

SPECIAL MEETING OF THE COUNCIL
OF THE CITY OF NITRO, KANAWHA
AND PUTNAM COUNTIES, NITRO W V

December 29, 1979

ATTENDING THE SPECIAL MEETING OF CITY COUNCIL:

Mayor William D. Gibson; Councilman at Large R. V. Allen;
Councilman Gus Bailey; Councilman Dr. Guy Cassell;
Councilman at Large Mel Pennington; Councilman Romie
Hughart; City Recorder Don Karnes; Councilman Dean Miller;
City Attorney Jeremiah McCormick. Absent was Councilman
at Large Jack Legg.

CALL TO ORDER: Mayor William D. Gibson

Mayor Gibson stated that this special meeting was
scheduled pursuant to a notice properly given, in accordance
with the Open Governmental Proceedings and will be conducted in
accordance with Robert's Rules of Order.

PRAYER: Councilman Guy Bailey

WARRANT:

Mayor Gibson stated that he would like Mr. Don Karnes,
City Recorder to read the warrant into the minutes.

W A R R A N T

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, DON KARNES

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 Chambers in the
City Hall of the City on the 29th day of December, 1979, at
1:00 P.M. The meeting shall be conducted in accordance with
Chapter II Article II - 16 (b) as outlined in the Code of the
City of Nitro, West Virginia. The meeting is called for the

following purpose:

1. To consider an order to authorize a special election on the question of annexation in accordance with Chapter 8, Article 6, Section 2 of the West Virginia Code and consideration of the issues contained therein.
2. Consideration of the authorization to hold a public meeting as required by Chapter 8, Article 18, Section 5 "Report on Completion; Notice to Abutting Owners of Assements; Hearings; Correcting and Laying Assessments." of the West Virginia Code.

Sincerely,

(signed)

William D. Gibson, Mayor

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

(signed) Guy R. Cassell

(signed) Roy V. Allen

(signed) Don Karnes

(signed) Gus C. Bailey

(signed) Mel Pennington

(signed) Romie C. Hughart

(signed) H. Dean Miller

A copy of the same is attached hereto and made a part hereof and also filed in the Supplemental file to the minutes.

City Recorder, Don Karnes stated that on December 18, 1979, at a regularly scheduled Council Meeting, an annexation petition was presented to the Governing Body by Mr. Lonnie Norvell.

Chapter 8, Article 6, Section 2, dictates that Council shall hold an election upon proper presentation of various documents, which are in part, the petition itself and maps, indemnity bond from the petitioner, justification of surity, then sufficiency of

the verification of the petition. This has all been done and I have all the documents, along with the verification of the petitioner that the signatures are valid, in his belief, that they are in fact freeholders and sufficiently numbered to declare a vote be taken by the public.

O R D E R

WHEREAS, a certain verified petition was submitted to the Common Council of the City of Nitro, West Virginia, on the 18th day of December, 1979, wherein the petitioners, representing not less than 5% of the freeholders of the said City of Nitro, a municipality, set forth a proposed change in the metes and bounds of the municipality and asked that a vote be taken upon the proposed change, said petition having been accompanied by an accurate survey properly showing the territory which would be annexed to the corporate limits by the proposed change; and

WHEREAS, the sufficiency of said petition has now been determined by the Common Council of the City of Nitro, that being the governing body of said city; and

WHEREAS, said petitioners have now provided a bond in the penalty prescribed by said Common Council with good and sufficient surety, and conditioned to pay the costs of such election if a majority of the legal votes cast are against the proposed change in boundary;

NOW, THEREFORE, in accordance with the provisions of West Virginia CODE, Chapter 8, Article 6, Section 2 of the Code of 1931, as amended, it is hereby ORDERED as follows:

1. That a vote of the qualified voters of the City of Nitro, a municipality, be taken upon the proposed change as set forth in the aforesaid verified petition on the 26th day of January, 1980, with the voting to commence on that day at 6:30 A.M. and to continue up to and until 7:30 P.M. on that same day and said voting to be held at the following places:

- a. Nitro High School, 21st Street and 2nd Avenue, Nitro, Kanawha County, West Virginia.
 - b. Nitro Elementary School, 19th Street and 2nd Avenue, Nitro, Kanawha County, West Virginia.
 - c. Baker Elementary School, Park Avenue and 11th Street, Nitro, Kanawha County, West Virginia.
 - d. West Sattes Elementary School, Lee Avenue, Nitro, Kanawha County, West Virginia.
 - e. Nitro-Putnam Elementary School, 39th Street East, Nitro, Putnam County, West Virginia.
2. That a vote of all of the qualified voters of the additional territory set forth in the aforesaid petition, and all of freeholders of such additional territory, whether they reside or have place of business therein or not, shall be taken upon the proposed change as set forth in the aforesaid petition on the 26th day of January, 1980, with said voting to commence on that day at 6:30 A.M and to continue up to and until 7:30 P.M. on that same day and said voting to be held at the following places:
 - a. Nitro-Putnam Elementary School, 39th Street East, Nitro, Putnam County, West Virginia.
 - b. Calvary Baptist Church, 424 Cross Lanes Drive, Nitro, Kanawha County, West Virginia.
 3. That said election shall be held, superintended and conducted and the results thereof ascertained, certified, returned and canvassed in the same manner and by the same individuals as elections for municipal officers.
 4. That the ballot used shall have written or printed on it the words:

() For Annexation

() Against Annexation
 5. That the city recorder shall cause a copy of this Order to be published, at the cost of the City of Nitro, a municipality; as a Class II-0 legal advertisement in compliance with the provisions of West Virginia Code, Chapter 59, Article 3, Section 1 et seq., and that the publication area for such publication shall be the City of Nitro, a municipality, and the additional territory, as hereinafter described; and the first publication shall be at least 14 days prior to the date hereinabove fixed for the taking of the vote.
 6. That the additional territory to be annexed by the proposed change is popularly described as the Nitro Industrial Complex from Plant Road to Rock Branch, the Union Boiler property and Armor Creek areas, Nitro Heights Addition, Hulbert Heights, Ortin Heights, and the Rock Branch area lying in and about the Intersection of West Virginia State Routes 62 and 25.

BEGINNING at a point on the existing Nitro corporation line at the low water mark of the right descending bank of the Kanawha River, thence with the descending riverbank in a northerly direction 12,900' more or less to a point, said point being on the Rock Branch Public District boundary line; thence with said boundary line S 03° W - 2400' more or less; thence in a northeasterly direction 700' more or less to a stake at the edge of water of the Armour Creek Backwater, said stake being the common division line between property presently owned by Valley Brook Mobile Home City, Inc. and the Putnam County Development Authority; thence with the common division line along an existing fence N 48° 53' E - 183.89' to a stake in a fence line; thence N 38° 18' E - 46.57' to a metal fence post set in concrete; thence N 84° 35' E - 518.17' to a stake in fence line; thence N 79° 38' E - 222.04' to a stake in fence line; thence N 85° 52' E - 153.04' to an iron pin in concrete base of fence post; thence S 54° 22' E - 184.60' to a stake in the common division line of properties presently owned by Valley Brook Mobile Home City, Inc., Putnam County Development Authority and the Board of Education of the County of Putnam; thence with the division line between Valley Brook Mobile Home City, Inc. and the Board of Education of the County of Putnam along an existing fence line in a southeasterly direction 230' more or less to the center of W.Va. State Route No. 25; thence along the center of Route 25 in a easterly direction 550' more or less to the center of W.Va. State Route No. 62; thence in a due east direction 200' to a point; thence running 200' parallel with Route 62 in a southerly direction 6100' more or less to a point on the existing corporation line; thence with corporation line S 53° 17' 45" W - 165' more or less to a concrete monument on the right-of-way line of W.Va. State Route 62; thence crossing Route 62 with corporation line S 53° 17' 45" W - 71' more or less to a point on the right-of-way line of Route 62; thence with corporation line S. 54° 42' W - 620' more or less to a point 200' from the center line of 40th Street (Sec. Road 35/1); thence with the corporation line parallel to 40th Street (Sec. Road 35/1) and 200' therefrom, 5950' more or less; thence with corporation line N 23° 45' E - 385' more or less; thence with corporation line N. 66° 15' W - 1075' more or less; thence with corporation line N 18° 15' E - 1110' more or less; thence with the corporation line N 62° 20' W - 230' more or less; thence with corporation line N 52° W - 240' more or less; thence with corporation line N 52° 38' W - 250' more or less; thence with corporation line N 37° 22' E - 318' more or less; thence with corporation line N 66° 15' W - 352' more or less to a point on the Consolidated Railroad Corporation right-of-way; thence with the corporation line and the Railroad right-of-way line in a southwest direction 6700' more or less; thence N 66° 15' W - 41' more or less to a point in the Northern right-of-way line of Plant Road same being the common line with Nitro Corporation Line; thence with corporation line N 45° 30' W - 1412' more or less; thence with corporation line N 13° 38' E - 430' more or less; thence with corporation line N 75° 50' W - 1100' more or less to the point of beginning.

This Order entered on the 29th day of December, 1979.


MAYOR


CITY RECORDER

Mr. Don Karnes, City Recorder, made the motion that Council comply with the State Code Chapter 8, Article 6, Section 2, and cause this notice to be properly published and the special election to be held on the time and place as provided within the order. This motion was seconded by Councilman Dr. Cassell, and was approved by unanimous vote of Council. A motion was made by Councilman Dean Miller that the typographical errors as pointed out be corrected; this was seconded by Councilman Gus Bailey, and was approved by unanimous vote of Council.

A copy of the same is attached hereto and made a part hereof. A copy is also filed in the Supplemental file to the minutes.

Mr. W. Victor Ross, attorney, asked Council to be heard on the matter of the petition and the proposed election on annexation; Mr. Ross was representing several of the industries in the proposed area to be annexed. Mr. McCormick, City Attorney, stated that according to the City Code of the City of Nitro, only such items as set forth in the Warrant could be heard during this special meeting of Council, unless a motion to deviate from the Warrant is made and passed by a unanimous vote of Council. As this motion was not forthcoming, the result being that Council would adhere to the items as set forth in the Warrant as issued by Mayor Gibson for this special meeting of December 29, 1979.

It was suggested that if these persons wanted to be heard that they should ask to be placed on the agenda of the next regularly scheduled meeting of the Nitro City Council.

The motion was made by Councilman Dr. Cassell for the continuance of the Warrant, this was seconded by Councilman at Large Mel Pennington, the motion carried by a unanimous vote of Council.

ITEM II:

Consideration of the authorization to hold a public meeting as required by Chapter 8, Article 18, Section 5 "Report on Completion; Notice to Abutting Owners of Assements; Hearings; Correcting and Laying Assessments." of the West Virginia Code.

The meeting at this time under Item II of the Warrant was turned over to Councilman Romie Hughart, Chairman of the Street and Traffic Committee. Councilman Hughart read into the minutes of this special meeting the following:

NOTICE OF OWNERS OF REAL PROPERTY ABUTTING
SATTES CIRCLE AND HOLLY STREET IN
THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA

Pursuant to West Virginia Code Chapter 8, Article 18, Section 5, Notice is hereby given to the owners of real property abutting Sattes Circle and Holly Street situate within the City of Nitro, Kanawha County, West Virginia that on January 15, 1980 at 7:30 o'clock p. m. in the council chambers located at City Hall in the City of Nitro, there will be held a public meeting for the purpose of ascertaining and levying assessments for the payment of the costs of paving said Sattes Circle and Holly Street, the total costs of said improvements, the several frontages abutting thereon and the respective units to be assessed against the abutting property with a description of the abutting costs and payments as to the respective frontages and locations to be set forth hereinafter. Notice is hereby given that on or after January 15, 1980 an assessment may be laid against the properties approved in the manner prescribed hereinafter.


MAYOR


RECORDER

8

Part of Section Five (5) and Part of Section One (1) of
Sattes Addition, City of Nitro, Kanawha County, West Virginia,
being more particularly designated as Holly Street from its
intersection with Main Avenue to its intersection with Sattes
Circle.

Part of Section Five (5), Sattes
Addition, City of Nitro, Kanawha County, West Virginia

LOT NUMBER	OWNER	FRONT FOOTAGE	AMOUNT
Lot 24.	A. W. Lanham, Ernest Goff, Clara Spears, Trustees, Nitro Church of the Nazarene	53.78	\$ 451.00
Lot 29	Bonner, Thomas L and Jane C.	110.42	925.98
Lot 28	Jarrett, Eleanor P.	60.00	503.18
Lot 27	Reese, W. Ira and Juanita G.	60.00	503.18
Lot 26	Lykins, Sadie C.	60.00	503.18
Lot 25	Karnes, Delia Ann and Donald Dale	105.65	885.98

PART OF SECTION ONE (1) OF
SATTES ADDITION, CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA

LOT NUMBER	OWNER	FRONT FOOTAGE	AMOUNT
Lot 14	Williams, James K. and Virginia	109.83	\$ 921.03
Lot 15	Russell, Harry B. and Margaret C.	60.00	503.18
Lot 16	Summers, Richard W. and Irene	60.00	503.18
Lot 17	A. W. Lanhan, Ernest Goff, Clara Spears, Trustees, Nitro Church, of the Nazarene	60.00	503.18
Pt. Lot 18	Denny, Thomas A. and Ella M.	104.85	879.27
Lot 64	A. W. Lanhan, Ernest Goff, Clara Spears, Trustees, Nitro Church, of the Nazarene	<u>63.22</u>	<u>530.16</u>
TOTAL		907.75	\$7,612.50

PART OF SECTION ONE (1) SATTES ADDITION, CITY OF
NITRO, KANAWHA COUNTY, WEST VIRGINIA, BEING MORE
PARTICULARLY DESCRIBED AS SATTES CIRCLE, COMMENCING
AT THE INTERSECTION OF HOLLY STREET AND SATTES CIRCLE
AND TERMINATING AT THE INTERSECTION OF HOLLY STREET
AND SATTES CIRCLE

LOT NUMBER	OWNER	FRONT FOOTAGE	AMOUNT
Lot 63	Stanley, W. Harris	92.13	\$ 611.00
Lot 62	Hastings, W. H. and J. V.	60.00	397.75
Lot 61	Henderson, D. W. and L. H.	59.80	396.50
Lot 60	Johnson, Okey W. and Pauline V.	60.00	397.75
Lot 59	Conner, Claude M. and Peggy J.	55.00	364.60
Lot 58	Williams, James C. and Virginia Gail	60.00	397.75
Lot 57	Marsh, James A. and Linda J.	60.00	397.75
Lot 56	Engle, William S. and Elsie S.	60.00	397.75
Lot 55	Lowther, Russell E. and Louise	60.00	397.75
Lot 54	Vermillon, John M. and Alice I.	60.00	397.75
Lot 33	Casto, A. O. and M. E.	60.00	397.75
Lot 52	Spanos, Michael G. and Christine	38.00	252.00
Lot 51	Long, Harvey C. and Gloria J.	35.00	232.05
Lot 50	McCormick, J. P. and Mary	39.00	258.60
Lot 49	Barton, H. P. and J. C.	60.00	397.75

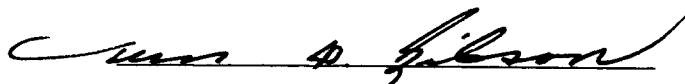
Lot 33	Benton, James E. and Rosemary S.	60.00	397.75
Lot 32	Collins, Harvey H. and Wanda	37.94	252.00
Lot 31	Verdula, Pete B. and Irene	27.62	183.10
Lot 30	Stephens, R. H. and Emma	47.91	317.60
Lot 29	Taylor S. L. and Marjorie	60.00	397.75
Lot 28	Westlund, James Newton and Nancy T.	60.00	397.75
Lot 27	Tidguist, David H. and Betty S.	60.00	397.75
Lot 26	Atkins, David R. and Nancy V.	60.00	397.75
Lot 25	Frame, Raymond A. and Alma M.	60.00	397.75
Lot 24	Kenny, Samuel R. and Betty	68.75	455.75
Lot 23	Booth, Charles D. and Catherine D.	45.60	302.30
Lot 22	Wallace J. E.	34.99	232.00
Lot 21	Cooley, Gilbert O. and Madeline	35.51	235.40
Lot 20	Henson, Wm. D. and Robert M.	69.00	457.40
Lot 19	Branham, Brady G. and Flora A.	143.81	953.35
Lot 18	Denny, Thomas A. and Ella M.	58.00	385.00
Lot 41	Snyder, Ted N. and Wilda M.	169.89	1,126.20

Lot 42	Newsome, Charles L. and Juanita M.	56.86	377.00
Lot 43	Mattox, Robert R. and Nelda R.	58.81	390.00
Lot 44	Perrine, Terry R. and Carolyn L.	60.00	397.75
Lot 45	McDonald A. D. and L. S.	60.00	397.75
Lot 46	Crews, Harold A. and Wanda M.	60.00	397.75
Lot 47	Brown, Herman and Priscilla J.	60.00	397.75
Lot 48	Casto, Carl M. and Lee Ann	156.20	1,035.50
Lot 34	Appleton, Naomi M.	147.26	976.20
Lot 35	Brown, Calvin Lee Shirley H.	60.00	397.75
Lot 36	Rader, Frederick and Maxine	60.00	397.75
Lot 37	Brown, Henry and Kathryn H.	60.00	397.75
Lot 38	McKay, Cliffore and Pauline H.	60.00	397.75
Lot 39	Krostu, Idore and Betty J.	60.00	397.75
Lot 40	Pye R. E. and E. S.	<u>137.34</u>	<u>910.45</u>
TOTAL		3,054.22	\$20,250.00

Councilman Romie Hughart made the motion for the adoption of the notice as read, this was seconded by City Recorder Don Karnes; Councilman Hughart pointed out to those present that this adoption of the notice was the first step; then a special meeting will be set at a later date for discussion of the topic of paving. The

date of this meeting will be on January 15, 1980, at 7:00 P.M. just prior to the regular Council meeting. The motion was called for a vote by Mayor Gibson, the motion received approval by unanimous vote of Council.

Councilman Dean Miller made the motion for adjournment, this was seconded by Councilman at Large Dr. Allen, the motion carried by a unanimous vote of Council.

A handwritten signature in cursive script, appearing to read "Mayor D. Gibson", written over a horizontal line.

MAYOR

A handwritten signature in cursive script, appearing to read "Don Haman", written over a horizontal line.

RECORDER

SPECIAL MEETING OF THE COUNCIL
OF THE CITY OF NITRO, KANAWHA
AND PUTNAM COUNTIES, NITRO W V

January 11, 1980

ATTENDING THE SPECIAL MEETING OF CITY COUNCIL:

Mayor William D. Gibson, Councilman at Large Jack Legg, Councilman at Large R. V. Allen, Councilman Gus Bailey, Councilman Guy Cassell, Councilman at Large Mel Pennington, City Recorder Don Karnes, Councilman Romie Hughart, City Attorney, Jeremiah McCormick. Absent was Councilman Dean Miller.

CALL TO ORDER: Mayor William D. Gibson

PRAYER: Councilman Gus Bailey

INTRODUCTION: Mayor William D. Gibson

This meeting has been called in accordance with the Open Governmental Proceedings Law of the State of West Virginia. Also a Warrant has been properly issued to all members of the City Council. Mayor Gibson further stated that he would like for the City Recorder to read the Warrant which has been signed by all the elected officials present.

WARRANT: Don Karnes, City Recorder

W A R R A N T

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, DON KARNES

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 Chambers in the City Hall of the City on the 11th day of January, 1980, at 8:00 P.M. The meeting shall be conducted in accordance with Chapter II Article II - 16 (b) as outlined in the Code of the City of Nitro, West Virginia. The meeting is called for the following purpose:

1. To make provisions for suitable polling places for the upcoming annexation election scheduled for January 26, 1980.
2. Appoint such number of commissioners of election and poll clerks as may be required by law.
3. Discuss employing additional legal council in all matters pertaining to the annexation election scheduled for January 26, 1980.

Sincerely,

(signed)

William D. Gibson, Mayor

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

Don Karnes (signed)

Jack Legg (signed)

R. V. Allen (signed)

Gus C. Bailey (signed)

Romie C. Hughart (signed)

Dean Miller (signed)

Mel Pennington (signed)

Guy Cassell (signed)

City Recorder, Don Karnes stated that all members of Council had signed the warrant.

A copy of the same is attached hereto and made a part hereof, and also made a part of the supplemental to the minutes.

ITEM I: To make provisions for suitable polling places for the upcoming annexation election scheduled for January 26, 1980.

Mr. Karnes stated that as outlined in Chapter 8, Article 6, Section 2, the Council at a Special Council Meeting, held on December 29, 1979, placed the Order for the election to be held, naming the polling places. They are as follows:

Nitro High School, 21st Street and 2nd Avenue, Nitro, Kanawha County, West Virginia

Nitro Elementary School, 19th Street and 2nd Avenue, Nitro, Kanawha County, West Virginia

Baker Elementary School, Park Avenue and 11th Street, Nitro, Kanawha County, West Virginia

West Sattes Elementary School, Lee Avenue, Nitro, Kanawha County, West Virginia

Nitro-Putnam Elementary School, 39th Street East, Nitro Putnam County, West Virginia

The above polling places are the normal polling places that the municipality uses in normal municipal and National elections.

Two additional polling places were chosen for the area under question, they are as follows:

1. Putnam County Voters:

Nitro-Putnam Elementary School, 39th Street East, Nitro, Putnam County, West Virginia

2. Kanawha County Voters:

Calvary Baptist Church, 424 Cross Lanes Drive, Nitro Kanawha County, West Virginia

City Recorder, Don Karnes stated that the polling places were listed in the Order. City Recorder, Don Karnes made the motion that the named polling places be accepted as the official polling places for the upcoming annexation election. The motion was seconded by Councilman Gus Bailey. Motion passed unanimously.

ITEM II: Appoint such number of commissioners of election and poll clerks as may be required by law.

Mr. Karnes stated that the list was quite long, as we may be required to have 110 poll workers, copies were passed around to Councilmen for their review. City Recorder Don Karnes further stated that State Statute requires that we appoint commissioners of election and poll workers fourteen (14) days prior to the election. A list must be published of the commissioners and poll workers five (5) days prior to the election.

POLL CLERKS, SUPPLY COMMISSIONERS AND
COMMISSIONERS

CECELIA WALKER

ELIZABETH SPEARS

ANNA I. ARBOGAST

ROSEMARY VINCENT

STELLA KERSEY

MARGARET BURDETTE

CHRISTINE MATTOX

DOROTHY BURFORD

RUTH CUNNINGHAM

MRS. CARL SIMMONS

POLL CLERKS, SUPPLY COMMISSIONERS AND
COMMISSIONERS (Continued)

MARY BALDWIN

NAOMI BAKER

GENEVA CREWDSON

JANICE WEIBL

CHARMAGNE MAZZEI

DOLLY KILGORE

MRS. HARRY MILLER

BETTY FORTNEY

JAN TAUSCHER

TILLIE MYNES

REBA MATHES

VELMA KINDER

VIOLA RAGLE

ISABELLE HUDNALL

MARGUARITE GROVER

SUE FOWLER

JESSIE RAYNES

AUDRY DEETER

ISABELLE WOMACK

MARY MILLER

POLL CLERKS, SUPPLY COMMISSIONERS AND
COMMISSIONERS (Continued)

GOLDA ROARK
BETTY SHREWSBURY
ELSIE SIMMONS
RUBY HUSTEAD
JANICE AMBURGEY
LUCILLE CALLIHAN
NELL CARNEY
BONNIE JONES
IRIS MILES
VIRGINIA COLATER
RUTH PHALEN
REBA LEWIS
EVELYN SHEPERD
MARJORIE SALES
MAE McCUNE
OLLIE HANCOCK
WIONA HAMMOND
SUE GOODWIN
RITA SHAHAN
AMY YATES
ANN BARBER
HAZEL TOWNSEND
STELLA O'GORMAN
VIRGINIA ROUSH
FLORENCE MOLLOHAN

City Recorder, Don Karnes made the motion that the suggested commissioners and poll clerks be accepted as submitted to be used in the upcoming annexation election. This motion was seconded by Councilman at Large Mel Pennington.

Councilman Romie Hughart asked if there was some guidance as to how many workers we should have. Mr. Jeremiah McCormick, City Attorney, stated that we must be consistent with our past municipal elections. City Recorder, Don Karnes stated that he had checked back through the minutes in previous elections prior to voting machines, and found that every election did have ten (10) workers in each voting place.

It was determined that payment be made to poll workers following these guidelines.

Workers not attending the training session
\$25.00

Workers attending the training session
\$30.00

As there were no further questions, Mayor Gibson asked for a show of hands by Council Members. The motion carried by a unanimous vote of Council.

ITEM III: Discuss employing additional legal council in all matters pertaining to the annexation election scheduled for January 26, 1980.

Mr. Karnes, City Recorder, read the following Resolution into the minutes of the January 11, 1980 meeting.

R E S O L U T I O N

Be it resolved by the Common Council of the City of Nitro, Nitro, West Virginia; that

WHEREAS, the City of Nitro is presently contemplating the annexation of certain territory presently outside the corporate limits of said city; and

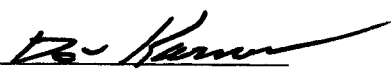
WHEREAS, the law firm of McKittrick and Vaughan is knowledgeable in the handling of annexation matters;

NOW, THEREFORE, be it resolved that the firm McKittrick and Vaughan, 450 Second Avenue, St. Albans, West Virginia, is hereby employed to handle and assist the City of Nitro, its officers, and officials in all matters relative to the annexation of certain territory presently outside the corporation boundaries of the City.

ADOPTED THIS 11TH DAY OF JANUARY, 1980.

(signed)

Mayor, William D. Gibson

(signed) 

City Recorder, Don Karnes

A copy of the same will be placed in the Resolution Book.

Don Karnes, City Recorder, made the motion that Council accept this resolution as written; thereby employing the firm of McKittrick and Vaughan for the purposes so stated. This motion was seconded by Councilman at Large Mel Pennington. Mayor Gibson called for questions on the motion.

Councilman Romie Hughart asked about the cost of this action to the City of Nitro, it was determined that there could be no set dollar amount established on the total cost for the services of McKittrick and Vaughan, as there was no way of knowing just how many hours would be involved in any litigation action.

As there was no further questions, Mayor Gibson asked for a Council vote on the motion as made by City Recorder, Don Karnes. The vote was unanimously in favor of the motion.

As there was no further matters to be discussed, City Recorder, Don Karnes made a motion for adjournment. This

motion was seconded by Councilman at Large Mel Pennington, the motion carried unanimously.

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

MAYOR

A handwritten signature in cursive script, reading "Don Kamm", written over a horizontal line.

RECORDER

PUBLIC HEARING
NITRO CITY COUNCIL
JANUARY 15, 1980

ATTENDING: 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, Councilman Gus Bailey, and also City Attorney, Jeremiah McCormick.

Mayor William D. Gibson opened the meeting saying that it was a Public Hearing which is being held prior to the regularly scheduled council meeting and has been duly advertised in the newspapers for the benefit of the owners of property on Sattes Circle and Holly Street in Nitro, Kanawha County, West Virginia. He then turned the meeting over to the City Recorder, Don Karnes.

Mr. Karnes in turn introduced Councilman Hughart who is chairman of the Street and Traffic Committee.

Councilman Hughart explained that the purpose of the meeting was to discuss paving. He said that he had a list of each property owner, prepared by Jeremiah McCormick, City Attorney, that contained the actual cost according to front footage of each individual owner. Councilman Hughart stated that he would give each owner his cost after the public hearing, but added that in the Council Meeting following this public hearing, council would have to act on a resolution to approve the considerations of the amount of cost which was: Sattes Circle \$6.63 per foot and Holly Street \$8.39 per foot. He also specified that due to the fact of special arrangements being made to the street pertaining to the drainage, especially at Main Avenue, the cost was somewhat higher. Although, it was less footage. He then added that during the meeting that he himself, Don Karnes, City Recorder, and Jeremiah McCormick would be answering any questions at this time.

Mr. Dye, who was attending the Public Hearing then asked for an explanation of why there was a difference in the cost from what it was originally advertised.

Councilman Hughart explained that the original plans, where the engineer had actually estimated the cost, had been done one year prior to the actual paving. Sattes Circle originally being estimated to be 3,400 feet and Holly Street being

1,000 feet. So, instead of having the engineer go back and reestimate, they added in estimated costs along with estimated inflation. The City of Nitro accepted a bid from Orders and Haynes Paving Company on a basis of:

	<u>FRONT FOOTAGE</u>	<u>COST PER FOOT</u>
Sattes Circle:	3,400	\$5.95
Holly Street :	1,000	\$6.80

When the bill was received, there had been some changes in preparation. In other words, the first layer (Bituminous Concrete) was originally estimated to be 45 tons, but was increased to 145 tons. The top layer (Patch and Level Course) was originally estimated to be 225 tons, but was decreased to 160 tons. The City of Nitro's representing engineer was present when the paving was done. He gave permission for the changes to be made in order to have the best paving job done. Due to the changes that were made, the actual costs per foot were \$7.37 for Sattes Circle (which was changed from 3,400 to 3,054 feet), and \$9.25 per foot for Holly Street.

Councilman Hughart explained that the changes had been discussed at length in a previous City Council Meeting on December 4, 1979 with the City Attorney, Jeremiah McCormick. Then he and Mr. McCormick met a week later with the engineers and Orders and Haynes. Orders and Haynes then agreed to cut Sattes Circle to \$6.63 and Holly Street to \$8.39 per foot. They also took into account the difference in footage. That was the reason why there was an error in the original estimate. Councilman Hughart then stated, "... the fact that we were dividing it by 3,400 feet instead of 3,000 made the difference." He then asked if there were any questions.

Mr. Bill Engle who was attending the Public Hearing then asked, "I'm interested in knowing how do we go about paying for this? Can we get some kind of a release when it's paid that can be recorded so that there would be no lien on the property?"

Councilman Hughart answered that there was. He then stated that in the council meeting after the Public Hearing he proposed to introduce a resolution to adopt the ordinance which has to do with the assessment that was properly advertised and due to which there had properly been a Public Hearing which was now in session. He said also that Orders and Haynes would be the assessment certificate holders. He said that the lien could be paid anytime after the resolution had been passed. The lien could also be paid over a 10 year period in payments of 1/10 the total amount made once a year at 8% interest. Or the total amount being paid at any time. Checks are to be made out to Orders and Haynes Paving Company and payments can be made at City Hall or sent to Orders & Haynes. The City Recorder will

then give the property owner a copy of the lien which the property owner would be able to clear at the courthouse.

A gentleman attending the Public Hearing (Name not given) wanted to know if the City Recorder would give the property owners a release when the amount was paid.

Don Karnes, City Recorder, then answered, "Upon payment of whatever the lien is on a particular peice of property, I can issue a release. In fact, it's possible that you may have a release before there's ever a lien filed. So, when this happens it would be probably . . . maybe the city attorney might help a little bit on this. . . but I believe it might pay to wait a few days before you record the release, because the lien may not be filed yet. Jerry, is that correct?"

Mr. McCormick then answered that it was correct.

A gentleman attending the Public Hearing (Name not given) then asked how he would pay it if he paid the total amount at one time.

Mr. Karnes then told him that to avoid paying any interest, that the total amount must be paid by the end of February, which had been agreed to by Orders and Haynes.

Mr. Joe Baker, who was also attending the Public Hearing, then asked, "When you give that release, then do we have to file it?"

Mr. Karnes replied, "I think what I'll probably do, I'll give you a copy and I'll keep a copy and at the end of February I'll be willing to do that. But I think, isn't there a \$1.25 charge? But I'd be willing to do that for you. It has to be recorded at the courthouse."

Coucilman Hughart explained at this time, in case of default, that the holder of the certificate (Orders & Haynes) could foreclose in sixty days for that amount.

Mr. Karnes then stated, "I'm going to make every effort in the next day or two to send everyone involved here a letter specifying these very things we've talked about to-night. It will probably be these minutes with your each individual cost. It's possible I might miss someone. If the name has changed since these were recorded at the courthouse. . the property was recorded with this name that we have, so that there's a possibility I may get one wrong. I think in 99% of the cases it'll be right. So maybe that will help."

Councilman Hughart then asked if there were any questions. There were no more questions. Councilman Hughart then moved for adjournment of the hearing. Councilman Bailey seconded the motion which was approved by a unanimous vote.


MAYOR


RECORDER

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NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

JANUARY 15, 1980

The regular meeting of the Nitro City Council was held in the Council Chambers on January 15, 1980 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, Councilman Gus Bailey, and Councilman At Large Mel Pennington was present the last half of the meeting. Also present was Jeremiah McCormick, City Attorney.

The meeting was called to order by the Honorable Mayor William D. Gibson who stated that the council meeting would be held in accordance with the Robert's Rules of Order. The invocation was given by Reverend Robert I. Blixt, Pastor of the First Baptist Church of Nitro.

MINUTES OF DECEMBER 18, 1979 REGULAR SCHEDULED MEETING:
Councilman Gus Bailey made a motion that these minutes be approved. The motion was seconded by Councilman Dean Miller. The motion was then passed by unanimous vote.

MINUTES OF DECEMBER 29, 1979 SPECIAL COUNCIL MEETING:
Councilman Dr. Guy Cassell made a motion that these minutes be approved. The motion was seconded by Councilman Bailey. The motion was then passed by unanimous vote.

MINUTES OF JANUARY 11, 1980 SPECIAL COUNCIL MEETING:
Councilman At Large Dr. R. V. Allen made a motion that these minutes be approved. The motion was seconded by Councilman Dr. Guy Cassell. The motion was then passed by unanimous vote.

MR. LONNIE NORVELL OF 1318 VALENTINE CIRCLE NITRO, REGARDING UPCOMING ANNEXATION ELECTION: Mr. Norvell stated that he had been made aware that there may have been certain procedural irregularities in his petition for an annexation election that was placed before council during the December 18, 1979, Nitro City Council Meeting. He asked council to withdraw the petition and to recend any action towards the petition. Councilman Dr. Cassell moved to approve Mr. Norvell's request and Councilman Miller seconded the motion. It was then passed by unanimous vote.

Mr. Norvell then presented another petition to the council signed by at least 5% of the freeholders asking for annexation of certain territories now outside the city limits and asked that council file the petition and begin proceedings

which would bring about an annexation election. Councilman Dr. Cassell made a motion to accept the petition presented by Mr. Norvell for filing and to set a Public Hearing for February 5, 1980, 8:00 P.M. at Nitro City Hall, to determine the legal sufficiency of the petition and to determine that the jurisdictional facts exist in order to proceed with an annexation election and that such jurisdictional facts are found to exist to set forth an annexation election. (The petition is in the supplemental file to the Council Meeting Minutes)

Councilman Bailey seconded the motion. The motion was then passed by unanimous vote. It was then established that during the Public Hearing of February 5, 1980 a date for the annexation election would be set.

Mr. Karnes then stated that if all action was to be recended pursuant to the petition; then he believed that would also mean that the resolution (in which was hired the Attorneys' Office of McKittrick and Vaughan) to assist in the annexation, be recended. Jeremiah McCormick, City Attorney then concurred with Mr. Karnes that that was Mr. Norvell's intention.

At this time Mr. Karnes introduced a resolution. The resolution is as follows:

RESOLUTION

Be it resolved by the Common Council of the City of Nitro, Nitro, West Virginia; that

WHEREAS, the city of Nitro is presently contemplating holding an election on the question of annexation of certain territories presently outside the corporate limits of said city; and

WHEREAS, the law firm of McKittrick and Vaughan is knowledgeable in the handling of annexation matters;

NOW, THEREFORE: be it resolved that the firm McKittrick and Vaughan, 450 2nd Avenue, St. Albans, West Virginia, is hereby employed to handle and assist the City of Nitro, its officers, and officials in all matters relative to the annexation of certain territory presently outside the corporation boundaries of the City.

ADOPTED THIS 15TH DAY OF JANUARY 1980.

MAYOR, William D. Gibson

Don Karnes

CITY RECORDER, Don Karnes

The motion was seconded by Councilman Dr. Cassell. It was approved by unanimous vote.

SPEAKER IN BEHALF OF "CITIZENS FOR ANNEXATION": Mr. Shirley Saunders of Nitro Park Addition stated that he was well pleased about the upcoming annexation election. He informed council that there are approximately 75 families living in Nitro Park Addition. Police and Fire protection, road repairs, street lights, are all necessary in this area, but most needed is a sewer system. As of now, all of the residents are on septic tanks. Once again Mr. Saunders stated that he was highly in favor of the annexation.

ATTORNEYS FOR UNION BOILER COMPANY, MONSANTO COMPANY, FMC CORPORATION, AVTEX FIBERTS, INC., AND OTHER PERSONS AND CORPORATIONS OWNING PROPERTY WITHIN THE AREA PROPOSED TO BE ANNEXED: Attorney Richard M. Francis informed council that he had nothing to contribute at this particular time, but he added that he would state his case at the Public Hearing scheduled for February 5, 1980. He then thanked council for being recognized.

BRENT COATS --REQUEST MADE DECEMBER 31, 1979 THROUGH CITY RECORDER, DON KARNES: Mr. Karnes announced that Mr. Coats was not present.

POSSIBILITY OF ESTABLISHMENT OF A PISTOL RANGE, REQUEST MADE BY LETTER DATED DECEMBER 12, 1979 FROM POLICE CHIEF LEO BRADLEY: Councilman at Large DR. R. V. Allen said that more information was needed concerning the pistol practise range that was necessary for the Police Department. He said he would present more information at a later scheduled council meeting.

JACK HARLAN--REQUEST MADE JANUARY 4, 1980 THROUGH COUNCILMAN GUS BAILEY: Councilman Gus Bailey introduced Mr. Harlan. Mr. Harlan then stated that he was having problems with his sewer line. He said that he had been in contact with the Nitro Sanitary Board who said that it was not their responsibility to fix this line. Mr. Harlan contended that it was their responsibility according to a Law Book from which he read.

Mayor Gibson read a letter dated May 12, 1979 addressed to Mr. Jack Harlan from David A. Mathews, P.E., Division of Engineering, West Virginia Public Service Commission. He also read a letter dated December 28, 1979 to Jack Harlan from the Nitro Sanitary Board. (Correspondence is in the supplement file to the minutes)

After much discussion regarding Mr. Harlan's problem, Councilman Miller moved that this be referred to the Nitro Sanitary Board, which is a separate entity. The motion was seconded by Councilman At Large Mel Pennington. Both Mr. Harlan and Constance Stephens, General Manager of the Nitro Sanitary Board, agreed to meet and discuss this matter on January 24, 1980 at 6:00 P.M. The motion was approved by 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. Letter dated 12-17-79 from Dept. of Highways Commissioner Charles L. Miller in reference to the recommended installation of up to date signals at the railroad crossing at 11th street. Councilman Romie Hughart moved to refer this to the Finance Committee. The motion was seconded by Councilman Gus Bailey. It was then passed by unanimous vote.
2. Letter dated 1-3-80 from Governor J. D. Rockefeller to Mayor Gibson in reference to their meeting at the Governor's Mansion on December 17, 1979. The Mayor stated that the letter was self-explanatory.
3. Letter dated 1-9-80 from Jay B. Long, Director of the Nitro Recreation Department to Donald Karnes, Chairman of the Nitro Recreation Committee. The letter is in reference to the parking problem at Ridenour Park. People are parking on both sides of the road enabling the passing of an emergency vehicle if needed. Mr. Karnes made a motion that council have Jay Long write a letter to Charles Whited of Traffic Engineering, requesting NO PARKING signs and guard rails. Councilman at Large Mel Pennington seconded the motion. The motion was approved by unanimous vote.
4. Letter dated 1-9-80 from Charles Fox, President of the Kanawha Valley Heart Assc. addressed to Mayor Gibson requesting permission to conduct its Annual Heart Fund Drive in the City of Nitro during the month of February, 1980. Councilman at Large Jack Legg moved that permission be granted. Councilman Dr. Cassell seconded the motion. The motion was approved by unanimous vote.

MAYOR GIBSON CALLED FOR REPORTS

COUNCILMAN AT LARGE MEL PENNINGTON: no reports

COUNCILMAN AT LARGE JACK LEGG: no reports

COUNCILMAN GUS BAILEY: no reports

COUNCILMAN DR. GUY CASSELL: no reports

COUNCILMAN AT LARGE DR. R. V. ALLEN: no reports

COUNCILMAN ROMIE HUGHART: He moved that council pass a resolution and verify the report (report is in the Supplement File to the Meeting Minutes) on the paving of Sattes Circle and Holly Street to impose the assessment as per the

ordinance written. The resolution is as follows:

RESOLUTION

Be it resolved by the Common Council of the City of Nitro, Nitro, West Virginia; that

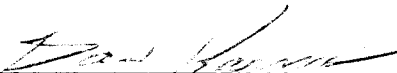
WHEREAS, pursuant to West Virginia Code Chapter 8, Article 18, Section 5, the Nitro City Recorder did cause to be published, advertisements as per requirements.

WHEREAS, the Common Council of the City of Nitro, Nitro, West Virginia did hold a public hearing on January 15, 1980 at 7:30 P.M. at the Nitro City Hall in Council Chambers.

WHEREAS; the Public Hearing was held as advertised and there was no protest or changes made.

NOW, THEREFORE, be it resolved that the assessments as presented to council be inacted and levied as of January 15, 1980.


MAYOR, William D. Gibson


CITY RECORDER, Don Karnes

Councilman Dr. Guy Cassell seconded the motion. The motion passed by having only one (1) opposing vote, which was made by Councilman Miller.

MR. KARNES: no reports

Councilman At Large Mel Pennington moved for adjournment. Mr. Karnes seconded that motion. The motion passed unanimously.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING
AND PUBLIC HEARING REGARDING PROPOSED ANNEXATION
NITRO, WEST VIRGINIA
FEBRUARY 5, 1980

The regular meeting of the Nitro City Council was held in the Council Chambers on February 5, 1980 at 8:00P.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, Councilman Gus Bailey, and Councilman at Large Mel Pennington. Also present was Jeremiah McCormick, City Attorney.

Mayor Gibson called the meeting to order and declared it to be in regular session. Invocation was given by Reverend Leroy Beyer, Pastor of the Holy Trinity Catholic Church.

Mayor Gibson, on behalf of all the elected officials, extended a warm and cordial welcome to each person present and stated that the meeting would be conducted in accordance with the Robert's Rules of Order. The Mayor requested that each person desiring to be heard, first give his name, full name preferably, and his address.

The Mayor stated that, "This meeting is being taped and we have some court reporters and what have you, so it would help them tremendously if you all would be that kind and considerate. I think first we should ask the elected officials to introduce themselves, starting down on the far end there."

All of the elected officials were present and introduced themselves accordingly.

Mayor Gibson then asked that the attorneys present introduce themselves.

MR. VAUGHAN: Dennis Vaughan,
the firm of McKittrick and Vaughan.

MR. WITHROW: Jim Withrow,
McKittrick and Vaughan.

MR. McCORMICK: Jeremiah F.
McCormick, City Attorney.

MR. TAYLOR: Harry Taylor, with
the law firm of McKittrick and Vaughan.

MR. ROSS: W. Victor Ross, with the law firm of Spilman, Thomas, Battle, & Klostermeyer, representing the Civic Association of Nitro.

MR. FRANCIS: Richard M. Francis, with the law firm of Bowles, McDavid, Graff, & Love, co-counsel with Mr. Ross for the Civic Benefit association and representing several of the industries located adjacent to Nitro.

MAYOR GIBSON: Thank you, gentlemen.

APPROVAL OF JANUARY 15, 1980 PUBLIC MEETING MINUTES IN REFERENCE TO STREET PAVING: HOLLY STREET AND SATTES CIRCLE: Councilman Hughart made a motion that the minutes be approved. Councilman Bailey seconded that motion. The motion was approved by a unanimous vote.

APPROVAL JANUARY 15, 1980 CITY COUNCIL MEETING MINTUES: Councilman Bailey made a motion that the minutes be approved. Councilman Dr. Cassell seconded that motion. The motion was approved by a unanimous vote.

POSSIBILITY OF REPLACING EXISTING CROSSBUCKS WITH FLASHERS AT 11TH STREET RAILROAD CROSSING: Mr. Don Karnes stated, "Back in December we got a letter form the State Road Commissioner, Charles Miller, to do with Consolidated Rail Corporation's crossing at 11th Street because it is a crossing that does have a certain hazard and selected to be upgraded through a grant from the federal government, a 90-10 grant, of which the City of Nitro would be responsible for approximately \$5,000 in matching funds; and the State Road Commission would furnish the material and labor. It is my recommendation we put this into Finance Committee until the first regular scheduled meeting in March and I so move.

COUNCILMAN HUGHART: I second.

MAYOR GIBSON: Any questions?

COUNCILMAN AT LARGE PENNINGTON: Is it a necessity we do this or are they asking us or telling us we have to do it? They haven't been very cooperative with us in many, many things.

MR. KARNES: From the indication of the letter it is mostly a request. At the same time though, it is estimated to be a \$50,000 job which seems a little strong to me. It is a little bit hazardous. Between Main Street and the railroad track is a very short distance. It makes it difficult for a backup space. I do think it is necessary, almost necessary at least, but since it does involve \$5,000, I think we need to look at our finances a little bit before we make any motions toward approval.

COUNCILMAN AT LARGE PENNINGTON:
You think it would be more important there than Locke Street?

MR. KARNES: Locke Street already
has flashers.

COUNCILMAN AT LARGE PENNINGTON:
It doesn't have the bells and things.

MR. KARNES: I am not sure this
includes the bells. It is the flashers. It doesn't have
the cross-bucks or arms. That is all I have.

MAYOR GIBSON: Do we have a second?

Councilman Hughart seconded the motion. The motion
passed with only one (1) opposing vote being that of
Councilman at Large Mr. Pennington.

PROPOSED COST SHARING EFFORT BETWEEN THE CITY OF
NITRO AND THE CORPS OF ENGINEERS IN THE DEVELOPMENT OF A
NITRO BOAT MARINA (LETTER OF CONCURRENCE TO COST SHARING
CONTRACT REQUESTED BY RESOLUTION) Mr. Carl Sexuear.:

MR. KARNES: This is something
we have hashed around, the Mayor can probably tell you how
long, but for a long time at least. We have available land
that is more or less suitable, maybe even ideal, for a boat
marina which would include quite a bit of parking space and
a picnic area and things.

The mayor and I had a meeting with
Mr. Sexuear and Mr. Ray Cartley I believe was his name. We
are now to the point where it may become a reality. It is the
type of grant such that the City can use the value of the
property towards matching funds which puts us in a very good
light towards funding. We may get this at very little cost.

This is a six hundred and twenty-
some thousand dollar job, of which the City will not be
responsible for a whole lot of that.

There have been a couple of
developments. One is we have been advised that the interest
rate will be seven and one-half percent on the money the
City will have to furnish. It is still a pretty good rate.

We are to the point that as soon
as possible they would like to have a resolution from
Council authorizing the Mayor to sign a contract, entering into
a contract with the Corps of Engineers. At some later time we
will need an ordinance to transfer title to the property to the
federal government. That is one of the requirements. It would
be very similar in a lot of ways with Ridenour Lake. In a lot
of ways the federal government has a certain control over it,

but it is a city facility and city maintained facility with the only limitation of useage of property.

I think the timing is such that it might be in six months to eighteen months, I believe is the figure I heard, to start this project. I think it depends a whole lot on the Corps of Engineers' budget. They are budgeted the same as we are. I think their budget is probably a little tight also.

That is really all I have. I feel at our next meeting we should have this resolution maybe already for consideration. That is something we will discuss at that meeting. If there is no questions -- unless the Mayor may have something to add - -

MR. McCORMICK: Has the subject real estate been appraised?

MR. KARNES: It has been appraised. That is a good point. The appraisal is a little bit old. I mentioned it is a pretty good chance. We could have it reappraised to reduce the City's responsibility.

MR. McCORMICK: Will they defer to our appraisal?

MR. KARNES: I am not sure of the procedure.

MR. McCORMICK: There is a procedure if we cannot reach an agreement upon an appraiser, they will appoint a neutral appraiser but they seem to be pretty flexible about using our appraisers.

COUNCILMAN AT LARGE PENNINGTON: Did you say the total amount was \$600,000?

MR. KARNES: \$622,000, I believe. I think it is probably going to increase some too. I think that estimate was made at about the same time the appraisal was made. So we may be able to raise the value of the property through a new appraisal, but at the same time the overall cost of the project goes up some. However, we have an advantage. Real estate is one of the roots of inflation- -

COUNCILMAN AT LARGE PENNINGTON: I am in favor of this. In the meeting with those people last year they promised us the same thing. I just hope it materializes.

MR. KARNES: They are pretty positive. They are down to requesting a resolution.

COUNCILMAN AT LARGE DR. R.V. ALLEN:
Is that a 75/25 grant?

MR. KARNES: No. It is 50/50,
I believe.

COUNCILMAN AT LARGE DR. R.V. ALLEN:
I was hoping it was 75/25.

MR. KARNES: I was too.

COUNCILMAN AT LARGE PENNINGTON:
This is just for our information tonight, isn't it, Don?

MR. KARNES: Just a matter of
information.

SPOKESMAN FOR CITIZENS OPPOSED TO PROPOSED ANNEXATION:

MR. VAUGHAN: Before you gentlemen start your explanation of position, I have discussed this with members of Council and the Mayor, and because of the potential lengthy proceeding that we are going to have here this evening, we are going to try to limit these statements to no more than five minutes. The reason and purpose for this, I say this for your benefit but also for the benefit of other people here in the room, the statute for proposed annexation presupposes certain findings will be made as a result of what Council hears tonight. Those findings are not founded in either your opinion or my opinion as a nonvoting member of Council, rightness or wrongness of the annexation, but rather certain jurisdictional facts which have to be presented in the evidence. As a result of that we are going to try to limit the taking of certain of the testimony. Obviously, those people who are involved directly in the area will be given your opportunity to speak when we get to that point, when and if an election is held and you get your voice here. Okay, with that in mind, let's proceed, gentlemen.

MR. PRITT: My name is James Bruce Pritt. I live at 149 Marvin Drive, Ortin Heights.

We, the citizens opposed to annexation, have put our heads together, so to speak, and prepared the following statement which I believe exemplifies our position on annexation, and if I may, I would just like to read that.

We, the citizens in opposition of annexation, would like to extend our appreciation to City Council for the opportunity afforded us to express our opinion on this issue.

We believe annexation will be an infringement on our personal freedom. Many of us have intentionally chose to live in an area that is free from city

ordinances and zoning restrictions. We hold that as property owners we will be subject to regulations that are inconsistent with our beliefs concerning personal rights and, as such, we stand opposed. Although the grandfather clause may be well founded in its objective of overall community well-being, it is not in our opinion to our best interests.

We ask proponents of annexation to be understanding of our position concerning this issue. We believe strongly in community well-being, but not the extent that it becomes an encroachment upon our personal rights.

With that in mind I would like to turn over the floor to Bud Ferrari who has a petition.

MR. FERRARI: My name is Francis (Bud) Ferrari. I live in Ortin Heights. I have the following petition I would like to read. "Petition Against Annexation. The undersigned registered voters and/or property owners in the territory proposed to be annexed by the City of Nitro, we do hereby petition the Mayor and the Common Council of the City of Nitro to discontinue said proceeding for annexation and to refuse to call an election for such purpose for the reason being that the undersigned representing a majority of the registered voters entitled to vote at such election, we are opposed to annexation." This petition contains approximately 468 names which are voters. We feel that is a majority and they should rule. This does not include any commercial or whatever. It was strictly residential, so we feel the majority are against the election.

MR. VAUGHAN: Anyone else speaking under this title as to being opposed to proposed annexation? Just you two gentlemen are the ones shown on the agenda, is that correct.

MR. ROSS: Yes.

SPOKESMAN FOR CITIZENS IN FAVOR OF PROPOSED ANNEXATION:

MR. ASHLEY: My name is Arden Ashley. I was born in Nitro and I live in Nitro, 201 Broadway Avenue.

Mayor Gibson, Members of the City Council, present and future residents of Nitro: The day of the vote will probably be recorded as the most single important event in the history of this small town since the federal government practically issued it to us back in the days of World War I.

And from the time industry first started moving in on the riverbanks, this once quaint, little community has been economically neglected and morally abused; and while I am for the free enterprise system, and anyone who knows me would know that is true, those companies that are fighting the annexation in this case have been using our streets and our services. They have polluted our air, our water, our ground. They have depreciated the town's name and its property values. And right now if you own real estate and you have a mailing address that includes Nitro 25143, the property value is probably several thousand dollars less than that same house on that same street if your address was South Hills or Cross Lanes.

Now most of the executives and people who work for the them must realize this because the majority does not live in Nitro. It seems to be okay to work here, but apparently they would rather not have their families among us. The South Hills communities have come to be known as the bedrooms for this industrial complex. If South Hills is the bedroom, then Nitro is the bathroom.

Mr. William Patterson, President of FMC, who is president of the coalition of fifty-some companies fighting annexation has said, "We want to work with the City over the long term and provide equitable financial assistance." Now if this is anything like an inaccurate representation of what he said, then one of us just doesn't understand the definition of the term "equitable". Mr. Patterson also said, "The long term health of the economy would be best served by defeating annexation."

Now, whose economy? Perhaps his own, perhaps FMC's, perhaps the coalition's; but certainly he is not talking about Nitro's economic health. There is more. "This could be the straw that broke the camel's back." Now these camels have been drinking from our trough free of charge for a long time. Last, "Industries evidently locate in the area because they wouldn't have the additional burden", quite a testimonial for Nitro.

I have a message or a request for three different parties: first, the people who live in the area subject annexation if it comes through, I would say to you, give the people who are the leaders of this city a chance to show you the benefits to you if annexation goes through; and to the leaders of this City of Nitro I would say get out and tell them the truth, what is going to happen with annexation. That is the biggest, single job you have and there is no excuse if you don't get the truth out.

For the industrial leaders, tonight I would like for you to take two sheets of paper. On one of them I want you to write what you sincerely believe the coalition is out to do ultimately. Secondly, in the morning I would like for you to take the other sheet and simply write,

"Yes, I will help Nitro with our annexation project" or "No, I will not". On that single statement sign your name to it and mail it to the Mayor. If you help us with annexation, we would appreciate it. If you don't, probably annexation will go through and we will welcome you to our city and we will try to help you prosper. Thank you very much.

SPOKESMAN FOR CITIZENS IN FAVOR OF PROPOSED ANNEXATION:

MR. SAUNDERS: My name is Shirley Saunders. I live on Crest Drive, Nitro Park Addition. Speaking for our community, we have seventy-five or eighty homes in there that doesn't have any sewage. We are in bad need for them and we are ninety-six percent for annexation. And we have seventy-five or eighty children in that community that is aged a year to three, four and five years of age that goes out in our lawns and woods and play. And it is not really healthy for the. So we would like to make our community healthy for our children, which my children is married and gone but I still have interest in the neighbor children. I would like to say tonight I visited seventy-five or eighty homes in the last two or three days that is in favor of the annexation. We would like to thank you for these few moments.

PUBLIC HEARING ON PROPOSED ANNEXATION: In attendance were:

SPEAKERS

James Bruce Pritt
Francis (Bud) Ferrari
Arden Ashley
Shirley Saunders
Lonnie Norvell
Don Meeks
Denzil Allison
Richard Drennen
Mediva Goode
Raymond Bias

WITNESSES

Robert Hayne
J. C. Moody
William C. Howard
Connie Stephens
Ernest Hedrick
Leo James Bradley
Gene Williams
Jay Long

A. PROPONENTS OF THE PROPOSED ANNEXATION:

MR. NORVELL: Mr. Mayor, Members of the Council, I am Lonnie Norvell. I reside at 1318 Valentine Circle, Nitro. I am a freeholder of the City of Nitro. The petition before the Council is the same petition that was lodged with the Council on January 15, 1980, other than for the addition of signatures which the people requested they would be given the opportunity to sign. In no way have there been any deletions to this petition or the petition rather. At this time I submit the petition to the Recorder.

MR. KARNES: I would like to make a motion that it be filed in the Recorder's Office and made a part of this record.

COUNCIL MEMBER: Second.

PENNINGTON

MAYOR GIBSON: Any questions?

(No response)

MAYOR GIBSON: If not, all in favor please signify by the raising of your right hand.

(Vote taken)

MAYOR GIBSON: All opposed.

(No response)

MAYOR GIBSON: No objection; so approved by unanimous vote. The petition is ordered filed and made a part of the record of these proceedings.

Next under (A), Proponents of the Proposed Annexation, Mr. Robert Hayne.

ROBERT HAYNE

Witness herein, was questioned and gave answers as follows:

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(No response)

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Witness herein, was questioned and gave answers as follows:

DIRECT EXAMINATION

BY MR. VAUGHAN:

Q Would you state your name, please.

A My name is Robert Hayne.

Q Are you employed?

A Yes, sir.

Q By whom?

A I am President of Appalachian Engineers, Incorporated.

Q Have you made or have you been directed to prepare a map relative to the proposed annex territory?

A Yes, sir.

Q By whom were you requested?

A By the attorney for the City and the Mayor.

Q And do you have with you such a map, or is that map attached to the petition?

A That map, I believe, is part of the petition.

Q Would you take a look at it, please.

(Document examined by witness)

A Yes, sir.

Q Does that map accurately reflect the area in question in your opinion?

A Yes. The area within the shaded line is the area proposed for annexation.

Q And in your opinion does it reflect an area which is wholly outside the present municipal boundaries of the City of Nitro and outside of any other municipal boundaries?

A Yes, sir. It is outside the municipal boundaries of Nitro and outside of any other municipal boundaries.

Q Was that map verified by you?

A Yes, sir.

Q Do you consider it to be a true and accurate representation in every way of the area?

A Yes, sir.

Q Is the verification, insofar as you know, a part of the petition which has been filed herein?

A I am not certain.

MR. VAUGHAN: Mr. Norvell, if I may digress to you for a moment, is that the same map as a part of your petition?

MR. NORVELL: Yes, sir, it is.

MR. VAUGHAN: Do you offer the map as well with your petition?

MR. NORVELL: Yes, sir.

MR. VAUGHAN: No further questions.

CROSS-EXAMINATION

BY MR. ROSS:

Q Is this the same map?

A No, it isn't.

(DISCUSSION OFF THE RECORD)

(BACK ON THE RECORD)

THE WITNESS: It is different from this map. It has our logo on it, but it is not our map.

MR. ROSS CONT:

Q Is the area on here the same shown on here as shown on the map?

A Yes, it is.

MR. ROSS: I will ask that this be marked for identification as Protestants' Exhibit No. 1.

(Whereupon, the document referred to was marked by the Reporter as Protestants' Exhibit No. 1.)

MR. ROSS CONT:

Q Mr. Hayne, does this paper which has been marked for identification as Protestants' Exhibit No. 1 show a map with the same area as shown on the map filed with the petition?

A Generally it seems to be. Let me look at the other map to verify a statement I made.

(Whereupon, the document referred to was marked by the Reporter as Protestants' Exhibit No. 2.)

THE WITNESS: This appears to be a reproduction of the map. I see some --

MR. ROSS CONT:

Q It is the same area on a small scale?

A It is the same area on a small scale. It may be a reduction of the same map, but it is too small to tell for sure. It is the same area, however.

Q I hand you herewith another map which has been marked by the Reporter for identification as Protestants' Exhibit

No. 2.. Are the outer lines colored in green and red together, do they show the same area that is shown on the map there essentially?

A They seem to show the same area, yes.

MR. ROSS: All right, thank you.

COUNCIL MEMBER: Mr. Mayor,
DR. ALLEN
I would like to make a motion that we accept this map as verified.

ANOTHER COUNCIL MEMBER: Second.

DR. CASSELL

MAYOR GIBSON: Any questions?

(No response.)

MAYOR GIBSON: If not, all in favor please signify by the raising of your right hand.

(Vote taken.)

MAYOR GIBSON: All opposed.

(No response.)

MAYOR GIBSON: It is approved by unanimous vote. The map is ordered filed and made a part of the record of these proceedings.

MR. VAUGHAN: If I may, before we go on, for identification purposes and record purposes, let's have that verified map and verified petition marked as the Petitioners' Exhibits Nos. 1 and 2, so as to clear up any possible discrepancy in the future as to which map we are talking about.

(Whereupon, the documents referred to were marked by the Reporter as Petitioners' Exhibits Nos. 1 and 2.)

MR. VAUGHAN: Mr. Mayor, Councilmen, if I might, in light of the West Virginia Supreme Court decision in the matter of Charles Cowan v. County Commission of Logan County which, in my opinion as Special Counsel to you, should be controlling in this instance, which decision is to be found in 240 S.E.2d 675. is a case decided in West Virginia in 1977, the Court there notes certain procedure relative to the concept of incorporation by the statute and is substantially, if not essentially, the same to that found in the Annexation Code. And in that regard the Court

notes with approval the burden of proof concept as to what the petitioner is required to present and prove and at which point that burden then shifts to any opponents.

If I might, at this time I would like to direct the Council that upon the showing of a duly verified petition and further the showing of a duly verified map which purports to represent the area to be annexed, at that point and in the future the burden then shifts to the opponents of a proposed annexation. And accordingly I would direct that those people who would be putting on evidence in opposition now go forward.

MAYOR GIBSON: So under (B), Opponents, that is (B) of the Agenda under Number 8, Opponents to Proposed Annexation, such as attorneys for Union Boiler Company, Monsanto Company, FMC Corporation, Avtex, Inc., and other persons, Mr. Richard M. Francis, Attorney at Law.

MR. FRANCIS: Mr. Mayor, I would yield to Mr. Victor Ross who will take testimony on our behalf.

MR. ROSS: Mr. Mayor and Members

of the Council, Mr. Vaughan, while we do not concede the sufficiency of the petition filed in this instance, we are perfectly willing to go forward at this time with our evidence.

It is our contention that a large portion of the area proposed to be annexed, in fact, the greater portion of that area, is not urban in character but industrial, purely industrial in character and that the total territory which is proposed to be annexed and which is stated in the petition to contain 2.2 square miles, the greater portion of that territory or of that area contains territory which is disproportionate to the area proposed to be annexed. It includes territory, the industrial area which we find as of today contains only sixteen inhabitants. We think this is a gross disproportion tested by the standard of five hundred per square mile. It is, in fact, a limitation upon that standard. The population density has been in the statute for many years, but the statute was amended in '49 and '51 or '55 to include this requirement that the area to be annexed not only contain an average of five hundred per square mile but it contain also no territory which is dispropor-

tionate. And we think sixteen in the larger part of 1.17 square miles of area proposed to be annexed, sixteen inhabitants is so grossly disproportionate that the petition must be rejected as to that area as a matter of law, and we would now propose to call our witnesses. I would like to call Mr. Moody, if I may.

Do you want to swear the witness?

(DISCUSSION OFF THE RECORD)

(BACK ON THE RECORD)

MR. VAUGHAN: Do you want to treat the earlier witnesses as though they had been sworn?

MR. ROSS: Yes, I will concede that.

MR. VAUGHAN: Show that in the record. I think both of those were filing verified petitions.

MR. ROSS: Yes, they were filing, but I think you can show that. I don't question that.

J. C. MOODY

Witness herein, being first duly sworn, testified
on his oath as follows:

DIRECT EXAMINATION

BY MR. ROSS:

Q Will you state your name and age, please.

A J. C. Moody, sixty years of age.

Q Where do you reside, Mr. Moody?

A 426 Lake Road, Nitro 25143.

Q And that is not inside the city limits of Nitro?

A It is not.

Q It is on the outskirts?

A Right.

Q What is your profession, Mr. Moody?

A Chemical engineer.

Q Are you a graduate of any professional school?

A West Virginia University.

Q Do you hold any professional degrees?

A Chemical engineer.

Q And did you at one time reside in the City of Nitro?

A For the first twenty-one years of my life, yes.

Q How old were you when you moved here?

A One year old.

Q And you thereafter lived in Nitro at that time?

A Right.

Q Do you or any members of your family engage in any business presently in the City of Nitro?

A My wife and myself own Nitro Realty and Builders Realty, yes.

Q You are in the real estate business?

A Right.

Q Following your graduation from West Virginia University, by whom were you employed?

A American Viscose Corporation, Nitro.

Q And what positions did you hold with American Viscose Corporation?

A Project chemical engineer as a starting employee, Assistant Plant Manager, Department Head, Chief Engineer and Plant Manager.

Q And was the rayon plant owned by American Viscose Corporation sold to FMC Fibers Division in 1966, along in there?

A Somewhere, yes.

Q Did you thereafter work for FMC Fibers Division?

A I did.

Q And you were General Manager of the plant?

A That is right.

Q And when did you leave FMC Fibers Division?

A About seven years ago.

Q And by whom are you now employed?

A Union Boiler Corporation.

Q And is Union Boiler Corporation located in Nitro, West Virginia?

A Just outside the city limits.

Q Just outside the city limits. And I take it that all of your employment at Nitro has been in the industrial area adjacent to the City of Nitro which is now proposed to be annexed in this proceeding?

A That is right.

Q I hand you here two maps, one marked for identification "Protestants' Exhibit No. 1" which Mr. Hayne has identified as a reduced copy or a small copy showing the area which is proposed to be annexed in this proceeding. And I hand you herewith another map which has been marked for identification as "Protestants' Exhibit 2 which has been identified by Mr. Hayne as including in green and red there the same area that is shown on the map which

has been filed with the petition in this action. Did you prepare the second map which is shaded in red and green?

A We did the perimeter calculations on this map, yes.

Q And did you put the shadings on?

A I did.

Q Does this map in red and green show the area which is proposed to be annexed by the City of Nitro in this proceeding?

A That is true.

Q The verification filed by the petitioner in this proceeding states that the area of the proposed property to be annexed is 2.2 square miles. How does that compare with your calculations?

A It is the same gross area.

Q The same gross area. Now how many acres are there in a square mile?

A Six hundred forty acres.

Q In the map which has been marked for identification as Protestants' Exhibit No. 2, the red area which is shaded therein contains what kind of property? Is it residential or industrial property located within the red area?

A With the exception of very, very, let's see, I believe it is five apartments and three houses north of Union Boiler,

it is all and entirely industrial.

Q And how many square miles does that industrial area include, according to your computations?

A 1.17 square miles.

Q 1.7?

A 1.17 square miles.

Q What sort of area is included in the portion outlined in green on that map, Protestants' Exhibit No. 2?

A Rural, completely rural with substantial housing developments inside of the 1.05 square miles.

Q Are there any subdivisions located in the area designated in green?

A Yes.

Q What are some of them?

A Ortin Heights, Nitro Addition, Nitro Park Addition.

Q Is Hulbert Addition in there in the center?

A Hulbert Addition.

Q Now did you make a computation of the area shaded in green?

A We did.

Q And how much did it contain?

A 1.05 square miles.

Q And the total area that you found was then how much?

A - 1.05 rural and 1.17 industrial.

Q All right now, are you familiar with the history of the City of Nitro, Mr. Moody?

A Very much so.

Q Did your father work here before you?

A He did.

Q And he moved here about 1920?

A He did.

Q And who did he go to work for?

A American Viscose.

Q I see. Now before any industrial plants were located, what was located in this area which you have shaded in red and which you refer to as the industrial area when the Government owned it?

A Well, it was essentially a gun powder manufacturing facility which included the nitric acid plant, sulfuric acid plant, sulfur sulfate, cotton linen, pulp storage, gun powder storage as a final product.

Q Were these buildings scattered throughout this industrial area?

A In both cases, right.

Q In both. Did the United States Government build roads in this industrial area leading to these various buildings?

A They did.

Q And did they install industrial sewers in that area?

A They did.

Q And are some of those still in use today?

A Yes.

Q Or still there. How about water lines, were they installed?

A They installed a water plant capable of supplying the entire city and a portion of North Charleston for many years.

Q And electric power lines?

A Complete power generation and boiler facilities.

Q And telephone and telegraph lines, gas lines, were they all installed by the Government?

A All necessary utilities for the city, yes.

Q Did the Government also build some houses at that time before 1920?

A Practically a street a day.

Q And those houses were located where with reference to the industrial area which you have shown in red on this map, Protestants' Exhibit No. 2?

A Completely outside the confines of the industrial area and some south of the industrial area.

Q How about east?

A And due east of the industrial area, but all outside the confines of the city boundary.

Q After the World War II ended --

A World War I.

Q After World War I ended, what did the Government do with the industrial area and the residence area that it had established here?

A The first move historically was the Government commissioned the Charleston Industrial Corporation to sell off the assets which they attempted to do and did a portion of, and then retained the property under the name of the Charleston Industrial Corporation.

Q And they sold out to whom?

A To any and all that were willing buyers.

Q But they sold in the industrial area. Did they sell the property for industrial purposes?

A Yes.

Q Now who succeeded Charleston Industrial?

A Nitro Industrial Corporation.

Q And did they also sell property in the industrial area for industrial purposes?

A They did.

Q And did they sell the houses off that were located in the residential area at that time?

A They did.

Q None of those houses were located in the industrial area?

A No.

Q Now I will ask you, you have worked in the industrial plants, you have testified, all your life and you have been in the industrial area and you have been a plant manager there, is there any property today available for sale in the industrial area, or has it all been sold?

A We have recently sold the last one hundred acres that existed in the red area, and all of it to industrial in use. There is none left.

Q There is none left. Was any of this industrial area located in the part that you have shaded in red laid out into lots, streets and areas for residential purposes?

A No.

Q Was there ever a residence built south of -- I mean west of Route No. 25 as shown on that map and the railroad, west of the railroad and west of Route No. 25, is it 25, I believe it is?

A To my knowledge there was one residence immediately north of what is known as Southern Supply and a fellow, I

believe a co-owner of Southern Supply, named Jordan, lived there a short time and they have since removed the house.

Q They have since removed the house and today there are no homes or houses located in the area west of the railroad and west of Route No. 25, State Route No. 25 in the industrial area, is that correct?

A No.

Q Is there anybody that lives there, any inhabitants that lives in that area today?

A Two people, one the employee of Southern Supply.

Q Where do they live? Do they live in a house?

A It is an addition to the Southern Supply garage. I would not term it a normal residence, no.

Q It is an apartment built in there or --

A Similar.

Q Similar to an apartment. It is not a house?

A No.

Q Those are the only two people that live in there, inhabitants that live in the industrial area today in the area west of the railroad and west of State Route No. 25?

A That is right.

Q Now have you also made a house-to-house check to see how many persons or how many inhabitants there are within

the area on the west side of the railroad and the west side of Route 25 in the industrial area?

A On the west side of Route 25?

Q Yeah, in the industrial area, how many are there in -- east side, excuse me, east side of 25.

A Yes.

Q How many live in the industrial area east of the railroad and east of Route 25?

A As of the time of our canvass of the area there are five apartments, one empty, and three houses with a total of sixteen people, I am sorry, total of fourteen people.

Q Will you read off the names for the record. Who resides on the west side of the highway in the industrial area at Southern Supply?

A Mr. and Mrs. James Kilgore.

Q All right now, coming to the east side of the highway and the east side of the railroad within the industrial area as shown on your map, who resides there?

A Charles, Naoma and Kent Hartley, 4316 First Avenue; Robie and Mary Ellen Stricklan, 4318 First Avenue; Mr. and Mrs. Phillips, 4320 First Avenue, these being the three independent houses. And the four of the five apartments that are inhabited was Randel and Hunt Tidd,

Apartment B; Douglas and Tina Facemyer, Apartment C; Marvin and Teresa Richardson, Apartment D; and Bill Hollis, Apartment E, the fifth apartment being empty. That makes a total of how many persons that are inhabitants of the industrial area as of this date?

A Sixteen people.

Q Now turning to the 1.05 square miles shaded in green and shown on your map, Protestants' Exhibit No. 2, I take it that numerous residents live in that area?

A That is right.

Q But only sixteen in the area outlined in red, the industrial area?

A That is true.

Q And it contains the greater portion, slightly greater portion of the area proposed to be annexed in these proceedings?

A That is correct.

Q Did anyone go with you when you made your check?

A Yes, our personnel manager, Bill Howard.

Q And you are familiar enough with the territory to know that there are no other residences any place within the industrial area?

A Not to my knowledge.

Q Now I want to ask you this question, Mr. Moody: It appears that the property which is proposed to be annexed is partly in Kanawha County and partly in Putnam County, is that correct?

A That is right.

Q And are you familiar with the corporate limits of the City of Nitro?

A Insofar as the map that we have been given, yes.

Q And let me ask you, is the greater portion of the City of Nitro today located in Kanawha County or Putnam County?

A Putnam, pardon me, Kanawha County.

Q It is located in Kanawha County. If this area should be annexed that is proposed to be annexed in this proceeding, where would the greater portion of the property lie?

Would it be in Putnam County or still in Kanawha County?

A By our observation of the maps available to us, it would still remain in Kanawha County.

Q The greater portion?

A Right.

Q Including the area to be annexed?

A Right.

Q Based on your knowledge of the industrial area as shown on your map, is there any land in this area which is

suitied for residential development?

A None whatsoever that I would consider to be suitable residential property by today's standard.

Q Is there any land in the industrial area which, in your opinion, would be suited for parks or recreation development?

A One, there is none available; and two, it would not be suitable.

Q Now I want to ask you how many plants, industrial plants, chemical plants, factories, warehouses and commercial establishments are located within the industrial area shown on your map outlined in red, the map being identified as Protestants' Exhibit No. 2? How many factories, chemical plants, commercial establishments, warehouses are located within that area?

A Without going into the ownership of subsidiaries and part ownerships and that sort of thing, there is in excess of forty-four independent companies.

Q That operate businesses or factories within that area?

A That is right.

Q What are some of the larger plants?

A Allied Chemical Corporation, Monsanto Corporation, FMC. I don't know the status of Avtex now that it is down.

Overnite Transportation, Heck's, McJunkin, Thomas-Field, Pepsi-Cola. Two recent ones, A & S Investment Company, Union Boiler, Everett Call, Midway Construction, Nitro Electric, Appalachian Sash and Door, to name most of them.

Q I see. Did any of these companies move out of another incorporated area to move in this area which was unincorporated?

A Yes.

Q Can you name some of them?

A McJunkin, Pepsi-Cola, Thomas-Field, Heck's, and I don't know the parent base of some of the smaller companies that have moved in. Thomas-Field.

Q Does this industrial area include an industrial park that has recently been laid out and sold?

A It does.

Q And did the fact that the area was unincorporated have anything to do with many of those people locating there?

A Without presupposing too much on the part of a major company, that is one of the first questions we have always been asked, is, are we inside or are we outside the city limits. And in all honesty, it has been to the best of our knowledge a very serious consideration on the part of people coming into the area. We, right now, have a

notes with approval the burden of proof concept as to what the petitioner is required to present and prove and at which point that burden then shifts to any opponents.

If I might, at this time I would like to direct the Council that upon the showing of a duly verified petition and further the showing of a duly verified map which purports to represent the area to be annexed, at that point and in the future the burden then shifts to the opponents of a proposed annexation. And accordingly I would direct that those people who would be putting on evidence in opposition now go forward.

MAYOR GIBSON: So under (B), Opponents, that is (B) of the Agenda under Number 8, Opponents to Proposed Annexation, such as attorneys for Union Boiler Company, Monsanto Company, FMC Corporation, Avtex, Inc., and other persons, Mr. Richard M. Francis, Attorney at Law.

MR. FRANCIS: Mr. Mayor, I would yield to Mr. Victor Ross who will take testimony on our behalf.

Q How about sewage from these plants, the big plants, how about industrial sewage first?

A Industrial sewage is by law and by State mandate that it must be treated and by and large the industries treat their own chemical waste in treatment plants that are and of necessity designed for their own peculiar and technical requirements.

Q And they are all different then, I take it, a little different?

A They are all substantially different.

Q And so the industrial plants, so far as industrial waste, wouldn't benefit from incorporation?

A Not to my knowledge, no.

Q Are these industrial treatment plants some of them large and expensive that have been built in the area?

A Very large. They are substantially greater than the entire city waste treatment plant.

Q Do some of them cost millions of dollars?

A That is true.

Q But they are already installed so far as waste treatment is concerned?

A That is true.

Q So far as sanitary, do any of these plants rely on the

new tenant who is already expressing a desire, a nationally known corporation, and this is one of their questions, where do we stand on the annexation question.

Q Are these plants which are located within the industrial area, and when I use the word "plants" I mean factories, warehouses, commercial establishments, all sorts of businesses that are located there, are they pretty much self-sufficient in the way of services that a city would render them? For example, how about police protection?

A They have their own security force.

Q And those that are too small to have their own security force, where do they get theirs?

A The County Sheriff and State Police.

Q I see. The larger plants, however, have security guards and you have to exhibit a pass to get in, I take it?

A That is right.

Q Now how about trash and waste materials, do any of them rely on the City, presently rely on the City for that; or do they dispose of it in their own way?

A I can't speak for the smaller companies. The larger ones are by and large self-sufficient.

Q Do any of them contract that work?

A They do.

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of the Council, Mr. Vaughan, while we do not concede the sufficiency of the petition filed in this instance, we are perfectly willing to go forward at this time with our evidence.

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A It is a voluntary organization of the industry outside the city limits that meets or attempts to meet the budget requests of the City on a contributory basis.

Q And was it originally formed to contribute to the Fire Department?

A That was the basic consideration in the beginning.

Q Do you still contribute to the Fire Department?

A We do.

Q Did you contribute to the installation of the sanitary sewer which some of your people have hooked on to, the sanitary sewer I say did you contribute to the sewage system?

A The new one you are talking about?

Q Yes.

A Yes.

Q For any service that you get from the City today you pay for just like anybody else pays for. It is a question of negotiation with the City, is that correct?

A Each industry pays its own individual sewer bill.

Q Is there any pressing need for these city services?

A I would defer that, by and large, to the individual plant judgment. But to my knowledge, the city sewage is a requirement which they need and which they pay for.

City for sanitary sewage?

A The larger plants in some cases need their own sanitary sewage to make their chemical sewage function properly and treat their own sanitary wastes..

Q And some of the smaller ones use the line that leads to the city waste sewage plant, or do they use it?

A That is true. They negotiate their own waste sewage treatment individually with the City.

Q Now how about fire protection?

A The larger industries that I have been associated with by and large use the City fire protection only as a backup.

Q Do they ever have their own firemen trained for fires?

A Yes.

Q Is that necessary when you are dealing with chemicals?

A Chemical fires are peculiar to the installation. They do require special consideration. In any event, you could not afford to wait to start your own protection or your own prevention until the City gets there. If you need the City, they would only come in after you have at least started to fight the fire. It is a subordinate or secondary effort.

Q What is the Civic Benefit Association of Nitro?

A. It is a voluntary organization of the industry outside the city limits that meets or attempts to meet the budget requests of the City on a contributory basis.

Q And was it originally formed to contribute to the Fire Department?

A That was the basic consideration in the beginning.

Q Do you still contribute to the Fire Department?

A We do.

Q Did you contribute to the installation of the sanitary sewer which some of your people have hooked on to, the sanitary sewer I say did you contribute to the sewage system?

A The new one you are talking about?

Q Yes.

A Yes.

Q For any service that you get from the City today you pay for just like anybody else pays for. It is a question of negotiation with the City, is that correct?

A Each industry pays its own individual sewer bill.

Q Is there any pressing need for these city services?

A I would defer that, by and large, to the individual plant judgment. But to my knowledge, the city sewage is a requirement which they need and which they pay for.

Q Just one more question or two. Mr. Moody, you have been a plant manager in the area. In your opinion would incorporation of this industrial area into the City have an adverse effect in the cost to the company and in the jobs, their ability to operate and supply jobs to the workers in this area?

A Substantial detriment.

Q Are these plants in competition, not only some of them with other plants but plants within their own system?

A That is especially true in regard to younger employees where you have the ability of one plant in another area to have a lower manufacturing cost than your particular manufacturing cost. And in the typical cyclical variation in the economy of our country, as the business goes up and down you are forced into competitive competition with maybe one of your own plants. The one I am most familiar with being Avtex Product Lines being shifted out of Nitro into Front Royal. Now the plant doesn't go down, but there may be three hundred people laid off because Front Royal would have a cheaper manufacturing cost than the plant at Nitro. A few years ago it was the opposite. Nitro American Viscose had the cheapest operating cost and they shifted production

from Front Royal to Nitro to sustain their operations. I am reminded of a competitive situation of Monsanto for which we were their supplier of a raw material, and they hounded us considerably to reduce the cost to them of the anhydrochloride sodium sulfate because they were in competition with the same operation in St. Louis, their own operation. We could not cut the cost of our raw products to Monsanto, and that being one of the main factors, they lost the product to the St. Louis operation, moved it out of the local plants.

Now the plants don't move in these instances, but the people that are laid off do. Due to lack of competition, one line was lost at American Viscose to another plant. They used to be at Parkersburg. That is now down at Front Royal. The cost in employment for the shift of one production line would be somewhere between forty and eighty of the youngest people in the plant, in all probability the people who need the jobs the most, who have the mortgages, the car payments and the young family.

So the competition within an industry and in Avtex's position over here with foreign countries who have cheaper labor rates are tough and with Union Boiler

and others, other contractors who are outside the city limits who do not have to pose the B & O Tax to their customers as part of the cost makes competition very, very tight.

Q In other words, in years past your experience was whenever the cost at Viscose would go up over another plant they would start looking at it and shift production to such plant because it could be manufactured cheaper?

A Every time. They would have been an idiot if they didn't.

Q They would lay off people?

A Every time.

Q If costs are increased in these local plants, do you think that will be felt in operations later on?

A In the manufacturing costs that I am associated with, the new computer analysis reads the cost per pound to the fourth decimal place. The answer to your question is yes.

Q And they figure it every month?

A Every month.

MR. ROSS: At this time I would like to offer into evidence the two maps which have been marked for identification,

Due to error of Xerox Machine continued on Page 72

Due to error of Xerox Machine continued on Page 72

one as Protestants' Exhibit No. 1 and the other as Protestants' Exhibit No. 2, and move that they be made a part of the record in this case.

MR. ROSS CONT:

Q Now, Mr. Moody, I want to ask you one other question. The petition that has been filed herein contains a metes and bounds description of the entire area which is proposed to be annexed, including the industrial area and what you have outlined and shaded in green thereon as the residential area. Did you also prepare a separate description by metes and bounds from the description used in the petition of the industrial area alone?

A We did.

Q And is that the description which you prepared of the industrial area which is shown in red on the map entitled "Protestants' Exhibit No. 2"?

(Document examined by witness)

A Give me the map a minute (Documents examined by witness)
It is.

MR. ROSS: Okay, I would like to ask that this paper entitled "Description of Unincorporated Industrial Area Adjoining the City of Nitro, West Virginia, Proposed to be Annexed into the City of Nitro, West Virginia," and it is a metes and bounds description, be marked for identification as Protestants' Exhibit No. 3 and received in evidence.

(Whereupon, the document referred to was marked by the Reporter as Protestants' Exhibit No. 3.)

MR. ROSS CONT:

- Q Only one last question. The industrial area which you have shown outlined in red on your map which has been marked and received as Protestants' Exhibit No. 2 has only sixteen inhabitants as of this day, is that correct?
- A Unless somebody slipped a trailer in between four o'clock this afternoon and tonight's meeting, that is true.

MR. ROSS: I think that is all for me.

MR. FRANCIS: Again, my name

is Richard M. Francis. I simply want to address each of the Council Members with what you are here for tonight. You will be advised that your discretion in this matter is very limited, that once certain, basic determinations are made, that you have no discretion. But you do have a duty to make a determination on each of five basic requirements for annexation. Without this determination annexation cannot proceed.

You must determine first if the petition is sufficient to proceed and, second, if the territory to be annexed conforms with certain minimum basic requirements. No election can be held or can be ordered unless the determination is made by each of you as a body. Now the hearing tonight is to help you in this determination.

We have presented facts that we think can help you and the City has presented a map which they think can help you and the petition which can help you.

What you do have to decide, you have to decide if the petition contains the signatures of five percent of the freeholders within the present corporate limits of Nitro and you should decide that

based upon what you have seen this evening you have to determine if the territory which is proposed to be annexed is not in a municipality. Evidence was shown it was not in a municipality by Mr. Hayne. You have to determine if the territory to be annexed is urban in character and you have to do this based upon the facts that you have gathered this evening.

The fourth requirement or fourth problem, individual requirement, you have to determine if there are five hundred inhabitants per square mile within the territory to be annexed and you have to do this based upon the facts you have been shown. The

The fifth and most important in our minds, you must determine, the determination is yours and each of you must decide, whether the part of Kanawha and Putnam Counties to be annexed contains -- an important words is contains -- whether that part of the county contains an amount of territory disproportionate to the number of inhabitants therein, whether it contains -- the statute doesn't say whether it consists of or whether it is, but whether it contains the amount. Ask yourself, is there within the territory proposed to be annexed an amount of territory disproportionate to the

number of inhabitants contained therein. Each of these five determinations you must make and you are accountable for making each of these determinations.

I respect each of you, and I think you are going to give your serious thought; and we wouldn't be here tonight if we didn't think there is some dispute; one or more of these basic determinations is in doubt and that there is a determination that has to be made.

Secondly, it is with certain regret and with respect that I note there are about fifty people in this room, and there are an additional perhaps fifty or one hundred people outside this room who sought to be a part of this proceeding. I am most aware of the Council's problems, the logistical problems to hold a meeting of this sort. Nonetheless, certain concerned citizens may have been denied the opportunity to be a part of the proceeding. It is with this understanding with respect to Council's problems in providing a place, the logistical problems of this, we respectfully note for the record the objections of the people that were not able to come into the room and participate in the meeting.

MR. VAUGHAN: Mr. Francis, for

the record and your edification, let me note that everybody in that hall was addressed with a petition giving them the opportunity whether they wanted to be heard or whether they didn't want to be heard at this meeting. Those who requested to be heard will be heard at this meeting. No one will be denied.

MR. ROSS: Mr. Vaughan, I take it that the petition and the map which has been filed herein will become a part of the official record?

MR. VAUGHAN: Yes, sir.

MR. ROSS: As I understand then the ruling of the Council has already been done in both cases. It will be a part of the record when the transcript has been filed and your final order entered in connection therewith, and I have no control over that.

MR. VAUGHAN: Nor do I.

MR. ROSS: The proceedings will be certified by the Mayor as provided by statute of this hearing?

MR. VAUGHAN: That is correct, by the recorder, I believe.

Do you have any further questions of Mr. Moody?

MR. ROSS: No.

MR. MOODY: I would like to make a statement if I may.

MR. ROSS: All right.

MR. MOODY: As a member of the local community for fifty-some years and knowing all of you gentlemen personally and as an adjunct to Kit Francis' statement here, I think it does behoove you gentlemen to put yourself seriously in the position of an industry inside the city limits competing within their own company for their own local employment with companies and relative or sister companies that do not have this cost involvement.

Now I am sure you are all aware of today's absolute horrendous competitive situation in industry and I can guarantee you that anybody in business today, if he is going to stay in business, has to absolutely fight the dollar to the very limit of his ability. And those that fail to do that aren't here any longer, and far be it from me as a past manager of American Viscose to say that they left the area due to consideration of a B & O Tax would be stupid; but also bear in mind that that is one straw on a camel's back.

The other is being part of this very different forms of competition within their own company, with Taiwan, with the Philippines, areas over which they personally have little or no cost controls.

It was a privilege to appear before you gentlemen and it was good to see you all again; and I appreciate the opportunity to express my own personal opinion.

CROSS-EXAMINATION

BY MR. VAUGHAN:

Q There are a couple of questions I would like to ask Mr. Moody relative to his testimony or statement, I guess would be a better way to characterize it. Mr. Moody, do you live in the City itself? Early on you gave an address which sounded to be a city street.

A No.

Q You do not live in the city limits?

A No, half a mile outside the city limits.

Q Do you live within the area proposed to be annexed?

A No.

Q Are you here this evening strictly as a representative

of your employer?

MR. ROSS: I represent the
Civic Association --

MR. VAUGHAN: I would like to
get the answer from Mr. Moody because I am
unclear as to the exact nature of his testimony,
the role of it.

A I am a local businessman with two businesses in the City
Nitro. I own five individual pieces of property within
the City of Nitro for which I am concerned. I am an
employee of a company who is subject to this competition
immediately in the area to be annexed. I am the secretary
and treasurer of the Civic Benefit Association. I would
say to you that I am here in all those capacities.

Q In regards to your testimony you have noted in several
instances or referred to in several instances costs due
to annexation. Are we talking there really of taxes?
Is that the definition of costs due to annexation?

A Not just tax, B & O Tax, procedural delays, the various
red tape associated with approvals, construction permits,
explanations, delay in construction.

Q But is the essence of your objection basically tax?

A No.

Q Taxes are no consideration?

A I didn't say that.

Q It is not the essence?

A I didn't say that.

Q Is it part of the essence of your objection?

A Obviously.

Q Do you yourself in any one of the roles that you have outlined enjoy the benefit of any city services?

A Yes.

Q For how long and which roles are we talking about?

A For the property that is in the city that I own, garbage collection, sewage and police protection.

Q Does your employer, to your knowledge, enjoy any of these benefits of city services?

A One being sewage, and he pays for it.

Q Does he enjoy the benefits of the city streets?

A St. Albans, Charleston, Nitro, Poca, he does.

Q And Nitro?

A That is right.

Q Does he enjoy any fire protection as a result of the city being here?

A Yes.

Q Does he enjoy a reduced rate for fire protection as a result of the city being here as compared to not having the city, to your knowledge?

A He does, but I don't know that that is an economical balance.

Q Do you feel that the quality of life of the employees of your employer is improved by the City of Nitro?

A Say that again.

Q Do you feel that the quality of life of the employees are benefited by the City of Nitro?

A I do.

Q I believe you testified in regards to the sanitary sewers there were a few that were hooked up. Would it surprise you that at least thirty-one out of the forty-five are connected. Does that come as a surprise?

A The thirty-one being the smaller ones, no.

Q But your testimony would still be that just a few are connected?

A Are you attempting to say that I made a mistake in my first statement?

Q No, sir. I am asking you if your definition of a few would be thirty-one or below.

A - You are giving me information that I did not have as of the date.

MR. VAUGHAN: Thank you, sir.

MR. ROSS: Jack, I have one other question here.

MR. VAUGHAN: Wait just a minute.

MR. ROSS: I will let you finish, gladly.

MR. VAUGHAN CONT:

Q Mr. Moody, if I may, I believe you are familiar with a complaint which was filed in the Circuit Court of Kanawha County wherein numerous of the industries in the proposed area filed a complaint wherein they requested certain relief, among which was injunctive relief. Are you familiar with that suit?

A I don't understand.

Q Do you have any personal knowledge of the filing of a complaint by certain of the industries in the proposed area? Do you have any knowledge of that suit?

MR. ROSS: That is the suit
you verified.

THE WITNESS: What we are
doing here?

MR. ROSS: The injunction suit
we brought in Kanawha County.

MR. VAUGHAN CONT:

Q You do have knowledge?

A Yes.

Q You in fact were the verifier of that complaint, weren't
you?

A Yes.

Q Is it not true the essence and real damage complained of
in that suit, and I quote from your own complaint: "In the
event of a favorable vote to annex said territory into the
City of Nitro, plaintiffs will suffer immediate and irrep-
arable injury in that annexation will de facto be accom-
plished and plaintiffs will be subjected to numerous claims
for property and gross sales taxex imposed by the City of
Nitro." Is that correct?

A That is correct.

MR. ROSS: Without any oppor-
tunity for a hearing. That is what we alleged in
there, that we have been denied a hearing.

MR. VAUGHAN: That was the only claim for damages --

MR. ROSS: No. There was no claim for damages except injunctions. We didn't ask for damages in a monetary sense.

MR. VAUGHAN CONT:

Q Was there any other damage complained of?

MR. ROSS: I don't know.

MR. VAUGHAN: I am asking

Mr. Moody.

A You know better than to ask me a legal question like that.

Q Sir, you signed the complaint, I didn't, did you not?

A I can't answer your question.

Q What, as to whether you signed it or not?

A No, as to the content of the legal matter involved.

Q But that was your signature on there?

A That is right.

MR. VAUGHAN: That's all.

REDIRECT EXAMINATION

BY MR. ROSS:

Q I have got one other question. Can you identify this map that I am going to hand you, the aerial photo? What is that map?

A It is an aerial photograph made and supplied by the Government on the area in question, dated 1976.

Q Was that the last aerial photograph taken by the Government? Do they take them every five years or something?

A I think there is one since then, but I don't have a copy of it.

Q Have you outlined on that map in red the industrial area proposed to be incorporated as a part of the City of Nitro in this proceeding?

A We have.

Q And have you outlined on that map, insofar as possible, in green the residential area that is proposed to be incorporated into the City of Nitro?

A As best we can --

Q Scale from the description?

A Scale from the maps that we had and make them appropos

to these drawings, yes.

Q Now I want to ask you, since this map has been taken in '76 what are the chief changes that have occurred in the industrial area?

A Aside from Avtex going out of business, we have developed as a change, to answer your question, the development of one hundred acres of property between McJunkin Road and the Kanawha River, Monsanto on the south and I-64 on the north.

Q Is that the industrial park?

A That is HUB Industrial Park.

Q And as a change, has much of this area been built up today?

A It is all sold or under option at this time.

Q To industries?

A To industries.

Q I see. And Heck's is the large building with the blacktop down close to the interstate?

A That is true.

Q And this is in the area behind Heck's and running out to the interstate?

A And includes Heck's.

MR. ROSS: And includes Heck's.

All right, I would like to offer this map, this aerial photo -- it isn't a map, it is an aerial photo -- into evidence as the Protestants' Exhibit No. 4, if she will mark it for identification. We don't have any copies of it, Dennis, but it shows the area pretty well.

MR. VAUGHAN: I assume that is recent?

MR. VAUGHAN: I assume that is recent?

MR. ROSS: It is a '76 map. They take them about every five years, the Government does.

(Whereupon, the document referred to was marked by the Reporter as Protestants' Exhibit No. 4.)

(Witness excused.)

MR. ROSS: I have one other witness and it will be short.

WILLIAM C. HOWARD

Witness herein, being first duly sworn, testified
on his oath as follows:

DIRECT EXAMINATION

BY MR. ROSS:

Q Will you state your name, please.

A William C. Howard.

Q And where do you live, Mr. Howard?

A 2150 21st Street, Nitro.

Q By whom are you employed at the present time?

A Union Boiler Company.

Q I hand you herewith a map which has been marked for
identification -- first, let me ask you, how long have
you lived in Nitro?

A Twenty-four years.

Q Twenty-four years. Are you pretty familiar with the
area?

A Yes, sir.

Q I hand you herewith a map which is marked for identifi-
cation as Protestants' Exhibit No. 2 on which the
industrial area of Nitro is outlined in red.

A Yes, sir.

Q Did you go out with Mr. Moody to make this head check to see how many inhabitants there were in the industrial areas outlined on that map?

A Yes, sir, I did.

Q In the red?

A In the red, yes.

Q In the red area how many inhabitants total did you find in that area?

A Sixteen.

Q Sixteen, and did you prepare that afterwards, the names?

A Yes, sir. I had it notarized.

Q I don't want to introduce it in evidence. Who on Viscose Road lived in the apartment at Southern Supply on the side of the building there?

A Mr. and Mrs. James Kilgore.

Q Those that lived up next to Union Boiler, who were they?

A Charles, Naoma and Kent Hartley, 4316 First Avenue.

Robie and Mary Ellen Stricklan, 4318 First Avenue.

Mr. and Mrs. Phillips, 4320 First Avenue. Then in the apartment building, Apartment A, which at the time we did the survey it was vacant.

Q So far as you know, is it still vacant?

A Yes, sir.

Q Who were the others?

A Randel and Hunt Tidd in Apartment B. Douglas and Tina Facemyer, Apartment C. Marvin and Teresa Richardson, Apartment; and Bill Hollis, Apartment E.

Q That is a total of how many in evidence?

A Sixteen.

Q And that is all the people that live, so far as you can ascertain, or are the inhabitants of the industrial area which is outlined in red on this map?

A To the best of my knowledge, yes, sir.

MR. ROSS: That's all.

CROSS-EXAMINATION

BY MR. VAUGHAN:

Q Mr. Howard, did you attempt to do any verifying as to the people in the area marked in green?

A No, sir, I did not.

MR. VAUGHAN: That is all I
have.

(Witness excused.)

MR. ROSS: I think that is all the Protestants have.

MR. VAUGHAN: So far as you go.

MR. ROSS: So far as we go.

MR. VAUGHAN: Is there anyone else here at this point in time who would want to testify as industrial opponents?

MR. ROSS: Maybe one thing, I want to recall Mr. Moody just to ask him one question or two.

J. C. MOODY

Witness herein, being recalled and having been previously duly sworn, testified further as follows:

DIRECT EXAMINATION

BY MR. ROSS:

Q Mr. Moody, all of these industrial plants in this area such as FMC, Monsanto, Avtex, Allied Chemical and many of the smaller ones belong to the Civic Association,

do they not?

A They do.

Q And you are secretary of the Civic Benefit Association?

A I am.

Q And treasurer. And did they authorize you to appear here to protest in their behalf tonight?

A They did.

Q And these plants are all located in the industrial area?

A That is right.

MR. ROSS: Okay.

MR. VAUGHAN: Anything else?

MR. ROSS: I think that is

all.

(Witness excused.)

AUDIENCE MEMBER: Don't we get to say something along with this?

MR. VAUGHAN: Yes, sir, you will, just a little later.

AUDIENCE MEMBER: I think it goes along with it in your minutes.

MR. VAUGHAN: Are you

objecting to the annexation?

AUDIENCE MEMBER: Yes, sir,
I am. It says "and other opponents".

MR. VAUGHAN: Yes, sir.

AUDIENCE MEMBER: Do you want
me to give my name?

MR. VAUGHAN: If you would.

AUDIENCE MEMBER: Don Meeks.
I live at 228 Cross Lanes Drive, Nitro.

MR. VAUGHAN: Before you go on,
do you want all these people under oath?

MR. ROSS: No. I put my
people under oath.

MR. VAUGHAN: Treat them as
sworn.

MR. ROSS: Yes.

MR. MEEKS: First of all, I
think the City Council has done an injustice to the
people in the annexation area by having an open meeting
and only twenty-five or thirty people can get in this
room.

Secondly, where this annexation
goes down the middle of Route 62, it takes two hundred

feet, am I correct, from the center of the road?

MR. VAUGHAN: The map is here. I am not sure.

MR. MEEKS: Have you looked over the maps? I feel you people probably looked over them since you are involved in it.

MR. VAUGHAN: Yes, sir, I have looked at.

MR. MEEKS: Could you tell me?

MR. VAUGHAN: I don't know to be honest with you.

MR. MEEKS: Don't you think you ought to?

MR. VAUGHAN: If you want to make a statement, go ahead and make a statement.

MR. MEEKS: See, that is the thing about this. We have never been able to get any answers.

MR. VAUGHAN: That is what the Council is trying to do this evening, get some answers.

MR. MEEKS: Well, it does. This two hundred feet takes in part of my property. The

last fifty feet is my house. Okay, I have been told that for the Fire Department to go outside of the city limits there is a flat fee of five hundred dollars. It might be three hundred dollars. Okay, regardless of that, if that two hundred feet goes down and along the road and follows Route 62 and comes to 25, when it swings that corner, would that be two hundred feet also? What I am saying is it is awful funny to take our two hundred feet when you are going to leave Robert Hatfield be. He owns the Short Stop and Chicken Barn, which I know he is or was an ex-legislator.

The next thing, doesn't the law state that it is five hundred permanent residents per square mile? If it is five hundred permanent residents per square mile, how do you justify rental property when rental property is taxed differently from permanent residence?

MR. VAUGHAN: The answer to your question is it is five hundred inhabitants per square mile.

MR. MEEKS: Is it five hundred on the paper there or is that from a book --

MR. VAUGHAN: It says

inhabitants.

MR. MEEKS: Is that out of the book or Code?

MR. VAUGHAN: It is out of the State Code.

MR. MEEKS: Okay, what else I have got to say is you say this is going to save me money by being annexed. First of all, the people you had to speak, the first one present in the Court and this guy Ashton or Avis or whatever, the only thing I have heard so far out of the Town of Nitro is what is going to happen. You haven't said a thing about the people. All we are is pawns on a chess board. You haven't showed us what you said you were going to give us. That is a bunch of hog. If you give it to me, my car insurance will raise \$51; my property taxes is going to go up, plus if I want to build a fence -- I have seven acres and part of my horses are going to be running in the City and part of them are going to be on me.

If I want to build a fence I have to go get a permit. Then I go up and build it, but am I going to be able to do what I want to. You are going to govern me by that two hundred feet.

But so far all the people, the proponents, the people that is for this annexation, all they have said so far is about these people across the tracks over here, you know. You haven't -- just like Nitro Park Addition, why didn't the City of Nitro take them in when they took in Brookhaven? Can you answer me that? Was any of the Councilmen here on Council when they did that? How come you didn't take the Nitro Park Addition?

I can tell you why, because you couldn't afford them and you wouldn't take us in if you wasn't trying to get the corporations. That is the only thing you are trying to get is the corporations. You made a mistake way back in 1904 or whatever, ever who was running this city. Now you are trying to force us.

Another thing, there is presently a bill in the Legislature which could possibly pass for a city tax and you could be taxed just like the federal government taxes you on your income tax. That is just another fee we have to pay. My garbage bill will raise if we belong to the City and everything else.

And something else too, the

thing about this, a lot of these people that are complaining don't have any sewers, but the people that is making the biggest complaint is the people a long time ago that bought five, six and ten lots and then they sold them off. But they didn't look to the future when they sold a forty by one hundred foot lot, side by side by side. I can imagine septic tanks running over them. That is the biggest problem. They are complaining because they have a forty by one hundred lot and the septic tanks are running all over them.

Now the people who are to blame are the ones who wanted to make a profit selling off these lots and they sold them off to pay for their lots and build their house. They didn't think what the consequences would be later on. That is all I have got.

ANOTHER AUDIENCE MEMBER. I would like to ask a question.

MAYOR GIBSON: Please state your name.

ANOTHER AUDIENCE MEMBER:
Denzil Allison, Ortin Heights. You have a petition in here which is supposed to be five percent of the Nitro voters. We turned in a petition of ninety percent of

the residents out here against it. We didn't hear nothing from it. All we can hear is the plants. It is not us. You want to make us suffer to get the plants. Well, go get the plants but leave us alone out here. We don't want it.

AUDIENCE MEMBER: My name is Richard Drennen, 89 Market Drive in Ortin Heights. I would like to say I agree with Mr. Meeks concerning this meeting.

We were told a couple of weeks ago when the people from the City Council and the Citizens for Annexation were trying to talk us into voting on annexation that City Council and City Government in general is a pretty good listener.

Well, I know for a fact a couple of people on City Council was contacted about holding this meeting in a space that would hold the people that not only were interested in having their voices heard, but in hearing the proceedings involved. Apparently, our request has fallen on deaf ears of government one more time and, just like Mr. Meeks said, we feel we are pawns of the City of Nitro and they are using us to obtain the corporations in order to gain

tax revenue for the City and we are opposed to this and we do not want it.

MAYOR GIBSON: Anyone else?

AUDIENCE MEMBER: Mr. Chairman, I am Mediva Goode. I live on Hulbert Heights. In the meeting we had in January Mr. Lonnie Norvell made the statement that if they could not get the plants they could not afford the residential areas and they didn't want the residential areas without the plants.

MAYOR GIBSON: Anyone else?

AUDIENCE MEMBER: My name is Raymond Bias. I live in Hulbert Heights in Nitro. I would like to find out where this ninety percent of the population in the area to be annexed were against this, I would like to know where this ninety percent come from.

ANOTHER AUDIENCE MEMBER:

Right there on the petition -- that covers ninety percent of the entire area. I was out in Ortin Heights and Rock Branch, two places I worked and there was eight people for annexation out of the two places.

MAYOR GIBSON: We can't conduct a meeting this way, Ladies and Gentlemen. We have a court reporter here and petitions have been turned

in. Anyone else?

MR. ROSS: Here are the people that Jack speaks for as members of that association. I want to put that in.

MR. VAUGHAN: Yes.

MAYOR GIBSON: Anyone out in the hall who want to be heard on the opponents' side?

MR. MEEKS: Finished.

MR. VAUGHAN: I think you said you had something else you wanted to offer before we go back into rebuttal?

MR. ROSS: Yes. Mr. Moody, do you speak for all the corporations on that list there who belong to the Civic Association? They all do, do they not?

(Document examined by Mr. Moody)

MR. MOODY: With the exception of the last one on the list whom I do not know.

MR. ROSS: All right, we will strike that. You speak in their behalf then, your testimony here tonight was in their behalf?

MR. MOODY: Yes.

MR. ROSS: I would like to offer this list into evidence and ask that it be marked for identification as Protestants' Exhibit 5 and filed in this proceeding.

MR. VAUGHAN: Does that list purport to show all the membership of the Civic Benefit Association?

MR. ROSS: No, not all of them, just those that we could reach is the only thing. We got their permission in connection with the injunction suit and we missed a lot of them because they couldn't get permission from Executive Committees to join until later and so forth. So I think we speak pretty wholeheartedly for all the plants over there, but at least we speak for those that are named on that list.

MR. VAUGHAN: As to those that don't appear on there, we aren't sure what their position would be?

MR. ROSS: No, I think most of them told us that they were opposed but they couldn't find out, couldn't get their Executive Committees or their Boards in time. Some of the larger ones were that way.

(Whereupon, the document referred to was marked by the Reporter as Protestants' Exhibit No. 5.)

MR. VAUGHAN: I think we have some court reporters that are a little tired. We will take a five-minute break. Would that be sufficient for both of you?

(Whereupon, a recess was held in the proceedings)

(After recess)

MAYOR GIBSON: We will call the meeting back to order.

MR. VAUGHAN: Before we proceed in the rebuttal, I would like to see if it is possible to enter into a stipulation with the other counsel that there be made a part of the record the Department of Housing and Urban Development Standard Metropolitan Statistical Area Map, which I am advised is somewhere in the building, which at this moment I cannot present for your alls' perusal. And to that extent, we will be willing to leave the record open as to any objections you may have to that exhibit; but I think that may well become a part

of any decision Council would make.

MR. ROSS: Subject to our right to inspect the map at a later time and state any objections on the record after having seen them, insert them in the record, you may proceed.

CONNIE STEPHENS

Witness herein, being first duly sworn, testified on her oath as follows:

DIRECT EXAMINATION

BY MR. VAUGHAN:

Q Would you state your name, please.

A Connie Stephens.

Q By whom are you employed?

A Nitro Sanitary Board.

Q In what position or category are you employed?

A General Manager.

Q How long have you served in that capacity?

A About a year and a half.

Q Have you caused to have a review made of the records of the Sanitary Board relative to industries in the proposed

annexed area concerning whether they receive currently sanitary sewage treatment by the City?

A Yes.

Q What were the results of your review that you made?

A About thirty-six of them were on the system.

Q Thirty-six out of how many your records reflect?

A I came up with about fifty-two.

Q That you would treat as industry?

A Yes, any type of business.

Q As contrasted with a residence?

A Right.

Q Does the Sanitary Board of the City of Nitro currently render some service in what the opponents have marked as a green area or residences? Where is that map, Vic, if I may ask?

MR. ROSS: The exhibits are

over there with the reporter.

(Document produced)

MR. VAUGHAN CONT:

Q If you would look at that map, does the Sanitary Board currently render any service to the area marked in green?

A Yes.

Q To what extent would you say service is currently rendered in that area?

A I believe we can say totally what is known as the Ortin Heights area and whatever would come under the Rock Branch Public Service District.

Q Were this proposed area to be annexed -- by the area, I mean the area denoted in red or green -- would those areas then be in a position to receive sanitary sewage waste treatment by the City of Nitro?

A Yes.

Q Have you received or has the Sanitary Board received any request during your tenure in office as Manager for sewer service to be rendered to these areas?

A Well now, a few years ago, now this was when I was secretary and treasurer, which that is still one of my categories, we were petitioned by Nitro Park Addition for sewer service; and then of course Rock Branch area came to us asking for sewer service.

Q Rock Branch area presently receives service by way of treatment?

A Yes.

Q As businesses move to that area which have been denoted

in red, do they customarily request of you, have they customarily requested of you the rendition of sanitary sewer service?

A Yes, they have.

Q Do you provide that service then upon request?

A Yes,, once our conditions are met we do.

MR. VAUGHAN: That is all the questions I have.

CROSS-EXAMINATION

BY MR. ROSS:

Q It is Ms. Stern?

A Stephens, S-t-e-p-h-e-n-s.

Q Ms. Stephens, do you receive for treatment any chemicals or anything like that from these plants or is this just sanitary sewage?

A With the exception of Pepsi-Cola.

Q With the exception of Pepsi-Cola?

A Right. They are, as far as I know, the only industrial.

Q What do they put into the sanitary sewer?

A They put everything from caustics -- it depends. Their

wash water --

Q Wash water?

A When I say wash water, I mean when they wash their vats down, things like that.

Q And their bottles?

A Right.

Q And they all pay a fee for this service that is rendered?

A Yes.

Q And that sewer runs along the railroad out there and down to the treatment plant?

A Yes.

Q And --

A Well, their line runs across McJunkin. It is a gravity line and comes down --

Q They installed all the connecting lines, all the plants?

A They came in under what they called HUB Industrial Park.

Q They have a line in?

A It hooks on to our main sewer.

Q They have a line that runs down and hooks on?

A Right.

Q Who fixes the fee for this, City of Nitro?

A Public Service Commission.

Q Public Service Commission. Let me ask you this: Did

not the industries who belong to the Civic Benefit Association, being those industries which are located in the industrial area, did not they contribute something like \$388,000 to the new sewer system when it was installed?

A Some of the business in that area did, not all of them.

Q Not all of them. But they did contribute somewhere around \$388,000 to that system?

A Yes.

AUDIENCE MEMBER: Excuse me,
I would like to ask her a couple of questions if I could.

REDIRECT EXAMINATION

BY MR. VAUGHAN:

Q Connie, I hand you a document and ask you is this a list, insofar as you know, of the present industrial customers or potential industrial customers that would be within that area demarked in red on the map we have been talking about?

(Document examined by witness)

A. Yes.

Q And I will note that on several of those there is a red "S" marked beside the name.

A Yes.

Q What was the purpose of marking that red "S"?

A That indicates those that receive sewer service.

MR. VAUGHAN: We would ask at this time that this be marked for identification purposes as Petitioners' Exhibit 3 and be received into evidence. (Whereupon, the document referred to was marked by the Reporter as Petitioners' Exhibit No. 3.)

MR. VAUGHAN: Do you want to mark the HUD map as 4 for identification?

MR. ROSS: You go ahead and mark it, Dennis.

(Whereupon, the document referred to was marked by the Reporter as Petitioners' Exhibit No. 4.)

MR. VAUGHAN CONT:

Q And that marking was done on that document by you, is

that correct?

A Yes.

MR. VAUGHAN: I have no further questions.

MR. ROSS: No further questions.

AUDIENCE MEMBER: I would like to ask her a question if I may.

MR. VAUGHAN: There is one more, are the people outside the City charged at the same rate as the people living within the City under the present tariff?

THE WITNESS: Yes.

MR. VAUGHAN: That would be true for businesses as well?

THE WITNESS: Yes.

AUDIENCE MEMBER: I would like to ask her a question.

MR. VAUGHAN: That is at the Council's pleasure whether they want to take questions out of the audience.

MAYOR GIBSON: We are trying

to stick to the Agenda.

AUDIENCE MEMBER: That is the question. You say you are sticking to the Agenda and that is right. Evidently the Council needs all the explanation to the annexation that is possible when they don't know about the map, so I believe that this question might benefit their knowledge on annexation.

MAYOR GIBSON: Which map are you speaking of?

AUDIENCE MEMBER: The boundary map that I asked the questions on.

MAYOR GIBSON: What is your question?

AUDIENCE MEMBER: I don't have the question. This gentleman back here does.

AUDIENCE MEMBER: I would like to ask her the question, just two questions is all I have to ask her.

MAYOR GIBSON: The only thing, if we deviate from the Agenda and allow you to question this lady, you know, then the other

folks --

AUDIENCE MEMBER: What is wrong with that?

AUDIENCE MEMBER: This is supposed to be open for everybody. It is a public meeting.

AUDIENCE MEMBER: We should be able to ask questions just as well as these two lawyers. Just because I don't have a degree and everything else is no sign I have to keep my mouth shut.

MAYOR GIBSON: We are going to attempt to stick to the Agenda.

AUDIENCE MEMBER: That is right. They are going to stick to the Agenda and railroad it all over us.

AUDIENCE MEMBER: Put that in the record.

MR. VAUGHAN: You have had these two address Council --

COUNCIL MEMBER: That is right. Give us an opportunity to ask question of the witnesses just the same as you are

doing. You are asking questions and everything else and the plants get to ask their questions. This is supposed to be a public meeting on annexation, and you won't let us ask no questions.

AUDIENCE MEMBER: That is because we are being railroaded in.

AUDIENCE MEMBER: We don't have no say-so, huh?

MR. VAUGHAN: As to the extent that the Code specifies there be a public hearing, the hearing is being held so that Council may gather certain facts. You will ultimately have the absolute right to be heard when a vote is taken, if it ever gets that far. Council has to make the first finding, there must be certain determinations, as Mr. Francis so artfully stated --

AUDIENCE MEMBER: Do you have something you are trying to hide?

AUDIENCE MEMBER: Maybe I am trying to enlighten Council on a few things maybe they are not asking or overlooking.

Did you ever think of that?

AUDIENCE MEMBER: Is this a court or a hearing?

MR. VAUGHAN: Public hearing.

AUDIENCE MEMBER: If it is a public hearing --

MR. MEEKS: If it is going to be a fight between lawyers for the city and the corporations, the annexation, I believe you are just trying to get the corporations and not the people in the outlying areas. Can we have that in the record?

MAYOR GIBSON: It is in the record.

MR. MEEKS: It will be brought up again.

AUDIENCE MEMBER: See, here is another job they are going to do on us.

MR. VAUGHAN: I will call Chief Hedrick.

(Witness excused.)

ERNEST HEDRICK

Witness herein, being first duly sworn, testified
on his oath as follows:

DIRECT EXAMINATION

BY MR. VAUGHAN:

Q Would you state your name, please.

A Ernest Hedrick.

Q Are you employed?

A Yes, sir.

Q By whom?

A City of Nitro.

Q In what position?

A Chief of the Fire Department.

Q I understood you to say as you came up to the chair you
are presently sitting in that you had a prepared
statement?

A Yes.

Q Do you want to read that statement?

A First of all I would like to respond to something. You
said the Fire Department charged from \$100 to \$500 to
make a call. I have been on the Fire Department twenty

years and the fire service has been free service. There has never been a charge to anybody other than taxpayers of the municipality. Secondly, I will read this statement I have made --

AUDIENCE MEMBER: Let me say something. You just charged Avtex \$500 --

MAYOR GIBSON: You are out of order.

AUDIENCE MEMBER: I might be.

THE WITNESS: This is between me and God and I know what I am saying. I have the records of the Fire Department. I am not here to argue the point. I know what the procedure is and I know where we stand, so this is facts.

MR. VAUGHAN CONT:

Q All right.

A When I first became a fireman, all the station talk was about the big fires at Monsanto, Carbide, Ohio Apex. Now we talk about the fires we have had at Monsanto, Fike, FMC, Union Boiler, Avtex. Fighting industrial

fires is nothing new for the Nitro Fire Department. Last year, 1979, we answered ninety-four fire calls plus eighteen car fires. We don't count car fires because you can be anywhere when your car gets on fire.

In the City we had thirty dwellings, six businesses, three house trailers, three pole transformers, three brush fires, one boat fire, one bus stop, four false alarms. That was a total of fifty-one fires. That amounts to 54.26 percent of all our fire calls.

Outside the city limits in the area that is in question of the annexation, we answered forty-three fire calls. That was 45.75 percent of all our fire runs was made in the area that is in question. Of those forty-three fires, twenty-six of these runs were made to industries. There was two to Monsanto, two to Union Boiler, three to Avtex, three to Fike, one to NAPA, three to ConRail, one to Heck's, one to Midwest Steel, one to Allis-Chalmers, Bud Young, Pepsi-Cola, along with numerous others.

The industrial fires alone amounted to 27.65 percent. Of our total fire costs, 31.91 percent was dwellings, 27.65 was industrial fires. The industrial area has a good emergency control plan with K.V.I.E.P.C.

program, but when you review this plan, the City Fire and Police Departments are the backbone of this program.

A statement in the newspapers stated the Civic Benefit Association was always there to aid the City when it was needed. This is not altogether true. They know we are using a 1950 model fire truck that should have been replaced ten years ago. We have not been offered any help.

They also know the hourly wage of firemen at Nitro is \$3.08 per hour. This is a starvation wage. Yet, no help.

Not all industry has a manned fire department. Those who don't have, can you depend on the ones that do to fight your fires or will you receive a statement saying that we would be glad to help.

Industries, you say you are not part of Nitro. Yet, for years you have used our Police Department to get in and out of your area. You use our city to get a Rate VI on your insurance. But you are not part of us. You just use us.

I don't mean to sound ungrateful. We are not here because we are. We are here because we need to work together. We are here because we have a good fire

department and a good police department.

I cannot make a living working at the Nitro Fire Department, so I build houses on my days off. For every \$100 I make I am taxed \$2.00. When I think the City is only asking twelve cents or less on the \$100 I wonder what all the fuss is about.

The question is, can you industries stand alone or are you going to continue to use us, or are we going to join forces to become the greatest city and industrial complex in the world.

Q Chief, let me ask you this: Is there presently -- before I ask the question, where is the map again, the one with the green and red -- (Document furnished to witness) I believe you now have before you the map which is marked in both green and red which is a part of the record in this proceeding?

A Yes, sir.

Q Does the Fire Department presently render services to the area denoted in green?

A Yes. We answer all fire calls inside Route 62 and Route 25. If you live in an area with a 755 prefix, dial number 7911 and we will be dispatched from Putnam County to answer calls in that area.

Q Within that area denoted in red there, do you render initial service to that area?

A Not with the contract we have with Putnam County and with the Cross Lanes Fire Department, no, sir.

MR. VAUGHAN: Thank you, sir.

CROSS-EXAMINATION

BY MR. ROSS:

Q Chief, may I ask you a question?

A Yes.

Q You say that the industry hasn't offered to do anything about the 1950 fire truck. Have you asked, requested, the Civic Benefit Association for any help?

A We have attempted to, yes.

Q What did you ask them for?

A We sent the, the Fire Department sent them a letter stating the fact that we was on a low wage, we did not have sufficient equipment, and there was no response.

Q And did you ask them for any specific sum of money, for anything to buy a fire truck or anything of that nature?

A We asked them if there was any way they could assist the

City in helping with the financial burden of additional paychecks and additional equipment, that we needed equipment.

Q Have you got a copy of that letter?

A I was not the one that sent the letter. I do not have a copy of it.

Q Who sent the letter?

A A previous chief.

Q Do you know when it was sent?

A No, sir, not to be truthful about it I don't know.

Q Actually, the Fire Department was established with the help of the Civic Benefit Association, wasn't it, originally?

A That was probably true.

Q The first fire truck was bought and that sort of thing with contributions that came from them?

A No, sir. The first truck was bought by the Nitro Firemen's Association by raffling off a boat and a small automobile.

Q But over the years the Benefit Association has contributed to the Fire Department?

A They have contributed to the City. It was supposed to go to the Fire Department. This is speculation on my part.

Q Did you get the money that was contributed, or did the City use it for another purpose?

A That would be speculation on my part. I don't know.

MR. ROSS: That is all.

(Witness excused.)

LEO JAMES BRADLEY

Witness herein, being first duly sworn, testified on his oath as follows:

DIRECT EXAMINATION

BY MR. VAUGHAN:

Q Would you state your name, please.

A Leo James Bradley.

Q Mr. Bradley, are you presently employed?

A Yes, sir, I am.

Q By whom?

A City of Nitro.

Q In what capacity?

A Chief of Police.

Q And how long have you served in that capacity?

A Twenty-five months.

Q Prior to that time were you employed by the City of Nitro?

A No, sir, I was not.

Q By whom were you previously employed, if you could give us a general recitation?

A The City of Indian Harbor Beach, Florida, for eight years.

Q In what capacity?

A Sergeant, Police Department. Prior to that I was employed at Indian Atlanta as a patrolman for one year. Prior to that I was employed at Union Carbide at Institute for two years. Prior to that I was employed by the City of Hurricane for one year. Prior to that I was employed by McLean Trucking Company for two years as a road driver.

Q I think that is enough. Insofar as your role as Chief of Police of the City of Nitro, to your knowledge does the City of Nitro render police service to those two areas which on that map are marked both in red and in green?

A Yes, sir, we do.

Q To both areas?

A To the one marked in green, yes, sir.

Q Do you render any services to that area denoted in red?

A Yes, sir.

Q And how is that service rendered?

A Mostly it is traffic control.

Q And is this done at the request of the businesses and plants within that area?

A Yes, sir, it is. They get very hyper if my man is not out there at quitting time.

Q What do you mean by "get very hyper if your man is not out there"?

A My wife worked a part-time job at Heck's before Christmas and when those plants let out, if that crossing guard is not out there, if he is not working that traffic, they get aggravated, upset, distorted because they are in a hurry to get home and they get mad because my man is not out there to get them on the road, get them on their way home out of the city. They want to get out of the city as fast as possible. And also, we serve as backup on a lot of calls down there.

Q Do you also as a result of your duties answer burglary alarms within that area?

A We will go to the city limits. We will assist the Kanswa County Sheriff's Department, Putnam County Sheriff's Department or Department of Public Safety if they request our backup. We will go on into the area

and proceed under the cloak of their jurisdiction.

Q You have though at different times gone into this area?

A Yes, sir, we have.

Q And I again refer you to the area denoted in green, do you also render police service in that area?

A Under the cloak of the jurisdiction requested, yes, sir.

Q And if both areas as shown on that map, and the single area which is shown on the map filed by the petitioner, if that area were to become annexed and made a part of the City of Nitro, the full services of the City of Nitro would then be available to those individuals living in that area?

A Yes, sir, it would.

Q And to any businesses which would be located in that area?

A Yes, sir, they would have full police protection.

CROSS-EXAMINATION

BY MR. ROSS:

Q By services to this area, you have a patrolman who stands out on Route 25 and directs traffic as it comes out of this plant area property?

A Yes, sir.

Q That is also for the benefit of the citizens of Nitro who happen to be passing by this way at State Route 62 or at State Route 25, isn't it?

A Yes, sir.

Q Now you don't normally -- how many calls have you answered inside this area outlined in red from the industrial companies?

A What do you mean?

Q Within the past year.

A What do you mean by calls?

Q We want you. Somebody has broken in, ~~this~~. Somebody has done this. Two of our men are in a fight. We want you to come over and do something about it. You don't do something like that, do you?

A No.

Q The larger of these, Avtex, Monsanto, FMC have their own security force, don't they?

A Yes sir, but I had a request for assistance from Monsanto.

Q When was it?

A This was about three months ago. One of their representatives called and wanted me to send someone to 41st Street and First Avenue to work their morning traffic to get them in and out of the plant. They wanted a

full-time police officer down there. I tried to provide that service.

Q You didn't have to provide that service?

A No, I didn't have to. I did it on my own.

MR. ROSS: I think that is all.

REDIRECT EXAMINATION

BY MR. VAUGHAN:

Q Did any of the industries in the proposed area have any direct lines into your area in regards to burglaries or like occurrences?

A Yes, sir. Heck's warehouse has a burglar alarm and a fire alarm which we have answered on several occasions. It goes directly into my office. I have had requests from United Dodge for burglar alarms. I have had requests from ADT warehouse on 19th Street for alarms and NAPA warehouse.

MR. WITHROW: Just to clear up one thing, you said United Dodge. Do you mean United Distribution Warehouse?

THE WITNESS: Right, United
Distribution Warehouse.

MR. VAUGHAN: That's all.

RE CROSS-EXAMINATION

BY MR. ROSS:

Q If they request a service like this, do they pay for it?

A No, sir, they do not.

Q You don't make any charge?

A No, sir, I do not. I have received no financial
assistance from anybody outside the city limits that is
being incorporated or voted on to be incorporated.

MR. ROSS: That is all I have.

(Witness excused.)

MR. VAUGHAN: We are going to
take a five-minute recess so the court
reporters can have a little rest.

(Whereupon, a recess was had in the proceedings)

(After recess)

MAYOR GIBSON: Call the
meeting back to order so we can proceed.

GENE WILLIAMS

Witness herein, being first duly sworn, testified
on his oath as follows:

DIRECT EXAMINATION

BY MR. VAUGHAN:

Q Would you state your name, please.

A Gene Williams.

Q Mr. Williams, are you employed?

A Yes.

Q By whom?

A City of Nitro.

Q In what capacity?

A Director of Public Works.

Q And what is the service that your department renders to
the public?

A Trash, garbage, street repair, storm sewers.

Q Mr. Williams, having handed you a map -- before I move
on to that map, how long have you been employed by the
City of Nitro?

A The last seven and one-half years.

Q Now looking at that map, do you or do members of your department render street repair, trash or garbage service to those two areas which are demarked on that map as red and green areas?

A We have.

Q You have. Do you render trash and garbage service?

A We do in one area, trash and garbage service now.

Q What is that one area?

A Southern Supply Trash Pickup.

Q That would be the area marked in red, correct?

A Right.

Q Do you render any service to any other business located in that area denoted in red?

A No.

Q Do you render any services to the area demarked in green, specifically in the Nitro Heights section?

A We do in Nitro Heights, trash and garbage in Nitro Heights.

Q To the extent you render services at this time to those areas, is your charge for services the same be they in city or out of city residences?

A The same as in city.

Q Additionally, will you pick up trash in these areas if requested to do so?

A Yes.

Q Are there any industries in that area demarked in red which currently utilize the city dump facility, waste disposal?

A You mean the western landfill?

Q Yes, sir.

A I really can't answer that question.

Q Before the western landfill, were there any industries to your knowledge that used the city's dump facilities, refuse facilities?

A Yes, sir,

Q Do you recall any of those businesses?

A Yes, FMC.

Q Was it FMC in particular?

A Yes, FMC.

Q Does your department render snow removal for the residents of the City of Nitro?

A Yes.

Q And do you currently render any snow removal to either of the areas marked in red or green?

A In the green, Nitro Heights.

Q Have you been requested by any of the industries in the area denoted in red to assist and help in the repair of

any of the roads in that area?

A Avtex and ditch work. And a few years ago we did garbage service to Avtex.

Q Should these areas as shown on the map be ultimately annexed by the City of Nitro, would your department then be in a position to render full street repair, garbage and trash service and snow removal service to all those residences and businesses?

A Yes, sir.

MR. VAUGHAN: That is all the questions I have of this witness.

CROSS-EXAMINATION

BY MR. ROSS:

Q Mr. Williams, is that the name --

A Williams.

Q What street were you asked to repair by Avtex?

A Ditch line in the plant road.

Q Well, the plant road is a state highway. Did you know that?

A Yes, sir.

Q So you are really performing a service to the State then?

A We have done it by request from Avtex.

Q Did you charge them for it?

A No, sir.

Q In other words, you, at the request of one party, went out and repaired a road that belonged to another party that had employees that were capable of repairing it?

A The work we rendered for Avtex was to take the water off Avtex.

Q Now you say there is only one plant, Southern Supply, that you pick up trash for?

A Yes.

Q And you make a charge for that?

A Yes, sir.

Q And you don't do any snow removal over in that area?

A No, sir.

Q And the one plant, FMC, at one time, not at the present time but at one time, used a landfill that you had?

A Yes, sir.

Q Was that with your permission?

A I wasn't in charge at that time.

Q You were not in charge?

A No, sir.

Q Do you know whether a charge was made?

A I think so.

Q For using the landfill?

A Yes, sir.

MR. ROSS: I think that is all.

(Witness excused.)

JAY LONG

Witness herein, being first duly sworn, testified
on his oath as follows:

DIRECT EXAMINATION

BY MR. VAUGHAN:

Q Would you state your name, please.

A Yes, sir. My name is Jay Long.

Q Mr. Long, are you employed?

A Yes, sir.

Q By whom?

A City of Nitro.

Q In what capacity?

A I am the recreation director.

Q How long have you served in that capacity?

A I have been here a little over a year. I was hired in November of '78.

Q In regards to your role as recreation director, do you oversee the parks and various softball leagues?

A That is correct, sir.

Q What is the other nature of your services, if I might ask?

A Well, as recreation director I am in charge of the midget league basketball, football, I am in control of Ridenour Lake, anything pertaining to recreation in any type and form. I am the sole director.

Q To the extent these services are rendered, are they limited solely to the residents of Nitro?

A No, sir, they are not.

Q Sir, you now have before you a map which has been introduced at this proceeding which because of its size is probably the best one to work from. You will note two areas, one marked in red and the other in green, which I may or may not in my questioning refer to as the proposed annexed territory. Insofar as you are concerned in the running of the recreational services of this city,

would anyone living within those denoted areas be afforded the opportunity to utilize the city's recreational services?

A Yes, sir.

Q In any way would you limit their opportunity to use these recreational services?

A No, sir.

Q Do you now?

A No, sir.

Q And if they were to become a part of the City of Nitro, would there be any limitations?

A No, sir, there would be no limitation at all.

Q Do you have any idea as to the participation presently by any of the people that would live in either of those areas?

A I can't name any one certain family or so forth that uses our facilities, but I do know that Ridenour Lake has been used by citizens everywhere. Our softball league, we do have gentlemen in this area that do play on our softball league, and the same with our midget league basketball.

Q And again I will ask you, the participation and utilization of these services is not limited?

A - No, sir, not at all.

MR. VAUGHAN: That is all the questions I have of this witness.

CROSS-EXAMINATION

BY MR. ROSS:

Q Mr. Long, there has been testimony in this record this evening that the area outlined in red is an industrial area.

A Uh-huh.

Q And it only has sixteen inhabitants. Those have been named here tonight. Do you know whether any of them use your recreational facilities?

A As far as anyone in particular, the only thing I can tell you, we do have a team representing Monsanto that is in our softball league. Whether that constitutes anything or not I don't know, but they are in my softball league.

Q But they have the name as representing the plant?

A That is right.

Q Now you have referred to the use of Ridenour Park?

A Yes, sir.

Q And who largely contributed the money for Ridenour Park?

A Sir, I don't know.

Q Didn't it come from the plants?

A I don't know.

Q Or a good portion of it?

A I cannot say.

Q You recognize this area outlined in green as having numerous inhabitants, Nitro Heights, Nitro Park Addition, Hulbert Heights, Ortin Heights?

A Yes, sir.

Q But you can't name anybody you know of that uses your facilities that lives in that industrial area?

A Not offhand, no, sir.

MR. ROSS: Okay, that is all the questions I have.

(Witness excused.)

MR. VAUGHAN: Before concluding, let me note that before we got to the public hearing aspects of this Council meeting here this evening the Council caused to have circulated a list which the individuals in

attendance were asked to sign their names, which list asked the question, "Do you want to be heard" and indicates the answer yes or no. At this time I would like to make this list a part of the record.

MR. ROSS: I would like to see it.

(Document examined by Mr. Ross)

MR. ROSS: No objection.

MR. VAUGHAN: We would ask that it be marked for identification purposes as Petitioners' Exhibit No. 5.

(Whereupon, the document referred to was marked by the Reporter as Petitioners' Exhibit No. 5.)

MR. VAUGHAN: Before I conclude, is there anyone else who is an opponent of the proposed annexation which has not been given a chance to be heard who indicated their desire to be heard on that list?

(No response)

MR. VAUGHAN: If not, let me

simply say because of the late hour, my watch says twenty till twelve -- let me simply say it would be the position of the petitioner that, number one, as earlier outlined to you, the purpose of this hearing here this evening is really much more narrow than a lot of the evidence that was taken here this evening. The statute itself sets forth certain items that each of you as Councilmen must decide.

As Mr. Francis noted, your decision is an individual decision, point by point, one not necessarily leading you to a conclusion and another point. Some of the points are seemingly intertwined. It would be the petitioners' position that to the extent the statute requires these findings, that there is more than ample evidence to support an affirmative conclusion and accordingly such a conclusion would then result in your establishing the date of an election.

I would certainly hope and request that no decision be made on this

until such time as we have received a copy of the transcript so that you might then consider all the evidence submitted here tonight, that which you have heard and review the transcript so that you may make a fair and just decision which the statute presupposes you will do. And in that regard, we submit the case. Thank you.

MAYOR GIBSON: Number Nine, on the Agenda, Request of Mr. Dean Miller, Councilman.

COUNCILMAN MILLER: Since this involves recent allegations concerning abstracts I move we recess to Executive Session.

MAYOR GIBSON: Do we have a second?

CITY RECORDER: I second the
DON KARNES
motion.

MAYOR GIBSON: Any questions?
(No response.)

MAYOR GIBSON: If not, all in favor please signify by raising your right hand.

(Vote taken)

MAYOR GIBSON: All against?

(Vote taken)

MAYOR GIBSON: Two opposing votes.

MR. VAUGHAN: There will be no further consideration of the annexation matter at that Executive Session. I want a motion that there will be no further consideration of the annexation in the Executive Session and to the extent of the annexation issue, this meeting is recessed.

COUNCIL MEMBER: I so move.

DR. CASSELL

COUNCIL MEMBER: I second.

JACK LEGG

MAYOR GIBSON: All in favor please signify by raising their right hand.

(Vote taken)

MAYOR GIBSON: All opposed?

(Vote taken)

MAYOR GIBSON: Motion carried.

(Whereupon, the public hearing in this matter was

recessed at 11:35 p.m., on February 5, 1980.)

IT IS HEREBY AGREED AND UNDERSTOOD THAT THE VARIOUS EXHIBITS AND MAPS THAT WERE INTRODUCED ARE ATTACHED HERETO AND MADE A PART HEREOF

MAYOR



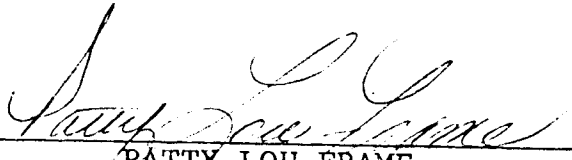
CITY RECORDER

STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA, to-wit:

I, Patty Lou Frame, Shorthand Reporter and Notary Public, do hereby certify that the foregoing is a true and correct transcript of the proceedings had and testimony taken at a public meeting of the Nitro City Council, The Honorable William Gibson, Mayor, Presiding, on the 5th day of February, 1980, as reported by me in shorthand.

Given under my hand this 12th day of February, 1980.

My commission expires March 19, 1985.


PATTY LOU FRAME
SHORTHAND REPORTER AND NOTARY PUBLIC

RECONVENING OF RECESSED NITRO CITY COUNCIL

MEETING OF FEBRUARY 5, 1980

NITRO, WEST VIRGINIA

FEBRUARY 19, 1980

The Nitro City Council Meeting of February 5, 1980 was reconvened February 19, 1980 at 8:00 p.m. in the council chambers. In attendance 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, and Councilman Gus Bailey. Absent were Councilman Romie Hughart and Councilman Dean Miller. Also present was Jeremiah McCormick, City Attorney.

The transcript of the recessed Council Meeting of February 5, 1980 was reviewed by the Nitro City Council and by Mr. Dennis Vaughan, Attorney for the proponents of annexation and Mr. W. Victor Ross, Attorney for the oponents of annexation. Mr. Vaughan and Mr. Ross stipulated that there were changes to be added on and attached to the transcript, thus, becoming a part of the permanent record.

MR. VAUGHAN: Have you reviewed the transcript and and all exhibits a part thereof?

COUNCIL: Yes.

MR. VAUGHAN: Are there any questions concerning the transcript and exhibits?

COUNCIL: No.

MR. VAUGHAN: Does anyone feel there is any need to take any further evidence?

COUNCIL: No.

MR. KARNES: Gentlemen, at this time, I would like to make a motion as follows:

On the uncontroverted evidence of the petitioners, the City Council of the City of Nitro, West Virginia finds 1) that the verified petition for annexation heretofore presented to Council is signed by at least five percent of the freeholders of the City of Nitro, West Virginia; 2) that the petition is accompanied by accurate and verified survey map showing the territory which would be annexed to the

corporate limits by the proposed annexation; 3) that the territory which would be annexed lies partly in Union District, Kanawha County, West Virginia and partly in Poca District, Putnam County, West Virginia; 4) that the territory to be annexed is not now located within any municipality; 5) that the territory to be annexed contains an area approximately 2.2 square miles; and 6) that the territory to be annexed contains an average of not less than 500 inhabitants per square mile.

Further, as to the issues controverted by the objectors, the City Council, after mature consideration of the transcript and the evidence of these proceedings finds: that the territory to be annexed is urban in character; and that the territory to be annexed does not include an amount of territory disproportionate to the number of inhabitants thereof.

The motion was seconded by Councilman Dr. Guy Cassell. It was then passed by a unanimous vote.

Councilman Dr. Cassell then made a motion for establishment of an election to be held pursuant to Code 8-62. The motion was seconded by Councilman Bailey and passed by a unanimous vote.

Mr. Vaughan then requested a five (5) minute recess in order to produce an order which he will present to council when the meeting is reconvened.

Councilman at Large Mel Pennington made a motion for a five (5) minute recess. The motion was seconded by Councilman Dr. Cassell. The motion was passed by a unanimous vote.

Mayor Gibson called the meeting back to order.

At this time, Mr. Vaughan read an order to the Council as follows:

FINDINGS OF FACT AND ORDER CONCERNING THE ANNEXATION TO
THE CITY OF NITRO OF CERTAIN TERRITORY LOCATED IN UNION
DISTRICT, KANAWHA COUNTY, WEST VIRGINIA AND IN POCA DISTRICT,
PUTNAM COUNTY, WEST VIRGINIA

On the 15th day of January 1980 a certain verified petition was presented to the Common Council of the City of Nitro, West Virginia, wherein the petitioners set forth the area proposed to be annexed by metes and bounds and asked that an election be held on the proposed change. The petition was accompanied by an accurate and verified survey map showing the territory which would be annexed to the corporate limits of said City of Nitro by the proposed annexation. Both the petition and survey were accompanied by the verification of Lonnie Norvell, a freeholder of said City of Nitro, and one of the petitioners, a copy of which verification is attached hereto and incorporated herewith by reference.

Upon the presentation of said petition and survey the Council accepted such petition and survey for filing and ordered that a public hearing be held on February 5, 1980 at 8:00 p.m. to determine the legal sufficiency of the petition and whether or not the territory proposed to be annexed complies with provisions of Chapter 8, Article 2, Section 1. of the Official Code of West Virginia of 1931, as last amended, and whether or not under the laws ^{under} of the State of West Virginia the territory proposed to be annexed is subject to annexation by the City of Nitro.

At the regularly scheduled meeting of the Common Council of the City of Nitro held February 5, 1980, at 8:00 p.m. said Council examined the petition, survey map and verifications presented. After such examination the Council proceeded to hear evidence presented by both the petitioners for annexation and the objectors to the annexation, all of such evidence was taken in shorthand form by a certified court reporter, which was later transcribed as an official transcript of the proceedings.

After hearing all of the evidence and after reviewing and considering the transcript of said hearing and the evidence there presented, and after due and mature consideration of all of the same which evidence is as follows:

- 1) the verified petition
- 2) the verified survey map
- 3) the testimony of various witnesses both for the petitioners and for the objectors to the proposed annexation
- 4) the transcript of the said testimony
- 5) the exhibits presented to Council
 - A. Petitioner's exhibits
 - 1) the verified petition
 - 2) the verified survey map
 - 3) a partial list of persons in the area to be annexed who now receive sanitary sewer service
 - 4) an Urban Area Map prepared by The West Virginia Department of Highways with cooperation from U. S. Department of Transportation
 - 5) a list of individuals attending and indicating whether or not they desire to be heard at the hearing held on February 5, 1980 at 8:00 P.M.
 - B. Objector's exhibits
 - 1) reduced map of area proposed to be annexed
 - 2) map as above with green and red markings

- 3) metes and bounds description of Un-incorporated Industrial area proposed to be annexed into the City of Nitro, West Virginia
- 4) Aerial Photo of the area to be annexed
- 5) List of those corporations and firms, for whom J. C. Moody was spokesman at February 5, 1980 hearing.

6) The stipulations entered into between the petitioners and objectors which are a part of the record.

Accordingly, based on the foregoing evidence, the Common Council of the City of Nitro, West Virginia would find as follows:

1) that the verified petition for annexation heretofore presented to Council is signed by at least five percent of the freeholders of the City of Nitro, West Virginia;

2) that the petition is accompanied by accurate and verified survey map showing the territory which would be annexed to the corporate limits by the proposed annexation;

3) that the territory which would be annexed lies partly in Union District, Kanawha County, West Virginia and partly in Poca District, Putnam County, West Virginia;

4) that the territory to be annexed is not now located within any municipality;

5) that the territory to be annexed contains an area approximately 2.2 square miles; and

6) that the territory to be annexed contains an average of not less than 500 inhabitants per square mile

After consideration of all of the evidence presented hereinafter noted, Council would further find as to issues raised by the objectors to the annexation:

7) that the territory to be annexed is urban in character; and

8) that the territory to be annexed does not include an amount of territory disproportionate to the number of inhabitants thereof.

Wherefore, the Common Council of the City of Nitro, West Virginia has determined that the petition for annexation heretofore presented to said Council is legally sufficient under the provisions of Chapter 8, Article 6, Section 2 of the West Virginia Code of 1931 as last amended and that the territory proposed to be annexed complies with the provision of Chapter 8, Article 2, Section 1 of said Code;

NOW, THEREFORE, in accordance with the provisions of The West Virginia Code, of 1931 as last amended, Chapter 8, Article 6, Section 2, it is hereby ORDERED as follows:

1. That a vote of the qualified voters of the City of Nitro, a municipality, be taken upon the proposed changes as set forth in the aforesaid verified petition on the 15th day of March, 1980, with the voting to commence on that day at 6:30 A.M. and to continue up to and until 7:30 P.M. on that same day and said voting to be held at the following places:
 - a. Nitro High School, 21st Street and 2nd Avenue, Nitro, Kanawha County, West Virginia
 - b. Nitro Elementary School, 19th Street and 2nd Avenue, Nitro, Kanawha County, West Virginia
 - c. Baker Elementary School, Park Avenue and 11th Street, Nitro, Kanawha County, West Virginia
 - d. West Sattes Elementary School, Lee Avenue, Nitro, Kanawha County, West Virginia
 - e. Nitro-Putnam Elementary School, 39th Street East, Nitro, Putnam County, West Virginia
2. That a vote of all of the qualified voters of the additional territory set forth in the aforesaid petition, and all of freeholders of such additional territory, whether they reside or have place of business therein or not, shall be taken upon the proposed change as set forth in the aforesaid petition on the 15th day of March, 1980 with said voting to commence on that day at 6:30 A.M. and to continue up to and until 7:30 P.M. on that same day and said voting to be held at the following places:

- a. Nitro-Putnam Elementary School, 39th Street East, Nitro, Putnam County, West Virginia
3. That said election shall be held, superintended and conducted and the results thereof ascertained, certified, returned and canvassed in the same manner and by the same individuals as elections for municipal officers.
4. That the ballot used shall have written or printed on in the words:
 - () For Annexation
 - () Against Annexation
5. That the city recorder shall cause a copy of this Order to be published, at the cost of the City of Nitro, a municipality; as a Class II-0 legal advertisement in compliance with the provisions of West Virginia Code, Chapter 59, Article 3, Section 1 et seq., and that the publication area for such publication shall be the City of Nitro, a municipality, and the additional territory, as hereinafter described; and the first publication shall be at least 14 days prior to the date hereinabove fixed for the taking of the vote.
6. That the additional territory be annexed by the proposed change is popularly described as the Nitro Industrial Complex from Plant Road to Rock Branch, the Union Boiler property and Armour Creek areas, Nitro Heights Addition, Hulbert Heights, Ortin Heights, and the Rock Branch area lying in and about the Intersection of West Virginia State Routes 62 and 25.

BEGINNING at a point on the existing Nitro corporation line at the low water mark of the right descending bank of the Kanawha River, thence with the descending riverbank in a northerly direction 12,900' more or less to a point, said point being on the Rock Branch Public District boundary line; thence with said boundary line S. 03° W - 2400 more or less; thence in a northeasterly direction 700' more or less to a stake at the edge of water of the Armour Creek Backwater, said stake being the common division line between property presently owned by Valley Brook Mobile Home City, Inc. and the Putnam County Development Authority; thence with the common division line along an existing fence N 48° 53' E - 183.89' to a stake in a fence line; thence N 38° 18' E - 46.57' to a metal fence post set in concrete; thence N 84° 35' E - 518.17' to a stake in fence line; thence N 79° 38' E - 222.04 to a stake in fence line; thence N 85° 52' E - 153.04 to an iron pin in concrete base of fence post; thence S 54° 22' E - 184.60 to a

stake in the common division line of properties presently owned by Valley Brook Mobile Home City, Inc. Putnam County Development Authority and the Board of Education of the County of Putnam; thence with the division line between Valley Brook Mobile Home City, Inc. and the Board of Education of the County of Putnam along an existing fence line in a southeasterly direction 230' more or less to the center of W. Va. State Route No. 25; thence along the center of Route 25 in a easterly direction 550' more or less to the center of W. Va. State Route No. 62; thence in a due east direction 200' to a point; thence running 200' parallel with Route 62 in a southerly direction 6100' more or less to a point on the existing corporation line; thence with corporation line S 53° 17' 45" W - 165' more or less to a concrete monument on the right-of-way line of W. Va. State Route 62; thence crossing Route 62 with corporation line S 53° 17' 54" W - 71' more or less to a point on the right-of-way line of Route 62; thence with corporation line S. 54° 42' W - 620' more or less to a point 200' from the center line of 40th Street (Sec. Road 35/1); thence with the corporation line parallel to 40th Street (Sec. Road 35/1) and 200' therefrom, 5950' more or less; thence with corporation line N 23° 45' E - 385' more or less; thence with corporation line N. 66° 15' W 1075' more or less; thence with corporation line N. 18° 15' E - 1110' more or less; thence with the corporation line N 62° 20' W - 230' more or less; thence with corporation line N 52° W - 240' more or less; thence with corporation line N 52° 38' W - 250' more or less; thence with corporation line N 37° 11' E - 318' more or less; thence with corporation line N 66° 15' W - 352' more or less to a point on the Consolidated Railroad Corporation right-of-way; thence with the corporation line and the Railroad right-of-way line in a southwest direction 6700' more or less; thence N 66° 15' W - 41' more or less to a point in the Northern right-of-way line of Plant Road same being the common line with Nitro Corporation Line; thence with corporation line N 45° 30' W - 1412' more or less; thence with corporation line N 13° 38' E - 430' more or less; thence with corporation line N 75° 50' W - 1100' more or less to the point of beginning

It is further ORDERED that the bond in the amount of \$2,000.00 which was posted by Lonnie Norvell, one of the petitioners, on December 24, 1979, be continued as surety to indemnify the City of Nitro against any and all costs incurred or caused by the annexation election as required by the provision of the West Virginia Code of 1931, as last amended, Chapter 8, Article 6, Section 2 if a majority of the legal votes cast are against the proposed changes in boundary.

The above and foregoing Order was offered at the reconvened meeting of the Common Council of the City of Nitro of February 5 1980, which meeting was reconvened on the 19th day of February 19, 1980, at 8:00 P.M. by COUNCILMAN CASSELL, who moved its approval and was second by COUNCILMAN PENNINGTON, thereafter the same was passed, ordered and adopted by the following vote of Common Council to the City of Nitro.

Yeas 6

Nays 0

Thereafter the Mayor of the City of Nitro, West Virginia declared and proclaimed the same passed, ordered and adopted.

Dated: February 19, 1980

Attest:

Don Kamm
City Recorder

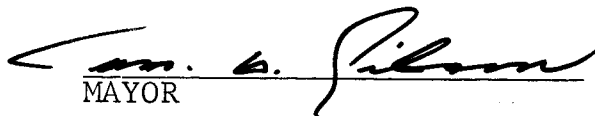
James A. Brown
Mayor

A motion was made by Councilman Dr. Cassell to accept and adopt the order above as read by Mr. Vaughan. The motion was seconded by Councilman at Large Mel Pennington.

Mr. Ross wanted to make clear that he did legally represent all of the industries whose names were listed on Protestants Exhibit Number 5. He thought that this was not clearly stated in the transcript of the Public Hearing. Mr. Vaughan and Council then stated that there was no doubt among them that he did represent all of those industries on said Exhibit.

At this time the motion on the floor was voted upon and passed unanimously.

Don Karnes moved the meeting be adjourned. The motion was seconded by Councilman at Large Mel Pennington and passed by a unanimous vote.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

FEBRUARY 19, 1980

The regularly scheduled Nitro City Council Meeting was held in the council chambers Tuesday, February 19, 1980 at 8:00 pm. Present were the Honorable William D. Gibson, Mayor, 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, and Councilman Gus Bailey. Councilman Romie Hughart and Councilman Dean Miller were absent. Also present was Jeremiah McCormick, City Attorney.

The meeting was brought to order by Mayor Gibson and the invocation was given by Councilman Gus Bailey.

APPROVAL OF FEBRUARY 5, 1980 REGULAR SCHEDULED COUNCIL MEETING AND PUBLIC HEARING REGARDING PROPOSED ANNEXATION: Councilman Gus Bailey made a motion that the minutes be approved. The motion was then seconded by Councilman Dr. Guy Cassell. The motion was approved by a unanimous vote.

RESOLUTION PERTAINING TO CONTRACT NUMBER DACW69-80-C-0002, CONTRACT BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF NITRO, WEST VIRGINIA FOR DEVELOPMENT OF NITRO PARK PUBLIC ACCESS SITE, NITRO, WEST VIRGINIA: Don Karnes, Chairman of the Recreation Committee then made a motion as follows:

Gentlemen, I move that we direct our City Attorney to draft a resolution that would effect the request made by the Corps of Engineers, authorizing the mayor to enter into that certain contract between the United States of America and the City of Nitro, West Virginia for development of Nitro Park Public Access Site, Nitro, West Virginia.

Councilman Gus Bailey then seconded the motion. The motion was approved by a unanimous vote.

MEETING WITH MR. HAROLD L. WOLFE, MANAGER INVESTIGATION AND CONTROL BUREAU AND MR. WILFORD BIRD, WEST VIRGINIA DEPARTMENT OF MOTOR VEHICLES, TELEPHONE #348-0239: Mr. Jeremiah McCormick, City Attorney said that he, Don Karnes, City Recorder, and Mayor Gibson had met with two individuals from the Department of Motor Vehicles in conjunction with the controversy that has arisen relative to the municipal court and the City of Nitro. He said that DMV had been very cooperative in attempting to resolve this matter. It is of Mr. McCormick's opinion that this problem stemmed from procedural problems. DMV agreed that there were areas that needed tightening up; regarding the procedure of the municipal court. He also mentioned that they were not critical

of Judge Crewdson. They suggested an administrative procedure that should be implemented. That is the appointment of a Municipal Court Clerk to be responsible for remitting abstracts to DMV, which was the primary source of controversy. DMV volunteered to oversee this new procedure. The new clerk would also maintain the court docket.

DMV stated to Mr. McCormick that they found no misconduct. Mr. McCormick and the mayor invited DMV to come and look at the traffic violation records, but they felt that it wouldn't warrant their time.

Mr. McCormick felt that the City of Nitro was exonerated in any and all aspects. Perhaps there had been a few administrative slip-ups which could be worked out so in the future these problems can be avoided.

Councilman at Large Mel Pennington stated that he thought Judge Crewdson was too lenient. He said that there had been problems in the Police Department that stemmed from his being too lenient. He pointed out that he was governed by a code of state laws and that he should not use his judicial discretion in such matters.

Jeremiah McCormick added that DMV wasn't in the position to pass judgement on Judge Crewdson. The essence of the meeting was to insure the proper remittance of all transcripts.

Don Karnes said that DMV talked to Councilman Dean Miller by phone and made two suggestions: 1) the codification of West Virginia Code Chapter 17C 2) the appointment of a Municipal Court Clerk.

CODIFICATION OF WEST VIRGINIA CODE CHAPTER 17C:

Jeremiah McCormick said that one of the suggestions that DMV made was that the City of Nitro incorporate in it's reference, Chapter 17C of the West Virginia code, which deals generally with traffic violations. This permits the municipal court to issue a warrant or to decide upon a complaint or warrant that's been issued relative to the violation of a state traffic offense. Otherwise, it's necessary to refer to the municipal code which is a somewhat burdensome procedure for the arresting officer. This should assist in making the procedure more uniform and also assist in developing a relationship between the municipal court and DMV.

Don Karnes, City Recorder, made a motion that the following ordinance be read as first reading and adopted into the City of Nitro's Code. The ordinance is as follows:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

INTRODUCED BY: DON KARNES

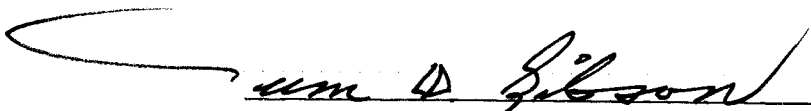
ORDINANCE NO. 80-


AN ORDINANCE TO AMEND CHAPTER 21, OF THE CITY OF NITRO,
WEST VIRGINIA, ENTITLED "VEHICLES AND TRAFFIC"

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 incorporate by reference Chapter 17C of the West Virginia Code as amended in its entirety and henceforth any violation of any Article of said Section 17C of the West Virginia Code as amended shall be considered and enforced as a violation of said Chapter 21 of the ordinance of the Code of the City of Nitro, West Virginia.

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 _____, 1980, and read and adopted at a _____ meeting on the _____ day of _____, 1980.


WILLIAM D. GIBSON, MAYOR


DONALD G. KARNES, MUNICIPAL RECORDER

Councilman at Large Dr. R. V. Allen seconded the motion. The motion was approved by a unanimous vote.

APPOINTMENT OF MUNICIPAL COURT CLERK CHAPTER 13, 13-4, NITRO CITY CODE, VICKI EILEEN BURGESS: Councilman at Large Dr. R. V. Allen made a motion that council appoint Vicki Eileen Burgess as Municipal Court Clerk. Councilman Gus Bailey seconded the motion. The motion was then approved by a unanimous vote.

CONCURRENCE IN APPOINTMENT OF LT. KENNETH R. WEBB AS TEMPORARY ACTING POLICE CHIEF: Councilman at Large Dr. R. V. Allen made a motion to appoint Lt. Kenneth R. Webb as acting Police Chief for the City of Nitro. Councilman Dr. Guy Cassell seconded the motion. Mayor Gibson stated that Lt. Webb had been with the Police Department for eleven years and had completed his training at the West Virginia State Police Academy in 1970. The motion then passed by a unanimous vote.

REZONING, LETTER DATED FEBRUARY 12, 1980 FROM MR. CHARLES R. BYRD, CHAIRMAN, NITRO PLANNING COMMISSION AND LETTER DATED FEBRUARY 14, 1980 FROM MR. J. E. TEMPLE, PRESIDENT NITRO BUILDING CORPORATION: Don Karnes said that Mr. Temple had contacted Dr. Byrd in reference to the rezoning of some property. Dr. Byrd directed him in the proper procedure for rezoning. Mr. Karnes moved that this be referred to the Planning Commission. Councilman at Large Mel Pennington seconded the motion. The motion passed by a unanimous vote.

COMPREHENSIVE DEFENSIVE DRIVING-PURSUIT DRIVING TRAINING PROGRAM, AND TO TIGHTEN THE PURSUIT DRIVING POLICIES AND PROCEDURES OF THE CITY, NITRO POLICE DEPARTMENT:

Councilman at Large Dr. R. V. Allen referred to a letter from Hartford Insurance Company dated February 8, 1980. He said that the essence of the letter is for the Police Officers to take this training which would be a very beneficial program. There is a possibility that the training can be done in Hurricane by a gentleman who is approved to do so. This is necessary to maintain the City's present insurance rates. Councilman at Large Dr. Allen moved that council approve Comprehensive Driving at an approximate cost of \$150 per policeman.

Don Karnes stated the insurance might cost more if this is not done.

Councilman Dr. Cassell seconded the motion.

Mayor Gibson stated that this is becoming common throughout the United States that the insurance companies want the policemen to have some special training in some of these areas.

The mayor stated that since last council meeting

he had received the following correspondence (in the supplemental file to the minutes):

1. Letter from the Honorable J. R. Randall, Mayor of St. Albans and Andrew B. Rodgers, City Clerk of St. Albans, dated February 8, 1980. The mayor stated that the letter was self-explanatory. The letter pertains to the KVRT and Kanawha County Ambulance Authority in reference to the recently approved excess levy election.

Councilman at Large Mel Pennington made a motion that Mayor Gibson write a letter to the Kanawha County Commission expressing that council's feeling's were the same as St. Albans'; plus expressing council's desire for the Kanawha County Commission to use Federal Revenue Sharing monies out of their budget to supplement the Kanawha County Ambulance Authority should more funding be necessary.

Councilman at Large Dr. Allen seconded the motion. The motion was passed by a unanimous vote.

Mayor Gibson then called for Committee Chairman Reports:

Councilman at Large Pennington: He stated that he had had numerous phone calls concerning Ice Fishing on Ridenour Lake. Since the lake is insured, he made a motion to permit Ice Fishing North/East of the island in the lake where the water is only knee to hip deep.

Don Karnes stated that he wanted the Recreation Committee to meet and discuss, indepth, the insurance coverage.

Councilman Gus Bailey said that he questioned the legal aspects. He said he was concerned for the health and safety of those involved.

Councilman at Large Dr. Allen seconded the motion, but amended it to be put in committee to be approved or disapproved. The amended motion was unanimously approved.

Councilman at Large Jack Legg: no reports

Councilman Gus Bailey: no reports

Jeremiah McCormick: no reports

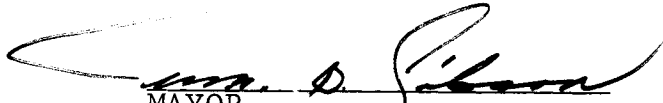
Mayor Gibson: He stated that the Recreation Committee should look into problems at Ridenour Memorial Park, such as speed limits, sleigh riding, building fires, etc. He said that we need an ordinance governing the uses of Ridenour Memorial Park.

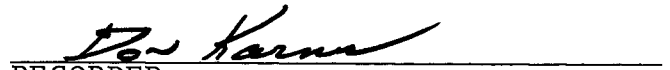
Councilman at Large Dr. R. V. Allen: no reports

Don Karnes: He stated that the Budget had to be

completed by March 28, 1980.

Councilman at Large Mel Pennington called for adjournment. The meeting at that time was adjourned.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

MARCH 4, 1980

The regularly scheduled meeting of the Nitro City Council was held in the Council Chambers on March 4, 1980 at 8:00 p.m. Present at the meeting were the Honorable William D. Gibson, Mayor, 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 Dean Miller, Councilman Romie Hughart, and Councilman Gus Bailey. City Attorney, Jeremiah McCormick was absent.

The invocation was given by Councilman Gus Bailey.

APPROVAL OF RECESSED NITRO CITY COUNCIL MEETING MINUTES OF FEBRUARY 5, 1980 AND THE RECONVENING OF THE SAME FEBRUARY 19, 1980: Councilman Dr. Cassell made a motion to approve these minutes. The motion was seconded by Councilman at Large Dr. R. V. Allen, It was then passed by unanimous vote.

APPROVAL OF FEBRUARY 19, 1980 COUNCIL MEETING MINUTES: Councilman Romie Hughart asked Mayor Gibson where in the minutes did it mention a motion being made not to budget or expend any monies for the Kanawha County Ambulance Authority. He was referring to the letter dated February 22, 1980 addressed to The Honorable Robert Silverstein, President of the Kanawha County Commission, signed by Mayor Gibson. Mayor Gibson stated that he thought city council went on record when council voted to express, by letter, to the Kanawha County Commission, that council's feelings were the same as St. Albans which was expressed in their letter to the Kanawha County Commission dated February 8, 1980. Councilman Hughart stated that he was not here to vote on that, but he would have voted against it. He said he would not go on record as saying that because the Kanawha County Ambulance Authority was too important. Mayor Gibson said that he would like the councilmen to listen to the tape recording of that particular council meeting of February 19, 1980, providing the tape is still available.

Councilman Bailey made a motion to approve the minutes. Councilman Dr. Cassell seconded the motion. The motion passed with one opposing vote.

CONSOLIDATED RAIL CORP. CROSSING ON 11TH STREET EXISTING CROSSBUCKS SHOULD BE REPLACED WITH FLASHERS 90/10 MATCHING, ESTIMATED COST \$50,000.00 CITY OF NITRO REQUESTED TO PAY \$5,000.00 MATCHING FUNDS: Don Karnes, City Recorder, made a motion to accept Conrail's offer of 90/10 matching. Councilman Dr. Cassell seconded the motion. Councilman Hughart stated that by law the city was not allowed deficit spending. He also stated the 1980-81 budget should be taken care of first. The vote was taken with Recorder Don Karnes and Councilman Cassell in favor, Councilman at Large Legg, Councilman Bailey, Councilman Miller, and Councilman Hughart voting against. The motion failed.

REQUEST TO BE PLACED ON THE AGENDA REGARDING THE CONDITION OF OLD COUNTY ROAD: Mr. Lloyd Meadows of #49 Old County Road was not present this evening. He called and told Ms. Frazier that he did not have everything ready.

NATIONAL MULTIPLE SCLEROSIS SOCIETY REQUEST TO SOLICIT FUNDS IN THE CITY OF NITRO FROM THE FIRST PART OF MAY UNTIL THE END OF JUNE: Councilman at Large Jack Legg made a motion to let the National Multiple Sclerosis Society hold their solicitation in Nitro from the first part of May until the end of June. Councilman at Large Mel Pennington seconded the motion and it passed unanimously.

SECOND READING OF ORDINANCE TO AMEND CHAPTER 21, OF THE CITY OF NITRO, WV ENTITLED "VEHICLES AND TRAFFIC": Don Karnes stated that last council meeting of February 19, 1980, there had been a first reading of an ordinance to amend Chapter 21 to include Section 17-C of the West Virginia State Code. He then made a motion that this ordinance be adopted upon the second reading.

The ordinance is as follows:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA

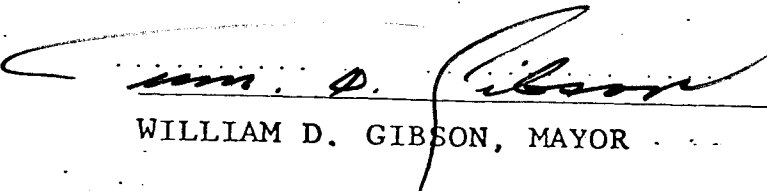
INTRODUCED BY: DON KARNES ORDINANCE NO. 80-

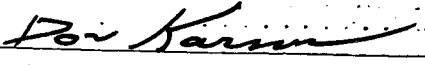
AN ORDINANCE TO AMEND CHAPTER 21, OF THE CITY OF NITRO,
WEST VIRGINIA, ENTITLED "VEHICLES AND TRAFFIC"

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 incorporate by reference Chapter 17C of the West Virginia Code as amended in its entirety and henceforth any violation of any Article of said Section 17C of the West Virginia Code as amended shall be considered and enforced as a violation of said Chapter 21 of the ordinance of the Code of the City of Nitro, West Virginia.

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 FEBRUARY, 1980, and read and adopted at a REGULAR meeting on the 4TH day of MARCH, 1980.


WILLIAM D. GIBSON, MAYOR


DONALD G. KARNES, MUNICIPAL RECORDER

Councilman Hughart seconded the motion and it passed unanimously.

Mayor Gibson stated that the following correspondence was mailed to each councilman since last council meeting. (Copies are in supplemental file to the minutes):

1. Letter dated February 15, 1980 from the National League of Cities appointing Mayor Gibson a member of the Transportation, Public Safety and Communications Policy Committee of the National League of Cities.

2. Letter dated February 22, 1980 to the Honorable Robert Silverstein, President of the Kanawha County Commission, with copies going to Henry C. Shores and Alfred Shephard, members of the Kanawha County Commission, signed by Mayor William D. Gibson in reference to the Emergency Ambulance Authority.

3. Letter dated February 29, 1980 to Dr. Charles R. Byrd, Chairman of Nitro Planning Commission from Mayor Gibson in reference to requests by Mr. Temple regarding rezoning..

4. Letter dated March 3, 1980 to Harold L. Wolfe of the Department of Motor Vehicles from Mayor Gibson and Don Karnes, City Recorder, concerning abstracts that were published in the newspaper. Mayor Gibson stated that he had a meeting with Mr. Wolfe and he had hand carried the abstracts to him. He also said that Mr. Wolfe would like to meet with the Court Clerk and anyone else concerned with abstract problems and procedures. Mayor Gibson stated that DMV was only interested in receiving those abstracts that had appeared in the newspaper.

Mayor Gibson then called for committee Chairman Reports.

DON KARNES: Revenue Sharing requires two public hearings prior to finalizing the 1980-'81 budget, which means that it has to be done this month. Public notice has to be given by newspaper publication. The first hearing will be held March 22, 1980 at 1:00 p.m. in the Council Chambers at Nitro City Hall.

COUNCILMAN MILLER: He said there had been a meeting of the special committee appointed to look into the abstracts that had not been sent to DMV. He said that Judge Crewdson stated that he had been unaware of that law, but since it was determined that it was required by law, he agreed that all abstracts should be sent in and that all files should be purged. Councilman Miller then made a motion in addition to the abstracts sent in, that all files be purged and that all abstracts ever held, be sent to DMV. Councilman at Large Pennington seconded the motion.

Mr. Karnes stated that DMV had made their requirements and that's who we had to answer to and we had complied.

Councilman Hughart said he would like to amend the motion to purge files for two years back. Councilman Miller seconded the motion. There were 4 votes against (City Recorder, Don Karnes, Councilman at Large Dr. R. V. Allen, Councilman Gus Bailey, and Councilman Guy Cassell), and 4 votes in favor (Councilman at Large Jack Legg, Councilman at Large Mel Pennington, Councilman Romie Hughart, and Councilman Dean Miller). The Mayor voted against. Therefore, the motion was not approved.

The first motion was voted upon and the vote was the same as above and the motion was not approved.

At this time Councilman at Large Pennington made a motion to ask Judge Crewdson for his resignation. Councilman Miller seconded the motion. The motion did not pass, six opposing votes and two votes in favor.

COUNCILMAN HUGHART: He said he would like to compliment Mr. Vaughan on the fine motion that he put together last council meeting. He also said that he was in favor of relaxing the fishing rules a little at Ridenour Park.

COUNCILMAN AT LARGE DR. ALLEN: He stated that he and others had a very fruitful meeting with Kemp McLaughlin, Director of the Ambulance Authority. He said that two gentlemen were there from Cross Lanes who wanted to come in with Nitro in regard to the Ambulance Service. Dr. Allen also stated that since the gasoline condition was the way it was, that the Police Department should be enlightened and should be encouraged to watch for strangers waking after dark to help control the stealing of gasoline from cars.

COUNCILMAN DR. CASSELL: no reports.

COUNCILMAN BAILEY: He has had numerous calls concerning children riding motorcycles, along Frederick Street, who are under age and have no license. He suggested that an unmarked police car be sent there to watch for these children before someone gets killed or property is damaged. He then
 ** made a motion to write a letter of thanks to Kemp McLaughlin for a good presentation at the previously mentioned meeting as explained by Dr. Allen. The motion was seconded by Councilman Dr. Cassell and was approved unanimously.

COUNCILMAN AT LARGE JACK LEGG: no reports.

COUNCILMAN AT LARGE MEL PENNINGTON: no reports. He moved to adjourn. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.


 WILLIAM D. GIBSON, MAYOR


 DON KARNES, MUNICIPAL RECORDER

** He then made a motion for the Mayor to write a letter of thanks to Kemp McLaughlin for a good presentation at the previously mentioned meeting as explained by Dr. Allen.

SPECIAL NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

MARCH 14, 1980

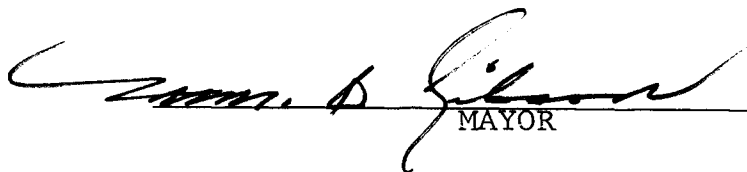
Notice was given and a special Council Meeting was called. The special meeting was held in the Nitro City Council Chambers at the City Hall Building on March 14, 1980 at 7:00 p.m. Those in attendance were Mayor William D. Gibson, City Recorder Don Karnes, Councilman Dr. Guy Cassell, Councilman Gus Bailey, Councilman at Large Jack Legg, Councilman Dean Miller, Councilman Romie Hughart, and Councilman at Large R.V. Allen. Absent were Councilman at Large Mel Pennington and City Attorney Jeremiah McCormick.

The meeting was called to order by the Honorable Mayor William D. Gibson. Mayor Gibson then turned the meeting over to City Recorder Don Karnes.

City Recorder Don Karnes:

Our Legal Council advised me Wednesday March 12, 1980 that the City Council must designate a person to cast the vote for the city's freehold interest in the annexation election of March 15, 1980. I would like to make a motion that this person be Mayor William D. Gibson.

The motion was seconded by Councilman Hughart. Mayor Gibson then called for the vote and the vote was unanimously in favor. Councilman Miller made a motion to adjourn. The motion was seconded by Councilman Cassell, and carried unanimously.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

MARCH 18, 1980

The regularly scheduled meeting of the Nitro City Council was held in the council chambers on Tuesday, March 18, 1980 at 8:00 PM. Present were 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. The Honorable William D. Gibson, Mayor was unable to attend this council meeting. Also present was Jeremiah McCormick the City Attorney.

The invocation was given by Reverend William Westland pastor of the First Presbyterian Church of Nitro. Mr. Don Karnes, City Recorder, presided over Council since Mayor Gibson was unable to attend.

APPROVAL OF MARCH 4, 1980 COUNCIL MEETING MINUTES:

Page 167 line 35 was amended by Councilman Gus Bailey to read: he then made a motion for the Mayor to write a letter to Kemp McLaughlin. Councilman at Large Mel Pennington made a motion to approve the minutes. The motion was seconded by Councilman Dr. Cassell. The motion was approved by a unanimous vote.

APPROVAL OF MARCH 14, 1980, SPECIAL COUNCIL MEETING MINUTES: Councilman Dean Miller moved the minutes be approved. Councilman at Large Dr. R.V. Allen seconded the motion. The motion then was approved by a unanimous vote.

REPORT PERTAINING TO UPCOMING MUNICIPAL ELECTION:

Mr. Jeremiah McCormick, City Attorney, explained that there is an abnormality in the statutes, Chapter 3 Article 5, Section 1 of the West Virginia Code enacted 1978, providing that primary elections be held on the 1st Tuesday in June. That is the date required by the Charter of the City of Nitro that the municipal elections be held.

In order to change the date of the municipal election, it's required that the Charter be amended. This can be done in either of two ways:

- (1) by election - which can be called by the city council or a certain percentage of qualified voters in a municipality. The problem is that it has to be initiated 120 days prior to the election, which would be impossible due to time limitations.

- (2) petition - this contemplates that there would be no opposition and that the matter would be initiated by ordinance enacted by council. Council would then determine a date for a Public Hearing on the issue of how the Charter is to be amended. It would be restricted solely to that issue. At the Public Hearing anyone who would protest or object would have the opportunity to interfere. If no one objects at the hearing or within ten days from the date of the hearing, then the issue would be adopted and the charter would be amended and the ordinance would relate to that. It would be effective on that date.

It would be necessary that the council enact an ordinance and set a date for the public hearing. This date can not be less than thirty days from the date of the first publication of the announcement of the nature of the proposed amendment and the date and the place of the hearing. It does require a Class II publication, 2 successive weeks of publication, but the thirty day period commences from the first day of publication.

From the date of the hearing, there's a ten day period within which one could file an objection. So there is a 41 day period from the date council acts until such time as council effects the amendment to the charter, which would be the least possible time.

Mr. Karnes suggested that council set a special date for this year's election and establish the 1st Tuesday in May as the date for the election in subsequent years.

At this time, Councilman at Large Mel Pennington made a motion that the City Attorney draft an ordinance as required and consider this the first reading. Councilman Hughart then seconded the motion. The motion passed unanimously.

LLOYD MEADOWS #49 OLD COUNTY ROAD REQUESTED TO BE ON THE AGENDA: Mr. Meadows was not present.

ARDEN ASHLEY, 201 BROADWAY AVENUE REQUEST TO BE ON THE AGENDA: Mr. Ashley was not present.

PUBLIC MEETING FOR REVENUE SHARING: Mr. Don Karnes, City Recorder, said that a Public Meeting pertaining to Revenue Sharing has been scheduled to be held Saturday, March 22 at 1:00PM. in the Nitro City Council Chambers.

REPORT OF ANNEXATION ELECTION HELD ON MARCH 15, 1980: Mr. Don Karnes, City Recorder stated: The ambiguous

language used in the West Virginia Code has caused me to ask legal council for an opinion in regard to the number of elections held. If we held one election, the results of each polling place should be added together concluding one total line.

If we held two elections, the results of the polling places should be totaled and counted in their respective elections.

Considering the popular vote within the corporate boundaries of Nitro and with respect to the popular vote in the area under question, I think it's incumbent upon me to hold any declaration in obedience until such time as the question is answered.

<u>CANVASS</u>		
Presinct	For	Against
363	96	4
364	127	46
365	94	8
366	81	7
367	118	34
368	134	26
369	162	10
370	54	13
22	104	43
Area in Question	<u>124</u>	<u>399</u>
TOTALS	1,094	590

Mr. Karnes stated that the following correspondence was sent to council since last council meeting (Correspondence is in the supplemental file to the minutes):

1. A letter from Nitro Jr. High School requesting a donation from the City of Nitro. Councilman Hughart moved that this be referred to the Finance Committee. Councilman Bailey seconded the motion and it passed unanimously.

2. Copies of Nitro Lions Little League Minutes of February 17, 1980 and March 9, 1980.
3. A copy sent to Mayor Gibson of a letter dated March 10, 1980 from the Volunteer Ambulance Authority of Cross Lanes to Kemp McLaughlin, Director of the Kanawha County Emergency Ambulance Authority, concerning a consolidation between Cross Lanes Emergency Ambulance Service and that of the City of Nitro. Councilman at Large Dr. R.V. Allen moved to refer this to the Ambulance Committee. Councilman at Large Mel Pennington seconded the motion. It then passed unanimously.

Mr. Karnes then called for Committee Chairman Reports.

COUNCILMAN AT LARGE MEL PENNINGTON: Notified council that there will soon be a Public Hearing held by the Public Service Commission concerning the rate increase requested by the Nitro Sanitary Board.

COUNCILMAN AT LARGE JACK LEGG: No reports.

COUNCILMAN GUS BAILEY: No reports.

COUNCILMAN DR. GUY CASSELL: No reports.

JEREMIAH McCORMICK, CITY ATTORNEY: No reports.

COUNCILMAN AT LARGE DR. R.V. ALLEN: No reports.

COUNCILMAN ROMIE HUGHART: He asked about the financial status and then made a motion that there be no more spending done by any city employee or department head (including overtime) of any amount, without the approval of the Mayor or the City Recorder.

Councilman Dean Miller seconded that motion. The motion was approved with four (4) votes in favor and one (1) vote against, that being Councilman at Large Pennington. Councilman at Large R.V. Allen and Councilman Dr. Cassell abstained.

Councilman Hughart also said that he had a petition signed by citizens of Nitro asking that services outside the city limits be terminated. He then made a motion that all fire service outside the city be terminated (unless called to back up a volunteer unit); that the traffic guard at 1st Avenue and Plant Road either be moved or terminated; that all fire alarms outside city limits be cut off; that all burglar alarms outside the city be monitored, only, and a fee should be charged for that service.

Councilman Miller made a motion to amend the above mentioned motion to be tabled until the 2nd meeting in April. The motion to amend was seconded by Councilman Cassell and passed unanimously.

The motion was tabled until April 15, 1980.

Councilman Miller then asked Don Karnes, City Recorder whether or not the files had been purged for abstracts. Don said that he didn't know, that he hadn't had an opportunity to talk to Vicki Burgess, the Municipal Court Clerk.

Councilman at Large Mel Pennington moved the meeting be adjourned. Councilman Miller seconded the motion. At this time the meeting was adjourned.


MAYOR


RECORDER

SPECIAL NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

MARCH 29, 1980

Notice was given and a special Council Meeting was called. The special meeting was held in the Nitro City Council Chambers at the City Hall Building on March 29, 1980 at 2:00 p.m. The purpose of the meeting was to discuss and take necessary action on the 1980-81 Fiscal Budget. Those present were the Honorable William D. Gibson, Mayor, City Recorder Don Karnes, Councilman at Large Dr. R.V. Allen, Councilman at Large Mel Pennington, Councilman at Large Jack Legg, Councilman Gus Bailey, and Councilman Romie Hughart.

The meeting was called to order by Mayor Gibson. He then opened the meeting up for discussion on the budget.

After approximately four hours of close scrutiny by those present and much discussion, Councilman at Large Mel Pennington made a motion to accept the budget. Councilman Gus Bailey seconded the motion. The Mayor called for a vote and it passed unanimously.

The meeting was adjourned at approximately 6:00 p.m.


MAYOR


RECORDER

PUBLIC HEARING ON REVENUE SHARING

ELEVENTH ENTITLEMENT PERIOD

MARCH 29, 1980

The meeting was held in the Council Chambers at 1:00 P. M. Present were the Honorable William D. Gibson, Mayor, City Recorder, Don Karnes, Councilman at Large Dr. R. V. Allen, Councilman at Large Mel Pennington, Councilman at Large Jack Legg, Councilman Romie Hughart and Councilman Gus Bailey.

Mayor Gibson called the meeting to order at 1:00 P. M. He then stated that the Eleventh Entitlement Period covers October 1, 1979 through September 30, 1980. The Mayor also discussed that fact that although the hearing had been advertised and notification had been given there is apparently going to be no public participation. He then turned the meeting over to the City Recorder, Don Karnes.

Don Karnes stated that the meeting had been duly advertised in accordance with Federal Regulations, and an effort had been made to encourage senior citizens to attend. After some discussion Councilman at Large Mel Pennington made a motion to use all of the Revenue Sharing money to supplement the General Fund in any department where it is needed to maintain that department. Councilman Romie Hughart seconded the motion. Mayor Gibson then called for a vote. The vote was unanimously in favor of the motion.

Councilman at Large R. V. Allen moved to adjourn. The move was seconded by Councilman at Large Mel Pennington, and the meeting was adjourned by an unanimous vote.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

APRIL 1, 1980

The regularly scheduled meeting of the Nitro City Council was at 8:00 P.M., April 1, 1980, in the council chambers. 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, and Councilman Gus Bailey. Also present was Jeremiah McCormick, City Attorney.

The invocation was given by Reverend James Arbogast of St. Paul's United Methodist Church. The meeting was called to order by Mayor Gibson.

APPROVAL OF MARCH 18, 1980 COUNCIL MEETING MINUTES:

Councilman at Large Mel Pennington moved that the minutes be approved. Councilman Dr. Guy Cassell seconded the motion. However, there were two (2) corrections to be made: 1) page 174 - added that the motion was seconded by Councilman at Large Jack Legg; 2) page 175 - Councilman Miller made a motion to table the motion not to amend it.

The motion to approve the minutes as corrected was then passed by a unanimous vote. Councilman at Large Pennington then made a motion to approve the Special Council Meeting Minutes of March 18, 1980. The motion was seconded by Councilman Gus Bailey. It then passed unanimously.

REQUEST FROM AMERICAN CANCER SOCIETY TO ENACT ITS CRUSADE FROM DOOR TO DOOR AND IN THE BUSINESS ESTABLISHMENT WITHIN THE CITY OF NITRO FROM APRIL 13 TO MAY 15: Councilman at Large Jack Legg moved that this be approved. The motion was seconded by Councilman at Large Pennington. It then passed unanimously.

APPROVAL OF MINUTES OF PUBLIC HEARING ON REVENUE SHARING MARCH 22, 1980 AND MARCH 29, 1980: Mr. Karnes, City Recorder, made a motion to postpone this until the next council meeting. The motion was seconded by Dr. Cassell. It then passed unanimously.

Correspondence since last council meeting (All correspondence is in the supplemental file to the minutes):

1. Letter dated March 24, 1980 to William Gibson the Honorable John D. Rockefeller IV in reference to the approval of the Community Partnership Grant Funds for site preparation, renovation and construction of the Nitro Maintenance Garage in the amount of two-hundred and sixty thousand dollars (\$260,000.00)
2. Letter dated March 28, 1980 to William Gibson from Elsie Hilton in reference to the closing of Dogwood Street. Mayor Gibson will contact her requesting more information.
3. At this time, the Recreation Director, Jay Long, was recognized. In reference to a letter that he had received from a Dunbar resident concerning soft ball teams, he asked permission of Council to place an ad in the newspaper informing Nitro residents that they have first choice to the soft ball teams. Councilman at Large Pennington moved that his request be granted. The motion was seconded by Councilman Bailey. It then passed unanimously.

The matter of what each soft ball team is charged, was brought to council's attention. It was discussed that there is a possibility that the prices may have to be raised to cover higher utility bills.

Don Karnes then asked Jay to put together some rules and regulations that would apply to the recreational facilities.

Councilman at Large Pennington then mentioned that he had had several complaints about the Easter Parade being held after dark. Councilman Cassell and Don Karnes mentioned that they had had phone calls also. The Parade, however, had been delayed due to rain and had started at 6:00 P.M. instead of 4:00 P.M.

Mr. Karnes then announced that the city had had a request from the Citizen Ministerial Association (not the Nitro Assc.) to have a revival at the Nitro City Park, April 7 - April 13 from 7:00 - 11:00 P.M. and erect a tent. It is designed for Youth. One of the preachers is a Nitro resident, Randy Camp and another is the Reverend Avis Hill from Alum Creek.

Jeremiah McCormick, City Attorney, said that it presents a potential problem that someone could contend that it violates the doctrine of separation of Church and State.

After much discussion on the matter, Councilman Miller made a motion to table this issue indefinitely. It was seconded by Councilman at Large Mel Pennington. It was then passed unanimously.

Mayor Gibson then called for Committee Chairman Reports.

Councilman Miller: no reports

Councilman Hughart: He said that he had received three more petitions (102 names) to stop all services outside the City Limits. A few minutes later fireman Paul Strohl presented to Councilman Hughart more petitions bringing the total to approximately 287 signatures. Councilman Hughart stated that the petitions should be accepted and recognized and should be placed in the supplemental file to the minutes.

Councilman at Large Dr. R. V. Allen: no reports.

Mayor Gibson: He asked council what they thought about camping at Ridenour Park. Should it be approved by Council first?

Councilman Bailey said that he thought the recreation director should have the responsibility of scheduling.

Mr. Karnes said that the council obviously was going to try and put together a certain set of rules and regulations to abide by. He then made a motion that anything in violation of those rules be brought before council. Councilman at Large Pennington seconded that motion. It then passed.

Councilman Miller then called for a roll call vote. It was as follows:

Councilman at Large Pennington - in favor
 Councilman at Large Legg - in favor
 Councilman Bailey - against
 Councilman Dr. Cassell - in favor
 Councilman at Large Dr. Allen - in favor
 Councilman Hughart - against
 Councilman Miller - against
 Don Karnes - in favor

Councilman Dr. Cassell: He stated that he promised the person that contacted him that he would make a formal complaint to council concerning the Easter Parade.

Councilman at Large Legg: no reports

Councilman Bailey: no reports

Councilman at Large Mel Pennington moved that the meeting be adjourned. The motion was seconded by Councilman Dr. Cassell. It then passed unanimously.

MAYOR

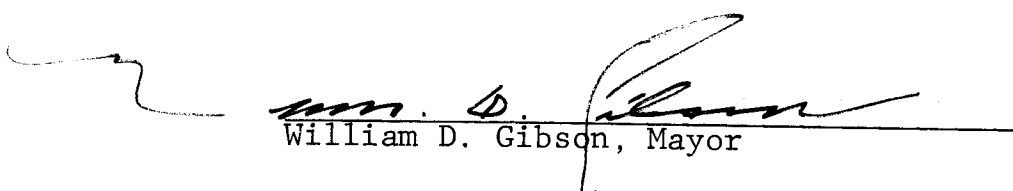
Don Kama
RECORDER

PUBLIC HEARING
REVENUE SHARING ENTITLEMENT
MARCH 22, 1980

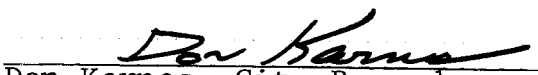
Present: Mayor William Gibson, City Recorder, Don Karnes, and other elected officials.

Mayor William D. Gibson opened the meeting at 1:00 P.M. and stated: This is a Public Hearing on Revenue Sharing Funds, Entitlement Period Eleven. The eleventh period begins October 1, 1979 and ends September 30, 1980. The purpose of this hearing is to encourage Public input as to the usage of these monies (\$149,022.00). Mayor Gibson then asked the City Recorder, Don Karnes, if the hearing had been advertised as required. City Recorder, Don Karnes said that it had. The Mayor went on to say that he was disappointed in the fact that no one, other than the elected officials, had come to the meeting to be heard. Various councilmen then made suggestions and discussed the possible uses of these funds.

After several minutes of discussion, the Mayor said again that he was disappointed in the public interest and that the council is not supposed to budget the funds at this meeting because it was being held primarily for the Public in general. On this note the meeting was adjourned.



William D. Gibson, Mayor



Don Karnes, City Recorder

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

APRIL 15, 1980

The regularly scheduled Nitro City Council Meeting was held in council chamber April 15, 1980, at 8:00 P.M. Present were the Honorable 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. Absent were Councilman at Large Mel Pennington, and Councilman Gus Bailey. Also in attendance was Jeremiah McCormick, City Attorney.

The invocation was given by Reverend Arbogast of St. Paul's United Methodist Church. The meeting was then called to order by Mayor Gibson.

APPROVAL OF COUNCIL MEETING MINUTES OF APRIL 1, 1980: Councilman Dr. Guy Cassell moved that the minutes be approved. The motion was seconded by Councilman at Large Dr. R. V. Allen. It then passed unanimously.

APPROVAL OF MINUTES OF PUBLIC HEARING ON REVENUE SHARING MARCH 22, 1980: Councilman at Large Dr. R. V. Allen moved that the minutes be accepted. The motion was seconded by Councilman Romie Hughart. It then passed unanimously.

APPROVAL OF MINUTES OF PUBLIC HEARING ON REVENUE SHARING MARCH 29, 1980: Councilman Dr. Guy Cassell moved that the minutes be accepted. The motion was seconded by Councilman Dean Miller. It was then passed unanimously.

TABLED UNTIL APRIL 15, 1980 THAT ALL FIRE SERVICE OUTSIDE THE CITY BE TERMINATED (UNLESS CALLED TO BACK UP A VOLUNTEER UNIT); THAT THE TRAFFIC GUARD AT FIRST AVENUE AND PLANT ROAD EITHER BE MOVED OR TERMINATED; THAT ALL FIRE ALARMS OUTSIDE CITY LIMITS BE CUT OFF; THAT ALL BURGLAR ALARMS OUTSIDE THE CITY BE MONITORED, ONLY, AND A FEE SHOULD BE CHARGED FOR THAT SERVICE: At this time Councilman Hughart withdrew his motion. Councilman at Large Jack Legg who had seconded the motion then withdrew his second. Council voted on this withdrawal and it was approved.

Councilman Hughart then moved that the following resolution be adopted by council:

RESOLUTION FOR NITRO CITY SERVICES
REQUESTED OUTSIDE THE CITY LIMITS OF NITRO

WHEREAS, certain business establishments, plants other commercial enterprises and some residents located outside the proper boundaries of the City of Nitro, have had the use of and indicated the desire for certain services, fire, police and trash pick-up, and

WHEREAS, the City of Nitro is unable to furnish such services as in the past because of dire financial problems affecting proper wages for all city employees, upkeep and replacement of city owned equipment

THEREFORE, be it resolved, the following will become a plan to continue and give some city services.

PART I

A. All business establishments, plants and other commercial enterprises shall pay a quarterly fee equal to the present Business and Occupation Tax schedule presently paid by business, plants and other commercial enterprises who are in the city limits of Nitro.

The fee plan will be effective as of January 1, 1980, payable July 1, 1980. Any fee in arrears more than 90 days by the participants shall be considered as termination by the participant.

B. In return, the city will continue to give fire services as in the past. With the added financial help, the City of Nitro will strive to upgrade fire protection by replacing old equipment, purchasing new equipment to increase the efficiency of the department, promote a training program whereby the department in full cooperation with the business establishments, plants and other commercial enterprises will have fire inspection service and a common objective in the realm of fire protection. This program will require an increase in personnel and wages.

Fire alarm services will be included as part of the fire protection program. The cost of required installation and maintenance of the fire alarms would be the responsibility of the user.

Burglar Alarm services will be offered on a limited basis, dependent on space facilities and type service, in the Nitro Police Department. A \$50.00 connection fee plus a yearly \$50.00 monitor fee will be charged. The Nitro Police Department would attempt to inform other law enforcement officers only and will not leave the boundary of the Nitro City Limits. The cost of original installation the continued maintenance will be the responsibility of the user.

C. Those business establishments, plants, and other commercial enterprises who do not wish to participate will not receive fire protection or fire alarm service except should back up service be required. A charge for back up service will be rendered at a pro-rated charge per hour, should this service be required, payable to the City of Nitro in 90 days.

Note: Back up fire service will be given only if the City of Nitro has adequate fire coverage.

PART II

A. Residents outside the city in the area not covered by other fire departments will be charged an annual fee of \$25.00 for fire service. This \$25.00 fee is to cover a single residence and attached buildings only.

B. In return, the City of Nitro will continue to give fire services as in the past. With the added financial help, the City of Nitro will strive to upgrade fire protection by replacing old equipment and purchasing new equipment to increase the efficiency of the department.

C. Those residents outside the city in the area not covered by another fire department, who choose not to participate will be billed for each call. The bill will be rendered to the property owner and not to the renter or one who leases said property. A pro-rated charge per hour will be rendered to the property owner payable and due in 90 days to the City of Nitro. If said debt is not discharged an appropriate lien will be placed against the property receiving the fire service.

PART III

A. Some residents and business establishments outside the City limits now receive trash and garbage pick up. The charge for this service will be double the regular rate as charged to the citizens in the city limits of Nitro. This item does not imply the expansion of this service.

This resolution presented to the Council of the City of Nitro on this day _____.

Councilman Dean Miller seconded the adoption of the resolution.

Then, Councilman Dr. Guy Cassell moved that this be referred to a special committee of all councilman. The motion was seconded by Councilman Dean Miller. It then passed unanimously.

Correspondence since last council meeting.
(All correspondence is in the supplemental file to the minutes)

1. Letter dated March 14, 1980 to Mayor William D. Gibson from Governor J. D. Rockefeller IV in reference to putting Main Avenue back into the State Highway System.
2. Letter dated March 27, 1980 to Charley Damaron from City Attorney, Jeremiah McCormick. In reference to landslide on 21st Street.
3. Letter dated April 2, 1980 to Don Karnes from Margaret Miller, stating that temporary voter registration centers will be set up in Nitro Wednesday, April 16, 9:00 A.M. until 4:00 P.M. at City Hall. Also Friday, April 18, at 6:00 P.M. and Saturday, April 19, 9:00 A.M. until 4:00 P.M.
4. Letter dated April 11, 1980 to Harold L. Wolfe, Manager, Investigation and Control Bureau, West Virginia Department of Motor Vehicles from Mayor William D. Gibson in reference to purging files for abstracts.

Mayor Gibson then called for Committee Chairman Reports.

City Recorder, Don Karnes: no reports.

Councilman Dean Miller: He asked the mayor if the abstract confusion was over and if our files were in order. The Mayor stated that he thought everything was in order.

Councilman Romie Hughart: no reports.

Councilman Dr. Guy Cassell: no reports.

Councilman at Large Jack Legg: no reports.

Councilman at Large Dr. R. V. Allen: no reports.

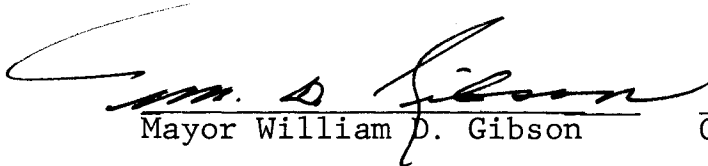
Councilman Hughart moved that council recognize David Jones, a fireman for the City of Nitro. Councilman Miller seconded the motion.

Mr. Jones read a statement in behalf of Members of the International Association of Local Union #1822.

Jeremiah McCormick, City Attorney: no reports.

City Recorder, Don Karnes made a motion to put Mr. Jones' statement in the supplemental file to the minutes. The motion was seconded by Councilman Dr. Cassell. It was then passed.

Mayor Gibson at this time entertained a motion for adjournment. Councilman at Large Dr. R. V. Allen seconded the motion. It then passed unanimously and the meeting was adjourned.


Mayor William D. Gibson


City Recorder, Don Karnes



NITRO CITY COUNCIL MEETING MINUTES

NITRO, WEST VIRGINIA

MAY 6, 1980

The regularly scheduled meeting of the Nitro City Council was held in the Council Chambers Tuesday, May 6, 1980 at 8:00 P.M. Present were Don Karnes, City Recorder, Councilman at Large Dr. R. V. Allen, Councilman at Large Jack Legg, Councilman at Large Mel Pennington, Councilman Gus Bailey, Councilman Dr. Guy Cassell, and Councilman Romie Hughart. Not in attendance were Mayor William D. Gibson and Councilman Dean Miller. City Attorney, Jeremiah McCormick was also present.

The Reverend Wilber Turner gave the invocation and the meeting was called to order by Don Karnes, City Recorder.

APPROVAL OF APRIL 15, 1980 COUNCIL MEETING MINUTES:

Councilman Gus Bailey moved that the minutes be approved, Councilman Guy Cassell seconded that motion. The motion was then approved unanimously.

CONSIDERATION AND APPROVAL OF THE CANDIDATES FOR THE JUNE 3, 1980 ELECTION: Councilman at Large Dr. Allen made a motion that all of the candidates be approved. The motion was seconded by Councilman Gus Bailey. The motion passed unanimously. Don Karnes, City Recorder, then stated that it was required by law that all candidates be assessed for \$100.00 in personal property taxes.

The candidates numbered from 1-31. The numbers 1-31 were then placed in a hat. Councilman Gus Bailey then chose numbers by drawing from the hat. Therefore, the candidates were then given their number on the ballott by drawing. Councilman Romie Hughart then made a motion that the ballott be assigned as of the drawing. Councilman at Large Mel Pennington seconded that motion. The motion was then approved. The ballott is as follows:

BALLOTT

MAYOR

1. James A. Amburgey
2. Don Karnes
3. Arden "Art" Ashley
4. O.C. Sanders, Jr.
5. Wm. "Bill" Gibson

CITY RECORDER

1. Stanley W. Harris
2. Sharon Howard Thomas

BALLOT (CONT'D)

COUNCILMAN, FIRST WARD PRECINCT #22, 363, and 364

1. Orville "Butch" Miller
2. A. A. Joe Savilla
3. Guy R. Cassell

COUNCILMAN, SECOND WARD PRECINCT #365 and 366

1. Ronald S. King
2. Truda Null
3. Hershel A. Facemyer
4. Leo Bogges
5. Marjorie Faulknier

COUNCILMAN, THIRD WARD PRECINCT #367 and 368

1. Mrs. Mary Alice Hill
2. Dana F. Johnston
3. Harley M. Goff, Jr.
4. Curtis R. Brewer
5. Dean Miller
6. Ivan Meadows
7. Omar Cunningham

COUNCILMAN, FOURTH WARD PRECINCT #369 and 370

1. Clarence Gerald "Jerry" Hudson
2. John W. "Jack" Moon

COUNCILMAN AT LARGE

1. Mary Trout
2. Mel Pennington
3. Steven West
4. Jack L. Legg
5. Romie Hughart
6. J.E. Hutchinson
7. Rusty Casto

COUNCILMAN GUS BAILEY IN REFERENCE TO THE KANAWHA COUNTY AMBULANCE AUTHORITY: Councilman Gus Bailey introduced the proposed operation for the new fiscal year of 1980-81 for the Kanawha County Ambulance Authority, drawn up by Frank Kirk, Operations Chief.

Councilman Bailey asked that any questions be written down. It was then moved by Councilman Romie Hughart to be referred to the Ambulance Committee. Councilman at Large Pennington seconded that motion. It was passed unanimously.

PETITION FROM 33RD STREET IN REFERENCE TO VACANT LOT: The petition was placed in the supplemental file to the minutes.

LETTER FROM WILLIAM D. GIBSON IN REFERENCE TO THE
ANNEXATION ELECTION: Mayor Gibson requested that this be
read into the minutes 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

May 2, 1980

City Council
City of Nitro
Nitro, West Virginia

Gentlemen:

As you by now know, certain conditions beyond my control have necessitated my entry into the Charleston General Hospital. However, there presently is before Council an issue which I feel is of the utmost importance and necessitates our attention and consideration. That issue is the matter of the certification of the recent annexation election.

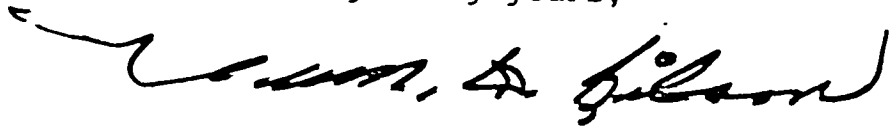
As all of you know, there have been several discussions between the officials of the City and officials of the various industries in our neighboring industrial complex, which discussions, while being cordial from the stand point of communication between the parties, is severely hindered by the lack of resolution of the certification issue. It has been clearly stated to me that before any substantive resolution can be arrived at, the certification question must be first cleared. I agree with this assertion and feel that the lack of resolution has also endangered the possibility of much needed raises for our city employees which conceivably, if left in this posture, could ultimately result in the reduction of municipal services to our citizens.

Based upon the foregoing, and after considerable thought, I have concluded that it is in the best interest of the city and its citizens, as well as the city employees, to request that City Council certify the annexation election as having been defeated thereby allowing the negotiation process with the industry officials to be concluded in a satisfactory manner. The intention of the industry officials to help the City is obvious from the fact that they have initiated the negotiating process and have clearly evidenced a desire to economically aid the City. While there may be some who would feel that it would be better to "hardnose" the industries, my experience tells me that mature judgment should over-ride emotions of retaliation. It is truly in the best interest of our citizens and employees to provide the best form and highest level of municipal service, which I feel can and will be provided with the assistance of our industrial neighbors upon the resolution of the annexation matter.

City Council
May 2, 1980
Page Two

I sincerely hope that each of you understand and share my feelings in this matter and I, as your Mayor, urge that you act expeditiously in this matter so that our employees will know their status no later than our next regularly scheduled Council meeting.

Very truly yours,



William D. Gibson
Mayor

P. S.

I would appreciate having this read in open council and made a part of the minutes.

Councilman at Large Dr. Allen moved that this be placed in the Annexation Committee. The motion was seconded by Councilman at Large Pennington. Councilman Hughart amended the motion to include the resolution which he made as of last council meeting along with the letter from the Mayor. The motion was then passed unanimously as amended.

At this time City Recorder, Don Karnes, announced that the Planning Commission had had a request that a parcel of land be rezoned. Councilman at Large Mel Pennington introduced an Ordinance (in reference to that parcel of Land) into the minutes for first reading, as follows:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA.

INTRODUCED BY: Mel Pennington ORDINANCE NO.: _____

WHEREAS, pursuant to a public hearing held at 8:00 o'clock P.M. on May 5, 1980, before the Planning and Zoning Commission of the City of Nitro, in the Council Chambers at the City Hall in Nitro, West Virginia, consideration was given to a petition submitted to the City Council of the City of Nitro requesting the rezoning classification from R-2 to B-2 of certain real estate in the City of Nitro, Kanawha County, West Virginia, hereinafter more particularly bounded and described; and,

WHEREAS, it would appear to the City Council of the City of Nitro, West Virginia, that it would be to the best advantage of the City of Nitro, its citizens and other property owners affected by said rezoning; and,

WHEREAS, Area No. 6, which has heretofore been rezoned to B-2, extends to the center of 19th Street and the rezoning of the portion affected by this Ordinance would be only an extension of Area No. 6.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Nitro that beginning at a point where the centerline of 19th Street intersects with the easterly line of First Avenue and thence running with the centerline of 19th Street to its intersection with the westerly line of Second Avenue and thence

running with the westerly line of Second Avenue to a point where the centerline of 18th Street intersects with said westerly line of said Second Avenue, and thence running with the centerline of 18th Street in a westerly direction to a point in the easterly line of First Avenue and thence running with the easterly line of First Avenue to the point of beginning and embracing in said area Lots Nos. 1802, 1804, 1806, 1808, 1810, 1812, 1814, 1816, 1818, 1901, 1903, 1905, 1907, 1909, 1911, 1913, 1915, 1917, Area "R", Nitro Reservation, as shown upon a map of same of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, are all to be rezoned from classification R-2 to B-2.

Introduced on First Reading on the _____ day of May, 1980.

Adopted and passed by the Common Council of the City of Nitro upon Second Reading on the _____ day of _____, 1980.

MAYOR OF THE CITY OF NITRO

ATTEST:

Don Karnus
CITY RECORDER

Councilman at Large Dr. R. V. Allen seconded the motion that that ordinance be adopted. City Attorney, Jeremiah McCormick said that the State Code requires a 15 day notice prior to a public hearing. A vote was taken on that motion and then passed unanimously.

City Recorder, Don Karnes stated that he would take care of the necessary publications. Councilman at Large Mel Pennington then moved that that particular council meeting, which falls on election day, be moved (along with the Public Hearing) to June 10, 1980. Councilman Romie Hughart seconded the motion. It then passed unanimously.

Correspondence since last council meeting is as follows (all correspondence is in the supplemental file to the minutes):

1. Letter to Mayor Gibson from Police Chief K.R. Webb in reference to Policemen's qualifying on the firing range.
2. Letter from City Attorney to Mr. Moss. Councilman Cassell moved that this be referred to the Nitro Planning Commission. The motion was seconded by Councilman at Large Dr. Allen. The motion was approved unanimously.

Don Karnes, City Recorder, then called for Committee Chairman Reports.

Councilman at Large Dr. R. V. Allen: no reports. He did, however, ask about what was being done about the fire hydrants being placed on 18th Street and Broadway. Don Karnes stated that he had been in touch with the water company and had gotten a preliminary price on both.

Councilman at Large Mel Pennington: He announced that there would be a Public Hearing in the City Council Chambers at 9:30 A.M., Thursday, May 8, 1980, concerning the proposed increase of the Sanitary Sewer Rates.

Also, he said that someone had carried off the barrell in front of the Woman's Club and would like to have it replaced.

Councilman at Large Jack Legg: no reports.

Councilman Gus Bailey: He said that he had received lots of complaints about cars going the wrong way on Old County Road which is a one way street.

Councilman Dr. Guy Cassell: no reports.

City Attorney, Jeremiah McCormick: no reports.

Councilman Romie Hughart: He made a motion that

open permits be given to the candidates to have parades with 2 days notice and approval of the Police Chief along with the marked parade route, the time, and the length of the parade. Councilman Gus Bailey seconded the motion. The motion failed with 2 in favor (Councilman Bailey and Councilman Hughart) and 3 against (Councilman at Large Pennington, Councilman at Large Dr. Allen, and Councilman Cassell).

Don Karnes, City Recorder: He said that he wanted to announce publicly that he was taking a vacation, but would stop in and stay in touch so that he could take care of the election and other necessary matters.

The meeting was then adjourned.

Mayor William D. Gibson

Don Karnes
Don Karnes, City Recorder

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

MAY 20, 1980

The regularly scheduled meeting of the Nitro City Council was held in chambers Tuesday, May 20, 1980, 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, and Councilman Gus Bailey. Also present was Jeremiah McCormick, City Attorney.

The invocation was given by Reverend Wilbur Turner of St. Paul's United Methodist Church.

APPROVAL OF COUNCIL MEETING MINUTES OF MAY 6, 1980: Councilman at Large Mel Pennington moved that the minutes be accepted. The motion was seconded by Councilman Dr. Guy Cassell. It then passed unanimously.

COMPLAINT REGARDING TOO MANY SIGNS ON MICHIGAN AVENUE: Councilman Dean Miller made a motion to place this in the Street Sign Committee. The motion was seconded by Councilman at Large Mel Pennington. The motion then passed.

SPEED LIMIT IN BROOKHAVEN: Mrs. Janice Weibl spoke concerning the lowering of speed limits in Brookhaven. Councilman at Large Mel Pennington moved that this be put in the Street and Traffic Committee to be researched along with a committee of involved and concerned citizens from Brookhaven. Councilman Dr. Guy Cassell seconded that motion. It then passed.

LETTER FROM MRS. BENITA S. MULLINS, 3702 37TH STREET IN REFERENCE TO NO PARKING SIGN AT HER DRIVEWAY: Councilman at Large Mel Pennington moved that this be put in Committee until next meeting. The motion was then seconded by Councilman at Large Dr. R. V. Allen. It then passed unanimously.

REZONING PROPOSAL ON 18TH AND 19TH STREETS: Don Karnes, City Recorder, stated that the street numbers pointed out in the City Ordinance regarding the rezoning of this area are wrong and should be corrected before the second reading.

Residents living in this area were at the council meeting and asked many questions concerning the rezoning. Residents from 18th street were upset about heavy equipment tearing up their street and they

also were interested in making it one way. Councilman at Large Mel Pennington made a motion that these ideas be put in the Street and Traffic Committee. Councilman Dr. Cassell seconded this motion and it passed unanimously.

ANNEXATION COMMITTEE REPORT: Councilman Dr. Cassell stated that upon the recommendation of the Annexation Committee he made a motion that council declare the annexation vote "defeated". The motion was seconded by Councilman Dean Miller. The motion passed with only one (1) opposing vote that being of Don Karnes, City Recorder.

CONSOLIDATION OF AMBULANCE SERVICE BETWEEN NITRO AND CROSS LANES: Councilman Gus Bailey moved that council accept the rough draft submitted by KCAA. The motion was seconded by Councilman Dr. Cassell. It then passed with only one (1) opposing vote that being of Councilman Romie Hughart.

CORRESPONDENCE SINCE LAST MEETING: (All correspondence is kept in the supplemental file to the minutes).

1. The Mayor stated that he had just recently received an Official Order, dated March 4, 1980, signed by Charles Miller and Phil Sheets of the State Department of Highways, officially accepting Main Avenue into the State Highway System.

2. In reference to a letter dated March 24, 1980, from Governor Rockefeller to Mayor Gibson, concerning the two-hundred, sixty-thousand dollar (\$260,000.00) state funding of a maintenance garage. Some men from Economic and Community Development met with the mayor, Don Karnes, City Recorder, and Gene Williams, Director of Public Works. Mayor Gibson requested that council give their approval to allow Appalachian Engineers to prepare plans and specifications for the maintenance garage so bids can be accepted. Councilman at Large Mel Pennington made a motion that the request be granted and it was seconded by Councilman at Large Dr. R. V. Allen. The motion passed with only one (1) opposing vote that being of Councilman at Large Jack Legg. Mayor Gibson stated that construction can start immediately after July 1, 1980 because the \$260,000.00 has already been allocated.

3. Letter Dated May 5, 1980 from Hartford Insurance in reference to Defensive drivers training for the Police Dept.

DON KARNES, CITY RECORDER: He then made a motion that the Commissioners in the upcoming election be approved by council. They are as follows:

COMMISSIONERS FOR NITRO CITY ELECTION - JUNE 3, 1980

PRECINCT 363	NITRO HIGH SCHOOL	
	CHARMAINE MAZZEI, 1 BARRINGTON RD.	776-3125
	BILL CRAWFORD, 2541 3RD. AVENUE	755-2303
PRECINCT 364	NITRO HIGH SCHOOL	
	LELAND Q. CAMPBELL, 2437 3RD. AVENUE	755-1646
	DOLLY KILGORE, 2337 23RD. STREET	755-4626
PRECINCT 365	NITRO ELEMENTARY SCHOOL	
	GRACE DRAPER, 1530 15TH STREET	755-1437
	MRS. THOMAS INGRAM, JR. 1533 15TH ST.	755-1420
PRECINCT 366	BAKER ELEMENTARY SCHOOL	
	JESSIE RAYNES, 1123 11TH STREET	755-3525
	MARY MILLER, 1120 11TH STREET	755-1586
PRECINCT 367	BAKER ELEMENTARY SCHOOL	
	DOROTHY MARUSH, 1427 W. 14TH STREET	755-1280
	DELORIS MCGUCKEN, 1525 FENTON CIRCLE	727-0576
PRECINCT 368	BAKER ELEMENTARY SCHOOL	
	<i>Bonnie</i> JUDY JONES, 200 JUNIPER STREET	755-3658
	SARAH TIDQUIST, 1109 PARK AVENUE	755-3228
PRECINCT 369	WEST SATTES ELEMENTARY SCHOOL	
	REBA LEWIS, 1343 VALENTINE CIRCLE	722-5796
	EVELYN SHEPHERD, 210 LEE AVENUE	722-3203
PRECINCT 370	WEST SATTES ELEMENTARY SCHOOL	
	OLLIE HANCOCK, 711 KANAWHA AVENUE, SO.	727-3792
	NANCY MELLERT, 708 KANAWHA AVE. SO.	
PRECINCT 22	NITRO-PUTNAM ELEMENTARY SCHOOL	
	VIRGINIA ROUSH, 3610 36TH STREET	755-4635
	PAULINE ROMINE, 2538 3RD AVENUE	755-2518

Councilman at Large Mel Pennington seconded that motion,
It then passed unanimously,

At this time, Mr. Karnes introduced a resolution
as follows:

R E S O L U T I O N

WHEREAS, in the recent past the City of Nitro has experienced a serious deficit in it's municipal budget resulting from an inability of the City of Nitro to expand it's tax base; and

WHEREAS, it is apparent that the City of Nitro has exhausted all of it's possible remedies relative to the imposition of additional taxes and the expansion of it's existing tax base; and

WHEREAS, the City of Nitro is currently faced with a substantial and serious deficit which impairs the ability of the City of Nitro to provide it's citizens with adequate and proper municipal services; and

WHEREAS, the City of Nitro has determined that it's recent efforts to expand it's tax base by annexation were unsuccessful; and

WHEREAS, as a result of the dire financial condition of the City of Nitro it is imperative that the City take immediate measures to attempt to reduce the aforesaid deficit and provide additional revenues to ensure that proper and adequate municipal services may be provided in the future.

THEREFORE, BE IT RESOLVED:

That the Mayor of the City of Nitro immediately communicate with the appropriate representatives of the Civic Benefit Association for the purpose of convening at the earliest possible date the members of said Civic Benefit Association along with the members of the City Council of the City of Nitro for the purpose of formally requesting from said Civic Benefit Association a grant of monies sufficient to eradicate the existing deficit in the municipal budget and to secure sufficient funds to provide the necessary and deserved increases in compensation for the municipal employees engaged in the rendering of essential services and for the purpose of negotiating a continuing and ongoing financial relationship between said Civic Benefit Association and the City of Nitro for the mutual benefit of said parties.

Introduced before Council this 20th day of May, 1980.

TO: NITRO CITY COUNSEL ANNEXATION COMMITTEE
A motion was made by Don Karnes to accept this resolution. The motion was seconded by Councilman at Large Jack Legg. It was then approved by a unanimous vote.

FROM: JEREMIAH F. MCCORMICK, CITY ATTORNEY
At this time Don Karnes made a motion that the City Attorney's opinion on the Certification of the Annexation Election be placed also in the supplemental file to the minutes. The motion was seconded by Councilman Dean Miller.

ISSUE: CERTIFICATION OF RESULTS OF ANNEXATION ELECTION
The motion then passed. The Attorney's opinion on the election follows:

The election in question was held pursuant to a petition filed with the City Counsel of the City of Nitro requesting that certain territory be annexed to the City of Nitro, said petition having been filed in accordance with West Virginia Code, Chapter 8, Article 6, Section 2, entitled "Petition For Annexation" said article recites that "the election shall be held superintended and conducted and the results thereof ascertained, certified, returned and canvassed in the same manner and by the same individuals as elections for municipal officers". Therefore, the procedure for certification of the results of an election held pursuant to a petition for annexation is governed by said article.

The procedure for certification of results of elections for municipal officers is more specifically designated by the municipal ordinances of the City of Nitro. Chapter 8 of said ordinances deals generally with elections conducted by the municipality more specifically, Chapter 8, Article 12, entitled "Ascertaining Results", governs the procedure relative to the determining of

A motion was made by Don Karnes to accept this resolution. The motion was seconded by Councilman at Large Jack Legg. It was then approved by a unanimous vote.

At this time Don Karnes made a motion that the City Attorney's opinion on the Certification of the Annexation Election be placed, also, in the supplemental file to the minutes. The motion was seconded by Councilman Dean Miller. The motion then passed.

MEMORANDUM OF LAW

TO: NITRO CITY COUNCIL ANNEXATION COMMITTEE

FROM: JEREMIAH F. MCCORMICK, CITY ATTORNEY

ISSUE: CERTIFICATION OF RESULTS OF ANNEXATION ELECTION

The election in question was held pursuant to a petition filed with the City Counsel of the City of Nitro requesting that certain territory be annexed to the City of Nitro, said petition having been filed in accordance with West Virginia Code, Chapter 8, Article 6, Section 2, entitled "Petition For Annexation" said article recites that "the election shall be held superintended and conducted and the results thereof ascertained, certified, returned and canvassed in the same manner and by the same individuals as elections for municipal officers". Therefore, the procedure for certification of the results of an election held pursuant to a petition for annexation is governed by said article.

The procedure for certification of results of elections for municipal officers is more specifically designated by the municipal ordinances of the City of Nitro. Chapter 8 of said ordinances deals generally with elections conducted by the municipality more specifically, Chapter 8, Article 12, entitled "Ascertaining Results", governs the procedure relative to the determining of

the results of any municipal election; however, said section does not specify any procedure relative to the certification of the results of a municipal election. Therefore, as a result of the absence of any specific procedure established by the municipal ordinances, it is necessary to refer to the West Virginia State Code in order to ascertain the proper procedure for certification of election results.

West Virginia Code, Chapter 3, Section 6, Article 9, deals with the public declaration of results generally. Said section recites the responsibilities relative to the canvassing board which said responsibilities will analagous to the responsibilities established by Section 8, Article 12, of the Ordinances of the City of Nitro. Said Section further recites that "After canvassing the returns of the election the board shall publicly declare the results of the election; however they shall not enter an order certifying such results for a period of forty-eight (48) hours after such declaration". Said Section further recites the procedure to be implemented in the event an aggrieved canvate demands a recount. Said section, therefore, specifically imposes upon the board of canvass the responsibility of making a public declaration of the results of the election within a designated time period.

Therefore, I am of the opinion that the City Counsel of the City of Nitro, acting as the board of canvass, in accordance with

Chapter 8, Section 12, of the Nitro City Ordinances, was required to make a public declaration of the results of the election within forty-eight (48) hours of the completion of the canvass and that said declaration was to be reduced to the form of a written order certifying the election results within an additional forty-eight (48) hour period failure by the City Counsel of the City of Nitro to follow statutory procedure as aforesaid renders any subsequent declaration by said board null and void.

Mayor Gibson at this point requested that the abstract dated March 4, 1980, in reference to Main Avenue being taken back into the West Virginia State Road System, be made part of the minutes.

THE WEST VIRGINIA DEPARTMENT OF HIGHWAYS
CHARLESTON, WEST VIRGINIA

ABSTRACT
FROM
THE RECORDS OF THE COMMISSIONER'S ORDERS
DATED

March 4, 1980

Distribution.

Pursuant to authority vested in the Commissioner by Chapter 17, Article 2A, Section 8 of the Official Code of West Virginia, 1931, as amended, the Commissioner, upon recommendation of the Director, Maintenance Division, and concurrence of the Director, Statewide Planning Division, the Chief Engineer-Operations, Chief Engineer-Planning, and the Deputy Commissioner-State Highway Engineer, hereby ORDERS the ADDITION of the following described section of highway to the State Local Service system in KANAWHA COUNTY, DISTRICT ONE:

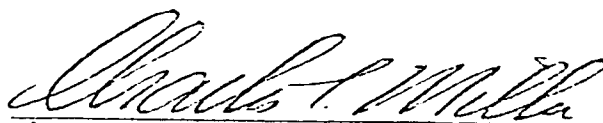
CC
EX
CH
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J
OR
C

208
Mary (Perry)
AB
District
One
County
Commission
Dept. of
Public
Safety
WV
Motor
Truck
Assoc.
Contractors
Assoc. of
V

and WV 25 Spur (St. Albans-Nitro Bridge), 0.02 mile south of the junction of WV 25 Spur with WV 25; thence, in a northerly direction a distance of 1.70 miles along First (Main) Avenue to Lock Street; thence, in an easterly direction 0.20 mile to a junction with WV 25. Total length to be added, 1.90 miles.

Assigned WV 25 Alt. Municipal (State Local Service).

Entered this 4th day of March, 1980.



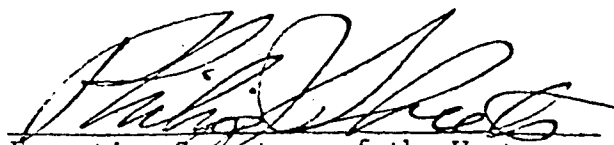
Charles L. Miller
West Virginia Commissioner of Highways

STATE OF WEST VIRGINIA,

WEST VIRGINIA DEPARTMENT OF HIGHWAYS, to wit:

I, Philip J. Sheets, Executive Secretary of the West Virginia Department of Highways, do hereby certify that the foregoing is a true abstract from the Orders of the West Virginia Commissioner of Highways entered of record on the 4th day of March 1980.

Given under my hand and seal of the West Virginia Department of Highways this 4th day of March 1980.



Philip J. Sheets
Executive Secretary of the West
Virginia Department of Highways

COUNCILMAN DEAN MILLER: No reports.

COUNCILMAN ROMIE HUGHART: At this time he made a motion that the Beaumont Development Company not be permitted to do anything further unless they comply with the Board of Zoning Appeals letter. The motion was seconded by Councilman at Large Mel Pennington. The motion was then passed.

COUNCILMAN AT LARGE DR. R. V. ALLEN: He noted that he objected to the closing of the lobby of the Nitro Post Office. He also wanted to know how other Council members felt about this issue.

Councilman Dean Miller said that he also objected to this idea. He made a motion that this council go on

record as objecting to the closing of the Post Office Lobby and that the mayor write a letter to the United States Post Office telling Council's feelings. Councilman at Large Mel Pennington seconded that motion.

Councilman Hughart made a motion that he would like a copy of the motion be sent to Senator Byrd and Senator Randolph and future Congressman of District #3. Councilman Dean Miller seconded that motion.

At this time council voted on the amended motion. It passed unanimously. Secondly, council voted on the first motion. It passed unanimously, also.

At this time, Councilman at Large Dr. Allen stated that he had been to Morgantown, West Virginia attending a meeting of the Municipal League of Cities. He also stated that he had a letter from the United States Treasury stating that the City of Nitro will be losing \$48,000.00 in Revenue Sharing per year.

He also stated that the City of Bluefield, West Virginia is in trouble because they charge a franchise tax on their Cable Television and that Nitro also does and that Nitro will probably loose that tax.

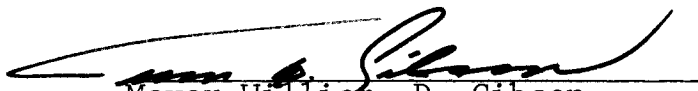
COUNCILMAN DR. GUY CASSELL: No reports.

COUNCILMAN GUS BAILEY: No reports.

COUNCILMAN AT LARGE JACK LEGG: No reports.

COUNCILMAN AT LARGE MEL PENNINGTON: No reports.

The meeting was then adjourned.


Mayor William D. Gibson


Don Karnes, City Recorder

PUBLIC HEARING

NITRO, WEST VIRGINIA

JUNE 10, 1980

7:30 p.m.

PRESENT: 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 Dean Miller
Councilman Romie Hughart
Councilman Dr. Guy Cassell
Jeremiah McCormick, City Attorney

The public hearing opened with the Mayor addressing the City Council members and the public that was in attendance by stating that the Bank of Nitro had requested the Planning Commission to rezone four (4) lots of land on 19th Street (1912, 1914, 1916, & 1918). He then asked that the City Recorder, Don Karnes be recognized.

Don Karnes stated that this was a Public Hearing that is to be held and that it had been duly advertised. He then asked if there were any questions.

Mr. Jividen, who was present in the audience, is the owner of 1906 19th Street. He asked if someone would explain the purpose of this rezoning.

A representative of the Bank of Nitro, Mr. Robert Farrell, Vice President, explained that the Bank was only interested in getting four (4) parcels of land rezoned. Those lots which are now vacant and owned by the Bank are 1912, 1914, 1916 and 1918.

He stated that the Bank was wanting to install a four (4) unit drive-in facility. This would be kept neat and would be cleaned daily. It would take 40 automobiles (10 in each lane) at the same time, which would eliviate any traffic on 19th Street. The automobiles would enter from 19th Street and exit on 2nd Avenue.

Mayor Gibson stated that at the present time lots 1902 and 1904 are already zoned for business and that lots 1906, 1908 and 1910, which would be in the middle of the block, are still residential.

Councilman Dean Miller asked if the owners of those houses were represented. The owners of 1906 and 1908 were present and they expressed their desire not to be rezoned.

Mr. Orville Smith of 18th Street expressed his desire for none of the lots to be rezoned.

At this time the Mayor asked if anyone else had any questions. There were no more questions at this time.

Councilman at Large Mel Pennington moved that the meeting be adjourned. Don Karnes, City Recorder, seconded the motion. At this time the Public Hearing was adjourned.

Mayor William D. Gibson



Don Karnes, City Recorder

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA.

INTRODUCED BY: _____ ORDINANCE NO.: _____

WHEREAS, pursuant to a public hearing held before the City Council of Nitro, in the Council Chambers, located at the City Hall, Nitro, West Virginia, on June 10, 1980, at 7:30 o'clock P.M. and notice of said hearing having been duly published in the Charleston Gazette - Mail, newspapers of general circulation in the City of Nitro, West Virginia, as required by law, consideration was given to a petition previously submitted to the City Council of Nitro requesting the rezoning classification from R-2 to B-2 of certain real estate situate in the City of Nitro,; and,

WHEREAS, pursuant to said public hearing, the City Council of Nitro finds that it would be to the best interest and advantage of the City of Nitro, its citizens and other property owners to make certain changes in the zoning ordinance, as herein-after set out.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Nitro, that all of Lots Nos. 1912, 1914, 1916 and 1918, in Area "R" of the Nitro Reservation in the City of Nitro, Kanawha County, West Virginia, as shown upon a map of the City of Nitro, and recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, are all to be rezoned from Classification R-2 to B-2.

Introduced on First Reading on the 10th day of June,
1980.

Adopted and passed by the Common Council of the City
of Nitro upon Second Reading on the _____ day of _____,
1980.

MAYOR, CITY OF NITRO

ATTEST:



CITY RECORDER

NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

JUNE 10, 1980

The regularly scheduled meeting of the Nitro City Council was held in chambers on Tuesday, June 10, 1980 at 8:00 P.M. Present were the Honorable 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 Gus Bailey, Councilman Dean Miller, Councilman Romie Hughart and Councilman Guy Cassell. Also present was Jeremiah McCormick, City Attorney.

The invocation was given by Councilman Dean Miller. The Mayor then called the meeting to order.

APPROVAL OF MAY 20, 1980 COUNCIL MEETING MINUTES: Don Karnes, City Recorder, moved that the minutes be approved. That motion was seconded by Councilman at Large Mel Pennington. The motion was then approved by a unanimous vote.

PUBLIC MEETING AS DULY ADVERTISED IN ACCORDANCE WITH THE WEST VIRGINIA CODE, IN REFERENCE TO A RE-ZONING REQUEST MADE BY THE BANK OF NITRO INVOLVING CERTAIN PARCELS OF LAND SITUATED ON 19TH STREET, NITRO, WEST VIRGINIA (KANAWHA COUNTY): Don Karnes, City Recorder, made a motion to rezone lots 1912, 1914, 1916, 1918 from R2 to B2. The motion was seconded by Councilman at Large Pennington. The motion passed with only one opposing vote which was that of Councilman Romie Hughart and one abstaining vote which was that of Councilman Dean Miller.

CANVASS RESULTS OF CITY ELECTION OF JUNE 3, 1980:RESULTSMAYORCOUNT

386	JAMES A. AMBERGEY
463	DON KARNES
759	ARDEN "ART" ASHLEY
360	O. C. SANDERS, JR.
512	WM. "BILL" GIBSON

CITY RECORDER

546	STANLEY W. HARRIS
1706	SHARON HOWARD THOMAS

- * Ordinance attached on a motion by Councilman at Large Pennington and seconded by Councilman at Large Dr. Allen (Council Meeting June 30, 1980 - Page 217, Council Meeting Minutes - Book 17.

COUNCIL AT LARGECOUNT

1126	MARY TROUT
1066	MEL PENNINGTON
675	STEVEN WEST
909	JACK L. LEGG
446	ROMIE HUGHART
636	J. E. HUTCHINSON
1506	RUSTY CASTO

COUNCIL FIRST WARD

251	ORVILLE "BUTCH" MILLER
314	A. A. JOE SAVILLA
226	GUY R. CASSELL

COUNCIL SECOND WARD

211	RONALD S. KING
19	TRUDA NULL
31	HERSHEL A. FACEMYER
102	LEO BOGGESS
24	MARJORIE FAULKNIER

COUNCIL THIRD WARD

57	MRS. MARY ALLICE HILL
118	DANA F. JOHNSTON
68	HARLEY M. GOFF, JR.
19	CURTIS R. BREWER
119	DEAN MILLER
98	IVAN MEADOWS
163	OMAR CUNNINGHAM

COUNCILMAN FORTH WARD

250	CLARENCE GERALD "JERRY" HUDSON
281	JOHN W. "JACK" MOON

Don Karnes, City Recorder made the motion to vote absentee ballots. The motion was seconded by Councilman Bailey. The motion passed with only one opposing vote which was that of Councilman at Large Pennington.

Don Karnes, made the motion not to count an absentee ballot because of improper signature. The motion was seconded by Councilman at Large Dr. R. V. Allen. It was then passed unanimously.

After all the election results had been canvassed, Councilman at Large Allen made a motion to certify this to be official. Councilman Cassell seconded that motion. It then passed unanimously.

REQUEST MADE BY RESIDENTS OF BROOKHAVEN THAT THE SPEED LIMIT BE MADE UNIFORM, POSSIBLY 15 MILES PER HOUR: Councilman at Large Mel Pennington moved to put this in committee until next council meeting. The motion was seconded by Councilman Dr. Cassell and passed unanimously.

MR. JOHN W. BURGESS, JR. 511 MICHIGAN AVENUE IS CONCERNED THAT THERE MAY BE TOO MANY STREET SIGNS ERECTED ON MICHIGAN AVENUE, SOUTH: Councilman Dean Miller moved to put this on the agenda for the next council meeting. The motion was seconded by Councilman Dr. Cassell. It then passed unanimously.

LETTER FROM MRS. BENITA S. MULLINS, 3702 37th STREET, REQUESTING THAT A NO PARKING SIGN BE ERECTED AT HER DRIVEWAY: Councilman Dr. Cassell moved to keep in committee until next meeting. The motion was seconded by Councilman at Large Dr. Allen. It then passed with three opposing votes belonging to Councilman Dean Miller, Don Karnes, City Recorder and Councilman at Large Jack Legg.

POSSIBILITY OF CONSOLIDATION OF AMBULANCE SERVICE BETWEEN NITRO AND CROSS LANES: Councilman Gus Bailey announced that there would be a joint meeting with Cross Lanes Ambulance service Thursday, June 12, 1980 at 7:30 at Cross Lanes Fire Station. He invited all council members and all newly elected council members to attend. Council decided to have a finance committee meeting Tuesday, June 17, at 7:00 P.M.

GRANT PERMISSION FOR WILLIAM GIBSON TO SIGN A \$260,000 AGREEMENT BETWEEN THE CITY OF NITRO AND THE GOVERNOR'S OFFICE OF ECONOMIC AND DEVELOPMENT FOR CONSTRUCTION OF A NEW MAINTENANCE GARAGE FOR THE CITY OF NITRO: Councilman Dean Miller moved to grant Mayor Gibson permission to sign the agreement and it was seconded by City Recorder, Don Karnes. The motion was approved.

REQUEST APPROVAL TO AUTHORIZE FOR SEALED BIDS FOR CONSTRUCTION OF A MAINTENANCE GARAGE: The mayor then asked for permission to publicly advertise as required by law for sealed bids to be opened on June 30, 1980 at 2:00 P.M.

Don Karnes then made a motion to go ahead with the advertising proposal. The motion was seconded by Dr. Cassell. The motion passed with three opposing votes which were those of Councilman Miller, Councilman at Large Legg and Councilman Hughart.

At this point, Don Karnes, City Recorder asked that the Mayor request Appalachian Engineers to prepare the advertisement.

The Mayor then asked if he could have a motion to have the Council meeting on June 30, 1980. Councilman Hughart so moved. The City Recorder, Don Karnes, seconded that motion. It then passed unanimously.

CITYWIDE CLEANUP PROJECT: The Mayor stated that the City of Nitro in cooperation with the State Department of Highways and Governor Rockefeller had arranged to have a City wide cleanup from June 16 through June 27, 1980. The trash will be taken to a central location on 19th Street (Plant Road); on June 26 and 27th the state will haul it off at their own expense. The Mayor further stated that the city should be free of all trash at the end of the cleanup period.

PROPOSED SANITARY BOARD BUDGET FISCAL YEAR 1980-81: The Mayor

then gave each member of council a copy of the budget.

CORRESPONDENCE (ALL CORRESPONDENCE IS KEPT IN THE SUPPLEMENTAL FILE TO THE MINUTES):

1. Letter dated May 15, 1980 to Mayor William D. Gibson from Charles L. Miller of the West Virginia Department of Highways in reference to the 11th Street Railroad Corssing's Flashing lights.
2. Letter dated May 20, 1980 to Mayor William D. Gibson from Appalachian Engineers in reference to Main Avenue.
3. Complimentary letter in reference to the Police Department dated May 22, 1980 from Mr. Miller, President of the Kanawha Brick and Block Company.

COMMITTEE CHAIRMAN REPORTS:

COUNCILMAN AT LARGE PENNINGTON: He said he would like for all outgoing council members to hand over all booklets to their newly elected counterparts.

COUNCILMAN AT LARGE LEGG: No reports.

COUNCILMAN BAILEY: No reports.

COUNCILMAN DR. CASSELL: No reports.

CITY ATTORNEY, JEREMIAH MCCORMICK: No reports.

COUNCILMAN AT LARGE DR. ALLEN: He informed Council that the storm sewer on 18th Street Hill is busted. Councilman at Large Dr. Allen made a motion that council authorize court action to be taken in circuit court against the property owners of 2175 and 2176 on 21st Street. Councilman at Large Mel Pennington seconded that motion. The motion was then passed unanimously.

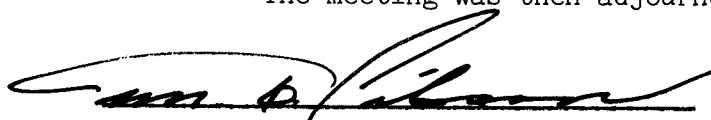
COUNCILMAN HUGHART: He suggested that Council take action about the traffic on 18th Street Hill. He stated that it is a one way street but the signs are missing.

He then stated that fire alarms and police alarms had been installed for Heck's without the permission of Council. He wanted to know where permission had come from to do this. The Mayor stated that he had given Hecks permission to install one alarm in the police department since they were already tied into it.

COUNCILMAN MILLER: He stated that there were still abandoned cars on Gum Street.

CITY RECORDER, DON KARNES: No reports.

The meeting was then adjourned.


Mayor William D. Gibson

Don Karnes, City Recorder

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA.

INTRODUCED BY: Don Karnes ORDINANCE NO.: 80-2

WHEREAS, pursuant to a public hearing held before the City Council of Nitro, in the Council Chambers, located at the City Hall, Nitro, West Virginia, on June 10, 1980, at 7:30 o'clock P. M. and notice of said hearing having been duly published in the Charleston Gazette -Mail, newspapers of general circulation in the City of Nitro, West Virginia, as required by law, consideration was given to a petition previously submitted to the City Council of Nitro requesting the rezoning classification from R-2 to B-2 of certain real estate situate in the City of Nitro,; and,

WHEREAS, pursuant to said public hearing, the City Council of Nitro finds that it would be to the best interest and advantage of the City of Nitro, its citizens and other property owners to make certain changes in the zoning ordinance, as herein-after set out.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Nitro, that all of Lots Nos. 1912, 1914, 1916, and 1918, in Area "R" of the Nitro Reservation in the City of Nitro, Kanawha County, West Virginia, as shown upon a map of the City of Nitro, and recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, are all to be rezoned from Classification R-2 to B-2.

NITRO CITY COUNCIL MEETING MINUTES

NITRO, WEST VIRGINIA

JUNE 30, 1980

The regularly scheduled meeting of June 17, 1980 which was postponed until June 30, 1980 was held in the Council Chambers Monday, June 30, 1980 at 8:00 P.M. Present were Mayor William D. Gibson, Mr. 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, 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 Gibson. The invocation was given by Councilman Bailey.

1. APPROVAL OF JUNE 10, 1980 COUNCIL MEETING MINUTES: Councilman at Large Pennington moved the minutes be approved. The motion was seconded by Councilman at Large Dr. Allen.

Mr. Karnes, City Recorder, stated that an ordinance was introduced for the first reading in reference to the rezoning request made by the Bank of Nitro and that the proper ordinance should be inserted into the minutes of June 10, 1980 (Page 213 of the Council Meeting Minutes Book - Book 17). A copy of the first reading of the ordinance is attached hereto and made a part hereof (Page 213).

The motion and second were withdrawn and Councilman at Large Pennington moved the June 10, 1980 Council Meeting Minutes be accepted with the addition of the first reading of ordinance as Mr. Karnes suggested. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed unanimously.

Mr. Karnes made a motion to move item 4 on the agenda to number 2; to list the sanitary rate increase and the Public Service Commission Order (Case No. 79-451-S-MA) to number 3 and to list number 2 and number 3 to number 16 and 17. The motion was seconded by Councilman at Large Dr. Allen and the motion passed unanimously.

2. REZONING REQUEST MADE BY THE BANK OF NITRO
INVOLVING CERTAIN PARCELS OF LAND SITUATED ON 19TH STREET:

Mr. Karnes made a motion to accept the second reading of the ordinance.

THE ORDINANCE IS AS FOLLOWS:

BEFORE THE HONORABLE CITY COUNCIL OF NITRO, WEST VIRGINIA.

INTRODUCED BY: Don Karnes ORDINANCE NO.: 80-2

WHEREAS, pursuant to a public hearing held before the City Council of Nitro, in the Council Chambers, located at the City Hall, Nitro, West Virginia, on June 10, 1980, at 7:30 o'clock P.M. and notice of said hearing having been duly published in the Charleston Gazette - Mail, newspapers of general circulation in the City of Nitro, West Virginia, as required by law, consideration was given to a petition previously submitted to the City Council of Nitro requesting the rezoning classification from R-2 to B-2 of certain real estate situate in the City of Nitro,; and,

WHEREAS, pursuant to said public hearing, the City Council of Nitro finds that it would be to the best interest and advantage of the City of Nitro, its citizens and other property owners to make certain changes in the zoning ordinance, as hereinafter set out.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Nitro, that all of Lots Nos. 1912, 1914, 1916 and 1918, in Area "R" of the Nitro Reservation in the City of Nitro, Kanawha County, West Virginia, as shown upon a map of the City of Nitro, and recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, are all to be rezoned from Classification R-2 to B-2.

Introduced on First Reading on the 10th day of June,
1980.

Adopted and passed by the Common Council of the City
of Nitro upon Second Reading on the 30TH day of JUNE,
1980.


MAYOR, CITY OF NITRO

ATTEST:


CITY RECORDER

The motion was seconded by Councilman Bailey,
and the motion was approved by unanimous vote.

Mr. McCormick, City Attorney, suggested the
city clerk be instructed to make appropriate changes on the
zoning map maintained by the city in reference to the rezoning
on 19th Street and Mr. Karnes, City Recorder said the
Bank of Nitro should be formally notified of Council's decision.

3. SANITARY RATE INCREASE: PUBLIC SERVICE COMMISSION ORDER (Case No. 79-451-S-MA) : Mayor Gibson asked Mr. Dennis Vaughan, the Sanitary Board Attorney, to bring council up-to-date as to the status of the order. Mr. Vaughan stated that the council had before them a copy of the order entered by the Public Service Commission of West Virginia June 26, 1980. He said the essence of the decision can be found in the appendix, number I where it shows the present rates, the requested rates which were requested by the Sanitary Board and amended by council, and the approved rates by the Public Service Commission.

Mr. Vaughan stated the approved rate is based upon the evidence which was presented by the Sanitary Board before the Public Service Commission; that hearing was held here in the Council Chambers May 8. After further discussion Mr. Vaughan said it's self explanatory; the Sanitary Board is required to file a tariff setting forth these rates with the commission and begin to collect this next billing period, the bills that will go out in August.

Mr. Vaughan said that it was the Sanitary Board's decision that this be brought before council for council's edification and that it be made a part of the minutes of council for both this council and its successor.

A COPY IS ATTACHED HERETO AND MADE A PART HEREOF (CASE NO. 79-451-S-MA).

Councilman Dr. Cassell made a motion to accept the report. The motion was seconded by Councilman Hughart, and the motion passed.. There were two councilmen who abstained, Councilman Miller and Councilman at Large Pennington.

5. REQUEST MADE BY RESIDENTS OF BROOKHAVEN THAT THE SPEED LIMIT BE MADE UNIFORM, POSSIBLY 15 MILES PER HOUR: Mrs. Janice Weibl, 121 Brookhaven Drive read the petition and stated that the petition was signed by 155 people. Councilman Hughart, Chairman of the Street and Traffic Committee, moved that the petition be honored, that the speed limit be changed to 15 miles per hour throughout Brookhaven and signs be posted as soon as practical; and that the Police Department be informed. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

6. MR. JOHN W. BURGESS, JR. 511 MICHIGAN AVENUE IS CONCERNED THAT THERE MAY BE TOO MANY STREET SIGNS ERECTED ON MICHIGAN AVENUE: Councilman Miller, Chairman of the Street Sign Committee, said that the committee had not had a meeting and therefore made a motion that this be tabled indefinitely. The motion was seconded by Councilman at Large Pennington, and the motion passed.

7. LETTER FROM MRS. BONITA S. MULLINS, 3702 37th STREET, REQUESTING A NO PARKING SIGN BE ERECTED AT HER DRIVEWAY: Councilman Hughtart, Chairman of the Street and Traffic Committee, moved that this be tabled indefinitely or until Mrs. Mullins presents the request again. The motion was seconded by Councilman Miller and the motion passed unanimously.

8. CONSOLIDATION OF AMBULANCE SERVICE BETWEEN NITRO AND CROSS LANES: Councilman Bailey, Chairman of the Ambulance Committee, stated that the City of Nitro Finance Committee had met and at that time decided to recommend to council that the new budget be amended to include a new account number for the ambulance service.

Mr. Karnes stated that there was a line item there for ambulance service but there were no allocations there.

Mr. McCormick, City Attorney, said they had two alternatives, either make a reallocation of the budget as already constituted or project additional revenues.

After further discussion and different point of views were expressed it was council's decision that no action be taken on the recommendation of the Finance Committee.

9. AWARD CONTRACT TO THE LOWEST BIDDER FOR CONSTRUCTION OF A MAINTENANCE GARAGE: Mayor Gibson asked Mr. Robert Hayne, President of Appalachian Engineers, Inc. to give a report. Mayor Gibson stated Mr. Hayne was present when the bids were opened, and he requested that Mr. Hayne pass around the specifications and plans for the construction of a maintenance garage.

Mr. Hayne said bids were received from six contractors. He said we estimated there would be \$225,000 available as the basis on which to determine the low bidder.

He read the bids which were taken on the first four items:

1. Royal Construction Company,	\$220,635
2. Wiseman Construction	\$237,000
3. J. A. Wilson Company	\$275,000
4. Ed-Pat Construction Company	\$283,000
5. E. E. Moore	\$284,000
6. Upton Company	\$315,000

Mr. Hayne said it was their recommendation that council accept the low bid of Royal Construction (\$220,635) for the first 4 items down to and including the office bay, without heat in the garage area at this time.

Councilman at Large Dr. Allen made a motion to accept the recommendation of Mr. Hayne. The motion was seconded by Mr. Karnes. Mayor Gibson called for a vote. Councilman at Large Dr. Allen, Councilman Cassell, and Mr. Karnes voted for. Councilman at Large Pennington, Councilman at Large Legg, Councilman Bailey, Councilman Miller, and Councilman Hughart voted opposing. Those voting in opposition were of the opinion that the incoming administration should review the bids and make the final decision. Mayor Gibson stated the opposing votes carried.

10. CITY WIDE CLEANUP PROJECT FROM JUNE 16 THROUGH JUNE 27, 1980: Mayor Gibson complimented the employees who worked on the cleanup project and stated that the city is now free of litter and trash.

11. NITRO ELEMENTARY P.T.A. REQUEST (SCHOOL CARNIVAL) TO SOLICIT BUSINESSES: Mr. Karnes, City Recorder, made a motion to grant the request. The motion was seconded by Councilman Miller and the motion passed unanimously.

12. SUBDIVISION OF A LOT ON MICHIGAN AVENUE SOUTH:

Mr. Karnes stated that Mr. Taylor had two houses on one lot in the 500 block of Michigan Avenue and he wanted to make two lots out of one.

Mr. McCormick stated the appropriate procedure would be to refer the petition to the Planning Commission and the Zoning Commission for their recommendation so the Planning Commission and the Zoning Commission can establish a date for a public hearing to receive public input and make their recommendation to Council.

Mr. Karnes made a motion to refer Mr. Taylor's petition to the Planning and Zoning Commission. The motion was seconded by Councilman at Large Pennington, and the motion passed.

13. LETTER DATED JUNE 23, 1980 FROM JAY LONG IN REFERENCE TO \$1,250 FIREWORKS: Mayor Gibson stated that council received a copy of this letter. (Letter is in the supplement file to the minutes.) Mayor Gibson said that he had requested this letter in writing.

Councilman at Large Pennington said for the record in 1975, \$316.00 was spent on fireworks; in 1976, \$471.50; in 1977, \$495.00; in 1978, \$562.50; in 1979, \$649.00, and in 1980, \$1,250.00 was purchased by Mr. Long without authorization.

14. PROPOSED MEETING BETWEEN THE CITY OF NITRO AND THE CIVIC BENEFITS ASSOCIATION Mayor Gibson stated that recently a resolution was passed by the governing body requesting that he attempt to organize another meeting with the Civic Benefits Association which would be the fourth meeting.

Mayor Gibson said that he had set up a meeting with Mr. Bill Patterson, President of the Civic Benefits Association which was canceled because Mr. Patterson had to be out of town.

Mayor Gibson said he communicated with Mr. Patterson once after that and it was Mr. Patterson's opinion that they should have a joint meeting of this present governing body and the incoming elected officials. Mayor Gibson said Mr. Patterson seemed to be very anxious to have a joint meeting, he wanted to resolve the matter as to the amount of contributions that they were going to contribute in the future to the City of Nitro in their efforts to come to the aid of the city with finances to improve our tax base.

Mayor Gibson inquired if Mr. Ashley wanted to give a report or comments at this time.

Mr. Ashley stated he had introductory meetings and he had met with the Civic Benefits Association about two weeks ago. Mr. Ashley stated that he made an introductory statement and left, that he wasn't a part of the business meeting at all. He said the only thing he did was respond to their request to be introduced to them.

Mr. Ashley stated, "I have not had anything in the way of a specific conversation, I just offered to be present and available. He mentioned to me, as well, there was a pending joint meeting of some kind."

Councilman at Large Pennington asked, "But you have not sit down and negotiated, in fact, any kind of arrangement between the City of Nitro?"

Mr. Ashley replied, "Absolutely not."

15. PROPOSED BUS FOR SENIOR CITIZENS AND MEALS ON WHEELS - KANAWHA VALLEY SENIOR SERVICES AGENCY - MULTICAP: Mayor Gibson stated that council had a copy of a letter dated June 27, 1980 he had sent to Mrs. Taylor, Director of Nutrition Program, Kanawha Valley Senior Services Agency, C/O Multicap, 718 Morris Street, Charleston, WV 25332, in reference to meals on wheels service for the City of Nitro, and a proposed new Bus. (A copy of letter is in supplement file to the minutes.)

Mayor Gibson stated that the bus would be titled in the name of Kanawha Valley Senior Services Agency, they would assume all responsibility for the bus in so far as liability is concerned. The only thing the City of Nitro will have to do is furnish the bus driver.

After further discussion Councilman Miller made a motion to recess for 5 minutes. The motion was seconded by Councilman Hughart and passed.

16. FINANCIAL REPORT, FISCAL YEAR 1979-1980:
Mr Karnes, City Recorder and Chairman of the Finance Committee, made a motion to approve the budget revisions for the Fiscal Year 1979-1980, and send it to the state tax department as required by law. The motion was seconded by Councilman Miller. After some discussion Mayor Gibson called for a vote, and the motion passed unanimously.

THE BUDGET REVISIONS FOR FISCAL YEAR 1979-1980
ARE AS FOLLOWS:

BUDGET REVISIONS

FISCAL YEAR 1979-1980
(Revenue)

<u>Account Discription</u>	<u>Account Number</u>	<u>Budgeted 1979-1980</u>	<u>Revisions</u>	<u>Minus</u>	<u>Plus</u>
Ad Valorem Tax	301	184,727	176,773	7,954	
Building Permit Fees	308	7,500	8,653		1,153
Inspection Fees	309	3,000	1,904	1,096	
Recreation Revenue	312	30,500	21,211	9,289	
Gross Sales Tax	332	211,000	264,649		53,649
Utillity Tax (2%)	333	60,000	75,044		15,044
Private Club License	335	500	1,981		1,481
Liquor Tax	338	27,300	22,095	5,205	
License	341	7,500	6,776	724	
Rents & Concessions	345	6,600	10,905		4,305
Court Costs (Fees & Charges)	347	29,300	22,041	7,259	
Parking Violation Penalties	348	800	NONE	800	
Refuse Collection Fees	350	284,000	265,113	18,887	
Charges to Other Funds	360	37,200	19,360	17,840	
Franchise Fees	362	1,000	1,000		
Repayment from Sanitary Board	368	NONE	6,200		6,200
Miscellaneous	399	2,000	25,714		23,714
<hr/>					
Unencumbered Balance		63,030	21,017	42,013	
TOTALS		955,957	950,436	111,067	105,546
NET DIFFERENCE				5,521	

BUDGET REVISIONSFISCAL YEAR 1979-1980
(Expenditures)

<u>Account Discription</u>	<u>Account Number</u>	<u>Budgeted 1979-1980</u>	<u>Revisions</u>	<u>Minus</u>	<u>Plus</u>
Office of Mayor	409	42,429	30,158	12,271	
Members of Council	410	2,100	3,301		1,201
Office of Recorder/ Treasurer	411	65,639	152,215		86,576
Office of Police Judge	416	3,300	3,300		
Office of City Attorney	417	3,300	3,681		381
Building Inspector	436	8,848	6,806	2,042	
Elections	438	3,000	1,668	1,332	
City Hall	440	96,221	204,087		107,866
Dog Warden	446	5,203	6,933		1,730
Ambulance Service	448	NONE	1,124		1,124
Police Department	455	210,839	189,931	20,908	
School Patrol	458	6,500	NONE	6,500	
City Jail	461	4,000	NONE	4,000	
Fire Department	500	136,141	120,967	15,174	
Garbage & Landfill	530	177,191	69,892	107,299	
Recreation-Playground	540	8,774	19,363		10,589
Swimming Pool	542	27,257	4,075	22,382	
Libraries	553	10,368	12,244		1,876
Street Department	570	122,108	114,972	7,136	
Central Garage	576	12,000	3,719	8,281	
Contingencies	999	10,739	1,200	9,539	
TOTALS		955,957	950,436	216,864	211,343
NET DIFFERENCE				5,521	

17. FINANCIAL REPORT, FISCAL YEAR 1980-1981:

Councilman Dr. Cassell made a motion to receive the Financial Report, Fiscal Year 1980-1981. The motion was seconded by Councilman Hughart, and the motion passed unanimously. Mr. Karnes stated that the Financial Report, Fiscal Year 1980-1981 was subject to revisions of the new administration.

Mr. Karnes said that he had received a bill from Raynes Electric from Sammy Raynes June 25, 1980. He said this bill was not on the list nor had it been paid. It dates back as far as March, 1975, and the total bill was \$2,232.18. He said he had no reason to believe the city doesn't owe the bill.

Councilman at Large Legg made a motion the City of Nitro makes every effort to pay to Mr. Raynes of Raynes Electric the bill (\$2,232.18) owed him as soon as possible. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed. There were two abstaining votes, Councilman at Large Pennington, and Councilman Miller.

Mr. Karnes read a statement which is as follows.

BEGINNING JULY 1, 1979 THE CITY OF NITRO STARTED USING A SMALL COMPUTER FOR PAYROLL AND ACCOUNTING. THIS HAS GIVEN ME MANY ADVANTAGES OVER MY PREDECESSOR. WITH A COMPUTER THE ACCOUNTING PROCEDURE IS ENTIRELY DIFFERENT FROM NOTEBOOKS AND JOURNALS. IT IS MUCH QUICKER AND MORE ACCURATE. I WOULD LIKE TO SEE THE NEW ADMINISTRATION CONTINUE TO USE THE COMPUTER SYSTEM. MY BACKGROUND IN THE COMPUTER FIELD HAS ENABLED ME TO DEVELOPE ALL THE SOFTWARE WE ARE NOW USING WITH A MINIMUM OF OUTSIDE PROGRAMMING ASSISTANCE. ALL THE PROGRAMMING SO FAR DEVELOPED IS EXTREMELY FLEXABLE. TO PICK-UP WHERE I LEFT OFF WILL TAKE A PERSON WHO IS FAIRLY KNOWLEDGEABLE IN RPG II PROGRAMMING. IF THE NEW ADMINISTRATION IS FACED WITH GOING TO THE PROGRAMMING MARKET FOR THIS EXPERTISE, IT MAY BE COST PROHIBITIVE. AS AN ALTERNATE, I WOULD SUGGEST THE ADMINISTRATION INVESTIGATE THE COST AND AVAILABILITY OF A MUNICIPAL SOFTWARE PACKAGE THEN TRAIN THEIR OWN PEOPLE TO OPERATE THE SYSTEM.

WHATEVER THE NEW ADMINISTRATION CHOOSES TC DO, IF I CAN BE OF ANY ASSISTANCE ON ANY LEVEL, I WILL MAKE EVERY EFFORT TO MAKE MYSELF AVAILABLE SHOULD THE NEED ARISE.

WAGE INCREASE FOR EMPLOYEES: Mr. Karnes introduced and read the resolution which is as follows:

80-5

R E S O L U T I O N

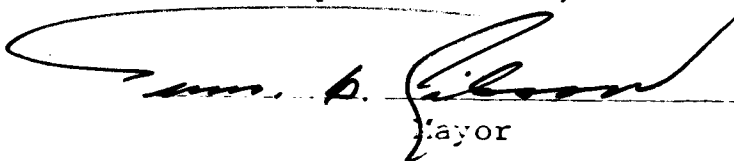
WHEREAS, the Nitro City Council has been confronted with a lack of funds necessary to provide needed increases in the salaries of the employees of the City, a lack of funds necessary to purchase and acquire equipment for needed municipal services, such as fire fighting equipment; and

WHEREAS, the Mayor and members of Council have met with representatives of industry located in Nitro and its environs and the Civic Benefits Association; and

WHEREAS, both representatives of the local government unit and industry have acknowledged the necessity of providing funds necessary to implement needed raises for municipal employees and the acquisition of equipment, and

WHEREAS, the City Council anticipates that there will be funds in the minimum sum of \$200,000 provided to the City from the Civic Benefits Association and in light of the same it's resolved by said Nitro City Council that out of any funds received from the Civic Benefits Association, that the same be dedicated to the extent necessary to provide all municipal employees, excepting elected officials, a 15% pay raise. The said pay increase to be effective as of July 1, 1980, and to the extent necessary to purchase and acquire needed equipment for the continued rendition of municipal services which shall be a sum in the amount of two hundred thousand dollars (\$200,000).

This resolution read and adopted June 30, 1980.


Mayor

Recorder

Mr. Karnes made a motion to approve the resolution. The motion was seconded by Councilman Hughart. Four voted for the motion; four voted opposing the motion. Mayor Gibson broke the tie by voting in favor of the motion, and the motion passed.

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

1. Mayor Gibson received a letter dated April 8, 1980 from Omar Cunningham submitting his resignation as president and a member of the Nitro Policemen's Civil Service Commission.

Mayor Gibson said he felt Mr. Ashley should have the privilege of making that appointment and consequently he held back in making that announcement.

MAYOR GIBSON CALLED FOR COMMITTEE CHAIRMAN REPORTS.

MR. KARNES: no reports.

COUNCILMAN MILLER: no reports.

COUNCILMAN HUGHART: no reports.

COUNCILMAN AT LARGE DR. ALLEN: no reports.

COUNCILMAN DR. CASSELL: no reports.


COUNCILMAN BAILEY: no reports.

COUNCILMAN AT LARGE LEGG: no reports.

COUNCILMAN AT LARGE PENNINGTON: no reports.

The Mayor, the Recorder, and the councilmen individually expressed their pleasure at working with each other, and offered their assistance to the next administration.

Councilman at Large Pennington moved to adjourn. The motion was seconded by Councilman at Large Dr. Allen, and the motion passed.


WILLIAM D. GIBSON, MAYOR


DON KARNES, RECORDER





NITRO CITY COUNCIL MEETING MINUTES

NITRO, WEST VIRGINIA

JULY 1, 1980

The regularly scheduled meeting of the Nitro City Council was held in the cafeteria of Nitro High School on Tuesday, July 1, 1980 at 8:00 P. M. Present were Mayor Art Ashley, Mrs. Sharon Thomas, City Recorder, Councilman at Large Rusty Casto, Councilman at Large Mel Pennington, Councilwoman at Large Mary Trout, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham, and Councilman Jack Moon. Also present was Mr. Stuart Caldwell, City Attorney.

The meeting was called to order by the Honorable Mayor Art Ashley. The invocation was given by Mr. Gus Bailey.

1. APPROVAL OF JUNE 30, 1980 COUNCIL MEETING MINUTES:

Mayor Ashley stated that the minutes of the last council meeting were not yet available. Councilman at Large Pennington then made a motion to postpone the approval of the June 30 Minutes until the next scheduled council meeting when they would then be available. The motion was seconded by Councilman Joe Savilla. The motion was then passed by a unanimous vote.

2. CONSOLIDATION OF AMBULANCE SERVICE BETWEEN NITRO AND CROSS LANES: Mayor Ashley turned this order of business over to Councilman Jack Moon to discuss the consolidation of the ambulance service between Cross Lanes and Nitro with the assistance of Mr. Gus Bailey, former Councilman of the fourth ward and also the former representative on the

Kanawha County Ambulance Authority. Councilman Jack Moon then gave a brief background on the reason for consolidation. He then stated that he called J. Kemp McLaughlin, Director of the Kanawha County Emergency Ambulance Authority to inquiry why Nitro would have to give up its ambulance at Lock Street and share an ambulance with Cross Lanes. He went on to say that the present plan would be to have the ambulance for Nitro and Cross Lanes located at the Cross Lanes Fire Station.

Councilman Moon stated the reason Mr. McLaughlin gave for the consolidation being that both Nitro and Cross Lanes received only forty calls per month in each location on last year's experience. Councilman Moon went on to say that Mr. McLaughlin said that combining the two areas would only be enough for one ambulance. Cross Lanes has a Volunteer ambulance program there that is very on-going and Cross Lanes in a sense,"out bid us in the program" stated Councilman Moon. He further stated that Nitro would, therefore, have to use the ambulance that is located at Cross Lanes.

Councilman Jack Moon went on to say that it would take a week to ten days for the Kanawha County Ambulance Authority to draw up a contract between Nitro and Cross Lanes. This would mean that the ambulance will remain at Main Avenue and Lock Street for approximately a week to ten days. After that time the ambulance will be moved to Cross Lanes. Councilman Moon also said that there had been a previous plan by the Cross Lanes Volunteer Ambulance Authority to move a trailer, obtained from the state, somewhere in the area of Route 35 and 40th Street. He stated that at that time he did not want to make a decision or judgement or pass on a

recommendation to anybody saying he thought that was satisfactory. He also said he felt that most of the council members would like to have an ambulance in Nitro for the citizens of Nitro, however, at this time it looks like we will not be able to accomplish this, immediately. Councilman Moon then presented Council with the estimated costs of the program. He stated that a payment of six thousand dollars would have to be made to pay a scheduler for the Cross Lanes unit. Councilman Moon then presented Council with a consolidated proposed budget drawn up by the Kanawha County Emergency Ambulance Authority. It was estimated that it would cost three thousand dollars to repair and move the trailer to Route 35 and 40th Street. He said that their estimate for eighty-five calls a month for both areas would be near fourteen thousand, two hundred and eighteen dollars a year. Mr. Gus Bailey stated that the twenty-five dollar fee would come from the basic load fee of thirty dollars and one dollar and a half a mile. He also said the twenty-five dollars would come back to the Nitro-Cross Lanes Ambulance Service. Mr. Bailey said he was also assured that any time this one ambulance would be out on call the Kanawha County Emergency Ambulance Authority would respond with a backup ambulance to meet the needs of the Nitro and Cross Lanes areas.

3. APPROVAL OF 4TH OF JULY CELEBRATION ACTIVITIES:

Councilwoman at Large Mary Trout then read the list of 4th of July activities as given to her by Mr. Jay Long, Recreation Director to be approved by Council. Councilwoman Mary Trout made a motion that a permit be issued from the City of Nitro

to allow for the 4th of July parade. Councilman at Large Pennington then amended this motion to include a new route for the parade. This would include going to Brookhaven, turn left, go right and circle all the way around. Then come back down and turn on Center Avenue then right on Main Avenue, also right and then back up. But there wasn't a second to this amended motion. Councilwoman at Large Mary Trout then made a motion to accept the parade route as originally planned. This was seconded by Councilman Joe Savilla. The motion was then passed with one opposing vote.

4. PROPOSAL TO HAVE COUNCIL APPOINT SHARON THOMAS

AS CITY TREASURER EFFECTIVE JULY 1, 1980: Mayor Ashley requested a proposal to appoint Sharon Thomas as City Treasurer. Councilman Omar Cunningham made a motion to appoint Sharon Thomas as City Treasurer. This motion was seconded by Councilman Jack Moon. It was then passed by unanimous vote.

5. PROPOSAL TO HAVE COUNCIL APPOINT HARVEY PEYTON

AS CITY JUDGE: Mayor Ashley requested City Council to accept the appointment of Harvey Peyton as City Judge. Councilman Omar Cunningham made a motion to accept the Mayor's appointment of Harvey Peyton as City Judge. This was then passed by unanimous vote.

6. APPROVAL FROM COUNCIL TO APPOINT COUNCILMAN JACK

MOON AS A REPLACEMENT FOR GUS BAILEY AS NITRO'S REPRESENTATIVE TO THE KANAWHA COUNTY AMBULANCE AUTHORITY: Mayor Ashley then made the request to appoint Councilman Jack Moon as a replacement for Gus Bailey as Nitro's representative to the Kanawha County Ambulance Authority. The motion was made by Councilman at Large

Pennington to accept this appointment and seconded by Councilman Omar Cunningham. This appointment was passed unanimously.

7. PERMISSION FROM COUNCIL FOR THE U.S. POSTAL SERVICE TO ANCHOR "RELAY BOXES" TO SIDEWALKS THROUGHOUT THE CITY. THE PURPOSE IS TO LEAVE MAIL FOR THE CARRIERS IN THE BOXES SINCE THEY WILL BE LOSING THE TRUCKS (TWO FRONT LEGS ON EACH BOX): Councilman Ronald King made a motion to allow permission for the U. S. Postal Service to anchor "relay boxes" to sidewalks throughout the city. The motion was then seconded by Councilman Cunningham and passed unanimously.

Councilman Omar Cunningham ask for a discussion on whether there would be fireworks on the 4th of July. After discussion in reference to the 4th of July fireworks it was decided by council that they could not authorize the buying of fireworks by the city.

Jay Long, Recreation Director requested from council the amount of eighty dollars to buy supplies for the activities on the 4th.. A motion was then made by Councilman at Large Pennington to accept this request and it was seconded by Councilman Cunningham. The motion was then passec by council.

Mayor Ashley stated that since last council meeting council had received the following correspondence:
(Correspondence is in supplement file to the minutes.)

1. Mayor Ashley received a letter dated July 1, 1980 from FMC Corporation inviting a full-time member of the Nitro Fire Department to attend the Texas A&M University Industrial Fire Training School.

The Mayor then read to council a letter received from the State of West Virginia Department of Natural Resources.

THE LETTER IS AS FOLLOWS:



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
Division of Water Resources
Municipal Waste Section
1201 Greenbrier Street
Charleston 25311
348-4086

JOHN D. ROCKEFELLER IV
Governor

DAVID C. CALLAGHAN
Director

WILLIS H. HERTIG, JR.
Deputy Director

June 24, 1980

Mayor
City Hall
Nitro, WV 25143

Dear Sir:

Last fall this agency started compiling information regarding the pre-treatment program for the introduction of non-domestic waste into Publicly Owned Treatment Works. This was done in compliance with the Environmental Protection Agency's Pretreatment Regulations, 40 CFR 403.12(b) which state that existing industrial users subject to promulgated Pretreatment Standards are required to provide a report to the Control Authority containing the information outlined in Section 403.12(b) 1-7.

Our office sent you a letter of explanation along with two (2) copies of an Industrial Waste Survey Form on August 17, 1979, which were to be forwarded to all those industries which discharge into your specific collection and treatment system. These industries were in turn to complete the form and return it to us. Also we requested that you send us a list of all those industries which discharge into your collection and treatment system.

To date, we have not heard from you. It is therefore requested that you reply to us in compliance with State Law Chapter 20, Article 5A, Section 3(a) (1), within thirty (30) days. Enclosed find two additional copies of the Industrial Waste Survey Form for your use. This effort will aid in our quest to improve and maintain the quality of our waters and also aid you in improved operation of your treatment plant.

If you have any questions, do not hesitate to call.

Sincerely,

WATER RESOURCES DIVISION


A handwritten signature in cursive script, appearing to read "Lee G. Spencer".

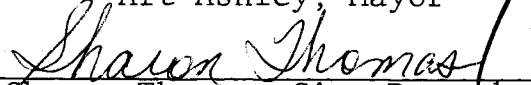
Lee G. Spencer
Engineer
Municipal Waste Section

Enclosures

Mayor then stated that he was pleased to announce that the City of Nitro would have a maintenance facility. He went on to say that bids were opened on June 30, 1980 at 2:00 P. M. But he further stated that the previous council did not want to make a hasty action on the contract and would leave any action to the present council.

Councilman at Large Mel Pennington made a motion for adjournment. The motion was seconded by Councilman Ronald King. The motion was then passed by council.



Art Ashley, Mayor


Sharon Thomas, City Recorder

NITRO CITY COUNCIL MEETING

JULY 15, 1980

The regular meeting of the Nitro City Council was held in the Council Chambers on July 15, 1980, 8:00 P. M. Present were Mayor Art Ashley, Sharon Thomas, City Recorder, Councilman at Large Rusty Casto, Councilman at Large Mel Pennington, Councilwoman at Large Mary Trout, Councilman Joe Savilla, Councilman Ronald King, and Councilman Omar Cunningham. Also present was Stuart Calwell, Jr., City Attorney. Councilman Jack Moon was absent.

The meeting was called to order by the Honorable Mayor Ashley. The Reverend Wade L. Austin, Pastor of The Nitro Church of God, gave the invocation.

APPROVAL OF JUNE 30, 1980 COUNCIL MEETING MINUTES:

Mayor Ashley stated that each Councilman had received a copy of the minutes in the mail, and had an opportunity to review the minutes. Councilman at Large Pennington stated that there must be some changes made before the Minutes could be passed. He stated that on page 223 the Zoning Commission should be deleted from those two paragraphs; and changed to Planning Commission. Mayor Ashley then said that this was Item 12 under the subdivision of Lot on Michigan Avenue So. in paragraphs two and three.

Councilman at Large Pennington then went on to state that on page 228, the first paragraph, under subtitle 17 Financial Report for Fiscal Year 1980-81; that the first three sentences should be back under No. 16 or it should be the seventeenth item under No. 17 before The Budget Revision for the Fiscal Year 1979-80. Mayor Ashley then stated that Item 17 that appears on page 228 should appear as Item 17 on page 225. Councilman at Large Pennington then made a motion to approve the modified June 30, 1980 Council Meeting Minutes. Councilman Joe Savilla then seconded the motion. The motion was then passed by a unanimous vote.

APPROVAL OF JULY 1, 1980 COUNCIL MEETING MINUTES:

Councilman at Large Pennington made a motion to approve the Council Meeting Minutes of July 1, 1980. The motion was seconded by Councilwoman at Large Mary Trout. The motion was then passed unanimously.

DRAINAGE PROBLEM ON 21ST STREET: Mayor Ashley then introduced Mr. Fred Whaples of 2130 21st Street. Mr. Whaples stated that he had come to the Council Meeting to let Council and everyone there become aware of his problem. He went on

to say that there was a slide problem on the opposite side of the road from my house. He further stated that water is coming into his house through the windows. It is becoming a health hazard to his family. Mr. Whaples then asked if anyone had any questions. Councilman at Large Pennington ask if that problem existed on private property across from your house. Mr. Whaples stated that he questioned it being on private property. He went on to say when the water comes off that property, even if it originates on private property, and crosses that road whose property is it on? Councilman at Large Pennington said that would be a state road. He said that 21st Street is a state road. Mr. Whaples then wanted to know why the City did so much patching to that road if the road was a state road. He stated that is why there is a problem. He further stated that the City has patched and patched and the blacktop is now six inches above his yard. And when water comes across the road it sits on his steps. Councilman at Large Pennington then stated that the last work done there was done by the state. Mr. Williams, Director of Public Works stated that they filled in potholes but they did not blacktop 21st Street. Mr. Whaples stated that he just wanted to know who he would get to see to help him resolve his problem. Mayor Ashley said that he thought that Council had become aware of some of the circumstances as late as this week. He went on to say that there are things intended to be done and not only with his problem but with others. The Mayor then thanked Mr. Whaples for the way in which he presented his problem to Council.

REDUCED POOL PASSES FOR REMAINDER OF SEASON: Mayor Ashley then introduced Jay Long, Recreation Director. Mr. Long stated that since it was the 15th of July, half of the pool season was now over. He said that he had been receiving a great deal of calls asking for reduced rates. He stated further that this was family and single rates and not gate rates. Mr. Long stated that the rates were now fifty dollars for family passes and twenty-five dollars for single passes for people within the city limits of Nitro. For anyone outside the city limits of Nitro the prices of the passes would double. He further stated that since the season was half over he felt that the rates should be reduced to half rate. In other words family rates would be twenty-five dollars for the citizens of Nitro and twelve dollars and fifty cents for single passes. And of course this would be double for people outside the city limits of Nitro. Mr. Long said this may alternate next season but he felt that this should be done this season. Councilman Joe Savilla made a motion to reduce the family and single pool pass rates in half. The motion was seconded by Councilman at Large Mel Pennington and was passed by unanimous vote. Councilman at Large Pennington then ask if this would go into effect the next day. Jay Long, Recreation Director stated that it would go into effect the next day.

Councilman Savilla then made a motion that pool passes be given to all our city employees. Councilman at Large Rusty Casto seconded the motion. The Mayor then ask for discussion, Councilman at Large Pennington ask if that would also cover employees that live outside the city limits of Nitro. Councilman Savilla said that would cover those employees also; just as long as they work for The City of Nitro. Sharon Thomas, City Recorder then ask what was going to be done about employees that

already bought pool passes. Councilman Savilla responded by saying that they can take advantage of it next year. After further discussion Councilman Savilla stated that this would go into effect immediately.

TOWNE-N-COUNTRY LANES APPLICATION FOR CITY LICENSE:

Mayor Ashley stated that Mr. David Sadd had indicated to him in a friendly fashion that he intended to challenge the state code concerning license fees and will not be paying the license fee. Mayor Ashley stated further that Mr. Sadd wants to make a court case and use Nitro as an example. The Mayor also stated that there is no action that the chair recommends; he just wanted to make it a matter of public knowledge. He went on to say that the license fee is to be withheld and we will wait further word from their representatives in terms of what action they plan to take and approach the question through the City Attorney and get back to Council. Mayor Ashley said that the challenge is the fee for the number of lanes and the total license's fee.

REQUEST AUTHORIZATION FOR PROPOSED ORDINANCE CHANGES BY MUNICIPAL JUDGE HARVEY PEYTON: Mayor Ashley stated that to his understanding we will need to advertise the new ordinances as prescribed by State Code prior to Council approval. He further stated we are required two public hearings. City Attorney, Stuart Calwell stated that was correct. He said that a first reading will be required and before a second reading there will have to be notice published in a proper newspaper. The notice will have to appear no sooner than five days before the second reading. He went on to say this will be done to let the public know there will be a second and final reading before the adoption of the ordinance. Stuart Calwell, City Attorney also stated that for the preceding reason a date for the second reading and the proposed revisions of the criminal code would have to be published in the newspaper. He went on to say that the revision of the entire criminal code would probably take some time. Mr. Calwell said that the revisions for the Nitro criminal code would have to be presented in one meeting for the first reading then a notice will have to be published in a newspaper for the second reading. He also stated that at that meeting, if Council chooses, they can be adopted. Councilman at Large Mel Pennington made a motion that the authority for the publications of these notices be given to the Mayor or City Recorder. Councilman Joe Savilla seconded the motion. The motion was then approved by unanimous vote.

REQUEST FROM POLICE CHIEF WEBB TO HAVE STOP SIGNS INSTALLED AT THE ENTRANCE OF SHADOW HILLS TRAILER PARK ALSO TWO SIGNS ERECTED ON 40TH STREET ROAD NEAR THE INTERSECTION:

Police Chief Kenneth Webb stated that he had received calls

from people complaining about the absence of a stop sign at the entrance of Shadow Hill Trailer Park on 40th Street. Also since this is at an intersection on the top of a hill, maybe, there should be a couple of signs erected five hundred feet before you come to the intersection to warn you that this is a dangerous intersection. Chief Webb went on to say that he wanted to get approval from Council on this matter. He also said that since 40th Street is a state road we would probably have to get approval from them before the two signs at the intersection would be erected. After further discussion the question was raised as whether the street in the Shadow Hill Trailer Park had been dedicated to the City. It was decided to check with the Planning Commission to see whether this had been done. Mayor Ashley stated the Chair would take the responsibility for finding this information. The Mayor went on to say he would also take it on himself to contact the State Department of Highways about erecting the two signs at the dangerous intersection at the Shadow Hills Trailer Park.

REPORT ON ARMOUR CREEK SEWER MAIN: Mayor Ashley then introduced Constance Stephens, General Manager of the Sanitation Department. Ms. Stephens familiarized the new Council with the problems they have been having with the Armour Creek Sewer Main and the entire sewer system in the City of Nitro. She also informed them of some of the things that are needed and the amount of money it will take to correct the many problems the Sanitation Department faces each day.

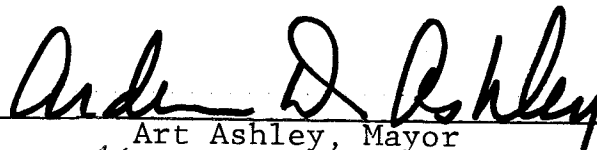
BID AWARD FOR CITY OF NITRO MAINTENANCE GARAGE FACILITY: Mayor Ashley stated that he, Gene Williams, Director of Public Works, and Bob Sargent, Nitro Building Inspector had a meeting to set aside some concerns they had on the new maintenance garage. The Mayor said these concerns had been alleviated by that meeting. He then said he had also received a letter, dated July 8, 1980, from Appalachian Engineers recommending the Council approval of this Maintenance Garage Facility. Mayor Ashley then ask for a motion to accept the proposal for the adoption of the Maintenance Garage Facility as recommended by Appalachian Engineers in their letter of July 8, 1980. The motion was then made by Councilman at Large Pennington and seconded by Councilman Joe Savilla. The motion passed unanimously.

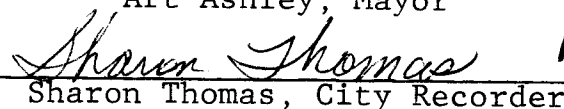
REQUEST FROM POLICE DEPARTMENT TO HAVE A BENEFIT SHOW TO BE PUT ON BY A PROFESSIONAL PROMOTER: Mayor Ashley stated that each member of the Council had received a copy of the proposed contract. He then turned the floor over to Police Chief Webb. Chief Webb stated that this is a phone survey selling family tickets to two country music films over at the Cinema 21. He further stated that it will be sponsored by Parthenon Enterprises, Inc. Chief Webb said that they are a reputable company. Councilman Joe Savilla then said that he had done some checking and there will be no soliciating from Nitro merchants and Nitro school children will be calling families in the Nitro area selling tickets. The Mayor then

ask if he was not correct that Chief Webb indicated that all the funds up until the time of settlement would be handled by people selected by Chief Webb. Chief Webb indicated that was correct. He stated further that the film would not be shown until November 18th and 19th. After further discussion it was determined that all the money made would go to the Nitro Police Department and the split with Parthenon Enterprises, Inc. would be on a fifty, fifty basis after expenses. After further discussion it was learned that the City of Nitro would not be entering into a contract with the promotional group. Chief Webb would be the one entering into the contract with them. Chief Webb stated that he was merely getting permission from Council before he entered into the contract with Parthenon Enterprises, Inc. And it was further learned that the City would not be liable. Councilman Joe Savilla then made a motion to accept the agreement as written. The motion was seconded by Councilwoman at Large Mary Trout. The motion was then passed.

Councilman at Large Rusty Casto then requested from Council that before adjournment they listen to Mr. Robert Chrest. Mr. Chrest had a drainage problem. Mr. Chrest said that the problem starts at a drain on City property on a utility right-of-way from Ash Street to Smith Street. After hearing more about the drainage problem that Mr. Chrest was experiencing the Mayor ask M.r Chrest to participate with the City at his availability. The Mayor further stated that they will attend to the problem as best they can. Then as they work on the problem they will identify the problem and what they are trying to do to all members of Council. The Mayor went on to say that he promised Mr. Chrest that they would work with him on this problem.

Councilman at Large Pennington made a motion to adjourn. The motion was seconded by Councilwoman at Large Mary Trout. The motion was passed unanimously.


Art Ashley, Mayor


Sharon Thomas, City Recorder

NITRO CITY COUNCIL MEETING

AUGUST 5, 1980

The regular meeting of the Nitro City Council was held in the Council Chambers on August 5, 1980, 8:00 P. M. Present were Mayor Art Ashley, Sharon Thomas, City Recorder, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Ronald King, and Councilman Omar Cunningham, Sturart Calwell, Jr., City Attorney, Councilman at Large Mel Pennington, Councilman Joe Savilla, and Councilman Jack Moon were absent.

The meeting was called to order by the Honorable Mayor Ashley. The invocation was given by Reverend Leroy Beyer of the Holy Trinity Catholic Church.

APPROVAL OF JULY 15, 1980 COUNCIL MEETING MINUTES:

Mayor Ashley stated that each Councilman had received a copy of the minutes in the mail, and had an opportunity to review the minutes. Councilman Omar Cunningham made a motion to approve the July 15, 1980 Council Meeting Minutes. The motion was seconded by Councilwoman at Large Mary Trout. The motion was then passed by Council.

REQUEST FROM UNITED WAY TO CONDUCT THEIR CAMPAIGN IN THE NITRO AREA- SEPTEMBER 15, 1980 UNTIL DECEMBER 1, 1980:

Mayor Ashley stated that each council member had a copy of the request dated July 17, 1980. He further stated the request had been made by Howard B. Craven, Executive Director of the United Way of Kanawha Valley. Councilwoman at Large Mary Trout made a motion to accept the request by the United Way. Councilman Omar Cunningham seconded the motion. The motion was then passed by a unanimous vote.

REQUEST FROM PHILIP RAY TAYLOR TO SELL HAND-MADE ITEMS IN THE NITRO AREA FOR THE LADIES MISSIONARY SOCIETY OF THE ABNEY STREET CHURCH OF GOD IN ST. ALBANS: Mayor Ashley stated that each member of the Council had received a letter from Pastor Wade Austin of the Nitro Church of God endorsing the efforts of Mr. Taylor. The Mayor then ask if there was any discussion. Councilman Cunningham asked if this would be a door to door type of thing. Mayor Ashley stated that would be his assumption. Councilman Ronald King made a motion to grant Mr. Taylor's request. The motion was seconded by Councilwoman at Large Mary Trout. The motion was then passed.

KANAWHA COUNTY AMBULANCE AUTHORITY: Mayor Art Ashley stated that each emeber of Council had received a copy of the revised budget sent by Kemp McLaughlin. He went on to

say this budget had been presented to the board at a special meeting last Wednesday. The Mayor further stated that the revised budget had been unanimously approved by the board. Mayor Ashley said he was acting as a representative from Nitro but he did not have the authority to vote. In essence it says that there will be one ambulance for the two communities of Nitro and Cross Lanes and it will be up to the two communities to choose a site for the ambulance. The Mayor then stated he recommended that Councilman Jack Moon be assigned the duty of initiating negotiation with the Cross Lanes unit so this program can be completed. Councilman Cunningham made a motion to accept the recommendation of Councilman Jack Moon as spokesman for the City of Nitro for negotiations with the Cross Lanes unit. The motion was seconded by Councilwoman at Large Mary Trout. The motion was then passed by a unanimous vote.

LIBRARY COMMISSION APPOINTMENT: Mayor Ashley recommended that Councilwoman at Large Mary Trout be made chairman of the Library Commission. The motion for the acceptance of the recommendation of Councilwoman at Large Mary Trout as chairman for the Library Commission was made by Councilman Cunningham. The motion was seconded by Councilman King. The motion was then passed by Council.

INSURANCE BIDS: The Mayor stated that the insurance for the City was going to expire before bids can be sent out unless an extention could be granted from the company that is presently carrying the City's insurance. Mayor Ashley stated that it was his suggestion that the City ask for an extention of one month on the insurance as it now stands from The Insurance Exchange people. He further stated he wanted to do this so the City will be able to get a bid advertising out. He also said if the extention of one month was not granted then he suggested that we take whatever emergency action is necessary to make sure we have continual insurance coverage. Councilman at Large Rusty Casto made a motion that the Mayor's suggestion be accepted. The motion was then seconded by Councilman Omar Cunningham. The motion was passed unanimously.

NITRO PARK BOAT LAUNCH FACILITY: Mayor Ashley stated that at times this had also been called the marina but he stated that this is not a marina. He further stated that it was simply a place where boats could be launched into the river as provided by the Corp of Engineers. He stated it was roughly a six hundred thousand dollar undertaking and requires matching funds. The Mayor went on to say the project had been approved by the Corp of Engineers and the current arrangement was a payback over a fifty year period at some fourteen thousand dollars a year. Mayor Ashley stated that they are not sure that it is legal and the Corp of Engineers legal department is checking this out and will get back ot us. He went on to say that if this arrangement is not proper there are a couple of other things that could be done. He stated that one alternative would be to go to HUD and ask for a block grant for the City's portion of that expense which is some one

hundred eighty nine thousand dollars. Mayor Ashley said there is a porposal on his desk and any member could see it if they liked. He went on to say that the Corp of Engineers liked the idea of the Nitro Park Boat Launch very much. He stated that there was no vote required on this order of business.

TOWN MEETING, SEPTEMBER 9, 1980: The Mayor suggested that the City schedule a Town Meeting and advertise it so there will be good attendance. He went on to say that he would like dpartment heads to attend so that there would be responsible people there to answer any questions that may be asked. He said that his proposed date is September 9, 1980. Councilman Cunningham made a motion that a Town Meeting be held on September 9, 1980. It was then asked where this meeting would be held. The Mayor suggested Nitro High School Cafeteria at 8:00 P. M. Councilman Cunningham then made a motion to have the Town Meeting at the Nitro High School Cafeteria at 8:00 P. M. September 9, 1980. The motion was seconded by Councilman King. The motion was then passed with one abstaining vote.

CIVIC BENEFITS ASSOCIATION PROPOSAL REPORT: The Mayor stated that each Council member had a copy of the proposal presented to the Civic Benefits Association and instead of going through the entire proposal; he stated that he had met with the Civic Benefits' Board of Directors. He stated that they went through the proposal, department by department, and described the needs as presented in the proposal. Mayor Ashley stated that there were two priorities; accounts payable and salary increases for City employees.

AMOUR CREEK SEWER PROJECT REPAIR: Mayor Ashley stated that there had been an entire breakdown of the system. The repair could not be put off and the cost came to thirty thousand dollars. The Mayor stated that fifteen thousand of the thirty thousand would come from the governor's office. He also stated that they would get five thousand from both the Kanawha County Commission and the Putnam County Commission. Mayor Ashley stated that he is supposed to get back with each commission to let them know if that is adequate. He went on to say that at least twenty-five thousand of the thirty thousand dollar repair cost had been accounted for. He further stated that the other five thousand dollars would come from the Nitro Sanitary Baord and not the City. He also reported that the repair work to the system had been completed and that the system was up and going. Mayor Ashley stated that the governor's office had been asked to give this whole project a higher priority. He went on to say that the Department of Natural Resources and E. P. A. was working together to give this a higher priority in hopes of funding in the near further.

REPORT ON PRELIMINARY CENSUS REPORT: The Mayor stated that each Council member had a copy of a report entitled Preliminary Counts Subject To Change. He stated that the

figures for Nitro were eight thousand and nineteen in the 1970's census to seventypfive hundred and eighty people in this census. He further stated that this is a reduction of five and one half percent. The Mayor stated that he had received an invitation from the Kanawha County Commission to a session on Thursday to consider what challenge, if any, could be taken. He went on to say that they had reason to beleive that the figures for Nitro are incorrect and he did not know how long the present figures would stand.

REQUEST FROM FIRE DEPARTMENT TO SET UP A TOLL BOOTH TO COLLECT MONEY FOR MUSCULAR DYSTROPHY: Mayor Ashley stated that he had received a request from the Nitro Fire Department to set up a toll booth to collect money for muscular dystrophy. He went on to say the booth would be set up on August 16, 1980 from 9:00 A. M. until 1:00 P. M. The booth would be on First Avenue but an exact site was not known. Councilman at Large Rusty Casto made a motion to grant permission to the Fire Department to set up the toll booth. The motion was seconded by Councilman Omar Cunningham. The motion was then apssed by unanimous vote.

CONTRACT BETWEEN WKLC AND THE CITY OF NITRO: The Mayor stated he had received a letter from Mr. Rober Linn, President of WKLC, INC. concerning the contract between WKLC and the City of Nitro dated May 9, 1980. The Mayor stated that Mr. Linn had said that he had a verbal agreement from William Gibson, then Mayor of Nitro, but the contract was not signed. Mayor Ashley stated that Mr. Linn has requested that that he sign the contract extending the use of the WKLC tower and some of our radio equipment as well as pay for the use of that tower from 1975 until the current time the total of four hundred and eighty dollars; and also pay next year's contract in advance. Councilwoman at Large Mary Trout made a motion to give permission to Mayor Ashley to sign the contract with WKLC. The motion was seconded by Councilman Cunningham. The motion was passed by Council with one abstaining vote.

PROBLEM EXISTING ON THIRD AVENUE: Mayor Ashley turned the floor over to Joe Javins of 4120 3rd Ave. Mr. Javins stated that there were four people on 41 3rd Ave. that are about to loose their homes. He stated that the street was hooved up so bad that the City garbage trucks could not get to his house. He further stated that they were walking to his house and that this had been going on since last September or October. Mr. Javins said that, now that winter was ocming, he was afraid the people there would loose their gas and water lines. He stated that he had moved out of his house once becuase of a broken gas line. Mr. Javins said that they needed help from the City or someone's help. He said that is why he came to the Council Meeting; he wanted to see what could be done. Mr. Javins also said that there is a place above his house where people turn their cars around; but this can no longer be done. He stated that there is a tree hanging over the road there and he doubted that a pickup truck could drive under that

tree. The Mayor stated that the tree should have been cut down a long time ago. He stated that this was his fault and that he would look into this. Jeremiah McCormick stated that the main problem is accessing the liability, who is responsible for that slip. He went on to say that would be your solution; to find the party responsible and litigate. Mayor Ashley stated that whatever action is to be taken it will be expensive. He went on to say that he felt that it was lack of interest as much as it was a lack of funds. The Mayor stated that he will put people on the problem. He stated that they may not solve the problem but at least they could give Mr. Javins an answer.

COLLECTION CENTER AT CITY HALL FOR UTILITY BILLS:

Councilman Ronald King put in the form of a motion whereby the Mayor and the City of Nitro contact Appalachian Power, Columbia Gas Co., West Virginia Water Co., and Chesapeake and Potomac Telephone Co. to seek their approval for a centralized payment center at the Nitro City Hall. Councilman at Large Rusty Casto stated that he felt this was a good idea but he felt this was a great responsibility. He made a motion that a committee be formed with Councilman King as chairman to look into this further. Councilman King withdrew his motion. Councilman at Large Casto's motion was seconded by Councilman Cunningham. The motion was passed with one abstaining vote.


PROPOSAL TO LIMIT SIZE OF GARBAGE CANS TO 30 GALLONS:

Councilman Ronald King made a motion that prohibits the use of garbage cans that are larger than 30 gallons. The motion was seconded by Councilman Cunningham. It was decided that this was not just residential but city wide. The Mayor said he felt that if a garbage can was not picked up that there should be something put on the can saying why it was not picked up. The motion was then passed by Council.

Councilman Omar Cunningham gave a progress report on the Labor Day Parade. He stated that he and the Recreation Director, Jay Long would get together and he would try to present a detailed report at the next Council Meeting.

The meeting was then adjourned by the Mayor.


Art Ashley, Mayor


Sharon Thomas, City Recorder

NITRO CITY COUNCIL MEETING MINUTES

NITRO, WEST VIRGINIA

AUGUST 19, 1980

The regular scheduled meeting of the Nitro City Council was held in the Council Chambers on August 19, 1980 at 8:00 p.m. Present were Mayor Art Ashley, Mrs. Sharon Thomas, City Recorder, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham, and Councilman Jack Moon. Also present was Mr. Stuart Calwell, City Attorney.

The meeting was called to order by the Honorable Mayor Art Ashley. The invocation was given by Mr. Jerry Hudson.

APPROVAL OF AUGUST 5, 1980 COUNCIL MEETING MINUTES: Councilwoman Mary Trout moved the August 5, 1980, Council Meeting Minutes be approved. The motion was seconded by Councilman Cunningham, and the motion carried. Councilman at Large Mel Pennington abstained from voting.

EMERGENCY AMBULANCE AUTHORITY REPORT: Councilman Jack Moon reported that Mayor Ashley received a letter from the Kanawha County Ambulance which stated, in fact, we would merge with the Cross Lanes Ambulance Authority as of the 10th of August. Councilman Moon stated the letter agreed Cross Lanes Ambulance Authority would post their ambulance close to the I-64 egress in order to be able to get into the Brookhaven area of Nitro as well as coming down Goff Mountain and the eastern end of Nitro. In the event that an ambulance would be tied up for any reason the ambulance at St. Albans would be repositioned close to the Nitro-St. Albans Bridge where it could cover the City of Nitro. In the event that the ambulance was tied up the Dunbar Ambulance would be repositioned at the foot of Goff Mountain.

Councilman Moon stated that we have no choice in the matter, it was directed by the Kanawha County Ambulance Authority.

Councilman Moon listed the terms as to what Nitro has to contribute to the Cross Lanes Volunteer Ambulance Authority in order for Nitro to be a part of the merger.

1. We must pay \$6,000 in \$500 monthly payments, the funds to be used to pay the scheduler for a year.

2. We will pay for all the gasoline used by the ambulance during the same period of time.

3. We also agreed to give them a monthly statement of the gasoline being used from the pumps.

Councilman Moon suggested that Mr. Calwell draw up an agreement for Nitro and Cross Lanes Volunteer Ambulance Authority.

Councilman Moon stated that the cost would be \$40 per load plus \$150 per mile from point of pickup to delivery at hospital; plus drugs to be used by the paramedics enroute.

Councilman Moon made a motion that the Nitro City Council approve the merger of the Cross Lanes Volunteer Ambulance Service and the City of Nitro for the fiscal year beginning August 10, 1980 to June 30, 1981 and that Nitro pay the \$6,000 in \$500 monthly payments and that Nitro pay for all the gasoline used by the Cross Lanes ambulance during the period of August 10, 1980 to June 30, 1981.

The motion was seconded by Councilman Cunningham; the motion passed unanimously.

RESOLUTION OF SHADOW HILLS TRAILER PARK TRAFFIC PROBLEM:

Chief Kenneth Webb, Nitro Police Department, stated that the Department of Highways sent an engineer out and the area had been surveyed and they saw no need for DANGEROUS INTERSECTION warnings. However, Chief Webb said that they would erect STOP signs there as you come off of the hill.

RESOLUTION TO OFFICALLY CHANGE/ADD THE TITLE "WILDCAT WAY" TO THAT SECTION OF 21ST STREET BETWEEN 2ND AND 3RD AVENUES IN RECOGNITION FOR THE ACHIEVEMENTS AND PRIDE THAT THE SCHOOL AND ITS STUDENTS HAVE BROUGHT TO THIS COMMUNITY: Mayor Ashley introduced Mr. Harry Adkins, President of the Student Council at Nitro High School.

MR. ADKINS READ THE RESOLUTION WHICH IS AS FOLLOWS:

RESOLUTION

80-6

Whereas it is known that Nitro High School sets on the block of 21st Street between 2nd and 3rd Avenues.

Whereas the Council, Mayor and the citizens of Nitro respect the efforts of the school and its students toward the betterment of their school and community.

It is therefore known that this Council and the Mayor, on behalf of the citizens of Nitro unofficially change (add) the title of "WILDCAT WAY" to that section of 21st Street between 2nd and 3rd Avenues in recognition for the achievements and pride that this school and its students have brought to this community.

This Resolution passed on the 19th day of August, 1980.

Arden D. Ashley
Sharon Thomas

Councilman at Large Pennington made a motion to approve the resolution. The motion was seconded by Councilwoman Trout, and the motion was approved unanimously.

COLLECTION CENTER AT CITY HALL FOR UTILITY BILLS: Councilman Ronald King made a motion that the City of Nitro engage in the service of providing a collection center at City Hall for the collection of utility bills.

After much discussion Mayor Ashley called for a vote on Mr. King's motion. There was a tie vote; Mayor Ashley cast the decisive vote. The motion did not pass.

Councilman at Large Mel Pennington presented the following items for discussion:

FINANCIAL RESPONSIBILITY

AGENDA AND MINUTES PERTAINING TO COUNCIL MEETING

CORRESPONDENCE

Mayor Ashley said, the next item of business on the agenda is Financial Responsibilities, and the chair will yield to Councilman at Large Mel Pennington.

Councilman at Large Pennington said:

Before we do that Eve, here is a pole number 70 where someone has a street light out on Main Avenue; she said she has tried for three weeks to get it up.

I would like to pass this to the City Recorder and make it a part of the minutes of this meeting. Each one of you received a letter from me, or a note from me, asking to be on the agenda on four different items. The Mayor saw fit for some reason not to add all four, I am making a motion to this council and asking for permission to be on for all the four of the items that I asked for. Do I hear a second?

Mrs. Thomas, City Recorder, seconded the motion. Councilman at Large Rusty Casto asked what the fourth item was.

Councilman at Large Pennington said, "Civic Benefits Association, the first one I wanted to address."

Councilman Joe Savilla said, "I thought that was discussed at the last meeting."

Mayor Ashley stated, "It was brought up at the last meeting and it does not involve resolutions or ordinances since it was discussed at the last meeting in some detail..."

Mr. Pennington interrupted, "I was not present, Mayor as you know, nor was some of the other people. There's a motion on the floor to let me be heard on these four items."

Mayor Ashley said, "Is there any other discussion on it? All those

in favor of ..."

At this point City Attorney, Mr. Calwell, said "The point of order, Mayor"

Councilman at Large Pennington said: "Counselor, now wait a minute, you're the counselor, and we are in the middle of a meeting here and this is not a point of order or a legal question. I respect your opinion, but this is a city council meeting and you are an employee of the city."

Mr. Calwell said: "That's right and I think that as a matter of statute, Mr. Mayor, it appears to me that what is happening is if you are the person designated for setting the agenda, I don't know that the authority of the chair can be reversed by a motion of council ..."

Mr. Pennington said: "Do you know that it can't, counselor?"

Mr. Calwell said: "Would you mind if I finish?"

Mr. Pennington replied: "No sir, go ahead."

Mr. Calwell said: "So it would appear to me that we would have to have a ruling from the chair on that before we proceed with the motion from the floor to reverse the power of the chair."

Mayor Ashley said: "Thank you for your point of order."

Mr. Pennington said: "I don't agree with it, by the way, Mayor and I have a right not to and as I say he is just a city employee and this isn't a legal battle, it is just a discussion on city floor, I've asked to be heard and again have been totally ignored by you, as usual."

Mayor Ashley said: "It was not ignored, I judged that it was not appropriate for the agenda but I will yield to the majority rule of this council and I am not at all concerned about doing that, we will limit the discussion somewhat since it was not on the agenda and the last time if it is approved we will call for a vote, all those in favor of including the Civic Benefits Association questioning on the agenda tonight,

please signify by the show of your right hand."

Councilman King said: "What is the question?"

Councilman Pennington said: "Whether or not I can be heard on the Civic Benefits Association, I have been denied the right to be heard from."

Councilman King said: "I don't know why we should even need to vote on it."

Councilman Pennington said: "Well we do, so, you have to vote if you don't mind."

Councilwoman Trout asked if there were a second.

Mayor Ashley answered yes and asked for all in favor. The motion carried five to two, voting in favor of the motion were Councilman Moon, Councilman at Large Casto, Councilman Cunningham, Councilman King, and City Recorder, Mrs. Sharon Thomas. Opposed were Councilman Savilla and Councilwoman Trout. The motion carried.

Councilman at Large Pennington said:

Mayor, I will be brief, I do not want to attack the contents of that brochure that you took over to the C.B.A., nor do I want to cause any embarrassment to anyone who had anything to do with it, That is not the point, because I do not want to put the city or this council in a position of being criticized later should we not receive the amount of money that we have asked for. I do have a short statement that I'd like to make and I think it will cover most of the things on the agenda.

Fellow Council Members: I was in hopes that the Mayor would give us the leadership and co-operation to make decision that are favorable to Nitro. However, the Mayor has shown a total disregard for this council and a lack of financial responsibilities in his own actions.

The Mayor, by himself presented to the Civic Benefits Association, a document and other material without the approval of this council. The documents were furnished by well meaning citizens, our attorneys and the Mayor's girl friend who lives in Charleston.

This council cannot, will not, and should not, tolerate a total disregard and lack of leadership. This council was elected by the good citizens of Nitro to be its leaders and to make wish and intelligent decisions based on facts.

But, we have had no facts, except after the facts. But from July 1st we have had reckless spending, little or no communication, a loss of the Nitro Ambulance service.

And I am going to make six motions, with the councils approval we can become effective and represent the people who elected us to these offices.

I will be short, I know that you were presented in a closed meeting of which you could not vote the proposed pay raise for our employees, and God knows that they need them, I am not going to go through this proposal because I don't want it read into the minutes but I don't think council would have voted to discriminate against our garbage workers and our trash workers and the people who do a tremendous job in the field. That's all I'm going to say about that.

I can go into it in great detail, I have both the facts and figures if we so desire to use them. The first motion that I would like to make is that city council receive, if we have not already received, all documented material that the C.B.A. has received through this date. Now if we have, and I don't think that we have, because I have some information here that I don't think we have. But if the Mayor says we have, then I will accept his word. Do I hear a second on my motion?

Councilman Cunningham seconded the motion.

Mayor Ashley asked if there were any discussion.

Councilwoman Trout said: "There certainly is, Mr. Pennington did you not sign this, right inside this ..."

Councilman Pennington said: "I sure did"

Councilwoman Trout said: "O.K. can I read that to the people?"

Councilman Pennington said: "I did not see that document before I signed it, it was very foolish of me and I'll never do it again. It taught me a lesson, I don't think any of us saw that."

Councilwoman Trout said: "It's my turn, it's my turn. Since the people of Nitro elected you to this office, and God knows why, then why in the world would you sign your name to a book this thick without having read it, I can't believe it."

Councilman Pennington said: "I didn't sign it to one that thick I signed it to one piece of paper that the Mayor--Mayor's Secretary brought to me. I had no idea what was going into that book."

Councilwoman Trout said: "It was readily available to all Council Members."

Councilman Pennington said: "Not to me, it wasn't, I had to go

to City Hall and get it."

Councilwoman Trout said: "Mel, you go here, there, and everywhere. People in Nitro, City Council People, etc., if they need to talk to you it's hard to tell where we can find you. You don't return calls, sometimes ..."

Councilman Pennington said: "That's not true, that's a lie Mary!"

Councilwoman Trout said: " Well, o. k., you are telling lies."

Councilman Pennington said: "No I'm not telling lies, I have facts to back up everything I've said."

Councilwoman Trout said: " Well, all right, let me read what you signed. This is addressed to the Civic Benefits Association, the Nitro City Council looks to our corporate neighbors for assistance. In return, we pledge a policy of commitment to progress. We, the Nitro City Council, believe that with your help, the future of the city will be better. We wish to express our appreciation to your association for your consideration. And you signed this without having ever read anything that all of these people spent hours working on..."

Councilman Pennington said: "Eight days to be exact."

Councilwoman Trout said: "All the Council Members were contacted and asked to come down and be a part of this, I called Eve and told her I was going out of town, but as soon as I came back I would be down. The very next day I came in and it was all back there in the conference room and you could read it, every level, what was in the book, if you didn't read it it was you own fault."

Councilman Pennington said: " It isn't my fault, there was nothing nothing--there was no--as far as I'm concerned, it was handled very poorly, there was never anytime designated for any part of that or any regulatory system in any way."

Councilwoman Trout said: "It was very well handled and if you had

made yourself available you would..."

Councilman Moon said:

I will say Mel, now in behalf of the Mayor and this committee, I think three of us, Ron King, Omar Cunningham and myself attended the meeting and I thought it was very well handled. I was called and invited to be here. I was also here when it was stated that we of council had input and was welcome to give input to this particular brochure. I am not taking sides, pro or con, I think the facts should speak for themselves. I think what has been done was done with very good taste and proper. I was not here to sign it, my wife signed it and I didn't get to read it but I knew what was taking place and I had the opportunity to come down here at anytime while this study was going on. I just want to support what was done. I feel that it was done properly.

Councilman Pennington said: "Jack I respect your opinion, as I have told you before, the fact is not a name..."

Mayor Ashley said: Mr. Pennington you have made your point, Mrs. Trout has made one, and Col. Moon has made one; now let's ..."

Councilman Cunningham said: "I think the point that Mel was trying to make was the book was not ready when we signed this letter. There was several of us at the meeting and we talked about several things, nothing in detail or we knew not what he was coming up with on paper prepared for the Civic Benefits Association. That is the point and that is the truth. Now I signed it and I'm not objecting. If I'm stupid enough to sign something without waiting until it's finished, that's my fault. And this I did."

Councilman at Large Pennington asked, "Mrs. Thomas did you sign it before it was ready?"

Mrs. Thomas replied, "I didn't sign it, I wasn't asked to sign it."

Councilman Joe Savilla said:

I signed the letter before it was ready, I also read the book. I was invited up to attend the meetings to look over the book, to make any suggestions, and to comment before the book was presented to Civic Benefits Association.

I found nothing wrong with the book; I thought it was an excellent piece of work. I see nothing wrong with the letter, and if at any point in time you felt like that you did not want to sign it you could have come along and crossed your name out. And I don't think anyone would have felt any of the worst for you than they do right now.

Mayor Ashley said, "Is there any more discussion? Could we have a restatement of that particular motion?"

Councilman Pennington said, "That city council receive a copy of all documents and materials given to the C. B. A. through this date that we had not received."

Mayor Ashley said, "Might the chair make a comment in that regard..."

Councilman Pennington said, "If you recall, in my motion I said if you say we have received it, I would--I'm not even going to ask for a vote on it. If you said we received it, I would take your word for it. If you remember, I said that. If you say we have received it, then, I believe it."

Mayor Ashley answered, "Your implication was you had not received it, and I'm telling you that you have..."

Councilman at Large Pennington said, "If you say we have, we have. Then, I will make my second motion, that city council receive in advance all future material to be given to the C. B. A. and said material voted on and approved by this city council."

Mayor Ashley replied, "That's not in accordance with executive privilege because there are things that could take place that would not have to go before council in its entirety."

Councilman Pennington said, "Mayor, in your way of thinking, nothing should come before city council. We have been consulted about absolutely nothing, including this."

Mayor Ashley said, "That's an insulting comment..."

Councilman Moon said, "We were given the opportunity to be here, we were given the opportunity. Now, I think some of your points are well taken, but others, I think are wrong because I think as a council member I was invited to be here when this particular committee was formed; I found nothing wrong with the committee. You know, in my mind it was done in good taste. I was certainly given the opportunity for input. I could not contribute, but I had to leave and I was out of town. I don't--some of the points you are making are fine, Mel--are good, others I don't think are germane to what we are after here."

City Attorney, Mr. Calwell said, "Let's address the second motion."

Councilman Pennington said, "Do you want me to read it again, Mayor?"

Mayor Ashley replied, "If you feel it's necessary."

Councilman Pennington read the second motion again, "city council receive in advance all future material to be given to the C. B. A. and said material voted on and approved by city council."

Councilman Cunningham said, "believe that would be fine lining it quite a little bit."

Mr. Pennington said, "Then, I will need a second."

Councilman Cunningham said, "I will second it."

Mayor Ashley said, "All those in favor signify by show of the right hand; opposed. The motion is defeated five to three."

Voting in favor were: Councilman at Large Mel Pennington, City Recorder Mrs. and Councilman Cunningham.
Thomas/ Opposed were: Councilman at Large Mary Trout, Councilman at Large Casto, Councilman Moon and Councilman Savilla.

Councilman Pennington said, "My third motion: all future meetings with the C. B. A. have two council members on hand and all council members be advised at least twenty-four hours in advance of the meeting."

Councilman King seconded the motion.

Mayor Ashley said, "Have two council members, Mel?"

Councilman Pennington said, "At least two, Mayor."

Mayor Ashley said, "All those in favor please signify by show of your right hand."

The motion passed.

Mayor Ashley stated, "As a follow up to that point, I might add that the Civic Benefits Association invited Mrs. Thomas and me to come to the meeting in which the presentation was made. They did not want it to be a full agenda council group. Mrs. Thomas was invited to go to the meeting. The next meeting that

that is planned is in early September and it was at my insistence that all of council be invited to participate in that and that will be the first time that any definitive information will be received on the Civic Benefits in terms of their participation with the city here next month."

Councilman Pennington said, "Mayor, that concludes my discussion of the C. B. A. I would like to move to the next order of business for me which is Financial Responsibilities. I have here and I am not going to go through all of this unless city council wants me to. I will be only too happy to, but I have a list of over \$1,000 that has been spent. And, we have no money and most of it has been spent by department heads including the Mayor. And I'm not pointing my finger at any one particular person, Except that we have \$10 ash trays, \$6 or \$7 letter opener and all kinds of goodies that we can't afford. So anyway it's to the tune of over a \$1000 and I will be willing to go over any of that if city council would like for me to. So, with that thought in mind the fourth motion I'd like to make is under the new heading of Financial Responsibilities and I think this council is going to have to take the lead no department head the Mayor, or the City Recorder have the authority to spend more than \$100 without this council's approval unless it is an emergency."

Councilman King said, "Mel, how are you going to define emergencies?"

Councilman Pennington said, "I would let the Mayor define that."

Councilwoman Trout said, "Why are you asking for this motion if you are going to let..."

Councilman Pennington said, Well, because I am not just--I think that this council must--well he can't obviously can't call it an emergency to order himself a dictaphone machine that cost \$300 from the council when we have no money; that is not an emergency and he couldn't do that. Nor could Mrs. Thomas

if she so desires, buy a new gadget for her machine out there; that would not be an emergency. If one of the trucks broke down, and they had to have a \$400 tire or something to put on it, that would be an emergency. And the Mayor could, of course, act, but I think the..."

Councilwoman Trout said, "Do you realize that a load of black top to patch the street a truck of black top, costs over a hundred dollars."

Councilman Pennington said, "Yes mam."

Councilwoman Trout said, "Does this mean the city and street people are going to have to wait until council meets and go patch the holes on the streets that have already been reported?"

Councilman Pennington said, "You mean they only know like a day in advance what holes are in the street?"

Councilwoman Trout said, "Not necessarily, this tying the hands of the city to the point that we are not going to be able to perform the services to the people because of a petty personal problem that you have.."

Mr. Pennington said, "I don't have a personal petty problem."

Mrs. Trout said, "You must have."

Mr. Pennington said, "No, I certainly do not; I want to see this council operate as a council and not be a rubber stamp to the Mayor."

Councilman Joe Savilla said, "It is becoming increasingly more apparent that you want to handcuff the Mayor and this administration, I really don't understand all of this stuff that you are bringing out. Most of it is most petty, and I for one do not want to be a part of strangling this new administration before they ever have a chance to see if it can fly or not. You are really not

giving the council , or the Mayor, or even yourself a chance to see if this thing is going to work. You Know I hate to keep coming back to this word, but Mel, you know it's petty; and I'm against it. I think we should dispense with this very quickly and get on to the next order of business."

Councilman Cunningham said:

I don't think, exactly petty such a thing. What I believe he is trying to--is set up a procedure here that every body will recognize. Right now I don't recognize anything hardly because I don't get that kind of communication. If we have to go through the council with a motion and force someone to do this, I hate it myself. But, I do think you should take a serious look at something along the nature we're talking about.

Councilman Moon stated:

I don't find too much difficulty in my mind in, let's say, requiring the department heads, the Mayor, the Recorder to get council's approval. But, just from my own home expenditures when you talk about a \$100 my wife can go through a \$100 and she doesn't even come to me to ask for approval. I am not sure if you want to put the limitation. I don't object to that particularly, But I don't think a \$100 is an appropriate level to put a hamstring on people.

I think to show that we have good faith in our elected officials, including ourselves, I think we ought to, you know, amend that motion at least \$200 or \$250. I would find no fault to that.

Councilman Pennington said, "I will amend my motion to read that no department heads, the Mayor or City Recorder have the authority to spend more than \$300 without council approval."

The motion was seconded by Councilman Cunningham. Councilman Pennington added, "except in emergencies."

Councilman at Large Casto inquired, "What are your feelings on that, Mayor?"

Mayor Ashley answered, "I think that it's most appropriate that the council set a limitation, and if we try \$300 and it creates a problem for council then you'll find out about it very quickly, and if it hamstring the city..."

Councilwoman Trout said, "It seems to me that every council meeting is going to end up fussing about who is going to spend \$10 ..."

Mayor Ashley said, "You are going to end up arguing until eleven o'clock at night about expenditures and if it gets to be a problem for you, then perhaps, we can entertain another motion by some other council member later."

Councilman Savilla said, "It's going to cost the city so many hundred dollars every time we have to call a council into special session because we have an emergency that has arisen that can't wait until the next council meeting."

Councilman Pennington said, "No, we don't have to be called in an emergency. The Mayor can make that decision."

Mayor Ashley said, "The Mayor is going to be very reluctant to consider anything an emergency, Councilman Pennington. I can assure you because I don't want that onus put on me as you're putting the other on us. We'll let you participate in decision making process."

Mrs. Thomas said, "I think this should be make into a motion. Just like right now, all of department heads are calling me for stuff and I don't know if they need it or not, and I would like to see some of the responsibility on them."

Mayor Ashley said, "Pardon me if I'm wrong, but what we're doing; we're not giving them the responsibility. We are referring that responsibility to the council members."

Mrs. Thomas said, "Well, the \$300 would be the department heads responsibility and not mine. Right now they are calling me for everything from a spark plug to a thing of tooth paste."

Mayor Ashley said, "I think the Mayor would be most reluctant to give the department heads a \$300 line of authority on purchases; I think that would be excessive."

Councilman Pennington said, "That is why I thought the \$100 instead of the \$300."

Mayor Ashley said, "For the department heads, I think \$300 would be excessive."

Councilman Pennington said, "I think you're right."

Councilman Pennington said, "I'll withdraw my motion."

Councilman Cunningham said, "I'll withdraw my second."

Councilman Pennington said, "I make a motion, then, that the Mayor and Recorder have the authority to spend \$300 without council's approval and that the department heads have permission to spend \$100 without council's approval."

Councilman Cunningham, said, "I second the motion."

Mayor Ashley said, "It shouldn't be without council's approval, it should be without Mayor and Recorder's approval. But you may make your motion the way you like."

Councilman Savilla said, "That is just usurping power."

Mayor Ashley said, "That's right."

Councilman Savilla said, "That's all it amounts to."

Mayor Ashley said, "That is precisely right."

Councilman King said, "What would a purchase order--that would have to come through the Recorder or the Mayor. What would be wrong with that? Have to have a purchase order in order to buy anything and if it's not approved..."

Mayor Ashley said, "There is nothing wrong with that, but if that purchase order initiated by the department head is more than \$100; what you are saying is council has to approve it."

Councilman King said, "Well, I'm saying do you want to do away with the \$100? and that..."

Mayor Ashley said, "That's the motion that was just made for the department heads; it was made up to \$100 and by far the vast majority of all purchase orders are going to be initiated by the department heads."

Councilman Pennington said, "I have no objections, Mayor. I want to see the city operate and function properly, and I have no objections to eliminating the last part of my remark; I withdraw my motion."

Councilman Cunningham said, "I withdraw my second."

Councilman Pennington said, "Let my motion read that \$300 by the Mayor and the Recorder, over \$300 approval of City Council and the Mayor and the Recorder can approve up to \$300 for department heads."

The motion was seconded by Councilman Cunningham.

Mayor Ashley said, "I assume there is no further discussion..."

Mr. Calwell, City Attorney, said, "There is a question about whether or not the Recorder has the authority to approve expenditures that may very well may rest with another city office. You may want to table the entire motion pending a search of the appropriate municipal statutes under the state law and, also, the city charter and the the city statutes. It appears to me the council may be in the process of passing an ultra vires motion giving the Recorder authority that perhaps she does not have by charter."

Mrs. Thomas said, "They are all calling me now to approve them."

Councilman Pennington asked, "Do you approve anything above \$100 now?"

Mrs. Thomas answered, "I have to sign all purchase orders."

Councilman Pennington said, "Then we are not doing anything that has not been done in the past."

Councilwoman Trout said, "That doesn't mean it's correct. There is a lot of things that has been done that aren't correct."

Councilman Cunningham said, "That's true, very true."

Mayor Ashley said, "Chief Webb would like the floor."

Chief Webb said, "A set of tires for a cruiser is going to cost you \$300. If you remember, the last administration the Mayor threatened to resign because they were putting the same thing on him as you all are doing right now."

Councilman Pennington said, "It was the one before that, not the last one."

Chief Webb said, "Well, the last Mayor."

Councilman Pennington said, "I was not part of that."

Chief Webb said, "I think \$500 would be..."

Councilwoman Trout said, "I move we table this until the next meeting..."

Councilman Pennington said, "There is a motion on the floor and it has been seconded."

Mayor Ashley stated, "All in favor of the motion please signify by the show of your right hand."

Councilman King questioned, "\$300?"

Councilman Pennington answered, "Yes."

Mayor Ashley said, "Opposed, the motion carried."

Councilman Pennnington stated, "My fifth motion which is the agenda and minutes pertaining to council meeting; motion reads: city council members receive the agenda and council meeting minutes 48 hours before said meeting. In other words, we receive everything before the last minute before we walk into this room. We receive it at least 48 hours before the meeting that we are attending. In other words we would have had this two days ago."

Councilman Cunningham said, "Do we have a deadline when something is to be put on the agenda? That may be a problem if we don't."

Councilman Pennington said, "The last council did, it was a week prior to the council meeting."

Councilman Trout said, "That was the Friday before."

Councilman Moon said, "For example, I didn't even call Eve until this morning to get on the agenda. If you want to put a deadline on it, that's fine with me. But, sometimes, I don't believe in the busy schedule that we've got that--and I'm not trying to say, hey, I'm busier than anybody else. But, I am saying sometime I just don't get around to calling until the last 'cotton pickin' minute and unfortunately, if I couldn't get on the agenda, I may as well not show up for council meeting."

Councilman Cunningham said, "I believe we would be cramping everybody occasionally--real often, in fact, on a motion like this. I'm like Jack; there are times I am unable to get word down here due to being involved someplace or other some other business. And I want to get on there and maybe not till Monday could I get an opportunity to do it and that's not 48 hours."

Councilman Pennington said, "The only thing I want--it's almost impossible to come in here and approve the minutes, look at the agenda and do every thing at the last moment when you walk into the room. We don't know if there are any errors;

I know they are never done deliberately. That's not what I am implying. But, there are mistakes made in the typing and we should correct in the minutes if we find them. We don't have time to do that in the last few minutes. This is no way to--I just want more time to look at them if you think 24 hours would be all right that's fine with me. If we got them Monday before the Tuesday meeting, would that be all right with you?"

Councilman Moon said, "The only thing I'm saying is you are going to preclude something from maybe being on the agenda that's something has come up at the last moment that need to be addressed at our council meeting. And, I, you know, if I have one of my constituents call me and really give me a heck of a problem that only came up at four o'clock on Tuesday; or let's say Monday night sometime, and I couldn't get on the agenda because I missed the time thing..."

Councilman Pennington said, "As a city councilman you would be allowed that privilege of bringing that to the floor without being on the agenda."

Mayor Ashley said, "I'm sorry, now, just a moment. Either you make the motion that you close off the agenda at a certain time or you do not. And, the only people who are on it at the last minute are people who come with something and I personally think--the Chair thinks, that's stifling the whole purpose and the attitude of this council which is supposed to be open and flexible. And, as far as I am concerned if someone brings a worthwhile point to me at six o'clock on Tuesday evening the day of the council meeting, they should be on the agenda, if we can accommodate them."

Councilman Pennington said, "I have no objections to that, Mayor. And that happens very few times, but here again you are trying to give us information 30 minutes before we are trying to decide on it, and that's wrong."

All I'm wanting to do is to protect us and give us the ample amount of time to look at the information we have to vote on and discuss at the meeting. And you can't do it in two or three minutes before council."

Councilwoman Trout said, "This is all available to you by seven o'clock even if there is a problem. This afternoon, I came down and this whole packet was available to me at one o'clock or so this afternoon."

Mayor Ashley said, "As a matter of fact, the only thing that we haven't seen are those things you were planning to address. I have..."

Mayor Ashley was interrupted by applause.

Councilman Pennington said, "We'll discuss that at a later time; I withdraw my motion."

Councilman Cunningham said, "I withdraw my second."

Councilman Pennington said, "I will go to the last and that's correspondence. And if, Mayor, this is happening, then I'll not make this in the form of a motion. I'll ask a question." "

Mayor Ashley said, "You could have ask me before council meeting."

Mr. Pennington said, "I'm sorry, I was out of town. Are we receiving all of the outgoing and ingoing correspondence that crosses your desk concerning city business?"

Mayor Ashley asked, "Everything?"

Councilman Pennington, said, "Well that--that pertains to city business, yes."

Mayor Ashley answered, "In so far--you are not being intentionally excluded but there are some things that would be priviledged, for example, of a private nature, that would not be appropriate to pass to all council members."

Councilman Pennington said, "Would not want that. Then we are receiving it."

Mayor Ashley said, "In so far as I know, Ms. Frazier do you know of any exception to that?"

Ms. Frazier said, No Sir."

Mayor Ashley said, "I don't, either."

Councilman Pennington said, "I don't wish to make a motion; that's all I have to say. Thank you council for your indulgence."

Councilman Savilla said "I want you to know that you just passed two motions that you knew nothing about before the council meeting. You didn't have the information ahead of time, just for the record."

USE OF THE AMERICAN LEGION BUILDING FOR WEIGHT LIFTING:

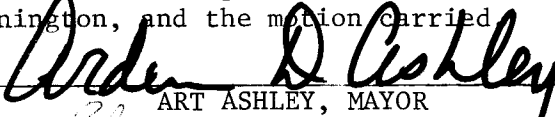
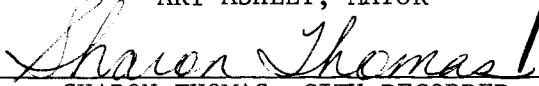
Mr. Herb Fitzsimmons was not present to make the presentation. Therefore, Councilman at Large Casto made a motion to table this. The motion was seconded by Councilman at Large Pennington, and the motion was approved unanimously.

Mayor Ashley recognized Mr. Steve West a member of the audience. Mr. West questioned why the city would employ legal help if they didn't use his advice.

Mr. Calwell pointed out that what council had done was to approve a motion that gave Mrs. Thomas the authority that she is not granted by the charter.

Mr. Calwell suggested that this be put off until the next meeting to give his law firm an opportunity to take a look at the statute to see exactly whether or not the Recorder or some other city office has the authority to do what Mr. Pennington wants the Recorder to do.

Councilwoman Trout made a motion for adjournment. The motion was seconded by Councilman at Large Pennington, and the motion carried.


ART ASHLEY, MAYOR

SHARON THOMAS, CITY RECORDER

SPECIAL NITRO CITY COUNCIL MEETING

NITRO, WEST VIRGINIA

AUGUST 29, 1980

Notice was given and a special Council Meeting was called. The special meeting was held in the Nitro City Council Chambers at the City Hall Building on August 29, 1980 at 10:00 A. M. The purpose of the meeting was to schedule and approve Labor Day Festivities on Monday, September 1, 1980 and approval of gravel tractor repair. Those present were Mayor Art Ashley, Sharon Thomas, City Recorder, Stuart Calwell, City Attorney, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Ronald King, and Councilman Omar Cunningham. Absent were Councilman Jack Moon and Councilman Joe Savilla.

The invocation was given by Mr. Ivan Meadows. The meeting was then called to order by the Honorable Art Ashley.

Councilman Omar Cunningham then presented the activities that were to take place on Labor Day. He then stated that he would need the proper permits for the activities; especially the street dance and the parade. Councilman Cunningham made a motion that he be allowed to receive the permits that were needed to have the Labor Day Festivities. The motion was

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seconded by Councilman at Large Mel Pennington. The motion was then passed unanimously. The next item on the agenda concerning repair of the gravelly tractor was withdrawn.

Councilman at Large Pennington made a motion for adjournment. The motion was seconded by Councilman Omar Cunningham. The motion was then passed by Council. At this time the meeting was then adjourned.

Art Ashley

Art Ashley, Mayor

Sharon Thomas

Sharon Thomas, City Recorder

COUNCIL MEETING MINUTES

SEPTEMBER 2, 1980

The regular meeting of the Nitro City Council was held in the Council Chambers on September 2, 1980 at 8:00 P. M. Present were Mayor Art Ashley, Sharon Thomas, City Recorder, Councilman at Large Mel Pennington, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Joe Savilla, Councilman Jack Moon, And Councilman Ronald King. Also present was City Attorney, W. Stuart Calwell.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Councilman Joe Savilla.

APPROVAL OF THE AUGUST 19, 1980 COUNCIL MEETING MINUTES: Councilman Ronald King stated that before the minutes were approved that there be a correction made. He stated that on the resolution that the Student Council of the Nitro High School requested the name change of Second Avenue to Third Avenue be changed unofficially. He went on to say that the minutes read officially. Mayor Ashley then said that it should be changed to read unofficially. Councilman at Large Pennington then stated that he had a correction. He stated that the minutes said to present the following items for discussion of the Civic Benefits Assoc. was left off of the first item. He stated that he asked for four items. And he went on to say on page 259 in the middle paragraph it states the vote was five to two. He said that his vote was aliminated and that the vote should have been six to two. The Mayor then asked if there were any other corrections. Stuart Calwell, City Attorney then stated that he had some advice that could be taken by the Council or ignored. He asked that Council look on page 273. He stated that there was a motion made by Councilman at Large Pennington concerning the limitation of spending by the Mayor and City Recorder. He stated further that the motion as passed is in contridiction with the City ordinances and charter. City Attorney, Stuart Calwell stated that the City Recorder has been authorized to approve City expenditures and the City Recorder by the City ordinances or the charter have that authority. He further stated that authority probably belongs to the City Treasurer. He stated that he felt that the motion and resolution as passed was out of order; and secondly he stated that he was not sure that this can be accomplished by resolution that there may have to be a ordinance passed

on the limitation of expenditures. Mayor Ashley then proposed that a committee be formed shared by Councilman at Large Pennington, Councilman Savilla, and Councilman Moon to respond to the recommendations of our City Attorney. Councilman at Large Pennington then made a motion to remove the City Recorder's name from the motion made at the last council meeting. The motion was then seconded by Councilman Moon. Mr. Calwell stated that he felt that Council should reconsider the course in which Council has chosen to accomplish this end of having some limitation on spending. And he went on to say he thought it should be done by ordinance. The Mayor then stated that there is a motion on the floor that simply deletes City Recorder from the resolution but does not answer your question. Councilman at Large Pennington withdrew his motion to delete the City Recorder from the resolution. Councilwoman at Large Mary Trout then made a motion to reconsider the motion made at last council meeting concerning limitation of spending. This motion was seconded by Councilman at Large Pennington. The motion was passed with one opposition and one abstention. Councilman Joe Savilla then made a motion that the corrected minutes of the September 2, 1980 Council Meeting be approved. The motion was seconded by Councilman Cunningham. The motion was then passed.

APPROVAL OF THE AUGUST 29, 1980 SPECIAL COUNCIL MEETING MINUTES: Councilman at Large Rusty Casto made a motion to accept the August 29, 1980 Special Council Meeting Minutes. The motion was seconded by Councilman Ronald King. The motion was passed by unanimous vote.

VARIANCE REQUEST FROM MRS. MARY ROBERTS OF 1211 12TH STREET TO SELL HOMECRAFTS, ETC. THAT SHE MAKES IN HER GARAGE: Mayor Ashley then turned the floor over to Mr. Robert Sergeant, Building Inspector for the City of Nitro. Mr. Sergeant stated that Mrs. Roberts had come to him and asked him what she should do to accomplish her goal. He said that he told her to ask for a variance through the Zoning Board of Appeals which the Zoning Ordinance for the City of Nitro requires. He further stated that she will be forced into retirement because of a disabling muscular disease. Mr. Sergeant said that she was wanting to have to sell these items (needle work, homemade dolls, etc.) from her home which is a R2 zone which permits this. He further stated that the copies you have in front of you states that the same is permitted in a r2 zone has in R1 zone. And under R1, this comes under subsection B and under this comes home occupation. He went on to say that this would be allowed under a variance from the Zoning Board of Appeals. He further stated that he felt that there is nothing that would keep her from this. Councilman at Large Casto made a motion that the variance be granted. The motion was seconded by Councilman Cunningham. The motion was then passed unanimously.

POST OFFICE PARKING: Mayor Ashley turned the floor over to Councilman at Large Pennington. After much discussion Councilman at Large Pennington made a motion to paint the curb yellow and see what happens and go from there. The Mayor then stated that he felt that the school should notified to let the kids know that if they park there they will get a ticket. Council-

man at Large Pennington extended his motion to include the painting of four spaces in front of the post office yellow and they are to be designated, eventually, as post office parking only. The motion was seconded by Councilman Joe Savilla. The motion was then passed by unanimous vote.

OFFERING OF A RESOLUTION TO FLY THE FLAG AT HALF-MAST:

Mayor Ashley turned the floor over to Councilman at Large Rusty Casto. Councilman at Large Casto stated that today marked the three hundred and fourth day of captivity for fifty-two innocent American hostages being held in Iran. He went on to say that many cities in America, in showing their support for their fellow citizens, are flying their flags at half-mast in front of their city halls. He stated further that he wished to put in the form of a motion that we, the City of Nitro, in showing our complete and total support for our fellow Americans being held in Iran start flying our flag in front of City Hall at half-mast until all fifty-two hostages are released and returned to safety in the United States of America. This was seconded by Councilman Moon. The motion was then passed unanimously.

FORMATION OF A COMMITTEE TO INVESTIGATE PAYROLL PRACTICES OF THE CITY TREASURER: The Mayor stated that Councilwoman at Large Mary Trout would be making the presentation. Councilwoman at Large Trout stated that this had to do with the Fire Department payroll not being figured the way that they think it should be figured. Some members of the Fire Department have prepared a paper showing their basepay and what their time and a half, and so on equals out to be. Councilwoman Trout made a motion that a committee be formed to work with the Fire Department to see what has happened and investigate and see if some resolution can be reached. The motion was seconded by Councilman Joe Savilla. Mayor Ashley then stated if there was any other further discussion. Councilman Cunningham stated he had discussed the problem with some members of the fire department. And he had taken these figures to Monsanto and had them work out the figures and they came very close to the figures that the City had. He went on to say that he wanted some of the members of the fire department to be there when this committee that is formed goes over these figures. He stated that this is the only way that each side can feel justified as to what they are saying to each other and arrive at a correct solution to this problem. After further discussion the motion was voted on and it was passed by Council.

SALE OF 1973 HONDA MOTORCYCLE: The Mayor stated that the Police Department also wanted to sell a 1977 Dodge Corsier that needed some engine repair. Mayor Ashley then turned the floor over to Chief Kenneth Webb. Chief Webb stated that he would like to have bids taken on the motorcycle and the corsier. City Attorney, Stuart Calwell stated that there should be a price established as to what the City should get out of each of those and just advertise them for sale or you could just run an ad that you have

surplus property that you want to sell and that you will accept bids from the general public for each of those items. Councilman Cunningham stated that it should be advertised that under a certain amount would not be accepted for each item. He went on to make a motion that these items be put up for bid in the proper fashion. The motion was then seconded by Councilman Savilla. The motion was approved unanimously.

PROBLEM ON OKEY AVENUE: Mayor Ashley then turned the floor over to Councilman Jack Moon. He stated that the hillside is slipping down into the property of Pete Lewis, Jr. He further stated that both Gene Williams and Bob Sergent have looked at the property. Councilman Moon said that he was at a lose as to what to do about the problem. He stated that apparently this slip occurred when the City issued a building permit to an apartment building that went in about two lots over from the Lewis home. This probably changed the contour of the hillside and when it rained the water would run onto Okey Avenue. He then stated that this would run off onto the adjacent property from Mr. Lewis. This property is owned by a Mr. Hicks. This began to slide the hillside into the property of Mr. Lewis. Mr. Hicks asked and was granted the right to move his house. Thus, the run-off goes across the vacant lot and is now adjacent to Mr. Lewis' property. Councilman Moon said he would like to see if Gene or Bob could offer him some sort of sloution, or the property owner some solution, or a compromise between the property owners. He went on to say he was at a total lose as to what the answer is. The Mayor then stated that he had a project sheet on this dated August 22, 1980. He went on to say that the property was examined by Mr. Williams, Mr. Brown, Mr. Sergent, and Mr. Lewis, the property owner and a neighbor, and it was determined at that time that it was all private property and the only remedy at that time was to be by private contract by private owners to remove water supply that was causing the slide. Councilman Moon stated that Mr. Lewis called him and had asked him if the other property owners could be held liable for the slide coming on his property. Councilman Moon stated that he did not know. Mayor Ashley then asked if Mr. Sergent, Nitro Building Inspector had anything to add to this. Mr. Sergent stated that if the City was going to get involved that they may ask Appalachian Engineers to take a look at it and see what their findings are. He further stated that we were up there and at that time Mr. Lewis had stated that there had been some water runoff on that side of the hill in back of the apartment houses and that Mr. Reynolds, the owner of the property had changed the contour of the land in order for the water to run over the other way. Mr. Sergent went on to say that it was quite possible that some of the water did but there was already a deep ditch cut in behind there, which is an old county road which that water flowed down and in examining this we even found trees down in the edge of the ditch that is six inches in diameter; so that ditch had been there a long time. He went on to say that in examining this further the slip or slide started forty to fifty feet on the upper side of that old county road. Mr. Sergent stated that, reguardless, how it was changed on the lower side it wouldn't have caused it to slide up that far on the mountain. Councilman at Large Pennington then stated that he didn't think that the City should get involved. Councilman Moon said that he was just trying

to get some expert advice. Mayor Ashley then stated that from what Mr. Sergeant has stated that we can take the position that in this point and time this is an issue that the City is not involved in and the Mayor asked that Councilman Moon put that in writing to the parties involved.

PROBLEM ON MICHIGAN AVENUE: Councilman Moon stated that he had received a complaint from a Mrs. Richards of Michigan Avenue. The problem concerns that rental property at 701 Michigan Avenue owned by a Mr. W. A. Braunlin who lives at 1104 1st Avenue in Nitro has been maintained in an offensive condition by allowing garbage and litter to be scattered around the front, side, and rear yard of the building. He further stated that Mrs. Richards said that the grass had not been cut since the occupants moved out in early June. Councilman Moon stated that he has had several complaints on this property and he also realized that a letter had been sent to Mr. Braunlin from Mr. Sergeant, Building Inspector. He went on to say that he had spoken to Mrs. Richards on Sunday and nothing been resolved. Councilman Moon asked if something couldn't be done. Mr. Sergeant, Nitro Building Inspector stated that he had to wait until advertisements of a form letter he had the City Attorneys draft had been published until he could take any action. He further stated that this had been done and he had taken action the day of the Council Meeting.

PROBLEM ON BLACKWOOD STREET: Councilman Moon stated that the City of Nitro had received a summons on, approximately, July 2, 1980 and the City has yet to answer this summons. He went on to say that this was all new to him. But he said that if the City had received a summons from the lawyers of these people on Blackwood Street that it should be answered by the City of Nitro. Mayor Ashley stated that to the best of his knowledge he had not received a summons. He then asked Connie Stephens, General Manager of the Nitro Sanitary Board if she had received a summons from the citizens of Blackwood Street. Ms. Stephens stated that she had not. Councilman Jack Moon then stated that he had talked, earlier, with the previous City Recorder, Donald Karnes and he stated that Mr. Karnes said that to the best of his knowledge he turned the summons over to Jeremiah McCormick. Councilman Moon stated that at that time Mr. McCormick was the City Attorney. Councilman Moon said that he was just going from heresay and was trying to piece all the loose ends together. The Mayor then read the Council Meeting Minutes of October 2, 1979 concerning this situation on Blackwood Street. After reading these minutes it was clear that of October 2, 1979 Blackwood Street had been given a formal acceptance of an offer of dedication. Mayor Ashley then stated that they would get with Mr. McCormick and find out about the summons and respond to it if there was such a summons.

BIDS OPENED ON INSURANCE BIDS: Mayor Ashley turned the floor over to Sharon Thomas, City Recorder and then it was stated that she had turned the bids over to some of

the Council members. Councilman at Large Pennington asked if all the bid forms were the same and it was stated that they were. So he then asked if only the total bid for the total premium would be given and it was stated that was acceptable. Councilman at Large Pennington read the bid as follows: Ernie Allison Insurance Agency, 902 Dupont Avenue, Nitro, WV. Total premium bid of eleven thousand one hundred and ninety dollars. Councilman Moon read the bid from Insurance Exchange, Inc. on 607 6th Avenue, St. Albans, WV. Total premium is eighteen thousand two hundred and eight-four dollars. Councilman King read the bid from Commerical Insurance Service, Inc. from Charleston, WV. Total premium is twelve thousand eight hundred and sixty-three dollars. Councilman Cunningham read the bid from Nationwide Insurance Co. Total premium is twelve thousand seven hundred and thirty-two dollars.

Councilman at Large Pennington then made a motion to form a committee of three to look over these bids and make sure all the other elements of the bid is compatible with each other. The motion was seconded by Councilman Omar Cunningham. Mayor Ashley then cautioned that this committee, if formed, should act immediately because our insurance coverage expires at the end of the week. Councilman at Large Pennington then stated that they should act tonight. The Mayor then declared a ten minute recess so this could be accomplished. After the ten minute recess Councilman at Large Pennington stated that the committee had come to the conclusion that the Ernie Allison Insurance Agency was the low bidder. Councilman at Large Pennington then made a motion that the City accepts that bid and maintains the services of this insurance agency. The motion was seconded by Councilman at Large Rusty Casto. The motion was then passed by unanimous vote.

HERB FITZSIMMONS-USE OF AMERICAN LEGION BUILDING:

The floor was then turned over to Councilman at Large Rusty Casto. Councilman at Large Casto introduced Mr. Herb Fitzsimmons and told Council of his wish to use the Nitro American Legion Building as a Weight Lifting Facility. After much discussion about insurance and contracts Councilman at Large Pennington made a motion that Mr. Fitzsimmons be allowed permission to use the building with a year's contract with a renewal clause providing the insurance covers the City's liability at that building. The motion was seconded by Councilman at Large Rusty Casto. Councilman Savilla then stated that he wanted some further discussion. He stated that he felt that if Mr. Fitzsimmons would keep the building cleaned up and have a place of recreation for some members of Nitro; he said he thought that Mr. Fitzsimmons should be granted a five year lease and if something comes up that the building is really needed the lease would be relinquished. It was then agreeded that there would be a four year contract through June 30th of the present administration's term. Councilman at Large Pennington then withdrew everthing so that there was no motion at all on the floor. Councilman at Large Pennington then made a motion that Mr. Fitzsimmons be allowed to use the building provided that the City has adquate coverage and that the lease be provided for one year at a time with a renewable clause which protects him. The motion was seconded by Councilman

Savilla. The motion was passed by unanimous vote.

APPOINTMENT OF STEVE WEST TO NITRO POLICEMEN CIVIL SERVICE COMMISSION: Mayor Ashley stated that he would like the Council's approval of his request for appointment of Mr. Steve West to Nitro's Policemen Civil Service Commission replacing Councilman Omar Cunningham who resigned that position to run for office in the City of Nitro. It was moved by Councilman at Large Pennington and seconded by Councilwoman at Large Mary Trout. The motion was passed by unanimous vote.

APPOINTMENT OF MIKE GREENLEAF AS TREASURER: Mayor Ashley then made a request for the appointment of Mr. Mike Greenleaf as City Treasurer due to the resignation of Sharon Thomas as City Treasurer only. The request was moved by Councilman Joe Savilla. The motion was seconded by Councilwoman at Large Mary Trout. Councilman Cunningham then asked if Mr. Greenleaf was a resident of Nitro. Mr. Greenleaf stated that the line passes somewhere along where he lives but he wasn't sure where. After some discussion it was established that the rate of pay would be the same for him as the previous City Treasurer. The motion was then passed by Council with one abstention.

LETTER FROM O. C. SANDERS REQUESTING PERMISSION FOR THE ANTIQUE CAR SHOW PARADE AND 10,000 METER RUN ROUTE SEPTEMBER 13, 1980: Mayor Ashley then turned the floor over to Mr. O. C. Sanders. By the request of the Mayor Mr. Sanders stated some of the activities involved in the Antique Car Show Parade and Meter Run. Mr. Sanders stated that on Friday, September 12, 1980 there would be music and a street dance. And then on Saturday, September 13, 1980 there will be a car show, meter run, and car show parade. Mr. Sanders stated he was requesting approval from the Nitro Police Department and Council for the route of the Meter Run and Car Show Parade Route. Councilman at Large Pennington made a motion to give permission to the Lions Club to let them have the activities they have requested. The motion was seconded by Councilman at Large Casto. The motion was then passed unanimously.

LETTER FROM MR. ELMER FIKE REGARDING IMPROVED TRAFFIC PATTERNS FOR NITRO: Mayor Ashley stated that for the purpose of examining his recommendation as well as several others we have had concerning traffic flow in the City form a committee for this purpose. He stated that he would be looking for volunteers. Councilman Joe Savilla stated that he would volunteer. The Mayor then requested that he be chairman of that committee. Councilman Savilla stated that he would be glad to be chairman for thhat committee. Councilman at Large Casto also volunteered.

Mayor Ashley then stated that he would like to recognize Councilman Omar Cunningham to make a report on the activities of the Labor Day weekend. Councilman Cunningham gave a brief presentation of what activities went on and gave thanks

to the people that contributed their time and effort. He further stated that the Labor Unions contributed to the activities and the activities did not cost the City of Nitro anything. He further stated that he would have a whole year to plan for next year's Labor Day activities and they would be bigger and better. The Mayor recommended that Councilman Cunningham be officially designated as the man in charge of these activities for next year.

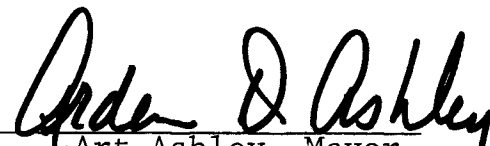
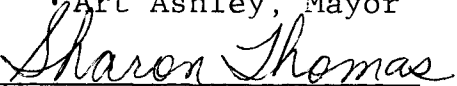
Councilman at Large Pennington made a motion that the Council Meeting be adjourned. Mayor Ashley requested that before the meeting was adjourned that he would like to address the Council. Mayor Ashley stated that at the last Council Meeting on August 19, 1980 there were points made that require a response from the Chair. He stated that it is, in fact, one of the duties of the Chair is to establish an agenda for these council meetings. He went on to say that the reason he didn't want to repeat the Civic Benefits Association subject was that he was concerned about having our relationship with the Civic Benefits become a political football. He stated that unfortunately that is exactly what had happened. He further stated that the City Attorney had advised us of the statutes but I chose to disregard his advice regarding that point and I apologize to Mr. Calwell for that. The Mayor further stated that it was the Chair's right and privilege to rule the subject matter out of order; or it would have been my right if I had chose to do that and I would submit to you as members of the Council, that in my judgment, that the intend was nto to state a position on the question of the Civic Benefits Association because that had been done privately. He stated that instead the purpose was to divide the Council. The Mayor went on to say that perhaps it is naive for the newcomers of the Council to expect that we are going to operate in harmony because that is not the political way of life in this country and perhaps that is the way it should be. But, he stated that we should be able to work in harmony on key issues when it comes to the management of the City's business. The Mayor further stated that he would like to site some example of things that he must personally take exception to. He stated that first of all this project or this proposal was identified was the Civic Benefit Proposal and it was, in fact, an indentification of the needs of the City; intended for use well beyond just the presentation to the Civic Benefits Association. He went on to say that he did take the material and present it to the Civic Benefit Association as was stated, however, I was one of two people that was to be at that presentation and the other person was not present. The Mayor stated that we have not; and I quote from the minutes of the last council meeting, from Councilman Pennington, "I do not want to put the City or the Council in the position of being critized later should we not receive the amount of money that we have asked for." Mayor Ashley said, that in fact, we have not asked for a specific amount of money; unless someone else has and I do not know about it. Mayor Ashley then went on to say he did not author the document presented to the Civic Benefit Association and that many people participated in the preparation of the document. He stated that there were enough people participating in the preparation of the document to attest to the fact that the only thing he authored was the letter in

the front of the proposal directed to Mr. Bill Patterson. He stated that he did author the letter signed by members of the Council. He also said that Council was urged to participate in the preparation of the document and he stated that he was proud to say that with a single exception the document has received extremely high praise. The Mayor then stated that he was most grateful to the people that worked in the preparation of it and he stated he thought it was extremely well done in the proper direction and for the right cause. He also stated that there had been a reference made that in a very short time that this administration had caused the Council to operate with no facts, except after the facts, reckless spending, little or no communications, and even the loss of the Nitro ambulance service. He stated that the city of Nitro has not lost ambulance service; he stated that the ambulance authority was dividing the service between ourselves and Cross Lanes. The Mayor said he could not see how anyone from the last administration could dare to accuse this administration of causing the loss of that ambulance in the City of Nitro and he stated that they worked very hard to keep that ambulance here but we failed. The Mayor stated that in as far as salary increases go because of the Sunshine Laws we were limited in terms of the conduct of the meeting and could not vote; but he stated that we presented what the Civic Benefit Association called a quantified request because they did not know how many city employees we had or what they made and we identified that to them. He stated that we put a proposed figure in. Mayor Ashley stated that Councilman Pennington had said that "I do not think Council would have to voted to discriminate against our garbage workers or trash workers and the people who do a tremendous job in the field." The Mayor stated that this obviously implies that we had recommended something specific for them and we, in fact, had agreed before hand that Councilman King would chair a committee whose sole purpose was to allocate any monies we received in terms of specific modifications to salaries by city employees. He stated that as far as the signing of the letter is concerned, it was an issue that was spoken to by several people. He then read the letter and stated that Senator Bird saw fit to endorse what we were trying to do. He further stated that Congressman Hutchinson also signed it and they did without having seen the proposal. He stated it was not intended as an endorsement for the content of the entire package and it was intended in such a way that it would not imply that. The Mayor stated that anyone who takes the stand that this was handled poorly stands alone. He further stated that we are reasonable people and we have our differences politically and personally but if we are reasonable people then we are going to have to reason together. He stated that we are going to have to do this before it is too late because we were elected to do a job that we all take very seriously.

Councilman King then stated that on item four on tonight's agenda concerning post office parking that he had something to add. He stated that what he thought they came up with was two signs. He went on to say that it has come to his attention that if they paint the curb yellow and put up signs; what are we going to do park half a car? Councilman King stated that what he was thinking was have a stencil made saying, "15 Minutes Parking Only "

and stencil this on the side of the curb in each slot designated. Councilman King said he would like to have the previous motion amended to fifteen minute parking only stenciled on the side of the curb. Councilman at Large Pennington withdrew the previous motion and seconded the amended motion. The motion then passed with a unanimous vote.

Councilman King then made a motion to adjourn. The motion was seconded by Councilman at Large Pennington. The motion was passed unanimously and the meeting was adjourned.


Art Ashley, Mayor

Sharon Thomas, City Recorder

NITRO CITY COUNCIL MEETING

Nitro, West Virginia

September 16, 1980

The regular meeting of the Nitro City Council was held at the Council Chambers on September 16, 1980 at 8:00 p.m. Present were Mayor Art Ashley, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham, and Councilman Jack Moon. Also present were Mike Greenleaf, Treasurer, and Stuart Calwell, City Attorney. Mrs. Sharon Thomas, City Recorder, and Councilman at Large Pennington were absent.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Reverend Wade Austin of Nitro Church of God.

APPROVAL OF THE SEPT. 2, 1980 COUNCIL MEETING MINUTES: It was stated that the name of Councilman Omar Cunningham was omitted from the first paragraph of the minutes for September 2, 1980. Councilman Joe Savilla made a motion to approve the minutes with the addition of the one correction. The motion was seconded by Councilman Cunningham. The motion was then passed.

CITIZEN OF THE MONTH: Mary Elizabeth Wampler, a citizen of the City of Nitro, was recognized as the "citizen of the month". She received a round of applause and then stated that she has been living at the end of Sattes for thirty-some years and is proud of it. She thanked those present at the meeting and was thanked and congratulated in return.

REGIONAL INTERGOVERNMENTAL COUNCIL: The presentation that was to be presented to the City Council Meeting by Mr. Byron Carpenter and Mr. Michael Russell was postponed. Mr. Carpenter was ill, and Mr. Russell was not able to attend at that time. They shall be at a future meeting.

RESOLUTION TO INCLUDE WILLIAMS DRIVE IN STATE ROAD SYSTEMS: It was stated that the resolution to include Williams Drive in the State Road Systems looked good except for the opinion of approval by the council.

It was also stated that in a letter of August 21, 1979, Mayor Gibson wrote to Mr. Campbell of the Department of Highways saying that the members of the council considered this a progressive move for the residents of Nitro and Park Addition.

Councilman Savilla moved the motion. The motion was seconded by Councilman Cunningham. The motion was then passed by a unanimous vote. It was then stated that a letter would be sent to the Department of Highways notifying them that the resolution had been passed.

NITRO HIGH SCHOOL'S REQUEST FOR PERMIT FOR HOMECOMING PARADE, SATURDAY, SEPTEMBER 27, 1980: It was stated that Nitro High School had requested a permit for the Homecoming Parade on Saturday, September 27, 1980. It had been hoped that Harry Adkins would be present, but he had to attend the Majorette Festival. The parade was believed to start at the interstate and come up toward the bridge and then come back down. Councilman at Large Rusty Casto forwarded the motion to allow them to have the parade just as it has been for the past five years. The motion was seconded by Councilman Joe Savilla. The motion was then passed.

APPOINTMENT OF COUNCILMAN RONALD KING AND COUNCILMAN OMAR CUNNINGHAM TO SERVE AS CHAIRMEN OF THE 1981 LABOR DAY FESTIVITIES: This item on the agenda was carried over from the last council meeting. It concerns the appointment of Councilman Ronald King and Councilman Omar Cunningham to serve as the Co-Chairmen of the 1981 Labor Day Festivities. Cunningham stated that he is very pleased with this year's activities. Councilman at Large Rusty Casto moved that the council members appoint Ronald King and Omar Cunningham as the Chairmen of the Labor Day Festivities of 1981. Councilwoman at Large Mary Trout seconded the motion. The motion was passed unanimously.

REQUEST BY SALVATION ARMY TO PLACE CHRISTMAS KETTLES IN FRONT OF THE BUSINESS PLACES IN NITRO: The Nitro City Council has a copy of a letter dated September 4 from the Salvation Army requesting to place Christmas Kettles in front of business places in the City of Nitro. They want the Christmas Kettles out from November 28 to December 24. Councilwoman at Large Mary Trout moved that they should be allowed to do this. This motion was seconded by Councilman Omar Cunningham. The motion passed unanimously.

AUDIT REQUEST: It was requested by the Chair for the Council to approve and audit the city records for the fiscal year, June 30, 1979 through June 30, 1980. The audit for the fiscal year ending June 30, 1979 is to be presented by the State Tax Examiners Department. It was decided that a committee should select an audit firm or agency and also select the proper time to proceed with the arrangements for the audit. Those on the committee include Councilman Jack Moon, City Attorney Stuart Calwell, Treasurer Mike Greenleaf, and Councilman Joe Savilla.

Councilman Joe Savilla moved that all legal papers should be taken care of expeditiously. Councilwoman at Large Mary Trout seconded the motion. Councilman Jack Moon opposed the motion.

PARADE PERMIT FOR THE WEEK OF OCTOBER 6-11: Mr. Dave Jones from the Nitro Fire Department was present at the meeting and requested a parade permit. Since October 6-11 is Fire Prevention Week, the fire department requested to have a parade, perhaps every night of the week. They also want to have some fire demonstrations on different types of fires, therefore, they asked for a permit for burning. It will be left up to Chief Hedrick to designate the times he would like to have these activities. Councilman at Large Rusty Casto accepted this motion as long as the times would be advertised in advance. The motion was seconded by Councilman Ronald King. The motion then passed.

LOGO FOR THE CITY OF NITRO: A logo format for the City of Nitro was presented to council members. Councilwoman at Large Trout made the motion to accept this logo. The motion was seconded by Councilman Jack Moon. The council members went on to discuss having a slogan for Nitro. Councilman Joe Savilla stated that he would go before Nitro High's Student Council and also Poca High's Student Council to ask them for their help in providing the City of Nitro with the appropriate slogan. Councilman at Large Rusty Casto Seconded this motion. Council members then went on to discuss the possibility of forming a select committee to judge the slogans. The resolution to have city schools pick a slogan for the City of Nitro then passed.

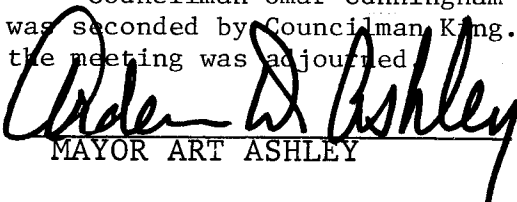
EXAMINATION OF ALTERNATIVE DATA PROCESSING REQUIREMENTS: City Treasurer Mike Greenleaf noted that the cost of operating a computer is \$1581 per month. He went on to say that we could have these operations done by an outside contractor for \$400 to \$500 per month. It was decided that Michael E. Greenleaf would contact two other data processing firms. A committee, consisting of Councilman Joe Savilla, Councilman Jack Moon, and Councilman Omar Cunningham, will consider the treatment of the question concerning the continued use of this computer and a selection of the terms to offer a package of information. This decision is to be made on Friday, 1:00 p.m. The motion passed unanimously.

RAPID TRANSIT: Councilman Joe Savilla brought up the question of the appointments that he was to make with Rapid Transit. He also stated that the person who has been servicing for the city was Dr. Guy Cassell. The members of the council had received correspondence from the Kanawha Valley Regional Transportation Authority recommending Dr. Cassell to them. Councilman Joe Savilla made a motion that they ask Dr. Cassell to stay on as a representative. The motion was seconded by Councilman at Large Rusty Casto. The motion was then passed.

Councilman Omar Cunningham made the motion to adjourn, but he then withdrew the motion.

CONSIDERATION OF CITY PROPERTY: It was brought up that the city-owned property in the area adjacent to the land proposed for the boat launch facility had been approved by authority, and the only problem was matching funds. This property is approximately eight-tenths of an acre, and it was the request of the Chair to get a real estate appraisal on that property for the purpose of putting it up for sale as a way of the City of Nitro providing some of the matching funds. The amount needed on the boat dock is \$189,000. Councilman Omar Cunningham made a motion to allow Mayor Art Ashley to get an appraisal on the old water intake property. The motion was seconded by Councilman Joe Savilla. The motion then passed.

Councilman Omar Cunningham then made a motion to adjourn. The motion was seconded by Councilman King. The motion was passed unanimously and the meeting was adjourned.


MAYOR ART ASHLEY


SHARON THOMAS, CITY RECORDER

THE UNIVERSITY OF CHICAGO
LIBRARY

Nitro City Council Meeting

Nitro, West Virginia

October 7, 1980

The regular meeting of the Nitro City Council was held at the Council Chambers on October 7, 1980 at 8:00 p.m. Present were Mayor Art Ashley, Sharon Thomas, City Recorder, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Joe Savilla, Councilman Ronald King, and Councilman Jack Moon. Also present was Jeremiah McCormick. Councilman at Large Mel Pennington, Councilman Omar Cunningham, City Treasurer Mike Greenleaf, and City Attorney Stuart Calwell were absent.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Reverend Wilbur Turner of St. Paul's United Methodist Church.

APPROVAL OF SEPTEMBER 16, 1980 COUNCIL MEETING MINUTES: Councilman Joe Savilla moved to accept the September 16 minutes. It was stated that the name of Mary Elizabeth Wampler read Mary Elizabeth Walker, but had been corrected before the meeting began. The motion to accept the Sept. 16, 1980 minutes was seconded by Councilman at Large Rusty Casto. The motion passed unanimously.

MARY BETH REVEAL-HOMECOMING QUEEN: Mayor Art Ashley stated that the Council would like to give recognition to Mary Beth Reveal for being elected Miss Wildcat 1980-1981, though it was not on the official agenda. Mary was invited to the meeting but was not able to attend.

The next item on the agenda was to recognize Mr. Tom Townsend as the Citizen of the Month, but Mr. Townsend had not yet arrived. The council skipped this item of business until Mr. Townsend showed up.

BETTY DEAN-WV MUNICIPAL LEAGUE: Mayor Art Ashley introduced Betty Dean, the executive director of the WV Municipal League, to those present at the meeting. With her was Mr. Vaughn, the attorney for the WV Municipal League and also the attorney for the Nitro Sanitary Board. The mayor stated that the WV Municipal League is of vital importance to municipalities in the state of West Virginia. It is the Chair's hope that Nitro would become an active participant in the league and attend conferences whenever possible. Mayor Ashley stated that he and Mr. Greenleaf attended a meeting

on police and firemen pension funds that was conducted by the Municipal League. The mayor also attended their annual meeting in Canaan Valley. Betty Dean invited everyone to attend one of their meetings. She also stated that the mid-winter conference will be held sometime in February. Letters are to be sent out ahead of time telling the exact date.

TOWNE-N-COUNTRY LANES APPLICATION FOR CITY LICENSE: Mayor Art Ashley turned the floor over to Mr. Jeremiah McCormick, who was filling in for City Attorney Stuart Calwell. Mr. McCormick stated that Towne-N-Country Lanes had not made proper application and had not been issued a license from the city. City Attorney Stuart Calwell has had several conversations with the attorney of the bowling alley, but the issues were not compromisable. It was then stated that the city can either attempt to shut down the bowling alley, or they can issue a serious crime based upon their operating without a valid city license. It was also stated that the Chair would be glad to entertain a motion to proceed with the necessary action to enforce the license ordinance against Towne-N-Country. Councilman Savilla stated that the bowling alley probably doesn't think that the city will take them to court. It was also stated that if the bowling alley gets away with this, what would keep all other businesses in Nitro from doing the same. Councilman Joe Savilla made a motion to draft a letter to the city attorneys advising them to pursue this matter to the furthest extent of the law. The motion was seconded by Councilman Jack Moon. The motion then passed unanimously.

MR. TOM TOWNSEND-#7 MAIN AVENUE CITIZEN OF THE MONTH: Mayor Art Ashley took the occasion to acknowledge the presence of Mr. Tom Townsend. The mayor stated that Tom Townsend had been selected as Nitro's Citizen of the Month of September, 1980. Mr. Townsend is also a condidate for the statewide West Virginia honor. Mr. Townsend has been a resident of Nitro since 1939. He is retired from Carbide and is a member of the First Baptist Church of Nitro. He is also a member of the Lion's Club. He helped to organize Nitro Civitan and also helped with the very first Antique Car Show. Mr. Townsend's wife, a former teacher at Nitro Jr. High, was also present at the meeting. Mayor Art Ashley handed Mr. Townsend a book as a token gift from the city. The Townsends then received a round of applause.

CRINER -VS- THE CITY OF NITRO: Mayor Art Ashley turned the floor over to Mr. Jeremiah McCormick. This item on the agenda concerned the control of surface water above Mr. Criner's residence. There is now a 12" storm drain buried beneath the Criner's property. A new line would be tied into the existing line, and, possibly, the existing line would be increased in size to handle the water. The area of the catch basin will allow water to drain to the catch basin from the direction of Penwood Ave. and Calderwood Ave. as well as water from the direction of the Blake Creek Water Shed. This water collection will serve to control surface water that would otherwise drain from the road down to the Criner residence and the property owned by his neighbors on either side. It was stated that this matter required no action from the council.

RESERVE STREET IN FRONT OF NITRO HIGH SCHOOL FOR SCHOOL PARKING: Mayor Art Ashley called upon Councilman Joe Savilla to pen the discussion

on school parking. Councilman Savilla stated that he and Mayor Ashley had had a meeting with Nitro High's principal, Mr. Lyons, and Nitro's vice-principal, Mr. May. They are working on the problem of eliminating the parking situation. Father Byer of the Holy Trinity Catholic Church has agreed to have the city approval to use about 35 spaces behind the church for students to park during school hours. There will be assigned parking, and students will be required to turn in their keys. Councilman Savilla stated that they are working on a similar deal with a couple of other churches in the area. The Board of Education is planning a parking lot directly behind the school on Third Avenue. Councilman Joe Savilla put a motion before the council to reserve the entire section from Second Ave. to Third Ave. on 21 Street as school parking only. Presently, this section is for two-hour parking only. The council is trying to establish certain areas where students can park. Students will be able to park in front of the school, behind the Catholic Church, and behind the school. Mr. Lyons said to Mayor Ashley and Councilman Savilla that if the school is able to offer a place for students to park, then they can place restrictions on them. If students violate their parking spaces, they will get their driving privileges taken away. Councilman Savilla's motion to reserve the section from Second Avenue to Third Avenue for school parking only was seconded by Councilman Ronald King. The motion passed unanimously.

DATE SET FOR TRICK OR TREAT: Mayor Art Ashley called on Councilwoman at Large Mary Trout to discuss the date set for Trick or Treat in the City of Nitro. In the interest of the safety for children, Councilwoman at Large Trout proposed that the City of Nitro have Trick or Treat Night on October 30, from 5:00 p.m. to 7:00 p.m. Councilwoman Trout went on to say that the reason for having Trick or Treat on Thursday, October 30 was because of the Nitro High football game against Poca on Friday, which may take a lot of people away from home. Councilman Joe Savilla seconded the motion to have Trick or Treat on October 30. The motion passed unanimously.

WASHINGTON AVENUE AND SECOND STREET PROBLEM: Reverend Graley was present at the meeting to discuss his problem. He stated that the problem was his neighbor's garage. He also stated that it wasn't actually a garage, and, if his neighbors wanted to get in the garage, he would have to move all of his vehicles. He then asked the council to abandon the old Kanawha Avenue. It was then stated that it would be inappropriate to consider the question at that time. The mayor then stated that the council would be taking further steps on the consideration of the garage, but not all council members had seen it, so that, too, would be inappropriate to consider at that time. As far as the City Council was concerned, this item on the agenda required no action.

PLANNING COMMISSION APPOINTMENTS: It was requested by the Chair to ask for council approval of several appointments to the Planning Commission. The first was that of the re-appointment of Councilman Casto to the Planning Commission. Others to be appointed to the Planning Commission were Mr. Max Lemma, Mr. Tom Waldorf, Sr., and Mr. Jim Amburgey. All of these men are residents of Nitro. There is permission for ten members to be on the commission, so there are some positions to fill. The Chair moved that the four men recommended be accepted for position on the Planning Commission.

The motion was seconded by Councilwoman at Large Mary Trout. The motion then passed unanimously.

CONTRIBUTION TO WV SPECIAL OLYMPICS: It was requested that the City of Nitro sponsor or contribute to the West Virginia Special Olympics. There were four amounts from which to choose to contribute. They were as follows: Winner's Tribute, \$495; Gold Sponsor Listing, \$250; Silver Sponsor Listing, \$150; and the Bronze Sponsor Listing, \$70. It was moved by Councilman Joe Savilla to contribute the Bronze Sponsor Listing of \$70. The motion was seconded by Councilwoman at Large Mary Trout. The motion unanimously passed.

ORDINANCE REVISION: Mayor Art Ashley called on Councilman Savilla for consideration of the Shoplifting Ordinance to the City of Nitro. Councilman Savilla stated that the ordinance is very detailed and that he saw no reason not to adopt this ordinance. It was then stated that the procedure for adopting an ordinance not only required the approval of the Council but also a first and second reading. Councilman Joe Savilla then read the ordinance as follows:

80-3

SHOPLIFTING ORDINANCE FOR THE CITY OF NITRO
NITRO, WEST VIRGINIA

1. SHOPLIFTING. Consists of any one or more of the following acts:

(a) For any person willfully to take possession of any merchandise offered for sale by any store with the intention of converting the same to the use of such person without paying to the owner the value thereof.

(b) For any person willfully to alter any label, price tag or marking upon any merchandise offered for sale by any store with the intention of depriving the owner of all or some part of the value thereof.

(c) For any person willfully to conceal upon his person or otherwise any merchandise offered for sale by any store with the intention of converting the same to the use of such person without paying to the owner the value thereof.

(d) For any person willfully to transfer any merchandise offered for sale by any store from the container in or on which the same shall be displayed to any other container with intent to deprive the owner of all or some part of the value thereof.

2. STORE. Any store or mercantile establishment in which merchandise is displayed for sale in such manner as to be readily accessible to persons shopping therein.

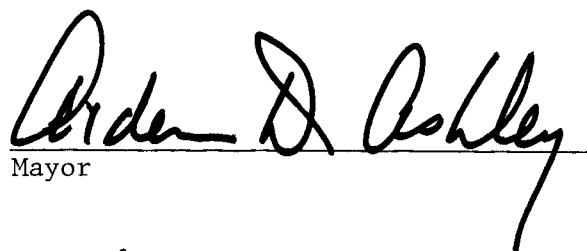
3. MERCHANDISE. Includes the goods and wares.

4. OWNER OF MERCHANDISE. Includes the owner and any other person, firm or corporation having the right to offer the same for sale as agent,

consignee or in other capacity under any agreement with the owner of such merchandise.

Penalties. If any person shall commit an act of shoplifting as defined in this section, he shall be guilty of a misdemeanor and, upon conviction thereof, shall be confined in the city jail not less than one day nor more than twelve months, or both fined and imprisoned.

Shoplifting to constitute breach of peace. An act of shoplifting, as herein defined, is hereby declared to constitute a breach of the peace, and any citizen of this state may arrest a person committing any such act of shoplifting in his presence.


Mayor


City Recorder

Councilman at Large Rusty Casto made a motion to sonstitute a variation of the first reading on the second reading. Councilman Ronald King seconded the motion. The motion then passed unanimously.

NOVEMBER 4, 1980 COUNCIL MEETING: Mayor Art Ashley stated that since Tuesday, November 4, is Election Day, it would be inappropriate to plan a meeting for that day. Councilman at Large Rusty Casto made a motion to reschedule the meeting for November 3. The motion was seconded by Councilman Ronald King. The motion then passed unanimously.

COLLECTION CENTER FOR UTILITY BILLS: Mayor Art Ashley turned the floor over to Councilman Ronald King. Councilman King made the motion for the City of Nitro to sign contract agreements with C & P Telephone Company, Columbia Gas Company, WV Water Company, and Appalachian Power Company for bills to be paid at City Hall. The motion was seconded by Councilman Jack Moon. It was then requested that Councilman King go before the council in two months to discuss how this proposal is working out.

HANDRAIL INSTALLED ON SEVENTH STREET: Councilman Ronald King stated that there are two families of senior citizens living at 708 and 710 Seventh Street. One of them has poor eyesight and the other is very old. They have a small embankment going from the street up to their sidewalk, and they need some kind of support to get up the steps. They need the council's approval because it is on city property. They will pay for, and install the handrail. Councilman Joe Savilla seconded the motion. The motion passed unanimously.

NITRO JR. HIGH PERMIT FOR PARADE: Councilwoman at Large Mary Trout stated that Nitro Jr. High had requested a permit for a parade. October 16 is the Jr. High's Homecoming Game. The parade will be on October 16 also. Councilwoman at Large Trout made the motion to allow them to have the parade. The motion was seconded by Councilman at Large Cast. It passed unanimously.

Councilman at Large Rusty Casto then made a motion to allow Nitro High School to have a parade on Thursday at 1:15 p.m. Councilman Ronald King seconded the motion. The motion passed unanimously.

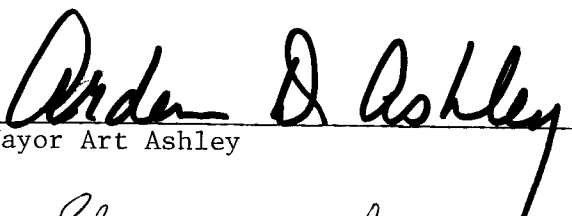
REQUEST FROM ANDREW HEIGHTS SCHOOL TO SOLICIT FOR SCHOOL CARNIVAL
OCT. 25, 1980: Andrew Heights School has requested to have mothers and teachers call on merchants of Nitro for donations for their school carnival. Councilman at Large Rusty Casto made the motion to allow them to do this. The motion was seconded by Councilwoman at Large Trout. The motion was opposed by Councilman Jack Moon, City Recorder Sharon Thomas, and Councilman Joe Savilla. Mayor Art Ashley then cast the deciding vote, allowing mothers and teachers to solicit for the Andrew Heights School Carnival.

NITRO POLICE DEPT. RESERVE POLICE: Mayor Art Ashley introduced Mr. Elmer Dodson to the council members. Mr. Dodson stated that the Nitro Reserve Police will be out Oct. 30, Oct. 31, and Nov. 1 from 6:00 p.m. to 1:00 a.m. The directors of the Nitro Reserve Police are Sgt. John Johnson and Ptl. Gary Blankenship. Patrolmen in the Police Reserves are Earl Whittington, Glen Knight, William Sublett, Jr., Robert Lilly, Donand Bowman, Hubert Smith, and Leo Boggess. The Reserve Police keep down drinking and such at ball games and direct traffic. They are not allowed to carry firearms or handcuffs; only maze and a nightstick.

TRASH AROUND NITRO HIGH SCHOOL: Mayor Art Ashley stated that David Russell, custodian at Nitro High School, was to be at the meeting to discuss the subject of trash around the school but was not present.

A-LIFE GUARD ALARMS SYSTEMS: A-Life Guard Alarm Systems made the proposal to modify the current alarms in the headquarters, making the system more functional and eliminating various manufacturer's equipment. This would be at no cost to the city and \$150 per person using the services of the alarms system. Councilman Joe Savilla made a motion to discuss this later, and form a committee to evaluate this alarm system. He then included in his motion to have the committee investigate other needs in the police department. Councilman at Large Rusty Casto seconded the motion. Councilman Savilla will Chair the committee while Councilman at Large Casto and Councilwoman at Large Trout will serve on the committee.

Councilman King then made a motion to adjourn. The motion was seconded by Councilman at Large Casto. The motion passed unanimously, and the meeting was adjourned.


Mayor Art Ashley


City Recorder Sharon Thomas

Nitro City Council Meeting

Nitro, West Virginia

October 21, 1980

The regular meeting of the Nitro City Council was held at the Council Chambers on October 21, 1980 at 8:00 p.m. Present were Mayor Art Ashley, Sharon Thomas, City Recorder, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Ronald King, and Councilman Omar Cunningham. Also present were Stuart Calwell, City Attorney, and Michael Greenleaf, Treasurer. Councilman Jack Moon was absent.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Ivan Meadows.

APPROVAL OF OCTOBER 7, 1980 COUNCIL MEETING MINUTES: Councilman at Large Rusty Casto stated that the name of Mr. Tom Waldorf, Sr. was listed as Ted Waldorf. It was also stated that the Reserve Police would be out on October 30, 31, and November 1 instead of the Thursday, Friday, and Saturday before. Councilman Joe Savilla made a motion to approve the minutes as written with the two corrections. The motion was seconded by Councilman Omar Cunningham. The motion passed with one abstention. (Councilman Pennington)

SECOND READING OF SHOPLIFTING ORDINANCE: The first reading of the Shoplifting Ordinance for the City of Nitro was read at the October 7, 1980 Council Meeting. Mayor Art Ashley called on Councilman Joe Savilla for the second reading. He read it as follows:

No. 80-3

SHOPLIFTING ORDINANCE FOR THE CITY OF NITRO,
NITRO, WEST VIRGINIA

1. SHOPLIFTING. Consists of any one or more of the following acts:

(a) For any person wilfully to take possession of any merchandise offered for sale by any store with the intention of converting the same to the use of such person without paying to the owner the value thereof.

(b) For any person wilfully to conceal upon his person or otherwise any merchandise offered for sale by any store with the intention of converting the same to the use of such person without paying to the owner the value thereof.

(c) For any person wilfully to alter any label, price tag or marking upon any merchandise offered for sale by any store with the intention of depriving the owner of all or some part of the value thereof.

(d) For any person wilfully to transfer any merchandise offered for sale by any store from the container in or on which the same shall be displayed to any other container with intent to deprive the owner of all or some part of the value thereof.

2. STORE. Any store or mercantile establishment in which merchandise is displayed for sale in such manner as to be readily accessible to persons shopping therein.

3. MERCHANDISE. Includes the goods and wares.

4. OWNER OF MERCHANDISE. Includes the owner and any other person, firm or corporation having the right to offer the same for sale as agent, consignee or in other capacity under any agreement with the owner of such merchandise.

Penalties. If any person shall commit an act of shoplifting as defined in this section, he shall be guilty of a misdemeanor and, upon conviction thereof, shall be confined in the city jail not less than one day nor more than twelve months, or both fined and imprisoned.

Shoplifting to constitute breach of peace. An act of shoplifting, as herein defined, is hereby declared to constitute a breach of the peace, and any citizen of this state may arrest a person committing any such act of shoplifting in his presence.

Mayor

Sharon Thomas
City Recorder

Councilman Joe Savilla made a motion to approve the Shoplifting Ordinance as it was read. The motion was seconded by Councilman Ronald King. It was then stated that once a person is convicted of shoplifting and has spent a day or so in the city jail, that person will be transferred to the Kanawha County Jail and the city will reimburse the county. The motion then passed unanimously. The Shoplifting Ordinance for the City of Nitro became effective immediately.

REINSTATE CURFEW FOR JUVENILES: Mayor Art Ashley turned the floor over to Municipal Judge Harvey Peyton. Judge Peyton stated that he wanted to reinstate a curfew for juveniles. He also stated that it is a misdemeanor offense for persons under the age of eighteen to be on the streets between the hours of 11:00 p.m. and 6:00 a.m. If a delinquent child is found on the streets during that time, an officer may deliver the child to the Dunbar Child Shelter. Parents will be responsible for the presence of their children on the streets. There is a maximum of a \$500 fine or thirty days in jail. It was then stated that Huntington, Parkersburg, and St. Albans had already adopted this ordinance. Councilman Joe Savilla made a motion to adopt the curfew effective as of the second reading, which will be on November 3, 1980. The motion was seconded by Councilman Omar Cunningham. The motion then passed unanimously.

RESCHEDULE MUNICIPAL COURT: Mayor Art Ashley again turned the floor over to Municipal Judge Harvey Peyton, who was then filling in for City Attorney Stuart Calwell. Judge Peyton stated that through the month of August, the City of Nitro had been having substantial dockets one night a week that would last up to 11:00 p.m. He then stated that for the past six court sessions he had been out by 7:30 at the latest. Judge Peyton then stated that he would prefer to have court no less than every other week. If a lot of cases come up, we can go back to holding court every week. It was then asked of Judge Peyton how he would set the date of the next court session. He replied that the dispatchers set the dockets and that court would be held every other Thursday.

Councilman Savilla then gave the first reading of the Ordinance to Repeal Chapter 13, Section 6 of the City Code.

Councilman Mel Pennington made the motion to adopt the ordinance after the second reading which will be on November 3, 1980. The motion was seconded by Councilman Joe Savilla. The motion passed unanimously.

BIDS OPENED FOR 1973 HONDA: Mayor Art Ashley announced the opening of bids for the 1973 Honda. The minimum bid acceptable on the Honda was \$500. After opening all the bids, council members found that a bid of \$615 was the highest bid on the 1973 Honda motorcycle. Councilman at Large Pennington made a motion to accept the bid of \$615. The motion was seconded by Councilman at Large Casto. The motion passed unanimously.

BIDS OPENED FOR 1977 POLICE CRUISER: It was stated that the lowest acceptable bid for the 1977 Police Cruiser was \$200. The highest bid received on the cruiser was \$200. Councilman Joe Savilla made a motion to accept the bid of \$200 for the cruiser. The motion was seconded by Councilman at Large Mel Pennington. The motion then passed unanimously.

BIDS OPENED FOR D6 CATERPILLAR DOZER: It was stated that the lowest acceptable bid for the D6 Caterpillar Dozer was \$995. The highest bid received on the dozer was \$2420. It was moved by Councilman at Large Rusty Casto to accept this bid of \$2420. The motion was seconded by Councilwoman at Large Mary Trout. The motion passed unanimously. It was then stated that those with the highest bids on the 1973 Honda, 1977 Police Cruiser, and the D6 Caterpillar Dozer would be notified.

ICE FISHING AT RIDENOUR MEMORIAL PARK: Mayor Art Ashley turned the floor over to Mr. Jay Long, Recreation Director. Mr. Long read the ordinance for Ice Fishing at Ridenour Memorial Park. At the conclusion of the ordinance reading, it was stated that no one should fish any further than eight feet from the bank and should be attached to a safety line. It was asked if the city would furnish these lines. The reply was that fishermen should furnish their own lines and not be allowed to fish without them. It was then stated that when a chunk is taken out of the ice, it should be set beside the hole to serve as a marker.

Mr. Long asked permission from the council to have signs put up at Ridenour Memorial Park with rules and regulations of the ice sports. Councilman at Large Mel Pennington moved to accept the ordinance which Mr. Long read. The motion was seconded by Councilman Ronald King. The motion passed unanimously.

CITY FLAG CONTEST: Councilman at Large Rusty Casto read the rules of the City Flag Design Contest as follows:

CITY FLAG DESIGN CONTEST

I RULES:

- A. The contest is open to any citizen of Nitro.
- B. Flag designs are to be 12" x 20" and on a sheet of paper of the same size. Both sides of the sheet may be used.
- C. Accompanying the flag design is to be a printed or typewritten letter thoroughly explaining your design.
 - 1. Explain colors, animals, pictures, stars, etc. on the design listing what they mean and stand for.
- D. Do not put your name on the design or on your accompanying explanation sheet. Entries must be registered with an officer at either the Bank of Nitro or the Citizen National Bank, where a number will be assigned.

II JUDGING:

- A. Three judges will select three flag designs and rule on any dispute.
 - 1. The judges will be Mrs. Dolly Withrow, Mr. Gordon McClanahan, and Mr. Clyde Williard.
- B. Judges will select three flag designs.

III VOTING ON THE FLAG:

- A. The three flags will be taken to each grade school allowing the school children to vote on their choice.
- B. The flag design will be put in City Hall allowing citizens one week to vote on their design.
- C. Voting will be secret by paper ballot.
- D. Voting ends at 4:00 p.m. Monday, December 1, 1980

IV DECLARING WINNER:

- A. Ballots will be counted on December 2, 1980 by the City Recorder.
- B. Winner will be announced by the City Recorder at the Council Meeting on December 2, 1980.
- C. Winner receives \$50.00 Savings Bond.

After reading, Councilman at Large Casto asked the council as to whether they thought that the flag designs should be registered at the Citizen's National Bank, which is in St. Albans. It was then stated that the Citizen's National Bank has a branch office in Nitro. It was then

stated that the Citizen's National Bank has a branch office in Nitro. It was then stated that the \$50 Savings Bond would not come out of city funds, and that the donator did not want to be identified. It was then stated that the runners-up should also be awarded. It was decided that the winner would receive a \$50 Savings Bond, first runner-up would receive \$25, and the second runner-up would receive \$15 cash. Councilman at Large Rusty Casto made a motion to accept this. The motion was seconded by Councilman Joe Savilla. The motion passed unanimously.

NEW GAS PUMP FOR THE CITY OF NITRO: Mayor Ashley called on Mr. Gene Williams, the Director of Public Works. Mr. Williams stated that the City of Nitro is in need of a gas pump. It was then stated that it would be better to buy an almost-new pump instead of a brand-new pump. The pump that the city has now is five years old. It was also stated that a pump for under \$300 would be preferred. Mr. Williams is to contact companies and various people to get some prices. There was no motion. The subject of a new gas pump will be presented at the next Council Meeting.

PUTNAM COUNTY WATER AND SEWER PRESENTATION: For the purpose of giving a Putnam County Water and Sewer Presentation, Mayor Ashley introduced Mr. Douglas Freeman who is the Special Assistant for Water and Sewer projects for Putnam County. Mr. Freeman had put a map on the wall that represented a water and sewer plan for all of Putnam County. Mr. Freeman explained the problems that they faced in developing the water and sewer plans. He also explained how people who do not have adequate water supplies now will be able to obtain water till the year 2010. At the conclusion of the presentation, Mayor Art Ashley thanked Mr. Freeman for listening to the city's needs and for offering assistance.

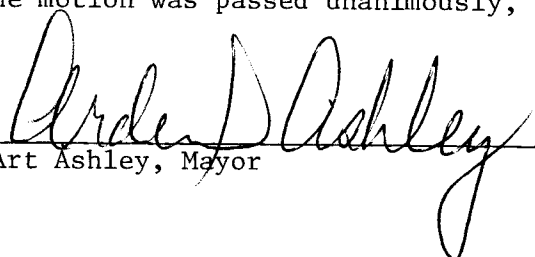
MIDGET LEAGUE BASKETBALL: Mayor Art Ashley called on Mr. Jay Long, Recreation Director. Mr. Long stated that the Midget League Basketball Program is in it's third year. He then requested from the Council their permission to undersign for an amount, not to exceed \$1,500, to buy uniforms for the cheerleaders. Councilman Pennington stated that his daughters were majorettes and always purchased their own uniforms. It was then explained that the uniforms would be the property of the city, and that all the city would be doing would be underwriting the expense, which would be reimbursed. Councilman Joe Savilla made a motion to adopt the proposal as written. The motion was seconded by Councilman Omar Cunningham. The motion was passed unanimously.

APPOINTMENTS TO THE ZONING APPEALS BOARD AND PLANNING COMMISSION: It was the Chair's request that the Council consider and approve the following people to be appointed to the zoning appeals board and planning commission: Kenneth Kniceley, Jack Moody, Judy West, Wade Austin, and Cecil Lemma. Councilman at Large Rusty Casto made a motion to appoint those people to the zoning appeals board and planning commission. The motion was seconded by Councilman Joe Savilla. The motion then passed unanimously. Cecil Lemma is a re-appointment to the commission.

APPOINTMENT OF VIETNAM WAR MEMORIAL COMMITTEE: It was the Chair's request to have Councilman Jack Moon serve as chairman of the Vietnam Memorial Committee. This committee is to work on a memorial for the eight

Nitro residents that were killed in the Vietnam War. Mr. Gus Bailey was appointed to the committee. It was stated that families of the deceased would also be asked to serve on the committee. Councilman Joe Savilla made a motion to do this. The motion was seconded by Councilman at Large Rusty Casto. The motion then passed unanimously.

The Chair then made a motion to adjourn. The motion was seconded by Councilwoman at Large Mary Trout. The motion was passed unanimously, and the meeting was adjourned.


Art Ashley, Mayor


Sharon Thomas, City Recorder

Nitro City Council Meeting

Nitro, West Virginia

November 3, 1980

The regular meeting of the Nitro City Council was held at the Council Chambers on November 3, 1980 at 8:00 p.m. Present were Mayor Art Ashley, Sharon Thomas, City Recorder, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham, and Councilman Jack Moon. Also present was Michael Greenleaf, Treasurer. City Attorney Stuart Calwell was absent.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by

APPROVAL OF OCTOBER 21, 1980 COUNCIL MEETING MINUTES: It was stated that in the minutes of October 21, 1980 it read that no one should fish any further than six feet from the bank at Ridenour Lake. It should have read eight feet. It was then stated that first and second runners-up in the City Flag Design Contest would receive \$25 and \$15 in cash instead of savings bonds. It was then stated that Mr. Long requested Council to undersign for an amount not to exceed \$1,500. The minutes read \$2,500. Councilwoman at Large Mary Trout made a motion to approve the minutes with the corrections mentioned. The motion was seconded by Councilman Ronald King. The motion then passed unanimously.

SECOND READING OF CURFEW ORDINANCE FOR JUVENILES: Mayor Ashley turned the floor over to Councilman Joe Savilla for the second reading of the curfew ordinance for juveniles. The first reading was on October 21, 1980. Councilman Savilla read as follows:



AN ORDINANCE TO REPEAL CHAPTER 15, SECTION 12 OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA, ENTITLED "MINORS" AND TO READOPT CHAPTER 15, SECTION 12 OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA, TO BE ENTITLED "CURFEW"

ORDINANCE NUMBER 80-4

BE IT ORDAINED by the Council of the City of Nitro, West Virginia, that Chapter 15, Section 12 of the Code of the City of Nitro, West Virginia, entitled "Minors" is hereby repealed.

BE IT FURTHER ORDAINED by the Council of the City of Nitro, West Virginia, that Chapter 15, Section 12 of the Code of the City of Nitro, West Virginia, is hereby readopted to be entitled "Curfew" and to provide as follows:

Section 12-1. Curfew hours; delinquent child. It shall be unlawful for any minor under the age of eighteen years to loiter, idle, wander or play in or upon the streets, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 P.M. and 6:00 A.M. of the following day; provided, that the provisions of this section shall not apply to a minor accompanied by his parent, guardian or other adult person having the care and custody of the minor, or while the minor is legally employed and is going to or from the place of such employment or is engaged in the duties thereof.

Any minor violating this section shall be deemed a delinquent child under the provisions of the state law and shall be dealt with as such under the provisions of the state law.

Section 12-2. Responsibility of parent or guardian. It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of eighteen years knowingly to permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 P.M. and 6:00 A.M. of the following day; provided that the provisions of this section shall not apply when the minor is accompanied by his parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his parent, guardian, or other adult person having the care and custody of the minor, or where the minor is lawfully employed and is going to or from the place of such employment or is engaged in the duties thereof.

Any person violating any provision of this Section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00).

INTRODUCED ON FIRST READING ON THE 21ST DAY OF OCTOBER, 1980.

ADOPTED UPON SECOND READING ON THE 3RD DAY OF NOVEMBER, 1980.

MAYOR

Sharon Thomas

RECORDER

It was then asked of the council if any 18 year old would be considered an adult. The reply was that if the 18 year old had custody of the child, he would be considered an adult. It was then stated that there had been some concern expressed about juveniles being automatically transferred to the facilities in Dunbar without the parents being notified. It was explained that the parents would try to be contacted, but if contact was impossible, the juvenile would have to be taken to the facilities in Dunbar. It was then pointed out that policemen should document very carefully the cause and the effort made in contacting parents. It was then stated that, for the purpose of protecting the juvenile's identity, the telephone should be used rather than police radio. Councilman at Large Mel Pennington moved to accept the ordinance as read. The motion was seconded by Councilman Omar Cunningham. The motion passed unanimously.

NEW GAS PUMP FOR THE CITY OF NITRO: It was proposed at the Council Meeting of October 21, 1980 to purchase a gas pump for the City of Nitro. It was stated that a gas pump had been located and is in excellent condition. The price of this gas pump is \$150, half the anticipated price. Councilman Joe Savilla made a motion to accept this gas pump. The motion was seconded by Councilman at Large Mel Pennington. The motion passed unanimously.

INCREASED PAY FOR POLICE OFFICERS ATTENDING MUNICIPAL COURT: For the purpose of presenting this item of business, Mayor Ashley called on Councilman at Large Casto. Councilman Casto stated that, after double checking, he found that officers attending Municipal Court received \$10. He then stated that he felt this was too low. Councilman at Large Casto then made a motion to raise this present rate to \$15. The motion was seconded by Councilman Cunningham. Council members went on to discuss this, and it was pointed out that only the police officer acting as bailiff would receive the \$15. Most of the council thought that all police officers attending Municipal Court would be paid. Councilman Savilla made a motion to table this item of business until a later date. The motion was seconded by Councilman at Large Pennington. The motion passed with one abstention. (Councilman at Large Rusty Casto)

PURCHASE OF CASH REGISTER FOR THE CITY OF NITRO: Mayor Art Ashley turned the floor over to Councilman at Large Rusty Casto. It was stated that the City of Nitro needed a cash register to simplify bill collecting. At the present time, money comes in from all directions. The city will also add a cashier to be in charge of all money coming into City Hall. It was stated that Mike Greenleaf had come up with some prices on a cash register. It was then stated that Council should put this up for bids instead of purchasing from one person. It was then asked what the treasurer was going to do since he couldn't be collecting money all day, and he is responsible for the money. It was then stated that the city has found a reliable person to serve as cashier and save the treasurer a great deal of work. This person has served as a cashier in the past and will continue to work with some changes of duties. Councilman Joe Savilla then made a motion for the treasurer to write a letter to all companies in the phone book that sell cash registers, listing the specific requirements needed. The motion was seconded by Councilman at Large Mel Pennington. The motion passed unanimously.

PURCHASE OF NEW COPY MACHINE: Mayor Art Ashley called on Councilman Omar Cunningham to discuss the need of a new copying machine. Councilman Cunningham stated that the copying machine that the city now has is an old machine which the City of Nitro pays \$250 a month rent. He then stated that it would be an approximate savings of \$75 a month to purchase a machine that does essentially the same work, perhaps better. The new copying machine would be a desk-top model that would take up less space. Councilman Savilla made a motion to use the same procedure with the copying machine as with the cash register. The motion was seconded by Councilman at Large Pennington. The motion was passed unanimously.

CITY GARAGE FIRE HYDRANT: Mayor Art Ashley stated that Fire Chief E. W. Hedrick was to be at the meeting to discuss this subject, but he was not present. Mayor Ashley then stated that no one else was prepared to address the subject, and he would try to have Chief Hedrick at the next council meeting.

DEFINE POLICE AND FIRE DEPARTMENT SERVICES PROVIDED OUTSIDE CITY LIMITS: Mayor Ashley encouraged all members of council to discuss this matter with the chiefs of the fire department and the police department. The mayor then stated that 40% of the calls to the fire and police departments come from outside city boundaries. Councilman Savilla then stated that after the annexation, people stood up on television and said they wanted nothing to do with the City of Nitro. He went on to say that people outside of city limits should pay for these services since it costs the city money and, these people do not contribute to the city's income. It was then stated that a committee should be formed to decide on the degree to which the city will respond to services outside city boundaries. Those on the committee are Councilman Cunningham, Councilman Moon, Councilman at Large Pennington, and Councilman King.

BUDGET REVISION: For the purpose of making a recommendation to the City Council, Mayor Art Ashley called on Councilman Ronald King, who is Chairman of the Salary Division. Chairman King made a motion to amend the budget to incorporate the salary increases for city employees. The motion was seconded by Councilman Savilla. It was then stated that the approximate figure was \$61,000. The motion passed unanimously.

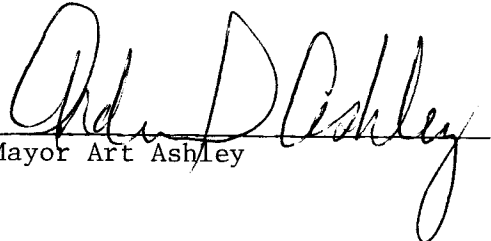
STATEMENT FROM SANITARY BOARD REGARDING SANITARY AND MUNICIPAL SERVICE BILLING: Mayor Ashley stated that people will now be able to write one check to cover both the municipal service charge and the sanitary service bill. The check should be made payable to the City of Nitro. Mayor Ashley then stated that it would be greatly appreciated if individuals paying at City Hall would have their checks ready for processing before taking their place at the payment window. This would enable the city to process payments at a much faster rate.

DATE CHANGED FOR NOVEMBER 18, 1980 COUNCIL MEETING: Councilman at Large Rusty Casto stated that Mayor Ashley would be out of town on November 18, and he made a motion to postpone the November 18 Council Meeting to November 25, 1980. Councilman Omar Cunningham seconded the motion. The motion passed unanimously.

COMMITTEE FORMED TO FIND THE CITIZEN WHO HAS LIVED IN NITRO FOR THE LONGEST PERIOD OF TIME: Councilman at Large Casto stated that he would like a committee formed to find the citizen who has lived in Nitro for the longest period of time and also the oldest citizen. Councilman Casto then stated that February 20 is the city's birthday, and he would like to find out by that time. It is believed that Miss Smith of 1504 15 Street is the oldest citizen. She will be 100 in March. Councilman at Large Casto made a motion to form a committee of two to search for recognition of the oldest Nitro citizen and also the citizen who has lived in Nitro the longest. The motion was seconded by Councilwoman at Large Mary Trout. The motion passed unanimously.

Councilman Joe Savilla stated that he thought it would be quite appropriate for the mayor to draft a letter to the principal and to the head coach of Poca High School, wishing them the best of luck in the AA Playoffs. Poca finished third in the state. Councilman Savilla then stated that a telegram to the football players on the day of the game would be a good idea. Councilman Joe Savilla put this in the form of a motion. The motion was seconded by Councilman at Large Mel Pennington. The motion passed unanimously.

Councilman at Large Mel Pennington then made a motion to adjourn. The motion was seconded by Councilman Joe Savilla. The motion was passed unanimously, and the meeting was adjourned.


Mayor Art Ashley


City Recorder Sharon Thomas

Nitro City Council Meeting

Nitro, West Virginia

November 25, 1980

The regular meeting of the Nitro City Council was held at the Council Chambers on November 25, 1980 at 8:00 p.m. Present were Mayor Art Ashley, Sharon Thomas, City Recorder, Councilman at Large Rusty Gasto, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, and Councilman Jack Moon. Also present were Stuart Calwell, City Attorney, and Michael Greenleaf, Treasurer. Councilman Joe Savilla, Councilman Ronald King, and Councilman Omar Cumingham were absent.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Mr. Jerry Hudson.

APPROVAL OF NOVEMBER 3, 1980 COUNCIL MEETING MINUTES: Mayor Art Ashley pointed out that instead of stating that Stuart Calwell was absent, the minutes should have read that Stuart Calwell was represented by Jeremiah McCormick. Councilman at Large Mel Pennington moved to accept the minutes as written with the one correction. The motion was seconded by Councilman Moon. The motion passed unanimously.

SECOND READING OF ORDINANCE ENTITLED "SESSIONS; BAILIFF": The first reading of the ordinance entitled "Sessions, Bailiff" was read on October 21, 1980. Mayor Ashley called on City Recorder Sharon Thomas for the second reading. Recorder Thomas read as follows:

AN ORDINANCE TO REPEAL CHAPTER 13, SECTION 6 OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA, ENTITLED "SESSIONS; BAILIFF," AND TO READOPT CHAPTER 13, SECTION 6 OF THE CODE OF THE CITY OF NITRO, WEST VIRGINIA, TO BE ENTITLED "SESSIONS; BAILIFF."

ORDINANCE NUMBER 80-5

BE IT ORDAINED by the council of the City of Nitro, West Virginia, entitled "Sessions; bailiff" is hereby repealed.

BE IT FURTHER ORDAINED by the council of the City of Nitro, West Virginia, that Chapter 13, Section 6 of the Code of the City of Nitro, West Virginia, is hereby readopted to be entitled "Sessions; bailiff" and to provide as follows:

Sec. 16-6. Sessions; bailiff

(a) The municipal court shall hold not less than two (2) regular sessions each month, at such reasonable hours as shall be specified by the municipal judge in a suitable court room in the city provided by the city council; and all sessions shall be open to the public; provided, that the municipal judge may hold hearings and conduct proceedings in his chambers when, in his sound discretion, it is appropriate so to do and is consistent with law.

(b) The chief of police shall designate a police officer to attend each session of the municipal court to serve as bailiff of the court, to preserve order and decorum in the court room and in the immediate vicinity thereof, and to execute all processes and orders directed to him by the municipal judge.

INTRODUCED ON FIRST READING ON THE 21ST DAY OF OCTOBER, 1980.
ADOPTED UPON SECOND READING ON THE 25TH DAY OF NOVEMBER, 1980.

MAYOR

Sharon Thomas

RECORDER

Councilman at Large Mel Pennington made a motion to adopt this ordinance. The motion was seconded by Councilman at Large Rusty Casto. The motion passed unanimously, and the ordinance passed.

ADDITIONAL POLICEMEN FOR NITRO POLICE DEPARTMENT: Mayor Ashley requested permission to employ two police officers to the Nitro Police Department. One policeman on the Nitro Police Force announced his resignation within the last week. If two police officers are hired, that would give the city one person above the standard that is required. Councilman at Large Pennington made a motion to employ two police officers. The motion was seconded by Councilman at Large Casto. The motion passed unanimously.

CITIZEN OF THE MONTH: Mayor Ashley stated that the Citizen of the Month was Mr. Clyde Willard. Clyde's Field in Nitro is named after Mr. Willard, as he did most of the work in fixing it up. The basketball dressing room is also named after him. Mr. Willard was unfortunately not able to attend the meeting.

PROBLEM EXISTING ON BLACKWOOD STREET: Mayor Ashley called on Councilman Jack Moon to discuss the Blackwood Street problem. Councilman Moon made a motion to table this item until the next council meeting since he had not had a chance to talk to City Attorney Stuart Calwell. This would also enable Council to read the additional material. The motion to table this item was seconded by Councilman at Large Mel Pennington. Mr. Ted Ghiz, an attorney hired by one of the property owners on Blackwood, then stood and asked if the motion could be amended to make it the meeting of December 16. The motion to table the discussion of the Blackwood Street problem until December 16 passed unanimously.

ENGINE FOR 1973 FORD GARBAGE PAKER: Mayor Ashley stated that a Ford engine for an F700 Garbage Packer ~~will~~ cost an estimated \$771, with assembly. Councilman at Large Mel Pennington made a motion to purchase the engine and have it installed for \$771. The motion was seconded by Councilwoman at Large Mary Trout. The motion passed unanimously.

REQUEST FOR PERMISSION TO HAVE CHRISTMAS PARADE, DECEMBER 6, 1980: Mayor Ashley stated that the Businessmen's Administration had requested permission to have a Christmas Parade on December 6, 1980. A parade route was not available. The parade is believed to start at 11:00 a.m., Saturday. Councilwoman at Large Mary Trout made a motion to allow the Businessmen's Administration to have this parade. The motion was seconded by City Recorder Sharon Thomas. The motion passed unanimously.

CRINER -VS- CITY OF NITRO: Mayor Ashley turned the floor over to City Attorney Stuart Calwell. City Attorney Calwell stated that this matter had been set for trial, but the City of Nitro and the Criners had reached an agreement to settle this matter, which pertains to the surface water behind the Criner's house. A plan was formulated by the city to channel the water into a pipe and collect and channel it to the city storage. This should be completed before January to avoid the matter from going to trial. The water that collects on the road above 21st Street will alleviate the slippage problem. The cost will be approximately \$6,000 or \$7,000. The pipeline that is proposed to collect the water is above the surface line so

that, in the event of further movement, it will make maintenance of the line easy. Councilman at Large Pennington made a motion to take action immediately to help alleviate the problem. The motion was seconded by Councilman at Large Casto. The motion passed unanimously.

PURCHASE OF CITY COPY MACHINE AND CASH REGISTER: Mayor Art Ashley stated that at the last council meeting it was agreed upon to get bids from suppliers of this equipment to get the best price. Treasurer Mike Greenleaf stated that he had received bids on the machines with the specification he had asked. He then stated that if Council decided to purchase this equipment, he would like to have them for 30 days to make sure they work out. Councilwoman at Large Mary Trout made a motion to purchase this equipment. The motion was seconded by Councilman at Large Rusty Casto. The motion did not pass. Councilman Jack Moon stated that he thought council members would see the actual letters from the vendors instead of just a list of the bids. Treasurer Greenleaf presented these letters to him. Councilman at Large Pennington stated that there must be a cheaper way to keep money than to purchase a cash register. It was then asked of the treasurer if he thought a cash register was needed in City Hall. Treasurer Greenleaf stated that if utility bills are to be collected there, he doesn't see how they could get along without one. Mayor Ashley stated that he hoped the question could be considered at the next council meeting.

NO SMOKING REGULATION: Mayor Art Ashley stated that it had been proposed to restrict smoking during council meetings. The ventilation system in Council Chambers makes it uncomfortable for those subjected to smoke. The Chair entertained a motion to prohibit smoking during council meetings. Councilwoman at Large Trout so moved. The motion was seconded by Councilman at Large Casto. The motion passed unanimously.

FINAL AUDIT 7-1-78 - 6-30-79: Mayor Art Ashley encouraged council members to examine the audit from beginning to end, paying particular attention to those areas where responsibilities of officials are indicated. Mayor Ashley then added that the period of audit covering the last fiscal year is being started and will hopefully be available by the end of this calendar year.

RESOLUTION TO PARTICIPATE IN W. VA. STATE CONSOLIDATED INVESTMENT FUND: Mayor Ashley turned the floor over to Treasurer Mike Greenleaf. Treasurer Greenleaf stated that the City of Nitro has an opportunity to participate in the West Virginia State Consolidated Investment Fund. They operate a money market similar to that of state operating. It was then stated that this is with a company called the State of West Virginia. Treasurer Greenleaf stated that he anticipates to make between \$14,000 and \$16,000 per year. Money will be put into it daily. Councilwoman at Large Mary Trout made a motion to allow the treasurer to do this. The motion was seconded by Councilman Jack Moon. The motion passed unanimously.

PRESENTATION OF AMERICAN FLAG: Mayor Ashley called on Councilman at Large Rusty Casto for the presentation. Councilman Casto stated that he had gone to Washinton, D.C. a couple of months ago. Representative John Hutchinson presented him with an American Flag that is for all Nitro citizens. This flag flew over the U.S. Capitol on October 20, 1980. Councilman at Large Casto requested that the flag be held until the hostages are released so it can be flown at full mast.

COMMENT ON WILLIAMS DRIVE RESOLUTION: Mayor Ashley stated that this item on the agenda is nothing more than a comment of explanation. This is an effort to satisfy the Department of Highways. The previous administration had stated that they were willing to let Williams Drive become part of the Department of Highways property.

OLD COUNTY ROAD: Mayor Ashley called on Councilman at Large Pennington. Councilman Pennington stated that there were very few choices to take except to take the rock out and do the work that had to be done. Councilman at Large Mel Pennington then thanked Mayor Ashley for alleviating that problem and for helping him to help those people.

REPAIRS TO EAST 31ST STREET AND HICKORY ROAD: Mayor Ashley stated that approximately one-half of the paved area has eroded away, and the road is virtually impassable. The estimated cost of repairing this would be \$2,500 and would last only three years. If the job were done right, it would cost many times \$2,500. A committee was formed to examine the situation and come back to council with a recommendation. The chairman of the committee is Mel Pennington. Others on the committee are Rusty Casto, Jack Moon, and Joe Savilla. Councilman at Large Pennington stated that under the last administration some pipe was replaced in a road by a contractor who was supposed to bring the road back up to specifications. He then asked if this could be checked into to see if this is the same stretch of road. If so, the responsibility to repair the road might be the contractor's.

TRASH DELIVERY BY CITIZENS: Mayor Ashley stated that this item is to provide citizens with a central point to deliver trash that is not picked up on a regular basis. The proposed area is in the vicinity of the new City Garage that is under construction. Councilman at Large Pennington stated that the area between Washington Avenue and Kanawha Avenue behind Dunlap's Service Station would make an excellent trash dump. Mayor Ashley then called everyone's attention to Item 21 on the agenda which was PROPERTY FOR SALE ON DUPONT AVE. BY KEIFFER REALTY COMPANY. Mayor Ashley stated that the plot of land that Keiffer Realty wants to sell the city is priced at \$10,000. Councilman at Large Pennington made a motion to make the site in the vicinity of the new City Garage the trash dump for citizens. The motion was seconded by Councilman Jack Moon. The motion passed unanimously. The question of the real estate for sale was tabled.

CITY GARAGE BIDS 1) FENCE 2) SECURITY 3) HEATING: Mayor Ashley stated that a fence was needed for the security of the new garage that will be in operation by the end of December. Another thing needed is a heating system. Councilman at Large Mel Pennington moved to accept bids. The motion was seconded by Councilwoman at Large Mary Trout. Mayor Ashley suggested that for bid purposes of all three of these systems, he will have Appalachian Engineering prepare the specifications. The motion passes unanimously.

FLAG CONTEST REMINDER: Mayor Ashley called on Councilman at Large Rusty Casto. Councilman Casto stated that the voting on the City Flag Design Contest will begin November 25, 1980 and will end at 4:00 p.m. on December 1. Councilman Casto then stated that the winning flag will be put on material and presented to council by whoever designed it.

W.VA. DEAF - APPEAL: Councilman at Large Rusty Casto made a motion to table this item of business. The motion was seconded by Councilman at Large Mel Pennington. The motion passed unanimously.

FRIDAY, NOVEMBER 28, 1980 HOLIDAY: Mayor Ashley stated that the state had declared November 28, 1980 a holiday. He then asked if the council wanted to declare it a holiday for city employees. This would be an extension of the Thanksgiving Holiday. Councilman at Large Casto made a motion to declare this a holiday for city employees. The motion was seconded by Councilwoman at Large Trout. The motion passed unanimously.

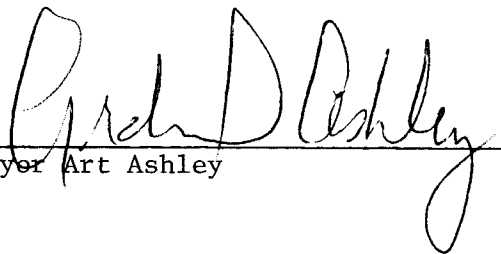
SENIOR CITIZEN CHRISTMAS DINNER SUNDAY, DECEMBER 7, 1980 FIRST PRESBYTERIAN CHURCH: It was stated that a Christmas Dinner for Senior Citizens is to be held on Sunday, December 7, 1980 at 1:00 p.m. It was asked of Mayor Ashley if Council was invited. He replied that Council was definitely invited because they are to serve. Councilman at Large Pennington stated that this is a worthy cause and made a motion to do this. Councilman at Large Casto seconded the motion. The motion then unanimously passed.

CITY GARAGE FIRE HYDRANT: Mayor Ashley called on Chief Hedrick of the Fire Department to discuss this matter. Chief Hedrick stated that a fire hydrant could be installed close to the new City Garage for \$1,200. This fire hydrant would be for the protection of the new garage, in which there is a sizable investment. Councilman at Large Mel Pennington made a motion to put the fire hydrant in. The motion was seconded by Councilman Jack Moon. The motion passed unanimously.

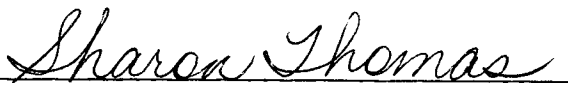
DEFINE POLICE AND FIRE DEPARTMENT SERVICES PROVIDED OUTSIDE CITY: This item was introduced at the Council Meeting of November 3. Mayor Ashley again called on Chief Hedrick. Chief Hedrick stated that the City of Nitro now has an agreement with St. Albans, Dunbar, and South Charleston to supply mutual aid to each other. The Fire Department also has a verbal agreement with Putnam County to supply fire protection to an area of Putnam County that is very hard to reach. Chief Hedrick then stated that if it is decided not to supply services to these places, those people should be notified. Nitro also has a "jaws of life" that we agreed to send anywhere needed. It will have to be decided on whether to provide services to the following areas: Blakes Creek area, Nitro Heights, Hubbard Heights, Red Oak Drive, Shadow Hills Trailer Court, and Bailes Drive. A committee was formed to examine thoroughly and come back to council with their recommendation in terms of these services. Those on the committee are Councilman at Large Mel Pennington, Councilman at Large Mayr Trout, Councilman Joe Savilla, and all department heads.

APPOINTMENT OF JAMES E. HUTCHINSON 1308 VALENTINE CIRCLE TO PLANNING COMMISSION: The Chair requested the approval of Mr. James Hutchinson to the Planning Commission. Mr. Hutchinson was a candidate for City Council and has been a resident of the City of Nitro for 28 years. Councilman Jack Moon made a motion to accept Mr. Hutchinson to Planning Commission. The motion was seconded by Councilman at Large Rusty Casto. The motion passed unanimously.

Councilman at Large Mel Pennington then made a motion to adjourn. The motion was seconded by Councilman at Large Rusty Casto. The motion passed unanimously, and the meeting was adjourned.



Mayor Art Ashley



City Recorder Sharon Thomas



Nitro City Council Meeting

Nitro, West Virginia

December 2, 1980

The regular meeting of the Nitro City Council was held at the Council Chambers on December 2, 1980 at 8:00 p.m. Present were Mayor Art Ashley, Sharon Thomas, City Recorder, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Ronald King, Councilman Omar Cunningham, and Councilman Jack Moon. Also present were Stuart Calwell, City Attorney and Michael Greenleaf, Treasurer. Councilman Joe Savilla was absent.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Reverend William Westlund of the First Presbyterian Church.

APPROVAL OF NOVEMBER 25, 1980 COUNCIL MEETING MINUTES: Councilman at Large Rusty Casto moved to accept the minutes as written. The motion was seconded by Councilwoman at Large Mary Trout. The motion passed with one abstension. (Councilman Ronald King)

CASH REGISTER AND COPY MACHINE: Mayor Ashley called on Councilman Jack Moon for the purpose of presenting this item of business to council. Councilman Moon moved to accept the bids for the cash register and copy machine as presented by Treasurer Mike Greenleaf. The motion was seconded by Councilman at Large Casto. Councilman Omar Cunningham and City Recorder Sharon Thomas opposed the motion. The motion passed.

DECEMBER 26, 1980 HOLIDAY FOR CITY EMPLOYEES: Mayor Ashley called on Councilman at Large Rusty Casto. Councilman at Large Casto stated that this item was presented at this meeting because the next meeting's agenda would be rather length. Councilman at Large Casto then moved to accept December 26, 1980 as a holiday for city employees. The motion was seconded by Councilwoman at Large Trout. The motion passed unanimously.

CITY EMPLOYEES CHRISTMAS PARTY: Mayor Ashley stated that there is some degree of tradition in having a Christmas party for city employees. It was stated that last year's Christmas party was held at the Nitro Moose Lodge. Councilman Omar Cunningham made a motion that the City of Nitro plan a Christmas party for all city employees. The motion was seconded by Councilman Ronald King. The motion was unanimously passed.

APPOINTMENT OF DAVE MILLER 2151 21ST STREET TO PLANNING COMMISSION: For the purpose of recommending Mr. Dave Miller to the Planning Commission, Mayor Ashley called on Councilman at Large Rusty Casto. Councilman Casto stated that Mr. Miller had said that he would like to get more involved in the city government. It was then asked how many people could be on the Planning Commission. It was stated that ten people were allowed

on the Planning Commission, and this appointment would make the tenth. Councilman at Large Rusty Casto made a motion to appoint Mr. Dave Miller of 2151 21st Street to the Planning Commission. The motion was seconded by Councilman Omar Cunningham. The motion passed unanimously.

TRANSMISSION FOR GARBAGE PACKER: Mayor Ashley called on Director of Public Works Gene Williams. Mr. Williams stated that one of the better garbage packers was sown with transmission problems. Mr. Williams named a number of places where a transmission could be purchased, along with costs. Mr. Williams then stated that the \$650 transmission in Ohio would be most appropriate. Councilman Cunningham made a motion to purchase this transmission. The motion was seconded by Councilman Moon. The motion then passed unanimously.

BLACKWOOD STREET PARKING: For the purpose of presenting the Blackwood Street parking problem, Mayor Ashley called on City Attorney Stuart Calwell. City Attorney Calwell stated that the city has a right-of-way of about 40 feet on Blackwood, but only two traffic lanes are paved. The residents have allowed their lawns to be kept out to the edge of the blacktop. People have been parking on the traffic lanes rather than on the right-of-way. Turns cannot be made onto Blackwood Avenue from Kanawha Avenue because of people parking in the lanes of traffic. City Attorney Calwell stated that this could present a liability case against the City of Nitro. City Attorney Calwell stated three different ways in which the problem could be deleted: 1) prohibit on-street parking 2) gravel the right-of-way 3) pave the right-of-way. City Attorney Stuart Calwell presented photographs to council showing cars parked in the traffic lanes. A citizen asked that if something is to be done on Blackwood, will the same thing happen on other streets with the same problem. The reply was that people who are affected by the problem need to go before council before council can take action. Councilman at Large Mel Pennington then made a motion to designate that one block as off-street parking. The motion was seconded by Councilman Jack Moon. It was then stated that this would not be enforced until signs were put up. The motion was opposed by Councilman at Large Rusty Casto. The motion passed with one abstention. (Councilwoman at Large Mary Trout)

JULY 1, 1978 - JUNE 30, 1979 AUDIT-MANAGEMENT LETTER: Mayor Art Ashley urged all council members to read the entire audit plus the accompanying letters carefully. Mayor Ashley then stated that if there were any questions concerning the audit or the management letter, he would be glad to review it on a personal basis. He then stated that the next audit period is currently being examined and will hopefully be completed by the end of this calendar year.

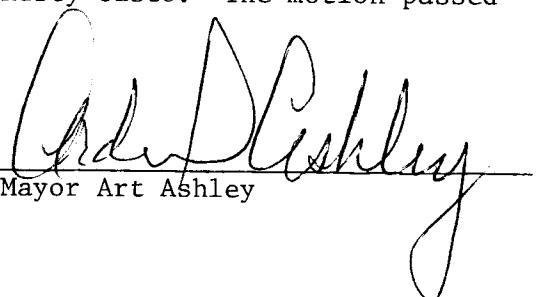
FLAG CONTEST WINNER: Mayor Ashley called on Councilman at Large Rusty Casto to present the winners of the flag contest. Councilman Casto stated that the flags were brought to the four grade schools in Nitro and voted on. City Recorder Sharon Thomas then stated that the third-place winner was Steve Mitchell, second-place was Paul Hill, and the first-place winner was Rusty Casto.

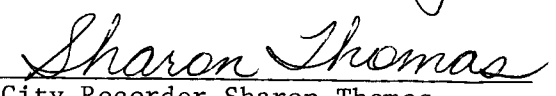
November's Citizen of the Month, Clyde Willard, was present at the meeting. He was to be at last week's council meeting but could not attend. Mayor Ashley congratulated Mr. Willard on being chosen as Citizen of the Month. Clyde Willard was then thanked for everything that he has done for the City of Nitro.

RECOGNITION OF CITIZEN'S ACCOMPLISHMENT: Mayor Ashley called on Councilwoman at Large Mary Trout. Councilwoman Trout stated that a council member, Jack Moon, received the honor of being chosen Chief of Staff of the WV National Army. Councilman Jack Moon received a round of applause.

It was stated that Stuart Calwell was elected to the school board. Stuart Calwell then received a round of applause.

Councilman at Large Pennington then made a motion to adjourn. The motion was seconded by Councilman at Large Rusty Casto. The motion passed unanimously and the meeting was adjourned.


Mayor Art Ashley


City Recorder Sharon Thomas

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Nitro City Council Meeting

Nitro, West Virginia

December 16, 1980

The regular meeting of the Nitro City Council was held at the Council Chambers on December 16, 1980 at 8:00 p.m. Present were Mayor Art Ashley, City Recorder Sharon Thomas, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Ronald King, Councilman Omar Cunningham, and Councilman Jack Moon. Also present was City Attorney Stuart Calwell. Absent were Councilman at Large Mel Pennington, Councilman Joe Savilla, and Treasurer Mike Greenleaf.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Reverend William Westlund of the First Presbyterian Church.

APPROVAL OF DECEMBER 2, 1980 COUNCIL MEETING MINUTES: Councilman at Large Rusty Casto moved to accept the minutes as written. The motion was seconded by Councilman Omar Cunningham. The motion passed unanimously.

SPECIFICATIONS MAINTENANCE GARAGE BURGLAR ALARM SYSTEM: Mayor Art Ashley stated that this item also included specifications for a fence alarm system for the Nitro Maintenance Garage. Council members had the specifications for the alarm system and separate specifications for the fence alarm system. The alarm that goes on the chainlink fence is a fence sensor system. Mayor Ashley then stated that so far the garage is under budget, and everything is going according to plan or better. Councilman Omar Cunningham made a motion to get bids on the alarm system, using the specifications indicated. The motion was seconded by Councilman Jack Moon. The motion passed unanimously.

Councilman Omar Cunningham then made a motion to get bids on the fence alarm system, with the specifications as prepared by Appalachian Engineering. The motion was seconded by Councilwoman at Large Mary Trout. The motion passed unanimously.

CITIZEN OF THE MONTH - GORDON MCCLANAHAN - 1128 MAIN AVENUE: Mayor Ashley stated that the Citizen of the Month for the month of December was Mr. Gordon McClanahan. Mr. McClanahan is the head coach of the Nitro basketball team. He has coached at Nitro High for the past seven years. Gordon McClanahan graduated from Nitro High School in 1969. He received his Bachelor of Science from Alderson-Broadus in 1973. He received his Masters Degree in Education Administration from West Virginia College of Graduate Services in June of 1980.

Mr. McClanahan and his basketball team were to be at the meeting, but they were not able to make it. Mayor Ashley extended his congratulations to Gordon McClanahan and stated that he will be invited to be at a future meeting.

RESOLUTION ON SPECIAL PAY RATES FOR WORKING HOLIDAYS FOR PUBLIC WORKS DEPARTMENT:

Treasurer Mike Greenleaf was to present this item of business to council, but he was not able to attend. Mayor Ashley ~~stated~~ that in the past, the city had made no provision other than straight-pay for holidays. The Chair entertained a motion for a pay raise of time-and-a-half for those people who work on holidays. Basically, the city goes by the same holidays that the state recognizes. Councilman Omar Cunningham moved that the City of Nitro pay time-and-a-half to those people who work on holidays. The motion was seconded by Councilman at Large Rusty Casto. The motion was unanimously passed.

CHRISTMAS CARDS TO HOSTAGES: Mayor Ashley called on Councilman at Large Rusty Casto to present this item. Councilman Casto stated that since it looked doubtful that the hostages would be out of Iran by Christmas, he visited the grade schools and received Christmas Cards made by the students to be sent to the hostage. Councilman at Large Casto then stated that he would mail the Christmas Cards first thing the next morning. He then read a few of the cards to council. Mayor Ashley then stated that this was a ~~great~~ gesture.

CHRISTMAS LUNCHEON FOR CITY EMPLOYEES. SATURDAY, DECEMBER 20, 1980 11:00 A.M. TO 2:00 P. M.: Mayor Art Ashley stated that Nitro City Employees will have their Christmas party at the Nitro Moose Lodge on Saturday, December 20, 1980 from 11:00 a.m. to 2:00 p.m. He then ~~stated~~ that Santa Claus would be there and hopefully all of council.

Councilman Jack Moon stated that December 19, 1980 opens Nitro High's 1980-1981 basketball season. Councilman Moon then requested that Mayor Art Ashley issue a proclamation declaring Friday, December 19, 1980 as Nitro High School Basketball Day and saying to coaches Gordon McClanahan and Tom Chaney, players, and students that Nitro City Council gives their best regards for a successful basketball season. Councilman Moon put this in the form of a motion. The motion was seconded by Councilman Cunningham. The motion passed unanimously.

Councilman at Large Rusty Casto then made a motion to adjourn. The motion was seconded by Councilman Jack Moon. The motion passed unanimously, and the meeting was adjourned.

Mayor Art Ashley

Sharon Thomas
 City Recorder Sharon Thomas

SPECIAL COUNCIL MEETING MINUTES

CITY OF NITRO

JANUARY 6, 1981

The Special Meeting of the Nitro City Council was held in the Council Chambers January 6, 1981 at 7:00 p.m. Present were Mayor Art Ashley, Sharon Thomas, City Recorder, Councilwoman at Large, Mary Trout, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham, and Councilman Jack Moon. Also present were Michael Greenleaf, Treasurer and Mr. Stuart Calwell, City Attorney. Councilman at Large Rusty Casto was absent.

The meeting was called to order by the Honorable Arden D. Ashley.

The purpose of this Special Meeting of the City Council was to address a real estate proposal.

Mayor Ashley stated that the one item on the agenda has to do with the request of the Council to authorize the sale of real estate owned by the city. Mayor Ashley explained that there is an industry coming to town, and they wish to remain anonymous because they have not yet made an announcement to their firm. He said that they are currently located in Kentucky and they will be shutting that operation down and will be building the facility in the city on property that's currently owned by Union Boiler (over beyond the city garage, between the city garage and the river, next to the city park).

Mayor Ashley said that going back in history this property was bought by Union Boiler, and that he understood that Union Boiler gave half the total holding to the city, and that is where the current city garage is. The property from the river in between the fences is the property we're talking about, he said. Mayor Ashley said there were some six and a half to seven acres or so that this firm is buying. He further stated that what they want to do is buy the additional portion that includes the pond. He said that the pond in its current location, the city's property line splits he thought pretty close to the center of the pond area. He said they wanted to fill the pond in and use that land, so they wanted to buy that portion up to the edge this side of the pond area. He stated that this was a relatively narrow strip, and that they had not had it appraised, so we do not know its exact value. He said that one estimate he had heard was in the neighborhood of \$8,000, so we're not talking about a whole big piece of property. Mayor Ashley stated that we are not currently using it, and the pond is something that we needed to do something about anyway, and I was suggesting we either clean it up or fill it up. Councilman Moon said, ^{DOES} "The city really doesn't have any real future plans for the use of it."

* Correction requested by Councilman Moon;
MAY 19, 1981 Council meeting.

Mayor Ashley said that this was not a part of the city's future plans, that we have plenty of land beyond the garage building.

Councilman at Large Pennington stated that at one time Union Boiler had given the city an option on that piece of property all the way to the river, and we couldn't see ourselves clear at that time to come up with the money, but it would have been a nice piece of property for us to have. "But this is much more important than us owning that; I would be very much in favor of allowing them to do that," he said.

Mayor Ashley stated:

What they want some indication of--their plan is to make their announcement to their employees next month and as soon as they have done that, then, the whole thing can go public. There has been some publicity given to this by the media because they have went to Kanawha County for bonding, and it's only one sixth in Kanawha County. So, they've got to go to Putnam County now for the same thing. So there has been some leakage of the information; but, apparently their employees don't have it yet. When they do go public with the information, they are planning to include press conferences and the whole thing.

So, it is not a "go or no go" if we don't sell them the property. But, their request is that we sell them the property, the pond line. And, I would entertain a motion to allow the city to do that at whatever the fair market value is and have it appraised by...

Councilman Pennington said, "Mayor, we can't vote in a closed session like this. Can we? I mean you call poll the opinion, but..."

Mayor Ashley replied, "All right, poll the opinion, and whatever the appropriate bid--in terms of the final sale contract it would have to be approved in a public forum anyway. The only reason for not going public with this meeting is to protect the name of the industry, the name of the firm."

Councilman Moon asked that if we could do it in such a manner that if we sold this property to them it would be specifically on the agreement that they would come in here and build and actually establish a business here, which would then benefit the city. Therefore, we feel we would be getting some revenue from them, he said.

Councilman Savilla said, "What I think we should do is in order to establish a fair market value--what do we do, get a couple of appraisals..."

Mayor Ashley replied, "Whatever you suggest, two appraisals would be fine. We can do that. And, if we can just get an agreement in principle that the City Council is of a mind to let them have the property at a fair market value with other contingencies that might be worked out later."

Councilman at Large Pennington said that we can't vote on it, this is a closed session.

Mayor Ashley said, "There is no agreement nor no contract to be signed anyway, but I wanted to be able to tell them next week when we do go public that we have agreed in principle to let them have the land at the fair market value under the contract terms."

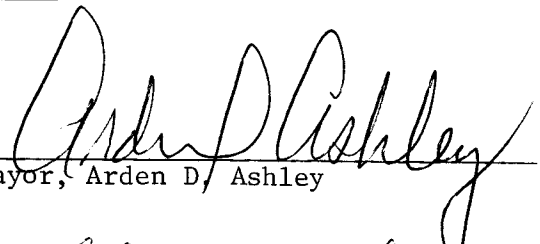
Councilman Cunningham said we'll go ahead with a couple appraisals on it to give us a working figure."

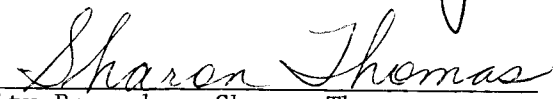
Mayor Ashley replied, "Yes, we should do that...." Mayor Ashley stated that it should be surveyed before it's sold.

The consensus of Council was that they agreed in principle to let them have the land at the fair market value under the contract terms.

Councilman at Large Pennington made the motion to adjourn. The motion was seconded by Councilman Omar Cunningham, and the motion passed unanimously.

Special Council Meeting Minutes approved:


Mayor, Arden D. Ashley


City Recorder, Sharon Thomas



Nitro City Council Meeting

Nitro, West Virginia

January 6, 1981

The regular meeting of the Nitro City Council was held at Council Chambers on January 6, 1981 at 8:00 p.m. Present were Mayor Art Ashley, City Recorder Sharon Thomas, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham, and Councilman Jack Moon. Also present was City Attorney Stuart Calwell.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Reverend Leroy Beyer of the Holy Trinity Catholic Church.

APPROVAL OF DECEMBER 16, 1980 COUNCIL MEETING MINUTES: Councilman at Large Rusty Casto moved to accept the minutes as written. The motion was seconded by Councilman Ronald King. The motion was unanimously passed.

CITIZEN OF THE MONTH MR. FRANK WYGAL: Mayor Art Ashley introduced the Citizen of the Month of January, Mr. Frank Wygal and his wife Elizabeth Wygal. Mayor Ashley stated that Mr. Wygal became an employee of the City of Nitro on October 1, 1969 and will be retiring on January 15, 1981. The Wygals have four children and five grandchildren plus one grandchild on the way. Mr. Wygal is a plumber, and he is very active at Nitro Church of God. Mr. Wygal was thanked for his many contributions to the City of Nitro and congratulated for being selected as the Citizen of the Month.

REQUEST TO AUTHORIZE SALARY INCREASE FOR ADMINISTRATIVE ASSISTANT: Mayor Art Ashley called on Councilman Joe Savilla to present this item of business. Councilman Savilla stated that the City of Nitro had gone without an Administrative Assistant since November. He then proposed an amendment to the city budget for an increase of \$3,000 per year to the Administrative Assistant. The budget presently allows a salary of \$9,000 per year to pay the Administrative Assistant. Councilman Joe Savilla then put this in the form of a motion. It was asked why an Administrative Assistant was needed. Councilman Savilla then stated that there were a number of reasons why an Administrative Assistant was needed. Councilman Savilla then stated that Treasurer Mike Greenleaf had been handling that position since November. It was then asked if this position was an Administrative Assistant to the treasurer or to the mayor. Mayor Ashley stated that the Administrative Assistant assists the treasurer related to city finance and reports to the mayor through the treasurer. The responsibilities of the Administrative Assistant overlaps departments. It was then asked

if Mike Greenleaf would be the person employed in this position. The reply was that Mr. Greenleaf would hold this position if he would be willing. Councilwoman at Large Mary Trout seconded the motion to increase the salary of Administrative Assistant from \$9,000 to \$12,000 per year. Those opposed to this motion were City Recorder Sharon Thomas, Councilman Omar Cunningham, and Councilman Jack Moon. The motion passed.

REPORT ON AMBULANCE AUTHORITY: Mayor Ashley called on Councilman Jack Moon. Councilman Moon stated that he had talked to the President of the Cross Lanes Volunteer Ambulance Authority and that he would like to give an update on how Cross Lanes is handling working for Nitro. The Cross Lanes Volunteer Ambulance Authority is very happy with the way the program is working out. The City of Nitro pays for the gasoline for the ambulances. By January 15 the Volunteer Ambulance Authority will have a full paramedic station together with a heart-monitoring device to be put on ambulances. The ambulance fees have been raised to a \$40 load fee per patient on an emergency call, plus \$1.50 per mile from point of pickup to the hospital, plus any drugs, oxygen, etc. that is needed. Councilman Moon then stated that if you call the emergency ambulance and the paramedic does not believe you are in need of an ambulance, there is no charge. It was then stated that Frank Kirk had been elected as the new Director of the Volunteer Ambulance Authority.

NITRO LICENSE TAG: This item of business has to do with the ordering of licenses with the Nitro logo on them. This logo was the winner of the Flag Design Contest. The selling of aluminum plates with the Nitro logo on them was the idea of Mrs. Frazier. The purpose of selling these plates is to raise money for the Nitro Recreation Department, the Nitro Police Reserves, and the Volunteer Fire Department. These plates will be on sale at City Hall and various businesses in Nitro without going door to door. It was asked how much these license plates would cost. The reply was that one would cost approximately \$5. For a quantity of 100, the price would be around \$215 and about \$55 for each 100 thereafter. If the City of Nitro was to sell 500 plates at \$5 per plate, the cost to the city would be less than \$1 a piece. Sgt. Johnson of the Nitro Police Department, who is managing the Nitro Police Reserves, stated that the reserve unit is very interested in selling these plates and so are the volunteer firemen. Councilman at Large Casto made a motion to order 500 plates. The motion was seconded by Councilman Cunningham. Councilman Casto amended his motion to include presenting Mrs. Frazier with a free plate at the next council meeting after they come in. Councilman Cunningham seconded the amended motion. It was then asked if it was possible to order decals saying "Citizen of the Month" to be given to every Citizen of the Month. Councilman Casto again amended his motion to include the ordering of "Citizen of the Month" decals. The motion was seconded by Councilman Cunningham. The motion was then passed unanimously.

REQUEST FROM ROBERT PERRY TO OPEN AN UPHOLSTERY SHOP AT MAIN AVE. & CENTER STREET: Mayor Art Ashley stated that Mr. Robert Perry has requested to open an upholstery shop at Main Ave. and Center Street. The business in this location used to be the Grandfather Clock. Councilman Omar Cunningham made a motion to refer this to the Planning Commission. The motion was seconded by Councilman at Large Pennington. The motion then passed unanimously.

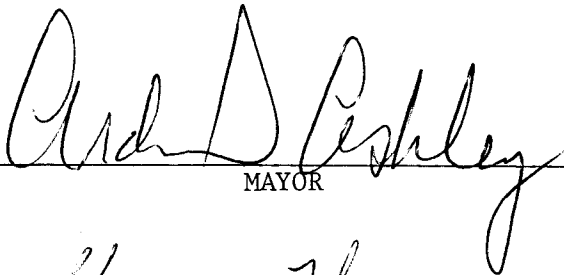
COMMITTEE TO EVALUATE CITY GARAGE FOR USE BY SANITARY BOARD: Mayor Ashley called on City Recorder Sharon Thomas to present this item of business.

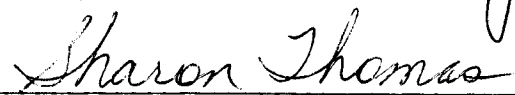
City Recorder Thomas tated that a meeting was to be held later on that week and should be ready to be presented at the next council meeting. Those people serving on that committee are Sharon Thomas, Joe Savilla, Connie Stevens, Gene Williams, nad Bob Sergeant.

JULY 1, 1979 - JUNE 30, 1980 AUIT REPORT: Mayor Ashley stated that the audit report was delivered today, January 6, along with a monagement letter. Mayor Ashley then urged allcouncil members to carefully examine the audit. The mayor then stated that another letter was received that day representing a cotrection to the audit of the previous year. In the last audit, it was stated that there weretwo checks that had been received by the city but not deposited into any of the city's funds. This letter clarified that Mr. Tom Melton, City Recorder under previous administartion, had assisted in the correction d that statement. Substitute pages are being prepared for pages 29 and 30 of that audit. Mayor Ashley then stated that all of council was concerned about Mr. Melton's name being damaged in the newspapers.

PROPOSED LAND FILL: Councilman at Large Pennington suggested that Mayor Ashley contact Mr. McCormick, former City Attorney, and Appalachian Engineers in reference to information they had previously obtained on the proposed landfill.

The meeting was adjourned.


MAYOR


CITY RECORDER

Nitro City Council Meeting

Nitro, West Virginia

January 20, 1981

The regular meeting of the Nitro City Council was held at the Council Chambers on January 20, 1981 at 8:00 p.m. Present were Mayor Art Ashley, City Recorder Sharon Thomas, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham, and Councilman Jack Moon. Also present were Stuart Calwell, City Attorney, and Michael Greenleaf, Treasurer. Councilman at Large Rusty Casto was absent.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Joe Savilla.

APPROVAL OF JANUARY 6, 1981 COUNCIL MEETING MINUTES: Councilman Joe Savilla moved to accept the minutes as written. Councilman Jack Moon then stated that on page 2 on the report of the ambulance authority, the last sentence read, "The ambulance fees have been raised to a \$40 low fee". The minutes should have read "a \$40 load fee". Councilman Moon then stated that the minutes read that if you call the emergency ambulance and the paramedic does not believe you are in need of an ambulance, there is no charge. Councilman Moon wanted to make it clear that the paramedic does not determine whether you need an ambulance or not over the phone. Councilman Joe Savilla made a motion to accept the corrected minutes. The motion was seconded by Councilman Omar Cunningham. The motion passed unanimously.

WEST VIRGINIA MUNICIPAL LEAGUE MID-WINTER CONFERENCE FEBRUARY 22-24, 1981, CHARLESTON, WV: Mayor Art Ashley stated that council members had received copies of the agenda for this program and encouraged them to participate. Mayor Ashley then stated that the Mid-Winter Conference will be held at the Daniel Boone Hotel in Charleston. The registration fee is \$35 for members and \$50 for non-members. Councilman Savilla then asked if the City of Nitro is a member or a non-member. Mayor Ashley stated that the City of Nitro is a member.

INTRODUCTION OF MR. DONALD BOHN, GENERAL MANAGER, SHELBY STEEL, INC: Mayor Ashley introduced Mr. Don Bohn, General Manager of Shelby Steel, Inc. and asked if he would make the same announcement that he had made at the press conference. Mr. Bohn stated that Shelby Steel, Inc. is going to open a steel service center in Nitro. This will be located adjacent to the city garage and cornered by the Little League Ball Field. Mr. Bohn said construction is planned to start in March and will hopefully be completed around September. About 25 people will be employed at first, but employment should be up to 40 people within three years. Mr. Bohn stated that

the City of Nitro had been very gracious and a lot of help to them. He then introduced Mr. Bill Jones, the Operations Manager of the Shelby Steel facility in Nitro. Mayor Ashley welcomed them to the City of Nitro.

SEALED BIDS OPENED FOR BURGLAR ALARM FOR MAINTENANCE GARAGE:

City Recorder Sharon Thomas passed sealed bids for the burglar alarm for the maintenance garage to be opened by council members. The first bid read was from Security and Safety Services. Their bid was \$1250 for the garage. A-Life Guard Alarms Systems submitted a bid of \$2294 for the fence at the old maintenance garage, \$3124.70 for the fence alarm at the new maintenance garage, and \$1245.99 for the alarm at the new maintenance garage. Harry Jarrett gave a bid of \$1162 for the maintenance garage alarm and \$2743 for the intrusion system for the garage. Asterick Securities of St. Albans submitted their bid with modified specifications, listing all equipment. They bid \$1260.89 for all the equipment listed, \$433.25 for the burglar alarm, and \$1880.65 for the fence alarm system. The total of Asterick Securities' bid was \$3574.79, Johnson gave a bid of \$6150 for the garage.

Councilman at Large Mel Pennington moved to form a committee to look at the bids and report back to the next council meeting. The motion was seconded by Councilman Omar Cunningham. Those on the committee are Councilman at Large Mel Pennington, Councilman Omar Cunningham, City Recorder Sharon Thomas, Councilman Jack Moon, and Councilman Joe Savilla. The motion was passed unanimously.

SEALED BIDS OPENED FOR CHAIN LINK FENCE FOR MAINTENANCE GARAGE:

The Chair entertained a motion to have these bids be examined by the same committee along with the others. Councilman at Large Mel Pennington put this in the form of a motion. The motion was seconded by Councilman Joe Savilla.

INSURANCE BID SPECIFICATIONS: It was stated that the City of Nitro's insurance expires on February 20, 1981. There have been complaints from insurance companies saying that there is not enough information in the specifications. These specifications were written at no cost to the city. Councilman at Large Mel Pennington moved to extend the bid period to February 16, Monday at 4:30. They were to be due on Monday, February 2. The motion was seconded by Councilman Joe Savilla. The motion was unanimously passed.

RIVERDALE ACRES: Mayor Ashley called on Councilman at Large Pennington. Councilman Pennington gave a brief background history of the Riverdale Acres area. Riverdale Acres was formally residential property. The previous administration had this residential property changed to commercial property. Now, if a resident of Riverdale Acres should lose his home through fire or some other disaster, he would not be permitted to rebuild his home on that property. Councilman Pennington stated that he felt this was wrong. Councilman Pennington then mentioned that this administration may be able to give those people the right to rebuild their homes if they owned that property. He did not put this in the form of a motion because he felt council would probably want to discuss it further. City Attorney Stuart Calwell volunteered to check into this question and report back to the next council meeting.

AUTHORIZATION OF SIGNATURE CARD: Mayor Ashley turned the floor over to Treasurer Mike Greenleaf. Treasurer Greenleaf stated that the only two people who could sign checks for the City of Nitro were Mayor Ashley and himself. Two signatures are required to cash checks, so if either the mayor or the treasurer were not available to sign a check, a check could not be cashed. Treasurer Greenleaf then stated that it would be valuable to have someone else named to sign checks for the City of Nitro. Councilman at Large Mel Pennington made a motion to name City Recorder Sharon Thomas to sign checks for the City of Nitro. The motion was seconded by Councilman Jack Moon. The motion passed unanimously.

SENIOR CITIZEN HOUSING PROJECT: Mayor Ashley introduced Mr. Bob Reishman. Mr. Reishman stated that he has a company, Reishman and Associates, and represents a company by the name of National Development Corporation. Mr. Reishman is proposing to build a 101-unit apartment building for senior citizens and handicapped. the site where this will be is between 23rd and Ben Franklin's parking lot in Nitro. The building may be ready for occupancy in two years. Mr. Reishman showed plans for the building and left a copy of the plans with council. Tenants will be available for a direct subsidy from the federal government. Their rent, including utilities, will not exceed 25% of their income. One of the questions asked was how fire-safe the building will be. Mr. Reishman described the fire safety devices that will be in the building. Fireman Dave Jones stated that the Fire Department was not against the project, they just wanted to make sure it's safe. This project will be privately built, financed, and owned.

Councilman at Large Mel Pennington moved to write a letter to HUD expressing council's support for this project. The motion was seconded by Councilman Jack Moon. The motion passed unanimously.

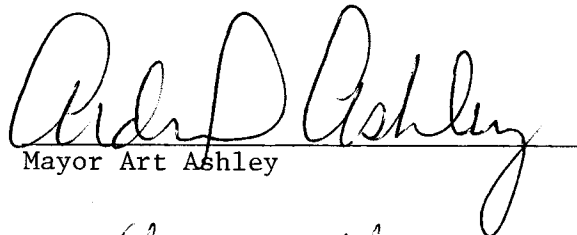
FIRST READING OF ORDINANCE "OBSTRUCTING AN OFFICER": Councilman Joe Savilla gave the first reading of the ordinance "Obstructing an Officer." He read as follows:

AN ORDINANCE: OBSTRUCTION AN OFFICER; PENALTY

Any person who by threats, menaces, acts or otherwise forcibly or illegally hinders, obstructs or opposes, or attempts to hinder, obstruct or oppose, or shall counsel, advise or invite others to hinder, obstruct or oppose any city police officer or any other authorized officer of the City in the lawful exercise or discharge of his official duty, shall, for every offense, be guilty of obstructing an officer, and upon conviction thereof, shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and may in the discretion of the Court be imprisoned not exceeding thirty (30) days.

Councilman Savilla made a motion to have a second reading of the ordinance at the next council meeting. The motion was seconded by Councilman Omar Cunningham. The motion passed unanimously.

Councilman at Large Pennington made a motion to adjourn. The motion was seconded by Ronald King. The motion passed, and the meeting was adjourned.


Mayor Art Ashley


City Recorder Sharon Thomas

Nitro City Council Meeting

Nitro, West Virginia

January 29, 1981

The special meeting of the Nitro City Council was held at Council Chambers on January 29, 1981, at 8:00 p.m. Present were Mayor Art Ashley, Councilman at Large Mel Pennington, Councilman Omar Cunningham, City Recorder Sharon Thomas, Councilman Jack Moon, and Councilman Joe Savilla. Also present was Michael Greenleaf, Treasurer.

The meeting was called to order by the Honorable Art Ashley. The Invocation was given by Reverend Leroy Beyer of the Holy Trinity Catholic Church.

The purpose of this special meeting of the City Council was to address two questions:

1. Rezoning the possible landscaping for the use by Shelby Steel and incorporated from "R-1" to "C-1".
2. The consideration to buy a new police cruiser.

Mayor Art Ashley asked Council to reverse procedures so that the second item on the agenda could be addressed first.

THE CONSIDERATION TO BUY A NEW POLICE CRUISER: Mayor Art Ashley lead the discussion getting another vehicle for the City of Nitro, for police use. Mayor Ashley stated that he had talked to Jeremiah McCormick, who had reviewed the problems of borrowing the money to purchase a new police vehicle. Mr. McCormick's legal opinion was that he stated that as long as the financing was paid off before the next administration, he did not foresee any problem. Mike Greenleaf, Treasurer, stated that he did not want to commit the funds to this particular project at the present time. Councilman at Large Mel Pennington recommended that the Council wait until the next council meeting, to see if the financial picture could be clarified in terms of borrowing money. Councilman Pennington then moved to purchase an engine for the repair of the police cruiser number three. The motion was seconded by Councilman Omar Cunningham. The motion passed unanimously.

REZONING THE POSSIBLE LANDSCAPING FOR THE USE BY SHELBY STEEL AND CORPORATED FROM "R-1" TO "C-1": Mayor Art Ashley stated that the property that is owned by Union Boiler and is scheduled by sale to Shelby Steel covers approximately ten acres. Mayor Ashley then stated that the ten acres consists of a triangle that starts from zero and expands from last point on Plant Road at approximately 430 feet to approximately 180 feet on Plant Road. At this point Mayor Art Ashley asked Councilman Joe Savilla to read the ordinance concerning this matter. The ordinance reads as follows:

An Ordinance to amend and change the "City of Nitro Zoning Ordinance" adopted October 6, 1970, by the City Council of the City of Nitro and incorporated by reference in chapter twenty two of the code of the City of Nitro to divide zoning areas no. eleven (11) as shown on the official "Zoning Map" on file in the office of Nitro, creating therefrom a new zoning area to be known as zoning area twenty two (22) and further providing for class "C-1", heavy business use are designated and prescribed in article ten (10), section 1001, et seq, of the said City of Nitro Zoning Ordinance; said ordinance in no way to effect the current zoning of the remainder of area no. eleven (11), now designated "R-1" single-family district.

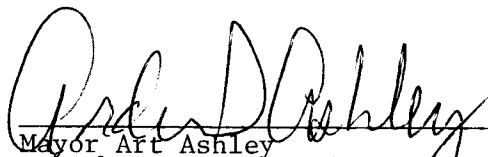
Therefore, be it advised by the common council of the City of Nitro, West Virginia, that zoning area no. eleven (11) be divided and that the hereinafter described new district be created and enumerated zoning area no. twenty two (22) with a zoning use designation of "C-1" heavy business and designated as such in the "official zoning map" in accordance with the following description. The remainder of existing zoning area no. eleven (11) shall remain designated as "R-1" single-family district.

"Areas 22" C-1 (Heavy Business)

Beginning at a point on the low water line of Kanawha River, thence South 75° 50' East 1500 feet \pm ; thence South 13° 35' 30" West 450 feet \pm to a stake; thence South 87° 04' West 52.15 feet to an iron pin; thence South 87° 04' West 634.43 feet; to a 3" pipe fence post; thence South 86° 52' West 97.91 feet \pm to a stake at the low water line of Kanawha River; thence with said low water line in a Northerly direction to the place of beginning, all being a section of area no. eleven (11) as presently shown on the official zoning map on the City of Nitro, West Virginia. The remainder of area no. eleven (11) to retain its designation as "R-1" single-family residential.

Council Joe Savilla make a motion to have a second reading of the ordinance at the next council meeting, February 12 at 7:00 p.m. The motion was seconded by Councilman at Large Mel Pennington. The motion passed unanimously.

Councilman at Large Mel Pennington made a motion to adjourn. The motion was seconded by Ronald King. The motion passed, and the meeting was adjourned.


Mayor Art Ashley


City Recorder Sharon Thomas

Nitro City Council Meeting

Nitro, West Virginia

February 3, 1981

The regular meeting of the Nitro City Council was held at the Council Chambers on February 3, 1981, at 8:00 p.m. Present were Mayor Art Ashley, City Recorder Sharon Thomas, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Ronald King, Councilman Omar Cunningham, Councilman Jack Moon. Also present were Strart Calwell, City Attorney, and Michael Greenleaf, Treasurer. Councilman Joe Savilla was absent.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Mary Trout.

APPROVAL OF JANUARY 20, 1981 COUNCIL MEETING MINUTES: Councilman at Large Mel Pennington made a motion to accept the minutes as written. The motion was seconded by Omar Cunningham. The motion passed unanimously.

MR. HARVEY COLLINS - 1436 - SATTES CIRCLE - CITIZEN OF THE MONTH: Councilman at Large Mel Pennington made the nomination and introduced The Citizen of the Month, for the month of February 1981, Mr. Harvey Collins. Councilman Pennington stated the many things that he had done for the Little League, with the football program, with the High School and with the City of Nitro in general. Harvey Collins stated that he moved to Nitro in 1939, and married the former Wanda Mack. They have four sons and five grandchildren. Mr. Collins then stated that he is currently an employee at Monsanto and has been for the past 34 years. Mr. Collins was thanked for his many contributions to the City of Nitro and congratulated for being selected as the Citizen of the Month.

BURGLAR ALARM FOR MAINTENANCE GARAGE: City Recorder Sharon Thomas stated, that the committee that was formed to look at the bids and to make their decision, had agreed to go with Asterick for a bid of \$3574.79. This bid included the garage, the fence, and the fence around the old building.

John Hunter, representing Asterick Securities, recommended the digital electronic lock system, which in case of power failure, has a battery back up of 172 hours, which would be the same as the alarm system with the battery back up. Mr. Hunter brought to the attention of Council the purchase order that was specified as soon as possible for the Council's protection. Mr. Hunter then stated that the sensors that were specified, go up 18%, as of February 5, 1981. Mr. Hunter stated that he had received a call from Litton Industries from Blackstone Virginia, which stated they were going up 18%, when Mr. Hunter checked on the sensor's availability. Mayor Art Ashley stated that the Council would accommodate Mr. Hunter at his convenience.

Councilman Omar Cunningham made a motion to accept the digital electronic lock system. The motion was seconded by Councilman at Large Mel Pennington. The motion passed unanimously.

CHAIN LINK FENCE FOR MAINTENANCE GARAGE: City Recorder Sharon Thomas moved to accept the bid from Guthrey Fence. The motion was seconded by Councilman Omar Cunningham. The motion passed unanimously.

SECOND READING OF ORDINANCE "OBSTRUCTING AN OFFICER": Mayor Art Ashley requested that Councilwoman Mary Trout read the second reading of the ordinance "Obstructing an Officer." The ordinance reads as follows:

AN ORDINANCE: OBSTRUCTING AN OFFICER: PENALTY

Any person who by threats, menaces, acts or otherwise forcibly or illegally hinders, obstructs or opposes, or attempts to hinder, obstruct or oppose, or shall counsel, advise or invite others to hinder, obstruct or oppose any city police officer or any other authorized officer of the City in the lawful exercise or discharge of his official duty, shall, for every offense, be guilty of obstructing an officer, and upon conviction thereof, shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and may in the discretion of the Court be imprisoned not exceeding thirty (30) days.

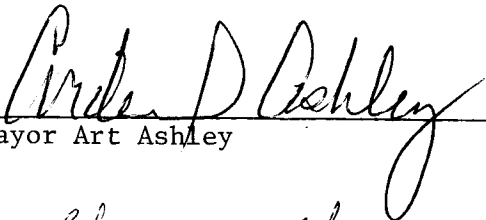
After this second reading of the ordinance "Obstructing an Officer", the ordinance became law. Councilman at Large Mel Pennington made a motion to accept the ordinance. The motion was seconded by Councilman Omar Cunningham.

PERMISSION FOR AMERICAN HEART ASSOCIATION TO CONDUCT ITS ANNUAL HEART FUND DRIVE DURING THE MONTH OF FEBRUARY, 1981: Mayor Art Ashley read a letter from the American Heart Association, requesting permission to conduct its Annual Heart Fund Drive in Nitro, during the month of February 1981. Councilman at Large Rusty Casto moved that their permission be granted. The motion was seconded by Councilman at Large Mel Pennington. The motion passed unanimously.

RIVERDALE ACRES: Mayor Art Ashley stated that there had been some questions raised about the zoning ordinances concerning replacement of a dwelling in a commercial area by a resident. Stuart Calwell, City Attorney, stated that he took the liberty of making copies of page 21 of the Zoning Ordinances of the City of Nitro. The Council members read page 21, section 1404, article 15, entitled "Nonconforming Uses". Stuart Calwell, City Attorney, stated that the residents of Riverdale Acres have the right to continue on with the nonconforming use.

CONSIDERATION OF PURCHASING A NEW POLICE CRUISER: Councilman at Large Mel Pennington made a motion to purchase the Buick LeSabre Lawman, at a cost of \$8498.84. The motion was seconded by Councilman at Large Rusty Casto. The Chair spoke on behalf of Joe Savilla's absence on sticking with the Fleet Approach and not a mixture of cars and parts. Councilman Ronald King opposed.

Councilman at Large Mel Pennington made a motion to adjourn. The motion was seconded by Councilman at Large Rusty Casto. The motion passed, and the meeting was adjourned.



Mayor Art Ashley



City Recorder Sharon Thomas

Nitro City Council Meeting

Nitro, West Virginia

February 12, 1981

The special meeting of the Nitro City Council was held at the Council Chambers on February 12, 1981 at 8:00 p.m. Present were Mayor Art Ashley, City Recorder Sharon Thomas, Councilwoman at Large Mary Trout, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham. Also present were Stuart Calwell, City Attorney, and Michael Greenleaf, Treasurer, Councilman at Large Rusty Casto, Councilman at Large Mel Pennington, and Councilman Jack Moon were absent.

The meeting was call to order by the Honorable Art Ashley.

Mayor Art Ashley stated that the purpose of this special Council Meeting was the recommendation made by the Planning Commission, that the Ordinance, "Area 22" C-1 (Heavy Business), be adopted. Mayor Ashley then asked Councilman Joe Savilla to read the ordinance.

An Ordinance to amend and change the "City of Nitro Zoning Ordinance" adopted October 6, 1970, by the City Council of the City of Nitro and incorporated by reference in chapter twenty two of the code of the City of Nitro to divide zoning areas no. eleven (11) as shown on the official "Zoning Map" on file in the office of Nitro, creating therefrom a new zoning area to be known as zoning area twenty two (22) and further providing of class "C-1", heavy business use as designated and prescribed in article ten (10), section 1001, et seg, of the said City of Nitro Zoning Ordinance; said ordinance in no way to effect the current zoning of the remainder of area no. eleven (11), now designated "R-1" single-family residence district.

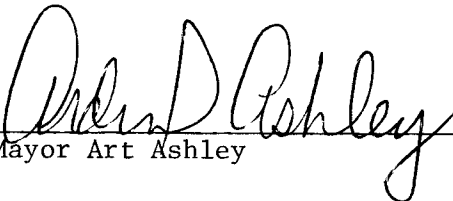
Therefore, be it advised by the common council of the City of Nitro, West Virginia, that zoning area no eleven (11) be divided and that the hereinafter described new district be created and enumerated zoning area no. twenty two (22) with a zoning use designation of "C-1" heavy business and designated as such in the "official zoning map" in accordance with the following description. The remainder of existing zoning area no. eleven (11) shall remain designated as "R-1" single-family residential district.

"Areas 22" C-1 (Heavy Business)

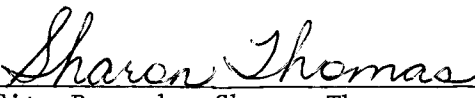
Beginning at a point on the low water line of Kanawha River, thence South $75^{\circ} 50'$ East 1500 feet \pm ; thence South $13^{\circ} 35' 30''$ West 430 feet \pm to a stake; thence South $87^{\circ} 04'$ West 52.15 feet to an iron pin; thence South $87^{\circ} 04'$ West 634.43 feet; to a 3" pipe fence post; thence South $3^{\circ} 42' 45''$ East 30.20 feet to a 4" pipe fence post; thence South $86^{\circ} 52'$ West 97.91 feet \pm to a stake at the low water line of Kanawha River; thence with said low water line in a Northerly direction to the place of beginning, all being a section of area no. eleven (11) as presently shown on the official zoning map on the City of Nitro, West Virginia. The remainder of area no. eleven (11) to retain its designation as "R-1" single-family residential.

Councilman Joe Savilla made a motion to adopt the ordinance as read. The motion was seconded by Councilman Omar Cunningham. The motion passed unanimously.

Councilman Joe Savilla made a motion to adjourn. The motion was seconded by Councilman Ronald King. The motion passed unanimously.



Mayor Art Ashley



City Recorder Sharon Thomas

Nitro City Council Meeting

Nitro, West Virginia

February 17, 1981

The regular meeting of the Nitro City Council was held at Council Chambers on February 17, 1981 at 8:00 p.m. Present were Mayor Art Ashley, City Recorder Sharon Thomas, Councilman at Large Rusty Casto, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Ronald King, Councilman Jack Moon. Also present were Jeremiah McCormick, sitting in for Stuart Calsell, City Attorney, and Michael Greenleaf, Treasurer. Councilwoman at Large Mary Trout and Councilman Omar Cunningham were absent.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Jerry Hudson.

APPROVAL OF JANUARY 29, 1981 SPECIAL COUNCIL MEETING MINUTES:

Councilman at Large Mel Pennington moved to accept the minutes as written. Councilman at Large Rusty Casto then stated that his name had been omitted from the attendance. Councilman Ronald King also stated that his name was omitted. Councilman Joe Savilla made a motion to accept the amended minutes. The motion was seconded by Councilman Ronald King. The motion passed unanimously.

APPROVAL OF FEBRUARY 3, 1981 COUNCIL MEETING MINUTES: Councilman at Large Mel Pennington made a motion to accept the minutes as written. The motion was seconded by Councilman at Large Rusty Casto. The motion passed unanimously.

SEALED BIDS OPENED FOR INSURANCE: City Recorder Sharon Thomas passed out sealed insurance bids. The Chair recommended that the Council form a committee to examine the insurance bids. Councilman at Large Mel Pennington stated a bid of \$5,090 from Commercial Insurance. Councilman Jack Moon stated a bid from McDonough Caperton which was \$11,991. City Recorder Sharon Thomas stated a bid from Motorists Mutual Insurance Company which, for property was only \$5,219. Councilman Ronald King stated a bid from Insurance Exchange which was \$9,498.

Councilman Joe Savilla then made a motion to form a committee to examine the insurance bids. The motion was seconded by Councilman at Large Mel Pennington. The motion passed unanimously.

PARKING ON SECOND AVENUE: Councilman at Large Rusty Casto made a motion to table it and report back to the next council meeting. The motion was seconded by Councilman at Large Mel Pennington. The motion passed unanimously.

SENIOR CITIZEN BUS: Mayor Art Ashley informed Council that the new Senior Citizen Bus had arrived. The Mayor then stated that the bus would be presented to the Senior Citizen's at their luncheon on February 18, 1981. Mayor Art Ashley then stated that the main function was a nutritional program designed for the Senior Citizen's.

RECOGNITION OF MONTY FRAZIER AND DAVE CLENDENIN: Councilman at Large Rusty Casto introduced Monty Frazier. Councilman Casto then stated that Monty Frazier and Dave Clendenin saved a man's life by pulling him out of a burning vehicle. Monty Frazier thanked Council for recognizing him and Dave Clendenin. Mayor Art Ashley congratulated him on his courage.

CITY FLAG: Mayor Art Ashley introduced the new flag to the Council. Mayor Ashley then presented the first flag to Rusty Casto because he had designed it. Mayor Art Ashley then asked permission of Council to use, February 20, Nitro's 49th birthday, to introduce the new flag to the City of Nitro. Mayor Art Ashley then congratulated Councilman at Large Rusty Casto on the design of the new flag.

Councilman at Large Rusty Casto made a motion to purchase six full size flags to be distributed to the four grade schools, the Junior High School, and the High School. The motion was seconded by Councilman Jack Moon. the motion passed unanimously.

APPOINTMENTS:

1. STEVE WEST, POLICE CIVIL SERVICE COMMISSION, (RE:APPOINT) Mayor Art Ashley stated that he needed authorization of Council to reappoint Steve West, as Police Civil Service Commission. Councilman at Large Rusty Casto made the motion to reappoint Steve West as Police Civil Service Commission. The motion was seconded by Councilman Joe Savilla. The motion passed unanimously.

2. MRS. JUDY WEST, BOARD OF ZONING APPEALS (RE:APPOINTMENT) Councilman Joe Savilla made a motion to reappoint Mrs. Judy West, on the Board of Zoning Appeals. The motion was seconded by Councilman Ronald King. The motion passed unanimously.

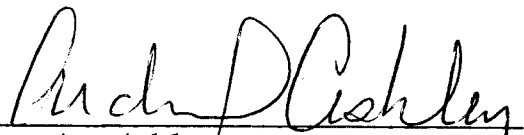
3. JOE SAVILLA, PLANNING COMMISSION (UNEXPIRED TERM OF RUSTY CASTO) Councilman at Large Mel Pennington made a motion to appoint Joe Savilla to the Planning Commission. The motion was seconded by Councilman at Large Rusty Casto. The motion passed unanimously.

COMMITTEE REPORTS: Mayor Art Ashley brought to the attention of the Council, the Vietnam Memorial Plaques.

Mayor Art Ashley suggested that the Council for a committee for the purpose of examining and getting bids for a telephone system.

Mayor Art Ashley stated that there are funds available, on a matching basis, for a "first-rate" Kanawha library. The proposed location for this library was in the old Ben Franklin building, Mayor Ashley stated.

Councilman at Large Mel Pennington made a motion to adjourn. The motion was seconded by Councilman Joe Savilla. The motion passed unanimously.



Mayor Art Ashley



City Recorder Sharon Thomas

Nitro City Council Meeting

Nitro, West Virginia

March 3, 1981

The regular meeting of the Nitro City Council was held at the Council Chambers on March 3, 1981 at 8:00 p.m. Present were City Recorder Sharon Thomas, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Ronald King, Councilman Jack Moon. Also present were Michael Greenleaf, Treasurer, and sitting in for Stuart Calwell, City Attorney, was Jeremiah McCormick. Mayor Art Ashley and Councilman Omar Cunningham were absent.

The meeting was called to order by City Recorder Sharon Thomas. The invocation was given by Mr. Walton Smith.

APPROVAL OF FEBRUARY 12, 1981 SPECIAL COUNCIL MEETING MINUTES:

Councilman at Large Rusty Casto made amotion to accept the minutes as written. The motion was seconded by Councilwoman at Large Mary Trout. The motion passed unanimously.

APPROVAL OF FEBRUARY 17, 1981 REGULAR COUNCIL MEETING MINUTES: Councilman

at Large Mel Pennington made amotion to accept the minutes as written. The motion was seconded by Councilman at Large Rusty Casto. The motion passed unanimously.

CITIZEN OF THE MONTH: MRS. EMMA SMITH, 1504 15TH STREET: The Chair called on Councilman at Large Rusty Casto to introduce the Citizen of the Month, for the month of March, Mrs. Emma Smith. Friday, March 6, Mrs. Smith will celebrate her "61st Birthday of her 39th year," her 100th birthday. The Council and audience gave her a standing ovation. Councilman at Large Rusty Casto gave Mrs. Smith a birthday card from the city of Nitro, and a birthday card from himself, and a plaque from the city of Nitro, which read: GRANDMA SMITH, MARCH 1981, NITRO CITIZEN OF THE MONTH. Mrs. Emma Smith thanked the Council for taking the time for noticing her. The Council presented two birthday cakes to her when she blew out the candles.

REPORT ON INSURANCE BIDS: The Chair called on Councilman Joe Savilla who reported that Commercial Insurance Service with a bid of \$5,090. The committee that selected this bid consisted of Sharon Thomas, Mel Pennington, Omar Cunningham, Jack Moon, and Joe Savilla.

AMERICAN CANCER SOCIETY REQUEST PERMISSION TO CONDUCT DOOR-TO-DOOR CRUSADE - MARCH 16-MAY 5, 1981: The Chair called on Councilman at Large Rusty Casto to read a letter to the Mayor from the American Cancer Society. It reads as follows:

The American Cancer Society wishes to apply for permission to enact its Income Development Crusade from door-to-door and in the business establishment within the city of Nitro.

The volunteers would be working from March 16 to May 5, 1981. We also would like permission to hold various Special Events throughout the 1981 year.

We will await your reply concerning this correspondence.

Councilman at Large Rusty Casto made a motion to grant their permission to conduct door-to-door crusade, from March 16-May 5, 1981. The motion was seconded by Councilman Joe Savilla.

REPORT ON CIVIC BENEFITS ASSOCIATION MEETING HELD ON FEBRUARY 20, 1981: Councilman Joe Savilla reported that the meeting that was held with the Civic Benefits Association was to ask them to increase their contributions to the City of Nitro for next year.

Councilman Joe Savilla then stated that the Mayor Art Ashley and Jack Moody made a trip to Washington and discussed the sewer situation in Nitro. Councilman Joe Savilla then stated that the members of the CBA were going to help us eliminate this problem as soon as possible, by helping us get an entire new sewage system for the city of Nitro.

Councilman Savilla stated that the Mayor Art Ashley discussed the need for a cabin at Ridenour Lake to house a superintendent of the Park. Councilman Savilla stated that the reason for this discussion was because the Park had been the victim of so much vandalism.

Councilman Joe Savilla stated that the CBA was very receptive to the discussion that the Council had previously, for the need for a street sweeper, for the city of Nitro. Councilman Savilla stated that he had found a street sweeper, \$30,000, that the CBA or the city of Nitro could purchase for \$12,000 or \$14,000.

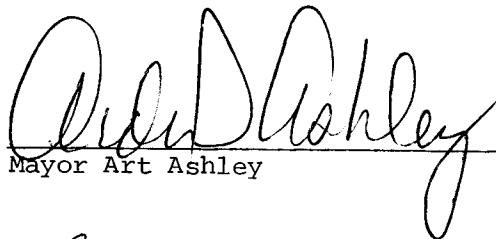
Councilman Joe Savilla stated that the CBA had noticed the "Turn-Around" the city of Nitro did and the CBA congratulated each and every member of the Nitro City Council, the Mayor and the Treasurer, for the fine job that they felt that they were doing in the city of Nitro.

City Recorder Sharon Thomas stated that there was to be a Shoe World to be opened on 11th Street. The owners of the new Shoe World asked permission of Council to put a banner across the road beginning March 23, for two weeks. Councilman Joe Savilla stated that the Council had asked the Legal Counselor and he stated that the City of Nitro had a street committee and it should be turned over to them. Councilman Joe Savilla made a motion to grant them the permission to hang a banner for the advertisement for the new Shoe World. Included in the motion was a two-week restriction. The motion was seconded by Councilman Ronald King. The motion passed unanimously.

Councilman at Large Mel Pennington made a motion to adjourn. The motion was seconded by Councilman at Large Rusty Casto.

Councilman Ronald King made a motion for the city of Nitro to purchase seven plaques, at approximately \$225 each. The motion was seconded by Councilman Joe Savilla. The motion passed unanimously.

Councilman at Large Mel Pennington made a motion to adjourn.
The motion was seconded by Councilman at Large Rusty Casto. The motion
passed unanimously.



Handwritten signature of Art Ashley in cursive script, written over a horizontal line.

Mayor Art Ashley



Handwritten signature of Sharon Thomas in cursive script, written over a horizontal line.

City Recorder Sharon Thomas

Nitro City Council Meeting

Nitro, West Virginia

March 17, 1981

The regular meeting of the Nitro City Council was held at Council Chambers, March 17, 1981 at 8:00 p.m. Present were Mayor Art Ashley, City Recorder Sharon Thomas, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham, Councilman Jack Moon. Also present were City Attorney Stuart Calwell and Treasurer Michael Greenleaf.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Dr. Charles Byrd.

APPROVAL OF MARCH 3, 1981 COUNCIL MEETING MINUTES: Councilman at Large Mel Pennington made a motion to accept the minutes as written. Councilman Joe Savilla then stated that on page 3 the minutes read: "Councilman Joe Savilla then stated that Mayor Art Ashley and Jack Moody made a trip to Washington." The minutes should have read: "Mayor Art Ashley and Jack Moody made a trip to Charleston." The Chair then added to the minutes that the trip was to the "Office of Economic and Community Development." Councilman at Large Mel Pennington then made his motion to accept the amended minutes. The motion was seconded by Councilman Joe Savilla. The motion passed unanimously.

FIRST READING OF ORDINANCE REGARDING WEIGHT LIMIT ON CITY STREETS IN NITRO: The Chair called on Councilman Joe Savilla to read the ordinance. The ordinance reads as follows:

ORDINANCE LIMITING VEHICULAR WEIGHT ON STREETS AND
ALLEYS OWNED BY THE CITY OF NITRO

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

Section 1.01 - Authority For This Ordinance. This ordinance is enacted pursuant to the provisions of Article 12, Chapter 8 of the West Virginia Code as last amended, and other pertinent provisions of law.

Section 1.02 - Gross Weight. No motor vehicle of any kind or description, including but not limited to, automobiles, trucks, buses, and trailers exceeding a gross weight of 16,000 pounds shall be operated on any street or alley existing within the corporate limits of the City of Nitro.

Section 1.03 - Streets and Alleys Excepted. The following streets and/or alley ways are excepted from the operation of Section 1.02:

- (1) West Virginia Route 25, commonly referred to as First Avenue;
- (2) Main Avenue.
- (3) 40th Street;
- (4) Any and all portions of U.S. Route 62 which exist within the corporate limits of the City of Nitro;
- (5) That portion of 21st Street extending from First Avenue to Third Avenue;
- (6) Plant Road.

Section 1.04 - Vehicles Excepted. All vehicles owned by the City of Nitro are excepted from the operation of this ordinance.

Section 1.05 - Permit Excepted. Application may be made to the City Recorder for a permit excepting specific vehicles from the operation of this ordinance. Any such permit shall first be approved by City Council.

Section 1.06 - Penalties. Any person, persons, corporations or other associations of whatever kind or nature found guilty of violating and of the provisions herein shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed \$500.00.

Councilman at Large Mel Pennington made a motion that the first reading of the ordinance be accepted. Councilman at Large Rusty Casto stated that there needed to be an exemption on 22nd and 23rd Streets, because there was an alley running between those streets. The Chair then stated that the approval of the first reading would not mean that the council could not modify and change the ordinance on the second reading. The motion was seconded by Councilman at Large Rusty Casto. The motion passed unanimously.

REQUEST FROM NATIONAL MULTIPLE SCLEROSIS TO CONDUCT HOUSE TO HOUSE CAMPAIGN, MAY 10 THROUGH JUNE 21ST 1981: The Chair called on Councilman at Large Rusty Casto to read the letter from the National Multiple Sclerosis Society. The letter reads as follows:

Dear Mayor,

The Southern West Virginia Chapter of the National Multiple Sclerosis Society requests permission for their annual House-

to-House Campaign to be conducted in the city of Nitro; May 10th. thru June 21st.

A prompt reply would be greatly appreciated.

Sincerely,

Dr. William J.L. Wallace, Chairman
Board of Trustees

Councilman at Large Rusty Casto made a motion to grant the permission requested by the National Multiple Sclerosis Society to conduct a house-to-house campaign, May 10 through June 21, 1981. The motion was seconded by Councilwoman at Large Mary Trout. The motion passed unanimously.

RIDENOUR MEMORIAL PARK: Councilman at Large Mel Pennington elaborated on the deplorable condition that Ridenour Park is in. Councilman Pennington brought to the attention of Council as a caretaker for Ridenour Park. Councilman Joe Savilla asked Chief Webb how often the police department patrolled the lake. Chief Webb replied that the police department patrolled Ridenour Lake every hour. The Chair added that since it is a D and R lake the Council could stop them from stocking the lake. Or the city of Nitro can pay them to stock the lake, and then the city of Nitro could have the privilege of charging a fee for fishing which would help defray the cost of cleaning up. The Chair then stated that four Brownie Troups scheduled to go up to Ridenour Park on a "Pick-Up" Campaign, on Saturday, April 11, 1981.

BOARD OF ZONING APPEALS RULING ON REQUEST FOR APPROVAL OF SUBDIVISION LOT 54, SECTION 1, RIVERDALE ACRES, CITY OF NITRO (1117 FIRST AVENUE): The Chair called on City Attorney Stuart Calwell. Stuart Calwell stated that there was a partial of real estate located at 1117 First Avenue. There was a letter concerning this matter. The letter reads as follows:

Dear Mayor Ashley:

As requested I have communicated with Thomas N. Hanna, Esq. regarding his request for approval of subdivision of Lot 54, Section 1, Riverdale Acres, City of Nitro (1117 First Avenue). In addition, I have reviewed the various documents provided me by your office relation to this question.

A partial of the zoning ordinance for the City of Nitro indicates, and it is my opinion, that the Zoning Board of Appeals may approve the subdivision of Lot 54 and further that that approval may be obtained by simply polling the members of the Board.

The only question presented concerns the sideyard requirements and from the survey map provided it appears that the house is just five feet from the lot line. The lot conforms in all other respects with the requirements of the zoning ordinance.

I have informed Mr. Hannas of my opinion and he is expecting to hear from you with the final work regarding approval.

Very truly yours,

W. Stuart Calwell, Jr.

City Attorney Stuart Calwell stated that the subdivided lot conforms perfectly with the zoning requirements. City Attorney Stuart Calwell then stated that, that all that would be necessary was a recommendation from the Board of Zoning Appeals that this subdivision be approved and that Council not that the recommendation of the Board of Zoning Appeals is that the recommendation of the Board of Zoning Appeals is that this variance was granted. Mayor Art Ashley stated that the Board of Zoning Appeals did approve this.

Councilman Joe Savilla made a motion that the approval of the Zoning Board be noted in the minutes. The motion was seconded by Councilman Omar Cunningham. The motion passed unanimously.

NITRO CITY GARAGE TO BE USED BY THE SANITARY BOARD: Mayor Art Ashley called on City Recorder Sharon Thomas. City Recorder Sharon Thomas stated that it is the recommendation of this committee that the City lease the old city garage to the Sanitary Department for a period of one year at, at least a cost of \$1000 per month. City Recorder Sharon Thomas then stated that the work needed to be done to the building immediately has been estimated at between \$8,000 and \$10,000. City Recorder Sharon Thomas then stated that any work done to the garage by the Sanitary Department during the year lease would be deducted from the monthly rate. City Recorder Sharon Thomas stated that the yearly lease should have the stipulation of not more than \$12,000 would be done without a negotiating of said lease.

City Recorder stated that, that was her motion. The motion was seconded by Councilman at Large Mel Pennington. The motion passed unanimously.

BUDGET PREVIEW: The Chair called on Treasurer Michael Greenleaf. Treasurer Michael Greenleaf stated that the preliminary work on the budget had been completed and what was involved was presentations by each of the department heads, which were finished last Friday. Treasurer Michael Greenleaf also stated that the revenue estimated for the city of Nitro, for next year, are ready. Treasurer Michael Greenleaf requested that the budget be in by March 30. Treasurer Michael Greenleaf stated that what we propose to do at this point, prior to the commitment by the CBA is to submit a "Bare-Bones-Budget", which would possibly be revised later on.

The Chair stated that the council would obviously have to have a meeting of the finance committee. The Chair then stated that it was the Treasurer's recommendation as well as the Chair's, that that there be no changes in salary levels and no capital expenditures. Mayor Art Ashley asked Council for their approval to call a meeting, Friday, March 27, at 7:00 p.m. for the purpose of finally approving the budget to be submitted at the end of March.

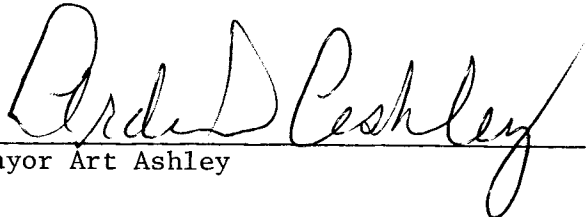
Councilman Joe Savilla made a motion to set the meeting for 6:00 p.m., adjourn for the 6:30 meeting, reconvene at 6:45 and finish up on approving the budget. The motion was seconded by Councilman Jack Moon. The motion passed unanimously.

COMMITTEE REPORTS: Mayor Art Ashley called on Councilman Ronald King to report on the memorial committee. Councilman Ronald King stated that they were very close to ordering the memorial plaques. Councilman Jack Moon passed around drawings of the plaques.

Councilman Ronald King made a motion that Saturday, May 30, be Nitro's Memorial Day, which will be the first viewing of these plaques. The motion was seconded by Councilman Omar Cunningham. The motion passed unanimously.

Mayor Art Ashley asked Councilman at Large Mel Pennington to serve as chairman of the ceremonial committee. Councilman at Large Mel Pennington excepted. The members of the ceremonial committee are Mel Pennington, Dr. Charles Byrd, Joe Savilla, Jack Moon, Rusty Casto, and Jay Long.

Councilman at Large Mel Pennington made a motion to adjourn. The motion was seconded by Councilman Joe Savilla. The motion passed unanimously.


Mayor Art Ashley


City Recorder Sharon Thomas

Nitro City Council Meeting

Nitro, West Virginia

March 27, 1981

The special meeting of the Nitro City Council was held at Council Chambers on March 27, 1981 at 6:00 p.m. Present were Mayor Art Ashley, City Recorder Sharon Thomas, Councilman At Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Omar Cunningham, Councilman Jack Moon. Also present were Stuart Calwell, City Attorney and Michael Greenleaf, Treasurer. Councilman Ronald King was absent.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Mary Trout.

APPOINTMENT OF OLAF WALKER TO BOARD OF ZONING APPEALS: Mayor Art Ashley requested permission of council to appoint Olaf Walker to the Board of Zoning Appeals. Councilman at Large Mel Pennington made a motion to appoint Olaf Walker to the Board of Zoning Appeals. The motion was seconded by Councilman Joe Savilla. The motion passed unanimously.

CITY OF NITRO BUDGET DRAFT FOR FISCAL YEAR BEGINNING JULY 1, 1981 AND ENDING JUNE 30, 1982: Councilwoman at Large Mary Trout stated that the budget could be adjusted up until July 1. Councilman at Large Mel Pennington asked Councilman Omar Cunningham to put a footnote at the bottom explaining, not money pledged or committed at this point, but anticipated with good faith, for example. Council had no objections to Councilman at Large Mel Pennington's suggestion.

Mayor Art Ashley stated that under the Dog Warden the figure that was stated was twice the amount that the city of Nitro is obligated for, because under income or revenues projected we have Dunbar as one-half of that cost. Mayor Art Ashley then stated that in addition to that, with the Health Department on the infest controll program the city of Nitro has spent more money than the \$11,000 on that particular program. Mayor Art Ashley passed around another contract. Mayor Art Ashley asked Council to keep in mind that this contract was not in this budget.

Modification of the City Jail includes rentivation of a store-room-bathroom into a kitchenet. The cost of this modification is \$3,000. Mayor Ashley stated that Fire Marshall requires the City of Nitro to modify the Jail. Mayor Ashley then stated that they were going to apply to the Govenor's Commission on Crime Prevention for the modification of the jail.

Mayor Art Ashley stated that the police cruiser was the only capital expenditure that was included in this proposed budget. Mayor Art Ashley stated that under note 2 the pension contributions are intended in part to correct some inadequacies there before.

Mayor Art Ashley stated that concerning the Fire Department the equipment has been purposely omitted from the budget.

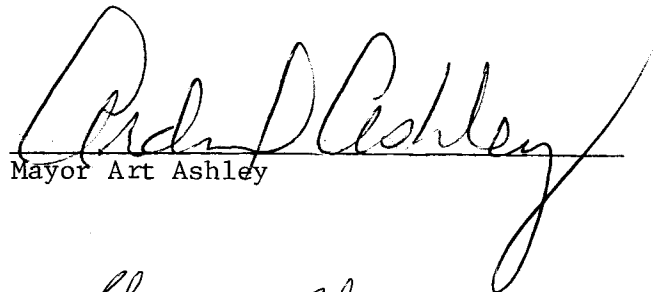
Mayor Art Ashley stated that again want to point out the pensions, pension contributions are to raise 22.21% of payroll according to the recommendation from the Actuarial Stubs.

Mayor Art Ashley stated that in the area of Public Works the point the Mayor would like to make here is that we are still looking at the prospect of going to a semi-automatic system of garbage and collection and compaction. Mayor Ashley then stated that the city of Nitro would find evidence in the final analysis that we can save money and greatly improve out garage collection.

Mayor Art Ashley asked Council to take action on, that the kiddie pool, at the park, fill the pool in and plant flowers.

Councilman at Large Mel Penninton made a motion to accept the budget as presented to Council. The motion was seconded by Councilman Joe Savilla. The motion passed unanimously.

Councilman at Large Mel Pennington made a motion to adjourn. The motion was seconded by Councilman Joe Savilla. Passed unanimously.

A handwritten signature in cursive script, appearing to read "Art Ashley", written over a horizontal line.

Mayor Art Ashley

A handwritten signature in cursive script, appearing to read "Sharon Thomas", written over a horizontal line.
City Recorder Sharon Thomas

Nitro City Council Meeting

Nitro, West Virginia

April 7, 1981

The regular meeting of the Nitro City Council was held at the Council Chambers on April 7, 1981 at 8:00 p.m. Present were Mayor Art Ashley, City Recorder Sharon Thomas, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Ronald King, Councilman Jack Moon. Also present were Stuart Calwell, City Attorney, and Michael Greenleaf, Treasurer. Councilman Omar Cunningham was absent.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Joe Savilla.

APPROVAL OF MARCH 17, 1981 REGULAR COUNCIL MEETING MINUTES: Councilman at Large Mel Pennington stated that on the first page, the minutes read: "Councilman at Large Mel Pennington asked Councilman Omar Cunningham to put a footnote at the bottom." Councilman at Large Mel Pennington stated that this statement was directed to the Chair. Councilman at Large Mel Pennington stated that the minutes read: "Mel Pennington anticipated in good faith . . ." Councilman at Large Mel Pennington stated that the did not antipate in good faith. With these two corrections Councilman at Large Mel Pennington made a motion to accept the amended minutes. The motion was seconded by Councilman Joe Savilla. The motion passed unanimously.

APPROVAL OF MARCH 27, 1981 SPECIAL COUNCIL MEETING MINUTES: Councilman at Large mel Pennington made a motion to accep the minutes as written. The motion was seconded by Councilman Joe Savilla. The motion passed unanimously.

RECOGNITION OF JERRY BELL, CITIZEN OF THE MONTH: The Chair called on Councilman at Large Rusty Casto. Councilman at Large Rusty Casto yielded the floor to Councilman at Large Mel Pennington. Councilman at Large Mel Pennington stated that before he would introduce the Citizen of the Month, Jerry Bell, he would give some of the things that this young man has accomplished in atheletics. Councilman at Large Mel Pennington stated that Jerry Bell is the 1981 State Champion at 126 lbs. in the State of West Virginia. Councilman at Large Mel Pennington stated that Jerry Bell also played football, offense and defense, for Nitro High School. Councilman at Large Mel Pennington stated that Jerry Bell started wrestling in the sixth grade and since then Jerry Bell had 107 wins and 15 loses, and that out of those 15 loses, 10 of them was when he was a Sophomore, wrestling the Seniors. Councilman at Large Mel Pennington

stated that Jerry Bell was planning to attend Marshall University, and then stated that what ever way he decided to go with his career he would do it with the same kind of vigor and enthusiasm that he did at Nitro High School. Councilman at Large Mel Pennington turned the floor over to Councilman at Large Rusty Casto.

Councilman at Large Rusty Casto gave a trophy to Jerry Bell which read: NITRO CITIZEN OF THE MONTH, APRIL 1981, JERRY BELL. Councilman at Large Rusty Casto gave the trophy to Jerry on behalf of the City. Everyone gave Jerry Bell a standing ovation.

Mayor Art Ashley stated that he would like to thank Councilman at Large Rusty Casto and Councilman at Large Mel Pennington for their comments on Jerry. Mayor Art Ashley stated that he would like to also add that he has had more people comment to him about Jerry Bell, because Jerry Bell is known throughout the State for his outstanding wrestling ability.

Mayor Art Ashley congratulated Jerry Bell. Jerry Bell thanked the members of Council.

SECOND READING OF ORDINANCE LIMITING VEHICULAR WEIGHT ON STREETS AND ALLEYS OWNED BY THE CITY OF NITRO: Mayor Art Ashley called on Councilman Joe Savilla to read this ordinance. The ordinance reads as follows:

Councilman Joe Savilla stated that this was the second reading of this ordinance. Councilman Joe Savilla then made a motion to accept the ordinance as read. Councilman at Large Rusty Casto stated that their was a Section 1.07 concerning the alley between 22nd and 23rd streets. Councilman Joe Savilla referred to the Council Meeting Minutes of March 17, 1981 which read: "Councilman at Large Rusty Casto stated that there needed to be an exemption on 22nd and 23rd Streets because there was an alley running between those streets. The Chair then stated that the approval of the first reading would not mean that Council could not modify and change the ordinance on the second reading. Councilman at Large Rusty Casto made a made the motion. The motion passed unanimously."

Councilman Joe Savilla stated that there might be a little problem in this ordinance but I think the overall good this is going to bring the City of Nitro, by far, out-weighs any bad points it may have. Councilman Joe Savilla stated that Council may have to amend a section or two of this but we the Council must do something and this is one step in the right direction. Councilman Joe Savilla stated that we must do something to maintain the streets of Nitro.

Councilman at Large Mel Pennington stated that he agreed with Councilman Joe Savilla with the exception that I think that before we, first of all make an ordinance that is going to be almost impossible to enforce. Councilman at Large Mel Pennington stated that he could not vote for this ordinance in it's present form.

Councilwoman at Large Mary Trout stated that Council needed more study on it. Councilwoman at Large Mary Trout then made a motion to table it. The motion was seconded by Councilman at Large Mel Pennington. Councilman Joe Savilla opposed. Motion passed.

REQUEST FROM EASTBROOK ELEMENTARY SCHOOL TO SOLICIT CITY MERCHANTS FOR DOOR PRIZES TO BE USED AT THEIR SPRING CARNIVAL: Mayor Art Ashley called on Councilman at Large Rusty Casto. Councilman at Large Rusty Casto read a letter concerning this matter. The letter reads as follows:

City of Nitro
City Building
Nitro, WV 25143

Dear Sir:

I am requesting permission for our P.T.A. to solicit the merchants of your city for merchandise to be used for prizes in our Spring Festival.

Our parents and students are located in eastern Putnam County. Most of them do their shopping and business affairs in your city.

We would appreciate your sincere consideration in granting this permission.

Sincerely,

Harold Hatfield, Principal

Councilman at Large Rusty Casto made a motion to grant the permission requested by Eastbrook Elementary to solicit City Merchants for door prizes to be used at their Spring Carnival. Councilman Joe Savilla stated that he thought that this would be a bad idea. Councilman at Large Rusty Casto stated that it was not up to City Council to say "No, you can not come into town." It is up to the merchants when then come in, say, "No, I would rather not give."

Mayor Art Ashley failed to receive a second to the motion. The motion died.

WAR MEMORIAL DEDICATION, MAY 30, 1981 - PARADE: The Chair called on Councilman at Large Mel Pennington. Councilman at Large Mel Pennington stated that Rusty Casto had agreed to serve as Parade Marshall and he is going to help get the parade going. Councilman at Large Mel Pennington stated that he understood that Jack Moon was going to get a color guard. Councilman Jack Moon stated that they will send a color guard home from camp one day early in order to participate, but they would like a letter, to be written from City Hall, requesting such a color guard. Mayor Art Ashley agreed to write the letter requesting permission for a color guard to be assigned to the City of Nitro for that particular day. Councilman at Large Mel Pennington stated that the speaker would be Brigadier General Brown, one of the four black Generals in the history of the United States Army.

Councilman Ronald King stated that the plaques have been ordered. Councilman Ronald King stated that the rubbings of the plaques were going to be sent to the Mayor.

Mayor Art Ashley stated that he would like to compliment Councilman Ronald King on the work he has done on the picket fence around the memorial.

WASHINGTON AVENUE LANDFILL: The Chair called on Councilman at Large Mel Pennington. Councilman at Large Mel Pennington stated that this landfill was between the 600 block of Washington Avenue and the 700th block of Washington Avenue.

Councilman at Large Mel Pennington asked Council to ask the City of Nitro's City Attorney to draw up some sort of document that can be taken around to each own property around the landfill and ask their permission to use it as a landfill. Councilman at Large Mel Pennington made a motion to have the City Recorder do that. The motion was seconded by Councilman Ronald King.

Mayor Art Ashley asked Council members to look at the proposed Washington Avneue landfill. Councilman at Large Mel Pennington stated that he had received a number of telephone calls concerning this matter. Councilman at Large Mel Pennington stated that the Washington Avenue Landfill would be a Trash Landfill, not a Garbage Landfill. The motion passed unanimously.

Councilman Joe Savilla brought to Council's attention, Third Avenue. Councilman Joe Savilla urged the Mayor and Council members to take a look at the mud-slide which has taken it's toll in personal loss and damages.

Councilman Joe Savilla made a motion for the City crew to chop up the two, three or four blocks of Third Avenue, totally remove it and replace it with gravel and dirt. The motion was seconded by Councilman at Large Mel Pennington. The motion passed unanimously.

COMMITTEE REPORTS: Mayor Art Ashley stated that April 18, 1981, will be Nitro's Spring Festival. Mayor Art Ashley urged each member of Council to participate in the activities.

Councilman at Large Mel Pennington made a motion to adjourn. The motion was seconded by Councilwoman at Large Mary Trout. The motion passed unanimously.

Public Meeting on Federal Revenue Sharing Funds

For Fiscal Year 1981-1982

March 27, 1981

A Public Meeting on Federal Revenue Funds was held at Council Chambers on March 27, 1981.

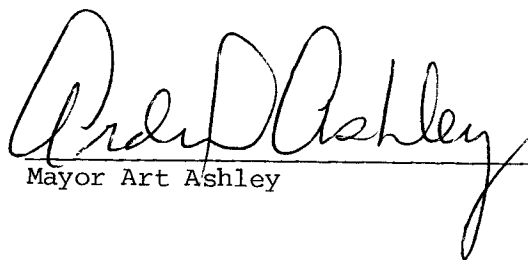
Present were Mayor Art Ashley, City Recorder Sharon Thomas, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Omar Cunningham. Also present were City Attorney Stuart Calwell, Treasurer Michael Greenleaf. Councilman at Large Rusty Casto, Councilman Joe Savilla, Councilman Ronald King, Councilman Jakc Moon were absent.

The meeting was called to order by the Honorable Art Ashley. Mayor Ashley stated that the purpose of this meeting had been advertised, and the public meeting was on revenue sharing funds.

The only citizen present was William Crawford. Mr. Crawford asked several questions about different subjects, none pertaining to Revenue Sharing.

The meeting was then adjourned.

Attached is a copy of proposed use of Revenue Sharing Funds.


Mayor Art Ashley


City Recorder Sharon Thomas

PROPOSED USE OF REVENUE SHARING FUNDS

ESTIMATED RECEIPTS:

\$145,773

ESTIMATED DISBURSEMENTS:

MAYOR'S OFFICE
PROFESSIONAL SERVICES

873

CAPITAL EXPENDITURES

2,000\$ 2,873

CITY COUNCIL TRAVEL

2,0002,000

RECORDERS OFFICE:

CAPITAL EXPENDITURES

100100

TREASURER'S OFFICE

CONTRACTED SERVICES

5,000

AUDIT COSTS

12,00017,000

CITY HALL:

GROUP INSURANCE

30,000

CAPITAL EXPENDITURES
INSURANCE

3,000

18,000

DEPARTMENT SUPPLIES

8,000

AUTOMOTIVE SUPPLIES

12,00071,000

POLICE DEPARTMENT:

DEPARTMENATL SUPPLIES	\$12,000
AUTOMOTIVE SUPPLIES	<u>12,000</u>
TOTAL	<u>\$24,000</u>

DEPARTMENT OF PUBLIC WORKS:

LANDFILL COSTS	<u>28,800</u>
TOTAL	<u>\$28,800</u>

TOTAL ESTIMATED DISBURSEMENTS	<u>\$ 145,773</u>
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Nitro City Council Meeting

Nitro, West Virginia

April 21, 1981

The regular meeting of the Nitro City Council was held at Council Chambers on April 21, 1981 at 8:00 p.m. Present were Mayor Art Ashley, City Recorder Sharon Thomas, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Joe Savilla, Councilman Jack Moon. Also present were City Attorney Stuart Calwell, Treasurer Michael Greenleaf. Councilman at Large Mel Pennington, Councilman Ronald King, Councilman Omar Cunningham were absent.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Mr. Ivan Meadows.

APPROVAL OF APRIL 7, 1981 COUNCIL MEETING MINUTES:

Councilman at Large Rusty Casto stated that on page 7, at the very top concerning the Eastbrook Elementary School, it read: "Mayor Art Ashley failed to receive a second to the motion." Councilman at Large Rusty Casto then stated that the minutes should have read: "The motion failed to receive a second."

Councilman at Large Rusty Casto made a motion to accept the amended minutes. The motion was seconded by Councilman Joe Savilla. The motion passed unanimously.

APPROVAL OF MARCH 27, 1981 PUBLIC MEETING MINUTES:

Councilman at Large Rusty Casto made a motion to accept the minutes as written. The motion was seconded by Councilman Joe Savilla. The motion passed unanimously.

PURCHASE OF A POLICE CRUISER: Councilman Joe Savilla stated that he felt that the City of Nitro should stick with one type of automobile. Councilman Joe Savilla made a motion that the next cruiser, the City of Nitro purchase another Buick Le Sabre 4-door. The motion was seconded by Councilwoman at Large Mary Trout. The motion passed unanimously.

Mayor Art Ashley stated that this does mean that this is approved for the next fiscal year, 1981 - 1982.

PERMISSION TO SEEK DONATIONS FOR GEORGE C. WEJMER SCHOOL'S P. T. A. ACTIVITIES: Councilman Joe Savilla stated that he had done some checking and found out that the schools of Nitro, Nitro Putnam, Nitro Elementary, and Nitro Junior High, go anywhere and everywhere to solicit funds for their school carnivals and majorettes, etc.

Councilman Joe Savilla stated that he did not feel that the City Council of the City of Nitro could not stop schools from other areas coming into Nitro and soliciting donations from our merchants for their schools.

Councilman Joe Savilla made a motion to grant Weimer Elementary School and Eastbrook Elementary School permission to come into Nitro and solicit funds for their carnival. Councilman at Large Rusty Casto made a second to the motion.

Mayor Art Ashley asked City Attorney Stuart Calwell to respond to an earlier question about the City Council having the authority to prohibit such solicitation in the City. City Attorney, Stuart Calwell, stated that there was a city ordinance, 15-30, which pertains to soliciting for charities, etc. The ordinance reads as follows:

(b) Riots, routs and unlawful assemblies shall be dispersed forthwith by the city police and other law enforcement officers, and all persons present at the scene of any riot, rout or unlawful assembly shall, upon command of any law enforcement officer to disperse, forthwith obey such command and peacefully disengage themselves from such riot, rout or unlawful assembly and leave the scene thereof, and persons who fail to obey such command shall be subject to immediate arrest.

For state law as to riots, routs and unlawful assemblies, and penalties for violation, see W. Va. Code, §§ 61-6-1 to 61-6-6.

Sec. 15-30. Soliciting for charities, etc.; begging.

(a) No person shall, without a city permit so to do, station himself in any public place or move about within the city for the purpose of soliciting money or any other thing of value for any charitable, philanthropic or other purpose, or to solicit or beg alms or charity for himself or for any other person.

(b) Any person desiring to procure a city permit under this section shall apply therefor to the city council in writing, and shall state his name and address, his occupation, the purpose for which the permit is sought, the place or places where such solicitation is intended to be made, the period of time during which the solicitation is expected to continue, the arrangements to be made for disposition of the money or other things of value which may be procured by reason of such solicitation, and such detailed information concerning the beneficiaries of such solicitation as may be required by the city council, including but not limited to the names and addresses of all officers and directors of a corporate beneficiary and the names, addresses and occupations of non-corporate beneficiaries; the proposed disposition or use to be made by the beneficiaries of all funds received by them; and such other information as the city council may require in the interest of safeguarding the public from fraud.

(c) The city council shall consider each application for a permit under this section on its merits, and shall grant a public hearing to the applicant if he requests such hearing; and the council shall, in the exercise of sound discretion, grant or deny any permit so applied for. In granting a permit, the council may include therein such conditions as it may deem proper for the convenience and protection of the public, and it shall be unlawful for any permit holder to violate or fail to comply with any condition of his permit. The city council may also require, as a condition precedent to the granting of a permit, that the applicant therefor give bond payable to the city, with corporate surety, in such amount as required by the city council, and conditioned (1) upon faithful adherence to all terms and conditions of any permit issued to him under this section; (2) upon turning over to the beneficiary or beneficiaries of his solici-

tions, as such beneficiary or beneficiaries may be stated in the permit, of all funds solicited and received by him; (3) upon a true accounting to be made by him, to the city council within thirty days after the expiration of his permit, of all funds solicited and received by him pursuant to his permit; and (4) upon payment by him of any judgment or decree rendered against him for fraud or for misapplication or loss of funds so solicited and received by him. These conditions may be altered in any particular case to protect the public from any risk which appears to the city council to be inherent in the case. Prior to granting a permit under this section, the city council may refer the application for the permit to the chief of police and to the city attorney for an investigation and report, with findings and recommendations.

(d) Nothing in this section shall be construed to require any bona fide church, religious, charitable or other nonprofit organization to obtain a city permit to conduct a solicitation solely among its own membership.

City Attorney Stuart Calwell stated that it was his opinion that the City is probably bound by this ordinance.

Councilman at Large Rusty Casto stated two reasons that permission should be granted:

1. Nitro students solicit outside the city.
2. We try our best to give Nitro a better image; to deny permission to solicit in the city will hurt our image.

The motion passed unanimously.

LETTER FROM NITRO LITTLE LEAGUE BASEBALL PRESIDENT,
MR. IVAN MEADOWS, DATED APRIL 16, 1981: Councilman Joe Savilla read the above letter enclosed and offered as a part of the meeting. The letter reads as follows:

Councilman Joe Savilla stated that the Senior League Baseball Field is normally used by Nitro High School Baseball team, IAM, and Moose. When the men's Softball League uses the field, the bases are moved in several feet, and that destroys the base path. Councilman Joe Savilla then identified the other problem was discussed in a meeting with Jay Long, Rusty Casto, and some members with the Men's Softball League. The Men's Softball League expressed a desire to work with the Nitro Little League in helping to eliminate these problems. Councilman Joe Savilla stated that Jay Long had talked to Gene Brightwell and Ivan Meadows about using the Senior League Field for two tournaments in order to raise money to pay for the new lights. Gene Brightwell stated that they were all for anything that would benefit the park and Nitro Little League. Councilman Joe Savilla then read the letter concerning the Men's Softball League and the Senior League field.

The money raised by the two or three tournaments the Men's Softball League wants to hold, and the entry fees of each team was pledged to pay off the explicit amount of \$1,400, that the City of Nitro paid for in advance for the lights, plus buy the tropies, softballs, etc. Councilman Savilla stated that all of this would be done with no net expense to the City of Nitro.

Councilman Savilla pointed out that as a result of the action the City of Nitro would be gaining new lighting for the softball field. Responding to a question from Councilman Moon, Mayor Ashley asvised that the city did have liability insurance to cover the possibility of personal injury resulting from the installation of the new lights.

Councilman Joe Savilla read the letter from Mayor Ashley in response to Ivan Meadows' letter from the Nitro Little League, included as a port of the official minutes of this meeting.

Councilman Savilla made a motion that the City of Nitro under-write the up to \$5,000 for these lights, \$3,600 of it will be collected on or before May 15 and a balance to be received by the City Treasurer by the end of May, after the two tournaments have been held. Terms for payment were confirmed at "net 30 days." The motion was seconded by Councilman at Large Rusty Casto. The motion carried and was opposed by Councilman Jack Moon.

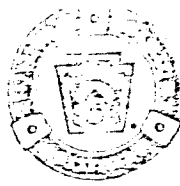
LETTER DATED APRIL 8, 1981 FROM CIVIC BENEFITS ASSOCIATION OFFERED AS A PART OF THE OFFICAIL MINUTES OF THIS MEETING: Mayor Ashley stated that this represents a quarterly commitment of \$48,000 for the fiscal year, beginning July 1, 1981 ending June 30, 1982. This pledge represents an increase in the quarterly commitment for \$25,000 in this fiscal year.

Mayor Ashley stated that there would have to be a revision to our budget by the sum of this commitment.

Mayor Ashley stated:

The Civic Benefits Association has once again come to the aid and assistance of the city in a very significant and generous way. And it's very gratifying to me they made the commitment they have.

NITRO



LIONS RECEIVED

LITTLE LEAGUE BASEBALL

APR 20 1981

IVAN D. MEADOWS
PRESIDENT

210 DuPONT AVENUE

PHONE 755-5206

NITRO, WEST VIRGINIA 25143

April 16, 1981

Mayor Art Ashley and City Council
Nitro City Hall
Nitro, WV 25143

Dear Mayor Ashley and Council:

The Nitro Lions Little League will start it's baseball season on April 25, 1981. As this day approaches, we hope to have settled some of our problems by working directly with our City Council.

One of the most pressing problems that has been called to our attention is the possibility of Men's Softball being played on the Senior League Baseball Field. If this ever came to pass, it would prove to be very destructive. The men wear metal cleats on their shoes and dig holes in the field. They throw their empty beer bottles around their playing area where any child could fall and be seriously injured. The Little League does not want the Men's Softball Program destroyed, but we do feel that they should play on their own field.

The Little League has maintained the fields at the City Park for several years. We feel that the children of Nitro should come first in any or all decisions concerning the Park. The Little League has provided a summer of recreation for some 400 children and their families for quite some time. We have never allowed any abusive language, or drinking around our games. The children would be submitted to all of these when the men are playing.

We realize the lights on the Men's Softball Field are in very bad condition. We feel that some of the money the men pay to play ball at the Park should be used to fix their lights and maintain their field. The Little League has always had to pay their own expenses at the Park. We helped acquire and install the lights on the Senior League Field and we feel that the Men's Softball Program should do the same for their field.

Mr. Joe Savilla attended our April 10, 1981 meeting and is well informed of our situation. We realize that Mr. Savilla supports our stand, but we would like the support of every Council Member. We urge you to inspect the fields at the Park, talk with our Board Members and parents within our League on this matter.

The Little League has another problem concerning the Girl's Softball Field, adjacent to the Basketball Courts. People walk through the Softball Field while the games are in progress. To eliminate this, and the possibility of someone being hit by a softball, we would like permission to install fencing around the field. Also, the men have been using this field for practice. Their metal cleats are tearing up the field.

The Little League would like to see the Park policed more in the future. The men playing ball at the Park, especially during tournaments, become very rowdy at times. Their language is not acceptable around children, and they leave the Park littered with beer bottles and debris from their concessions.

Any help and interest you give these matters will be greatly appreciated. Please advise us concerning them as soon as possible.

Sincerely,

Ivan D Meadows

Ivan D. Meadows
President

Secretary *Brenda Tyler*

Treasurer *Ann Tama*

Vice President Major Boys *Gene Brightwell*

Vice President Major Girls *Fay E. Egan*

Vice President Senior Boys *Jack Hill Sr.*

Vice President Senior Girls *Donna Thomas*

Vice President Minor League *Jerry K. Shields*

Vice President Tee Ball *Keith Tyler*

Girl's Player Agent *Judith A. Raynes*

Senior Boy's Player Agent *Viola Long*

Major Boy's Player Agent *Ernie Allison*

Minor League Player Agent *Not Available*

Major Girl's Manager Representative *Edward Raynes*

Major Boy's Manager Representative *Bill Jones*

Senior Girl's Manager Representative *Larry M. Gibson*

Senior Boy's Manager Representative *Not Available*

Auxilliary President *Charlotte Carr*

Minor League Representative *James R. Hear*



NITRO, WEST VIRGINIA 25143

ASHLEY
MAYOR
755-5643

SHARON THOMAS
RECORDER

MICHAEL E. GREENLEAF
TREASURER
755-3521

April 20, 1981

Mr. Ivan D. Meadows, President
Nitro Lions Little League
210 Dupont Avenue
Nitro, West Virginia 25143

Dear Ivan:

This will acknowledge receipt of your letter dated April 16, concerning the future use of the ball fields at Nitro City Park. A copy of your correspondence has been distributed to all the members of Nitro City Council, as well as to Recreation Director, Jay Long.

We appreciate the position taken by the Nitro Little League, and we hope that there's no question but that the City of Nitro, and certainly this administration embraces the efforts of the Little League Program; and we share your concern that the children of our community are given the best recreational opportunities that we can make available.

Your letter signed by the various officers of your league states clearly the position of the Little League, and I am sure City Council will give serious consideration to all the points made. In fact, I believe that this type of decision is truly a matter that should be brought before the City Council immediately in light of the beginning of your league play this weekend.

For my purposes, I have divided the points you make into two categories. First, there is the use of the Little League fields by the adult softball players; and secondly, the frequency of alcoholic beverages and improper language on the part of the adult softball players at the city park.

Concerning the first point, the City Council will render a verdict on the use of ball fields at city park. However, concerning the point about the consumption of alcoholic beverages or abusive language at city park, this is a matter on which the council has already spoken, and there should be no question. The use, or consumption of beer or any other alcoholic beverage at the city park, or at Ridenour Lake is prohibited by law. The personal conduct is also a matter of law, and by a copy of this letter, I am instructing the Police Department to rigidly enforce those ordinances.

In my judgment, the City of Nitro has excellent recreational facilities for people of all ages. I sincerely hope with the help of organizations such as your Little League Baseball Program, and the Men's Softball Program, we can exist in harmony and serve the entire community. I compliment the Nitro Little League

Mr. Ivan D. Meadows

Page 2

April 20, 1981

for the program you have provided the children of our community for many years. And, I look forward to visiting the field, and watching the League at work again this summer. In the meantime, I hope that our City Council will be able to render a quick decision concerning your questions, and I thank you for bringing the matter to our attention.

Sincerely,

Arden D. Ashley

ADA:ld

cc: Nitro City Council
Councilman at Large Rusty Casto
Councilwoman at Large Mary Trout
Councilman at Large Mel Pennington
Councilman Joe Savilla, Ward I
Councilman Ronald King, Ward II
Councilman Omar Cunningham, Ward III
Councilman Jack Moon, Ward IV

Sharon Thomas, Recorder ✓

Jay Long, Recreation Director

Entry Fee \$300 per Team

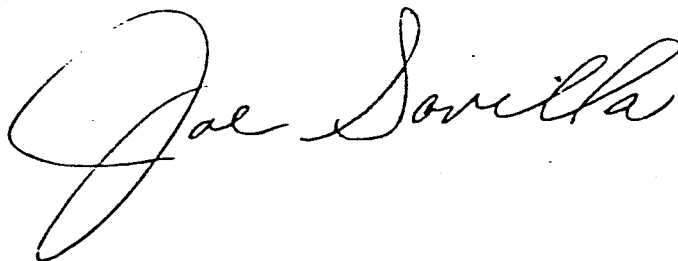
12 Teams @\$300 each=\$3,600

BEFORE WE CAN EVEN CONSIDER A MEN'S SOFTBALL LEAGUE, NEW LIGHTS MUST BE INSTALLED AT OUR SOFTBALL FIELD. AN ESTIMATE ON LIGHTS WAS RECEIVED FROM LEONARD ELECTRIC FOR \$4,600. MR. GENE BRIGHTWELL AND BOB SARGEANT (electricians) CONSIDERED THIS TO BE A VERY REASONABLE BUY AND SUGGESTED THE LEAGUE APPROACH THIS. I RECOMMEND THAT THE LEAGUE BE ALLOWED TO APPLY THE ENTRY FEES TO THE LIGHTS AND HAVE 2 or 3 TOURNAMENTS TO FINISH PAYING THE BALANCE DUE ON THE LIGHTS AND TO ALSO USE THE EXTRA MONIES TO BUY SOFTBALLS, LIME, ETC.

ALL ENTRY FEES MUST BE RECEIVED BY MAY 1, 1981 FOR THIS. IN ORDER FOR THE LIGHTS TO BE INSTALLED BY MAY 15th (Opening Season) I MAKE THE MOTION THAT THE COUNCIL ACCEPT THIS PROPOSAL ON LIGHTS AND TO ALLOW THE ENTRY FEES AND SOFTBALL TOURNAMENTS MONIES TO BE APPLIED TO THIS ALSO. I FURTHER RECOMMEND OR SUGGEST THAT THE CITY OF NITRO UNDERWRITE THE BALANCE FOR THE LIGHTS AND LET THE LEAGUE REIMBURSE THE CITY AFTER MONIES ARE COLLECTED FROM THE TOURNAMENTS.

THE OFFICERS WITH THE LITTLE LEAGUE ARE WILLING ALSO TO HELP IN GETTING LIGHTS FOR THE SOFTBALL FIELD. GENE BRIGHTWELL, WHO IS AN OFFICER IN LITTLE LEAGUE AS WELL AS AN ELECTRICIAN, HAS AGREED TO HELP INSTALL THE LIGHTS. THE BIG LEAGUE FIELD WILL BE AVAILABLE FOR THE TOURNAMENTS AS LONG AS THE MONIES ARE APPLIED TO THE LIGHTS AND OTHER NECESSITIES TO GET OUR SOFTBALL LEAGUE STARTED.

WITH THE SOFTBALL LEAGUE, LITTLE LEAGUE, AND THE CITY OF NITRO WORKING TOGETHER, WE CAN CONTINUE TO MOVE FORWARD WITH OUR RECREATIONAL PROGRAMS.



Basically, in ultimate terms, what it comes to is a quarterly commitment of \$48,000 per quarter for the FY beginning July 1, 1981, and ending June 30, 1982. This quarterly payment is to be made in September, December March, and June, and ending those four months. ...

In our budget approved earlier we projected the continuation of the \$25,000 a month quarterly commitment. Accordingly, we now have under consideration by the Finance Committee disposition of an additional \$92,000 for the city to spend.

I must point out that the Finance Committee has had one meeting; it was inconclusive. We had a very quick total of those things that have a very high priority and it came to over a quarter million dollars, and \$92,000 just doesn't stretch that far.

With that in mind, it would probably be incumbent upon the Council to request an executive session to discuss some things of a personal nature and personnel nature, I suppose. Because, what we ultimately will come up with everyone will know. But, in the meantime, there is some decisions to be made in terms of relative priorities. This has to do with capital expenditures, it has to do with salaries for city employees. And, so, to set aside the concern that some of the people might have; and some of the expectations so that everything will be put in the proper perspective, if the entirety of the \$92,000 were added to salaries for the city employees now, it would come out to something shy of 15%. Is that not correct?

So, for those of you who have been kicking around figures of 15 to 25%, obviously it can't be that. Because, that's without any capital expenditures, and some of the capital expenditures in all likelihood will receive a high priority by this Council. So, that some of the money is going to have to be spent on things that the city needs. . .

There are some things we are giving consideration to, and there are some requests that are included in the Civic Benefits request. There are two specific areas where they have suggested that we place some money.

In response to the generosity and the pledge by the Civic Benefits Association on the day we received it, I was pretty much overwhelmed, and I think it's very generous. I'm gratified, and I think that our position taken at the time we submitted for approval by Council that \$100,000 pledge for the Civic Benefits was right on target.

So if there are any questions, I'll be glad to respond.

ORDINANCE TO EXPAND THE SCOPE OF BUSINESS LICENCE TAX:
City Recorder Sharon Thomas yielded to Councilman Savilla for the first reading of the ordinance concerning expanding the scope of business license tax. The ordinance reads as follows:

Councilman Savilla moved to accept the first reading of the ordinance to expand the scope of business license tax. The motion was seconded by Councilman Moon. The motion passed unanimously.

COMMITTEE REPORTS: Mayor Ashley introduced the format to the petition expressing permission to commence operation of a Washington Avenue landfill.

Councilman Savilla moved to accept the petition as written and initiate the signing of it immediately. The motion was seconded by Councilwoman at Large Mary Trout, and the motion passed unanimously.

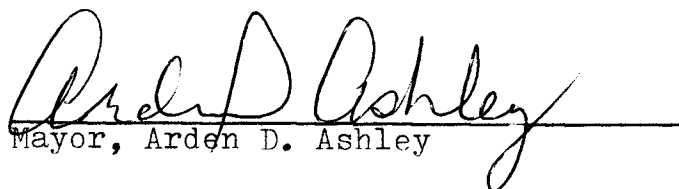
Mayor Ashley stated that he would like to thank the City of Nitro for their participation in the Spring Festival. Mayor Ashley stated that he would like to start this "Spring Festival" as a tradition.

Councilman Savilla commended Mayor Ashley for putting forth the "Spring Festival". At Councilman Savilla's recommendation the audience gave Mayor Ashley a standing ovation.

Mayor Art Ashley stated that there was a request for a loading zone on 11th Street at the side of the "House of Shoes". Councilwoman at Large Trout moved to have a loading zone placed on the side of the House of Shoes. The motion was seconded by Councilman at Large Casto. The motion passed unanimously.

Councilman Savilla requested the Mayor to appeal for free engineering service from the Civic Benefits Association to take a core sample of Third Avenue before Council proceeded with the repair of that road.

Councilman Savilla moved to adjourn. The motion was seconded by Councilwoman at Large Trout. The motion passed unanimously.


Mayor, Arden D. Ashley


City Recorder, Sharon Thomas

64-21-87
11

AN ORDINANCE TO LEVY AND COLLECT AN ANNUAL LICENSE TAX ON PERSONS ACTIVELY ENGAGED IN THE PRACTICE OF CERTAIN PROFESSIONS RECOGNIZED AND REGULATED AS SUCH BY THE LAWS OF THE STATE OF WEST VIRGINIA, NAMELY, ARCHITECTS, ATTORNEYS AT LAW, BARBERS AND BEAUTICIANS, CERTIFIED PUBLIC ACCOUNTANTS, CHIROPODISTS, CHIROPRACTORS, DENTISTS, EMBALMERS AND FUNERAL DIRECTORS, OPTOMETRISTS, OSTEOPATHIC PHYSICIANS AND SURGEONS, PHARMACISTS, PHYSICIANS AND SURGEONS, REAL ESTATE BROKERS, AND VETERINARIANS.

BE IT ORDERED BY THE COUNCIL OF THE CITY OF NITRO:

SECTION 1.

There is hereby levied and shall be collected from persons actively engaged in the practice, within the corporate limits of the City of Nitro, Kanawha and Putnam Counties, West Virginia, of certain professions recognized and regulated as such by the laws of the State of West Virginia which are hereinafter named, an annual license tax of Fifteen Dollars (\$15.00).

SECTION 2.

For the purposes of this ordinance, a person shall be deemed to be actively engaged in the practice of any profession hereinafter named during any fiscal year if that person is licensed by the State of West Virginia to practice a particular profession and hold himself out to the public, or represents to the public that he is authorized and available to practice a particular profession and maintains any office, place of business, establishment, or the like, within the corporate limits of the City of Nitro.

SECTION 3.

This ordinance shall apply to the following professional men or women, recognized and regulated as such by the laws of the State of West Virginia: architects, attorneys at law, barbers and beauticians, certified public accountants, chiropodists, chiropractors, dentists, embalmers and funeral directors, optometrists, osteopathic physicians and surgeons, pharmacists, physicians and surgeons, real estate brokers, and veterinarians.

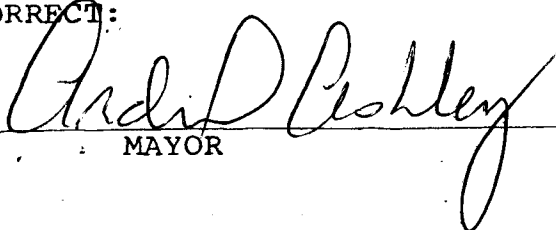
SECTION 4.

The license tax provided for in this ordinance shall be payable annually to the City Recorder at his or her office in the City Building of said City of Nitro, West Virginia, on or before the 1st day of July of each year, and this ordinance shall be effective on and after July 1, 1981. Persons as herein defined who are employed by firms, engaged in group practice or are employed by professional business organizations shall not be individually liable for said license tax. Provided, however, that any such firm, group practice or professional business organization shall be subject to such tax for each location within the City of Nitro.

SECTION 5.

Any person who shall actively engage in the practice of, within the meaning of this ordinance, any profession named herein, without having first paid the license tax herein provided for, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine not to exceed Ten Dollars (\$10.00). Each day that said person shall practice without said license shall constitute a separate offense.

CERTIFIED AS BEING COMPARED AND CORRECT:


MAYOR

CLERK

Introduced
Passed
Advertised

Nitro City Council Meeting

Nitro, West Virginia

May 5, 1981

The regular meeting of the Nitro City Council was held at Council Chambers on May 5, 1981 at 8:00 p.m. Present were Mayor Art Ashley, City Recorder Sharon Thomas, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Jack Moon, Councilman Ronald King, Councilman Omar Cunningham. Also present were City Attorney Stuart Calwell, Treasurer Michael Greenleaf. Councilman at Large Mel Pennington, Councilman Joe Savilla were absent.

The meeting was called to order by the Honorable Art Ashley. The invocation was given by Dr. Charles Byrd.

RECOGNIZATION OF THE CITIZEN OF THE MONTH FOR THE MONTH OF MAY, DR. CHARLES BYRD: Mayor Art Ashley congratulated Dr. Charles Byrd for being selected as Citizen of the Month, for the month of May. Mayor Ashley stated that Dr. Charles Byrd is currently president of the Planning Commission, under the last administration. Mayor Art Ashley stated that Dr. Byrd is a long-time citizen of Nitro, and he teaches at West Virginia State College. Mayor Art Ashley stated that Dr. Charles Byrd has been a personal friend of his. Mayor Art Ashley stated that it is a privilege to have Dr. Byrd live in this city of Nitro. Mayor Art Ashley stated that Dr. Charles Byrd was the kind of person who can be called upon at anytime to do anything and he quickly responds asking that only he be given an opportunity to serve. Mayor Art Ashley congratulated Dr. Charles Byrd on behalf of the City of Nitro.

Dr. Charles Byrd was given a standing ovation. Dr. Charles Byrd stated that he was overwhelmed. Dr. Charles Byrd stated that he would like to thank the Council, and all the citizens of Nitro for recognizing him. Dr. Byrd stated that he has lived in Nitro for about 21 years. Dr. Charles Byrd stated that in January, he will have been in West Virginia for 40 years. Dr. Charles Byrd stated that like the Mayor said, "I stand ready, at anytime, to help anybody, do anything, if you think I can make the burden a little lighter."

Councilman Jack Moon stated that Dr. Byrd present, West Virginia State College, to one of the recipients of the Hall of Fame award, and that at the Stated College they have a type of "family", which means that everyone is trying to work together to the progress and the advancement of the State College. Councilman Jack Moon stated that he would like to welcome Dr. Byrd to the "family", here in Nitro too, "although I think that you are almost a 'charter-member.'"

Mayor Art Ashley stated that it is because of Dr. Charles Byrd that General Brown will be the key-note speaker on Memorial Day. Mayor Art Ashley thanked Dr. Charles Byrd for making the arrangements. Mayor Art Ashley stated that it was Dr. Byrd that contributed the Christmas trees that were planted outside the City Hall and Bank Street. Mayor Art Ashley stated that those Christmas trees came from Dr. Byrd's yard.

Councilman at Large Rusty Casto stated that Dr. Charles Byrd was a very fine member of the Planning Commission. Councilman at Large Rusty Casto then stated that he nominated Dr. Byrd as president of the Planning Commission.

REQUEST FOR APPROVAL OF COUNCIL MEETING MINUTES OF APRIL 21, 1981: Councilman at Large Rusty Casto stated that he went through the Council minutes last night. Councilman at Large Rusty Casto then stated that there were numerous misspelled words, incomplete notes, etc. Mayor Art Ashley stated that his reaction was very much the same. Mayor Art Ashley stated that he thought that it contained a lot of inaccuracies.

Mayor Art Ashley stated that there was one inaccuracy that was called for concern, on page 4, second to the last paragraph, second sentence, "Mayor Art Ashley stated that the City of Nitro be liable for any injuries due to the installation of the new lights." Mayor Art Ashley stated that he did not say that. Mayor Art Ashley stated that the question of liability was brought up by Councilman Jack Moon. Mayor Art Ashley stated, to that question, that the City of Nitro would be responsible for the financial obligation. Mayor Art Ashley stated that he stated that the city would be financially liable, if the bill were not paid by those people who had said they'd pay it. Mayor Art Ashley stated that the question was brought up that, "what if somebody got hurt?" Mayor Art Ashley stated that he stated that we had liability insurance to cover such an event. Mayor Art Ashley stated that in no way should we state that as a part of the Council meeting minutes that the city is liable for any injuries, because it makes it a matter of record and it would be very easy for someone in a court of law to collect on this kind of item of the City's.

Mayor Art Ashley stated that on page 5, in reference to the letter dated April 9, 1981 from Civic Benefits Association. Mayor Art Ashley stated that he specifically included the statement of gratitude and appreciation to the Civic Benefits Association and made specific references of appreciation for efforts extended. Mayor Ashley then stated that he wanted it to be written into the record that the appreciation was there.

Mayor Art Ashley stated that what was left in terms of the minutes include only the hard facts exclusive of personal impression. Mayor Art Ashley stated that the minutes were less than complete, on page 6, where it states, "Mayor Art Ashley stated that he would like to thank the City of Nitro for their participation in the Spring Festival." Mayor Art Ashley stated that the circumstances needed to be recreated on that occasion.

Mayor Art Ashley stated that the statement made by Councilman Joe Savilla, when he asked for participation by an engineer to take a core sample of Third Avenue before Council proceeded with the repair of that road, was not referred to in the minutes.

Mayor Art Ashley stated that he would agree also that there were misspelled words, gramatical errors, inconsistencies.

Mayor Art Ashley stated that on the bottom of page 1, in the next to the last paragraph, approval of March 27, 1981 Public Meeting Minutes, (spelling mistakes such as) Councilman at Large Tusty Casto . . . The motion was secpmded by Councilman Joe Savilla.

Mayor Art Ashley stated that the cost of preparing the minutes, for the Council meeting of April 12, there was an expenditure of apparently of some 47.5 hours, a total of about 87 hours total for two Council meetings. Mayor Art Ashley stated that he felt that is an excessive amount of time required for the preparation of the minutes.

Councilman at Large Rusty Casto stated that he knew of numerous occasions, in which, he would have to read and pass Council minutes, and say, 10 or 15 years down the road, I want to pick up these minutes and read them like this and wonder what are people going to think?

Mayor Art Ashley stated that on page 1, second to the last paragraph, there is Tusty Casto, and in the next sentence there is, "The motion was secpmded by . ." Mayor Art Ashley stated that there was a double negative in the middle of the next page 2, in the reference to the police cruiser there was no reference to it being approved for the next fiscal year. Mayor Art Ashley stated that the statement concerning permission of the schools, again it says, "Mayor Art Ashley asked City Attorney Stuart Calwell whether or not if this particular question should be considered." Mayor Art Ashley does not indicate the circumstances under which was asked.

Mayor Art Ashley stated that on page 6, next to the last paragraph, (spelling errors) "there was a nedd for loading zone . . ."

Mayor Art Ashley stated that he could not vote for the approval of these minutes, until they have been reviewed and compared with the tape of the actual minutes.

Councilman at Large Rusty Casto stated that the double negatives being on page 2 concerning the permission to seek donations for George C. Weimer School's P. T. A. Activities, on page 4 the minutes read: "Councilman Joe Savilla stated that the money by the two or three tournaments that the men's softball league wants to hold will pay off the balance of the thousand dollars, . . ." Councilman at Large Rusty Casto then stated that the minutes should have read: "Councilman Joe Savilla stated that the money raised by the two or three tournaments the men's softball league wants to hold, and the entry fee of each team, will pay off the explicit amount of \$1,400 that the city of Nitro paid for in advance . . ."

Councilman at Large Rusty Casto stated that in the next paragraph the minutes read: "Mayor Art Ashley stated that the City of Nitro be liable for any injuries due to the installations of the new lights." Councilman at Large Rusty Casto then stated that the minutes should have read: "Mayor

Art Ashley stated that the City of Nitro will be liable for any injuries due to the installation of the new lights."

Councilman at Large Rusty Casto stated that on page 5 concerning a letter dated April 9, 1981 from Civic Benefits Association, the minutes read: "Mayor Art Ashley stated that this is a quarterly commitment of \$48,000 per quarter for the fiscal year" Councilman at Large Rusty Casto then stated that the minutes should have read: "Mayor Art Ashley stated that this is a quarterly commitment of \$48,000 for the fiscal year."

Councilman at Large Rusty Casto stated that on page 6 the minutes read: "Councilwoman at Large Mary Trout made a motion to have a loading zone placed in front of the new shoe store." Councilman at Large Rusty Casto then stated that the minutes should have read: "Councilwoman at Large Mary Trout made a motion to have a loading zone placed on the side of the new shoe store."

Councilman at Large Rusty Casto made a motion to table the minutes of April 21, 1981, until the next Council meeting. The motion was seconded by Councilman Omar Cunningham. The motion passed unanimously.

City Attorney Stuart Calwell stated that the one question pertaining to the liability of the City in connection with the new lighting of the softball field, it should reflect the wording to the effect that should the city be found liable in the event of an injury that the city's liability insurance would provide coverage. City Attorney Stuart Calwell stated that just because someone should get injured, does not necessarily mean that the city would be liable. City Attorney Stuart Calwell stated that it is simply in the event that the city should, after court proceedings, found to be liable, then the insurance coverage would be there. City Attorney Stuart Calwell stated that this was a significant deviation from what the true status of the city would be in a legal sense. City Attorney Stuart Calwell stated that the city is not, in a matter of fact, liable for any injuries due to the installation of the lights.

SECOND READING OF ORDINANCE TO EXPAND THE SCOPE OF BUSINESS LICENSE TAX: Mayor Art Ashley stated that due to the absense of the official ordinance reader, Councilman Joe Savilla, he called on City Recorder Sharon Thomas. City Recorder Sharon Thomas called on Councilman Jack Moon to read the ordinance. Councilman Jack Moon read the ordinance as follows:

Final Hearing
04-21-81 155
66

AN ORDINANCE TO LEVY AND COLLECT AN ANNUAL LICENSE TAX ON PERSONS ACTIVELY ENGAGED IN THE PRACTICE OF CERTAIN PROFESSIONS RECOGNIZED AND REGULATED AS SUCH BY THE LAWS OF THE STATE OF WEST VIRGINIA, NAMELY, ARCHITECTS, ATTORNEYS AT LAW, BARBERS AND BEAUTICIANS, CERTIFIED PUBLIC ACCOUNTANTS, CHIROPODISTS, CHIROPRACTORS, DENTISTS, EMBALMERS AND FUNERAL DIRECTORS, OPTOMETRISTS, OSTEOPATHIC PHYSICIANS AND SURGEONS, PHARMACISTS, PHYSICIANS AND SURGEONS, REAL ESTATE BROKERS, AND VETERINARIANS.

BE IT ORDERED BY THE COUNCIL OF THE CITY OF NITRO:

SECTION 1.

There is hereby levied and shall be collected from persons actively engaged in the practice, within the corporate limits of the City of Nitro, Kanawha and Putnam Counties, West Virginia, of certain professions recognized and regulated as such by the laws of the State of West Virginia which are hereinafter named, an annual license tax of Fifteen Dollars (\$15.00).

SECTION 2.

For the purposes of this ordinance, a person shall be deemed to be actively engaged in the practice of any profession hereinafter named during any fiscal year if that person is licensed by the State of West Virginia to practice a particular profession and hold himself out to the public, or represents to the public that he is authorized and available to practice a particular profession and maintains any office, place of business, establishment, or the like, within the corporate limits of the City of Nitro.

SECTION 3.

This ordinance shall apply to the following professional men or women, recognized and regulated as such by the laws of the State of West Virginia: architects, attorneys at law, barbers and beauticians, certified public accountants, chiropodists, chiropractors, dentists, embalmers and funeral directors, optometrists, osteopathic physicians and surgeons, pharmacists, physicians and surgeons, real estate brokers, and veterinarians.

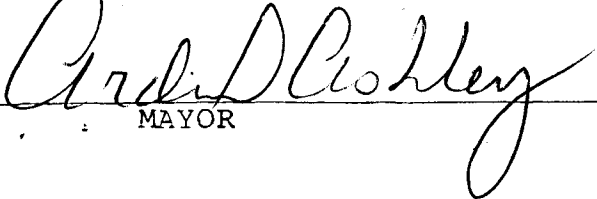
SECTION 4.

The license tax provided for in this ordinance shall be payable annually to the City Recorder at his or her office in the City Building of said City of Nitro, West Virginia, on or before the 1st day of July of each year, and this ordinance shall be effective on and after July 1, 1981. Persons as herein defined who are employed by firms, engaged in group practice or are employed by professional business organizations shall not be individually liable for said license tax. Provided, however, that any such firm, group practice or professional business organization shall be subject to such tax for each location within the City of Nitro.

SECTION 5.

Any person who shall actively engage in the practice of, within the meaning of this ordinance, any profession named herein, without having first paid the license tax herein provided for, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine not to exceed Ten Dollars (\$10.00). Each day that said person shall practice without said license shall constitute a separate offense.

CERTIFIED AS BEING COMPARED AND CORRECT:


MAYOR

CLERK

Introduced
Passed
Advertised

Affidavit of Publication

No. _____

STATE OF WEST VIRGINIA,

Kanawha County, to-wit:

I, Phyllis D'Alessio of the

☐ Sunday Gazette-Mail ☒ Charleston Gazette, a daily Democratic newspaper ☒ Daily Mail, a daily Republican newspaper, published in the City of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of Annual lieense tax

_____ was duly published in said paper once a week for one successive week commencing with the issue of the 1 day of May, 19 81, and ending with the issue of the 1 day of May, 19 81, and was posted at the front door of the Court House of said Kanawha County, West Virginia, on the 4 day of May, 19 81

Dates Published: May 1, 1981

Phyllis D'Alessio
Subscribed and sworn to before me this 1 day of May, 19 81

Norman Cheslake
Notary Public of Kanawha County, West Virginia

My Commission expires May 24, 1986

Printer's Fee \$ 46.45

ACCT-7

The City of Nitro will adopt the following ordinance as of its second reading on May 5, 1981, at 8:00 P.M. in Council Chambers.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

AN ORDINANCE TO LEVY AND COLLECT AN ANNUAL LICENSE TAX ON PERSONS ACTIVELY ENGAGED IN THE PRACTICE OF CERTAIN PROFESSIONS RECOGNIZED AND REGULATED AS SUCH BY THE LAWS OF THE STATE OF WEST VIRGINIA, NAMELY, ARCHITECTS, ATTORNEYS AT LAW, BARBERS AND BEAUTICIANS, CERTIFIED PUBLIC ACCOUNTANTS, CHIROPODISTS, CHIROPRACTORS, DENTISTS, EMBALMERS AND FUNERAL DIRECTORS, OPTOMETRISTS, OSTEOPATHIC PHYSICIANS AND SURGEONS, PHARMACISTS, PHYSICIANS AND SURGEONS, REAL ESTATE BROKERS, AND VETERINARIANS.

BE IT ORDERED BY THE COUNCIL OF THE CITY OF NITRO:

SECTION 1.

There is hereby levied and shall be collected from persons actively engaged in the practice, within the corporate limits of the City of Nitro, Kanawha and Putnam Counties, West Virginia, of certain professions recognized and regulated as such by the laws of the State of West Virginia which are hereinafter named, an annual license tax of Fifteen Dollars (\$15.00).

SECTION 2.

For the purposes of this ordinance, a person shall be deemed to be actively engaged in the practice of any profession hereinafter named during any fiscal year if that person is licensed by the State of West Virginia to practice a particular profession and hold himself out to the public, or represents to the public that he is authorized and available to practice a particular profession and maintains any office, place of business, establishment, or the like, within the corporate limits of the City of Nitro.

SECTION 3.

This ordinance shall apply to the following professional men or women, recognized and regulated as such by the laws of the State of West Virginia: architects, attorneys at law, barbers and beauticians, certified public accountants, chiropodists, chiropractors, dentists, embalmers and funeral directors, optometrists, osteopathic physicians and surgeons, pharmacists, physicians and surgeons, real estate brokers, and veterinarians.

SECTION 4.

The license tax provided for in this ordinance shall be payable annually to the City Recorder at his or her office in the City Building of said City of Nitro, West Virginia, on or before the 1st day of July of each year, and this ordinance shall be effective on and after July 1, 1981.

SECTION 5.

Any person who shall actively engage in the practice of, within the meaning of this ordinance, any profession named herein, without having first paid the license tax herein provided for, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine not to exceed Ten Dollars (\$10.00). Each day that said person shall practice without said license shall constitute a separate offense.

Councilman at Large Rusty Casto made a motion to accept the second reading of the ordinance as amended. The motion was seconded by Councilwoman at Large Mary Trout. The motion passed unanimously.

PAY SCALE FOR FULL TIME REDUCED HOUR EMPLOYEES: Mayor Art Ashley called on Treasurer Michael Greenleaf. Treasurer Michael Greenleaf stated that he is prohibited by law to pay over-time unless the over-time is in an excess of 40 hours per week.

Treasurer Michael Greenleaf stated that the suggestion was brought up that perhaps Council would wish to alter or make a resolution authorizing the payment of over-time for reduced hour/full-time employees for hours excess of their normal working hours.

Mayor Art Ashley stated that it was a daily, rather than a weekly basis.

Mayor Art Ashley stated that, if he stays on and works for 8, 9, 10, or 11 hours and he gets no over-time for it, it takes away that incentive to put any more than that four hours and walk away, which you do not want him to do. Mayor Art Ashley stated that what we are requesting here is that, if this individual works 12 hours, to his regular four hours, but this individual can not be paid over-time unless Council changes this. City Recorder Sharon Thomas stated that maybe he could be put on as full time. Mayor Art Ashley stated that this is a possibility, but we do not have 40 hours of work for him. Mayor Art Ashley stated that, regularly we do not have 40 hours worth of work for him at this point, but we are close to where we could.

Councilman Omar Cunningham made the motion. The motion was seconded by Councilman Ronald King. The motion passed. Councilman Jack Moon opposed.

FIRST READING OF ORDINANCE REGARDING ANIMALS: Councilman Omar Cunningham made a motion to table the ordinance until the next Council meeting. The motion was seconded by Councilman Jack Moon. The motion passed unanimously.

CITY POOL REGULATIONS AND FEES: Mayor Art Ashley called on Treasurer Michael Greenleaf. Treasurer Michael Greenleaf stated that the only deviation from the prior years' rates are for non-residents. Treasurer Michael Greenleaf stated that the recreation director proposes that the family passes, (season pass for family), be raised from \$100 to \$125, and for a single pass to be raised from \$50 to \$75 per year, (per the season).

Mayor Art Ashley stated that the discussion of the prospects of keeping the pool open seven days a week. Mayor Art Ashley stated that we will be staffed for it if Council would so order. Mayor Art Ashley stated that there would be no problem in keeping the pool open on Monday's.

Mayor Art Ashley stated that another consideration has been suggested, making the pool available for private parties. Mayor Art Ashley stated that the parties would be after the normal closing hour of 9 o'clock to a period selected by Council for a fee, as a way of generating additional revenues

also, Mayor Art Ashley stated that there were plenty of lights.

Councilman at Large Rusty Carter asked what was the daily fee for individuals: resident and non-resident. Treasurer Michael Greenleaf stated that 13 years and over for residents, \$2 and for non-residents. For 12 years and younger for residents, \$1.25, non-residents - 12 and younger, \$2.50. Treasurer Michael Greenleaf stated that the fee for senior citizens was \$1.

Mayor Art Ashley stated that he would like to encourage the Council to keep their vision on the fact we are trying to generate additional revenues through the recreation and last year, had a deficit of \$70,000 in the recreation department. Mayor Art Ashley stated that we have \$40,000 deficit projected this year and anything that we can do to reduce the deficit, for the department, would be beneficial in other areas of recreation.

Councilwoman at Large Mary Trout made a motion to accept the hours as stated, (11 a.m. to 7 p.m. Monday through Saturday, and 1 p.m. to 6 p.m. on Sunday), the fees as stated, private parties, \$100 for evening parties, \$50 for the morning parties, the parties are 3 hour parties. The motion was seconded by Councilman Omar Cunningham. The motion passed unanimously.

RECREATIONAL USE OF SCHOOL BOARD PROPERTY: Mayor Art Ashley called on Councilwoman at Large Mary Trout. Councilwoman at Large Mary Trout stated that she had received a number of calls from residents on Park Avenue, that border on the school property between Baker Elementary and Nitro Junior High. Councilwoman at Large Mary Trout stated that teams are playing there, kids are flying kites, soccer teams practice, etc. Councilwoman at Large Mary Trout stated that she asked City Attorney Stuart Calwell if he would clarify this position, legally, so that we have something to tell the residents from a legal standpoint.

City Attorney Stuart Calwell stated that all the complaints are pertained to the use of the property, owned by Kanawha County Schools. City Attorney Stuart Calwell stated that there is nothing that the city can do about it.

Mayor Art Ashley stated that the last administration did take a position on the playing of soccer in that field and they declared it prohibited. Mayor Art Ashley stated that we, as a local government, have no jurisdiction over that problem, unless they are in violation of the city ordinance.

City Attorney Stuart Calwell stated that he could not see of any way that Council could pass any kind of resolution or ordinance that would effectively address the problem.

SEMI-AUTOMATIC GARBAGE COLLECTOR: Mayor Art Ashley called on Councilman Jack Moon. Councilman Jack Moon stated that our garbage collecting facilities, (trucks), are reaching a point of no return, on maintenance. The trucks are just not doing the job now, at this point. Councilman Jack Moon stated that he had been asked by the Mayor to serve on a committee to look into the possibility of a semi-automatic garbage collector, or whatever facilities or means we want to use to collect the garbage in the city of Nitro. Councilman Jack Moon stated that he just wanted to make the Council aware that we are

going to have to make some move to do something about this problem. Councilman Jack Moon stated that the committee was going to weigh all of the pro's and con's and have a recommendation back at the next Council meeting in the next couple of weeks.

Councilman Jack Moon stated that there were many possibilities: we could lease the equipment, purchase the equipment and the containers that come with this equipment. Councilman Jack Moon stated that we would in turn issue them to the households throughout the community.

Councilman Jack Moon stated that this system deals with a 30, 60, or 90 gallon container and it picks it up automatically and puts it into the truck, compacts it, and puts your container back out, but this is a curb like service. Councilman Jack Moon stated that this will be expensive.

HOUSE NUMBERING ON WASHINGTON AVENUE: Councilman Omar Cunningham made a motion to take a little more time on this and check with these people on the streets, along with the post office and report back at the next Council meeting. The motion was seconded by Councilman Ronald King. The motion passed unanimously.

REQUEST FOR SOFTBALL MARATHON FROM BILL HYATT, AREA REPRESENTATIVE FOR WORD OF LIFE BIBLE CLUBS: Mayor Art Ashley stated that it has been done in the past and the Recreational Director to explain anything. Councilman at Large Rusty Casto asked Recreational Director Jay Long, where the money goes. Recreational Director Jay Long stated that the recreational department gets no money, because there are no charges.

Councilman at Large Rusty Casto made a motion to grant the permission requested for the softball marathon from Bill Hyatt. The motion was seconded by Councilwoman at Large Mary Trout. The motion passed unanimously.

FOURTH OF JULY CELEBRATION: Mayor Art Ashley called on Councilman at Large Rusty Casto to address the question of the beginning preparation of the fourth of July celebration. Councilman at Large Rusty Casto stated that he turns the floor over to Jay Long. Jay Long stated that the recreational department requests permission of Council to go to proceed with plans for a fourth of July celebration. Jay Long stated that certain events will require Council approval and advance plans must be made before hand. The proposed events include but are not limited to the following:

cracker whistling	pig tail contest
water melon seed spitting	egg toss
rolling pin throw	archery exhibition
pie eating contest	greased pig chase
cake decorating	fire works
greased pole climb	parade

Jay Long stated that there would be awards given to any floats in the parade. Jay Long stated that when cost is identified, funding will be requested, also any evnets to be added will be submitted for Council approval. Jay Long stated that he was asking Council for their help in making a better Fourth of July than we had last year.

Councilman at Large Rusty Casto made a motion to grant the permission requested by Recreational Director Jay Long. The motion was seconded by Councilman Omar Cunningham. The motion passed unanimously.

COMMITTEE REPORTS: Mayor Art Ashley stated that he would like to recognize a gentleman that he has come to respect. Mayor Art Ashley introduced Bill Withrow, race director of the Nitro's Spring Festival. (applause) Mayor Art Ashley stated that he would like to thank Bill Withrow for his many hours of preparation of that race. Mayor Art Ashley expressed his appreciation for all the work and effort he put into it.

Mayor Art Ashley stated that there was a report from the City Attorney on a judgement that was rendered on Blackwood property. Mayor Art Ashley called on City Attorney Stuart Calwell. City Attorney Stuart Calwell stated that Judge Belcher issued a written memorandum on the lawsuit. City Attorney stated that Judge Belcher gave full approval of the city's complete right-away through there.

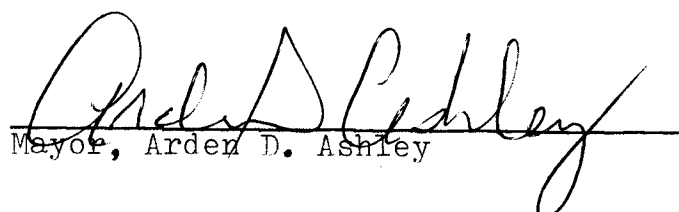
Mayor Art Ashley stated that he would like to extend congratulations and appreciation to the City Attorney in harmony with the efforts of the City Treasurer for obtaining the back B and O taxes from a local business to a considerable amount.

Mayor Art Ashley called on Councilman Ronald King. Councilman Ronald King stated that right now we have General Brown coming in, Poca's band will be the host band and they are definitely coming. Dunbar's band is still uncertain, if they can make it Dunbar will be the guest band. Councilman Ronald King stated that we will have a color guard.

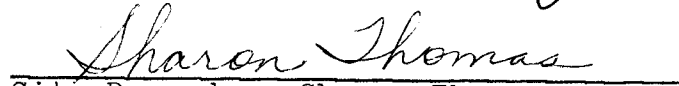
Councilman Ronald King read a letter form Headquarters Company 111th Engineer Group, West Virginia Army National Guard. The letter reads as follows:

Councilman Ronald King stated that General Brown is one of four black Generals in the United States Army. Councilman Ronald King stated that General Brown is 48 years old, married, five children, born in New Orleans, his family home is Institute, West Virginia. Councilman Ronald King stated that he was a graduate of Glenville High School, Cleveland, Ohio; a graduate of West Virginia State College - 1954. Councilman Ronald King stated that General Brown has received numerous awards. Councilman Ronald King presented a picture of General Brown.

Councilman at Large Rusty Casto made a motion to adjourn. The motion was seconded by Councilwoman at Large Mary Trout. The motion passed unanimously.



Mayor, Arden D. Ashley



City Recorder, Sharon Thomas

COUNCIL MEETING MINUTES

CITY OF NITRO

MAY 19, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers on May 19, 1981 at 8:00 p.m. Present were Mayor Art Ashley, Sharon Thomas, City Recorder, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Jack Moon, Councilman Ronald King, and Councilman Omar Cunningham. Also present were Mr. Michael Greenleaf, Treasurer, and Mr. Stuart Calwell, City Attorney.

The invocation was given by Mr. Jim Hutchinson.

AGENDA ITEM - APPROVAL OF JANUARY 6, 1981 SPECIAL COUNCIL MEETING MINUTES: Councilwoman at Large Trout made a motion to accept the minutes with the error corrected on page 332-A, Book 17. The motion was seconded by Councilman Jack Moon; the motion passed unanimously.

AGENDA ITEM - APPROVAL OF APRIL 21, 1981 COUNCIL MEETING MINUTES: Councilman at Large Casto moved to accept the minutes. The motion was seconded by Councilman Moon; the motion carried. Councilman at Large Pennington abstained.

AGENDA ITEM - APPROVAL OF MAY 5, 1981 COUNCIL MEETING MINUTES: Councilman Moon moved to approve the minutes as amended, and to attach a copy of the Courts Memorandum Opinion to the May 5, 1981, Council Meeting Minutes. (A copy is attached thereto and made a part thereof.) The motion was seconded by Councilman at Large Pennington; the motion carried.

In reference to the Council Meeting Minutes, Councilwoman Trout, Councilman King, and Councilman Cunningham were appointed to the committee.

AGENDA ITEM - FIRST READING OF ORDINANCE REGARDING ANIMALS: Councilman Savilla read the first reading of the ordinance.

THE ORDINANCE IS AS FOLLOWS:

AN ORDINANCE AMENDING AND REENACTING CHAPTER 4, ANIMALS AND FOUL, OF THE NITRO CITY CODE, PERTAINING TO DOGS, PROVIDING FOR THE IMPOUNDMENT AND DISPOSAL OF DOGS IN CERTAIN SITUATIONS; PROPOSING PENALTIES FOR PERMITTING DOGS TO TRESPASS ON PRIVATE PROPERTY AND PENALTIES FOR KEEPING VICIOUS DOGS; PENALTIES FOR KEEPING NOISY DOGS OR CATS, AND COOPERATION WITH OTHER GOVERNMENTAL BODIES.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF NITRO:

That Chapter 4, Animals and Foul, of the Nitro City Code be amended and reenacted as follows:

Section 4-16. Dogs to be confined and not permitted to roam at large; taking dogs on lease.

The owner of a dog or person harboring or keeping a dog shall not allow such dog to roam at large in the city. The owner of a dog or person harboring or keeping a dog shall confine such dog at the owner's premises or the premises of such person harboring or keeping such dog. No person shall take any dog onto the streets, sidewalks or public places of the city unless the dog shall be upon a lease, or under effective control.

Section 4-24. Notice to owners and persons in charge of impounded animals and foul; retention and disposition of impounded dogs.

(c) Any dog seized and impounded as provided in Section 4-23 shall be detained for a period of five (5) days after notice of seizure has been given, and if not redeemed by the owner or by the person harboring such dog within the period applicable, shall be disposed of in such manner and by such person as the pound authorities shall designate.

Section 4-27. Redemption of impounded dogs; redemption fees and boarding charges; record of offenses by dog owners.

(a) The owner of a dog bearing a tag as provided in Section 4-13, which has been seized or impounded as provided in Section 4-23, shall be entitled to redeem the dog by paying to the city collector pursuant to a statement furnished such owner by the animal warden in charge of the dog a redemption fee of Twenty-five Dollars (\$25.00); for a second offense, a redemption fee of Fifty Dollars (\$50.00); and for a third or subsequent offense, a redemption fee of One Hundred Dollars (\$100.00).

(b) Whenever more than one dog belonging to the same owner being impounded on the same day, a single offense shall be deemed to have occurred. Otherwise, each dog belonging to the same owner which has been impounded on separate days shall be deemed to constitute separate offenses. The animal warden shall maintain

records of offenses committed by dog owners, and such records shall be available for public inspection during regular office hours. In addition to the above redemption fee, a boarding fee for each dog impounded shall be charged by the animal warden the rate of Three Dollars (\$3.00) per day, or a fraction thereof, that the dog has been impounded.

(c) The owner of, or persons harboring a dog not bearing a tag which has been seized or impounded shall be entitled to redeem the dog upon establishing title thereto to the satisfaction of the animal warden in charge of the dog, by securing a license for the dog (if such dog be not licensed), and by paying to the city collector pursuant to a statement furnished such owner or person by the humane officer in charge of said dog a redemption fee of Ten Dollars (\$10.00) plus Three Dollars (\$3.00), or a fraction thereof, for each day that the dog has been impounded.

Section 4-28. Acquisition of equipment.

The Mayor, subject to the approval of the council, shall acquire such equipment as may be necessary to enforce the provisions of this article.

Section 4-29. Observation of dog biting a person.

Every person owning or harboring a dog in the city, whether licensed or unlicensed, which shall bite any person shall forthwith place the dog, at the owner's expense, in the custody and care of a licensed veterinarian and shall apply with the provisions of subsection a of 4-10.

Section 4-30. Excrement.

Neither the owner of a dog or any person having charge of a dog, whether such dog be on a lease or not, shall allow any such dog in their charge to deposit animal excrement or other animal wastes upon any public or private property or to otherwise damage any public or private property.

Section 4-31. Penalties.

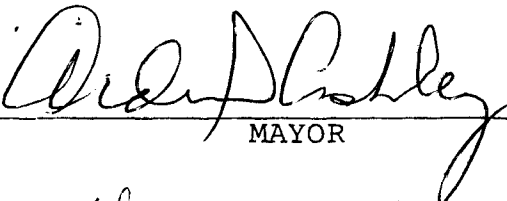
Any person violating provisions of this article shall be fined Twenty-five Dollars (\$25.00) for the first offense, Fifty Dollars (\$50.00) for the second offense and One Hundred Dollars (\$100.00) for the third offense.

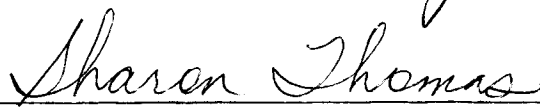
Section 4-32. Cooperation with other governmental bodies.

In carrying out the intent and provisions of this article, the city is expressly authorized to enter into agreements with other municipalities in the County Court of Kanawha and Putnam Counties

for the purchase of necessary equipment and supplies, employment of necessary personnel, operation and maintenance of a dog pound, and all other matters relating to the provisions of this article to share the costs thereof with other municipalities and the County Court of Kanawha and Putnam Counties on a joint and mutual basis.

This ordinance was read and introduced for the first time at a regular meeting of the City Council of the City of Nitro on the 19 day of May, 1981, and read and adopted at a second reading on the day of , 1981.


MAYOR


CLERK

Councilman Savilla moved to accept the first reading of the ordinance. The motion was seconded by Councilman at Large Pennington; the motion carried.

AGENDA ITEM - HOUSE NUMBERING ON WASHINGTON AVENUE: Councilman Cunningham moved to table this. The motion was seconded by Councilman King; the motion carried.

AGENDA ITEM - THE FIRST READING OF THE ORDINANCE THAT WILL ALLOW THE CITY TO INCREASE ITS COLLECTION ON STATE'S STORE LIQUOR AND WINE SALES FROM 3% TO 5%: Councilman Savilla moved to table the first reading of the ordinance. The motion was seconded by Councilman Cunningham; the motion passed unanimously.

AGENDA ITEM - CITY HOLIDAY IDENTIFIED AS MAY 25, 1981: Councilman at Large Casto moved that May 25, 1981, be identified as a holiday for city employees. The motion was seconded by Councilman Cunningham; the motion passed unanimously.

AGENDA ITEM - MEMORIAL DAY COMMITTEE REPORTS: Councilman King and Councilman at Large Casto reported everything has been taken care of for the Memorial Day Dedication.

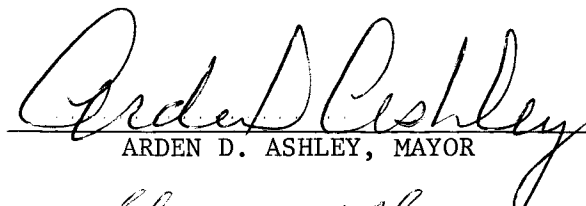
AGENDA ITEM - SEMI-AUTOMATIC GARBAGE COLLECTION SYSTEM: Councilman Cunningham moved to reschedule the trip to Canton, Ohio, to observe the automatic garbage collection system. The motion was seconded by Councilman Moon; the motion carried.

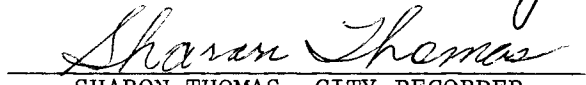
AGENDA ITEM - REPORT ON A MEETING WITH THE GOVERNOR'S OFFICE OF ECONOMIC COMMUNITY DEVELOPMENT: Mayor Ashley reported that due to the low priority given Nitro's Project by DNR, it is unlikely any funding will be forthcoming from that source. However, another effort is underway involving both public and private sources. (See Supplement file to the minutes.)

COMMITTEE REPORT

COUNCILMAN AT LARGE CASTO: Councilman at Large Casto moved to grant Lum's permission to conduct music shows behind their Restaurant, May 19 through Labor Day to raise money for MDS. (Shows shall be held approximately every two weeks, and will not be held later than 10:30 pm weekdays, and midnight on weekends.) The motion was seconded by Councilman Savilla; the motion carried.

Councilman at Large Mel Pennington moved for adjournment. The motion was seconded by Councilman Omar Cunningham; the motion passed unanimously.


 ARDEN D. ASHLEY, MAYOR


 SHARON THOMAS, CITY RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

JUNE 2, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers June 2, 1981 at 8:00 p.m. Present were Mayor Art Ashley, Sharon Thomas, City Recorder, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Joe Savilla, Councilman Ronald King, and Councilman Omar Cunningham. Also present were Mr. Michael Greenleaf, Treasurer, and Mr. Stuart Calwell, City Attorney. Councilman at Large Mel Pennington, and Councilman Jack Moon were absent.

The invocation was given by Councilman Savilla.

AGENDA ITEM: APPROVAL OF MAY 19, 1981 COUNCIL MEETING MINUTES:

Councilman Savilla moved that the May 19, 1981 Council Meeting Minutes be tabled and retyped from the tape. The motion was seconded by Councilman Cunningham, and the motion carried. Mrs. Thomas and Councilman at Large Casto abstained.

AGENDA ITEM: SECOND READING OF ORDINANCE REGARDING ANIMALS:

Councilman Savilla read the title of the ordinance.

THE ORDINANCE IS AS FOLLOWS:

ORDINANCE NO. 81-4

AN ORDINANCE AMENDING AND REENACTING CHAPTER 4, ANIMALS AND FOUL, OF THE NITRO CITY CODE, PERTAINING TO DOGS, PROVIDING FOR THE IMPOUNDMENT AND DISPOSAL OF DOGS IN CERTAIN SITUATIONS; PROPOSING PENALTIES FOR PERMITTING DOGS TO TRESPASS ON PRIVATE PROPERTY AND PENALTIES FOR KEEPING VICIOUS DOGS; PENALTIES FOR KEEPING NOISY DOGS OR CATS, AND COOPERATION WITH OTHER GOVERNMENTAL BODIES.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF NITRO:

That Chapter 4, Animals and Foul, of the Nitro City Code be amended and reenacted as follows:

Section 4-16. Dogs to be confined and not permitted to roam at large; taking dogs on lease.

The owner of a dog or person harboring or keeping a dog shall not allow such dog to roam at large in the city. The owner of a dog or person harboring or keeping a dog shall confine such dog at the owner's premises or the premises of such person harboring or keeping such dog. No person shall take any dog onto the streets, sidewalks or public places of the city unless the dog shall be upon a lease, or under effective control.

Section 4-24. Notice to owners and persons in charge of impounded animals and foul; retention and disposition of impounded dogs.

(c) Any dog seized and impounded as provided in Section 4-23 shall be detained for a period of five (5) days after notice of seizure has been given, and if not redeemed by the owner or by the person harboring such dog within the period applicable, shall be disposed of in such manner and by such person as the pound authorities shall designate.

Section 4-27. Redemption of impounded dogs; redemption fees and boarding charges; record of offenses by dog owners.

(a) The owner of a dog bearing a tag as provided in Section 4-13, which has been seized or impounded as provided in Section 4-23, shall be entitled to redeem the dog by paying to the city collector pursuant to a statement furnished such owner by the animal warden in charge of the dog a redemption fee of Twenty-five Dollars (\$25.00); for a second offense, a redemption fee of Fifty Dollars (\$50.00); and for a third or subsequent offense, a redemption fee of One Hundred Dollars (\$100.00).

(b) Whenever more than one dog belonging to the same owner being impounded on the same day, a single offense shall be deemed to have occurred. Otherwise, each dog belonging to the same owner which has been impounded on separate days shall be deemed to constitute separate offenses. The animal warden shall maintain

records of offenses committed by dog owners, and such records shall be available for public inspection during regular office hours. In addition to the above redemption fee, a boarding fee for each dog impounded shall be charged by the animal warden the rate of Three Dollars (\$3.00) per day, or a fraction thereof, that the dog has been impounded.

(c) The owner of, or persons harboring a dog not bearing a tag which has been seized or impounded shall be entitled to redeem the dog upon establishing title thereto to the satisfaction of the animal warden in charge of the dog, by securing a license for the dog (if such dog be not licensed), and by paying to the city collector pursuant to a statement furnished such owner or person by the humane officer in charge of said dog a redemption fee of Ten Dollars (\$10.00) plus Three Dollars (\$3.00), or a fraction thereof, for each day that the dog has been impounded.

Section 4-28. Acquisition of equipment.

The Mayor, subject to the approval of the council, shall acquire such equipment as may be necessary to enforce the provisions of this article.

Section 4-29. Observation of dog biting a person.

Every person owning or harboring a dog in the city, whether licensed or unlicensed, which shall bite any person shall forthwith place the dog, at the owner's expense, in the custody and care of a licensed veterinarian and shall apply with the provisions of subsection a of 4-10.

Section 4-30. Excrement.

Neither the owner of a dog or any person having charge of a dog, whether such dog be on a lease or not, shall allow any such dog in their charge to deposit animal excrement or other animal wastes upon any public or private property or to otherwise damage any public or private property.

Section 4-31. Penalties.

Any person violating provisions of this article shall be fined Twenty-five Dollars (\$25.00) for the first offense, Fifty Dollars (\$50.00) for the second offense and One Hundred Dollars (\$100.00) for the third offense.

Section 4-32. Cooperation with other governmental bodies.

In carrying out the intent and provisions of this article, the city is expressly authorized to enter into agreements with other municipalities in the County Court of Kanawha and Putnam Counties

for the purchase of necessary equipment and supplies, employment of necessary personnel, operation and maintenance of a dog pound, and all other matters relating to the provisions of this article to share the costs thereof with other municipalities and the County Court of Kanawha and Putnam Counties on a joint and mutual basis.

This ordinance was read and introduced for the first time at a regular meeting of the City Council of the City of Nitro on the 19th day of May, 1981, and read and adopted at a second reading on the 2nd day of June, 1981.


MAYOR


CLERK

Councilman Savilla moved that Council accept the second reading of the ordinance as written. The motion was seconded by Councilman at Large Casto; the motion carried 5 to 1. Councilman Cunningham abstained; Mrs. Thomas, City Recorder voted in the negative.

AGENDA ITEM - FIRST READING OF ORDINANCE THAT WILL ALLOW THE CITY
TO INCREASE ITS COLLECTION ON STATE STORE LIQUOR AND WINE SALES FROM
3 to 5 PER CENT: Councilman Savilla read the first reading of the
ordinance.

THE ORDINANCE IS AS FOLLOWS:

ORDINANCE NO. _____


An Ordinance amending and readopting Section 3-2 of the Code of the City of Nitro, West Virginia; setting the rate of tax on the purchase of intoxicating liquors within the corporate boundaries of said municipality at five percent.

Be it ordained by the governing body of the City of Nitro, West Virginia, that after the effective date of this Ordinance pursuant to Chapter 8, Article 13, Section 7 of the Official Code of West Virginia, of 1931, as last amended, there is hereby imposed a tax of five percent of the retail purchase price of any and all intoxicating liquors purchased from the Alcohol Beverage Control Commission or from any person licensed to sell wine at retail to the public under the provision of Chapter 60, Article 8 of the aforesaid Code of West Virginia, within the corporate boundaries of the municipality. Such tax shall be levied upon the purchaser of said intoxicating liquor or wine, and shall be added to any collected with the retail purchase price of such intoxicating liquor or wine. Such tax shall be received by the municipality from the State Treasury pursuant to the rules and regulations adopted by the said Alcohol Beverage Control Commissioner. Provided, however, that such tax shall not be collected on intoxicating liquors sold by or purchased from holders of a license issued under the provisions of Chapter 60, Article 7 of said Code of West Virginia.

THIS ORDINANCE SHALL BE EFFECTIVE JULY, 1981.

INTRODUCED ON FIRST READING ON THE 2nd DAY OF JUNE, 1981

INTRODUCED ON SECOND READING ON THE


ARDEN B. ASHLEY, MAYOR
SHARON THOMAS, CITY RECORDER

Councilman Savilla moved that the first reading of the ordinance be adopted as written. The motion was seconded by Councilman King; the motion carried.

AGENDA ITEM - BASKET BALL COURT TO BE RESURFACED: Councilman Savilla referred to a petition he had with 175 signatures of people who were in favor of resurfacing the basketball court at the city park.

Councilman Savilla moved that Council approve \$3,000 to the Recreation Department to resurface the basketball court and replace the backboards; that he would assume responsibility of making contact with the contractor. The motion was seconded by Councilman King; the motion carried.

Councilman Savilla moved that Council approve \$110 for two porta-toilets to be put over behind the basketball court between the girl's soft ball field and the T-ball field. The motion was seconded by Councilman Cunningham; the motion carried.

AGENDA ITEM - USE OF CITY GARAGE BY SANITARY BOARD: Mr. Greenleaf, Treasurer, stated:

The basic recommendation: Rather than stipulate how the Sanitary Board may or may not make improvements upon the property itself in terms of office space, or other additions, or improvements, the proposal might better be termed, "ground rental," wherein the Sanitary Board would rent the building and grounds from the city for a more nominal sum; then, be able to do with it as they please, for a limited amount of time, probably three years (the end of this Administration). The figure presented was \$200 per month.

Councilwoman Trout moved that Council accept this recommendation. The motion was seconded by Councilman at Large Casto; the motion carried. Councilman King opposed.

AGENDA ITEM - SEALED BIDS OPENED FOR EMPLOYEES HEALTH AND LIFE INSURANCE: Mrs. Thomas, City Recorder stated she had received two bids: one sealed, one unsealed. It was moved and duly seconded that Council accept the unsealed bid; the motion carried.

Mrs. Thomas moved that the two bids be referred to committee. The motion was seconded by Councilman Savilla; the motion passed unanimously. Members of the committee are:

Sharon Thomas, Chairman,
Councilman Savilla,
Chief Hedrick, Nitro Fire Department, and
Mr. Greenleaf, Treasurer.

AGENDA ITEM - APPROVAL OF CANDIDATES FOR LIFEGUARDS FOR THIS SUMMER SEASON: Councilman Savilla moved that the list of candidates for lifeguards for this summer season be accepted with the stipulation that they are certified lifeguards. The motion was seconded by Councilwoman at Large Trout; the motion carried.

The candidates for lifeguards are:

Perry Estep (full time),
Melori Pennington (full time),
Anita Harper (full time),
Beth Negley,
Wanda Johnson,
Melanne Pennington,
Lucy Mynes, and
Debra Booth.

AGENDA ITEM - REVISED BUDGET PROPOSAL FOR FY 1981-1982: Mayor Ashley stated that the Chair would like to make recommendations concerning ways in which our budget would be revised.

MAYOR ASHLEY PRESENTED THE FOLLOWING PROPOSALS:

PERFORMANCE BONUS PROGRAM - SALARIES ADJUSTMENT

It is recommended that a quarterly performance bonus be paid to all permanent full-time employees who are on the city's permanent payroll on July 1, 1981. The bonuses would be paid on the following payroll dates:

October 2, 1981
December 31, 1981
March 26, 1982
June 25, 1982

The amount of the bonuses would be between five percent to ten percent of the base annual pay excluding overtime. City Officials would be excluded from participation. The total aggregate cost of the performance bonus would not exceed \$53,000 for Fiscal Year 1981-1982.

The size of the bonus would be determined by the Mayor upon recommendation by the department head and the Salary Review Committee.

Mayor Ashley stated that it is important to avoid the appearance of locking in the CBA pledge as a form of salary.

CHARGES MADE FOR UNSCHEDULED TRASH PICKUPS

It is recognized that currently the Department of Public Works expends considerable effort and time in attending to the trash pickup needs of our citizens. Therefore, in order to better serve all of our citizens, we feel it imperative to make charges for all unscheduled trash pickups.

The proposed schedule is as follows:

Minimum Charge	\$50	First hour
Thereafter	\$20	each additional $\frac{1}{2}$ hour

OTHER RECOMMENDATIONS IN REFERENCE TO THE DEPARTMENT OF PUBLIC WORKS

It is recommended that the city make curb-side garbage pickups effective July 1, 1981. It is anticipated that this would eliminate two full crews, each employing three individuals.

It is further recommended that the six individuals be terminated September 15, 1981. The program then could, then, be fully implemented by October 1, 1981.

BUDGET INCREASES:

(1) EMPLOYEE PERFORMANCE BONUS PROGRAM	\$ 53,000
(2) BUNKER GEAR FOR FIRE DEPARTMENT	5,000
(3) DRUG ENFORCEMENT PROGRAM	8,000
(4) HEALTH DEPARTMENT	10,000
(5) PURCHASE OF STREET SWEEPER	11,500
(6) PURCHASE OF RESIDENCE FOR RIDENOUR PARK	25,000
	<hr/>
TOTAL	\$ 112,500
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REVENUE INCREASES:

(1) ADDITIONAL CBA CONTRIBUTION	\$ 92,000
(2) PUBLIC WORKS DEPARTMENT REDUCTION	60,025
(3) ADDITIONAL CHARGE FOR UNSCHEDULED TRASH PICKUP	5,000
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TOTAL	\$ 157,025
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THE MAYOR STATED THAT THE RECORD SHOULD SHOW THAT THERE IS NO RECOMMENDATION FOR AN INCREASE IN CITY SERVICE FEES, OR FOR A REDUCTION IN FIRE DEPARTMENT PERSONNEL.

THE MAYOR FURTHER EXPLAINED THAT THE PROGRAM TO REPLACE SOCIAL SECURITY WOULD BE EXPANDED BY HIS ADMINISTRATIVE ASSISTANT, MR. MICHAEL E. GREENLEAF, AND SUBMITTED TO THE CITY EMPLOYEES FOR RATIFICATION.

THE DETAILS OF THE PERFORMANCE BONUS PROGRAM AND THE TRASH PICKUP CHARGES ARE ATTACHED AS AN INTEGRAL PART OF THE COUNCIL MINUTES. ALSO, ON THE ATTACHED PAGE ARE OTHER RECOMMENDATIONS IN REFERENCE TO THE DEPARTMENT OF PUBLIC WORKS.

Councilman Savilla moved to accept the Revised Budget Proposal for FY 1981-1982. The motion was seconded by Councilman at Large Casto; the motion carried. Mrs. Thomas abstained.

AGENDA ITEM - POOL PASSES FOR CITY EMPLOYEES: Councilman Savilla moved that Council grant free pool passes for full-time city employees and their immediate family. The motion was seconded by Councilman Cunningham; the motion carried.

AGENDA ITEM - HOUSE NUMBERING ON WASHINGTON AVENUE: Councilman Cunningham moved that this be tabled, and that a letter be drafted to be mailed to those concerned requesting a meeting; the motion was duly seconded. The motion carried.

AGENDA ITEM - USE OF SATTES PROPERTY ALONG FIRST AVENUE AND HILLSIDE DRIVE FOR SOCCER: Councilman at Large Casto stated that the Sattes Estate through Mr. Jim Amburgey have agreed to allow the city bring this property up-to-par for use of soccer. The cost was considerably more than had been anticipated, Mayor Ashley said. Other alternatives were discussed.

This was referred to committee. Members of the committee are:

Ivan Meadows, Chairman,
Councilman at Large Casto, and
Councilman Savilla.

AGENDA ITEM - CLASS DAY JULY 3, 1981, 3:00 PM TO 12:00 PM - ROCK CONCERT: Councilman Savilla introduced J. McGill who graduated from Nitro in 1970. (Information which Mr. McGill introduced to Council is in Supplement file to the Minutes).

After further discussion, Councilman Savilla moved that Council underwrite \$1,100 for the expense of putting on the Class Day Rock Concert, and that any profits over and above go to the Nitro Recreation Department. The motion was seconded by Councilman Casto; the motion was approved by unanimous vote.

AGENDA ITEM - APPROVAL OF NITRO SANITARY BOARD BUDGET FOR FY 1981-1982: Mayor Ashley stated that this budget has been examined by the Nitro Sanitary Board and submitted for approval by Council as a part of the budget of the city and its agencies.

A COPY OF THE PROPOSED SANITARY BOARD BUDGET FOR FY 1981-1982 IS AS FOLLOWS:

PROPOSED SANITARY BOARD BUDGET
FOR FISCAL YEAR 1981 - 82

Total Projected Revenue \$564,852

Projected Operating Costs:

General and Administrative	\$ 146,880
Billing and Collection	88,128
Sewage Collection System	106,932
Pumping System	71,320
Treatment Plant	151,592

\$564,852

Surplus

-0-

After much discussion, Ward I Councilman Joe Savilla moved that Council accept the Nitro Sanitary Board Budget for FY 1981-1982. The motion was seconded by Councilman at Large Casto; the motion carried.

AGENDA ITEM - PETITION EXPRESSING PERMISSION TO COMMENCE OPERATION OF A WASHINGTON AVENUE LAND FILL: Councilman Cunningham moved to authorize the City Attorney to procure the necessary legal documents to proceed with the project. The motion was seconded by Councilwoman at Large Trout; the motion carried.

COMMITTEE REPORTS

COUNCILMAN CUNNINGHAM: Councilman Cunningham referred to a letter to him from Monsanto in reference to a trash compactor that will be donated to the City of Nitro, and requested that the City Attorney direct a letter to Monsanto giving them the information needed. (Copy of letter is in supplement file to the minutes.)

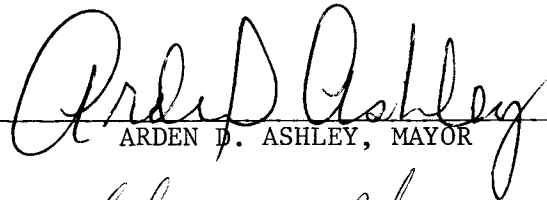
COUNCILWOMAN TROUT: Councilwoman Trout stated that a committee made up of herself, Councilman King, and Councilman Cunningham, and their duty was to find a way to provide accurate minutes of the Council Meetings.


Councilwoman Trout moved to designate one employee to be city typist; that top priority would be preparing Council Minutes within three to four days following Council Meeting. The motion was seconded by Councilman Savilla; the motion passed unanimously.

COUNCILMAN KING: Councilman King thanked numerous people for their help in reference to the dedication of The War Memorial.

COUNCILMAN AT LARGE CASTO: Councilman at Large Casto announced that
C O U N C I L M A N R O N A L D S . K I N G was named
C I T I Z E N O F T H E M O M T H for the month of June.

Councilman Cunningham moved for adjournment. The motion was seconded by Councilman at Large Casto; the motion passed unanimously. Meeting was adjourned at 10:28 pm.


ARDEN D. ASHLEY, MAYOR


SHARON THOMAS, CITY RECORDER