



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER


NOTICE OF SPECIAL MEETING OF THE COUNCIL
OF THE CITY OF NITRO, NITRO, WEST VIRGINIA

PLEASE TAKE NOTICE that a special meeting of the City Council of the City of Nitro will be held on the 20th day of February, 1984, at 7:30 p.m., in the council chambers, City Hall, Nitro, West Virginia.

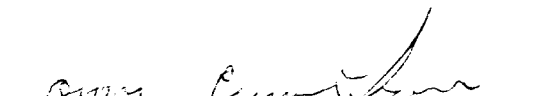
AGENDA:


1. City Insurance Proposal Evaluation


Signed this the 15th day of February, 1984


RUSTY CASTO, COUNCILMAN AT LARGE

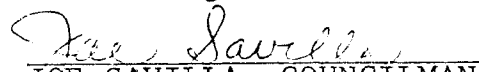

STEVEN WEST, COUNCILMAN AT LARGE
6.p.m.

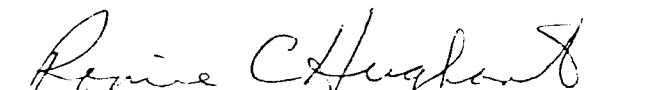

OMAR CUNNINGHAM, COUNCILMAN

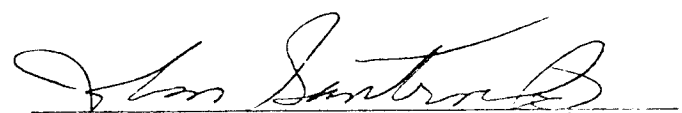

JIM HUTCHINSON, COUNCILMAN


Arden Ashley, Mayor


MARY TROUT, COUNCILWOMAN AT LARGE


JOE SAVILLA, COUNCILMAN


ROMIE HUGHART, COUNCILMAN


JOHN SANTROCK, CITY RECORDER

SPECIAL COUNCIL MEETING MINUTES

CITY OF NITRO

FEBRUARY 20, 1984

A special meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in the City Hall Reception Room. The purpose of this special meeting was to consider "City Insurance Proposal Evaluation". Present were City Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Omar Cunningham and Councilman James Hutchinson. Also in attendance were City Treasurer Mike Greenleaf and City Attorney Phillip Gaujot. Absent was Councilman at Large Steve West.

Mayor Ashley detailed there was on the agenda for this special meeting only one item to be considered. "City Insurance".

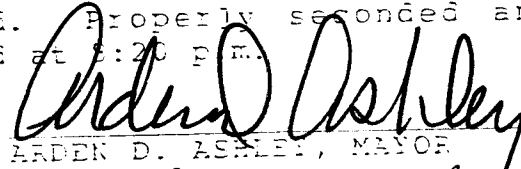
Recorder John Santrock and City Treasurer Michael Greenleaf discussed bid specifications, advertising, bid options and shared with Council results of the three companies submitting bids. Companies submitting bids were: Universal, Commercial and McDonough Caperton. McDonough Caperton did not include bid for category Boiler.

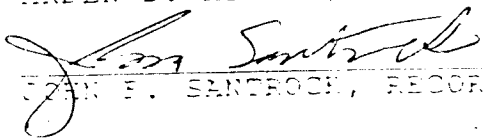
Analysis of insurance bids as presented by agents on bid sheets indicated Universal bidding \$29,829. and Commercial Insurance \$23,198. Councilman A. A. "Joe" Savilla moved to accept the low bid. This motion died in lack of a second. Councilman Romie Hughart moved to hear discussions on the bids as submitted. Properly seconded and approved unanimously by voice vote.

Both agencies were represented and each made satisfactory explanations of their bids. At one point in the discussion, Mayor Ashley declared a 5 minute recess (7:55 p.m.) to permit the agents to discuss with our Council Phillip Gaujot exclusion statements. Reconvened at 8:00 p.m.

Marvin Warren representing Universal and Al McVey representing Commercial Insurance made final comments to Council.

Councilman A. A. "Joe" Savilla moved that Council accept the low bid of Commercial Insurance of \$23,198. as submitted including options indicated. Properly seconded and passed unanimously. Meeting adjourned at 8:20 p.m.


 ARDEN D. ASHLEY, MAYOR


 JOHN F. SANTROCK, RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

FEBRUARY 21, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Joe Savilla, Councilman Romie Hughart, Councilman Omar Cunningham and Councilman Jim Hutchinson. Also present were City Treasurer Michael E. Greenleaf and City Attorney Phillip D. Gaujot. Absent was Councilman at Large Steve West.

The invocation was given by Dr. Charles Byrd.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 7, 1984 COUNCIL MEETING MINUTES: Councilman at Large Rusty Casto moved that the February 7, 1984 Council meeting minutes be approved as written. The motion was seconded. The motion passed unanimously and was so ordered.

AGENDA ITEM NO. 2 - APPROVAL OF FEBRUARY 20, 1984 SPECIAL COUNCIL MEETING MINUTES - Councilman Jim Hutchinson moved that the February 20, 1984 special Council meeting be approved as written. The motion was seconded. The motion passed unanimously and was so ordered.

AGENDA ITEM NO. 3 - PROCLAMATION RECOGNIZING NATIONAL YOUTH ART MONTH - Mayor Ashley introduced the above proclamation and Councilman A. A. "Joe" Savilla read the proclamation to Council. Councilman at Large moved for its passage. The motion was properly seconded and approved unanimously by voice vote.

PROCLAMATION AS FOLLOWS:

WHEREAS, YOUTH ART MONTH has been observed nationally since 1961 and has gained wide acceptance and

WHEREAS, children are our most priceless asset, and

WHEREAS, childhood is the time to develop interests, skills and aptitudes that will last a lifetime, and

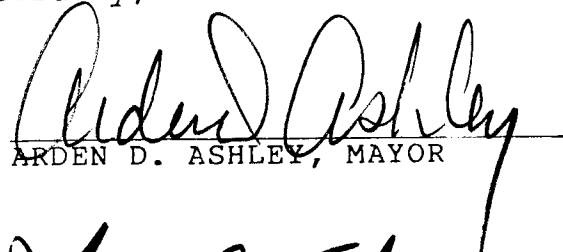
WHEREAS, the importance of art in education is recognized as being necessary for the full development of all children:

NOW THEREFORE, it is proclaimed that each March be observed as YOUTH ART MONTH.

All Citizens are urged to become interested in and give full support to quality school art programs for children and youth.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Nitro declare March, 1984 as YOUTH ART MONTH.

Passed this the 21st day of February, 1984.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, CITY RECORDER

AGENDA ITEM NO. 4 - REQUEST FROM MULTIPLE SCLEROSIS SOCIETY TO CONDUCT DOOR-TO-DOOR CAMPAIGN FOR FUNDS MARCH 24TH AND 25TH, 1984 - Mayor Ashley introduced the request from National Multiple Sclerosis Society for door-to-door campaign for funds in Nitro. Councilman A. A. "Joe" Savilla moved for its passage. The motion was seconded. There being no discussion on the matter, the vote was taken and passed unanimously.

COMMITTEE REPORTS

Dr. Charles R. Byrd, Chairman of the Nitro Planning Commission presented request to Council for the rezoning of Frederick St., Zoning of Par Industrial Park and Zoning of Lakeside Subdivision. City Recorder John F. Santrock moved that we accept the report of February 20, 1984 as final report from the Planning Commission and we adopt the proposed schedule for advertising and consideration at public hearings with Council. The motion was properly seconded and vote taken and passed unanimously.

Copy of letter as follows:

TO: CITY COUNCIL
CITY OF NITRO C/O JOHN SANTROCK, CITY RECORDER

FROM: NITRO PLANNING COMMISSION
CHARLES R. BYRD, CHAIRMAN

SUBJECT: REZONING OF FREDERICK ST.
ZONING OF PAR INDUSTRIAL PARK
ZONING OF LAKESIDE SUBDIVISION

DATE: FEBRUARY 20, 1984

The Nitro Planning Commission conducted public hearings on December 7, and December 21, 1983 to permit interested citizens to voice their support or objections in the above indicated actions. Present at one or both of the hearings were Commissions: Bayless, Shell, Withrow and Byrd and Councilman A. A. "Joe" Savilla representing City Council. Also present were J. C. Williams and W. E. Harris, residents of Lakeside Subdivision and Gail Harris of Carriage Way Subdivision.

There were no objections raised to any of the proposed initial zonings or to the proposed rezoning.

In the case of the Frederick Street property, it was determined that the street is presently residential throughout its length. All properties are in good condition and the neighborhood appears to be in no danger of deterioration within the near future. There is no evidence of encroachment of business, nor is there any apparent need for property for business purposes.

Retention of A B-1 classification for this area will only hinder development of what little vacant land that remains, since there is not enough vacant property at present to permit any sizeable business building. It would appear, then, to be in the best interest of future development to rezone from B-1 to R-2 property fronting Frederick St. from Kapock Street to Walker Street and extending back to the alley which is parallel and runs between Frederick and First Avenue. The Planning Commission recommends that City Council take the necessary steps to effect this zoning change.

It is further recommended that Council zone PAR Industrial Park and Lakeside Subdivision as proposed, namely; PAR Industrial Park as C-1 and Lakeside Subdivision as R-1.

City Recorder John Santrock gave report from Charles Miller, Secretary, of the Police Civil Service Commission. Beginning February 22, 1984 at 7:00 p.m., the Commission will begin their interviews.

Copy of letter from Mr. Miller attached.

February 20, 1984

Mayor Arden Ashley
and Council Members
c/o Mr. John Santrock, City Recorder
City of Nitro
Nitro, WV 25143

Dear Mayor Ashley & Council Members:

The Police Civil Service Commission met at City Hall. The meeting was called to order by President Hill at 7:30 p.m. The full commission was present. Minutes of the previous meeting were read and approved.

The first order of business was reviewing the physical test that was given to forty-three (43) people. Forty-seven were eligible. Three of the four were called and did not show up to take the test. They are Gerald L. Jividen, phone number 586-2848, Victor R. Coltey, phone number 757-7637 and Robert Lee Walker, phone number 722-4425.

One person was called three (3) different days by the other two Commissions, but they could not contact him.

The questions for the oral interview were determined and the way to interview each applicant.

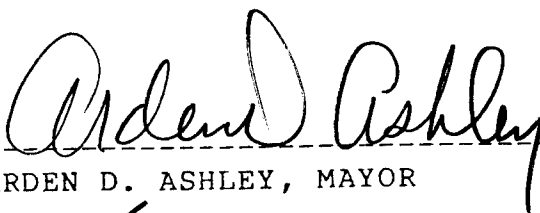
The decision was made to interview ten (10) people each evening, starting February 22, 1984 at 7:00 p.m. Commissioner Workman will call the first ten (10).

Two applicants notified the Commission they would not be able to take the physical in the evening, because they work straight evening shift. Provisions were made for them to take the physical in the morning.

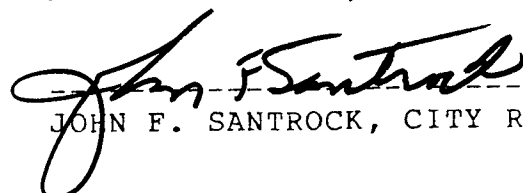
Respectfully submitted,

Charles Miller

There being no further business to be conducted, the meeting was adjourned at 7:50 p.m.



ARDEN D. ASHLEY, MAYOR



JOHN F. SANTROCK, CITY RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

MARCH 6, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilman at Large Steve West, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Omar Cunningham and Councilman Jim Hutchinson. Also present were City Treasurer Michael E. Greenleaf and City Attorney Phillip D. Gaujot. Absent was Councilwoman at Large Mary Trout.

The invocation was given by Rev. Roy Mallory.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 21, 1984 COUNCIL MEETING MINUTES: Councilman at Large Rusty Casto moved that the February 21, 1984 Council meeting minutes be approved as written. The motion was seconded. Vote was taken and passed with Councilman at Large Steve West abstaining.

AGENDA ITEM NO. 2 - PRESENTATION BY REV. ROY MALLORY: All Council Members, Mayor Arden Ashley, Recorder John F. Santrock, Chief of Police C. R. Cochran and Fire Chief Hedrick were presented a booklet titled "The Presidents' Call to Prayer" by Rev. Roy Mallory.

AGENDA ITEM NO. 3 - CITIZEN OF THE MONTH - Mayor Ashley awarded the March, 1984 "Citizen of the Month" award to Wilma Faye Tinch. She has served our community for a long time. She was a cook in the Nitro schools for over 15 years, and is presently a crossing guard at 40th Street.

AGENDA ITEM NO. 4 - AMERICAN CANCER SOCIETY - Councilman A. A. "Joe" Savilla presented the request from the American Cancer Society to conduct their Income Development Crusade from door-to-door (including businesses) within the City of Nitro from April 1, through May 31, 1984 and permission to hold several special events during the 1984 year. Motion was seconded. Vote was taken and approved unanimously and so ordered.

Mayor Ashley read request from Thomas Memorial Hospital Auxiliary to hold a fund drive in the City of Nitro on March 21, 1984, to raise donations for the infant seat safety program. Motion was made by Councilman A. A. "Joe" Savilla to grant their permission. Motion was seconded. There being no discussion on the matter, the vote was taken and passed unanimously.

AGENDA ITEM NO. 5 - 7:00 P.M. HEARING ON THREE ORDINANCES - Recorder John Santrock reported of the meeting at 7:00 p.m. There were no adverse comments. After they are properly advertised and during the next Council meeting they will be read for the first hearing. ORDINANCES ARE AS FOLLOWS: ,

ORDINANCE NO. 84-3

AN ORDINANCE ESTABLISHING ZONING
REQUIREMENTS AND RESTRICTIONS FOR THE
NEWLY ANNEXED AREA KNOWN AS "PAR
INDUSTRIAL PARK".

WHEREAS, proper public notice has been given in
accordance with the procedures as outlined in the West Virginia
Code, and

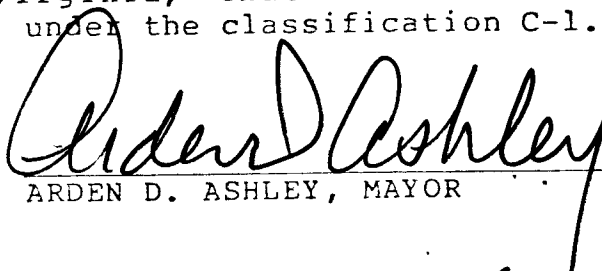
WHEREAS, public hearings were held pursuant to said
West Virginia Code on this issue, and

WHEREAS, there appeared no opposition to said zoning of
the above-captioned area, and

WHEREAS, this Council finds that such zoning is in the
best interest of the City at large, and

WHEREAS, the Nitro Planning Commission has recommended
this action by its final report of February 20, 1984.

NOW, THEREFORE, BE IT ORDAINED by the City Council,
City of Nitro, West Virginia, that the area known as PAR
Industrial Park be zoned under the classification C-1.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, CITY RECORDER

ORDINANCE NO. 84-4

AN ORDINANCE ESTABLISHING NEW ZONING REQUIREMENTS AND RESTRICTIONS FOR THE (AREA FRONTING FREDERICK STREET FROM KAPOK STREET TO WALKER STREET AND EXTENDING BACK TO THE ALLEY WHICH IS PARALLEL WITH AND RUNS BETWEEN FREDERICK STREET AND FIRST AVENUE).

WHEREAS, proper public notice has been given in accordance with the procedures as outlined in the West Virginia Code, and

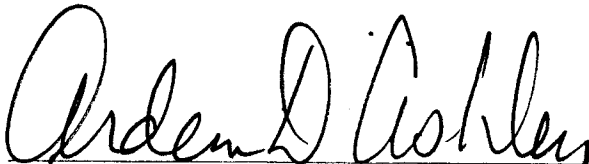
WHEREAS, public hearings were held pursuant to said West Virginia Code on this issue, and

WHEREAS, there appeared no opposition to said zoning of the above-captioned area, and

WHEREAS, this Council finds that such zoning is in the best interest of the City at large, and

WHEREAS, the Nitro Planning Commission has recommended this action by its final report of February 20, 1984.

NOW, THEREFORE, BE IT ORDAINED that the area fronting Frederick Street from Kapok St. to Walker Street and extending back to the alley which is parallel with and runs between Frederick Street and First Avenue be rezoned under the classification R-2.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

ORDINANCE NO. 84-5

AN ORDINANCE ESTABLISHING ZONING
REQUIREMENTS AND RESTRICTIONS FOR THAT
AREA KNOWN AS "LAKESIDE SUBDIVISION".

WHEREAS, proper public notice has been given in
accordance with the procedures as outlined in the West Virginia
Code, and

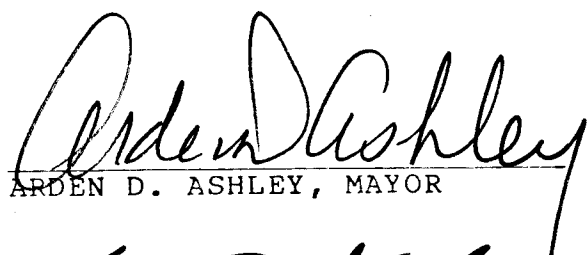
WHEREAS, public hearings were held pursuant to said West
Virginia Code on this issue, and

WHEREAS, there appeared no opposition to said zoning of
the above-captioned area, and

WHEREAS, this Council finds that such zoning is in the
best interest of the City at large, and

WHEREAS, the Nitro Planning Commission has recommended
this action by its final report of February 20, 1984.

NOW, THEREFORE, BE IT ORDAINED by the City Council, City
of Nitro, West Virginia, that the area known as the "Lakeside
Subdivision" be zoned under the classification R-1.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, CITY RECORDER

AGENDA ITEM NO. 6 - RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNATED REPRESENTATIVE TO PURSUE FUNDING SOURCES FOR THE NITRO COMMUNITY CENTER - City Recorder John Santrock introduced the following resolution and Councilman at Large Rusty Casto moved for its passage. The motion was seconded. Vote was taken and passed unanimously.

Resolution as follows:

RESOLUTION 84-4

A RESOLUTION AUTHORIZING THE MAYOR
OR HIS DESIGNATED REPRESENTATIVE
TO PURSUE FUNDING SOURCES FOR THE
NITRO COMMUNITY CENTER

WHEREAS, there exists great need for a community center in Nitro where individuals may gather to pursue recreational and other activities, and

WHEREAS, the Senior Citizens of Nitro need expanded opportunities to offer various programs to our growing population of Senior Citizens, and

WHEREAS, no such facility now exists in Nitro, and

WHEREAS, there appears to be great public support for such a project, and

WHEREAS, there are not sufficient funds in the City Treasury to fund the entire \$1.3 million project cost

NOW, THEREFORE, BE IT RESOLVED that the Mayor or his designated representative is hereby authorized to proceed with the development of funding proposals with the Governor's Officer of Economic and Community Development, the Department of Housing and Urban Development and the Farmers Home Administration for this purpose.

Passed this the 6th day of March, 1984.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

Councilman A. A. "Joe" Savilla made a suggestion to Council to donate \$521.00 raised 10 years ago for a once-proposed Nitro Youth Club, to go toward the proposed recreation center. Councilman at Large Steve West moved that Council accept the donation if and when it is offered by the Nitro Youth Club. Motion was seconded. Vote taken and passed unanimously.

Mayor Ashley announced a public hearing to discuss the proposed facility will be held Thursday, March 8, 1984 at 7:00 p.m. at the Nitro Junior High School Auditorium.

AGENDA ITEM NO. 7 - ELECTION OFFICIALS' FEES - Recorder John Santrock moved to pay election officials in the May 1, City Election \$50.00 for a day's work, \$15.00 extra if they attend school on election procedures and one person to bring the supplies back to City Hall \$5.00. Motion was seconded. There being no discussion on the matter, the vote was taken and passed unanimously.

AGENDA ITEM NO. 8 - BOATING AT RIDENOUR LAKE - Councilman at Large Rusty Casto discussed the possibility of permitting non-motorized boating at Ridenour Lake. Councilman at Large Casto moved that a Committee consisting of himself, Councilman at Large Steve West and Recreational Director John Simms be appointed to review this request and bring back recommendations on this matter to Council. Died for lack of second. All members of Council are to review this request. Recreational Director Simms will investigate with DNR the legality of this request.

COMMITTEE REPORTS

Recorder John Santrock made motion that the minutes of January 26, 1984 of the Zoning Board of Appeals be made a part of the minutes. Motion was seconded. Vote was taken and passed unanimously.

Zoning Board of Appeals Minutes as follows:
 ZONING BOARD OF APPEALS
 January 26, 1984

The Zoning Board of Appeals of the City of Nitro, West Virginia, held a public hearing January 26, 1984 to consider a variance request from Mr. & Mrs. Roy W. Stowers of 916 1st Avenue to locate a mobile home on this property which is located in a B-1 Zone. B-1 Zoning regulations does not normally permit location of mobile homes. No persons appeared in opposition and the Zoning Board of Appeals, following discussion, granted variance to Mr. and Mrs. Stowers.

Cecil Lemma, Chairman
 Zoning Board of Appeals

Council Omar Cunningham moved to include the minutes of February 13, and February 20, 1984 as part of Council minutes. As follows:



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTRO
RECORDER

MICHAEL E. GREENLEAF
TREASURER

City Bldg.
February 13, 1984

The Police Civil Service Commission met at City Hall at 7:30 p.m. The meeting was called to order by the President. The full Commission was present.

First order of business was to grade the tests that were taken February 10, 1984.

Discussed the Physical Fitness Test and what was to be given as soon as permission is granted by the Principal of the High School.

Administered the test to one of the Auxilliary Police who some way was not notified when the test was given.

The Board decided the cut-off on the written test was 90%. We think the test has to be strengthened.

Respectfully,

A handwritten signature in cursive script that reads 'Charles Miller'.

Charles Miller, Secretary

February 20, 1984

Mayor Arden Ashley
and Council Members
c/o Mr. John Santrock, City Recorder
City of Nitro
Nitro, WV 25143

Dear Mayor Ashley & Council Members:

The Police Civil Service Commission met at City Hall. The meeting was called to order by President Hill at 7:30 p.m. The full commission was present. Minutes of the previous meeting were read and approved.

The first order of business was reviewing the physical test that was given to forty-three (43) people. Forty-seven were eligible. Three of the four were called and did not show up to take the test. They are Gerald L. Jividen, phone number 586-2848, Victor R. Coltey, phone number 757-7637 and Robert Lee Walker, phone number 722-4425.

One person was called three (3) different days by the other two Commissions, but they could not contact him.

The questions for the oral interview were determined and the way to interview each applicant.


The decision was made to interview ten (10) people each evening, starting February 22, 1984 at 7:00 p.m. Commissioner Workman will call the first ten (10).


Two applicants notified the Commission they would not be able to take the physical in the evening, because they work straight evening shift. Provisions were made for them to take the physical in the morning.

Respectfully submitted,

Charles Miller

There being no further business to be conducted, the meeting was adjourned at 7:56 p.m.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

MARCH 20, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Steve West, Councilman Romie Hughart, Councilman Omar Cunningham and Councilman Jim Hutchinson. Also present were City Treasurer Michael E. Greenleaf and City Attorney Phillip D. Gaujot. Absent was Councilman A. A. "Joe" Savilla.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 6, 1984 COUNCIL MEETING MINUTES: Councilman at Large Rusty Casto moved that the March 6, 1984 Council meeting minutes be approved as written. The motion was seconded. Vote was taken and passed unanimously and was so ordered.

AGENDA ITEM NO. 2 - RESOLUTION PROVIDING FOR THE ADOPTION AND IMPLEMENTATION OF THE WV CLEAN COMMUNITY SYSTEM PROGRAM FOR A MORE BEAUTIFUL WEST VIRGINIA - Mayor Ashley introduced the resolution for the Clean Community System Program and Councilman Omar Cunningham moved for its passage. The motion was seconded. There being no discussion on the matter, the vote was taken and passed unanimously.

Resolution as follows:

RESOLUTION 84-5



House of Delegates

HOUSE CONCURRENT RESOLUTION NO. 9

Offered by Mr. Shiflet

A RESOLUTION PROVIDING FOR THE ADOPTION AND IMPLEMENTATION OF THE WEST VIRGINIA CLEAN COMMUNITY SYSTEM PROGRAM FOR A MORE BEAUTIFUL WEST VIRGINIA.

WHEREAS, Improper waste handling practices continue to be a serious problem in the state of West Virginia; and

WHEREAS, The directors of the office of economic and community development and the department of natural resources endorse the concept of voluntary control of solid waste in keeping West Virginia "proud and clean;" and

WHEREAS, Improved waste handling practices could be accomplished with the implementation of the West Virginia clean community system program; therefore, be it


Resolved by the Legislature of West Virginia;

That the clean community system council be established and consist of the director of the office of economic and community development, the director of natural resources, a representative of the environmental protection division of the attorney general's office, the commissioner of department of highways, state superintendent of schools, state superintendent of department of public safety, beverage industry recycling program association, West Virginia county officials association, West Virginia municipal league, West Virginia resource recovery solid waste disposal authority, one member from each house of the Legislature of West Virginia, appropriate conservation and civic organizations and the broadest possible cross section of the state's residents chosen from diverse geographic and socio-cultural groups on a nonpartisan basis; and that said council be created and established to provide overall policy direction, promotion and coordination of the West Virginia clean community system; and, be it

Resolved further, That a state coordinator for the West Virginia clean community system council be appointed and, with appropriate budget, work within the office of economic and community development and along with members of the council, plan and execute a West Virginia clean community system designed to involve all cities, counties and state agencies; and, be it

Resolved further, That the Clerk of the House of Delegates is hereby authorized and directed to transmit appropriate copies of this resolution to the governor of the state of West Virginia and the heads of departments named herein.

Adopted by the House of Delegates February 17, 1983.


Speaker of the House of Delegates

AGENDA ITEM NO. 3 - FIRST READING - ORDINANCE 84-3, AN ORDINANCE ESTABLISHING ZONING REQUIREMENTS AND RESTRICTIONS FOR THE NEWLY ANNEXED AREA KNOWN AS "PAR INDUSTRIAL PARK" - City Recorder John F. Santrock moved that we accept this as the first reading of ordinance 84-3. He informed it was slightly different than the one presented at various hearings which was due to comments by individuals and referred back to the Planning Commission. The motion was seconded and vote taken and passed unanimously.

Ordinance as follows:

ORDINANCE NO. 84-3

AN ORDINANCE ESTABLISHING ZONING REQUIREMENTS AND RESTRICTIONS FOR THE NEWLY ANNEXED AREA KNOWN AS "PAR INDUSTRIAL PARK".

Whereas, proper public notice has been given in accordance with the procedures as outlined in the West Virginia Code, and

Whereas, public hearings were held pursuant to said West Virginia Code on this issue, and

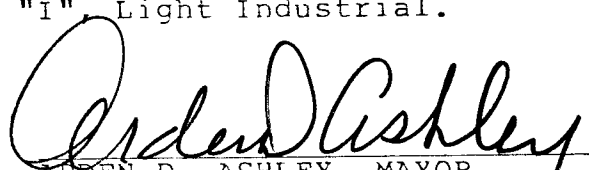
Whereas, there appeared no opposition to said zoning of the above-captioned area, and


Whereas, in subsequent discussions it was found that the zoning class "I", Light Industrial would be the most appropriate for this area, and

Whereas, this Council finds that such zoning is in the best interest of the City at large, and

Whereas, the Nitro Planning Commission has recommended this action by its final report of February 20, 1984.

NOW, THEREFORE, BE IT ORDAINED by the City Council, City of Nitro, West Virginia, that the area known as PAR Industrial Park be zoned under the classification "I", Light Industrial.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, CITY RECORDER

AGENDA ITEM NO. 4 - FIRST READING - ORD. 84-4, AN ORDINANCE ESTABLISHING NEW ZONING REQUIREMENTS AND RESTRICTIONS FOR THE (AREA FRONTING FREDERICK ST. FROM KAPOK ST. TO WALKER ST. AND EXTENDING BACK TO THE ALLEY WHICH IS PARALLEL WITH AND RUNS BETWEEN FREDERICK ST. AND FIRST AVENUE - City Recorder John Santrock moved to adopt this as the first reading rezoning the area to Classification R-2. Motion was seconded. Vote was taken and passed unanimously and so ordered.

Ordinance as follows:

ORDINANCE NO. 84-4

AN ORDINANCE ESTABLISHING NEW ZONING REQUIREMENTS AND RESTRICTIONS FOR THE (AREA FRONTING FREDERICK STREET FROM KAPOK STREET TO WALKER STREET AND EXTENDING BACK TO THE ALLEY WHICH IS PARALLEL WITH AND RUNS BETWEEN FREDERICK STREET AND FIRST AVENUE).

WHEREAS, proper public notice has been given in accordance with the procedures as outlined in the West Virginia Code, and

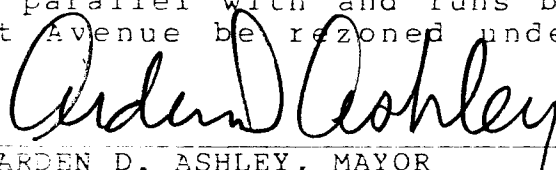
WHEREAS, public hearings were held pursuant to said West Virginia Code on this issue, and

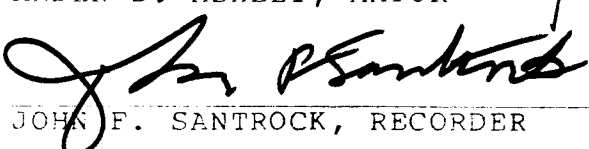
WHEREAS, there appeared no opposition to said zoning of the above-captioned area, and

WHEREAS, this Council finds that such zoning is in the best interest of the City at large, and

WHEREAS, the Nitro Planning Commission has recommended this action by its final report of February 20, 1984.

NOW, THEREFORE, BE IT ORDAINED that the area fronting Frederick Street from Kapok St. to Walker Street and extending back to the alley which is parallel with and runs between Frederick Street and First Avenue be rezoned under the classification R-2.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

AGENDA ITEM NO. 5 - FIRST READING ORDINANCE 84-5, AN ORD. ESTABLISHING ZONING REQUIREMENTS AND RESTRICTIONS FOR THAT AREA KNOWN AS "LAKESIDE SUBDIVISION". - City Recorder John F. Santrock moved that we adopt this ordinance. Motion was seconded. Vote was taken and approved unanimously.

Ordinance as follows:

ORDINANCE NO. 84-5

AN ORDINANCE ESTABLISHING ZONING REQUIREMENTS AND RESTRICTIONS FOR THAT AREA KNOWN AS "LAKESIDE SUBDIVISION".

WHEREAS, proper public notice has been given in accordance with the procedures as outlined in the West Virginia Code, and

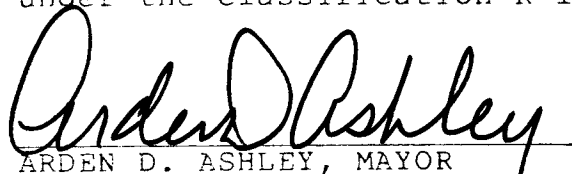
WHEREAS, public hearings were held pursuant to said West Virginia Code on this issue, and

WHEREAS, there appeared no opposition to said zoning of the above-captioned area, and

WHEREAS, this Council finds that such zoning is in the best interest of the City at large, and

WHEREAS, the Nitro Planning Commission has recommended this action by its final report of February 20, 1984.

NOW, THEREFORE, BE IT ORDAINED by the City Council, City of Nitro, West Virginia, that the area known as the "Lakeside Subdivision" continue to be zoned under the classification R-1.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, CITY RECORDER

AGENDA ITEM NO. 6 - CITY OF NITRO POLICEMEN'S AND FIREMEN'S PENSION BOARD MEETING MINUTES - City Recorder John F. Santrock moved to have the policemen's and firemen's pension board meeting minutes be made a part of our minutes. Motion was seconded. Vote was taken and passed unanimously and so ordered.

The minutes are as follows:

CITY OF NITRO
POLICEMEN'S PENSION BOARD MEETING MINUTES

MARCH 12, 1984

A meeting of the Nitro Policemen's Pension Board meeting was called to order by Mayor Arden D. Ashley at 4:00 p.m. in Conference Chambers. Present were Sgt. Shelby Harrison, Sgt. Jack Neeley and Ptl. Bruce Angell. Also present were City Recorder John Santrock and Chief of Police C. R. Cochran. Absent was Sgt. Gary Blankenship.

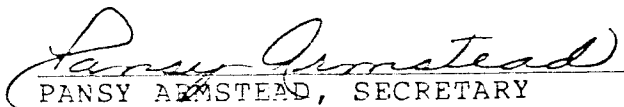
AGENDA ITEM NO. 1 - REQUEST OF SGT. JACK NEELEY TO BE REIMBURSED HIS PAYMENT INTO THE PENSION FUND PLUS INTEREST - Mayor Ashley read the request from Sgt. Neeley to be reimbursed the amount paid into the pension fund plus interest and also letter from City Attorney Phillip D. Gaujot referring to Chapter 8, Article 22, Section 19a of the WV Code of 1931, which states, in part, as follows:

"Any member of a paid police ... department ... who before retirement on any retirement pension ... severs his connection with said department ... shall, upon request, be refunded all pension ... fund deductions made from his salary or compenstion, but without interest."

Ptl. Bruce Angell moved that Sgt. Jack Neeley be paid all monies for which he is entitled. Motion was seconded. Vote taken and motion passed unanimously and was so ordered.

AGENDA ITEM NO. 2 - ELECTION OF BOARD MEMBERS - Sealed ballots were opened and counted. Ptl. John Joyce was elected for a four year term and Ptl. Michael Farley for a three year term. Ptl. Angell has two years left on the board and Sgt. Blankenship one year remaining. Ptl. Angell moved to accept results as official. The motion passed unanimously. A copy of the minutes will be given to all City Council Members.

There being no further business to be conducted, the meeting was adjourned at 4:16 p.m.


PANSY ARMSTEAD, SECRETARY

NITRO FIREMANS PENSION
AND RELIEF FUND

March 11, 1984

Meeting called to order by Mayor Ashley at 9:15 A.M.

Present; Mayor Ashley	James Stover
John Santrock, Recorder	Steve Hardman

Open up ballots of March 12, 1984 election

Stover-7 votes for 4 year term
Hedrick-4 votes for 3 year term
Hardman-4 votes for 3 year term
Strohl-1 vote for 4 year term

Hardman declined nomination

Motion made by Stover and second by Hardman that the votes be accepted and approved. Motion passed unanimously.

No further business to discuss.

Mayor Ashley adjourned meeting at 9:25 A.M.

AGENDA ITEM NO. 7 - 1984 - 1985 BUDGET - Councilman Romie Hughart, Chairman of the Compensation Committee recommends that Council accept the budget as is. The budget includes a \$600.00 annual raise for all full time employees. Motion was seconded and passed unanimously. Councilman Omar Cunningham moved that the budget part of this meeting be adjourned and reconvened to lay levy rates the third (3rd) Tuesday in April. (April 17, 1984) Motion was seconded. Vote was taken and passed unanimously.

COMMITTEE REPORTS

SPRING FESTIVAL - Recreation Director John Simms reported that plans for the Spring Festival were moving along quite well. He reported the major additions are a horse show, an eight hour fishing contest and fireworks. He advised it was generally the same program that was offered last year with a parade on Saturday morning. A concert will be scheduled for Friday night. There will possibly be a Political Rally to be held at Ridenour Lake. There will be a gospel sing and Memorial services. Mayor Ashley informed the Council the speaker for the Memorial day service will be Commander Ed Millis of the U.S.S. Nitro. Recreation Director John Simms reported that as budgeted, the Festival will operate within its own revenue which will not require a request for City funding.

BOATING AT RIDENOUR LAKE - Councilman at Large Rusty Casto advised a group of people indicated interest on being on a committee to further examine the question of boatitng at Ridenour Lake. They are John Simms, Bob Evans, Sam Jones, Bill Withrow, Earl Williams, Joe Savilla, Rusty Casto, Steve West and Phil Gaujot as legal advisor. Councilman at Large Rusty Casto moved to have these people form a committee, without limitation to members, and report back to Council at a later date. Motion was seconded. Vote was taken to form a committee and passed unanimously.

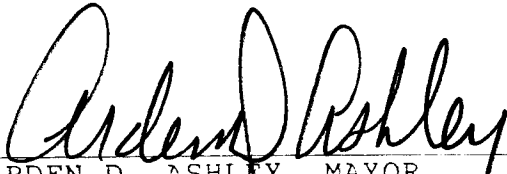
ALL WEST VIRGINIA CITY REPORT - Councilwoman at Large Mary Trout reported that the entry to the All WV City competition has been completed and on Wednesday, March 28, 1984, the Committee will take their entry along with the slide presentation to Charleston to present to the judges. At the awards banquet in April they will learn the outcome of their entry.


TROUT UNLIMITED - Mayor Ashley extended his appreciation to Trout Unlimited, a well-known organization of ladies and gentlemen who enjoy trout fishing, have once again this year agreed to join forces to assist in a clean up of Ridenour Lake to be conducted on Saturday April 7th.

NEIGHBORHOOD WATCH - Mayor Ashley advised Council that Helen Colcord has worked with Chief of Police C. R. Cochran in creating the "Neighborhood Watch". Chief of Police C. R. Cochran informed Council that she with the Women's Club were interested in

creating a neighborhood watch. The signs are up and the program is working. City Recorder John Santrock advised the senior citizens did a lot of work on this project and Helen advised we had neighborhood watch on almost every street in Nitro.

There being no further business to be conducted, the meeting was adjourned at 8:00 p.m.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTRO
RECORDER

MICHAEL E. GREENLEAF
TREASURER

CITY OF NITRO
BUDGET ESTIMATE

REVENUES

ACCOUNT NUMBER	ACCOUNT NAME	84-85 ANNUAL BUDGET
3011-000	Property Tax	261297
3080-000	Building Permit	5000
3090-000	Inspection Fees	2000
3100-000	Parks & Recreat	40000
3110-000	Civic Benefits	172000
3120-000	B&O Tax	350000
3130-000	Utility Tax	92000
3140-000	Liquor License	1000
3150-000	Liquor Tax	50000
3160-000	Business Licens	8000
3170-000	Interest Income	7500
3180-000	Court Costs	40000
3190-000	Library Fees	100
3200-000	Municipal Serv.	280000
3210-000	State Grants	2500
3220-000	Rent	2400
3230-000	Sale-Fixed Asse	2000
3240-000	Miscellaneous	15000
3250-000	Revenue Sharing	199000
3260-000	Coal Severance	13500
	TOTAL REVENUES	1543297

SUMMARY OF
EXPENSE

	84-85 ANNUAL BUDGET
Mayors Office	71515
Building Inspector	25896
Dog Catcher	10977
Police Dept.	253284
Fire Dept.	236693
Public Works	490179
Recreation Dept.	90088
City Council	11488
Recorder	17145
Treasurer	95834
City Hall	215979
Library	24219
TOTAL	1543297

Surplus/-Deficit

CITY OF NITRO

BUDGET ESTIMATE

REVENUES

ACCOUNT NUMBER	ACCOUNT NAME	84-85 ANNUAL BUDGET	REVENUE SHARING BUDGET	COAL SEVERANCE BUDGET	GENERAL FUND BUDGET
3011-000	Property Tax	261297			261297
3080-000	Building Permit	5000			5000
3090-000	Inspection Fees	2000			2000
3750-000	Parks & Recreat	40000			40000
3690-000	Civic Benefits	172000			172000
3320-000	B&O Tax	350000			350000
3330-000	Utility Tax	92000			92000
3350-000	Liquor License	1000			1000
3360-000	Liquor Tax	50000			50000
3600-000	Business Licens	8000			8000
3440-000	Interest Income	7500			7500
3470-000	Court Costs	40000			40000
3490-000	Library Fees	100			100
3500-000	Municipal Serv.	280000			280000
3240-000	State Grants	2500			2500
3450-000	Rent	2400			2400
3170-000	Sale-Fixed Asse	2000			2000
3991-000	Miscellaneous	15000			15000
3260-000	Revenue Sharing	199000	199000	13500	0
3250-000	Coal Severance	13500		13500	0
	TOTAL REVENUES	1543297	199000	13500	1330797

SUMMARY OF
EXPENSE

	84-85 ANNUAL BUDGET			
Mayors Office	71515	0	0	71515
Building Inspector	25896	0	0	25896
Dog Catcher	10977	0	0	10977
Police Dept.	253284	0	0	253284
Fire Dept.	236693	0	0	236693
Public Works	490179	102000	13500	374679
Recreation Dept.	90088	0	0	90088
City Council	11488	0	0	11488
Recorder	17145	0	0	17145
Treasurer	95834	0	0	95834
City Hall	215979	97000	0	118979
Library	24219	0	0	24219
TOTAL	1543297	199000	13500	1330797
Surplus/-Deficit	0	0	0	0

CITY HALL

ACCOUNT NUMBER	ACCOUNT NAME	84-85 ANNUAL BUDGET	REVENUE SHARING BUDGET	COAL SEVERANCE BUDGET	GENERAL FUND
4011-440	Telephone	15600	15000		600
4013-440	Utilities	7000			7000
4005-440	Group Insurance	62000	62000		
4003-440	Comm. Center Sa	52070			52070
4004-440	FICA	3645			3645
4006-440	Retirement	4947			4947
4085-440	Capital Exp.	5234			5234
4023-440	Professional Sv	20000	20000		
4015-440	M&R-Bldg.	2000			2000
4026-440	Insurance	15000			15000
4031-440	Contract Svcs.	6200			6200
4041-440	Dept. Supplies	12000			12000
4043-440	Automotive Supp	8283			8283
4083-440	Misc.	2000			2000
	TOTAL	215979	97000	0	118979

Department of
Public Works

ACCOUNT NUMBER	ACCOUNT NAME	84-85 ANNUAL BUDGET	REVENUE SHARING BUDGET	COAL SEVERANCE BUDGET	GENERAL FUND
4003-530	Wages	257664			257664
4004-530	FICA Tax	18036			18036
4006-530	Retire.	24478			24478
4031-530	Contr. Svcs.	5000			5000
4013-530	Utilities	20000			20000
4015-530	M&R Bldgs	1000			1000
4017-530	M&R Equip	15000			15000
4041-530	Dept. Supp.	44000	44000		
4043-530	Auto Supp.	22000	22000		
4043-530	San. Landfill	27000	27000		
4081-530	Asphalt, Sand	50000	9000	13500	27500
4085-530	Capital Exp.	5000			5000
4083-530	Misc.	1000			1000
	TOTAL	490179	102000	13500	374679

LIBRARY

ACCOUNT
NUMBERACCOUNT
NAME84-85
ANNUAL
BUDGET

4003-553	Wages	16411
4004-553	FICA Exp.	1149
4006-553	Retirement	1559
4011-553	Telephone	500
4013-553	Utilities	1200
4041-553	Books	2400
4015-553	Maintenance	1000
	TOTAL	24219

Treasurer

ACCOUNT
NUMBERACCOUNT
NAME84-85
ANNUAL
BUDGET

4003-413	Salaries	59085
4004-413	FICA	4136
4006-413	Retirement	5613
4014-413	Travel	2000
4031-413	Contract Svcs.	5000
4024-413	Audit Fee	2000
4041-413	Supplies	2000
4016-413	M&R	100
4050-413	Unemploy. Comp.	15000
4022-413	Dues	200
4012-413	Printing	700
	TOTAL	95834

RECORDER

ACCOUNT NUMBER	ACCOUNT NAME	84-85 ANNUAL BUDGET
4003-411	Wages	13500
4004-411	FICA Tax	945
4006-411	Retirement	0
4031-411	Cont. Svc.	500
4089-411	Elections	
4041-411	Dept. Sup.	500
4020-411	Legal ads	1000
4014-411	Travel	500
4042-411	Record Books	200
4085-411	Cap Exp	0
	TOTAL	17145

CITY COUNCIL

ACCOUNT NUMBER	ACCOUNT NAME	84-85 ANNUAL BUDGET
4003-410	Wages	8400
4004-410	FICA Tax	588
4031-410	Contracted Serv	500
4014-410	TRAVEL	2000
	TOTAL	11488

Fire Dept.

ACCOUNT NUMBER	ACCOUNT NAME	84-85 ANNUAL BUDGET
4003-500	Wages	136975
4004-500	FICA Tax	9588
4006-500	Retire.	24000
4023-500	Prof. Svcs.	15000
4031-500	Fire Prev.	2000
4045-500	Uniform	3000
4041-500	Dept. Supp	12310
4043-500	Auto Supp.	11215
4013-500	Utilities	8400
4017-500	M&R	9205
4085-500	Cap. Expen	5000
	TOTAL	236693

Recreation Dept.

ACCOUNT NUMBER	ACCOUNT NAME	84-85 ANNUAL BUDGET
4003-550	Wages	29616
4004-550	FICA Tax	2073
4006-550	Retire.	1361
4014-550	Auto Suppl.	1000
4013-550	Utilities	22176
4031-550	Contracted Serv	5400
4011-550	Telephone	562
4046-550	Purchases	
4015-550	M&R	21000
4041-550	Dept. Supp	6900
4085-550	Capital Exp.	0
	TOTAL	90088

Police Dept.

ACCOUNT NUMBER	ACCOUNT NAME	84-85 ANNUAL BUDGET
4003-455	Wages	181586
4004-455	FICA Tax	12711
4006-455	Retire.	21000 -
4011-455	Teletype	5400
4041-455	Dept. Supp	6000
4043-455	Auto Supp.	9000
4021-455	Training	450
4022-455	Dues	37
4031-455	Prof. Svc.	500
4012-455	Printing	900
4032-455	Refunds	500
4045-455	Uniform	3500
4017-455	M&R	2000
4088-455	Drug Enforce.	2000
4033-455	Crime Vict. Fun	1500
4083-455	Misc.	1200
4085-455	Cap. Expen	5000
	TOTAL	253284

DOG CATCHER

ACCOUNT NUMBER	ACCOUNT NAME	84-85 ANNUAL BUDGET
4002-446	Wages	8129
4004-446	FICA Tax	545
4006-446	Retire.	854
4045-446	Uniform	150
4043-446	Auto Supp.	1300
	TOTAL	10977

MAYORS OFFICE

ACCOUNT NUMBER	ACCOUNT NAME	84-85 ANNUAL BUDGET
4003-409	Salaries	51172
4004-409	FICA Tax	3582
4006-409	Retirement	4861
4014-409	Travel	4000
4022-409	Dues	2100
4023-409	Prof Svcs.	3300
4041-409	Dept. Supp.	2000
4083-409	Misc.	500
4085-409	Cap. Exp.	0
TOTAL		71515

Building Inspector		84-85
ACCOUNT NUMBER	ACCOUNT NAME	ANNUAL BUDGET
4003-436	Salaries	20722
4004-436	FICA Tax	1451
4006-436	Retirement	1969
4014-436	Travel	200
4022-436	Dues	55
4041-436	Dept. Supp.	1500
4031-436	Cont. Svcs.	0
TOTAL		25896

Summary of Exp.
By Class

Wages & Salar.	835330
FICA Tax	58449
Retirement	90641
Travel	8700
Dues	2392
Prof Svcs.	38800
Dept. Suppl.	89610
Utilities	58776
Misc.	4700
Drug Enforce.	2000
Crime Fund	1500
Teletype	5400
M&R	51305
Cont. Svcs.	24600
Uniforms	6650
Auto Supplies	52798
Fire Prot.	2000
Training	450
Printing	1600
Record Books	200
Refunds	500
Legal Ads	1000
Capital Exp.	20234
Unemploy. Exp.	15000
Telephone	16662
Landfill	27000
Asphalt	50000
Group Ins.	62000
General Ins.	15000
Total Class Exp	1543297

COUNCIL MEETING MINUTES

CITY OF NITRO

APRIL 3, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Steven West, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Omar Cunningham and Councilman J. E. "Jim" Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Michael E. Greenleaf.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 20, 1984 COUNCIL MEETING MINUTES: - Councilman Romie Hughart moved that the March 20, 1984 Council meeting minutes be approved as written. The motion was seconded. Vote was taken and passed unanimously and was so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: Mayor Ashley awarded the April, 1984 "Citizen of the Month" award to A. A. "Joe" Savilla. Joe has worked long and hard as a servant of the community.

AGENDA ITEM NO. 3 - CONSIDERATION AND APPROVAL OF THE CANDIDATES FOR THE MAY 1, 1984 CITY ELECTION AND THE BALLOT ASSIGNMENT: City Recorder John Santrock made a motion that all candidates be approved. The motion was seconded. The vote was taken and passed unanimously.

The candidates names were placed in sealed envelopes and were drawn by citizens attending Council. The candidates were then assigned their position on the ballot as drawn. City Recorder made motion that the ballot be assigned as drawn. The motion was seconded. The vote was unanimous and approved.

The ballot is as follows:

MAYOR

1. Arden D. Ashley
2. Ezra H. Graley

CITY RECORDER

1. John F. Santrock
2. Alice Inghram Hedrick

COUNCILMAN AT LARGE

1. Ivan D. Meadows
2. Mary F. Trout
3. Olaf K. Walker
4. Rusty Casto

COUNCILMAN, WARD I

PRECINCTS 22, 23 & 401

1. Louis Marino
2. A. A. "Joe" Savilla

COUNCILMAN, WARD II

PRECINCTS 402, 403 & 405

1. Steven E. West
2. Romie C. Hughart

COUNCILMAN, WARD III

PRECINCTS 406 & 408

1. Dean Miller
2. Charles "Bull" Miller
3. Omar Cunningham

COUNCILMAN, WARD IV

PRECINCTS 409 & 411

1. J. E. "Jim" Hutchinson
2. John W. Burgess, Jr.

City Recorder John Santrock moved to have the names placed on the ballot as indicated. The motion was seconded. The vote was taken and passed unanimously.

AGENDA ITEM NO. 4 - APPROVAL OF ELECTION OFFICIALS FOR MAY 1, 1984 CITY ELECTION: City Recorder John Santrock furnished a list of previous election officials and moved for their approval with the addition to Precinct 406 as Commissioner, Dorothy Maruish of 1427 14th St., West. The motion was seconded. There being no discussion on the matter, the vote was taken and passed unanimously.

ELECTION OFFICIALS AS FOLLOWS:

NITRO MUNICIPAL ELECTION
MAY 1, 1984
ELECTION OFFICIALS

PRECINCTS 22 - 23NITRO PUTNAM ELEMENTARY SCHOOL

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

DONA HALAD, 3714 - 37TH ST.
BETTY FORTNEY 3411 - 34TH ST.
CHARLOTTE HILL, 3719 - 37TH ST.
ETHEL HALL, 4116-41ST ST.
WANDA THOMPSON, 3953-39TH ST.

PRECINCT 401NITRO HIGH SCHOOL

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

NAOMI BAKER, 224 BROOKHAVEN DR.
KATHERINE WEAVER, 110 BROOKHAVEN CIR.
CHARMAINE MAZZEI, 1 BARRINGTON RD.
MICHAEL STEPHENS, 111 BROOKHAVEN DR.
NINA SUE RIGGLEMAN, 3 BARRINGTON RD.

PRECINCT 402NITRO HIGH SCHOOL

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

GARNET GALLOWAY, 2 BLAKE RD.
CHARLOTTE MILLER, 51-21ST STREET
TILLIE MYNES, 58-21ST ST.
IVY WYANT, 2123-21ST ST.
THERESA CREECH, 56-21ST ST.

PRECINCT 403NITRO ELEMENTARY SCHOOL

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

MURIEL OLDHAM, 1828-18TH ST.
FREDA INGRAM, 1533-15TH ST.
VELMA KINDER, 1816-18TH ST.
MRS. JOHN PERRY, 2122-21ST ST.
INA HOLLEY, 1524-15TH ST.

PRECINCT 405BAKER ELEMENTARY SCHOOL

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

BILBA LINVILLE, 1234-12TH ST.
MYRTLE ADKINS, 1112-11TH ST.
JESSIE RAYNES, 1123-11TH ST.
MARY MILLER, 1120-11TH ST.
RUTH CARPENTER, 1022-10TH ST.

PRECINCT 406BAKER ELEMENTARY SCHOOL

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

SYLVIA PHELPS, 1429-W 14TH ST.
DOROTHY PARTEE, 101 LAYNE AVE.
HANK EDWARDS, 9 MAIN AVE.
MRS. HANK EDWARDS, 9 MAIN AVE.
DOROTHY PARTEE, 1427-14TH ST., WEST

ELECTION OFFICIALS, PAGE TWO

PRECINCT 408BAKER ELEMENTARY SCHOOL

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

IRIS MILES, 708 MAIN AVENUE
JUDY JONES, 200 JUNIPER ST.
BONNIE JONES, 200 JUNIPER ST.
DORTHA BUCKHEIMER, 306 DUPONT ST.
LENA PAINTER, 306 DUPONT ST.

PRECINCT 409WEST SATTES ELEMENTARY

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PAULINE WARNER, 1311 MAIN AVE.
NELLIE SHIFFLETT, 1307 MAIN AVE.
WANDA SMITH, 203 WALKER ST.
RUTH PHALEN, 1372 VALENTINE CIRCLE
EVELYN SHEPHERD, 210 LEE ST.

PRECINCT 411WEST SATTES ELEMENTARY

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

LUCILLE CALDWELL, 715 KANAWHA AVE., S
OLLIE HANCOCK, 711 KANAWHA AVE., S
SUE GOODWIN, 103 CLEVELAND AVE.
WINNONA HAMMONDS, 702 KANAWHA AVE., S
HAZEL WILLIAMS, 101 CLEVELAND AVE.

AGENDA ITEM NO. 5 - MAYORS APPOINTMENT FOR BALLOT COMMISSIONERS: City Recorder John Santrock notified Council that it is time for approval of Ballot Commissioners for a four year term and Mayor Ashley has requested Dr. Guy R. Cassell of 223 Brockhaven Drive and Mrs. Bess Stahl of 208 Broadway Ave. as Ballot Commissioners. City Recorder John Santrock moved that we accept Dr. Cassell and Mrs. Stahl. Motion was seconded. There being no discussion, the vote was taken and passed unanimously and so ordered.

AGENDA ITEM NO. 6 - FRATERNAL ORDER OF POLICE ACTION ON CIVIL SERVICE APPOINTMENT: Mayor Ashley read letter from the Fraternal Order of Police, Saint Albans Lodge No. 88 acting upon the request of the Nitro Police Department naming as their appointment to the Civil Service Commission, Mr. Gary Hill. This appointment being effective immediately. Letter as follows:



P. O. BOX 332
ST. ALBANS, W. VA. 25177

March, 30, 1984.

C. R. Cochran
Chief of Police
City of Nitro
Nitro W. V.

Dear Sir,

On March, 22, 1984 the Fraternal Order of Police Lodge Number 88 acted on the request of the Nitro Police Department for appointment of Gary Hill to the Nitro Police Civil Service Commission.

The request was voted on and passed. Effective immediately Gary Hill will serve on the Civil Service Commission.

Fraternally Yours

Robert E. Sparks
Robert E. Sparks
Secretary Lodge #88

cc: Arden D. Ashley, Mayor
Chuck Norton Jr. Civil Service Commission
Gary Hill Police Civil Service Commission

AGENDA ITEM NO. 7 - SECOND READING OF ORDINANCE NO. 84-3. AN ORDIN. ESTABLISHING ZONING REQUIREMENTS AND RESTRICTIONS FOR THE NEWLY THE NEWLY ANNEXED AREA KNOWN AS "PAR INDUSTRIAL PARK"
Councilman A. A. "Joe" Savilla moved that we accept the second reading of Ordinance 84-3. The motion was seconded. There being no discussion on the matter, the vote was taken and passed unanimously.

Ordinance as follows:

ORDINANCE NO. 84-3

AN ORDINANCE ESTABLISHING ZONING REQUIREMENTS AND RESTRICTIONS FOR THE NEWLY ANNEXED AREA KNOWN AS "PAR INDUSTRIAL PARK".

Whereas, proper public notice has been given in accordance with the procedures as outlined in the West Virginia Code, and

Whereas, public hearings were held pursuant to said West Virginia Code on this issue, and

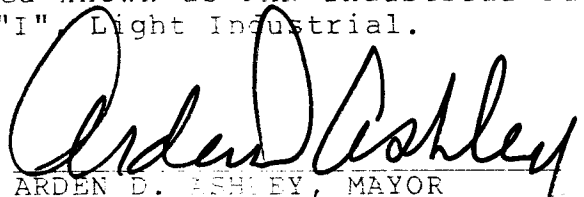
Whereas, there appeared no opposition to said zoning of the above-captioned area, and

Whereas, in subsequent discussions it was found that the zoning class "I", Light Industrial would be the most appropriate for this area, and

Whereas, this Council finds that such zoning is in the best interest of the City at large, and

Whereas, the Nitro Planning Commission has recommended this action by its final report of February 20, 1984.

NOW, THEREFORE, BE IT ORDAINED by the City Council, City of Nitro, West Virginia, that the area known as PAR Industrial Park be zoned under the classification "I", Light Industrial.


ARDEN D. ASHLEY, MAYOR


JOHN F. SENEBOCK, CITY RECORDER

12

AGENDA ITEM NO. 8 - SECOND READING - ORDINANCE 84-4. AN ORD. ESTABLISHING NEW ZONING REQUIREMENTS AND RESTRICTIONS FOR THE (AREA FRONTING FREDERICK ST. FROM KAPOK ST. TO WALKER ST. AND EXTENDING BACK TO THE ALLEY WHICH IS PARALLEL WITH AND RUNS BETWEEN FREDERICK ST. AND FIRST AVENUE- Councilman A. A. "Joe" Savilla moved to adopt this as the second reading rezoning the area to Classification R-2. Motion was seconded. Vote was taken and passed unanimously and so ordered.

Ordinance as follows:

ORDINANCE NO. 84-4

AN ORDINANCE ESTABLISHING NEW ZONING REQUIREMENTS AND RESTRICTIONS FOR THE (AREA FRONTING FREDERICK STREET FROM KAPOK STREET TO WALKER STREET AND EXTENDING BACK TO THE ALLEY WHICH IS PARALLEL WITH AND RUNS BETWEEN FREDERICK STREET AND FIRST AVENUE).

WHEREAS, proper public notice has been given in accordance with the procedures as outlined in the West Virginia Code, and

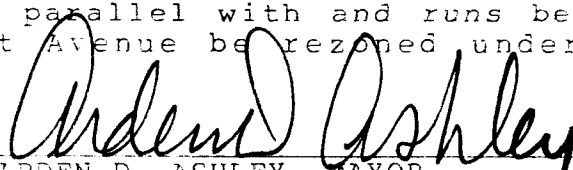
WHEREAS, public hearings were held pursuant to said West Virginia Code on this issue, and

WHEREAS, there appeared no opposition to said zoning of the above-captioned area, and

WHEREAS, this Council finds that such zoning is in the best interest of the City at large, and

WHEREAS, the Nitro Planning Commission has recommended this action by its final report of February 20, 1984.

NOW, THEREFORE, BE IT ORDAINED that the area fronting Frederick Street from Kapok St. to Walker Street and extending back to the alley which is parallel with and runs between Frederick Street and First Avenue be rezoned under the classification R-2.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

AGENDA ITEM NO. 9 - SECOND READING ORDINANCE 84-5, AN ORD. ESTABLISHING ZONING REQUIREMENTS AND RESTRICTIONS FOR THAT AREA KNOWN AS "LAKESIDE SUBDIVISION". - Councilman Romie Hughart moved to adopt this as the second reading of Ord.84-5. Motion was seconded. After discussion as to the need of this special Ordinance since the area is already zoned R-1, vote was taken and passed unanimously.

Ordinance as follows:

ORDINANCE NO. 84-5

AN ORDINANCE ESTABLISHING ZONING REQUIREMENTS AND RESTRICTIONS FOR THAT AREA KNOWN AS "LAKESIDE SUBDIVISION".

WHEREAS, proper public notice has been given in accordance with the procedures as outlined in the West Virginia Code, and

WHEREAS, public hearings were held pursuant to said West Virginia Code on this issue, and

WHEREAS, there appeared no opposition to said zoning of the above-captioned area, and

WHEREAS, this Council finds that such zoning is in the best interest of the City at large, and

WHEREAS, the Nitro Planning Commission has recommended this action by its final report of February 20, 1984.

NOW, THEREFORE, BE IT ORDAINED by the City Council, City of Nitro, West Virginia, that the area known as the "Lakeside Subdivision" continue to be zoned under the classification R-1.

ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, CITY RECORDER

AGENDA ITEM NO. 10 - REMINDER OF CHANGE OF COUNCIL DATES FOR MAY, 1984: City Recorder John Santrock reminded Council that there had been a change in City Council Meeting dates for May, 1984, which would change the regularly scheduled meeting from May 1, 1984 to May 6, 1984 at 5:00 p.m. and May 15, 1984 to May 22, 1984. The date changes were approved at the Council meeting on February 7, 1984.

AGENDA NO. 11 INVITATION TO PARTICIPATE APRIL 24, 1984, 1:30 P.M. IN AN INSPECTION AND TESTING OF COMPUTER VOTING EQUIPMENT AT THE COUNTY CLERK'S OFFICE: City Recorder John Santrock made announcement that under the State Code for election, by letter all members of Council and Ballot Commissioners are invited for inspection and testing of the counting computer equipment at the County Clerk's office April 24, 1984 at 1:30 p.m. Also, a letter will be mailed to each candidate. Councilman A. A. "Joe" Savilla moved that all candidates be notified of this meeting. Motion was seconded. The vote was taken and passed unanimously.

COMMITTEE REPORTS

Recreation Director John Simms advised a contract has been signed and the performers for the "Concert on the Lake" will be "The Motown Revue". There will be no admission charge to the public as the promoter will be handling the paying of the performers. The promoter will be trying to sell blocks of tickets to corporations, concessions that night and the sale of advertising in the Concert Program to cover the cost. A fishing contest will be held Saturday, May 26 which is being sponsored by the Bank of Nitro, Mike Weikle and Universal Insurance, Marvin Warren. Several local businesses such as Casto Hardware and Nitro Trophy have donated trophies and prizes. The prize fish will be a bass. There will be door prizes, several drawings and several other contests that will be run in conjunction with the \$10,000. tag bass such as trophies for the largest bass, largest trout, and largest catfish caught that day. There will be awards for the youngest and oldest fisherman catching a fish, and the largest poundage overall of the fish. There will be several door prize drawings that day for rods and reels. The contest will run from 8:00 a.m. to 4:00 p.m. on Saturday, May 26th. Another major event that we have received confirmation is the gospel sing to be held on Memorial Day with 18 groups scheduled to perform. A program outlining the festivities is being developed and will be distributed to Council Members.

Mayor Ashley reported that during the weekend of the Spring Festival, it appears that twenty-five or thirty crew members of the USS Nitro are planning to attend and we are hoping that we will be able to have host families to take in sailors for the weekend. On Sunday, May 27th, at 3:00 p.m. there will be a ceremonial naming of the Ship, USS Nitro for the City of Nitro, WV.

Councilman at Large Steve West made recommendation that all volunteers of the Spring Festival be given proper recognition.

There being no further business to be conducted, the meeting was adjourned at 8:15 p.m.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

APRIL 17, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John F. Santrock, Councilman at Large Steven West, Councilman Romie Hughart and Councilman Omar Cunningham. Also present were City Treasurer Michael E. Greenleaf and City Attorney Phillip D. Gaujot. Absent were Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman A. A. "Joe" Savilla and Councilman Jim Hutchinson.

The invocation was given by City Recorder John F. Santrock.

AGENDA ITEM NO. 1 APPROVAL OF APRIL 3, 1984 COUNCIL MEETING MINUTES: Councilman Romie Hughart moved that the April 3, 1984 Council meeting minutes be approved as written. The motion was seconded. Vote was taken and passed unanimously and was so ordered.

AGENDA ITEM NO. 2 LEVY ORDER AND LEVY RATE - 1984-85 - City Recorder John Santrock moved that we accept the levy as proposed and mail it to the State Tax Department, Local Government Relations Division, P. O. Drawer 2389, Charleston, WV 25305. Motion was seconded. Vote was taken and passed unanimously.

SEE ATTACHED
LEVY RATE SHEET
LEVY ORDER

LEVY RATE SHEET

RATES OF LEVY LAID BY:

CITY OF NITRO

(LEVYING BODY)

KANE COUNTY

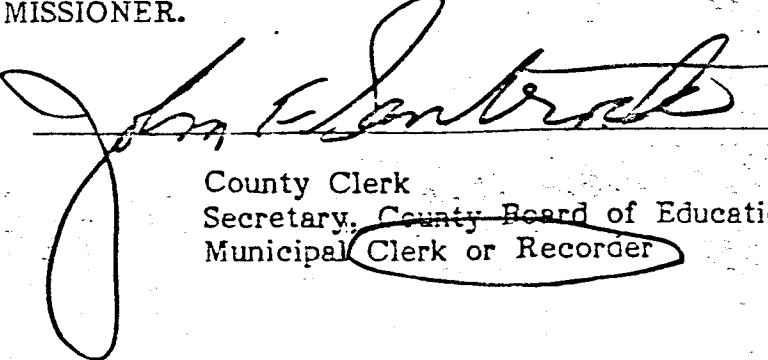
(COUNTY)

AND APPROVED BY THE STATE TAX COMMISSIONER FOR
COUNTY, SCHOOL, OR MUNICIPAL PURPOSES FOR THE
FISCAL YEAR BEGINNING JULY 1, IN ACCORDANCE
WITH CHAPTER 11, ARTICLE 8 OF THE WEST VIRGINIA
CODE, AS AMENDED.

	CURRENT LEVY RATE	EXCESS LEVY RATE	PUBLIC/PERM. IMPROVEMENT LEVY RATE	BONDS LEVY RATE	TOTAL LEVY RATE
CLASS I	11.50	1.25	1.00		13.75
CLASS II	23.00	12.50	2.00		37.50
CLASSES I AND/OR IV	46.00	25.00	4.00		75.00

RATE IS ON EACH ONE HUNDRED DOLLARS VALUATION

The above is a true list of the levies laid by the County Commission,
Board of Education, or Municipal Council of NITRO
on the 17th day of April, 1984 and APPROVED BY
THE STATE TAX COMMISSIONER.


County Clerk
Secretary, County Board of Education
Municipal Clerk or Recorder

NOTE: This is a three part form. When completed, retain the pink copy for your files and mail the white and yellow copies (along with your Levy Order) to the State Tax Department, Local Government Relations Division, P. O. Drawer 2389, Charleston, WV 25305. Upon receipt, one copy will be stamped "Approved" and forwarded to the assessor of your county to be used in extending the levies.

ASSESSED VALUATIONS - PROPOSED LEVY RATES AND TAXES LEVIED FOR ALL PURPOSES

The governing body, having ascertained that the net amount necessary to be raised by a levy of taxes for the purposes and within the limits prescribed by statute or authorized by entity voters, and having received written approval from the tax commissioner of its proposed levy estimate, does hereby adopt the following levy rates to be laid on each one hundred dollars of valuation of each class of property:

Assessed Values Tax Purposes	Current Expense Taxes Levied	Excess Levy Taxes Levied	Improvement Taxes Levied	Bond Purpose Taxes Levied
<u>Class I Property</u>	(Class I Rate <u>11.5</u>)	(Class I Rate <u>11.5</u>)	(Class I Rate <u> </u>)	(Class I Rate <u>11.5</u>)
Personal Property \$ <u>3,926,125</u>	\$ <u>45,150</u>	\$ <u>45,150</u>	\$ <u> </u>	\$ <u>45,150</u>
Public Utilities <u>501,400</u>	<u>5,766</u>	<u>5,766</u>	<u> </u>	<u>5,766</u>
Total Class I <u>4,427,525</u>	<u>51,916</u>	<u>51,916</u>	<u> </u>	<u>51,916</u>
<u>Class II Property</u>	(Class II Rate <u>3.0</u>)	(Class II Rate <u>3.0</u>)	(Class II Rate <u> </u>)	(Class II Rate <u>3.0</u>)
Real Estate \$ <u>18,237,300</u>	\$ <u>547,095</u>	\$ <u>547,095</u>	\$ <u> </u>	\$ <u>547,095</u>
Personal Property <u>1,216,800</u>	<u>36,504</u>	<u>36,504</u>	<u> </u>	<u>36,504</u>
Total Class II <u>19,454,100</u>	<u>583,600</u>	<u>583,600</u>	<u> </u>	<u>583,600</u>
<u>Class III Property</u>	(Class III Rate <u> </u>)	(Class III Rate <u> </u>)	(Class III Rate <u> </u>)	(Class III Rate <u> </u>)
Real Estate \$ <u> </u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
Personal Property <u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Public Utilities <u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total Class III <u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Class IV Property</u>	(Class IV Rate <u>41.0</u>)	(Class IV Rate <u>41.0</u>)	(Class IV Rate <u> </u>)	(Class IV Rate <u>41.0</u>)
Real Estate \$ <u>14,953,752</u>	\$ <u>617,104</u>	\$ <u>617,104</u>	\$ <u> </u>	\$ <u>617,104</u>
Personal Property <u>9,776,929</u>	<u>401,005</u>	<u>401,005</u>	<u> </u>	<u>401,005</u>
Public Utilities <u>3,412,100</u>	<u>140,002</u>	<u>140,002</u>	<u> </u>	<u>140,002</u>
Total Class IV <u>28,142,781</u>	<u>1,158,111</u>	<u>1,158,111</u>	<u> </u>	<u>1,158,111</u>
<u>TOTAL ALL CLASSES</u>	<u>\$ 5,250,413</u>	<u>\$ 1,780,027</u>	<u>\$ </u>	<u>\$ 1,780,027</u>

The above is a true copy from the records of orders made and entered by this entity on the 10th day of April, 1991.

County Clerk, Secretary Board of Education, Municipal Clerk or Recorder

NOTE: This is a three part form. When completed, retain the pink copy for your files and mail the white copy and levy Rate Sheet to the State Tax Department, P. O. Drawer 2389, Charleston, WV 25305. Mail the yellow copy to the State Auditor, Capitol Bldg. Charleston, WV 25301.

AGENDA ITEM NO. 3 REQUEST OF FRANK NOWVISKIE, GENERAL MANAGER OF TURNPIKE CHEVROLET - City Recorder John F. Santrock furnished all members a copy of the Ordinance pertaining to Mr. Frank Nowviskie's building permit which was rejected as the structure is partially located within the 100 year flood plane area. Mr. Nowviskie addressed Council with request of variance to this ordinance since the structure has already been installed, it is only a temporary structure, and it will only be occupied during day light hours as a business office. Councilman at Large Steven West moved to consider the request for a zoning variance for Turnpike Chevrolet. Motion was seconded. After discussion, vote was taken and passed unanimously.

Mr. Nowviskie announced that in conjunction with the City's Spring Festival and in celebration of Turnpike Chevrolet's second anniversary, they have scheduled two shows featuring the Vandells. They requested assistance with police and traffic control.

AGENDA ITEM NO. 4 - CHANGES IN ELECTION OFFICIALS: - City Recorder John Santrock moved for two changes of the Election Officials since the adoption for the May 1, 1984 election. In Precinct #401 delete Joan Stephens, as she has to leave the state due to illness in family, and add Nina Sue Rigglesman of 3 Barrington Rd. as Commissioner and in Precinct #403 replace Jeffrey Oldham with Muriel Oldham, 1828 18th St., as Clerk, since Mr. Oldham's registration did not reach the county registration office in time. Motion was seconded. There being no discussion on the matter, the vote was taken and passed unanimously.

COMITTEE REPORTS

All WV Cities Report

Mayor Ashley announced that the City of Nitro has been selected as an All West Virginia City for the second year in a row.

Spring Festival

Recreation Director John Simms furnished a schedule for the 1984 Spring Festival and a brochure describing the fishing contest to members of Council. As stated before, he advised he did not expect any funding problems. There has been cooperation from large businesses such as Turnpike Chevrolet, Universal Insurance, Bank of Nitro, Greene's Sporting Goods, Casto Hardware, Nitro Trophy, etc., with the events. Heck's is now in the process of printing information on the distance run, interstate competition, and police competition. Recreation Director John Simms requested permission from Council for Spring Festival events to solicit businesses only for purposes of promoting their events in the Spring Festival. Councilman Omar

Cunningham moved for approval of soliciting of advertising from businesses for the Spring Festival program. Motion was seconded. Vote was taken and passed unanimously.

The fee structure for concession would be \$10.00 per day or \$25.00 for the three day weekend for nonprofit organizations. Councilman Steve West moved for approval the fee structure of \$10.00 per day or \$25.00 for the three day weekend for recognized nonprofit organizations located within the city. Motion was seconded. The vote was taken and passed unanimously.

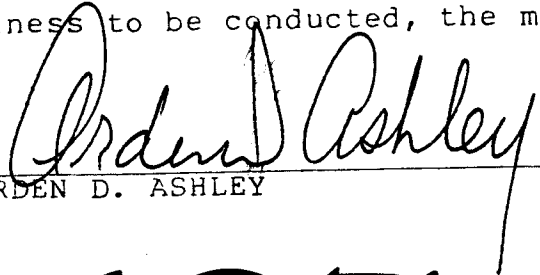
Muscular Dystrophy Door to Door Campaign Saturday, May 5, 1984

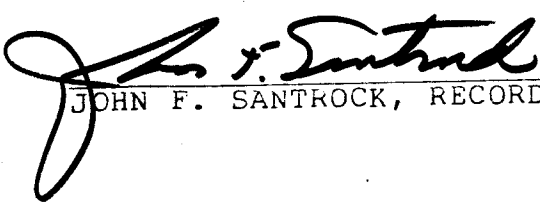
Mayor Ashley received request from the Muscular Dystrophy for a door to door campaign on Saturday May 5, 1984. City Recorder John Santrock moved to permit Muscular Dystrophy Association to solicit money in the city May 5. Motion was seconded. The vote was taken and passed unanimously.

Little League Parade, April 28, 1984, 10:00 a.m.

Mayor Ashley has a request from the Little League for a parade on April 28, 1984 at 10:00 a.m. This is the day they kickoff the Little League Season. Councilman Romie Hughart moved to permit the Little League parade. Motion was seconded. The vote was taken and passed unanimously.

There being no further business to be conducted, the meeting was adjourned at 7:57 p.m.


ARDEN D. ASHLEY


JOHN F. SANTROCK, RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

MAY 6, 1984

The meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 5:00 P.M. in Council Chambers. Present were City Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, and Councilman Omar Cunningham. Also present were City Treasurer Michael E. Greenleaf, City Attorney Phillip D. Gaujot, Councilman at Large elect Olaf K. Walker and Councilman elect Charles "Bull" Miller. Absent were Councilman at Large Steven West and Councilman Jim Hutchinson.

The invocation was given by Reverend Wade Austin.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 17, 1984 COUNCIL MEETING MINUTES - Councilman Romie Hughart moved that the April 17, 1984 Council meeting minutes be approved as written. The motion was seconded. Vote was taken and passed unanimously and was so ordered.

AGENDA ITEM NO. 2 - SMITH & MINOR STREETS SITUATION - Ms. Hatfield made appeal to Council for correction of a street right of way being used by her neighbor as garden, yard, parking, & etc. making it almost impossible to get to her front door. According to a map presented by her from Dunn Engineers there shows a 25 foot street. At the next Council Meeting on May 22, the other parties involved will be invited to state their point of view.

AGENDA ITEM NO. 3 - SOLICITATION REQUEST FROM MRS. KIDDY'S GIRL SCOUT TROUP TO COLLECT FOOD FOR FOOD CLOSET ON SATURDAY, MAY 12, 1984 - Councilman Joe Savilla moved to permit the Girl Scout troupe to collect food and clothing for the food closet on May 12, 1984. Motion was seconded. There being no discussion, the vote was taken and passed unanimously.

AGENDA ITEM NO. 4 - NITRO JR. HIGH CHEERLEADERS REQUEST TO SOLICIT ADS FOR ATHLETIC BOOKLET - Councilwoman at Large Mary Trout moved to allow the Nitro Jr. High Cheerleaders to solicit ads from businesses in Nitro for an Athletic Booklet. Motion was seconded. The vote was taken and passed unanimously.

AGENDA ITEM NO. 5 - RESOLUTION COMMEMORATING POLICE WEEK - MAY 13 THROUGH MAY 29, 1984 - City Recorder John Santrock moved that we adopt the resolution commemorating police week from May 13, through May 29, 1984. Motion was seconded. There being no discussion on the matter, vote was taken and passed unanimously.

RESOLUTION AS FOLLOWS

RESOLUTION 84-6

A RESOLUTION COMMEMORATING POLICE
WEEK - MAY 13 THROUGH MAY 19, 1984

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the law enforcement agency of Nitro play an essential role in safeguarding the rights and freedoms of the citizens of Nitro; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting the innocent against deception and the weak against oppression or intimidation; and

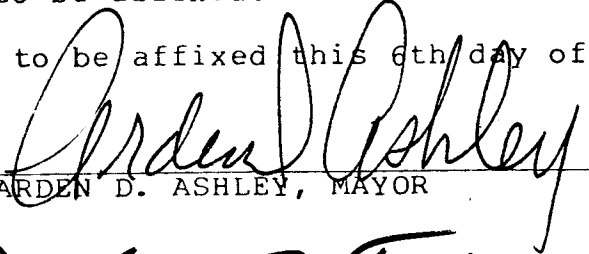
WHEREAS, the police department of Nitro has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

NOW, THEREFORE, I, Arden D. Ashley, do hereby call upon all patriotic, civic, and educational organizations to observe the week of May 13 through 19, 1984, as Police Week, with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon all citizens of Nitro to observe Tuesday, May 15, 1984, as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Nitro to be affixed.

DONE at the City of Nitro to be affixed this 6th day of May, 1984.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

AGENDA ITEM NO. 6 - REQUEST FROM AMATEUR ATHLETIC UNION OF THE US., INC. - City Recorder John Santrock read request from the Amateur Athletic Union of the United States, Inc. requesting a \$50. donation to a travel fund for Stephanie Johnson of Nitro who is currently the number two ranked female karate fighter. City Recorder John Santrock moved that we contribute \$25.00 to this fund. The vote was taken and passed unanimously and was so ordered.

AGENDA ITEM NO. 7 - RESOLUTION AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR THE COMMUNITY CENTER - Councilman Joe Savilla moved that we adopt the resolution authorizing the Mayor to make application for the community center project. Motion was seconded. The vote was taken and passed unanimously.

RESOLUTION AS FOLLOWS:

RESOLUTION 84-7

A RESOLUTION AUTHORIZING THE MAYOR TO
MAKE APPLICATION FOR THE COMMUNITY
CENTER PROJECT

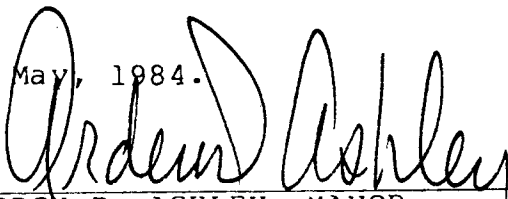
WHEREAS, public hearings were held pursuant to federal regulations as to the community development needs of the city, and:

WHEREAS, the public response was overwhelmingly in favor of a community building,

BE IT RESOLVED that the City Council of the City of Nitro empower the Mayor to execute any and all documents necessary to make application for funding of said project;

BE IT FURTHER RESOLVED that the application provide for any and all assurances and understanding as may be required, and that the Mayor be authorized to provide such information that may be required.

Passed this the 6th day of May, 1984.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, CITY RECORDER

AGENDA ITEM NO. 8 - REFUSAL OF GARBAGE BAG BIDS - City Recorder John F. Santrock announced that last month an advertisement ran in both papers for two weeks for bids on garbage bags. There was only one bid received which was for \$9.05

per case of one hundred. After negotiating bids with other companies, Copco Papers has offered to furnish us garbage bags at \$5.92 per case of one hundred. City Recorder John Santrock moved to accept the price with Copco Papers at \$5.92 per case. Motion was seconded. The vote was taken and passed unanimously and so ordered.

AGENDA ITEM NO. 9 - CANVASS OF MAY 1, 1984 MUNICIPAL ELECTION -At 5:45 p.m. , City Recorder John S. Santrock moved that the Council be resolved into a Board of Canvassers for the City election held May 1, 1984. Motion was seconded. The vote was taken and passed unanimously. City Recorder John Santrock recognized the two ballot Commissioners, Bess Stahl and Dr. Guy Cassell, who have served with him during the election. Dr. Cassell and Ms. Stahl will assist in opening the challenged ballots.

CANVASSERS AS FOLLOWS:

BOARD OF CANVASSERS

Orlando Oakley
MAYOR

Mary F. Trant
COUNCILMAN AT LARGE

COUNCILMAN AT LARGE

A.A. "Joe" Savilla
WARD I

Roger W. Cunningham
WARD III

John F. Santrock
RECORDER

Ruby Cook
COUNCILMAN AT LARGE

COUNCILMAN AT LARGE

Ronnie C. Hughant
WARD II

WARD IV

PRECINCT 22 & 23

Challenged ballots for precinct 22 and 23 were reviewed, and Council Savilla moved that the challenged ballots not be counted as none of those voting were contained in the registration books.

City Recorder John Santrock announced the following results for Precinct 22 and 23:

MAYOR

Arden D. Ashley	191
Ezra H. Graley	56

CITY RECORDER

John F. Santrock	179
Alice Ingrahm Hedrick	66

COUNCIL AT LARGE

Ivan D. Meadows	76
Mary F. Trout	189
Olaf K. Walker	113
Rusty Casto	175

COUNCIL - FIRST WARD

Louis Marino	30
A. A. "Joe" Savilla	210

PRECINCT 401

In precinct 401, one challenged ballot not counted as voter was not in registration book. Councilman Omar Cunningham made the motion and it was properly seconded. A voice vote was taken and passed unanimously. Results of precinct 401 as follows:

MAYOR

Arden D. Ashley	83
Ezra H. Graley	21

CITY RECORDER

John F. Santrock	64
Alice Ingrahm Hedrick	38

COUNCIL AT LARGE

Ivan D. Meadows	42
Mary F. Trout	64
Olaf K. Walker	68
Rusty Casto	76

COUNCIL FIRST WARD

Louis Marino	48
A. A. "Joe" Savilla	56

PRECINCT 402

Agreed by Council that six (6) absentee ballots be manually counted as ballot is contained on absentee ballot machine.

One voter not on registration book and Councilman Romie Hughart moved not to count non registered person's ballot. The motion was seconded. The vote was taken and passed unanimously.

Three ballots challenged due to marriage changing name in which the individuals had been married more than 30 days. Councilman Joe Savilla moved to disregard ballots voted. The motion was seconded. A voice vote was taken and passed unanimously.

City Recorder John Santrock informed Council that no sample ballots had been passed out with incorrect information.

Count in Precinct 402, including absentee ballots voted manually is as follows:

MAYOR

Arden D. Ashley	152
Ezra H. Graley	48

CITY RECORDER

John F. Santrock	140
Alice Ingrahm Hedrick	57

COUNCIL AT LARGE

Ivan D. Meadows	71
Mary F. Trout	133
Olaf K. Walker	133
Rusty Casto	165

COUNCIL SECOND WARD

Steven E. West	84
Romie C. Hughart	110

PRECINCT 403

Results were read by City Recorder John F. Santrock as processed:

MAYOR

Arden D. Ashley	117
Ezra H. Graley	27

CITY RECORDER

John F. Santrock	98
Alice Ingrahm Hedrick	47

COUNCIL AT LARGE

Ivan D. Meadows	63
Mary F. Trout	101
Olaf K. Walker	86
Rusty Casto	121

COUNCIL SECOND WARD

Steven E. West	61
Romie C. Hughart	81

PRECINCT 405

In Precinct 405 there was one challenged ballot due to an error at the courthouse with a misspelled name. Councilman at large moved to accept the ballot. Motion was seconded. After discussion and recommendation by both Commissioners, the vote was taken and passed unanimously. The vote count is as follows:

MAYOR

Arden D. Ashley	102
Ezra H. Graley	23

CITY RECORDER

John F. Santrock	89
Alice Ingrahm Hedrick	34

COUNCIL AT LARGE

Ivan D. Meadows	60
Mary F. Trout	86
Olaf K. Walker	70
Rusty Casto	105

COUNCIL - SECOND WARD

Steven E. West	55
Romie C. Hughart	60

PRECINCT 406

Precinct 406 contained one challenged absentee ballot and Council voted to count it as a legal vote. Precinct 406 totals are as follows:

MAYOR

Arden D. Ashley	149
Ezra H. Graley	48

CITY RECORDER

John F. Santrock	133
Alice Ingrahm Hedrick	67

COUNCIL AT LARGE

Ivan D. Meadows	77
Mary F. Trout	111
Olaf K. Walker	127
Rusty Casto	170

COUNCIL - THIRD WARD

Dean Miller	62
Charles "Bull" Miller	106
Omar Cunningham	38

PRECINCT 408

There were four challenged ballots in precinct 408, none of which were listed in registration book. Councilman at Large Rusty Casto moved that they not be counted. Motion was seconded, and voice vote taken and passed unanimously.

There were two legally changed names more than 30 days prior to the election and Councilman A. A. "Joe" Savilla moved not to accept. Motion seconded and passed unanimously by Council. Tally for Precinct 408 is as follows:

MAYOR

Arden D. Ashley	195
Ezra H. Graley	35

RECORDER

John F. Santrock	176
Alice Ingrahm Hedrick	57

COUNCIL AT LARGE

Ivan D. Meadows	101
Mary F. Trout	153
Olaf K. Walker	133
Rusty Casto	187

COUNCIL - THIRD WARD

Dean Miller	57
Charles "Bull" Miller	129
Omar Cunningham	34

PRECINCT 409

There were seven challenged ballots, all not properly registered. Councilman at Large Rusty Casto moved that none of them be counted. Motion was seconded. A voice vote taken and passed unanimously. Election results of 409 is as follows:

MAYOR

Arden D. Ashley	187
Ezra H. Graley	58

RECORDER

John F. Santrock	143
Alice Ingrahm Hedrick	99

COUNCIL AT LARGE

Ivan D. Meadows	94
Mary F. Trout	133
Olaf K. Walker	135
Rusty Casto	191

COUNCIL - FOURTH WARD

J. E. "Jim" Hutchinson	198
John W. Burgess, Jr.	38

PRECINCT 411

In precinct 411 there were three registration forms not in registration book and Councilman A. A. "Joe" Savilla moved not to accept them. The motion was seconded, voice vote taken and passed unanimously. Precinct report for 411 is as follows:

MAYOR

Arden D. Ashley	79
Ezra H. Graley	46

RECORDER

John F. Santrock	68
Alice Ingrahm Hedrick	56

COUNCIL AT LARGE

Ivan D. Meadows	53
Mary F. Trout	78
Olaf K. Walker	76
Rusty Casto	105

COUNCIL - FOURTH WARD

J. E. "Jim" Hutchinson	76
John W. Burgess, Jr.	44

City Recorder John Santrock moved that the ballots approved be added to the certificates mailed him by the County Clerk's office with the computer just the same as we have with the additions. Also, that they become the official certification of our city election, May 1, 1984. The motion was seconded. Voice vote was taken that we accept this count as modified and identified and passed unanimously.

CUMULATIVE REPORT OF ALL PRECINCTS AS FOLLOWS:MAYOR

Arden D. Asnley	1255
Ezra H. Graley	362

CITY RECORDER

John F. Santrock	1090
Alice Ingrahm Hedrick	521

COUNCIL AT LARGE

Ivan D. Meadows	637
Mary F. Trout	1048
Olaf K. Walker	941
Rusty Casto	1295

COUNCIL - FIRST WARD

Louis Marino	78
A. A. "Joe" Saville	266

COUNCIL - SECOND WARD

Steven E. West	201
Romie C. Hughtart	251

COUNCIL - THIRD WARD

Dean Miller	119
Charles "Bull" Miller	235
Omar Cunningham	72

COUNCIL - FOURTH WARD

J. E. "Jim" Hutchinson	274
John W. Burgess, Jr.	82

AGENDA ITEM NO. 10 - CITIZEN OF THE MONTH - The Citizen of the Month for May, 1984 is Thelma Ashley.


COMMITTEE REPORTS

Recreation Director John Simms reported that the Spring Festival plans are moving along quite well. Cox's Department store in Nitro is in charge of the Miss Spring Festival Pageant. Also, there is a correction to the schedule for the benefit softball game. In place of City vs. V-100, it will be Super 102. He also reported that Turnpike Chevrolet was unable to obtain the Vandells for their celebration.

Mayor Ashley informed that there are a limited edition of mugs (999) of West Virginia glass commemorating the special bonds between the City of Nitro and the USS Nitro selling for \$15.00 each. Any expense will be absorbed by the Navy League and the proceeds will go to the Navy League of New Jersey and West Virginia.

There being no further business to be conducted, the meeting was adjourned at 6:15 p.m.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, CITY RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

MAY 22, 1984

The meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Romie Hughart, Councilman Omar Cunningham and Councilman Jim Hutchinson. Also present were City Treasurer Michael E. Greenleaf and City Attorney Phillip D. Gaujet. Absent were Councilman at Large Steven West and Councilman A. A. "Joe" Savilla.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 6, 1984 COUNCIL MEETING MINUTES - Councilman at Large Rusty Casto moved that the May 6, 1984 Council meeting minutes be approved as written. The motion was seconded. Vote was taken and passed unanimously and so ordered.

AGENDA ITEM NO. 2 - REPORT OF BOARD OF ZONING APPEALS - City Recorder John F. Santrock gave report from the Board of Zoning Appeals reference their meeting on May 7, 1984 and moved that it be made a part of the minutes. Motion was seconded. The vote was taken and passed unanimously.

AS FOLLOWS:



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

BOARD OF ZONING APPEALS

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

The Board of Zoning Appeals met in the City Reception room Monday, May 7, 1984.

The Board considered the request for variance by William and Jean Greene. The Greene's had requested permission to erect an 80'x 36' two-story masonry and frame structure for use as business and residence at 410 1st. Avenue. This area is Zoned "C-1" with permissive and prohibited restrictions under the City of Nitro Zoning Code.

No one appeared to oppose this request, and following a review of request by Mr. Greene and Bob Sergeant, Building Inspector, variance to build as proposed was granted.

Board members present were Cecil Lemma, Chairman; Timothy Cook and Kenneth K. Knicely.

AGENDA ITEM NO. 3 - REQUEST FROM TENNESSEE GAS PIPELINE - City Recorder moved that the request from Tennessee Gas Pipeline be approved to permit them to pump approximately 1,600,000 gallons of water from the lake between June 15, and August 1, 1984, to test their pipelines setting forth certain contingencies. The motion was seconded. City Recorder John Santrock made comment that after discussion with the Company, they informed him they will contribute \$1,500.00 to the City of Nitro for playground equipment. After discussion, the vote was taken and passed unanimously. Tennessee Gas Pipeline to leave Ridenour Lake in good condition.

AGENDA ITEM NO. 4 - RESOLUTION 84-8 - SUPPORT FOR NATIONAL FLAG DAY (JUNE 14, 1984) - City Recorder moved that we accept this resolution. The motion was properly seconded and the vote taken which passed unanimously.

City Recorder John F. Santrock requested that Council and those in attendance stand and give the Pledge of Allegiance in our support for Flag Day.

Resolution as follows:

RESOLUTION 84-8

SUPPORT FOR NATIONAL FLAG
DAY, JUNE 14, 1984

WHEREAS, the Continental Congress of the United States adopted a National flag on June 14, 1777; and

WHEREAS, the United States Congress officially designated June 14 as National Flag Day in 1949; and

WHEREAS, the Star-Spangled Banner Flag House has officially sponsored Flag Week since 1952; and

WHEREAS, the National Flag Day Foundation, in Baltimore, Maryland was created in 1982 to plan National Flag Day ceremonies and to encourage patriotism by promoting the

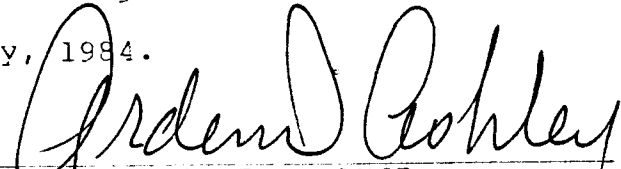
PAUSE FOR THE PLEDGE OF ALLEGIANCE

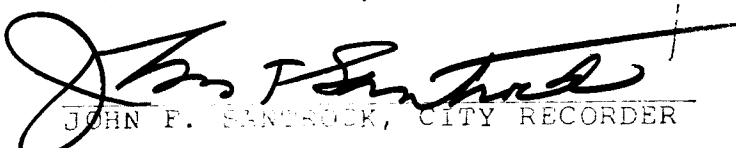
and

WHEREAS, this year on June 14, 1984 at 7 P.M. (EDT), Americans everywhere in the nation, lead by President Reagan and Governors of the 50 states, are asked to pause to say the Pledge of Allegiance to the Flag of the United States of America;

BE IT NOW RESOLVED that The City of Nitro urge its members, their families, and their friends to join in this effort.

Passed this 22nd day of May, 1984.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, CITY RECORDER

PAUSE FOR THE PLEDGE OF ALLEGIANCE
FLAG DAY USA - JUNE 14, 7 p.m.

AGENDA ITEM NO. 5 - MINOR AVE. & SMITH STREET DIFFERENCE - Councilman Omar Cunningham introduced Jack Diehl. He advised he does not block the Avenue and it is open for their use. Mayor Ashley made recommendation that Mr. Diehl and Ms. Hatfield at a mutually convenient time and place, sit down with the City Attorney Phillip D. Gaujot to try and settle the dispute. Both parties agreed to this arrangement. After agreement has been made, both parties can sign an acceptance and report back to Council.

AGENDA ITEM NO. 6 - FIRST READING OF ORDINANCE RESCINDING CITY CODE 2-18 WHICH REQUIRES MEETING AT 10:00 A.M. JULY 1, OATH OF OFFICE, ETC. - City Recorder John F. Santrick introduced an ordinance rescinding Nitro City Code Sec. 2-18 (meetings) --- Leap Year Quadrennial, for Organization moved we accept this as the first reading of said ordinance. Motion was seconded. The vote was taken and passed unanimously.

ORDINANCE NO. 84-

AN ORDINANCE RESCINDING NITRO
CITY CODE SECTION 2-18
SAME (MEETINGS) - -
LEAP YEAR QUADRENNIAL, FOR
ORGANIZATION.

Inasmuch the present City Code of Nitro Sec. 2-18 designates Council meet at 10:00 A.M. on the first day of July of each leap year for organization and oath of office to be administered to elected officials; and

Since, no Council has followed this ordinance in recent years; and,

Since July 1 falls on Sunday this year (1984) and would be most inconvenient; be it ordained that Sec. 2-18 (meetings, Leap Year Quadrennial, for Organization be replaced by:

"Every person elected or appointed to any office in this City, before proceeding to exercise the authority or discharge the duties of such office, shall take the oath or affirmation prescribed in Section 5 of Article IV of the Constitution of this state."

State Code 5-1-5

5-5-8

May 22, 1984 _____ First Reading
_____ Second Reading

Arden C. Ashley
MAYOR
John F. Santrick
RECORDER

AGENDA ITEM NO. 7 REQUEST FOR VARIANCE TO FEMA REGULATIONS BY OSHEL CRAIGO -City Recorder introduced Mr. Steve Casebolt, representing Mr. Craigo and his appeal. Mr. Casebolt advised he had Mr. Randolph from Randolph Engineer to check the site where the proposed structure (storage bldg.) is to be erected. A copy of his report was given to Council. Mr. Casebolt advised that failure to receive the permit for construction of the warehouse would create a hardship for the company as they are growing and have a storage problem. After comments from C. R. Sergent, City Building Inspector, Connie Stephens, General Manager of the Sanitary Board and Phillip D. Gaujet, City Attorney, Councilman Romie Hughart moved to grant the variance for permit 122-84 as amended. The motion was seconded and vote taken which passed unanimously. Report from Randolph Engineering Co., Inc. as follows:

"The proposed building addition will not result in an increased flood heights, threats to public safety, extraordinary public expense, public nuisance or conflict with any known law. The building as proposed to be extended, is the same width as the existing building, and will be extended parallel to the channel, therefore the floodway cross section will not change and therefore not increase or effect the flood height."

AGENDA 8 - RESOLUTION TO ADOPT THE USS NITRO - Mayor Ashley presented Resolution 84-9, a resolution adopting the USS Nitro (AE23) as the official ship of the City of Nitro. Councilman at Large Rusty Casto moved that we adopt the resolution. Motion was seconded. There being no discussion on the matter, vote was taken and passed unanimously.

RESOLUTION 84-9

A RESOLUTION ADOPTING THE USS
NITRO (AE-23) AS THE OFFICIAL
SHIP OF THE CITY OF NITRO

Before the City Council of the City of Nitro:

WHEREAS, the City of Nitro has been recognized by the United States Senate as a "Living Memorial to World War I" as proclaimed by Senate Resolution 497, and

WHEREAS, in keeping with our history as a town, born out of our country's need to produce munitions during times of war, the City recognizes that the U.S.S. Nitro is a munitions supply ship, and

WHEREAS, a friendship has developed between the sailors of the U.S.S. Nitro and the City of Nitro, and

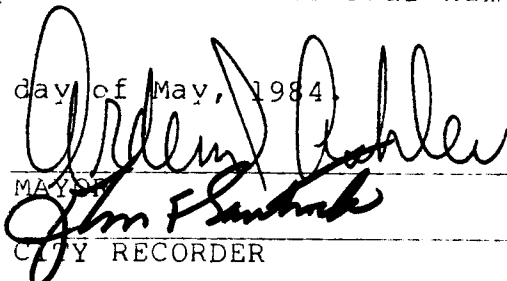

WHEREAS, there currently is a request to the Secretary of the Navy seeking that the U.S.S. Nitro be formally named for the City of Nitro, and

WHEREAS, the City Council of the City of Nitro finds that such kinship as heretofore mentioned is deserving of consideration by this Council

NOW, THEREFORE, BE IT RESOLVED that the City of Nitro hereby adopts the U.S.S. Nitro as its official ship with al the rights and privilege pertaining thereton, and

BE IT FURTHER RESOLVED that the Mayor be empowered to seek from the appropriate U.S. Navy officer the official naming of the U.S.S. Nitro after our City.

Passed on this, the 22nd day of May, 1984.


 MAYOR

 CITY RECORDER

GOD BLESS THE PEOPLE OF THE GREAT CITY OF NITRO AND GOD SAVE THE U. S. S. NITRO.

AGENDA ITEM NO. 9 - SWIMMING POOL EMPLOYEES - City Recorder John F. Santrock presented the names of the Nitro Swimming Pool employees as recommended by Recreation Director John Simms and moved to have them approved. The motion was seconded. The vote was taken and unanimous and so ordered.

NAMES AS FOLLOWS:

Ivy Bailes (1)	Chris Hoptry (3)
Terry Fox (2)	Debbie Morris (1)
Jay Gainer (1)	Lucy Mynes (2)
Kirk George (1)	Melori Pennington (4)
Jayne Ann Grover (1)	Shawwna Raynes (2)
John Halbritter (2)	Stephanie Trout (3)
Debra Herdman (3)	Brenda Tyler (2)

() = Years experience at Nitro Pool including 1984.

Note: Ten of the above currently live in Nitro. Two live in Cross Lanes but attended Nitro High.

AGENDA ITEM NO. 10 - SWIMMING POOL RULES - Councilman Jim Hutchinson moved that people be permitted to bring food into the picnic area at the swimming pool. Motion was seconded. Recreation Director John Simms advised that the recommendation of the rule of food being brought in was on the advice of the consultant who was hired last year and was included in the report distributed to Council on November 15, 1983 of the Rules and Regulations. On December 6, 1983 the Rules and Regulations were accepted by Council. After disscussion on the matter, Councilman Romie Hughart moved we table the questions as to whether food should be allowed to be brought in. The motion was seconded. A vote was taken and the motion to table carried.

AGENDA ITEM NO. 11 - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DEPARTMENT OF HIGHWAYS WITH REGARD TO RAILROAD WARNING DEVICES AT THREE RAILROAD GRADE CROSSINGS - Councilman Omar Cunningham introduced the above resolution and advised that 90 per cent would be federal money and 10 per cent financed by Conrail. The warning devices would be installed at 11th Street, Kapok St. and Walker. Councilman Omar Cunningham moved that we pass this resolution. Motion was seconded. Mayor Ashley informed that Conrail will pick up the 10 per cent and will ask if we can help. There is nothing binding by the City. The vote was taken and passed unanimously.

Councilman Omar Cunningham commented that we need a few traffic lights in town, mainly in the mornings and in the afternoon. He informed that the money was available for the asking. We could have a traffic light at Plant Road at 41st St., 19th St., 11th St. and one at Lock St. The only cost to the City would be for electrical expense. Councilman Omar Cunningham moved that Council authorize Mayor Ashley to apply for traffic lights to be installed 19th, 11th and Lock St. at no cost to the city other than maintenance. Motion was seconded. A vote was taken and passed unanimously.

RESOLUTION 84-10

AS FOLLOWS:

RESOLUTION BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA
AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE WEST VIRGINIA
DEPARTMENT OF HIGHWAYS WITH REGARD TO THE ESTABLISHMENT AND MAIN-
TENANCE OF RAILROAD CROSSING WARNING DEVICES AT THREE RAILROAD GRADE
CROSSINGS WITHIN THE MUNICIPAL LIMITS OF THE CITY OF NITRO, WEST VIRGINIA

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

1. That the Mayor of the City of Nitro, West Virginia, who is its official duly and legally authorized to execute agreements, be and is hereby authorized to execute, to have acknowledged and to have delivered on behalf of said City an agreement, a copy of which is attached hereto and made a part hereof, with the West Virginia Department of Highways with regard to the establishment and maintenance of railroad crossing active warning devices at three railroad crossings within its corporate limits; and

of said official and affix the seal of the City to said agreement.

On motion duly made by Omarr Cunningham and
seconded by A. H. Sweller, the Council of the City
of Nitro, West Virginia, does hereby approve and authorize the adoption
of said resolution.

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA

MUNICIPALITY OF NITRO

I, John F. Sankel, CITY CLERK AND RECORDING
OFFICER of said municipality, do hereby certify that the foregoing are
true copies from the records or order made and entered by the Council
of said municipality on the 2nd day of May, 1984.

John F. Sankel
CITY CLERK AND RECORDER

A G R E E M E N T

GRADE CROSSING ACTIVE WARNING DEVICES

11TH, KAPOK AND WALKER STREETS

NITRO, WEST VIRGINIA

THIS AGREEMENT, made this _____ day of _____, 19____ by
and between the West Virginia Department of Highways, a corporation,
hereinafter designated "Department", party of the first part, and the
City of Nitro, a municipal corporation, Kanawha County, West Virginia
hereinafter designated "City", party of the second part.

WITNESSETH

to the installation of railroad crossing active warning devices at the intersection of 11th Street and the railway of the Consolidated Rail Corporation and at the intersection of Kapok Street and the railway of the Consolidated Rail Corporation and at the intersection of Walker Street and the railway of the Consolidated Rail Corporation in Nitro, Kanawha County, and

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

NOW, THEREFORE, THIS AGREEMENT WITNESSETH, that in consideration of the mutual covenants herein entered into, said Department and City do hereby agree as follows:

- I. Construction costs shall be allocated ninety (90) percent Federal Highway Administration, with the remaining ten (10) percent allocated between City and the Consolidated Rail Corporation as mutually agreed between them.

II. DEPARTMENT AGREES TO:

- A. Enter into the necessary agreements with the Consolidated Rail Corporation for installation and maintenance of said railroad crossing active warning devices.
- B. Administer the preliminary engineering and construction of said railroad crossing warning devices and perform necessary inspection thereof.

- A. In no way alter or remove any part of, or perform any maintenance on, said railroad crossing active warning devices.
- B. Institute (by ordinance, if necessary) and enforce any regulations necessary to operation of said railroad crossing devices.

IN WITNESS WHEREOF, West Virginia Department of Highways, a corporation has caused its corporate name to be signed hereto by its Commissioner Charles L. Miller, and its corporate seal to be affixed hereto by its Executive Secretary, Philip A. Shucet, both officials thereunto duly authorized, and IN WITNESS WHEREOF, the City of Nitro, a municipal corporation, has caused its corporate name to be signed hereto by its Mayor and its corporate seal to be affixed by its City Clerk, having been duly authorized under and by virtue of a resolution adopted by the Council of the City of Nitro, County of Kanawha, on the ____ day of _____, 19____.

ATTEST:

WEST VIRGINIA DEPARTMENT OF HIGHWAYS
a corporation

Its Executive Secretary

Its Commissioner

ATTEST:

Philip A. Shucet

Its City Clerk

CITY OF NITRO
a municipal corporation

Arden D. Wiley

Its Mayor

APPROVED AS TO FORM THIS

21 DAY OF *May*, 19 *24*
Charles W. R. Hark

ATTORNEY LEGAL DIVISION,
WEST VIRGINIA DEPARTMENT
OF HIGHWAYS

PURCHASE OF GARBAGE TRUCK Gene Williams made recommendation that the City purchase a 1973 F600, compactor with side loader garbage truck from the City of White Sulphur Springs for \$3,500. He informed it was in better than average condition, with good tires and he had seen it in operation. City Treasurer Michael Greenleaf informed that the Public Works department had sufficient funds to cover this. Councilman at Large Rusty Caste moved that we purchase the garbage truck. The motion was seconded. A vote was taken and passed unanimously.

COMMITTEE REPORTS

Recreation Director John Simms reported the Miss Spring Festival Pageant has been cancelled for Thursday evening due to lack of entries. Miss Spring Festival will be crowned Friday evening at 6:00 p.m. at Ridenour Lake. Admission is free for the Concert on the Lake with request of donation with profit going to Special Olympics. The fishing contest is going extremely well. As of this afternoon, May 22, there are nearly 100 entries. The tag fish will be for \$10,000. and nearly \$5,000. worth of door prizes. The entries for the softball tournament have been slow because of another tournament in Richmond. The craft show is going extremely well. As of this date, 18 booths have been sold. There will be a large fireworks display. The horse show is going extremely well with approximately 75 horses entered.

Mayor Ashley informed that Spring Festival 84 is dedicated to the crew of the USS Nitro. The crew will be arriving Friday evening with a scheduled departure for Monday. There will be 27 sailors and five of the sailors will bring their wives. The Navy League is having a dinner for them on Friday night. After the parade on Saturday, there will be a bring your own food picnic for the sailors at Ridenour. They will participate in the ceremonies. He informed that Gary Hill, from the Nitro Sport Shop, has "T" shirts printed with the USS-Nitro logo.

John Simms advised because of problems with course construction, the bicycle races are cancelled. There will be a 24 page program explaining the different events. This program was paid for by advertisers and local businesses. According to the printers, they will be available Thursday. There will be 16 gospel groups singing at the Lake Monday. Everyone was encouraged to attend the Memorial Ceremony to be held at 11:30 a.m. on Monday.

There being no further business to be conducted, the meeting was adjourned at 9:05 P.M.

Orlando Ashley
 MAYOR
John F. Smith
 CITY RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

JUNE 5, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John F. Santrock, Councilwoman at Large Mary Trout, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, and Councilman Jim Hutchinson. Also present were City Treasurer Michael E. Greenleaf, City Attorney Phillip D. Gaujot and Councilman at Large Elect Olaf Walker. Absent were Councilman at Large Rusty Casto, Councilman at Large Steve West and Councilman Omar Cunningham.

The invocation was given by the Fire Chief E. W. Hedrick.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 22, 1984 COUNCIL MEETING MINUTES - Councilman Romie Hughart moved that the May 22, 1984 Council Meeting minutes be approved as written. The motion was seconded. The vote taken and passed unanimously and so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH - Mayor Ashley presented the June, 1984 Citizen of the Month award to the 1984 Festival Director and Recreation Director John Simms.

AGENDA ITEM NO. 3 - SECOND READING OF AN ORDINANCE RESCINDING NITRO CITY CODE SECTION 2-18 - City Recorder John F. Santrock moved that we approve the second reading of Ordinance rescinding Nitro City Code 2-18 same (meetings) ---- Leap Year Quadrennial, for Organization. The motion was seconded. There being no discussion, the vote was taken and passed unanimously. The inaugural ceremony will be celebrated this year on July 1, 1984 at 2:00 p.m. at City Hall. The Council elect will be asked to sign an Oath of Office and will be official as of midnight on June 30, 1984.

ORDINANCE NO. 84-6 AS FOLLOWS:

AN ORDINANCE RESCINDING NITRO
CITY CODE SECTION 2-18
SAME (MEETINGS)
LEAP YEAR QUADRENNIAL, FOR
ORGANIZATION

Inasmuch the present City Code of Nitro Sec. 2-18, designates Council meet at 10:00 A.M. on the first day of July of each leap year for organization and oath of office to be administered to elected officials; and

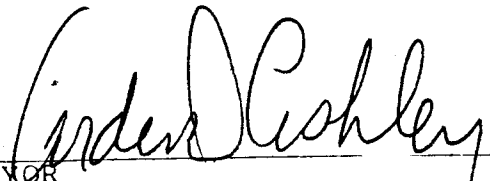
Since, no Council has followed this ordinance in recent years; and

Since July 1 falls on Sunday this year (1984) and would be most inconvenient; be it ordained that Sec. 2-18, Meetings, Leap Year Quadrennial, for Organization be replaced with:

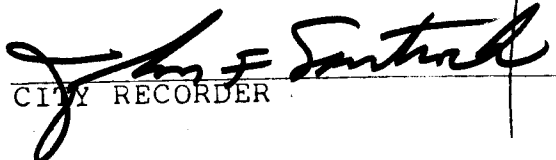
"Every person elected or appointed to any office in this City, before proceeding to exercise the authority or discharge the duties of such office, shall take the oath or affirmation prescribed in Section 5 of Article IV of the Constitution of this State."

State Code 6-1-5
8-5-8

<u>May 22, 1984</u>	First Reading
<u>June 5, 1984</u>	Second Reading



MAYOR



CITY RECORDER

AGENDA ITEM NO. 4 - TOWN MEETING MINUTES OF APRIL 26, 1984 - City Recorder John Santrock moved to have the Town Meeting Minutes of April 26, 1984 and town meeting minutes thereafter be made a part of Council minutes. Motion was seconded. A vote was taken and passed unanimously and so ordered.

TOWN MEETING MINUTES OF APRIL 26, 1984 AS FOLLOWS:

TOWN MEETING

APRIL 26, 1984

The Town Meeting was called to order by Mayor Arden D. Ashley on April 26, 1984, at 7:00 p.m. at the Nitro Junior High School. Councilmembers present were A. A. "Joe" Savilla, Mary Trout, Omar Cunningham, and Romie Hughart. Department heads present were John Simms, Gene Williams, Connie Stevens, E. W. Hedrick, C. R. Cochran, Betty Shrewsbury, Linda Arthur, Deborah Bolen, and Dot Humphreys. Also present were City Recorder, John F. Santrock, City Treasurer Michael Greenleaf and citizens of Nitro.

Invocation was given by Councilwoman at Large Mary Trout.

A petition obtained by Mr. Mossburg and Mr. Higginbotham was presented with 118 signatures stating "The undersigned request that a water drainage problem at the outlet of the storm sewer from Main Avenue to river near the Windsor Manor Apartments be corrected. This problem causes backup of water in basements in this area, gardens, yards, etc., and also could result in the death of a child."

Mayor Ashley advised it would be premature to put in temporary drainage that isn't going to be there four or five months since Armistice Plaza is being considered and preliminary plans have been prepared and approved by D.N.R. with some restrictions. It is the belief of the engineers that after completion of Armistice Plaza, the area will have a free flow of surface water into the river. Mayor Ashley advised it is also related to the correction of the slip on 21st St. The DOH has just completed a study, costing approximately \$40,000. They are now drawing the plan and it is scheduled for completion by the end of July and the work is to begin on taking the slip out in October, 1984, at an estimated cost of \$750,000. It has already been budgeted and approved. Their plans are to take out the slip and move dirt to the landfill site and cap that. The utilities must be done prior to October. The toe of the slip on 21st St. is 30' deep and the DOH will allow the soil from this slip to be taken to the landfill.

Mr. Miller inquired as to whether the drains at the Ash St. area on private property was included as part of this system.

Mayor Ashley advised that if it is part of our system and it is part of the landfill structure and in need of repair, it would be repaired. If the project falls through, the Mayor will make recommendation to Council to fix the line.

Mr. Sammy Williams made recommendation to have a temporary line installed.

Mayor Ashley will check with Dunn Engineers and DNR if it is something we can do.

Connie Stevens advised the Sanitary Board has two pumps. One pumps around 300 gallons and the other around 600 gallons a minute, and could be placed in this area.

Chief Hedrick advised their pump will pump 2,200 gallons of water a minute.

Mayor Ashley will check and try to come up with an interim solution.

Mr. Mossburg made comment that the railroad has a ditch and he has contacted them numerous times reference to keeping the ditch line open. They advised him they were installing another crossover at Diehls. He wants the ditch opened up so that the water can run through it.

Mayor Ashley advised that if it is railroad property he cannot do that, but he will contact the railroad to see what can be done about the problem. The City does not have jurisdiction over railroad property and rights of way.

Ben Savilla advised that Main Ave. had been a state highway for a long time.

Dean advised that when 1st Avenue became a state highway, Main Ave. was accepted by the city. About six or seven years ago, Main Ave. was turned back over to the state.

Mayor Ashley informed that City Recorder John Santrock will check on the date, but he knows it didn't happen in the last four years. It is a state maintained highway.

Sammy Williams requested help from Gene and the City reference to digging in order to find the leak.

Mayor Ashley will ask Gene and the City Building Inspector, Bob Sargent to go take a look at it, and if we need an engineer, we'll get the engineer back to advise if it is safe because of the concrete slab.

June Higginbotham wanted to know why the drainage problem has been around so long. She advised her house was being destroyed and wanted to know whose fault it was.

Mayor Ashley did not know whose fault it is, but he feels it is again a case where a house had been built over a sewer line. DNR declared the landfill off limits and requested us to submit a plan for their consideration. They responded very favorably to our plan with a few changes to meet their requirements.

Eva Massey made complaint with reference to her son's team playing a game without the coach present. She wanted to know how the children were selected for the league.

Mayor Ashley informed Mrs. Massey it would not be proper for City Government to interfere with the Little League Organization. Joe Savilla will act as intermediary.

The questions was directed to Ivan Meadows. He replied he did not know why the coach was not there, but he would check on it.

There being discussion throughout the meeting reference the water problem whereas Mayor Ashley made comment that if the landfill project did not go through, he would make recommendation that we will then fix the landfill drain fill immediately.

City Treasurer Mike Greenleaf notified that last fall an application was submitted for funding of storm sewers and it was denied.

Gertrude Estep wanted to know the status of the community building.

Mayor Ashley replied that he had talked with the chairman and there is a citizens group that is working in terms of getting support. He indicated that there is a series of petitions going around which will help when applying for funds.

John Simms reported that the funding request goes in June 1 for the community center.

A question reference building of homes, apartments, etc. was asked.

Mayor Ashley advised of the Zoning Ordinances that was written in 1970.

A question was addressed to the Mayor that if a person had a problem and wanted to go to City Council, what would be the proper steps.

The Mayor replied that we operate under Roberts Rule of Orders.

Joe Savilla advised that we get ideas at the Town Meetings from the people. Notes are taken and if there is something that needs action on, the individual Councilman, the Mayor, or department head involved will followup on it.

The Mayor advised there is a staff meeting held every Monday at 9:00 a.m. which is open to the public and he would invite you to come and feel free to comment.

The Mayor made announcement that he wanted to encourage everyone to come to the Spring Festival which will begin May 25, and ends May 28. The schedule of events was explained. This is our fourth annual Spring Festival which is being funded by donations.

The meeting was adjourned and refreshments served.

John F. Santrock Recorder

AGENDA ITEM NO. 5 - REQUEST BY BRAUNLINS AND MELLERTS - Mayor Ashley advised of requests by Kenneth & Nancy Mellert and Walter Albert Braunlin, both from Ward IV to have residential property in what is now Zoned for Commercial. These requests have been viewed by the Planning Commission, and they felt it was beyond their authority to grant request. After much discussion, Councilman Romie Hughart moved to table the requests and have the entire Council form a committee to act on this matter as soon as possible. Motion was seconded. The vote was taken and passed unanimously.

AGENDA ITEM NO. 6 - TELECOMMUNICATION DEVICES FOR THE DEAF - Mayor Ashley introduced Mr. Jack Harlan. He presented information reference system of telecommunication devices for the deaf. He informed that there were 10 people in Nitro that had this device and the cost of the unit is \$299.00. He asked that City Council consider purchasing one of these systems for the emergency system in Nitro, and he would work with the personnel training them on the system. Council will form a committee and obtain the advice from Chief Cochran and Chief Hedrick reference the device and will witness a demonstration after Council meeting adjourns.

COMMITTEE REPORTS

Recreation Director John Simms reported that Spring Festival 84 went off without any major hitches. There was a meeting held on June 4, and letters have been mailed with reference to Spring Festival 85. The next scheduled meeting will be held in Council Chambers on June 25, at 6:00 p.m.


Mayor Ashley, on behalf of City Council, expressed his appreciation to Judy Hudson and the students at Nitro Putnam Elementary School for the super job with the floats for the parade.

City Treasurer Mike Greenleaf requested a committee be formed to review possibility of new computer. By rough survey he informed we are currently paying \$2,200. per month and we could, by lease agreement, pay approximately \$1,500. per month for three years and then we would own the machine.

The Committee consists of Mike Greenleaf, Max Lemma, all Council members, Chief Cochran and Chief Hedrick.

There being no further business to be conducted, the meeting was adjourned at 8:14 P.M.


MAYOR


CITY RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

JUNE 19, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John F. Santrock, Councilwoman at Large Mary Trout, Councilman A.A. "Joe" Savilla, Councilman Romie Hughart, Councilman Omar Cunningham, Councilman Jim Hutchinson, and Councilman at Large Rusty Casto. Also present were City Treasurer Michael E. Greenleaf, City Attorney Phillip D. Gaujot and Councilman at Large Elect Olaf Walker. Absent were Councilman at Large Steve West.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 5, 1984 COUNCIL MEETING MINUTES - Councilman Jim Hutchinson moved that the June 5, 1984 Council meeting minutes be approved as written. The motion was seconded and passed unanimously and so ordered.

AGENDA ITEM NO. 2 - KRT REQUEST TO PARK BUS 15-20 MINUTES BETWEEN RUNS (12) ON 22ND STREET BETWEEN 1ST AND 2ND AVENUE, MONDAY THRU SATURDAY 6:00 A.M. TO 6:05 P.M. - Due to installations of a car wash on the old "76" filling station property which would not have space for parking of bus between runs. KRT has requested permission to park buses between runs Monday thru Saturday. Motions by Recorder John Santrock to grant KRT permission to park buses between runs Monday thru Saturday 6:00 a.m. to 6:05 p.m. between 1st and 2nd Avenue and 22nd Street. Properly seconded and passed unanimously. KRT will report how parking is working out and if no parking signs are needed.

AGENDA ITEM NO. 3 - RESOLUTION 84-10 TO PROHIBIT PARKING ON W.VA. ROUTE 62 AT CARY FIELD. RECOMMENDATION TO DOH. Councilman Joe Savilla moved to adopt resolution 84-10 and that it be presented to DOH authorities. Properly seconded and passed unanimously. The resolution is as follows:

RESOLUTION NO. 84-10

PROHIBIT PARKING ON W.VA.
ROUTE 62 AT CARY FIELD

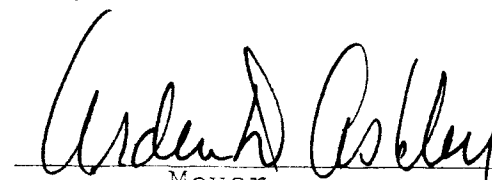
Due to increased traffic flow on West Virginia 35/1 and;
WHEREAS, increased and improved facilities has brought
about greater participation, and

With greater participation brings more spectator attendance,
and safety in this area becomes increasingly difficult;


Therefore it is recommended to the Department of Highways
by the Council of the City of Nitro wherein this area is located to;

Declare no parking East and West sides from South M.P. 7.63
running North M.P. 7.86 being County Route 35/1-40th Street.

This recommendation would be effective from pre-season through
post season play, normally April through September.



Mayor



Recorder

AGENDA ITEM NO. 4 - NITRO LIONS CLUB TO USE FIELD EAST OF
NITRO SWIMMING POOL (WHERE HORSE SHOW WAS HELD) FOR ROLLER CIRCUS
TUESDAY, JUNE 26, 1984. - Moved by Councilman Jim Hutchinson to
give permission to Lions Club. Properly seconded and passed
unanimously.

AGENDA ITEM NO. 5 - PROCLAMATION TO PROCLAIM JULY 9-15 AS
"UNITED WAY CARING WEEK". - Councilman at Large Rusty Casto moved
that Nitro join with other communities of the valley and proclaim
July 9-15 as "United Way Caring Week". Properly seconded and
passed unanimously. The proclamation is as follows:

UNITED CARING WEEKPROCLAMATION

WHEREAS, The citizens of the Kanawha Valley have a history of demonstrating their caring concern through quick response to the needs of neighbors and community; and

WHEREAS, changing times and the limitation of available funds have created unmet needs among our neighbors and former giving members of the community who have now become recipients; and,

WHEREAS, the United Way represents Each of Us Helping All of Us through 28 human care service locations, efforts of volunteers, and financial support of more than 20,500 givers; and

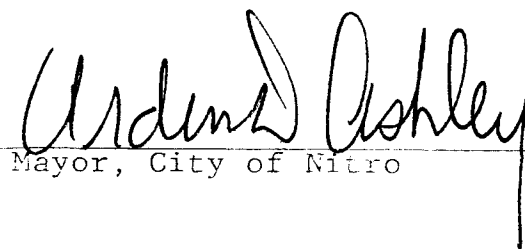
WHEREAS, our United Way provides the service delivery system which helps meet the priority need of people; and,

WHEREAS, both the supporters and beneficiaries of human care services have important inputs which must be heard and understood as changes are considered for meeting emerging human needs; and

WHEREAS, Chief Executive Officers of Kanawha Valley communities are vital spokespersons for the cares and needs of their constituencies;

NOW, THEREFORE, we the undersigned Municipal Chief Executive Officers, by virtue of our vested powers and out of recognition of the established record of caring of our citizens, do hereby proclaim July 9 through 15 as UNITED CARING WEEK. During this week, believed to be the first such effort in West Virginia each of the Kanawha Valley's citizens will be asked to voice his own concerns for consideration in planning the future of the human care system.

Done this 19th Day of June, 1984.



Mayor, City of Nitro

AGENDA ITEM NO. 6 - FM BAND CONCERT AT RIDENOUR LAKE - Mayor Ashley presented a representative from Super 102 to discuss with Council the possibility of having six or more bands to participate in a concert July 4 from 12:00-6:00 p.m. Five of the bands are local, Nitro-Charleston area. Selected from tapes, auditions, etc. Price of admission will be \$1.02 with profit to Recreation Department. Sound system at a cost of \$435.00 to come off of admissions. City to control crowd, take up admissions funds, etc. Possibility of moving concert to Nitro Park was discussed but rejected. Councilman Cunningham moved to give permission to FM 102 under above stipulations. Properly seconded and passed unanimously.

AGENDA ITEM NO. 7 - BUDGET REVISION - Treasurer Mike Greenleaf stated under the state code the need to present a balanced budget for 1983-84. Individual items were discussed as to why the funds not budgeted were needed. Mr. Greenleaf indicated where additional funds came into the City during 1983-84 and were available for allocations. Transfers presented were as follows: Councilman Hughart moved that the revisions be made as submitted. Properly seconded and passed unanimously.

TAG DAY - Councilman Rusty Casto moved that Little League be given permission to have a Tag Day, Saturday, June 23rd, 9-1 p.m. Properly seconded and passed unanimously.

ANNOUNCEMENTS - Mayor Ashley announced offices would be closed Wednesday, June 20th as it is a State Holiday, commemorating West Virginia Day.

Inaugural Ceremonies will be held Sunday, July, 1, at 2:00 p.m. in front of City Hall. Supreme Court Justice Tom Miller will make a short presentation and give oath of office to recently elected officials. Invite your families. Reception will follow.

Mayor Ashley regretfully announced that he had received a telephone call from Tom Bryant of DOH that work on the 21st Street ceased immediately, that the project is now off. Real blow to the City as it also crushes the Armistice Plaza project. Suggestions are welcomed by the Mayor.

Mayor Ashley also shared with Council a recent communication, June 12, 1984, from Commissioner Charles Miller confirmation of installation of signals at 19th Street, Lock Street and Plant Road, pending availability of funds. Mayor Ashley expressed appreciation to Councilman Cunningham for his untiring efforts in this project.

Councilman Savilla shared his appreciation to Councilman Cunningham in that this was the best meeting before new officials take office. All of those present gave a standing ovation to Councilman Cunningham.

There being no further business Mayor Ashley adjourned the Council at 8:23 p.m.

2000-2001 Budget
 50-87

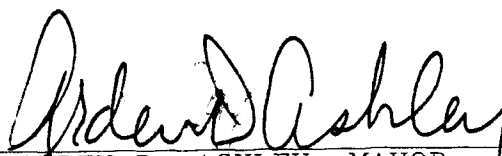
Revenue:

Revenue Services	16000
Unexpended Balance	90856
Exp. Fund	35000
Unexp. Fund	25000
Transfer	3000
Misc. Revenue	9000
License Fee	2000
Building Permits	2000
Total Revenue	<u>183856</u>


Expended Funds

Police Dept	5000
Fire Dept	15000
Public Works	15000
Sanitation	15000
General	< 4350 >
Police	< 5300 >
Misc.	< 3000 >
General	< 4000 >
Reserve	< 1500 >

183856



ARDEN D. ASHLEY, MAYOR



JOHN F. SANTROCK, CITY RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

JULY 3, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were John F. Santrock, Recorder, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was City Treasurer Michael E. Greenleaf. Absent was City Attorney Phillip D. Gaujot.

The invocation was given by Councilwoman at Large Mary Trout.

Mayor Ashley introduced a special guest, Mr. Janne Koivisto, from Finland. Janne is part of an exchange program, and will be in the Charleston area for around six weeks.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 19, 1984 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved that the June 19, 1984 Council Meeting Minutes be approved as written. Motion was seconded. The vote was taken and passed unanimously and so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH - Mayor Ashley presented the July, 1984 Citizen of the Month award to Melanne Pennington, "Miss West Virginia". As today was Melanne's birthday, Council joined the Mayor in wishing her a happy birthday and much success in the "Miss America" contest.

AGENDA ITEM NO. 3 - ITEM - COUNCIL SEATING PROPOSAL: - Mayor Ashley informed that it had been requested that there be an established Council seating arrangement in order that we could have names by the seats and individuals who were talking would be known to the audience. Councilman Romie Hughart moved that we accept the proposed seating with one exception and that is to correct the spelling of Hughart. The motion was seconded. The vote was taken and passed unanimously and so ordered. The Council Members at that time changed into their designated seat. Seating arrangement attached to these minutes.

Mayor Ashley introduced the two new members of Council, Councilman at Large Olaf Walker and Councilman Charles Miller.

AGENDA ITEM NO. 4 - PROCLAMATION DECLARING JULY 20, 1984 POW/MIA RECOGNITION DAY: - Councilman A. A. "Joe" Savilla read the proclamation to Council and moved that we accept the proclamation. Motion was properly seconded and passed unanimously. City Recorder John Santrock informed the SJ in the proclamation stands for Senate Joint Resolution.

PROCLAMATION AS FOLLOWS:

NATIONAL POW/MIA RECOGNITION DAY

WHEREAS, National POW/MIA RECOGNITION DAY has been observed nationally since July 18, 1979 and has gained wide acceptance and

WHEREAS, S.J. Res. 171 was recently signed by President Reagan declaring National POW/MIA Recognition Day be observed July 20, and

WHEREAS, many of our local Citizens served gallantly in the service of our Country, and

WHEREAS, some unfortunately became POW and others are still missing in action, and

WHEREAS, there is continued need to obtain cooperation of Hanoi to live up to their agreement for the return of all POW'S, return of all bodies, and assisting in locating crash sites, and

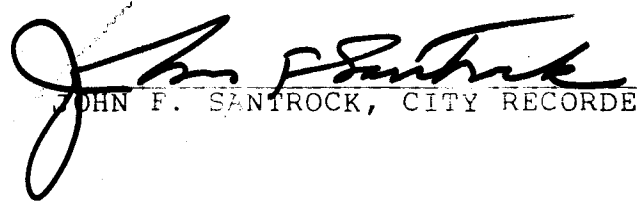
WHEREAS, our National Government and Veterans Administration should be reminded of the needs of X-POW's still suffering both physically and mentally,

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Nitro declare July 20, 1984 as

NATIONAL POW/MIA RECOGNITION DAY

Passed this 3rd day July, 1984.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, CITY RECORDER

AGENDA ITEM NO. 5 - PETITION TO PLACE 4-WAY STOP SIGNS: - Copy of a petition was given to Council along with recommendation from Sgt. S. L. Harrison and Ptl. Jack Jordan from the Police Department, Chief Hedrick of the Fire Department and Councilman Romie Hughart. After much discussion, a committee was formed of Council, chaired by Councilman Charles Miller, to meet Monday, July 9 at 8:30 p.m. at Fas Chek parking lot and then proceed to areas identified in petition to observe traffic, discuss with citizens the problems and report findings to Council.

AGENDA ITEM NO. 6 - NITRO FIREMENS ASSOCIATION TO SELL FIRE EXTINGUISHERS DOOR-TO-DOOR: - Mayor Ashley read request from the Nitro Firemen's Association to go door-to-door and sell fire extinguishers. The members believe this would serve a two fold purpose; 1. to let the citizens of Nitro meet and get acquainted with the Association members and 2. to raise funds needed to purchase equipment needed for the department, and to aid the citizens in home fire protection. The money raised from this project would be used to buy Audio-Visual equipment to further their training. Council Romie Hughart moved permission be granted. Motion was seconded. Mayor Ashley made comment the potential for violating the anti-trust law. Chief Hedrick advised the fire extinguishers will be purchased locally and the price will not be competitive. He also informed that in October, there will be a city wide training on those extinguishers.

Chief Hedrick advised that the Nitro Firemen's Association was started in 1932, about the time the City became incorporated. After a few years, it disoriented so the Firemen's Association was forgot about. There is an opportunity to receive some tax funds, which would not be given to a paid Fire Department, just to Volunteer Fire Department. There has to be an active charter and an active group. He informed that they now have an active charter and group. The group consists of all the paged firemen, all volunteer associate firemen and all the junior firemen. Their sole purpose is to further the fire department in purchasing equipment, train and recreation.

The vote was taken and passed unanimously.

AGENDA ITEM NO. 7 - MAYORAL APPOINTMENTS: - Mayor Ashley made request to have approved three appointments to the Nitro Planning Commission. The first being Miss Margaret Ann Hudson, 105 South Kanawha Ave. Councilman at Large Rusty Casto moved that Margaret Ann Hudson be placed on the Planning Commission. The motion was seconded. The vote was taken and passed unanimously.

The next appointment is of Dr. Guy Cassell, of 223 Brookhaven Dr. Councilman at Large Rusty Casto moved that Dr. Guy Cassell be placed on the Nitro Planning Commission. The motion was seconded. The vote was taken and passed unanimously.

The third appointment request is of Mrs. Joan McClanahan, 2816 28th St. Councilman A. A. "Joe" Savilla moved that Joan McClanahan be placed on the Nitro Planning Commission. Motion was seconded. The vote was taken and passed unanimously.

AGENDA ITEM NO. 8 - PURCHASE OF PROPERTY: - Mayor Ashley informed Council that a significant piece of property representing three lots along Ash St. towards the riverbank has been offered to the City for \$3,000.00. The property is under power lines, but could be used for recreational property. Request was made for Council to view the site when they meet on Monday, July 9, 1984.

AGENDA ITEM NO. 9 - PARKING DONATIONS FOR RECREATION: - Councilman at Large Rusty Casto informed Council that the playground equipment is beyond repair. He suggested allowing parking at the wading pool area during football games and designating the funds donated for the recreation department. Councilman at Large Olaf Walker suggested an accounting of funds raised by groups be furnished. After much discussion, a committee was formed of Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Recreation Director John Simms and anyone else interested in helping to raise money for the recreation department. A meeting will be held within the next two weeks.

AGENDA ITEM NO. 10 - SWIMMING FOR HANDICAPPED: - Councilman A. A. "Joe" Savilla advised of a program now in existence in Dunbar where they have designated a time when the mentally and physically impaired have use of their pool. He moved we grant permission for our recreation director, John Simms, model our system after the one they have in Dunbar. Motion was seconded. For the remainder of the summer, the cost would be around \$48.00 which would be absorbed by donations. Vote was taken and passed unanimously. It was recommended that the Recreation Director, John Simms go ahead and initiate the program with the assurance by the Mayor that it is underwritten by private funds. In the meantime, we should consider the restructuring of our Ordinance and give full consideration of this question in time of the opening of the pool next year.

AGENDA ITEM NO. 11 - COUNCIL ELECTION B.O.D SPRING FESTIVAL: Mayor Ashley informed of the structure of an organization designed to prepare for the Spring Festival each year. The Board of Directors will be the governing body for the Spring Festival and this Council is invited to make an appointment to the board. Councilman A. A. "Joe" Savilla nominated Councilwoman Mary Trout represent Council as a member of the Board of Directors for Spring Festival 85. There being no other nominations, Councilman A. A. "Joe" Savilla moved to close the nominations. The motion was seconded. A vote was taken to appoint Councilwoman Mary Trout by acclamation to the Board of Directors for the Spring Festival. She received no opposition.

and the appointment was unanimous. Other board members will be Mayor Art Ashley, Recorder John Santrock, a member from Civic Benefits Association, PAC, Nitro Lions Club, Woman's Club, Hecks and Helen Workman from the Nitro Professional and Business Association.

AGENDA ITEM NO. 12 - A RESOLUTION ENDORSING AND RECOMMENDING THE PLACEMENT OF A BILLBOARD ALONG I-64 WITHIN THE CITY: - Councilman A. A. "Joe" Savilla informed Council reference a previous request from Oshel Craigo and moved we accept this as the first reading of Resolution. Motion was seconded. After discussion, vote was taken and passed unanimously.

Resolution as follows: *24-12*

A RESOLUTION ENDORSING AND RECOMMENDING
THE PLACEMENT OF A BILLBOARD ALONG I-64
WITHIN THE CITY OF NITRO

Before the City Council of the City of Nitro, to-wit:

WHEREAS, the City Council of the City of Nitro encourages the growth and development of small business enterprises within it's boundaries, and

WHEREAS, the beneficial effects of advertising are well known for retailing and service establishments, and

WHEREAS, Mr. Oshel Craigo is a local businessman who desires to place a billboard along I-64 within the bourdaries of our municipality which would promote his business establishments, the Best Western Motel, Tudors Buscuit World and the Bar-B-Q Ranch and visit Nitro, Memorial to World War I.

WHEREAS, such billboard advertising would result in the enhancement of the City's business tax base by improving the business climate for Mr. Craigo's enterprises and would increase his probability of success.

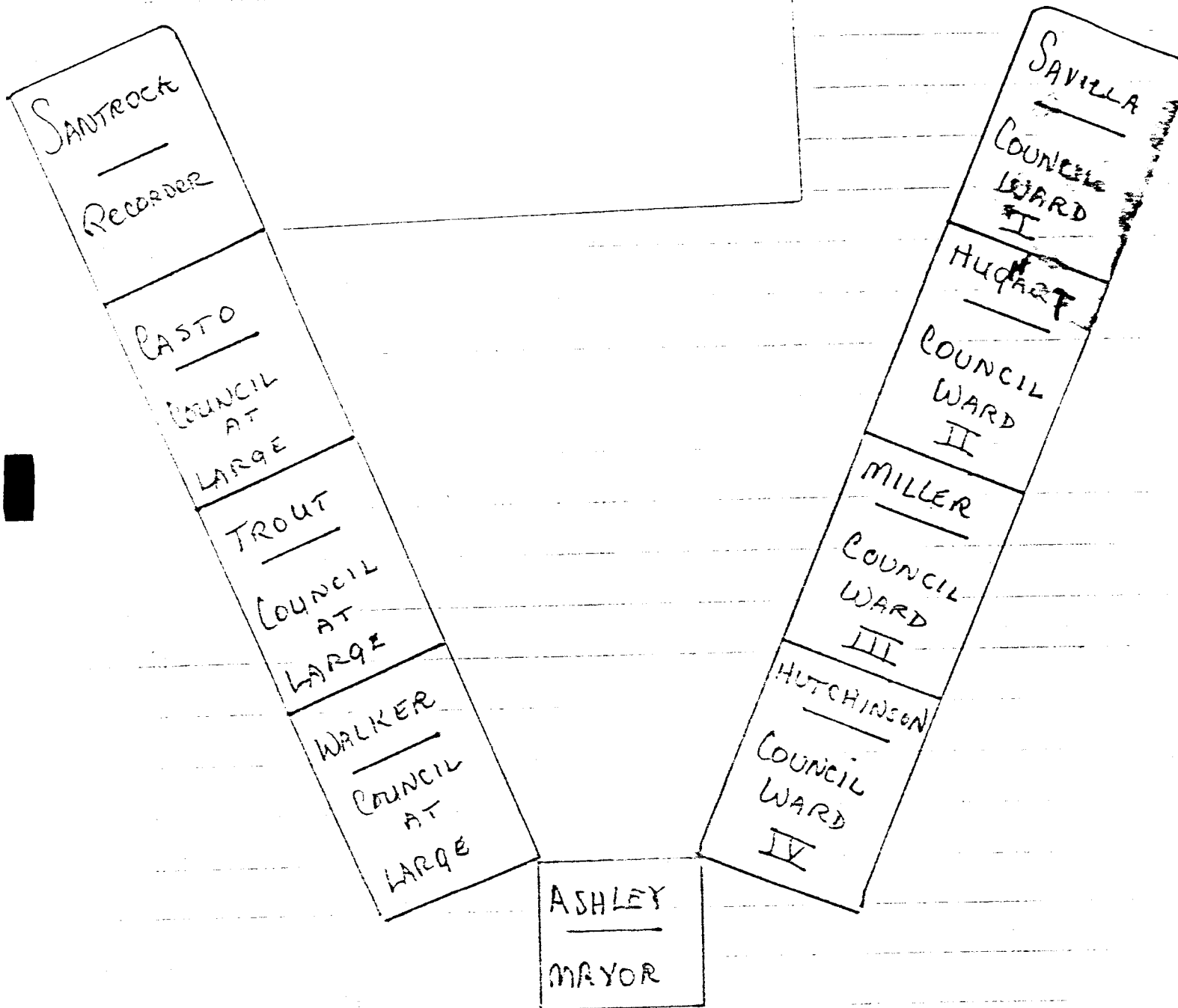
NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Nitro, that, by this resolution of Council this proposed billboard is endorsed by the City of Nitro for the above-mentioned reasons.

BE IT FURTHER RESOLVED that the City of Nitro would encourage all aproppriate governmental agencies to quickly act upon Mr. Craigo's request.

Passed by Council, this the 3rd day of July, 1984.

Arden D. Ashley
ARDEN D. ASHLEY, MAYOR

John F. Santrock
JOHN F. SANTROCK, CITY RECORDER

COUNCIL SEATING PROPOSAL

COMMITTEE REPORTS

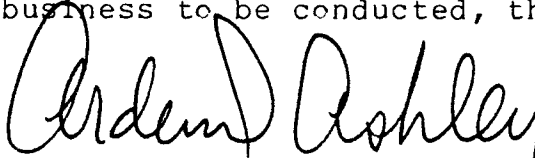
1. TELECOMMUNICATION DEVICES FOR THE DEAF - Councilman A. A. "Joe" Savilla moved that we table this item until the July 17th meeting in order for Councilman at Large Olaf Walker, Councilman Charles Miller and Head of Communications Betty Shrewsburg to view the machine. The motion was seconded. The vote was taken and passed unanimously to table.

2. RONALD MCDONALD HOUSE - Mayor Ashley informed we will be receiving a request for permission to put a benefit on at Ridenour Lake in August with proceeds going to the Ronald McDonald House.

Mayor Ashley reminded Council that the request from Mr. Walter Albert Braunlin still rests on the table until some member of Council brings it off.

Mayor Ashley received letters from the Office of the Kanawha County Commission that \$11,900,000 had been allocated for its Single Family Mortgage Revenue Bonds and from the Putnam County Commission for \$2,000,000. (Copies of letters distributed to Council). Councilman at Large Rusty Casto moved that we notify the counties that we do not plan to use any of the funds. The motion was seconded. A vote was taken and passed unanimously.

There being no further business to be conducted, the meeting was adjourned at 9:07PM.



ARDEN D. ASHLEY, MAYOR



JOAN F. SANTROCK, CITY RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

JULY 17, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Michael E. Greenleaf. Absent was Councilman A. A. "Joe" Savilla.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 3, 1984 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved that the July 3, 1984 Council Meeting Minutes be approved as written. Motion was seconded. The vote was taken and passed unanimously and so ordered.

AGENDA ITEM NO. 2 - REDEFINING "CLOTHING ALLOWANCE": - Councilman Romie Hughart moved we rename the budget line item for employees of the Police and Fire Department to "Uniform Allowance", and to include the following provisions. The motion was seconded. After discussion, the vote was taken and passed unanimously.

(A) Establish a credit line of \$300. for each qualified employee, with a program of reimbursement of approved expenses.

(NOTE: This will eliminate the need to make tax deductions.)

(B) Provide a ledger sheet to each qualified employee and his Chief, to provide a running balance in each account, with completed forms to accompany each payment to the individual's ledger. (The form is in the process of being designed and will be made available to the individual employees.)

(C) Redefine allowable expenses as, "For that part of the uniform that remains the personal property of the individual employee, or treatment of same."

NOTE: The earlier language excluded such things as laundry, dry cleaning and equipment that is part of the established uniform.

(D) Permit the Chiefs the authority to interpret and decide what is allowable on a case by case basis; with the understanding for a need to apply consistent standards to all. Questionable cases can be referred to the Mayor.

It should be further understood by all parties that misuse of the funds could constitute fraudulent expenditure of public funds.

AGENDA ITEM NO. 3 - APPOINTMENT TO ZONING APPEALS BOARD: - Mayor Ashley informed of an opening on the Board of the Zoning Board of Appeals and received recommendation of Donald R. Baker of 102 Jamestown Road by the Carriage Way Homeowners Association. Councilman Romie Hughart moved Donald R. Baker be placed on the Zoning Board of Appeals. Motion was seconded. The vote was taken and passed unanimously.

AGENDA ITEM NO. 4 - CIVIL ACTION NO. 84-C-2852: - Mayor Ashley informed Council of Civil Action No. 84-C-2852 in which the City is named as defendant by the plaintiff, Kenneth L. Mellert and Nancy L. Mellert which relates to a case involving a building permit. Since the case is in litigation, all comments should be cleared through Legal Counsel.

AGENDA ITEM NO. 5 - SALE OF CITY ASSETS - Mayor Ashley advised of surplus material which are no longer of any use to the City, and items confiscated by the Police Department, and request permission from Council to authorize proper disposal of these items. Councilman at Large Rusty Casto moved that the request be granted. Motion was seconded. After discussion, Councilman at Large Olaf Walker moved that the motion be amended to include a list of the major items and miscellaneous group, without a lot of detail. Motion was seconded. A vote was taken on the amendment and a vote was taken on the main motion. Both motions passed unanimously.

Mayor Ashley informed Council there will be a Municipal League meeting in Huntington, August 12, 13 and 14th, and provisions have been made in the budget for Council to attend.

Mayor Ashley announced the next Town Meeting will be August 9, at 7:00 p.m. in the Nitro Junior High Auditorium.

COMMITTEE REPORTS

Councilman at Large Rusty Casto announced the State Little League Tournament beginning July 30, and informed they are in the process of building a new dugout at the field. He recognized Gene Williams for taking time out of his busy schedule to come through in getting the field ready.

Mayor Ashley announced an appeal to Nitro families with children to provide accommodation to 52 Little League baseball players who will arrive in the city July 30, for the statewide Little League tournament. There are eight commitments as of this date.

Mayor Ashley read request for a Ronald McDonald House Day in Nitro, with functions at Ridenour Lake. All proceeds to go to the Ronald McDonald House. The event will be cosponsored by FM 102.

Councilwoman Mary Trout explained that the Ronald McDonald House is a home, usually located near a large hospital specializing in diseases of young children, where their parents can stay while their children are hospitalized.

City Recorder John Santrock moved we give permission to have a Ronald McDonald House Day in Nitro on August 19th. The motion was seconded. The vote was taken and passed unanimously.

City Recorder John Santrock moved we table the motion to place a telecommunications device for deaf people in City Hall. The motion was seconded. The vote was taken and passed unanimously and so ordered. Lack of space and personnel to man equipment were major factors for Council action.

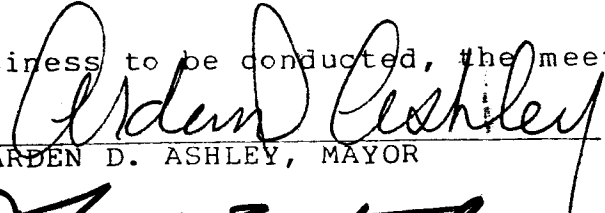
After Council members viewed the property along Ash Street toward the riverbank offered to the City for \$3,000., Councilman Romie Hughart moved we refer this matter to the Finance Committee. The Finance Committee will review and the Chairman will report back to Council with their recommendations. The motion was seconded. After discussion, a vote was taken and passed unanimously and so ordered.

Mayor Ashley informed Council of previous request from Walter Braunlin to place residential property, at 1104 First Avenue, in an area zoned commercial, basically with the assurance that he would upgrade the facility some level above the current status. Councilman Jim Hutchinson moved we deny this request. The motion was seconded. After discussion a vote was taken and passed unanimously.

Councilman Charles Miller gave report of Councils review visit July 9, in reference to traffic violations on DuPont Ave. He recommended that instead of placing four way stop signs on the street, as a petition requested, there should be increased policing of the area to prevent speeding. Chief C. R. Cochran informed there had been two citations issued, around six verbal warnings and increased enforcement in the area.

Mayor Ashley shared a letter with Council from the Civic Benefits Association and informed he was in receipt of the check for \$15,000 for the World War I commission to be applied to Armistice Plaza.

There being no further business to be conducted, the meeting was adjourned at 8:20 P.M.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, CITY RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

AUGUST 7, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were John F. Santrock, Recorder, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present were City Treasurer Michael E. Greenleaf and City Attorney Phillip D. Gaujot. Absent were Councilman at Large Rusty Casto and Councilwoman at Large Mary Trout.

The invocation was given by Councilman A. A. "Joe" Savilla.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 17, 1984, COUNCIL MEETING MINUTES: - Councilman Romie Hughart moved that the July 17, 1984, Council Meeting Minutes be approved as written. Motion was seconded. The vote was taken and passed unanimously and so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley recognized the Citizen of the Month as "Dr." Joel Temple who recently passed away. Present at the meeting were his wife and daughter, Jane Malone. The plaque was presented to his wife in his behalf.

AGENDA ITEM NO. 3 - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH DOH FOR CONTROL DEVICES AT 19TH, LOCK ST. & PLANT RD.: - Councilman Charles Miller moved that we accept the resolution authorizing execution of an agreement with DOH with authorization to have the Mayor's signature affixed to same. The motion was seconded. The vote was taken and passed unanimously and so ordered.

RESOLUTION AS FOLLOWS:

RESOLUTION 84-13

THIS AGREEMENT, made this ____ day of _____, 19____, by and between the West Virginia Department of Highways, a corporation, hereinafter designated as "Department", party of the first part and the City of Nitro, a municipal corporation in Kanawha/Putnam counties, West Virginia; hereinafter designated as "City", party of the second part.

W I T N E S S E T H

THAT WHEREAS Department and City are mutually agreed with respect to the installation of traffic signal systems in Nitro, Kanawha/Putnam Counties at the following locations:

1. WV 25 and 19th Street
2. WV 25 and Lock Street
3. WV 25 and Pickens Road (Plant Road)

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

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

the adoption of rules, regulations, stipulations and conditions in order to establish their mutual responsibilities and obligations with regard to the future maintenance and operation of said traffic signals.

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

Duties and Responsibilities of the Department:

1. To pay one-hundred (100) percent of the total cost of the installation of new traffic signal systems.
2. To let a contract for this construction of proposed traffic signal systems.

Duties and Responsibilities of the City:

1. To perform properly all maintenance of the traffic signal systems.
2. To pay for the continuing power costs of the traffic signal systems upon execution of this agreement.
3. Not to alter in any way and not to remove any part of the traffic signal systems without prior approval by the Department.
4. To permit placing on City property of any pole, signal and sign supports or any other appurtenances necessary for the completion of the project.
5. To reimburse the Department for any maintenance work or repair work that must be done by the Department when the work is beyond the capabilities of the City.

9g
AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE WEST VIRGINIA
DEPARTMENT OF HIGHWAYS WITH REGARD TO THE ESTABLISHMENT AND
MAINTENANCE OF TRAFFIC CONTROL DEVICES WITHIN THE MUNICIPAL
LIMITS OF THE CITY OF NITRO, WEST VIRGINIA.

BE IT RESOLVED BY THE CITY OF NITRO, KANAWHA/PUTNAM COUNTIES
WEST VIRGINIA AS FOLLOWS:

1. That the Mayor of the City of Nitro, West Virginia, a municipal corporation, who is its official duly and legally authorized to execute agreements, be and is hereby authorized to execute, to have acknowledged and to have delivered on behalf of said City an agreement, a copy of which is attached hereto and made a part hereof, with the West Virginia Department of Highways with regard to the establishment and maintenance of traffic control devices within the corporate limits of said City, and
2. That the City Clerk or Recorder do properly attest the signature of said official and affix the seal of the City of said agreement.

On motion duly made by Councilman Charles Miller and seconded by Councilman Romie Hughart, the City Council of Nitro, West Virginia, does hereby approve and authorize the adoption of said resolution.

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA/PUTNAM
MUNICIPALITY OF NITRO

I, John Santrock CITY CLERK AND
RECORDING OFFICER of said municipality, do hereby certify that
the foregoing are true copies from the records or order made and
entered into by the Council of said municipality on the 27th day
of August, 1984.
John Santrock
CITY CLERK

to accomplish the purposes of this agreement and to enforce such legislation and/or regulation.

It is UNDERSTOOD and agreed between parties hereto that the traffic signals and all appurtenances thereto, including but not limited to equipment, are and shall remain the property of the West Virginia Department of Highways.

IN WITNESS WHEREOF, West Virginia Department of Highways, a corporation has caused its corporate name to be signed hereto by its Acting Commissioner, Fred VanKirk, and its corporate seal to be affixed by its Executive Secretary, Philip A. Shucet, both officials thereunto duly authorized and

IN WITNESS WHEREOF, the City of Nitro, a municipal corporation, has caused its corporate name to be signed hereto by its Mayor and its corporate seal to be affixed hereby by its City Clerk, having been duly authorized under and by virtue of a resolution adopted by the Council of the City of Nitro, Counties of Kanawha/Putnam, on the _____ of _____, 19____

ATTEST:

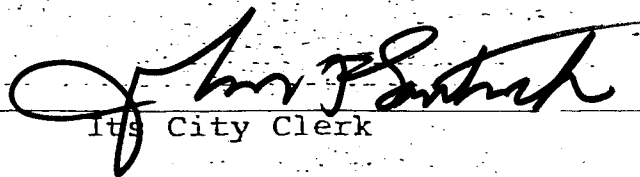
WEST VIRGINIA DEPARTMENT OF HIGHWAY
a corporation

Its Executive Secretary

Its Acting Commissioner

ATTEST:

CITY OF NITRO, a municipal
corporation



Its City Clerk

Its Mayor

AGENDA ITEM NO. 4 - GARBAGE CAN LINER BIDS: - City Recorder John Santrock informed Council that he had received two bids on garbage can liners, one from Copco Papers and the other from Unijax Paper. After discussion of bids and review of garbage can liners, Councilman Charles Miller moved we accept the bid from Copco Papers for the 30" x 37" for \$7.40 subject to confirmation that they will be 1 1/2 mil instead of 1 mil as quoted on bid. (Attached) The motion was seconded. After discussion as to the mil and increase in price, a vote was taken and there was one negative vote, City Recorder John Santrock. A committee was formed of City Recorder John Santrock, Councilman at Large Olaf Walker and Councilman A. A. "Joe" Savilla to study the possibility of charging for bags.

AGENDA ITEM NO. 5 - RIVER BOAT TOUR: - Mayor Ashley informed Council of their invitation for a riverboat tour of Nitro from the President of PAR Industries. The purpose of the tour is to ascertain ways for beautification of the city river area. Date of tour to be Monday, August 20, at 6:00 P.M.

AGENDA ITEM NO. 6 - PERSONNEL APPOINTMENTS AT POOL: - City Recorder John Santrock moved we approve two additional substitute employees, Carolyn Vannatter and Charlotte Angel. Motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 7 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PAR INDUSTRIES, INC. FOR THE USE OF U.D.A.G. FUNDS FOR ECONOMIC DEVELOPMENT: - Councilman Romie Hughart moved we approve the resolution authorizing the Mayor to execute an agreement with Par Industries which will prepare the way for PAR Industries that will allow the company to draw on a \$1.3 million Urban Development Grant to begin development of an industrial park at the old Avtex plant site. Motion was properly seconded. A vote was taken and passed unanimously.

Resolution as follows:

RESOLUTION 84-14

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PAR INDUSTRIES, INC. FOR THE USE OF U.D.A.G. FUNDS FOR ECONOMIC DEVELOPMENT.

Before the City Council of the City of Nitro, to-wit:

WHEREAS, the Secretary of the Department of Housing and Urban Development has awarded grant funds to the City of Nitro for the purpose of encouraging the developmemnt of the Par Industrial Park, and;

WHEREAS, the documents necessary to conclude the preliminary agreement and effect the drawdown of funds have been prepared, and

WHEREAS, the City Attorney has reviewed the loan agreement to be executed and found it to be in proper order and in compliance with the terms of the U.D.A.G. agreement to the best of his professional knowledge.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized and empowered to execute any and all agreements, including the loan agreement and any other necessary documents.

Passed on this the 7th day of August, 1984,


MAYOR


CITY RECORDER

COMMITTEE REPORTS

The Recreation Director, John Simms, reported 2,700 people attended the State Little League Baseball Tournament. Nitro was host to 6 teams, Martinsburg, Ceredo Kenova, Clarksburg, Charleston Central, Logan and Shady Springs. We housed 21 players, 14 from Martinsburg and 7 from Clarksburg. The coach from Martinsburg informed him that even though his team lost, he complimented Nitro in their treatment from the nice people. John Simms praised Gene Brightwell for his hard work and giving up his vacation from work to work in the tournament, and recommended the Mayor and Council draft a letter to him for his devotion. Councilman A. A. "Joe" Savilla made motion that the Mayor be permitted to structure a resolution for all Council Members to sign for Gene Brightwell. The motion was seconded. A vote was taken and passed unanimously.

Mayor Ashley announced a public meeting on Monday, August 13, at 3:30 p.m. at the site of 21st St. (slip area) reference to the road p blem.

Mayor As tified that the dedication of the Armour

Creek Sewer System Project will be held on Friday, August 24, at 10:00 a.m. at Ridenour Lake. It will be attended by Senators Byrd and Randolph, Congressman Wise, Governor Rockefeller and Mellanne Pennington, "Miss West Virginia". A reception will follow.

Mayor Ashley informed there will be a Town Meeting Thursday, August 9, at 7:30 P.M. at Nitro Jr. High School.

There being no further business to be conducted, the meeting was adjourned at 8:43 P.M.


MAYOR


CITY RECORDER

COPCO PAPERS, INC.

Charleston Division • Phone (304) 346-0727
 1537 Hansford Street • P.O. Box 631 • Charleston, West Virginia 25322

August 6, 1984

Correcting August 8, 1984

City of Nitro
 Nitro, WV 25143

Gentlemen

We are pleased to quote the following prices on your request for a bid on Garbage Can Liners.

Based on quantity of not less than 2000 cases, 100 liners per case, delivered to your facility on pallets between Nov. 5, 1984 and Nov. 15, 1984.

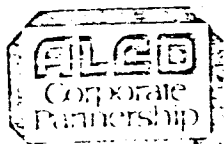
We offer several Alternates:

MFG Mobil Chemical Co.

- | | |
|--|----------|
| 1. 30" x 37" - 1 mil Linear dark film
(exactly as your bid request, packed 100 per carton City of Nitro Inprint) | \$4.97 c |
| 2. 30" x 37" - 1½ mil (<u>correcting original</u>)
Same as City of Charleston (one-half mil heavier than requested) (Packed 100 per carton inprint City of Nitro) | \$7.40 c |

MFG Mid-America Bag Co.

- | | |
|---|----------|
| 1. 16 x 14 x 37 = (30 x 37) 1 mil
(exactly as your bid request) | \$4.56 c |
| 2. 16 x 13½ x 35½ - 1½ mil | \$6.46 c |
| 3. 16 x 14 x 37 - 1½ mil | \$6.84 c |
| 4. 16 x 13½ x 35½ - 1mil
(all above Mid America packed 100 per poly bag) | \$4.30 c |



AN ALCO STANDARD CORPORATE PARTNER

COLUMBI
 TOLEI
 CLEVEL
 DAN
 DETRO
 PITTSBUR
 INDIANAPOL
 CHARLEST
 LANSI
 SAGINA

COUNCIL MEETING MINUTES

CITY OF NITRO

AUGUST 21, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were John F. Santrock, Recorder, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was Michael E. Greenleaf, City Treasurer. Absent were Phillip D. Gaujot, City Attorney and Councilman A. A. "Joe" Savilla.

The invocation was given by City Recorder, John F. Santrock.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 7, 1984, COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved that the August 7, 1984 Council Meeting Minutes be approved as written. Motion was seconded. The vote was taken and passed unanimously and so ordered.

AGENDA ITEM NO. 2 - RESOLUTION FOR UNITED WAY SOLICITATION AND UNITED WAY QUESTIONNAIRE: - City Recorder John F. Santrock moved we adopt the resolution granting permission to United Way to solicit funds in the City of Nitro September 5, through December 31, 1984, and serve as a control group in the community-wide survey "Stop the Hurt." The motion was seconded. There being no discussion, the vote was taken and passed unanimously.

RESOLUTION AS FOLLOWS:

RESOLUTION 84-15

UNITED WAY SOLICIATION
UNITED WAY QQUESTIONNAIRE-
CITY EMPLOYEES & CONTROL GROUP

INASMUCH as the Community of Nitro has received excellent cooperation and tangible assistance in helping to meet the human needs of our people and,

WHEREAS, United Way of Kanawha Valley is seeking through a survey to learn the public perception of human needs in Kanawha County through a project entitled, "Stop the Hurt", and,

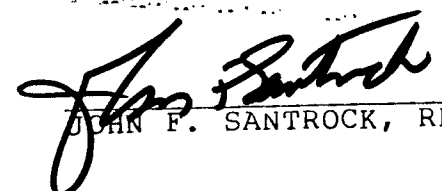
FURTHERMORE, employees of the City of Nitro have been requested to serve as a control group, and

UNITED WAY has requested permission to solicit funds in the City of Nitro for the 1984-85 United Way Campaign, September 5, through December 31, 1984, and

THEREFORE, BE IT RESOLVED that permission be given to United Way to: (1) Solicit funds in the City of Nitro September 5, 1984 through December 31, 1984; (2) Serve as a control group in the community-wide survey "Stop the Hurt."

Passed this 21st day of August 1984.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

AGENDA ITEM NO. 3 - ORDINANCE GOVERNING THE BUSINESS OF MASSAGE (FIRST READING): - City Recorder John F. Santrock introduced the Ordinance governing the business of massage. Councilman at Large Rusty Casto moved we approve and accept this as the first reading of the Ordinance. The motion was seconded. After comments and discussion, a vote was taken and passed unanimously.

Ordinance attached.

AGENDA ITEM NO. 4 - REVENUE SHARING HANDICAPPED DISCRIMINATION REQUIREMENTS: - City Recorder John Santrock informed that in order that the City continue to receive Revenue Sharing funds, there are four requirements that must be done.

They are an appointment of a program coordinator, advertise the name of the program coordinator which must be communicated to the visually or hearing impaired, a committee must be formed of at least five people to review and determine what should be done for the handicapped in public places in the City of Nitro, and adoption of a grievance procedure before October 17, 1984. Councilwoman at Large Mary Trout moved we nominate City Recorder John Santrock for Program Coordinator. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 5 - RESOLUTION AUTHORIZING THE CITY TREASURER TO EXECUTE A RENTAL CONTRACT FOR UNIFORMS: - City Recorder John F. Santrock moved we pass a resolution authorizing the City Treasurer to execute a rental contract for uniforms from Means, Inc. for certain employees of the Nitro Public Works. The motion was seconded. After much discussion, Councilman Romie Hughart moved we table this to be presented at the next Council meeting. The motion to table was seconded. A vote was taken and the motion carries. A committee was formed of Councilman Romie Hughart, Chairman, Councilman Jim Hutchinson and Gene Williams.

Resolution as follows:

A RESOLUTION AUTHORIZING THE
CITY TREASURER TO EXECUTE A
RENTAL CONTRACT FOR UNIFORMS
WITH MEANS, INC.

Before the City Council of the City of Nitro, To-Wit;

WHEREAS, certain employees of the Nitro Public Works Department have indicated tht they would desire to rent uniforms through Means, Inc. for use in their daily activities, and

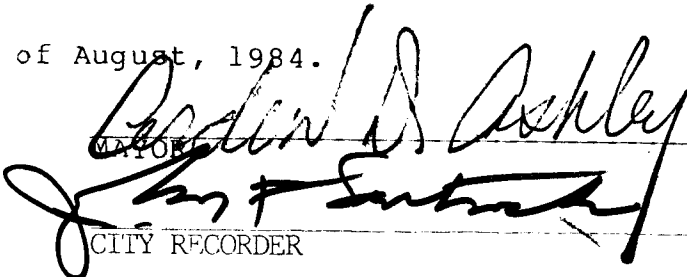
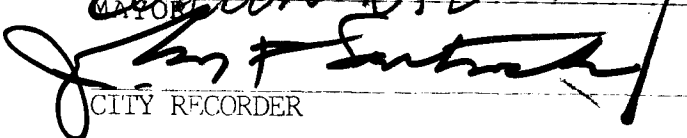
WHEREAS, those employees have indicated that the cost of such services would be paid by them through bi-weekly payroll deductions, and

WHEREAS, those employees have executed agreements with the City which clarify and protect, both the City's interest and the employees interest, and

WHEREAS, Means, Inc. requires a two-year contractual agreememnt to protect their investment in uniforms.

NOW, THEREFORE, BE IT RESOLVED that the City Treasurer is hereby empowered and authorized to execute a contract with Means, Inc. and also a contract with each employee, copies of such contracts being attached and made a part of the record of this resolution.

Passed this 21st day of August, 1984.


MAYOR

CITY RECORDER

AGENDA ITEM NO. 6 - REPORT FROM ZONING BOARD: - Mayor Ashley furnished Council a copy of the Zoning Board of Appeals meeting and action taken on August 16, 1984.

Confirmation as follows:



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

August 16, 1984

The Zoning Board of Appeals met at 7:00 P.M. on August 16, 1984.

The agenda included requests for variance by:

(1) Mr. Clay Easter of 303 Walker Street to construct a 19' X 26' frame 2-story apartment addition to existing building in a "B-1" zone. Permission granted after discussion.

(2) Greene's Sporting Goods of 3801 First Avenue to construct 2 walk-in coolers (6'x14'x8" cinder block) and 10'x24'x8" cinder block) closer than 20' rear yard requirement in a "B-1" zone. Permission granted.

(3) Appalachian Power Company withdrew request to be on the agenda, requesting a variance to build a substation in Carriage Way Subdivision, an "R-1" area.

Present were:

Cecil Lemma, Chairman
Tim Cook
Donald Baker

AGENDA ITEM NO. 7 APPROVAL OF POOL EMPLOYEES: - City Recorder John Santrock informed of request from Recreation Director John Simms three additional names for approval through September 3, for employment and moved that Diane Hunt, Jim Landers and Peggy Simms be approved. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 8 - REQUEST FROM THE NITRO LIONS CLUB FOR USE OF CITY PROPERTY FOR THEIR ANTIQUE CAR SHOW: - Mayor Ashley read the request from O. C. Sanders, Jr., Chairman of the Nitro Lions Club requesting the City allow the closing of 21st St. from First Avenue to Second Avenue and Bank St. between 21st St. and 22nd Street from 6:00 a.m. and 6:00 p.m. on September 15, for their 23rd annual Antique Car Show. Councilman at Large Rusty Casto moved that permission be granted. The motion was seconded. There being no discussion, a vote was taken and passed unanimously.

COMMITTEE REPORTS

RIDENOUR LAKE PROJECT - Mayor Ashley reported to Council that they have had recent meetings with the U.S. Government Soil Conservation Service and DNR, concerning the condition of Ridenour Lake as it relates to fishing and also the sedimentation that is settling in the lake. It was reported that the lake was filling over a period of time with silt. They called for some action to correct this. The current plan that is being developed, but is not yet firm, calls for dredging of the lake to begin October 7. There is a great deal of silt that has settled in the lake. That has to be removed. This fall, between October 7, and before the end of November, dredging operation should be complete. They were going to drain the lake this fall, capture the game fish and relocate them to Hurricane. Then they would clean up the lake cavity completely and refill and restock the lake, and try to do that before the end of the year. They decided that this time table was just too tight for them, so what they are planning to do is to go ahead with the dredging operation this October through November. Then allow the lake to settle, and then they will drain and restock the lake a year from now at the end of the fishing season. Around September, 1985 they will go ahead with the draining and restocking operation. Their best estimate is that within a year after they drain the lake and restock it, that it will be the "hottest fishing spot" in the state. They are planning on building sediment ponds at the three areas feeding into the lake, wherein the silt would go into the ponds and could be periodically emptied and hauled away. As far as expense is concerned, they have appealed to Union Boiler for private assistance and Union Boiler have said we could use their dredging equipment. Their equipment is in use now and will be available October 7. Union Boiler and DNR are going to help and they expect the City to help out. In reviewing our financial status we indicated to the DNR that until the proper money is made available in October, that we are not in position to do that much. We are going to the County Commission

to appeal for help. The current guesstimate on the cost is approximately \$3,000., which includes the cost of gravel, cost of fuel for dredger and pipes. The plan has not been finalized. They may pump the silt to the low side of the dam and build up that ground to expand parking, and put more flat area in. If they do that, we've got space and if they do not do that we will be pumping it out on the Lakeview Estate side of the highway. At the time of the next Council Meeting the plan will be complete. Meetings have taken place with Jerry Fox, who is with the Soil Conservation Service, representing the Federal Government and they are the ones preparing the plans.

21st STREET SLIP PROJECT - Mayor Ashley informed there is a meeting scheduled for Monday, August 27, at 6:00 p.m. at Nitro High School Cafeteria. He advised that since the last meeting, a lot of our Legislators have shown an active interest in this project, and have been invited to this meeting. We would like to have the Council members and Department heads present for this meeting.

DEDICATION CEREMONY - Mayor Ashley notified of the dedication ceremony to be held Friday, August 24, at 10:00 a.m. at Ridenour Lake. We will have in attendance, Senators Byrd and Randolph, Congressman Wise and Governor Rockefeller. We are going to pay a special tribute to The Honorable Jennings Randolph, who is a retiring Senator. The Seniors are hosting a reception immediately following the ceremony at the shelter at Ridenour Lake. In honor of Senator Randolph, there will be breakfast at 8:30 a.m. at Diehls Rest. (dutch treat).

There being no further business to be conducted, the meeting was adjourned at 8:30 p.m.


MAYOR


CITY RECORDER

ORDINANCE 84-7

THE MUNICIPALITY OF THE CITY OF NITRO

AN ORDINANCE OF THE CITY OF NITRO PROVIDING FOR THE GOVERNING OF THE BUSINESS OF MASSAGE IN ALL AREAS OF CORPORATE CITY OF NITRO LOCATED IN COUNTIES OF KANAWHA AND PUTNAM.

WHEREAS, the City of Nitro has determined that the unregulated operation of the business of massage is detrimental to the public health, safety, and general welfare; and

WHEREAS, the City of Nitro seeks to promote the healthful, lawful and sanitary operation of the business of massage through periodic inspection and licensing by the designated health officers of the County; and

WHEREAS, the City of Nitro intends to regulate the conduct of massage parlors and other massage businesses as set forth below in order to reduce the need to expend law enforcement resources to police such activity and in order to protect the quality of the residential and business environment of the City of Nitro without interfering with the free exchange of expression of ideas:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, THAT AN ORDINANCE BE ADOPTED PROVIDING FOR THE REGULATION THROUGH INSPECTION AND LICENSING OF THE BUSINESS OF MASSAGE IN CORPORATE LIMITS OF THE CITY OF NITRO AS FOLLOWS:

MESSAGE ESTABLISHMENTS AND MESSAGE TECHNICIANS

DIVISION I. GENERAL PROVISIONS.

Sec. 1. Definitions.

As used in this article, unless the context otherwise clearly indicates, the following words and phrases shall have the meanings hereinafter set forth:

(a) "Massage" means any method of treating the external parts of the body for remedial, health or hygienic purposes by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, bathing, touching, binding, painting, irritating, vibrating, or stimulating the external parts of the body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, or with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, soaps, ointments or other similar preparations commonly used in this practice.

(b) "Massage Establishment" means an establishment having a fixed place of business where any person engages in, conducts or carries on, or permits to be engaged in, conducted, or carried on, any business of giving or furnishing massages, baths, administration fomentation, electric or magnetic treatments, alcohol rubs, or any other type of system for treating or manipulating the human body.

(c) "Massage Technician" means any masseur, masseuse or other individual who, for any form of consideration, gives or administers to another individual a massage as defined in this section.

(d) "Off-Premises Massage" means the activity of providing massage at any location other than the fixed place of business of a massage establishment having a valid and outstanding permit issued pursuant to this article.

(e) "Off-Premises Massage Business" means any business enterprise having a source of income or compensation derived from the practice of massage, and which has a fixed place of business for receiving the requests of patrons for massages, but massages are performed elsewhere.

(f) "Off-Premises Massage Technician" means any individual who, for any form of consideration, gives or administers a massage to another individual at a location other than one having a valid and outstanding massage establishment permit issued pursuant to this article.

(g) "Permit" means the permit required to be obtained from the License Division for the operation of massage establishment or an off-premises massage business, or for performing the activities of a massage technician or an off-premises massage technician.

(h) "Person" means individual, firm, partnership, corporation, association, or any combination of individuals of whatever form or character.

(i) "Health Department" means the Kanawha-Charleston Health Department.

(j) "Sexual or genital area" means the genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.

(k) "Administering Officer" means the City Recorder or his authorized representative.

Sec. 2. Applicability and Exceptions.

The provisions of this article shall have no application and no effect upon and shall not be construed as applying to the following:

(a) Treatment administered in good faith in the course of practice of any healing art or profession by an person licensed to practice any such art or profession by any State board of examination or registration, or any other law of this State, including physicians, surgeons, chiropractors, osteopaths, and physical therapists.

(b) Barbers and beauticians who are duly licensed under the laws of the State of West Virginia while engaging in practices within the scope of their licenses, except that this exception shall apply solely to the massaging of the neck, face, scalp and hair of the customer or client.

(c) Any business, calling or profession over which the State has assumed exclusive jurisdiction as a matter of statewide concern and which gives the services or treatments included in the term "massage", as herein defined, as incidents to such business, calling or profession, nor shall they apply to regularly established hospitals, athletic associations, or athletic teams.

DIVISION II. MESSAGE ESTABLISHMENTS AND OFF-PREMISES BUSINESSES.

Sec. 3. License Fee.

(a) MESSAGE ESTABLISHMENT.

Every person engaging in the business of owning or operating a massage establishment shall pay a license fee of One Hundred Dollars (\$100.00) per year.

(b) OFF-PREMISES MESSAGE BUSINESS.

Every person engaging in the business of owning or operating an off-premises massage business shall pay a license fee of Fifty

Dollars (\$50.00) per year.

Sec. 4. Massage Establishment and Off-Premises Massage Business
Permits - Application and Procedure

(a) PERMIT REQUIRED.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted, or carried on, upon any premises in the City of Nitro, the operation of a massage establishment or of an off-premises massage business, as herein defined, without first obtaining a permit so to do from the Recorder. The possession of a valid massage establishment permit or an off-premises massage business permit does not authorize the permittee to perform work for which a massage technician permit is required.

(b) PERMIT FEE.

Applicants for a permit hereunder shall pay a nonrefundable permit application fee of One Hundred Dollars (\$100.00), plus the actual cost of an inspection by the Health Department required under (d) Permit Procedures.

(c) APPLICATION FOR PERMIT - CONTENTS.

Any person desiring to obtain a permit to operate a massage establishment or an off-premises massage business shall make application under penalty of perjury to the Recorder, which application shall be submitted in duplicate and shall contain the following information:

(1) If the applicant is a corporation or partnership, it shall designate one of its officers or general partners to act as its responsible managing officer, and such person shall complete and sign all application forms required by the Administering Officer.

(2) If the applicant is a partnership, there shall be submitted a copy of any partnership agreement, which shall be certified by the responsible managing officer.

(3) If the applicant is a limited partnership, there shall be submitted a copy of the limited partnership agreement, if any, and the certificate of limited partnership as filed with the County Clerk, which documents shall be certified by the responsible managing officer.

(4) If the applicant is a corporation, or a partner or any partnership is a corporation, then the name of the corporation shall set forth exactly as shown in the Article of Incorporation, and there shall be submitted a certified copy of the Articles of Incorporation, together with any authorizations to issue or transfer stock, as well as proof that said corporation is in good standing and, if a foreign corporation, duly authorized to transact business in the State of West Virginia.

(5) The exact name, including any fictitious name, if

applicable, under which the business is to be operated.

(6) A description of the service or services to be provided, the address of the proposed location, and the facilities thereof.

(7) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.

(8) The names and residence addresses of all massage technicians who are or will be employed, or acting as independent contractors, in the massage establishment or the off-premises massage business.

(9) The massage or similar business license history of the applicant; whether such person, in previously operating in this or another city or state has had a business license or permit revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.

(10) Every applicant for a permit, whether an individual or combination of individuals, and each partner or limited partner of an applicant, if a partnership applicant, and every officer, director, and each stockholder holding five percent (5%) or more of the stock of a corporate applicant, shall furnish the following information:

(i) The full name, date of birth, current residence and business address, and telephone numbers.

(ii) West Virginia Driver's License number or Identification number and Social Security number, if any.

(iii) Any other names or aliases, including nicknames, used within five (5) years immediately prior to the date of filing the application.

(iv) Each residence and business address for the five (5) years immediately prior to the date of filing the application, and the inclusive dates of each such address.

(v) Written proof that each individual is at least eighteen (18) years of age.

(vi) Height, weight, sex, color of eyes and hair, photograph and finger and thumb prints. Photographs shall be two inches by two inches (2" x 2") showing the head and shoulders in a clear manner and shall have been taken within sixty (60) days prior to the filing of the application.

(vii) The massage or similar business license or permit history of each individual; whether such individual, in previously operating in this or any other city or state has had a business license or permit revoked or suspended, the reason

thereof, and the business activity or occupation subsequent to such action of suspension or revocation.

(viii) The name and address of any massage business or other establishment currently owned or operated by such individual wherein the business of massage is conducted.

(ix) Any conviction, forfeiture of bond, or plea of nolo contendere upon any criminal violation or city ordinance violation (except minor traffic violations), within a five (5) year period, and, if so, the place and court in which such conviction, pleas or forfeiture was heard, the specific charge, and the sentence imposed as a result thereof.

(x) The names, current addresses, and written statements of at least two (2) reliable property owners of Kanawha County who will certify as to such individual's good character or business responsibility; or, in lieu of such references, such other available evidence as to the good character or business responsibility of such individual as will enable the Chief of Police to properly evaluate such character or business responsibility.

(xi) The name and address of the record owner and lessor of the real property upon or in which the massage establishment or off-premises massage business is to be conducted, and a copy of the lease or rental agreement. If the applicant is not the legal owner of the property, the application must be accompanied by a notarized acknowledgement from the record owner of the property that a massage establishment or an off-premises massage business will be located on said property.

(xii) Authorization for the City, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

(xiii) Such other identification and information as may be necessary to verify the truth of the matters hereinabove specified as required to be set forth in the application.

(d) PERMIT PROCEDURES.

(1) Subsequent to the filing of an application for a massage establishment permit or an off-premises massage business permit, the Recorder shall transmit the application to the Chief of Police for investigation and report pursuant to Section 9 of this Ordinance; provided, however, that the Recorder shall not forward an application for a massage establishment permit to the Chief of Police unless and until a letter of compliance has been issued by the Kanawha-Charleston Health Department in accordance with the following procedures:

Upon filing an application for a massage establishment permit, the Recorder shall notify the Environmental Health Division of the Kanawha-Charleston Health Department. The Environmental Health Division shall cause an inspection to be

made of the premises for which a permit is desired within twenty (20) days to ascertain if the premises are in compliance with all applicable health laws. If the premises are in compliance, the Environmental Health Division shall issue a letter so stating and shall thereupon transmit the application to the County Sheriff for investigation and report as provided herein. If the premises are not in compliance, the Environmental Health Division shall issue a letter and shall reinspect the premises no more than twice upon written request of the applicant who shall pay all costs thereof. If a letter of full compliance is not issued by the Environmental Health Division within ninety (90) days of the date of the filing of the application, the application shall be deemed withdrawn and a new application must be filed.

(2) The Recorder concurrently with the referral of an application to the Police Chief shall also refer such application to the Fire Chief and Building Inspector to investigate and ascertain with the scope, jurisdiction and duties of said departments, whether the premises to be used are suitable, proper and adequate, and comply with the law for the issuance of the permit.

(3) The investigating officers or representatives of said departments shall file with the Recorder their reports in writing, stating the extent of their investigation, particulars of objections, and their recommendations.

(4) The Recorder, within ten (10) days after receiving the above-mentioned recommendations, shall in his discretion grant or refuse to grant the permit.

(5) In addition to grounds for refusal set forth in Section 9 of this Ordinance, no permit shall be granted.

(i) In violation of any provision of this Ordinance or the applicable laws of the State of West Virginia; or

(ii) If it is found that the applicant, or any other person who will be directly or indirectly engaged in the ownership, management or operation of the massage establishment or the off-premises massage business:

(a) Has knowingly made any false, misleading or fraudulent statement of facts in the permit application, or any other document required by the City in conjunction therewith; or

(b) Is not eighteen (18) years of age or older; or

(c) Has had a massage establishment, off premises massage business, massage technician, or other similar permit or license denied, revoked, or suspended by the County or any other state or local agency within five (5) years prior to the date of application; or

(d) Has been convicted or has entered a plea of guilty or nolo contendere to a felony or any crime of moral turpitude or any offense involving sexual misconduct including, but not limited to, any crime or offense specified in Chapter 61 of the West Virginia Code, as amended from time to time, unless the

Chief of Police finds that the offense is not reasonably related to the occupation being regulated.

(6) The Recorder shall issue the permit if granted. The permit shall be limited to the uses requested in the application and subject to such other restrictions, terms and conditions as the Recorder may prescribe. Permits may be granted conditionally in order to insure compliance with the provisions of this article.

Sec. 6. Operating Requirements and Facilities.

The operating requirements for a massage establishment and for an off-premises massage business are as set forth in subsection (a) hereof. The facilities requirements for a massage establishment are as set forth in subsection (b) hereof. No permit to conduct a massage establishment or an off-premises massage business shall be granted unless an inspection is made under the provisions of this Section, and it is determined that the applicant complies with the minimum requirements set forth in subsections (a) and (b), as may be applicable. A permit previously issued shall be subject to revocation or suspension if any such requirements are not met. Proof of compliance with all applicable provisions of this section shall be provided to the Recorder, Chief of Police, or their authorized representatives upon request.

(a) OPERATING REQUIREMENTS FOR MESSAGE ESTABLISHMENTS AND OFF PREMISES MESSAGE BUSINESSES.

(1) Each person employed or acting as a massage technician shall have a valid permit issued by the Administering Officer. It is unlawful for any owner, operator, responsible managing officer, manager or permittee in charge of or in control of a massage establishment or off-premises massage business to employ or permit a person to act as a massage technician who is not in possession of a valid, massage technician permit issued pursuant to the provisions of Division 3 this article.

(2) Massage services may be provided only between the hours of seven a.m. and eleven p.m. A massage establishment shall have at least one person who has a valid massage technician permit on the premises at all times while the establishment is open for business.

(3) A list of services available and the cost of such services shall be posted in an open and conspicuous place on the business premises. The services shall be described in readily understandable language.

(4) The owner, operator, responsible managing employee, manager or permittee of a massage establishment or an off-premises massage business shall display in an open and conspicuous manner on the business premises the permit issued therefor and a true and correct copy of the permit of each and every massage technician employed thereby, and shall provide to

every patron who so requests the information contained in such permits.

(5) A permittee shall notify the Kanawha-Charleston Health Commissioner and the Recorder in writing, within forty-eight (48) hours, of any change in personnel with regard to massage technicians.

(6) Every permittee operating a massage establishment shall cause to be kept, and every off-premises massage technician employed by an off-premises massage business shall keep, a record of the date, hour and place of each treatment, the name of the massage technician administering such treatment, and the type of treatment administered. Each patron shall be required to supply reliable verification of his or her identity. Said record shall be open to inspection by officials charged with the enforcement of these provisions for the purposes of law enforcement and for no other purpose. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosure or use of such information by any officer or employee of the County shall constitute a misdemeanor, and any such officer or employee shall be subject to the penalty provisions of this Ordinance in addition to any other penalties provided by law. Said records shall be maintained for a period of two (2) years.

(7) No person owning, operating, or managing a massage establishment or an off-premises massage business shall knowingly cause, allow or permit any agent, employee, or any other person under his control or supervision to perform acts prohibited by State or local laws or ordinances. "Knowingly" includes both actual and constructive knowledge.

(8) No massage establishment or off-premises massage business holding a permit under this article shall depict, place, publish, distribute, or cause to be depicted, placed, published or distributed any advertising matter that suggests to prospective patrons that any services are available other than those services permitted by this article, or which would suggest that employees, attendants or massage technicians are dressed in any manner other than that permitted by this article, and all advertisements shall contain the number of the permit held by the massage establishment or the off-premises massage business.

(9) No massage establishment or off-premises massage business shall operate as a school of massage, nor operate in the same location, nor use the same facilities as that of a school of massage except as otherwise may be provided by law.

(10) All massage technicians, employees and attendants shall wear clean, nontransparent outer garments covering the sexual or genital areas, the use of which garments is restricted to the massage establishment, or, in the case of an off-premises massage business, to the location where massage services are administered.

(11) The sexual or genital areas of patrons shall be covered with towels, clothes or undergarments when in the presence of an employee, attendant or massage technician, whether in a massage establishment or, in the case of an off-premises massage business at any location where off-premises massage is administered.

(12) It shall be unlawful for any person employed by a massage establishment or by an off-premises massage business to place his or her hand upon or to touch with any part of his or her body, or to fondle in any manner, or to massage, a sexual or genital area of any patron.

(b) FACILITIES REQUIREMENTS FOR MASSAGE ESTABLISHMENTS.

(1) The Environmental Health Division of the Kanawha-Charleston Health Department shall, from time to time, and at least once a year, make an inspection of each massage establishment in the County for the purposes of determining that the health provisions of the law of the State of West Virginia and this Ordinance are met. The actual costs of any such inspection shall be added to the annual permit renewal fee.

(2) A minimum of one (1) bathtub or shower and one (1) toilet and wash basin shall be provided for the patrons in every massage establishment location; however, if male and female patrons are to be served simultaneously at said establishment, separate toilet facilities shall be provided for male and female patrons. In those establishments where steam rooms or sauna baths are provided, if male and female patrons are to be served simultaneously, separate steam rooms and sauna rooms shall be provided for male and female patrons. Hot and cold running water under pressure shall be provided to all wash basins, bathtubs, showers, and similar equipment. Each wash basin shall be provided with soap or detergent and sanitary towels placed in permanently installed dispensers. A trash receptacle shall be provided in each toilet room. In addition to the wash basin provided for patrons, a minimum of one separate wash basin shall be provided in each massage establishment which basin shall provide soap or detergent and hot and cold running water at all times and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each wash basin, sanitary towels placed in permanently installed dispensers. EXCEPTION: If the wash basin for the patrons is not in the toilet room, but is adjacent thereto, this wash basin will meet the separate wash basin requirement if it is reasonably close to the area devoted to the performing of massage.

Water supplies serving the facility must meet the approval of the Kanawha-Charleston Health Department. Sewage disposal system serving the facility must meet the approval of the Kanawha Charleston Health Department.

(3) Reasonable ventilation shall be provided in accordance with the standards as provided by the Kanawha-Charleston Health Department and Nitro Zoning Ordinances.

(4) Minimum lighting shall be provided in accordance with standards as provided by the Health Department and building Commission and, in addition, at least one artificial light of not less than sixty watts shall be provided in each enclosed room or booth where massage services are being performed on a patron.

(5) All walls, ceilings, floors, pools, showers, bathtubs, wet and dry heat room, steam or vapor rooms, tables and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or cabinets, compartments and toilet rooms shall be thoroughly cleaned at least once each day the establishment is in operation. Bathtubs and showers shall be thoroughly cleaned and sanitized after each use.

(6) Clean and sanitary towels, sheets and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted. Towels, sheets and linens shall be provided in sufficient quantity and shall not be used by more than one (1) person unless they have been first relaundered. Heavy white paper may be substituted for sheets; provided, that such paper is used once for each person and then discarded into a sanitary receptacle. Separate closed cabinets or containers shall be provided for the storage of clean and soiled linen and shall be plainly marked: "clean linen", "soiled linen".

(7) Disinfecting agents and sterilizing equipment approved by the Health Department shall be provided for any instruments used in performing any message.

(8) Pads used on massage tables shall be covered in a workmanlike manner with durable, washable plastic or other waterproof material acceptable to the Health Department.

(9) All exterior doors shall be unlocked from the interior side during business hours.

(10) A separate locker shall be provided for each person to be served, which locker shall be capable of being locked and available at no extra charge.

(11) No person shall enter, be or remain in any part of a massage establishment while in the possession of, consuming, or using any alcoholic beverage or drugs. The owner, operator, responsible managing officer, manager or permittee shall not permit any such person to enter or remain upon such premises.

(12) A readable sign shall be posted at the main entrance identifying the establishment as a massage establishment; provided, that all such signs shall comply with the sign

requirements of the Kanawha County Planning Commission.

Sec. 6. Revocation and Suspension of Permit.

Any permit issued under this Division 2 shall be summarily and temporarily suspended by the Health Commissioner upon information and belief, or knowledge, that the holder of such permit has violated or failed to comply with any of the provisions concerning operating requirements and facilities set forth in the Ordinance or has failed to enforce said provisions. Such suspension shall be accomplished by posting a notice thereof on the premises over the place where the permit is posted. Within twenty-four (24) hours thereafter, a copy of such notice, together with the reasons for the suspension, shall be transmitted to the Chief of Police, the City Building Inspector, and the City Planning Commission. The Health Department Administering Officer shall, within ten (10) days after the suspension, hear the matter, giving at least three (3) days notice of such hearing to the holder of the permit. The hearing may be continued from time to time at the discretion of the Health department and, on the conclusion thereof, the Health Department may continue the suspension or may revoke the permit, or may terminate the suspension and reinstate the permit. Revocation or suspension for any reason other than the foregoing shall be accomplished in accordance with the provisions of this Ordinance.

DIVISION III. MESSAGE TECHNICIANS.

Sec. 7. License Fee.

Every individual employed or engaged in business as a massage technician shall pay license fee of Fifty Dollars (\$50.00) per year.

Sec. 8. Massage Technician Permit - Application and Procedure.

(a) PERMIT REQUIRED

It shall be unlawful for any individual to engage in the business of acting or act as a massage technician unless such individual holds a valid massage technician permit issued by the Recorder. This section shall not apply to the classes of individuals exempted in Section 2 of this article.

(b) PERMIT FEE.

Applicants for a permit hereunder shall pay a nonrefundable permit application fee of One Hundred Dollars (\$100.00), plus the actual cost of any examination conducted by the Health Department.

(c) APPLICATION FOR PERMIT - CONTENTS.

Any individual desiring to obtain a massage technician permit shall make application under penalty of perjury to the Recorder, which application shall be submitted in duplicate and shall contain the following information:

(i) The full name, date of birth, current residence and business address, and telephone numbers.

(ii) West Virginia Driver's License number and Social Security number, if any.

(iii) Any other names or aliases, including nicknames, used within five (5) years immediately prior to the date of filing the application.

(iv) Each residence and business address for the five (5) years immediately prior to the date of filing the application, and the inclusive dates of each such address.

(v) Written proof that the applicant is at least eighteen (18) years of age.

(vi) Height, weight, sex, color of eyes and hair, photograph and finger and thumb prints. Photographs shall be two inches by two inches (2" x2") showing the head and shoulders in a clear manner and shall have been taken within sixty (60) days prior to the filing of the application.

(vii) The massage or similar business license or permit history of the applicant; whether such applicant, in previously operating in this or any other city or state, has had a business license or permit revoked or suspended, or has had any professional or vocational license or permit revoked or suspended, and the reason therefor.

(viii) The business, occupation and employment history of the applicant for the five (5) years immediately preceding the date of the application and the address of each and every location where such business, occupation and employment was engaged in or performed.

(ix) Any conviction, forfeiture of bond, or pleas of nolo contendere upon any criminal violation or city ordinance violation (except minor traffic violations), within a five (5) year period, and, if so, the place and court in which such conviction, plea or forfeiture was heard, the specific charge, and the sentence imposed as a result thereof.

(x) The names, current addresses and written statements of at least two (2) reliable property owners of Kanawha County who will certify as to such individual's good character or business responsibility; or, in lieu of such references, such other available evidence as to the good character or business responsibility of such individual as will enable the Chief of Police to properly evaluate such character or business responsibility.

(xi) A certificate from a medical doctor, licensed to

practice in the State of West Virginia, issued within thirty (30) days immediately prior to the filing of the application, stating that the applicant has been examined and found to be free of any contagious or communicable disease as of the date of such examination. Such contagious or communicable diseases shall include but not be limited to all venereal diseases, tuberculosis and other illnesses regulated and serviced by the Kanawha-Charleston Health Department.

(xii) The business address and all telephone numbers of any massage establishment where the massage is to be practiced, and if other than a massage establishment, the place or places where the application will engage in the practice of massage.

(xiii) Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application.

(xiv) Authorization for the County, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and qualifications of the applicant for the permit.

Sec. 9. Examination Required.

(a) Upon application for massage technician permit, and after applicant has paid the required fee and furnished the required information, each applicant shall take and pass an examination of qualifications within thirty (30) days preceding the date of issuance of the massage technician permit.

(b) The examination required by this Section shall be conducted by the Health Department, shall be such as to fairly determine the ability of the applicant to properly perform the work which the applicant would be authorized to do by the permit applied for, and shall cover the following subjects: anatomy, physiology, hygiene, and the practice and theory of massage as massage is defined in this article. The examination shall include both a practical demonstration and a written test. In the grading of the examination, practical demonstrations shall prevail over written tests; that is, a greater number of credits shall be allowed on practical demonstrations than on written tests.

(c) Any applicant who fails to pass an examination shall not be eligible to take another examination until four (4) weeks after taking the previous examination, and any such examination shall be at applicant's expense. Any applicant who fails to pass upon the third trial shall not be eligible to take another examination for six (6) months thereafter.

Sec. 10. Investigation, Grounds for Denial, and Issuance.

(a) Subsequent to the filing of an application for a massage technician permit, the Recorder shall transmit the

application to the Chief of Police for investigation and report pursuant to this Ordinance. Thereafter, the Chief of Police or his representative shall file with the recorder a report stating the extent of any investigation, particulars of objections, and recommendations.

(b) In addition to grounds for refusal set forth in Sections of this code, no permit shall be granted:

(1) In violation of any provision of this Code or the applicable laws of the State of West Virginia; or

(2) If it is found that the applicant:

(i) Has knowingly made any false, misleading or fraudulent statement of facts in the permit application, or any other document required by the City in conjunction herewith; or

(ii) Is not eighteen (18) years of age or older; or

(iii) Has had a massage technician or other similar permit of license denied, revoked or suspended by the City or any other state or local agency within five (5) years prior to the date of application; or

(iv) Has been convicted of or has entered a plea of guilty or nolo contendere to a felony or any crime of moral turpitude or any offense involving sexual misconduct including, but not limited to, any crime or offenses specified in Chapter 61 of the West Virginia Code, as amended from time to time, unless the Chief Of Police finds that the offense is not reasonably related to the occupation being regulated.

(c) Within thirty (30) days after the applicant passes the examination of qualifications specified herein, or after receipt of the report of the Chief Of Police, whichever is last to occur, the Administering Officer shall in his discretion grant or refuse to grant the permit. The License Division shall issue the permit if granted. The permit shall be personal to the applicant and nontransferrable and shall be limited to the uses requested in the application and subject to such other restrictions, terms and conditions as the Recorder may prescribe. Permits may be granted conditionally in order to insure compliance with the provisions of this article.

Sec 11. Off-Premises Massage Technicians - Permit Endorsement Required.

(a) PERMIT REQUIRED.

No person shall engage in the business of acting, or act as an off-premises massage technician unless such person holds a valid and outstanding massage technician permit issued by the Administering Officer and endorsed for off-premises work.

(b) ENDORSEMENT.

A massage technician permit shall be endorsed by the

Recorder for off-premises work upon application by the permittee if the following conditions exist:

(1) The permit is valid and there are no pending proceedings for its revocation or suspension.

(2) The applicant pays a fee of twenty-Five Dollars (\$25.00) for such endorsement.

(c) OPERATING REQUIREMENTS.

In addition to those requirements set forth in Section of this article which expressly or by necessary implication apply to off-premises massage technicians, the following operating requirements shall be applicable:

(1) No individual holding an off-premises massage technician permit shall perform any off-premises massage, as defined in Section 1(d) hereof, in any hotel, motel or commercial establishment that does not have a valid massage establishment permit.

(2) Each off-premises massage technician permittee shall display the permit therefor to any patron who so requests.

(3) Upon any change of employer, an off-premises massage technician permittee shall inform the Recorder within forty-eight (48) hours of such change.

DIVISION 4. MISCELLANEOUS PROVISION.

Sec. 12. Operative Date.

Any person conducting or carrying on an establishment or business described herein, and all individuals operating or engaged as a masseur, masseuse or massage technician on the date this article becomes effective, shall apply for and obtain, if qualified therefor, the licenses and permit required by this article within ninety (90) days of its effective date.

Sec. 13. Notification of Change.

An application for a permit to operate or conduct a massage establishment or an off-premises massage business, or a holder of such a permit, shall report immediately to the Administering Officer any change in address of any person having a financial interest in such massage establishment or off-premises massage business, or any transfer of financial interest therein.

Sec. 14. Violation and Penalty.

(a) Violation of this article is a misdemeanor and is punishable as provided for in this Code. Revocation of a license or permit shall not be a defense against prosecution.

(b) Any massage establishment or off-premises massage business operated, conducted or maintained contrary to the provisions of this article shall be, and the same is hereby declared to be unlawful and a public nuisance, and the City Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinder thereof, in the manner provided by law; and the City Attorney shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate or remove such massage establishment or off-premises massage business and restrain and establishment or business contrary to the provisions of this article.

Sec. 15. Annual Renewal Application.

(a) Every permit issued under this article shall expire on June 30 of each year.

(b) An unrevoked permit may be renewed for one year on written application to the Recorder made on or before July 1 of each year, accompanied by the required renewal fee; provided, however, that said renewal application shall not be made prior to May 15 of said year.

(c) An applicant for renewal of a massage technician permit shall update, under penalty of perjury, all information set forth on the original application for permit, and shall submit a new certificate from a medical doctor as required by Section hereof. Renewal of such permit shall not require passage of an examination. The annual permit renewal fee shall be Fifty Dollars (\$50.00), and, if endorsed for off-premises work, the additional sum of Twenty-Five Dollars (\$25.00). If the permittee fails to deliver such a medical certificate or fails to provide such updated information, or fails to pay the above-referenced renewal fee, within thirty (30) days following the anniversary date of the massage technician permit, then said permit shall be null and void and shall be revoked by operation of this Section 14 (c).

(d) An applicant for renewal of a massage establishment permit or off-premises massage business permit shall update, under penalty of perjury, all information set forth in the original application for permit, and shall be subject to an inspection by the Health Department to determine if the permittee is in compliance with all applicable health laws. The annual permit renewal fee shall be Seventy-Five Dollars (\$75.00), plus the actual cost of any inspection by the Health Department required hereunder. If the permittee fails to provide such updated information, or fails to obtain a letter of compliance from the Health Department, or fails to pay the above-referenced fee, within thirty (30) days following the anniversary date of the permit, then said permit shall be null and void and shall be revoked by operation of this Section 14(b).

Sec. 16. New Application After Denial or Revocation of Permit.

No person may apply for any permit authorized by this article within one (1) year from any denial or revocation of such permit unless the cause of the denial or revocation has, to the satisfaction of the Health Commissioner, been removed within such time.

Sec. 17. No Effect on Zoning Law.

The payment of license and permit fees hereunder shall be independent of any processing of an application for a conditional use permit or other zoning matters relating to the location of massage establishments of off-premises massage businesses within the County.

Sec. 18. Severability.

If any section, sentence clause or phrase of this Ordinance should be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

First Reading August 21, 1984.

Second Reading September 4, 1984.


Mayor


City Recorder

COUNCIL MEETING MINUTES

CITY OF NITRO

SEPTEMBER 4, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were John F. Santrock Recorder, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present were Phillip D. Gaujot City Attorney and Michael E. Greenleaf City Treasurer.

The invocation was given by Rev. William Westlund.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 21, 1984 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved that the August 21, 1984 Council Meeting Minutes be approved as written. Motion was seconded. Councilman Romie Hughart moved we amend Agenda Item No. 5 - Resolution Authorizing the City Treasurer to Execute a Rental Contract for Uniforms third sentence to read "After much discussion, Councilman Romie Hughart moved to table this to be presented at the next Council meeting." A vote was taken and passed unanimously to approve the amended minutes.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley presented the Citizen of The Month Award to Helen Colcord of 2107 21st Street, Nitro, WV.

AGENDA ITEM NO. 3 - ORDINANCE GOVERNING THE BUSINESS OF MASSAGE (SECOND READING): - Councilman at Large Rusty Casto moved we approve the second reading of Ordinance Governing the Business of Massage as amended due to correction in spelling. Motion was seconded. City Recorder John Santrock read the recommendations concerning the proposed ordinance from the Kanawha Charleston Health Department and moved we make the amendments as suggested as follows: Under FACILITIES REQUIREMENTS FOR MASSAGE ESTABLISHMENTS (2) insert paragraph stating "Water supplies serving the facility must meet the approval of the Kanawha Charleston Health Department", and "Sewage disposal system serving the facility must meet the approval of the Kanawha Charleston Health Department". Under (5) Delete the word "showers" from the second sentence and having the last sentence read "Bathtubs and showers shall be thoroughly cleaned and sanitized after each use". The motion was seconded. A vote was taken for the approval of the amendments to the second reading of the ordinance, and a vote was taken for approval of the second reading and both were unanimous.

ORDINANCE NO. 84-7 ATTACHED

AGENDA ITEM NO. 4 - RESOLUTION AUTHORIZING THE CITY TREASURER TO EXECUTE A RENTAL CONTRACT FOR UNIFORMS: - Councilman Romie Hughart moved we remove from table for action the Resolution authorizing the City Treasurer to execute a rental contract for uniforms. The motion was seconded. A vote was taken to bring the resolution off the table and it was unanimous. Councilman Romie Hughart gave report of the committee meeting and moved we accept the contract with a 30 day termination notice, and subject to approval from our City Attorney. Motion was seconded. After comments and discussion, a vote was taken and passed unanimously.

RESOLUTION 84-16

A RESOLUTION AUTHORIZING THE CITY
TREASURER TO EXECUTE A RENTAL CONTRACT
FOR UNIFORMS WITH MEANS, INC.

Before the City Council of the City of Nitro, To-Wit;

WHEREAS, certain employees of the Nitro Public Works Department have indicated that they would desire to rent uniforms through Means, Inc. for the use in their daily activities, and

WHEREAS, those employees have indicated that the cost of such services would be paid by them through bi-weekly payroll deductions, and

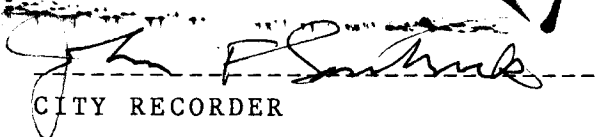
WHEREAS, those employees have executed agreements with the City which clarify and protect, both the City's interest and the employees interest, and

WHEREAS, Means, Inc. requires a two-year contractual agreement to protect their investment in uniforms.

NOW, THEREFORE, BE IT RESOLVED that the City Treasurer is hereby empowered and authorized to execute a contract with Means, Inc. and also a contract with each employee, copies of such contracts being attached and made a part of the record of this resolution.

Passed this 4th day of September, 1984.


MAYOR


CITY RECORDER

COPY OF EMPLOYEE CONTRACT:

In consideration of the City of Nitro administering a uniform program for the employees of the Public Works Department, I hereby agree as follows:

- (1) That upon termination I will immediately surrender all uniforms held by me.
- (2) I will follow other such rules as to the use of such uniforms as the City may require.
- (3) The cost of such uniform service will be deducted from each pay check.

In the event that I should not live up to the terms of this agreement, it is understood that any damages caused by such breach shall be deducted from my final paycheck.

DATE: _____ EMPLOYEE: _____

DATE: _____ TREASURER: _____

Copy of contract from Means, Inc. attached.

AGENDA ITEM 5 - APPROVAL OF SWIMMING POOL EMPLOYEES - City Recorder John Santrock moved we approve Jeff Young, Andy and Barbara Kniceley as pool employees. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM 6 - RECYCLING PROGRAM: - Councilman Jim Hutchinson introduced Eleanora Wylie and Helaine Rotgin from the Citizens Recycling Council. They presented their program and requested help in setting up a recycling pick-up in Nitro. Councilman Joe Savilla moved we do everything we can to assist the Citizens Recycling Council in their protection of the environment. The motion was seconded. A vote was taken and passed unanimously. Councilman Jim Hutchison, Chairman, will be selecting people to form a committee to work with the Citizens Recycling Council.

AGENDA ITEM 7 - VOTER REGISTRATION: - City Recorder John Santrock informed that registrars will be at City Hall to register voters Thursday, September 13, from 11:00 a.m. to 7:00 p.m. and Saturday, September 15, from 10:00 a.m. to 3:00 p.m. He has not heard from Putnam County. If they cannot make it at these times, Councilman Romie Hughart and City Recorder John Santrock have forms that they can complete and mail to respective county.

AGENDA ITEM NO. 8 - RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR GRANT FUNDS FOR VARIOUS SWIMMING POOL IMPROVEMENTS: - City Recorder John Santrock moved we give authority to the Mayor to apply for grant funds for various swimming pool improvements. The motion was seconded. A vote was taken and passed unanimously.

RESOLUTION 84-17

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR GRANT FUNDS FOR VARIOUS SWIMMING POOL IMPROVEMENTS UNDER THE 1985 LAND AND WATER CONSERVATION FUNDS

Before the City Council of the City of Nitro, to-wit;

WHEREAS, certain improvements to the Nitro Swimming Pool would have the positive impact of providing increased outdoor recreational opportunities for the City of Nitro, and

WHEREAS, the Land and Water Conservation fund seeks to fund those activities which constitute and encourage outdoor recreation in general, and

WHEREAS, there have been funds appropriated by Congress for West Virginia in the amount of \$857,000. to be reappropriated in 1985 for this purpose,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby empowered and authorized to pursue such funds and submit an application for that purpose.

Gordon S. Ashley
MAYOR

John F. Santrock
CITY RECORDER

AGENDA ITEM NO. 9 - A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR GRANT FUNDS FOR THE ARMISTICE PLAZA PROJECT FROM THE LAND AND WATER CONSERVATION FUND: - City Recorder moved we authorize and empower the Mayor to pursue such funding and submit an application for the Armistice Plaza Project from the Land and Water Conservation Fund. The motion was seconded. A vote was taken and passed unanimously.

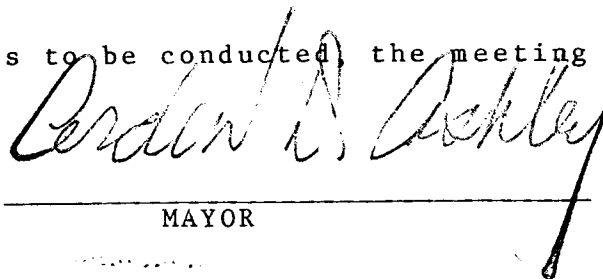
Mayor Ashley recommended for appointment to the Board of Library Directors, Mr. Rich Hively of 806 Washington Avenue. Councilman at Large Rusty Casto moved we appoint Rich Hively to the Board of Library Directors. The motion was seconded. A vote was taken and passed unanimously.

Mayor Ashley commented that there had been discussions with individual Council Members regarding the question of yard sales in the City. There was a committee formed of Ward Councilmen along with the Mayor to discuss the recommendations of attending to the problems with yard sales. A meeting was scheduled for Sunday, September 9, at 3:00 p.m. at City Hall.

Councilman at Large Rusty Casto made request to report back to Council at the next meeting reference Halloween.

Councilman Charles Miller made comment that he feels Gene Williams should be commended for taking poison ivy off a fence where children pass going to school.

There being no further business to be conducted, the meeting was adjourned at 9:06 p.m.


MAYOR


CITY RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

SEPTEMBER 18, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller, and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Michael E. Greenleaf.

The invocation was given by Reverend William Westlund.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 4, 1984 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the September 4, 1984 Council Minutes be approved as written. Motion was seconded. Councilman Romie Hughart moved we amend Resolution 84-16 under Agenda Item No. 4 with additional language as follows: "WHEREAS, Means, Inc. requires a two-year contractual agreement, with a 30 day termination notice, to protect their investment in uniforms." Motion was seconded. A vote was taken and passed unanimously to approve the amended minutes.

AGENDA ITEM NO. 2 - LIBRARY REPORT: - City Recorder John Santrock moved we insert the Library Report into Council Minutes. The motion was seconded. Vote was taken and it was unanimously approved.

REPORT AS FOLLOWS:

NITRO PUBLIC LIBRARY
PARK AVENUE
NITRO, W. VA. 25143
755-4432

135

KANAWHA COUNTY PUBLIC LIBRARY
MARTINSBURG, WEST VIRG.

YEARLY BREAK DOWN ON CIRCULATION FIGURES
1983-1984

SEP 6 1984

Kanawha County Public Library books:

ADULT FICTION	2319
ADULT NON-FICTION	2008
	<u>4327</u>
JUVENILE FICTION	7077
JUVENILE NON-FICTION	4096
	<u>11173</u>

TOTAL 15,500

Nitro Public Library books:

ADULT FICTION	6722
ADULT NON-FICTION	1177
	<u>7899</u>
JUVENILE FICTION	2556
JUVENILE NON-FICTION	517
	<u>3073</u>

TOTAL 10,972

RECORDS	606
FILM STRIPS	7
FILMS	<u>54</u>
	667

GRAND TOTAL 27,139

VOLUMES AVAILABLE NITRO PUBLIC LIBRARY

<u>Adult</u>	<u>Juvenile</u>	<u>Total</u>
2,702	805	3,507

TOTAL AT KANAWHA PUBLIC LIBRARY AVAILABLE 560,000

AGENDA ITEM NO. 3 - HOLIDAYS - COUNCIL MEETINGS (NOVEMBER 6, 1984 & JANUARY 1, 1985): - City Recorder John Santrock informed Council that the regularly scheduled Council Meeting for November 6, 1984 was on Election Day. Councilman at Large Rusty Casto moved we change the November 6, 1984 meeting back to November 5, 1984. The motion was seconded. A vote was taken and passed unanimously.

Also, City Recorder John Santrock advised the regular scheduled meeting in January, 1985 was on January 1, and he moved we change the meetings to the second and fourth Tuesday in January; therefore, scheduling the meetings for January 8, and January 22, 1985. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 4 - HANDICAPPED LAW 504 - EVALUATION COMMITTEE: - City Recorder John Santrock and Program Coordinator of the Handicapped Law 504, informed Council he had obtained quite a bit of material relative to this, and moved we approve the following for membership on the Self-Evaluation and Transition Team for the Handicapped Law 504 for a three year period:

Joe Leshon, Roger Cooke, Margaret Hudson and a Nitro High School student, John Simms, Mrs. Jim Pfost, Robert Arthur, Pam Mace, Lawrence Hoptry and John Santrock.

The motion was properly seconded, and a vote was taken and approved unanimously.

AGENDA ITEM NO. 5 - REVIEW OF RIDENOUR LAKE DREDGING PROJECT: - Mayor Ashley informed the plan for the dredge of the Lake was this Fall beginning next month. The engineering plan for that is being prepared by the Department of Natural Resources. The surveying work has been done. The earliest starting date was scheduled for October 7, and the lake is scheduled for dredging this Fall, and then a year from now, they will be draining the lake, removing the fish, clearing off the bottom, etc. Then, they will be restocking the lake in its entirety, with the expectation that a year from next Spring, it will be the "Hottest Fishing Spot" in the the state. Mayor Ashley will report as progress is made.

AGENDA ITEM NO. 6 - PARADE ROUTE, FRIDAY, SEPTEMBER 21, 1984 - MISS WEST VIRGINIA: - Councilman A. A. "Joe" Savilla moved we approve a parade to pay tribute to Melanne Pennington, Miss West Virginia, to be held Friday, September 21, at 6:00 p.m. The motion was seconded. The parade would form on 2nd Ave., go down 2nd Ave. to 24th Street, then to 1st Ave. and cross 19th St. and go to the stadium and around the track at the football field. Mayor Ashley informed that Mr. Phil Moore, President of Par Industrial, donated \$200.00 to pay for the proceedings including a gift to Melanne Pennington. A vote was taken to approve the parade as planned and passed unanimously.

AGENDA ITEM NO. 7 - SOLICITATION FOR WEST SATTES ELEMENTARY:
City Recorder John Santrock moved we grant permission to West Sattes Elementary School to solicit from 9-19-84 to 10-26-84 local stores in Nitro for their carnival. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 8 - KANAWHA VALLEY BOWHUNTERS ASSOCIATION: -
Randy L. Gilbert, President, William E. Curry, Jr., Vice President, and Joe Bob Richards from the Kanawha Valley Bowhunters Assn. presented their request and plans for a future target range at Ridenour Lake. They will be coming back to Council with a formal plan with the anticipated startup time around Nitro's Spring Festival.

AGENDA ITEM NO. 9 - PROPOSED BUDGET AMENDMENTS - A & B: -
Mayor Ashley submitted the proposed budget amendments as follows:

(A) Increase Miscellaneous Revenue and Increase Fire Department Capitol Expenditures in the amount of \$2,707.00 each. This is to recognize receipt of funds on 9-7-84 from State Treasurer from the "Municipal Pensions Funds" designated to buy equipment for volunteer fire companies under WV Code 8-15-8B.

(B) This is for an internal adjustment. Increase Acct. #4003-500 and Decrease Acct. #4006-500 each in the amount of \$3,400.00, to fund promotions within the Fire Department.

Councilman A. A. "Joe" Savilla moved we approve both A & B of the budget amendments. The motion was seconded. A vote was taken and passed unanimously.

Mayor Ashley recognized the promotion of James Stover to Captain, Ron Faulknier to Lieutenant, Steve Hardman and Ernest Hedrick, II to Sergeants. Chief Ernest Hedrick presented Ron, Steve and Ernie with their new badges. James Stover was unable to be present and will be presented with his new badge at a later date. The Mayor, Chief Hedrick and members of Council offered their congratulations to each of them.

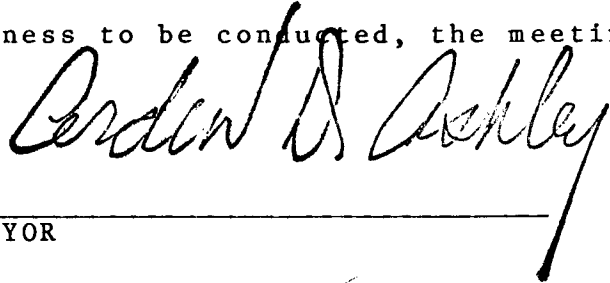
AGENDA ITEM NO. 10 - HALLOWEEN: - Councilman at Large Rusty Casto reported the Nitro Business Men's Association is going to have a party for the children to be held on 21st Street, and he moved to have the door-to-door trick or treat to be held on October 30, from 6:00 p.m. to 7:30 p.m. The motion was seconded. After discussion, City Recorder moved we table this motion. The motion was seconded. A vote was taken and passed unanimously that the motion be tabled.

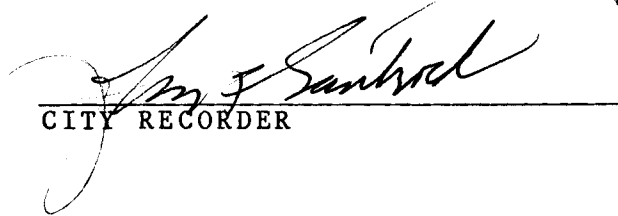
Mayor Ashley informed that it was reported to him that the Midget Football League have been collecting donations for parking at City Park during football games, and in recent years they have approached Council for permission to do so. Proceeds for donations are used to support the Midget Football League program. Councilman A. A. "Joe" Savilla suggested Mayor Ashley communicate with them to acknowledge that they didn't ask for permission, but Council took it upon themselves to grant it, and we would expect them to approach Council next season.

COMMITTEE REPORT

Councilman A. A. "Joe" Savilla advised there had been a meeting held in reference to yard sales. There were four Council members present. John Santrock suggested we go out in our Wards and talk with individuals to ascertain if the yard sales were creating a problem and get back with the Council later. There were no recommendations at this time.

There being no further business to be conducted, the meeting was adjourned at 8:36 p.m.



MAYOR

CITY RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

NOVEMBER 20, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John Santrock Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was City Treasurer Michael E. Greenleaf. Absent were Councilman A. A. "Joe" Savilla and City Attorney Phillip D. Gaujot.

As this is student government week, we had the following students from Nitro High School present: Members of Council and the department heads introduced their counterparts as follows:

Mayor Bob Myers, Councilman at Large Diana Dolin, Councilman at Large Jaci Whittington, Councilman at Large John Hoptry, Councilman of Ward II Joe Burford, Councilman Ward III Steven Shaver, Councilman Ward IV Alan Kinzy, Recorder Aaron Worstell, and Treasurer Chris Trout Department heads: Fire Chief Andy Bader, Police Chief Scotty Burford, Secretary Vanessa Dean, Senior Citizen Bev Salisbury, and Librarian Bev Parrish. Absent were Communication Sean Alvis and Recreation Ronnie Thompson.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 5, 1984 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved we approve the Council meeting minutes of November 5, 1984 as written. The motion was seconded. A vote was taken and passed unanimously and so ordered.

AGENDA ITEM NO. 2 - INTRODUCTION OF GUESTS: - Guests were introduced at the beginning of the meeting and welcomed by Mayor Ashley.

AGENDA ITEM NO. 3 - BUDGET ADJUSTMENT - RECREATION DEPARTMENT: - City Treasurer Michael Greenleaf notified of overdue invoices for the Recreation Department and informed of three alternatives, that if approved by Council, we could make the necessary transfer of funds. Councilman at Large Olaf Walker moved we increase line item 4046-550 and decrease 4081 by \$3,500.00. The motion was seconded. After discussion by Council, Councilman Charles Miller moved to amend the motion to take the money out of the Recreation Department maintenance and

repair and increase 4046-550. This was considered a friendly motion. After further discussion, a vote was taken and passed unanimously to adjust accounts payable.

AGENDA ITEM NO. 4 - NEW TELETYPE TERMINALS: - City Recorder John Santrock reported on a letter received from Colonel John W. O'Rourke, Superintendent of the Department of Public Safety in reference to the need for the City to change teletype terminals, and moved we approve this request with authority to the Mayor to sign the contracts. The new contract would cost \$315.00 monthly, and save \$73.75 per month. The motion was seconded. There being no discussion, a vote was taken and passed unanimously.

AGENDA ITEM NO. 5 - BUSINESS AND PROFESSIONAL CHRISTMAS PARADE - SAT., DEC. 1, 1984: - City Recorder John Santrock announced the request from the Nitro Business and Professional Association to hold their annual Christmas parade on December 1, 1984 at 11:00 a.m. and moved permission be granted. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 6 - WV CITIZEN ACTION GROUP SOLICITATION: - City Recorder John Santrock informed of a request from the WV Citizen Action Group to canvass in the City of Nitro, and moved permission be granted to begin December 1, to the end of the year. The motion was seconded. City Recorder John Santrock advised he would request a summary of their canvass and share it with Council. A vote was taken to grant the approval, and passed unanimously.

AGENDA ITEM NO. 7 - DECEMBER 18, 1984 COUNCIL MEETING: - Councilman Jim Hutchinson moved we cancel the Council Meeting scheduled for December 18, 1984. The motion was seconded. After discussion, a vote was taken with a majority ruling that the meeting be cancelled on December 18. Those voting negative were Mayor Ashley, Councilman at Large Olaf Walker and Councilman Romie Hughart. City Recorder John Santrock reminded Council that the Council meetings in January, 1985 were scheduled for the 8th and 22nd.

AGENDA ITEM NO. 8 - MINUTES OF NOVEMBER 15, 1984 TOWN MEETING: - City Recorder John Santrock moved we include the minutes of the Town Meeting in this Council meeting minutes. The motion was seconded. A vote was taken and passed unanimously.

MINUTES ATTACHED.

AGENDA ITEM NO. 9 - MINUTES OF COMMITTEE FOR HANDICAPPED MEETING: - City Recorder John Santrock moved the minutes of the Committee for Handicapped meeting be made a part of the Council Meeting minutes. The motion was seconded. A vote was taken and passed unanimously and so ordered.

MINUTES AS FOLLOWS:

Minutes

Committee for Handicapped
November 14, 1984

The November meeting of the Committee for Handicapped, City of Nitro, was held 10:30 a.m., November 14, 1984 in the Reception Room at City Hall. Present were: Joe Leshon, John Simms, Lawrence Hoptry, Mrs. Jim(Pebbles) Pfost and John Santrock. Comments were made about article in Nitro Newsletter.

John Simms reviewed self-evaluations of the committee for Ridenour Park, swimming pool and Nitro City Park made by committee.

John Santrock given unanimous approval to enroll the committee as a member in the National Organization for Handicapped, at no cost as the National Organization is funded by Pew Memorial Trust. Value of this organization chaired by Sen. Robert Dole are: awards, sharing of ideas, programs, where to seek funds., etc. Unanimous approval was given to purchase a handicapped stencil at a cost of \$6.95.

Mrs. James (Pebbles) Pfost shared bumper stickers, available at no cost, "This car doesn't park in a handicapped zone," and blue card to place on automobiles illegally parked in handicapped area. Mrs. Pfost also commended Nitro City Park, Cin San, Nitro Womans Club for use of facilities and cooperation to the handicapped. "Pebbles" also expressed need for handicapped improvements between 21st. and 22nd. Streets, churches, schools, professional(especially physicians), and other public places not now accessible, especially to the wheel chair and blind.

Mr. Simms shared materials he had procured at National Recreation meeting. Particularly interesting to the committee were pamphlets with diagrams showing designs for urinals, rest rooms, water fountains, doors, ramps, curbs, etc. to meet handicapped needs. "Access America" is the title of several of the pamphlets.

Mr. Santrock shared special library services available at Nitro Public Library. The committee expressed a need for a survey with business, professional, public, churches and other areas of the community relative to identifying need for curbing, slope, handicapped parking spaces, etc, and to review other communities penalties for illegal parking, etc., and to seek an ordinance for Nitro.

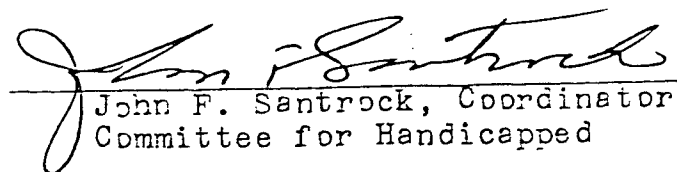
Question was asked about committees responsibility to Cross Lanes and other areas outside Nitro. Members believe we have a moral obligation to seek improvement wherever needed. Business could certainly publicize if they have good handicap facilities.

Committee would like to identify the handicapped in order to better determine needs of the community.

The coordinator then summarized work of the committee to be:

1. Identification of handicapped
2. Survey school, church, and business
3. Evaluate information and educate public
4. Fine for parking in handicapped area

Next meeting will be Wednesday, December 12, 1984, 10:30 a.m.
in the Reception Room at City Hall.


John F. Santrock, Coordinator
Committee for Handicapped

TOWN MEETING

NOVEMBER 15, 1984

The Town Meeting was called to order by Mayor Arden D. Ashley on November 15, 1984, at 7:00 p.m. at the Nitro Junior High School. Councilmembers present were: Rusty Casto, Mary Trout, Olaf Walker, Romie Hughart, Charles Miller, and Jim Hutchinson. Absent was Joe Savilla. Also present were: John Santrock, Recorder, Chief C. R. Cochran, Chief E. W. Hedrick, John Simms, Gene Williams, Connie Stephens, C. R. Sergeant, Eve Frazier, Betty Shrewsbury, Deborah Bolen, Larry Angell and Citizens of Nitro.

Invocation was given by Councilwoman at Large Mary Trout.

Mayor Ashley made comments with reference to the format and requested that everyone treat everyone else in a courteous manner.

Mayor Ashley brought to the attention of those present, the "Nitro pens". They are an outline of the State of West Virginia, with a white background with the Nitro logo on the pen. Anyone interested in purchasing one may do so for the price of \$1.25. The honored Firemen and Police Officers will be furnished one.

During the month of December Santa Claus will be making house calls. Anyone interested in having Santa Claus make a visit, please call City Hall and make an appointment. A flyer will be distributed with the garbage bags in reference to Santa Claus visits, and the garbage bag distribution will be at the same site where distributed before. Also, there will be information in reference to the recycling program.

Mayor Ashley reminded that the Senior's Holiday luncheon will be held at the Nitro High School cafeteria at 1:00 p.m. on Sunday, December 9. The annual employee's holiday season luncheon will be on Saturday, December 15, at 11:00 a.m. also at the Nitro High School.

Leo Knowlton made complaint reference the appearance of a residence on 38th Street, and parking on the grassy area between the sidewalk and the street, and questioned Ordinance to this effect. Also, at the far end of 38th St. a boat on a trailer is sitting without a license. Chief Cochran advised he can get the trailer removed from the street. Bob Sergeant informed he was familiar with the property and the lady advised it would be cleaned up. He has already contacted legal counsel. Deborah Bolen informed she would visit the home.

Another item brought to the attention was the parking on sidewalks. For instance, at Go Mart, Super America and the supermarket. It was suggested by Mr. Knowlton to start giving parking tickets and the word would get around and possibly stop

this. Chief Cochran informed he would try to enforce the law in reference to parking violations.

Mr. Knowlton also made comment reference to the large holes on 2nd Avenue and raised the question as to when 2nd Ave. will be paved again. Gene Williams informed they are still patching and will continue through January.

Mayor Ashley advised that we do have project forms, and if anyone has something you would like to see done, you should complete this form which can be obtained by Eve or a Councilmember. This form identifies you, the project, person assigned to complete project, and Councilmember who serves that Ward.

Mr. Peters, a resident of Hillside Drive commented on a beauty shop in a residential area, whereby customers block driveway. Mr. Peters informed if this was clasified as commercial, he wanted to put in a business. Mayor Ashley advised that according to the Grandfather Clause that anything existing before the city took it in, we could not change. The particular section of Hillside Drive in question is in R-1, which would permit business for family members only. A complaint was also made as to the hours of business of the shop going on until 11:00 p.m. and the noise. Chief Cochran will come up with a solution to these problems.

Preston Russell, a resident of 21st Street, asked for a report of the status of the 21st St. slip. Mayor Ashley advised there will be a report presented to the public at the Council meeting on December 4th. He does not know any particulars at this time, but it is his understanding that there were three homes that must be taken down in order to correct the slip.

There being no further questions, comments or suggestions, the meeting was adjourned at 8:20 p.m. Everyone was invited to stay for cookies and coffee.

AGENDA ITEM NO. 10 - BLUE CROSS - BLUE SHIELD ANNUAL REPORT: City Recorder John Santrock informed of a notice of new rates effective December 1, 1984 of 19.38% from Blue Cross and Blue Shield of WV, and suggested obtaining bids for comparative rates and coverage. The Council Members on the Insurance Committee will be notified so that they can begin work on this together with City Recorder John Santrock and City Treasurer Michael Greenleaf.

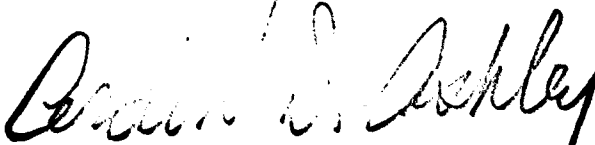
AGENDA ITEM NO. 11 - PUTNAM COUNTY LIBRARY: - City Recorder John Santrock announced the receipt of a "Service Award", that certifies that Nitro City Council is recognized for outstanding service and contributions given to Literacy Volunteers of America-Putnam County signed by Ann Durham, President.

COMMITTEE REPORTS

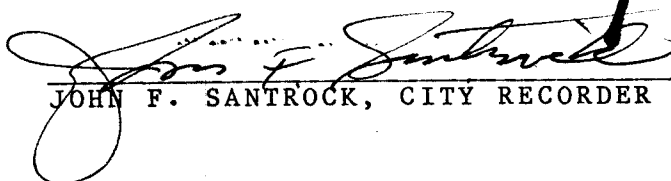
21ST STREET SITUATION: - Mayor Ashley reported that the hump on 21st St. has been under examination by the Department of Highways and their report is scheduled to be complete in final form by December 1. They will present the report at the December 4th Council Meeting to be held at the Nitro High School auditorium, cafeteria or as a third alternative the Nitro Jr. High School auditorium. Councilman at Large Olaf Walker moved we change the location of the December 4, 1984 Council meeting. The motion was seconded. A vote was taken and passed unanimously.

PROCESSING INFO SYSTEM: - Mayor Ashley has asked City Treasurer Michael Greenleaf to prepare for the Financial Committee the alternatives for processing information to be available to the Finance Committee for the meeting at 6:00 p.m. on December 4.

There being no further business to be conducted, the meeting was adjourned at 8:28 p.m.



ARDEN D. ASHLEY, MAYOR



JOHN F. SANTROCK, CITY RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

DECEMBER 4, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. at the Nitro High School Auditorium. Present were City Recorder John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman Joe Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Michael Greenleaf.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 20, 1984 COUNCIL MEETING MINUTES: - Councilwoman at Large Mary Trout moved we approve the Council meeting minutes of November 20, 1984 as written. The motion was seconded. A vote was taken and passed unanimously and so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH - CECIL LEMMA: - Mayor Ashley presented the Citizen of the Month Award for the month of December, 1984 to Cecil Lemma.

AGENDA ITEM NO. 3 - DEPARTMENT OF HIGHWAYS PRESENTATION ON PLANNED CORRECTION OF 21ST ST. SLIP: - Mayor Ashley introduced Miles Dean, from the Governor's Office of Economic & Community Development, showed the plan for the repair of the slippage problem on 21st Street and introduced Fred Van Kirk from the Department of Highways. Mr. Van Kirk informed the cost for construction will be in the neighborhood of \$800,000. and with the building and right-of-way, the total cost will be over one million dollars. There will be three appraisers to appraise properties for right-of-ways to begin in two to three months. The Governor has directed the Department of Highways to prepare Legislation for a surplus appropriation to correct the slide. The Legislative appropriation allows the money to be committed to the project in February of this year. Mr. Van Kirk informed that the project should begin in the spring of 1985. Mrs. Miller, a resident of 21st St., asked if there were any plans to do any corrective work on the damages to the other side of the street. Mr. Van Kirk informed that the highway of 21st St. will be restored.
MAP ATTACHED

Mayor Ashley introduced members of the House of Delegates: Jim Humphreys, Bonnie Brown and Charlotte Pritt.

Jim Humphreys informed that the problem is money, but they will do everything possible to see to it that there is an appropriate appropriation from the surplus fund (presently \$13,000,000) at the end of the coming session of Legislature. Until mid February, they do not have the ability to request the funds. Bonnie Brown and Charlotte Pritt will help in every way they can.

AGENDA ITEM NO. 4 - FIRST READING OF ZONING ORDINANCE AMENDMENT: - City Recorder John Santrock introduced the first reading of an ordinance to change the zoning of property on 40th St., and property adjacent to Rt. 62. It has been properly advertised and recommended to Council from the Planning Commission. City Recorder John Santrock moved we approve the first reading of this ordinance. The motion was seconded. A vote was taken and passed unanimously.
ORDINANCE NO. 84-

AN ORDINANCE TO CHANGE THE ZONING OF THE CHRISTINA CRAIGO PROPERTY ON 40TH STREET (SEE ATTACHMENT) FROM R-3 TO B-1 AND, THE NARBERTH CORPORATION PROPERTY ADJACENT TO RT. 62 AND CARRIAGE WAY (SEE ATTACHMENT) FROM R-1 TO B-1.

WHEREAS, hearings have been held by the Planning Commission of the City of Nitro 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 make these proposed zoning changes and will promote greater development and promote our City; and

WHEREAS, there appears to be no substantial opposition to said zoning change; and

WHEREAS, the Planning Commission for the City of Nitro unanimously at a regular meeting held on Thursday, October 25, 1984 recommended to Nitro City Council that the proposed changes be made.

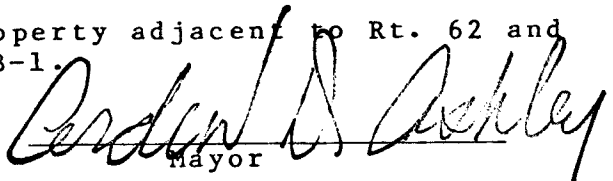
THEREFORE, be it ordained by the City Council of the City of Nitro that:

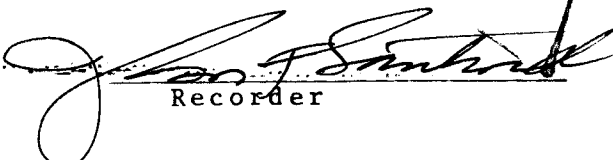
1. The Christina Craigo property located near the intersection of 40th St. and I-64, be rezoned from R-3 to B-1.

2. The Narberth Corporation property adjacent to Rt. 62 and Carriage Way be rezoned from R-1 to B-1.

December 4, 1984
1st Reading

2nd Reading


Mayor


Recorder

AGENDA ITEM NO. 5 - PROCLAMATION - NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK (12-9 - 12-15-84): - City Recorder John Santrock moved we approve the proclamation proclaiming the week of 12-9 thru 12-15-84 as National Drunk and Drugged Driving Awareness Week. The motion was seconded. Mayor Ashley gave his compliments to Chief Cochran and his department for their efforts in getting the drunk driver off the streets. A vote was taken to grant the approval, and passed unanimously.

PROCLAMATION AS FOLLOWS:



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

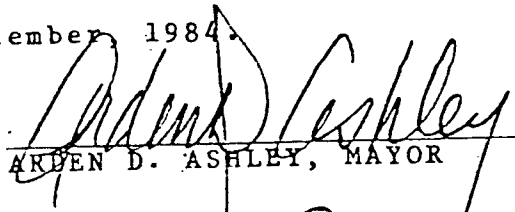
MICHAEL E. GREENLEAF
TREASURER

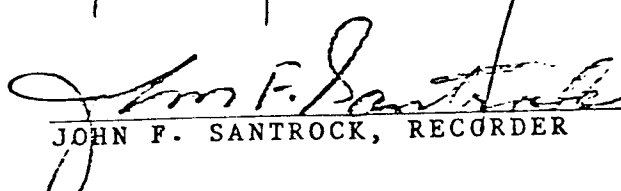
The City of Nitro proclaims the week of December 9th through 15th as "National Drunk and Drugged Driving Awareness Week", in supporting National and Local observance thereof.

Therefore, reminding our fellow citizens that the police, safety belts and child safety seats are our best and only defense against the drunk driver.

Now, Therefore, be it resolved that the City Council of the City of Nitro declare December 9th - 15th, 1984 as National Drunk and Drugged Driving Awareness Week.

Passed this the 4th day of December, 1984.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

AGENDA ITEM NO. 6 - SOIL CONSERVATION DEVELOPMENT REPORT ON RIDENOUR LAKE: - City Recorder John Santrock reported that every six months the DNR and the SCS comes and look over our water shed to be sure that everything is perfect, and moved we include the latest report as part of the Council minutes. The motion was seconded. A vote was taken and passed unanimously.
REPORT AS FOLLOWS:

WV-PDM-ZC

EXHIBIT 7

~~WV AS 6~~

File Code AS-12-13

Revised 8/72

REPORT OF COMPLETION OF NEEDED MAINTENANCE
FOR STRUCTURESWatershed Blakes-Armour Creek - Site 7 Date November 28, 1984

The operation and Maintenance Inspection Report, dated 4-84 showed a need for certain maintenance and repair jobs. Those jobs have now been completed and their cost, including services performed, are as follows:

Structure Number	Item	Maintenance Performed	Costs	Date Completed
7	1	Riprapped impact basin.		May - 1984
7	2	Removed fallen tree.		May - 1984
7	3	Riprapped below road culvert.		May - 1984

REMARKS: All needed maintenance performed. Dredging of lake has been postponed until spring or early summer in 1985.

Larry H. Lee
SCS Representative

Capitol S.C.D.
Sponsoring Local Organization

R. C. Alford
Sponsoring Local Organization Representative

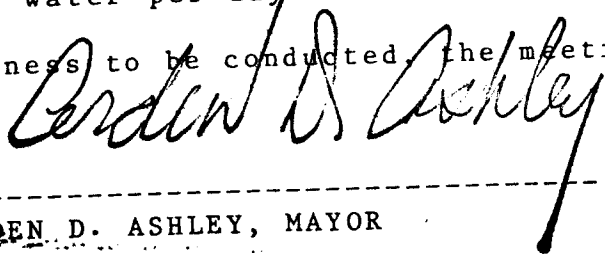
AGENDA ITEM NO. 7 - NOTICE OF APPLICATION FOR STATE LICENSE TO OPERATE A PRIVATE CLUB AT 217 40TH ST.: - City Recorder John Santrock advised that on November 29, he received request for a license to operate a private club at 217 40th St. In State Code at H.B. 1856, it requires the Recorder report to Council that it is within the zoning laws of the City of Nitro. No Council action required.

AGENDA ITEM NO. 8 - SPECIAL COUNCIL MEETING - SATURDAY, DECEMBER 15, 1984 AT 10:00 A.M.: - At the last Council meeting, the originally scheduled Council meeting for December 18, was cancelled, with the understanding a special meeting could be called. The purpose of this meeting will be for the second reading of the zoning ordinance amendment. An invitation was given by Mayor Ashley that if anyone has an item to be placed on the agenda, please contact his office.

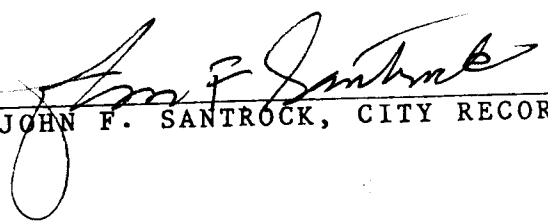
COMMITTEE REPORTS

1. SWIMMING POOL REPORT - Recreation Director John Simms gave a report with reference to work being anticipated at the pool. He advised of problems at the pool with rapid water loss. Research has not been completed, and the cost determined at this time for correction of the problem at this time. He informed that last years water useage bill was \$4,900. and for the previous year when there was a smaller leak, the bill was \$2,600. It was estimated in 1982, with the smaller leak, there was a useage of 5,000 gallons of water per day.

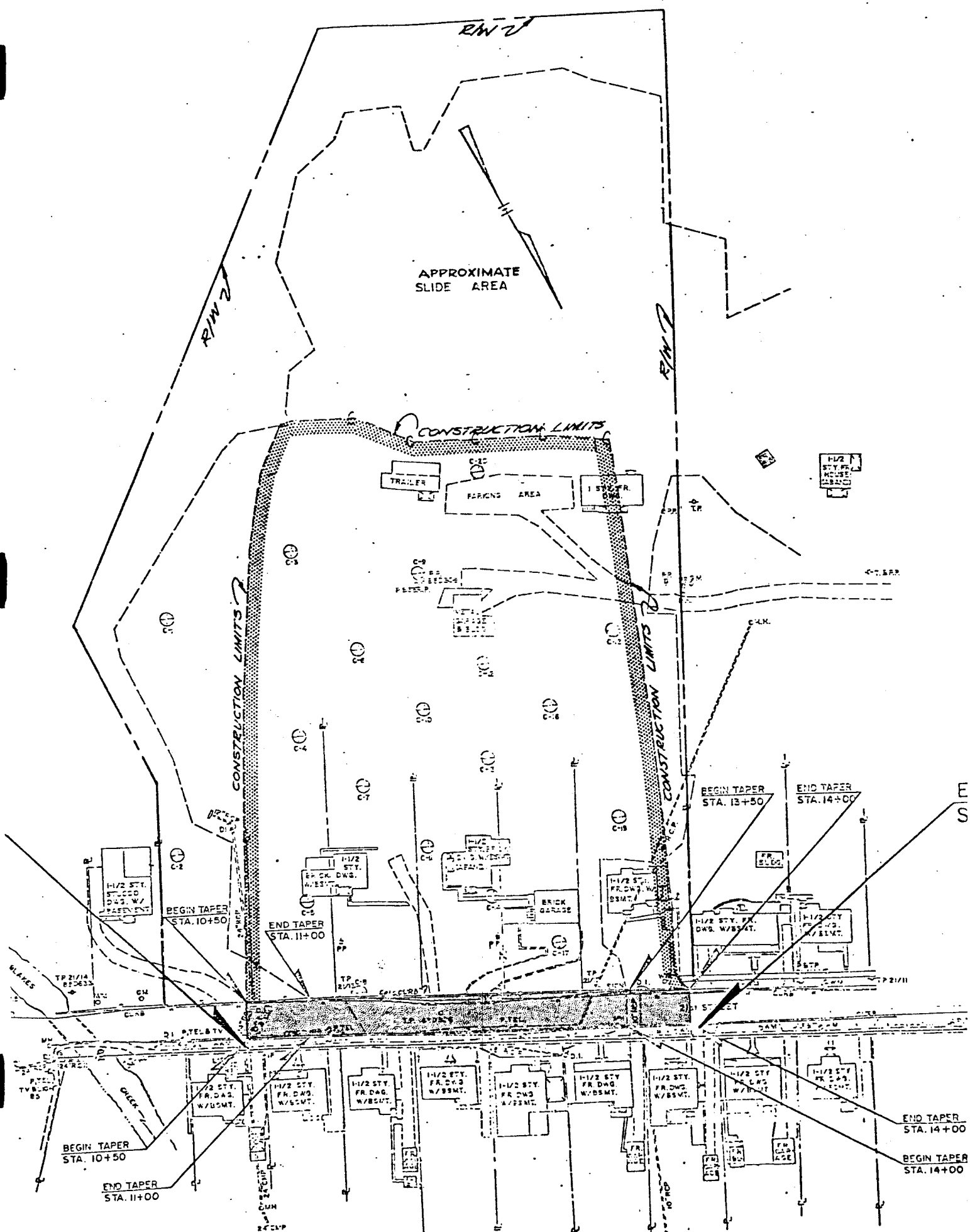
There being no further business to be conducted, the meeting was adjourned at 8:14 p.m.

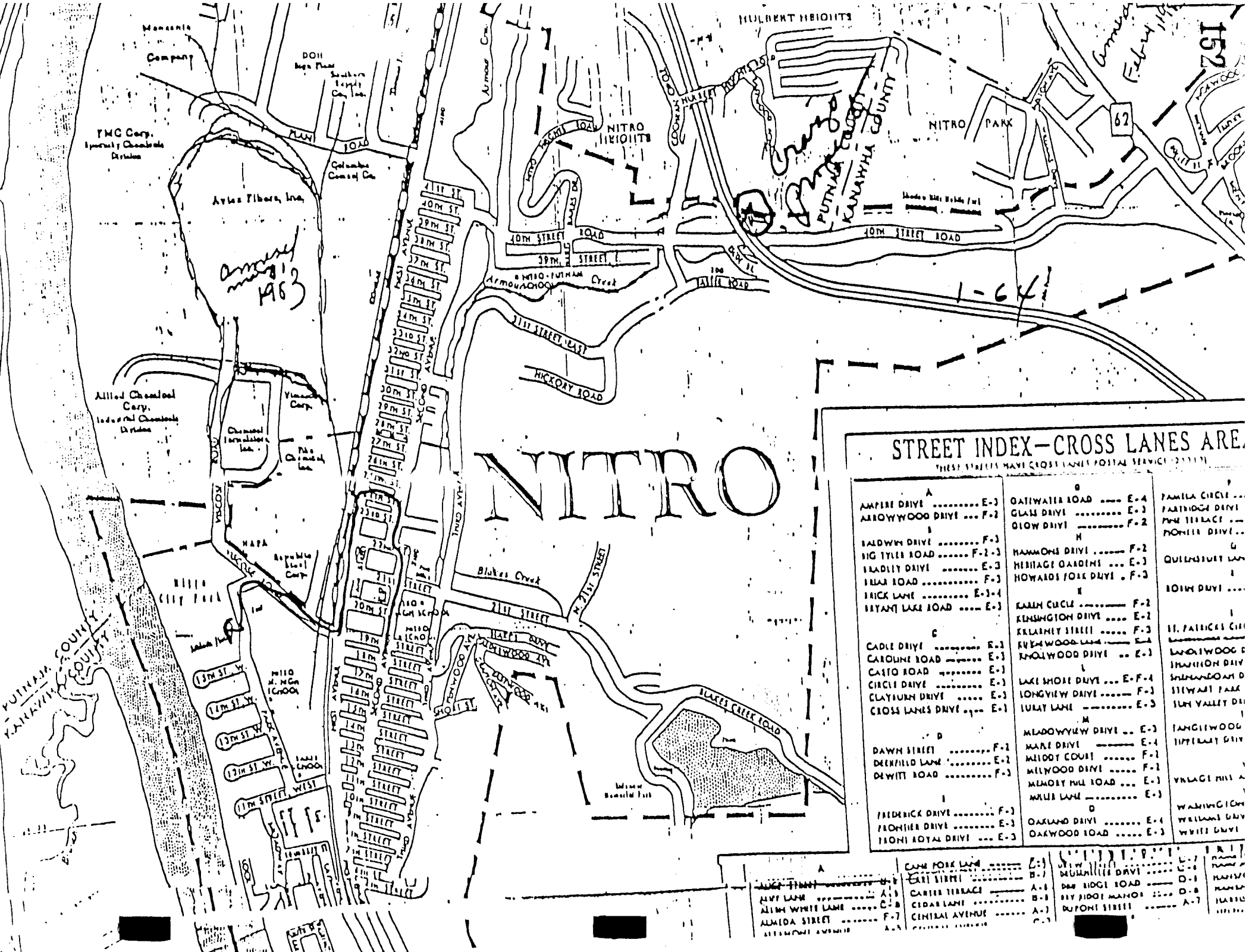


ARDEN D. ASHLEY, MAYOR



JOHN F. SANTROCK, CITY RECORDER







NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

NOTICE OF SPECIAL MEETING OF THE COUNCIL
OF THE CITY OF NITRO, NITRO, WEST VIRGINIA

PLEASE TAKE NOTICE that a special meeting of the City Council of the City of Nitro will be held on the 15th day of December, 1984, at 10:00 a.m., in the Council Chambers, City Hall, Nitro, West Virginia.

AGENDA:

1. Second reading of Zoning Ordinance amendment to change the zoning on 40th St. and property adjacent to Rt. 62.
2. Report on computer system. Motion to be entertained.

Arden D. Ashley
ARDEN D. ASHLEY, MAYOR

Rusty Casto *Mary Trout*
RUSTY CASTO, COUNCILMAN AT LARGE MARY TROUT, COUNCILWOMAN AT LARGE

Olaf Walker *Joe Savilla*
OLAF WALKER, COUNCILMAN AT LARGE JOE SAVILLA, COUNCILMAN

Charles Miller
CHARLES MILLER, COUNCILMAN

Romye Hughart
ROMIE HUGHART, COUNCILMAN

Jim Hutchinson
JIM HUTCHINSON, COUNCILMAN

John F. Santrock
JOHN SANTROCK, CITY RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

DECEMBER 15, 1984

A special meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 10:00 a.m. in Council Chambers. Present were City Recorder John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Michael Greenleaf.

The invocation was given by Councilman at Large Rusty Casto.

Mayor Ashley extended a welcome to the public present.

AGENDA ITEM NO. 1 - SECOND READING OF ZONING ORDINANCE AMENDMENT TO CHANGE THE ZONING ON 40TH ST. AND PROPERTY ADJACENT TO ROUTE 62: - Councilman at Large Rusty Casto moved we approve the amendment to change the zoning ordinance on 40th St. and the property adjacent to Rt. 62. The motion was seconded. City Recorder John Santrock informed that it had been properly advertised on many occasions according to State Code and there were no negative reactions to either of the two zone changes. A vote was taken and passed unanimously.

ORDINANCE AS FOLLOWS:

ORDINANCE NO. 84-10

AN ORDINANCE TO CHANGE THE ZONING OF THE CHRISTINA CRAIGO PROPERTY ON 40TH ST. (SEE ATTACHED) FROM R-3 TO B-1 AND, THE NARBERTH CORPORATION PROPERTY ADJACENT TO RT. 62 AND CARRIAGE WAY (SEE ATTACHED) FROM R-1 TO B-1.

WHEREAS, hearings have been held by the Planning Commission of the City of Nitro 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 make these proposed zoning changes and will promote greater development and promote our City; and

WHEREAS, there appears to be no substantial opposition to said zoning change; and

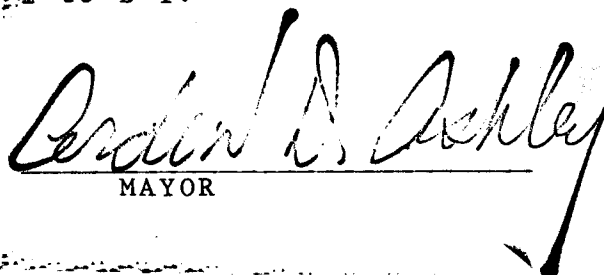
WHEREAS, the Planning Commission for the City of Nitro unanimously at a regular meeting held on Thursday, October 25, 1984 recommended to Nitro City Council that the proposed changes be made

BEFORE, be it ordained by the City Council of the City of Nitro that:

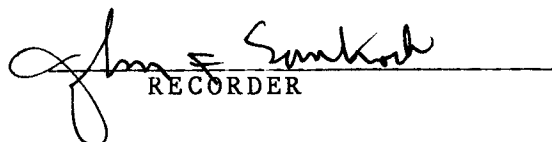
I. The Christina Craigo property located near the intersection of 40th Street and I-64, be rezoned from R-3 to B-1.

II. The Narberth Corporation property adjacent to Route 62 and Carriage Way be rezoned from R-1 to B-1.

December 4, 1984
1st Reading


MAYOR

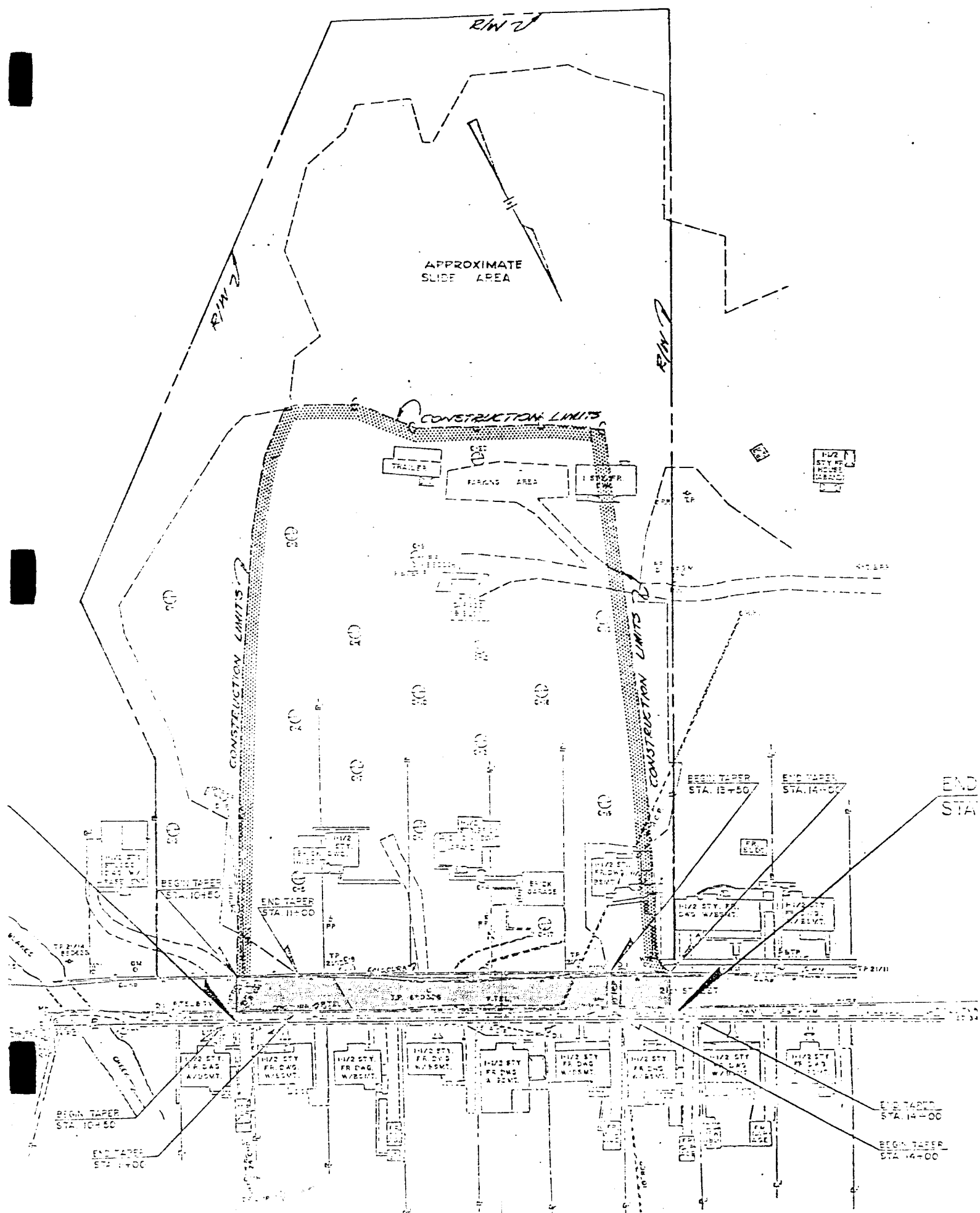
December 15, 1984
2nd Reading


RECORDER

STREET INDEX—CROSS LANCES AND

THESE SHEETS MAY BE COPIED AND REPRODUCED

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AGENDA ITEM NO. 2 - REPORT ON COMPUTER SYSTEM. MOTION TO BE ENTERTAINED: - City Treasurer Michael Greenleaf furnished information relative to two different software packages available to municipalities. He informed that both run on the I.B.M.PCA T Model, which is I.B.M.'s latest technology. Inasmuch as the City is able to get "piggy back" with the State's purchasing contract for computers with I. B. M., if the Council chooses to go the route of computers, it is his recommendation that we go with I.B.M. PCA T.

City Recorder John Santrock questioned the delivery date. City Treasurer informed he was told it would be four to six months. Then, City Recorder John Santrock asked what we would do until then, and City Treasurer advised we would try to get by the best we can. He advised he could no longer rely on the veracity of the information he is receiving.

Mayor Ashley questioned the problem of time between the act and the reported data. City Treasurer informed there had been problems with that which caused some difficulty in the past. They changed staff completely is what brought on the problem, and it hasn't been the same since; they put out balance sheets that don't balance and the debits don't equal the credits.

Mayor Ashley stated to City Treasurer Michael Greenleaf and asked for correction, if not correct that we have some five thousand dollars plus in our budget this fiscal year for capitol expenditures, and this is where the computer expense would be deducted. However, the five thousand dollars doesn't cover the cost of the system. There is an additional document called for in revision of the budget, if we follow the recommendation of the Treasurer. That would be to decrease in the Police Department, Line item 4006-455 and increase in Line item 4085-440 City Hall Capitol expenditures of \$2,000.00. Mayor Ashley asked if this would cover the cost. City Treasurer Michael Greenleaf informed it would cover the cost of the hardware. The software costs in the range of five to seven thousand dollars. Michael Greenleaf informed the cost of everything needed would be around twelve thousand dollars. Mayor Ashley informed that if the above journal entries are made, we would have sufficient funds to get the program started, and asked for comparison to this and what we are getting. City Treasurer Michael Greenleaf informed at this time, we are paying around \$500.00 per month. He has checked on other prices of contract services, and the cost would be around \$750.00 per month.

Councilman at Large Olaf Walker requested the City Treasurer Michael Greenleaf inform him as to how the system works at this time. He was informed that there were three applications basically which consist of accounts payable, general ledger and payroll. For the accounts payable we take the checks and they post directly from them. When they finish, they furnish us a printout and then he makes the journal entries. Councilman at

Large Olaf Walker questioned as to why, if we take the raw material down, are they out of balance. City Treasurer Michael Greenleaf advised that in his opinion, there are bugs in their program. Councilman at Large Olaf Walker wanted to know if we had obtained from other services agencies what services they could offer and price. City Treasurer Michael Greenleaf informed that he had. He had one quote in writing. Some agencies only handle payroll. Some of the other agencies are Kanawha Valley Data, Kanawha Valley Bank and Business Computer Services. Councilman at Large Olaf Walker asked that if we go with one of the above, how would we get the information to them, and he was informed that we carry it. Councilman at Large Olaf Walker questioned as to how the new system would benefit. City Treasurer Michael Greenleaf advised that the most important thing is, it would allow us would be to have instantly current data. We would have our purchase orders entered, and they are not now. Councilman at Large Olaf Walker wanted to know the approximate cost of paper for the machine and City Treasurer Michael Greenleaf advised it would probably be around \$100.00 a year. Councilman Joe Savilla questioned the maintenance cost. City Treasurer Michael Greenleaf advised we do not have maintenance contracts. If a board goes bad we just pull the board out and through it away and get another. Councilman Romie Hughart asked how we determine if a board is bad, and Michael Greenleaf informed that all I.B.M. products have a diagnostics program and tells you what to take out or put in, etc. Councilman Charles Miller asked if they would set up the computer and train personnel for the price mentioned, and the answer was no; we have to do that on our own. Mayor Ashley informed that the software people would be the ones we would be dealing with in terms of training. Insofar as the installation in concerned, it would just be a little more than plugging it in. Councilman Charles Miller questioned the guarantee, and the possibility of out growing it. He was informed that we have a 90 day guarantee, and instead of outgrowing it, we would just add another terminal. Mayor Ashley added that there is another package that is available that includes some additional capabilities above what we have. Councilman Joe Savilla questioned if this computer could handle situations in case of emergency for the Fire and Police Departments to ascertain address, contents of house, etc., and he was informed that it could with the right software. The normal cost of the software program would be around one to two thousand dollars. City Treasurer Michael Greenleaf informed we will have security of our information, as passwords will be assigned on security levels.

Councilman A. A. "Joe" Savilla moved we approve the purchase of the I. B. M. PACT computer system and make the budget revision of line items 4006-455 (Police Department Retirement) by decreasing \$2,000. and increasing 4085-440 (City Hall - Capitol Expenditure) by \$2,000. The motion was seconded. After further discussion, a vote was taken and passed unanimously.

There being no further business to be conducted, the meeting was adjourned at 10:45 a.m.

Arden D. Ashley
MAYOR

COUNCIL MEETING MINUTES

CITY OF NITRO

JANUARY 8, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was City Treasurer Michael Greenleaf. Absent were City Recorder John Santrock and City Attorney Phillip D. Gaujot.

The invocation was given by The Reverend William Westlund.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 4, 1984 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved we approve the Council meeting minutes of December 4, 1984 as written. The motion was seconded. A vote was taken and passed unanimously and so ordered.

AGENDA ITEM NO. 2 - APPROVAL OF DECEMBER 15, 1984 COUNCIL MEETING MINUTES: - Councilman A. A. "Joe" Savilla moved we approve the special Council meeting minutes of December 15, 1984 for two purposes on the agenda being the second reading of the Zoning Ordinance and a report on the computer system. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 3 - CITIZEN OF THE MONTH: - Mayor Ashley presented the Citizen of the Month Award for the month of January, 1985 to The Reverend William Westlund, Pastor of the First Presbyterian Church.

Councilman Romie Hughart moved we change Item 4 on the Agenda - Promotions of the Nitro Police Department to the end of the agenda.

AGENDA ITEM NO. 5 - NATIONAL EYE HEALTH CARE MONTH: - Councilman at Large Rusty Casto moved we approve the proclamation declaring January, 1985 as Eye Health Care Month. The motion was seconded. There being no discussion, the vote was taken and passed unanimously.

PROCLAMATION AS FOLLOWS:



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

NATIONAL EYE HEALTH CARE MONTH

WHEREAS, The American Academy of Ophthalmology, composed of eye physicians and surgeons throughout the state, will join with medical leaders and groups throughout the nation in observing January, 1985 as National Eye Health Care Month, and

WHEREAS, The National Society to Prevent Blindness has documented the fact that 50% of all blindness can be prevented. The purpose of the observance is to promulgate public information which will reduce this appalling statistic, and

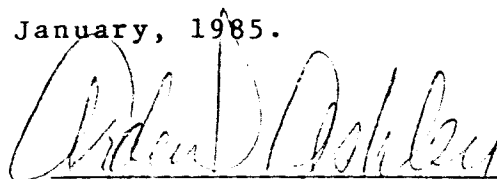
WHEREAS, in 1984, 18 Governors and many Mayors helped to found the observance by issuing proclamations, and


WHEREAS, Bob Hope and ophthalmologists of West Virginia respectfully request that we proclaim January, 1985 as Eye Health Care Month, urging all citizens to be informed and to participate.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Nitro declare January, 1985 as

EYE HEALTH CARE MONTH

Passed this 8th day of January, 1985.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, CITY RECORDER

ITEM NO. 6 - REQUEST TO SOLICIT BY THE MIDGET BASKETBALL LEAGUE: - Councilman A. A. "Joe" Savilla moved we approve the request from the Midget Basketball League to solicit door to door to have a pizza sale. The motion was seconded by both Councilman at Large Olaf Walker and Councilman Jim Hutchinson. A vote was taken and passed unanimously.

ITEM NO. 7 - CITY HOLIDAYS: - Mayor Ashley informed that in the past we have taken the position that we honor the State's holidays. There has been a state holiday declared for Inauguration Day and unless Council requested it, this holiday would not be extended to city employees.

Councilman Romie Hughart moved the Council go into Executive session to discuss personnel matters involving city employees. The motion was seconded. A vote was taken and it was unanimous and so ordered.

The regularly scheduled Council meeting reconvened with a report that Council discussed matters relating to personnel of the city, and there was no action recommended by the Council. Therefore, there was nothing more to report.

AGENDA ITEM NO. 4 - PROMOTIONS - NITRO POLICE DEPARTMENT: - Mayor Ashley read the memorandums from Gary Hill, Chairman of the Police Civil Service Commission naming the following eligible for promotion to the rank of Sergeant: Patrolman Bruce Angell and Patrolman John Joyce. Also, naming Sgt. Gary Blankenship eligible to Lieutenant. (Copies of memos attached). There needs to be incorporated, as part of the motion, a budget revision. A five minute recess was called to allow for the budget revision figures.

The Council Meeting reconvened. The budget revision would be an increase of \$1,030.00 in line item 4003-455 (Wages & salaries P.D.) \$962. and 4004-455 (FICA tax P. D.) \$68. and an off-setting decrease (Retirement Expense P.D.) in the same amount. Councilman A. A. "Joe" Savilla moved we approve the budget revision and the promotion of Sgt. Gary Blankenship to Lieutenant. The motion was seconded. There being no discussion, a vote was taken and passed unanimously.

Mayor Ashley presented Lieutenant Blankenship and Sergeant Angell with their new shields and Chief Cochran presented them with their bars. Lieutenant Blankenship and Sergeant Angell were congratulated by Council. Sergeant Joyce was not present for presentation.

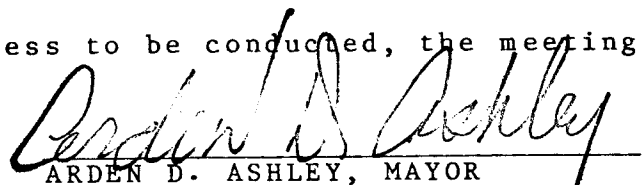
Mayor Ashley announced a meeting scheduled for the morning of January 9th at Nitro Junior High School. This meeting is in conjunction with letters received from students addressed to members of Council.

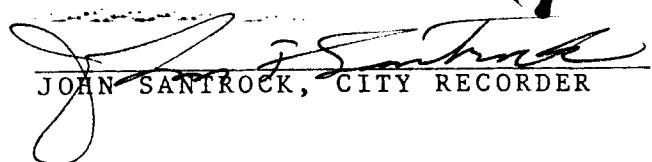
COMMITTEE REPORT

Mayor Ashley informed the Spring Festival Board members met this evening with the Spring Festival Executive Committee and heard a presentation by Bill Peccozi, who has approached the Executive Chairman, Roger Cooke, and his Committee with the idea of helping the Nitro Spring Festival with promotions, advertising and publicity. The current status is that the Spring Festival Committee will be coming to Council with a recommendation for a Spring Festival event. Mr. Peccozi handled the program for St. Albans last year, the Pete Rose show held at the Civic Center, and the Mary Lou Retten parade. The next meeting for the Spring Festival Board of Directors is scheduled for Thursday, January 17, at 6:30 p.m. There is a Mr. Ron Sanders, with Nova, who is coming to town around this weekend to check on site that would be available to locate a carnival and he is interested in making his firm available. His carnival is the one that operates at the State Fair and around the region. They have worked with the Lion's Club of South Charleston and Kanawha City. They are going to be part of the inaugural festivities. John Robertson, with the Civic Center, is personally acquainted with the group and recommends them. Council will be notified when Mr. Sanders comes to town, with an invitation to attend to ask any questions they may have.

Councilman A. A. "Joe" Savilla questioned as to the date the lake will be closed. Mayor Ashley informed that the latest plan from the Department of Natural Resources was that when they get through the trout stocking season, assuming there are four stockings again, and then when the trout supply is pretty much depleted at the end of May, they will start the dredging operation in June. He reported he did not know the amount of time this would take, but in September their plan is to drain the lake, thus, removing all the trash fish. This would allow the lake to refill in time for the regular stocking season next year.

There being no further business to be conducted, the meeting was adjourned at 8:50 p.m.


ARDEN D. ASHLEY, MAYOR


JOHN SANTROCK, CITY RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

TO: MAYOR ARDEN D. ASHLEY
FROM: NITRO POLICE CIVIL SERVICE COMMISSION
GARY HILL, PRESIDENT
DATE: DECEMBER 20, 1984
RE: PROMOTION

The following named person is hereby eligible for promotion
to Sergeant effective this date.

Patrolman Bruce Angell

GH/pa

cc: Chief C. R. Cochran
J. R. Evans, Jr.
Charles Workman

A handwritten signature in cursive script, appearing to read "Gary Hill", is written over a horizontal line of perforated paper. The signature is fluid and stylized, with the first and last letters being capitalized and prominent.



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

TO: MAYOR ARDEN D. ASHLEY
FROM: NITRO POLICE CIVIL SERVICE COMMISSION
GARY HILL, PRESIDENT
DATE: DECEMBER 20, 1984
RE: PROMOTION

The following named person is hereby eligible for promotion
to Lieutenant effective this date.

Sgt. Gary Blankenship

GH/pa

cc: Chief C. R. Cochran
J. R. Evans, Jr.
Charles Workman

A handwritten signature in cursive script, appearing to read "Gary Hill", is written over the typed name "Gary Hill" in the distribution list.



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

TO: MAYOR ARDEN D. ASHLEY
FROM: NITRO POLICE CIVIL SERVICE COMMISSION
GARY HILL, PRESIDENT
DATE: DECEMBER 21, 1984
RE: PROMOTION

The following named person is hereby eligible for promotion
to Sergeant effective this date.

Patrolman John Joyce

GH/pa

cc: Chief C. R. Cochran
J. R. Evans, Jr.
Charles Workman

CITY OF NITRO
COUNCIL MEETING MINUTES

JANUARY 22, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Michael E. Greenleaf. Absent were Councilman at Large Olaf Walker and Councilman A. A. "Joe" Savilla.

The invocation was given by Councilman at Large Rusty Casto.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 8, 1985 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved we approve the January 8, 1985 Council Meeting minutes as written. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 2 - 21ST STREET FUNDING: - Mayor Ashley gave a briefing on the status of the project. He has the engineering plan, prepared by the Department of Highways, for the correction of the slip. The document is available for Council review, and will be turned over to Councilman at Large Olaf Walker, Chairman of the committee seeking \$1 million in state funds needed to repair slippage problems on 21st Street. The next step is to obtain approval in the budget by the Legislature.

AGENDA ITEM NO. 3 - REVENUE SHARING: - Mayor Ashley reported that we have just been advised by the Office of the Secretary of the Treasury that our Revenue Sharing allocation for Entitlement period 16 is being reduced. This information was not known to us in advance. Entitlement period 16 is based on the Federal fiscal year which begins October 1, which does not coincide with our fiscal year. In Entitlement period 15, they overpaid us by \$18,146. so beginning in Entitlement period 16, they are taking that away, plus reducing an additional amount changing our allocation in Entitlement Period 16 to \$163,624., and we had been getting \$196,000. Our new allocation level is \$179,891., but in Entitlement period 16, we are losing \$22,000 plus the \$18,000. that was overpaid us in Entitlement period 15. The net effect of this revenue sharing change is that we must change our budget

this fiscal year by some \$20,000. The allocation for Kanawha County under Entitlement 16 is \$3.629 million. It was asked of the Kanawha County Commission they place the funds in an escrow account, for municipalities to seek on a case by case basis which we feel merits their contribution, since the money had not been budgeted by them. Commissioner Don Joe Hunt advised he would take it up with the other Commissioners, and if they thought the idea had any merit at all, they would get back with us. At the next Council meeting, suggestions will be made to Council where adjustments can be made.

AGENDA ITEM NO. 4 - SMITH STREET LANDFILL - SEWER: - Mayor Ashley announced the repair of the collapsed Smith Street storm sewer will cost approximately \$10,000, and will begin as soon as the city engineer completes plans. As soon as the engineers complete the plan, we will get a firm price on the material and also equipment that must be rented, and Council will be informed.

AGENDA ITEM NO. 5 - KVEPC: - Mayor Ashley reported we are now a member of the Kanawha Valley Emergency Planning Council and have voting privileges. We are expanding a plan to include a Community Emergency Response Program with variations as to the response we have. We have been working with county, industry and congressional representatives. Our plan could be, one fire truck going over to help out the plants, up to a total evacuation of the City. It will be detailed, and could be the model for the rest of the valley's plans. A meeting has been scheduled with Police Chief C. R. Cochran, Fire Chief Ernest Hedrick, plant representatives and a representative from Congressman Wise's office for Monday, January 28, at 3:00 p.m.

AGENDA ITEM NO. 6 - REQUEST FROM MARCH OF DIMES TO SOLICIT FUNDS THE WEEK OF MARCH 10, 1985: - Councilman Jim Hutchinson moved we grant permission to The March of Dimes to solicit door-to-door in our City the week of March 10, 1985. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - REQUEST FROM AMERICAN HEART ASSN. TO CONDUCT ANNUAL HEART FUND DRIVE DURING THE MONTH OF FEBRUARY, 1985: - Councilman at Large Rusty Casto moved permission be granted to the American Heart Association to conduct its Annual Heart Fund Drive during the month of February, 1985. The motion was properly seconded, a vote taken and passed unanimously.

AGENDA ITEM NO. 8 - RESOLUTION OF NOTICE OF SPECIAL ELECTION FOR ADDITIONAL MUNICIPAL LEVY - 1ST READING: - City Recorder John Santrock brought to the attention of Council, an increase to \$96,850.00, and in the past three years it has been approximately \$72,000.00, and moved we pass as first reading, the resolution of Notice of Special Election for Additional Municipal Levy. The motion was seconded. A vote was taken and passed unanimously.

RESOLUTION 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 22nd day of January, 1985, 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, \$16,465.00 for each year, for a period of three years.

-2-

- (b) Parks and Recreation, \$12,590.00 for each fiscal year, for a period of three years.
 - (c) Firemen's Wages, \$18,402.00 for each fiscal year, for a period of three years.
 - (d) Additional Street Lighting, \$9,685.00 for each fiscal year, for a period of three years.
 - (e) Policemen's Wages, \$28,087.00 for each fiscal year, for a period of three years.
 - (f) Library, \$7,747.00 for each fiscal year, for a period of three years.
 - (g) Fire Hydrant Rental, \$3,874.00 for each fiscal year, for a period of three years.
3. That the total approximate amount for said purpose or purposes is \$96,850.00 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 - \$4,447,525; Class II \$18,359,041; Class IV - \$28,447,847; Aggregate - \$51,254,413.
 5. That the proposed additional rate of levy in cents on each class of property is as follows: Class I - 6.25c; Class II - 12.5c; Class IV - 25c.
 6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1985; July 1, 1986; and July 1, 1987.
 7. That the question of such additional levy shall be submitted to a vote at a special election to be held on the 2nd day of March, 1985.

COUNCIL MEETING MINUTES

CITY OF NITRO

OCTOBER 2, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Council A. A. "Joe" Savilla, Councilman Romie Hughart, and Councilman Charles Miller. Also present were City Attorney Phillip D. Gaujot and City Treasurer Michael E. Greenleaf. Absent was Councilman Jim Hutchinson.

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

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 28, 1984 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved we approve the Council meeting minutes of September 28, 1984. The motion was seconded. A vote was taken and passed unanimously and so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley presented the Citizen of the Month award for October, 1984 to Jerry Foster, the Nitro High School bandleader.

AGENDA ITEM NO. 3 - MUNICIPAL LEVY SPECIAL ELECTION - SATURDAY, MARCH 2, 1985: - City Recorder John Santrock informed Council the Municipal Levy will expire June 30, 1985, and this levy must be voted upon every three years. He moved we set the election date for Saturday, March 2, 1985 and that paper ballots be used. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 4 - NITRO HIGH SCHOOL HOMECOMING PARADE: - City Recorder John Santrock furnished Council the route planned for a parade by Nitro High School, and moved permission be granted for this parade on Friday, October 5, 1984. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 5 - FIRST READING HANDICAPPED GRIEVANCE PROCEDURE: - City Recorder John Santrock presented Council with a copy of a proposed Ordinance reference handicapped grievance procedure, which was established to meet requirements of the Revenue Sharing Act. Councilman A. A. "Joe" Savilla moved we adopt this as the first reading of said Ordinance. The motion was seconded. There being no discussion, a vote was taken and passed unanimously.

ORDINANCE AS FOLLOWS:

ORD. 84-

CITY OF NITRO
GRIEVANCE PROCEDURE

The following grievance procedure is established to meet requirements of the Revenue Sharing Act as amended. The grievance procedure should be used by any individual (except job applicants) who wishes to file a complaint alleging discrimination on the basis of handicap in employment practices and policies or the provision of program, services and benefits by Municipality of Nitro, West Virginia.

The grievance should be in written form and contain as much information as possible about the alleged discrimination. Other arrangements for submission of a grievance such as a personal interview or tape recording will be made available for the visually-impaired or those with motor impairments. It should be submitted within 30 calendar days of the alleged violation to The Program Coordinator, Address: Nitro City Hall, Phone Number: 755-0701, Office Hours: 8:30 a.m. to 4:30 p.m.. (This is the individual or position which has been designated to be responsible for coordinating efforts to comply with the handicapped discrimination requirements.)

Within 15 working days of receipt of the complaint, The Program Coordinator will respond in writing (or a method understood by the complainant) to the complaint. The response will offer a resolution or explain the position of Nitro City Government, with respect to the complaint.

If the response by The Program Coordinator is not sufficient or does not satisfactorily resolve the issue, the complainant may request a hearing within 15 working days of the response before the Grievance Committee; City Recorder to act as communicator, Phone number: 755-0701. Within 30 calendar days of the hearing, the complainant will receive the resolution in writing (or a method understood by the complainant) as proposed by the City Grievance Committee. (Grievance Committee to be 5 (five) members selected from Discrimination Committee, approved by Nitro City Council.) Complainant may appeal to full council for further review and final resolution. Must be appealed within 15 working days following decision of Grievance Committee. Resolutions by the City Grievance Committee may also be appealed to Council by the Program Coordinator or Mayor of the City.

All complaints received by The Program Coordinator and responses from the City Council Grievance Committee will be kept by Nitro City Government for a period of three years. These documents may be requested by the Office of Revenue Sharing should an investigation into alleged discrimination on the basis of handicapped status be initiated.

First Reading: October 2, 1984

Second Reading: _____

Borden & Ash

MAYOR
[Signature]

RECORDER

AGENDA ITEM NO. 6 - HALLOWEEN - TRICK OR TREAT: - Mayor Ashley furnished Council a copy of the letter from the Kanawha County Commission requesting each community celebrate Halloween on Tuesday, October 30 from 6:00 to 8:00 p.m. Councilman at Large Rusty Casto moved we observe Halloween in Nitro on October 30, from 6:00 p.m. to 8:00 p.m. The motion was properly seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 7 - NITRO MIDGET FOOTBALL REQUEST: - Mayor Ashley, for Council information, informed he had received a letter from the Nitro Midget Football League dated July 28, requesting permission to park cars on the City parking lot for games and ask for donations. Also, requesting use of Nitro City Park.

AGENDA ITEM NO. 8 - INTERGOVERNMENTAL AGREEMENT: - Members of Council were given a copy of the Intergovernmental Agreement between the City of Nitro and the West Virginia Department of Natural Resources for the dredging of Ridenour Lake. Councilman A. A. "Joe" Savilla moved to authorize Mayor Ashley to enter into an agreement with the state Department of Natural Resources for the dredging of Ridenour Lake. The motion was seconded. The vote was unanimous and so ordered.

COPY OF AGREEMENT ATTACHED

AGENDA ITEM NO. 9 - (A) NATIONAL FIRE PREVENTION WEEK - OCTOBER 7 - 13, 1984. (B) A PARADE ON OCTOBER 13, AT 11:00 A.M.: - City Recorder John Santrock informed October 7 through the 13th has been designated as fire prevention week. They have designed an excellent program throughout the week and ending with a parade on Saturday. City Recorder moved we grant permission for the Fire Department to participate in a parade October 13, at 11:00 a.m. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 10 - UNITED WAY TO SOLICIT FUNDS IN CITY - OCTOBER 1 THROUGH DECEMBER 31, 1984: - Councilman at Large Rusty Casto moved we grant permission to the United Way to solicit funds in the City of Nitro from October 1, through December 31, 1984. The motion was seconded. A vote was taken and passed unanimously.

Councilman A. A. "Joe" Savilla raised question if anyone had been contacted by Mrs. Pauline Bell reference the Bike-a-Thon, and asked for short recess so that he could obtain information relative this.

Mayor Ashley declared a five minute recess at 8:00 p.m.

Council meeting reconvened at 8:08 p.m. and Councilman A. A. "Joe" Savilla advised a Bike-A-Thon to raise funds for St. Jude Children's Research Hospital, has been requested for October 13,

to begin at 9:00 a.m. on one lane of Park Ave. Recreation Director John Simms made recommendation that instead of Park Avenue have it on Park Street including the park. After discussion as to their safety, Council A. A. "Joe" Savilla moved we approve the Bike-A-Thon to be held October 13, 1984 under the guidance of Chief Cochran, Chief Hedrick and Recreation Director John Simms as to the route of the Bike-A-Thon. The motion was seconded. A vote taken and passed unanimously.

Mayor Ashley called to the attention of Council, a memo from City Treasurer Michael Greenleaf reference the service bureau currently in charge of preparing our financial statements, have been unable to do so, and several options are available to us at this point. Mayor suggested this be put on the agenda for next Council meeting, and prior to this, the Finance Committee could have a meeting and offer recommendations for a solution. The Finance Committee consists of: Mayor Ashley, Councilman at Large Rusty Casto, Councilman Joe Savilla, Councilman Charles Miller, and City Treasurer Michael Greenleaf as an exofficio member.

The Compensation Review Committee consists of: City Recorder John Santrock, Councilman at Large Olaf Walker, Councilwoman at Large Mary Trout, Councilman Romie Hughart and Councilman Jim Hutchinson.

Mayor Ashley advised of a question of the absence of the name of James E. Allen being put on the placque at the World War Memorial. Mayor Ashley spoke with the Department of Veterans Affairs, and they are mailing an honor list as of June, 1946. This individuals name was not listed as lost in action. The family prior to this, indicated that James E. Allen should be included among those missing from Nitro. There appears to be some question about it, and the family has been invited to furnish us any documents to support it. A publication put out by American Viscose in 1944 was submitted.

Councilwoman at Large Mary Trout presented the request from Rick Comer, Cross Country Coach of Nitro High School, that he handed her Monday to request permission to hold a cross country race through Nitro on October 4, 1984 at 4:30 p.m. The race would begin at Underwood Field, cross 1st Avenue and Second Ave. which would entail the police to stop traffic on 1st and Second Avenue until the runners go by. Councilwoman at Large Mary Trout moved we grant the request. The motion was seconded. A vote was taken and passed unanimous.

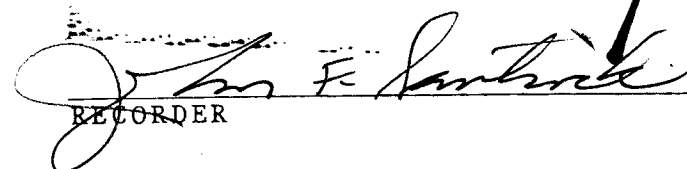
Mayor Ashley shared the memo, and cost estimates, received from Chief Cochran requesting the purchase of much needed cruisers for the Police Department. Mayor Ashley informed there are two cars that are out of service. Gene Williams advised it would take approximately \$4,000. to get these vehicles back in running condition, and in his opinion would not be justifiable. Mayor Ashley informed that the contributions by the state through the fire insurance program to the police and fire pensions funds is going to be greater than they projected, and thus greater than

we had budgeted. This will mean the City will not have to make contributions at the level projected in the budget, which would be approximately \$12,000. to those two departments. After discussion and comments, Councilman Rusty Casto moved we allot \$8,000. to the Chief of Police to purchase police cruisers. This motion was not in order as it would require an amendment to the budget. Councilman at Large Olaf Walker moved Council authorize the purchase a car from Woodside Motors with condition that the City pay for transportation of someone to go there and inspect and choose the vehicle that best meets our need. The motion was seconded. After discussion, in order to clarify, Councilman at Large Olaf Walker restated his motion. He moved that City Council authorize the purchase of a car from Woodside Motors, Queens City, New York, the price not to exceed \$3,500.00, plus travel expense of person going after vehicle not to exceed \$500.00. The motion was seconded. After discussion, Councilman Romie Hughart moved to amend the motion that the expense would be no more than \$4,000.00 plus travel expense not to exceed \$500. as a friendly amendment and does not require an amendment to the original motion. A vote was taken for the acquisition of the car, not to exceed \$4,000. and travel expense, not to exceed \$500. The motion passed with one abstaining vote of Councilman A. A. "Joe" Savilla.

At 9:10 p.m., Councilman at Large Rusty Casto moved to go into Executive Session, for the purpose of discussing taxes paid by businesses. The motion was seconded and passed unanimously.

Mayor Ashley reconvened Council from Executive session at 10:43 p.m., and there being no further business to be conducted, the meeting was adjourned at 10:45 p.m.


MAYOR


RECORDER

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT, made as of the 28th day of September, 1984, by and between the CITY OF NITRO (hereinafter sometimes referred to as "City") and the WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES (hereinafter sometimes referred to as "Department");

W I T N E S S E T H :

WHEREAS, the Department is charged by Chapter 20 of the Code of West Virginia, 1931, as amended, with the duty of providing a comprehensive program for the conservation, development, protection, enjoyment and use of the natural resources of the State of West Virginia, and is charged by said law with the establishment, operation and maintenance of such facilities as may be necessary, desirable or convenient for the use of the public for recreational purposes; and

WHEREAS, the City is the owner and manager of a 27 acre, more or less, impoundment known as Ridenour Lake situated on the City of Nitro's Ridenour Park lands in Kanawha County, West Virginia; and

WHEREAS, the Department and the City recognize that silt and sediment build up in Ridenour Lake over the past several years has reduced the lake's overall recreational and aesthetic value as well as reduced the lake's size and carrying capacity of fish and other aquatic life; and

WHEREAS, the Department in accordance with Chapter 20, Article 1, Section 7 of the West Virginia Code desires to assist the City in the removal of the silt and sediment that has accumulated in Ridenour Lake in order to enhance its use and enjoyment by the public.

Since the powers, privileges, authority and public works as aforesaid may be undertaken by any one of the parties to this agreement acting alone, it is therefore recognized that pursuant to the provisions of Article 23 of Chapter 8 of the West Virginia Code, they may be exercised, enjoyed, engaged in or undertaken jointly by both parties hereto.

It is, therefore, the intent of the two public agencies which are parties hereto to enter into this written agreement with one another for joint and cooperative action in the project aforesaid pursuant to the terms and conditions provided by law and as hereinafter set forth.

Now, therefore, and in consideration of the mutual public benefits to be derived herefrom, the parties hereto covenant and agree as follows:

1.) The Department will provide funding in the amount not to exceed FIVE THOUSAND FOUR HUNDRED DOLLARS (\$5,400.00) to pay labor cost of a dredge operator.

2.) The City will provide labor in the form of a dredge assistant to the dredge operator and a bulldozer operator for the construction of sediment basins.

3.) The City will also provide approximately THREE THOUSAND DOLLARS (\$3,000.00) worth of additional labor and materials such as gas, seed, mulching, pipes, etc. for the project.

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, To-wit:

I, _____, a Notary Public of the said County and State aforesaid, do hereby certify that Willis H. Hertig, Jr., who signed the writing hereto annexed for the State of West Virginia, Department of Natural Resources, bearing date the 28th day of September, 1984, has this day in my said County, before me, acknowledged said writing to be the act and deed of said Department.

Given under my hand this _____ day of _____, 19__.

My commission expires _____.

Notary Public

STATE OF _____,

COUNTY OF _____, To-wit:

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that _____, the _____ of the City of Nitro, who signed the writing hereto annexed bearing date the 28th day of September, 1984, has this day in my said County, before me, acknowledged the said writing to be the act and deed of said City as approved at a meeting of the City Council on _____.

Given under my hand this _____ day of _____, 19__.

My commission expires _____.

Notary Public

COUNCIL MEETING MINUTES

CITY OF NITRO

OCTOBER 16, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was Phillip D. Gaujot. Absent were Councilman A. A. "Joe" Savilla and City Treasurer Michael E. Greenleaf.

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

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 2, 1984 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved we approve the Council meeting minutes of October 2, 1984. The motion was seconded. A vote was taken and passed unanimously and so ordered.

AGENDA ITEM NO. 2 - HANDICAPPED GRIEVANCE PROCEDURE - 2ND READING: - City Recorder John Santrock moved we adopt Ordinance in reference to handicapped grievance procedure, established to meet requirements of the Revenue Sharing Act. The motion was properly seconded. A vote was taken to approve the second reading, and passed unanimously.

ORDINANCE NO. 84-9 AS FOLLOWS:

ORD. 84-8

CITY OF NITRO
GRIEVANCE PROCEDURE

The following grievance procedure is established to meet requirements of the Revenue Sharing Act as amended. The grievance procedure should be used by any individual (except job applicants) who wishes to file a complaint alleging discrimination on the basis of handicap in employment practices and policies or the provision of program, services and benefits by Municipality of Nitro, West Virginia.

The grievance should be in written form and contain as much information as possible about the alleged discrimination. Other arrangements for submission of a grievance such as a personal interview or tape recording will be made available for the visually-impaired or those with motor impairments. It should be submitted within 30 calendar days of the alleged violation to The Program Coordinator, Address: Nitro City Hall, Phone Number: 755-0701, Office Hours: 8:30 a.m. to 4:30 p.m.. (This is the individual or position which has been designated to be responsible for coordinating efforts to comply with the handicapped discrimination requirements.)

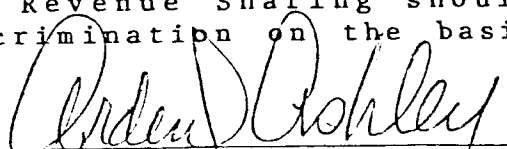
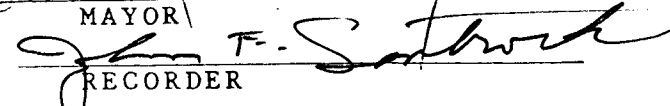
Within 15 working days of receipt of the complaint, The Program Coordinator will respond in writing (or a method understood by the complainant) to the complaint. The response will offer a resolution or explain the position of Nitro City Government, with respect to the complaint.

If the response by The Program Coordinator is not sufficient or does not satisfactorily resolve the issue, the complainant may request a hearing within 15 working days of the response before the Grievance Committee; City Recorder to act as communicator, Phone number: 755-0701. Within 30 calendar days of the hearing, the complainant will receive the resolution in writing (or a method understood by the complainant) as proposed by the City Grievance Committee. (Grievance Committee to be 5 (five) members selected from Discrimination Committee, approved by Nitro City Council.) Complainant may appeal to full council for further review and final resolution. Must be appealed within 15 working days following decision of Grievance Committee. Resolutions by the City Grievance Committee may also be appealed to Council by the Program Coordinator or Mayor of the City.

All complaints received by The Program Coordinator and responses from the City Council Grievance Committee will be kept by Nitro City Government for a period of three years. These documents may be requested by the Office of Revenue Sharing should an investigation into alleged discrimination on the basis of handicapped status be initiated.

First Reading: October 2, 1984

Second Reading: October 16, 1984


MAYOR

RECORDER

AGENDA ITEM NO. 3 - HANDICAPPED GRIEVANCE APPEAL COMMISSION: City Recorder John Santrock recommended that the Grievance Hearing Committee be comprised of: Roger Cooke, Joe Leshon, Lawrence Hoptry, Mrs. Jim Frost and Ms. Margaret Ann Hudson, and moved we adopt the recommendation. The motion was seconded. There being no discussion, a vote was taken and passed unanimously.

AGENDA ITEM NO. 4 - RESOLUTION AUTHORIZING PARTICIPATION IN THE WV ALCOHOL AND SPEED ENFORCEMENT PROGRAM: - City Recorder John Santrock informed Council of correspondence received by the Coordinator of the Kanawha Alcohol Safety Action Program, which is funded by the Office of Economic and Community Development, Criminal Justice and Highway Safety Office, offering us \$4,222.00, funded one hundred percent. This does include the seventeen percent for retirement social security. The program is to run from October 12, 1984 through January 1, 1985 for the purpose of highway safety on alcohol and speed enforcement program. City Recorder John Santrock moved we accept, through this Resolution, the funds from the Governor's Office of Economic and Community Development. The motion was seconded. A vote was taken and passed unanimously.

RESOLUTION NO. 84-19

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 16th day of October, 1984 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 October 12, 1984 through January 1, 1985 and that this program be funded 100% in the amount of \$4,222.00.

PASSED AND ADOPTED THIS 16th day of October, 1984.

ABDEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, CITY RECORDER

AGENDA ITEM NO. 5 - AMENDMENT TO MANUAL OF RULES AND REGULATIONS - CITY OF NITRO POLICE AND FIRE DEPARTMENT: Mayor Ashley informed of request from the Nitro Police Civil Service Commission that the rank of Private First Class (PFC) be stricken from the Manual of Rules and Regulations for Police and Fireman City of Nitro, dated May 18, 1982 -- Chapter II, Section 1, (Authority and Command). Councilman Romie Hughart moved we grant the request from the Nitro Police Civil Service Commission. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 6 - STUDENT GOVERNMENT DAY - TUESDAY, NOVEMBER 20, 1984: - Councilman at Large Rusty Casto moved we have Student Government Day at the City of Nitro on Tuesday, November 20, 1984. The motion was seconded. There being no discussion, a vote was taken and passed unanimously.

AGENDA ITEM NO. 7 - MINUTES OF ZONING BOARD OF APPEALS: - City Recorder John Santrock furnished copy of the Zoning Board of Appeals Hearing on October 4, 1984 to Council, and moved these minutes be made a part of Council meeting minutes. The motion was properly seconded, and a vote was taken and passed unanimously.

MINUTES AS FOLLOWS:

ZONING BOARD OF APPEALS HEARING

Thursday, October 4, 1984

The Zoning Board of Appeals of the City of Nitro met on Thursday, October 4, 1984 with Chairman Cecil Lemma presiding.

The purpose of the meeting was to hear the variance request of Bill Taylor, resident at 714-A Michigan Avenue. Mr. Taylor asked permission to replace an 8' x 55' mobile home with a 14' x 70' mobile home.

The present mobile home is in an R-2 Zone under the grandfather clause and the mobile home needs much repair.

Permission granted.

Other members present were: Wade Austin and K. K. Kniceley. Bob Sergeant, Building Inspector, also was in attendance.

Cecil Lemma, Chairman

AGENDA ITEM NO. 8 - REQUEST FOR SOLICITATION OF FUNDS BY WINFIELD MIDDLE SCHOOL: - City Recorder John Santrock informed of request from Winfield Middle School to solicit funds in our City to purchase a copy machine for the school, and moved we grant permission. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 9 - LIONESS CLUB REQUEST FOR HALLOWEEN BLOCK PARTY: - City Recorder John Santrock read the request from Truda Null, President of the Nitro Lioness Club for permission to have a Halloween Block Party on Tuesday, October 30, 1984 on 21st Street between the hours of 6:00 p.m. and 8:00 p.m., and moved we approve their request. The motion was seconded. After discussion, Councilman Romie Hughart moved we amend their request to read from Bank Street to the Alley. The motion was properly seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 10 - TOWN MEETING - NOVEMBER 15, 1984 AT 7:00 P.M.: - Mayor Ashley announced the next designated Town Meeting will be held at Nitro Junior High School, Thursday, November 15, 1984 at 7:00 p.m.

AGENDA ITEM NO. 11 - REQUEST FROM THE POLICE CIVIL SERVICE COMMISSION: - The following request for changes to the Rules and Regulations was received by the Nitro Police Civil Service Commission:

Add to

4.04 B 4 The requirement that must be satisfied in order to be placed on the list of eligibles.

Changes

10.07 B 1 a: Change percentage on written exam to x 0.40.

B 1 b: Change Evaluation to 0.40%.

B 1 c: Change Seniority to 0.10.

B 1 d: Add Oral Exam Score (based on a max of 100 points) X 0.10.

10.07 B 2 a: Change to: From such score 1.00 point shall be subtracted for each day of suspension in the past three years.

10:07 A 1 a Change written to 50%.

A 1 b Change oral exam to 25%.

A 1 c Add Physical exam worth 25%.

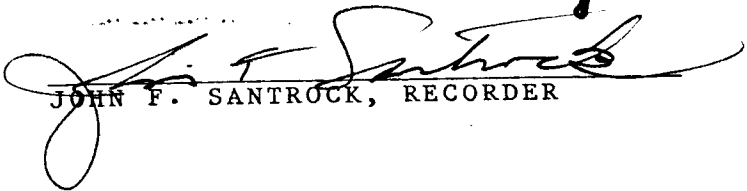
Councilwoman at Large Mary Trout moved we grant the request for changes in the Rules and Regulations of the Police Civil Service Commission as requested. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 12 - RECOMMENDATION FOR USED POLICE CRUISER:
Councilman Jim Hutchinson informed of a meeting held and a report from City Treasurer Michael E. Greenleaf on a used cruiser (1983 Impala that has 28,000 miles) with a purchase price of \$7,100. Officer Joyce advised it was in very good condition. Councilman Romie Hughart moved we go into Special Session for the purpose of discussing the emergency purchase of a police cruiser. The motion was seconded. There being no discussion on Council meeting going into Special Session, a vote was taken and passed unanimously.

Mayor Ashley informed the meeting was now in Special Session. City Attorney Phillip D. Gaujot read the definition (under 119.05 Emergency Purchases) of an emergency. Councilman Romie Hughart moved Council recognize that an emergency exists. The motion was seconded. In order to make the budgetary provision it would be required there be an increase in line item number 4085-455 (Capital Expenditures) of \$3,600. and an offsetting reduction in the line item 4006-455 (Retirement Expenses) in the amount of \$3,600. Mayor Ashley yielded the Chair to City Recorder John Santrock to address the issue. After comments, Mayor Ashley returned to chair. A vote was taken for the approval of this as an emergency situation, and the motion passed with one negative vote of Mayor Ashley. After discussion and comments of the Council and Chief Cochran, Councilman Romie Hughart moved we make the necessary adjustment in the budget and approve the purchase of the used police cruiser. The motion was seconded. A vote was taken and passed unanimously.

Special session was concluded, and Council went back in regular session. There being no further business to be conducted, the meeting was adjourned at 8:20 p.m.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

COUNCIL MEETING MINUTES

CITY OF NITRO

NOVEMBER 5, 1984

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in the Nitro Jr. High School Auditorium. Present were City Recorder John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Michael E. Greenleaf.

The invocation was given by Councilman A. A. "Joe" Savilla.

Mayor Ashley informed the audience that this was a regularly scheduled Council meeting and we do follow Roberts Rules of Order. The plans for this meeting is to go through a regular agenda and as the last item on the agenda is a report from our City Treasurer Michael E. Greenleaf to the Council on the subject of financial projections for the City. Following his presentation, there will be comments and questions addressed by the Council and following this, an opportunity will be given to those in the audience who wish to do so, to address the Council, City Treasurer or Department Heads.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 16, 1984 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved we approve the Council meeting minutes of October 16, 1984 as written. The motion was seconded. A vote was taken and passed unanimously and so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH AWARD - DR. LEONARD I. HOKE: - Mayor Ashley announced Dr. Leonard I. Hoke as the citizen of the month for November. Dr. Hoke was unable to be present this evening, as he just returned home from the hospital. Mayor Ashley informed that the community has a program planned in honor of the services of Dr. Hoke on November 25, at St. Paul United Methodist Church between the hours of 3:00 to 5:00 p.m. People who are interested in participating in this program are invited by the church and friends of Dr. Hoke to stop by. On the occasion of November 25, a delegation of the Nitro Council will be present to present the plaque to Dr. Hoke in recognition of being selected Citizen of the Month.

City Recorder John Santrock read a Resolution "Honoring the life and work of Leonard Iverson Hoke", which was written by Councilman at Large Olaf Walker. Councilman at Large Olaf Walker moved this Resolution be adopted as written. The motion was seconded. A vote was taken and passed unanimously.

RESOLUTION AS FOLLOWS:

RESOLUTION NO. 84-20

HONORING THE LIFE AND WORK OF
LEONARD IVERSON HOKE.

WHEREAS, Leonard Iverson Hoke was born January 19, 1903 in Princeton, West Virginia, and was educated in public schools of Mercer County. He received his Medical Degree in 1929 from the Medical College of Virginia in Richmond, Virginia; and

WHEREAS, Doctor Hoke and his family came to our City in 1939 maintaining a continuous residence here from that point forward; and

WHEREAS, Doctor Hoke is not only a highly respected physician but a leader in the St. Paul United Methodist Church; a charter member of the Bank of Nitro, presently serving as Chairman of the Board of Directors and one of the founders of the Sleepy Hollow Golf Club serving as its first president; and

WHEREAS, He has maintained a lifelong dedication to his profession and a keen and active interest in other business, fraternal and civic activities of this community; and

WHEREAS, Doctor Hoke served with distinction as a member of this Council for twelve years, being first elected in June 1960;

THEREFORE, BE IT RESOLVED BY THIS COUNCIL, that the members of this body hereby join other citizens of this City and surrounding areas in honoring Doctor Leonard Iverson Hoke for his long and faithful service; and, be it .

FURTHER RESOLVED, that a copy of this resolution be delivered to Doctor Hoke and his wife.

PASSED and ADOPTED this 5th day of November, 1984.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, CITY RECORDER

MARGARET HUDSON, CHAIRPERSON

Miss Hudson announced the necessity of having additional meetings to review Sub-Division Ordinance.

Commission. No negative comments and approved unanimously by the complex. (from R-1 to B-1, to allow construction of office rezoned the property adjacent to Rt. 62 and Carriage Way (see map attached) 2. Narberth Corporation - Anthony Volpi, President to

1. Christina Craig to rezone that certain property (see map attached) located near the intersection of 40th St. and I-64. The request is that the property be rezoned from R-3 to B-1. Steve Casebolt and Oshel Craig supported this request. No negative responses and approved unanimously by the Commission.

The following items were considered by the Commission:

Smith, Vice-Chairman. Miss Margaret Hudson was elected as Chairperson and Greg Councilman Jim Hutchinson. Dr. Guy Cassell, and Joan McElanahan (Mrs.). Also present was the following present: Margaret Hudson, Tom Waldorf, Greg Smith, Mayor Arden D. Ashley, ex-officio Chairman, presided with

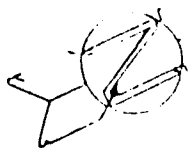
The Nitro Planning Commission met at City Hall at 6:00 p.m., Thursday, October 25, 1984.

NITRO PLANNING COMMISSION MINUTES

AGENDA ITEM NO. 5 - MINUTES OF THE NITRO PLANNING COMMISSION: - City Recorder John Santrock presented the Minutes of the Nitro Planning Commission which met on October 25, 1984, and moved these minutes be made a part of the Council minutes. The motion was seconded. A vote was taken and passed unanimously. Minutes as follows:

AGENDA ITEM NO. 4 - REQUEST FROM SALVATION ARMY - CHRISTMAS APPEAL - 1984 (11-23 THROUGH 12-24-84): - City Recorder John Santrock read the request from the Salvation Army to place kettles in the City of Nitro for Christmas appeal, 1984, and moved permission be given. The motion was seconded, and a vote taken which passed unanimously.

AGENDA ITEM NO. 3 - REQUEST FROM LONNIE R. NORVELL: - Councilman Jim Hutchinson presented the request from Lonnie R. Norvell concerning the placement of a canopy above the alley way on the building now being constructed at 701 First Avenue, S, and informed Council Mr. Norvell would assume all responsibilities. Councilman Jim Hutchinson moved we approve Mr. Norvell's request with the condition he sign agreement drawn up by our City Attorney Phillip D. Gault for any liability. The motion was properly seconded. A vote was taken and passed unanimously.



INSTRUMENT
 L.R. 245 PG 644
 TAX MAP 236 PARCEL 30.3

INTERSTATE 44 R/W
 FORMERLY TAX MAP 236 PARCEL 215

NOTE 1
 BEARING & DISTANCES IN
 PARENTHESIS ARE FROM
 D.B. 218 PG. 675 - THE OTHER
 BEARINGS & DISTANCES ARE
 CALCULATED FROM THE
 FIELD TIES.

INTERSTATE 44 RIGHT-OF-WAY FENCE

N 37° 38' 11" E
 201.87'

*(N 42° 00' 00" E)
 (178.40')

CHRISTINA CRAIG
 D.B. 218 PG. 675
 TAX MAP 236 PARCEL 229

S 35° 13' 10" W
 225.28'

*(S 10° 15' 00" W)
 (212.00')

RUBY HIGGIN BOTTOM
 D.B. 220 PG. 431
 TAX MAP 236 PARCEL 33

IRON PIPE (SET)

N 88° 32' 18" E
 80.0'

*(S 25° 15' 00" E)
 (80.0')

FENCE FOR
 CORNER (T)

IRON PIPE (SET)

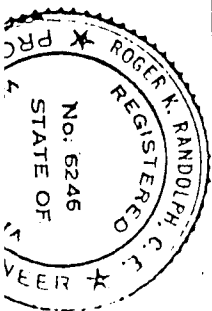
N 73° 11' 29" W
 76.60'

*(N 63° 00' 00" W)
 (76.60')

IRON PIPE (FOUND)
 B) WHITE OAK STUMP

INTERSTATE 44 R/W

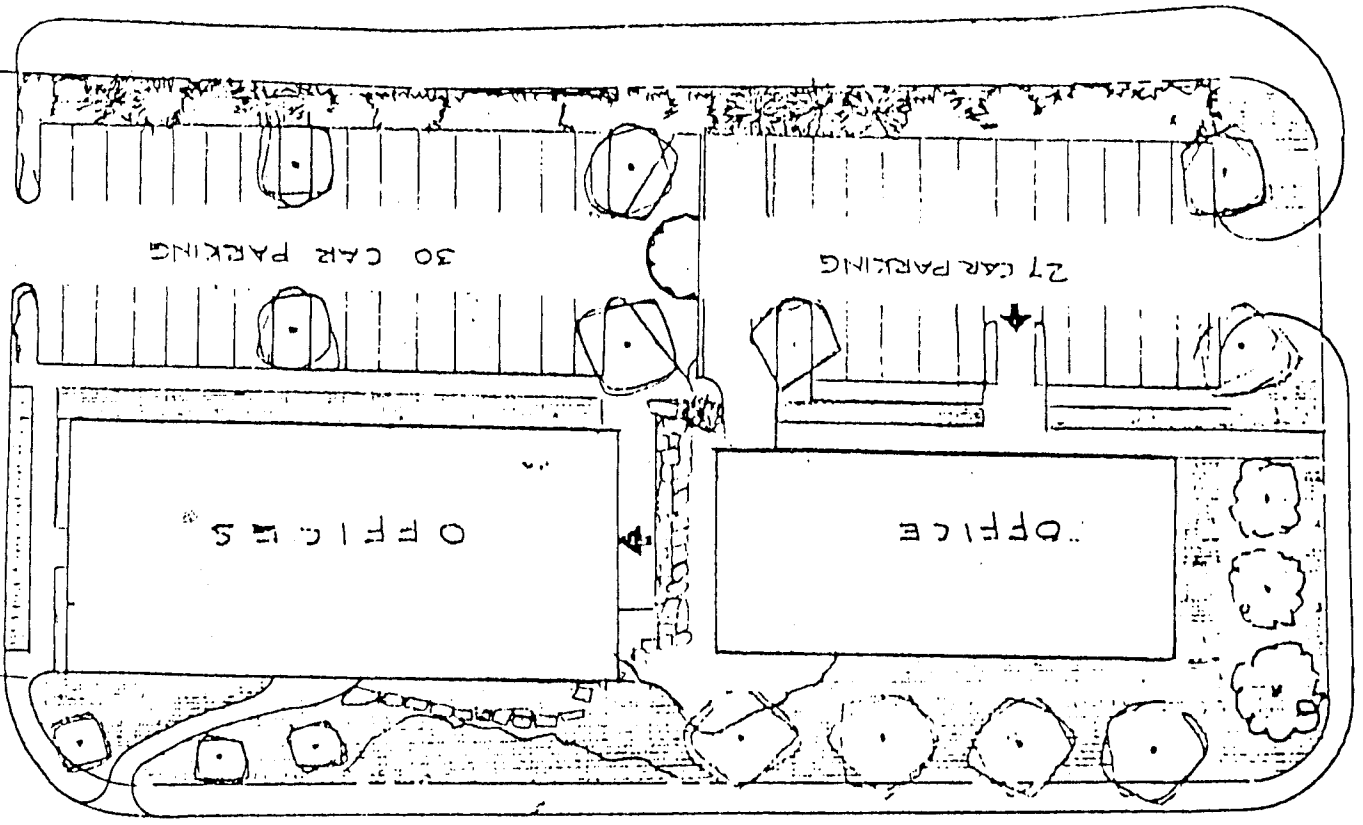
D.D. 40th STREET R/W
 (≈ 200' TO NEW 40th ST R/W)





CARRIAGE WAY

PLANTATION DRIVE



City Recorder John Santrock added that this does not complete the action for these two cases, for according to State Code it must be advertised within 14 days to change Zoning Ordinances. The City Recorder must have two hearings prior to passage of the Ordinance. Therefore, on November 15, at 6:30 p.m. (as advertised) the City Recorder will be at City Hall and on November 20, the Ordinance will be submitted to Council for approval of first reading along with any comments. If first reading is passed, the second reading will be on December 4, 1984.

AGENDA ITEM NO. 6 - REPORT FROM THE CITY TREASURER: - City Treasurer Michael E. Greenleaf gave presentation with regard to the City's budget and financial projections where the City might be in years to come, beginning with this current fiscal year budget which was approved by Council in March, 1984. He explained how Municipal Governments adopt budgets. In Nitro, it begins in January when each Department Head submits proposed spending plans to the City. During the following three months, the budgets are reviewed and documented, and by the end of March we have to have our plans submitted to the State Tax Commissioner who then approves the budget based upon technicalities involved, whether or not it meets the technical requirements of the State Code. Then, we have an appropriation of funds which the City is allowed to spend during the next fiscal year. On a slide to the audience of the budget, and going through the highlights, starting with revenues he showed the projected revenues of different sources and the percentage of the budget it represents. As shown by the chart, the projected revenue from property tax is \$261,297. which constitutes approximately 17 per cent of our municipal budget. Another major item is the B & O Tax which is estimated at \$350,000., but according to the figures he received today, it will be closer to \$360,000. On Municipal Service Fees around \$280,000., Revenue Sharing from the Federal Government, \$199,000. and the Civic Benefits Association, which is comprised of businesses just outside the city limits, have indicated to the city they intend to donate \$172,000. during this fiscal year. In reference to the expenditures, the three major departments are the Fire Department, Police Department and Department of Public Works, with these three departments getting roughly 64 per cent of the budget. A balanced budget is projected for this year.

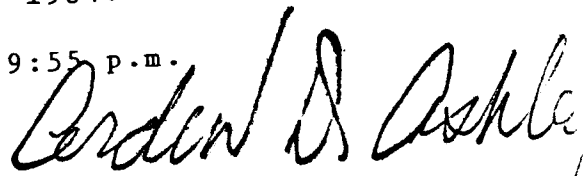
City Treasurer Michael Greenleaf showed his five year forecast he had prepared, and also comparable percentages of B & O Taxes, Salaries, Municipal Service Fees, etc. with the Cities of St. Albans, South Charleston, Dunbar and Charleston.

After the fine presentation from City Treasurer Michael E. Greenleaf, comments, recommendations and questions were received from City Council Members, James Greene, Andre Haikel, "Popeye" Willard, Ed McGuire, Marvin Warren, Paul VanBuren, Mike Weikle, Leo Knowlton and Phil Moore. Among the comments were: "we must work together", the possibility of not furnishing garbage bags, use of funds from Sanitary Board, compliment to Michael Greenleaf on his thorough report and a suggestion to include 5 private

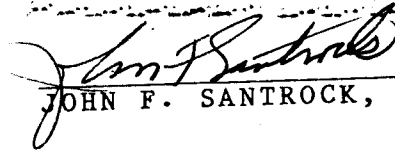
5 private citizens to a committee to be formed and include 5 from businesses and 5 from the administration to discuss conditions and recommendations of Nitro.. Mr. McGuire was asked if he would like to serve on this committee, and he was happy to do so. Vidio and micro cassette tapes will be maintained on file with the City Recorder.

There being no further questions or business to be conducted, Mayor Ashley gave an invitation to all to attend the Town Meeting to be held on November 15, and the next Council Meeting to be held on November 20, 1984.

The meeting was adjourned at 9:55 p.m.



ARDEN D. ASHLEY, MAYOR



JOHN F. SANTROCK, CITY RECORDER

-3-

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, 1985; July 1, 1986; and July 1, 1987, for the following purposes and in the approximate amounts set forth as follows:

- (a) For street maintenance and repairs, the annual approximate amount of \$16,465.00.
- (b) For parks and recreation, the annual approximate amount of \$12,590.00.
- (c) For firemen's wages, the annual approximate amount of \$18,402.00.
- (d) For additional street lighting, the annual approximate amount of \$9,685.00.
- (e) For policemen's wages, the annual approximate amount of \$28,087.00.

-4-

- (f) For the Library, the annual approximate amount of \$7,747.00.
- (g) For fire hydrant rental, the annual approximate amount of \$3,874.00.
- *** The annual total approximate amount to be expended during the term of this levy is \$96,850.00.

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

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

1st Reading: 1-22-85

AGENDA ITEM NO. 9 - PROCLAMATION - MARCH, 1985, AS YOUTH ART MONTH: - Councilman at Large Rusty Casto moved we proclaim March, 1985 as Youth Art Month. The motion was seconded. There being no discussion, a vote was taken and passed unanimously.

PROCLAMATION AS FOLLOWS:

WHEREAS, YOUTH ART MONTH has been observed nationally since 1961 and has gained wide acceptance and

WHEREAS, children are our most priceless asset, and

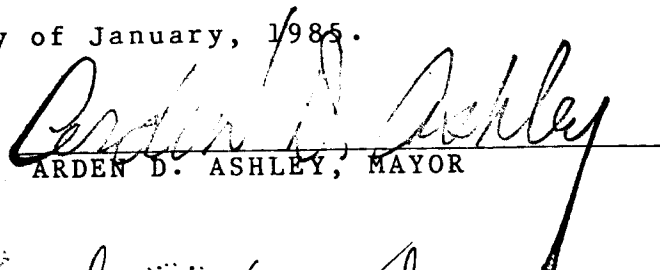
WHEREAS, childhood is the time to develop interests, skills and aptitudes that will last a lifetime, and

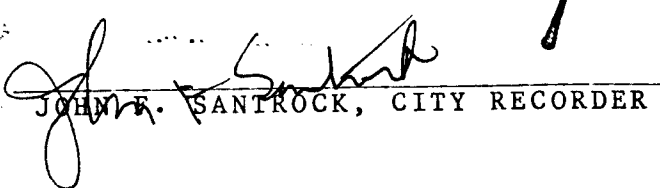
WHEREAS, the importance of art in education is recognized as being necessary for the full development of all children;

NOW THEREFORE, that the City Council of the City of Nitro declare March, 1985 as YOUTH ART MONTH.

All Citizens are urged to become interested in and give full support to quality school art programs for children and youth.

PASSED this the 22nd day of January, 1985.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, CITY RECORDER

COMMITTEE REPORT

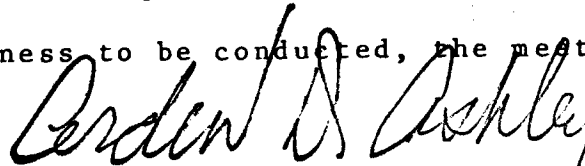
Roger Cooke resigned as Chairman of Spring Festival '85. The newly elevated Chairman is Councilman Jim Hutchinson. He informed he would be willing to accept this Chairmanship and would appreciate guidance and all the help he can get. The next meeting of the Spring Festival Committee is scheduled for January 28th at 5:00 p.m.

Mayor Ashley, Roger Cooke and Jim Hutchinson met with a representative of NOVA carnivals. Jim Hutchinson moved we approve the agreement to have NOVA to come in as the carnival for the Spring Festival. The motion was properly seconded. NOVA is the carnival at the WV State Fair, Charleston Civic Center, South Charleston and a lot of the Lion's Club events. They have suggested the site for the carnival at the parking lot across

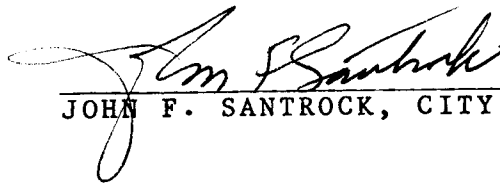
from the pool. If they do so, it would not interfere with ballgames, only an inconvenience to the ones who normally park on the lot. One of the features of the contract was they would allow any nonprofit organization to have concessions, even on their grounds. The only charge would be for electricity. They have insurance that protects them, and it also protects us. Copies of the contract will be furnished to Council. A vote was taken for the adoption of the recommendation made by Councilman Jim Hutchinson, and it was unanimous.

Mayor Ashley informed Council they would receive a copy of information pertaining to the City of Nitro vs John Johnson, a police officer, who was terminated. There is an appeal that will be ruled upon in Circuit Court possibly in early March.

There being no further business to be conducted, the meeting was adjourned at 8:43 p.m.



ARDEN D. ASHLEY, MAYOR



JOHN F. SANTROCK, CITY RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

FEBRUARY 5, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John Santrock, Councilwoman at Large Mary Trout, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Michael Greenleaf. Absent were Councilman at Large Rusty Casto and Councilman at Large Olaf Walker.

The invocation was given by City Recorder John F. Santrock.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 22, 1985, COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved we approve the January 22, 1985 Council minutes as written. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley presented the February Citizen of the Month Award to one of Nitro's volunteers, Opal Miller.

AGENDA ITEM NO. 3 - RESOLUTION 85-1 - NOTICE OF SPECIAL ELECTION: - City Recorder John Santrock moved we approve the second reading of Resolution 85-1 (Notice of Special Election) to be held on March 2, 1985. The motion was properly seconded, a vote taken and passed unanimously. City Recorder John Santrock announced he has ballots ready for the election, and anyone who needs to vote an absentee ballot, please fill out a form immediately.

RESOLUTION 85-1 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 22nd day of January, 1985, 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, \$16,465.00 for each fiscal year, for a period of three years.

-2-

- (b) Parks and Recreation, \$12,590.00 for each fiscal year, for a period of three years.
 - (c) Firemen's Wages, \$18,402.00 for each fiscal year, for a period of three years.
 - (d) Additional Street Lighting, \$9,685.00 for each fiscal year, for a period of three years.
 - (e) Policemen's Wages, \$28,087.00 for each fiscal year, for a period of three years.
 - (f) Library, \$7,747.00 for each fiscal year, for a period of three years.
 - (g) Fire Hydrant Rental, \$3,874.00 for each fiscal year, for a period of three years.
- 3. That the total approximate amount for said purpose or purposes is \$96,850.00 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 - \$4,447,525; Class II \$18,359,041; Class IV - \$28,447,847; Aggregate - \$51,254,413.
 - 5. That the proposed additional rate of levy in cents on each class of property is as follows: Class I - 6.25c; Class II - 12.5c; Class IV - 25c.
 - 6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1985; July 1, 1986; and July 1, 1987.
 - 7. That the question of such additional levy shall be submitted to a vote at a special election to be held on the 2nd day of March, 1985.

-3-

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, 1985; July 1, 1986; and July 1, 1987, for the following purposes and in the approximate amounts set forth as follows:

- (a) For street maintenance and repairs, the annual approximate amount of \$16,465.00.
- (b) For parks and recreation, the annual approximate amount of \$12,590.00.
- (c) For firemen's wages, the annual approximate amount of \$18,402.00.
- (d) For additional street lighting, the annual approximate amount of \$9,685.00.
- (e) For policemen's wages, the annual approximate amount of \$28,087.00.

-4-

(f) For the Library, the annual approximate amount of \$7,747.00.

(g) For fire hydrant rental, the annual approximate amount of \$3,874.00.

*** The annual total approximate amount to be expended during the term of this levy is \$96,850.00.

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

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".

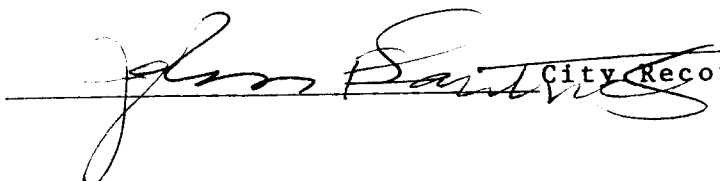
() For the Levies

() Against the Levies

Council of the City of Nitro

BY:  Mayor

Attest: .

 City Recorder

1st Reading: 1-22-85

2nd Reading: 2-5-85

AGENDA ITEM NO. 4 - PRECINCT LOCATIONS FOR LEVY ELECTION:
 City Recorder John Santrock informed that under State and City Codes, at least ten days prior to the election we must identify the location of the precincts by legal advertisement in the news media. City Recorder John Santrock moved we approve the precincts and the locations as furnished to Council. The motion was seconded. A vote was taken and passed unanimously.

PRECINCTS AND LOCATIONS ATTACHED.

AGENDA ITEM NO. 5 - ELECTION OFFICIALS: - City Recorder John Santrock submitted a copy of the election officials to Council, and moved we approve these officials for the March 2, 1985 election. The motion was seconded. There being no discussion, a vote was taken and passed unanimously.

ELECTION OFFICIALS ATTACHED.

AGENDA ITEM NO. 6 - SCHOOL FOR ELECTION: - City Recorder John Santrock informed of the school for the election officials will be held on Wednesday, February 20, 1985, at 7:30 p.m. at City Hall. No action required by Council. Letters have been prepared and will be mailed to each individual official.

AGENDA ITEM NO. 7 - ZONING BOARD OF APPEALS REPORT OF JANUARY 24, 1985: - A copy of the Zoning Board of Appeals hearing was shared with Council by City Recorder John Santrock with reference to Appalachian Power Company to provide essential services to residents of greater Nitro area and the recently annexed Carriage Way area. No action by Council required.

COPY ATTACHED

AGENDA ITEM NO. 8 - RESOLUTION 85-2 (LEGISLATIVE STATE FIRE DEPARTMENT FUNDS FOR PURCHASE OF FIRE FIGHTING & FIRE SUPPRESSION EQUIPMENT): - City Recorder John Santrock moved we approve Resolution 85-2, authorizing Mayor Arden D. Ashley to make application for \$3,100 in State of WV Funds from the Governor's Office of Economics and Community Development for the purchase of firefighting and fire suppression equipment. The motion was seconded. A vote was taken and passed unanimously

RESOLUTION 85-2 AS FOLLOWS:



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

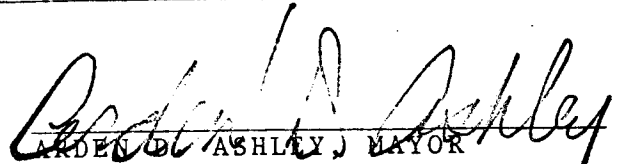
RESOLUTION 85-2

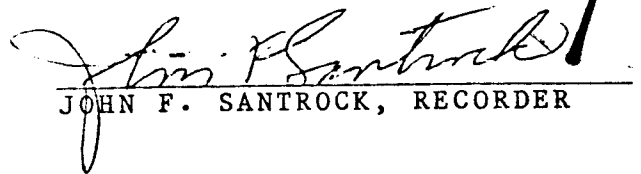
LEGISLATIVE STATE FIRE DEPARTMENT FUNDS
FOR PURCHASE OF FIRE FIGHTING AND FIRE
SUPPRESSION EQUIPMENT

INASMUCH as the State Legislature authorized \$3,100 in State of West Virginia Funds for the purchase of firefighting and fire suppression equipment and that,

THE CITY COUNCIL OF NITRO hereby authorizes the Mayor of the City of Nitro, Arden D. Ashley, to make application for said funds to the Governor's Office of Economics and Community Development and that the City of Nitro officials promises to carry out said program in the manner in the agreement.

Action taken on this resolution by the City Council of Nitro, February 5, 1985 by a unanimous vote.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

AGENDA ITEM NO. 9 - NATIONAL SAFETY SABBATH OFFICIAL PROCLAMATION: - City Recorder John Santrock moved we grant permission to issue the Proclamation and convey it to Clergy of our City. The motion was seconded. There being no discussion, a vote was taken and passed unanimously.

PROCLAMATION AS FOLLOWS:

NATIONAL SAFETY SABBATH
OFFICIAL PROCLAMATION

WHEREAS, at least 700 children under the age of five could be saved each year if parents fastened children in child safety seats, and

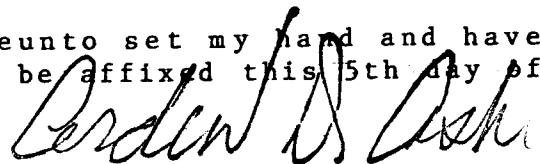
WHEREAS, an estimated 3,000 lives could be preserved annually by the proper disposal of dated medicines and the placing of all medicines and hazardous substances out of the reach of children, and

WHEREAS, a well-designed physical fitness program would lead to a healthier, safer, more satisfying lifestyle and help reduce the estimated \$225 billion spent annually by Americans on personal health care and

WHEREAS, religious leaders of our nation have designated a time to make us more aware of the need to live out the truth of our spiritual convictions by leading safer lives;

NOW, THEREFORE, I, Arden D. Ashley, Mayor of the City of Nitro, do hereby proclaim the period from Thursday, February 14, 1985, to Sunday, February 17, 1985, as NATIONAL SAFETY SABBATH in Nitro, and I request that all clergy and lay leaders of religious organizations share information with their congregations on the significance of safety as an instrument of faith.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the Official Seal of Nitro to be affixed this 5th day of February, 1985.



ARDEN D. ASHLEY, MAYOR

AGENDA ITEM NO. 10 - REVENUE SHARING MEETING, MARCH 5, 1985
AT 6:45 P.M.- City Recorder John Santrock furnished Council with a copy of the notice of meeting scheduled for March 5, 1985 which will be published in the newspaper. Mayor Ashley informed that the President of the United States has submitted his budget

proposal to Congress, and there is no provision for Revenue Sharing to be included in that budget.

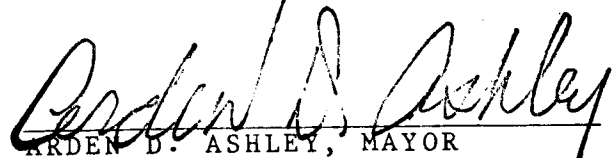
AGENDA ITEM NO. 11 - REPORT ON SWIMMING POOL REPAIRS: - Mayor Ashley prepared copy of communique from Recreation Director John Simms advising of the projected cost for correcting the supply lines at the City Pool. This is a budgeted item, and in preparation of last year's budget for this fiscal year, Council sanctioned \$15,000 for the corrective work to be done. Stan Wyatt prepared the plans and will supervise the laying of the pipe. Councilman A. A. "Joe" Savilla suggested we begin work on this as soon as possible. Mayor Ashley asked City Recorder John Santrock to contact suppliers to obtain bids on materials needed.

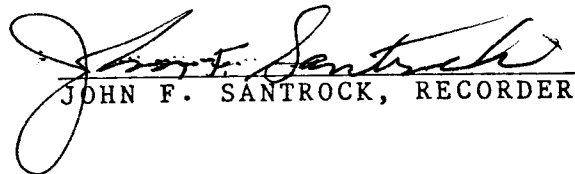
COMMITTEE REPORTS

Councilman Jim Hutchinson, Chairman of Spring Festival '85 reported a meeting has been scheduled for February 11, at 5:00 p.m. in Council Chambers.

Councilman Charles Miller announced the Principal of Nitro High School is real pleased with the condition of 2nd Avenue and the parking lot. Mayor Ashley stated that we have received a lot of compliments, and really appreciate the hard work. He asked Larry Angell to pass it along to the men.

There being no other business to be conducted, the meeting was adjourned at 8:02 p.m.


GORDON D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

PRECINCT BOUNDARIESPRECINCT NO.

22 & 23 PUTNAM COUNTY - 28th Street to and including 41st Street and only part of 40th Street
Carriage Way - (recently annexed area, Putnam Co.)

401 BROOKHAVEN - Cross Lanes Drive - within Nitro City limits, Kanawha County.

402 27th Street up to 21st Street; on left side of 21st St. up to bridge is 402. Past the bridge on both sides is 402 including North 21st Street.

403 Other side (Right) of 21st Street to bridge, to middle of 13th Street.

405 Middle of 13th Street to Moose Club to Railroad Tracks (West Boundary).

406 On other side of Railroad Tracks (West) down to Elm St.

408 From Elm (not including Elm) to the middle of Kapok Street.

409 Middle of Kapok up to St. Albans Bridge, down Main to middle of Wilson Street (West)

411 St. Albans Bridge, Main Avenue to middle of Wilson Street (East) to Red Oak St., (City Limit)

<u>PRECINCT</u>	<u>WARD</u>	<u>VOTING PLACE</u>
22 & 23	I	Nitro-Putnam Elementary School
401	I	Nitro High School
402	II	Nitro High School
403	II	Nitro Elementary
405	II	Baker Elementary
406	III	Baker Elementary
408	III	Steel Workers Hall 501 Main Avenue
409	IV	West Sattes Elementary
411	IV	West Sattes Elementary

NITRO MUNICIPAL ELECTION
MARCH 2, 1985
ELECTION OFFICIALS

PRECINCTS 22 - 23

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 401

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 402

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 403

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 405

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 406

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

NITRO PUTNAM ELEMENTARY SCHOOL

IRIS MCCORMICK - 2 JAMESTOWN RD.
BETTY FORTNEY - 3411 34TH ST.
CHARLOTTE HILL - 3719 37TH ST.
ETHEL HALL - 4116 41ST ST.
WANDA THOMPSON - 3953 39TH ST.

NITRO HIGH SCHOOL

JOAN STEPHENS - 111 BROOKHAVEN DR.
KATHERINE WEAVER - 110 BROOKHAVEN CIR.
CHARMAINE MAZZEI - 1 BARRINGTON RD.
MICHAEL STEPHENS - 111 BROOKHAVEN DR.
NINA SUE RIGGLEMAN - 3 BARRINGTON RD.

NITRO HIGH SCHOOL

GARNET GALLOWAY - 2 BLAKE RD.
JANET TAUSCHER - 17 21ST ST.
TILLIE MYNES - 58 21ST ST.
VIRGINIA HUNTER - 2511 25TH ST.
IRIS ASHLEY - 2610 26TH ST.

NITRO ELEMENTARY SCHOOL

ISABELLE HUDNALL - 1522 15TH ST.
FREDA INGRAM - 1533 15TH ST.
VELMA KINDER - 1816 18TH ST.
MRS. JOAN PERRY - 2122 21ST ST.
INA HOLLEY - 1524 15TH ST.

BAKER ELEMENTARY SCHOOL

HILDA LINVILLE - 1234 12TH ST.
MYRTLE ADKINS - 1112 11TH ST.
JESSIE RAYNES - 1123 11TH ST.
MARY MILLER - 1120 11TH ST.
RUTH CARPENTER - 1022 10TH ST.

BAKER ELEMENTARY SCHOOL

SYLVIA PULLINS - 1429 W 14TH ST.
DOROTHEA BARTOE - 101 LAYNE AVE.
RAY BARRICKMAN - 1220 12TH ST. W
MILDRED BARRICKMAN - 1220 12TH ST. W
DOROTHY MARUISH - 1427 14TH ST., W

ELECTION OFFICIALS, PAGE TWO

PRECINCT 408

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 409

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 411

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

I.A.M. UNION HALL

IRIS MILES - 708 MAIN AVENUE
JUDY JONES - 200 JUNIPER ST.
BONNIE JONES - 200 JUNIPER ST.
DORTHA BUCKHEIMER - 306 DUPONT ST.
LENA PAINTER - 306 DUPONT ST.

WEST SATTES ELEMENTARY

PAULINE WARNER - 1311 MAIN AVE.
NELLIE SHIFFLETT - 1307 MAIN AVE.
WANDA SMITH - 203 WALKER ST.
RUTH PHALEN - 1372 VALENTINE CIR.
EVELYN SHEPHERD - 210 LEE ST.

WEST SATTES ELEMENTARY

DOROTHY HUDSON - 105 KANAWHA AVE., S
LUCILLE CALDWELL - 715 KANAWHA AVE., S
SUE GOODWIN - 103 CLEVELAND AVE.
WINNONA HAMMONDS - 702 KANAWHA AVE., S
OLLIE HANCOCK - 711 KANAWHA AVE., S



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

ZONING BOARD OF APPEALS

HEARING

JANUARY 24, 1985

The Zoning Board of Appeals met at City Hall Reception Room at 7:00 p.m., January 24, 1985.

Purpose of the meeting was a public meeting to hear the variance request of Appalachian Power Company in the Nitro Zoning Ordinance, Article 5, Section 502, Subsection E. APCO requests permission to construct an Electrical Sub-station 138-12K V, Size 20 MVA, to provide essential services to residents of greater Nitro area and particularly to the residents of recently annexed Carriage Way area.

Several meetings had been held with representatives of the area, City officials and Appalachian Power Company.

After presentation by APCO officials, discussion by Building Inspector, Robert Sargent, and with no negative comments permission was approved to grant APCO variance requested.

In attendance were:

Barry Snodgrass - APCO (Charleston)
Ron Poff - APCO (Charleston)
C. A. Burdette - APCO (Charleston)
Robert Sargent -(Building Inspector, City of Nitro)
Bill Crouch - President (Carriage Way Homeowners Assn.)

Maps indicating structure and location of Sub-station are on file with the Building Inspector.

Cecil Lemma, Chairman
Timothy Cook
Wade Austin

CITY OF NITRO
COUNCIL MEETING MINUTES

FEBRUARY 19, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was City Treasurer Michael Greenleaf. Absent was City Attorney Phillip D. Gaujot.

The invocation was given by Councilman A. A. "Joe" Savilla.

Mayor Ashley notified Council that he had received resignation from Recreation Director John Simms. He will be leaving the city and going into the insurance business, and wished him luck.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 5, 1985 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the Council Meeting Minutes of February 5, 1985. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 2 - NOMINATIONS FOR PLANNING COMMISSION: - City Recorder John Santrock announced that there are four members on the Planning Commission whose terms expire January 31, 1985. Dr. Charles Byrd, David Miller and Tom Waldorf would like to serve an additional three year term. Charles Bayless has asked not to be nominated due to health reasons. City Recorder John Santrock requested any recommendations from Councilmembers at Large or Councilman Charles Miller be submitted to him to serve on the Planning Commission for a three year term, and moved the nominations for reappointment of Dr. Charles Byrd, David Miller and Tom Waldorf be approved. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 3 - HEALTH-HOSPITAL INSURANCE: - City Recorder John Santrock distributed three sealed bids from insurance companies to Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker and Councilman A. A. "Joe" Savilla to open. He informed he had received a letter from a representative of McDonough Caperton Ins. advising that he had contacted eleven carriers and they did not provide him with a quote primarily because they were not competitive with the rates we now have. City Recorder John Santrock moved the bids be referred to the insurance committee for further study with

recommendation back to Council. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 4 - AMENDMENT TO DNR CONTRACT - RIDENOUR LAKE: - Mayor Ashley notified that he had received revised wording from DNR of paragraph 8 of the Intergovernmental Agreement previously approved by Council on October 2, 1984. Councilman at Large Rusty Casto moved we approve the amendment of No. 8 from:

- 8.) The Department will transfer \$5,400.00 to the City in the form of a state warrant made payable to the City. The City will invoice the Department for said \$5,400.00 and after completion of said dredging will return the unused amount if any and an accounting thereof.

to read as follows:

- 8.) After completion of said dredging project, the City will submit to the Department an itemized invoice for actual dredge operator labor costs. The Department will then transfer funds to the City in an amount not to exceed \$5,400 to reimburse the City for the operator's costs.

The motion was properly seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 5 - FINANCIAL STATEMENT - FIREMEN'S & POLICEMEN'S PENSION BOARDS: - Council was furnished a statement of financial position of the police and fire department reflected both at the end of the fiscal year, June 30, 1984, to compare with position at the end of the calendar year, December 31, 1984. This is a requirement that this information be made available to Council, and no action required except to accept it as a matter of record. Councilman at Large Rusty Casto moved these statements be made a part of the minutes. The motion was seconded. A vote was taken and passed unanimously.

STATEMENTS AS FOLLOWS:

CITY OF NITRO
FIRE PENSION FUND
STATE OF FINANCIAL POSITION

	6-30-84	12-31-84
ASSETS:		
Cash	1,641.70	2,776.38
Investments	58,721.50	63,534.58
Due from City	18,949.00	13,949.00
Due from Revenue Sharing	451.52	451.52
TOTAL:	<u>79,763.72</u>	<u>80,711.48</u>

LIABILITIES & FUND BALANCE

Taxes Payable	2,130.12	2,130.12
Fund Balance	<u>77,633.60</u>	<u>78,581.36</u>
TOTAL:	<u>79,763.72</u>	<u>80,711.48</u>

CITY OF NITRO
POLICE PENSION FUND
STATEMENT OF FINANCIAL POSITION

	6-30-84	12-30-84
ASSETS		
Cash	10,140.02	2,776.38
Investments	13,551.88	71,038.26
Due from City	4,727.00	-0-
Due from Revenue Sharing	<u>490.36</u>	<u>490.36</u>
TOTAL:	<u>28,909.26</u>	<u>74,305.00</u>
LIABILITIES & FUND BALANCE		
Taxes Payable	1,465.90	2,065.90
Fund Balance	<u>27,443.36</u>	<u>72,239.10</u>
TOTAL:	<u>28,909.26</u>	<u>74,305.00</u>

City Recorder John Santrock announced there will be an election on Monday, March 11, for the office of Trustee for a four year term on the pension boards of the fire and police department.

For clarification purposes, City Recorder John Santrock advised of the advertisement of the Levy Election which is the same thing that's been voted upon since 1949. This election will take place on Saturday, March 2.

Councilman Charles Miller informed they are having an emergency evacuation drill for the community of Institute at 10:00 a.m. February 20.

Mayor Ashley reminded Council they are meeting with the Community Task Force on Monday afternoons at 3:00 p.m. They hope to have a public meeting in late March.

Councilman at Large Olaf Walker extended to John Simms the best of luck on his new job.

Since the snow storm, Councilman at Large Olaf Walker, received three calls that were complimentary in the manner the City cleaned the streets, especially at Brookhaven. They asked him to pass it along to the Mayor and for him to pass it along to the Department of Public Works. The only problem was as the streets were cleaned, the snow was pushed in some of the driveways.

Councilman at Large Olaf Walker reported the Council of the City of Charleston had passed a resolution acknowledging "Appreciation Day" for employees of Carbide. He suggested we send the Mayor of Charleston a letter thanking him for the recognition of Carbide employees. He feels it is time that the citizens, cities, and the valley come to the aid of Carbide.

Councilman A. A. "Joe" Savilla informed he had talked with engineers and Carbide has taken the rap to keep the U. S. Government off the hook. The plans were submitted to India from Carbide. They went there four years ago and made find after find of potential safety hazards and they were given "thumbs down" by the government who run all industry in India. Carbide hasn't stated this because they don't want an international incident with India. He feels every individual in the Kanawha Valley should come out in favor of Union Carbide. They have provided a good living for a lot of people in a very safe environment.

Mayor Ashley advised Council the day after the Governor's speech, he requested Mr. Dave Frazer, President of the Civic Benefits Association and Chief Executive Officer of Monsanto plant, along with our office, to contact the Governor's Office and request that his proposed center for chemical studies be located in the City of Nitro.

There being no further business to be conducted, the meeting was adjourned at 8:10 p.m.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

COPY AS FOLLOWS:

City Recorder John Santrock emphasized that this is a renewal of a levy that has been passed since 1949.

AGENDA ITEM NO. 3 - BOARD OF CANVASSERS RENEWAL LEVY OF MARCH 2, 1985: - City Recorder John Santrock moved that Council become the Board of Canvassers. The motion was seconded. Vote was taken and it was unanimous. There was one challenged ballot in Precinct 403. The envelope was opened to ascertain the reason for the challenge, which was due to a last minute replacement for Mrs. Perry, who was ill. Her replacement was Delores McGucken who worked out of the district. City Recorder John Santrock moved we count this ballot. The motion was properly seconded. A vote was taken and passed unanimously. Signatures of Board of Canvassers obtained to certify the results. City Recorder John Santrock moved we make the certification of the results be made a part of the minutes. The motion was seconded. A vote was taken and it was unanimous and so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley awarded the March, 1985 "City of the Month" Award to Michael Dunlap of 3506 35th Street. Mike is the only full scholarship recipient to the University of West Virginia football team. The plaque will be presented to him in front of the student body at Poca High. Congratulations and best wishes were extended to Mike from Council members.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 19, 1985 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the Council Meeting Minutes of February 19, 1985. The motion was seconded. A vote was taken and passed unanimously.

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman A. A. "Joe" Savilla, Councilman Romie Hughtart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gault and City Treasurer Michael Greenleaf. Absent was Councilman at Large Olaf Walker.

The invocation was given by The Reverend Father John Ledford.

CITY OF NITRO
COUNCIL MEETING MINUTES
MARCH 5, 1985

Special Election, March 2, 1985
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 2nd. day of March, 1985, 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 & 23	<u>28</u>	<u>16</u>
Precinct 401	<u>12</u>	<u>2</u>
Precinct 402	<u>21</u>	<u>9</u>
Precinct 403	<u>15</u>	<u>—</u>
Precinct 405	<u>20</u>	<u>4</u>
Precinct 406	<u>31</u>	<u>8</u>
Precinct 408	<u>18</u>	<u>6</u>
Precinct 409	<u>12</u>	<u>10</u>
Precinct 411	<u>15</u>	<u>2</u>
Total	<u>172</u>	<u>57</u>

We now declare on the 5th day of March, 1985, the Special Levy, receiving 172 positive votes cast and exceeding the 60% required for passage, to be officially recognized in effect for the years 1985-1988.

Board of Canvassers

<u>Mary Trout</u>	<u>Charles W. Hines</u>
<u>Thurk (Kane)</u>	<u>Remie C. Hugant</u>
<u>(Pete) Beckley</u>	<u>A. A. "Joe" Savilla</u>
<u>James E. Hutchinson</u>	<u>John F. Santrick</u>

AGENDA ITEM NO. 4 - PTA DRUG AND ALCOHOL AWARENESS WEEK OF MARCH 3 - 9, 1985: - Councilman at Large Rusty Casto moved we approve the Proclamation proclaiming March 3 through March 9, 1985, as PTA Drug and Alcohol Awareness Week. The motion was seconded. A vote was taken and passed unanimously.

PROCLAMATION AS FOLLOWS:

PROCLAMATION

WHEREAS, Reports indicate that fourth grade children, as young as 9-10 years old, have some knowledge of illegal drugs, alcohol and their use; and

WHEREAS, Parents can influence their children's decisions about drug and alcohol use by learning the facts and discussing them with their children; and

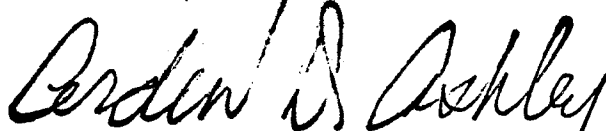
WHEREAS, Parents need to be aware that they can keep their children from abusing drugs and alcohol by talking to them about this problem at an early age; and

WHEREAS, Parents can help their children learn to feel good about themselves, develop a sense of personal responsibility for their actions, and understand that they can say "no"; and

WHEREAS, Parents can teach their children to play and have fun without using drugs or alcohol; and

WHEREAS, The Kanawha County PTA Council is participating in a nationwide effort to make parents aware of what they can do to help their children make intelligent choices about drug and alcohol use:

NOW, THEREFORE, BE IT RESOLVED that I, Arden D. Ashley, Mayor of the City of Nitro, WV do hereby proclaim March 3 - 9, 1985 as PTA DRUG AND ALCOHOL AWARENESS WEEK in Nitro, West Virginia.



ARDEN D. ASHLEY, MAYOR

AGENDA ITEM NO. 5 - RESOLUTION OF THE SANITARY BOARD (a) PENALTIES FOR VIOLATION, (FIRST READING): - Councilman A. A. "Joe" Savilla moved we approve the first reading of the resolution of the Sanitary Board. The motion was seconded. There being no discussion, a vote was taken and passed unanimously.

RESOLUTION OF THE SANITARY BOARD
OF THE CITY OF NITRO, WEST VIRGINIA

WHEREAS, the Sanitary Board of the City of Nitro, West Virginia is charged with the construction, operation and maintenance of the sanitary sewer system of the City of Nitro; and

WHEREAS, such Sanitary Board has determined that certain persons are violating the Nitro City Code with respect to the use of the sanitary sewer system; and

WHEREAS, the Sanitary Board has determined that such violations should be prosecuted as criminal matters before the Nitro Municipal Court; and

WHEREAS, the Sanitary Board has been informed that some dispute exists as to the availability of use of a criminal complaint for violations of the Nitro City Code as it relates to the use of the sewer system; and

WHEREAS, the Sanitary Board requests the City Council to amend the Nitro City Code to provide specific criminal penalties for the violation of certain sections of the City Code.

NOW, THEREFORE, BE IT RESOLVED BY THE SANITARY BOARD OF THE CITY OF NITRO, WEST VIRGINIA, that it hereby petitions the City Council of the City of Nitro, WV, to amend the Nitro City Code by adding a new section, Section 12a to Chapter 18, Article I to read as follows:

18-12a Penalties for Violations fo this Article

It shall be unlawful for any person to violate the provisions of this Chapter 18, Article I, and upon conviction of any such violation, such person shall be fined or imprisoned or both, and the fine shall not be less than fifty dollars or more than five hundred dollars and the imprisonment shall not exceed thirty days.

Each day that any person shall continue a violation shall constitute a separate and distinct offense.

Dated this 26th day of February, 1985.

Member

Chairman

1st Reading 3-5-85

Member

AGENDA ITEM NO. 6 - NITRO-PUTNAM ELEMENTARY SCHOOL REQUEST: Councilman Jim Hutchinson moved we grant permission to Nitro-Putnam Elementary School to solicit for their school carnival slated for March 30, 1985. The motion was seconded. Vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - MEDICAL BENEFIT PLAN: -City Recorder John Santrock reported that after much consideration on the bids received, moved we continue with Blue Cross/Blue Shield for our comprehensive major medical insurance plan, as the bids submitted could not compare with the present rate of Blue Cross/Blue Shield. The motion was seconded. The vote was taken and it was unanimous.

Mayor Ashley suggested we go to item 9 on the agenda and come back to item 8.

AGENDA ITEM NO. 9 - REQUEST FROM C & P TELEPHONE CO. TO PLACE THREE ADDITIONAL TERMINALS: - City Recorder John Santrock shared a letter from the Engineering Assistant of C & P Telephone Co. requesting placing three telephone company interfaces. Map and request attached. After discussion, City Recorder John Santrock moved we table until Council can review the sites. The motion was seconded. Vote was taken and it was unanimous.

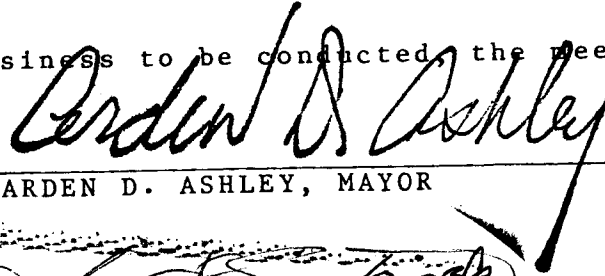
AGENDA ITEM NO. 8 - MICHAEL GREENLEAF - RESIGNATION AS CITY TREASURER: - Councilman A. A. "Joe" Savilla moved to go into Executive Session for discussion of personnel matters. The motion was seconded. A vote was taken and passed unanimously.

Council moved into Executive Session at 8:02 p.m.

The regular session of the Council meeting reconvened at 9:10 p.m.

Councilman at Large Rusty Casto informed that the Senior League field at City Park is in atrocious condition, and moved we form a committee with a member from the Little League, a member from the High School Boosters Club, street department and himself to work on a way to get the field ready. With the understanding that it would not represent a cost to the city, the motion was seconded. The Committee will come up with a solution and present it back to Council. If it involves the use of city equipment or employees, it must be approved by Council. A vote was taken and passed unanimously.

There being no further business to be conducted, the meeting was adjourned at 9:15 p.m.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES
MARCH 5, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Michael Greenleaf. Absent was Councilman at Large Olaf Walker.

The invocation was given by The Reverend Father John Ledford.

AGENDA ITEM NO.1 - APPROVAL OF FEBRUARY 19, 1985 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the Council Meeting Minutes of February 19, 1985. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley awarded the March, 1985 "City of the Month" Award to Michael Dunlap of 3506 35th Street. Mike is the only full scholarship recipient to the University of West Virginia football team. The plaque will be presented to him in front of the student body at Poca High. Congratulations and best wishes were extended to Mike from Council members.

AGENDA ITEM NO. 3 - BOARD OF CANVASSERS RENEWAL LEVY OF MARCH 2, 1985: - City Recorder John Santrock moved that Council become the Board of Canvassers. The motion was seconded. Vote was taken and it was unanimous. There was one challenged ballot in Precinct 403. The envelope was opened to ascertain the reason for the challenge, which was due to a last minute replacement for Mrs. Perry, who was ill. Her replacement was Delores McGucken who worked out of the district. City Recorder John Santrock moved we count this ballot. The motion was properly seconded. A vote was taken and passed unanimously. Signatures of Board of Canvassers obtained to certify the results. City Recorder John Santrock moved we make the certification of the results be made a part of the minutes. The motion was seconded. A vote was taken and it was unanimous and so ordered.

City Recorder John Santrock emphasized that this is a renewal of a levy that has been passed since 1949.

COPY AS FOLLOWS:

BOARD OF CANVASSERS

Special Election, March 2, 1985
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 2nd. day of March, 1985, 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 & 23	<u>28</u>	<u>16</u>
Precinct 401	<u>12</u>	<u>2</u>
Precinct 402	<u>21</u>	<u>9</u>
Precinct 403	<u>15</u>	<u>—</u>
Precinct 405	<u>20</u>	<u>4</u>
Precinct 406	<u>31</u>	<u>8</u>
Precinct 408	<u>18</u>	<u>6</u>
Precinct 409	<u>12</u>	<u>10</u>
Precinct 411	<u>15</u>	<u>2</u>
Total	<u>172</u>	<u>57</u>

We now declare on the 5th day of March, 1985, the Special Levy, receiving 172 positive votes cast and exceeding the 60% required for passage, to be officially recognized in effect for the years 1985-1988.

Board of Canvassers

<u>Mary Trout</u>	<u>Charles W. Hines</u>
<u>Thurman Lamb</u>	<u>Ronald C. Huganert</u>
<u>Robert Beckley</u>	<u>A. A. "Joe" Savilla</u>
<u>James E. Hutchinson</u>	<u>John F. Santrach</u>

AGENDA ITEM NO. 4 - PTA DRUG AND ALCOHOL AWARENESS WEEK OF MARCH 3 - 9, 1985: - Councilman at Large Rusty Casto moved we approve the Proclamation proclaiming March 3 through March 9, 1985, as PTA Drug and Alcohol Awareness Week. The motion was seconded. A vote was taken and passed unanimously.

PROCLAMATION AS FOLLOWS:

PROCLAMATION

WHEREAS, Reports indicate that fourth grade children, as young as 9-10 years old, have some knowledge of illegal drugs, alcohol and their use; and

WHEREAS, Parents can influence their children's decisions about drug and alcohol use by learning the facts and discussing them with their children; and

WHEREAS, Parents need to be aware that they can keep their children from abusing drugs and alcohol by talking to them about this problem at an early age; and

WHEREAS, Parents can help their children learn to feel good about themselves, develop a sense of personal responsibility for their actions, and understand that they can say "no"; and

WHEREAS, Parents can teach their children to play and have fun without using drugs or alcohol; and

WHEREAS, The Kanawha County PTA Council is participating in a nationwide effort to make parents aware of what they can do to help their children make intelligent choices about drug and alcohol use:

NOW, THEREFORE, BE IT RESOLVED that I, Arden D. Ashley, Mayor of the City of Nitro, WV do hereby proclaim March 3 - 9, 1985 as PTA DRUG AND ALCOHOL AWARENESS WEEK in Nitro, West Virginia.

ARDEN D. ASHLEY, MAYOR

AGENDA ITEM NO. 5 - RESOLUTION OF THE SANITARY BOARD (a) PENALTIES FOR VIOLATION, (FIRST READING): - Councilman A. A. "Joe" Savilla moved we approve the first reading of the resolution of the Sanitary Board. The motion was seconded. There being no discussion, a vote was taken and passed unanimously.

RESOLUTION OF THE SANITARY BOARD
OF THE CITY OF NITRO, WEST VIRGINIA

WHEREAS, the Sanitary Board of the City of Nitro, West Virginia is charged with the construction, operation and maintenance of the sanitary sewer system of the City of Nitro; and

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Dated this 26th day of February, 1985.

Member

Chairman

1st Reading 3-5-85

Member

ORDINANCE 85-1

AMENDMENT OF SECTION 12a, CHAPTER 18
ARTICLE I. PENALTIES FOR VIOLATIONS
OF NITRO CITY CODE WITH RESPECT TO THE
USE OF SANITARY SEWERS.

INASMUCH as the Sanitary Board of the City of Nitro, West Virginia has determined that certain persons are violating the Nitro City Code with respect to the use of the sanitary sewer system; and

INASMUCH as the Sanitary Board requests that such violators should be prosecuted as criminal matters before the Nitro Municipal Court; and

Has petitioned the City Council of Nitro to amend the City Code to provide specific criminal penalties for these violations;

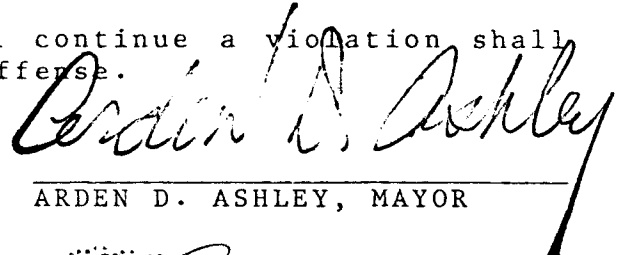
THEREFORE, BE IT ORDAINED that 18-12a be added to the City Code to read:

18-12a Penalties for Violations of this Article

It shall be unlawful for any person to violate the provisions of this Chapter 18, Article I, and upon conviction of any such violation, such person shall be fined or imprisoned or both, and the fine shall not be less than fifty dollars or more than five hundred dollars and the imprisonment shall not exceed thirty days.

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First Reading: March 5, 1985


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

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Mayor Ashley suggested we go to item 9 on the agenda and come back to item 8.

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Council moved into Executive Session at 8:02 p.m.

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There being no further business to be conducted, the meeting was adjourned at 9:15 p.m.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

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First Reading March 5, 1985
Second Reading March 19, 1985

Arden D. Ashley
Arden D. Ashley
John F. Santoro, Jr.



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

NOTICE OF SPECIAL MEETING OF THE COUNCIL
OF THE CITY OF NITRO, NITRO, WEST VIRGINIA

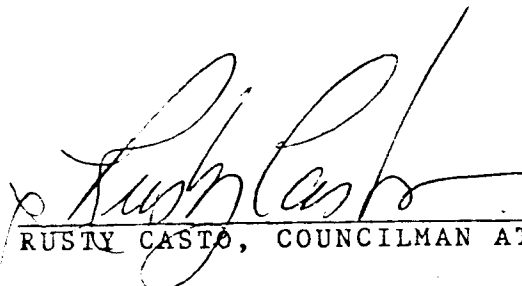
PLEASE TAKE NOTICE that a special meeting of the City Council of the City of Nitro will be held on the 10th day of March, 1985, at 1:00 p.m., in the Council Chambers, City Hall, Nitro, West Virginia.

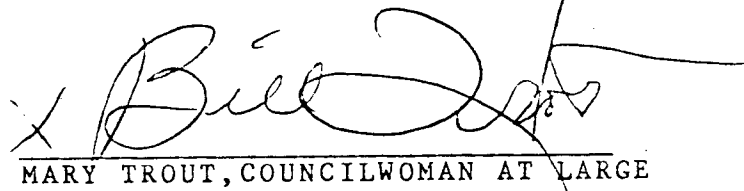
AGENDA:

1. APPOINTMENT OF CITY TREASURER
2. 1985-86 BUDGET PREPARATION

Signed this the 7th day of March, 1985.

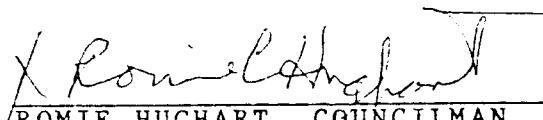

ARDEN D. ASHLEY, MAYOR


RUSTY CASTO, COUNCILMAN AT LARGE

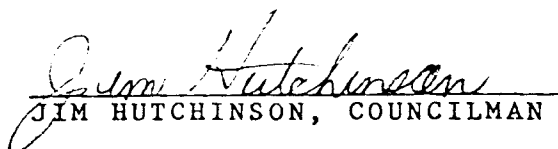

MARY TROUT, COUNCILWOMAN AT LARGE

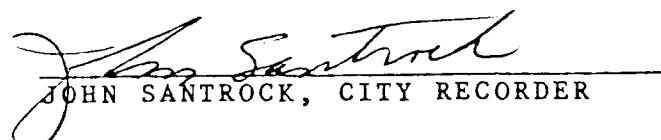

OLAF WALKER, COUNCILMAN AT LARGE


A. A. "JOE" SAVILLA, COUNCILMAN


ROMIE HUGHART, COUNCILMAN


CHARLES MILLER, COUNCILMAN


JIM HUTCHINSON, COUNCILMAN


JOHN SANTROCK, CITY RECORDER

MARCH 10, 1985

CITY OF NITRO

SPECIAL COUNCIL MEETING MINUTES

A special Council meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 1:00 p.m. in Council Chamber. Present were City Recorder John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchison. Also present were Phillip D. Gaujot City Attorney, Michael Greenleaf and all department heads.

Two items were on the agenda:

1. Appointment of City Treasurer.
2. 1985-86 Budget Preparation.

AGENDA ITEM NO. 1: APPOINTMENT OF CITY TREASURER: - Mayor Ashley recommended John Santrock as City Treasurer. Councilman at Large Olaf Walker moved the appointment, and it was properly seconded. Following discussion relative to possible impact on budget, Councilman at Large Olaf Walker moved to table the motion. The motion was seconded and a vote taken and it was unanimous.

AGENDA ITEM NO. 2: 1985-86 BUDGET PREPARATION: - The Council reviewed the 1985-86 budget of the Sanitary Board. The budget included a 5% (five percent) pay increase for all employees. The budget indicated a balance at the end of fiscal year 1986. Connie Stephens, of the Sanitary Board, explained the need yet to complete projects, and that the Armour Creek Interceptor Program still leaves about one-half of the sewer lines unimproved, some dating back to 1918. The number of employees of the Sanitary Board is (15) fifteen. Much discussion centered around comparison of City employees salaries with the Sanitary Board. If additional data is desired by Council members, they may contact Ms. Stephens. Present service fees were established by Public Service Commission in April, 1980. Councilman at Large Olaf Walker moved to adopt the budget of the Sanitary Board. The motion was properly seconded and passed by majority with Councilman Romie Hughart voting in the negative. Budget attached. This action is required of Council by Ordinance 189.

Council then proceeded to discuss projected Revenues for 1985-86. It was noted a decrease in:

Ad Valorem	- \$15,589
Parks & Recreation	- 7,000
Court Costs	- 25,000
Revenue Sharing	- 117,000

With these reductions, Council could expect \$1,395,708 or \$147,589 less revenue than 1984-85.

Council then reviewed budgets of various departments with department heads and reductions were made as indicated in budget document. Tapes of budget discussion are available for review.

Council recessed at 5:00 p.m. for two hours reconvening at 7:00 p.m.

Increased costs were noted in utilities and insurance. Cuts were made in travel, supplies, equipment, training, Capitol Expenditures, with each department attempting to decrease budget request by ten percent (10%) of 1984-85.

The positions of Administrative Assistant to the Mayor and Recreation Director were eliminated.

The dog warden budget was explained as a sharing process with Dunbar. The City of Dunbar reimburses the City of Nitro for one-half (1/2) expenses upon invoice.

The Communication office, an integral part of system, need a pay increase and additional help to upgrade program.

Council expressed need to separate cost of utilities - gas, sewerage, water, electricity, telephone and fire hydrants.

In discussion of treasurer's budget, the administrative assistant position was deleted, and a budget of \$79,253 approved unanimously following the motion by Councilman A. A. "Joe" Savilla.

Councilman Romie Hughart moved to bring the appointment of John Santrock as Treasurer back on the floor. The motion was seconded and vote taken which was unanimous. The question then was the motion on the appointment of John Santrock as Treasurer. A vote was taken and the majority approved with John Santrock abstaining.

Mayor Ashley explained that \$9,000 was allocated in the budget for the Treasurer's salary, and is part of an ordinance. We would need an ordinance to change salary, otherwise salary would be as is.

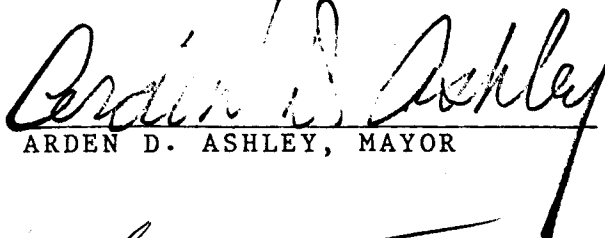
It was suggested we purchase the computer this year and the software next year.

Budgets of all departments were again reviewed, and it was found that with cuts made there was a deficit of \$105,853. Council expressed they didn't know where else to cut. Council reviewed possible increases in revenue. A motion was made to raise Municipal Service fees \$3.00, and to raise B & O taxes to maximum as is charged by most of our neighboring municipalities. The motion was properly seconded. In the discussion, former

Treasurer, Michael Greenleaf estimated a revenue of \$100,000 from Municipal Service fees and \$150,000 from increased B & O Taxes. If we passed only the Municipal Fee, it would mean not having funds for matching, no raise to employees, funds for emergencies, fire trucks, police cruisers, garbage trucks and little for paving. The City will probably lose \$120,000 more next year from revenue funds. Nitro's needs are great and we can't afford to lower our services. Another comment stated that only 27% of revenue from B & O came from business located in Nitro, and 73% located elsewhere. This vote will be committing the writing of ordinances which require advertising and letting people have the opportunity to be heard before implementation. A vote was taken and passed by majority with Councilman at Large Rusty Casto voting in the negative. Treasurer - Recorder John Santrock to move ahead.

Council discussed from anticipated revenue that \$50,000 be placed in the budget for employees raise to be determined by the Compensation Committee, \$50,000 Contingency Fund and \$50,000 Capital Expenditures in addition to the \$105,000 needed to balance the budget. Councilman A. A. "Joe" Savilla moved to allocate revenue as stated above. The motion was properly seconded and passed unanimously.

After six (6) full hours and having had five evening sessions previously, Council adjourned at 9:00 p.m.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

NITRO SANITARY BOARD
BUDGET
FISCAL YEAR 1985/1986

ESTIMATED REVENUES

SALARIES	198792	
FICA	14015	
RETIREMENT	18885	
HEALTH INSURANCE	16594	
WORKMENS COMPENSATION	6759	
OTHER EMPLOYEE EXPENSES	1400	
TOTAL WAGE RELATED EXPENDITURES		256445
UTILITIES	54000	
INSURANCE	6400	
REPAIRS & MAINTENANCE	29900	
BILLING & COLLECTING	16275	
SUPPLIES	13228	
UTILITY TAXES	12280	
RENT	2400	
CONTRACTED SERVICES	8200	
SHOP & LAB	3000	
TRUCK & EQUIPMENT	7948	
TOTAL OPERATIONS EXPENDITURES		153631
CITIZENS NATIONAL BANK	39044	
STATE SINKING FUND	46800	
FARMERS HOME ADMINISTRATION	8784	
INTERIM FINANCING TREATMENT PLANT	6000	
TOTAL INTEREST & DEBT SERVICE		100628
CAPITAL EXPENDITURES & PREVENTATIVE MAINTENANCE		50000
TOTAL ESTIMATED EXPENDITURES		56070
INCREASE IN RESERVES		5330

A		B	C	D	E
CITY OF NITRO					
BUDGET ESTIMATE					
REVENUES					
ACCOUNT	ACCOUNT	84-85	85-86	Budget	
NUMBER	NAME	ANNUAL	ANNUAL	Increase or	
		BUDGET	BUDGET	(Decrease)	
843011-000	Property Tax	261297	245708	-15589	
943080-000	Building Permit	5000	5000	0	
1043090-000	Inspection Fees	2000	1000	-1000	
1143750-000	Parks & Recreat	40000	33000	-7000	
1243690-000	Civic Benefits	172000	172000	0	
1343320-000	B&O Tax	350000	507242	157242	
1443330-000	Utility Tax	92000	100000	8000	
1543350-000	Liquor License	1000	1000	0	
1643360-000	Liquor Tax	50000	50000	0	
1743600-000	Business Licens	8000	8000	0	
1843440-000	Interest Income	7500	7500	0	
1943470-000	Court Costs	40000	15000	-25000	
2043490-000	Library Fees	100	100	0	
2143500-000	Municipal Serv.	280000	380000	100000	
2243240-000	State Grants	2500	2500	0	
2343450-000	Rent	2400	2400	0	
2443170-000	Sale-Fixed Asse	2000	2000	0	
2543991-000	Miscellaneous	15000	15000	0	
2643260-000	Revenue Sharing	199000	82000	-117000	
2743250-000	Coal Severance	13500	13500	0	
	TOTAL REVENUES	1543297	1642950	99653	
			0	0	
SUMMARY OF		84-85	85-86	BUDGET	
EXPENSE		ANNUAL	ANNUAL	CHANGE	
		BUDGET	BUDGET		
334	Mayors Office	71515	68515	-3000	
344	Building Inspector	25896	25146	-750	
354	Dog Catcher	10977	12177	1200	
364	Police Dept.	253284	230684	-22601	
374	Fire Dept.	236693	218113	-18580	
384	Public Works	490179	517648	27469	
394	Recreation Dept.	90088	71724	-18364	
404	City Council	11488	159488	148000	
414	Recorder	17145	17145	0	
424	Treasurer	95834	72753	-23081	
434	City Hall	215979	225338	9360	
444	Library	24219	24219	0	
454	TOTAL	1543297	1642950	99653	
464				0	
474	Surplus/-Deficit	0	0	0	

	A	B	C	D	E
49MAYORS OFFICE					
50			84-85	85-86	BUDGET
51			ANNUAL	ANNUAL	CHANGE
52	ACCOUNT	ACCOUNT	BUDGET	BUDGET	
	NUMBER	NAME			
534003-409		Salaries	51172	51172	0
544004-409		FICA Tax	3582	3582	0
554006-409		Retirement	4861	4861	0
564014-409		Travel	4000	2000	-2000
574022-409		Dues	2100	2100	0
584023-409		Prof Svcs.	3300	3300	0
594041-409		Dept. Supp.	2000	1000	-1000
604083-409		Misc.	500	500	0
614085-409		Cap. Exp.	0	0	0
62					
63		TOTAL	71515	68515	-3000
64Building Inspector			84-85	85-86	BUDGET
65ACCOUNT		ACCOUNT	ANNUAL	ANNUAL	CHANGE
66NUMBER		NAME	BUDGET	BUDGET	
674003-436		Salaries	20722	20722	0
684004-436		FICA Tax	1451	1451	0
694006-436		Retirement	1969	1969	0
704014-436		Travel	200	100	-100
714022-436		Dues	55	55	0
724041-436		Dept. Supp.	1500	850	-650
734031-436		Cont. Svcs.	0	0	0
74					
75		TOTAL	25896	25146	-750
76DOG CATCHER					
77			84-85	85-86	BUDGET
78ACCOUNT		ACCOUNT	ANNUAL	ANNUAL	CHANGE
79NUMBER		NAME	BUDGET	BUDGET	
804003-446		Wages	8129	8129	0
814004-446		FICA Tax	545	545	0
824006-446		Retire.	854	854	0
834041-446		Shelter Fee	1200	1200	0
844045-446		Uniform	150	150	0
854043-446		Auto Supp.	1300	1300	0
86		TOTAL	10977	12177	1200

A	B	C	D	E
88 Police Dept.		84-85	85-86	BUDGET
8		ANNUAL	ANNUAL	CHANGE
9 ACCOUNT	ACCOUNT	BUDGET	BUDGET	
9 NUMBER	NAME	181586	183450	1864
92 4003-455	Wages	12711	12842	130
93 4004-455	FICA Tax	21000	12933	-8067
94 4006-455	Retire.	5400	3780	-1620
95 4011-455	Teletype	6000	179	-5821
96 4041-455	Dept. Supp.	9000	9000	0
97 4043-455	Auto Supp.	450	0	-450
98 4021-455	Training	37	0	-37
99 4022-455	Dues	500	0	-500
00 4031-455	Cont. Svc.	900	0	-900
01 4012-455	Printing	500	500	0
02 4032-455	Refunds	3500	3500	0
03 4045-455	Uniform	2000	3000	1000
04 4017-455	M&R	2000	0	-2000
05 4088-455	Drug Enforce.	1500	1500	0
06 4033-455	Crime Vict. Fun	1200	0	-1200
07 4083-455	Misc.	5000	0	-5000
08 4085-455	Cap. Expen			0
109	TOTAL	253284	230684	-22601
110				0
111 Fire Dept.		84-85	85-86	BUDGET
112		ANNUAL	ANNUAL	CHANGE
113 ACCOUNT	ACCOUNT	BUDGET	BUDGET	
114 NUMBER	NAME	136975	143662	6687
115 4003-500	Wages	9588	10056	468
116 4004-500	FICA Tax	24000	9170	-14830
117 4006-500	Retire.	15000	13500	-1500
118 4023-500	Prof. Svcs.	2000	800	-1200
119 4031-500	Fire Prev.	3000	2500	-500
120 4045-500	Uniform	12310	8000	-4310
121 4041-500	Dept. Supp.	11215	8000	-3215
122 4043-500	Auto Supp.	8400	17425	9025
123 4013-500	Utilities	9205	5000	-4205
124 4017-500	M&R	5000	0	-5000
125 4085-500	Cap. Expen			0
126	TOTAL	236693	218113	-18580
127				

A	B	C	D	E
29 Department of				0
30 Public Works				0
31				
32 ACCOUNT	ACCOUNT	84-85	85-86	BUDGET
33 NUMBER	NAME	ANNUAL	ANNUAL	CHANGE
34 4003-530	Wages	BUDGET	BUDGET	
35 4004-530	FICA Tax	257664	251092	-6572
36 4006-530	Retire.	18036	17702	-334
37 4031-530	Contr. Svcs.	24478	23854	-624
38 4013-530	Street Lights	5000	5000	0
39 4070-530	Gas	20000	30000	10000
40 4071-530	Water		16800	16800
41 4072-530	Electric		600	600
42 4015-530	M&R Bldgs	1000	3600	3600
43 4017-530	M&R Equip	15000	1000	0
44 4041-530	Dept. Supp.	44000	15000	0
45 4043-530	Auto Supp.	22000	44000	0
46 4043-530	San. Landfill	27000	22000	0
47 4081-530	Asphalt, Sand	50000	31000	4000
48 4085-530	Capital Exp.	5000	50000	0
49 4083-530	Misc.	1000	5000	0
50	TOTAL	490179	517648	27469
51				0
52 Recreation Dept.				0
53				
54 ACCOUNT	ACCOUNT	84-85	85-86	BUDGET
55 NUMBER	NAME	ANNUAL	ANNUAL	CHANGE
56 4003-550	Wages	BUDGET	BUDGET	
57 4004-550	FICA Tax	29616	13725	-15891
58 4006-550	Retire.	2073	961	-1112
59 4014-550	Auto Suppl.	1361	0	-1361
60 4013-550	Utilities	1000	1000	0
61 4031-550	Contracted Serv	22176	22176	0
62 4011-550	Telephone	5400	5400	0
63 4046-550	Purchases	562	562	0
64 4015-550	M&R	21000	0	0
65 4041-550	Dept. Supp	6900	21000	0
66 4085-550	Capital Exp.	0	6900	0
67	TOTAL	90088	71724	-18364
68				0
69 CITY COUNCIL				0
70				
71 ACCOUNT	ACCOUNT	84-85	85-86	BUDGET
72 NUMBER	NAME	ANNUAL	ANNUAL	CHANGE
73 4003-410	Wages	BUDGET	BUDGET	
74 4004-410	FICA Tax	8400	8400	0
75 4031-410	Contracted Serv	588	588	0
76 4014-410	TRAVEL	500	500	0
77	Salary Inc.	2000	0	-2000
78	Contingen.	0	50000	50000
79	Capital Exp.	0	50000	50000
80	Total	11488	50000	50000
81				0
82				0

A	B	C	D	E
84 RECORDER		84-85	85-86	BUDGET
85 ACCOUNT	ACCOUNT	ANNUAL	ANNUAL	CHANGE
86 NUMBER	NAME	BUDGET	BUDGET	
87 4003-411	Wages	13500	13500	0
88 4004-411	FICA Tax	945	945	0
89 4006-411	Retirement	0		0
90 4031-411	Cont. Svc.	500	500	0
91 4089-411	Elections		0	0
92 4041-411	Dept. Sup.	500	500	0
93 4020-411	Legal ads	1000	1000	0
94 4014-411	Travel	500	500	0
95 4042-411	Record Books	200	200	0
96 4085-411	Cap Exp	0	0	0
97	TOTAL	17145	17145	0
98				0
99 Treasurer		84-85	85-86	BUDGET
200	ACCOUNT	ANNUAL	ANNUAL	CHANGE
201 ACCOUNT	NAME	BUDGET	BUDGET	
202 NUMBER	Salaries	59085	38550	-20535
203 4003-413	FICA	4136	3014	-1122
204 4004-413	Retirement	5613	4090	-1523
205 4006-413	Travel	2000	0	-2000
206 4014-413	Comp. Software	5000	8000	3000
207 4031-413	Audit Fee	2000	2000	0
208 4024-413	Supplies	2000	2000	0
209 4041-413	M&R	100	100	0
210 4016-413	Unemploy. Comp.	15000	15000	0
211 4050-413	Dues	200	0	-200
212 4022-413	Printing	700	0	-700
213 4012-413	TOTAL	95834	72753	-23081
214				0
215				

A	B	C	D	E
216 CITY HALL				0
217		84-85	85-86	BUDGET
218 ACCOUNT	ACCOUNT	ANNUAL	ANNUAL	CHANG
219 NUMBER	NAME	BUDGET	BUDGET	
220 4011-440	Telephone	15600	18000	240
221 4013-440	Utilities	7000	7000	0
222 4005-440	Group Insurance	62000	64800	2800
223 4003-440	Comm. Center Sa	52070	54468	2398
224 4004-440	FICA	3645	3813	168
225 4006-440	Retirement	4947	5174	228
226 4085-440	Capital Exp.	5234	0	-5234
227 4023-440	Professional Sv	20000	20600	600
228 4015-440	M&R-Bldg.	2000	2000	0
229 4026-440	Insurance	15000	21000	6000
230 4031-440	Contract Svcs.	6200	6200	0
231 4041-440	Dept. Supplies	12000	12000	0
232 4043-440	Automotive Supp	8283	8283	0
233 4083-440	Misc.	2000	2000	0
234				0
235	TOTAL	215979	225338	9360
236				0
237 LIBRARY				0
238		84-85	85-86	BUDGET
239 ACCOUNT	ACCOUNT	ANNUAL	ANNUAL	CHANGE
240 NUMBER	NAME	BUDGET	BUDGET	
241				0
242 4003-553	Wages	16411	16411	0
243 4004-553	FICA Exp.	1149	1149	0
244 4006-553	Retirement	1559	1559	0
245 4011-553	Telephone	500	500	0
246 4013-553	Utilities	1200	1200	0
247 4041-553	Books	2400	2400	0
248 4015-553	Maintenance	1000	1000	0
249	TOTAL	24219	24219	0
250				0
251 TOTAL EXPENDITURES		1543297	1642950	0
252				0
253 Surplus/-Deficit		0	0	99653
254				

NITRO SANITARY BOARD
BUDGET
FISCAL YEAR 1985/1986

235

614004

ESTIMATED REVENUES

SALARIES	198792	
FICA	14015	
RETIREMENT	18885	
HEALTH INSURANCE	16594	
WORKMENS COMPENSATION	6759	
OTHER EMPLOYEE EXPENSES	1400	
TOTAL WAGE RELATED EXPENDITURES		256445

UTILITIES	54000	
INSURANCE	6400	
REPAIRS & MAINTENANCE	29900	
BILLING & COLLECTING	16275	
SUPPLIES	13228	
UTILITY TAXES	12280	
RENT	2400	
CONTRACTED SERVICES	8200	
SHOP & LAB	3000	
TRUCK & EQUIPMENT	7948	
TOTAL OPERATIONS EXPENDITURES		153631

CITIZENS NATIONAL BANK	39044	
STATE SINKING FUND	46800	
FARMERS HOME ADMINISTRATION	8784	
INTERIM FINANCING TREATMENT PLANT	6000	
TOTAL INTEREST & DEBT SERVICE		100628

CAPITAL EXPENDITURES & PREVENTATIVE MAINTENANCE		50000
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TOTAL ESTIMATED EXPENDITURES		560704
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INCREASE IN RESERVES		53300
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CITY OF NITRO
COUNCIL MEETING MINUTES

MARCH 19, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder - Treasurer John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot.

The invocation was given by The Reverend Father John Ledford.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 5, 1985 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the Council Meeting Minutes of March 5, 1985. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 2 - APPROVAL OF MARCH 10, 1985 SPECIAL COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the Special Council Meeting Minutes of March 10, 1985 be approved as written. The motion was seconded, a vote taken and passed unanimously.

AGENDA ITEM NO. 3 - POLICE AND FIRE PENSION ELECTION OF 3-12-85: - City Recorder John Santrock reported that according to the State and Nitro City Codes, the pension election for police and fire are to be held the second Monday in March.

There was a four year vacancy on the Fire Pension Board and Jim Raynes was reelected..

There were two vacancies on the Police Pension Board due to a resignation and a vacancy. Lt. Gary Blankenship was reelected for the four year vacancy, and Ptl. Jack Jordan was elected to fill the one year term.

AGENDA ITEM NO. 4 - ORDINANCE 85-1 - AMENDMENT TO ORD. 83-3 (a) PENALTIES FOR VIOLATION, SECOND READING: - City Recorder John Santrock moved we approve the second reading the addition to Ordinance 83-3 (a) penalties for violation. The motion was seconded. For clarification purposes, City Recorder John Santrock read the preliminary. Mayor Ashley pointed out that this was previously identified as "Violation of City Ordinances", but there were no specified penalties attached to it. A vote was taken and it was unanimous.

ORDINANCE AS FOLLOWS:

ORDINANCE 85-1

AMENDMENT OF SECTION 12a, CHAPTER 18
ARTICLE I. PENALTIES FOR VIOLATIONS
OF NITRO CITY CODE WITH RESPECT TO THE
USE OF SANITARY SEWERS.

INASMUCH as the Sanitary Board of the City of Nitro, West Virginia has determined that certain persons are violating the Nitro City Code with respect to the use of the sanitary sewer system; and

INASMUCH as the Sanitary Board requests that such violators should be prosecuted as criminal matters before the Nitro Municipal Court; and

Has petitioned the City Council of Nitro to amend the City Code to provide specific criminal penalties for these violations;

THEREFORE, BE IT ORDAINED that 18-12a be added to the City Code to read:

18-12a Penalties for Violations of this Article

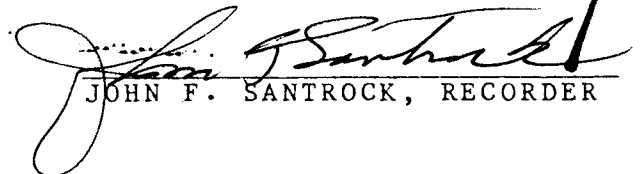
It shall be unlawful for any person to violate the provisions of this Chapter 18, Article I, and upon conviction of any such violation, such person shall be fined or imprisoned or both, and the fine shall not be less than fifty dollars or more than five hundred dollars and the imprisonment shall not exceed thirty days.

Each day that any person shall continue a violation shall constitute a separate and distinct offense.

First Reading: March 5, 1985


ARDEN D. ASHLEY, MAYOR

Second Reading: March 19, 1985


JOHN F. SANTROCK, RECORDER

AGENDA ITEM NO. 5 - ORDINANCE 85-2 - AMENDMENT TO ORDINANCE 83-3 - SALARY OF TREASURER (FIRST READING): - City Recorder John Santrock read Ordinance 85-2, and Councilman A. A. "Joe" Savilla moved for the approval. The motion was seconded. There being no discussion, a vote was taken and unanimously approved.

ORDINANCE AS FOLLOWS:

ORDINANCE 85-2

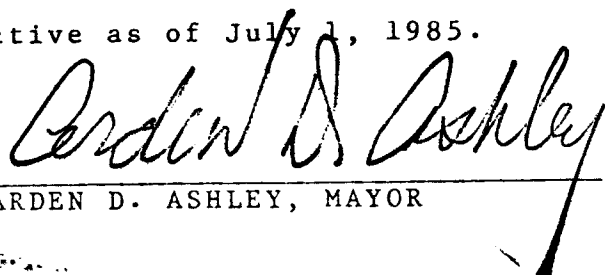
AN ORDINANCE AMENDING
ORDINANCE 83-13 REDUCING
THE SALARY OF CITY TREASURER

INASMUCH as the offices of City Treasurer and Recorder have been established under one administrator,

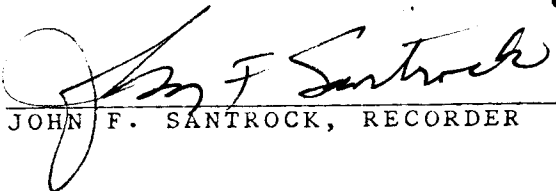
BE IT ORDAINED, the salary of Treasurer of the City of Nitro be reduced from \$9,000 to \$4,500 per annum.

This Ordinance to be effective as of July 1, 1985.

FIRST READING: MARCH 19, 1985


ARDEN D. ASHLEY, MAYOR

SECOND READING: _____


JOHN F. SANTROCK, RECORDER

and passed unanimously.

AGENDA ITEM NO. 11 - BUDGET ADOPTION: - City Recorder John Santrock moved we approve the 1985-86 budget as presented. The motion was seconded. Councilman at Large Olaf Walker moved we amend the proposed budget by deleting \$2,000 designated for travel expense for City Council. The motion was seconded. A vote was taken on the amendment to the motion, and it was unanimous.

Councilman A. A. "Joe" Savilla moved the proposed budget on the Treasurer's salary be amended to show a reduction of \$4,500 as per the approval of Ord. 84-2. The motion was seconded. A vote was taken and it was unanimous and approved.

There being no further discussion, a vote was taken to approve the budget, as amended and passed unanimously. This budget as approved by Council will be presented to the State Tax Commission in this month. In the meantime, the proper action for Council is to have the budget session stand adjourned until the third Tuesday in April, (4-16-85) which is in accordance with the WV State Code 8-1110. City Recorder John Santrock informed he had been directed by Council to develop two ordinances, which will increase the revenue for the City of Nitro - \$3 from municipal fees, and seek the maximum for B & O Taxes. The sequence of this would be the first reading on April 2, and it will then be advertised in the paper, including details involved at least five days before the second reading. At the second reading, April 16, then anyone can be heard as mandated by state and local codes. In order to accomodate a larger group, it was suggested by Mayor Ashley to schedule the meeting at another site. Councilman at Large Olaf Walker moved we hold the April 16, at Nitro High School. The motion was seconded. If the High School is not available on this date, Councilman A. A. "Joe" Savilla made a friendly amendment to the motion to then move it to Nitro Junior High. A vote was taken and passed unanimously.

COPY OF AMENDED BUDGET ATTACHED.

Mayor Ashley announced by way of a communique from the Department of Highways, that has to do with a means by which Federal Highway funds on a 80/20 matching basis are made available to municipalities for inspection of bridges within their community. He informed that given our fiscal concerns we are currently facing and talking about, and the need to address these problems between now and the beginning of July, he is under the impression that some of these funds could be made available to the City for the inspection of bridges. This would not include bridges on state highways. Bridges that should be considered are located on 23rd, 31st St., 39th Street, East. and Smith Road. This was transferred to the Traffic Committee to identify bridges, foot and automotive, and report back to Council at the April 2, Council meeting.

COMMITTEE REPORTS

Councilman Jim Hutchinson reported the plans for the Spring Festival are moving along very well. At this point, we have received \$4,575. in the bank. The next meeting is scheduled for Thursday, March 28, at 6:30 p.m. in Council Chambers.

Mayor Ashley informed as matter of public interest, he received notification from the Civic Benefits Association that they would continue their contribution to the City at a level of \$172,000 per year. This is to go into the budget plan.

Mayor Ashley announced there is a copy of a petition in support of Carbide. that's available if the public desired to sign.

There being no further business to be conducted, the meeting was adjourned at 8:05 p.m.

ARDEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, RECORDER

CITY OF NITRO
BUDGET ESTIMATE

		84-85	85-86	Budget
		ANNUAL	ANNUAL	Increase or
		BUDGET	BUDGET	(Decrease)
4 REVENUES				
5				
6 ACCOUNT	ACCOUNT			
7 NUMBER	NAME			
8 3011-000	Property Tax	261297	245708	-15589
9 3080-000	Building Permit	5000	5000	0
10 3090-000	Inspection Fees	2000	1000	-1000
11 3750-000	Parks & Recreat	40000	33000	-7000
12 3690-000	Civic Benefits	172000	172000	0
13 3320-000	B&O Tax	350000	507242	157242
14 3330-000	Utility Tax	92000	100000	8000
15 3350-000	Liquor License	1000	1000	0
16 3360-000	Liquor Tax	50000	50000	0
17 3600-000	Business Licens	8000	8000	0
18 3440-000	Interest Income	7500	7500	0
19 3470-000	Court Costs	40000	15000	-25000
20 3490-000	Library Fees	100	100	0
21 3500-000	Municipal Serv.	280000	380000	100000
22 3240-000	State Grants	2500	2500	0
23 3450-000	Rent	2400	2400	0
24 3170-000	Sale-Fixed Asse	2000	2000	0
25 3991-000	Miscellaneous	15000	15000	0
26 3260-000	Revenue Sharing	199000	82000	-117000
27 3250-000	Coal Severance	13500	13500	0
28	TOTAL REVENUES	1543297	1642950	99653
29			0	0
30 SUMMARY OF		84-85	85-86	BUDGET
31 EXPENSE		ANNUAL	ANNUAL	CHANGE
32		BUDGET	BUDGET	
33 Mayors Office		71515	68515	-3000
34 Building Inspector		25896	25146	-750
35 Dog Catcher		10977	12177	1200
36 Police Dept.		253284	230684	-22601
37 Fire Dept.		236693	218113	-18580
38 Public Works		490179	517648	27469
39 Recreation Dept.		90088	71724	-18364
40 City Council		0	159488	148000
41 Recorder		17145	17145	0
42 Treasurer		95834	72753	-23081
43 City Hall		215979	225338	9360
44 Library		24219	24219	0
45 TOTAL		1531809	1642650	99653
46				0
47 Surplus/-Deficit		0	0	0

ACCOUNT	ANNUAL BUDGET	ANNUAL BUDGET	CHANGE
9111 ACCOUNT NUMBER			
9211 4003-455	181586	183450	1864
9311 4004-455	12711	12842	130
9411 4006-455	21000	12933	-8067
9511 4011-455	5400	3780	-1620
9611 4041-455	6000	179	-5821
9711 4043-455	9000	9000	0
9811 4021-455	450	0	-450
9911 4022-455	37	0	-37
0011 4031-455	500	0	-500
0111 4012-455	900	0	-900
0211 4032-455	500	500	0
0311 4045-455	3500	3500	0
0411 4017-455	2000	3000	1000
0511 4088-455	2000	0	-2000
0611 4033-455	1500	1500	0
0711 4083-455	1200	0	-1200
0811 4085-455	5000	0	-5000
Cap. Expen			
Wages			
FICA Tax			
Retire.			
Teletype			
Dept. Supp			
Auto Supp.			
Training			
Dues			
Cont. Svc.			
Printing			
Refunds			
Uniform			
M&R			
Drug Enforce.			
Crime Vict. Fun			
Misc.			

Fire Dept.

ACCOUNT	ANNUAL BUDGET	ANNUAL BUDGET	CHANGE
Wages	136975	143662	6687
FICA Tax	9588	10056	468
Retire.	24000	9170	-14830
Prof. Svcs.	15000	13500	-1500
Fire Prev.	2000	800	-1200
Uniform	3000	2500	-500
Dept. Supp	12310	8000	-4310
Auto Supp.	11215	8000	-3215
Utilities	8400	17425	9025
M&R	9205	5000	-4205
Cap. Expen	5000	0	-5000
TOTAL	236693	218113	-18580

A		C	D	E
ACCOUNT NAME		84-85 ANNUAL BUDGET	85-86 ANNUAL BUDGET	BUDGET CHANGE
129 Department of				
130 Public Works				
131				
132 ACCOUNT				
133 NUMBER				
134 4003-530		257664	251092	-6572
135 4004-530		18036	17702	-334
136 4006-530		24478	23854	-624
137 4031-530		5000	5000	0
138 4013-530		20000	30000	10000
139 4070 530			16800	16800
140 4071-530			600	600
141 4072-530			3600	3600
142 4015-530		1000	1000	0
143 4017-530		15000	15000	0
144 4041-530		44000	44000	0
145 4043-530		22000	22000	0
146 4043-530		27000	31000	4000
147 4081-530		50000	50000	0
148 4085-530		5000	5000	0
149 4083-530		1000	1000	0
150		490179	517648	27469
151				0
12 Recreation Dept.				
13				
14 ACCOUNT				
15 NUMBER				
156 4003-550		29616	13725	-1589
157 4004-550		2073	961	-1112
158 4006-550		1361	0	-1361
159 4014-550		1000	1000	0
160 4013-550		22176	22176	0
161 4031-550		5400	5400	0
162 4011-550		562	562	0
163 4046-550			0	0
164 4015-550		21000	21000	0
165 4041-550		6900	6900	0
166 4085-550		0	0	0
167		90088	71724	-18364
168				0
169				0
170 CITY COUNCIL				
171				
172 ACCOUNT				
173 NUMBER				
174 4003-410		8400	8400	0
175 4004-410		588	588	0
176 4031-410		500	500	0
177 4014-410		2000	0	-2000
178		0	50000	50000
179		0	50000	500
180		0	50000	500
181		11488	159488	148000
182				

A	B	C	D	E
RECORDER		84-85	85-86	BUDGET
ACCOUNT	ACCOUNT	ANNUAL	ANNUAL	CHANGE
NUMBER	NAME	BUDGET	BUDGET	
8674003-411	Wages	13500	13500	0
8874004-411	FICA Tax	945	945	0
8974006-411	Retirement	0		0
9074031-411	Cont. Svc.	500	500	0
9174089-411	Elections		0	0
9274041-411	Dept. Sup.	500	500	0
9374020-411	Legal ads	1000	1000	0
9474014-411	Travel	500	500	0
9574042-411	Record Books	200	200	0
9674085-411	Cap Exp	0	0	0
977	TOTAL	17145	17145	0
987				0
997Treasurer				0
2007		84-85	85-86	BUDGET
ACCOUNT	ACCOUNT	ANNUAL	ANNUAL	CHANGE
NUMBER	NAME	BUDGET	BUDGET	
20374003-413	Salaries	59085	38550	-20535
20474004-413	FICA	4136	3014	-1122
20574006-413	Retirement	5613	4090	-1523
20674014-413	Travel	2000	0	-2000
20774031-413	Comp. Software	5000	8000	3000
20874024-413	Audit Fee	2000	2000	0
20974041-413	Supplies	2000	2000	0
21074016-413	M&R	100	100	0
21174050-413	Unemploy. Comp.	15000	15000	0
21274022-413	Dues	200	0	-200
21374012-413	Printing	700	0	-700
2147	TOTAL	95834	72753	-23081
2157				0

A	B	C	D	E
216 CITY HALL		84-85	85-86	BUDGET
217		ANNUAL	ANNUAL	CHANGE
218 ACCOUNT	ACCOUNT	BUDGET	BUDGET	
219 NUMBER	NAME			2400
220 4011-440	Telephone	15600	18000	0
221 4013-440	Utilities	7000	7000	2800
222 4005-440	Group Insurance	62000	64800	2398
223 4003-440	Comm. Center Sa	52070	54468	168
224 4004-440	FICA	3645	3813	228
225 4006-440	Retirement	4947	5174	-5234
226 4085-440	Capital Exp.	5234	0	600
227 4023-440	Professional Sv	20000	20600	0
228 4015-440	M&R-Bldg.	2000	2000	6000
229 4026-440	Insurance	15000	21000	0
230 4031-440	Contract Svcs.	6200	6200	0
231 4041-440	Dept. Supplies	12000	12000	0
232 4043-440	Automotive Supp	8283	8283	0
233 4083-440	Misc.	2000	2000	0
234				9360
235	TOTAL	215979	225338	0
236				0
237 LIBRARY		84-85	85-86	BUDGET
238		ANNUAL	ANNUAL	CHANGE
239 ACCOUNT	ACCOUNT	BUDGET	BUDGET	
240 NUMBER	NAME			0
241				
242 4003-553	Wages	16411	16411	0
243 4004-553	FICA Exp.	1149	1149	0
244 4006-553	Retirement	1559	1559	0
245 4011-553	Telephone	500	500	0
246 4013-553	Utilities	1200	1200	0
247 4041-553	Books	2400	2400	0
248 4015-553	Maintenance	1000	1000	0
249	TOTAL	24219	24219	0
250				0
251 TOTAL EXPENDITURES		1531809	1649450	0
252				0
253 Surplus/-Deficit		0	0	106153
254				

NITRO SANITARY BOARD
BUDGET
FISCAL YEAR 1985/1986

247

614004

ESTIMATED REVENUES

SALARIES	198792	
FICA	14015	
RETIREMENT	18885	
HEALTH INSURANCE	16594	
WORKMENS COMPENSATION	6759	
OTHER EMPLOYEE EXPENSES	1400	
TOTAL WAGE RELATED EXPENDITURES		256445

UTILITIES	54000	
INSURANCE	6400	
REPAIRS & MAINTENANCE	29900	
BILLING & COLLECTING	16275	
SUPPLIES	13228	
UTILITY TAXES	12280	
RENT	2400	
CONTRACTED SERVICES	8200	
SHOP & LAB	3000	
TRUCK & EQUIPMENT	7948	
TOTAL OPERATIONS EXPENDITURES		153631

CITIZENS NATIONAL BANK	39044	
STATE SINKING FUND	46800	
FARMERS HOME ADMINISTRATION	8784	
INTERIM FINANCING TREATMENT PLANT	6000	
TOTAL INTEREST & DEBT SERVICE		100628

CAPITAL EXPENDITURES & PREVENTATIVE MAINTENANCE		50000
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TOTAL ESTIMATED EXPENDITURES		560704
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INCREASE IN RESERVES		53300
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CITY OF NITRO
COUNCIL MEETING MINUTES
APRIL 2, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder-Treasurer John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Absent were Councilman A. A. "Joe" Savilla and City Attorney Phillip D. Gaujot.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 19, 1985 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved we accept the Council Meeting Minutes of March 19, 1985 as written. The motion was seconded. A vote was taken and it was unanimous and so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley presented the April Citizen of the Month award to Mr. Frank Grover. Mr. Grover has been putting out fires for well over 50 years. He started out as a volunteer firefighter as a teenager, then became a professional firefighter for the City, serving as Chief. Then he retired and continued being a volunteer. A round of applause was given to Mr. Grover.

AGENDA ITEM NO. 3 - ORDINANCE 85-3 TO AMEND PRESENT CODE ESTABLISHING STATE ALLOWED MAXIMUMS IN THE ASSESSMENT OF B & O TAXES - 1ST READING: City Recorder John Santrock read Ordinance 85-3, to amend the present code establishing state allowed maximums in the assessment of B & O taxes, and pointed out the changes in the sections. City Recorder moved we approve the first reading of the Ordinance. The motion was seconded. After a short discussion, a vote was taken and passed by a majority with Councilman at Large Rusty Casto voting negative.

ORDINANCE 85-3 AS FOLLOWS:

ORDINANCE 85-3

ORDINANCE TO AMEND PRESENT CODE
ESTABLISHING STATE ALLOWED
MAXIMUMS IN THE ASSESSMENT OF
B AND O TAXES

SECTION 12, ARTICLE V,
BUSINESS AND OCCUPATION TAX

In order to amend the present code to raise B and O taxes, the following paragraphs are amended to read:

Sec. 12-51. Production of coal and other natural resources products.

Upon every person engaging or continuing within the city in the business of producing for sale, profit or commercial use any natural resource products, the amount of such tax to be equal to the value of the articles produced as shown by the gross proceeds derived from the sale thereof by the producer, except as hereinafter provided, multiplied by the respective rates as follows: Coal, one per cent; limestone or sandstone, quarried or mined, timber, one and five-tenth per cent; oil, sand, gravel, or other mineral product not quarried or mined, blast furnace, three per cent; other material resource product, two per cent. The measure of this tax is the value of the entire production in this city, regardless of the place of sale or the fact that delivery may be made to points outside of the city.....(Remainder of Sec. 12-51, remains unchanged.)

Sec. 12-53. Business of selling property; sales exempt.

Upon every person engaging or continuing within this city in the business of selling any tangible property whatsoever, real or personal, including the sale of food, and the services incident to the sale of food in hotels, restaurants, cafeterias, confectionaries, and other public eating houses, except sales by any person engaging or continuing in the business of horticulture, agriculture or grazing, of selling stocks, bonds or other evidence of indebtedness, there is likewise hereby levied, and shall be collected a tax equivalent to five-tenths of one percent of the gross income of the business, except that in the case of selling at wholesale (or jobber) the tax shall be equal to fifteen one-hundredths of one percent, of the gross income of the business. (Ord. No. 72-3).

Sec. 12-56. Business of operating amusements.

Upon every person engaging or continuing within this city in the business of operating a theater, opera house, moving picture show, vaudeville, amusement park, dance hall, skating rink, race track, radio broadcasting station or any other place at which amusements are offered to the public, the tax shall be equal to five tenths of one per cent of the gross income of the business. (Ord. No. 72-3 (g)).

Appendix XI
Maximum Rates Municipal Business
and Occupation Tax*
State of West Virginia

E and O Tax Rates
Presently Charged -
City of Nitro

Manufacture	.30		.12	
Retail	.50		.20	
Wholesale	.15		.06	
Electric Railways	1.00		.40	
Domestic Electric Sales	4.00		4.00	
Natural Gas Utility	3.00		3.00	
Other Electric Sales	3.00		3.00	
Toll Bridges	3.00		3.00	
Amusement	1.00		4.00	
All other Utilities	2.00		.80	
Contracting	2.00		2.00	
Amusement	.50		.20	
Service and other Business	1.00		.40	
Rents, Royalties, or fees	1.00		.40	
Loan Companies	1.00		1.00	
Oil Production	1.00		.10	
Limestone Production	1.00		.60	
Coal and Lignite Production	4.00		2.10	
Gravel Production	3.00		1.20	
Timber Production	1.50		1.50	
Oil Blast Fur. Sleg	3.00		1.20	
Other Nat. Res.	2.00		.80	
Banking	1.00		1.00	

Sec. 12-57. Service business or calling not otherwise specifically taxed.

Upon every person engaging or continuing within this city in any service business or calling not otherwise specifically taxed under this article, there is likewise hereby levied and shall be collected a tax equal to one per cent of the gross income of any such business. (Ord. No. 72-3(h); Ord. No. 144-1)

Sec. 12-58. Business of furnishing property for hire.

Upon every person engaging or continuing within this city in the business of furnishing any real or tangible personal property which has a tax situs in this city, or any interest therein, for hire, loan, lease or otherwise, whether the return be in the form of rentals, royalties, fees or otherwise, the tax shall be one per cent of the gross income of any such activity. The term "tangible personal property" as used herein, shall not include money or public securities. (Ord. No. 72-3 (i))

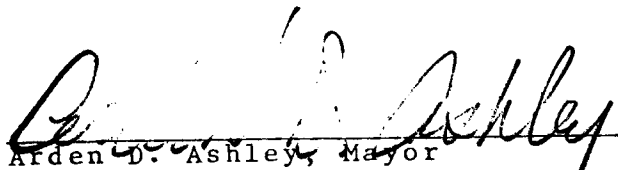
Sec. 12-61. Exemptions.

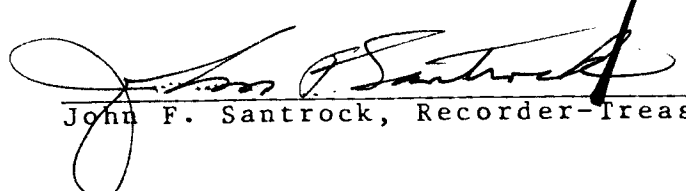
There shall be an exemption in every case of twenty-five dollars in amount of tax computed under the provisions of this article. A person exercising a privilege taxable hereunder for a fractional part of a tax year shall be entitled to an exemption of the sum bearing the proportion of twenty-five dollars that the period of time the privilege is exercised bears to a whole year. Only one exemption shall be allowed to any one person, whether he exercises one or more privileges taxable hereunder (Remainder of Sec. 12-61., remains the same.) (Ord. No. 72-4; 4-20-71.

BE IT ORDAINED the City Code be amended to read as above effective July 1, 1985.

April 2, 1985
1st Reading

2nd Reading


Arden D. Ashley, Mayor


John F. Santrock, Recorder-Treas.

AGENDA ITEM NO. 4 - ORDINANCE 85-4 - ORDINANCE TO INCREASE MUNICIPAL SERVICE FEES - 1ST READING: - City Recorder John Santrock read Ord. 85-4, an ordinance to increase municipal service fees, and moved for its adoption. The motion was seconded. A vote was taken to approve the first reading of the ordinance and it was unanimous.

ORDINANCE 85-4

AN ORDINANCE TO INCREASE MUNICIPAL SERVICE FEES (INCLUDING REFUSE COLLECTION SERVICE; ORD. 163, 1 MARCH 1971) AND MUNICIPAL SERVICE CHARGE (ORD. 79-4, 17 MARCH 1979)

INASMUCH as the fees presently assessed to users of services of the Municipality of Nitro located in Kanawha and Putnam Counties does not provide adequate finances to meet the maintenance, street cleaning, ambulance service, recreation, street improvement, park upkeep, garbage and trash collection, and other essential municipal services; excluding sewage and sewage disposal.

(1) THEREFORE, the council ordains an additional \$3.00 monthly be charged for each single family unit residence, per unit and for each multiple-family dwelling or apartment house, and each residential unit or apartment, whether or not occupied, and for each business establishment.

(2) Billings shall be mailed monthly and this additional charge shall be consolidated with the present Municipal Service Fee (includes refuse service collection fee).

(3) All other rules and regulations for refuse collection services, municipal service fees (Nitro City Code Chapter 11) and (Ordinance 79.4) remain in effect.

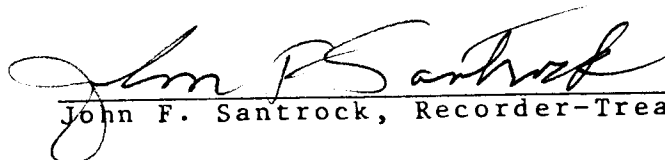
This ordinance shall become effective July 1, 1985.

It shall be published in accordance with the provisions of Chapter 8, Article 13, Section 13 of the West Virginia Code.

April 2, 1985
1st Reading

2nd Reading

Arden D. Ashley, Mayor


John F. Santrock, Recorder-Treas.

AGENDA ITEM NO. 5 - ORDINANCE 85-2 - AMENDMENT TO ORDINANCE 83-3 - REDUCING THE SALARY OF TREASURER (SECOND READING): - Councilman at Large Olaf Walker moved to approve the amendment to Ord. 83-3, reducing the salary of the Treasurer. The motion was seconded. A vote was taken and passed unanimously.

ORDINANCE AS FOLLOWS:

ORDINANCE 85-2

AN ORDINANCE AMENDING
ORDINANCE 83-13 REDUCING
THE SALARY OF CITY TREASURER

INASMUCH as the offices of City Treasurer and Recorder have been established under one administrator,

BE IT ORDAINED, the salary of Treasurer of the City of Nitro be reduced from \$9,000 to \$4,500 per annum.

This Ordinance to be effective as of July 1, 1985.

FIRST READING: MARCH 19, 1985 ARDEN D. ASHLEY, MAYOR

SECOND READING: APRIL 2, 1985


JOHN F. SANTROCK, RECORDER

AGENDA ITEM NO. 6 - REPORT OF PLANNING COMMISSION MEETING, MARCH 26, 1985: - City Recorder John Santrock furnished Council members a copy of the minutes of the meeting on March 26, 1985 of the Planning Commission, and moved that Parcel No. 60, on the Nitro Tax Map be subdivided into three lots with each having a frontage of 120 feet and each meeting all other size requirements for the City of Nitro. The motion was seconded. A vote was taken and passed unanimously.

NITRO PLANNING COMMISSION

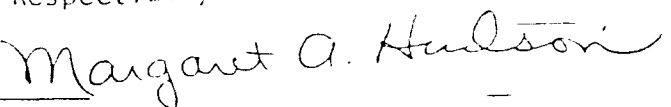
March 26, 1985

The Nitro Planning Commission met at City Hall at 7:30 p.m. on Thursday, March 26, 1985.

A request for the subdivision of property located on Lock Street and identified as Parcel Number 60 on the Nitro Tax Map was made by Mr. David C. Shepler, representing the Charleston National Bank. The Bank is serving as Trustee of said property under the Last Will and Testament of Robert W. Saunders. Mr. Shepler's request was that the parcel measuring 360 feet in length be divided into three lots, each with a frontage of 120 feet--see Attachments I and II. Following a discussion with Mr. Shepler, a motion was made that Parcel Number 60 on the Nitro Tax Map be subdivided into three lots with each having a frontage of 120 feet and each meeting all other size requirements for the City of Nitro. Motion passed.*

Additional meeting dates were discussed and the meeting was adjourned.

Respectfully submitted


Margaret A. Hudson
Chairperson

*It should be noted that the property discussed in this paragraph is located in the 100 years flood plain.

AGENDA ITEM NO. 7 - DEPARTMENT OF HIGHWAYS - BRIDGES (MATCHING FUNDS): - Councilman Charles Miller gave report from the traffic committee on bridges checked in the city. The ones located at Spring Street, Dupont Lane, and 3rd Ave. and 22nd Street are okay. The bridge located on 3rd Avenue and 23rd Street and on 31st Street are in need of minor repair. The bridge on 21st Street needs repair, and possibly needs checked by an engineer. The committee were unable to locate the bridge in the 500 block of Michigan Ave. Councilman Charles Miller will check on the bridge on 40th Street.

AGENDA ITEM NO. 8 - FIRE ESCAPE TO OVERHANG OVER CITY PROPERTY - CITIZENS NATIONAL BANK: - Building Inspector C. R. Sergeant informed the requirement of a fire escape for the building situate on 1st Avenue and Wilson which was formally occupied by Nitro Furniture. Ed Robinson, of Robinson's Engineering, explained the location of the overhang which would be approximately 108 inches in height over city property. After questions and discussion, Councilman at Large Rusty Casto moved we grant the permission for the overhang. The motion was seconded. A vote was taken and passed unanimously.

Charlie Dodrill, President of Citizens National Bank, announced they will have a full service bank at this location which will open around June 1, 1985.

COMMITTEE REPORTS

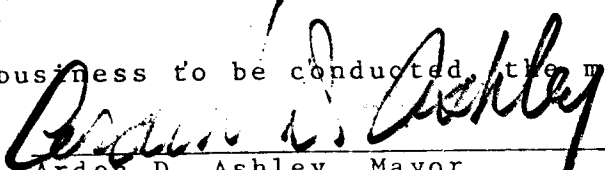
Chairman of Spring Festival '85, Jim Hutchinson reported the money is coming in from sponsors of Spring Festival events. He advised Jay Long has a target of \$5,000 for advertising in the program.

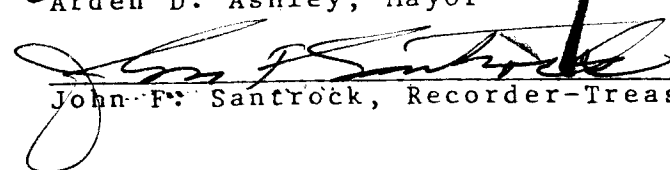
The next Spring Festival meeting is scheduled for April 18, 1985.

Councilman at Large Rusty Casto reported that he has been working on the fishing contest and advised it is hard to get an insurance premium for the fish they would like to stock. He hopes by the next meeting, he will have the premium.

City Recorder John Santrock announced swimming pool passes will go on sale April 10, and there is a \$10 reduction for season passes for families. (\$60.00 instead of \$70.00 through May 1, 1985)

There being no further business to be conducted, the meeting was adjourned at 8:10 p.m.


Arden D. Ashley, Mayor


John F. Santrock, Recorder-Treas.

CITY OF NITRO
COUNCIL MEETING MINUTES

APRIL 16, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in the Nitro High School Auditorium. Present were City Recorder-Treasurer John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 2, 1985 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved we approve the Council Meeting Minutes of April 2, 1985. The motion was seconded, a vote taken and it was unanimously approved.

AGENDA ITEM NO. 2 - "LAYING OF LEVY": - City Recorder John Santrock explained that according to State Law, the Council must lay the Levy Order for the fiscal year 1985-86, and moved for the adoption. The Levy will raise \$245,708., and make payment on the 1959 bond issue for improvements of streets with revenue of \$14,000. The motion was seconded and passed unanimously.

LEVY ATTACHED

AGENDA ITEM NO. 3 - REQUEST OF AMERICAN CANCER SOCIETY: - Councilwoman at Large Mary Trout moved we grant permission to the American Cancer Society to solicit in the City of Nitro through May, 1985. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 4 - BID - GARBAGE CAN LINERS: - City Recorder John Santrock moved we accept the bid from Copco Papers for refuse bags, with the purchase of 3,000. Specification as follows: Size: 30"x36" Non Gusseted, Non-Transparent, Minimum 1.5 mil, 100 bags per carton, "City of Nitro" on each carton, the shipment to be palletized at \$5.12 per case. The bags will be manufactured by Mobil Chemical, will be individually folded and each case will contain 100 ties. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 5 - LITTLE LEAGUE PARADE: - Councilman Charles Miller moved we grant permission to the Little League to hold a parade on April 27, 1985 to begin at 10:00 a.m. The parade will start at the Moose parking lot, East to Nitro-St. Albans Bridge (Center St.), West down Main Street, East on Lock St., down 2nd Ave. to 40th St., and back up 1st Ave. to 19th St., hence to Lions Little League field at Nitro Park. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 6 - SWIMMING POOL: -

(A) YMCA BID: - City Recorder John Santrock moved we reject the bid from the YMCA to operate the swimming pool for 1985 season. The motion was seconded. A vote was taken and it was unanimous.

(B) CONCESSIONS: - Councilman A. A. "Joe" Savilla moved we accept bids with reference to concessions at the pool for the 1985 season. The motion was seconded. A vote was taken and passed unanimously.

(C) YMCA REQUEST: - Councilwoman at Large Mary Trout moved we grant permission to YMCA for their Day Camp program at Ridenour beginning June 17-21, June 24-28, July 8-12, July 15-19, July 22-26, July 29-August 2, August 5-9 and August 12-16, with the exception of canoeing on the lake. The motion was properly seconded, a vote taken and it was unanimous.

AGENDA ITEM NO. 7 - KVEPC PLAN: - Mayor Ashley presented the KVEPC plan to Council, and Councilman at Large Olaf Walker moved we sanction the Kanawha Valley Emergency Planning Council's emergency response plan for the Nitro area. The motion was seconded. A vote taken and it was unanimous.

AGENDA ITEM NO. 7 - PUBLIC STATEMENTS - ORDINANCE 85-3: - Before motions authorizing the increase in B & O Taxes, the audience were given the opportunity to address Council.

Robert Norvell made comment that at an earlier Town Meeting, Councilman A. A. "Joe" Savilla had suggested a committee be formed with businessmen and Council to discuss the B & O increase. His questions were could the businesses in Nitro afford this increase, and could it be on a percentage basis? He commented we couldn't lose any more businesses. He suggested a committee be formed of citizens, businessmen and members of Council to go over the City budget.

Andre Haikel passed as Mr. Norvell had said everything he was going to say.

Grace Miller informed she doesn't have a business in Nitro, but she didn't want to see Nitro lose anymore businesses because of taxes.

Paul VanBuren, Sr. explained about the economic conditions of the businesses in Nitro. He informed he had 125 plus

business and professional people who had signed a petition, back in November, opposing the increase in taxes and gave it to the City. There have been at least six that have gone out of business since that date that had signed it. He feels that the B & O Tax is an unfair tax. He doesn't say that the City doesn't need the tax or is not deserving of the tax, but there's should be another way to approach. He informed that there was some businesses operating within the City limits, and it is his understanding that have not submitted or petitioned for a license. He feels that the City has to, from an Administrative standpoint, work with the business community. He feels we should entice businesses to come to town, and bring in industry. He invited everyone to go to North Carolina and that would answer questions as to the importance of businesses and industry to a community. He had a couple questions in regards to the budget; the first being the \$150,000 allotted for Council expenditure, and for what is it earmarked? Also, a \$100,000 in City budget for City Hall. What is that for? He made a statement that he had been told that less than 3 percent of the income received by the City of Nitro, is spent within the City of Nitro. It has also been brought to his attention that the City has not been able to hold in its budget for the last three years, and wanted to know what guarantee they will not be short again. Basically, he advised he didn't feel the citizens and businessmen in Nitro have anything against the administration, the City Council, or the Mayor. All they want is to be heard.

Hugh Willard voiced his opinion that we should all stick together and think about humanity. He stated that if the City needs to increase the fee, then it should be done. He feels the Mayor is right, and respects the Council.

Paul VanBuren, Jr. said that everyone was aware of the economic situation of Nitro. He just wanted everyone to know the sincerity of the business people in this City. If the money is needed, he doesn't feel there is one business person that wouldn't reach down in their pocket to help out the city. He feels it's a situation where there are businessmen upset about having the tax increase. If the City really needed it, more than 90 percent of the business people would give what they could and more. They love Nitro and want to see it prosper in years and years to come. He feels that some of the individuals on Council are misinformed about the problems. All they are asking is to meet with Council to present their opinions. They don't want to be just another ink blot, and that's what he feels they are becoming. He said he had people come in their store and say that they didn't know the store was there, that they didn't know where Nitro was. Since the St. Albans exit was closed on the interstate, they had to get off the interstate, and noticed the dress shop. He said we were like an oasis in the desert, and felt it was a shame. Do not doubt the sincerity of the businesses, all they want to do is help.

Ivan Meadows had one question. He asked have you gone around the business area lately to see how many empty buildings we have?

Marvin Warren, President of the Businessmen's Association, told there's was not a negative attitude, and they want to help. His question was why with the short fall in revenue of \$65,000, we are being taxed for \$300,000? He informed they are willing to pull their weight. They tried different projects in the city, such as flags along 1st Avenue in hopes to generate interest. They did receive good comments on this. He feels the businesses can't sustain an increase in the magnitude as proposed. He listed a partial list of businesses closed in the City of Nitro after a long time. He mentioned A. W. Cox, Peck Brogan, Weight Loss Center, Ron's Used Cars, Nitro Furniture, Rick's Bait Shop, Service Office Supply, Nitro Furniture, Nitro Country Meats, Shelby Steel, Nitro News, Nitro Shoe Repair, Swoop In Swoop Out, Nitro TV Repairs, Patterson, Bell & Crane, Zip Through Carry Out, Romie's Pizza, Pizza Inn, Nitro Sport Shop, Nitro Wholesale Electric, S & M Shoes and others. He mentioned that according to last years budget, only 2.2 per cent of funds were spent in the City of Nitro. He informed the business people are not opposed to the tax increase. He thinks there are some reluctance with City and the business people getting together to talk and hash things out.

Councilman A. A. "Joe" Savilla said that he believed that back in November, they agreed to form a committee. He questioned was it not true that Council would be a part of the Committee, and the business people would line up about seven of their people along with seven private citizens from the City of Nitro?

Mayor Ashley responded by saying that it was a request from Mr. Warren that this committee be formed, with representatives from their group who could meet with representatives from Council at some point and time, five each were mentioned. It was then pointed out that the thing that concerned him was two-fold. The imposition of taxes is the responsibility of a governing body. It is not something that can be done effectively by committee, especially if you have a committee that isn't represented by all of those private industries existing in the community. The Council did not promise, by a body, but what they said was the door was open and they invited comments.

Councilman Charles Miller said that someone had brought up a question that someone came to Nitro and didn't know where Nitro was. He advised that was no fault of the Mayor or Council that these people are that dumb. All they have to do is look at a book and there are three schools in Nitro. Also, A. W. Cox went out of business not because of B & O tax. He stated he was sure that none of the businesses would go out of business because of B & O Taxes. What we will use the money for, if approved, is garbage trucks, fire trucks, police cruisers, etc. He explained that if the Fire Marshall would come to Nitro now, and checked the fire department, we would probably be Class 8. The only ones

to gain from this would be the insurance companies.

Councilman at Large Rusty Casto asked if we couldn't go ahead and form a committee and report back at the next meeting? He feels we should.

Councilman A. A. "Joe" Savilla asked was it the understanding of the business people we were going to form the committee? He further stated that from what had been said here tonight, that was their opinion.

Councilman Romie Hughart informed that he feels we should meet with a committee.

Councilman at Large Olaf Walker said we have that decision to make. They are not the governing body.

Councilman Romie Hughart further stated that he really feels we should postpone this for a week, and let them present a responsible committee. He informed that we are in need of the funds, and have to come up with it some way. At this time, Councilman Romie Hughart moved we consider a committee of all interested parties, with a report back to Council at the next meeting. The motion was seconded.

Councilman at Large Olaf Walker advised he feels this is one of the options that Council has. He remarked that 90% of the general fund budget for municipalities in the State of West Virginia comes from four sources. That's B & O Tax, User and Service Fee, 2% Utility and Property Tax. He informed that the City of Nitro derived from B & O Tax in 1975, \$145,000 which was 22 per cent of the budget. In the budget period of 1982/83, we had \$319,105. from B & O Tax, which represents 21 percent of the City budget. In 1983/84 budget, we raised \$359,516. which is 22% of the budget. He also furnished the actual figures of Users Fee Utility Tax and Property Tax. He explained the figures have gone up, but the percentage of the budget has stayed the same. This is particularly true in the B & O Tax, because the rate remains the same as it was in the late 40's. After much research, Councilman at Large Olaf Walker explained the revenue and expenditures of the City, and gave us reasons why we should improve our City and promote progress. He will be happy to share his figures with any interested party.

Mayor Ashley requested from the Recorder John Santrock permission to step down from the chair and speak.

City Recorder John Santrock informed the chair recognizes Mayor Ashley.

Mayor Ashley advised that he had a problem with the motion. Liken the government of the City of Nitro to a corporation of some \$2,000,000 a year of business, because that is what we are. We have the Sanitary Board that constitutues about a half million dollars, and the rest of city government. We're a corporation in

practically every sense of the word. We have capitol assets, personnel, we have expenses and we are one of the largest employers of the city. But, there is a big difference between our corporate structure than that of the prime sector, because we're not prime, we're public. What we do, we do in front of the public. Not necessarily with their consent, because we are the governing body. But, by in large, we do it with the consent of the people. If not now, later. He explained that like any other corporation, we are hurt desperately by inflation. We do not escape inflation. With the increase in B & O taxes, it is not \$66,000 or a hundred and some thousand, it's \$200,000. a year from where it was to where it's going. He further stated that the Ordinance would also extend the exemption to the \$25. level, which hadn't been mentioned as a plus for the very small businesses. We're talking about \$.03 on a \$10. retail sales item. We're talking about \$.30 on a purchase of \$100. We have not raised B & O taxes on retail sales since 1947. We have some that's already maximum, and how fair is it to the banks or to the contractors as we charge them the maximum rate allowed by state law? He also pointed out, that the future of the City is not quite as bleak as some might have you believe. With reference to the talk earlier and the misunderstanding on the part of the Businessmen's Association and their representatives and the formation of a committee. Mayor Ashley informed that from his personal experience, he was not in favor of the formation of that committee, because it wouldn't be fair for those people not represented. If we don't get the funds needed, there is no alternative but to cut services and personnel. We now have a budget to present to the State Tax Commission, and we must either abide by it or modify those figures. That's the purpose of considering the two ordinances tonight. There is a bank coming into our City, and the proposed increase in the B & O taxes didn't stop them, and McDonald's are considering coming to our City. They turned down an offer of a piece of property near the Interstate, because it wasn't in the City. He discussed B & O Taxes with them, and it didn't bother them. Mayor Ashley advised the City Recorder John Santrock had received a telephone call today about someone thinking of moving their business into the City. He was informed of the possible increase in B & O Tax, and that didn't make any difference to him. Mayor Ashley informed as to the businesses that left Nitro, where did they go, South Charleston, St. Albans? What's their B & O rate? If the B & O rate is devastating to the business climate, then why haven't we had a flood of people coming in? Ours have been the lowest? He feels the future calls for this kind of change. This tax increase is needed, it's not just wanted. He feels there's not a member of the Council that wants to impose this tax, and it's the toughest thing they will ever have to do as long as they're public servants in the community. We have been stingy with the city's money. We've got police cruisers that average over 100,000 thousand miles each, we've got fire trucks that average over 20 years of age, and the garbage trucks average over 300,000 miles. Everyday he is working to get new business to come into this community; to stabilize our economy and new employment to the people. The future looks better. The present

looks terrible, which is even more reason we should vote. Everyday he has been Mayor of this City, he has tried to do something before the end of that day to make this town just a little bit better place to live, and can assure that everyone on the Council has the same attitude. This is the hardest budget we've ever put together. They made cuts and then went back and made 2nd and 3rd level cuts. Mayor Ashley said he was not in favor of the motion. He told Council that he believes we have delayed the question long enough. He feels it is time to either vote the ordinance up or down. When it comes time to vote, he will vote in the negative on the motion.

There being no other comments from Council, Mayor Ashley resumed the Chair.

A vote was taken on the motion to create a committee and report back to Council at the next meeting. The motion was defeated by a 5-4 vote. Those voting in favor Councilman Rusty Casto, Councilwoman at Large Mary Trout, Councilman A. A. "Joe" Savilla and Councilman Romie Hughart. Balance of Council voting in the negative.

AGENDA ITEM NO. 9 - ORDINANCE 85-3 - B & O TAX AMENDMENT - 2ND READING: - City Recorder John Santrock moved we adopt Ordinance 85-3 to amend present code establishing state allowed maximum in the B & O Taxes as the second reading. The motion was seconded. Councilman at Large Olaf Walker moved we amend the motion by increasing the B & O taxes on certain classifications as follows: \$.20 on retail, \$.06 on wholesale, and other businesses concerned increase by \$.40, amusement increase by \$.20, rents and royalties increase \$.40. This will double the current amount that's being charged, and would not be the maximum. The motion was seconded. After discussion and comments, a vote taken to amend Ordinance 85-3 was unanimous. Councilman Charles Miller moved for the passage of Ordinance 85-3 as amended. The motion was seconded. A vote was taken and it unanimous and so ordered.

COPY OF AMENDED ORDINANCE 85-3 ATTACHED.

AGENDA ITEM NO. 10 - PUBLIC STATEMENTS - ORDINANCE 85-3: - Grace Miller commented that the City of Nitro has the highest Municipal Services Fees around. She explained that Nitro has a lot of people on fixed incomes and inflation has really cut into the incomes of these people.

Ivan Meadows had signed up to speak but passed.

Hugh Willard feels that if the city needs to raise the municipal service fees to \$3. or \$4. a month, he will pay it. Someone will get it anyway.

Marvin Warren passes.

Mr. Coyer feels the raise would be too high.

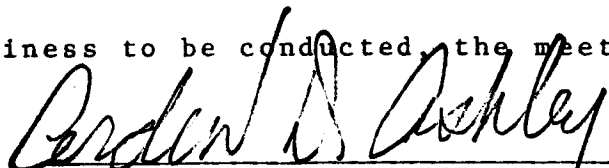
AGENDA ITEM NO. 11 - ORDINANCE 85-4 - INCREASE MUNICIPAL SERVICE FEES (2ND READING): - City Recorder moved to read the title only of Ord. 85-4 "An Ordinance to increae Municipal Service Fees (including refuse collection service; Ord. 163, 1 March 1971) and Municipal Service Charge (Ord. 79-4, 17 March 1979), and moved the Municipal Service Fees be increased as proposed in the first reading. (\$3.00) The motion was seconded. Councilman A. A. "Joe" Savilla moved we amend this ordinance from a \$3.00 increase to \$1.50. The motion was seconded. A vote was taken and passed unanimously. A vote was taken to pass Ordinance 85-4 as amended and it was unanimously and so ordered effective July 1, 1985.

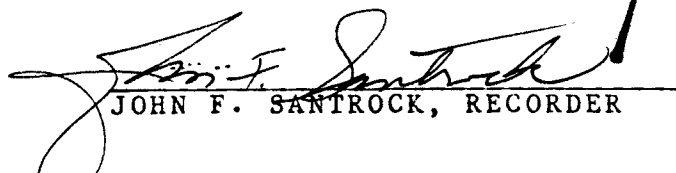
ORDINANCE NO. 85-4 ATTACHED.

Mayor Ashley thanked all the participants in sharing information with the Council, and especially to Council for putting up with this challenge.

Mayor Ashley announced the budget was in the Recorder's office, and it is available to the public for examination. Also, the revision for the revenue projections will have to be tabulated and will generate the revenues necessary to keep the budget that we had placed with the State Tax Commission. It will be revised and will be addressed at the next Council meeting.

There being no further business to be conducted, the meeting was adjoured at 10:09 p.m.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

LEVY RATE SHEET

RATES OF LEVY LAID BY:

CITY OF NITRO

(LEVYING BODY)

KANAWHA AND PUTNAM

(COUNTY)

AND APPROVED BY THE STATE TAX COMMISSIONER FOR
COUNTY, SCHOOL, OR MUNICIPAL PURPOSES FOR THE
FISCAL YEAR BEGINNING JULY 1, _____ IN ACCORDANCE
WITH CHAPTER 11, ARTICLE 8 OF THE WEST VIRGINIA
CODE, AS AMENDED.

	CURRENT LEVY RATE	EXCESS LEVY RATE	PUBLIC/PERM. IMPROVEMENT LEVY RATE	BONDS LEVY RATE	TOTAL LEVY RATE
CLASS I	11.50	6.25		1.00	18.75
CLASS II	23.00	12.50		2.00	37.50
CLASSES III AND/OR IV	46.00	25.00		4.00	75.00

RATE IS ON EACH ONE HUNDRED DOLLARS VALUATION.

The above is a true list of the levies laid by the County Commission,
Board of Education, or Municipal Council of City of Nitro
on the 16th day of April, 1985 and APPROVED BY
THE STATE TAX COMMISSIONER.

RECORDER

County Clerk
Secretary, County Board of Education
Municipal Clerk or Recorder

NOTE: This is a three part form. When completed, retain the pink copy for your files and mail the white and yellow copies (along with your Levy Order) to the State Tax Department, Office of Chief Inspector, P. O. Drawer 2389, Charleston, WV 25305. Upon receipt, one copy will be stamped "Approved" and forwarded to the assessor of your county to be used in extending the levies.

CLASSIFIED ASSESSED VALUATIONSPROPOSED LEVY RATESClass I Property

Personal Property	\$ 3,149,370
Public Utilities	591,200
TOTAL	\$ 3,740,570

<u>CURRENT</u>	<u>EXCESS</u>	<u>BONDS</u>
<u>11.5 ¢</u>	<u>6.25¢</u>	<u>1.0 ¢</u>
<u>11.5 ¢</u>	<u>6.25¢</u>	<u>1.0 ¢</u>

Class II Property

Real Estate	\$ 17,860,119
Personal Property	107,092
TOTAL	\$ 17,967,211

<u>23.0 ¢</u>	<u>12.5¢</u>	<u>2.0 ¢</u>
<u>23.0 ¢</u>	<u>12.5¢</u>	<u>2.0 ¢</u>

Class IV Property

Real Estate	\$ 11,662,422
Personal Property	10,822,840
Public Utilities	4,035,500
TOTAL	\$ 26,520,762

<u>46.0 ¢</u>	<u>25.0¢</u>	<u>4.0 ¢</u>
<u>46.0 ¢</u>	<u>25.0¢</u>	<u>4.0 ¢</u>
<u>46.0 ¢</u>	<u>25.0¢</u>	<u>4.0 ¢</u>

TOTAL ALL CLASSES	\$ 48,228,543
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STATE OF WEST VIRGINIA

COUNTY OF KANAWHA,MUNICIPALITY OF NITRO, TO-WIT:

I, John F. Santrock Recording Officer of said municipality, do hereby certify that the foregoing are true copies from the record of orders made and entered by the council of said municipality on the 14th day of March, 19 85.

Given under my hand this 20th day of March, 19 85.

John F. Santrock

Recorder

(OFFICIAL TITLE)

The governing body, having ascertained that the net amount necessary to be raised by a levy of taxes for the purposes and within the limits prescribed by statute or authorized by entity voters, and having received written approval from the tax commissioner of its proposed levy estimate, does hereby adopt the following levy rates to be laid on each one hundred dollars of valuation of each class of property:

ASSESSED VALUATIONS - PROPOSED LEVY RATES AND TAXES LEVIED FOR ALL PURPOSES

Assessed Values	Tax Purposes	Current Expense	Excess Levy	Improvement	Bond Purpose
Levied	Levied	Levied	Levied	Levied	Levied

Class I Property	Class II Property	Class III Property	Class IV Property	Class I Rate 1.0	Class II Rate 2.0	Class III Rate	Class IV Rate 4.0
Personal Property	Personal Property	Real Estate	Real Estate				
Public Utilities	Real Estate	Personal Property	Public Utilities				
Total Class I	Total Class II	Total Class III	Total Class IV				
\$ 3,149,370	\$ 17,860,128	\$ 41,078	\$ 53,647	\$ 3,572	\$ 3,572	\$ 4,665	\$ 14,601
591,200	107,092	246	121,995	21	21	4,329	10,634
3,740,570	17,967,220	41,324	167,620	3,593	3,593	4,665	14,601

Real Estate	\$ 11,662,422
Personal Property	10,822,840
Public Utilities	4,035,500
Total Class IV	26,520,762
TOTAL ALL CLASSES	\$48,228,552

The above is a true copy from the records of orders made and entered by this entity on the 16th day of April, 1985.

RECORDER

County Clerk, Secretary Board of Education, Municipal Clerk or Recorder

NOTE: This is a three part form. When completed, retain the pink copy for your files and mail the white copy and Levy Rate Sheet to the State Tax Department, c/o, P. O. Drawer 2389, Charleston, WV 25328. Mail the yellow copy to the State Auditor, Capitol Bldg., WV-Room 104, Charleston, WV 25305.

ORDINANCE 85-3

ORDINANCE TO AMEND PRESENT CODE
INCREASING CERTAIN B & O TAXES
AND INCREASING YEARLY EXEMPTION
TO TWENTY-FIVE DOLLARS.

SECTION 12, ARTICLE V,
BUSINESS AND OCCUPATION TAX

In order to amend the present code to raise B and O taxes, the following paragraphs are amended to read:

Sec. 12-51. Production of coal and other natural resources products.

Upon every person engaging or continuing within the city in the business of producing for sale, profit or commercial use any natural resource products, the amount of such tax to be equal to the value of the articles produced as shown by the gross proceeds derived from the sale thereof by the producer, except as hereinafter provided, multiplied by the respective rates as follows: Coal, eight-tenths of one percent; limestone or sandstone, quarried or mined, timber, one and two-tenth per cent; oil, sand, gravel, or other mineral product not quarried or mined, blast furnace, two and four-tenth per cent; other material resource product, one and six-tenths per cent. The measure of this tax is the value of the entire production in this city, regardless of the place of sale or the fact that delivery may be made to points outside of the city.....(Remainder of Sec. 12-51, remains unchanged.)

Sec. 12-53. Business of selling property; sales exempt.

Upon every person engaging or continuing within this city in the business of selling any tangible property whatsoever, real or personal, including the sale of food, and the services incident to the sale of food in hotels, restaurants, cafeterias, confectionaries, and other public eating houses, except sales by any person engaging or continuing in the business of horticulture, agriculture or grazing, of selling stocks, bonds or other evidence of indebtedness, there is likewise hereby levied, and shall be collected a tax equivalent to four-tenths of one percent of the gross income of the business, except that in the case of selling at wholesale (or jobber) the tax shall be equal to twelve one-hundredths of one percent, of the gross income of the business. (Ord. No. 72-3).

Sec. 12-56. Business of operating amusements.

Upon every person engaging or continuing within this city in the business of operating a theater, opera house, moving picture show, vaudeville, amusement park, dance hall, skating rink, race track, radio broadcasting station or any other place at which amusements are offered to the public, the tax shall be equal to four tenths of one per cent of the gross income of the business.

(Ord. No. 72-3 (g)).

Sec. 12-57. Service business or calling not otherwise specifically taxed.

Upon every person engaging or continuing within this city in any service business or calling not otherwise specifically taxed under this article, there is likewise hereby levied and shall be collected a tax equal to eight tenths of one per cent of the gross income of any such business. (Ord. No. 72-3(h); Ord. No. 144-1)

Sec. 12-58. Business of furnishing property for hire.

Upon every person engaging or continuing within this city in the business of furnishing any real or tangible personal property which has a tax situs in this city, or any interest therein, for hire, loan, lease or otherwise, whether the return be in the form of rentals, royalties, fees or otherwise, the tax shall be eight tenths of one per cent of the gross income of any such activity. The term "tangible personal property" as used herein, shall not include money or public securities. (Ord. No. 72-3 (i))

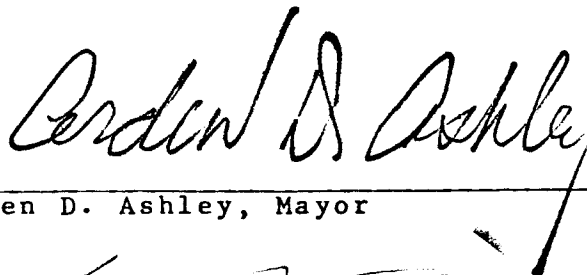
Sec. 12-61. Exemptions.

There shall be an exemption in every case of twenty-five dollars in amount of tax computed under the provisions of this article. A person exercising a privilege taxable hereunder for a fractional part of a tax year shall be entitled to an exemption of the sum bearing the proportion of twenty-five dollars that the period of time the privilege is exercised bears to a whole year. Only one exemption shall be allowed to any one person, whether he exercises one or more privileges taxable hereunder (Remainder of Sec. 12-61., remains the same.) (Ord. No. 72-4; 4-20-71.

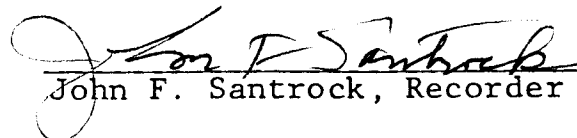
BE IT ORDAINED the City Code be amended to read as above effective July 1, 1985.

April 2, 1985
1st Reading

April 16, 1985
2nd Reading



Arden D. Ashley, Mayor



John F. Santrock, Recorder

ORDINANCE 85-4

AN ORDINANCE TO INCREASE MUNICIPAL SERVICE FEES (INCLUDING REFUSE COLLECTION SERVICE; ORD. 163, 1 MARCH 1971) AND MUNICIPAL SERVICE CHARGE (ORD. 79-4, 17 MARCH 1979)

INASMUCH as the fees presently assessed to users of services of the Municipality of Nitro located in Kanawha and Putnam Counties does not provide adequate finances to meet the maintenance, street cleaning, ambulance service, recreation, street improvement, park upkeep, garbage and trash collection, and other essential municipal services; excluding sewage and sewage disposal.

(1) THEREFORE, the council ordains an additional \$1.50 monthly be charged for each single family unit residence, per unit and for each multiple-family dwelling or apartment house, and each residential unit or apartment, whether or not occupied, and for each business establishment.

(2) Billings shall be mailed monthly and this additional charge shall be consolidated with the present Municipal Service Fee (includes refuse service collection fee).

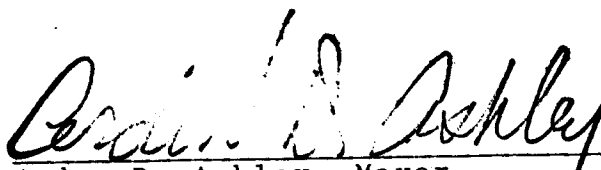
(3) All other rules and regulations for refuse collection services, municipal service fees (Nitro City Code Chapter 11) and (Ordinance 79.4) remain in effect.

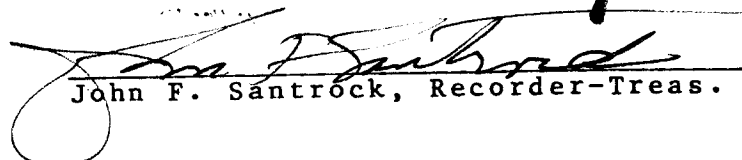
This ordinance shall become effective July 1, 1985.

It shall be published in accordance with the provisions of Chapter 8, Article 13, Section 13 of the West Virginia Code.

April 2, 1985
1st Reading

April 16, 1985
2nd Reading


Arden D. Ashley, Mayor


John F. Santrock, Recorder-Treas.

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 7, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder-Treasurer John F. Santrock, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot. Absent was Councilman at Large Rusty Casto.

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

Mayor Ashley read a letter from The Honorable Congressman Bob Wise in which he stated he had sponsored a competition among fourth graders to draw the West Virginia State Seal. The two grand prize winners will have their seals permanently displayed in his office. The remaining entries are being distributed to City Halls and County Courthouses. We received winning entries from Tommy Bush from Nitro Putnam Elementary, Chris Russell from Nitro Putnam Elementary, Toby Igo from Cross Lanes Elementary and Joey Hill from Tyler Elementary, which will be put on display in City Hall.

Mayor Ashley made another administrative announcement. Mary Trout is the Chairman of the All West Virginia Committee. Mary shared the "1984 Hall of Fame, Nitro, West Virginia" with Council. Congratulations to Councilwoman Mary Trout for another job well done. This is the third year we have been an "All West Virginia City."

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 16, 1985 COUNCIL MEETING MINUTES: - Councilwoman at Large Mary Trout moved we approve the Council Meeting Minutes of April 16, 1985. The motion was seconded. Councilman at Large Olaf Walker moved we amend sentence "Also, the revision for the revenue projections will have to be tabulated and will generate the revenues necessary to keep the budget that we had placed with the State Tax Commission" to read "We will have to be certain that the revenues generated will be of an amount necessary to keep the

budget that we had placed with the State Tax Commission." Councilman at Large Olaf Walker questioned Agenda Item 2, as to the Levy will raise \$245,708., and make payment on the 1959 bond issue for improvements of streets with revenue of \$14,000. which was clarified by City Recorder-Treasurer John Santrock. A vote was taken to approve the minutes as amended, and it was unanimous and so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH - THE HONORABLE JUDGE DENNIS KNAPP: - Mayor Ashley recognized The Honorable Judge Dennis Knapp as Nitro's "Citizen of the Month". He was out of town and unable to be with us tonight, but we will have him to attend a Council Meeting in order to pay tribute to him.

AGENDA ITEM NO. 3 - RECREATION: -

(A) SWIMMING POOL EMPLOYEES: - City Recorder John Santrock furnished a list of his recommendations for the 1985 pool staff, with Melorie Pennington and Stephanie Trout as co-managers and moved for the approval. The motion was seconded. Councilman A. A. "Joe" Savilla moved we add the name of Mike Dunlap to the list. A vote was taken and it was unanimous.

EMPLOYEES AS FOLLOWS:

CASHIERS:

Charlotte Hill (1)

Ivy Bailes (2)

Evelyn Shepherd (1)

LIFEGUARDS:

Melorie Pennington (5)

Robert Sibley (1)

Stephanie Trout (4)

Lisa Huey (1)

Todd McGrew (1)

Kirk George (2)

Chris Hoptry (4)

Michelle Huey (1)

James Landers (1)

Mike Dunlap (1)

() Represents years of service.

(B) BIDS ON CONCESSIONS - VIDEO GAMES: - City Recorder John Santrock informed bids on concessions are being advertised and will be accepted through May 13, 1985, 4:30 p.m. No vendors have made request for bids specs. Letters have been sent to the bidders for the summer season 1983, in which we rejected all bids, and operated the concession stand by the city.

(C) RIDENOUR LAKE INSPECTION: - City Recorder furnished Council a report relative to the inspection of Ridenour Lake, and moved this be made a part of the minutes. The motion was seconded. A vote was taken and it was unanimous.

REPORT OF INSPECTION ATTACHED.

AGENDA ITEM NO. 4 - GOECD GRANT: - City Recorder John Santrock stated that at an earlier Council Meeting, the approval was given to Chief Hedrick to make application for \$3,100 from the Governor's Office of Economic and Community Development and a copy of the approval was distributed to Council. Chief Hedrick has already started to expend the funds, and then we send GOECD an invoice to be reimbursed. Chief Hedrick informed they are replacing the jaws. Mayor Ashley commented that Chief Hedrick does a tremendous job of going out and trying to find funds that are available for the fire department. He feels the City stands in good position, relatively speaking, with any fire department in the country. The Chief works hard to keep abreast of everything and the men must train if they are to be a part of the firefighting unit. Mayor Ashley extended his compliments to Chief Hedrick.

AGENDA ITEM NO. 5 - ORDINANCE - LOAN AGREEMENT REQUEST BY THE SANITARY BOARD (1ST READING): - Mayor Ashley gave a brief explanation from his prospective as Chairman of the Sanitary Board, and entertained a motion for the approval of the ordinance as the 1st reading. The ordinance would allow the Board to borrow money on short-term basis to pay construction bills (already approved work) for Armour Creek sewer project before reimbursement for work is received from EPA. Jim Withrow, Legal Counsel for the Sanitary Board explained the ordinance authorizes the entering into a loan agreement with the Bank of Nitro which has committed to lend up to \$250,000 with interest at the rate of 8 1/2% for a term up to 18 months with interest payable monthly. Councilman A. A. "Joe" Savilla moved we approve the 1st reading of the Ordinance. The motion was seconded. After questions and explanations from Legal Counsel Jim Withrow, Connie Stephens General Manager, and Max Lemma, Treasurer of the Nitro Sanitary Board, a vote was taken on the 1st reading of the Ordinance and it was unanimous.

COPY OF ORDINANCE ATTACHED.

AGENDA ITEM NO. 6 - RESOLUTION - COMMEMORATING POLICE WEEK - MAY 12 THROUGH MAY 18, 1985: - City Recorder John Santrock moved we pass the Resolution commemorating Police Week - May 12 through May 18, with May 15 being designated Peace Officers Memorial Day. The motion was seconded. A vote was taken and passed unanimously.

RESOLUTION 85-4 AS FOLLOWS:

RESOLUTION 85-4

A RESOLUTION COMMEMORATING POLICE
WEEK - MAY 12 THROUGH MAY 18, 1985

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the law enforcement agency of Nitro play an essential role in safeguarding the rights and freedoms of the citizens of Nitro; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting the innocent against deception and the weak against oppression or intimidation; and

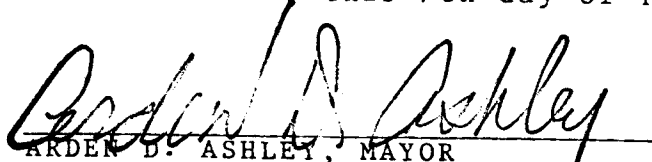
WHEREAS, the police department of Nitro has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;


NOW, THEREFORE, I, Arden D. Ashley, do hereby call upon all patriotic, civic, and educational organizations to observe the week of May 12 through 18, 1985, as Police Week, with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon all citizens of Nitro to observe Wednesday, May 15, 1985, as Police Officers Memorial Day in honor of those peace officers who, through their courageous deeds have lost their lives or have become disabled in the performance of duty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Nitro be be affixed.

DONE at the City of Nitro to be affixed this 7th day of May, 1985.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

AGENDA ITEM NO. 7 - NEWCOMERS BOWLING LEAGUE - SOLICITORS REQUEST: - City Recorder John Santrock notified of the request from the "Newcomers Bowling League" of Towne & Country Lanes in Nitro to solicit local businesses the week of May 12, for donations of merchandise only to be used as door prizes for their bowling banquet. Councilman A. A. "Joe" Savilla moved we grant the request. The motion was seconded. There being no discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - NITRO VOLUNTEER AMBULANCE ASSOCIATION - SOLICITATION REQUEST: - Councilman A. A. "Joe" Savilla moved we grant the permission for the Nitro Volunteer Ambulance Association to solicit the merchants of Nitro for donations to purchase a Wilson hand held radio. The motion was seconded. A vote was taken and passed unanimously.

COMMITTEE REPORTS

SPRING FESTIVAL: - Mayor Ashley stated that thanks to the committee, the Spring Festival is falling into place. It is going to be by far the largest. Mayor Ashley informed of the schedule of events.

PAVING COMMITTEE: - The Paving Committee consists of the four Ward Councilman, Gene Williams and Larry Angell. Councilman A. A. "Joe" Savilla advised that according to the records from last year, the next street on the list to be paved was 28th Street, and then 7th Street, 20th Street, 23rd Street, 22nd Street, the 900 block of Kanawha Avenue, Dupont Avenue, between the eight and nine hundred block, 16th Street between 2nd and 3rd Avenue (one side of street), 25th Street, Hillside Drive between Wilson Street to the dead end, Plank Drive off of Lee Avenue if it is not a private street, Valentine Circle near West Sattes Elementary and the Nazarene Church, 31st Street. Gene would like to start as soon as the money is available, hopefully right after the Spring Festival. The streets are named in order of priority but could change. Some patch work needs to be done at Ridenour, 39th Street, 41st Street, 2nd Avenue and Dupont Avenue.

Councilman Romie Hughart commented that upper 4th Street was in very bad condition.

Councilman A. A. "Joe" Savilla commented he would like to have the committee as they did last year and walk specific areas of the City and refer requests to the Councilman of that ward.

SENIOR CITIZEN'S HOUSING REPORT: - Mayor Ashley announced that the Senior Citizens Housing application is being prepared and submitted again. It must be in by the 15th of May. The property that is being recommended is the same as was recommended before. It is the Cecil Lemma property, the old ice plant area. It is designed so that it would be facing Park Avenue. One change that's taking place is in the sponsoring corporation. West Virginia Homes, Inc. is helping with the necessary

documents. Frank Vincent, with the Kanawha Housing Authority, and Mr. Jones, the Director of HUD in WV is helping us move in this direction.

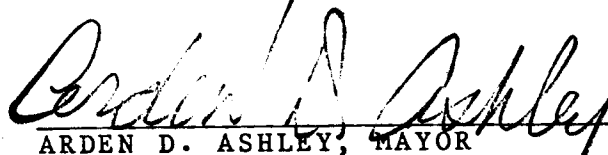
City Recorder John Santrock announced there will be a public hearing at 6:30 p.m., May 21, prior to Council Meeting in Council Chambers on plans for senior citizen center and community center.


COMMUNITY CENTER: - Mayor Ashley advised we are again making application for a community center, and it's essentially a repeat of the application previously made. We're getting help from the Regional Intergovernmental Council on the preparation of this application, and a lot of the others as well.

Councilman at Large Olaf Walker moved we authorize Mayor Ashley to appoint a committee of citizens to serve as an advisory board to Council. The motion was properly seconded. There being no discussion, a vote was taken and passed with Councilman Romie Hughart voting in the negative.

Councilman Charles Miller reported he had received comments of how well the Little League parade was held.

There being no further business to be conducted, the meeting was adjourned at 8:45 p.m.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

Ordinance No. 85-5

Introduced in Council:

Referred to:

May 7, 1985

Introduced by:

Passed by Council:

John F. Santrock

May 21, 1985

An Ordinance authorizing a Loan Agreement by and between The City of Nitro, West Virginia and The Bank of Nitro in principal amount not to exceed \$250,000 to provide funds to pay in part the cost of construction and acquisition of certain betterments, improvements and additions to the municipal sewerage system of the City; defining and prescribing the terms and provisions of said Loan Agreement; providing for the rights and remedies of and security for the Lender named therein; and adopting other provisions related thereto.

Be It Ordained by the Council of The City of Nitro, West Virginia:

ARTICLE I

STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

Section 1.01. Authority of this Ordinance. This Ordinance is adopted pursuant to the provisions of Chapter 16, Article 13, of the West Virginia Code of 1931, as last amended (the "Act"), and other applicable provisions of law.

Section 1.02. Findings. It is hereby found, determined and declared as follows:

A. The City of Nitro, West Virginia (the "City"), desires to construct and acquire certain betterments, improvements and additions to the sewerage system (the "System") for the collection and treatment, purification and disposal of sewage, the custody, operation and maintenance of which System, both within and without the corporate limits of the City, is under the supervision and control of The Sanitary Board of the City (the "Sanitary Board").

B. By resolution duly enacted, and as amended and supplemented to the date hereof, the Council of the City (the "Council") duly authorized construction and acquisition of the System (the "Project") in accordance with the plans and specifications prepared by Dunn Engineers, Inc. of Charleston, West Virginia (the "Consulting Engineers"), and on file with the Sanitary Board of the City, at a cost presently estimated by the Consulting Engineers of \$1,184,000.

C. The cost of the Project is being financed in part with certain grants to the City or Sanitary Board, including a grant from the United States Environmental Protection Agency (the "EPA") in the approximate amount of \$816,380. The City has entered into a Step III grant agreement with the EPA, pursuant to which the EPA will reimburse the City for approximately seventy-five percent (75%) of the costs of the Project incurred by the City and eligible for grant assistance, not to exceed said approximate amount of \$816,380. As of the date hereof, the City has received EPA grant proceeds in the aggregate principal amount of \$-0- and has made, or is preparing to make prior to the enactment hereof, requests for reimbursement, not received as of the date hereof, in the additional aggregate principal amount of \$-0-.

D. The Sanitary Board has filed a petition with the Council requesting the Council to enact an ordinance which, among other things, authorizes the entering into of the Loan Agreement, payable in part from the proceeds of the aforementioned EPA grant, the proceeds of any additional notes or other obligations not required by any other trust indenture, trust agreement or contract, bond or note ordinance or other enactment of the Council to be set aside and held for the payment or security of any other bonds, notes or other obligations of the City, be issued in such aggregate principal amount as may be found necessary or appropriate to provide funds to pay certain costs of the Project and to make other necessary provisions pending receipt of the proceeds of said EPA grant.

E. It is deemed necessary and appropriate for the City to enter into the Loan Agreement hereinafter authorized to provide funds to timely pay in part certain costs of construction and acquisition of the Project. Said costs shall be deemed to include all costs properly chargeable to the construction and acquisition of the Project eligible for reimbursement by the EPA and all costs properly chargeable to the financing of such Project, including, whether incurred prior or after the date hereof, the cost of all property rights, easements and franchises deemed necessary or convenient for the Project, interest upon Loan Agreement during construction and acquisition and for six (6) months after

completion of construction and acquisition of the Project: the cost of the construction of the Project, including labor, equipment, materials, expenses for contractors, builders and materialment and any other expenses necessary, incidental, desirable or appurtenant to the acquisition and construction thereof, engineering and legal expenses; expenses for estimates of costs and revenues; expenses for plans, specifications and surveys; other expenses necessary or incident to determining the feasibility or practicability of the Project; and such other expenses as may be necessary or incident to the financing authorized by this Ordinance, and to the construction or acquisition of the Project and the placing of the same in operation and the performance of the things required in this Ordinance or permitted in connection with any thereof; provided, that such costs, except those necessary or incident to the financing authorized by this Ordinance, must be eligible for reimbursement by the EPA. The construction and acquisition of the Project and the financing hereby authorized are for the purpose of meeting and serving public convenience and necessity.

F. It is in the best interests of the City that the Loan Agreement hereinafter authorized, be entered into as soon after the enactment of this Ordinance as may be practicable and authorized and permitted by applicable law.

G. Each and every act, matter, thing or course of conduct as to which provision is made in this Ordinance is necessary in order to effectuate the purposes of the City and to further secure the payment of the principal of and interest on the Loan Agreement hereinafter authorized.

ARTICLE II

LOAN AGREEMENT

Section 2.01. Authorization of Loan Agreement. In order to provide funds to timely pay certain costs of the Project, the City shall enter into a Loan Agreement with The Bank of Nitro which provides a line of credit to the City in an amount of up to \$250,000.

Section 2.02. Form of Loan Agreement. The Loan Agreement shall be in the following form with the appropriate changes, insertions and deletions as the Mayor of the City shall agree to by the execution of such agreement:

FORM OF LOAN AGREEMENT

THIS LOAN AGREEMENT Made and Entered into as of the 21st day of May, 1985, by and between THE CITY OF NITRO, WEST

VIRGINIA, a municipal corporation, (herein the "City"), and THE BANK OF NITRO, a national banking association organized and existing under and by virtue of the laws of the United States of America, with its principal place of business located in Nitro, West Virginia, (herein the "Bank").

W I T N E S S E I H:

WHEREAS, pursuant to and in accordance with the provisions of Chapter 16, Article 13 of the Code of West Virginia of 1931, as last amended (herein called the "Act"), the City is authorized and does operate sanitary sewage collection and treatment system in and around the City of Nitro, West Virginia in Kanawha and Putnam Counties, West Virginia; and

WHEREAS, pursuant to and in accordance with the Act the City by Ordinance adopted May 21, 1985, authorized the borrowing up to \$250,000 from Bank by way of a line of credit for the purpose of providing interim financing for the acquisition, construction and installation of certain betterments, improvements and additions to the sanitary sewer system; and

WHEREAS, in furtherance of such ordinance the City will enter into a line of credit to be dated as of the date of this Agreement, with Bank, as provided by the terms of this Agreement; and

WHEREAS, in order to evidence the debt created by such line of credit, City will execute a promissory note payable to the order of Bank which note will be dated as of the date hereof, and in the principal amount of up to \$250,000 which will bear interest at the rate of 8 1/2% per annum and will be payable in full on or before eighteen months from date.

WHEREAS, Bank is willing to consent to the same; and

WHEREAS, the execution and delivery of this Agreement (the "Agreement"), as herein provided, have been in all respects duly and validly authorized by proceedings of the City by Ordinance adopted the 21st day of May, 1985.

NOW, THEREFORE, the City in consideration of the premises and for other good and valuable considerations, the receipt of which is hereby acknowledge, the promise to repay the principal of and interest on the loan hereby granted and the performance and observance by the City of all the covenants expressed herein does hereby cause this Agreement to be executed and delivered to Bank.

ARTICLE I

DEFINITIONS

Section 1.01. Definitions of Terms. In addition to the terms defined elsewhere herein (including the recitals hereto), the following terms shall have the following meanings unless the context otherwise requires.

"Agreement" means this Loan Agreement.

"Bond Counsel" means any counsel acceptable to the City and the Bank experienced in matters relating to tax exemption of interest on loans of States and their political subdivisions.

"City" shall mean the City of Nitro, Kanawha and Putnam Counties, West Virginia.

"Code" means the Internal Revenue Code of 1954 as amended. Reference herein to any specific provision of the Code shall be deemed to refer to any successor provision of the Code.

"Determination of Taxability" shall mean that an event of taxability as defined in Section 3.03 hereof has occurred which results in the interest payable on the loans becoming includable for federal income tax purposes in the gross income of the holder of the loans (other than because a holder is a "substantial user" of the Project 103(b)(9) of the Internal Revenue Code of 1954 as amended.

"Event of Default" means any of the events described as an Event of Default in Section 6.01 hereof.

"Government Obligations" means (a) direct obligations of the United States of America for the payment of which the full faith and credit of the United States of America is pledged, or (b) obligations issued by a person controlled or supervised by and acting as an instrumentality of the United States of America, the payment of the principal of, premium, if any, and interest on which is fully and unconditionally guaranteed as a full faith and credit obligation by the United States of America.

"I/C Proceeds" shall mean when used with respect to any insurance or condemnation award, the gross proceeds from such award less all expenses (including attorneys fees and any extraordinary expenses of the Bank) incurred in the collection thereof and including any amount for which the City shall be the self insurer.

"Opinion of Counsel" means an opinion of counsel (who may be counsel to the City) satisfactory to the Bank.

"Loan" shall mean the then outstanding balance of the line of credit which shall not exceed \$250,000 at any one time made by Bank to City.

"Pledged Revenues" mean all payments made pursuant to this Agreement, proceeds from the sale of the System or any part thereof, any condemnation award which has as its subject the System, any Standard Hazard Insurance Policy concerning the System, and the proceeds from the sale of any grant anticipation notes issued by the City for the System or EPA Grants for the same.

"System" shall mean the sanitary sewage collection and treatment system operated by the City in and around the City of Nitro, West Virginia.

ARTICLE II

THE LOAN

Section 2.01. Authorized Amount of the Loan. No Loan may be consummated under this Agreement except in accordance with this Article II. The aggregate principal amount of Loan which may be executed by the City is limited to a line of credit not to exceed \$250,000 at any one time.

Section 2.02. Place and Manner of Payment. The principal of, premium, if any, and interest on the Loan shall be payable in lawful money of the United States of America at the office or agency of the Bank maintained for the purpose of making such payments. The principal and interest on the Loan shall be payable monthly out of funds available from the System, and any grant anticipation note proceeds.

Section 2.03. Execution. This Agreement shall be executed on behalf of the City with the manual signature of its Mayor and attested with the manual signature of its Recorder and shall have affixed, imprinted or otherwise reproduced thereon the corporate seal of the City. In case any officer whose signature shall appear on this Agreement shall cease to be such officer, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

Section 2.04. Loan to the City. Subject to the terms hereof, the Bank will lend to the City the sum of \$250,000.00. The Loan shall bear interest from the date thereof unless otherwise herein provided until the date of payment at the rate

equal to eight and one-half percent (8 1/2%) per annum. Such principal and interest shall be payable in full within 36 months from the date hereof. Payments of interest shall be made monthly commencing June 1, 1985 and continuing on the first day of each month thereafter until December 1, 1986 at which time all then outstanding principal and/or interest shall be due and payable.

Section 2.05. Limited Obligations. This Agreement shall be a limited obligation of the City. This Agreement shall be payable solely out of revenues derived from, or in connection with, the System and any proceeds from the sale of any obligation issued by the City in the furtherance of the Project. This Agreement shall never constitute an indebtedness of the State of West Virginia or the City of Nitro within the meaning of any constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the State of West Virginia or the City. Neither shall this Agreement be a charge against the general credit or taxing power of the State of West Virginia or the City.

Section 2.06. Interest Rate Upon Taxability. Notwithstanding any provisions of this Agreement to the contrary, upon final determination that an event of taxability as defined in Section 3.03 hereof, has occurred with the result that interest paid or payable on this Agreement is includable in the income of the holder thereof for purposes of Federal income taxation, (1) the Loan shall from the event of taxability thereafter until prepayment or maturity bear interest at a rate (which rate is herein called the "Taxable Rate", equal to prime rate as such rate is stated in the Wall Street Journal, and (2) the City will pay to the holder hereof on the next Payment Date following such final determinations, the difference between (a) the amount of interest which the holder would have received in interest at the Taxable Rate if the Loan had borne interest at the Taxable Rate from the event of taxability, and (b) interest paid at the rate set forth in Section 2.05 of this Agreement. From and after the date of such final determination until the final maturity of the Loan, interest shall be charged at the Taxable Rate.

Section 2.07. Interest Rate Upon Default. Notwithstanding any provision of this Agreement to the contrary, upon an event of default as set forth in Section 6.01 of this Agreement (1) the Loan shall thereafter during the period of such event of default bear interest at a rate (which rate is herein called the "Default Rate") of two percent (2%) more per annum (based on a 360-day year of twelve 30-day months) higher than the then applicable rate of interest, and (2) the City will pay to the holder hereof on the next Payment Date, the difference between (a) the amount of interest which the holder would have received in interest at the Default Rate if the Loan

had borne interest at the Default Rate from the date of such event of default, and (b) interest paid at the rate set forth in Section 2.04 of this Agreement.

ARTICLE III

REDEMPTION OF AGREEMENT

Section 3.01. Limitation on Redemption. Except as provided in this Article III, this Agreement shall not be subject to redemption or prepayment in whole or in part prior to maturity.

Section 3.02. City's Election to Prepay. The City shall give written notice to the Bank of its election to prepay in accordance with this Agreement, of the places where the amounts due upon such prepayment are payable, of the prepayment date and of the principal amount of such prepayment, which notice shall be given at least forty-five days prior to the prepayment date or such shorter period as shall be acceptable to the Bank.

Section 3.03. Special Mandatory Prepayment Upon Taxability. This Agreement and Note secured by it is subject to special mandatory prepayment upon a final determination that an event of taxability has occurred. As used herein "event of taxability" means the occurrence of circumstances which a determination of taxability shall have found to have occurred, or which shall constitute a determination of taxability, and which results in the interest payable on this Agreement becoming includable for federal income tax purposes in the gross income of the holder of this Agreement (other than because a holder is a "substantial user" of the Project or a "related person" thereof, as those terms are used in Section 103(b)(9) of the Internal Revenue Code of 1954). As used herein, a "final determination" shall be deemed to have occurred upon the receipt by the City of a ruling or technical advice by the Internal Revenue Service in which the City has participated or a written opinion by an attorney or firm of attorneys of recognized standing on the subject of municipal bonds selected by the City and approved by the City, which approval shall not be unreasonably withheld. Following a final determination, this Agreement and Note shall be prepaid in whole by the City at a prepayment price equal to 100% of the principal amount thereof, plus accrued interest to the prepayment date, at the earliest practicable date selected by the City. The principal amount of this Agreement and Note outstanding on the prepayment date selected may be prepaid by the City on such date, except that portion of this Agreement and Note maturing on or prior to such prepayment date, but after the aforesaid selection of a prepayment date, shall be

retired on their maturity date at the same prepayment price as if it had been called for prepayment on such prepayment date, and this Agreement and Note for the payment or prepayment of which sufficient monies or investments are held by the City as provided in Section 5.03 of this Agreement shall be prepaid on the prepayment date, or paid at earlier maturity, in accordance with this paragraph and not otherwise.

Section 3.04. Extraordinary Mandatory Prepayment Without Premium. This Agreement and Note secured by it is also subject to extraordinary mandatory prepayment prior to stated maturity in the event of:

(a) The System shall have been damaged or destroyed (i) to such extent that such Project cannot be reasonably restored within a period of six months to the condition thereof immediately preceding such damage or destruction, or (ii) to such extent that the City is thereby prevented from carrying on its normal operations therein or thereon for a period of six months.

(b) Title to, or the temporary use of, all or substantially all of the System shall have been taken by condemnation.

(c) As a result of any changes in the Constitution of the State or the Constitution of the United States of America or of legislative or administrative action (whether state or federal) or by final decree, judgment or other of any court or administrative body (whether state or federal) entered after the contest thereof by City in good faith that this Agreement has become void or unenforceable or impossible of performance in accordance with the intent and purpose of the parties as expressed in this Agreement, or if unreasonable burdens or excessive liabilities shall have been imposed upon City with respect to the System or operation thereof, including without limitation federal, state or other ad valorem property, income or other taxes not being imposed as of the date of this Agreement, other than ad valorem taxes presently levied upon privately owned property used for the same purpose as the System property; provided that the provisions of this subsection shall in no way affect the City's obligation for the continued maintenance and insurance of the System while this Agreement and Note remains unpaid and not redeemed.

(d) Changes in the economic availability of raw materials, operating supplies, energy sources, or supplies, or facilities (including but not limited to facilities in connection with the disposal of industrial wastes) necessary for the operation of the System for the purposes herein intended or such technological or other changes shall have occurred which the City cannot reasonably overcome or control and which in the City's reasonable judgment render the System uneconomic for such purposes.

If called for prepayment in any such events, this Agreement and Note shall be subject to prepayment on any date after issuance by the City in whole at a prepayment price of 100% of the principal amount thereof, plus in either case accrued interest to the prepayment date.

Section 3.05. Partial Prepayment of Note. If less than all of the amounts at the time outstanding are to be prepaid pursuant to Section 3.05 or portions hereof to be prepaid by the City as will exhaust the monies available therefor and all such payments shall be applied to the last maturing installment or installments of principal on this Agreement and Note in the inverse order of maturity.

ARTICLE IV

GENERAL COVENANTS AND PROVISIONS

Section 4.01. Payment. The City covenants that it will promptly pay or cause to be paid, but solely out of amounts derived from, or in connection with, the System and the Pledged Revenues, the principal of, premium, if any, and interest on the Note on the dates and in the manner provided herein according to the true intent and meaning hereof.

Section 4.02. Performance of Covenants. The City covenants that it will at all times comply with all provisions contained in this Agreement, and in all proceedings pertaining hereto. The City covenants that it is duly authorized under the Constitution and laws of the State of West Virginia, including particularly and without limitation the Act, to execute and deliver this Agreement; that all action on its part for the execution and delivery of this Agreement has been duly and effectively taken; and that this Agreement and Note in the hands of the holders hereof is and will be a valid and enforceable obligation of the City, payable solely out of revenues herein specified.

Section 4.03. Tax Covenant. The City shall at all times do and perform all acts and things permitted by law and necessary or desirable in order to assure that interest paid on this Agreement shall for the purpose of Federal income taxation be excludable from the gross income of the recipients thereof and exempt from such taxation except in the event that such recipient is a "substantial user" or "related person" within the meaning of Section 103 of the Code.

ARTICLE V

SATISFACTION AND DISCHARGE

Section 5.01. Satisfaction and Discharge. All rights and obligations of the City under this Agreement, shall terminate, and such instrument shall cease to be of further effect, when:

- (a) all reasonable fees and expenses of the Bank, shall have been paid;
- (b) the City shall have performed all of its agreements in this Agreement; and
- (c) The Note shall have become due and payable in accordance with their terms or otherwise as provided in this Agreement or have been duly called for redemption, or irrevocable instructions to call for redemption and either (i) the whole amount of the principal, premium if any, and interest so due and payable upon all of this Agreement (other than portions heretofore cancelled or delivered to the City for cancellation) shall be paid or (ii) there shall have been deposited with the Bank either monies in an amount which shall be sufficient, or Government Obligations the principal of and the interest on which when due provide monies which, together with the monies, if any, deposited with the Bank, shall be sufficient, to pay the principal, premium, if any, and interest so due and payable.

Any Government Obligations deposited with the Bank pursuant to this Section 5.01 shall mature on such dates as shall coincide as nearly as practicable, but not later than, the time or times at which the monies provided upon such maturity will be required for the aforesaid purpose. Such Government Obligations shall not contain provisions permitting the redemption hereof at the option of the City.

ARTICLE VI

DEFAULTS AND REMEDIES

Section 6.01. Events of Default. Each of the following shall be an "Event of Default" hereunder:

- (a) Failure to pay the principal of, or premium, if any, on any amounts of this Agreement when the same shall become due and payable at maturity, by amortization, upon redemption or otherwise; or
- (b) Failure to pay an installment of interest on any of this Agreement when the same shall become due and payable; or

(c) Failure by the City to perform any of its covenants, conditions, agreements and provisions contained in this Agreement other than as specified in (a) and (b) above, and such failure shall continue for the period and after the notice specified in Section 6.02 hereof.

Section 6.02. Notice of Default; Opportunity to Cure Such Default. No default under Section 6.01(c) hereof shall constitute an Event of Default until actual notice of such default by registered or certified mail shall be given to the City by the Bank or by the holders of this Agreement and until the City shall have had 30 days after receipt of such notice to correct such default, and shall not have corrected it; provided, however, if said default be such that it cannot be corrected within such 30 day period, it shall not constitute an Event of Default if corrective action is instituted by the City within the applicable period and diligently pursued until the default is corrected.

In the event that any payment referred to in Sections 6.01(a) or (b) is not timely made, the Bank shall immediately notify the City by telephone that such payment has not been made and shall confirm such notice by a subsequent telegram.

Section 6.03. Acceleration; Cure. Should any Event of Default occur and be continuing, then the Bank may, by notice in writing delivered to the City, declare the principal of all amounts then outstanding to be due and payable immediately, and upon such declaration the said principal, together with interest accrued thereon, shall become due and payable immediately at the place of payment provided therein without any presentment, demand, protest or other notice of any kind, all of which are hereby expressly waived, anything in this Agreement to the contrary notwithstanding.

The above provisions, however, are subject to the conditions that if, after the principal of this Agreement shall have been so declared to be due and payable, all arrears of interest upon the loan, and all other sums payable under this Agreement (except the principal of, and interest on, this Agreement which by such declaration shall have become due and payable), shall have been paid by or on behalf of the City, and the City also shall have performed all other things in respect of which it may have been in default hereunder, and shall have paid the reasonable charges of the Bank, its counsel, including reasonable attorneys' fees paid or incurred, then and in every such case, by written notice to the City, the Bank may waive such default and rescind and annul such declaration and its consequences, and such waiver shall be binding upon the Bank; but no such waiver, rescission and annulment shall extend to or affect any subsequent default or impair any right or remedy consequent thereon.

Section 6.04. Powers of Bank. If an Event of Default occurs and is continuing, the Bank in its discretion may take any or all of the following actions:

(a) enforce each and every right of the Bank under this Agreement; or

(b) by mandamus or other proceeding at law or in equity, enforce all rights of the Bank, including the right to require the City to enforce the provisions of this Agreement and to require the City to carry out any other agreements with or for the benefit of the Bank and to perform its duties under the Act; or

(c) bring suit upon this Agreement; or

(d) by a proceeding in equity require the City to account as if it were the trustee of an express trust for the Bank; or

(e) by a proceeding in equity enjoin any acts or things which may be unlawful or in violation of the rights of the Bank.

If any proceeding taken by the Bank on account of any Event of Default is discontinued or abandoned for any reason, or determined adversely to the Bank, then and in every case the City and the Bank shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies and powers of the Bank shall continue as though no such proceeding had been taken.

Section 6.05. Remedies Not Exclusive. No remedy herein conferred upon or reserved to the Bank is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

Section 6.06. Delay or Omission of Bank. No delay or omission of the Bank to exercise any right or power accruing upon any Event of Default shall impair any such right or power or shall be construed to be a waiver of any such Event of Default or any acquiescence herein; and every power and remedy given by this Article VI to the Bank, may be exercised from time to time and as often as may be deemed expedient.

Section 6.07. Application of Monies. Any monies received by the Bank while an Event of Default is continuing, and any available monies, and, in the case of a payment of principal, and premium if any, on the Loan, at the time such Event of Default occurs, shall be applied in the following order:

(a) Unless the principal of all the amounts outstanding shall have become or shall have been declared due and payable, all such monies shall be applied:

First: To the payment to the persons entitled thereto of all installments of interest then due on this Agreement, and, if the amount available shall not be sufficient to pay in full any particular installment, then to the payment ratably, according to the amounts due on such installment, to the persons entitled thereto, without any discrimination or privilege;

Second: To the payment to the persons entitled thereto of the unpaid principal and premium, if any, of this Agreement which shall have become due (other than amounts called for redemption for the payment of which monies are held pursuant to the provisions of this Agreement), in the order of their due dates, with interest on such amounts from the respective dates upon which they become due, and, if the amount available shall not be sufficient to pay in full amount due on any particular date, together with such interest, then to the payment ratably, according to the amount of principal due on such date, to the persons entitled thereto without any discrimination or privilege;

Third: To the payment of the interest on and the principal of this Agreement and premium, if any, and to the redemption of this Agreement all in accordance with the provisions of and priorities under this Agreement;

(a) If the principal of all amounts shall have become due or shall have been declared due and payable, all such monies shall be applied to the payment of the principal and interest then due and unpaid upon such amounts, without preference or priority of principal over interest or of interest over principal, or of any installment of interest over any other installment of interest, according to the amounts due respectively for principal and interest, to the persons entitled thereto.

(b) If the principal of all amounts shall have been declared due and payable, and if such declaration shall thereafter have been rescinded and annulled under the provisions of this Article then, subject to the provisions of paragraph (b) of this Section in the event that the principal of all amounts shall later become due or be declared due and payable, the monies shall be applied in accordance with the provisions of paragraph (a) of this Section.

(c) To the extent of the surplus, if any, to the City, if the City shall then not be in default under

this Agreement, or to whomsoever may be lawfully entitled to receive the same, or as a court of competent jurisdiction may direct.

Whenever monies are to be applied pursuant to this Section 6.07, the Bank shall fix the date upon which such application is to be made, and upon such date interest on the amounts of principal to be paid on such date shall cease to accrue. The Bank shall give such notice as it may deem appropriate of the deposit with it of any such monies and of the fixing of any such date.

Section 6.08. Severability of Remedies. It is the purpose and intention of this Article VI to provide rights and remedies to the Bank which may be lawfully granted under the provisions of the Act, but, should any right or remedy herein granted be held to be unlawful, the Bank shall be entitled, as above set forth, to every other right and remedy provided in this Agreement.

ARTICLE VII

CONCERNING THE BANK

Section 7.01. Acceptance of Agreement. The Bank by execution of this Agreement, accepts the covenants hereby expressed but only upon the additional terms set forth in this Article VII. The permissive right of the Bank to do the things enumerated in this Agreement shall not be construed as a duty to take any specified course of action.

Section 7.02. Responsibility for Statements in Agreement. The recitals, statements and representations in this Agreement, shall be taken and construed as made by and on the part of the City and not by the Bank, and the Bank shall be under no responsibility or obligation for the correctness thereof.

Section 7.03. Responsibilities of Bank. The Bank shall not be responsible for the recording or filing of this Agreement, or for the sufficiency of the security for this Agreement; and the Bank shall not be bound to ascertain or inquire as to the performance or observance of any agreements on the part of the City except as herein set forth, but the Bank may require of the City full information and advice as to the performance of such agreements. The Bank shall not be required to give any bond or surety in connection with the performance of its duties hereunder.

The Bank may execute any of the powers hereof and perform any duties required of it by or through attorneys or

agents and shall be entitled to advice of counsel concerning all questions arising hereunder or related hereto. The Bank shall not be answerable for the default or misconduct of any such attorney or agent selected by it with reasonable care or for the exercise of any discretion or power under this Agreement nor for anything whatever in connection with this Agreement, except only its own willful misconduct or negligence.

Section 7.04. No Duties to Notice Default. In the absence of actual knowledge, the Bank shall not be required to take notice or be deemed to have notice of any Event of Default (other than an Event of Default under Section 6.01(a) unless specifically notified in writing of such Event of Default.

For purposes of this Section 7.04, the Bank shall not be deemed to have actual knowledge of any Event of Default unless a person charged with the administration of the obligations of the Bank hereunder shall during the course of its duties have actual knowledge thereof.

Section 7.05. Rights and Powers During Default. The Bank shall exercise such of the rights and remedies vested in it by this Agreement and shall use the same degree of care in their exercise as a prudent man would exercise or use in the circumstances in the conduct of his own affairs; provided, that if in the opinion of the Bank such action may tend to involve expense or liability, it shall not be obligated to take such action unless it is furnished with indemnity satisfactory to it.

Section 7.06. Right to Rely upon Documents. The Bank shall be protected and shall incur no liability in acting or proceeding in good faith upon any resolution, notice, telegram, request, consent, waiver, certificate, statement, affidavit, voucher, bond, requisition or other paper or document which it shall in good faith believe to be genuine. The Bank shall be under no duty to make any investigation or inquiry as to any statements contained or matters referred to in any such instrument, but may accept and rely upon the same as conclusive evidence of the truth and accuracy of such statements.

Section 7.07. Right to Deal With City. The Bank, either as principal or agent, may also engage in or be interested in any financial or other transaction with the City and may act as depository, trustee or agent for the City.

Section 7.08. Interest upon Monies Received. The Bank shall not be under any liability for interest on any monies received under any of the provisions of this Agreement, except such as may be agreed upon between the Bank and the City.

Section 7.09. Construction of Provisions of Agreement. The Bank may construe any of the provisions of this Agreement insofar as the same may appear to be ambiguous or inconsistent with any other provision thereof, and any construction of any such provision hereof by the Bank in good faith shall be binding upon the City.

Section 7.10. Bank's Right to Make Advances. If the City shall fail to perform any of the covenants or agreements contained in this Agreement other than the covenants or agreements in respect of the payment of the principal of, premium, if any, or interest, the Bank may, in its uncontrolled discretion and without notice to the City, at any time and from time to time, make advances to effect performance of the same on behalf of the City, but the Bank shall be under no obligation so to do, and no such advance shall operate to relieve the City from any default hereunder.

Section 7.11. Intervention by Bank. The Bank may intervene in any judicial proceeding to which the City is a party and which, in the opinion of the Bank and its counsel, has a substantial bearing on its interests. The rights of the Bank under this Section 7.11 are subject to the approval of a court of competent jurisdiction.

ARTICLE VIII

MISCELLANEOUS

Section 8.01. Sole Benefit of Parties. Nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the parties hereto, any right, remedy or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the parties hereto.

Section 8.02. Severability of Provisions. In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement, but this Agreement shall be construed and enforced as if such illegal or invalid provisions had not been contained herein.

Section 8.03. Notices. All communications hereunder shall be in writing and, unless otherwise required under this Agreement, shall be deemed sufficiently given or made if delivered personally to the person who is to receive the same or if mailed to such person by first class mail, postage prepaid, addressed:

If to the City:

The City of Nitro
Nitro City Hall
Nitro, WV 25143
Attention: Art Ashley, Mayor

If to the Bank:

The Bank of Nitro
1st Avenue
Nitro, WV 25143
Attention: President

The Bank and the City may, by notice given hereunder, designate any further or different address to which subsequent communications shall be sent.

Section 8.04. Successors and Assigns. None of the covenants, promises and agreements made in this Agreement by or on behalf of the City or the Bank shall be assignable by either of them except as expressly provided herein.

Section 8.05. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but all such counterparts shall together constitute but one and the same instrument.

Section 8.06. Governing Law. This Agreement, has been or will be executed and delivered under the laws of the State of West Virginia, and such laws shall govern the construction of this Agreement.

Section 8.07. Payments Due on Saturdays, Sundays and Holidays. In any case where the date for any payment on or with respect to this Agreement shall be a Saturday, a Sunday, a legal holiday or a day on which the Bank is authorized by law to close, and is closed, then payment shall be made on the next succeeding business day not a Saturday, a Sunday, a legal holiday or a day upon which the Bank is authorized by law to close, and no interest shall accrue for the intervening period.

Section 8.08. No Liability on City. No provisions, covenants or agreements contained in this Agreement or any obligations herein or therein imposed upon the City or the breach thereof, shall constitute or give rise to or impose upon the City a pecuniary liability other than herein set forth and provided or acts as a charge upon its general credit or taxing powers. In making the agreements, provisions and covenants set forth in this Agreement, the City has not obligated itself except with respect to its rights and interest in the System, as herein above provided. No officer or member of the City shall be personally liable on this Agreement.

IN WITNESS WHEREOF, The City of Nitro, West Virginia, has caused these presents to be signed by its Mayor and its corporate seal to be hereunder affixed and attested by its Recorder, and to evidence its acceptance of this Agreement, The Bank of Nitro, has caused these presents to be signed in its name and behalf by its Authorized Representative and its official seal to be hereunto affixed, and the same to be attested by one of its officers, all as of the day and year first above written.

THE CITY OF NITRO, WEST VIRGINIA

By: Arden D. Ashby
Its: Mayor

ATTEST:

John F. Sanborn
Recorder

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

The undersigned Notary Public in and for the jurisdiction aforesaid hereby certifies that Arden D. Ashby and John F. Sanborn, whose names as Mayor and Recorder, respectively, of THE CITY OF NITRO, WEST VIRGINIA, are signed to the foregoing instrument, acknowledged the same before me in my jurisdiction aforesaid, as the act and deed of said City.

Given under my hand and seal this 25 day of Sept. 1985.

My commission expires: February 14, 1988.

(SEAL)

Edward F. Wozniak
Notary Public

THE BANK OF NITRO

By: _____
President

(SEAL)

ATTEST:

Authorized Representative

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to-wit:

The undersigned Notary Public in and for the jurisdiction aforesaid hereby certifies that _____, whose names as the President and Authorized Representative, respectively, of THE BANK OF NITRO, are signed to the foregoing instrument, acknowledged the same before me in my jurisdiction aforesaid, as the act and deed of said national banking association.

Given under my hand and seal this _____ day of _____, 1985.

My commission expires: _____.

(SEAL)

Notary Public

ARTICLE III

MISCELLANEOUS

Section 3.01. Publication of Ordinance. The City Recorder is hereby authorized and directed to publish an abstract of this Ordinance as a Class II legal advertisement in compliance with the provisions of Chapter 59, Article 3 of the Code of West Virginia 1931, as amended in _____ a newspaper of general circulation in the City, with a notice to all persons concerned stating that the Ordinance has been adopted, that the City contemplates entering into the Loan Agreement and that any person may appear before the Council, in the Council Chambers in City Hall, on the _____ day of _____, 1985 at _____ o'clock ____ m. as provided in such notice and present such protest or protests as to which such person may deem proper. The first date of the successive publications shall be at least ten days prior to said date for the hearing of protests and the last publication shall be prior to said hearing.

At such hearing all objection and suggestions shall be heard and the Council shall take such actions as it shall deem proper in the premises; provided, however, if at such hearing written protest is filed by thirty per cent (30%) or more of the owners of real estate in the City, then the Council shall not take further action unless four-fifths (4/5) of the qualified members thereof assent thereto.

Section 3.02. Effective Date. This Ordinance shall take effect immediately after public hearing thereon, as provided by law.

REPORT OF INSPECTION

RIDENOUR LAKE - APRIL 29, 1985

FINDINGS: Clean grass from drop box.

Remove rock from outlet channel and place on channel slopes.

Rip rap curve in outlet channel.

Gate lift should be greased annually.

Some sediment is collecting in the pool area and main drainage.

Place 3 yards of rock rip rap or concrete below road culvert southwest of lake. Estimated cost \$90 by September, 1985.

New houses being constructed in watershed area.

John Santrock, Recorder-Treas.

9-83

INSPECTION AND MAINTENANCE REPORT FOR PICTURES

Watershed Blakes-Armour Creek Site No. 7 Hazard Class C Construction Completed 12-31-75
(date)

Sponsor City of Nitro County Kanawha Last Inspection Date 4-18-84
Capitol S.C.D.

Inspection: Annual X Special _____ Date 4-17-85

Inspection Personnel: Donald Dodd, Project Engineer, SCS; Jerry N. Fox, Dist. Conservt., SCS; Herbert Jones,
Capitol SCD Supervisor; Bob Sergent and John Santrock, City of Nitro; Subash Puri, DNR; Richard Judy, SCS

Drainage Area 1560 Perm. Pool 27.5 Height of Dam 46.1
(acres) (acres) (feet)

Height of Riser: First Stage 18.55 Total 20.47 PSW Pipe Diameter 30
(feet) (feet) (inches)

Pool Level at Time of Inspection 1.75 below top (Approximate feet above or below top of riser)

Depth of Flow in PSW Pipe at Time of Inspection 3 inches (Approximate)

Jerry N. Fox
SCS Representative

City of Nitro
Sponsoring Local
Organization

Bob Sergent
Sponsoring Local Organization
Representative

Donald Dodd
SCS Representative

Capitol S.C.D.
Sponsoring Local
Organization

Herbert Jones
Sponsoring Local Organization
Representative

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 21, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder-Treasurer John F. Santrock, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman Romie Hughart, and Councilman Jim Hutchinson. Absent were Councilman at Large Rusty Casto, Councilman A. A. "Joe" Savilla, and Councilman Charles Miller. Also present was City Attorney Phillip D. Gaujot.

The invocation was given by Mayor Arden D. Ashley.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 7, 1985 COUNCIL MEETING MINUTES: - Councilman Romie Hughart moved we approve the May 7, 1985 Council Meeting Minutes of May 7, 1985 as written. The motion was properly seconded. Councilman at Large Olaf Walker moved we amend the sentence in Agenda Item No. 4 for clarification purposes to read, "Chief Hedrick informed they are replacing the "jaws of life" (Hurst Rescue Tool)." A vote was taken to approve the minutes as amended, and it was unanimous.

AGENDA ITEM NO. 2 - NATIONAL FLAG DAY - JUNE 14: - Mayor Ashley moved we approve the proclamation to proclaim June 14, 1985 as National Flag Day. The motion was seconded. City Recorder John Santrock read the proclamation, and moved we amend typographical error as June 14, 1977 to June 14, 1777 in the first paragraph, and Mayor Ashley moved we insert Nitro in front of West Virginia in the last paragraph.

Mayor Ashley announced that today, Union Carbide agreed to donate 1,000 small American Flags for the Spring Festival. They will be distributed to participants at the Spring Festival activities, such as the parade and entries into the various events. He advised they will designate an area at the World War I Memorial Park, site of the two Memorial services, as "Flag Gardens". Recipients of the flags will receive a note informing that the flags were donated by Carbide, and they are invited to plant them in "Flag Gardens" at the World War I Memorial Park over Memorial Day weekend. As the programs are in the hands of the printers, it is too late to give them recognition in it, but we certainly appreciate their fine gesture.

PROCLAMATION AS FOLLOWS:



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTRO
RECORDER

MICHAEL E. GREENLEAF
TREASURER

PROCLAMATION

FOR

NATIONAL FLAG DAY, JUNE 14, 1985

WHEREAS, by Act of the Congress of the United States, dated June 14, 1777, the first official flag of the United States was adopted; and

WHEREAS, by Act of Congress dated August 3, 1949, June 14 of each year was designated "National Flag Day," and the Star-Spangled Banner Flag House Association in Baltimore, Maryland has been the official sponsor since 1952 of National Flag Day for the United States; and

WHEREAS, on June 14, 1980, the Star-Spangled Banner Flag House Association developed a national campaign to encourage all Americans to PAUSE FOR THE PLEDGE of Allegiance as part of National Flag Day ceremonies; and

WHEREAS, since this concept caught the imagination of Americans everywhere and has received wide citizen support and recognition, there has now been created the National Flag Day Foundation, Inc. in Baltimore, Maryland to plan the nation's Flag Day ceremonies; and

WHEREAS, Flag Day celebrates our nation's symbol of unity and stands for our country's devotion to freedom to the rule of all and the equal rights of all:

NOW, THEREFORE, I, Arden D. Ashley, Mayor of the City of Nitro, do hereby proclaim June 14, 1985 as Flag Day in Nitro, West Virginia and urge all citizens of West Virginia to pause at 7:00 p.m. EDT on this date for the SIXTH Annual PAUSE FOR THE PLEDGE and recite with all Americans the "Pledge of Allegiance" to our Flag and Nation.

ARDEN D. ASHLEY, MAYOR



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

PROCLAMATION

FOR

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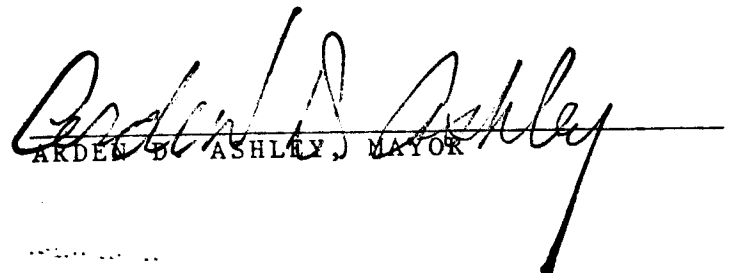
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ARDEN D. ASHLEY, MAYOR

AGENDA ITEM NO. 3 - GIBSON BUILDING: - A report to Council on the status of the Gibson Building, the building at the corner of 21st and Bank Streets. This has been in the hands of the attorney to deal with Mr. Gibson on the condition of that building, and there was a meeting held this morning. Mayor Ashley requested the City Attorney, Phillip Gaujot report the results.

In order to bring the Council up-to-date, City Attorney Phillip D. Gaujot stated that nothing had been done to the building for a number of years and Council requested he pursue something and a law suit was filed against Mr. Gibson asking that the nuisance be abated. After the suit was filed, he got word from Mr. Gibson that he thought he had it sold, and the purchasers would improve it. Subsequently, he found out that he didn't have it sold, that it was going to foreclosure. Prior to foreclosure, Jim Crewdson and Denzil Stonestreet came into the picture, and the three of them went to the Bank of Cross Lanes to borrow the money to pay off the loan. At the meeting today with Mr. Crewdson and Mr. Stonestreet, they advised they would start working this week improving the structure by completing the outside and cleaning the inside. Mr. Gaujot feels they are sincere about correcting the nuisance.

AGENDA ITEM NO. 4 - ORDINANCE - LOAN AGREEMENT REQUEST BY THE SANITARY BOARD (2ND READING): - City Recorder John Santrock read the title of Ordinance for a loan agreement request from the Sanitary Board, and moved for the adoption of the ordinance. The motion was seconded. Councilman at Large Olaf Walker moved we amend page 7, "36 months from date hereof", to "18 months" to agree with page 4 as 18 months is the term. Also, Councilman at Large Olaf Walker moved we correct Section 2.06 under "(b) interest paid at the rate set forth in Section 2.04 of this agreement instead of Section 2.05". A vote was taken to approve the amended second reading of the ordinance, and it was unanimous.

A notice will be published in the newspapers with reference to a public meeting, in regard to the Ordinance, to be held on June 4, in Council Chambers at 7:00 p.m., and if need be, it will be carried over to the Council Meeting. ORD. NO. 85-5 ATTACHED.

AGENDA ITEM NO. 5 - BID OPENINGS FOR CONCESSIONS AT POOL: City Recorder John Santrock shared with Council the bids received on concession rights at the pool, and moved we grant approval to Better Foods, Inc., DBA Gino's Pizza as they will provide both food and games. The other bids were on video and/or pinball machines. The motion was seconded. A vote was taken and it was unanimous. Bid accepted for 56% for video and 10.5% for gross on concessions.

AGENDA ITEM NO. 6 - RESOLUTION 85-5 - AUTHORIZE MAYOR TO FILE THE HUD-CD APPLICATION TO PURSUE FUNDS FOR THE NITRO COMMUNITY CENTER: - Councilman at Large Olaf Walker moved we approve Res. 85-5, authorizing Mayor Ashley or his designated representative to pursue funding for the Nitro Community Center. The motion was seconded, a vote taken and passed unanimously.

RESOLUTION 85-5

A RESOLUTION AUTHORIZING THE MAYOR
OR HIS DESIGNATED REPRESENTATIVE
TO PURSUE FUNDING SOURCES FOR THE
NITRO COMMUNITY CENTER

WHEREAS, there exists great need for a community center in Nitro where individuals may gather to pursue recreational and other activities, and

WHEREAS, the Senior Citizens of Nitro need expanded opportunities to offer various programs to our growing population of Senior Citizens, and

WHEREAS, no such facility now exists in Nitro, and

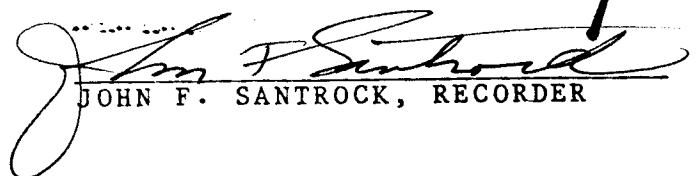
WHEREAS, there appears to be great public support for such a project, and

WHEREAS, there are not sufficient funds in the City Treasury to fund the entire \$2.5 million project cost.

NOW, THEREFORE, BE IT RESOLVED that the Mayor or his designated representative is hereby authorized to file the HUD-CD application including all understandings and assurances therein; the Mayor is to provide HUD with such additional information as may be required.

Passed this the 21st day of May, 1985.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

AGENDA ITEM NO. 7 - REQUEST BY POCA HIGH SCHOOL DRAMATICS CLUB TO SOLICIT: Mayor Ashley informed he has a request from the Poca High School Dramatics Club to solicit funds within our City for a trip. Councilman Jim Hutchinson moved we grant the request. The motion was seconded. A vote was taken and it was unanimously approved.

Mayor Ashley declared a five minute recess at 8:35 p.m. to extend courtesy to the Kanawha County Commissioners.

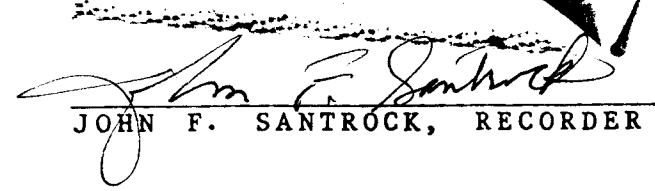
Council Meeting reconvened at 8:40 p.m.

AGENDA ITEM NO. 8 - REVENUE SHARING LETTER OF INTENT: - Mayor Ashley introduced The Honorable Doug Stump, President of the Kanawha County Commission. Mr. Stump stated he had received requests for revenue sharing funds and the Commission granted funds for two projects. By request of City Recorder-Treasurer, John Santrock, funds towards the Ridenour Lake project for the dredging and draining. In addition, Councilman Charles Miller, had asked for \$25,000 for storm sewer drainage problem which was granted. Commissioner Doug Stump presented Nitro City Council with a letter of intent pledging \$28,000 in Federal Revenue Sharing Funds. On behalf of Commissioners Silverstein, Don Joe Hunt and himself, Doug Stump presented a placque to be displayed as the Federal Government requires that part of the money would go towards the projects. Commissioner Stump said the commissioners allocated the money to Nitro because the city is anticipating a loss of \$118,00 in federal revenue sharing funds in the 1985-86 fiscal year. Commission Stump introduced Libby Squire, who will do research on finding private foundation money.

COMMITTEE REPORTS

1. SPRING FESTIVAL: - Mayor Ashley passed around copies of the information on the Spring Festival and covered the events and highlights. A rough draft of the advertising material was shared with Council, and Jay Long was commended on obtaining these advertisements for the program. Programs will be given to all the people on the Spring Festival Committee and all entries in the events. However, they will be sold for \$1.00 to spectators during the events.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER

Mayor Ashley stated that these Dodge will be back on the agenda later in the meeting for the purpose of introducing an ordinance. The final language is in the process of being formulated.

AGENDA ITEM NO. 2 - CITY OF NITRO - JUDY HODSON: -
The City is holding the 1985 Spring Festival in the month of June, which is Judy Hodson. This celebration is being held to honor all the contributions that have been made over the years to the City as a teacher in our school, honored citizens and more recently, an outstanding Division Chairman in the Nitro Spring Festival. As Judy wasn't present for the meeting, no action was taken.

AGENDA ITEM NO. 3 - REQUEST FOR LITTLE LEAGUE TAG DAY - JUNE 22, 1985: - Councilman at Large Rusty Caste moved we grant Tag Day on June 22, 1985, permitting the Little League players to sell tags door to door in our city. The motion was seconded. There being no discussion, a vote was taken and passed unanimously.

AGENDA ITEM NO. 4 - REQUEST BY THE MY CAG TO SOLICIT DURING JUNE 15, 1985: - City Recorder John Santrock moved we grant permission to the Citizen Action Group to solicit during the month of June, 1985. He stated we have approved permission in previous years, and they always furnish us with a statement of the amount of money collected in the City of Nitro. The motion was seconded. After discussion, a vote was taken and there were 5 negative votes, 1 abstention, and 5 in favor. Request given.

AGENDA ITEM NO. 5 - REQUEST FROM RANDY & THE SAMARITANS TO HOLD TENT REVEAL ON CITY PROPERTY THE FIRST WEEK OF JULY, 1985: - City Recorder John Santrock shared the request from Randy and the Samaritans to hold a tent reveal on the adjacent field beside City Hall the first week in July, 1985. Councilman at Large Rusty Caste moved we approve the request. The motion was seconded. After discussion, Councilman at Large Rusty Trout moved we table this request, and form a committee for further study. The motion was seconded. Mayor Ashley recommended the Council at Large members to constitute that committee and report back to Council, if it passes. A vote was taken to table the motion, and it was unanimous.

AGENDA ITEM NO. 6 - PLANNING COMMISSION REPORTS:

(A) REPORT: - City Recorder John Santrock shared with Council the Planning Commission Minutes of May 28, 1985, and moved they be made a part of Council Minutes. The motion was seconded. A vote was taken that the minutes be adopted as part of record of the City, and it was unanimous.

(B) 1ST READING OF PLANNING COMMISSION RECOMMENDATION TO REVISION OR CLOSE A PART OF A PUBLIC RIGHT-OF-WAY: - City Recorder John Santrock reported at the Planning Commission meeting on May

CITY OF NITRO

COUNCIL MEETING MINUTES

JUNE 4, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder-Treasurer John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller, and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot.

The invocation was given by Councilman at Large Rusty Casto.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 21, 1985 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved we approve the May 21, 1985 Council Meeting Minutes of May 21, 1985 as written. The motion was seconded. Councilman at Large Olaf Walker questioned as to whether the improvements had been started on the Gibson Building reference Agenda Item No. 3 in Council Minutes of May 21, 1985. Mayor Ashley reported the nuisance has been corrected. Also, Councilman at Large Olaf Walker moved we amend Agenda Item No. 3 in the Council Minutes of May 21, 1985 which states "Mr. Gibson" to read "Billy P. Gibson" for identification purposes. A vote was taken for the approval of the minutes as amended, and it was unanimous and so ordered.

Mayor Ashley requested that Agenda Item No. 7 be considered at this time as a change in the agenda.

AGENDA ITEM NO. 7 - RAY KESLING - NITRO MOOSE LODGE: - Mayor Ashley called on Ray Kesling and he introduced the Governor of the Nitro Moose Lodge, Frank Randolph, for the presentation. He informed that Bob Bregg, Treasurer of the Nitro Moose Lodge and Chairman of civic affairs had received a request from the ambulance authority for a donation to purchase a radio. Governor Randolph announced they had decided to buy the radio, and present the radio as a gift to the city. The radio was accepted by Blaine Means. An applause was given to the representatives on behalf of the Moose Lodge, along with special thanks from members of the ambulance crew. Mayor Ashley commented that this is a perfect example of "one arm of the community helping another arm", and stated that the Moose is a good neighbor. He complimented the Moose on having a fine facility, and feels that it is an integral part of our City. He also stressed the importance of the ambulance authority to our City. Councilman at Large Joe Savilla added that he has known the Moose Lodge for many years, and that it is a good neighbor, and that it is a good example of the

18, which was properly advertised relative to a request of Kiwanis Lodge No. 565, Loyal Order of Moose, A West Virginia Corporation, to abandon or close a part of a public right-of-way (a portion of Third Avenue from the intersection of Fourth Street to the intersection of the westerly right-of-way line of West Virginia Rt. 25), and moved that approval be granted as the first reading incorporating the ideas expressed in the Planning Commission Minutes. The motion was seconded.

Edward Converse, a member of the Loyal Order of the Moose, explained the map, (a copy furnished to Council) of the property involved.

Councilman A. A. "Joe" Savilla requested that our Legal Counsel research on this for the protection of our City.

After extensive discussion, a vote was taken and passed unanimously.

C. SCHEDULE OF PUBLIC MEETING TO REVIEW PROPOSED SUBDIVISION ORDINANCE: - A copy of the draft of the subdivision ordinance was furnished to Council, for which action is not being sought at this time. Public Hearings will be scheduled later after Council has had chance to study.

COPY OF PETITION AND MAP ATTACHED.

COMMITTEE REPORTS

1. RIDENOUR LAKE: - Mayor Ashley stated that we are in the process of preparing sediment basing at the lake. This is so that the lake can be dredged. The schedule for the dredging is to begin around June 15, and about September 7, draining of the lake will start. By spring of 1986, the lake will be restored and the fishing will be better than it has been for the past two years. Then, a year from next spring, Michael Heaft, from the Department of Natural Resources from Ft. Pleasant, says it will be one of the "hottest fishing spots" in the State of WV.

Due to major problems, in terms of repair to the mower, the conditions are not good at the lake as we have fallen behind in cutting the grass and weeds. Mayor Ashley informed we have received justifiable complaints. We've had a tremendous amount of trouble with the toilets at the lake. It has been impossible to keep them repaired fast enough, as they are torn up regularly. The visitors are leaving a mess, and we don't have anyone committed to the upkeep. We are using the Department of Public Works people, as they are available, to respond to specific needs. The park closes at 9:00 p.m., and the gate will be locked at 9:30 p.m. Beginning July 1, we will have people available through the summer jobs program, and we plan to recruit and dedicate those people fully to the care, upkeep and maintenance of the grounds at the lake. The roads are in bad condition, and the Mayor is asking the Public Works Department, after the fiscal year, to do something about restoring the road. Mayor Ashley shared the

memorandum from Gene Williams, Director, Dept. of Public Works., informing they could not meet the obligation at Ridenour Lake along with their other priority work. He informed that much of the lake facilities are inaccessible, and suggested the decision be re-evaluated and a tour of the lake facilities may aid the decision. Mayor Ashley stated he would be happy to go with anyone or all of Council to review the situation and come up with a recommendation for Council's consideration to act upon, which would essentially change the budget projections for the next fiscal year. Councilman at Large Olaf Walker was concerned as to the expense involved in maintaining the lake.

City Recorder-Treasurer reported that he has received good comments on the pool relative to the water. The parents are very pleased.

Councilman A. A. "Joe" Savilla moved we add Timmy Asbury to the list of pool employees in place of Mike Dunlap. The motion was seconded. A vote was taken and it was unanimous.

City Recorder-Treasurer John Santrock shared with Council delinquencies of projected revenues. First, there are a large number of property taxes that have not been paid, and the City receives \$.75 for every \$100. on the industrial commercial. He reported that Kanawha County is prompt in getting the funds to us when the taxes are paid.

Secondly, he reported that the State wanted to get the money back in as fast as possible, but it doesn't come to us as rapidly as it should. For instance, on the wine, we've only been paid through December, 1984.

Mayor Ashley reported that this year's Spring Festival was the most successful we have ever had in terms of numbers of spectators, participants and volunteers. In terms of expenses, we have advertising and sponsor money yet to come in. Hats off to everyone who made it possible.

PUBLIC HEARING REGARDING LOAN TO THE CITY OF NITRO:

A public hearing was held at 7:00 p.m. June 4, 1985 in the Council Chambers regarding the Ordinance passed by Council in which the Bank of Nitro loans the City of Nitro for the Sanitary Board. No citizens appeared opposing the Ordinance. Meeting was conducted by the Attorney for the Sanitary Sewer System, James Withrow.

There being no further business to be conducted the meeting was adjourned at 8:45 p.m.

Arden D. Ashley
ARDEN D. ASHLEY, MAYOR

John F. Santrock
JOHN F. SANTROCK, RECORDER-TREAS.

PETITION OF NITRO LODGE NO. 565, LOYAL ORDER OF THE MOOSE,
A WEST VIRGINIA CORPORATION, TO ABANDON OR CLOSE A
PART OF A PUBLIC RIGHT OF WAY

IN RE: Portion of Third Avenue From The Intersection Of
Fourth Street To The Intersection of the Westerly
Right Of Way Line of W. Va. Rt. 25 (First Avenue.)

Your petitioner, Nitro Lodge No. 565, Loyal Order of
Moose, a West Virginia corporation, for its petition herein
to abandon or close a part of a public right of way
respectfully represents and alleges unto the City Council
of the City of Nitro, West Virginia, as follows:

1. That the petitioner, Nitro Lodge No. 565, Loyal
Order of Moose, is a West Virginia corporation, is the
record owner of certain parcels of real estate situate
abutting to and contiguous with First Avenue and situate
between Fourth Street and Third Street abutting Third
Avenue or in the City of Nitro, Kanawha County, West Virginia.

2. That the petitioner, pursuant to West Virginia
Code, Chapter 12, Article 1, does hereby petition the
Council of the City of Nitro, West Virginia, to close or
abandon that portion of Third Avenue from the intersection
of Third Avenue with the southerly right of way line of Fourth
Street to the intersection of Third Avenue with the
westerly right of way line of W.Va. Rt. 25 (First Avenue)
said Third Avenue is set forth and designated on that
certain map entitled "Survey of Lots 307, 309, 408, 410 and

4.74 ± acres tract of Area A, B and C of the Nitro Reservation situated in the City of Nitro, Kanawha County, West Virginia," made by Converse Surveying, Inc., a copy of said map being attached hereto.

3. That the area which the petitioner herein desires to have closed is more particularly bounded and described as follows:

BEGINNING at an iron pin in the southerly right of way line of Fourth Street at its intersection with western right of way line of Third Avenue; thence with the right of way line of Fourth Street projected crossing Third Avenue S. 66 deg. 15' E. 63.54' to the easterly right of way line of Third Avenue at property of Paul Willard; thence along said easterly right of way line with property of Paul Williams the following two courses and distances: S. 52 deg. 41' 16" W. 49.90' to a point, S. 39 deg. 26' 16" W. 94.69 feet to an iron pin at the division line of property of Paul Williams and Nitro Moose Lodge #565; thence continuing along easterly right of way line with property of Nitro Moose Lodge #565, the following two courses and distances: S. 44 deg. 00' 11" W. 191.97 feet to a concrete nail, S. 20 deg. 53' 03" W. 88.46 feet to an iron pin on said right of way at its division line with property of Nitro Moose Lodge #565 and property of Tennessee Gas Transmission Company; thence leaving said easterly right of way with a line projecting the property line between Nitro Moose Lodge #565 and Tennessee Gas Transmission Company N. 82 deg. 38' 44" W. 9' ±, to the easterly right of way line of West Virginia Route #25 and westerly right of way line of Third Avenue; thence along West Virginia Route #25 and Third Avenue, N. 02 deg. 40' W. ± 136' ± to property of Robert Tanner; thence along property of Robert Tanner with westerly right of way line of Third Avenue the following three courses and distances: S. 52 deg. 32' E. 57' ± to a point N. 38 deg. 45' E. 78.92 feet to an iron pin, N. 23 deg. 20' E. 44.00 to an iron pin on westerly right of way line of Third Street; thence continuing along westerly right of way line of Third Avenue and crossing southerly terminus of Third Street N. 28 deg. 20' 07" E. 50.16 feet to an iron pin on property of Nitro Moose Lodge #565; thence continuing along westerly right of way line of Third Avenue and property of Nitro Moose Lodge #565, N. 40 deg. 19' 55" E. 135.64 feet to the place of beginning, containing 0.3 ± acres.

- 4 -

WHEREFORE, your petitioner asks that its petition be filed; that the Council of the City of Nitro, West Virginia refer this matter for public hearing to the Planning & Zoning Commission of the City of Nitro; that an ordinance be enacted by the Council of the City of Nitro, West Virginia, providing relief sought by your petitioner.

NITRO LODGE NO. 565
LOYAL ORDER OF MOOSE

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

Nitro Lodge No. 565 Loyal Order of Moose, the petitioner named in the foregoing Petition, after being first duly sworn, says that the facts and allegations therein contained are true except insofar as they are therein stated to be upon information, and that insofar as they are therein stated to be upon information, they believe them to be true.

NITRO LODGE NO. 565
LOYAL ORDER OF MOOSE

W. H. G. Gudgeon
T+s: *W. H. G. Gudgeon*

CITY OF NITRO
COUNCIL MEETING MINUTES

JUNE 18, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Alden L. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder-Treasurer John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Absent was Councilman A. A. "Joe" Savilla. Also present was City Attorney Phillip D. Gaujot.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 4, 1985 COUNCIL MEETING MINUTES: - Councilman Romie Hughart moved we approve the June 4, 1985 Council Meeting Minutes as written. The motion was seconded. A vote was taken and passed unanimous.

AGENDA ITEM NO. 2 - INTRODUCTION OF SHANE BOWEN: - Mayor Ashley introduced Shane Bowen, a fisherman who caught a tagged fish. Shane explained that he was fishing at the lake about three weeks ago, and he threw three lines out. He caught the fish and it had a tag on it, so he took the fish to Casto Hardware to show Rusty. At this time, Rusty gave Shane \$10.00 for catching the tagged fish, which was placed in the lake for the Spring Festival. The fish would have been worth \$500. had it been caught on the fishing contest day. Shane presented the Mayor a picture of the fish, and as promised in a letter from Mayor Ashley, he will be awarded another \$10.00. An applause was given to Shane.

AGENDA ITEM NO. 3 - LITTLE LEAGUE PARADE REQUEST: - Councilman at Large Rusty Casto stated that the Little League always end their season with a parade, and moved we grant the request for a parade to be held on June 29, 1985. The parade is scheduled to begin at 9:30 a.m. at City Park, down to 40th Street, up Second Avenue to Nitro-St. Albans Bridge back down Main Avenue and will end at City Park. The motion was properly seconded. City Recorder-Treasurer John F. Santrock moved we furnish the Fire and Police Chiefs a copy of the parade route. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 4 - REQUEST FOR BLOCK PARTY FROM RESIDENTS OF 200 & 300 BLOCK OF DUPONT: - Councilman at Large Rusty Casto advised he received a petition signed by 20 residents of the 200 & 300 block of Dupont Avenue, requesting permission to rope the street off on Friday, June 28, from 5:00 to 10:00 p.m. for the purpose of a block party picnic, and moved that request be granted. The motion was seconded. After discussion, a vote was taken and passed unanimously. Permission was granted.

AGENDA - CITY COUNCIL MEETING - TUESDAY, JUNE 25, 1985. The City Council meeting is to be held at 7:00 P.M. on Tuesday, June 25, to finalize the budget as of June 30, 1985, and to make any necessary changes to the budget. The staff has been an excellent job keeping within their budgets. Also, there must be some budget changes which must be made prior to July 1 for next years budget 1985-86.

AGENDA ITEM NO. 6 - REQUEST FROM NITRO MOOSE LODGE: - City Recorder-Treasurer John Santrock read the caption, "AN ORDINANCE TO CLOSE A PORTION OF THIRD AVENUE FROM THE INTERSECTION OF SOUTH STREET TO THE WESTERLY RIGHT-OF-WAY LINE OF W. RT. 25 (FIRST AVENUE)", and moved we approve the second reading of this ordinance. The motion was seconded. After discussion, Councilman Romie Hughart moved we table this item. The motion was seconded. A vote was taken to table, with five votes to the affirmative.

ORDINANCE ATTACHED

AGENDA ITEM NO. 7 - DENNIS MCNEALY REQUEST: - Mayor Ashley advised he received notice that Dennis McNealy's son has been awarded a \$1,000.00 scholarship to V.P.I. The field he has chosen is computer science. However, it is necessary he have a personal computer. The computer will cost \$2,661.00 and the printer \$512.00. Mayor Ashley was questioned if he would ask Council if they would be willing to approve an opportunity to solicit within the City for funds on his behalf. City Recorder-Treasurer John Santrock moved we grant permission to Dennis McNealy to solicit funds, and Councilwoman at large Mary Trout be Chairperson over the funds. The motion was seconded. A vote was taken and it was unanimous.

COMMITTEE REPORTS

1. CITY LOGO ON WATER TANK: - Mayor Ashley announced that the WY Water Company is going to paint the water tank. He requested that Nitro's logo be painted on the tank, and they responded to us in the affirmative. A copy of the logo has been furnished them, and they are going to get it into a large form. Therefore, the City's logo will be placed on the tank.

2. RIDENOUR PARK REPORT: - Mayor Ashley reported that in response to the discussion held at the June 4, 1985 Council Meeting, he has met with the Public Works Department and talked with several members of Council. They have taken the position of creating an assignment for one individual who is an employee of the city, Jay Long. The Department of Public Works and Jay have been asked to be responsible for the upkeep of the City's Parks and recreational facilities in terms of maintenance, such as

moving grass and painting. The facilities include Fish, our lake, World War I Memorial Park, Nitro City Park complex (swimming pool and surrounding area), Library facility, City Park, City Park parking lot, and the foot bridge on 23rd St. Mayor Ashley requested Council prepare a list of priorities to share with Jay on work to be done. Mayor Ashley expressed his thanks to the departments and the public for the work they have done. There is much less litter. The Police Department have done an excellent job of monitoring the activities.

Councilman at Large Rusty Casto informed of a work party at the Little League field and invited volunteers.

Councilman Charles Miller mentioned his concern of cars being in the park area behind the ballfield, and his fear of a child being hit. He suggested if they have something to deliver or unload, to do so and then park in the parking lot. Councilman at Large Rusty Casto will try to correct this matter.

3. P.I.C. WORKERS: - City Recorder-Treasurer John F. Santrock informed we will have 11 Private Industry Council workers reporting for work Monday, June 24. He reported five have already called, and none from Nitro as yet. There is an adult in charge to work with the hours of the workers.

4. SWIMMING POOL REQUEST: - City Recorder-Treasurer John F. Santrock reported that everything is going real well at the pool. The Health Department was there Monday, June 17, but we haven't received the report from them. The representative from the Health Department did tell the employees that this was the best report that the City of Nitro has had since he has been coming to the swimming pool. The income is near \$15,000 so far. Last year we had a total income for the year of \$26,000. The expenditures thus far are \$13,700 for major repairs. The income and expenditures will be shared with Council at the meeting on June 25. Mayor Ashley advised that we have had good comments on the pool and the employees. He reported we have located three sand filters at a reasonable price, as the City will need to replace the sand filter before the opening of the pool next year.

5. DELIVERY OF COMPUTER: - Mayor Ashley advised we have received the computer.

There being no further business to be conducted, the meeting was adjourned at 8:15 p.m.

Borden D. Ashley
BORDEN D. ASHLEY, MAYOR

John F. Santrock
JOHN F. SANTROCK, RECORDER-TREAS.

RESOLUTION 85-_____

AN ORDINANCE TO CLOSE A PORTION OF THIRD AVENUE FROM THE INTERSECTION OF FOURTH STREET TO THE WESTERLY RIGHT-OF-WAY LINE OF WEST VIRGINIA RT. 25 (FIRST AVENUE)

1. Whereas, the City of Nitro, West Virginia has before it a petition by Nitro Lodge No. 565, Loyal Order of Moose, a West Virginia corporation, seeking to close a portion of Third Avenue from the intersection of Fourth Street to the intersection of the westerly right-of-way of WV Rt. 25 (First Avenue), which is a street owned by the City of Nitro, the portion sought to be closed being more particularly described as follows:

BEGINNING at an iron pin in the southerly right-of-way line of Fourth Street at its intersection with western right-of-way line of Third Avenue; thence with the right-of-way line of Fourth Street projected crossing Third Avenue S. 66 deg. 15' E. 63.54' to the easterly right-of-way line of Third Avenue at property of Paul Willard; thence along said easterly right-of-way line with property of Paul Willard the following two courses and distances: S. 52 deg. 41' 16" W. 49.90' to a point, S. 39 deg. 16' 16" W. 94.69 feet to an iron pin at the division line of property of Paul Willard and Nitro Moose Lodge #565; thence continuing along easterly right-of-way line with property of Nitro Moose Lodge #565, the following two courses and distances: S. 44 deg. 00' 11" W. 191.97 feet to a concrete nail, S. 20 deg. 53' 03" W. 88.46 feet to an iron pin on said right-of-way at its division line with property of Nitro Moose Lodge #565 and property of Tennessee Gas Transmission Company; thence leaving said easterly right-of-way with a line projecting the property line between Nitro Moose Lodge #565 and Tennessee Gas Transmission Company N. 82 deg. 38' 44" W. 9' +, to the easterly right-of-way line of West Virginia Route #25 and westerly right-of-way line of Third Avenue; thence along West Virginia Route #25 and Third Avenue, N. 02 deg. 40' W. + 136' + to property of Robert Tanner; thence along property of Robert Tanner with westerly right-of-way line of Third Avenue, the following three courses and distances: S. 12 deg. 32' E. 57' + to a point N. 38 deg. 45' E. 78.92 feet to an iron pin, N. 23 deg. 20' E. 44.00 to an iron pin on westerly right-of-way line of Third Street; thence continuing along westerly right-of-way line of Third Avenue and crossing southerly terminus of Third Street N. 15 deg. 20' 07" E. 50.16 feet to an iron pin on property of Nitro Moose Lodge #565; thence continuing along easterly right-of-way line of Third Avenue and property of Nitro Moose Lodge #565, N. 40 deg. 19' 55" E. 135.64 feet to the place beginning, containing 0.3 + acres.

2. Whereas, the property owners who own property abutting the above described portion of Third Avenue have joined in the petition of the Nitro Lodge No. 565, Loyal Order of Moose, to wit:

- (a) Paul Willard
417 Fourth Street
Nitro, West Virginia 25143
- (b) Nitro Moose Lodge No. 565
101 First Avenue
Nitro, West Virginia 25143
- (c) Robert Tanner
- (d) Tennessee Gas Transmission Company

3. Whereas, that portion of Third Avenue sought to be closed has at no time been opened to the public as a thoroughfare or a means of ingress and egress; that the subject area has at no time been improved or maintained by any public body for the purpose of ingress and egress; and there appearing no objection to the proposed closing of that portion of Third Avenue above described:

Therefore, be it ordained by the City Council of the City of Nitro that that portion of Third Avenue as more particularly described in paragraph 1 above be closed as requested by the petitioners on the condition that the petitioners agree that Nitro Moose Lodge #565, be responsible for constructing (at their expense) an adequate turnaround at the head of Fourth Street at the point and time such property is vacated with this work being done to the specifications of the City of Nitro, and the right-of-way for the Sanitary Sewer now existing remains in

effect at ten feet and when future portions of Nitro Moore area is undertaken, the Sanitary Sewer lines will be relocated, based on specifications set forth by the Nitro Sanitary Board prior to construction. A new right-of-way will be granted to the Nitro Sanitary Board by the Nitro Moose of ten feet at the time of relocation. All location cost will be borne by the Nitro Moose, and an adequate storm sewer system will be installed by the Nitro Moose to handle water flows from this area as specified by the City of Nitro.

Passed by City Council of the City of Nitro, Nitro, West Virginia this _____ day of _____, 1985

Edwin D. Ashley
EDWIN D. ASHLEY, MAYOR

John F. Santrock
JOHN F. SANTROCK, RECORDER-TREAS.

Robert



NITRO, WEST VIRGINIA 25143
(304) 755-0701

LET ASHLEY
MAYOR

NOTICE OF SPECIAL MEETING OF THE COUNCIL
OF THE CITY OF NITRO, NITRO, WEST VIRGINIA


JOHN F. SANTROCK
RECORDER

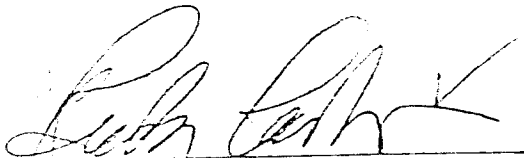
MICHAEL E. GREENE, JR.
TREASURER

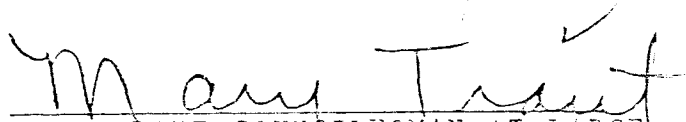
PLEASE TAKE NOTICE that a special meeting of the City Council of the City of Nitro will be held on the 25th day of June, 1985, at 7:00 p.m., in the Council Chambers, City Hall, Nitro, West Virginia.


AGENDA:

1. REQUEST FOR BUDGET REVISION 1984-85.
2. BUDGET 1985-86.
3. SWIMMING POOL UPDATE.

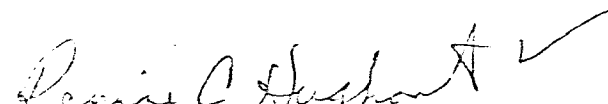

ARLEN D. ASHLEY, MAYOR


RUSTY CASTO, COUNCILMAN AT LARGE

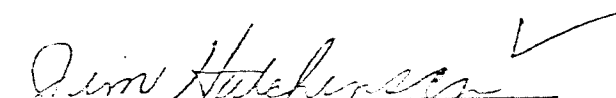

MARY TROUT, COUNCILWOMAN AT LARGE

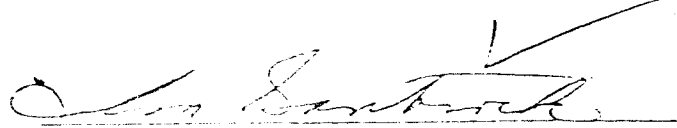

CLIFF WALKER, COUNCILMAN AT LARGE

A. A. "JOE" SAVILLA, COUNCILMAN


ROMIE HUGHART, COUNCILMAN

CHARLES MILLER, COUNCILMAN


JIM HUTCHINSON, COUNCILMAN


JOHN SANTROCK, CITY RECORDER

CITY OF NIRO

COUNCIL MEETING MINUTES

JUNE 25, 1985

A special Council meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:00 p.m. in Council Chambers. Present were City Recorder-Treasurer John F. Santrock, Councilman at Large Rusty Caste, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman Ronie Hughton, and Councilman Jim Thompson. Absent were Councilman A. A. "Jack" Saville and Councilman Charles Miller. Also present was City Attorney Phillip D. Gaujet.

AGENDA ITEM NO. 1 - REQUEST FOR BUDGET REVISION 1984-85; -

Recorder-Treasurer John Santrock informed that keeping with the code and through the guidelines given to us by Helen Burg, that the approval of request for revision of the 1984-85 approved budget be approved. The motion was seconded. The purpose of the revision would reflect the necessary changes in the 1984-85 budget so that we will eliminate the prospect of having negative balances appear in line items in this year's budget. The net increase and decrease of \$47,600 would not change the total figures of the City's budget for 1984-85, as it is strictly an internal transfer of funds. Councilman at Large Olaf Walker questioned under the summary sheet for the 1984-85 Recreation Department the amount of \$90,086. At this time, City Recorder-Treasurer John F. Santrock moved for a two minute recess in order to check the original document to ascertain if an amendment is in order. Mayor Ashley declared a recess. Mayor Ashley declared Council Meeting back in session. After a question, answer and discussion session a vote was taken to grant approval of the Request for Revision to Approved Budget as prepared indicating line item changes. Councilman at Large Olaf Walker abstained and the others in the affirmative.

AGENDA ITEM NO. 3 - SWIMMING POOL UPDATE: City Recorder-

Treasurer John Santrock reported the total intake from the pool is \$15,800.00 including \$365.00 for today's receipts. We have received favorable comments which will be shared with Council at a later date. According to Gene Williams, we have spent \$13,700.00 in repairing the pool. Mr. Santrock is very pleased on how things are going at the pool.

AGENDA ITEM NO. 2 - BUDGET 1985-86: - Mayor Ashley reported

that the budget that had been approved March 10, 1985, has been corrected by virtue of changes that have subsequently been made in the plans with regards to the B & O Tax rate and City Service fees; both of which were reduced beneath the plan increase incorporated in

Material	Quantity	Unit Price	Total Cost
Steel	10,000	\$1.00	\$10,000
Aluminum	5,000	\$2.00	\$10,000
Copper	2,000	\$5.00	\$10,000
Brass	1,000	\$10.00	\$10,000
Iron	8,000	\$1.25	\$10,000
Lead	4,000	\$2.50	\$10,000
Gold	2,000	\$5.00	\$10,000
Silver	1,000	\$10.00	\$10,000
Platinum	500	\$20.00	\$10,000
Palladium	200	\$50.00	\$10,000
Rhodium	100	\$100.00	\$10,000
Iridium	50	\$200.00	\$10,000
Osmium	25	\$400.00	\$10,000
Vanadium	10	\$1,000.00	\$10,000
Chromium	5	\$2,000.00	\$10,000
Manganese	2	\$5,000.00	\$10,000
Nickel	1	\$10,000.00	\$10,000
Cobalt	0.5	\$20,000.00	\$10,000
Scandium	0.2	\$50,000.00	\$10,000
Titanium	0.1	\$100,000.00	\$10,000
Zirconium	0.05	\$200,000.00	\$10,000
Barium	0.02	\$500,000.00	\$10,000
Strontium	0.01	\$1,000,000.00	\$10,000
Calcium	0.005	\$2,000,000.00	\$10,000
Sodium	0.002	\$5,000,000.00	\$10,000
Potassium	0.001	\$10,000,000.00	\$10,000
Lithium	0.0005	\$20,000,000.00	\$10,000
Beryllium	0.0002	\$50,000,000.00	\$10,000
Magnesium	0.0001	\$100,000,000.00	\$10,000
Aluminum	0.00005	\$200,000,000.00	\$10,000
Steel	0.00002	\$500,000,000.00	\$10,000
Iron	0.00001	\$1,000,000,000.00	\$10,000
Copper	0.000005	\$2,000,000,000.00	\$10,000
Brass	0.000002	\$5,000,000,000.00	\$10,000
Gold	0.000001	\$10,000,000,000.00	\$10,000
Silver	0.0000005	\$20,000,000,000.00	\$10,000
Platinum	0.0000002	\$50,000,000,000.00	\$10,000
Palladium	0.0000001	\$100,000,000,000.00	\$10,000
Rhodium	0.00000005	\$200,000,000,000.00	\$10,000
Iridium	0.00000002	\$500,000,000,000.00	\$10,000
Osmium	0.00000001	\$1,000,000,000,000.00	\$10,000
Vanadium	0.000000005	\$2,000,000,000,000.00	\$10,000
Chromium	0.000000002	\$5,000,000,000,000.00	\$10,000
Manganese	0.000000001	\$10,000,000,000,000.00	\$10,000
Nickel	0.0000000005	\$20,000,000,000,000.00	\$10,000
Cobalt	0.0000000002	\$50,000,000,000,000.00	\$10,000
Scandium	0.0000000001	\$100,000,000,000,000.00	\$10,000
Titanium	0.00000000005	\$200,000,000,000,000.00	\$10,000
Zirconium	0.00000000002	\$500,000,000,000,000.00	\$10,000
Barium	0.00000000001	\$1,000,000,000,000,000.00	\$10,000
Strontium	0.000000000005	\$2,000,000,000,000,000.00	\$10,000
Calcium	0.000000000002	\$5,000,000,000,000,000.00	\$10,000
Sodium	0.000000000001	\$10,000,000,000,000,000.00	\$10,000
Potassium	0.0000000000005	\$20,000,000,000,000,000.00	\$10,000
Lithium	0.0000000000002	\$50,000,000,000,000,000.00	\$10,000
Beryllium	0.0000000000001	\$100,000,000,000,000,000.00	\$10,000
Magnesium	0.00000000000005	\$200,000,000,000,000,000.00	\$10,000
Aluminum	0.00000000000002	\$500,000,000,000,000,000.00	\$10,000
Steel	0.00000000000001	\$1,000,000,000,000,000,000.00	\$10,000
Iron	0.000000000000005	\$2,000,000,000,000,000,000.00	\$10,000
Copper	0.000000000000002	\$5,000,000,000,000,000,000.00	\$10,000
Brass	0.000000000000001	\$10,000,000,000,000,000,000.00	\$10,000
Gold	0.0000000000000005	\$20,000,000,000,000,000,000.00	\$10,000
Silver	0.0000000000000002	\$50,000,000,000,000,000,000.00	\$10,000
Platinum	0.0000		

This makes a total of \$1,559,708 instead of \$1,642,950. This gives a balanced budget of \$1,559,708. This means that Council has \$71,760 instead of \$148,000, of which must be decreased by \$15,000 due to increased cost of Writman's compensation. In addition, there is to be added longevity pay of \$2,165. Council- men make budget and we declare an overall annual budget for the year 1985-86 in the amount of \$1,559,708. The motion was seconded. The motion was carried. The Council will receive a copy of a resolution to increase the salaries of the Council members retroactive to July 1, 1985. There was question as to the legality of making the increase retroactive. City Attorney Philip Gault will check into this matter. It was suggested to the attention of Council that even though it shows we have funds in the increased budget, it doesn't mean we will have the money, and we do not want to create a deficit in the year end budget. After much discussion a vote was taken to approve the 1985-86 budget and it was unanimous.

There being no further business to be discussed, the meeting was adjourned at 2:30 P. M.

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John F. Sedgwick, Recorder-Treas.

ANNUAL BUDGET ESTIMATE

ACCOUNT		84-85 ANNUAL BUDGET	85-86 ANNUAL BUDGET	Budget Increase or (Decrease)
400000-000	PROPERTY TAX	941197	245708	-15589
400000-000	Building Permit	1000	1000	5000
400000-000	Inspector Fees	40000	33000	-7000
400000-000	Parks & Recreation	172000	172000	0
400000-000	Civic Buildings	350000	450000	100000
400000-000	SAO Tax	92000	100000	8000
400000-000	Utility Tax	1000	1000	0
400000-000	Liquor License	50000	55000	5000
400000-000	Liquor Tax	8000	8000	0
400000-000	Business Licenses	7500	7500	0
400000-000	Interest Income	40000	15000	-25000
400000-000	Court Costs	100	100	0
400000-000	Literary Fees	280000	334000	54000
400000-000	Municipal Serv.	2500	2500	0
400000-000	State Grants	2400	2400	0
400000-000	Rent	2000	2000	0
400000-000	Sale-Fixed Assets	13000	15000	2000
400000-000	Miscellaneous	199000	82000	-117000
400000-000	Revenue Sharing	13500	13500	0
400000-000	Coal Severance	1543297	1559708	16411
400000-000	TOTAL REVENUES	84-85 ANNUAL BUDGET	85-86 ANNUAL BUDGET	BUDGET CHANGE
400000-000		71515	68515	-3000
400000-000	EXERCISE	25896	25146	-750
400000-000	Major's Office	10977	12177	1200
400000-000	Building Inspector	253284	230684	-22601
400000-000	Police Catcher	236693	218113	-18580
400000-000	Police Dept.	490179	517648	27469
400000-000	Police Dept.	90088	71724	-18364
400000-000	Public Works	11488	83248	71760
400000-000	Recreation Dept.	17145	17145	0
400000-000	City Council	95834	72753	-23081
400000-000	Recorder	215979	225338	9360
400000-000	Treasurer	24219	24219	0
400000-000	City Hall	1543297	1559708	16411
400000-000	Library			0
400000-000	TOTAL	0	0	0
400000-000	Surplus/-Deficit			

CHANGES OFFICE

ACCOUNT
NUMBERACCOUNT
NAME84-85
ANNUAL
BUDGET85-86
ANNUAL
BUDGET

6574003-409 Salaries
 6574004-409 FICA Tax
 6574005-409 Retirement
 6574006-409 Travel
 6574007-409 Tunes
 6574008-409 FICA Tax
 6574009-409 Dep't. Bond
 6574010-409 Misc.
 6574011-409 Cap. Exp.
 6574012-409 TOTAL

71515
84-8568515
85-86

-200

-200

6574013-409 Inspector
 6574014-409 ACCOUNT
 6574015-409 NAME
 6574016-409 Salaries
 6574017-409 FICA Tax
 6574018-409 Retirement
 6574019-409 Travel
 6574020-409 Tunes
 6574021-409 FICA Tax
 6574022-409 Dep't. Bond
 6574023-409 Misc.
 6574024-409 Cap. Exp.
 6574025-409 TOTAL

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6574026-409

ACCOUNT
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BUDGET85-86
ANNUAL
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6574027-409 FICA Tax
 6574028-409 Retirement
 6574029-409 Travel
 6574030-409 Tunes
 6574031-409 FICA Tax
 6574032-409 Dep't. Bond
 6574033-409 Misc.
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 6574035-409 TOTAL

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 COUNTY OF _____

GOVERNMENT ENTITY

ENTITY APPROVAL DATE

STREET OR PO BOX

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ZIP CODE

CITY

ACCOUNTS (Ind. each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT
308	Building	5,000	5,000		10,000
322	Public Works	172,000	3,100		175,100
323	Public Works	22,500			22,500
338	Wine and	56,000	5,000		55,000
390	Travellers	15,000	12,000		27,000

NET INCREASE/(DECREASE) 47,600

EXPENDITURES (Ind. each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
411	Records	17,145		7,050	24,195
440	Civil Hall	215,979		25,000	240,979
446	Dog Warden	15,978		6,900	17,878
540	Public and Recreation	92,088		8,650	100,738

TAX DEPARTMENT USE ONLY

NET INCREASE/(DECREASE) 47,600

RECEIVED _____

DATED _____

BY _____

APPROVED FOR THE STATE TAX COMMISSIONER BY:

DIRECTOR-LOCAL GOVERNMENT RELATIONS

AUTHORIZED SIGNATURE
FOR GOVERNING BODY

DATE OF REQUEST

SPECIAL NOTE: TRANSFERS TO/FROM ALL FUNDS MUST BE

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IT CONTAINING

SIGNATURES ()

COMMISSIONERS ()

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CITY OF NITRO
COUNCIL MEETING MINUTES

JULY 2, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder-Treasurer John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hugbart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot.

The invocation was given by Councilman A. A. "Joe" Savilla.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 18, 1985 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the Council Meeting Minutes of June 18, 1985. The motion was properly seconded and passed unanimously.

AGENDA ITEM NO. 2 - APPROVAL OF SPECIAL COUNCIL MEETING MINUTES OF JUNE 25, 1985: - The approval of the Special Council Meeting of June 25, 1985 was moved by Councilman Jim Hutchinson. The motion was seconded. Following a discussion of an error in the budget passed by Council on June 26, 1985, Councilman at Large Olaf Walker proposed an amendment in order to bring the expense portion of 1985-86 Budget to a correct total of \$1,559,708. On the 1st page of the City of Nitro Budget, Line Item forty (40), delete \$83,248. and insert \$76,246., and budget increase Line Item 40 changed to \$64,758. This will then add to correct total of \$1,559,708. in projected expenses -- balancing Budget Estimate of \$1,559,708. for 1985-86. In individual account of City Council, delete Contingency and insert Unappropriated funds. Line items 179 and 181 have already been corrected to read \$66,758. unappropriated funds and totals of City Council Budget to be \$76,246. and budget change of \$64,758. Amendment properly seconded and upon friendly agreement adopted the June 25, 1985 minutes as amended.

COMMITTEE REPORTS

Mayor Ashley stated that in absence of work being done at the intersection of 19th St. and Lock, he contacted the Department of Highways and found that they had originally put in a work order to install the traffic lights for the Interstate exit for the plant entrance, Lock and 19th all in one package. The amount of money was in excess of that to be appropriated at that particular time. The highest priority assigned by the Department of Highways was the Interstate exit, which has already been put under contract. The plant entrance would be next, and is also

under contract. The DOR gave the assurance that by August, 1985, they will let the contract for the 19th St. intersection, and in October, they will let the contract for the Lock St. intersection. The completion date will be approximately six to eight months depending upon the delivery of the poles.

Councilman A. A. "Joe" Savilla stated the need for a meeting of the Paving Committee.

Mayor Ashley informed that he had several requests regarding street repair, and questions as to when those in need of repair would be taken care of. He said he had instructed the Department of Public Works to proceed as soon as possible. The Traffic Committee has furnished a priority list to the Department of Public Works on which streets need repairing and repaved.

At this time (7:45 p.m.), the Mayor stated that Council needed to go into Executive Session and recess from regular session for the purpose of discussing personnel. Councilman A. A. "Joe" Savilla made motion to go into Executive Session. The motion was seconded and passed unanimously. Mayor Ashley requested those not involved to please leave the Council Chambers.

At 8:30 p.m. Mayor Ashley declared the regular session of City Council to be reconvened. He reported that out of Executive Session the motion was made and approved by unanimous vote that the Mayor and City Recorder are permitted to recruit and employ a person for the position Office Manager-Computer Operator, at a negotiable salary rate.

AGENDA ITEM NO. 3 - CITIZEN OF THE MONTH - TIM COOK - Mayor Ashley stated that we had a multi-talented young man, Tim Cook, who is a poet, guitarist and that he had written a song about Nitro W.W.I. titled "Place Where Memories Never Die", which he has recorded. Council had the pleasure of listening to the song and several favorable comments were made. Mayor Ashley then announced Tim Cook as Nitro's Citizen of the Month for July.

There being no further business to be conducted, the meeting was adjourned at 8:40 p.m.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANDROCK, RECORDER-TREASURER

CITY OF NITRO
COUNCIL MEETING MINUTES

JULY 16, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder-Treasurer John F. Santrock, Councilman at Large Rusty Castro, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 2, 1985 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the minutes of July 2, 1985 be approved as written. The motion was seconded. A vote was taken for the approval and it was unanimous.

AGENDA ITEM NO. 2 - FRUTH REQUEST FOR FLEA MARKET ON AUGUST 3, 1985: - Mayor Ashley introduced J. David Morgan from Fruth Pharmacy of Nitro, who submitted a request for a flea market to be held on 21st Street on August 3, 1985. Mr. Morgan explained they wanted to close the left portion of the street parking area on 21st St. and he was going to close his parking area to allow for flea market exhibits. He agrees to handle the publicity through radio and newspapers. Mr. VanBuren told Mr. Morgan he would like to have something at his store, and Mr. Morgan is hoping that they can spread it throughout the city. He will present this idea to the businessmen at their meeting on July 17. Councilman A. A. "Joe" Savilla moved we grant Mr. Morgan's request. The motion was seconded. After discussion, a vote was taken and it was unanimous to grant the request.

AGENDA ITEM NO. 3 - PROPOSED APCO CONTRACT FOR STREET LIGHTS: - Council was furnished a copy of the proposed contract with APCO quite sometime ago. City Recorder John Santrock commented that it did not increase the number of lights, etc. There will be an increase of \$13,985.04 annually, for a 10 year period. It is the same contract signed 10 years ago except with different figures. City Recorder John Santrock moved we approve this contract. The motion was seconded. A vote was taken to approve the rate increase, and it was unanimously approved.

AGENDA ITEM NO. 4 - LONNIE NORVELL REQUEST: - A copy of the letter received from Lonnie Norvell relative to a request to place a balcony constructed of steel joist, steel decking, and four inch concrete floor, or as our city may require. It would extend over the alley approximately fifteen feet from the ground level. City Recorder John Santrock moved we refer this request to the Board of Zoning Appeals, chaired by Cecil Lemma, for variance. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - PETITION FOR A STREET LIGHT AND REDUCED SPEED LIMIT ON 1ST AVENUE AT THE INTERSECTION OF ROUTE 25 AND RED OAK STREET: - A copy of a petition from Mr. Chapman from Old County Road with names and addresses of the signatures was distributed to Council. The requests are that the speed limit be lowered from 45 to 35 m.p.h. from the boundary identifying the city limits on Route 25, South to Dunbar Sash and Supply, and the installation of a traffic control signal at Route 25 at Red Oak Drive and Cleveland Avenue. According to the statement on the petition, there was an average of one accident per day in this vicinity. By an examination of the records, between the months of January and June 30, 1985, there were 8 accidents in the area identified as city limits at Red Oak Drive to Dunbar Sash and Supply. For the entire City there was an average of 15 1/2 accidents per month. Chief Cochran informed they have asked for a study to move the 45 m.p.h. signs back towards Institute due to the fact that the speed limit is dropping from 55 to 45 m.p.h. at the City limits. He feels this would solve the problem. This petition was given to Councilman Jim Hutchinson and passed on to Council. Also, the petition was mailed to Commissioner Ritchie of the Department of Highways.

AGENDA ITEM NO. 6 - REQUEST BY BENI KEDEM FOR A PARADE (SCARLET OAKS CELEBRITY TOURNAMENT): - To honor the Scarlet Oaks Celebrity Golf Tournament, request has been received from the Shrine for a parade on August 3. The proposed parade route is along First Avenue, starting at 40th Street and disband at 19th Street. Councilman Jim Hutchinson moved we grant their request. The motion was seconded. A vote was taken and it was unanimously approved.

COMMITTEE REPORTS

1. PAVING COMMITTEE - Councilman A. A. "Joe" Savilla reported for the Paving Committee which consists of Councilman A. A. "Joe" Savilla, Councilman Ronie Hughart, Councilman Charles Miller, Councilman Jim Hutchinson and Director of the Department of Public Works, Gene Williams. They held a meeting earlier this evening and identified the first six streets to be paved. They are 19th Street, 22nd Street, 7th Street, the 200 block of Hillside Drive, an eight foot strip up the middle of 28th Street, and the 100 block, 800 block, 901 block and the 1000 block of Depont. The streets listed are in no order of priority. The paving will begin at one end and work for

better equipment utilization. The Paving Committee will meet for the purpose of checking the roadway problem at Brookhaven, and try to determine the reason. Councilman A. A. "Joe" Savilla requested permission from Council for Mayor Ashley and City Recorder-Treasurer John Santrock to obtain an engineering survey to be done on the streets in the Brookhaven area. The streets are crumbling badly which he feels is from a combination of surface water or water from Union Public Service District sewer system. Councilman A. A. "Joe" Savilla moved we grant permission for an engineering report as the problem is severe. The motion was seconded. Mrs. Young of 110 Brentwood Road made comment and asked for help on the road problem. Mrs. McLaughlin of 109 Brentwood requested clarification of the term "dedication of the streets". Mayor Ashley explained that it was his understanding that the streets of Brookhaven had been dedicated to the City of Nitro which would be ownership of the streets and the city's responsibility. However, the document of assignment cannot be located, and a research of the files must be made to ascertain if, in fact, they had been dedicated and turned over to the City as a responsibility of the city which would include ownership and responsibility of maintaining the streets. A vote was taken to approve the employment of an engineering firm to survey the problem in Brookhaven as identified, and it was unanimous. Councilman A. A. "Joe" Savilla invited members of Council to go with the Paving Committee to check on the problem at Brookhaven. He also stated that if any of the Council at Large had any streets that needed to be added to the paving, boxed or patched list, they would happy to look at them. Mayor Ashley encouraged residents to notify Council of any streets in the city in need of repair. Councilman A. A. "Joe" Savilla stated a survey of the city will be made Saturday, July 20. Council will meet at 9:00 a.m. at City Hall.

Councilwoman at Large Mary Trout moved we restore \$2,000. back in the budget for Council travel. The motion was seconded. After much discussion, a vote was taken and passed by a majority with Councilman at Large Rusty Casto, Councilman at Large Olaf Walker and Councilman Romie Hughart voting in the negative. The \$2,000. for Council travel line item will be taken from the City Council account that has not been targeted for a specific purpose.

Councilman Romie Hughart, Chairman of the Compensation Committee, informed they had a meeting reference employee raises. No decision has been made at this time, but they will meet again at the end of the first fiscal-year quarter.

There being no further business to be conducted, the meeting was adjourned at 8:30 p.m.

ARLEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, RECORDER-TREAS.

3. All bills shall be rendered monthly and shall be due and payable by the Customer within a period of thirty (30) days from the date thereof.

4. All material furnished by the Company shall remain the property of the Company and may be removed at the termination of this Agreement, if the Company so desires.

5. The Company shall keep each and every lamp herein specified in operation during the time provided and the Customer may make deduction for failure to operate any one or more of said lamps in the following manner:

For all outages which shall be reported daily in writing to the Company by the proper officers of the Customer, the Customer may deduct from the total monthly amount which would have been paid for any lamp had no outage occurred, a sum bearing the ratio to such total as the period of the outage bears to the total time the lamps should have been operated in any month; provided, however, that should the lighting of any lamp or lamps be stopped by unavoidable accident, the Company shall be allowed twenty-four (24) hours after notice of the outage in which to again light such lamp or lamps without being liable to deduction as above provided.

6. If the Customer shall default in the payment of any bills as hereinbefore provided, the Company may at its option, after having given ten (10) days' written notice of its intention to do so, discontinue the service herein specified and continue to withhold the supply of electric energy for street lighting until such time as the Customer has made payment for all bills in which it is in arrears. Any such suspension of service by the Company shall not terminate this Agreement unless Company so elects. Otherwise, upon payment by the Customer of the amount it is in arrears, the Agreement shall remain in full force and effect for the period herein specified.

7. The Customer, as a further consideration for the promises and agreements made by the Company herein set forth, hereby grants to the said Company the privilege of the use of the streets, alleys and public places of said Customer for the purpose of placing its poles and equipment for providing this service.

8. The Customer agrees that during the life of this Agreement it will provide in its annual budgets and estimates and levy of taxes sufficient funds to pay the Company any amounts due for services rendered under said Agreement.

9. All and singular the terms and conditions of this Agreement shall be binding upon and inure to the benefit of the parties hereto, their respective successors and/or assigns.

10. This Agreement cancels and supersedes all previous Agreements relating to the supply of the service described herein.

11. This Agreement shall extend for a period of ten (10) years from the date thereof. Rates during the term of this Agreement will change in accordance with revisions in Rate Schedule S.L. as approved by the Public Service Commission of West Virginia.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in triplicate by their duly authorized officers the day and year first above written.

ATTEST:

APPALACHIAN POWER COMPANY

BY: _____

Division Manager

ATTEST:

BY: _____

Mayor

BY: _____

City of Nitro - Kanawha County

Account No. 2-314-98-02000-03

Type of Fixture	No. Units	Present Cost/Unit	Present Total/Month	Proposed Cost/Unit	Proposed Total/Month
3500L MER OH SL WD	327	3.00	\$ 981.00	4.64	\$1,517.28
7000L MER OH SL WD	47	4.00	188.00	5.93	278.71
7000L MER OH SL AL	10	4.00	40.00	11.32	113.20
21000L MER OH SL WD	114	5.75	<u>655.50</u>	8.59	<u>979.26</u>
			\$1,864.50/mo.		\$2,888.45/r

City of Nitro - Putnam County

Account No. 2-314-98-02050-02					
3500L MER OH SL WD	48	3.00	\$ 144.00	4.64	\$ 222.72
10000L MER OH SL WD	5	4.00	12.00	5.93	17.79
21000L MER OH SL WD	19	5.75	<u>109.25</u>	8.59	<u>163.21</u>
			\$ 265.25/mo.		\$ 403.72/r

TOTALS \$2,129.75

\$3,295.17

\$1,165.42/mo. increase
\$13,985.04/yr. increase

LEGEND:

L = Lumen
MER = Mercury Vapor Light
OH = Overhead Distribution
SL = Street Light
WD = Wood Poles
AL = Aluminum Poles

Figure 1. The proposed model for the development of the *Staphylococcus aureus* infection in the skin of the patient with rheumatoid arthritis. The model is based on the results of the study by [10].

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CITY OF NITRO
COUNCIL MEETING MINUTES

AUGUST 6, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder-Treasurer John F. Santrock, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, and Councilman Charles Miller. Also present was City Attorney Phillip D. Gaujot. Absent were Councilwoman at Large Mary Trout and Councilman Jim Hutchinson.

The invocation was given by Councilman A. A. "Joe" Savilla.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 16, 1985 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the July 16, 1985 Council Meeting Minutes as written. The motion was seconded. A vote was taken and it was unanimously approved and so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Nitro's Citizen of the Month for August, 1985 is David Morgan. Mr. Morgan is local manager of Fruth Pharmacy on 21st Street. Mayor Ashley made the presentation to a very surprised David Morgan. A round of applause was given to him.

AGENDA ITEM NO. 3 - BROOKHAVEN STREETS: - Council was furnished copies of City Council meetings that have taken place pertinent to Brookhaven. Mayor Ashley stated it is imperative we determine the ownership of the streets. In reviewing the legal documents on file on the resolution covering the annexation, it does list the metes and bounds, but it is mute on whether the streets were dedicated. After much research, City Recorder John Santrock has not been able to find any reference as to whether or not the streets of Brookhaven were dedicated. City Attorney Phillip D. Gaujot stated the streets either belong to somebody, or belong to the owners of Brookhaven as a whole, or they have been dedicated to the City of Nitro. Mayor Ashley told residents that the city was not trying to shirk its responsibility to repair the streets, but was trying to approach the project in accordance to law. He urged residents to submit copies of any legal documents they might have relating to property boundaries in Brookhaven. There were comments and questions from residents of Brookhaven. Councilman A. A. "Joe" Savilla informed that it did not take the residents of Brookhaven attending Council to make Council aware of their problem. He read the Paving Committee report of July 16, 1985, and stated this matter was given consideration a year ago. Councilman at Large Olaf Walker moved that if any party present was unable to attend the meeting

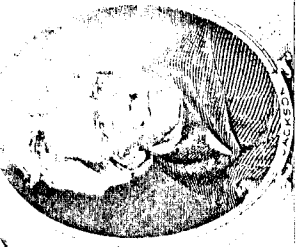
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FOR ALL DEBTS, PUBLIC AND PRIVATE



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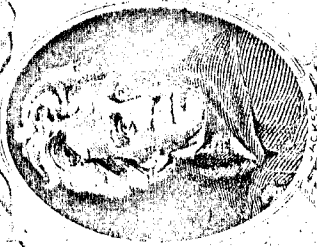
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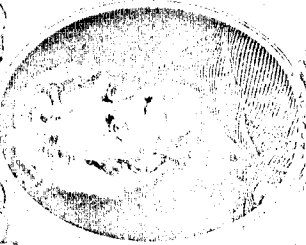
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August 13, that they be given the opportunity to speak at this meeting, and that we table this matter until the meeting on August 13, to allow counsel to obtain further information. The motion was seconded. A vote was taken and it was unanimous. Council will hold a public meeting at 7:00 p.m. August 13, 1985, at Nitro High School to discuss the problem in greater depth.

AGENDA ITEM NO. 4 - ORDINANCE 85- (1ST READING) REZONING PROPERTY AT 2505 FROM "R-2" TO "B-1": - City Recorder John Santrock shared the minutes of the Planning Commission with Council and moved they be made a part of our minutes as it is relevant to the rezoning of property. The motion was seconded. A vote was taken and it was unanimous.

City Recorder John Santrock read the Ordinance which would rezone the property at 2505 from "R-2" to "B-1", and moved we pass this on the first reading. The motion was seconded. There being no discussion, a vote was taken for the approval of the first reading, and it was unanimous.

PLANNING COMMISSION MINUTES ATTACHED.

ORDINANCE ATTACHED:

AGENDA ITEM NO. 5 - ORDINANCE 85- (1ST READING) RESERVED PARKING FOR HANDICAPPED: - City Recorder John Santrock introduced an Ordinance to provide for the Chief of Police to declare parking for handicapped only areas, and moved we accept the first reading of this ordinance. The motion was seconded. After discussion, a vote was taken and it was unanimous.

Mayor Ashley introduced Miss Cindy Green, Manager of Computer Operations for the City. Miss Green, prior to Council Meeting, briefly displayed the computer to Council, and invited Council to come back at their convenience for further demonstration and information.

AGENDA ITEM NO. 6 - HARMON CABLE COMMUNICATION: - City Recorder John Santrock furnished Council a copy of the communique from Harmon Cable Communication informing of a \$.50 increase effective September, 1985. This letter was mailed to the City as a courtesy before mailing to their customers.

AGENDA ITEM NO. 7 - ZONING BOARD OF APPEALS REPORT OF MEETING 7-25-85 - KEN KNICELEY RESIGNATION: - City Recorder John Santrock distributed a copy of the Zoning Board of Appeals report of meeting on July 25, 1985 to Councilmembers, and moved the report be made a part of the minutes. The motion was seconded. A vote was taken and it was unanimous. Mr. Ken Kniceley, a member of the Zoning Board of Appeals for many years, and a former Councilman has requested to be replaced effective immediately. The expiration term of Mr. Kniceley is January 1, 1988. His resignation is due to health reasons. Mr. Kniceley recently had another heart attack.

JOHN F. SANTROCK, RECORDER-TREAS.

ALLEN D. ASHLEY, MAYOR

There being no further business to be conducted, the meeting was adjourned at 8:30 p.m.

PROCLAMATION 85-6 ATTACHED.

AGENDA ITEM NO. 11 - PROCLAMATION FOR SOCIAL SECURITY WEEK: - Councilman at Large Rusty Castro moved for the passage of the Proclamation for August 11 - 17th as SOCIAL SECURITY WEEK. The motion was seconded. A vote was taken and passed unanimously.

AGENDA ITEM NO. 10 - KENDY NESTOR - REQUEST TO SOLICIT FUNDS FROM MERCHANTS FOR WINFIELD H.S. ATHLETIC ASSN.: - City Recorder John Santrock moved we table the request for solicitation from merchants in Nitro for the Winfield High School Athletic Association. The motion was properly seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 9 - PETITION FROM RESIDENTS ON 13TH STREET: A petition from residents in the 13th Street area opposing the establishment of a nursing home at 1307 13th Street was presented to Council. They were notified that Bob Sergeant, Building Inspector, had investigated and was informed there was no desire for establishment of a nursing home, only to care for the elderly person residing in the home.

AGENDA ITEM NO. 8 - MIDGET FOOTBALL LEAGUE REQUEST: - City Recorder John Santrock moved we grant permission for the Nitro Midget Football League to use the grounds and facilities at the Nitro City Park, and also permit them to park cars on the city parking lot during the Nitro High School football games in order to ask for donations for the League. The motion was seconded. Mr. Jim Landers, President of the Nitro Midget Football League, assured that donations would be by request rather than mandatory. Following a short discussion, a vote was taken to grant the requests and it was unanimous.

COPY ATTACHED.

PLANNING COMMISSION MINUTES, CITY OF NITRO

July 30, 1985

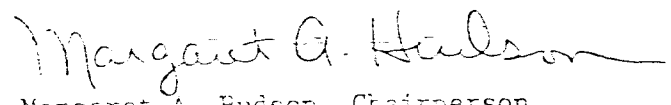
The Planning Commission of the City of Nitro, WV, met Tuesday, July 30, 1985, at 7:00 p.m. in the Conference Room at City Hall. The meeting was called to order by Margaret Hudson, Chairperson. Other members present were: John Santrock--representing the Mayor, Dr. Guy Cassell, Dr. Charles Byrd, Dave Miller, Joan McClanahan, and Greg Smith. Additional people present were: Andre Haikal, Bob Sargent, Romie Hughart and Jerry Hudson.

The item of business before the Planning Commission was a petition from Andre Haikal to change the zoning of the property located at 2505 25th Street from R2 to B1 for the purpose of extending his store--Nitro Supermarket. After much discussion including the fact that the lot immediately behind 2505 is already zoned B1, Dr. Cassell moved that the Planning Commission recommend to City Council that "the property at 2505 25th Street be rezoned from R2 to B1." The motion was properly seconded. Motion carried.

Additional discussion concerned the Subdivision Ordinance draft, the filling of vacancies on the Planning Commission, mobil home requirements and the 100 foot business zoning along First Avenue.

Since there was no additional business to be conducted, a motion was made to adjourn. This was properly seconded. Motion carried.

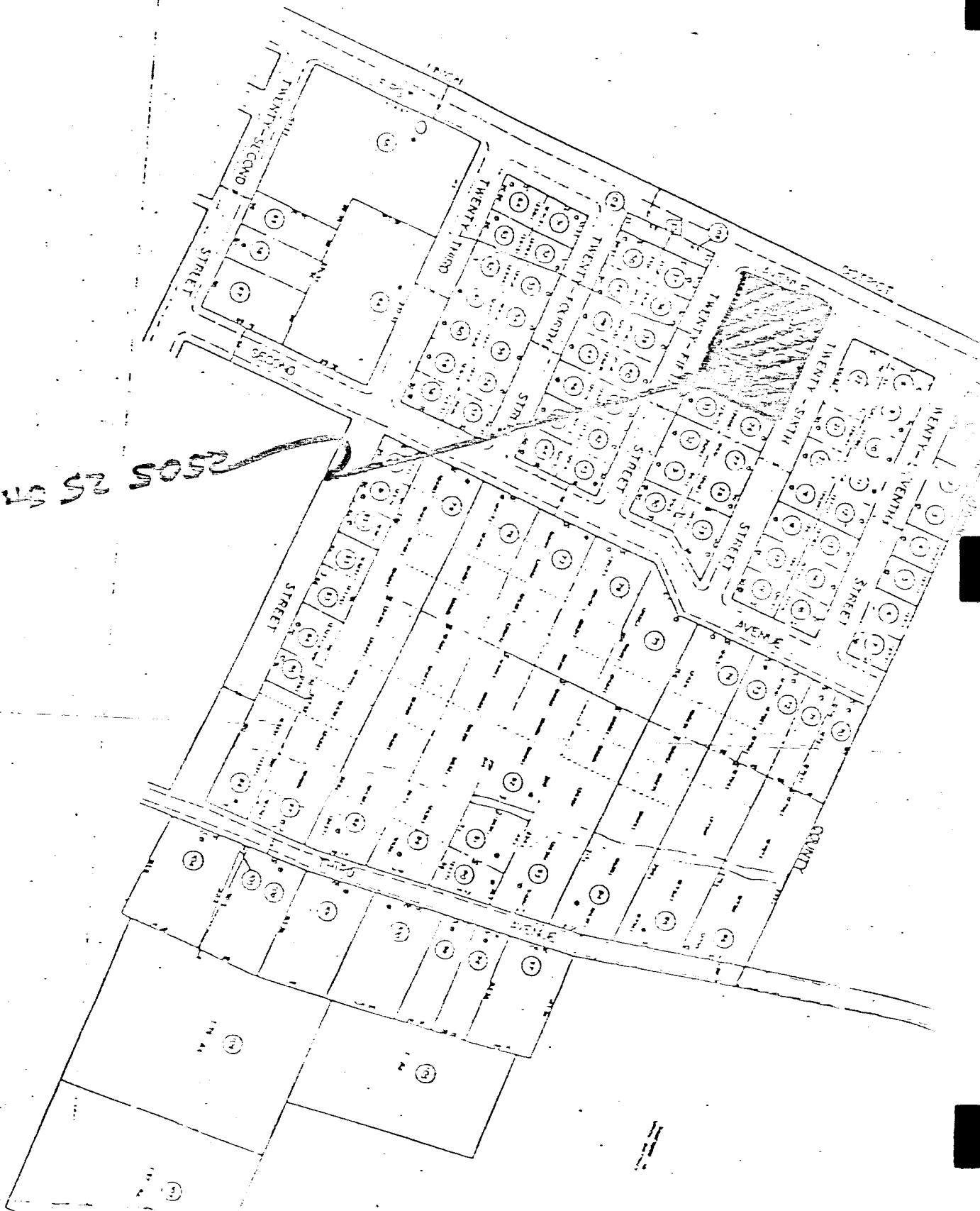
Respectfully submitted,



Margaret A. Hudson, Chairperson
Planning Commission, City of Nitro

Roxin

45 52 5052



ORDINANCE 85-

AN ORDINANCE TO REZONE
2505 25TH STREET FROM
"R-2" TO "B-1".

WHEREAS, a report from the Planning Commission has recommended unanimously the rezoning of 2505 25th Street from "R-2" to "B-1"; and

THEREFORE, since the Planning Commission has properly advertised and held public hearing attended by a majority of the commission with no negative comments; and

INASMUCH, plans submitted to the Commission and Building Inspector indicate this rezoning would be in the best interest of the community of the area, to the citizens of Nitro and improve the business located adjacent to 2505 25th and 26th Street.

THEREFORE, BE IT ORDAINED by the City Council of the Municipality of Nitro that lot 2505 25th Street be rezoned from "R-2" to "B-1".

FIRST READING: August 6, 1985

SECOND READING: _____

ARDEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, RECORDER-TREAS.

JOHN F. SANTROCK, RECORDER-TREAS.

ARDEN D. ASHLEY, MAYOR

FIRST READING: August 6, 1985
SECOND READING:

SECOND READING:

A minimum fine of not less than twenty-five dollars (\$25.00) will be assessed those violating this ordinance.

BE IT FURTHER RESOLVED that those parking in "Reserved for Handicapped" must be identified by the State of West Virginia Handicapped sticker and/or license; and

THEIRFORE, BE IT RESOLVED the Chief of Police is directed to place "Reserved for Handicapped" signs immediately in identified areas. The Chief of Police will review each "Reserved for Handicapped" parking place every six months,

WHEREAS, reserved parking should be made available at City facilities,

WHEREAS, there is a great need for reserved parking opportunities in residential areas wherein handicapped reside; and

AN ORDINANCE TO PROVIDE FOR THE
CHIEF OF POLICE TO DECLARE PARKING
FOR HANDICAPPED ONLY AREAS

FILED

NITRO WEST VIRGINIA 25143

0024755-0701

25-45-15
MAVOR

JOHN E. SANDROO,
RECORDER
MICHAEL E. GREENE, ESQ.
TREASURER

ZONING BOARD OF APPEALS

HEARING

JULY 25, 1985

The Zoning Board of Appeals met on July 25, 1985 in the Reception Room of Nitro City Hall. Members present were: Cecil Lemma, Chairman, Donald Baker and Wade Austin. Also present were Bob Sergeant and Jerry Goldberg. Members absent were Ken Kniceley and Timothy Cook.

Permission was given unanimously by the Board a variance request of Mr. Goldberg of Dunbar Sash, 800 First Avenue, South to place a sign containing 120 square feet per face (7 1/2' X 16') elevated with 20' between bottom of sign and ground.

Zoning Ordinance for "B-1" permits only fifty (50) square feet in area per face, provided that there are at least fifteen (15) feet from any street right-of-way.

Next meeting of Zoning Board of Appeals will be a hearing of the variance request of Lennie Norwell, referred by Council, on Thursday, August 8, 1985.

Cecil Lemma, Chairman
Zoning Board of Appeals

LIVING MEMORIAL TO WORLD WAR I

ARLEN D. ASHLEY, MAYOR

Passed by Nitro City Council this 6th day of August, 1985.

city.

and the continuing value of the Social Security program to this encouraged to recognize the accomplishments of the last 50 years 17th is SOCIAL SECURITY WEEK in Nitro. All citizens are program to all citizens, and set seal hereto, that August 11 -

THEFORE, I, Arden D. Ashley, Mayor, do announce and

has with earlier generations;

responding to the needs and desires of new generations just as it vital thread in the fabric of American life, growing and

WHEREAS, this Nation's Social Security program has become a

for some 87 million employees;

WHEREAS, unemployment insurance protects against income loss

dignity for all Americans in the face of life's contingencies;

unemployment insurance system, thus permitting independence and

WHEREAS, the Social Security Act created the Nation's

amendments of 1956 and 1958 to the Social Security Act;

families are receiving checks each month as a result of

WHEREAS, another 3.8 million disabled workers and their

the Social Security Act of 1939;

deceased workers are receiving monthly benefits as a result of

WHEREAS, more than 10.7 million dependents of retired or

Security Act of 1935;

monthly retirement benefits today as a result of the Social

WHEREAS more than 22 million retired workers are receiving

Social Security Act on August 14, 1935;

In honor of the 50th Anniversary of the signing of the

PROCLAMATION FOR SOCIAL SECURITY WEEK

PROCLAMATION 85-6

JOHN F. SANTROCK
RECORDED
MICHAEL E. GREENLEAF
TREASURER

ARLEN D. ASHLEY
MAYOR

NITRO, WEST VIRGINIA 26143
(304) 755-0701

CITY OF NITRO
COUNCIL MEETING MINUTES

AUGUST 20, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder-Treasurer John F. Santrock, Councilman at Large Rusty Casto, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot. Absent were Councilman at Large Olaf Walker, Councilwoman at Large Mary Trout and Councilman Charles Miller.

The invocation was given by Councilman at Large Rusty Casto.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 6, 1985 COUNCIL MEETING MINUTES: - Councilman A. A. "Joe" Savilla moved for the approval of the Council Meeting Minutes of August 6, 1985. The motion was seconded. Mayor Ashley advised of two corrections to these minutes. A friendly motion to amend the minutes is as follows: Under Agenda Item No. 3 - delete "that if any party present was unable to attend the meeting on August 13, that they be given the opportunity to speak at this time, and that", making sentence read "Councilman at Large Olaf Walker moved we table this matter until the meeting on August 13, to allow counsel to obtain further information." The second amendment is under Agenda Item No. 9 - Petition From Residents on 13th Street - City Recorder-Treas. John Santrock moved we table this item, which was seconded by Councilman Romie Hughart. A vote was taken to approve the amended minutes, and it was unanimous.

AGENDA ITEM NO. 2 - ORDINANCE 85- (2ND READING) REZONING PROPERTY AT 2505 FROM "R-2 TO "B-1": - City Recorder-Treasurer John Santrock moved the Planning Commission recommendation be accepted which changes the property at 2505 25th Street from "R-2" to "B-1", and this would constitute the second reading. The motion was seconded. There being no discussion, a vote was taken to approve the second reading of the ordinance and it was unanimous and so ordered.

ADOPTED ORDINANCE 85-7 ATTACHED.

AGENDA ITEM NO. 3 - ORDINANCE 85- (2ND READING) RESERVED PARKING FOR HANDICAPPED: - City Recorder-Treas. John Santrock moved we accept as second reading an ordinance authorizing the Police Chief of Nitro the authority to designate handicapped parking spaces. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 4 - REPORT OF MEETING OF ZONING BOARD OF APPEALS HEARING ON AUGUST 8, 1985: - City Recorder-Treas John Santrock furnished Councilmembers a copy of the Zoning Board of Appeals report of meeting on August 8, 1985, and moved the report be made a part of the minutes. The motion was properly seconded. A vote was taken and it was unanimous.

REPORT AS FOLLOWS:



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

ZONING BOARD OF APPEALS HEARING

AUGUST 8, 1985

The Zoning Board of Appeals of the City of Nitro, WV held a hearing on Tuesday, August 8, 1985 at 7:00 p.m. in the Reception Room of City Hall. Chairman, Cecil Lemma, presided with Timothy Cook and Wade Austin, members of the board, present. Also present were Bob Sergeant, Building Inspector, Lonnie A. Norvell, Robbie Norvell and Maylon Raynes.

The purpose of the hearing was the request of Mr. Lonnie Norvell to extend a balcony across a ten (10') foot alley between buildings now numbered 703-705 First Avenue, South, Nitro. The balcony will extend fifteen (15') feet from the ground level.

After discussion and having no negative comments, the Zoning Board of Appeals unanimously gave permission to his variance request with the understanding Mr. Norvell would file with the City Recorder a hold harmless statement to relieve the City of responsibility of the alley over which the platform is built.

Cecil Lemma, Chairman

AGENDA ITEM NO. 5 - ORDINANCE 85- (1ST READING) DEDICATION OF STREETS - BROOKHAVEN: - Before the ordinance was introduced to Council, Councilman A. A. "Joe" Savilla presented a petition signed by 134 signatures (this constitutes 80%) from residents of Brookhaven who supported the ordinance. The petition will be at City Hall and will be available for any residents of Brookhaven that have not signed the petition, a chance to do so. Councilman at Large Rusty Casto moved the petition be made a part of the minutes. The motion was seconded. A vote was taken and it was unanimous.

PETITION ATTACHED.

Mayor Ashley read the ordinance to officially dedicate the streets within the subdivision identified as Brookhaven within the City of Nitro. Councilman A. A. "Joe" Savilla moved we adopt the first reading of the ordinance. The motion was seconded. Councilman A. A. "Joe" Savilla informed there may be need for a slight change in language in the ordinance by our attorney, but this constitutes the first reading of the ordinance. A question was raised by a member of the audience as to whether the ordinance would be retroactive to April, 1967, and she was informed it would not be. A vote was taken for the approval of the first reading of the ordinance, and it was unanimous.

ORDINANCE AS FOLLOWS:

ORD. 85-

AN ORDINANCE TO REAFFIRM AND
OFFICIALLY DEDICATE ALL
STREETS WITHIN THE SUBDIVISION
IDENTIFIED AS BROOKHAVEN
WITHIN THE CITY OF NITRO

WHEREAS, the majority of the residents of the subdivision have petitioned the City to consider the dedication of all streets within the subdivision; and

WHEREAS, the city records do not reveal such action by city officials; and

WHEREAS, the City has treated the streets as if they were dedicated over recent years.

THEREFORE, BE IT ORDAINED that the governing body of the City of Nitro officially dedicate the streets of Brookhaven Subdivision.

FIRST READING: AUGUST 20, 1985

SECOND READING: _____

ARDEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, RECORDER-TREAS.

Mayor Ashley advised that Councilman Rusty Casto had a desire to approach the Council.

Councilman at Large Rusty Casto informed that a couple years ago, it was felt by many that there should be some kind of memorial built in honor of Hugo Tidquist, who was a member of Council for eight years. Councilman at Large Rusty Casto and City Recorder John Santrock, Committee members, met and decided they desire to purchase an oil painting, from funds previously raised, to be hung in City Hall dedicated to his memory, and moved for the purchase of the painting to be presented to Council at the next meeting. The motion was seconded. After discussion, a vote was taken and it was unanimously approved.

Councilman A. A. "Joe" Savilla announced that Mayor Ashley was officially made President of the West Virginia Municipal League today. A round of applause was given to Mayor Ashley. Those present from The City of Nitro were Mayor Ashley, Eve Frazier and Councilman Savilla. Councilman Savilla expressed the problems of other cities in regard to insurance. He feels this is a serious problem, as some of the cities have lost their insurance. He commented about the good workshops at the meeting and feels it was a very productive meeting. He stated Mayor Ashley represented the City of Nitro very well, as did Eve Frazier. She attended the meeting at no cost to the City of Nitro. Councilman Savilla would like to see more of Council at these meetings, because they are very beneficial.

Mayor Ashley announced permission has been given by the Board to schedule the spring meeting of the Board of Directors in conjunction with the Nitro Spring Festival. August 9, 10, and 11 will be the dates of next years Annual Conference. In the next two years, the Municipal League Conference will be held in Charleston.

The next Spring Festival meeting will be held in mid September.

Councilman Romie Hughart reminded Council of the letter published in the paper with false statements from an angry citizen, and congratulated the Mayor on his response which was also published in the newspaper.

There being no further business to be conducted, the meeting was adjourned at 7:55 p.m.

ARDEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, RECORDER-TREAS



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

ORDINANCE 85-7

AN ORDINANCE TO REZONE
2505 25TH STREET FROM
"R-2" TO "B-1".

WHEREAS, a report from the Planning Commission has recommended unanimously the rezoning of 2505 25th Street from "R-2" to "B-1"; and

THEREFORE, since the Planning Commission has properly advertised and held public hearing attended by a majority of the commission with no negative comments; and

INASMUCH, plans submitted to the Commission and Building Inspector indicate this rezoning would be in the best interest of the community of the area, to the citizens of Nitro and improve the business located adjacent to 2505 25th and 26th Street.

THEREFORE, BE IT ORDAINED by the City Council of the Municipality of Nitro that lot 2505 25th Street be rezoned from "R-2" to "B-1".

FIRST READING: August 6, 1985

SECOND READING: August 20, 1985

ARDEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, RECORDER-TREAS.

ADOPTED ORDINANCE 85-8 AS FOLLOWS:



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

ORDINANCE 85-9

AN ORDINANCE TO PROVIDE FOR THE
CHIEF OF POLICE TO DECLARE PARKING
FOR HANDICAPPED ONLY AREAS

WHEREAS, there is a great need for reserved parking opportunities in residential areas wherein handicapped reside; and

WHEREAS, reserved parking should be made available at City facilities,

THEREFORE, BE IT RESOLVED the Chief of Police is directed to place "Reserved for Handicapped" signs immediately in identified areas. The Chief of Police will review each "Reserved for Handicapped" parking place every six months,

BE IT FURTHER RESOLVED that those parking in "Reserved for Handicapped" must be identified by the State of West Virginia Handicapped sticker and/or license; and

A minimum fine of not less than twenty-five dollars (\$25.00) will be assessed those violating this ordinance.

FIRST READING: August 6, 1985
SECOND READING: August 20, 1985

ARDEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, RECORDER-TREAS.

CITY OF NITRO
COUNCIL MEETING MINUTES

SEPTEMBER 3, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p. m. in Council Chambers. Present were City Recorder-Treasurer John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot. Absent was Councilman Romie Hughart.

The invocation was given by Councilman A. A. "Joe" Savilla.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 20, 1985 COUNCIL MEETING MINUTES: - Councilman A. A. "Joe" Savilla moved for the approval of the Council Meeting Minutes of August 20, 1985. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Olaf Walker stated he felt the minutes of August 6, more accurately reflected his statement in Agenda Item No. 3. Councilman A. A. "Joe" Savilla moved the August 6, 1985 Council Meeting Minutes be as previously written in Agenda Item No. 3. The motion was properly seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley presented the September Citizen of the Month award to Patty Adkins. Patty has worked diligently for the city, and has volunteered many hours. She will be a junior at Nitro High School this year.

AGENDA ITEM NO. 3 - ORDINANCE 85- (2ND READING) DEDICATION OF STREETS - BROOKHAVEN: - The second reading of an ordinance to dedicate all streets within the subdivision identified as Brookhaven within the City of Nitro was read by City Recorder John Santrock. Councilman A. A. "Joe" Savilla moved we approve the second reading of the ordinance. The motion was properly seconded. A copy of the engineer's survey summary was furnished to Councilmembers, and Councilman A. A. "Joe" Savilla shared the report with Council. Mayor Ashley suggested Councilman Savilla, Chairman of the Traffic Committee, represent Council and make contact with the Union Public Service District along with the other members of the Traffic Committee. A vote was taken for the approval of the ordinance, and it was unanimously approved.

Councilman A. A. "Joe" Savilla commented that we should thank all the people of Nitro who were so kind, courteous and helpful in obtaining signatures, and the way they conducted themselves throughout the meetings.

ADOPTED ORDINANCE AS FOLLOWS:

ORDINANCE 85-8

AN ORDINANCE TO REAFFIRM AND
OFFICIALLY DEDICATE ALL
STREETS WITHIN THE SUBDIVISION
IDENTIFIED AS BROOKHAVEN
WITHIN THE CITY OF NITRO

WHEREAS, the majority of the residents of the subdivision have petitioned the City to consider the dedication of all streets within the subdivision; and

WHEREAS, the city records do not reveal such action by city officials; and

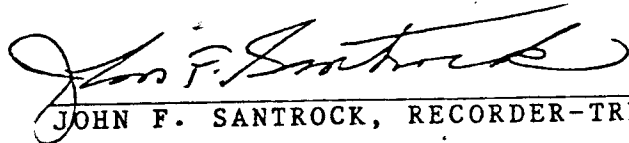
WHEREAS, the City has treated the streets as if they were dedicated over recent years.

THEREFORE, BE IT ORDAINED that the governing body of the City of Nitro officially dedicate the streets of Brookhaven Subdivision.

FIRST READING: AUGUST 20, 1985

SECOND READING: SEPTEMBER 3, 1985

ARDEN D. ASHLEY, MAYOR



JOHN F. SANTROCK, RECORDER-TREAS.

AGENDA ITEM NO. 4 - REQUEST BY NITRO CHURCH OF THE NAZARENE:
City Recorder-Treasurer John Santrock introduced the request by the Nitro Church of the Nazarene for a walk-a-thon tentatively set for Saturday, September 21, 1985, and moved permission be granted. The starting point would be the Nitro Nazarene Church and the turning point on 41st Street via Main Street, connect with Park Avenue, over to 2nd Avenue on 19th Street, and then down 2nd Avenue to 41st Street and back the same route. There will be approximately 30 to 40 people in the walk-a-thon, but it is not anticipated this many completing the full distance. The motion was seconded. There being no discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - REQUEST FROM NITRO FIREMEN'S ASSOCIATION: - City Recorder-Treas. John Santrock requested permission to yield to two of our firemen present for presentation of their request. Firemen Frank Strohl, Secretary Treasurer of the Nitro Firemen's Association, a separate entity of the Fire Department, and a chartered organization, explained their proposals for two fund raisers. The first being from Columbia Productions in Beckley. The company comes into the area, with the fire department furnishing the site for the photographer, and solicit a \$10.00 donation door to door for the Firemen's Association, using the photographs as a type of promotion. Upon receipt of the donation, the donor is furnished a certificate for a photograph. At this time, the Firemen's Assn. receives \$5. of the contribution. If the person surrenders the certificate for a photograph, the association will receive an additional \$5.00. The Fire Department would be responsible to furnish the site and be at the door to keep records. The Chesapeake Fire Department raised \$1,500.00 last year, and the Rand Fire Department cleared \$950.00, and both Chiefs have assured Firemen Strohl that they had no problems or complaints with this company.

The second fund raiser, Firemen Strohl informed the Firemen's Association would like to have a raffle, if approved, to begin on September 15, 1985. This would entail two deer rifles being raffled for \$1.00 per chance, with the drawing taking place on 1st day of November. It has not been presented to the Association, but there is a possibility that the Association will purchase a motor and/or a boat for the fire department with funds received. This is very much needed as our city boundary goes to the center of the Kanawha River.

Councilman Charles Miller moved we grant permission to the Firemen's Association to proceed with their fund raising projects. The motion was seconded. After discussion, Councilman at Large Olaf Walker moved that the motion be friendly amended pending investigation by City Attorney Phillip D. Gaujot as to the legality on the raffle, and the contract from Columbia Productions. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - REQUEST FROM PAULINE BELL, CHAIRMAN OF THE ST. JUDE BIKE-A-THON (OCTOBER 19, 1985): - Councilman A. A. "Joe" Savilla moved we grant the request from Pauline Bell for the St. Jude bike-a-thon to be held on October 19, 1985. The motion was seconded. A vote was taken and it was unanimously approved.

COMMITTEE REPORTS

Mayor Ashley announced they have pulled the plug on Ridenour Lake, and the water is rapidly leaving. The plan is they will continue to lower the water and take about 80 per cent out, then close the gate and trap the fish remaining and transport the ones to be transported and bury the trash fish.

City Recorder John Santrock commented the pool personnel did a fabulous job this year, and thanks to many people it has been a very successful season. A financial statement on the swimming pool will be furnished upon receipt of the final water and sewer bills.

Mayor Ashley read a letter from Stephannie Trout, a pool employee, commending John Santrock for his direction, guidance and personal support.

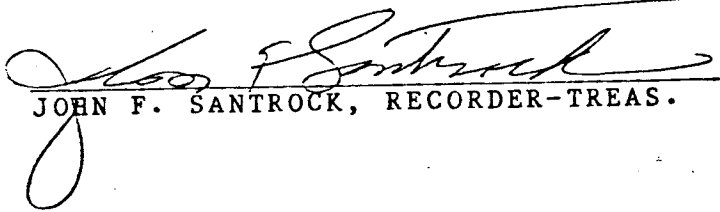
Mayor Ashley advised he was grateful for everybody who had a part in cleaning the pool area. The only thing remaining is the winterizing and shutting down the filter. He informed he didn't receive a call this year on the swimming pool, and Councilman Savilla said that this was the first time in five years he hadn't received a call.

Mayor Ashley notified Council that we have located sand filters that might be available at a good price, as they will need to be replaced before next spring and the opening of the pool.

Mr. Mahaney of 113 Fairview Drive in Brookhaven made complaint about the builder of the roads, and the filling of dirt in a hollow near his home. This causes mud to run down through his yard and driveway. He has asked the builder to plant grass to help eliminate the running of water, but to no avail. He requested the city to assist him. After his presentation of the problem, it would appear to be a civil matter. Mr. Mahaney was referred to our City Attorney, Phillip D. Gaujot.

There being no further business to be conducted, the meeting was adjourned at 8:13 p.m.

ARDEN D. ASHLEY, MAYOR



JOHN F. SANTROCK, RECORDER-TREAS.

CITY OF NITRO
COUNCIL MEETING MINUTES

SEPTEMBER 17, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder-Treasurer John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot. Absent was Councilman Romie Hughart.

Councilman Romie Hughart is a patient in the Thomas Memorial Hospital and is scheduled for surgery September 18.

The invocation was given by The Reverend Lawrence Hoptry.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 3, 1985 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved we approve the Council Meeting Minutes of September 3, 1985. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - APPOINTMENT TO SANITARY BOARD: - Mayor Ashley called for approval of the appointment of Mr. David Morgan to the Nitro Sanitary Board. Councilman A. A. "Joe" Savilla moved for the approval of the appointment of David Morgan to the Nitro Sanitary Board. The motion was seconded. After a short discussion, a vote was taken and it was unanimous. Mr. Morgan will fill the term of Mr. Jack Welton through March 4, 1988.

AGENDA ITEM NO. 3 - COLUMBIA PRODUCTIONS CONTRACT (NITRO FIREMEN'S ASSOCIATION FUND RAISER): - Mayor Ashley furnished Council a copy of the contract offered by Columbia Productions for an agreement between themselves and the Nitro Firemen's Assn. This contract has been reviewed by the City Attorney Phillip D. Gaujot, and he sees no problem. Councilman Charles Miller moved we grant permission for the fund raising project at the September 3, 1985 council meeting and it was properly seconded. There was a question as to the length of time Columbia Productions will be soliciting. This will be covered in item three of the agreement. City Recorder John Santrock informed they would need a solicitation permit. A vote was taken and it was unanimously approved for the Firemen's Association to enter into the contract with Columbia Productions as requested.

AGENDA ITEM NO: 4 - RESOLUTION 85-9 APPRECIATION OF CONSTITUTION DAY, SEPTEMBER 17: - Councilman at Large Rusty Casto read Resolution 85-9, to declare September 17, as a date for all Nitro to reflect upon and to appreciate both this precious document (U. S. Constitution) and our country, The United States of America, and moved for its passage. The motion was seconded.

A vote was taken and it was unanimous.
RESOLUTION 85-9 ATTACHED

Councilman at Large Rusty Casto moved that a copy of this resolution be mailed to Chief Justice Warren Burger, on the National Committee. The motion was seconded. Councilman at Large Rusty Casto informed that as previously discussed with Mayor Ashley, they would like to have, on this bicentennial, a city wide campaign to enlighten the people on the Constitution that guides and directs this country. Councilman at Large Rusty Casto presented Council a Liberty Bell. A suitable site will be found for the bell, possibly on top of the fire department. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - ORDINANCE 85- (1ST READING) TO EXTEND TWO HOUR PARKING ZONE ON 19TH STREET BETWEEN 1ST AND 2ND AVENUES AND 21ST STREET TO THE BLAKES CREEK BRIDGE: - City Recorder-Treasurer John Santrock read the proposed ordinance and moved for the approval as first reading of this ordinance. The motion was seconded. There could be deletion reference 21st Street and it would be considered minor. After much discussion, a vote was taken and it was unanimous. Mayor Ashley requested of Chief Cochran to give some thought to the problem with regards to 21st Street, and submit recommendations to his office.

ORDINANCE ATTACHED

AGENDA ITEM 6 - CONSIDERATION OF RESCHEDULING OCTOBER COUNCIL MEETINGS: - Councilwoman at Large Mary Trout moved the October Council meetings be changed from the 1st and 3rd Tuesday to the 2nd and 4th Tuesday. The motion was seconded. A vote was taken and it was unanimously approved. The Council Meetings for October are scheduled for Tuesday, October 8, and October 22.

AGENDA ITEM 7 - NOMINATING COMMITTEE: - Mayor Ashley announced that he had received the resignation of City Recorder-Treas., John Santrock, effective the end of October, 1985. A nominating committee for the City Recorder and Treasurer positions was formed consisting of Mayor Ashley, Chairman, City Recorder-Treasurer John Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout and Councilman at Large Olaf Walker. Any recommendations are welcome. The job descriptions were furnished to Council on both positions.

City Recorder-Treasurer John Santrock addressed the Council and said that after 45 years of being in public service, he hopes everyone understood his position in terms of being able to be away, and knowing there is no certain date he has to return. He stated that he has enjoyed working with the Administration, Council and the people in City Hall. He hopes things will

continue to improve in Nitro, and appreciates being a member of this community. Much success was wished for Mayor Ashley and the Administration. Upon his return in December, there are a few things he would like to do, if Council desires, at no cost to the City.

A big round of applause was given to Mr. Santrock.

Councilman at Large Olaf Walker wanted to express publicly that City Hall will miss John Santrock, and wishes him the best wherever he goes and whatever he does. He advised that he has served on his committees when he was at the County Board of Education, he's been a neighbor and friend for several years. He stated that he's a new man on Council, and City Recorder-Treasurer John Santrock has furnished him information and guided him. He has enjoyed working with him.

Mayor Ashley commented that he's sure Councilman Walker speaks for other members of Council. On the occasion of the Council meeting on October 22, it is the Mayor's desire to have a going away party, so plan to stay late. He advised it is going to be hard to think in terms of him not being part of team.

Councilman A. A. "Joe" Savilla reported that he had a chance to talk with Bill Carter, Manager of the Union Public Service District. He advised the Union Public Service District would do anything they could to help us. They have been in the process of replacing some manholes in Brookhaven. Mr. Carter was not aware of any line breakage anywhere. Councilman Savilla asked permission of Council to furnish Mr. Carter a copy of our engineering report. Mr. Carter wanted to present it to their Board Members, and they will let the committee know the schedule of the next Board Meeting. Councilman at Large Olaf Walker questioned as to the date some course of action will be taken, and Councilman A. A. "Joe" Savilla could not speculate, but he was meeting with Mr. Carter September 18.

The petition submitted by the residents of Brookhaven, and prepared with the assistance of City Attorney Phillip D. Gaujot fully was intended to reflect that the dedication of the streets in Brookhaven was retroactive to the date specified on the petition which is part of City record. Councilman A. A. "Joe" Savilla read the last paragraph of the petition which states as follows:

"WHEREFORE, the following residents of Brookhaven, whose signatures appear hereunder, request that the City Council for the City of Nitro reaffirm and officially consider the dedication complete as of the 4th day of April, 1967", and moved for the reaffirmation of the petition. The motion was seconded. A vote was taken and it was unanimously approved. (The petition is part of the minutes dated August 20, 1985.)

Councilman at Large Olaf Walker asked City Attorney Phillip Gaujot as to his approval of the raffle as discussed in Agenda Item No. 5 of the minutes of September 3, 1985. City Attorney Phillip D. Gaujot gave his approval..

Councilman A. A. "Joe" Savilla suggested Councilmembers rise and say a prayer for Councilman Romie Hughart. The Reverend Lawrence Hoptry from the First Baptist Church lead the prayer.

There being no further business to be conducted the meeting was adjourned at 8:23 p.m.

ARDEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, RECORDER-TREAS.



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

RESOLUTION 85-9

WHEREAS, September 17, is designated Constitution Day by the U. S. Congress; and

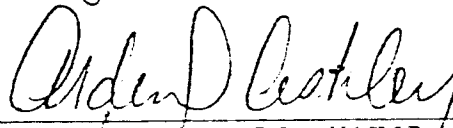
WHEREAS, The City of Nitro is showing the deepest respect and appreciation to our founding fathers upon their signing of the U. S. Constitution on this date, one-hundred ninety-eight years ago today; and

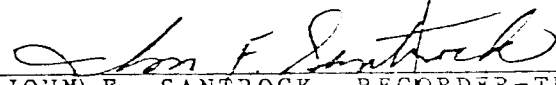
WHEREAS, acknowledging the U. S. Constitution is the oldest written working national form of government in use in the world today; and

WHEREAS, it is the responsibility of "We the People" to make the Constitution work.

NOW, THEREFORE, BE IT PROCLAIMED it is our privilege and honor to salute and to acknowledge the thirty-nine men who signed the Constitution and declare this date, September 17, as a date for all Nitro to reflect upon and to appreciate both this precious document and our country, The United States of America.

Passed this 17th day of September, 1985.


ARDEN D. ASHLEY, MAYOR


JOHN F. SANTROCK, RECORDER-TREAS.



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

ORDINANCE 85-

AN ORDINANCE TO EXTEND THE TWO HOUR
PARKING ZONE TO 19TH STREET BETWEEN 1ST
AND 2ND AVENUES AND 21ST STREET TO THE
BLAKES CREEK BRIDGE

INASMUCH as the area on 19th Street between 1st and 2nd
Avenues is zoned B-2 except lots 1902-1910; and

INASMUCH as the residents of 21st Street to the Blakes Creek
Bridge need relief from all day student parking,

THEREFORE, BE IT ORDAINED that the parking Monday through
Friday 8:00 a.m. to 4:00 p.m., except holidays, be limited to two
hours, and that signs be erected stating "2 hr. parking between
8:00 a.m. to 4:00 p.m., Monday - Friday", in the above stated
areas.

Penalty for overtime parking in a marked area is \$1.00.

This ordinance does not apply to citizens residing in the
above described areas.

September 17, 1985
1st reading

2nd reading

ARDEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

OCTOBER 8, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder-Treasurer John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot.

The invocation was given by Dr. Marvin Frame.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 17, 1985 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the September 17, 1985 Council Meeting Minutes. The motion was seconded. Councilman at Large Olaf Walker questioned if we had found a location for the Liberty Bell. Mayor Ashley informed it would be placed on the wall of the Fire Department. The cradle to hold the bell in place is being prepared by the Department of Public Works. Also, under Agenda Item No. 5, Councilman at Large Olaf Walker desired the clarification of the sentence reading, "There could be deletion reference 21st Street and it would be considered minor." Mayor Ashley explained that there had been discussion on the Ordinance, which will be addressed, about special permits for residential parking being given preferential treatment in the Ordinance, and there was a question as to whether this was a sound position to take, and if we desired to delete the preferential treatment given to residents of that area, it would be considered a minor adjustment to the Ordinance because it constitutes a deletion as opposed to an addition. Therefore, we could modify the Ordinance by deleting and consider it the second reading. Also, Councilman Walker suggested the last sentence in paragraph 3, page 3 read, "He advised it is going to be hard to think in terms of Mr. Santrock not being part of the the team". A vote was taken to approve the amended minutes, and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley presented The Reverend Dr. Marvin Frame with the October Citizen of the Month award.

Mayor Ashley introduced the new Human Resource Worker, Margaret Ann Haas, better known as "Maggie".

AGENDA ITEM NO. 3 - ORDINANCE 85- (2ND READING) TO EXTEND TWO HR. PARKING ZONE ON 19TH ST. BETWEEN 1ST & 2ND AVENUES: - City Recorder John Santrock stated that after discussion with Council and comments of several residents on 21st Street having recommended that 21st Street not be included, as 21st Street is a State Road. City Recorder John Santrock read the Ordinance which constitutes the second reading, and moved the Ordinance, as amended be accepted. The motion was seconded. Councilman at Large Olaf Walker stated that he was glad to see the deletion of 21st Street from the Ordinance as he had received inquiries about it. Then he made a telephone survey of residents of both sides of 21st St., and he did not find one person who was in favor of this Ordinance. Councilman Romie Hughart questioned if the Ordinance excepted 1902 through 1910, or 1902 and 1910, and City Recorder-Treasurer explained it was 1902 through 1910. A vote was taken for the approval of the Ordinance and it was unanimously approved.

ORDINANCE 85-10 AS FOLLOWS:

AN ORDINANCE TO EXTEND THE TWO HOUR
PARKING ZONE TO 19TH STREET BETWEEN
1ST AND 2ND AVENUES

INASMUCH as the Council desires to establish a two hour parking zone in the area of 19th Street between 1st and 2nd Avenue except lots 1902-1910;

THEREFORE, BE IT ORDAINED that parking Monday through Friday 8:00 a.m. to 4:00 p.m., except holidays, be limited to two hours, and that signs be erected stating "2 hr. parking between 8:00 a.m. to 4:00 p.m., Monday - Friday", in the above stated areas.

September 17, 1985
1st Reading

October 8, 1985
2nd Reading

ARDEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, RECORDER

AGENDA ITEM NO. 4 - HALLOWEEN: - City Recorder John Santrock moved we designate Thursday, October 31, 1985, from 6:00 p.m. to 8:00 p.m. to observe Halloween as requested by the Office of the Kanawha County Commission. The motion was seconded. There being no discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - MARCH OF DIMES SOLICITATION: - City Recorder-Treas. John Santrock shared with Council the request for permission to secure a solicitation permit for their annual Mothers March Against Birth Defects January 29 - 31, 1986, and moved permission be granted. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 6 - NITRO HOMECOMING PARADE (OCT. 4, 1985): City Recorder John Santrock informed he received request from Judy Fortner, thinking Council still met on the first Tuesday, for permission to hold the Homecoming Parade, and that he and the Mayor were at Council's mercy as they granted permission, and moved we approve the Homecoming Parade which took place on October 4, 1985. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - REQUEST BY CONFIDENCE ELEMENTARY SCHOOL: The Principal of Confidence Elementary School in Red House requested permission to solicit in the City of Nitro for donations for their fall carnival to be held on October 26. Councilman at Large Rusty Casto moved permission be granted. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM 8 - PROCLAMATION - NATIONAL FIREFIGHTER MONTH: - Mayor Ashley read a proclamation to proclaim the month of October, 1985 as "Fire Prevention Month". Councilman A. A. "Joe" Savilla moved we approve the proclamation. The motion was properly seconded. A vote was taken and passed unanimously.

All Councilmembers moved the granting of permission to ring the "Liberty Bell" in conjunction with the proclamation on Sunday, October 13, 1985. The motion was seconded. A vote was taken and it was unanimous.

PROCLMATION 85-7 ATTACHED

AGENDA ITEM NO. 9 - ZONING BOARD OF APPEALS MINUTES: - City Recorder John Santrock furnished a copy of the Zoning Board of Appeals Minutes to Council, and moved they be made a part of the record of the city. The motion was seconded. After a short discussion, a vote was taken and it was unanimous.

Zoning Board of Appeals Hearing of September 19, 1985 attached.



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ZONING BOARD OF APPEALS HEARING

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

SEPTEMBER 19, 1985

The Zoning Board of Appeals met at City Hall, Thursday, September 19, 1985 at 7:00 p.m.

Present were members of the Board: Cecil Lemma, Chairman, Rev. Wade Austin and Tim Cook. Also in attendance were Bob Sergent, Building Inspector, Greg Spencer and Dewey Grant.

After hearing discussion on Greg Spencer's request for variance to permit construction of a 16' X 12' building within 1' (one foot) of rear property line and within 3' (three foot) of side property line at 3613 36th Street, permission was granted provided a 1 (one) hour rated fire wall be installed on the most northern side of the structure.

Dewey Grant's request to place a mobile home on 21 31st Street, East was approved.

Cecil Lemma, Chairman

AGENDA ITEM NO. 10 - ORD. 85- OVERSIZE VEHICLE PARKING: - Councilman Charles Miller introduced an Ordinance establishing a two hour parking limit for oversize vehicles, and moved this constitute the first reading. The motion was seconded. A vote was taken and it was unanimous. Mayor Ashley asked Chief Cochran to be prepared to speak on the question of other cities that might have comparable ordinances at the time of the Council meeting on October 22, 1985.

AGENDA ITEM NO. 11 - PETITION FROM CITIZENS OF LOCK AVE.: - Councilman Charles Miller received a petition from property owners on Lock Avenue and some on Broadway Ave. desiring to have their street rezoned from R-2 to R-1, and moved we refer this question to the Planning Commission. The motion was seconded, and a vote taken which was unanimous.

COMMITTEE REPORTS

1. YMCA - WEST - For Council's information, City Recorder John Santrock furnished a copy of a letter from YMCA-West with a summary of their 1985 summer pool and day camp usage. Since YMCA-West receives a fairly decent amount for participation in the swimming lesson program, perhaps the City should be receiving some revenue from it, at least the cost.

2. 1985 SWIMMING POOL REPORT: - City Recorder John Santrock furnished Council a report of the receipts and expenditures for the 1985 season, not including the \$15,000. spent for repairs prior to the opening of the pool. The receipts totaled \$29,739.79 and the expenditures \$25,616.85. There was a surplus of \$4,122.94. He commended the employees of the pool and the cooperation from the Department of Public Works for a job well done.

Councilman at Large Olaf Walker commended City Recorder John Santrock and all the employees working at the pool for the operation there.

3. NOMINATING COMMITTEE REPORT - CITY RECORDER & TREASURER - Mayor Ashley informed that it had been suggested and the chair would recognize a motion to go into Executive Session for the purpose of discussing appointments to the positions of City Recorder and City Treasurer, inasmuch there would be constituted in this consideration privileged information having to do with evaluation of potential personnel. Councilman A. A. "Joe" Savilla moved Council go into Executive Session. The motion was seconded. Councilman at Large Olaf Walker stated he did not feel an Executive Session would be necessary. A vote was taken to go into Executive Session and the motion carries 4 - 3. Councilman at Large Rusty Casto, Councilman at Large Olaf Walker and Councilman Romie Hughart voted negative, with Mayor Ashley and City Recorder John Santrock abstaining. Mayor Ashley asked that Council Chambers be cleared, and added that any comment that anyone on the Council wished to make subsequent to the Executive

Session will be at liberty to do so. Council went into Executive Session 8:15 p.m.

At 9:00 p.m. Mayor Ashley announced that the Executive Session was adjourned and was now reconvened in regular session of the Nitro City Council. Mayor Ashley announced that at the last Council meeting there was an identification of a need to have some evaluation of potential candidates, and invited recommendations, not only by other members of Council, but from the community at large. He advised there were some recommendations forwarded to him, and by virtue of his authority, created a nominating committee to give advise to Council. The committee consisted of Council Members at Large, City Recorder and Mayor Ashley. On Friday, October 4, the committee met. Of the five members, 4 were present. Councilman at Large Olaf Walker was not reached in time. The recommendation of the nominating committee would be that the position of City Recorder be filled by Joan McClanahan, and the position of City Treasurer by Max Lemma.

Councilman Charles Miller moved we accept Mr. Santrock's resignation as Recorder effective October 31, 1985 from the City of Nitro. The motion was seconded. Councilman A. A. "Joe" Savilla informed that everyone on Council does not want to accept Mr. Santrock's resignation. A vote was taken to accept, with reluctance, John Santrock's resignation effective October 31, 1985, with Councilman at Large Rusty Casto voting in the negative and Mayor Ashley and City Recorder-Treas. John Santrock abstaining.

Councilman A. A. "Joe" Savilla moved we accept the recommendation of the Nominating Committee for the replacement of John Santrock with Joan McClanahan as City Recorder. The motion was seconded. A vote was taken with 4 in the affirmative and 3 in the negative, with Mayor Ashley and City Recorder-Treas. John Santrock abstaining. Effective November 1, 1985, the City Recorder will be Joan McClanahan. Those voting in the affirmative were: Councilmembers Trout, Savilla, Miller and Hutchinson. Voting in the negative were Councilmembers Casto, Walker and Hughtart.

Councilman A. A. "Joe" Savilla moved we accept the recommendation of the Nominating Committee to accept Max Lemma as City Treasurer. The motion was seconded. A vote was taken and there were 7 votes in the affirmative with Mayor Ashley and City Recorder-Treas. abstaining. The City Treasurer for the City of Nitro will be Max Lemma effective November 1, 1985.

Councilman at Large Rusty Casto commented his vote in the negative on the City Recorder was not done against Joan McClanahan, but he did favor another candidate.

There being no further business to be conducted, the meeting was adjourned.



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

PROCLAMATION 85-7

PROCLAMATION

WHEREAS, fire, since its discovery, has been both friend and enemy to all mankind; and,

WHEREAS, each year countless West Virginians are injured, some of whom die as a result of fire; and,

WHEREAS, the losses due to wildland fires are immeasurable due to their long range effects upon our natural resources; and

WHEREAS, most hostile fires result from the carelessness of people at home, at work, and at play; and,

WHEREAS, the majority of these fires, resulting in death, injury, and property losses, could have been prevented; and,

WHEREAS, it is the responsibility of all levels of government; the fire service organizations; and citizens, both individually and collectively, to work together to protect our fellow citizens, their property, and our natural resources from hostile fires.

NOW, THEREFORE, I, Arden D. Ashley, Mayor of the City of Nitro, West Virginia, do hereby proclaim the month of October, 1985, as

FIRE PREVENTION MONTH

and encourage the citizens of this State to become more aware of the great personal losses that result from the ravages of fire and to join with their local fire department and local government in a collective effort to prevent the loss of life and property from fire and related disasters. And, to commit ourselves to this effort everyday of the year with the long range goal of reducing life and property losses from fire by fifty percent over the next decade; and,

That our firefighters and citizens of our community be urged to participate in the annual observance of National Firefighter's Memorial Sunday, October 13, 1985.

Proclaimed this eighth day of October, one thousand nine hundred eighty-five, and in the fifty-fourth year of our City.

ARDEN D. ASHLEY, MAYOR



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

ORDINANCE 85-

MICHAEL E. GREENLEAF
TREASURER

ORDINANCE ESTABLISHING A TWO
HOUR PARKING LIMIT FOR OVERSIZE
VEHICLES

No person shall park any truck, trailer or other vehicle of a total outside width, including any load thereon of more than 76" (seventy-six inches) or a total height, including any load thereon, of more than 78" (seventy-eight inches), on any street or highway within the City for a period of time no longer than two hours.

Permission may be granted by the Chief of Police in emergency or special situations.

NOW, THEREFORE, be it ordained that there be assessed a fine of \$10.00 for each violation, and tow away charges if parked vehicle creates a hazardous condition.

October 8, 1985
1st Reading

2nd Reading

ARDEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

OCTOBER 22, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder-Treasurer John F. Santrock, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson.

The invocation was given by Councilman at Large Olaf Walker.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 8, 1985 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the October 8, 1985 Council Meeting Minutes. The motion was seconded. A vote was taken to approve the minutes as written, and it was unanimous and so ordered.

Mayor Ashley requested we go to Agenda Item No. 7 at this time.

AGENDA ITEM NO. 7 - TIDQUIST PAINTING DEDICATION: -Mayor Ashley called on Councilman at Large Rusty Casto reference the Tidquist painting dedication in honor of Mr. Tidquist and his memory., and Councilman at Large Rusty Casto asked City Recorder John Santrock if he would introduce the Tidquist family, as he knows the family quite well. City Recorder-Treasurer John Santrock introduced his sister, Mrs. Sara Tidquist, her two sons, David and John, John's spouse, Harriet, David's wife, Betty, Sara Jane and Mary Beth. At this time, Mr. Santrock introduced his wife, Ruth Santrock, also a member of the family.

In memory of a fine individual, Mr. Hugo Tidquist, Councilman at Large Rusty Casto read a poem entitled, "Green Things Growing". Councilman Casto showed the plaque which will be placed beside the painting, which reads, "In memory of Mr. Hugo D. Tidquist, member of Nitro City Council 1968-1976, a friend to all the young people of Nitro." Mr. Tidquist's two grandchildren displayed the painting by Garnet Galloway to Council and the audience.

AGENDA ITEM NO. 2 - GARBAGE BAG LINERS BID: - City Recorder John Santrock informed that every six months the City advertises in the newspaper for bids for garbage bag liners, and this time we received three bids, one which he did not bring for consideration. This was due to the fact that about a year ago we had a problem with one similar, and he could not recommend this type at all. He supplied samples of the bags and the price per case. After comparison, Councilman at Large Olaf Walker moved we accept the Copco Papers bid at \$6.10 per case. The motion was seconded. A vote was taken and it was unanimous. City Recorder

John Santrock commented that as we are aware, the City of Charleston also furnishes their residents with bags, and they receive their bags at a much cheaper price. It was his suggestion that we piggy-back with them, or when we get a bid of \$5.10 or \$5.01, then we order another six months supply. He advised the company would keep them in stock for us. This will be pursued further.

AGENDA ITEM NO. 3 - OFFICE OF STATE TAX DEPARTMENT AUDIT - PREFERENCE AUDITOR 1984-85: - City Recorder-Treasurer John Santrock has material from the State Tax Department, and on page 15 of that document is relative to audit, especially if we have a preference of someone to audit. If we do, that company would not be assured of getting the audit of the City of Nitro, but would be given five additional points as they are reviewed by the Chief Inspector. City Recorder-Treas. John Santrock advised that in talking with Max Lemma, they both agreed to seek the same auditor that the City has had for the past two years. This year, the request has to be by the governing body, not by the treasurer as before. There are three reason why we can request a certain auditor. They are familiarity of the prefered bidder, experience and quality of a bidder and the fact that the bidder is from a local area. City Recorder-Treas. John Santrock stated that Allison and Goodell qualify in all three areas, and moved the Recorder be given permission to write to the Chief Inspector of the WV State Tax Department requesting that Allison and Goodell be given preference for the audit of the City of Nitro for 1984-85. The motion was seconded. There being no discussion, a vote was taken and it unanimously approved.

AGENDA ITEM NO. 4 - ORD. 85- ESTABLISHING A TWO HOUR PARKING LIMIT FOR OVERSIZE VEHICLES (2ND READING): - City Recorder-Treasurer John Santrock read the Ordinance establishing a two hour parking limit for oversize vehicles, and moved we approve this as the second reading. The motion was seconded. Lt. Gary Blankenship, representing the Police Department, advised that this was the same ordinance that Charleston now has in effect, Dunbar goes by weight, St. Albans have it on recreational vehicles but not on tractor trailers. He explained that there will be a provision added to this giving permission for recreational vehicles, such as motor homes, to be parked, which will be presented to Council for approval. Councilman at Large Olaf Walker asked what was the problem that created this particular ordinance, and Lt. Blankenship explained that there were large tractor trailers parking along First Avenue which created a traffic hazard. They were parking on Second and Main Ave. and leaving them for a long period of time. There were large buses parking in residential areas near the corner thereby blocking view on entering highway. Councilman A. A. "Joe" Savilla questioned if the short bed parking permission could be granted by the Chief of Police. The ordinance is broad enough to give the Chief permission. After further discussion, a vote was taken to pass the second reading of the ordinance, and it was unanimous.

ORDINANCE 85-11 AS FOLLOWS:

ORDINANCE 85-11

ORDINANCE ESTABLISHING A TWO
HOUR PARKING LIMIT FOR OVERSIZE
VEHICLES

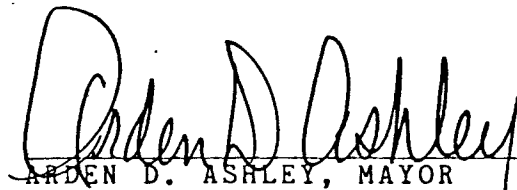
No person shall park any truck, trailer or other vehicle of a total outside width, including any load thereon of more than 76" (seventy-six inches) or a total height, including any load thereon, of more than 78" (seventy-eight inches), on any street or highway within the City for a period of time no longer than two hours.

Permission may be granted by the Chief of Police in emergency or special situations.

NOW, THEREFORE, be it ordained that there be assessed a fine of \$10.00 for each violation, and tow away charges if parked vehicle creates a hazardous condition.

October 8, 1985
1st Reading

October 22, 1985
2nd Reading



ARDEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, RECORDER

AGENDA ITEM NO. 5 - SALVATION ARMY CHRISTMAS APPEAL: - Mayor Ashley furnished Councilmembers a copy of the request from the Salvation Army to place kettles in front of the larger business centers to solicit funds 11-29 - 12-24-85. Councilman at Large Rusty Casto moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - REQUEST FROM NITRO LIONESS CLUB: - Mayor Ashley read a letter from Opal Miller, President, Nitro Lioness Club, requesting a portion of 21st Street be blocked off, and a trailer placed on the side of the street away from Rite Aid and Hobby Shop to be used for the haunted house, for the Halloween party to be held Thursday, October 31. Councilman Jim Hutchinson moved we approve the request from the Nitro Lioness Club. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - TREE PLANTING ALONG FIRST AVENUE: - Councilman at Large Rusty Casto stated that he had been talking with some members on the Constitution Committee, and they thought it would be a good idea if they could plant 38 Pin Oak trees, 1 cherry and 1 Sugar Maple tree along First Avenue, and moved permission be granted for the tree planting at no cost to the City. The motion was seconded. Councilman at Large Rusty Casto requested assistance in digging the holes for the trees. After discussion, a vote was taken and it was unanimous.

COMMITTEE REPORTS

STREET COMMITTEE

Councilman A. A. "Joe" Savilla advised that he has talked with Mr. Bill Carter, the person in charge of Union Public Service District. He had promised that when they had their meeting, we would be notified, but they had a meeting on October 10, 1985 and they did not advise us. Councilman Savilla furnished him a copy of our engineer's report, and the engineering survey was on their agenda. Mr. Carter told Councilman Savilla that they had done some sealed work around several of the manholes, they had their inflow and infiltration people in and they decided to have an engineer of their own. He is scheduled to come the week of October 21, and will respond by letter to Mayor Ashley as to their findings, and if they felt they had any liability. Councilman Savilla suggested that if the Mayor does not hear from the Union Public Service District by Monday, October 28, that he contact either Mr. Carter or George Creighton. Mayor Ashley acknowledged that if he has not heard from one of them by Monday, October 28, he would attempt to contact one of them.

FAIR LABOR STANDARDS ACT - IMPLEMENTATION

Mayor Ashley reported on the implementation of FLSA laws as a result of the Garcia decision when Mr. Garcia sued the San Antonio Transit Authority. This was taken to the Supreme Court, and the Supreme Court in February ruled that municipal employees would be covered under the provisions of the Fair Labor Standards

Act. Cindy Miller has been working diligently to research the new law as we understand it is to be, which now puts our employees under the provisions of the Fair Labor Standards Act. The Department of Labor is the enforcement body, and they have decided it will be effective April 15, 1986. The earlier decision was that it was to be implemented by October 15, 1985, and in the meantime Congress got very busy and the House of Representatives passed a bill extending the implementation of this change from October 15, to November 15. The Senate then in turn modified it and they comprised on November 1, 1985. The U.S. Congress is working vigorously to address the concerns that both sides have about the implementation of this law. What appears to be happening in most cities, the implementation of the FLSA provisions will cost the municipalities a great deal of money, but in the case of Nitro it is just the opposite. The impact upon the income, if figured on the same hourly rate, of the firemen and policemen will be approximately a four percent net decrease in income. Mayor Ashley made recommendation that we change the work period, and adjust the hourly rate to come up with the same amount of net income to the individual person on a department basis. In order not to change the budgetary impact, we would need Council's consent by expression to modify the hourly rate to keep from reducing their pay. If it would impact the budget, we would also need Council's consent to increase their hourly rate. The essence of this law is that compensation time is no longer a legal consideration. If a person works overtime in a work period, they must be paid time and a half for all overtime worked. Councilman A. A. "Joe" Savilla moved permission be given to adjust the hourly rate so as to minimize the net affect on the individuals. The motion was seconded. For calculating overtime pay, the firemen are figured on 212 hours and 171 hours for policemen in a twenty eight day period. The formula is established by the Federal Government through the Department of Labor. All other employees will be calculated on a forty hour per week schedule. After discussion, a vote was taken and it was unanimous.

Councilman Romie Hughart stated he would like to see the employees get a raise. Mayor Ashley commented that there were provisions made in the preparation of the budget, and shared with Councilman Hughart a need to address the point of the compensation level of the employees. He suggested the Compensation Committee meet, and report back to Council at the next meeting.

Mayor Ashley introduced Joan McClanahan, the new City Recorder effective November 1, 1985.

All Councilmembers expressed their fond farewell to City Recorder John Santrock, as this was his last official Council Meeting.

There being no further business to be conducted, the meeting was adjourned at 8:30 p.m.


ARDEN D. ASHLEY, MAYOR

JOHN F. SANTROCK, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

NOVEMBER 5, 1985

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present were City Recorder Joan C. McClanahan, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot.

The invocation was given by Jay Long.

Mayor Ashley announced there were special guests attending the meeting. They were Mr. & Mrs. Jim Randall and some of the Boy Scouts from Troop 77. They attended the meeting to observe Council in action and will report back to their troop. Mayor Ashley invited them to come back at any time.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 22, 1985 COUNCIL MEETING MINUTES: - Councilman Charles Miller moved we approve the Council Meeting Minutes of October 22, 1985 as written. The motion was seconded. Councilman at Large Olaf Walker moved we amend under Agenda Item No. 3, the correct spelling of familiarity. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - The Citizen of the Month Award for the month of November, 1985 was awarded to Joan McClanahan, the new City Recorder. A big round of applause was given to her.

AGENDA ITEM NO. 3 - REQUEST FOR STREET LIGHTS - COLONY WAY: Mayor Ashley advised he has a request from Randy Keller for the placement of a street light at the end Colony Way, located in Carriage Way. For Council's information, Mayor Ashley advised that the residents chose not to dedicate their streets to the City, but wanted to be in the City. In checking with the Appalachian Power Company, the installation charge would be \$495.00, and the monthly charge at the current rate of usage would be \$6.52 per month. Councilman A. A. "Joe" Savilla moved we table the question at this time, and then withdrew his motion. After discussion, Councilman Romie Hughart suggested a committee be formed to investigate the request further. Mayor Ashley requested Councilman A. A. "Joe" Savilla to serve as Chairman of this committee, as this is in his Ward, along with Councilman at Large Olaf Walker and Councilman Romie Hughart. He suggested Councilman Savilla might want to consult with the Police and Fire Departments, and also the Building Inspector regarding this as they may be of some help. Mayor Ashley will report to Mr. Keller that the question is being referred to a Committee of Council,

and they will report back at the next council meeting.

Councilman Charles Miller stated that he also had a request for a street light on Minor Avenue, and if this could not be considered at the same time. Councilman Savilla requested that Councilman Miller also serve on the Committee, and he agreed to do so.

AGENDA ITEM NO. 4 - FRIDAY, NOVEMBER 1, 1985 HOLIDAY: - By way of report, Mayor Ashley stated that after last Council Meeting, he was put in the position of having to declare November 1, as a holiday due to the Levy Election on November 2. He stated we did not have a choice, so he asked Council's indulgence this time. He also announced that November 11, (Veterans Day) is a declared holiday, and City Hall offices will be closed.

AGENDA ITEM NO. 5 - PETITION FROM RESIDENTS 23RD ST.: - A copy of a petition from residents on 23rd Street to remove the people from the creek bank near the 23rd Street footbridge was furnished Council. Mayor Ashley informed the Police Department have been monitoring this area and they have been in the area. However, subsequent to this petition their haven has been taken away, which rendered the area not suitable for habitation. Mayor Ashley also contacted the WV State Supreme Court of Appeals and spoke with Chief Justice Tom Miller about the problem, and he indicated that there was recourse and suggested that there were things that could be done in terms of involuntary treatment for these people if they get to be a threat to themselves and to others. Should that be the case our Police Department, under counsel by our City Attorney, will try to respond to this concern. Councilman at Large Olaf Walker commented that from his house down to 23rd Street the weeds are high, and also above the old Kroger parking lot on the bank, the weeds and brush are high and the people could hide in them. He suggested letters to the owners to clear the property.

AGENDA ITEM NO. 6 - RIDENOUR MEMORIAL PARK FISHING CLUB: - Mayor Ashley advised that in talking with the people from the Department of Natural Resources Fishery Division, they need a commitment from the city. They have indicated they would stock the lake and furnish the fish at no charge on a continuing basis if we would feed them. They recommended the city commit to \$7,000 a year to furnish feed for the fish. DNR suggested there are ways to raise money at the lake to help pay for the feed. Michael Hoeft suggested a club be created with possibly a \$10.00 fee to join, with the proceeds going towards the cost of the feed. Also, dispensers could be placed with feed at \$.25 for a quarter pound. This feed would be the kind of feed that would be attracted to the ducks as there are people that go to the lake just to feed the ducks, and if enough is sold, this would help defray the cost. There could also be fishing rodeos, in which prize money could be awarded. There could be a concession stand and rent out cane poles with fishing line, hook and bobber. If

the Ridenour Lake Fishing Club was to be active as part of the community, there would be ways in which they could raise money and the obligation of City Council would be to underwrite the remaining cost not raised by other means. After much discussion, Councilman at Large Rusty Casto requested that a representative from DNR speak at the next meeting. Councilman A. A. "Joe" Savilla suggested we advertise in the paper inviting all the fishermen to come out to the meeting and listen to the representative from DNR, and hold the meeting at the Nitro Jr. High School. Councilman at Large Olaf Walker expressed his opinion that if a club could be put together, and the City would not have to contribute any revenue, he is for it. He feels it should carry itself. Mayor Ashley informed there is no way we can advocate our responsibility to the lake, and we could not excuse the Council from underwriting the cost if the club failed to raise the money. Mayor Ashley will invite Mr. Michael Hoeft, with the DNR Fishery Division, to the next Council Meeting and likewise fishermen that would be interested in hearing his presentation. Mayor Ashley stated that if we didn't do something, the fishing at Ridenour Lake will never be any good except for trout fishing. If we want to change that, this would be an opportune time. Councilman A. A. "Joe" Savilla moved the next Council Meeting on November 19, at 7:30 p.m. be held at the Nitro Jr. High School Auditorium. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - RESOLUTION - LIGHTS ON FOR PEACE: - Mayor Ashley received a letter from Congressman Les AuCoin with a sample resolution, furnished to Council for their editification, inviting citizens to light porchlits, candles or other lights from dusk to dawn on November 19 and 20, 1985. Councilman at Large Rusty Casto moved the resolution be accepted. The motion was properly seconded. A vote was taken and Councilman at Large Olaf Walker opposed. Councilman A. A. "Joe" Savilla moved we amend paragraph five by deleting "of Christ in the USA" from the resolution. The motion was seconded. A vote was taken on the amended resolution, and it was unanimous.

AMENDED RESOLUTION ATTACHED.

Councilman at Large Rusty Casto moved for the ringing of our Liberty Bell at noon on November 19 and 20, 1985, to show support for the world leaders. The motion was seconded. A vote was taken and it was unanimous and so ordered.

Councilman at Large Rusty Casto moved for the ringing of the bell on Veterans Day (11-11-85) for 2 minutes at 11:00 a.m. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - RECOMMENDATION BY MAX LEMMA & CINDY MILLER: - Mayor Ashley advised there had been a finance committee meeting that addressed the recommendation which requests the contracting with Ralph Allison, CPA to assist in the transition of city records from the current manual system to computer.

Councilman A. A. "Joe" Savilla moved we accept the recommendation by Max Lemma and Cindy Miller. The motion was seconded. Councilman Romie Hughart questioned if we could legally spend this amount of money, which he estimates would be around \$5,600.00. This estimate was based on 40 hours per week at \$35.00 an hour. City Attorney Phillip D. Gaujot will research this question. After research, City Attorney Phillip D. Gaujot reported that we must have three competitive bid quotations, and we may obtain them by telephone if this is considered an emergency situation. If the cost exceeds \$5,000, it must be published. Councilman at Large Olaf Walker stated he was going to support the recommendation for three reasons. They are because we already have money invested in the computer, due to Mr. Allison's knowledge of government accounting and the fact Mr. Allison's familiarity with the city's records and he could probably obtain the information faster which would result in a lesser amount to be paid out for this service. Councilman A. A. "Joe" Savilla did consider a friendly amendment to limit the expenditure to a maximum of \$5,000, and with the authority to enter into the agreement only after we obtain two additional quotations and they are in the amount of not as low as or given any difference, Mr. Allison would be judged by Mayor Ashley and City Recorder Joan McClanahan, and also by Councilman Charles Miller who seconded the motion. A vote was taken and it was unanimous.

AGENDA ITEM NO. 9 - REQUEST FROM CHUCK BOGGS: - Council was furnished a copy of a letter from Chuck Boggs requesting the City to abandon the right-of-way to the line that connects onto a 43" storm sewer beginning on Third Avenue and 18th Street and runs to the catch basin on the South side of Nitro Elementary on 19th Street. The line has not knowingly been used by the City for quite sometime. Mayor Ashley asked the Director of Public Works, Gene Williams and Building Inspector C. R. Sergent to check the line. Their first check indicated that it was an abandon line with no water coming through it. This may be the case, but they went back during heavy rains and there is water coming through at the 19th Street manhole. There is not a lot of water, but there is a source for that water. Mayor Ashley asked Gene Williams and Bob Sergent, through Councilman Romie Hughart to make a determination on what is on that line, if anything. If they can determine the source through either smoke test or dye, then report back at the next Council meeting. Then, at this time the request from Mr. Boggs can be addressed.

At 8:40 p.m., Councilman Romie Hughart moved we have a five minute recess, and the motion was seconded. Mayor Ashley declared a five minute recess.

At 8:45 p.m., the regular Council Meeting was reconvened.

AGENDA ITEM NO. 10 - COMMUNITY PARTNERSHIP GRANT: - Mayor Ashley reported that the Governor's Office of Community and Industrial Development informed us that we were recipients of a

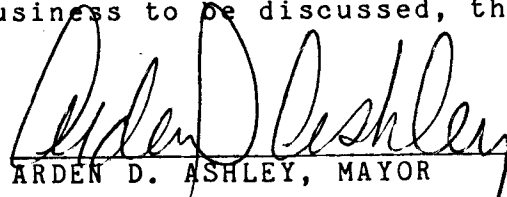
\$25,000 grant. However, we do not get the funds. This was prearranged between the Governor's Office and the management personnel at PAR Industrial Park. What it amounts to is this is to fund a feasibility study to enter into new manufacturing process. If this proves feasible and results in a corporation being located at PAR Industrial Park, it could employ 30 people at a later date. In the meantime it is going to cost money to determine whether or not that approach is sound. The funding is being provided in the language of the grant. Mayor Ashley stated there is some language within the grant, that does concern us, and he has specifically addressed it with the Governor's Office and with PAR Industrial Park, and trying to get a resolution to it. The City Attorney, Phillip D. Gaujot has reviewed the contract and as a pass-through agency, we cannot comply with Article No. 13 - Competitive Bid Procedures, as the State has already gone through selection process. We are asking the State either amend this contract with a supplemental addition or to revise the contract and rewrite it. Councilman Romie Hughart moved we permit Mayor Ashley to enter into a contract if amended according to the terms stated, with the understanding that we receive no financial benefit, nor obligations, and subject to confirmation by the City Attorney Phillip D. Gaujot. The motion was seconded. A vote was taken and it was unanimous.

Mayor Ashley reported that he had spent over 3 hours in a meeting today with the Department of Natural Resources. The essence of the conversation was with regards to the Smith Street Landfill and its contents. In a recent examination by DNR, showed phenol materials at a level higher than what they had experienced before. They notified us that the City is identified as a responsible party. Also identified as a responsible party was FMC because they are known to have put material in the dump. Their original request was to erect a fence and provide security to make sure that everyone was required to stay out of the area, and further, that there be an indepth analysis performed at the expense of the city. Depending upon the outcome of that survey, the corrective actions we identify and they approve be taken, and this would be incumbent upon the city to take an active role on that. DNR or EPA will not do the indepth analysis, but EPA has enforcement divisions that will require us to do it. If EPA does this and it gets funded by the Federal Government, it will be a 50 - 50 match. Mayor Ashley has a meeting scheduled at 3:00 p.m. November 6, and invited as many councilmembers that can, be present. They suggested we recapture our files as to how it was used and by whom.

Councilman A. A. "Joe" Savilla stated that since Friday is the day of the Poca - Nitro High School football game, and James Attison McClanahan is retiring from Poca High School after 49 years of service, he moved that Council approve that Friday, November 8, 1985 be proclaimed James Attison McClanahan Day and prepare a document expressing our admiration and appreciation to him, to be presented to him during half time at the ballgame if permissible by the announcer.. The motion was seconded. Mayor

Ashley stated he would prepare a Proclamation, subject to Council's approval and have it ready for Councilmember's signature. A vote was taken and it was unanimous.

There being no further business to be discussed, the meeting was adjourned at 9:00 p.m.


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

RESOLUTION 85-10

INVITING CITIZENS TO LIGHT PORCHLIGHTS,
CANDLES OR OTHER LIGHTS FROM DUSK TO
DAWN ON NOVEMBER 19 AND 20, 1985.

WHEREAS, the United States and the Soviet Union among all nations lead in the development and accumulation of weapons with the ability to devastate and possibly end human life on Earth;

WHEREAS, the increased speed and accuracy of nuclear weapons on both sides greatly increase the danger that nuclear war will occur;

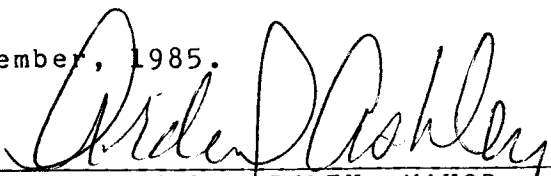
WHEREAS, scientific evidence suggests that the detonation of even a small number of nuclear weapons already in existence would result in dramatic climatic changes which likely would end human life;

WHEREAS, President of the United States Ronald Reagan and General Secretary of the Soviet Union Mikhail Gorbachev share responsibility for the avoidance of nuclear war, the peaceful resolution of global conflict and the instigation of joint cooperation projects;

WHEREAS, leaders of the National Council of Churches, the World Council of Churches and the United States Catholic Conference have called upon citizens everywhere to light porchlights, candles and other lights on November 19 and 20, 1985 from dusk to dawn to openly display their desire for world peace;

NOW, THEREFORE, BE IT RESOLVED by Mayor Arden D. Ashley that The City of Nitro invites all citizens to light porchlights, candles or other lights from dusk to dawn on November 19 and 20, 1985 while President Reagan and General Secretary Gorbachev meet in summit in order to openly express their deepest hope that President Reagan and General Secretary Gorbachev will heed the desire of people around the world to work, raise children, build communities and pursue a quality of life free from the threat of war -- by reaching an understanding on an arms control agreement which significantly cuts nuclear stockpiles and makes strides toward halting the arms race between the United States and the Soviet Union.

Passed this 5th day of November, 1985.


ARDEN D. ASHLEY, MAYOR



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

RESOLUTION 85-11

FUNDING A FEASIBILITY STUDY TO
ENTER INTO A NEW MANUFACTURING
PROCESS LOCATED AT PAR INDUSTRIAL
PARK

WHEREAS, the Governor's Office of Community Development informed us that we were the recipients of a \$25,000 grant, but we do not get funds; and

WHEREAS, as per a prearranged agreement between the Governor's Office of Community and Industrial Development and the management personnel at PAR Industrial Park; and

WHEREAS, it would amount to funding a feasibility study to enter into new manufacturing process, which could result in a corporation being located at PAR Industrial Park; and

WHEREAS, in regard to Article 13 of the grant agreement, we are asking the State to amend this contract with a supplemental addition or to revise the contract and rewrite it; and

NOW, THEREFORE, BE IT RESOLVED that Mayor Arden D. Ashley be permitted to enter into a contract, if amended according to the terms stated, with the understanding that we receive no financial benefits or obligations and subject to confirmation by the City Attorney Phillip D. Gaujot.

Passed this 5th day of November, 1985.



ARDEN D. ASHLEY, MAYOR

CITY OF NITRO
COUNCIL MEETING MINUTES

NOVEMBER 19, 1985

The regular meeting of Nitro City Council was called to order by Mayor Arden D. Ashley at 7:35 p.m. at the Nitro Junior High School Auditorium. Present were City Recorder Joan McClanahan, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Absent were Councilman at Large Olaf Walker and Councilman A. A. "Joe" Savilla. Also present was City Attorney Phillip D. Gaujot.

Mayor Ashley announced the primary reason for the Council Meeting being held at the Nitro Jr. High School was for the purpose of having Mr. Michael Hoeft, of the Department of Natural Resources Fishery Division in Huntington, to address Council, and specifically detail for us a proposal that the DNR, under his direction, was offering for feeding fish at Ridenour Lake to give a fishing yield that would be many many times greater than anything we have experienced at this Lake. Unfortunately, Mr. Hoeft was not available to be present for this meeting, but his presentation has been postponed until the December 17, meeting. Mayor Ashley reported that essentially what he is thinking in terms of doing in his proposal to us, is that the Department of Natural Resources has a willingness to provide us with fish, and in return for that, our obligation would be to provide feed for the fish. He will be proposing the forming of a Ridenour Lake Club that could take over in part, the fish feeding program, with will and pleasure of the Council. He has some ideas that would greatly increase the yield without committing additional City funds through City Council for that purpose. Mayor Ashley offered his apology for not being able to persuade Mr. Hoeft to be with us this evening, but he is out of state.

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

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 5, 1985 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the November 5, 1985 Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 2 - KANAWHA VALLEY HEART ASSN. REQUEST: - Mayor Ashley furnished Council a letter from the American Heart Association requesting permission to conduct its Annual Heart Fund Drive during the month of February, 1986 in the City of Nitro. Councilman at Large Rusty Casto moved we grant permission for the Annual Heart Fund Drive. The motion was seconded. A vote was taken to grant the approval, and passed unanimously.

AGENDA ITEM NO. 3 - SENIOR CITIZEN HOLIDAY LUNCHEON - SUNDAY, DEC. 1, 1985, 1:00 P.M. NITRO MOOSE LODGE: - Mayor Ashley announced the scheduling of the Senior Citizen Holiday Luncheon to be held Sunday, December 1, 1985, at 1:00 p.m. at the Nitro Moose Lodge. All Councilmembers are invited and encouraged to participate in serving the meal.

AGENDA ITEM NO. 4 - PROCLAMATION - JANUARY, 1986 - NATIONAL EYE HEALTH CARE MONTH: - City Recorder Joan McClanahan read the proclamation declaring January, 1986 as Eye Health Care Month and moved for the approval of the proclamation. The motion was seconded. A vote was taken and it was unanimously approved.

COPY OF PROCLAMATION 85-8 ATTACHED.

AGENDA ITEM NO. 5 - PURCHASE OF 351 CLEVELAND FORD ENGINE FOR 1981 F-250: - A request form from the Department of Public Works was furnished to Council for the purchase of a 351 Cleveland Ford engine for F-250 pickup truck used as a salt truck in the winter. This amount was budgeted, and part of the \$5,000 capitol expenditure that was budgeted for the Public Works Department. The information furnished detailed the competitive bids that were received, and the number two bid is recommended by the Public Works Department as it has a longer warranty. The difference in the 1st and 2nd bids was \$21.61. Councilman Charles Miller moved we accept NAPA bid of \$1,044. for an engine for the truck. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - STUDENT GOVERNMENT WEEK (TUES. 12-3-85): Mayor Ashley advised that Nitro High School is looking forward to working with us the week of December 3. There will be counterparts within the high school student body that will be working with Council and also all of the department heads of the City. Mayor Ashley advised this is a unique program that exists between Nitro High School and the city, and we have tried over the past couple years to include a plan with Poca High School but has not been successful in having the same thing done. City Recorder Joan McClanahan will check on obtaining a program of this kind with Poca High School.

Councilwoman Mary Trout announced that students from Nitro Jr. High social studies class will be writing letters to Councilmembers asking questions of various types. Then, the Councilmembers will be invited to participate in a session with the students to answer their questions.

Councilwoman Mary Trout moved we reinstate the Treasurer's salary back to the original amount of \$9,000, and we hire Ralph Allison, a certified public accountant, to fill the position of Treasurer. The motion was seconded. After discussion, a vote was taken to approve Mr. Ralph Allison as Treasurer, and increase the compensation for this position from \$4,500 to \$9,000 annually. The motion passed with Councilman Romie Hughart voting in the negative. The necessary adjustments will be made and

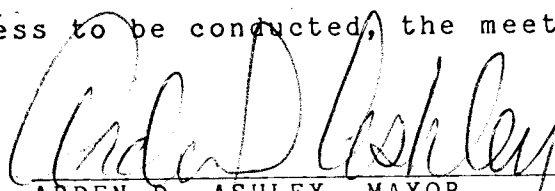
confirmed to Council at the next meeting.

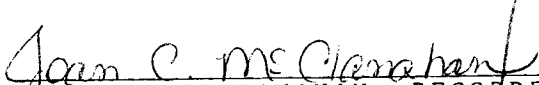
Mayor Ashley advised that Councilman at Large Rusty Casto had a copy of Mr. William D. Wintz's new book entitled, "Nitro the World War I Boom Town". This is a book on the history of Nitro. The book is on sale for \$19.95 in many places throughout the City.

After last Council Meeting Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla and Councilman Charles Miller checked on street lights. Councilman Charles Miller reported Minor Avenue has a problem with lighting. He advised both street lights are burning, but they don't seem to be bright enough. The power company will be contacted to ask if the wattage can be increased on Minor Avenue.

He informed there was a street light on Colony Way in Carriage Way but we don't have any light like that. This light was evidently installed by the developer.

There being no further business to be conducted, the meeting was adjourned at 8:15 p.m.


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

PROCLAMATION 85-8

WHEREAS, the precious gift of eyesight is recognized as the most valuable of the senses; and

WHEREAS, the National Society to Prevent Blindness has declared that half of all blindness can be prevented; and

WHEREAS, such unnecessary blindness can be prevented when early attention by medical doctors is sought and obtained, or when safety devices are worn to protect the eyes, or when state law mandate the appropriate early referral of potentially blind persons; and

WHEREAS, the medical community in West Virginia includes many qualified eye physicians and surgeons plus outstanding medical facilities for proper care and treatment of those threatened by blindness; and

WHEREAS, citizens of West Virginia should become aware of the importance of eye health care and seek direct help from medical eye doctors when eye conditions which may lead to blindness are experienced;

NOW, THEREFORE, I, Arden D. Ashley, Mayor of the City of Nitro do hereby proclaim January, 1986 as

EYE HEALTH CARE MONTH.

Passed this 19th day of November, 1985.

A handwritten signature in cursive script that reads "Arden D. Ashley".
ARDEN D. ASHLEY, MAYOR

CITY OF NITRO
COUNCIL MEETING MINUTES

DECEMBER 3, 1985

The regular meeting of Nitro City Council was called to order by Mayor Arden D. Ashley at 7:35 p.m. in Council Chambers. Present were City Recorder Joan McClanahan, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

The invocation was given by Councilman A. A. "Joe" Savilla.

Mayor Ashley introduced the new City Treasurer Ralph Allison.

As this is Student Government Week, we had the following students from Nitro High School present. Members of Council and the department heads introduced their counterparts as follows:

Mayor Rick Pullens, Recorder Nancy Higginbotham, Councilman at Large Roger Hartley, Councilwoman at Large Laura Zagayko, Councilman at Large Trey Judd, Councilman Steve Shaver, Councilman Jay Mace, Councilwoman Bridget Sapp, Councilman Rick Thomas, Director, Department of Public Works Candi Bridgette, Police Chief Todd Hudnall, Building Inspector Jaci Whittington, Communications Denise Hall, Multi Cap Freddie Whaples, Computer Manager Alan Kinzy, and the Mayor's Secretary Katie Perkins. A round of applause was given to all of these young people.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 19, 1985 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the November 19, 1985 Council Meeting Minutes. The motion was seconded. Councilman at Large Olaf Walker stated, that at the meeting on November 5, Council authorized the Mayor to enter into a contract with Mr. Allison to assist in the transition from our present system to a computer system, and asked if the contract had been signed. Mayor Ashley advised they have an agreement and it is in keeping with the terms approved by Council. Councilman at Large Olaf Walker asked that when we mention a contract in the motion, does that imply that a contract will be written or does it imply that we are just going to have a oral agreement? Not only in this case, but other cases? Mayor Ashley answered that this would be subject to the interpretation of the individual. We do not have a formal written contract, but given the terms that the Council stated, it would not be that much of a problem to draw an official contract up and have it signed, however, the Mayor stated that he feels we have an agreement that would be binding within a written contract. City

Attorney Phillip Gaujot asked the question, and Councilman at Large Olaf Walker informed that it was okay and to move on. Councilman at Large Olaf Walker in referring to the Council Meeting Minutes of November 19, at the bottom of the second page, he would like to remind Council that in the March 10, meeting, the Mayor pointed out to Council that it would take a Resolution to make a change in the Treasurer's salary at that time. Then he read from the Minutes of March 10, that the Mayor explained that \$9,000 was allocated in the budget for the treasurer's salary and it is part of an ordinance. We will need an ordinance to change the salary. Otherwise, the salary will be as it is. Councilman at Large Olaf Walker then stated that following that meeting, Council read for the first time Ord. 85-2, which reduced the treasurer's salary from \$9,000 to \$4,500. Then, on April 2, this ordinance was read for the second time and became effective July 1, 1985. He then stated that anything done by an ordinance must be undone by an ordinance, and requested our City Attorney Phillip Gaujot to comment on this. Councilman at Large Olaf Walker stated that at the last meeting, which unfortunately he was absent, there was a motion made to hire a treasurer back at the original amount of \$9,000, and his question to our City Attorney was should this have been done by an ordinance? City Attorney Phillip Gaujot answered that if we have an ordinance that in fact states the salary is \$4,500, then it would take a move to change that ordinance. The City Attorney Phillip Gaujot stated that he wasn't sure that the change needed an ordinance, but if we did have an ordinance on record, in his opinion it would take an ordinance to change it. Councilman at Large Olaf Walker shared a copy of the ordinance, and stated that in his opinion that Council did not act consistent "with the past action that when we adopted a motion to lower the salary of the treasurer from \$9,000 to \$4,500, and I would like to see done, is that someone who voted on the prevailing side of that particular issue." At this time, Mayor Ashley advised that he would concur that Councilman Walker was correct. Inasmuch as we modify the compensation by ordinance, we should change it by ordinance. He further agreed that someone voting on the side in favor of the passage of the ordinance would be the proper person to make a motion to have any change in the treasurer's compensation made by an ordinance. Councilwoman at Large Mary Trout moved we approve the ordinance changing the compensation for the treasurer from \$4,500 to \$9,000 annually. The motion was seconded. Councilman at Large Olaf Walker stated that he feels that Council needs to reconsider action taken at the last meeting and have full discussion. Mayor Ashley stated that a motion to reconsider it properly should be made by someone who was on the prevailing side. Councilwoman Mary Trout stated that her motion was to make the ordinance in compliance with the City Attorney's rule. As there was a motion on the floor for the approval of the Council Meeting Minutes of November 19, 1985. Councilwoman at Large Mary Trout withdrew her motion, and the seconded was withdrawn. Councilman A. A. "Joe" Savilla moved to table the question of the approval of the November 19, 1985 minutes. The motion was seconded. A vote was taken and it was unanimous to

table. Councilwoman Mary Trout moved to approve a new ordinance amending Ordinance 85-2 to increase the salary of the Treasurer from \$4,500 to \$9,000 per annum effective December 3, 1985. The motion was seconded. Councilman at Large Olaf Walker stated we have a motion before Council to change an Ordinance, and he was informed by Mayor Ashley that we have a motion to approve the first reading a new ordinance. Councilman at Large Olaf Walker asked if this was to change the salary of the Treasurer from \$4,500 to \$9,000, and The Mayor said this was true. Councilman at Large Olaf Walker then stated that previously we had an ordinance that was adopted by this Council reducing the salary from \$9,000 to \$4,500, and at that time the Ordinance was acted on before Mr. Santrock, at the time, was made Recorder-Treasurer. He then stated that we are going to hire the person at the \$9,000 fee, and at this time he apologized to Ralph because this in no way his remarks are any reflection towards him; he just didn't like the way it was handled, and didn't feel it was quite proper. He also stated that after the ordinance was adopted, we approved Mr. Santrock as Recorder-Treasurer. Councilman at Large Olaf Walker stated then we hired a treasurer at a \$9,000 annual fee which was not proper and not consistent of the action of this Council previously, then coming back at this meeting and going to adjust the salary to fit our actions at an earlier meeting. Councilwoman at Large Mary Trout pointed out to Councilman at Large Olaf Walker that the motion she made was a two part motion. We were to hire Ralph Allison at a salary of \$9,000. She stated that if there was anything improper about it was that we didn't do it by an ordinance. Councilman at Large Olaf Walker wanted to know why we didn't have an ordinance. Mayor Ashley advised Councilman at Large Olaf Walker that the point has been made that inasmuch as the compensation of the treasurer was changed by an ordinance, it would be consistent to change it again by ordinance if in fact that should be done. Perhaps we could have changed it other than by ordinance, but we didn't. Mayor Ashley further stated that he feels it was clearly the will of the Council to hire Ralph Allison as the Treasurer of the City for a salary of \$9,000 per year at the time that action was taken. Mayor Ashley informed we now have a motion for the first reading of an ordinance to increase the salary of the City Treasurer from \$4,500 to \$9,000 per annum, which had been properly seconded. Councilman at Large Olaf Walker asked, "At this time, would it be proper to point out or ask questions in regard of what this type impact on the city's treasury and other things." Mayor Ashley answered that he thinks the questions have been somewhat addressed. It was addressed at the meeting when the consideration was given early, but he sees no problem in bringing it up. Councilman at Large Olaf Walker pointed out to Council that we had a Recorder-Treasurer that was full-time, and that position paid \$18,000 a year, and somehow or other we appointed a Recorder at \$13,500; now we are proposing to hire a Treasurer at \$9,000 which will be part-time. That is a total of \$22,500. In other words, what is the citizens of Nitro getting for the additional \$4,500, and how many hours a day do we have of this new Treasurer? How many times a week will he be in there? How many hours a month? Are we going to hire somebody for \$9,000

just to sign checks? He continued by saying that if he read the Treasurer's job description that was put together by the City, it seems to him that it is a full-time job, and he knew that Mr. Santrock gave it full-time attention. In addition, we recently passed B & O Tax, and each of you know that we have always had a problem collecting taxes, and John spent considerable time in collecting those taxes. Who is going to be responsible in seeing that the taxes are collected? Also, Councilman Walker stated for Council's information, "the first four months of 1985 our revenues exceeded expenses by roughly \$2,379, and we are doing a lot better than we did in 1984;" our expenses exceeded the revenue by \$78,000. He advised that what he was saying was that if you take the 3 months and project it out for 12 months, we are going to have in the office of Council, Recorder, Treasurer and Mayor's office roughly \$20,000 overrun. If taken for 4 months and multiply by 3 we are going to have an overrun of the budget somewhere in the area of \$25,000. So he said what he was saying is that we do not have the money; the money was not budgeted for a \$4,500 increase in the office of Treasurer and Recorder as we started this fiscal period of a \$9,300 deficit. We budgeted \$14,000 in increasing street lights, and had a \$50,000 budget for paving. Mayor Ashley advised Councilman Olaf Walker that he was entitled to present an argument saying what he thinks about the prospects of being within the budget at the end, but he doesn't feel that he should go into every line item in the budget. Councilman at Large Olaf Walker informed that he wanted to make one more point. He said the increase in the \$4,500, \$2,000 travel expenses that Council took out and then put back in, and that wasn't in the budget, and stated we are already at a point where we are going to come up short in dollars, and if anyone had anything that could show him that he was wrong in those figures, he would like to know it because it got those figures out of the Recorder-Treasurer's office. City Recorder Joan McClanahan made the comment that facts and figures aside, she feels that Council would be doing this City and its citizens a disservice by not hiring a Treasurer because the offices should be separate. She stated that if you have gone through the books, at all, and she's sure Ralph Allison can verify this, you can see why it is necessary. She further pointed out that it is not a luxury, it is a necessity that we cannot afford to be without. She stated that we are short changing the people we are here to serve, if we don't do it properly and a treasurer gives credibility. Mayor Ashley stated that with regards to the facts that were presented and represented by Councilman at Large Olaf Walker, he takes exception to them in terms of the projected outcome, in terms of those items that were mentioned that were not projected in the budget. He feels they were erroneous and misleading and thinks the Council has deliberated on the question of projected expenses versus revenues and have determined as a body once before that the expense represented before us is within the reach of this Council. Mayor Ashley also informed that he plans to have Mr. Allison prepare documents that would be hopefully in support of that conclusion, and if it turns out that he does not, then it would probably be the first step in our request to have him remove himself from office if we can't afford his salary before

the end of June so we won't wind up with a deficit. Councilman Romie Hughart commented that he agreed with our City Recorder Joan McClanahan, that we have to have a treasurer and he believes it states that in an ordinance. There was a discussion in reference to Mr. Allison's salary as the City Treasurer and the verbal agreement made earlier to assist in the preparation of entries for computer transition. A vote was taken for the approval of the first reading of the ordinance to increase the compensation level of the Treasurer of the City of Nitro from \$4,500 to \$9,000 per annum effective December 3, 1985, and Councilman at Large Olaf Walker and Romie Hughart voted in the negative. Councilman at Large Olaf Walker requested permission from Council to have his remarks and reasons that he is voting negative to the ordinance be included in the minutes.

Ordinance 85- (attached)

Councilman Romie Hughart moved to remove from table the approval of the Council meeting minutes of November 19, 1985. The motion was seconded. A vote was taken and it was unanimous. A vote was taken for the approval of the minutes of November 19, 1985 as written, and Councilman at Large Olaf Walker does not approve of the minutes as written.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley presented the December Citizen of the Month award to Jody Caldwell. She was named Miss West Virginia Teen Sunday night. A round of applause was given to her. She will be looking forward going to Daytona Beach, Florida for three weeks for national competition for Miss Teen U.S.A. It will be nationally televised.

AGENDA ITEM NO. 3 - COMPENSATION REVIEW COMMITTEE REPORT: - Councilman Romie Hughart informed that the Compensation Review Committee had met on two occasions and recommend to Council that the city employees, who were not elected and excluding those employed after the fiscal year 1985-86, a five percent increase in salary across the board effective January, 1986. He reported that in their deliberations, this amount would come from the unallocated funds that we have in the budget. Councilman Romie Hughart advised the Committee in reviewing the payroll, found some employees at a much lower rate than others. They will investigate the reasons for this with the Department Heads and possibly come back to Council with further recommendations. Councilman Romie Hughart moved that the nonelected employees, excluding the employees hired during the fiscal year 1985-86 be given a cross the board increase of five percent effective January 1, 1986. The motion was seconded. Mayor Ashley advised he recalled the meetings but did not remember hearing figures up to six percent, but up to five percent with some latitude given to each Department Head. Also the discussion some of the specifics that currently exist and some specific recommendations passed around. However, Councilman Romie Hughart informed the final decision of the Committee was to give a five percent increase across the board. Councilman at Large Olaf Walker

stated that Mayor Ashley was correct because at the meeting the Mayor attended they did consider what he had spoke of. Councilman at Large Olaf Walker further stated that at the last meeting, after discussion, there was about three or four alternatives. One was to give an across the board raise, the other was to authorize the Mayor to distribute a certain amount of dollars to the eligible employees, lest the elected. The other possibility was to have Council give a percent raise to non supervisory employees, and then a smaller amount to some, not all of the supervisory employees. The reasoning for this being that they found that some of the supervisors making as much as \$6,000 more than the highest paid employee he was supervising. Mayor Ashley challenged this statement. Some figures were presented to Mayor Ashley and he raised the question if they reflected any overtime which would show a disparity because supervisors are not entitled to overtime. Mayor Ashley asked if their recommendation was to give less money to the supervisor, and Councilman Romie Hughart informed that it was their intent to give all nonelected employees a five percent increase across the board, excluding those hired in the fiscal year 1985-86. Councilman A. A. "Joe" Savilla requested to see the recommendation in writing. Councilman at Large Olaf Walker stated that all the above mentioned statements were discussed, but their final recommendation was to give a five percent across the board increase to those employees not elected, and there may be some further recommendations the committee may come up with, and he was sure that any Councilmembers could be invited to make some suggestions too, as it is a difficult problem to make it equal to everybody. Councilman A. A. "Joe" Savilla stated that this way they are giving no latitude to the supervisors as to what they dole out to their specific employees. Mayor Ashley stated that he was disappointed in the recommendation from the Compensation Review Committee on several scores. First of all, he was sorry it took six months to get a recommendation out of them when the money was put aside six months since the end of the fiscal year. The other thing he was disappointed about was that he made it a very clear point that he thought that some of the people could clearly be identified as being underpaid, and that point should be addressed and he made specific recommendations relative to increases for that small department including union allowance. That apparently hasn't been addressed, and he doesn't see it being that complex an issue. The other exception is that he feels we are giving too much latitude to the Councilmembers to pick and choose the people who are being compensated without recognizing the responsibility on the job of the supervisor and department head that should be given more latitude in terms of merit increase. With these exceptions, he stated he feels the report is good. Councilman at Large Olaf Walker stated he wanted to add that the Compensation Committee didn't have the money six months ago to give a raise, and that's the reason they suggested to Council making it effective January 1, 1986. That is one reason they talked about the six percent, but that's not the bottom line. Five percent is the bottom line. He informed that they tried everything they could to see that the employees got a raise, but he stated they also recognized the fact that the City

does not have that money. Councilman at Large Olaf Walker stated that someone had mentioned the new tax, and he wanted someone to show him where we are gaining anything from the new tax. Mayor Ashley advised Councilman at Large Olaf Walker that his point had been made that we didn't have the money, and Councilman at Large Olaf Walker said that we didn't have the money in 1985. Councilman Romie Hughart reported that the uniform allowance was discussed, and they did not feel that this would be compensation; that it would not be a pay raise. Mayor Ashley stated that it has always been a part of the compensation of the people who received uniforms in the past, but if they did not want to make it as part of the Compensation Review Committee's task, then it will be taken up as part of the Finance Committee's obligation. After further discussion, Councilman A. A. "Joe" Savilla moved we table the motion and have the Committee meet again to consider some of the other options and bring it back to Council at the next Council Meeting. The motion was seconded. A vote was taken and the motion to table passed with a five to three vote.

AGENDA ITEM NO. 4 - REQUEST FOR CHRISTMAS PARADE FROM NITRO BUSINESS & PROFESSIONAL ASSN.: (SAT. 12-7-85 AT 11:00 A.M.): - City Recorder Joan McClanahan furnished all Councilmembers a request from the Nitro Business & Professional Assn. to have a Christmas parade on Saturday, December 7, at 11:00 a.m. forming at 40th Street and disband in the vicinity of 19th Street. City Recorder Joan McClanahan moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - REQUEST FOR HOT DOG SALE IN THE MONTH OF JANUARY, 1986 - LODGE #143 I.O.O.F.: - City Recorder Joan McClanahan read a request from Forest Rose Rebekah Lodge No. 143, I.O.O.F. of Poca to hold a hot dog sale in the City of Nitro during the month of January, 1986, with proceeds going toward improvements to their lodge hall, and moved for the approval of their request. The motion was seconded. There being no discussion, a vote was taken and it was unanimously approved.

Mayor Ashley expressed to the Student Government Representatives that he was glad for the opportunity they had to see their local government at work, and extended special thanks for all the students.

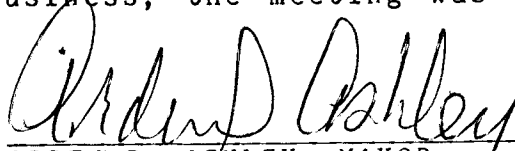
Councilman at Large Olaf Walker expressed his apology to the student visitors for the discussions and differences of opinion in some of the issues that faces the city, but he said in his opinion, the citizens of the City gets best government when there are two points of view or two opinions discussed. Councilman Walker stated that somewhere between the right and the left, there is a middle ground and that is when the City will get the best for its money, and we sure do give them more government than they are paying for. He said you could take that for however you think it means. Just like all governments, we'll spend all the money we have if the taxpayers are willing to give it to us, we can find a place to spend. He also stated that in 237 votes taken since he has been on Council, there has been 12 negative

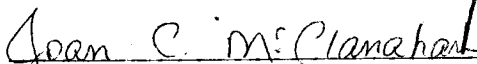
votes. He further stated that most things are unanimous, and he doesn't think the citizens of Nitro are receiving good government when everything is unanimous. Councilman Charles Miller stated that apparently we are doing it right. Councilman A. A. "Joe" Savilla commented that Councilman at Large Olaf Walker's point is well taken as far as government is concerned, but stated that we do have some pretty heated discussion and arguments if you would want to call them that. However, when they walk out the door they all become neighbors and friends again, and that is what you call government in action. We only want what is best for the people, and wants everyone to remember that.

Mayor Ashley advised that today he had the privilege of going to Washington, D.C. which was not at the expense of the City. He was accompanied by Student Mayor Pullens, whose expense was donated by the generous businesses around the community. Student Mayor Rick Pullens reported on their trip to Washington.

Student Mayor Rick Pullens stated the trip was mainly taken for the purpose of Mayor Ashley's report as a witness to the Congressional Committee on the problem of liability insurance being obtained by municipalities in the area. It was brought to his attention since he has been working with Mayor Ashley. He discussed the problem with him and showed him what it was about, and it seems to be covering just about the entire Nation. A Committee has been formed and they are hearing on it, along with several other Committees having hearings on it. They seem to be recognizing the problem and are starting to understand it. He feels that someday we will have a solution. The trip went very well.

There being no further business, the meeting was adjourned at 8:45 p.m.


 ARDEN D. ASHLEY, MAYOR


 JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 85-

AN ORDINANCE AMENDING ORD. 85-2
TO RAISE THE ANNUAL COMPENSATION
OF THE CITY TREASURER BACK TO
\$9,000.00.

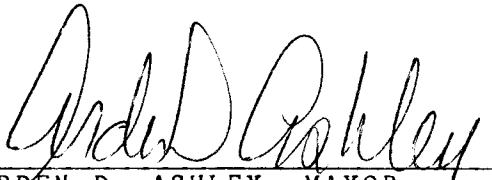
INASMUCH as the offices of City Recorder and City Treasurer
have been established back to two administrators,

BE IT ORDAINED, the salary of Treasurer of the City of Nitro
be increased back to \$9,000 from \$4,500 per annum.

This Ordinance to be effective as of December 3, 1985.

APPROVED FIRST READING: DECEMBER 3, 1985

APPROVED SECOND READING:


ARDEN D. ASHLEY, MAYOR


JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

DECEMBER 17, 1985

The regular meeting of Nitro City Council was called to order by Mayor Arden D. Ashley at 7:35 p.m. in the Nitro Junior High School Auditorium. Present were City Recorder Joan McClanahan, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman Romie Hughart and Councilman Charles Miller. Absent were Councilwoman at Large Mary Trout, Councilman A. A. "Joe" Savilla and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

The invocation was given by Councilman at Large Rusty Casto.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 3, 1985 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the Council Meeting Minutes of December 3, 1985. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 2 - RIDENOUR LAKE PROPOSAL - MICHAEL HOEFT FROM THE FISHERIES DIVISION D.N.R.: - Before the presentation by Michael Hoeft, Mayor Ashley discussed where we are now in terms of the lake and commented about the prospects for the lake if no changes are made. Mayor Ashley stated that what we have to understand is that Ridenour Lake is basically a primary watershed area. Secondary, we receive as the benefit of having the facility the opportunity for recreational activities, which includes fishing, picnicing and the appreciation of nature in general. Under the arrangements, we currently manage the facility and do so under the supervision and control of the Department of Natural Resources. The general maintenance of the lake would not be effected by any plans discussed. Another thing that would remain unchanged would be the stocking of trout. Mayor Ashley pointed out that another thing that everyone in the community needs to recognize is the changes over the recent years, in terms of the new federalizism, and in terms of the approach such as ours toward their commitment for recreation. We have to balance recreation as a commitment of funds against other services, such as police and fire protection, sewers, streets, etc. Before introducing Michael Hoeft, Mayor Ashley commented that how we approach the future of Ridenour Lake as a facility to take care of is going to depend to a large extent on what the Council and community do.

Michael Hoeft presented two main ways in which we can increase the amount of fishing, the use of the facility and the possible dollars it may generate. Mr. Hoeft showed a graph with approximate figures showing around \$9,000. in fishermen expenditures to fish at Ridenour Lake. The next level of

commitment would be to take \$1,000. and either buy fish or feed to put in the lake, which would generate about 4,000 lbs. of feed or 2,000 lbs. of fish which translate into approximately a ten percent loss. He discussed different levels up to \$63,000. more spending in the community. Mr. Hoeft expressed that he felt we would have a better Ridenour Lake by having more fish, possibly tagged fish, more and better concessions around, generate more money spent in the community and would help possibly through raising money to generate the commitments and would generate a source of income that could be used for Ridenour Lake rather than spending City money. It would amount to sort of a volunteer users fee. In order to maintain the park facility, it was suggested a club be authorized and organized.

After discussion and comments from members of the audience, Councilman at Large Olaf Walker suggested this question be put on the next agenda. No action required by Council.

AGENDA ITEM NO. 3 - SIMPLEX PROPOSAL: - Mayor Ashley announced that Council was given the opportunity to hear a proposal made by a representative of Simplex for a time card system. Councilman at Large Olaf Walker made comment that he did like the idea and would like to have it put on the next agenda. Councilman at Large Olaf Walker wanted to see some figures on this, and the impact it would have on the treasury, and also the location of the time card system. Councilman Romie Hughart asked what other companies are using this system and their maintenance history. Mayor Ashley informed the information will be compiled by the next meeting.

AGENDA ITEM NO. 4 - ORD. 85- (2ND READING) AMENDING ORD. 85-2 TO RAISE THE ANNUAL COMPENSATION OF THE CITY TREASURER BACK TO \$9,000.: - City Recorder Joan McClanahan read the heading of Ordinance amending Ordinance 85-2 raising the annual compensation of the City Treasurer back to \$9,000., and moved it be passed. The motion was seconded. There was a brief discussion with reference to ordinances. Councilman Romie Hughart made comment to Council that we are going to pay \$750.00 a month for this service. Councilman at Large Olaf Walker stated that we had agreed to employ someone to work to get the data from our present accounting system to the computer system at the rate of \$35.00 per hour. He questioned how many hours or days we are going to get from our treasurer. Councilman at Large Olaf Walker checked around the valley to find out how many municipalities, some larger and some smaller than ours, that have one person doing both jobs, and wanted Council to realize that due to this, we are going to have to think of other things we're thinking about spending money for. Mayor Ashley addressed the points made by Councilman at Large Olaf Walker and advised that first of all, we're simply moving back the compensation to the Treasurer by virtue of this ordinance, if it passes, to what it was previously before Mr. Santrock, by his wishes and his action, requested it be reduced with Council's consent. We're getting the benefit, for the first time, of a CPA as Treasurer, and doing so at a price of \$9,000 a year, which is a bargain. Councilman at Large

Olaf Walker further questioned the difference between a motion and an ordinance, and which would have the most legal impact. Mayor Ashley advised that a motion could be made and passed at one meeting, and an ordinance is a law and requires two readings. Mayor Ashley invited our City Attorney to address the question, and Councilman at Large Olaf Walker felt his questions had been answered. Councilman at Large Olaf Walker stated he felt Council should be consistent. City Attorney Phillip Gaujot pointed out that Council can act in different ways. They can act upon a proper motion, seconded and voted upon and passed. They can act by ordinance. Some matters are required to be acted on by ordinance. Those that do not have to be acted on by ordinance can be simply moved and passed by movement. In the case of the treasurer's salary, there was an ordinance acted upon reducing the amount of compensation to the treasurer which was in effect law. City Attorney Phillip Gaujot stated that Councilman at Large Olaf Walker was correct that Council should be consistent, but subsequently a motion was made simply to increase, what had been by law decreased. It was seconded, voted upon and passed. The City Attorney Phillip Gaujot stated that Councilman at Large Olaf Walker brought it up at the last meeting that it was, by ordinance reduced and it wasn't proper to increase by simply moving. The City Attorney Phillip Gaujot commented that he did not feel it was necessary to reduce the compensation by ordinance, but since it was he advised it should be raised by ordinance. Therefore, Council elected to make the first reading of the ordinance at the last meeting increasing. Councilman at Large Olaf Walker felt the law come into effect and then action be taken to hire the treasurer. A vote was taken for the approval of the second reading of the ordinance to raise the annual compensation of the City Treasurer back to \$9,000 per annum. Councilman at Large Olaf Walker and Councilman Romie Hughart voted in the negative. Councilman at Large Rusty Casto, Councilman Charles Miller and City Recorder Joan McClanahan voted in the affirmative. After a brief discussion, Councilman at Large Large Olaf Walker requested his negative vote on the ordinance amending the compensation of the City Treasurer to \$9,000 changed to a positive vote.

Councilman at Large Olaf Walker moved that Council approve the hiring of a City Treasurer for \$9,000 per annum, which complies with ordinance just passed. The motion was seconded. A vote was taken and it was unanimous.

COPY OF ORDINANCE 85-12 ATTACHED.

AGENDA ITEM NO. 5 - RESOLUTION - RELATING TO THE PROPOSED SALE BY THE US GOVERNMENT OF ITS CONSOLIDATED RAIL CORP. (CONRAIL): - City Recorder Joan McClanahan introduced Mr. Bob Skeen, from the law firm of Brown & Peyton. Mr. Skeen, on behalf of the Chessie System, C & O, B & O and other railroads that make up the Chessie System, presented the merits of the resolution. He furnished a list of WV organizations and individuals supporting an independent Conrail. After a question and answer

session, Councilman at Large Olaf Walker moved for the adoption of the resolution, and permission to mail copies as requested. The motion was seconded. A vote was taken and it was unanimously approved.

COPY OF RESOLUTION 85-12 ATTACHED.

AGENDA ITEM NO. 6 - EMPLOYEE SALARY RECOMMENDATION: - City Recorder Joan McClanahan presented the employee salary proposal effective January 1, 1986, submitted December 17, 1985. The first step of the proposal would be to give a flat 2 percent increase to all non-elected personnel. In addition, there should be made available to the department heads, 3 percent of their total budgeted salaries to give to those employees they perceive to be deserving of a merit increase subject to council approval.

A separate proposal is offered to deal with the Department of Communications only. The proposal would allow a 5 percent flat increase for each departmental employee and a 5 per cent increase based on the total department budgeted salaries to be administered by the Communications Director to those employees who are deserving an increase based on merit, again subject to council approval. Additionally, there would be a \$250.00 uniform allowance made available for each full-time employee and part-time employees will selectively be provided uniforms owned by the city.

This proposal would not only improve employee compensation, but it should also improve employee morale. In all cases those exempt from this plan would be elected officials and all personnel employed after July 1, 1985. The effective date for this proposal would be January 1, 1986.

City Recorder Joan McClanahan moved for the approval of the proposal. The motion was seconded. After discussion, Councilman Romie Hughart moved to amend the motion of the proposal to give a flat 2 percent increase to all non-elective personnel retroactive back to July 1, 1985. The motion was seconded. Councilman at Large Olaf Walker reluctantly opposed the motion made by Councilman Romie Hughart, based upon the discussions held at the last Council Meeting and in the Committee meetings. Councilman Romie Hughart answered stating we are talking about \$15,400 cost to make it retroactive, and the 3 percent in question would make it around \$22,000, which he stated would make it around \$6,000 difference. A vote was taken on the amended motion making the 2 percent increase effective July 1, 1985. The motion was defeated. Councilman at Large Olaf Walker moved to amend the motion of the proposal reversing the percentage amounts, which would be as follows: The proposal's first step would be to give a flat 3 percent increase to all non-elective personnel. Additionally, there should be made available to the Department Heads 2 percent of their total department budgeted salaries to give to those employees they perceive to be deserving of a merit increase, subject to Council approval. City Recorder Joan

McClanahan made the original motion and she considered this a friendly amendment. It was seconded by Councilman Charles Miller and he too considered this a friendly amendment. Councilman at Large Olaf Walker commented that at the last Council Meeting he understood that action can be made later, retroactive to January 1, 1986. With this in mind, he was going to vote for the motion as amended. In response to Councilman at Large Olaf Walker's comment, Mayor Ashley asked Council to keep in mind that we are in the midst of a conversion from manual to computer system. The task we are dealing with is complex enough, but it could be done retroactive. However, he does not feel this is in the best interest of the employees and their morale. The Mayor stated that the motion should include an understanding by Council that we have no scheduled meeting prior to January 1. If Council agrees it would be incumbent upon the Department Heads to meet with those members of Council for purposes of getting consent as quickly as they can draw up the proposed schedule. The Mayor recommended to all Department Heads that they have this available to the Councilmembers as early as possible so that adjustments can be made. When they receive consent from Council, subject to their availability, then they can implement the plan. A vote was taken to grant the increases as modified, and Councilman Romie Hughart abstained and the rest voting in the affirmative.

There being no further business, the meeting was adjourned at 9:40 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 85-12

AN ORDINANCE AMENDING ORD. 85-2
TO RAISE THE ANNUAL COMPENSATION
OF THE CITY TREASURER BACK TO
\$9,000.00.

INASMUCH as the offices of City Recorder and City Treasurer
have been established back to two administrators,

BE IT ORDAINED, the salary of Treasurer of the City of Nitro
be increased back to \$9,000 from \$4,500 per annum.

This Ordinance to be effective as of December 3, 1985.

APPROVED FIRST READING: DECEMBER 3, 1985

APPROVED SECOND READING: DECEMBER 17, 1985

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

RESOLUTION 85-12

A RESOLUTION RELATING TO THE PROPOSED SALE
BY THE UNITED STATES GOVERNMENT OF ITS
CONSOLIDATED RAIL CORPORATION (CONRAIL)

WHEREAS, the United States Department of Transportation has proposed the sale of the federal Conrail system to the Norfolk Southern Corporation; and

WHEREAS, the sale of so large a rail system to a single carrier would provide it an unfair competitive advantage among those carriers serving such an area as encompassed by Conrail; and

WHEREAS, coal and coal-related products, and other products which are produced, processed and distributed in West Virginia and the Nitro area are shipped via Conrail to destinations in the northeast and to other areas, thereby rendering its shippers likely to incur much more elevated rates in the event of such diminished competition, placing such West Virginia and Nitro area shippers at a disadvantage in costs relative to shippers elsewhere; and

WHEREAS, such losses by West Virginia and Nitro area shippers would result in reduced economic activity and job losses in those areas of West Virginia least able to accomodate such losses;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that the United States Congress be and it is hereby urged and beseeched not to approve the sale by the United States Department of Transportation of the Consolidated Rail Corporation to the Norfolk, Southern Corporation; and

BE IT FURTHER RESOLVED that the United States Congress be and it is hereby urged and beseeched to approve the ultimate sale of the Consolidated Rail Corporation to the general public, leaving Conrail as an independently owned and managed railroad all as is embodied in the proposal of Morgan Stanley and Company; and

BE IT FURTHER RESOLVED that a copy of this resolution be certified by the City Clerk and delivered to President Ronald Reagan, Transportation Secretary Elizabeth Dole, Governor Arch A. Moore, Jr., Senator Robert C. Byrd, Senator John D. Rockefeller, IV., Congressman Alan B. Mollohan, Congressman Harley O. Staggers, Congressman Robert Wise and Congress Nick J. Rahall, II.

Certified this 17th day of December, 1985 by the City Clerk of Nitro, West Virginia.

James C. McChesney RECORDER
LIVING MEMORIAL TO WORLD WAR I

31
BEFORE THE CITY COUNCIL FOR THE CITY OF NITRO, WEST VIRGINIA

IN RE:

BROOKHAVEN, NITRO, WEST VIRGINIA

WHEREAS, Brookhaven Subdivision became a part of the City of Nitro by annexation on or about the 4th day of April, 1967; and

WHEREAS, the undersigned have assumed that the streets servicing Brookhaven for ingress and egress were dedicated to the City of Nitro at the time of annexation; and

WHEREAS, certain protective covenants applicable to Brookhaven recites that it was the intention of the developers of Brookhaven that the streets servicing Brookhaven be dedicated to a governmental agency at an appropriate time; and

WHEREAS, the City of Nitro has since the annexation taken certain actions with regard to said streets such as erecting stop signs and making minor repairs on said streets; and

WHEREAS, it is the desire of the residents of Brookhaven to request that the City of Nitro recognize the dedication of the streets at the time of annexation in order that there be no question concerning the same.

WHEREFORE, the following residents of Brookhaven, whose signatures appear hereunder, request that the City Council for the City of Nitro reaffirm and officially consider the dedication complete as of the 4th day of April, 1967.

NAME

ADDRESS

Mr. Edward A. Hensley	103 Norwood Dr., Nitro, W.V.
Mr. & Mrs. Frank L. Lott	103 Brookhaven Dr. Nitro 25143
Doris Rainey	102 Norwood Dr. Nitro, W.V.
S. H. FRENCH	98 Norwood Rd. Nitro W.V.
Michael B. Kern	106 Norwood Rd., Nitro, W.V.
Judi A. Trill	109 Norwood Rd. Nitro, W.V.
CD May	112 Norwood Rd. Nitro, W.V.
Mr. & Mrs. Paul Goode	111 Norwood Rd. Nitro, W.V.
Mr. & Mrs. Charles Chubey	114 Norwood Rd. Nitro, W.V.
Mr. & Mrs. J. R. Schwaab	116 Norwood Rd. Nitro, W.V.
Pete & Dora Lunn	105. Norwood Dr.

I don't know
 Betty Jacob
 Mr & Mrs E Knapp (Betty)
 Ron Simpson
 Bill + Grady Shelton
 Mike Kelly
 R E Browning
 Mr & Mrs C E Dwyer
 Wanda Burgess
 Mr & Mrs R K Gordon
 Robert G. Stout
 Virginia A. Stout
 Billie West
 George A. Creighton
 Michael A. Stephens
 Joan Stephens

1 BRENTWOOD CIRCLE
 1 BRENTWOOD CIRCLE
 118 Brentwood Rd.
 115 Brentwood Rd.
 116 BRENTWOOD RD.
 1 Woodbury Circle
 #3 Woodbury Circle
 #5 Woodbury Circle
 113 Brentwood Rd
 112 Brentwood Rd.
 104 BRENTWOOD RD
 104 Brentwood Rd
 " " "
 " " "
 111 Brookhaven Drive
 111 Brookhaven Drive

Call Back - not at home

Blinda De Luca 106 Helley Drive Nitro
 Floyd E. Parsons Jr. 113 Brookhaven Drive Nitro
 Lillian Parsons 113 Brookhaven Dr. Nitro
 Carolyn L. Stark 213 Brookhaven Dr. Nitro
 Mr. & Mrs. Wayne L. Calhoun 230 Brookhaven Dr., Nitro
 Karen Wheeler 114 Fairview Dr, Nitro
 Mr. & Mrs. Jack Fyfe 103 BRENTWOOD Rd. - Nitro
 Mr & Mrs L L Bowen 6 Winder Cr. Nitro WV
 Mr & Mrs. Delbert French 110 Brentwood Rd. Nitro, W.
 Marjorie McLaughlin 109 Brentwood Rd, Nitro
 David W. McLaughlin " " " "
~~Mr. & Mrs. Harold Fisher~~ 224 Brookhaven Dr.
 Mr & Mrs. Guy R. Cassell 223 Brookhaven Dr.

Angela R. Fisher	107 Valley Rd., Mrs
Robert Jackson & Sue	102 Brentwood Rd
Robert Young	108 Brentwood Rd.
Rowell Cullen	106 Brentwood Rd.
Ron: Maggie Whiting	210 Kokeage Dr.
Alma & Peter	15 Barrington Rd.
Thomas E. Palmer III	16 Barrington Rd.
Robert Lindmark	14 Barrington Rd.
Gene & Helen Mann	12 Barrington Rd.
Charles Franklin	10 Barrington Rd
William A. & Jo II	9 Barrington Rd.
M. & Mrs. David Nelson	6 Barrington Rd.
Mrs & Mr. H. A. Fisher	
M. & Mrs. Woot Hubbard	4 Barrington Rd.
Mrs Mrs Thomas Spradley	2 Barrington Rd.
Mrs & Mrs Frank A. May Jr.	1 Barrington Rd.
M. & Mrs Paul Whiting	13 Brentwood Circle
Eileen O. Davis	126 Brentwood Rd.
Charles & Davis	126 Brentwood Rd.
Mary A. Steger	123 Brentwood Rd.
Donald K. Hudson	121 Brentwood Rd.
W. Needham	121 Brentwood Rd.
Charles T. Webster	17 Brentwood Circle
Mrs & Mrs. J. I. Barker	15 Brentwood Circle
Mrs. William Fred Varian	5 Brentwood Circle
Mrs. John S. Vorel	5 Brentwood Circle
Mrs & Mrs. J. A. Lisco	7 Brentwood Circle
M. & Mrs. Bert Wolfgang	3 Brentwood Circle

Mr & Mrs John E. Homer 208 Brookhaven Dr.
 Mr. & Mrs. John Nicholson 206 Brookhaven Dr.
 Mr & Mrs. D. Alex Taylor 207 Brookhaven Dr.
 Mrs & Mrs. Bill Jones 217 Brookhaven Dr.
 Mr & Mrs. Clay Sullivan 212 Brookhaven Dr.
 Mr & Mrs. Ralph Martin 211 Brookhaven Dr.
 John E. Montgomery 214 Brookhaven Dr.
 Mr & Mrs. Brannon 218 Brookhaven Dr.
 Jack Talley 215 Brookhaven Dr.
 Susan Steele 222 Brookhaven Dr.
 Gerry Skye 222 Brookhaven Dr.
 Ralph H. Holmes 236 Brookhaven Dr.
 Mrs W. A. Mitchell 221 Brookhaven Dr.
 Mrs John P. Singh - 225 Brookhaven Dr.
 Mr & Mrs. Cecil L. Remmy 232 B.H.D.
 Mr. & Mrs. Fred Cowen - 231 Brookhaven Drive
 Joseph R. Yin 234 Brookhaven Dr. Nitro.
 Mr & Mrs Ralph W. Haines 236 Brookhaven Dr. Nitro
 David Shaffer 237 Brookhaven Dr. Nitro
 Betty J. Carpenter 104 Brookhaven Circle; Nitro
 J. L. Carpenter 104 Brookhaven Circle, Nitro
 Dorothy Binder 102 Brookhaven Circle, Nitro
 James O. & Maxine C. Passer 105 Brookhaven N. Tex, W. Va
 Lawrence L. Hopton 108 Brookhaven Circle Nitro
 John Moner 110 Brookhaven Circle Nitro
 Mr & Mrs R. V. Morris 114 Brookhaven Circle Nitro
 Suzanne Wilford 116 " " /

Ed. L. 1043
J. de S. 1043
J. de S. 1043
J. de S. 1043

213 Red Lodge
213 Red Lodge

W. de S. 1043
J. de S. 1043
J. de S. 1043
J. de S. 1043

226 Red Lodge
226 Red Lodge

W. de S. 1043
J. de S. 1043
J. de S. 1043
J. de S. 1043

224 Red Lodge
224 Red Lodge

W. de S. 1043
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235 Red Lodge
235 Red Lodge

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227 Red Lodge
227 Red Lodge

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J. de S. 1043

233 Red Lodge
233 Red Lodge

W. de S. 1043
J. de S. 1043
J. de S. 1043
J. de S. 1043

24 Red Lodge
24 Red Lodge

W. de S. 1043
J. de S. 1043
J. de S. 1043
J. de S. 1043

20 Red Lodge
20 Red Lodge

W. de S. 1043
J. de S. 1043
J. de S. 1043
J. de S. 1043

15 Red Lodge
15 Red Lodge

Frank Gottschal 80%
Ed Hensley

169 Occupants
134 Signatures

117 Brookhaven Drive

Barrington

119

22 Vacant

202

13 Vacation

203

8

210

7

209

3

216

219

220

Rockledge

307

106 Brookhaven Circle

305 Vacant

107 "

226 Vacant

101 Brentwood - Vacation

223 Vacant

128 Brentwood

221 Vacant

124

219

122

214

120

216 Vacant

218 Vacant

Windsor Circle

206

8 - Vacation

205 Vacant

11 Brentwood Circle

9 "

7 "

Holly

105 "

111 "

104 "

107 Norwood

108 Vacant

110 Vacant

113

115 Vacant

Emerson

Pickard
Bureau

243

William Pitt
Hobbes

244 1750

NAME

ADDRESS

NAME	ADDRESS
Jack W. Rutter-Lawson	101- Norwood Rd, Nitro, W. Va.
George W. Munnery	97 Norwood Rd. Nitro, W. Va.
Charles Robert Reeves	102 Holly Dr.
John F. Shumblin	103 Holly Dr.
Bruce Quinn	109 Holly Dr.
Howard Tyler J.	108 Holly Drive
Betty A. Isaac	104 Mainway Drive
Barbara J. Chase	103 Fairview Dr.
Paul J. Ferguson	105 Fairview Dr.
William R. Fencil	111 Fairview Dr.
Terry L. Mallett	112 Fairview Dr.
Walter Mahoney	113 Fairview Dr.
Joseph A. Hopper	101 Fairview Drive
Garry J. Hall	108 Brookhaven Dr.
Mr. & Mrs. Homer Hartley	101 Brookhaven Dr.
Mr. & Mrs. Louis Mann	102 Brookhaven Dr.
Mr. & Mrs. M. H. Noble	105 Brookhaven Drive
Helen J. Keeling	106 Brookhaven Dr.
Mr. & Mrs. Ira S. Bowen	104 Brookhaven Dr.
Mr. & Mrs. Robert A. Hodges	112 Brookhaven Dr. Nitro
Mr. & Mrs. Louis Kinschling	115 Brookhaven Dr. Nitro
Mr. & Mrs. Emory Childers	114 Brookhaven Dr. Nitro
John P. Jones	116 Brookhaven Dr. Nitro
John W. Wolf	121 BROOKHAVEN DR.
Mr. & Mrs. Allen L. Young, Jr.	122 Brookhaven Dr.
Mr. & Mrs. B. A. Bailey	107 Brookhaven Dr.
Mary Creighton	110 Brookhaven Dr.
Glenn E. Koch	118 Brookhaven Dr.
Johnna Rubin	200 Brookhaven Dr.
Levy Rubin	201 Brookhaven Dr.
Mr. & Mrs. James D. Dayton	205 Brookhaven Dr.

