CHAIRMAN REPORTS.

MR. KARNES, CITY RECORDER: no reports.

COUNCILMAN HUGHART: no reports.

COUNCILMAN AT LARGE DR. ALLEN: Dr. Allen stated that there would be legal work to be done in reference to the street paving, and he would be in contact with Mr. Cottrill, City Attorney.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN BAILEY: Councilman Bailey said that council should weigh heavily the suggestions given by the constituency tonight, the suggestions were good.

Councilman Dr. Cassell made a motion a street light be erected on 18th Street between 1st And 2nd Avenue, and that three street lights be erected in the area of Rockledge Drive and Rockledge Circle. The motion was seconded by Councilman Bailey, and the motion passed unanimously.

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

MAYOR

Don Karns

RECORDER

SPECIAL MEETING
OF THE
NITRO CITY COUNCIL
MARCH 28, 1979

The Special Meeting of the Nitro City Council was held at Nitro City Hall on March 28, 1979, at 7:30 p.m. Present were Mayor William D. Gibson, City Recorder Don Karnes, Councilman at Large Dr. R. V. Allen, Councilman at Large Jack Legg, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Gus Bailey, Councilman at Large Mel Pennington and Councilman Dean Miller were absent.

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

Mayor Gibson stated that the purpose of the meeting was to finalize the Proposed 1979-80 budget into a workable budget and to properly priortize the needs and allocations for Revenue Sharing Entitlement Period #10, date October 1, 1978 through September 30, 1979.

City Recorder Don Karnes stated that he had devoted considerable time to the budget, since the meeting of March 26, and that in his opinion, there was no way possible to balance the budget without increasing taxes in one form or the other. After, going through the various line items and after long discussion, it was decided by those present that due to financial difficulties, it would be necessary to raise the Municipal Service fees Two Dollars \$(2.00) per month. Thereby increasing the monthly fee to Seven Dollars (\$7.00) per month. Other possible changes were also discussed which would aid in generating more revenue for the budget. It was the opinion, of those present, that the following were the basic factors that created the financial difficulties:

1. Inflation.
2. Cost of providing Emergency Ambulance Service.
3. Cost of transporting trash and garbage to the Western Landfill and the extra overhead for dumping.
4. Humane Officer expenses, being supported by only two municipalites, whereas in the past four cities had been sharing the cost equally.

5. Serious damage to streets and added cost of repairs caused by unusually bad winters.
6. Extra cost of operation caused by newly enacted legislation by the West Virginia Legislature
7. Large jury verdict against the City of Nitro resulting from an automobile accident February, 1972.

Councilman Dr. Cassell made a motion that the financial budget for fiscal year 1979-80, be approved as presented and that Municipal Service fees be increased from Five (\$5.00) Dollars per month to Seven (\$7.00) Dollars per month, making it possible to have a balanced budget.

The motion was seconded by Councilman Bailey, the motion carried unanimously.

Mayor Gibson stated that we are experiencing financial difficulty currently with our finances for fiscal year 1978-79, and the Director of Public Works, Mr. Gene Willimas had been operating for an extended period with one unfilled slot in his budget, in an effort to curtail expenses.

With concurrence, from Police Chief Bradley, the Mayor recommended that the number of policemen be reduced effective April 30, 1979 from Eleven (11) to ten (10) in an effort to deal with overspending.

Councilman Dr. Cassell made a motion that the number of policemen be reduced effective April 30, 1979, from Eleven (11) to Ten (10). The motion was seconded by Recorder Karnes. The motion carried by a unanimous vote.

Mr. Karnes, City recorder made a motion that the Revenue Sharing Budget for Tenth Entitlement Period, October 1, 1978, through September 20, 1979 be approved as presented, which is as follows:

General Expenses (Garbage)	\$29,500
New Equipment (Street)	9,000
General Expenses (Street)	29,500
Recreation	50,766
Municipal Garage	12,000
Emergency Ambulance Service	<u>35,000</u>
	\$165,766

The motion was seconded by Councilman at Large Legg and passed unanimously.

Recorder Karnes made a motion for adjournment, the motion was seconded by Councilman at Large Dr. R. V. Allen. The motion carried unanimously.

William D. Gibson, Mayor

Don Karnes

Don Karnes, City Recorder

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

APRIL 3, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on April 3, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Don Karnes, Councilman at Large Dr. R. V. Allen, Councilman at Large Jack Legg, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, and Councilman Dean Miller. Also present was Mr. Layton Cottrill, City Attorney. Councilman Gus Bailey was absent.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Councilman Dean Miller.

APPROVAL OF MARCH 20, 1979 COUNCIL MEETING MINUTES:
Councilman at Large Dr. Allen made a motion the March 20, 1979 Council Meeting Minutes be approved. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

APPROVAL OF MARCH 28, 1979 SPECIAL COUNCIL MEETING MINUTES: Councilman at Large Dr. Allen made a motion the March 28 Special Council Meeting Minutes be approved. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

3. LEVY ESTIMATE BUDGET - FISCAL YEAR 1979-1980,
4. REVENUE SHARING ESTIMATE BUDGET - FISCAL YEAR
1979-1980, and
5. COAL SEVERANCE TAX ESTIMATE BUDGET - FISCAL YEAR
1979-1980:

Mayor Gibson stated that Mr. Karnes would comment on Agenda items 3, 4, and 5.

Mr. Karnes stated that the special meeting we had the other night in approving the various budgets the format as done here is quite different than it has ever been in the past. Mr. Karnes said that due to new procedures required by the West Virginia State Tax Department the budget was broken down into departments and the various line items listed under departments which will provide us with a far better book-keeping system than we have had in the past. He said that reports would be submitted quarterly to the West Virginia State Tax Commission.

Mr. Karnes stated that the West Virginia State Tax Commission is centralizing their computing system and they are forcing all municipalities and government agencies that submit to them, that are under their control, to conform to the same type of format so they can use the computer system for auditing purposes.

Mr. Karnes said that he was almost finished with the budget, and it would be sent to the West Virginia State Tax Commission upon completion. Mr. Cottrill, City Attorney, requested that a copy of what is submitted to the State Tax Commission be given to him.

REQUEST BY MRS. SANTROCK, PRINCIPAL, WEST SATTES, FOR TWO SLOW SCHOOL SIGNS TO BE ERECTED ON LEE AVENUE:

Mayor Gibson stated that he had talked to Mrs. Santrock and to members of the P.T.A. and that they had supplied two SLOW SCHOOL signs and that Mr. Williams had erected one sign on Lee Avenue. The Mayor stated that they felt that two school signs should be erected on Valentine Circle a reasonable distance from each side of the entrance to the school, and that two school crossing signs be erected on Main Avenue near the intersection of Valentine Circle.

Councilman Miller, Chairman of the Street and Sign Committee, made a motion that said signs be erected. The motion was seconded by Councilman at Large Pennington, and the motion passed.

REQUEST BY MR. RAY KESLING, GOVERNOR, NITRO MOOSE LODGE TO ALLOW HARRY GARRETT & COMPANY TO INSTALL A #132 CABINET IN THE POLICE DEPARTMENT: Mayor Gibson stated that council had received a copy of a letter from Harry Jarrett & Company as a result of Mr. Ray Kesling's request. Mayor Gibson said that he felt that this should be put in committee, and that the resolution in regard to ADT should be checked out in detail.

Councilman at Large Pennington made a motion the request be put in the Police Committee for further study and that a similar resolution which was prepared for ADT be prepared. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.

REQUEST BY RITE AID TO CONNECT AN ALARM MONITERING SYSTEM TO THE NITRO POLICE DEPARTMENT - MR. EDWIN MORROW, GENERAL MANAGER, WILL REPRESENT RITE AID: Mr. Morrow stated that the Rite Aid Distribution Center is located in the Rock Branch Industrial Park which is 3/10 mile from the junction of Route 62 and Route 25, their building has 210,000 square feet, and 23 acres. Mr. Morrow asked for an alarm for the perimeter of the building and a separate alarm for the control substances area. He said that if possible he would like for the Nitro Police Department to respond to the alarm for the control substances area (send a police cruiser to their location and sit there until the state police arrive at the scene).

Councilman at Large Pennington expressed his strong opposition to the request to connect their alarm system into the Nitro Police Department because the Rock Branch Industrial Park is outside the Nitro city limits.

After further discussion by council Councilman at Large Pennington made a motion to refer the request to the Police Committee. The motion was seconded by Councilman Hughart, and the motion passed.

REQUEST BY THE CHARLESTON DOMESTIC VIOLENCE CENTER, REQUESTING A CONTRIBUTION FOR AN EMERGENCY SHELTER FOR BATTERED SPOUSES AND THEIR CHILDREN - NANCY MEADS, DIRECTOR: Ms. Meads stated that they are now in the process of trying to raise \$102,000 to develop a comprehensive shelter for battered spouses. She said that the Kanawha County Commission gave \$20,000, and they were asking \$5,000 from the City of Nitro.

Mr. Cottrill, City Attorney, said it was a worth while project, and that if the city is looking for a project he could think of none that would be superior to this. He stated further that he realized the city's finances are limited.

Councilman at Large Pennington made a motion to refer the request to the Finance Committee. The motion was seconded by Councilman at Large Legg, and the motion passed unanimously.

REQUEST BY POCA HIGH SCHOOL BAND BOOSTERS, WANTING TO SOLICIT NITRO MERCHANTS FOR GIFTS OR DONATIONS: Mayor Gibson referred to a request from Poca High School to solicit a gift or donation for the Poca High School auction to be held April 7, 1979. All proceeds to this auction will help in sending the Poca High Band to Disney World, the letter stated.

Councilman at Large Pennington made a motion to grant the request. The motion was seconded by Councilman at Large Legg, and the motion passed.

Mayor Gibson stated that council had a new committee list, and that some committees had been consolidated. Mayor Gibson asked that the Committee List be made a part of the minutes.

The Committee List is as follows:

CITY OF NITRO
COMMITTEE MEMBERS

EFFECTIVE: APRIL 3, 1979

ANNEXATION, BUILDING AND PLANNING COMMITTEE

DR. GUY CASSELL (CHAIRMAN)
DR. R. V. ALLEN
JACK LEGG
DEAN MILLER
DON KARNES

BUSINESS, CIVIC BETTERMENT AND CONSUMER PROTECTION COMMITTEE

JACK LEGG (CHAIRMAN)
ROMIE HUGHART
MEL PENNINGTON

CITY HUMANE SERVICE AND EMERGENCY AMBULANCE SERVICE COMMITTEE

GUS BAILEY (CHAIRMAN)
DEAN MILLER
JACK LEGG

FINANCE, GARBAGE, HEALTH, TRASH AND RECREATION COMMITTEE

DON KARNES (CHAIRMAN)
GUS BAILEY
ROMIE HUGHART
WILLIAM D. GIBSON
MEL PENNINGTON

FIRE AND POLICE DEPARTMENT COMMITTEE

DR. R. V. ALLEN (CHAIRMAN)
DR. GUY CASSELL
WILLIAM D. GIBSON

INSURANCE AND LIBRARY COMMITTEE

MEL PENNINGTON (CHAIRMAN)
DR. GUY CASSELL
DR. R. V. ALLEN

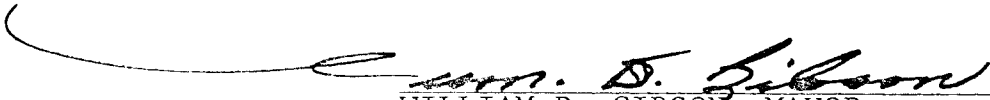
ORDINANCE, STREET AND TRAFFIC COMMITTEE

ROMIE HUGHART (CHAIRMAN)
DR. GUY CASSELL
DR. R. V. ALLEN

SIDEWALK, STORM DRAIN, STREET LIGHT, STREET NUMBERING & STREET SIGN COMM.

DEAN MILLER (CHAIRMAN)
GUS BAILEY
JACK LEGG

1. PARLIAMENTARY PROCEDURE - MEETING SHOULD BE CONDUCTED IN ACCORDANCE WITH THE ROBERT RULE OF ORDER.
2. THE CHAIRMAN SHOULD CAUSE ALL COMMITTEE MEETINGS TO FUNCTION PROPERLY, WITH EVERY MEMBER OF THE COMMITTEE BEING NOTIFIED IN ADVANCE OF SAID SCHEDULED MEETINGS.
3. PLEASE ADVISE ALL ELECTED OFFICIALS OF ANY MEETING SCHEDULED, IF THE CHAIRMAN OF SAID COMMITTEE IS OF THE OPINION IT WILL BE IMPORTANT OR ADVANTAGEOUS TO THE GOVERNING BODY.
4. THE CHAIRMAN SHOULD CAUSE THE MINUTES OF EACH COMMITTEE MEETING TO BECOME A MATTER OF PUBLIC RECORD BY PLACING A COPY OF THE SAME IN THE OFFICE OF THE CITY RECORDER AND/OR REQUEST A COPY OF THE SAME BE ATTACHED TO THE MINUTES OF THE NEXT COUNCIL MEETING.
5. ALL COMMITTEE MEETING SHALL BE MADE PUBLIC IN ACCORDANCE WITH THE OPEN GOVERNMENTAL PROCEEDING ACT (SUNSHINE LAW), AS ADOPTED BY RESOLUTION JULY 11, 1978.


WILLIAM D. GIBSON, MAYOR

Mayor Gibson had given a copy of a letter of recommendations to each council member and he referred to the six items that he and Mr. Williams had been working on which would generate more income, and also the \$2 monthly charge which was passed at the Special Meeting, March 28, 1979 regarding a new ordinance for various city services, and stated that this should be included in an ordinance.

Councilman Hughart requested that a contractor's license also be added to this.

Councilman Miller asked that charges for hauling away appliances be added to the six items of recommendations Mayor Gibson and Mr. Williams had listed.

Councilman Dr. Cassell made a motion to refer these recommendations to the Finance Committee. The motion was seconded by Councilman at Large Pennington, and the motion passed unanimously.

Mayor Gibson explained that Putnam County was going to the 911 system for an emergency number. Mayor Gibson stated that Chief of Police Bradley was much concerned that this would create a lot of confusion. Councilman Hughart stated that he will check the directory process, and that he was sure C & P would take this into consideration and list the Nitro Police Department's and the Nitro Fire Department's phone number, also. Mayor Gibson stated that Chief Bradley felt the citizens should be notified that they could still dial the Nitro Police number for police or emergency ambulance service.

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. Minutes of the Nitro Little League, March 18, 1979, 2:30 p.m.

2. The City of Nitro, Office of Clerk, received a letter March 19, 1979 from B. J. Fant, Chief, Correspondence Section, Department of the Treasury, Internal Revenue Service, in reference to Federal Employment tax deposits for the period ended September 30, 1978.

3. The city received a letter dated March 20, 1979 from Mrs. Wendie M. Urling, Norwood Road. The letter was complimentary to the street crew who did a commendable job this winter in keeping the hill passable.

4. Mayor Gibson received a letter dated March 20, 1979, from the Civic Benefits Association in reference to a further donation (\$20,000) for the 10-year program on upgrading of the Nitro sanitary sewer system.

5. Mayor Gibson had written a letter dated March 26, 1979 to The Honorable John M. Slack, Jr., Congressman, in reference to river bank erosion at the following: 714 Kanawha Avenue, So., 715 Kanawha Avenue, So., 711 Kanawha Ave., So., and 712 Kanawha Avenue, So.

6. Mr. Layton Cottrill, Jr., Esq. received a letter dated March 28, 1979 from Stanley M. Hostler.

7. Mayor Gibson had written a letter dated March 28, 1979 to Mr. E. L. Harris & Sons, Inc., 1204 Kanawha Boulevard, East, Charleston, West Virginia 25301 in reference to housing for the elderly and handicapped.

8. Mayor Gibson had written a letter dated March 29, 1979 to Neil Richardson, Executive Officer, West Virginia National Guard, Company D, 1092 Engineer Battalion, St. Albans, West Virginia, in reference to obtaining trucks for a city wide clean up for the City of Nitro.

9. Mr. Lynn B. Daniels, Program Manager, Department of Housing & Urban Development, received a letter dated March 13, 1979 in reference to Nitro elderly housing from Daniel S. Green, Manager Program Support Services, Governor's Office of Economic and Community Development. (Mayor Gibson received a copy of this letter.)

10. From the Chief of Police, Leo Bradley:
Nitro Police Department Bulletin No. 8, March 28, 1979.

MAYOR GIBSON CALLED FOR THE COMMITTEE CHAIRMAN REPORTS.

COUNCILMAN AT LARGE PENNINGTON: no committee reports.

COUNCILMAN AT LARGE LEGG: no committee reports.

COUNCILMAN DR. CASSELL: no committee reports.

COUNCILMAN AT LARGE DR. ALLEN: no committee reports.

COUNCILMAN HUGHART: no committee reports.

COUNCILMAN MILLER: no committee reports.

MR. KARNES, CITY RECORDER: Mr. Karnes introduced a resolution and explained the State Board of Investments Consolidated Fund, and said that Nitro had never participated in it before.

THE RESOLUTION AUTHORIZING INVESTMENT IN STATE BOARD
OF INVESTMENTS CONSOLIDATED FUND WHICH MR. KARNES, CITY RECORDER-
TREASURER, INTRODUCED IS AS FOLLOWS:

RESOLUTION AUTHORIZING INVESTMENT
IN STATE BOARD OF INVESTMENTS
CONSOLIDATED FUND

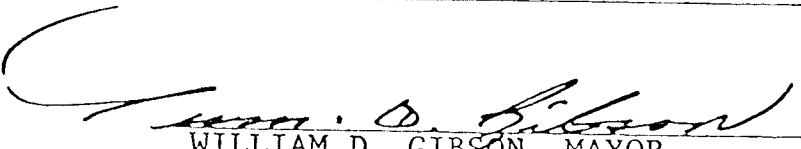
WHEREAS, the West Virginia Legislature in House Bill No. 1321, Regular Session, 1978, authorized local governments to participate and invest in the Consolidated Fund established by said bill under the management of the State Board of Investments: and

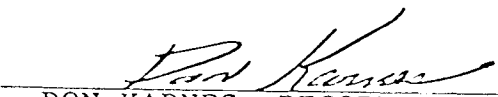
WHEREAS, the _____ City Council _____ of

_____ The City of Nitro _____ hereby finds that the participation and investment of money in said Consolidated Fund in accordance with the provisions of said House Bill No. 1321 is in the best interests of the _____ City of Nitro: _____

NOW THEREFORE, BE IT RESOLVED THAT THE _____ City Council _____ does hereby authorize the participation of this _____ City _____ in the consolidated Fund for purposes of investment and further authorizes its treasurer to do all things necessary in order to participate in said Fund: Provided, that before making any funds available to the State Board of Investments, the treasurer of this _____ City _____ shall first determine that the available interest rate offered by an acceptable depository in this county be less than the interest rate, net of administrative fees, offered by the State Board of Investments.

PASSED AND ADOPTED by the _____ City Council _____ of _____ The City of Nitro _____ on _____ April 3, 1979 _____


WILLIAM D. GIBSON, MAYOR


DON KARNES, RECORDER - TREASURER

After some discussion Councilman Dr. Cassell made a motion to adopt the resolution. The motion was seconded by Councilman Hughart, and the motion passed by a unanimous vote.

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

WILLIAM D. GIBSON, MAYOR

Don Karnes

DON KARNES, RECORDER-TREASURER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

APRIL 17, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on April 17, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Don Karnes, Councilman at Large Dr. R. V. Allen, Councilman at Large Jack Legg, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey. Also present was Mr. Layton Cottrill, City Attorney. Councilman at Large Pennington was absent.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Reverend William Westlund, Pastor of First Presbyterian Church of Nitro.

APPROVAL OF APRIL 3, 1979, COUNCIL MEETING:

Councilman at Large Dr. Allen made a motion the April 3, 1979 Council Meeting Minutes be approved. The motion was seconded by Mr. Karnes, and the motion passed.

INTERNATIONAL FRISBEE DISC ASSOCIATION'S REQUEST FOR USE OF THE NITRO JR. HIGH FOOTBALL FIELD ON APRIL 28th & 29th: Mayor Gibson stated he had talked with Mr. Lee, Principal at Nitro Junior High School, and neither the school nor the school board had objections to the request, but Mr. Lee did send the gentleman, Mr. Jeff Butler, to get clearance through council so there would be no conflict in regard to parking. Mayor Gibson said Mr. Butler said there would be college age people involved.

Councilman Bailey moved the adoption of the request made by Dr. Daniel M. Roddick. The motion was seconded by Councilman at Large Legg.

Mr. Butler, President of the Charleston Area Frisbee Club, stated they were in charge of holding this tournament and that this is a qualifying tournament, the winner from here will go to Bucknell University in Pennsylvania, and the winner from there will go to Philadelphia for the world championships. He further stated that this game, ultimate frisbee, is a 7 man team sport, not an individual sport, but it's a non-contact sport. He said that 80 players, four teams of 20 players would be playing.

He said they would need two fields (one between Baker Elementary School and the Nitro Junior High School football practice field).

Mr. Butler said they had the manpower to direct the cars away from houses across the street, that clean up will be no problem, and they will keep everything clean and quiet. He said they would start around 1:00 p.m. and quit around 5:00 or 6:00 p.m.

Problems which had been encountered last year in reference to the field between Baker Elementary School and the Nitro Junior High School were discussed. Mr. Butler assured council that they would work directly with Mr. Long, Nitro Recreation Director. The club was asked that there be no parking off Park Avenue on the side streets, and that people use the three parking lots in the area. Mr. Butler asked that they be supplied with NO PARKING signs and the orange cones, and said that they would direct the vehicles to the parking lots.

It was recommended that they play on the field toward the railroad back from Park Avenue, and that the portable toilets be located in an out-of-the-way place.

Mayor Gibson called for a vote on the motion made by Councilman Bailey to adopt the request made by Dr. Daniel M. Roddick regarding the frisbee tournament, and the motion passed.

REQUEST BY MR. RAY KESLING, GOVERNOR, NITRO MOOSE LODGE TO ALLOW HARRY JARRETT & CO. TO INSTALL A #131 CABINET IN THE POLICE DEPARTMENT: Councilman at Large Dr. Allen, Chairman of the Police and Fire Department Committee, stated that it was the recommendation of the committee that Mr. Kesling's request be granted, and Dr. Allen made a motion to adopt the resolution which is as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NITRO
PROVIDING FOR THE INSTALLATION OF A CENTRAL BURGLARY
ALARM SIGNAL RECEIVING SYSTEM

WHEREAS, the City is presently permitting the use of space in Police Department Headquarters for the installation and maintenance of certain various burglary alarm systems, and

WHEREAS, said alarm systems have not, at all times been competitive, and

WHEREAS, the public safety of the City would best be promoted by providing another company to said system with a uniform central signal receiving alarm system providing for one hookup for each facility to be protected, and

WHEREAS, Harry Jarrett and Company is desirous of installing a central signal receiving alarm system to be paid for by the subscribers to said service.

THEREFORE, the City Council of the City of Nitro, Kanawha and Putnam Counties, West Virginia, does hereby resolve as follows:

1. That they will permit Harry Jarrett and Company to install a central signal receiving alarm system hookup in the headquarters of the Nitro Police Department.

2. That all persons, firms, associations and incorporations subscribing to said service and connecting to such alarm systems shall utilize and install without expense to the City a 131 Ademco module which shall be maintained by the subscriber owner of said hookup.

3. That in the event there should occur a total of four (4) false alarms in any one calendar month from any such installation the owner subscriber of said hookup shall pay unto the City of Nitro a penalty of Twenty-Five Dollars (\$25) per response for any additional responses occurring within that calendar month whether such further responses be a false alarm or actual emergency.

4. That in the event of a total of four (4) false alarms per calendar month for two (2) consecutive calendar months, the City may at its option, cause the owner subscriber of said hookup to remove such equipment and to discontinue service.

5. The City of Nitro hereby expressly reserves the right for good cause shown, to require the said Harry Jarrett and Company to remove its equipment in Police Headquarters when, in the opinion of Council said system is not properly providing the service for which its installation is being permitted.

MAYOR


RECORDER

The motion to adopt the resolution was seconded by Councilman Dr. Casselll, and the motion passed.

REQUEST BY RITE AID TO CONNECT AN ALARM MONITERING SYSTEM TO NITRO POLICE DEPARTMENT: Councilman at Large Dr. Allen stated he would have a meeting with Mr. Edwin R. Morrow, manager of the West Virginia District Center, Rite Aid Distribution Center, and he made a motion this request remain in committee. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

SPRING CLEAN UP APRIL 28, 1979 WITH ASSISTANCE FROM THE ARMY NATIONAL GUARD COMPANY D: Mayor Gibson stated that it had been confirmed that the Army National Guard, Company D will provide the City of Nitro with 2 or 3 trucks for the spring clean up April 28. Mayor Gibson stated that anyone who wanted to work in the spring clean up could, and that he would be here at 9:00 a.m. to assist Mr. Williams, Director of Public Works.

Mayor Gibson referred to a letter from Reverend Arley K. Cravens, Pastor of the Nitro Church of God, in reference to Mr. Ray Taylor's request to sell items for the Abney Street Church of God Women's Society, St. Albans, in the Town of Nitro. More information was required, and Councilman Dr. Cassell made a motion to leave the determination of this request to Mayor Gibson. The motion was seconded by Councilman Miller, and the motion passed.

Mayor Gibson said he was approached by two gentlemen who are connected with the Kanawha County Ambulance Authority and they would donate their time to establish a free blood pressure clinic at Nitro City Hall the third Saturday of each month from 11:00 a.m. till 4:00 p.m. and from 5:00 p.m. till 7:00 p.m. Mayor Gibson said they would do this if council had no objections.

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 April 10, 1979 from The Honorable John M. Slack, Jr., Congressman, in reference to river bank erosion in answer to a letter Mayor Gibson had sent to him on river bank erosion at 711, 712, 714, and 715 Kanawha Avenue, South, Nitro.

Councilman at Large Dr. Allen asked that the 4 people who made the request be so notified.

2. Minutes of Nitro Lions Little League, April 8, 1979, 2:30 p.m.

MAYOR GIBSON CALLED FOR THE COMMITTEE CHAIRMAN REPORTS.

COUNCILMAN AT LARGE LEGG: no reports.

COUNCILMAN BAILEY: Councilman Bailey stated he felt that it would be an advantage to erect barracades at Kanawha Avenue South off Blackwood Street and at Kanawha Avenue South off Spring Street.

COUNCILMAN DR. CASSELL: no reports.

MAYOR GIBSON: Mayor Gibson stated that 6 loads of dirt had been hauled to Mr. James Totten's residence at 4115 41st Street.

Councilman Bailey said that he noticed for the first time the junked cars behind the new motel.

Mayor Gibson stated that Appalachian Power Company intends to install street lights on Rockledge Drive and Rockledge Circle.

MR. COTTRILL, City Attorney: Mr. Cottrill, City Attorney, referred to the Board of Zoning Appeals, and said that he had discussed this with Mayor Gibson and Councilman Bailey. Mr. Cottrill said apparently there is some question as to the proper operation and the judgment of their determination of complaints and requests for variances filed before it.

Mr. Cottrill said he intended to draft a short memorandum of law instructing the board in some of the basic zoning laws of the State of West Virginia in their application to the City of Nitro and the basic way in which the board has the power to act. He stated he would like to meet with the Board of Zoning Appeals and discuss this.

Mr. Cottrill stated that by order of the Kanawha County Circuit Court we have been ordered to appoint Mr. Ronnie L. Faulknier to the position of Sergeant of the Fire Department of the City of Nitro, and recommended that the appointment be made.

Councilman Bailey made a motion to adopt the attorney's recommendation as it relates to the court order of the Honorable Robert K. Smith, Judge of the Circuit Court of Kanawha County. The motion was seconded by Councilman Dr. Cassell, and the motion carried. Councilman Miller voted against the motion.

The following items were discussed and referred to the Finance Committee: (Mr. Williams, Director of Public Works will be asked to be present.)

1. an additional charge of \$35 to a building permit when a structure is reroofed and the city is expected to haul off old roofing and debris,
2. an additional charge to a permit for hauling off trees and tree limbs,
3. a charge for hauling away large appliances, and
4. the need for a contractor's license.

COUNCILMAN AT LARGE DR. ALLEN: no reports.

COUNCILMAN HUGHART: Councilman Hughart, Chairman of the Ordinance, Street and Traffic Committee, stated that they have 2 or 3 suggestions pending on one-way streets in committee. He said that action should be taken on requests of those who requested their street to be paved and on the requests of those who requested their streets not be paved. He said these things should be resolved soon.

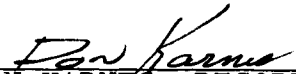
COUNCILMAN MILLER: no reports.

MR. KARNES, CITY RECORDER: Mr. Karnes stated that the Finance Committee would meet Tuesday, April 24, at 7:00 p.m., and that the Recreation Committee would meet with Mr. Long, Recreational Director at 8:00 p.m.

Reverend Westlund gave the closing prayer.

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

WILLIAM D. GIBSON, MAYOR


DON KARNES, RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

MAY 1, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on May 1, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Don Karnes, Councilman at Large Dr. R. V. Allen, Councilman at Large Mel Pennington, Councilman at Large Jack Legg, Councilman Dr. Guy Cassell, and Councilman Romie Hughart. Also present was Mr. Layton Cottrill, City Attorney. Councilman Dean Miller and Councilman Gus Bailey were absent.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Mrs Florence Mollohan, 3813 38th Street.

APPROVAL OF APRIL 17, 1979 COUNCIL MEETING MINUTES:

Councilman at Large Dr. Allen made a motion the April 17, 1979 Council meeting Minutes be approved. The motion was seconded by Councilman Hughart, and the motion passed.

APPROVAL OF DECEMBER 1978 FINANCIAL STATEMENT:

Mr. Karnes, Recorder and Chairman of the Finance Committee, stated that a couple of councilmen had just received the December, 1978 Financial Statement, and made a motion to table this until next council meeting, May 15, 1979. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

APPROVAL OF FINANCE COMMITTEE MEETING, TUESDAY, APRIL 24, 1979 7:00 P.M. Councilman Hughart made a motion to approve the Finance Committee meeting minutes. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

A copy of the Finance Committee Meeting Minutes is as follows:

CITY OF NITRO

The Nitro Finance Committee Meeting was held at the Nitro City Hall, In The Conference Room, on April 24, 1979, at 7:00 p.m.

Those in attendance were:

Don Karnes, Chairman
Gus Bailey, Councilman
Romie Hughart, Councilman
William D. Gibson, Mayor

Dr. Guy Cassell, Councilman
Dr. R. V. Allen, Councilman
Dean Miller, Councilman

1. Building Permits Charges

After much discussion a motion was made by Dr. R. V. Allen to increase the Building Permit charges by 50% to help defray dumping charges levied for dumping at the Western Landfill, also, add \$35.00 to a Building Permit when a structure is going to have a roof replacement, and the city is expected to haul away the old shingles and debris. The \$35.00 to be refunded if property owner or contractor disposes of shingles and debris. The motion was seconded by Dr. Guy Cassell, and passed.

2 Tree Trimmings & Appliance Haul Away Fees

After discussion it was decided to try to handle this through a Contractor's License.

3. Police Court Costs, Fees & Charges

Finance Committee Chairman, Don Karnes, passed out Court Cost, Fees and Charges lists from other Cities for study and suggested this be left in Committee until the next meeting.

4. Increase Annual Gross Income as Applies to Municipal Service Charge

Mayor Gibson made a motion to increase the Annual Gross Income from \$3,600 per year to \$5,000 per year as it applies to the Municipal Service Charges. Motion was seconded by Romie Hughart, and passed.

5 Purchase of New Tractor for Grass Cutting & Ball Field Dragging at City Park

After discussing the need it was resolved that the City Recorder write the desired specifications and advertise for bids.

6 Contractor's License

After much discussion a motion was made by Dr. R. V. Allen to include a Contractor's License in the City License schedule at a fee

\$100.00 per year and make the Contractor totally responsible for disposing of all trash and debris created by his contracts. The motion was seconded by Don Karnes, and passed.

7. Donation to Charleston Domestic Violence Center

It was decided that the City does not have enough money in its 1979-1980 Budget for this type of expenditure, because the request was made after the Budget had already been prepared and approved by Council.

8. Revision of B & O Tax Structure


Finance Committee Chairman, Don Karnes, collected B & O data from St. Albans, South Charleston, Dunbar and Charleston. The facts are Nitro is lower than the other Cities on several items. Don Karnes stated before we raise any B & O Fees let me see if I can increase our collections enough to remove the need for an increase by enforcing more strictly the B & O Tax Ordinances we now have on the books. After comments from several Members it was decided this should be done.

9. Other Business

Mayor Gibson informed those present that he received a call from the people who own, The Pizza Inn of America, requesting to use a Dumpster. The Mayor's recommendation is to allow this, but with a minimum fee of \$100.00 per month to be paid to the City, because many City Services are provided through these fees. The Mayor, also, suggested this be referred to the City Attorney to check the legality of it and amend our Ordinance to bring us into compliance.

Romie Hughart made a motion to extend our Sick Leave Benefits to 26 weeks at 80% of base salary pay for all Department Heads that are not covered by Civil Service. This motion was seconded by Dr. Guy Cassell, and passed

Meeting adjourned


DON KARNES, CHAIRMAN
FINANCE COMMITTEE MEETING

REQUEST BY RITE AID TO CONNECT AN ALARM MONITORING SYSTEM TO NITRO POLICE DEPARTMENT: Councilman at Large Dr. Allen, Chairman of the Fire and Police Department Committee, stated that he thought they had resolved this up to the point of where Rite Aid can receive a better service by tying into the 911 number at the Winfield Emergency Service.

Councilman at Large Legg stated that if the companies outside the city limits expect the Nitro Fire Department to supply them with service then they should be expected to pay for the service such as paying 50 percent of the business and occupation rate.

Councilman Hughart made a motion to refer Mr. Legg's suggestion to the Finance Committee. The motion was seconded by Councilman at Large Legg, and the motion passed.

SPECIFICATIONS FOR RIDING LAWN MOWER - (RECREATION DEPARTMENT): Mr. Karnes, Recorder, Chairman of the Finance Committee, stated that the specification for the tractor (16 horsepower) had been recommended by the Nitro Sanitary Board and Mr. Williams, Director of Public Works. The tractor would also be used to drag the ball fields. The cost of the tractor would be in the neighborhood of \$2,000 to \$2,500, he said.

Councilman at Large Dr. Allen made a motion to advertise for bids on the tractor. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

REPORT ON SPRING CLEAN UP APRIL 28, 1979: Mayor Gibson stated that a tentative date, Saturday, May 5, had been set for more work on the spring clean up.

REPORT ON FREE BLOOD PRESSURE CLINIC SATURDAY, APRIL 21, 1979: Mayor Gibson stated that he had been down to the clinic several times during the day, and that there was a good turn out, that approximately 30 people had their blood pressure checked.

STATUS REPORT ON PROPOSED ORDINANCES FROM MR. LAYTON COTTRILL, CITY ATTORNEY: Mr. Layton Cottrill explained an ordinance to amend Chapter 12 of the CODE OF THE CITY OF NITRO by enacting Sections 29A, 30A, 31A, 32A providing for a license for contractors, fixing the license fee therefore, establishing a procedure for collection proscribing the penalty for noncompliance, and fixing the effective date thereof.

THE ORDINANCE IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY:

ORDINANCE NO.

79-

AN ORDINANCE TO AMEND CHAPTER 12 OF THE CODE OF THE CITY OF NITRO BY ENACTING SECTIONS 29A, 30A, 31A, 32A, PROVIDING FOR A LICENSE FOR CONTRACTORS, FIXING THE LICENSE FEE THEREFORE, ESTABLISHING A PROCEDURE FOR COLLECTION, PROSCRIBING THE PENALTY FOR NONCOMPLIANCE, AND FIXING THE EFFECTIVE DATE THEREOF.

NOW THEREFORE, be it ordained by the Council of the City of Nitro, West Virginia;

THAT, from and after the effective date of this Ordinance, Chapter 12 shall be amended to add new Sections hereinafter designated 29A, 30A, 31A, 32A; to provide as follows:

ARTICLE II. Contractor License.

Sec. 12-29A. Tax levied.

There is levied and shall be collected from all persons, firms, or corporations engaged in the business of contracting remodeling, alterations, repair, removal, and demolition of any type of building, and or structure, and the business of tree trimming or tree surgery within the City, annual license tax of \$100.00; Provided, however, the tax here imposed shall not be required where the business project does not require a building permit as provided in other provisions of the Code.

Sec. 12-30A. When and where payable.

The License tax provided for in this Article shall be payable annually to the City Clerk in his office at the City Building on or before the 1st day of July of each year.

Sec. 12-31A. Penalty.

If any person conducts any contracting business as provided in this Article without the license required, he shall be in addition to paying all required license fee or tax assessable, pay a penalty of one hundred dollars (\$100.00). This penalty shall be assessed and collected in the same manner as other license tax.

Sec. 12-32A. Effective Date.

This Ordinance shall become effective July 1, 1979.

This Ordinance was read and introduced for the _____ time at the Regular Meeting of the City Council of the City of Nitro on the _____ day of _____, 1979, and read and adopted at a _____ reading on the _____ day of _____, 1979.

Wm. D. Gibson, Mayor

Don Karnes
Donald G. Karnes, Municipal Recorder

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

Mr. Layton Cottrill explained an ordinance amending Article III of Chapter 21 of THE CODE OF NITRO and providing Section 33A "Reckless Driving" and thereby making it unlawful to drive a vehicle in willful or wanton disregard for the safety of persons or property.

THE ORDINANCE IS AS FOLLOWS:

ORDINANCE NO. _____

INTRODUCED BY _____

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 21 OF THE CODE OF THE CITY OF NITRO AND PROVIDING SECTION 33 A "RECKLESS DRIVING" AND THEREBY MAKING IT UNLAWFUL TO DRIVE A VEHICLE IN WILLFUL OR WANTON DISREGARD FOR THE SAFETY OF PERSONS OR PROPERTY; NOW THEREFORE BE IT ORDAINED BY THE NITRO CITY COUNCIL THAT CHAPTER 21 BE AMENDED TO READ AS FOLLOWS:

Sec. 21-33A Reckless driving.

(a) It shall be unlawful for any person to drive any vehicle in willful or wanton disregard for the safety of persons or property, and any person who violates this subsection shall be guilty of reckless driving.

(b) Any person convicted of violating subsection (a) of this section shall be fined not exceeding five hundred dollars or imprisoned for not more than thirty days, or both.

Councilman at Large Pennington made a motion to approve the first reading of the ordinance. The motion was seconded by Councilman Dr. Cassell, and the motion passed. Mayor Gibson read Mr. Cottrill's letter of resignation dated April 25, 1979.

THE LETTER IS AS FOLLOWS:

*F. Layton Cottrill, Jr.*

ATTORNEY AT LAW

172-A MAIN STREET
POCA, WEST VIRGINIA 25159

April 25, 1979

The Honorable William Gibson
Mayor, City of Nitro
Nitro City Hall
Nitro, West Virginia 25143

Re: Resignation

Dear Mayor Gibson:

Please accept this letter as submission of my resignation as City Attorney for the municipality of Nitro. It is with regret that I must resign this position, however, due to numerous business and personal reasons, I am compelled to do so.

I wish to take this opportunity to thank you, the members of city council, city employees and the residents of the City of Nitro for the opportunity to serve as counsel for the municipality and also for their friendship and association.

Obviously I will make every attempt to aid and assist in the orderly transfer of my duties and responsibilities to my successor.

I would desire that my resignation be effective no later than July 1, 1979.

Respectfully submitted,

F. LAYTON COTTRILL, JR.

Councilman at Large Pennington stated that he had enjoyed working with Mr. Cottrill, that he had always found him to be very cooperative and well informed. He said he considered Mr. Cottrill to be a very fine attorney.

Mayor Gibson introduced to council Mrs. Pottorff's grandson, Dennis Boggs, who is working on his last merit badge to become an Eagle Scout. He had requested permission to attend council meeting and record the proceedings of the meeting.

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 copy of a letter dated April 4, 1979 to Mr. J. H. Hildenbiddle, Jr., Executive Representative, Government Affairs/Room 1934, Consolidated Rail Corporation, Philadelphia, Pennsylvania 19104 in reference to trespassers at Conrail's Nitro yard. The letter was from J. J. Dwyer, Director Railroad Safety Division, Public Service Commission.
2. Mayor Gibson received a copy of another letter dated April 19, 1979 to Mr. J. H. Hildenbiddle, Jr. from J. J. Dwyer, Director, in reference to the above letter, and the concern of the mayors and public safety officers that Conrail was abolishing the position of their only rail police officer at Charleston.
3. Nitro Lions Little League Minutes, April 16, 1979, 7:30 p.m.
4. Mayor Gibson received a copy of a letter dated April 19, 1979 to Appalachian Engineers from J. C. Moody in reference to the road slide on 18th Street hill and its affect on the property located at 2112 and 2114 Twenty-first Street, Nitro.
5. Mayor Gibson had written a letter dated April 19, 1979 to Mr. Charles L. Miller, Commissioner, West Virginia Department of Highways, requesting that Route 25 between the Nitro Moose Lodge and the Twin City Bible Church be reduced from 55 mph to 40 mph.

6. Mayor Gibson had written a letter dated April 19, 1979 to Mr. Charles L. Miller, Commissioner of the West Virginia Department of Highways in reference to the proposed operating agreement between the Department of Highways and the City of Nitro for the West Virginia Route 25 widening, project U340-25-1.43.

7. Mayor Gibson had written a letter dated April 20, 1979 to Mr. Robert E. Kittle, Superintendent, Kanawha County Schools, recommending a road be built from 11th Street West paralleling the railroad behind Baker Elementary School and to allow parking in the back near the fence.

8. Memorandum from Mayor Gibson to police dispatchers dated April 20, 1979.

9. Mayor Gibson had written a letter dated April 20, 1979 to Mr. George Wright, Postmaster, Charleston Post Office in reference to a petition from residents who live on Old County Road.

10. Mayor Gibson received a letter April 24, 1979 from George E. Wright, Postmaster, outlining condition which must be met before service will be provided to Old County Road.

11. Mayor Gibson had written a letter dated April 26, 1979 to the residents of Old County Road informing them that before U. S. Postal Authorities will provide delivery service it is necessary that the City of Nitro make the Old County Road one way to traffic from Red Oak Drive to the intersection of Route 25 near Thomas Tire Company.

12. Mr. Jay Long, Recreation Director, received a letter dated April 20, 1979 from Mayor Gibson asking him to solicit the cooperation of the president of the Nitro Little League, coaches, and team managers to keep the Nitro City Park free from unnecessary litter.

13. Mayor Gibson had written a letter dated April 20, 1979 to Mr. Layton Cottrill in reference to certain ordinances to be prepared.

14. Mayor Gibson had written a letter dated April 20, 1979 to Mr. U. B. Martin, 234 Brookhaven Drive.

15. Mayor Gibson had written a letter dated April 20, 1979 to Mr. John King, Executive Director, Governor's Criminal Justice and Highway Safety Division, Charleston, West Virginia 25301 requesting assistance toward obtaining a communications radio for the motorcycle used by the Police Department.

16. Mayor Gibson had written a letter dated April 23, 1979 to Mr. Frank Mathews, Terminal Manager Consolidated Rail Corporation, 601 Broad Street, Charleston, West Virginia 25301 in reference to complaints from citizens living in the vicinity of the 19th Street railroad crossing, Nitro.

17. Mayor Gibson received a letter dated April 23, 1979 from Drema Walls, Nitro High Schools Girls' Track Coach, and Bill and Dolly Withrow. They expressed their appreciation and the thanks on behalf of the high school teams for readying the track which was done by Gene Williams and his crew. They expressed their view that special recognition should go to Hurshel Thomas who operated the grader.

18. Mayor Gibson had written a letter dated April 23, 1979 to Mrs. Ginny Gibson, President of Brookhaven Garden Club congratulating the Brookhaven Garden Club for earning the West Virginia Garden Club award March 20, 1979 while attending the State Convention at the Greenbrier.

19. Nitro Lions Little League Minutes of the meeting, April 23, 1979, 7:30 p.m.

20. Mayor Gibson received a letter dated April 25, 1979 from Mr. Ronald L. Lyons, Principal of the Nitro High School who expressed his appreciation for helping the Nitro High School clean up committee.

21. Mr. Charles Robert Sergeant, Nitro Building Inspector, had written a letter dated April 27, 1979 to Mr. Arthur Moss, 2176 21st Street, Nitro in reference to Permit No. 233-78 being cancelled.

MAYOR GIBSON CALLED FOR THE COMMITTEE CHAIRMAN REPORTS.

COUNCILMAN AT LARGE PENNINGTON: no reports.

COUNCILMAN AT LARGE LEGG: no reports.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN AT LARGE DR. ALLEN: no reports.

COUNCILMAN HUGHART: no reports.

MR. KARNES, RECORDER: Mr. Karnes stated that effective September 1, 1979 the West Virginia Public Employees Insurance Board will increase their rates between 15 and 18 percent.

Mr. Karnes showed the sign, NO PARKING EXCEPT WHILE ATTENDING RECREATION ACTIVITIES, which will be erected at the city parking lots. Councilman at Large Pennington made a motion to approve the sign and have them erected. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

Mrs Mollohan gave the closing prayer.

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

WILLIAM D. GIBSON, MAYOR

Don Karnes
DON KARNES, RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

MAY 15, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on May 15, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Don Karnes, Councilman at Large Dr. R. V. Allen, Councilman at Large Jack Legg, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey. Councilman at Large Pennington was absent. Also present was City Attorney, Mr. Layton Cottrill.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Councilman Dean Miller.

APPROVAL OF MAY 1, 1979 COUNCIL MEETING MINUTES:
Councilman Bailey made a motion the May 1, 1979 Council Meeting Minutes be approved. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

APPROVAL OF FINANCIAL STATEMENTS: Mr. Karnes, Recorder, said that the financial statements were not ready. He further stated that he was going back to the first of Fiscal Year 1978 - 1979 in order that the financial statements will be accurate.

SECOND READING, AN ORDINANCE TO AMEND CHAPTER 12 OF THE CODE OF THE CITY OF NITRO BY ENACTING SECTIONS 29A, 30A, 31A, 32A, PROVIDING FOR A LICENSE FOR CONTRACTORS FIXING THE LICENSE FEE THEREFORE, ESTABLISHING A PROCEDURE FOR COLLECTION, PROSCRIBING THE PENALTY FOR NONCOMPLIANCE, AND FIXING THE EFFECTIVE DATE THEREOF:

THE SECOND READING OF THE ORDINANCE IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY:

ORDINANCE NO.

Mr. Pennington

79-

AN ORDINANCE TO AMEND CHAPTER 12 OF THE CODE OF THE CITY OF NITRO BY ENACTING SECTIONS 29A, 30A, 31A, 32A, PROVIDING FOR A LICENSE FOR CONTRACTORS, FIXING THE LICENSE FEE THEREFORE, ESTABLISHING A PROCEDURE FOR COLLECTION, PROSCRIBING THE PENALTY FOR NONCOMPLIANCE, AND FIXING THE EFFECTIVE DATE THEREOF.

NOW THEREFORE, be it ordained by the Council of the City of Nitro, West Virginia:

THAT, from and after the effective date of this Ordinance, Chapter 12 shall be amended to add new Section hereinafter designated 29A, 30A, 31A, 32A; to provide as follows:

ARTICLE II. Contractor License.

Sec. 12-29A. Tax levied.

There is levied and shall be collected from all persons, firms, or corporations engaged in the business of contracting remodeling, alterations, repair, removal, and demolition of any type of building, and or structure, and the business of tree trimming or tree surgery within the City, annual license tax of \$100.00; Provided, however, the tax here imposed shall not be required where the business project does not require a building permit as provided in other provisions of the Code.

Sec. 12-30A. When and where payable.

The License tax provided for in this Article shall be payable annually to the Municipal Recorder in his Office at the City Building the 1st day of July of each year.

Sec. 12-31A. Penalty.

If any person conducts any contracting business as provided in this Article without the license required, he shall be in addition to paying all required license fee or tax assessable, pay a penalty of one hundred dollars (\$100.00). This penalty shall be assessed and collected in the same manner as other license tax.

Sec. 12-32A. Effective Date.

This ordinance shall become effective July 1, 1979.

This ordinance was read and introduced for the first time at the regular Meeting of the City Council of the City of Nitro on the 1st day of May, 1979, and read and adopted at a SECOND reading on the 15 day of MAY, 1979.

WILLIAM D. GIBSON, Mayor

Don Karnes
DONALD G. KARNES, Municipal Recorder

Mr. Karnes, City Recorder made a motion to approve the Ordinance on second reading. The motion was seconded by Councilman Hughart.

There was discussion on the advantages to the City of Nitro issuing a general contractor's license. However, the price of the license (\$100.00) was also discussed. Some of the Councilmen felt this was too high in comparison with what other cities charged. Councilman Miller said he did not think \$100 was a realistic figure.

After further discussion Mayor Gibson called for a vote on the motion made by Mr. Karnes, Recorder, to approve the Ordinance on second reading. Two Councilmen and Mr. Karnes voted in favor of the motion, and four Councilmen voted against; the motion did not carry.

The proposed ordinance was referred back to the Finance Committee for further study.

SECOND READING, AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 21 OF THE CODE OF THE CITY OF NITRO AND PROVIDING SECTION 33A "RECKLESS DRIVING" AND THEREBY MAKING IT UNLAWFUL TO DRIVE A VEHICLE IN WILLFUL OR WANTON DISREGARD FOR THE SAFETY OF PERSONS OR PROPERTY:

Mayor Gibson read the second reading of the Ordinance which is as follows:

ORDINANCE NO. 79-1 (190)

INTRODUCED BY
Dr. Cassell
May 1, 1979

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 21 OF THE CODE OF THE CITY OF NITRO AND PROVIDING SECTION 33 A "RECKLESS DRIVING" AND THEREBY MAKING IT UNLAWFUL TO DRIVE A VEHICLE IN WILLFUL OR WANTON DISREGARD FOR THE SAFETY OF PERSONS OR PROPERTY; NOW THEREFORE BE IT ORDAINED BY THE NITRO CITY COUNCIL THAT CHAPTER 21 BE AMENDED TO READ AS FOLLOWS:


Sec. 21-33A Reckless driving.

It shall be unlawful for any person to drive any vehicle in willful or wanton disregard for the safety of persons or property, and any person who violates this subsection shall be guilty of reckless driving.

INTRODUCED ON FIRST READING ON THE 1ST DAY OF MAY, 1979.

ADOPTED UPON SECOND READING ON THE 15TH DAY OF MAY, 1979.


WILLIAM D. GIBSON, Mayor


DONALD KARNES, Municipal Recorder

Mr. Karnes, Recorder, made a motion to adopt the Ordinance No. 79-1 (190) on second reading. The motion was seconded by Councilman Dean Miller. The motion passed with a unanimous vote.

Mayor Gibson recommended that Mr. Jeremiah F. McCormick who is with the law firm of Calwell, Steele, McCormick & Peyton, L.C. be appointed as the city attorney to fill the position created by Mr. Layton Cottrill's resignation.

Councilman Miller made a motion to appoint Mr. Jeremiah F. McCormick to the position of city attorney. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

Mayor Gibson said that he had received a phone call from Mr. Roger Russell, Regional Traffic Engineer, Southern Region of West Virginia, regarding a uniform speed limit from the Nitro city limits at the Riverdale Acres (milepost 3.61) area to the 0.94 milepost, 300 feet east of the intersection of Lock Street near the Moose Lodge. Mayor Gibson said that if Council agreed on a 45 mph speed limit for this area the State Department of Highways would put up the signs.

Councilman Dr. Cassell made a motion to resolve and approve the 45 mph speed limit for this area. The motion was seconded by Councilman Bailey, and the motion passed.

*

Councilman Bailey asked that a letter be written to the West Virginia Department of Highways regarding west bound traffic on Route 25 at the traffic light at the intersection of Route 25 and Center Street. He requested a yield sign be erected designating which lane has the right-of-way, traffic west bound in right lane on Route 25 or traffic coming off Center Street west bound in left lane on Route 25.

Mayor Gibson referred to a letter dated April 26, 1979 (May 1 supplement file) he had sent to the residents on Old County Road asking them whether they were in favor or not in favor of making Old County Road one way. He said he received 13 answers: 11 for, 2 against. The returned letters were referred to the Street Committee.

CORRECTION * ADD: Councilman Hughart voted against this motion.
6-5-79

Councilman Hughart requested Mr. Cottrill, City Attorney write a return letter to Mr. George E. Wright, MSC Manager/ Postmaster, U.S. Postal Service, Charleston, West Virginia 25301 requesting the facts upon which they concluded their findings (letter dated April 24, 1979 sent to Mayor Gibson from Mr. Wright - supplement file, May 1, 1979), and that a copy of the letter be sent to The Honorable Senator Robert C. Byrd and the Honorable Senator Jennings Randolph.

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 May 1, 1979 from Robert Y. Hayne, Appalachian Engineers, Inc. in reference to 18th Street Hill.

Mayor Gibson said that he had engaged the services of Ackenheil and Associates, 808 Main Avenue, Nitro, to become involved in this matter.

2. Mayor Gibson had written a letter dated May 2, 1979 to The Honorable John D. Rockefeller, IV asking him to assist in getting money through the Partnership Grant Fund for Nitro's Maintenance Garage project.

3. Mayor Gibson received a letter dated May 3, 1979 from Kemper L. Lawson, Vice President, Distribution, Heck's, Inc. requesting permission to park employees' automobiles on the city parking lot located on West 19th Street.

Mayor Gibson said that he told Mr. Altano, Director of Security at Heck's, they could park on the city parking lot 45 to 60 days.

4. Mayor Gibson had written a letter May 4, 1979 to Taylor Woodrow Blitman Construction Corporation and E. L. Harris & Son, Inc. a joint venture, in reference to proposed housing for the elderly.

Mayor Gibson said the E. L. Harris & Son, Inc. owned the land which is on Route 25 across from Frank Criniti Pontiac - Buick, Inc.

5. Mayor Gibson received a copy of a letter dated May 4, 1979, from J. J. Dwyer, Director, Railroad Safety Division, Public Service Commission addressed to Mr. J. H. Hildenbiddle, Jr. Executive Representative, Government Affairs/Room 1934, Consolidated Rail Corporation, Six Penn Center Plaza, Philadelphia, Pennsylvania 19104 in reference to juveniles trespassing on Conrail property at Nitro.

6. Nitro City Councilmen received a memorandum dated May 9, 1979 from Mayor Gibson in reference to up-grading the basketball court at the city park.

ATTACHED: Mayor Gibson received a letter dated May 9, 1979 from Jay Long, Recreation Director in reference to a recommendation to resurface the basketball court at the city park.

This recommendation was referred to the Finance Committee.

7. Mayor Gibson received a letter dated May 9, 1979, a deed and a resolution from J. Thomas Lane, Law Offices Bowles McDavid, Graff and Love, in reference to the tract of land which was conveyed (donated) to the City of Nitro by Monsanto. The city cannot use the property and Monsanto has asked the City of Nitro to consider conveying the tract of land back to Monsanto.

THE RESOLUTION IS AS FOLLOWS:

PASSED _____

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

WHEREAS, by deed dated January 31, 1974, Monsanto
Company donated a tract of .861 acre to the City of Nitro;
and

WHEREAS, the City of Nitro no longer needs the
aforesaid tract of .861 acre and Monsanto Company desires
to have title conveyed to it;

NOW, THEREFORE, BE IT ORDAINED that the City of
Nitro GRANT and CONVEY all of its right, title and interest
to Monsanto Company, a Delaware corporation, in an tract of
land said to contain .861 acre as fully described in a deed
from Monsanto Company to the City of Nitro, dated January
31, 1974, of record in the office of the Clerk of the County
Commission of Putnam County, West Virginia, in Deed Book
204, page 427;

That the Mayor of the City of Nitro be and is
hereby authorized and directed to execute a deed conveying
all of the right, title and interest of the City of Nitro in
and to said parcel of land to Monsanto Company; and

That the Clerk of the City of Nitro be and is
hereby authorized and directed to attach and affix the
corporate seal of said City to said deed and deliver said
deed to Monsanto Company.

MAYOR

Don Kamm

RECORDER

Mr. Cottrill, City Attorney said that he will check on transfer of municipal property (Chapter 8, Section 12, Subsection 18).

Mr. Long, Recreation Director, recommended that the future Golden Oldies Car Show be held in a different location other than the city park due to the damage of the ball fields and the surrounding areas incurred when the Golden Oldies Car Show was held at the city park May 11, 12, and 13, and Mr. Long explained that the damage was made worse by the heavy rains.

Mr. Jerry Withrow, President of the Golden Oldies stated that they kept the cars off the infields, and did go in through the area the park commission recommended they go in through. He said this was nothing but a grass area, and further stated that posts were removed for them to get into the area.

Mr. Withrow stated that they would reseed areas damaged and repair the road. He said that they would repair the damage to the best of their ability.

Mr. Withrow said

We do feel that it is a city park and I think it should be noted that people have worked on it and donated time on it for things other than playing ball. Ball is important I know, both my children play ball, but I can't foresee strictly a ball diamond.

I think if it's a city park it ought to be available for other functions, too.

He said they would have some gravel brought in for the road.

Mr. Withrow stated, "We come in defense, to try to make amends, but we definitely don't want to be thrown out of the park, I can't see it."

Mr. Legg suggested that the future car shows be held after July 4 when the ball games would be over.

Councilman Miller stated he would very much like to defend the use of the park for other purposes than a ball field, that the citizens deserve more than just a ball field.

The problem was referred to the Recreation Committee.

REPORTS. MAYOR GIBSON CALLED FOR THE COMMITTEE CHAIRMAN

COUNCILMAN AT LARGE LEGG: no reports..

COUNCILMAN BAILEY: no reports.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN AT LARGE DR. ALLEN: no reports.


COUNCILMAN HUGHART: no reports.

COUNCILMAN MILLER: no reports.

MR. KARNES, CITY RECORDER: no reports.

Councilman Miller made a motion for adjournment.
The motion was seconded by Mr. Karnes, and the motion
passed unanimously.

WILLIAM D. GIBSON, MAYOR


DON KARNES, RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

JUNE 5, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on June 5, 1979 at 8:00 p.m. Present were Don Karnes, City Recorder, Councilman at Large Dr. R. V. Allen, Councilman at Large Jack Legg, Councilman Romie Hughart, Councilman Gus Bailey and Jeremiah McCormick, City Attorney. Councilman at Large Mel Pennington, Councilman Dean Miller, Councilman Dr. Guy Cassell and Mayor William Gibson were absent.

The meeting was called to order by Don Karnes, City Recorder. The invocation was given by Reverend Robert Blixt, Pastor of First Baptist Church.

APPROVAL OF MAY 15, 1979 COUNCIL MEETING MINUTES:
Councilman at Large Allen made a motion the May 15, 1979 Council meeting Minutes be approved. The motion was seconded by Councilman Bailey.

Councilman Hughart asked that a correction be made; on page 146 in regard to the change in the speed limit, second paragraph, and that it be noted that Councilman Hughart voted against this motion.

Mr. Karnes called for a vote on the motion with the correction, and the motion passed unanimously.

SEALED BIDS OPENED FOR SMALL TRACTOR: Mr. Karnes, City Recorder, and Chairman of the Finance Committee, passed out the sealed bids on the tractor to members of council. The bids are as follows:

Crede Tractor Sales and Service, Inc. 4731 Penn. Avenue Charleston, WV 25302	2,500.00
Interstate Equipment Sales, Inc. Rt. 34 at I-64 Interchange Winfield Exit Nine Scott Depot, WV 25560	2,445.10

Cross Lanes Tractor Sales, Inc 5208 Rocky Fork Road Charleston, WV 25312	2,895.00
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Discount Parts Co., Inc. 201 Virginia St. West Charleston, WV 25329	3,748.50
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Discount Parts Co., Inc. 201 Virginia St. West Charleston, WV 25329	4,099.50
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Councilman at Large Dr. Allen made a motion to refer the bids to the Finance Committee for them to act upon. The motion was seconded by Councilman Bailey, and the motion passed unanimously.

SOLICIATION FOR NITRO ELEMENTARY SCHOOL CARNIVAL TO BE HELD IN OCTOBER 1979: Councilman at Large Legg, Chairman of The Business, Civic Betterment and Consumer Protection Committee, referred to a letter written by Ardith Rohmiller, Principal of the Nitro Elementary School, requesting permission to contact the merchants of Nitro for contributions.

Councilman at Large Legg made a motion that the request be granted. The motion was seconded by Councilman Hughart, and the motion passed unanimously.

PETITION FROM RESIDENTS OF 500 BLOCK OF MICHIGAN AVENUE REQUESTING THAT CURB SIDE MAIL DELIVERY BE ELIMINATED AND ALL MAIL BE DELIVERED TO THEIR HOMES: Councilman Romie Hughart, Chairman of The Ordinance, Street and Traffic Committee asked that this be tabled until next meeting. (June 19, 1979).

RESOLUTION TO TRANSFER A TRACK OF .861 ACRE TO MONSANTO COMPANY: Mr. Jeremiah McCormick, City Attorney, suggested that to document the city's position the city should secure a competent, independent appraisal of the property. He stated that it would be premature to act until the property is appraised.

Councilman Hughart made a motion to refer this matter to The Finance Committee. The motion was seconded by Councilman at Large Legg, and the motion passed by a unanimous vote.

Councilman Hughart made a motion that Ordinance No. 79-____ Article II, Contractor License, Sec. 12-29A be changed to read the initial fee be \$50.00 and renewal fee \$25.00, the effective date will be on passage of the ordinance. Councilman Bailey seconded the motion, and the motion passed unanimously.

Mr. Karnes stated that since last council meeting council had received copies of the following correspondence: (This correspondence to be kept in the supplement file to the minutes.)

1. Mayor Gibson received a letter dated May 9, 1979 from Ackenheil & Associates, Consulting Engineers, 808 Main Avenue, Nitro, in reference to professional engineering services, landslide activity study, Gillispie, Moss, Harman and Moody properties, 21st Street.

Councilman Hughart made a motion to refer their proposal to the Finance Committee. The motion was seconded by Councilman Bailey, and the motion passed.

2. Mayor Gibson received a copy of a petition to the Postmaster of Nitro Post Office dated May 10, 1979 from residents of the 500 Block of Michigan Avenue, Nitro, requesting that curb side mail delivery be eliminated and all mail be delivered to mail boxes attached to their homes.

3. Mayor Gibson received a copy of a letter dated May 11, 1979 to the Honorable John G. Hutchinson, Mayor, City of Charleston from J. J. Dwyer, Director, Railroad Safety Division, State of West Virginia, Public Service Commission, Charleston, WV 25305 advising him that before the end of the month Conrail will reestablish the position of railroad police in West Virginia.

4. Mayor Gibson received a letter dated May 11, 1979 from Robert E. Kittle, Superintendent of Schools, Kanawha County, in reply to Mayor Gibson's letter of April 20, 1979 recommending building a road from 11th Street, West paralleling the railroad behind Baker Elementary School which would allow for parking in back near the fence.

5. Mayor Gibson received a letter dated May 14, 1979 from Tom Quinn of the Nitro Recreation Department in reference to vandalism which has taken place at the building that was formerly the American Legion Building during the night of May 13, 1979.

6. Mayor Gibson received a letter dated May 15, 1979 from F. Layton Cottrill, Jr. in reference to the policemen's Pension and Retirement Fund.

7. Mayor Gibson had written a letter dated May 15, 1979 to Mrs. Ruby Melton, 426 19th Street, Dunbar, West Virginia 25064 in reference to a notice to abate condition constituting a public nuisance at 213 40th Street Road, Nitro West Virginia.

8. Mayor Gibson had written a letter dated May 15, 1979 to Mr. E. W. Hedrick, Chief of the Nitro Fire Department in reference to arranging a course of action for an emergency control plan for the City of Nitro.

9. Mr. Donald G. Karnes, City Recorder, received a letter dated May 16, 1979 from Edward H. Friend & Company in reference to the Actuarial Study of Policemen's and Firemen's Pension and Relief Funds (H. B. 1005).

10. Mayor Gibson received a letter dated May 16, 1979 from R. H. Gauthier, County Administrator, Office of the Kanawha County Commission in reference to additional charges to become effective on July 1, 1979.

11. Nitro Lions Little League Minutes, May 20, 1979, 3:00 p.m.

12. Mayor Gibson had written a letter dated May 22, 1979 to Mr. Roger Russell, Regional Traffic Engineer, Traffic Engineering Division, Department of Highways, in reference to making the speed limit 45 miles per hour from the Nitro City limit at Riverdale Acres, milepost 3.61 area to the 0.94 milepost, 300 feet east of the intersection of Lock Street near the Nitro Moose Lodge.

13. Jeremiah McCormick, City Attorney received a letter from Howard D. Kenney, Executive Director, State of West Virginia Human Rights Commission in reference to ES 220-77, Cline vs. City of Nitro Police Department and Nitro Police Civil Service Board.

14. Mayor Gibson had received a copy of a letter addressed to Mr. J. H. Hildenbiddle, Jr. Executive Representative, Government Affairs/Room 1034 Consolidated Rail Corporation dated May 22, 1979 from J. J. Dwyer, Director, Railroad Safety Division, Public Service Commission in reference to Conrail's position of railroad police officer being reestablished at Charleston.

15. Mr. Karnes, City Recorder, referred to Ordinance No 55, which regulated traffic upon the public streets of The City of Nitro.

Councilman Hughart made a motion that Ordinance No. 55 be referred to the Ordinance Committee for review and for the committee to report back to council. The motion was seconded by Councilman Bailey, and the motion passed by unanimous vote.

16. Mayor Gibson received a letter dated May 24, 1979 from Mrs. Otis L. O'Connor, Chairman of the Kanawha Youth Services Council requesting funds from The City of Nitro to help pay their staff person for the coming fiscal year. Councilman Bailey made a motion that this be placed in the Finance Committee. Councilman Hughart seconded the motion, all council voted in favor.

17. Mayor Gibson received a letter dated May 29, 1979 from Evelyn Shepherd, President of TOPS requesting permission to use the Nitro Library for their weekly meeting.

Councilman Hughart made a motion to refer this request to the Library Committee. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed unanimously.

18. Mayor Gibson received a letter dated May 18, 1979 from Charles L. Miller, Commissioner, WV Department of Highways acknowledging Mayor Gibson's letter dated March 30, 1979 requesting that Main Street in Nitro be reinstated into the West Virginia Department of Highways Road System.

19. Mayor Gibson received a letter dated May 22, 1979 from Charles L. Miller, Commissioner of The West Virginia Department of Highways in reference to W. Va. Route 25 at 21st Street, Nitro, Kanawha County.

20. Mayor Gibson received a letter dated May 22, 1979 from Charles L. Miller, Commissioner, West Virginia Department of Highways in reference to request that the speed limits be reduced on WVa Route 25 from a point near the intersection of Lock Street to the intersection with Kapok Street in Nitro.

MR. KARNES CALLED FOR THE COMMITTEE CHAIRMAN REPORTS.

COUNCILMAN JACK LEGG: no committee reports but he made a recommendation that the Ordinance Committee check on the tractor trailers and large trucks parked on city streets, it seems that they often cause a hazardous situation. He went on to suggest that the Recreation Committee consider paving the tennis court at the city park so that area could be used as a basket ball court. Councilman at Large Legg stated that he wondered if the surplus equipment the city owns could perhaps be sold and the money applied to the cost of the tractor the city is about to purchase.

COUNCILMAN BAILEY: no committee reports but he suggested a change in format of the agenda, items referred to committees be placed on a section of the agenda and as they are resolved perhaps they could be marked off. Other councilmen agreed this would be a good idea.

Councilman at Large Dr. R. V. Allen reminded Council that July 1st would soon be upon us and any line item changes in the budget will have to be made between now and July 1st.

Don Karnes, City Recorder, stated he was aware of this. It was decided that a Finance Committee Meeting be held Tuesday, June 12, at 7:00 p.m.

COUNCILMAN AT LARGE DR. R. V. ALLEN: no committee reports. Dr. Allen reported on a recent meeting of the West Virginia Municipal League he attended in Wheeling, West Virginia. Dr. Allen said it appears that most cities are suffering from financial strains.

COUNCILMAN HUGHART: Councilman Hughart made a report on a street paving meeting held May 31st by the Street Committee. It was decided by the committee to go on with the paving program as presented in 1977 and 1978 with each ward councilman to withdraw any street that they see a change in now. It was also decided to advertise the paving program to the people, letting them know they can either pay cash or they can pay on terms or a lien can be placed against their property.

Councilman at Large Dr. R. V. Allen made a motion to adjourn. Councilman Bailey seconded the motion. The motion passed unanimously.

MAYOR

Don Karnes
RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

JUNE 19, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on June 19, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, Don Karnes, City Recorder Councilman at Large Dr. R. V. Allen, Councilman at Large Jack Legg, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Ward I, Councilman Romie Hughart, Ward II, Councilman Dean Miller, Ward III, and Councilman Gus Bailey, Ward IV. Mr. Jeremiah McCormick, City Attorney, was present.

The meeting was called to order by Mayor William Gibson. The invocation was given by Reverend Robert Blixt, Pastor of First Baptist Church.

APPROVAL OF JUNE 5, 1979 COUNCIL MEETING MINUTES:

Councilman Bailey made a motion the June 5, 1979 Council Meeting Minutes be approved. The motion was seconded by Councilman Hughart and the motion passed.

PETITION FROM RESIDENTS OF 500 BLOCK OF MICHIGAN AVENUE REQUESTING THAT CURB SIDE MAIL DELIVERY BE ELIMINATED AND ALL MAIL BE DELIVERED TO THEIR HOMES: Councilman Hughart, Chairman of the Ordinance, Street and Traffic Committee, read a letter Mr. Bob Brohard, Postmaster of The Nitro Post Office, had sent to the residents of the 500 Block of Michigan Avenue, who had signed the petition (petition is in June 5, 1979 Supplement File.) The letter to the residents from Mr. Brohard stated that postal service policy at this time is for all future delivery to the curb line as you have now. Councilman Hughart said that Mr. Brohard has agreed to go along with letting these residents move their boxes into their property areas. Mr. Hughart said he would follow up and see if the residents would like to do this. Councilman Miller asked that a copy of the postal service policy be requested.

RESOLUTION TO TRANSFER A TRACT OF .861 ACRE TO MONSANTO COMPANY: Mr. Karnes, City Recorder, stated that he had received an appraisal figure on the property by telephone, and that the appraisal figure was less than \$1,000. Councilman at Large Dr. Allen recommended that they wait until next council meeting, July 3, 1979, to act on the resolution when they would have the written appraisal.

REQUEST MADE BY CITIZENS REGARDING MAIL DELIVERY ON OLD COUNTY ROAD (POSSIBILITY OF MAKING THE ROAD ONE WAY FOR VEHICULAR TRAFFIC:) After some discussion Councilman Hughart, Chairman of The Ordinance, Street & Traffic Committee, made a motion to comply with the conditions set forth in Mr. George E. Wright's letter of April 24, 1979 (May 1, Supplement File) addressed to Mayor Gibson, by writing Mr. Wright, MSC Manager/Postmaster, U. S. Postal Service, Charleston, WV 25301, a letter of intent. The motion was seconded by Councilman at Large Pennington, and the motion passed. Councilman Miller did not vote. Councilman Hughart said he felt that an ordinance should be passed on one-way streets.

BUDGET REVISIONS, FISCAL YEAR 1978-1979: Mr. Karnes, City Recorder and Chairman of the Finance Committee, stated that council had received a copy of Budget Revisions for Fiscal Year 1978-1979. THE BUDGET REVISIONS FOR FISCAL YEAR 1978-1979 ARE AS FOLLOWS:

FISCAL YEAR 1978-1979

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	EXPENDITURES	ESTIMATED	REVISED	DIFFERENCE
9	SALARIES - POLICE	112,960	103,960	-9,000
10	NEW EQUIPMENT	3,000	1,500	-1,500
11	GENERAL EXPENSES - POLICE	11,000	27,000	+16,000
12	POLICE PENSION FUND	3,284	6,284	+3,000
13	SALARIES - DISPATCHERS	33,795	41,795	+8,000
16	GENERAL EXPENSES - FIRE	10,000	8,500	-1,500
18	SALARIES - HEALTH	2,300	NONE	-2,300
21	SALARIES - GARBAGE	99,170	103,170	+4,000
23	GENERAL EXPENSE - GARBAGE	4,900	6,400	+1,500
24	BUILDING MAINTENANCE	4,500	3,200	-1,300
25	REPAIRS TO JAIL	300	1,200	+900
26	FURNITURE	3,000	4,500	+1,500
27	SUPPLIES	3,000	5,600	+2,600
29	WATER - UTILITY	8,500	9,000	+500
30	WATER - UTILITY	1,100	1,400	+300
32	ELECTRIC - UTILITY	4,100	6,100	+2,000
33	REPAIRS - TRAFFIC LIGHTS	1,180	80	-1,100
34	GAS - UTILITY	2,100	2,500	+400
35	TELEPHONE	4,000	6,000	+2,000
37	LEGAL PUBLICATIONS	1,100	500	-600
38	INSURANCE ON BUILDINGS	18,900	28,900	+10,000
46	MATERIALS - STREET	4,900	6,900	+2,000
49	WORKMEN'S COMPENSATION	10,000	8,000	-2,000
50	AUDIT - TAX COMMISSIONER	1,000	2,200	+1,200
53	PARKS	1,000	8,000	+7,000
55	TRAVEL	3,000	1,000	-2,000
60	SOCIAL SECURITY	30,000	35,000	+5,000
60A	PUBLIC EMPLOYEE'S RETIREMENT	29,000	16,000	-13,000
61	CONTINGENT EXPENSE	6,900	4,100	-2,800
62	MUNICIPAL LEAGUE	1,900	900	-1,000
63	DOG POUND	4,300	10,300	+6,000
64	UNEMPLOYMENT	8,000	NONE	-8,000
67	HEALTH INSURANCE	43,515	20,515	-23,000
69	BUILDING INSPECTION	NONE	6,000	+6,000
	NET			+10,800

BUDGET REVISIONS

FISCAL YEAR 1978-1979

	<u>RECEIPTS</u>	<u>ESTIMATED</u>	<u>REVISED</u>	<u>DIFFERENCE</u>
1	GROSS BALANCE	61,000	24,000	-37,000
3	POLICE FINES	23,000	29,000	+ 6,000
4	CIVIC BENEFITS	30,000	20,000	-10,000
7A	GROSS SALES	191,000	176,000	-15,000
7B	2% UTILITIES	50,000	69,000	+19,000
7E	CONSUMER SALES (LIQUOR)	26,000	18,000	- 8,000
8A	MUNICIPAL SERVICES	195,000	216,500	+21,500
8D	RECREATION	6,000	4,000	- 2,000
8F	ACCIDENT REPORTS	500	300	- 200
9A	SPECIAL LICENSE	3,000	1,200	- 1,800
9B	GENERAL LICENSE	4,100	4,400	+ 300
10A	BUILDING PERMITS	7,000	13,500	+ 6,500
11	MISCELLANEOUS	5,500	37,000	+31,500
	NET			+10,800

Mr. Karnes stated there were two or three things he wanted to clear up.

We have as the very first item on the budget every year, number one on the revenue side that's called: Gross Balance Less Orders Outstanding.

I have always been under the impression that this was money in hands of the sheriff and I find this is somewhat in error.

In FY 1977-1978 we had \$78,014, in FY 1978-1979, \$61,000. As near as I can calculate, at the beginning of 1978-1979 we did not have \$61,000; we were in the red to the extent of \$18,000 to \$20,000. Which means that to begin this year we were somewhere in the neighborhood of \$80,000 below what our budget called for.

There are several reasons for some of this, possibly. Partly, The Kanawha County Sheriff's Dept. does not always send us 100 percent of our levy. Why, I really don't know, but I do plan to find out.

And I think this figure has mushroomed from one year to the next year, more or less, we were always told it was in the hands of the sheriff, only because we didn't get it. Not necessarily because we didn't have it coming to us. Because maybe we do not have it coming to us. I really don't know. But as a result we started out in the red.

To compound the problem we spent Revenue Sharing Money through the advice of C. P. A. in order to pay wages that we didn't have money for in the general fund, social security payments, workmens compensation, public employees insurance and firemens call backs, and several other things were also paid from Revenue Sharing Funds.

However, our collections have been good and I believe we have absorbed in collections about \$37,000 of the \$61,000 and we paid the rest of it out of revenue sharing.

I really want to put this in proper prospective, and I want to start the next year on even key. But, this leaves us in a position where we need to make these budget revisions suggested on print out, plus I need to adjust several line items in the Revenue Sharing Budget. The money has already been spent, but I need to transfer the revenue money that we did spend into the line items that it was spent in order to get our budget totally balanced including our revenue sharing.

It's required that we send the state tax department the budget revisions and at some point in time we do have to account for our revenue sharing. But, I would like to do it all at once and get started off July 1, 1979 on the right foot. And, in order to do this I need approval on these revisions and I need approval to make revisions of approximately \$43,000 of revenue sharing money into the line items that it was, in fact, spent.

Mr. Karnes, City Recorder and Treasurer said he would answer questions.

Councilman Miller said, "You are asking us to adjust the revenue sharing into certain line items, but before I do that I would have to know whether or not these line items, indeed by law can be adjusted into that."

Mr. Karnes answered, "They qualify, but we just did not earmark the money for that at the beginning of the revenue sharing fiscal year."

Councilman Miller questioned, "How can we do it now?"

Mr. Karnes said, "The same way we can adjust this general fund, we can adjust the budget. We do have to send it in, and get approval."

Councilman Miller asked, "Including the Revenue Sharing Budget?"

Mr. Karnes answered, "Yes, but there are more stringent limits on revenue sharing, but they can be adjusted."

Mr. Karnes made a motion to approve the budget revisions for the General Fund Budget for Fiscal Year 1978 - 1979, and to make approximately \$43,000 in adjustments in the Revenue Sharing Fund for Fiscal Year 1978 - 1979. The motion was seconded by Councilman Dr. Cassell.

Councilman Miller said he would still like to know what line items you are going to adjust for revenue sharing. Mr. Karnes stated every employee's salary, there were two pay periods that we did not have the money in the general fund to pay wages and it was paid out of revenue sharing, workmens compensation, social security, West Virginia public employees insurance. He said there was a period we ran into where we did not have money in the general fund and it was paid out of revenue sharing.

Councilman at Large Pennington questioned what items were not purchased that were in line for this money.

Mr. Karnes said, "I think over the period of a few years possibly this "Number One Gross Balance" got so far out of line that it finally caught up and the city plainly ran out of money, because that \$61,000 that we say is gross balance less orders outstanding was not there.

Councilman at Large Pennington asked, "Was that July 1, of last year?"

Mr. Karnes said, "Beginning of the fiscal year we are working in now, July 1 of 1978."

Councilman Miller said ".... The auditors haven't caught it for several years."

Mr. Karnes said "I don't know anything about the audits of past years, but that doesn't mean that I am going to sit here as city recorder and treasurer and do something that I know is wrong, just because I may not get caught. But, I'm just trying to get started July 1, 1979 right. I assure you we won't have these problems in the future."

Councilman Hughart questioned, "How much do we have in revenue sharing now?"

Mr. Karnes answered, "Approximately \$40,000."

Councilman Hughart asked, "How much will we have after adjustments?"

Mr. Karnes said, "These adjustments are for money that has already been spent. It will not change our present balance."

Councilman Miller said, "I can't understand, obviously someone knew we were out of money, because they started writing out of accounts...."

Mr. Karnes said "I'm as guilty as anyone, because I sat on council since 1976 and approved every statement that was presented to us without looking at them closely enough. Had we looked at these statements more closely this problem would have been detected much sooner."

Councilman Pennington wanted to know how are we on council to know the statements are not correct when they come from the recorder's office.

Mr. Karnes said, "I can show you copies of the statements you have that show these very problems."

Councilman Miller questioned, "Mr. Attorney, can we write checks on money not appropriated?"

Mr. McCormick, City Attorney, answered, "I think as Don recited there are certain restrictions on utilization of revenue sharing money, but I'm sure that none of those restrictions have been violated by the expenditures that have taken place here before. Is that basically your position, Don, that the expenditures are permissible under the revenue sharing rules and regulations?"

Mr. Karnes answered, "As far as I know, all of them are permissible."

After further discussion Mr. Karnes stated that these things had been discussed at several committee meetings, but that it has never been entered officially in any of the Council Meeting Minutes, and he thought that in his best interest it should be there.

Mayor Gibson said, "We need to deal with facts, and the facts are we've been using at the start of the year a prefabricated amount of money, and it's easy to put down \$61,000 or \$78,014, but the facts are we've been using and saying we have money setting up there in the sheriff's office or down there in Putnam County sheriff's office that just isn't there...."

After further discussion, Mayor Gibson called for a vote on the motion made by Mr. Karnes, City Recorder, and the motion passed. Councilman at Large Pennington and Councilman Miller voted against.

REPORT ON TRACTOR BIDS: Mr. Karnes, City Recorder and Chairman of The Finance Committee made a motion to table this until the second council meeting in July (July 17, 1979) due to financial circumstances. The motion was seconded by Councilman Hughart, and the motion passed unanimously.

FIRST READING ON A CONTRACTORS LICENSE ORDINANCE: Mr. Jeremiah McCormick, City Attorney, explained the proposed ordinance to amend Section 12, Article II of The Code of The City of Nitro, West Virginia, to create a license tax to be imposed upon that certain class defined as "contractors," and this proposed ordinance was discussed by council. Mr. McCormick stated this was Class I, and would require one publication after the first reading.

The first reading of an ordinance to amend Section 12, Article II of The Code of The City of Nitro, West Virginia to create a license Tax to be imposed upon that certain class defined as "contractors"

IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY:

ORDINANCE NO. 79-

AN ORDINANCE TO AMEND SECTION 12, ARTICLE II OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA, TO CREATE A LICENSE TAX TO BE IMPOSED UPON THAT CERTAIN CLASS DEFINED AS "CONTRACTORS".

NOW, THEREFORE, be it ordained by the Council of the City of Nitro, West Virginia:

THAT, from and after the effective date of this ordinance, Chapter 12 shall be amended to add new section hereinafter designated 30 to provide as follows:

Sec. 12-30 CONTRACTORS:

1. Except as to those licensed elsewhere by the provisions of this Code or other ordinances of the City, the initial license fee for any person, firm or corporation engaged generally in the business of contracting, remodeling, alteration, repair, removal, and demolition of any type of structure as well as for the business of tree trimming or surgery doing business within the City shall be Fifty Dollars (\$50.00). All persons, firms, or corporations engaged generally in the business of contracting, remodeling, alteration, repair, removal and demolition of any type of structure as well as the business of tree trimming or surgery doing business within the City of Nitro who possesses a valid license on the effective date of this Ordinance which day is the ____ day of _____, 1979, shall not be required to pay said initial license fee. Any person, firm or corporation who subsequent to the effective date of this Ordinance begins to engage in any of the aforesaid businesses shall be required to pay said initial license fee. Any person,

firm, or corporation paying such an initial license fee shall not be liable during the fiscal year in which said initial license fee is purchased for an annual license fee as hereinafter provided.

2. Except as to those licensed elsewhere by the provisions of this Code or other ordinance of the City, the annual license fee for any person, firm or corporation engaged generally in the business of contracting, remodeling, alteration, repair, removal, and demolition of any type structure as well as for the business of tree trimming or surgery doing business within the City shall be Twenty-Five Dollars (\$25.00) payable on _____ of each year.

3. For the purpose of interpreting this Ordinance, no person, firm or corporation engaged generally in the business of contracting, remodeling, altering or repairing any type of structure and whose contracts are individually in amounts less than the minimum which would be required by other Sections of this Code to require the issuance of a building permit shall be deemed to be in the business of being a "handyman" and said person, firm or corporation shall not be required to pay an initial contractor's fee or an annual license fee.

This Ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the 19th Day of June, 1979, and read and adopted at a regular meeting on the _____ day of _____, 1979.

WILLIAM D. GIBSON, MAYOR

Don Karnes

DONALD G. KARNES, MUNICIPAL RECORDER

City Recorder, Don Karnes made a motion that this ordinance be approved as first reading. The motion was seconded by Councilman Hughart and the motion carried.

FIRST READING OF A MUNICIPAL SERVICE ORDINANCE
(\$2.00 PER MONTH): Mr. Jeremiah McCormick, City Attorney explained the proposed ordinance to establish a municipal service charge for the purpose of fire protection, police protection, street cleaning, street lighting, street maintenance, and street improvements within The City of Nitro, West Virginia, and providing for the rates of charges and the collection of such fee.

Mr. McCormick suggested that ambulance service and recreation be added to the heading of the ordinance, and that the words clerk and city clerk be changed to read recorder in the ordinance.

THE FIRST READING OF THE ORDINANCE IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY:

ORDINANCE NO. 79-

AN ORDINANCE TO ESTABLISH A MUNICIPAL SERVICE CHARGE FOR THE PURPOSE OF FIRE PROTECTION, POLICE PROTECTION, STREET CLEANING, STREET LIGHTING, STREET MAINTENANCE, AMBULANCE SERVICE, RECREATION AND STREET IMPROVEMENTS WITHIN THE CITY OF NITRO, WEST VIRGINIA, AND PROVIDING FOR THE RATES OF CHARGES AND THE COLLECTION OF SUCH FEE.

WHEREAS, the City of Nitro is empowered by the West Virginia Code, Chapter 8, Article 13, Section 13, to impose by ordinance upon the users of services reasonable rates, fees and charges to be collected in the manner specified in the ordinance for Municipal services; and

WHEREAS, it is the intention of the Council of the City of Nitro, West Virginia, to provide for a reasonable fee to be collected from the users of police protection, fire protection, street lighting, street maintenance, street cleaning, ambulance service, recreation and street improvements within the City of Nitro, West Virginia;

1. That Section-1 Imposition and Rate; collection directed.

a. There is hereby levied and shall be collected a charge against residential users of Municipal services and business establishments which use Municipal Services situate within the City of Nitro for essential Municipal Services, including police protection, fire protection, street lighting, street maintenance, street cleaning, ambulance service, recreation and street improvements (excluding sewage and sewage disposal and the collection and disposal of garbage, refuse, waste, ashes, trash and other essential Municipal Services). The charge for such service shall be at the following rates for each single family unit residence, per unit, and for each multiple-family dwelling or apartment house, per each residential unit or apartment, whether or not occupied, and for each business establishment.

1 year	\$24.00
3/4 year	18.00
1/2 year	12.00
1/4 year	6.00
1 month	2.00

b. The Municipal Recorder shall be charged with the duty of mailing a statement on a monthly or quarterly basis to each person or business establishment to be charged with the Municipal fee hereby imposed for the fee due for the preceding month or quarter, as the case may be, but failure to mail any statement for monthly or quarterly charges shall not be grounds for avoiding payment. A statement shall be mailed by the Recorder at least as frequently as once each quarter but, at the discretion of the Recorder, a statement may be mailed each month and any such statement may be consolidated by the Recorder with statements for other Municipal fees or services due from such person or business establishment. If a monthly statement is mailed by the Recorder it may be mailed each month on a date selected by the Recorder but the Recorder shall render the monthly billing to such person or business establishment in a uniform manner so that each monthly bill is mailed at intervals of approximately thirty (30) days after the end of the quarter.

c. Subject to such reasonable regulations as may be promulgated by the Municipal Recorder, the record owner of the property upon which a single family residence is situated shall be presumed to be the user of Municipal service rendered for the benefit of said property and the record owner shall be liable to the City of Nitro for said charges; the tenants or occupants of the residential units of a multi-family dwelling or apartment house shall be presumed to be the users of such Municipal services

and shall be liable to the City for said charges. Persons doing business as partners in a business establishment within the City of Nitro shall be jointly and severally liable for said charges. However, in the event that a residential unit of a multi-family dwelling or apartment house is temporarily unoccupied then and in that event the record owner of the property upon which said multi-family dwelling or apartment house is situate shall be presumed to be the user of the residential services provided to each such unoccupied unit and shall be liable to the City of Nitro for said charges. Subject to such reasonable regulations as may be promulgated by the Municipal Recorder, the record owner of the property upon which such multi-family dwelling or apartment house is situate shall be charged with the responsibility of collecting in advance, charges imposed by this Section from tenants or occupants of such dwelling units or apartments and properly remitting same to the Municipal Recorder and shall be liable to the City in the amount of said charges for failure to do so or for failure to maintain adequate records from which such liability may be ascertained.

Section _____-2 Report by Municipal Recorder to Council.

The Municipal Recorder shall within sixty (60) days after the end of each fiscal year report to the City Council a list of all persons and business establishments who are delinquent in the payment of the Municipal service fee or any portion thereof for the preceding fiscal year and the City Council shall by resolution direct the Municipal Recorder and other Municipal employees to take such action as the Council deems advisable and necessary in regard to the payment of such delinquent fees.

Section _____-3 Provisions Severable.

The provisions of this ordinance shall be construed as severable and should any section or part thereof be held unconstitutional or for

any reason invalid or unenforceable by a Court of competent jurisdiction thereto the unaffected portions hereof shall remain valid and shall be given full force and effect.

This Ordinance shall become effective on the ____ day of _____, 1979.

This Ordinance shall be published in accordance with the provisions of Chapter 8, Article 13, Section 13 of the West Virginia Code.

Any and all Ordinances or administrative regulations inconsistent with the provisions hereto are hereby repealed at the time hereinabove specified to the extent necessary to give the provisions of this Ordinance full force and effect.

This Ordinance was introduced and read for the first time at a regular meeting of the City Council held on the 19th day of June, 1979, and will come up for second reading and adoption at a regular meeting of City Council to be held on the ____ day of _____, 1979.

WILLIAM D. GIBSON, MAYOR

Don Karnes

DONALD G. KARNES, MUNICIPAL RECORDER

Mr. McCormick stated that this is a Class II advertisement, and would require 2 publication.

Councilman Hughart made a motion to approve this ordinance on first reading. The motion was seconded by Councilman Pennington, and the motion passed.

FIRST READING ON AN ORDINANCE REGARDING A
50 PERCENT SUR-CHARGE ON BUILDING PERMIT FEES: Mr. McCormick explained the proposed ordinance to establish building permit fees to be paid for the issuance of building permits, City of Nitro, West Virginia.

Mr. McCormick said the word Council on the second page should be corrected. He stated that this was Class I advertisement, and that one publication was required after first reading.

THE FIRST READING OF THE ORDINANCE IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF THE CITY OF NITRO

INTRODUCED BY:

ORDINANCE NO. 79-

AN ORDINANCE TO ESTABLISH BUILDING PERMIT FEES TO BE PAID FOR THE ISSUANCE OF BUILDING PERMITS, CITY OF NITRO, WEST VIRGINIA

NOW, THEREFORE, be it ordained by the Council of the City of Nitro, West Virginia:

THAT the following permit fees shall be collected by the Building Official prior to the issuance of a building permit for any construction within the City of Nitro, West Virginia.

SCHEDULE OF PERMIT FEES

(a) Permit Fees

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$100.00 and less	No fee, unless inspection required, in which case a \$7.50 fee for each inspection shall be charged.
\$101.00 to \$2,000.00	\$7.50 per thousand or fraction thereof.
\$2,001.00 to \$15,000.00	\$15.00 for the first \$2,000.00 plus \$4.50 for each additional thousand or fraction thereof, to and including \$15,000.00.
\$15,001.00 to \$50,000.00	\$73.50 for the first \$15,000.00 plus \$3.75 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$204.75 for the first \$50,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$354.75 for the first \$100,000.00 plus \$1.87 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001.00 and up	\$1,104.75 for the first \$500,000.00 plus \$1.12 for each additional thousand or fraction thereof.

(b) When the valuation of the proposed construction exceeds \$1,000.00 and a plan is required to be submitted by Section 105.3 of the Southern Standard Building Code as adopted by the City of Nitro, West Virginia, a "plan-checking fee" shall be paid to the Building Official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half of the building permit fee as hereinabove set forth.

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the 19th day of June, 1979, and read and adopted at a regular meeting on the _____ day of _____, 1979.

WILLIAM D. GIBSON, MAYOR

Don Karnes

DONALD G. KARNES, MUNICIPAL RECORDER

City Recorder Karnes made a motion that this ordinance be approved as first reading. The motion was seconded by Dr. Cassell, and the motion passed.

AN ORDINANCE TO AMEND SECTION 107.6 OF THE SOUTHERN STANDARD BUILDING CODE ADOPTED BY REFERENCE IN SECTION 5-10 OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA: Mr. McCormick explained the proposed ordinance and the proposed ordinance was discussed by council.

Mr. Karnes recommended that in the second paragraph; the words, and the value certified by the applicant for such permit equals or exceeds \$1,000.00, be deleted. He recommended that on the second page that the word, Council be changed to read Mayor or Recorder, that where the word City Clerk appears the word Recorder should be used instead. He also requested that in the first paragraph, second line that Section 4-8 be corrected to read Section 5-10.

THE FIRST READING OF THE ORDINANCE IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY:

ORDINANCE NO. 79

AN ORDINANCE TO AMEND SECTION 107.6 OF THE SOUTHERN STANDARDS BUILDING CODE ADOPTED BY REFERENCE IN SECTION 5-10 OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA

NOW, THEREFORE, be it ordained by the Council of the City of Nitro, West Virginia:

THAT, from and after the effective date of this Ordinance, Article 3, Building Code, Section 5-10 Amendments shall be amended to read as follows:

In every case where a building permit is required such permit shall provide that all rubbish, waste materials and substances, debris and litter shall be disposed of or removed from the premises upon the substantial completion of such work. "Substantial completion" for the purpose of this ordinance is defined to mean ninety percent of the actual work to be done and performed as contemplated by the valuation set forth in the building permit.

To secure compliance herewith, such applicant for a building permit shall post with the building official a cash bond in the form of a cashier or certified check payable to the City of Nitro in an amount not greater than ten percent of the amount designated on the building permit submitted to the building inspector relative to the work to be performed thereunder; the amount assessed hereunder to be determined by the reasonable discretion of the building inspector.

After the work has been completed and all rubbish, waste materials and substances, debris and other litter have been satisfactorily disposed of or removed from the premises, the certified or cashier check shall be returned to the holder of the permit; however, should the holder of the permit fail to comply with the provisions hereof and fail to remove all rubbish, waste materials and substances, debris and other litter so as to leave the premises clear thereof, then the Mayor or Recorder may, upon recommendation of the building official order said bond forfeited and said certified or cashier check cashed by the Municipal Recorder, and shall direct and order that said premises be cleared of any rubbish, waste materials and substances, debris or other litter and the cost thereof to be paid out of such fund so provided. After deducting the cost of any removal and other expenses related thereto to the City, the remainder of any of the money shall be returned to the holder of the permit.

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the 19th day of June, 1979, and read and adopted at a regular meeting on the _____ day of _____, 1979.

WILLIAM D. GIBSON, MAYOR



DONALD G. KARNES, MUNICIPAL RECORDER

Dr. Allen made a motion that this be approved as First reading. The motion was seconded by Dr. Cassell and the motion carried.

AN ORDINANCE TO AMEND CHAPTER 11, SECTION 13
OF THE CITY OF NITRO, WEST VIRGINIA, ENTITLED SERVICE
CHARGES IMPOSED; RESIDENCE AND COMMERCIAL RATES; REDUCES
RATES FOR CERTAIN PERSONS; WHEN AND WHERE CHARGES PAYABLE;
MORE SPECIFICALLY TO AMEND THE QUALIFICATION EXEMPTION TO
THOSE PERSONS WHOSE ANNUAL INCOME GROSS IS NOT MORE THAN
\$3,600.00 PER YEAR: Mr. McCormick, City Attorney explained,
and the proposed ordinance was discussed.

THE FIRST READING OF THE ORDINANCE IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY:

ORDINANCE NO. 79-

AN ORDINANCE TO AMEND CHAPTER 11, SECTION 13 OF THE CITY OF NITRO, WEST VIRGINIA, ENTITLED "SERVICE CHARGES IMPOSED; RESIDENCE AND COMMERCIAL RATES; REDUCES RATES FOR CERTAIN PERSONS; WHEN AND WHERE CHARGES PAYABLE; MORE SPECIFICALLY TO AMEND THE QUALIFICATION EXEMPTION TO THOSE PERSONS WHOSE ANNUAL INCOME GROSS IS NOT MORE THAN \$3,600.00 PER YEAR.

WHEREFORE, be it ordained that Chapter 11, Section 13(b) be amended to read and be hereafter enforceable as follows:

Such service charge for each owner, tenant or occupant of residential premises shall be the sum of five dollars per month, due and payable on the last day of each calendar month for which the services are rendered; provided that any such owner, tenant or occupant of residential premises responsible for such charge, who is retired or over the age of sixty-five years and whose annual gross income is not more than five thousand dollars, or widow head-of-household whose combined annual gross income, including all members of such household, does not exceed five thousand dollars, upon filing the proper affidavit with the city recorder stating their name, address, age and monthly gross income, with such other proof as to their total gross income as the city recorder may require, shall be the sum of three dollars per month, due and payable on the last day of each calendar month for which the services are rendered.

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the _____ day of _____, 197____, and read and adopted at a _____ meeting on the _____ day of _____, 1979.

WILLIAM D. GIBSON, MAYOR

Don Karnes

DONALD G. KARNES, MUNICIPAL RECORDER

Councilman Legg made a motion to approve this ordinance on first reading. Dr. Cassell seconded the motion, and the motion carried.

AN ORDINANCE TO AMEND SECTION 107.4 OF THE SOUTHERN
STANDARD BUILDING CODE ADOPTED BY REFERENCE IN SECTION 5-10
OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA:
Mr. McCormick explained the proposed ordinance and the proposed ordinance was discussed.

It was recommended that on page 2 of the ordinance that the words Mayor or Recorder be used in place of the word Council the eighth line down, and that the word Recorder be used in the ordinance rather than the word City Clerk.

THE FIRST READING OF THE ORDINANCE IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY:

ORDINANCE NO. 79 -

AN ORDINANCE TO AMEND SECTION 107.4 OF THE SOUTHERN STANDARD BUILDING CODE ADOPTED BY REFERENCE IN SECTION 5-10 OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA

NOW, THEREFORE, be it ordained by the Council of the City of Nitro, West Virginia:

THAT, from and after the effective date of this ordinance, Section 107.4, Subsection C shall be amended to read as follows:

Section 107.4 (c) Demolition of Building:

For the demolition of any building or structure, the fee shall be \$4.00. Any permit to demolish any building or structure shall provide that such work shall be completed waste materials and substances, debris, dirt, and other litter issuance thereof, and shall further provide that all rubbish, waste materials and substances, debris, dirt and other litter shall be disposed of or removed from the premises and that the premises be cleared thereof. To secure compliance with this provision, a bond or certified check in an amount to be specified by the Building Official not to exceed Five Hundred Dollars (\$500.00) shall be required of the person requesting the permit to demolish a building or structure. In determining the amount of the bond or certified check he shall consider the location of the premises, the type of the building or structure to be demolished, the estimated cost of demolishing said building or structure and all other pertinent facts. After the work has been completed, and

upon certification from the Building Official that all rubbish, waste materials and substances, debris, dirt and other litter has been satisfactorily disposed of or removed from the premises, and that the premises are clear thereof, the bond or certified check shall be returned to the holder of the permit; however, should the holder of the permit fail to comply with the provisions hereof and fail to remove rubbish, waste materials and substances, debris, dirt and other litter and fail to leave the premises clear thereof, then the Mayor or Recorder may, upon recommendation of the Building Official order said bond forfeited or said certified check cashed by the Recorder, and shall direct and order that said premises be cleared of any rubbish, waste materials and substances, debris, dirt or other litter and shall charge the cost thereof to the holder of the permit. After deducting the cost of removal and other expenses to the City, the remainder of the money shall be returned to the holder of the permit.

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the 19th day of June, 1979, and read and adopted as a regular meeting on the _____ day of _____, 1979.

WILLIAM D. GIBSON, MAYOR

Don Karnes

DONALD G. KARNES, MUNICIPAL RECORDER

City Recorder, Don Karnes made a motion that this be approved as first reading. The motion was seconded by Councilman Bailey, and the motion carried.

THE FIRST READING OF AN ORDINANCE TO AMEND CHAPTER
15 OF THE CODE OF THE CITY OF NITRO AND SPECIFICALLY SECTION
15-24 "LEWD AND LASCIVIOUS COHABITATION" BY ENACTING SECTION
15-24A "PEEPING TOMS" THEREBY MAKING IT UNLAWFUL FOR ANY
PERSON TO GO UPON ANY LOT OR PREMISES WITHOUT THE EXPRESS
OR IMPLIED CONSENT OF THE OWNER, OCCUPANT OR PERSON IN CHARGE
THEREOF FOR THE PURPOSE OF LOOKING INTO ANY WINDOW, DOOR OR
OTHER APERTURE OF ANY DWELLING LOCATED THEREON:

THE FIRST READING OF THE ORDINANCE IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY:

ORDINANCE NO. 79-

AN ORDINANCE TO AMEND CHAPTER 15 OF THE CODE OF THE CITY OF NITRO AND SPECIFICALLY SECTION 15-24 "LEWD AND LASCIVIOUS COHABITATION" BY ENACTING SECTION 15-24A "PEEPING TOMS" THEREBY MAKING IT UNLAWFUL FOR ANY PERSON TO GO UPON ANY LOT OR PREMISES WITHOUT THE EXPRESS OR IMPLIED CONSENT OF THE OWNER, OCCUPANT OR PERSON IN CHARGE THEREOF FOR THE PURPOSE OF LOOKING INTO ANY WINDOW, DOOR OR OTHER APERTURE OF ANY DWELLING LOCATED THEREON.

NOW THEREFORE, be it ordained by the Council of the City of Nitro, West Virginia:

THAT, from and after the effective date of this Ordinance, Chapter 15 shall be amended to add new Section hereinafter designated 24A to provide as follows:

Sec. 15-24A. Peeping Toms.

It shall be unlawful for any person to go upon any lot or premises without the express or implied consent of the owner, occupant or person in charge thereof for the purpose of looking into any window, door or other aperture of any dwelling located thereon.

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the _____ day of _____, 1979, and read and adopted at a _____ meeting on the _____ day of _____, 1979.

WILLIAM D. GIBSON, MAYOR



DONALD G. KARNES, MUNICIPAL RECORDER

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

AN ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF
THE CITY OF NITRO AND SPECIFICALLY SECTION 21-20 "PENALTIES"
AND THEREBY INCREASING THE MONETARY AMOUNT OF PENALTY OR FINE
FROM \$200.00 TO A MAXIMUM DOLLAR AMOUNT OF \$600.00,

IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY:

ORDINANCE NO. 79-

AN ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF THE CITY OF NITRO AND SPECIFICALLY SECTION 21-20 "PENALTIES" AND THEREBY INCREASING THE MONETARY AMOUNT OF PENALTY OR FINE FROM \$200.00 TO A MAXIMUM DOLLAR AMOUNT OF \$600.00.

NOW THEREFORE, be it ordained by the Council of the City of Nitro, West Virginia:

THAT, from and after the effective date of this Ordinance, Chapter 21 shall be amended to read as follows:

ARTICLE I. In General.

Sec. 21-20. Penalties.

Every person convicted of a violation of any of the provisions of this chapter other than those which, if prosecuted for a violation of the Code of West Virginia would constitute a felony, and for which another penalty is not provided shall, for a first conviction thereof, be punished by a fine of not more than two hundred dollars or by imprisonment for not more than ten days; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than four hundred dollars or by imprisonment for not more than twenty days or by both such fine and imprisonment; and upon a third or subsequent conviction such person shall be punished by a fine of not more than six hundred dollars or by imprisonment for not more than thirty days or both such fine and imprisonment.

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the ____ day of _____, 1979, and read and adopted at a _____ meeting on the ____ day of _____, 1979.

WILLIAM D. GIBSON, MAYOR

Don Karnes

DONALD G. KARNES, MUNICIPAL RECORDER

Don Karnes, City Recorder, made a motion to approve the first reading of the ordinance. The motion was seconded by Councilman Hughart, and the motion passed.

Mayor Gibson read the petition from the people residing at 1100-1200 block of Main Avenue, Nitro and surrounding blocks consisting of Walker Street, Benamati, Martins Court, Reeves Drive, Gravely Drive and Lee Avenue.

THE PETITION IS AS FOLLOWS:

We the undersigned residence of 1100-1200 block of Main Avenue, Nitro and surrounding blocks consisting of Walker Street, Benamati, Martins Court, Reeves Drive, Gravelly Drive and Lee Avenue feel that a parking hazard and possible traffic congestion will exist at the corner of Main Avenue and Walker Street due to lack of ample parking facilities at the construction of a five (5) unit apartment at 1138 Main Avenue and an eight (8) unit apartment being built on the corner of 1140 Main Avenue and Walker Street.

We feel this could present an inconvenience to the residence of said streets and a dangerous situation to walking school children who must use Walker Street for access to West Sattes Elementary School and same said corner is used for the bus stop for the students of Nitro Junior High and Nitro Senior High students.

Copies of this petition has been sent to the Mayor, Building Inspector and Councilmen. (also this petition will be read at the next council meeting on June 19, 1979).

NAME	Address
1. Mr & Mrs J. L. Brothers	1132 MAIN AVE.
2. Mrs EVA ATKINS	1134 MAIN AVE.
3. MR & MRS. IRA DUNLAP	1135 MAIN AVE.
4. Mr & Mrs Alex Hill	1133 Main Ave.
5. Lucy Bentley	1131 Main
6. Joe E. Lee	209 Walker St.
7. Robert Barker	207 Walker St.
8. Bill Gowers	1122 main ave
9. Linda Jarvis	" "

1. *Joseph Dwyer* 1124 Main Ave
 2. *Philip H. Hester* 1126 Benjamin St.
 3. *John R. Hester* 1126 Benjamin St.
 4. *Ruby Dunlap* 1136 Main Ave
 5. *Richard S. Hester* 1132 Main Ave.
 6. *Ernest J. Matthews* Main Ave.
 7. *Tom Shaden* 1138 Main Ave.
 8. *Paul Patton* North St.
 9. *Frank Cobb* Main Ave
 10. *Jacki King* 9 Revere Dr.
 11. *W. Howard Hill* 7 Revere Dr.
 12. *Mr. Harry Hynes* 3 Revere Dr.
 13. *Mrs. Mrs. Richard Kyles* 111 Lee Ave.
 14. *Sam Beysse* 115 Lee Ave
 15. *Mrs. Vernon B. Condon* 11 Hawley Dr.
 16. *Julia Mite* 5 Hawley Dr. Mito, Va.
 17. *Dorcas Menden* 109 Wakefield St. N. Va.
 18. *Ja Matisse* 201 Lee Ave Mito, Va.
 19. *Judson* 203 Lee Ave Mito, Va.
 20. *Harry E. Carter* 205 Lee Ave. Mito, Va.

After discussion of the petition, Councilman Hughart referred this petition to The Street and Traffic Committee to be reported out at the next meeting (July 3). Mr. Hughart stated to Mrs. Jo Ann Brothers and Mrs. Atkins, who were present, that he would report back to them.

ACTION TO BE TAKEN ON PROPOSED STREET PAVING PROGRAM:

Mr. McCormick, City Attorney, stated that a first reading on the streets advertised in September, 1978, must be had; and plans and specifications be available for inspection at City Hall before advertising for bids. It was decided that Main Avenue be deleted from the list, pending a decision from the Department of Highways as to whether they are going to take it back into the state Highway system.

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

1. Councilman Hughart received a letter dated June 11, 1979, in reference to a hazardous traffic and parking problem which exists on Dogwood Avenue where it intersects Main Avenue.

2. Mayor Gibson received a letter dated June 1, 1979 in reference to the Street Paving Program from Appalachian Engineers, Inc.

3. Mr. Long, Recreation Director, received a letter from Bill Hyatt, area representative of Word of Life Bible Clubs in reference to Softball Marathon, Word of Life, Nitro City Park, June 23, 1979.

4. Mr. Long wrote a letter dated June 6, 1979 in reply to above letter (to Bill Hyatt).

5. Mayor Gibson received a letter of resignation dated June 6, 1979 from Wesley C. Hill. His resignation was effective June 6, 1979

6. Mayor Gibson received a letter dated May 31, 1979, from Gary F. Criste, P.E., 13 Barrington Road, in reference to his concern of the repairs made to the slip area on Barrington Road.

7. The town of Nitro had received an official order from The West Virginia Department of Highways in reference to the 45 miles per hour speed limit on Route 25. Mayor Gibson stated that the signs were up.

8. Mayor Gibson had written a letter dated June 8, 1979 to Mr. Randy Wayne Milam, 115 13th Street, Dunbar, West Virginia 26064, informing him that his position as a Patrolman with the Nitro Police Department has been officially terminated, effective June 8, 1979.

9. Mr. Bob Sergeant, Building Inspector had written a letter to Mr. Jerry Goldberg, dated June 11, 1979 requesting that no excavation of any type be done until arrangements have been made with his office.

10. Mayor Gibson had sent a mailgram dated June 11, 1979 to Perry Estep, 1420 West 14th Street, Nitro. This was a letter of congratulations for having earned a draft by the Cincinnati Reds.

MAYOR GIBSON CALLED FOR THE COMMITTEE CHAIRMAN REPORTS.

MR. KARNES, CITY RECORDER: no reports.

COUNCILMAN MILLER: no reports.

COUNCILMAN HUGHART: Councilman Romie Hughart, Chairman of The Street Committee, asked that the May 31, 1979 Street Committee Meeting Minutes be made a part of the Council Meeting Minutes. A Copy of The Street Committee Meeting Minutes is in the supplement file.

COUNCILMAN AT LARGE ALLEN: no reports.

COUNCILMAN BAILEY: Councilman Bailey requested a letter be written to the Kanawha Youth Services Council in reply to their letter dated May 24, 1979.

Councilman Bailey asked about the barricade on Kanawha Avenue South off Blackwood Street and the barricade on Kanawha Avenue South off Spring Street.

COUNCILMAN AT LARGE LEGG: no reports.

COUNCILMAN AT LARGE PENNINGTON: no reports.

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


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

JULY 3, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on July 3, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, Don Karnes, City Recorder, Councilman at Large Dr. R. V. Allen, Councilman at Large Jack Legg, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller and Mr. Jeremiah McCormick. City Attorney, Councilman at Large Pennington and Councilman Gus Bailey were absent.

Also present were Mr. Carl Ashley, 2610 26th Street, Mr. Garland Davis, 905 Main Avenue, Mr. and Mrs. S. M. Snyder, 901 Main Avenue, and Mr. Charley Fitzsimmons, 904 Main Avenue.

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

APPROVAL OF JUNE 19, 1979 COUNCIL MEETING MINUTES:
Councilman at Large Dr. Allen made a motion the June 19, 1979 Council Meeting Minutes be approved. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

RESOLUTION TO TRANSFER A TRACT OF .861 ACRE TO
MONSANTO COMPANY:

THE RESOLUTION IS AS FOLLOWS:

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

WHEREAS, by deed dated January 31, 1974, Monsanto Company donated a tract of .861 acre to the City of Nitro; and

WHEREAS, the City of Nitro no longer needs the aforesaid tract of .861 acre and Monsanto Company desires to have title conveyed to it;

NOW, THEREFORE, BE IT ORDAINED that the City of Nitro GRANT and CONVEY all of its right, title and interest to Monsanto Company, a Delaware corporation, in a tract of land said to contain .861 acre as fully described in a deed from Monsanto Company to the City of Nitro, dated January 31, 1974, of record in the office of the Clerk of the County Commission of Putnam County, West Virginia, in Deed Book 204, page 427;

That the Mayor of the City of Nitro be and is hereby authorized and directed to execute a deed conveying all of the right, title and interest of the City of Nitro in and to said parcel of land to Monsanto Company; and

That the Recorder of the City of Nitro be and is hereby authorized and directed to attach and affix the corporate seal of said City to said deed and deliver said deed to Monsanto Company.

Don Karnes
RECORDER

MAYOR

Mr. Karnes, City Recorder and Chairman of the Finance Committee, made a motion to approve the Resolution to transfer a tract of .861 acre to Monsanto Company, and that Mayor Gibson be authorized to execute a deed conveying all of the right, title and interest of the City of Nitro in and to said parcel of land to Monsanto Company. The motion was seconded by Councilman Dr. Cassell, and the motion passed by unanimous vote. (The appraisal and the deed of said property is in the supplement file to the minutes).

SECOND READING OF AN ORDINANCE TO AMEND CHAPTER 15 OF THE CODE OF THE CITY OF NITRO AND SPECIFICALLY SECTION 15-24 "LEWD AND LASCIVIOUS COHABITATION" BY ENACTING SECTION 15-24A "PEEPING TOMS" THEREBY MAKING IT UNLAWFUL FOR ANY PERSON TO GO UPON ANY LOT OR PREMISES WITHOUT THE EXPRESS OR IMPLIED CONSENT OF THE OWNER, OCCUPANT OR PERSON IN CHARGE THEREOF FOR THE PURPOSE OF LOOKING INTO ANY WINDOW, DOOR OR OTHER APERTURE OF ANY DWELLING LOCATED THEREON:

Councilman Hughart, Chairman of the Ordinance, Street and Traffic Committee made a motion to approve the

SECOND READING OF THE ORDINANCE WHICH IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY: Councilman Hughart

ORDINANCE NO. 79-2

AN ORDINANCE TO AMEND CHAPTER 15 OF THE CODE OF THE CITY OF NITRO AND SPECIFICALLY SECTION 15-24 "LEWD AND LASCIVIOUS COHABITATION" BY ENACTING SECTION 15-24A "PEEPING TOMS" THEREBY MAKING IT UNLAWFUL FOR ANY PERSON TO GO UPON ANY LOT OR PREMISES WITHOUT THE EXPRESS OR IMPLIED CONSENT OF THE OWNER, OCCUPANT OR PERSON IN CHARGE THEREOF FOR THE PURPOSE OF LOOKING INTO ANY WINDOW, DOOR OR OTHER APERTURE OF ANY DWELLING LOCATED THEREON.

NOW THEREFORE, be it ordained by the Council of the City of Nitro, West Virginia:

THAT, from and after the effective date of this Ordinance, Chapter 15 shall be amended to add new Section hereinafter designated 24A to provide as follows:

Sec. 15-24A. Peeping Toms.

It shall be unlawful for any person to go upon any lot or premises without the express or implied consent of the owner, occupant or person in charge thereof for the purpose of looking into any window, door or other aperture of any dwelling located thereon.

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the 19th day of June, 1979, and read and adopted at a regular meeting on the 3rd day of July, 1979.

WILLIAM D. GIBSON, MAYOR

Don Karnes

DONALD G. KARNES, MUNICIPAL RECORDER

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

PETITION FROM THE PEOPLE RESIDING AT 1100-1200 BLOCK OF MAIN AVENUE, NITRO AND SURROUNDING BLOCKS CONSISTING OF WALKER STREET, BENAMATI, MARTINS COURT, REEVES DRIVE, GRAVELY DRIVE AND LEE AVENUE, REGARDING A POSSIBLE TRAFFIC HAZARD AND TRAFFIC CONGESTION: Councilman Hughart, Chairman of the Ordinance, Street and Traffic Committee, stated that he and Councilman Bailey looked at the property in question and that he had discussed this with Mr. Sergeant, Building Inspector, and that the property owner has met all requirements.

Councilman Hughart said that this situation could happen elsewhere, and made a motion that the Planning Commission review the zoning requirements as to setbacks and parking. The motion was seconded by Mr. Karnes, and the motion passed.

LETTER DATED JUNE 11, 1979, IN REFERENCE TO A HAZARDOUS TRAFFIC PROBLEM WHICH EXISTS ON DOGWOOD STREET WHERE IT INTERSECTS MAIN AVENUE: (Letter in reference to this problem is in June 19th supplement file). After discussion of this problem Councilman Hughart, Chairman of the Ordinance, Street and Traffic Committee, made a motion that a street sign (DOGWOOD STREET) be erected across from the Natural Resources building (Main Avenue to the railroad) designating this a public street. The motion was seconded by City Recorder Karnes and the motion passed.

REQUEST MADE BY MR. CARL ASHLEY, 2610 26th STREET IN REFERENCE TO LOWERING SIDEWALK DOWN ADJACENT TO CURB LEVEL: Mr. Romie Hughart, Chairman of the Ordinance, Street and Traffic Committee, introduced Mr. Ashley.

Mr. Ashley stated his position, and stated that in lowering the sidewalk down adjacent to the curb level it would make it easier to get into and out of cars, and it would make it easier to shovel snow, and it would make it more convenient in general for the property owners.

Mayor Gibson stated that for the City of Nitro to relinquish the 7 feet to the abutting property owners that the city attorney would have to become involved and advise us as to the legality. After further discussion Councilman Hughart made a motion to refer the request to the city attorney for legal advice. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence;

1. Annual conference, Municipal League
August 12, 13, 14 at Huntington

2. Mayor Gibson received a letter dated June 4, 1979 in reference to a meeting on emergency control plan from E. W. Hedrick, Chief of the Nitro Fire Department.

3. Mayor Gibson sent a mailgram dated June 18, 1979 to The Honorable John D. Rockefeller IV, Governor, in reference to The Partnership Grant Funding for the Nitro maintenance garage.

4. Mayor Gibson received a copy of a letter to Mr. Stephen A. Mallory, Attorney at Law, 339 Twelfth Street, Dunbar, WV 25064, dated June 18, 1979 from Thomas T. Kirk, Vice President, Wildwood Development Corporation, P. O. Box 3626, Charleston, WV 25335 concerning drainage onto the property of Mr. and Mrs. Calhoun on Brookhaven Drive, Nitro, WV.

5. Mayor Gibson received a letter from Reverend Leroy O. Beyer, Holy Trinity Parish, 2219 22nd Street dated June 19, 1979 thanking Mayor Gibson, the City Council, and the various City Departments for the cooperation they gave them during the construction of their new church.

6. Mayor Gibson received a letter dated June 19, 1979 from Dan E. Warner, Appalachian Engineers, Inc. in reference to Brentwood Road. Mayor Gibson said this would be referred to the city attorney.

7. Mayor Gibson had written a letter dated June 22, 1979 to Mr. Jeff Herholdt, Director, West Virginia Fuel and Energy Office, 1262½ Greenbrier Street, Charleston, West Virginia 25311, in reference to the concerns with the recently instituted gasoline allocation program.

8. Mayor Gibson had written a letter dated June 22, 1979 to Mr. Robert Brohard, Postmaster, Nitro Post Office, Nitro, in reference to conditions required for mail delivery on Old County Road.

9. Mayor Gibson had written a letter dated June 27, 1979 to Mr. John Johnson, Putnam County Supervisor, West Virginia Department of Highways, Red House, West Virginia 25168, in reference to a request from Mrs. Willaim Saxton, Nitro Heights, requesting that Mayor Gibson contact the West Virginia Department of Highways in an effort to get Nitro Heights road included in the State Road System.

10. Mayor Gibson had written a letter dated June 27, 1979, to Mr. C. A. Farley, Maintenance Supervisor, West Virginia Department of Highways, 1334 Smith Street, Charleston, West Virginia 25301, in reference to a request from Mrs. William Saxton, Nitro Heights, requesting that Mayor Gibson contact the West Virginia Department of Highways in an effort to get Nitro Heights road included into the State Road System.

11. Mayor Gibson had written a letter dated June 27, 1979, to Mrs. Anna Rae Ruckman, 202 Hillside Drive, Nitro, in reference to vacant land across the street from Mrs. Ruckman's home.

12. Mayor Gibson had written a letter dated June 27, 1979 to Mr. William Wilshire, Assistant Director of Traffic Engineering, Room A-550, 1900 Washington Street, East, Charleston, West Virginia 25305, in reference to numerous complaints from motorists regarding confusion created by the lack of proper markings in the vicinity of State Route 25 and Center Street.

13. PETITION - Dated June 28, 1979 from property owners with lots adjoining Ivy Street, petition City Council to delete said unimproved Ivy Street from the proposed paving program.

14. Mayor Gibson received a letter dated June 20, 1979 from Ackenheil & Associates, 808 Main Avenue, Nitro, in reference to Landslide Activity Study, Gillispie, Moss, Harman, and Moody Properties, Blakes Drive and 21st Streets, Nitro - Nitro Project No. 79061N. Mayor Gibson said he would refer this to the city attorney.

15. Mayor Gibson received a letter June 29, 1979 from James H. Higman, Colonel, Corps of Engineers, District Engineer, Department of the Army, Huntington District, Corps of Engineers, P. O. Box 2127, Huntington, West Virginia 25721 providing an update of the status of acquisition of land for the Nitro Park Project proposed in the Winfield Navigation Pool Master Plan, Kanawha River which has to do with a possible boat marina.

16. Mayor Gibson, Mr. Long and the People of Nitro received a letter from Perry Estep. Mr. Estep thanked Mayor Gibson for the mailgram he received, and he expressed his love for the City of Nitro and its people.

17. Mayor Gibosn gave each councilman a copy of the budget pertaining to the Sanitation Board of The City of Nitro, Budget FY 1979-1980.

18. Mayor Gibson received a notice notifying him that the West Virginia Human Rights Commission will conduct a hearing on August 6 and August 7, 1979 at 9:00 a.m. in City Council Chambers, City Hall, Charleston, West Virginia on the contested case: Dorothy Cline, Complainant, VS City of Nitro, Nitro Police Civil Service Board, Nitro City Police Department, Docket No. ES-220-77 Amended.

19. Mayor Gibson had written a letter dated July 6, 1979 to property owners on Main Avenue, Nitro updating the citizens residing on Main Avenue in reference to the City of Nitro requesting that the West Virginia Department of Highways re-instate Main Avenue back in the West Virginis Highway system.

Attached: copy of a letter he received from Mr. Charles L. Miller, Commissioner, and also, a copy of a mailgram directed to Mr. James R. Campbell, District 1 Engineer dated July 2, 1979.

MAYOR GIBSON CALLED FOR THE COMMITTEE CHAIRMAN REPORTS.

MR. KARNES, CITY RECORDER: no reports.

Mr. Karnes made a motion that there be no second reading on the proposed ordinance to amend Section 107.4 of The Southern Standard Building Code which has to do with demolition of buildings. The motion was seconded by Councilman Hughart, and the motion passed.

COUNCILMAN MILLER: no reports.

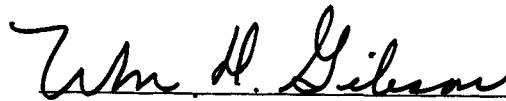
COUNCILMAN HUGHART: no reports, Mr. Hughart announced a Street Committee Meeting to be held after council meeting.

COUNCILMAN AT LARGE DR. ALLEN: no reports.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN AT LARGE LEGG: no reports.

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


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

JULY 17, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on July 17, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, Don Karnes, City Recorder, Councilman at Large Dr. R. V. Allen, Councilman at Large Jack Legg, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, Councilman Gus Bailey, and Jeremiah McCormick, City Attorney.

The meeting was called to order by Mayor William Gibson. The invocation was given by Reverend James Arbogast, Pastor of St. Paul's United Methodist Church.

APPROVAL OF JULY 3, 1979 COUNCIL MEETING MINUTES:
Councilman at Large Dr. Allen made a motion the July 3, 1979, Council Meeting Minutes be approved. The motion was seconded by Councilman Miller, and the motion passed.

REPORT ON TRACTOR BIDS, TABLED UNTIL 7-17-79:
Don Karnes, City Recorder and Chairman of the Finance Committee, made a motion that the buying of a tractor be postponed, at least until next year. He stated that the reason for this was because of financial conditions. The motion was seconded by Councilman Hughart, and the motion passed unanimously.

SECOND READING, AN ORDINANCE TO AMEND SECTION 12, ARTICLE II OF THE CODE OF CITY OF NITRO, WEST VIRGINIA TO CREATE A LICENSE TAX TO BE IMPOSED UPON THAT CERTAIN CLASS DEFINED AS "CONTRACTORS": Councilman Hughart read the second reading of the ordinance and passed out copies of the entire ordinance to those present.

Councilman Hughart, Chairman of the Ordinance, Street and Traffic Committee made a motion to approve the

SECOND READING OF THE ORDINANCE WHICH IS AS FOLLOWS:

INTRODUCED BY: Councilman Romie Hughart

ORDINANCE NO. 79-3

AN ORDINANCE TO AMEND SECTION 12, ARTICLE II OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA, TO CREATE A LICENSE TAX TO BE IMPOSED UPON THAT CERTAIN CLASS DEFINED AS "CONTRACTORS".

NOW, THEREFORE, be it ordained by the Council of the City of Nitro, West Virginia:

THAT, from and after the effective date of this ordinance, Chapter 12 shall be amended to add new section hereinafter designated 30 to provide as follows:

Sec. 12-30 CONTRACTORS:

1. Except as to those licensed elsewhere by the provisions of this Code or other ordinances of the City, the initial license fee for any person, firm or corporation engaged generally in the business of contracting, remodeling, alteration, repair, removal, and demolition of any type of structure as well as for the business of tree trimming or surgery doing business within the City shall be Fifty Dollars (\$50.00). All persons, firms, or corporations engaged generally in the business of contracting, remodeling, alteration, repair, removal and demolition of any type of structure as well as the business of tree trimming or surgery doing business within the City of Nitro who possesses a valid license on the effective date of this Ordinance which day is the 17th day of July, 1979, shall not be required to pay said initial license fee. Any person, firm or corporation who subsequent to the effective date of this Ordinance begins to engage in any of the aforesaid businesses shall be required to pay said initial license fee. Any person,

firm, or corporation paying such an initial license fee shall not be liable during the fiscal year in which said initial license fee is purchased for an annual license fee as hereinafter provided.

2. Except as to those licensed elsewhere by the provisions of this Code or other ordinance of the City, the annual license fee for any person, firm or corporation engaged generally in the business of contracting, remodeling, alteration, repair, removal, and demolition of any type structure as well as for the business of tree trimming or surgery doing business within the City shall be Twenty-Five Dollars (\$25.00) payable on July 1st of each year.

3. For the purpose of interpreting this Ordinance, no person, firm or corporation engaged generally in the business of contracting, remodeling, altering or repairing any type of structure and whose contracts are individually in amounts less than the minimum which would be required by other Sections of this Code to require the issuance of a building permit shall be deemed to be in the business of being a "handyman" and said person, firm or corporation shall not be required to pay an initial contractor's fee or an annual license fee.

This Ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the 19th Day of June, 1979, and read and adopted at a regular meeting on the 17th day of July, 1979.


WILLIAM D. GIBSON, MAYOR


DONALD G. KARNES, MUNICIPAL RECORDER

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

SECOND READING, AN ORDINANCE TO ESTABLISH A MUNICIPAL SERVICE CHARGE FOR THE PURPOSE OF FIRE PROTECTION, POLICE PROTECTION, STREET CLEANING, STREET LIGHTING, STREET MAINTENANCE, AMBULANCE SERVICE, RECREATION AND STREET IMPROVEMENTS WITHIN THE CITY OF NITRO, WEST VIRGINIA AND PROVIDING FOR THE RATES OF CHARGES AND THE COLLECTION OF SUCH FEE: Councilman Hughart, Chairman of the Ordinance, Street and Traffic Committee made a motion to approve the

SECOND READING OF THE ORDINANCE WHICH IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY: Councilman Romie Hughtart

ORDINANCE NO. 79-4

AN ORDINANCE TO ESTABLISH A MUNICIPAL SERVICE CHARGE FOR THE PURPOSE OF FIRE PROTECTION, POLICE PROTECTION, STREET CLEANING, STREET LIGHTING, STREET MAINTENANCE, AMBULANCE SERVICE, RECREATION AND STREET IMPROVEMENTS WITHIN THE CITY OF NITRO, WEST VIRGINIA, AND PROVIDING FOR THE RATES OF CHARGES AND THE COLLECTION OF SUCH FEE.

WHEREAS, the City of Nitro is empowered by the West Virginia Code, Chapter 8, Article 13, Section 13, to impose by ordinance upon the users of services reasonable rates, fees and charges to be collected in the manner specified in the ordinance for Municipal services; and

WHEREAS, it is the intention of the Council of the City of Nitro, West Virginia, to provide for a reasonable fee to be collected from the users of police protection, fire protection, street lighting, street maintenance, street cleaning, ambulance service, recreation and street improvements within the City of Nitro, West Virginia;

1. That Section-1 Imposition and Rate; collection directed.

a. There is hereby levied and shall be collected a charge against residential users of Municipal services and business establishments which use Municipal Services situate within the City of Nitro for essential Municipal Services, including police protection, fire protection, street lighting, street maintenance, street cleaning, ambulance service, recreation and street improvements (excluding sewage and sewage disposal and the collection and disposal of garbage, refuse, waste, ashes, trash and other essential Municipal Services). The charge for such service shall be at the following rates for each single family unit residence, per unit, and for each multiple-family dwelling or apartment house, per each residential unit or apartment, whether or not occupied, and for each business establishment.

1 year	\$24.00
3/4 year	18.00
1/2 year	12.00
1/4 year	6.00
1 month	2.00

b. The Municipal Recorder shall be charged with the duty of mailing a statement on a monthly or quarterly basis to each person or business establishment to be charged with the Municipal fee hereby imposed for the fee due for the preceding month or quarter, as the case may be, but failure to mail any statement for monthly or quarterly charges shall not be grounds for avoiding payment. A statement shall be mailed by the Recorder at least as frequently as once each quarter but, at the discretion of the Recorder, a statement may be mailed each month and any such statement may be consolidated by the Recorder with statements for other Municipal fees or services due from such person or business establishment. If a monthly statement is mailed by the Recorder it may be mailed each month on a date selected by the Recorder but the Recorder shall render the monthly billing to such person or business establishment in a uniform manner so that each monthly bill is mailed at intervals of approximately thirty (30) days after the end of the quarter.

c. Subject to such reasonable regulations as may be promulgated by the Municipal Recorder, the record owner of the property upon which a single family residence is situated shall be presumed to be the user of Municipal service rendered for the benefit of said property and the record owner shall be liable to the City of Nitro for said charges; the tenants or occupants of the residential units of a multi-family dwelling or apartment house shall be presumed to be the users of such Municipal services

and shall be liable to the City for said charges. Persons doing business as partners in a business establishment within the City of Nitro shall be jointly and severally liable for said charges. However, in the event that a residential unit of a multi-family dwelling or apartment house is temporarily unoccupied then and in that event the record owner of the property upon which said multi-family dwelling or apartment house is situate shall be presumed to be the user of the residential services provided to each such unoccupied unit and shall be liable to the City of Nitro for said charges. Subject to such reasonable regulations as may be promulgated by the Municipal Recorder, the record owner of the property upon which such multi-family dwelling or apartment house is situate shall be charged with the responsibility of collecting in advance, charge imposed by this Section from tenants or occupants of such dwelling units or apartments and properly remitting same to the Municipal Recorder and shall be liable to the City in the amount of said charges for failure to do so or for failure to maintain adequate records from which such liability may be ascertained.

Section _____-2 Report by Municipal Recorder to Council.

The Municipal Recorder shall within sixty (60) days after the end of each fiscal year report to the City Council a list of all persons and business establishments who are delinquent in the payment of the Municipal service fee or any portion thereof for the preceding fiscal year and the City Council shall by resolution direct the Municipal Recorder and other Municipal employees to take such action as the Council deems advisable and necessary in regard to the payment of such delinquent fees.

Section _____-3 Provisions Severable.

The provisions of this ordinance shall be construed as severable and should any section or part thereof be held unconstitutional or for

any reason invalid or unenforceable by a Court of competent jurisdiction thereto the unaffected portions hereof shall remain valid and shall be given full force and effect.

This Ordinance shall become effective on the 17th day of July, 1979.

This Ordinance shall be published in accordance with the provisions of Chapter 8, Article 13, Section 13 of the West Virginia Code.

Any and all Ordinances or administrative regulations inconsistent with the provisions hereto are hereby repealed at the time hereinabove specified to the extent necessary to give the provisions of this Ordinance full force and effect.

This Ordinance was introduced and read for the first time at a regular meeting of the City Council held on the 19th day of June, 1979, and will come up for second reading and adoption at a regular meeting of City Council to be held on the 17th day of July, 1979.

WILLIAM D. GIBSON, MAYOR

Don Karnes

DONALD G. KARNES, MUNICIPAL RECORDER

The motion was seconded by Councilman Bailey,
and the motion passed unanimously.

SECOND READING, AN ORDINANCE TO ESTABLISH PERMIT
FEES TO BE PAID FOR ISSUANCE OF BUILDING PERMITS, CITY OF
NITRO, WEST VIRGINIA: Councilman Hughart, Chairman of the
Ordinance, Street and Traffic Committee made a motion
to approve the

SECOND READING OF THE ORDINANCE WHICH IS AS
FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF THE CITY OF NITRO

INTRODUCED BY: Councilman Romie Hughart ORDINANCE NO. 79-5

AN ORDINANCE TO ESTABLISH BUILDING PERMIT FEES TO BE PAID FOR
THE ISSUANCE OF BUILDING PERMITS, CITY OF NITRO, WEST VIRGINIA

NOW, THEREFORE, be it ordained by the Council of the City of Nitro,
West Virginia:

THAT the following permit fees shall be collected by the Building
Official prior to the issuance of a building permit for any construction
within the City of Nitro, West Virginia.

SCHEDULE OF PERMIT FEES

(a) Permit Fees

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$100.00 and less	No fee, unless inspection required, in which case a \$7.50 fee for each inspection shall be charged.
\$101.00 to \$2,000.00	\$7.50 per thousand or fraction thereof.
\$2,001.00 to \$15,000.00	\$15.00 for the first \$2,000.00 plus \$4.50 for each additional thousand or fraction thereof, to and including \$15,000.00.
\$15,001.00 to \$50,000.00	\$73.50 for the first \$15,000.00 plus \$3.75 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$204.75 for the first \$50,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$354.75 for the first \$100,000.00 plus \$1.87 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001.00 and up	\$1,104.75 for the first \$500,000.00 plus \$1.12 for each additional thousand or fraction thereof.

(b) When the valuation of the proposed construction exceeds \$1,000.00 and a plan is required to be submitted by Section 105.3 of the Southern Standard Building Code as adopted by the City of Nitro, West Virginia, a "plan-checking fee" shall be paid to the Building Official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half of the building permit fee as hereinabove set forth.

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the 19th day of June, 1979, and read and adopted at a regular meeting on the 17th day of July, 1979.


WILLIAM D. GIBSON, MAYOR


DONALD G. KARNES, MUNICIPAL RECORDER

The motion was seconded by Mr. Karnes, City Recorder, and the motion passed.

SECOND READING, AN ORDINANCE TO AMEND 107.6 OF
THE SOUTHERN STANDARDS BUILDING CODE ADOPTED BY REFERENCE
IN SECTION 5-10 OF THE CODE OF THE CITY OF NITRO,
WEST VIRGINIA: Councilman Hughart made a motion to
approve the

SECOND READING OF THE ORDINANCE WHICH IS AS
FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY: Councilman Romie Hughart

ORDINANCE NO. 79-6

AN ORDINANCE TO AMEND SECTION 107.6 OF THE SOUTHERN STANDARDS BUILDING CODE ADOPTED BY REFERENCE IN SECTION 5-10 OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA

NOW, THEREFORE, be it ordained by the Council of the City of Nitro, West Virginia:

THAT, from and after the effective date of this Ordinance, Article 3, Building Code, Section 5-10 Amendments shall be amended to read as follows:

In every case where a building permit is required such permit shall provide that all rubbish, waste materials and substances, debris and litter shall be disposed of or removed from the premises upon the substantial completion of such work. "Substantial completion" for the purpose of this ordinance is defined to mean ninety percent of the actual work to be done and performed as contemplated by the valuation set forth in the building permit.

To secure compliance herewith, such applicant for a building permit shall post with the building official a cash bond in the form of a cashier or certified check payable to the City of Nitro in an amount not greater than ten percent of the amount designated on the building permit submitted to the building inspector relative to the work to be performed thereunder; the amount assessed hereunder to be determined by the reasonable discretion of the building inspector.

After the work has been completed and all rubbish, waste materials and substances, debris and other litter have been satisfactorily disposed of or removed from the premises, the certified or cashier check shall be returned to the holder of the permit; however, should the holder of the permit fail to comply with the provisions hereof and fail to remove all rubbish, waste materials and substances, debris and other litter so as to leave the premises clear thereof, then the Mayor or Recorder may, upon recommendation of the building official order said bond forfeited and said certified or cashier check cashed by the Municipal Recorder, and shall direct and order that said premises be cleared of any rubbish, waste materials and substances, debris or other litter and the cost thereof to be paid out of such fund so provided. After deducting the cost of any removal and other expenses related thereto to the City, the remainder of any of the money shall be returned to the holder of the permit.

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the 19th day of June, 1979, and read and adopted at a regular meeting on the 17th day of July, 1979.

WILLIAM D. GIBSON, MAYOR

Don Karnes

DONALD G. KARNES, MUNICIPAL RECORDER

The motion was seconded by Councilman Miller, and the motion passed.

SECOND READING, AN ORDINANCE TO AMEND CHAPTER 11, SECTION 13 OF THE CITY OF NITRO, WEST VIRGINIA ENTITLED "SERVICE CHARGES" IMPOSED; RESIDENCE AND COMMERCIAL RATES; REDUCES RATES FOR CERTAIN PERSONS; WHEN AND WHERE CHARGES PAYABLE; MORE SPECIFICALLY TO AMEND THE QUALIFICATION EXEMPTION TO THOSE PERSONS WHOSE ANNUAL INCOME GROSS IS NOT MORE THAN \$3,600 PER YEAR: Councilman Hughart, Chairman of the Ordinance, Street and Traffic Committee made a motion to approve the

SECOND READING OF THE ORDINANCE WHICH IS AS
FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

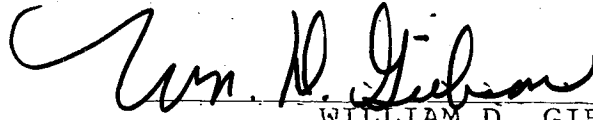
INTRODUCED BY: Councilman Romie Hughart ORDINANCE NO. 79-7

AN ORDINANCE TO AMEND CHAPTER 11, SECTION 13 OF THE CITY OF NITRO, WEST VIRGINIA, ENTITLED "SERVICE CHARGES" IMPOSED; RESIDENCE AND COMMERCIAL RATES; REDUCES RATES FOR CERTAIN PERSONS; WHEN AND WHERE CHARGES PAYABLE; MORE SPECIFICALLY TO AMEND THE QUALIFICATION EXEMPTION TO THOSE PERSONS WHOSE ANNUAL INCOME GROSS IS NOT MORE THAN \$3,600.00 PER YEAR.

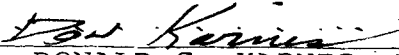
WHEREFORE, be it ordained that Chapter 11, Section 13(b) be amended to read and be hereafter enforceable as follows:

Such service charge for each owner, tenant or occupant of residential premises shall be the sum of five dollars per month, due and payable on the last day of each calendar month for which the services are rendered; provided that any such owner, tenant or occupant of residential premises responsible for such charge, who is retired or over the age of sixty-five years and whose annual gross income is not more than five thousand dollars, or widow head-of-household whose combined annual gross income, including all members of such household, does not exceed five thousand dollars, upon filing the proper affidavit with the city recorder stating their name, address, age and monthly gross income, with such other proof as to their total gross income as the city recorder may require, shall be the sum of three dollars per month, due and payable on the last day of each calendar month for which the services are rendered.

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the 19th day of June, 1979, and read and adopted at a regular meeting on the 17th day of July, 1979.



WILLIAM D. GIBSON, MAYOR



DONALD G. KARNES, MUNICIPAL RECORDER

The motion was seconded by Councilman Bailey, and the motion passed.

SECOND READING, AN ORDINANCE TO AMEND CHAPTER 21
OF THE CODE OF THE CITY OF NITRO AND SPECIFICALLY SECTION 21-20
"PENALTIES" AND THEREBY INCREASING A MONETARY AMOUNT OF PENALTY
OR FINE FROM \$200.00 TO THE MAXIMUM DOLLAR AMOUNT OF \$600.00:
Councilman Hughart made a motion to approve the

SECOND READING OF THE ORDINANCE WHICH IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY: Councilman Romie Hughart

ORDINANCE NO. 79-8

AN ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF THE CITY OF NITRO AND SPECIFICALLY SECTION 21-20 "PENALTIES" AND THEREBY INCREASING THE MONETARY AMOUNT OF PENALTY OR FINE FROM \$200.00 TO A MAXIMUM DOLLAR AMOUNT OF \$600.00.

NOW THEREFORE, be it ordained by the Council of the City of Nitro, West Virginia:

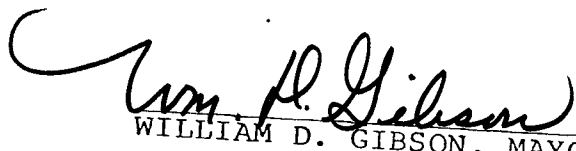
THAT, from and after the effective date of this Ordinance, Chapter 21 shall be amended to read as follows:

ARTICLE I. In General.

Sec. 21-20. Penalties.

Every person convicted of a violation of any of the provisions of this chapter other than those which, if prosecuted for a violation of the Code of West Virginia would constitute a felony, and for which another penalty is not provided shall, for a first conviction thereof, be punished by a fine of not more than two hundred dollars or by imprisonment for not more than ten days; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than four hundred dollars or by imprisonment for not more than twenty days or by both such fine and imprisonment; and upon a third or subsequent conviction such person shall be punished by a fine of not more than six hundred dollars or by imprisonment for not more than thirty days or both such fine and imprisonment.

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the 19th day of June, 1979, and read and adopted at a regular meeting on the 17th day of July, 1979.


WILLIAM D. GIBSON, MAYOR


DONALD G. KARNES, MUNICIPAL RECORDER

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

Mr. Karnes stated these Ordinances have been properly advertised, and the certified advertisements of the Ordinances will be in the supplement file to the minutes.

REPORT ON MEETING OF JULY 7, 1979 WITH CARL SEXAUER, HUNTINGTON DISTRICT CORPS OF ENGINEERS (ACQUISITION OF LAND FOR BOAT MARINA): Councilman at Large Pennington stated that we did ask the Corps of Engineers to go ahead and get the property on Main Avenue reappraised and reevaluation of the proposal to build the boat dock and the other facilities that had been planned. He said the cost will be more than it was two years ago.

After they appraise this property the federal government will give 50 percent toward the project, and the appraisal price will be considered toward the City of Nitro's 50 percent.

Councilman at Large Pennington said there were three methods of paying for the project:

1. pay at time of contract,
2. pay when project is completed, and
3. stretch it out over a 50 year period, and pay the interest that the government sets at that time.

Mr. Pennington stated that they will not utilize the brick building on the property, that it was not a part of the project.

Mayor Gibson asks council's approval to reappoint some of the members on the Housing Authority Commission. Mayor Gibson's recommendations to reappoint members on the Housing Authority Commission are as follows:

Reverend James Arbogast, 1813 18th Street, Nitro, for a 1 year term,

Gene Burdette, 401 Kanawha Avenue, Nitro, for a 2 year period,

Russell Casto, Jr. 87 N. 21st Street, Nitro, for a 3 year period, and

Garnet Galloway, 2 Blakes Creek Road, Nitro, for a 4 year period.

Mayor Gibson said another appointment would be forthcoming, and he felt that perhaps a senior citizen should be appointed.

Mr. McCormick, City Attorney, recommended that there be a reaffirmation of the need for a Housing Authority in the City of Nitro because the Housing Authority has gone dormant the past 5 years.

Councilman Dr. Cassell made a motion that the RESOLUTION DETERMINING THE NEED FOR THE CREATION OF A HOUSING AUTHORITY IN THE CITY OF NITRO, WEST VIRGINIA, passed June 4, 1974 (Record of Council Minutes-Book Number 13) be reaffirmed.

AND, THE RESOLUTION IS AS FOLLOWS:

No. 79-5

RESOLUTION DETERMINING THE NEED FOR
THE CREATION OF A HOUSING AUTHORITY IN THE
CITY OF NITRO, WEST VIRGINIA

WHEREAS, there exists in the City of Nitro, West Virginia insanitary and/or unsafe dwelling accommodations and persons of low income are forced to reside in such insanitary and/or unsafe accommodations; and in the City of Nitro there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and such persons are forced to occupy overcrowded and congested dwelling accommodations; and the aforesaid conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the City of Nitro and impair economic values; and those conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; and

WHEREAS, these slum areas in the City of Nitro cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise, and the construction of housing projects for persons of low income would therefore not be competitive with private enterprise; and

WHEREAS, the clearance, replanning and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations by any public body for persons of low income are public uses and purposes for which public money may be spent and private property acquired are governmental functions and

WHEREAS, it is in the public interest that work on projects for such purposes be commenced as soon as possible in order to relieve unemployment; and

WHEREAS, in order to protect the health, safety, morals and welfare of the public it is necessary in the public interest to provide for the creation of a public corporate body in the City of Nitro to be known as the Housing Authority of the City of Nitro to engage in low-cost housing and slum clearance projects pursuant to the provisions of Chapter 16, Article 15, Section 3, of the West Virginia Code;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA:

Section 1. It is hereby found and determined that insanitary and unsafe inhabited dwelling accommodations exist in the City of Nitro, West Virginia.

SECTION 2. It is hereby found and determined that there is a shortage of safe and sanitary dwelling accommodations in the City of Nitro, West Virginia, available to families of low income at rentals they can afford.

SECTION 3. Pursuant to the provisions of Chapter 16, Article 15, Section 3, of the West Virginia Code, it is hereby found, and declared and determined that there is a need for the creation of a public body corporate in the City of Nitro to be known as the Housing Authority of the City of Nitro.

SECTION 4. The Clerk be, and he hereby is, authorized and directed to promptly notify the Mayor of the adoption of this resolution.

Reaffirmed July 17, 1979


MAYOR


RECORDER

The motion was seconded by Councilman Hughart, and the motion passed by a unanimous vote.

Councilman at Large Pennington made a motion to approve the reappointment of Reverend James Arbogast for a one year term on the Housing Authority Commission. The motion was seconded by Councilman Miller, and the motion passed unanimously.

Councilman at Large Dr. Allen made a motion to approve the reappointment of Gene Burdette for a 2 year period on the Housing Authority Commission. The motion was seconded by Councilman at Large Pennington, and the motion passed unanimously.

Councilman at Large Dr. Allen made a motion to approve the reappointment of Russell Casto, Jr. for a 3 year period on the Housing Authority Commission. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

Councilman Hughart made a motion to approve the reappointment of Garnet Galloway for a 4 year period on the Housing Authority Commission. The motion was seconded by Councilman Miller, and the motion passed unanimously.

Mayor Gibson stated that Mr. Karnes, City Recorder, and he had met with the plant manager at Monsanto Company, Mr. Royce Scott, and was given a booklet on the Monsanto Fund which was established March 9, 1964. Mayor Gibson said they were particularly interested in day care centers, youth support, health and welfare systems, and specific community needs, and that in 1978 Monsanto Fund contributed \$157,000 to civic and community needs.

Mayor Gibson requested that council come up with projects they are interested in, and establish them in priority order.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence (Supplement File to the Council Meeting Minutes):

1. Nitro Lions Little League Minutes, June 23, 1979, 10:00 a.m.

2. Mayor Gibson received a letter dated June 29, 1979 from Robert E. Kittle, Superintendent of Kanawha County Schools in reference to the Board of Education "Policy on Loitering" on school properties.

3. Mayor Gibson received a letter dated July 2, 1979 from Robert A. Durbin, Technical Assistant, Fuel and Energy Office, Governor's Office of Economic and Community Development, in reference to the City of Nitro's need for additional fuel.

4. Mayor Gibson had written a letter to the property owners on Main Avenue, Nitro to update the citizens residing on Main Avenue in reference to the City of Nitro requesting that the West Virginia Department of Highways reinstate Main Avenue back into the West Virginia Highway system.

Mayor Gibson said that he had received a phone call from a person working for the Department of Highways, who said the prospects look good that they would go along with the request that Main Avenue be reinstated back into the West Virginia Highway system, and also, that Bailes Drive was seriously being considered for the same.

5. City Council received a letter dated July 10, 1979, from residents of the 200 and 300 block of Dupont Avenue requesting permission to block off the street for a block party on July 19, 1979 from 6:00 p.m. to 11:00 p.m.

Councilman Hughart made a motion to grant the request, and that the city do whatever necessary to properly block off the area. The motion was seconded by Councilman Bailey.

After some discussion Mayor Gibson called for a vote, and the motion passed. Councilman at Large Mel Pennington voted against.

MAYOR GIBSON CALLED FOR THE COMMITTEE CHAIRMAN REPORTS.

COUNCILMAN AT LARGE PENNINGTON: no reports.

COUNCILMAN AT LARGE LEGG: no reports.

COUNCILMAN BAILEY: Councilman Bailey introduced Mr. J. Kent Poff, 301 Frederick Street, Nitro. Mr. Poff passed out to council a copy of the letter he had written to Nitro City Council (Copy of Mr. Poff's letter, and copies of the letter which were signed by other residents who reside on Frederick Street is in supplement file to the minutes.)

Mr. Poff stated his position, and suggested that the area which was graded be paved or the area in question be sewed in grass to keep down the dust, and eliminate the mud.

It was decided that various city officials would meet on Frederick Street Wednesday morning (July 18) at 10:30 to investigate the complaint, and The Street and Traffic Committee would prepare a report for the next council meeting of August 7, 1979.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN AT LARGE DR. ALLEN: Dr. Allen referred to information and guidelines he had given council on applications for financial assistance through the Appalachian Regional Commission, and also, on the Partnership Grant Program.

Dr. Allen asked that council give their recommendations to The Finance Committee.

COUNCILMAN HUGHART: Councilman Hughart moved to advertise for bids for the paving of Holly Street and Sattes Circle. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.

Councilman Hughart, Chairman of the Street and Traffic Committee, stated that streets the citizens did not want paved were being deleted from the list. He said that Main Avenue is being deleted from the list until the West Virginia Department of Highways rules on the city's request.

Councilman Hughart proposed that the public be informed in the form of an advertisement of the street planning, along with an explanation advising them in detail regarding payment plan (based on 1971 Paving Program) and other pertinent information.

Councilman Bailey made a motion to accept Councilman Hughart's proposal. The motion was seconded by Dr. Cassell, and the motion passed.

COUNCILMAN MILLER: no reports.

MR. KARNES, CITY RECORDER: no reports.

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


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

AUGUST 7, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on August 7, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, Don Karnes, City Recorder, Councilman Dr. Guy Cassell, Councilman Romie Hughart, and Councilman Gus Bailey. Councilman at Large Dr. R. V. Allen, Councilman at Large Jack Legg, Councilman at Large Mel Pennington, and Councilman Dean Miller were absent. Also present was Mr. Jeremiah McCormick, City Attorney.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Reverend Wilber Turner, Assistant Pastor of St. Paul's United Methodist Church.

APPROVAL OF JULY 17, 1979 COUNCIL MEETING MINUTES:
Mayor Gibson stated each Councilman had received a copy of the July 17, 1979 Council Meeting 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.

REQUEST FOR STREET LIGHT ON THIRD AVENUE, BETWEEN 27TH STREET AND 29TH STREET ON THIRD AVENUE: Councilman Bailey, a member of the Street Light Committee, stated the light would require moving an existing pole or setting a new pole, and moved the request be granted. The motion was seconded by Mr. Karnes, City Recorder, and the motion passed.

REQUEST TO HAVE CURB PAINTED AND NO PARKING SIGN ON REEVES DRIVE: Councilman Bailey, Councilman for Ward IV. made a motion the curb be painted yellow on the left as you enter Reeves Drive for approximately 25 feet, and that a NO PARKING sign be erected at the center of the outer edge of the cul-de-sac. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

RESOLUTION, REINSTATEMENT OF ALTERNATE ROUTE WEST VIRGINIA NO. 25 AND INCLUSION OF BAILES ROAD IN THE NITRO HEIGHTS AREA IN THE STATE ROAD SYSTEM: Mayor Gibson stated that the resolution was requested by the West Virginia Department of Highways. Councilman Hughart made a motion to approve the resolution.

* CORRECTIONS
8-21-79

DELETE FOR APPROXIMATELY 25 FEET. INSERT: AND THE NUMBER OF FEET FOR WHICH THE CURB WILL BE PAINTED WILL DEPEND ON WHAT IT STATES IN OUR CODE BOOK.
DELETE: NO PARKING SIGN BE ERECTED AT THE CENTER OF THE OUTER EDGE OF THE CUL-DE-SAC. INSERT: NO PARKING IN THE TURNAROUND ONLY SIGN BE ERECTED.

**

THE RESOLUTION IS AS FOLLOWS;

No. 79-6

R E S O L U T I O N

WHEREAS, the common Council of the City of Nitro, Putnam and Kanawha Counties, West Virginia, has received a petition executed by approximantely two hundred (200) property owners.

WHEREAS, alternate Route West Virginia No. 25 and Bailes Drive, commonly known as Nitro Heights Road was constructed many years ago to foster and promote business, trade and commerce; to stimulate growth, progress and prosperity, plus speedy access, to generate cooperation activity for the benefit, welfare and economy of the citizens, residents, homeowners and taxpayers of the City of Nitro and its 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 alternate Route West Virginia No. 25 and Bailes Drive, commonly known as Nitro Heights Road, 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.

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 these important roadways of transportation included in the West Virginia state road system.

FURTHER, upon adoption the City Recorder is instructed to communicate a copy of this resolution to Mr. Charles Miller, West Virginia State Road Commissioner and request his full cooperation in regard to reinstatement of alternate Route West Virginia No. 25 and inclusion of Bailes Road in the Nitro Heights area in the state road system.

ADOPTED: August 7, 1979
CITY OF NITRO
CITY HALL
NITRO, WEST VIRGINIA

WILLIAM D. GIBSON, MAYOR

Don Karnes
DON KARNES, CITY-RECORDER

The motion was seconded by Councilman Bailey, and the motion passed.

REQUEST BY UNITED WAY TO CONDUCT A CAMPAIGN WITHIN THE CITY OF NITRO: Mayor Gibson stated that he had attended a meeting at South Charleston in reference to this, and the campaign would begin September 11, 1979 and end approximately December 1, 1979. Mr. Karnes, City Recorder made a motion to grant the request. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

MONSANTO FUND PRIORITY LIST (SPECIFIC COMMUNITY NEEDS): Mayor Gibson said this would be tabled till next council meeting, August 21, 1979. However, several things were discussed. Councilman Hughart suggested acquiring property at Bank Street, and the triangle at Eighth Street for the purpose of providing additional parking for the business district.

Mayor Gibson suggested a second story addition to the building at 22nd Street and Second Avenue.

Councilman Bailey suggested a playground for the children in Ward IV.

PERMISSION FOR NITRO MIDGET FOOTBALL TO USE THE CITY PARK FOR PRACTICES COMMENCING AUGUST 1, 1979: Mr. Karnes, City Recorder, made a motion to give permission for the Nitro Midget Football to use the city park. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

PETITION IN REFERENCE TO REPAVING MAIN AVENUE: Councilman Hughart, Chairman of the Street and Traffic Committee, read the petition (Petition is in the supplement file to the minutes) which petitioned the City of Nitro that the pavement and maintenance of Main Avenue be at public expense and not at the expense of the undersigned. Councilman Hughart stated the petition had approximately 175 signatures. Councilman Hughart referred the petition to the Street Committee for future reference pertaining to the pavement of Main Avenue, and he stated that Main Avenue had been deleted from the list.

Mayor Gibson stated that a letter would be sent acknowledging receipt of the petition along with a copy of a letter dated July 17, 1979 from the West Virginia Department of Highways which was sent to Mayor William D. Gibson.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence (Correspondence is in Supplement File to the Council Meeting Minutes):

1. Nitro Lions Little League Minutes, July 9, 1979, 7:30 p.m.

2. Board of Zoning Appeals Meeting of July 12, 1979, Minutes.

Councilman Hughart referred to Case No. 2 of the July 12, 1979 Minutes of the Board of Zoning Appeals and made a motion to refer these minutes to the Planning Commission. The motion was seconded by Councilman Dr. Cassell, and the motion passed.

3. Mayor Gibson received a letter dated July 16, 1979 from J. H. Hildenbiddle, Jr. Executive Representative, Government Affairs, Conrail in reference to Conrail policeman's position.

4. Mayor Gibson had written a letter dated July 17, 1979 to Mr. Harry Russell, Chairman of the Zoning Board of Appeals, in reference to Preferred Homes and Investments, Inc. application for building a 14 unit multi-dwelling structure upon a parcel of real estate situated between Route 25 and Hillside Drive.

5. Copy of an ordinance the City of South Charleston passed July 19, 1979 in reference to the charges should the city employees cut grass, weeds, briars and other growth.

6. Mayor Gibson received a letter dated July 19, 1979 from Charles L. Miller, Commissioner of the West Virginia Department of Highways acknowledging receipt of Mayor Gibson's letter dated June 27, 1979.

7. Mayor Gibson had written a letter to Mrs. Elizabeth M. O'Connor, Kanawha Youth Services Council, P. O. Box 2711, Charleston, West Virginia 25330 acknowledging receipt of Mrs. O'Connor's letter dated May 24, 1979.

8. Mayor Gibson had written a letter dated July 19, 1979 to Reverend Leroy O. Beyer, Holy Trinity Parish, acknowledging receipt of letter from Reverend Beyer dated June 19, 1979.

9. Mayor Gibson had written a letter dated July 19, 1979 to Reverend H. O. Ours, Nitro Church of the Nazarene acknowledging Reverend Ours letter dated June 20, 1979.

10. Mayor Gibson had written a letter dated July 19, 1979 to Mr. Gary F. Criste, 12 Barrington Road, acknowledging receipt of Mr. Criste's letter dated May 31, 1979, in reference to repairs made to the slip area on Barrington Road.

11. Mayor Gibson had written a letter to Mr. Robert Hayne, P. E., Appalachian Engineers, Inc. in reference to the repaired slide on Barrington Road.

12. Mayor Gibson received a letter dated July 20, 1979 from Richard F. Carvell, Director, Criminal Justice and Highway, Safety Division, Governor's Office of Economic and Community Development, in reference to Mayor Gibson's request for financial assistance to purchase equipment for the police department's motorcycle.

13. Mayor Gibson had written a letter dated July 20, 1979, to Mr. and Mrs. Harless Mahaney, 113 Fairview Drive and to the other winners congratulating them for award they received for the "Yard of the Month," from the Nitro Junior Woman's Club.

14. Mayor Gibson had written a letter dated July 20, 1979 to Reverend and Mrs. Arley K. Cravens congratulating Reverend Cravens on his new position in the Ministry for the State of West Virginia.

15. Mayor Gibson had written a letter dated July 23, 1979 to Mr. Ken Kobetsky, Director of Engineering, West Virginia Department of Highways, in reference to 3 attached letters regarding a traffic hazard on Route 25 where the traffic turns left off Route 25 into the Citizen's National Bank.

16. The Nitro Police Department received a letter dated July 24, 1979 from Richard Miller, President of Kanawha Brick and Block Co. expressing appreciation for the help from the Police Force when one of the employees had left the vault door open at Kanawha Brick and Block Co.

17. Mayor Gibson received a letter of resignation as secretary, dated July 25, 1979, effective July 31, 1979, from Toni Gillenwater.

18. Mayor Gibson had written a letter dated July 25, 1979 to Mrs. George Null, President, Woman's Club of Nitro thanking them for sponsoring the "Yard of the Month Award," and for the beautification project on the entrance to the Nitro Post Office.

19. From Bruce Crawford, Director Community Planning and Development, Department of Housing and Urban Development, a notice of dates for submissions of preapplications for Small Cities Discretionary Grants under the Community Development Block Grant Program.

20. Nitro City Attorney, Jeremiah F. McCormick, had sent Mr. Billy P. Gibson, 35th Street and 1st Avenue, Nitro a notice in reference to the condition of sidewalk adjacent to construction project located at 21st Street and Bank Street, Nitro, West Virginia, building permit No. 131-78.

21. Mayor Gibson had written a letter dated July 27, 1979 to Mr. Don Patton, Manager of Kanawha CableVision, in reference to complaints from citizens living on Old County Road, Nitro, because they have requested cablevision service and Kanawha CableVision will not make the service available to them.

22. Mayor Gibson received a letter dated July 27, 1979 from Diana L. Gillispie requesting to be put on the agenda for the council meeting, representing the people requesting that 2nd Avenue be made one-way.

Mayor Gibson stated that she had called him and requested to be put on the agenda for the next council meeting, August 21, 1979.

23. Mayor Gibson received a letter of resignation as dispatcher for the Nitro Police Department from Peggy Duffield, Head Dispatcher dated July 30, 1979, effective August 7, 1979.

24. Mayor Gibson received a letter dated July 31, 1979 from Harry M. Graves, Jr, 2128 21st Street, in reference to needed street repairs, and storm drain repairs on 21st Street.

25. Mayor Gibson had written a letter dated July 31, 1979 to The Honorable Jay Rockefeller, Governor West Virginia in reference to a \$50,000 increase for construction cost of the City Maintenance Garage, for which application for funding of said garage was made under the Partnership Grant Program.

26. Mayor Gibson received a letter dated July 31, 1979, from Ralph B. Allen, President, and Lett Moore, Commissioner, Putnam County Commission, thanking him for attending the recent meeting concerning the comprehensive Water and Sewer Plan for Putnam County being prepared by the Putnam County Planning Commission.

27. Mr. Jeremiah F. McCormick, City Attorney, had written a letter dated July 31, 1979, to Mr. William W. Pepper, Attorney at Law, 710 Virginia Street, East Charleston, WV 25301, in reference to Randy Wayne Milam.

28. Mayor Gibson received a letter dated August 1, 1979 from Robert H. Skeen, Jr., Law Offices of Brown and Peyton, in reference to complaints of Mr. J. Keith Criner, 2114 21st Street, Nitro, and Mr. J. C. Moody, who owns property at 2112 21st Street, Nitro, that they have suffered considerable damage to their property through land slides and excess water drainage. (Brown and Peyton, along with the Charleston law firm of Denny and Caldwell, represents Mr. J. Keith Criner and Mr. J. C. Moody.)

29. NITRO POLICE DEPARTMENT ACTIVITY REPORT, MONTH OF APRIL, FROM LEO J. BRADLEY, CHIEF OF POLICE

MAYOR GIBSON CALLED FOR COMMITTEE REPORTS.

MR. KARNES, CITY RECORDER AND CHAIRMAN OF THE FINANCE COMMITTEE: Mr. Karnes stated that the July, 1979 Financial Statement had been given to council before the meeting and that he planned to prepare a more detailed report as time progresses.

Councilman Hughart made a motion to refer the July Financial Statement to a later agenda. The motion was seconded by Councilman Dr. Cassell and the motion passed.

COUNCILMAN HUGHART, CHAIRMAN OF THE STREET COMMITTEE: Councilman Hughart reported that after last council meeting (July 17, 1979) the Street Committee had a meeting and went up to Frederick Street (This was a result of Mr. J. Kent Poff's complaint, July 17, 1979 Council Meeting). Councilman Hughart stated that as a group they were not in agreement with Mr. Poff, and Mr. Hughart said that it was their opinion the area looked better than they had seen it in a long time and was an improvement. Councilman Hughart said that while the committee was there that a couple of residents talked to them, and that they also felt the street was in good condition.

Mr. Hughart said that the Street Department would again check the drainage on Frederick Street.

Councilman Hughart told Mr. Poff he would take into consideration his request and follow through on the condition of Frederick Street.

Councilman Hughart referred to the Trash Committee his suggestion that one garbage pickup be made 3 times a year on the fifth week of the month and the rest of that week be devoted to picking up trash in the city; the city be notified as to when trash would be picked up, and anyone who put their trash out past their house other than the time specified would be fined for littering.

Councilman Hughart, Chairman of the Ordinance Committee, introduced the ordinance for the paving of Sattes Circle and Holly Street.

Councilman Hughart read the first reading of the ordinance
WHICH IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY: COUNCILMAN ROMIE HUGHART

ORDINANCE NO. 79-

AN ORDINANCE TO AUTHORIZE PAVING AND ASSESSMENT OF STREETS SITUATE IN THE CITY OF NITRO BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT HOLLY STREET FROM ITS INTERSECTION WITH MAIN AVENUE TO ITS COMMON INTERSECTION WITH VALENTINE CIRCLE AND SATTES CIRCLE, AND SATTES CIRCLE FROM ITS INTERSECTION WITH HOLLY STREET AND ENCOMPASSING ALL OF SATTES CIRCLE AS SET FORTH AND DESIGNATED ON THAT CERTAIN PLAT ATTACHED HERETO.

NOW, THEREFORE, be it ordained by the Council of the City of Nitro, West Virginia:

THAT, the City of Nitro be authorized to pay and assess the total cost of said paving of streets situate in the City of Nitro being more particularly described as Holly Street from its intersection with Main Avenue to its common intersection with Valentine Circle and Sattes Circle, and Sattes Circle from its intersection with Holly Street and encompassing all of said Sattes Circle as shown on that certain plat attached hereto and made a part hereof. Said paving shall be in accordance with and pursuant to the plans and specifications as prepared by Appalachian Engineers, said plans and specifications being incorporated herewith and made a part hereof, said plans and specifications to be filed with the Recorder and open to the inspection of interested persons before advertisements of bids of contractors and before the meeting at which such bids may be accepted or rejected. Be it further ordained that the appropriate city official advertise his bids for the letting of a contract or contracts for the work to be performed hereunder to the lowest responsible bidder, with right reserved to reject any and all bids, said work to be performed pursuant to the supervision of the city engineer. Be it further ordained that the cost of the work to be performed hereunder shall be borne by the abutting property owners, said total costs to be assessed in equal installments over a period not to exceed ten years from the date of

assessment, with interest not to exceed eight percent (8%) a year of assessment: Provided that said assessment or installment thereof then remaining unpaid shall be payable any time after assessment without interest after the date such payment is made: Provided, however, that on failure of the owners of the property assessed to pay any installment as and when due, and if such default continues for sixty days, then at the option of the governing body or the holder of the assessment certificates or the holder of any bonds secured by such assessments, the entire balance due may be declared immediately due and payable and the City of Nitro or the holder of the certificates or bonds, as the case may be, may forthwith proceed to enforce the collection thereof.

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the 7th day of August, 1979, and read and adopted at a _____ meeting on the ____ day of _____, 1979.


WILLIAM D. GIBSON, MAYOR


DONALD G. KARNES, MUNICIPAL RECORDER

Councilman Hughart made a motion to approve the ordinance on first reading. The motion was seconded by Mr. Karnes.

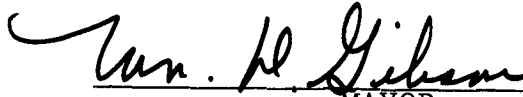
Councilman Hughart stated that a second reading would be required and the specifications for street paving will be made available to the public for their inspection; and now, the city can advertise for bids.

Mayor Gibson called for a vote on the approval of the first reading of the ordinance and the motion passed.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN BAILEY: Councilman Bailey inquired as to who would pay for the railroad crossing on Spring Street. Mr. McCormick, City Attorney, said that in essence the property owners on Spring Street would pay.

Mr. Karnes, City Recorder, made a motion for adjournment. The motion was seconded by Councilman Dr. Cassell, and the motion passed.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

AUGUST 21, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on August 21, 1979 at 8:00 p. m. Present were Mayor William D. Gibson, Don Karnes, City Recorder, Councilman at Large Dr. R. V. Allen, Councilman at Large Mel Pennington, Councilman at Large Jack Legg, Councilman Romie Hughart, and Councilman Gus Bailey. Councilman Dr. Guy Cassell and Councilman Dean Miller were absent. Also absent was Mr. Jeremiah McCormick, City Attorney.

Also present were concerned citizens: Rosemary W. Young; 209 Michigan Avenue, Hattie Tincher; 118 Blackwood Street, Phyllis Gillispie; 103 Blackwood Street, Jean Collins; 107 Blackwood Street, Jane McClure; 104 Blackwood Street, Scott McClure; 104 Blackwood Street, Frank Gillispie; 103 Blackwood Street, Mark D. McClure; 2918 McKinley Avenue, St. Albans, WV, and Stephen D. McClure; 6 Bock's Trailer Court.

The meeting was called to order by the Honorable Mayor William Gibson. Mayor Gibson called for a moment of silent prayer in honor of the late Dr. Guy Belcher.

APPROVAL OF JULY 1979 FINANCIAL STATEMENT:

Mr. Karnes made a motion the July 1979 Financial Statement be approved. Councilman at Large Pennington seconded the motion and the motion passed unanimously.

APPROVAL OF AUGUST 7, 1979 COUNCIL MEETING MINUTES:

Mayor Gibson stated that Councilman Bailey had several corrections to make, and Councilman Hughart made a motion that the approval of the minutes be tabled until Councilman Bailey arrived. Mr. Karnes seconded the motion. The motion was then passed.

SECOND READING OF ORDINANCE TO AUTHORIZE PAVING AND ASSESSMENT OF STREETS SITUATED IN THE CITY OF NITRO, PARTICULARLY DESCRIBED AS HOLLY STREET AND SATTES CIRCLE:

Councilman Hughart stated that the procedure which was started with the first reading was out of order. He stated that before a first reading can be made or before it can become an ordinance the exact specifications, exact charges, and work by the City Attorney will be required. He further stated that this can only be a resolution and a first reading cannot be approved until

the proper information and advertising for bids have been made; and it was also stated by Councilman Hughart that the ordinance would have to be rewritten to show the exact cost. Councilman at Large Pennington then wanted to know if those specifications were already on record. Councilman Hughart stated that the specifications on record only state the estimated cost and it needs to be spelled out in more detail. So it was decided to hold the reading back until the ordinance was ready to be presented. Councilman Hughart stated that the advertising for the bids may even be in the newspaper before the next council meeting.

PETITION TO MAKE SECOND AVENUE "ONE WAY" BETWEEN 40TH STREET AND 22ND STREET-(DIANA GILLISPIE OF 3220 32ND STREET):

Mayor Gibson introduced Mrs. Diana Gillispie; who had previously been asked to be put back on the agenda. She stated that the petition originally recommended that 22nd street going to 40th street be made "one way". But in the meantime she had written a letter requesting to be put on the agenda; she stated she had gotten a great deal of feedback from citizens wanting the "one way" street going in the opposite direction. She further stated that most of the citizens just wanted the streets to be "one way" regardless of the direction. Councilman Hughart then said that input was needed very badly from the people of 2nd Avenue. He stated they need to resolve this "one way" problem to one direction. He went on to say that not only do we need to know which way you want to go; but we also need to think of safety and the way traffic flow should be. Another important factor according to Councilman Hughart is parking. A petition was originally received with fifty signatures from people that live on 2nd Avenue (Supplement file to The Minutes September 5, 1978). Councilman Hughart said he felt there were more people on 2nd Avenue than that who would be effected. He wanted to know if the people there wanted to be able to park on both sides of the street or on just one side only. He further stated that he felt what they really wanted was to have the street opened up to a nice easy thoroughfare.

Councilman at Large Pennington stated what he felt was really trying to be accomplished was the elimination of cars coming in from 40th street and Brookhaven onto and using 2nd Avenue. He also added that one way to solve this would be to erect a "No Left Turn" sign at 40th street. Councilman at Large Dr. R. V. Allen suggested a "Do Not Enter" sign at 40th street which would not permit vehicles to enter 2nd Avenue at that particular location. Mr. Karnes, City Recorder, also had a suggestion. He recommended that a stop sign be put up every three blocks. He thought this might encourage some people to travel First Avenue. Councilman at Large Pennington made a motion that this be handed over to the Street & Traffic Committee. Councilman Hughart seconded the motion and ask that Police Chief Leo J. Bradley have some input on the matter and report to the Committee. The motion was then approved.

ROCKS IMBEDDED IN CEMENT ON CITY RIGHT-OF-WAY 103 BLACKWOOD STREET (COMPLAINT FROM MR. FRANK GILLISPIE, 103 BLACKWOOD STREET AND MR. D. D. MC CLURE, 104 BLACKWOOD STREET. ALSO COMPLAINTS ABOUT THE PARKING OF VEHICLES ON PAVEMENT:

This was turned over to Councilman Hughart because of the absence of

Jeremiah McCormick, City Attorney. But Councilman Hughart stated he was not on board with this and could not be of any help. Mayor Gibson then introduced Mr. Frank Gillispie of 103 Blackwood Street. Mr. & Mrs. Gillispie and the citizens in the area objected to the permanent marker (rocks imbedded in concrete) just off the pavement of Blackwood Street and Kanawha Ave. So. They were also concerned with the parking problem this is creating. This property owner is parking out on the pavement and using the 18 feet unpaved section of Blackwood Street as part of her yard. Mr. Gillispie further stated that Blackwood Street is off center due to the fact that the street was moved to their side because of trees on the opposite side of the street.

Councilman at Large Pennington made a motion that if the marker is on city property and legal for the City of Nitro to do so then it be removed at the expense of the owner. Mr. Karnes, City Recorder seconded the motion. Councilman at Large Dr. R. V. Allen stopped the vote for more clarification. Councilman Bailey then made a substitute motion that it be turned over to the Street & Traffic Committee in continue with the advice of the City Attorney. Councilman at Large Pennington then said that the original motion had stated, "if the marker is on city property"; so he went on to say that the City Attorney would have to verify that the marker is on city property before it could be removed. Councilman Bailey then stated that under those conditions he would vote for the original motion. Councilman Hughart made a motion that this be tabled until the next council meeting. But it wasn't seconded so the motion died on the floor. The original motion was then voted on and the motion was approved. Councilman Hughart voted against the motion. Councilman at Large Pennington then made a recommendation to turn the parking problem over to the Street & Traffic Committee.

PETITION FROM RESIDENCE ON 26TH STREET REQUESTING
THAT THE PUBLIC SIDEWALK BE MOVED DOWN TO THE CURB AT CURB
LEVEL AND RELINQUISH THE PRESENT SIDEWALK RIGHT-OF-WAY TO
THE ABUTTING PROPERTY OWNERS:

Councilman at Large Pennington made a motion that this be carried over to next council meeting. Councilman Hughart seconded the motion and it was passed unanimously.

HATTIE TINCHER, STREET DRAINAGE PROBLEM ON MICHIGAN
AVENUE:

Mayor Gibson then introduced Hattie Tincher of 118 Blackwood Street. She stated that she lives on Blackwood Street but was concerned with Michigan Avenue. Ms. Tincher further stated that she had attended a council meeting on Dec. 5, 1978 and this same problem was brought before the council and nothing has been done since. Councilman Bailey stated that he had talked with Gene Williams, Director of Public Works, and that Mr. Williams wanted to roll the street and fill it in with asphalt. Mayor Gibson then added that he had also spoken with Mr. Williams and it had been almost impossible to asphalt with the weather conditions the way they have been. Councilman at Large Pennington also stated that he had talked to Mr. Williams

and because of all the work the State had been doing it was very hard to get any asphalt.

Diana Gillispie mentioned that the curb on 24th street has not been built back like it should have been after work was done there several years ago. She also ask if the City of Nitro had any Housing Codes. She stated she was concerned about the so called "slum area" on 31st Street. Mayor Gibson then assigned Police Chief Leo J. Bradley a committee of one to go knock on doors to see if anything could be done to help the situation.

REQUEST FROM BRUCE PERKINS, (776-3509), PRESIDENT OF NITRO HIGH SCHOOL STUDENT COUNCIL, WANTING TO HAVE A BONFIRE ON CITY PARKING LOT THE NIGHT BEFORE THE FIRST FOOTBALL GAME:

Councilman at Large Pennington made a motion that this be permitted as long as the Fire Department be alerted so they can stand by in case they are needed. Councilman at Large Dr. R. V. Allen seconded the motion. The motion was then passed unanimously.

REQUEST DATED AUGUST 15, 1979 FROM MR. OTTIE L. TREADWAY, 415 ELM STREET, NITRO, WV, REQUESTING CONSTRUCTION OF AN ACCESS ROAD, SO AUTOMOBILES CAN TRAVEL DOWN TO THE PLAYGROUND AREA AT RIDENOUR MEMORIAL PARK:

Mr. Karnes, City Recorder and Chairman of the Parks & Recreation Committee made a motion that this be referred to the Parks & Recreation Committee. Councilman at Large Pennington seconded the motion. Councilman at Large Dr. R. V. Allen suggested that they have a conversation with Dixie Shreve of the Soil Conservation Commission or have conversation with some division of the Federal government. Mayor Gibson stated that they acknowledge receipt of this letter and let Mr. Treadway know they will be studying this matter.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence (Correspondence is in Supplement File to the Council Meeting Minutes):

1. Mayor Gibson received a letter dated July 16, 1979 from Selva Lewis Burdette of 2834 Third Avenue in reference to the proposed street light for Third Avenue, between 27 and 29th streets.

2. Mayor Gibson received a letter dated August 7, 1979 from Charles L. Miller, Commissioner of the West Virginia Department of Highways in reference to the Mayor's letter dated July 23, 1979 concerning an incorrect turning movement on WVA 25 into the Citizens National Bank in Nitro.

3. KANAWHA VALLEY LEADER, August 8, 1979 (Received Opinion & Comment article titled Assessed Paving Isn't Necessary).

4. Mayor Gibson had written a letter dated August 9, 1979 to Mr. J. Thomas Lane, Attorney at Law, along with a deed transferring a certain tract of land to Monsanto Chemical Company.

5. Jay Long, Recreation Director received a letter dated August 15, 1979 from Mr. Ottie L. Treadway of 415 Elm Street in reference to an access road to the playground so it could be made available to handicapped people.

6. Mayor Gibson received a letter dated August 16, 1979 from Mr. and Mrs. Steve Cavender of 2130 21st Street in reference to the deterioration of 21st Street.

MAYOR GIBSON CALLED FOR COMMITTEE REPORTS.

COUNCILMAN AT LARGE PENNINGTON: No reports.

COUNCILMAN AT LARGE LEGG: No reports.

COUNCILMAN AT LARGE DR. R. V. ALLEN: No reports.

COUNCILMAN BAILEY: There are two changes to be made in the Council Meeting Minutes of August 7, 1979. The "No Parking" sign is to be changed to "No Parking In The Turnaround Only" and the number of feet for which the curb will be painted will depend on what it states in our Code Book.

COUNCILMAN HUGHART; CHAIRMAN OF THE STREET & TRAFFIC COMMITTEE: Councilman Hughart explained why he didn't agree with the voting of removing the marker from just off the pavement of Blackwood Street and Kanawha Ave. So.; but he also explained that he would help the citizens all that he could.

MR. KARNES, CITY RECORDER AND CHAIRMAN OF FINANCE COMMITTEE: He stated he has been getting many calls regarding trains blocking the crossings for long periods of time. Councilman at Large Pennington added that he had also recieved calls and if there were any emergencies on the other side of the tracks there would be no way to get emergency equipment to the emergency site.

Mr. Karnes, City Recorder made a motion for ajournment. Councilman at Large Pennington seconded the motion and the motion passed.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

SEPTEMBER 4, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on September 4, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, Don Karnes, City Recorder, Councilman at Large Dr. R. V. Allen, Councilman at Large Jack Legg, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller and Councilman Gus Bailey. Councilman at Large Pennington was absent. Also present was Mr. Jeremiah McCormick, City Attorney.

The meeting was called to order by the Honorable Mayor William Gibson. The invocation was given by Reverend Father Leroy Beyer of Holy Trinity Catholic Church.

APPROVAL OF AUGUST 21, 1979 COUNCIL MEETING MINUTES:
Mayor Gibson stated each Councilman had received a copy of the August 21, 1979 Council Meeting Minutes in the mail for their review. Councilman Bailey made a motion the minutes be approved. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed unanimously.

COMPLAINTS BY NITRO POLICEMEN, RESULTING FROM A MEETING HELD BY POLICE CHIEF BRADLEY, AUGUST 30, 1979 AT 5:30 P.M.:
Mayor Gibson introduced Lieutenant Kenneth Webb as spokesman, and said that Lieutenant Webb had the floor.

Lieutenant Webb stated:

I guess I'm speaking for the whole police department. We're dissatisfied with the way it's being run, and I'd like to see some changes made.

To start with, some rules and regulations were handed down that I feel are unnecessary and all the rest of the men do too, such as we're not allowed to eat dinner together. I don't see where there would be anything wrong with that.

They say we are loafing around in the office; that they're getting complaints from citizens that we're not doing our job. And if that's the case, we'll enforce every ordinance on that book to the letter which we have been doing for the last couple of days. And, there has been an awful lot of complaints as a result of it. Nevertheless, it's the law and it's legal.

And we just feel we have been harassed, and if these restrictions are not lifted, if they want us on the road to over police the town, that's what will happen.

I feel that they have been doing a good job, and our crime rate is I can say will compare with any other city around. It won't be as much, probably. I think they ought to be concerned with crime more than down here just running up and down the road.

If anybody has complained about us loafing in the police department nobody has consulted me about it. But, the people wonder why they got parking tickets; that's why. They say we're loafing around, so, we're going to start doing our job.

And also, we have an office around back that used to be mine and a couple of sergeants, that's setting there, it's unoccupied. We don't even have nowhere to make a private telephone call. I see no sense in that; I see no reason why we can't use that office. If there is a reason it's setting there not being used I'd like to know what it is.

And also, you have RULES AND REGULATIONS which was handed down by the Mayor and City Council. And yet they go against their own self. Right here is copies of it if you all would like to examine it. It clearly states right there in the rules they gave us that if the chief is off sick, it said he shall designate a commissioned officer to act as commanding officer in charge of the police department in his absence. And yet, the Mayor put the notice on the board, in his absence he is to be contacted, and if you can't get hold of him then get hold of the recorder, Mr. Donald Karnes. No police officer will be contacted.

If they can't go by the RULES AND REGULATIONS I don't know why they expect us to.

As far as picking on the public we don't want to do that. But, they say we're not doing our job, the citizens are calling in complaints that we're not. And, I can assure you that by the end of the month they'll change their minds. That's about all I have to say.

Patrolman Parsons stated:

I have a few questions and maybe comments. Everytime a policeman does something wrong we have to write a report. We're told it's because it might help somebody in the future protect ourselves so the events will be made knowledgable to us. Yet, everytime we do write a report it's taken and made in triplicate or whatever they need and we've got to sign it and date it and everytime we do something it's got to be signed and dated. I feel that it's wrong, some of the other men feel as if it's wrong.

Everytime they walk out the door they have to write a report for starting up a cruiser and giving it too much gas, cause somebody complains.

Also the police department, well some of the other city functions too probably does, but the police department; our equipment is kind of poor. The city doesn't look as if us, the sole protectors for their city. They have fire trucks. Fire trucks, I believe have to be approved every so long for new fire trucks; but, a police car for 24 hour shifts. They have to be driven every 24 hours by each man. We're not allowed to ride two in a cruiser. So. each man not on probation has to get out in a cruiser that it's unfit to be driven. We turn in a log sheet to the chief, by the chief's orders for a vehicle inspection sheet. That sheet might go for three weeks to 3 months, the same thing is wrong with it. We still have to drive it or that we ride a bicycle.

People get laughed at for riding a bicycle, but it's effective sometimes. But it's bad when you got 2 cruisers parked out back; one you can't get parts for, and the other is getting put down because the garbage truck is broke down.

Also, our walkie talkies, a lot of the men would like to walk. It might be strange, we have only two on a shift, the city might want to know that. Some of the people, the city officials know it. Sometime there is one man on a shift various hours of the time. Walkie talkies, you get away from 5 blocks down the block and you've got a portable that won't pick up nothing. Why is that? Because it's no good, it might need a new battery, it might need charged. But yet, it ought to be checked into. I would like to be heard sometimes if I'm lying up there someplace bleeding or something and might need ambulance.

The police department isn't considered as firsthand, I know you can't consider us firsthand; but yet, it's our profession. We have to be professionals. I believe there are some books around here that say we have to be lawyers, doctors; we have to be several things in a minutes judgement. Well, we can't be if we're not treated right. If we're not given the best of stuff to work with, our uniforms sometime look shabby. We're given \$50 every six nonths. Well, that's nice, it buys a pair pants, maybe a couple pairs of socks.

The police department, it's just not fair, you come up here to work and everybody else the police department besides Hurricane gets, well, more than we do because they are considered better because they protect their city. And our crime rate is low. That's all.

Sergeant Harrison stated:

In every society there is a certain element that is naturally complainant, and they like to complain to the police department. And, that's all that we hear, is the ones that don't like what's going on. How come, I'm sure that the Councilman and the Mayor, the chief has handed us letters that people appreciate what we have done. How come that we never hear from the good element of the city, what the police department is doing good. I think that would help to construct

the morale in the police department and work to the benefit of everybody.

I'm sure probably the Mayor gets a lot of good complaints, but I have never received them. It's always the ones that complain about something bad. Thank you.

Mayor Gibson referred this to the Police Committee for study in hope we can make improvements if we can, and where we can.

BUILDING PERMITS: Councilman Bailey requested this be tabled until the next regular meeting of the Nitro City Council, September 18, 1979; that they need more data.

PETITION TO MAKE SECOND AVENUE ONE WAY: Councilman Romie Hughart, Chairman of The Ordinance, Street and Traffic Committee, requested that this be left in committee. Councilman Hughart stated that he had received a letter from the police chief, but had not received all the input from the citizens that had been expected.

REQUEST FROM PAUL JEAN, 153 OAKMONT ROAD, POCA MANAGER LAVONNE APARTMENTS ON MAIN AVENUE, PERMISSION TO USE DUMPSTER SERVICE: Mr. Karnes, City Recorder and Chairman of the Finance, Garbage and Health Committee, requested that this be referred to the Finance, Garbage, Health, and Trash Committee to look into this seriously. He stated as a fact, soon we will probably have to buy an additional collection vehicle; and possibly we should consider buying a dumpster for the city, we now do not own a dumpster.

REQUEST DATED AUGUST 15, 1979 FROM MR. OTTIE TREADWAY, 415 ELM STREET, NITRO WV REQUESTING CONSTRUCTION OF AN ACCESS ROAD, SO AUTOMOBILES CAN TRAVEL DOWN TO THE PLAYGROUND AREA AT RIDENOUR MEMORIAL PARK: Mr. Karnes referred this request to the Recreation Committee. He said that he had tried to reach Mr. Treadway to get his views on this, and that he intends to have a committee meeting on this, and requested that this be put on the agenda for the September 18, 1979 Council Meeting. Mr. Karnes said he thought this request was a good idea, and that if we made this area accessible to the handicapped it would be an asset.

PETITION FROM RESIDENTS ON 26TH STREET REQUESTING THAT THE PUBLIC SIDE WALK BE MOVED DOWN TO THE CURB AT CURB LEVEL AND RELINQUISH THE PRESENT SIDEWALK RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNERS: Mr. McCormick, City Attorney, said that as far as procedures are concerned, as long as the appraised property value does not exceed \$1,000 the council can act on disposition of the property, but if the appraised property value does exceed \$1,000 it would have to be disposed of at a public sale.

Mayor Gibson asked if either Mr. Carl Ashley or Dr. Richard Sexton had any comments. Mr. Ashley said that he had no more to add to what he had said at previous meetings. Dr. Sexton said that he was in favor of moving the sidewalk to the curb.

Councilman Miller raised the point, if the city of Nitro deeded the property to the property owners do you foresee other people asking for the same favor.

Dr. Sexton said he could not predict what they would do.

Mr. Karnes, City Recorder, said he had no objections to moving the sidewalk at the property owners expense, but that he would object to actually deeding them the property, that you can't see what the future might hold. He said that at some point in time there might be a need to widen the street, that there was a possibility.

Mr. Karnes made a motion that we (Council) allow if possible and legal for the residents on the east side of 26th Street to move the sidewalk at their expense, if after the estimates and facts are in, it is feasible. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

Mr. Karnes stated that he would get with the residents and see if we can get their consent in the form of a petition, and if it looks like it is feasible and then we will pursue it to the point of cost.

FIRST READING OF ORDINANCE TO AUTHORIZE PAVING AND ASSESSMENT OF STREET SITUATED IN THE CITY OF NITRO. PARTICULARLY DESCRIBED AS HOLLY STREET AND SATTES CIRCLE: Councilman Hughart, Chairman of the Ordinance, Street and Traffic Committee, stated the thing that has been holding us up is the fact that Appalachian Engineers has not as yet brought forth the specifications which would be proper and fitting to advertise for bidding. He said that this will have to remain in committee.

REPORT FROM ACKENHEIL AND ASSOCIATES DATED JUNE 20, 1979 REGARDING LANDSLIDE ACTIVITY STUDY BETWEEN BLAKES DRIVE AND 21ST STREET IN REFERENCE TO THE RESPONSIBILITY OF THE CITY OF NITRO: Mayor Gibson called upon City Attorney, Jeremiah McCormick, for his report and recommendations.

Mr. McCormick stated that Ackenheil's report seems to indicate that they're of the opinion that this has been a continuing problem caused by an Act of God. He further stated there has been no precipitating circumstances. And as long as the city continues to enforce the building codes consistently and properly they're not subjecting themselves to any liability.

SOCCKER REQUEST. MR. TOM HUZZEY, PHONE # 348-3092:
 Mayor Gibson introduced Mr. Tom Huzzey. Mr. Huzzey stated he was called here sometime ago and found there were some complaints about the soccer league using the facilities at Nitro Junior High School and Baker Elementary School. He went on to say at that time he was not prepared for all the heat that was there. So he studied this further and went to the school board and he had a copy of a letter with him from Dr. Kettle, Superintendent of Schools in which he states they do support the soccer program and they hope that they can use these facilities. Mr. Huzzey ask that they reconsider the comments that were made before in the letter that was written to the school board asking them not to let us use that property.

Councilman Dr. Cassell made a motion to place this in the Recreation Committee giving them the authority to act. It was seconded by Councilman Hughart and the motion passed.

REQUEST FROM WEST VIRGINIA DEPARTMENT OF HIGHWAYS WANTING THE CITY OF NITRO TO DEED 600 SQ. FT. OF CITY OWNED LAND FOR THE SUM OF \$1.00, LOCATED ALONG SIDE CON RAIL RAILROAD AT THE END OF 35TH STREET PLUS A RIGHT-OF-ENTRY (PROJECT #340-25-1.43) EXTRA TRAFFIC LANE: Councilman at Large Dr. Allen made a motion authorizing the Mayor to sign the deed transferring the 600 sq. ft. of city owned land for the sum of \$1.00 to the West Virginia Department of Highways. The motion was seconded by Councilman Dr. Cassell, and the motion was passed unanimously. Councilman Dr. Cassell made a motion to authorize the Mayor to sign the right-of-entry agreement. The motion was seconded by Councilman at Large Dr. Allen. The motion then passed by unanimous vote.

ORDINANCE MAKING OLD COUNTY ROAD, RIVERDALE ACRES, ONE-WAY IN REFERENCE TO MAKING U.S. MAIL DELIVERY POSSIBLE:

Councilman Hughart, Chairman of the Ordinance, Street and Traffic Committee, stated that the City Attorney was working on this ordinance and that the change is expected to begin on September 17, 1979.

REQUEST FROM MR. SCHRIMSHER, PRESIDENT, N. A. P. A., PHONE # 755-9121, WANTING FIRE ALARM INSTALLED AT FIRE DEPARTMENT: Councilman at Large Dr. Allen introduced Mr. Schrimsher who explained their precarious position and ask the Council's approval to install a fire alarm at the Nitro Fire Department.

Councilman at Large Dr. Allen, Chairman of the Fire and Police Department Committee made a motion to refer this request to the Fire and Police Department Committee. He also stated that he would consult Chief Hedrick, Chief of the Nitro Fire Department. Councilman Bailey seconded the motion. This motion was passed unanimously. Councilman at Large Dr. Allen requested this be put back on the agenda for next council meeting, September 18, 1979.

MR. MOSSBURG, 148 MAIN AVENUE, HAS A COMPLAINT TO THE NITRO POST MASTER REGARDING TWO HOUSES HAVING # 148- THE POST MASTER REFERRED THE GENTLEMEN TO CITY HALL:

Councilman Miller stated that he had been out of the country and ask that it be put back on the agenda for next council meeting, September 18, 1979. Mayor Gibson stated he had heard that the Postal Service was contemplating a branch office at Cross Lanes. Councilman Bailey suggested a letter of enquiry be sent. Councilman Hughart suggested the letter be sent to Mr. Bob Brohard, Nitro Postmaster.

LETTER FROM MRS. PAZTON, LIBRARIAN, REGARDING PARKING PROBLEM, NITRO PUBLIC LIBRARY:

Mayor Gibson stated that this would be left in the Insurance and Library Committee.

MONSANTO PRIORITY LIST FOR CITY PROJECTS:

Councilman Dr. Cassell, Chairman of the Annexation, Building, and Planning Committee ask for suggestions.

Mr. Karnes, City Recorder suggested the following:

1. Purchasing the strip of land at Bank Street and First Avenue, between 21st and 22nd Streets.
2. The addition of a second story to the old American Legion Building on 2nd Avenue.
3. Purchasing that triangle of land at 1st and 2nd Avenues and 8th Street

Councilman Bailey suggested the following:

4. A playground be constructed in Ward IV.

Councilman Miller also suggested:

5. Swings, slide, and picnic tables be added to the Smith Street Land Fill.

Mayor Gibson stated the following:

6. Complaints were made about the basketball and tennis courts being in very bad need of resurfacing.

Councilman at Large Legg suggested the following:

7. The request from Mr. Ottie Treadway for the construction of an access road for the convenience of the handicapped be put in this committee for consideration.

Councilman Dr. Cassell stated he would put the list together for the next council meeting, September 18, 1979.

THREE NEW FIRE HYDRANTS RECOMMENDED BY WEST VIRGINIA WATER COMPANY (MR. HARRY CURTIS):

Mayor Gibson stated that three new fire hydrants were recommended by West Virginia Water Company in the Broadway Gardens and the new Apartment Complex on Lock Street areas. Councilman at Large Dr. Allen suggested that this be kept in committee. Councilman Hughart requested that the committee be instructed to find out the cost of a fire hydrant on 18th Street Hill. Councilman Miller stated he thought the City would be well advised to take into consideration in issuing

these building permits, that if the concentration of people is going to increase so drastically in that area that the builder be required to foot the bill for an additional fire hydrant in that area. Councilman Miller made a motion that this be put in committee. The motion was seconded by Mr. Karnes, City Recorder. The motion was then passed.

Mayor Gibson stated there would be a Planning Commission Meeting on September 10, 1979 at 7:30 p.m.

AN ORDINANCE TO AMEND CHAPTER 21, SECTION 122,
OF THE CITY OF NITRO, WEST VIRGINIA, ENTITLED "MANNER OF
PARKING":

Mr. McCormick, City Attorney explained the ordinance to amend Chapter 21, Section 122, of the City of Nitro, which was verbatim with the ordinance on the book with the exception of the deletion, headed in the direction of traffic.

Councilman Miller made a motion to approve the first reading of the ordinance which is as follows:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY: Councilman Miller ORDINANCE NO. 79-

AN ORDINANCE TO AMEND CHAPTER 21, SECTION 122, OF THE
CITY OF NITRO, WEST VIRGINIA, ENTITLED "MANNER OF PARKING"

(a) No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway and with the curb-side wheels within twelve inches of the edge of the street, except:


(1) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or signs.

(2) In places where and at hours when stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials or materials may back into the curb to take on or discharge loads when the owner of such vehicle holds a permit granting him such privilege, and such permit shall be either in the possession of the driver or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any such owner or driver to violate any of the special terms or conditions of any such special permit.

(b) No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or off road traffic signs or signals, or a police officer.

(c) No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic. (Ord. No. 55, §§ 28, 34.).

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro, on the 4th day of September, 1979, and read and adopted at a _____ meeting on the _____ day of _____, 1979.


WILLIAM D. GIBSON, MAYOR


DONALD G. KARNES, MUNICIPAL RECORDER



The motion was seconded by Councilman Dr. Cassell, and the motion passed with all in favor with the exception of Councilman Hughart who voted against the motion. He said that he agreed with the intent of the ordinance but he opposed it as a technicality, that the wording is just not right. Mayor Gibson said it would be put on the agenda for second reading September 18, 1979.

Mayor Gibson recognized Mr. B. G. Brabbin.

Mr. Brabbin stated:

I resent being used as a baseball bat at a baseball game by the police force in conflict with their captian or whoever; or the Mayor for that matter in an effort to prove a point. We've lived in this area for well, 16 years myself but I assure you that my neighbors have been there for somewhat longer. And we have practice our, well, direction of parking, shall we say, and assure you again that we're not on a one way street either. But for convenience, pardon me, for convenience sake we have parked in a one way direction, maybe, but it's in order to have access to getting out of our homes and it's not a sidewalk situation particularly but we don't like to be used as a implement of satisfaction for someone else and you said that this was a non-profit thing; I assure you it's not. The ticket that I received says there is a \$5.00 charge for this conduct which it's obvious that I'm a little back on my payment of this thing because I've been doing this daily for 16 years. And I assure you that \$5.00 a day would be a little bit expensive for me to park there over that period of time but never the less if this thing is going to be done this way then at least forewarn us so that we'll know. I uphold my police department as well as anyone else does but, incidently, I expect them to uphold me in the facts and not use me as a tool for gaining some personal vendetta. So I thank you for listening to me anyway.

Mayor Gibson then called on Mr. L. M. Rice of 816 8th Street:

Mr. Rice stated:

Upon 8th Street, I advised the Mayor of that territory, when there is snow and ice there is no way you can go up that hill. You have got to come down, no way. In fact they come a sliding down.

"It presents a hazard either way you go." stated Mr. Brabbin.

"You've got to head your cars down to get out." Mr. Rice commented.

Councilman Dr. Cassell then stated, "Sir, I merely want to say that I don't feel anyone has gained personally through this infantile action."

Mr. Brabbin further stated:

Well, I hope that some satisfaction has been obtained somewhere because as I said I have got a ticket that was, one of you commented there was no cost on it and I assure you that my ticket says there is a \$5.00 charge for what I have done; for this terrible offense I have commented. But as I repeat I have done it for a period of 16 years in this one place of residence and if I am so guilty I should be force to pay my ticket.

Councilman Dr. Cassell stated, "If you resort to that kind of tactics you've gone far beyond..." Councilman Miller then stated, "May I say, I only meant that we have in ordinances, sir, is that certain ordinances are for to generate revenue for the city and we are limited by the law as to how we can act on these."

"I misinterpreted you, I apologize," said Mr. Brabbin.

Mayor Gibson then recognized Emogene Whited:

I live on 37th Street, I think the main thing that has bothered us as residents is that we feel we have been harassed by our police department. Our Sergeant Webb said that he felt that he was being harassed. We as citizens, I've lived in one place for thirty years, and my daughter pulled up in front of the house and was in my home, hadn't even got into the door from out of town, and received a ticket yet. And I didn't take it as a personal grudge, I just felt like that we were being harassed and everybody else in our neighborhood that I talked to felt that way; that our police department was harassing us. That's the way I felt about it, we were being harassed.

After further discussion Councilman Miller inquired:

May I ask a question to make it clear for the citizens that are here. At the second reading which will be at the next council meeting, on the 18th does it become effective at that time?

Mr. McCormick said, "As of the date of passage."

Mayor Gibson then recognized Patrolman Parsons who requested recognition again. The Mayor ask Patrolman Parsons how long he wanted to be heard

Mr. Parsons replied, 15 seconds.

Mr. Parsons then ask:

Will the fines up until that second reading, are the \$5.00 fines that the gentleman stated are they still to be upheld and to be paid?

Mayor Gibson then stated, "This we will have to decide upon...."

Mayor Gibson then introduced Mrs. Norma Sharp of 1127-11th Street West.

Mrs. Sharp stated:

I felt that there was something that needed to be said. My grandson has been visting me. He was here three weeks and in three weeks, twice he was attacked by a group of boys.

Chief of Police Leo Bradley then ask to be heard and stated:

'Ma'am I know who the boys were. I'm the officer who went down and talked to them. Since that time the boys have been brought into court for other violations, which a misdemeanor has to be committed in our presence before we can do anything about it. The boys have been brought into court, the boys have been put on probation. And if we have any more problems out of them they will be certified in juvenile court.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence (Correspondence is in Supplement File to the Council Meeting Minutes):

1. Caldwell, Steele, McCormick & Peyton, L. C. received a letter dated August 11, 1979 from Mr. Harry Russell, Chairman of the Board of Zoning Appeals.
2. Preferred Homes & Investments, Inc. received a letter dated August 11, 1979 from Mr. Harry Russell, Chairman of the Board of Zoning Appeals.
3. Mr. Lonnie Norvell received a letter dated August 11, 1979 from Mr. Harry Russell, Chairman of the Board of Zoning Appeals.
4. Mayor Gibson received a letter dated August 17, 1979 from Mr. Don Patton, Manager of Kanawha CableVision in reference to CableVision in the Riverdale Acres and Old County Road areas. Councilman Miller also stated that he had received many calls from the residents of 3rd Avenue and 39th Street East saying that a portion of 39th Street East had not been hooked in and that had been agreed upon. He said he had been notified of this by Mr. Jim Carr of Easter Road some three weeks ago.
5. Mayor Gibson had written a letter dated August 21, 1979 to Mr. James R. Campbell, District No. 1 Engineer in reference to the request made by Mr. Jerry W. Jarrell of Nitro Park Addition, Williams Drive.

6. Mrs. Doris Lemon of 108 Blackwood Street received a letter dated August 22, 1979 from Mr. Jeremiah McCormick, City Attorney. Councilman Bailey was then called upon by Mayor Gibson to explain the situation surrounding the above letter.

Councilman Bailey stated:

They want to see one sign that says Kanawha Avenue moved from as you approach Kanawha Ave. off Blackwood, its on the left hand side, they want it to be put over on the right hand side. The other thing they want is a dead end street sign as you come by the Valley Cash Feed Store and turn right on Blackwood Street and right near that telephone pole, within the regional boundary of it, put a dead end street there....

7. Board of Zoning Appeals Meeting of July 27, 1979, Minutes.

8. Mayor Gibson sent a Mailgram dated August 29, 1979, to the Honorable John D. Rockefeller IV in reference to try and get the curve straightened out on 1st Avenue and 21st Street intersection.

9. Mayor Gibson sent a Mailgram dated August 29, 1979, to Charles L. Miller, Commissioner of the West Virginia Department of Highways in reference to the same problem as above.

10. Mayor Gibson received a letter dated August 28, 1979, from Mr. Daniel Green of the Governor's Office in reference to the Nitro Maintenance Garage Project.

11. Mayor Gibson received a letter from Mr. Robert Sheridan of 4112 41st Street in reference to a traffic citation.

MAYOR GIBSON CALLED FOR COMMITTEE REPORTS.

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

COUNCILMAN MILLER: No Reports.

COUNCILMAN HUGHART AND CHAIRMAN OF THE ORDINANCE, STREET AND TRAFFIC COMMITTEE: Nitro Lions Club is having their Annual Antique Car Show September 14th & 15th. They request permission as in the past years to block off 21st Street from 1st Avenue to 2nd Avenue, on Friday evening of the 14th 6:30 to 11:00 p.m. and on Saturday the 15th from 6:00 a.m. to 5:00 p.m., block off 21st Street from 1st Avenue to 2nd Avenue; and also Bank Street, 21st Street to 22nd Street for the annual Antique Car Show. Mr. Karnes then made a motion to grant the request in the same custom and with the same precautions as in the past. Councilman Miller seconded the motion. The motion then passed by a unanimous vote.

COUNCILMAN AT LARGE DR. ALLEN AND CHAIRMAN OF THE FIRE AND POLICE DEPARTMENT COMMITTEE: No Reports.

COUNCILMAN DR. CASSELL: No Reports.

COUNCILMAN BAILEY: I got a compliment for the police

department from Ms. Rader upon Red Oak Drive. Councilman Bailey said that she has called a number of times and they had responded.

COUNCILMAN AT LARGE LEGG: No Reports.

Councilman Miller made a motion for adjournment and the motion was seconded by Mr. Karnes.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

SEPTEMBER 18, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on September 18, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, Don Karnes, City Recorder, Councilman at Large Dr. R. V. Allen, Councilman at Large Jack Legg, Councilman Dr. Guy Cassell, Councilman Romie Hughart, and Councilman Gus Bailey. Councilman at Large Mel Pennington and Councilman Dean Miller were absent. Also present was Mr. Jeremiah McCormick, City Attorney.

The meeting was called to order by the Honorable Mayor William Gibson, and he welcomed those present on behalf of the elected officials. The invocation was given by Reverend Wilber Turner, Assistant Pastor of St. Paul's United Methodist Church.

APPROVAL OF SEPTEMBER 4, 1979 COUNCIL MEETING MINUTES:

Mayor Gibson stated each Councilman had received a copy of the September 4, 1979 Council Meeting Minutes in the mail for their review. Councilman Bailey made a motion the minutes be approved. The motion was seconded by Councilman at Large Dr. Allen, and the motion was passed unanimously.

APPROVAL OF AUGUST 1979 FINANCIAL STATEMENT:

Mr. Don Karnes, City Recorder and Chairman of The Finance Committee, stated there is a discrepancy in the amount of \$2,758.76 in the general account from the ending balance of last month to the beginning balance of this month through an error in deposit. Mr. Karnes, then, made a motion to correct the July Financial Statement, and approve the August, 1979 Financial Statement. The motion was seconded by Councilman Bailey and the motion was passed unanimously.

Mr. Karnes further stated that as we progress along he intends to give more detailed reports.

BUILDING PERMITS: Councilman Bailey stated that the Building Inspector, Mr Sargent, had talked with Councilman Dr. Cassell and himself.

He said Mr. Sergent would like to have the authority, to upon receipt of an application for the erection of a new structure in the city, to send the building specifications to the West Virginia State Fire Marshal's Office for their approval; and secondly that in any questionable area of zoning the decision would be referred to the Board of Zoning Appeals.

Mr. Karnes stated that if he understood this correctly the building inspector already had this authority. Mr. McCormick, City Attorney, concurred.

Council Bailey then made a motion that council concur with the building inspector's suggestions, and for the building inspector to follow the regulated general procedures. The motion was seconded by Dr. Cassell, and the motion was passed.

PETITION TO MAKE SECOND AVENUE ONE WAY: Councilman Hughart made a motion that this be tabled indefinitely until we receive more information or input from the general public. The motion was seconded by Councilman Dr. Cassell. The motion was then passed by unanimous vote.

REQUEST DATED AUGUST 15, 1979 FROM MR. OTTIE TREADWAY, 415 ELM STREET, NITRO, WV REQUESTING CONSTRUCTION OF AN ACCESS ROAD SO AUTOMOBILES CAN TRAVEL DOWN TO THE PLAYGROUND AREA AT RIDENOUR MEMORIAL PARK: Mr. Karnes stated they had recently had a Recreation Committee Meeting and this was one of the items that had been discussed. He said he felt it was a good idea to construct what Mr. Treadway had suggested; but then he went on to say that the restrooms were not accessible to the handicapped. Mr. Karnes said it was suggested that this be looked into also, along with several other things that were brought up in the committee meeting. Mr. Karnes said he felt the conclusion of that meeting was to, maybe, incorporate as many ideas recreation wise; especially those pertaining to Ridenour Park into one package and try and submit it to some agency, possibly for federal funding or matching funds at least. And if that cannot be done Mr. Karnes went on to say that he felt they should go with Mr. Ottie Treadway's request.

FIRST READING OF ORDINANCE TO AUTHORIZE PAVING AND ASSESSMENT OF STREET SITUATED IN THE CITY OF NITRO: PARTICULARLY DESCRIBED AS HOLLY STREET AND SATTES CIRCLE: Councilman Hughart stated that they had just received the specifications and everyone should have a copy of the paving for Holly Street and Sattes Circle. He stated at this time the ordinance is not necessarily in order. He made a motion to authorize paving and assessment of streets situated in the City of Nitro by resolution, and that these specifications shall be advertised as prescribed by the state law.

THE RESOLUTION IS AS FOLLOWS:

No. 79-7

RESOLUTION TO AUTHORIZE PAVINGCITY OF NITRO, NITRO, WV

Resolution to authorize paving and assessment of Streets situate in the City of Nitro being more particularly described as commencing at Holly Street from its intersection with Main Avenue to its common intersection with Valentine Circle and Sattes Circle, and Sattes Circle from its intersection with Holly Street, and encompassing all of Sattes Circle as set forth and designated on that certain plat attached hereto.

The above resolution was passed by the Nitro City Council at a regular meeting, September 18, 1979.

INVITATIONS FOR BIDS

In order to expedite the paving of said streets, the date set for opening of bids will be a special session of the Nitro City Council, open to the public on October 9, 1979. Specifications and Contract Documents are available to all interested parties, as well as, those wanting to bid on said paving program for the City of Nitro.

Sealed bids for the Repaving of Certain Streets in the City of Nitro, Kanawha County, West Virginia, will be received at the City Council Chamber, City Building, Nitro, West Virginia, until 8:00 p. m. October 9, 1979, and then at said place and time publicly opened and read aloud.

The Instructions to Bidders, Drawings, Specifications and other Contract Documents may be examined at the office of the Recorder, City Hall Building, Nitro, West Virginia. Copies of the Drawings and Bidding Documents may be obtained from Appalachian Engineers, 301 Ott Building,

Charleston, West Virginia. Each Bidder shall deposit with his Bid, security in the amount of 5% of the Bid, for and subject to the condition provided in the "Instructions to Bidders." Payment will be with "Paving Certificates."

The City of Nitro reserves the right to waive any informalities, or to reject any and all bids.



Don Karnes,
City Recorder

The motion was seconded by Mr. Karnes, City Recorder, and the motion carried by unanimous vote.

Mayor Gibson then ask when the advertising for bids could begin. Councilman Hughart stated the bidding is permitted as of now; we can advertise for bids in the nearest newspaper. Mr. McCormick concurred that this was proper procedure.

SOCCKER REQUEST (AUTHORITY TO ACT) REPORT: Mr. Karnes, City Recorder said there was possibility to work out an agreement between the soccer league and the owner of Southern Supply for the soccer league to use the field outside the corporate limits. He stated he would have a definite report next council meeting, October 2, 1979.

ORDINANCE MAKING OLD COUNTY ROAD, RIVERDALE ACRES, ONE-WAY IN REFERENCE TO MAKING U.S. MAIL DELIVERY POSSIBLE: Councilman Hughart stated that there is now mail delivery but the road is not a one-way street yet, and an ordinance is forthcoming.

MR. MOSSBURG, 148 MAIN AVENUE, HAS A COMPLAINT TO THE NITRO POSTMASTER REGARDING TWO HOUSES HAVING NUMBER 148 - THE POSTMASTER REFERRED THE GENTLEMAN TO CITY HALL: In Councilman Miller's absence Mayor Gibson stated he had talked to Mr. Mossburg and the problem had been resolved. Councilman Bailey referred a similar problem on Old County Road to the Street Numbering Committee.

REQUEST FROM MR. SCHRIMSHER, PRESIDENT N.A.P.A., PHONE #755-9121, WANTING FIRE ALARM INSTALLED AT FIRE STATION: Councilman at Large Dr. Allen stated he had talked to Chief Hedrick, Chief of the Nitro Fire Department. He said Chief Hedrick had approved the request only if the need of the city is first and N.A.P.A. is second. This was put in the form of a motion by Councilman at Large Dr. Allen for protection of the fire department. This was seconded by Councilman Hughart. The motion stood approved.

LETTER FROM MRS. PAXTON, LIBRARIAN, REGARDING PARKING PROBLEM, NITRO PUBLIC LIBRARY: Mayor Gibson stated that Councilman at Large Pennington had recommended that paving be done at the library to provide for 5 spaces for off street parking of vehicles; otherwise, it would be almost impossible to police.

Councilman Bailey made a motion to refer this matter to the Finance Committee. Mr. Karnes then seconded the motion, the motion passed with a unanimous vote.

Mr. Karnes, City Recorder, said he would have information for the next council meeting, October 2, 1979.

MONSANTO PRIORITY LIST FOR CITY PROJECTS: Councilman Dr. Cassell ask if they had to prioritise the list. Mr. Karnes said he would talk to Mr. Scott, the plant manager of Monsanto as to the procedures for making application. Councilman Dr. Cassell made a motion for Mr. Karnes and himself to be responsible for rearranging the list and making application to the Monsanto Fund for specific community needs. Councilman at Large Dr. Allen seconded the motion. The motion was then passed.

SECOND READING OF ORDINANCE TO AMEND CHAPTER 21, SECTION 122, OF THE CITY OF NITRO, WV, ENTITLED "MANNER OF PARKING":

Councilman Hughart made a motion to approve the second reading of the ordinance which is as follows:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY: Councilman Miller

ORDINANCE NO. 79-9

AN ORDINANCE TO AMEND CHAPTER 21, SECTION 122, OF THE
CITY OF NITRO, WEST VIRGINIA, ENTITLED "MANNER OF PARKING"

(a) No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway and with the curb-side wheels within twelve inches of the edge of the street, except:

(1) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or signs.

(2) In places where and at hours when stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials or materials may back into the curb to take on or discharge loads when the owner of such vehicle holds a permit granting him such privilege, and such permit shall be either in the possession of the driver or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any such owner or driver to violate any of the special terms or conditions of any such special permit.

(b) No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or off road traffic signs or signals, or a police officer.

(c) No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic. (Ord. No. 55, §§ 28, 34.).

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro, on the 4th day of September, 1979, and read and adopted at a regular meeting on the 18th day of September, 1979.



WILLIAM D. GIBSON, MAYOR



DONALD G. KARNES, MUNICIPAL RECORDER

The motion was seconded by Councilman Dr. Cassell. Councilman Hughart then stated that this amendment deletes from the original ordinance: headed in the direction of traffic. Mayor Gibson called for a vote on the motion made by Councilman Hughart. The motion was passed by unanimous vote.

REPORT ON PLANNING COMMISSION MEETING HELD ON MONDAY, SEPTEMBER 10, 1979, 7:30 P.M.: Mr. Karnes stated that a long overdue Planning Commission meeting had been held and two or three things of significance had happened.

1. Mr. Olaf Walker had resigned as president of the Nitro Planning Commission because of travel demands, and being unable to prepare for the meetings.

Dr. Charles Byrd of 603 Kanawha Avenue was then elected President of the Nitro Planning Commission as Mr. Walker's replacement.

2. Long overdue subdivision regulation should be worked on.

3. They were asked to look into the parking requirements for apartment complexes and to maybe look into providing some rules and regulations for condominiums and townhouses; Nitro does not have any rules and regulations for these.

4. It was also brought up to look a little further into our rezoning city wide.

5. They asked to check the power or authority of the Nitro Housing Authority Commission. And, Mr. Karnes said he had to get with the City Attorney on that, but hadn't had the chance.

6. Modular constructed homes and the regulation to govern them.

Another Nitro Planning Commission Meeting was set for September 24, 1979 at 7:30 p.m.

TRICK OR TREAT NIGHT OCTOBER 31, 1979, 6:00 P.M. UNTIL 9:00 P.M. (LETTER FROM POLICE CHIEF, LEO BRADLEY): Councilman at Large Dr. Allen made a motion that trick or treat night be October 31, 1979 from 6:00 p.m. until 9:00 p.m. Councilman Bailey seconded the motion. The motion then passed by unanimous vote.

LT. KENNETH WEBB, NITRO POLICE DEPARTMENT REQUESTED THAT CITY RECORDER DON KARNES HAVE HIM ON THE AGENDA FOR SEPTEMBER 18, 1979: Mr. Karnes stated that Lieutenant Webb was absent. However, he stated that he had no idea why Lieutenant Webb failed to make his presence for the meeting.

LEGAL DETERMINATION OF BLACKWOOD STREET AND KANAWHA AVENUE, SOUTH AND OTHER RELATED STREETS:

Mayor Gibson introduced Mr. Jeremiah McCormick, City Attorney. Mr. McCormick stated he could only offer an opinion. He went on to say that basic premise in West Virginia Law is that if a municipal body or governmental agency had rendered improvement on what has been designated as a public street for a period of 10 years then it is considered a public way. And no one can claim any ownership, interest or can exercise any control over the utilization of that public way. He further stated how that relates to the particular streets involved; Blackwood Street and Kanawha Avenue, he was not particularly apprised of the situation there....

Mrs. Phyllis Gillispie of 103 Blackwood Street then ask to be heard. "If only a part of that street in width is used can the rest of it be claimed?" asked Mrs. Gillispie.

Mr. McCormick said he was not in the position to answer that, that he would have to do further research.

"If you have a 40 foot street and 20 feet is paved what do you do to keep it 40 feet?" Mrs. Gillispie went on to ask.

Mr. McCormick said he would also have to research that and let her know.

"If a dedication has been made and we want you to accept it for 40 feet what procedure then?" inquired Mrs. Gillispie.

Mr. McCormick, City Attorney, stated that this could be done by act of council and formal acceptance by council upon a formal offer of dedication.

"Who makes the request if a dedication has been offered?" Mrs. Gillispie ask.

Mr. McCormick said that he wasn't real certain.

Mayor Gibson requested that Mr. McCormick, City Attorney do further research on the matter for the next council meeting, October 2, 1979.

SHADOW HILLS TRAILER PARK OWNER REQUEST TRASH AND GARBAGE PICKUP FROM THE CITY OF NITRO: Councilman Dr. Cassell stated that the driveway to the trailer park is within the city limits but the trailer park itself is outside the city limits. He went on to say that the owner would pay in a lump sum and we would not be collecting from each individual trailer. Councilman Dr. Cassell said that the regulations within the trailer park is that the trash and garbage will be moved to the street which will expedite our city workers in picking it up. He further stated that

according to Mr. Williams that this would not create any extra burden on his part.

Councilman Dr. Cassell stated that there would be some slight problem there involving snow removal which we hoped would be worked out between Mr. Williams and the owner of the trailer park; so the owner of the park will assume snow removal and ice removal from that entrance way. Councilman Dr. Cassell made a motion that Mr. Williams, Director of Public Works, be given the authority to make a decision on the request, and that if garbage and trash service is provided it will be so on a temporary basis. The motion was seconded by Councilman Bailey, and the motion was passed. Councilman Hughart, Councilman at Large Dr. Allen, Councilman Dr. Cassell, and Councilman Bailey voted in favor. Mr. Karnes and Councilman at Large Legg voted against.

Mayor Gibson requested with the council's permission to reappoint to the Nitro Sanitary Board, Mr. F. Douglas Bess of 73 N. 21st Street. Councilman at Large Dr. Allen stated so moved and it was seconded by Mr. Karnes, City Recorder. The motion was passed unanimously.

He also requested that with the council's permission that Mrs. Mildred Selby of 803 Kanawha Avenue be appointed to the Nitro Housing Authority. Councilman at Large Dr. Allen so moved and it was then seconded by Councilman Dr. Cassell, and passed with a unanimous vote.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence (Correspondence is in Supplement File to Council Meeting Minutes):

1. Mayor Gibosn received a letter explaining certain problems such as their parking lot being utilized as a gathering place for young adults from Ackenheil & Associated. The letter was dated September 12, 1979. He stated that a copy of the letter had been given to Chief of Police, Leo Bradley.

2. Mailgrams dated September 9, 1979 were sent to Mr. James E. Landers of P. O. Box 891 St. Albans, WV and Mrs. Dorothy Landers of 23 Timmar Heights, Nitro, WV. in reference to high weeds.

3. Mayor Gibson had written a letter dated August 30, 1979 to the Honorable John M. Slack that is self-explanatory (in reference to the Nitro Post Office).

MAYOR GIBSON CALLED FOR COMMITTEE REPORTS:

MR. KARNES, CITY RECORDER AND CHAIRMAN OF THE FINANCE COMMITTEE: no reports.

COUNCILMAN HUGHART: He stated that he had received a letter from the Nitro Fire Department from Fire Chief Hedrick. The letter dealt with the subject of painting a no parking area at 1426 14th Street to help get a wheelchiar patient to and from a schoolbus. The letter requested that the curb in front of their sidewalk be painted with "NO PARKING" between hours of 7:30 a.m. to 8:00 a.m. and 2:00 p.m. to 3:30 p.m. They ask that it be painted approximately 6 feet on the curb. Councilman Hughart said that it had already been approved by Mr. Williams, Director or Public Works.

Councilman Hughart made a motion that the council approve the painting of the curb in front of the sidewalk so as to prevent any parking to allow this wheelchair person to be moved to and from 1426 14th Street. The motion was seconded by Councilman at Large Dr. Allen and the motion was then passed.

Councilman Hughart ask that Mr. Williams be notified to begin this just as soon as he could work it out.

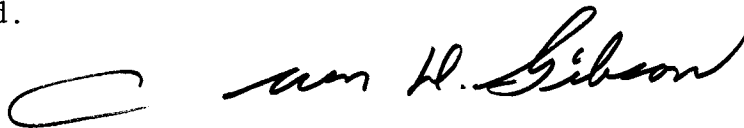
COUNCILMAN AT LARGE DR. ALLEN: no reports.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN BAILEY: no reports.

COUNCILMAN AT LARGE LEGG: no reports.

Mayor Gibson recommended a motion for ajournment. Councilman Dr. Cassell stated so moved and it was seconded by Mr. Karnes, City Recorder. It was unanimously approved and the meeting stood adjourned.



MAYOR



RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

OCTOBER 2, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on October 2, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, Don Karnes, City Recorder, Councilman at Large Dr. R. V. Allen, Councilman at Large Pennington, Councilman at Large Jack Legg, Councilman Dr. Guy Cassell, Councilman Romie Hughart, and Councilman Dean Miller. Councilman Gus Bailey was absent. Also present was Mr. Jeremiah McCormick, City Attorney.

The meeting was called to order by the Honorable Mayor William Gibson, and he welcomed those present on behalf of the elected officials. The invocation was given by Reverend Wilber Turner, Assistant Pastor of St. Paul's United Methodist Church.

APPROVAL OF SEPTEMBER 18, 1979 COUNCIL MEETING

MINUTES: Mayor Gibson stated each Councilman had received a copy of the October 2, 1979 Minutes in the mail. Councilman Dr. Cassell made a motion the minutes be approved. The motion was seconded by Councilman at Large Dr. Allen, and the motion carried. Councilman at Large Pennington abstained from voting.

Mr. Karnes, City Recorder, made a motion to move item 8 on the agenda to item 2, and item 2 to item 8. The motion was seconded by Councilman at Large Pennington, and the motion was passed unanimously.

FIRST READING OF AN ORDINANCE TO AMEND SANITARY

SEWER RATES: Mr. Dennis Vaughan, Attorney for the Nitro Sanitary Board, stated that council had copies of the ordinance and accompanying that ordinance is a resolution.

Mr. Vaughan read the resolution which is as follows:

R E S O L U T I O N

This Resolution, Made this 27th day of September, 1979, by the Sanitary Board of the City of Nitro, West Virginia, at a regularly scheduled meeting thereof.

WHEREAS, the Nitro Sanitary Board of the City of Nitro, West Virginia, has discovered that certain of its sanitary sewer lines have deteriorated to the extent that the same must be replaced and/or repaired extensively; and

WHEREAS, the Nitro Sanitary Board of the City of Nitro, West Virginia, is required to comply with certain statutes, regulations, and guidelines promulgated by, or enforced by, the United States Environmental Protection Agency, which has required the expenditure of additional funds not budgeted for, nor is the existing tariff sufficient to cover the cost of the same; and

WHEREAS, the recently completed improvements to certain portions of the existing sanitary sewer system for the City of Nitro resulted in cost over-run due to extensive repairs and alterations not originally foreseen and have accordingly necessitated the securing of loan funds from commercial banks; and

WHEREAS, the Nitro Sanitary Board of the City of Nitro, West Virginia, is the financially responsible governmental instrumentality required to render sanitary sewer service for the citizens of Nitro, West Virginia.

NOW, BE IT RESOLVED, the Sanitary Board of the City of Nitro, West Virginia, petitions and calls upon the City Council of the City of Nitro, West Virginia, to enact by way of ordinance a new tariff for sanitary sewer services for the residents of the City of Nitro, West Virginia, and other persons utilizing the services of the sanitary board, the same being attached hereto and made a part hereof for all pertinent purposes; and

BE IT FURTHER RESOLVED, by the said sanitary board, that the aforesaid City Council do enact such ordinance, publish the same as required by law, conduct a public hearing as required by law and to ultimately enact such attached ordinance so as to allow the Sanitary Board of the City of Nitro, West Virginia, to carry forth its statutory obligations to the residents of the City of Nitro, West Virginia; and

BE IT FURTHER RESOLVED that the Chairman is hereby authorized by the Sanitary Board of the City of Nitro, West Virginia, to execute any and all documents to enact this resolution.

Chairman

Member

Member

Mr. Vaughan requested that Mr. Karnes, City Recorder, read the title of the ordinance, and Mr. Vaughan further stated:

Until July first of this year any request for sewer rate increase, while it was initiated by the city council, it ultimately had to be approved by the Public Service Commission of the State of West Virginia.

On July first the provisions of House Bill No. 1280 took effect. The essence of this was to transfer the jurisdiction or determination and justification of rates from the Public Service Commission to the city council, the various city councils of this state. And, in this particular instance we are proceeding under the provisions of House Bill No. 1280 as it was enacted by the legislature.

I point that out to you because a public hearing which is required to be held by the provisions of Chapter 8, Article 16, Section 7 of the West Virginia Code, this provision has been here for some period of time but it takes on an new and added significance because at that hearing you will have a presentation which in the past was rather sketchy. In this instance, it will be a full presentation by the Sanitary Board setting out the accounting mechanisms that are necessary in the justification, and the provisions. The present rates were allowed to continue in terms of loss to your sewer system. The Sanitary Board will supply the numbers which we feel are justified to carry forth on a sound economic basis the running of your sanitary sewer system.

After further discussion Mr. Karnes read the title of the ordinance and made a motion to approve the resolution which Mr. Vaughan read, and to approve the first reading of the ordinance which is as follows:

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM, AND FOR THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SECONDARY TREATMENT SANITARY SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, WEST VIRGINIA.

WHEREAS, the City of Nitro, Kanawha and Putnam Counties, West Virginia, presently owns a secondary treatment sanitary sewage system supplying a secondary sanitary sewage service in and to the City of Nitro, West Virginia, and surrounding territory and for the Rock Branch Public Service District; and

WHEREAS, the Sanitary Board of the City of Nitro, West Virginia, has determined that major repairs must be made to certain of the sewer lines making up a part of the secondary sanitary sewage system, and

WHEREAS, in order to comply with the requirements of the United States Department of Environmental Protection Agency, additional employees, with additional skills and education must be acquired by the Sanitary Board of the City of Nitro, West Virginia, to comply with the aforesaid requirements of the United States Environmental Protection Agency, which additional personnel have not been budgeted for nor is the existing tariff sufficient to provide the funds necessary for such additional personnel; and

WHEREAS, the Sanitary Board of the City of Nitro, West Virginia, has advised the City Council of Nitro, West Virginia, that the costs to complete repairs to the system

overran projections which in turn necessitated said sanitary board to secure financing from commercial banks, which said financing must be converted to long term financing, and

WHEREAS, the city does not have available funds for the construction and repair to the present secondary sanitary sewage system as outlined by its sanitary board, and

WHEREAS, the City of Nitro, West Virginia, does not have funds within the sources now available to it to pay the costs of administration, management, operation, maintenance, acquisition, enlargement and replacement of the present secondary sanitary sewage system, and the interceptor sewer lines, pumping stations, treatment works and appurtenances; and

WHEREAS, it is necessary for the City to impose rates and charges for the use of the services afforded by the secondary sanitary sewage system to obtain such funds; and

WHEREAS, it is the obligation of the producers of sewage and industrial waste to supply such revenue to the City in an equitable manner and in proportion to the service rendered to the benefits derived; and

WHEREAS, the City of Nitro, is authorized under the authority of Chapter 8, Article 8, of the West Virginia Code of 1931, as last amended, to fix, establish, and maintain, by ordinance, just and equitable rates or charges for the use of the services and facilities to be rendered upon completion of any works and system necessary to comply with any citation issued by the West Virginia Department of Natural Resources; and

WHEREAS, the Sanitary Board of the City of Nitro, after proper investigation has determined that the rates and

standards for the use of the secondary sanitary sewage system and the computation of rates to be charged therefor as fixed by this ordinance are reasonable, necessary and proper, and have petitioned the City Council of the City of Nitro, to enact this ordinance establishing such rates and standards; and

WHEREAS, the City Council of the City of Nitro has previously enacted an Ordinance providing for rates and standards for the use of the existing sanitary sewage system; and

WHEREAS, the Sanitary Board of the City of Nitro has evaluated the feasibility and necessity for the imposition of higher rates to its customers for the rendering of secondary sanitary sewage treatment and has caused and directed its staff and supporting professional personnel to supply it with documentation relative to this problem, which documentation is incorporated herewith as supporting the need as outlined by said sanitary board; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, that the certain Ordinances previously enacted by the City Council of the City of Nitro, entitled, "AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM, AND FOR THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SECONDARY TREATMENT SANITARY SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO" is amended, to reflect the following new rates for the construction, acquisition,

operation and maintenance of a secondary sanitary sewage system, but in all other regulations and such ordinances shall remain in full force and effect unless otherwise Amended by this Ordinance.

DIVISION 1-- Amending Division 5--

SEWER SERVICE SCHEDULE OF RATES:

1. There is hereby levied and assessed against all owners, tenants, or occupants of each and every lot or parcel of real estate or building having any active connection with the public sanitary sewage system or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly unto said system or any part thereof, a service charge payable as hereinafter provided for and in the amount hereinafter provided.

2. The service charge for any owner, tenant, or occupant of each and every lot or parcel of real estate or building situated within or outside the corporate limits of the City of Nitro, having any connection with the City's public secondary sanitary sewage system and discharging sewer, industrial wastes, water or other liquids into said system, shall be as follows:

SCHEDULE # 1

AVAILABILITY OF SERVICE

Available for sanitary sewer service.

RATE (Based upon the metered amount of water supplied)

First	2,000 gallons used per month	\$2.95 per thousand gal.
Next	2,000 gallons used per month	\$2.85 per thousand gal.
Next	2,000 gallons used per month	\$2.75 per thousand gal.
Next	4,000 gallons used per month	\$2.60 per thousand gal.
Next	90,000 gallons used per month	\$2.30 per thousand gal.
All over	100,000 gallons used per month	\$2.00 per thousand gal.

MONTHLY MINIMUM CHARGE - 2,000 gallons per month---\$5.90

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full within (10) days of the date of bill, ten percent (10%) will be added to the net amount shown.

QUARTERLY OR BI-MONTHLY BILLING

The above rates and charges may be adjusted to a quarterly or bi-monthly basis, providing no lower charges.

MULTIPLE OCCUPANCY

On apartment buildings, or other multiple occupancy buildings, each family or business unit shall be required to pay not less than the minimum monthly charge herein established. Motels and hotels shall pay according to the metered amount of water used. So-called mobile homes or house trailers grouped on so-called trailer courts will be billed like any other multiple-occupancy units.

House trailers, either mobile or immobile, located on sites other than a park or court shall be billed in the same manner as any other family or business unit and, if applicable, subject to the multiple occupancy provision of this rate schedule.

SCHEDULE # 2

INDUSTRIAL SERVICE

The charge for the treatment of industrial waste will be calculated on the basis of the following formula:

$$Ci=VoVi=BoBi=SoSi$$

Ci=charge to industrial users per year.

Vo=average unit cost of transport and treatment chargeable to volume, in dollars per gallon.

Vi=Volume of waste water from industrial users, in gallons per year.

B₀ average unit of cost of treatment, chargeable to Biochemical Oxygen Demand (BOD), in dollars per pound.

B₁ weight of BOD from industrial users, in pounds per year.

S₀ average unit cost of treatment (including sludge treatment) chargeable to total solids, in dollars per pound.

S₁ weight of total solids from industrial users, in pounds per year.

When an industrial user is to be served, a preliminary study of its waste, and the cost of transport and treatment thereof will be made. Waste containing materials which, in the judgment of the Sanitary Board, should not be introduced into the sewer system need not be handled by it. The results of this preliminary study will be used to determine the feasibility of the proposed sewer service and the charge thereof, based upon the formula set out above.

Thereafter, industrial sewage will be monitored on a regular basis at the conclusion of each fiscal year, based on the investigation aforesaid and audit of Sanitary Board records, new costs figures will be calculated for use in the above formula. The cost of establishing the monitoring facilities shall be paid by the industrial user. Based on these audited figures, additional billings covering the past fiscal year will be made for payment by each industrial user, or refund given by the Sanitary Board, as the case may be. Such audited figures will be used for the preliminary billing for the next fiscal year, at the end of which an adjustment will be made as aforesaid.

SCHEDULE # 3

APPLICABLE INSIDE AND OUTSIDE OF THE CORPORATE LIMITS OF THE CITY OF NITRO.

Where the amount of sanitary sewage discharge into the Nitro waste treatment system by certain industrial plant or plants

cannot be accurately determined by the use of the plant's water meter or meters, a special formula will be used whereby such plant or plants will pay to the Sanitary Board of the City of Nitro a sewer charge calculated at fifty (50) gallons of water per each employee at the plant each working day.

SCHEDULE # 4

Applicable inside and outside the Corporate limits of the City of Nitro.

SERVICE CONNECTION FEE

1. Service Connection Inspection Fee-- \$50.00

To apply where the service connection is in place ready for the owner to connect, generally at the property line.

2. Service Connection Fee-- \$300/or the actual cost, which ever be the greater amount.

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

DIVISION 2 --- AMENDING DIVISION 11 --- EFFECTIVE DATE ---

This Ordinance shall become effective immediately after the public hearing required by Chapter 8, Article 8, Section 3 of the West Virginia Code of 1931, as last amended, and the affirmative vote of a majority of the City Council of the City of Nitro, West Virginia, such rates to be imposed at the first pay period after the expiration of forty-five days from the day of passage and enactment.

Don Hamer
CITY-RECORDER

The motion was seconded by Councilman Dr. Cassell, and the motion was passed unanimously.

Upon Mr. Vaughan's recommendation Councilman Dr. Cassell made a motion that a public meeting be held November 6, 1979 at 7:00 p.m. preceding the regular council meeting in reference to amending sanitary sewer rates. The motion was seconded by Councilman at Large Dr. Allen, and the motion was passed.

REQUEST FROM NITRO JR. HIGH BAND BOOSTERS TO HOLD A TAG DAY ON OCTOBER 6, 1979 (BRENDA TYLER, CHAIRMAN, FUND RAISING): Councilman at Large Jack Legg and Chairman of the Civic Betterment Committee read a portion of the letter from Brenda Tyler. He, then, made a motion to grant the Nitro Jr. High Band Boosters to hold a tag day on October 6, 1979. The motion was seconded by Councilman at Large Pennington, and the motion passed unanimously.

STREET REPAIRS NEEDED: Mrs. Juanita Goss who had asked to be put on the agenda was absent. However, Mrs. Hattie Tincher, stated that they came up on Thursday and fixed our street; they put the blacktop in, it rained all day on Friday and our mud hole is back. She said, we need some more ditching or something.

Mayor Gibson said we will check it out and see what we can do.

SPEED LIMIT SIGNS NEEDED: Mr. Charles S. Brown, 502 Michigan Avenue, had requested speed limit signs on the 500 block of Michigan Avenue. Ms. Eve Frazier stated that Mr. Gene Taylor called and supported Mr. Brown's request. She said that Mr. Taylor felt that they also needed a stop sign near the railroad crossing.

Chief of Police, Leo Bradley recommended that a 15 mile per hour speed limit be posted and that appropriate stop signs be placed on the 500 block of Michigan Avenue.

Councilman at Large Pennington made a motion that on the 500 block of Michigan Avenue a 15 mile per hour speed limit be posted and that a stop sign be appropriately placed. The motion was seconded by Mr. Karnes and the motion passed unanimously.

PLANNING COMMISSION MEETING HELD SEPTEMBER 24, 1979 - 7:30 P.M.: Mr. Karnes, City Recorder and Vice President of the Planning Commission stated that Dr. Charles Byrd, President of the Planning Commission had suggested they have an immediate plan, a 5 year plan and a 10 year plan.

Mr. Karnes said in any situation things are going to change, and the purpose in planning is to have more organized, more useful, and more productive changes. He said he believed the Planning Commission is now in gear to follow that route under Dr. Byrd's guidance.

Mr. Karnes stated that at the meeting held September 24, 1979 that they did not have a quorum; and there would be no minutes of that meeting.

Mr. Karnes announced that the next Planning Commission meeting would be October 8, 1979 at 7:30 p.m., and said he would like to have as much public participation as possible.

COMPLAINT REGARDING A PARKING CONDITION AT THE EXTENSION OF THIRD AVENUE BETWEEN FOURTH (4) AND THIRD (3) STREET: Mr. Wilmer Lane of 415 4th Street stated that the area he was referring to was the space of Third Avenue right-of-way where Third Avenue dead ends at Fourth Street. He further stated that the area had been used for years for parking of vehicles. Mr. Lane said that earlier this year a neighbor who owns adjoining property on the hill side of the street of that extension put stone in there, and put a PRIVATE NO PARKING sign at the side and also at the back where the stone ended. He said he had been protesting this for quite some time.

Mr. Lane said about 6 weeks ago he put another load of stone in there and told me his sons didn't want me to park there anymore, so for me not to park there anymore.

Other problems in the same area were discussed by council. Mr. Karnes said that he felt that without looking the situation over that nothing could be resolved.

He made a motion that this be referred to the Street Committee and be placed on the agenda for the next council meeting, October 16, 1979.

Councilman Hughart then set a meeting of the Street Committee to look over the discussed area at Third Avenue and Fourth Street at 5:00 p.m. on October 3, 1979.

LEGAL OPINION OF BLACKWOOD STREET AND KANAWHA AVENUE SOUTH, AND OTHER RELATED STREETS: Mr. McCormick, City Attorney, stated that pursuant to the Mayor's request he had done some research in regard to the interest of the city in those certain streets commonly known as the Blackwood Development area. He went on to say that based upon his research and investigation of the minutes of the council meetings in the City of Nitro and opinions rendered th Circuit Court of Kanawha County, West Virginia, in related matters he thought the issue had to be addressed as whether the city had ever accepted the offer of dedication of the streets. He went on to say he had found nothing in the minutes which constituted a formal acceptance of the offer of dedication.

If the City accepted the offer of dedication and if at some subsequent time the property would be abandoned the property would revert to the abutting property owners. And if there is no formal acceptance of the offer of dedication then the fee in the streets would revert to the original developer.

Several of the concerned citizens wanted to know how it would effect them if the city made a formal offer of acceptance.

Mr. McCormick explained to them that as far as their day to day approach to that property was concerned it was not going to change a thing. But in the future if the city should decide to expand the right-of-way, then of course, that would have an effect on the property.

Councilman Hughart stated that he had intended to include all that is included on a map that was part of the annexation in the motion.

Mr. Lemmon of 108 Blackwood Street then stated that he disagreed with the opinion of the City Attorney about the land reverting back to the original grantors. He said that's not the way the law reads.

Mr. McCormick addressed Mr. Lemmon and said you are talking about private right between private individuals; that doesn't concern the city, I don't think I should be representing individuals; I represent the City of Nitro.

After further discussion, Councilman Hughart said, I move that all the streets and alleys as recorded in the eastern part of the City of Nitro that was annexed in the last annexation be formally accepted as dedicated to the City of Nitro. The motion was seconded by Dr. Cassell, and the motion passed unanimously.

POLICE COMMITTEE MEETING THURSDAY, SEPTEMBER 27, 1979, 8:30 P.M.: Councilman at Large Dr. Allen, Chairman of the Police Department Committee, stated that he had just this evening got the minutes of that meeting and that he would like for the councilmen to look them over and try to analyze what was said there. (Copy of Police Department Committee Meeting Minutes is in supplement file to the Council meeting Minutes.)

Councilman at Large Dr. Allen said that they were having another Police Department Meeting in the very near future. Mayor Gibson said that he thought it would be good if the City Attorney, Mr. McCormick, were to be present.

Mayor Gibson stated that he had talked to Mayor Leone and that Dunbar had voted to have their "trick or treat" night Tuesday, October 30, 1979, 6:00 p.m. until 9:00 p.m. and suggested that Nitro change their date to coincide with Dunbar.

Councilman at Large Pennington made a motion that Nitro observe "trick or treat" night Tuesday, October 30, 1979, 6:00 p.m. until 9:00 p.m. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence (Correspondence is in Supplement File to Council Meeting Minutes):

1. Mayor Gibson had received a letter dated September 13, 1979 from Dan E. Warner, Appalachian Engineers, Inc. in reference to Barrington Road landslip site, and methods discussed as to retarding the slippage along the piling installed by Estill & Greenlee.

2. Mayor Gibson received a letter dated September 13, 1979 from Dan E. Warner, Appalachian Engineers, Inc. in reference to Hickory Street Landfill, and necessary construction of 24" storm drain prior to actual landfilling operations.

3. Mayor Gibson received a letter dated September 13, 1979 from Regional Intergovernmental Council in reference to the maintenance building.

4. September 17, 1979, Nitro Planning Commission Meeting Minutes

5. Mayor Gibson received a letter dated September 20, 1979 from Charles L. Miller, Commissioner of West Virginia Department of Highways, in reference to proposed intersection improvement in Nitro at West Virginia Route 25 and 21st Street.

6. Nitro City Council received a letter dated September 20, 1979 from John E. Homer, 208 Brookhaven Drive, Nitro, in reference to manner of parking vehicles.

7. Mayor Gibson received a letter dated September 21, 1979 from R. S. Dawson, Vice President & Manager of the West Virginia Water Company in reference to three proposed fire hydrants in Nitro: Park Avenue and 11th Street West, Broadway Avenue 250' south of 11th Street West, and corner of Layne Avenue and Boundary Street. This information was referred to the Fire Department Committee.

8. Mayor Gibson received a letter with attachments dated September 21, 1979 from J. Kemp McLaughlin, Executive Director, Kanawha County Emergency Ambulance Authority.

9. Report for month of August from Leo Bradley, Chief of Police, Nitro Police Department (Attached was report from Jack O'Dell, Humane Officer for month of August).

MAYOR GIBSON CALLED FOR COMMITTEE REPORTS:

MR. MCCORMICK, CITY ATTORNEY: Mr. McCormick referred to a proposed ordinance relevant to the abandonment of a portion of the right-of-way retained by the city and East View Land Company located on Lock Street. He said basically this relates to an encroachment by a single family residence which was built within the right-of-way. Mr. McCormick further stated that in order to clear the title of this particular parcel the property owner has requested that the city abandon its interest in that portion of the right-of-way upon which his home was constructed. He stated that the ordinance was self-explanatory.

Councilman Hughart made a motion to refer the proposed ordinance to the Ordinance Committee. The motion was seconded by Councilman Dr. Cassell and was passed unanimously. Councilman Hughart said that the committee would report back to council next meeting, October 16, 1979.

Mr. McCormick further stated that Councilman Hughart had asked him to do research in regard to the issue of whether council has the power by resolution to make minor changes in the street system in the City of Nitro. He said that in his opinion there was nothing in the State Code that requires any minor modifications to be enacted by ordinance so therefore with regard to the Old County Road issue, it can be modified by resolution instead of an ordinance.

Mayor Gibson then ask if it could be enforced thereafter if these minor modifications were enacted by resolution instead of by ordinance.

Mr. McCormick, City Attorney, stated that it could be enforced.

Councilman Hughart said that this has to do with the mail delivery on Old County Road where one of the requests by the post office department was to change it to a one-way street.

Councilman Hughart made a motion that the following resolution, which he read, be adopted:

R E S O L U T I O N

No. 79-9

BE IT RESOLVED, by the City Council, City of Nitro, Kanawha County, West Virginia that effective immediately upon passage

IT IS HEREBY RESOLVED that the street commonly known as Old County Road shall hereafter be designated as a one way street and that said designation shall apply to the portion of Old County Road commencing at Red Oak Street and running in a northwesterly direction to its intersection with U.S. Route 25, said street to be for vehicular traffic traveling in a northwesterly direction.

BE IT FURTHER RESOLVED that the appropriate city official take any and all necessary actions to designate said Old County Road as a one way street.

This resolution read and adopted the second day of October, 1979.

 
MAYOR


RECORDER

The motion was seconded by Mr. Karnes and was passed unanimously.

COUNCILMAN AT LARGE PENNINGTON: no reports.

COUNCILMAN AT LARGE LEGG: no reports.

COUNCILMAN DR. CASSELL: no reports.

MAYOR GIBSON: requested permission to arrange for the annual Christmas dinner for senior citizens for the early part of December and reserve the high school, junior high school, or church to have this dinner. Councilman Hughart made the motion to give Mayor Gibson permission to arrange a Christmas dinner for the senior citizens. Councilman at Large Pennington seconded the motion, and the motion passed unanimously.

COUNCILMAN HUGHART: no reports, but he introduced Miss Pattie Cook of 16 Penwood Avenue who expressed a need for a fire hydrant on Penwood Avenue.

COUNCILMAN MILLER: no reports.

DON KARNES, CITY RECORDER: Mr. Karnes stated that in regard to the soccer request he had put Mr. Huzzey in touch with Mr. Graves who owns a parcel of land suitable for soccer and felt this is all we can do at this time.

In reference to the library parking for patrons, Mr. Karnes said it would cost around \$1,100 for a paving company to put in stone and pave it; if the city is willing to scalp and prepare the land to make it level.

In reference to the sidewalk situation on 26th Street Mr. Karnes requested the citizens prepare a new petition.

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



MAYOR



RECORDER

NITRO CITY SPECIAL COUNCIL MEETING

NITRO, WEST VIRGINIA

OCTOBER 12, 1979

A special session of the Nitro City Council was held in the Council Chambers on October 9, 1979 at 8:00 p. m. Present were Don Karnes, City Recorder, Councilman at Large Mel Pennington, Councilman at Large Jack Legg, Councilman Gus Bailey of the IV Ward, Councilman Dr. Guy Cassell of Ward I, Councilman Romie Hughart of Ward II, and Clifford McKay resident of Sattes Circle.

The meeting was called to order by Don Karnes, City Recorder. Mr. Karnes asked that the special meeting notice be made a part of the Minutes. It was so ordered.

The special meeting notice is as follows:

City of Nitro

NITRO, WEST VIRGINIA 25143

WM. D. (BILL) GIBSON
MAYOR
755-5643

Looking to the Future

DON KARNES
RECORDER-TREASURER
755-3521

TO THE MEMBERS OF COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA:

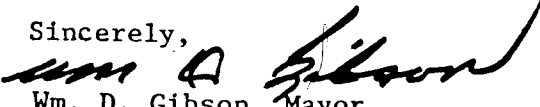
JACK LEGG, R.V. ALLEN, GUS BAILEY, GUY CASSELL,
MEL PENNINGTON, ROMIE HUGHART, DEAN MILLER.

You, and each of you, will please take notice that a Special Meeting of the Council of the City of Nitro, West Virginia is hereby called and will be held in the Council Chamber in the City Hall of the City on the 9th day of October, 1979, at 8:00 P.M. for the following purpose: To consider and act upon all matters relating to the paving and the permanent improvements of the following named streets in the City of Nitro, Kanawha and Putnam Counties, West Virginia.

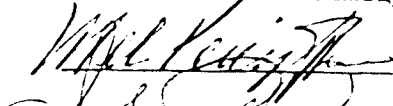


HOLLY STREET, from its intersection with Main Avenue to its common intersection with Valentine Circle and Sattes Circle.

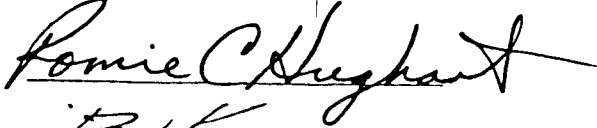
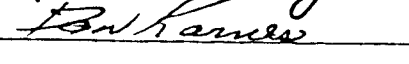
SATTES CIRCLE, from its intersection with Holly Street and encompassing all of said Sattes Circle.

Sincerely,


Wm. D. Gibson, Mayor
City of Nitro

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

NITRO CITY SPECIAL COUNCIL MEETING

NITRO, WEST VIRGINIA

OCTOBER 12, 1979

A special session of the Nitro City Council was held in the Council Chambers on October 9, 1979 at 8:00 p. m. Present were Don Karnes, City Recorder, Councilman at Large Mel Pennington, Councilman at Large Jack Legg, Councilman Gus Bailey of the IV Ward, Councilman Dr. Guy Cassell of Ward I, Councilman Romie Hughart of Ward II, and Clifford McKay resident of Sattes Circle.

The meeting was called to order by Don Karnes, City Recorder. Mr. Karnes asked that the special meeting notice be made a part of the Minutes. It was so ordered.

The special meeting notice is as follows:

City of Nitro

NITRO, WEST VIRGINIA 25143

WM. D. (BILL) GIBSON
MAYOR
755-5643

Looking to the Future

DON KARNES
RECORDER-TREASURER
755-3521

TO THE MEMBERS OF COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA:

JACK LEGG, R.V. ALLEN, GUS BAILEY, GUY CASSELL,
MEL PENNINGTON, ROMIE HUGHART, DEAN MILLER.

You, and each of you, will please take notice that a Special Meeting of the Council of the City of Nitro, West Virginia is hereby called and will be held in the Council Chamber⁹ in the City Hall of the City on the 9th day of October, 1979, at 8:00 P.M. for the following purpose: To consider and act upon all matters relating to the paving and the permanent improvements of the following named streets in the City of Nitro, Kanawha and Putnam Counties, West Virginia.

HOLLY STREET, from its intersection with Main Avenue to its common intersection with Valentine Circle and Sattes Circle.

SATTES CIRCLE, from its intersection with Holly Street and encompassing all of said Sattes Circle.

Sincerely,

Wm. D. Gibson
Wm. D. Gibson, Mayor
City of Nitro

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

Mel Pennington
Gus Bailey
Jack Legg

Romie C. Hughart
Don Karnes

Mr. Karnes stated that the purpose of this special meeting is explained in the special meeting notice. We have only one bid and it is from orders and Haynes. The bid was given to Councilman Hughart, Chairman of the Street and Traffic Committee.

Councilman Hughart then ask if advertising had been done according to our legal requirements.

Don Karnes, City Recorder said it had to the best of his knowledge but recommended that be determined by the City Attorney. With this answer from Mr. Karnes, Councilman Hughart opened the bid. After looking it over Councilman Hughart said everything seems to be in order but ask that the City Attorney look it over and make sure it is in compliance also. Councilman Hughart then quoted the bid prices; Holly Street \$6,800.00 reduced to \$6.80 per lineal foot per property owner, Sattes Circle \$20,250.00 reduced to \$5.95 per property owner.

Mr. Clifford McKay was asked his views on the bid price and he said he was in favor of accepting the bid.

After comments from each of those present Councilman at Large Pennington made a motion to accept the bid from Orders and Haynes. It was seconded by Councilman Dr. Cassell. The question was called and the vote was unanimous. There was a motion and a second for adjournment. The vote was unanimous.

Don Karnes
CITY RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

OCTOBER 16, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on October 16, 1979 at 8:00 p.m. Present were Don Karnes, City Recorder, Councilman at Large Jack Legg, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey. Also present was Mr. Jeremiah McCormick, City Attorney. Mayor William Gibson and Councilman at Large Dr. R. V. Allen were absent.

The meeting was called to order by Mr. Don Karnes, City Recorder. The invocation was given by Councilman Gus Bailey.

APPROVAL OF OCTOBER 2, 1979 COUNCIL MEETING MINUTES: Councilman at Large Pennington made a motion that the October 2, 1979 Council Meeting Minutes be approved. It was seconded by Councilman Dr. Cassell. Before a vote was taken Councilman Hughart ask for clarification of the word fee on paragraph one, on page 290. Mr. McCormick stated that the word was fee simple meaning entire title to the property. Then Mr. Karnes pointed out that several typographical errors had been corrected in the ordinance concerning the proposed rate increase for the Nitro Sanitary Board. He stated that when the minutes are approved then these correction would be approved.

Mr. Karnes, then asked if there were any questions concerning these corrections. Since there were no questions he called for a vote on the minutes and they were passed by unanimous vote.

APPROVAL OF OCTOBER 9, 1979 SPECIAL COUNCIL MEETING MINUTES: Councilman Hughart made a motion that the October 9, 1979 Special Council Meeting Minutes be approved. The motion was seconded by Councilman Bailey and passed by unanimous vote.

APPROVAL OF SEPTEMBER 1979 FINANCIAL STATEMENT: Mr. Karnes, City Recorder ask for a motion on September 1979 Financial Statement. The motion was made by Councilman at Large Jack Legg and seconded by Councilman at Large Pennington.

Mr. Karnes then stated that he had eliminated several accounts and the reason for this was that some carried an inactive balance and some carried no balance at all. He went on to say that the ones he felt were unnecessary he closed and transferred the money to the proper places.

Councilman Miller then ask if the \$86,000 in round figures were unpaid bills. Mr. Karnes stated that was exactly right. Councilman Miller then asked why have we gotten into this position and if this was a normal position. Mr. Karnes said that it should not be a normal position. But he went on to say that it reflects the position that the City of Nitro has been in for quite a while.

Mr. Karnes, City Recorder then said that Nitro's financial position was partially because collections for the city had been less than anticipated and that the payroll had been much higher for the summer. He stated that the October financial statement would look a whole lot more favorable because collections for October have been better. He went on to say that he predicts we would be in pretty good shape a little later.

After further discussion Mr. Karnes called for a vote, and it was passed by unanimous vote.

REQUEST FROM ROCK BRANCH ELEMENTARY SCHOOL ASKING FOR SUPPORT IN THEIR FALL CARNIVAL: Councilman at Large Jack Legg, Chairman of the Business and Civic Betterment Committee, stated they had received a letter from Mr. Clinton Beaver, Principal at Rock Branch Elementary School wanting support from the City Council to solicit in the City of Nitro for their school fall carnival. Councilman Legg then made a motion that they grant the school permission to solicit in the City of Nitro. It was seconded by Councilman at Large Pennington. It was then passed unanimously.

REQUEST FROM SALVATION ARMY TO PLACE KETTLES IN FRONT OF BUSINESS CENTERS IN NITRO DURING THE CHRISTMAS SEASON: Councilman at Large Jack Legg, Chairman of the Business and Civic Betterment Committee made a motion that they grant the Salvation Army permission to place kettles where they so desire in the City of Nitro. It was then seconded by Councilman Dr. Cassell and passed unanimously.

COMPLAINT REGARDING A PARKING CONDITION AT THE EXTENSION OF THIRD AVENUE BETWEEN FOURTH (4) AND THIRD (3) STREET: Councilman Hughart, Chairman of the Street and Traffic Committee, stated that the committee had met at the location of the parking complaint October 2, and that they had looked the site over but there has been no resolution to the problem. He requested that this be left in committee, and that this be placed on the agenda for the next council meeting, November 6, 1979.

PROPOSED ORDINANCE RELEVANT TO THE ABANDONMENT
OF A PORTION OF THE RIGHT-OF-WAY RETAINED BY THE CITY OF NITRO
AND EAST VIEW LAND COMPANY LOCATED ON LOCK STREET:

Councilman Hughart, Chairman of the Ordinance Committee, stated that the committee has not met as a committee but that each of them had been in the area looking this over, but that they have resolved nothing yet. He requested this be left in committee and that this be placed on the agenda for next council meeting, November 6, 1979.

PLANNING COMMISSION MEETING HELD OCTOBER 8, 1979

7:30 P.M.: Mr. Karnes, City Recorder and member of the Planning Commission, stated that when the date was set for this meeting that no one realized it was a holiday, but they did have the meeting anyway, more or less as a discussion type meeting, not a formal meeting. He said that different suggestions were discussed as to how to get the citizens involved.

Mr. Karnes stated that the next Planning Commission Meeting is scheduled Monday, October 22, 1979 at 7:30 p.m.

Mr. Karnes, City Recorder, stated he would briefly go over the correspondence that council had received copies of since last council meeting (Correspondence is in Supplement File to Council Meeting Minutes):

1. Mayor Gibson had received a letter dated October 5, 1979 from Sue C. Moss, property owner of the apartment building at 201½ First Avenue in reference to not being able to have cable service installed for the tenants in her building.

2. Mayor Gibson received a petition dated August 24, 1979 from the tenants of 201½ First Avenue in reference to getting cable service installed in their building.

Councilman at Large Pennington then made a motion that the Mayor or Mr. Karnes write a letter to Kanawha Cable Vision and refresh their memory on some of the promises they have made our community and ask for a reason or some information why those people can't have cable service. The motion was seconded by Councilman Hughart. Councilman Hughart then went on to say that he felt that the letters from the citizens should be attached to the letter to Kanawha Cable Vision. So the motion that a letter be sent to Kanawha Cable with attachments was voted on and passed.

3. Gene Williams, Director of Public Works received a letter dated September 17, 1979 from John B. Shawhan of 1403 Main Avenue and with an attachment dated October 4, 1979 in reference to a drainage problem in front of 1403 and 1405 Main Avenue.

4. Newspaper article dated Friday, October 5, 1979 in reference to the Kanawha County Emergency Ambulance

Authority and KRT Levy to be voted on December 15, 1979.

Mr. Karnes, City Recorder then stated that a special meeting of the Ambulance Authority had been called on October 15, 1979. He stated that it had been a get together rather than a formal meeting. He went on to say that he attended and he received a proposed budget for the next year if the levy passed. The levy will fund both the Kanawha Valley Regional Transportation Authority and the Kanawha County Ambulance Authority. The levy was then discussed by the council.

5. Mayor Gibson received a letter dated October 16, 1979 from Nitro Jr. High Athletic Boosters Club requesting permission to sponsor a bon-fire for the Nitro Jr. High School at 9:00 p.m. Thursday evening, October 18, 1979 on the parking lot at city park.

Councilman at Large Legg and Chairman of the Business and Betterment Committee made a motion that they be granted permission to have the bon-fire. It was seconded by Councilman Dr. Cassell. Councilman at Large Legg went on to say that they will clean up afterwards as their letter indicates and be in cooperation with our police and fire departments. The motion was then passed by unanimous vote.

6. Report for month of September from Leo Bradley, Chief of Police, Nitro Police Department (Attached was report from Jack O'Dell, Humane Officer, for month of September).

MR. KARNES, CITY RECORDER, CALLED FOR COMMITTEE REPORTS.

COUNCILMAN MILLER: No reports. But Councilman Miller said he had been approached about the parking area in front of Casto's Hardware and around that area; concerning gravel being put there to be prepared for winter.

Councilman Bailey referred to the house number duplication on Old County Road, and Councilman Miller requested that this be put on the agenda for the next council meeting, November 6, 1979.

COUNCILMAN HUGHART: He said he thought that the Council ought to know that there was a request from a citizen of Nitro for a copy of the October 2, 1979 Council Meeting Minutes. And it was made known that they wanted this copy to send to their attorney. After further discussion Councilman Miller requested that someone do research into the cost and charges of duplicating minutes. He went on to say he felt that copies of the minutes should be readily available to the public.

MR. MCCORMICK, CITY ATTORNEY: no reports.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN BAILEY: He stated he had received complaints about Michigan Avenue South off Blackwood Street where the sewer line had been put in. He stated that the road had been worked on but since that time had sunk again. Mr. Karnes stated that since this was the result of a sanitary sewer line the expense would be under the budget of the Nitro Sanitary Board.

COUNCILMAN AT LARGE LEGG: no reports.

COUNCILMAN AT LARGE PENNINGTON: no reports.

Councilman at Large Pennington made a motion for adjournment and it was seconded by Councilman Dr. Cassell. It was then passed by unanimous vote.



MAYOR

RECORDER

cg/ld

PUBLIC HEARING
NITRO CITY COUNCIL-NITRO SANITARY
BOARD

November 6, 1979

305

ATTENDING:

City Council Members: Mayor Wm. D. Gibson; City Recorder, Donald Karnes; Councilman-at-Large, Jack Legg; Roy Allen; Councilman Gus Bailey, Romie Hughart, Guy Cassell, Mel Pennington. Absent was Councilman Dean Miller.

Sanitary Board: Board Member Doug Bess and Victor Wilford. Secretary, Connie Stephens; Attorney, Dennis R. Vaughan, Jr., and Jim Withrow; Consulting Engineer, Robert Y. Hayne of Appalachian Engineers, Inc. Accountant, Bob Cunningham.

Mayor Gibson opened the meeting by welcoming those present; stating that this was a Public Meeting, in reference to a sanitary sewer rate increase for the City of Nitro. This meeting has been duly advertised in the paper and meets the requirements as set forth by law.

Mayor Gibson stated that he would like to let the Sanitary Board attorney, Dennis R. Vaughan, Jr., lead the meeting, as he sees fit.

Mr. Vaughan stated that he had represented the Nitro Sanitary Board for a number of years. Mr. Vaughan further stated that what we have before us tonight, and I should note that this is a Public Hearing, which was called and is being held pursuant to the requirements of the West Virginia Code, relative to any rate increase in sewer charges. There is no stated procedure that must be followed in regard to these hearings.

Relative to the recent changes of the West Virginia Legislature, this type of hearing and procedures would have been conducted before the Public Service Commission. What we are going to have tonight is a Public Hearing, but at the same time, the Sanitary Board, through its various members and employees presenting to both the Council and the Public, justification for the increase in rate or tariff. Mr. Vaughan stated that he should note at the outset that this hearing is called pursuant to notice that has been run in the Putnam Democrat on October 25, 1979 and November 1, 1979. Also in the Kanawha Valley Leader on October 24, 1979 and October 31, 1979. The West Virginia Code requires that it be published in two papers in the general circulation area of the city. The two runnings must commence at least ten (10) days prior to the hearing. I will be submitting to Council the actual certificate of Publication when it is made available to me by the various

publishers.

Mr. Vaughan stated that he would like to first call Mr. Doug Bess to provide to Council as well as to the interested persons that are here tonight a short history of the Sanitary Board and of the Nitro Sanitary Sewer System. At this time I will introduce to you Board Member Doug Bess. Mr. Vaughan asked Mr. Bess to give those present some benefit of his background, training and skills.

At this time Mr. Doug Bess took the floor stating that he was one of the two (2) Public Members of the Nitro Sanitary Board. Mr. Bess further stated that he had been on the Board since either late 1972 or early 1973. I have been a resident of Nitro since 1950 and am employed by Union Carbide Corporation. The work on the Sanitary Board is something like a busmans holiday as I am involved in Environmental Protection activities with Union Carbide, and have been so involved with them for something like over twenty (20) years.

Mr. Bess stated that he would like to describe, as Mr. Vaughan has indicated, a little about the Sanitary Board and the history of our system and a few remarks about some of the problems we have; which is one of the reasons why we are appearing before Council and the Public to request a rate increase.

Mr. Bess further stated that the Sanitary Board is required by Public Health laws of the State of West Virginia to have two (2) Public Members appointed by Council and that the Mayor of the Municipality serve as the third member of that Board; and also that he be Chairman of the Board. Our Board has the responsibility to instruct, operate and maintain facilities used to collect and dispose of sewage. The Board is to be a free-standing operation, in other words, we are to charge adequate fees so that our income is enough to offset the expenditures that we have to make. This has been a problem to the Board over the past number of years; for a number of years we have actually taken benefit of some of the City's employees and funds in order to carry out our activities. Basically we to collect an income that is necessary to off-set both the operations, bonds and

as well as other obligations of the system.

Mr. Bess stated that he would like to describe some of the history of the system, which goes back, some parts of the system to World War I. At this time Mr. Bess went into some of the past history of the system; that at one time it was a privately owned system, purchased from the government, this was ground, houses as well as sewer systems in Nitro. This did not include that part of town that was not part of the original boundaries of the town. In 1959, the State of West Virginia, Division of Water Resources; ordered the owners of the system to provide treatment for the wastes, instead of discharging them directly into the river. Shortly thereafter the system was conveyed to the City by the private owners of the system.

In 1962, in compliance with the order, the City began the operations of a Primary Treatment System. This was built in order to give the wastes Primary treatment, a crude form of treatment involving only the separation of the settling of the solids from the wastes before being discharged into the receiving waters. For the construction of the treatment system and the construction of the pipelines to transport the collective wastes to the system, the purchase of the system from the Private owners; there was a bond issue of \$966,000.00. This will be finally retired in 1998, the Sanitary Board is still paying for that original expenditure.

In 1964 and subsequent years to 1964, the State Division of Water Resources ordered the City of Nitro to proceed with Secondary Treatment of wastes. This was a level of treatment that was being required of all other cities, industries in the Kanawha Valley; essentially in the United States. There was not too much done for a number of years; but at the time the present Chairman became Chairman of the Sanitary Board, the plans were activated and funds were requested from the Environmental Protection Agency (EPA) to aid in construction of the Secondary Treatment System. This represented a type of treatment that was effective on those materials that were dissolved within the sewage and would take out what is known as

Oxygen Demand, and prevent the discharged material from reducing the oxygen in the receiving waters.

The total project in this case, which was completed and placed in operation in 1976, represented a Capital expenditure of about \$2,500,000.00; this was only for the construction of the treatment facility and the extension of collection lines to areas of the city that had been annexed into the city in the interim. In this period of time we had very serious problems with inflation and the project actually cost about one-half million more than we had anticipated.

Mr. Bess stated that he would like to discuss some of the problems in the collector system that we have, this is one of the reasons that we are coming before you. The collector system that we operate for the collection of waste from the various areas of the city, during the period of time between our initiation of construction of the secondary facility and the present time, we have had several major failures in this collection system. Three of these totalled, in repair costs, over \$60,000.00. This particular money, as this was not a planned project, had to be paid for entirely out of Sanitary Board funds. Sixty thousand dollars is quite a significant amount of money. In addition to these failures we are experiencing in some parts of the system; some of these lines were installed in 1935. In this same section of the line there are some serious overload problems, when we have heavy rains we have sewage overflowing into the yards and homes of the residents.

What we have done in this particular area, as a matter of fact, in the entire town, is to initiate a survey which is funded by the Environmental Protection Agency; this to determine just what problems we have in our system, to catalog all this so that we can get started on a planned program of action. Our engineering firm expedited that section we call the Armour Creek Main, we have determined that approximately, and this is only approximately at this time,

and I am sure that you can appreciate that with inflation being what it is, it is very difficult to pin down costs; this will approximately represent an additional expenditure of in excess of \$1,000,000.00. We hope that this will be 75% funded by the Environmental Protection Agency (EPA). This will mean something like \$250,000 to \$300,000 that must be funded by the Sanitary Board from the revenues we obtain from the citizens.

Mr. Bess pointed out that this was only one area of the system where we have problems, we are sure that we have other problems, but we hope not as serious as this. There will be additional expenditures facing us in the time ahead and as I say we want to do these on a planned basis. If we have to get into the repair or replace this Armour Creek Main on an emergency basis, then we would have to fund the entire \$1,000,000. Mr. Bess further stated that he would not go further into the other problems of the system, as these were not the only problems we have.

Mr. Bess suggested that we, the Board Members, give their presentations and then defer questions until that time.

At this time Mr. Victor Wilford took the floor on behalf of the Sanitary Board to state some more of the boards present needs and some of the future projections that have been worked up.

Mr. Wilford stated that he was the other Public Member of the Nitro Sanitary Board, moving to Nitro in 1972. Mr. Wilford became a member of the board in 1976, while construction was proceeding on the new plant. As the State Code requires that the board have a registered engineer on the board at the time of construction, this was how I came to be a member of the board.

Mr. Wilford further stated that he was a registered engineer in the state of West Virginia, and have been employed with the State Health Department for about 10 years. I am strictly on drinking water with the State Health Department. As Mr. Bess alluded, we have a lot of future needs of the Board,

we have a lot of problems in the city. Our prime importance is what we call our Armour Creek Main, which is the service line extending out 39th Street/40th Street, in that area; also coming into this is the entire section of Nitro from approximately 21st Street this side of the rail-road tracks westward. We have had a number of problems for the last several years, everytime we get heavy rains, we have sewage backing up in peoples basements, manholes overflowing, a number of things like this.

Mr. Wilford stated that we have service people that want to tap onto this line, which has of course, made the situation worse. If we had, it would have made the situation worse. In an effort to try and hold the status quo, we were granted a moratorium by the Public Service Commission, until such time as we can do some upgrading. However, it is not a matter of making a moratorium, and saying no more people, the Public Service Commission, gave in their order and under the State Code, it says that the City of Nitro is in the business to provide service to the people; if people want to come onto the line, then we must take them. In that effect the Moratorium is only temporary, until we up-grade that line, which the Public Service Commission has ordered us to do. In this light we must file with the Public Service Commission every ninety (90) days, progress we are making along that line.

As Mr. Bess indicated it is over \$1,000,000 to do the work, if we go through EPA we are eligible for 75% of that cost, therefore, we still have to raise some \$250,000 to \$300,000. The proposed rates that we have presented include monies to provide retirement of bonds on that amount for the local share. This is one major area of prime importance that we have to address ourselves, we have no alternative, we are ordered to do so, we cannot let this lie. We have to work toward that goal of up-grading that main. We do have some other areas in the city, as has been indicated, there are minor problems that either need to be replaced or repaired. It is generally accepted that a sewer line has a

forty (40) year life, many of these lines are approaching this age or have gone over, they have been used beyond their expected life. We will continue to have problems until we can do the routine maintenance and repair or replacement that is necessary.

In view of this, there are many minor areas that we could do ourselves if we had the proper equipment. Right now the only equipment that the Sanitary Board has is pick, shovel and manual labor. Any type of larger work done in repairs or line replacement we must contract out, at fairly high costs for equipment. Therefore, we are looking at such things as a backhoe to cut down our labor costs. We need line cleaning equipment, such as high pressure sewer cleaners, rodding equipment, this type of thing. We also need storage areas, we currently have no storage facilities what-so-ever. If you buy equipment and leave it outside, then it will deteriorate very rapidly.

Mr. Wilford further stated that another big area that we are concerned with, deals with inflation, as Mr. Bess has indicated. In the last two years alone, the average utility cost of these utilities; Columbia Gas has increased rates 50%, Appalachian Power Company at 28%, West Virginia Water Company at 13%. Gasoline for the vehicles of the Sanitary Board, this has increased over 40% in the last year alone. Everything that we buy, all our chemicals, it has all gone up, this is a major problem. Our only source of income is from rates. It is not so easy as in private business, where you can raise prices with inflation.

Labor costs is another area that has increased, we need at least two Class III Operators, presently we have neither. We have advertised, and all the demands for salaries are far above our capacity to pay at the present time. In light of also needing operators that we do not have, we also need additional work force to provide service to the citizens. To correct breaks as they occur, to do routine maintenance to save on future costs. Our present staff is approximately nine people, we have estimates that we will need at least thirteen persons to run

the system as it should be run.

Mr. Wilford stated that another major area of concern that we may have no choice in, is EPA under the 92-500 Law, which is the Clean Water Act, that provides construction grant funds of 75% funding. They have made a survey of new facilities that have been funded under this grant program, unfortunately only 30% of the plants constructed under the 92-500 in the United States, are in compliance with discharge requirements. This is not necessarily because of design, the major overwhelming factor was lack of competent manpower running the plants. Currently standards for licensing operators is left up to each individual state. Many states have been lax in pushing for licensed operators or requiring the plants to get licensed operators, EPA is now considering promulgating rules and regulations of Operation and Maintenance of sewage treatment plants. These would mandate that you hire a certain number of individuals of a certain caliber of education and licensing requirements. If they come out with this, one of our major concerns is that we may be faced with higher operating number of personnel and caliber of people that we feel we do need. These are some of our future problems.

Mr. Dennis Vaughan stated that as everyone present could see, and the Board was very lucky in that matter, and that the entire city of Nitro is lucky, to have gentlemen of this caliber and training for service to the city and to the citizens. Mr. Vaughan stated that he would like Mr. Robert Hayne of Appalachian Engineers to speak relative to the projection of future costs. I would like to note that these costs are incorporated in the tariff of the proposed ordinance. It is planned that some of the long term items will be taken care of by the issuance of sewer revenue bonds, this amortization is provided for in your ordinance.

Mr. Hayne stated he was the President of Appalachian Engineers, Inc., consulting engineers that has represented the Sanitary Board since 1972. The part that I would speak to tonight, are some of the items that are included

in this request for a rate increase, being the physical items that are needed by the Sanitary Board. Mr. Bess and Mr. Wilford spoke to you about the Armour Creek interceptor, the need to replace that is definite; I cannot reinforce their comments more forcefully except to say that I live in fear every day that the line will collapse again before we can get EPA to act on the application that the Mayor has submitted for funding.

As has been pointed out the line has failed in two significant places in the last several years. One near the treatment plant during construction and the other near 41st Street, where it was necessary to reroute the line around that area, at a considerable cost to the Sanitary Board. This was all out of current operating revenues, therefore, it is a tremendous drain if you cannot fund this over a long period of time. The rest of the line is in equally as bad condition, not only from a health point of view, but also from a physical point of view. The cost of replacement if it cannot be done in a reasonable length of time will be great. Those projected financing costs are included, other costs that are included are items at the treatment plant that are now necessary; and were not done under the original construction. It is now necessary to enlarge the sludge bed capacity, this to be done by one of several methods. The amount budgeted for this improvement is \$150,000.00, repairing existing beds to provide better drainage will amount to around \$12,000.00. We are needing equipment to maintain the existing machinery at the plant and the pump stations this has been a constant drain to the Sanitary Board. The fact that they are not able to maintain the lines properly has been a strong factor in costs of maintenance, as only emergency action can be taken, as there is not enough personnel to handle all the necessary maintenance; this is cleaning of lines and manholes on the system.

Mr. Hayne further stated that the smoke tests that were conducted have helped to locate lines, manholes, breaks and roof drains, as well as where

cross connections are on the sytem. It will now be up to the maintenance force to follow through on the problem areas. In order to maintain the lines, other equipment is needed by the Sanitary Board; with proper equipment and the necessary maintenance, these old lines in some parts of town will be able to give us a few more years service. Some of the items that have been put into this rate are: eeling equipment - \$1,500; these are approximate figures, backhoe - \$40,000, air compressor and tools - \$9,500, metal storage building - \$27,500. This is something that is needed, as you will want the initial investment protected. Also a high-valocity line cleaner and suction unit are needed - \$38,000, this comes to a total of around \$279,000; these are essential items of equipment, which they do not have now. The best interests of the Sanitary Board is to do this work with their own forces, it is much more cost effective.

This does not assume that the Sanitary Board will go into large construction, such as the Armour Creek Main, this is just routine maintenance of existing facilities.

Mr. Vaughan stated that he would like Mr. Bob Cunningham, accountant for the Sanitary Board to address the group.

Mr. Cunningham stated that he was a Certified Public Accountant with offices on 34th Street in Nitro, and has been the accountant for the Sanitary Board since 1972. An annual audit has been conducted each year, which generally entails receipts and expenditures of the Sanitary Board, and that the Board is spending its money legally and for the benefit of the sanitary system. The needs of the Sanitary Board has been put into dollars and has been reflected in the proposed rate tariff as published.

It has come out during audit that the repair and maintenance of the sytem for the year ending in 1978-1979, totalled some \$46,000, the 1977-1978 figures were some \$19,000, these figures were deferred these into the rate tariff and we feel this will enable us to undertake the necessary preventative maintenance.

Mr. Vaughan stated that he would like for Mr. Cunningham to state to those present, if in his feeling the proposed rate is justified from the accounting stand-point, and is it basically prepared in accordance with general accepted accounting principals. Mr. Cunningham stated that this was so, on the total revenue requirements, it was prepared in accordance with generally accepted accounting principals.

Mr. Vaughan asked Mr. Cunningham if based on his own experience using past records and present experience as well as future needs; do you see any way that the Sanitary Board can continue to operate and provide service that is necessary without this rate. Mr. Cunningham stated that no, he did not. The Sanitary Board has shown net operating losses for the last several years, with one exception, since I have been involved with the Sanitary Board. Mr. Vaughan asked if the Sanitary Board was self-sustaining. Mr. Cunningham stated that no really it was not. There has been much assistance in one form or another by the City of Nitro.

Mr. Vaughan stated that the next person he would like to make a presentation to the group would be Ms. Connie Stephens, on behalf of the Sanitary Board. Ms. Stephens is Secretary for the Sanitary Board and is really the day to day force that runs the Sanitary Board.

Ms. Stephens stated that she was Secretary/Treasurer of the Sanitary Board as well as the General Manager. Mr. Vaughan asked how long Ms. Stephens has been secretary of the Sanitary Board. Ms. Stephens stated that she had been Secretary/Treasurer since August, 1972 and had been General Manager since August 1978. Mr. Vaughan asked that in regard to the various duties, does this place you in a position of coming into contact with the customers and the needs of the system on a daily basis. Mrs. Stephens stated that yes this was so. Mr. Vaughan then asked if she had occasion to go out to the various line problems to talk to the workers and the contractors that were brought in to solve the problems. Mrs

Stephens stated that yes she did. Based upon these experiences, do you feel that the projected increase that is presently before City Council is justified in order to render the service which customers require.

Mrs. Stephens stated that very definitely. In many cases, on one area of town where we have had cave-ins, this on Appalachian Street, our mapping facilities; which we now have adequate mapping, due to efforts of Appalachian Engineers, did not show us what we needed to know about the line in that area. We did not have mapping from the area of Nitro from Ash Street through into Blackwood Street, therefore, it was necessary to spend time searching for the lines, then manholes, then determining the flow direction, before we could take any action to repair the break.

On this job one contractor was called in to handle the problem, it turned into a larger job that this contractor was able to handle; therefore, it became necessary to secure a larger contractor. We had about two blocks of residents involved on this, sewage backing up into basements, only one clean-out available for inspection, we had no pump in which to relieve the backing up of sewage. We were able to manage to locate and put in service a pump, then we were able to pump to an active line to keep sewage out of basements and give us time to locate the line and the flow. We had installed three manholes during the time the contractor was in the area, this has enabled us to deal better with any problems we encounter in this area. This break cost around \$10,000 to repair.

Mrs. Stephens stated that we were constantly running into lines that needed cleaning, manholes that need to be cleaned out, sewage backing up into basements. At this time we do ; not have anything to work with, nothing to clean lines, manholes, nor do we have the necessary manpower to handle thses matters. As the Nitro system is a combined system, we are constantly getting manholes blocked and lines filled with debris from open storm grating. Recently we have been calling on South Charleston Sanitary Board for the rental of their high-valocity line cleaning

equipment and men to aid us with cleaning out a problem area, something that we ourselves cannot handle without proper equipment.

Mrs. Stephens stated that we do not have the manpower nor the equipment to take care of our lines. We need the money necessary to give us the manpower and equipment we need to get the work done.

Mr. Vaughan asked Mrs. Stephens if the proposed rate before City Council, in your opinion, is this something that was arrived at hastily or something that has been given long consideration by the Board. You have been present in the meetings that have been held while working on the proposed rate, have you not.

Mrs. Stephens stated yes she was present, and yes much time and consideration was given by the Board on this matter. The Sanitary Board worked to compile a rate that would give us what we needed, but would not overburden the citizens. Mrs. Stephens stated that the Sanitary Board went into this rate at what you would call the bottom dollar. Mr. Vaughan asked Mrs. Stephens if she had provided to Council Members documentation relative to some of the items that we have discussed tonight. Mrs. Stephens stated that this was correct.

Mr. Vaughn stated that in that regard he would request that a copy of the documentation be made a part of the record of this proceeding this evening.

~~XXXXX~~ Mr. Vaughan ~~XXXXX~~ further stated that this concludes the presentation on the part of the Sanitary Board. Mr. Vaughan stated that he had been involved with this Sanitary Board for several years, and I have been impressed with the caliber of the individuals, as I have already noted to you. I have been impressed by their concern for both the welfare of the City and that of the citizens of Nitro. Most of all, I have been impressed with their desire to try to refrain from any increase in rates, it is very meritorious. However, there are certain problems that come from that approach, and I think that we are running into one of those problems right now. That is that at some point you have to come to

grips with the effect of inflation, the effect of both state and federal regulations and the fact that the citizens themselves demand greater service. The requests for up-graded service, as well as extended service, is documented in the minutes of various Sanitary Board meetings.

The only way that the Sanitary Board can meet the increased demands is in the form of its tariff. The present tariff was based on 1973 needs and presented to the West Virginia Public Service Commission. There have been no rate increases since that time. I will guarantee you that inflation has taken its toll in the last six (6) years. Noone likes a rate increase, on the other hand it is a reality, it is part of our life.

It has been presented to you, based on the evidence given by the Sanitary Board, that the ordinance before Council is justified, that the need is there; and literally dictates that as responsible members of government, that the Sanitary Board be provided with the authorization to charge a rate sufficient to provide the service required and requested by the Citizens of Nitro. Thank you.

At this time Mayor Gibson stated that they would allow five (5) minutes for each citizen that wishes to ask questions; those wishing to be heard please state your name and address.

Mr. Ed Maguire of Fenton Circle wanted to know what the procedure would be when the citizens complete their questioning period. How will the rest of the meeting be handled after that.

Mayor Gibson stated that the meeting would stand adjourned and then we would go into our regular Council Meeting.

Mrs. G. Legg of Dupont Avenue asked if this rate would apply to all citizens, senior citizens. Mayor Gibson stated that the rate as established does not offer any exceptions. Mr. Vaughan stated that the rate could not have a variance, as this would be discriminatory.

This was varified by the City Attorney, Jerry McCormick.

Mr. Ed Maguire asked that the rate as submitted be presented to those present for their inspection. This request was met. Also Mr. Vaughan stated that the ordinance had been published as per required by law.

There was a question by Mr. Maguire about the industrial recovery cost rate as established. It was explained by Mr. Bess that Nitro does not have any industrial waste in the system, with the exception of Pepsi Cola Company, and they are charged the same rate as the citizens of Nitro.

A point of concern voiced by Mr. Maguire was the fact that Nitro had a combination sewer system. Mr. Bess pointed out that this was a problem in a lot of cities, it does not ; mean that the sanitary waste is going out into the river, it means that the storm water is making its way to our treatment facility and therefore being treated with the domestic waste of the city. It has been determined by a national survey that it would be too costly to separate all the storm and sanitary sewer systems.

At this time a period of questioning came from the members of City Council, as there were no further questions from the citizens present.

First opportunity to speak went to Mel Pennington. His main concern was the cost projection on equipment, as the City needed equipment also. Also it has been stated that the Sanitary Board has operated in the red for some time, where did the money come from to pay the bills.

Mr. Vaughan stated that this statement was made in an accounting sense, the City has made certain grants, which has assisted in defraying certain costs of the Sanitary Board. By state statute and by ordinances this is not the proper way to run the Sanitary Board. We are required to be self-sustaining, there are bond holders that require us to be self-sustaining.

On the matter of the equipment needed by the Sanitary Board, Mrs. Stephens stated that during the smoke testing of the system, many breaks in the

collector system; one of the projects that the Sanitary Board is going to have to face is repairing these lines. We have had good men leave because they were tired of hiring themselves out as backhoes, we cannot continue risking lives trying to take care of these problems by hand, not only this, but many man hours are wasted by men doing the work by hand that should be done by machine.

Mrs. Stephens pointed out that we had farmed out only emergency situations, as our financial situation did not stretch to hiring the regular routine maintenance of the lines from private firms.

Second to speak was Mr. Jack Legg. Mr. Legg pointed out that three of our surrounding areas are lower in rate than Nitro is proposing. Mr. Vaughan pointed out that the size of the city has a great effect on the rate to be charged. The smaller the city, the larger the rate to maintain quality service, the service that is required by state and federal law. Also these other areas are being confronted with seeking higher rates, which will be forthcoming.

Mr. Vaughan further stated that your ability to market bonds will depend on your rate scale. Mr. Bess pointed out that some of the areas were much higher than ours, and this was surrounding areas. He also stated that we feel that our proposed budget will stand any inspection. We are faced with the restoration of a large portion of our collector system, this may or may not be the case in other areas.

Third to speak was Mr. Gus Bailey. On the moratorium, is there any options placed in this. Mr. Vaughan stated that no there was not, no other customers are to be added to the system that is serviced by the Armour Creek Main. A report must be filed with the PSC on a quarterly basis on our progress in correcting the situation. We must show the PSC that we have a plan and are moving forward. This restoration has been included in the rate structure, this the local portion.

We are hoping, this by Mr. Vaughan, to purchase some of these items needed on short term financing, this will free monies in the future for other

expenditures, we are hoping this will help us with the inflation factor in the near future.

Mr. Bailey stated that he wanted to thank Mr. Vaughan, each of the Board Members, Connie and others for their manner of presentation.

Mr. Wilford pointed out that the PSC when placing an order, give you no alternative of how you do the financing, they just say do it. How you manage to accomplish this fact is your problem. They do not tell you how to do it, just take care of the problem.

Fourth to speak, Dr. Guy Cassell. Dr. Cassell stated that he represented Ward I, part of the population of Ward I is not served by the Nitro Sewer System, but by Union Public Service District. Those served by the PSD pay a much higher rate than persons served by the Nitro system. Then the other part of my Ward is in the Armour Creek area. I have walked the line in this problem area, and I will tell you that persons in this area may be without sewage service at a moments notice. The line is very old, it needs to be replaced. Dr. Cassell stated that the amounts paid for service in other cities has very little relivance to what our needs are. Costs are much higher for replacement of lines, etc., than they were thirty-five (35) years ago. This is what brings about our capitalization costs, Union PSD is a much newer system than Nitro, therefore, it is capitalized at a much higher rate than old system, which is quite old.

The question, looking at the matter face to face is, do we want a sanitary sewer system or don't we. Dr. Cassell also stated that he appreciated the fine presentation by the Board. He further stated that he felt that our Sanitary Board was doing an outstanding job.

Dr. Cassell further stated that with inflation, the Sanitary Board would be back before council within eighteen months for additional rates. Mr. Vaughan stated that he hoped that this projection was wrong, but I know this

is now normal.

Mayor Gibson stated that he would like to correct a statement made earlier that the Sanitary Board had spent around \$60,000 for repairs; according to my figures we have spent around \$77,000 in four different breakdowns.

Sixth to speak was Dr. Roy Allen. Dr. Allen wanted to know if there were any provisions being made to separate storm and sanitary on any new construction being considered.

Mr. Bess stated that yes in the new sewer we would install, we should be able to make some corrections in this area, but not corrections throughout the city. Dr. Allen asked if we would know where the problems were by the study that was made. This was answered with a yes by Mr. Bess. Dr. Allen asked where we got the money for the SSES study. Mr. Bess stated that we were funded by EPA of 75% and Appalachian Engineers, Inc. is carrying the other 25%. Both these amounts will become a part of the restoration project.

Seventh to speak was Mr. Romie Hughart.

Hughart stated that he did plan to propose in the Council meeting that we have a special meeting a week from tonight to further discuss this rate proposal. I do not feel that we have had time get into all the questions we need to ask.

Eighth to speak, Mr. Dean Miller. Mr. Miller stated that as he may be out of town next week, he had a couple of questions to ask, in fact a lot of questions come to mind. Mr. Miller wanted to know if it was illegal that the Board was not self-sustaining. Mr. Vaughan stated that this was so, particularly on the part of the Bond holders. Mayor Gibson asked the City Attorney, Mr. McCormick, if he agreed with Mr. Vaughan, Mr. McCormack stated that yes, this was an accurate analysis.

Another question had to do with delinquent accounts of more than twelve months, this customer billings. Mrs. Stephens stated that we had around

\$7,000 to \$8,000 in delinquencies, this was anyone over \$50.00. Our system of billing does not make readily available the number of months delinquent. We are placing liens against property when we cannot take other action.

Was it not true that the Sanitary Board went to the PSC asking for the moratorium. Mr. Vaughan stated that this was correct, due to the health problem in the involved area. The PSC had ordered, pursuant to a petition filed by an individual, that there be an additional 150 units placed on the system. It was the unanimous opinion of the Sanitary Board that the 150 units would make an already bad situation, worse. Because of this order, we filed the petition for a moratorium with the PSC. Their initial order was modified to only allow 50 units onto the system at this time.

Mr. Miller stated that he resented the filing of the rate case very much, as we have in effect taken the place of the PSC. I cannot see such a rate being filed before the PSC.

Ninth to speak, Mr. Donald Karnes. Is it true that the use of city employees and equipment by the Sanitary Board are not reflected in the financial statements of the Sanitary Board, as it is not an expenditure. Mr. Bess stated that this was correct. I am trying to determine if we have done anything that would really be considered illegal. Mr. Vaughan stated we would not have a serious problem with this, except only to the extent that it would constitute a fraud on the bond holders. This we would not know until such time as the bond holders came in and took action to protect their own interests. It was determined that this could have an effect on future bonds.

Mr. Wilford pointed out that this would apply not only to future bonds but those secured in the past.

Mr. Karnes asked about a household of two (2) people, what would be their usage. Mr. Hayne stated that the percapita usage was 40 gallons. This would mean with two persons, 80 gallons a day times 30, for 2,400 gallons per

month.

Mr. Karnes wanted to know if we could raise the minimum usage to cover a household of two persons. Also could we eliminate the 10% penalty to persons with a certain maximum income. Mr. Vaughan stated that we could be getting under some federal laws regarding a persons right to privacy when we require a person to reveal to us this income information.

Mr. Vaughan stated that he would probably find that those persons who were on a fixed income were not the persons who were paying the penalty. Ms. Stephens stated that this was true, they were the first to pay their bills. Ms. Stephens also stated that the other utilities in the area had set their minimum consumption at 2,000, we have just come in line with them.

Mayor Gibson stated that the meeting had been underway for some one hour and forty-five minutes, and that he was now declairing the meeting adjourned.

Respectfully submitted by:

Constance J. Stephens

The City Council of the City of Nitro, West Virginia finds and concludes upon the evidence presented at the public hearing held in its Council Chambers in the City of Nitro, West Virginia on Tuesday, the 6th day of November, 1979, at 7:00 p.m. E.S.T., that there was proper notice given pursuant to, and in accordance with the provisions of Chapter 16, Article 13, Section 16 of the West Virginia Code of 1931 as amended.



Wm. D. Gibson, Mayor

Donald Karnes, Recorder

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

NOVEMBER 6, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on November 6, 1979 at 9:05 p.m. Present were Mayor William D. Gibson, Don Karnes, City Recorder, Councilman at Large Jack Legg, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Romie Hughart, Councilman Dean Miller, Councilman Gus Bailey, and Councilman at Large Dr. R. V. Allen. Also present was Jeremiah McCormick, City Attorney.

The meeting was called to order by Mayor William Gibson. The invocation was given by Councilman Gus Bailey.

APPROVAL OF OCTOBER 16, 1979 COUNCIL MEETING

MINUTES: Councilman at Large Pennington made a motion that the October 16, 1979 Council Meeting Minutes be approved. It was seconded by Councilman Gus Bailey. It was then passed by unanimous vote.

COMPLAINT REGARDING A PARKING CONDITION AT THE EXTENSION OF THIRD AVENUE BETWEEN FOURTH (4) AND THIRD (3) STREET: Councilman Hughart, Chairman of the Street and Traffic Committee stated that this was still in committee and he asked that this be put on the next council meeting agenda.

PROPOSED ORDINANCE RELEVANT TO THE ABANDONMENT OF A PORTION OF THE RIGHT-OF-WAY RETAINED BY THE CITY OF NITRO AND EAST VIEW LAND COMPANY LOCATED ON LOCK STREET: Councilman Hughart, Chairman of the Ordinance Committee stated that there had been quite a great deal of work done on this but they haven't had a chance to meet as a committee should. He further stated that he wanted to present this to the council so it could be expedited, and he said that this is why he asked that it be put on the agenda; so we could have our first and second readings. Councilman Hughart then passed out some drawings showing the parcel of land in question. He then stated that an ordinance has been written by the attorney of Mr. and Mrs. Hinrichs of 113 Lock Street. Councilman at Large

Pennington then asked if the City Attorney had had a chance to view this ordinance. The City Attorney said that he had viewed the original draft.

Councilman Hughart stated that this property is, actually, sitting on city right-of-way approximately ten feet. Mr. Hinrichs now has his property up for sale and cannot get a clear deed to sell his property because of this fact. He then passed around a second drawing. He said that the ordinance is asking the city to sign over to the Hinrichs a 10'x125' strip of land.

Councilman Hughart stated that he proposed to have the first reading of this ordinance, as first presented tonight, and then have amendments. He went on to say, on the second drawing we have changed their request from 125' to 70' on the lot side and 45' on the street side. This allows their property to be cleared where the structure is without giving away anything else.

Councilman Hughart (Chairman of the Ordinance Committee) stated, not shown on the map there is on the Minor Avenue side approximately $46\frac{1}{2}'$ of that same structure which is on approximately $1\frac{1}{2}'$ of city right-of-way (more or less) even though it isn't on the map. He further stated, that he and the Mayor have been there and they have seen the stakes where it was surveyed. He went on to say that he will propose a waiver, in an amendment, to handle this situation.

Councilman Hughart stated that the proposed ordinance had been written by Luke Michaels, Attorney at Law. He went on to say that he wanted the ordinance passed and then amended. He made a motion for the approval of the first reading of the ordinance. The ordinance is as follows:

ORDINANCE NO. _____

WHEREAS, East View Land Company acquired a tract of land from Charleston Industrial Corporation by deed dated November 12, 1923, and of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 262, at Page 230, located in the City of Nitro, Kanawha County, West Virginia; and,

WHEREAS, East View Land Company laid out said tract of land into lots, streets and avenues, as the same are shown upon a map thereof entitled, "East View Land Company Nitro, Kanawha Co., W.Va.", dated August 25, 1934, made by C. R. Conner, C.E. of record in said Clerk's Office in Map Book 8, at page 85; and,

WHEREAS, one of the streets or avenues shown upon said map is Broadway Avenue and said Broadway Avenue is shown upon said map as being sixty (60) feet in width and that portion of Broadway Avenue lying south of Lock Street has been improved and used by the City of Nitro for a distance of forty (40) feet; and,

WHEREAS, a recent survey made by Paul Cody, R.P.E., dated February 12, 1979, shows that the portion of Broadway Avenue lying east of the sidewalk has an encroachment upon it which is part of the improvements

constructed on Lot No. Sixty-Eight (68) of East View Land Company and presently owned by Howard E. Hinrichs and Bessie A. Hinrichs, his wife; and,

WHEREAS, the Common Council of the City of Nitro has been requested by the said owners of Lot No. Sixty-Eight (68) to abandon that portion of Broadway Avenue lying east of the sidewalk extending from Lock Street to the rear southwesterly corner of said Lot No. Sixty-Eight (68) and said owners of Lot No. Sixty-Eight (68) have requested to purchase said strip of land in order to clear the title to their real estate; and,

WHEREAS, it would appear to the Common Council of the said City of Nitro that said strip of land requested to be abandoned has never been used by the City of Nitro for a street or other purposes and that it is unforeseeable that said strip will ever be of any use to the said City of Nitro in that Broadway Avenue would be fifty (50) feet, more or less, in width from Lock Street to its dead end.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Nitro that the portion of Broadway Avenue lying east of the sidewalk be abandoned by said City of Nitro as more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of Lock Street; said beginning point being also located in the northwesterly corner of Lot No. 68 of East View Land Company,

as the same is designated and shown upon a map entitled, "East View Land Company Nitro, Kanawha Co. W.Va.", dated August 25, 1934, prepared by C. R. Conner, C.E. and of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 8, at page 85; thence running with the southerly line of Lock Street, N. 89 deg. 45' W., a distance of 9.39 feet to a point in the easterly edge of the sidewalk in Broadway Avenue; thence running with the easterly line of the sidewalk in Broadway Avenue, S. 26 deg. 50' W., a distance of 125.20 feet to an iron pin; thence leaving said sidewalk and running S. 89 deg. 45' E., a distance of 8.42 feet to the southwesterly corner of said Lot No. 68 of East View Land Company; thence running with the westerly line of said Lot No. 68 in a northeasterly direction and binding thereon for a distance of 125.20 feet, more or less, to the place of beginning; said parcel herein is shown upon a map entitled, "No. 113 Lock St. Being Lot No. 68 East View Land Co., Nitro, W.Va., Kanawha Co. For Howard E. & Bessie A. Hinrichs", made by Paul Cody, R.P.E., and dated February 12, 1979.

AND BEING FURTHER ORDAINED by the Common Council of the City of Nitro that the Mayor of the City of Nitro be authorized and directed to execute a deed conveying and releasing said strip of land lying east of Broadway Avenue as more particularly bounded and described and set out above to Howard E. Hinrichs and Bessie A. Hinrichs, his wife, to the sum of \$570.00; this being the fair market value of said strip of land so abandoned and conveyed.

This Ordinance being in compliance with Chapter 8, Article 12, Section 18 of the Code of West Virginia, as amended, is passed by the Common Council of the City of Nitro on this the _____ day of _____, 1979.

The motion was seconded by Mr. Karnes, City Recorder. The ordinance was then approved. Jeremiah McCormick, City Attorney stated that there would have to be an amendment, because the descriptions will have to be changed, for the ordinance is contemplating abandoning the entire strip.

Councilman Hughart then asked for a motion for an amendment to the ordinance with the following information: An amendment to ordinance description of land parcel which states that the property will be 10' x 70' x 45' according to the second map.

The motion was seconded by Mr. Karnes, City Recorder. The amendment is as follows:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY: COUNCILMAN ROMIE HUGHART

ORDINANCE NO. _____

AMENDMENT TO ORDINANCE
DESCRIPTION OF LAND PARCEL

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF LOCK STREET;
SAID BEGINNING POINT BEING ALSO LOCATED IN THE NORTHWESTERLY CORNER
OF LOT NO. 68 OF EAST VIEW LAND COMPANY, AS THE SAME IS DESIGNATED
AND SHOWN UPON A MAP ENTITLED, "EAST VIEW LAND COMPANY" NITRO,
KANAWHA COUNTY, WEST VIRGINIA", DATED AUGUST 25, 1934, PREPARED BY
C. R. CONNER, C. E. AND OF RECORD IN THE OFFICE OF CLERK OF THE
COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, IN MAP BOOK 8,
AT PAGE 85: THENCE RUNNING WITH THE SOUTHERLY LINE OF LOCK STREET,
N. 89 DEG. 45' W., A DISTANCE OF 9.39 FEET TO A POINT IN THE EAST-
ERLY EDGE OF THE SIDEWALK IN BROADWAY AVENUE: THENCE RUNNING WITH
THE EASTERLY LINE OF THE SIDEWALK IN BROADWAY AVENUE, S. 26 DEG.
50' W. A DISTANCE OF 45 FEET: THENCE RUNNING WITH THE WESTERLY LINE
OF SAID LOT NO. 68 FROM AFORMENTIONED BEGINNING POINT LOCATED IN
THE NORTHWESTERLY CORNER OF LOT NO. 68 ALSO S 26 DEG. 50' W. A
DISTANCE OF 70' FEET: SAID PARCEL HEREIN IS SHOWN UPON A MAP EN-
TITLED "NO. 113 LOCK STREET BEING LOT NO. 68 EAST VIEW LAND COMPANY,
NITRO, WEST VIRGINIA, KANAWHA COUNTY FOR HOWARD E. AND BESSIE A.
HINRICHS", MADE BY PAUL CODY, R. P. E. DATED FEBRUARY 12, 1979.

INTRODUCED ON FIRST READING ON THE 6TH DAY OF NOVEMBER 1979.

ADOPTED UPON SECOND READING ON THE DAY OF 1979.

The motion to amend was then passed.

Councilman Hughart, stated that he would also like to amend the ordinance, by a motion, dealing with 46½' (more or less) on the westerly side of Minor Avenue. The Amendment is as follows:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY: COUNCILMAN ROMEE HUGHART

ORDINANCE NO. _____

AMENDMENT TO ORDINANCE NO. _____

AND BE IT FURTHER ORDAINED: THAT PORTION OF SAID BUILDING, (46½ FEET MORE OR LESS), AS SHOWN ON PLOT PLAN ENTITLED "NO. 113 LOCK STREET, LOT NO. 68 EAST VIEW LAND COMPANY, NITRO, WEST VIRGINIA, KANAWHA COUNTY, BY PAUL CODY, R. P. E., DATED FEBRUARY 12, 1979 FOR HOWARD AND BESSIE A. HINRICHS, THE AFOREMENTIONED BUILDING SETS ON 1 AND ½ FEET MORE OR LESS, CITY RIGHT OF WAY ON THE EASTERLY SIDE OF LOT NO. 68 AND THE WESTERLY SIDE OF MINOR AVENUE, NITRO, KANAWHA COUNTY, WEST VIRGINIA, THIS PARCEL OF LAND BY THE PROCESS OF WAIVER SHALL BE DECLARED FREE OF SAID CITY RIGHT OF WAY UNTIL SUCH TIME THE SAID STRUCTURE BE MOVED OR REMOVED AT WHICH TIME THE CITY RIGHT OF WAY WILL REVERT BACK TO ORIGINAL RIGHT OF WAY AS SHOWN UPON A MAP ENTITLED, " EAST VIEW LAND COMPANY, NITRO, KANAWHA COUNTY, WEST VIRGINIA", DATED AUGUST 25, 1934 AND OF RECORD IN THE OFFICE OF THE CLERK OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA IN MAP BOOK 8, PAGE 85.

Mr. McCormick, City Attorney then stated that it would have to specify in the deed that there is a possibility that the land can be reverted back to the city.

* The motion was then seconded by Mr. Karnes, City Recorder and the motion was then passed.

PLANNING COMMISSION MEETING HELD ON OCTOBER 30, 1979, 7:30P.M.: Mayor Gibson stated that Councilman Dr. Cassell, Mr. Karnes, and he had attended the meeting.

Mr. Karnes, City Recorder and member of the Planning Commission, stated that they did not have a quorum and there will be no minutes as a result. He said there was no action taken.

Mr. Karnes said that he had attended a short seminar and was going to schedule a grants person to come and speak to council. Mr. Karnes said that Woodward Consultants' function is strictly to help cities and small municipalities apply for various grants. He said they charge a nonrefundable fee on the front, and if in fact, we achieve the ultimate goal of receiving a grant; they are then paid as part of the grant money. So whatever that initial amount of the fee is, we would lose that in the event the grant did not materialize.

Mr. Karnes said that the company's success rate runs close to ninety percent.

HOUSE NUMBER DUPLICATION ON OLD COUNTY ROAD:

Councilman Miller, Chairman of the Street Numbering Committee, said that he had been out of town last week and had been unsuccessful in contacting the postal department. Councilman Miller requested that this be put on the next agenda (November 20, 1979).

REQUEST FROM ORVILLE Q. MILLER, 63-31ST STREET EAST, NITRO, WV, REGARDING AN EASEMENT: Mr. Orville Q. Miller stated that he had talked with Mr. Gene Williams, Director of Public Works, and would defer the easement until the future if necessary.

However, Mr. Orville Miller asked that Council accept and take under advisement a petition which he read.

(The petition is in the supplemental file to the minutes.)

Mr. Orville Miller explained the need for a secondary access in an emergency situation, and explained that the names on the petition was a partial list.

Mayor Gibson informed council that there had been many complaints from citizens who live on Old County Road about persons who would not adhere to the one-way traffic on Old County Road. Mayor Gibson said

*11-20-79

Correction- Addition added: The first reading of the ordinance was passed as amended.

Correction called for by Councilman Hughart.

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he felt he was speaking for council, "We are insisting the Police Department, and the Chief included, do something to enlighten this family up there that they are not to disobey the one-way street sign."

Mayor Gibson stated that the Corps of Engineers had been in touch with him in reference to the proposed boat marina and recreational area in the vicinity near Smith Street and Main Avenue and the Old West Virginia Water Intake Building where Broadway Avenue deadends. Mayor Gibson said he would supply council with information he had received from the Corps of Engineers. Mayor Gibson stated that the Corps of Engineers would like to meet with council later.

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

1. Community Development Partnership Grant application which pertains to requested funds for storm drains in the area of the proposed landfill.
2. Copy of letter dated October 16, 1979 from Congressman Slack to Assistant Postmaster General in reference to some recently proposed changes for the Nitro-Cross Lanes area.
3. Mayor Gibson received a letter dated October 17, 1979 from the National League of Cities which is self-explanatory.
4. Mayor Gibson received a letter dated October 19, 1979 from Leo J. Bradley, Chief, Nitro Police Department, in reference to Officer Gary H. Blankenship completing his probationary period October 30, 1979.
5. A letter from Wildwood Development Corporation dated October 26, 1979, in reference to storm drain project pending in Brookhaven.
6. Mailgrams dated October 10, 1979 sent to Kanawha County Commissioners in reference to a meeting.
7. A brochure on VIAL OF LIFE PROGRAM sponsored by the Woman's Club of Nitro and the Nitro Police Department.

8. Mayor Gibson had written a letter dated November 2, 1979 to Mr. Don Patton, Manager of Kanawha CableVision, in reference to complaints from tenants of an apartment building situated at 201 First Avenue South, Nitro, West Virginia that they can't get CableVision service.

MAYOR GIBSON CALLED FOR COMMITTEE CHAIRMAN REPORTS:

MR. KARNES: Mr. Karnes stated that Councilman Dr. Cassell and he had been appointed as a committee of two to deal with Monsanto Company in reference to any grants available through them relating to any worthwhile civic projects.

Mr. Karnes stated that the contract with Orders and Haynes had been signed on the paving of Holly Street and Sattes Circle.

COUNCILMAN MILLER: no reports.

COUNCILMAN HUGHART: no reports.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen said he would like for the Finance Committee to let him know about the status of the proposed fire hydrants for Broadway Avenue and 18th Street Hill.

Dr. Allen said that the Partnership Grant that was presented by Mayor Gibson was approved by the Regional Inter-governmental Council and was now on the hands of the governor.

MAYOR GIBSON: Mayor Gibson referred to the problem on Michigan Avenue to the Street and Traffic Committee. Mrs. Hattie Tincher said that water runs off the road onto her property and against her house. She said that she appreciated what was done to the road, but that it wasn't enough. Mrs. Tincher said that this was not just a paving problem, but that this was the Sanitation Board's problem.

Mr. Williams said that berm work was needed and more work on the pavement was needed, which he intended to correct.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN BAILEY: Councilman Bailey said he would like for the council to urge the supporting of the levy for KRT and the Kanawha Emergency Ambulance Authority which is to be held on December 15.

Councilman Bailey made a motion to concur in the affirmative in the need of this levy for the continuation of the Kanawha County Emergency Ambulance Authority.

The motion was seconded by Councilman at Large Dr. Allen.

Mayor Gibson asked if there were any questions.

Councilman Miller asked, "Why is the City of Charleston going to get their entire amount?"

Councilman Bailey said, "That's wrong. I'll make a correction." He said there is a special committee set up to determine the proportionate share of the cost.

Councilman Bailey quoted some figures and information from the Kanawha County Emergency Ambulance Authority budget (July 1, 1980 to June 30, 1983) which, he said, he had given to council.

Councilman Miller said, "I think this is discriminatory. I don't see why the City of Charleston should be permitted to take a rake-off of the levy, and I hope you councilmen will vote against his proposal."

Mr. Karnes said he was in favor of the Ambulance Authority, and he was in favor of having it, but he was totally against any contract with Charleston or anybody else to reimburse them any portion of the dollar. He said, "Make the service available to Charleston and if they don't choose to take it, that's fine."

After further discussion, Mayor Gibson called for a vote on the motion made by Councilman Bailey.

Councilman Hughart, Councilman at Large Dr. Allen, Councilman Dr. Cassell, and Councilman Bailey voted for.

Mr. Karnes, Councilman Miller, Councilman at Large Legg, and Councilman at Large Pennington voted against.

Mayor Gibson cast the deciding vote, voting for, and the motion carried.

Councilman at Large Pennington made a motion to recess until Tuesday 13, 1979 at 7:30 P.M. The motion was seconded by Mr. Karnes, and the motion was passed unanimously.



MAYOR

RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

NOVEMBER 13, 1979

The reconvened meeting of the recessed meeting of November 6, 1979 was held in the Council Chambers November 13, 1979 at 7:30 p.m.

Present were Mayor William D. Gibson, Don Karnes, City Recorder, Councilman at Large Dr. R. V. Allen, Councilman at Large Mel Pennington, Councilman at Large Jack Legg, Councilman Dr. Guy Cassell, Councilman Romie Hughart, and Councilman Dean Miller. Also present was City Attorney, Mr. Jeremiah McCormick. Councilman Gus Bailey was absent.

Mayor Gibson reconvened the recessed meeting of November 6, 1979.

Councilman Hughart, Chairman of the Ordinance Committee, read the second reading of the ordinance as was submitted and passed on first reading October 2, 1979, and is amended as follows:

ORDINANCE No. 79-10

AN ORDINANCE REPEALING AND RE-INACTING SECTION 18-15 OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA OF 1975, AS LAST AMENDED, BEING AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM, AND FOR THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SECONDARY TREATMENT SANITARY SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, WEST VIRGINIA

WHEREAS, the City of Nitro, Kanawha and Putnam Counties, West Virginia, presently owns a secondary treatment sanitary sewage system supplying a secondary sanitary sewage service in and to the City of Nitro, West Virginia, and surrounding territory and for the Rock Branch Public Service District; and

WHEREAS, the Sanitary Board of the City of Nitro, West Virginia, has determined that major repairs must be made to certain of the sewer lines making up a part of the secondary sanitary sewage system, and

WHEREAS, in order to comply with the requirements of the United States Department of Environmental Protection Agency, additional employees, with additional skills and education must be acquired by the Sanitary Board of the City of Nitro, West Virginia, to comply with the aforesaid requirements of the United States Environmental Protection Agency, which additional personnel have not been budgeted for nor is the existing tariff sufficient to provide the funds necessary for such additional personnel; and

WHEREAS, the Sanitary Board of the City of Nitro, West Virginia, has advised the City Council of Nitro, West Virginia, that the costs to complete repairs to the system

overran projections which in turn necessitated said sanitary board to secure financing from commercial banks, which said financing must be converted to long term financing, and

WHEREAS, the city does not have available funds for the construction and repair to the present secondary sanitary sewage system as outlined by its sanitary board, and

WHEREAS, the City of Nitro, West Virginia, does not have funds within the sources now available to it to pay the costs of administration, management, operation, maintenance, acquisition, enlargement and replacement of the present secondary sanitary sewage system, and the interceptor sewer lines, pumping stations, treatment works and appurtenances; and

WHEREAS, it is necessary for the City to impose rates and charges for the use of the services afforded by the secondary sanitary sewage system to obtain such funds; and

WHEREAS, it is the obligation of the producers of sewage and industrial waste to supply such revenue to the City in an equitable manner and in proportion to the service rendered to the benefits derived; and

WHEREAS, the City of Nitro, is authorized under the authority of Chapter 8, Article 8, of the West Virginia Code of 1931, as last amended, to fix, establish, and maintain, by ordinance, just and equitable rates or charges for the use of the services and facilities to be rendered upon completion of any works and system necessary to comply with any citation issued by the West Virginia Department of Natural Resources; and

WHEREAS, the Sanitary Board of the City of Nitro, after proper investigation has determined that the rates and

standards for the use of the secondary sanitary sewage system and the computation of rates to be charged therefor as fixed by this ordinance are reasonable, necessary and proper, and have petitioned the City Council of the City of Nitro, to enact this ordinance establishing such rates and standards; and

WHEREAS, the City Council of the City of Nitro has previously enacted an Ordinance providing for rates and standards for the use of the existing sanitary sewage system; and

WHEREAS, the Sanitary Board of the City of Nitro has evaluated the feasibility and necessity for the imposition of higher rates to its customers for the rendering of secondary sanitary sewage treatment and has caused and directed its staff and supporting professional personnel to supply it with documentation relative to this problem, which documentation is incorporated herewith as supporting the need as outlined by said sanitary board; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, that the certain Ordinances previously enacted by the City Council of the City of Nitro, entitled, "AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSTIION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM, AND FOR THE CONSTRUCTION, ACQUISTION, OPERATION AND MAINTENANCE OF A SECONDARY TREATMENT SANITARY SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO" is amended, to reflect the following new rates for the construction, acquisition,

operation and maintenance of a secondary sanitary sewage system, but in all other regulations and such ordinances shall remain in full force and effect unless otherwise Amended by this Ordinance.

DIVISION 1-- Amending Division 5--

SEWER SERVICE SCHEDULE OF RATES:

1. There is hereby levied and assessed against all owners, tenants, or occupants of each and every lot or parcel of real estate or building having any active connection with the public sanitary sewage system or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly unto said system or any part thereof, a service charge payable as hereinafter provided for and in the amount hereinafter provided.

2. The service charge for any owner, tenant, or occupant of each and every lot or parcel of real estate or building situated within or outside the corporate limits of the City of Nitro, having any connection with the City's public secondary sanitary sewage system and discharging sewer, industrial wastes, water or other liquids into said system, shall be as follows:

SCHEDULE # 1

AVAILABILITY OF SERVICE

Available for sanitary sewer service.

RATE (Based upon the metered amount of water supplied)

First	2,000 gallons used per month	\$2.95 per thousand gal.
Next	2,000 gallons used per month	\$2.85 per thousand gal.
Next	2,000 gallons used per month	\$2.75 per thousand gal.
Next	4,000 gallons used per month	\$2.60 per thousand gal.
Next	90,000 gallons used per month	\$2.30 per thousand gal.
All over	100,000 gallons used per month	\$2.00 per thousand gal.

MONTHLY MINIMUM CHARGE - 2,000 gallons per month---\$5.90

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full within (10) days of the date of bill, ten percent (10%) will be added to the net amount shown.

QUARTERLY OR BI-MONTHLY BILLING

The above rates and charges may be adjusted to a quarterly or bi-monthly basis, providing no lower charges.

MULTIPLE OCCUPANCY

On apartment buildings, or other multiple occupancy buildings, each family or business unit shall be required to pay not less than the minimum monthly charge herein established. Motels and hotels shall pay according to the metered amount of water used. So-called mobile homes or house trailers grouped on so-called trailer courts will be billed like any other multiple-occupancy units.

House trailers, either mobile or immobile, located on sites other than a park or court shall be billed in the same manner as any other family or business unit and, if applicable, subject to the multiple occupancy provision of this rate schedule.

SCHEDULE # 2

INDUSTRIAL SERVICE

The charge for the treatment of industrial waste will be calculated on the basis of the following formula:

$$Ci = VoVi = BoBi = SoSi$$

Ci=charge to industrial users per year.

Vo=average unit cost of transport and treatment chargeable to volume, in dollars per gallon.

Vi=Volume of waste water from industrial users, in gallons per year.

B_o =average unit of cost of treatment, chargeable to Biochemcial

Oxygen Demand (BOD), in dollars per pound.

B_i =weight of BOD from industrial users, in pounds per year.

S_o =average unit cost of treatment (including sludge treatment)

chargeable to total solids, in dollars per pound.

S_i =weight of total solids from industrial users, in pounds per year.

When an industrial user is to be served, a preliminary study of its waste, and the cost of transport and treatment thereof will be made. Waste containing materials which, in the judgment of the Sanitary Board, should not be introduced into the sewer system need not be handled by it. The results of this preliminary study will be used to determine the feasibility of the proposed sewer service and the charge thereof, based upon the formula set out above.

Thereafter, industrial sewage will be monitored on a regular basis at the conclusion of each fiscal year, based on the investigation aforesaid and audit of Sanitary Board records, new costs figures will be calculated for use in the above formula. The cost of establishing the monitoring facilities shall be paid by the industrial user. Based on these audited figures, additional billings covering the past fiscal year will be made for payment by each industrial user, or refund given by the Sanitary Board, as the case may be. Such audited figures will be used for the preliminary billing for the next fiscal year, at the end of which an adjustment will be made as aforesaid.

SCHEDULE # 3

APPLICABLE INSIDE AND OUTSIDE OF THE CORPORATE LIMITS OF THE CITY OF NITRO.

Where the amount of sanitary sewage discharge into the Nitro waste treatment system by certain industrial plant or plants

cannot be accurately determined by the use of the plant's water meter or meters, a special formula will be used whereby such plant or plants will pay to the Sanitary Board of the City of Nitro a sewer charge calculated at fifty (50) gallons of water per each employee at the plant each working day.

SCHEDULE # 4

Applicable inside and outside the Corporate limits of the City of Nitro.

SERVICE CONNECTION FEE

1. Service Connection Inspection Fee- \$50.00

To apply where the service connection is in place ready for the owner to connect, generally at the property line.

2. Service Connection Fee- \$300/or the actual cost, whichever be the greater amount.

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

DIVISION 2 -----AMENDING DIVISION II-----EFFECTIVE DATE-----

This Ordinance shall become effective immediately after the public hearing required by Chapter 8, Article 8, Section 3 of the West Virginia Code of 1931, as last amended, and the affirmative vote of a majority of the City Council of the City of Nitro, West Virginia, such rates to be imposed at the first pay period after the expiration of forty-five days from the day of passage and enactment.

The City Council of the City of Nitro, West Virginia finds and concludes upon the evidence presented at the public hearing held in its Council Chambers in the City of Nitro, West Virginia on Tuesday, the 6th day of November, 1979, at 7:00 p.m. E.S.T., that there was proper notice given pursuant to, and in accordance with the provisions of Chapter 16, Article 13, Section 16 of the West Virginia Code of 1931, as amended.

INTRODUCED ON FIRST READING ON THE 2ND DAY OF OCTOBER, 1979.

William D. Gibson, Mayor

Don Karnes
Don Karnes, Recorder

COUNCILMAN HUGHART ADDRESSED COUNCIL: "We have spent considerable time discussing the ordinance. There has been many, many questions, some downright personal questions to members of the board, and employees of the Sanitary Board. And, I am satisfied that they have answered these questions to the best of their ability with all due consideration and honesty."

And, Councilman Hughart moved to accept the ordinance on second reading as amended. The motion was seconded by Councilman Miller.

At this point, Mr. Karnes made a motion to amend Councilman Hughart's motion to change Schedule #1 to First 2,000 gallons used per month \$2.55 per thousand gallons instead of \$2.95 per thousand gallons and on Monthly Minimum Charge, change to 2,000 gallons per month---- \$5.10 instead of \$5.90.

As follows:

AN ORDINANCE REPEALING AND RE-INACTING SECTION 18-15 OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA OF 1975, AS LAST AMENDED, BEING AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM, AND FOR THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SECONDARY TREATMENT SANITARY SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, WEST VIRGINIA

WHEREAS, the City of Nitro, Kanawha and Putnam Counties, West Virginia, presently owns a secondary treatment sanitary sewage system supplying a secondary sanitary sewage service in and to the City of Nitro, West Virginia, and surrounding territory and for the Rock Branch Public Service District; and

WHEREAS, the Sanitary Board of the City of Nitro, West Virginia, has determined that major repairs must be made to certain of the sewer lines making up a part of the secondary sanitary sewage system, and

WHEREAS, in order to comply with the requirements of the United States Department of Environmental Protection Agency, additional employees, with additional skills and education must be acquired by the Sanitary Board of the City of Nitro, West Virginia, to comply with the aforesaid requirements of the United States Environmental Protection Agency, which additional personnel have not been budgeted for nor is the existing tariff sufficient to provide the funds necessary for such additional personnel; and

WHEREAS, the Sanitary Board of the City of Nitro, West Virginia, has advised the City Council of Nitro, West Virginia, that the costs to complete repairs to the system

overran projections which in turn necessitated said sanitary board to secure financing from commercial banks, which said financing must be converted to long term financing, and

WHEREAS, the city does not have available funds for the construction and repair to the present secondary sanitary sewage system as outlined by its sanitary board, and

WHEREAS, the City of Nitro, West Virginia, does not have funds within the sources now available to it to pay the costs of administration, management, operation, maintenance, acquisition, enlargement and replacement of the present secondary sanitary sewage system, and the interceptor sewer lines, pumping stations, treatment works and appurtenances; and

WHEREAS, it is necessary for the City to impose rates and charges for the use of the services afforded by the secondary sanitary sewage system to obtain such funds; and

WHEREAS, it is the obligation of the producers of sewage and industrial waste to supply such revenue to the City in an equitable manner and in proportion to the service rendered to the benefits derived; and

WHEREAS, the City of Nitro, is authorized under the authority of Chapter 8, Article 8, of the West Virginia Code of 1931, as last amended, to fix, establish, and maintain, by ordinance, just and equitable rates or charges for the use of the services and facilities to be rendered upon completion of any works and system necessary to comply with any citation issued by the West Virginia Department of Natural Resources; and

WHEREAS, the Sanitary Board of the City of Nitro, after proper investigation has determined that the rates and

standards for the use of the secondary sanitary sewage system and the computation of rates to be charged therefor as fixed by this ordinance are reasonable, necessary and proper, and have petitioned the City Council of the City of Nitro, to enact this ordinance establishing such rates and standards; and

WHEREAS, the City Council of the City of Nitro has previously enacted an Ordinance providing for rates and standards for the use of the existing sanitary sewage system; and

WHEREAS, the Sanitary Board of the City of Nitro has evaluated the feasibility and necessity for the imposition of higher rates to its customers for the rendering of secondary sanitary sewage treatment and has caused and directed its staff and supporting professional personnel to supply it with documentation relative to this problem, which documentation is incorporated herewith as supporting the need as outlined by said sanitary board; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, that the certain Ordinances previously enacted by the City Council of the City of Nitro, entitled, "AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM, AND FOR THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SECONDARY TREATMENT SANITARY SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO" is amended, to reflect the following new rates for the construction, acquisition,

operation and maintenance of a secondary sanitary sewage system, but in all other regulations and such ordinances shall remain in full force and effect unless otherwise Amended by this Ordinance.

DIVISION 1-- Amending Division 5--

SEWER SERVICE SCHEDULE OF RATES:

1. There is hereby levied and assessed against all owners, tenants, or occupants of each and every lot or parcel of real estate or building having any active connection with the public sanitary sewage system or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly unto said system or any part thereof, a service charge payable as hereinafter provided for and in the amount hereinafter provided.
2. The service charge for any owner, tenant, or occupant of each and every lot or parcel of real estate or building situated within or outside the corporate limits of the City of Nitro, having any connection with the City's public secondary sanitary sewage system and discharging sewer, industrial wastes, water or other liquids into said system, shall be as follows:

SCHEDULE # 1

AVAILABILITY OF SERVICE

Available for sanitary sewer service.

RATE (Based upon the metered amount of water supplied)

First	2,000 gallons used per month	\$2.55 per thousand gal.
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All over	100,000 gallons used per month	\$2.00 per thousand gal.

MONTHLY MINIMUM CHARGE - 2,000 gallons per month---\$5.10

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full within (10) days of the date of bill, ten percent (10%) will be added to the net amount shown.

QUARTERLY OR BI-MONTHLY BILLING

The above rates and charges may be adjusted to a quarterly or bi-monthly basis, providing no lower charges.

MULTIPLE OCCUPANCY

On apartment buildings, or other multiple occupancy buildings, each family or business unit shall be required to pay not less than the minimum monthly charge herein established. Motels and hotels shall pay according to the metered amount of water used. So-called mobile homes or house trailers grouped on so-called trailer courts will be billed like any other multiple-occupancy units.

House trailers, either mobile or immobile, located on sites other than a park or court shall be billed in the same manner as any other family or business unit and, if applicable, subject to the multiple occupancy provision of this rate schedule.

SCHEDULE # 2

INDUSTRIAL SERVICE

The charge for the treatment of industrial waste will be calculated on the basis of the following formula:

$$Ci = VoVi = BoBi = SoSi$$

Ci=charge to industrial users per year.

Vo=average unit cost of transport and treatment chargeable to volume, in dollars per gallon.

Vi=Volume of waste water from industrial users, in gallons per year.

B_o =average unit of cost of treatment, chargeable to Biochemcial Oxygen Demand (BOD), in dollars per pound.

B_i =weight of BOD from industrial users, in pounds per year.

S_o =average unit cost of treatment (including sludge treatment) chargeable to total solids, in dollars per pound.

S_i =weight of total solids from industrial users, in pounds per year.

When an industrial user is to be served, a preliminary study of its waste, and the cost of transport and treatment thereof will be made. Waste containing materials which, in the judgment of the Sanitary Board, should not be introduced into the sewer system need not be handled by it. The results of this preliminary study will be used to determine the feasibility of the proposed sewer service and the charge thereof, based upon the formula set out above.

Thereafter, industrial sewage will be monitored on a regular basis at the conclusion of each fiscal year, based on the investigation aforesaid and audit of Sanitary Board records, new costs figures will be calculated for use in the above formula. The cost of establishing the monitoring facilities shall be paid by the industrial user. Based on these audited figures, additional billings covering the past fiscal year will be made for payment by each industrial user, or refund given by the Sanitary Board, as the case may be. Such audited figures will be used for the preliminary billing for the next fiscal year, at the end of which an adjustment will be made as aforesaid.

SCHEDULE # 3

APPLICABLE INSIDE AND OUTSIDE OF THE CORPORATE LIMITS OF THE CITY OF NITRO.

Where the amount of sanitary sewage discharge into the Nitro waste treatment system by certain industrial plant or plants

cannot be accurately determined by the use of the plant's water meter or meters, a special formula will be used whereby such plant or plants will pay to the Sanitary Board of the City of Nitro a sewer charge calculated at fifty (50) gallons of water per each employee at the plant each working day.

SCHEDULE # 4

Applicable inside and outside the Corporate limits of the City of Nitro.

SERVICE CONNECTION FEE

1. Service Connection Inspection Fee- \$50.00

To apply where the service connection is in place ready for the owner to connect, generally at the property line.

2. Service Connection Fee- \$300/or the actual cost, whichever be the greater amount.

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

DIVISION 2 -----AMENDING DIVISION II-----EFFECTIVE DATE-----

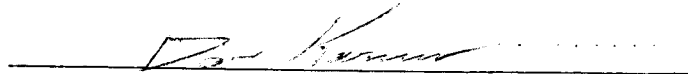
This Ordinance shall become effective immediately after the public hearing required by Chapter 8, Article 8, Section 3 of the West Virginia Code of 1931, as last amended, and the affirmative vote of a majority of the City Council of the City of Nitro, West Virginia, such rates to be imposed at the first pay period after the expiration of forty-five days from the day of passage and enactment.

The City Council of the City of Nitro, West Virginia finds and concludes upon the evidence presented at the public hearing held in its Council Chambers in the City of Nitro, West Virginia on Tuesday, the 6th day of November, 1979, at 7:00 p.m. E.S.T., that there was proper notice given pursuant to, and in accordance with the provisions of Chapter 16, Article 13, Section 16 of the West Virginia Code of 1931, as amended.

INTRODUCED ON FIRST READING ON THE 2ND DAY OF OCTOBER,
ADOPTED UPON SECOND READING ON THE 13TH DAY OF NOVEMBER, 1979.



William D. Gibson, Mayor



Don Karnes, Recorder

The motion was seconded by Councilman at Large Legg.

Councilman Hughart asked, "Mr. Recorder, will this satisfy the bonding requirements that are necessary for the construction and repair and rebuilding of the Armor Creek link from 21st Street to the plant?"

Mr. Karnes stated that according to his calculations, it will with a very slight cushion. Mr. Karnes said, he had discussed this with the Sanitary Board's accountant.

Councilman Hughart asked if this still provides for their paying the City of Nitro the \$37,000 a year that is supposed to be paid.

Mr. Karnes said, there is no provision for it in this ordinance, and he thought that would have to be a separate agreement.

Councilman Hughart stated, "We know from the facts brought out that they were operating at a deficit. Is this still going to put us still in that posture?"

Mr. Karnes stated that we are not in a position to make their budget; their budget is their responsibility.

Mr. Pennington stated, "Donald and Gentlemen, we heard a pretty presentation by all of the people involved and I think they failed to give us all the facts."

They gave us the facts as they saw them and that's the way it should be. And, I'm sure they were honest and conscientious in those facts.

But to give you one example, they had to have radios and I assume portable radios, too. This was a big must on their list, and now they are not even used. There is a base station that sets down there now that is never used. But, this was a big thing that they had to have.

Now, I'm also told from reliable sources that, this end loader that is going to cost \$40,000 and you know and I know to justify a \$40,000 end loader and a \$30,000 building to put it in, you're going to have to use it several times.

I'm told by someone in the city who is an authority and knows and is aware of what has been done that this end loader won't be used anyways close to the number of times it takes to justify that piece of equipment.

If you're going to vote to double the rates of our citizens in Nitro without taking some further investigation, I think, gentlemen, you're making a mistake. That's all I want to say."

Mayor Gibson called for a vote on the motion to amend. Councilman at Large Legg, Councilman Miller, Councilman Hughart, and Mr. Karnes voted for. Councilman at Large Allen, Councilman Dr. Cassell, and Councilman at Large Pennington voted against. And, the motion carried.

Mayor Gibson called for a vote on the amended motion. Councilman at Large Legg, Councilman Miller, Councilman Hughart, and Recorder Don Karnes voted in favor. Councilman at Large

Allen, Councilman Dr. Cassell, and Councilman at Large Pennington voted against. The motion carried.

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



Mayor



Recorder

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

NOVEMBER 20, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on November 20, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, Don Karnes, City Recorder, Councilman at Large Dr. R. V. Allen, Councilman at Large Mel Pennington, Councilman Romie Hughart, Councilman Gus Bailey, Councilman Dr. Guy Cassell, and Councilman Dean Miller. Councilman at Large Jack Legg was absent. Also present was Mr. Jeremiah McCormick, City Attorney.

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 NOVEMBER 6, 1979 PUBLIC MEETING MINUTES BETWEEN NITRO CITY COUNCIL AND NITRO SANITARY BOARD REGARDING PROPOSED SEWER RATE INCREASE FOR THE CITY OF NITRO: Councilman at Large Pennington made a motion that these minutes be approved and the motion was seconded by Councilman Miller. The motion was then passed by unanimous vote.

APPROVAL OF NOVEMBER 6, 1979 COUNCIL MEETING MINUTES: Councilman Hughart made a motion that the November 6, 1979 Minutes be approved. The motion was seconded by Councilman Dr. Cassell. Councilman Hughart then requested that there be an addition made in the November 6, 1979 Council Meeting Minutes concerning the ordinance and amendments dealing with the Hinrichs property on Lock Street. Councilman Hughart stated that he wanted this addition at the end of the second sentence on page 333 and he wanted it to read: The first reading of the ordinance was passed as amended. The Mayor called for a vote on Councilman Hughart's motion and it passed unanimously.

APPROVAL OF NOVEMBER 13, 1979 RECESSED COUNCIL MEETING MINUTES: Don Karnes, City Recorder, stated that the council members received the minutes a little late and requested this to be moved to the last item on the agenda in order to give council members a little more time to look them over. Council agreed.

APPROVAL OF OCTOBER 1979 FINANCIAL STATEMENT:

Don Karnes, City Recorder reported that although the accounts payable line is a little high it is approximately \$29,000 lower than September 30, 1979. He also stated that he felt it will be even lower by the end of November. Things are looking a little better, he stated.

Mr. Karnes explained that normally the expenditures on the Firemen's Pension Fund is pretty low but on this particular month a fireman with seven years service resigned and requested a refund on his pension which amounted to a little over \$3,000 of this \$5,000 expenditure, and that is the reason it is higher than normal. Also, on the Policemen's Pension Fund Patrolman Parsons resigns and withdrew his pension which amounted to about \$1,600; so this explains the high expenditures on both of those funds.

Councilman Bailey then made a motion that the October, 1979 Financial Statement be approved. Councilman Hughart seconded the motion, and the motion was then passed.

COMPLAINT REGARDING A PARKING CONDITION AT THE EXTENTION OF THIRD AVENUE BETWEEN FOURTH (4) and THIRD (3) STREET:

Councilman Hughart apologized to council and stated that The Street and Traffic Committee had not resolved this yet and requested that this be left in committee until we get ready to bring it back to the table.

SECOND READING OF PROPOSED ORDINANCE TO THE ABANDONMENT OF A PORTION OF THE RIGHT-OF-WAY RETAINED BY THE CITY OF NITRO AND EAST VIEW LAND COMPANY LOCATED ON LOCK STREET:

Councilman Hughart made a motion that the second reading of the ordinance proposing the abandonment of a portion of the right-of-way retained by the City of Nitro and East View Land Company located on Lock Street as amended in the previous meeting be completed as of the second reading tonight.

THE ORDINANCE IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA.

INTRODUCED BY: Councilman Romie Hughart

ORDINANCE NO. 79-11

WHEREAS, East View Land Company acquired a tract of land from Charleston Industrial Corporation by deed dated November 12, 1923, and of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 262, at Page 230, located in the City of Nitro, Kanawha County, West Virginia; and,

WHEREAS, East View Land Company laid out said tract of land into lots, streets and avenues, as the same are shown upon a map thereof entitled, "East View Land Company Nitro, Kanawha Co., W.Va.", dated August 25, 1934, made by C. R. Conner, C.E., of record in said Clerk's Office in Map Book 8, at page 85; and,

WHEREAS, one of the streets or avenues shown upon said map is Broadway Avenue and said Broadway Avenue is shown upon said map as being sixty (60) feet in width and that portion of Broadway Avenue lying south of Lock Street has been improved and used by the City of Nitro for a distance of forty (40) feet; and,

WHEREAS, a recent survey made by Paul Cody, R.P.E., dated February 12, 1979, shows that the portion of Broadway Avenue lying east of the sidewalk has an encroachment upon it which is part of the improvements constructed on Lot No. Sixty-Eight (68) of East

View Land Company and presently owned by Howard E. Hinrichs and Bessie A. Hinrichs, his wife; and,

WHEREAS, the aforesaid map made by Paul Cody, R.P.E., dated February 12, 1979, also shows that the frame building constructed on Lot No. 68 of East View Land Company extends a distance of $1\frac{1}{2}$ feet, more or less, beyond the easterly line of Lot No. 68 into the westerly right of way line of Minor Avenue, as' shown upon the said map; and,

WHEREAS, the Common Council of the City of Nitro has been requested by the said owners of Lot No. 68 to abandon a portion of Broadway Avenue lying east of the sidewalk in Broadway Avenue extending from the intersection of Lock Street and Broadway Avenue in a southerly direction and convey the same to the said Howard E. Hinrichs and Bessie A. Hinrichs, his wife, as said strip is more particularly bounded and described hereinafter in this Ordinance; and,

WHEREAS, the Common Council of the City of Nitro has been requested by said owners of Lot No. 68 to issue a waiver of the $1\frac{1}{2}$ foot extension of the improvements located beyond the easterly line of Lot No. 68 into the westerly right of way line of Minor Avenue and authorize the Mayor of the City of Nitro to issue such waiver by written instrument on certain terms and conditions to be placed of record in the aforesaid Clerk's Office.

ORDINANCE NO. 79-11

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Nitro that the portion of Broadway Avenue lying east of the sidewalk in Broadway Avenue be abandoned by the City of Nitro as more particularly bounded and described as follows:

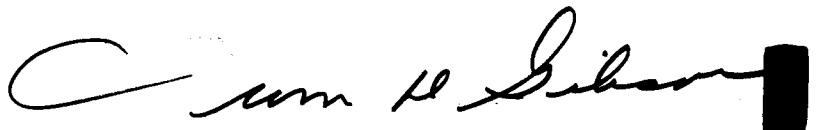
BEGINNING at a point in the southerly line of Lock Street; said beginning point being also located in the northwesterly corner of Lot No. 68 of East View Land Company as the same is designated and shown upon a map entitled, "East View Land Company Nitro, Kanawha Co., W.Va.", dated August 25, 1934, prepared by C. R. Conner, C.E., and of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 8, at page 85; thence running with the southerly line of Lock Street, N. 89 deg. 45' W. a distance of 9.39 feet to a point in the easterly edge of a sidewalk in Broadway Avenue; thence running with the easterly line of said sidewalk and Broadway Avenue, S. 26 deg. 50' W., a distance of 45 feet to a point; thence leaving said sidewalk and running S. 4 deg. 51' W. 22.43 feet to an iron pin in the westerly line of said Lot No. 68; thence running with part of the westerly line of said Lot No. 68, N. 26 deg. 50' E. 70 feet to the place of beginning, containing 482.788 square feet, more or less; said parcel herein conveyed is shown upon a map entitled, "No. 113 Lock Street Being Parcel Of Land Adjacent To Lot 68 & Broadway EAST VIEW LAND CO. To Be Conveyed To HOWARD E. & BESSIE A. HINRICHS", dated November 19, 1979, and prepared by Paul Cody, R.P.E., a copy of which map is attached hereto, incorporated herein and filed herewith.

AND BE IT FURTHER ORDAINED by the Common Council of the City of Nitro that the Mayor of the City of Nitro be authorized and directed to sign, acknowledge and deliver a deed conveying and releasing said strip of land lying east of the sidewalk in Broadway Avenue as more particularly bounded and described above to Howard E. Hinrichs and Bessie A. Hinrichs, his wife, for the sum of \$ 570, this being the fair market value of said strip of land so abandoned and conveyed; all in compliance with Chapter 8, Article 12, Section 18 of the Code of West Virginia, as amended.

AND BE IT FURTHER ORDAINED by the Common Council of the City of Nitro that the City of Nitro issue a waiver unto Howard E. Hinrichs and Bessie A. Hinrichs, his wife, their heirs, assigns, and successors in title, to the $1\frac{1}{2}$ foot extension of the improvements located beyond the easterly line of Lot No. 68 into the westerly right of way line of Minor Avenue and this waiver shall operate to clear and make free said encroachments on Minor Avenue as above set out and this waiver shall continue in full force and effect until such time as the present structure be moved or removed from said right of way, at which time the waiver shall terminate forthwith and all rights created by said waiver shall cease and the full right of way shall revert back to the said City of Nitro, as said Minor Avenue is shown upon a map entitled, "East View Land Company, Nitro, Kanawha County, West Virginia", dated August 25, 1934, and of record in said Clerk's Office in Map Book 8, at page 85, and the Mayor of the City of Nitro is hereby authorized and empowered to sign, execute, acknowledge and deliver an instrument in accordance with this ordinance for recordation in said Clerk's Office.

Introduced on First Reading on the 6th day of November, 1979.

Adopted and passed by the Common Council of the City of Nitro upon Second Reading on the 20th day of November, 1979.


 MAYOR of the CITY OF NITRO

ATTEST:


 CITY RECORDER

Mr. Karnes seconded the motion. The motion was then passed unanimously.

HOUSE NUMBERING DUPLICATION ON OLD COUNTY ROAD:

Councilman Miller, Chairman of the Street Numbering Committee said that he had talked with Mr. Hudson the Nitro Post Office and he had stated that the situation had been taken care of. He further stated that Mr. Hudson said the houses had been renumbered and that the numbering wasn't consecutive but that there were no duplications.

Councilman Bailey stated that there had been some objections from the postal department about the ditching in that area and the water going up toward the mailboxes. He went on to say that the postal department feared that in cold weather this would make an icy situation. The council then decided that Mr. Gene Williams, Director of Public Works, could take a look at it and repair as needed.

UTILITY PAYMENT ARRANGEMENT: Mayor Gibson stated that effective January 8th, the Bank of Nitro will no longer accept utility bill payments. He further stated that he understood that a business located in Nitro was working through the utility companies trying to make arrangements where they can collect these bills in the future. But, he went on to say that he had talked with this party and that they had no concrete answer yet. He said they are working to get this resolved as soon as possible.

APPOINTMENT TO PUTNAM COUNTY CITIZEN COMMITTEE REGARDING SOLID WASTE DISPOSAL FOR PUTNAM COUNTY: Mayor Gibson stated that he received a letter from the Putnam County Commission regarding solid waste disposal for that county and requesting that an elected official be put on Citizen Committee.

Councilman at Large Pennington made a motion to appoint Mr. Karnes, Nitro City Recorder, to the Citizen Committee in reference to a plan of action on solid waste disposal for Putnam County. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

APPROVAL OF NOVEMBER 13, 1979 RECESSED COUNCIL MEETING MINUTES: Councilman at Large Pennington made a motion to approve the Recessed Council Meeting Minutes of November 13, 1979. The motion was seconded by Councilman Hughart, and the motion passed unanimously.

Mayor Gibson stated that since last council meeting council had received copies of the following correspondence (Correspondence is in Supplement File to Council Meeting Minutes).

1. Petition dated September 17, 1979 from citizens of Old County Road, Nitro, requesting Cable-vision Service from Kanawha CableVision.

Mayor Gibson was requested to contact the manager of Kanawha CableVision in reference to the petition.

2. Mayor Gibson received a letter dated October 24, 1979 from James H. Higman, Colonel, Corps of Engineers, District Engineer, Department of the Army, Huntington District, in reference to the cost-sharing contract and a meeting that will be held to discuss the contract.
3. Members of Council received a letter from Earl Benton, Director of Photography, Charleston Daily Mail, commending members of the Nitro City Council on the outstanding repaving job that was recently completed in the Holly Street and Sattes Circle area.
4. Mr. Herman C. Zeigler and Dr. Byrd received a letter dated November 16, 1979 from Mayor Gibson in reference to the parking problem at the Cleveland Avenue railroad crossing.
5. Mayor Gibson sent a mailgram dated November 14, 1979, to Mr. F. W. Matthews, Superintendent, 600 Broad Street, Charleston, West Virginia 25301, to request assistance in a hazardous situation caused by a resident parking trucks and automobiles on railroad right-of-way adjacent to the railroad crossing located at Cleveland Avenue in Nitro, West Virginia.
6. The Mayor received a post card from Kathy Johnson, 3208 32nd Street, complimenting the garbage service department on the outstanding service they render.

MAYOR GIBSON CALLED FOR REPORTS.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington stated he was giving information to council to bring them up to date. He said some of us have been successful in obtaining a petition to the Public Service Commission to have the rates reduced (Sanitary Board). He said this is not pointing the finger at anyone, we're not criticizing anyone, but it would be wise that they get a second opinion, that these things are in order. Councilman at Large Pennington stated that the whole town is organized and he thought that they were going to come up with 1,500 or 2,000 signatures on the petition.

COUNCILMAN BAILEY: no reports

COUNCILMAN DR. CASSELL: no reports

MR. JEREMIAH MCCORMICK, CITY ATTORNEY: Mr.

McCormick said that he wanted to bring council up to date on the paving ordinance. He stated that he had completed all the work he had to do with regard to making the assessment, and that he would get together with Appalachian Engineers, Inc. and probably Mr. Karnes, and have a report sometime within the week.

He said, we should have the certificates ready to remit to Orders and Haynes. I have completed all the work that needs to be done in that area.

COUNCILMAN AT LARGE DR. ALLEN: no reports.

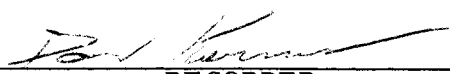
COUNCILMAN HUGHART: no reports

COUNCILMAN MILLER: no reports

MR. KARNES: no reports, but he asked if someone knew the date of the Senior Citizens Christmas Dinner. Ms. Frazier stated, December 9 at 1:00 p.m. at The First Presbyterian Church of Nitro.

Councilman at Large Pennington made a motion for adjournment. The motion was seconded by Mr. Karnes, City Recorder, and the motion was unanimously approved.

MAYOR



RECORDER



NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

DECEMBER 4, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on December 4, 1979 at 8:00 p.m. Present were Mayor William D. Gibson, Don Karnes, City Recorder, Councilman at Large Dr. R. V. Allen, Councilman at Large Mel Pennington, Councilman at Large Jack Legg, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey. Councilman Dr. Guy Cassell was absent. Also present was Mr. Jeremiah McCormick, 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 NOVEMBER 20, 1979 COUNCIL MEETING

MINUTES: Councilman Bailey made a motion that the November 20, 1979 Council Meeting Minutes be approved. The motion was seconded by Councilman at Large Pennington, and the motion passed unanimously.

REPORT ON HOLLY STREET AND SATTES CIRCLE PAVING

ASSESSMENT: Mr. McCormick, City Attorney, stated, "I have completed the calculations with regard to the front footage assessments of the Holly Street and Sattes Circle paving, and provided the City Recorder with a copy of the proposed assessments.

The next step is that there be a Class II advertisement advising the property owners of the projected costs. The advertisement must contain a hearing date, thereby giving the property owners an opportunity to express their opinion.

I need to coordinate that with the City Recorder. I will do so. I have provided him with a copy of the calculations with regard to the paving assessments, and they will be posted here at City Hall.

There will be a legal advertisement if there are no major corrections or modifications need to be made, then, council can enact the ordinance which will effect the liens. And, once the liens have been effected it will be incumbent

upon the paver, Orders and Haynes, to reimburse the city at that juncture of any cost the city had incurred. So, the procedure is on course. It's only necessary for Mr. Karnes and myself to get together and coordinate the time.

The total cost for Sattes Circle was \$22,500.00. The cost for Holly Street was \$8,400.00. The cost per frontal foot of Sattes Circle was \$7.37. The cost per frontal foot on Holly Street was \$9.25.

Councilman Hughart said, "Give me those footage prices again, please."

Mr. McCormick answered, "For Sattes Circle \$7.37 per front foot, Holly Street was \$9.25 per front foot."

Councilman Bailey asked, "Was that on the bid received without the added cost of engineers?"

Mr. McCormick answered, "No that was included; that was an estimated per unit price. With the overrun, it was based on a per unit cost. Of course, they used more units than they estimated; so that's the reason there is an override. But, in this specification it does allow for that differential."

Councilman Bailey stated, "There is a sizeable difference there."

Mr. McCormick stated, "Exactly, and that was a cause of concern for myself, and the Mayor, and Mr. Karnes in reviewing the bid specifications and discussing the situation with the engineer and with Orders and Haynes. We concluded it was good on a per unit cost. And, because they used more asphalt and more paving substances than they anticipated, of course, the overall cost exceeded what their original expectations were."

Councilman Hughart said, "They accepted a bid, though, didn't they, and we voted to accept their bid. They turned a bid for another fee."

Mr. McCormick said, "Their bid was predicated on a per unit cost and if you'll scrutinize the bid specifications it sets forth it is predicated on a per unit cost. They estimated the number of units that would be necessary to complete the job. They underestimated the number of units. I conversed with the city engineer with regard to that. He said it is not uncommon and, of course, the city engineer oversaw the job, and he said the excess and the number of units utilized was justified. There was no waste or misutilization."

Councilman Hughart stated, "But, they came out with a per foot. Now, if it took more footage than we originally planned that's something else. But these figures that we have here are not in agreement with the per foot that we saw."

Mr. McCormick said, "It was predicated upon a cost per unit basis. They estimated the number of units necessary to complete the job. It was not a turnkey job, it was not a turnkey bid. They didn't guarantee they would do the job for x number of dollars. It was on a cost per unit basis."

Councilman Hughart asked, "Where does it say that."

Councilman Miller said, "We were furnished an open bid that said so much a foot, not so much a unit. It was bid by linear foot; it wasn't bid by unit."

Councilman Hughart said, "The bid was \$5.95 per foot on Sattes Circle and \$6.80 per foot. We had an estimate and we had a bid. I should have a copy of the bid somewhere."

Councilman Miller asked, "Where are the bids?"

Mr. Karnes answered, "I have the original bid in my office."

Councilman Miller replied, "I would like to see it."

Councilman Hughart said, "The estimated cost was \$4.20 per foot on Sattes Circle, Holly Street was \$5.95 per foot on Sattes Circle, and \$6.80 per foot on Holly Street."

Mr. McCormick said, "The contract recites that on page 7, SPECIAL CONDITIONS that 'Whenever the estimated quantities of work to be done and materials to be furnished on a unit price basis under the contract are shown in any of the documents including the proposal, they are given for use in comparing bids, and the right is expressly reserved, except as herein otherwise specifically limited, to increase or diminish them as may be deemed reasonably necessary or desirable by the owner to complete the work contemplated by this contract, and such increase or diminution shall in no way vitiate this contract, not shall any such increase or diminution give cause for claims or liability for damages.'"

Councilman Miller asked, "How many additional units did they use.?"

Mr. McCormick said, "I don't have those figures. The engineer does."

Councilman Hughart asked, "How many feet for Sattes Circle did you say?"

Mr. McCormick said, "Sattes Circle: linear feet was 3,054.42, total cost was \$22,500 dollars at \$7.37 per front foot."

Councilman Hughart asked, "And Holly Street was . . .?"

Mr. McCormick said, "Linear feet, 907.75, \$8,400.00, \$9.25 per front foot."

Mr. McCormick said, "I don't have a breakdown as to what their estimated units and actual units turned out to be. The engineer has that, he just gave me the total figures, not the breakdown."

Councilman Hughart said, "Somewhere they spelled it out, because I made a note of what the bid actually was and I thought if we received a bid with a price, that is the price. Unless, somebody made changes or additions which I am not aware of."

Mr. McCormick said, "Well the change was they used more units than they anticipated and, of course, the city engineer . . ."

Councilman Hughart asked, "But, who told them to do that?"

Mr. McCormick said, "Evidently, the city engineer, they supervised . . ."

Mr. Hughart said, "He had no right . . ."

Mr. McCormick said, "If they deemed necessary, and in the language of the contract said effective, it's deemed necessary. He said this is on the job production and I suppose at this juncture the discretion lies with the city engineer to determine whether to expend more units than originally anticipated, that's what the contract calls for." He said, "I had the same cause for concern."

Mr. Karnes said, "The thing that disgusts me about it, Orders and Haynes is one of the largest pavers in the Kanawha Valley and they of all people should be professional enough to be able to come over there and say, 'Do we need to do certain things or do we not?' And the fact that they say, 'We do not.' and submit a bid of one price and then go in on a job and decide no, that's not adequate, we have to do this other thing. And it cost us, as a result of them making that error, if it is error."

He said, "I know what they did; I was there, and they decided that strictly a wearing course would not hold up. So they put down a base course and then a wearing course. The base course was not in the bid. That's what ran the unit

price up. He further stated, "I resent the fact that the biggest paver in Kanawha Valley does not have more professional people that could not submit a bid closer than that. That bid is off 30 percent. I'm disappointed in that, but I'm not sure there is anything we can do, because that does specify that in the contract."

Mr. Miller said, "I suggest that the contractors be called in for a meeting with the councilmen. I think that they should be asked to give a reason for what they have done. I make a motion that Orders and Haynes be asked to attend the next regularly scheduled Council Meeting to discuss the overrun."

Councilman Bailey stated, "We have entered into a contractual agreement. Right?"

Mr. McCormick said, "That's true."

Councilman Bailey said, "Then there is nothing we can do about it."

Councilman Hughart answered, "No, no, no. Once they put a figure down though, that's it. Now, if they see the price was going to overrun, then they should have stopped the job. Now, I blame Orders and Haynes and Appalachian Engineers too. First of all it's a very minor disagreement. But Sattes Circle, the engineers estimated 3,213 feet. It turned out to be 3,054. On Holly Street they estimated 801 feet; it turned out to be 907.

Now, we're paying good money for supposedly good engineering. Now, I know engineers make mistakes, but I'm like Dean, we had a public hearing, we told the people prior what the estimate might be and they also knew they had the privilege of being here when the bid was opened. The bid was opened and read at \$5.95 a foot Sattes Circle and \$6.80 a foot on Holly Street. If I lived up there that's what I would expect to pay. Now, I think we should challenge them."

Mr. McCormick answered, "Of course that's the purpose of having a notification on the proposed assessments, it's our final assessments to afford the property owner the opportunity to come in and protest."

Councilman Hughart said, "But once they offer a bid at so much per foot. . ."

Mr. McCormick said, "There is a provision in the contract to provide for the overrun."

Councilman Hughart questioned, "Is it specified per foot in there?"

Councilman Miller stated, "I accept bids every day

and once a bid is submitted it's rare, they can write and ask that their bid not be considered but there is no way that they can legally even do that. They can be legally bound and I can cause them to have to pay for something once they have bid. Now, I accept bids every day."

Mr. Karnes said, "What they have done here, though, they bid for these 2 items, they bid \$80.00 per unit which is a ton. They estimated 15 ton on one part and 70 on the other.

There is the difference when you go to unit part of the contract it says that is an estimate and they are allowed to overrun. By contract they are right. That's the problem. I don't appreciate it and I don't like it at all."

Mr. McCormick said, "I think the safeguard under these procedures would be to have someone on the job to make sure they don't utilize more than what their estimate was."

Councilman Hughart said, "There was an engineer down there. Wasn't there?"

Mr. McCormick answered, "Yes."

Councilman at Large Pennington said, "I think the problem is communications. I see what they are saying. They bid one thing and did something else. The contract didn't come until after the bid. Is this not correct?"

Mr. McCormick replied, "No, but they determined on the job that they were going to need additional units than what they predicated their bids for."

Councilman at Large Pennington asked, "When did the contract become a contract, before they bid?"

Councilman Hughart said, "They had the specifications and they bid on the specifications."

Councilman at Large Pennington said, "And then a contract was signed after the bid?"

Mr. McCormick replied, "That's correct."

Councilman at Large Pennington stated, "Then whoever signed the contract was in error if they allowed them to . . ."

Councilman at Large Dr. Allen stated, "It gives them an opportunity to underbid everybody else."

Councilman at Large Pennington said, "That's right, and that's not a fair bid. You see what I'm saying."

Councilman Hughart said, "I think I see what you are saying, but I think that's terrible. I have been chairman of this committee and working to get paving done and fighting other battles within the city where people were disheartened or disenchanted about the drainage and things like that and I would say we will get started on the paving program and this thing turns out like this. I think that's terrible. I'd like to challenge them."

Councilman at Large Pennington asked, "Who signed the contract? Council voted x amount of dollars per foot, right, no contract to run over or anything else."

Mr. McCormick said, "Council did have before them a copy of this bid proposal which set forth that particular provision."

Mr. Karnes said, "In effect, when we voted to accept this contract, in effect, is when everything was set in motion."

Councilman at Large Pennington said, "In other words when we accepted that bid we did accept the terms in that contract."

Mr. McCormick said, "Otherwise as I understand it under the nature of his particular industry they wouldn't make a bid unless that provision was in the contract."

Councilman at Large Pennington said, "I stand corrected."

Mr. McCormick said, "They wouldn't make that bid unless they had that provision in there. That is just the way they operate. I don't think it's the fault of the council or the Mayor. I mean that is the only way you can get the job done."

Councilman Miller stated, "We hired two professional people. We hired Appalachian Engineers to come down and to engineer and they said it would be x number and then we ask people to bid on specifications and we specified. They are mighty poor people if they can't meet the specifications."

Councilman Miller said, "Let's call them in. Let's not let them get by with it."

Mr. McCormick said, "I think the statutes contemplates to have a public meeting anyway and I think that would be the appropriate time to have the engineer and the paving company here. After notice has been given to the property owners as to what their projected assumptions might be; they have a right to come in and protest."

Councilman Hughart stated, "Mr. Mayor, I would like the committee to have a meeting with them prior to this because as far as I'm concerned I'm embarrassed to appear before the public in a situation like this; I feel like I've been mislead. Jerry, did you realize this contract was in there? I thought the bid proposal was on the table for a guy like me to understand."

Mr. McCormick said, "To be quite honest with you I was under the same impression."

Councilman Hughart said, "I'm really disappointed in this."

Mr. McCormick replied, "I assumed though that when they told me about the number of units to be expended; that was all the units that would be expended."

Councilman Hughart said, "Units, my foot, they made a bid and to me that's so much per foot."

Mr. McCormick said, "I recognize that in the contract, but I felt their business predicated on a pretty good faith estimate as to how many units they needed. Evidently, when they got down there, as Don said, they changed their minds on the job."

Mayor Gibson stated, "We have a motion on the floor. Do we have a second or do you want to restate your motion or do you want to withdraw it?"

Councilman Hughart said, "Withdraw it and let's have a committee meeting, and everybody is welcome, of course."

Councilman Miller said, "All right, I withdraw it."

Councilman at Large Pennington said, "You can call them in at another time if you want."

Councilman Hughart said, "Right, I would like to have a committee meeting and the whole council, of course, is privileged to be there."

Councilman Miller said, "All right, I withdraw my motion, but I still feel that they need to be present to face the irate citizen, not us. And I guarantee you're going to have them at three bucks a foot above the estimate you're going to have some irate citizens."

Councilman Hughart said, "Well, we can ask them, but that doesn't mean they'll be there, they don't have to be there."

Councilman at Large Pennington said, "I move we put this in Romie's Committee for him to act as he so desires

or sees fit to have a meeting whenever, in other words, I move we put this in the Ordinance, Street and Traffic Committee."

Mr. Karnes stated that he would second the motion if Romie would notify everyone when that meeting will be.

The Date for the meeting was set for 8:00 p.m. Wednesday, December 12. Councilman Hughart said he would like for Mr. McCormick to be present.

Mayor Gibson called for a vote on Councilman at Large Pennington's motion which was seconded by Mr. Karnes, and the motion passed unanimously.

REPORT ON REQUEST FOR CABLE FROM RESIDENTS AT 201½ FIRST AVENUE SOUTH, NITRO, WEST VIRGINIA: Mr. Karnes, City Recorder, stated that effective last Saturday, December 1, that cable was installed at 201½ First Avenue and Kanawha Cablevision is available to the residents now if they want it. He further stated that some residents on Old County Road now have Kanawha Cablevision and others will have it within a week or ten days. He stated that Mayor Gibson had written the residents to that effect.

Mayor Gibson said that since last council meeting, council had received copies of the Nitro Lions Little League Minutes of November 20, 1979 and attached was a financial statement and a ballot. (Copy is in Supplement File to Council Meeting Minutes).

MAYOR GIBSON CALLED FOR COMMITTEE CHAIRMAN REPORTS.

COUNCILMAN AT LARGE PENNINGTON: no reports.

COUNCILMAN LEGG: no reports. However, Councilman Legg stated that with the Mayor's and council's permission he would like for Reverend Donald King to be recognized, and Mayor Gibson recognized Reverend King.

Reverend King who lives at 3962 39th Street East, stated that he was making an official complaint before the Mayor and Council about a serious health hazard. He stated that at this time he has 3 inches of raw sewage in his yard which comes from a manhole on his property, and that his neighbors were complaining.

Reverend King stated that this had been going on for over a year, and that the problem had been reported to the Sanitation Department. He explained the situation indepth.

After further discussion, Councilman Miller explained to Reverend King that council does not control the Sanitary Department at all; that the Sanitary Department is a separate entity.

Mayor Gibson explained similar problems other citizens were having. The mayor explained that to correct the various problems, a new line was going to be necessary and the estimated cost of construction was about one million dollars. Mayor Gibson said he would be glad to send Mr. Wygal and crew down there and if they can minimize the problem he said I'm sure they will. Or even if they can get Cadle Sanitary Service in to minimize it, I'll be glad to do that. Mayor Gibson stated that the main sewer line below there which goes to the treatment plant, is about 45 years old and is in very bad condition. He stated that in recent months the main sewer line had broken in two places, the first break cost \$18,000.00 to repair and the other break cost approximately \$50,000.00.

COUNCILMAN BAILEY: no reports.

COUNCILMAN AT LARGE DR. ALLEN: no reports.

COUNCILMAN HUGHART: no reports.

COUNCILMAN MILLER: no reports. However, Councilman Miller stated that he had received a call from Miss Ruth Mace and she had suggested that the elderly in nursing homes who cannot come to the Senior Citizens Dinner be considered somehow.

He referred this to the Civic Betterment Committee to be considered next year because of the time element this year, and asked the Mayor to write Miss Mace thanking her for her suggestion.

MAYOR GIBSON: Mayor Gibson stated that the Senior Citizens Dinner is scheduled for Sunday, December 9 at 1:00 p.m. at the First Presbyterian Church of Nitro.

MR. KARNES, CITY RECORDER: no reports.

Mr. 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

NITRO, WEST VIRGINIA

DECEMBER 18, 1979

The regular meeting of the Nitro City Council was held in the Council Chambers on December 18, 1979 at 8:00 P.M. Present were Mayor William D. Gibson, Don Karnes, City Recorder, Councilman at Large Dr. R. V. Allen, Councilman Dr. Guy Cassell, Councilman at Large Mel Pennington, Councilman at Large Jack Legg, Councilman Romie Hughart, Councilman Dean Miller, and Councilman Gus Bailey. Also present was Mr. Jeremiah McCormick, City Attorney.

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

1 APPROVAL OF DECEMBER 4, 1979 COUNCIL MEETINGMINUTES:

Councilman Hughart asked that a correction be made on page 371. The correction to be as follows; " The estimated cost by bid was \$5.95 per foot on Sattes Circle. Holly Street was \$6.80 per foot." The correction was approved unanimously. Councilman at Large Pennington moved that the December 4 minutes be approved as corrected. Councilman Miller seconded the motion. The December 4 Council Meeting Minutes were approved unanimously.

2 APPROVAL OF NOVEMBER 1979 FINANCIAL STATEMENT:

Don Karnes, City Recorder and Chairman of Finance Committee, asked Council to excuse him because he was not prepared to give the

November 1979 financial statement because he had been pressed on other matters of much importance and had not been able to get the financial statement prepared on time. He asked that it be put on the agenda for the first Council Meeting in January 1980.

REPORT ON HOLLY STREET AND SATTES CIRCLE PAVING ASSESSMENT: Romie Hughart, Chairman of Street and Traffic Committee, said that he had met the previous week with the Street Committee, Orders and Haynes, Appalachian Engineers, and Jeremiah McCormick (city attorney). The original cost for paving Sattes Circle was \$7.37. This cost was reduced to \$6.63; a difference of \$.74 per foot. The original cost for paving Holly Street was \$9.25. This cost was reduced to \$8.40; a difference of \$.85 per foot. There was an overall reduction of 10%. He also stated that Orders and Haynes had needed to increase their tonage units, and that the city engineer was there at that time and gave them his approval to do so. Thus, causing the aforehand projected costs.

Jeremiah McCormick the city attorney said that next the city had to set the date for the public meeting that gives the property owners a chance to express their opinions on the projected costs. He also said that he needed to get together with Mr. Karnes to set a date. The public has to have two weeks notice prior to the meeting. Mr. McCormick and Mr. Karnes decided to have the public meeting January 15, 1980 7:00pm and Council had no objection.

REPORT, SENIOR CITIZENS DINNER SUNDAY, DECEMBER 9, 1979:

Don Karnes, Chairman of the Recreation Committee said that there was a good turn out at the Senior Citizens Dinner held at the First Presbyterian Church in Nitro. He also added that Santa Claus was there and so were most of the Councilmen.

Councilman Miller wanted to add that the reason he was not

there was because his wife's sister had had a stroke.

REPORT, EMPLOYEES CHRISTMAS DINNER MONDAY, DECEMBER 17, 1979:

Don Karnes, Chairman of Recreation Committee reported that the first annual employees dinner had been held at the Moose Lodge Monday, December 17, 1979 at 6:30 p.m. Mr. Karnes also said that tax payers money could not be used for such functions according to the tax department. Therefore, he had to rely on local merchants and elected officials to contribute what was needed. He added that response was tremendous. The Moose Lodge provided the cooks and the use of their facilities. Mr. Karnes stated that he had acquired some space in the Shopping Guide to thank the local businessmen and citizens who contributed.

There were approximately 125 people who attended and among those were about 35 children. All of the children were given toys from Santa Claus. (The toys were donated by local merchants.)

Councilman at Large Pennington stated that the only objection he had was that he was not given enough notice beforehand. Mr. Karnes explained that he did not know about it himself until the Wednesday prior to the dinner. He added that next year he hoped to be able to give everyone ample notice.

MEETING WITH GOVERNOR ROCKEFELLER MONDAY, DECEMBER
17, 1979:

Mayor Gibson stated that he had received a letter December 12, 1979 inviting him and various other Mayor's in the Kanawha Valley to attend a meeting with Governor Jay Rockefeller on

December 17, 1979. The Mayor stated that he thought the meeting was fruitful and that he had been totally assured by the governor that Nitro would be given a grant for the proposed addition to the municipal maintenance garage. Although, he had nothing in writing as of yet, Governor Rockefeller gave him good reason to believe that he didn't see any problems and that he would be making an announcement soon. Mayor Gibson went on to add that it was nice of the Governor to invite the Mayor's for a meeting which was held at the Governors Mansion and that he was well pleased with the meeting.

LETTER OR REQUEST DATED DECEMBER 13, 1979 FROM POLICE

CHIEF LEO BRADLEY CONCERNING PISTOL RANGE: Councilman at Large Dr. R. V. Allen said that he had received a copy of a letter sent to Mayor Gibson from Police Chief Leo Bradley concerning a request for a pistol practice range at Ridenour Memorial Park. He said that he had not had a chance to discuss this with the Police Committee as of yet. Although he had discussed it with the Chief and Jeremiah McCormick the city attorney. He said, "You look at the letter and you can see that there's certain responsibilities that we have to make things available to members of the Police Department for some type of a training program. At this time, I'd like to ask our chief to make a comment on this, if he would, and then I'll ask the City Attorney to."

Chief Bradley responded, "The main crux of the whole thing is called Vicarious Liability. In other words, if we take a new man and we have no training program and we have no means of keeping him updated, the record of his updated proficiency in the use of fire-arms, then vicariously we are liable." We have checked out Ridenour Park. There is a place there that is sufficient for a combat

police-type range. Which only requires a maximum of 25 feet. There is a steep hillside; it is out of gunshot hearing of the local neighbors.

Councilman at Large Pennington said, "I have a question Mayor. I don't want to address it to the chief; I'll address it to you. He knows the answer, but I don't want to put him on the spot. Doesn't the Fire Department have a training program of which they are paid to participate in? Is this not true? Am I mislead or am I using the wrong terminology? Don't they have certain drills that they attend other than their regular hours and they are paid for those? Is that correct?

Mayor Gibson answered, "Yes, it's my understanding.

Councilman at Large Pennington continued, "Are we going to work out something with the Police Department that they don't have to use their time and their efforts without paying them to participate in this program? Don't you expect this? Or do you expect that? Or am I putting words in your mouth?"

Chief Bradley answered, "I fully intend to make them qualify every so often. The Mayor and I haven't had a chance to discuss this. I think they should qualify once a month."

Councilman at Large Allen stated, "I've got to meet with the Finance Committee and see what the cost factors are. Just to say we're going to do it is something else?"

Councilman at Large Pennington added, "Will you take that into consideration also?"

Councilman at Large Allen answered, "Oh, that would be in consideration...how we're going to pay it...the pay scale."

Councilman at Large Pennington commented, "I think they should be paid. It's only fair."

Councilman at Large Allen stated, "Well, we have to get permission you know. We can't just say we're going to do it unless we have permission to do it."

Chief Bradley answered, "Right! That's why I said we need to get permission from the DNR to start with and then permission from the City Council. And, I think DNR would have the final say so over the whole thing."

Mayor Gibson stated, "I think you have to consider if it's going to create any noise problems or other problems of concern for anyone living nearby."

Chief Bradley then stated, "Well we have took that into consideration. That's the reason why we chose the latter. At first, we started with the spill way and it was just a little bit too close to the houses. The noise could be heard."

Mayor Gibson asked, "Where does St. Albans do their drilling?"

Chief Bradley answered, "I don't have any idea, sir. They have a man over there that lives way out Coal River. He even does all their reloading for them. But we're not fortunate enough to have that."

Mayor Gibson said, "Well, it may be that we could use their facilities if they have a good one."

Mr. McCormick then stated, "St. Albans does not have a facility, Mayor. They take there training at the State Police Academy."

Mr. Karnes added, "One thing that might need a partial answer, maybe just an opinion, really, to Mel's question. If we feel (as a governing body) it might be necessary to train the Police Officers and require it, then I think we'd be obligated to pay them for the

time required for the training, because we do that for the Fire Department. Now, if it would be something that was kind of a voluntary thing, I would think that they could more or less do that on their own. I'd say that we might be obligated to train them up to a certain point. And once they've met whatever requirements that we might establish, any further training they might get would be strictly voluntary.

Councilman at Large Pennington said, "Well, it was my understanding that he was going to regimentate this into a program.

Mr. Karnes then asked, "Would there be some kind of a minimum?

Councilman at Large Pennington answered, "Yes, and so under those circumstances, I think they should be paid."

Mayor Gibson asked, "Dr. Allen, do you have any more comments?"

Councilman at Large Allen answered, "No, I have no more comments. I'll meet with the committee and we'll see if we can bring all these things to light."

Councilman at Large Allen then made a motion for this request to be put in Police Committee, who will work with the Finance Committee. Mr. Karnes seconded the motion and the motion was passed unanimously. This issue was then put on the agenda for the next council meeting.

MEETING WITH WEST VIRGINIA DEPARTMENT OF HIGHWAYS
COMMISSIONER, CHARLES MILLER, MONDAY, DECEMBER 17, 1979:

Mayor Gibson reported on his meeting of Monday, December 17, 1979, with the West Virginia Department of Highways Commissioner, Charles Miller. He said that the meeting was to discuss needed

improvements to roadways; from a stand point of building new roads and streets to help with the traffic flow from the HUB Industrial Park and also from other traffic congested areas outside the city limits.

The Mayor further stated that the West Virginia Department of Highways paved the road from McJunkin's pipe yard to Kanawha Valley Distribution late in the summer. Now it is their intention to go back and put a new crossing near the curve below where you cross under the interstate. As of now, the crossing will not accomodate lowboys and tractor trailers. The purpose of this meeting was to get this new railroad crossing pushed through.

The Mayor then made reference to a letter he had received September 20, 1979, concerning an extra lane of roadway from 42nd Street to 35th Street. He said this also was discussed during the meeting, along with eliminating the curve at 21st Street and 19th Street. He explained that this needed to be done to accomodate the tremendous amount of tractor trailers passing through from local industries.

Mayor Gibson stated that in six weeks he would be having another such type meeting with Commissioner Miller. In the meantime, the W. Va. Department of Highways will be sending some special people to Nitro to study the traffic flow and explore the area to work out plans for improvement.

Mayor Gibson stated that since last council meeting he had received a letter dated November 19, 1979 from the Post Master General of the United States. The letter was in reference to the new Post Office in Cross Lanes. (Correspondence to be placed in supplement file to the minutes)

MAYOR GIBSON CALLED FOR COMMITTEE CHAIRMAN REPORTS:

MR. KARNES: No reports

COUNCILMAN MILLER: No reports

COUNCILMAN HUGHART: No reports

COUNCILMAN AT LARGE ALLEN: No reports, but he wanted Mr. Karnes, Chairman of the Finance Committee to see if there was any funds available for fire hydrants, including 18th Street Hill.

Mr. Karnes said that his committee had a few things together on that price wise.

Councilman at Large Allen said that he would like to have some information on that soon.

Mr. Karnes said that while finances were being discussed, he wanted to make mention that he thought some of the city vehicles were in bad condition and felt that these matters needed and deserved much attention.

COUNCILMAN DR. CASSELL: As Chairman of the Annexation Committee, Councilman Dr. Guy Cassell introduced a resident of Nitro, Mr. Lonnie Norvell. Mr. Norvell who is a resident of 1318 Valentine Circle and also a freeholder, was in possession of an annexation petition with 161 signatures, all of whom he believed made up 5% of the freeholders of Nitro. Mr. Norvell then presented the petition and a map to the council and stated that he represented the people and I would like at this time to ask the Council to set a time for an annexation election. At this time, Mayor, I would like to submit this to the Council. This is a map of the area along with a petition for your consideration bearing the signatures of 161 names. Also an affidavit signed by me."

Mr. Karnes then asked, "This map outlines the area you're

referring to?"

Mr. Norvell replied, "Yes."

Mr. Karnes stated, "I think maybe we ought to have our City Attorney ... or give him an opportunity to say 'What do we do now?'"

Mr. McCormick then stated, "The Code contemplates that on the submission of a petition by 5% or more of the freeholders of a municipality desiring to have a territory annexed and the petition being verified, and Mr. Norvell did submit that he did verify to the best of his knowledge that the petitioners were freeholders from the City of Nitro. They constituted at least 5% of the freeholders. And once such a petition is submitted to the City Council, it's imperative that the City Council do vote. And to read directly from the Code Chapter 8 Article 6 Section 2. It's titled Petition for Annexation; it states that '... Such a petition shall be verified and shall be accompanied by an accurate survey map showing the territory which would be annexed into the corporate limits by the proposed change. The governing body, upon bond in penalty prescribed by the governing body with good and sufficient surety being given by petitioners, and conditioned to pay the costs of such election if a majority of the legal votes cast are against the proposed change in boundry, shall thereupon a vote of the qualified voters of such municipality to be taken upon the proposed change on a date and at a time and place therein to be named in the order, not less than twenty nor more than thirty days from the date thereof. The governing body shall, at the same time, order a vote of all the qualified voters of the additional territory, and of all of the freeholders of such additional territory, whether they reside or have a place of business therein or not, to be taken upon the question on

the same day, at some convenient place in or near such additional territory ...' So it's incumbant upon the City Council now, upon the submission of the petition to establish a date for the election relative to the issue set forth in this petition also, it's imperitive that the city confirm bond which would be assessed against the petitioner to insure any cost incurred."

Councilman at Large Pennington asked, "Does the whole city vote on this as well as the people that are living in the proposed area presently outside the city."

Mr. McCormick answered, "Yes, same time and same issue."

Councilman at Large Dr. R. V. Allen then replied, "In other words, we can't ignore this petition?"

Mr. McCormick then answered, "It's manditory, that's correct. No discretion. It says 'the governing body shall' that's not discretionary at all. The election has to be held no less than twenty nor more than thirty days. Two things we need to do today (or this evening) are to determine a tentative time for the election and determine the amount of the bond the petitioner must post. And of course, you are vested with some discretion with regard to the bond."

Mayor Gibson then asked, "Now, who has to handle the bond?"

Mr. McCormick answered, "One of the petitioners. I don't know if Mr. Norvell wants to assume that liability himself. But there again, I think it's discretionary. Whatever you would estimate the cost to be you could require a bond in that amount. Property bond I'm sure would be adequate. And Mr. Norvell

representing these freeholders, ther'd be no difficulty as far as property bond. I'm sure."

Mr. Karnes asked, "In the ultimate end, who pays for this election?"

Mr. McCormick answered, "If it's successful, as I read the code, that would be the expense of the municipality. If it's not successful then we would have to look to the petitioners. The freeholders. That's the purpose of posting this bond."

Mr. Karnes stated, "We need to determine tonight then, some reasonable estimate of a cost of an election."

Mr. McCormick said, "In order to establish a bond, yes."

Mr. Karnes said, "If we use figures that come to mind, it was the levy election we had in February, that was in the neighborhood of \$3,000. That was what the levy election cost us. I would think that that would be comparable or be a reasonable estimate."

Mr. McCormick replied, "Obviously, I'll agree. And there again the code does vest us with some discretion in that regard... a reasonable effort to contimplate what the anticipated cost would be."

Councilman at Large Mel Pennington then asked, "So what we have to do tonight is set a bond?"

Mr. McCormick answered, "Yes."

Mayor Gibson asked, "What would it be if we could get the poll workers to donate their time?"

Mr. McCormick answered, "It has to be conducted in the normal fashion. As long as you comply with the guide lines, but certainly if you can minimize your cost it would be satisfactory."

Mayor Gibson stated, "It would save a lot really if the poll workers were willing to work and donate their time."

Mr. Karnes said, "The primary expense in the levy election...I don't know if there's any difference now in the cost of a voting machine since they have changed the voting machines, but in the levy election they charged us \$100 each for a machine."

Councilman at Large Pennington said, "I saw something on TV. The new machines, small machines, like we used in the last K. V. R. T. and Ambulance election, I think it was \$5.00.

Mr. Karnes replied, "I knew it was a lot less."

Councilman at Large Pennington said, "Don't hold me to that; it was \$5.00 or \$10.00."

Mr. Karnes said, "It cost \$900.00 for the voting machines for the levy election. I'd have to kind of guess at the poll workers.

Mr. McCormick then stated, "I think you have to use as your basis what a past election cost. Now, if you can undertake that savings, that obviously would be the city's benefit or the petitioners."

Mr. Karnes said, "With just the difference in the cost of the voting machines, I would think you could reasonably anticipate that this would bring it to about \$2,000. Would you think then, Jerry, that the cost of voting machines being so much less that we could reduce what the bond requirement by roughly that amount?" And be reasonable?"

Mr. McCormick replied, "If you're confident in that fact."

Mr. Karnes then stated, "In the ultimate end it would boil down to the actual cost. So the bond is no more than a

little asurety."

Mr. McCormick stated, "That's correct."

At this time Councilman at Large Pennington made a motion to set a Property Bond at \$2,000. Councilman Miller seconded that motion. The motion passed unanimously.

Councilman Cassell moved that the election be set tentatively for January 12, 1980 which is on a Saturday and give the City Recorder and our Legal Council the discretion necessary to work out the mechanics of the election.

Mr. McCormick then stated, that he would research the West Virginia Code as related to "Annexation by Election." Because it is very important that we follow Chapter 8, Article 6, Section 2, of the West Virginia Code.

Councilman Miller then seconded the motion made by Councilman Dr. Cassell.

Councilman Bailey then asked if hand written ballots could be used in the instance something went wrong with the new voting machines or procedures.

Mr. McCormick said that the code specified that this election be held in the same manner as any general election.

Mayor Gibson then called for a vote and the motion was passed unanimously. A copy of the petition regarding annexation is attached hereto and made a part hereof. In addition to being made a part hereof, Mayor Gibson requested that a copy of the same be made a part of the supplemental file to the minutes.

Councilman at Large Allen made mention that reservations for voting machines be made immediately.

Mr. Karnes said that he would start making phone calls the next day.

Mr. McCormick mentioned that it was mandatory that the election be held in the proper manner.

Mayor Gibson then stated, "Dr. Cassell, you are the Chairman of the Annexation Committee and I would like to respectfully request that you gentlemen work very closely and work with the city attorney to make sure that every "I" is dotted and every "T" is crossed."

Dr. Cassell replied, "We'll do our best, sir."

Councilman Bailey said that the West Virginia Water Company had attempted to repair a fire hydrant main at Main Avenue and Blackwood Street. He stated that it was worse now and he suggested that they be called back again.

Councilman at Large Allen said he got a report that morning about a boy who had slid in the ditch with his car due to the ice on the road between the swimming pool and the railroad tracks. It was due to the chemical company washing their tankers there and leaving water across the road. He asked Chief Bradley if he would keep an eye on that area.

Councilman Bailey stated that in Riverdale Acres the west bound lane of Rt. 25 and 1st Avenue South always has ice on it. He said that he didn't know who's responsibility it was, but thought that the West Virginia Department of Highways should be notified.

Mayor Gibson stated that that had been discussed at the meeting with the Governor the day before.

Councilman Bailey made mention that there was another icy spot in front of WMUL-TV where water stands on the road. He stated that he didn't know whether it was a water main or whether it was water running off the hill.

Councilman at Large Legg said he had no reports.

Councilman at Large Pennington stated his appreciation of Mr. Craigo of Gino's for always being so cooperative. He then made a motion for adjournment.

Mr. Karnes seconded the motion and the motion was passed unanimously. The meeting was then adjourned.

MAYOR



RECORDER

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Nitro that the portion of Broadway Avenue lying east of the sidewalk in Broadway Avenue be abandoned by the City of Nitro as more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of Lock Street; said beginning point being also located in the northwesterly corner of Lot No. 68 of East View Land Company as the same is designated and shown upon a map entitled, "East View Land Company Nitro, Kanawha Co., W.Va.", dated August 25, 1934, prepared by C. R. Conner, C.E., and of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 8, at page 85; thence running with the southerly line of Lock Street, N. 89 deg. 45' W. a distance of 9.39 feet to a point in the easterly edge of a sidewalk in Broadway Avenue; thence running with the easterly line of said sidewalk and Broadway Avenue, S. 26 deg. 50' W., a distance of 45 feet to a point; thence leaving said sidewalk and running S. 4 deg. 51' W. 22.43 feet to an iron pin in the westerly line of said Lot No. 68; thence running with part of the westerly line of said Lot No. 68, N. 26 deg. 50' E. 70 feet to the place of beginning, containing 482.788 square feet, more or less; said parcel herein conveyed is shown upon a map entitled, "No. 113 Lock Street Being Parcel Of Land Adjacent To Lot 68 & Broadway EAST VIEW LAND CO. To Be Conveyed To HOWARD E. & BESSIE A. HINRICHS", dated November 19, 1979, and prepared by Paul Cody, R.P.E., a copy of which map is attached hereto, incorporated herein and filed herewith.

AND BE IT FURTHER ORDAINED by the Common Council of the City of Nitro that the Mayor of the City of Nitro be authorized and directed to sign, acknowledge and deliver a deed conveying and releasing said strip of land lying east of the sidewalk in Broadway Avenue as more particularly bounded and described above to Howard E. Hinrichs and Bessie A. Hinrichs, his wife, for the sum of \$ 570, this being the fair market value of said strip of land so abandoned and conveyed; all in compliance with Chapter 8, Article 12, Section 18 of the Code of West Virginia, as amended.

MAYOR of the CITY OF NITRO

ATTEST:

1979.

Nitro upon Second Reading on the 20th day of November, 1979.

Adopted and passed by the Common Council of the City of

1979.

Introduced on First Reading on the 6th day of November,

with this ordinance for recordation in said Clerk's Office.

sign, execute, acknowledge and deliver an instrument in accordance

Mayor of the City of Nitro is hereby authorized and empowered to

of record in said Clerk's Office in Map Book 8, at page 85, and the

Nitro, Kanawha County, West Virginia", dated August 25, 1934, and

Minor Avenue is shown upon a map entitled, "East View Land Company,

right of way shall revert back to the said City of Nitro, as said

with and all rights created by said waiver shall cease and the full

said right of way, at which time the waiver shall terminate forth-

until such time as the present structure be moved or removed from

set out and this waiver shall continue in full force and effect

clear and make free said encroachments on Minor Avenue as above

right of way line of Minor Avenue and this waiver shall operate to

located beyond the easterly line of Lot No. 68 into the westerly

and successors in title, to the 1½ foot extension of the improvements

Hinrichs and Bessie A. Hinrichs, his wife, their heirs, assigns,

City of Nitro that the City of Nitro issue a waiver unto Howard E.

AND BE IT FURTHER ORDAINED by the Common Council of the

For the Mayor
David

11-30-79

SPECIAL LEVY ELECTION
FEBRUARY 24, 1979

67

PRECINCT 363

NITRO HIGH SCHOOL

CLERK	Joan Stephens, 111 Brookhaven Dr.	776-2822
CLERK	Mrs. Naomi Baker, 224 Brookhaven Dr.	776-3232
SUPPLY COMMISSIONER	Geneva Crewdson, 2430 3rd Ave.	755-1293
COMMISSIONER	Janice Weibl, 203 Brookhaven Dr.	776-4601
COMMISSIONER	Charmagne Mazzei, 1 Barrington Rd.	776-3125

PRECINCT 364

NITRO HIGH SCHOOL

CLERK	Garnet Galloway, 2 Blakes Rd.	755-2482
CLERK	Mary Campbell, 2437 3rd Ave.	755-1646
SUPPLY COMMISSIONER	Leyland Campbell, 2437 3rd Ave.	755-1646
COMMISSIONER	Jan Tauscher, 2127 21st Street	755-4666
COMMISSIONER	Mrs. Harry Miller, Jr., 2151 21st St.	755-2627

PRECINCT 365

NITRO ELEMENTARY SCHOOL

CLERK	Joyce Middleton, 1922 19th St.	755-2883
CLERK	Velma Kinder, 1816 18th St.	755-3123
SUPPLY COMMISSIONER	Viola Ragle, 1619 16th St.	755-2669
COMMISSIONER	Isabelle Hudnall, 1522 15th St.	755-3422
COMMISSIONER	Margarite Grover, 1409 14th St.	755-2620

PRECINCT 366

BAKER ELEMENTARY SCHOOL

CLERK	Sue Fowler 921 9th St.	755-7516
CLERK	Ethel Bailey, 1332 13th Street	755-3153
SUPPLY COMMISSIONER	Jessie Raynes, 1123 11th Street	755-3525
COMMISSIONER	Audry Deeter, 722 7th St.	755-5406
COMMISSIONER	Lennie Long, 817 8th St.	755-1104

*2-14-79
ran another
copy for
minutes
Feb. 6, 1979*