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COUNCIL MEETING MINUTES

CITY OF NITRO

JUNE 16, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers June 16, 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 Ronald King, Councilman Omar Cunningham, and Councilman Jack Moon. Also present was Mr. Stuart Calwell, City Attorney. Mr. Michael Greenleaf, Treasurer, was absent.

The invocation was given by the Nitro Fire Department Chief, Ernest Hedrick.

Councilman at Large Pennington stated, "We lost a loved one that was very close to us in this city, Brian Anderson," and requested a moment of silence as a tribute to Brian Anderson.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 19, 1981 COUNCIL MEETING MINUTES:  
Councilman at Large Casto moved the approval of the minutes. The motion was seconded by Councilman Cunningham; the motion passed unanimously.

AGENDA ITEM NO. 2 - APPROVAL OF JUNE 2, 1981 COUNCIL MEETING MINUTES:  
Councilman at Large Casto moved the approval of the minutes. The motion was seconded by Councilwoman at Large Trout; the motion carried.  
Councilman at Large Pennington, and Councilman Moon abstained.

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Mayor Ashley recognized State Senator, Senator Bob Wise.

AGENDA ITEM NO. 3 - THE CRINER LITIGATION ISSUE: Mr. Stuart Calwell, City Attorney, stated that some time ago the Criners filed against the city for their alleged water damage coming from the hillside behind their house on 21st Street. Mr. Calwell said that the city entered into a settlement agreement with them whereby an above the surface pipeline was established along with a couple of catch basins to try to handle the surface water. Over the last several months apparently the landslide or the slippage that's been occurring has gotten worse, and the integrity of the above the surface pipeline has been interrupted; the Criners are very serious now about pursuing the litigation, he said.

Mr. Calwell stated that in developing a defense on the Criner suit we will need to retain the services of an engineer or an expert in soil mechanics to ascertain what the geologic strata is there.

After further discussion Councilman at Large Pennington made a motion to move forward with whatever information Counsel needs to defend the lawsuit against the city. The motion was seconded by Councilman Moon; the motion passed unanimously.

AGENDA ITEM NO. 3 - BLACKWOOD STATUS: Councilman Moon referred to Judge W. H. Belcher's decision on Blackwood Street. (Council Meeting Minutes, May 5, 1981, Book 17, page 380.) Councilman Moon further stated, "Now, the alleyway was not specifically addressed in the decision by the Judge."

However, Councilman Moon referred to the Nitro City Code Book, page 250, Section 21-2 which he read.

It is as follows:

ALLEY. The term "alley" shall mean every way or place in municipal ownership, connecting streets, avenues; or streets and avenues, improved, designed, or ordinarily used for vehicular traffic, but not designated as a street or avenue.

Councilman Moon cited from the Nitro City Code Book, page 236, Section 19-2, which prohibited obstructing of streets and sidewalks. He said that as a Councilman of that ward he believed that Council must take positive action.

After further discussion pertaining to a bus on the street, a chain link fence in the alleyway, and the possibility of a house built on a city right-of-way, Councilman Moon moved that the City Attorney, Mr. Calwell, take the necessary steps to remove the obstruction from the alleyway. The motion was seconded by Councilman at Large Pennington; the motion carried. Councilman Savilla abstained. Councilwoman at Large Trout voted in the negative.

AGENDA ITEM NO. 5 - SECOND READING OF ORDINANCE THAT WILL ALLOW THE CITY TO INCREASE ITS COLLECTION ON STATE STORE LIQUOR AND WINE SALES FROM 3 TO 5 PERCENT: Councilman Savilla read the second reading of the ordinance title.

THE ORDINANCE IS AS FOLLOWS:

ORDINANCE NO. 81-5

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 16th DAY OF JUNE, 1981.

ARDEN D. ASHLEY, MAYOR

*Sharon Thomas*  
SHARON THOMAS, CITY RECORDER

Councilman Savilla moved to accept the second reading of the ordinance. The motion was seconded by Councilman at Large Casto; the motion passed unanimously.

AGENDA ITEM NO. 6 - GANG MOWER FOR CITY PARK: Councilman at Large Casto stressed the lack of proper equipment for the the maintenance and care of the city park. He stated that for \$1,500 the city could purchase a gang mower, and the mower could also be used at the swimming pool, and at certain areas of Ridenour Lake.

Councilman Cunningham moved to purchase the gang mower. The motion was seconded by Councilman King; the motion passed unanimously.

AGENDA ITEM NO. 7 - ADDITIONAL LIFE GUARD FOR CITY POOL: Councilwoman at Large Trout moved to approve Julie Galloway as a life guard. The motion was seconded by Councilman at Large Pennington; the motion passed unanimously.

#### COMMITTEE REPORTS

SHARON THOMAS, CITY RECORDER: Mrs. Thomas moved to accept the city employees health insurance from Blue Cross Blue Shield, and to accept the city employees life insurance from Ernie Allison Insurance Agency. The motion was seconded by Councilman Savilla; the motion passed unanimously.

IVAN MEADOWS, CHAIRMAN: Mr. Meadows stated that in reference to property for soccer, the Sattes property was preferable to the Twin City property because the Twin City property was on a slope. After further discussion Councilman Savilla said that another report would be forthcoming.

COUNCILMAN CUNNINGHAM: Councilman Cunningham said that the meeting in reference to the street numbering on North Washington Avenue had been unsuccessful, and requested that this be tabled until next Council Meeting.

COUNCILMAN AT LARGE CASTO: Councilman at Large Casto referred to a copy of the Fourth of July Activities that were planned, and to the Tender Lovin' Care singers from Pittsburgh. (Copy is in supplement file to the minutes.) Councilman at Large Casto moved to approve up to \$300 for the Fourth of July Activities, and that he would report back on the total expenditures of the Fourth of July Activities. The motion was seconded by Councilman King; the motion passed unanimously.

Councilman at Large Pennington moved the committee, Councilman at Large Casto, Councilman Savilla, and Mr. Jay Long, Recreation Director, select and determine the parade route for the Fourth of July Festivities which is to be approved by the Fire Chief and Police Chief. The motion was seconded by Councilman Cunningham; the motion passed unanimously.

COUNCILMAN JOE SAVILLA: Councilman Savilla moved to authorize up to \$4,000 to pave, to repair the backboards, and to repair the lights at the basketball court at the city park. The motion was seconded by Councilman at Large Pennington; the motion passed unanimously. Councilman Savilla stated that he would report back to Council.



Councilman Savilla moved to approve up to \$600 for Mr. Gene Williams, Director of Public Works, to put the wading pool at city park back into operating condition; the city assume the risk they have assumed in the past. The motion was seconded by Councilwoman at Large Trout; the motion passed unanimously.

COUNCILMAN MOON: Councilman Moon announced that last weekend at Clarksburg, Melannne Pennington, Councilman at Large Pennington's daughter, was third runner-up in the Miss West Virginia contest, and that she was first in the swim suit competition. Councilman Moon said, "I think it's a great honor for one of our young ladies from the City of Nitro."

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Councilman King moved for adjournment. The motion was seconded by Councilman at Large Pennington; the motion passed unanimously. Meeting was adjourned at 9:30 p.m.

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ARDEN D. ASHLEY, MAYOR

*Sharon Thomas*  
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SHARON THOMAS, CITY RECORDER



## COUNCIL MEETING MINUTES

## CITY OF NITRO

JULY 7, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers July 7, 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 Ronald King, Councilman Omar Cunningham, and Councilman Jack Moon. Also present were Mr. Michael Greenleaf, Treasurer, and Mr. Stuart Calwell, City Attorney.

The invocation was given by Mr. Ivan Meadows, President of the Little League.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 16, 1981 COUNCIL MEETING MINUTES: Councilman at Large Casto moved the approval of the minutes. The motion was seconded by Councilman Savilla; the motion passed unanimously.

AGENDA ITEM NO. 2 - MR. F. DOUGLAS BESS, 73 NORTH 21ST STREET - CITIZEN OF THE MONTH: Mayor Ashley named

Mr. Douglas Bess, Citizen of the month for the month of July. Mayor Ashley stated that Mr. Bess had served on the Sanitary Board for approximately eight years, and that Mr. Bess was a capable and dedicated servant of this City. The family is moving to Connecticut, and Mr. Bess is forced to resign from the Sanitary Board. In Mr. Bess's absence Mayor Ashley presented the plaque to Mr. Bess's wife, Francis.

AGENDA ITEM NO. 3 - C & P TELEPHONE COMPANY'S PROPOSAL FOR THE UPGRADING OF THE EXISTING TELEPHONE SYSTEM: Mr. Doug Martin gave a presentation on the C & P Telephone Company's proposal for upgrading of the existing telephone system. A copy of the proposal is in the Supplement File to the Minutes.

Councilman Savilla moved to refer the proposal to a committee. Members of the committee are:

Councilman Savilla, Chairman,  
Councilman at Large Pennington,  
Councilwoman at Large Trout,  
Councilman at Large Casto, and  
Sharon Thomas, City Recorder.

The motion was seconded by Councilman at Large Pennington; the motion passed unanimously. Mayor Ashley requested that the committee move with dispatch.

AGENDA ITEM NO. 4 - REISHMAN ASSOCIATES REPORT ON MID-RISE FACILITY IN NITRO: Mayor Ashley stated that he did not have anything definitive to report on the mid-rise to benefit our senior citizens and the handicapped. However, Mayor Ashley said that Mr. Reishman had indicated that it appears that there will be some HUD money available for construction of facilities such as the one he has proposed.

Mayor Ashley stated that in response to Mr. Reishman's request, he had given him a report on the status of our sewer system and the Governor's Partnership Grant application which would have a big bearing on the ability of the mid-rise to be built. He further stated that if the moratorium on connections to the sanitary sewer system were to be lifted, it would enhance the position of the mid-rise building.

Mayor Ashley said, "Hopefully, we will have something additional and favorable to report in the coming months."

AGENDA ITEM NO. 5 - COMMISSIONER CHARLES MILLER'S AGREEMENT TO REPAIR 21ST STREET: Mayor Ashley stated that the Commissioner of the West Virginia Department of Highways, Commissioner Charles Miller, did agree that within the coming days that they would grade and pave 21st Street at the slip site as a temporary corrective measure only.

Mayor Ashley said that Commissioner Miller promised to research the files and see if the funding that had been committed earlier could be renewed.

AGENDA ITEM NO. 6 - STATUS OF BLACKWOOD STREET: DELETED.

AGENDA ITEM NO. 7 - APPROVAL OF RISA WITHROW AS LIFE GUARD: Councilman Savilla moved the approval of Risa Withrow as a life guard. The motion was seconded by Councilman at Large Moon; the motion passed unanimously.

AGENDA ITEM NO. 8 - SANITARY BOARD'S ACCEPTANCE OF THE CITY COUNCIL'S OFFER FOR THE USE OF THE OLD CITY GARAGE: Mayor Ashley stated that at the Sanitary Board's last meeting they accepted the motion by City Council to have the Sanitary Board utilize the old garage facility to be used as they saw fit, and the terms were \$200 a month for a period of 3 years.

Mr. Calwell, City Attorney, said that a lease had been prepared, and a copy of the proposed draft had been sent to Dennis Vaughan's Office. He further stated that if it's acceptable, then we can proceed with the execution of the lease agreement.

AGENDA ITEM NO. 9 - APPROVAL OF MR. ED BIBBY AS TREASURER OF THE NITRO SANITARY BOARD: The Chair requested Council to ratify the appointment of Mr. Ed Bibby as treasurer of the Nitro Sanitary Board. Councilman Moon moved to ratify the appointment of Mr. Ed Bibby as treasurer of the Nitro Sanitary Board with Mr. Bibby being compensated at \$400 per month which will be paid by the Sanitary Board. The motion was seconded by Councilman Savilla; the motion carried. Councilman at Large Pennington abstained.

AGENDA ITEM NO. 11 - REPORT ON SMITH STREET LANDFILL:

Councilman at Large Pennington stated that Mr. James Goins who lives at 1-A North Washington Avenue, Nitro is very much disturbed. Water backs up from the landfill, and comes over in behind and under his house.

Mayor Ashley said that one of the reasons that we are reluctant to do anything at this point is that we do not have the test results back from EPA regarding the Smith Street Landfill.

After further discussion, Councilman at Large Pennington said he would inform Mr. Goins that if we can just hold off till we get the results, and then look at it again and see if something can be done. Councilman at Large Pennington asked if this was acceptable to the Mayor and Council. Mayor Ashley said it was acceptable.

Mayor Ashley asked Council if they had any recommendations for action prior to the reporting of laboratory results from EPA; there were none.

AGENDA ITEM NO. 10A - FIRST READING OF ORDINANCE REENACTING AND AMENDING CHAPTER 4, ARTICLE II, OF THE CODE OF THE CITY OF NITRO PERTAINING TO ANNUAL HEAD TAX ON DOGS: Councilman Savilla read the first reading of the ordinance.

THE ORDINANCE IS AS FOLLOWS:

ORDINANCE NO.

AN ORDINANCE REENACTING AND AMENDING CHAPTER 4, ARTICLE II, OF  
THE CODE OF THE CITY OF NITRO

BE IT ORDAINED, that Chapter 4, Article II, of the Code of the  
City of Nitro be and the same hereby is reenacted in its entirety,  
except that Section 4-13 Subsection (a) shall be and the same hereby  
is amended to read as follows:

Sec. 4-13. Annual head tax imposed; duty of keepers of dogs to  
report to county assessor and pay head tax; dog tags to be  
affixed to collars of dogs.

(a) There is hereby imposed upon each person keeping within the  
city a dog above the age of six months an annual head tax on each dog  
so kept by him in the amount of three dollars for each dog whether  
male or female.

INTRODUCED ON FIRST READING ON THE 7TH DAY OF JULY, 1981.

ADOPTED UPON SECOND READING ON THE

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Arden D. Ashley, Mayor

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Sharon Thomas, City Recorder

Councilman Savilla moved to accept the first reading of the ordinance.  
The motion was seconded by Councilman Moon; the motion passed unanimously.

AGENDA ITEM NO. 10B - FIRST READING OF ORDINANCE REGULATING THE  
SALE, POSSESSION AND DESTRUCTION OF HYPODERMIC SYRINGES OR NEEDLES IN  
THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA: Councilman Savilla  
read the first reading of the title of the ordinance.

THE ORDINANCE IS AS FOLLOWS:

ORDINANCE NO.

AN ORDINANCE REGULATING THE SALE, POSSESSION AND DESTRUCTION  
OF HYPODERMIC SYRINGES OR NEEDLES IN THE CITY OF NITRO,  
KANAWHA COUNTY, WEST VIRGINIA

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

SECTION 1: Hypodermic needles, syringes and similar devices -  
sales regulated.

No hypodermic needle, syringe or similar device, or disposable hypodermic needle, syringe or similar device which may be used for subcutaneous injection, or for administering any drug or other substance into the human body, shall be sold or dispensed to any person except by prescription, either written or oral, as follows:

(1) Upon a written prescription of a practitioner licensed by law to administer drugs, or

(2) Upon an oral prescription of such practitioner which is reduced promptly to writing and filed by the pharmacist; or

(3) By refilling any such written or oral prescription, if such refilling is authorized by the prescriber, either in the original prescription or by oral order which is reduced to writing and filed by the pharmacist. All such pharmacists or legalized dispensers of such paraphernalia including, but not limited to, the name of the purchaser (requiring adequate identification thereof), the address of purchaser, date of sale, type of instrument sold and number sold.

The provision of this Section shall not apply to the sale of any hypodermic syringe, needle, or similar device, or disposable hypodermic needle, syring or similar device to hospitals, physicians, dentists, pharmacits, industrial corporations and educational institutions, or embalmer, or others using such device in the legal course of their respective business or profession; provided, nevertheless, that such vendors or legalized dispensers shall keep or cause to be kept accurate records for all such sales.

Any person violating any provision of this sections shall, upon conviction, be punished in accordance with the provisions of Section 1-7 of the Code of the City of Nitro, West Virginia.

SECTION 2: Hypodermic, needles, syringes and similar devices - Possession restricted.

No person except a manufacturer of, or wholesaler, or a retail dealer in surgical instruments, apothecary, physician, dentist, hospital, veterinarian, nurse, industrial corporation, educational institution, or intern shall at any time have or possess a hypodermic syringe or needle or a disposable hypodermic syringe or needle or any instrument or implement adapted for the use of habit forming drugs by subcutaneous injection, which is possessed for the purposes of administering habit forming drugs, unless such possession be authorized by the prescription of a physician issued in accordance with Section 1 of this ordinance.

Any person violating any provision of this Section shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished in accordance with Section 1-7 of the Code of the City of Nitro, West Virginia.



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SECTION 3: Hypodermic needles, syringes and similar devices -  
destruction of discarded hypodermic syringes or  
or needles.

Every person who in the course of his business or for whatever reason dispenses, administers or uses hypodermic syringes or needles or disposable hypodermic syringes or needles or other similar devices, and who discards any such syringes or needles or other similar devices whether used or not, shall cause such syringes, needles or other similar devices to be destroyed prior to discarding, whether used or not, by breaking them into at least two (2) distinct pieces or crushing them or otherwise rendering the syringes or needles inoperable.

Any person who violates any provision of this Section shall, upon conviction, be guilty of a misdemeanor and shall be punished in accordance with Section 1-7 of the Code of the City of Nitro, West Virginia.

This Ordinance shall be effective upon second reading and adopted.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1981.

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MAYOR

Approved By:

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W. STUART CALWELL, JR.,  
CITY ATTORNEY

\_\_\_\_\_  
RECORDER

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Councilman Savilla moved to accept the first reading of the ordinance. The motion was seconded by Councilman Cunningham; the motion passed unanimously.

AGENDA ITEM NO. 10C - FIRST READING OF ORDINANCE REENACTING AND AMENDING CHAPTER 11, ARTICLE 2, OF THE CODE OF THE CITY OF NITRO PERTAINING TO PRECOLLECTION PRACTICES OF REFUSE AND FREQUENCY OF COLLECTIONS OF REFUSE:  
Councilman Savilla read the first reading of the ordinance.

THE ORDINANCE IS AS FOLLOWS:

ORDINANCE NO.

AN ORDINANCE REENACTING AND AMENDING CHAPTER 11, ARTICLE 2, OF THE CODE OF THE CITY OF NITRO

BE IT ORDAINED, that Chapter 11, Article 2, of the Code of the City of Nitro be and the same hereby is reenacted in its entirety, except that Sections 11-11 and 11-12 shall be and the same hereby are amended to read as follows:

Sec. 11-11. Precollection practices.

(c) Garbage containers. Garbage containers shall be made of metal or other suitable material equipped with suitable handles and tight fitting covers and shall be waterproof and water tight.

(d) Curbside pickup required. Any refuse for collection shall be put in plastic garbage bags to be supplied in sufficient number by the City of Nitro and placed at curbside on the day designated by the City for collection.

Sec. 11-12. Frequency of collections.

(a) Refuse accumulated by residences shall be collected at least once each week, unless more frequent collection be approved by the director because of weather conditions, emergency conditions, or other good cause.

INTRODUCED ON FIRST READING ON THE 7TH DAY OF JULY, 1981.

ADOPTED UPON SECOND READING ON THE

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Arden D. Ashley, Mayor

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Sharon Thomas, City Recorder

The Chair stated that this was basically an economic decision, and presented a chart showing Departmental Budget Projections for FY 81-82.

★ After much discussion, Councilman Savilla moved to approve the first reading of the ordinance. The motion was seconded by Councilman King. ~~The motion carried 5 to 4.~~ *The vote was tied 4 to 4.*

Voting for:

★ ~~Mayor Ashley,~~  
Councilwoman at Large Trout,  
Councilman King,  
Councilman at Large Casto, and  
Councilman Savilla.

Voting against:

Councilman Cunningham,  
Recorder Thomas,  
Councilman Moon, and  
Councilman at Large Pennington.

★ *Mayor Ashley broke the tie voting in the affirmative. The motion carried 5 to 4.*  
COMMITTEE REPORTS

COUNCILMAN AT LARGE CASTO: Councilman at Large Casto stated that he felt the city ought to compensate the Little League to some degree for \$600 donated to the city for the Fourth of July fireworks; there being a question about the money being a loan.

After further discussion, Mayor Ashley asked Mr. Meadows, President of the Little League, "Who asked Little League?"

Mr. Meadows said, "Jay (Jay Long, Recreation Director) came up and asked me a couple weeks ago about it, and he asked some other members of the Board; so did Andy." (Andy Kniceley)

Mayor Ashley said that he was told that the Little League had agreed to contribute as a donation to the city for its fireworks display up to a sum of \$600. The city did not request a loan. Mayor Ashley suggested Councilman at Large Casto chair a committee and report to us on the situation concerning solicitation of the Little League for donations on fireworks.

Members of the committee are:

Councilman at Large Casto, Chairman, and  
Councilman Savilla.

★ *Corrections requested by Councilman Cunningham at the July 21, 1981 Council Meeting. (page 19, Book 18.)*  
*Corrections made July 28, 1981. Foretta Daniels*

COUNCILMAN SAVILLA: Councilman Savilla said that Jay Long was authorized up to \$300 for the Fourth of July festivities, and that a total of \$162.60 was spent.

He stated that to put the wading pool at city park back into operating condition, Mr. Gene Williams was authorized up to \$600. He said that total parts to repair the wading pool was \$417.27; estimated labor \$150, for a total of \$567.27.

Councilman Savilla said that the work that had been done on the paving of the basketball court at the city park was unacceptable, and that he was going to contact Mr. Pauley in reference to this. Councilman Savilla said that the basketball court probably needed a one inch surface coat.

COUNCILMAN AT LARGE CASTO: Councilman at Large Casto stated that Bruz Hicks from Ward III in Nitro will soon be going to Conway, Arkansas to participate in the 16 year old AAU Basketball Championships.

Councilman at Large Casto moved to grant Greta Hicks and the 16 year old AAU Team permission to solicit in the City of Nitro to help defray the cost. The motion was seconded by Councilman Cunningham; the motion passed unanimously.

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Councilman Cunningham moved for adjournment. The motion was seconded by Councilman at Large Casto; the motion passed unanimously. Meeting was adjourned at 9:23 p.m.

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ARDEN D. ASHLEY, MAYOR

*Sharon Thomas*  
SHARON THOMAS, CITY RECORDER



## COUNCIL MEETING MINUTES

CITY OF NITRO

JULY 21, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers July 21, 1981 at 8:13 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 Mr. Michael Greenleaf, Treasurer. Mr. Stuart Calwell, City Attorney, was absent.

The invocation was given by Mr. Gus Bailey, a former councilman.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 7, 1981 COUNCIL MEETING MINUTES:  
Councilman Cunningham stated that on page 16 of the Minutes it's a standard practice that the Mayor will break a tie. He voted before a tie occurred, and I would like to have this in the Minutes.

Mayor Ashley said, the record should show that I voted at the first opportunity, in the affirmative.

Councilwoman at Large Trout moved the approval of the Minutes with the correction made on page 16. The motion was seconded by Councilman King; the motion passed unanimously.

AGENDA ITEM NO. 2 - MERIT AWARDS PRESENTED TO MEMBERS OF GIRL SCOUTS FOR PARTICIPATION IN "BE PROUD, KEEP WEST VIRGINIA CLEAN" CAMPAIGN.  
TROOP 2393, BARBARA KIDDY AND CATHY FORBES: TROOP 2486, JUANITA BOGGS AND FRANCES FORTUNE: TROOP 2116, JANET WILLARD AND EVELYN KALLMERTEN:  
Mayor Ashley stated that the City of Nitro had received a Community Service Award from the Governor for its participation in the program "Be Proud, Keep West Virginia Clean."

Mayor Ashley presented certificates from Governor Rockefeller for commendable contributions to Governor Rockefeller's "Be Proud, Keep West Virginia Clean" Campaign to the Girl Scout Troop Leaders for the Girl Scouts.

AGENDA ITEM NO. 3 - PROBLEM EXISTING ON FIRST AVENUE: Councilman Moon, Ward IV, stated that at Mrs. Brenda Tyler's property at 106 Okey Street in Ward IV there is a drainage problem, and that oil coming through the storm drain is a problem.

Mrs. Tyler stated that she had a 6 year old that could easily drown in this water; it gets so high at times.

Mrs. Tyler presented several samples of the oil which she said has a terrible odor. She also showed pictures of what happens to her yard with the rains that just happened today. She stated that after every rain storm she's got to go out and wash her yard. Mrs. Tyler stated that she had tolerated the smell 12 years, she cannot use the front yard, that all flowers, all shrubbery, everything is dead.

Councilman Moon moved to have Gene Williams, Director of Public Works, and Connie Stephens, General Manager of the Sanitary Board, investigate the problem. The motion was seconded by Councilman at Large Pennington; the motion passed unanimously.

AGENDA ITEM NO. 4 - RECOGNITION OF NITRO LITTLE LEAGUE:

Councilman Savilla commended the Little League and the Senior League Program. He stated that Nitro had several teams represented in the Little League All Star Tournament and the Senior League All Star Tournament.

AGENDA ITEM NO. 5 - SECOND READING OF ORDINANCE REENACTING AND AMENDING CHAPTER 4, ARTICLE II, OF THE CODE OF THE CITY OF NITRO PERTAINING TO ANNUAL HEAD TAX ON DOGS: Councilman Savilla read the second reading of the ordinance.

THE ORDINANCE IS AS FOLLOWS:



ORDINANCE NO. 81-6

AN ORDINANCE REENACTING AND AMENDING CHAPTER 4, ARTICLE II, OF  
THE CODE OF THE CITY OF NITRO

BE IT ORDAINED, that Chapter 4, Article II, of the Code of the  
City of Nitro be and the same hereby is reenacted in its entirety,  
except that Section 4-13 Subsection (a) shall be and the same hereby  
is amended to read as follows:

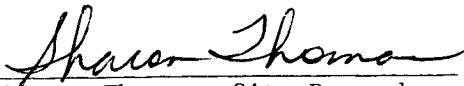
Sec. 4-13. Annual head tax imposed; duty of keepers of dogs to  
report to county assessor and pay head tax; dog tags to be  
affixed to collars of dogs.

(a) There is hereby imposed upon each person keeping within the  
city a dog above the age of six months an annual head tax on each dog  
so kept by him in the amount of three dollars for each dog whether  
male or female.

INTRODUCED ON FIRST READING ON THE 7TH DAY OF JULY, 1981.

ADOPTED UPON SECOND READING ON THE 21ST DAY OF JULY, 1981.

\_\_\_\_\_  
Arden D. Ashley, Mayor

  
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Sharon Thomas, City Recorder

Councilman Savilla moved to approve the second reading of the  
ordinance. The motion was seconded by Councilwoman at Large Trout;  
the motion passed unanimously.

AGENDA ITEM NO. 6 - SECOND READING OF ORDINANCE REGULATING THE SALE,  
POSSESSION AND DESTRUCTION OF HYPODERMIC SYRINGES OR NEEDLES IN THE  
CITY OF NITRO: Councilman Savilla read the second reading of the ordinance.

THE ORDINANCE IS AS FOLLOWS:

44  
ORDINANCE NO. 81-7

AN ORDINANCE REGULATING THE SALE, POSSESSION AND DESTRUCTION  
OF HYPODERMIC SYRINGES OR NEEDLES IN THE CITY OF NITRO,  
KANAWHA COUNTY, WEST VIRGINIA

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

SECTION 1: Hypodermic needles, syringes and similar devices -  
sales regulated.

No hypodermic needle, syringe or similar device, or disposable hypodermic needle, syringe or similar device which may be used for subcutaneous injection, or for administering any drug or other substance into the human body, shall be sold or dispensed to any person except by prescription, either written or oral, as follows:

(1) Upon a written prescription of a practitioner licensed by law to administer drugs, or

(2) Upon an oral prescription of such practitioner which is reduced promptly to writing and filed by the pharmacist; or

(3) By refilling any such written or oral prescription, if such refilling is authorized by the prescriber, either in the original prescription or by oral order which is reduced to writing and filed by the pharmacist. All such pharmacists or legalized dispensers of such paraphernalia including, but not limited to, the name of the purchaser (requiring adequate identification thereof), the address of purchaser, date of sale, type of instrument sold and number sold.

The provision of this Section shall not apply to the sale of any hypodermic syringe, needle, or similar device, or disposable hypodermic needle, syringe or similar device to hospitals, physicians, dentists, pharmacists, industrial corporations and educational institutions, or embalmer, or others using such device in the legal course of their respective business or profession; provided, nevertheless, that such vendors or legalized dispensers shall keep or cause to be kept accurate records for all such sales.

Any person violating any provision of this sections shall, upon conviction, be punished in accordance with the provisions of Section 1-7 of the Code of the City of Nitro, West Virginia.

SECTION 2: Hypodermic, needles, syringes and similar devices - Possession restricted.

No person except a manufacturer of, or wholesaler, or a retail dealer in surgical instruments, apothecary, physician, dentist, hospital, veterinarian, nurse, industrial corporation, educational institution, or intern shall at any time have or possess a hypodermic syringe or needle or a disposable hypodermic syringe or needle or any instrument or implement adapted for the use of habit forming drugs by subcutaneous injection, which is possessed for the purposes of administering habit forming drugs, unless such possession be authorized by the prescription of a physician issued in accordance with Section 1 of this ordinance.

Any person violating any provision of this Section shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished in accordance with Section 1-7 of the Code of the City of Nitro, West Virginia.

SECTION 3: Hypodermic needles, syringes and similar devices -  
destruction of discarded hypodermic syringes or  
or needles.

Every person who in the course of his business or for whatever reason dispenses, administers or uses hypodermic syringes or needles or disposable hypodermic syringes or needles or other similar devices, and who discards any such syringes or needles or other similar devices whether used or not, shall cause such syringes, needles or other similar devices to be destroyed prior to discarding, whether used or not, by breaking them into at least two (2) distinct pieces or crushing them or otherwise rendering the syringes or needles inoperable.

Any person who violates any provision of this Section shall, upon conviction, be guilty of a misdemeanor and shall be punished in accordance with Section 1-7 of the Code of the City of Nitro, West Virginia.

This Ordinance shall be effective upon second reading and adopted.

Adopted this 21st day of July, 1981.

\_\_\_\_\_  
MAYOR

Approved By:

\_\_\_\_\_  
W. STUART CALWELL, JR.,  
CITY ATTORNEY

Sharon Thoma  
RECORDER

Councilman Savilla moved the approval of the second reading of the ordinance. The motion was seconded by Councilman Moon; the motion passed unanimously.

AGENDA ITEM No. 7 - LITTLE LEAGUE CONTRIBUTION TO THE 4TH OF JULY FIREWORKS: Councilman at Large Casto said:

Mayor, the people I talked to concerning this said it was a gift to the city; that it should not have been brought up, and they would appreciate it being dropped. And, the city accept the gift of \$600 with the thought in mind that we hope you enjoy the fireworks show that we helped to pay for. Am I correct, Mr. Long?

Councilman Savilla requested that the Nitro Lions Little League Minutes, June 29, 1981 be made a part of the minutes of this meeting. A copy of the June 29, 1981 Nitro Lions Little League Minutes is in the Supplement File to the Minutes.

AGENDA ITEM NO. 8 - REQUEST FROM DISABLED PERSONS FOR SOME PHYSICAL CHANGES TO BE MADE AT CITY HALL: Mayor Ashley referred to a June 30, 1981 Meeting in City Hall of the Nitro Council For Disabled Persons, and their request for points mentioned having to do with easy access into and out of City Hall, and some facility modification. A copy of the June 30, 1981 request is in the Supplement File to the Minutes.

Mayor Ashley said that as soon as there is cost data available it can be attached to the request and referred to Council. And, that as soon as there is information to further identify the request it will be passed on to Council.

AGENDA ITEM NO. 9 - COURT COSTS INCREASE DICTATED BY NEW LEGISLATION: Mayor Ashley said, "With the conduct of the last State Legislature there were a couple of matters that the State Legislature passed concerning making restitution to victims of crime, and providing additional monies for the training of law enforcement officers. As a consequence, our Municipal Court will be reflecting an increase in court cost by the amount of \$5.00 per offense on those offenses that are qualified."

Mayor Ashley asked the Honorable Harvey Peyton, Nitro Municipal Court Judge, if he would, to give us a brief explanation of those two increases in cost.

Judge Peyton stated that at the last session of legislature the legislature passed a Municipal Policeman's Training Act, and A West Virginia Reparations to Victims of Crime Act.

He said, to fund these two programs, the legislature says that everybody convicted of any crime, either in the circuit court, magistrate court, or municipal court must pay \$3.00 in additional court cost to the clerk of whichever court to fund the Reparations Crime Act, and at the same time you must pay \$2.00 to that same court to fund the Policeman's Training Act.

"The city is required to account for and remit those funds to the Office of the State Treasurer every month. I understand the first payment will be due the 10th day of August."

Judge Peyton said that it would be his recommendation that they increase at least those people that forfeit a bond another \$2.50 so the city can be paid at least something for having a charge.

AGENDA ITEM NO. 10 - SECOND READING OF ORDINANCE REENACTING AND AMENDING CHAPTER 11, ARTICLE 2, OF THE CODE OF THE CITY OF NITRO REGARDING GARBAGE COLLECTION: Councilman Savilla read the second reading of the ordinance.

THE ORDINANCE IS AS FOLLOWS:

ORDINANCE NO. 81-8

AN ORDINANCE REENACTING AND AMENDING CHAPTER 11, ARTICLE 2, OF THE CODE OF THE CITY OF NITRO

BE IT ORDAINED, that Chapter 11, Article 2, of the Code of the City of Nitro be and the same hereby is reenacted in its entirety, except that Sections 11-11 and 11-12 shall be and the same hereby are amended to read as follows:

Sec. 11-11. Precollection practices.

(c) Garbage containers. Garbage containers shall be made of metal or other suitable material equipped with suitable handles and tight fitting covers and shall be waterproof and water tight.

(d) Curbside pickup required. Any refuse for collection shall be put in plastic garbage bags to be supplied in sufficient number by the City of Nitro and placed at curbside on the day designated by the City for collection.

Sec. 11-12. Frequency of collections.

(a) Refuse accumulated by residences shall be collected at least once each week, unless more frequent collection be approved by the director because of weather conditions, emergency conditions, or other good cause.

INTRODUCED ON FIRST READING ON THE 7TH DAY OF JULY, 1981.

ADOPTED UPON SECOND READING ON THE 21ST DAY OF JULY, 1981.

\_\_\_\_\_  
Arden D. Ashley, Mayor

  
\_\_\_\_\_  
Sharon Thomas, City Recorder

Councilman Savilla moved to approve the second reading of the ordinance. The motion was seconded by Councilwoman at Large Trout.

Councilman Moon moved to amend the wording in Sec. 11-11, (c), of the ordinance to read:

"Garbage containers. Garbage containers shall be made of metal material equipped with suitable handles and tight fitting covers or other suitable material which shall be waterproof and water tight such as plastic garbage bags,"

and to amend the wording in Sec. 11-12 of the ordinance on Frequency of collections to change the word once each week to read "twice each week."

The motion made by Councilman Moon was seconded by Councilman at Large Pennington.

Voting in favor of the of the amendment:

Councilman Cunningham,

Recorder Thomas,

Councilman Moon, and

Councilman at Large Pennington.

Voting opposing the amendment:

Councilwoman at Large Trout,

Councilman King,

Councilman at Large Casto, and

Councilman Savilla.

The vote was tied 4 to 4. Mayor Ashley voted in the negative, breaking the tie.

The motion for the amendment was defeated; 5 to 4.

After further discussion Mayor Ashley called for a vote on the motion made by Councilman Savilla moving to approve the second reading of the ordinance as read; this motion was previously seconded by Councilwoman at Large Trout.

Voting in favor:

Councilwoman at Large Trout,

Councilman King,

Councilman at Large Casto, and

Councilman Savilla.



Voting opposing:

Councilman Cunningham,

Recorder Thomas,

Councilman Moon, and

Councilman at Large Pennington.

The vote was tied 4 to 4. Mayor Ashley voted in favor, breaking the tie.

The motion carried 5 to 4.

#### COMMITTEE REPORTS

PUBLIC NOTICE REGARDING APPLICATION SUBMITTED BY ZELLA E. BAILES, 106 RIVER AVENUE, NITRO, WEST VIRGINIA TO THE CORPS OF ENGINEERS: Mayor Ashley stated that a copy of the notice will be posted on the bulletin board at the entrance of City Hall. (Copy of notice is in Supplement File to the Minutes.)

COUNCILMAN AT LARGE CASTO: Councilman at Large Casto said that several items for the "Fifty Year Time Capsule" had been received. He moved that when the time capsule is opened that everything in the capsule belongs to the City of Nitro with the exception of the autographed baseball from the Cincinnati Reds which he wanted. The motion was seconded by Councilwoman at Large Trout; the motion passed unanimously.

Mayor Ashley stated that through the joint efforts of FMC and Monsanto we have had provided to us the appearance of James Lovell, the astronaut, as the keynote speaker February 20, 1982.

JAY LONG, RECREATION DIRECTOR: Mr. Long requested that Council reduce the season pool passes to one half of the original prices for the rest of the season.

Councilman Savilla moved to reduce the season pool passes to one half of the original prices for the rest of the season. The motion was seconded by Councilwoman at Large Trout; the motion passed unanimously.

Councilman at Large Pennington moved for adjournment. The motion was seconded by Councilman Cunningham; the motion passed unanimously. Meeting was adjourned at 9:23 p.m.

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ARDEN D. ASHLEY, MAYOR

*Sharon Thomas*  
 SHARON THOMAS, CITY RECORDER



## COUNCIL MEETING MINUTES

## CITY OF NITRO

AUGUST 4, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers August 4, 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, Councilman Omar Cunningham, and Councilman Jack Moon. Also present were Mr. Michael Greenleaf, Treasurer, and Mr. W. Stuart Calwell Jr., City Attorney. Councilman at Large Mel Pennington was absent.

The invocation was given by Councilman Savilla.

AGENDA ITEM NO. 1 - CO-CITIZENS OF THE MONTH - RICHARD SAVILLA AND KEITH DUNLAP: Mayor Ashley announced CO - C I T I Z E N S O F T H E M O N T H, M R. R I C H A R D S A V I L L A A N D M R. K E I T H D U N L A P, who coached the Nitro Little League Girls All Star Team.

AGENDA ITEM NO. 2 - RECOGNITION OF NITRO LITTLE LEAGUE GIRLS ALL STARS: Mayor Ashley recognized Nitro Little League Girls All Star Team, West Virginia State Runner-up, and presented a certificate award to each individual member of the team. In addition, the coaches and members of the team received T-shirts.

AGENDA ITEM NO. 3 - APPROVAL OF JULY 21, 1981 COUNCIL MEETING MINUTES: Councilman at Large Casto moved the approval of the minutes. The motion was seconded by Councilman Savilla; the motion passed unanimously.

AGENDA ITEM NO. 4 - APPOINTMENT OF STEVE WEST TO NITRO SANITARY BOARD,  
AGENDA ITEM NO. 5 - APPOINTMENT OF JUDY WEST TO POLICEMEN'S CIVIL SERVICE COMMISSION: Councilman Cunningham moved the approval of the appointment of Mr. Steve West to the Nitro Sanitary Board, and the approval of the appointment of Mrs. Judy West to the Policemen's Civil Service Commission. The motion was seconded by Councilman Savilla; the motion passed unanimously.

Mayor Ashley stated that this would and should become effective upon letter of resignation from the existing appointments.

AGENDA ITEM NO. 6 - CODIFICATION OF NITRO CITY CODE: Mr. Calwell, City Attorney, stated that the last time the Nitro City Code had been redone was in 1975, and stressed the need for the codification of the Nitro City Code.

Mr. Calwell suggested to Council that a committee be formed to study the alternatives and the various companies that offer the service in order to make recommendation to Council about the necessity or propriety of having our ordinances republished and codified.

Councilman Savilla moved that a committee:

Recorder Thomas, Chairman,

Chief Webb, Police Department,

Chief Hedrick, Fire Department,

Mr. Gene Williams, Director of Public Works,

Mr. Greenleaf, Treasurer, and the

City Attorney, or a member of his staff,

study the feasibility of the codification of Nitro City Code, and make its recommendations to Council by the first Council Meeting in September. The motion was seconded by Councilman Cunningham; the motion passed unanimously.

AGENDA ITEM NO. 7 - FEBRUARY 20, 1982 FESTIVITIES: Councilman at Large Casto stated that many activities were planned: a parade, sealing the time capsule, an open house birthday party, a banquet and after dinner speech, and fireworks, and that he needed help on planning each of these activities.

Mayor Ashley requested Council consider giving budget approval for up to \$5,000 for the promotion of this festivity, for the purpose of building cabinetry where we could display various things that relate to the history of the City, and do it in City Hall, and have something that could be removed later and preserved.

AGENDA ITEM NO 8 - ADDITION OF A POLICE OFFICER: Mayor Ashley explained that because of the overtime that's been required to cover the schedule, the need for an additional police officer. He said that the training program is the key issue because the State Legislature mandated that all police officers within a two year period must be academy trained, or certified with the equivalent training.

Mayor Ashley stated that our rate of overtime is such that 27 hours overtime was equivalent to a 40 hour week.

After further discussion Councilman Savilla moved to table the request for one additional police officer until after the Telephone Committee Report. The motion was seconded by Councilman Moon; the motion carried, 6 to 1. Councilwoman at Large Trout voted in the negative.

#### COMMITTEE REPORTS

COUNCILMAN AT LARGE CASTO: Councilman at Large Casto asked that something be done in reference to the traffic tie-up at the intersection of First Avenue and 19th Street.

Also discussed were traffic control problems at Lock Street, 11th Street, 21st Street and First Avenue intersection, and 41st Street and First Avenue intersection.

Mayor Ashley stated that he would contact the West Virginia Department of Highways, and ask for their recommendations.

PROBLEM AT 106 OKEY STREET: Mayor Ashley stated, we have identified the problem, the source of the oil, as being that of Nitro Lawnmower Repair. "The Police Department has, in fact, talked to them and asked them to discontinue the dumping of the oil in the open ditch which was the source of the problem in terms of the oil."

Chief Webb said that in his opinion he did not think the lawnmower shop is responsible.

Mrs. Brenda Tyler commented that the oil flow starts above the lawnmower shop; it is very visable in the water, and it was dumped again over the weekend. "I think there are two different places involved in the dumping of the oil." She said there is a line that is flowing into the stream and whenever the oil is through it, then the line is flushed out with hot water.

Mayor Ashley said:

To me, it's a police matter. There is a violation of the law taking place; let's find out where that violation is, Chief. Make your recommendation to me, and I can assure the Council I will take the necessary action to get it stopped, if it means having our attorney prosecute. There is no reason in the world why that should be allowed.

And, I was told the source was the lawnmower repair place; I had not heard anything to the contrary.

COUNCILWOMAN AT LARGE TROUT - TELEPHONE COMMITTEE REPORT:

Councilwoman Trout stated that it was the unanimous decision of the committee that Council go with the Horizon System that was presented by the C & P representative.

After discussion, Councilwoman at Large Trout moved to accept the C & P Telephone proposal on the Horizon VS PBX System for a 6 year rental program. The motion was seconded by Councilman King; the motion passed unanimously.

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Mayor Ashley suggested that a task force, Councilman Savilla, Councilman Moon, and Chief Webb report to Council on the feasibility of an additional police officer.

Councilman Savilla moved to table the request for an additional police officer. The motion was seconded by Councilman Cunningham; the motion passed unanimously.

COUNCILMAN SAVILLA: Councilman Savilla stated that Orders & Haynes would repave the basketball court at no additional cost to the city. However, a ditch for drainage must be dug on the back side of the basketball court by the city several days before they pave.

Councilman Savilla moved that on a trial basis for 30 days Ridenour Park be open from 6:00 a.m. until 12:00 midnight; the gate will be unlocked at 9:00 a.m. and locked at 9:00 p.m. The motion was seconded by Councilman at Large Casto; the motion carried 5 to 2. Councilman Moon and Councilman Cunningham voted in the negative.

Councilman Savilla moved that the Nitro Little League be given permission to build a press box at the Senior League Field, and install lights at the Little League Field. The motion was seconded by Recorder Thomas; the motion passed unanimously.

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Councilman Cunningham moved for adjournment. The motion was seconded by Councilman at Large Casto; the motion carried.

Meeting was adjourned at 9:52 p.m.

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ARDEN D. ASHLEY, MAYOR

  
SHARON THOMAS, CITY RECORDER

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## COUNCIL MEETING MINUTES

## CITY OF NITRO

AUGUST 18, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers August 18, 1981, at 8:00 p.m. Present were Mayor Art Ashley, Sharon Thomas, City Recorder, Councilman at Large Rusty Casto, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Ronald King, Councilman Jack Moon. Also present were Mr. Michael Greenleaf, Treasurer, and Mr. Stuart Calwell, City Attorney. Councilwoman at Large Mary Trout and Councilman Omar Cunningham were absent.

The invocation was given by Ivan Meadows.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 4, 1981 COUNCIL MEETING MINUTES: Councilman at Large Casto moved that the minutes be approved as amended. The motion was seconded by Councilman Moon. The motion carried. Councilman at Large Pennington abstained.

AGENDA ITEM NO. 2 - RECOMMENDATIONS FROM NITRO LITTLE LEAGUE: Ivan Meadows and Gene Brightwell from the Little League stated that the ball fields need dirt and drain work. Councilman Moon stated he would have someone from the Guard come and look at the fields and meet with Gene Williams about it. It was moved by Councilman Pennington to table this until they get a report back. The motion was seconded by Councilman King; the motion passed unanimously.

AGENDA ITEM NO. 3 - REGIONAL INTERGOVERNMENTAL COUNCIL'S COMPREHENSIVE DEVELOPMENT PLAN: The Councilmembers have received a questionnaire from the REGIONAL INTERGOVERNMENT COUNCIL. They are looking for a broad based response from those concerned with looking after management and plannings of the City.

AGENDA ITEM NO. 4 - TWO HOUR PARKING IN CERTAIN AREAS: Councilman at Large Pennington moved that Council move on the suggestion of the City Attorney that the hours for parking on Bank Street and 21st Street from First Avenue to Second Avenue be from 8:00 a.m. to 7:00 p.m., with the exception of holidays and Sundays, and that something be printed to warn the public prior to the beginning of the resolution. The motion was seconded by Councilman Joe Savilla; the motion carried 4-2. Councilman at Large Casto and Councilman Moon voted in the negative. It will go into effect August 31, 1981.

AGENDA ITEM NO. 5 - KRT SHELTER PROPOSAL: Councilman King stated that KRT will build a shelter if the City maintains the shelter. Mayor Ashley suggested Dr. Guy Cassell come and report to Council after the KRT Board meets.

AGENDA ITEM NO. 6 - TOWN MEETING SCHEDULED FOR SEPTEMBER 29, 1981 - 7:00 p.m., NITRO JR. HIGH SCHOOL: After discussion, Mayor Ashley suggested, and Council approved, a scheduled town meeting at Nitro Jr. High School, at 7:00 p.m., on the 29th of September. Alternate dates approved were September 8th, and the 22nd of September.

#### COMMITTEE REPORTS

FINANCIAL COMMITTEE CHAIRMAN REPORT - MICHAEL GREENLEAF, CITY TREASURER: Michael Greenleaf presented to Council a balance sheet prepared by the auditors June 30, 1980. A copy of the report will be sent to all the members of the Council, and is included in the minutes.

#### BALANCE SHEET AS PRESENTED BY AUDITORS 6/30/80

#### ASSETS

Cash	\$	8,835.75
Taxes Receivable		36,139.55
Accounts Receivable		40,173.05
	\$	<u>85,149.35</u>
Liabilities	\$	149,929.38
Fund Balance - 6/30/80		<u>64,780.03</u>
TOTAL		<u>85,149.35</u>

#### ANALYSIS OF FUND BALANCE:

Balance - 7/1/79	\$	(10,083.22)
Revenues		1,188,875.74
Expenditures		<u>1,243,572.55</u>
Balance - 6/30/80	\$	<u>(64,780.03)</u>



## COMPUTATION OF NET ANNUAL DEFICIT:

Ending Balance	\$ (64,780.03)
Less Beginning Balance	<u>10,083.22</u>
Net Deficit incurred	
1979-80	\$ (54,696.81)

Same Balance Sheet, except that date is rearranged to include the City's investment in the Sanitary Board.

ASSETS

Cash	\$ 8,835.75
Tax Receivable	36,139.55
Accounts Receivable	40,174.05
Accounts Receivable from Sanitary Board	<u>323,550.00</u>
Total Assets	\$ <u>408,699.35</u>

Liabilities	\$ 149,929.38
Fund Balance	<u>258,769.97</u>
TOTAL	\$ <u>408,699.97</u>

## ANALYSIS OF FUND BALANCE:

Beginning of Balance - 7/1/79	\$ 322,666.78
Revenues	1,179,675.74
Expenditures	<u>1,243,572.55</u>
Ending Fund Balance - 6/30/80	\$ <u>258,769.97</u>

## COMPUTATION OF NET ANNUAL DEFICIT:

Ending Fund Balance	\$ 258,769.97
Less Beginning Fund Balance	<u>322,666.78</u>
Net Deficit incurred	
1979-80, using this method	\$ <u>(63,869.81)</u>

## ANALYSIS OF CHANGES IN COMPONENTS OF DEFICIT:

Deficit, including Sanitary Board	\$ (63,869.81)
Deficit, as stated by auditors	<u>(54,696.81)</u>
Difference	\$ <u>9,200.00</u>

The \$9,200 represents three payments of \$3,100 each from the Sanitary Board to the City during the fiscal year. Since these payments are, in essence, the reduction of another asset (Investment in Sanitary Board), they should not be included as a revenue item while the underlying asset is simultaneously being recorded on the balance sheet.

Therefore, the inclusion of the money owed by the Sanitary Board would not have a positive effect on the size of the deficit incurred during 1979-80; rather, it would serve to increase the deficit by \$92,000.

Mr. Greenleaf responded to two issues raised in prior meetings by Councilman Jack Moon and Councilman at Large Mel Pennington. Councilman Moon had stated that he had not received his May, 1981 financial statement. Mr. Greenleaf stated, in response, that the financial statements had been distributed on a monthly basis and will continue to be distributed on a monthly basis once the fiscal year 80-81 audit is complete.

Councilman at Large Pennington stated during a July Council meeting that the prior Administration would not have incurred a deficit had the Sanitary Board paid \$80,000 to the City. Mr. Greenleaf responded with points as follows:

- (1) The Sanitary Board did not owe the City \$80,000 as stated by Mr. Pennington. Instead, the Sanitary Board owed the City \$323,550.00.
- (2) The Sanitary Board did pay \$9,200 of the debt.
- (3) Referring to the presentation made to Council, the inclusion of the Sanitary Board debt and/or repayments would not have had a positive effect on the City's financial position; rather, such an entry would have a negative effect further worsening the City's

performance in that year.

CODIFICATION OF NITRO CITY CODE - SHARON THOMAS, CHAIRMAN SPECIAL COMMITTEE: Sharon Thomas reported that they had a meeting, but they have not heard from the company that was to send them a proposal. Mayor Ashley said that a letter had been received and a copy would be sent to all the Councilmembers.

ANTIQUE CAR SHOW PROVISIONS - MAYOR ART ASHLEY: Mayor Ashley stated that the car show will be the 11th and 12th of September. It was moved by Councilman at Large Pennington that traffic be shut down on 21st Street between Second and Third Avenue on the Nitro High School side for the display of antique cars. In addition to that space they will use the area across First Avenue at the 21st Street intersection from about 6:00 a.m. until 5:00 p.m., on Saturday the 12th. The motion was seconded by Councilman Savilla; the motion passed unanimously.

Councilman at Large Pennington moved that the City Attorney proceed with the necessary documents on the Washington Avenue landfill. The motion was seconded by Councilman Moon; the motion passed unanimously. The City Attorney will report back.

City Attorney Stuart Calwell reported on the clearing of the alleyway at Blackwood Avenue. City Attorney Calwell stated there has been informed contact made with the adverse parties to no avail. The necessary pleadings have been prepared and are ready to file.

Councilman at Large Pennington moved for adjournment. The motion was seconded by Councilman at Large Casto; the motion carried.

Meeting was adjourned at 9:10 p.m.

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ARDEN D. ASHLEY, MAYOR

  
SHARON THOMAS, CITY RECORDER



## COUNCIL MEETING MINUTES

## CITY OF NITRO

SEPTEMBER 1, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers September 1, 1981, at 8:00 p.m. Present were Mayor Art Ashley, 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 were Michael Greenleaf, City Treasurer, and Stuart W. Calwell, Jr., City Attorney. Sharon Thomas, City Recorder, was absent.

The invocation was given by Sergeant Shelby R. Harrison.

AGENDA ITEM NO. 1 - CITIZEN OF THE MONTH - HERB FITZSIMMONS: Mayor Ashley announced that the Citizen of the Month is Herb Fitzsimmons, the general manager of the West Virginia Rockets, the AFA Champions for 1981, the second straight year.

AGENDA ITEM NO. 2 - APPROVAL OF THE AUGUST 18, 1981 COUNCIL MEETING MINUTES: Councilman Savilla moved that the minutes be approved as amended. The motion was seconded by Councilman at Large Casto; the motion passed unanimously.

AGENDA ITEM NO. 3 - SEALED BIDS FOR VEHICLE INSURANCE ON CITY VEHICLES: Mayor Ashley, in Mrs. Thomas' absence, obtained the three bids submitted to the Council by the three insurance representatives. After discussion and an executive session of Council, Councilman King made the motion to allow a twenty-four hour period -- until 10:00 a.m. September 3, 1981 -- for Commerical Insurance Company to submit additional bids for the three vehicles not included in their bid, and to allow Motorists Insurance Company to submit figures to cover the options, and to give the Mayor the authority to award the contract to the net low bidder. The motion was seconded by Councilman Cunningham; the motion passed unanimously.

AGENDA ITEM NO. 4 - CONSIDERATION OF THE CITY GARAGE LEASE AGREEMENT: Mayor Ashley stated that the use of the old City Garage by the Sanitary Board has been agreed upon by the City Attorney and the Sanitary Board Attorney, and is also consistent with the agreement of both, in principle.

The essence of the agreement is two hundred dollars (\$200.00) per month for three years and would not extend beyond the period of this administrative term.

The Mayor stated that the Sanitary Board has not committed, in any kind of an official way, just exactly what they might do, but one thing they are considering doing is making some improvements to the facility and as an agency to the City we can lay claim to anything they have. But from a practical standpoint, it is a facility that they are going to consider doing some considerable improvement to and make into an office facility at their own expense.

Councilman Savilla made the motion to accept the agreement between the two parties concerned. Councilwoman at Large Trout seconded the motion; the motion carried. Councilman at Large Pennington abstained.

AGENDA ITEM NO. 5 - PARKING FOR HIGH SCHOOL GAMES: Councilman Savilla moved that the Council grant the Nitro Midget Football League permission to use the City parking facilities adjacent to the football field and to ask for donations. The motion was seconded by Councilman at Large Pennington.

Before the final vote Mayor Ashley asked that the thought be kept in mind to find some other project in the years ahead for their money-making efforts, rather than asking for donations for parking.

The motion passed unanimously and is so ordered.

AGENDA ITEM NO. 6 - RESOLUTION OF ROAD BOND ISSUE: Mayor Ashley asked that the Council consider the resolution of the proposed Roads for Jobs and Progress Amendment. After the reading of the resolution indicating the support of the road bond issue by the City Council and discussion amongst the members of the Council, Councilman Savilla moved the passage of the issue. Councilwoman at Large Trout seconded the motion; the motion carried. Councilman at Large Pennington abstained.

#### COMMITTEE REPORTS

MAYOR ART ASHLEY: Mayor Ashley reported that the arrangements for the Town meeting on September 29, 1981 - 7:00 p.m., at the Jr. High School auditorium are confirmed. It will be publicly advertised.

CODIFICATION OF NITRO CITY CODE - STUART CALWELL, CITY ATTORNEY: Attorney Calwell stated that they have not heard back from the inquiries made about cost, but by the next Council meeting a report should be ready on that.

MAYOR ART ASHLEY - ON BEHALF OF COUNCILMAN AT LARGE CASTO: Mayor Ashley stated that he has received a personal autograph from Pete Rose saying, "Best wishes in 2032." Also included with the autograph was a voucher good for two tickets to a Philadelphia Phillies baseball game in the year 2032; all to be included in the Fifty-year Time Capsule.

COUNCILMAN MOON: Councilman Moon received a memo from Colonel Goebel concerning the drainage and repair of the baseball field. Colonel Goebel stated, among a list of specific repairs, that the work should be done as soon as possible to allow the fields to better sustain the winter months and be ready for use in the spring. Mayor Ashley stated that this confirms what we knew was a major task to be done.

Councilman Savilla moved that Mayor Ashley draft a letter thanking Colonel Goebel for always coming to our assistance any time we ask.

Mayor Ashley recommended that the next step would be getting prices for the total cost of the project in terms of man-hours, et cetera. He also stated that prices should be gotten by the next Council meeting so we can get started on the job.

Councilman Moon suggested that we ask the Guard to consider covering the areas we are unable to cover and to work with us instead of for us.

COUNCILMAN CUNNINGHAM: In reference to the trash compacter expected from Monsanto, they ran into a company policy which will not allow them to donate anything over a value of five hundred dollars (\$500.00), so it will have to go on bid. Monsanto assured Councilman Cunningham that he would receive a copy of any bids and it can be taken from there.

Mayor Ashley moved for adjournment. The motion was seconded by Councilman at Large Casto.

The meeting was adjourned at 9:00 p.m.

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ARDEN D. ASHLEY, MAYOR

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SHARON THOMAS, CITY RECORDER

ADDITIONAL INFORMATION ON THE APPROVAL OF AUGUST 18, 1981 COUNCIL MEETING MINUTES: It was stated by Councilman King that a correction should be made in the August 18, 1981 Council meeting minutes on Page 36, Paragraph 1. He said he did not say that KRT would build a shelter at 18th Street, but that they would consider building one. It would have to be taken to the KRT Board and then Council would invite Dr. Cassell to come down and report on it.



## COUNCIL MEETING MINUTES

## CITY OF NITRO

September 15, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers on September 15, 1981, at 8:00 p.m. Present were Mayor Art Ashley, Councilwoman at Large Mary Trout, Councilman at Large Rusty Casto, Councilman Joe Savilla and Councilman Ronald King. Also present were Michael Greenleaf, City Treasurer, and Franklin L. Gritt, Attorney. Councilman at Large Mel Pennington, Councilman Omar Cunningham, Councilman Jack Moon, Stuart W. Calwell, Jr., City Attorney, and the City Recorder were absent.

The invocation was given by Fire Chief Ernest W. Hedrick.

AGENDA ITEM NO. 1 - INTRODUCTION OF MR. JOHN ALTANO AND MR. KEMPER LAWSON, FROM HECK'S INCORPORATED: After introduction of the representatives from Heck's by Mayor Ashley, Mr. John Altano extended Heck's appreciation for the fine service and assistance of the Nitro City Fire Department at the trailer fire at Heck's warehouse in Ordinance Park the preceding evening. He also commended the Fire Department by presenting Chief Hedrick with a "Certificate of Appreciation" designated as "outstanding firefighters" on behalf of the Department.

AGENDA ITEM NO. 2 - APPROVAL OF SEPTEMBER 1, 1981 COUNCIL MEETING MINUTES: Councilman at Large Casto moved for the approval of the minutes of the September 1, 1981 Council meeting minutes. The motion was seconded by Councilwoman at Large Trout. The motion passed unanimously.

AGENDA ITEM NO. 3 - RESIGNATION: Mayor Ashley announced the resignation of Sharon Thomas as City Recorder, and also the termination of Kenneth R. Webb as acting Police Chief. Lieutenant Webb will, however, retain his position of ranking police officer in the Department.

Councilman Savilla moved that these positions be declared vacant. Councilwoman at Large Trout seconded the motion. The motion passed unanimously.

AGENDA ITEM NO. 4 - INTRODUCTION OF ORDINANCE TO COVER TRANSFER OF AUTHORITY: In examining the situation brought about by the absence of a City Recorder, it was found that there was no provision in the Ordinance for the transfer of authority of the Recorder to another individual or office. So, in the interest of correcting the problem an Ordinance was drawn up and read for the first time by Councilman Savilla.

The Ordinance is as follows:

AN ORDINANCE TO PROVIDE FOR THE ORDERLY AND EFFECIENT  
TRANSFER OF AUTHORITY WHEN A VACANCY EXISTS IN THE  
OFFICE OF CITY RECORDER FOR THE CITY OF NITRO

BE IT ENACTED by the Council of the City of Nitro

When the office of City Recorder is vacant, due to the City Recorder having resigned, become seriously ill, or otherwise disabled and unable to perform his or her duties, the powers, duties, and authority held by said City Recorder shall pass to the office of the Mayor or his designate who shall act as City Recorder until the vacancy is filled according to law.

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 15th day of September, 1981, and read and adopted at a second reading on the 6th day of October, 1981.

\_\_\_\_\_  
Mayor

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

Councilman Savilla then moved for the adoption of the first reading of the Ordinance. Councilwoman at Large Trout seconded the motion; the motion carried. Councilman at Large Casto abstained.

Because of questions by Councilman at Large Casto, Mayor Ashley reopened discussion and went on to explain that the authority being transferred is in the interest of the City's future and only for the purpose of carrying on the duties of the City Recorder, not to take them over.

The discussion was closed and the motion stood as voted upon.

AGENDA ITEMS NOS. 5 AND 6 - REQUESTS FROM THE SALVATION ARMY TO PLACE CHRISTMAS KETTLES IN FRONT OF BUSINESS CENTERS IN NITRO, AND FROM THE UNITED WAY TO CONDUCT THEIR CAMPAIGN FROM SEPTEMBER 17TH TO DECEMBER 1, 1981: Councilman at Large Casto moved that the Salvation Army be allowed to place Christmas kettles in front of business centers in Nitro and that the United Way be allowed to conduct their campaign from September 17th to December 1, 1981. Councilman Savilla seconded the motion; the motion passed unanimously.

AGENDA ITEM NO. 7 - REQUEST FROM QUALITY PONTIAC TO HAVE A RACE ON SEPTEMBER 26, 1981, AT 9:00 A.M.: Councilman Savilla asked Council to approve the request from Quality Pontiac for a road race through the streets of Nitro to kick-off their forthcoming 1982 model cars, pending approval of a route by the Nitro Police Department. Councilman at Large Casto seconded the motion, and with no discussion the motion passed unanimously and was so ordered.

AGENDA ITEM NO. 8 - FIRE TRUCK PURCHASE: Mayor Ashley opened the discussion of the purchase of the latest addition to the Nitro City Fire Department by explaining that due to the timeliness of the offer of the Charleston Fire Department, the purchase of the new fire truck could not be put off until a meeting of the Nitro City Council. Circumstances were such that it would have gone to public auction had the City not acted in such a fashion.

The discussion was then turned over to Fire Chief Hedrick, where he explained the pertinent points of the purchase and what a good deal the City got when they purchased the vehicle. It was further explained that the Department has already begun work on the new truck to restore it to what will be officially classified as a "new truck".

The discussion then turned to the old red fire truck and Mayor Ashley stated that Council should seriously consider raffling off the truck, and that the money received could probably go toward the purchase of the new truck.

Councilman Savilla moved for the approval of the action, with thanks to the Mayor, the Fire Chief, and the City Treasurer for moving ahead with this. Councilwoman at Large Trout seconded the motion and it passed unanimously.

## COMMITTEE REPORTS

CODIFICATION OF NITRO CITY CODE - FRANKLIN GRITT, ATTORNEY: Speaking on behalf of the City law firm, Mr. Frank Gritt announced that after a meeting with a representative of the Drake Publishing Company a bid was submitted to the City of approximately ninety-five hundred dollars (\$9,500) for complete recodification of the City Code, which includes a revamp of what we have and an automatic yearly update service. That bid was turned over to the appointed committee and it was decided that rather than relying on just one bid, to look at three or four others.

Councilman Savilla pointed out that Sharon Thomas, City Recorder, was the head of that committee and since she is no longer with the City a new committee head would have to be appointed. Councilman Savilla then moved that Franklin Gritt, Attorney, be appointed to head that committee. Councilman at Large Casto seconded the motion; the motion passed unanimously and was so ordered.

LANDFILL LEASE AGREEMENT - FRANKLIN GRITT, ATTORNEY: On behalf of City Attorney Stuart Calwell, Jr., Frank Gritt reported to the Council that the landfill lease agreement for the Washington Street landfill operation has been drafted and approved by Council. He also stated that a process of notification to persons directly involved was taking place and they would be securing the lease with them.

Mr. Gritt also stated that in the process of investigation it was found that this area was a backwash off the Kanawha River and they were in contact with the Environmental Protection Agency, the Department of Natural Resources and the Army Corps of Engineers so the process they would be using would be done in a legal and professional manner. He said he expected the work to be started by the 1st of the year.

SMITH STREET LANDFILL - MAYOR ART ASHLEY: Mayor Ashley stated, at this point, that he received a telephone call from a representative of EPA in Philadelphia who stated that they need to take samples from the Smith Street landfill and place it in drums, secured, for a period of five weeks as a test measure. The Mayor said he would take up the subject with the Council to see if there was any problem permitting this course of action.

At this point the Chair recommended that the Council allow EPA to do whatever is required, unless the City Attorney's office finds some good cause for not complying. No motion was made.

OIL IN DRAINAGE DITCH IN FRONT OF OKEY AVENUE RESIDENCE - MAYOR ART ASHLEY: Mayor Ashley brought to the attention of Council the report by Sergeant Shelby R. Harrison about the oil problem in the drainage ditch behind the Okey Avenue residence. Councilman Savilla brought out the fact that he felt it was a case of vandalism, which was also brought out in Sergeant Harrison's report.

Past oil situations were satisfied by the thought of the lawnmower repair shop dumping oil, but there is evidence that there is no oil being offered from that location into this ditch at this time.

LITTLE LEAGUE FIELD REPORT - MAYOR ART ASHLEY: Mayor Ashley, in the absence of Councilman Moon, reported that the preliminary indication of the work needed to be done on the ball field was that the work can be done by City employees with City equipment.

Councilman Savilla moved that arrangements be made immediately to have the dirt for the field hauled over and that a vote be taken at a later time on the dollar figure. Councilwoman at Large Trout seconded the motion; the motion passed unanimously.

CITY HALL MODIFICATION - MAYOR ART ASHLEY: Mayor Ashley reported that work has begun on the modification of the City facilities. This work will probably be done by the next meeting of Council. Work to be done on the City Jail will probably have to go out for bids once the specs are in, but work is of a minor nature and will be done by City employees.

VEHICLE INSURANCE REPORT - MAYOR ART ASHLEY: Mayor Ashley announced that the insurance bids were opened at the last Council meeting and Ernie Allison, Motorists Insurance Company, won as low bidder and will continue to carry the City's vehicle insurance.

COUNCILMAN AT LARGE RUSTY CASTO: Councilman at Large Casto reported that a souvenir copy of the Kanawha Valley Leader was donated by Mrs. Cecil Walker. The paper is dated Friday, September 13, 1963, and will be included in the Time Capsule. Included in the paper are various items such as the City's history from 1918 to 1963, and the advertisement of Nitro's first antique car show.

Councilman at Large Casto also stated that along with the baseball donated by the Cincinnati Reds, the New York Yankees have also sent a baseball to be included in the Time Capsule.

COUNCILMAN RONALD KING: Councilman King brought up the fact that the portable toilets which were rented for use at the park are still there. Mayor Ashley stated that it would be checked out.

COUNCILMAN AT LARGE RUSTY CASTO: Councilman at Large Casto asked if anything was going to be done about the archery range located at the park. Mayor Ashley stated that the point is well taken and has not been forgotten.

COUNCILMAN RONALD KING: Councilman King brought up the fact that he received a complaint from a gentleman who was apparently refused entry to the ballgame last Saturday when he refused to pay the fifty cent donation. Mayor Ashley asked Council if it would be appropriate to write a letter to the President of the League and ask that he specify the word donation. If instructions were not followed, the privilege would have to be denied. Councilman at Large Trout seconded the motion. Councilman at Large Casto abstained. The motion carried.

COUNCILMAN RONALD KING: Councilman King pointed out the opening on the Salary Review Committee and the Finance Committee due to the resignation of the City Recorder. The Chair suggested that these positions be left vacant for the City Recorder to be appointed and that any action in the meantime may be done by the four-member committee.

COUNCILMAN JOE SAVILLA: Councilman Savilla mentioned that congratulations were in order for the Mayor on his recent appointment to the Board of Directors of the West Virginia Municipal League.

Councilwoman at Large Trout moved for adjournment. The motion was seconded by Councilman at Large Casto; the motion was unanimous.

The meeting was adjourned at 9:30 p.m.

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ARDEN D. ASHLEY, MAYOR

## COUNCIL MEETING MINUTES

## CITY OF NITRO

September 21, 1981

A special session of the Nitro City Council was called to order in the Council Chambers on September 21, 1981, at 5:00 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 Franklin Gritt, City Attorney's office, and Michael Greenleaf, City Treasurer. Councilman at Large Mel Pennington was absent.

AGENDA ITEM - APPOINTMENT OF CITY RECORDER: After the opening of the meeting by Mayor Ashley a motion was entertained from Councilman at Large Casto for the appointment of John Frederick Santrock as the new City Recorder for the City of Nitro.

After a brief rundown of Mr. Santrock's background and qualifications, Councilman Joe Savilla seconded the motion and with no further discussion a unanimous vote was rendered and it was so ordered that John Frederick Santrock take over the position of City Recorder.

Councilman Cunningham moved for adjournment. The motion was seconded by Councilman Moon.

The meeting was adjourned at 5:15 p.m.

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ARDEN D. ASHLEY, MAYOR





## COUNCIL MEETING MINUTES

## CITY OF NITRO

September 24, 1981

A special session of the Nitro City Council was called to order in the Council Chambers on September 24, 1981, at 5:00 p.m. Present were Mayor Art Ashley, John F. Santrock, City Recorder, Councilwoman at Large Mary Trout, Councilman at Large Rusty Casto, Councilman Joe Savilla and Councilman Ronald King. Also present were Michael Greenleaf, City Treasurer, and from the City Attorney's office, Harvey D. Peyton. Councilman at Large Mel Pennington, Councilman Omar Cunningham and Councilman Jack Moon were absent.

AGENDA ITEM - RECOMMENDATIONS FROM SALARY REVIEW COMMITTEE:

After the opening of the meeting of the Nitro City Council by Mayor Ashley, Councilman Savilla moved that the Council go into executive session to hear the recommendations from the Salary Review Committee, with Judge Peyton and the City Treasurer remaining for the session. Councilwoman at Large Trout seconded the motion. The vote was unanimous and was so ordered.

(WHEREUPON, at 5:15 p.m.  
Council adjourned into  
executive session.)

At 6:30 p.m. the executive session was closed and a motion was presented by Councilman Savilla to award performance bonus payments to various City employees in the following annualized amounts:

Office	\$	6,006.12
Recreation Department		1,274.66
Fire Department		6,961.48
Police Department		10,714.11
Public Works Department		15,346.34
Additional Compensation for Chief of Police		<u>4,381.34</u>
	\$	<u>44,683.71</u>

\*The above amounts do not include fringe benefits.

Council also instructed the City Treasurer to ascertain if there were legal problems in this arrangement. Judge Peyton advised that since it dealt with personnel there wasn't.

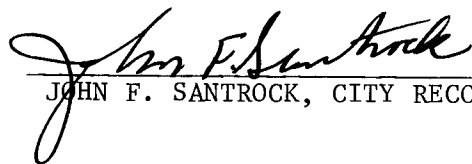
Councilwoman at Large Trout seconded the motion and it passed unanimously.

Councilman at Large Casto moved for adjournment. The motion was seconded by Councilman Savilla.

The meeting was adjourned at 6:34 p.m.

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ARDEN D. ASHLEY, MAYOR



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JOHN F. SANTROCK, CITY RECORDER

## COUNCIL MEETING MINUTES

## CITY OF NITRO

October 6, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers on October 6, 1981, at 8:00 p.m. Present were Mayor Art Ashley, John F. Santrock, City Recorder, Councilwoman at Large Mary Trout, Councilman at Large Rusty Casto, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham, and Councilman Jack Moon. Also present were Michael Greenleaf, City Treasurer, and W. Stuart Calwell, Jr., City Attorney. Councilman at Large Mel Pennington was absent.

The invocation was given by Reverend Wade L. Austin, of the Nitro Church of God.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 15, 1981 COUNCIL MEETING MINUTES: In the way of correction on page 49, the last paragraph, Councilman at Large Casto stated that he did not abstain on the motion to deny the Little League the privilege to collect donations if Council's instructions were not followed, but that he voted in the negative.

Also on page 49, in "Little League Field Report," Councilman Moon stated that he would like the words, "In the absence of Councilman Moon" stricken from the minutes, because he was not the chairman of the committee.

Councilman at Large Casto moved that the minutes of the September 15, 1981 Council meeting be accepted as amended. The motion was seconded by Councilman Cunningham and passed unanimously.

AGENDA ITEM NO. 2 - APPROVAL OF SEPTEMBER 21, 1981 COUNCIL MEETING MINUTES: Councilman at Large Casto moved that the minutes of the September 21, 1981 Council meeting be approved. Councilwoman at Large Trout seconded the motion. John Santrock, City Recorder, abstained. The motion passed unanimously and was so ordered.

AGENDA ITEM NO. 3 - APPROVAL OF SEPTEMBER 24, 1981 COUNCIL MEETING MINUTES: Councilman King stated that the motion for executive session in the September 24th meeting was made by himself, not Councilman Savilla.

Councilman Moon then stated that he didn't understand the section in award performance bonus payments on "Additional Compensation for Chief of Police." Mayor Ashley explained that there was no provision in the recommendations by the Salary Review Committee for a salary for the Chief of Police at all. That this is the increase to the old rate paid to the chief of last year on the budget, which was the necessary move to make in order to get the merit increase. It was merely an adjustment to the budget to put the rates of pay in prospective.

Councilman Savilla moved that the minutes of September 24, 1981 be approved as amended. Councilwoman at Large Trout seconded the motion. Councilman Cunningham abstained, Councilman Moon opposed and the motion carried.

AGENDA ITEM NO. 4 - INTRODUCTION OF CLIFFORD COCHRAN, NITRO POLICE CHIEF: Mayor Ashley introduced to Council, Clifford "Bob" Cochran, the City of Nitro's new Chief of Police, who comes to the City very highly recommended from the Charleston Police Department.

Dr. Charles Byrd further reiterated by stating that he has known Chief Cochran for over twenty years and is happy to state that Nitro is getting an "honest, straight-forward" man, who he feels will do an excellent job for the City.

Mayor Ashley stated that he looks forward to a good relationship with Chief Cochran and that the appointment of the Chief is very welcomed and wishes well to him.

AGENDA ITEM NO. 5 - INTRODUCTION OF DEBORAH BOLEN, HUMAN RESOURCE WORKER II, MULTI-COUNTY COMMUNITY ACTION AGAINST POVERTY: In an effort to strengthen our local government and the services rendered by the City, the City has engaged Deborah Ann Bolen, Human Resource Worker II, to aid our City's senior citizens and less fortunate and to provide them with an outreach program, rather than just being able to go on what the City may have heard.

Ms. Bolen's position and salary is supplied through Multi-C.A.P., at no expense to the City, although the City provides her with the office space needed to carry out her duties.

Deborah stated that if anyone has any information about anyone in need of the services which she provides, to let her know and she would be happy to help them in any way she can.

COMMITTEE REPORT - LANDFILL LEASE AGREEMENT: Attorney Calwell explained how he and his office are engaged in searching for a legal and feasible way to lay the ground work for the Washington Avenue landfill, and as a part of the development of the plan S & S Engineering was represented before the Council to explain what they would attempt to do in the development of the said landfill.

Attorney Calwell stated that he could not stress enough the importance of doing the necessary planning on this landfill in order to avoid any problems in the future.

At this point Attorney Calwell introduced Mr. B. S. Saluja of S & S Engineering to discuss with Council the steps necessary in the construction of the landfill. Also present was Ashok M. Sanghavi also of S & S Engineering. Mr. Saluja stated that subsequent to a discussion with Franklin Gritt of the City Attorney's office he gave Mr. Gritt a proposal concerning what type of planning would be needed and what the agencies are that one must go through to have a landfill operation.

Mr. Saluja stated that it is now required that you obtain a permit from the Department of Health for construction and operation; and from the Department of Natural Resources for water pollution control, primarily concerning the discharge of the leech head, before you can operate a landfill.

At this point Mr. Saluja proposed that the work be done in the following two phases:

- (1) To get the appropriate agencies out to the site to see if the City's desires will comply with the laws of the State.
- (2) To obtain detailed plans of specs and get the needed permits.

The two phases are independent of each other so that phase one can be done without necessarily having to go into phase two. They are independent of each other.

S & S Engineering submitted costs to the Council for the work needed to be done. Mr. Saluja stated that the cost for phase one of the project would be roughly two hundred dollars (\$200.00) and phase two would cost roughly twenty-five hundred dollars (\$2,500.00), for a total cost estimate of twenty-seven hundred dollars (\$2,700.00) for the work.

Councilman Savilla made the motion to authorize S & S Engineering to go ahead with phase one of the landfill operation. Councilman Moon seconded the motion. The vote was unanimous and so ordered.

AGENDA ITEM NO. 6 - APPROVAL OF NITRO HIGH SCHOOL HOMECOMING PARADE ON OCTOBER 9, 1981, 5:30 P.M. - 6:30 P.M.: According to Section 7234 of the Nitro City Code, a motion was made before the

Council by City Recorder John Santrock to permit Nitro High School to have their homecoming parade on October 9, 1981, at 5:30 p.m. Councilman at Large Casto seconded the motion.

Councilman Cunningham brought up the fact, before the vote, that Council has been very disappointed in area schools in the past in their support of the City's activities such as this and that he is opposed to such an attitude.

Mayor Ashley stated that recently he has seen an improvement in the attitude of Nitro High School, possibly due to the individual who is now principal of the school.

Councilman Moon further stated that he concurs with Councilman Cunningham on his thoughts about the parade, but that he encourages those plans so that, hopefully, they will come through the next time.

John Santrock asked to let bygones be bygones and go from here and that he would explain to Mr. McClanahan the Council's feelings.

The vote was taken and was unanimous with the exception of Councilman King who abstained.

AGENDA ITEM NO. 7 - APPROVAL OF FIRE PREVENTION WEEK PARADE  
OCTOBER 10, 1981: Nitro Fire Chief E. W. Hedrick acquired of Council to have an inter-city fire prevention parade on October 10, 1981, starting at 9:00 a.m., in Poca and to go through Nitro and St. Albans. Councilman at Large Casto made the motion for the approval of the parade. Councilman Savilla seconded the motion and it was so ordered.

AGENDA ITEM NO. 8 - HALLOWEEN "TRICK OR TREAT" DATE: A proposal was made by Councilwoman at Large Trout to have "trick or treat" in the City of Nitro on Saturday, October 31, 1981, from six p.m. until eight p.m. Councilman at Large Casto seconded the motion. The vote was unanimous and so ordered.

AGENDA ITEM NO. 9 - REQUEST FROM RESIDENT ON 26TH STREET: Councilman Savilla introduced Carl Ashley, who is the spokesman for the residents of 26th Street in Nitro, who have approached Council about the possibility of moving the sidewalk out to the curb and the possibility of buying a piece of the City's property that stretches from 2nd Avenue to 1st Avenue.

Carl Ashley stated that each property owner, with the exception of one, would like to buy the six feet of ground between the curb and the sidewalk in front of each residence for a reasonable fee.

Mayor Ashley asked City Attorney Calwell if there would be any problem with granting permission to pave without selling the property to the residents. Attorney Calwell stated that there wouldn't. He said if the property is worth a thousand dollars (\$1,000.00) or less it is not necessary that you sell each individual the property, but if it is worth more than a thousand dollars (\$1,000.00) it is necessary to sell, pursuant to public notice.

Chief Hedrick stated that he felt that the City should sell the property, hold an easement on it as a right-of-way for sewer and utilities and it could be a source of income for the City if they put this type of property up for sale throughout the entire City.

Mayor Ashley asked Carl Ashley if the people who wanted to take this action would be opposed to the work being done if the City were to grant permission but not sell the property to the residents. Carl Ashley said he didn't think they would.

Councilman Savilla moved that a committee be formed within Council to go down and look at the location, that the planning commission be involved, and that a professional estimate be obtained to get an appraisal of the work needed to be done. Councilman Cunningham seconded the motion and the motion passed unanimously.

AGENDA ITEM NO. 10 - ATHLETIC FIELD DRAINAGE PROBLEM AT NITRO CITY PARK: Councilman Savilla called to Council's attention the copy of the agreement and the letter pertaining to the agreement, the purpose being to conduct an on-the-site study of the infields and outfields of the ball fields at Nitro City Park, to present specifications to reduce drainage problems and to totally upgrade the ball fields at the park. The total cost estimate for these would be seventeen hundred dollars (\$1,700).

Councilman Cunningham said that he agrees the upgrading work needs to be done but that he feels there are other things that need to be done sooner, such as fixing the streets, et cetera.

Councilman Savilla stated that there are several things that need to be taken into consideration. He said Nitro does not have that much to offer in the area of recreation and what it does have must be taken care of.

Mayor Ashley brought up the fact that the City does have a source of dirt for the field upgrading and that Shelby Steel also offered to supply dirt. So, the price stated is an engineering expense.

Councilman Savilla asked about the possibility of Union Boiler doing the work and suggested that Mayor Ashley send a letter to them

asking for their assistance. The Mayor agreed.

Councilman Savilla then made a motion to give the go ahead to our City's employees to begin this work if Union Boiler will agree to the voluntary services from an engineering standpoint. Councilman Moon asked that the motion to amend Councilman Savilla's motion to approve this based upon the response of the letter to Union Boiler and if necessary to call a special Council meeting.

Mayor Ashley asked for some clear definitions of what the Council wants Union Boiler to do because there is an issue of controversy. He feels this may turn into something where we start turning dirt and then we are obligated if there is no response from Union Boiler to help.

Councilman Savilla then withdrew his motion to wait for the response from Union Boiler and if necessary to call a special Council meeting to discuss such.

AGENDA ITEM NO. 11 - SECOND READING OF ORDINANCE TO COVER TRANSFER OF AUTHORITY: Councilman Savilla read the second reading of the ordinance to provide for the orderly and efficient transfer of authority when a vacancy exists in the office of the City Recorder for the City of Nitro.

The Ordinance is as follows:



The Ordinance is as follows:

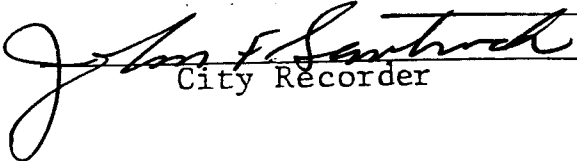
AN ORDINANCE TO PROVIDE FOR THE ORDERLY AND EFFECIENT  
TRANSFER OF AUTHORITY WHEN A VACANCY EXISTS IN THE  
OFFICE OF CITY RECORDER FOR THE CITY OF NITRO

BE IT ENACTED by the Council of the City of Nitro

When the office of City Recorder is vacant, due to the City Recorder having resigned, become seriously ill, or otherwise disabled and unable to perform his or her duties, the powers, duties, and authority held by said City Recorder shall pass to the office of the Mayor or his designate who shall act as City Recorder until the vacancy is filled according to law.

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 15th day of September, 1981, and read and adopted at a second reading on the 6th day of October, 1981.

\_\_\_\_\_  
Mayor

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

Councilman Savilla moved that the Ordinance be accepted as read. Councilwoman at Large Trout seconded the motion. The vote was taken and was unanimous and so ordered. City Recorder Santrock abstained.

AGENDA ITEM NO. 12 - COLLECTION OF A CANCER FUND FOR RANDY MEADOWS: In the way of representation of Mr. and Mrs. Lloyd Meadows of Nitro, West Virginia, Mayor Ashley asked Council for permission to place containers throughout the City for the collection of funds for the Meadows family, who is undergoing a great deal of expense due to the condition of their son, Randy Meadows, who presently is in Bethesda Naval Hospital inflicted with cancer. Councilman Savilla moved to grant the permission for the containers. Councilman Cunningham seconded the motion. The motion passed unanimously and was so ordered.

AGENDA ITEM NO. 13 - CARPET FOR COUNCIL CHAMBERS: Councilwoman at Large Trout moved that Council allow City Treasurer Greenleaf to scout estimates for carpeting for Council Chambers. Councilman Cunningham stated that he felt this was not one of the more pressing items of business in the City right now, that he would rather spend the money on things such as the Randy Meadows' case.

Mayor Ashley stated that this is within the budget that has been previously approved by Council for this fiscal year, unlike the repairs to the City Park.

The motion died for lack of a second.

AGENDA ITEM NO. 14 - PUBLIC SALE OF EXCESS CITY PROPERTY: Attorney Calwell stated that if the property for sale is a thousand dollars (\$1,000.00) or more, there must be a public auction, and if it is a thousand dollars (\$1,000.00) or less, than it is not necessary to sell at public auction, but that it can just be advertised in the newspaper or the like.

Mayor Ashley stated that the only problem he foresees is that most of the items are confiscated materials through the Police Department and he would want to make sure that property to be used as evidence would not be sold. Chief Cochran stated that what he has seen in the past is that things such as confiscated bicycles have been donated to needy children if the owners cannot be found.

After discussion it was decided that an inventory of the excess City property should be brought to the next Council meeting.

AGENDA ITEM NO. 15 - TANK FOR FIRE TRUCK: Chief Hedrick stated that the new fire truck purchased from Charleston Fire Department last month needs a new tank and that the plans for such have been

drawn up and that a price for steel has been obtained. Chief Hedrick stated that he now comes before Council asking for a thousand dollars (\$1,000.00) to purchase the steel for the construction of the tank by the Fire Department.

Councilman Cunningham made the motion that we grant the Fire Department the one thousand dollars (\$1,000.00) for the materials needed for the construction of the tank for the new fire truck. Councilman at Large Casto seconded the motion. The vote was unanimous and so ordered.

AGENDA ITEM NO. 16 - TRANSFER OF BROOKHAVEN STORM SEWER SAVINGS ACCOUNT TO WEST VIRGINIA INVESTMENT FUND: With the development of the Brookhaven area in the City of Nitro, there was money set aside with each dwelling for the purpose of construction of sewage. Mayor Ashley stated that it was necessary from a legal standpoint to have this money retained in integrity.

Mayor Ashley stated that we can do this and still incorporate this into our State investment pool moneys where we are getting a return of something in excess of fifteen (15) percent instead of five and a quarter (5¼) percent in passbook savings. So, the essence of this is just a transfer of funds from one passbook savings account into a higher money market fund, picking up an additional ten percent interest.

AGENDA ITEM NO. 17 - PROCLAMATION BY NITRO HIGH SCHOOL: Councilman Savilla proclaimed that Council recognize the week of November 16th as student government week, where each Council member and City official will be granted a counterpart from the high school to work with them in the City government. Councilman Cunningham seconded the motion. The vote was unanimous and so ordered.

AGENDA ITEM NO. 18 - AMBULANCE AUTHORITY REPORT: Due to the loss of the C.E.T.A. program the Kanawha County Ambulance Authority has lost some of their employees. So, the Kanawha County Ambulance Authority has been working on contracts through the finance and budget committee for each of the local ambulance areas. No moneys have been paid for this first quarter and won't be until such contracts have been ratified by the finance and budget committee. There will be a meeting on the 15th of October in which to ratify those contracts and at that time Cross Lanes will get their money.

AGENDA ITEM NO. 19 - REQUEST FOR CHANGE OF DATE OF NOVEMBER 3, 1981 COUNCIL MEETING: Mayor Ashley stated that November 3, 1981 is election day and also a State holiday and that he feels it would be appropriate to change that meeting to November 2, 1981, Monday

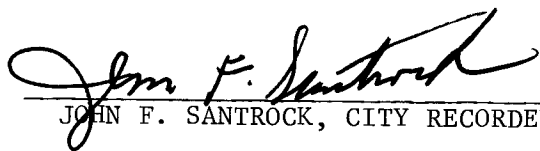
evening. Councilwoman at Large Trout moved for the change of date. Councilman at Large Casto seconded the motion. The vote was unanimous and so ordered.

After the Committee Reports Mayor Ashley moved for adjournment. Councilman at Large Casto seconded the motion; the motion carried.

The meeting was adjourned at 10:33 p.m.

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ARDEN D. ASHLEY, MAYOR



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JOHN F. SANTROCK, CITY RECORDER

## COUNCIL MEETING MINUTES

## CITY OF NITRO

October 20, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers on October 21, 1981, at 8:00 p.m. Present were Mayor Art Ashley, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman at Large Rusty Casto, Councilman Joe Savilla, Councilman Jack Moon, Councilman Ronald King and Councilman Omar Cunningham. Also present were Michael Greenleaf, City Treasurer, and Franklin Gritt of the City Attorney's office. Absent was City Recorder, John Santrock.

The invocation was given by E. W. Hedrick, Fire Chief, Nitro Fire Department.

AGENDA ITEM NO. 2 - APPROVAL OF OCTOBER 6, 1981 COUNCIL MEETING MINUTES: Councilman Savilla moved for the approval of the October 6, 1981 Council meeting minutes. Councilwoman at Large Trout seconded the motion. Councilman at Large Pennington abstained. The motion carried and was so ordered.

AGENDA ITEM NO. 1 - CITIZEN OF THE MONTH - JOHNNY JOHNSON: Councilman at Large Casto stated that Johnny Johnson of the City of Nitro has been named Nitro's citizen of the month. Mr. Johnson is a member of the Nitro Wildcats and who has twice been named K.V.C. player of the week and has led the Wildcats in rushing yardage.

AGENDA ITEM NO. 3 - RECONSIDERATION OF DATE FOR "TRICK OR TREAT": Due to petitions and numerous phone calls to Council members and City Hall, and to comply with other communities in the County, a motion was made by Councilman at Large Pennington to have "trick or treat" from four to six thirty p.m. on Thursday, October 29, 1981. The motion was seconded by Councilman Cunningham. The vote was unanimous and so ordered.

AGENDA ITEM NO. 4 - AGREEMENT REGARDING BROADWAY AVENUE PROPERTY: Mayor Ashley stated that there is a piece of property at the end of Broadway Avenue at the old water intake building which is owned by the City, which two individuals in the area would like to have the opportunity to store some of their personal equipment there in return for keeping the property up and keeping children away from the area.

The Agreement is as follows:

00

AGREEMENT

This Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 1981,  
by and between the City of Nitro, party of the first part, herein-  
after referred to as "City", and John Burgess and James Booth, parties  
of the second part.

W I T N E S S E T H

That for and in consideration of the promises and the mutual  
agreements and covenants herein contained, the City does hereby  
grant its permission unto the parties of the second part to use  
the city property on Broadway Avenue to store and otherwise keep  
their personal property thereon.

The City and the parties of the second part hereby mutually  
covenant and agree as follows:

1. The parties of the second part hereby agree to cut all  
weeds and to keep said property neat and clean.
2. The parties of the second part hereby agree to take respon-  
sible steps to keep said property safe and secure.
3. The parties of the second part hereby agree to help  
prevent children from straying onto said property.
4. The parties of the second part hereby agree to hold the  
City harmless for any and all property damage done to their  
property.

5. The parties of the second part hereby agree to indemnify the City for any and all liability it may incur as a result of this agreement.

6. The City shall allow the said parties of the second part free access to and use thereof of the said property.

7. The City hereby agrees to allow said parties of the second part to use said property for storage facilities so long as no nuisance situation is created and so long as said property is not needed for the City's use.

Dated this \_\_\_\_ day of October, 1981.

\_\_\_\_\_  
JOHN BURGESS

\_\_\_\_\_  
JAMES BOOTH

  
\_\_\_\_\_  
JOHN SANTROCK, City Recorder  
City of Nitro

After discussion it was moved by Councilman Savilla to accept the agreement as written. Councilman Cunningham seconded the motion. A vote was taken and was unanimous and so ordered.

AGENDA ITEM NO. 5 - RIDENOUR LAKE HOURS: Mayor Ashley asked if Council would like to move the hours of Ridenour Lake back to nine p.m., from twelve p.m., which was mainly for summer fishing, due to the change of season. Councilman Savilla made the motion to change the hours back to nine p.m., which would leave the park open from nine a.m. to nine p.m. Councilman Cunningham seconded the motion and with no further discussion a vote was taken and was unanimous and so ordered.

AGENDA ITEM NO. 6 - GARBAGE TRASH COMPACTOR: Councilman Cunningham stated that he mentioned some time ago that Monsanto had a trash compactor/hauler which may be suitable for City use. He further stated that since it is over five hundred dollars (\$500.00), due to Monsanto policy, it must be bid for and that it is presently up for bid, with the minimum bid of four thousand dollars (\$4,000.00).

Mayor Ashley, by way of explanation, stated that this unit would contain a minimum of four of our normal compacted truck loads of garbage, and possibly five, which would give us added flexibility in terms of taking our garbage to the landfill and would save us gasoline and personnel necessary to do that. He stated that it would also give us increased flexibility in terms of the use of our garbage during the day, whereas now a portion of their working day must be spent traveling to and from the landfill.

Councilman Cunningham further stated that this piece of machinery is appraised at approximately fifteen thousand (\$15,000.00) as is. He also stated that there is nothing known wrong with the compactor, it is just not suitable for Monsanto use because steel and wood trash cannot be placed in the compactor.

Michael Greenleaf, the City Treasurer, stated that there are funds within civic benefits which are unexpended which we could use for that purpose.

Councilman Savilla moved that Council go into executive session to discuss the sealed bid for the compactor, so that the bid is not public information. Councilman Cunningham seconded the motion. A vote was taken and was unanimous and so ordered.

(WHEREUPON, Council adjourned  
into executive session.)

Upon return of Council, Councilman at Large Pennington made a motion to table the bidding until the next Council meeting. Councilman Savilla seconded the motion. The vote was unanimous and so ordered.



AGENDA ITEM NO. 7 - CODIFICATION OF NITRO CITY CODE: After discussion once again about the codification of the City Code it was moved that the City Treasurer take the opportunity to look at the City's finances to see if the City would be able, over the next year or slightly longer, to pay the approximate ten thousand dollars (\$10,000.00) for the Walter H. Drain Company to recodify the Nitro City Code.

Councilman Pennington moved to table the codification plans until the next Council meeting to give the City Treasurer the chance to examine the records to see if it will be a feasible idea to hire the Drain Company to do the work necessary. Councilman Savilla seconded the motion. The vote was unanimous and so ordered.

COMMITTEE REPORTS

ARMOUR CREEK INTERCEPTOR REPAIR PROJECT REPORT - MAYOR ART ASHLEY:

Mayor Ashley stated that he was somewhat pleased to report that the Governor's office has agreed to give to the City the maximum amount of grants available to the partnership grant program, which is a quarter of a million dollars (\$250,000.00), but that the amount of money we have will not get the job done. It will only add to the amount of money that we have.

Mayor Ashley further stated that the conclusion was reached by the task force, after much deliberation, that we need to continue to perceive getting other means of obtaining money, either State or Federal Government Funds. That there is really no feasible way to patch the system.

GUTHRIE FENCE CONTRACT - MAYOR ART ASHLEY: Mayor Ashley stated that the combined total of the two bids from Guthrie Fence Company was ten thousand six hundred and seventy-eight dollars (\$10,678.00) and that he would entertain a motion to make those two bids and that contract a part of the minutes of this meeting.

The bids are as follows:

P.O. BOX 6098  
 CHARLESTON, W.V. 25302  
 PROPOSAL #2

PHONE: 344 2485

DATE: 1/19/81

 NAME: City of Nitro  
 ADDRESS: City Hall  
 TO BE INSTALLED AT: Existing City Garage

 ATTN:  
 CITY: Nitro  
 STATE: WV  
 ZIP: 25143  
 CITY: Nitro  
 STATE: WV

## SPECIFICATIONS:

 CHAIN LINK FENCE STYLE: ☒ 3BR - (3 STRANDS BARBED WIRE)  
☐ NBR - (NO BARBED WIRE)  
☐ OTHER

OVERALL HEIGHT 7 FT.

CHAIN LINK ☐ GALVANIZED AFTER WEAVINGFABRIC: ☒ ALUMINIZED

FABRIC GAUGE: 9 MESH SIZE: 2 IN. SELVAGE: BK HEIGHT 72 INCHES

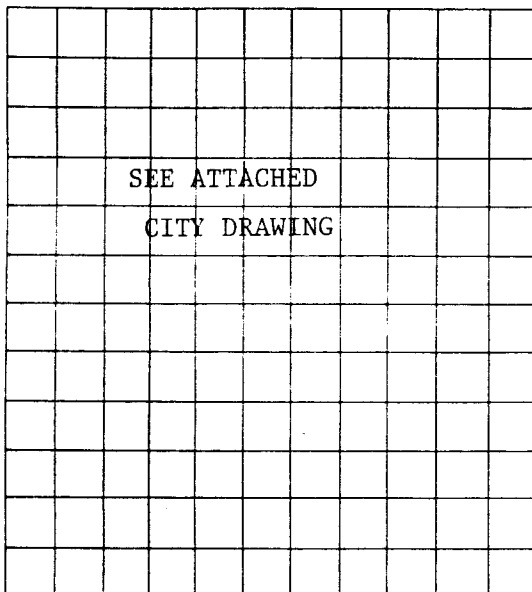
☐ VINYL COATED; COLOR:

LINE POSTS 2 1/2" OD SPACED 10 FT. MAXIMUM CENTERS.

☒ TOP RAIL 1 5/8" OD☐ BOTTOM RAIL \_\_\_\_\_ OD☐ TOP TENSION WIRE, 7 GA.☒ BOTTOM TENSION WIRE, 7 GA.☐ CENTER RAIL \_\_\_\_\_ ODFRAME WORK COATING: ☒ GALVANIZED ☐ COLOR Schedule 40

GATE FRAME 2" OD

## SKETCH



380	LIN. FT.	TOTAL FOOTAGE OF FENCE & GATES
20	LIN. FT.	TOTAL FOOTAGE OF GATES
360	LIN. FT.	COMPLETE LINE FENCE @ _____ LF.
_____	FT.	GATES @ _____ EA.
1 20	FT. double swing	GATES @ _____ EA.
_____	FT.	GATES @ _____ EA.
_____	FT.	GATES @ _____ EA.
_____	OD GATE POSTS	@ _____ EA.
2	4" OD GATE POSTS	@ _____ EA.
_____	OD GATE POSTS	@ _____ EA.
_____	OD END POSTS	@ _____ EA.
1	3" OD CORNER POSTS	@ _____ EA.
_____	OD PULL POSTS	@ _____ EA.
_____	OD BRACE & TRUSS ROD ASSY.	@ _____ EA.
2	3" end connections	

TOTAL MATERIALS: \_\_\_\_\_

INSTALLATION: 380 FT. FENCE AND GATES @ \_\_\_\_\_ PER FT.

TOTAL INSTALLATION: \_\_\_\_\_

3 TERMINALS @ \_\_\_\_\_ EACH

MATERIALS &amp; INSTALLATION: \$3,204.00

includes .. Takedown 160 LF of existing fence

TERMS OF PAYMENT: NET CASH IN 30 DAYS

FOB POINT \_\_\_\_\_ job site FREIGHT: PREPAID ☒

SCHEDULE: 7-10 days after notice to proceed.

COLLECT ☐

## CONDITIONS

Customer is to provide property line stakes, advise grade to be carried, and to clear the fence line of all obstructions which may interfere with installation. Unless otherwise expressly understood, fence will be erected to follow the natural contour of the ground. Complete installation includes the installation of fencing specified in contract, setting all posts in concrete footings and furnishing all labor and concrete materials. Should it be necessary to remove existing buildings, to grade, to fill or to furnish extra large or deep footings for posts, of if additional labor other than fence erectors is required, the customer agrees to pay for the extra expense involved.

 BARBS UP ☒ BARBS DOWN ☐ RAISE ON GROUND ☐ TOP EVEN ☐ FOLLOW CONTOURS ☒ CUSTOMER TO REMOVE HUMPS ☒  
 CUST. TO FILL DIPS ☒ CUST. TO OBTAIN PERMIT ☐ CUST. TO ADVISE OF UNDERGROUND OBSTRUCTIONS ☒

## SPECIAL INSTRUCTIONS

Price not subject to escalation if installed by October 30, 1981.

AFTER RECEIPT OF SIGNED COPY FROM BUYER AND APPROVED BY OUR CREDIT DEPARTMENT, THIS PROPOSAL BECOMES A CONTRACT SUBJECT TO ALL CONDITIONS ABOVE.

BUYER'S SIGNATURE \_\_\_\_\_

BY Frank J. Csaszar  
President

DATE \_\_\_\_\_

GUTHRIE FENCE &amp; SUPPLY CO., INC.

## GUTHRIE FENCE &amp; SUPPLY CO., INC.

P.O. BOX 616  
CHARLESTON, W.V. 25302

1731

PHONE: 344-2485

PROPOSAL #1

DATE: 1/19/81

NAME: City of Nitro

ADDRESS: City Hall

TO BE INSTALLED AT: New City Garage

ATTN:

CITY: Nitro

CITY: Nitro

PHONE:

STATE: WV

ZIP: 25143

STATE: WV

## SPECIFICATIONS:

CHAIN LINK FENCE STYLE: ☒ 3BR - (3 STRANDS BARBED WIRE)☐ NBR - (NO BARBED WIRE)☐ OTHER

OVERALL HEIGHT 7 FT.

CHAIN LINK ☐ GALVANIZED AFTER WEAVINGFABRIC: ☒ ALUMINIZED

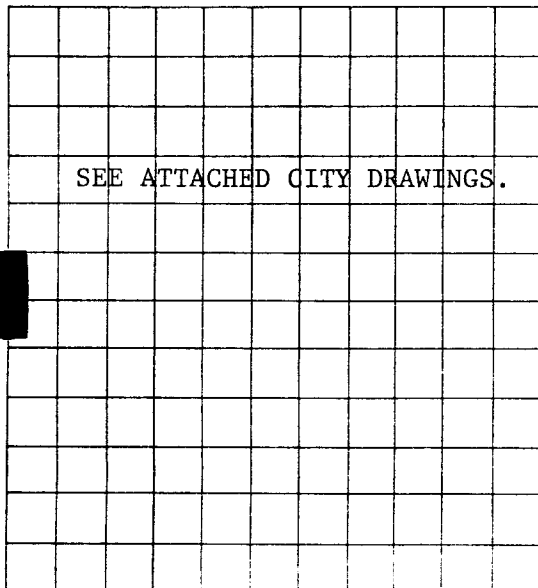
FABRIC GAUGE: 9 MESH SIZE: 2 IN. SELVAGE: BK HEIGHT: 72 INCHES

☐ VINYL COATED; COLOR:

LINE POSTS 1 1/2" OD SPACED 10 FT. MAXIMUM CENTERS.

☒ TOP RAIL 1 5/8" OD☐ BOTTOM RAIL \_\_\_\_\_ OD☐ TOP TENSION WIRE, 7 GA.☒ BOTTOM TENSION WIRE, 7 GA.☐ CENTER RAIL \_\_\_\_\_ ODFRAME WORK COATING: ☒ GALVANIZED ☐ COLOR Schedule 40 GATE FRAME 2" OD

## SKETCH



860	LIN. FT.	TOTAL FOOTAGE OF FENCE & GATES
40	LIN. FT.	TOTAL FOOTAGE OF GATES
820	LIN. FT.	COMPLETE LINE FENCE @ _____ LF.
_____	FT.	GATES @ _____ EA.
2	20 FT. double swing	GATES @ _____ EA.
_____	FT.	GATES @ _____ EA.
_____	FT.	GATES @ _____ EA.
4	4" OD GATE POSTS	@ _____ EA.
_____	OD GATE POSTS	@ _____ EA.
_____	OD GATE POSTS	@ _____ EA.
3	3" OD END POSTS	@ _____ EA.
6	3" OD CORNER POSTS	@ _____ EA.
_____	OD PULL POSTS	@ _____ EA.
19	1 5/8" OD BRACE & TRUSS ROD ASSY.	@ _____ EA.

TOTAL MATERIALS: \_\_\_\_\_

 INSTALLATION: 860 FT. FENCE AND GATES @ \_\_\_\_\_ PER FT.  
 13 TERMINALS @ \_\_\_\_\_ EACH

 TOTAL INSTALLATION: \_\_\_\_\_  
 MATERIALS & INSTALLATION: \$6,994.00

TERMS OF PAYMENT: NET CASH IN 30 DAYS

FOB POINT Job site

FREIGHT: PREPAID ☒COLLECT ☐

SCHEDULE: 7-10 days after notice to proceed.

## CONDITIONS

Customer is to provide property line stakes, advise grade to be carried, and to clear the fence line of all obstructions which may interfere with installation. Unless otherwise expressly understood, fence will be erected to follow the natural contour of the ground. Complete installation includes the installation of fencing specified in contract, setting all posts in concrete footings and furnishing all labor and concrete materials. Should it be necessary to remove existing fence or buildings, to grade, to fill or to furnish extra large or deep footings for posts, of if additional labor other than fence erectors is required, the customer agrees to pay for the extra expense involved.

 BARBS UP ☒ BARBS DOWN ☐ RAISE ON GROUND ☐ TOP EVEN ☐ FOLLOW CONTOURS ☒ CUSTOMER TO REMOVE HUMPS ☒  
 CUST. TO FILL DIPS ☒ CUST. TO OBTAIN PERMIT ☐ CUST. TO ADVISE OF UNDERGROUND OBSTRUCTIONS ☒

## SPECIAL INSTRUCTIONS

Price not subject of escalation if installed by October 30, 1981.

AFTER RECEIPT OF SIGNED COPY FROM BUYER AND APPROVED BY OUR CREDIT DEPARTMENT, THIS PROPOSAL BECOMES A CONTRACT SUBJECT TO ALL CONDITIONS ABOVE.

BUYER'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

BY

 Frank J. Csaszar  
 President

GUTHRIE FENCE &amp; SUPPLY CO., INC.

At this point Councilman Cunningham made the motion to accept the bids and the contract. Councilwoman at Large Trout seconded. The vote was unanimous and so ordered.

REPORT ON 26TH STREET SIDEWALK - COUNCILMAN JOE SAVILLA:

Councilman Savilla stated that he talked with a lot of people and the only thing that he didn't have was a legitimate appraisal from a real estate agent.

After much discussion by Council on the subject of the sale or nonsale of the property, Franklin Gritt stated that it was his understanding that the City has the right-of-way from the center of 26th Street back to and including the fire line. So, one solution would be to have the City put a new sidewalk through there, since the existing sidewalk is broken in several places down next to the curb and then to simply assess all of the adjoining property owners an equal share of the cost of it, that way the City would maintain its property and the whole street gets a new sidewalk and then the man on the corner has an equal obligation to everyone else.

Further discussion was then had with no avail and Councilman Savilla moved to table the problem until the next Council meeting so that Mr. Carl Ashley could see how the other residents of the street felt about the above idea. Councilman Cunningham seconded the motion and it passed unanimously.

ATHLETIC FIELD DRAINAGE PROBLEM REPORT - MAYOR ART ASHLEY:

Mayor Ashley stated that he did write to Union Boiler to appeal to them for engineering services in the upgrading of the ball fields at City Park and that he also talked with Mr. Jack Moody on the subject and presently they are considering the question.

Mayor Ashley stated that he was reluctant to either go back to him or wait any longer to take some action. Councilman Savilla made the motion that the City secure the dirt, spread it out on the fields and sow the grass in the infields, which will eliminate the immediate problems. Councilman Pennington seconded the motion. The motion was voted upon and passed unanimously.

BRIEFING SCHEDULE - 7:00 P.M. BEFORE COUNCIL MEETING: Mayor Ashley announced that he will be available at 7:00 p.m. before each Council meeting for the purpose of a briefing session or anything any Council member might care to discuss before the meetings.

INVENTORY OF EXCESS PROPERTY - MAYOR ART ASHLEY: After discussion, Councilman Pennington moved that the City submit the property for public auction or bid with a minimum and to allow the people who are responsible for the equipment to come up with

that price. Councilman Cunningham seconded the motion. A vote was taken and was unanimous and so ordered.

The items for sale or bid are as follows:

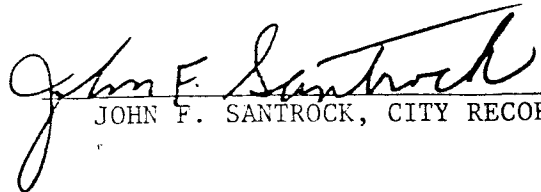
- (1) One 1950 fire truck
- (2) One garbage packer
- (3) Twelve or more bicycles
- (4) Miscellaneous bicycle parts
- (5) One covered charcoal grill (bubble-type)
- (6) One wooden wishing well
- (7) One set of golf clubs
- (8) One truck topper
- (9) One wet/dry vacuum cleaner cannister
- (10) Miscellaneous items

At this point in the proceedings Councilman Pennington moved for the adjournment of the Council meeting. Councilman Savilla seconded the motion. The motion carried.

At 9:15 p.m. the meeting was adjourned.

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ARDEN D. ASHLEY, MAYOR

  
JOHN F. SANTROCK, CITY RECORDER

The following addendum is added to the minutes of the October 20, 1981 Council meeting to give further detail of discussion relative to the Armour Creek repair project.

ADDENDUM TO ARMOUR CREEK REPAIR PROJECT REPORT - MAYOR ART ASHLEY:

As stated in the minutes of the October 20, 1981 Council meeting, the Governor's office has agreed to give the City a quarter of a million dollars (\$250,000.00) from the partnership grant program for the Armour Creek interceptor repair project. Even though the City received the grant, it is not enough to get the job done. It would only add to the amount of money that we have. That the project is already cut to the bones at a million dollars (\$1,000,000.00).

The Mayor went on further to say that if we took this money and went out for bonding it would leave us no reserves for matching funds, it would not get the job done right, and it would only patch the system and we'd still have the problem. He stated the City needs to continue to strive for other funds, either Federal or State government. The City is four hundred thousand dollars (\$400,000.00) shy of the estimated project cost and that was the replacement of the main interceptor line and putting in low stations. Any portion of the work now would not carry the line far enough to really satisfy the basic problem because the repair work was scheduled to come down to 23rd Street from the waste treatment plant and if you take that much money out of the project that had "no fat" in it to begin with, because we cut it down from a million and a half, the only thing we could do is just spread it real thin over the whole system and patch it up or you can start doing the job as it was supposed to be done and bring it about as far as 40th Street.

Councilman at Large Pennington asked about earlier discussions about raising the municipal service fee and was it not included at that time for some portion of that money to go to that project. Mayor Ashley stated that that was the four hundred thousand dollars (\$400,000.00) he mentioned. That's where the matching funds come in and if it was used we couldn't match anything else.

The Mayor further stated that the City was trying to get EPA funding like the other project, but that we would probably never be funded under that due to a waiting list. The City is two hundred and thirty-sixth on the list.

Councilman Savilla asked the Mayor if there was any time limit on the two hundred and fifty thousand dollars (\$250,000.00). The Mayor stated that there was none as far as he knew.

Councilman at Large Pennington brought up the question of going to 40th Street with the money that is available now. Mayor Ashley stated that the task force discussed the bringing of the work intended about as far as 40th Street, which would cost about six hundred and twenty-five thousand dollars (\$625,000.00) roughly, and that would use up our reserve and we would have nothing left to match anyone else with. This may lift the

moratorium, but it would not serve the area of greatest need, which is the portion from 40th Street to 23rd Street.

Another point to consider is the construction of a new line up to that point -- 40th Street -- then the prospects would be pretty good under the Community Development Block Grant Program that the area from 40th Street to 23rd Street be funded due to the fact that it is a low income area. It may be to our advantage. The guidelines from the federal government on the Community Development Block Grant Program are not as yet available, but we know there will be approximately fourteen million dollars in that program. Mayor Ashley stated that we still need to work toward work being done on the entire system.

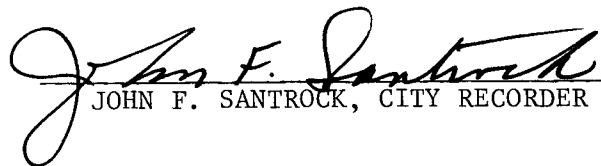
Councilman at Large Pennington asked if it would not be feasible to alleviate some of the problem. Mayor Ashley stated that the problem with doing that is if you get to a point of just responding to a break, then you have only patched and not fixed. You almost have to start at the waste treatment plant and work down.

Mayor Ashley stated that he visited the Governor's office and that Mr. Pat Gallagher was there and said that the City's approved application called for the total repair of the line, so Mayor Ashley thinks they will give us some flexibility, but he doesn't know how much.

The Mayor agreed to keep Council apprised on the applications concerned.

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ARDEN D. ASHLEY, MAYOR

  
JOHN F. SANTROCK, CITY RECORDER





## COUNCIL MEETING MINUTES

## CITY OF NITRO

November 2, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers on November 2, 1981, at 8:00 p.m. Present were Mayor Art Ashley, City Recorder John Santrock, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman at Large Rusty Casto and Councilman Joe Savilla. Also present were City Treasurer Michael Greenleaf and F. Lee Gritt from the City Attorney's office. Absent were Councilman Ronald King, Councilman Omar Cunningham and Councilman Jack Moon.

The invocation was given by Jay Long, Director of the City Recreation Department.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 20, 1981 COUNCIL MEETING MINUTES: Councilman at Large Pennington stated his concern about the Council meeting minutes being too generalized instead of more in form of what was actually said during the meeting. He stated that in his opinion the major part of the discussion on the Council floor should be reflected in the minutes. He referred to Agenda Item Number three about "trick or treat" date and time, and also the committee report on the Armour Creek repair project as being examples of what he was referring to.

Mayor Ashley stated that Councilman at Large Pennington's point is well taken and that perhaps we have gone too far in the other direction in the interest of brevity.

Mr. Santrock, at this point, asked Councilman at Large Pennington to reiterate for him why the City did go to four p.m. to six thirty p.m. on Thursday, October 29, 1981 for "trick or treat" so that the record would reflect the reasons for the change.

Councilman at Large Pennington stated the reasons were because of the Nitro Junior High School football game that was scheduled for seven p.m. October 29, 1981, and also because of the number of people that would be coming into town with their children and cars. He further stated that the reason for the change in date was merely to comply with other towns in the area who were having "trick or treat" on Thursday.

Councilman at Large Casto made the motion to withhold the approval of the October 20, 1981 Council meeting minutes until the next Council meeting for additional information to be entered into the minutes on the above referred to points. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - CHILD PASSENGER RESTRAINING SYSTEM ORDINANCE:

Mayor Ashley introduced Councilman Savilla to read the first reading of the ordinance pertaining to child passenger restraining systems required.

The Ordinance is as follows:

§17C-15-46. Child passenger restraining system required.

"Every driver who regularly and customarily transports a child under the age of five years in a passenger automobile, van or pickup truck other than one operated for hire, which is registered in this state shall, while such motor vehicle is in motion and operated on a public road, street or highway of this state, provide for the protection of such child by properly placing, maintaining and securing such child in a child passenger restraining system meeting applicable federal motor vehicle safety standards in effect on the effective date of this section, including without limitation, a car bed or a car seat meeting such standards; Provided, That if such child is between the age of three and five, a seat belt shall be sufficient to meet the requirements of this section.

"Any person who violates any provision of this section is guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than twenty dollars. Penalties shall not be applied to those drivers who show reasonable proof that they have purchased a child restraint device within thirty days after violation.

"A violation of this section shall not be deemed by virtue of such violation to constitute evidence of negligence or contributory negligence or comparative negligence in any civil action or proceeding for damages."

After the first reading Councilman Savilla moved that Council accept the first reading of said Ordinance. Councilwoman at Large Trout seconded the motion. The vote was unanimous and so ordered.

COMMITTEE REPORTS:

CODIFICATION OF NITRO CITY CODE - MAYOR ART ASHLEY: Mayor Ashley stated that he has been able to obtain, as a commitment from the Regional Intergovernmental Council, an estimate of approximately four thousand dollars (\$4,000.00) for the codification of our City Code. He stated that the Regional Intergovernmental Council have contracted with four cities in this region for the codification of city codes and they are willing to take on ours as well.

Mayor Ashley stated that they are quite familiar with the City's Codes because they have worked with us closely on zoning ordinances and they have a particular individual who is skilled in this task. That the company would be able to start it in May or June, it would be completed within three months, they would offer a semi-annual revision at cost of staff personnel, and they further indicated that they would follow the established format that Michie had followed previously.

Councilman at Large Pennington stated his concern with following the format of the Michie Company, in that he has found, in his experience, the index of Michie products to be very inadequate. He also asked if the Regional Intergovernmental Council was going to give us the computer information offered by the other company, where if we have any new ordinances or provisions or anything that they can get it out of the computer and send it to us like everybody else would.

Mayor Ashley stated that they would follow the established format that is currently acceptable in terms of the use of computers. He explained that what they would do would be to go back through the minutes of every meeting and pick out all the ordinances and comply them and then they would start the editing process to wind up with ordinances on any given subject. Mayor Ashley further stated that as he understood their offer it is consistent with the established formula that is currently being used by other people who are doing this.

Councilman at Large Pennington stated that he feels that the City needs more information before the City commit themselves such as who is

going to do the printing, how many attorneys are involved, how many other cities they have done, et cetera.

Mayor Ashley stated that this is just a preliminary commitment on their part to say that they will pledge to do it if we would contract with them to do so. He suggested that we have a committee meet with them to identify our needs and to delve a little deeper into it before we go and spend ten thousand dollars with another company.

Councilman Savilla moved that Council allow the Regional Intergovernmental Council a chance to make their proposal to Council through a committee. Councilwoman at Large Trout seconded the motion. The vote was unanimous and so ordered.

SIDEWALK PROBLEM ON 26TH STREET - COUNCILMAN JOE SAVILLA: Councilman Savilla stated that he has been unable to get up to 26th Street since the last Council meeting, so as a result of that he had nothing further to report at this time.

Councilwoman at Large Trout moved to just go ahead and have the residents of the street put the sidewalk in up to the house on the corner, not including the sidewalk in front of the house. Councilman at Large Casto seconded the motion.

Before the vote, Mayor Ashley asked that the motion be specified to stated that all of those houses on that street up to the last one be required to replace the sidewalk. That the occupant in the last house have the option to have or not have the sidewalk replaced in front of his home. That permissiveness is only because the house is on the corner and the extenuating circumstances involving the occupant.

Councilman Savilla stated that there could be a problem with occupants in the middle of another block saying, well, you did it for them, why not for me.

Councilman at Large Pennington stated that he felt we were back to square one on the matter and that he moved to table the motion. Councilman Savilla seconded the motion. The vote was unanimous and so ordered.

ALL WEST VIRGINIA CITY REPORT - COUNCILMAN AT LARGE RUSTY CASTO: Councilman at Large Casto stated that in his research to make Nitro an All West Virginia City he feels that the City should have started last year at this time and have kept a diary for the entire year because of the entry requirements involved. As a result of such information discovered Councilman at Large Casto stated that he felt we should start now for 1982 to make Nitro an All West Virginia City, which will be presented in June, 1983, rather than to go ahead with it this year.

Mayor Ashley stated the City does have photographs, et cetera, which would enable the City to participate if it was felt that we go ahead with the plans this year. Councilman at Large Casto stated that

he felt it would be a lot of work for this year, but if Council would want to jump into it and help him, he would give it a try.

Councilman at Large Pennington asked if one of the civic clubs or the like could take this over instead of the City Council using their time and effort for this.

Mayor Ashley stated that he thought we could get the photographs, the activities, and probably the citizens' participation and that it is a tremendous responsibility to do this, but it would be a good experience.

Councilman at Large Casto agreed to go ahead with this year's entry with the help of John Santrock, City Recorder, Councilman Savilla, Eve Frazier, Councilwoman at Large Trout and Mayor Ashley, who volunteered for the committee to assist Councilman at Large Casto in the forming of this year's entry to name Nitro as an All West Virginia City.

STUDENT GOVERNMENT DAY - COUNCILWOMAN AT LARGE MARY TROUT: Councilwoman at Large Trout stated that applications have been filled out at the high school for the filling of the City positions by students from the high school. She stated that the choices have not been made as of yet for the filling of the positions available.

Councilwoman at Large Trout stated that she suggests that on November 17, 1981, Council come to the chambers at 6:45 p.m. to meet with the students assigned to each Council member that particular night. She also suggested that the student accompanying the Fire Chief and the Chief of Police possibly spend the night here with the chiefs and go to school from here in the morning.

Councilwoman at Large Trout also stated that Dr. Charles Byrd of West Virginia State College's communication department is arranging to tape some of these experiences and that it will be aired.

Councilwoman at Large Trout stated that her committee would be meeting again on Thursday if there were any suggestions for the committee to consider.

It was also decided by the committee to have mock Council meetings with two or three social studies classes at a time instead of having one meeting for the entire student body. After the students participate in the Council meeting they would report on the position held that day. She also stated that the committee would like to use some of the Council members to go to the classes for questions from the students.

Councilwoman at Large Trout asked that Council members, when they get the names and phone numbers of the individuals to accompany them, to please contact them as soon as possible to introduce themselves and fill them in as to what is happening.

PURCHASE OF TRASH COMPACTOR - MAYOR ART ASHLEY: Mayor Ashley reported that the City did get the trash compactor from Monsanto and that it is currently being worked on at Monsanto's expense. He further stated that Gene Williams has the plans for the ramp needed in the operation of the compactor, and that it should be operational soon.

Councilman at Large Pennington suggested that the Mayor send a note to Councilman Cunningham acknowledging the fine job and research he did.

SETTLEMENT WITH FIKE CHEMICAL - MAYOR ASHLEY: Mayor Ashley pointed out to Council the copies of the news release and the settlement with Fike Chemical which was jointly signed by Elmer Fike and Mayor Ashley.

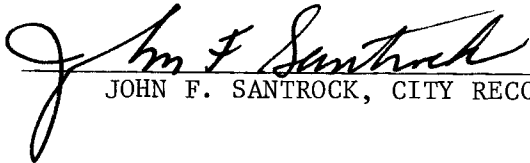
COMMUNITY SUNDAY, NITRO NAZARENE CHURCH - JAY LONG: On behalf of Reverend Ours of the Nitro Nazarene Church, Jay Long announced that this Sunday, November 7, 1981, at 10:30 a.m. is Community Sunday.

Councilman Savilla moved for adjournment. Councilman at Large Casto seconded the motion. The vote was unanimous and so ordered.

At 8:42 p.m., the meeting was adjourned.

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ARDEN D. ASHLEY, MAYOR

  
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JOHN F. SANTROCK, CITY RECORDER

## COUNCIL MEETING MINUTES

## CITY OF NITRO

November 17, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers on November 17, 1981, at 8:00 p.m. Present were Mayor Art Ashley, City Recorder John F. Santrock, Councilwoman at Large Mary Trout, Councilman at Large Rusty Casto, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Ronald King, Councilman Jack Moon and Councilman Omar Cunningham. Also present were City Treasurer Michael Greenleaf and F. Lee Gritt from the City Attorney's office.

The invocation was given by the Reverend Lawrence L. Hoptry, of the First Baptist Church, Nitro, West Virginia.

AGENDA ITEM NO. 1 - INTRODUCTION OF GUESTS: Mayor Ashley asked each Council member to introduce their counterpart for the participation in student government day, those being as follows: Joe Scarberry (Mayor), Becky Jones (City Treasurer), Paul Ter Haar (Administrative Assistant), Angie Landers (Mayor's secretary), Tiina Ahtiane (Councilwoman at Large Trout), Rick Willis (Councilman at Large Pennington), Craig Finch (Councilman at Large Casto), Brian Patchett (Councilman King), Gary Parsons (Councilman Moon), Jeff Dorsey (Councilman Savilla), Perry Sergent (Building Inspector), Tim Greer (Recreation Director), Ben Summers (Director of Public Works), Mike Asbury (City Attorney) and Kathy Brohard (Municipal Judge).

Also introduced was Paul McClanahan, principal of Nitro High School, who is responsible for the presence of the students involved in student government day.

AGENDA ITEM NO. 2 - APPROVAL OF OCTOBER 20, 1981 COUNCIL MEETING MINUTES: Councilman at Large Pennington moved that the minutes of the October 20, 1981 Council meeting, which were tabled at the last Council meeting, be approved. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - APPROVAL OF NOVEMBER 2, 1981 COUNCIL MEETING MINUTES: Councilman Savilla moved that the minutes of the November 2, 1981 Council meeting be approved. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 4 - REGIONAL INTERGOVERNMENTAL COUNCIL PROPOSAL FOR CODIFICATION OF CITY CODE: Mayor Ashley introduced Mr. Byron Carpenter of the Regional Intergovernmental Council to discuss the codification of the Nitro

City Code by his company. Mr. Carpenter stated that the four thousand dollar (\$4,000.00) quoted price is the maximum cost the City will be charged. That the actual cost will depend on Federal and State funding for 1982-1983. He stated that he doesn't have an update cost as of yet. It would be an item for negotiation between Council and the RIC, and that it would strictly be for man hours spent and would probably take one to two man months to complete. Mr. Carpenter stated that he feels it would be around five hundred (\$500.00) to one thousand dollars (\$1,000.00) for the update cost and that he would know in March when the budget is approved.

Councilman Savilla moved to set aside four thousand dollars (\$4,000.00) for the codification of the Code by RIC. The motion was seconded.

Before the vote, Councilman Savilla asked how often the updates will be done. Mr. Carpenter stated that this is also a negotiable point. It could be done monthly, twice a year, quarterly or annually. Councilman at Large Pennington suggested that annually would be sufficient since the present Code hasn't been updated for five or six years.

Councilman Moon stated his concern, at this point, in the utilization of existing legal council of the City to determine adequacy of our review suggested total review and modifications. Would this be an additional cost to the City, back to the City Attorney. F. Lee Gritt, of the City Attorney's office, stated that it would depend on how big a job it would be and the time involved.

Mr. Carpenter stated that in the past they have put together these codes section by section and turned it over to both the City Council and the City Attorney for review at their leisure and to make recommendations back for revisions as needed. He further stated that he wanted to emphasize to the City Council the need felt by RIC for the community attorney to be involved in the actual putting together of the Code, the adoption of the Code and the update of the Code. Past experiences have proven that other cities have felt they benefitted from the City Attorney being active in the preparation and update.

Councilman at Large Pennington stated that he doesn't see how the City Council can vote on the codification during this meeting without seeing a finished product or having any idea of what is going to be presented when the job is done. He stated that he feels it would be a mistake to go ahead at this point with a commitment.

Mr. Carpenter went on to say that it would be on or about June 1, 1982 when they would begin the work on the Code and that it would probably take six or eight months to complete the job.

At this point a vote was taken and was five to three, with Councilman at Large Pennington, Councilman Cunningham and City Recorder John Santrock voting against the motion for the codification by the Regional Intergovernmental Council. The motion carried and was so ordered.



AGENDA ITEM NO. 5 - CITIZEN OF THE MONTH - GARY HILL: Mayor Ashley announced that Mr. Gary Hill of 14th Street, Nitro, has been named citizen of the month of November. Mr. Hill is the manager of the Columbia Cement Corporation and is active in various City affairs.

AGENDA ITEM NO. 6 - SECOND READING OF CHILD PASSENGER RESTRAINING SYSTEM ORDINANCE: Councilman Savilla read the second reading of the ordinance providing for child passenger restraining systems.

The Ordinance is as follows:

§17C-15-46. Child passenger restraining system required.

"Every driver who regularly and customarily transports a child under the age of five years in a passenger automobile, van or pickup truck other than one operated for hire, which is registered in this state shall, while such motor vehicle is in motion and operated on a public road, street or highway of this state, provide for the protection of such child by properly placing, maintaining and securing such child in a child passenger restraining system meeting applicable federal motor vehicle safety standards in effect on the effective date of this section, including without limitation, a car bed or a car seat meeting such standards; Provided, That if such child is between the age of three and five, a seat belt shall be sufficient to meet the requirements of this section.

"A violation of this section shall not be deemed by virtue of such violation to constitute evidence of negligence or contributory negligence or comparative negligence in any civil action or proceeding for damages."

"Any person who violates any provision of this section is guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than twenty dollars. Penalties shall not be applied to those drivers who show reasonable proof that they have purchased a child restraint device within thirty days after violation.

Councilman Savilla moved to approve the second reading of the ordinance for child passenger restraining systems. The motion was seconded and passed unanimously.

AGENDA ITEM NO. 7 - PROPOSED LANDFILL SITE - LETTER DATED 11/9/81 FROM S & S ENGINEERS, INCORPORATED: Mayor Ashley introduced Mr. B. S. Saluja to report on the progress of the Washington Avenue landfill site.

Mr. Saluja began by stating that on October 8, 1981, S & S Engineers sent a letter to the Department of Health asking them to visit the proposed landfill site to evaluate the conditions and to report back to them. On October 12, 1981, the Department of Health responded to their letter and stated that there were concerns about that particular location for the landfill, those being that the site was in the backwaters of the Kanawha River and how was the City going to protect the leech head from going into the river.

It was found in the research of the project that there is a dike presently existing at the backwater site which would help prevent leakage.

The Department of Health stated to S & S Engineers that they will authorize a Class 3 landfill operation, which is for trash of a nondecomposable nature, such as construction material, et cetera -- not garbage -- which is what the City wanted to begin with.

Mr. Saluja further stated that no permit will be needed from the Department of Natural Resources, but one will be required from the Department of Health.

Councilman Savilla moved to go ahead with the plans, which should begin in about four months. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 8 - GUTHRIE FENCE: Mayor Ashley requested of Council to authorize the City to take the money contributed from Shelby Steel, who share a common boundry with the City at the garage, up to the amount of the original contract with Guthrie Fence for fence installation, to be applied to repair of the balance of the fence. He stated that the cost sharing will equal an amount necessary to complete the fence and repair the existing fence.

Councilman at Large Pennington moved for such action. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 9 - REQUEST FROM CHARLES MONK REGARDING MARKING OFF CURB AT HOUSE OF SHOES LOCATED ON FIRST AVENUE: Mayor Ashley opened the discussion by stating that what Mr. Monk of the House of Shoes is requesting is for angle parking alongside of his store and a walkway adjacent to the store, the net effect being the gain of two parking spaces for customers.

Councilman Savilla stated that he feels we need to help our businesses all we can and if there is anyway at all possible we should go along with it.

Councilman Cunningham stated his concern about the traffic through the area and the crossing used frequently by school children.

The idea was discussed to make 11th Street a one-way street. Councilman Moon stated that we could always go back and make it a one-way street if the present idea doesn't work.

Councilman Savilla moved to permit Mr. Charles Monk to provide parking on the side of his store and have a walkway adjacent to his store. The motion was seconded. The vote was six to two, with Councilman at Large Casto opposing the motion and Councilman King abstaining.

AGENDA ITEM NO. 10 - NITRO AS MEMORIAL SITE TO COMMEMORATE ITS PARTICIPATION IN WORLD WAR I - JACK MOODY AS CHAIRMAN OF COMMITTEE: City Recorder John Santrock moved that the City Council look toward November 11, 1983 as a commemoration date, with Jack Moody as chairman to have all the power and authority to get this matter accomplished.

Mayor Ashley stated that what Mr. Moody is looking to do is to arrange for the federal government to declare the entire City as a memorial to World War I.

Councilman Cunningham seconded the motion. The vote was taken and was unanimous. Councilman Pennington abstained.

AGENDA ITEM NO. 11 - WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION'S REQUEST FOR AN AMBIENT AIR MONITORING SHELTER IN NITRO: Councilman Savilla stated that he and the Mayor have had the pleasure of meeting with Mr. Clyde Beard on the 4th of November, 1981, to discuss the Air Pollution Control Commission's request to place a portable monitoring station on the grounds of the Nitro Public Library.

City Recorder Santrock seconded the motion and added the comment that this has been reviewed by the City Attorney and that the Commission should be stated as a lessee. In other words, the Commission will be paying the costs. Also, the agreement can be cancelled by either party within thirty (30) days.

After brief discussion a vote was taken by Council and was unanimous and so ordered. A vote was also taken by the Student Council and was unanimous and so ordered.

AGENDA ITEM NO. 12 - RESOLUTION ON OFFER FROM DEPARTMENT OF HIGHWAY SAFETY: Councilman Savilla introduced Jeff Dorsey to read the resolution expressing a desire to participate in an alcohol and speed enforcement program.

The Resolution is as follows:

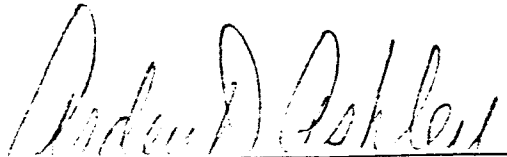
A RESOLUTION EXPRESSING A DESIRE TO PARTICIPATE IN AN ALCOHOL AND SPEED ENFORCEMENT PROGRAM.

WHEREAS, an alcohol and speed enforcement program is being offered to municipalities as a part of the 1982 Highway Safety Plan; and

WHEREAS, Federal funds will be made available to said municipalities on an 80/20 matching fund system; and

WHEREAS, the City of Nitro would be eligible for \$2,800.00 in Federal funds to be matched by City funds in the amount of \$700.00.

BE IT, THEREFORE, RESOLVED by the City Council of the City of Nitro that the City of Nitro desires to participate in a program of alcohol and speed enforcement, utilizing Police Department personnel on an overtime basis, as a part of the 1982 Highway Safety Plan.

  
MAYOR

  
CITY-RECORDER

At this point Councilman Savilla asked that the Resolution be put in the form of a motion. The motion was seconded.

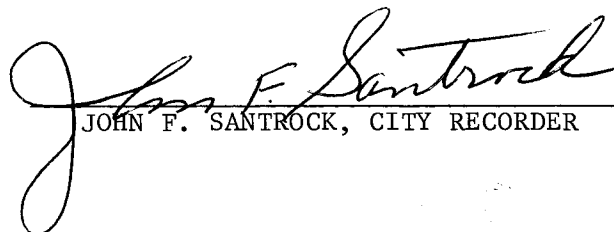
Police Chief Cochran stated that this Resolution will put an extra car out on the weekend nights for a period of four or five hours. It will give the City extra flexibility, extra protection and reduce the number of accidents in the City.

The vote was taken and was unanimous.

Councilman at Large Pennington moved for adjournment. The motion was seconded. The vote was unanimous and so ordered.

At 9:25 p.m., the meeting was adjourned.

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ARDEN D. ASHLEY, MAYOR

  
JOHN F. SANTROCK, CITY RECORDER



## COUNCIL MEETING MINUTES

## CITY OF NITRO

December 1, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers on December 1, 1981 at 8:00 p.m. Present were City Recorder John F. Santrock, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman at Large Rusty Casto, Councilman Jack Moon, Councilman Ronald King and Councilman Omar Cunningham. Also present were City Treasurer Michael Greenleaf and City Attorney W. Stuart Calwell, Jr. Absent were Mayor Art Ashley and Councilman Joe Savilla.

The invocation was given by Pastor Wade Austin, of the Nitro Church of God.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 17, 1981 COUNCIL MEETING MINUTES: City Recorder Santrock began the meeting with a correction on the minutes of the last Council meeting. He stated that on page eighty-six, the last paragraph on the vote for the codification of the City Code by the Regional Intergovernmental Council, that it was Councilman Moon, not City Recorder Santrock, who voted against the codification by RIC.

Also, Councilman at Large Casto stated that on page eighty-nine, paragraph eight, it should be six to one, not six to two, on the vote to allow Mr. Charles Monk to provide parking on the side of his store and have a walkway adjacent to his store.

At this point, Councilwoman at Large Trout moved to accept the minutes of the November 17, 1981 Council meeting as amended. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH - GENE WILLIAMS: Councilman at Large Casto announced that this month's citizen of the month is Gene Williams, the Director of the Nitro Department of Public Works.

AGENDA ITEM NO. 3 - PERMIT FOR CHRISTMAS PARADE: Councilman Cunningham moved that Council issue a permit for the Christmas Parade to be held on December 19, 1981, at 11:00 a.m., in the City. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 4 - FEBRUARY 20, 1981 CELEBRATION: Councilman at Large Casto stated that on Thursday, December 3, 1981, at 6:30 p.m., all interested parties will meet in the Council Chambers to discuss the City's 50th Birthday Celebration. The meeting will end at 8:00 p.m.

Chief Cochran stated that Nitro High School has donated a football for the Time Capsule.

City Recorder Santrock further reiterated on the Time Capsule by stating that the Capsule will be buried at noon on February 20, 1982, and that the parade will be held after the burial. He suggested also that not too many more activities be planned for February 20th, due to the possibility of bad weather. That the Capsule, the parade, and the banquet should be enough. Captian James Lovell has been secured to speak at the banquet.

In addition, Bill Wintz will develop a fifty or sixty page document on the history of Nitro, to go with the program, if we continue the anniversary celebration through the spring festival, as Bill will be out of the community until March 1, 1982.

City Recorder Santrock stated that our goal is to get the entire community involved in the program. Activities will be planned through Saturday, April 17, 1982, and it will give us an opportunity in our quest for All American City and as a World War I memorial city.

Mr. Santrock closed the discussion by inviting all Council members to the meeting on December 3, 1981, to discuss the celebration.

AGENDA ITEM NO. 5 - SENIOR CITIZEN'S CHRISTMAS DINNER, DECEMBER 13, 1981 - 1:00 P.M.: City Recorder Santrock announced that the dinner for the senior citizens will be held at the First Presbyterian Church, December 13, 1981, at 1:00 p.m. That, in the past, Council members and their spouses, and so forth, have served the seniors. Councilwoman at Large Trout moved that Council, and so forth, as last year, serve at the dinner. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 6 - EMPLOYEES' CHRISTMAS DINNER, DECEMBER 13, 1981 - 11:00 P.M.: By way of discussion, City Recorder Santrock announced the employees' Christmas party on December 19, 1981, at 11:00 a.m., at the Nitro Moose Lodge, and that volunteer firemen, auxiliary policemen, and their families are invited.

AGENDA ITEM NO. 7 - AUDIT REPORT: City Recorder Santrock drew to Council's attention the copies of the audit report of the City and asked if there were any comments from the floor.

Councilwoman at Large Trout stated that she feels that Council owes Michael Greenleaf, City Treasurer, a big thank you for the fine work he has done for the City as treasurer. Councilman Cunningham agreed.

City Treasurer Greenleaf stated that he wants to personally thank Mrs. Linda Arthur, Mrs. Thelma Templeton and Mrs. Dot Humphries for their services to the City. That without their cooperation these things would not have been possible.



City Recorder Santrock brought up the fact that it should be sometime soon that the City will be planning a new budget. Mr. Greenleaf said that it should be started in January. Mr. Santrock stated that between March 7th and March 28th, Council has to meet in a special meeting to set the levy rate, and recess that until the third Tuesday in April to approve the budget.

Mr. Santrock raised the question as to why the general property taxes were over-budgeted by one hundred thousand dollars (\$100,000.00). Mr. Greenleaf said that when we took office there were not any records, other than the actual budget, so we didn't know how they came up with that amount, but he does know that an additional amount was added into the assessed evaluation.

City Recorder Santrock stated that he checked back five or six years and it was pretty stable with that.

At this point Councilman Moon asked if now that this budget is in and we have a surplus, will this be added to our revenue as far as this year's budget. Mr. Greenleaf stated that it was up to Council. Council can choose to do that. It would be a beginning fund balance.

Mr. Santrock closed the discussion by pointing out how wonderful it is that the same auditors did this year's budget as did last year's, and that they found no infractions of the State Code, compared to the eight or ten pages of infractions submitted by the auditors last year.

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Discussion was brought up about the Newsletter that is to go to all the citizens of Nitro. It was stated by Councilman Cunningham that he felt a newsletter should go out once every month or so. Councilman at Large Pennington stated that he doesn't feel the City should spend the money sending out a newsletter each month. That the Shopping Guide should be used for that purpose.

After discussion, City Recorder Santrock said that he would talk with Mr. Don March and Mr. Sam Henderson, from Charleston Newspapers, about putting information in the Gazette and The Daily Mail, and that we should wait for a public response on the Newsletter itself.

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City Recorder Santrock called on Mr. Gene Williams to report on the status of the City in the event of winter weather conditions. Mr. Williams, who is the Director of the Department of Public Works, stated that the City has plenty of salt and sawdust for coming conditions and is ready.

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City Recorder Santrock stated that F. Lee Gritt, of the City Attorney's office, submitted to him a copy of the rules and regulations for the Nitro Fire Department. The document of approximately forty (40) pages is in the City Recorder's office. He further stated that the City, now, has to write resolutions and suggest any changes needed relative to acceptance.

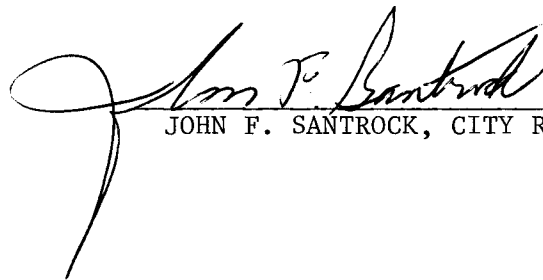
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Councilman Cunningham moved to adjourn the meeting. The motion was seconded. The vote was unanimous and so ordered.

At 8:49 p.m., the Council meeting was adjourned.

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ARDEN D. ASHLEY, MAYOR



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JOHN F. SANTROCK, CITY RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

December 15, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers on December 15, 1981 at 8:00 p.m. Present were Mayor Art Ashley, City Recorder John Santrock, Councilman at Large Mel Pennington, Councilwoman at Large Mary Trout, Councilman at Large Rusty Casto, Councilman Joe Savilla, Councilman Ronald King, Councilman Jack Moon, and Councilman Omar Cunningham. Also present were City Treasurer Michael Greenleaf and W. Stuart Calwell, Jr., City Attorney.

The invocation was given by The Reverend Wade L. Austin of the Nitro Church of God.

Councilman at Large Pennington asked that all persons present pledge allegiance to the Flag to commemorate the anniversary of forty years since the engagement of the second World War.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 1, 1981 COUNCIL MEETING MINUTES: Councilman at Large Casto moved that the December 1, 1981 Council meeting minutes be approved. The motion was seconded and the vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - PROHIBITED PARKING ON SOUTH SIDE OF WV 25, MILEPOST 2.19, TO MILEPOST 2.22. TOTAL DISTANCE OF 160 FEET: Councilman Cunningham moved that Council pass a resolution to prohibit parking at the above-referenced location, at any time other than in emergency cases. The motion was seconded and the vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - OFFICIAL ACCEPTANCE OF SLOGAN "50 AND JUST BEGINNING": City Recorder Santrock made the motion that Council accept the suggestion of the slogan "50 and Just Beginning" for the City's 50th Birthday Celebration, which seems most acceptable to the people of the City. The motion was seconded and the vote was unanimous and so ordered.

AGENDA ITEM NO. 4 - CITY TO UNDERWRITE UP TO \$5,000 FOR 50TH ANNIVERSARY CELEBRATION: City Recorder Santrock moved that the City underwrite five thousand dollars (\$5,000) for the 50th Anniversary Celebration. Councilman at Large Casto seconded the motion.

By way of discussion, Councilman at Large Casto stated that Mr. Bill Wintz will be preparing a history of Nitro for the City to sell, along with a few other things, to cover the expenses of the project. Councilman at Large Casto stated that the City is needed to underwrite the committee with five thousand dollars (\$5,000).

After the presentation of some of the material gathered for the 50th Anniversary, Mayor Ashley asked for a vote on the motion. The vote was unanimous and so ordered.

AGENDA ITEM NO. 5 - SOCIAL SECURITY APPLICATION: Mayor Ashley moved that Council permit, in two years, an examination of a continuation of social security participation on the part of City employees. He stated that what we are requesting is for Council to sanction the application for consideration of terminating the social security participation of January, 1984. That if the application is not made by the end of the month, it would be another year before we could submit that application, which will take a two-year period.

Councilman Moon moved to accept the motion. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 6 - COMMUNICATIONS: Mayor Ashley called upon Chief Hedrick of the Fire Department to discuss the need for a new emergency communications system for the Fire and Police Departments. He stated that General Electric, RCA and Motorola were invited to make presentations to both departments and that Motorola was the only one to show up to make recommendations.

Chief Hedrick stated that Motorola advised that the City needs a "repeater-type system", which includes twenty-five new pagers and three hand-held walkie-talkies for the Fire Department and at least three for the Police Department, at a price of approximately eighteen thousand dollars (\$18,000).

At this point the Chief asked Council for ten thousand dollars (\$10,000) to be added to the grant of thirty-nine thousand dollars (\$39,000) to purchase the equipment.

The Chief further stated that the emergency system was for a frequency by itself, with the capability to switch over to the City's frequency and from the new equipment to the old.

Councilman at Large Pennington asked the City Treasurer if the City had the funds for this project. Mr. Greenleaf stated that we do, due to the collection of more B & O taxes than expected.

Councilman Savilla moved to give the Fire and Police Departments the ten thousand dollars (\$10,000) needed for the additional funding of the emergency systems project. The motion was seconded. The vote was taken and was unanimous. Councilman at Large Pennington abstained.

AGENDA ITEM NO. 7 - TWO-HOUR PARKING ON 20TH STREET: After discussion, Councilman Cunningham made the motion to restrict parking on 20th Street to two-hour parking from eight to four, Monday through Friday, due to those persons leaving their vehicles there all day and not having parking left for those visiting City Hall or shopping at nearby businesses. The motion was seconded. The vote was taken and was six to two, with Councilmen at Large Pennington and Casto opposing.

COMMITTEE REPORTS

Mayor Ashley announced that each Council member had in front of them a computer printout which contained the July, August and September financial statement. He further stated that upon the arrival of the October, November financial statements a workshop session will be called to explain financial statements and have any questions answered that anyone might have.

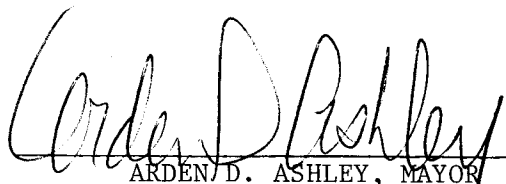
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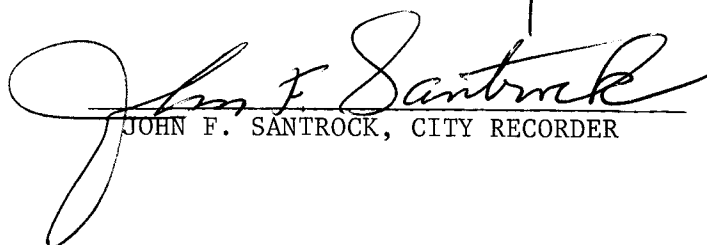
Councilman Cunningham announced the receipt of the trash compactor from Monsanto. Larry Angell of the Department of Public Works stated that the Department has decided to sandblast the compactor to remove any rust, et cetera, from the sides of the compactor, which is the most efficient way and least expensive way to do such, and that this will be done as soon as possible.

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Councilman Moon moved that the meeting be adjourned. The motion was seconded. The vote was unanimous and so ordered.

At 9:01 p.m., the meeting was adjourned.

  
ARDEN D. ASHLEY, MAYOR

  
JOHN F. SANTROCK, CITY RECORDER



## COUNCIL MEETING MINUTES

## CITY OF NITRO

January 5, 1982

The regular meeting of the Nitro City Council was called to order in the Council Chambers on January 5, 1982 at 8:00 p.m. Present were Mayor Art Ashley, City Recorder John Santrock, Councilman at Large Mel Pennington, Councilwoman at Large Mary Trout, Councilman at Large Rusty Casto, Councilman Joe Savilla, Councilman Ronald King, Councilman Jack Moon and Councilman Omar Cunningham. Also present were City Treasurer Michael Greenleaf, F. Lee Gritt of the City Attorney's office, Bob Sergent, Building Inspector, and guests. Roger Tompkins, member of the State Legislature from Kanawha County, was among the guests present.

The Council meeting was preceded by a 6:00 p.m. session with members of our legislature and neighboring municipal representatives.

The invocation was given by Councilman Joe Savilla.

AGENDA ITEM NO. 1 - CITIZEN OF THE MONTH: Mayor Ashley presented Nitro's Citizen of the Month, Mr. Charles Miller. Charlie gives many volunteer hours serving Nitro's citizenry. Senior citizen van driver, youth and recreation programs, and wherever help is needed.

Members of Council and guests expressed sincere appreciation to Charlie as he accepted the plaque of recognition.

AGENDA ITEM NO. 2 - APPROVAL OF DECEMBER 15, 1981 COUNCIL MEETING MINUTES: Council approved unanimously the minutes of the December 15, 1981. The motion was made by Councilman at Large Casto and was seconded.

AGENDA ITEM NO. 3 - HEATING SYSTEM FOR CITY BUILDING: Mayor Ashley and City Building Inspector Bob Sergent discussed the need for a new heating system for the City building, with the major reasons being as follows:

- (1) Need recommended two years ago, but not affordable at that time.
- (2) Heat chamber possibly cracked.
- (3) With cold weather approaching the City building could be without heat and it could be more costly.

City Treasurer Michael Greenleaf affirmed that the money is available for the project.

Councilman King read the following bids:

- |                                      |            |
|--------------------------------------|------------|
| (1) Teays Valley Heating and Cooling | \$2,197.00 |
| (2) St. Albans Metal Works           | 1,800.00   |
| (3) Vanoy's Service Center Co., Inc. | 2,775.00   |
| (4) Echo Service, Inc.               | 1,884.00   |

Mr. Sergeant, at this point, recommended that Council accept the bid of Teays Valley Heating and Cooling at \$2,197.00, as it has the best equipment and services offered for the bid.

Councilman Cunningham made the motion to accept the bid from Teays Valley Heating and Cooling for \$2,197.00. The motion was seconded. Following discussions and questions, Councilman Cunningham and Councilman King requested an amendment be put in the contract for the removal of the old equipment and a complete installation of new equipment by the bidder, and a one-year warrantee. All Councilmembers voted favorably, with Councilman Pennington abstaining.

#### COMMITTEE REPORTS

The possibility of a raffle was discussed for the disposal of the 1957 Fire Truck owned by the City Fire Department, with winners being drawn at the conclusion of the Spring Festival in April.

The discussion ended with a motion by Councilman at Large Casto to table the idea until information can be gotten as to the legality of this method of disposing of City property. The motion was seconded and the vote was unanimous and so ordered.

Councilman at Large Casto and City Recorder John Santrock discussed the progress of "50 and Just Beginning" anniversary. Councilman at Large Casto, at this point, presented the winner of the West Sattes Elementary School essay contest. Miss Sylvia Ray read her winning essay, which is as follows:



S. Gloria King

E. Sattes

Dec. 18, '61

## Nitro - 2031

In the year 2031 Van Buren  
 will be filled with the latest  
 fashions. This will be low cut  
 1/2 neck sweaters, T-shirts, and designer  
 jeans. The schools will be closed and  
 teachers out of work for computers  
 will take their place. The high school  
 will be a theater and concert hall  
 for the most popular electronic music.  
 The fire department will be closed  
 for along with computers, houses  
 will have their own systems for  
 putting out fires. The streets will  
 be empty, for teenagers will have  
 been drafted to join the war  
 against Russia and other communist  
 countries. The Nitro Newstand will  
 fall on financial hard times and  
 eventually close because computers

by a robot

will flash the news and latest reports  
on the war.

Instead of having your husband go  
to the store you will have your own  
computer programmed robot, run  
your errands. The new method of Transpo-  
rtation will be cars which travel at  
the speed of light. Food will be instant  
with a drop of water. Church groups will  
go door to door asking for donations.

There will be a great hole in the earth  
as we open the time capsule and  
look back on - 1981

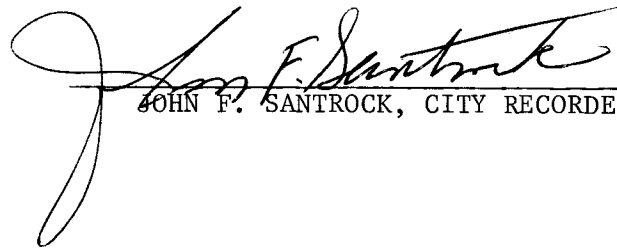
Both Councilman at Large Casto and City Recorder John Santrock agreed that much work remains to be accomplished before the kickoff parade on February 20, 1982. Events are being scheduled through Armed Forces Day, November 11, 1982.

Councilman Ronald King moved that the meeting be adjourned. The motion was seconded. The vote was unanimous and so ordered.

At 8:40 p.m., the meeting was adjourned.

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ARDEN D. ASHLEY, MAYOR



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JOHN F. SANTROCK, CITY RECORDER



## COUNCIL MEETING MINUTES

## CITY OF NITRO

January 19, 1982

The regular meeting of the Nitro City Council was called to order in the Council Chambers on January 19, 1982 at 8:00 p.m. Present were Mayor Art Ashley, City Recorder John Santrock, Councilman at Large Mel Pennington, Councilwoman at Large Mary Trout, Councilman at Large Rusty Casto, Councilman Joe Savilla, Councilman Jack Moon, Councilman Ronald King, and Councilman Omar Cunningham. Also present were City Treasurer Michael Greenleaf and F. Lee Gritt of the City Attorney's office.

The invocation was given by The Reverend William Westlund of the First Presbyterian Church in Nitro.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 5, 1982 COUNCIL MEETING MINUTES: Councilman Savilla moved that the minutes of the January 5, 1982 Council meeting be approved. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - SPECIAL ELECTION FOR ADDITIONAL MUNICIPAL LEVY-----  
RESOLUTION: City Recorder Santrock read the first reading of the resolution for special election for additional municipal levy.

The Resolution is as follows:

**NOTICE OF SPECIAL ELECTION****FOR****ADDITIONAL MUNICIPAL LEVY****TO THE VOTERS OF NITRO, WEST VIRGINIA:****TAKE NOTICE**

That a regular meeting of the Council of the City of Nitro, State of West Virginia, held on the 2nd day of February, 1982, the following order was made and entered of record, to-wit:

The Council of the City of Nitro, being of the opinion that the maximum levies for current expenses authorized by Article B, Chapter 11 of the Code of West Virginia, as amended, will not provide sufficient funds for the payment of the current expenses of the City of Nitro, including expenditures for the purposes hereinafter set forth, and that an election should be held to increase such levies under the provisions of Section 16, Article 18, Chapter 11 of the Code of West Virginia, as amended, it is hereby ordered:

1. That the purpose for which additional funds are needed is as follows:
  - (a) Street Maintenance and Repairs
  - (b) Parks and Recreation
  - (c) Firemen's Wages
  - (d) Additional Street Lighting
  - (e) Policemen's Wages
  - (f) Library
  - (g) Fire Hydrant Rental
2. That the approximate amount for each purpose is as follows:
  - (a) Street Maintenance and Repairs, \$12,305.00 for each fiscal year, for a period of three years.

- (b) Parks and Recreation, \$9,410.00 for each fiscal year, for a period of three years.
  - (c) Firemen's Wages, \$13,753.00 for each fiscal year, for a period of three years.
  - (d) Additional Street Lighting, \$7,238.00 for each fiscal year, for a period of three years.
  - (e) Policemen's Wages, \$20,991.00 for each fiscal year, for a period of three years.
  - (f) Library, \$5,791.00 for each fiscal year, for a period of three years.
  - (g) Fire Hydrant Rental, \$2,895.00 for each fiscal year, for a period of three years.
3. That the total approximate amount for said purpose or purposes is \$72,383.00 for each fiscal year for a period of three years.
  4. That the separate and aggregate assessed valuation of each class of taxable property within the municipality of Nitro is as follows: Class I - \$3,784,310; Class II - \$17,397,246; Class IV - \$20,444,006; Aggregate - \$39,354,023.
  5. That the proposed additional rate of levy in cents on each class of property is as follows: Class I - 6.25¢; Class II - 12.5¢; Class IV - 25¢.
  6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1982; July 1, 1983; and July 1, 1984.
  7. That the question of such additional levy shall be submitted to a vote at a special election to be held on the 6th day of March, 1982.

8. That the notice calling such election shall be given by the publication of this Order at least once each week for two successive weeks before said election, within fourteen consecutive days next preceding the election. Printed copies of this Order shall also be posted at each place of voting at least ten days before said election. All the provisions of the laws concerning General Election shall be used at such election when held in connection with any other election.
9. That the ballot to be used at such election shall be in for as follows:

"OFFICIAL LEVY BALLOT"  
"CITY OF NITRO"  
"WEST VIRGINIA"  
"SPECIAL ELECTION"

Special election to authorize additional levies for the fiscal year's beginning July 1, 1982; July 1, 1983; and July 1, 1984, for the following purposes and in the approximate amounts set forth as follows:

- (a) For street maintenance and repairs, the annual approximate amount of \$12,305.00.
- (b) For parks and recreation, the annual approximate amount of \$9,410.00.
- (c) For firemen's wages, the annual approximate amount of \$13,753.00.
- (d) For additional street lighting, the annual approximate amount of \$7,238.00.
- (e) For policemen's wages, the annual approximate amount of \$20,991.00.



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- (f) For the Library, the annual approximate amount of \$5,791.00.
- (g) For fire hydrant rental, the annual approximate amount of \$2,895.00.
- \*\*\* The annual total approximate amount to be expended during the term of this levy is \$72,838.00.

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


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

- ( ) For the Levies
- ( ) Against the Levies

Council of the City of Nitro

BY: \_\_\_\_\_ Mayor

Attest:

 City Recorder

After the reading of the Resolution, the City Recorder further stated that the accounts are the same percentages as have been passed for the last thirty-four years.

City Recorder Santrock also recommended that the City use paper ballots as opposed to vote-a-matic for the voting. He stated that the idea was checked out with Peggy Miller, Kanawha County Clerk, and Charles Farley, Putnam County Clerk.

Councilman Savilla moved that Council approve the first reading of the Resolution and the use of paper ballots. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - EXPENSES FOR CHRISTMAS LIGHTING: By way of report, Mayor Ashley stated that for the past two years Appalachian Power Company has been sending the Nitro Lions Club the bill for the electricity used to burn the Christmas lights. He stated that apparently there was a misunderstanding somewhere along the line as to who was to pay this bill. The Mayor further stated that the City is trying to go back to the power company and get some background information on the bills in the past.

Mayor Ashley stated that up to this point the bills are paid, but for next year and years to come there should be something allocated in some budget so that it doesn't come as a surprise.

AGENDA ITEM NO. 4 - APPROVAL OF APPOINTMENT OF MAX LEMMA AS SANITARY BOARD TREASURER: Councilman at Large Casto moved that the Council approve the appointment of Max Lemma as the new Sanitary Board Treasurer, with the compensation rate remaining the same. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 5 - WINNERS OF ELEMENTARY SCHOOLS' ESSAY CONTEST: Councilman at Large Casto announced to Council the winners of the elementary schools' essay contest. The winners are as follows: Sylvia Ray of West Sattes Elementary; Chris Smith and Dezra Javens of Baker Elementary; O. J. Estep of Nitro Elementary; and Jo Lynn Collins of Nitro-Putnam Elementary.

The winning essays in possession are as follows:

150 years Nitro will have more modern buildings. Cars will be lighter in weight and also use less gasoline and oil. Restaurants will serve dehydrated food. Schools will have better athletic equipment. Nitro Putnam Elementary school will have a library. Houses will be larger and better as well as fancier... apartments will probably be the same.

Toys will be better, someone might invent a doll that gets the hic-ups after giving it water. If you're rich you will have a computerized keyboard and at a touch of a button you will have the most beautiful clothes that you have ever seen or, the **tastiest** food in the world. I think that there will be a lot of zany inventions such as programmed robots that do anything you tell **them** to or a pen that writes what you tell it to without even touching **it** or an automatic rocking chair. I think appliances will be more sophisticated but still have some resemblance to the ones we use now. I think that there will be a woman mayor and also

have less people committing crimes  
(I hope!) I think that there will be  
a planetarium and a bigger and  
better library. I also think that  
there will be a lot less pollution.

If we can find peace between nations  
wars would end and Nitro would be  
a better place to live in. (not that  
there are any involving us at the time.)

To Lynn Collins



To Lynn Collins

Jan 2/77

## What Nitro Will Be Like in 50 Years

Nitro ~~would~~ <sup>will</sup> probably replace all the stores with living facilities. And everyone will probably have a computer at home to teach them. All kinds of doctors will centralize into one medical center. Very few people will own their own method of transportation, which will probably be underground. Most of the houses will be built underground and will have solar panels in the roof for heating and cooling. All stores will be centrally located in a mall. The cashiers in the stores will use special registers to ring up computer marked packages. The bank tellers will be replaced by talking computers. People won't use paper checks to get money or to buy things. They'll use plastic credit cards. Cards. Everyone will have answering machines built

into their homes and use television screens so they can see the people who call them. People won't use catalogs to order things through. They'll use a special Channel on their television sets. There will be a lot of dehydrated foods that you can store for a long time. Houses will have air purifying units built in. Plants and factories will be required to have glass bubbles around them. The city will have solar powered generators to supply electricity. Cars will be propelled by steam, air, and solar energy.

AGENDA ITEM NO. 8 - LETTER FROM LOYAL ORDER OF MOOSE: Mayor Ashley read a letter he received from the Moose Lodge which thanked the City and its employees for the fine service they have received. To show their appreciation, the Moose Lodge picked up the tab for the City's Christmas Party, which was held on December 19, 1981, at the Moose Lodge.

AGENDA ITEM NO. 9 - ADDITIONAL POLICE OFFICER FOR POLICE DEPARTMENT: Mayor Ashley called on Councilman Savilla to discuss the reinstatement of John Joyce in the Nitro Police Department. Mr. Joyce would be used in such instances as filling in for vacationing officers, investigative work, a plain-clothes officer, et cetera. Chief Cochran stated that there are many reasons why we need another police officer. Another important point discussed was the fact that John Joyce is already Academy trained, which will save the City approximately six to seven thousand dollars.

Councilman Savilla moved that Council accept the addition of an officer to the Nitro Police Department. The motion was seconded. There being no further discussion, the vote was taken and was unanimous and so ordered.

AGENDA ITEM NO. 7 - KANAWHA COUNTY AMBULANCE AUTHORITY: Mr. Keith Pridemore from the Kanawha County Ambulance Authority introduced a slide presentation put together by the employees of the Kanawha County Ambulance Authority.

After the slide presentation and some discussion about the procedures of the ambulance authority, Mayor Ashley stated that even though there are reasons for all the actions of the KCAA, the fact still remains that Nitro is without its own ambulance service and the small difference in the time element could mean the very life of someone in need.

#### COMMITTEE REPORTS

City Recorder Santrock stated that all is going well on the plans for the 50th Birthday celebration and that the committee is still meeting on Thursday evenings. Councilman at Large Casto stated that Nitro Elementary School has planned a birthday party for the City Council and all City Officials on February 19, 1982.

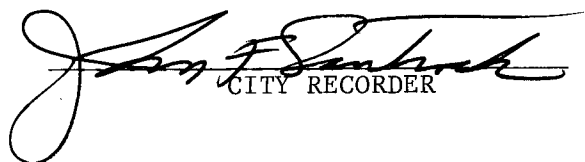
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Councilwoman at Large Trout moved that the meeting be adjourned. The motion was seconded. The vote was unanimous and so ordered.

At 9:33 p.m., the meeting was adjourned.

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MAYOR

  
CITY RECORDER





COUNCIL MEETING MINUTES

CITY OF NITRO

February 2, 1982

The regular meeting of the Nitro City Council was called to order in the Council Chambers on February 2, 1982 at 8:00 p.m. Present were City Recorder John F. Santrock, City Treasurer Michael E. Greenleaf, Councilwoman at Large Mary Trout, Councilman at Large Rusty Casto, Councilman Ronald King, Councilman Jack Moon and Councilman Omar Cunningham. Also present was F. Lee Gritt, Esquire, of the City Attorney's office. Absent were Mayor Art Ashley, Councilman at Large Mel Pennington, and Councilman Joe Savilla.

The invocation was given by Mr. Jimmy Keegan, the Youth Director of the First Presbyterian Church of Nitro.

AGENDA ITEM NO. 1 - CITIZEN OF THE MONTH: City Recorder Santrock announced the awarding of "Citizen of the Month" for the month of February to Mr. Andy Knicely for his continued service in the community and the action taken by him in a recent difficult situation in the basketball league. The plaque was accepted by Mr. Kenneth Knicely for his son Andy. Mr. Knicely also reminisced concerning his continued residence in Nitro.

AGENDA ITEM NO. 2 - APPROVAL OF JANUARY 19, 1982 COUNCIL MEETING MINUTES: Councilman Cunningham moved to accept the minutes of the February 2, 1982 Council meeting as written. The motion was seconded by Councilman at Large Casto. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - WV CITIZEN ACTION GROUP - PERMISSION TO SOLICIT MUNICIPAL LEVY RESOLUTION: Council heard a presentation by Ms. Adrienne Worthy, Director of Canval Operations for West Virginia Citizens Action Group. Councilman Cunningham moved to table the matter until the next Council meeting. The motion was seconded and the vote was unanimous.

AGENDA ITEM NO. 4 - SECOND READING OF RESOLUTION FOR SPECIAL ELECTION FOR ADDITIONAL MUNICIPAL LEVY: Councilwoman at Large Trout read the second reading of the resolution for special election for additional municipal levy.

The Resolution is as follows:

NOTICE OF SPECIAL ELECTION

FOR

ADDITIONAL MUNICIPAL LEVY

TO THE VOTERS OF NITRO, WEST VIRGINIA:

TAKE NOTICE

That a regular meeting of the Council of the City of Nitro, State of West Virginia, held on the 2nd day of February, 1982, the following order was made and entered of record, to-wit:

The Council of the City of Nitro, being of the opinion that the maximum levies for current expenses authorized by Article B, Chapter 11 of the Code of West Virginia, as amended, will not provide sufficient funds for the payment of the current expenses of the City of Nitro, including expenditures for the purposes hereinafter set forth, and that an election should be held to increase such levies under the provisions of Section 16, Article 18, Chapter 11 of the Code of West Virginia, as amended, it is hereby ordered:

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

- (a) Street Maintenance and Repairs
- (b) Parks and Recreation
- (c) Firemen's Wages
- (d) Additional Street Lighting
- (e) Policemen's Wages
- (f) Library
- (g) Fire Hydrant Rental

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

- (a) Street Maintenance and Repairs, \$12,305.00 for each fiscal year, for a period of three years.

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- (b) Parks and Recreation, \$9,410.00 for each fiscal year, for a period of three years.
  - (c) Firemen's Wages, \$13,753.00 for each fiscal year, for a period of three years.
  - (d) Additional Street Lighting, \$7,238.00 for each fiscal year, for a period of three years.
  - (e) Policemen's Wages, \$20,991.00 for each fiscal year, for a period of three years.
  - (f) Library, \$5,791.00 for each fiscal year, for a period of three years.
  - (g) Fire Hydrant Rental, \$2,895.00 for each fiscal year, for a period of three years.
3. That the total approximate amount for said purpose or purposes is \$72,383.00 for each fiscal year for a period of three years.
  4. That the separate and aggregate assessed valuation of each class of taxable property within the municipality of Nitro is as follows: Class I - \$3,784,310; Class II - \$17,397,246; Class IV - \$20,444,006; Aggregate - <sup>41,625,562</sup>~~\$39,354,023~~.
  5. That the proposed additional rate of levy in cents on each class of property is as follows: Class I - 6.25¢; Class II - 12.5¢; Class IV - 25¢.
  6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1982; July 1, 1983; and July 1, 1984.
  7. That the question of such additional levy shall be submitted to a vote at a special election to be held on the 6th day of March, 1982.

8. That the notice calling such election shall be given by the publication of this Order at least once each week for two successive weeks before said election, within fourteen consecutive days next preceding the election. Printed copies of this Order shall also be posted at each place of voting at least ten days before said election. All the provisions of the laws concerning General Election shall be used at such election when held in connection with any other election.
9. That the ballot to be used at such election shall be in for as follows:

"OFFICIAL LEVY BALLOT"  
"CITY OF NITRO"  
"WEST VIRGINIA"  
"SPECIAL ELECTION"

Special election to authorize additional levies for the fiscal year's beginning July 1, 1982; July 1, 1983; and July 1, 1984; for the following purposes and in the approximate amounts set forth as follows:

- (a) For street maintenance and repairs, the annual approximate amount of \$12,305.00.
- (b) For parks and recreation, the annual approximate amount of \$9,410.00.
- (c) For firemen's wages, the annual approximate amount of \$13,753.00.
- (d) For additional street lighting, the annual approximate amount of \$7,238.00.
- (e) For policemen's wages, the annual approximate amount of \$20,991.00.

-4-

- (f) For the Library, the annual approximate amount of \$5,791.00.
- (g) For fire hydrant rental, the annual approximate amount of \$2,895.00.
- \*\*\* The annual total approximate amount to be expended during the term of this levy is \$72,383.00.

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

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

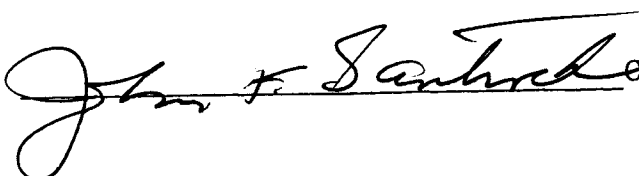
( ) For the Levies

( ) Against the Levies

Council of the City of Nitro

BY: \_\_\_\_\_ Mayor

Attest:

 City Recorder

After the second reading of the Resolution, Councilman Cunningham moved that Council approve the Resolution as written and read. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 5 - REPORT ON LANDFILL: City Recorder Santrock stated that he met with Mr. B. J. Saluja from S & S Engineering, and he brought with him the final form that was to be submitted. He stated that there was only one part of the form that there was any problem with and that was the identification of those who were petitioning.

Mr. Santrock stated that F. Lee Gritt of the City Attorney's office was to be in contact with S & S Engineering on February 1, 1982, and was to submit the petition to accompany the original application.

AGENDA ITEM NO. 6 - COUNCIL MEETING/TOWN MEETING ON MARCH 16, 1982  
NITRO JR. HIGH SCHOOL: City Recorder Santrock stated that on March 16, 1982 a Council meeting/Town meeting will be held at 8:00 p.m. at the Nitro Jr. High School. He stated also that according to Law, the City must have a meeting prior to March 29, 1982, relative to the budget.

Councilwoman at Large Trout moved that we have the Council meeting at 6:00 p.m. and the Town meeting at 8:00 p.m., at the Nitro Jr. High School. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 7 - LEGISLATIVE REPORT: City Recorder Santrock announced that the Mayor was in Washington D. C., at the time. at the National Association of Small Cities, as a representative of West Virginia.

City Recorder Santrock further stated that in his absence he represented the Mayor at the Municipal League's quarterly meeting, which is a legislative-type meeting, and reported that there is no sympathy this year for negotiations in either House; that services charged by the City on individuals and industries one mile outside the City limits is a possibility; and that the hotel/motel bill was ruled unconstitutional and new legislation is being written so taxes may be made for all size cities on hotels and motels.

AGENDA ITEM NO. 8 - 50TH BIRTHDAY CELEBRATION: City Recorder Santrock pointed out the copy of the Putnam County Commission resolution and the Kanawha County Commission resolution.

Mr. Santrock stated that the interest is great on the whole celebration and that things are moving along well.

At this point, Councilman at Large Casto moved that the Council meeting to be held on February 16, 1982 be moved up to 6:00 p.m., so that Council members could attend the party planned for them by Nitro-Putnam Elementary School. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 9 - SPRING FESTIVAL: City Recorder Santrock stated that the Spring Festival is a part of the 50th Birthday Celebration and it looks as though it is going to go real well. He stated that he was working with Hecks and with Mr. Bill Withrow, Chairman of the race, and that Hecks will expend up to five thousand dollars for the festival.

At this point, City Recorder Santrock moved Agenda Item no. 11 to this spot, as it is a part of the Spring Festival and 50th Birthday Celebration. He stated that on February 19, 1982 the Nitro Elementary School has invited the City Council to their own 50th Birthday Celebration.

AGENDA ITEM NO. 10: WORD PROCESSING EQUIPMENT: City Recorder Santrock called upon Mike Greenleaf, City Treasurer, to make a presentation on the progress of the purchase of a word processor for City Hall.

After an explanation of the word processing equipment, Mr. Greenleaf stated that the two possibilities to be considered are the IBM Word Processor, which sells for approximately eleven thousand dollars, at an approximate monthly cost of three hundred and fifty dollars and a maintenance cost of twelve hundred dollars per year; and the Xerox 820 for approximately seven thousand dollars, with a monthly cost of two hundred and thirty-one dollars a month for thirty-six months, the maintenance cost being six hundred dollars per year.

After discussion about comparison with other machines of this nature, Councilman Cunningham moved to go ahead with the purchase on a buy/lease basis of the Xerox 820 model word processor. The motion was seconded. The vote was taken and was unanimous, with Councilman Moon abstaining.

#### COMMITTEE REPORTS


Councilman King, at this point, wanted to commend the Department of Public Works and its directors for the fine job they have done in their efforts in fighting the winter conditions that have arisen.

Councilman at Large Casto brought up the fact of purchasing carpet for the Council Chambers and the area of the City Recorder's office. He stated that he doesn't feel that the City should be "spending money like water", but that since the 50th Birthday Celebration and the moving up of the City publically, he feels that appearance is important. Councilman at Large Casto moved that Council reexamine the issue of putting carpet in the Council Chambers and the City Recorder's office area. Councilwoman at Large Trout seconded the motion. The vote was unanimous and so ordered, with Councilman Cunningham abstaining.

City Recorder Santrock announced the appointment of Mr. Gary Pullin, Esquire, as the new Nitro City Judge. He also stated that Mr. John Joyce has been reinstated in the Nitro Police Department, as per the request of Council at the last meeting. He was sworn in on January 31, 1982.

Councilwoman at Large Trout moved to adjourn the meeting. The motion was seconded. The vote was unanimous and so ordered.

The meeting was adjourned at 9:16 p.m.

  
JOHN F. SANTROCK, CITY RECORDER

\_\_\_\_\_  
ART ASHLEY, MAYOR





## COUNCIL MEETING MINUTES

## CITY OF NITRO

February 16, 1982

The regular meeting of the Nitro City Council was called to order in the Council Chambers on February 16, 1982 at 6:00 p.m. Present were Mayor Art Ashley, City Recorder John F. Santrock, City Treasurer Michael Greenleaf, Councilwoman at Large Mary Trout, Councilman at Large Rusty Casto, Councilman at Large Mel Pennington, Councilman Ronald King, and Councilman Omar Cunningham. Also present was F. Lee Gritt, Esquire, of the City Attorney's office. Absent were Councilman Joe Savilla and Councilman Jack Moon.

The invocation was given by Father John Ledford of the Holy Trinity Catholic Church of Nitro.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 2, 1982 COUNCIL MEETING MINUTES: Councilman Cunningham moved to accept the minutes of the February 2, 1982 Council meeting as written. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - WV CITIZEN ACTION GROUP - PERMISSION TO SOLICIT MONEY AND SUPPORT IN NITRO: City Recorder Santrock moved that the City Council grant permission to the West Virginia Citizen's Action Group to solicit in the City from February 17th to March 17th of this year. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - EXCESS LEVY ELECTION OFFICIALS FOR SPECIAL ELECTION, MARCH 6, 1982: Mayor Ashley called upon City Recorder Santrock to discuss the excess levy election officials for the special election to be held on March 6, 1982. He pointed out to Council the list of those people to serve as election officials at the election. He stated that the list of people is, for the most part, made up of people used in the last three or four years and are very experienced, non-partisan individuals.

At this point City Recorder Santrock moved to accept the list of individuals for the filling of the election officials for the March 6th election. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 4 - LEGAL HOLIDAYS: Mayor Ashley called upon City Recorder Santrock to read and explain the resolution designating days as official legal holidays for the City of Nitro.

The first reading of the resolution is as follows:

## RESOLUTION 82-1

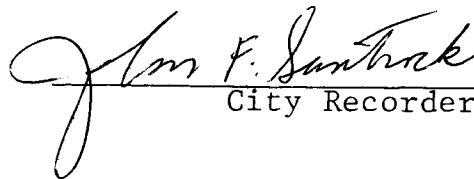
WHEREAS, the State of West Virginia has recognized certain designated days as official State holidays; and

WHEREAS, the City of Nitro desires to corrolate holidays observed and celebrated by it and the State of West Virginia;

THEREFORE, be it resolved by the City Council of the City of Nitro that henceforth all holidays recognized and celebrated by the State of West Virginia should be recognized and celebrated by the City of Nitro.

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Mayor

  
City Recorder

Councilman Cunningham, at this point, moved that Council accept the first reading of the above-mentioned resolution as written. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 5 - PROPERTY AND LIABILITY INSURANCE - FEBRUARY 20TH RENEWALS: Mayor Ashley called upon City Recorder Santrock to report on the status of the insurance coverage offered by Commerical Insurance Company to the City of Nitro.

Mr. Santrock made the recommendation to Council that they accept the property and liability insurance for the February 20th renewal at fifteen thousand sixty-eight dollars and forty-two cents (\$15,068.42) as opposed to the fifteen thousand seven hundred and seventeen dollars (\$15,770.00) offered by Commerical Insurance last year. This price includes all of the City's property, business interruptions, extra expense, rental income, special property, general liability, boiler and machinery, police professional with some increased coverage and public officials liability, which we dropped from two thousand four hundred and three dollars (\$2,403.00) to one thousand and sixty-seven dollars (\$1,067.00).

Councilman Cunningham, at this point, seconded the recommendation made by City Recorder Santrock to accept the coverage offered by Commercial Insurance Company for this year. The vote was unanimous and so ordered.

AGENDA ITEM NO. 6 - PARADE - 50TH BIRTHDAY CELEBRATION: City Recorder Santrock, by way of announcement, stated that the City will have three bands, weather permitting, for the parade, along with former Mayors Gibson and Alexander, the time capsule, fire trucks, et cetera.

Mr. Santrock stated that the City Council needs a motion to approve the parade route planned for the parade, according to the City Code. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 7 - FENCE - PLANT ROADSIDE TOP RAILING: Mayor Ashley stated that in the process of trying to paint, restore and repair the old fence around the City Garage and the Sanitary Board building, it was found that the top railing of the fence was beyond restoration, which constitutes an additional cost of approximately two hundred dollars (\$200.00) for the repair of the fences. This cost is one dollar and twenty-eight cents (\$1.28) per foot, and there is approximately one hundred and forty-five (145) feet of fence that needs the repairs done.

Councilman at Large Pennington moved that Council approve the expenditure of money for the repair of the fence. The motion was seconded. The vote was unanimous and so ordered.

At this point in the proceedings, Councilman at Large Pennington stated that he has received a request from Mr. Jack Legg to remove the yellow no-parking line in front of his place of business -- the location of the old Cinema theater in Nitro. Councilman at Large Pennington stated that he spoke with Fire Chief Hedrick and he stated that there is no objection on the part of the Fire Department for such action.

Councilman at Large Pennington moved, at this point, to remove such line in front of Mr. Legg's place of business. The motion was seconded. The vote was unanimous and so ordered.

Also discussed was the placing of a parking area in the dog-leg curve area in the center of town.

AGENDA ITEM NO. 8 - ANNOUNCEMENTS: By way of reminder, Mayor Ashley announced the Council Meeting/Town Meeting to be held on March 16, 1982 beginning with the Council meeting at 6:00 p.m. and the Town Meeting at 8:00 p.m.

Councilman at Large Casto was called upon to reiterate the events of the 50th Birthday Celebration and discussed further plans for the celebration.

City Recorder Santrock went on to inform Council of the WWI memorial marker to be placed at 28th Street, or another place designated in the future, relative to Nitro being a memorial city, which should be ready for dedication during the Spring Festival.

AGENDA ITEM NO. 8 - ANNOUNCEMENTS - RANDY MEADOWS: City Recorder Santrock announced that Randy Meadows is doing well and wanted to extend a thanks to all Nitro for their support in the collections throughout the City.

Councilman at Large Pennington brought up the fact that another young man from Nitro by the name of Daras Harper also is having medical difficulties and asked for any support possible from the City.

Councilman King made the motion to form a committee for such action. The motion was seconded. The vote was unanimous and so ordered.

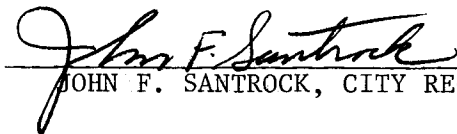
By way of announcement, Mayor Ashley stated that the latest report from the Regional Intergovernmental Council was that the codification of the Nitro City Code will be finished as scheduled and that the cost will be far less than anticipated.

Councilman King moved to adjourn the meeting. The motion was seconded. The vote was unanimous and so ordered.

The meeting was adjourned at 7:08 p.m.

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ARDEN D. ASHLEY, MAYOR

  
JOHN F. SANTROCK, CITY RECORDER

## COUNCIL MEETING MINUTES

CITY OF NITRO

March 2, 1982

The regular meeting of the Nitro City Council was called to order in the Council Chambers on March 2, 1982 at 8:00 p.m. Present were City Recorder John F. Santrock, City Treasurer Michael E. Greenleaf, Councilwoman at Large Mary Trout, Councilman at Large Rusty Casto, Councilman Joe Savilla, Councilman Ronald King, Councilman Jack Moon and Councilman Omar Cunningham. Also present was F. Lee Gritt of the City Attorney's office.

The invocation was given by Councilman Joe Savilla.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 16, 1982 COUNCIL MEETING MINUTES: City Recorder Santrock stated that the only correction to be made in the minutes of the February 16, 1982 Council meeting was the presence of Councilman Joe Savilla. Councilman King moved to accept the minutes as amended. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - THANK-YOU NOTE FROM DARRIS HARPER: City Recorder Santrock called on Councilwoman at Large Trout to comment on the note received from Darris Harper thanking the City of Nitro for their support during a difficult time. She further stated that she had spoken with the family and that things seem to be going well at this point.

AGENDA ITEM NO. 3 - EXCESS LEVY ELECTION, MARCH 6, 1982: City Recorder Santrock pointed out the placement of the precincts as they appear in the Charleston Gazette. He stated that there are number changes only and that the number changes will remain the same until the County Clerk is required by law to change them again.

At this point, City Recorder Santrock asked for a motion to meet on Friday, March 12, 1982 at 8:00 p.m. to canvas the election votes. Councilman Savilla made such motion. The motion was seconded. The vote was unanimous and so ordered.

Councilman Savilla stated his concern for the public not understanding what the levy election was all about.

Councilman Savilla asked Mr. Santrock if the tax has been raised any since the last levy election. Mr. Santrock stated that the tax has done from fifty-two (52) percent in Kanawha County to sixty (60) percent on property, and that property tax will be just a little bit higher this next time. He also pointed out that the biggest selling point is that seventy (70) percent of the property tax is paid by industry.

AGENDA ITEM NO. 5 - VOTER REGISTRATION: By way of announcement, City Recorder Santrock stated that new voters may register at City Hall for the primary election on Thursday, April 1, 1982 and Friday, April 2, 1982 between 8:00 a.m. and 5:00 p.m., and Saturday, April 3, 1982 from 10:00 a.m. until 3:00 p.m. This registration time is for Kanawha County residents only.

AGENDA ITEM NO. 4 - MARCH 16, 1982 COUNCIL MEETING TIME: City Recorder Santrock stated that, as was voted at the last Council meeting, the Council meeting will begin at 6:00 p.m. and the Town Meeting will begin at 8:00 p.m. Councilman Savilla stated that the Council meeting will be held at Nitro Junior High School, in the auditorium.

AGENDA ITEM NO. 6 - 50TH ANNIVERSARY REVIEW: After discussion of sending thank-you notes to all those who helped out with the 50th Birthday celebration of the City, Councilman Savilla and Councilman at Large Casto stated that a round of applause should go to City Recorder Santrock and Ms. Judy Hudson and the smallest school in the City of Nitro -- Nitro-Putnam -- for their float and splended cooperation. Council agreed and a round of applause was had.

Mr. Santrock asked Council to please inform him of anyone known who hasn't received a thank-you note that should.

Also discussed were the holidays of Memorial Day, Labor Day, July 4th, Armed Forces Day, and the Spring Festival.

AGENDA ITEM NO. 7 - SPRING CLEAN-UP: City Recorder Santrock asked Council for suggestions on a spring clean-up in the City. He stated that probably the number one priority was to fill the holes in the road, but that the asphalt is not available yet. Councilman at Large Savilla brought up the fact of the residents who were sent notices of maintenance of nuisance and have failed to comply.

Mr. Santrock stated that anyone with any ideas for the spring clean-up should get them to the Mayor or himself, or talk directly to Gene Williams at the Department of Public Works.

AGENDA ITEM NO. 8 - SECOND READING OF LEGAL HOLIDAY RESOLUTION: Councilman Savilla read the second reading of the resolution to designate certain days as official State holidays and corrolate holidays observed and celebrated by it and the State of West Virginia.

The Resolution is as follows:

RESOLUTION 82-1

WHEREAS, the State of West Virginia has recognized certain designated days as official State holidays; and

WHEREAS, the City of Nitro desires to corrolate holidays observed and celebrated by it and the State of West Virginia;

THEREFORE, be it resolved by the City Council of the City of Nitro that henceforth all holidays recognized and celebrated by the State of West Virgiia should be recognized and celebrated by the City of Nitro.

Councilman Savilla moved to accept the Resolution as written and read. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 9 - RESOLUTION AUTHORIZING FIRE CHIEF E. W. HEDRICK TO SIGN PROJECT AGREEMENT AND ATTACHMENTS REGARDING PROGRAM TO PROVIDE A GRANT SUPPLEMENT COMMITTEE AND/OR CHAIRMEN REPORTS: City Treasurer Greenleaf stated that what the Council would be agreeing to is to purchase some Motorola radios and pay for them with these funds that come out of the Governor's office of Community Development and then pass to each city that is eligible for a grant and then the grant is to be used to purchase any type of equipment that they deem is necessary.

Councilman Cunningham moved that Fire Chief Hedrick be authorized to sign for such materials. The motion was seconded. The vote was unanimous and so ordered.

COMMITTEE REPORTS

City Recorder Santrock mentioned that along with work mentioned that a lot of work needs to be done at the City Park and around Ridenour Lake, especially for the Spring Festival.

Councilman Moon suggested that Council give a round of applause to Chief Cochran for their appreciation in the way that the City Police handled the bomb threat in the City on March 1, 1982.

At this point, Councilman King moved to adjourn the meeting. The motion was seconded. The vote was unanimous and so ordered.

At 8:57 p.m. the meeting of the Nitro City Council was closed.

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MAYOR

  
CITY RECORDER



## COUNCIL MEETING MINUTES

CITY OF NITRO

MARCH 16, 1982

The regular meeting of the Nitro City Council was called to order at the Nitro Junior High School, March 16, 1982, at 6:08 p.m. Present were Mayor Art Ashley, City Recorder John Santrock, City Treasurer Michael Greenleaf, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman at Large Rusty Casto, Councilman Joe Savilla, Councilman Ronald King, Councilman Jack Moon, and Councilman Omar Cunningham. Also present was F. Lee Gritt of the City Attorney's office.

The invocation was given by City Recorder John Santrock.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 2, 1982 COUNCIL MEETING MINUTES: Councilman Moon moved to accept the minutes of the March 2, 1982 Council meeting as written. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - REQUEST FROM MULTIPLE SCLEROSIS SOCIETY FOR HOUSE-TO-HOUSE CAMPAIGN TO BE CONDUCTED MAY 10, 1982 THROUGH JUNE 21, 1982: Councilman Moon moved to give permission to the Southern West Virginia Chapter of the National Multiple Sclerosis Society to conduct a house-to-house funding campaign in the City of Nitro May 10, 1982 through June 21, 1982. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - REPORT FROM PLANNING COMMISSION REGARDING REZONING HEARING MARCH 8, 1982: The City Recorder reported that a request for a zoning change had been referred to the Planning Commission. The notice of public hearing for March 8, 1982 at 8:00 p.m. was published in the Charleston Newspaper.

The hearing was held on March 8th, and those appearing before the Commission spoke favorably. No opposition was raised to the proposed change.

The purpose of the hearing was to permit interested parties to voice support of or opposition to an ordinance to change zoning from R-1 to B-1 for the following, as presented by Dr. Charles Byrd, Chairman of the Planning Commission: Beginning at the intersection of Blackwood Avenue and Main Streets. Westward along Main to Wilson Street. North on Wilson to the railroad. East along the railroad to Blackwood, and south along Blackwood to point of origin. Also, the property at the southwest corner of Main and Central Streets, known as Johnson's Amoco. And the vacant lot at the southeast corner of Main and Central Streets.

Planning Commission members present at the hearing were Dolly Withrow, Jim Hutchinson, A. A. "Joe" Savilla, and Charles R. Byrd, Chairman. The Planning Commission recommended to the Nitro City Council that the proposed zoning change be enacted. Councilman Pennington moved that the report of the Planning Commission be accepted. The motion was seconded. The vote was unanimous and so approved.

Councilman Savilla moved that the City Attorney be requested to develop the ordinance containing proposed zoning changes for next Council meeting. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 4 - HISTORIC MARKER TO COMMEMORATE WASHINGTON'S SURVEY AND THE EXPLOSIVE PLANT IN NITRO: Mayor Ashley shared the contents of a recent letter addressed to Mr. William Wintz from Rodney A. Pyles, Director of the West Virginia State Archives and History, in which a historic marker has been approved at Nitro to commemorate Washington's survey and the explosives plant.

Mayor Ashley expressed appreciation to Mr. Wintz for his time and effort in researching and preparing the inscription for the marker.

Mayor Ashley appointed City Recorder Santrock, Councilman at Large Rusty Casto, Councilman Savilla and Mr. Wintz to determine the placement of the marker.

AGENDA ITEM NO. 5 - RESOLUTION TO UP-GRADE AND EXPAND SPEED DETECTIVE DEVICES FOR THE POLICE DEPARTMENT: Police Chief Cochran has recommended that the City purchase new radar devices, due to the fact that the present radar equipment is insufficient to do an effective job in the protection of our community against speeders.

The cost of the new equipment will be \$5,200, of which \$1,850 will be paid by the City of Nitro. The remaining \$3,350 will be paid by other sources. Councilman at Large Pennington moved that the City purchase such radar equipment at the above-mentioned price. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 6 - BUDGET FOR FISCAL YEAR 7/1/82 - 6/30/83: Mayor Ashley reviewed the sources of revenue for the coming fiscal year. He further stated that department heads had input in the proposed budget, and that work had begun back in December. The Mayor further stated that a five (5) percent raise will be given across the board to all City personnel except elected officials. He also stated, unofficially, that the City will receive \$20,000 less this year from CBA.

The Mayor further expressed his appreciation for the positive vote in the recent special election which permits services to continue. He further stated that \$25,000 has been budgeted for street maintenance, as opposed to the \$5,000 that was budgeted last year.

Mayor Ashley stated that the budget includes about the same amount of funds from revenue sharing but less from B & O taxes. The Mayor also said that the total expenditures are within \$10,000 of the projected income. This does not allow for any emergencies.

Councilman Savilla moved to accept the budget as presented. The motion was seconded. The vote was unanimous and so ordered.

The 1982 - 1983 budget is as follows:

#### REVENUES

HOMESTEAD REPAYMENT	\$ 5,452
PROPERTY TAXES	220,758
BUILDING PERMITS	7,500
INSPECTION FEES	2,500
PARKS AND RECREATION	36,650
CBA GRANT (PROJECTED)	172,000 ✓
GROSS SALES TAX	285,000
UTILITY TAX	62,000
LIQUOR LICENSES	1,000
LIQUOR TAX	50,000
BUSINESS LICENSES	8,000
INTEREST EARNED	15,000
COURT COSTS	40,000
LIBRARY FEES	100
MUNICIPAL SERVICE FEES	260,000
MISCELLANEOUS	<u>15,000</u>

TOTAL CURRENT FUND	<u>1,180,960</u>
REVENUE SHARING	<u>160,873</u>
COAL SEVERANCE TAX	<u>13,500</u>
TOTAL REVENUES	<u><u>\$1,355,333</u></u>

SUMMARY OF EXPENDITURES:

OFFICE OF THE MAYOR	\$ 64,526
COUNCIL	10,963
RECORDER	19,249
TREASURER	77,916
BUILDING INSPECTOR	21,757
DOG WARDEN	12,730
CITY HALL	148,000
POLICE DEPARTMENT	307,709
FIRE DEPARTMENT	192,695
PUBLIC WORKS	419,730
PARKS AND RECREATION	50,023
LIBRARY	<u>20,236</u>
TOTAL	<u><u>\$1,345,534</u></u>

PROPOSED USE OF REVENUE SHARING FUNDS:

ESTIMATED RECEIPTS:	\$ <u>160,873</u>
ESTIMATED DISBURSEMENTS:	
MAYOR'S OFFICE	873
PROFESSIONAL SERVICES	<u>2,000</u>
CAPITAL EXPENDITURES	\$ <u>2,873</u>
CITY COUNCIL TRAVEL	\$ <u>2,000</u>
RECORDER'S OFFICE:	
CAPITAL EXPENDITURES	\$ <u>100</u>
TREASURER'S OFFICE:	
CONTRACTED SERVICES	5,000
AUDIT COSTS	<u>5,000</u>
SUBTOTAL	\$ <u>10,000</u>
CITY HALL:	
GROUP INSURANCE	60,000
CAPITAL EXPENDITURES	3,000
INSURANCE	18,000
DEPARTMENT SUPPLIES	8,000
AUTOMOTIVE SUPPLIES	<u>12,000</u>
	\$ <u>101,000</u>

POLICE DEPARTMENT

DEPARTMENTAL SUPPLIES	\$ 7,000
AUTOMOTIVE SUPPLIES	9,000
MAINTENANCE & REPAIRS	5,500
UNIFORMS	<u>2,500</u>
TOTAL	\$ <u>24,000</u>

DEPARTMENT OF PUBLIC WORKS

LANDFILL COSTS	\$ <u>20,900</u>
TOTAL	\$ <u>20,900</u>

TOTAL ESTIMATED DISBURSEMENTS	<u>\$160,873</u>
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PROPOSED USE OF COAL SEVERANCE TAX FUNDS:

ESTIMATED RECEIPTS	\$ 13,500
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## ESTIMATED DISBURSEMENTS

CAPITAL EXPENDITURES - POLICE	\$ 13,500
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City Recorder Santrock moved that the levy be laid on the third Tuesday in April, as prescribed by the West Virginia Code. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 7 - SPRING CLEAN-UP: Recorder Santrock announced Ms. Patty Monk has agreed to serve as chairperson of the Spring clean-up. He stated that ideas should be shared with her.

The City should look great by the Spring Festival on April 17th. A number of citizens attending Council volunteered to serve on a "Clean our City Committee".

AGENDA ITEM NO. 8 - REPORT OF OFFICIAL CANVAS OF SPECIAL ELECTION, MARCH 6, 1982: Recorder Santrock reported the official special election canvas held on March 12, 1982 coincided with the unofficial tally on election night, March 6, 1982. The official canvas has been shared with the State Treasurer and is as follows:

BOARD OF CANVASSERS

Special Election, March 6, 1982  
City of Nitro, WV

The Board of Canvassers of the City of Nitro, located in the Counties of Kanawha and Putnam, State of West Virginia having carefully and impartially examined the returns of the Special Election held in said County; in each Precinct thereof, on the 6th day of March, 1982, do certify that in said city in the special election the number of votes cast were as follows:

<u>Precinct</u>	<u>For the Levies</u>	<u>Against the Levies</u>
Precinct 22	43	6
Precinct 401	17	0
Precinct 402	49	7
Precinct 403	30	6
Precinct 405	24	10
Precinct 406	32	8
Precinct 408	28	3
Precinct 409	33	16
Precinct 411	22	8
<b>Total</b>	<b>278</b>	<b>64</b>

We now declare on this 12th day of March, 1982, the Special

Levy, receiving 81% positive votes cast and exceeding the 60% required for passage, to be officially recognized in effect for the years 1982-1983, 1983-1984, and 1984-1985.

Board of Canvassers

Oran W. Cummings  
John W. Johnson

Marvin Street  
Wm. D. King

Robert A. H. H. H.

John J. Smith



Ballots cast were resealed by precinct and will be retained for sixty (60) days.

COMMITTEE REPORTS

Mayor Ashley sent congratulation letters to Bruz Hicks and Chris McGinnis for receiving athletic scholarships to the University of Charleston and West Virginia State College, respectfully.

By way of announcement, the Nitro Sanitary Board's new office address is 190 Plant Road, Nitro, WV 25143.

Discussed was the proposed landfill operation. Councilman at Large Pennington questioned any hazardous conditions at the playground located adjacent to the proposed landfill location. It was stated that there are no hazardous substances on the landfill location and that basketball and other recreational activities can take place without danger to youngsters.

Also discussed was the intake building being one of the 1918 landmarks, which has a tremendous heritage. State archives committees visiting. Nitro recently were thrilled at the possibility of the making the intake building a World War I Memorial site. The value of the building has been established at approximately \$91,500.

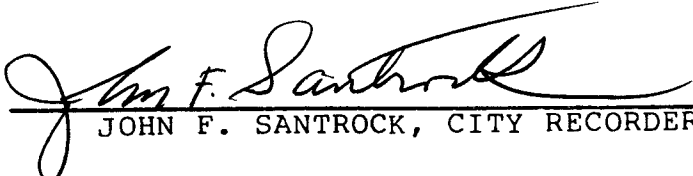
Mayor Ashley announced the selection of John Santrock as citizen of the month for March.

A motion was made for adjournment of the meeting. The motion was seconded. The vote was unanimous and so ordered.

The meeting was adjourned at 7:00 p.m. for refreshments and the Town Meeting scheduled for 8:00 p.m.

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ARDEN D. ASHLEY, MAYOR



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JOHN F. SANTROCK, CITY RECORDER



## COUNCIL MEETING MINUTES

CITY OF NITRO

APRIL 6, 1982

The regular meeting of the Nitro City Council was called to order in the Council Chambers of Nitro City Hall on April 6, 1982 at 8:00 p.m. Present were Mayor Art Ashley, City Recorder John Santrock, City Treasurer Michael Greenleaf, Councilwoman at Large Mary Trout, Councilman at Large Rusty Casto, Councilman Joe Savilla, Councilman Ronald King, and Councilman Jack Moon. Also present was Franklin L. Gritt, of the City Attorney's office. Absent were Councilman at Large Mel Pennington and Councilman Omar Cunningham.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 16, 1982 COUNCIL MEETING MINUTES: Councilman at Large Casto moved to accept the minutes of the March 16, 1982 Council meeting as written. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - FIRST READING OF FLOOD INSURANCE ORDINANCE: Councilman at Large Casto moved that the ordinance be identified by the title of "Ordinance Number 82-2", replacing the reading of the entire ordinance. The motion was seconded. The vote was unanimous and so ordered.

Mayor Ashley, at this time, called upon City Recorder Santrock to further explain the ordinance to Council. Mr. Santrock explained the area involved in the flood area and stated that on May 7, 1974, after negotiating with the National Flood Insurance Program as to what were the flood prone areas in Nitro, two resolutions were passed that the City of Nitro would cooperate in becoming a member of the National Flood Insurance Program, which is not a mandatory insurance to residents, but does permit a lower rate of insurance for those who want or have it.

In 1974, in those resolutions, it was decided that the City would pass an ordinance in a few years on such matter. One of the provisions if we have no ordinance, Mr. Santrock stated, is that FHA, VA or federal monies would not be available to an individual wanting to buy a house in those zones specified.

The question was asked if any who wants to go in and building something in one of those areas will not be able to get any monies to do so. Mr. Santrock stated that that was not true. That the builder would only have to meet certain specifications and you must go through an engineer specialist before approval.

Mr. Santrock stated that another point to be thought about is the fact that if we do not pass this ordinance there is no renewal of flood insurance after April 15, 1982 by residents having flood insurance presently.

The ordinance is as follows:

ORDINANCE NO. 01-2

AN ORDINANCE ESTABLISHING A FLOOD PLAIN DISTRICT AND REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR THE CONSTRUCTION, SUBSTANTIAL IMPROVEMENT OR RELOCATION OF ANY BUILDING OR STRUCTURE; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR CONSTRUCTION WITHIN THE FLOOD PLAIN DISTRICT AND SETTING FORTH SPECIAL PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED by the \* CITY OF NITRO,  
MANCHESTER & PUTNAM County, W. VA. as follows:

#### ARTICLE 1 - GENERAL PROVISIONS

##### Section 1.1 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health and safety by protecting water supply, sanitary sewage disposal, and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing the unwise design and construction of development in areas subject to flooding.

##### Section 1.2 Abrogation and Greater Restrictions

This Ordinance supersedes any ordinances currently in effect in flood prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

##### Section 1.3 Applicability

Provisions of all other codes, ordinances, and regulations shall be applicable insofar as they are consistent with the provisions of this Ordinance and the municipality's and/or county's need to minimize the hazards and damage resulting from flooding.

DEFINITIONSBase Flood

The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this Ordinance, the one-hundred (100) year flood.

Base Flood Elevation

The 100 year flood elevation. Within the Approximated Flood Plain the Base Flood Elevation shall be established as a point on the boundary of the Approximated Flood Plain which is nearest to the construction site in question.

Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

\* Name of Municipality

\*\* Name of Legislative Body

Flood

A general and temporary inundation of normally dry land areas.

Flood Plain

(1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Floodproofing

Any combination of structural and non-structural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

Mobile Home

A structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis, and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Mobile Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) have been provided.

Start of Construction

Structures for which the Start of Construction as herein defined commenced on or after the effective date of this Ordinance. This term does not apply to any work on a structure existing before the effective date of this Ordinance.

One Hundred (100) Year Flood

A flood that has one chance in one-hundred or a one percent chance of being equaled or exceeded in any given year.

Person

Any individual or group of individuals, corporation, partnership, association, or other entity, including State and local governments and agencies.

Principally Above Ground

Where at least 51 percent of the actual cash value of a structure, less land value, is above ground.

Start of Construction

The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions "start of construction" is the date on which the construction facilities for servicing the site on which the mobile home is to be affixed (including at a minimum the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

Structure

A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either,

- (a) before the improvement or repair is started or
- (b) if the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either,

- (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or
- (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

#### ARTICLE III - ESTABLISHMENT OF THE FLOOD PLAIN DISTRICT

##### Section 3.1

The Flood Plain District shall include all areas subject to inundation by the waters of the One Hundred (100) Year Flood. The source of this delineation shall be the Flood Insurance Study for the \* CITY OF NITRO, - MANAWHA & PUTMAN County, W. VA. as prepared by the U.S. Dept. of Housing and Urban Development, Federal Insurance Administration.

##### Section 3.2

The Flood Plain District shall be comprised of three (3) subdistricts as follows:

- (a) Floodway (F1) - That portion of the Flood Plain District required to carry and discharge the waters of the One Hundred (100) Year Flood without increasing the water surface elevation at any point more than one (1) foot above existing conditions, as demonstrated in the Flood Insurance Study referenced above.
- (b) Floodway Fringe (F2) - Those portions of land within the Flood Plain District subject to inundation by the One Hundred (100) Year Flood, lying beyond the floodway in areas where detailed study data and profiles are available.
- (c) Approximated Flood Plain (F3) - Those portions of land within the Flood Plain District subject to inundation by the One Hundred (100) Year Flood, where a detailed study has not been performed, but where a One Hundred (100) Year Flood Plain Boundary has been approximated.

The delineation of the Flood Plain District may be revised, amended and withdrawn by the COUNCIL in compliance with the National Flood Insurance Program when:

- (a) there are changes through natural or other causes;
- (b) changes are indicated by future detailed hydrologic and hydraulic studies.

All such changes shall be subject to the review and approval of the Federal Insurance Administrator.

#### Section 3.4 Boundary Dispute

Should a dispute concerning any district boundary arise, an initial determination shall be made by the Building Permit Officer. Any party aggrieved by this decision may appeal to the COUNCIL. The burden of proof shall be on the appellant.

### ARTICLE IV - UTILIZATION OF THE FLOODPLAIN DISTRICT

#### Section 4.1 Floodway (F1)

##### General Requirements

In the Floodway no development shall be permitted which would result in any increase in the Base Flood Elevation during the occurrence of the Base Flood discharge. When a developer proposes to offset the effects of development in the Floodway by construction of stream improvements, he shall submit an engineering study prepared by a Registered Professional Engineer which fully evaluates the effects of such construction. The report shall use the Base Flood as herein defined as the basis of analysis. All adjacent communities and the State Coordinating Office shall be notified by the developer by certified mail of all such intended activities prior to any alteration or relocation of a watercourse and shall submit copies of such notification to the Federal Insurance Administrator. In addition, the developer shall assure, the CITY OF NITRO, in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

All uses, activities, and other developments shall be undertaken in strict compliance with the floodproofing and related provisions contained herein, and in all other applicable codes, ordinances and regulations.

##### Mobile Homes

In the Floodway the placement of any mobile homes, except in an existing mobile home park or mobile home subdivision, shall be prohibited. For any existing mobile home park or subdivisions within the Floodway, the owner or operator of the mobile home park or subdivision shall file with the Disaster Preparedness authorities of KANAWHA & PUTNAM County and the CITY OF NITRO an evacuation plan which indicates alternate vehicular access routes and escape routes.



## Section 4.1 Floodway Fringe (FW) and Approximated Flood Plain (FP)

In the Floodway Fringe and Approximated Flood Plain any development and/or use of land shall be permitted provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained herein and in all other applicable codes, ordinances and regulations. For any mobile home park or subdivision within the Floodway Fringe or Approximated Flood Plain, the owner or operator of the mobile home park or subdivision shall file with the Disaster Preparedness authorities of PUTNAM & KANAWHA County, and the \* CITY OF NITRO an evacuation plan which indicates alternate vehicular access routes.

In addition, whenever a developer intends to alter or relocate a watercourse within the Floodway Fringe or Approximated Flood Plain, the developer shall notify in writing by certified mail all adjacent communities and the State Coordinating Office of all such intended activities prior to any alteration or relocation of the watercourse, and shall submit copies of such notification to the Federal Insurance Administrator. The developer shall also assure the \* CITY OF NITRO in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

## ARTICLE V - CRITERIA FOR BUILDING PERMIT SITE PLAN APPROVAL

### Section 5.1 Building Permit Criteria

Building Permits are required in order to determine whether all new construction or substantial improvements are:

- 1) designed (or modified) and adequately anchored to prevent flotation collapse, or lateral movement.
- 2) constructed with materials and utility equipment resistant to flood damage.
- 3) constructed by methods and practices that minimize flood damage.

The basic format of the Building Permit shall include the following:

- 1) Name and address of applicant.
- 2) Name and address of owner of land on which proposed construction is to occur.
- 3) Name and address of contractor
- 4) Site location
- 5) Brief description of proposed work and estimated cost.
- 6) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

Depending on the type of structure involved, the following information shall also be included in the building permit for work within the Flood Plain District:

For structures to be elevated to the Base Flood Elevation:

- 1) a plan showing the size of the proposed structures and its relation to the lot where it is to be constructed.
- 2) a determination of elevations of the existing ground proposed finished ground, lowest floors certified by a Registered Professional Engineer, Surveyor or Architect.
- 3) plans showing the method of elevating the proposed structures, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the Building Inspector, these plans shall be prepared by a Registered Professional Engineer or Architect.
- 4) plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to the Base Flood Elevation at the building site.

For structures to be floodproofed to the Base Flood Elevation (non-residential structures only):

- 1) plans showing details of all floodproofing measures, prepared by a Registered Professional Engineer or Architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
- 2) a determination of elevations of existing ground, proposed finished ground, lowest floors, and floodproofing limits; certified by a Registered Professional Engineer, Surveyor, or Architect.
- 3) a certificate prepared by the Registered Professional Engineer or Architect who prepared the plans in 1) above, that the structure in question, together with attendant utility and sanitary facilities, is designed so that:
  - a. below the Base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water.
  - b. the structure will withstand the hydrostatic, hydrodynamic buoyant, impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the Base Flood.

### Minimum Floodproofing Standards

In order to prevent excessive damage to buildings and structures, the following restrictions shall apply to all new construction and to construction of substantial improvements to existing structures occurring in the Flood Plain District.

#### Basements and Lowest Floors

All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated to the Base Flood Elevation. All new construction and substantial improvements of non-residential structures must have the lowest floor (including basement) elevated to the Base Flood Elevation; or, together with attendant utility and sanitary facilities, be designed so that below the Base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

#### Fill

If fill is used to raise the finished surface of the lowest floor to the Base Flood Elevation:

- 1) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For non-residential structures, fill shall be placed to provide access acceptable for intended use. At-grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of twenty-five (25) percent of the perimeter of a non-residential structure.
- 2) Fill shall consist of soil or rock materials only. Sanitary land fills shall not be permitted.
- 3) Fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring, or settling.
- 4) Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Building Permit Officer.
- 5) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

All buildings and structures shall be constructed and placed on a lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimal obstruction effect upon the flow and height of flood water.

- 2) The following shall not be placed or caused to be placed in the designated Floodway: fences, except two-wire fences, other matter which may impede, retard, or change the direction of the flow of water or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the flood plain.
- 3) Mobile homes shall be elevated on compacted fill or on pilings so that the lowest floor of each mobile home will be at the Base Flood Elevation.
- 4) Adequate surface drainage and access for a mobile home hauler shall be provided.
- 5) When mobile homes are to be elevated on pilings, lots shall be large enough to permit steps, piles shall be placed in stable soil no more than ten feet apart, and reinforcement shall be provided for pilings more than six feet above the ground level.

#### Anchoring

- 1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
- 2) All air ducts, large pipes and storage tanks located at or below the Base Flood Elevation shall be firmly anchored to resist flotation.
- 3) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specifically:
  - a. over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side.
  - b. frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side.
  - c. all components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
  - d. any additions to a mobile home shall be similarly anchored.

Storage

No new construction which stores materials that are bouyant, flammable, explosive, or in times of flooding could be injurious to human, animal or plant life, shall be stored below Base Flood Elevation.

Section 5.2 Site Plan Criteria

The owner or developer of any proposed subdivision, mobile home park or subdivision, or other development shall submit a site plan to the Building Permit Officer which includes the following information:

- 1) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section.
- 2) A map showing the location of the proposed subdivision and/or development with respect to the municipality's flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restriction. In addition, it is required that all subdivision proposals and other proposed new developments greater than 50 lots or five (5) acres, whichever is the lesser, shall include base flood elevation data.
- 3) Where the subdivision and/or development lies partially or completely in the flood-prone areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two (2) or five (5) feet depending upon the slope of the land and identify accurately the boundaries of the flood-prone areas.

For all new mobile home parks, or expansions to existing mobile home parks, and for existing mobile home parks where the repair, reconstruction, or improvement of the streets, utilities and pads equal or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, the following requirements shall be met for any construction within the Floodway Fringe or Approximated Flood Plain.

- 1) Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of each mobile home will be at the Base Flood Elevation.
- 2) Adequate surface drainage and access for a mobile home hauler shall be provided.
- 3) When mobile homes are to be elevated on pilings, lots shall be large enough to permit steps, piles shall be placed in stable soil no more than ten (10) feet apart, and reinforcement shall be provided for pilings more than six (6) feet above ground level.

Building and Land Use Ordinance

For all proposed subdivisions, mobile home parks or subdivisions or other development the Building Permit Officer shall require:

- 1) All new or replacement water systems, located in the Flood Plain District, whether public or private, shall be floodproofed to the ~~the~~ Base Flood Elevations.
- 2) All new or replacement sanitary disposal systems, located within the Flood Plain District, whether public or private shall be floodproofed to the Base Flood Elevation.
- 3) All other new or replacement public and/or private utilities and facilities shall be elevated or flood-proofed to the Base Flood Elevation.

Drainage

Adequate drainage shall be provided to reduce exposure of flood hazards.

ARTICLE VI - ADMINISTRATION

Section 6.1 Building Permits and Site Plan Approvals Required

It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken the new construction, substantial improvement, or relocation of any structure (including mobile homes) within the Flood Plain District, unless the necessary permits have been obtained from the Building Permit Officer. In addition, where land is to be subdivided, utilized for a mobile home park or subdivision or otherwise developed, a site plan must be submitted to, and approved by, the Building Permit Officer prior to any development.

Section 6.2 Approval of Permits and Plans

All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

The Building Permit Officer shall require copies of all necessary permits from those governmental agencies from which approval is required by Federal or State law.

A record of all information supplied to the Building Permit Officer shall be kept on file by the \* CITY OF NITRO.

Section 6.3 Application Procedures

Application for a building permit and site plan approvals shall be made, in writing, to the Building Permit Officer, and shall include all information stipulated under Article V of this Ordinance.

#### Section 6.4 Changes

- After the issuance of a building permit or site plan approval by the Building Permit Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer.

#### Section 6.5 Placards

In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Permit Officer.

#### Section 6.6 Start of Construction

Work on the proposed construction shall begin within six (6) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer.

#### Section 6.7 Inspection and Revocation

During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable laws and ordinances. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement/or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the \*City of Nitro for whatever action it considers necessary.

### ARTICLE VII - APPEALS AND PENALTIES

#### Section 7.1 Appeals

Whenever any person is aggrieved by a decision of the Building Permit Officer with respect to the provision of this ordinance, it is the right of that person to appeal to the \*\* Council. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Building Permit Officer. Upon receipt of such appeal, the \*\* Council shall set a time and place not less than ten (10) nor more than thirty (30) days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard. The determination by the \*\* Council shall be final in all cases.

All appeals concerning only the permit fee established by the Building Permit Officer may be handled at the discretion of the \*\* Council.

All decisions on appeals to all other provisions of this Ordinance not covered in (1) above, shall adhere to the following criteria:

- 1) An affirmative decision shall not be issued by the \*\* Council within the designated floodway if any increase in flood levels during the base flood discharge would result.
- 2) A decision may be issued by the \*\* Council for the construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation in conformance with the procedures of paragraphs 3,4,5, and 6 of this section.
- 3) Affirmative decisions shall only be issued by the \*\* Council upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the appeal would result in exceptional hardship to the applicant, and (iii) a determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinance.
- 4) Affirmative decisions shall only be issued upon determination that it is the minimum necessary, considering the flood hazard, to afford relief.
- 5) The \*\* Council shall notify the applicant in writing over the signature of a community official that (i) the issuance of a decision to allow construction of a structure below the Base Flood Elevation will result in increased premium rates for flood insurance, (ii) Such construction below the Base Flood Elevation increase risks to life and property. Such notification shall be maintained with a record of all decisions as required in paragraph (6) of this section; and
- 6) The \*\* Council shall (i) maintain a record of all decisions including justification for their issuance, and (ii) report such decisions issued in its annual report submitted to the Federal Insurance Administration.



### Section 7.3 Penalties

Any person who fails to comply with any or all of the requirements or provisions of this ordinance or direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the \* City of Nitro of not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00) plus costs of prosecution. In default of such payment such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this Ordinance may be declared by the \*\* Council to be a public nuisance and abatable as such.

## ARTICLE VIII - SEVERABILITY AND MUNICIPAL LIABILITY

### Section 8.1 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

### Section 8.2 Municipal Liability

The granting of a permit or approval of a subdivision or development plan in an identified flood-prone area, shall not constitute a representation guarantee, or warranty of any kind by the \* City of Nitro or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the \* City of Nitro its officials or employees.

ARTICLE IX - ENACTMENT

ENACTED AND ORDAINED THIS 20TH DAY OF April 1982, 1982

*City of Nitro, West Virginia*

\*\* \_\_\_\_\_ OF THE\* \_\_\_\_\_

*Sanrock - Recorder* COUNTY *W Va*

SIGNED: *John F. Santrock, Recorder*

After the reading of the ordinance, Mayor Ashley asked for a vote on the first reading of the flood insurance ordinance. The vote was taken and was unanimous and so ordered.

AGENDA ITEM NO. 3 - FIRST READING OF REZONING ORDINANCE:  
The first reading of the ordinance for rezoning of Nitro was read by City Recorder Santrock and is as follows:

AN ORDINANCE TO CHANGE PRESENT ZONING REQUIREMENTS AND RESTRICTIONS FROM R-1 to B-1 FOR AN AREA BEGINNING AT THE INTERSECTION OF BLACKWOOD AVENUE AND MAIN STREET WESTWARD ALONG MAIN TO WILSON STREET; NORTH ALONG WILSON STREET TO THE RAILROAD; EAST ALONG THE RAILROAD TO BLACKWOOD AVENUE; AND SOUTH ALONG BLACKWOOD AVENUE TO THE POINT OF ORIGIN; THE PROPERTY AT THE SOUTHWEST CORNER OF MAIN AND CENTRAL STREETS KNOWN AS JOHNSON'S AMOCO; AND THE VACANT LOT AT THE SOUTHWEST CORNER OF MAIN AND CENTRAL STREETS.

WHEREAS, public notice has been had on March 6, 1982 in accordance with established procedures; and

WHEREAS, all testimony given and heard at said public hearing was in support of the proposed zoning changes; and

WHEREAS, it appears to be in the best interest of the City of Nitro and its citizens to have the areas zoned as business districts in order to promote its development; and

WHEREAS, there appears to be no likelihood that this area can or would lend itself to residential development; and

WHEREAS, there appears to be no substantial opposition to said property zoning changes; and

WHEREAS, the Planning Commission for the City of Nitro has recommended to the City Council of the City of Nitro that the said proposed zoning changes be made.

NOW, THEREFORE, be it ordained by the City Council of the City of Nitro that the present zoning requirements and restrictions for the area beginning at the intersection of Blackwood Avenue and

Main Street Westward along Main to Wilson Street; North along Wilson Street to the railroad; East along the railroad to Blackwood Avenue; and South along Blackwood Avenue to the point of origin; the property at the Southwest corner of Main and Central Streets known as Johnson's Amoco; and the vacant lot at the Southwest corner of Main and Central Streets be changed from R-1 to B-1.

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MAYOR

*John F. Santrock*  
CITY-RECORDER

With no further discussion, Councilman Savilla moved to accept the first reading of the ordinance for rezoning. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 4 - REQUEST FROM EASTBROOK ELEMENTARY SCHOOL TO SOLICIT FOR DONATIONS IN SUPPORT OF SCHOOL CARNIVAL: Councilman Savilla moved that Council accept the request from Eastbrook Elementary School to solicit for donations in support of their school carnival. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 5 - AMERICAN CANCER SOCIETY REQUEST PERMISSION FOR INCOME DEVELOPMENT CRUSADE FROM DOOR-TO-DOOR, APRIL 12TH THROUGH MAY 15TH: Councilwoman at Large Trout moved that we accept the request for permission for income development crusade from door-to-door for April 12th through May 15th. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 6 - GEOTECHNICAL INVESTIGATION AND REPORT ON 31ST STREET, EAST: Mayor Ashley pointed out a report from Dunn Engineers relative to an investigative survey of conditions around the slip on 31st Street, East. He stated that the City requested that they give us a preliminary estimate of costs to do the survey. Mayor Ashley further stated that the City has taken no action other than to advise Mr. Dunn that, in all likelihood, the City would not engage them for that purpose.

Mayor Ashley stated that, at this point, no action is planned for the information obtained. He also asked that those who have not been to look at the condition of the area, please do so. And, if anyone has any ideas about what to do with the area to let him know.

AGENDA ITEM NO. 7 - CITY STREET PAVING PROPOSAL: Mayor Ashley called upon Councilman at Large Casto to begin the discussion on the City street paving proposal. Councilman at Large Casto stated that the Council is going to have to make some decisions in the spring and summer on what to do about repairing the City streets. At this point, Mayor Ashley called upon City Recorder Santrock to comment on some of the research he has done on the legal requirements and what has been done by the City in the past.

Mr. Santrock stated that 1972 was the last that anything major was done in the City. He stated that upon petition in writing of persons owning the greater amount of frontage of property, the governing body of any municipality may, after giving notice to owners by ordinance or resolution, pursue improvements; and may, without petition, by three-fourths affirmative vote, pursue the same. Mr. Santrock further stated that the Code describes, in 8-18-2, 3 and 4, ordinances and resolutions and the need for engineers to prepare estimated costs. He stated that methods of payment are also outlined.

Mayor Ashley stated that one way to approach this was to establish the mechanics and have it them put out for bid so the paving company could come in and do the paving for the residents of the City and the City would act as the go-between. Mayor Ashley, at this time, introduced Mr. Bob Orders, of Orders & Haynes, to give the Council some ideas on how this might be approached, with the clear understanding that he may not be the winning bidder and that the City would probably end up with just one paving company that would be doing the work rather than each street hiring their own company.

Mr. Orders went on to say that one of the big things that has to be considered is the amount of money that you get for lawyer's fees and advertising, newspaper costs, engineering fees, and the price that the contractor ends up putting on the cost for the "certificates for paving assessments". He stated that it would be best to try to avoid this.

Mr. Orders also stated that the least expensive way would be for each property owner agree to put up a specified amount of money to pave a particular street.

After further discussion about past experiences, Mayor Ashley suggested that a committee be formed and have some advance planning with the City Attorney's office present and someone from Orders & Haynes present to make sure they stay in limits to work out some proposal for Council approval.

AGENDA ITEM NO. 8 - MEMORIAL DAY COMMITTEE: Mayor Ashley called upon Councilman King to comment on the plans for the Memorial Day celebration. He asked Councilman Moon to volunteer his services for the ceremony. Councilman Moon accepted. Mayor Ashley also asked for everyone's help with the Memorial Day celebration and anyone who can assist is to get in touch with Councilman King.

#### COMMITTEE REPORTS

Councilman at Large Casto brought up the idea of next year's birthday celebration and the possibility of having another speaker for the occasion. After discussion it was decided that the celebration should be kept local and small. The Mayor suggested that he and Councilman at Large Casto get together between now and the next Council meeting and prepare a proposal in terms of the festivities.

Mayor Ashley introduced the City Attorney's resolution for the purpose of obtaining funding assistance on speed detection devices. The Mayor stated that the aquisition has been approved, the resolution in principle has been approved, and if there is no objection, then the last Council's approval will be accepted and he will sign the resolution and distribute it for matching monies from the State.

The resolution is as follows:

RESOLUTION

WHEREAS, the City of Nitro presently possesses certain speed detection devices for the purpose of maintaining traffic speed control; and

WHEREAS, said speed detection devices are antiquated and no longer adequately serve the needs of the City of Nitro and its citizens; and

WHEREAS, there exists modern speed detection devices that are available for purchase that are adequate for the needs of the City of Nitro and its citizens; and

WHEREAS, the City of Nitro is desirous of purchasing said new speed detection devices;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Nitro that those certain speed detection devices as identified in the minutes of the last regular Council meeting of March 16, 1982, should be purchased to satisfy the present needs of the City of Nitro and its citizens.

\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CITY-RECORDER

By way of announcement, Mayor Ashley stated that Lieutenant Kenneth Webb has been found to be physically impaired to police work due to a hearing problem that he has, and it has been determined that he is medically unfit and a hazard to himself and fellow police officers, so it was necessary that he take an early retirement. He further stated that there will be a reception at 3:00 p.m., April 8, 1982, in his honor, and that all are invited.

At this point, Mayor Ashley announced the awarding of the Citizen of the Month to Councilman at Large Rusty Casto for his outstanding work in the City of Nitro for so long. He stated that for a man so young, Rusty has done so much for the City and is probably the most well known citizen in Nitro, and who will be remembered forever.

There being no other business, Mayor Ashley adjourned the meeting at 9:20 p.m.

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ARDEN D. ASHLEY, MAYOR

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JOHN F. SANTROCK, CITY RECORDER



## COUNCIL MEETING MINUTES

CITY OF NITRO

April 20, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in the Council Chambers on April 20, 1982 at 8:00 p.m. Present were City Recorder John F. Santrock, Councilwoman at Large Mary Trout, Councilman at Large Rusty Casto, Councilman at Large Mel Pennington, Councilman Jack Moon, Councilman Ronald King and Councilman Omar Cunningham. Also present were City Treasurer Michael E. Greenleaf and Attorney Franklin L. Gritt of the City Attorney's office. Absent was Councilman Joe Savilla. In attendance were Judge Peggy Workman and Attorney James Humphreys.

The invocation was given by Fire Chief E. W. Hedrick.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 6, 1982 COUNCIL MEETING MINUTES: Councilwoman at Large Trout moved to accept the minutes of the April 6, 1982 Council meeting aswritten. The motion was properly seconded and the vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - SECOND READING OF NATIONAL FLOOD PLAIN INSURANCE, FEDERAL EMERGENCY MANAGEMENT AGENCY: City Recorder Santrock requested one change in this ordinance. Article IV, Section 4.1, to replace Federal Insurance Agency with Federal Emergency Management Agency. Councilman at Large Pennington moved to dispense with the second reading and that the ordinance be passed with the above change properly seconded. The motion passed unanimously and was so ordered.

The ordinance is as follows:

ORDINANCE NO. 82-2

AN ORDINANCE ESTABLISHING A FLOOD PLAIN DISTRICT AND REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR THE CONSTRUCTION, SUBSTANTIAL IMPROVEMENT OR RELOCATION OF ANY BUILDING OR STRUCTURE; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR CONSTRUCTION WITHIN THE FLOOD PLAIN DISTRICT AND SETTING FORTH SPECIAL PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED BY THE \_\_\_\_\_, City of Nitro,  
 \_\_\_\_\_, Kanawha and Putnam \_\_\_\_\_ County, \_\_\_\_\_ West Virginia as follows:

Section 1.1 Purpose

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health and safety by protecting water supply, sanitary sewage disposal, and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing the unwise design and construction of development in areas subject to flooding.

Section 1.2 Abrogation and Greater Restrictions

This Ordinance supersedes any ordinances currently in effect in flood prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

Section 1.3 Applicability

Provisions of all other codes, ordinances, and regulations shall be applicable insofar as they are consistent with the provisions of this Ordinance and the municipality's and/or county's need to minimize the hazards and damage resulting from flooding.

ARTICLE II - DEFINITIONS

Base Flood

The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this Ordinance, the one-hundred (100) year flood.

Base Flood Elevation

The 100 year flood elevation. Within the Approximated Flood Plain the Base Flood Elevation shall be established as a point on the boundary of the Approximated Flood Plain which is nearest to the construction site in question.

Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

\* Name of Municipality

\*\* Name of Legislative Body

Flood

A general and temporary inundation of normally dry land areas.

Flood Plain

(1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Floodproofing

Any combination of structural and non-structural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

Mobile Home

A structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis, and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Mobile Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) have been provided.

tion herein defined commenced or  
 or. This term does not apply to  
 effective date of this Ordinance.

or a one percent chance of being

corporation, partnership, association,  
 governments and agencies.

ash value of a structure, less land

of a structure (other than a mobile  
 or footings or any work beyond the  
 does not include land preparation,  
 does it include the installation of  
 an excavation for a basement, footings,  
 temporary forms; nor does it include the  
 buildings, such as garages or sheds not  
 of the main structure. For a structure  
 and or poured footings, the "start of  
 framing or assembly of the structure.  
 ation. For mobile homes not within a mobile  
 of construction" means the affixing of  
 mobile homes within mobile home parks or  
 tion" is the date on which the construction  
 the mobile home is to be affixed (including  
 either final site grading or the pouring of  
 es) is completed.

as or liquid storage tank, that  
 mobile home.

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either,

- (a) before the improvement or repair is started or
- (b) if the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either,

- (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or
- (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

#### ARTICLE III - ESTABLISHMENT OF THE FLOOD PLAIN DISTRICT

##### Section 3.1

The Flood Plain District shall include all areas subject to inundation by the waters of the One Hundred (100) Year Flood. The source of this delineation shall be the Flood Insurance Study for the CITY OF NITRO, KANAWHA COUNTY, West Virginia, as prepared by the U.S. Dept. of Housing and Urban Development, Federal Insurance Administration.

##### Section 3.2

The Flood Plain District shall be comprised of three (3) subdistricts as follows:

- (a) Floodway (F1) - That portion of the Flood Plain District required to carry and discharge the waters of the One Hundred (100) Year Flood without increasing the water surface elevation at any point more than one (1) foot above existing conditions, as demonstrated in the Flood Insurance Study referenced above.
- (b) Floodway Fringe (F2) - Those portions of land within the Flood Plain District subject to inundation by the One Hundred (100) Year Flood, lying beyond the floodway in areas where detailed study data and profiles are available.
- (c) Approximated Flood Plain (F3) - Those portions of land within the Flood Plain District subject to inundation by the One Hundred (100) Year Flood, where a detailed study has not been performed, but where a One Hundred (100) Year Flood Plain Boundary has been approximated.

in compliance with the National Flood Insurance Program when:

- (a) there are changes through natural or other causes;
- (b) changes are indicated by future detailed hydrologic and hydraulic studies.

All such changes shall be subject to the review and approval of the Federal Insurance Administrator.

#### Section 3.4 Boundary Dispute

Should a dispute concerning any district boundary arise, an initial determination shall be made by the Building Permit Officer. Any party aggrieved by this decision may appeal to the \* COUNCIL. The burden of proof shall be on the appellant.

### ARTICLE IV - UTILIZATION OF THE FLOODPLAIN DISTRICT

#### Section 4.1 Floodway (F1)

##### General Requirements

In the Floodway no development shall be permitted which would result in any increase in the Base Flood Elevation during the occurrence of the Base Flood discharge. When a developer proposes to offset the effects of development in the Floodway by construction of stream improvements, he shall submit an engineering study prepared by a Registered Professional Engineer which fully evaluates the effects of such construction. The report shall use the Base Flood as herein defined as the basis of analysis. All adjacent communities and the State Coordinating Office shall be notified by the developer by certified mail of all such intended activities prior to any alteration or relocation of a watercourse and shall submit copies of such notification to the Federal Insurance Administrator. In addition, the developer shall assure, the \* CITY OF NITRO, in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

All uses, activities, and other developments shall be undertaken in strict compliance with the floodproofing and related provisions contained herein, and in all other applicable codes, ordinances and regulations.

##### Mobile Homes

In the Floodway the placement of any mobile homes, except in an existing mobile home park or mobile home subdivision, shall be prohibited. For any existing mobile home park or subdivisions within the Floodway, the owner or operator of the mobile home park or subdivision shall file with the Disaster Preparedness authorities of KANAWHA & PUTNAM County and the \* CITY OF NITRO an evacuation plan which indicates alternate vehicular access routes and escape routes.

In the Floodway Fringe and Approximated Flood Plain any development and/or use of land shall be permitted provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained herein and in all other applicable codes, ordinances and regulations. For any mobile home park or subdivision within the Floodway Fringe or Approximated Flood Plain, the owner or operator of the mobile home park or subdivision shall file with the Disaster Preparedness authorities of PUTNAM & KANAWHA County, and the \* CITY OF NITRO an evacuation plan which indicates alternate vehicular access routes.

In addition, whenever a developer intends to alter or relocate a watercourse within the Floodway Fringe or Approximated Flood Plain, the developer shall notify in writing by certified mail all adjacent communities and the State Coordinating Office of all such intended activities prior to any alteration or relocation of the watercourse, and shall submit copies of such notification to the Federal Insurance Administrator. The developer shall also assure the \* CITY OF NITRO in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

#### ARTICLE V - CRITERIA FOR BUILDING PERMIT SITE PLAN APPROVAL

##### Section 5.1 Building Permit Criteria

Building Permits are required in order to determine whether all new construction or substantial improvements are:

- 1) designed (or modified) and adequately anchored to prevent flotation collapse, or lateral movement.
- 2) constructed with materials and utility equipment resistant to flood damage.
- 3) constructed by methods and practices that minimize flood damage.

The basic format of the Building Permit shall include the following:

- 1) Name and address of applicant.
- 2) Name and address of owner of land on which proposed construction is to occur.
- 3) Name and address of contractor
- 4) Site location
- 5) Brief description of proposed work and estimated cost.
- 6) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

Depending on the type of structure involved, the following information shall also be included in the building permit for work within the Flood Plain District:

For structures to be elevated to the Base Flood Elevation:

- 1) a plan showing the size of the proposed structures and its relation to the lot where it is to be constructed.
- 2) a determination of elevations of the existing ground proposed finished ground, lowest floors certified by a Registered Professional Engineer, Surveyor or Architect.
- 3) plans showing the method of elevating the proposed structures, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the Building Inspector, these plans shall be prepared by a Registered Professional Engineer or Architect.
- 4) plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to the Base Flood Elevation at the building site.

For structures to be floodproofed to the Base Flood Elevation (non-residential structures only):

- 1) plans showing details of all floodproofing measures, prepared by a Registered Professional Engineer or Architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
- 2) a determination of elevations of existing ground, proposed finished ground, lowest floors, and floodproofing limits; certified by a Registered Professional Engineer, Surveyor, or Architect.
- 3) a certificate prepared by the Registered Professional Engineer or Architect who prepared the plans in 1) above, that the structure in question, together with attendant utility and sanitary facilities, is designed so that:
  - a. below the Base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water.
  - b. the structure will withstand the hydrostatic, hydrodynamic buoyant, impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the Base Flood.



### Minimum Floodproofing Standard

In order to prevent excessive damage to buildings and structures, the following restrictions shall apply to all new construction and to construction of substantial improvements to existing structures occurring in the Flood Plain District.

### Basements and Lowest Floors

All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated to the Base Flood Elevation. All new construction and substantial improvements of non-residential structures must have the lowest floor (including basement) elevated to the Base Flood Elevation; or, together with attendant utility and sanitary facilities, be designed so that below the Base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

### Fill

If fill is used to raise the finished surface of the lowest floor to the Base Flood Elevation:

- 1) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For non-residential structures, fill shall be placed to provide access acceptable for intended use. At-grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of twenty-five (25) percent of the perimeter of a non-residential structure.
- 2) Fill shall consist of soil or rock materials only. Sanitary land fills shall not be permitted.
- 3) Fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring, or settling.
- 4) Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Building Permit Officer.
- 5) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

shall be designed to have minimum obstruction effect upon the flow and height of flood water.

- 2) The following shall not be placed or caused to be placed in the designated Floodway: fences, except two-wire fences, other matter which may impede, retard, or change the direction of the flow of water or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the flood plain.
- 3) Mobile homes shall be elevated on compacted fill or on pilings so that the lowest floor of each mobile home will be at the Base Flood Elevation.
- 4) Adequate surface drainage and access for a mobile home hauler shall be provided.
- 5) When mobile homes are to be elevated on pilings, lots shall be large enough to permit steps, piles shall be placed in stable soil no more than ten feet apart, and reinforcement shall be provided for pilings more than six feet above the ground level.

#### Anchoring

- 1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
- 2) All air ducts, large pipes and storage tanks located at or below the Base Flood Elevation shall be firmly anchored to resist flotation.
- 3) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specifically:
  - a. over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side.
  - b. frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side.
  - c. all components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
  - d. any additions to a mobile home shall be similarly anchored.

No new construction which stores materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal or plant life, shall be stored below Base Flood Elevation.

## Section 5.2 Site Plan Criteria

The owner or developer of any proposed subdivision, mobile home park or subdivision, or other development shall submit a site plan to the Building Permit Officer which includes the following information:

- 1) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section.
- 2) A map showing the location of the proposed subdivision and/or development with respect to the municipality's flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restriction. In addition, it is required that all subdivision proposals and other proposed new developments greater than 50 lots or five (5) acres, whichever is the lesser, shall include base flood elevation data.
- 3) Where the subdivision and/or development lies partially or completely in the flood-prone areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two (2) or five (5) feet depending upon the slope of the land and identify accurately the boundaries of the flood-prone areas.

For all new mobile home parks, or expansions to existing mobile home parks, and for existing mobile home parks where the repair, reconstruction, or improvement of the streets, utilities and pads equal or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, the following requirements shall be met for any construction within the Floodway Fringe or Approximated Flood Plain.

- 1) Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of each mobile home will be at the Base Flood Elevation.
- 2) Adequate surface drainage and access for a mobile home hauler shall be provided.
- 3) When mobile homes are to be elevated on pilings, lots shall be large enough to permit steps, piles shall be placed in stable soil no more than ten (10) feet apart, and reinforcement shall be provided for pilings more than six (6) feet above ground level.

For all proposed subdivisions, mobile home parks or subdivisions or other development the Building Permit Officer shall require:

- 1) All new or replacement water systems, located in the Flood Plain District, whether public or private, shall be floodproofed to the ~~Base~~ Base Flood Elevations.
- 2) All new or replacement sanitary disposal systems, located within the Flood Plain District, whether public or private shall be flood-proofed to the Base Flood Elevation.
- 3) All other new or replacement public and/or private utilities and facilities shall be elevated or flood-proofed to the Base Flood Elevation.

#### Drainage

Adequate drainage shall be provided to reduce exposure of flood hazards.

### ARTICLE VI - ADMINISTRATION

#### Section 6.1 Building Permits and Site Plan Approvals Required

It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken the new construction, substantial improvement, or relocation of any structure (including mobile homes) within the Flood Plain District, unless the necessary permits have been obtained from the Building Permit Officer. In addition, where land is to be subdivided, utilized for a mobile home park or subdivision or otherwise developed, a site plan must be submitted to, and approved by, the Building Permit Officer prior to any development.

#### Section 6.2 Approval of Permits and Plans

All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

The Building Permit Officer shall require copies of all necessary permits from those governmental agencies from which approval is required by Federal or State law.

A record of all information supplied to the Building Permit Officer shall be kept on file by the \* CITY OF NITRO.

#### Section 6.3 Application Procedures

Application for a building permit and site plan approvals shall be made, in writing, to the Building Permit Officer, and shall include all information stipulated under Article V of this Ordinance.

After the issuance of a building permit or site plan approval by the Building Permit Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer.

#### Section 6.5 Placards

In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Permit Officer.

#### Section 6.6 Start of Construction

Work on the proposed construction shall begin within six (6) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer.

#### Section 6.7 Inspection and Revocation

During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable laws and ordinances. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the City of Nitro for whatever action it considers necessary.

### ARTICLE VII - APPEALS AND PENALTIES

#### Section 7.1 Appeals

Whenever any person is aggrieved by a decision of the Building Permit Officer with respect to the provision of this ordinance, it is the right of that person to appeal to the \*\* Council. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Building Permit Officer. Upon receipt of such appeal, the \*\* Council shall set a time and place not less than ten (10) nor more than thirty (30) days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard. The determination by the \*\* Council shall be final in all cases.

Any appeal concerning only the permit of a building or structure shall be handled at the discretion of the Building Permit Officer may be handled at the discretion of the \*\* Council.

All decisions on appeals to all other provisions of this Ordinance not covered in (1) above, shall adhere to the following criteria:

- 1) An affirmative decision shall not be issued by the \*\* Council within the designated floodway if any increase in flood levels during the base flood discharge would result.
- 2) A decision may be issued by the \*\* Council for the construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation in conformance with the procedures of paragraphs 3, 4, 5, and 6 of this section.
- 3) Affirmative decisions shall only be issued by the \*\* Council upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the appeal would result in exceptional hardship to the applicant, and (iii) a determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinance.
- 4) Affirmative decisions shall only be issued upon determination that it is the minimum necessary, considering the flood hazard, to afford relief.
- 5) The \*\* Council shall notify the applicant in writing over the signature of a community official that (i) the issuance of a decision to allow construction of a structure below the Base Flood Elevation will result in increased premium rates for flood insurance, (ii) Such construction below the Base Flood Elevation increase risks to life and property. Such notification shall be maintained with a record of all decisions as required in paragraph (6) of this section; and
- 6) The \*\* Council shall (i) maintain a record of all decisions including justification for their issuance, and (ii) report such decisions issued in its annual report submitted to the Federal Insurance Administration.

### Section 7.3 Penalties

Any person who fails to comply with any or all of the requirements or provisions of this ordinance or direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the \* City of Nitro of not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00) plus costs of prosecution. In default of such payment such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this Ordinance may be declared by the \* Council to be a public nuisance and abatable as such.

## ARTICLE VIII - SEVERABILITY AND MUNICIPAL LIABILITY

### Section 8.1 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

### Section 8.2 Municipal Liability

The granting of a permit or approval of a subdivision or development plan in an identified flood-prone area, shall not constitute a representation, guarantee, or warranty of any kind by the \* City of Nitro or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the \* City of Nitro its officials or employees.

ARTICLE IX - ENACTMENTENACTED AND ORDAINED THIS 20th DAY OF April, 1982, 1982*City of Martinsburg, West Virginia*

\*\* \_\_\_\_\_ OF THE\*\*

*Putnam - Kanawha* COUNTYSIGNED: *John Santrock*  
*Recorder*

AGENDA ITEM NO. 3 - SECOND READING OF REZONING ORDINANCE  
RECOMMENDATION OF PLANNING COMMISSION: City Recorder Santrock discussed the rezoning request of the City Planning Commission with Dr. Charles Byrd, Chairman, and read the summarization. Councilman Moon stated that he had not received any protests from persons living in his ward and believed the ordinance would give a better opportunity for business locations, with improved beautification of the City. This being the second reading, City Recorder Santrock moved for the adoption of this ordinance, effectively immediately. The motion was properly seconded and passed unanimously.

The ordinance is as follows:

AN ORDINANCE TO CHANGE PRESENT ZONING REQUIREMENTS AND RESTRICTIONS FROM R-1 to B-1 FOR AN AREA BEGINNING AT THE INTERSECTION OF BLACKWOOD AVENUE AND MAIN STREET WESTWARD ALONG MAIN TO WILSON STREET; NORTH ALONG WILSON STREET TO THE RAILROAD; EAST ALONG THE RAILROAD TO BLACKWOOD AVENUE; AND SOUTH ALONG BLACKWOOD AVENUE TO THE POINT OF ORIGIN; THE PROPERTY AT THE SOUTHWEST CORNER OF MAIN AND CENTRAL STREETS KNOWN AS JOHNSON'S AMOCO; AND THE VACANT LOT AT THE SOUTHWEST CORNER OF MAIN AND CENTRAL STREETS.



WHEREAS, public notice has been had on March 6, 1982 in accordance with established procedures; and

WHEREAS, all testimony given and heard at said public hearing was in support of the proposed zoning changes; and

WHEREAS, it appears to be in the best interest of the City of Nitro and its citizens to have the areas zoned as business districts in order to promote its development; and

WHEREAS, there appears to be no likelihood that this area can or would lend itself to residential development; and

WHEREAS, there appears to be no substantial opposition to said property zoning changes; and

WHEREAS, the Planning Commission for the City of Nitro has recommended to the City Council of the City of Nitro that the said proposed zoning changes be made.

NOW, THEREFORE, be it ordained by the City Council of the City of Nitro that the present zoning requirements and restrictions for the area beginning at the intersection of Blackwood Avenue and

Main Street Westward along Main to Wilson Street; North along Wilson Street to the railroad; East along the railroad to Blackwood Avenue; and South along Blackwood Avenue to the point of origin; the property at the Southwest corner of Main and Central Streets known as Johnson's Amoco; and the vacant lot at the Southwest corner of Main and Central Streets be changed from R-1 to B-1.

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MAYOR

*John F. Santrock*  


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 CITY-RECORDER

AGENDA ITEM NO. 4 - LEVY FOR 1982-83. FROM ADJOURNED SESSION OF MARCH 16, 1982: City Recorder Santrock shared with Council the requirement of laying the levy for the budget of 1982-83. He referred to the minutes of March 16, 1982, when the 1982-82 budget was adopted. The Code of West Virginia requires the proposed budget be advertised in "local papers forthwith", and that Council meet on the third Tuesday in April to lay the levy.

City Recorder Santrock stated that a letter has been received from the State Tax Commission giving approval of the levy and budget as proposed at the March 16, 1982 meeting. Councilman Cunningham moved for the passage of the levy. The motion was properly seconded and passed unanimously.

AGENDA ITEM NO. 5 - INTRODUCTION OF JOHN SIMMS, RECREATION DIRECTOR: Mayor Ashley announced the appointment of John Simms of Dunbar as the new Recreation Director, effective Monday, April 25, 1982. Mr. Simms has met with the staff on several occasions and has been an important part of the Nitro Spring Festival. He was unable to be present at the Council meeting due to present employment commitments.

AGENDA ITEM NO. 6 - SWIMMING POOL DISCUSSION: Mayor Ashley discussed the work being performed at the Nitro Swimming Pool and that it will be ready for opening on May 31st, Memorial Day, 1982. He was very disappointed in having to redo so much of the physical plan just repaired last year.

Upon the motion of City Recorder Santrock, properly seconded and unanimously approved, the following were approved as lifeguards for the summer program of 1982.

Melanne Pennington  
Lisa O'Dell  
Mark Galloway  
Risa Withrow  
Leigh Ann Shell  
Alan Miller Estep  
Christine Hoptry  
Catherine Hoptry  
Stephane Trout  
Perry Estep  
Melori Pennington

\*\* Melanne Pennington to serve as head lifeguard.

Mayor Ashley discussed the proposal of YMCA relative to the use of the pool from nine a.m. to eleven a.m., beginning June 14, 1982 and concluding August 20, 1982. It was stated that the proposal must be approved by the YMCA Board.

Councilman at Large Pennington moved for the approval of the YMCA proposal. The motion was properly seconded and the vote was unanimous and so ordered.

PROPOSAL TO CITY OF NITRO

#### 1982 SWIMMING POOL OPERATION

Following discussions between officials of the YMCA and the City of Nitro, the following recommendations are made for swimming:

#### SWIM INSTRUCTION

We propose that 5 sessions of swim instruction be given for beginners, advanced beginners, intermediate and swimmers. Class sessions would consist of 8 lessons over a two-week period, allowing for possible bad weather. Sessions would be 35 minutes long with three classes being held in each session at 9:00, 9:40 and 10:20 A.M. The 5 sessions would be:

Session 1	June 14 - June 25
Session 2	June 28 - July 9
Session 3	July 10 - July 23
Session 4	July 26 - August 6
Session 5	August 9 - August 20

**YMCA**  
3401½ First Avenue  
Nitro, W. Va. 25143  
Phone 304-755-0751

Classes would be lead by certified, well-qualified swim instructors on a ratio of at least one instructor for each 6 students. The class would include "take-home" reports to the parents...and an explanation of what is taking place. The session will end with a parent-involved event to commemorate the skills achieved. Suitable recognition will be given to all participants and special recognition to those who complete the various level requirements.

All expenses have been considered, including paying for a pool staff person to open the pool each morning, etc. No costs have been considered for pool payments. For this first year, the YMCA would charge pool members \$10 for lessons and \$15 for non-pool members. (These prices are still subject to YMCA Board consideration and approval.)

### SCUBA INSTRUCTION

YMCA training and certification for Scuba (Self-Contained Underwater Breathing Apparatus) is recognized as the finest in the field. We have made arrangements with instructors to provide this program.

Scuba instruction requires 36 hours of instruction; half is in the water, half is in a classroom situation. This can be done in 9 4-hour classes or 18 2-hour classes. The pool time could be done after the regular hours at the Nitro pool or Sunday times. Session-concluding dives will be made in actual waters such as the river.

The class requirement is 15 students. Since the city is concerned for getting certified persons as a part of the emergency service staff, they should select the best time for themselves, then the class could be opened for interested citizens. Students would have to provide their own masks, snorkles and fins; all other equipment and publications will be provided. The cost will be approximately \$150.

### SWIM TEAM

Due to lack of pool controls and time, we recommend no team in 1982.

Mayor Ashley presented a proposal from John Boys, a local fast food distributor, to operate the concession stand the the Nitro Swimming Pool for the swimming session at the pool for 1982. Several questions were asked by members of Council concerning past experiences and possible future expectations under this contract. Counselor Gritt stated that the contract was slightly different from John Boys.

Councilman at Large Pennington moved for the acceptance of John Boys proposal. The motion was properly seconded. A vote was taken and was unanimous and so ordered.

The contract is as follows:

## City of Nitro

I propose to operate, as an agent, for the City of Nitro, the concession at the Nitro Municipal Swimming Pool for the 1982 season. I will relinquish to the City of Nitro 5% of the first \$6,000.00 gross for the season, and 7 1/2% of any monies grossed over \$6,000.00 for the 1982 season.

It is my understanding that my responsibilities will be only for the concession stand and the properties therein. The City of Nitro will take all reasonable steps to insure the concession stand will be secure.

The City of Nitro agrees to make available a proper source of power supply for a dual unit ice cream machine, renovation of window in concession stand for walk-up service and new locks installed on concession stand door.

The hours of the concession stand will run concurrently with the hours of the swimming pool.

This agreement may be terminated by either party within a given 5 day working period.

Respectfully Submitted this 20th day of April, 1982

Linda C. Jones  
John Boya

AGENDA ITEM NO. 7 - CITY STREET PAVING PROPOSAL: Mayor Ashley stated that several members of Council and members of the administration had discussed the possibilities of street paving. Councilman King read eleven (11) points for consideration in paving. Many questions were asked and suggestions were made relative to block chairman, legality, funding, et cetera. A document will be developed for the next Council meeting. The eleven points are as follows:

1. No resident or owner will be required to enter agreement or pay.
2. The City will make no assessment, but will assist both parties as requested.
3. Instructional sessions to be held.
4. Workbooks will be prepared that will serve to instruct.
5. Block captains will be selected to coordinate specific streets.
6. Paving to include one block minimum.
7. Intersections paid by the City.
8. Project cost determined in advance.
9. Fifty-one percent (51%) of the money will be collected in advance and held by the City.

- .. Fifty-one percent (51%) of the contracts will be signed in advance.
- 11. All contracts invited to bid to advertise specifications.

\*Specifications available for Council approval 5/4/82.

\*Specifications available for bid 5/18/82.

The question was asked relative to filling pot holes and Mayor Ashley stated the Department of Public Works is continuing its efforts to fill all holes.

#### COMMITTEE/CHAIRMAN REPORTS

##### Spring Festival

City Recorder Santrock expressed appreciation to the many people who assisted in the project. Everything went well, except the weather. Nitro policemen tied with Charleston policemen, and the City of Nitro retained the Mayor's trophy, with Dunbar in second place.

Council members expressed gratitude for cooperation of the citizens of Nitro in their clean-up effort, and that our community looked its best. The Ridenour Lake area and Nitro City Park outstanding. Work has already begun on next year's Spring Festival.

A special thanks to Hecks, Inc. for their contributions of prizes, t-shirts, et cetera, to Mr. Bill Withrow for his splendid leadership, and to the Department of Public Works for an outstanding job above and beyond the call of duty to make the fesitval successful.

Councilman at Large Pennington asked about putting up backboards for basketball at the Washington Street landfill. Mayor Ashley replied that this would be done when new backboards put up at Nitro City Park, using the present park boards at the landfill.

Councilman at Large Pennington made the motion to adjourn. The motion was properly seconded. The vote was unanimous and so ordered. The meeting was adjourned at 8:58 p.m.

Arden D. Ashley, Mayor

John F. Santrock, City Recorder





## COUNCIL MEETING MINUTES

## CITY OF NITRO

May 4, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in the Council Chambers on May 4, 1982 at 8:00 p.m. Present were City Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham and Councilman Jack Moon. Absent was Councilman at Large Mel Pennington. Also present were City Treasurer Michael E. Greenleaf and Franklin L. Gritt of the City Attorney's office.

The invocation was given by Fire Chief E. W. Hedrick.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 20, 1982 COUNCIL MEETING MINUTES: Councilwoman at Large Trout moved for the approval of the minutes of the April 20, 1982 Council meeting as written. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - ANTI-TRUST REPORT: Mayor Ashley stated that the National League of Cities asked that the various member States participate in a seminar in Dallas, Texas on recent anti-trust legislation rulings that have been handed down through the United States Supreme Court. He stated that the President of the League was unable to go and that he was asked to attend in his place, at no expense to the City of Nitro.

Mayor Ashley stated that anti-trust is very basic and fundamental to the free enterprise system, which is the very substance around which this nation succeeds socially and economically, and there is very little argument with that, and there is a great deal of interest in protecting the free enterprise system. There are a number of potential lawsuits. The Mayor stated that this is something that is anticipated throughout the country and very seriously impacts the budgets of a lot of municipalities. He stated that if we do our jobs locally, we have nothing to fear.

Mayor Ashley gave an example of a previous warden of our State penitentiary who is forced to return to West Virginia an average of once a week to reply to suits.

AGENDA ITEM NO. 4 - PROPOSED POOL RATES FOR 1982 - CITY ORDINANCE 82-3: City Recorder Santrock introduced the following ordinance for approval by Council, which stated the 1982 City Pool rates:

## ORDINANCE 80-3

## SWIMMING POOL RATES 1982

Sec. 18-6 Admission Charges to City Swimming Pool Facilities States:

"The charges for admission to the City Swimming Pool facilities shall be as from time to time established by the City Council by Ordinance."

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, THAT THE SWIMMING POOL RATES FOR 1982 BE:

PASSES

	<u>Resident</u>	<u>Non-resident</u>
Family	\$ 60.00*	\$ 120.00*
Individual	30.00	60.00

\*Based on four member family. A \$10.00 fee for each additional member on pass.

DAILY RATES

	<u>Resident</u>	<u>Non-resident</u>
Adult (over 15)	\$ 2.00	\$ 4.00
Youth (under 16)	1.50	3.00
Child (under 6)	1.00	2.00
Senior Citizen	1.00	2.00

Pool hours: 11:00 a.m. to 8:00 p.m. Daily & Saturday  
1:00 to 6:00 p.m. - Sunday

Rental: \$20.00 per hour after 8:00 p.m.  
of Pool

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the 4th day of May, 1982, and read and adopted at a regular meeting on the 16th day of May, 1982.

\_\_\_\_\_  
Art Ashley, Mayor

\_\_\_\_\_  
John F. Santrock, Recorder

After discussion, Councilman Savilla moved that Council accept the first reading of the above ordinance, with the change in the Sunday closing hour from five o'clock to six o'clock. The motion was seconded. The vote was six to one, with Councilman at Large Casto opposing.

At this point Councilman Savilla moved that Council grant free pool passes to all full-time City employees and their immediate family. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 5 - FLOOD PLAIN ORDINANCE CHANGE - ARTICLE III, SECTION 3.1: City Recorder Santrock asked Council to turn to Article III, Section 3.1 of the Flood Plain Ordinance, line number five (5), and to strike out the words, "Department of Housing and Urban Development" and replace it with Federal Emergency Management Agency.

Mr. Santrock moved that we accept the change in the ordinance. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 6 - MINUTES RESOLUTION - FEBRUARY 4, 1975: City Recorder Santrock explained to Council his efforts to update the City resolutions and ordinances, using the February 4, 1975 resolution as an example of missing ordinances and resolutions in the City's special records or the City Code. Mr. Santrock also explained the differences in a motion, a resolution and an ordinance.

AGENDA ITEM NO. 7 - RESOLUTION TO ENDORSE MAYOR ASHLEY TO BOARD OF DIRECTORS OF THE NATIONAL LEAGUE OF CITIES: City Recorder Santrock introduced the resolution to endorse Mayor Ashley to the Board of Directors to the National League of Cities.

The resolution is as follows:

## RESOLUTION 82-3

A RESOLUTION BY THE COUNCIL OF THE CITY OF NITRO, ENDORSING MAYOR ARDEN D. ASHLEY FOR A POSITION ON THE BOARD OF DIRECTORS TO THE NATIONAL LEAGUE OF CITIES.

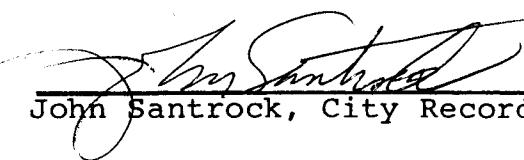
WHEREAS, in the opinion of the undersigned, Mayor Arden D. Ashley is well qualified to act in the capacity of a director on the Board of Directors to the National League of Cities by virtue of his experience and current official position; and

WHEREAS, in the opinion of the undersigned, Mayor Ashley would be a distinct asset to said Board of Directors to the National League of Cities, and would be able to perform the duties and functions of such office with a high degree of skill and ability; and

WHEREAS, the undersigned, the Council of the City of Nitro, in their official capacity, are desirous of endorsing Mayor Ashley for the aforesaid position;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Nitro does hereby go on record as endorsing Mayor Ashley for a position on the Board of Directors to the National League of Cities.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the West Virginia Municipal League and to the appropriate officials of said National League of Cities.

  
John Santrock, City Recorder

A. A. Savilla, Councilman

Rusty Casto, Councilman at Large

Ronald King, Councilman

Mary Trout, Councilwoman at Large

Omar Cunningham, Councilman

Mel Pennington, Councilman at Large

John Moon, Councilman

SEAL:

City Recorder Santrock made the recommendation that Council endorse the above resolution. The recommendation was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 9 - MEMORIAL DAY EVENTS: Mayor Ashley stated that the City will be celebrating Memorial Day on Monday, May 31, 1982, with a small celebration. The events will begin with a short ceremony in front of City Hall around twelve p.m., which will include Attorney General Browning as the guest speaker.

AGENDA ITEM NO. 10 - RESOLUTION ADOPTING RULES AND REGULATIONS FOR EMERGENCY SERVICES: City Recorder Santrock read the following resolution to be adopted by City Council:

## RESOLUTION 82-4

WHEREAS, a need exists for revising the current rules and regulations governing the police and fire departments; and

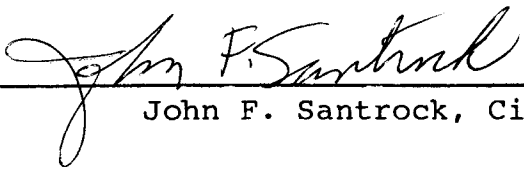
WHEREAS, a need exists for combining the rules and regulations governing the police and fire departments into one set for all emergency services; and

WHEREAS, revised rules and regulations for governing the police and fire departments have been promulgated for implementation;

THEREFORE, be it resolved by the City Council of the City of Nitro that the proposed revised rules and regulations for governing the police and fire departments be adopted as written and submitted.

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Arden D. Ashley, Mayor

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John F. Santrock, City Recorder

After the reading of the resolution, Mayor Ashley stated that these rules and regulations were comprised by the Chiefs of the Fire and Police Departments and the City Attorney, who in turn came back with this combined document and reedited it.

After discussion on the actual definition of "Emergency Services" Councilman Savilla moved to table the resolution until the next Council meeting so all Council members have a chance to read the regulations more carefully. The motion was seconded. The vote to table the resolution until the next Council meeting was unanimous.

After the vote, Mayor Ashley asked the Council to consider that the Fire Chief and the Police Chief had spent a great deal of time and effort compiling the rules and regulations and if anyone finds anything in the document of concern, to please notify either of them, or a city official, to let them know where the areas of concern are before the start of the next Council meeting.

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By way of announcement, Mayor Ashley pointed out the copy of the plans of the City Street Paving Project. He asked that we set aside the question on the paving project until the next Council meeting.

Councilman at Large Casto brought up the fact of the condition of the bleachers at the City Park. Councilman Cunningham stated that he had planned to approach Monsanto for two by twelves and some two by fours, and that he should know something by Friday or next Monday.

Councilman at Large Casto complimented the City on the clean-up and fix-up of the City Park.

Mayor Ashley stated that he was pleased to announce that some progress has been made on the possibility of having an ambulance location here in the City. He stated that through the efforts of Fire Chief E. W. Hedrick there may be an agreement with Cooke & Pauley Funeral Home for an ambulance location. He stated that the location is the first problem and if that can be arranged then we can go from there with the County Commission.

By way of announcement for the City Council, Mayor Ashley stated that the City has approved, in the next year's budget, the purchase of a new police cruiser. The Mayor shared problems we are having with the present cruisers, particularly the Buick carburetor. He stated that the cost of a new carburetor is approximately six hundred dollars and is not carried by dealers or parts stores, making for a long down time. The Mayor further stated that we should look closely at our experiences before making future purchases.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: Mayor Ashley annouounced that this month's citizen of the month for the month of May, 1982, is Mr. Bill Withrow, who was the director of the distance run at the Spring Festival. The Mayor stated that Mr. Withrow did a fantastic job and has received many compliments for his splendid work.

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Councilman Cunningham asked Mayor Ashley if any progress has been made on the location of the fire hydrants. Mayor Ashley stated that he had not heard anything, but asked Chief Hedrick to touch bases with the Water Company and get a price on the three locations and distribute that to Council.

Councilman King, at this point, moved to adjourn the meeting. The motion was seconded. The vote was unanimous and so ordered.

At 9:01 p.m. the meeting was adjourned.

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Arden D. Ashley, Mayor

  
\_\_\_\_\_  
John F. Santrock, City Recorder



## COUNCIL MEETING MINUTES

CITY OF NITRO

May 18, 1982

The regular meeting of the Nitro City Council was called to order by City Recorder John F. Santrock in the Council Chambers on May 18, 1982 at 8:00 p.m. Present were Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Ronald King and Councilman Jack Moon. Absent were Mayor Art Ashley and Councilman Omar Cunningham. Also present were City Treasurer Michael Greenleaf and Franklin L. Gritt of the City Attorney's office.

The invocation was given by Fire Chief E. W. Hedrick.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 4, 1982 COUNCIL MEETING MINUTES: Councilman Savilla moved to accept the minutes of the May 4, 1982 Council meeting as written. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - SECOND READING OF ORDINANCE 82-3 - POOL RATES: City Recorder Santrock read the ordinance proposing the 1982 swimming pool rates. Councilwoman at Large Trout moved to dispense with the reading of the entire document. The motion was seconded.

At this time Councilman Savilla moved that Council accept the second reading of the ordinance proposing the 1982 pool rates. The motion was seconded. The vote was unanimous and so ordered.

The ordinance is as follows:

## ORDINANCE 82-3

## SWIMMING POOL RATES 1982

Sec. 19-6 Admission Charges to City Swimming Pool Facilities States:

"The charges for admission to the City Swimming Pool facilities shall be as from time to time established by the City Council by Ordinance."

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, THAT THE SWIMMING POOL RATES FOR 1982 BE:

PASSES

	<u>Resident</u>	<u>Non-resident</u>
Family	\$ 60.00*	\$ 120.00*
Individual	30.00	60.00

\*Based on four member family. A \$10.00 fee for each additional member on pass.

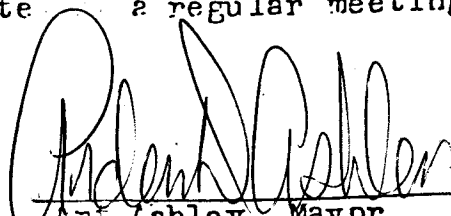
DAILY RATES

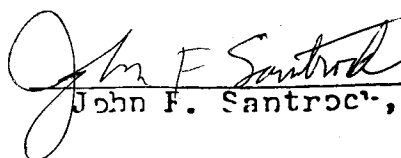
	<u>Resident</u>	<u>Non-resident</u>
Adult (over 15)	\$ 2.00	\$ 4.00
Youth (under 16)	1.50	3.00
(under 6)	1.00	2.00
For Citizen	1.00	2.00

Pool hours: 11:00 a.m. to 8:00 p.m. Daily & Saturday  
1:00 to 6:00 p.m. - Sunday

Rental: \$20.00 per hour after 8:00 p.m.  
for Pool

This ordinance was read and introduced for the first time at the regular meeting of the City Council of the City of Nitro on the 4th of May, 1982, and read and adopted at a regular meeting on the 11th day of May, 1982.

  
Art Ashley, Mayor

  
John F. Santrock, Recorder

AGENDA ITEM NO. 3 - RESOLUTION ADOPTING RULES AND REGULATIONS FOR CITY SERVICES: The City Recorder presented the rules and regulations for city services for discussion. Councilman Savilla stated that he suggested that the name of the rules and regulations document should read, "Rules and Regulations. City of Nitro. Police and Fire Department Personnel and Administration."

Councilman Savilla moved to accept the rules and regulations with the amended title and expected changes in grammatics when typed in final form. The motion was seconded. The vote was unanimous and so ordered.

The resolution governing the rules and regulations is as follows:

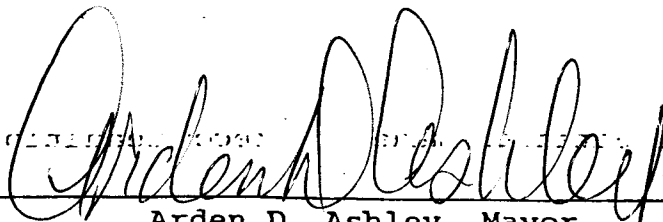
RESOLUTION 82-4

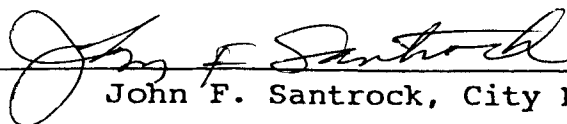
WHEREAS, a need exists for revising the current rules and regulations governing the police and fire departments; and

WHEREAS, a need exists for combining the rules and regulations governing the police and fire departments into one set for all emergency services; and

WHEREAS, revised rules and regulations for governing the police and fire departments have been promulgated for implementation;

THEREFORE, be it resolved by the City Council of the City of Nitro that the proposed revised rules and regulations for governing the police and fire departments be adopted as written and submitted.

  
Arden D. Ashley, Mayor

  
John F. Santrock, City Recorder

AGENDA ITEM NO. 4 - RICHARD HENDERSON, LIFEGUARD APPLICANT: City Recorder Santrock called upon Recreation Director John Simms to present information on Mrs. Richard Henderson, an applicant for life guard at the City Pool. Mr. Simms stated that Mr. Henderson has extensive credentials as far as lifesaving is concerned, is a Navy veteran, twenty-eight years of age, and is certified in all areas of swimming, scuba and water safety instruction.

Councilman at Large Pennington moved to accept Richard Henderson as a lifeguard for the City Pool. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 5 - PERMISSION FOR NITRO FIRE DEPARTMENT TO SOLICIT FOR MUSCULAR DYSTROPHY: Councilman at Large Casto moved to permit Nitro Fire Department to solicit for muscular dystrophy in the City of Nitro, with the permission of the State. The motion was seconded. The vote was unanimously ordered.

AGENDA ITEM NO. 6 - CITY STREET PAVING PROPOSAL: City Recorder Santrock suggested that the proposal for City street paving be tabled until the next Council meeting, due to the absence of Mayor Ashley. Councilwoman at Large Trout moved to table the proposal until the next Council meeting. The motion was seconded and the vote was unanimous and so ordered.

AGENDA ITEM NO. 7 - PROPERTY RIGHT-OF-WAY AGREEMENT FOR LANDFILL: Frank Gritt of the City Attorney's office reported to Council that the Washington Avenue Landfill is now operational. Attorney Gritt further stated that the estimated life-expectancy of this landfill is ten years. He stated that this is a Class 2 landfill, which means that no chemical wastes or decomposable waste can be placed in the landfill.

He further stated that the residents of the area own the dry land under this backwater, so what needs to be done is to execute a lease from the landowners to the City for the City's right to use the area for a nominal fee each year, as a consideration. At the end of the landfill's lifetime the leases will expire and the landowners will have dry, level land to do with whatever they please.

Attorney Gritt also asked Council for their authorization to draft an easement agreement with the people who have offered to let the trucks, et cetera, cross their land to get to the landfill, and to also authorize the Mayor to enter into that agreement. Also suggested was a note of thanks to S & S Engineering for their efforts in completing the planning work for the landfill by this summer.

Councilman at Large Pennington moved to give the permission needed to the Mayor to enter into a contract or agreement for the property owners to give the City the necessary rights to use their property as this landfill, which includes easement agreements, et cetera. The motion was seconded. The vote was unanimous and so ordered.

Councilman Savilla moved that the City and City Council write a letter to S & S Engineers thanking them for their time and effort put into this project to get it to us in time. The motion was seconded. The vote was unanimously ordered.

AGENDA ITEM NO. 8 - RESOLUTION 82-5. A RESOLUTION TO ENABLE MAYOR ARDEN ASHLEY TO SEEK FUNDING FROM THE GOVERNOR'S OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT FOR THE CONSTRUCTION OF A NEW SEWER LINE TO REPLACE THE CURRENT ARMOUR CREEK SEWER MAIN: City Recorder Santrock pointed out the proposal drawn up by City Treasurer Greenleaf for Mayor Ashley to seek funding from the Governor's office for the repair of the Armour Creek sewer main. It was the original intent that the rate increase on the sanitation bills would provide some of the local shares; however, with the prior funding arena as it was the Environmental Protection Agency participated at a much greater level than the Community Development money. The City has to participate with this application with twenty-five percent.

The question was asked by Councilman at Large Pennington if there is a certain amount of money set aside for this project. City Treasurer Greenleaf stated that there is a reserve fund for this purpose, but that this alone is not enough. This money is invested in the State Investment Pool.

At this point Councilman Savilla moved to adopt the above-mentioned resolution. The motion was seconded. The vote was unanimously ordered.

The resolution is as follows:

## RESOLUTION 82-5

A RESOLUTION TO ENABLE MAYOR ARDEN ASHLEY TO SEEK FUNDING FROM THE GOVERNOR'S OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT FOR THE CONSTRUCTION OF A NEW SEWER LINE TO REPLACE THE CURRENT ARMOUR CREEK SEWER MAIN.

WHEREAS, the condition of the current Armour Creek sewer main is in a precarious state of repair; and

WHEREAS, the condition of said line is constantly deteriorating and is causing the expenditure of Sanitary Board funds in a never-ending effort to keep the sewer line functional; and

WHEREAS, the economic development of the Community is effectively stymied by a sewer moratorium which was imposed as a result of the above deficiencies, therefore resulting in the lack of development of commercially desirable properties as well as prime residential properties; and

WHEREAS, the health and safety of the residents served by the Armour Creek main is constantly endangered by seepage of sewer and subsequent infestation of rats and other vermin; and

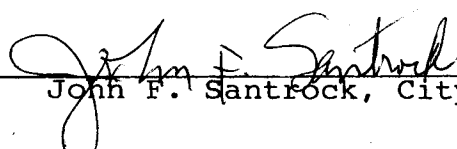
WHEREAS, the resultant impact upon the City of Nitro has been to depress the standard of living, both economically and qualitatively.

NOW, THEREFORE BE IT RESOLVED that Mayor Arden D. Ashley be empowered to seek funding from the aforementioned Governor's Office of Economic and Community Development in order to correct the above-mentioned deficiencies.

Passed by the City Council of the City of Nitro this the 18th day of May, 1982.

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Arden D. Ashley, Mayor

  
\_\_\_\_\_  
John F. Santrock, City Recorder

Councilman at Large Casto moved that Council approve the purchase of materials for the Department of Public Works to build a platform for special events in the City, such as the Memorial Day Services coming up. The motion was amended in discussion for the Department of Public Works to build or purchase a platform or riser. The motion was seconded. Councilman Savilla asked if the City has the money for such a project. The City Treasurer said that we did not have in the Department of Public Works budget. Councilman at Large Casto withdrew his motion. The idea was then suggested to ask Union Boiler or another industry in the City if they would be willing to donate a platform to the City.

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City Recorder Santrock stated that the date of the next Council meeting would have to be changed due to the Memorial Day holiday. The motion was made by Councilman at Large Pennington that the next Council meeting be held on June 8, 1982 at 8:00 p.m. The motion was seconded. The vote was unanimous and so ordered.

City Recorder Santrock stated also that the Council meeting scheduled for July 6th should be changed due to the expected absences of many Council members. Councilman Savilla moved to change the Council meeting date to July 13, 1982. The motion was seconded. The vote was unanimously ordered.

Also to be moved was the July 20th Council meeting date. Councilman at Large Pennington moved to change the July 20th Council meeting to July 27th. The motion was seconded. The vote was unanimous and so ordered.

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The City Recorder called upon City Treasurer Greenleaf to explain the cut-back in the Department of Public Works. He stated that due to the winter weather, holidays and special events of the City, the Department of Public Works had to work a number of extra hours, thus causing a variance in their payroll costs, which now forces the City to cut them back to a thirty-two hour work week until the end of this fiscal year, so as to produce a deficit in the line items that are affected by the end of this fiscal year.

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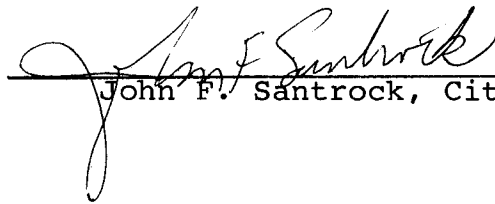
Councilman at Large Pennington stated that he would like to make an unofficial announcement that he has made an offer on a home in Cross Lanes, and if the offer is accept he will be resigning his position on the City Council. He further stated that he will be forthcoming with an official announcement at a later time.

Councilman at Large Pennington moved for the adjournment of the Council meeting. The motion was seconded. The vote was unanimous and so ordered.

At 9:10 p.m. the meeting was adjourned.

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Arden D. Ashley, Mayor



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John F. Santrock, City Recorder



## COUNCIL MEETING MINUTES

CITY OF NITRO

June 8, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in Council Chambers on June 8, 1982 at 8:00 p.m. Present were City Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilman at Large Mel Pennington, Councilwoman at Large Mary Trout, Councilman Joe Savilla, Councilman Ronald King and Councilman Jack Moon. Absent was Councilman Omar Cunningham. Also present were City Treasurer Michael E. Greenleaf, and from the City Attorney's office, Franklin L. Gritt.

The invocation was given by Councilwoman at Large Trout.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 18, 1982 COUNCIL MEETING MINUTES: The City Recorder asked to make some changes in the May 18, 1982 Council meeting minutes. The changes are as follows: (1) Agenda Item No. 4, Line 3 - Change "Mrs. Richard Henderson" to "Mr. Richard Henderson." (2) Agenda Item No. 7, Line 5 - "Change Class 2 Landfill" to "Class 3 Landfill." (3) Agenda Item No. 7, Paragraph 2, Line 2 - Place "a" in backwter. (4) Page 211, Paragraph 5, Line 7 - Change "so as to produce" to "so as not to produce".

Councilman Savilla moved to accept the June 8, 1982 Council meeting minutes as amended. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: Mayor Ashley announced that the award of Citizen of the Month is awarded to Wayne Chapman, who performed the courageous act of saving the life of a woman by removing her from her burning home. Mr. Chapman was unable to attend the Council meeting, but will be presented with the plaque at a later time.

AGENDA ITEM NO. 3 - APPOINTMENT OF CHARLES BAYLESS TO PLANNING COMMISSION: The Chair requested the approval of Mr. Charles Bayless as a member of the Nitro Planning Commission. Councilman King moved to accept the request of the Chair to approve Charles Bayless as a member of the Nitro Planning Commission. The motion was seconded. The vote was unanimously ordered.

AGENDA ITEM NO. 4 - COUNCILMAN AT LARGE RUSTY CASTO: Mayor Ashley turned the floor over to Councilman at Large Casto. Councilman at Large brought to Council's attention that he has received inquiries in reference to the City doing something about providing a place for the public to play tennis and basketball.

He stated that with the ending of the school year, the nets, et cetera have been removed from the schools' courts.

City Recorder Santrock stated that he has discussed the idea with Mr. McClanahan, the Nitro High School Principal, and that he said that if the City would purchase and put up two nets that he would also put up two nets. He further stated that that was sometime ago, but that he would speak with him about it again. He stated that this would give us three nets at the Junior High School and four at the High School. Mr. Santrock also stated that the City Treasurer said we would be able to finance the four nets specified.

Councilman at Large Casto went on to discuss the work needed on the basketball courts at the City Park. He stated that the nets need to be raised to ten (10) feet in height, to light it, and to paint lines on the courts. Councilman at Large Casto volunteered his services for such a project.

Councilman Savilla stated that the two things that can be done at the present are the raising of the nets and the striping of the courts. He said that the lighting of the courts would run in to a considerable amount of money, as was checked out last year by Gene Williams, Director of Public Works.

Councilman at Large Casto suggested that John Simms, Recreation Department Director, follow-up with plans to research the feasibility of a combination tennis/basketball court with lights for the City Park, and to report his findings at the next Council meeting.

Moving to the next item, Councilman at Large Casto stated that he wanted to ask Council how they felt about a 1983 Birthday Celebration. Mayor Ashley stated that the idea has been discussed at previous Council meeting on how involved the celebration should be. Councilman at Large Casto stated that he felt it should not be treated just like any other day of the week. Councilman Moon stated that he thought it best to have a small get-together at the Junior High School or somewhere and have someone bake a large cake and have coffee or punch and invite the citizens in to celebrate.

At this point Mayor Ashley made the suggestion that perhaps the City schedule a Town Meeting and possibly have a City cookout, a birthday cake, or a party of that type and possibly with a guest speaker.

Councilman at Large Casto stated that he would try to get something started and report to Council at the next meeting on the progress made.

Councilman at Large Casto, at this point, moved on to the idea of reestablishing the bluebird in Nitro by building bluebird houses near the end of the summer for the nesting of the bluebird in Nitro once again, since this is a species of bird that is falling off rapidly. He stated that he would like to place such bird houses in the park and also at residences in Nitro.

Mayor Ashley stated his concern and good feeling about the project. Councilman Savilla seconded the motion. The vote was unanimous and so ordered.

AGENDA ITEM NO. 5 - NITRO NIGHT AT CHARLESTON CHARLIES GAME: Councilman at Large Casto read a letter from Mr. Jerry Gill, Assistant General Manager of the Charleston Charlies. He asked in the letter for the City to reply to him on any arrangements to be made. Councilman at Large Casto moved to accept the Charlies' invitation for sometime in mid-August -- the date to be determined at a later time by the Charlies. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 6 - POOL PASSES: Councilman at Large Pennington brought up the fact that he has had many calls and inquiries about the extra ten dollar (\$10.00) charge for each person over the number of four (4) when purchasing pool passes. Councilman Savilla stated that he also has had many inquiries about the unfairness of having a large family.

Mayor Ashley stated that this was discussed in previous Council meetings and that the reason for this charge was the deficit the Recreation Department has shown in the past. He stated that we did not make this decision on the spur of the moment. That it was thought out very carefully and discussed at great length.

Councilman Savilla suggested that John Simms, the Recreation Director, attend the Council meeting next week to give a report on the status of the funds of the pool, et cetera. He further made the motion to table the item until next Council meeting. After discussion by Councilman at Large Pennington about a report of the concession stand charging fifteen cents for ice water, and the water fountain not working at the pool, the motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 7 - DEFERRED COMPENSATION PLAN: Mayor Ashley pointed out the material given to Council from the West Virginia Municipal League. The Mayor stated that it would be in the best interest, if Council is willing to do so, to give positive consideration to the resolution that has been made available to them. He stated that the essence of the Deferred Compensation Plan was made possible through a State law that was passed by the West Virginia Legislature in 1982.

This resolution would allow State, County and Municipal employees to defer a certain part of their wages for future use, such as retirement, which would be effective ninety days (90) from the passage date of June 19. This is not subject to taxation until withdrawal. The amounts deferred are used to purchase an investment mechanism as selected by the employee.

The resolution is as follows:

RESOLUTION APPROVING AND ADOPTING A DEFERRED COMPENSATION  
PLAN FOR MUNICIPAL EMPLOYEES OF THE (CITY OR TOWN)  
OF \_\_\_\_\_, WEST VIRGINIA, PURSUANT TO SECTION 457  
OF THE INTERNAL REVENUE SERVICE CODE

WHEREAS, Section 457 of the Internal Revenue Service Code has provided for extension of deferred compensation plans (the "Plan") to state, county and municipal employees; and

WHEREAS, the 1982 West Virginia Legislature has passed enabling legislation allowing state, county and municipal employees to defer a certain part of their wages for future use such as retirement, which legislation is effective ninety (90) days from passage (June 19, 1982); and

WHEREAS, Because of the fact that there must be a Plan in place for municipal employees by the effective date of the enabling legislation (June 19, 1982) the Board of Directors of the West Virginia Municipal League has received proposals from various insurance companies, agents, and underwriters concerning a deferred compensation program plan for municipal employees and after review of all of the same has selected and has recommended to its member Cities and Towns the Plan established and developed by the McDonough Caperton Employee Benefits, which Plan has been submitted to the

governing body of the (City or Town) of \_\_\_\_\_, West Virginia for its review; and

WHEREAS, The municipal employees of the (City or Town) of \_\_\_\_\_, West Virginia should be extended the benefits of a deferred compensation program plan so as to provide for such employees upon their retirement and/or termination from municipal service.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE (CITY OR TOWN) OF \_\_\_\_\_, WEST VIRGINIA THAT:

1. The municipal employees of the (City or Town) of \_\_\_\_\_, West Virginia are entitled to participate, at their election in a deferred compensation program plan.

2. That the Plan, previously selected by the Board of Directors of the West Virginia Municipal League, after review and mature consideration is approved and adopted by the Governing Body of the (City or Town) of \_\_\_\_\_, West Virginia as its Deferred Compensation Plan for the (City or Town) of \_\_\_\_\_, West Virginia in the form as set forth in Exhibit A attached hereto, and made a part hereof for all pertinent purposes, as the same may be from time to time amended.

3. The (City Clerk or Recorder) is directed to provide the West Virginia Municipal League with a certified copy of this Resolution upon its adoption by the Governing Body.

Adopted this 8th day of June, 1982.

\_\_\_\_\_  
Mayor

The undersigned (City Clerk or Recorder) of the (City or Town) of Intn, West Virginia, hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by the Governing Body of the (City or Town) of Intn, West Virginia at a regular meeting held on 8th 17 June, 1982, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

Witness my hand and the seal of the (City or Town) of Intn, West Virginia, this 8th day of June, 1982.

John F. Santrock  
City Clerk or Recorder

After the reading of the resolution, Councilman Savilla moved to adopt the resolution as above-stated. The motion was seconded. The vote was unanimous with City Recorder Santrock abstaining.

#### COMMITTEE/CHAIRMAN REPORTS

Mayor Ashley announced that there is a group organizing an emergency rescue scuba program for our area. There will be information available on the program, but it has been formally organized and will be available to the City in the near future.

Councilman Savilla stated that he would like to commend everyone who had anything to do with the memorial fountain to Robby Guthrie.

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Councilman King asked the Mayor if anything is being done about the patching of holes and the paving of the City streets. The Mayor stated that generally the citizens are against the assessments for street paving and that we are now trying to find a way to see if some paving can be done in a limited way within the next fiscal years.

He further stated that just as the State of West Virginia cannot even maintain their roads, let alone build them, neither can the City do the same. But we are trying to do some things and as much as we can.

Councilman King asked that if there are any streets that would be willing to pay for the paving, would it be allowed. The Mayor stated that as of yet he has not seen one that is willing. He further that we would be happy to administer the program and that the City Treasurer has offered his services, and that the City would make sure that specification were met and act as a liaison on. Also suggested was a Town Meeting to discuss the issue.

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Councilman Savilla discussed the need for all members of the Police Department to have bullet-proof vests. Several members of Council and Police Chief Cochran made comments relative to the need of a vest for each individual member of the force, and that Chief Cochran insist they wear them if purchased. At the present two vests are available in the cruiser. Councilman Savilla stated that the vests are most desired by the men and that the cost is in the neighborhood of \$170.00.

Councilman Savilla made the motion to purchase eleven (11) bullet-proof vests for all police officers at the earliest convenience with Chief Cochran working out the details with the City Treasurer Greenleaf. The motion was seconded and passed unanimously.

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Recorder Santrock, at this point, moved for adjournment at 9:20 p.m. The vote was unanimous and so ordered.

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Arden D. Ashley, Mayor

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John F. Santrock, City Recorder





## COUNCIL MEETING MINUTES

CITY OF NITRO

June 15, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in Council Chambers on June 15, 1982 at 8:00 p.m. Present were City Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Joe Savilla, Councilman Ronald King, Councilman Jack Moon and Councilman Omar Cunningham. Absent was Councilman at Large Mel Pennington. Also present were City Treasurer Michael E. Greenleaf, and from the City Attorney's office, W. Stuart Calwell, Esquire.

The invocation was given by Councilman Joe Savilla.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 8, 1982 COUNCIL MEETING MINUTES: Councilwoman at Large Trout moved to accept the minutes of the June 8, 1982 Council meeting as written. The motion was seconded. There being no discussion, the vote was taken and was unanimous and so ordered.

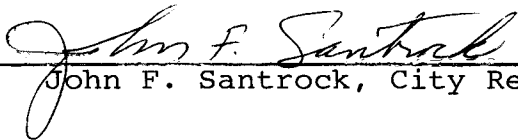
AGENDA ITEM NO. 2 - FIRST READING OF ORDINANCE TO CHANGE COUNCIL MEETING TIME FROM 8:00 P.M. TO 7:00 P.M.: Mayor Ashley called upon City Recorder Santrock to introduce the ordinance to change the Council meeting time.

Mr. Santrock asked Council to change the number of the ordinance to 82-4, from 82-2, and read the first reading of the above-stated ordinance. The ordinance is as follows:

## ORDINANCE 82-4

Regular meeting of City Council shall be held in Council Chambers on the first and third Tuesday of each month, beginning at 7:30 p.m., provided that when any such day shall fall upon a holiday the Council may fix another day for such meeting.

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Arden D. Ashley, Mayor

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John F. Santrock, City Recorder

Councilman Savilla stated that seven o'clock would be difficult for him to arrive on time. Councilman Cunningham stated also that he felt that eight o'clock is also a difficult time for most people in planning outside activities because it is in the middle of the evening. At this time Councilman Savilla asked if seven thirty could be suggested.

Councilman Cunningham moved to change the hour of the Council meeting from 8:00 p.m. to 7:30 p.m, and to adopt the first reading of the ordinance with the time change. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - SCUBA DIVING RELATED TO EMERGENCY SERVICES: Mayor Ashley announced that the gentlemen whom he had invited to come to the Council meeting and discuss the emergency scuba diving services were not able to come to the Council meeting due to an emergency in Yeager, West Virginia.

AGENDA ITEM NO. 4 - REQUEST FOR ALL-STAR BANNER: Mayor Ashley asked for a motion from Council for the display of a banner to support and promote the High School All-Star Football Game scheduled for mid-July at Laidley Field. This being a game between the high school all-star players from the northern half of the State versus the all-star players from the southern half of the State, with the City of Nitro being represented.

Councilman Cunningham moved for such a banner to be place in the City. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 5 - POOL PASSES: Mayor Ashley asked for Council to bypass this agenda item due to the absence of Councilman at Large Pennington and Recreation Director John Simms, but pointed out the copies distributed to them by Mr. Simms about area rates and attendance records.

AGENDA ITEM NO. 6 - SMITH ROAD SITUATION: Mayor Ashley stated that as a result of the flash flooding last week, a bridge on Smith Road was destroyed by the culvert that was placed in the creek and that it is rendered not useful, but still was intact. The Mayor stated that calls were made to try to get relief in terms of restoration of the bridge.

Mayor Ashley stated that the National Guard was called, but to no avail. He also stated that Mr. Bill White, the Kanawha County Emergency Services Director, did assist the City in getting the Department of Highways to come in and that they removed all access to a bridge, which has left the residents of that area essentially stranded on the other side of the creek.

Mayor Ashley, at this point, called upon W. Stuart Calwell, Jr. from the City Attorney's office to speak on behalf of the City. Attorney Calwell stated that he felt that the spirit of the City is to go forward and try to resolve the problem as best as

we can in efforts to try and help the residents of Smith Street out. He stated that in order to make that decision, he felt that you have to make it knowingly and intelligently.

Attorney Calwell stated that if the City assumes control of that road, then it is essentially accepting it into the City system of streets and there are some technical things that would need to be done to perfect that, like having a formal dedication of Smith Road into the City and, therefore, becoming a public way and the responsibility of the City. He stated that if the City were to accept that, then it agrees to exercise due care in the maintenance of that road and in the construction of a bridge in that creek, and to do it in a reasonable and defensible fashion. The City Attorney further stated that this dedication of Smith Road would also require further City services to the residents of Smith Road, and that the City Council should be well aware of these things.

At this point, Mayor Ashley gave Council an opportunity to ask questions. There being no response at this particular time, time was given for the audience to ask questions and make statements.

After some discussion, Councilman Savilla moved to table the motion to allow Mr. Pete Parsons to get the deed and map of his property. There was no second to the motion, and it was stated that there was no need for such material.

City Attorney Calwell added that assuming that Smith Road is a private road and the City spends public monies to improve private property and the Smiths decide that that is their road and bridge, then what the City has done is spend public funds to benefit the private owners.

Mayor Ashley made the proposal that Council meet with some private sector to go in and provide some relief for these people by way of a bridge, so these people get in and out of their homes. The City Attorney stated that it would be legal, if someone volunteers their efforts for such purpose, and if there is an agreement between all the interested parties.

Councilman Moon asked if the City could render immediate emergency service, such as fire and police, and not be held liable from the standpoint that we react to assist. The City Attorney stated that the City could do that if the conduct came up to a reasonable standard of care.

Mr. Parsons, at this point, stated that the culverts are still there because the residents thought they could save the City some money and they were under the impression that the area was within City limits.

Councilman Savilla made a motion to table this item until the next Council meeting and in the meantime to talk to these interested citizens off the record after the meeting. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 5 - POOL PASSES: This agenda item was recalled due to the presence of John Simms, the Recreation Director. Mayor Ashley explained the guidelines under Robert's Rules of Order and gave the opportunity to speak on the subject.

Mr. Simms pointed out and explained the copies available to Council and the audience, and answered a few questions asked about the copies.

After some discussion, City Recorder Santrock moved that we retain the ordinance as written and accepted. The motion was seconded. Mr. Santrock stated that his reasoning for making such a motion was, number one, because of the time length needed to adopt an ordinance, and second, that it must be advertised in the newspaper at least five (5) days before it would be in effect. He stated that he feels that it should be left alone this year and to take a real close look at it before establishing next year's prices. The vote was taken and was passed unanimously.

AGENDA ITEM NO. 3 - SCUBA DIVING RELATED TO EMERGENCY SERVICES: Also brought back to business was the agenda item in reference to EAST. Mayor Ashley introduced Officer Robert Tabor of the Nitro Police Department and Pete McCuskey of Mountaineer Securities in St. Albans, members of the Emergency Assistance Scuba Team.

Mayor Ashley called upon Officer Tabor to report on the team, how it is structured and what they have been doing. Officer Tabor stated that the team consists of approximately fifteen (15) divers, with the hope of expanding to twenty (20). He stated that the team members are area police officers and businessmen. He explained the procedures they follow and the procedure followed in Yeager, West Virginia.

Mayor Ashley complimented Officer Tabor and Mr. Pete McCuskey for the fine job of the team and for making the special effort to appear at the Council meeting.

AGENDA ITEM NO. 7 - FIRST READING OF ORDINANCE TO PROVIDE FOR CHIEF OF POLICE TO DECLARE "NO PARKING" AREAS WHEREIN PARKING CREATES A HAZARD: City Recorder Santrock introduced the ordinance to provide the Chief of Police the authority to declare "no parking" areas wherein parking creates a hazard and moved to accept it as written. The ordinance is as follows:

## ORDINANCE 82-3A

An ordinance to provide for the Chief of Police to declare "no parking" areas on streets wherein parking creates a hazard.

WHEREAS, there are a number of narrow streets in the City of Nitro; and

WHEREAS, parking adjacent to a driveway and creating an unsafe situation should be prohibited; and

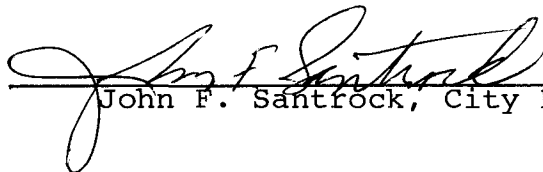
WHEREAS, blocking such driveway is dangerous;

THEREFORE, the Chief of Police of the City of Nitro may declare "no parking" areas when in his judgement either of these situations exist.

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 15th day of June, 1982, and read and adopted at a second reading on the 13th day of July, 1982.

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Arden D. Ashley, Mayor



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John F. Santrock, City Recorder

Councilman Savilla seconded the motion to accept the first reading of Ordinance 82-3. The vote was unanimous and so ordered.

AGENDA ITEM NO. 8 - RESOLUTION WELCOMING RECENTLY LICENSED BUSINESSES TO THE CITY: City Recorder Santrock read the following resolution:

## RESOLUTION 82-6

A resolution welcoming recently licensed businesses new to the City of Nitro.

WHEREAS, many communities are experiencing loss of licensed businesses; and

WHEREAS, the Recorder of the City of Nitro has recently (since April 15, 1982) licensed seven (7) new business establishments;

THAT, this Council extend a special welcome and best wishes to:

Dot's Resale Shop, 4105 First Avenue

Mobile Home Heating & Cooling Dist., Inc., 804 Main Avenue

Mountaineer Supply Company, 3002 First Avenue

Munchies Pizza and Sub Shop, 3004 First Avenue

Pro Sport Shop, Inc., #2 1102 11th Street

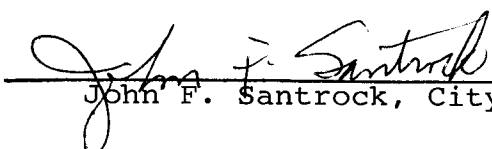
Power Brake Company, Inc., 406 First Avenue

Ron's Used Cars, 1501 Main Avenue

This resolution adopted by the Council of the City of Nitro at its regular meeting on Tuesday, June 15, 1982.

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Arden D. Ashley, Mayor

  
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John F. Santrock, City Recorder

After the reading of the resolution, City Recorder Santrock moved to adopt the resolution as written and read. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 9 - 51ST BIRTHDAY CELEBRATION: Mayor Ashley turned the floor over the Councilman at Large Casto, who made the motion for a get-together on February 19th, and to extend an invitation to Mr. Arnout Hyde, the editor / photographer for Wonderful West Virginia Magazine, to attend and participate. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 10 - CHARLESTON CHARLIES BASEBALL GAME: Again, Councilman at Large Casto took the floor to announce that Nitro Night for the Charleston Charlies would be August 16, 1982, Monday, at 7:30 p.m. He stated that the price per ticket will be \$1.25 to the City and advise local businesses and merchants of the sale of the tickets.

The motion was made for the Nitro night at the Charleston Charlies to be held on August 16, 1982, at 7:30 p.m. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 11 - REQUEST FROM UNITED WAY TO SOLICIT FUNDS IN THE CITY OF NITRO FROM SEPTEMBER 15, 1982 TO DECEMBER 31, 1982: Councilman Cunningham made the motion for United Way of Kanawha Valley, Inc. to solicit funds in the City from September 15, 1982 to December 31, 1982. The motion was seconded. The vote was unanimous and so ordered.

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Councilman King, at this time, made the motion for a handicapped zone at 1237 12th Street, Nitro, for Mrs. Billy Reed, who is handicapped. The motion was seconded. The vote was unanimous and so ordered.

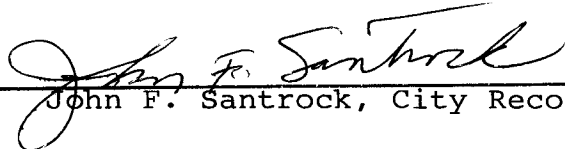
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Councilman Savilla moved for adjournment of the June 15, 1982 Council meeting. The motion was seconded. The vote was unanimous and so ordered.

At 9:40 p.m. the meeting was adjourned.

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Arden D. Ashley, Mayor

  
\_\_\_\_\_  
John F. Santrock, City Recorder





SPECIAL COUNCIL MEETING  
MINUTES

CITY OF NITRO

June 28, 1982

The invocation was given by Councilwoman at Large, Mary Trout.

Mayor Art Ashley called the special council meeting to order on June 28, 1982 at 5:00 p.m. in the Council Chambers.

Present were City Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, and Councilman Ronald King. Absent were Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Jack Moon, and Councilman Omar Cunningham. Also present were City Treasurer Mike Greenleaf, Gene Williams of Department of Public Works, City Attorney W. Stuart Calwell, and Engineer B. S. Saluja, PE, and a number of citizens residing on 40th Street (Smith Road).

Mayor Art Ashley announced since this was a special session only items on the agenda could be considered. Mayor Ashley gave an overall view why the special council session and identified the need for emergency action. He discussed the: (a) 40th Street "Smith Road" bridge problem; (b) the North 21st. Street storm sewer problem; (c) the Blake Drive Keith Criner situation and (d) other problems in the City concerning storm sewers, sanitary sewers, and street maintenance.

Mayor Ashley then had City Attorney W. Stuart Calwell express consult's opinion relative to the City's responsibility concerning the Smith Road Bridge. Attorney Calwell indicated the bridge must be repaired and maintained at a reasonable level to permit fire service, ambulance, police, garbage and trash service as serviced in other areas.

B. S. Saluja of S and S Engineers, Inc., then presented his engineer findings relative to the Smith Road Bridge and the 21st. Street storm sewers. A bridge meeting Department of Highways specifications would cost between \$18,000 to \$20,000. A temporary emergency bridge will cost about \$2,500. He also presented a cost estimate to repair about 130', present broken storm sewer 24" VCP on 21st. Street at about \$6,500 to \$7,500. He also stated this would not be adequate and an additional sewer 30" should be built at a cost of \$45,000 to \$50,000. Mr. Saluja's maps and position papers are maintained in the Recorder's Office.

Following discussion (tape retained) Councilwoman Mary Trout moved that our Department of Public Works be permitted to spend up to \$3,000 for a temporary bridge on Smith Road. The Department would work in cooperation with S and S Engineers and the citizens of 40th Street (Smith Road). Vote was unanimous. Mr. Saluja to begin working with us to build the bridge immediately. A task force concerning this project was appointed by Mayor Ashley. Councilman at Large Joe Savilla to serve as Chairman, members of the council and representatives of 40th Street (Smith Road) citizenry.

The motion was made by Councilwoman at Large Trout to spend up to \$8,000 to repair present storm sewer on North 21st. Street. Voted unanimously. S and S engineers to work with our public works crew through Gene Williams. Should not take over 2-3 weeks.

Councilman at Large Rusty Casto moved for the approval of budget submitted to City Council by Nitro Sanitary Board. Approved unanimously.

This completing action on all items called for on the agenda for the special meeting, Councilman King moved for adjournment at 6:15 p.m. Passed unanimously.

  
\_\_\_\_\_  
Recorder

\_\_\_\_\_  
Mayor

## COUNCIL MEETING MINUTES

CITY OF NITRO

July 13, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in Council Chambers on July 13, 1982 at 8:00 p.m. Present were City Recorder John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Joe Savilla, Councilman Omar Cunningham and Councilman Jack Moon. Absent were Councilman at Large Joe Savilla and Councilman Ronald King. Also present were City Treasurer Michael Greenleaf and City Attorney Franklin L. Gritt.

The invocation was given by Nitro Fire Chief E. W. Hedrick.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 15, 1982 COUNCIL MEETING MINUTES: Councilwoman at Large Trout moved for the approval of the minutes of the June 15, 1982 Council meeting. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - APPROVAL OF JUNE 28, 1982 SPECIAL COUNCIL MEETING MINUTES: Councilwoman at Large Trout moved for the approval of the minutes of the special Council meeting held on June 28, 1982. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - SECOND READING OF ORDINANCE TO CHANGE COUNCIL MEETING TIME FROM 8:00 P.M. TO 7:30 P.M.: City Recorder Santrock moved that Council adopt the ordinance to change the time of the Council meetings from 8:00 p.m. to 7:30 p.m. The motion was seconded. The vote was unanimous and so ordered.

The ordinance is as follows:

## ORDINANCE 82-4

Regular meeting of City Council shall be held in Council Chambers on the first and third Tuesday of each month, beginning at 7:30 p.m., provided that when any such day shall fall upon a holiday the Council may fix another day for such meeting.

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Arden D. Ashley, Mayor

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John F. Santrock, City Recorder

AGENDA ITEM NO. 4 - SECOND READING OF ORDINANCE TO PROVIDE FOR POLICE CHIEF TO DECLARE "NO PARKING" AREAS WHEREIN PARKING CREATES A HAZARD: The first motion was made by Councilman Moon to dispense with the reading of the entire ordinance to allow the Chief of Police to declare "no parking" areas wherein parking creates a hazard in the City. The motion was seconded. The vote was unanimous and so ordered.

Mayor Ashley, at this time, asked for a motion in favor of the second reading of the ordinance above-mentioned. The motion was made by Councilman Moon. The motion was seconded. The vote was unanimous and so ordered.

The ordinance is as follows:

ORDINANCE 82-3

An ordinance to provide for the Chief of Police to declare "no parking" areas on streets wherein parking creates a hazard.

WHEREAS, there are a number of narrow streets in the City of Nitro; and

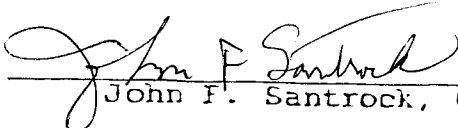
WHEREAS, parking adjacent to a driveway and creating an unsafe situation should be prohibited; and

WHEREAS, blocking such driveway is dangerous;

THEREFORE, the Chief of Police of the City of Nitro may declare "no parking" areas when in his judgement either of these situations exist.

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 15th day of June, 1982, and read and adopted at a second reading on the 13th day of July, 1982.

Arden D. Ashley, Mayor

  
John F. Santrock, City Recorder

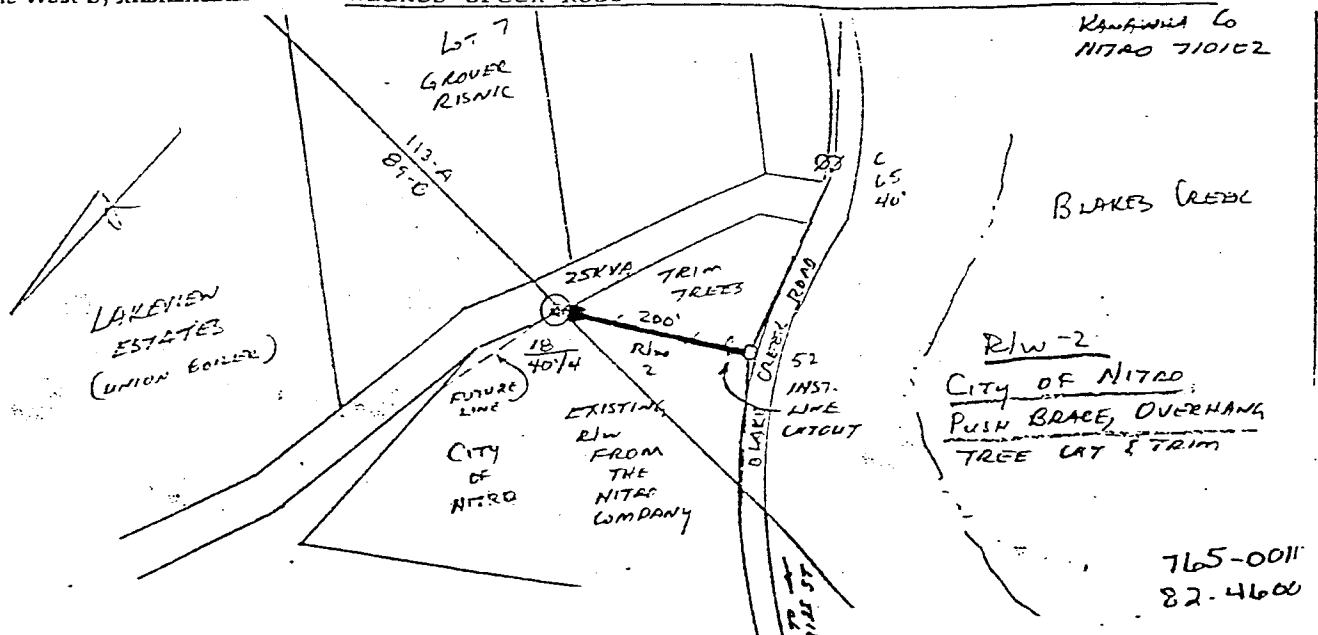
From No. GRW 104-R/E-AP (Rev. 2-79)  
Right of Way Easement For Corporations

Eas. No. \_\_\_\_\_ R/W Map No. 3882-113-A  
W. O. No. 765-0011 Temp. Prop. No. 2  
Job No. 82-4600

RECEIVED OF APPALACHIAN POWER COMPANY, a Virginia corporation, the sum of One Dollar  
(\$1.00) , in consideration of which City of Nitro

, a West Virginia Corporation, hereby  
grants and conveys unto said Appalachian Power Company, its successors and assigns, the right and easement to  
construct, operate and maintain or remove an electric power line, with all necessary poles, anchors, wires and fixtures  
and the right to permit attachments of others to said poles on and over its land, with services and extensions there-  
from, situate in the District of Nitro , County of Kanawha ,  
and State of West Virginia , and bounded:

On the North by the lands of \_\_\_\_\_  
On the East by ~~the lands of~~ a street  
On the South by ~~the lands of~~ a street and Blakes Creek Road  
On the West by ~~the lands of~~ Blakes Creek Road



Together with the right to cut, trim and/or otherwise control any trees or brush which may endanger the safety or interfere with the construction and use of said electric power line.

Together with the right of ingress and egress in and over said lands of the grantor for the enjoyment of the rights and privileges herein granted.

TO HAVE AND TO HOLD the same unto said Appalachian Power Company, its successors and assigns.

It is agreed that the foregoing is the entire contract between the parties hereto, and that this written agreement is complete in all its terms and provisions.

IN WITNESS whereof the City of Nitro

has caused its corporate name and seal to be hereto affixed this 1st day of July, 19 82.

ATTEST:

John F. Santhrock  
Secretary

City of Nitro  
By \_\_\_\_\_  
President



AGENDA ITEM NO. 5 - APPOINTMENT OF JOHN SANTROCK TO ZONING APPEALS BOARD: Mayor Ashley announced the request of Council to approve the appointment of John Santrock to the Zoning Board of Appeals as a member in good standing. Councilman at Large Casto moved for such appointment. The motion was seconded. The vote was unanimous, with City Recorder Santrock abstaining, and was so ordered.

AGENDA ITEM NO. 6 - RESIGNATION OF COUNCILMAN AT LARGE MEL PENNINGTON: City Recorder Santrock moved for Council to accept the resignation of Councilman at Large Mel Pennington and to declare the Council chair vacant. The motion was seconded. There being no discussion, the vote was taken and was unanimous and so ordered.

AGENDA ITEM NO. 7 - PROPOSAL FROM APPALACHIAN POWER COMPANY - FIRST READING OF ORDINANCE 82-5: City Recorder Santrock read the first reading of Ordinance 82-5. The ordinance is as follows:

ORDINANCE 82-5

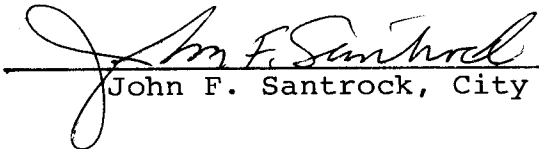
An ordinance to grant an easement to Appalachian Power Company to construct and maintain an electric power line on and over Nitro City property as detailed in Contract 765-0011, attached.

WHEREAS, this easement is in the best interest of the City of Nitro.

This City Council approves the first reading of this ordinance July 13, 1982.

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Arden D. Ashley, Mayor

  
\_\_\_\_\_  
John F. Santrock, City Recorder

City Recorder Santrock explained that what APCO is wanting to put extra support on the pole which will eventually supply the power to the Union Boiler property. He further made the motion to accept the first reading of the ordinance to grant easement to APCO. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 8 - UMBRELLA LIABILITY INSURANCE: Mayor Ashley pointed out to Council the copies of the letter from Commerical Insurance Service, Inc. spelling out an additional cost of thirty-five hundred dollars per year -- prorated until February -- for an increase in the limit of liability from one million to five million dollars, and asked for any discussion or comments from Council.

Councilwoman at Large Trout moved for the approval of the additional cost for liability insurance. The motion was seconded.

City Treasurer added, at this time, that Council might want to consider an extension of the termination date of the automobile police until February 20th, so that the City could place all insurances out for bid at once and perhaps get a better overall rate. The Council favored this action.

Mayor Ashley asked for a vote on the approval of additional cost for liability insurance for increased coverage of five million dollars on the current policy. The vote was approved and so ordered.

Mayor Ashley, at this point, asked if the automobile insurance is something that Council can take action on at this time as a separate item and authorize the extension. City Recorder Santrock stated that he would go ahead, without motions, and get the contract as negotiated and bring it before Council, then to take action on it.

AGENDA ITEM NO. 9 - CONFIRMATION OF APPOINTMENT OF F. LEE GRITT AS NITRO CITY ATTORNEY: Mayor Ashley announced the appointment of F. Lee Gritt, from the offices of Calwell, McCormick & Peyton, as the City Attorney for Nitro. The Mayor stated that Attorney Gritt will be available at the Monday morning staff meetings for personnel, if needed. Also available will be the offices Calwell, McCormick & Peyton for City services.

AGENDA ITEM NO. 10 - RESOLUTION 82-7: Mayor Ashley called upon City Recorder Santrock to explain Resolution 82-7. Mr. Santrock stated that this resolution is to endorse the creation of a joint committee to investigate the purchase of street paving equipment jointly with the City of St. Albans.



The resolution is as follows:

RESOLUTION 82-7

A RESOLUTION TO ENDORSE THE  
CREATION OF A JOINT COMMITTEE  
TO INVESTIGATE THE PURCHASE OF  
STREET PAVING EQUIPMENT  
JOINTLY WITH THE CITY OF ST.  
ALBANS.

Before the City Council of the City of Nitro this the 13th day of July, 1982.

WHEREAS, the streets of Nitro are in a condition of disrepair; and

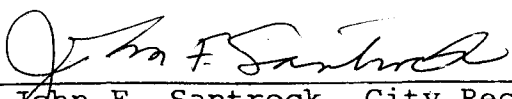
WHEREAS, there appears to be no other viable alternative which would cause such streets to be repaired; and

WHEREAS, it appears that the joint purchase of paving equipment to accomplish such objective would be financially attractive to both the City of Nitro and the City of St. Albans.

NOW, THEREFORE BE IT RESOLVED that a joint committee be established to investigate the possibility of the purchase of paving equipment to be owned and operated jointly by the City of Nitro and the City of St. Albans.

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Arden D. Ashley, Mayor

  
\_\_\_\_\_  
John F. Santrock, City Recorder

After the reading of the resolution, City Recorder Santrock moved for the approval of the joint committee and the approval of the resolution. Councilman Savilla seconded the motion.

Councilman Cunningham asked what type of equipment, how much money, et cetera, would be needed for this project. Mayor Ashley stated that the committee would participate in the details of storage, maintenance, ownership, utilization, charges, et cetera. He further stated that the City of St. Albans has a Street Commissioner who has experience in this area. He stated that Nitro has done some examination of ways that we might more effectively pave the City streets, but St. Albans has done more and they have selected equipment and a capability, and have advertised for bids. He stated that what he hopes will happen is that this joint committee and members of Council who are available will go to the meetings held by the St. Albans people in terms of that evaluation.

At this point a vote was taken and was unanimous and so ordered.

#### COMMITTEE REPORTS

Councilman at Large Casto asked Council members if they had been getting any complaints from citizens concerning the blocking of 26th Street by trucks delivering to Nitro Supermarket. There being no real response from Council, Mayor Ashley stated that this is a police matter and will be reported. He also suggested to Councilman at Large Casto that should this individual complain again to him to, ask this person to call the police and report the truck or trucks blocking the street.

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Councilman at Large Casto announced that Secretary of State A. James Manchin has accepted an invitation to speak at the 1983 Birthday Celebration on February 19, 1983.

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Councilman at Large Casto stated that the tickets for the Nitro night with the Charleston Charlies will be here for sale purposes the week of the 18th of July. He stated that the City's charge for the tickets will be one dollar per ticket and that the City can charge whatever they want over that. Also, there will be door prizes provided both by the Charlies and City merchants. Nitro night is scheduled for Monday, August 16, 1982.

Councilman at Large Casto stated that there is a possibility of another softball game with V-100.

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Mayor Ashley called upon Councilwoman at Large Trout to report on the Library Board. She stated that the Board is working to make the Nitro Library a branch of the Charleston Library. She stated that in checking back she found that the City library chose to become an affiliate library rather than a branch library so that they could "keep a control in Nitro". She further stated that Mr. Santrock has written a letter to a Mrs. Erwin, the head at the Putnam County Library, to request that the library pay the City of Nitro the monies budgeted by the Legislature for our citizens, which would amount to approximately three thousand three hundred and seventy-nine dollars. She further stated that there is no reply as of yet, but she would inform us when there is one.

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Discussion was also had on the plans to sponsor an Arts and Crafts Festival.

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Brief discussion took place at this point about the progress of the building of a temporary bridge on Smith Street. Concern was expressed over the delays and confusion about the culverts. Mayor Ashley stated that he would personally attend to the problems in those areas himself and apologized for the situation as it stands today.

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City Recorder Santrock agreed to personally work on the storm sewer repair project on North 21st Street.

Also discussed was the progress in getting an ambulance service back in the City.


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This completing action on all items called for on the agenda, Councilman Cunningham moved for adjournment at 9:01 p.m. The vote was unanimous and so ordered.

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Arden D. Ashley, Mayor

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John F. Santrock, City Recorder



## COUNCIL MEETING MINUTES

CITY OF NITRO

July 27, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in Council Chambers on July 27, 1982 at 7:30 p.m. Present were City Recorder John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Ronald King and Councilman Omar Cunningham. Absent were Councilman Joe Savilla and Councilman Jack Moon. Also present were City Treasurer Michael Greenleaf, City Attorney Franklin L. Gritt, Jr., Recreation Director John Simms and Charleston Gazette Reporter Olga Wickerhauser.

The invocation was given by City Recorder John Santrock.

AGENDA ITEM NO. 1 - CITIZEN OF THE MONTH: Mayor Ashley presented the Citizen of the Month award for July, 1982 to Kathleen Townsend, posthumously. Lynette Moore, daughter of Kathleen and Tom, accepted the award. Many beautiful remarks were made by the Mayor and members of Council relative to the many contributions made by Kathleen for her community. Mayor Ashley also recognized that Kathleen's husband, Tom, has been a recipient of the Citizen of the Month award in October, 1982. Tom is doing well and will be back home in Nitro soon.

AGENDA ITEM NO. 2 - APPROVAL OF JULY 13, 1982 COUNCIL MEETING MINUTES: Councilman Cunningham moved to accept the July 13, 1982 Council meeting minutes with one amendment. The minutes stated that Councilman Savilla was present at the meeting and should be corrected to state that he was absent. The motion was seconded. The vote was unanimous and so ordered, with Councilman King abstaining.

AGENDA ITEM NO. 3 - SECOND READING OF ORDINANCE 82-5: City Recorder Santrock read the title concerning easement to be granted to Appalachian Power Company on Blakes Creek Road. The motion, made by City Recorder Santrock, to adopt the ordinance was seconded and passed unanimously.

The ordinance is as follows:

## ORDINANCE 82-5

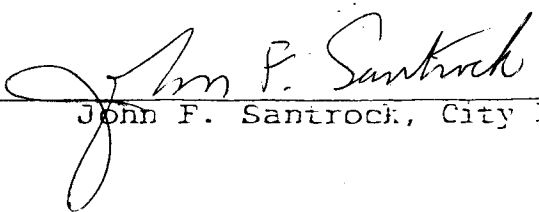
An ordinance to grant an easement to Appalachian Power Company to construct and maintain an electric power line on and over Nitro City property as detailed in Contract 765-0011, attached.

WHEREAS, this easement is in the best interest of the City of Nitro.

This City Council approves the first reading of this ordinance July 13, 1982.

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Arden D. Ashley, Mayor

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John F. Santrock, City Recorder

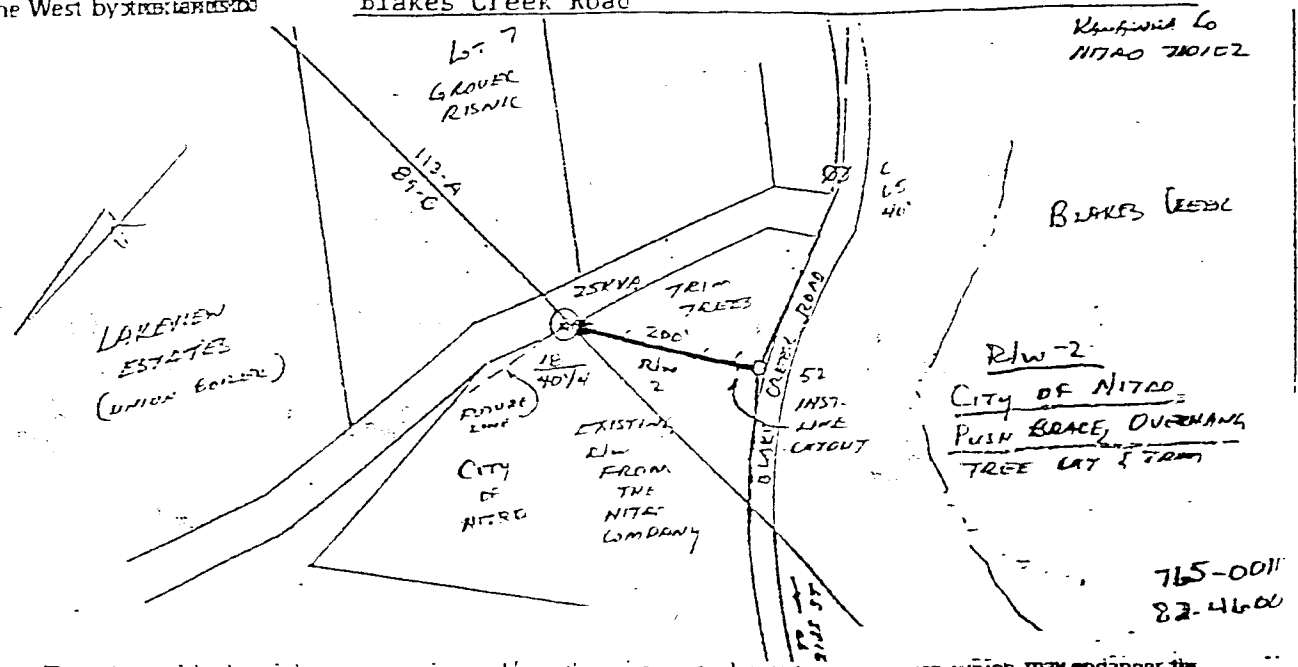
Form No. GRW 104-R/E-AP (Rev. 2-79)  
Right of Way Easement For Corporations

Eas. No. \_\_\_\_\_ R/W Map No. 3882-113-A  
W. O. No. 765-0011 Temp. Prop. No. 2  
Job No. 82-4600

RECEIVED OF APPALACHIAN POWER COMPANY, a Virginia corporation, the sum of One Dollar (\$1.00), in consideration of which City of Nitro

, a West Virginia Corporation, hereby grants and conveys unto said Appalachian Power Company, its successors and assigns, the right and easement to construct, operate and maintain or remove an electric power line, with all necessary poles, anchors, wires and fixtures and the right to permit attachments of others to said poles on and over its land, with services and extensions therefrom, situate in the District of Nitro, County of Kanawha, and State of West Virginia, and bounded:

On the North by the lands of \_\_\_\_\_  
On the East by ~~the lands of~~ a street  
On the South by ~~the lands of~~ a street and Blakes Creek Road  
On the West by ~~the lands of~~ Blakes Creek Road



Together with the right to cut, trim and/or otherwise control any trees or brush which may endanger the safety or interfere with the construction and use of said electric power line.

Together with the right of ingress and egress in and over said lands of the grantor for the enjoyment of the rights and privileges herein granted.

TO HAVE AND TO HOLD the same unto said Appalachian Power Company, its successors and assigns.

It is agreed that the foregoing is the entire contract between the parties hereto, and that this written agreement is complete in all its terms and provisions.

IN WITNESS whereof the City of Nitro  
has caused its corporate name and seal to be hereto affixed this 1st day of July, 19 82

ATTEST:  
John E. Stribeck  
Secretary

City of Nitro  
By \_\_\_\_\_  
President

AGENDA ITEM NO. 4 - OPENING OF RADAR BIDS: The intent to purchase two radar units was advertised for bidding in the Charleston Newspapers. One bid was received from the same company furnishing radar units for State Police at the same price. The product and company meets all the specifications and is within the anticipated price range at \$2,496 per unit. Two units are to be purchased. Delivery is expected in thirty days by Kustom Electronics, from Winfield, West Virginia. The motion, made by City Recorder Santrock, was seconded and passed unanimously.

AGENDA ITEM NO. 6 - MUNICIPAL COURT JUDGE APPOINTMENT: Mayor Ashley reported the receiving of the resignation of Municipal Court Judge Gary Pullin due to an appointment to a new position in which it would be improper for him to continue as City Judge. Mayor Ashley praised the work of Judge Pullin. Mayor Ashley, at this time, introduced Mr. Jim Withrow as the new Municipal Court Judge. Judge Withrow has been serving as counsel for the Nitro Sanitary Board. The Mayor was asked by Council to express to Judge Pullin the Council's appreciation for a job well done.

AGENDA ITEM NO. 5 - PAVING OF DEPARTMENT OF HIGHWAY'S RIGHT-OF-WAY BETWEEN 22ND STREET AND 24TH STREET: Mayor Ashley distributed a letter from Paul VanBuren requesting permission for private business to pave the above-described land. Mayor Ashley gave permission to contact the Department of Highways on this question. The City of Nitro would make application and paving would be done when the money is raised. It was also stated that the City would contract when the money is available.

AGENDA ITEM NO. 7 - NOMINATION FOR COUNCILMAN AT LARGE: Mayor Ashley relinquished the chair to Recorder Santrock and placed the name of Steve West in nomination. The motion was seconded by Councilwoman at Large Trout. Councilman Cunningham moved that nominations be closed. Mr. Steve West was presented to Council and will be sworn in sometime after the next meeting of Sanitary Board of which Steve has been an active member.

AGENDA ITEM NO. 8 - REPORT FROM RECREATION DEPARTMENT: Recreation Director John Simms commented that work would begin soon on landscaping and sodding of the Little League Field. He stated that work can begin now if the sod is kept moist. A good example of such condition would be Shawnee Park last summer.

Mr. Simms further stated that work is progressing at the basketball court with lines being painted and the welder to begin on the 28th at 7:00 a.m. He stated that the lights are functioning and the play area should be in excellent shape soon.

The construction of the Nature/Fitness at Ridenour Park is well underway. The one and three quarter mile course is similar to that located at Coonskin Park. Mr. Simms stated that work at Ridenour on the trail should be completed in approximately three weeks.



Other announcements from the Recreation Director include the construction of another small footbridge being constructed near the large shelter at the Lake. Mr. Simms also stated that funds are being sought from private outside groups in the amount of approximately twenty-five thousand dollars for the purchase of playground equipment to be placed on the Blake's Creek side of Ridenour Lake.

Discussion was further had on the upcoming tennis tournament scheduled for August 14th - 20th. Applications are available at many stores and at City Hall.

Also discussed was the City-run Biddy Basketball League to be organized this winter. Other ideas were expressed such as the archery range, a track, benches, et cetera.

Funds have been sought from the County Commission and we have been turned down point blank. Councilman at Large Casto commented about how nice Ridenour Park looks. Some changes are being made, such as having personnel working on weekends, bettering facilities for senior citizens, seeking electricity, water at the pavillion, and an electric scoreboard at Nitro Park.

AGENDA ITEM NO. 9 - STATUS OF WASHINGTON STREET LANDFILL: City Attorney Gritt stated that final arrangements are being made this week to right-of-way. Landowners in this area are being informed of what is necessary and Dot Humphreys is arranging appointments for explanations by the City Attorney and is getting final approval of landowners affected. The problem remaining is the drainage, which will be taken care of soon by the Public Works Department. The City Council is most anxious for this landfill to be utilized and much refuse is stacked at the garage waiting to be transferred.

AGENDA ITEM NO. 10 - AD-A-BENCH: Advertisers pay one dollar (\$1.00) per day to place advertisement on a bench. The City has the right to select the location for each bench and may place as many benches as they can sell advertising. Advertisers would have input as to the bench site.

Councilman at Large Casto moved that Mayor Ashley and City Recorder Santrock negotiate with AD-A-BENCH for placement of benches at no cost to the City. The motion was seconded and the vote was unanimous and so ordered.

AGENDA ITEM - ORDINANCE 82-6: Introduced to Council was the ordinance prepared by City Attorney Gritt relative to the problem of Second Avenue between 23rd and 40th Streets. This ordinance would prohibit parking on the First Avenue side of Second Avenue.

The ordinance is as follows:

## Ordinance 82-6

An ordinance to prohibit curbside parking on the Kanawha River side of Second Avenue between 23rd Street and 40th Street.

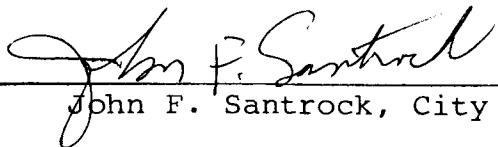
(a) The parking of motor vehicles along the Kanawha River side of 2nd Avenue between 23rd and 40th Streets is hereby prohibited.

All persons violating Subsection (a) of the ordinance shall be fined three dollars (\$3.00) for each violation.

Presented for first reading this the 27th day of July, 1982.

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Arden D. Ashley, Mayor

  
\_\_\_\_\_  
John F. Santrock, City Recorder

Councilwoman at Large Trout move to accept the first reading of the above-stated ordinance. The vote passed with Councilman King voting in the negative.

## COMMITTEE REPORTS

Councilman at Large Casto reported on Nitro Night with the Charleston Charlies scheduled for August 19th. Several prizes are to be awarded. A softball game is planned with the Killer V's and the City of Nitro Team. Mayor Ashley will be present to throw out the first ball.

Mayor Ashley displayed the AAA Award received as a 1981 citation for not having a single fatality within the City limits during 1981.

The joint committee on paving and curbing equipment with City Recorder Santrock reporting bids to be opened at St. Albans City Council room at 11:00 a.m. on July 28th. Members of Council are invited to attend as we hope to work with St. Albans in the purchase and use of this expensive equipment.

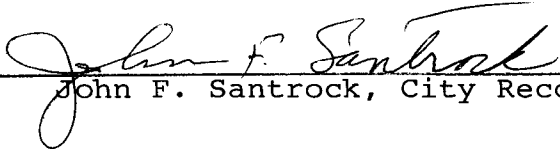
City Recorder Santrock reported that no communication from Putnam County relative to request for library funds allocated in the State budget.

Mayor Ashley reported that the emergency bridge on 40th Street (Smith Road) is in operation at no cost to the residents of that area. Some touching up still needs to be done. Work is progressing on the North 21st Street storm sewer. He stated that the work is progressing on the North 21st Street storm sewer and should be completed in about ten days, if no additional problems arise.

At 8:51 p.m., Councilman at Large Casto moved for adjournment. The motion was seconded. The vote was unanimous and so ordered.

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Arden D. Ashley, Mayor

  
\_\_\_\_\_  
John F. Santrock, City Recorder



## COUNCIL MEETING MINUTES

## CITY OF NITRO

August 3, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in Council Chambers on August 3, 1982 at 7:30 p.m. Present were Councilman at Large Rusty Casto, Councilman at Large Steven West, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham and Councilman Jack Moon. Absent was City Recorder John Santrock and Councilwoman at Large Mary Trout. Also present were City Treasurer Michael Greenleaf and City Attorney Franklin L. Gritt, Jr.

The invocation was given by Ivan Meadows.

AGENDA ITEM NO. 1 - CITIZEN OF THE MONTH: Mayor Ashley announced that the award of Citizen of the Month for the month of August goes to Stephanie Johnson, who is representing the State of West Virginia and the United States in an AAU Karate tour of the Caribbean Islands, and extended his congratulations to her.

Mayor Ashley stated that he was pleased to announce that the City of Nitro is donating a token amount for her trip, and that the Civic Benefits Association is donating three hundred dollars (\$300.00) for the remaining amount needed to cover expenses.

AGENDA ITEM NO. 2 - APPROVAL OF JULY 27, 1982 COUNCIL MEETING MINUTES: Councilman Cunningham called to Council's attention that correction in the date of the Nitro Night with the Charleston Charlies from August 19th to August 16th.

Councilman King also pointed out the mistake in the amount of the funds being sought from outside funds for the purpose of playground equipment for Ridenour. He stated that the amount should be twenty-five hundred dollars (\$2,500), not twenty-five thousand dollars (\$25,000).

Councilman Savilla pointed out that in Agenda Item No. 2, the correction on Councilman Savilla's presence should be reversed to stated that he was not present.

Councilman Cunningham, at this time, moved to accept the minutes with the amendments stated. The motion was seconded. The vote passed unanimously, with Councilman Moon abstaining.

AGENDA ITEM NO. 3 - PROHIBITED PARKING ON RIVER SIDE OF SECOND AVENUE - SECOND READING OF ORDINANCE 82-6: Councilman Cunningham stated that he has been down in the area of the Kanawha River side of Second Avenue from 23rd Street to 40th Street and has interviewed persons in that area and that he has gotten a negative reaction from those from 23rd to 31st Street, but from 31st to 40th Streets he received no bad comments. He stated that maybe it would be best to have the prohibited parking from 31st to 40th Streets.

Councilman at Large West moved to table the second reading of the ordinance to give the Council members an opportunity to examine the question further. The motion was seconded. The vote was unanimously ordered.

AGENDA ITEM NO. 4 - STATUS OF THE ALLEY AT BLACKWOOD STREET: Mayor Ashley bypassed this item due to the absence of the citizen who was concerned about this alley.

AGENDA ITEM NO. 5 - AUCTION OF 1950 FIRE TRUCK BY LION'S CLUB - ANTIQUE CAR SHOW, SEPTEMBER 11, 1982: Councilman Savilla moved to allow the public auction of the 1950 fire truck to help promote the Lion's Club Antique Car Show. Mayor Ashley stated that no proceeds would be allowed to go to the Lion's Club, but that the City could pay for an auctioneer and booth price, if necessary. The motion was seconded. A discussion was had on a minimum bid of five hundred (\$500.00). Councilman Savilla amended his motion to include a minimum bid of five hundred dollars (\$500.00). The amended motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 6 - ORDINANCE GRANTING APPALACHIAN POWER EASEMENT AT RIDENOUR PARK. FIRST READING OF ORDINANCE 82-7: Mayor Ashley called upon Councilman Savilla to read the ordinance to allow Appalachian Power Company easement at Ridenour Park.

The ordinance is as follows:

## Ordinance 82-7

An ordinance granting Appalachian Power Company easement at Ridenour Park.

Whereas, the City Council of Nitro has requested electrical services be installed at the pavillion on the west side of Ridenour Lake; and

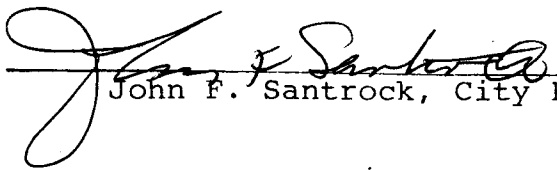
Whereas, this electric service will improve the facilities for greater and more effective usage; and

Therefore, Appalachian Electric Power Company is given permission to construct, erect, install, operate, maintain, renew and remove a line or lines for the purpose of transmitting electric power and a telephone line or lines, including electric service lines and extensions therefrom, in, on, along, over, through or across Ridenour Park as shown on Appalachian Print Drawing Number R/W W.O. 765-0011, Job Number 82-4677, dated 7-20-82, attached hereto and made a part of this Ordinance.

Presented and passed on the 12<sup>th</sup> reading by the Nitro City Council on this the 30 day of August 1982.

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Arden D. Ashley, Mayor

  
\_\_\_\_\_  
John F. Santrock, City Recorder

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Councilman Savilla moved to accept the first reading of the above ordinance. The motion was seconded. Mayor Ashley stated that the City was able to obtain from Appalachian Electric Company the location of power across the dam for a fee of twenty dollars (\$20.00). The vote was unanimously ordered.

#### COMMITTEE REPORTS

Mayor Ashley stated that the St. Albans City Council, on August 2, 1982, voted to table the question of the purchase of the paving equipment and they did approve separately the purchase of the paving machine. Since then, in talking to Mayor Ramsey, there were several areas of concern brought up and the Mayor discussed those with Council.

The Mayor further stated that by virtue of the action taken by the City of St. Albans, and with the assumption that there was no negative comment on the part of those who worked with St. Albans, how would the City Council feel about opening the suggestion of the joint purchase to other cities in the area.

Councilman Moon stated that he would be in favor of the sole purchase of the paving equipment, due to the fact that there are many areas in the City in need of repair and we would have to share our needed time with another city. Mayor Ashley stated that the City could afford to buy the equipment, but would we have enough money left in the budget to buy the asphalt and pave the streets. That is the reason for the joint purchase.

Mayor Ashley asked Attorney Gritt, as it relates to the Boulder Decision, if it would be restraint of trade if the City of Nitro were to get a paver and offer it for rental to the sister cities in this area without it being a violation of the anti-trust laws and free competition on the part of the paving companies. Attorney Gritt stated that he did not believe that such an agreement between the two cities would violate any rule laid down in the Boulder Decision.

Mayor Ashley stated that in the formula set for the streets to be paved, the City would have to take into account contribution by the residents, and if they are willing to pay twenty-five to fifty percent of the cost, then more paving will be done for the same dollar than if they pay nothing.

Mayor Ashley stated that if we were to take action now, delivery of the equipment would not be until the first of September, which would leave only the months of September and October for paving, and not begin again until March, 1983.



Councilman Savilla moved to give City Treasurer Greenleaf the latitude to work with St. Albans, or another city, to purchase paving equipment, and to transfer funds for this purpose. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 4 - STATUS OF ALLEY AT BLACKWOOD STREET: Mayor Ashley called on Attorney Gritt to discuss the situation at Blackwood Street. Attorney Gritt stated there have been numerous hearings this summer and at the last hearing the attorney for the residents were advised to reach an equitable compromise by the Judge of the case. He stated that when a specific proposal is decided upon, than he would bring that to Council to have them state whether or not to suggest it to the Judge. He stated that he thought it fair to say that if the situation is not resolved among ourselves, than the Judge will resolve it for the City.

After discussion as to the relocation process, et cetera, Mayor Ashley suggested that the individual Council members give Attorney Gritt their guidelines so that he can best represent the City on this matter.

Councilman Savilla moved to give Attorney Gritt the latitude to make a decision on behalf of the City, after giving the Council members an opportunity to express themselves. The motion was seconded. The vote was unanimously and so ordered.

AGENDA ITEM - SODDING OF LITTLE LEAGUE FIELD: Mayor Ashley stated that the President of the Little League has indicated to him that he does want the ball field sodded. The Mayor stated that with the understanding that the Little League will care for that grass once it is sodded -- watering, infield mowing -- the City will go ahead with the sodding.

Councilman King made the motion to transfer twenty-five hundred dollars (\$2,500) from the contingency fund to the Recreation Department. The motion was seconded. The vote was unanimous and so ordered.

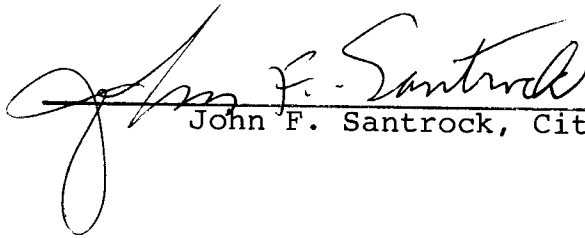
Councilman at Large Casto reported that all is going well on the Nitro Night with the Charleston Charlies. He asked if City employees would receive free tickets to the game. Mayor Ashley stated that if Council would move to pay for admission of City employees, he would agree. Council decided, informally, against the payment of tickets for employees.

Mayor Ashley extended his welcome to the new Councilman at Large, Steven West.

There being no other business, the meeting was adjourned at 8:38 p.m.

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Arden D. Ashley, Mayor

A handwritten signature in cursive script, reading "John F. Santrock", written over a horizontal line.

John F. Santrock, City Recorder

## COUNCIL MEETING MINUTES

CITY OF NITRO

August 17, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in Council Chambers on August 17, 1982 at 7:30 p.m. Present were City Recorder John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Steve West, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham and Councilman Jack Moon. Also present were City Treasurer Michael Greenleaf, City Attorney Franklin L. Gritt, Jr., and Charleston Gazette Reporter Olga Wickerhauser.

The invocation was given by City Recorder John Santrock.

Mayor Ashley recognized Colonel Roland Manthe, President of the Charleston Lions Club.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 3, 1982 COUNCIL MEETING MINUTES: By way of correction, on Agenda Item No. 2, it should state that Councilman Savilla was present at the July 13, 1982 Council meeting.

There being no other correction, Councilman Cunningham moved to accept the August 3, 1982 Council meeting minutes as written and amended. The motion was seconded. The vote was unanimously ordered.

AGENDA ITEM NO. 2 - SECOND READING OF ORDINANCE GRANTING APPALACHIAN POWER COMPANY EASEMENT AT RIDENOUR PARK: City Recorder Santrock read the heading of the ordinance granting APCO easement at Ridenour Park.

The ordinance is as follows:

## Ordinance 82-7

An ordinance granting Appalachian Power Company easement at Ridenour Park.

Whereas, the City Council of Nitro has requested electrical services be installed at the pavillion on the west side of Ridenour Lake; and

Whereas, this electric service will improve the facilities for greater and more effective usage; and

Therefore, Appalachian Electric Power Company is given permission to construct, erect, install, operate, maintain, renew and remove a line or lines for the purpose of transmitting electric power and a telephone line or lines, including electric service lines and extensions therefrom, in, on, along, over, through or across Ridenour Park as shown on Appalachian Print Drawing Number R/W W.O. 765-0011, Job Number 82-4677, dated 7-20-82, attached hereto and made a part of this Ordinance.

Presented and passed on the \_\_\_\_\_ reading by the Nitro City Council on this the \_\_\_\_\_ day of \_\_\_\_\_, 1982.

\_\_\_\_\_  
Arden D. Ashley, Mayor

  
\_\_\_\_\_  
John F. Santröck, City Recorder

City Recorder Santrock moved that Council approve the above-stated ordinance, have it signed by the Mayor and City Recorder, and forward it to Appalachian Power Company as soon as possible. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - FIRST READING OF ORDINANCE TO AMEND AND REENACT ARTICLE I, CHAPTER III OF THE OFFICIAL CODE OF THE CITY OF NITRO: Mayor Ashley called upon City Recorder Santrock to read the first reading of the following ordinance:

ORDINANCE TO AMEND AND REENACT ARTICLE 1,  
CHAPTER III OF THE OFFICIAL CODE OF THE CITY OF NITRO

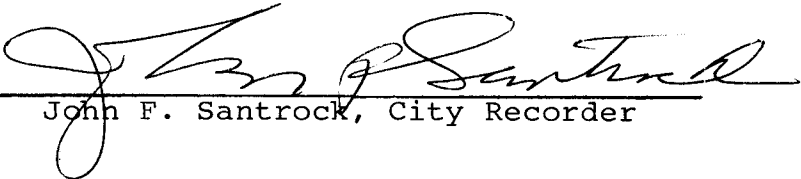
Section 3-4. Unlawful to Possess or Consume; City  
Recreational Facilities.

(a) It shall be unlawful for any person to possess or consume alcoholic beverage or intoxicating liquor upon any park, playground, recreation center, tennis court, ball field, or other recreational facility or parking lot operated in conjunction therewith, under the operation, maintenance and control of the City of Nitro.

(b) Any person violating Subsection (a) above shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

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Arden D. Ashley, Mayor

  
\_\_\_\_\_  
John F. Santrock, City Recorder

City Recorder Santrock moved to approve the first reading of the ordinance above-stated. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 4 - LETTER DATED JULY 28, 1982 - NITRO MIDGET FOOTBALL LEAGUE'S REQUEST TO ASK FOR DONATIONS AT THE CITY PARKING LOT FOR HIGH SCHOOL FOOTBALL GAMES: Mayor Ashley called Council's attention to the above-stated letter. Councilwoman at Large Trout stated that she felt that the Midget Football League has other ways of earning money, and if the City is going to charge for parking, than the Police Reserve, or other City function, should be allowed to collect the money, due to the fact that they have no outside income, as do the football league.

Councilman Savilla stated that he has worked with the Midget Football League and that this action would hurt the League. He stated that they do have a concession stand and that they sell pictures, but that other than that they do not have a lot of ways to raise money.

Councilman Cunningham moved that Council honor the Midget Football League's request. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 5 - FIRST READING OF CITY OF NITRO SEWER USE ORDINANCE: Mayor Ashley called upon City Recorder Santrock to read the first reading of the sewer use ordinance. Mayor Ashley added that the City is well down the road toward getting funding for the Armour Creek Main Interceptor Line Replacement correction to an amount in excess of two million dollars, if approved. He stated that the only hold-up, at this point, would be something such as the City Council not proving with dispatch an ordinance that is consistent with EPA regulations and in accordance with this language.

City Recorder Santrock introduced the Nitro Sewer Use Ordinance. The ordinance is as follows:

CITY OF PITTSBURGH  
SEWER USE ORDINANCE

Introduction

Article I	Definitions
Article II	Use of Public Sewers Required
Section 2-1	Authority to Establish and Maintain a Sewage System
Section 2-2	Declaration of Necessity
Section 2-3	Application for Sewer Service Required
Section 2-4	Permit for Connection; Tapping Charge
Article III	Connection to Public Sewers
Section 3-1	Tapping or Opening Sewer Without Permit
Section 3-2	Sewer Taps Only by Authorized Persons
Section 3-3	Sewer Tap Construction
Section 3-4	Approval of Connections by City Inspector
Section 3-5	Unauthorized Connections Prohibited
Section 3-6	Establishment of Schedule of Rates and Charges; Use of Water Meters
Section 3-7	Established Rates Applicable to Premises Subsequently Served
Section 3-8	City Subject to Established Rates or Charges
Section 3-9	Authority Vested in Sanitary Board for Billing and Collection
Section 3-10	Lien for Enforcement of Collection of Billed Rates or Charges
Section 3-11	Industrial Use of Sewers
Section 3-12	Duration of Liability for Sewer Service
Section 3-13	User's Responsibility to Keep Sewer Clean
Section 3-14	Leaks
Section 3-15	City Not Liable for Damage
Section 3-16	Tampering With Sewer Appurtenances
Section 3-17	Entering Sewer
Section 3-18	Injury to Sewer
Article IV	Discharge Into Public Sewers
Section 4-1	Unpolluted Discharge
Section 4-2	Stormwater
Section 4-3	Flammable, Explosive or Hazardous Substances and Foreign Matter
Section 4-4	Toxic Substances
Section 4-5	Conditional Service

Section 4-6	Grease, Oil and Sand Separators
Section 4-7	Pretreatment
Section 4-8	Metering and Sampling Devices
Section 4-9	Design Data on Connection
Section 4-10	Measurements, Tests, and Analyses
Section 4-11	Disclaimer

#### Article V

#### Powers and Authority of Inspectors

Section 5-1	Right of Entry for Purpose of Discharge Inspection
Section 5-2	Collection of Information
Section 5-3	Required Safety Procedures
Section 5-4	Right of Entry To and From All Negotiated Easements

#### Article VI

#### Amendments To and Precedence of the Sewer Use Ordinance

Section 6-1	Amendments to the Sewer Use Ordinance
Section 6-2	Precedence of Past and Present Ordinances
Section 6-3	Precedence of the Sewer Use Ordinance and Other Codes

#### Administrative Action



## CITY OF NITRO

## SEWER USE ORDINANCE

An Ordinance amending and clarifying current City Ordinances relating to the construction, acquisition, operation and maintenance of a sewage collection and disposal system in the City of Nitro and to bring said Ordinances into compliance with federal and state regulations governing the sewage system in the City of Nitro and this Ordinance in conjunction with other Ordinances currently in effect and contained in Book 2 of the City Code shall be called the City of Nitro Sewer Use Ordinance.

WHEREAS, it is the desire of the City of Nitro to amend and clarify its current ordinances controlling the construction, acquisition, operation and maintenance of the sewage collection and disposal system of the City of Nitro and/or of the sanitary district which may be created and/or areas being serviced by said system to include such terminology as is necessary to bring City Codes pertinent to the City of Nitro sewage collection and disposal system into compliance with Federal and State Regulations. It is further the intent of this ordinance to charge the responsibility of updating and amending this ordinance to comply with future changes or expansions of the rules and regulations governing said system to the Nitro Sanitary Board, and that this update shall be performed on an annual basis commencing from the date of passage of the Sewer Use Ordinance, and all such amendments shall be a part of the Sewer Use Ordinance upon final action of the Council of the City of Nitro.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO:

## ARTICLE I

## Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Section 1-1. Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- Section 1-2. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

- Section 1-3. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- Section 1-4. "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- Section 1-5. "Council" shall mean the Mayor and members of council, respectively, of the City of Nitro, West Virginia, as constituting the governing body of said City.
- Section 1-6. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- Section 1-7. "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- Section 1-8. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- Section 1-9. "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary strength wastes.
- Section 1-10. "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Section 1-11. "May" is permissive (see "shall", Sec. 20).
- Section 1-12. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- Section 1-13. "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ion, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .
- Section 1-14. "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than  $\frac{1}{2}$  inch (1.27 centimeters) in any dimension.
- Section 1-15. "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.

- Section 1-16. "Sanitary Board" shall mean the persons appointed by the Council of the City of Nitro and charged with the responsibility of the operations of the wastewater facilities.
- Section 1-17. "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- Section 1-18. "Sewage" is the spent water of a community. The preferred term is "wastewater," Sec. 26.
- Section 1-19. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
- Section 1-20. "Shall" is mandatory (see "may," Sec. 11).
- Section 1-21. "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- Section 1-22. "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- Section 1-23. "Manager" shall mean the duly appointed representative of the Sanitary Board of the City of Nitro who is charged with the responsibility of the day to day operations of the wastewater facilities or his/her authorized deputy, agent or representative.
- Section 1-24. "Suspended solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.
- Section 1-25. "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

- Section 1-26. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm-water that may be present.
- Section 1-27. "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- Section 1-28. "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."
- Section 1-29. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

## ARTICLE II

## Use of Public Sewers Required

## Section 2-1.

Authority to Establish and Maintain a Sewage System

For state law as to authority of city to establish and maintain a sewer system and sewage treatment and disposal system and to acquire property necessary therefor, see W. Va. Code, §§ 8-12-5, subsecs. (32), (33), 8-18-1, 16-13-1. As to authority of city to make "low cost improvements," including the construction, renewing and preparing of storm, sanitary and combined sewers, see W. Va. Code, § 8-17-1 et seq. As to authority of city to levy assessments for sewer improvements, and to regulate sewer connections, see W. Va. Code, § 8-18-1 et seq. As to municipal sewage works and sanitary districts, see W. Va. Code, § 16-13-1 et seq. As to extraterritorial jurisdiction of city for purposes of this chapter, see W. Va. Code, § 18-13-22; and see also W. Va. Code, § 8-12-5, subsec. (43). As to requirement that method of drainage and system for excreta disposal conform to plans, specifications and instructions of state department of health, see W. Va. Code, § 16-1-9.

## Section 2-2.

Declaration of Necessity

The use of the sewer system of the city is determined and declared to be essential for the protection and preservation of the public health, comfort, safety, economy and general welfare of the inhabitants of the city and of the area served thereby.

The owner, tenant or occupant of premises which abut on a street, easement or other public way containing a sewer service, or which, in the judgment of the sanitary board of the city, is located within such a distance thereof that sewer service is reasonably available thereto and upon which premises a building or other inhabitable structure has been or shall be erected for residential, commercial, or industrial use, or where persons are employed or congregate or are intended to be employed or congregate, shall be required to connect the building or structure to the sewer system or to such part of the sewer system as may from time to time be extended or become reasonably available, and shall thereafter refrain from using or cease to use any other method in place of the sewer services which are now, or may hereafter become, available; and shall thereafter pay all the charges, rates or fees as herein, or may hereafter be, provided for. All such connections shall be in accordance with the rules and regulations which shall be adopted from time to time by the sanitary board of the city or by the city council and such rules and regulations may provide for reasonable charges, fees or deposits required for making such connections.

For provisions as to authority of city to compel owners, etc., of property abutting on or near the street in which public sewer is laid and upon which any building, etc., is erected, to connect such property to the sewer; and providing that each day's failure to make such connection after ten days' notice shall be prosecuted as provided for by state law as to required connections to public sanitary sewers, see W. Va. Code, § 8-18-22.

Section 2-3.

Application for Sewer Service Required

It shall be unlawful for any person, including public bodies as well as natural persons, to make an initial cut-in or connection with the city sewer system and use that system without first making written application for such connection and service to the sanitary board and paying all costs, charges, fees and deposits incident thereto. Such application shall be made on forms prescribed and furnished by the board, and shall constitute an agreement by the applicant with the city to abide by all provisions of this chapter and such applicable rules and regulations of the city council or sanitary board in regard to the use of the sewer system. Such application for service by firms, partnerships, associations and corporations shall be submitted only by their duly authorized agent, and the official title of such agent shall be signed to the application.

The application shall grant or cause to be granted to the city, without cost, all rights, easements, permits, and privileges which are necessary for the rendering of sewer service. Duly authorized employees of the city or sanitary board shall have access at all reasonable hours to the premises of the applicant for the purpose of installing or removing any of its property, examining pipes or fixtures, or for any purpose incidental to the rendering of sewer service.

Section 2-4.

Permit for Connection; Tapping Charge

It shall be unlawful for any person, whether property owner, drainlayer or otherwise, to connect with or tap a city sewer, either directly or indirectly, without first having a permit from the sanitary board and having paid the assessment provided for in the city Charter or the tapping or maintenance charge fixed by law. In all cases, the tapping and maintenance charges for tapping a city sewer shall be as specified from time to time by the city council in an appropriate schedule, which shall be maintained on file in the office of the city clerk; and until such a schedule is prescribed by the city council pursuant to the foregoing provisions of this section the tapping and maintenance charges for city sewers shall be those in effect immediately prior to the effective date of this Code.

## ARTICLE III

## Connection to Public Sewers

Section 3-1. Tapping or Opening Sewer Without Permit

No person shall cut, break, pierce or tap any public sewer or appurtenances thereof, or introduce any tube, pipe, trough or conduit into any public sewer or appurtenance thereof without a written permit from the sanitary board.

Section 3-2. Sewer Taps Only by Authorized Persons

No person, except those persons duly employed or authorized by the city or by the sanitary board for such purpose, shall tap the city's sewer mains.

Section 3-3. Sewer Tap Construction

Section 3-3-1. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 3-3-2. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Section 3-3-3. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the manager, to meet all requirements of this ordinance.

Section 3-3-4. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

- Section 3-3-5. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the manager for purposes of disposal of polluted surface drainage.
- Section 3-3-6. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the manager before installation.
- Section 3-3-7. The applicant for the building sewer permit shall notify the manager when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the manager or his representative.
- Section 3-3-8. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
- Section 3-4. Approval of Connections by City Inspector  
No sewer service shall be connected until the plumbing and connections incident thereto shall have been inspected and approved by an inspector of the sanitary board.
- No sewer service line shall be connected to the sanitary sewer system if that service line will contain flows other than sanitary wastewater. Roof drains, yard and area drains, footer drains, or any line other than that which serves a sanitary plumbing system are prohibited from connection to the sanitary board system.
- Section 3-5. Unauthorized Connections Prohibited  
No person shall connect to or turn on any sewer service, or cut-in, interconnect, tap or make any alteration to any main or distribution or collection pipe of the city's sewer system or permit any connection or tapping to be made to the sewer system on his premises or the premises occupied by him, or knowingly use the sewer service from connections in violation of any of the provisions of this article or any rules or regulations adopted by the sanitary board with respect thereto.



Roof drains, yard and area drains, footer drains, or any line carrying flow other than exclusively sanitary wastewater are prohibited from connection to the sanitary sewer system.

Section 3-6. Establishment of Schedule of Rates and Charges; Use of Water Meters

For the payment of the proper and reasonable expense of operation, repair, replacements, improvements, additions, betterments, extensions and maintenance of the sewer system and for the payment of the sums required to pay the principal and interest of all sewer revenue bonds as they become due, the city council shall enact and may from time to time amend a schedule of just and equitable rates or charges for the use of and service rendered by the municipal sewer system and works of the City of Nitro, which schedule of rates or charges shall be based upon the metered amount of water supplied the premises; and each schedule shall be maintained on file in the office of the city clerk while it is in effect.

Until such time as the city council adopts a schedule of rates or charges pursuant to the foregoing provisions of this section, the rates and charges in effect immediately prior to the effective date of this Code shall continue in full force and effect.

Section 3-7. Established Rates Applicable to Premises Subsequently Served

The rates or charges so established for any class of users or property served shall be extended to cover any additional premises hereafter served which fall within the same class, without the necessity of any hearing or notice.

Section 3-8. City Subject to Established Rates or Charges

The city shall be subject to the established charges and rates, or to charges and rates established in harmony therewith, for service rendered the city and shall pay such rates or charges when due from corporate funds, which shall be deemed to be a part of the revenues of the sewage system and works and be applied as provided for the application of such revenues.

Section 3-9. Authority Vested in Sanitary Board for Billing and Collection

All rates or charges provided for by this article shall be billed and collected monthly by the sanitary board or by persons or agencies authorized by the board. All bills shall be considered due and payable on or before the tenth day following the date rendered.

Section 3-10. Lien for Enforcement of Collection of Billed Rates or Charges

All such rates or charges, if not paid when due, shall be a lien upon the premises served by such system or works, and if such rates or charges be not paid within thirty days after

due, then the amount thereof, together with a penalty of ten percent and a reasonable attorney's fee, may be recovered by the sanitary board in a civil action in the name of the city. In connection with such action, such lien may be foreclosed against such lot, parcel of land or building, in accordance with the laws relating thereto.

Section 3-11. Industrial Use of Sewers

Where the character of sewage from any manufacturing or industrial plant, building or premises is such that it imposes a burden upon the sewer system in addition to the burden imposed by the average sewage entering the sewer system, such additional charge shall be made therefor as the sanitary board shall deem to be fair and equitable to meet the additional cost of collection, treatment and disposal of such sewage; and the board may, if it deems advisable so to do, compel the owner, tenant or occupant of such manufacturing or industrial plant, building or premises to treat such sewage in such manner as shall be specified by the board before discharging into the sewer system.

Section 3-12. Duration of Liability for Sewer Service

Liability for service shall begin as to all users on the date of connection to the sewer system; and such liability shall continue thereafter unless such premises are disconnected from the sewer system with the approval of the sanitary board. After such liability begins, no allowance shall be made for vacant houses unless request in writing to have the sewer system shut off is received by the board, nor will any allowance be made for any shut-off period which is less than thirty days.

Section 3-13. User's Responsibility to Keep Sewer Clean

The owner, tenant or occupant of the property shall be continuously responsible for maintaining and keeping the sewer pipe leading to and between the plumbing system of his premises to the city's connecting sewer clean and free from obstruction, and shall not cause, suffer or permit any article or thing, liquid as well as solid, to be introduced into the pipe which causes a stoppage thereof. In the event of any such obstruction or stoppage the sanitary board shall have the right to cut off the water connection, which shall not be reconnected until such sewer pipe is cleaned and maintained properly; and in the further event of the failure of such user to remedy such obstruction or stoppage, the board shall have the right to enter upon said premises and make necessary repairs, the cost and expenses of which shall be included as a part of the charges against said premises.

Section 3-14. Leaks

No allowance or adjustment of any sewer bill shall be made for water leaks of any nature occurring on the user's side of the meter if the water so leaked enters the sewer.

Section 3-15. City Not Liable for Damage

Neither the city nor the sanitary board shall be liable for any damage resulting from bursting of any sewer main, service pipe or valve, or from discontinuing the operation of its sewer collection, treatment and disposal facilities, for repairs, extensions or connections, or from the accidental failure of the sewage collection, treatment and disposal facilities from any cause whatsoever. In cases of emergency the sanitary board shall have the right to restrict the use of its sewage collection, treatment and disposal facilities in any reasonable manner for the protection of the city and its sewer system.

Section 3-16. Tampering with Sewer Appurtenances

No person shall turn, lift, remove, raise or tamper with any cover or any manhole, basin, inlet or other appurtenance of any public storm sewer without a written permit from the city engineer, or of any combined sewer or sanitary sewer without a written permit from the sanitary board.

Section 3-17. Entering Sewer

No person, other than one employed by the city in the street and sewer department while on duty, shall enter any public storm sewer or appurtenance thereof without a written permit from the city engineer, or shall enter any public combined sewer or sanitary sewer without a written permit from the sanitary board.

Section 3-18. Injury to Sewer

No person shall break or damage any public sewer or appurtenance or part thereof.

## ARTICLE IV

### Discharge Into Public Sewers

#### Section 4-1. Unpolluted Discharge

No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the manager and the necessary permit obtained.

#### Section 4-2. Stormwater

Stormwater other than that exempted under Section 1, Article V, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or to a natural outlet approved by the manager and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the manager to a storm sewer, combined sewer, or natural outlet.

#### Section 4-3. Flammable Explosive or Hazardous Substances and Foreign Matter

No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- (c) Any waters or wastes having a pH lower or higher than that normally encountered in the system, or having any other corrosive property capable of causing damage or hazard to structures, equipment/operation and personnel of the wastewater works without a permit to do so.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers,

tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 4-4. Toxic Substances

The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The manager may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the manager will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the manager are as follows:

- (a) Wastewater having a temperature higher than 150° Fahrenheit (65° Celsius).
- (b) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (c) Wastewater from industrial plants containing floatable oils, fat, or grease.
- (d) Any garbage that has not been properly shredded (see Article I, Section 14.) Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the manager for such materials.

- (f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the manager.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the manager in compliance with applicable state or federal regulations.
- (h) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- (i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

#### Section 4-5. Conditional Service

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the manager may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the manager may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to public sewers,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article.

When considering the above alternatives, the manager shall give consideration to the economic impact of each alternative on the discharger. If the manager permits the pretreatment or

equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the manager.

Section 4-6. Grease, Oil and Sand Separators

Grease, oil and sand interceptors shall be provided when, in the opinion of the manager, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4(c), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the manager, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the manager. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

Section 4-7. Pretreatment

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

Section 4-8. Metering and Sampling Devices

When required by the manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the manager. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 4-9. Design Data on Connection

The manager may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- (1) Wastewaters discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.

- (3) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 4-10. Measurements, Tests, and Analyses

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the manager.

Section 4-11. Disclaimer

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment.



## ARTICLE V

## Powers and Authority of Inspectors

- Section 5-1. Right of Entry for Purpose of Discharge Inspection  
The manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.
- Section 5-2. Collection of Information  
The manager or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- Section 5-3. Required Safety Procedures  
While performing the necessary work on private properties referred to in Article V, Section 5-1, above, the manager or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article IV, Section 4-8.
- Section 5-4. Right of Entry To and From All Negotiated Easements  
The manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## ARTICLE VI

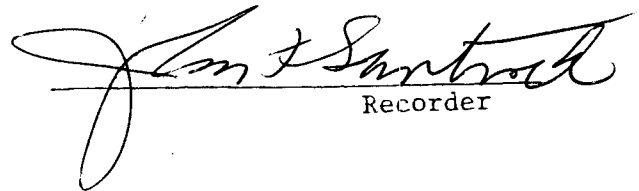
Amendments To and Precedence of the  
Sewer Use Ordinance

- Section 6-1. Amendments to the Sewer Use Ordinance  
The Sanitary Board shall, upon an annual basis, or as deemed necessary from time to time between annual reviews, review and cause to be enacted such amendments to the Sewer Use Ordinance as are necessary to bring the ordinance into compliance with applicable Federal and State Regulations and changes thereto. All such amendments shall clearly delineate Article and Section to be altered or expanded. Records shall be maintained and a report filed to City Council annually by the Sanitary Board to insure conformity to this section.
- Section 6-2. Precedence of Past and Present Ordinances  
It shall be the responsibility of the Sanitary Board to review and render a discussion as to a precedence involving a present or past ordinance to insure compliance applicable statutes prior to rendering said precedence. Upon resolution of the discrepancy and the precedence set an amendment to the Sewer Use Ordinance shall be enacted as stated in Article VI, Section 6-1.
- Section 6-3. Precedence of the Sewer Use Ordinance and Other Codes  
Procedures shall be as outlined in Article VI, Section 6-2.

## Administrative Action

This ordinance shall become effective immediately after the Public hearing required by Chapter 16, Article 13 of the West Virginia Code and the statutory comment periods and final action of the Council of the City of Nitro.

Arden D. Ashley, Mayor

  
Recorder

Effective Date: \_\_\_\_\_

By way of explanation, the City Recorder further explained the changes and additions made in the sewer use ordinance. City Recorder Santrock made a motion that the first reading of the ordinance be approved by Council. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 6 - REQUEST FROM FIRE DEPARTMENT OF TRANSFER \$1,285.00 FROM CONTINGENCY FUND TO FIRE DEPARTMENT FOR PURPOSE OF CONVERTING SCOTT AIR PACKS TO MEET STANDARDS: Mayor Ashley called upon City Treasurer Greenleaf to report on the request from the Fire Department. The City Treasurer turned the floor over to Fire Chief Hedrick to explain the need for such conversion. Chief Hedrick explained that during the recent chlorine leak at the City Pool two of their Scott Air Packs failed to properly operate in keeping the chlorine from those wearing them. He further stated that what they need to do is to convert to pressure regulators from the man-type regulators that they now have.

City Treasurer Greenleaf further added that it would cost approximately \$1,285.00 to convert the Scott Air Packs to meet these standards. He stated that the Fire Department does not have that money in the budget. He stated that the City has approximately \$7,000.00 remaining in a contingency fund which has not yet been allocated, which could be used for this purpose.

Councilman King moved to go ahead with such a transfer. The motion was seconded. The vote was taken and was unanimous and so ordered.

AGENDA ITEM NO. 7 - REQUEST FROM RECREATION DEPARTMENT FOR \$1,000 TO PURCHASE PLAYGROUND EQUIPMENT FOR RIDENOUR PARK: Mayor Ashley stated that the funds are available for the purchase of playground equipment for Ridenour Park and are located in a contingency fund. Councilwoman at Large Trout moved to go ahead with the purchase of the playground equipment discussed. The motion was seconded.

Councilman at Large West questioned the City Treasurer about the transfer of funds from the contingency fund. The City Treasurer explained that any time you amend the budget for a municipality, the State Tax Commissioner required that the amendment be made through the contingency fund. In other words, revenues would be increased and that money would be available to the contingency fund to be allocated by Council.

At this time the vote was taken and was unanimous and so ordered.

Councilwoman at Large Trout, at this point, reported on the Library Board. She stated that in answer to Mr. Santrock's letter asking for the thirty-three hundred dollars for the residents that lived in Putnam County. She stated that he has received a letter back, dated August 4, 1982, denying the request for the moneys. She stated that she hasn't gotten back with the Board or talked with the City Attorney yet, but that there will be a meeting to discuss ways to receive these moneys.

AGENDA ITEM NO. 8 - COST OF FIRE HYDRANTS: This item was temporarily tabled.

AGENDA ITEM NO. 9 - DATE OF NOVEMBER 2, 1982 COUNCIL MEETING CHANGED TO NOVEMBER 9, 1982, DUE TO ELECTION DAY: Councilman at Large Casto moved to change the November 2, 1982 Council meeting to November 9, 1982. The motion was seconded. The vote was unanimous and so ordered.

(At 8:20 p.m., a brief

recess was taken.)

(At 8:27 p.m., Mayor Ashley  
called the meeting back to order.)

AGENDA ITEM NO. 8 - COST OF FIRE HYDRANTS: Mayor Ashley reported on the cost data compiled by Fire Chief Hedrick on the fire hydrants at three locations at the request of Council. He stated that he did not have the exact amounts at the time. He also stated that the three locations were 18th Street Hill, Broadway Garden Apartments and the 700 block of Kanawha Avenue, South.

Councilman Savilla made a motion to table this item until the next Council meeting due to the absence of the exact figures of the cost. The motion was seconded. The vote was unanimous and so ordered.

#### COMMITTEE REPORTS

Councilman at Large Casto reported on Nitro Night with the Charleston Charlies. He stated that the Charlies are interested in a Nitro Night with the Charlies next year and made the motion that he be in charge of the plans again in May of next year. The motion was seconded. The vote was unanimous and so ordered.

City Recorder Santrock thanked all those involved in the City tennis tournament and reported on the success of the weekend tournament.

Mayor Ashley congratulated the new principal for Nitro-Putnam Elementary, Hattie Tinch.

Councilman at Large West thanked those who played on the softball team for the game with the Killer Vs.

Mayor Ashley reported that the City had extended an invitation to Chairman of the Joint Chiefs of Staff, General Myer, for the City's Veteran's Day celebration on November 11, 1982, who unfortunately will not be able to attend, but is sending Mayor-General George Morine as his designated

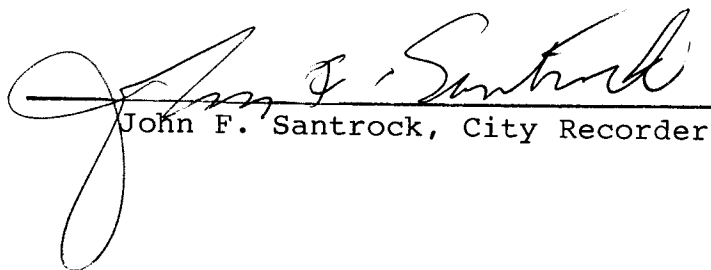
representative.

There being no other business, Councilman King moved to adjourn the meeting. The motion was seconded. The vote was unanimous and so ordered.

At 8:30 p.m. the meeting was adjourned.

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Arden D. Ashley, Mayor



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John F. Santrock, City Recorder

## COUNCIL MEETING MINUTES

## CITY OF NITRO

September 7, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in Council Chambers on September 7, 1982 at 7:30 p.m. Present were City Recorder John Santrock, Councilwoman at Large Mary Trout, Councilman at Large Steve West, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham and Councilman Jack Moon. Absent was Councilman at Large Rusty Casto. Also present were City Treasurer Michael Greenleaf and City Attorney Franklin Gritt, Jr.

The invocation was given by The Reverend Wade Austin of the Nitro Church of God.

AGENDA ITEM NO. 1 - APPROVAL OF THE AUGUST 17, 1982 COUNCIL MEETING MINUTES: With a correction on Page 285, the last line, of "Mayor General George Morine" to "Major General George Marine", Councilman Moon moved to accept the minutes of the August 17th Council meeting as written. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: Mayor Ashley introduced and recognized the September Citizen of the Month, Hattie Tincher, the new principal for the Nitro-Putnam Elementary School.

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Mayor Ashley, at this point in the proceedings, introduced to Council, Dr. Kenneth Sullivan from the Department of Culture and History, and Mr. Jack Moody, who have come to the Council meeting to discuss the plans for dedicating a memorial park which will be located at 21st Street and First Avenue.

Mr. Moody stated that Union Boiler has agreed to furnish the heavy equipment for any ground breaking, et cetera, and that the Civic Benefits Association has pledged an excess of five thousand dollars (\$5,000) to get the plans off the ground. He further stated that the green's keeper from Scarlet Oaks Country Club will be planting grass as soon as the ground is prepared.

Mr. Moody also announced that the Governor has agreed to let Nitro have the World War I French 75 Cannon that once sat on the lawn of the State Capitol for the Memorial Park. Along with that effort, he stated that there is a search for someone to make a World War I soldier. He also stated that he intends to go to Senator Byrd's staff about obtaining a World War I tank for the Memorial Park.

Mr. Moody presented to Mayor Ashley a folder containing issues of "Stars and Stripes," the official newspaper for our armed forces during World War I. These valuable papers are to be cleaned, preserved and made ready for placement in a future memorial building.

Mayor Ashley, at this point, called on Dr. Sullivan to report on the feelings of the Department of Culture and History. Dr. Sullivan stated that the Department feels it appropriate to support the City of Nitro's efforts to commemorate its history, both as it relates to World War I and as an industrial community. He stated that the Department intends to do everything it can to support it for as long as it takes to get the job done.

Dr. Sullivan stated that the most important thing that has been done, in his view, is the contracting of a historical architect to do a complete historical survey of the City of Nitro. He stated that his finished survey is not expected until later this year. This is done as a preliminary to the nomination to the National Register of Historic Places, which is maintained by the National Park Service.

AGENDA ITEM NO. 3 - RESOLUTION FOR MEMORIAL PARK AND CITY  
MOTTO: Mayor Ashley introduced the resolution commemorating the City as a living memorial to World War I, and called upon City Recorder Santrock to read the resolution.

The resolution is as follows:

Resolution 82-8

A RESOLUTION OF THE COUNCIL OF THE  
CITY OF NITRO COMMEMORATING THE  
CITY AS A LIVING MEMORIAL TO WORLD  
WAR I.

Before the City Council of the City of Nitro this the 7th day of September, 1982.

WHEREAS, the slogan "50 and Just Beginning" has been most meaningful and appropriate during our 50th Anniversary year and;

WHEREAS, "50 and Just Beginning" be discontinued as the slogan on Veteran's (Armistice) Day on November 11, 1982, and;

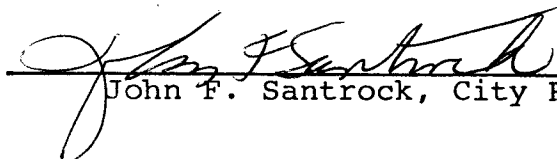


THEREFORE, BE IT RESOLVED THAT this City Council approve the adoption of the slogan, "Nitro: Living Memorial to World War I", effective November 11, 1982 at 2:00 p.m.

Passed by the City Council of the City of Nitro this the 7<sup>th</sup> day of September, 1982.

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Arden D. Ashley, Mayor

  
\_\_\_\_\_  
John F. Santrock, City Recorder

City Recorder Santrock moved to adopt the above-stated resolution. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 4 - SECOND READING OF ORDINANCE TO AMEND AND REENACT ARTICLE I OF CHAPTER III, OF THE OFFICIAL CODE OF THE CITY OF NITRO: City Recorder Santrock read the second reading of the ordinance to amend and reenact Article I of Chapter III of the Official Code of the City of Nitro.

The ordinance is as follows:

*Not Passed  
1 subject*

ORDINANCE TO AMEND AND REENACT ARTICLE 1,  
CHAPTER III OF THE OFFICIAL CODE OF THE CITY OF NITRO

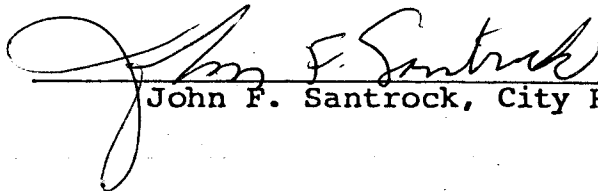
Section 3-4. Unlawful to Possess or Consume; City  
Recreational Facilities.

(a) It shall be unlawful for any person to possess or consume alcoholic beverage or intoxicating liquor upon any park, playground, recreation center, tennis court, ball field, or other recreational facility or parking lot operated in conjunction therewith, under the operation, maintenance and control of the City of Nitro.

(b) Any person violating Subsection (a) above shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

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Arden D. Ashley, Mayor



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John F. Santrock, City Recorder

The City Recorder moved to accept the ordinance as written. Councilman Moon seconded the motion. Mayor Ashley recognized Councilman at Large West for discussion. Councilman at Large West moved to table the second reading of the ordinance and consider an ordinance shared with Council from the City of Wheeling. Councilman Cunningham seconded the motion.

At this point, Councilman Savilla asked if Council could adopt and use this ordinance while another more suitable one was being written because the problem exists now and will probably become less of a problem with the season change. Councilman at Large West at this point withdrew his motion to table and Councilman Cunningham withdrew his second to the motion of Councilman at Large West.

Councilman at Large West further explained that the trouble with this particular ordinance is that it is not illegal to consume alcoholic beverages in the State of West Virginia, which would make this ineffective.

Councilman at Large West again moved to table this ordinance until a more suitable one can be written or obtained. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 5 - SECOND READING OF CITY OF NITRO SEWER USE ORDINANCE: Councilman Savilla moved to dispense with the reading of the entire above-stated ordinance and to use the title only. The motion was seconded. The vote was unanimously ordered.

The ordinance is as follows:

## CITY OF NITRO

### SEWER USE ORDINANCE

#### Introduction

#### Article I

#### Definitions

#### Article II

#### Use of Public Sewers Required

##### Section 2-1

Authority to Establish and Maintain a Sewage System

##### Section 2-2

Declaration of Necessity

##### Section 2-3

Application for Sewer Service Required

##### Section 2-4

Permit for Connection; Tapping Charge

## Article III

## Connection to Public Sewers

Section 3-1	Tapping or Opening Sewer Without Permit
Section 3-2	Sewer Taps Only by Authorized Persons
Section 3-3	Sewer Tap Construction
Section 3-4	Approval of Connections by City Inspector
Section 3-5	Unauthorized Connections Prohibited
Section 3-6	Establishment of Schedule of Rates and Charges; Use of Water Meters
Section 3-7	Established Rates Applicable to Premises Subsequently Served
Section 3-8	City Subject to Established Rates or Charges
Section 3-9	Authority Vested in Sanitary Board for Billing and Collection
Section 3-10	Lien for Enforcement of Collection of Billed Rates or Charges
Section 3-11	Industrial Use of Sewers
Section 3-12	Duration of Liability for Sewer Service
Section 3-13	User's Responsibility to Keep Sewer Clean
Section 3-14	Leaks
Section 3-15	City Not Liable for Damage
Section 3-16	Tampering With Sewer Appurtenances
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## Administrative Action

## CITY OF NITRO

## SEWER USE ORDINANCE

An Ordinance amending and clarifying current City Ordinances relating to the construction, acquisition, operation and maintenance of a sewage collection and disposal system in the City of Nitro and to bring said Ordinances into compliance with federal and state regulations governing the sewage system in the City of Nitro and this Ordinance in conjunction with other Ordinances currently in effect and contained in Book 2 of the City Code shall be called the City of Nitro Sewer Use Ordinance.

WHEREAS, it is the desire of the City of Nitro to amend and clarify its current ordinances controlling the construction, acquisition, operation and maintenance of the sewage collection and disposal system of the City of Nitro and/or of the sanitary district which may be created and/or areas being serviced by said system to include such terminology as is necessary to bring City Codes pertinent to the City of Nitro sewage collection and disposal system into compliance with Federal and State Regulations. It is further the intent of this ordinance to charge the responsibility of updating and amending this ordinance to comply with future changes or expansions of the rules and regulations governing said system to the Nitro Sanitary Board, and that this update shall be performed on an annual basis commencing from the date of passage of the Sewer Use Ordinance, and all such amendments shall be a part of the Sewer Use Ordinance upon final action of the Council of the City of Nitro.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO:

## ARTICLE I

## Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Section 1-1. Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- Section 1-2. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

- Section 1-3. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- Section 1-4. "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- Section 1-5. "Council" shall mean the Mayor and members of council, respectively, of the City of Nitro, West Virginia, as constituting the governing body of said City.
- Section 1-6. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- Section 1-7. "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- Section 1-8. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- Section 1-9. "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary strength wastes.
- Section 1-10. "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Section 1-11. "May" is permissive (see "shall", Sec. 20).
- Section 1-12. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- Section 1-13. "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ion, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .
- Section 1-14. "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than  $\frac{1}{2}$  inch (1.27 centimeters) in any dimension.
- Section 1-15. "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.

- Section 1-16. "Sanitary Board" shall mean the persons appointed by the Council of the City of Nitro and charged with the responsibility of the operations of the wastewater facilities.
- Section 1-17. "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- Section 1-18. "Sewage" is the spent water of a community. The preferred term is "wastewater," Sec. 26.
- Section 1-19. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
- Section 1-20. "Shall" is mandatory (see "may," Sec. 11).
- Section 1-21. "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- Section 1-22. "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- Section 1-23. "Manager" shall mean the duly appointed representative of the Sanitary Board of the City of Nitro who is charged with the responsibility of the day to day operations of the wastewater facilities or his/her authorized deputy, agent or representative.
- Section 1-24. "Suspended solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.
- Section 1-25. "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

- Section 1-26. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm-water that may be present.
- Section 1-27. "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- Section 1-28. "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."
- Section 1-29. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.



ARTICLE II

Use of Public Sewers Required

Section 2-1.

Authority to Establish and Maintain a Sewage System

For state law as to authority of city to establish and maintain a sewer system and sewage treatment and disposal system and to acquire property necessary therefor, see W. Va. Code, §§ 8-12-5, subsecs. (32), (33), 8-18-1, 16-13-1. As to authority of city to make "low cost improvements," including the construction, renewing and preparing of storm, sanitary and combined sewers, see W. Va. Code, § 8-17-1 et seq. As to authority of city to levy assessments for sewer improvements, and to regulate sewer connections, see W. Va. Code, § 8-18-1 et seq. As to municipal sewage works and sanitary districts, see W. Va. Code, § 16-13-1 et seq. As to extraterritorial jurisdiction of city for purposes of this chapter, see W. Va. Code, § 18-13-22; and see also W. Va. Code, § 8-12-5, subsec. (43). As to requirement that method of drainage and system for excreta disposal conform to plans, specifications and instructions of state department of health, see W. Va. Code, § 16-1-9.

Section 2-2.

Declaration of Necessity

The use of the sewer system of the city is determined and declared to be essential for the protection and preservation of the public health, comfort, safety, economy and general welfare of the inhabitants of the city and of the area served thereby.

The owner, tenant or occupant of premises which abut on a street, easement or other public way containing a sewer service, or which, in the judgment of the sanitary board of the city, is located within such a distance thereof that sewer service is reasonably available thereto and upon which premises a building or other inhabitable structure has been or shall be erected for residential, commercial, or industrial use, or where persons are employed or congregate or are intended to be employed or congregate, shall be required to connect the building or structure to the sewer system or to such part of the sewer system as may from time to time be extended or become reasonably available, and shall thereafter refrain from using or cease to use any other method in place of the sewer services which are now, or may hereafter become, available; and shall thereafter pay all the charges, rates or fees as herein, or may hereafter be, provided for. All such connections shall be in accordance with the rules and regulations which shall be adopted from time to time by the sanitary board of the city or by the city council and such rules and regulations may provide for reasonable charges, fees or deposits required for making such connections.

For provisions as to authority of city to compel owners, etc., of property abutting on or near the street in which public sewer is laid and upon which any building, etc., is erected, to connect such property to the sewer; and providing that each day's failure to make such connection after ten days' notice shall be prosecuted as provided for by state law as to required connections to public sanitary sewers, see W. Va. Code, § 8-18-22.

Section 2-3.

Application for Sewer Service Required

It shall be unlawful for any person, including public bodies as well as natural persons, to make an initial cut-in or connection with the city sewer system and use that system without first making written application for such connection and service to the sanitary board and paying all costs, charges, fees and deposits incident thereto. Such application shall be made on forms prescribed and furnished by the board, and shall constitute an agreement by the applicant with the city to abide by all provisions of this chapter and such applicable rules and regulations of the city council or sanitary board in regard to the use of the sewer system. Such application for service by firms, partnerships, associations and corporations shall be submitted only by their duly authorized agent, and the official title of such agent shall be signed to the application.

The application shall grant or cause to be granted to the city, without cost, all rights, easements, permits, and privileges which are necessary for the rendering of sewer service. Duly authorized employees of the city or sanitary board shall have access at all reasonable hours to the premises of the applicant for the purpose of installing or removing any of its property, examining pipes or fixtures, or for any purpose incidental to the rendering of sewer service.

Section 2-4.

Permit for Connection; Tapping Charge

It shall be unlawful for any person, whether property owner, drainlayer or otherwise, to connect with or tap a city sewer, either directly or indirectly, without first having a permit from the sanitary board and having paid the assessment provided for in the city Charter or the tapping or maintenance charge fixed by law. In all cases, the tapping and maintenance charges for tapping a city sewer shall be as specified from time to time by the city council in an appropriate schedule, which shall be maintained on file in the office of the city clerk; and until such a schedule is prescribed by the city council pursuant to the foregoing provisions of this section the tapping and maintenance charges for city sewers shall be those in effect immediately prior to the effective date of this Code.

## ARTICLE III

## Connection to Public Sewers

Section 3-1. Tapping or Opening Sewer Without Permit

No person shall cut, break, pierce or tap any public sewer or appurtenances thereof, or introduce any tube, pipe, trough or conduit into any public sewer or appurtenance thereof without a written permit from the sanitary board.

Section 3-2. Sewer Taps Only by Authorized Persons

No person, except those persons duly employed or authorized by the city or by the sanitary board for such purpose, shall tap the city's sewer mains.

Section 3-3. Sewer Tap Construction

Section 3-3-1. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 3-3-2. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Section 3-3-3. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the manager, to meet all requirements of this ordinance.

Section 3-3-4. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 3-3-5. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the manager for purposes of disposal of polluted surface drainage.

Section 3-3-6. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the manager before installation.

Section 3-3-7. The applicant for the building sewer permit shall notify the manager when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the manager or his representative.

Section 3-3-8. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

Section 3-4. Approval of Connections by City Inspector  
No sewer service shall be connected until the plumbing and connections incident thereto shall have been inspected and approved by an inspector of the sanitary board.

No sewer service line shall be connected to the sanitary sewer system if that service line will contain flows other than sanitary wastewater. Roof drains, yard and area drains, footer drains, or any line other than that which serves a sanitary plumbing system are prohibited from connection to the sanitary board system.

Section 3-5. Unauthorized Connections Prohibited  
No person shall connect to or turn on any sewer service, or cut-in, interconnect, tap or make any alteration to any main or distribution or collection pipe of the city's sewer system or permit any connection or tapping to be made to the sewer system on his premises or the premises occupied by him, or knowingly use the sewer service from connections in violation of any of the provisions of this article or any rules or regulations adopted by the sanitary board with respect thereto.

Roof drains, yard and area drains, footer drains, or any line carrying flow other than exclusively sanitary wastewater are prohibited from connection to the sanitary sewer system.

Section 3-6. Establishment of Schedule of Rates and Charges; Use of Water Meters

For the payment of the proper and reasonable expense of operation, repair, replacements, improvements, additions, betterments, extensions and maintenance of the sewer system and for the payment of the sums required to pay the principal and interest of all sewer revenue bonds as they become due, the city council shall enact and may from time to time amend a schedule of just and equitable rates or charges for the use of and service rendered by the municipal sewer system and works of the City of Nitro, which schedule of rates or charges shall be based upon the metered amount of water supplied the premises; and each schedule shall be maintained on file in the office of the city clerk while it is in effect.

Until such time as the city council adopts a schedule of rates or charges pursuant to the foregoing provisions of this section, the rates and charges in effect immediately prior to the effective date of this Code shall continue in full force and effect.

Section 3-7. Established Rates Applicable to Premises Subsequently Served

The rates or charges so established for any class of users or property served shall be extended to cover any additional premises hereafter served which fall within the same class, without the necessity of any hearing or notice.

Section 3-8. City Subject to Established Rates or Charges

The city shall be subject to the established charges and rates, or to charges and rates established in harmony therewith, for service rendered the city and shall pay such rates or charges when due from corporate funds, which shall be deemed to be a part of the revenues of the sewage system and works and be applied as provided for the application of such revenues.

Section 3-9. Authority Vested in Sanitary Board for Billing and Collection

All rates or charges provided for by this article shall be billed and collected monthly by the sanitary board or by persons or agencies authorized by the board. All bills shall be considered due and payable on or before the tenth day following the date rendered.

Section 3-10. Lien for Enforcement of Collection of Billed Rates or Charges

All such rates or charges, if not paid when due, shall be a lien upon the premises served by such system or works, and if such rates or charges be not paid within thirty days after

due, then the amount thereof, together with a penalty of ten percent and a reasonable attorney's fee, may be recovered by the sanitary board in a civil action in the name of the city. In connection with such action, such lien may be foreclosed against such lot, parcel of land or building, in accordance with the laws relating thereto.

Section 3-11. Industrial Use of Sewers

Where the character of sewage from any manufacturing or industrial plant, building or premises is such that it imposes a burden upon the sewer system in addition to the burden imposed by the average sewage entering the sewer system, such additional charge shall be made therefor as the sanitary board shall deem to be fair and equitable to meet the additional cost of collection, treatment and disposal of such sewage; and the board may, if it deems advisable so to do, compel the owner, tenant or occupant of such manufacturing or industrial plant, building or premises to treat such sewage in such manner as shall be specified by the board before discharging into the sewer system.

Section 3-12. Duration of Liability for Sewer Service

Liability for service shall begin as to all users on the date of connection to the sewer system; and such liability shall continue thereafter unless such premises are disconnected from the sewer system with the approval of the sanitary board. After such liability begins, no allowance shall be made for vacant houses unless request in writing to have the sewer system shut off is received by the board, nor will any allowance be made for any shut-off period which is less than thirty days.

Section 3-13. User's Responsibility to Keep Sewer Clean

The owner, tenant or occupant of the property shall be continuously responsible for maintaining and keeping the sewer pipe leading to and between the plumbing system of his premises to the city's connecting sewer clean and free from obstruction, and shall not cause, suffer or permit any article or thing, liquid as well as solid, to be introduced into the pipe which causes a stoppage thereof. In the event of any such obstruction or stoppage the sanitary board shall have the right to cut off the water connection, which shall not be reconnected until such sewer pipe is cleaned and maintained properly; and in the further event of the failure of such user to remedy such obstruction or stoppage, the board shall have the right to enter upon said premises and make necessary repairs, the cost and expenses of which shall be included as a part of the charges against said premises.

- Section 3-14. Leaks  
No allowance or adjustment of any sewer bill shall be made for water leaks of any nature occurring on the user's side of the meter if the water so leaked enters the sewer.
- Section 3-15. City Not Liable for Damage  
Neither the city nor the sanitary board shall be liable for any damage resulting from bursting of any sewer main, service pipe or valve, or from discontinuing the operation of its sewer collection, treatment and disposal facilities, for repairs, extensions or connections, or from the accidental failure of the sewage collection, treatment and disposal facilities from any cause whatsoever. In cases of emergency the sanitary board shall have the right to restrict the use of its sewage collection, treatment and disposal facilities in any reasonable manner for the protection of the city and its sewer system.
- Section 3-16. Tampering with Sewer Appurtenances  
No person shall turn, lift, remove, raise or tamper with any cover or any manhole, basin, inlet or other appurtenance of any public storm sewer without a written permit from the city engineer, or of any combined sewer or sanitary sewer without a written permit from the sanitary board.
- Section 3-17. Entering Sewer  
No person, other than one employed by the city in the street and sewer department while on duty, shall enter any public storm sewer or appurtenance thereof without a written permit from the city engineer, or shall enter any public combined sewer or sanitary sewer without a written permit from the sanitary board.
- Section 3-18. Injury to Sewer  
No person shall break or damage any public sewer or appurtenance or part thereof.

## ARTICLE IV

## Discharge Into Public Sewers

## Section 4-1.

Unpolluted Discharge

No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the manager and the necessary permit obtained.

## Section 4-2.

Stormwater

Stormwater other than that exempted under Section 1, Article V, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or to a natural outlet approved by the manager and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the manager to a storm sewer, combined sewer, or natural outlet.

## Section 4-3.

Flammable, Explosive or Hazardous Substances and Foreign Matter

No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- (c) Any waters or wastes having a pH lower or higher than that normally encountered in the system, or having any other corrosive property capable of causing damage or hazard to structures, equipment/operation and personnel of the wastewater works without a permit to do so.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers,



tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 4-4. Toxic Substances

The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The manager may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the manager will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the manager are as follows:

- (a) Wastewater having a temperature higher than 150° Fahrenheit (65° Celsius).
- (b) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (c) Wastewater from industrial plants containing floatable oils, fat, or grease.
- (d) Any garbage that has not been properly shredded (see Article I, Section 14.) Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the manager for such materials.

- (f) Any waters containing odor-producing substances which may be established by the manager.
- (g) Any radioactive materials or isotopes of which half-life or concentration may exceed limits established by the manager in compliance with applicable state or federal regulations.
- (h) Quantities of toxic concentrations, or both, which constitute "hazard" as defined herein.
- (i) Wastes or effluents containing substances which are not amenable to treatment or reduction by the processes or treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the agencies having jurisdiction to discharge to the receiving waters.
- (j) Any sewer or collection system, by interaction with other sewers, collection systems, sewer system, collection system, or other sewer, which may cause solids or other material to enter the collection system, or cause a change in effluent to structures and equipment.

The manager shall be charged or are proposed to be charged with the following duties, which duties contain the following duties, which duties are enumerated in Section 10 of this article, and which in the judgment of the manager may have a deleterious effect upon the health, safety, or welfare of the community, or receiving waters, or which otherwise cause a hazard to life or property, or which otherwise cause a hazard to life or property.

- (1) require pretreatment to an acceptable condition for all discharges to public receiving waters;
- (2) require control over discharge rates and rates of discharge;
- (3) require payment of a charge for cost of handling and treating the discharge, covered by existing taxes or sewer charges, and the provisions of Section 10 of this article;

When considering the alternatives, the manager shall give consideration to the effect of each alternative on the sewerage. If the manager permits the pretreatment or

equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the manager.

Section 4-6.

Grease, Oil and Sand Separators

Grease, oil and sand interceptors shall be provided when, in the opinion of the manager, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4(c), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the manager, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the manager. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

Section 4-7.

Pretreatment

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

Section 4-8.

Metering and Sampling Devices

When required by the manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the manager. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 4-9.

Design Data on Connection

The manager may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- (1) Wastewaters discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.

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- (3) Information on raw materials, processes, and products affecting wastewater volume and quality.
  - (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
  - (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
  - (6) Details of wastewater pretreatment facilities.
  - (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 4-10. Measurements, Tests, and Analyses

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the manager.

Section 4-11. Disclaimer

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment.

## ARTICLE V

## Powers and Authority of Inspectors

- Section 5-1. Right of Entry for Purpose of Discharge Inspection  
The manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.
- Section 5-2. Collection of Information  
The manager or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- Section 5-3. Required Safety Procedures  
While performing the necessary work on private properties referred to in Article V, Section 5-1, above, the manager or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article IV, Section 4-8.
- Section 5-4. Right of Entry To and From All Negotiated Easements  
The manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## ARTICLE VI

Amendments To and Precedence of the  
Sewer Use OrdinanceSection 6-1. Amendments to the Sewer Use Ordinance

The Sanitary Board shall, upon an annual basis, or as deemed necessary from time to time between annual reviews, review and cause to be enacted such amendments to the Sewer Use Ordinance as are necessary to bring the ordinance into compliance with applicable Federal and State Regulations and changes thereto. All such amendments shall clearly delineate Article and Section to be altered or expanded. Records shall be maintained and a report filed to City Council annually by the Sanitary Board to insure conformity to this section.

Section 6-2. Precedence of Past and Present Ordinances

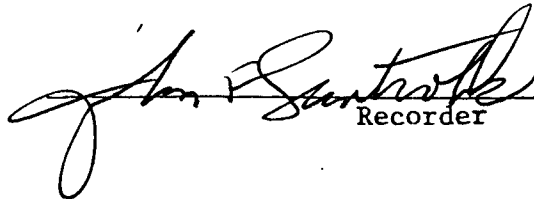
It shall be the responsibility of the Sanitary Board to review and render a discussion as to a precedence involving a present or past ordinance to insure compliance applicable statutes prior to rendering said precedence. Upon resolution of the discrepancy and the precedence set an amendment to the Sewer Use Ordinance shall be enacted as stated in Article VI, Section 6-1.

Section 6-3. Precedence of the Sewer Use Ordinance and Other Codes  
Procedures shall be as outlined in Article VI, Section 6-2.

## Administrative Action

This ordinance shall become effective immediately after the Public hearing required by Chapter 16, Article 13 of the West Virginia Code and the statutory comment periods and final action of the Council of the City of Nitro.

Arden D. Ashley, Mayor

  
Recorder

Effective Date: Sept 7, 1982

AGENDA ITEM NO. 6 - REGIONAL INTERGOVERNMENTAL COUNCIL DUES - 1983: City Recorder Santrock moved that the City continue its dues to the Regional Intergovernmental Council to the extent of the nine hundred and nine dollars (\$909.00) as its share to the RIC. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 7 - VOTER REGISTRATION: By way of announcement to members of Council, City Recorder Santrock stated that registrants will be here on September 9th and 11th, and at the High School on the 8th.

AGENDA ITEM NO. 8 - REPORT ON FIRE HYDRANT COST: Mayor Ashley stated that Penwood Avenue and Broadway Gardens are the sites chosen for the new fire hydrants. He stated that at Penwood Avenue it would be approximately twenty-one hundred dollars, and approximately twelve hundred for the Broadway Avenue location. City Treasurer stated that those amounts fall within the budget amounts allowed for in the 1983 budget.

Councilman King moved for such action. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 9 - FIRST READING OF PURCHASING ORDINANCE: City Treasurer Greenleaf stated that on March 4, 1974, an ordinance was passed on purchasing procedures, but that no record can be found of that ordinance. As a result, it was felt that an ordinance should be prepared and adopted. The ordinance is as follows:

## Ordinance 82-8

AN ORDINANCE PROVIDING FOR PROCEDURES TO BE FOLLOWED IN PURCHASING ANY AND ALL SUPPLIES, MATERIALS, EQUIPMENT AND SERVICES; CREATING THE POSITION OF PURCHASING DIRECTOR; PROVIDING FOR COMPETITIVE BIDDING; NOTICE; DEFINING AN EMERGENCY SITUATION; EMERGENCY PURCHASING PROCEDURES; OFFENSES AND PENALTIES FOR VIOLATION; ADMINISTRATION AND ENFORCEMENT.

Be it ordained by the Council of the Municipality of Nitro, West Virginia;

That there is hereby established certain procedures in regard to the purchase of supplies, materials, equipment and services for the City of Nitro and for the creation of the position of purchasing director, and rules and regulations all of which are set forth as follows:

SECTION 1. PURCHASING DIRECTOR

The City Treasurer shall be the ex-officio City purchasing agent with authority to designate any qualified City employee deputy purchasing agent to exercise the powers and perform the duties of the City purchasing agent.

SECTION 2. PURCHASING PROCEDURES

(a) PURCHASES LESS THAN THREE HUNDRED DOLLARS (\$300.00)

All heads of departments, agencies or other designated spending units of City Government shall have the authority to purchase any and all supplies, materials, equipment or services needed for the orderly and efficient operation of their areas of responsibility provided said purchase does not exceed the sum of Three Hundred Dollars (\$300.00), and that prior to said purchase the department head has, after first consulting with the City Treasurer, determined that there are sufficient funds on hand to the credit of said department as provided for in the City budget to pay for said purchase, and in any event the department head shall note on the requisition form or purchase order the costs of the supplies, materials, equipment or services quoted by the proposed supplier; or in the event no quotes were secured then to set forth the reasons why the same were not so obtained.

(b) PURCHASES IN EXCESS OF THREE HUNDRED DOLLARS AND LESS THAN FIVE THOUSAND DOLLARS

No heads of any department, agency or other designated spending unit shall make a purchase in excess of Three Hundred Dollars (\$300.00) and less than Five Thousand Dollars (\$5,000.00)



without first completing a requisition form setting forth a brief description of the proposed purchase together with not less than three (3) competitive price quotations or bids, oral or written, received from proposed suppliers.

Said requisition form shall be filed by the department head and submitted to the City purchasing director, who, after first determining that there are sufficient funds on hand to the credit of said department as provided for in the City budget to pay for said purchase, shall approve the purchase and designate the supplier or shall reject the proposed purchase. The purchasing director shall specify the supplier from one of the bids received and set forth in the requisition form.

In the event the City purchasing director shall designate a purchase from a bidding supplier, not the lowest bidder, he shall, on the rear of the requisition form, set out his reasons for so doing.

It shall be the policy of the purchasing director at all times, unless otherwise necessary, to select the lowest responsible bid.

### SECTION 3. COMPETITIVE BIDDING PROCEDURE

#### (a) NOTICE

Whenever the head of any department agency or other designated spending unit desires to purchase supplies, materials, equipment or services valued at Five Thousand Dollars (\$5,000.00) or more, he shall first submit a requisition form to the purchasing director. Said form shall contain the following information:

- (1) A brief description of items desired for purchase.
- (2) Specifications to be met by supplier in regard to items.
- (3) The proposed date of delivery.
- (4) A statement setting forth balance of account credited to the department agency or spending unit that there are sufficient funds on hand to the credit of said department as provided for in the City budget to pay for said purchase provided that said bids are not in excess of the proposed maximum allowable purchase.

#### (B) PUBLICATION

After receiving the requisition form as set forth in Subsection (a), and after first securing the approval of Council for the proposed purchase, the said purchasing director shall solicit sealed bids which shall be obtained by public notice published as

a Class II legal advertisement in compliance with Chapter 59, Article 3, Section 1 of the Code of West Virginia, and the publication area for such notice shall be Kanawha and Putnam Counties. Notice shall be published within fourteen (14) days next preceding the final date for submitting bids. Said notice may also be published by any other medium the director may deem advisable and the director may also solicit sealed bids by sending requests by mail to prospective suppliers.

(1) CONTENTS OF NOTICE

All notices to bidders shall contain a brief description of the materials, supplies, equipment or services sought to be purchased. The place where the specifications for such supplies, materials, equipment and services can be examined and where official City bid forms may be secured shall be the offices of the purchasing director. The last date in which bids shall be received together with the date, time, place and when the bids shall be opened and a statement setting forth that the City shall have the right to refuse and reject any and all bids, or any portion thereof, so made and any other information the director shall deem appropriate under the circumstances.

(2) BID FORMS

No bids received under this section shall be considered unless the same shall be upon official City bid forms and enclosed in seals official bid form envelopes. The purchasing director shall prepare and design bid envelopes which shall have conspicuously printed on the face, "DO NOT OPEN. SEALED BID ENCLOSED" and any other language he shall deem appropriate.

(c) AWARDING BID

The City purchasing director shall, at the next regularly scheduled Council meeting, after the bids have been received, present the said sealed bids for the inspection of Council, together with any recommendations he may have in regard to the awarding of said bid. Thereupon, Council, by majority vote, shall determine from which the City shall purchase the items set forth in the bids with consideration first being given to the lowest reputable bidder.

SECTION 4. MUTIPLE REQUISITION AND INVOICE, ETC., TO CIRCUMVENT ARDENT DUTY OF PURCHASING AGENT

(a) The City purchasing agent shall examine both requisition invoices and related papers submitted to him to

determine the necessity and timing of the purchase to which it relates, the costs there, and specifications therefore, and all other factors to be considered with respect to the advisability of such purchases. And to see that all procedures followed were in strict compliance with the provision of this article.

#### SECTION 5. EMERGENCY PURCHASES

In the event a bona fide emergency situation arises, due to unforeseen causes, which necessitates the purchase of goods, materials or supplies of a value of Five Thousand Dollars (\$5,000.00) or more and there is insufficient time to solicit for competitive bids for such purchases, then the Mayor shall call a special meeting of City Council.

Council shall, at such meeting, by majority vote of the members present, determine if an emergency exists and shall cause their vote to be recorded in the official minutes of said meeting.

In the event Council determines an emergency situation does exist, it shall direct the purchasing director to purchase the goods, materials and supplies required without competitive bids being required and may make any recommendations or restrictions or conditions upon said purchase which may deem proper under the circumstances then and there existing.

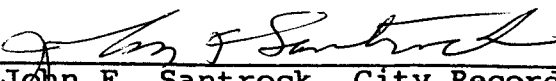
A quorum for any special meeting called under the provisions of this section shall consist of not less than five (5) voting members of said Council.

#### SECTION 6. VIOLATION AND PENALTIES

It shall be unlawful for any officer or employee of the City to purchase or to offer to purchase any supplies, materials, equipment or contractual services for on behalf of the City in violation of any provision of this article; and any person convicted of any such violation shall be personally liable for the costs involved in addition to any fine and imprisonment that may be adjudged against him, and the City shall be absolved of any and all liability for any such purchases or offer to purchase.

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Arden D. Ashley, Mayor

  
\_\_\_\_\_  
John F. Santrock, City Recorder

Councilman Savilla moved to table the ordinance at this time to give Council an opportunity to study the ordinance. Councilman Cunningham seconded the motion. The vote was unanimous and so ordered.

AGENDA ITEM NO. 10 - GAS STORAGE TANK REPORT: City Treasurer Greenleaf reported on the problems the City has been having with the gasoline storage tanks and the City vehicles. He further stated that if the City should decide to keep the tanks, the safest thing that should be done is to replace the tanks and the alternatives are to, number one, install a new underground tank, number two, install an above-ground tank, and number three, install a skid tank.

The City Treasurer made his recommendation, being to abandon the tank and go out for bids every month to different service stations in the City, making sure that each has an opportunity to bid. Councilman Savilla also suggested going out for bids on a skid tank setup.

After much discussion on the legality of the issue, Councilman Savilla moved for the monthly bidding of gasoline for City vehicles, authorizing the City Treasurer to do the purchasing and the City Attorney to compose the proper letter. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 11 - ALCOHOL/SPEED PROGRAM RENEWAL: Mayor Ashley introduced the resolution expressing a desire to continue in an alcohol and speed enforcement program. He stated that this is a renewal of the program the City has participated in before.

The resolution is as follows:

RESOLUTION 82-9

A RESOLUTION EXPRESSING A DESIRE TO CONTINUE IN AN ALCOHOL AND SPEED ENFORCEMENT PROGRAM.

WHEREAS, the Alcohol and Speed Enforcement Program has proven to be most effective in the City of Nitro in 1981 and 1982; and


WHEREAS, the Council of the City of Nitro expresses a desire to continue in the Alcohol and Speed Enforcement Program offered to municipalities as a part of the 1983 Highway Safety Act; and the Council of the City of Nitro understands Federal Funds will be made available on a 80/20 matching basis.

ADDITIONALLY, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NITRO to participate in the program of alcohol and speed enforcement, utilizing police department personnel on an overtime basis, as a part of the 1982-83 Highway Safety Plan.

Passed unanimously by the Nitro City Council on this the 7th day of September, 1982.

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Arden D. Ashley, Mayor

  
John F. Santrock, City Recorder

Councilman Savilla moved to accept the resolution with the change to strike the "twenty-eight hundred dollars" and the "seven hundred dollars", and to make that an "80/20 matching basis." The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 12 - APPOINTMENT TO SANITARY BOARD: Mayor Ashley introduced and recommended Mr. Jack Welton, to replace Mr. Steve West, now a member of the City Council, on the Nitro Sanitary Board. The motion was seconded. There being no discussion, the vote was taken and was unanimous and so ordered.

AGENDA ITEM NO. 13 - C & P CONSTRUCTION WORK: Mayor Ashley reported that C & P Telephone Company will be doing work in Nitro. The work will be from 31st Street to beyond the entrance of Plant Road. He stated that they will be laying a conduit on the farside of the highway off the paved area of First Avenue, all the way under Plant Road. An estimated six weeks is expected for work completion.

#### COMMITTEE REPORTS

City Recorder Santrock pointed out the packets given to Council updating them on the activities of the Nitro Seniors. He stated that he wished that all the City programs were as active as the Nitro Senior Citizen's program.

Discussion was had about a senior citizen's recreational center location.

Councilman Savilla and Larry Kallmerton of Smith Road discussed with Council the possibility of the City's assistance in having the West Virginia Water Company to install water lines

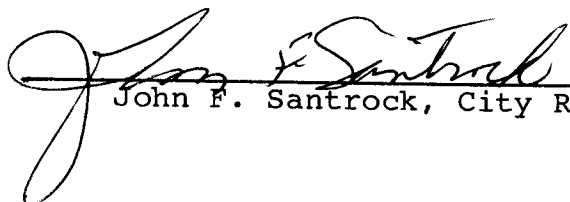
and meters for the eight homes on Smith Road. Councilman at Large West suggested to Mr. Kallmerton to also contact the Public Service Commission for assistance due to the fact that the West Virginia Water Company is a public monopoly. Councilman at Large West stated that there are instances where the public monopolies have to provide one person service, just like they do everyone else, at their own expense simply because they are a public monopoly.

At this point, Councilman Cunningham moved for adjournment. The motion was seconded. The vote was unanimous and so ordered.

At 9:26 p.m., the September 7, 1982 meeting of the Nitro City Council was adjourned.

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Arden D. Ashley, Mayor

  
John F. Santrock, City Recorder

## COUNCIL MEETING MINUTES

## CITY OF NITRO

September 21, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in Council Chambers on September 21, 1982 at 7:33 p.m. Present were City Recorder John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Steve West, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham and Councilman Jack Moon. Also present was City Treasurer Michael Greenleaf and City Attorney Franklin Gritt.

The invocation was given by Mr. Joe Leshon.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 7, 1982 COUNCIL MEETING MINUTES: Councilman King moved for the approval of the minutes of the September 7, 1982 Council meeting. The motion was seconded. The vote was unanimous and so ordered, with Councilman at Large Casto abstaining due to his absence at the September 7th meeting of Council.

AGENDA ITEM NO. 2 - FIRST READING OF PURCHASING ORDINANCE: Mayor Ashley called upon City Recorder Santrock to read to Council the first reading of the City Purchasing Ordinance.

The ordinance is as follows:

## Ordinance 82-8

AN ORDINANCE PROVIDING FOR PROCEDURES TO BE FOLLOWED IN PURCHASING ANY AND ALL SUPPLIES, MATERIALS, EQUIPMENT AND SERVICES; CREATING THE POSITION OF PURCHASING DIRECTOR; PROVIDING FOR COMPETITIVE BIDDING; NOTICE; DEFINING AN EMERGENCY SITUATION; EMERGENCY PURCHASING PROCEDURES; OFFENSES AND PENALTIES FOR VIOLATION; ADMINISTRATION AND ENFORCEMENT.

Be it ordained by the Council of the Municipality of Nitro, West Virginia;

That there is hereby established certain procedures in regard to the purchase of supplies, materials, equipment and services for the City of Nitro and for the creation of the position of purchasing director, and rules and regulations all of which are set forth as follows:

## SECTION 1. PURCHASING DIRECTOR

The City Treasurer shall be the ex-officio City purchasing agent with authority to exercise the powers and perform the duties of the City purchasing agent.

## SECTION 2. PURCHASING PROCEDURES

### (a) PURCHASES LESS THAN THREE HUNDRED DOLLARS (\$300.00)

All heads of departments, agencies or other designated spending units of City Government shall have the authority to purchase any and all supplies, materials, equipment or services needed for the orderly and efficient operation of their areas of responsibility provided said purchase does not exceed the sum of Three Hundred Dollars (\$300.00), and that prior to said purchase the department head has, after first consulting with the City Treasurer, determined that there are sufficient funds on hand to the credit of said department as provided for in the City budget to pay for said purchase, and in any event the department head shall note on the requisition form or purchase order the costs of the supplies, materials, equipment or services quoted by the proposed supplier; or in the event no quotes were secured then to set forth the reasons why the same were not so obtained.

### (b) PURCHASES IN EXCESS OF THREE HUNDRED DOLLARS AND LESS THAN FIVE THOUSAND DOLLARS

No heads of any department, agency or other designated spending unit shall make a purchase in excess of Three Hundred Dollars (\$300.00) and less than Five Thousand Dollars (\$5,000.00) without first completing a requisition form setting forth a brief description of the proposed purchase together with not less than three (3) competitive price quotations or bids, oral or written, received from proposed suppliers.

Said requisition form shall be filed by the department head and submitted to the City purchasing director, who, after first determining that there are sufficient funds on hand to the credit of said department as provided for in the City budget to pay for said purchase, shall approve the purchase and designate the supplier or shall reject the proposed purchase. The purchasing director shall specify the supplier from one of the bids received and set forth in the requisition form.

In the event the City purchasing director shall designate a purchase from a bidding supplier, not the lowest bidder, he shall, on the rear of the requisition form, set out his reasons for so doing.

It shall be the policy of the purchasing director at all times, unless otherwise necessary, to select the lowest responsible bid.



### SECTION 3. COMPETITIVE BIDDING PROCEDURE

#### (a) NOTICE

Whenever the head of any department agency or other designated spending unit desires to purchase supplies, materials, equipment or services valued at Five Thousand Dollars (\$5,000.00) or more, he shall first submit a requisition form to the purchasing director. Said form shall contain the following information:

- (1) A brief description of items desired for purchase.
- (2) Specifications to be met by supplier in regard to items.
- (3) The proposed date of delivery.
- (4) A statement setting forth balance of account credited to the department agency or spending unit that there are sufficient funds on hand to the credit of said department as provided for in the City budget to pay for said purchase provided that said bids are not in excess of the proposed maximum allowable purchase.

#### (B) PUBLICATION

After receiving the requisition form as set forth in Subsection (a), and after first securing the approval of Council for the proposed purchase, the said purchasing director shall solicit sealed bids which shall be obtained by public notice published as a Class II legal advertisement in compliance with Chapter 59, Article 3, Section 1 of the Code of West Virginia, and the publication area for such notice shall be Kanawha and Putnam Counties. Notice shall be published within fourteen (14) days next preceding the final date for submitting bids. Said notice may also be published by any other medium the director may deem advisable and the director may also solicit sealed bids by sending requests by mail to prospective suppliers.

#### (1) CONTENTS OF NOTICE

All notices to bidders shall contain a brief description of the materials, supplies, equipment or services sought to be purchased. The place where the specifications for such supplies, materials, equipment and services can be examined and where official City bid forms may be secured shall be the offices of the purchasing director. The last date in which bids shall be received together with the date, time, place and when the bids shall be opened and a statement setting forth that the City shall have the right to refuse and reject any and all bids, or any portion thereof, so made and any other information the director shall deem appropriate under the circumstances.

(2) BID FORMS

No bids received under this section shall be considered unless the same shall be upon official City bid forms and enclosed in seals official bid form envelopes. The purchasing director shall prepare and design bid envelopes which shall have conspicuously printed on the face, "DO NOT OPEN. SEALED BID ENCLOSED" and any other language he shall deem appropriate.

(c) AWARDING BID

The City purchasing director shall, at the next regularly scheduled Council meeting, after the bids have been received, present the said sealed bids for the inspection of Council, together with any recommendations he may have in regard to the awarding of said bid. Thereupon, Council, by majority vote, shall determine from which the City shall purchase the items set forth in the bids with consideration first being given to the lowest reputable bidder.

SECTION 4. MUTIPLE REQUISITION AND INVOICE, ETC., TO CIRCUMVENT ARDENT DUTY OF PURCHASING AGENT

(a) The City purchasing agent shall examine both requisition invoices and related papers submitted to him to determine the necessity and timing of the purchase to which it relates, the costs there, and specifications therefore, and all other factors to be considered with respect to the advisability of such purchases. And to see that all procedures followed were in strict compliance with the provision of this article.

SECTION 5. EMERGENCY PURCHASES

In the event a bona fide emergency situation arises, due to unforeseen causes, which necessitates the purchase of goods, materials or supplies of a value of Five Thousand Dollars (\$5,000.00) or more and there is insufficient time to solicit for competitive bids for such purchases, then the Mayor shall call a special meeting of City Council.

Council shall, at such meeting, by majority vote of the members present, determine if an emergency exists and shall cause their vote to be recorded in the official minutes of said meeting.

In the event Council determines an emergency situation does exist, it shall direct the purchasing director to purchase the goods, materials and supplies required without competitive bids being required and may make any recommendations or restrictions or conditions upon said purchase which may deem proper under the circumstances then and there existing.

A quorum for any special meeting called under the provisions of this section shall consist of not less than five (5) voting members of said Council.

## SECTION 6. VIOLATION AND PENALTIES

It shall be unlawful for any officer or employee of the City to purchase or to offer to purchase any supplies, materials, equipment or contractual services for on behalf of the City in violation of any provision of this article; and any person convicted of any such violation shall be personally liable for the costs involved in addition to any fine and imprisonment that may be adjudged against him, and the City shall be absolved of any and all liability for any such purchases or offer to purchase.

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Arden D. Ashley, Mayor

  
John F. Santrock, City Recorder

After reading the ordinance, City Recorder Santrock moved that Council adopt, without reading in entirety, the purchasing ordinance. The motion was seconded.

Councilman Moon, at this point, moved to amend Section 1 to read, "The City Treasurer shall be the ex-officio City purchasing agent with authority to exercise the powers and perform the duties of the City purchasing agent," because if it is said that the City Treasurer will designate any employee a deputy purchasing agent, we then get involved in the qualifications of a person to name. This motion was seconded.

There being no further discussion on amending the ordinance, a vote was taken to amend Section 1. The vote was unanimous and so ordered.

At this point, a vote was taken to adopt the purchasing ordinance. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - FIRST READING OF ORDINANCE RELATING TO POSSESSION OF BEER OR INTOXICATING BEVERAGES: Mayor Ashley called upon City Recorder Santrock to introduce the ordinance to amend and reenact Chapter 3, Article 1 of the City Code of the City of Nitro, relating to the possession of beer or intoxicating beverages.

Councilman at Large West moved to adopt the first reading of the above-stated ordinance. The motion was seconded. The vote was unanimous and so ordered.

The ordinance is as follows:

## ORDINANCE 82-9

AN ORDINANCE TO AMEND AND REENACT CHAPTER 3, ARTICLE 1  
OF THE CITY CODE OF THE CITY OF NITRO, SAID AMENDMENT  
RELATING TO THE POSSESSION OF BEER OR INTOXICATING BEVERAGES

BE IT ORDAINED by the City Council of the City of Nitro, Chapter 3, Article 1 of the City Code of the City of Nitro is hereby amended and reenacted to read as follows:

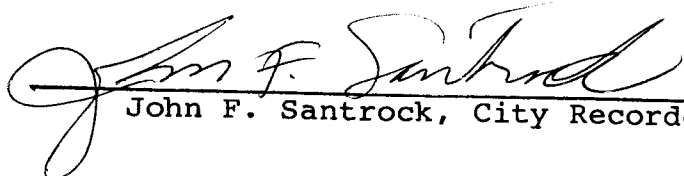
Section 3-4. Conduct upon streets, sidewalks and recreational areas: Possession of beer or intoxicating beverages, thereon prohibited

(a) No person on any sidewalk or street shall conduct himself in a manner annoying to persons passing by or occupants or residents of adjoining buildings. No person shall carry or possess any unsealed container, or partially filled container, of non-intoxicating beer or intoxicating beverage upon any sidewalk, street, playgrounds, recreational facilities, or parking lots within the City of Nitro except when specifically permitted by the City of Nitro during an organized activity.

(b) Any person violating Subsection (a) shall be guilty of a misdemeanor and upon conviction thereof fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

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Arden D. Ashley, Mayor

  
John F. Santrock, City Recorder

AGENDA ITEM NO. 4 - LETTER DATED SEPTEMBER 12, 1982 TO MEMBERS OF ZONING APPEALS COMMISSION: Mayor Ashley called upon City Recorder Santrock to introduce the report from the Zoning Commission, which is to be included in the minutes.

The letter is as follows:

September 12, 1982

To: Members of Zoning Appeals Commission  
Members of City Council  
Mayor Art Ashley  
Bob Sergent

The Zoning Appeals Commission of the City of Nitro held a public hearing on Thursday, September 11, 1982, at 7:00 p.m. in the Reception Room of the Nitro City Hall. The hearing was properly advertised in the legal section of the Charleston Gazette and Daily Mail.

The hearing was at the request of Ronald K. Ryan, 1513 Fenton Circle, to appeal a ruling by the City Building Inspector not to allow a masonry garage be built on Mr. Ryan's property in that there would be a violation of distance required at side and rear property lines. Neighbors living adjacent to Mr. Ryan at 1511-1511 approve the waiver. Mr. Ryan will not have windows at side and rear walls and the garage will be masonry. There seems to be no better solution and will improve the property and area. No one appeared in the negative. After discussion, Mr. Kniceley moved to approve Mr. Ryan's request. Seconded by Rev. Austin and passed unanimously.

Adjourned at 7:50 p.m.

Cecil Lemma, Chairman  
John Santrock, Secretary  
Rev. Wade Austin  
Kenneth Kniceley  
Bob Sergent, Building Inspector

City Recorder Santrock moved that the letter dated September 12, 1982, from the Zoning Appeals Commission be written into the Council minutes. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 5 - RESOLUTION - HALLOWEEN, OCTOBER 30, 1982, 6:00 P.M. TO 8:00 P.M.: Mayor Ashley, once again, called upon City Recorder Santrock to introduce and read Resolution 82-10.

The resolution is as follows:

RESOLUTION 82-10 .

In as much as Halloween falls on Sunday, October 31st, and;

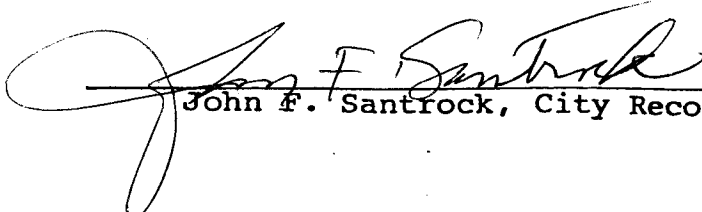
WHEREAS, the County Court of Kanawha has established Trick or Treat as Saturday, October 30th, from 6:00 p.m. to 8:00 p.m., and minutes of previous years indicate success and satisfaction to those hours.

THEREFORE, be it resolved by the Council of the City of Nitro that Trick or Treat night be Saturday, October 30th, from 6:00 p.m. to 8:00 p.m.

Approved this the 21st day of September, 1982.

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Arden D. Ashley, Mayor

  
John F. Santrock, City Recorder

City Recorder Santrock moved to accept Resolution 82-10 as written. The motion was seconded. There being no discussion, the vote was taken and was unanimous and so ordered.

AGENDA ITEM NO. 6 - PROMOTION OF OFFICERS GARY BLANKENSHIP AND JACK NEELEY TO THE RANK OF SERGEANT: Mayor Ashley introduced Officers Gary Blankenship and Jack Neeley, along with Sergeant Shelby Harrison and Mr. Paul Hill, Chairman of Police Civil Service Commission, for the purpose of promoting Officer Blankenship and Officer Neeley to the rank of Sergeant.

AGENDA ITEM NO. 7 - GARBAGE BAG DISTRIBUTION: Mayor Ashley recognized Councilman at Large Casto to discuss the distribution of garbage bags in the City. Councilman at Large Casto brought up the problem of senior citizens, non-drivers and the disabled picking up their garbage bags and asked what steps the City will take to get the bags to these people.

Mayor Ashley took the floor and stated that the position of this administration is and has always been that those persons who are unable to pick up their bags will have them delivered to them or arrangements will be made for someone to pick them up for them. He stated that those who are on the "Helping Hand Program" will automatically have the bags delivered to their door.

Mayor Ashley further stated that the change in the procedure was brought about by the fact that the City never knew if the residents did receive the bags, and the pilferage that took place from the residents of those persons not at home. He stated that this system would show about twenty-five percent less waste.

Councilman Moon stated that he felt that a Saturday or two should be set aside for those working families who will not be available during the designated hours. Mayor Ashley agreed.

Councilman at Large Casto moved that Council endorse this garbage bag distribution, with the efforts to get bags to the handicapped and to have a Saturday distribution for those unable to pick up their bags during the designated times. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 8 - CITY SPONSORED RECREATIONAL TRIPS: Councilman at Large Casto asked Council to endorse a few trial recreational bus trips. He further stated that in the past he has had any person on the trip sign a paper saying that the City is not liable for any accidents, and that he specifies there is to be no drinking. The motion was seconded. The vote was unanimous and so ordered.

COMMITTEE REPORTS

Mayor Ashley mentioned the parking problem at 20th and 21st Street area, because of the stores opening in the evening now. He stated that there may be a request from the business community for modification of the City ordinance relative to parking, to restrict the time limit.

Mayor Ashley reported on the World War I Memorial Park's progress. He stated that basically what the City is undertaking to do is to turn what has been an eye-sore into a park, and at the same time not anticipating that this park, when it's completed, will attract a large number of people for a long period of time. The Mayor stated that included in the park will be a brick walkway, a backdrop stonemasonry wall, a plaque, a World War I cannon. Anticipated for the future is also including a statue commemorating World War I.

Mayor Ashley stated that one of the most important things to point out in this is that this is costing the City nothing in the out lay of cash. That it is coming from the private sector, including a pledge of approximately eight thousand dollars from the Civic Benefits Association.

Councilman at Large Trout reported on the All West Virginia City and exhibited forms necessary to be completed before being considered. Pictures and slides will also be a part of the exhibit. The City of Nitro has enough activities to qualify, but it will take a lot of hard work to pull it together to become a winner.

Councilman Moon stated that there is quite a move in effect to try and merge the City of Charleston Ambulance Program with the County Program, and if this works out there will be dollar savings to all the taxpayers of the County.

City Recorder Santrock reported that plans are already in effect for the 1983 Spring Festival, which will be held over Memorial Day weekend. He stated that plans are being made for an arts and crafts program along with the other parts of the festival.

Another major event discussed was the 51st Birthday Celebration to be held on February 19, 1983.



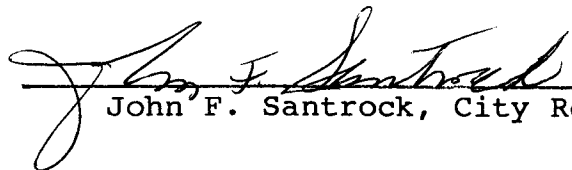
Mayor Ashley reported that on November 11, 1982, Armistice Day, United States Army Major General George Marine will be the guest of honor at the dedication ceremony of the World War I Memorial Park.

There being no further business, Councilman King moved for adjournment of the meeting. The motion was seconded. The vote was unanimous and so ordered.

At 8:25 p.m. the meeting was adjourned.

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Arden D. Ashley, Mayor

  
\_\_\_\_\_  
John F. Santrock, City Recorder



## COUNCIL MEETING MINUTES

## CITY OF NITRO

October 5, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in Council Chambers on October 5, 1982 at 7:30 p.m. Present were City Recorder John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Steve West, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham and Councilman Jack Moon. Also present were City Treasurer Michael Greenleaf and City Attorney Franklin Gritt, Jr.

The invocation was given by The Reverend William Westlund of the First Presbyterian Church in Nitro.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 21, 1983 COUNCIL MEETING MINUTES: Councilman King moved for a correction in September 21, 1982 minutes on Page 319, Agenda Item Number 1, stating that Councilman Moon moved for the approval of the minutes of the September 7th Council meeting.

Councilman at Large West moved for the correction on line two of the minutes, stating that the meeting was held at the Nitro Junior High School, not in Council Chambers.

There being no other corrections or additions, Councilman King moved that the minutes of the September 21, 1982 Council meeting be adopted as amended. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - SECOND READING OF PURCHASING ORDINANCE: City Recorder Santrock introduced for second reading Ordinance 82-8. The amended ordinance is as follows:

AN ORDINANCE PROVIDING FOR PROCEDURES TO BE FOLLOWED IN PURCHASING ANY AND ALL SUPPLIES, MATERIALS, EQUIPMENT AND SERVICES; CREATING THE POSITION OF PURCHASING DIRECTOR; PROVIDING FOR COMPETITIVE BIDDING; NOTICE; DEFINING AN EMERGENCY SITUATION; EMERGENCY PURCHASING PROCEDURES; OFFENSES AND PENALTIES FOR VIOLATION; ADMINISTRATION AND ENFORCEMENT.

Be it ordained by the Council of the Municipality of Nitro, West Virginia;

That there is hereby established certain procedures in regard to the purchase of supplies, materials, equipment and services for the City of Nitro and for the creation of the position of purchasing director, and rules and regulations all of which are set forth as follows:

## SECTION 1. PURCHASING DIRECTOR

The City Treasurer shall be the ex-officio City purchasing agent with authority to exercise the powers and perform the duties of the City purchasing agent.

## SECTION 2. PURCHASING PROCEDURES

### (a) PURCHASES LESS THAN THREE HUNDRED DOLLARS (\$300.00)

All heads of departments, agencies or other designated spending units of City Government shall have the authority to purchase any and all supplies, materials, equipment or services needed for the orderly and efficient operation of their areas of responsibility provided said purchase does not exceed the sum of Three Hundred Dollars (\$300.00), and that prior to said purchase the department head has, after first consulting with the City Treasurer, determined that there are sufficient funds on hand to the credit of said department as provided for in the City budget to pay for said purchase, and in any event the department head shall note on the requisition form or purchase order the costs of the supplies, materials, equipment or services quoted by the proposed supplier; or in the event no quotes were secured then to set forth the reasons why the same were not so obtained.

### (b) PURCHASES IN EXCESS OF THREE HUNDRED DOLLARS AND LESS THAN FIVE THOUSAND DOLLARS

No heads of any department, agency or other designated spending unit shall make a purchase in excess of Three Hundred Dollars (\$300.00) and less than Five Thousand Dollars (\$5,000.00) without first completing a requisition form setting forth a brief description of the proposed purchase together with not less than three (3) competitive price quotations or bids, oral or written, received from proposed suppliers.

Said requisition form shall be filed by the department head and submitted to the City purchasing director, who, after first determining that there are sufficient funds on hand to the credit of said department as provided for in the City budget to pay for said purchase, shall approve the purchase and designate the supplier or shall reject the proposed purchase. The purchasing director shall specify the supplier from one of the bids received and set forth in the requisition form.

In the event the City purchasing director shall designate a purchase from a bidding supplier, not the lowest bidder, he shall, on the rear of the requisition form, set out his reasons for so doing.

It shall be the policy of the purchasing director at all times, unless otherwise necessary, to select the lowest responsible bid.

### SECTION 3. COMPETITIVE BIDDING PROCEDURE

#### (a) NOTICE

Whenever the head of any department agency or other designated spending unit desires to purchase supplies, materials, equipment or services valued at Five Thousand Dollars (\$5,000.00) or more, he shall first submit a requisition form to the purchasing director. Said form shall contain the following information:

- (1) A brief description of items desired for purchase.
- (2) Specifications to be met by supplier in regard to items.
- (3) The proposed date of delivery.
- (4) A statement setting forth balance of account credited to the department agency or spending unit that there are sufficient funds on hand to the credit of said department as provided for in the City budget to pay for said purchase provided that said bids are not in excess of the proposed maximum allowable purchase.

#### (B) PUBLICATION

After receiving the requisition form as set forth in Subsection (a), and after first securing the approval of Council for the proposed purchase, the said purchasing director shall solicit sealed bids which shall be obtained by public notice published as a Class II legal advertisement in compliance with Chapter 59, Article 3, Section 1 of the Code of West Virginia, and the publication area for such notice shall be Kanawha and Putnam Counties. Notice shall be published within fourteen (14) days next preceding the final date for submitting bids. Said notice may also be published by any other medium the director may deem advisable and the director may also solicit sealed bids by sending requests by mail to prospective suppliers.

#### (1) CONTENTS OF NOTICE

All notices to bidders shall contain a brief description of the materials, supplies, equipment or services sought to be purchased. The place where the specifications for such supplies, materials, equipment and services can be examined and where official City bid forms may be secured shall be the offices of the purchasing director. The last date in which bids shall be received together with the date, time, place and when the bids shall be opened and a statement setting forth that the City shall have the right to refuse and reject any and all bids, or any portion thereof, so made and any other information the director shall deem appropriate under the circumstances.

(2) THE FORMS

By bids received under this section shall be considered and the same shall be upon official City and form and enclosed in seals official bid envelopes. The purchasing director shall prepare and sign bid envelopes which shall have printed on the face, "DO NOT OPEN. CLOSED" and any other language he deems appropriate.

(3) THE PURCHASING AGENT

At the next regularly scheduled Council meeting, at the next regularly scheduled Council meeting, after bids have been received, the purchasing agent shall be under the inspection of Council, together with any other persons who may have in regard to the opening of said bid. The Council, by majority vote, shall determine from which bidder shall purchase the items set out in the bid, with consideration first being given to the lowest bidder.

#### SECTION 4. VERIFICATION AND INVOICE, ETC., TO CONFIRMATION OF DUTY OF PURCHASING AGENT

(a) The City Purchasing Agent shall examine both bid and invoices and all papers submitted to him to determine the necessity and propriety of the purchase to which it is made, and specifications therefore, and all other matters connected with respect to the advisability of the purchase. And it is the duty of the purchasing agent that all procedures followed were in accordance with the provision of this article.

#### SECTION 5. EMERGENCY PURCHASES

Whenever an emergency situation arises, due to fire, flood, or other causes, which necessitates the purchase of goods, materials or supplies of a value of Five Thousand Dollars or more and there is insufficient time to solicit for bids therefor, then the Mayor shall call a meeting of City Council.

At such meeting, by majority vote of the Council, shall determine if an emergency exists and shall cause the same to be recorded in the official minutes of said meeting.

In the event Council determines an emergency situation does exist, it shall instruct the purchasing director to purchase the materials and supplies required without competitive bids and without recommendations or restrictions which may deem proper under the circumstances.

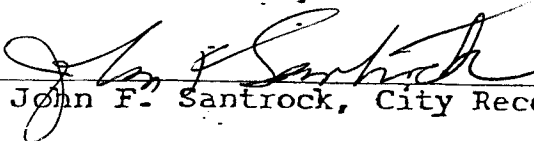
Meeting called under the provisions of not less than five (5) voting

SECTION 6. VIOLATION AND PENALTIES

It shall be unlawful for any officer or employee of the City to purchase or to offer to purchase any supplies, materials, equipment or contractual services for on behalf of the City in violation of any provision of this article; and any person convicted of any such violation shall be personally liable for the costs involved in addition to any fine and imprisonment that may be adjudged against him, and the City shall be absolved of any and all liability for any such purchases or offer to purchase.

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Arden D. Ashley, Mayor



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John F. Santrock, City Recorder

After the reading of Ordinance 82-8, Councilman King moved to accept the ordinance as written. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 4 - SECOND READING OF ORDINANCE RELATING TO POSSESSION OF BEER OR INTOXICATING BEVERAGES: Mayor Ashley called upon City Recorder Santrock to introduce the second reading of the ordinance relating to the possession of beer or intoxicating beverages.

City Recorder Santrock introduced for its second reading, the following ordinance:

## ORDINANCE 82-9

AN ORDINANCE TO AMEND AND REENACT CHAPTER 3, ARTICLE 1  
OF THE CITY CODE OF THE CITY OF NITRO, SAID AMENDMENT  
RELATING TO THE POSSESSION OF BEER OR INTOXICATING BEVERAGES

BE IT ORDAINED by the City Council of the City of Nitro, Chapter 3, Article 1 of the City Code of the City of Nitro is hereby amended and reenacted to read as follows:

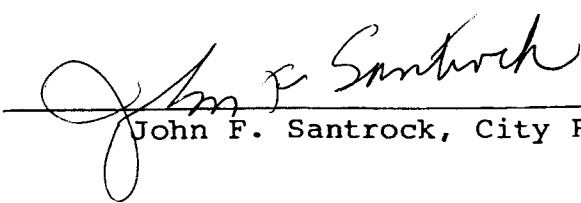
Section 3-4. Conduct upon streets, sidewalks and recreational areas: Possession of beer or intoxicating beverages, thereon prohibited

(a) No person on any sidewalk or street shall conduct himself in a manner annoying to persons passing by or occupants or residents of adjoining buildings. No person shall carry or possess any unsealed container, or partially filled container, of non-intoxicating beer or intoxicating beverage upon any sidewalk, street, playgrounds, recreational facilities, or parking lots within the City of Nitro except when specifically permitted by the City of Nitro during an organized activity.

(b) Any person violating Subsection (a) shall be guilty of a misdemeanor and upon conviction thereof fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

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Arden D. Ashley, Mayor

  
\_\_\_\_\_  
John F. Santrock, City Recorder





DEPARTMENT OF THE ARMY  
HUNTINGTON DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2127  
HUNTINGTON, WEST VIRGINIA 25721

(18/COR-04)

REPLY TO  
ATTENTION OF:

ORHOP-F  
No. 81-62

17 July 1981

JOINT  
PUBLIC NOTICE

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act.

• APPLICANT: Zella E. Bailes  
106 River Avenue  
Nitro, WV 25143

LOCATION: On the right descending bank of the Kanawha River, milepoint 46.9, 0.1 mile downstream from Hog Pen Branch, at Nitro, Kanawha County, West Virginia.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to construct a 6 foot high retaining wall with earth backfill for bank protection and erosion control. The retaining wall will be constructed of 8-inch by 8-inch wooden cross ties. The cross ties will be placed horizontally along 25-feet of the shoreline and will be fastened together by one-half inch steel reinforcing rods and will be placed behind six 2-inch steel pipes. The steel pipes will be driven 3-feet in the ground and anchored to the bank using steel cables and vertical cross ties. Earthfill, from the owners property, and laced tires will be used as backfill behind the retaining wall.

Plans of the proposed work are attached to this notice.

A preliminary determination based upon an inspection of the site and an environmental assessment indicates that preparation of an Environmental Impact Statement will not be necessary.

The National Register of Historical Places has been consulted and it has been determined that there are no properties currently listed on the Register that are in the area affected by the project. Further, our preliminary investigations indicates the natural and scope is limited and there is little likelihood of impinging upon a national register property if such property were present within the permit area. No further investigations of cultural resources will be made by this office unless we are notified of specific information to the contrary. Comments concerning archeological sensitivity of a project area should be based upon collected data.

Information available to this office indicates that the proposed activity will not destroy or endanger any known critical habitat of a threatened or endangered species as identified under the Endangered Species Act.



17 July 1981

No. 81-62

Any person who has an interest which may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer within thirty days of the date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and use of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404 (b) of the Clean Water Act. Written statements on these factors received in this office on or before 17 August 1981 will become a part of the record and will be considered in the final determination. No permit will be granted unless its issuance is found to be in the public interest.

This permit decision will not be made until the State of West Virginia, Department of Natural Resources (DNR), issues, denies, or waives State certification required by Section 401 of the Clean Water Act. This public notice serves as application to the DNR for certification.

The DNR considers whether or not the proposed activity will comply with Sections 301, 302, 303, 306, and 307 of the Clean Water Act and other appropriate State laws. Any person wishing to comment, provide information, and/or request a public hearing concerning the certification for this project should write:

Chief, Environmental Analysis Section  
West Virginia Department of Natural Resources  
1800 Washington Street, East, Room 825  
Charleston, WV 25305

Re: Public Notice ORHOP-F No. 81-62



ORHOP-FW (18/COR-04)  
No. 81-62

17 July 1981

All comments and/or requests for public hearings received by the DNR on or before 17 August 1981 will be considered. Requests for public hearings will be evaluated under the provisions of DNR Regulation Series XIV, Section 6.

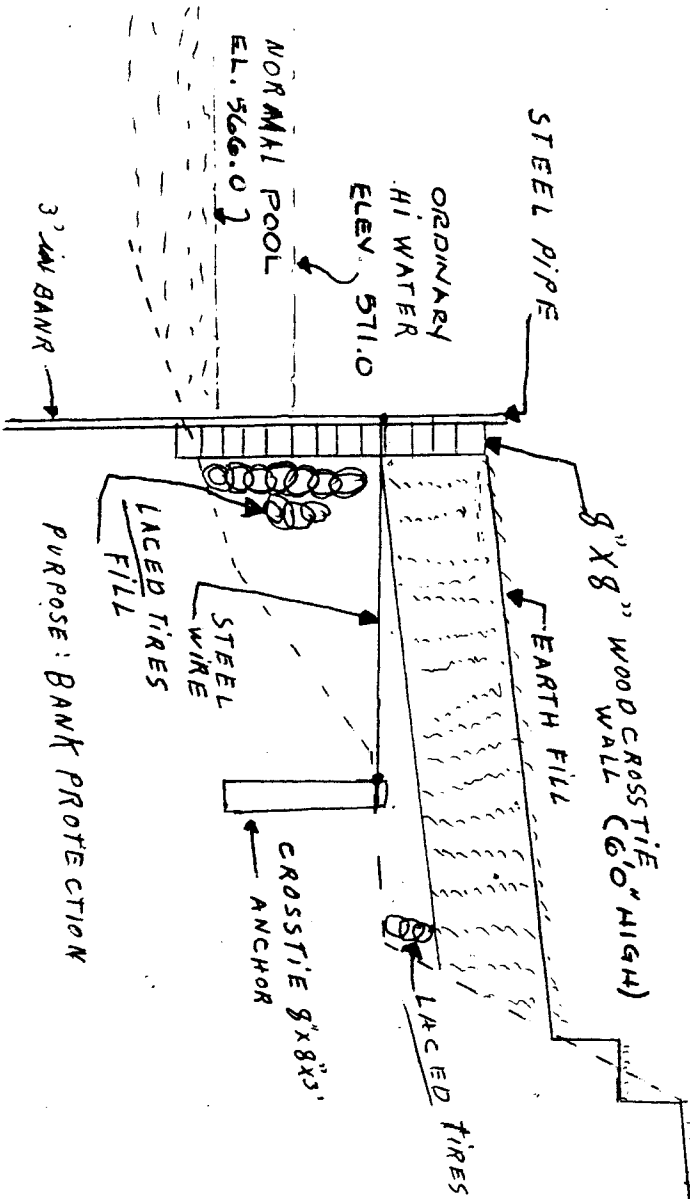
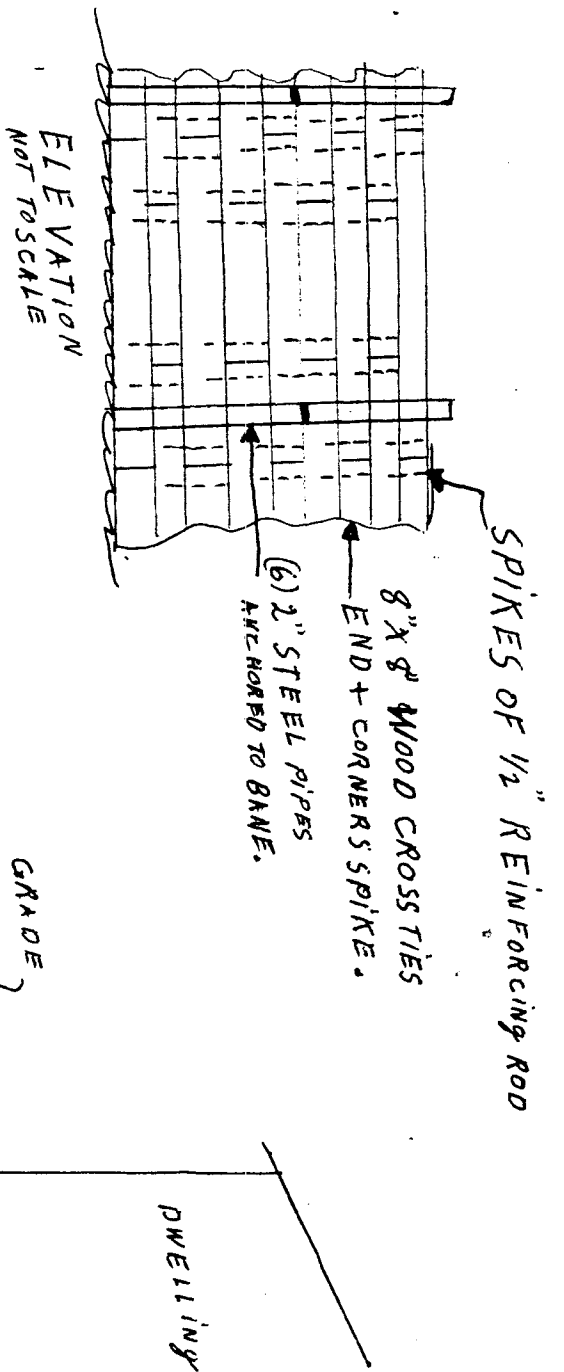
If you have any questions concerning this public notice, please contact Stephen Mankin at 304-529-5710.

FOR THE COMMANDER:

A handwritten signature in black ink, appearing to read "H. K. Crisp". The signature is stylized with a large, looped "H" and a cursive "Crisp".

H. K. CRISP  
Chief, Operations Division



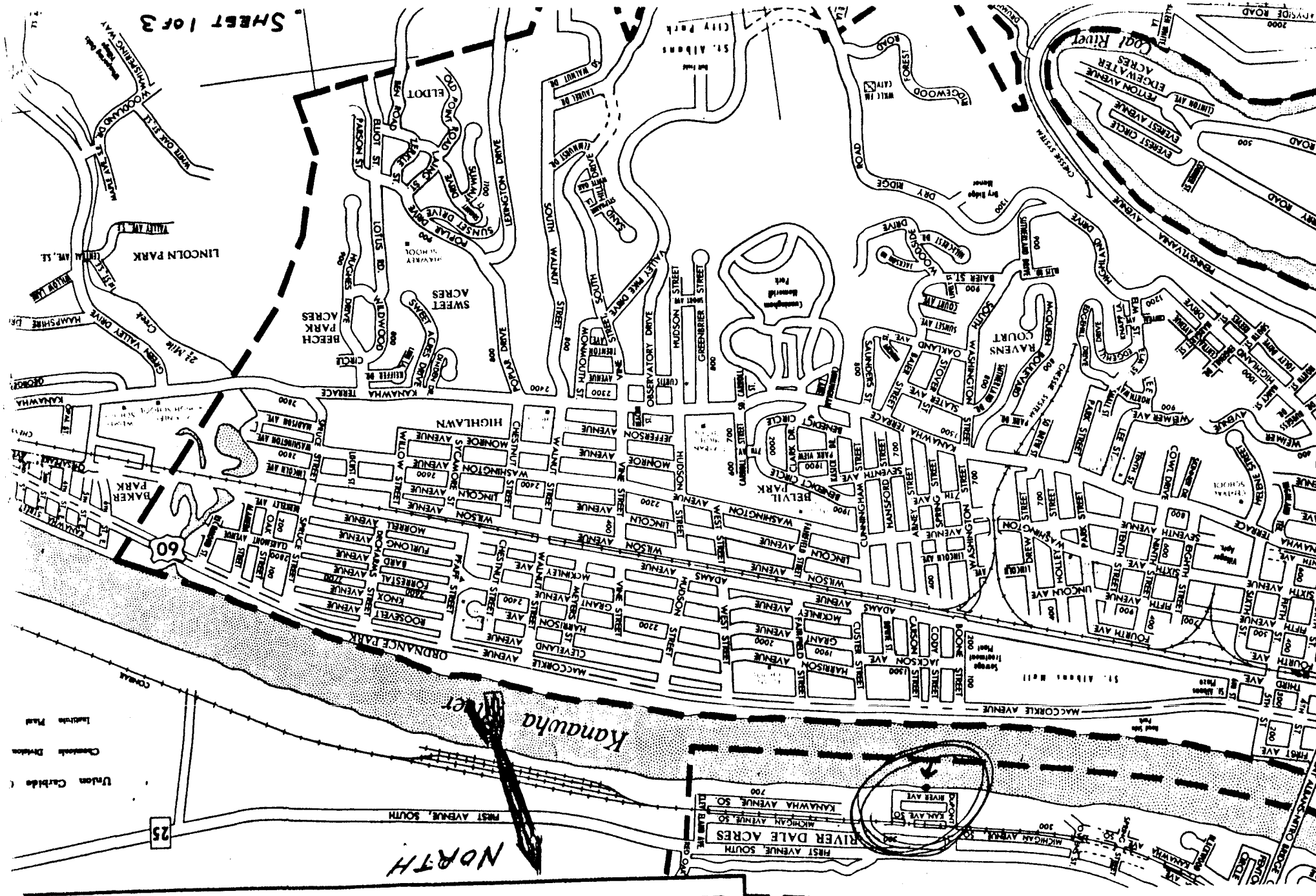


Not To Scale

IN KANAWHA RIVER - MILE 46.9  
AT NIRO  
COUNTY OF KANAWHA STATE W.VA.  
APPLICATION BY ZELLA E. BAILES  
AT 106 RIVER AVE. NIRO  
SHEET 3 OF 3 DATE







SHEET 1 of 3

NORTH

Union Carbide  
Chemicals Division  
Lambeth Plant

25

RIVER DATE ACRES  
KAWAHA AVENUE SOUTH  
KAWAHA AVENUE 50  
KAWAHA AVENUE 50  
KAWAHA AVENUE 50



Dec 15, 1984

AGENDA ITEM NO. 5 - SOCIAL SECURITY APPLICATION: Mayor Ashley moved that Council permit, in two years, an examination of a continuation of social security participation on the part of City employees. He stated that what we are requesting is for Council to sanction the application for consideration of terminating the social security participation of January, 1984. That if the application is not made by the end of the month, it will be another year before we could submit that application, which will take a two-year period.

Councilman Moon moved to accept the motion. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 6 - COMMUNICATIONS: Mayor Ashley called upon Chief Hedrick of the Fire Department to discuss the need for a new emergency communications system for the Fire and Police Departments. He stated that General Electric, RCA and Motorola were invited to make presentations to both departments and that Motorola was the only one to show up to make recommendations.

Chief Hedrick stated that Motorola advised that the City needs a "repeater-type system", which includes twenty-five new pagers and three hand-held walkie-talkies for the Fire Department and at least three for the Police Department, at a price of approximately eighteen thousand dollars (\$18,000).

At this point the Chief asked Council for ten thousand dollars (\$10,000) to be added to the grant of thirty-nine thousand dollars (\$39,000) to purchase the equipment.

The Chief further stated that the emergency system was for a frequency by itself, with the capability to switch over to the City's frequency and from the new equipment to the old.

Councilman at Large Pennington asked the City Treasurer if the City had the funds for this project. Mr. Greenleaf stated that we do, due to the collection of more B & O taxes than expected.

Councilman Savilla moved to give the Fire and Police Departments the ten thousand dollars (\$10,000) needed for the additional funding of the emergency systems project. The motion was seconded. The vote was taken and was unanimous. Councilman at Large Pennington abstained.

AGENDA ITEM NO. 7 - TWO-HOUR PARKING ON 20TH STREET: After discussion, Councilman Cunningham made the motion to restrict parking on 20th Street to two-hour parking from eight to four, Monday through Friday, due to those persons leaving their vehicles there all day and not having parking left for those visiting City Hall or shopping at nearby businesses. The motion was seconded. The vote was taken and was six to two, with Councilmen at Large Pennington and Casto opposing.



After the reading of the above ordinance, Councilman Savilla moved for approval of such. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 5 - SALVATION ARMY CHRISTMAS APPEAL - NOVEMBER 26 - DECEMBER 24: Councilman at Large West read a letter from Brigadier Harold Robins of the Salvation Army requesting permission to place the traditional Salvation Army Christmas Kettles within the City limits. Councilman King moved to grant the permission needed for such action. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 6 - STUDENT GOVERNMENT WEEK (WEEK OF NOVEMBER 15, 1982): Mayor Ashley stated that he spoke with the principal of the Nitro High School recently about Student Government Week. He stated that he felt it in order to approve a program of working with the high school on this. Councilman Savilla moved for such action, with the addition of three positions not filled last year by a student. The motion was seconded. City Recorder Santrock asked that Councilwoman at Large Trout coordinate this event, as she did last year, along with a few other Council members.

There being no further discussion, Mayor Ashley called for the vote on accepting the week of September 15, 1982 as Student Government Week. The vote was unanimous and so ordered.

AGENDA ITEM NO. 7 - PARADE ROUTE FOR NITRO HIGH SCHOOL HOMECOMING GAME - OCTOBER 8, 1982: Mayor Ashley called to Council's attention the proposed parade route. City Recorder Santrock made the motion that Council permit Nitro High School to have their homecoming parade between 5:30 p.m. and 5:45 p.m on October 8, 1982. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: Mayor Ashley introduced Mr. Jim Hutchinson, President of the Nitro Lions Club, as Nitro's Citizen of the Month for the month of October.

AGENDA ITEM NO. 8 - HUGO TIDQUIST MEMORIAL: Mayor Ashley called upon City Recorder Santrock to report on the request from a number of citizens that a water fountain be installed at the Nitro City Park in memory of a former Council member of 1968 - 1976, Mr. Hugo Tidquist. The fountain is financially backed by the Tidquist family and a number of other persons and is to be constructed by City employees.

At this point, Councilman at Large Casto moved that the City begin on this project as soon as possible. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 9 - CITY SPONSORED RECREATIONAL TRIPS: Discussed was the problem of having to purchase tickets in advance for those events planned that require admission. Councilman at Large Casto mentioned using the City's excess monies for such purpose. Councilman Savilla stated that he felt that the City would suffer a loss if the money that is presently used for investing purposes was used for the purchase of tickets as such.

Much discussion was had about the necessity of having to sell out the buses before the purchase of the tickets and before reservation of the bus or buses. Councilman at Large Casto stated that he would work at this, and also find out more information about how the City of South Charleston arranges their plans to suit the public.

AGENDA ITEM NO. 10 - INSURANCE REPORT: City Treasurer Greenleaf was called upon to report on the insurance rate increase announced by Blue Cross and Blue Shield, which effects the employee benefits package for the City employees; the increase rate being some forty-six percent. Mr. Greenleaf stated that since the increase will place the City in excess of the funds which were allocated by Council in the budget for this insurance this year, it will be necessary for Council to either appropriate more funds for this purpose or take some other action such as cutting benefits. Also brought up was the possible reprimanding of those who abuse the system.

The City Treasurer recommended that Council authorize him to go through a bidding process in efforts to reduce this rate and, to have the insurance committee take a long hard look at the situation and to come back to Council with their recommendation. Councilman Savilla moved for such action. The motion was seconded. The vote was unanimous and so ordered.

#### COMMITTEE REPORTS

Mayor Ashley referred Council to their copy of a letter from Kanawha County Planning Commission to Dr. Byrd. He stated that it was Dr. Byrd's thought to have the Kanawha County Planning Commission invited to make a presentation to the Nitro City Council, at the next Council meeting the Kanawha County Planning Commission would be able to attend. Council agreed.

The letter is as follows:

# **kanawha county planning commission**

**courthouse annex building, 2nd floor  
718 morris street      ph:348-7151  
charleston, west virginia 25301**

**Wilma J. Davis**  
president

**Jack H. Currence**  
v. president

**J.E. "Jim" Marion**  
secretary

**Charles W. MacQueen**  
planning director

September 23, 1982

Dr. Charles Byrd, Chairman  
Nitro Planning Commission  
603 Kanawha Avenue, So.  
Nitro, West Virginia 25143

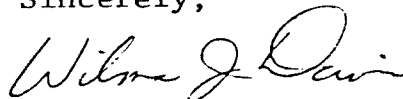
Dear Dr. Byrd:

Our Commission is in the final stages of preparing its "Kanawha County Plan 2000" recommendations for the updated Kanawha County Development Plan. Summaries and a visual presentation have been prepared for leading discussions of the many interested groups in the County.

We would like to appear before your Commission at an early date to share these recommendations with you and listen to your comments and reactions. Would you please advise when we could be a part of your meeting agenda?

Thank you very much.

Sincerely,



Wilma J. Davis  
President

WJD:jg

*planning without action is FUTILE action without planning is FATAL*

Councilman at Large reported on the bike-a-thon scheduled for Saturday, October 9, 1982 sponsored by St. Judes Hospital Research Center through Mrs. Pauline Bell of Crosslanes. He stated that Mrs. Bell's request to Council is to allow her to hold the bike-a-thon and to place a banner across First Avenue and 40th Street. Councilman at Large Casto moved for such action. The motion was seconded. The vote was unanimous and so ordered.

Mayor Ashley read a letter he received from Jack Moody, Chairman of the World War I Memorial Committee, announcing the unanimous passing of Senate Resolution Number 487, submitted by Senator Robert Byrd, naming Nitro as a living memorial to World War I.

The letter is as follows:

NITRO, W. VA.  
WORLD WAR I MEMORIAL CITY  
SEPTEMBER 30, 1982

TO: Mayor A. Ashley  
Nitro City Hall  
Nitro, W. Va. 25143

It is with the greatest pride that I am able to tell you that Senate Resolution No. 487 submitted by Senator Robert Byrd, was unanimously passed last night naming Nitro as a Living Memorial to World War I.

I am proud to have been able to be a part of this and wish to thank those who have been our most ardent supporters. Along with yourself this includes:

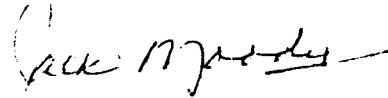
Robert C. Byrd - Senator  
Ms. Sarah Turner - Senatorial Staff  
Bill McDavid - Union Boiler Company  
Dave Fraser - Monsanto  
Wendell Moore - McJunkin  
Wayne Grimm - Republic Steel  
Joe Acker - FMC Corporation



Bill Pugh - Vimasco  
Ray Darnall - Hecks  
Norman Fagan - W. Va. Department of Culture and History  
Gail Harper - W. Va. Department of Veteran Affairs  
War Department - General Staff  
National Archives - War College Division  
Civic Benefits Association  
Nitro City Council

The resolution in printed form will be mailed to us  
as soon as it is available.

Sincerely,



J. C. Moody  
Chairman

/sam

cc: Senator Robert C. Byrd  
Those above

Councilman Moon read a letter he received from Mr. James C. Scruggs, President of the Vietnam Veterans Memorial Fund, pertaining to a national salute to Vietnam Veterans during the week of November 10th through the 14th, asking for the City to send a representative to participate in this salute and represent their town or city, in conjunction with the representatives from veteran's organizations as well as civic service clubs and paternal orders from throughout the State.

Councilman Savilla moved that Council seek out a person or persons to represent the City of Nitro at the dedication, giving Councilman Savilla the latitude to oversee the selection process, to solicit funds from private contributions to pay for the trip, and to have the City underwrite the cost. The motion was seconded. The vote was unanimous and so ordered.

Councilman King discussed the absence of the memorial plaque at the City Park Girl's Softball Field. He stated that he would moved to name the Little League Field after Harold Long instead of the Girl's Softball Field. Discussed was the problem of the number of those other people who also were deserving of a plaque. Councilman Savilla discussed the possibility of a plaque with several names on it.

Council decided to table the motion until a later date to try and work out a fair solution to this problem.

Councilman at Large Casto moved that the City reerect the Harold Long dedication sign that was taken down at the Girl's Softball Field, until an alternate decision can be reached, to show the City's authority in this matter. The motion was seconded. Mayor Ashley called for a vote. The vote was unanimous and so ordered.

Councilman Savilla discussed the possibility of putting together a brochure for those prospective residents and prospective businesses to "sell" Nitro. Mayor Ashley stated that this point is well taken.

Councilman Savilla moved for a task force to be formed to look into a promotional brochure. The motion was seconded. The vote was unanimously ordered.

Mayor Ashley mentioned that the Bank of Nitro has set aside, subject to their Board of Approval, a quarter of a million dollars in low interest loans for the purpose of dressing-up the faces of the buildings around the City of Nitro. This is strickly commerical improvement. Also, the Bank of Nitro has committed themselves to spend their advertising dollars to feature the theme of "Buy Nitro".


Also mentioned was the fact that the Bank of Nitro has agreed to pay for the electricity for burning Christmas lights for the holiday season.

There being no further business, Councilman King moved for adjournment. The motion was seconded. The vote was unanimous and so ordered.

At 8:28 p.m. the meeting was adjourned.

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Arden D. Ashley, Mayor

  
\_\_\_\_\_  
John F. Santrock, City Recorder

## COUNCIL MEETING MINUTES

## CITY OF NITRO

October 19, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in Council Chambers on October 19, 1982 at 7:30 p.m. Present were Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Steve West, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham and Councilman Jack Moon. Absent was City Recorder John Santrock. Also present were City Treasurer Michael E. Greenleaf and City Attorney Franklin L. Gritt, Jr.

The invocation was given by The Reverend William Westlund, of the First Presbyterian Church in Nitro.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 5, 1982 COUNCIL MEETING MINUTES: Councilman at Large West pointed out the correction on Page 344, Paragraph 3, Line 2, of "Board of Directors approval", as opposed to "Board of Approval".

Also pointed out was a correction to be made on Page 339, Paragraph 4, Line 2, changing "September 15, 1982" to "November 15, 1982".

There being no further corrections, Councilman King moved to approve the October 19, 1982 Council meeting minutes as amended. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - REQUEST FROM WV CITIZEN ACTION GROUP TO SOLICIT SUPPORT WITHIN THE NITRO CITY LIMITS FROM OCTOBER 20TH TO NOVEMBER 10TH: Mayor Ashley pointed out the information from the West Virginia Citizen's Action Group requesting permission to solicit support within the City limits from October 20th to November 10th. The request being comparable to the request made last year, which was approved.

Councilman at Large Casto moved to accept the request of the West Virginia Citizen's Action Group for such action. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - PRESENTATION OF NITRO FLAG TO MOOSE CLUB: Mayor Ashley called upon Councilman Cunningham to present the Nitro City Flag to the Governor and First-Vice Chairman of the Moose Legionnaires, as per the request of the Loyal Order of the Moose. He stated that this is a project of the Moose Legionnaires, who are very active in all civic benefits in the City.

AGENDA ITEM NO. 4 - AMBULANCE HEADQUARTERS: Mayor Ashley called upon Councilman Moon, Nitro's member of the Ambulance Authority Board of Directors, to give a report of the events of the last Ambulance Authority Board meeting. Councilman Moon congratulated Mayor Ashley on the speech he gave at the meeting as to how the City of Nitro was prepared to accept the ambulance in Nitro and the great need of the City of have an ambulance. Councilman Moon stated that he felt that the Ambulance Authority was totally behind the City and that they see us as doing nothing but progressing, and they realize that the City does need the ambulance service.

Councilman at Large Casto stated that he received a call from a citizen addressing the promise of an ambulance service as a means of passing the levy. The Mayor stated that there has been a ceaseless effort, not only on his part, but on the part of many of people, to have the ambulance location site restored to the City of Nitro. He stated that there have been some near attempts to have the Ambulance Authority publicly consider that question in the past, but it just did not have the support necessary.

The Mayor stated that it is not because of the levy that this decision was made by the Ambulance Authority prior to election day. It is understood that if that levy does not pass, the Ambulance Authority may not have the funds to maintain an operational station here in the City. But on the other hand, Commissioner Al Shepard worked very hard to try and get this decision brought to a public vote before he left office, so it was intentional that we tried to get the question asked prior to the election, primarily because Commissioner Shepard wanted to be a part of having that ambulance service brought to our City.

Councilman Moon stated further that the Authority operates as an independent authority and they will not vote to approve something they will not support. If the levy vote fails, the Authority will not be in operation much longer throughout the whole County. Consequently, a promise to give the City an ambulance would not be consummated because the funds will not be there. By that point in time, that ambulance will be here, but the levy has to pass or the Authority will not be able to honor their commitment if they are no longer in business.

Mayor Ashley stated that relative to the proposal and the approval by the Kanawha County Emergency Ambulance Authority, part of the program includes our providing a site. City Treasurer Greenleaf pointed out to Council the proposed changes in the garage area and a passageway between City Hall and the Fire Department. He further stated that the work would take an approximate ten thousand dollars to complete.

The Mayor suggested that a committee be formed to operate within a framework of that suggested ten thousand dollars. He suggested that City Treasurer Greenleaf chair a committee for such purpose. Also suggested was that Councilman Cunningham and Councilman King serve on such a committee.

Councilman Cunningham moved that the committee work within the suggested ten thousand dollars for the construction of an ambulance site -- which includes a budget revision -- and to proceed with this now. The motion was seconded. The vote was unanimous and so ordered, with Mayor Ashley voting in favor of this action.

The budget revision is as follows:

1550

REQUEST FOR REVISION TO APPROVED BUDGET

STATE TAX COMMISSIONER

(§ 11-8-26a)

LOCAL GOVERNMENT RELATIONS DIVISION

CONTROL  
NUMBER

83  
FY

01  
FUND

1  
REV. NO.

1  
PAGE NO.

DRAWER 2389

CHARLESTON, W V 25305

GOVERNMENTAL ENTITY

10/19/82  
ENTITY APPROVAL DATE

STREET OR P.O. BOX

N 700

WV

2543

RECEIPTS: (net each acct)

CITY

ZIP CODE

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT
333	Utility Tax	62,000	15,000		77,000

NET INCREASE (DECREASE)

15,000

EXPENDITURES: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
40-56	Capital Outlay	0-	10,000		10,000
40-11	Contractual	4,000	5,000		9,000

TAX DEPARTMENT USE ONLY

NET INCREASE (DECREASE)

15,000

RECEIVED \_\_\_\_\_  
POSTED \_\_\_\_\_ BY \_\_\_\_\_

APPROVED FOR THE STATE TAX COMMISSIONER BY:

DIRECTOR-LOCAL GOVERNMENT RELATIONS

AUTHORIZED SIGNATURE  
FOR GOVERNING BODY

10/19/82  
DATE OF REQUEST

SPECIAL NOTE: TRANSFERS TO/ FROM SPECIAL FUNDS MUST BE  
ACCOMPANIED BY A STATEMENT CONTAINING  
SIGNATURES OF ALL COUNTY COMMISSIONERS (7-1-9)

WHITE COPY - TAX DEPT.  
PINK COPY - APPROVED COPY  
BLUE COPY - TAX DEPT.  
YELLOW COPY - RETAIN

SUBMIT WHITE, PINK, AND BLUE COPIES  
TO TAX DEPARTMENT. RETAIN YELLOW  
COPY AS RECORD OF SUBMISSION.

AGENDA ITEM NO. 6 - RESOLUTION - SPECIAL LEVY ELECTION:  
Mayor Ashley called upon Councilman Moon to read the resolution  
for a special levy election to be held on November 2, 1982.

The resolution is as follows:

R E S O L U T I O N

WHEREAS, by order of the Kanawha County Commission,  
dated June 29, 1982, a special levy election has been set for  
Tuesday, November 2, 1982, General Election, to provide the  
voters of Kanawha County an opportunity to approve an excess tax  
levy for the years 1984, 1985 and 1986 to support the operations  
of the Kanawha Valley Regional Transportation Authority (KVRTA),  
the owner and operator of the public bus transportation system  
serving Kanawha County and its environs and the Kanawha County  
Emergency Ambulance Authority (KCEAA) which has established and  
maintains an emergency ambulance system for Kanawha County; and

WHEREAS, the proposed excess levy is needed for the  
continued operation of KVRTA and KCEAA and will be used to provide  
funds for the acquisition of equipment, capital improvements and  
to cover in part current general maintenance and operational ex-  
penses as well as to match funds from the Government of the United  
States of America and others; and

WHEREAS, KVRTA with the taxes provided by the property owners of Kanawha County pursuant to previous excess tax levies approved in 1973, 1976 and 1979 and with the assistance of the federal government, has fully implemented all proposals relating to service and the acquisition of new equipment made by it to the people of Kanawha County in advance of the special levies approved in 1973, 1976 and 1979 and has otherwise conducted its operations in such a manner as to provide an essential public service; and

WHEREAS, KCEAA has in fact established and is currently operating an emergency ambulance system in many areas of Kanawha County providing thereby a service which is essential to the health and general welfare of the people of Kanawha County and as such is an essential public service.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City (Town) of Wetzel does hereby endorse the proposed special levy to be voted upon on November 2, 1982, and urges all voters of said City (Town) to vote for the levy which will result in the continued operation and improvement of the urban mass transportation system and will provide for the continued operation and expansion of the emergency ambulance system both of which are essential to the general welfare of all of the people of the County.

\_\_\_\_\_  
Arden D. Ashley, Mayor

\_\_\_\_\_  
John F. Santrock, City Recorder



After the reading of the above resolution, Councilman Moon moved for the adoption of such. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 5 - FREDERICK STREET SITUATION: Councilman Moon spoke to Council about a problem that has been brought to his attention relating to the water drainage problem in the alleyway stemming from improvements made by property owners on Frederick Street. The problem created by these improvements is the draining of surface water onto the property across the alley, which is lower than the alley level. Councilman Moon stated that it would take an estimated six thousand dollars to correct this problem according to S & S Engineers.

Councilman Moon stated that he felt a committee should be formed for persons with problems such as this, and to have this committee go up and look at this Frederick Street situation and decide what should be done. Also suggested by Councilman Moon was the studying of individual cases of future construction within the City to prevent such incidents from happening again.

Councilwoman at Large Trout reminded Council of the Grievance Committee formed approximately one year ago for persons with such problems, but that the demand for such a committee was not enough to keep it an active committee. Mayor Ashley stated that he felt this may be something for the Board of Zoning Appeals to look at, also.

Mayor Ashley asked Councilman Moon if he would be agreeable to having this presented to the Grievance Committee, have it reconvened with the assistance and advice of S & S Engineers and members of the Board of Zoning Appeals, and then to make a recommendation to Council at the November 9th meeting. Councilman Moon agreed. Mayor Ashley asked Councilwoman at Large Trout to call and chair that meeting.

AGENDA ITEM NO. 7 - CITY BROCHURE: Mayor Ashley called upon Councilman Savilla to discuss the progress on the City brochure to "sell Nitro" to merchants, small businesses, realtors, or anyone who may be interested in owning a piece of Nitro. City Treasurer Greenleaf stated that Charles Ryan & Associates indicated that the estimated price of a first-class job would be approximately five thousand dollars for one thousand copies.

Councilman Savilla moved for the City Treasurer to get some proposed cost figures on putting together this brochure. The motion was seconded. The vote was unanimous and so ordered, with Councilman Moon abstaining.

CORRESPONDENCE

Mayor Ashley called upon City Attorney Gritt to explain the material submitted to Council by the Cox Morton Company, requesting the return of an eight foot piece of property behind John Boy's Restaurant, which was included in a City right-of-way in the early part of the summer, for the purpose of placing a drive-in window on that piece of property.

Attorney Gritt stated that the proposal of the Cox Morton Company is to change the twenty-one diagonal parking spaces presently there to twelve parallel parking spaces, and to remove curb that presently runs along the lower side of Bank Street and replace it with a drive-in window lane with entrance from 21st Street and First Avenue.

Councilman Savilla suggested a meeting of the Traffic Committee to further review the parking situation. Mayor Ashley agreed.

Mayor Ashley pointed out the memo from Recreation Director John Simms regarding the Nitro Little League and their use of the City Park. Council decided to hold off on discussion on the Little League until the next Council meeting.

COMMITTEE REPORTS

Discussed was the progress on the Hugo Tidquist Memorial at the Nitro City Park. Councilman at Large Casto stated that plans will begin as soon as the City Recorder returns. Also discussed was the replacement of the memorial plaque at the Little League Field which was taken down, and the preparation of the memorial plaque for those persons also deserving of such.

Councilman Savilla asked permission to poll Council, by telephone or in person, as to how many of Nitro's Vietnam Veterans the City can send to Washington D. C. for the Veteran's Day dedication. Mayor Ashley agreed to his request.

Councilman Savilla moved for Council to go into executive session for the purpose of discussing personnel matters. The motion was seconded. The vote was unanimous and so ordered.

(WHEREUPON, Council moved  
into executive session.)

At 9:08 p.m. Council reconvened. Councilman King moved for adjournment of the meeting. The motion was seconded. The vote was unanimous and so ordered.

At 9:10 p.m. the meeting was adjourned.

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Arden D. Ashley, Mayor

*John F. Santrol, Recorder*



## COUNCIL MEETING MINUTES

## CITY OF NITRO

November 9, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in Council Chambers on November 9, 1982 at 7:30 p.m. Present were Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Steve West, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham and Councilman Jack Moon. Absent was City Recorder John Santrock. Also present were City Treasurer Michael E. Greenleaf and City Attorney Franklin L. Gritt

The invocation was given by Father John Ledford of the Holy Trinity Catholic Church of Nitro.

AGENDA ITEM NO. 1 - TRIBUTE TO OFFICER ROBERT TABOR: Police Chief Cochran was called upon to pay a tribute to Officer Robert Tabor, who suddenly passed away on November 9th. Chief Cochran read the following:

ROBERT EARL TABOR, AGE 37, HAD BEEN A MEMBER OF THE NITRO POLICE DEPARTMENT SINCE JANUARY 10, 1981. HE WAS WELL-KNOWN AND RESPECTED. HIS ENTHUSIASM FOR HIS JOB WILL BE GREATLY MISSED BY THE DEPARTMENT.

OFFICER TABOR WAS ACTIVE IN MANY CAPACITIES WITHIN THE DEPARTMENT, SUCH AS NARCOTICS DETECTIVE, TRAINING, BREATHALYZER, AND PUBLIC RELATIONS. HE WAS NOT AFRAID TO SPEND ADDITIONAL TIME TO ACHIEVE HIS GOALS.

I AGAIN STATE, HE WILL BE GREATLY AND SADLY MISSED BY THE DEPARTMENT AND BY THE CITY OF NITRO.

  
C. R. COCHRAN, CHIEF OF POLICE

After the reading of the above eulogy, a moment of silence was observed in memory of Officer Tabor.

It was moved by Councilman Steve West and seconded that the eulogy by Chief Cochran be made a part of the record. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - APPROVAL OF OCTOBER 19, 1982 COUNCIL MEETING MINUTES: Councilman Savilla moved for the approval of the October 19, 1982 Council meeting minutes as written. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - CITIZEN OF THE MONTH: Mayor Ashley announced that Nitro's citizen of the month for the month of November is Colonel (Councilman) Jack Moon, in recognition of his long and outstanding military career from which he is retiring this month.

AGENDA ITEM NO. 4 - KANAWHA COUNTY PLAN "2000" - KANAWHA COUNTY PLANNING COMMISSION: Mayor Ashley introduced Mr. Dave Bostic and Mr. Randy Durst from the Kanawha County Planning Commission to discuss the Kanawha County Plan 2000. The representatives from the Planning Commission gave a slide presentation regarding the Kanawha County Plan 2000, and a copy of the comprehensive development plan recommendations summary -- Kanawha County Plan 2000.

In discussion, the Council noted that the City of Nitro and its citizens were neither considered nor consulted. The Council agreed to examine and recommend on the proposal.

AGENDA ITEM NO. 5 - FIRST READING OF ORDINANCE CREATING A WORLD WAR I MEMORIAL COMMISSION: Mayor Ashley called upon Councilman Savilla for the first reading of the ordinance creating a World War I Memorial Commission.

The ordinance is as follows:

## ORDINANCE 82-10

AN ORDINANCE CREATING THE WORLD WAR  
I MEMORIAL COMMISSION, A MUNICIPAL  
HISTORIC LANDMARKS COMMISSION.SECTION 1 - ESTABLISHMENT OF THE COMMISSION  
GOALS OF THE COMMISSION

There is hereby created the World War I Memorial Commission, a municipal historic landmarks commission, as provided for in the West Virginia Code, Section 8-26A-1 et. seq., hereinafter referred to as Commission.

The express goal of the Commission shall be to ensure the preservation and maintenance of municipal landmarks hereinafter identified. Such preservation and maintenance of landmarks shall be for the purpose of causing the City to be forever recognized as a Living Memorial to World War I.

SECTION 2 - MEMBERSHIP

The Commission shall consist of ten (10) members, three of which shall be appointed by the Mayor. The Governor of the State of West Virginia shall appoint one member, each West Virginia Senator shall appoint one member, the Congressman from the 3rd District of West Virginia shall appoint one member, the governing boards of the Veterans of Foreign Wars and the American Legion shall appoint one member each, and the Commanding General of the U. S. Army Archives shall appoint one member. The members of such Commission shall serve without pay for three (3) year terms. Expirations to be scheduled over three, three and four per year alternately.

SECTION 3 - VACANCIES

When any vacancy occurs, due to any reason, the Mayor shall thereupon appoint the absent member's successor who shall serve the remaining unexpired portion of the absent member's term.

SECTION 4 - REIMBURSEMENT FOR EXPENSES

The member of the Commission shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties.

SECTION 5 - OFFICERS

The officers of the Commission shall be President, Vice-President, Secretary and Treasurer; said officers being elected by majority vote of the membership thereof. An elected officer shall hold said position until the expiration of his term. If any vacancy occurs in any office, a successor shall be elected by the membership, including the succeeding member that replaces the absent member.

## SECTION 6 - MEETINGS

The Commission shall hold meetings at a time and place to be designated by the members thereof, three members being necessary to form a quorum. A majority of votes cast shall be sufficient to decide an issue properly before the Commission.

## SECTION 7 - AUTHORITY TO PROMULGATE RULES

The Commission shall have authority to promulgate all rules and regulations necessary or desirable for the proper functioning of the Commission.

## SECTION 8 - MEETINGS TO BE PUBLIC

All meetings of the Commission shall be open to the public and the public shall be afforded an opportunity to be heard at every meeting held.

## SECTION 9 - AUTHORITY TO EMPLOY

The Commission is authorized and empowered to employ, within the limits of funds available therefore, such employees, assistants, technical personnel and consultants as are necessary to discharge the duties and responsibilities of the Commission, subject to the budgetary constraints as imposed by Section 10 (14).

## SECTION 10 - GENERAL AUTHORITY AND POWERS

The Commission shall have plenary power and authority, within the jurisdictional limits of the municipality, and within the limits of available funding, to:

(1) Make a survey of, and designate as historic landmarks, building, structures and sites which constitute the principal historical and architectural sites which are of local, regional, statewide or national significance. No building, structure or site shall be deemed to be an historic one unless it has been prominently identified with, or best represents, some major aspect of the cultural, political, economic, military or social history of the locality, region, State or nation, or has had a major relationship with the life or an historic personage or event representing some major aspect of, or ideals related to, the history of the locality, region, State or nation.

(2) Prepare a register of buildings, structures and sites which meet the requirements of Subdivision (1) of this section, publish lists of such properties and, with the consent of the property owners, inspect such properties from time to time and publish a register thereof from time to time setting forth appropriate information concerning the registered buildings, structures and sites.



(3) With the consent of the property owners, certify and mark with appropriately designed markers, buildings, structures and sites which it has registered.

(4) Establish standards for the care and management of certified landmarks and withdraw such certification for failure to maintain the standards so prescribed.

(5) Acquire by purchase, gift, or lease and administer registered landmarks and easements and interests therein, both real and personal.

(6) Lease or sell property so acquired under the terms and conditions designed to insure the proper preservation of the landmark in question.

(7) Establish historic districts for registered landmarks, utilizing the same guidelines set forth in Subdivision (1) above, and designated the area thereof by appropriate markers.

(8) Identify historical districts for registered landmarks and aid and encourage the municipality or county in which the district or landmark is located to adopt rules and regulations for the preservation of historical or architectural values.

(9) Prepare and place historical markers on or along the highway or street closest to the location which is intended to be identified by such marker.

(10) Seek the advice and assistance of individuals, groups, departments and agencies of government who or which are conducting historical preservation programs and coordinate the same insofar as possible.

(11) Seek and accept gifts, bequests, endowments and funds from any and all sources for the accomplishment of the functions of the Commission.

(12) Adopt rules and regulations concerning the operation of the Commission, the functions and responsibilities of its officers, employees, assistants and other personnel and such other matters as may be necessary to carry out the purposes of this ordinance.

(13) Adopt such other rules and regulations as may be deemed necessary to effectuate the purposes of this ordinance, but no such rules and regulations shall be inconsistent with the provisions of this ordinance or with any plan of the Planning Commission of such municipality or county wherein the landmark is located.

(14) With the advice and consent of the City Council, such Commission shall be empowered to adopt and execute a Budget.

### SECTION 11 - LANDMARK AGREEMENTS WITH PROPERTY OWNERS

Whenever the Commission, with the consent of the property owner, certified property as being a registered landmark, it may seek and obtain from such property owner an agreement as to such restrictions upon the use of the property as the Commission finds are reasonable and are calculated to perpetuate and preserve the features which led it to designate such property as an historical landmark. All such agreements between such Commission and the property owner shall be in writing, and when duly signed and acknowledged, shall be recorded in the office of the clerk of the County Commission of the county wherein such landmark is located.

### SECTION 12 - NOTICE TO COUNTY ASSESSOR

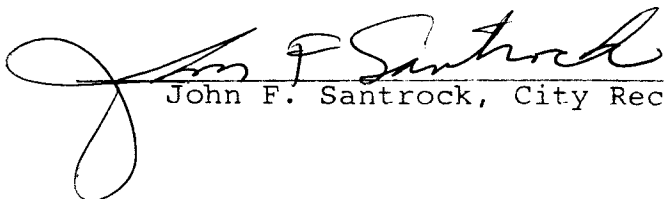
When the Commission establishes an historic district, it shall notify the county assessor of the county in which such district or any part thereof is located of the fact of such establishment and the boundaries of the district, together with the restrictions which are applicable to the properties located in such district which have been mutually agreed upon by such Commission and the owners of property within such district. The agreement shall be recorded in the same manner as the recordation of agreements between the Commission and owners of designated landmarks entered into pursuant to the provisions of Section 11 of this Article.

### SECTION 13 - COOPERATION WITH STATE AGENCIES

The Commission shall cooperate and coordinate its activities with the West Virginia historical society and the West Virginia Department of Culture and History, with the view of developing a unified program for the identification, study, preservation and protection of all historic buildings, structures and sites in this State.

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Arden D. Ashley, Mayor



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John F. Santrock, City Recorder

After the reading and brief discussion, Councilman Savilla moved to adopt the first reading of the ordinance creating a World War I Memorial Commission for the purpose of promoting the ideals and goals of the Commission.

#### COMMITTEE REPORTS

Mayor Ashley reviewed the parade and parade route, and schedule of events for the Veteran's Day and the World War I Memorial Park dedication, both at the Park and at City Hall.

Councilman Savilla stated that inquiries were received from only two companies on the printing of the "Sell Nitro" brochure, and that Charles Ryan Associates were the only company that sent in prices for such a brochure.

Councilman Savilla moved that Council employ Charles Ryan Associates for the purpose of putting together the brochure to "Sell Nitro" to businesses, residents, et cetera. The motion was seconded. The vote was unanimous and so ordered, with Councilman King abstaining.

Councilman Savilla stated that thanks to the Nitro City Council and City merchants the City of Nitro will have three Vietnam Veterans going to Washington D. C. for the Veteran's Day dedication ceremony. Those individuals are as follows: Clayton Gene Grant, Mike Dunlap and Gary Mathes.

Councilman Moon moved for approval of Councilman Savilla's plan and request. The motion was seconded. The vote was unanimous and so ordered.

Councilman Moon, at this time, extended his thanks to all those persons who votes for the levy approving the Kanawha County Ambulance Authority funding.

At this point, Councilman King moved for the adjournment of the Council meeting. The motion was seconded. The vote was unanimously ordered.

At 9:19 p.m. the meeting was adjourned.

  
John F. Santrock, City Recorder      Arden D. Ashley, Mayor



## COUNCIL MEETING MINUTES

## CITY OF NITRO

November 16, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in Council Chambers on November 16, 1982 at 7:30 p.m. Present were City Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Steve West, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham and Councilman Jack Moon. Also present were City Treasurer Michael E. Greenleaf and City Attorney Franklin L. Gritt, Jr.

The invocation was given by Father John Ledford of the Holy Trinity Catholic Church of Nitro.

AGENDA ITEM NO. 1 - INTRODUCTION OF GUESTS: Mayor Ashley asked each Council member to introduce their counterpart for the participation in student government day, those being as follows: Jill Martin (Mayor), Par Fack (Mayor), Mark Edens (Administrative Assistant), Lisa Knell (Administrative Assistant), Wendy Kincaid (City Recorder), Trina Baisden (City Treasurer), Sam Causey (City Attorney), Angie Baldwin (Mayor's secretary), Bucko O'Leary (Councilwoman at Large Trout), Jeff Lockhart (Councilman at Large Casto), Tom Greer (Councilman at Large Steve West), Gina Mазzie (Councilman King), Robin Westlund (Councilman Savilla), Sherry Prince (Councilman Cunningham), and Kim Clark (Councilman Moon).

Other counterparts are as follows: Sam Sibley (Recreation Director), Jay Bassett (Director of Public Works), Tim Owens and Blaine Means (Fire Chiefs), David Patton (Police Chief), Greg Saddler (Building Inspector), Scott Rucker (Municipal Judge), Doug Lewis (Sanitary Board General Manager), and Lena Adkins (Human Resource Worker).

Also introduced was Paul McClanahan, principal of Nitro High School, who is responsible for the presence of the students involved in student government day.

AGENDA ITEM NO. 2 - APPROVAL OF NOVEMBER 9, 1982 COUNCIL MEETING MINUTES: Councilman Moon asked for there to be a correction in the minutes of the November 9, 1982 Council meeting, in Agenda Item No. 3, to state that his retirement date from his military career is not until December 31, 1982.

Councilman Savilla moved to accept the November 9, 1982 Council meeting minutes as amended. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - SECOND READING OF ORDINANCE CREATING A WORLD WAR I COMMISSION: City Recorder Santrock read the introduction of Ordinance 82-10, an ordinance creating the World War I Memorial Commission, a Municipal Historic Landmarks Commission, and moved to adopt such as written.

As a result of discussion on changes needed in the ordinance as written, Councilman Savilla moved to table the second reading of the above-stated ordinance until such changes could be made and Council could see them in writing. The motion was seconded. The vote was unanimous and so ordered.

Another motion was made by Councilman Savilla to reopen the floor for further discussion on the wording in the ordinance, due to the fact that once an item is tabled discussion is closed and discussion is needed on this matter. The motion was seconded. The vote was unanimous and so ordered.

City Attorney Gritt, at this time, read the entire ordinance with the changes needed before the accepting of such.

The ordinance is as follows:

ORDINANCE 82-10

AN ORDINANCE CREATING THE WORLD WAR  
I MEMORIAL COMMISSION, A MUNICIPAL  
HISTORIC LANDMARKS COMMISSION.

SECTION 1 - ESTABLISHMENT OF THE COMMISSION  
GOALS OF THE COMMISSION

There is hereby created the World War I Memorial Commission, a municipal historic landmarks commission, as provided for in the West Virginia Code, Section 8-26A-1 et. seq., hereinafter referred to as Commission.

The express goal of the Commission shall be to ensure the preservation and maintenance of municipal landmarks hereinafter identified. Such preservation and maintenance of landmarks shall be for the purpose of causing the City to be forever recognized as a Living Memorial to World War I.

SECTION 2 - MEMBERSHIP

The Commission shall consist of the Mayor and nine (9) members, which shall be appointed by the Mayor, subject to the advise and consent of Council. The members of such Commission shall serve without pay for three (3) year terms. Expirations to be scheduled over three, three and four per year alternately. The City Treasurer and one member of Council shall be ex-officio members of said Commission.

### SECTION 3 - VACANCIES

When any vacancy occurs, due to any reason, the Mayor shall thereupon appoint the absent member's successor, who shall serve the remaining unexpired portion of the absent member's term.

### SECTION 4 - REIMBURSEMENT FOR EXPENSES

The members of the Commission shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties.

### SECTION 5 - OFFICERS

The officers of the Commission shall be President, Vice-President, Secretary and Treasurer; said officers being elected by majority vote of the membership thereof. An elected officer shall hold said position until the expiration of his term. If any vacancy occurs in any office, a successor shall be elected by the membership, including the succeeding member that replaces the absent member.

### SECTION 6 - MEETINGS

The Commission shall hold meetings at a time and place to be designated by the members thereof, six members being necessary to form a quorum. A majority of votes cast shall be sufficient to decide an issue properly before the Commission.

### SECTION 7 - AUTHORITY TO PROMULGATE RULES

The Commission shall have authority to promulgate all rules and regulations necessary or desirable for the proper functioning of the Commission.

### SECTION 8 - MEETINGS TO BE PUBLIC

All meetings of the Commission shall be open to the public and the public shall be afforded an opportunity to be heard at every meeting held.

### SECTION 9 - AUTHORITY TO EMPLOY

The Commission is authorized and empowered to employ, within the limits of funds available therefore, such employees, assistants, technical personnel and consultants as are necessary to discharge the duties and responsibilities of the Commission, subject to the budgetary restraints as imposed by Section 10, Subsection 14, of this ordinance.

## SECTION 10 - GENERAL AUTHORITY AND POWERS

The Commission shall have plenary power and authority, within the jurisdictional limits of the municipality, and within the limits of available funding, to:

(1) Make a survey of, and designate as historic landmarks, buildings, structures and sites which constitute the principle, historical and architectural sites which are of local, regional, statewide or national significance. No building, structure or site shall be deemed to be an historic one unless it has been prominently identified with, or best represents, some major aspect of the cultural, political, economic, military or social history of the locality, region, State or nation, or has had a major relationship with the life of an historic personage or event representing some major aspect of, or ideals related to, the history of the locality, region, State or nation.

(2) Prepare a register of buildings, structures and sites which meet the requirements of Subdivision (1) of this section, publish lists of such properties and, with the consent of the property owners, inspect such properties from time to time and publish a register thereof from time to time setting forth appropriate information concerning the registered buildings, structures and sites.

(3) With the consent of the property owners, certify and mark with appropriately designed markers, buildings, structures and sites which it has registered.

(4) Establish standards for the care and management of certified landmarks and withdraw such certification for failure to maintain the standards so prescribed.

(5) Acquire by purchase, gift, or lease and administer registered landmarks and easements and interests therein, both real and personal.

(6) Lease or sell property so acquired under the terms and conditions designed to insure the proper preservation of the landmark in question.

(7) Establish historic districts for registered landmarks, utilizing the same guidelines set forth in Subdivision (1) above, and designate the area thereof by appropriate markers.



(8) Identify historical districts for registered landmarks and aid and encourage the municipality or county in which the district or landmark is located to adopt rules and regulations for the preservation of historical or architectural values.

(9) Prepare and place historical markers on or along the highway or street closest to the location which is intended to be identified by such marker.

(10) Seek the advice and assistance of individuals, groups, departments and agencies of government who or which are conducting historical preservation programs and coordinate the same insofar as possible.

(11) Seek and accept gifts, bequests, endowments and funds from any and all sources for the accomplishment of the functions of the Commission.

(12) Adopt rules and regulations concerning the operation of the Commission, the functions and responsibilities of its officers, employees, assistants and other personnel and such other matters as may be necessary to carry out the purposes of this ordinance.

(13) Adopt such other rules and regulations as may be deemed necessary to effectuate the purposes of this ordinance, but no such rules and regulations shall be inconsistent with the provisions of this ordinance or with any plan of the Planning Commission of such municipality or county wherein the landmark is located.

(14) With the advice and consent of the City Council, such Commission shall be empowered to adopt and execute a Budget.

#### SECTION 11 - LANDMARK AGREEMENTS WITH PROPERTY OWNERS

Whenever the Commission, with the consent of the property owner, certifies property as being a registered landmark, it may seek and obtain from such property owner an agreement as to such restrictions upon the use of the property as the Commission finds are reasonable and are calculated to perpetuate and preserve the features which led it to designate such property as an historical landmark. All such agreements between such Commission and the property owner shall be in writing, and when duly signed and acknowledged, shall be recorded in the office of the clerk of the County Commission of the county wherein such landmark is located.

## SECTION 12 - NOTICE TO COUNTY ASSESSOR

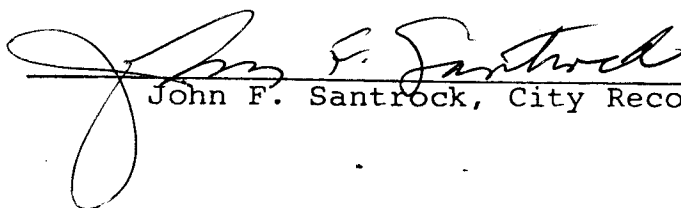
When the Commission establishes an historic district, it shall notify the county assessor of the county in which such district or any part thereof is located of the fact of such establishment and the boundaries of the district, together with the restrictions which are applicable to the properties located in such district which have been mutually agreed upon by such Commission and the owners of property within such district. The agreement shall be recorded in the same manner as the recordation of agreements between the Commission and owners of designated landmarks entered into pursuant to the provisions of Section 11 of this ordinance.

## SECTION 13 - COOPERATION WITH STATE AGENCIES

The Commission shall cooperate and coordinate its activities with the West Virginia historical society and the West Virginia Department of Culture and History, with the view of developing a unified program for the identification, study, preservation and protection of all historic buildings, structures and sites in this State.

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Arden D. Ashley, Mayor



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John F. Santrock, City Recorder

After the reading of the ordinance, Mayor Ashley asked for a vote on the amendments and corrections made during the reading of Ordinance 82-10. The vote was unanimous and so ordered.

Councilman at Large Casto moved to accept Ordinance 82-10 as amended. The motion was seconded. There being no further discussion, a vote was taken and was unanimous and so ordered.

AGENDA ITEM NO. 4 - ZONING BOARD OF APPEALS MEETING MINUTES HELD ON OCTOBER 7, 1982: City Recorder Santrock stated that according to the City Code, action taken by the Zoning Board of Appeals is to be written into the minutes of the City Council.

City Recorder Santrock moved that the minutes of the Zoning Board of Appeals meeting held on October 7, 1982 be recorded in the minutes of this Council meeting. The motion was seconded. The vote was unanimous and so ordered.

The minutes are as follows:

#### CITY OF NITRO

#### MINUTES - ZONING BOARD OF APPEALS

October 7, 1982

On October 7, 1982 at 7:00 p.m. the City of Nitro Zoning Board of Appeals held a meeting to consider an appeal of Mr. John L. Smith of 2113 3rd Avenue, Nitro, West Virginia.

Present at the meeting were the Board members, Mr. Kenneth Knicely, Reverend Wade Austin, Mr. Olaf Walker and Chairman Cecil Lemma. Absent was City Recorder John F. Santrock. Also present were Mr. Neal Helson of 2111 21st Street, and Mr. David King of 2115 21st Street, co-owners of the condominium in question, who voiced their opinions vehemently.

The Board asked for a party-wall agreement that the condominium owners would have to sign. This clearly stated that a carport or a garage, or any addition to the outside of the building, was outside of the Law, the Zoning Board of Appeals denied the request from Mr. Johnny L. Smith for a waiver of the City Zoning Laws. The vote was unanimously and so ordered.

There being no further business it was moved that the meeting be adjourned. The vote was unanimously ordered.

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AGENDA ITEM NO. 5 - INSURANCE BID REPORT: City Recorder Santrock stated that as per the advertised bidding of health and life insurance for City employees organized by City Treasurer Greenleaf, that new coverage will be provided for the City employees. After discussion about numerous possibilities, Councilman at Large Casto asked that the City employees be permitted to vote on a possible paycheck deduction to keep the health insurance policy now in effect. City Recorder Santrock recommended to Council that they accept Spec 2, which includes a two hundred dollar deductible and twenty percent payment up to twenty-five hundred dollars under Blue Cross coverage.

Mayor Ashley recommended that Council consider major medical insurance costs as provided for in the program of insurance that we are allowed. He stated that it is vital that the City provide the maximum protection that we possible can within our means.

Councilman Moon stated that, in his opinion, Spec 2 is the only logical way for Council to vote. He stated that if an employee does use the insurance in Spec 2 and have to pay the deductible, that that is the time for it to come out of their pocket, not each paycheck.

Councilman Savilla came forth and made the motion that Council accept Spec 2 from Blue Cross and Blue Shield, which includes a two hundred dollars deductible and twenty percent of payment up to twenty-five hundred dollars, with full coverage thereafter. City Recorder Santrock seconded the motion.

Councilman at Large Casto asked if there could be a consensus of employees on this point. Mayor Ashley stated that he felt it incumbent on this Council to make this kind of a judgement on behalf of the employees, which is part of their job. He stated that it is a case where we will have a division of opinion.

Councilman King stated that in his two and a half years on Council that, in his opinion, this was probably the hardest decision he has had to make. He stated that he is trying to put himself in the employee's place, but that he cannot see any other alternative than voting on Spec 2. Councilman Cunningham agreed.

Mayor Ashley asked the City Recorder if it would be in order to provide an examination of alternative individual supplemental policies of good repute that could be made available to the City employees as an addition to this Spec 2, if it were accepted. City Recorder Santrock stated that it could be investigated.

Councilman Savilla asked if Spec 2, if accepted, could be revised six months or so down the road. The Blue Cross representative stated that the only problem with upgrading is that the experience of that group is considered and based whether or not it would be a good risk, but that he would not see a problem with that.

Fire Chief E. W. Hedrick stated that his personal opinion was that he would rather go with Spec 2, than not to have any hospitalization at all. He stated that he does not like to see the coverage dropped back, but by the same token the employees need hospitalization and that he would not want to see the City get into a financial condition where it could not afford insurance at all.

City Recorder Santrock asked to add the fact that the City would award the health insurance contract to Blue Cross and Blue Shield to Councilman Savilla's motion to accept Spec 2. Councilman Savilla amended his motion to include such. The motion was again seconded. The vote passed, with Councilman at Large Casto opposing.

Councilman Savilla moved to award the life insurance bid to Devon-Gallager, Inc., with the low bid of two dollars and ninety cents per person, with the same coverage as the previous life insurance policy. The motion was seconded. The vote was unanimous and so ordered.

#### COMMITTEE REPORTS

Mayor Ashley showed to Council U. S. Senate Bill 487, which they indicated in the congressional record would be sent to the City for our display and use.

Mayor Ashley discussed the incorporation of the project card report. The purpose of this project card is to provide Council members with a vehicle by which projects may be requested to be done. These project cards will be kept in a file in the Mayor's secretary's office for the purpose of reference to see how a project is progressing.

Councilman King moved for the including of a souvenir napkin from the dedication celebration of the World War I Memorial Park, a copy of the souvenir program, and a copy of the Rules and Regulations for the Police and Fire Departments in the minutes in the form of a pocket in the back of the minutes book. The motion was seconded. The vote was unanimously ordered.

Councilman at Large Casto suggested that work begin on the forming of a wildlife committee to enhance the natural and wildlife aspects of Ridenour Lake Park. The Mayor and Council agreed and work shall begin in that direction.

City Attorney Gritt asked for feedback from Council on the situation on Bank Street for John Boy's to put in a drive-in window and to rearrange the parking situation there. Councilman Savilla spoke on behalf of the Traffic Committee and stated that they have decided that it is just not feasible to allow such action, and that there is a safety factor involved also.

City Attorney Gritt suggested that this decision be put in the form of a motion, so that there will be an official record to take a stand on. Councilman Savilla moved for the rejection of the request by John Boy's for the above-stated action. The motion was seconded. The vote was unanimous and so ordered.

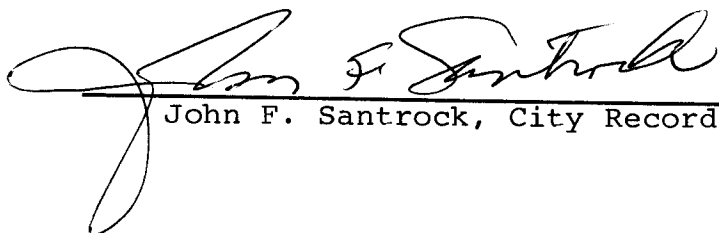
Councilman Savilla announced that the three Vietnam veterans from Nitro were sent to Washington, D. C. for the dedication ceremony on Veteran's Day to represent the City of Nitro and to carry the flag of the City of Nitro at the head of our delegation, and thanked all those who made it possible. Those individuals are as follows: Gary Mathes, Mike Dunlap and Clayton Grant.

Councilman at Large Casto, along with the other members of Council, announced that they have named Mayor Art Ashley as Nitro's citizen of the month for the month of January.

At 9:02 p.m. the meeting was adjourned.

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Arden D. Ashley, Mayor



John F. Santrock, City Recorder

COUNCIL MEETING MINUTES

CITY OF NITRO

December 7, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in Council Chambers on December 7, 1982 at 7:30 p.m. Present were City Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Steven West, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham and Councilman Jack Moon. Also present were City Treasurer Michael E. Greenleaf and City Attorney Franklin L. Gritt, Jr.

The invocation was given by The Reverend Lawrence Hoptry of the First Baptist Church of Nitro.

AGENDA ITEM NO. 1 - CITIZEN OF THE MONTH: Mayor Ashley presented Nitro's citizen of the month award for the month of December to Mr. Stanley Honaker of 29th Street in Nitro. Mr. Honaker is one of Nitro's living veterans to World War I.

AGENDA ITEM NO. 2 - APPROVAL OF NOVEMBER 16, 1982 COUNCIL MEETING MINUTES: There being no amendment of the minutes of the November 16, 1982, Councilwoman at Large Trout moved for the approval of such. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - RESOLUTION AUTHORIZING PARTICIPATION IN THE WEST VIRGINIA ALCOHOL AND SPEED ENFORCEMENT PROGRAM: City Recorder Santrock moved for the approval of the resolution authorizing the City's participation again this year in the West Virginia Alcohol and Speed Enforcement Program sponsored by the Governor's Office of Economic and Community Development, and the expansion of the proper funds by the City. Stipulations in the program are that the City is to provide five hundred and forty dollars and seventy-three cents (\$543.73), while the program provides two thousand one hundred and sixty-two dollars and ninety-three cents (\$2,162.93), which constitutes a eighty/twenty match with a total project of two thousand seven hundred and three dollars and sixty-six cents (\$2,703.66). The motion was seconded. The vote was unanimous and so ordered.

The resolution is as follows:

## RESOLUTION 82-13

RESOLUTION AUTHORIZING PARTICIPATION  
IN THE WEST VIRGINIA ALCOHOL AND  
SPEED ENFORCEMENT PROGRAM.

WHEREAS, the Governor's Office of Economic and Community Development has in their annual Highway Safety Plan an alcohol and speed enforcement program which provides funds for overtime compensation to law enforcement personnel engaged in the aforementioned program; and

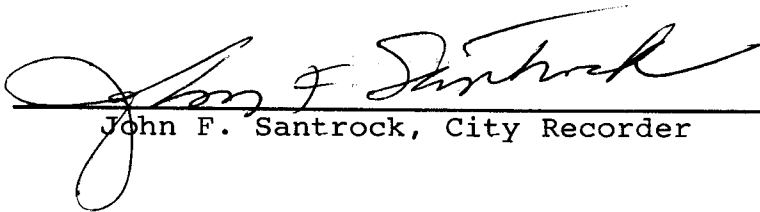
WHEREAS, the Council of the City of Nitro has met in regular session on the 7th day of December, 1982 and fully considered the requirements of the Alcohol and Speed Enforcement Program, the following Resolution is offered:

BE IT RESOLVED by the Council of the City of Nitro, West Virginia, that the Mayor is hereby authorized to execute a contract for and on behalf of the City of Nitro with the Governor's Office of Economic and Community Development for the purpose of participating in the Alcohol and Speed Enforcement Program for the period of December 1, 1982 through September 30, 1983, and that the City of Nitro pledges the required twenty percent (20%) match to participate in the aforementioned program.

PASSED AND ADOPTED this the 7th day of December, 1982.

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Arden D. Ashley, Mayor



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John F. Santrock, City Recorder



AGENDA ITEM NO. 4 - RESOLUTION CREATING COMMITTEE TO ENHANCE THE NATURAL AND WILDLIFE ASPECTS OF RIDENOUR LAKE: Councilman at Large Casto stated that five persons have agreed to work on the committee to enhance the natural and wildlife aspects of Ridenour Lake. Those persons are Councilman at Large Rusty Casto, Judy Hudson, John Simms, Rita Johnson and George Hurley.

The committee is formed for such purposes as making the Park habitable for such wildlife as the bluebird, the woodduck, the martin; providing better conditions for wildlife presently there; and providing information for those using the facilities. Also, the committee would be responsible for carefully weighing the aspects of what wildlife would be brought into the park, so as not to destroy the recreational use of the lake, and to report these to Council so they can address just what is done.

Due to the fact that written resolution was not available, Councilman Moon moved for the forming of such a committee. The motion was seconded. The vote was unanimous and so ordered. The resolution will be brought before Council at the next Council meeting.

AGENDA ITEM NO. 5 - CANCELLATION OF DECEMBER 21, 1982 COUNCIL MEETING: City Recorder Santrock moved that the December 21, 1982 be cancelled, due to the fact that it is so close to Christmas and that it has been done in past years this way. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 6 - MEETING OF ZONING BOARD OF APPEALS - REQUEST FOR DEVIATIONS FROM ZONING REGULATIONS: For information purposes, City Recorder Santrock announced the meeting of the Zoning Board of Appeals, to be held on January 13, 1982 for the purpose of two citizens who are requesting changes in the Zoning Ordinance. Mr. Santrock further stated that the outcome of the meeting of the Zoning Board will be reported at the next Council meeting.

AGENDA ITEM NO. 7 - PETITION FOR ANNEXATION TO CITY: City Recorder Santrock stated that according to the West Virginia State Code, a petition of sixty percent of the landowners and of those voting in that particular area of established petition to the Council, then a vote of the people is not necessary.

City Recorder Santrock moved for Council to appoint the City Attorney to canvas, enumerate and certify back to Council that these petitions are correct. He further stated that after Council passed an ordinance stating such, it would go to the County Court for action. The motion was seconded.

The City Attorney suggested that Council vote to accept the petition for annexation first. City Recorder Santrock retracted his motion.

Councilman Savilla asked those persons who drew up the petitions why they did so. Mr. Ted Philyaw took the floor and stated that most of those persons now residing in the Brookhaven and Riverdale areas have been transferred in from other areas and are used to incorporated areas and the services that are provided by the City. City Recorder Santrock pointed out also that by a review of the names, there are some very outstanding citizenary in this particular area and the City would very much profit from the people who live in that area.

Councilman Savilla moved to accept the petition and to appoint City Attorney Gritt for the purposed above-mentioned. The motion was seconded. The vote was unanimous and so ordered.

It was asked of the Fire Chief and Police Chief if this annexation would burden either Department because of the extra services that would be provided. Both chiefs answered negatively.

As a second part to Agenda Item No. 7, the pros and cons of the 1984 City election date were discussed by City Recorder Santrock and Council.

AGENDA ITEM NO. 8 - CITY WARD BOUNDARY: City Recorder Santrock stated that in attempting to draw a map of the present ward boundaries he found that there is no record of such, and that the description of those boundaries in the Code is not correct. Mr. Santrock stated that before the Code is published, and with the possible annexation of Carriage Road, the City should nearly balance the number of voters in each ward to comply with the West Virginia State Code.

Councilman Savilla moved that the City Recorder and the four ward Council members form a committee to review and restate the present ward boundaries and to make recommendations to the Council on how to correct the current imbalance of ward population. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 9 - POOL REPORT: Mayor Ashley pointed out to Council the "City of Nitro Swimming Pool, 1982", prepared by Recreation Director John Simms. Mr. Simms explained the document and stated that this was for informational purposes presently and he would be available for questions at the next Council meeting.

Mr. Simms pointed out that a small profit was made this year. The sale of snacks/ice cream went well, with the City deriving a small profit after utilities. Members of Council expressed that the City not get into the food business again, but that bids be taken for this service next year if it was decided that there be concession. Mr. Simms expressed to Council that many improvements must be made at the pool before opening next year.

The report is available in the City Recorder's office for review.

AGENDA ITEM NO. 10 - FIRE HYDRANT INSTALLATION REPORT: Fire Chief Hedrick announced the installation and service of a new fire hydrant located at Broadway Gardens. He further stated that another hydrant is being installed at Penwood Avenue and 18th Street Hill, but that they have run into a hard rock problem which has hindered the installation.

AGENDA ITEM NO. 11 - SOIL CONSERVATION SERVICE REPORT - RIDENOUR LAKE: The City Recorder reported that with the help of the Mayor and the Department of Public Works all requests by the Soil Conservation Service have been satisfied relative to the inspection and maintenance, et cetera. Mr. Santrock stated that he felt the citizens should know that the dam is being inspected at least every six months by the Service and that all maintenance as requested has been completed.

AGENDA ITEM NO. 12 - FINAL RESOLUTION GOVERNING RULES AND REGULATIONS OF POLICE AND FIRE DEPARTMENT PERSONNEL AND ADMINISTRATION: City Recorder Santrock read the following resolution:

RESOLUTION 82-14

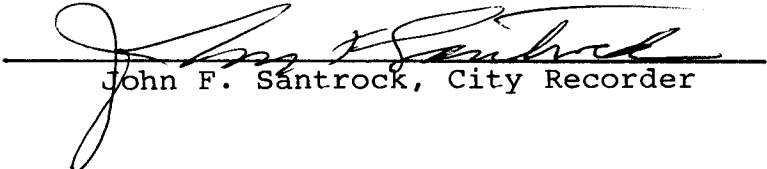
WHEREAS, the Rules and Regulations referred to and approved in the May 18, 1982 Council meeting have now been printed; and

WHEREAS, said rules are now in final form and have been distributed to the police and fire officers.

IT IS RESOLVED by the City Council of the City of Nitro that said final form be hereinafter recorded as the official Rules and Regulations of the Nitro Police and Fire Departments.

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Arden D. Ashley, Mayor

  
John F. Santrock, City Recorder

City Recorder Santrock moved for the acceptance of the above resolution. The motion was seconded. Councilman Moon asked the Police and Fire Chief if they had run across anything in these Rules and Regulations after the printing that they feel should be changed. They stated that everything was acceptable as written. The vote was taken and carried, with Councilman at Large West abstaining.

#### COMMITTEE REPORTS

Councilman at Large West stated that he received a letter of thanks from Mr. Thomas Greer, a participant in Student Government Week and "Know Your City Government Week".

The letter is as follows:

5011 Tipperary Street  
Cross Lanes, WV 25313  
November 24, 1982

Councilman Steve West  
c/o Nitro City Hall  
20th Street Second Avenue  
Nitro, WV 25143

Dear Mr. West

Thank you for the time you put into our "Know Your City Government Week." Your efforts were greatly appreciated by the students of Nitro High School.

This was my second year of involvement in "Know Your City Government Week" and it was a great experience. I learned the inner workings of council and the importance of democracy.

Once again I would like to thank you and your colleagues for making the 1982-83 "Know Your City Government Week" a success.

Sincerely yours



Thomas J. Greer

Mayor Ashley announced and reminded Council of the Senior citizen's Christmas Dinner to be held on December 11, 1982 at 1:00 p.m.

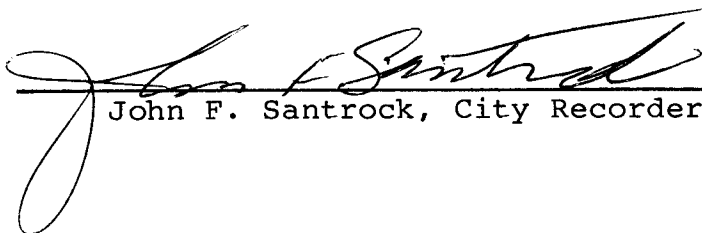
Councilman at Large Casto inquired about an ordinance requiring homeowners in Nitro to post their house numbers in a visible location, mainly for emergency purposes. The City Recorder stated that he would look into the issue, to see if it is not already an ordinance.

There being no further business, Councilman King moved for adjournment of the meeting. The motion was seconded. The vote was unanimously ordered.

At 8:49 p.m. the December 7, 1982 meeting of the Nitro City Council was adjourned.

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Arden D. Ashley, Mayor



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John F. Santrock, City Recorder



























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The following pages  
are void

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Last void page  
marked "END"  
void pages

2 May 1951

1000

May 1951

"13" 1951

May 1951

Councilman King moved to go ahead with such a transfer. The motion was seconded. The vote was taken and was unanimous and so ordered.

AGENDA ITEM NO. 7 - REQUEST FROM RECREATION DEPARTMENT FOR \$1,000 TO PURCHASE PLAYGROUND EQUIPMENT FOR RIDENOUR PARK: Mayor Ashley stated that the fund are available for the purchase of playground equipment for Ridenour Park and are located in a contingency fund. Councilwoman at Large Trout moved to go ahead with the purchase of the playground equipment discussed. The motion was seconded.

Councilman at Large West questioned the City Treasurer about the transfer of funds from the contingency fund. The City Treasurer explained that any time you amend the budget for a municipality, the State Tax Commissioner required that the amendment be made through the contingency fund. In other words, revenues would be increased and that money would be available to the contingency fund to be allocated by Council.

At this time the vote was taken and was unanimous and so ordered.

Councilwoman at Large Trout, at this point, reported on the Library Board. She stated that in answer to Mr. Santrock's letter asking for the thirty-three hundred dollars for the residents that lived in Putnam County. She stated that he has received a letter back, dated August 4, 1982, denying the request for the moneys. She stated that she hasn't gotten back with the Board or talked with the City Attorney yet, but that there will be a meeting to discuss any ways to receive these moneys.

AGENDA ITEM NO. 8 - COST OF FIRE HYDRANTS: This item was temporarily tabled.

AGENDA ITEM NO. 9 - DATE OF NOVEMBER 2, 1982 COUNCIL MEETING CHANGED TO NOVEMBER 9, 1982, DUE TO ELECTION DAY: Councilman at Large Casto moved to change the November 2, 1982 Council meeting to November 9, 1982. The motion was seconded. The vote was unanimous and so ordered.

At 8:20 p.m., a brief  
recess was taken.)

*Vote  
unanimous  
8/20/82*

10/10/10

Voided 7-24-81  
L.D.

ORDINANCE NO.

AN ORDINANCE REENACTING AND AMENDING CHAPTER 11, ARTICLE 2, OF THE  
CODE OF THE CITY OF NITRO

BE IT ORDAINED, that Chapter 11, Article 2, of the Code of  
the City of Nitro be and the same hereby is reenacted in its  
entirety, except that Sections 11-11 and 11-12 shall be and the  
same hereby are amended to read as follows:

Sec. 11-11. Precollection practices.

(c) Garbage containers. Garbage containers shall be made of  
metal or other suitable material equipped with suitable handles  
and tight fitting covers and shall be waterproof and water tight.

(d) Curbside pickup required. Any refuse for collection shall  
be put in plastic garbage bags to be supplied in sufficient number  
by the City of Nitro and placed at curbside on the day designated by  
the City for collection.

Sec. 11-12. Frequency of collections.

(a) Refuse accumulated by residences shall be collected at  
least once each week, unless more frequent collection be approved  
by the director because of weather conditions, emergency conditions,  
or other good cause.

INTRODUCED ON FIRST READING ON THE 7TH DAY OF JULY, 1981.

ADOPTED UPON SECOND READING ON THE

Arden D. Ashley, Mayor

Sharon Thomas, City Recorder



Void  
 8/31/81  
 JK

ANTIQUÉ CAR SHOW PROVISIONS - MAYOR ART ASHLEY: Mayor Ashley stated the car show will be the 11th and 12th of September. It was moved by Councilman at Large Pennington that traffic be shut down on 21st Street between 2nd and 3rd Avenue on the Nitro High School side for the display of antique cars. In addition to that space they will use the area across First Avenue at the 21st Street intersection, from about 6:00 a.m. until 5:00 p.m., on Saturday the 12th. The motion was seconded by Councilman Savilla; the motion passed unanimously.

Councilman at Large Pennington moved that the City Attorney proceed with the necessary documents on the Washington Avenue landfill. The motion was seconded by Councilman Moon; the motion passed unanimously. The City Attorney will report back.

City Attorney Stuart Calwell reported on the clearing of the alleyway at Blackwood Avenue. City Attorney Calwell stated there has been informed contact made with the adverse parties to no avail. The necessary pleadings have been prepared and are ready to file.

Councilman at Large Pennington moved for adjournment. The motion was seconded by Councilman at Large Casto; the motion carried.

Meeting was adjourned at 9:10 p.m.

BALANCE SHEET AS PRESENTED  
 BY AUDITORS  
 6/30/80

ASSETS

Cash	\$ 8,835.75
Taxes Receivable	36,139.55
Accounts Receivable	40,173.05
	\$ <u>85,149.35</u>

Liabilities	\$ 149,929.38
Fund Balance - 6/30/80	64,780.03
TOTAL	<u>85,149.35</u>





## COUNCIL MEETING MINUTES

## CITY OF NITRO

AUGUST 18, 1981

The regular meeting of the Nitro City Council was called to order in the Council Chambers August 18, 1981, at 8:00 p.m. Present were Mayor Art Ashley, Sharon Thomas, City Recorder, Councilman at Large Rusty Casto, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Ronald King, Councilman Jack Moon. Also present were Mr. Michael Greenleaf, Treasurer, and Mr. Stuart Calwell, City Attorney. Councilwoman at Large Mary Trout and Councilman Omar Cunningham were absent.

The invocation was given by Ivan Meadows.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 4, 1981 COUNCIL MEETING MINUTES: Councilman at Large Casto moved that the minutes be approved as amended. The motion was seconded by Councilman Moon. The motion carried. Councilman at Large Pennington abstained.

AGENDA ITEM NO. 2 - RECOMMENDATION FROM NITRO LITTLE LEAGUE: Ivan Meadows and Gene Brightwell from the Little League stated that the ball fields need dirt and drain work. Councilman Moon stated he would have someone from the Guard come and look at the fields and meet with Gene Williams about it. It was moved by Councilman Pennington to table this until they get a report back. The motion was seconded by Councilman King; the motion passed unanimously.

AGENDA ITEM NO. 3 - REGIONAL INTERGOVERNMENTAL COUNCIL'S COMPREHENSIVE DEVELOPMENT PLAN: The Councilmembers have received a questionnaire from the REGIONAL INTERGOVERNMENT COUNCIL. They are looking for a broad based response from those concerned with looking after management and plannings of the City.

AGENDA ITEM NO. 4 - TWO HOUR PARKING IN CERTAIN AREAS: Councilman at Large Pennington moved that Council move on the suggestion of the City Attorney that the hours for parking on Bank Street and 21st Street from 1st Avenue to 2nd Avenue be from 8:00 a.m. to 7:00 p.m., with the exception of holidays and Sundays, and that something be printed to warn the public prior to the beginning of the resolution. The motion was seconded by Councilman Joe Savilla; the motion carried 4-2. Councilman at Large Casto and Councilman Moon voted in the negative. It will go into effect August 31, 1981.

AGENDA ITEM NO. 5 - KRT SHELTER PROPOSAL: Councilman King stated that KRT will build a shelter if the City maintains the shelter. Mayor Ashley suggested Dr. Guy Cassell come and report to Council after the KRT Board meets.

AGENDA ITEM NO. 6 - TOWN MEETING SCHEDULED FOR SEPTEMBER 29, 1981 - 7:00 p.m., NITRO JR. HIGH SCHOOL: After discussion, Mayor Ashley suggested, and Council approved, a scheduled town meeting at Nitro Jr. High School, at 7:00 p.m., on the 29th of September. Alternate dates approved were September 8th and the 22nd of September.

#### COMMITTEE REPORTS

FINANCIAL COMMITTEE CHAIRMAN REPORT - MICHAEL GREENLEAF, CITY TREASURER: Michael Greenleaf presented to Council a balance sheet prepared by the auditors June 30, 1980. A copy of the report will be sent to all the members of the Council, and is included in the minutes.

BALANCE  
SHEET

Mr. Greenleaf responded to two issues raised in prior meetings by Councilman Jack Moon and Councilman at Large Mel Pennington. Councilman Moon had stated that he had not received his May, 1981 financial statement. Mr. Greenleaf stated, in response, that the financial statements had been distributed on a monthly basis and will continue to be distributed on a monthly basis once the fiscal year 80-81 audit is complete.

Councilman at Large Pennington stated during a July Council meeting that the prior Administration would not have incurred a deficit had the Sanitary Board paid \$80,000 to the City. Mr. Greenleaf responded with points as follows:

(1) The Sanitary Board did not owe the City \$80,000 as stated by Mr. Pennington. Instead, the Sanitary Board owed the City \$323,550.00.

(2) The Sanitary Board did pay \$9,200 of the debt.

(3) Referring to the presentation made to Council, the inclusion of the Sanitary Board debt and/or repayments would not have had a positive effect on the City's financial position, rather such an entry would have a negative effect further worsening the City's performance in that year.

CODIFICATION OF NITRO CITY CODE - SHARON THOMAS, CHAIRMAN SPECIAL COMMITTEE: Sharon Thomas reported that they had a meeting but they have not heard from the company that was to send them a proposal. Mayor Ashley said that a letter had been received, and a copy would be sent to all the Councilmembers.

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Winnipeg



that price. Councilman Cunningham seconded the motion. A vote was taken and was unanimous and so ordered.

The items for sale or bid are as follows:

- (1) One 1950 fire truck
- (2) One garbage packer
- (3) Twelve or more bicycles
- (4) Miscellaneous bicycle parts
- (5) One covered charcoal grill (bubble-type)
- (6) One wooden wishing well
- (7) One set of golf clubs
- (8) One truck tennis racket
- (9) One wet/dry vacuum cleaner cannister
- (10) Miscellaneous items

At this point in the proceedings Councilman Pennington moved for the adjournment of the Council meeting. Councilman Savala seconded the motion. The motion carried.

At 9:15 p.m. the meeting was adjourned.

ARDEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, CITY RECORDER

The following addendum is added to the minutes of the October 20, 1981 Council meeting to give further detail of discussion relative to the Armour Creek repair project:

ADDENDUM TO ARMOUR CREEK REPAIR PROJECT REPORT - MAYOR ART ASHLEY:

As stated in the minutes of the October 20, 1981 Council meeting, the Governor's office has agreed to give the City a quarter of a million dollars (\$250,000.00) from the partnership grant program for the Armour Creek interceptor repair project. Even though the City received the grant, it is not enough to get the job done. It would only add to the amount of money that we have. That the project is already cut to the bones at a million dollars (\$1,000,000.00).

The Mayor went on further to say that if we took this money and went out for bonding it would leave us no reserves for matching funds, it would not get the job done right, and it would only patch the system and we'd still have the problem. He stated the City needs to continue to strive for other funds, either Federal or State government. The City is four hundred thousand dollars shy of the estimated project cost and that was the replacement of the main interceptor line and putting in low stations. Any portion of the work now would not carry the line far enough to really satisfy the basic problem because the repair work was scheduled to come down to 3rd Street from the waste treatment plant and if you take that much money out of the project that had "no fat" in it to begin with, because it cut it down from a million and a half, the only thing we could do is just spread it real thin over the whole system and patch it up or you can start doing the job as it was supposed to be done and bring it out as far as 40th Street.

Councilman at Large Pennington asked about earlier discussions about raising the municipal service fee and was it not included at that time for some portion of that money to go to that project. Mayor Ashley stated that that was the four hundred thousand dollars he mentioned. That's where the matching funds come in and if it was used we couldn't match anything else.

The Mayor further stated that the City was trying to get CPA funding like the other project, but that we would probably never be funded under that due to a waiting list. The City is two hundred and thirty-sixth on the list.

Councilman Savilla asked the Mayor if there was any time limit on the two hundred and fifty thousand dollars. The Mayor stated that there was none as far as he knew. That the partnership grant program moneys are used with other moneys and once you are approved you are approved forever.

Councilman at Large Pennington brought up the fact of going to 40th Street with the money that is available now. Mayor Ashley stated that the task force discussed the bringing of the work intended about as far as 40th Street, which would cost about six hundred and twenty-five thousand dollars (\$625,000.00) roughly, and that would use up our reserve and we would have nothing left to match anyone else with. This may lift the

moratorium, but it would not serve the area of greatest need, which is the portion from 40th Street to 23rd Street.

Another point to consider is the construction of a new line up to that point -- 40th Street -- then the prospects would be pretty good under the Community Development Block Grant Program that the area from 40th Street to 23rd Street be funded due to the fact that it is a low income area. It may be to our advantage. The guidelines from the federal government on the Community Development Block Grant Program are not as yet available, but we know there will be approximately fourteen million dollars in that program. Mayor Ashley stated that we still need to work toward work being done on the entire system.

Councilman at Large Pennington asked if it would not be feasible to alleviate some of the problem. Mayor Ashley stated that the problem with doing that is if you get to a point of just responding to a break, then you have only patched and not fixed. You almost have to start at the waste treatment plant and work down.

Mayor Ashley stated that he visited the Governor's office and that Mr. Pat Gallagher was there, who is the block grant program person, and said that the City's application has been approved, but the application called for the total repair of the line, so Mayor Ashley thinks they will give us some flexibility, but he doesn't know how much.

The Mayor agreed to keep Council apprised on the applications concerned.

ARDEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, CITY RECORDER





## COUNCIL MEETING MINUTES

## CITY OF NITRO

February 2, 1982

The regular meeting of the Nitro City Council was called to order in the Council Chambers on February 2, 1982 at 8:00 p.m. Present were City Recorder John F. Santrock, City Treasurer Michael E. Greenleaf, Councilwoman at Large Mary Trout, Councilman at Large Rusty Casto, Councilman Ronald King, Councilman Jack Moon and Councilman Omar Cunningham. Also present was F. Lee Gritt, Esquire, from the City Attorney's office. Absent were Mayor Art Ashley, Councilman at Large Mel Pennington, and Councilman Joe Savilla.

The invocation was given by Mr. Jimmy Keegan, the Youth Director of the First Presbyterian Church of Nitro.

AGENDA ITEM NO. 1 - CITIZEN OF THE MONTH: City Recorder Santrock announced the awarding of "Citizen of the Month" for the month of February to Mr. Andy Knicely for his continued service in the community and the action taken by him in a recent difficult situation in the basketball league. The plaque was accepted by Mr. Kenneth Knicely for his son Andy. He reminisced concerning his continued residence in Nitro.

AGENDA ITEM NO. 2 - APPROVAL OF JANUARY 1982 COUNCIL MEETING MINUTES: Councilman Cunningham moved to accept the minutes of the February 2, 1982 Council meeting as written. The motion was seconded by Councilman at Large Casto. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - BY CITIZEN ACTION GROUP - PERMISSION TO SOLICIT MUNICIPAL LEVY RESOLUTION: Council heard a presentation by Ms. Adrienne Worthy, Director of Canvas Operations for West Virginia Citizens Action Group, and Council agreed to table the motion until the next meeting. Councilman Cunningham moved to table the motion. The motion was seconded and the vote was unanimous.

AGENDA ITEM NO. 4 - SECOND READING OF RESOLUTION FOR SPECIAL ELECTION FOR ADDITIONAL MUNICIPAL LEVY: Councilwoman at Large Trout read the second reading of the resolution for special election for additional municipal levy.

The Resolution is as follows:

NOTICE OF SPECIAL ELECTION  
FOR  
ADDITIONAL MUNICIPAL LEVY

TO THE VOTERS OF NITRO, WEST VIRGINIA:

TAKE NOTICE

That a regular meeting of the Council of the City of Nitro, State of West Virginia, held on the 2nd day of February, 1982, the following order was made and entered of record, to-wit:

The Council of the City of Nitro, being of the opinion that the maximum levies for current expenses authorized by Article B, Chapter 11 of the Code of West Virginia, as amended, will not provide sufficient funds for the payment of the current expenses of the City of Nitro, including expenditures for the purposes hereinafter set forth, and that an election should be held to increase such levies under the provisions of Section 16, Article 18, Chapter 11 of the Code of West Virginia, as amended, it is hereby ordered:

1. That the purpose for which additional funds are needed is as follows:
  - (a) Street Maintenance and Repairs
  - (b) Parks and Recreation
  - (c) Firemen's Wages
  - (d) Additional Street Lighting
  - (e) Policemen's Wages
  - (f) Library
  - (g) Fire Hydrant Rental
2. That the approximate amount for each purpose is as follows:
  - (a) Street Maintenance and Repairs, \$12,305.00 for each fiscal year, for a period of three years.

### Section 7.3 Penalties

Any person who fails to comply with any or all of the requirements or provisions of this ordinance or direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the \* City of Nitro of not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00) plus costs of prosecution. In default of such payment such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this Ordinance may be declared by the \*\* Council to be a public nuisance and abatable as such.

## ARTICLE VIII - SEVERABILITY AND MUNICIPAL LIABILITY

### Section 8.1 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

### Section 8.2 Municipal Liability

The granting of a permit or approval of a subdivision or development plan in an identified flood-prone area, shall not constitute a representation guarantee, or warranty of any kind by the \* City of Nitro or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the \* City of Nitro its officials or employees.

ARTICLE IX - ENACTMENT

ENACTED AND ORDAINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1982

\*\* \_\_\_\_\_ OF THE\* \_\_\_\_\_  
\_\_\_\_\_ COUNTY \_\_\_\_\_

After the reading of the ordinance, Mayor Ashley asked for a vote on the first ~~reading~~ <sup>reading</sup> of the flood insurance ordinance. The vote was taken and was unanimous and so ordered.

AGENDA ITEM NO. 3 - FIRST READING OF REZONING ORDINANCE:  
The first reading of the ordinance for rezoning of Nitro was read by City Recorder Santrock and is as follows:

## COUNCIL MEETING MINUTES

CITY OF NITRO

April 20, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in the Council Chambers on April 20, 1982 at 8:00 p.m. Present were City Recorder John F. Santrock, Councilwoman at Large Mary Trout, Councilman at Large Rusty Casto, Councilman at Large Mel Pennington, Councilman Jack Moon, Councilman Ronald King and Councilman Omar Cunningham. Also present were City Treasurer Michael E. Greenleaf and Attorney Franklin L. Gritt of the City Attorney's office. Absent was Councilman Joe Savilla. In attendance were Judge Peggy Workman and Attorney James Humphreys.

The invocation was given by Fire Chief E. W. Hedrick.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 6, 1982 COUNCIL MEETING MINUTES: Councilwoman at Large Trout moved to accept the minutes of the April 6, 1982 Council meeting as written. The motion was properly seconded and the vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - SECOND READING OF NATIONAL FLOOD PLAIN INSURANCE, FEDERAL EMERGENCY MANAGEMENT AGENCY: City Recorder Santrock requested one change in this ordinance. Article IV, Section 4.1, to replace Federal Insurance Agency with Federal Emergency Management Agency. Councilman at Large Pennington moved to dispense with the second reading and that the ordinance be passed with the above change properly seconded. The motion passed unanimously and was so ordered.

The ordinance is as follows: ORDINANCE NO. 02-2

AN ORDINANCE ESTABLISHING A FLOOD PLAIN DISTRICT AND REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR THE CONSTRUCTION, SUBSTANTIAL IMPROVEMENT OR RELOCATION OF ANY BUILDING OR STRUCTURE; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR CONSTRUCTION WITHIN THE FLOOD PLAIN DISTRICT AND SETTING FORTH SPECIAL PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED by the \* CITY OF NITRO,  
MANAWHA & PUTNAM County, W. VA. as follows:

SHORT PROVISION.

## Section 1.1 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health and safety by protecting water supply, sanitary sewage disposal and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing the unwise design and construction of development in areas subject to flooding.

## Section 1.2 Abrogation and Greater Restrictions

This Ordinance supersedes any ordinances currently in effect in flood prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are non-restrictive.

## Section 1.3 Applicability

Provisions of all other codes, ordinances, and regulations shall be applicable insofar as they are consistent with the provisions of this Ordinance and the municipality's and/or county's need to minimize the hazards and damage resulting from flooding.

ARTICLE II - DEFINITIONSBase Flood

The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this Ordinance, the one-hundred (100) year flood.

Base Flood Elevation

The 100 year flood elevation. Within the Approximated Flood Plain the Base Flood Elevation shall be established as a point on the boundary of the Approximated Flood Plain which is nearest to the construction site in question.

Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

\* Name of Municipality

\*\* Name of Legislative Body

Sgt. Johnson - # 204  
 Ptl. Angell - # 213

STATION 1

173

KDP-441

DATE 4-11/12-82  
 Pansy

TIME	TO CAR	FROM CAR	SIGNAL	11:00PM MESSAGE 7:00AM	OPER.
11:16PM		210/16	10-19	Kan. Co. Home for juveniles & KK Jail	PA
11:17PM	213		S-7	Corner of 32nd & 1st Ave. Keeping people up	PA
11:17PM		204	10-7	Car #2 deadline	PA
11:20PM		204	10-8	City	PA
11:22PM		213	10-6	32nd & 1st Ave. Ref.	PA
11:25PM		213	10-8	Checked area & surrounding areas 10-13	
				in locating disturbance	PA
11:26PM		210/16	10-6	Co. Home for juveniles	PA
11:42PM		210/16	10-8	From Co. Home to KC Night Ct.	PA
11:48PM		210/16	S-14	Notify Chas. PD S-9 5P6377 Blue Ford Mustang	
				on Kan. Blvd. turning by Sears going up	
				Virginia St. & turning off Hale - going in	
				parking lot across from Roaring 20's,	PA
12:00AM			10-11	Carol off duty	PA
12:00AM		210/16	10-8	Chas. Unit Arrive	PA
12:04AM	213/04		S-23	Bob Skiles 755-8803 accused 3 females	
				broken in Game Room beside Party Shop	
				He discovered them & they ran	PA
12:04AM		213/04	10-19	Game Room	PA
12:05AM		213/04	10-6	Area	PA
12:07AM			14	Contacted Mr. He for phone # Fatty	PA
12:08AM			S-1	PS Fatty wasn't home - Asked wife to have	
				PS Nitro PD when he got home (755-9485)	PA
12:15AM		213	10-6	Ma (looking for Karnes)	PA
12:21AM		204	10-50	Lums - 4 Lane 3 occ, 9Y2482	PA
12:22AM		204	10-8	10-13 on subjs.	PA
12:32AM		213	10-8	10-18 with 1 10-31A (Rt. 25) 88277.2	PA
12:34AM		213	10-6	Sta. with 1 10-15 (10-31A)	PA
12:37AM		213	S-14	Read rights to Karnes, Regina	PA
12:51AM		213	10-6	Mrs. Karnes in sta. talking with #213.	PA
12:54AM			S-14	Called Fatty's Res. again - Ms. hung up	PA
12:59AM		210/16	10-8	10-19 - Nitro	PA
1:03AM		204	10-7	Station	PA
1:05AM		245	S-14	2 Females Game Room trying to secure door	PA
1:24AM		210/16	10-7	Station	PA
1:29AM		204	10-6	Fatty in sta. talking with #204	PA

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Upon the motion of City Recorder Santrock, properly seconded and unanimously approved, the following were approved as lifeguards for the summer program of 1982.

Melanne Pennington  
 Lisa O'Dell  
 Mark Galloway  
 Risa Withrow  
 Leigh Ann Shell  
 Alan Miller Estep  
 Christine Hoptry  
 Catherine Hoptry  
 Stephane Trout  
 Perry Estep  
 Melori Pennington

\*\* Melanne Pennington to serve as head lifeguard.

Mayor Ashley discussed the proposal of YMCA relative to the use of the pool from nine a.m. to eleven a.m., beginning June 14, 1982 and concluding August 20, 1982. It was stated that the proposal must be approved by the YMCA Board.

Councilman at Large Pennington moved for the approval of the YMCA proposal. The motion was properly seconded and the vote was unanimous and so ordered.

#### PROPOSAL TO CITY OF NITRO

#### 1982 SWIMMING POOL OPERATION

Following discussions between officials of the YMCA and the City of Nitro, the following recommendations are made for swimming:

#### SWIM INSTRUCTION

We propose that 5 sessions of swim instruction be given for beginners, advanced beginners, intermediate and swimmers. Class sessions would consist of 8 lessons over a two-week period, allowing for possible bad weather. Sessions would be 35 minutes long with three classes being held in each session at 9:00, 9:40 and 10:20 A.M. The 5 sessions would be:

Session 1	June 14 - June 25
Session 2	June 28 - July 9
Session 3	July 10 - July 23
Session 4	July 26 - August 6
Session 5	August 9 - August 20

**YMCA**  
 3401½ First Avenue  
 Nitro, W. Va. 25143  
 Phone 304-755-0751

Classes would be lead by certified, well-qualified swim instructors on a ratio of at least one instructor for each 6 students. The class would include "take-home" reports to the parents...and an explanation of what is taking place. The session will end with a parent-involved event to commemorate the skills achieved. Suitable recognition will be given to all participants and special recognition to those who complete the various level requirements.

All expenses have been considered, including paying for a pool staff person to open the pool each morning, etc. No costs have been considered for pool payments. For this first year, the YMCA would charge pool members \$10 for lessons and \$15 for non-pool members. (These prices are still subject to YMCA Board consideration and approval.)

#### SCUBA INSTRUCTION

YMCA training and certification for Scuba (Self-Contained Underwater Breathing Apparatus) is recognized as the finest in the field. We have made arrangements with instructors to provide this program.

Scuba instruction requires 36 hours of instruction; half is in the water, half is in a classroom situation. This can be done in 9 4-hour classes or 18 2-hour classes. The pool time could be done after the regular hours at the Nitro pool or Sunday times. Session-concluding dives will be made in actual waters such as the river.

The class requirement is 15 students. Since the city is concerned for getting certified persons as a part of the emergency service staff, they should select the best time for themselves, then the class could be opened for interested citizens. Students would have to provide their own masks, snorkles and fins; all other equipment and publications will be provided. The cost will be approximately \$150.

#### SWIM TEAM

Due to lack of pool controls and time, we recommend no team in 1982. Mayor Ashley presented a proposal from John Boys, a local fast food distributor, to operate the concession stand the the Nitro Swimming Pool for the swimming session at the pool for 1982. Several questions were asked by members of Council concerning past experiences and possible future expectations under this contract. Counselor Gritt stated that the contract was slightly different from John Boys.

Councilman at Large Pennington moved for the acceptance of John Boys proposal. The motion was properly seconded. A vote was taken and was unanimous and so ordered.

The contract is as follows:

AGENDA ITEM NO. 2 of CITIZENS OF FULTON, Mayor Ashley stated that these rules and regulations were comprised by the Chiefs of the Fire and Police Departments and the City Attorney, who in turn came back with this combined document and reedited it.

After discussion on the actual definition of "Emergency Services" Councilman Savilla moved to table the resolution until the next Council meeting so all Council members have a chance to read the regulations more carefully. The motion was seconded. The vote to table the resolution until the next Council meeting was unanimous.

After the vote, Mayor Ashley asked the Council to consider that the Fire Chief and the Police Chief had spent a great deal of time and effort compiling the rules and regulations and if anyone finds anything in the document of concern, to please notify either of them, or a city official, to let them know where the areas of concern are before the start of the next Council meeting.

By way of announcement, Mayor Ashley pointed out the copy of the plans of the City Street Paving Project. He asked that we set aside the question on the paving project until the next Council meeting.

Councilman at Large Casto brought up the fact of the condition of the bleachers at the City Park. Councilman Cunningham stated that he had planned to approach Monsanto for two by twelves and some two by fours, and that he should know something by Friday or next Monday.

Councilman at Large Casto complimented the City on the clean-up and fix-up of the City Park.

Mayor Ashley stated that he was pleased to announce that some progress has been made on the possibility of having an ambulance location here in the City. He stated that through the efforts of Fire Chief E. W. Hedrick there may be an agreement with Cooke & Pauley Funeral Home for an ambulance location. He stated that the location is the first problem and if that can be arranged then we can go from there with the County Commission.

By way of announcement for the City Council, Mayor Ashley stated that the City has approved, in the next year's budget, the purchase of a new police cruiser. The Mayor shared problems we are having with the present cruisers, particularly the Buick carburetor. He stated that the cost of a new carburetor is approximately six hundred dollars and is not carried by dealers or parts stores, making for a long down time. The Mayor further stated that we should look closely at our experiences before making future purchases.

announced that this month's citizen of the month for the month of May, 1982, is Mr. Bill Withrow, who was the director of the distance run at the Spring Festival. The Mayor stated that Mr. Withrow did a fantastic job and has received many compliments for his splendid work.

Councilman Cunningham asked Mayor Ashley if any progress has been made on the location of the fire hydrants. Mayor Ashley stated that he had not heard anything, but asked Chief Hedrick to touch bases with the Water Company and get a price on the three locations and distribute that to Council.

Councilman King, at this point, moved to adjourn the meeting. The motion was seconded. The vote was unanimous and so ordered.

At 9:01 p.m. the meeting was adjourned.

Arden D. Ashley, Mayor

John F. Santrock, City Recorder

## COUNCIL MEETING MINUTES

CITY OF NITRO

May 18, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in the Council Chambers on May 18, 1982 at 8:00 p.m. Present were City Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Mel Pennington, Councilman Joe Savilla, Councilman Ronald King and Councilman Jack Moon. Absent was Councilman Omar Cunningham. Also present were City Treasurer Michael E. Greenleaf and Franklin L. Gritt of the City Attorney's office.

The invocation was given by Fire Chief E. W. Hedrick.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 4, 1982 COUNCIL MEETING MINUTES: Councilman Savilla moved to accept the minutes of the May 4, 1982 Council meeting as written. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - SECOND READING OF ORDINANCE 82-3 - POOL RATES: City Recorder Santrock read the ordinance proposing the 1982 swimming pool rates. Councilwoman at Large Trout moved to dispense with the reading of the entire document. The motion was seconded.

At this time Councilman Savilla moved that Council accept the second reading of the ordinance proposing the 1982 pool rates. The motion was seconded. The vote was unanimous and so ordered.

The ordinance is as follows:

## ORDINANCE 82-3

## SWIMMING POOL RATES 1982

Sec. 19-6 Admission Charges to City Swimming Pool Facilities States:

"The charges for admission to the City Swimming Pool facilities shall be as from time to time established by the City Council by Ordinance."

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, THAT THE SWIMMING POOL RATES FOR 1982 BE:

Non-resident

\$ 120.00\*

60.00

y. A \$10.00 fee for  
pass.Non-resident

\$ 4.00

3.00

2.00

2.00

Daily & Saturday  
day

.m.

for the first time at the  
City of Nitro on the 4th  
a regular meeting on the

---

 Ashley, Mayor

---

 F. Santrock, Recorder

AGENDA ITEM NO. 3 - RESOLUTION ADOPTING RULES AND REGULATIONS FOR CITY SERVICES: The City Recorder presented the rules and regulations for City services for discussion. Councilman Savilla stated that he suggested that the name of the rules and regulations document should read, "Rules and Regulations. City of Nitro. Police and Fire Department Personnel and Administration."

Councilman Savilla moved to accept the rules and regulations with the amended title and expected changes in grammatics when typed in final form. The motion was seconded. The vote was unanimous and so ordered.

The resolution governing the rules and regulations is as follows:





unanimous and so ordered.

Councilman Savilla moved that the City and City Council write a letter to S & S Engineers thanking them for their time and effort put into this project to get it to us in time. The motion was seconded. The vote was unanimously ordered.

AGENDA ITEM NO. 8 - RESOLUTION 82-5. A RESOLUTION TO ENABLE MAYOR ARDEN ASHLEY TO SEEK FUNDING FROM THE GOVERNOR'S OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT FOR THE CONSTRUCTION OF A NEW SEWER LINE TO REPLACE THE CURRENT ARMOUR CREEK SEWER MAIN: City Recorder Santrock pointed out the proposal drawn up by City Treasurer Greenleaf for Mayor Ashley to seek funding from the Governor's office for the repair of the Armour Creek sewer main. It was the original intent that the rate increase on the sanitation bills would provide some of the local shares; however, with the prior funding arena as it was the Environmental Protection Agency participated at a much greater level than the Community Development money. The City has to participate with this application with twenty-five percent.

The question was asked by Councilman at Large Pennington if there is a certain amount of money set aside for this project. City Treasurer Greenleaf stated that there is a reserve fund for this purpose, but that this alone is not enough. This money is invested in the State Investment Pool.

At this point Councilman Savilla moved to adopt the above-mentioned resolution. The motion was seconded. The vote was unanimously ordered.

The resolution is as follows:



AGENDA ITEM NO. 8 - COST OF FIRE HYDRANTS: Mayor Ashley reported on the cost data compiled by Fire Chief Hedrick on the fire hydrants at three locations at the request of Council. He stated that he did not have the exact amounts at the time. He also stated that the three locations were 18th Street Hill, Broadway Garden Apartments and the 700 block of Kanawha Avenue, South.

Councilman Savilla made a motion to table this item until the next Council meeting due to the absense of the exact figures of the cost. The motion was seconded. The vote was unanimous and so ordered.

COMMITTEE REPORTS

Councilman at Large Casto reported on Nitro Night with the Charleston Charlies. He stated that the Charlies are interested in a Nitro Night with the Charlies next year and made the motion that he be in charge of the plans again in May of next year. The motion was seconded. The vote was unanimous and so ordered.

City Recorder Santrock thanked all those involved in the City tennis tournament and reported on the success of the weekend tournament.

Mayor Ashley congratulated the new principal for Nitro-Putnam Elementary, Addie Tinch.

Councilman at Large West thanked those who played on the softball team for the game with the Killer Vs.

Mayor Ashley reported that the City had extended an invitation to Chairman of the Joint Chiefs of Staff, General Myer, for the City's Veteran's Day celebration on November 11, 1982, who unfortunately will not be able to attend, but is sending Mayor-General George Morine as his designated representative.

There being no other business, Councilman King moved to adjourn the meeting. The motion was seconded. The vote was unanimous and so ordered.

At 8:30 p.m. the meeting was adjourned.

Arden D. Ashley, Mayor

John F. Santrock, City Recorder

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shall be liable for any officer or employee of the City who or she offers to purchase any supplies, materials, equipment or contracts for services for on behalf of the City in violation of any provision of this article; and any person convicted of any such violation shall be personally liable for any fine and imprisonment to any fine and imprisonment that may be adjudged against him, and the City shall be absolved of any and all liability for any such purchases or offer to purchase.

~~John D. Ashley, Mayor~~

John F. Santrock, City Recorder

On the reading of Ordinance 32-8, Councilman King moved to accept the ordinance as written. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 4 - SECOND READING OF ORDINANCE RELATING TO POSSESSION OF BEER OR INTOXICATING BEVERAGES: Mayor Ashley called upon City Recorder Santrock to introduce the second reading of the ordinance relating to the possession of beer or intoxicating beverages.

City Recorder Santrock introduced for its second reading, the following ordinance:

## ORDINANCE 82-9

AN ORDINANCE TO AMEND AND REENACT CHAPTER 3, ARTICLE 1  
OF THE CITY CODE OF THE CITY OF NITRO, SAID AMENDMENT  
RELATING TO THE POSSESSION OF BEER OR INTOXICATING BEVERAGES

BE IT ORDAINED by the City Council of the City of Nitro, Chapter 3, Article 1 of the City Code of the City of Nitro is hereby amended and reenacted to read as follows.

Section 3-4. Conduct upon streets, sidewalks and recreational areas: Possession of beer or intoxicating beverages, thereon prohibited

(a) No person on any sidewalk or street shall conduct himself in a manner annoying to persons passing by or occupants or residents of adjoining buildings. No person shall carry or possess any unsealed container, or partially filled container, of non-intoxicating beer or intoxicating beverage upon any sidewalk, street, playgrounds, recreational facilities, or parking lots within the City of Nitro except when specifically permitted by the City of Nitro during an organized activity.

(b) Any person violating Subsection (a) shall be guilty of a misdemeanor and upon conviction thereof fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

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Arden D. Ashley, Mayor

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John F. Santrock, City Recorder

## COUNCIL MEETING MINUTES

## CITY OF NITRO

October 19, 1982

The regular meeting of the Nitro City Council was called to order by Mayor Art Ashley in Council Chambers on October 19, 1982 at 7:30 p.m. Present were Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Steve West, Councilman Joe Savilla, Councilman Ronald King, Councilman Omar Cunningham and Councilman Jack Moon. Absent was City Recorder John Santrock. Also present were City Treasurer Michael E. Greenleaf and City Attorney Franklin L. Gritt, Jr.

The invocation was given by The Reverend William Westlund, of the First Presbyterian Church in Nitro.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 5, 1982 COUNCIL MEETING MINUTES: Councilman at Large West pointed out the correction on Page 344, Paragraph 3, Line 2, of "Board of Directors approval", as opposed to "Board of Approval".

Also pointed out was a correction to be made on Page 339, Paragraph 4, Line 2, changing "September 15, 1982" to "November 15, 1982".

There being no further corrections, Councilman King moved to approve the October 19, 1982 Council meeting minutes as amended. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 2 - REQUEST FROM WV CITIZEN ACTION GROUP TO SOLICIT SUPPORT WITHIN THE NITRO CITY LIMITS FROM OCTOBER 20TH TO NOVEMBER 10TH: Mayor Ashley pointed out the information from the West Virginia Citizen's Action Group requesting permission to solicit support within the City limits from October 20th to November 10th. The request being comparable to the request made last year, which was approved.

Councilman at Large Casto moved to accept the request of the West Virginia Citizen's Action Group for such action. The motion was seconded. The vote was unanimous and so ordered.

AGENDA ITEM NO. 3 - PRESENTATION OF NITRO FLAG TO MOOSE CLUB: Mayor Ashley called upon Councilman Cunningham to present the Nitro City Flag to the Governor and First-Vice Chairman of the Moose Legionnaires, as per the request of the Loyal Order of the Moose. He stated that this is a project of the Moose Legionnaires, who are very active in all civic benefits in the City.

AGENDA ITEM NO. 4 - AMBULANCE HEADQUARTERS: Mayor Ashley called upon Councilman Moon, Nitro's member of the Ambulance Authority Board of Directors, to give a report of the events of the last Ambulance Authority Board meeting. Councilman Moon congratulated Mayor Ashley on the speech he gave at the meeting as to how the City of Nitro was prepared to accept the ambulance in Nitro and the great need of the City of have an ambulance. Councilman Moon stated that he felt that the Ambulance Authority was totally behind the City and that they see us as doing nothing but progressing, and they realize that the City does need the ambulance service.

Councilman at Large Casto stated that he received a call from a citizen addressing the promise of an ambulance service as a means of passing the levy. The Mayor stated that there has been a ceaseless effort, not only on his part, but on the part of many of people, to have the ambulance location site restored to the City of Nitro. He stated that there have been some near attempts to have the Ambulance Authority publicly consider that question in the past, but it just did not have the support necessary.

The Mayor stated that it is not because of the levy that this decision was made by the Ambulance Authority prior to election day. It is understood that if that levy does not pass, the Ambulance Authority may not have the funds to maintain an operational station here in the City. But on the other hand, Commissioner Al Shepard worked very hard to try and get this decision brought to a public vote before he left office, so it was intentional that we tried to get the question asked prior to the election, primarily because Commissioner Shepard wanted to be a part of having that ambulance service brought to our City.

Councilman Moon stated further that the Authority operates as an independent authority and they will not vote to approve something they will not support. If the levy vote fails, the Authority will not be in operation much longer throughout the whole County. Consequently, a promise to give the City an ambulance would not be consummated because the funds will not be there. By that point in time, that ambulance will be here, but the levy has to pass or the Authority will not be able to honor their commitment if they are no longer in business.

Mayor Ashley stated that relative to the proposal and the approval by the Kanawha County Emergency Ambulance Authority, part of the program includes our providing a site. City Treasurer Greenleaf pointed out to Council the proposed changes in the garage area and a passageway between City Hall and the Fire Department. He further stated that the work would take an approximate ten thousand dollars to complete.

The Mayor suggested that a committee be formed to operate within a framework of that suggested ten thousand dollars. He suggested that City Treasurer Greenleaf chair a committee for such purpose. Also suggested was that Councilman Cunningham and Councilman King serve on such a committee.



(14) With the advice and consent of the City Council, such Commission shall be empowered to adopt and execute Budget.

SECTION 11 - LANDMARK AGREEMENTS WITH PROPERTY OWNERS

Whenever the Commission, with the consent of the property owner, certified property as being a registered landmark, it may seek and obtain from such property owner an agreement as to such restrictions upon the use of the property as the Commission finds are reasonable and are calculated to perpetuate and preserve the features which led it to designate such property as an historical landmark. All such agreements between such Commission and the property owner shall be in writing, and when duly signed and acknowledged, shall be recorded in the office of the clerk of the County Commission of the county wherein such landmark is located.

SECTION 12 - NOTICE TO COUNTY ASSESSOR

When the Commission establishes an historic district, it shall notify the county assessor of the county in which such district or any part thereof is located of the fact of such establishment and the boundaries of the district, together with the restrictions which are applicable to the properties located in such district which have been mutually agreed upon by such Commission and the owners of property within such district. The agreement shall be recorded in the same manner as the recordation of agreements between the Commission and owners of designated landmarks entered into pursuant to the provisions of Section 11 of this Article.

SECTION 13 - COOPERATION WITH STATE AGENCIES

The Commission shall cooperate and coordinate its activities with the West Virginia historical society and the West Virginia Department of Culture and History, with the view of developing a unified program for the identification, study, preservation and protection of all historic buildings, structures and sites in this State.

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Arden D. Ashley, Mayor

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John F. Santrock, City Recorder

After the reading and brief discussion, Councilman Savilla moved to adopt the first reading of the ordinance creating a World War I Memorial Commission for the purpose of promoting the ideals and goals of the Commission.

COMMITTEE REPORTS

Mayor Ashley reviewed the parade and parade route, and schedule of events for the Veteran's Day and the World War I Memorial Park dedication, both at the Park and at City Hall.

Councilman Savilla stated that inquiries were received from only two companies on the printing of the "Sell Nitro" brochure, and that Charles Ryan Associates were the only company that sent in prices for such a brochure.

Councilman Savilla moved that Council employ Charles Ryan Associates for the purpose of putting together the brochure to "Sell Nitro" to businesses, residents, et cetera. The motion was seconded. The vote was unanimous and so ordered, with Councilman King abstaining.

Councilman Savilla stated that thanks to the Nitro City Council and City merchants the City of Nitro will have three Vietnam Veterans going to Washington D. C. for the Veteran's Day dedication ceremony. Those individuals are as follows: Clayton Gene Grant, Mike Dunlap and Gary Mathes.

Councilman Moon moved for approval of Councilman Savilla's plan and request. The motion was seconded. The vote was unanimous and so ordered.

Councilman Moon, at this time, extended his thanks to all those persons who votes for the levy approving the Kanawha County Ambulance Authority funding.

At this point, Councilman King moved for the adjournment of the Council meeting. The motion was seconded. The vote was unanimously ordered.

At 9:19 p.m. the meeting was adjourned.

John F. Santrock, City Recorder

Arden D. Ashley, Mayor

## ORDINANCE 82-10

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AN ORDINANCE CREATING THE WORLD WAR  
I MEMORIAL COMMISSION, A MUNICIPAL  
HISTORIC LANDMARKS COMMISSION

*Filed in Ord. Book*

SECTION 1 - ESTABLISHMENT OF THE COMMISSION  
GOALS OF THE COMMISSION

There is hereby created the World War I Memorial Commission, a municipal historic landmarks commission, as provided for in the West Virginia Code, Section 8-26A-1 et. seq., hereinafter referred to as Commission.

The express goal of the Commission shall be to ensure the preservation and maintenance of municipal landmarks hereinafter identified. Such preservation and maintenance of landmarks shall be for the purpose of causing the City to be forever recognized as a Living Memorial to World War I.

SECTION 2 - MEMBERSHIP

The Commission shall consist of ten (10) members, three of which shall be appointed by the Mayor. The Governor of the State of West Virginia shall appoint one member, each West Virginia Senator shall appoint one member, the Congressman from the 3rd District of West Virginia shall appoint one member, the governing boards of the Veterans of Foreign Wars and the American Legion shall appoint one member each, and the Commanding General of the U. S. Army Archives shall appoint one member. The members of such Commission shall serve without pay for three (3) year terms. Expirations to be scheduled over three, three and four per year alternately.

SECTION 3 - VACANCIES

When any vacancy occurs, due to any reason, the Mayor shall thereupon appoint the absent member's successor who shall serve the remaining unexpired portion of the absent member's term.

SECTION 4 - REIMBURSEMENT FOR EXPENSES

The member of the Commission shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties.

SECTION 5 - OFFICERS

The officers of the Commission shall be President, Vice-President, Secretary and Treasurer; said officers being elected by majority vote of the membership thereof. An elected officer shall hold said position until the expiration of his term. If

property owners, inspect such properties from time to time and publish a register thereof from time to time setting forth appropriate information concerning the registered buildings, structures and sites.

(3) With the consent of the property owners, certify and mark with appropriately designed markers, buildings, structures and sites which it has registered.

(4) Establish standards for the care and management of certified landmarks and withdraw such certification for failure to maintain the standards so prescribed.

(5) Acquire by purchase, gift, or lease, and administer registered landmarks and easements and interests therein, both real and personal.

(6) Lease or sell property so acquired under the terms and conditions designed to insure the proper preservation of the landmark in question.

(7) Establish historic districts for registered landmarks, utilizing the same guidelines set forth in Subdivision (1) above, and designate the area thereof by appropriate markers.

(8) Identify historical districts for registered landmarks and aid and encourage the municipality or county in which the district or landmark is located to adopt rules and regulations for the preservation of historical or architectural values.

(9) Prepare and place historical markers on or along the highway or street closest to the location which is intended to be identified by such marker.

(10) Seek the advice and assistance of individuals, groups, departments and agencies of government who or which are conducting historical preservation programs and coordinate the same insofar as possible.

(11) Seek and accept gifts, bequests, endowments and funds from any and all sources for the accomplishment of the functions of the Commission.

(12) Adopt rules and regulations concerning the operation of the Commission, the functions and responsibilities of its officers, employees, assistants and other personnel and such other matters as may be necessary to carry out the purposes of this ordinance.

(13) Adopt such other rules and regulations as may be deemed necessary to effectuate the purposes of this ordinance, but no such rules and regulations shall be inconsistent with the provisions of this ordinance or with any plan of the Planning Commission of such municipality or county wherein the landmark is located.

ORDINANCE 82-10

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85AN ORDINANCE CREATING THE WORLD WAR  
I MEMORIAL COMMISSION, A MUNICIPAL  
HISTORIC LANDMARKS COMMISSION.SECTION 1 - ESTABLISHMENT OF THE COMMISSION  
GOALS OF THE COMMISSION

There is hereby created the World War I Memorial Commission, a municipal historic landmarks commission, as provided for in the West Virginia Code, Section 8-26A-1 et. seq., hereinafter referred to as Commission.

The express goal of the Commission shall be to ensure the preservation and maintenance of municipal landmarks hereinafter identified. Such preservation and maintenance of landmarks shall be for the purpose of causing the City to be forever recognized as a Living Memorial to World War I.

SECTION 2 - MEMBERSHIP

The Commission shall consist of the Mayor and nine (9) members, which shall be appointed by the Mayor, subject to the advise and consent of Council. The members of such Commission shall serve without pay for three (3) year terms. Expirations to be scheduled over three, three and four per year alternately.

SECTION 3 - VACANCIES

When any vacancy occurs, due to any reason, the Mayor shall thereupon appoint the absent member's successor who shall serve the remaining unexpired portion of the absent member's term.

SECTION 4 - REIMBURSEMENT FOR EXPENSES

The member of the Commission shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties.

SECTION 5 - OFFICERS

The officers of the Commission shall be President, Vice-President, Secretary and Treasurer; said officers being elected by majority vote of the membership thereof. An elected officer shall hold said position until the expiration of his term. If any vacancy occurs in any office, a successor shall be elected by the membership, including the succeeding member that replaces the absent member. The City Treasurer shall be the ex-officio Treasurer of the Commission.

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(1) With the aid of the property owner, certify and mark with appropriately placed markers, buildings, structures and other landmarks which it is designated.

(2) Establish a fund for the care and management of landmarks and withdraw such certification for failure to maintain the standards so prescribed.

(3) Acquire by purchase, gift, or lease and administer landmarks and easements and interests therein, both public and private.

(4) Preserve all property so acquired under the terms and conditions designed to insure the proper preservation of the landmarks in question.

(5) Establish historic districts for registered landmarks, and enforce the standards set forth in Subdivision (1) above, and enforce the same hereof by appropriate markers.

(6) Certify historical districts for registered landmarks and encourage the municipality or county in which the landmark is located to adopt rules and regulations for the preservation of landmarks of historical or architectural values.

(7) Establish historical markers on or along the route of travel to a location which is intended to be preserved.

(8) Establish a fund in aid of individuals, groups, organizations, or government who or which are engaged in preservation programs and coordinate the same.

(9) Accept gifts, bequests, endowments and funds for the accomplishment of the functions herein provided.

(10) Establish and regulations concerning the operation of the fund, the functions and responsibilities of its officers, assistants and other personnel and such other matters as may be necessary to carry out the purposes of this ordinance.

(11) Adopt other rules and regulations as may be deemed necessary for the purposes of this ordinance, but no such rules and regulations shall be inconsistent with the provisions of this ordinance or with any plan of the Planning Commission of the city or county wherein the landmark is located.

(12) With the consent of the City Council, such officers and employees to adopt and execute a Budget.

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