

CITY OF NITRO
COUNCIL MEETING MINUTES

JANUARY 7, 1986

The regular meeting of 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 McClanahan, 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. Absent were Councilman at Large Rusty Casto and City Treasurer Ralph Allison.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 17, 1985 COUNCIL MEETING MINUTES: - Councilman Charles Miller moved for the approval of the Council Meeting Minutes of December 17, 1985. The motion was seconded. Councilman at Large Olaf Walker moved to amend the minutes with the correction of the spelling of picnicking in Agenda Item No. 2, and changing the reading of the last paragraph in Agenda Item No. 4 to state Councilman at Large Olaf Walker moved that Council approve the hiring of a City Treasurer for \$9,000 per annum, which now conforms with the ordinance just passed. A vote was taken for the approval of the amended minutes, and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley presented the January, 1986 Citizen of The Month Award to Margaret "Maggie" Haas. Maggie is the human resources worker for our community.

AGENDA ITEM NO. 3 - MARTIN LUTHER KING'S BIRTHDAY: - Mayor Ashley announced that January 20, will be recognized as Martin Luther King Day in the City of Nitro, and urges everyone to pay particular attention to this special day in our history. This has been declared a holiday, and City Hall will be closed.

AGENDA ITEM NO. 4 - REPORT ON ELECTION - POLICEMEN PENSION BOARD: - Joan McClanahan reported that on December 18, 1985, an election was held to fill the unexpired term of Michael Farley on the Policemen's Pension Board. Patrolman Rick Coon was elected to fill this vacancy, and his term will expire in 1987. Councilman at Large Olaf Walker moved this be made a part of the minutes. The motion was seconded. A vote was taken, and it was unanimous.

COPY ATTACHED

AGENDA ITEM NO. 5 - REQUEST FROM C & P TELEPHONE (DAVID SCOTT): - Mayor Ashley furnished Council a copy of a request with drawing for a slight change in their previously approved request. Building Inspector, C. R. Sargent informed that C & P wanted to move the interface panel from Lock Street to Boundary Street which would serve them better and would be a better location for the city. Mr. David Scott, an Engineering Assistant with C & P Telephone Company stated that the basic reason for moving it was because parking would be better at Boundary Street, and the street wouldn't have to be blocked as long. The pole had to be replaced on Lock Street, and when they removed the pole it wouldn't give enough room to put the interface there. Councilman Romie Hughart moved permission be granted. The motion was seconded. A vote was taken for the approval of the request, and it was unanimous.

AGENDA ITEM NO. 6 - PLANNING COMMISSION REPORT: - City Recorder Joan McClanahan read the minutes of the Planning Commission meeting held on December 20, 1985. Councilman A. A. "Joe" Savilla moved to include the minutes of the Planning Commission meeting in the city records. The motion was seconded. A vote was taken, and passed unanimously.

Mayor Ashley stated the Planning Commission serves in an advisory capacity, and we would accept recommendations to act on their recommendations individually or as a body. Councilman at Large Olaf Walker moved that the recommendations from the Planning Commission be approved. The motion was seconded. A vote was taken to approve the recommendations of the Planning Commission be adopted as action by the City Council. A member of the audience questioned the zoning on Hillside Drive, and was informed that the zoning was unchanged. A vote was taken and it was unanimously approved.

COPY OF PLANNING COMMISSION MINUTES ATTACHED.

AGENDA ITEM NO. 7 - BMX TRACK - Mayor Ashley stated that this item is a follow-up from a request received from Brian Cantley. Copies of his letter and the Mayor's reply were given to Council. A BMX track has been previously discussed, and there is city property that would be available that could be used for a track.

In obtaining an estimated cost for the proposed track, Building Inspector C. R. Sargent reported that it would cost \$3,000. Councilman A. A. "Joe" Savilla questioned the insurance liability. The Mayor advised it would need to be mentioned as part of the modification of the city's assets. In terms of increasing liability, he feels that this would not be an impact on the cost of insurance. Councilman at Large Olaf Walker stated his concern was whether the coverage we now have with the City is sufficient to cover an accident on the proposed track. Councilman A. A. "Joe" Savilla stated that if the City had funds to afford something like this and the insurance to cover it, he would vote for it. He feels it would be better than having been

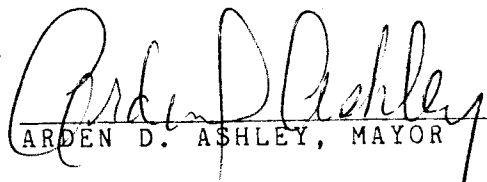
ride on streets. Mayor Ashley requested City Recorder Joan McClanahan to check with at least one insurance company offering liability insurance to determine if a BMX Tract would increase the premium.

Councilwoman at Large Mary Trout stated that before Christmas she received a letter from the Civitan Club of Cross Lanes and Nitro. The letter was signed by Bill Douglas, President of this group, with a check for \$120.88 enclosed to be given to the Nitro Library. Through their fund raising activity throughout the year, they divide the money received with the Cross Lanes and Nitro Libraries. She informed that last year they purchased West Virginia Publications with the money received. A letter will be written thanking them for their contribution.

Councilman A. A. "Joe" Savilla read the cover of a letter from Union Public Service District which was distributed to the Councilmembers along with the report from Kelley, Gidley, Blair & Wolfe, Inc., Consulting Engineers. Mayor Ashley requested the City Attorney Phillip Gaujot to work with the Nitro Sanitary's Board Attorney, Jim Withrow on this and possibly have a report at the next council meeting.

City Recorder Joan McClanahan, on behalf of the Nitro City Council, presented Miss Evadna Bartlette with the Metro-West and Bob Geiger from the Charleston Gazette, an appreciation certificate for their faithful attendance to the Council Meetings.

There being no further business, the meeting was adjourned at 8:05 p.m.


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

4

ART ASHLEY
MAYOR



NITRO, WEST VIRGINIA 25143
(304) 755-0701

TO: Police Officers .
FROM: Joan McClanahan, Recorder
DATE: December 18, 1985
RE: Election to fill unexpired term on Pension Board

The sealed ballots were opened in the presence of Joan McClanahan, Recorder, Pansy Armstead, Secretary and Chief C. R. Cochran on December 18, 1985.

Ptl. Rick Coon was elected to fill the unexpired term on the Policemen's Pension Board. His term will expire in 1987.

JM/pa *Joan C McClanahan*

cc: Mayor Arden D. Ashley
Chief C. R. Cochran

PLANNING COMMISSION MINUTES. CITY OF NITRO

December 20, 1985

The Planning Commission of the City of Nitro, WV, met Friday, December 20, 1985, at 7:00 p.m. in the Council Chambers at City Hall. The meeting was called to order by Chairperson, Margaret Hudson. Present members were: Margaret Hudson, Tom Waldorf, David Miller and Joan McClanahan. Others present included Bob Sargent and thirteen citizens.

The following items which had been advertised were considered:

1. R & B builders, Inc. to dedicate the recently completed extension of Norwood Dr. to the City of Nitro.

The Planning Commission on motion duly made and passed rejected this on the basis of insufficient information and understanding. No one was present to speak in regard to this item.

2. Property owners request for rezoning Lock Avenue from R-2 to R-1.

The Planning Commission on motion duly made and passed recommends to the City Council that the above mentioned property be rezoned from R-2 to R-1.

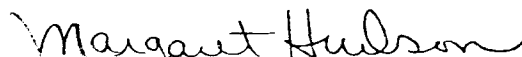
3. Douglas Lawson, Contract Purchaser to rezone Lot Nos. 10-16, Section Six, Hillside Drive from R-1 to R-2.

The Planning Commission after much discussion and a great deal of input from the citizens present (some for the change and many against it) on motion duly made and passed recommends that the request not be granted--the Commission members felt that there were too many unknowns as to sewer and ground water drainage and the traffic situation.

4. D.W. Stonestreet requesting Lot 12, Sec. 14, Brookhaven Subd. be divided into two lots.

The Planning Commission on motion duly made and passed recommends to City Council that this division be made.

Since there was no additional business and the hour was getting late, the meeting was adjourned.


Margaret Hudson, Chairperson

CITY OF NITRO
COUNCIL MEETING MINUTES

JANUARY 21, 1986

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 McClanahan, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Council 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 Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 7, 1986 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the January 7, 1986 Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous and so ordered.

AGENDA ITEM NO. 2 - REPORT FROM CITY TREASURER: - City Treasurer Ralph Allison reported that currently we have six months of transactions on the City's two main checking accounts, the revenue sharing account and investments account on the computer. In addition to that, we also have all the vendors, which we call the vendors list, on the computer. By the middle of February we expect to have the fire and police pension funds, recreation accounts, grant accounts and all other miscellaneous accounts on the computer. We are still using Managements Services to prepare the payroll, but this month we are starting to input employee information into the computer. He stated that putting the payroll on the computer will be a big job, but we expect to have the transition of the payroll completed by the end of March. At least the first payroll will be run parallel with Management Services, and if ours matches we will discontinue the services of Management Services at that time.

City Treasurer Ralph Allison distributed copies of the Revenue/Expense Summary and a Balance Sheet for period ending December 31, 1985 to Council. He advised that while these figures are unaudited, the total revenues collected and the total monies spent are accurate as far as the dollar amount. However, the classification that some of these expenditures go in, might be subject to change. He is in the process of going through every expenditure for the last six months to verify the proper classification of that expenditure. He hopes to have this done and any changes that need to be made on our computer by the end of February. Also, he reminded Council that these figures are subject to being changed by auditors when they do the June, 1985 and June, 1986 audit. City Treasurer Ralph Allison pointed out

that we have collected as of the end of December, 52.7 per cent of budgeted revenues, and we have spent 50.3 per cent of budgeted expenditures. We have collected approximately 35 to 36 thousand dollars more than we have spent.

City Treasurer Ralph Allison announced that he was going to make an effort to be at City Hall every Tuesday morning from 9:00 a.m. to 12 o'clock for any appointments. In addition to that, he estimated that he would probably spend about seven or eight hours per week performing the duties of the treasurer. He informed Councilmembers and all Department Heads that he can be reached by phone during the day at his office in Cross Lanes and will try to answer any questions they might have.

City Treasurer Ralph Allison further informed Council that the recently approved raises given the city employees will cost the City around \$34,900. a year or \$17,450. for six months. This would not include overtime worked or new employees hired. All in all, he reported we are in pretty good shape, and if no disasters occur in the next six months, he sees no reason why we couldn't finish the fiscal year with a surplus. After discussion, Councilman at Large Rusty Casto moved the computer data furnished by our City Treasurer Ralph Allison be made a part of our Council Meeting Minutes. The motion was seconded. A vote was taken and passed unanimously.

COMPUTER DATA INFORMATION ATTACHED.

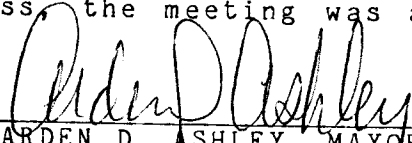
Councilman at Large Olaf Walker moved that the revenue sharing in 1986 be directed towards the paving of streets in the City of Nitro, and the paving of the streets be determined by the Mayor, and other members he might designate. There was no second to this motion. Mayor Ashley advised that the Council does have a Traffic Committee, Chaired by Councilman A. A. "Joe" Savilla. Other members on the committee are Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Their function is to evaluate the streets that are in need of paving. They already have a priority list of streets in need of paving and paving will begin when the money is available.

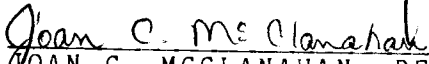
AGENDA ITEM NO. 3 - POLICEMEN'S PENSION FUND: - Mayor Ashley furnished Council a copy of the Policemen's Pension Board Meeting Minutes of January 9, 1986, the year ending financial statement of December 31, 1985, including each employee's accumulated contributions, and the 1986 projected budget. Councilman A. A. "Joe" Savilla moved that the above information be included in the record of the City. The motion was seconded. Councilman Romie Hughart made a friendly motion to amend the reading of Policemen's Pension Fund to Nitro Policemen's Pension Fund. A vote was taken to have included in the City's records, copies of the minutes of the meeting held on January 9, 1986, projected 1986 budget and amended financial statement, and it was unanimously approved.

MINUTES OF NITRO POLICEMEN'S PENSION BOARD ATTACHED.

AGENDA ITEM NO. 4 - FIREMEN'S PENSION FUND: - As Council did not receive copies of the Firemen's Pension Fund financial statement and minutes of their meeting held on January 9, this Agenda Item was tabled and will be acted upon at the next meeting.

There being no further business, the meeting was adjourned at 8:08 p.m.


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

Fiscal year thru period ending 12/31/85

DEPT Description	Actual		Budget	
	Current	Y-T-D	Y-T-D	remaining
1 28-00 BEG YR ENCUMBR	0	0	0	0
1 29-90 BEG YR UNENCUMB	0	0	0	0
1 30-11 CUR YR A-V TAX	6,437	152,632	245,708	93,076
1 30-80 BUILD PERMIT	-485	5,928	10,000	4,072
1 30-90 INSPECTION FEES	23	243	1,000	737
1 31-70 SALE FIX ASSETS	0	0	2,000	2,000
1 32-10 BUILDER'S BOND	403	358	0	358
1 32-33 GRANTS	0	8,500	2,500	-6,000
1 33-20 B & D TAX	112,775	209,146	450,000	240,854
1 33-30 UTIL EXCISE TAX	9,058	57,618	100,000	42,382
1 33-40 RECREATION DEPT	1,313	11,606	33,000	21,394
1 33-50 LIQUOR CLUB FEE	0	0	1,000	1,000
1 33-80 WINE/LIQUOR TAX	0	23,158	55,000	31,832
1 34-10 LICENSES	96	3,831	8,000	4,169
1 34-40 INT ON INVEST	521	2,279	7,500	5,221
1 34-45 CIVIC BENEFITS	0	86,000	172,000	86,000
1 34-50 RENTS/CONCESS	1,200	1,200	0	-1,200
1 34-70 COURT COSTS/FEE	967	7,514	15,000	7,486
1 34-90 LIBRARY FEES	85	160	100	-50
1 35-70 MUNICIPAL FEES	-370	149,237	334,000	184,763
1 35-90 COAL SEVERANCE	0	9,577	13,500	3,923
1 35-95 REVENUE SHARE.	0	80,108	82,000	1,892
1 35-96 MISCELLANEOUS	0	13,077	27,400	14,323
Total revenue	129,397	822,682	1,539,708	737,026

1 40-90 MAYOR'S DEPT	6,550	41,152	68,513	27,363
1 41-00 CITY COUNCIL	772	4,808	76,246	71,438
1 41-10 RECORDER	1,283	9,387	17,145	7,453
1 41-30 TREASURER	3,428	42,486	72,753	30,267
1 43-50 BUILDING INSPEC	1,945	12,431	25,146	12,713
1 44-00 CITY HALL	21,917	136,156	225,338	89,182
1 44-50 DOG CATCHER	727	6,657	12,177	6,120
1 45-50 POLICE DEPT	19,954	116,583	230,684	114,101
1 50-50 FIRE DEPT	21,539	107,091	218,113	109,022
1 53-00 DEPT PUB WORKS	46,554	259,307	517,648	258,341
1 55-50 RECREATION DEPT	1,072	36,769	71,724	34,953
1 55-30 LIBRARY	1,604	9,920	24,219	14,299
Total expenditures	127,345	784,447	1,539,708	775,261

Revenue over expenditure 2,052 38,235 0

01 - GENERAL FUND

Gla	FD	DEPT	Description	Balance
0001	01	00-02	DUE FROM 02	.00
0001	01	00-03	DUE FROM 03	.00
0001	01	00-04	DUE FROM 04	.00
0001	01	00-05	DUE FROM 05	.00
0020	01	10-00	RECEIPTS ACCOUNT	44,352.07
0021	01	10-00	DISBURSEMENTS ACCOUNT	12,024.82
0022	01	10-00	REVENUE SHARING ACCOUNT	1.00
0023	01	10-00	PETTY CASH ACCOUNT	835.00
0024	01	10-00	RECREATION ACCOUNT	.00
0025	01	10-00	SWIMMING POOL ACCOUNT	.00
0026	01	10-00	GRANT ACCOUNT	.00
0027	01	10-00	SPRING FESTIVAL	.00
0030	01	10-05	TAXES RECEIVABLE	16,789.09
0031	01	10-05	MUNICIPAL SERVICE FEE RECEIVE	23,939.00
0033	01	10-05	ACCTS RECEIVABLE MISCELLANEOUS	.00
0040	01	10-10	PREPAID EXPENSES	.00
0041	01	10-10	INVESTMENTS	23,533.21
0042	01	10-10	DEPOSITS	8,527.50
0043	01	10-10	INVESTMENT IN SAN. BOARD	260,060.53
0050	01	10-15	LAND	38,000.00
0051	01	10-15	BUILDINGS	592,394.93
0052	01	10-15	IMPROVEMENTS	11,422.16
0053	01	10-15	EQUIPMENT	65,059.79
Total assets				1,072,889.46
0060	01	15-00	ACCOUNTS PAYABLE	18,261.39
0061	01	15-00	FIREMENS PENSION PAYABLE	7,185.44
0062	01	15-00	POLICEMENS PENSION PAYABLE	.00
0065	01	15-00	DUE TO SANITARY BOARD	.00
0066	01	15-00	DUE TO PHONE COMPANY	.00
0067	01	15-00	DUE TO WATER COMPANY	.00
0068	01	15-00	DUE TO GAS COMPANY	.00
0069	01	15-00	DUE TO ELECTRIC COMPANY	.00
0070	01	15-00	WAGES PAYABLE	.00
0071	01	15-00	CALL OUT PAYABLE:F.D.	1,000.00
0072	01	15-00	FICA PAYABLE	.00
0073	01	15-00	FEDERAL TAX PAYABLE	.00
0074	01	15-00	STATE TAX PAYABLE	.00
0075	01	15-00	RETIREMENT PAYABLE	.00
0076	01	15-00	INSURANCE PAYABLE	.00
0077	01	15-00	OTHER DEDUCTIONS PAYABLE	.00
Total liabilities				26,446.83
0091	01	15-10	BROOKHAVEN STORM SEWER	16,805.54
0092	01	15-10	FIXED ASSET FUND	706,876.88
9999	01	00-00	FUND BALANCE	282,527.80
Excess revenue over expenditures				38,232.41
Total fund balance				1,046,442.63
Total liabilities				1,072,889.46

CITY OF NITRO
POLICEMEN'S PENSION BOARD MEETING MINUTES

JANUARY 9, 1986

A meeting of the Policemen's Pension Board was called to order by Mayor Arden D. Ashley at 2:54 p.m. in Council Chambers. Present were Lt. Gary Blankenship, Sgt. John Joyce and Ptl. Rick Coon. Also present were City Recorder Joan McClanahan and City Treasurer Ralph Allison. Absent was Ptl. Jack Jordan.

A financial statement prepared by City Treasurer Ralph Allison for the calendar year 1985 was distributed to the Board Members. Also, included on the financial report was the individual fund status of each members. A copy of this report will be given to each member.

Financial Statement Attached.

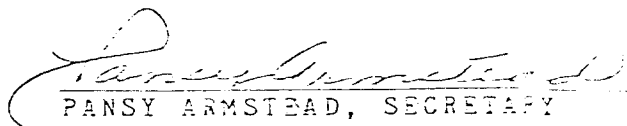
Mayor Ashley suggested a budget be prepared for the year 1986 for the Policemen's Pension Fund, and approved prior to the next Council Meeting on January 21, 1986. He also suggested \$100 be allocated in the projected expense to cover service charges. Lt. Gary Blankenship moved we increase the salary of the Pension Board's Secretary to \$25.00 per month and approve the budget with the \$100 assessment. The motion was properly seconded. A vote was taken and it was unanimous.

Projected 1986 Budget Attached.

Ptl. Rick Coon moved the Policemen's Pension Board financial statement be accepted into the minutes of the Nitro City Council minutes. The motion was seconded. A vote was taken, and it was unanimously approved.

Mayor Ashley announced that according to law, an election must be held in March to fill the expiring term on the Police and Firemen's Pension Board. According to the State and City Code, the election is to be held on the 2nd Monday in March.

There being no further business, Ptl. Rick Coon moved the meeting be adjourned at 3:09 p.m.


PANSY ARMSTEAD, SECRETARY

NITRO POLICEMEN'S PENSION FUND

DECEMBER 31, 1985

<u>ASSETS</u>	
CASH IN BANK	\$ 916.50
INVESTMENTS	<u>65,435.43</u>
	\$ 66,351.93

<u>RECEIPTS</u>	
INTEREST EARNED	\$ 12,205.90
EMPLOYEE'S CONTRIBUTIONS	<u>11,138.88</u>
	\$ 23,344.78

<u>DISBURSEMENTS</u>	
PENSION PAYMENTS	\$ 21,371.97
SECRETARY	220.00
SERVICE CHARGES	90.06
OTHER	<u>122.50</u>
	\$ 21,804.53

INCREASE IN FUND BALANCE	\$ 1,540.25
--------------------------	-------------

<u>EMPLOYEE'S ACCUMULATED CONTRIBUTIONS</u>	
B. ANGELL	\$ 4,402.11
G. BLANKENSHIP	7,817.49
M. CHATTERTON	674.56
R. COON, JR.	408.96
D. DEAN	6,548.26
J. JORDAN	5,423.58
J. JOYCE	7,572.07
T. THOMPSON	<u>1,986.77</u>
	\$ 34,833.80

POLICEMEN'S PENSION FUND

1986 BUDGET

DISBURSEMENTS

PENSION PAYMENTS	\$ 23,868.12
SECRETARY'S SALARY..	300.00
SERVICE CHARGES	<u>100.00</u>
	\$ 24,268.12

RECEIPTS

EMPLOYEE'S CONTRIBUTIONS	\$ 11,700.00
INTEREST EARNINGS	13,000.00
CITY'S CONTRIBUTION	<u>5,000.00</u>
	\$ 29,700.00

INCREASE IN FUND BALANCE	\$ 5,431.88
--------------------------	-------------

CITY OF NITRO
COUNCIL MEETING MINUTES

FEBRUARY 4, 1986

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, 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 were Councilman at Large Rusty Casto and City Treasurer Ralph Allison.

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

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 21, 1986 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved we accept the Council Meeting Minutes of January 21, 1986 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 February Citizen of the Month award to Hubert "Smitty" Smith. Smitty is a lieutenant with the Police Reserve unit. A round of applause was given to Mr. Smith.

AGENDA ITEM NO. 3 - FEBRUARY 12, 1986 HOLIDAY: - City Recorder Joan McClanahan announced that City Hall will be closed on February 12, in observance of Lincoln's birthday.

AGENDA ITEM NO. 4 - FIREMEN'S PENSION FUND: - This agenda item was tabled at the January 21, 1986 meeting as all Councilmembers did not receive copies of the Firemen's Pension Fund financial statement and minutes of their meeting held on January 9. Councilman A. A. "Joe" Savilla moved the Firemen's Pension Fund Minutes be included in the record of the City. The motion was seconded. There being no discussion, a vote was taken and it was unanimously approved.

AGENDA ITEM NO. 5 - REQUEST FOR A MEETING OF THE: (1) FINANCE COMMITTEE AND (2) COMPENSATION REVIEW COMMITTEE: - Mayor Ashley requested meetings be scheduled by the Finance and Compensation Review Committees for the purpose of selecting new Chairmen for these committees.

SIMPLEX PROPOSAL: - Councilwoman at Large Mary Trout moved we bring off the table the subject of the time equipment. The motion was seconded. A vote was taken and it was unanimous. After a discussion, City Recorder Joan McClanahan moved we purchase the time clock. The motion was seconded. After further discussion, a vote was taken to approve the purchase of

the Simplex System being one unit of hardware tied into our computer at City Hall, installed at the communication's office with Councilman at Large Olaf Walker and Councilman Romie Hughart voting in the negative.

Mayor Ashley announced that the West Virginia Municipal League is having their Midwinter Conference in Charleston on February 9th and 10th. A copy of the agenda will be furnished to Councilmembers.

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

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER

NITRO FIREMANS PENSION
AND RELIEF FUND

January 9, 1986

Meeting called to order by Mayor Ashley at 9:08 A.M.

Members present,

Stover

D. Jones Sect.

Mrs. McClanahan

E. W. Hedrick JR.

Mayor Ashley

J. L. Raynes

Mr. Allison

Mayor Ashley presented a financial statement as of Dec. 31, 1985

Motion to accept the statement by Stover

Second made by Hedrick.

Motion passed unanimous

D. Jones presented the board with 1986 budget.

Mr. Allison requested that \$100.00 be added to the budget for service fees that the bank charges to transfer money to the State.

Motion made by Stover to accept the budget.

Second by Hedrick.

Passed unanimously.

Motion to adjourn by Mayor Ashley at 9:21 A.M.

NITRO FIREMEN'S PENSION FUND

DECEMBER 31, 1985

ASSETS

CASH IN BANK	\$	1,712.57
INVESTMENTS		81,608.07
DUE FROM CITY		<u>7,185.44</u>
FUND BALANCE	\$	90,506.08

RECEIPTS

INTEREST EARNED	\$	12,096.18
EMPLOYEE'S CONTRIBUTIONS		10,412.38
CITY'S CONTRIBUTIONS		<u>13,214.44</u>
	\$	35,723.00

DISBURSEMENTS

PENSION PAYMENTS	\$	18,589.50
SECRETARY		275.00
SERVICE CHARGES		<u>92.52</u>
	\$	18,957.02

INCREASE IN FUND BALANCE	\$	16,765.98
--------------------------	----	-----------

EMPLOYEE'S ACCUMULATED CONTRIBUTIONS

R. L. FAULKNIER	\$	10,008.45
S. A. HARDMAN		6,948.70
E. W. HEDRICK		15,183.80
E. W. HEDRICK, JR.		4,550.63
W. P. JONES		8,174.29
J. L. RAYNES		12,958.39
J. L. STOVER		12,273.33
P. F. STROHL		<u>7,171.54</u>
	\$	77,269.13

NITRO FIREMANS PENSION
AND RELIEF FUND
BUDGET FOR 1936

C. M. McDaniels	\$6000.00
K.K. King	\$6368.00
Clyde Harris	\$6532.57
Denver Rawlings	\$6000.00
Sect.	\$ 300.00
Bond	\$ 75.00
Misc.	\$ 25.00
Service fees	\$ 100.00
Total	<u>\$25900.57</u>
10% for investment	\$2590.05
Total Budget	<u>\$28490.62</u>

CITY OF NITRO
COUNCIL MEETING MINUTES
FEBRUARY 18, 1986

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 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.

Councilman A. A. "Joe" Savilla requested a minute of silence in honor of Kirk Kelly, the young student at Nitro High, who died so tragically last week; also for the boys who were injured and the two who miraculously escaped injury.

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

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 4, 1986 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved for the approval of the Council Meeting Minutes of February 4, 1986. The motion was seconded. Councilman Romie Hughart moved the Minutes be amended under Simplex Proposal stating, "Councilman Romie Hughart voted in the negative because he felt that it was too much expense to the city." Councilman at Large Olaf Walker stated that the reason he voted against the purchase of the Simplex System was because the item was briefly discussed, and when it was first discussed there were three members absent, evidence was not present to show him that we were going to derive a benefit from it, and also the item was not in the budget. Councilwoman at Large Mary Trout added that she was not at the meeting at Nitro Junior High School, but she advised she did make a point to obtain the information. She also stated that the subject was brought up at a prior meeting, and questions were asked at that time, so he doesn't feel that she voted for something without the correct information. The motion to amend the minutes of February 4, was properly seconded. A vote was taken to include Councilman Hughart's statement, and it was unanimous. A vote was taken to accept the Council Meeting Minutes of February 4, as amended and it was unanimous.

AGENDA ITEM NO. 2 - INSURANCE COMMITTEE RECOMMENDATION: - Councilman A. A. "Joe" Savilla reported that we advertised for bids for insurance, and Commercial Insurance Service, Inc. was the only company to respond. It will cost an additional \$21,000 this year. The premium raised from \$17,483 to \$38,546. The Insurance Committee had a meeting, and he moved we accept this bid for insurance coverage as we do not have a choice at this time. Councilman Savilla advised that the WV Municipal League is pushing a bill, and if passed there will be a state insurance pool formed and we will be able to drop insurance coverage such as this because it will be something that all the cities throughout WV will be sharing. The motion was seconded to accept the bid from Commercial Insurance Service, Inc. Councilman A. A. "Joe" Savilla moved that he would like included as part of his motion, if approved, to have City Recorder Joan McClanahan call Commerical Insurance Service, Inc. and make it effective when our current policy ends which is February 20, 1986. Councilman Charles Miller seconded the motion and considered this as a friendly amendment and the motion changed accordingly. A vote was taken to award the insurance package to Commercial Insurance Service, Inc. and it was unanimous.

Councilman A. A. "Joe" Savilla urged everyone at the Council Meeting to lobby the Legislature about what can be done to obtain an Insurance Pool for the State of West Virginia. Mayor Ashley would keep Council up-to-date as to the Insurance Bill that will be coming out of the Legislative Session.

AGENDA ITEM NO. 3 - C.B.A. REPORT: - Mayor Ashley report on the annual meeting with the Board of Directors of the Civic Benefit's Association held Friday, February 14. In the past the Association have given us pretty large sums of money which constitutes better than 10 percent of our annual budget. We are not required to do it, but they have been motivated to give us recently \$172,000 a year. They reviewed the circumstance of the city, the prospects for the city, and the concerns they have with regards to such things as the implementation of the Gramm-Rudmann Act which would result in cuts or the elimination of revenue sharing after Entitlement Period 17. Concerns were brought up about the fire service fees which Putnam County has imposed and how he felt that this might impact our relationship with them and appealed to them for a continuation of funding to the city. At the conclusion of Mayor Ashley's presentation, the C. B. A. members advised they would meet with their full membership and report back in a timely fashion so that we can have the information as we prepare our budget. Mayor Ashley told the Civic Benefits Association members that the relationship between the Civic Benefits Association and the City has reached a critical point in the sense that the fire service fee that is being imposed by Putnam County puts a new light on things. Just as soon as he receives word from the Association, he will report to Council.

AGENDA ITEM NO. 4 - REZONING - HILLSIDE DRIVE: - City Recorder Joan McClanahan furnished Council a petition from residents on Hillside Drive requesting one side of the street be rezoned from B-1 to R-1, and moved this be referred to the Planning Commission. The motion was seconded. A vote was taken and it was unanimously approved.

Mayor Ashley gave Councilmembers a copy of an ordinance restricting parking on certain areas of the street on Hillside Drive and a drawing showing the location to establish a "no parking zone" on Hillside Drive from Wilson Street to include the property line of 108 Hillside Drive. The police department recommended passage of this ordinance as it is a problem since we don't always have clear access to the roadway. Councilman at Large Rusty Casto moved we accept this ordinance. The motion was seconded. After discussion, a vote was taken to approve the first reading of the ordinance with Councilman Romie Hughart voting in the negative.

ORDINANCE ATTACHED

AGENDA ITEM NO. 5 - ALL WV CITIES: - Councilwoman at Large Mary Trout, Chairperson of the All WV Cities, showed Council the entry of last year. She informed the same cover will be used on this years, and by the next council meeting she plans to have a copy to present of this years entry showing the accomplishments of 1985. She announced that on Thursday, February 27, the booklet, which includes a slide presentation, will be presented to the State Chamber of Commerce for judging. Mayor Ashley informed that everyone on Council is invited to attend, and it would be helpful to the competition if they were there.

AGENDA ITEM NO. 6 - PUTNAM COUNTY FIRE SERVICE FEE: - Mayor Ashley informed of an ordinance passed by the Putnam County Commission imposing a fire service fee within the county. Excluded from such fees are municipalities wherein there is located a professional firefighting department. Therefore, the City of Nitro is excluded from the imposition of such a fee. It does apply to all other areas outside the City's boundaries. Mayor Ashley pointed out to Council that the weakness of our position is that the imposition of that fire service fee would be at the will and pleasure of the members of the Civic Benefit's Association. Our City Attorney Phillip D. Gaujot is researching the question as to the legality of the imposition of the fire service fee by the County Commission, and what we might be able to do about having a binding agreement with those entities that would preclude the fire service fee being imposed upon them. Chief Hedrick stated that he feels the plants can't afford to support both Putnam County and Nitro, and we need a solution offered to them very shortly. Mayor Ashley will keep Council informed as soon as the City Attorney offers his recommendation.

AGENDA ITEM NO. 7 - MUNICIPAL LEAGUE MID-WINTER CONFERENCE: Councilman A. A. "Joe" Savilla, Chaplain of the WV Municipal League commented that he was sorry that more of the

Councilmembers were unable to attend this conference because this was a working session. There were many bills that were brought before the WV Municipal League that will affect the cities throughout the state. A list of these bills will be distributed to Councilmembers. Councilman Savilla explained the bills and the ones supported by the WV Municipal League. Councilman Savilla commended Mayor Ashley, President of the WV Municipal League, and the staff for an outstanding session.

AGENDA ITEM NO. 8 - REPORT ON PROBLEM WITH STREET PEOPLE: - Mayor Ashley reported to Council the serious problem with "street people" in Nitro who loiter in intoxicated states on street corners. Mayor Ashley stated we are concerned about doing something positive about the problem that will serve the community and not be a disservice to the people in question. Reviewing the ordinance, which should be complete by next Council Meeting, there will be some recommendations. He requested that Council share some time with him and try to come up with a solution to resolve this problem.

COMMITTEE REPORTS

COMPENSATION REVIEW COMMITTEE REPORT: - Councilman Romie Hughart reported there was a meeting prior to Council Meeting this evening and Councilwoman at Large Mary Trout was elected as Chairman of the Compensation Review Committee.

FINANCE COMMITTEE: - Mayor Ashley announced that the Finance Committee had a meeting and selected as their Chairman for the coming year the new Treasurer, Ralph Allison.

There being no further business, the meeting was adjourned at 8:50 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN MCCLANAHAN, RECORDER

ORDINANCE 86-

AN ORDINANCE TO ESTABLISH A "NO
PARKING ZONE" ON HILLSIDE DRIVE
FROM WILSON ST. TO INCLUDE THE
PROPERTY LINE OF 108 HILLSIDE DR.

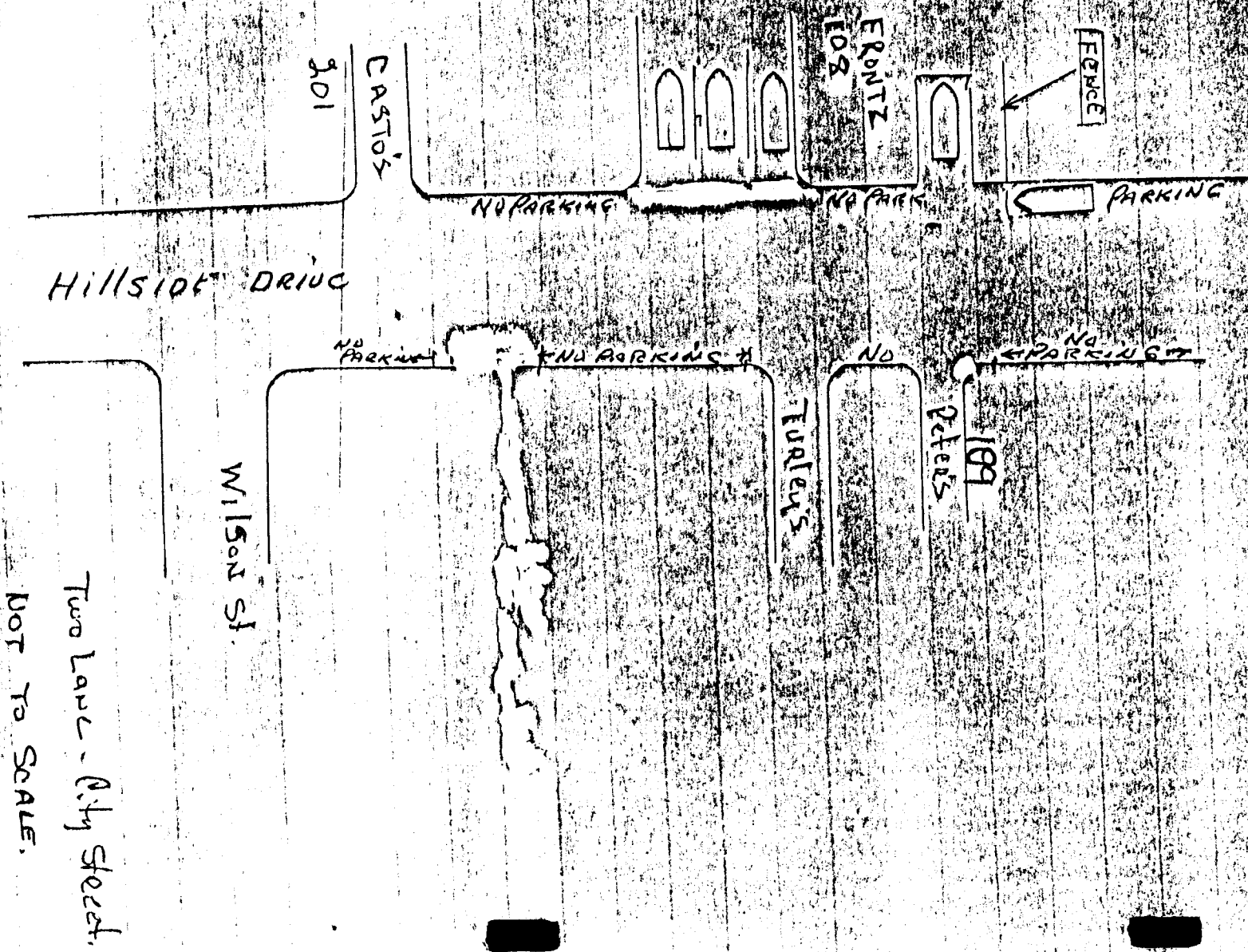
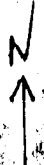
INASMUCH as the Council desires to establish a "No Parking
Zone" on both sides of the street on Hillside Drive between
Wilson Street and including the property line of 108 Hillside
Drive (east side of lot).

FEBRUARY 18, 1986
First Reading

Second Reading

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER



CITY OF NITRO
COUNCIL MEETING MINUTES

MARCH 4, 1986

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 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. Absent was City Treasurer Ralph Allison.

The invocation was given by The Reverend James Flippo.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 18, 1986 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the February 18, 1986 Council Meeting Minutes as written. The motion was properly seconded, a vote was taken and they were unanimously approved.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley proudly introduced and awarded the March, 1986 Citizen of the Month Award to Terry "Bruz" Hicks. Bruz is a graduate of Nitro High School, now attending the University of Charleston. He is a stellar basketball player and one of the two captains of the University of Charleston basketball team that is currently in the process of a playoff with West Virginia Tech for the opportunity to go to Kansas City in the NAIA Tournament, representing the West Virginia Collegiate Conference. A round of applause was given to Mr. Hicks.

Terry "Bruz" Hicks stated that he was really nervous, but that it was an honor and privilege to see a lot of people there that's come out all through the years to instill all the values that he has about what he tries to show in the community, especially his Mother and his Father. He said that it was a great honor coming all the way through Nitro, and watching all you people support me. He stated that, I love everyone of you that's cheered us on to Kansas City, hopefully. He remarked, that one thing, for example, he'd like to say was that his Sports Information Director at the college was going to put in their media guide, and asked him his hometown address, and since it has changed to Buffalo-Putnam, his parents moved there. I thought he was going to print that in the media guide, and I sorta had to correct him, and said, no, scratch that out, that he was from Nitro, and that's where his roots are. I said put that in, and they always will be here. He expressed his appreciation and remarked, thank's a lot.

Another round of applause was given to Terry "Bruz" Hicks.

Coach Tex Williams, one of the most successful coaches in basketball, formerly of St. Albans High School, commented that he feels honored and proud to stand here and give a testimony on behalf of this great individual. He remarked that when you hear people use the adjective great, he's not so sure they know what they are talking about. He stated that he looked, and he was running these things through his mind, even coming over here, about what he would say about this great young person, and he was sure that some of you realize some of the goals that he has been a part of that we have attained at the University of Charleston. Bruz Hicks is part of the foundation. He expressed that we have a real close tie in that respect and being involved in a program that was more or less down the drain. The sentiment for the program had been gone, simply because we had not recognized people from Nitro; we had not recognized people in the other surrounding areas of the county. He said, this man is a great building block of that foundation that has worked so very, very hard in achieving where they are now in terms of basketball. Why? Because the very first year, his freshman year, we suffered with a 9 to 19 record. Then the next year, they were 14 and 14. Last year, they were 22 and 8, and right now we are 27 to 4. He wanted to make the point that this young man has provided leadership. He informed that when he names a person captain, that means leader a college team. He stated that he'd been down the road, so to speak, in a lot of programs. He's been in some good programs, some in between and some great programs. He tries to judge which characteristics captain should stand for, and informed that's the reason "Brother Hicks" was named one of the co-captains of their team, because when he says the word great, he means consistency. He is a major part of the reason for their success this year in basketball. He has as much to do with it as anybody on the team, and he told why. He summarized it by saying, consistency - never whimpers or whines, regardless of what the conditions were. At times he went from playing the entire game to playing two minutes in the game. He is so team oriented, sets an example for youngsters to follow, always a positive attitude, and how important that is when you are trying to deal with something, how important it is to have your youngsters to believe in and have a positive attitude. So, why can he say great? It's because he has always provided us with consistency, he's always been great with his attitude, he's always been consistent with his performance and number one, most of all, he gives back to his teammates, he gives back to his family and he gives back to his friends, his city, and he gives it back with the greatest deal of appreciation and respect. This guy is a winner! He will always be successful and we are friends for life.

Coach Tex Williams received an applause.

Mayor Ashley commented that he thinks it is fitting that the two of them stand here, and it is obvious that this is a steller first class team. It's just two members of the team, but they do make a great team. He expressed his gratitude and happiness over Tex Williams coming to the University of Charleston, and told

him so at the time. He believes it was four years ago at the WVIC Tournament that he heard about it, and they have been a good team together. He is sure they will be friends for life.

Mayor Ashley introduced Bruz's Mother and Grandmother, Mrs. Hicks.

Mrs. Alma Hicks, Bruz's Grandmother, stated that she was very proud of him, doubly proud.

Kenny Hudnall wanted to say that he had Bruz in Little League, and it was a pleasure working with him. He is everything you would want in a son. I felt like a father to him.

City Recorder Joan McClanahan commented that he certainly feels like a son to her, and she couldn't be any prouder of him or love him anymore if he were.

Ralph Holmes expressed that he and his wife, Helen, had the privilege, through the University of Charleston, of a foster parent program for each member of the team. For the last two years, they were blessed with the fact that their son was Bruz Hicks, accepting this award tonight. They moved to Nitro six years ago, and of all of the young men they have met, they are proud to call him their son.

Mayor Ashley remarked that he feels we have all adopted Bruz Hicks, as a community. Mayor Ashley asked Councilman at Large Rusty Casto if he would like to say anything as he was instrumental in recommending Bruz Hicks as Citizen of the Month.

Councilman at Large Rusty Casto said that he couldn't think anymore of him if he was one of his own brothers; that's the way he feels about him.

Bruz's Mother, Greta Ireland, thanked all the friends of Nitro. She knows how excited everyone is that have already shared in his success with her, and she appreciates it. She informed that she wasn't a prejudice mother, but she thinks he's great.

Mayor Ashley expressed his appreciation for both of them coming, and knows they have a busy schedule. He thanked God they played last night, and then to go back tomorrow night and win the second one and go to Kansas City. Mayor Ashley extended his congratulations again to Bruz.

Councilman at Large Rusty Casto moved we all root for the University of Charleston to win the ballgame Wednesday night and go on to Kansas City. The motion was seconded. A vote was taken and it was unanimous.

Mayor Ashley, by request of Councilman at Large Rusty Casto, moved Agenda Item 3 to follow, and recognized Councilman at Large Rusty Casto.

AGENDA ITEM NO. 8 - DONATION OF TREE FOR ARBOR DAY: - Councilman at Large Rusty Casto reminded Council that a couple months ago we voted to accept donations of trees to plant along First Avenue in honor of the 39 men who signed the Constitution. This would beautify the City as well as mark a historic date coming up a year from September. The three grade schools in Nitro all donated a tree, and each person donating a tree, donates it to one of the signer of the Constitution. Baker School picked George Washington, Nitro-Putnam chose Ben Franklin and Nitro Elementary picked James Madison.

Greg Matthews, from Baker Elementary School, explained that they had a vote and decided to plant their tree in the name of George Washington because he is the Father of our Country, a great statemans and our first president.

Eric Flipppo, a student from Nitro-Putnam, informed that their school chose Ben Franklin because he was a scientist and politician and also started fire departments and libraries. They hoped that by planting a tree in his honor, he wouldn't be forgotten.

A round of applause was given to both students.

Councilman at Large Rusty Casto advised that Nitro Elementary is having a writing contest among the fifth and sixth graders, and their speaker will be at the next Council Meeting to inform why they picked James Madison.

The planting of the trees is scheduled for sometime this month. Gene Williams, Director of Public Works, will be assisting Councilman at Large Rusty Casto.

Councilman at Large Rusty Casto also informed that Chief Cochran had purchased a tree, but hasn't decided his honoree at this time.

Mayor Ashley extended his appreciation for Eric and Craig being at the Council Meeting, and wished them good luck with the planting. He also thanked Councilman at Large Rusty Casto for his work on this project.

AGENDA ITEM NO. 3 - VOTERS REGISTRATION HOURS AT CITY HALL: City Recorder Joan McClanahan announced there will be a booth set up for voters registration at City Hall on Saturday, March 22 from 10:00 a.m. to 2:00 p.m., and again on Thursday, March 27, from 1:00 p.m. to 7:00 p.m. The notice has been posted at City Hall.

AGENDA ITEM NO. 4 - REQUEST FROM BETTER FOODS, INC.: - All Councilmembers were furnished a copy of a letter from Better Foods, Inc. requesting permission to construct a warehouse type building on company owned property located at 209 First Avenue in Nitro, and made recommendation that the same be turned over to our

Building Inspector, Bob Sergeant. If anything further is needed, then be referred to the Zoning Board of Appeals. Mayor Ashley informed that this would be the proper order, and doesn't call for any action on the part of Council.

AGENDA ITEM NO. 5 - 2ND READING ORDINANCE TO ESTABLISH A "NO PARKING ZONE" ON HILLSIDE DR. - Mayor Ashley advised this would constitute the second reading of an ordinance to establish a "No Parking Zone" on Hillside Drive from Wilson Street to include the property line of 108 Hillside Drive. The recommendation included in the ordinance is from the police department. Councilman A. A. "Joe" Savilla moved the ordinance be approved on the second reading. The motion was seconded. Councilman Romie Hughart furnished a copy of a map showing Hillside Drive with the proposal to defeat the ordinance, in each of the driveways, covered by the ordinance, paint a yellow 5 foot space on each side of the driveways, and then where a driveway is backing out on the opposite side of the street, paint that area yellow and give this a try for six months to see if this would resolve the problem. Councilman Charles Miller viewed the street, and he could not agree with Councilman Romie Hughart. Councilman Miller stated that according to him, all the driveways when backing out into the street, they are backing to where they would park another car. According to his observation, there is just one place where a car could be parked, and the rest would be subject to hindering others from backing out of their driveways. Councilman Miller also noted that every house has a driveway where they can park their vehicles. Councilman Miller stated that he was for the ordinance. Councilman at Large Olaf Walker asked Councilman Hughart to clarify his proposal. As he understood it, it would be to restrict parking at each corner. Councilman Hughart stated that it would be at the driveway. Councilman at Large Walker asked how many residences were involved, and Councilman Hughart informed there were four, one a vacant lot. Councilman Hughart discussed parking with the Frontz's and Turley's, and he didn't feel they were strong on the no parking, but they are concerned about the parking situation. Councilman Hughart feels the yellow paint will resolve the problem. He doesn't want to pass an ordinance like this because we have a lot of places in Nitro with the same problem. Councilman at Large Olaf Walker stated that he agrees with Councilman Hughart that if this problem can be resolved without an ordinance, by the Chief of Police and Traffic Committee, it would be a lot easier and cleaner than to have an ordinance and then maybe later come back and appeal the ordinance. Councilman Walker asked Chief Cochran if Councilman Hughart's proposal would solve the problem, and Chief Cochran responded, no it would not. He further stated that he has been working on the correction of this problem for two years and it will take an ordinance to resolve this problem. Councilman A. A. "Joe" Savilla, Chairman of the Traffic Committee, commented that he agrees with Chief Cochran. A vote was taken to approve the second reading of the ordinance, with Councilman at Large Olaf Walker and Councilman Romie Hughart voting in the negative and all other Councilmembers voting in the affirmative.

voting in the affirmative.
COPY OF ORDINANCE 86-1 ATTACHED.

AGENDA ITEM NO. 6 - REQUEST FROM THE NATIONAL MULTIPLE SCLEROSIS SOCIETY: - City Recorder Joan McClanahan furnished Council a copy of the request from The Greater Chapter of the National Multiple Sclerosis Society to conduct their annual appeal for funds in the City of Nitro during the months of April and May, and moved permission be granted. The motion was seconded, a vote taken and it was unanimously approved.

AGENDA ITEM NO. 7 - REVENUE SHARING MEETING: - City Recorder Joan McClanahan announced that on Tuesday, March 18, 1986, at 6:30 p.m. in Council Chambers at City Hall, there will be a public hearing to hear requests for expenditure of approximately \$80,216. in Federal Revenue Sharing funds for fiscal year 86-87. The public is encouraged to attend and make their views known concerning these funds. City Treasurer Ralph Allison will be present to address any questions.

Mayor Ashley added that this will be the City's opportunity to allocate what is probably the last of the Revenue Sharing monies. It is Entitlement Period 17 money that will, in all likelihood, be terminated in terms of Federal Program. The procedure following this meeting is we identify as part of our budgetary process the ways in which the revenue sharing money will be spent. The purpose of the public hearing is to present the information that will be prescribed to the Council at the time of the next meeting on March 18. This will also be the night we consider our City Budget for the next fiscal year, as it must be in the hands of the Tax Commission by the end of March.

AGENDA ITEM NO. 9 - REQUEST FROM PAUL VANBUREN TO ADDRESS COUNCIL: - Mr. Paul VanBuren informed that he had been appointed by two groups of people, one from New York and one from West Virginia to establish facts, as far as Nitro's availability for a sewing plant. This would include sewing, pressing and everything. Mr. VanBuren, as a representative, asked the City of Nitro what they can, or are willing to do to bring a sewing industry into Nitro. He stated it would employ 200 to 250 employees with an average payroll of approximately \$75,000 weekly. Basically, he wanted to know what incentive the City might be willing to offer the firm, of which he will be a part.

Mayor Ashley told Mr. VanBuren that his comments were timely as he was going to report to Council that we just recently participated in the "All WV City" competition and they changed the format. The purpose now is to stimulate economic development, and as a part of that effort, our team made a presentation in terms of attracting businesses. He would be pleased to meet with some of the people that Mr. VanBuren has an interest in, and furnish them with a brochure of information. In addition, he would like to find out what they would like from our community.

AGENDA ITEM NO. 10 - ORDINANCES - ADDITIONS & REVISIONS: - Copies of proposed new and changed ordinances were furnished to Council, along with recommendations by the police department for higher levels of fines. The proposed fines for the bonds attached to these crimes shows an average for the lower Kanawha Valley. All ordinances were not changed, only the amounts of the bonds. Also, the recommendation for speeding is a minimum of \$15.00 plus court cost. One (1) dollar for each mile over speed limit. New ordinances for consideration are:

An ordinance pertaining to offenses - making it unlawful to possess a controlled substance listed in the uniform controlled substance act, Chapter 60A, Art. 2 of the WV Code. Also section pertaining to the sale of controlled substances; and providing for penalties for violations thereof.

An ordinance establishing requirement and use of multiple-beam road lighting equipment.

An ordinance regulating the sale, possession and destruction of hypodermic syringes or needles in the City of Nitro, WV.

An ordinance adopting and establishing requirement of security/certificate of insurance.

An ordinance establishing the requirement of a valid operators or chauffeurs license.

Revised ordinance as follows:

An ordinance prohibiting driving under the influence of alcohol, controlled substance or drugs.

Councilman A. A. "Joe" Savilla suggested Council be given a chance to review these ordinances and new fines and act on them at the next meeting.

AGENDA ITEM NO. 11 - FRANK GRITT - REQUEST FOR ABANDONMENT: - Mayor Ashley introduced Mr. Frank Gritt, an attorney with the firm of Calwell, McCormick & Peyton, who presented his request for abandonment or closing of a public right-of-way on property owned by Mrs. Pauline Warner in the Sattes area. A copy of the petition was distributed to all Councilmembers prior to Council Meeting. Councilman A. A. "Joe" Savilla moved we approve this request subject to the preparation of an ordinance prepared by Mr. Gritt with the help of our City Attorney Phillip Gaujot prior to the next Council Meeting. The motion was seconded. There being no discussion, a vote was taken to approve the first reading of the ordinance and it was unanimous.

COMMITTEE REPORTS

ALL WV CITY: - Mayor Ashley reported that our role with regard to the "All WV City" competition has been completed but

there is an awards luncheon to be held on April 3, and all members of Council are invited.

SPRING FESTIVAL: - Mayor Ashley mentioned that he has had a request from the Jaycees to take on the leadership role in the Spring Festival. They will work with the Nitro Business and Professional Association to continue the tradition of the Spring Festival.

Councilman at Large Rusty Casto announced that the Little League is also interested in helping out in the Spring Festival.

There being no further business, the meeting was adjourned at 8:40 p.m.

ARDEN D. ASHLEY, MAYOR

JOAN MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 86-1

AN ORDINANCE TO ESTABLISH A "NO
PARKING ZONE" ON HILLSIDE DRIVE
FROM WILSON ST. TO INCLUDE THE
PROPERTY LINE OF 108 HILLSIDE DR.

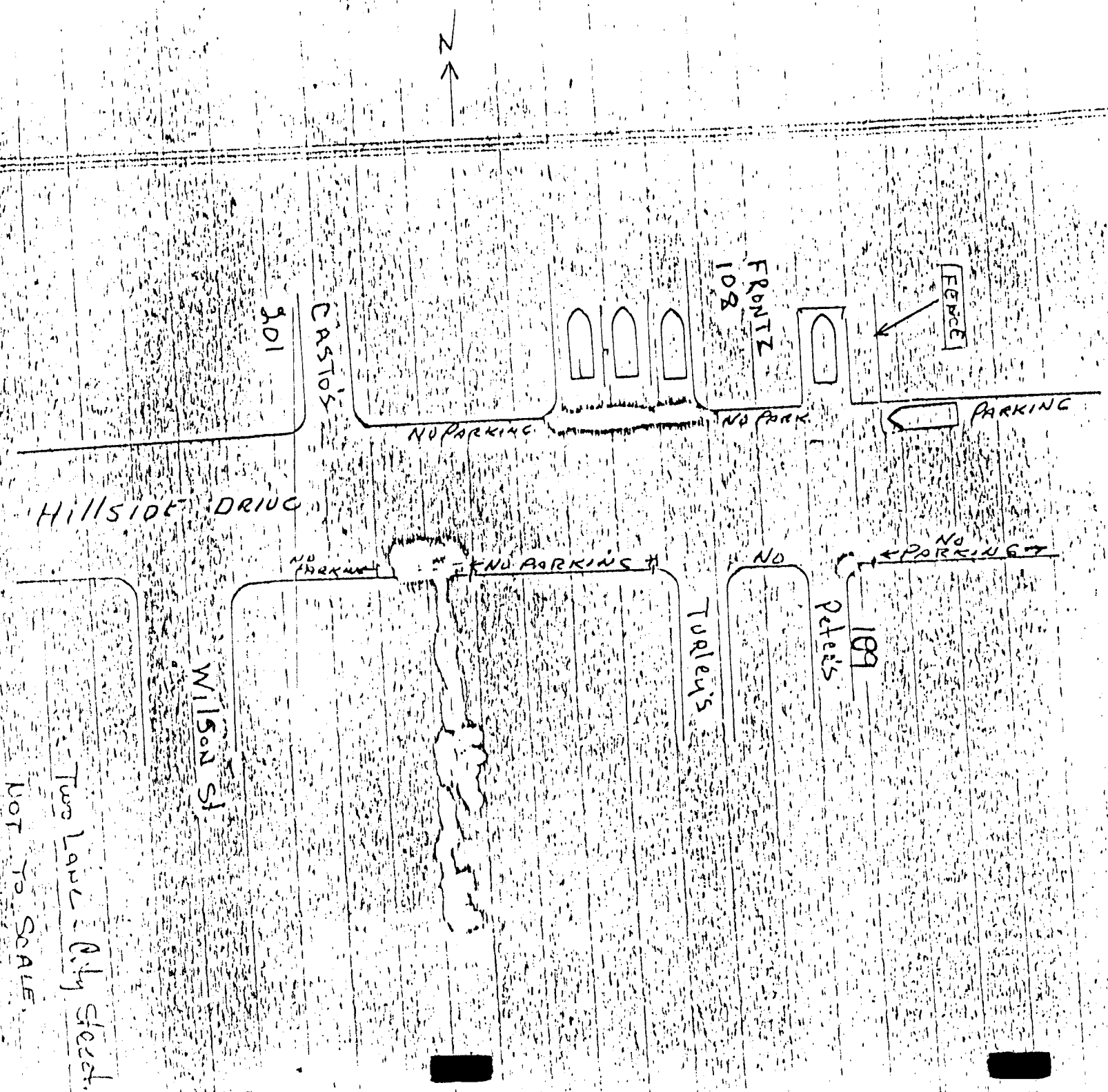
INASMUCH as the Council desires to establish a "No Parking
Zone" on both sides of the street on Hillside Drive between
Wilson Street and including the property line of 108 Hillside
Drive (east side of lot).

FEBRUARY 18, 1986
First Reading

MARCH 4, 1986
Second Reading

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER



Two Lane City Street.
NOT TO SCALE.

CITY OF NITRO
COUNCIL MEETING MINUTES

MARCH 18, 1986

The regular meeting of 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 Mary Trout, Councilman Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent were Councilman at Large Olaf Walker and Councilman A. A. "Joe" Savilla.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 2 - APPROVAL OF MARCH 4, 1986 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the Council Meeting Minutes of March 4, 1986 as presented. The motion was seconded. A vote was taken and it was unanimous.

Mayor Ashley displayed "Nitro mugs" which are being sold by Baker Elementary School for only \$4.00 each and wanted to recommend them to Council.

Councilman at Large Rusty Casto requested we move Agenda Item No. 3, which is Arbor Day to the next item on the agenda.

AGENDA ITEM NO. 3 - ARBOR DAY: - Councilman at Large Rusty Casto introduced Amber Rinehart from 1324 13th Street to inform us why Nitro Elementary will be planting their tree in honor of James Madison.

Amber Rinehart gave an excellent presentation for the reasons Nitro Elementary choose James Madison for their tree honoree.

A big round of applause was given to Amber Rinehart.

Councilman at Large Rusty Casto advised that Amber won the writing contest at Nitro Elementary for her presentation.

Amber introduced her Mother and Grandfather.

Another round of applause was given to Amber Rinehart.

Councilman at Large Rusty Casto announced the planting date for the trees is April 11, 1986.

Mayor Ashley complimented Councilman Casto for organizing this project.

Mayor Ashley expressed to Amber that what she said was excellent medicine for us tonight, because the message there is so clear and appropriate. It was exceedingly well done. He extended his congratulations, and thanked her for coming.

Councilman Charles Miller requested the news media print the hours and dates of voters registration at City Hall. The dates and times are March 22, from 10:00 a.m. to 2:00 p.m., and March 27, from 1:00 p.m. to 7:00 p.m.

AGENDA ITEM NO. 2 - BUDGET FOR FISCAL YEAR 86-87: - Mayor Ashley explained the approach to the preparation of the budget for 1986-87. The first level was by having the department heads of the City submit their list of materials and monies they needed to operate their department. Then they worked very hard to try to bring into balance those revenues projected over the next fiscal year, along with the expenses that's necessary to provide the services that we offer the community. It is never an easy task, but it is more especially not easy when we must reduce projected revenues. In fact, we did reduce the projected revenues from the fiscal year we are in now into the one we are projecting. The reduction primarily came as a result of the absence of revenue sharing money during this period. That was the biggest single hit to the projected revenues. The implementation of the Gramm-Rudman Act is also reflected in the revenue projected figures.

Councilman Jim Hutchinson moved we adopt the proposed budget for the fiscal year 1986-1987. The motion was seconded. The floor was open to discussion. Mayor Ashley pointed out that the fixed portion of the budget constituted 85.5 per cent of the dollars we have to work with. Including in fixed are things over which we have no control either up or down, and also included are salaries and wage related expenses. That's an enormous portion of the budget over which we have little or no flexibility. Councilman Romie Hughart questioned the 3% reduction on the estimate of revenues, and Mayor Ashley stated that the 3% is made up of the 5% increase in wages that were imposed in January, and 3% reduction in revenue projected for the next fiscal year. Combining the two would make the 8%. On the budget preparation of the Mayor's Department, Councilman Romie Hughart questioned the difference in the 1985-86 budget on salaries. Mayor Ashley stated, for example, the wages of the judge and others were moved into the budget for City Hall. On the City Council budget preparation there was a significant decrease from \$76,246 to \$9,501. This was due to the inclusion of \$66,758 under contingencies last year which was money set aside for expenses not budgeted but revenues received in this current fiscal year. Councilman Romie Hughart stated that at a previous Council Meeting, a proposal was made to put \$2,000 in the budget for legal expenses. There was a modest increase in the Recorder's Office of \$1,000 in 1985-86, made up for the 1986-87.

part in retirement. Our previous retirement. Another change is in legal increase and \$100 for record books. In there is a budget total increase from this fiscal year to the next. A portion the increase of salary. When Mr. Santroc as Treasurer, he wanted it reduced to \$4. back to the original amount of \$9,000. department is on workers compensation. This amount is based upon our actual experience required to meet the city's obligation. budget will increase from \$25,146 to \$2 largely due to department supplies. Council Casto questioned as to what the dues of dues are for the Southern Building Code, the city does building inspections. City from \$231,347 to \$239,932. There are quite virtually all of these expenses are increase is on insurance from \$21,000 utilities a jump from \$7,000 to \$18,800 budget reflects actual expense to be paid. The City of Dunbar reimburses us for half. Communications budget, it was noted a. This is based on the expectation with the system county wide, we will not need of telephone operators at City Hall 24 hours. That in turn is reflected in other budget. Mayor Ashley informed that we received County that the County Commission, through Emergency Services, informed us that financing for 911, and subsequent to the emergency calls. We were not consulted, participate in the decision to do that already gone to 911 and we were not. The County Communications office service the county already. We do not have a city. Mayor Ashley explained the system using it be for police, ambulance or a fire call. Miller questioned if going on the 911 ambulance service at City Hall. Mayor not as they are already county wide. Council Casto asked when this would go into effect. Mayor Ashley informed that in the next to the 911 and then subsequent to that the. It is a two stage operation. The budget that the installation of the 911 approximately six months, so we would not system for the year until such time as that. Ashley informed that in talking with the expect our employees as communication employed by the county system as well. However, there is no guarantee of this. Police Department's projected budget from terms of salaries. Mayor Ashley advised of our existing officers, John Jones

part in retirement. Our previous recorder did not take retirement. Another change is in legal advertisement of a \$500 increase and \$100 for record books. In the Treasurer's budget there is a budget total increase from \$23,917 to \$38,144 from this fiscal year to the next. A portion of that is made up from the increase of salary. When Mr. Santrock accepted the position as Treasurer, he wanted it reduced to \$4,500. It was reinstated back to the original amount of \$9,000. The big jump in the department is on workers compensation from \$15,100 to \$24,500. This amount is based upon our actual experience in terms of money required to meet the city's obligation. The Building Inspector's budget will increase from \$25,146 to \$27,186. The increase is largely due to department supplies. Councilman at Large Rusty Casto questioned as to what the dues of \$55.00 were for. The dues are for the Southern Building Code, the standards by which the city does building inspections. City Hall budget increased from \$231,347 to \$239,932. There are quite a few changes, but virtually all of these expenses are fixed. A significant increase is on insurance from \$21,000 to \$38,250, and on utilities a jump from \$7,000 to \$18,800. The dog catcher's budget reflects actual expense to be paid by the City of Nitro. The City of Duncan reimburses us for half the expense. On the Communications budget, it was noted a reduction in salaries. This is based on the expectation with the implementation of the 911 system county wide, we will not need communication officers or telephone operators at City Hall 24 hours a day, 7 days a week. That in turn is reflected in other budget wage related expenses. Mayor Ashley informed that we received information from the County that the County Commission, through the County office of Emergency Services, informed us that they have authorized financing for 911, and subsequent to that, enhanced 911 for emergency calls. We were not consulted, advised or allowed to participate in the decision to do that. Putnam County has already gone to 911, and we were not consulted or advised. The County Communications office services the eastern half of the county already. We do not have a choice but to go to 911. Mayor Ashley explained the system using the 911 number, whether it be for police, ambulance or a fire call. Councilman Charles Miller questioned if going on the 911 would affect keeping the ambulance service at City Hall. Mayor Ashley advised it would not as they are already county wide. Councilman at Large Rusty Casto asked when this would go into effect with Kanawha County. Mayor Ashley informed that in the next six months, they will go to the 911 and then subsequent to that they will go enhanced 911. It is a two stage operation. The budget projection is to project that the installation of the 911 would take place in approximately six months, so we would not plan on changing our system for the year until such time as the 911 went in. Mayor Ashley informed that in talking with the county people, we would expect our employees as communication officers now, would be employed by the county system as communication officers. However, there is no guarantee of this. There is a budget for the Police Department's projected budget from \$133,450 to \$173,300 in terms of salaries. Mayor Ashley advised that we have had to pay our outside officers, John Joyce, for transportation.

openings are not intended to be filled during the coming year. New line items in their budget are expenses for radio tower rental of \$300 (shared with fire department), and crime victim fund of \$2,500. In the Fire Department budget there is an increase from \$218,113 to \$242,369. This reflects a salary increase of five percent and wage related expenses. A modest increase in fire prevention. A new line item of \$300 for radio tower rental expense shared by the police department. Councilman at Large Rusty Casto recommended that we make a line item for a new fire truck and every year put ten to fifteen thousand in that line item so that roughly in ten years we would have the money for a new fire truck. Mayor Ashley answered that we have made an appeal for \$100,000 in Revenue Sharing money from Kanawha County Commission for a new fire truck. Our budget for the proposed year does not reflect this because it would not impact next years budget. The general revenue sharing money would come from the Kanawha County Commission. In addition to that, part of the agreement made at the time of application, we would take \$25,000 of our unallocated general revenue money in this year and refurbish the Mack truck. With \$25,000 we can bring it up-to-date and probably enable it to last an additional 15 to 20 years depending upon the availability of parts. A fire truck is in the plans subject to the will and pleasure of the Kanawha County Commission. Chief Hedrick explained that most of the increases are due to the equipment getting old. The doors of the fire station are rotting and have been in need of repair for a few years. The doors are roughly \$4,000 a piece, and that they need a new driveway as it is broken up. He commented they need to upgrade the property so that it doesn't lose value, and to keep the other trucks running. Mayor Ashley added that in the \$8,000 there is provision for one door. The \$4,000 is an estimate. Bids will be obtained. Councilman at Large Rusty Casto questioned if we were going to lose one of our firemen next year. Mayor Ashley stated that it was anticipated that could happen. He has been in touch with the Fire Civil Service Commission and instructed them that in anticipation that we may lose one or more firemen, they conduct a test. The Public Works budget has decreased from \$517,648 to \$515,732. The salary and salary related expenses increased by the 5% imposed in January. Two areas that need to be highlighted. One is in terms of departmental supplies and the other in terms of asphalt and sand. The departmental supplies include garbage bags. These two categories are two of the few variable expense items in the Public Works Department, and two of the large variable expense items in the City's budget. Mayor Ashley recommended that we go to a once a year annual distribution of a box, containing 100 garbage bags. Our next distribution will be on this years budget in the neighborhood of June. Mayor Ashley suggested the subsequent distribution to take place in January. He proposed we control more stringently the distribution of the bags to make sure they are to be distributed to residents of Nitro only, and not making the voucher available to people who aren't current in their indebtedness to the City, etc. The bags will be in more stringent control over the distribution. The bags will be in single distribution. The asphalt and sand will be in single distribution.

includes salt for the snow removal. This line item is used for patching potholes and snow removal. It also is a line item wherein we are paying for by way of lease purchase the equipment used for paving city streets. Mayor Ashley painfully made a proposal that rather than the program of committing \$25,000 to paving at no charge to the residents throughout the City on a basis of selection by the Street Committee, that we go to a method of paving city streets and charging the residents only for the cost of material. This is subject to confirmation by our City Attorney that it would not be in violation of Anti-Trust Laws, because the jobs can be offered to our citizens cheaper by doing it this way. The quality would not be the same, but the cost would be significantly less. This will be contingent upon the attorney confirming it to be a legal and proper move for us to make. According to the Charter, we can pave the streets and bill the citizens, and this was the way it was done prior to 1980. The two reductions would give us some \$25,000 in the budget and reflects in the 1986-87 proposed budget. Councilman at Large Rusty Casto commented that he thought the proposal of the garbage bags and paving were excellent ideas. There are some changes that are significant in the Library budget. There is a reduction in the overall projected expense from \$24,219 to \$20,265. Most of that is included in salaries and wage related expense. It is anticipated that Mrs. Paxton will be retiring, and with the current circumstances the City finds itself, we can manage without a part time assistant to the librarian after July 1, 1986. On the proposed budget for the Recreation department there is a decrease from \$71,724 to \$69,568. Included in salaries is a provision to hire an individual for maintenance at City Park and Ridenour Lake. Also, to assist in the supervision of teenagers in the summer youth program. The \$1,000 allocated for automotive supplies has been deleted, and a reduction in utilities from \$22,176 to \$20,000. The reduction in utilities is based on actual experience. Most of our utilities have gone up, and the reason this one has decreased is because we had a massive leak of water under the pool. Employees of the Public Works Department fixed this leak and we have saved money there. It is vital that we maintain a communication link between the pool and City Hall, so the plan is to include a portable radio communications capability at all times. As we look at the proposed budget, Mayor Ashley felt that it was in order to get a report of the outcome of the Revenue Sharing meeting.

AGENDA ITEM NO. 7 REVENUE SHARING REPORT - City Treasurer Ralph Allison reported that at the Revenue Sharing Meeting held prior to Council Meeting this evening, present were City Recorder Joan McClanahan and Councilman Romie Hightart. Also present was Connie Bell who requested \$4,045 which would represent one-fourth of the expenses of an employee of the out-reach services. She also asked for funds for emergency prescriptions, where a senior citizen might need a prescription and didn't have the money to pay for it. City Treasurer Allison recommended to Council that if they can find an amount for these purposes, to be used for the same purpose as the \$1,000 for the portable radio.

be set aside by the City to be considered funds to be administered by the City Recorder and Councilmembers at Large, any two of which, could authorize emergency expenditures to those in need of emergency prescriptions, food or any other purpose deemed appropriate under the immediate circumstances. The motion was seconded. A vote was taken and it was unanimous. Councilman Jim Hutchinson moved for the approval of the amended Revenue Sharing as amended. The motion was seconded. A vote was taken and it was unanimously approved.

MINUTES OF REVENUE SHARING MEETING ATTACHED.

Mayor Ashley reported that we have unallocated Revenue Sharing money that the City has that has not been designated for a specific expense. We have a request from the Police Department for a police cruiser (it was part of their budget). We are recommending to Council to take it out of unallocated general revenue sharing money presently available and not allocated. The request was for a little over \$12,000 for a new cruiser and \$2,600 for four radios. Mayor Ashley suggested Council authorize a police cruiser for the Police Department, either new or a late model modestly used. Councilwoman at Large Mary Trout moved we authorize acquisition for a new police cruiser at approximately \$14,414 retail cost with a discount of \$2,343, and four radios for \$2,600. Also \$25,000 to refurbish a fire truck pending \$100,000 if Kanawha County Commission provides the City with revenue sharing money to buy a new fire truck. Councilman at Large Rusty Casto asked if we had the money for these items, and the City Treasurer Ralph Allison informed that we did. A vote was taken to approve the acquisition under the provisions provided such as bids, etc. and it was unanimous.

A recess was declared at 9:07 p.m.
Council reconvened at 9:20 p.m.

Included a part of the budget for the City, is the Sanitary Board's budget which has already been approved by the Sanitary Board. The budget includes a modest increase of 4% in salaries for the employees of the Sanitary Board. All other provisions of the budget are basically status quo. Councilman Romie Hughart questioned the increase in salaries and asked if it included the Chairman of the Board and Board Members and Mayor Ashley informed that it did not. Councilman Romie Hughart moved we pull from consideration the Sanitary Board's budget before voting on the main motion. A vote was taken to approve the budget of the City of Nitro, excluding the Nitro Sanitary Board, as presented and modified only in the General Revenue Sharing amount of \$1,000, and it was unanimously approved. Councilman at Large Rusty Casto moved we accept the Nitro Sanitary Board budget as presented. The motion was seconded. There being no discussion, a vote was taken with Councilman Romie Hughart voting in the negative and all others members of Council voted for the motion. The City and Connie Stephens will meet with Councilman Hughart at a convenience and go over the budget in detail.

THE CITY OF NITRO

BUDGET

1986-1987

Throughout this budget there have been employee transfers and line item transfers from department to department. This is represented in both the 1986-87 budget and in the comparison budget of 1985-86. This document does not represent the 1985-86 budget on record at the State Capitol.

CITY OF NITRO
BUDGET TOTALS
1986-87 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NUMBER	ACCOUNT NAME	1986-87 EXPENSES	1986-87 REVENUES
		REVENUES		1,511,527.
01-3X-XX	3XX	MAYOR	52,973.	
01-40-90	409	CITY COUNCIL	10,501.	
01-41-00	410	RECORDER	19,049.	
01-41-10	411	TREASURER	38,144.	
01-41-30	413	BUILDING INSPECTOR	27,186.	
01-43-60	436	CITY HALL	239,932.	
01-44-00	440	DOG CATCHER	6,366.	
01-44-60	446	COMMUNICATIONS	46,078.	
01-45-00	450	POLICE DEPARTMENT	223,364.	
01-45-50	455	FIRE DEPARTMENT	242,369.	
01-50-00	500	PUBLIC WORKS	515,732.	
01-53-00	530	LIBRARY	20,265.	
01-55-30	553	RECREATION	69,568.	
01-55-00	550			
			1,511,527.	1,511,527.

STATE OF
 MISSISSIPPI
 1986-87 BUDGET

TYPE OF EXPENSE	FUNCTIONAL TITLE	AMOUNT
PAYROLL & PAYROLL RELATED	WAGES	837,182.
	BLUE CROSS	64,000.
	FICA TAX	59,362.
	RETIREMENT	57,678.
	WORKERS COMPENSATION	14,500.
		1,043,122.
OTHER FIXED EXPENSES	UTILITIES	87,500.
	INSURANCE	58,000.
	SANITARY LANDFILL	36,000.
	ASPHALT & SAND	25,000.
	PROFESSIONAL SERVICES	24,800.
	TELEPHONE	14,562.
	TELETYPE	3,780.
	JOINT VICTIMS FUND	2,000.
	ADVERTISING	1,000.
	ROAD ADS	500.
	PLANT TOYLER RENT	500.
	POSTAGE	500.
	TRAVEL	500.
EXPENSES	DEPARTMENT SUPPLIES	5,000.
	REPAIRS & MAINTENANCE	5,000.
	AUTOMOTIVE SUPPLIES	5,000.
	CONTRACT SERVICES	38,000.
	UNIFORMS	3,500.
	CAPITAL OUTLAY	3,500.
	TRAVEL	2,000.
	LIBRARY BOOKS	2,000.
	DUES	2,000.
	MISCELLANEOUS	2,000.
	LAUNDRY	1,000.
	FIRE PREVENTION	1,000.
	COMPUTER SUPPLIES	1,000.
	EMERGENCY CONTINGENCY FUND	1,000.
	PRINTING	500.
	REFUNDS	500.
	TRAINING	450.
		210,813.

1,253,935

CITY OF NITRO
ESTIMATE OF REVENUES
1986-87 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NUMBER	ACCOUNT NAME	1986-87 BUDGET	1985-86 BUDGET
01-30-11-0305	3011-000	PROPERTY TAX	222,482.	245,708.
01-30-30-0815	3080-000	BUILDING PERMITS	8,000.	10,000.
01-30-30-0915	3090-000	INSPECTION FEES	1,000.	1,000.
01-31-70-5389	3170-000	SALE OF FIXED ASSETS	0.	2,000.
01-32-33-2537	3240-000	STATE GRANTS	0.	2,500.
01-33-20-1015	3320-000	B & O TAX	450,000.	450,000.
01-33-30-1110	3330-000	UTILITY TAX	110,000.	100,000.
01-33-40-1211	3750-000	PARKS & RECREATION	30,000.	33,000.
01-33-50-1308	3350-000	LIQUOR LICENSE	1,000.	1,000.
01-33-80-1608	3360-000	LIQUOR TAX	60,000.	55,000.
01-34-10-1715	3600-000	BUSINESS LICENSES	10,000.	8,000.
01-34-40-7920	3440-000	INTEREST INCOME	5,000.	7,500.
01-34-45-9120	3690-000	CIVIC BENEFITS ASSOC.	172,000.	172,000.
01-34-50-5989	3450-000	RENTS & CONCESSIONS	2,400.	2,400.
01-34-70-6089	3470-000	COURT COSTS, & FEES	20,000.	15,000.
01-34-90-6289	3490-000	LIBRARY FEES	200.	100.
01-36-70-5389	3500-000	MUNICIPAL SERVICE FEES	300,000.	334,000.
01-39-30-3972	3250-000	COAL SEVERANCE TAX	14,500.	13,500.
01-39-35-3980	3260-000	REVENUE SHARING	74,945.	32,000.
01-39-36-3999	3991-000	MISCELLANEOUS	30,000.	25,000.
		BUDGET TOTAL	1,511,527.	1,559,708.

CITY OF NITRO
MAYOR'S DEPARTMENT
1986-87 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NUMBER	ACCOUNT NAME	1986-87 BUDGET	1985 BUDG
01-40-90-0111	4003-409	SALARIES	41,040.	40,000.
01-40-90-0112	4006-409	RETIREMENT	3,899.	3,899.
01-40-90-0113	4004-409	FICA TAX	2,934.	2,934.
01-40-90-1141	4022-409	DUES	2,100.	2,100.
01-40-90-1142	4023-409	PROFESSIONAL SERVICES	0.	3,300.
01-40-90-4156	4041-409	DEPARTMENT SUPPLIES	500.	1,000.
01-40-90-4157	4014-409	TRAVEL	2,000.	2,000.
01-40-90-4160	4083-409	MISCELLANEOUS	500.	500.
		BUDGET TOTAL	52,973.	55,840.

CITY OF NITRO
CITY COUNCIL
1986-87 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NUMBER	ACCOUNT NAME	1986-87 BUDGET	1985-86 BUDGET
01-41-00-0111	4003-410	SALARIES	8,400.	8,400.
01-41-00-0113	4004-410	FICA TAX	601.	588.
01-41-00-1140	4031-410	CONTRACT SERVICES	500.	500.
01-41-00-4158	-----	CONTENGENCIES	0.	64,758.
01-41-00-4157	4014-410	TRAVEL	0.	2,000.
01-41-00-	-----	EMERGENCY CONT.FUND	1,000.	0.
		BUDGET TOTAL	10,501.	76,246.

CITY OF NITRO
RECORDER
1986-87 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NUMBER	ACCOUNT NAME	1986-87 BUDGET	1985-86 BUDGET
01-41-10-0111	4003-411	SALARIES	13,500.	13,500.
01-41-10-0112	4006-411	RETIREMENT	1,283.	0.
01-41-10-0113	4004-411	FICA TAX	966.	945.
01-41-10-1140	4031-411	CONTRACT SERVICE	500.	500.
01-41-10-1143	4089-411	ELECTIONS	0.	0.
01-41-10-1145	4020-411	LEGAL ADS	1,500.	1,000.
01-41-10-4156	4041-411	DEPT. SUPPLIES	500.	500.
01-41-10-4157	4014-411	TRAVEL	500.	500.
01-41-10-4161	4042-411	RECORD BOOKS	300.	200.
		BUDGET TOTAL	19,049.	17,145.

CITY OF NITRO
TREASURER
1986-87 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NUMBER	ACCOUNT NAME	1986-87 BUDGET	1985-86 BUDGET
01-41-30-0111	4003-413	SALARIES	9,000.	4,500.
01-41-30-0113	4004-413	FICA TAX	644.	317.25
01-41-30-1147	4024-413	AUDIT FEES	2,000.	2,000.
01-41-30-4156	4041-413	DEPARTMENT SUPPLIES	1,000.	2,000.
01-41-30-4160	4050-413	MISC.:WORKERS COMP.	24,500.	15,100.
01-41-30-1140	-----	CONTRACT SERVICES	1,000.	0.
		BUDGET TOTAL	38,144.	23,917.25
			-----	-----
			-----	-----

CITY OF NITRO
BUILDING INSPECTOR
1986-87 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NUMBER	ACCOUNT NAME	1986-87 BUDGET	
01-43-60-0111	4003-436	SALARIES	21,758.	2
01-43-60-0112	4006-436	RETIREMENT	2,067.	
01-43-60-0113	4004-436	FICA TAX	1,556.	
01-43-60-1141	4022-436	DUES	55.	
01-43-60-4156	4041-436	DEPARTMENT SUPPLIES	1,500.	
01-43-60-4157	4014-436	TRAVEL	250.	
		BUDGET TOTAL	27,186.	2

107
108
109

110

111
112

THE
FEDERAL
BUREAU
OF INVESTIGATION

CHS C
CHS NT
1911 37

NEW ACCOUNT
NUMBER

ACCO
NUMBER

01-45-00-0111
01-45-00-0112
01-45-00-0113
01-45-00-4140
01-45-00-4156
01-45-00-4158
01-45-00-4179

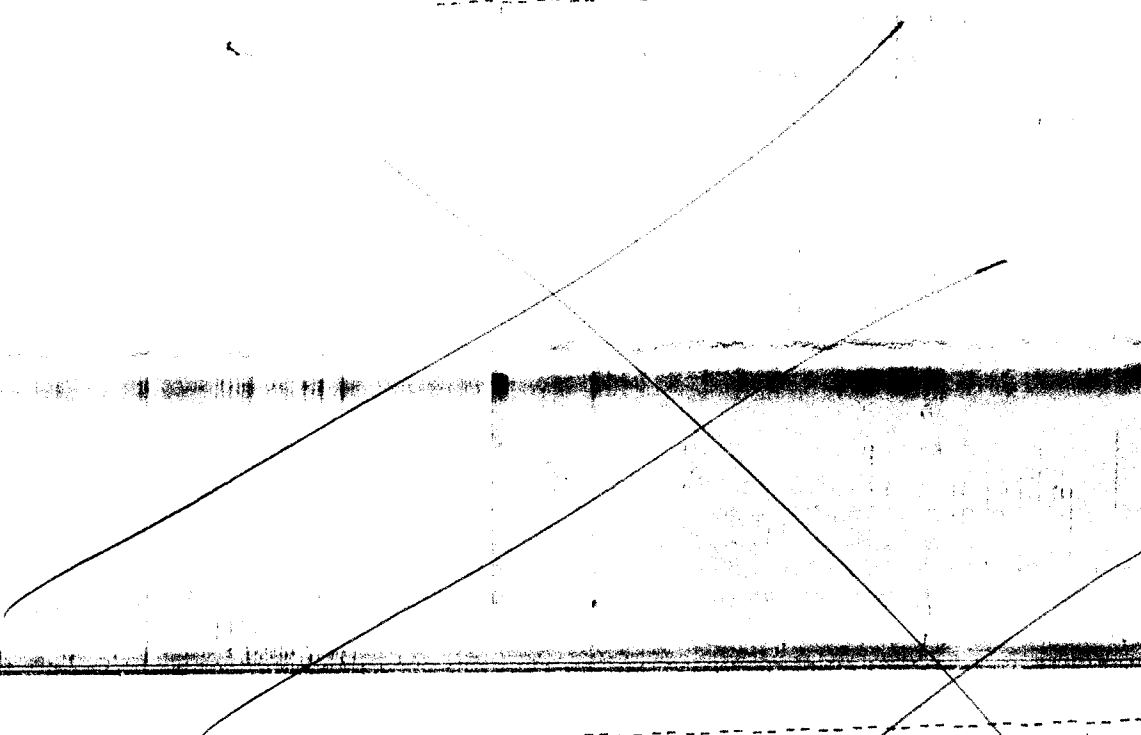
4003-41
4006-41
4004-41
4031-44
4041-41

SALES
RECEIPTS
FILED
COPIES
DEFERRED
TRANSFERS

CITY OF NITRO
COMMUNICATIONS
1986-87 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NUMBER	ACCOUNT NAME	1986-87 BUDGET	1985-86 BUDGET
01-45-00-0111	4003-440	SALARIES	35,000.	54,468.
01-45-00-0112	4006-440	RETIREMENT	3,325.	5,174.
01-45-00-0113	4004-440	FICA TAX	2,503.	3,813.
01-45-00-1140	4031-440	CONTRACT SERVICES	500.	500.
01-45-00-4156	4041-440	DEPARTMENT SUPPLIES	4,000.	4,000.
01-45-00-4158	-----	UNIFORMS	500.	0.
01-45-00-4179	-----	TRAINING	250.	0.
		BUDGET TOTAL	46,078.	67,955.
			-----	-----
			-----	-----

680	6
100	10
500	10
1,000	10
1,500	10
2,000	10
2,500	10
3,000	10
3,500	10
4,000	10
4,500	10
5,000	10
5,500	10
6,000	10
6,500	10
7,000	10
7,500	10
8,000	10
8,500	10
9,000	10
9,500	10
10,000	10



NEW ACCOUNT NUMBER	ACCOUNT NUMBER
01-50-00-0111	4003-500
01-50-00-0112	4006-500
01-50-00-0113	4004-500
01-50-00-1140	4031-500
01-50-00-1142	4023-500
01-50-00-1149	-
01-50-00-4156	4041-500
01-50-00-4158	4045-500
01-50-00-4159	4043-500
01-50-00-4163	4017-500
01-50-00-4165	4019-500
01-50-00-4166	-
01-50-00-4167	-
01-50-00-4168	-
01-50-00-4169	-
01-50-00-4170	-

CITY OF NITRO
FIRE DEPARTMENT
1986-87 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NUMBER	ACCOUNT NAME	1986-87 BUDGET	1986-87 BUDGET
01-50-00-0111	4003-500	SALARIES	159,000.	143,600.
01-50-00-0112	4006-500	RETIREMENT	7,000.	9,100.
01-50-00-0113	4004-500	FICA TAX	11,369.	10,050.
01-50-00-1140	4031-500	FIRE PREVENTION	1,000.	800.
01-50-00-1142	4023-500	PROFESSIONAL SERVICES	14,000.	13,500.
01-50-00-1148	-----	PRINTING	500.	0.
01-50-00-4156	4041-500	DEPT. SUPPLIES	10,000.	8,000.
01-50-00-4158	4045-500	UNIFORMS	2,500.	2,500.
01-50-00-4159	4043-500	AUTOMOTIVE SUPPLIES	10,000.	8,000.
01-50-00-4163	4017-500	MAINTENANCE & REPAIR	8,000.	5,000.
01-50-00-4165	4013-500	UTILITIES	17,500.	17,425.
01-50-00-4168	-----	LAUNDRY	1,200.	-
01-50-00-4176	-----	TELEPHONE	0.	-
01-50-00-4180	-----	RADIO TOWER RENTAL	300.	-
		TOTAL BUDGET	242,369.	218,110.

CITY OF NITRO
PUBLIC WORKS
1986-87 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NUMBER	ACCOUNT NAME	1986-87 BUDGET	1985- BUDGET
01-53-00-0111	4003-530	SALARIES	286,954.	251,099
01-53-00-0112	4006-530	RETIREMENT	27,261.	23,854
01-53-00-0113	4004-530	FICA TAX	20,517.	17,700
01-53-00-1140	4031-530	CONTRACT SERVICES	6,000.	5,000
01-53-00-4156	4041-530	DEPARTMENT SUPPLIES	28,000.	44,000
01-53-00-4159	4043-530	AUTOMOTIVE SUPPLY	22,000.	22,000
01-53-00-4160	4083-530	MISCELLANEOUS	1,000.	1,000
01-53-00-4165	4071-4072-530	UTILITIES	14,000.	4,200
01-53-00-4168	4013-530	STREET LIGHTS	26,000.	30,000
01-53-00-4169	4070-530	GAS	0.	16,800
01-53-00-4172	4015-530	REPAIR BUILDINGS	3,000.	1,000
01-53-00-4173	4017-530	REPAIR EQUIPMENT	15,000.	15,000
01-53-00-4174	4049-530	SANITARY LANDFILL	36,000.	31,000
01-53-00-4175	4081-530	ASPHALT, SAND	25,000.	50,000
01-53-00-5659	4085-350	CAPITAL OUTLAY	5,000.	5,000
		BUDGET TOTAL	515,732.	517,640

CITY OF NITRO
LIBRARY
1986-87 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NUMBER	ACCOUNT NAME	1986-87 BUDGET	1985-86 BUDGET
01-55-30-0111	4003-553	SALARIES	13,000.	16,411.
01-55-30-0112	4006-553	RETIREMENT	1,235.	1,559.
01-55-30-0113	4004-553	FICA TAX	930.	1,149.
01-55-30-4156	-----	DEPT. SUPPLIES	200.	0.
01-55-30-4163	4015-553	MAINTENANCE	1,000.	1,000.
01-55-30-4165	4013-553	UTILITIES	1,200.	1,200.
01-55-30-4176	4011-553	TELEPHONE	500.	500.
01-55-30-4178	4041-553	BOOKS	2,200.	2,400.
		BUDGET TOTAL	20,265.	24,219.

CITY OF NITRO
RECREATION
1986-87 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NUMBER	ACCOUNT NAME	1986-87 BUDGET	1985-86 BUDGET
01-55-00-0111	4003-550	SALARIES	13,725.	13,725.
01-55-00-0113	4004-550	FICA TAX	981.	961.
01-55-00-1140	4031-550	CONTRACTED SERVICES	5,400.	5,400.
01-55-00-4156	4041-550	DEPARTMENT SUPPLIES	6,900.	6,900.
01-55-00-4159	4014-550	AUTOMOTIVE SUPPLY	0.	1,000.
01-55-00-4163	4015-550	MAINTENANCE & REPAIR	21,000.	21,000.
01-55-00-4165	4013-550	UTILITIES	20,000.	22,176.
01-55-00-4175	-----	SAND, GRAVEL	1,000.	0.
01-55-00-4176	4011-550	TELEPHONE	562.	562.
		BUDGET TOTAL	69,568.	71,724.

NITRO SANITARY BOARD
BUDGET
FISCAL YEAR 1986/1987

ESTIMATED REVENUES

\$630,330

SALARIES	\$206,744	
FICA	\$14,782	
RETIREMENT	\$19,641	
HEALTH INSURANCE	\$17,594	
WORKMENS COMPENSATION	\$5,127	
OTHER EMPLOYEE EXPENSES	\$1,400	
TOTAL WAGE RELATED EXPENDITURES		\$265,288

UTILITIES	\$88,000	
INSURANCE	\$15,000	
REPAIRS & MAINTENANCE	\$32,000	
BILLING & COLLECTING	\$28,500	
SUPPLIES	\$13,228	
UTILITY TAXES	\$12,607	
RENT	\$2,400	
CONTRACTED SERVICES	\$8,200	
SHOP & LAB	\$3,000	
TRUCK & EQUIPMENT	\$7,948	
TOTAL OPERATIONS EXPENDITURES		\$210,883

CITIZENS NATIONAL BANK	\$39,044	
STATE SINKING FUND	\$46,800	
FARMERS HOME ADMINISTRATION	\$8,784	
INTERIM FINANCING BANK OF NITRO	\$8,000	
TOTAL INTEREST & DEBT SERVICE		\$102,628

CAPITAL EXPENDITURES & PREVENTATIVE MAINTENANCE		\$50,000
--	--	----------

TOTAL ESTIMATED EXPENDITURES		\$628,799
------------------------------	--	-----------

INCREASE IN RESERVES		\$1,531
----------------------	--	---------

AGENDA ITEM NO. 4 - REQUEST FROM AMERICAN CANCER SOCIETY: - The Kanawha County Unit of the American Cancer Society would like permission to conduct their Income Development Crusade (including businesses) within our area. The volunteers will be going door to door from April 13 through May 5, 1986. They also requested permission to hold several Special Events during the year 1986. City Recorder Joan McClanahan moved we grant their request to conduct their Income Development Crusade. However, she feels they should be more specific of their Special Events. The motion was seconded. Councilman at Large Rusty Casto moved for a friendly amendment to the motion to grant the Mayor permission to approve the Special Events. City Recorder Joan McClanahan accepted this as a friendly amendment to her motion as did the Councilmember making the second. A vote was taken, and it was unanimously approved.

AGENDA ITEM NO. 5 - REQUEST FROM NITRO LIONS LITTLE LEAGUE: City Recorder Joan McClanahan read the request from the President of the Nitro Lions Little League for a parade permit to be held on April 26, 1986. The parade would commence at the Nitro Moose Lodge, up First Avenue to the Nitro-St. Albans bridge, down Main Avenue, cross the tracks at Lock Street, down 2nd Avenue to 40th Street, back up First Avenue and cross the tracks at the bank and end at City Park, and moved we approve this request. The motion was properly seconded, a vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - REQUEST FROM NITRO-PUTNAM ELEMENTARY: - City Recorder Joan McClanahan received a request from Nitro-Putnam Elementary PTA for permission to solicit the Nitro area businesses for donations for their carnival scheduled on April 19, 1986, and moved permission be granted. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 8 - ELECTION RESULTS - POLICEMEN'S PENSION & FIREMEN'S PENSION BOARDS: City Recorder Joan McClanahan reported the Nitro Policemen's Pension Board held an election on March 10, to fill an expired term. Elected for a four year term was Michael Chatterton. Also on March 10, an election to fill an expired term on the Nitro Firemen's Pension Board which resulted in a tie. It was explained that the matter could be resolved among themselves but as this date, she hasn't received a report. The Firemen's results are pending. Councilman at Large Rusty Casto moved that we enter into the records the results of the Nitro Policemen's Pension Board election. The motion was seconded.

AGENDA ITEM NO. 9 - MEMO - COST REVIEW ANALYSIS COMMITTEE: - City Recorder Joan McClanahan informed that a committee has been formed to do an analysis on the costs to use the pool and Ridenour Lake facilities by YMCA-West. The charges needs to be addressed and will schedule a meeting with the committee consisting of the City Recorder Joan McClanahan, Councilman Romie

Hughart and Councilman Charles Miller. City Recorder Joan McClanahan will report back to Council after their meeting. Mayor Ashley commented that the City has arranged for YMCA-West to be given property at Par Industrial Park through the generous attitude of the President of Par Industrial, Mr. Phil Moore, with the expectation that YMCA-West will be built in the City of Nitro. In addition to that, we have challenged YMCA-West to dare us to make the arrangement to make that a project in that park. Our expectation and belief is that the corporate community would be responsive if it is in Nitro, and we're hopeful that their Board of Directors and Site Selection Committee will look favorably upon Nitro.

AGENDA ITEM NO. 10 - REPORT ON INSURANCE PETITION: - City Recorder Joan McClanahan furnished Council a copy of a petition with 36 signatures and it was not widely circulated. It is a request from municipal agency employees to Council to please consider securing a broader and better coverage for them and their families. City Recorder Joan McClanahan recommended this be assigned to the Insurance Committee for their examination.

AGENDA ITEM NO. 11 - ORDINANCES - ADDITIONS & REVISIONS: - Councilman Romie Hughart moved we take off the table the question of these ordinance. The motion was seconded. A vote was taken and it was unanimous. A copy of the ordinances along with a summary of fines currently imposed and proposed at the last Council meeting. Mayor Ashley advised this would constitute the first reading of the ordinances, if approved, and would be acted upon later. He reminded Council that the budget for fines collected includes the implementation of these ordinances. Mayor Ashley read the headings of each new ordinance. They are Multiple-beam Road Lighting Equipment, Hypodermic Syringes or Needles, Requirement of Security/Certificate of Insurance, Valid Operators or Chauffeurs License, Driving Under the Influence of Alcohol, and Unlawful to Possess a Controlled Substance. Also a list of proposed fines and an additional list of fines by name only on ordinances that have already been passed with the fines changed. Councilman Jim Hutchinson moved we approve the first reading of all of these ordinances. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCES AND PROPOSED FINES ATTACHED

AGENDA ITEM NO. 12 - ALL WEST VIRGINIA CITIES: - Mayor Ashley announced that the City of Nitro is a finalist in the "All West Virginia Cities" competition. He complimented Councilwoman at Large Mary Trout, Chairman and Cindy Miller who compiled all the data. The "All WV City Awards Day" is Thursday, April 3, 1986 to be held at the Charleston House Holiday Inn. The registration fee is \$25 per person which includes a luncheon. All Councilmembers and citizens are invited. The City of Nitro has been an "All WV City" for three years, from the first time we entered the competition.

AGENDA ITEM NO. 13 - FIRE DEPARTMENT REPORT: - Mayor Ashley advised that Council asked the Fire Department to report on the fund raiser. Chief Hedrick informed the Fire Department collected \$4,600 from the sale of pictures, and that \$4,100 had been spent on equipment for the department. The remaining funds will be spent within the department for the department. Councilman at Large Rusty Casto moved we made this a matter of record. The motion was seconded. A vote was taken and it was unanimous.

COPY OF MEMO AS FOLLOWS:



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ASHLEY
MAYOR

To: Nitro City Council
From: E.W. Hedrick, Fire Chief
Date: March 17, 1986

For your information, the Nitro Fire Department collected \$4,600.00 from the sale of pictures. \$4,100.00 has been spent on equipment for the department.

AGENDA ITEM NO. 14 - MUTUAL AID AGREEMENT (EMERGENCY OPERATION PLAN): - Mayor Ashley informed that the Mutual Aid Agreement was reviewed by our City Attorney Phillip Gaujot, and he advised it was alright as to form, and has given us clearance to enter into the Mutual Aid Agreement that has been approved by the Task Force Committee. Mayor Ashley read the Mutual Aid Agreement. Councilman Charles Miller moved for the approval of the Mutual Aid Agreement. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 15 - ORDINANCE PERTAINING TO BETTER FOODS, INC.: - Councilman Romie Hughart presented an ordinance to abandon 10' alley right-of-way behind and to the side of 209 First Avenue, S., Nitro, pertaining to Better Foods. Councilman at Large Rusty Casto moved for the approval of the first reading of this ordinance. The motion was seconded. Mayor Ashley was concerned with this ordinance as he had not had time to review it. Councilman Romie Hughart informed that he brought it in around 4:00 p.m. today, and agreed this wasn't much time. After a discussion, Councilwoman at Large Mary Trout moved we table this request until further study. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 16 - GOOD FRIDAY - MARCH 28, CITY HALL CLOSED: - City Recorder Joan McClanahan announced that Friday, March 28, City Hall will be closed honoring Good Friday.

AGENDA ITEM NO. 17 - 2ND READING - ORD. CAUFFIEL AVENUE: - At the Council Meeting on March 4, 1986 the first reading of an ordinance, without having the ordinance in language, was passed by Council to provide for the closing of a portion of Cauffiel Avenue from the intersection of Elizabeth Street and the New York Central Railroad right-of-way, within the City of Nitro, Kanawha County, WV. Subsequent all Councilmembers were furnished a copy of the ordinance, prepared by Attorney Frant Gritt and reviewed by the City Attorney Phillip Gaujot. City Recorder Joan McClanahan moved we accept the second reading of the ordinance. The motion was seconded. A vote was taken to approve the ordinance and it was unanimous.

ORDINANCE NO. 86-2 ATTACHED.

There being no further business, the meeting was adjourned at 10:20 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

CITY OF NITRO

REVENUE SHARING MEETING

MARCH 18, 1986

The Revenue Sharing Meeting was called to order by Ralph Allison, Treasurer at 6:30 p.m. in Council Chambers. Present were City Recorder Joan McClanahan and Councilman Romie Hughart.

Connie Bell made a presentation on behalf of the Kanawha Valley Senior Citizens, a Social Service Agency serving seniors in all parts of Kanawha County. Presented on behalf of the citizens of Nitro, and according to their statistics about 1,335 seniors living in Nitro. This represents 16 1/2 percent of the total population in this area. Ms. Bell informed that at this time, we have part of an out-reach worker who services seniors in this area. She also provides services emphasizing and targeting the seniors living alone. In Nitro there are approximately 334 seniors that live alone, and they are probably the ones who are in most need of services. During the past year 97 seniors were served in this area by that part of an out-reach worker. Ms. Bell explained that she referred to her as a part of an out-reach worker because she has other areas too. She has Dunbar and the Institute areas to serve. Initially, they requested in a letter to Mayor Ashley to provide one-fourth of the cost of an out-reach worker as she is using one-fourth of her total time in the Nitro area. That would amount to \$4,045.00. She stated that they recognized that with Revenue Sharing losses and predictions that are so grim, any support that Nitro could provide for this program would be very definitely needed. She further explained that if Nitro did not want to contribute to funding of part of the salary, they could look at contracted homemakers services or contracted handyman services needed by seniors living alone. She advised that another service needed is money for emergencies such as medical prescriptions. Since some of it is costly, they are only taking half of the medication they need. This year, she informed, that they are getting support from the outlying municipalities; the County Commission supports the Kanawha Valley Senior Services project, as does the City of Charleston, somewhat. She has asked for support from Dunbar, South Charleston and St. Albans.

City Treasurer Ralph Allison reviewed the requests made by Ms. Bell. He informed that he understood the request for \$4,045.00 represented one-fourth of the out-reach workers salary and Ms. Bell advised that it was just for the salary. He then questioned if the employee was in place now, and Ms. Bell informed him that she was and that her salary was paid for out of their budget now, however, they are at a point now where they need to expand out-reach services. Their case loads are heavy and they do need additional staff, but they don't have the money for it. City Treasurer Ralph Allison asked if the amount represented salary, benefits and taxes, where Ms. Bell informed

that it did include everything including travel. Councilman Hughart asked what kind of travel, and Ms. Bell said it was within the area working on their case loads. They are reimbursed twenty cents a mile. Councilman Hughart then questioned if the worker was paid mileage to attend meetings. Ms. Bell answered that only if it was necessary. They watched that very closely. City Treasurer Ralph Allison inquired what areas were serviced by the out-reached worker. Ms. Bell informed she serves Dunbar, Institute, Nitro and other areas such as Cross Lanes and Teays Valley. City Recorder Joan McClanahan commented she was very familiar with the program, and knows from personal experience what the workers do and contend with on a daily basis. She stated it was very worthwhile. Her recommendation would be that if possible, we contribute. Ms. Bell will mail a copy of the letter mailed to Mayor Ashley from the Board of Directors to City Recorder Joan McClanahan or City Treasurer Ralph Allison.

City Treasurer Ralph Allison and City Recorder Joan McClanahan thanked Ms. Bell for coming to the meeting and she in turn thanked them and left at this time.

There being no further recommendations for use of Revenue Sharing Funds, the meeting was adjourned.

Ralph Allison

RALPH ALLISON, TREASURER

ORDINANCE 86-

AN ORDINANCE ESTABLISHING REQUIREMENT AND USE
OF MULTIPLE-BEAM ROAD LIGHTING EQUIPMENTMULTIPLE-BEAM ROAD LIGHTING EQUIPMENT
USE OF; DIMMING LIGHTS UPON APPROACHING OR OVERTAKING

a. Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 15-2, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

b. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite light beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam specified in section 15-20 of this article shall be deemed to avoid glare at all times, regardless of road contour and loading.

c. Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 15-20.

Whoever violates the provisions of this section shall, upon conviction, be fined twenty-five dollars (\$25.00).

March 18, 1986
FIRST READING

SECOND READING

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

ORDINANCE 86-

AN ORDINANCE REGULATING THE SALE, POSSESSION
AND DESTRUCTION OF HYPODERMIC SYRINGES OR
NEEDLES IN THE CITY OF NITRO, WEST VIRGINIASECTION 1: Hypodermic needles, syringes and similar devices
sales regulated.

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

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

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

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

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

Any person violating any provision of this section shall, upon conviction, be fined not more than five hundred dollars (\$500.00).

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

No person except a manufacturer of, or wholesaler, or retail dealer in surgical instruments, apothecary, physician, dentist, hospital, veterinarian, nurse, industrial corporation, educational institution, or intern shall at any time have or possess a hypodermic syringe or needle or a disposable hypodermic syringe or needle or any instrument or implement adapted for the use of habit forming drugs by subcutaneous injection, which is

possessed for the purposes of administering habit forming drugs, unless such possession be authorized by the prescription of a physician issued in accordance with Section 1 of this ordinance.

Any person violating any provision of this section shall, upon conviction, be fined not more than five hundred dollars (\$500.00).

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

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

Any person who violates any provision of this section shall, upon conviction, be fined not more than five hundred dollars (\$500.00).

March 18, 1986

FIRST READING

SECOND READING

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

ORDINANCE 86-

AN ORDINANCE ADOPTING & ESTABLISHING REQUIRE-
MENT OF SECURITY/CERTIFICATE OF INSURANCE

This article applies to the operation of all motor vehicles required to be registered to have proof of security pursuant to WV Code 17A-3-1 with the exception of motor vehicles owned by the State.

Every owner or registrant of a motor vehicle required to be registered and licensed in this State shall maintain security as provided by WV Code 17D-2A-3 in effect continuously through the registration or licensing period, except in case of periodic use for seasonal vehicles, in which case the owner or registrant is required to maintain security upon the vehicle only for the portion of the year the vehicle is in actual use. As used in this section, a periodic use or seasonal vehicle means recreational vehicle, antique motor vehicle, motorcycle, or other motor vehicle which is stored part of the year and used seasonally.

Every nonresident owner or registrant of a motor vehicle, which is operated upon any road or highway of this City, and which has been physically present within this State for more than thirty days during the preceeding three hundred sixty five days shall thereafter maintain security as hereinafter provided in effect continuously throughout the period such motor vehicle remains within this State.

No person shall knowingly drive or operate upon any road or highway in this State any motor vehicle upon which security is required by the provisions of this article, unless such security is in effect.

Such security shall be provided in accordance with WV Code 17D-2A-3 (a), (b), or (c) and 17D-2A-4 and such certificate shall be carried by the insured in the appropriate vehicle for use as proof of security. Provided, That an insured shall not be guilty of violation of this section if he furnishes proof that such insurance was in effect within five days of being cited for not carrying such certificate or other proof in such vehicle. As used in this section, proof of insurance means a certificate of insurance, an insurance policy, or a mechanically reproduced copy of an insurance policy.

At the time of investigation of a motor vehicle accident in this State by the department of public safety or other law enforcement agency or when a vehicle is stopped by a law enforcement officer for reasonable cause, the officer of such agency making such investigation shall inquire of the operators of any motor vehicles involved as to the existence upon such vehicle or vehicles of the proof of insurance or other security required by these provisions and the provisions of the WV Code and upon a finding by such law enforcement agency, officer or agent thereof that the security required is not in effect, as to

any such vehicle, he shall notify the department of motor vehicles of such finding within five days if no citation requiring a court appearance is issued. A defendant, who is charged with a traffic offense that requires an appearance in court, shall present the court at the time of his or her appearance or subsequent appearance with proof that the defendant had security at the time of the traffic offense as required by this article. If, as a result of the defendant's failure to show proof, the court determines that the defendant has violated this article and WV Code 17D-2A-6, it shall notify the department of motor vehicles within five days.

PENALTIES

Every person convicted of a violation of any of the provisions of this article for which another penalty is not provided shall, for a first conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00); for a second such conviction within one year thereafter such person shall be punished by a fine of not more than two hundred dollars (\$200.00); and upon a third or subsequent conviction such person shall be punished by a fine of not more than five hundred dollars (\$500.00).

March 18, 1986

FIRST READING

SECOND READING

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

ORDINANCE 86-

AN ORDINANCE ESTABLISHING THE REQUIREMENT
OF A VALID OPERATORS OR CHAUFFEURS LICENSE

a. No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a street or highway in this city or upon any subdivision street when the use of such subdivision street is generally used by the public unless the person has a valid license as an operator or chauffeur under the provision of this chapter and West Virginia Code, Chapter 17B.

b. No person shall drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license. No person shall receive a chauffeur's license unless and until he surrenders to the department of motor vehicles any operator's license issued to him or an affidavit that he does not possess an operator's license.

c. Any person holding a valid chauffeur's license hereunder need not procure an operator's license.

d. Any person licensed as an operator or chauffeur as provided in this chapter and West Virginia Code, Chapter 17B may exercise the privilege thereby granted, except as otherwise provided by law, shall not be required to obtain any other license to exercise such privilege by any county, municipality or local board, or body having authority to adopt police regulations.

Therefore, any person convicted of a violation of the above shall be fined not more than fifty dollars (\$50.00).

Also, any person convicted of driving without operators or chauffeurs license in their possession will be fined not more than twenty-five (\$25.00).

The following persons are exempt from license hereunder:

1. Any person while operating a motor vehicle in the armed services of the United States while in the performance of his official duties;

2. A nonresident who is at least sixteen years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motore vehicle in this City only as an operator for a period not to exceed ninety days in any one calendar year.

3. A nonresident who is at least sixteen years of age, who has in his immediate possession a valid operator's license issued to him in his home state or country and who is employed in this state, or owns, maintains or operates a place or business in this state, or engages in any trade, profession or occupation in this state, shall be entitled to the driving privilege extended under

subdivisions (2) of this section, may operate a motor vehicle in this State only as an operator in traveling to and from his place or places of employment, place or places of business or place or places at which he engages in such trade, profession or occupation and in the discharge of the duties of his employment, business, trade, profession or occupation if such duties are such that if performed by a resident of the State of West Virginia over the age of eighteen years such resident would not be required under the provisions of the WV Code to be licensed as a chauffeur;

4. A nonresident who is at least eighteen years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home state or country may operate a motor vehicle in this City either as a chauffeur subject to the age limits applicable to chauffeurs in this State, or as an operator subject to the limitations imposed on nonresident operators in subdivisions (2) and (3) of the WV Code.

5. Any person who is a student, properly enrolled and registered in an accredited school, college or university in this State, who is at least sixteen years of age and who has in his immediate possession a valid operator's license issued to him in his home state, notwithstanding the limitations of subdivision (2) and (3) of this section may operate a motor vehicle in this City only as an operator: Provided, that the state of which he is a resident shall extend the same privileges to residents of this State. This exemption shall be cancelled immediately when such student is graduated from school, college or university or is expelled or ceases to be a student.

March 18, 1986

FIRST READING

SECOND READING

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

ORDINANCE 86-

ORDINANCE PROHIBITING DRIVING UNDER THE
INFLUENCE OF ALCOHOL, CONTROLLED SUBSTANCE
OR DRUGS.

(a) Whoever drives a vehicle in this City while he is:

- (1) Under the influence of alcohol, or
- (2) Under the influence of any controlled substance,
or
- (3) Under the influence of any other drug, or
- (4) Under the combined influence of alcohol and any
controlled substance or any other drug,

shall be imprisoned in the County jail or City jail for not less than one day nor more than six months, which jail term shall include actual confinement of not less than twenty-four hours, and shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

(b) Whoever being a habitual user of narcotic drugs or any amphetamine or any derivative thereof, drives a vehicle in this City, shall be imprisoned in the County jail or City jail for not less than one day nor more than six months, which jail term shall include actual confinement of not less than twenty-four hours and shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

(c) Whoever knowingly permits his vehicle to be driven in this City by any other person who is:

- (1) Under the influence of alcohol, or
- (2) Under the influence of any controlled substance,
or
- (3) Under the influence of any other drug, or
- (4) Under the combined influence of alcohol and any
controlled substance or any other drug,

shall be imprisoned in the County jail or City jail for not more than six months, and shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

(d) Whoever knowingly permits his vehicle to be driven in this City by any other person who is a habitual user of narcotic drugs or amphetamine or any derivative thereof, shall be imprisoned in the County jail or City jail for not more than six months and shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

March 18, 1986

FIRST READING

SECOND READING

ARDEN D. ASHLEY, MAYOR

Jean C. McClanahan
JEAN MCCLANAHAN, RECORDER

ORDINANCE 86-

AN ORDINANCE PERTAINING TO OFFENSES -
MAKING IT UNLAWFUL TO POSSESS A
CONTROLLED SUBSTANCE LISTED IN THE
UNIFORM CONTROLLED SUBSTANCE ACT,
CHAPTER 60A, ARTICLE 2 OF THE WV CODE.
ALSO SECTION PERTAINING TO THE SALE OF
CONTROLLED SUBSTANCES; AND PROVIDING FOR
PENALTIES FOR VIOLATIONS THEREOF

POSSESSION OF A CONTROLLED SUBSTANCE

(a) It shall be unlawful for any person knowingly or intentionally to possess a controlled substance listed in the Uniform Substance Act, Chapter 60A, Article 2 of the West Virginia Code, unless the controlled substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice. A person convicted of violating this section shall be punished by a fine of not more than five hundred dollars (\$500.00), at the discretion of the court.

(b) Whenever any person who has not previously been convicted of any offense under the Uniform Controlled Substance Act, to-wit, Chapter 60A of the West Virginia Code, 1931, as amended, or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of an amount of marijuana weighing less than fifteen grams in violation of subsection (a) of this section, the municipal judge may discharge the person and dismiss proceedings against him after any fine or jail sentence imposed hereunder has been paid or served. The municipal judge, in determining whether or not to discharge the defendant and to dismiss proceedings against him, shall take into account the following factors: (1) the attitude of the defendant toward the offense mentioned herein, and (2) whether or not the defendant has sought professional counseling in relation to the possession of marijuana, as well as the nature and extent of such counseling and the defendant's response to such counseling; provided, that the defendant has been advised of the availability of such counseling and has had at least thirty (30) days time thereafter to begin participation in such counseling.

Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. The effect of such dismissal and discharge shall be to restore such person in contemplation of law to the status he occupied prior to such arrest and trial. No person as to whom such dismissal and discharge have been effected shall be thereafter held to be guilty of perjury, false swearing or otherwise giving a false statement by reason of his failure to disclose or acknowledge

such arrest or trial in response to any inquiry made of him for any purpose.

(c) After discharge and dismissal under this section and upon proper motion by the defendant, the municipal court may issue an order expunging from all official records, all recordations of the defendant's arrest, trial and conviction pursuant to this section. The municipal court also shall contact all federal and state agencies which may have in their possession official records relating to the offense hereinmentioned and request that all recordations relating to the defendant's arrest, trial and conviction, pursuant to this section, be expunged from such records.

PURPORTING TO SELL CONTROLLED SUBSTANCES.

No person shall at any time sell any substances which the person purports to be a controlled substance, as defined under Schedules I through V of Article Two of the Uniform Controlled Substances Act, Chapter 60A of the West Virginia Code, as amended (Michie 1966), when in actuality the substance sold contains no controlled substances.

Whoever violates the provisions of this section shall, upon conviction, be guilty of a misdemeanor and fined not more than one hundred (\$100.00). Subsequent violations, upon conviction, shall be punishable by a mandatory one hundred dollar (\$100.00) fine, in the discretion of the court.

March 18, 1986

FIRST READING

SECOND READING

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

CHARGE	TRAFFIC		PROPOSED	
	CURRENT			
	CASH BOND	PROPERTY	CASH	PROPERTY
DEFECTIVE EQUIPMENT	17.00	500.00	25.00	500.00
DRIVING LEFT OF CENTER			25.00	500.00
DRIVING W/O OPERATORS			50.00	500.00
DRIVING W/O OPERATORS IN POSSESSION	15.00	500.00	25.00	500.00
DRIVING WHILE LICENSE SUSPENDED OR REVOKED	50.00	500.00	100.00	500.00 MCA
DRIVING ON ANOTHERS OPERATORS	NONE AT PRESENT		50.00	500.00
DRIVING UNDER INFLUENCE	100.00	500.00	200.00- 500.00	500.00 MCA
EXPIRED INSPECTION STICKER	10.00	500.00	20.00	500.00
EXPIRED OPERATORS	NONE AT PRESENT		20.00	500.00
EXPIRED REGISTRATION	10.00	500.00	20.00	500.00
FAILURE TO GIVE DIM HEADLIGHTS	NONE AT PRESENT		25.00	500.00
FAILURE TO GIVE PROPER HAND OR TURN SIGNAL	NONE AT PRESENT		25.00	500.00
FAILURE TO MAINTAIN CONTROL	25.00	500.00	35.00	500.00
FAILURE TO STOP ON COMMAND OF OFFICER	20.00	500.00	40.00	500.00
FAILURE TO YIELD TO EMERGENCY VEHICLE	NONE AT PRESENT		40.00	500.00
FAILURE TO YIELD RIGHT OF WAY	25.00	500.00	35.00	500.00
FOLLOWING TOO CLOSE	20.00	500.00	25.00	500.00
FOUR IN FRONT SEAT	NONE AT PRESENT		25.00	500.00
HAZARDOUS DRIVING	50.00	500.00	75.00	500.00
HIT AND RUN	NONE AT PRESENT		250.00	500.00 MCA
IMPROPER REGISTRATION DISPLAY	NONE AT PRESENT		25.00	500.00
LEAVING SCENE OF ACCIDENT	100.00	500.00	100.00	500.00
NO GOGGLES OR HELMET	20.00	500.00	30.00	500.00
PASSING IN NO PASSING ZONE	25.00	500.00	30.00	500.00
PASSING SCHOOL BUS LOADING/ UNLOADING	15.00	500.00	50.00	500.00
PERMITTING UNLICENSED PERSON TO DRIVE	30.00	500.00	50.00	500.00
RECKLESS DRIVING	100.00	500.00	150.00	500.00 MCA
RUNNING RED LIGHT	25.00	500.00	30.00	500.00
RUNNING STOP SIGN	15.00	500.00	30.00	500.00
RUNNING OVER FIRE HOSE	30.00	500.00	50.00	500.00
SPEEDING IN SCHOOL ZONE	25.00	500.00	35.00	500.00
U-TURN	17.00	500.00	30.00	500.00
SPEED RACING	NONE AT PRESENT		50.00	500.00
WRONG WAY ON ONE WAY			25.00	500.00

SPEEDING: MINIMUM \$15.00 PLUS COURT COST. ONE (1) DOLLAR FOR EACH MILE OV SPEED LIMIT.

MISDEMEANOR CRIMES

CHARGE	CURRENT		PROPOSED		
	CASH BOND	PROPERTY	CASH	PROPERTY	
ADULTERY-FORNICATION	NONE AT PRESENT		55.00	500.00	
ASSAULT	55.00	500.00	75.00	500.00	
ASSAULT-FELONIOUS	NONE AT PRESENT		NONE	1,000.00	GRAND JURY
BRANDISHING DEADLY WEAPON	100.00	500.00	100.00	500.00	
BREAKING GLASS IN STREET	NONE AT PRESENT		30.00	500.00	
BREAKING & ENTERING	NONE AT PRESENT		NONE	1,000.00	GRAND JURY
BURGLARY	NONE AT PRESENT		NONE	1,000.00	GRAND JURY
DEST. OF PROPERTY	NONE	500.00	100.00	500.00	MCA
DISORDERLY CONDUCT	30.00	500.00	50.00	500.00	
DISCHARGING FIREARM	NONE AT PRESENT		100.00	500.00	
FIRE CRACKERS, SALE, EXPLODING					
OR POSSESSION	NONE AT PRESENT		55.00	500.00	
GAMBLING-PRIVATE OR PUBLIC	20.00	500.00	55.00	500.00	
DISTURBANCE(BREACH OF PEACE)	30.00	500.00	55.00	500.00	
INDECENT EXPOSURE	30.00	500.00	55.00	500.00	MCA
INTERFERING WITH OR OBSTRUCTING					
OFFICER	30.00	500.00	100.00	500.00	
INTOXICATION	30.00	500.00	40.00	500.00	
LARCENY PETIT	100.00	500.00	100.00	500.00	
LARCENY GRAND	NONE AT PRESENT		NONE	1,000.00	GRAND JURY
LITTERING	25.00	500.00	50.00	500.00	MCA
LOITERING	25.00	500.00	55.00	500.00	
FAILURE TO STOP COMMAND OF					
OFFICER	20.00	500.00	25.00	500.00	
PEEPING OR PEERING	NONE	500.00	100.00	500.00	MCA
POSSESSION OR SALE OF					
WHISKEY	NONE	1,000.00	150.00	500.00	
PROSTITUTION	NONE	500.00	150.00	500.00	
RESISTING ARREST	55.00	500.00	75.00	500.00	
SHOPLIFTING	55.00	500.00	(1)100.00 (2)200.00 (3)300.00	500.00	MCA
SOLICITING ON STREET	30.00	500.00	50.00	500.00	
TAMPERING WITH VEHICLE	NONE	500.00	100.00	500.00	
TRESPASSING	25.00	500.00	50.00	500.00	

ORDINANCE 86-

AN ORDINANCE TO ABANDON 10'
ALLEY RIGHT OF WAY BEHIND AND
TO THE SIDE OF 209 FIRST AVE.
SO., NITRO, WV

WHEREAS, Better Foods, Inc., Gino's and Tudors Biscuit, a Nitro corporation, desire to build a warehouse type building on lots 12, 13, 14, located directly behind 209 First Avenue, South, Nitro, WV; and

WHEREAS, all real estate surrounding and adjoining a 10' alley right of way owned by City of Nitro, WV is owned by Better Foods, Inc., Gino's and Tudor's Biscuit, a Nitro corporation.

THEREFORE, be it ordained by the City Council of the City of Nitro that the aforesaid right of way be abandoned by the city of Nitro to permit construction of warehouse type of building by the aforesaid Nitro corporation according to the building codes of the City of Nitro.

First Reading: _____

Second Reading: _____

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER

ATTACHED:

Two Plat Maps

Two Deeds Showing Ownership of Real Estate

#6237 Mail: Oshel Craigo
302 1st Ave S
Nitro, WV 25143

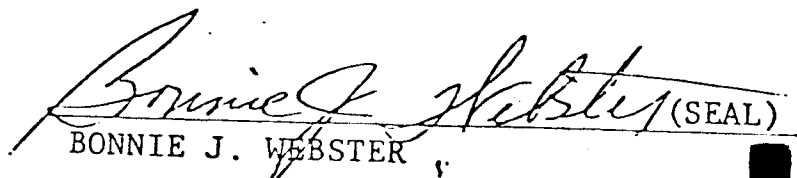
THIS DEED, Made this 18th day of October, 1982, by and between BONNIE J. WEBSTER, unmarried, as Grantor, and CRAIGO R ESTATE CORPORATION, a West Virginia corporation, as Grantee.

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid and other valuable consideration herein described, receipt of all of which is hereby acknowledged the Grantor does hereby GRANT and CONVEY with covenant of GENERAL WARRANTY unto the Grantee all of those certain lots or parcels real estate together with the buildings and improvements thereon situate in Nitro Town, Union District, Kanawha County, West Virginia, and being known and designated as Lots Nos. Twelve (12), Thirteen (13) and Fourteen (14), Block "F", North St. Albans, as shown upon a map of the same of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 3 at page 28, together with all right, title and interest of the Grantor in and to the old county road adjoining said lots on the north, and being the same property conveyed unto the Grantor herein by Lucy Jane Caldwell, a widow, by deed dated the 15th day of October, 1982, to be recorded in said Clerk's office simultaneously herewith.

This conveyance is made subject to any and all covenants, restrictions, easements and reservations which may be a matter of record in said Clerk's office.

DECLARATION OF CONSIDERATION OF VALUE: The Grantor does hereby declare that the consideration for the property conveyed by this document is Twelve Thousand Dollars.

WITNESS the following signature and seal:

 (SEAL)
BONNIE J. WEBSTER

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, TO WIT:

My commission expires SEPTEMBER 3, 1983

O. C. Spaulding
NOTARY PUBLIC

This document was prepared by:

O. C. SPAULDING
Attorney at Law
2713 Main Street
Hurricane, West Virginia 25526

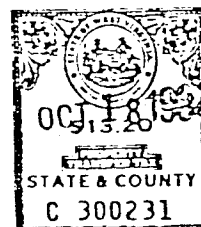
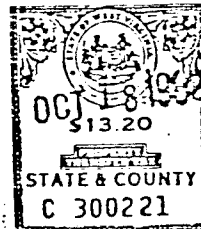
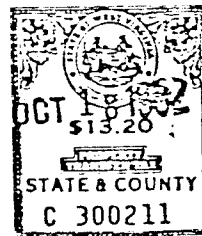
This instrument was presented to the Clerk of the County
Commission of Kanawha County, West Virginia, on
and the same is admitted to record.

OCT 18 1982

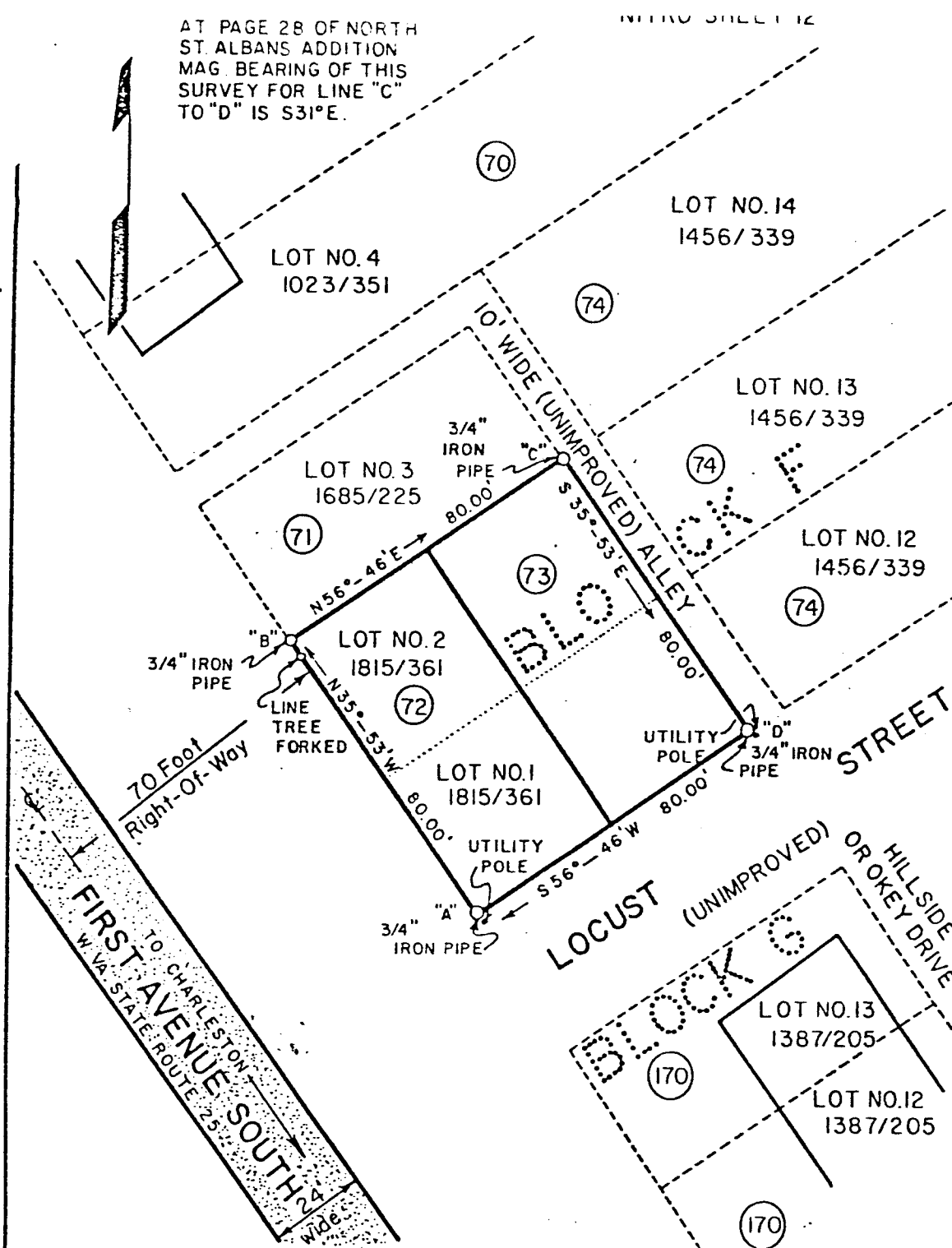
Teste: *Margaret D. Miller* Clerk

Kanawha County Commission

MARGARET D. MILLER
CLERK OF THE COUNTY COMMISSION
KANAWHA COUNTY, W. VA.



AT PAGE 28 OF NORTH
ST. ALBANS ADDITION
MAG. BEARING OF THIS
SURVEY FOR LINE "C"
TO "D" IS S31°E.



— PLAT SHOWING —

SURVEY OF REMAINDERS OF LOT NUMBER ONE AND TWO
BLOCK "F" OF THE NORTH ST. ALBANS ADDITION TO
THE TOWN OF NITRO, WEST VIRGINIA

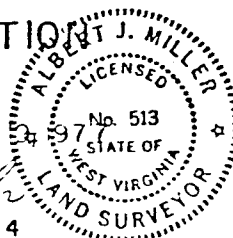
FOR CRAIGO REAL ESTATE CORPORATION
UNION DISTRICT, KANAWHA COUNTY

SCALE: 1" = 30'

DECEMBER

SURVEY REF: VOL.1976-A

BY MILLER SURVEYING & MAPPING COMPANY, INC. 925-9594



#5512 Mail: Craigo Real Estate Corp
209 First Ave S E Nitro, WV 25142

THIS DEED, Made this 13th day of September, 1984, by and ⁸⁵
between REAL ESTATE EXCHANGE, INC., a West Virginia corporation,
as Grantor, and CRAIGO REAL ESTATE CORPORATION, a West Virginia
corporation, as Grantee.

WITNESSETH: That for and in consideration of Ten Dollars
(\$10.00) cash in hand paid and other valuable consideration
herein described, receipt of all of which is hereby acknow-
ledged, the Grantor does hereby GRANT and CONVEY with covenant
of GENERAL WARRANTY unto the Grantee all of those certain lots
or parcels of real estate together with the buildings and the
improvements thereon, situate in the City of Nitro, Kanawha
County, West Virginia, and being more particularly described as
follows:

FIRST PARCEL

BEGINNING at an iron pin in the northerly right of
way line of West Virginia State Route No. 25, corner
to a certain 10' right of way; thence, with the right
of way line of said West Virginia State Route No. 25
N. 35° 53' 00" W. 80 feet to an iron pin; thence,
leaving the right of way line of said West Virginia
State Route No. 25 N. 56° 46' 00" E. 168.90 feet to
an iron pin in the southerly line of the old county
road; thence, with the southerly line of the old
county road S. 49° 56' 55" E. 83.44 feet to an iron
pin; thence, leaving the line of the old county road
S. 56° 46' 00" W. 189.20 feet to an iron pin and the
place of BEGINNING and being parts of Lots Nos. 4 and
5 in Block F of the North St. Albans Addition and
designated as Tracts 1 and 2 in the hereinafter
mentioned deed and shown upon the hereinafter
mentioned plat;

SECOND PARCEL

BEGINNING at an iron pin in the northerly right of
way line of West Virginia State Route No. 25, corner
to Craigo and Williams (D.B. 1906, Pg. 443); thence,
with the right of way line of said West Virginia
State Route No. 25 N. 35° 53' 00" W. 40.00 feet to an
iron pin, corner to a certain ten foot right of way;
thence, leaving said right of way line of West
Virginia State Route No. 25 and with the line of said
ten foot right of way N. 56° 46' 00" E. 80.00 feet to
an iron pin; thence, S. 35° 53' 00" E. 40.00 feet to
an iron pin; thence, S. 56° 46' 00" W. 80.00 feet to
an iron pin and the place of BEGINNING and being a
part of Lot 3 in Block F of the North St. Albans
Addition and designated as Tract 3 in the hereinafter
mentioned deed and shown upon the hereinafter
mentioned plat;

being all the same property conveyed

Inc., a corporation, by Donald G. Karnes and Delia Ann Karnes, husband and wife, by deed dated July 19, 1977, of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 1837 at page 39.

All of the above described property is shown and designated upon a certain map or plat of same entitled, "A PLAT SHOWING A RESURVEY OF LOTS 3, 4 & 5 OF BLOCK "F" OF NORTH ST. ALBANS, OWNED BY REAL ESTATE EXCHANGE, D.B. 1837, PG. 39, PARCELS 69, 70 & 71, TAX MAP NO. 12 BEING SITUATE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA", dated September 4, 1984, prepared by Roger K. Randolph, R.P.E. #6246, and attached hereto, incorporated herein and made a part hereof.

For the consideration aforesaid, the Grantor further GRANTS and CONVEYS unto the Grantee all of its right, title and interest in and to that certain ten foot right of way lying between the above described parcels as shown upon said plot attached hereto.

This conveyance is made subject to any and all covenants, restrictions, easements and reservations which may be a matter of record in said Clerk's office.

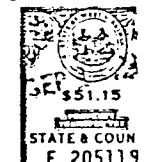
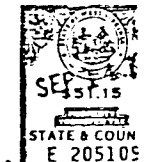
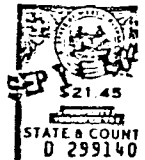
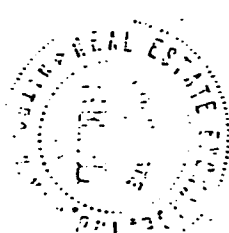
DECLARATION OF CONSIDERATION OF VALUE: The Grantor does hereby declare that the consideration for the property conveyed by this document is Fifty Three Thousand Dollars.

IN WITNESS WHEREOF, the said Real Estate Exchange, Inc., a West Virginia corporation, has caused its corporate name to be herein subscribed and its corporate seal hereto affixed by its proper officer on this 14th day of September, 1984, by authority duly given.

REAL ESTATE EXCHANGE, INC.

By: Donald G. Karnes

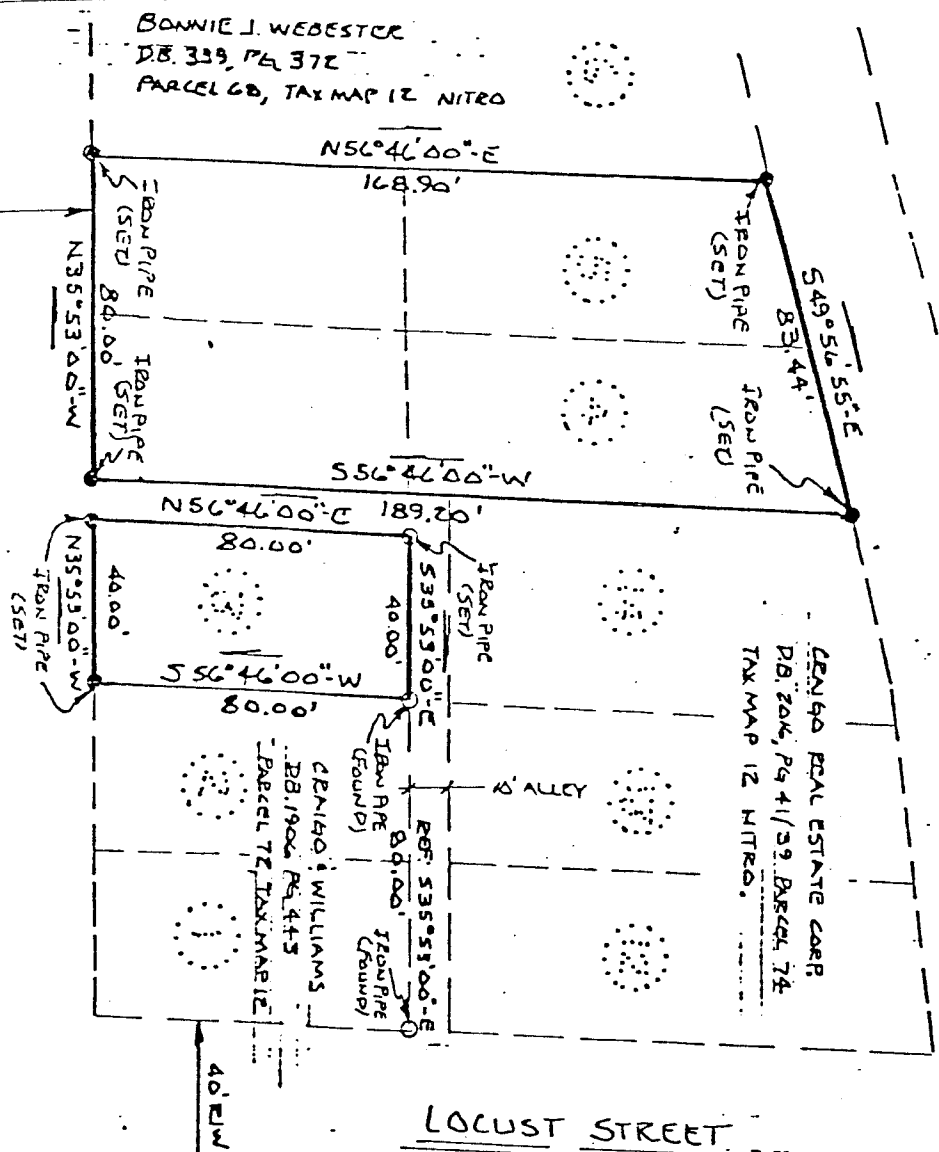
Its: Vice President



THIS PARCEL BY ORIGIN
NORTH ST. ALBANS, ON
LOCUST STREET

ALP COUNTY ROAD TO CHARLESTON

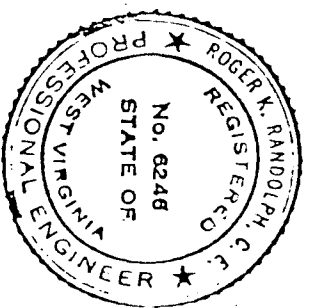
LEAH & REAL ESTATE CORP
DB. 204, Pg 41/39, Parcel 74
TAX MAP 12 NITRO.



LOCUST STREET

A RESURVEY OF LOTS 3, 4
"F" OF NORTH ST. ALBANS, OWN
REAL ESTATE EXCHANGE, DB
PARCELS 69, 70 & 71, TAX MAP
BEING SITUATE IN THE CITY
KANAWHA COUNTY, WEST VIR
SCALE: 1"=50'

Roger K. Randolph
ROGER K. RANDOLPH P.E.



CTO NITRO

FIRST AVENUE SOUTH

2' OF RIGHT-OF-WAY WVA, ST. RT. 75 (NOTE: E OF ROAD IS NOT E OF R/W)

CTO DUNGA

CRCF: WVA, DEPT OF HWYS. PROJECT 5-71(2)
SHT. 13 OF 52

ORDINANCE NO. 86-2

INTRODUCED IN COUNCIL:

March 4, 1986

INTRODUCED BY:

REFERRED TO:

PASSED BY COUNCIL ON FIRST
READING:

March 4, 1986

PASSED BY COUNCIL ON SECOND READING:

March 18, 1986

AN ORDINANCE TO PROVIDE FOR THE CLOSING OF A PORTION OF CAUFFIEL AVENUE FROM THE INTERSECTION OF ELIZABETH STREET AND THE NEW YORK CENTRAL RAILROAD RIGHT-OF-WAY, WITHIN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA

WHEREAS, the Council of the City of Nitro, West Virginia, has received the Petition of Pauline L. Warner to Abandon or Close a Public Right-of-Way; and

WHEREAS, the Council of the City of Nitro, West Virginia, believes that the portion of Cauffiel Avenue, which is the subject of the aforesaid Petition, is not necessary as a public street or way; and

WHEREAS, the Council of the City of Nitro, West Virginia, finds that the portion of said Cauffiel Avenue, which is the subject of the aforesaid Petition, is contiguous with property now owned by Pauline L. Warner and others.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Nitro, West Virginia, that the Council of the City of Nitro hereby abandons, closes and vacates that portion of Cauffiel Avenue from the intersection of Elizabeth Street, also known as

"old" West Virginia State Route 25 on Main Avenue, and the New York Central Railroad right-of-way, as shown on that certain map designated "Block "J" of the original map of Sattes as resurveyed January 15, 1955," said map being dated February 3, 1955, made and prepared by Field Engineering Company, and recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 17 at page 82, and being more particularly bounded and described as follows, to-wit:

BEGINNING at an iron pin, which pin is the southeastern corner of Lot 22, Block D, as shown on said map, which Lot 22 is now owned by the parties of the second part herein; thence S. 45 deg. 20' E. 30 feet to a point in the northerly line of Elizabeth Avenue; thence N. 35 deg. 30' E. binding on the westerly line of a parcel of property conveyed by the parties of the first part herein to Raymond C. Green and Gladys Green, his wife, a distance of 154 feet, more or less, to a point in the southerly line of the New York Central Railroad Company; thence with said right-of-way line in a westerly direction a distance of 30 feet, more or less, to an iron pin, being the northeasterly corner of Lot 22, Block D, thence with the easterly line of said Lot 22 a distance of 154 feet, more or less, to the point of beginning.

This Ordinance was introduced and read for the first time at a regular meeting of the City council for the City of Nitro, on the 4th day of March, 1986, and is to become effective upon second reading and adoption at a regular meeting of said council to be held on the 18th day of March, 1986.

APPROVED BY:

Philip D. Gadjot

MAYOR

Joan C. McClanahan
CITY RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

APRIL 1, 1986

The regular meeting of 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 Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was Councilman A. A. "Joe" Savilla.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 18, 1986 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved we approve the March 18, 1986 Council Meeting Minutes as written. The motion was seconded. Councilman Romie Hughart inquired as to whether or not the tie on the Nitro Firemen's Pension Board had been resolved. City Recorder Joan McClanahan replied that it had not. Fire Chief E. W. Hedrick reported that Steve Hardman signed an agreement that he wanted to withdraw his votes; therefore, unofficially Lt. Ronnie Faulknier was elected to serve on the Pension Board for a four year term. City Recorder Joan McClanahan stated she would like to have his declination in writing and signed. Councilman at Large Olaf Walker had a question pertaining to Agenda Item No. 7 - Revenue Sharing Report. Councilman Walker informed that he had read Chapter 8 of the WV Code about what a City might do as far as spending tax payers money is concerned. He questioned our City Attorney Phillip Gaujot as to what guidelines or what definitions are put forth in revenue sharing as to what the money can be spent for. City Attorney Phillip Gaujot will obtain an answer and advise Councilman Walker. Mayor Ashley informed that if the application was in anyway inappropriate, then we can rescind it. There being no further discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - The recipient for the April, 1986 "Citizen of the Month" award was presented to Mrs. Sylvia Pullins by Mayor Ashley. Mrs. Pullins has been a resident of Nitro since 1938. She is the Chairperson of the Clothes Closet at the First Baptist Church in Nitro. She supplies clothes to the needy people in Nitro, St. Albans, Cross Lanes and wheresoever the emergency might be.

A big round of applause was given to Mrs. Pullins.

AGENDA ITEM NO. 3 - CARNIVAL AGREEMENT - MAY 18/26-86): - Mayor Ashley presented to Councilmembers a carnival agreement

offered for the coming Memorial Day weekend. The agreement is offered by Nova, the same group that had the carnival last year at the Spring Festival. The Spring Festival this year is not going to be formally structured as it has been in the past, but there will be activities that weekend. Mayor Ashley informed that there will be a meaningful Memorial Day service, and possibly a distance run and other events. Mayor Ashley offered for Council's consideration the prospect of entering into the agreement with Nova. Insofar as he knows the terms of the agreement are the same. Councilman Jim Hutchinson moved we accept the contract with Nova based on the same terms as last year. The motion was seconded. After discussion, a vote was taken and it was unanimously approved.

AGENDA ITEM NO. 4 - SWIMMING POOL RATES - 1986: - City Recorder Joan McClanahan furnished Council a copy of the rates charged at the swimming pool that were approved in 1983 and have been used the past three years, and moved we use the same rates this year. The motion was seconded. A vote was taken to leave the rates unchanged, and it was unanimous and so ordered.

AGENDA ITEM NO. 5 - COMMITTEE REPORT - YMCA-WEST: - City Recorder Joan McClanahan reported that on Tuesday, March 25, the Cost Review Analysis Committee met to review the charges on use of the pool and Ridenour Lake facilities by YMCA-West. Present at the meeting were City Recorder Joan McClanahan, Councilman Hughart and Councilman Miller, and since the meeting she informed that she talked with City Treasurer Ralph Allison and Cindy Miller. Basically they are getting the same as in 1985, with the exception of the pool fees increasing from 50 cents to 75 cents per swimmer and shelter rental increasing from \$50 to \$75 on the reserved shelter. A copy of the letter to John M. Heintz, Executive Director of YMCA West, notifying him of the changes was given to Councilmembers. No action required by Council.

AGENDA ITEM NO. 6 - NITRO POLICE PENSION BOARD MEETING AND ELECTION RESULTS: - City Recorder Joan McClanahan furnished Council a copy of the Nitro Policemen's Pension Board Meeting Minutes of March 21, 1986. She reported that on March 27, there was an election to fill the unexpired term of John Joyce. Jack Jordan was elected to fill the term expiring March, 1988. City Recorder Joan McClanahan moved to have the Policemen's Pension Board Meeting Minutes included as part of the Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous.

POLICEMEN'S PENSION BOARD MEETING MINUTES ATTACHED.

AGENDA ITEM NO. 7 - ORDINANCES - & A CHANGE IN FINE LEVELS (2ND READING): - Mayor Ashley stated that we passed on the first reading a change in fine levels and introduction of new language on the following ordinances:

- (A) Multiple-beam Road Lighting Equipment.
- (B) Hypodermic Syringes or Needles.
- (C) Requirement of Security/Certificate of Ins.
- (D) Valid Operators or Chauffeurs License.
- (E) Driving under the Influence of Alcohol.
- (F) Unlawful to Possess a Controlled Substance.
- (G) Proposed Fines (Traffic & Misdemeanor)

Councilman at Large Olaf Walker moved we adopt the ordinances for the second reading as a group including the new fines. The motion was seconded. A vote was taken and it was unanimous and law. Mayor Ashley suggested Chief Cochran furnish his officers a copy of these ordinances.

ORDINANCES AND FINES ATTACHED.

AGENDA ITEM NO. 8 - PRESENTATION OF TROPHY TO GENE WILLIAMS:
Councilman at Large Rusty Casto showed Council a trophy that was to be presented to Gene Williams, Director of Public Works, but he was unable to attend the meeting this evening. The trophy was from the Little League in appreciation of his work at the park.

Mayor Ashley reminded Council there will be a Town Meeting Monday evening in Council Chambers with Senator Jay Rockefeller per his request. As Council Chambers has limited seating, Mayor Ashley has made a contingency plan with the Fire Department to move the fire trucks outside the station and have chairs located there as we may have to move.

Mayor Ashley reported that the installation of traffic lights is underway at the intersection of 19th Street and First Avenue, and also at the intersection of Lock and First Avenue.

Literature from The Northwestern Corporation was given to Council on vending machines to be located at the lake. Mayor Ashley encouraged Council to seriously reconsider the question of feeding the ducks and especially the fish at Ridenour Lake. He explained the reason he said especially the fish is because he can personally attest the fact that the ducks are fed almost every day. Mayor Ashley explained that if we do not go into a program of feeding the fish, we are going to be restricted in terms of fishing available at Ridenour Lake. The stocking program has been started, and if we feed those fish the catch and yield can be enormous. Mayor Ashley recommended the approval of the acquisition, out of general revenue sharing money which would be a proper expenditure, to purchase vending equipment to use for the purpose of dispensing feed for the ducks and fish at Ridenour Lake. Councilman at Large Rusty Casto moved that Mayor Ashley be allowed to spend up to \$125. for vending equipment. The motion was seconded. Councilman at Large Olaf Walker made a friendly amendment to Councilman Casto's motion to use the proceeds from the feed sold to pay for the machines. Councilman at Large Rusty Casto considered this a friendly amendment as did City Recorder Joan McClanahan who seconded the motion. After a

short discussion, a vote was taken and it was unanimously approved. Mayor Ashley advised he would check with DNR for their suggestions as to where to purchase the feed.

Councilman Romie Hughart moved we remove from table an ordinance to abandon a 10' alley right-of-way behind and to the side of 209 First Avenue, South. The motion was seconded. A vote was taken to remove from the table the ordinance in question, and it was unanimous. Councilman Romie Hughart moved we pass an ordinance to abandon a 10' alley right-of-way behind and to the side of 209 First Avenue, South. The motion was seconded. The request from Better Foods was for a right-of-way to construct a walkway from one building to a new building, but Councilman Hughart suggests we abandon the right-of-way. Discussion and questions followed. Since there wasn't a representative present or a legal petition from Better Foods requesting abandonment, Councilman Romie Hughart withdrew his motion to approve the first reading of the ordinance. Councilman Charles Miller withdrew his second. Councilman Romie Hughart moved we approve the original request from Better Foods, Inc. to build a walkway from one building to the proposed construction of a warehouse type building. The motion was seconded. Mayor Ashley stated we need someone from that organization appear at the Council Meeting with proper form of petition stating their request. Councilman at Large Olaf Walker commented that he feels the point was well taken, and he did not want to do anything to impede the progress of Better Foods, Inc. Councilman Hughart advised that he feels Better Foods made the proper presentation or request, and the ordinance he presented was to try to uncomplicate the request. Councilwoman at Large Mary Trout commented that she didn't feel anyone on Council was against this, but she feels someone from the organization should be present to answer questions. Councilman Romie Hughart withdrew his motion and will have a representative from the company to represent their request. Mayor Ashley informed Councilman Romie Hughart to have the people he is representing contact our City Attorney Phillip D. Gaujot so that he can instruct them in the proper form. Mayor Ashley advised he would get in contact with them and apologize for the bureaucratic delays that are necessary and inform them to contact the City Attorney Phillip Gaujot to guide them through what we are looking for in a way of a petition with plans to enable us to address this at the next Council Meeting.

Councilman Romie Hughart announced Council received a brochure from the League of Cities concerning a seminar to be held May 20 and May 21. On May 21, it will be held in Chicago and there will be one in Atlanta. They are one day seminars having to do with risk management and liability insurance, etc. The City Attorney Phillip Gaujot expressed an interest, and Councilman Romie Hughart stated he agreed with him, to attend this seminar. The estimated cost would be between four and five hundred dollars. Councilman Romie Hughart feels it would be

worthwhile to send the City Attorney Phillip Gaujot to this seminar, and moved we pay the expenses for him to attend the League of Cities seminar on May 21, 1986. The motion was seconded. A vote was taken and Councilman Olaf Walker voted in the negative.

There being no further business, the meeting was adjourned at 8:45 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO
POLICEMEN'S PENSION BOARD MEETING MINUTES

MARCH 21, 1986

A meeting of the Nitro Policemen's Pension Board meeting was called to order by City Recorder Joan McClanahan at 2:08 p.m. in Council Chambers. Present were Lt. Gary Blankenship, Ptl. Michael Chatterton and Ptl. Rick Coon. Also present was Chief C. R. Cochran.

AGENDA ITEM NO. 1 - ELECTION OF BOARD MEMBER: - Sealed ballots were opened and counted on March 10, 1986. Ptl. Mike Chatterton was elected for a four year term. Lt. Gary Blankenship moved to accept results as official. The motion was properly seconded and passed unanimously. A copy of these minutes will be given to all City Councilmembers.

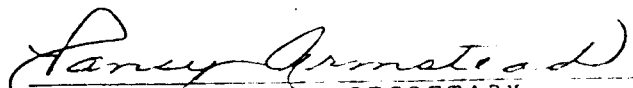
AGENDA ITEM NO. 2 - REQUEST OF SGT. JOHN JOYCE TO BE REIMBURSED HIS PAYMENTS INTO THE PENSION FUND: - Lt. Gary Blankenship moved that John Joyce be paid all monies due him from the pension fund. The motion was seconded. A vote taken and it was unanimous. A copy of these minutes will be given to our Treasurer Ralph Allison as authorization for the disbursement as soon as possible.

AGENDA ITEM NO. 3 - INQUIRES FROM PTL. MICHAEL CHATTERTON: - Ptl. Chatterton expressed his concern that the total contributions might be lower than the projected contributions for fiscal year 1986-87, as three members will draw a lesser salary. Thus, the fund would end in a deficit instead of an increase. Also, he wanted to know where the funds are kept. Lt. Blankenship will check on the above with City Treasurer Ralph Allison and report back to the Board Members.

Ptl. Mike Chatterton also questioned if it was mandatory to have social security deducted from payroll checks. City Recorder Joan McClanahan volunteered to check on this.

Ptl. Mike Chatterton referred to WV State Code, Chapter 8-22-20 and asked if an actuarial valuation of the accounts had been made, as this study should be done every eight years.

There being no further business, Lt. Gary Blankenship moved the meeting be adjourned. The motion was seconded, and meeting adjourned at 2:52 p.m.


PANSY ARMSTEAD, SECRETARY

ORDINANCE 86- 3

AN ORDINANCE ESTABLISHING REQUIREMENT AND USE
OF MULTIPLE-BEAM ROAD LIGHTING EQUIPMENT

MULTIPLE-BEAM ROAD LIGHTING EQUIPMENT
USE OF; DIMMING LIGHTS UPON APPROACHING OR OVERTAKING

a. Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 15-2, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

b. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite light beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam specified in section 15-20 of this article shall be deemed to avoid glare at all times, regardless of road contour and loading.

c. Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 15-20.

Whoever violates the provisions of this section shall, upon conviction, be fined twenty-five dollars (\$25.00).

March 18, 1986
FIRST READING

April 1, 1986
SECOND READING

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

ORDINANCE 86-4

AN ORDINANCE REGULATING THE SALE, POSSESSION
AND DESTRUCTION OF HYPODERMIC SYRINGES OR
NEEDLES IN THE CITY OF NITRO, WEST VIRGINIASECTION 1: Hypodermic needles, syringes and similar devices
sales regulated.

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

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

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

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

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

Any person violating any provision of this section shall, upon conviction, be fined not more than five hundred dollars (\$500.00).

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

No person except a manufacturer of, or wholesaler, or retail dealer in surgical instruments, apothecary, physician, dentist, hospital, veterinarian, nurse, industrial corporation, educational institution, or intern shall at any time have or possess a hypodermic syringe or needle or a disposable hypodermic syringe or needle or any instrument or implement adapted for the use of habit forming drugs by subcutaneous injection.

possessed for the purposes of administering habit forming drugs, unless such possession be authorized by the prescription of a physician issued in accordance with Section 1 of this ordinance.

Any person violating any provision of this section shall, upon conviction, be fined not more than five hundred dollars (\$500.00).

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

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

Any person who violates any provision of this section shall, upon conviction, be fined not more than five hundred dollars (\$500.00).

March 18, 1986

FIRST READING

April 1, 1986

SECOND READING

ARDEN D. ASHLEY, MAYOR

Joan C.
JOAN MCCLANAHAN, RECORDER

ORDINANCE 86- 5

AN ORDINANCE ADOPTING & ESTABLISHING REQUIRE-
MENT OF SECURITY/CERTIFICATE OF INSURANCE

This article applies to the operation of all motor vehicles required to be registered to have proof of security pursuant to WV Code 17A-3-1 with the exception of motor vehicles owned by the State.

Every owner or registrant of a motor vehicle required to be registered and licensed in this State shall maintain security as provided by WV Code 17D-2A-3 in effect continuously through the registration or licensing period, except in case of periodic use for seasonal vehicles, in which case the owner or registrant is required to maintain security upon the vehicle only for the portion of the year the vehicle is in actual use. As used in this section, a periodic use or seasonal vehicle means recreational vehicle, antique motor vehicle, motorcycle, or other motor vehicle which is stored part of the year and used seasonally.

Every nonresident owner or registrant of a motor vehicle, which is operated upon any road or highway of this City, and which has been physically present within this State for more than thirty days during the preceeding three hundred sixty five days shall thereafter maintain security as hereinafter provided in effect continuously throughout the period such motor vehicle remains within this State.

No person shall knowingly drive or operate upon any road or highway in this State any motor vehicle upon which security is required by the provisions of this article, unless such security is in effect.

Such security shall be provided in accordance with WV Code 17D-2A-3 (a), (b), or (c) and 17D-2A-4 and such certificate shall be carried by the insured in the appropriate vehicle for use as proof of security. Provided, That an insured shall not be guilty of violation of this section if he furnishes proof that such insurance was in effect within five days of being cited for not carrying such certificate or other proof in such vehicle. As used in this section, proof of insurance means a certificate of insurance, an insurance policy, or a mechanically reproduced copy of an insurance policy.

At the time of investigation of a motor vehicle accident in this State by the department of public safety or other law enforcement agency or when a vehicle is stopped by a law enforcement officer for reasonable cause, the officer of such agency making such investigation shall inquire of the operators of any motor vehicles involved as to the existence upon such vehicle or vehicles of the proof of insurance or other security required by these provisions and the provisions of the WV Code and upon a finding by such law enforcement agency, officer or agent thereof that the security required is not in effect, as to

any such vehicle, he shall notify the department of motor vehicles of such finding within five days if no citation requiring a court appearance is issued. A defendant, who is charged with a traffic offense that requires an appearance in court, shall present the court at the time of his or her appearance or subsequent appearance with proof that the defendant had security at the time of the traffic offense as required by this article. If, as a result of the defendant's failure to show proof, the court determines that the defendant has violated this article and WV Code 17D-2A-6, it shall notify the department of motor vehicles within five days.

PENALTIES

Every person convicted of a violation of any of the provisions of this article for which another penalty is not provided shall, for a first conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00); for a second such conviction within one year thereafter such person shall be punished by a fine of not more than two hundred dollars (\$200.00); and upon a third or subsequent conviction such person shall be punished by a fine of not more than five hundred dollars (\$500.00).

March 18, 1986

FIRST READING

April 1, 1986

SECOND READING

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

ORDINANCE 86- 6

AN ORDINANCE ESTABLISHING THE REQUIREMENT
OF A VALID OPERATORS OR CHAUFFEURS LICENSE

a. No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a street or highway in this city or upon any subdivision street when the use of such subdivision street is generally used by the public unless the person has a valid license as an operator or chauffeur under the provision of this chapter and West Virginia Code, Chapter 17B.

b. No person shall drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license. No person shall receive a chauffeur's license unless and until he surrenders to the department of motor vehicles any operator's license issued to him or an affidavit that he does not possess an operator's license.

c. Any person holding a valid chauffeur's license hereunder need not procure an operator's license.

d. Any person licensed as an operator or chauffeur as provided in this chapter and West Virginia Code, Chapter 17B may exercise the privilege thereby granted, except as otherwise provided by law, shall not be required to obtain any other license to exercise such privilege by any county, municipality or local board, or body having authority to adopt police regulations.

Therefore, any person convicted of a violation of the above shall be fined not more than fifty dollars (\$50.00).

Also, any person convicted of driving without operators or chauffeurs license in their possession will be fined not more than twenty-five (\$25.00).

The following persons are exempt from license hereunder:

1. Any person while operating a motor vehicle in the armed services of the United States while in the performance of his official duties;

2. A nonresident who is at least sixteen years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motore vehicle in this City only as an operator for a period not to exceed ninety days in any one calendar year.

3. A nonresident who is at least sixteen years of age, who has in his immediate possession a valid operator's license issued to him in his home state or country and who is employed in this State, or owns, maintains or operates a place or business in this State, or engages in any trade, profession or occupation in this State, in addition to the driving privileges extended

subdivisions (2) of this section, may operate a motor vehicle in this State only as an operator in traveling to and from his place or places of employment, place or places of business or place or places at which he engages in such trade, profession or occupation and in the discharge of the duties of his employment, business, trade, profession or occupation if such duties are such that if performed by a resident of the State of West Virginia over the age of eighteen years such resident would not be required under the provisions of the WV Code to be licensed as a chauffeur;

4. A nonresident who is at least eighteen years of age and - who has in his immediate possession a valid chauffeur's license issued to him in his home state or country may operate a motor vehicle in this City either as a chauffeur subject to the age limits applicable to chauffeurs in this State, or as an operator subject to the limitations imposed on nonresident operators in subdivisions (2) and (3) of the WV Code.

5. Any person who is a student, properly enrolled and registered in an accredited school, college or university in this State, who is at least sixteen years of age and who has in his immediate possession a valid operator's license issued to him in his home state, notwithstanding the limitations of subdivision (2) and (3) of this section may operate a motor vehicle in this City only as an operator: Provided, that the state of which he is a resident shall extend the same privileges to residents of this State. This exemption shall be cancelled immediately when such student is graduated from school, college or university or is expelled or ceases to be a student.

March 18, 1986
FIRST READING

April 1, 1986
SECOND READING

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

ORDINANCE 86- 7

ORDINANCE PROHIBITING DRIVING UNDER THE
INFLUENCE OF ALCOHOL, CONTROLLED SUBSTANCE
OR DRUGS.

(a) Whoever drives a vehicle in this City while he is:

- (1) Under the influence of alcohol, or
- (2) Under the influence of any controlled substance,
or
- (3) Under the influence of any other drug, or
- (4) Under the combined influence of alcohol and any
controlled substance or any other drug,

shall be imprisoned in the County jail or City jail for not less than one day nor more than six months, which jail term shall include actual confinement of not less than twenty-four hours, and shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

(b) Whoever being a habitual user of narcotic drugs or any amphetamine or any derivative thereof, drives a vehicle in this City, shall be imprisoned in the County jail or City jail for not less than one day nor more than six months, which jail term shall include actual confinement of not less than twenty-four hours and shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

(c) Whoever knowingly permits his vehicle to be driven in this City by any other person who is:

- (1) Under the influence of alcohol, or
- (2) Under the influence of any controlled substance,
or
- (3) Under the influence of any other drug; or
- (4) Under the combined influence of alcohol and any
controlled substance or any other drug,

shall be imprisoned in the County jail or City jail for not more than six months, and shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

(d) Whoever knowingly permits his vehicle to be driven in this City by any other person who is a habitual user of narcotic drugs or amphetamine or any derivative thereof, shall be imprisoned in the County jail or City jail for not more than six months and shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

March 18, 1986

FIRST READING

April 1, 1986

SECOND READING

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

ORDINANCE 86- 8

AN ORDINANCE PERTAINING TO OFFENSES -
 MAKING IT UNLAWFUL TO POSSESS A
 CONTROLLED SUBSTANCE LISTED IN THE
 UNIFORM CONTROLLED SUBSTANCE ACT,
 CHAPTER 60A, ARTICLE 2 OF THE WV CODE.
 ALSO SECTION PERTAINING TO THE SALE OF
 CONTROLLED SUBSTANCES; AND PROVIDING FOR
 PENALTIES FOR VIOLATIONS THEREOF

POSSESSION OF A CONTROLLED SUBSTANCE

(a) It shall be unlawful for any person knowingly or intentionally to possess a controlled substance listed in the Uniform Substance Act, Chapter 60A, Article 2 of the West Virginia Code, unless the controlled substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice. A person convicted of violating this section shall be punished by a fine of not more than five hundred dollars (\$500.00), at the discretion of the court.

(b) Whenever any person who has not previously been convicted of any offense under the Uniform Controlled Substance Act, to-wit, Chapter 60A of the West Virginia Code, 1931, amended, or under any statute of the United States or of a state relating to narcotic drugs, marijuana, or stimulant depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of an amount of marijuana weighing less than fifteen grams in violation of subsection (a) of this section, the municipal judge may discharge the person and dismiss proceedings against him after any fine or jail sentence imposed hereunder has been paid or served. The municipal judge, in determining whether or not to discharge the defendant and to dismiss proceedings against him, shall take into account the following factors: (1) the attitude of the defendant toward the offense mentioned herein, and (2) whether or not the defendant has received professional counseling in relation to the possession of marijuana, as well as the nature and extent of such counseling and the defendant's response to such counseling; provided that the defendant has been advised of the availability of such counseling and has had at least thirty (30) days time thereafter to begin participation in such counseling.

Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. The effect of such dismissal and discharge shall be to restore such person in contemplation of law to the status he occupied prior to such arrest and trial. No person as to whom such dismissal and discharge have been effected shall be thereafter held to be guilty of perjury, false swearing or otherwise giving a false statement by reason of his failure to disclose or acknowledge

such arrest or trial in response to any inquiry made of him for any purpose.

(c) After discharge and dismissal under this section and upon proper motion by the defendant, the municipal court may issue an order expunging from all official records, all recordations of the defendant's arrest, trial and conviction pursuant to this section. The municipal court also shall contact all federal and state agencies which may have in their possession official records relating to the offense hereinmentioned and request that all recordations relating to the defendant's arrest, trial and conviction, pursuant to this section, be expunged from such records.

PURPORTING TO SELL CONTROLLED SUBSTANCES.

No person shall at any time sell any substances which the person purports to be a controlled substance, as defined under Schedules I through V of Article Two of the Uniform Controlled Substances Act, Chapter 60A of the West Virginia Code, as amended (Michie 1966), when in actuality the substance sold contains no controlled substances.

Whoever violates the provisions of this section shall, upon conviction, be guilty of a misdemeanor and fined not more than one hundred (\$100.00). Subsequent violations, upon conviction, shall be punishable by a mandatory one hundred dollar (\$100.00) fine, in the discretion of the court.

March 18, 1986

FIRST READING

April 1, 1986

SECOND READING

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

TRAFFIC

CURRENT

PROPOSED

CHARGE	CASH	BOND	PROPERTY	CASH	PROPERTY	
DEFECTIVE EQUIPMENT	17.00		500.00	25.00	500.00	
DRIVING LEFT OF CENTER				25.00	500.00	
DRIVING W/O OPERATORS				50.00	500.00	
DRIVING W/O OPERATORS IN POSSESSION	15.00		500.00	25.00	500.00	
DRIVING WHILE LICENSE SUSPENDED OR REVOKED	50.00		500.00	100.00	500.00	MCA
DRIVING ON ANOTHERS OPERATORS	NONE AT	PRESENT		50.00	500.00	
DRIVING UNDER INFLUENCE	100.00		500.00	200.00-	500.00	MCA
				500.00		
EXPIRED INSPECTION STICKER	10.00		500.00	20.00	500.00	
EXPIRED OPERATORS	NONE AT	PRESENT		20.00	500.00	
EXPIRED REGISTRATION	10.00		500.00	20.00	500.00	
FAILURE TO GIVE DIM HEADLIGHTS	NONE AT	PRESENT		25.00	500.00	
FAILURE TO GIVE PROPER HAND OR TURN SIGNAL	NONE AT	PRESENT		25.00	500.00	
FAILURE TO MAINTAIN CONTROL	25.00		500.00	35.00	500.00	
FAILURE TO STOP ON COMMAND OF OFFICER	20.00		500.00	40.00	500.00	
FAILURE TO YIELD TO EMERGENCY VEHICLE	NONE AT	PRESENT		40.00	500.00	
FAILURE TO YIELD RIGHT OF WAY	25.00		500.00	35.00	500.00	
FOLLOWING TOO CLOSE	20.00		500.00	25.00	500.00	
FOUR IN FRONT SEAT	NONE AT	PRESENT		25.00	500.00	
HAZARDOUS DRIVING	50.00		500.00	75.00	500.00	
HIT AND RUN	NONE AT	PRESENT		250.00	500.00	MCA
IMPROPER REGISTRATION DISPLAY	NONE AT	PRESENT		25.00	500.00	
LEAVING SCENE OF ACCIDENT	100.00		500.00	100.00	500.00	
NO GOGGLES OR HELMET	20.00		500.00	30.00	500.00	
PASSING IN NO PASSING ZONE	25.00		500.00	30.00	500.00	
PASSING SCHOOL BUS LOADING/ UNLOADING	15.00		500.00	50.00	500.00	
PERMITTING UNLICENSED PERSON TO DRIVE	30.00		500.00	50.00	500.00	
RECKLESS DRIVING	100.00		500.00	150.00	500.00	MCA
RUNNING RED LIGHT	25.00		500.00	30.00	500.00	
RUNNING STOP SIGN	15.00		500.00	30.00	500.00	
RUNNING OVER FIRE HOSE	30.00		500.00	50.00	500.00	
SPEEDING IN SCHOOL ZONE	25.00		500.00	35.00	500.00	
U-TURN	17.00		500.00	30.00	500.00	
SPEED RACING	NONE AT	PRESENT		50.00	500.00	
WRONG WAY ON ONE WAY				25.00	500.00	

SPEEDING: MINIMUM \$15.00 PLUS COURT COST. ONE (1) DOLLAR FOR EACH MILE OVER SPEED LIMIT.

MISDEMEANOR CRIMES

CHARGE	CURRENT		PROPOSED		
	CASH BOND	PROPERTY	CASH	PROPERTY	
ADULTERY-FORNICATION	NONE AT PRESENT		55.00	500.00	
ASSAULT	55.00	500.00	75.00	500.00	
ASSAULT-FELONIOUS	NONE AT PRESENT		NONE	1,000.00	GRAND JURY
BRANDISHING DEADLY WEAPON	100.00	500.00	100.00	500.00	
BREAKING GLASS IN STREET	NONE AT PRESENT		30.00	500.00	
BREAKING & ENTERING	NONE AT PRESENT		NONE	1,000.00	GRAND JURY
BURGLARY	NONE AT PRESENT		NONE	1,000.00	GRAND JURY
DEST. OF PROPERTY	NONE	500.00	100.00	500.00	MCA
DISORDERLY CONDUCT	30.00	500.00	50.00	500.00	
DISCHARGING FIREARM	NONE AT PRESENT		100.00	500.00	
FIRE CRACKERS, SALE, EXPLODING					
OR POSSESSION	NONE AT PRESENT		55.00	500.00	
GAMBLING-PRIVATE OR PUBLIC	20.00	500.00	55.00	500.00	
DISTURBANCE(BREACH OF PEACE)	30.00	500.00	55.00	500.00	
INDECENT EXPOSURE	30.00	500.00	55.00	500.00	MCA
INTERFERING WITH OR OBSTRUCTING					
OFFICER	30.00	500.00	100.00	500.00	
INTOXICATION	30.00	500.00	40.00	500.00	
LARCENY PETIT	100.00	500.00	100.00	500.00	
LARCENY GRAND	NONE AT PRESENT		NONE	1,000.00	GRAND JURY
LITTERING	25.00	500.00	50.00	500.00	MCA
LOITERING	25.00	500.00	55.00	500.00	
FAILURE TO STOP COMMAND OF					
OFFICER	20.00	500.00	25.00	500.00	
PEEPING OR PEERING	NONE	500.00	100.00	500.00	MCA
POSSESSION OR SALE OF					
WHISKEY	NONE	1,000.00	150.00	500.00	
PROSTITUTION	NONE	500.00	150.00	500.00	
RESISTING ARREST	55.00	500.00	75.00	500.00	
SHOPLIFTING	55.00	500.00	(1) 100.00 (2) 200.00 (3) 300.00	500.00	MCA
SOLICITING ON STREET	30.00	500.00	50.00	500.00	
TAMPERING WITH VEHICLE	NONE	500.00	100.00	500.00	
TRESPASSING	25.00	500.00	50.00	500.00	

CITY OF NITRO
COUNCIL MEETING MINUTES

APRIL 15, 1986

The regular meeting of the Nitro City Council was called to order by City Recorder Joan C. McClanahan 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 and Councilman Charles Miller. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent were Mayor Arden D. Ashley and Councilman Jim Hutchinson.

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

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 1, 1986 COUNCIL MEETING MINUTES: - Councilman Romie Hughart moved for the approval of the April 1, 1986 Council Meeting Minutes as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PLANNING COMMISSION MINUTES: - Councilman Romie Hughart moved we approve the Planning Commission recommendation for the approval of the request for sub-division of a parcel of land situate on the east bank of the Kanawha River in the City of Nitro and the minutes be made a part of the Council Meeting Minutes. The motion was properly seconded, a vote taken and it was unanimously approved.

COPY OF MINUTES AND MAP ATTACHED.

AGENDA ITEM NO. 3 - FIREMEN'S PENSION BOARD MEETING MINUTES: City Recorder Joan McClanahan furnished Councilmembers a copy of the Nitro Firemen's Pension Board Meeting Minutes and informed the tie between Ron Faulknier and Steve Hardman has been resolved. Ron Faulknier was elected to fill a four-year term. Councilman Romie Hughart moved the minutes be accepted and be made a part of the Council Meeting Minutes. The motion was seconded. A vote taken and it was unanimous.

COPY OF THE NITRO FIREMEN'S PENSION BOARD MEETING MINUTES ATTACHED.

AGENDA ITEM NO. 4 - ZONING BOARD OF APPEALS MEETING: - A copy of the minutes of the Zoning Board of Appeals Hearing held on April 14, 1986 was furnished to Council. Councilman A. A. "Joe" Savilla moved we adopt the recommendation of the Zoning Board of Appeals. The motion was seconded. After a brief discussion, a vote was taken and it was unanimous.



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ZONING BOARD OF APPEALS HEARING

APRIL 14, 1986

The Zoning Board of Appeals of the City of Nitro, WV held a hearing on Monday, April 14, 1986 at 7:00 p.m. in the Conference Chambers at City Hall. Board members present were Cecil Lemma, Chairman, Don Baker and Timothy Cook. Also present were Bob Sergeant, Building Inspector, Gene "Rusty" Cook, John Hughes and two citizens.

The purpose of the hearing was the requests of John T. Hughes to place a mobile home on lot at 210 Easter Road and Gene Cook to place a mobile home on the same lot as dwelling on Hickory Road.

After discussion and having no negative comments, the Zoning Board of Appeals unanimously gave permission to their variance requests.

CECIL LEMMA, CHAIRMAN

AGENDA ITEM NO. 5 - POOL PASSES: - City Recorder Joan McClanahan reported we have the pool passes for sale. There is a \$10.00 discount on family and a \$5.00 discount for individual passes purchased before May 1, 1986. Councilman at Large Rusty Casto moved we approve the rates of Residential Family - \$70., Non-residential family \$140., Residential individual - \$35. and Non-residential individual - \$70. The motion was seconded. A vote was taken and it was unanimously approved the rates will remain unchanged from last year.

BROOKHAVEN: - Councilman A. A. "Joe" Savilla along with Councilman at Large Rusty Casto, Councilman Jim Hutchinson and Gene Williams, Director of Public Works visited Brookhaven. Councilman Joe Savilla said the streets in Brookhaven are a continuing problem. He stated that in front of 103 Norwood he removed the cover, crawled down the hole, and the surface water is washing the streets away. In some places the streets are

caved in, and pose a hazard to drivers and neighborhood children. There was recommendation that weight limits be posted. A new housing development is being built and there was much concern about heavy lumber company and concrete trucks using this roadway. Councilman Romie Hughart moved we have an engineer to inspect Norwood Drive and report back to Council the necessary steps to correct the problem in Brookhaven. The motion was seconded. Councilman at Large Olaf Walker asked what agency or what was meant by engineers. City Recorder Joan McClanahan answered we normally use Dunn Engineers, Inc. Then, Councilman at Large Olaf Walker asked if that is who Councilman Hughart was suggesting, and he informed that he was. Councilman Romie Hughart moved to amend his previous motion to have a preliminary engineer's report by Joe Dunn Engineering. Councilman Romie Hughart withdrew his motions and the second was withdrawn. Councilman Savilla made recommendation that we could possibly obtain guidance, advise and some free engineering work from Union Boiler. Councilman at Large Olaf Walker moved we authorize Mayor Ashley to obtain an engineer and write a letter expressing that we wanted a through investigation on the present status of the Norwood situation and Brookhaven Subdivision. If any area is creating a hazard, it should be taken care of immediately as far as posting a sign to limit the weight. The second phase of the study would be the potential cost of repairing the streets. The motion was seconded. Councilman Savilla recommended the Mayor contact Chuck Volpi, the Developer of Carriage Way Subdivision to find out who designed the streets there, because he feels that due to the large number of storm sewers installed, that they won't have the problem that Brookhaven Subdivision has. There being no further discussion, a vote was taken and it was unanimous. A resident of 101 Fairview Drive is concerned about the large hole in front of his residence. Gene Williams, Director of Public Works will have a barrel placed in the hole until such time as the engineers can inspect it. City Attorney Phillip Gaujot explained that we could exercise our police powers. The police doesn't have to do that. If measures need to be taken before the weekend, he suggested we try to get an engineer or someone that knows who could suggest a weight limit and then erect a sign to restrict travel above a certain weight. City Recorder Joan McClanahan stated that we will have someone there as soon as possible.

CLEAN-UP DRIVE IN NITRO: - Wanda M. Cooley, from the Nitro Woman's Club, announced that she was appointed to Chair a Committee for a clean-up drive in Nitro. Members of the committee are Mrs. Norma Sharpe, John Lovejoy, Beth Gibson and Councilman at Large Rusty Casto. Volunteers are invited and encouraged to help in the Clean-up Drive beginning at 9:00 a.m. on May 10. Plans are to clean the business section from 19th Street up Third Avenue, 23rd Street down First Avenue. The Committee requested Council to:

1. Approve May 10, 1986 as clean-up day.
2. Encourage citizens to pick up litter.

3. Collection and disposal of litter filled bags.
4. Furnish a truck and driver for transporting heavy items to dump.
Volunteers will load truck.
If overtime for driver is a problem, help them obtain a driver.

A round of applause was given to Mrs. Cooley.

Councilman at Large Olaf Walker remarked he was pleased the Nitro Woman's Club has taken the initiative along with the Scouts to do this. Last Sunday he was asked when the City was going to clean-up Nitro. He feels there should be something else the City could do. He volunteered to help all day on May 10. He would like to see a flier distributed to ask citizens for their help.

Councilman at Large Rusty Casto moved we endorse, "May 10, 1986 as Clean-up Day." The motion was seconded. A vote was taken and it was unanimous.

REQUEST FROM BETTER FOODS: - Two representatives from Better Foods submitted a letter from Oshel Craigo, Owner requesting Council approve an ordinance to abandon a 10' alley right-of-way behind and to the side of 209 First Avenue, South. As previously stated, someone from Better Foods should contact our City Attorney Phillip Gaujot for his assistance in furnishing the proper document. Steve Casebolt will seek the advise of our City Attorney Phillip Gaujot, and will present the proper forms and request at the next council meeting.

PRESENTATION OF TROPHY: - On behalf of the Nitro Little League, Councilman at Large Rusty Casto proudly presented a trophy to Gene Williams, Director of Public Works. Gene has been a tremendous help to the Little League. Mr. Williams accepted the trophy in behalf of his department. A round of applause was given to Gene Williams.

There being no further business the meeting was adjourned at 8:20 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER

PLANNING COMMISSION MEETING

CITY OF NITRO, WV

The Planning Commission of the City of Nitro, WV met at 4:00 p.m. on Monday, April 14, 1986, in City Council Chambers. The meeting was called to order by Chairperson, Margaret Hudson, and a quorum was declared.

The item of business brought before the meeting dealt with a request from Charles B. Boggs, Jr. to sub-divide a "parcel of land situate on the east bank of the Kanawha River in the City of Nitro, Kanawha County, West Virginia, being part of Old Lock and Dam No. 7 on the Kanawha River...into four lots of 50 ft. width and approximately 100 foot depth. The total outside measurement of subject property measures 200 x 108 x 200 x 110." A copy of a plat (map) showing this by Jerry W. Phelps and dated 24 February 1986 is attached and is an official part of these minutes. Bob Sergeant of the City of Nitro stated that this request "meets all requirements in the Zoning Ordinance for the City of Nitro, West Virginia in Article V, Sections 504 (Lot Areas), 505 (Lot Widths) and 508 (Rear Yards) as adopted by the City of Nitro, October 6, 1970." Since this request meets all requirements, Joan McClanahan moved that "we approve the request for sub-division." The motion was properly seconded. Motion passed.

The meeting was adjourned.


Margaret Ann Hudson, Chairperson

April 7, 1936

Meeting called to order by Mayor Ashley at 9:02 A.M.

Members present

James Raynes
E. W. Hedrick Jr.

James Stover
Mayor Ashley

Stover presented to the board the results of the election which ended in a tie with 4 votes for Hardman and 4 votes for Faulknier.

Stover also presented a signed letter from Steve Hardman declining the votes cast for him.

Motion made by Mayor Ashley and second by Hedrick to accept Hardmans letter declare Faulknier the new board member.

Passed unanimously.

Meeting adjourned at 9:15 A.M.

Board members for 1986-1987

Faulknier 4 year term
Raynes 3 year term
Hedrick Jr. 1 year term
Stover 2 year term

March 31, 1986

Nitro Firemen's Pension Board
Nitro,
West Virginia 25143

I have been advised that on the election held March 10, there was a tie between myself and Lt. Ronnie Faulknier. Inasmuch as I appreciate the votes, I wish to decline the votes cast for me.


Steve Hardman

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 6, 1986

The regular meeting of Nitro City Council was called to order by City Recorder Joan McClanahan at 7:30 p.m. in Council Chambers. Present were 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 Ralph Allison. Absent were Mayor Arden D. Ashley, Councilman at Large Rusty Casto and Councilman A. A. "Joe" Savilla.

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

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 15, 1986 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved we approve the Council Meeting Minutes of April 15, 1986 as written. The motion was seconded. A vote was taken and passed unanimously and so ordered.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - City Recorder Joan McClanahan presented the May "Citizen of the Month" award to Margaret Hudson. Ms. Hudson is a Counselor at Nitro High School, works closely with the B.Y.F. at the First Baptist Church in Nitro, and Chairperson of the Nitro Planning Commission.

AGENDA ITEM NO. 3 - LIFEGUARDS & POOL CONCESSION: - A list of the recommendation for 1986 pool employees was furnished to Council. Councilman at Large Olaf Walker moved that the recommendation be approved. The motion was seconded. After a brief discussion, a vote was taken and it was unanimous.

Approved list of pool employees for the year 1986 as follows:

Pool Coordinators:

Ivy Bailes (3)

and

Charlotte Hill (2)

Lifeguards:

Stephannie Trout, Head Lifeguard (5)

Todd McGrew (2)

Michael Keeney, Jr. (1)

Tina Hunt (1)

Mike Smith (1)

Beth Negley (1)

Cathy Hoptry (1)

Stacy Finch (1)

() Represents years of service.

CONCESSION: - A copy of the advertisement for bids for concession rights at the Nitro City Pool along with bids received from Better Foods, Inc. dba Ginos, and Juanita Christian were furnished to Council. Councilwoman at Large Mary Trout moved we allow Better Foods, Inc. the concession rights again this summer. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 4 - MIDGET FOOTBALL LEAGUE REQUEST: - City Recorder Joan McClanahan presented copies of a letter received from Jim Riffle, President of the Nitro Midget Football League requesting permission to use the grounds and facilities at the Nitro City Park. Also, they requested permission to park cars on the City Parking Lot for the Nitro High School football games in order to ask for donations for the League. Councilman at Large Olaf Walker moved we grant approval with request they furnish Council an accounting of funds received. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 5 - LEVY RATES: - City Treasurer Ralph Allison explained that according to State Law, Council must approve the Rates of Levy laid by the City of Nitro. Councilman Charles Miller moved for the adoption of the Levy Rates. The motion was seconded. After a brief question and answer session, a vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - RESOLUTION - POLICE WEEK: - City Recorder Joan McClanahan introduced a resolution commemorating Police Week - May 11 through May 17, 1986 with May 15 being designated as Police Officers Memorial Day. Councilman Olaf Walker moved we adopt the resolution. The motion was seconded, a vote taken and it was unanimous.

RESOLUTION 86-1 ATTACHED.

AGENDA ITEM NO. 7 - RESOLUTION - FEASIBILITY STUDY (PAR): - A resolution for the acceptance of the feasibility study by Network Consulting for Par Industrial Park was presented to Council for their approval. Councilman Jim Hutchinson moved for the adoption of the resolution. The motion was seconded. A vote was taken and it was unanimously approved.

RESOLUTION 86-2 ATTACHED.

AGENDA ITEM NO. 8 - ELECTION DAY (MAY 13, 1986) HOLIDAY: - City Recorder Joan McClanahan announced that May 13, 1986 is considered a state holiday and City Hall will be closed. Councilman at Large Olaf Walker questioned as to how many holidays the City honored.

AGENDA ITEM NO. 9 - CLEAN-UP DAY - MAY 10, 1986 N.W.C.: - City Recorder Joan McClanahan reminded Council of the clean-up day on May 10, 1986 promoted by the Nitro Women's Club. Councilman at Large Olaf Walker has already volunteered his services. Councilman at Large Olaf Walker stated that he spoke

with Ms. Cooley, and she wanted to paint the building on 21st Street and asked if the City could do anything about painting the building and having the grass cut. City Recorder Joan McClanahan informed that it was her understanding that this is the responsibility of the owner and the proper action will be taken by the City.

AGENDA ITEM NO. 10 - REQUEST FROM NITRO/CROSS LANES SOCCER ASSN.: - Councilmembers, by way of letter, heard the request from the Cross Lanes-Nitro Soccer Association to use the Nitro City Park for soccer camp to be held August 18-22, and for a brief awards presentation on August 23. Permission has already been granted to the Nitro Midget Football League for use of the facility. However, Councilman at Large Olaf Walker moved we grant permission to the Cross Lanes-Nitro Soccer Association and ask that they work out a schedule in order that both groups may use the park. The motion was seconded. A vote was taken and it was unanimous. We requested that a copy of the arrangement be sent to City Hall.

A committee was formed consisting of Councilman at Large Olaf Walker and Councilman Romie Hughart to determine what, if anything, the City can do to help establish a World War I Museum. They will make recommendations and report back to Council.

There being no further business the meeting was adjourned at 8:27 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

LEVY RATE SHEET

RATES OF LEVY LAID BY:

CITY OF NITRO

(LEVYING BODY)

FANATHA/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 II, ARTICLE 8 OF THE
WEST VIRGINIA CODE, AS AMENDED.

	CURRENT LEVY RATE	EXCESS LEVY RATE	PUBLIC/PERM. IMPROVEMENT LEVY RATE	BOND 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

RATES ARE TO BE STATED IN CENTS PER 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, 1986
and APPROVED BY THE STATE TAX COMMISSIONER.

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

NOTE: This form is to be submitted within three days after the governing body meets to lay the levy on the third Tuesday in April.
DO NOT MAIL IT WITH THE BUDGET DOCUMENT. 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 2000,
Charleston West Virginia 25309. Upon receipt, one copy will be stamped "Approved" and forwarded to the assessor of
your county to be used in assessing the levy.

LEVY PAGE

ASSESSED VALUATIONS — PROPOSED LEVY RATES AND TAXES LEVIED FOR ALL PURPOSES
LEVY RATES ARE TO BE STATED IN CENTS PER \$100 VALUATION AND MUST BE IN RATIO OF 1-2-4.
DO NOT USE LEVY RATES IN EXCESS OF TWO DECIMAL POINTS. USE WHOLE DOLLARS ONLY FOR TAXES LEVIED.

Assessed Values	Assessed Values	Assessed Values	Assessed Values	Assessed Values
Total	Tax Purposes	Current Expense	Excess Levy	Bond Purpose
Levy	Levy	Levy	Levy	Levy
Rate/\$100	Rate/\$100	Rate/\$100	Rate/\$100	Rate/\$100
Taxes Levied	Taxes Levied	Taxes Levied	Taxes Levied	Taxes Levied

\$ 2,909,756	\$ 3,466	\$ 1,819	\$ 1.0	\$ 291
538,100	619	336	1.0	54
3,477,856	3,965	2,155	1.0	345

\$ 16,851,810	\$ 38,759	\$ 21,065	\$ 2.0	\$ 3,370
72,950	168	91	2.0	13
16,924,760	38,927	21,156	2.0	3,383

\$ 11,155,418	\$ 51,315	\$ 27,889	\$ 4.0	\$ 4,462
10,485,035	48,231	26,713	4.0	4,194
3,571,100	16,289	8,453	4.0	1,416
26,181,553	115,835	62,955	4.0	10,072
46,554,169	158,727	86,266	4.0	13,802

* Less 112, 113, 239 estimated at 9.2 %	14,584	7,927		
302-Tax Discounts (must be deducted)				
Net Amount to be Raised by Levy (To #301-01 on Page 3)	\$ 144,143	\$ 78,339		

Total Current and Excess Levy \$ 222,482

If Excess Levy is to be included in the General Fund, state in #301-01 on revenue page (page 3). If excess levy is a separate fund, put excess levy total on bottom of page 5 — "Excess Levy — Separate Fund".

Accrual Taxes \$

ations

encies

TAL



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

RESOLUTION 86-1

A RESOLUTION COMMEMORATING POLICE WEEK - MAY 11 THROUGH MAY 17, 1986

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 11 through 17, 1986, 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 Thursday, May 15, 1986, 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 6th day of May, 1986.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

RESOLUTION 86-2

ACCEPTANCE OF THE FEASIBILITY
STUDY BY NETWORK CONSULTING

WHEREAS, Nitro City Council, on November 5, 1985, passed a resolution permitting Mayor Arden D. Ashley to enter into a contract with Network Consulting for a feasibility study concerning a slab mill of PAR Industrial Park; and

WHEREAS, the Governor's Office of Community Development paid for said study from a \$25,000 grant for which we were the recipients, but we did not get the funds; and

NOW, THEREFORE, BE IT RESOLVED, the feasibility study is now complete and subject to acceptance by Council.

PASSED this 6th day of May, 1986.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 20, 1986

The regular meeting of Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. in Council Chambers. Present 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, and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot. Absent were Councilman Charles Miller and City Treasurer Ralph Allison.

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

AGENDA ITEM NO. 1 - APPROVAL OF MAY 6, 1986 COUNCIL MEETING MINUTES: Councilman Romie Hughart moved for the approval of the May 6, 1986 Council Meeting Minutes. The motion was seconded. A vote taken and it was unanimous.

AGENDA ITEM NO. 2 - ORDINANCE 86- (1ST READING) HARMON CABLE COMMUNICATIONS: - Mayor Ashley introduced the ordinance by title and called on Joel Patten, General Manager of Kanawha Cable TV Co. (dba Harmon Cable Communications) who explained that the essence for the ordinance is changing the franchise agreement from Harmon Cable Communications to Consolidated Communications. Mr. Crawford, a representative of Consolidated Communications, addressed Council and advised of their plans to increase the number of channels available. Councilman at Large Olaf Walker moved we approve the first reading of the ordinance. The motion was seconded. After a question session, a vote was taken and it was unanimously approved.

COPY OF ORDINANCE ATTACHED.

AGENDA ITEM NO. 3 - ORDINANCE 86- (FIRST READING) PROHIBITING PLACEMENT OF SIGNS, ETC. ON TREES AND PROVISION FOR PENALTY: - Councilman at Large Rusty Casto moved the ordinance be accepted. The motion was seconded. Councilman at Large Olaf Walker questioned if there was a state law governing this and it was unknown at this time. Mayor Ashley stated citizens of Nitro have expressed great concern about signs being nailed to live trees. After a comment session and recommendation for changes in the ordinance by City Attorney Phillip Gaujot, Councilman at Large Olaf Walker moved we table the question of the ordinance. The motion was seconded. A vote was taken to table which failed. Councilman at Large Rusty Casto considered the recommendations made by City Attorney Phillip Gaujot as a friendly amendment to the motion, as did Councilman at Large A. A.

"Joe" Savilla who seconded the motion. Councilman Jim Hutchinson moved we amend the amount of the fine to \$250.00 from the amended \$50.00. The motion was seconded. A vote was taken and was defeated. Councilman at Large Olaf Walker moved we amend the amount of the fine to \$500.00. The motion failed for lack of a second. A vote was taken to approve the amended ordinance. Councilman Olaf Walker voted in the negative and all other members voted in the affirmative, and the motion passed on the first reading of the ordinance.

AMENDED ORDINANCE ATTACHED.

AGENDA ITEM NO. 4 - BID ON POOL FILTERS: - City Recorder Joan McClanahan furnished Council copies of the minutes on the bid opening, advertisement and bid proposal from National Pool and Equipment Co. for pool filters, and moved the minutes be accepted as record of the City. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 5 - HOLIDAY (MAY 6, 1986): - Mayor Ashley encouraged and urged the citizens of the community and especially Councilmembers and Officers of the City to participate in the Memorial Day Service Monday beginning at 11:30 a.m. The guest speaker will be Major General John A. Wilson, III. He is the last pilot of World War II who is still on flying status in the military.

AGENDA ITEM NO. 6 - POOL OPENING (SAT., 5-24-86) 11:00 A.M.: City Recorder Joan McClanahan announced the pool is scheduled to open Saturday morning at 11:00 a.m. She commended the Department of Public Works on a job well done at the pool, and stated it has never looked better. A meeting was held Saturday with the pool personnel and she feels they are marvelous group.

AGENDA ITEM NO. 7 - REQUEST TO CONDUCT A "STREET STYLE SKATEBOARD CONTEST" ON MAY 24, 1986: - A copy of the communique received from Doug Rohmiller was furnished to Council requesting the closing of 2nd Avenue between 20th and 21st Street on Saturday, May 24, 1986 between the hours of 9:00 a.m. to 5:00 p.m. to conduct a "Street Style Skateboard Contest". Stated in Doug Rohmiller's request was that the event was being sponsored by Curry's Bicycle Shop. Mayor Ashley advised this would create a problem as we already have the distance run scheduled. Councilwoman at Large Mary Trout expressed her concern as to the supervision of this event. Eve Frazier contacted Mr. John Durenburger, from Curry's Bicycle Shop, and he informed he had nothing to do with it. No motion made on this request.

AGENDA ITEM NO. 8 - ANNOUNCEMENT OF FIKE CHEMICALS, INC. TO ARTEL CHEMICAL CORPORATION: - Mayor Ashley announced there was a press conference held at City Hall today by Elmer Fike at which he stated the majority of Fike Chemicals, Inc. was sold to Atoergic Chemetals Group headquartered in Farmingdale, New York. The company is now operating under the name of Artel Corporation.

Mr. Fike's involvement will be in the advisory capacity on a limited basis to the new corporation. They currently employ around 45 people and they have plans for expansion with the expectation of doubling the size of the operation in a few years.

Councilman at Large Rusty Casto requested to address Council and bring them up-to-date on the fishing contest to begin Friday at 6:00 a.m. and ending Monday midnight. There is a tagged catfish of \$500.00 being placed in Kanawha River between Nitro City Park and the Nitro-St. Albans Bridge. If caught during the day, the fish should be taken to Casto Hardware and at night, bring to the Police Department. This event is being sponsored by the Nitro Little League and the National Bank of Commerce in Nitro. No fee required.

Mayor Ashley informed McDonalds grand opening was held, and there was a very nice reception in that regard. They will open to the public on May 21, and it is good to have McDonalds within the Nitro family.

Mayor Ashley announced that Nitro has the opportunity to be the host city to the West Virginia Municipal League Board of Directors Meeting on May 23, 1986. The business session will be held at the Moose Lodge and Councilmembers and City Officials are invited to be present and observe the Board of Directors and the Budget and Audit Committee at work. The meeting starts at 1:00 p.m. and will be followed by a reception at the Mayor's residence at 5:00 p.m. After that, everyone is invited to a dutch treat dinner at the dog track.

There being no further business, the meeting was adjourned at 8:35 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

BID OPENING

MAY 12, 1986

The bid opening for the purchase of a new filter system for the Nitro Swimming pool was held in the Office of the Recorder on May 12, 1986 at 12:02 p.m. Present were City Recorder Joan McClanahan, Assistant Director of the Department of Public Works Larry Angell and Pansy Armstead.

One bid received and it was from the National Pool and Equipment Company of WV. to furnish a battery of two (2) National No. FF-72, 72" diameter pressure sand filters complete with face piping, valves and media as specified. The bid also includes supervision as specified. The total sum for equipment and supervision - \$11,079.00.

Copy of advertisement and proposal attached.

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

April 18, 1986

LEGAL ADVERTISEMENT

INVITATION FOR BIDS

The City of Nitro will receive sealed bids until 12:00 noon on Monday, May 12, 1986 for the purchase of a new filter system for our municipal pool, which bids will be publically opened and read aloud at the aforestated time. The bid opening will be held in the Office of the Recorder located at City Hall, 20th St. and 2nd Avenue, Nitro, WV.

Specifications may be obtained from Larry Angell at the Public Works Department.

The City of Nitro reserves the right to reject any or all proposals, and to waive any informalities in the bidding. No proposal shall be withdrawn for a period of 30 days subsequent to the opening of bids without the consent of the City.

Joan C. McClanahan

PLEASE PUBLISH IN BOTH PAPERS ON:

APRIL 25, 1986
MAY 2, 1986 AND
MAY 9, 1986

INVITATION FOR BIDS
The City of Nitro will receive sealed bids until 12:00 noon on Monday, May 12, 1986 for the purchase of a new filter system for our municipal pool, which bids will be publically opened and read aloud at the aforestated time. The bid opening will be held in the Office of the Recorder located at City Hall, 20th St. and 2nd Avenue, Nitro, WV.
Specifications may be obtained from Larry Angell at the Public Works Department.
The City of Nitro reserves

the right to reject any or all proposals, and to waive any informalities in the bidding. No proposal shall be withdrawn for a period of 30 days subsequent to the opening of bids without the consent of the City.
Joan C. McClanahan
Recorder

The Charleston Gazette, Friday, April 25, 1986

**NATIONAL
POOL**

PROPOSAL

2850 Pennsylvania Ave. • Charleston, W. Va. 25302
304/345-8135

Equipment Co. of West Virginia

CITY OF NITRO
NITRO, WEST VIRGINIA

DATE 5-10-86

PROJECT REPLACEMENT FILTERS

Acceptance of this proposal constitutes a contract — subject to terms and conditions on the face and on reverse side hereof

THE FOLLOWING BID IS PRESENTED FOR YOUR CONSIDERATION:

TO FURNISH A BATTERY OF TWO (2) NATIONAL NO. PF-72, 72" DIAMETER
PRESSURE SAND FILTERS COMPLETE WITH FACE PIPING, VALVES AND MEDIA
AS SPECIFIED. BID ALSO INCLUDES SUPERVISION AS SPECIFIED.

TOTAL SUM FOR EQUIPMENT AND SUPERVISION AS SPECIFIED:

\$11,079.00

SHIPPING: F.O.B. JOBSITE, CUSTOMER TO FURNISH NECESSARY LABOR
AND EQUIPMENT TO UNLOAD.
DELIVERY: APPROX. 6 WEEKS ON RECEIPT OF ORDER.
TERMS: NET 30 DAYS.

Submitted By

Approved for
NATIONAL POOL AND EQUIPMENT CO. OF W. VA

Date

By

5-10-86
Stanley Stokely
Authorized Official

Purchaser (company name)

By
Name

Approved Packages • Filter Equipment • Pool Supplies • Etc.



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 86-

AN ORDINANCE AMENDING AND RE-ENACTING ORDINANCE 83-9 OF THE CITY OF NITRO AUTHORIZING THE ASSIGNMENT AND TRANSFER OF A FRANCHISE FOR CABLE TELEVISION SERVICE FROM KANAWHA CABLE TV CO., INC. (DBA HARMON CABLE COMMUNICATIONS) TO CONSOLIDATED COMMUNICATIONS GROUP INC., A DELEWARE CORPORATION OR AN ENTITY AFFILIATED WITH CONSOLIDATED COMMUNICATIONS GROUP, INC. AND AUTHORIZING THE GRANT OF A SECURITY INTEREST IN THE CABLE TELEVISION FRANCHISE.

WHEREAS, the assignment and transfer of the franchise for cable television service from Kanawha Cable T.V. Co., Inc. (dba Harmon Cable Communications) ("Transferor") to Consolidated Communications Group, Inc. or any other entity controlled by Consolidated Communications Group, Inc. or a limited partnership whose general partner is, or is controlled by Consolidated Communications Group, Inc. ("Transferee") is approved and confirmed by the City of Nitro effective upon the date of transfer of said franchise by Transferor to Transferee; and

In the event that Transferee desire to finance a portion of the purchase price of the acquisition of the cable television system in Nitro, West Virginia by means of a commercial loan transaction with a commercial bank or other institutional lender, the City of Nitro hereby consents to the granting of a security interest in Transferee's rights under the franchise to such commercial bank or other institutional lender subject to the terms and conditions of the franchise.

MAY 20, 1986
FIRST READING

SECOND READING

ARDEN D. ASHLEY, MAYOR

JOAN MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE NO. 86-

AN ORDINANCE PROHIBITING THE PLACEMENT
OF SIGNS AND OTHER MATERIAL ON TREES.
PROVIDING PENALTIES FOR THE INFRACTION
THEREOF.

BEFORE THE CITY COUNCIL OF THE CITY OF NITRO, to-wit;

WHEREAS, the City Council of the City of Nitro adopts the policy that the placement of signs or other advertising paraphernalia is contrary to the aesthetic appearance of the City and therefore is a public nuisance; and

WHEREAS, the City Council of the City of Nitro is concerned about the damage that is incurred to trees by the fixation of signs and/or other advertising paraphernalia on the trees using nails, staples or the like;

BE IT ORDAINED by the City Council of the City of Nitro that any act of placing a sign or other advertising device upon a tree within a public right-of-way is hereby prohibited. Infractions and violations are to be punished by a fine in an amount not to exceed Fifty Dollars.

MAY 20, 1986
FIRST READING

ART D. ASHLEY, MAYOR

SECOND READING

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JUNE 3, 1986

The regular meeting of Nitro City Council was called to order by City Recorder Joan McClanahan 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 Attorney Phillip D. Gaujot. Absent were Mayor Arden D. Ashley and City Treasurer Ralph Allison.

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

AGENDA ITEM NO. 1 - APPROVAL OF MAY 20, 1986 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the May 20, 1986 Council Meeting Minutes. The motion was seconded. In Agenda Item No. 3 concerning the ordinance prohibiting placement of signs, etc. on trees and the provision for penalty, Councilman at Large Olaf Walker questioned the motion for the amendment of the \$50.00 fine. City Attorney Phillip Gaujot recommended additional wording in the language, and suggested the fine be reduced to \$50.00. This was considered a friendly amendment to the motion made by Councilman at Large Rusty Casto and Councilman A. A. "Joe" Savilla who seconded the motion. A vote was taken and the May 20, 1986 Council Meeting Minutes were unanimously approved.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - City Recorder Joan McClanahan presented the June, 1986 "CITIZEN OF THE MONTH" award to John Lovejoy. He is a senior at Nitro High School, a member of the band, won first place as a band twirler, is in the show choir, an All County choir member, member of the Science Club, on the staff of the year book and school newspaper, carries a 3.75 grade average, and the list goes on. His Mother and John came forward to accept this award. Congratulations were extended to him by Councilmembers.

AGENDA ITEM NO. 3 - ORD. 86 - SECOND READING) HARMON CABLE COMMUNICATIONS: - Councilman at Large Olaf Walker moved we approve the second reading of the ordinance to change the franchise agreement from Harmon Cable Communications to Consolidated Communications. The motion was properly seconded. Councilman at Large Rusty Casto questioned if residents on Blakes Creek Road could expect cable service in the near future. Mr. Patton, representing Harmon Cable Communication, responded that they had looked at Blakes Creek Road several times, and the

density of homes is not practical from a business standpoint. The only way cable service could be provided in the Blakes Creek area would be if the people there would be interested in paying an out of the ordinary installation fee. A vote was taken to approve this ordinance and it was unanimous.

ORDINANCE 86-9 ATTACHED:

AGENDA ITEM NO. 4 - ORD. 86- (SECOND READING) PROHIBITING PLACEMENT OF SIGNS, ETC. ON TREES & PROVISION FOR PENALTY: - Councilman A. A. "Joe" Savilla moved for the approval of the second reading of the ordinance. The motion was seconded. Councilman at Large Olaf Walker asked if the intention of the ordinance was identified for litter or for killing of trees. He questioned if the ordinance was to prohibit the placement of signs within the City because of public nuisance or contrary to the aesthetic appearance or is the main purpose of the ordinance to protect the trees. Councilman at Large Olaf Walker stated that he was not opposed to the ordinance but felt that something should be done to define the purpose better. Councilman Walker also pointed out that there is a State Law that prohibits signs of any kind to be put on State Highways. Councilman at Large Olaf Walker further stated that he checked with Dunbar and they have an ordinance that if signs are not removed within 30 days after an election, there is a fine of \$5.00 for each sign. The City of Charleston has an ordinance which states that no person shall stick, print, stamp, attach, hang or suspend to any public building, traffic signs, street mark or any other pole on street right-of-way. The violation for this ordinance is determined by the Judge. City Attorney Phillip Gaujot brought to the attention of Council that in a discussion at the Council Meeting on May 20, the reason for this ordinance was for the protection of trees in addition to litter. The ordinance would allow for possible prosecution and would provide a legal means to remove signs. City Attorney Phillip Gaujot stated that he feels the ordinance is clear as it would provide for safety of the tree (concern for trees and the environment), and because of litter. Councilman at Large Olaf Walker asked if the ordinance should also state something about restriction of signs on other things. Councilman Romie Hughart moved for a friendly amendment to the ordinance to state, "WHEREAS, the City Council of the City of Nitro is concerned about the damage that is incurred to trees by the fixation of signs and/or other advertising paraphernalia on the trees using nails, staples or the like and the safety to utility workers who have to work on poles; and BE IT ORDAINED by the City Council of the City of Nitro that any act of placing a sign or other advertising device upon a tree within a public right-of-way or any utility pole is hereby prohibited." The motion was seconded by Councilman at Large Olaf Walker with a desire to have the motion expanded as there are other things than street or state right-of-ways where signs can be hung. Councilman A. A. "Joe" Savilla stated he feels the ordinance is perfectly clear as for what this ordinance is intended. Councilman Romie Hughart

commented on signs being on telephone poles advertising yard sales. He stated he wasn't against yard sales, but they don't remove their signs. He further stated that most of the poles have 150 nails in them and he was concerned about the safety of the workers that climb the pole. City Attorney Phillip Gaujot stated that the City can have an ordinance to the effect you cannot place a sign on anything that's in the right-of-way. He suggested we follow State Law under 17-19-1 (shall not place on any stone, rock, tree, fence, stump, post, hole or any other structure which is in or upon the right-of-way of any public road or highway including the road or highway itself) if Council so desired, which would be considered a minor adjustment. The fee would remain unchanged. Councilman A. A. "Joe" Savilla moved we accept the suggestion of City Attorney Phillip Gaujot as a friendly amendment, as did the second. A vote was taken to accept the amended ordinance and it was unanimous.

ORDINANCE 86-10 ATTACHED.

A question and answer session followed regarding placement of signs. Councilman Romie Hughart advised we have a City sign on 23rd Street designating "One Way" hanging on a pole as well as other signs throughout the City. He questioned the status of these poles, and was informed that these were in violation. City Attorney Phillip Gaujot stated we have agreed to follow State Law. Councilman Romie Hughart said the signs should be put on metal poles, and City Attorney Phillip Gaujot informed this would cost the City more money. Councilwoman at Large Mary Trout commented we should set an example as far as litter, neatness, etc.

AGENDA ITEM NO. '5 - INSURANCE REPORT: - Councilman A. A. "Joe" Savilla reported on the Insurance Committee meeting held prior to Council Meeting. An advertisement was published in both newspapers on May 1, 8 and 15 for proposals for group health insurance. Bids were received from Great Western Life, Ficon Associates and The Insurance Group. We've also received some information from The West Virginia Municipal League and the WV Public Employees Insurance. December, 1986 is the renewal date on the present insurance, and when we receive the premium amount from the League and State, we will compile all information and make a formal presentation to Council.

AGENDA ITEM NO. 6 - REQUEST FROM WARD WITHROW: - City Recorder Joan McClanahan furnished Council copies of the request and map from Ward Withrow expressing a desire to subdivide his property on Easter Road in Nitro. Councilman Romie Hughart moved we refer this request to the Planning Commission. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 7 - MARCH OF DIMES REQUEST: - City Recorder Joan McClanahan announced that on Saturday, June 14, 1986, the Kanawha Valley Square Dance Association will hold a benefit at the St. Albans Mall Parking lot. All proceeds will benefit the

police department. Chief Cochran also wanted added to the group 4 or 5 bicycles. Councilman Jim Hutchinson moved for the approval of the auction pending notification by City Attorney Phillip Gajot as to the legality. Councilman at Large Olaf Walker questioned as to how the funds received would be handled. City Attorney Phillip Gajot will check on this also. A vote was taken to approve the auction and it was unanimous pending recommendation from City Attorney Phillip Gajot.

There being no further business the meeting was adjourned at 8:35 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 86-9


AN ORDINANCE AMENDING AND RE-ENACTING ORDINANCE 83-9 OF THE CITY OF NITRO AUTHORIZING THE ASSIGNMENT AND TRANSFER OF A FRANCHISE FOR CABLE TELEVISION SERVICE FROM KANAWHA CABLE TV CO., INC. (DBA HARMON CABLE COMMUNICATIONS) TO CONSOLIDATED COMMUNICATIONS GROUP INC., A DELEWARE CORPORATION OR AN ENTITY AFFILIATED WITH CONSOLIDATED COMMUNICATIONS GROUP, INC. AND AUTHORIZING THE GRANT OF A SECURITY INTEREST IN THE CABLE TELEVISION FRANCHISE.

WHEREAS, the assignment and transfer of the franchise for cable television service from Kanawha Cable T.V. Co., Inc. (dba Harmon Cable Communications) ("Transferor") to Consolidated Communications Group, Inc. or any other entity controlled by Consolidated Communications Group, Inc. or a limited partnership whose general partner is, or is controlled by Consolidated Communications Group, Inc. ("Transferee") is approved and confirmed by the City of Nitro effective upon the date of transfer of said franchise by Transferor to Transferee; and

In the event that Transferee desire to finance a portion of the purchase price of the acquisition of the cable television system in Nitro, West Virginia by means of a commercial loan transaction with a commercial bank or other institutional lender, the City of Nitro hereby consents to the granting of a security interest in Transferee's rights under the franchise to such commercial bank or other institutional lender subject to the terms and conditions of the franchise.

MAY 20, 1986
FIRST READING

JUNE 3, 1986
SECOND READING


ARDEN D. ASHLEY, MAYOR


JOAN MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

ORDINANCE NO. 86 -10

**AN ORDINANCE PROHIBITING THE PLACEMENT OF SIGNS OR
MARKINGS UPON THE RIGHT-OF-WAY OF ANY PUBLIC ROAD OR
HIGHWAY; REMOVAL AT OWNER'S EXPENSE AND PENALTIES**

BEFORE THE CITY COUNCIL OF THE CITY OF NITRO, To-wit:

WHEREAS, the City Council of the City of Nitro adopts the policy that the placement of signs or other markings upon the right-of-way of public roads and highways is contrary to the aesthetic appearance of the City of Nitro and, therefore, is a public nuisance; and

WHEREAS, the City Council of the City of Nitro is concerned about the damage to trees by the fixation of signs and other markings thereto using nails, staples and/or the like;

BE IT ORDAINED by the City Council of the City of Nitro that no person shall paint, mark, post, tack, nail, or otherwise affix any sign, advertisement, notice, picture, drawing, emblem, poster, printing, or writing, other than those placed and maintained in pursuance of law, or to any stone, rock, tree, fence, stump, post, pole, building, or other structure which is in or upon the right-of-way of any public road or highway, except that the West Virginia Commissioner of Highways and the Public Works Department of the City of Nitro may provide for suitable road signs, danger signals and other signs of informational nature. No such sign or other marking shall be suspended over the right-of-way of any public road or highway; these prohibitions include, but are not limited to, such devices which are intended to invite or draw attention of the public to the candidacy of any person for any public office; and any such device which exists in violation of the provisions of this Section shall constitute prima facie evidence that the person whose candidacy appears thereon violated this Ordinance; provided, however, that the installation and/or maintenance of newspaper, postal or mailboxes shall not be prohibited or affected by this Ordinance.

Any person violating this Ordinance, whether as principal, agent, or employee, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of Fifty Dollars (\$50.00). Every such prohibited sign or other marking is hereby declared to be a public nuisance. Upon receiving notice of any violation of this Ordinance, the Department of Public Works shall cause the prohibited sign or other marking to be removed within ten (10) days and shall cause the appearance of the property on



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTRUCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER


which it was affixed to be restored, as near as may be practicable, to its condition immediately before such violation occurred. The Department of Public Works shall, in the name of the City of Nitro, recover from the person who hereafter violates this Ordinance, the amounts expended by the City of Nitro in removing the sign or other marking and in restoring the appearance of the property on which it was affixed.

The City Council of the City of Nitro further finds that outdoor advertising is a legitimate, commercial use of private property adjacent to roads and highways, as defined in Chapter 17, Article 22, of the West Virginia Code of 1931, as amended, and this Ordinance is not intended to regulate outdoor advertising as codified in the West Virginia Code.

MAY 20, 1986
FIRST READING


ARDEN D. ASHLEY, MAYOR

June 3, 1986
SECOND READING


JOAN McCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JUNE 17, 1986

The regular meeting of 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 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 Reverend Tom Jeffrey.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 3, 1986 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the Council Meeting Minutes of June 3, 1986 be approved. The motion was seconded. Councilman Romie Hughart moved we amend the minutes under Agenda Item No. 4 by deleting the sentence stating, "Councilman Romie Hughart said the signs should be put on metal poles". The motion was seconded. After a brief discussion, Councilman Romie Hughart withdrew his motion. A vote was taken to approve the minutes as written, and Councilman Romie Hughart abstained.

AGENDA ITEM NO. 2 - FRANCES PAXTON - WV STATE EMPLOYEE RETIREMENT PLAN: - Mayor Ashley explained that Mrs. Paxton was employed by the City in December, 1964 and is retiring effective June 30, 1986. In the early years of her employment and through November, 1980, she was not included on the State Employee retirement plan by the City. In December, 1980, she was placed in the plan. Subsequent to that time and prior to her retirement, she is requesting she be placed on the plan from the date of her original employment, and she has that right and the City, by law, have the obligation. The amounts of money involved are \$9,604.88 from the City, and her contribution is \$4,440.82 to bring her up-to-date prior to her retirement. Councilman A. A. "Joe" Savilla moved for the approval to make payment of \$9,604.88 for Mrs. Paxton's retirement fund. The motion was seconded. After discussion, a vote was taken and it was unanimous. Budget amendments will be discussed in Agenda Item No. 6.

AGENDA ITEM NO. 3 - LAWN MOWER FOR CITY PARK: - Councilman at Large Rusty Casto explained it would be beneficial to the appearance of City Park, if the City could allot funds towards the purchase of a riding lawn mower to be used by parents of the

Savilla suggested taking a collection at the games from parents. Councilman at Large Rusty Casto responded that they have been making donations which were applied to the unpaid bills. As of this date, the Little League funds are \$1,000 short but within the two remaining weeks, he feels they will have a small surplus at the end of the season. After a discussion, a committee was formed consisting of Councilman at Large Rusty Casto, Chairman, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla and Councilman Charles Miller. They will meet with the City Treasurer Ralph Allison and report back to Council along with a letter from the Nitro Little League stating their request, as suggested by Councilman at Large Olaf Walker.

AGENDA ITEM NO. 4 - LITTLE LEAGUE PARADE: - Councilman at Large Rusty Casto moved permission be granted for the Nitro Little League parade to be held on June 28, 1986 beginning at 10:00 a.m. The motion was seconded, a vote taken and it was unanimous.

AGENDA ITEM NO. 5 - REPORT ON AUCTION ON 6-14-86: - Mayor Ashley reported that a check in the amount of \$2,563.75 was delivered to the City today representing the net proceeds from the items sold at an auction on June 14, 1986. A detailed listing of items and proceeds from the identified items was furnished. The biggest single item was from a 1950 Ford truck which was confiscated from a drug bust, in which the Mayor commented the Police Department did an outstanding job. Councilman A. A. "Joe" Savilla moved the report on the auction be accepted in the record of the City. The motion was seconded. A vote was taken and it was unanimous.

REPORT OF AUCTION ATTACHED.

AGENDA ITEM NO. 6 - 1985-86 BUDGET REVISIONS AND FINANCIAL REPORT: - Mayor Ashley reminded Council that it is not unusual that he would be informing them of a special council meeting on Monday, June 30, but feels at this time it would not be necessary to have the special meeting. This would be for any budgetary considerations so that we would be in harmony with the State Tax Commission. The meeting was turned over to City Treasurer Ralph Allison. City Treasurer Ralph Allison explained that Council gave City employees a raise retroactive to January 1, 1986, amounting to approximately \$17,450 for the six months and ending with the fiscal year June 30, 1985-86. The first page of the revision to the approved budget would increase the salaries and retirement and suggested these funds be taken out of the Council's contingency funds. On the second page, in line with the salaries and retirement, would be the adjustment of the FICA tax totalling \$1,248. The next item, labeled miscellaneous account, (4130-4160 - Treasurer's account) is workers compensation. Originally we had budgeted \$15,100 and it runs more than that. Therefore, he recommended an increase of \$18,900 and bring it up to \$34,000 which will be approximately the amount needed this year. The next three items are similar, but under

insurance everyone is aware about the recent insurance bids and we were under budgeted on this and suggested an increase of \$9,000 with a revised amount of \$30,000. The same thing would apply under utilities under City Hall. The approved budgeted amount was \$7,000 and City Treasurer Ralph Allison suggested we increase the amount by \$12,000 making the total \$19,000. City Treasurer Ralph Allison stated that the figures he is suggesting are based on his estimation on what we have already spent, and what we will spend in the next two weeks. The summary data will be reviewed later. On the capitol expenditure item, the time clock was not originally budgeted and suggested we increase that in the amount of \$2,933. Again, he suggested we take all of those items out of the City Council's Contingency fund. This amount started with a balance of \$84,208 and after these deductions would bring it down to \$21,684. The third page concerns Revenue Sharing. It was anticipated that we would only receive two revenue sharing checks and only \$82,000 was budgeted. However, we received four checks totalling \$174,910 and we need to increase the revenue sharing funds by \$92,910. City Treasurer Ralph Allison suggested that they be spread as outlined at bottom of page. The Capital outlay (first line) is the police department. \$2,600 for radios and \$12,000 for a new cruiser approved by Council at a previous council meeting. The second item is under the fire department, approved by council previously, \$25,000 to refurbish a fire truck. The remainder of \$53,310 of the Revenue Sharing funds remain unallocated. The last page of the revision to the approved budget deals with what was previously discussed regarding Mrs. Paxton. The Library retirement accounts needs to be increased by the \$9,605 and suggested this be taken from City Council's contingency fund. Ralph Allison furnished Councilmembers a copy of the revenue and expense summary showing the impact of the recommended changes, except Mrs. Paxton's retirement, as of the close of business June 16, 1986. He explained that it is showing that last year we expected to collect, or budgeted, \$1,652,618. So far, we have collected \$1,590,407. We are within \$62,211 of collecting what was budgeted. We have spent \$1,436,675. As of the end of June 16, we have excess revenues over expenditures of \$153,732. Out of the \$153,732, we still have two weeks of expenses to deduct from this amount. There are still two payrolls amounting to approximately \$72,000, plus the \$9,605 for Mrs. Paxton's retirement. City Treasurer Ralph Allison further stated that we should end up the year with a surplus between \$20,000 to \$30,000 dollars. The last two pages are balance sheets listing liabilities, assets and fund balance. Several Councilmembers commended the City Treasurer Ralph Allison on the excellent reports and fine presentation. Councilman A. A. "Joe" Savilla moved we accept these figures as a budget revision and submit same to the State Tax Commissioner. The motion was seconded. Councilman at Large Olaf Walker stated he wanted to review and become more familiar as to the account numbers in order to relate them back to the budget, and would not oppose the motion. A vote was taken to implement the budgetary changes as projected and offered by City Treasurer Ralph Allison and it was unanimous.

REVISIONS AS FOLLOWS:

140 PR 1180

REQUEST FOR REVISION TO APPROVED BUDGET

(\$ 11-8-26a)

CONTROL
NUMBER

FY

FUND

REV. NO.

STATE TAX COMMISSIONER

LOCAL GOVERNMENT RELATIONS DIVISION

DRAWER 2389

CHARLESTON, W V 25305

City of Nitro

GOVERNMENTAL ENTITY

6-17-86

ENTITY APPROVAL

20th Street & 2nd Avenue

STREET OR P.O. BOX

Nitro

WV 25143

CITY

ZIP CODE

RECEIPTS: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT

NET INCREASE/(DECREASE)

EXPENDITURES: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
4090-0111	Salaries	50,572		600	51,172
4360-0111	"	20,122		600	20,722
4400-0111	"	53,068		1,400	54,468
4460-0111	"	8,029		100	8,129
4550-0111	"	179,450		4,000	183,450
5000-0111	"	140,162		3,500	143,662
5300-0111	"	244,242		6,850	251,092
5530-0111	"	16,011		400	16,411
4090-0112	Retirement	4,861		57	4,918
4360-0112	"	1,969		57	2,026
4400-0112	"	5,174		133	5,307
4460-0112	"	853		10	863
4550-0112	"	12,933		48	12,981
5300-0112	"	23,854		650	24,504
5530-0112	"	1,559		38	1,597
4100-4158	Contingencies	84,208	18,443		65,765

NET INCREASE/(DECREASE)

-0-

TAX DEPARTMENT USE ONLY

RECEIVED _____
POSTED _____ BY _____

APPROVED FOR THE STATE TAX COMMISSIONER BY:

DIRECTOR-LOCAL GOVERNMENT RELATIONS

AUTHORIZED SIGNATURE
FOR GOVERNING BODY

DATE OF _____

SPECIAL NOTE: TRANSFERS TO/ FROM SPECIAL FUNDS MUST
ACCOMPANIED BY A STATEMENT CONTAINING
SIGNATURES OF ALL COUNTY COMMISSIONERS.

LGR BR 1180

REQUEST FOR REVISION TO APPROVED BUDGET

(\$ 11-8-26a)

CONTROL
NUMBER

FY

PURD

REV. NO. R

STATE TAX COMMISSIONER
LOCAL GOVERNMENT RELATIONS DIVISION
DRAWER 2389
CHARLESTON, W V 25305

City of Nitro

GOVERNMENTAL ENTITY

20th Street & 2nd Avenue

STREET OR P.O. BOX

6-17-86

ENTITY APPROVAL DATE

Nitro

WV 25143

CITY

ZIP CODE

RECEIPTS: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT

NET INCREASE/(DECREASE)

EXPENSES: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
4090-0113	FICA	3,582		43	3,625
4360-0113	"	1,450		43	1,493
4400-0113	"	3,813		100	3,913
4460-0113	"	545		7	552
4550-0113	"	12,842		286	13,128
5000-0113	"	10,056		250	10,306
5300-0113	"	17,702		490	18,192
5530-0113	"	1,149		29	1,178
4130-4160	Miscellaneous	15,100		18,900	34,000
4400-1149	Insurance	21,000		9,000	30,000
4400-4165	Utilities	7,000		12,000	19,000
4400-5659	Cap. Expend.	-0-		2,933	
4100-4158	Contingencies	65,765	44,081		21,684

NET INCREASE/(DECREASE)

-0-

TAX DEPARTMENT USE ONLY

RECEIVED _____
POSTED _____ BY _____

APPROVED FOR THE STATE TAX COMMISSIONER BY:

DIRECTOR-LOCAL GOVERNMENT RELATIONS

AUTHORIZED SIGNATURE
FOR GOVERNING BODY

DATE OF REQ

SPECIAL NOTE: TRANSFERS TO/ FROM SPECIAL FUNDS MUST

ACCOMPANIED BY A STATEMENT CONTAINING

SIGNATURES OF ALL COUNTY COMMISSIONERS

6-17-86

142

EGR. BR 1180

REQUEST FOR REVISION TO APPROVED BUDGET

(\$ 11-8-26a)

STATE TAX COMMISSIONER

LOCAL GOVERNMENT RELATIONS DIVISION

DRAWER 2389

CHARLESTON, W V 25305

CONTROL
NUMBER

FY

FUND

REV. NO.

City of Nitro

GOVERNMENTAL ENTITY

20th Street & 2nd Avenue

STREET OR P.O. BOX

Nitro,

WV

25143

6-17-86

ENTITY APPROVAL

RECEIPTS: (net each acct)

CITY

ZIP CODE

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT
3995-9980	Revenue Sharing	82,000	92,910		174,910

NET INCREASE/(DECREASE)

92,910

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
4550-5659	Capital Outlay	-0-		14,600	14,600
5000-5659	"	-0-		25,000	25,000
5540-5659	Unallocated Revenue Sharing	-0-		53,310	53,310

TAX DEPARTMENT USE ONLY

NET INCREASE/(DECREASE)

92,910

RECEIVED _____
POSTED _____ BY _____

APPROVED FOR THE STATE TAX COMMISSIONER BY:

DIRECTOR-LOCAL GOVERNMENT RELATIONS

AUTHORIZED SIGNATURE
FOR GOVERNING BODY

DATE OF REQ

SPECIAL NOTE: TRANSFERS TO/ FROM SPECIAL FUNDS MUST

ACCOMPANIED BY A STATEMENT CONTAINING

SIGNATURES OF ALL COUNTY COMMISSIONERS 7-

6-17-86

GR: BR 1180

REQUEST FOR REVISION TO APPROVED BUDGET
(§ 11-8-26a)

CONTROL NUMBER _____ FY _____ FUND _____ REV. NO. 143 DATE _____

STATE TAX COMMISSIONER
LOCAL GOVERNMENT RELATIONS DIVISION
RAWER 2389
HARLESTON, W V 25305

City of Nitro
GOVERNMENTAL ENTITY
20th Street & 2nd Avenue
STREET OR P.O. BOX
Nitro WV 25143
CITY ZIP CODE

6-17-86

ENTITY APPROVAL DATE

RECEIPTS: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT

NET INCREASE / (DECREASE)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
4100-4158	Contengencies	21,684	9,605		12,079
5530-0112	Retirement	1,597		9,605	11,202

NET INCREASE / (DECREASE) -0-

TAX DEPARTMENT USE ONLY

RECEIVED _____
POSTED _____ BY _____
APPROVED FOR THE STATE TAX COMMISSIONER BY:

DIRECTOR-LOCAL GOVERNMENT RELATIONS

6-17-86

AUTHORIZED SIGNATURE _____ DATE OF REQUEST _____
FOR GOVERNING BODY
SPECIAL NOTE: TRANSFERS TO / FROM SPECIAL FUNDS MUST BE
ACCOMPANIED BY A STATEMENT CONTAINING
SIGNATURES OF ALL COUNTY COMMISSIONERS 7-1-

Run date: 06/17/86 @ 14:32

City of Nitro

Page 1

Run date: 06/17/86

Revenue/Expense - Summary

GLRVEXS.L02

01 - GENERAL FUND

Fiscal year thru period ending 06/30/86

FD DEPT Description	Actual		Budget	
	Current	Y-T-D	Y-T-D	remaining
01 28-00 BEG YR ENCUMBR	0	0	0	0
01 29-90 BEG YR UNENCUMBR	0	0	0	0
01 30-11 CUR YR A-V TAX	1,433	201,828	245,708	43,880
01 30-80 BUILD PERMIT	428	10,429	10,000	-429
01 30-90 INSPECTION FEES	42	776	1,000	224
01 31-70 SALE FIX ASSETS	0	0	2,000	2,000
01 32-10 BUILDER'S BOND	0	1,050	0	-1,050
01 32-33 GRANTS	0	6,535	2,500	-4,035
01 32-34 GRANT-FEDERAL	0	0	0	0
01 33-20 B & O TAX	3,675	375,372	450,000	74,628
01 33-30 UTIL EXCISE TAX	9,269	134,182	100,000	-34,182
01 33-40 RECREATION DEPT	8,249	28,214	30,600	2,386
01 33-50 LIQUOR CLUB FEE	0	0	1,000	1,000
01 33-60 Unknown department	0	0	0	0
01 33-80 WINE/LIQUOR TAX	0	96,681	55,000	-41,681
01 34-10 LICENSES	124	4,524	8,000	3,476
01 34-40 INT ON INVEST	0	3,406	7,500	4,094
01 34-45 CIVIC BENEFITS	0	172,000	172,000	0
01 34-50 RENTS/CONCESS	200	2,400	2,400	0
01 34-70 COURT COSTS/FEE	1,396	19,253	15,000	-4,253
01 34-90 LIBRARY FEES	5	345	100	-245
01 36-70 MUNICIPAL FEES	14,966	294,174	334,000	39,826
01 39-90 COAL SEVERANCE	0	16,585	13,500	-3,085
01 39-95 REVENUE SHARE	0	174,910	174,910	0
01 39-96 MISCELLANEOUS	825	47,743	27,400	-20,343
01 40-10 Unknown department	0	0	0	0
Total revenue	40,612	1,590,407	1,652,618	62,211

01 40-90 MAYOR'S DEPT	4,422	67,085	68,615	1,530
01 41-00 CITY COUNCIL	750	9,304	31,172	21,868
01 41-10 RECORDER	739	16,600	17,145	545
01 41-30 TREASURER	1,954	82,986	91,653	8,667
01 43-60 BUILDING INSPEC	976	23,163	25,246	2,083
01 44-00 CITY HALL	6,969	248,884	249,504	620
01 44-60 DOG CATCHER	383	10,877	12,194	1,317
01 45-00 COMMUNICATIONS	0	0	0	0
01 45-50 POLICE DEPT	26,731	232,515	245,618	13,103
01 50-00 FIRE DEPT	32,335	233,901	243,363	9,462
01 53-00 DEPT PUB WORKS	16,199	451,733	518,788	67,055
01 55-00 RECREATION DEPT	1,925	39,880	71,724	31,844
01 55-30 LIBRARY	852	19,747	24,286	4,539
01 55-40 UNALLO. REV. SHA.	0	0	53,310	53,310
Total expenditures	94,235	1,436,675	1,652,618	215,943

Revenue over expenditures

-53,623

153,732

0

01 - GENERAL FUND

Period ending 06/30/86

GLA	FD	DEPT	Description	Balance
0001	01	00-02	DUE FROM 02	.00
0001	01	00-03	DUE FROM 03	.00
0001	01	00-04	DUE FROM 04	.00
0001	01	00-05	DUE FROM 05	.00
0020	01	10-00	RECEIPTS ACCOUNT	25,129.13
0021	01	10-00	DISBURSEMENTS ACCOUNT	111,777.95
0022	01	10-00	REVENUE SHARING ACCOUNT	1.00
0023	01	10-00	PETTY CASH ACCOUNT	835.00
0024	01	10-00	RECREATION ACCOUNT	.00
0025	01	10-00	SWIMMING POOL ACCOUNT	.00
0026	01	10-00	GRANT ACCOUNT	.00
0027	01	10-00	SPRING FESTIVAL	.00
0030	01	10-05	TAXES RECEIVABLE	38,122.50
0031	01	10-05	MUNICIPAL SERVICE FEE RECEIVE	26,743.09
0032	01	10-05	CREATED BY POSTING	.00
0033	01	10-05	ACCTS RECEIVABLE MISCELLANEOUS	.00
0040	01	10-10	PREPAID EXPENSES	.00
0041	01	10-10	INVESTMENTS	37,219.82
0042	01	10-10	DEPOSITS	8,512.33
0043	01	10-10	INVESTMENT IN SAN. BOARD	260,060.53
0044	01	10-10	CREATED BY POSTING	.00
0050	01	10-15	LAND	38,000.00
0051	01	10-15	BUILDINGS	592,394.93
0052	01	10-15	IMPROVEMENTS	11,422.16
0053	01	10-15	EQUIPMENT	83,002.88
0063	01	15-00	CREATED BY POSTING	.00
0064	01	15-00	CREATED BY POSTING	.00
0090	01	15-10	CREATED BY POSTING	.00
4169	01	25-00	CREATED BY POSTING	.00
4170	01	25-00	CREATED BY POSTING	.00
4171	01	25-00	CREATED BY POSTING	.00
9299	01	39-90	CREATED BY POSTING	.00
9996	01	39-90	CREATED BY POSTING	.00

Total assets

1,233,221.32

0060	01	15-00	ACCOUNTS PAYABLE	53,126.50
0061	01	15-00	FIREMENS PENSION PAYABLE	.00
0062	01	15-00	POLICEMENS PENSION PAYABLE	.00
0065	01	15-00	DUE TO SANITARY BOARD	.00
0066	01	15-00	DUE TO PHONE COMPANY	.00
0067	01	15-00	DUE TO WATER COMPANY	.00
0068	01	15-00	DUE TO GAS COMPANY	.00
0069	01	15-00	DUE TO ELECTRIC COMPANY	.00
0070	01	15-00	WAGES PAYABLE	.00
0071	01	15-00	CALL OUT PAYABLE-F.D.	.00
0072	01	15-00	FICA PAYABLE	.00
0073	01	15-00	FEDERAL TAX PAYABLE	.00

Run date: 06/17/86 @ 14:33

City of Nitro

Page 2

Bus date: 06/17/86

*** Balance Sheet ***

GLBALSH.L02

01 - GENERAL FUND

Period ending 06/30/86

GLA FD DEPT Description

Balance

0074 01 15-00	STATE TAX PAYABLE	.00
0075 01 15-00	RETIREMENT PAYABLE	.00
0076 01 15-00	INSURANCE PAYABLE	210.27
0077 01 15-00	OTHER DEDUCTIONS PAYABLE	.00

Total liabilities

53,336.77

0091 01 15-10	BROOKHAVEN STORM SEWER	18,805.54
0092 01 15-10	FIXED ASSET FUND	724,819.97
0093 01 15-10	SUSPENSE FUND	.00
9999 01 00-00	FUND BALANCE	282,527.80

Excess revenue over expenditures

153,731.24

Total fund balance

1,179,884.55

Total liabilities & fund balance

1,233,221.32

With regard to examination of additional information, Mayor Ashley stated he has a notebook with reports from the computer. All information contained is available to all members of Council, and encouraged them to review at their leisure. If Councilmembers desire any type of information, please notify Cindy, in writing, and give her enough time to put it on the schedule and she will furnish the data to you. Mayor Ashley stated the information will be tailored according to Council's need.

COMMITTEE REPORTS

REPORT ON "CLEAN-UP NITRO" MEETING: - Councilwoman at Large Mary Trout reported there was a meeting held Monday, June 16 with 11 people present. She reported the Woman's Club of Nitro had some money to spend for the beautification of the City, and they suggested to beautify the triangle area coming off the Nitro-St. Albans bridge. However, before any improvements can be done at this site, they must have a beautification license from the State. Councilwoman at Large Mary Trout advised she had telephoned Mr. Kniceley from the State Department, but he did not return her call. She will try to reach him Wednesday. A suggestion made by the committee was to award certificates to nominees throughout the City, which would be signed by the Mayor and City Council commending them on the maintenance of their property. Final plans are not complete, but the committee also discussed adopting a street, and pick up litter and pull weeds along the curb. The committee also recommended the painting of the bridge on 40th Street. Councilman at Large Rusty Casto expressed a concern about the ravines along First Avenue and the railroad tracks. Councilwoman at Large Mary Trout mentioned the area around the Library many times needs cleaned, and a Scout troop has volunteered to help keep the weeds pulled and possibly plant flowers in this vicinity. The next meeting is planned for Monday, June 23 at 7:00 p.m. Councilman at Large Olaf Walker commented that Councilwoman at Large Mary Trout gave a good report, but he did follow-up on the right-of-way of the owner of the property between First Avenue and the railroad, and he would say the railroad owns most of it as he was told they receive the rent from the billboards.

There being no further business, the meeting was adjourned at 8:50 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN MCCLANAHAN, CITY RECORDER



CITY OF SOUTH CHARLESTON

4TH AVENUE & D STREET
SOUTH CHARLESTON, WEST VIRGINIA 25303

RICHARD A. ROBB, MAYOR

M E M O R A N D U M

PHONE 744-5301

TO: Mayor Art Ashley and Police Chief C. R. Cochran
FROM: Jerry Forster, City Treasurer
DATE: June 17, 1986
RE: June 14, 1986 Public Auction

On June 14, 1986 at 6:00 P.M. the Cities of South Charleston and Nitro held a public auction at the South Charleston Public Works Garage. Below is a list of those items entered by the City of Nitro. Your portion of the Auctioneer's Fee will be made payable to the West Virginia Auctioneer's Association (South Charleston will combine their fee with yours and issue one check). Attached you will find copies of the advertisements for the auction for your files (the auction was advertised in the legal section and the auction section). Also attached for your files are copies of the receipts. The City of South Charleston places the proceeds from the unclaimed police equipment into the Police Pension Fund.

Thank you for joining with us in this auction. We feel it was very successful. If you need any further information, please call (744-5301).

Lot #	Description	Gross	Auctioneer's Fee	Net Proceeds
NP #1	Buick La Sabre	375.00	37.50	337.50
NP #2	Buick La Sabre	475.00	47.50	427.50
NP #3	Hub Caps	2.00	.20	1.80
NP #4 & #7	Old TV & Towels	4.00	.40	3.60
NP #5	Fishing Tackle	3.50	.35	3.15
NP #6 & #8	Watch, Calculator, Pitcher	6.50	.65	5.85
NP #9	1950 Ford P/U Truck	1,775.00	100.00	1,675.00
NP #10	Fan	5.00	.50	4.50
NP #11	Suitcase	1.00	.10	.90

June 14, 1986
Public Auction

June 17, 1986

Page (2)

Lot #	Description	Gross	Auctioneer's Fee	Net Proceeds
NP #12	Rack	1.00	.10	.90
NP #13	Radio Pieces, etc.	1.00	.10	.90
NP B1 - B8	(8) Bicycles	113.50	11.35	102.15
TOTALS		\$2,762.50 - \$198.75 = \$2,563.75		

CITY OF NITRO
COUNCIL MEETING MINUTES

JULY 1, 1986

The regular meeting of 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, and Councilman Romie Hughart. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent were Councilman A. A. "Joe" Savilla, Councilman Charles Miller and Councilman Jim Hutchinson.

The invocation was given by Reverend William Westlund.

AGENDA ITEM NO. 1 APPROVAL OF JUNE 17, 1986 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the Council Meeting Minutes of June 17, 1986. The motion was seconded. Councilman Romie Hughart commented he did not make the statement in reference to metal poles but was concerned about utility poles in the discussion at the Council Meeting held on June 3, 1986. A vote was taken to approve the minutes as written and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH - "TOM HAYZLETT": - Mayor Ashley announced that at the closing ceremony following the Little League Parade on Saturday, Tom Hayzlett was awarded the Citizen of the Month Award for July. Tom is very active with the Little League. A round of applause was given to him. Councilman at Large Rusty Casto commented that Tom works very hard at the schools, as well as in Little League; anything that has to do with Nitro, Tom is 100 percent behind it. He is a fine young man in the community.

AGENDA ITEM NO. 3 - RESOLUTION - PICK UP OF EMPLOYEE CONTRIBUTIONS TO RETIREMENT SYSTEM: - Mayor Ashley introduced a resolution, if passed, would result in employees contributing to the retirement system to be able to have their retirement contributions exempt from State and Federal taxes. Therefore, in order to have that tax exempt on their retirement program implemented by July 1, (effective date of the law) it would be necessary for Council to indicate their support of that position. Councilman at Large Olaf Walker moved we approve the resolution. The motion was seconded. There being no discussion or questions, a vote was taken and it was unanimous.

RESOLUTION 86-3 AS FOLLOWS:

R E S O L U T I O N

NUMBER: 86-3

PICK UP OF EMPLOYEE
CONTRIBUTIONS TO
RETIREMENT SYSTEM

On motion of Olaf Walker, seconded by Rusty Casto, the following resolution was duly and lawfully passed by no less than a three-fifths vote of the governing body of The City of Nitro, a political subdivision as defined in Chapter 5 of the Official Code of West Virginia, as amended, on the 1st day of July, 1986:

BE IT RESOLVED that The City of Nitro, a political subdivision, does hereby elect as a participating public employer, to pick up and pay the contributions which such employees are required by law to make to the Retirement System, pursuant to Chapter 5, Article 10c, of the Official Code of West Virginia, as amended by the Acts of the Legislature, Regular Session, 1986.

BE IT FURTHER RESOLVED that The City of Nitro, does hereby permit the entity from which it derives its funds to deduct from its appropriations any sums the Board of Trustees of the Retirement System finds are delinquent and pay such delinquent funds to the Board of Trustees of the System, pursuant to Rule No. 19 of the Rules and Regulations of the Retirement System.

This resolution shall become effective on the 1st day of July, 1986, and thereupon it shall be the duty of the Secretary to certify the determination of this political subdivision, in passing this resolution, to the Board of Trustees of the Retirement System within ten (10) days by sending to said Board a certified copy of this resolution.

I, Joan C. McClanahan, Clerk/Secretary of The City of Nitro, do hereby certify that the above resolution is a true and correct copy taken from our records.

Joan C. McClanahan
Clerk/Secretary

20th St. & 2nd Avenue

Street Address

Nitro, WV 25143

City, Zip Code

AGENDA ITEM NO. 4 - ZONING BOARD OF APPEALS MINUTES: - Councilman at Large Olaf Walker moved we accept the Zoning Board of Appeals Minutes into the record of the City subject to Mr. Cecil Lemma's signature. The motion was seconded, a vote taken and it was unanimous.

BOARD OF ZONING APPEALS MINUTES ATTACHED

AGENDA ITEM NO. 5 - ANNOUNCEMENT OF PICNIC FOR EMPLOYEES - 7-22-86, RIDENOUR 6 TO 8 P.M.: - Mayor Ashley announced that a picnic is scheduled for employees and their families at Ridenour on Tuesday, July 22, 1986 from 6 to 8 p.m. This will replace our annual Christmas luncheon. He encouraged all members of Council, Commissions, Boards, Committees, employees and their families to attend and enjoy a fun and entertaining evening.

AGENDA ITEM NO. 6 - THANK YOU NOTE FROM JOHN LOVEJOY: - City Recorder Joan McClanahan received a request from John Lovejoy, Citizen of the Month for June, 1986, to read the following note of thanks at the next Council Meeting:

"To the Council Members of Nitro:

It is very seldom that I am at a loss for words but I was so surprised and honored at your selection of me as Citizen of the Month at your June meeting that I was unable to respond at the time. I want to thank everyone involved. The plaque is beautiful and I will cherish it always.

Sincerely,
John Lovejoy"

AGENDA ITEM NO. 7 - CONTRACTOR'S LICENSE FEES: - Mayor Ashley advised that several municipalities throughout WV have been charging contractors a license fee. It has been determined that this is inappropriate. After researching the law, our City Attorney Phillip Gaujot, informed that it is improper to collect a fee for contractor's licenses. During the course of examination on the question, we have held payments received with applications and will return their checks along with their license at no charge to them. By way of report, City Recorder Joan McClanahan reported she will be returning \$1,139.50 as of this date. Their check will be returned with a letter informing them that there is no charge for the document, but this does not alter their B & O tax structure.

AGENDA ITEM NO. 8 - ORDINANCE - (1ST READING) - SENIOR CITIZENS COMPLEX ROADWAY: - Mayor Ashley furnished Councilmembers a copy of of an ordinance relating to the Senior Citizens Complex. In the application for the complex, it was originally thought that the complex might be facing W. 19th St. or perhaps 1st Avenue. The architects chose to have the complex facing

Park Avenue. However, the property does not go in the direction of Park Avenue, and in the preliminary discussion it was identified they would need a road. This ordinance addresses the need to build an access road to the Senior Citizen's Complex from Park Avenue between the Library and Nitro Junior High School on City property. Further, that this road would be a public road and could also be used as a service access road to other properties within the City. Councilman at Large Olaf Walker moved for the adoption of the ordinance. The motion was seconded. After a brief discussion, a vote was taken and the first reading of the ordinance was unanimously approved.

ORDINANCE ATTACHED

COMMITTEE REPORT

1. REPORT ON MEETING REGARDING LAWN MOWER FOR CITY PARK: - Councilman at Large Rusty Casto informed that prior to Council Meeting this evening, a committee meeting was held on the question of the lawn mower for City Park. During their discussion, Councilman at Large Olaf Walker pointed out that it would be better if the City purchased the a riding lawn mower, as opposed to giving money to the Little League, with which most committee members agreed. Gene Williams, Director of Public Works, checked several riding mowers and suggested Jacobsons GT Garden Tractor, which could be used at the City Park, Ridenour Lake and other places throughout the City. This tractor is a 50 inch cut, and costs \$2,950, and Councilman at Large Rusty Casto moved we purchase this lawn mower. The motion was seconded. Councilman Romie Hughart questioned if it was required that we obtain verbal bids, and Councilman at Large Rusty Casto informed that Gene Williams had obtained several. Councilman Romie Hughart requested Gene Williams furnish Council, in writing, other bids received so we could have the proper documentation. Councilman at Large Olaf Walker stated he feels everyone recognizes the need for this piece of equipment for mowing the grass. However, as we are just starting the fiscal year, Councilman at Large Olaf Walker stated he feels we should wait until August or September to consider this purchase, and moved we table this request until the last Council meeting in August or the first of September. He further stated at this time, we may want to consider buying the snow plow attachment for the mower. The motion was seconded. A vote was taken to table the motion and Councilman at Large Rusty Casto opposed.

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

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ZONING BOARD OF APPEALS OF THE CITY OF NITRO

MINUTES OF MEETING

JUNE 24, 1986

The Zoning Board of Appeals public hearing was called to order by Chairman Cecil Lemma in Conference Chambers on Tuesday, June 24, 1986 at 7:00 p.m. Present were Don Baker, Rev. Wade Austin, Tim Cook and Building Inspector Bob Sergeant. Also present was Carol Withrow.

The purpose of the hearing was to consider variance requests of the following:

(1) McDonald's - 4108 1st Ave. requesting placement of the "McDonald's Golden Arches" high-rise sign which is approximately 200 square feet on a pipe approximately 80 feet in height.

(2) Modern Medicine - 4114 1st Ave., to permit the erection of a lighted sign 144 sq. feet, approximately 25 feet in height on right-of-way leading to the property of Modern Medicine, Inc.

Both of the above requests were approved as it was determined that there are signs in the City of Nitro as large or larger then the ones requested.

(3) Lee Withrow, Blakes Drive (Old Gillespie Property) requesting placement of a 14 x 70 mobile home.

After a short discussion and advising Mrs. Withrow of the slide and the danger in this area, decision was to issue a temporary one year permit. Mrs. Withrow stated she was aware of the possible problem.

A handwritten signature in cursive script, reading "Cecil Lemma", written over a horizontal line.
CECIL LEMMA



NITRO, WEST VIRGINIA 25143

(304) 755-0701

ART ASHLEY
MAYOR ORDINANCE 86-

AN ORDINANCE TO COMMIT THE CITY OF NITRO TO BUILD A ROAD TO THE PROPOSED SENIOR CITIZEN COMPLEX AT CITY EXPENSE AND TO DECLARE THE SAME AS A PUBLIC RIGHT-OF-WAY

BEFORE THE CITY COUNCIL OF THE CITY OF NITRO, To-wit:

WHEREAS, the City of Nitro has attempted for a number of years to obtain senior citizen housing; and

WHEREAS, an application was filed with the Department of Housing and Urban Development for the purpose of building a senior citizen housing complex; and

WHEREAS, application was approved by the Department of Housing and Urban Development; and

WHEREAS, the proposed site has been requested by the Department of Housing and Urban Development to provide an access road for said senior citizen housing complex; and

WHEREAS, the City Council of the City of Nitro finds that senior citizen housing is needed and that the request to provide a roadway to the senior citizen housing complex is legitimate and reasonable.

WHEREFORE, be it ordained by the City Council of the City of Nitro that the City agrees to build a roadway at the City's expense, using City equipment and City personnel, and following City specifications, which roadway will extend from Park Avenue, across real estate owned by the City of Nitro to the senior citizen housing project, which roadway shall be 30' wide, as the same appears on that certain map entitled, "Proposed Site, Lemma Village, Nitro, West Virginia," prepared by Randolph Engineering Company, dated 1-15-86, a copy of which is attached hereto and made a part hereof. It is further ordained by the City Council of the City of Nitro that said roadway shall be considered a public roadway and shall serve as an access road to the senior citizen housing project, as well as serving the City's property situate adjacent thereto.

JULY 1, 1986
FIRST READING

ARDEN D. ASHLEY, MAYOR

SECOND READING

JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JULY 15, 1986

The regular meeting of Nitro City Council was called to order by Mayor Arden D. Ashley in Council Chambers at 7:30 p.m. 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. Absent was City Treasurer Ralph Allison.

The invocation was given by Reverend William Westlund.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 1, 1986 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the July 1, 1986 Council Meeting Minutes be approved as written. The motion was seconded. There being no discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - ORD. 86- (2ND READING) SENIOR CITIZEN'S COMPLEX ROADWAY: - Mayor Ashley made recommendation that due to the size of the map entitled "Proposed Site, Lemma Village, Nitro, West Virginia," prepared by Randolph Engineering Co. and the difficulty in placing a copy in the Council Meeting Minutes Book, that "a copy of which is attached hereto and made a part hereof" be deleted from the ordinance. Mayor Ashley reminded Council the map was on display in the Communications Office and will remain on file at City Hall. Councilman at Large Olaf moved the ordinance be adopted as amended. The motion was seconded. A vote was taken and it was unanimously approved.

By way of report concerning the Senior Citizen's Complex, Mayor Ashley informed that Carl Smith, State Director of HUD had been contacted and there is a concern for cost overruns, and a need to eliminate some expense out of the total project. With the assistance of locally private sector we have found a way to reduce the cost by \$70,000 out of the cost of construction by receiving assistance from Union Boiler to break-up the old concrete foundation. With this and additional things being done by HUD and others, Mayor Ashley received word from Mr. Smith with an indication we will be getting everything under contract soon.

ORDINANCE 86-11 ATTACHED

AGENDA ITEM NO. 3 - RESOLUTION DECLARING THE YEAR 1987 AS THE "YEAR OF THE CONSTITUTION": - Councilman at Large Rusty Casto announced that on Monday, July 21 at 7:00 p.m. the first Committee meeting will be held with regard to the Bicentennial of the signing of the Constitution, and everyone is welcome to attend and express their ideas. Councilman at Large Rusty Casto

read the resolution declaring the year 1987 as the "Year of the Constitution" in Nitro and moved we pass this resolution. The motion was seconded, a vote taken and it was unanimous.

RESOLUTION 86-4 ATTACHED

Mayor Ashley announced that he had talked with Steve McManus, with the Bicentennial Commission and the City of Nitro is in competition and seeking to be recognized as one of the 25 communities across the Nation in support of recognizing the 200th birthday of the Constitution of the United States. Mr. McManus indicated to Mayor Ashley that by virtue of passing this resolution and prior action taken in our foster as a "Living Memorial to World War I" and the efforts we're making to enhance that position, we may very well be recognized as one of the 25 cities in the Country that will be receiving a special plaque commemorating the occasion.

AGENDA ITEM NO. 4 - ORD. 86- (1ST READING) SUBDIVISION: - Mayor Ashley furnished Council a copy of an ordinance that was originally given to the Planning Commission. The Planning Commission gave their approval, and then referred it back to Council to act upon. Councilman A. A. "Joe" Savilla moved we adopt this ordinance. The motion was seconded. After a discussion, a vote was taken and it was unanimous.

Mayor Ashley stated Councilman at Large Olaf Walker requested having an open "rap" session prior to Council Meeting between Councilmembers and interested parties, and suggested this be scheduled for 6:30 p.m. on the evening of August 5.

Councilwoman at Large Mary Trout announced that on Monday evening July 21, the Committee for the Beautification of Nitro will hold another meeting. She called to everyone's attention that the triangle area at the end of the bridge was cleaned by the committee last week. The Committee has been in touch with Mr. Fowler, from the Department of Highways, and they promised to paint the yellow lines on the curb. He also ask them to inform Council that they were trying to get the grass mowed for which they are responsible.

Councilman A. A. "Joe" Savilla mentioned that several Councilmembers have received calls from members on the Beautification Committee and they are wanting to cut the grass along First Avenue, trim and paint the trees.

There being no further business, the meeting was adjourned at 8:05 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 86-11

AN ORDINANCE TO COMMIT THE CITY OF NITRO TO BUILD A ROAD TO THE PROPOSED SENIOR CITIZEN COMPLEX AT CITY EXPENSE AND TO DECLARE THE SAME AS A PUBLIC RIGHT-OF-WAY

BEFORE THE CITY COUNCIL OF THE CITY OF NITRO, To-wit:

WHEREAS, the City of Nitro has attempted for a number of years to obtain senior citizen housing; and

WHEREAS, an application was filed with the Department of Housing and Urban Development for the purpose of building a senior citizen housing complex; and

WHEREAS, application was approved by the Department of Housing and Urban Development; and

WHEREAS, the proposed site has been requested by the Department of Housing and Urban Development to provide an access road for said senior citizen housing complex; and

WHEREAS, the City Council of the City of Nitro finds that senior citizen housing is needed and that the request to provide a roadway to the senior citizen housing complex is legitimate and reasonable.

WHEREFORE, be it ordained by the City Council of the City of Nitro that the City agrees to build a roadway at the City's expense, using City equipment and City personnel, and following City specifications, which roadway will extend from Park Avenue, across real estate owned by the City of Nitro to the senior citizen housing project, which roadway shall be 30' wide, as the same appears on that certain map entitled, "Proposed Site, Lemma Village, Nitro, West Virginia," prepared by Randolph Engineering Company, dated 1-15-86. It is further ordained by the City Council of the City of Nitro that said roadway shall be considered a public roadway and shall serve as an access road to the senior citizen housing project, as well as serving the City's property situate adjacent thereto.

JULY 1, 1986
FIRST READING

JULY 15, 1986
SECOND READING

Arden D. Ashley
ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

RESOLUTION 86-4

RESOLUTION DECLARING THE YEAR 1987 AS
THE "YEAR OF THE CONSTITUTION" IN NITRO

WHEREAS, THE CONSTITUTION OF THE UNITED STATES IS THE OLDEST
WORKING CONSTITUTION IN FORCE IN THE WORLD TODAY, AND

WHEREAS, OUR CONSTITUTION SERVES AS A MODEL FOR MANY NATIONS
OF THE WORLD TODAY, AND

WHEREAS, THE U.S. CONSTITUTION IS SOON TO OBSERVE THE 200TH
ANNIVERSARY OF ITS SIGNING, AND

WE, THE OFFICIALS OF NITRO, DO HEREBY DECLARE THE YEAR 1987
AS THE "YEAR OF THE CONSTITUTION" IN NITRO, WV., AND REQUEST THAT
ALL OF OUR CITIZENS OBSERVE, REFLECT UPON AND CELEBRATE THIS MOST
SACRED DOCUMENT.

PASSED BY NITRO CITY COUNCIL THIS 15TH DAY OF JULY, 1986.

Arden D. Ashley
ARDEN D. ASHLEY, MAYOR

A. A. "Joe" Savilla
A. A. "JOE" SAVILLA, COUNCILMAN

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER

Romie C. Hughart
ROMIE HUGHART, COUNCILMAN

Rusty Casto
RUSTY CASTO, COUNCILMAN AT LARGE

Charles Miller
CHARLES MILLER, COUNCILMAN

Mary Trout
MARY TROUT, COUNCILWOMAN AT LARGE

Jim Hutchinson
JIM HUTCHINSON, COUNCILMAN

Olaf Walker
OLAF WALKER, COUNCILMAN AT LARGE

CITY OF NITRO
COUNCIL MEETING MINUTES

AUGUST 5, 1986

The regular meeting of Nitro City Council was called to order by Mayor Arden D. Ashley in Council Chambers at 7:30 p.m. 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 were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

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

AGENDA ITEM NO. 1 - APPROVAL OF JULY 15, 1986 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of July 15, 1986 be approved as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - The August, 1986 Citizen of the Month Award was presented to Brenda Smith by Mayor Ashley. Brenda Smith stands out among the group in her efforts to beautify the City of Nitro. She, along with other people of the City, have been walking the streets of Nitro and going up and down the highway rights-of-way cleaning this city. She is part of a group and is symbolic of the people who are working so hard in this effort. Mrs. Smith thanked the Mayor, Council and citizens and especially Mrs. Wanda Cooley, the Nitro Woman's Club, the organizational force behind the Beautification Committee. On behalf of the Woman's Club, her husband, her son and everyone that helped including Councilwoman at Large Mary Trout, Councilman at Large Rusty Casto, the Scouts and Ollie, her husband and Pansy she certainly appreciated this honor bestowed upon her. A round of applause was given to Brenda Smith.

Mayor Ashley introduced Mrs. Wanda Cooley. She is in charge of the beautification program on behalf of the Woman's Club and auxiliaries. A round of applause was given to Mrs. Cooley. Mrs. Cooley mentioned other members who have been working so hard with her. They are Ollie Hancock, her husband, Bob, Pansy Zeigler, Denver Smith and of course, Brenda, Denver Smith and their son, Denver, Jr. Also, Trish Harvey and her daughter. She informed they really needed two more groups of about six people. She stated she would contact the names of citizens given her.

Mayor Ashley then told Mrs. Cooley that they are making a tremendous difference. They are giving us a sense of pride that we haven't felt for a long time, and thanked them for their efforts.

AGENDA ITEM NO. 3 - ORD. 86- (2ND READING) SUBDIVISION: - City Recorder Joan McClanahan moved for the approval of the second reading of the ordinance on subdivision. The motion was seconded. A question and answer session followed: Councilman Romie Hughart moved we amend page 14, under 1341.14, "Variances" (a) General. that the Zoning Board of Appeals may approve variances to the subdivision regulations. Therefore, "it" should be deleted and replaced by the Zoning Board of Appeals in this section. The motion was seconded. City Attorney Phillip Gaujot pointed out that under paragraph (b) and (c) Commission should be changed to the Zoning Board of Appeals. This is made a part of the amendment. A vote was taken on the approval of the second reading of the ordinance as amended, and it was unanimous.

ORDINANCE 86-12 APPROVED. (AMENDED PAGES ATTACHED)

AGENDA ITEM NO. 4 - W.V.U.- SCHOOL OF NURSING REPORT "HEALTH NEEDS ASSESSMENT": - Debbie Bridgewater from the West Virginia University School of Nursing thanked the participants in the study for their participation. She gave an excellent presentation of a study of the health status of a community, entitled, "Nitro: A Heritage of Pride". The study was conducted as a part of the larger project "Genesis III-An Ethnographic Community Assessment", under the direction of Mona M. Counts. A booklet containing the analysis of the survey was presented to all Councilmembers. She mentioned that copies will be placed in the Mayor's office and the library for citizens to see. Also, the Kanawha County Health Department will be presented a copy.

Mayor Ashley, together with Councilmembers, expressed their thanks to everyone for the effort that they put into the survey, and for coming to our community.

Councilman at Large Rusty Casto announced that a survey of parents from Nitro High School students was made, and the parents rated Nitro High School number one in the County.

AGENDA ITEM NO. 5 - PLANNING COMMISSION MEETING (7-31-86): - City Recorder Joan McClanahan reported on the Planning Commission meeting of July 31, 1986, and moved the minutes of this meeting be made a part of Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous. Councilman Romie Hughart questioned the authority of the Zoning Board of Appeals and the Planning Commission. After discussion, Mayor Ashley recommended furnishing documents to Councilmembers as to statute relating to the power and authority of both the Planning Commission and the Board of Zoning Board of Appeals.

PLANNING COMMISSION MINUTES AS FOLLOWS:

CITY OF NITRO

PLANNING COMMISSION MEETING MINUTES

JULY 31, 1986

The properly advertised Planning Commission Meeting was called to order by acting Chairperson Dave Miller at 7:00 p.m. in Council Chambers on July 31, 1986, and a quorum was declared. Bob Sergent was present representing the City of Nitro. Also present was Mrs. Yolanda L. Perkins.

The purpose of the meeting was to consider the request from F. E. & Yolanda L. Perkins to subdivide property for purchaser at 4128 1st Avenue, being part of Lt. 4128, Area "A". Bob Sergent informed that this request meets the requirement in the Zoning Ordinance for the City of Nitro. Dr. Guy Cassell moved we approve the request for subdivision to the owners, F. E. and Yolanda L. Perkins, rather than to the purchasers. The motion was seconded, a vote taken and it was unanimous.

There was no one present to contest the request. Therefore, the request was granted for the subdivision of said property into (2) two 50' x 220' lots making a total of 11,000 square feet.

There being no further business, the meeting was adjourned at 7:30 p.m.


DAVE MILLER

AGENDA ITEM NO. 6 - REPORT ON PUTNAM COUNTY FIRE SERVICE FEE: - By way of report, Mayor Ashley informed the Putnam County Commission passed an ordinance authorizing the imposition of a fire service fee in Putnam County and outside the City of Nitro boundary. A meeting is scheduled for Wednesday, August 6, at 6:p.m. at the Nitro Putnam Elementary School informing that the City of Nitro will no longer be providing city services outside the city's boundary to residents of properties after September 1, 1986, including Putnam and a small part of Kanawha County. Councilman A. A. "Joe" Savilla encouraged all Councilmembers attend this meeting.

AGENDA ITEM NO. 7 - REPORT ON GENERAL REVENUE SHARING RECOMMENDATIONS: - Mayor Ashley reported we have General Revenue Sharing Funds to consider. The proposed recommended plans are to obtain a new fire truck which would call for \$25,000 of the City's money already committed, \$500 for furniture for the lounge area ambulance quarters, \$500. for trees, IBM PC Computer costing \$2,500 to be placed in the Conference Room so that we would have information available on a daily basis from all departments, \$3,000 commitment to Ridenour Lake for the fishing enhancement program, \$11,700 for the acquisition of another police cruiser under the State Purchase Plan, (The dealership receiving the State bid was Country Club Motors in Clarksburg). Also for the police department they have requested from time to time, \$210 is recommended for a camera with binoculars, \$1,000 for a rebuilt engine for a payloader which is now out of service, and then provide an additional \$3,000 to be used, subject to Council's approval, on an item by item basis. Mayor Ashley then announced that we are getting a senior citizen's van. However, we must give them a check for \$476.50 to obtain the contract. Later, the City's share of the cost of the van would be \$4,519. The senior citizens have already collected over \$3,700 to pay for a van. Therefore, it there would be approximately \$800 due, if the seniors haven't collected it by the time the van is delivered. (The van is scheduled to arrive between February and April). It was suggested we commit an additional \$10,000 for paving of streets in the City, and set aside the remainder which is approximately \$14,520. remaining uncommitted in a contingency fund. Mayor Ashley informed that the lease purchase orders are subject to an annual renewal.

City Treasurer Ralph Allison displayed a picture of the new fire truck with a purchase price of over \$109,000, plus extras would make a total price of \$134,800. City Treasurer Ralph Allison furnished Council a way to handle this; which reflects a down payment of \$14,800 and an annual payment of \$16,400 for eleven years at the rate of 7 1/2%. Then, on another sheet given to Council, shows as of September 1, we would receive the \$25,000 from the County Commission. We would take the \$25,000 already allocated plus the extra \$7,000 recommended this evening making a total of \$57,000. Then we would take this amount and invest it in the State's Consolidated Investment Fund, earning

interest until we take delivery. On the form, the estimated time was March 15, 1987, but the Chief informed it would probably be longer. In looking at the end of eleven years, the truck would be paid for and the fund balance zero. The totals show the County Commission would have paid \$25,000, the City would have paid \$76,000, interest \$59,400 and the Firemen's Association \$34,800 for a total of \$195,200. Councilman A. A. "Joe" Savilla moved we approve all the recommendations of Mayor Ashley, Department Heads and City Treasurer. The motion was seconded. Councilman at Large Olaf Walker moved we amend the main motion to modify the commitment of paving from \$10,000 to \$15,000. The motion was seconded. After a discussion on the amending motion, a vote was taken and the motion to amend was defeated. Councilman at Large Olaf Walker moved we amend the main motion by deleting the computer and fish enhancement program with these funds being transferred for paving. This motion died for lack of second. At this time, a vote was taken on the main motion, and it was unanimous. The date of the Revenue Sharing Hearings will be properly advertised.

Councilman A. A. "Joe" Savilla stated the City of Nitro will be spending approximately \$43,000 to improve Fire and Police services.

Mayor Ashley advised the City is seeking volunteers to serve on the Library Board, and would appreciate any recommendations.

There being no further business, the meeting was adjourned at 9:30 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER

1241.14 VARIANCES

(a) General. Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, the Zoning Board of Appeals may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purposes of these regulations; and further provided the Zoning Board of Appeals shall not approve variancees unless it shall make written findings based upon the evidence presented to it that all of the following conditions are met:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare of injurious to other property.
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

4. The variance will not in any manner vary the provisions of the Zoning Ordinance.

(b) Conditions. In approving variances, the Zoning Board of Appeals may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these regulations.

(c) Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Zoning Board of Appeals. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

CITY OF NITRO
COUNCIL MEETING MINUTES

AUGUST 19, 1986

The regular meeting of Nitro City Council was called to order by Mayor Arden D. Ashley in Council Chambers at 7:30 p.m. Present were City Recorder Joan C. McClanahan, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart and Councilman Jim Hutchinson. Absent were Councilman at Large Rusty Casto, Councilman Charles Miller, City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

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

For the record, Mayor Ashley acknowledged that Councilman Savilla has served in the past year as Chaplain of the West Virginia Municipal League. Mayor Ashley informed that it was mentioned to him several times that Councilman Savilla did an outstanding job of being the Chaplain.

Councilman A. A. "Joe" Savilla stated that having attended the Annual Conference it was apparent that the members of the Municipal League were quite sure that this was probably the finest organization they've had since their existence, and they implied the reason was because of Mayor Ashley. Councilman Savilla complimented the Mayor on his speech also.

AGENDA ITEM NO. 2 - APPROVAL OF AUGUST 5, 1986 COUNCIL MEETING MINUTES: - Councilman A. A. "Joe" Savilla moved the Council Meeting Minutes of August 5, 1986 be approved as written. The motion was seconded. Councilman at Large Olaf Walker moved under Agenda Item 7, in the last paragraph, the sentence to read as follows, "After a discussion on the amending motion, a vote was taken and the motion to amend was defeated with negative votes being cast by Councilman at Large Olaf Walker and Councilman Romie Hughart." A vote was taken to amend the Council Meeting Minutes and it was unanimous. A vote was taken to approve the Council Meeting Minutes as amended, and it they were unanimously approved.

AGENDA ITEM NO. 2 - REPORT ON REVENUE SHARING HEARING: - City Recorder Joan McClanahan furnished Councilmembers a copy of the legal advertisement published for the Revenue Sharing Hearing. The meeting was held on Friday, August 15, in Council Chambers at City Hall. Present were City Recorder Joan C. McClanahan, Councilman at Large Olaf Walker and City Treasurer Ralph Allison. No one was present to offer suggestions or make requests. Therefore, City Recorder Joan McClanahan moved we accept the recommendations set forth by Council at the last meeting. Mayor Ashley suggested we should make as part of the action to be taken we should get in addition to this statement

from the Treasurer, an affidavit of publication for General Revenue purposes, which would show proof that the advertisement was published. A vote was taken and it was unanimous. Mayor Ashley informed that further action by Council would be to address, as well, the budget. A copy of the impact on the budget was furnished to Councilmembers that would result from the action just taken. Councilwoman at Large Mary Trout moved we accept the request for revision to the approved budget as set forth in the copy furnished. The motion was seconded. Councilman at Large Olaf Walker wanted clarification as to the account numbers of the line items involved. Mayor Ashley stated there will be a special session one half hour prior to the next Council Meeting at which time City Treasurer Ralph Allison will describe specifically every transaction on the revision. Councilman at Large Olaf Walker requested we not preclude the purchasing of a lawn mower which Councilman at Large Rusty Casto desired. Mayor Ashley explained that Councilman at Large Rusty Casto was pleased with the used lawn mower already purchased. Councilman at Large Olaf Walker informed he was not aware of the purchase. There being no further discussion, a vote was taken for the approval of the revision to the approved budget, and it was approved with Councilman Romie Hughart abstaining.

COPY OF AFFIDAVIT OF PUBLICATION FOR THE REVENUE SHARING MEETING ATTACHED.

COPY OF REQUEST FOR REVISION TO APPROVED BUDGET ATTACHED.

AGENDA ITEM NO. 3 - REQUEST FOR ANNEXATION (A) 1.15 ACRES COCHRAN LANE AND (B) BAILES DRIVE: - A copy of a letter from Gene Cochran requesting a parcel of land being approximately 1.15 acres on Cochran Lane be annexed into the corporate limits of the City of Nitro, and a petition from residents on Bailes Drive requesting annexation into the City of Nitro were distributed to Council. Mayor Ashley informed of a meeting held in Putnam County on Monday evening, August 18 which City Recorder Joan McClanahan attended representing the City.

City Recorder Joan McClanahan reported there is great deal of concern. Most of the people attending the meeting were not ones living near our municipal boundaries, but there were a lot of questions. She stated she feels a lot of information needs to be obtained before we do anything. We need to find out exactly who wants annexation. She further stated that she has had numerous telephone calls, some for and some against. There is a lot of questions that need to be answered and information furnished to the citizens, and to act upon just one or two at a time, would probably not be doing anyone a service. City Recorder Joan McClanahan moved a committee be formed to study how many people are interested in becoming a part of the City, and extend the fire service to the residents that have already expressed an interest. The motion was seconded.

Councilman A. A. "Joe" Savilla commented that at a previous meeting attended by Mayor Ashley, City Recorder Joan McClanahan, Councilman at Large Olaf Walker, Councilman Romie Hughart, Councilman Charles Miller and Councilman Savilla, that they had probably 30 people from the surrounding area attending. They, too, had a lot of questions. One of their questions was how do they go about becoming a part of the City of Nitro. Councilman A. A. "Joe" Savilla said that he does concur with City Recorder Joan McClanahan, and feels that Councilman Romie Hughart and himself need to serve on the committee. Mayor Ashley appointed a committee consisting of City Recorder Joan McClanahan as the Chairperson, the four Ward Councilmembers with the Council at Large serving in an ex officio capacity. The "Committee on Annexation" would not be a standing committee, but would be the committee to come back to Council for recommendation.

Councilman A. A. "Joe" Savilla made a friendly amendment to City Recorder Joan McClanahan's motion to limit the fire service to three months as Council should be able to act upon the annexation within this time frame. Councilman Savilla was the Councilman who seconded the motion made by City Recorder Joan McClanahan.

Councilman at Large Olaf Walker stated that the three methods of annexation should be considered with legal advise from our City Attorney Phillip Gaujot, and Mayor Ashley agreed.

Councilman at Large Olaf Walker suggested the Committee to research and ascertain the number of homes, the distance and what expenditures it might incur the City if we annex the community.

Councilman A. A. "Joe" Savilla commented that Councilman Walker had brought up an interesting point concerning legal counsel on the annexation, and suggested the City Attorney be included on the committee. Mayor Ashley added City Attorney Phillip Gaujot and City Treasurer Ralph Allison to the "Committee on Annexation", and will require they be present at all the meetings.

Councilman at Large Olaf Walker mentioned that if anyone would ask how do you annex, if we would have something that we could pass out. Mayor Ashley stated he wanted to be careful about creating the impression that we are trying to recruit people to come into the City, and all the comments have been incoming, not in the other direction. So, we are not recruiting people to come into the City, but we need at the same time to be responsive to these inquiries once they are made. A solution should be made by the Committee on Annexation as to how we should inform them about how they may become part of the City.

Councilman Romie Hughart recommended the requests regarding Bailes Drive and 1.15 acres on Cochran Lane be referred to the Planning Commission. Mayor Ashley ruled the Annexation Committee could handle the questions at hand.

A vote was taken to extend the fire service for three months and form an annexation committee, and it was unanimous.

AGENDA ITEM NO. 4 - AUDIT REPORT 1984-85: -Mayor Ashley acknowledged to Council the receipt of the audit report for the year ended June 30, 1985, and Councilman Jim Hutchinson moved to accept the report as a part of the record of the City. The motion was seconded. A vote was taken, and it was unanimous.

REPORT ATTACHED.

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

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER

Affidavit of Publication

No. _____

STATE OF WEST VIRGINIA,

Kanawha County, to-wit:

I, Deirdre Coleman _____ of the

☐ Sunday Gazette-Mail ☒ Charleston Gazette, a daily Democratic newspaper ☒ Daily Mail, a daily Republican newspaper, published in the City of Charleston, Kanawha County, West Virginia, do solemnly

swear that the annexed notice of _____
Revenue Sharing _____

was duly published in said paper once a day for 1

successive day commencing with the issue of the 11

day of August, 1986, and ending with the issue of the

11 day of August, 1986, and was posted

at the front door of the Court House of said Kanawha County, West

Virginia, on the 12 day of August, 1986

Dates Published:

8/11/86

Deirdre Coleman

Subscribed and sworn to before me this 14 day of August, 1986

Sandra L. Miller

Notary Public of Kanawha County, West Virginia

My Commission expires October 28, 1991Printer's Fee \$ 14.80

ACCT-7

CITY OF NITRO
NOTICE OF HEARING
PROPOSED USE OF
REVENUE SHARING FUNDS
Please take notice that a
Public Hearing will take place
on Friday, August 15, 1986 in
Council Chambers at Nitro City
Hall at 6:30 P.M. The purpose
of the hearing will be to hear
requests for expenditure of ap-
proximately \$53,310. In Federal
Revenue Sharing Funds for
Fiscal Year 85-86. The public is
encouraged to attend and
make their views known con-
cerning these funds.
Ralph Allison
Treasurer
(1058)

STATE TAX COMMISSIONER
 OFFICE OF CHIEF INSPECTOR
 DRAWER 2389
 CHARLESTON, WV 25305

CONTROL
 NUMBER FY FUND REV. NO. PAGE NO

City of Nitro
 GOVERNMENTAL ENTITY
20th Street and Second Ave
 STREET OR P.O. BOX
Nitro
 CITY
WV 25143
 ZIP CODE

08-05-86
 ENTITY APPROVAL DATE

RECEIPTS: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT
326	Revenue Sharing	53,510		39,586.50	13,923.50

NET INCREASE (DECREASE) 39586.50

EXPENDITURES: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
500-5665	Fire	25,000		7,000	32,000
440-4155	City Hall	34,283		700	34,983
440-5665	City Hall	2,933		2,976.50	5,909.50
550-4155	Recreation	34,862		3,000	37,862
455-5665	Police	14,600		11,910	26,510
530-5665	Garbage	5,000		13,000	18,000
530-4155	Garbage	89,500		1,000	90,500

NET INCREASE (DECREASE) 39586.50

TAX DEPARTMENT USE ONLY

RECEIVED _____
 POSTED _____ BY _____
 APPROVED FOR THE STATE TAX COMMISSIONER BY:

 DIRECTOR - OFFICE OF CHIEF INSPECTOR

08-05-
 AUTHORIZED SIGNATURE DATE OF REQ
 FOR GOVERNING BODY
 SPECIAL NOTE: TRANSFERS TO / FROM SPECIAL FUNDS MUST BE
 ACCOMPANIED BY A STATEMENT CONTAINING
 SIGNATURES OF ALL COUNTY COMMISSIONERS (7-1-91)

PLEASE NOTE:

SUBMIT WHITE, PINK, AND BLUE COPIES
 TO TAX DEPARTMENT. RETAIN YELLOW
 COPY AS RECORD OF SUBMISSION.

CITY OF NITRO, WEST VIRGINIA
FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 1985

CITY OF NITRO, WEST VIRGINIA
SCHEDULE OF FUNDS INCLUDED IN REPORT
FOR THE FISCAL YEAR ENDED JUNE 30, 1985

GOVERNMENTAL FUND TYPES

General Fund

Special Revenue Fund(s)

Revenue Sharing Trust
Coal Severance Tax
Brookhaven Storm Sewer
Urban Development Action Grant
Overtime Alcohol Enforcement Grant

Debt Service Fund

Tax Levy Issue of 1959

FIDUCIARY FUND TYPE

Trust Fund(s)

Police Pension Fund
Fire Pension Fund

Account Groups

General Fixed Assets
General Long-Term Debt

CITY OF NITRO, WEST VIRGINIA
TABLE OF CONTENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 1985

	<u>Page</u>
Municipal Officials	1
Opinion Letter	2
Combined Balance Sheet - All Fund Types and the General Long-Term Debt/Account Groups	3 - 4
Combined Statement of Revenues, Expenditures, and Changes in Fund Balances - All Governmental Fund Types and Expendable Trust Funds	5
Combined Statement of Revenues, Expenses, and Changes in Retained Earnings/Fund Balances - All Proprietary Fund Types and Similar Trust Funds	6
Combined Statement of Changes in Financial Position - All Proprietary Fund Types and Similar Trust Funds	7
Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual - General Fund	8
Combining Balance Sheet - Special Revenue Funds	9
Combining Statement of Revenues, Expenditures, and Changes in Fund Balances - Special Revenue Funds	10
Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual - Revenue Sharing Trust Fund	11
Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual - Coal Severance Tax Fund	12
Combining Balance Sheet - Debt Service Funds	13
Combining Statement of Revenues, Expenditures, and Changes in Fund Balances - Debt Service Funds	14
Combining Balance Sheet - Pension Trust Funds	15
Combining Statement of Revenues, Expenses and Changes in Fund Balances - Pension Trust Funds	16
Combining Statement of Changes in Financial Position - Pension Trust Funds	17
Notes to Financial Statements	18 - 25
Supplementary Schedules:	
Auditor's Report on Supplementary Schedules	26
Schedule of Federal and State Assistance	27 - 28
Report on Compliance	29 - 32
Report on Internal Accounting Control	33 - 34

CITY OF NITRO, WEST VIRGINIA
MUNICIPAL OFFICIALS
FOR THE FISCAL YEAR ENDED JUNE 30, 1985

<u>Office</u>	<u>Elective</u>	<u>Name</u>
Mayor:		Arden D. Ashley
Recorder:		John F. Santrock
Council Members:		A. A. Savilla
		Romie Hugart
		Charles Miller
		Jim Hutchinson
		Olaf Walker
		Rust Casto
		Mary Trout
	<u>Appointive</u>	
Treasurer:		Michael Greenleaf
		John Santrock
City Attorney:		Phillip Gaujot

TRAINER, WRIGHT & ASSOCIATES

CERTIFIED PUBLIC ACCOUNTANTS

177

218 13TH STREET
HUNTINGTON, WV 25701

P. O. Box 2608
304-697-7083

The Honorable Mayor and Council
City of Nitro
Nitro, West Virginia 25143

We have examined the combined financial statements of the City of Nitro, West Virginia, and the combining, individual fund and account group financial statements, as of and for the year ended June 30, 1985, as listed in the table of contents. Our examination was made in accordance with generally accepted auditing standards and generally accepted government auditing standards as defined in the Standards for Audit of Governmental Organizations, Programs, Activities and Functions promulgated by the U.S. Comptroller General. Accordingly, our examination included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the combined financial statements referred to above present fairly the financial position of the City of Nitro, West Virginia, at June 30, 1985, and the results of operations and the changes in financial position of the similar trust funds for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year. Also, in our opinion, the combining, individual fund and account group financial statements referred to above present fairly the financial position of the individual funds of the City of Nitro, West Virginia, at June 30, 1985, their results of operations, and the changes in financial position of individual similar trust funds for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

TRAINER, WRIGHT & ASSOCIATES

Huntington, West Virginia
July 3, 1986

Trainer, Wright & Associates

CITY OF NITRO, WEST VIRGINIA
COMBINED BALANCE SHEET - ALL FUND TYPES AND
THE GENERAL LONG-TERM DEBT/ACCOUNT GROUPS
JUNE 30, 1985

Governmental Fund Types			
Debt	Special	General	
Service	Revenue		
			Assets
			Current:
			Cash
		\$ 34,401	Investments, at cost
		681	Receivables:
		115,441	Taxes
		54,321	Accounts
		-0-	Loans
		-0-	Accrued interest
		-0-	Contributions
		-0-	Due from:
		46,793	Other funds
		14,377	Prepaid expenses
		266,014	TOTAL CURRENT ASSETS
		-0-	Property, plant and equipment:
		-0-	Land, buildings, machinery and equipment
		-0-	Other:
		-0-	Amount available in debt service fund
		-0-	Amount to be provided for retirement
		-0-	of general long-term debt
		-0-	TOTAL OTHER ASSETS
		-0-	TOTAL ASSETS
		\$ 266,014	Liabilities and Fund Equity
			Liabilities:
			Current liabilities (payable from
			current assets)
			Accounts payable
			Other accrued expenses
		45,731	TOTAL LIABILITIES (PAYABLE FROM
		90,017	CURRENT ASSETS)
			Due to:
			Other funds
		39,092	General obligation bonds payable
		-0-	TOTAL LIABILITIES
		129,109	Fund equity:
		-0-	Investment in general fixed assets
		-0-	Fund balances:
		-0-	Reserved for employee retirement
		-0-	Reserved for debt service
		-0-	Unreserved
		136,905	TOTAL FUND EQUITY
		136,905	TOTAL LIABILITIES AND FUND EQUITY
		\$ 266,014	
		\$ 146,431	
		\$ 53,861	

Fiduciary Fund Type	Account Groups		Totals (Memorandum Only)	
	General Fixed Assets	General Long- Term Debt	June 30, 1985	June 30, 1984
<u>Trust</u>				
\$ 16,571	\$ -0-	\$ -0-	\$ 50,972	\$ -0-
133,719	-0-	-0-	187,877	120,958
-0-	-0-	-0-	162,234	168,084
-0-	-0-	-0-	54,321	43,747
-0-	-0-	-0-	80,587	122,050
2,042	-0-	-0-	2,287	-0-
19,727	-0-	-0-	19,727	24,502
19,902	-0-	-0-	85,885	97,160
-0-	-0-	-0-	14,377	14,093
<u>191,961</u>	<u>-0-</u>	<u>-0-</u>	<u>658,267</u>	<u>590,594</u>
-0-	983,932	-0-	983,932	966,937
-0-	-0-	53,491	53,491	49,068
-0-	-0-	5,509	5,509	16,932
<u>-0-</u>	<u>-0-</u>	<u>59,000</u>	<u>59,000</u>	<u>66,000</u>
\$ <u>191,961</u>	\$ <u>983,932</u>	\$ <u>59,000</u>	\$ <u>1,701,199</u>	\$ <u>1,623,531</u>
\$ -0-	\$ -0-	\$ -0-	\$ 44,286	\$ 84,731
877	-0-	-0-	46,978	47,460
877	-0-	-0-	91,264	132,191
-0-	-0-	-0-	85,885	97,160
-0-	-0-	59,000	59,000	66,000
<u>877</u>	<u>-0-</u>	<u>59,000</u>	<u>236,149</u>	<u>295,351</u>
-0-	983,932	-0-	983,932	966,937
191,084	-0-	-0-	191,084	129,579
-0-	-0-	-0-	53,491	49,068
-0-	-0-	-0-	236,543	182,596
<u>191,084</u>	<u>983,932</u>	<u>-0-</u>	<u>1,465,050</u>	<u>1,328,180</u>
\$ <u>191,961</u>	\$ <u>983,932</u>	\$ <u>59,000</u>	\$ <u>1,701,199</u>	\$ <u>1,623,531</u>

CITY OF NITRO, WEST VIRGINIA
 COMBINED STATEMENT OF REVENUES, EXPENDITURES AND
 CHANGES IN FUND BALANCES - ALL GOVERNMENTAL FUND TYPES AND
 EXPENDABLE TRUST FUNDS
 FOR THE FISCAL YEAR ENDED JUNE 30, 1985

	Governmental Fund Types			Totals (Memorandum Only)	
	General	Special Revenue	Debt Service	June 30, 1985	June 30, 1984
Revenues:					
Taxes and special assessments, including interest, penalties and liens	\$ 732,185	\$ -0-	\$ 8,509	\$ 740,694	\$ 854,702
Licenses and permits	11,848	-0-	-0-	11,848	17,973
Intergovernmental:					
Federal	-0-	266,486	-0-	266,486	229,009
State	-0-	14,134	-0-	14,134	54,826
Charges for services	304,859	-0-	-0-	304,859	284,104
Fines and forfeits	17,086	-0-	-0-	17,086	16,168
Interest	5,298	245	5,628	11,171	7,884
Contributions	175,100	-0-	-0-	175,100	172,000
Miscellaneous	47,632	-0-	-0-	47,632	26,693
TOTAL REVENUES	<u>1,294,008</u>	<u>280,865</u>	<u>14,137</u>	<u>1,589,010</u>	<u>1,663,359</u>
Expenditures:					
General government	475,847	-0-	-0-	475,847	426,531
Public safety	485,131	-0-	-0-	485,131	495,221
Health and sanitation	443,828	-0-	-0-	443,828	639,921
Culture and recreation	116,121	-0-	-0-	116,121	100,783
Debt service:					
Principal retirement	-0-	-0-	7,000	7,000	7,000
Interest and fiscal charges	-0-	-0-	2,714	2,714	2,588
TOTAL EXPENDITURES	<u>1,520,927</u>	<u>-0-</u>	<u>9,714</u>	<u>1,530,641</u>	<u>1,672,049</u>
Excess (deficiency) of revenues over expenditures	<u>(226,919)</u>	<u>280,865</u>	<u>4,423</u>	<u>58,369</u>	<u>(8,690)</u>
Other financing sources (uses):					
Operating transfers in	200,034	-0-	-0-	200,034	337,485
Operating transfers (out)	-0-	(200,034)	-0-	(200,034)	(337,485)
TOTAL OTHER FINANCING SOURCES (USES)	<u>200,034</u>	<u>(200,034)</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Excess (deficiency) of revenues and other financing sources over expenditures and other uses	<u>(26,885)</u>	<u>80,831</u>	<u>4,423</u>	<u>58,369</u>	<u>(8,690)</u>
Fund balances at beginning of year, restated (Note 7)	<u>163,790</u>	<u>18,807</u>	<u>49,068</u>	<u>231,665</u>	<u>240,311</u>
FUND BALANCES AT END OF YEAR	\$ <u>136,905</u>	\$ <u>99,638</u>	\$ <u>53,491</u>	\$ <u>290,034</u>	\$ <u>231,664</u>

CITY OF NITRO, WEST VIRGINIA
 COMBINED STATEMENT OF REVENUES, EXPENSES AND
 CHANGES IN RETAINED EARNINGS/FUND BALANCES -
 ALL PROPRIETARY FUND TYPES AND SIMILAR TRUST FUNDS
 FOR THE FISCAL YEAR ENDED JUNE 30, 1985

	<u>Fiduciary</u> <u>Pension</u> <u>Trust</u>	<u>Totals</u> <u>(Memorandum Only)</u> <u>June 30,</u> <u>1984</u>
Operating revenues:		
Interest	\$ 20,032	\$ 10,612
Contributions:		
From employees	22,332	21,217
From employer	13,498	40,676
State of West Virginia	46,852	31,734
TOTAL OPERATING REVENUES	<u>102,714</u>	<u>104,239</u>
Operating expenses:		
Benefit payments	36,301	33,996
Refunds	3,926	3,987
Administration expenses	982	2,781
TOTAL OPERATING EXPENSES	<u>41,209</u>	<u>40,764</u>
Net income (loss)	61,505	63,475
Fund balances at beginning of year, restated (Note 7)	<u>129,579</u>	<u>66,104</u>
FUND BALANCES AT END OF YEAR	\$ <u>191,084</u>	\$ <u>129,579</u>

CITY OF NITRO, WEST VIRGINIA
 COMBINED STATEMENT OF CHANGES IN FINANCIAL POSITION
 ALL PROPRIETARY FUND TYPES AND SIMILAR TRUST FUNDS
 FOR THE FISCAL YEAR ENDED JUNE 30, 1985

	<u>Fiduciary</u> <u>Pension</u> <u>Trust</u>	<u>Totals</u> <u>(Memorandum Only)</u> <u>June 30,</u> <u>1984</u>
Sources of working capital:		
Operations:		
Net income (loss)	\$ <u>61,505</u>	\$ <u>63,475</u>
NET INCREASE (DECREASE) IN WORKING CAPITAL	\$ <u><u>61,505</u></u>	\$ <u><u>63,475</u></u>
Elements of net increase (decrease) in working capital:		
Cash	\$ 4,789	\$ 7,735
Investments at cost	61,445	9,986
Receivables:		
Contribution	(4,775)	24,503
Accrued interest	2,042	-0-
Due from other funds	(4,715)	23,676
Other accrued expenses	<u>2,719</u>	<u>(2,425)</u>
NET INCREASE (DECREASE) IN WORKING CAPITAL	\$ <u><u>61,505</u></u>	\$ <u><u>63,475</u></u>

CITY OF NITRO, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCE - BUDGET AND ACTUAL
GENERAL FUND
FOR THE FISCAL YEAR ENDED JUNE 30, 1985

	<u>Budget</u>	<u>Actual</u>	Variance Favorable (Unfavorable)
Revenues:			
Taxes, including interest, penalties and liens:			
General property tax	\$ 261,297	\$ 218,528	\$ (42,769)
Business and occupation tax	350,000	342,870	(7,130)
Alcoholic beverages tax	56,000	56,104	104
Utility services tax	92,000	114,683	22,683
Total taxes	<u>759,297</u>	<u>732,185</u>	<u>(27,112)</u>
Licenses and permits	18,000	11,848	(6,152)
Charges for services	322,100	304,859	(17,241)
Fines and forfeits	40,000	17,086	(22,914)
Interest	7,500	5,298	(2,202)
Contributions	175,100	175,100	-0-
Miscellaneous	56,400	47,632	(8,768)
TOTAL REVENUES	<u>1,378,397</u>	<u>1,294,008</u>	<u>(84,389)</u>
Expenditures:			
General government	347,011	475,847	(128,836)
Public safety	515,873	485,131	30,742
Health and sanitation	392,556	443,828	(51,272)
Culture and recreation	122,957	116,121	6,836
TOTAL EXPENDITURES	<u>1,378,397</u>	<u>1,520,927</u>	<u>(142,530)</u>
Excess (deficiency) of revenues over expenditures	-0-	(226,919)	(226,919)
Other financing sources (uses):			
Operating transfers in	<u>-0-</u>	<u>200,034</u>	<u>200,034</u>
Excess (deficiency) of revenues and other financing sources over expenditures and other uses	-0-	(26,885)	(26,885)
Fund balance at beginning of year, restated (Note 7)	<u>-0-</u>	<u>163,790</u>	<u>163,790</u>
FUND BALANCE AT END OF YEAR	\$ <u>-0-</u>	\$ <u>136,905</u>	\$ <u>136,905</u>

CITY OF NITRO, WEST VIRGINIA
 COMBINING BALANCE SHEET - SPECIAL REVENUE FUNDS
 JUNE 30, 1985

	Revenue Sharing Trust	Coal Severance Tax	Brookhaven Storm Sewer	Urban Development Action Grant	Overtime Alcohol Enforcement Grant	Total
<u>Assets</u>						
Receivables, net of allowances:						
Taxes	\$ 40,054	\$ 6,739	\$ -0-	\$ -0-	\$ -0-	\$ 46,793
Loans	-0-	-0-	-0-	80,587	-0-	80,587
Accrued interest	-0-	-0-	-0-	245	-0-	245
Due from:						
Other funds	-0-	-0-	18,806	-0-	-0-	18,806
 TOTAL ASSETS	 \$ <u>40,054</u>	 \$ <u>6,739</u>	 \$ <u>18,806</u>	 \$ <u>80,832</u>	 \$ <u>-0-</u>	 \$ <u>146,431</u>
<u>Liabilities and Fund Balances</u>						
Liabilities:						
Due to:						
Other funds	\$ 40,054	\$ 6,739	\$ -0-	\$ -0-	\$ -0-	\$ 46,793
Fund balances:						
Unreserved	-0-	-0-	18,806	80,832	-0-	99,638
 TOTAL LIABILITIES AND FUND BALANCES	 \$ <u>40,504</u>	 \$ <u>6,739</u>	 \$ <u>18,806</u>	 \$ <u>80,832</u>	 \$ <u>-0-</u>	 \$ <u>146,431</u>

CITY OF NITRO, WEST VIRGINIA
 COMBINING STATEMENT OF REVENUES, EXPENDITURES AND
 CHANGES IN FUND BALANCES - SPECIAL REVENUE FUNDS
 FOR THE FISCAL YEAR ENDED JUNE 30, 1985

	Revenue Sharing Trust	Coal Severance Tax	Brookhaven Storm Sewer	Urban Development Action Grant	Overtime Alcohol Enforcement Grant	Total
Revenues:						
Intergovernmental:						
Federal	\$ 170,899	\$ -0-	\$ -0-	\$ 95,587	\$ -0-	\$ 266,486
State	-0-	13,480	-0-	-0-	654	14,134
Interest	-0-	-0-	-0-	245	-0-	245
TOTAL REVENUES	<u>170,899</u>	<u>13,480</u>	<u>-0-</u>	<u>95,832</u>	<u>654</u>	<u>280,865</u>
Other financing sources (uses):						
Operating transfers (out)	<u>170,900</u>	<u>13,480</u>	<u>-0-</u>	<u>15,000</u>	<u>654</u>	<u>200,034</u>
Excess (deficiency) of revenues and other financing sources over expenditures and other (uses)	(1)	-0-	-0-	80,832	-0-	80,831
Fund balances at beginning of year	<u>1</u>	<u>-0-</u>	<u>18,806</u>	<u>-0-</u>	<u>-0-</u>	<u>18,807</u>
FUND BALANCES AT END OF YEAR	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>18,806</u>	\$ <u>80,832</u>	\$ <u>-0-</u>	\$ <u>99,638</u>

CITY OF NITRO, WEST VIRGINIA
 STATEMENT OF REVENUES, EXPENDITURES AND
 CHANGES IN FUND BALANCE - BUDGET AND ACTUAL
 REVENUE SHARING TRUST FUND
 FOR THE FISCAL YEAR ENDED JUNE 30, 1985

	<u>Budget</u>	<u>Actual</u>	Variance Favorable (Unfavorable)
Revenues:			
Intergovernmental:			
Federal	\$ <u>199,000</u>	\$ <u>170,899</u>	\$ <u>(28,101)</u>
Expenditures:			
General government	97,000	-0-	97,000
Health and sanitation	<u>102,000</u>	<u>-0-</u>	<u>102,000</u>
TOTAL EXPENDITURES	<u>199,000</u>	<u>-0-</u>	<u>199,000</u>
Excess (deficiency) of revenues over expenditures	-0-	170,899	170,899
Other financing sources (uses):			
Operating transfers (out)	<u>-0-</u>	<u>170,900</u>	<u>(170,900)</u>
Excess (deficiency) of revenues and other financing sources over expenditures and other uses	-0-	(1)	(1)
Fund balance at beginning of year	<u>-0-</u>	<u>1</u>	<u>1</u>
FUND BALANCE AT END OF YEAR	\$ <u><u>-0-</u></u>	\$ <u><u>-0-</u></u>	\$ <u><u>-0-</u></u>

CITY OF NITRO, WEST VIRGINIA
 STATEMENT OF REVENUES, EXPENDITURES AND
 CHANGES IN FUND BALANCE - BUDGET AND ACTUAL
 COAL SEVERANCE TAX FUND
 FOR THE FISCAL YEAR ENDED JUNE 30, 1985

	<u>Budget</u>	<u>Actual</u>	Variance Favorable (Unfavorable)
Revenues:			
Intergovernmental:			
State	\$ 13,500	\$ 13,480	\$ (20)
Expenditures:			
Health and sanitation	<u>13,500</u>	<u>-0-</u>	<u>13,500</u>
Excess (deficiency) of revenues over expenditures	-0-	13,480	13,480
Other financing sources (uses):			
Operating transfers (out)	<u>-0-</u>	<u>13,480</u>	<u>(13,480)</u>
Excess (deficiency) of revenues and other financing sources over expenditures and other uses	-0-	-0-	-0-
Fund balance at beginning of year	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
FUND BALANCE AT END OF YEAR	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>

CITY OF NITRO, WEST VIRGINIA
COMBINING BALANCE SHEET - DEBT SERVICE FUNDS
JUNE 30, 1985

	Tax Levy Issue of 1959 - Public <u>Improvements</u>
<u>Assets</u>	
Investments, at cost:	
Municipal bond commission	\$ 53,477
Due from:	
Other funds	<u>384</u>
 TOTAL ASSETS	 \$ <u>53,861</u>
 <u>Liabilities and Fund Balances</u>	
Liabilities:	
Accrued expenses	\$ 370
 Fund balances:	
Reserved for debt service	<u>53,491</u>
 TOTAL LIABILITIES AND FUND BALANCES	 \$ <u>53,861</u>

CITY OF NITRO, WEST VIRGINIA
 COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND
 CHANGES IN FUND BALANCES - DEBT SERVICE FUNDS

	Tax Levy Issue of 1959 - Public <u>Improvements</u>
Revenues:	
Taxes, including interest, penalties and liens	\$ 8,509
Interest	<u>5,628</u>
TOTAL REVENUES	<u>14,137</u>
Expenditures:	
Principal retirement	7,000
Interest and fiscal charges	<u>2,714</u>
TOTAL EXPENDITURES	<u>9,714</u>
Excess (deficiency) of revenues over expenditures	4,423
Fund balance at beginning of year, restated (Note 7)	<u>49,068</u>
FUND BALANCE AT END OF YEAR	\$ <u>53,491</u>

CITY OF NITRO, WEST VIRGINIA
 COMBINING BALANCE SHEET - PENSION TRUST FUNDS
 JUNE 30, 1985

	Policemen's Pension and Relief	Firemen's Pension and Relief	Total
<u>Assets</u>			
Cash	\$ 3,173	\$ 13,398	\$ 16,571
Investments, at cost	65,404	68,315	133,719
Receivables:			
Accrued interest	1,003	1,039	2,042
Contribution	-0-	19,727	19,727
Due from other funds	<u>490</u>	<u>19,412</u>	<u>19,902</u>
 TOTAL ASSETS	 \$ <u>70,070</u>	 \$ <u>121,891</u>	 \$ <u>191,961</u>
 <u>Liabilities and Fund Balances</u>			
Liabilities:			
Other accrued expenses	\$ 700	\$ 177	\$ 877
Fund balances:			
Reserved for employee retirement	<u>69,370</u>	<u>121,714</u>	<u>191,084</u>
 TOTAL LIABILITIES AND FUND BALANCES	 \$ <u>70,070</u>	 \$ <u>121,891</u>	 \$ <u>191,961</u>

CITY OF NITRO, WEST VIRGINIA
 COMBINING STATEMENT OF REVENUES, EXPENSES AND
 CHANGES IN FUND BALANCES - PENSION TRUST FUNDS
 FOR THE FISCAL YEAR ENDED JUNE 30, 1985

	Policemen's Pension and Relief	Firemen's Pension and Relief	Total
Operating revenues:			
Interest	\$ 8,986	\$ 11,046	\$ 20,032
Contributions:			
Employer	1,537	11,961	13,498
Employees	12,067	10,265	22,332
State of West Virginia	27,125	19,727	46,852
TOTAL OPERATING REVENUES	<u>49,715</u>	<u>52,999</u>	<u>102,714</u>
Operating expenses:			
Benefit payments	17,131	19,170	36,301
Refunds	3,926	-0-	3,926
Administration expenses	660	322	982
TOTAL OPERATING EXPENSES	<u>21,717</u>	<u>19,492</u>	<u>41,209</u>
Net income (loss)	27,998	33,507	61,505
Fund balances at beginning of year, restated (Note 7)	<u>41,372</u>	<u>88,207</u>	<u>129,579</u>
FUND BALANCES AT END OF YEAR	\$ <u>69,370</u>	\$ <u>121,714</u>	\$ <u>191,084</u>

CITY OF NITRO, WEST VIRGINIA
 COMBINING STATEMENT OF CHANGES IN FINANCIAL POSITION
 PENSION TRUST FUNDS
 FOR THE FISCAL YEAR ENDED JUNE 30, 1985

	Policemen's Pension and Relief	Firemen's Pension and Relief	Total
Sources of working capital:			
Operations:			
Net income (loss)	\$ 27,998	\$ 33,507	\$ 61,505
Uses of working capital:	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET INCREASE (DECREASE) IN WORKING CAPITAL	\$ <u>27,998</u>	\$ <u>33,507</u>	\$ <u>61,505</u>
Elements of net increase (decrease) in working capital:			
Cash	\$ (6,967)	\$ 11,756	\$ 4,789
Investments at cost	51,852	9,593	61,445
Receivables:			
Contribution	(13,929)	9,154	(4,775)
Accrued interest	1,003	1,039	2,042
Due from other funds	(4,727)	12	(4,715)
Other accrued expenses	<u>766</u>	<u>1,953</u>	<u>2,719</u>
NET INCREASE (DECREASE) IN WORKING CAPITAL	\$ <u>27,998</u>	\$ <u>33,507</u>	\$ <u>61,505</u>

CITY OF NITRO, WEST VIRGINIA
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 1985

The City of Nitro was incorporated/chartered February 20, 1932. The municipality operates under Plan I "(mayor council)" form of government.

NOTE 1 - Summary of Significant Accounting Policies

A summary of the significant accounting policies of the City of Nitro, West Virginia, is presented below. These policies were applied on a basis consistent with that of the preceding year.

(a) Fund Accounting

The accounts of this municipality are organized on the basis of funds or groups of accounts, each of which is considered a separate accounting entity. The operations of each fund are accounted for by providing a separate set of self-balancing accounts which comprise its assets, liabilities, fund equity, revenues and expenditures or expenses, as appropriate. Government resources are allocated to and accounted for in individual funds based upon the purposes for which they are to be spent and the means by which spending activities are controlled. The various funds are grouped in the financial statements in this report into generic fund types under the following broad fund categories:

Governmental Funds

General Fund: The General Fund is the general operating fund of the municipality. It is used to account for all financial resources except those required to be accounted for in another fund.

Special Revenue Funds: Special Revenue Funds are used to account for the proceeds of specific revenue sources (other than special assessments, expendable trusts, or major capital projects) that are legally restricted to expenditures for specified purposes.

Debt Service Funds: Debt Service Funds are used to account for the accumulation of resources for, and the payment of, general long-term debt principal, interest and related costs.

Fiduciary Funds

Trust Funds: Trust Funds are used to account for assets held by the municipality in a trustee capacity. These include Expendable Trust, Nonexpendable Trust and Pension Trust. Nonexpendable Trust and Pension Trust Funds are accounted for in essentially the same manner as proprietary funds since capital maintenance is critical. Expendable Trust Funds are accounted for in essentially the same manner as governmental funds. The City of Nitro does not maintain any expendable or nonexpendable trust funds.

CITY OF NITRO, WEST VIRGINIA
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 1985

NOTE 1 - Summary of Significant Accounting Policies (Continued)

(b) Fixed Assets and Long-Term Liabilities

The accounting and reporting treatment applied to the fixed assets and long-term liabilities associated with a fund are determined by its measurement focus. Fixed assets used in governmental fund type operations (general fixed assets) are accounted for in the general fixed assets group of accounts as prescribed by generally accepted accounting principles, rather than in the governmental funds. All fixed assets are valued at (historical cost or estimated historical cost). Donated fixed assets are valued at estimated fair value on the date donated.

Long-term debt financed by general obligation bonds is accounted for in the general long-term debt group of accounts, as prescribed by generally accepted accounting principles.

(c) Basis of Accounting

Basis of accounting refers to when revenues and expenditures or expenses are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurements made, regardless of the measurement focus applied.

As prescribed by generally accepted accounting principles, all governmental funds in the accompanying financial statements are accounted for using the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as net current assets. Expenditures are generally recognized when the related fund liability is incurred. Exceptions to this general rule include: (1) accumulated unpaid vacation, sick pay, and other employee amounts which are not accrued; and (2) principal and interest on general long-term debt which is recognized when due.

All pension trust funds are accounted for using the accrual basis of accounting. Revenues are recognized when earned and expenses when incurred.

(d) Investments

The securities included in investments are stated at cost, which approximates market.

(e) Inventories

The municipality considers inventories of materials and supplies as expended at the time of purchase; therefore, they do not appear in the municipality's financial statements.

CITY OF NITRO, WEST VIRGINIA
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 1985

NOTE 1 - Summary of Significant Accounting Policies (Continued)

(f) Accumulated Unpaid Vacation, Sick Pay, and Other Employee Benefit Amounts

Accumulated unpaid vacation, sick pay, and other employee benefit amounts should be accrued when incurred in proprietary funds (using the accrual basis of accounting). Such amounts are not accrued in governmental funds (using the modified accrual basis of accounting).

(g) Comparative Data

Comparative total data for the prior year have been presented in the combined financial statements in order to provide an understanding of changes in the municipalities financial position and operations. However, comparative data have not been presented in each of the combining and individual fund statements.

(h) Total Columns on Combined Statements

Total columns on the combined financial statements are captioned Memorandum Only to indicate that they are presented only to facilitate financial analysis. Data in these columns do not present financial position, results of operations, or changes in financial position in conformity with generally accepted accounting principles. Neither are such data comparable to a consolidation; interfund activities have not been eliminated in the aggregation of the data.

(i) Budgets and Budgetary Accounting

All municipalities within West Virginia are required by statute to prepare annual budgets (levy estimates) on prescribed forms and submit these for approval to the State Tax Commissioner. These budgets are prepared in accordance with the following procedures:

- (1) The governing body of the municipality is required to hold a meeting or meetings between the seventh and twenty-eighth days of March to ascertain the financial condition of the municipality and to prepare the levy estimate (budget) for the fiscal year commencing July 1.
- (2) The budget is then forthwith submitted to the State Tax Commissioner for approval.
- (3) The governing body then reconvenes on the third Tuesday in April to hear objections from the public and to formally lay the levy.

Revisions are authorized only with the prior written approval of the Tax Commissioner. The budgeted amounts reflected in the accompanying financial statements are such approved amounts.

CITY OF NITRO, WEST VIRGINIA
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 1985

NOTE 2 - Property Taxes

The taxes on real property and the interest and other charges upon such taxes attach as an enforceable lien on the first day of July. There is no lien denominated as such on personal property; however, statutes provide that the sheriff of a county may distrain for delinquent taxes any goods and chattels belonging to a person assessed. All current taxes assessed on real and personal property may be paid in two installments; the first installment is payable on September first of the year for which the assessment is made, and becomes delinquent on October first, and the second installment is payable on the first day of the following March and becomes delinquent on April first. Taxes paid on or before the date when they are payable, including both first and second installments, are subject to a discount of two and one-half percent. If taxes are not paid on or before the date on which they become delinquent, including both first and second installments, interest at the rate of nine percent per annum is added from the date they become delinquent until paid.

All municipalities within the state are authorized to levy taxes not in excess of the following maximum levies per \$100 of assessed valuation: On Class I property, twelve and five-tenths cents (12.5¢); on Class II property, twenty-five cents (25.0¢); and on Class IV property, fifty cents (50.0¢). In addition, municipalities may provide for an election to lay an excess levy, the rates not to exceed fifty percent of such authorized maximum levies, provided that at least sixty percent of the voters cast ballots in favor of the excess levy.

The levy rates per \$100 of assessed valuation for each class of property of the City of Nitro, West Virginia, for the fiscal year ended June 30, 1985 were as follows:

<u>Class of Property</u>	<u>Assessed Valuations For Tax Purposes</u>	<u>Current Expense</u>	<u>Excess</u>	<u>Permanent Improvement</u>	<u>Bond Purposes</u>
Class I	\$ 4,447,525	11.5¢	6.25¢	.00¢	1.0¢
Class II	18,359,041	23.0	12.50	.00	2.0
Class IV	28,447,847	46.0	25.00	.00	4.0

NOTE 3 - Special/Excess Levy

At a special election held on January 1, 1984, the City of Nitro, West Virginia, was authorized to lay an excess levy to provide approximately \$92,006 annually during the three fiscal years ended June 30, 1985 through June 30, 1987, for the following purposes:

CITY OF NITRO, WEST VIRGINIA
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 1985

NOTE 3 - Special/Excess Levy

(1) Street maintenance and repairs	\$ 16,465
(2) Parks and recreation	12,590
(3) Firemens wages	18,402
(4) Street lights	9,685
(5) Policemens wages	28,087
(6) Library	6,777
TOTAL	\$ <u>92,006</u>

Due to the fact that all proceeds received from this special levy during the fiscal year ended June 30, 1985 were commingled in the general fund, we were not able to ascertain whether the funds were expended in accordance with the provisions of the levy call.

NOTE 4 - Employees Retirement System

The City of Nitro, West Virginia, elected to become a participating public employer under the West Virginia Public Employees Retirement System effective July 1, 1961 for the coverage of all eligible employees, except those employees of the police and fire departments covered by the City's Policemen's Pension and Relief Fund and the Firemen's Pension and Relief Fund. The municipality's contribution to the West Virginia Public Employees Retirement System for the year ended June 30, 1985 was \$42,758. According to the latest actuarial study dated October 19, 1984, of the West Virginia Public Employees Retirement System prepared by Edward H. Friend and Company, the unfunded actuarial accrued liability as of June 30, 1983 was \$74.6 million for state employees. For non-state employees, there is no unfunded actuarial liability; fund assets exceed the present value of accrued benefits by \$24.6 million. Edward H. Friend and Company estimates that the number of years within which the unfunded actuarial accrued liability will be fully funded, based on current contributions toward the unfunded liability, will be eight years for state employees.

A summary of the principal findings of the evaluation presented by Edward H. Friend and Company are as follows:

- (a) The System continues to operate on a sound financial basis. The funding period over which the unfunded actuarial accrued (past service) liability will be amortized decreased by 2 years for state participation, from 10 years to 8 years, and was eliminated for non-state participation during the 3 year period since the last valuation.

CITY OF NITRO, WEST VIRGINIA
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 1985

NOTE 4 - Employees Retirement System

- (b) 98% of the "shut down" vested liability for state participants is funded by existing assets and the full vested liability is funded by existing assets for non-state participants.
- (c) The System will continue to be in a net investment position through at least the next 20 years (the period measured), i.e., plan contributions plus anticipated investment income may be expected to exceed benefit and expense outflow for the 20 year period.

In addition to having elected to become a participating public employer under the West Virginia Public Employees Retirement System, the municipality has established and maintains the following employees retirement and benefits funds, as authorized by West Virginia Code §8-22-1 et seq. for all eligible employees.

(a) Policemen's Pension and Relief Fund

The Policemen's Pension and Relief Fund of the City of Nitro covers all eligible employees of the police department paid on a full-time basis from public funds. The municipality's contribution for the fiscal year ended June 30, 1985 was \$1,537. According to the latest actuarial study of the municipality's Policemen's Pension and Relief Fund, conducted by Edward H. Friend and Company, the unfunded actuarial accrued liability as of July 1, 1982 was \$211,987.

In its study, Edward H. Friend and Company presented recommended levels of funding to provide for normal costs and amortize the unfunded actuarial accrued liability over 40 years. These recommendations are summarized as follows:

Recommended contribution for fiscal year ended June 30, 1983 to provide for the estimated normal costs plus amortize the unfunded actuarial accrued liability over 40 years in equal dollar payments

Normal Cost	\$ 19,907
4.1269% of unfunded actuarial accrued liability	8,748
Total	\$ <u>28,655</u>

(b) Firemen's Pension and Relief Fund

The Firemen's Pension and Relief Fund of the City of Nitro covers all eligible employees of the fire department paid on a full-time basis from public funds. The municipality's contribution for the fiscal year ended June 30, 1985 was \$11,961. According to the latest actuarial study of the municipality's Firemen's Pension and Relief Fund, conducted by Edward H. Friend and Company the unfunded actuarial accrued liability as of July 1, 1982 was \$490,138.

CITY OF NITRO, WEST VIRGINIA
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 1985

NOTE 4 - Employees Retirement System (Continued)

In its study, Edward H. Friend and Company presented recommended levels of funding to provide for normal costs and amortize the unfunded actuarial accrued liability over 40 years. These recommendations are summarized as follows:

Recommended contribution for fiscal year ended June 30, 1983 to provide for the estimated normal costs plus amortize the unfunded actuarial accrued liability over 40 years in equal dollar payments

Normal cost	\$ 15,749
4.1269% of unfunded actuarial accrued liability	20,228
Total	<u>\$ 35,977</u>

NOTE 5 - Reporting Entity

This audit report does not include the financial statements of the Nitro Sanitary Board or Small Cities Block Grant (Sewer).

The above funds were audited by Larry A. Penix through June 30, 1985, and a separate report issued.

NOTE 6 - Long-Term Debt

The following is a summary of bonds and notes payable at June 30, 1985:

General Obligation Bonds

<u>Issue Date</u>	<u>Maturity Date</u>	<u>Interest Rate(s)</u>	<u>Amount Issued</u>	<u>Amount Retired</u>	<u>Amount Outstanding</u>
5/1/59	1993	3-3/4%	\$ 168,000	\$ 109,000	\$ 59,000

NOTE 7 - Fund Balances at Beginning of the Year - Restated

It was determined during this examination that the fund balances at the beginning of the year of the funds listed below required restatement as follows:

CITY OF NITRO, WEST VIRGINIA
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 1985

NOTE 7 - Fund Balances at Beginning of the Year - Restated (Continued)

	<u>General Fund</u>	<u>Tax Levy Issue of 1959 - Public Improvements Fund</u>	<u>Policemen's Pension and Relief Fund</u>	<u>Firemen's Pension and Relief Fund</u>
Fund balance at beginning of year, as previously stated	\$ <u>328,898</u>	\$(<u>16,932</u>)	\$ <u>27,443</u>	\$ <u>77,634</u>
Add:				
Correction of the error in the omission of accounts receiv- able at 6/30/84	129,168	-0-	13,929	10,573
Correction of the error in the recording of bonds payable	-0-	66,000	-0-	-0-
Deduct:				
Correction of the error in the over- statement of municipal fees receivable at 6/30/84	(18,109)	-0-	-0-	-0-
Correction of the error in the omission of accounts payable at 6/30/84	(16,107)	-0-	-0-	-0-
Correction of the reporting of the Sanitary Board building as an investment at 6/30/84	(260,060)	-0-	-0-	-0-
Net adjustment	<u>(165,108)</u>	<u>66,000</u>	<u>13,929</u>	<u>10,573</u>
Fund balance at beginning of year, restated	\$ <u>163,790</u>	\$ <u>49,068</u>	\$ <u>41,372</u>	\$ <u>88,207</u>

NOTE 8 - Accounts Receivable

Accounts receivable have been adjusted for all known uncollectible accounts. Thus, no allowance for bad debts is considered necessary at year end.

TRAINER, WRIGHT & ASSOCIATES

CERTIFIED PUBLIC ACCOUNTANTS

218 13TH STREET
HUNTINGTON, WV 25701

P. O. Box 2608
304-697-7083

CITY OF NITRO, WEST VIRGINIA
AUDITOR'S REPORT ON SUPPLEMENTARY SCHEDULES
FOR THE FISCAL YEAR ENDED JUNE 30, 1985

Our examination was made for the purpose of forming an opinion on the combined financial statements of the City of Nitro, West Virginia, and the combining, individual fund and account group financial statements taken as a whole. The information included in the accompanying supplementary schedules for the year ended June 30, 1985, is presented for purposes of additional analysis and is not a required part of the basic financial statements. The information has been subjected to the auditing procedures applied in the examination of the combined, individual fund and account group financial statements, and in our opinion is fairly stated in all material respects in relation to the combined, combining, and individual fund financial statements taken as a whole.

TRAINER, WRIGHT & ASSOCIATES

Trainer, Wright & Associates

Huntington, West Virginia
July 3, 1986

CITY OF NITRO, WEST VIRGINIA
 SUPPLEMENTARY SCHEDULE OF FEDERAL AND STATE ASSISTANCE
 FOR THE FISCAL YEAR ENDED JUNE 30, 1985

<u>Agency/Program Grant Title</u>	<u>Identification Number</u>	<u>Project Period</u>	<u>Total Grant Award</u>
<u>Major Federal Assistance Programs:</u>			
Department of Housing and Urban Development:			
Urban Development Action Grant	B-81-AB-54-0046(4)	07/01/83-05/04/87	\$1,340,000
State Assistance Programs:			
Governor's Office of Economic and Community Development:			
Alcohol Enforcement Grant	221-7755-15-025-12(271)	10/01/84-01/30/85	4,222

<u>City's Matching Contributions</u>	<u>Revenues Recognized Current Year</u>	<u>Grant Expenditures</u>		
		<u>Current Year</u>	<u>Prior Years</u>	<u>Total</u>
\$ -0-	\$ 95,832	\$ 15,000	\$ -0-	\$ 15,000
-0-	654	654	-0-	654

TRAINER, WRIGHT & ASSOCIATES

CERTIFIED PUBLIC ACCOUNTANTS

218 13TH STREET
HUNTINGTON, WV 25701

P. O. Box 1008
304-697-7083

CITY OF NITRO, WEST VIRGINIA
REPORT ON COMPLIANCE
FOR THE FISCAL YEAR ENDED JUNE 30, 1985

In connection with our examination of the combined financial statements of the City of Nitro, West Virginia, and the combining, individual fund and account group financial statements, as of and for the fiscal year ended June 30, 1985, we have inquired into whether the requirements of the Constitution, statutory laws of the state, and ordinances of the municipality have been complied with. Additionally, in connection with our examination we performed tests of compliance with selected federal and state grant programs. Our examination was made in accordance with generally accepted auditing standards and generally accepted government auditing standards as defined in the Standards for Audit of Governmental Organizations, Programs, Activities and Functions promulgated by the U.S. Comptroller General; the Single Audit Act of 1984 (Pub. L. No. 98-502); and the provisions of the Office of Management and Budget's Compliance Supplement for Single Audits of Grants to State and Local Governments (the Compliance Supplement). Accordingly, our examination included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In connection with our examination, we selected a representative number of transactions from each major federal assistance program to determine if federal funds are being expended in accordance with the terms of applicable agreements and those provisions of federal law or regulations that could have a material effect on the financial statements or on each major federal assistance program tested.

Based on our examination, we found that, for the items tested, the City of Nitro, West Virginia, complied with the provisions of the Constitution, statutory laws of the state, and municipal ordinances, and the material terms and conditions of the federal and state grant agreements, except as noted below. Furthermore, nothing came to our attention during the course of our examination to indicate that the City of Nitro, West Virginia had not complied with statutory laws, municipal ordinances or significant terms and conditions of programs not tested.

State Statutes

Appropriation of Unexpended Balance - General Fund

It was determined during this examination that the City of Nitro failed to submit a budget revision for the General Fund to appropriate \$328,898 of the actual unexpended fund balance at July 1, 1984. West Virginia Code §6-9-3 states in part that:

Appropriation of Unexpended Balance - General Fund (Continued)

"...All unexpended balances or appropriations shall be transferred to the credit of the fund from which originally appropriated or levied whenever the account with an appropriation is closed."

In addition, a State Supreme Court decision stated that:

"...Any excesses or balances should be carried into the proper funds of the succeeding fiscal year and proper credit made therefore when levies are being laid for that year. The balances operate to reduce future levies pro tanto..." Ireland v Board of Education, 115 WV 614,

Expenditures in Excess of Amounts Allocated in the Levy Estimate and Available Funds - General Funds

It was determined during this examination that the City of Nitro incurred expenditures for certain items in the General Fund in excess of the amounts allocated for those items in the official levy estimate (budget) as last revised. Specifically, expenditures in the following (category/categories) exceeded the approved budget amount:

	<u>Budget</u>	<u>Actual</u>	<u>Over- Expenditures</u>
General Government	\$ 347,011	\$ 475,847	\$(128,836)
Health and Sanitation	392,556	443,828	(51,272)

These overexpenditures caused the total levy estimate (budget) of the General Fund to be overexpended by \$26,885. West Virginia Code §11-8-26 states in part that:

"... a local fiscal body shall not expend money or incur obligations:

- (1) In an unauthorized manner;
- (2) For an unauthorized purpose;
- (3) In excess of the amount allocated to the fund in the levy order;
- (4) In excess of the funds available for current expenses..."

This section further states that:

"...a local fiscal body or its duly authorized officials shall not be penalized for a casual deficit which does not exceed its approved levy estimate by more than three percent provided such casual deficit be satisfied in the levy estimate for the succeeding fiscal year."

Using total available funds as determined by audit of \$1,494,042 the deficit of \$26,885 incurred by the City of Nitro during this fiscal year is considered to be a casual deficit.

Expenditures in Excess of Amounts Allocated in the Levy Estimate and Available Funds - General Funds (Continued)

The municipal officials of the City of Nitro are directed to implement effective budgetary controls to insure that actual expenditures or encumbrances do not exceed the amounts allocated for those expenditures in the official levy estimate (budget) as approved by the State Tax Commissioner. Revisions are authorized with proper written approval if submitted prior to the end of the fiscal year. The municipal officials of the City of Nitro are also directed to satisfy the deficit (\$26,885) in the levy estimate of the fiscal year ended June 30, 1987, and to implement effective budgetary controls to insure that deficit spending is not incurred in the future.

Commingling of Revenue Sharing Trust Funds

It was noted during this examination that the amount of \$170,899 received in Revenue Sharing Trust Fund entitlements was subsequently transferred to the General Fund, thereby making it difficult to trace expenditures or prepare budget comparisons. West Virginia Code §6-9-3 states in part that:

"Separate accounts shall be kept for every appropriation or fund made or levied by a local governing body, showing the date and manner of each payment made out of the funds provided by such appropriation or levy, the name, address and vocation of each person, organization, corporation or association to whom paid, and for what purpose paid. ..."

The municipal officials of the City of Nitro are directed to deposit Revenue Sharing Trust Fund entitlements in the proper fund and properly account for all expenditures made.

Commingling of Coal Severance Tax Revenue Funds

It was noted during this examination that the amount of \$13,480 received in Coal Severance Tax Revenue moneys was deposited in the General Fund, thereby making it difficult to trace expenditures or prepare budget comparisons. West Virginia Code §11-13-2L(h) states in part that:

"All counties and municipalities shall create a "coal severance tax revenue fund" which shall be the depository for moneys distributed to any county or municipality under the provisions of this section, ..."

This section goes on to state that these funds may be expended for such public purpose as the governing body shall deem best provided that:

"....said coal severance tax revenue fund moneys shall not be budgeted for personal services in an amount to exceed one fourth of the total funds available in such fund."

The municipal officials of the City of Nitro are directed in the future to deposit coal severance moneys in the proper fund and accurately account for all expenditures made.

Internal Revenue Sharing RegulationsInformation Return - Form 1099-MISC

It was determined during this examination that the City of Nitro failed to file information Form 1099-MISC and report the payment of compensation to all nonemployees. Internal Revenue Service regulations state in part that:

"Payments for Services to Nonemployees. Payors of at least \$600 in fees, commissions, or any other form of compensation to nonemployees for services rendered in the course of payor's trade or business must report such payments on Form 1099-MISC."

The municipal officials of the City of Nitro are directed to file an information Form 1099-MISC for each nonemployee to whom more than \$600 compensation is paid during the calendar year.

TRAINER, WRIGHT & ASSOCIATES

Huntington, West Virginia
July 3, 1986

Trainer, Wright & Associates

TRAINER, WRIGHT & ASSOCIATES

CERTIFIED PUBLIC ACCOUNTANTS

218 13TH STREET
HUNTINGTON, WV 25701

P. O. Box 260
304-697-708

CITY OF NITRO, WEST VIRGINIA
REPORT ON INTERNAL ACCOUNTING CONTROL
FOR THE FISCAL YEAR ENDED JUNE 30, 1985

We have examined the combined financial statements of the City of Nitro, West Virginia, and the combining, individual fund and account group financial statements, as of and for the fiscal year ended June 30, 1985, and have issued our report thereon. As part of our examination, we made a study and evaluation of the municipality's system of internal accounting control to the extent we considered necessary to evaluate such system as required by generally accepted auditing standards and generally accepted government auditing standards as defined in the Standards for Audit of Governmental Organizations, Programs, Activities and Functions promulgated by the U.S. Comptroller General, and the Single Audit Act of 1984 (Pub. L. No. 98-502). For the purpose of this report, we have classified the municipality's significant internal accounting controls into the categories of revenue control, payroll expenditures, other expenditures, budget, and financial reporting cycles. Our study included all of the control categories listed.

The purpose of our study and evaluation was to determine the nature, timing and extent of the auditing procedures necessary for expressing an opinion on the financial statements referred to above. Our study and evaluation was more limited than would be necessary to express an opinion on the system of internal accounting control taken as a whole or on any of the categories of controls identified above; therefore we do not express such an opinion.

During our exit conference on July 30, 1986 with the Mayor and Treasurer we discussed the results of our study and evaluation of the municipality's system of internal accounting control. Although our study and evaluation may not have necessarily disclosed all such situations, we believe the following condition represents weaknesses in internal accounting control that warrant attention.

It was noted during our test of disbursements that invoices are not cancelled upon payment. We recommend that all invoices be cancelled upon payment in order to avoid duplicate payment.

The objective of internal accounting control is to provide reasonable, but not absolute, assurance as to the safeguarding of assets against loss from unauthorized use or disposition, and reliability of financial records for preparing financial statements and maintaining accountability for assets. The concept of reasonable assurance recognizes that the cost of a system of internal accounting control should not exceed the benefits derived and also recognizes that the evaluation of these factors necessarily requires estimates and judgment by management.

There are inherent limitations that should be recognized in considering the potential effectiveness of any system of internal accounting control. In the performance of most control procedures, errors can result from misunderstanding instructions, mistakes of judgment, carelessness, or other personal factors. Control procedures whose effectiveness depends upon segregation of duties can be circumvented intentionally by management with respect to the estimates and judgments required in the preparation of financial statements. Further, projection of any evaluation of internal accounting control to future periods is subject to the risk that the procedures may become inadequate because of changes in conditions and that the degree of compliance with the procedures may deteriorate.

This report on internal accounting control is intended for the use of the municipal officials of the City of Nitro, West Virginia, the State Tax Department and other state and federal agencies. This intent, however, is not meant to restrict access to this report which, in accordance with West Virginia Code §6-9-9a, is to be considered a public document and shall be made available for public inspection.

Although a report of this type is normally critical in nature, we do not intend to imply that our review failed to disclose commendable features in the present accounting and operating procedures of the municipality. Furthermore, we would like to acknowledge all of the assistance and many courtesies extended to us during our examination.

TRAINER, WRIGHT & ASSOCIATES

Huntington, West Virginia
July 3, 1986

Trainer, Wright & Associates



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

August 4, 1986

Mr. Charles W. Wright
Trainer, Wright & Associates
218 13th Street
Huntington, WV 25701

Dear Mr. Wright:

We would like to thank you for the audit report on the City of Nitro for the year ended June 30, 1985 showing an excess of revenues over expenditures in the amount of \$58,369. We received your report on August 1, 1986 and appreciate your promptness in doing the audit and issuing the report.

In response to your "Report on Compliance" section, we offer the following: Your report says that we spent more than what was allocated and available. We admit that more was spent than allocated in the Levy estimate, but this was simply a budget revision problem. Having a new Treasurer for the last three months of the fiscal year who also served as City Recorder, resulted in these budget revisions not being submitted in a timely manner. However, we did not spend more than what was available. As your report indicates, we actually incurred a \$58,369 surplus, although no mention of this is made in your compliance section. We feel that your compliance comments are much too harsh and inappropriate in that we incurred an overall surplus, but you only mentioned that one fund showed a deficit.

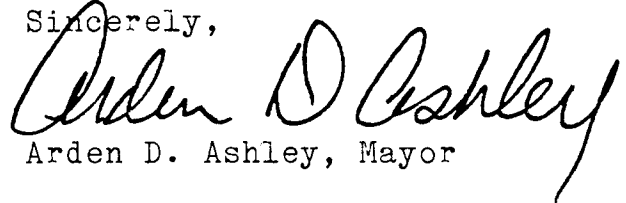
Concerning commingling of funds, the City did, in their budgets submitted to the State Tax Department, indicate how these funds were allocated, and that is how they were spent. We transferred the monies to the General Fund, and then paid for the allocated items. We will, however, in the future leave an audit trail so the paid for items can be readily identified.

Concerning information return Form 1099, you indicated to us that the Internal Revenue Service is now placing emphasis on this requirement. We will take steps to see that they are issued as required.

Mr. Charles W. Wright
August 4, 1986
Page 2

In this time of decreased revenues and other problems with insurance and the economy for all cities, it is clear the City of Nitro is doing a good job in keeping its total finances in order. Your audit falls short of giving credit where it is due, and we feel that it is not justified.

Sincerely,

A handwritten signature in cursive script that reads "Arden D. Ashley". The signature is written in dark ink and is positioned above the printed name of the signatory.

Arden D. Ashley, Mayor

ADA/pa

cc: Michael E. Caryl, Commissioner
WV State Tax Department

CITY OF NITRO
COUNCIL MEETING MINUTES
SEPTEMBER 2, 1986

The regular meeting of Nitro City Council was called to order by Mayor Arden D. Ashley in Council Chambers at 7:30 p.m. Present were City Recorder Joan C. McClanahan, Councilman at Large Rusty Casto, 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. Absent was Councilwoman at Large Mary Trout.

The invocation was given by Father John Ledford.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 19, 1986 COUNCIL MEETING MINUTES: - Councilman A. A. "Joe" Savilla moved the Council Meeting Minutes of August 19, 1986 be approved. The motion was properly seconded. A vote was taken and as Councilman at Large Rusty Casto was absent for this meeting, he abstained. The minutes were approved as written.

Councilman at Large Olaf Walker thanked the Mayor for having a meeting prior to Council and also expressed his thanks to Ralph for responding to questions pertaining to revenue sharing.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - With pleasure, Mayor Ashley presented the September Citizen of the Month award to James "Jim" Raynes. His daughter, Bobbie K. Glock was present for his presentation. Mr. Raynes has retired after being a firefighter for the City of Nitro since September, 1961, and a volunteer fireman before this time. Mayor Ashley commented that if every public servant and public official would do the job that Mr. Raynes did over the years, this would be a far better place for everyone to live, and thanked him for his contribution. A couple of our firemen were invited by Union Carbide to attend school in South Carolina, so Jim returned from his new residence in Florida and filled in for the firemen who were sent to the special school. We will all miss Jim Raynes and wish him an enjoyable retirement.

To fill the vacancy on the Fire Department, Ronnie King, a volunteer firefighter, was chosen. Mayor Ashley administered the oath of office to Ronnie, in the presence of his family and friends. The shield of a firefighter for the City of Nitro was presented to Ronnie by his Mother. A round of applause was given to Ronnie. Mayor Ashley complimented the Fire Civil Service Commission, and those people involved with the selection process.

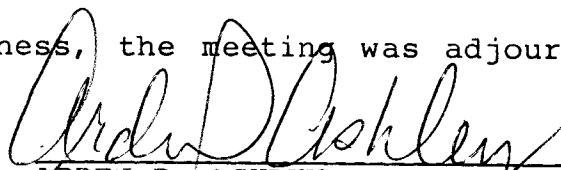
AGENDA ITEM NO. 3 - VOTERS REGISTRATION: - City Recorder Joan McClanahan reported that representatives from the Voters Registration Office will be at City Hall on Thursday, September 11, from 1:00 p.m. to 7:00 p.m. and on Saturday, September 13, from 10:00 a.m. to 2:00 p.m. to register citizens to vote. She encouraged anyone that isn't registered to take advantage of the convenience of the City Hall location.

Councilmembers were furnished the results of the bid opening, along with the bid specifications, on the fire truck. There will be a recommendation forthcoming at the next Council Meeting.

Councilmembers also received information from the Librarian, Carolyn Atkinson. She is doing a lot to encourage higher levels of activity. The movies she is presently showing are being well received. She is in the process of having a book sale, and has sold around 80 books. She reported that over the past three years several books have not been checked out by the users of the library, and are not books that are wanted or needed within the County Library system. Therefore, she suggested these books be donated to the communities where books and libraries were lost in the flood.

Councilman Romie Hughart moved these books be furnished to libraries where they were ravished by floods. The motion was seconded. There being no discussion, a vote was taken and it was unanimous.

There being no further business, the meeting was adjourned at 7:45 p.m.


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

SEPTEMBER 16, 1986

The regular meeting of Nitro City Council was called to order by Mayor Arden D. Ashley in Council Chambers at 7:30 p.m. Present were City Recorder Joan McClanahan, 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 Ralph Allison. 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 SEPTEMBER 2, 1986 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the Council Meeting Minutes of September 2, 1986 be approved as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - REQUEST FOR BIKE-A-THON (10-11-86) BENEFIT OF ST. JUDE CHILDREN'S RESEARCH HOSPITAL: - All Councilmembers were furnished a copy of the written request from Pauline Bell, Chairperson, to conduct, on behalf of St. Jude Children's Research Hospital, a Bike-A-Thon on October 11, 1986. This would be the 5th annual Bike-A-Thon, which in the past has been held in the City. Councilman at Large Rusty Casto moved the request be granted. The motion was seconded. There were concerns as to whether this would create a risk for soccer players and the time requested for this Bike-A-Thon was not mentioned in her communique. Councilman at Large Olaf Walker move to amend the motion by requesting it be coordinated through the police department, as it has been in the past, and doesn't pose a problem, in terms of the traffic for soccer players. Councilman at Large Rusty Casto considered the amendment as friendly as did Councilman Romie Hughart who seconded the original motion. A vote was taken to approve the motion, as modified, and it was unanimous.

AGENDA ITEM NO. 3 - D.O.H. BRIDGE INSPECTION: - Mayor Ashley reported that there were originally two bridges in the City identified for inspection that we did not get a good grade on. One happened to not be a city bridge. The other one was the bridge at 31st Street and Third Avenue. It was judged that this bridge must be fixed or taken out. Therefore, the City has

repaired it; supports have been put under it, and it has been fixed. The inspection report essentially says the inspection department have looked at the bridge, and their only requirement was that we place signs limiting the weight to 15 tons. Weight limit signs will be placed at the site of the bridge. A copy of the inspection report will be furnished all councilmembers. Councilman Romie Hughart mentioned the placement of guardrails on the side of the bridge. Mayor Ashley stated the question of a guardrail had not been addressed before. Councilman at Large Olaf Walker believed the City would be required to furnish a safeguard for pedestains, and Councilman Romie Hughart stated there was a rail on that side, but what he was talking about was the opening on the other side as it is a two-way bridge. Mayor Ashley stated that it would be no problem to place timber along this area, with reflectors on it. Also, he said a center line would be of help, and he will check with the Department of Public Works and report back to Council the cost for the improvements suggested. Councilman at Large Rusty Casto questioned what had been done to the 21st Street bridge. Mayor Ashley informed that the State put barrels up and reduced the width of the bridge making it one-way. Councilman Charles Miller suggested we talk with someone at the Department of Highways and try to get something done on this bridge. Mayor Ashley informed that the last report he had, the Department of Highways was going to fix the slip, and he feels that if the slip is corrected, the bridge will also be fixed.

AGENDA ITEM NO. 4 - STATE INSURANCE PLAN COMMUNIQUE: - As a follow-up to an earlier communique, Mayor Ashley distributed copies of communication from the State of WV, Board of Risk and Ins. Management, to members of Council, with a request to City Recorder Joan McClanahan for the Insurance Committee members to take particular note of it. Our insurance renewal date is February 20, the anniversary of the City, and at that time the City will either continue with our current insurance program or move to another program. Around December 1, City Recorder Joan McClanahan, plans to have the Committee come back to Council with recommendation either to go out for bids, go to the State or another program. The question will be addressed between now and February. Members of the Insurance Committee are City Recorder Joan McClanahan, Councilwoman at Large Mary Trout and Councilman A. A. "Joe" Savilla.

AGENDA ITEM NO. 5 - RECOMMENDATION FOR PURCHASE OF FIRE TRUCK: - Mayor Ashley yielded this agenda item to City Treasurer Ralph Allison who stated that we advertised for bids on a new fire truck on August 11, 18 and 25. The eight bids received from seven different companies were opened on September 2, with the highest bid being \$155,408. and the lowest in the amount of \$135,658. The bid proposals were reviewed by City Recorder Joan McClanahan, City Treasurer Ralph Allison and Fire Chief E. W. Hedrick and recommend we accept the bid from Dill's Mountaineer Association, Inc. of Ravenswood as their bid meets our specifications and they are low bidder. They also have a financing plan available as described at a previous Council

Meeting; 11 percent down, balance over 11 years at an interest rate of 7 1/2%. Delivery date would be in March or April, 1987 at which time there would be a down payment of approximately \$15,000. with yearly payments of around \$17,000. Councilman Charles Miller moved we accept the recommendation to purchase the fire truck from Dill's Mountaineer Association, Inc. The motion was seconded. Councilman at Large Olaf Walker stated that he wasn't against the motion but requested City Treasurer Ralph Allison explain the payment as this was not included in our budget in this fiscal period. City Treasurer Ralph Allison explained that this amount was taken out of unallocated revenue sharing funds. Councilman at Large Olaf Walker further stated that this was funds carried over from last fiscal period. Mayor Ashley said that it was not our last fiscal period, but the last federal fiscal period. He then explained that last January, February and March, we were structuring this fiscal years budget and we had the General Revenue Sharing Funds in the budget, but we did not have the allocation of those funds for the fire truck in our budget. However, we did modify this fiscal years budget at an earlier and recent Council Meeting to include this fire truck in these amounts. Councilman at Large Olaf Walker agreed with this explanation if he was understanding it correctly. Councilman at Large Olaf Walker questioned that last year the money that we had, was not used in preparing the budget for this fiscal period. Mayor Ashley answered that it was in the budget, but it was just not in the budget as a capital expense for a fire truck; it was in the budget as cash on hand (Contingency funds not allocated). Councilman at Large Olaf Walker further stated that he could be wrong, but it appeared to him that when we were preparing the budget, he thought that the money we anticipated receiving from the numerous sources, such as taxes, grants and other sources from Nitro, was estimated to be a certain amount, and the expenditures were set to meet those revenues. He further stated that back some place we had another eighty some thousand that was not included in our budgetary process. Councilman Walker's point, which he informed he could be wrong, was that it appeared to him that when we prepare the budget, we don't have all the facts. For clarification, Mayor Ashley responded that if you go back a prior year in time, in January, February or March preparing the fiscal years budget for the last year just concluded on June 30, the state of General Revenue Sharing Funds were totally in doubt and we were obligated by the State Tax Commission and instructed and informed that they would not accept any budget that included any projection of Revenue Sharing above the amounts already committed. So, we anticipated that while that Revenue Sharing money might or it might not come in because there was no assurance that the money would come in, and then Congress approved a lesser amount and it did come in amounting to eighty some thousand dollars in 1985, in January, February and March, and when we prepared the budget in March, 1985 that projected amount of money was not acceptable to the State Tax Commission even though everyone knew it might be received. The Tax Commission instructed to only put down what you know is coming in; therefore, the Revenue Sharing Fund amount was excluded. Then the funds came in out of the September 30th end

of the year and we had the money. So, last year when we were preparing the budget we had the money that had not been budgeted before because we were told by the State do not put that money in last fiscal period budget. Mayor Ashley told Councilman at Large Olaf Walker that he was saying that we didn't have all of the information, and the information was being withheld by the Federal Government as to what they were going to do with Revenue Sharing and the State Tax Commission said, you shall not put that money in your budget because you don't know you are going to get it. If the budget was submitted including these funds, the budget would be turned down; some cities did, and their budgets were turned down. When we did receive it, we added it last year. City Treasurer Ralph Allison explained that at an earlier Council Meeting, we adjusted the 86-87 budget. Councilman at Large Olaf Walker questioned if this would show on our future print outs of our budget, and City Treasurer Ralph Allison informed that it would. Councilman at Large Olaf Walker asked that if anybody would look at our budget, they will see that we are spending for the Fire Department more than \$242,000. Mayor Ashley advised that it was adjusted and put in last years fiscal budget that ended this past June 30. It was added in as revenue received, but at this time we hadn't allocated on what we were going to do with it. We had received it and it was above and beyond the budgeted amount that we said we would be getting. Councilman at Large Olaf Walker asked that if we were going to be spending in the Fire Department more than \$242,000. in this fiscal period, and City Treasurer Ralph Allison answered, yes. Fire Chief E. W. Hedrick said that the Fire Department themselves have spent \$39,000 out of a Grant that comes to the Volunteer Association. Mayor Ashley thanked Chief Hedrick for his comment, but stated that he didn't think that's at issue here, but believed what was at issue was whether or not we handled the recognition that that money was coming in, and the Federal Government did not know when we prepared those budgets that it was going to be available. Councilman at Large Olaf Walker said that he was not implying that it wasn't handled properly, but was trying to get clear in his mind, was that whenever we budgeted it, we anticipated a certain amount of revenue to come in from different sources including whatever it would be for this coming year. Mayor Ashley answered that for this coming year, there seems to be little or no doubt in the direction of getting more than we budgeted. The doubt comes in with the implementation of Gramm-Rudman that we may end up getting less if they cut it. If there are cuts to be made, that's one area that is vulnerable. The year before, we knew we were probably going to get some more money, but we didn't know until it came in that we were going to get it, and even though we anticipated receiving the funds, the State said we were not allowed to include it in our figures, and so we didn't. Then when we got it, we added it to our budget. Councilman at Large Olaf Walker wanted to know if we would receive enough Revenue Sharing money to pay for the entire cost of the fire truck, and Mayor Ashley answered we would not. Then Councilman at Large Olaf Walker wanted to know how we would budget that, and Mayor Ashley answered we only needed another \$7,000. and this amount was taken

from Revenue Sharing to apply towards the down payment. Mayor Ashley further informed that we have interest income on the Revenue Sharing money, and we have the \$25,000 matching funds from Kanawha County. City Treasurer Ralph Allison commented that in the 87-88 budget, we will have to allocate from Capital Expenditure around \$6,000. which will have to come out of the Fire Department budget and go towards lease purchase. There being no further discussion, a vote was taken for the acquisition of the fire truck from Dill's Mountaineer Association, Inc., and it was unanimous. Councilman at Large Olaf Walker requested City Treasurer Ralph Allison's explanation be included in the Council Meeting Minutes. Mayor Ashley wanted explicit inclusion of the Treasurer's comments with regards to how the financing of the fire truck is to be proposed. Also, to make as a part of that explanation that Governing Bodies are not allowed, by law, to commit themselves beyond the one fiscal year of operation. So in the proposal, preparation and approval of the budget with which we are now working it's good only until June 30, 1987. In order for this agreement to be continued, it would have to be acted upon by the governing body for each continuing fiscal year. The provision of the lease purchase agreement is that unless cancelled, it would be continued. However, it is subject to cancellation on the part of either party. Councilman at Large Rusty Casto requested Chief Hedrick to describe the truck to him. Chief Hedrick responded that it is a custom pumper, 1,500 gallons per minute, has a high pressure booster reel, 2 booster reels coming out of the back, has a hose bed of 1,500 feet of 3 inch hose and they will be able to haul a thousand feet of 5 inch hose, it will have two matelasse crosslays of 300 feet of an inch and a half hose in each compartment. It will have full compartments completely around, and in the driver's compartment, there will be scott air packs, the jump seats will be equipped with scott air packs so that anyone riding in the truck can have a scott air pack while enroute. It is an FMC truck. Mayor Ashley further stated that some of the things that are standard on this truck, are not on the equipment we now have.

Councilman Romie Hughart, while at his residence, observed a vehicle on 18th Street going up 18th Street hill, and on checking, it was someone demonstrating a mini-fire truck, 4 wheel drive climbing the hill without any problem, and he stated this would be a beneficial truck to have too. Mayor Ashley agreed, and informed that it was a used piece of equipment and the Firefighters Auxiliary was looking at it, and asked Chief Hedrick to describe the equipment and what they were thinking in terms of doing. Chief Hedrick informed that it was a 1975 four wheel drive Dodge, with 12,000 miles. It had an emergency one fire body on it, 250 gallon per minute pump, and 250 gallon water tank on it. It was all aluminum, and designed to take care of dryer fires, car fires and small things. Due to the size, this vehicle would be easier to maneuver; thus making the arrival time shorter, and would be used to for about one-third of their runs. The Nitro Firemen's Association was looking at purchasing this, but in checking on the financing of \$19,500. for 5 years, they didn't have quite enough assets to obtain the loan. Mayor Ashley

questioned that if the City would underwrite, at the bank, a loan would the group be willing to undertake the purchase of this vehicle, not at the cost of the City, other than to commit to underwrite in their failure that the City would pay their obligation. Mayor Ashley stated that we couldn't go out and borrow the money as it is against the law. Chief Hedrick informed this truck would replace the 1974 yellow truck, and will be able to do away with one of the other fire trucks. Councilman Romie Hughart asked if the sanitary department might be able to use the 1974 yellow utility truck, and Chief Hedrick informed the truck was in good condition. Mayor Ashley suggested we come back to Council at the next meeting with proposals to try and make this vehicle available. It is anticipated that over half of the calls could be responded to by the smaller truck. Councilman at Large Olaf Walker commented that he feels a study should be done in trying to obtain this truck as it would possibly be a \$200,000. piece of equipment if we get it. He further stated that if we didn't have this smaller truck, the bigger truck would last longer. Mayor Ashley invited Councilmembers to work with Chief Hedrick on preparing a proposal.

COMMITTEE REPORTS

1. REPORT FROM ANNEXATION COMMITTEE: - City Recorder Joan McClanahan requested a brief meeting of the Annexation Committee immediately following Council Meeting this evening. The committee members are the City Recorder Joan McClanahan, Ward Councilmen, City Treasurer Ralph Allison and City Attorney Phillip Gaujot. Other members of Council were invited to stay for the meeting and participate.

2. REPORT FROM COMMITTEE ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION: - Mayor Ashley reported that the City of Nitro is being honored as a special bicentennial city, and will receive a special plaque from the national commission. McDonalds have agreed that they will make banners for the roads coming into the City giving recognition such as, "Welcome to Nitro, Constitution Bicentennial City". The design and wording will be cleared through the Commission. Councilman at Large Rusty Casto received a newsletter informing there would be awards to bicentennial cities. Councilman Casto then advised he mailed a letter to Steve McManus, on the Commission of the Bicentennial of the United States Constitution, and then Mayor Ashley mailed a letter. They both told him what had been done and what they planned to do.

Councilman at Large Rusty Casto announced that on January 5, 1987, John Getty will be in Nitro for the day. He portrays Abraham Lincoln. He will be visiting all the schools and will give his presentation that evening. Also, from Philadelphia will be a person portraying Benjamin Franklin.

Mayor Ashley said the City is helping organize writing competitions in local school commemorating the Constitution. He feels Nitro will be recognized as one of the outstanding

communities the Nation to celebrate the 200th birthday of our Constitution.

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

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

OCTOBER 7, 1986

The regular meeting of Nitro City Council was called to order by Mayor Arden D. Ashley in Council Chambers at 7:30 p.m. 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 were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 16, 1986 COUNCIL MEETING MINUTES: - Councilman Charles Miller moved for the approval of the Council Meeting Minutes of September 16, 1986. The motion was seconded. Councilman at Large Olaf Walker made friendly amendments to the last paragraph of Agenda Item No. 5 for clarification changing sentence to read as follows: "Mayor Ashley suggested we come back to Council at the next meeting with proposals and try and make this vehicle available". Correction of sentence to read, "He further stated that if we had this smaller truck, the bigger truck would last longer." A vote was taken to approve the amended Council Meeting Minutes of September 16, 1986, and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley informed that it is customary that on the first meeting of each month, we have a tradition of identifying people in the community who have been outstanding in their service to the City of Nitro. The Citizen of the Month for October, 1986 award was presented to Charlene Byrd. She is a member of the recently formed Commission on the Bicentennial of the United States Constitution for the City of Nitro, a prominent citizen involved very much in various aspects of community life; not only in the City of Nitro, but she is also a member of the Bicentennial for Kanawha County. A big round of applause and congratulations were extended to Mrs. Byrd. The surprised Mrs. Byrd gratefully accepted this honor, and stated that whatever she could do for the City of Nitro, please let her know.

Mayor Ashley announced that Charlene's husband, Dr. Byrd, was a recent recipient of The Melvin Jones award, the highest honor in Lionism. Dr. Charles Byrd and Mayor Ashley were a part of the Charleston Lion's Club to get Lionism started in West

Virginia. Those present for Council Meeting applauded Dr. Byrd.

AGENDA ITEM NO. 3 - DAVID M. SWEENEY, DIRECTOR OF EMERGENCY SERVICES REGARDING 911 SYSTEM: - Mayor Ashley introduced David M. Sweeney, the Director of Emergency Services, to speak on the proposed and forthcoming 911 telephone system. Mr. Sweeney thanked Mayor Ashley for inviting him to this meeting. Mr. Sweeney informed that hopefully in the next 90 to 120 days, we will have a 911 basic come to Kanawha Valley countywide. He advised that this was a major undertaking, and if it wasn't for funding from the Legislature, we wouldn't be able to have it. He further stated that he was real happy about this 911 concept, and with the enhance part that will come 16 months after January 1st. He explained the basic and enhanced. The basic is just where you walk up to your phone and dial 911. It rings into a central point (Charleston City Hall and there is plans for building a Metro-Comcenter). After that call is received there and the location and addresses are advised verbally, with nature of call and written on a dispatch card and then dispatch whatever equipment and resources needed. Hopefully, in 16 months in 3 1/2 seconds after that phone is answered, automatically due to the last billing month of C & P's data base records, it will show the last billing address, name of the person, and the town. Mr. Sweeney informed that the zip codes will be an important part of this program. In 3 1/2 seconds, the information will be on a screen and in 2 1/2 seconds after verification and locked in on screen, it will show on the bottom of the screen whether it is Nitro fire, Nitro Police, and what ambulance unit in the county will respond. At this time, the Comcenter will take the information and dispatch. He said if this City so chooses to dispatch their own, they would just verify the information and through a computer the information could be forwarded to our comcenter. If decision is made to go with the Metro Center, the Metro Center will punch a button and dispatch for proper assistance. He further advised that a lot of people told him that he was from the City of Charleston, and the City of Nitro and everybody will have to wait while you all do the City of Charleston work. The answer that he has been giving everyone is that "I doesn't like grand juries. If I burn down a house in Nitro, Cabin Creek or anywhere else because our Comcenter people decide to listen to one area priority and not handle another one, I have nothing to gain from it and we're not going to do that. I live in Tornado, 3 years I lived on Broadway Avenue in Nitro, so I'm not out looking for the City of Charleston itself. The fee will be about \$.25 cents a month, that will probably be rolled down at a later date by the Public Service Commission. We took Maryland, around the Washington, DC area. There are quite a few counties up there that have the 911 concept. So we took thirir cost and added 20 percent, because basically no one has ever took this type of approach because the law is new and the same fee is new added in West Virginia. But, after the Public Service Commission gets done with it, we will role our price down to whatever they order us us. Right now the cost is basically \$.25 cents, and that's what we set the levy at. It is going to be put on the monthly bill. C & P tells us that we have to have a

collection rate between 85 and 90 percent because we will have people move out that owe a bill or, a lot of the bigger businesses, they tell me, maybe one month will have 10, 12, 14 to 16 lines and then the next month, when their billing is low, they shut down those lines. On the average we expect to collect about 85 to 90 percent. It will generate an excess of about \$22,000 to \$24,000 a month. The basic fee is going to run \$13,000 a month from C & P, and when the enhance comes in its place, 16 months after January 1st, it's going to run approximately \$18,000 to \$19,000 a month. Well, you say there is \$4,000 extra a month. The total bill for C & P's installation and maintenance is \$386,000. The Legislation allows the County Commission to recoup their \$386,000. We bargained with C & P and got them to finance the \$386,000 where the County Commission didn't have to lay it out in a lump sum, because I am sure they would have run down to Nitro and ask you to pay your share. I knew Charleston's share was going to be close to \$80,000. So technically what we did was to get C & P to carry the papers on three hundred and some thousand for 36 months to 48 months until we pay the debt, and then the bill will be rolled down, because the Legislation doesn't allow us to make a dime off of it. We hope to get C & P to allow us to keep maybe \$50,000 to \$75,000 in an escrow account and then be able to roll it down after we get the escrow account. That's basically about it. I'll answer any questions you have." Questions and answers as follows:

Mr. Sweeney was asked what enhance means and he responded that the basic is where you just dial 911. The enhance is when you get the name, address and phone number for call back.

Are you billing on the amount of lines a person has? Mr. Sweeney said this is right; every line has to pay. He said they had talked about that a lot, and C & P, of course, said they didn't want to have to pay for their lines because that would just increase the cost. But they chose to bill everyone. The City of Charleston will have to pay for whatever lines they have in the C & P system, and you will have to pay for whatever lines you have coming in on the C & P system.

Then it was asked what about people with no lines and he answered that they would have to go use their neighbors phone, because they are not billed. You are only billed if you have a line.

Councilman Charles Miller commented that Nitro is divided into two counties, how you take care of that? Mr. Sweeney informed they would go ahead and service all the 755 exchange.

Mayor Ashley mentioned that Putnam County already has a 911 system, but in the computer if a party already has a 755 exchange, the call would be responded to in Kanawha County, and asked to be corrected if he was wrong. Mr. Sweeney said what they would do for the interim period of the 16 months, C & P technically with their computer system, until we get the data base on, cannot split the streets or county lines. After they

get the computer system and data base on, they will be able to split the county lines. They will have to manually do that of which they are aware. A statement was made that 755 goes across the river, and if a call was made from one across the river, would it automatically go to Kanawha County instead of the city. Mr. Sweeney replied that we'll have some growing pains on this. He added that they have four exchanges, 949 up around Belle that goes up to Montgomery, the East Bank exchange that goes way up Paint Creek, then the 755 exchange and also on the other side of the river the 727 that goes down below Teays Valley Road. He said there would be people that would get it free, as people on 755 that lives in Putnam County, they can't charge them. So they will be receiving the service free for 16 months. If a call is received and they say they are in Putnam County, the call will be switched to Putnam County or will dispatch in the area. After the 16 months and C & P is able to split the county line, then the fee will be added. The people living outside of Kanawha County will not be billed the \$.25. Mr. Sweeney further stated they have been to the Putnam County Commission three times, and in his opinion that after they see how this goes, they will probably turn it on anyway, and he feels they will be paying for it in the next year or so. He stated they chose to go ahead to any exchange that services Kanawha County, they will give exchange free except some of the businesses have East Bank numbers, Montgomery numbers and Beckley numbers. But all the proper areas of Kanawha County, in exchange for service, they will charge \$.25 cents.

Councilman Romie Hughart commented that if they have a Beckley number and Beckley doesn't have the 911, it wouldn't do them any good to call on Beckley anyway. Mr. Sweeney stated that it would probably be an exceptional number in C & P's terminology anyway, and they will not bill exceptional numbers.

Councilman Charles Miller asked how much it will cost Nitro to get on this, and Mr. Sweeney replied by saying, "That's a good question. Right now we have not even got a dollar figure on it. I kicked some dollars around. Previously the City of Charleston spent \$456,000 on a new comcenter and half of that came from FEMA. The Kanawha County Commission spent \$215,000, or committed it, and \$215,000 came from FEMA again to make Charleston Comcenter bigger to handle all of Kanawha County."

As Mr. Sweeney mentioned Kanawha County and Charleston Comcenter, it was asked if there were going to be two comcenters, and he replied just one. The proposed site is on Court Street, where the old fire department is, they will go over the mezzanine area and build across the floor. The preliminary drawings are in from the architects awaiting the green light. Mr. Sweeney stated the center will be capable of handling all of Kanawha County and all the Municipalities. He said, "I can assure you, and I've not been told to come up with a dollar figure yet on what it will cost municipalites, but I don't think there will be any price gouging; I don't think they will hold anybody over a barrel. I'm sure Mayor Roark and the County Commission will down

to talking to you about it, before they come up with any dollar figure. Right now we cannot tell you exactly what it's going to cost." Councilman Charles Miller asked if it would cost so much per month after we get in it? Mr. Sweeney said they hadn't got that far yet. Right now they are trying to build the center and get the equipment and then operate it for about six months to see what it will cost. City Recorder Joan McClanahan said to correct her if he was wrong, but didn't she not read an article in the paper that St. Albans had some figures; she didn't know where they got their figures, but they did have dollar figures. Mr. Sweeney answered that he is the only one that has figured any figures yet, and that he could assure us that he hasn't put anything on paper. Councilman at Large Olaf Walker asked if he was going to compute the cost, how would he go about it to allocate the cost to each town? Mr. Sweeney said it would have to be prorated on calls for service and further stated that this statement was just him talking and not the City of Charleston or the County Commissions' position. As far as he's concerned, they will take the total calls they receive over a six month average and average them out, break it down on the population in that area and come up with a dollar figure for so much a call. They estimated the countywide comcenter dispatch police, fire and ambulance in an excess of 350,000 calls; with the majority of them being inside the City of Charleston based on the figures they put together. He further commented that the City of Charleston is not going to get a free ride, and they know that. Any cost calculations has been on past history.

A discussion followed on the cost of the building of the Comcenter, and Mr. Sweeney advised the City of Charleston and the County Commission has funded it all at this time. It was a concern that they would be coming back and asking the cities to pick up the tab for that cost. Mayor Ashley stated that he hadn't heard anything about this being done, but for the ongoing operations cost on which Mr. Sweeney agreed. Councilman at Large Olaf Walker said that he heard debated at the Legislature and has a copy of the Bill and has glanced through it, and it is his understanding that the County Court has the power to tell the telephone company to charge a certain fee or have the subscribers to pay a certain fee. The fee of \$.25 a month, does it include everyone that has a phone residing in the City of Nitro? Mr. Sweeney advised that their order was that any residence or business that has a C & P telephone line in Kanawha County. Councilman at Large Olaf Walker said that it was his understanding that eventually, the entire county would be covered. Mr. Sweeney informed that the whole county is covered right now, and in the bill, they kinda left the cities out which may have been the Legislators intent. He said, the way the Bill is written, the power is with the Commission. For clarification, the \$.25 cents is just for the 911 service. The operations of a comcenter and the 911 service are two different categories. The operation of a comcenter right now, the burden, the County Commission handles all municipalities up in the Eastern end and they have been doing it for a number of years.

Councilman at Large Olaf Walker asked if this would subscribe in the unincorporated or even in town would call in and need these services, do you anticipate of him being charged for the cost of rendering the service or would he be charged a set fee? Mr. Sweeney answered that right now he will pay the \$.25 just like the residents of Nitro. Mayor Ashley stated that this would be for the line coming in that hooks to the telephone. The operation of a comcenter is an assessment that would not be given to the residential properties in all likelihood, but would go to government agencies. Mr. Sweeney said there were 5 in this valley operating their own comcenter. They are City of Charleston, City of Dunbar, City of St. Albans, City of Nitro and the City of South Charleston. All in those areas within the County has been handled by the County Comcenter; that is, all your incorporated areas, plus all the eastern municipalities. They handle fire, police and ambulance. The County Commission has assumed that burden and they have for about 10 years. Until they tell me different, they will still assume that burden for unincorporated areas; plus, he believes they serve the parks and recreation also. Mr. Sweeney, at this time, does not know what the cost will be annually for the city. He stated that he had some rough figures, but he could be off \$100,000.

A question was asked if it would cheaper for all cities, is that why they are putting it in. Mr. Sweeney stated that it would be eventually. He doesn't know the amount the City pays for comcenter, but if you figure the salaries and benefits it would probably be quite a sum. A comment was made that if it wasn't cheaper, there is no advantage to it. Mayor Ashley answered that there is a solid argument for it being a superior system then the current technique being used. He feels the modification is not to save money, but to improve communications in the event of an emergency.

Councilman Charles Miller mentioned that the burglar alarms are hooked into here, would they then go to Charleston? Mr. Sweeney stated that they could go two ways on this. Right now at the City of Charleston Comcenter, they bid out and contract with ADT alarm system. ADT guarantees that when their alarms ring, it will ring in and they can dispatch or have call forwarding.

Councilman at Large Olaf Walker asked that if he made a false alarm from his phone, would they have the capability of identifying the phone and where it is coming from. City Recorder Joan McClanahan added that this would be on the enhanced 911, not the original. Councilman Romie Hughart commented that the basic 911 would have a holding technique which could be traced.

City Recorder Joan McClanahan asked that if they are talking about covering all of Kanawha County, and Mr. Sweeney responded, that was correct.

City Recorder Joan McClanahan asked how many dispatchers would be needed? Mr. Sweeney said, they had a high figure in the thirties, 32 - 34, and a low figure of 24 - 26, which is based

on three jurisdictions of the same size population using E-911 and using the Cad. system. A question was asked if this was divided up in 24 hours, and Mr. Sweeney said that Wake County, Ohio, just outside of Cleveland, has a population of 276,000 people and they have just turned onto E-911 and paid NCR close to three quarters of a million dollars. They got the Cadillac version. Right now, Mr. Sweeney is interested in going with the basic thing on how to handle the cars and serve the public.

In case of an emergency of a plant blowing up, would they notify the Mayor, and Mr. Sweeney advised they would. Within this Comcenter, we have what is known as an emergency operation room. The City of Charleston has one now, and that was a guidelines. That is where your key principals in a government would report on an emergency whether it be a flood, hazardous materials, tank car wreck or something along that line. They are there for a resource manager; not to tell you how to do your emergency.

Councilman at Large Olaf Walker asked Mayor Ashley if this wouldn't be a small step towards Metro Government. Mayor Ashley said that Metro Government takes two forms. One is consolidation of government; the other is consolidation of services, and asked which one did he want to take. Mayor Ashley then said that Metro Government is not disassociated from 911, but he didn't see it as being anymore Metro Government than the Kanawha County Ambulance Authority, Humane Society or the Library Commission. These are consolidation of services to gain economy of scale and efficiency of operation.

Councilman at Large Olaf Walker asked Mayor Ashley to assume that this will eventually reach the full capability as mentioned by Mr. Sweeney, how do you see that effecting the City of Nitro, as far people and cost? Mayor Ashley stated that he feels that this is a matter of opinion, but his recommendation that what would transpir then would elimnate the need for the dispatching of firemen and policemen from City Hall. We would have the capability and flexibility within our system or we could forward our calls on. During the day, we may choose to dispatch, but we could shut down local operations and have all City Hall's calls go to the County, and more especially the emergency calls. We would not have a need for Communication's office as we now see it staffed, and we would not need the computer that allows us for registration check on vehicles. This could be done through the County. There would be cost savings in terms of equipment and there would be a reduction in the need for personnel, and I would see the need for one telephone operator.

Mr. Sweeney advised that if we do get our wires crossed and it is a holiday and the operator forgets and switches a call down to the comcenter at City Hall, and it is closed or away from the desk. He informed that they could preprogram the ringing system within the phone system, like after 6 to 8 rings, it automatically comes back to their comcenter.

Councilman Charles Miller wanted to know if our ambulance

would continue to stay at City Hall? Mayor Ashley informed that Mr. Sweeney was not in anyway affiliated with the ambulance authority. Basically what we do now is call the county as they have the total system that they are in control of.

Another question was asked what it would do on fire fees as some cities charge and some don't. Mr. Sweeney said that they have talked to some of the fire rating services throughout the nation about this, and when we go to 911, a central answering point, they kinda look at how quick they can dispatch, and it will lower your homeowners insurance once we get the enhances 911-E going.

Last week there was a problem with FMC and through the Fire Department's private phone, they tried to get in touch with Putnam County. They dialed 7-911 and it automatically rang Putnam County, and wanted to know if C & P would do something like this like just dialing 911 for Kanawha. Mr. Sweeney said it would automatically be split on the county line once we get the enhance.

Mr. Sweeney further informed that they have applied to the FCC for license for a metro law enforcement channel. Whereas when you have something that's right on your jurisdiction line, whether it be Nitro, St. Albans, Charleston or South Charleston, they will be able to select right up on the multi-channel radio and talk to each other directly.

Mayor Ashley thanked Mr. Sweeney for sharing this information with us, and suggested to Councilmembers and the audience that if they would like to find out more about 911, he was sure that Dave wouldn't mind if they would call.

Councilman at Large Olaf Walker said there were three things that he would like to have is a follow-up of what the cost was going to be. There were three areas that he understands. One is the subscriber \$.25 cents, the other that each user will be assessed some kind of cost for the use of his service and then the City is going to have to pay a fee to support the center.

Mr. Sweeney informed that there will be two charges in this, \$.25 on your phone bill per month for being able to dial 911, and the other charge would be to this Council and the Mayor. Whether there will be an assessment or the amount are unknown at this time. It will be up to Council to decide if they want to operate their own or join the center.

AGENDA ITEM NO. 4 - THE SALVATION ARMY CHRISTMAS APPEAL (NOVEMBER 24 - DECEMBER 24, 1986): - Members of Council were furnished a copy of the letter received from The Salvation Army identifying the time frame from November 24, to December 24, for their Christmas Appeal, which is consistant with prior requests. Councilman A. A. "Joe" Savilla moved for the approval of this request. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - REQUEST FROM THE KANAWHA COUNTY COMMISSION TO OBSERVE HALLOWEEN ON THURSDAY, OCTOBER 30: - A letter from the Office of the Kanawha County Commission was distributed to Councilmembers requesting Halloween be observed on Thursday, October 30, 1986, from 6 o'clock to 8 o'clock. Councilman at Large Olaf Walker moved we comply with their request. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 6 - GENERAL REVENUE SHARING BUDGET REVISION: - A copy of a letter dated September 22, 1986 from the Office of the Secretary of the Treasury regarding revision of the projected receipt of Revenue Sharing, was furnished to Councilmembers. For the purpose of explaining the action of recommendation to the Council, Mayor Ashley recognized the City Treasurer, Ralph Allison. City Treasurer Ralph Allison reported the letter states that we will receive \$71,505. and that is \$3,440. less than what we had originally budgeted. We originally put in \$74,945., so we need to revise the budget and decrease the revenue sharing by \$3,440. Mayor Ashley commented that the other half of that statement is that we have confidence of our receipt of B & O Tax revenues will more than offset that so that it would not be necessary to reduce the projected revenues, but simply transfer internally a reduction in General Revenue sharing to be replaced by the B & O tax. Increase the B & O tax to offset the decrease in General Revenue Sharing leaving total revenues the same, and then the standard form mailed to the Tax Commissioner's office, subject to approval of Council. Councilman A. A. "Joe" Savilla moved we approve the adjustment to the budget as prescribed. The motion was seconded. After a short discussion, a vote was taken and it was unanimously approved.

AGENDA ITEM NO. 7 - SOLICITATION PERMIT FROM CONFIDENCE ELEMENTARY SCHOOL: - Mayor Ashley acknowledged receipt of a request from Confidence Elementary School for a solicitation permit in conjunction with the school's annual fall carnival to be held on November 8, 1986. Councilman A. A. "Joe" Savilla moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - CHANGE IN COUNCIL MEETING DATES: (A) NOVEMBER 4, ELECTION DAY & (B) DECEMBER 2, 1986: - Mayor Ashley suggested Council might want to consider a change in the regular Council meeting dates.

(A) As November 4, is election day and several Councilmembers will be working in this election, Councilman Charles Miller moved the regular scheduled Council Meeting be changed to November 11, 1986. The motion was seconded. Following a discussion as to whether the November 18, should be changed, vote was taken to change the November 4, Council Meeting to November 11, and it was unanimous.

(B) For Council's information, Mayor Ashley will be absent

for the Council Meeting on December 2, as he will be attending the National League of Cities meeting. He did not suggest or propose that this date be changed, but he wanted Council to be aware of this. Did not receive motion to change this Council Meeting date.

AGENDA ITEM NO. 9 - LETTER FROM THE NITRO FIREMANS ASSN.: - A communique from the Nitro Firemans Association was given to Council suggesting to the Council that the Firemans Association would appreciate assistance in the acquisition of a Dodge "Quick Hit" truck for a price of \$19,500. over a period of 5 years. Included in their communique they identified equipment that might be made surplus by this that could be sold and get the asset value back in the City. This particular vehicle was made available to the Council for observation earlier. This is in response to the request by the Council at the time of the last meeting. Since the Nitro Firemans Association is a small organization with limited assets, they desire the City to make arrangements to acquire the truck in return for their agreement to give the City the payment money on a monthly basis, and questioned if this was not correct. Sgt. Hedrick, with the Nitro Fire Department, informed that the Nitro Firemans Association wanted to get it arranged so as to have one payment annually. Mayor Ashley said that it was his understanding was that the Nitro Firemans Association would make a commitment to City Council that the association would make payments to the City if the City would arrange to get the underwriting of the truck. This could be done by a lease purchase agreement. Sgt. Hedrick informed that maybe this was the case, but he wasn't present during the discussion. Councilman at Large Olaf Walker asked how the Nitro Firemans obtained money and Mayor Ashley advised of the carnival where they had a concession stand, revenue from the pictures, and raffles. All fund raising activities have been approved by Council. Sgt. Hedrick added that any type of equipment the Nitro Firemans Association buy, it benefits the department. Councilman at Large Olaf Walker wanted to know if the \$19,500. was the bottom price, and Sgt. Hedrick answered that it was. Councilman at Large Olaf Walker wanted to know if any of the equipment they wish to sell could be used by any other department of the city, and Mayor Ashley informed the 1974 Chevrolet utility truck could be used by other departments. It could be of great benefit to the Public Works Department. The 1963 Seagrave pumper would not be, but might be useful to some volunteer fire department. Sgt. Hedrick informed they took the 1974 Chevrolet utility truck to a Chevrolet dealer and they advised the truck was valued between \$4,000. to \$4,800. Councilman Romie Hughart moved Council pursue a financial arrangement on a lease purchase contract for the Dodge "Quick Hit" truck through the Treasurer, along with an agreement from the Firemans Association that we would set it up on a schedule that they meet the payments. The motion was seconded. Councilman at Large Olaf Walker commented that he liked the motion but wanted to know if we could obligate a future year. Mayor Ashley answered that we cannot, and all documents in which you incurred are only good for the fiscal year in which you are

operating. We cannot obligate beyond the fiscal year or into the next administration. However, the lease purchase agreements are structured in such a way that they are subject to cancellation by either party with notice stipulated and they are subject to annual renewal. There being no further discussion, a vote was taken and it was unanimous. Mayor Ashley asked Sgt. Hedrick to relay this to the Firemans Association and will work through them and try to get the pay back schedule arranged so it will be within their reach.

AGENDA ITEM NO. 10 - BANK STREET PROJECT: - For the edification of Councilmembers, Mayor Ashley announced that we have perspective tenants for the building at the corner of 21st and Bank Streets. It is scheduled to be occupied by a major national chain retail outlet. They are planning on spending monies in the six figures, including a complete redressing of the building outside. In return for this in part, the new owners are interested in knowing what the City is willing to do to promote commerce and assist them. In the interest of promoting commerce and expanding parking capability, we have been asked to consider the abandonment of Bank Street from 20th Street to 22nd Street as a City thoroughfare and surrender that property proportionately to those owners fronting Bank Street for the purpose of allowing the merchants to own the property and expand and make more flexible parking capability. In addition to that, there would be an attempt to landscape and beautify the two block section, and extend the park theme. This has not been discussed with other property owners. Mayor Ashley suggested to Council not to take specific action at this time, but a creation of a committee made up of the Councilmembers at Large, City Recorder Joan McClanahan, and the Chairman of the Planning Commission Margaret Hudson with Mayor Ashley acting as non voting Chairman. This would give 5 members of the Commission to look into this and come back with a specific proposal for beautification and modification with covenants that they would include in return for giving the property to the owners. If any other members of Council would like to work with them, the Committee would be more than happy to have their input. Councilman at Large Olaf Walker commented that the idea was very good, as this has been a problem for many years. He suggested it would be well, if we could have someone serve on this committee with experience and Mayor Ashley stated that he had someone in mind under contract services. Mayor Ashley stated that he feels we could appeal to him to work real cheap with us. He did the architect rendering on the World War I Memorial Park. Councilman at Large Olaf Walker asked were there any reason why we couldn't look at both blocks at the same time, and Mayor Ashley answered that absolutely we should look at both blocks. Mayor Ashley will be scheduling a meeting week after next.

AGENDA ITEM NO. 11 - PIONEER SIGNS REQUEST: - Mayor Ashley shared with Council that the Pioneers are sort of a service club within the telephone company. They have always taken upon themselves to try to do worthwhile projects in various communities. They are proposing a "Burma Shave" type sign

system. This consists of 5 signs; the last of which says "Pioneer Club" or something to this effect. The other signs are basically messages that deal with making West Virginia beautiful. They want to put a series of these signs in our city, and the only logical place would be along the highway on First Avenue. We wouldn't have the authority to grant permission on the Department of Highway right-of-way. There is a stretch of land from I-64 toward the plant entrance long enough for these signs off the highway, and another stretch would be from the Twin City Bible Church and the Cantrells to the Moose. The club will either use metal stakes or treated 4 x 4 stakes with a crossbar to make it more rigid if the signs are permitted. They also offer in keeping with the current theme of the City to put up wooden signs. The club is asking us as a city to participate in the endeavor to distribute these signs as they are trying to get them put up throughout West Virginia. Councilman Jim Hutchinson moved we approve their request subject to having wooden signs routed and painted erected on the road from the interstate to the plant entrance. The motion was seconded. Councilman at Large Olaf Walker questioned if this would be in violation of the ordinance recently passed regarding signs, and Mayor Ashley said it would not. A vote was taken to approve the request from the Telephone Pioneer, and it was unanimous.

Councilman at Large Rusty Casto moved that since he has been cleaning the area of the proposed site of the Pioneer signs, that the City make wooden signs for Monsanto, Griesh Equipment and the others, and also that the "Welcome to Nitro" sign be moved to some other place because they will not be visible when he plants the trees. Mayor Ashley advised that he would be more than happy to contact the companies, and ask if they would allow us to replace their metal signs with signs more in keeping with our current theme. With reference to the sign stating "Welcome to Nitro", Mayor Ashley suggested we contact the Ministerial Association and advise them that the question has been raised about either improving the looks or relocating that sign.

Councilman at Large Rusty Casto announced that he will be mowing weeds, beginning at 6:00 p.m., around the area from the interstate towards the plant entrance, and invites all interested parties to help.

COMMITTEE REPORTS

1. REPORT FROM COMMITTEE ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION: - Mayor Ashey informed there was a Committee meeting of the Bicentennial of the U.S. Constitution held October 6. They are planning activities and events for the City, and they will need the help of a lot of people and expect Councilmembers to be active and supportive of the program. One of the big things he shared was that they will have competition between high schools of Putnam and Kanawha Counties on the Constitution. McDonalds are contributing a lot to it. There may be scholarships offered. One idea was for a mock trial which the Committee feels would have public appeal.

Councilman at Large Rusty Casto reminded Councilmembers that they will be planting the trees Friday, October 10, at 3:00 p.m. They will be red maples and pink dogwoods.

2. ANNEXATION COMMITTEE: - City Recorder Joan McClanahan announced that immediately following Council Meeting there will be an Annexation meeting.

There being no further business, the meeting was adjourned at 9:15 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

OCTOBER 21, 1986

The regular meeting of Nitro City Council was called to order by Mayor Arden D. Ashley in Council Chambers at 7:30 p.m. Present were City Recorder Joan C. McClanahan, 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 were Councilman at Large Rusty Casto, Councilman Romie Hughart and City Treasurer Ralph Allison.

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

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 7, 1986 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved for the approval of the October 7, 1986 Council Meeting Minutes. The motion was seconded. A vote was taken and the Council Meeting Minutes of October 7, 1986 were unanimously approved as written.

AGENDA ITEM NO. 2 - PARADE REQUEST - NITRO/CROSS LANES MIDGET FOOTBALL: - A copy of the request from the Nitro/Cross Lanes Midget Football League for a parade on November 2, 1986 at 12:30 p.m. to celebrate the league homecoming was furnished to Councilmembers. Councilman at Large Olaf Walker moved permission be granted to the League for a parade. The motion was properly seconded. There being no discussion, a vote was taken and it was unanimously approved.

Mayor Ashley pointed out that there were some ordinances that we were attempting to prepare in time for tonight's session. They were in regards to inquiry about one-way traffic and restrictive parking on one side of 39th Street, East in front of Nitro-Putnam Elementary. There is some question about whether or not there has in the past, going back in the early 70's, been an ordinance prohibiting two-way traffic on that street. In the absence of knowing for sure, we'll address this with preparation of three ordinances for consideration of Council in time for the next meeting. The Police and Fire Departments have looked at the area and have recommendations to make.

COMMITTEE REPORTS

1. NITRO BICENTENNIAL COMMISSION REPORT: - Mayor Ashley reported the latest meeting of the Nitro Bicentennial Commission was held Monday, October 20, and they are progressing well in terms of detail. It looks as if we will have Senator Byrd to present the Bicentennial plaque to the City for special recognition. The Committee is working hard on programs for the

coming year. The Boards of Education have been contacted about the competition at the elementary, junior and high school levels on the history of the Constitution. They have also located a federal grant on a matching basis for material on the Constitution. The next meeting is scheduled for Monday, November 3, at 4:00 p.m. in Council Chambers. Mayor Ashley announced that any and all are invited to come and be a part of that program.

2. ANNEXATION COMMITTEE REPORT: - Members of Council were furnished a copy of the Annexation Committee report dated October 7, 1986. Present at this meeting were City Recorder Joan McClanahan, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Romie Hughart, Councilman Charles Miller, Councilman Jim Hutchinson, City Attorney Phillip Gaujot, and City Treasurer Ralph Allison. By advise from Legal Counsel, they requested a Citizens Action Committee be appointed by Mayor Ashley with legal counsel to review all aspects of the request, and then report to City Council with recommendations for action. The Annexation Committee recommended the extension of fire protection to those areas under consideration be extended until such time as the Council can act with specific conclusion. With Mayor Ashley's consent, this would conclude the work of the Annexation Committee. Councilman at Large Olaf Walker questioned the last paragraph which stated, "With your request, this concludes the work of the Annexation Committee", and asked for clarification as it appeared to him that Joan McClanahan, Chairperson of the Annexation Committee was trying to dissolve the Committee and this would not be permissible. City Recorder and Chairperson of this committee explained that this was addressed to Mayor Ashley, and Mayor Ashley stated that he understood it to be asking that the Annexation Committee stand aside while the Citizens Action Committee review all aspects. Councilman at Large Olaf Walker commented that if the Annexation Committee was dissolved, the citizens for and against annexation would not have a body to present their views to Council. He feels that the Annexation Committee could be important by hearing both sides of the issue from the residents of the area. He also feels that the committee on annexation needs legal guidance of its own. As discussed in their meeting, there is engineering data that must be provided, and required by law, and therefore, he does not want the Annexation Committee dissolved. Mayor Ashley said that he didn't disagree with Councilman Walker and feels there has to be committee work done, and as we progress we will need legal and engineering advise and surveys as there will be a lot of things necessary before Council takes action in the direction of creating the condition of annexation. Mayor Ashley further stated that part of the citizens group is to identify, through legal counsel, who will bear the expense of this kind of information. This is an important part of it, and Council hasn't committed funding. Also, he thinks there are some question about the propriety of having the City Attorney representing the citizens requesting annexation. This has not been discussed with our City Attorney Phillip Gaujot but Mayor Ashley intends to, based upon the City Recorder's communique. Mayor Ashley has already talked with some citizens about their willingness to

serve. We need to move forward on this; we need answers to questions that are economic in nature, legal questions, engineering questions and we need to know what it would constitute as an expense to the City if we were to take those areas in. Mayor Ashley agreed that the Annexation Committee, while it might stand aside, is an appropriate committee to hear testimony from the Citizens Group once they compile this information. Also, as a part of that question, there are some citizens who are showing great interest in having us move with dispatch. Mayor Ashley further stated that he would be most anxious to have any recommendation from the Council as far as appointment of a Citizens Committee, and would hope that the Citizens Committee would work with the Council Annexation Committee as a body that can work together. We must move cautiously on this issue.

Mayor Ashley had a question today posed to us by a gentlemen who is attempting to move a mobile home into the City. It is one of those, by his statement, recently built new mobile home that meets national standards, and there are a lot of fees, permits and charges that we require as if a person was building a new structure. The gentlemen felt the fees were not inline, and Mayor Ashley suggested the Grievance Committee (consisting of Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout and Councilman at Large Olaf Walker) meet with Bob Sergent on the question of fees, permit requirements, and inspection requirements on mobile home installations within the City. If any changes are made regarding fees, permit requirements, etc., then it would require an ordinance change. Councilmembers at Large will schedule a meeting with Building Inspector Bob Sergent and report back to Council.

Councilman A. A. "Joe" Savilla informed that he would like to meet with other members of the Traffic Committee, Councilwoman at Large Mary Trout and Councilman Charles Miller, at the conclusion of this Council Meeting. Councilman Charles Miller has already met with Gene Williams, Director of Public Works and gotten some figures. The Committee will report back to Council at the next meeting.

Along the same lines, Councilman A. A. "Joe" Savilla brought a request from Barrington Road for a dusk to dawn light at Barrington Road as they have been having problem there. Chief Cochran mentioned that there was no light at the end of Barrington Road and they were having problem with vandalism. Councilman A. A. "Joe" Savilla moved we approve the request for a dusk to dawn light at the end of Barrington Road. The motion was seconded. Councilman at Large Olaf Walker stated that he was out there about a year ago and feels it is needed. There being no further discussion, a vote was taken and it was unanimously approved.

Mayor Ashley reported that since the last Council Meeting, we did approve the underwriting of a "Quick Hit" truck for the Fireman's Association, and the arrangements hasn't been completed

and it is still under discussion. Chief Hedrick said that they are waiting to meet with the City Treasurer, Ralph Allison. The Fireman's Association have a proposed financial statement indicating the amount they can pay per year, and they are pursuing \$8,000 from the County. They will not receive an answer until after the election.

Mayor Ashley stated there is basically nothing to report on the effort to improve the Bank Street two block stretch. He stated that after the Council Meeting on Tuesday, he contacted the architect on Wednesday, had a meeting Friday at which time Mayor Ashley furnished him maps of the area, he took photographs and mailed him a topographical map so that he has elevations which he indicated would be one of the biggest problems in terms of beautification of that area. When information is rendered by the architect, Mayor Ashley will notify the committee and property owners in the neighborhood and will report back to Council for their consideration at a future meeting. The time frame is uncertain at this time.

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

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

- NOVEMBER 11, 1986

The regular meeting of Nitro City Council was called to order by Mayor Arden D. Ashley in Council Chambers at 7:30 p.m. 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 Charles Miller, Councilman Romie Hughart and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 21, 1986 COUNCIL MEETING MINUTES: - Councilman Charles Miller moved for the approval of the October 21, 1986 Council Meeting Minutes. The motion was seconded. A vote was taken and the Council Meeting Minutes of October 21, 1986 were unanimously approved as written.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley announced the Citizen of the Month for November is Rich Hively. Mr. Hively has been a Nitro citizen for a long time, and affiliated with McDonalds. He was helpful and instrumental in finalizing the plans to bring McDonalds to Nitro, and part of their management team. He is committed to this community as a volunteer, and is now serving as a member of the Bicentennial Commission of Nitro. Mr. Hively was not present for Council Meeting this evening, but his plaque designated Rich Hively as Citizen of the Month will be presented to him.

AGENDA ITEM NO. 3 - RESOLUTION 86-5 NAMING MAYOR ASHLEY AS CITY OF NITRO'S APPOINTMENT TO THE KANAWHA COUNTY AMBULANCE AUTHORITY BOARD OF DIRECTORS: - Councilman at Large Olaf Walker moved Resolution 86-5 be adopted naming Mayor Ashley as the City of Nitro's Appointment to the Kanawha County Ambulance Authority Board of Directors. The motion was seconded. Councilman Romie Hughart asked if Mayor Ashley wasn't already serving in that position and Mayor Ashley stated that he was. Councilman Romie Huhgart advised that he was in favor of this resolution, and feels the Mayor would perform well in this capacity. However, Council Romie Hughart stated that in the past we just made motion to this effect. Mayor Ashley informed that this was the practice in the past, but the auditors of the Kanawha County Emergency Ambulance Authority indicated that appointments to the authority had to come by way of resolution from the governing body. A vote was taken and it was unanimously approved.

RESOLUTION 86-5 AS FOLLOWS:



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

RESOLUTION 86-5

A RESOLUTION BY THE COUNCIL OF THE CITY OF NITRO ENDORSING MAYOR ARDEN D. ASHLEY FOR A POSITION ON THE BOARD OF DIRECTORS TO THE KANAWHA COUNTY AMBULANCE AUTHORITY

WHEREAS, in the opinion of the undersigned, Mayor Arden D. Ashley is well qualified to act in the capacity of a director on the Board of Directors to the Kanawha County Ambulance Authority by virtue of his experience and current official position; and

WHEREAS, in the opinion of the undersigned, Mayor Ashley would be a distinct asset to said Board of Directors to the Kanawha County Ambulance Authority, and would be able to perform the duties and functions of such office with high degree of skill and ability; and

WHEREAS, the undersigned, the Council of the City of Nitro, in their official capacity, are desirous of endorsing Mayor Ashley for the aforesaid position;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Nitro does hereby go on record as endorsing Mayor Ashley for a position on the Board of Directors to the Kanawha County Ambulance Authority.

Passed this 11th day of November, 1986.

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER

Rusty Casto

RUSTY CASTO, COUNCILMAN AT LARGE

Mary Trout

MARY TROUT, COUNCILWOMAN AT LARGE

Ola Walker

OLAF WALKER, COUNCILMAN AT LARGE

A. A. "Joe" Savilla

A. A. "JOE" SAVILLA, COUNCILMAN

Ronie C. Hughart

ROMIE HUGHART, COUNCILMAN

Charles Miller

CHARLES MILLER, COUNCILMAN

Jim Hutchinson

JIM HUTCHINSON, COUNCILMAN

LIVING MEMORIAL TO WORLD WAR I

AGENDA ITEM NO. 4 - REQUEST FROM THE AMERICAN DIABETES ASSOCIATION: - City Recorder Joan McClanahan presented Councilmembers a letter from the American Diabetes Association requesting permission to conduct a residential drive in the City of Nitro from November 6, through November 29. The request was received after the last Council Meeting. Therefore, tentative approval of their request was granted subject to sanction by Council at this council meeting, and moved we grant approval for their request. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - REQUEST FOR 1987 MOTHERS MARCH 1-18/31-87: - City Recorder Joan McClanahan read a letter from Connie Dlugos of the March of Dimes Birth Defects Foundation, West Virginia Chapter requesting permission for their annual 1987 Mothers March in the City of Nitro from January 18, through January 31, 1987, and moved we grant approval of this request. The motion was seconded. There being no discussion, a vote was taken and it was unanimously approved.

At this time, Mayor Ashley reported to Council that there is an ongoing fund raising effort on behalf of the Firemen's Association, and asked members of Council if they had received any complaints or comments. Councilwoman at Large Mary Trout stated they had been to her house and were real nice. Mayor Ashley advised that as with any promotional effort like this, there are times when people are not receptive to someone knocking on their door, and there are some concern expressed by others and felt it proper to report this to Council. Mayor Ashley asked that if complaints or comments are received, that they be shared with Council, so that we may determine if the complaints have validity. Mayor Ashley explained the essence of the complaints are that the nature of the request for donation is for the Fire Department, and they need \$10.00 from every resident to meet expenses which is not true. The funds raised are not intended as a part of the departments operating budget. A record of comments will be maintained and after the fact, Mayor Ashely requested an evaluation of the performance of dollars and cents, as well as the assembly of complaints. Councilman at Large Olaf Walker stated that he didn't have a complaint, but had an inquiry. Then, the next evening he had a young fellow come to his door, and he asked him if they were from Beckley, and they were. It was Councilman at Large Olaf Walker's understanding that Council authorized this about a year ago. Mayor Ashley explained it was approved last year and also in September or October this year. This approval was not on the agenda but a majority of the Councilmembers gave their approval again. Councilman at Large Olaf Walker moved we grant permission on behalf of the Firemen's Association for solicitation within the City for a \$10. donation for a family portrait, and also that the Firemen's Association furnish Council a complete summary of the results of this promotional effort and the one from last year. The motion was seconded. We will ask the Firemen's Association to give us a timely written request in the future if they have fund raising projects. Councilman at

Large Olaf Walker stated he felt there should be some way of identifying the person making house calls. Councilwoman at Large Mary Trout answered that the person coming to her door had a letter. The request from the Firemen's Association was received after the last Council Meeting. Councilman at Large Olaf Walker stated he felt he was wronged as he was not contacted concerning the approval of the solicitation permit from the Firemen's Association. Mayor Ashley stated he had Eve Frazier contact all the Councilmembers she could, so there was an attempt to contact all the members. A vote was taken to approve the request from the Firemen's Association, and it was unanimous.

Councilman at Large Rusty Casto commented he felt we should be more selective regarding granting permission to non-profit organizations to solicit within the City of Nitro, such as how much will be used for administration and for actual charities. Mayor Ashley said the point is well taken, and told City Recorder Joan McClanahan as we consider these questions in the future to keep in mind that Council may be discerning in the future so try to obtain information as to how the funds collected will be used. Councilman at Large Rusty Casto suggested a form be completed as to where funds will be used. Councilman at Large Olaf Walker stated we may be able to obtain this information on at national level, but he wasn't sure the amounts would be available on a local level.

AGENDA ITEM NO. 6 - ORD. 86- TO ESTABLISH "ONE-WAY ON MAIN AVENUE FROM BOUNDARY TO LOCK ST.": - An ordinance to establish "One-Way" on Main Avenue from Boundary to Lock Street was previously discussed at a prior Council Meeting and the question was tabled. Councilman Charles Miller moved the ordinance be brought off the table. The motion was seconded. A vote was taken to remove the ordinance from off the table, and it was unanimous.

Councilman Charles Miller commented that they have been having so much traffic upon their street, and seem to keep the police up there constantly keeping the traffic down. Councilman Charles Miller stated that he believes if we made this street one-way, it would really help their traffic situation. Councilman Charles Miller further stated that all the people on the street want this. Councilman at Large Olaf Walker questioned in what direction, and Councilman Charles Miller stated it would be from Boundary to Lock Street, going south. Councilman Charles Miller stated that there is so much traffic on this street, and several children that we have got to protect them. Mayor Ashley said that he remembered that previously when we addressed the question, the unanswered part was what impact it would have on such streets as Boundary and Lock and the block over to Boundary and Layne Avenue, and asked Councilman Miller if he had addressed this question to the police department. Councilman Charles Miller said that he had with both the police and fire departments. They have been on the street and ran a survey and is their suggestion we do it this way. Mayor Ashley was not are of the suggestion, and asked who from the fire department

suggested the one-way street. Chief Cochran informed that he and Chief Hedrick went there. Councilman A. A. "Joe" Savilla stated that the Traffic Committee talked with Chief Cochran earlier, as Councilman Miller brought this up some time ago. They had discussed it several times in the past. They talked with Chief Cochran and he talked with Chief Hedrick and this was pretty much their recommendation. Councilman Romie Hughart asked if they recommended it be one-way in a southerly direction, and Chief Cochran advised it was. Councilman Romie Hughart stated that it used to be and he doesn't feel that anything has changed, but if there was a fire there, it would be very hard to turn off Lock Street onto the Layne Avenue. Councilman Miller informed that it would not bother Layne Ave. Councilman Hughart said, he knew but if it was one way from Boundary up the other way, the fire truck would have to cross the railroad tracks, they may have trouble making the turn on Layne and coming around, and Councilman Miller understood his point. Councilman Hughart further stated that he had no problem making it one way, but questioned if it was wise making it one way in a southerly direction. Councilman A. A. "Joe" Savilla commented that it was the only way to eliminate the problem that exists is to make it one-way in that direction. Councilman Miller said that if we make it one-way in the other direction, it wouldn't do any good at all. Mayor Ashley commented that it would cut down on half the traffic if was made one way the other way. Councilman Savilla said it would not slow them down. Mayor Ashley said that he was real familiar with the neighborhood and there was a real concern about what would happen on Lock as you divert people to Broadway because there is a better than a 90 degree turn from Lock to Broadway, and there is no restrictive parking. Mayor Ashley said he would challenge that it would be difficult to make a right hand turn from Lock to Broadway; he remembers this point was discussed before and it was a real problem. Councilman Charles Miller stated there was no restrictions on parking, but nobody parks on that street. Mayor Ashley said that in an emergency, they could park there legally and we couldn't prevent it, on which Councilman Miller agreed. Mayor Ashley also said that he felt we had addressed the concerns of Councilman Millers, because when Councilman Miller asked us to step up the police surveillance, we did. As Mayor Ashley recalled, we issued quite a few tickets, brought them into the court and got convictions on people who were violating traffic laws. Councilman Miller answered that we couldn't keep them there all the time, and it as though word gets around when they are there and people act like they should, but when they're not there, they act like kids, and they're all not 18 years old or younger, some are even his age. Councilman at Large Olaf Walker asked why couldn't we have a three way stop at the corner going towards Main from 1st Avenue across the track. Mayor Ashley informed there was a three way stop sign now. Councilman at Large Olaf Walker said that what he was getting at, if that Councilman Miller says that people coming down Main would rush on through there and if we put a stop sign there so they would have to stop. If you're coming west on Main Street, there isn't any stop sign. Mayor Ashley stated that was the only direction that has the right-of-way and he would say that 85% of the traffic

would turn right on Lock and toward 1st Avenue. Councilman at Large Olaf Walker said that it is Councilman Charles Miller's street, and he is for it. Mayor Ashley stated that with all due respect, and he knows this has been a concern to Councilman Miller and the people in the neighborhood, but the people in the neighborhood number around 10 or 15 people, and the people using the street number in the hundreds everyday, and it's not a simple question. Councilwoman at Large Mary Trout informed that the school bus use it everyday, and questioned why they didn't go out on the highway. Councilman Miller said he thinks they use it to keep from crossing the railroad. Mayor Ashley said they may very well be that before we had the traffic control signals, then it was impossible to get across 1st Avenue. Now that we have the traffic lights, perhaps we could suggest they go that way. Councilman Walker commented that Councilwoman Trout raised a very good point because anybody that looks for safety is the Board of Education as far as bus routing is concerned, and if we are going to make that one-way, what will it do to their routing of the bus. Councilwoman at Large Mary Trout said she feels they don't belong on city streets if we can get them out on the highway as they tear up the streets. Councilman A. A. "Joe" Savilla said that we could try it and if it didn't work, we could reverse our action. Mayor Ashley said he would like to know what impact it would have on Lock, Broadway and Layne, because he feels this point hasn't been addressed, and he would like to know that the Board of Education is acquainted with the problem. Before the next reading of the ordinance if the first reading is approved, Mayor Ashley would like to have a report back on some traffic counts and some maneuver ability. He is concerned that if you cannot continue on Main, and must turn left on Lock and right on Broadway the maneuverability at the intersection, and what will happen to the increase flow of traffic in that area. Councilman Charles Miller said that Broadway will have more traffic, he's almost positive, and then Mayor Ashley asked what would happen there because they have children and they're not use to this type of traffic, and we will probably be getting a petition from Broadway next month. Councilman Miller stated that he has been putting up with that traffic since 1953, so let's don't whip that horse. Mayor Ashley said it was not a question of whipping the horse, it's just a question of he doesn't feel we can take this lightly. There being no further discussion, a vote was taken to approve the first reading of the ordinance and it was unanimously approved. The second reading will be taken up at the next meeting. Councilman A. A. "Joe" Savilla asked if the Fire and Police Chiefs could provide us with a traffic study. Mayor Ashley asked for a statement from them as to what they are recommending in this instance, as he was not made aware they had looked at the question and had made a recommendation.

ORDINANCE ATTACHED

AGENDA ITEM NO. 7 - ORD. 86- TO ESTABLISH "ONE-WAY" ON THE SOUTH SIDE OF 39TH STREET, EAST FROM 3RD AVENUE TO THE DEAD END OF THE NORTH SIDE: - Mayor Ashley read the corrected copy of the

ordinance which states, "An ordinance to establish a "No Parking Zone" on the East side of Bailes Drive, from 39th Street to 40th Street." This ordinance was discussed at the last Council Meeting, but we were not prepared to act upon it. Councilman A. A. "Joe" Savilla advised this came about because of a request from the Principal of Nitro-Putnam Elementary School, because of the problem of getting the school bus in and off of 40th Street and down by the school. This is creating a tremendous safety problem. Councilman A. A. "Joe" Savilla moved we approve the first reading of this ordinance. The motion was seconded. Councilman Savilla stated that if people would eliminate parking on the side going down to and next to the school, this would pretty much eliminate the problem. There was a question as to which side of the street the ordinance would effect, and Mayor Ashley informed there would be restrictive parking on the school side on the full block from 39th to Bailes Drive. A complaint was made about a resident parking an 18 wheeler, and also parks two vehicles close to 40th Street creating a hazard in turning onto this street. Mayor Ashley informed that this ordinance would address this problem. After further discussion, Councilman Romie Hughart moved to table the three ordinances to establish a "No Parking Zone" on the south side of 39th Street East from 3rd Avenue to the end of 39th Street, AGENDA ITEM NO. 8: - An ordinance to establish a "One-Way" Street on 39th Street East from 40th Street to Bailes Drive, and AGENDA ITEM NO. 9: - An ordinance to establish a "No Parking Zone" on Bailes Drive from 40th Street to 39th Street East on the east side of street. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 10 - ENGINEERS REPORT - BROOKHAVEN: - Dave Schultz from Dunn Engineers, Inc. presented a summary on Brookhaven Subdivision, street and storm sewer study. Mr. Schultz furnished Councilmembers a map along with a report of findings and recommendations. After a commendable presentation from Mr. Schultz, a question and answer session followed. Bob Flack from Dunn Engineers explained that the correction of driveways and resident's real estate were not included in the report furnished.

Councilman at Large Olaf Walker suggested that Council should spend some time talking to each other about this subject other than at a regularly convened Council Meeting. Mayor Ashley suggested we hold this meeting in advance of a Council Meeting for discussion. A meeting was scheduled for December 16, to convene at 6:30 p.m. prior to the regularly scheduled Council Meeting. Mayor Ashley announced the meeting will be open to the public, and requested the presence of City Attorney Phillip D. Gaujot, City Treasurer Ralph Allison and Dave Schultz from Dunn Engineers, Inc. If the anticipated attendance from residents of Brookhaven is significant, we may need to convene in a different location and would like to be notified of this at the next Council Meeting.

COMMITTEE REPORTS

1. NITRO BICENTENNIAL COMMISSION REPORT: - Mayor Ashley announced the Bicentennial Commission met last night, and will be meeting again next Monday. He informed they are progressing well. Councilman at Large Rusty Casto is busy in finalizing the plans for specific monthly programs. Mayor Ashley invited members of Council to join the meetings if they would be interested in working with the Bicentennial Commission group. The activities for the year will be included in the City calendar, and in newsletters.

Mayor Ashley announced that he just received report that the Judge has ruled in our favor in the termination of Officer John Johnson.

There being no further business, the meeting was adjourned at 9:10 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 86-

AN ORDINANCE TO ESTABLISH A
"ONE-WAY" STREET ON MAIN
AVENUE FROM BOUNDARY STREET TO
LOCK STREET FOR VEHICULAR
TRAFFIC IN A SOUTHERLY
DIRECTION

ISASMUCH as the City Council of the City of Nitro desires to establish a "One-Way" Street on Main Avenue, from Boundary Street to Lock Street, for vehicular traffic in a southerly direction.

NOW, THEREFORE, be it ordained by the City Council of the City of Nitro that Main Avenue, from Boundary Street to Lock Street, be one-way for vehicular traffic in a southerly direction.

NOVEMBER 11, 1986
FIRST READING

SECOND READING

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

NOVEMBER 18, 1986

The regular meeting of Nitro City Council was called to order by Mayor Arden D. Ashley in Council Chambers at 7:30 p.m. Present were City Recorder Joan McClanahan, Councilman at Large Rusty Casto, 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. Absent was Councilwoman at Large Mary Trout.

Each year, we have the opportunity to participate with the students from Nitro High School in what the City calls "Student Government Week" and the students call it "Know Your Government Week". Mayor Ashley introduced his counterpart Mayor Terry Vaughan who thanked every one for the opportunity of serving as Mayor. Mayor Vaughan then introduced other counterparts as follows: City Recorder Scott Priddy, Computer Operator Lesa Fogarty, City Treasurer Shannon Graves, Director of Public Works Paul Strohl, Building Inspector David Dolin, Police Chief Anita Karaare, Fire Chief Dan Truett, Mayor's Secretary Beth Smith, General Manager of the Sanitary Board Brett Turley, Librarian Kim Bolyard, Director of Communications Kandi Grady, Councilwoman at Large Michael Hurd, Councilman at Large Gilbert Bailey, Councilman (woman) at Large Wendy Wysong, Councilman Anthony Smith, Councilman Bobby Barrett, Councilman Jon Shelton, Councilman Zac Northup, City Attorney Nancy Warner and Municipal Judge Liz Goff.

Mayor Ashley on behalf of the City Council welcomed all the students and congratulated them on being selected.

The invocation was given by Wendy Wysong, counterpart of Councilman at Large Olaf Walker.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 11, 1986 COUNCIL MEETING MINUTES: - Councilman A. A. "Joe" Savilla moved for the approval of the Council Meeting Minutes of November 11, 1986. The motion was seconded. Councilman Romie Hughart moved to have the sentence reading, "Councilman Romie Hughart stated that it used to be and he doesn't feel that anything has changed, but if there was a fire there, it would be very hard to turn off Lock Street onto the Layne Avenue", as he didn't remember stating this. Councilman at Large Olaf Walker desired deleted from the minutes in the second paragraph under agenda 5, the following "he felt he was wronged", because if he did state this, he didn't intend it as transcribed. He further stated that he did say that he wasn't contacted, and that he was gone and informed he may of said that. A vote was taken to approve the minutes as

amended, and it was unanimous.

It was suggested that the Council Meeting Minutes include page numbers.

AGENDA ITEM NO. 2 - ORD. 86- TO ESTABLISH AS "ONE-WAY" MAIN AVENUE FROM BOUNDARY TO LOCK (2ND READING): - The aforesaid mentioned ordinance was approved on the first reading at a meeting on November 11. Mayor Ashley furnished Councilmembers a copy of a map of the neighborhood and a copy of a joint communique from Chief C. R. Cochran and Chief E. W. Hedrick from the Police and Fire Departments concerning this ordinance. As part of the discussion at the Council Meeting November 11, there was a request for additional information and survey work to be done. Mayor Ashley informed that some of the work has been compiled, and it has been suggested in the joint communique from Chiefs Cochran and Hedrick that the question be set aside by the Council prior to approval of the second ordinance. Councilman Charles Miller moved that the ordinance be tabled until the study is finished. The motion was seconded. A vote was taken and it was unanimous. Mayor Ashley ruled that it is not improper to have the two Chiefs comment on the reason for their communique, and also requested that as the survey is completed and information compiled, that it be shared with all members of council. Chief Hedrick stated that after further survey on the question, they realized it was impacting a larger part of the community. It was effecting everything from Plant Road to Lock Street and they felt it needed more study. They would like to see the Traffic Committee along with Chief Cochran and himself to do a more indepth study on the question to make sure the entire problem would be solved at one time. Chief Cochran stated that his comments were the same as Chief Hedrick. Councilman A. A. "Joe" Savilla, Chairman of the Traffic Committee said they would be most happy to work them as soon as possible.

AGENDA ITEM NO. 3 - ORD. 86- TO ESTABLISH A "NO PARKING ZONE" ON THE SOUTH SIDE OF 39TH STREET EAST FROM 3RD AVENUE TO BAILES DRIVE: - Councilman at Large Olaf Walker moved we approve the first reading of the above stated ordinance. The motion was seconded. Councilman A. A. "Joe" Savilla, after reviewing the map, moved we amend the aforementioned ordinance by incorporating a "No Parking Zone" on the west side of Old County Road between 39th Street East and 40th Street. The motion was seconded. A vote was taken to approve the amendment, and it was unanimous. After discussion, a vote was taken to approve the first reading of the ordinance, and it was unanimous.

ORDINANCE ATTACHED

AGENDA ITEM NO. 4 - ORD. 86- TO ESTABLISH A "NO PARKING ZONE" ON THE EAST SIDE OF BAILES DRIVE FROM 39TH STREET EAST TO 40TH STREET: - Councilman A. A. "Joe" Savilla moved for the approval of the ordinance to establish a "No Parking Zone" on the east side of Bailes Drive from 39th Street East to 40th Street. The motion was seconded. There being no discussion, a vote was taken

for approval of the first reading of the ordinance, and it was unanimous.

ORDINANCE ATTACHED

AGENDA ITEM NO. 5 - ORD. 86- TO ESTABLISH A "ONE-WAY" STREET ON 39TH STREET EAST TO BAILES DRIVE FOR VEHICULAR TRAFFIC IN AN EASTERLY DIRECTION: - Councilman at Large Rusty Casto moved we adopt the first reading of an ordinance to establish a "One-Way" Street on 39th Street East to Bailes Drive for vehicular traffic in an easterly direction. The motion was seconded. A vote was taken to approve the first reading of the ordinance, and it was unanimously approved.

Councilman at Large Olaf Walker suggested a map be attached marking "One-Way" and "No Parking Zone" with each ordinance. Mayor Ashley stated he liked the idea, and we could duplicate the layout at the bottom of the ordinance, and mark the significance.

ORDINANCE ATTACHED

AGENDA ITEM NO. 6 - HOSPITALIZATION INS. REPORT: - City Recorder Joan McClanahan reported that during the past several months she has checked into a better employee group hospitalization plan. As you are all aware, this was advertised for bids and the employees elected to stay with Blue Cross/Blue Shield. On November 5, the City Treasurer Ralph Allison and City Recorder Joan McClanahan met with Gary Mounts, a representative of Blue Cross and Blue Shield and were told at this time there would be an increase in rates renewing in December.

City Treasurer Ralph Allison explained that in that meeting, Gary Mounts informed that based on the City's experience rate from September 1, 1985 to September 1, 1986, our rates were being increased by 13.3 per cent. City Recorder Ralph Allison reported that City Recorder Joan McClanahan reminded Mr. Mounts that on September 10, he had quoted the City rates that only reflected a 5.2 per cent increase, these quotes being good for 90 days from September 10. As it stands right now, we will be looking for a 5.2 per cent increase in rates. In dollars and cents it would amount to approximately \$270. a month beginning December 1, 1986, making seven months at approximately \$1,890. for this fiscal year. City Recorder Ralph Allison suggested we accept these rates. He also stated he didn't feel we needed a budget revision at this time, because we originally budgeted \$64,000 for this and we are currently averaging about \$5,200 a month, working out to \$62,400 a year. If a budget revision is needed, we could do this in March or April of 1987.

City Recorder Joan McClanahan added that it a better plan as it lowered the deductible with better out patient benefits, and moved we sign the contract to renew with Blue Cross/Blue Shield. The motion was seconded. Councilman Romie Hughart asked about the letter signed by employees requesting better coverage on

hospitalization insurance. Mayor Ashley answered that we took the request, acted upon it and got the best program for them in accordance with the changes requested. This was presented to the employees, and they voted it down. Councilman Romie Hughart questioned why Councilmembers were not notified of this action. City Recorder Joan McClanahan stated as there was no action taken, or changes made it was not reported. However, if there had been a change it would have been presented to Council. Mayor Ashley asked we share the rejection from the employees to Council. A vote was taken to execute a contract with Blue Cross/Blue Shield for continuation of insurance, and it was unanimously adopted.

AGENDA ITEM NO. 7 - BROOKHAVEN STREETS: - As a follow-up from the report from Dunn Engineers, Inc. at the last Council Meeting of November 11, on Brookhaven streets. At that meeting, there was one resident who expressed specific concern about the street in front of his house, and Mayor Ashley reported the engineers did go out and take a look at that particular piece of property, and confirmed that the condition was severe and had not been picked up in their earlier report but has been added. It was determined that it was an area that needed immediate attention, and they recommended a temporary fix on that area will be forthcoming. Also, Mayor Ashley advised that Mr. Ed Hensley, a resident of Brookhaven, furnished him with some material and he passed copies to each Councilmember. Mr. Hensley informed that the intent of the letter is make the residents aware that the newspaper article wasn't as though it appeared. In Mr. Hensley's opinion, the newspaper article made it appear as a "battle ground" and it wasn't. He feels that City Council has addressed the problem and are seeking ways to correct the problem. He wanted the residents to be aware that the City Council are in their court and are working on ways to overcome this situation. Mr. Hensley said as residents read the article, they feel that the City is going to assess them \$1,400, even though there two other ways proposed in the publication. Mr. Hensley suggested a letter to the residents of Brookhaven advising them that the Mayor and City Council are trying to correct the problems, and that we welcome their input to try to resolve them. In Mr. Hensley's opinion feels that if the notice would come from the City to the residents, they might feel more compelled to attend the meeting on December 16. Councilman at Large Olaf Walker commented that the material he has is not signed, and feels that it should be. Mr. Hensley answered that this had not been distributed, but an example for Council to decide if they wanted to pursue. Mr. Hensley added that if Council did not choose to do so, he would probably do so at his expense so that they would be in attendance. Mayor Ashley advised that Mr. Hensley offered this representing his thoughts on how we might communicate with the residents. There is no formal "association" at Brookhaven, but Mr. Hensley offered the communique for the Mayor's signature. Mayor Ashley stated he would be happy to sign the notice, and affixed his signature thereto. He invited any other Councilmember that wished to sign to do so. Councilman A. A. "Joe" Savilla commented that Ed

Hensley has been at the front of this since the day they tried to get the streets of Brookhaven dedicated to the City of Nitro. He's been very much of a calming influence, very visible and very vocal, but has always been a perfect gentleman in the manner he has conducted himself. He has been present many times hoping there would be something on the agenda regarding the streets of Brookhaven. Councilman further stated that he feels Council owes Mr. Hensley a debt of thanks. Mayor Ashley agreed with Councilman Savilla, and thanked Mr. Hensley for taking the time to structure the communique which will be delivered to the residents.

Councilman at Large Rusty Casto moved we schedule the Council Meeting for December 16, at Nitro High School, subject to availability. The motion was seconded. There will be a preliminary meeting starting at 6:30 p.m. with council meeting beginning at 7:30 p.m. A vote was taken and it was unanimously approved.

Councilman at Large Olaf Walker questioned if Council is not a little premature in notifying the residents of Brookhaven until we know what alternatives we have. At this time, we do not know what the City can do to alleviate or repair the streets in Brookhaven. He stressed that we did need the input from the people in Brookhaven, but it will be up to the Council to make the decision. Mayor Ashley then referred to the minutes of the last meeting. Councilman Romie Hughart suggested the notification to the residents of Brookhaven be on city stationery with his signature. Mayor Ashley invited any councilmember who would care to affix their signature to that letter in addition to his, may do so.

COMMITTEE REPORT

1. NITRO BICENTENNIAL COMMISSION REPORT: - Mayor Ashley reported that the work of the Nitro Constitutional Bicentennial Commission is proceeding quite well. The Nitro Bicentennial Commission met on November 17, with the next meeting scheduled for November 24. Mayor Ashley announced that the plaque that has been especially manufactured for the City of Nitro is in the hands of the National Commission in Washington, with plans being made for the presentation through the State Commission. Arrangements have been made for the January program. It will be the portrayal of Abraham Lincoln (Mr. Getty) and arrangements have been made and detailed by Chairman of the Program Committee Councilman at Large Rusty Casto. He will be arriving on January 5, and will be visiting Nitro Elementary and then on to the Bank of Nitro, the underwriters of his visit. From there, he will be going to Nitro High School and Nitro Junior High. That evening, he will give a presentation at the Methodist Church on 20th Street. Mayor Ashley complimented Councilman Casto on the arrangements. George Washington will be with us in February. In March, the spirit of Thomas Jefferson will be here on March 3. On May 11 or 12, we will have a gentlemen portraying Benjamin Franklin. For the benefit of the high school students, Mayor

Ashley reminded that one of the things we hope to do is have a competition between students of the elementary, junior high and high school levels. Mayor Ashley was pleased to report that the Chief Judge of the competition will be Chief Justice Tom Miller of the WV State Supreme Court of Appeals. The banners that have been supplied from McDonalds should be available within the next few weeks. They will hanging over the streets in Nitro announcing that Nitro is a special Bicentennial City. In answer to a question, Mayor Ashley informed that all speakers will be visiting the schools. Due to the time frame, when "Abe Lincoln" goes to Nitro High School, students from Nitro Elementary School will be coming over to enjoy his presentation, and when he gives his presentation at Nitro Junior High, Baker Elementary students will come to the junior high auditorium. Councilman at Large Rusty Casto informed that the Bank of Nitro is underwriting the January event, and stated other speakers charge several hundred dollars. He asked the high school students if they thought most of the students would make a \$1.00 donation for this event, and the students advised they would. Councilman A. A. "Joe" Savilla informed that he had the honor of hearing the presentation of George Washington at the West Virginia Municipal League this year, and did a fantastic job. Councilman at Large Rusty Casto informed that Paul McClanahan contacted him and requested that he be in charge of community support for the Post-prom Committee, which means Councilman Casto would solicit businesses for help in the prom party. Councilman at Large Rusty Casto announced that after the prom, they will get South Charleston Recreation Center and be able to swim, and there will also be movies. The students were giving negative remarks on this plan. Mayor Ashley announced that a reception is planned immediately following Council Meeting at which time Councilman Casto will have an opportunity to talk with all the students and try to persuade them to participate in this party.

Mayor Ashley thanked the students for coming to this Council Meeting, and encouraged them to stay active and involved in their community.

The meeting was adjourned at 8:40 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
 JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 86-

AN ORDINANCE TO ESTABLISH A "NO
PARKING ZONE" FOR MOTOR VEHICLES ON
THE WEST SIDE OF OLD COUNTY ROAD
BETWEEN 39TH STREET EAST AND 40TH ST.

INASMUCH as the City Council of the City of Nitro desires to
establish an ordinance prohibiting the parking of any motor
vehicles on the west side of Old County Road between 39th Street
East and 40th Street.

NOW, THEREFORE, be it enacted by the City Council of the
City of Nitro that no person shall park a vehicle on the west
side of Old County Road between 39th Street East and 40th Street.

NOVEMBER 18, 1986
FIRST READING

SECOND READING

ARDEN D. ASHLEY, MAYOR

JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 86-

AN ORDINANCE TO ESTABLISH A "ONE-WAY" STREET ON 39TH STREET EAST TO BAILES DRIVE, FOR VEHICULAR TRAFFIC IN AN EASTERLY DIRECTION

INASMUCH as the City Council of the City of Nitro desires to establish a "One-Way" Street on 39th Street East to Bailes Drive, for vehicular traffic in an easterly direction.

NOW, THEREFORE, be it ordained by the City Council of the City of Nitro that 39th Street East to Bailes Drive be one-way for vehicular traffic in an easterly direction.

NOVEMBER 18, 1986
FIRST READING

SECOND READING

ARDEN D. ASHLEY, MAYOR

JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 86-

AN ORDINANCE TO ESTABLISH A "NO PARKING
ZONE" ON THE EAST SIDE OF BAILES DRIVE,
FROM 39TH STREET TO 40TH STREET

INASMUCH as the City Council of the City of Nitro desires to
establish an ordinance prohibiting the parking of any motor
vehicle on the east side of Bailes Drive, from 39th Street to
40th Street.

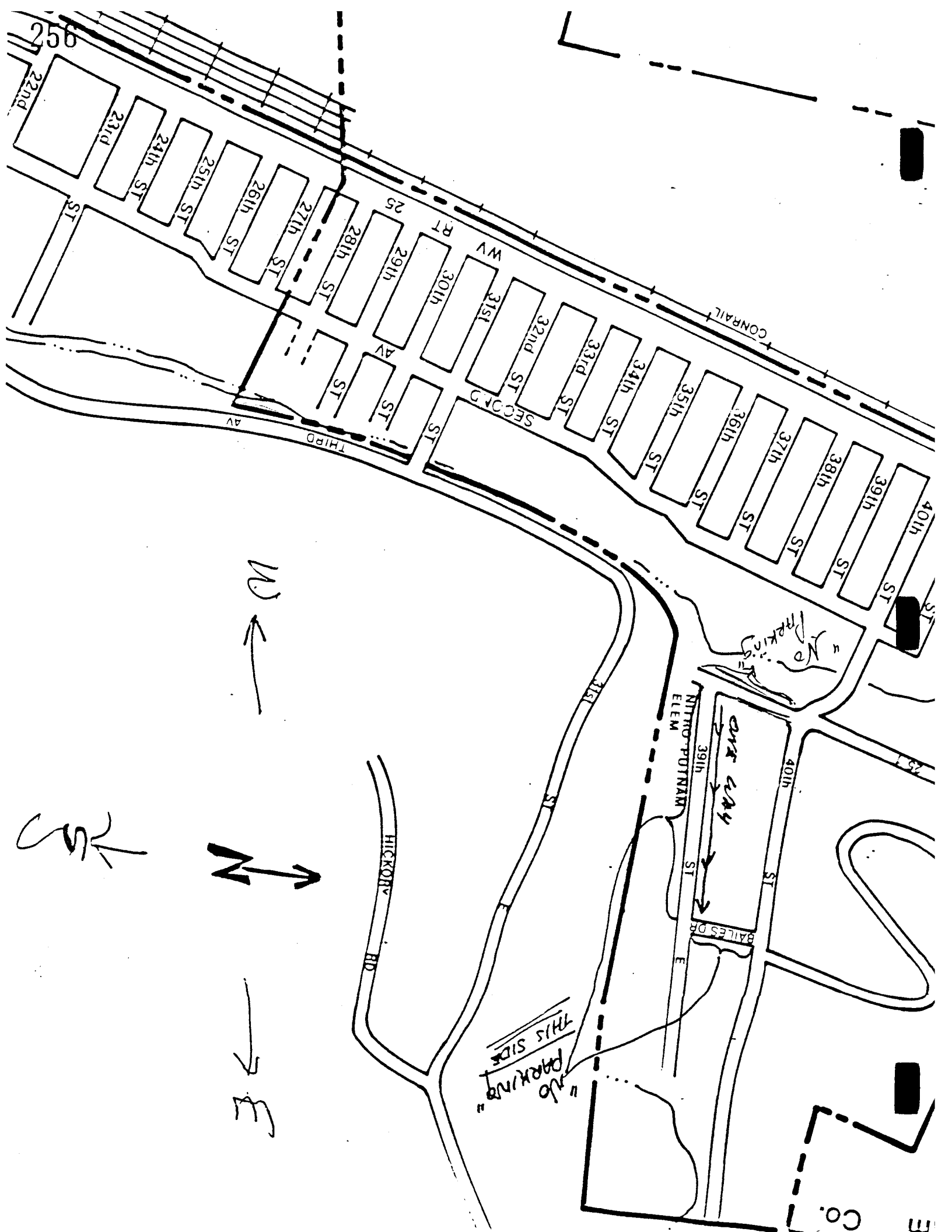
NOW, THEREFORE, be it ordained by the City Council of the
City of Nitro that no person shall park a motor vehicle on the
east side of Bailes Drive, from 39th Street to 40th Street.

NOVEMBER 18, 1986
FIRST READING

SECOND READING

ARDEN D. ASHLEY, MAYOR

JOAN C. MCCLANAHAN, RECORDER



(THE FOLLOWING MINUTES WERE CONSTRUCTED FROM NOTATIONS MADE ON
THE AGENDA SHEET DUE TO EQUIPMENT FAILURE)

CITY OF NITRO
COUNCIL MEETING MINUTES

DECEMBER 2, 1986

The regular meeting of Nitro City Council was called to order by City Recorder Joan C. McClanahan in Council Chambers at 7:30 p.m. Present were 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 were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent were Mayor Arden D. Ashley and Councilman Romie Hughart.

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

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 18, 1986 COUNCIL MEETING MINUTES: - Councilman A. A. "Joe" Savilla moved the Council Meeting Minutes of November 18, 1986 be approved as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - The Citizen of the Month Award for December, 1986 was presented to Sandy Stephens of 107 Jamestown Road in Carriage Way by Mr. & Mrs. Santa Claus (Mr. & Mrs. Jay Long). She has cleaned his suit and also styled his wig and beard. This year she made him a new Santa Claus outfit and charged only for the material. A round of applause was given to Mrs. Stephens.

AGENDA ITEM NO. 3 - ORD. 86- TO ESTABLISH A "NO PARKING ZONE" ON THE WEST SIDE OF OLD COUNTY ROAD BETWEEN 39TH STREET EAST TO BAILES DRIVE: - Councilman A. A. "Joe" Savilla moved we adopt the above referenced ordinance. The motion was seconded. Residents from that area were Kermit Thompson, Wayne Phelps, Mrs. Sublette and E. C. Childress voicing their opposition to the three ordinances pertaining to 39th Street East. After a discussion, Councilman A. A. "Joe" Savilla moved to withdraw his original motion and the second was also withdrawn. Councilman Savilla then moved to table all three ordinances (Agenda Item Nos. 3, 4 & 5) until further study. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - REPORT FROM THE PLANNING COMMISSION: - A copy of the minutes of a meeting on November 20, 1986 from the Planning Commission was furnished to all Councilmembers. Councilman A. A. "Joe" Savilla moved that the Planning Commission

Meeting report be made a part of the Council Meeting Minutes. The motion was seconded. After discussion, a vote was taken and it was unanimously approved.

COPY OF MINUTES ATTACHED.

AGENDA ITEM NO. 7 - BIDS ON TRASH CAN LINERS: - Bid for trash can liners was properly advertised and a copy of the advertisement, specifications, minutes of bid opening and the bid received was furnished to members of Council. The only bid was from Copco Papers quoting \$5.57 per case of 100 folded, 3200 per case. Councilman A. A. "Joe" Savilla moved we accept the bid from Copco Papers. The motion was seconded. Councilman at Large Olaf Walker requested City Recorder Joan McClanahan contact Copco Papers regarding the \$.39 per box increase. After further discussion, a vote was taken and it was unanimously approved.

AGENDA ITEM NO. 8 - PROCLAMATION 86-1 "NATIONAL DRUNK AND DRUGGED DRIVER AWARENESS WEEK": - City Recorder Joan McClanahan presented a proclamation by request of the Commission on Drunk Driving Prevention, Department of Public Safety that we join with the President of the United States, the Governor of West Virginia, International Association of Chiefs of Police and various federal, state and local governments in proclaiming the week of December 14-20, 1986, as "National Drunk and Drugged Driver Awareness Week". Council at Large Olaf Walker moved we approve the proclamation. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION 86-1 ATTACHED.

AGENDA ITEM NO. 9 - REQUEST FROM NITRO LITTLE LEAGUE FOR FISHING CONTEST: - On behalf of the Nitro Little League, Councilman at Large Rusty Casto announced the request for a fishing contest at Ridenour Lake to be held on the 1st Saturday of February, 1987, and moved the request be granted. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 10 - CHRISTMAS PARADE: - Councilman Jim Hutchinson moved permission be granted to the Nitro Professional and Business Association to hold their annual Christmas parade on Saturday, December 6, at 4:00 p.m. The motion was properly seconded, a vote was taken and it was unanimous.

AGENDA ITEM NO. 11 - HOLIDAY LUNCHEON - NITRO MOOSE LODGE, SUNDAY, DECEMBER 14, AT 1:00 P.M.: - City Recorder Joan McClanahan announced the Holiday Luncheon for senior citizens to be held at the Nitro Moose Lodge on Sunday, December 14, at 1:00 p.m. All Councilmembers and department heads were requested to attend and help serve.

COMMITTEE REPORTS

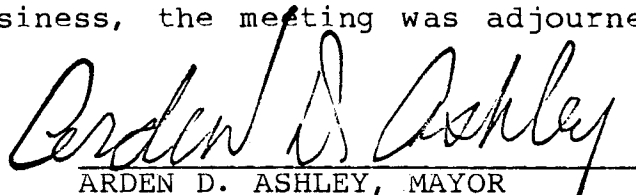
Councilman A. A. "Joe" Savilla, a member of the Traffic

Committee, reported that he met with Chief E. W. Hedrick. Various problem traffic areas in Nitro were discussed.

Councilman at Large Rusty Casto expressed concerns about business signs and street repairs that he would like to see completed before this administration's term expires.

City Recorder Joan McClanahan called for a Insurance Committee meeting immediately following Council Meeting.

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


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

PLANNING COMMISSION MEETING

CITY OF NITRO, WV

The Planning Commission of the City of Nitro, WV, met at 7:00 p.m. on Thursday, November 20, 1986, in City Council Chambers. The meeting was called to order by Chairperson, Margaret Hudson. Other members present were Joan McClanahan, Dave Miller, Tom Waldorf, Dr. Guy Cassell and Dr. Charles Byrd.

As a follow-up to the June 26, 1986, Public Hearing the following items were considered:

1. A request from Hillside Drive residents to rezone from B1 to R1.

Dr. Charles Byrd moved that "the south side of Hillside Drive from Center Street to Wilson Street and from Hillside Drive to the utility easement line be rezoned from B1 to R1." Tom Waldorf seconded the motion. Motion passed.

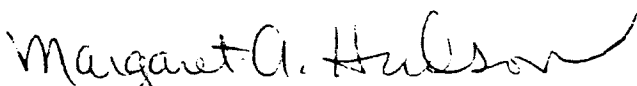
2. A request from Ward E. Withrow to subdivide his property located on Easter Road.

Dr. Charles Byrd moved that "the request to subdivide be granted." Dr. Guy Cassell seconded the motion. Motion carried.

3. A request from Richard Burns to (A) have Brook Forest Subdivision's streets and street right-of-way dedicated to the City of Nitro and (B) to recognize Brook Forest as a Subdivision within the city.

- A. The Planning Commission on motion duly made and passed recommends that the city engineer be directed to immediately determine whether or not the street meets city specifications. This report is to go directly to City Council since the Planning Commission will accept the recommendation of the engineer.
- B. The Planning Commission after much discussion on motion duly made and passed could find "no cause to deny the request."

Since there was no additional business, the meeting was adjourned.



Margaret A. Hudson, Chairperson

Attachments for each of the above

TO WHOM IT MAY CONCERN:

We the residents of Hillside Drive would like to have our side of the street rezoned from B1 to R1.

Charles Turley

115 Hillside Drive

Denver Peters

113 Hillside Drive

Sam Carte

111 Hillside Drive

D. W. Spears

109 Hillside Drive

Sharon Horn

107 Hillside Drive

H. A. Fitzsimmons

105 Hillside Drive

Nancy Norvell

119 Hillside Drive

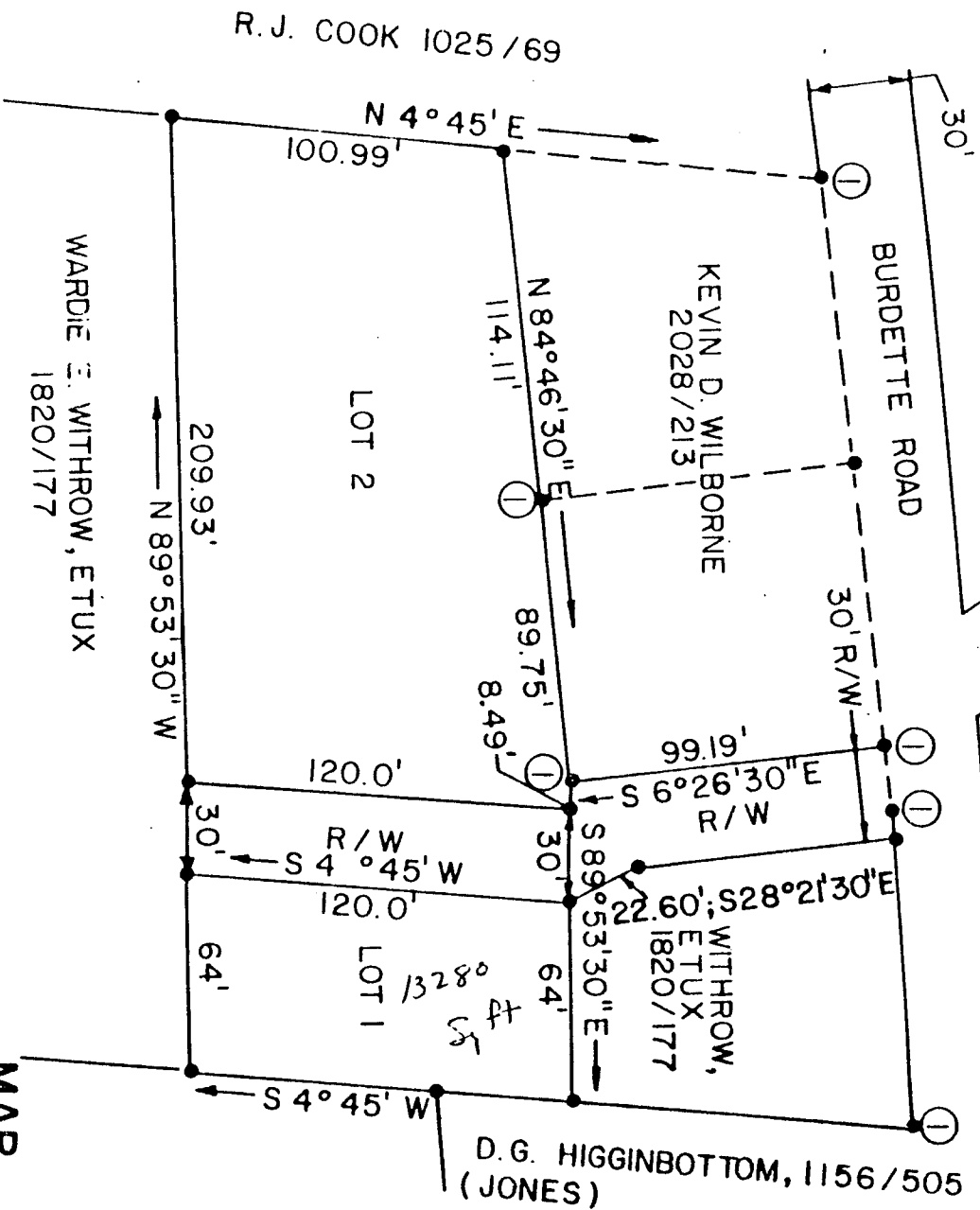
Mayland Raynes

121 Hillside Drive

*Charles Turley & Mildred Turley**Denver Peters & Barbara Peters**Sam & Sam Carte**D. W. & Betty Spears**Sharon & Sharon Spears**H. A. Fitzsimmons & Janet Fitzsimmons**Mayland & Mayland Raynes*

*Meets all requirements
of City of Nitro
Paula K. Vergant
Bldg Inspector
11-17-85*

(REFERENCE MAP BOOK 1820 / 177)



NOTE:

POINTS MARKED ① WERE FOUND

LOT 1 = 0.18 ACRE

LOT 2 = 0.53 ACRE

MAP

SHOWING LOT NOS. 1 AND 2

TAKEN FROM WARDIE E. WITHROW
PROPERTY.

UNION DISTRICT

KANAWHA COUNTY, W.V.

SCALE: 1" = 60'
MAY 1985

SURVEYED BY: JERRY PHELPS - 562-6298

W.V. P.E. NO. 5675



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

JOHN F. SANTROCK
RECORDER

MICHAEL E. GREENLEAF
TREASURER

October 10, 1985

Ms. Sandra R. Burns, President
R & B Builders, Inc.
Cross Lanes, WV 25313

Dear Ms. Burns:

Your request to have the City of Nitro to dedicate the recently completed extension of Norwood Drive streets has been referred to the Chairperson of the Nitro Planning Commission, Ms. Margaret Hudson, a Counselor at Nitro High School. Mayor Ashley and Bob Sergeant, Building Inspector have also been given copies.

I would suggest you also contact Ms. Hudson. Council will then consider an ordinance should there be a favorable response from the Planning Commission.

Thank you for your communication.

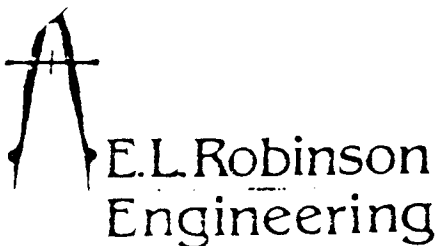
Very truly yours,

A handwritten signature in cursive script, appearing to read "John F. Santrock".

John F. Santrock, Recorder

JFS/pa

cc: Margaret Hudson
Art Ashley
Bob Sergeant



5088 Washington Street West P.O. Box 7335, Cross Lanes West Virginia 25313

304-776-7473

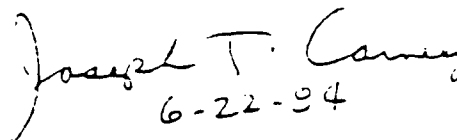
RECORD OF TELEPHONE CONVERSATION

Date: Friday June 22, 1984 11:00 a.m.

From: Bob Sargent, City of Nitro

To: Joe Carney, E.L. Robinson Engineering

Subject: Brook Forest Subdivision



6-22-84

Bob Sargent said that construction can begin on Brook Forest Subdivision. He said that he will grant the building permits on a lot by lot basis. He said approval is not required from the City of Nitro for the subdivision as a whole.

Mr. Sargent said that, although approval is not required, the City of Nitro had reviewed the Brook Forest Subdivision plans and found them satisfactory. He said the City of Nitro appreciated our efforts in working with the City on this subdivision.

Copies to : Mr. Bob Sargent
City of Nitro
20th Street at 2nd Avenue
Nitro, West Virginia 25143

Mr. Richard R. Burns
1563 Virginia Street, E.
Charleston, West Virginia 25311



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

NATIONAL DRUNK AND DRUGGED DRIVER
AWARENESS WEEK DECEMBER 14 - 20, 1986

PROCLAMATION 86-1

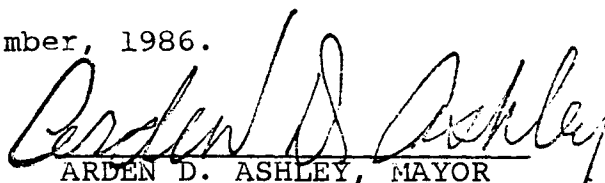
WHEREAS, more and more West Virginia Drunk Drivers are seeing the light, but

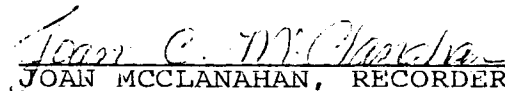
WHEREAS, there are several thousand others we need to alert, as West Virginians will not tolerate these drinking or drugged drivers.

WHEREAS, the Commission on Drunk Driving Prevention request we set our sights high for the coming year to develop and employ a comprehensive program to prevent drunk driving and increase public consciousness.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Nitro join with the President of the United States, the Governor of West Virginia, International Association of Chiefs of Police and various federal, state and local governments in proclaiming the week of December 14-20, 1986, as "NATIONAL DRUNK AND DRUGGED DRIVER AWARENESS WEEK".

Passed this 2nd day of December, 1986.


ARDEN D. ASHLEY, MAYOR


JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES
DECEMBER 16, 1986

The regular meeting of Nitro City Council was called to order by Mayor Arden D. Ashley at the Nitro High School Auditorium at 7:30 p.m. Present were City Recorder Joan C. McClanahan, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman Charles Miller and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent were Councilman A. A. "Joe" Savilla and Councilman Romie Hughart.

The invocation was given by Councilman Charles Miller.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 2, 1986 COUNCIL MEETING MINUTES: - City Recorder Joan C. McClanahan moved the Council Meeting Minutes of December 2, 1986 be approved as written. The motion was seconded. A vote was taken and it was unanimous and so ordered.

AGENDA ITEM NO. 2 - PROCLAMATION 86-2 - NATIONAL EYE HEALTH CARE MONTH: - City Recorder Joan C. McClanahan moved we adopt the above referenced proclamation declaring January, 1987 as "National Eye Health Care Month". The motion was seconded. A vote was taken and it was unanimously approved.

PROCLAMATION 86-2 ATTACHED.

COMMITTEE REPORTS

1. 21ST STREET SLIP: - Mayor Ashley reported to Council that he had talked with the Department of Highways and Commissioner Ritchie within the past week concerning the 21st Street slip and was advised that this item is still an approved item on the agenda. They are looking for funds. It goes back in time to the Buffalo Creek disaster when the monies allotted for the correction of the 21st Street slip were used for this incident, and then last years flood did the same thing. Barring some other unforeseen and expensive incident taking monies away, there is money available for the correction of the 21st Street slip. It is an item that the State Department of Highways has agreed they will have to correct and hopefully they will make a commitment contractually to have the work done within the coming months.

2. SENIOR CITIZENS COMPLEX: - Mayor Ashley informed that there has been much said recently about the HUD Regional Office and its representation, and prior to that about the Kanawha County Housing Authority. Mayor Ashley reported that having

talked to HUD today, the Senior Citizens Complex is still alive and well. The recent publicity given the two agencies, in any way impacts the Nitro Senior Citizens Complex. It is slated for contracts within the next month according to HUD.

3. NITRO BICENTENNIAL COMMISSION: - Mayor Ashley announced that we have received the banners that will be flying in the City, and will be put up later this week. Mayor Ashley also reported that on January 15, the Governor will present to the City of Nitro and the City of Shepherdstown, and their respective Commissions, a plaque designating that they are indeed special Bicentennial Cities. Also, we have had several businesses that have become patrons of the Bicentennial Commission effort. It takes a \$500. donation to become a patron, and that is coming through nicely. Special programs have been scheduled throughout 1987. Plans are to prepare a separate program for each month of 1987. The January program will be the first in this series taking place on January 5, by a gentleman who will portray the spirit of Abraham Lincoln.

Councilman at Large Rusty Casto advised that Mr. John Getty of Gettysburg, Pennsylvania will be portraying Abraham Lincoln in Nitro on Monday, January 5. He will be visiting Nitro-Putnam Elementary that morning and have lunch, and will leave there to be at the National Bank of Commerce of Nitro during the lunch hour. At 1:00 p.m. he will be performing for Nitro High School and Nitro Elementary students who will be brought to the high school. At 2:00 p.m. Mr. Getty is scheduled to be at Nitro Junior High School, at which time Baker Elementary will be brought to the junior high school. At 7:00 p.m. he will be at St. Paul's United Methodist Church for a free performance. Everyone is invited and encouraged to attend.

Mayor Ashley furthered commented that we will have people like George Washington to visit the City in January. Also, we will have people like Thomas Jefferson, Ben Franklin and James Madison. With the exception of George Washington, the people we are talking about are all professional actors. The cost of their being here is being underwritten by merchants and businesses such as the banks and the Moose Lodge. Some very special programs have been planned for 1987. Mayor Ashley added that during the summer months when school is out, we can't focus the programs on the students, so we are counting very heavily on the adult population to come and partake of the entertainment. Plans are being made for a mock trial concerning a Constitutional issue. In the fall, a competition involving elementary, junior high and high school students is planned. At the high school level, a competition along the lines of "The College Bowl" in which the high schools of Putnam and Kanawha Counties in a regional tournament for the right to come to the finals. The regional competition will be Thursday, November 19. The winners in the four regional competitions will come to Nitro High School for the final competition. There will be four high schools represented in the finals. If we are successful in the fund raising effort, the four members of the runner-up team will receive a \$500.

scholarship, with the members of the winning team each getting \$1,000. scholarships. All of this is part of our continuing program to recognize the 200th Birthday of the Constitution of the United States, and the City of Nitro is privileged to be a major part of it.

Mayor Ashley informed that Councilman Romie Hughart, who is not present this evening, has just recently undergone surgery. A card wishing him well was passed around for signatures. Councilman at Large Olaf Walker advised that he visited him this morning and we was in hopes that the doctor would come in and release him.

Councilman at Large Olaf Walker stated that at the last Council Meeting we had a proposal for garbage can liners and questioned if we had received an answer to his question as to the reason for the cost increase. City Recorder Joan McClanahan answered that she spoke with Mr. Jerry Fisher from Copco Papers, and he informed that the increase was due to the increase of the price of raw materials used to manufacture the bags.

Mayor Ashley thanked the citizens for coming to the meeting, and assured the residents from Brookhaven that one of the things Councilmembers will be doing among themselves is talking about the problems of Brookhaven and comparing notes.

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

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

PROCLAMATION 86-2

NATIONAL EYE HEALTH CARE MONTH

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 of our city 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 our community 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, 1987 as

NATIONAL EYE HEALTH CARE MONTH.

Passed this 16th day of December, 1986.

ARDEN D. ASHLEY, MAYOR

CITY OF NITRO
COUNCIL MEETING MINUTES

JANUARY 6, 1987

The regular meeting of 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. Absent was City Treasurer Ralph Allison.

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

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 16, 1986 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the Council meeting minutes of December 16, 1986. The motion was seconded. Councilman at Large Olaf Walker suggested we correct a typographical error on page three, second paragraph changing the "we" to "he" making the sentence read, "Councilman at Large Olaf Walker advised that he visited him this morning, and he was in hopes that the doctor would come in and release him." A vote was taken to approve the minutes as corrected, and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - At the first council meeting of every month a citizen of the month award is presented among the citizens of Nitro to someone that has been deserving of special recognition as Nitro's Citizen of the Month. Mayor Ashley proudly presented the Citizen of the Month Award for January, 1987 to Todd Hudnall. Mayor Ashley said that those who attended the performance on December 5, of the Bicentennial Commission at which time Mr. Getty presented himself as Abraham Lincoln, heard our honoree play the piano as part of the prelude and also during the program. He has agreed to play the piano at future programs throughout the year. A round of applause was given to Todd. Todd is the son of Lester and Doris Hudnall of 113 Kanawha Avenue. Mayor Ashley announced that Todd is a senior at Nitro High School, and was selected as one of the outstanding students in Kanawha Valley in 1985 by the Charleston Daily Mail.

AGENDA ITEM NO. 3 - CITY LIABILITY INSURANCE REPORT: - City Recorder Joan C. McClanahan reminded Council that February 20, is the due date on the City's liability insurance. This year we do not have to obtain bids. It is a three year option which we exercised last year; therefore, we have the option of either continuing with Commercial or whomever we choose. Representing Commercial Insurance and also to inform us about the State policy City Recorder introduced Al McVey.

Al McVey began by saying that hopefully if the City chose to

go with the State Program, the City would stay with Commerical as their agent. Councilmembers were furnished a copy of coverage comparison prepared by Mr. McVey showing the city's current coverage and premium, against what the projected coverage would be with the State and the projected premiums. He pointed out the insurance costs will be less this year. He reported that what they have found over the last couple months, since the State has gotten into this program, is that the private carriers are responding somewhat to that particular challenge because they are losing business. They have met the challenge and in a number of instances have provided much better figures than what the state provided. It is Mr. McVey's hope that the carriers that have the city's insurance at this time would give him a response of a lower premium than \$43,218., which is the estimated annual premium with the State Program. Mr. McVey said that when he meets with the Insurance Committee during the first part of February, hopefully he will have figures from the private sector against what the State Program will cost. At this time, the City will have the option of choosing a program. He suggested that the City keep in mind, that the State Insurance Program does have a fronting insurance carrier, but it is a strictly self insured property and liability insurance system. If claims exceed payments into that fund during any given year, the municipality will be responsible for trying to make it up. Also, the State has the option of going to the Legislature and asking them for funds. Mr. McVey mentioned that he noticed in the paper last week that our new Speaker of the House Chuck Chambers has made insurance his number one issue. He would like to get the state back out of the insurance business if at all possible. Therefore, if some measures are passed, this could be a possibility. Mr. McVey invited any questions either regarding the City's present coverage or the State Program.

Mayor Ashley asked that if we should choose to go with the State Program, then we or they would select a company and an agent through which to work. Mr. McVey answered that the company would be C & A, and the City would pick the agent.

Another question by Mayor Ashley was how does our tract record stack up? Mr. McVey said that it was excellent, and that is why the private carriers would want to keep the coverage. There were very few claims over the past five years.

Mayor Ashley inquired as to the problem of availability of liability insurance as it was a year or so ago. Mr. McVey informed there is no problem. In fact, he stated the market is turning and is expecting companies to be competitive again.

Councilman Charles Miller said that insurance companies have primarily all the money, and asked why do we have to pay a person eight percent of the total to go with a State Program? Mr. McVey informed that we are really not; we are paying a premium to the State. Then Councilman Charles Miller asked if it was eight percent. Mr. McVey informed that it was not, it was one hundred percent of last years premium for the liability, and ninety

percent of last years premium for property insurance. This would be paid to the State, and from those funds they will pay the agent involved eight percent to handle the business. Basically, to explain coverages as he is doing now, and to assist in getting claims, if any, processed. Also, Mr. McVey advised that if the State maintains that program they will be wanting to know on an annual basis what the City's actual exposures are year by year. Mr. McVey informed that he assisted City Recorder Joan McClanahan in getting this information together as far as new equipment purchased and compiling the proper list. Mr. McVey further added that the premium will be paid to the State whether they paid an agent eight percent or not; the City will be required to pay the same.

Councilman Romie Hughart asked why we did not have to obtain bids this year? Mr. McVey stated, "As far as bidding out certain things, there are some state laws in the books which say that certain commodities you really don't have to bid at all for. It is good practice to bid insurance every three to five years." Mayor Ashley said that this has been a policy of the City, but doesn't believe it is ordained by the State or the City, but we have made it a practice to do so. At one point, it never did go out for bids. Mr. McVey added that at one time, he had the opportunity to look at the City's insurance file a few years ago, and it hadn't been out for bids for around eight years.

Councilman Romie Hughart referred to the heading reading, "City of Nitro & Nitro Sanitary Board" of the coverage comparison form furnished, and wanted to know how this is broken down. Mr. McVey informed that out of the total of \$44,063., the Sanitary Board's coverage amounts to about \$16,000. The City pays on a monthly billing system and then the Sanitary Board reimburses the City for their part. Mayor Ashley informed that the budget for the City will not include the premium of the Sanitary Board.

Councilman at Large Olaf Walker asked what does the liability insurance include? Mr. McVey informed that it would be for any third party claims brought against the City for occurring negligence acts that the City or their employees would cause to happen or Councilman Walker as a public official. Councilman at Large Olaf Walker wanted to know if this would cover accidents on the street and sidewalks and Mr. McVey advised that it did.

The Insurance Committee will meet after receiving the premium amount from Mr. McVey, and no later than February 17, 1987 they will report to Council with their recommendation.

Councilman at Large Olaf Walker asked what do we have on people working with cash, and was informed by Mr. McVey that there was a bond of \$100,000 included.

AGENDA ITEM NO. 4 - 911 UPDATE REPORT: - Mayor Ashley informed that on the 911 emergency telephone system, there has

been a lot of public attention given to the fact that effective 1 o'clock today in Kanawha County, they switched over to the 911 system. It is all very simple for the people who live in Nitro. He advised that if you live in Nitro in Kanawha County, and you need an ambulance, you call 911. If you would need a police or fireman, you would call 755-0777 unless you live in Nitro and in Putnam County in which case you should call 755-0777 for both fireman and policeman except for ambulance. In this case you would have to call the Putnam County Ambulance Authority. If they don't take care of the need, then call the Charleston Ambulance number and a Kanawha County Ambulance will respond. Mayor Ashley further explained that if you call Kanawha County 911 you will reach the Metro Comcenter, and they will determine if you need an ambulance and they will dispatch it. If you need fire or police protection, they will switch that call back to us, and then we will be able to talk to the person with the problem. For that reason, Mayor Ashley feels it's only logical to assume that those people in Kanawha County who need the policemen or firemen should call Nitro - 755-0777, the emergency number or the administrative number for these services, as this is who they will end up talking with anyway. Mayor Ashley informed that 911 is not able to handle dispatching emergency services through the Nitro Police and Fire Departments at this time. They do not have the equipment for it, and it is projected that they will not have the equipment for it until probably August or September, because they need hardware that is on order. After the equipment is received, they would then be in a position to receive a 911 call and communicate directly with the police officer or the firemen in the truck or in the cruiser and dispatch on as needed basis. Right now they do not have that capability. Also, we do not know what that capability will cost us. Mayor Ashley stated that when people ask are we going along with the 911, this is not up to us. It is up to the citizens. The charge for the 911 system has been in place in Kanawha County and in Nitro and also in the Putnam County end of Nitro. Councilman at Large Olaf Walker said that he noticed in the news that Mayor Ashley hadn't decided whether or not he was going with the 911. Mayor Ashley told Councilman Walker that this was typical misinformation, but as he stated earlier that there is no city other than Charleston in Kanawha County that can be put on the 911 system for dispatch of police and firemen. It is in the plan they will have the capability, but this Council hasn't considered that question. The hardware isn't in and the cost hasn't been identified. It hasn't been offered so we haven't considered it one way or the other. All we know is that it is coming, and whether or not we go with it is going to be a decision yet to be made because a proposal, in terms of expenditures, hasn't been made.

Mayor Ashley shared with Council, some action that was taken by the St. Albans City Council with regards to computer activated dispatch, called CAD. The St. Albans City Council authorized the acquisition on a matching grant basis from the Governor's Commission on Crime Delinquency and Corrections, some computer equipment. Mayor Ashley reported that there were some indications of cost in the material taken from the City of

St. Albans' minutes, but doesn't know that they would apply precisely. They tabled earlier discussion, but they got into a cost of \$21,570. and a monthly charge of \$673. for the cost of two consoles, one for the police department and one for the fire department for the City of St. Albans. If the City of Nitro went with the same system, then we would be talking about the same cost for the hardware. Councilman at Large Olaf Walker asked if the hardware cost would be a one time cost, and Mayor Ashley answered yes. Then Councilman at Large Olaf Walker wanted to know how much would it be monthly from that point on. Mayor Ashley informed that the two consoles would be \$21,570 and an additional monthly charge of \$673. The decision to act upon this was tabled by St. Albans Council. This proposal hasn't been presented to Mayor Ashley, and he wasn't aware if it had been presented to anyone representing the City of Nitro. The point is that there is a certain lack of information. By a copy of the minutes shared by Mayor Bassitt, Mayor Ashley said the City of St. Albans tabled the vote on the computer itself, but they passed a resolution on the CAD for the police department. Mayor Ashley read the resolution authorizing the Mayor of St. Albans to apply for funding to be used for the Computer Aided Dispatch System. As stated in their minutes, it was imperative that action be taken quickly as apparently the money is on a first come, first serve basis with the Governor's Commission on Crime, Delinquency and Correction. Mayor Ashley reported that he was not aware of that, and it was recommended by the St. Albans City Council that they move to act upon this; So. Charleston has and the City of Dunbar and the City of Nitro have not acted upon applying for the grant. If we apply for the grant and we get it, then we would have to authorize the expenditure of the money. Mayor Ashley was informed the computer system would cost some \$5,800, but apologized for not having any figures that he could share with Council. Mayor Ashley reported that we have in the general revenue sharing monies unallocated that amount of money that could be allocated for the purpose of moving forward on that grant, if Council would care to authorize him to move forward in that direction. Councilman at Large Olaf Walker said for discussion purposes, let's say that we have the money and this Council would vote to spend the \$2,600 or whatever thousand dollars it is to get the two consoles, and we would obligate and include in our budget the \$673. a month cost, what would be the benefit to our citizens of Nitro? City Recorder Joan McClanahan stated that she didn't know of a decision that the Council will have to make that has anymore importance. She asked the Councilmembers to talk with their friends and neighbors before making a decision to commit ourselves to something that at this point is not even working. She commented that this is not in opposition to the matter being discussed by Mayor Ashley and the \$673. monthly charge, but said that the citizens of Nitro are our main concern, and has some reservation concerning going with the Metro Emergency Operations Center. Mayor Ashley responded to the question of Councilman Walker that he felt City Council and the citizens need to understand with regards to 911, that we at City Hall can do nothing because they can't accommodate our people except dispatching ambulance service. We can continue to

maintain that posture even when they have the hardware in place, and can dispatch our units. In terms of the CAD system, there is an accumulation of information that is beneficial to the firemen and policemen that would be accumulated, and there would be some meaningful benefit to that. Whether or not we should go to the CAD system, and not go to 911 is another option to us. Mayor Ashley stated the reason for suggesting Council might want to pass a resolution to allow him to go out and try to obtain the grant is that we may need it. If we don't move quickly, we may not have the opportunity to get it later. Councilman A. A. "Joe" Savilla moved we pass the resolution read earlier as necessarily amended. The motion was seconded. A vote was taken and it was unanimously approved.

A discussion followed regarding the countywide 911 emergency system, and it was agreed that more discussion and study is needed before committing the City.

RESOLUTION AS FOLLOWS:

RESOLUTION 87-1

RESOLUTION AUTHORIZING MAYOR ARDEN D. ASHLEY TO APPLY FOR FUNDING WITH THE INTEGRATED CRIME APPREHENSION PROGRAM GRANT TO BE USED FOR A COMPUTER AIDED DISPATCH SYSTEM FOR THE NITRO POLICE & FIRE DEPARTMENTS

WHEREAS, The City of Nitro desires to be a recipient for funding with the Integrated Crime Apprehension Program Grant; and

WHEREAS, funds will be used for a Computer Aided Dispatch System (CAD) for the Nitro Police and Fire Department.

THEREFORE, BE IT RESOLVED that the City Council of the City of Nitro, WV, hereby authorize Mayor Arden D. Ashley to make application for funding with the integrated Crime Apprehension Program Grant.

Passed this 6th day of January, 1987.

ARDEN D. ASHLEY

Jean C. McClanahan

JOAN C. MCCLANAHAN, RECORDER

Councilman Romie Hugnart expressed concern regarding the budget of the communication office. Mayor Ashley addressed that overall we can absorb the continuation of the communication center and not be over budgeted for this fiscal year. He has discussed this with the City Treasurer Ralph Allison, and there will have to be some internal adjustments made.

COMMITTEE REPORTS

1. 87-88 BUDGET PREPARATION: - By way of report, Mayor Ashley advised that we have already started preparation on our budget work for the fiscal year 1987-88. The Treasurer Ralph Allison has provided us with projected revenues which comes within \$10,000 of the projected budget level we have now. At the staff meeting Monday morning, January 5, all departments heads were requested to bring their preliminary budget to the staff meeting on January 12. They have been asked separately for a list of things they need and want. Mayor Ashley advised that next week, work session with each department head will be scheduled, and Councilmembers will be advised of every meeting. Mayor Ashley encouraged all Councilmembers to participate in any and all meetings held, as in the past.

Councilman at Large Rusty Casto wanted to know the status of the quick hit fire truck. Mayor Ashley informed that he has tried to find a source for obtaining on a lease purchase agreement as was proposed. Mayor Ashley informed that what we are looking at now is some alternative course. The City cannot go out and borrow the money to buy equipment. However, we can enter into a lease purchase agreement, but can't get a lease purchase agreement on a piece of used equipment. Therefore, we are asking for comparable equipment that's new, then we could enter into the same type of agreement, because we can't find anyone that is willing to go lease purchase on that piece of equipment. Councilman at Large Olaf Walker asked what was the final date that Council must approve the budget, and Mayor Ashley said that it has to be approved by Council and in the hands of the State Tax Commissioner by the end of March. Mayor Ashley advised that the intent is to have the work completed in February and available for the March 3, meeting for approval by City Council. Councilman at Large Rusty Casto asked if we had heard anything from the Civic Benefits, and Mayor Ashley answered that he had not but was scheduled to meet with the Civic Benefits Association during the first quarter and put in a request. They take our request and meet with their Board and it is usually sometime in April before they confirm. In the absence of knowing whether it is going up or down, we have always gone with a status quo. Mayor Ashley added that during this year, they did give us an additional \$20,000 for a fence.

2. NITRO BICENTENNIAL COMMISSION: - Mayor Ashley announced that last evening we had an outstanding program; we had a full

house at St. Paul's United Methodist Church for the appearance of Mr. Getty, as Abraham Lincoln. Mayor Ashley complimented Councilman at Large Rusty Casto for making the arrangements for the appearance of Mr. Getty. A round of applause was given to Councilman Casto. Councilman at Large Rusty Casto put forth extra effort that Mr. Getty got an opportunity to meet with every student in our school system. The cooperative effort was great, and a lot of the credit goes to Mr. Dave Dawson from the Bank of Nitro because the bank endorsed and underwrote the cost of Mr. Getty being here. Mayor Ashley reminded everyone that on January 15, at 3:00 p.m. at the Cultural Center Governor Arch Moore will present the plaque to the City of Nitro as a Bicentennial City. On February 16, we will have the spirit of George Washington portrayed by Howard Johe, an architect from Charleston. Everyone is invited to the First Presbyterian Church for his performance at 7:00 p.m. Councilman at Large Rusty Casto announced that in the U.S.A. Today last week, there was a picture of Franklin who will be coming to Nitro for one of our events.

There being no further business, the meeting was adjourned at 8:40 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, CITY RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JANUARY 20, 1987

The regular meeting of 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 Romie Hughart, Councilman Charles Miller and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was Councilman A. A. "Joe" Savilla.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 6, 1987 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the Council meeting minutes of January 6, 1987. The motion was seconded. Councilman at Large Olaf Walker suggested that on page 2, second paragraph, the insurance company C & A be spelled out for clarification purposes. Mayor Ashley then stated that this should be CNA. This stands for Continental National American. A vote was taken for the approval of the minutes as noted, and it was unanimous.

AGENDA ITEM NO. 2 - SMITH STREET LANDFILL PROPERTY OWNERS: This agenda item had to do with an up-date on the Smith Street Landfill fencing project and more especially a discussion with property owners. A map was furnished to Councilmembers of this area, portraying a preliminary report. Councilman Charles Miller and Building Inspector Bob Sargent have talked with the property owners around the Smith Street Landfill. Councilman Charles Miller reported that on two or three sections, they have been to the people that own the property adjoining the Smith Street Landfill, and have talked to primarily all of them other than one owner they were unable to locate and another person that's a tenant who will have to check with the owners about the way they wanted the fence erected by their property. Councilman Miller stated they have a survey map; some of the markers are right up close to some of the owner's property and they wanted an adjustment of the boundary in order to use some of our property. Councilman Miller said that their requests could be granted if they agree to bear the expense of moving the fence should it become necessary. However, if they do not agree, the fence will be placed on the City property line. Councilman Romie Hughart asked what property this would involve, and Mayor Ashley referred to the map and pointed out that the Hartley's (Lot 29) were asking for an additional 25 feet running the length of their lot. Further down, towards the Kanawha River, there are a series of houses in which there are some 5 pieces of property where adjustments of some degree have been requested. The various

requests are as shown with the dotted red line. Mayor Ashley suggested Councilmembers meet with the Building Inspector Bob Sergent between now and the next council meeting to view and study the proposed request, and then take action at the next council meeting about the surrendering of this land to property owners for certain considerations and conditions.

AGENDA ITEM NO. 3 - COST SHARING TRASH RECEPTACLES: - Mayor Ashley informed we have a variety of trash receptacles, usually in the form of 55 gallon drums or galvanized cans with plastic liners, along 21st and Bank Streets. Mayor Ashley said there are very nice trash receptacles that have the liner insert and the cap over it that is a lot neater which retail for around \$300. each. They are also quite heavy, weighing in excess of 500 pounds a piece. Mayor Ashley stated that he talked with the people at Kanawha Brick and Block and they are in the business of supplying these trash receptacles at cost. Mayor Ashley suggested that Council consider a program in which the City would furnish these to the businesses in town that would want them on a fifty-fifty split. The cost estimate is \$168. a piece for the trash receptables plus the cost of freight from Kanawha Brick and Block. The cost of freight would run some two hundred fifty dollars. If we would order a dozen of these containers, then the net cost per unit would still be less than \$200. a piece. For planning purposes we consider \$100. from the City and \$100. by the merchant we could provide these to merchants in town that would be interested. Mayor Ashley said that in talking with the City Treasurer Ralph Allison, we do have unallocated general revenue sharing funds available for transfer into an account to be created for that purpose. Councilman Charles Miller moved we purchase 10 of the trash receptacles. The motion was seconded. Councilman at Large Olaf Walker said that since we are talking about twelve to fifteen hundred dollars, he would like to see a brochure. Gene Williams, Director of Public Works informed that this type of receptacle would be much easier to empty. After much discussion, Councilman at Large Olaf Walker moved we table this item. The motion was seconded. A vote was taken and it was tabled. Councilman at Large Olaf Walker said that he wasn't against the receptacles, but he would follow-up on this. He advised that he would go to Kanawha Brick and Block and obtain a brochure, if available and would also take a spot check to see how many businesses would be interested in purchasing one.

AGENDA ITEM NO. 4 - RESOLUTION 87-2 - APPOINTING JOAN MCCLANAHAN REPRESENTATIVE TO THE RDA BOARD: - Mayor Ashley informed that it is within the scope of the City to have an appointee to the Regional Development Authority Board, and furnished members of Council a copy a resolution naming City Recorder Joan McClanahan as Nitro's representative. Councilman at Large Olaf Walker moved we adopt the resolution. The motion was seconded. A vote was taken and it was unanimously approved.

RESOLUTION 87-2 AS FOLLOWS:



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

RESOLUTION 87-2

A RESOLUTION BY THE COUNCIL OF THE CITY
OF NITRO APPOINTING CITY RECORDER JOAN
C. MCCLANAHAN REPRESENTATIVE FROM THE
CITY OF NITRO TO THE RDA BOARD

WHEREAS, in the opinion of the undersigned, City Recorder Joan C. McClanahan, is well qualified to act in the capacity of the representative from the City of Nitro to the Regional Development Authority board; and

WHEREAS, in the opinion of the undersigned, City Recorder Joan C. McClanahan would be a distinct asset to said board, and would be able to perform the duties and functions of such office with high degree of skill and ability; and

WHEREAS, the undersigned, the Council of the City of Nitro, in their official capacity, are desirous of endorsing City Recorder Joan C. McClanahan for the aforesaid position;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Nitro does hereby go on record as endorsing City Recorder Joan C. McClanahan for a position of a representative on the RDA board.

Passed this 20th day of January, 1987.

ARDEN D. ASHLEY, MAYOR

RUSTY CASTO, COUNCILMAN AT LARGE

MARY TROUT, COUNCILWOMAN AT LARGE

OLAF WALKER, COUNCILMAN AT LARGE

A. A. "JOE" SAVILLA, COUNCILMAN

RONNIE HUGHART, COUNCILMAN

CHARLES MILLER, COUNCILMAN

JIM HUTCHINSON, COUNCILMAN

AGENDA ITEM NO. 5 & 6 - PROJECTION OF EXPENDITURES - FIREMEN'S AND POLICEMEN'S PENSION FUNDS: - For the record of the City of Nitro, Mayor Ashley offered the projection of expenditures by the Firemen's and Policemen's Pension Fund for the year 1987. Councilman at Large Olaf Walker moved we accept the projected expenditures into the record of the minutes. The motion was properly seconded, a vote was taken and it was unanimous.

PROJECTION OF EXPENDITURES ATTACHED.

AGENDA ITEM NO. 7 - RESCHEDULE MARCH 3, 1987 COUNCIL MEETING: - Nitro's Bicentennial Commission has scheduled Thomas Jefferson to perform on March 3, which is the regular scheduled council meeting. Councilman at Large Rusty Casto had planned to bring Jefferson in on March 2, but Nitro High School will be conducting tests on this day. Mayor Ashley suggested we change the date to Monday, March 2, or Tuesday, March 10. Councilman Jim Hutchinson moved we change the regularly scheduled council meeting from March 3, to Monday, March 2, same location and time. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 8 - FINAL REPORT KANAWHA METRO GOVERNMENT TASK FORCE: - A final report from the Kanawha Metro Government Task Force, chaired by Andrew Richardson, was distributed to the Councilmembers. Mayor Ashley informed that this document was presented to the County Commission around October, but we received our report a few days ago. Mayor Ashley reported that in his judgement, it is a significant document and worthy of Council's time and attention. The document addresses sharing of information. Mayor Ashley stated that he would personally appreciate any feed back Council may have on this, because he feels this may become a source document for local governments in Kanawha County and the State of West Virginia to rethink their posture. Mayor Ashley commended the task force on a job well done.

Mayor Ashley mentioned that in talking with the Kanawha Charleston Health Department, they are planning an immunization clinic for the City of Nitro and its citizens. It is an additional service being offered to our citizens that has not been made available without some degree of inconvenience before. Mayor Ashley reported that Dr. Rosenberg with the Charleston Kanawha Health Department is also very interested in bringing additional and extended services from his group into our City, and is trying to work out something that we can accommodate them at City Hall so that other things can be included.

Mayor Ashley informed we were approached to consider using West Sattes Elementary School property, and fashioned a letter for Council's review. Mayor Ashley stated in the letter that it represents his view, and is in no way binding upon the city. Mayor Ashley said there was a suggestion made that we offer to

the Board of Education a trade of our current public library property adjacent to the junior high school for the former West Sattes Elementary School thinking we could put to good use that property and they could certainly put to good use the property that is currently our library. Mayor Ashley said that if Council has no objection, he would release the letter, and see whether or not it has any appeal to the Board of Education. Mayor Ashley said the Council should know that the Board of Education has talked publicly about the shutting down of the high school and the possible relocation of that school to the present junior high school site. Another possibility that Councilman Walker pointed out was the relocation of Channel 33 that is currently Board of Education property, and Mayor Ashley said that is was his understanding that they were leasing this to public television for a dollar a year. So, when and if they relocate that facility, then that property would also be available. Councilman Jim Hutchinson moved that the letter be released. The motion was seconded. Councilman Romie Hughart moved we amend the letter by deleting the second paragraph, and Mayor Ashley said that the action of a motion of the council would render the statement that "No formal discussion has been held with any official of the City", and will amend the letter. A vote to modify and release the letter was taken and it was unanimously approved.

COMMITTEE REPORT

On behalf of the Nitro Bicentennial Commission, Councilman at Large Rusty Casto presented Mayor Ashley the plaque honoring the City of Nitro for being one of the first 50 cities to celebrate the 200th Anniversary of the United States Constitution. Mayor Ashley added that it was an honor for the City to receive this, and unofficially we were number seventeen. The wind destroyed the banners we had displayed as entering the City, and Mayor Ashley received a message from Rich Hively of McDonalds that they had gone back to the manufacture and thinks we are getting new banners to announce the City's participation in the Bicentennial effort. Our next program is scheduled for Monday, February 16. George Washington will be in our City, and will have a program at the First Presbyterian Church beginning at 7:00 p.m. and encouraged everyone to be present. We are in hopes of having President Washington come in on the previous Friday to visit the banks and go to some of the schools. On March 3, we have Thomas Jefferson, and we are currently negotiating with a fellow who portrays James Madison to come in on April 6. On May 11, we have Ben Franklin scheduled. Councilman at Large Rusty Casto announced that the National Bank of Commerce of Nitro and the National Bank of Commerce of Charleston were so pleased with the outstanding performance of Mr. Lincoln that they have agreed to sponsor Mr. Jefferson. Councilman Casto requested that when Councilmembers visit the bank, to let Mr. Dawson know how much we appreciate their support.

On behalf of all city employees, City Recorder Joan McClanahan thanked Councilman Charles Miller for his assistance all day on January 10, in the garbage bag distribution.

There being no further business, the meeting was ajourned at 8:25 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER

NITRO POLICEMEN'S PENSION & RELIEF FUND
PROJECTED EXPENDITURES - 1987

KENNETH WEBB	\$ 9,859.30
ADA POST	3,600.00
SHELBY HARRISON	10,408.32
SECRETARY'S SALARY	300.00
BOND	75.00
MISC.	25.00
SERVICE FEES	<u>100.00</u>
TOTAL:	\$ 24,368.12
10% FOR INVESTMENT	<u>2,436.81</u>
TOTAL EXPENDITURES	\$ 26,804.93

NITRO FIREMEN'S PENSION AND RELIEF FUND

PROJECTION OF EXPENDITURES - 1987

C. A. MCDANIELS	\$ 6,000.00
A. K. KING	5,368.00
CLYDE HARRIS	6,532.57
DENVER RAWLINGS	6,000.00
JAMES L. RAYNES	13,248.36
SECRETARY	300.00
BOND	75.00
MISC.	25.00
SERVICE FEES	<u>100.00</u>
TOTAL:	\$ 39,148.36
10% FOR INVESTMENT	<u>3,914.84</u>
TOTAL:	\$ 43,063.20

CITY OF NITRO
COUNCIL MEETING MINUTES

FEBRUARY 3, 1987

The regular meeting of 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 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.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 20, 1987 COUNCIL MEETING MINUTES: - Councilman Romie Hughart moved the Council Meeting Minutes of January 20, 1987, be approved as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley posthumously recognized The Reverend Bruce Hayes as the Citizen of the Month for February, and presented the plaque to his wife, Gwen Hayes.

AGENDA ITEM NO. 3 - RES. 87-3 APPOINTING MAYOR ASHLEY TO RDA: - City Recorder Joan McClanahan reminded Council that at the January 20, 1987 meeting a resolution was passed naming her as Nitro's representative to the RDA board. She explained that after talking with some of the other members, and reviewing information they had, she felt Mayor Ashley could do a much better job as he knows what they are planning on doing. Mayor Ashley was elected President of the Regional Development Authority, and as his time is limited and he was serving on the Kanawha County Ambulance Authority City Recorder Joan McClanahan agreed to do her best to serve with that group. Therefore, City Recorder Joan McClanahan moved we approve the resolution appointing Mayor Ashley as the representative from the City of Nitro the RDA Board with an amendment to include statement that this supersedes all prior resolutions. The motion was seconded. A vote was taken and it was unanimously approved.

RESOLUTION 87-3 ATTACHED.

AGENDA ITEM NO. 4 - RES. 87-4 APPOINTING JOAN MCCLANAHAN TO THE KANAWHA COUNTY AMBULANCE AUTHORITY: - As explained in agenda item 4, this resolution would supersede all prior resolutions, and Councilman at Large Olaf Walker moved we adopt this resolution appointing City Recorder Joan McClanahan to the Kanawha County Ambulance Authority. The motion was seconded. Mayor Ashley informed that he had already submitted his resignation from this Board. A vote was taken and it was

unanimously approved.

RESOLUTION 87-4 ATTACHED.

AGENDA ITEM NO. 5 - LIABILITY INSURANCE UPDATE: - City Recorder Joan McClanahan said that she had talked with Mr. Al Hovey and he informed her that he would have the figures Thursday on the liability insurance, and requested a meeting with the Insurance Committee consisting of City Recorder Joan McClanahan, Councilwoman at Large Mary Trout, Councilman A. A. "Joe" Savilla at 6:30 p.m. on February 17, prior to the next Council Meeting. The Insurance Committee will report their recommendation to Council at the Council Meeting.

COMMITTEE REPORTS

1. NITRO BICENTENNIAL COMMISSION: - Mayor Ashley reported the next scheduled program will be February 16, at the First Presbyterian Church at 7:00 p.m, and encouraged each and everyone to be present. There will be reserved seats for Councilmembers and asked that they inform the usher upon their arrival. February 16, is a City holiday which is celebrated as George Washington's birthday. Schools will be in session and "George Washington" will be visiting schools. Mayor Ashley advised that since the last meeting we have had official confirmation of underwriting by the National Bank of Commerce of Nitro for Thomas Jefferson on March 3, and the Nitro Moose Lodge for Ben Franklin on May 11. We are in negotiation at the present time with a gentlemen who portrays James Madison, and at this point we are not prepared to announce that we have an underwriter. Plans have been completed for our program for June, which will be on West Virginia Day (June 20), and that will be George Dougherty from Elkview who will present a program on West Virginia, structured around the Constitution. Mayor Ashley announced that the Charleston Lions Club is donating \$1,000 to our scholarship fund for the school competition. Councilman at Large Rusty Casto distributed material on Roberts Coles, III, the great-great-great-great-great-grandson of Thomas Jefferson scheduled for the March program at the First Baptist Church.

Councilman at Large Rusty Casto asked City Treasurer Ralph Allison if the City would have funds to help finance the cost to bring in Dr. Soles, a Professor at the University of Delaware, who portrays James Madison. His fee is \$600 plus expenses. Best Western has agreed to provide motel accommodations, but with travel expense we could estimate between \$1,000 to \$1,200. Councilman Casto informed that he has already raised \$100 and will be soliciting businesses for funds. However, if he was unable to raise enough money, Councilman Casto wanted to know if the City could possibly contribute \$500. Councilman Romie Hughart suggested Councilman Casto raise as much money as he can, and then come back to Council. Councilman Casto explained that April will be a tough month to try to schedule a program due to spring break and wanted to get James Madison scheduled. Art

Ashley, Chairman of the Bicentennial Commission advised that they have taken pride up to this point in the fact that the effort they have put forth is probably the greatest for a City our size in the United States of America. We were one of the first 55 cities in the Nation to be recognized as a Bicentennial City, and this was accomplished without having to ask Council to approve funds. He further stated that he attended a private neighborhood meeting of the residents of Brookhaven earlier this evening and they were talking about how we might be able to find the money to repair streets and sewers amounting to some quarter of a million dollars. He added that he would personally be very much reluctant having to tell those people we found \$500 to pay for Dr. Soles to come and represent James Madison, but we can't spend the money to fix their problems. In relative terms, Mayor Ashley, said that while he wished we had the money, he would hope the Council would look carefully at committing to funds. Councilman at Large Olaf Walker stated that he had some reservations about this, because he wasn't sure if this was legal according to the City Code. He said he raised this question previously on the \$1,000 for an emergency medical fund out of revenue sharing. City Recorder Joan McClanahan answered that the \$1,000 we allocated was for emergencies and not specified as emergency medical. Councilman at Large Rusty Casto moved that the City commit up to \$500 to bring in the gentlemen who portrays James Madison, and only if it becomes absolutely necessary. The motion did not receive a second.

Mayor Ashley read the communique from Mr. Carl Young stating that, "The Board of Education has an abundance of surplus property and he did not feel it was in the best interest of the school board to consider trading property. On the otherhand, the property had been appraised, and if the City wished to make a bid for the West Sattes School property, he would happy to recommend the school board consider it." A copy of his correspondence will be furnished to Council. Mayor Ashley checked on property as requested by Councilman Walker, and it is currently being leased by public television for \$1.00 a year. Councilman at Large Olaf Walker stated that he was in favor of this property instead of the West Sattes Elementary School property, and moved that Council offer to the Board of Education an opportunity to continue the arrangement that they presently have with WV Public Television on the former East Sattes Elementary school they are using, and for Mayor Ashley to write a letter to the effect that the City of Nitro be given first refusal before the property is disposed of. The motion was seconded. A vote was taken and it was unanimously approved. Councilman at Large Olaf Walker suggested Mayor Ashley form a committee consisting of 5 or 6 people to look at the building, and see how City Government could utilize this facility. Mayor Ashley asked if Councilman at Large Olaf Walker would serve as Chairman, and recommended Bob Sergeant be on this committee.

Councilman at Large Olaf Walker said that he did go to Kanawha Brick and Block to try and obtain a brochure on the trash receptacles discussed under agenda item 3 at the last council

meeting. They were unable to locate a brochure, but they did have a snapshot. This photograph was taken at the Cultural Center, where they have four or five of these receptacles. They also have several of these receptacles down Capitol Street and up Virginia Street between Summers and Capitol. Also, they have three or four around Shanklin Park. Councilman Walker stated they are very durable and attractive containers, but they are not totally indestructible. On Virginia Street he noticed there were some of them with sides and tops broken. He commented that they are really nice, and if we had downtown Nitro fixed-up, these would be very attractive and capable receptacles to have.

Councilman Charles Miller commented that there was a call for an ambulance at 12:29 a.m., and they did not arrive on the scene until 12:45 a.m. The call was for an ambulance on Park Avenue in Nitro, and they dispatched an ambulance to Park Avenue in Charleston, and he was not at all pleased with this response.

Mayor Ashley explained this incident and how Communication Officer Blaine Means ran back to Nitro's ambulance headquarters and dispatched the ambulance from there. Also, he notified Councilmembers of two other incidents, and informed that all three instances have been reported to the full Board of the Ambulance Authority.

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

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

RESOLUTION 87-3

A RESOLUTION BY THE COUNCIL OF THE CITY
OF NITRO APPOINTING MAYOR ARDEN D.
ASHLEY THE REPRESENTATIVE FROM THE
CITY OF NITRO TO THE RDA BOARD

WHEREAS, in the opinion of the undersigned, Mayor Arden D. Ashley is well qualified to act in the capacity of the representative from the City of Nitro to the Regional Development Authority board; and

WHEREAS, in the opinion of the undersigned, Mayor Arden D. Ashley would be a distinct asset to said board, and would be able to perform the duties and functions of such office with high degree of skill and ability; and

WHEREAS, the undersigned, the Council of the City of Nitro, in their official capacity, are desirous of endorsing Mayor Arden D. Ashley to the aforesaid position;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Nitro does hereby go on record as endorsing Mayor Arden D. Ashley for a position of a representative on the RDA board.

This resolution supersedes previous resolutions.

Passed this 3rd day of February, 1987.

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

Rusty Casto
RUSTY CASTO, COUNCILMAN AT LARGE

Mary Trout
MARY TROUT, COUNCILWOMAN AT LARGE

Olaf Walker
OLAF WALKER, COUNCILMAN AT LARGE

A. A. "Joe" Savilla
A. A. "JOE" SAVILLA, COUNCILMAN

Romie Hughart
ROMIE HUGHART, COUNCILMAN

Charles Miller
CHARLES MILLER, COUNCILMAN

Jim Hutchinson
JIM HUTCHINSON, COUNCILMAN



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR RESOLUTION 87-4

A RESOLUTION BY THE COUNCIL OF THE CITY OF
NITRO ENDORSING CITY RECORDER JOAN
MCCLANAHAN FOR A POSITION ON THE BOARD OF
DIRECTOR TO THE KANAWHA COUNTY AMBULANCE AUTHORITY

WHEREAS, in the opinion of the undersigned, City Recorder Joan McClanahan well qualified to act in the capacity of a director on the Board of Directors to the Kanawha County Ambulance Authority by virtue of his experience and current official position; and

WHEREAS, in the opinion of the undersigned, City Recorder Joan McClanahan would be a distinct asset to said Board of Directors to the Kanawha County Ambulance Authority, and would be able to perform the duties and functions of such office with high degree of skill and ability; and

WHEREAS, the undersigned, the Council of the City of Nitro, in their official capacity, are desirous of endorsing City Recorder Joan McClanahan for the aforesaid position;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Nitro does hereby go on record as endorsing City Recorder Joan McClanahan for a position on the Board of Directors to the Kanawha County Ambulance Authority.

Passed this 3rd day of February, 1987.

Arden D. Ashley
ARDEN D. ASHLEY, MAYOR

Rusty Casto
RUSTY CASTO, COUNCILMAN AT LARGE

Mary Trout
MARY TROUT, COUNCILWOMAN AT LARGE

Olaf Walker
OLAF WALKER, COUNCILMAN AT LARGE

A. A. "Joe" Savilla
A. A. "JOE" SAVILLA, COUNCILMAN

Ronil Hughart
RONIL HUGHART, COUNCILMAN

Charles Miller
CHARLES MILLER, COUNCILMAN

Jim Hutchinson
JIM HUTCHINSON, COUNCILMAN

LIVING MEMORIAL TO WORLD WAR I

CITY OF NITRO
COUNCIL MEETING MINUTES

FEBRUARY 17, 1987

Due to a leak in the roof in Council Chambers, the regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley at 7:30 p.m. at the Women's Club of Nitro on 2nd Avenue and 23rd Street. Mayor Ashley offered his apology for having to move the meeting on such short notice. 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 were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

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

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 3, 1987 COUNCIL MEETING MINUTES: - Councilman Charles Miller moved for the approval of the Council Meeting Minutes of February 3, 1987. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - COMMUNITY AWARENESS AND EMERGENCY RESPONSE AWARD: - Mayor Ashley informed that this agenda item has to do with both recognition and an award, not only for the City but for a lot of people involved in emergency preparedness and emergency response. Mayor Ashley stated that the City of Nitro recently received recognition as a Constitution Bicentennial City and received one of the first 50 plaques, and tonight we have another honor. It is the presentation of an award from a community recognition project application, and in the presentation of the award, nationally there are two levels. The first level is to recognize communities that have established an active coordinating group to address emergency planning, and the second level is to recognize community coordinating groups that have completed a comprehensive test of their intergrated community emergency plan. Mayor Ashley asked Mark Wolford, Assistant Fire Chief in the City of Charleston and President of the Kanawha Valley Emergency Planning Council, to please come forward. Also, Mayor Ashley asked City Recorder Joan McClanahan to please stand. Joan McClanahan is the Chairman of Nitro's Emergency Response Task Force. Mark Wolford presented the CAER plaque to City Recorder Joan McClanahan, Chairman of Nitro's Emergency Response Task Force.

Mark Wolford informed that the Kanawha Valley Emergency Planning Council is a coordinating agency where plans are developed and test emergency drills to make sure that if there would be an emergency that the plan could be put into operation and used to protect the citizens of the community. He stated that we should be very proud of the people in the City of Nitro

that are deeply involved in being prepared for an emergency. He said the KVEPC was very proud because a lot of the people that serve on their Executive Board are members of the community of Nitro.

City Recorder Joan McClanahan introduced members of the Task Force who she feels really earned the award. They were Mayor Arden D. Ashley, Nitro's Fire Chief E. W. Hedrick, Chief C. R. Cochran from the Nitro's Police Department, Betty Shrewsbury Head of Nitro's Communication Department, Bob Ruczek from Monsanto, Bruce Trego from FMC and Harry Miller from Fike Chemical. City Recorder Joan McClanahan said that without the above mentioned group, this award would not have been won and she expressed her thanks. A big round of applause was given to all.

Mayor Ashley expressed his congratulations to the Task Force.

AGENDA ITEM NO. 3 - LIABILITY INSURANCE REPORT: - City Recorder Joan McClanahan said that Councilmembers were aware that the City's liability insurance expires on February 20. Prior to Council meeting this evening, there was an Insurance Committee meeting. Present were City Recorder Joan McClanahan, Councilwoman at Large Mary Trout, Councilman A. A. "Joe" Savilla and Councilman Romie Hughart. Also present was Al McVey from Commerical Insurance. City Recorder Joan McClanahan introduced Mr. McVey and ask that he explain his proposal to the other Councilmembers after which the Insurance Committee will give their recommendation.

Mr. McVey furnished Councilmembers a synopsis of premium charges effective February 20, 1987. Mr. McVey broke it down by line item coverage showing what the actual annual premiums were last year, what the 1987 renewal premiums would be with the three private carriers that the City now has coverage with, and then what the annual premium would be if the City decided to elect to go with the State of West Virginia Insurance program. Mr. McVey also gave an option, and the Insurance Committee felt that the comparison would have to be made with the optional amount for a higher limit of liability under the police professional coverage. Mr. McVey made comments about the alternatives to consider which were as follows:

(1) Your current Police Professional Liability carries a \$2,500 deductible per claim. Your current Public Officials Liability carries the same deductible. There is no deductible under the State Program for these coverages.

(2) Your current Police Professional limit of liability is \$300,000. You have the option of purchasing a \$500,000/\$1,000,000 limit as shown. The Limit under the State Program is \$1,000,000.

(3) The State Insurance Program is a complete Self-Insurance Mechanism. You are grouped with other municipalities in the program. If claims exceed collected premiums in a given year, you will more than likely be assessed your pro-rated share of the difference.

Mr. McVey pointed out that the annual premiums totaling \$4,849 from the State of WV is lower. However, his third comment has to do with that program, and to keep in mind that the State Insurance Program is a complete self-insurance mechanism. If claims exceed premiums taken in, they have to do one of two things. The State would have to go back to the Legislature and ask for more money, and we all know there is no money available and the other option would be to come back to each municipality and assess that municipality their pro-rated share of the difference.

Councilman A. A. "Joe" Savilla reported that it was the unanimous decision of the Insurance Committee that we go with our current insurance company. With the option, we are looking right at \$2,400 difference. Our insurance premium would have been the same as it was last year of \$44,133, but the insurance company paid a claim amounting to \$6,000. Mr. McVey explained that the reasoning for the settlement out of court did save the insurance company money because it was costing them money to defend that claim for attorney fees, cost, etc. If this case had gone to trial, it would cost somewhere around \$25,000. Mayor Ashley informed Council that the same individual has filed a claim and received an out of court settlement from our insurance company and has successfully managed to do the same thing through the City of Charleston and St. Albans.

Councilman A. A. "Joe" Savilla moved we stay with our present insurance carrier and increase the limits of \$500,000/\$1,000,000 on the Police Professional liability making the total annual premium \$47,253. The motion was seconded. A vote was taken and it was unanimously approved.

COMMITTEE REPORTS

1. SENIOR CITIZENS COMPLEX: - Mayor Ashley brought Councilmembers up-to-date on the senior citizens complex. Mayor Ashley announced that we had in attendance Nancy Peoples from Senator Byrd's staff and there has been a task force working on the senior housing project in Nitro for quite some time and more especially of late. Senator Byrd's office through Nancy Peoples locally and other staff members in Washington along with the Senator have been working very hard to make sure that we would have a senior housing complex in the City of Nitro. We have had a variety of applications submitted to HUD for 202 application which would provide low cost housing to our seniors in the community. For one reason or another over a period of time these applications were not successful until September, 1985 when a site was approved conditionally by HUD and Mayor Ashley pointed out this site on a map being Cecil Lemma Property, Inc. For reasons of their own, they tell us they cannot accept this site. At this point, we involved Senator Byrd's office and at this time Nancy People and others became involved through HUD and the Lemma Village, Inc. personnel. This corporation was formed for the purpose to have them manage the facility once it was approved.

The approval was conditional and then it encountered difficulties. The difficulties were with the site. Mayor Ashley further stated that all of them felt without question that it was through the specific and personal effort of Senator Byrd that this project was not sacked or shelved. A group of four from Washington and two from the Charleston office of HUD met with them on Thursday, February 5, and they spent the day going around to sites in the City that they were offering as alternative sites and they also gave them an opportunity to appeal once more for the original site. Nonetheless, they turned this site down and gave three alternative sites. The first site was City owned property immediately behind the library. The second site they mentioned was property identified in our survey as the Critchfield property which is on Lee Street off Walker St. The third property site as we identify is the Payne property that is behind the Ben Franklin building and post office. Each site has its merits and demerits. There are zoning problems with each of the three sites because it is a three story structure, 60 unit housing and some 200 feet long. In Mayor Ashley's opinion he said we do not have enough information to totally reject any of the three sites, but we probably will find the greater movement is going to be on site number 1, City owned property. The facility would face Park Avenue, but one problem is that the library is in the way and would have to be relocated. If they do choose to use City property, City Attorney Phillip Gaujot advised that they identify the location they are interested in obtaining and do this by metes and bounds, then seconded they should tell us what they are offering us for that property. Mayor Ashley conveyed this information to Dr. Rebecca Hamilton, President of Lemma Village, Inc., and they have been looking primarily at the City owned site. Mayor Ashley said it appears this site is suitable; it is large enough, but it would have to be rezoned. City Attorney Phillip D. Gaujot indicated that what we could do in addressing the problem would be take up the question in two parts by ordinance. We could ordain that the zoning be changed to accommodate the senior housing unit, and then we could transfer the title of the property for a specific consideration. Now, they need a sense of what we want to do as a community. The earlier assumption was that they would take the back side of that lot, and leave the library on the front on Park Avenue. Mayor Ashley says he believes strongly that if they could envision a three story building that's 200 feet wide and a small library in front of it, he feels this would not look good. Mayor Ashley suggested to Mr. Vincent that if he would think in terms of moving the building closer to the front facing Park and leave us with the problem of moving the library, he would present that as a thought to Council. If we can get a consensus on this, we can move forward on this property. Councilman A. A. "Joe" Savilla commented that he would like to see the library located near the complex. Mayor Ashley said that there are several alternatives if we are interested in clearing the way for that property to be used for the senior's complex. The City could take the library property and prepare a foundation for it, and move it across the street from the swimming pool. Mayor Ashley informed that there will be more prospects for a community building, and this

building could possibly house the library. A discussion followed regarding moving the library. Councilman A. A. "Joe" Savilla said that he didn't think that anyone on City Council would have any problem with moving the library anywhere in the vicinity of the junior high school, senior citizen complex and community center. Mayor Ashley asked for any additional comments, because if we move on the fastest possible track, Lemma Village, Inc. could have a proposal to make to us at the March 2, meeting with the next meeting scheduled for March 17. We could conceivably have everything approved and packaged at the March 17 meeting so that Lemma Village, Inc. could enter into an agreement with HUD. Councilman at Large Olaf Walker stated that he would like to see a drawing that would show the approximate location of the new building in relationship of the existing utilities. Mayor Ashley answered that was one of the things they tried to pull together tonight, and appreciated the help of Connie Stephens, Bob Sargent and Frank Vincent. At the very least, we should have the building location showing the utility line layouts, estimated cost of relocation, with mets and bounds identified. As City Attorney Phillip Gaujot stated to Mayor Ashley Lemma Village, Inc. need to make us a specific offer to purchase and what they are offering to purchase should be in complete detail. The Mayor and City Council have been instructed to stay at arms length from this once we got the approval. Our major role now is because they are considering City property. It was agreed that we are interested in having them promote the idea of using the city's property for the site. Mayor Ashley thanked Nancy Peoples for coming this evening, and to extend our gratitude to Senator Byrd for all his help, because Mayor Ashley stated that if it wasn't for Senator Byrd it would have been in a trash can up in Washington.

2. NITRO BICENTENNIAL COMMISSION: - Programs were distributed to Councilmembers on future events planned by the Nitro Bicentennial Commission. Mayor Ashley was excited about one thing that happened in the past week. He said that we have had people agree to bring in James Madison in April, and he has agreed to come on April 6. Mayor Ashley further reported that we also have other information on another program that Councilman at Large Rusty Casto has lined up and we have support for two additional programs.

Councilman at Large Rusty Casto reported that for our July program, we will have Thomas Payne portrayed by Elmer Fike. With the confirmation of Thomas Payne, we will have our programs firmed up through July.

Mayor Ashley said that he was pleased to announce funding for the programs scheduled. People came to us and offered the monies necessary to finance Madison. Union Boiler contributed money to apply toward the appearance of personalities with some of the money to go into the scholarship fund. The only open month we have left is August, and funding is in place to cover all of the expenses we have to date. We have additional money we want to collect, but Mayor Ashley said that he didn't have any doubt but

what we will get the money by the time it is needed in November.

Councilman at Large Rusty Casto said he was volunteered to be the master of ceremony at a senior citizen talent show, and may not be able to attend the performance of George Washington (Howard Johe) on Friday, February 20, 1987. George Washington was scheduled for Monday, February 16, but had to be cancelled due to the weather condition and the closing of schools.

Councilman at Large Rusty Casto announced the program for April 6, is James Madison with tentative plans of having this event take place at the Nitro Church of God. The March 3, program will be held at the First Baptist Church.

City Recorder Joan McClanahan announced that she, along with Mayor Ashley, Councilman at Large Olaf Walker, Councilman Charles Miller, City Treasurer Ralph Allison and Computer Operations Manager Mike Morris, met with the Civic Benefits Association and commended Mayor Ashley on his excellent presentation, and she feels they will be cooperative.

Mayor Ashley informed that he had a copy of the Governor's Management Task Force report, and offered to share this with anyone that's interested in seeing it.

Mayor Ashley also advised that he had copies of minutes of some of the meeting held regarding the senior citizens complex.

Mayor Ashley announced that Councilmembers, Fire and Police Chiefs, all principals of the schools in the city and library personnel were invited to a meeting at FMC beginning at 8:30 a.m. on Friday, February 20, at FMC.

The next Council Meeting is scheduled for Monday, March 2.

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

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

MARCH 2, 1987

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

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

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 17, 1987 COUNCIL MEETING MINUTES: - Councilman A. A. "Joe" Savilla moved for the approval of the Council Meeting Minutes of February 17, 1987. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley presented the March, 1987 Citizen of the Month Award to Sarah Tidquist, a citizen that has been a resident of Nitro all her life and has taught school in and around Nitro for 38 years. She is a member of the Nitro First Baptist Church and an assistant Sunday School teacher. Her husband, Hugo, served as a City Councilman in Nitro from 1968 to 1976. She is active in Nitro's senior citizens and was this month chosen Nitro's Senior Citizen of the Month for February. A big round of applause was given Mrs. Tidquist. Mrs. Tidquist accepted the plaque stating, "Nitro is where I want to live, and they have been kind and good to me."

AGENDA ITEM NO. SENIOR CITIZENS COMPLEX PROPOSAL: - Mayor Ashley informed that we have been talking for a long time about the construction of the senior citizen's housing project in the City of Nitro. The application was given conditional approval about a year and a half ago. It subsequently ran into problems with regards to the site that had been selected for the application. As a result of that, that site was rejected and we were given alternatives to consider. The three alternatives were identified and one has been accepted by the local management arm of that HUD application. That group is identified as Lemma Village, Inc., named after Cecil Lemma who was one of the owners of the property in an earlier application. Mayor Ashley added that Lemma Village, Inc. will in the final analysis not be an operating name of the corporation and would probably not be attached to the seniors complex. Cecil Lemma is not personally involved in the corporation at this time. Lemma Village, Inc. has selected property owned by the City of Nitro adjacent to the

swimming pool and property currently that accommodates the Nitro Library as being the most suitable. The senior's complex would face Park Avenue and Councilmembers earlier viewed the proposal for the site location, and we in turn, under advise of counsel asked them to make a proposal to the City of Nitro that would not only identify mets and bounds, but to offer an amount of money to satisfy the financial requirement. Mayor Ashley shared a copy of the blueprints with Councilmembers showing the plot along with mets and bounds identifying the property on which an offer is being made by Lemma Village, Inc. The agreement was at the request of the City, under the advise of legal counsel, and all Councilmembers were furnished a copy of this agreement. The agreement was titled, "An agreement between the City of Nitro and Lemma Village, Inc." The agreement offers as compensation for the property \$80,000. In return, they would want that land identified by mets and bounds. In order to give consideration to this, we have been advised by City Attorney Phillip D. Gaujot that we should have two ordinances for consideration. One ordinance would accomplish the transfer of title, the deed, being turned over to Lemma Village, Inc. A second ordinance would have to be considered for rezoning the property to accommodate a three-story building. Copies of the two ordinances were distributed to Councilmembers. Mayor Ashley advised that the agreement was received this afternoon; the blueprint and the accompanying material with mets and bounds came in this evening around 5:00 p.m. Therefore, the City Attorney Phillip Gaujot has not had an opportunity to see them, and so we do not have the benefit of legal advise with regards to the specific contents of the agreement or the mets and bounds identified on the blueprint. However, under advise of legal counsel, we have ordinances that would have to be passed in either instance. Mayor Ashley read an ordinance authorizing the City of Nitro to enter into an agreement between the City of Nitro and Lemma Village, Inc. (attached). This ordinance would show transfer of title. The other ordinance would be for the rezoning of property for the proposed senior citizen complex from R1 to R2 with a variance to allow construction of a senior citizens complex per agreement attached (3 story). Councilman at Large Olaf Walker said that in view of the importance of this issue, would it be possible at this time if we could go into executive session to discuss this matter. Legal Counsel Phillip Gaujot stated that he did not see the need for this. Councilman at Large Olaf Walker said that he didn't mean that we take any action during the executive session, but there are some matters that would dictate that we should discuss before action taken. Councilman Walker further stated that he was for the project, but there are some things that needs to be taken care of that he didn't want to bring out in the public meeting. Councilman A. A. "Joe" Savilla moved we table the discussion on the senior housing complex proposal until the last item on the agenda. The motion was seconded. A vote was taken and this item was tabled.

AGENDA ITEM NO. 4 - 1987-88 BUDGET - STATE OF THE CITY: - Mayor Ashley said that it is incumbent upon the Council to approve a budget annually in front of the public and then present

it to the State Tax Commission prior to the end of March of each year for the following fiscal year that begins July 1, and in this case would begin July 1, 1987 and end June 30, 1988. Mayor Ashley stated that as we go into this period of budget preparation and examination, even the least informed of us has to know that these are difficult times, not only for West Virginia but for the Nation. Mayor Ashley said that as we look at the record, included in the material distributed to members of Council, we are not better off than we were four years ago. Mayor Ashley continued by saying that having just returned from an NLC Conference in Washington, D.C., he has a fresh sense of the prospective about the question and municipalities and where they are going. Having served many years with the West Virginia Municipal League, as well, he has a sense of what the Legislature feels about the municipal services and their commitment to it. Also, on a regional level Mayor Ashley has worked closely with RIC, as its Chairman, and now with the Regional Development as its President. Mayor Ashley advised that nothing has brought the message more clearly to him, then the work that he's done with the budget for the City over the period of time since the first of January. He said that as he thinks in terms of the budgets, national, state and local, there are a lot of differences and a lot of similarities. Mayor Ashley said that it has become a more difficult task in each area, and some of the difficulty comes not from having an abundance, but more struggling for the money that is needed. In a speech yesterday by Senator Nancy Kassebaum from Kansas she said that General Revenue Sharing will not be coming back, and further that the Urban Development Action Grants, Community Development Action Grants, and the Economic Development Authority are all not long for this world. Mayor Ashley said that as we consider our budget, he thinks it's only fitting that we take a look at that National prospective, as well as the State prospective because this is how we got where we are. He feels it is also a way in which we can foretell where we are going to be in the future. In order to know what is happening around us, we need to consider some facts. Mayor Ashley stated in 1979, the priority programs for municipalities totalled fifty-five and half billion dollars, and in 1986 that number had been reduced to 25.6 billion. The Federal budget deficit in 1979 was 40 billion dollars, but in 1986 it had grown to 221 billion dollars, a five fold increase. Our spending nationally for defense and foreign affairs was 123 plus billion dollars. That same amount of money in 1986 had grown to 287 billion dollars. Perhaps one of the more devastating figures is the interest on the debt that the Nation is paying. It has grown from 1979 less than 60 billion to over 190 billion in 1986, and in 1988 the municipality priority programs are scheduled for further cuts to 14 billion. The bottom line is that the Federal Government and its local partnership has desolved. We really don't have anything to talk to our national legislators about; there are no programs left for them to take away. Mayor Ashley informed that in budget preparation what we have to recognize is the reality. We have to plan around the new life and the conditions. Mayor Ashley gave a classic example of one of the problems we are having that may turn into being the

greatest problems that the cities of West Virginia has ever had. He informed that about one-half of the revenues that go to municipalities in West Virginia is derived from B & O Tax, and even the most optimistic observer anywhere in the state, would tell us that without that money, the cities would virtually shut down. Yet, the State in eliminating the B & O Tax by design did not address the municipal tax question at all, and there are still a lot of legal questions as to whether or not our B & O Tax could be made legal after the state has eliminated theirs. The cities have asked for some variation of Home Rule, and give us some opportunity to determine our own destiny and at least allow us to generate replacement revenue with the elimination of B & O Tax, but the State Legislature has refused. We are faced with potential that the B & O Tax will be eliminated in the State, both at the state and municipal level and we have no vehicle to replace those revenues. Mayor Ashley said that it left the governing bodies of the local government across the country with a task of a budgetary challenge that is unlike anything that we have had before and more especially if we project beyond the next year. There is nothing more important than the work that we do on the budget; that's where we decide where we are going to spend the money that the City has that belongs to the people. It also speaks to the priorities that a city sets, and the direction that it is planning to take. Because it is so important, it also becomes more difficult. As in this case, it is very seldom where the final division is set that it is an unanimous choice. Mayor Ashley called Council's attention to the Revenues and pointed out that over the recent years we have been seeing a continuing decrease in the revenues coming into the city, and this year we are projecting a modest increase. Mayor Ashley said that by way of mechanics and structure we approached by asking first of all that the City Treasurer Ralph Allison prepare a projection of what revenues we are going to be expected to receive so that we will know that is the amount of money we will have to live with. The amount of the projection of revenues for the 1987-88 budget year is \$1,571,400. So, having looked at what would be coming in Mayor Ashley then said that he wanted to draw attention to some specific areas that need to be highlighted. In the budget of the City Recorder there is an increase shown of \$12,000. It is solely consisting of the cost of the two elections coming up in the next fiscal year. One is the levy election and the proceeds from that levy election is included in the budget plan. It is imperative that the levy pass in the city unless we are to have massive cutbacks in the budget for this fiscal year that we are planning. Mayor Ashley also added that under the City Recorder's department, that she is in the process of developing an aging of B & O accounts. She is also working on a register of residents throughout the city. Mayor Ashley said they have discussed and ask Council for any suggestions on some improvement in the ability of record retention. Mayor Ashley advised that they are very much concerned that our records are kept at City Hall and feels there should be some focus on additional ways to keep those records and another place to keep them. In the Treasurer's office there is a contingencies fund that hasn't appeared before. Mayor Ashley stated that what they feel they have done in making

this move is probably overdue. The amount of \$7,510 is the amount that we anticipate will be left over from the revenues and expenses at the end of the year. Mayor Ashley also added that we have some delinquent taxes due the City and we are projecting that we will receive those delinquent taxes and stated that we fully intend to exercise all of the authority of the City to go after the most delinquent taxes as we have a great need for the collection of this money as it is included in the budget. If we are not successful in collecting the taxes, then it will become necessary that we modify the budget. Mayor Ashley suggested that a Committee take a look at the reduction of holidays we celebrate as a local government. He informed that it has long been a practice of government to pay their employees not to work in a very liberal fashion. He commented that the cost of each holiday is approximately \$3,000, and so Mayor Ashley asked that a Committee consisting of City Treasurer Ralph Allison, Chairman, along with Councilman at Large Rusty Casto and Councilwoman Mary Trout working with him to come back to the Council by the first meeting of June, after reviewing with the City Attorney Phillip D. Gaujot, a proposal to address the question of City holidays to be taken in the upcoming fiscal year. Mayor Ashley will ask that Mike Morris, the Computer Operations Manager, provide the Committee with a review from other cities in West Virginia, as well as the State schedule of holidays. At City Hall we are cramped for space, and we could certainly use more. Recently we have taken a look at the potential of obtaining West Sattes School, and that will not happen as the Board of Education turned a deaf ear on the proposal. We also have approached them on the East Sattes School, and feels that working out any arrangement with the Board of Education for that piece of property would be doubtful. Mayor Ashley said that he thinks for the foreseeable future, it should be considered by the Council our plan to maintain what we have and operate with a status quo. Mayor Ashley said that there was another thing that he wants Council to understand and address with him is the need that has been mentioned before and they haven't taken action, and that is access to the handicapped. As this is a public building, we should spend the money necessary to have free and ready access to those people in wheelchairs or otherwise limited in their mobility. In another area within City Hall, Mayor Ashley suggested we create an ad hoc Committee chaired by Councilman Charles Miller, with the other Ward Councilman, A. A. "Joe Savilla, Councilman Romie Hughart and Councilman Jim Hutchinson serving with Councilman Miller to come back to Council by the first meeting in June with a recommendation to take a look at the fines imposed by the City of Nitro who break our laws. With this, we need the advise of our City Attorney Phillip D. Gaujot because there are some legal limits as what we can do. We will also need the benefits of the records from other municipalities which the Mayor will ask the Police Department to provide the Committee with those other fines. Mayor Ashley stated this measure will be considered a revenue generating measure, and it should never be the practice of our judicial system or our law enforcement division to make money for the City, but feels that it is encumbant upon us to recover the cost of that operation at

least to a reasonable degree when people are in violation of the laws. Mayor Ashley said that in the Police Department we are proposing a modest increase most in which is taken up in the acquisition of a new police cruiser. In the work put in on the preparation of the budget, it was recognized that our cruisers had a lot of miles on them and the only way to effectively maintain the equipment is to have new equipment coming in to replace the oldest. On the acquisition of the new cruiser the oldest unit will be taken out of service. Mayor Ashley added by way of a compliment to the department that they provide an essential service to the community and they do it with a great deal of professionalism, but more to the point, they have a large reserve officer unit that he feels is entitled to some special recognition and credit. Mayor Ashley also complimented the school crossing guards who do an outstanding job for the community and they deserve to be recognized for the work they are doing. They do not impose a great expense on the City, but they do provide a great service. Also, the Police Department is being directed to provide daily activity reports by each officer so that we will have a complete record of their activity which is not available to the entire public as some of the information is not suitable for public release, but certainly available to members of City Council, so we would anticipate that Councilmembers would be receiving on a regular basis additional information of the activity on the Police Department. In the Fire Department, Mayor Ashley said they are recommending the acquisition of a "Quick Hit" fire truck. This truck is a smaller fire truck with the capabilities of a larger unit. The purpose behind this truck is that we can use it to respond to the vast majority of our fires. With the acquisition of the two pieces of equipment, we would then sell the Sea Grave fire truck as well as the utility truck as a part of that operation. Also, we will be asking the fire department, as a cost reduction measure, that they take a close look about calling the auxiliary firemen who do an outstanding job. The savings would not be enormous, but would be a move in the right direction. Mayor Ashley added that he had a great deal of concern about what was going to happen to fire departments especially in the small communities. He feels we are very fortunate that we have a professional fire department that is being funded by this governing body. Most of the volunteer fire departments around the country are in great jeopardy in the years to come. One of our larger departments in terms of budgetary expense is the Public Works. Mayor Ashley said that he wanted to talk about slips. We are all aware of the 21st Street slip and we have been promised by two governors that they are going to fund it, but it doesn't happen. Mayor Ashley said that it just isn't high enough on the scale given the other conditions the State is facing and the cost of fixing that slip. One thing that would cause it to be fixed would be if the hillside would slid on the road making it inaccessible or the bridge collapses then it will be fixed. There are a couple of new slips in the City and one is Bailes Drive that has been identified. It has not been included in the budget, but Mayor Ashley told Council that the preliminary estimate by the Public Works Department is to the effect that if it can be corrected or

held back with some piling, possibly if we get on it quickly and it does the job, and the engineers approve it then it can probably be done for \$10,000. Mayor Ashley said that he was just made aware of this today, and also a slip on Blakes Creek which is in the region of Ridenour Lake. This might be eligible for some assistance funding and doesn't think it is of the magnitude as the other. Out of the Public Works Department one of our major concerns came up this past year in Brookhaven. We know what we want to do in Brookhaven, but we can't afford it. We also know that we can't do anything in Brookhaven that we wouldn't have to do throughout the City. As a line item we have shown an increase in what has been heretofore identified asphalt and sand and in all likelihood will be renamed paving. The bottom line is that we have additional monies in that line item. We also have some \$15,000 approximate available for work to be done in Brookhaven. Mayor Ashley asked Councilman A. A. "Joe" Savilla as Chairman of the Traffic Committee to meet and report back to Council by the middle of June a formula for matching funds to be provided by the City and throughout the community to fix the streets and sewers, the roadways and their right-of-ways in the City. Mayor Ashley added that with this, we can implement a program that will be made available to the neighbors in the community. Mayor Ashley further stated that if there were additional funds available to the City of Nitro and if he was asked to sign a top priority, it would be in that line item that we are now calling asphalt, sand. In the budget for the Public Works Department we are providing for a dump truck. We have in the past used garbage compactors, but we are not going to stay with that system of garbage collection if we go this route; it would be the first move in a change over and we would use a dump truck instead. Mayor Ashley complimented the Public Works Department for the excellent job they did in putting up signs. He has received nothing but positive response from that, and informed that their assignment and commitment is to continue with the installation of those wooden signs that are so attractive throughout the City at every intersection. They are doing this in their spare time. Mayor Ashley added that the work at the swimming pool will be completed in plenty of time for the opening, and the Public Works Department is to be given a lot of credit for that, and for all the work at the swimming pool they have done over the past couple of years. In fact, Mayor Ashley said that he could not say enough about the attitude and the effort put forth by the employees of the Public Works Department. In the budget of the Library you will notice a very significant line item called maintenance amounting to \$31,000, an increase of \$30,000. The reason for the change is that with the proposed acquisition of land by Lemma Village, Inc. to build the senior's complex, we must relocate our library. According to the opinion of engineers, this can be done and the cost of \$30,000 is inserted in anticipation that there will be the sale of the land and the relocation of the library in the fiscal year in question. Mayor Ashley reported that we are trying to get the Library Commission of Kanawha County to take our library into their system. At the present time, we are one of the few libraries not in the system which is costing us in terms of commitment of

dollars to the library. The expectation is that with them taking the library over, there will probably be \$4 spent then for every dollar spent now, and the cost to the City would be half of what we are spending now. Mayor Ashley complimented the work of the Library. They are doing some exciting things, and the program is gaining a lot of attention and respect for the library system in the City of Nitro. In the budget of the Recreation Department one item that needs to be pointed out is the reduction in the maintenance and repair. Specifically, that came about as result of \$30,000 being spent in the past two years on the swimming pool. The first year, all the service lines were replaced and this year we have replaced the sand filters to keep the water clean. The suggestion that we might have a senior's complex and the sale of the property by the City for that purpose is reflected in our budget, as well as the previous expense of relocating the library. In addition to those line items expenses and the major events within the budget, Mayor Ashley shared some thoughts about some of the projects that we have going. Mayor Ashley commented that while things are rough right now, and they are for us certainly, at the same time we are really doing okay. That is a credit to the people of the community, certainly to the employees and this governing body because he thinks we have given every effort to managing the fiscal affairs of the City well. More important, if there is to be economic development in West Virginia, then Mayor Ashley thinks that we have done a good job of posturing ourselves to take advantage of any future growth. An honest assessment of the problems is important, and if we need to face up to them, it is good for the soul, and also sets us on the right track. We should not be unprepared to deal honestly with our limitations, but at the same time, Mayor Ashley doesn't feel we should let it overwhelm us. Mayor Ashley said that he thinks we are the best City in West Virginia; he thinks we are alive and well, and fully capable of riding out the storm that we find ourselves in. For example, Mayor Ashley stated that we are in the midst of embarking upon a celebration called the U.S. Constitution Bicentennial Celebration, and Nitro was one of the first 50 cities to be recognized across the Nation as a Bicentennial City. Mayor Ashley, just returning from Washington, said that following the nice article in "Nation's Weekley" which is circulated to all the legislators in every state and throughout the country that hundreds of people approached him and applauded Nitro for the effort they put forth on the celebration. Mayor Ashley said that we have been told by the Nation and others around us that our program was one to be emulated. Mayor Ashley said that he had a letter from the Mayor of Ohio which congratulates Nitro, not only on the article but he is indicating that the City of Columbus, Ohio is going to pattern their celebration after what Nitro has done. The Bicentennial celebration could be one of the best things that has ever happened to the City, and if the Nation joins in the celebration to the degree that the City of Nitro has, it will be. The senior citizen's project is a 2.4 million project that is going to come to the city and we are going to be a part in making this happen. It will improve the quality of life here; we do a lot with our seniors. In the survey taken by the nurses is a classic examples

that Nitro is one of the best kept secrets in West Virginia. Mayor Ashley said that he didn't think there was a community anywhere that has a better hands-on program dealing with the senior's problems and their activities than the City of Nitro. Betty Shrewsbury, our Communication Officer, is in daily contact with the senior citizens in our community, even the ones not on the nutrition program. We will take them to meals, we will take meals to them. We take them shopping, entertain them and exercise their minds and bodies in a way that most communities never dream of. So, we should take the credit for being different and caring about our seniors. Mayor Ashley informed that the senior's van, most of which the local portion was paid for by our seniors and our community is scheduled for delivery in a matter of a few weeks. Mayor Ashley said that our response to emergencies is singled out and recognized as being exemplary. We recently received a level II award from the Chemical Industry, a chemical association and there were only two given in the state as Mayor Ashley knows of and one was to the Kanawha Valley Emergency Planning Council and the other was to the City of Nitro. The Emergency Planning Council in Nitro earned this award the old fashion way. They are working hard to be the best prepared emergency responders in the country. Again, Mayor Ashley said there are scores of other cities that took our response plan and some white-out and made it their plan. We should be proud of this. We are going for number 5 in the All West Virginia City competition and we are going to make it. There aren't many cities that can say that. We started getting into the All West Virginia competition and we've done well every year and we will again. We have faith that we are going to be an "All West Virginia City" five years in a row. Mayor Ashley said that we have every right to be proud that we are singled out in West Virginia as a city to be recognized. The Community Building is something that we have not allowed to die. We don't have the building. That architect's rendering shows what the high school students thought it should look like a few years ago. It settled back, but now it is reemerging. Through the benevolence of the Civic Benefits Association, we have created a Committee Task Force to take a look in a preliminary way as to the possibility of making this happen. Mayor Ashley suggested to them that the City of Nitro has some property that's available and would hope that they would use it for the purpose of constructing a community building that might also be called a recreation building or an activities building because we want it to happen. There are meetings being scheduled with the people from the Moose Lodge, Y.M.C.A. West, and with the Civic Benefits Association in trying to find a way to make it happen. With the help of all the people in the community, Mayor Ashley feels this can happen. Mayor Ashley added that that would be an unique partnership because the available programs mentioned before are dead and gone. We must come up with new ways of creating new things to happen in this community. In the area of economic development, Mayor Ashley said earlier that we were postured to take advantage of any opportunities that would be coming our way as he believes in West Virginia and we are going to get our act ready one of these days, and when we do, we are going to be in a position to

succeed. Evening before last, Mayor Ashley, had the occasion to be at a dinner in which the General Motors Representative to Local Governments was present and was seated to Mayor Ashley's immediate left. Mayor Ashley said that one of the benefits that come from these meeting is perhaps you get an idea or you make a contact. Mayor Ashley asked the General Motors Representative what we could do in West Virginia or what the City of Nitro could do that would be impressive to someone that was planning on locating a plant or facility in a small town, and he said, "Be prepared." He said, "I can't tell you what it would take for any business to move to any community." He said, "We don't know that, and that is my business", but he said, "When it all comes together, the questions and the answers if it fits, you do it, and you can't really prepare to get a GM plant to come into your community. What you can do is to prepare business to come into your community, and so when the opportunity presents itself then if you are prepared you will be looked upon favorably." Mayor Ashley said that he felt we were prepared, but not well enough prepared, and suggested we create a Committee with Councilman at Large Olaf Walker as Chairman, to work with City Recorder Joan C. McClanahan, City Treasurer Ralph Allison and City Attorney Phillip Gaujot to examine the feasibility of becoming a part of the Chamber of Commerce system and if not, to see if we can't in some way provide a structure that would make us more attractive to a business coming into our community. Another thing that Mayor Ashley mentioned to demonstrate that we have a right to claim a certain degree of greatness as a community is the Small City Council and as a result of the Mayor being elected Chairman, we are going to be hosting the Small Cities Council meeting of national leaders on June 26, in Charleston at the Marriott. Mayor Ashley invited Council to attend and be a part of that. There will be no cost to the individual or the City, and it will be an excellent opportunity for us to participate in a major way in showing people what West Virginia is all about. Mayor Ashley informed that the Department Heads, Recorder, Treasurer, some Councilmembers and the employees of the City worked awfully hard to put the budget together, and urged and encouraged the members of Council to approve the budget. Councilman Jim Hutchinson moved we approve the budget as presented, which the budget of the Nitro Sanitary Board. The motion was seconded. There being no discussion, a vote was taken and it was unanimously adopted. Councilman A. A. "Joe" Savilla complimented Mayor Ashley on his report, and a round of applause was given to the Mayor on his excellent presentation. Councilman at Large Olaf Walker said that Mayor Ashley presented some very good ideas.

BUDGET ATTACHED.

AGENDA ITEM NO. 3 - SENIOR CITIZENS COMPLEX PROPOSAL: - The motion previously passed was to table this agenda item until last, and Mayor Ashley removed this item from the table and opened the floor for discussion. Legal Counsel Phillip Gaujot advised that the subject matter to be dealt with as suggested for Councilman at Large Olaf Walker through Mayor Ashley was that it would be inappropriate and cause for going into executive

session. Councilman at Large Olaf Walker moved we go into Executive Session at 8:35 p.m. to discuss matters of privilege relating to the seniors complex.

The regular Council Meeting reconvened at 9:00 p.m. The subject before the body is the senior citizen's complex proposal and the two ordinances presented for consideration. Councilman A. A. "Joe" Savilla moved we approve the ordinance authorizing the City of Nitro to enter into an agreement between the City of Nitro and Purchaser, Lemma Village, Inc. The motion was seconded. A vote was taken and it was unanimously approved. Councilman A. A. "Joe" Savilla amended his motion to correspond to legal counsel's rewording of the ordinance between now and the next council meeting including the appraisal of the purchase price. The amendment was seconded. A vote was taken and it was unanimously approved. Councilman A. A. "Joe" Savilla moved we adopt an ordinance to rezone the property for the proposed senior citizen complex from R1 to R2 with a variance to allow construction of a senior citizen complex per agreement, a three story building. The motion was seconded. Councilman at Large Olaf Walker asked if we might have a problem with that. Mayor Ashley answered that we don't have a problem with it and talked with City Attorney Phillip Gaujot beforehand. The Board of Zoning Appeals is an advisory body to the Council. Whereas the normal process might be to have them hear the case to declare and allow a variance is not necessary. We don't have to do that. We can take it upon ourselves to do that and it is not inappropriate that we change zoning by ordinance. Mayor Ashley pointed out that in our zoning ordinance there is no provision for a three story building; our ordinance grant a 2 1/2 story building and that is why we added the variance to include permission to build a three story building contingent upon the construction of the proposed senior housing project. A vote was taken to approve on the first reading of the ordinance to rezone the property for the proposed senior citizen complex from R 1 to R 2 with a variance to allow construction of a senior housing complex per agreement attached (3 story), and it was unanimously approved. Mayor Ashley requested City Recorder Joan McClanahan to place an advertisement in the Charleston Newspapers announcing the action including both ordinances, and the proposed sale of the property.

COPY OF AMENDED ORDINANCES ATTACHED.

There being no further business the meeting was adjourned at 9:05 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER

CITY OF MITRO
ESTIMATE OF REVENUES
1987-88 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1987-88 BUDGET	1988-89 BUDGET	1989-90 BUDGET
01-70-11-0303	PROPERTY TAX	240,000.	240,000.	240,000.
01-70-80-0615	BUILDING PERMITS	10,000.	2,000.	2,000.
01-70-50-0915	INSPECTION FEES	1,000.	1,000.	1,000.
01-71-70-5327	SALE OF FIXED ASSETS	70,000.	0.	0.
01-72-73-2537	STATE GRANTS	0.	0.	0.
01-73-20-1015	D & C TAX	475,000.	450,000.	500,000.
01-73-30-1110	UTILITY TAX	115,000.	110,000.	120,000.
01-73-40-1211	PARKS & RECREATION	30,000.	30,000.	30,000.
01-73-50-1305	LIQUOR LICENSE	1,000.	1,000.	1,000.
01-73-80-1306	LIQUOR TAX	50,000.	50,000.	50,000.
01-74-10-1715	BUSINESS LICENSES	5,000.	5,000.	5,000.
01-74-40-7101	INTEREST INCOME	5,000.	5,000.	5,000.
01-74-45-9126	CIVIL BENEFITS ASSESS.	170,000.	170,000.	170,000.
01-74-50-9781	RENTS & CONCESSIONS	2,400.	2,400.	2,400.
01-74-70-6056	CAFT COSTS & FEES	12,000.	0.	0.
01-75-70-4251	LIBRARY FEES	500.	500.	500.
01-76-70-5083	MUNICIPAL SERVICE FEES	310,000.	310,000.	310,000.
01-76-90-9003	GOAL SEVERANCE TAX	14,500.	14,500.	14,500.
01-76-95-9560	REVENUE SHARING	0.	20,000.	20,000.
01-77-96-9995	MISCELLANEOUS	50,000.	50,000.	50,000.
	BUDGET TOTAL	1,501,500.	1,550,500.	1,601,500.

CITY OF NITRO
CITY COUNCIL
1987-88 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1987-88 BUDGET	1986-87 BUDGET	1985-86 BUDGET
01-41-00-0111	SALARIES	8,400.	8,400.	8,400.
01-41-00-0113	FICA TAX	515.	601.	558.
01-41-00-1140	CONTRACT SERVICES	500.	500.	500.
01-41-00-4152	CONTINGENCIES	0.	0.	64,756.
01-41-00-4157	TRAVEL	1,750.	0.	2,000.
	EMERGENCY CONT. FUND	0.	1,000.	0.
	BUDGET TOTAL	11,165.	10,501.	75,246.

CITY OF NITRO
RECORDER
1987-88 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1987-88 BUDGET	1986-87 BUDGET	1985-86 BUDGET
01-41-10-0111	SALARIES	13,500.	13,500.	13,500.
01-41-10-0112	RETIREMENT	1,253.	1,253.	0.
01-41-10-0113	FICA TAX	966.	966.	945.
01-41-10-1140	CONTRACT SERVICE	500.	500.	500.
01-41-10-1145	ELECTIONS	12,000.	0.	0.
01-41-10-1145	LEGAL ADS	1,500.	1,500.	1,000.
01-41-10-4152	DEPT. SUPPLIES	500.	500.	500.
01-41-10-4157	TRAVEL	500.	500.	500.
01-41-10-4161	RECORD BOOKS	300.	300.	200.
	BUDGET TOTAL	31,049.	30,049.	37,045.

CITY OF NITRO
MAYOR'S DEPARTMENT
1987-88 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1987-88 BUDGET	1986-87 BUDGET	1985-86 BUDGET
01-40-90-0111	SALARIES	41,040.	41,040.	40,276.
01-40-90-0112	RETIREMENT	3,899.	3,899.	3,826.
01-40-90-0113	FICA TAX	2,934.	2,934.	2,840.
01-40-90-1141	DUES	2,184.	2,100.	2,100.
01-40-90-1142	PROFESSIONAL SERVICES	0.	0.	3,300.
01-40-90-4156	DEPARTMENT SUPPLIES	500.	500.	1,000.
01-40-90-4157	TRAVEL	3,000.	2,000.	2,000.
01-40-90-4160	MISCELLANEOUS	500.	500.	500.
	BUDGET TRAVEL	54,057.	52,973.	55,242.

CITY OF NITRO
TREASURER
1987-88 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1987-88 BUDGET	1986-87 BUDGET	1985-86 BUDGET
01-41-30-0111	SALARIES	9,000.	9,000.	4,500.
01-41-30-0113	FICA TAX	644.	644.	317.25
01-41-30-1147	AUDIT FEES	2,000.	2,000.	2,000.
01-41-30-4156	DEPARTMENT SUPPLIES	750.	1,000.	2,000.
01-41-30-4160	MISC.; WORKERS COMP.	24,500.	24,500.	15,100.
01-41-30-1140	CONTRACT SERVICES	0.	1,000.	0.
	CONTINGENCIES	7,510.	0.	0.
	BUDGET TOTAL	44,404.	38,144.	23,717.25

CITY OF NITRO
CITY HALL
1987-88 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1987-88 BUDGET	1986-87 BUDGET	1985-86 BUDGET
01-44-00-0111	SALARIES	62,048.	52,546.	52,050.
01-44-00-0112	RETIREMENT	5,895.	4,993.	4,945.
01-44-00-0113	FICA TAX	4,436.	3,758.	3,670.
01-44-00-1140	CONTRACT SERVICES	20,700	5,000.	6,200.
01-44-00-1142	PROFESSIONAL SERVICES	24,800	24,800.	25,400.
01-44-00-1149	INSURANCE	31,253	38,250.	21,000.
01-44-00-1150	BLUE CROSS GRP. INS.	70,000	64,000.	64,800.
01-44-00-4156	DEPARTMENT SUPPLIES	8,000	8,000.	8,000.
01-44-00-4159	AUTOMOTIVE SUPPLIES	0.	4,783.	8,283.
01-44-00-4160	MISCELLANEOUS	0.	0.	0.
01-44-00-4162	COMPUTER SUPPLY	4,000.	1,000.	8,000.
01-44-00-4165	UTILITIES	18,800.	18,800.	7,000.
01-44-00-4172	MAIN & REPAIR BLDG.	1,000.	0.	0.
01-44-00-4176	TELEPHONE	12,000.	14,000.	18,000.
	BUDGET TOTAL	262,932	239,932.	227,348.

CITY OF NITRO
FIRE DEPARTMENT
1987-88 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1987-88 BUDGET	1986-87 BUDGET	1985-86 BUDGET
01-50-00-0111	SALARIES	159,000.	159,000.	143,662.
01-50-00-0112	RETIREMENT	12,294.	7,000.	9,170.
01-50-00-0113	FICA TAX	11,369.	11,369.	10,056.
01-50-00-1140	FIRE PREVENTION	800.	1,000.	800.
01-50-00-1142	PROFESSIONAL SERVICES	9,500.	14,000.	13,500.
01-50-00-1148	PRINTING	500.	500.	0.
01-50-00-4156	DEPT. SUPPLIES	7,000.	10,000.	8,000.
01-50-00-4158	UNIFORMS	3,000.	2,500.	2,500.
01-50-00-4159	AUTOMOTIVE SUPPLIES	4,000.	10,000.	8,000.
01-50-00-4163	MAINTENANCE & REPAIR	6,000.	8,000.	5,000.
01-50-00-4165	UTILITIES	16,000.	17,500.	17,425.
01-50-00-4168	LAUNDRY	600.	1,200.	0.
01-50-00-4176	TELEPHONE	0.	0.	0.
01-50-00-4180	RADIO TOWER RENTAL	300.	300.	0.
01-50-00-5659	CAPITAL OUTLAY	9,000.	0.	0.
	TOTAL BUDGET	239,363.	242,369.	218,113.

CITY OF NITRO
POLICE DEPARTMENT
1987-88 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1987-88 BUDGET	1986-87 BUDGET	1985-86 BUDGET
01-45-50-0111	SALARIES	189,979.	178,893.	183,450.
01-45-50-0112	RETIREMENT	6,900.	6,200.	12,933.
01-45-50-0113	FICA TAX	13,583.	12,791.	12,842.
01-45-50-4150	RELETYPE	0.	3,780.	3,780.
01-45-50-4156	DEPARTMENT SUPPLIES	2,700.	500.	179.
01-45-50-4158	UNIFORMS	3,200.	3,000.	3,500.
01-45-50-4159	AUTOMOTIVE SUPPLY	14,000.	11,000.	9,000.
01-45-50-4160	MISCELLANEOUS	600.	600.	0.
01-45-50-4163	MAINTENANCE & REPAIR	2,600.	3,000.	3,000.
01-45-50-4164	REFUNDS	500.	500.	500.
01-45-50-4167	CRIME PREVENTION	100.	100.	0.
-----	RADIO TOWER RENTAL	200.	300.	-
01-45-50-4175	TRAINING	300.	200.	-
-----	CRIME VICTIMS FUND	1,500.	2,500.	-
-----	CAPITAL OUTLAY	6,000.	0.	0.
	BUDGET TOTAL	242,462.	223,364.	229,184.

CITY OF NITRO
LIBRARY
1987-88 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1987-88 BUDGET	1986-87 BUDGET	1985-86 BUDGET
01-55-30-0111	SALARIES	14,000.	13,000.	16,411.
01-55-30-0112	RETIREMENT	1,330.	1,235.	1,558.
01-55-30-0113	FICA TAX	1,001.	930.	1,147.
01-55-30-4156	DEPT. SUPPLIES	200.	200.	0.
01-55-30-4163	MAINTENANCE	31,000.	1,000.	1,000.
01-55-30-4165	UTILITIES	1,200.	1,200.	1,200.
01-55-30-4176	TELEPHONE	500.	500.	500.
01-55-30-4178	BOOKS	2,200.	2,200.	2,400.
	BUDGET TOTAL	51,431.	20,265.	24,219.

CITY OF NITRO
PUBLIC WORKS
1987-88 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1987-88 BUDGET	1986-87 BUDGET	1985-86 BUDGET
01-53-00-0111	SALARIES	286,954.	286,954.	251,092.
01-53-00-0112	RETIREMENT	27,261.	27,261.	23,854.
01-53-00-0113	FICA TAX	20,517.	20,517.	17,702.
01-53-00-1140	CONTRACT SERVICES	6,000.	6,000.	5,000.
01-53-00-4156	DEPARTMENT SUPPLIES	28,000.	28,000.	44,000.
01-53-00-4159	AUTOMOTIVE SUPPLY	10,000.	22,000.	22,000.
01-53-00-4160	MISCELLANEOUS	1,000.	1,000.	1,000.
01-53-00-4165	UTILITIES	12,500.	14,000.	4,200.
01-53-00-4168	STREET LIGHTS	40,800.	26,000.	30,000.
01-53-00-4169	GAS	0.	0.	16,800.
01-53-00-4172	REPAIR BUILDINGS	3,000.	3,000.	1,000.
01-53-00-4173	REPAIR EQUIPMENT	20,000.	15,000.	15,000.
01-53-00-4174	SANITARY LANDFILL	34,000.	32,000.	31,000.
01-53-00-4175	ASPHALT, SAND	35,000.	25,000.	50,000.
01-53-00-5659	CAPITAL OUTLAY	6,000.	5,000.	5,000.
	BUDGET TOTAL	531,032.	515,732.	517,648.

CITY OF NITRO
RECREATION
1987-88 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1987-88 BUDGET	1986-87 BUDGET	1985-86 BUDGET
01-55-00-0111	SALARIES	13,725.	13,725.	13,725.
01-55-00-0113	FICA TAX	981.	981.	981.
01-55-00-1140	CONTRACTED SERVICES	5,400.	5,400.	5,400.
01-55-00-4156	DEPARTMENT SUPPLIES	6,900.	6,900.	6,900.
01-55-00-4159	AUTOMOTIVE SUPPLIES	0.	0.	1,000.
01-55-00-4163	MAINTENANCE & REPAIR	6,000.	21,000.	21,000.
01-55-00-4165	UTILITIES	20,000.	20,000.	22,176.
01-55-00-4175	SAND, GRAVEL	500.	1,000.	0.
01-55-00-4176	TELEPHONE	562.	562.	562.
	BUDGET TOTAL	54,065.	69,566.	71,724.

CITY OF NITRO
BUILDING INSPECTOR
1987-88 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1987-88 BUDGET	1986-87 BUDGET	1985-86 BUDGET
01-43-60-0111	SALARIES	21,758.	21,758.	20,722.
01-43-60-0112	RETIREMENT	2,067.	2,067.	1,969.
01-43-60-0113	FICA	1,556.	1,556.	1,450.
01-43-60-1141	DUES	55.	55.	55.
01-43-60-4156	DEPARTMENT SUPPLIES	1,500.	1,500.	850.
01-43-60-4157	TRAVEL	250.	250.	100.
	BUDGET TOTAL	27,186.	27,186.	25,146.

CITY OF NITRO
COMMUNICATIONS
1987-88 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1987-88 BUDGET	1986-87 BUDGET	1985-86 BUDGET
01-45-00-0111	SALARIES	13,617.	35,000.	54,469.
01-45-00-0112	RETIREMENT	1,294.	3,325.	5,174.
01-45-00-0113	FICA TAX	974.	2,503.	3,913.
01-45-00-1140	CONTRACT SERVICES	0.	500.	500.
01-45-00-4156	DEPARTMENT SUPPLIES	0.	4,000.	4,000.
01-45-00-4158	UNIFORMS	0.	500.	0.
01-45-00-4179	TRAINING	0.	250.	0.
	BUDGET TOTAL	15,885.	46,078.	67,555.

CITY OF NITRO
 DOG CATCHER
 1987-88 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1987-88 BUDGET	1986-87 BUDGET	1985-86 BUDGET
01-44-60-0111	SALARIES	4,364.	4,364.	4,065.
01-44-60-0112	RETIREMENT	415.	415.	386.
01-44-60-0113	FICA TAX	312.	312.	287.
01-44-60-1144	SHELTER FEE	600.	600.	600.
01-44-60-4158	UNIFORMS	75.	75.	75.
01-44-60-4159	AUTOMOTIVE SUPPLY	600.	600.	650.
	BUDGET TOTAL	6,366.*	6,366.*	6,063.*

*HAVE SPLIT ALL COSTS WITH THE CITY OF DUMBAR

NITRO SANITARY BOARD

BUDGET

FISCAL YEAR 1987/1988

3% WAGE INCREASE

ESTIMATED REVENUES

\$622,000

SALARIES	\$212,346	
FICA	\$15,226	
RETIREMENT	\$20,230	
HEALTH INSURANCE	\$17,500	
WORKMENS COMPENSATION	\$5,792	
OTHER EMPLOYEE EXPENSES	\$1,400	
TOTAL WAGE RELATED EXPENDITURES		\$273,094

UTILITIES	\$88,000	
INSURANCE	\$18,000	
SUPPLIES	\$13,300	
MAINTENANCE & REPAIRS	\$15,000	
VEHICLE REPAIRS & MAINTENANCE	\$3,200	
GASOLINE	\$2,120	
RENT	\$2,700	
EQUIPMENT RENTAL	\$500	
LEGAL SERVICES	\$6,300	
BILLING COLLECTING & ACCOUNTING	\$38,000	
SHOP & LAB	\$4,500	
UTILITY TAXES	\$10,000	
OPERATOR TRAINING	\$250	
MISCELLANEOUS GENERAL EXPENSE	\$15,500	
TOTAL OPERATIONS EXPENDITURES		\$218,070

CITIZENS NATIONAL BANK	\$39,044	
STATE SINKING FUND	\$46,800	
FARMERS HOME ADMINISTRATION	\$8,784	
TOTAL INTEREST & DEBT SERVICE		\$94,628

CAPITAL EXPENDITURES
& PREVENTATIVE MAINTENANCE

TOTAL ESTIMATED EXPENDITURES	\$585,792
------------------------------	-----------

INCREASE IN RESERVES	\$36,208
----------------------	----------



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 87-

AN ORDINANCE TO REZONE THE PROPERTY
FOR THE PROPOSED SENIOR CITIZEN
COMPLEX FROM R1 TO R2 WITH A VARIANCE
TO ALLOW CONSTRUCTION OF SENIOR
CITIZEN COMPLEX PER AGREEMENT
ATTACHED (3 STORY).

WHEREAS, the City of Nitro has received an agreement
(attached) between "The City of Nitro and Purchasers" for the
purchase of City property for a senior citizens housing complex;
and

WHEREAS, the property is not presently zoned for this type
construction;

THEREFORE, BE IT ORDAINED that the City Council of the City
of Nitro hereby rezones the property for the proposed senior
citizens complex from R1 to R2 with a variance to allow
construction of a senior citizens complex per agreement attached
(3 story) contingent upon the purchase of said City property as
aforesaid.

MARCH 2, 1987
FIRST READING

SECOND READING

ARDEN D. ASHLEY, MAYOR

JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE NO. 87-

AN ORDINANCE AUTHORIZING THE CITY
OF NITRO TO ENTER INTO AN AGREEMENT
BETWEEN "THE CITY OF NITRO AND
PURCHASERS" (ATTACHED)

WHEREAS, an agreement to purchase City property as outlined
in the attached document for the construction of a senior
citizens complex has been submitted, and

WHEREAS, the Nitro City Council recognizing the great need
for this complex do desire to enter into this agreement subject
to legal counsel's recommendation and an appropriate appraisal.

MARCH 2, 1987
FIRST READING

SECOND READING

ARDEN D. ASHLEY, MAYOR

JOAN C. MCCLANAHAN, RECORDER

THIS AGREEMENT, Made this _____ day of _____,
 19____, by and between _____ City of Nitro
 residing in _____ Nitro _____ West Virginia,
 hereinafter referred to as "Sellers", and Lemma Village,
 Inc. P.O. Box 296, Nitro, West Virginia, 25143, hereinafter
 referred to as "Purchaser".

WITNESSETH

ARTICLE 1: Sellers, in consideration of the sum of One Dollar (\$1.00) (the original option amount and other good and valuable consideration, receipt of which is hereby acknowledged, and intending to be legally bound hereby, do for themselves, their heirs, executors, administrators, successors and assigns, the exclusive right or option at any time for a period ending August 31, 1987 to purchase all that land, together with the improvements thereon, and all rights appurtenant thereto, more particularly set forth on Exhibit "A", which is attached hereto and made a part hereof.

ARTICLE 2: The conveyance shall be of fee simple title by general warranty deed, free and clear of all liens, claims, encumbrances, reservations and exceptions; provided, however, that in the event minor title defects are discovered which are acceptable to the Purchaser, its successors in interest or applicable governmental authorities, the Purchaser may, in its sole discretion, treat the title as acceptable and proceed to closing hereunder.

The cost of title examination shall be paid by the Purchaser provided Sellers, within twenty (20) days from the execution hereof, shall supply Purchaser with an accurate legal description, deed reference and plot plan or survey of the premises which shall substantially conform to the general description as set forth in Exhibit "A" hereof.

Notwithstanding the language of Article 10 hereof, it is understood that the purchase of this option is to permit Purchaser to develop plans for the development of Section 202 Elderly Housing in furtherance thereof, to be able to secure all necessary governmental and non-governmental financing for the fulfillment of its plans. Should the Purchaser be unable to secure any governmental approval or the financing to permit development of the property to proceed, including but not limited to sewer and sewage approval, zoning for multifamily and commercial developments, building permit for construction, environmental department permit to permit development, or any other utility approval required, FHA mortgage insurance, Bond financing or Federal, State or local financial assistance, then and in that event, any hand money paid under this Agreement shall be returned to the Purchaser within seven (7) days after its request therefor and this Agreement shall become null and void without further liability of either party to the other.

ARTICLE 3: The Purchaser shall exercise this Option by giving Sellers written notice of such exercise at the address for Sellers set forth in Article 15 hereof.

The closing shall be held at this date, time and place in Nitro, West Virginia set by Purchaser within sixty (60) days from the exercise of the Option by the Purchaser.

Sellers shall be prepared to deliver the Deed and other necessary documents at the time of closing.

ARTICLE 4: If the option is exercised, Purchaser will pay to Seller the sum of Eighty Thousand Dollars (\$80,000.00), hereinafter called the "purchase price", at the time of closing except that the sums paid on account of the Option shall be deemed hand money paid on account of the purchase price, and only the balance shall be paid in full, by cash or by check acceptable to Sellers, concurrently with the delivery of the Deed (sometimes hereinafter call the "Closing").

ARTICLE 5: The prorations shall be as follows:

A. Real estate taxes as of the date of Closing based on the current year's taxes, if available, or, if not, on the immediately preceding year's taxes;

B. Municipal service fees, including but not limited to water and sewer fees, as of the date of Closing;

C. All utility charges as of the date of Closing;

D. All special assessments levied or assessed for or on improvements which are under construction as of the date of Closing shall be paid by Sellers. Sellers shall inform Purchaser of any potential special assessment within Sellers' knowledge;

E. all real estate transfer taxes necessary for recording of the Deed shall be paid by Sellers;

F. Sellers shall pay the cost of preparing the Deed.

G. All recording fees, title insurance costs (except for remedial action to clear title), and financing fees shall be paid by Purchaser.

ARTICLE 6: Possessions shall be given upon Closing except as provided in Article 7 hereof. In the event improvements are located on the property, Sellers agree to terminate any and all existing leases on or before Closing and to deliver the property unoccupied and free of tenants.

ARTICLE 7: Until Closing, the risk of loss as to any and all of the properties and building improvements by fire or other casualty shall be assumed by Sellers, provided Purchaser may at any time insure its interest as it may appear under this Agreement in the property.

Privilege is given to the Purchaser, its officers, directors, agents or employees to enter the land at any reasonable time, from time to time, to make such preliminary inspections, test borings and surveys as may be necessary to permit work to commence on the construction of the improvements the day immediately after the Closing.

ARTICLE 3: The Purchaser has inspected the property and the improvements thereon and accepts the same in its present condition. Sellers agree to make no alterations to the property or remove any of the property, or in any way impair the value of the property, or permit waste so that the property will be delivered in as good condition as of the date hereof, reasonable wear and tear only excepted.

ARTICLE 9: Privilege is granted to the Purchaser to extend the option period for an additional six (6) months beyond the original option date of August 31, 1987 referred to in Article 1 hereof, upon notice to Sellers at any time during the initial option period and upon payment of the sum of One (1) Dollar, which sum shall be treated in the same manner as the original option amount. It is understood and agreed that the option period may be extended for additional periods upon the mutual written agreement of the parties hereto.

ARTICLE 10: In the event Purchaser does not exercise its Option within the time or times set forth in Articles 1 and 9 above, or if the Purchaser exercises its Option and thereafter fails to close, the Sellers shall retain the Option amounts so paid pursuant hereto as full and complete liquidated damages, it being agreed between the parties that the liability shall become null and void without further liability of either party to the other.

ARTICLE 11: If Sellers refuse to fail to close in accordance with the terms hereof, or should Sellers be unable or fail to convey good and marketable fee simple title upon the terms set forth in Article 2 hereof, or should survey reveal discrepancies, then, upon written notice by Purchaser to Sellers, any sums paid hereunder by Purchaser to Sellers shall be returned to Purchaser and Purchaser may proceed with such remedies as the law affords for breach of this Agreement, including but not limited to the right to require specific performance by Sellers of their obligations hereunder and the right of the Purchaser to cure all defects of title capable of being cured and to deduct all costs and expenses related thereto from the purchase price.

ARTICLE 12: It is recognized that if a broker's commission is payable hereunder by Sellers at the time of Closing, and Sellers agree to indemnify Purchaser from all claims in connection therewith.

ARTICLE 13: Sellers agree that Purchaser may assign its rights hereunder and Sellers will convey the premises to the Purchaser or such designee or assignee as the Purchaser may designate in writing to the Sellers.

ARTICLE 14: This Agreement constitutes a legally binding Option in accordance with its terms, and if such Option is exercised, a legally binding real estate purchase Agreement.

ARTICLE 15: Notices shall be deemed given when mailed to the parties at the addresses herein set forth by Certified or Registered Mail;

TO SELLERS: City of Nitro
Nitro City Hall
Nitro, WV 25143

TO PURCHASER: Lemma Village, Inc.
P.O. Box 296
Nitro, WV 25143

ARTICLE 16: This agreement shall be binding upon and insure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors or assigns.

ARTICLE 17: Further Agreements:

1. The Seller will remove the existing brick building now being used as the Nitro Library.

WITNESS the due execution hereof the day and year first above written.

Sellers: City of Nitro

By: _____
 Its: _____

Purchasers: Lemma Village, Inc.

By: Thomas J. Hamilton III
 Its: President

CITY OF NITRO
COUNCIL MEETING MINUTES

MARCH 17, 1987

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley in Council Chambers at 7:30 p.m. 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, and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was Councilman Charles Miller.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 2, 1987 COUNCIL MEETING MINUTES: - Councilman A. A. "Joe" Savilla moved for the approval of the Council Meeting Minutes of March 2, 1987. The motion was seconded. Councilman at Large Olaf Walker moved we amend the minutes on page 2, 4th line down by deleting, "and we in turn", under Agenda Item 3, and also in the same paragraph beginning on line 18, change the sentence reading, "One ordinance would accomplish the transfer of title, the deed, being turned over to Lemma Village, Inc.", to "One ordinance would authorize an option to purchase." Councilman at Large Olaf Walker read the last sentence in Agenda Item 3, page 2, "A vote was taken and this item was tabled", and he stated this was true. Then he referred to page 10, under Agenda Item 3, first sentence "The motion previously passed was to table this agenda item until last, and Mayor Ashley removed this item from the table and opened the floor for discussion". Councilman at Large Olaf Walker brought this matter up because any action taken in connection with the senior citizen's complex will be of record and will reflect the true action of Council. Councilman Walker said the way he understood that if a motion is tabled, it has to have a motion to remove it from the table, and if necessary, he would make a motion that the item be removed from the table that had been previously tabled. Mayor Ashley informed that the only problem with that is that action had already been taken by the Council all in the same meeting. Mayor Ashley explained that the motion as it was offered was to table until it became the last item on the agenda, and he feels there was clear understanding of the Council that it was the setting aside of that question until it became the last item on the agenda. After other items on the agenda were cleared, then it became the last item on the agenda and so Mayor Ashley announced that it was off the table. Mayor Ashley suggested we amend the minutes regarding this by adding to the previously discussed sentence having it state, "The motion previously passed was to table this agenda item until last, and

Mayor Ashley removed the item from the table with consent of Council. Councilman at Large Olaf Walker said that he looked up the rule for tabled items, and suggested we correct page 2, and moved to correct the minutes of the previous Council Meeting to say that a motion was made moving it to the foot of the calendar. Councilwoman at Large Mary Trout and Councilman A. A. "Joe" Savilla pointed out that the motion was made to table the discussion on the senior housing complex proposal until the last item on the agenda. Councilman at Large Olaf Walker stated that the last sentence on page 2, under Agenda Item 3, stated, "A vote was taken and this item was tabled." Councilman at Large Olaf Walker then said that in Roberts Rule of Order and all the other things that he has read on it, tabled means that you put it aside until later, but it would take a motion, if tabled, to remove it from the table, but it can be moved to the foot of the calendar which would take no action other than the majority; then it could be taken up immediately for consideration. Mayor Ashley then referred to page 2, and if the language was changed to read, "last item on the calendar" instead of "last item on the agenda", would be that be acceptable to Council. A vote was taken to approve the minutes as friendly amended, and it was unanimous.

AGENDA ITEM NO. 2 - YMCA-WEST REQUEST: - City Recorder Joan C. McClanahan explained that the request from YMCA-West was basically the same as we received last year. However, City Recorder Joan McClanahan feels Council should address the request for use of the lake two days per week for canoeing for their older campers which is not permitted. City Recorder Joan McClanahan informed that in talking with Pam Gerichten, the Human Resource Worker, that several senior citizens have mentioned that they would like to go to the municipal pool occasionally but did not want to deal with the youngsters there. City Recorder Joan McClanahan suggested reserving the pool one evening at the beginning of the week for adults only, catering to the seniors to allow them the opportunity to use the facility. City Recorder Joan McClanahan moved we approve the request of the YMCA-West as set forth in 1986, reserving the option to refuse canoeing on the lake, and keep the pool open one night for adults. The motion was seconded. Councilman at Large Rusty Casto asked what time we were talking about reserving the pool for seniors, and City Recorder Joan McClanahan answered it would probably be from 7 to 9 p.m. either on Monday or Tuesday evening. Councilman at Large Rusty Casto asked if Council would be allowed to permit canoeing by voting on it or would there have to be an ordinance. Mayor Ashley answered he wasn't sure it would be by ordinance, but it has not been our practice to allow boats. Mayor Ashley further explained that we couldn't single out the YMCA-West canoeing as permissive, because if we allow boating, we allow boating. We could put some restrictions, but not this. Councilman Romie Hughart moved we allow the canoeing as requested by YMCA-West. The motion was seconded. Councilman Romie Hughart said that this would be water safety that we are talking about, and feels that Council would be within its' right to approve a supervised situation; not open boating, but supervised situation in this

case. Councilman Romie Huhgart further stated that he was wondering about the price structure, but said that he knew that if they have a canoeing program, they will probably draw more participants, and this would help. Councilman Romie Huhgart asked if we were going to have an employee at the lake for three months. City Recorder Joan McClanahan answered that we did not have money for this, and last year the money for that individual came from what was left of the unallocated revenue sharing fund. Councilman Romie Huhgart suggested we should increase the charges a nominal amount. Going back to the canoeing request, Councilman Romie Huhgart feels their request should be granted for the purpose of training and the water safety involved. City Recorder Joan McClanahan said that the first thing that comes to her mind is our liability insurance, and thinks our insurance premium might be raised in order to cover this. Councilman A. A. "Joe" Savilla asked if it was legal to allow one group to do something that we don't allow anyone else to do. City Attorney Phillip Gaujot answered that Council could do almost anything they wanted to do, but whatever is done is open to some kind of a suit, and would be opening up "flood gates" for other people to say, well you have allowed them to do it, so allow us to do it. Mayor Ashley advised that there has been a very specific position taken by Council with regards to boating for reasons that have been enumerated, and there has been times when boating was permitted with boats provided by the City with life preservers and we have found during those times there was abuses during the night. Therefore, the liability continues to accelerate with the use of boating. Also, the island then becomes accessible to anyone who can get in the boat, and that island is a refuge for the wild fowl that hatch their eggs on the island. This is part of the reason for the action taken before, and DNR haven't recommended recreational boating. Councilman at Large Olaf Walker stated that if Councilman Huhgart's motion would include a supervised period of instructions in boat safety by the Boy Scouts, Fire Department or someone of that nature that would cover a specific period under strict supervision on how to operate a boat safely, then he feels it would be a good motion. Councilman Romie Huhgart said that he felt that YMCA-West would have sufficient insurance coverage. Mayor Ashley answered that he thought that if there would be a law suit because of something being done with permission on our property, then the City would be included in any action being taken. Mayor Ashley added that in the past we have attempted to keep rescue boats at the lake under lock and key and we found that we can't because of people stealing boats. We have had our share of problems and the experience has not been good with boating at Ridenour Lake. A vote was taken to allow canoeing as requested by YMCA-West in their communique dated February 12, 1987, with City Recorder Joan McClanahan, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker and Councilman A. A. "Joe" Savilla voting in the negative and the motion to permit canoeing failed. Councilman A. A. "Joe" Savilla asked if we could look into the possibility of using the upper end of the lake, and come back later on this matter. Councilman Romie Huhgart said they might want to pick their spot. Mayor Ashley suggested that they may possibly want to use the City Pool

for canoeing training as it is a much more controlled environment. Councilman at Large Olaf Walker stated that if the motion had of had training in it, he would have supported it. Mayor Ashley informed they would check with YMCA-West to see if they would be interested in a canoeing training program at the City pool. A vote was taken to approve the request of YMCA-West with the deleting of canoeing at the lake, and the option of one night for the senior citizens at the pool, and it was unanimous.

AGENDA ITEM NO. 3 - SENIOR CITIZENS COMPLEX: - Mayor Ashley stated that Council approved on the first reading two ordinances at the time of the last Council Meeting. One ordinance was an ordinance authorizing the City to enter into an agreement between "The City of Nitro and Purchasers" property for the purpose of building a senior citizens complex. The second ordinance was for the rezoning of that property subject to the construction of the complex from R1 to R2 with a variance to allow construction of a three story senior citizens complex. Mayor Ashley informed that we have in our audience Dr. "Pete" Rebecca Hamilton, President of Lemma Village, Inc. and Hilda Miller from the Board of Directors. Mayor Ashley said that subsequent to our last meeting, we have obtained a couple of things that should be pointed out. First of all, we had a request that the City Recorder Joan McClanahan place a legal ad, and it was placed the following day of the request which was published Friday, March 6, 1987. Mayor Ashley advised that we have made modest revisions to both ordinances, and Councilmembers were furnished copies of these ordinances as amended per the instructions of City Attorney Phillip Gaujot. Mayor Ashley also stated that additionally the City Recorder Joan McClanahan has in her possession a copy of the charter which certifies the proper conditions under which Lemma Village, Inc. was chartered and registered with the State of West Virginia as a non-profit corporation. We also have plans that were delivered to Councilmembers on Monday, which identifies the property proposed for sale. There is a modification in the layout of that property in accordance with the request of Council. A corner of the property was cut off to provide for more space to go toward the proposed site for the community building. Mayor Ashley shared a drawing with Council outlining the shape of the building. The exact location and juxtaposition of the senior housing project in relation to the property front on Park Avenue would be up to the engineers and architect to layout. The mets and bounds are identified on the plans provided. The agreement for the lease purchase had an inconsistancy between articles 8 and 17, in which article stated there would be no changes to the land and article 17 said there would be a relocation away from that property of the library. Therefore, article 8 was modified to say except as noted in article 17. All other concerns with regards to the agreement for an option to purchase were addressed in terms of the identification of the additional parties on the board. With that, we have all points addressed; the option to purchase is at \$80,000, and the amount of the property size is reduced by the back corner by Lemma Village, Inc. Mayor Ashley also advised that we have additional information that Council should be made aware. However, we have no evidence on this at

this time. There was a core drilling that was done that went 30 feet deep, and it is encumbant upon Lemma Village, Inc. to make the determination of the suitability of the soil for construction. The indication is that the core drilling was done and apparently the land is suitable for the construction of the complex by making the footers wider rather than deeper. The core drilling information is to be made available to us. Mayor Ashley said that before us tonight is the second reading on the two ordinances, and if approved would constitute an agreement between the City of Nitro and a corporation identified as Lemma Village, Inc. with an option for them to purchase our land as outlined and for the price designated. Then, they would have an option to renew that agreement. The second ordinance would rezone the proposed property for the construction of the senior citizen's project only, and could not be used by Lemma Village, Inc. for any other purpose. Councilman at Large Olaf Walker suggested we take action on the ordinance to rezone the property first because the rezoning would come before the sale. Councilman at Large Olaf Walker said that it was his opinion that we were going to approve the ordinance to rezone the portion of property where the senior citizen's project will be, and asked about the other area surrounding this site. Councilman at Large Olaf Walker moved we approve the second reading of the ordinance to rezone the property for the proposed senior citizen complex from R1 to R2 with a variance to allow construction of a senior citizen complex per agreement attached (3 story). The motion was properly seconded. A vote was taken and it was unanimous and the ordinance passes on the second reading.

ORDINANCE 87-1 ATTACHED

Councilman A. A. "Joe" Savilla moved we approve the ordinance authorizing the City of Nitro to enter into an agreement between "The City of Nitro and Purchasers" (attached) for the exclusive purpose of building the senior citizen's complex. The motion was seconded. Councilman Olaf Walker said that in reading the agreement, he wanted City Attorney Phillip Gaujot to explain the paragraph on the first page in layman's language, and to also keep in mind Councilman Savilla's motion that this has to be used for a senior citizen complex. Mayor Ashley asked in which paragraph he was referring, and Councilman Walker stated the last paragraph on page 1 of the agreement. City Attorney said that first we would have to understand that this was a form contract, and an option to purchase. Although this option is for \$1, it could have been for \$100,000. If they would apply for certain permits or loans, and they wouldn't get it then we would return the money they have paid us in hand. In this case, it would be a \$1. What they are going to do if they execute this agreement, they will give the City a \$1. and if they can't get financing to build this senior citizen's complex, then this provision of this contract will say that we will return the \$1. Councilman at Large Olaf Walker then said assuming that we receive the \$80,000, and something happens that they are unable to complete the project, where would this leave the City. There was discussion by several Councilmembers at this time. Mayor

Ashley said that he thought Councilman at Large Olaf Walker's question was that if they don't complete the housing project, and our ordinance specifically addresses for the purpose of constructing the project, and if that project is then not completed, where does that leave the City with regard to that land and its use. City Attorney Phillip Gaujot said that the ordinance is to purchase for the construction of a senior citizen's complex, and that is what we are selling the property. If for some reason they pay the City \$80,000 and then for whatever reason couldn't develop it, then they own a piece of property that can only be used for a senior citizen's complex. Dr. Hamilton commented that she felt she knew what Councilman Olaf Walker's concern was, and in the corporation they are a corporation to build a senior citizen's complex. Dr. Hamilton further stated that if they should go into a state of dissolution, the Kanawha County Court she believes would dispense of the property. Councilman Olaf Walker said that he just wanted to make sure. Dr. Hamilton said that she thought it was covered in the articles of incorporation. Councilman A. A. "Joe" Savilla said that we are only giving up this property for one reason and one reason only and that is for a senior citizen's complex. Mayor Ashley said by provision of the ordinance there is nothing else that can be done except building the complex. City Attorney Phillip Gaujot added that also we are only rezoning it for that use. Councilman at Large Olaf Walker asked who was Randolph Engineering, and Mayor Ashley answered that they are an engineering firm contracted for the purpose of preparing this for Lemma Village, Inc. Councilman at Large Olaf Walker said that he wasn't an engineer, but he walked over the property and found an error on the new drawing, and doesn't know what other errors there maybe in it. Councilman at Large Rusty Casto asked what was the error, and Councilman at Large Olaf Walker said that it was trivial, but it was still an error on the power line easement that comes through the property and runs out to the corner of the property; the east side of the pool, and then going out to the intersection there is a power pole that says 588.57 feet. The power line does not run toward the east, but runs across the street there and then to the east. A vote was taken to approve the second reading of the ordinance, and it was unanimous.

ORDINANCE 87-2 ATTACHED

Mayor Ashley asked if there were any more discussion or concerns on the part of the Council from anyone in the audience with regards to the senior housing project.

Mayor Ashley informed that he had a couple of conversations with Senator Byrd's office today, and with the action taken by Council tonight to approve on the second reading, that he would be forwarding to Senator Byrd and his staff documents mentioned in this meeting along with copies of the two ordinances together with a letter that will indicate to them that as far as we in Nitro are concerned, speaking for the City and not speaking for Lemma Village, Inc., that this action by the City now places the ball in the court of HUD. Hopefully we will see something

positive happen in the near future with regards to the senior housing project. Councilman at Large Rusty Casto said that he had just talked with Councilwoman at Large Mary Trout and he thinks Mayor Ashley, Dr. Hamilton and Ms. Miller deserve a round of applause for all the work they have done. After the round of applause for all three, Dr. Hamilton said that she appreciated the assistance. Mayor Ashley said that we must continue to press forward, and told Dr. Hamilton that if there was anything that the City Council could do, we are anxious to do it.

AGENDA ITEM NO. 4 - FIRE HYDRANT AGREEMENT AND BILL OF SALE: Mayor Ashley said that Councilmembers had before them a letter from WV Water, signed by Brett W. Morgan of the Engineering Department, and an agreement and bill of sale. First of all, it identifies one fire hydrant which was placed at Carriage Way along Route 62, and they are saying that inasmuch as we have the liability and responsibility for maintaining it, they are willing to buy it from us for a \$1 and then they will maintain it. Mayor Ashley said that upon checking the records, he found that he have assessments from the water company for over \$1,000 a month to amortize the payoff of fire hydrants that have been placed in the City. For example, Mayor Ashley, said they have obtained through the fire department a listing of the fire hydrants in the City. We are not sure which of these we own and which of these are owned by the water company and why the difference. Mayor Ashley advised that he tried to get in touch with Mr. Morgan today to obtain clarification from him as to why they are offering us an agreement and bill of sale on simply one fire hydrant with all these others. If it is good for us to sell them one, we will be glad to sell them all of them which would save us \$12,000 a year. Mayor Ashley said that he was willing to entertain a motion to enter into this agreement on the bill of sale, but is also willing to set the question aside until such time as we can find out why there is a distinction and there is an additional \$1,000 a month we are being billed for fire hydrants. Mayor Ashley further stated that he didn't feel this requires our action tonight, but we need to address it. He thinks if we take a little bit more time, we might be better informed as to whether or not we should include other fire hydrants in that sale. Councilman at Large Olaf Walker asked the Mayor or to delegate someone to investigate this matter as to what would be best for the City. Mayor Ashley said that he didn't think this would have to be done so fast that we can't come back to Council and get their approval of any bill of sale. Chief Hedrick commented that he wasn't sure the City had the fire hydrant put in, and thinks it was put in by the organization group that owns there. We will need to obtain clarification on this matter also. Mayor Ashley stated that we would be calling on Chief Hedrick with the research on this. After all facts are obtained, we will come back to Council on this.

AGENDA ITEM NO. 5 - BAILES DRIVE SLIP REPORT: - Mayor Ashley turned this agenda item to Mr. Dave Schultz to give us a report on the Bailes Drive slip. Mr. Schultz passed out pictures of the Bailes Drive area slip to be circulated for the review of

Councilmembers. Mr. Schultz reported that Dunn Engineers were notified, by Gene Williams and Bob Sargent employees of the City of Nitro, of a problem with a slip on Bailes Drive. He informed that he and representatives of Dunn Engineers had visited the site three times, and there are two previous slides on Bailes Drive that are outside the City limits. However, the slide shown in the pictures is inside the City limits. The pictures show that the roadway has cracked and is dropping off, and the area adjacent to the roadway has sunk in the area of two feet or more. Approximately sixty feet over the hill the dirt has slid five to six feet, and a tree has been totally uprooted as shown in one of the photographs. Mr. Schultz reported that what is shown is a live slide, and we have probably not seen the last of what is going to take place there. Mr. Schultz said that it is hard to determine the extent, how far and how quick, but assured that it would continue to move. The Department of Public Works tested a pipe that crossed the street in that area, and found that the pipe did leak which may have contributed to the slide, but it was not the total cause of the slide. Beyond the slide there is approximately fifteen to twenty houses and they need access to their homes, and Mr. Schultz told us that the slide will get worse, but the schedule for when it will get worse is hard to predict. The street department have plugged the storm drain that leaked so that water will no longer go through the pipe, but instead will flow across the surface. Unfortunately, it flows across the surface in the area of the slide, and precautions have been taken of filling the voids as they now excess, and this would be a constant situation because it will continue to move. Hopefully the surface will be handled well enough to keep the slide from moving quickly; however, it will move. Mr. Schultz informed that the recommendation from Dunn Engineer was that the City consider having the slide investigated to determine the amount of work that would be necessary to stop this slide from occurring. Mr. Schultz explained that if we allow the slide to continue to get worse, instead of replacing forty feet of pavement, we would be replacing hundreds of feet of pavement. Mr. Schultz pointed out that as shown in the photographs, there is a potential of causing property damage directly across the street from the slide. Councilman A. A. "Joe" Savilla commented that the homes below the slide were in danger also as they have been slipping for the past six years, The core of engineers were in there six years ago, and said that we had a multimillion dollar problem on our hands that existed from Gauley Bridge to Pt. Pleasant. Mr. Schultz said that this particular slide is more than likely caused by water running on top of the sandstone with a high clay content soil but an investigation hasn't been done. Councilman A. A. "Joe" Savilla asked how could we stop it, and Mr. Schultz said that we couldn't. It is only economically feasible to stop the slide in the area of the roadway. Mr. Schultz said that a soil consultant has already been contacted by Dunn Engineers that do subcontracting work for them. They have been out there and gave Dunn Engineers a price of \$3,000 to \$3,500 just to do the borings. It is not known at this time how deep the rocks are, and that is the reason for the range in price because they do not know how many feet of bit they will have to

put down. To do the best job would be to do a boring as often as we feel a pile is necessary so that we could establish a good profile of the rock. Mr. Schultz said that if we were able to do this, then when it came time to bid this job for the actual construction work, the more accurate information we have going in, the lower chances of a bid. No one will speculate what they may be getting into; we would be able to tell them exactly. He said the short and long of the situation is that to do an indepth up front analysis with the boring cost ranging from \$3,000 to \$3,500 and putting with that the recommendations and determining the scope of the project. In the meantime, monitoring the slide, and we would probably be talking in the range of \$4,000 to \$5,000 worth of front end work to determine what the actual cure should be. Mr. Schultz informed that eventually we would have to fix the slip. However, he does not know the extent, but was working with the ball park numbers available to them from experience. The soil consultant has fixed slips throughout the state, and he is estimating that the cure may run between \$40,000 to \$50,000. Therefore, by the time we add the front end cost, the design of the cure and the construction it would be in the neighborhood of \$50,000 to \$60,000. Councilman A. A. "Joe" Savilla asked Mayor Ashley if we could possibly get some help from Union Boiler on this, and Mayor Ashley said that he was sure that this is a prospect. Councilman Savilla recommended the garbage be picked up in pickup trucks, and don't allow anything up there heavier than a car or a pickup truck. Director of Public Works Gene Williams asked if a "weight limit" sign should be posted. Mayor Ashley said that with the information given to us by the engineer, and it would seem to him that we really have no choice but to consider that question first, and then take up the question of establishing weight limits there. Mayor Ashley further informed that there would normally be an ordinance requirement, but under the circumstances we could probably bypass that process as this being an emergency. Councilman A. A. "Joe" Savilla moved we authorize the expenditures of up to \$5,000 for the core drilling and engineering report on the problem of the slip on Bailes Drive. The motion was seconded. Councilman Olaf Walker wanted to know if there was any possible way to include all of these things in one package and try to get some money from some source to do it. Included would be fixing the streets at Brookhaven, Third Avenue, and the problem at Bailes Drive. Councilman Walker said we are probably talking about a half million dollars or may be three quarters of a million dollars, and asked if there was any way we could come up with a package and approach the situation and didn't know whether it would be a bond issue or an assessment or what can be done. Mayor Ashley said that if Councilman Walker was talking about a long range fix on the problems, there is always a possibility that we might do that in a bond issue, and probably we should start thinking in terms of that as a part of this examination depending on what we find. A vote was taken to spend up to \$5,000 to further examine the slip on Bailes Drive, and it was unanimous.

AGENDA ITEM NO. 6 - SMITH STREET LANDFILL FENCE REPORT: -
Mr. Schultz passed maps for Council's review, and informed that

Mayor Ashley, Gene Williams, and Bob Sargent have been instrumentally involved in discussions on what to do about the fencing of the landfill. Mr. Schultz informed that the properties as they are now owned and exist abutting the landfill property are somewhat irregular as far as constructing the fence line. They also have encroachments upon the property referring to a shed on the Miller property. Some property owners maintain a yard beyond their boundary. It was considered by the City that possibly since these people have been maintaining the yard and have encroached upon some of the City property that perhaps as a result of maybe saving a few dollars on the construction of a fence, and making it a better place to be inhabited by the people there, that they be granted a portion of City property that they have been maintaining over the years. Consequently, this would facilitate the construction of the fence on behalf of the City. Mr. Schultz informed that he had not been involved personally. The map identifies there are four parcels which as Dunn Engineers understand would be the portions of property that could be deeded over to the individual residents. The landfill fence could be constructed within one foot within the dark property lines as designated on the map including an area along the river. Mayor Ashley added that obviously we would think in terms of the cost of the fence, and reminded Council that the Civic Benefits Association have already given \$20,000 for the express purpose of building that fence, with the advise that if it takes more to let them know. Mr. Schultz furnished legal counsel identification of metes and bounds on those properties that, if accepted, would be surrendered by the City to the private property owners. Mayor Ashley stated that it would be proper action for Council that we could move forward with this would be to allow for the advertising and construction of the fence in proper form. Mayor Ashley said that it was important to demonstrate to EPA that we are not dragging our feet on putting this fence up as there has been numerous inquiries by EPA why the fence isn't up. Mayor Ashley asked if we could, without advertising and having public hearings, go out and identify all people who have fencing in the yellow pages of the phone book and ask them to give us a bid, and City Attorney Phillip Gaujot informed that we could. City Attorney Phillip Gaujot said that according to his understanding, Bob Sargent informed him that there were someone from the State Department of Natural Resources he believes, expressing objections to letting the property owners have land in this area. Building Inspector Bob Sargent explained that there was an area that we were thinking about letting the property owners have, but it wouldn't serve in the best interest of the City. Mayor Ashley added that this area is not in the agreement scheduled to be surrendered. City Attorney Phillip Gaujot suggested we obtain the bids as soon as possible, and there is a provision relative to emergency situations. Mayor Ashley asked Mr. Schultz if he would consider this to be considered as an emergency situation. Mr. Schultz advised that he has a very good friend, Mr. Carney, with EPA in Philadelphia. He has not been involved in this project. However, he was here two weeks ago. When Mr. Carney got back in Philadelphia he called Mr. Schultz and said there were discussions going on at the State about the lack of apparent

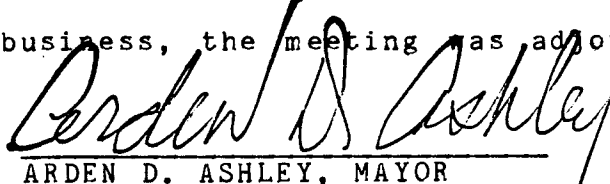
movement towards getting the fence up. Mr. Carney told Mr. Schultz that he would like to see the City get the fence up as quickly as possible so that this confrontation that is going on between the State of WV, City of Nitro and EPA could be resolved. Councilman A. A. "Joe" Savilla moved we go out for bids on the fence and award the contract on the day of bid opening with Mayor Ashley, City Recorder Joan McClanahan and Councilman A. A. "Joe" Savilla to approve the bid. The motion was seconded. Mayor Ashley said that we would go for bids by making sure that every advertised party that is in the business of selling and installing fences be contacted as listed in the yellow pages of the Charleston area telephone directory and invited to bid. An advertisement will also be published in both papers as explained by Mr. Schultz with bid openings scheduled for Friday, April 10. Mayor Ashley informed we will notify Mr. Wilmoth of Wheeling that we are doing our best. A vote was taken to approve the motion, and it was unanimous.

AGENDA ITEM NO. 7 - STREET SWEEPER: - Director of Public Works Department, Gene Williams requested the purchase of a street sweeper for \$2,200. Richard Sanson purchased it from the State as surplus and hasn't used it. Councilman at Large Rusty Casto moved we buy the street sweeper. The motion was seconded. Councilman A. A. "Joe" Savilla questioned City Treasurer Ralph Allison if we had the money, and he answered that if he remembered correctly, we had \$7,300. left over from general revenue sharing money. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto reminded Council of the program on April 6, by James Madison.

Councilwoman at Large Mary Trout announced that on Tuesday, March 24, there is to be a meeting at Nitro High School about school consolidation. One of the plans now of the Consolidated Committee, of which Councilwoman Trout is a member, is to move all the schools out of Nitro and not have a high or junior high school in Nitro and she is not in favor of this. If interested, try to attend the meeting and voice your opinion.

There being no further business, the meeting was adjourned at 9:00 p.m.


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 87-1

AN ORDINANCE TO REZONE THE PROPERTY
FOR THE PROPOSED SENIOR CITIZEN
COMPLEX FROM R1 TO R2 WITH A VARIANCE
TO ALLOW CONSTRUCTION OF SENIOR
CITIZEN COMPLEX PER AGREEMENT
ATTACHED (3 STORY).

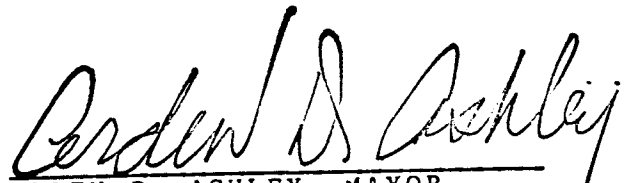
WHEREAS, the City of Nitro has received an agreement
(attached) between "The City of Nitro and Purchasers" for the
purchase of City property for a senior citizens housing complex;
and


WHEREAS, the property is not presently zoned for this type
construction;

THEREFORE, BE IT ORDAINED that the City Council of the City
of Nitro hereby rezones the property for the proposed senior
citizens complex from R1 to R2 with a variance to allow
construction of a senior citizens complex per agreement attached
(3 story) contingent upon the purchase of said City property as
aforesaid.

MARCH 2, 1987
FIRST READING

MARCH 17, 1987
SECOND READING


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

THIS AGREEMENT, Made this 2nd day of March,
1987, by and between City of Nitro
 residing in Nitro West Virginia,
 hereinafter referred to as "Sellers", and Lemma Village,
Inc. P.O. Box 296, Nitro, West Virginia, 25143, hereinafter
 referred to as "Purchaser".

WITNESSETH

ARTICLE 1: Sellers, in consideration of the sum of One Dollar (\$1.00) (the original option amount and other good and valuable consideration, receipt of which is hereby acknowledged, and intending to be legally bound hereby, do for themselves, their heirs, executors, administrators, successors and assigns, the exclusive right or option at any time for a period ending August 31, 1987 to purchase all that land, together with the improvements thereon, and all rights appurtenant thereto, more particularly set forth on Exhibit "A", which is attached hereto and made a part hereof.

ARTICLE 2: The conveyance shall be of fee simple title by general warranty deed, free and clear of all liens, claims, encumbrances, reservations and exceptions; provided, however, that in the event minor title defects are discovered which are acceptable to the Purchaser, its successors in interest or applicable governmental authorities, the Purchaser may, in its sole discretion, treat the title as acceptable and proceed to closing hereunder.

The cost of title examination shall be paid by the Purchaser provided Sellers, within twenty (20) days from the execution hereof, shall supply Purchaser with an accurate legal description, deed reference and plot plan or survey of the premises which shall substantially conform to the general description as set forth in Exhibit "A" hereof.

Notwithstanding the language of Article 10 hereof, it is understood that the purchase of this option is to permit Purchaser to develop plans for the development of Section 202 Elderly Housing in furtherance thereof, to be able to secure all necessary governmental and non-governmental financing for the fulfillment of its plans. Should the Purchaser be unable to secure any governmental approval or the financing to permit development of the property to proceed, including but not limited to sewer and sewage approval, zoning for multifamily and commercial developments, building permit for construction, environmental department permit to permit development, or any other utility approval required, FHA mortgage insurance, Bond financing or Federal, state or local financial assistance, then and in that event, any hand money paid under this Agreement shall be returned to the Purchaser within seven (7) days after its request therefor and this Agreement shall become null and void without further liability of either party to the other.

ARTICLE 3: The Purchaser shall exercise this Option by giving Sellers written notice of such exercise at the address for Sellers set forth in Article 15 hereof.

The closing shall be held at this date, time and place in Nitro, West Virginia set by Purchaser within sixty (60) days from the exercise of the Option by the Purchaser.

Sellers shall be prepared to deliver the Deed and other necessary documents at the time of closing.

ARTICLE 4: If the option is exercised, Purchaser will pay to Seller the sum of Eighty Thousand Dollars (\$80,000.00), hereinafter called the "purchase price", at the time of closing except that the sums paid on account of the Option shall be deemed hand money paid on account of the purchase price, and only the balance shall be paid in full, by cash or by check acceptable to Sellers, concurrently with the delivery of the Deed (sometimes hereinafter call the "Closing").

ARTICLE 5: The prorations shall be as follows:

A. Real estate taxes as of the date of Closing based on the current year's taxes, if available, or, if not, on the immediately preceding year's taxes;

B. Municipal service fees, including but not limited to water and sewer fees, as of the date of Closing;

C. All utility charges as of the date of Closing;

D. All special assessments levied or assessed for or on improvements which are under construction as of the date of Closing shall be paid by Sellers. Sellers shall inform Purchaser of any potential special assessment within Sellers' knowledge;

E. all real estate transfer taxes necessary for recording of the Deed shall be paid by Sellers;

F. Sellers shall pay the cost of preparing the Deed.

G. All recording fees, title insurance costs (except for remedial action to clear title), and financing fees shall be paid by Purchaser.

ARTICLE 6: Possessions shall be given upon Closing except as provided in Article 7 hereof. In the event improvements are located on the property, Sellers agree to terminate any and all existing leases on or before Closing and to deliver the property unoccupied and free of tenants.

ARTICLE 7: Until Closing, the risk of loss as to any and all of the properties and building improvements by fire or other casualty shall be assumed by Sellers, provided Purchaser may at any time insure its interest as it may appear under this Agreement in the property.

Privilege is given to the Purchaser, its officers, directors, agents or employees to enter the land at any reasonable time, from time to time, to make such preliminary inspections, test borings and surveys as may be necessary to permit work to commence on the construction of the improvements the day immediately after the Closing.

ARTICLE 8: The Purchaser has inspected the property and the improvements thereon and accepts the same in its present condition. Sellers agree to make no alterations to the property or remove any of the property, or in any way impair the value of the property, or permit waste so that the property will be delivered in as good condition as of the date hereof, reasonable wear and tear only excepted.

ARTICLE 9: Privilege is granted to the Purchaser to extend the option period for an additional six (6) months beyond the original option date of August 31, 1987 referred to in Article 1 hereof, upon notice to Sellers at any time during the initial option period and upon payment of the sum of One (1) Dollar, which sum shall be treated in the same manner as the original option amount. It is understood and agreed that the option period may be extended for additional periods upon the mutual written agreement of the parties hereto.

ARTICLE 10: In the event Purchaser does not exercise its Option within the time or times set forth in Articles 1 and 9 above, or if the Purchaser exercises its Option and thereafter fails to close, the Sellers shall retain the Option amounts so paid pursuant hereto as full and complete liquidated damages, it being agreed between the parties that the liability shall become null and void without further liability of either party to the other.

ARTICLE 11: If Sellers refuse to fail to close in accordance with the terms hereof, or should Sellers be unable or fail to convey good and marketable fee simple title upon the terms set forth in Article 2 hereof, or should survey reveal discrepancies, then, upon written notice by Purchaser to Sellers, any sums paid hereunder by Purchaser to Sellers shall be returned to Purchaser and Purchaser may proceed with such remedies as the law affords for breach of this Agreement, including but not limited to the right to require specific performance by Sellers of their obligations hereunder and the right of the Purchaser to cure all defects of title capable of being cured and to deduct all costs and expenses related thereto from the purchase price.

ARTICLE 12: It is recognized that if a broker's commission is payable hereunder by Sellers at the time of Closing, and Sellers agree to indemnify Purchaser from all claims in connection therewith.

ARTICLE 13: Sellers agree that Purchaser may assign its rights hereunder and Sellers will convey the premises to the Purchaser or such designee or assignee as the Purchaser may designate in writing to the Sellers.

ARTICLE 14: This Agreement constitutes a legally binding Option in accordance with its terms, and if such Option is exercised, a legally binding real estate purchase Agreement.

ARTICLE 15: Notices shall be deemed given when mailed to the parties at the addresses herein set forth by Certified or Registered Mail;

TO SELLERS: City of Nitro
Nitro City Hall
Nitro, WV 25143

TO PURCHASER: Lemma Village, Inc.
P.O. Box 296
Nitro, WV 25143

ARTICLE 16: This agreement shall be binding upon and insure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors or assigns.

ARTICLE 17: Further Agreements:

1. The Seller will remove the existing brick building now being used as the Nitro Library.

WITNESS the due execution hereof the day and year first above written.

Sellers: City of Nitro
 By: _____
 Its: _____

Purchasers: Lemma Village, Inc.
 By: *Lemma Village, Inc.*
 Its: *Lemma Village, Inc.*



NITRO, WEST VIRGINIA 25143

(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE NO. 87-2

AN ORDINANCE AUTHORIZING THE CITY
OF NITRO TO ENTER INTO AN AGREEMENT
BETWEEN "THE CITY OF NITRO AND
PURCHASERS" (ATTACHED)

WHEREAS, an agreement to purchase City property as outlined
in the attached document for the construction of a senior
citizens complex has been submitted, and

WHEREAS, the Nitro City Council recognizing the great need
for this complex do desire to enter into this agreement subject
to legal counsel's recommendation and an appropriate appraisal.

MARCH 2, 1987

FIRST READING

MARCH 17, 1987

SECOND READING

A handwritten signature in cursive script that reads "Arden D. Ashley".

ARDEN D. ASHLEY, MAYORA handwritten signature in cursive script that reads "Joan C. McClanahan".

JOAN C. MCCLANAHAN, RECORDER

THIS AGREEMENT, Made this 2nd day of March,
 1987, by and between City of Nitro
 residing in Nitro West Virginia,
 hereinafter referred to as "Sellers", and Lemma Village,
Inc. P.O. Box 296, Nitro, West Virginia, 25143, hereinafter
 referred to as "Purchaser".

WITNESSETH

ARTICLE 1: Sellers, in consideration of the sum of One Dollar (\$1.00) (the original option amount and other good and valuable consideration, receipt of which is hereby acknowledged, and intending to be legally bound hereby, do for themselves, their heirs, executors, administrators, successors and assigns, the exclusive right or option at any time for a period ending August 31, 1987 to purchase all that land, together with the improvements thereon, and all rights appurtenant thereto, more particularly set forth on Exhibit "A", which is attached hereto and made a part hereof.

ARTICLE 2: The conveyance shall be of fee simple title by general warranty deed, free and clear of all liens, claims, encumbrances, reservations and exceptions; provided, however, that in the event minor title defects are discovered which are acceptable to the Purchaser, its successors in interest or applicable governmental authorities, the Purchaser may, in its sole discretion, treat the title as acceptable and proceed to closing hereunder.

The cost of title examination shall be paid by the Purchaser provided Sellers, within twenty (20) days from the execution hereof, shall supply Purchaser with an accurate legal description, deed reference and plot plan or survey of the premises which shall substantially conform to the general description as set forth in Exhibit "A" hereof.

Notwithstanding the language of Article 10 hereof, it is understood that the purchase of this option is to permit Purchaser to develop plans for the development of Section 202 Elderly Housing in furtherance thereof, to be able to secure all necessary governmental and non-governmental financing for the fulfillment of its plans. Should the Purchaser be unable to secure any governmental approval or the financing to permit development of the property to proceed, including but not limited to sewer and sewage approval, zoning for multifamily and commercial developments, building permit for construction, environmental department permit to permit development, or any other utility approval required, FHA mortgage insurance, Bond financing or Federal, State or local financial assistance, then and in that event, any hand money paid under this Agreement shall be returned to the Purchaser within seven (7) days after its request therefor and this Agreement shall become null and void without further liability of either party to the other.

ARTICLE 3: The Purchaser shall exercise this Option by giving Sellers written notice of such exercise at the address for Sellers set forth in Article 15 hereof.

The closing shall be held at this date, time and place in Nitro, West Virginia set by Purchaser within sixty (60) days from the exercise of the Option by the Purchaser.

Sellers shall be prepared to deliver the Deed and other necessary documents at the time of closing.

ARTICLE 4: If the option is exercised, Purchaser will pay to Seller the sum of Eighty Thousand Dollars (\$80,000.00), hereinafter called the "purchase price", at the time of closing except that the sums paid on account of the Option shall be deemed hand money paid on account of the purchase price, and only the balance shall be paid in full, by cash or by check acceptable to Sellers, concurrently with the delivery of the Deed (sometimes hereinafter call the "Closing").

ARTICLE 5: The prorations shall be as follows:

A. Real estate taxes as of the date of Closing based on the current year's taxes, if available, or, if not, on the immediately preceding year's taxes;

B. Municipal service fees, including but not limited to water and sewer fees, as of the date of Closing;

C. All utility charges as of the date of Closing;

D. All special assessments levied or assessed for or on improvements which are under construction as of the date of Closing shall be paid by Sellers. Sellers shall inform Purchaser of any potential special assessment within Sellers' knowledge;

E. all real estate transfer taxes necessary for recording of the Deed shall be paid by Sellers;

F. Sellers shall pay the cost of preparing the Deed.

G. All recording fees, title insurance costs (except for remedial action to clear title), and financing fees shall be paid by Purchaser.

ARTICLE 6: Possessions shall be given upon Closing except as provided in Article 7 hereof. In the event improvements are located on the property, Sellers agree to terminate any and all existing leases on or before Closing and to deliver the property unoccupied and free of tenants.

ARTICLE 7: Until Closing, the risk of loss as to any and all of the properties and building improvements by fire or other casualty shall be assumed by Sellers, provided Purchaser may at any time insure its interest as it may appear under this Agreement in the property.

Privilege is given to the Purchaser, its officers, directors, agents or employees to enter the land at any reasonable time, from time to time, to make such preliminary inspections, test borings and surveys as may be necessary to permit work to commence on the construction of the improvements the day immediately after the Closing.

ARTICLE 3: The Purchaser has inspected the property and the improvements thereon and accepts the same in its present condition. Sellers agree to make no alterations to the property or remove any of the property, or in any way impair the value of the property, or permit waste so that the property will be delivered in as good condition as of the date hereof, reasonable wear and tear only excepted.

ARTICLE 9: Privilege is granted to the Purchaser to extend the option period for an additional six (6) months beyond the original option date of August 31, 1987 referred to in Article 1 hereof, upon notice to Sellers at any time during the initial option period and upon payment of the sum of One (1) Dollar, which sum shall be treated in the same manner as the original option amount. It is understood and agreed that the option period may be extended for additional periods upon the mutual written agreement of the parties hereto.

ARTICLE 10: In the event Purchaser does not exercise its Option within the time or times set forth in Articles 1 and 9 above, or if the Purchaser exercises its Option and thereafter fails to close, the Sellers shall retain the Option amounts so paid pursuant hereto as full and complete liquidated damages, it being agreed between the parties that the liability shall become null and void without further liability of either party to the other.

ARTICLE 11: If Sellers refuse to fail to close in accordance with the terms hereof, or should Sellers be unable or fail to convey good and marketable fee simple title upon the terms set forth in Article 2 hereof, or should survey reveal discrepancies, then, upon written notice by Purchaser to Sellers, any sums paid hereunder by Purchaser to Sellers shall be returned to Purchaser and Purchaser may proceed with such remedies as the law affords for breach of this Agreement, including but not limited to the right to require specific performance by Sellers of their obligations hereunder and the right of the Purchaser to cure all defects of title capable of being cured and to deduct all costs and expenses related thereto from the purchase price.

ARTICLE 12: It is recognized that if a broker's commission is payable hereunder by Sellers at the time of Closing, and Sellers agree to indemnify Purchaser from all claims in connection therewith.

ARTICLE 13: Sellers agree that Purchaser may assign its rights hereunder and Sellers will convey the premises to the Purchaser or such designee or assignee as the Purchaser may designate in writing to the Sellers.

ARTICLE 14: This Agreement constitutes a legally binding Option in accordance with its terms, and if such Option is exercised, a legally binding real estate purchase Agreement.

ARTICLE 15: Notices shall be deemed given when mailed to the parties at the addresses herein set forth by Certified or Registered Mail;

TO SELLERS: City of Nitro
Nitro City Hall
Nitro, WV 25143

TO PURCHASER: Lemma Village, Inc.
P.O. Box 296
Nitro, WV 25143

ARTICLE 16: This agreement shall be binding upon and insure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors or assigns.

ARTICLE 17: Further Agreements:

1. The Seller will remove the existing brick building now being used as the Nitro Library.

WITNESS the due execution hereof the day and year first above written.

Sellers: City of Nitro

By: _____

Its: _____

Purchasers: Lemma Village, Inc.

By: William J. Hamilton (S)

Its: President

CITY OF NITRO
COUNCIL MEETING MINUTES

APRIL 7, 1987

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley in Council Chambers at 7:30 p.m. Present were City Recorder Joan C. McClanahan, 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 were Councilman at Large Rusty Casto, Councilman Romie Hughart and City Treasurer Ralph Allison.

The invocation was given by Councilman Charles Miller.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 17, 1987 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved that the Council Meeting Minutes of March 17, 1987 be approved. The motion was seconded. Councilman at Large Olaf Walker said there were a couple of corrections he would like to see made. First, on page two, under Agenda Item 1, in the next to the last sentence, "be" should be deleted, making this sentence reading, "Mayor Ashley then referred to page 2, and if the language was changed to read, "last item on the calendar" instead of "last item on the agenda", would that be acceptable to Council. On page 7, under Agenda Item 4, change sentence from "Chief Hedrick commented that it was put in by the organization group that owns there", to "Chief Hedrick commented that it was put in by the organization group that lives there". Under the same Agenda Item number, "we will come back to Council on this" should be changed to "he will come back to Council on this". Under Agenda Item 5, on page 8, line 41, change sentence beginning from, "The core of engineers" to "The corp of engineers." Councilman at Large Olaf Walker questioned the next to the last sentence on page 11, under Agenda Item 6, which states, "Mayor Ashley informed we will notify Mr. Wilmoth of Wheeling that we are doing our best", and wanted to know who was Mr. Wilmoth. Mayor Ashley advised that he was with the Enviornmental Protection Agency in the Wheeling office, and for the record should be included in the minutes. 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 Citizen of the Month Award for April to Attie Davis, a resident of 25th Street. Last month, she celebrated her 100th birthday. Miss Davis worked as a cook at Poca High School. She lives with her 94 year old sister and niece. She has lived in the Nitro-Poca area all of her 100 years. A round of applause was given to Miss Davis. Miss Davis gracefully accepted the honor and was photographed.

Mayor Ashley informed that we have an unannounced item on the agenda, and that is the ambulance crew will give blood pressure tests to members of Council to be conducted now as the Council Meeting is starting, and they will take it again after adjournment to see whether or not there is a change in the Councilmembers' blood pressure.

AGENDA ITEM NO. 3 - KIRT KELLY MEMORIAL RUN - MAY 9: - Mayor Ashley introduced Mr. Dan Vadala who will explain the Kirt Kelly Memorial Run plans and the request for the run. Mr. Vadala informed that plans are being made for a second annual Kirt Kelly Memorial Scholarship Run, and the only date available was May 9, thus, making it much earlier than the date it was held last year. Mr. Vadala requested the Council and City's approval, cooperation and participation in this years run, and advised that the run last year was very successful. The first scholarship will be awarded this year, and plans are that each succeeding year they will be granting a four year scholarship to a given senior. So, at the end of five years, there will be four, four year scholarships in place. The course layout is the same as the 10-K course that the City has been using over a period of time, with an entry fee of \$5. preregistration, and \$7. on the day of the race which will begin at 9:00 a.m. Councilman at Large Olaf Walker moved we grant the approval of the Parents Advisory Council to sponsor and conduct the Kirt Kelly Memorial Run. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 4 - RIC - LOCAL CONTRIBUTION SCHEDULE: - Mayor Ashley advised this agenda item is an identification of and request for approval of the certification to RIC as to the contribution level prescribed for the City of Nitro in the Regional Intergovernmental Council. A copy of a letter, was given to Councilmembers, dated March 25, from the Executive Director, Michael J. Russell, as well as a copy of the certification request from RIC and the local proposed contribution schedule. Mayor Ashley reported that the schedule is unchanged from the previous year, and commented that the participation by local government, County Commissions and Municipalities, in the Regional Intergovernment Council is provided for by statute and it is mandatory. Councilman A. A. "Joe" Savilla moved we approve the contribution schedule as projected. The motion was seconded. Councilman at Large Olaf Walker asked were does it say it is compulsory and what would happen if we did not join? Mayor Ashley answered that in Chapter 8, Article 25, Section 12 of the WV Code, it provides that the funding for their budget comes from local governments. There was a City, Mayor Ashley could not recall which one, that challenged the law and the courts required that the payment be made. Mayor Ashley further stated that he wasn't sure what the penalty would be for non-participation, but was sure there was a provision for it. A vote was taken, and it was unanimous.

AGENDA ITEM NO. 5 - YMCA-WEST: - City Recorder Joan McClanhan explained at the last Council Meeting, we approved the

request from YMCA-West to use Ridenour Lake. The request we are now addressing is permission to use the pool for swim classes as previously conducted in the past two years. City Recorder Joan McClanahan moved we grant their request with the exception of Thursday evenings which will be reserved for adults only. The motion was seconded. Councilman at Large Olaf Walker then asked what evenings they would be using the pool. City Recorder Joan McClanahan answered that they would be using the pool from 9:00 a.m. to 11:00 a.m., and 7:00 p.m. to 9:00 p.m. Monday through Wednesday, with Friday being a make-up day. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - ORDINANCE TO CLOSE PORTION OF 3RD AVENUE (1ST READING): - Mayor Ashley stated that this ordinance would be considered at a later meeting as it is necessary that a petition accompany the ordinance. However, it is good to have the language before council. Councilman at Large Olaf Walker asked if this was the same thing that was discussed once before. Mayor Ashley said that it was a variation of the same thing discussed on a prior occasion.

AGENDA ITEM NO. 7 - SCHOOL CONSOLIDATION: - Mayor Ashley said this agenda item concerns an unofficial report (copy of Plan V furnished to Councilmembers) on the proposed plan for school consolidation that involves the City of Nitro. This information is extended as a matter of disseminating information. Because the matter is of such importance to Council, Mayor Ashley felt it incumbent upon us to at least review the fact that there is to be submitted to the Kanawha County Board of Education, Wednesday, April 8, a plan on consolidation and renovation for schools in the Nitro High School attendance area. Mayor Ashley informed that he had more material that he did not run copies, due to the volume of pages, and invited any Councilmembers to review if they so desired. In Plan V, to be presented by Denver Higginbotham, Chairman of the Consolidation Committee, to the Board of Education, and it is Mayor Ashley's understanding that the meeting is public and the proposal will be made without editorial comment. As far as the statistics are concerned, they are representative of the number attending the last meeting held on March 24. Plan V, as reviewed by Mayor Ashley, under A. - When the new high school is built, then the Nitro High School site on Park Avenue will become a consolidated elementary, closing Baker and Nitro Elementary Schools. B. - Make Andrew Jackson a combined (7-9) junior high school with students from both Nitro and Cross Lanes area. C. - Renovate the 23 year old Nitro Junior High to house Nitro High School on a temporary basis UNTIL a new (10-12) high school can be built in an area convenient to both populations.** **We must consolidate with another area in order to have the necessary enrollment to warrant the expense of a new high school. Added to Plan V, and not on the earlier copies, is D. - Appropriate funds to complete the field house at Underwood Field facility are requested as a part of the proposal. Councilman A. A. "Joe" Savilla asked was it correct that we have one of three possible consolidations, Sissonville, Dunbar or St. Albans. Mayor Ashley

said the double asterisk indicates that there would be another area, and it would be presumably one of those three as nothing else would make much sense. Mayor Ashley informed that some of the members of Council attended some of the meetings, and there were discussions about various and sundry things apart from this. Some of the plans included variations of the same thing; bringing Andrew Jackson to Nitro Junior High or taking Nitro Junior High to Andrew Jackson, keeping the high school at its present site and upgrading it, but the Plan V is the one that will be recommended to the Kanawha County Board of Education on the occasion of the meeting Wednesday night.

Councilwoman at Large Mary Trout stated that with regard to Plan V, she was prejudiced about the whole thing, and feels this is one of the matters that Council should be made aware. At a consolidated meeting held at Andrew Jackson on March 9, Plan V which was furnished to Councilmembers, was introduced by a lady at this particular meeting. However, on this night before she got ready to make this plan, she prefaced the whole thing with, I hesitate to offer this plan because (then she looked at Councilwoman Trout as they used to teach together). She said, "Mary, I know it won't be very popular with you because of what I have to say about Nitro", and she said that Nitro was not a safe community for children, that the area between the railroad tracts and the river was identified as a very dangerous area and that the whole city was not an area in which she wanted her children to attend school." After she prefaced that, she presented Plan V. Later Plan V was adopted on March 24. At that particular meeting, the Council voted on each plan to see which one would be recommended to the larger group, and her plan didn't make it past the Committee, because they felt it was the most expensive and would not be feasible as they had been told at the beginning that the Committee should come up with a plan that was economically feasible. Councilwoman at Large Trout attended the meeting on March 24, and had been told that only the members on the Consolidation Committee would vote. Upon her arrival, a large number of interested parents were at the meeting, allowed to vote, and Plan V was adopted at this meeting. Councilwoman at Large Trout informed that the people from Nitro were not represented because they were told that they wouldn't be able to vote. Mayor Ashley was present for this meeting, but had to leave due to a previous commitment. Councilman at Large Walker commented that he, along with Councilwoman at Large Mary Trout and others from Nitro attended the original meeting at the University of Charleston, and at that time after the entire group was together, they broke up into area meetings. Then, they introduced everyone (around 100 in attendance), and after the introduction, Councilman at Large Olaf asked that the names, addresses and telephone number of each member be taken and sent to those present. However, they never did. Councilman at Large Walker said that he attended all the meetings except the last one, and the meetings he attended, it was his understanding from the beginning that those people who were on the committee, which he will call the official committee, and he and others were lead to believe that those people would be the ones to make the study,

visit the schools and make the recommendation as to what they thought would be the best for this particular attendance area. Councilman at Large Olaf Walker, present at the meeting held at Andrew Jackson Junior High School, confirmed Councilwoman Trout's statement concerning the statement from the lady. Councilman Walker added that a lady made the remark, after discussion of other plans. Councilman Walker said that he felt that the plan presented by the Nitro group, would be the plan presented to the full committee. He further stated that the lady said between the track and the river was a hazardous area, and even mentioned the proposed senior citizens complex shouldn't be built over there because of a possibility of a chemical spill. Councilman Walker advised that he was out of town when the last meeting took place, but was informed by Dr. George Hogshead what had happened at the meeting and was very irritated with the method in which the meeting was conducted, and if they were going to have a vote on it, the board shouldn't have formalized a committee. Councilman at Large Walker said he was told that at the last meeting, Dr. Hogshead got up to protest the method in which the meeting was being conducted, and thought it was unfair, and suggested it should be delayed or postponed until such time as the people from Nitro could be notified. Then, it was Councilman at Large Walker's understanding that Paul McClanahan took over the meeting and proceeded to allow the Plan V to be presented, and then called for a vote. Councilwoman at Large Mary Trout said that it was her understanding if we could come up with a plan that they could implement, that is cheaper than the plan they supposedly already have, and the people in this community would accept, then we would stand a chance in getting it done. Mayor Ashley said that at the last meeting there was an obvious lack of participation by the citizens at large from the City of Nitro because they were not made aware. Councilman at Large Olaf Walker stated that if we would get everyone in Nitro together, we couldn't accomplish anything in a meeting. Therefore, if we are going to come up with a decision, then we would have to have some representation; get a smaller group to present some decisions and then submit it as a proposal to the people and let them vote on it. Mayor Ashley answered that this is not the format that the Board of Education offered any of the communities. Councilman at Large Olaf Walker said that he wanted to clear up a remark that he made, that you couldn't get anything done with a mass meeting. He stated, it's like if we didn't have a City Council and we got everybody together to perform the business of the City, what could get done. Mayor Ashley said that we all recognize that we haven't taken this issue up, as the Board of Education have been given the charge by the public and by our system to govern the school system, just as we have been given the charge to govern the local government. We have stood aside, but the question is of such magnitude that we cannot, as a community, ignore the question. We are not suggesting that we can tell them how to run the Board of Education, but as long as decisions are of such importance to the community, we appreciate an opportunity to discuss it in public forum.

McClanahan moved the pool pass rates be unchanged from the previous year and approved. The motion was seconded. A vote was taken and it was unanimous and the rates will remain unchanged.

AGENDA ITEM NO. 9 - REQUEST FROM NITRO-PUTNAM ELEMENTARY SCHOOL: - City Recorder Joan McClanahan received a request from Velva Copen, PTA President, of Nitro-Putnam Elementary School (copy of request furnished to all Councilmembers) for approval to solicit area merchants for merchandise to use for their annual school carnival scheduled for May 9, and moved we grant the request. A motion was seconded. There being no discussion, a vote was taken and it was unanimously approved.

AGENDA ITEM NO. 10 - PUTNAM COUNTY FIRE SERVICE REQUEST: - Mayor Ashley informed that this agenda item is by way of information, and it is in the form of a request (copy of the letter from Victor Stallard, Jr., Fire Service Coordinator distributed to Councilmembers) with regards to the annexation question in the City. Mayor Ashley said we do have an Annexation Committee, that we have not had definitive feedback in terms of a specific overall request for annexation. Mayor Ashley said that he indicated to Mr. Stallard that he would put his question on the agenda, and unless the Council takes action to generate some annexation activity, he would assume that we can take the position there would be no annexation in any of the areas that have approached us or that have been discussed. We can make the transition to eliminate the fire service that we are now providing outside the City except for the Civic Benefits Association area wherein they are paying for fire service. Mayor Ashley then said that it would take specific action on the part of the Council to discontinue that service outside the City where we are now a secondary or a backup service, because there are some areas outside the City where if we get the call, we respond even though we are not officially the first responder. Councilman Savilla asked that if the only areas we continued to provide fire protection were Bailes Drive and Blakes Creek. Mayor Ashley answered there were other areas such as Hulbert Heights, Shadow Hills, Nitro Park Addition and Red Oak Drive in addition to the two mentioned by Councilman Savilla. Councilman A. A. "Joe" Savilla wanted to know if we had received petitions from any of the other areas, and Mayor Ashley answered that we had not, but insofar as the petitions we received, they are not legal. However, there was a committee working on the question, but they have not come back in proper form for the Council to consider. There are so many things to consider, in terms of economics of taking in individual residential properties or subdivisions; there is certainly no proper action as far as annexation is concerned at this time. What we need to do is to resolve whether or not we are going to annex, and if we are not, we should discontinue providing the fire protection at the expense of our citizens to residents outside the City. At a previous Council Meeting, Council moved to extend the service for 90 days, and at this time, we need to resolve the question by the end of this fiscal year at the very latest. We need to address this question so that the people involved in those areas will be

made aware. Mayor Ashley informed that there were some questions about people not being sure whether they were in the City or out of the City, but we have identified the areas now, and believes we can identify the areas where the service will be provided. Mayor Ashley informed that both Putnam County and Kanawha County Fire Departments are aware of the boundaries, and whether it be Cross Lanes Volunteer Fire Department, Poca Volunteer Fire Department or the Fire Department at Institute, are all providing dual coverage at the present time, which is acceptable. It is not acceptable to not having anybody responding; it's not practical to have two fire departments responding. It is pretty much first call, first go at the present time. This is not creating a problem at this time, but it is something that we need to address. We will do this with maps and full disclosure to the Council so that we can get the Council's consensus on how we should deal with it and inform the citizens so that there is no confusion or questions on their part. There were questions that they needed to get answers, such as cost of insurance for one coverage verses another and that sort of thing. There is no question about police protection. Clearly, the police department have jurisdiction only within the City of Nitro, unless they are working with another agency that has jurisdiction where they are working. Councilman Savilla asked if the 90 day extension was up, and Mayor Ashley said that it had already been 90 days. Councilman Walker said that if he understood the system that we used as far as the trash bags were concerned, it would appear to him that we could take that list and determine the names and addresses of those people who are outside the city, and Mayor Ashley said that we could do that. Councilman Walker said that if he understood the system that we used in the garbage bag distribution, it seemed to him that we could take that list and determine the names and addresses of those people who are outside the city. Mayor Ashley said the question of whether or not they are in the City is not the concern. The concern is where they get their first fire protection. It is against the law for us to provide garbage collection and police protection. The fire protection is the only one in question. The only reason we haven't withdrawn the protection is because of the logistics. The Council needs to face up to the fact that if someone is going to be denied fire protection outside the City such as Blakes Creek Road, will have to get their protection from the Cross Lanes Volunteer Fire Dept., after it travels down the interstate, or 40th Street, comes down 1st Avenue, goes out 21st Street and all the way out to Blakes Creek Road. If that is their choice, they will have to understand that and the City has to understand that. It is our citizens who are paying for the Fire Department and the fire trucks, bumper gear and the gasoline to go put the fire out outside the City. So, it is a decision that needs to be made with careful consideration. Councilman at Large Olaf Walker said that wouldn't it be helpful to know how many of those people there are and where they are located? Mayor Ashley answered that we already know the people by name and address as we have lists.

AGENDA ITEM NO. 11 - REPORT - WV WATER COMPANY: - Mayor Ashley advised that the letter from Captain Stover to the

Councilmembers explains the circumstances surrounding the sale of the single fire hydrant on Jamestown Road. Mayor Ashley said that if he didn't have instructions not to sell the fire hydrant, he would enter into the agreement as presented at a previous council meeting, therefore, eliminating the \$30.00 per month charge for that one fire hydrant, and let the West Virginia Water Company maintain it. Councilman Charles Miller informed that Penn Oil Company is being torn down, and it is his understanding that there are about 2,000 particals of asbestos in water (they measured it someway) and it is getting into the water system and asbestos is not good for people to drink. Councilman at Large Olaf Walker asked if he was talking about up Elk, and Councilman Miller said that is where he thinks we are getting our water. Councilman Walker asked Mayor Ashley if he would check on this because at one time, the water company got all of their water from Elk. However, he believes that it has been changed. Mayor Ashley said that he would get in touch with the water company and ask them for a report as to where they are getting the water that we drink.

AGENDA ITEM NO. 12 - BAILES DRIVE SLIP REPORT: - Mayor Ashley reported that we had talked about the slip on Bailes Drive earlier but unfortunately over the weekend, the slip took a real bad turn. Mayor Ashley, City Recorder Joan McClananahan and Councilman Savilla checked the site, and it is really quite bad. Mayor Ashley informed that the engineers reported yesterday that they were not sure if the road would hold up so that vehicles could travel the road. Mayor Ashley, with the help of the engineers and the attorney, prepared a statement that was delivered by the Department of Public Works employees to each home on Bailes Drive all the way out to the end advising them that the condition was such that they could have their vehicles stranded up there if they were on the uphill side of the slip. Councilman Walker said that he went up there and right where you make the sharp turn, up on the side about three quarters of the road had slipped down. He parked his vehicle there and walked all the way to the top where the stone pillars are, and wanted to know if there was anything beyond that? Mayor Ashley answered that there was about another mile. Councilman Savilla added that we may have to consider going pass Thaxton's house and reopening that road that comes out on Cochran Circle. Mayor Ashley stated that the slip is in the City but close to the edge of the city limits, and the fire truck could not get up there now, and an ambulance would be touch and go. If the slip progresses, there could be more of that road that would give way making it fully impassible. Councilman Savilla said that we may have to take a long serious look in getting permission to open the road for the residents to use Cochran Circle. Mayor Ashley advised that he would make it a point to talk with the County Commission to prepare a contingency plan for this. Assistant Director of Public Works Larry Angell visited the slip this evening, and it was basically the same as it was this morning. However, with the major run off we have with all the snow, it could just give way at any moment. Mr. Angell informed that he had talked with Dave Shultz from Dunn Engineers and he suggested that they put hot

asphalt in the crack where the road has slide away and seal that which would stop some of the water that's running down the road. Councilman Savilla suggested having someone ditch the road. Mayor Ashley said the engineers are right on top of this problem, and this work may require emergency work on a part of the City which may preclude the usual advertising and sealed bids. Councilman A. A. "Joe" Savilla asked all Councilmembers to go up and take a look at the slip if they haven't already done so.

Mayor Ashley had a report from Senator Byrd's office by way of Nancy Peoples, prior to Council Meeting, with regards to the senior housing project that, HUD has received the project, and they have approved the site and informed the HUD Field Office of such. Mayor Ashley said that he assumed that the field office is the Charleston office, and they instructed them to reprocess the project and to "get on with it."

Councilwoman at Large Mary Trout announced that the All West Virginia City awards banquet is April 22,. The cost for the luncheon and awards banquet is \$22.50 per person, and the the awards banquet is \$5. beginning at 1:30 p.m. in the Charleston National Bank Auditorium.

Mayor Ashley informed that Councilman Romie Hughart is back in the Thomas Memorial Hospital.

There being no further business, the meeting was adjourned at 8:45 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

APRIL 21, 1987

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley in Council Chambers at 7:30 p.m. 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 were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

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

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 7, 1987 COUNCIL MEETING MINUTES: - Councilman Charles Miller moved that the Council Meeting Minutes of April 8, 1987 be approved. The motion was properly seconded, vote taken and unanimously approved as written.

AGENDA ITEM NO. 2 - TRI-STATE DOG RACING TRACK PETITION: - This agenda item is in response to a petition for annexation submitted by Tri-State Greyhound Park, Limited, Southway Construction Company, and Solco, Incorporated to become a part of the City of Nitro through annexation by minor boundary adjustment. Councilman Romie Hughart moved we accept the petition and ordinance to annex a contiguous unincorporated territory to and become part of the City of Nitro. The motion was seconded. There being no discussion, a vote was taken and the ordinance passes on the first reading unanimously.

ORDINANCE ATTACHED & PETITION ATTACHED.

AGENDA ITEM NO. 3 - RESOLUTION 87-5, COMMEMORATING THE WORK AND AWARDS ACHIEVED BY THE NITRO WOMEN'S CLUB: - Mayor Ashley read the resolution commemorating the work and awards achieved by the Nitro Women's Club, copies of which were given to Councilmembers. Councilman Jim Hutchinson moved we adopt and approve the resolution. The motion was seconded. A vote was taken and it was unanimous. Members of Council affixed their signatures thereto, and the resolution will be presented to the Nitro Women's Club. Mayor Ashley said that we join others in congratulating the Nitro Women's Club.

Mayor Ashley informed that the Nitro Women's Club has approached the City for the purpose of placing throughout the City half whiskey barrels, adjacent to our new wooden street signs, that can be decorated with flowers. Mayor Ashley said that he appreciated very much their doing that and it would be a very attractive addition.

RESOLUTION 87-5 ATTACHED.

AGENDA ITEM NO. 4 - ZONING BOARD OF APPEALS MEETING ON APRIL 14, 1987: - A copy of the minutes of the Zoning Board of Appeals meeting held on April 14, 1987 was furnished to Council. City Recorder Joan McClanahan read the minutes, and she said that in talking with various members that were at the meeting, that there has been a lot of discussion and some controversy, and asked Mayor Ashley if he would address this agenda item. Mayor Ashley said that he thought the proper action this evening would be to enter into the records of the City, the minutes of the meeting of the Zoning Board of Appeals. With regards to sanction by the City Council, in terms of their recommendation with regards to the specific sign for Marrs Jewelry, Mayor Ashley said that he had some communication on the subject brought to his attention, and pointed out that City Attorney Phillip Gaujot recommended against the approval of the sign, as did the Building Inspector C. R. Sergeant. Mayor Ashley suggested that we accept the minutes of their meeting into the record, but before offering sanction of the sign that we have a Committee of the Ward Councilmen along with City Recorder Joan McClanahan to look into some of the points raised in dissent before the City Council would sanction it. The point being that the Zoning Board of Appeals is an advisory board to the City Council, and it has been suggested that there needs to be some additional information obtained before the Council could act upon the recommendation of this Board. Councilman A. A. "Joe" Savilla moved we table this matter until such time as the Committee, chaired by City Recorder Joan McClanahan, could meet and report back to the Council. The motion was seconded. Councilman at Large Olaf Walker wanted to know the purpose for the delay, and what's wrong with the recommendation of the Zoning Board of Appeals. Mayor Ashley answered that he didn't know, but there was communication in the file indicating that it is not recommended by the City Attorney. Also, Mayor Ashley has a report from the Building Inspector that he had recommended against the decision of the Zoning Board of Appeals. Councilman at Large Olaf Walker said that if he understood City Attorney Phil Gaujot's letter, it indicated that the reason was because the gravel parking area was not continuous with his store. Councilman Walker then said that it appeared to him that the only thing between Mr. Marr's jewelry store and the parking lot, which he owns, is Bank Street. City Attorney Phillip Gaujot answered that his understanding of the ordinance, construing it strickly, is that the sign must be on the property that the business is situated. Councilman Walker said that his opinion on this is that a business in Nitro is having problems anyway, and business signs have come up many times since he has been on Council, and if a business determines that they are going to spend \$3,000 or \$7,500 to put a sign up, then they expect to recoup that expense through improved business. If business improves, then it will help the City of Nitro. Councilman Walker stated that he thinks it behooves this Council to do whatever we can to help Marrs, as well as any other business, to do what we can to improve their business, and this particular sign is going to be in line, as he understood it, with the three other signs

along First Avenue. Councilman Walker further stated that the site in question is a parking lot, but it is a part of the business. The only thing that differs is the width of that street. Mayor Ashley said that the point that has been made is that in specific reference to the exact language of the City's ordinance as it currently exists. So, Mayor Ashley answered that he appreciated Councilman Walker's comments, but with that in mind, he understood the recommendation from the City Attorney and the Building Inspector to be that in an effort to comply with the ordinance as it's currently written, that we should reconsider the decision. A vote was taken to create a Committee, and then report back, and was passed. Councilman at Large Olaf Walker voted in the negative. Mayor Ashley instructed the Committee to meet with the people principally involved in the question including Mr. Lemma, Chairman of the Board of the Zoning Appeals and certainly Mr. Marrs, City Attorney Phillip Gaujot and Building Inspector Bob Sergeant.

COPY OF MINUTES ATTACHED

AGENDA ITEM NO. 5 - REQUEST FOR NITRO LITTLE LEAGUE PARADE: Councilman at Large Rusty Casto informed that the Little League requested permission to have their opening day parade on April 25, leaving the Nitro Moose parking lot at 9:00 a.m., and moved we grant them permission to allow the parade. The motion was seconded. A vote was taken and it was unanimously approved. The route of the parade will be from First Avenue from the Moose parking lot to the Nitro-St. Albans Bridge, down Main Avenue to Lock Street, cross railroad tracks to First Avenue, First Avenue to Second Avenue, Follow Second Avenue to 40th Street, out 40th Street to First Avenue, follow First Avenue to 19th Street, cross railroad tracks and proceed to Nitro City Park.

Councilman at Large Rusty Casto advised that he received a letter from the Nitro Little League requesting permission to conduct Tag Day (door to door solicitation) on April 25, and moved we approve their request. The motion was seconded. A vote was taken and it was unanimous. Mayor Ashley wished them the best of luck in their season.

AGENDA ITEM NO. 6 - LAYING OF LEVY: - City Treasurer Ralph Allison informed that per letter dated April 17, from the State Tax Department, in accordance with provisions of Chapter 11, Article 8 of the West Virginia Code, as amended, the State Commission of West Virginia hereby approves our levy estimate for the fiscal year beginning July 1, 1987. They found that the proper rates of levy were being used to retire any existing general obligation bond debt, and that such total debt is within the limits prescribed by the West Virginia Constitution and the Code. Per letter from the State Tax Department dated February 25, that the budget approved by the State Tax Commissioner, the City Council must met on the third Tuesday in April to officially lay the levy. City Treasurer Ralph Allison explained that this was an annual event, and we need a motion to officially lay the levy which was approved in our budget. City Recorder Joan

McClanahan moved we approve the laying of the levy. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - FINES AND PUNISHMENT FOR MUNICIPAL ORDINANCE VIOLATIONS: - Councilman Charles Miller, Chairman of the ad-hoc subcommittee, advised that the committee updated the fines and court costs of people breaking the laws within the City. Councilmembers were furnished copies of the new proposed fines. Councilman Charles Miller moved we accept the fines levied for violation of municipal ordinances to be modified in accordance with the material distributed. Mayor Ashley advised that this would require an active ordinance, but we could accept this listing with preliminary comments for and aft subject to legal counsel's review for propriety. Councilman Charles Miller stated that he did work within the scope of the other cities in the county. Mayor Ashley advised that we would accept this as proper form and would constitute the first reading of the ordinance, if in fact it passes. Councilman at Large Olaf Walker asked if this is what we are proposing to use or is it be used as a guide? Councilman Charles Miller informed this is what we propose to use, and we are pretty much in line with other cities in our area. Councilman Charles Miller requested Council consider an additional change, and then commented that he knew a policemen's job is not very good as they deal with the worst people in town, and sometimes the people with whom they come in contact may want to fight them. If these people tear their clothing, break their glasses or damage their shoes that the responsible party pay for the personal effects they destroy or damage. Councilman Olaf Walker stated that it was his understanding that it was destruction of City property, and Councilman Charles Miller informed that it was personal property. Councilman at Large Olaf Walker said that he thought there was already a law covering this. Mayor Ashley said that what he thought Councilman Miller was pointing out is that it is a problem now because there have been cases, and it not an uncommon thing, that there will be eye glasses and torn clothing for which the officers are not compensated and they must reimburse them through the court system as opposed to the officers having to sue for reimbursement from the conviction. Mayor Ashley said that if it is a state law and if it is a proper action on the part of the Council, then it shouldn't impose a problem to incorporate into our law with instructions to the judge. We can accept that as a part of this proposed ordinance, and have legal counsel respond to that as a part of the ordinance. A vote was taken to adopt the new fines for violations of city ordinances and officers being able to receive compensation from any person destroying personal effects through the court sytem on the first reading and it was unanimous.

COPY OF FINES ATTACHED

REPORT ON BAILES DR.: - Bob Flack, with Dunn Engineers, reported he had a report from Triad Engineers who did the core drilling and boring to find out what the condition of the slope was. They discovered it was a wet condition on clay and is being

fed by water which has caused the slip. They do have recommendations on how to fix the slip. Dunn Engineers received the report last Thursday, and they haven't had time to put a money figure on it. So at this time, he cannot report on how much it will cost to bring a resolution to the slip. Councilman at Large Rusty Casto asked if we were talking about a lot of money and work to correct the problem. Mr. Flack said that he could not say the amount it would cost at this time, because they haven't investigated it enough to find out. However, when they do arrive at the cost, they will notify the City as fast as possible. Dunn Engineers, Inc. can give us their price within 3 to 4 weeks. Then there is a bid process if it does go into being repaired. Councilman A. A. "Joe" Savilla asked how long are we talking about for actual repair work, and Mr. Flack answered that it would probably in the neighborhood of thirty days. Mayor Ashley added that we have looked for solutions to this problem. We are grateful that the rest of the road didn't come down, but we have also been looking for other alternative solutions. Mayor Ashley said they are in the process of looking into an abandoned roadway that has been located. They have walked that, and Councilman A. A. "Joe" Savilla has talked with the Putnam County Commission to have them join with us. They are not sure whether it is an old abandoned county road or if it is a private road, in which case we would need easements. In any event, it would give us an alternative access route to that particular neighborhood in which Mayor Ashley feels is vital. Mayor Ashley said he thinks it would be appropriate for the Council to authorize, since we have the engineering study, in order to find out what else is involved, notwithstanding the search for another road, a request for a proposal to find out how much it will cost to fix that slip, and feels it will be very expensive to fix. We are prepared to arrange for a dozer to get the road opened, and hopefully Putnam County will maintain it if we have permission to use it. Councilman A. A. "Joe" Savilla moved we request a proposal prepared, structured and properly advertised by Dunn Engineers so that we can begin to resolve this problem. Councilman Walker said that we authorized \$5,000 to be spent, and Councilman Savilla answered that authorization was for the report and the core drilling mentioned by Mr. Flack, and did not include cost estimates. Then Councilman at Large Olaf Walker said that he thought the guy told us that this would be one way that we could determine what it was going to cost because of the core drilling, and Mr. Flack answered that the cost could not be determined without the core drilling. Mr. Flack explained that Triad Engineers core down to see where the rock is, so Dunn Engineers can design a structure to hold the road up. Mayor Ashley said the engineering report would be the basis for anyone coming in with a solution because no one could tell us how to fix it if they didn't have the report which was furnished by Triad Engineers. Mayor Ashley further stated that in the interest of time, he thinks if we act upon the requested proposal, then it would give Dunn Engineers the freedom to go ahead with that work. A vote was taken and it was unanimously approved. Councilman A. A. "Joe" Savilla announced that if anyone wanted to look at the report, they are welcome to do so. Mayor Ashley added that it

was suggested that the engineer come to City Hall on Wednesday if tonight wasn't convenient, or they could work out a time. Mayor Ashley said that given the scope and severity of the problem, he would be glad to entertain any comments or questions to Council or to the Engineer. Mr. Boggs asked that if we get the other road, would the City forget about the slip? He wanted the slip fixed. Mayor Ashley told Mr. Boggs that we have sought an alternative route, but we have also at the same time entered into an agreement with Dunn Engineers to prepare a requested proposal.

Councilman Charles Miller informed that he had been approached by the Seabee's of the Navy that they need some work to do. The only thing they require is that we buy the equipment for whatever they build. They build fireplaces, picnic tables, parking lots, boat docks, and they have machine operators, electricians, carpenters, steel workers, plumbers and they can borrow some heavy equipment. If we can use these services, Councilman Miller suggests we contact them, and gave Mayor Ashley the Commander's name.

Councilman A. A. "Joe" Savilla wanted to add that we have a young man with us that made a supreme effort to be with us tonight, and it's Romie Hughart. A big round of applause was given to Councilman Romie Hughart. Councilman Romie Hughart responded that he was thankful to be in attendance.

There being no further business, the meeting was adjourned at 8:10 p.m.

ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

AN ORDINANCE TO ANNEX A CONTIGUOUS UNINCORPORATED TERRITORY TO AND BECOME PART OF THE CITY OF NITRO, A MUNICIPAL CORPORATION, KANAWHA COUNTY, WEST VIRGINIA, BY A MINOR BOUNDARY ADJUSTMENT.

WHEREAS, on the 21st day of April, 1987, at a regularly scheduled and properly convened session of the City Council of the City of Nitro, a motion was made to annex by a minor boundary adjustment certain contiguous unincorporated territory to and become part of the City of Nitro, a municipal corporation; and

WHEREAS, the area of proposed annexation does not lie within any existing municipality; and

WHEREAS, the City Council of the City of Nitro has determined the number of persons residing in the territory and having prepared an accurate map showing the metes and bounds of such additional territory; and

WHEREAS, the City Council of the City of Nitro has determined that the annexation is only a minor boundary adjustment; and

WHEREAS, the City Council of the City of Nitro has no reason to believe that the freeholders of the area proposed to be annexed are substantially opposed to the proposed boundary change; and

WHEREAS, the City Council of the City of Nitro finds the motion to be in all other respects proper, does therefore ORDAIN that the hereinbelow described area be, and the same hereby is, ANNEXED into the City of Nitro, a West Virginia municipality:

BEGINNING at an iron pin found on the line of Nitro District and Union District, as the same intersects with that certain Interstate No. 64 controlled access right-of-way 310 feet right of Station 55+66 of the Centerline of Interstate No. 64; thence with the common division line of said Interstate No. 64 controlled access right-of-way S. 71° 33' 10" E. a distance of 348.0 feet to a 5/8-inch iron pipe (found), being 325 feet right from Centerline at Station 59+43; thence leaving said Interstate No. 64 controlled access right-of-way and with the western common division line of Mary W. West S. 02° 01' 10" E. a distance of 1432.24 feet to an old iron pipe (found); thence S. 68° 52' E., 427.97 feet to an old iron pipe set in concrete (found); thence N. 64° 50' E. a distance of 121.85 feet to an iron pin (set) in the 66th line as described in that certain deed conveying

382.654 acres from Scarlet Oaks, Inc. to SOLCO, INCORPORATED dated August 30, 1982 and recorded in the Office of the Clerk of the Kanawha County Commission in Deed Book 2012, page 367, said point is also located N. $64^{\circ} 50'$ E. a distance of 121.85 feet from an old iron pin in concrete (found) located at the sixty-sixth (66th) corner as described in said deed to SOLCO, INCORPORATED; thence running with a part of the 66th line of said 382.654 acre tract of SOLCO, INCORPORATED N. $64^{\circ} 50'$ E. a distance of 217.99 feet to an old iron pin in concrete (found) with a 14" Persimmon pointer, formerly a Sassafras tree located at the 67th corner of said 382.654 acre tract; thence running with two lines of said 382.654 acre tract N. $19^{\circ} 07'$ E. a distance of 649.48 feet to an old set stone (found) at the 68th corner of said 382.654 acre tract; thence running N. $45^{\circ} 11'$ E. a distance of 115.14 feet to an old iron pin (found) in the southwesterly controlled access right-of-way line of Interstate No. 64, said point being located 290 feet right of and at right angles to Centerline Station 74+12 of Project No. I-64-2(3)46, said point also being the beginning corner as described in said deed from Scarlet Oaks, Inc. to SOLCO, INCORPORATED; thence running with said controlled access right-of-way line and one foot southwesterly of the existing DOH chain link fence and with five lines thereof S. $52^{\circ} 59'$ E. a distance of 514.44 feet to an iron pin (set); thence running S. $52^{\circ} 57'$ E. a distance of 731.61 feet to an iron pin (set); thence running S. $53^{\circ} 05' 30''$ E. a distance of 289.74 feet to an iron pin (set); thence running S. $52^{\circ} 37'$ E. a distance of 110.27 feet to a DOH square concrete monument (found); said point being located 140 feet right of and at right angle to Centerline Station 90+50, said point also being located at the fourth (4th) corner of said 382.654 acre tract; thence running S. $15^{\circ} 01'$ E. a distance of 296.62 feet to a DOH square concrete monument (found), said point being located 300 feet right of and at right angles to Centerline Station 93+00; thence leaving said controlled access right-of-way line and running with eleven (11) lines through said 382.654 acre tract S. $23^{\circ} 30' 20''$ W. a distance of 269.14 feet to an iron pin (set); thence running S. $3^{\circ} 17'$ W. a distance of 163.36 feet to an old iron pin in concrete (found); thence running S. $30^{\circ} 56' 30''$ W. a distance of 186.38 feet to an iron pin (set); thence running S. $24^{\circ} 58'$ W. a distance of 110.03 feet to an iron pin (set); thence running S. $14^{\circ} 25' 30''$ W. a distance of 493.11 feet to an iron pin (set); thence running S. $40^{\circ} 16'$ E. a distance of 537.84 feet to an iron pin (set); thence running S. $16^{\circ} 10'$ E. a distance of 338.75 feet to an old iron pin in

concrete (found); thence running S. $38^{\circ} 57' 30''$ E. a distance of 240.86 feet to an iron pin (set); thence running S. $7^{\circ} 45'$ E. a distance of 115.82 feet to an iron pin (set); thence running S. $20^{\circ} 56'$ W. a distance of 278.29 feet to an iron pin (set); thence running S. $17^{\circ} 27'$ E. a distance of 151.48 feet; thence S. $66^{\circ} 51'$ W. a distance of 104.42 feet to a stake; thence running N. $49^{\circ} 10'$ W. a distance of 406.55 feet to an iron pin (set) at edge of clearing; thence running N. $13^{\circ} 38'$ W. a distance of 236.04 feet to an iron pin (set); thence running N. $20^{\circ} 57'$ W. a distance of 118.10 feet to an iron pin (set); thence running N. $89^{\circ} 19'$ W. a distance of 331.18 feet to an iron pin (set); thence running S. $79^{\circ} 39'$ W. a distance of 242.27 feet to an iron pin (set); thence running N. $57^{\circ} 52'$ W. a distance of 255.28 feet to an iron pin (set); thence running N. $52^{\circ} 46'$ W. a distance of 226.70 feet to an iron pin (set); thence running N. $53^{\circ} 34' 30''$ W. a distance of 93.62 feet to an iron pin (set); thence running N. $6^{\circ} 58'$ W. a distance of 205.00 feet to an iron pin (set); thence running N. $3^{\circ} 15'$ E. a distance of 235.47 feet to an iron pin (set); thence running N. $40^{\circ} 10'$ W. a distance of 112.56 feet to an iron pin (set); thence running N. $58^{\circ} 40'$ W. a distance of 266.70 feet to an iron pin (set); thence running N. $0^{\circ} 59' 30''$ E. a distance of 186.11 feet to an iron pin (set); thence running N. $41^{\circ} 35' 30''$ E. a distance of 154.98 feet to an iron pin (set); thence running N. $0^{\circ} 29'$ E. a distance of 115.39 feet to an iron pin (set); thence running N. $81^{\circ} 21' 30''$ W. a distance of 178.48 feet to an iron pin (set); thence running N. $79^{\circ} 05' 30''$ W. a distance of 169.72 feet to an iron pin (set); thence running S. $61^{\circ} 48'$ W. a distance of 140.47 feet to an iron pin (set) south of an existing graveled road; thence running N. $27^{\circ} 04'$ W. passing the centerline of said graveled road at 80.00 feet, more or less, and continuing on in the same straight line in all a distance of 414.28 feet to an iron pin (set); thence running N. $21^{\circ} 58'$ E. a distance of 220.46 feet to an iron pin (set); thence running N. $16^{\circ} 20'$ E. a distance of 455.56 feet to an iron pin (set); thence running N. $79^{\circ} 56'$ E. 99.70 feet to an iron pin (set); thence leaving said TRI-STATE 110.137 acre tract and with a new division line thru SOLCO, INCORPORATED property and with a new division line thru SOUTHWAY CONSTRUCTION COMPANY property N. $68^{\circ} 37' 53''$ W. a distance of 547.35 feet; thence N. $02^{\circ} 01' 10''$ W. a distance of 1430.70 feet to a point; thence N. $71^{\circ} 33' 10''$ W. 309.86 feet to a point; thence S. $79^{\circ} 22' 50''$ W. 528.77 feet to a point; thence N. $10^{\circ} 37' 10''$ W. a distance of 40.0 feet to a 5/8-inch iron pipe (found) being in the northern property line of said SOUTHWAY CONSTRUCTION COMPANY property; thence with said

property line N. 79° 22' 50" E. a distance of 539.14 feet to a 5/8-inch iron pipe (found) being in the southern right-of-way of Interstate No. 64 controlled access right-of-way, being 310 feet right from Centerline at Station 55+66, to the place of beginning, containing One Hundred Fourteen acres and Four Hundred Thirty-Three One-Thousandths of another acre (144.433 acres), more or less, as described on that certain map prepared by Garrett R. Lowe, W.Va. LLS No. 725, attached hereto and incorporated herewith.

This Ordinance was introduced and read for the first time at a regular meeting of the City Council of the City of Nitro, West Virginia, held on the 21st day of April, 1987, and will come up for a second reading and adoption at a regular meeting of the City Council to be held on the 5th day of May, 1987.

FIRST READING

ARDEN D. ASHLEY, MAYOR

SECOND READING

JOAN McCLANAHAN, RECORDER

BEFORE THE CITY COUNCIL
FOR THE CITY OF NITRO, WEST VIRGINIA

SOUTHWAY CONSTRUCTION COMPANY,
a West Virginia corporation;
SOLCO, INCORPORATED, a West
Virginia corporation; and
TRI-STATE GREYHOUND PARK LIMITED
PARTNERSHIP, a West Virginia
limited partnership,

Petitioners.

P E T I T I O N

Come now the petitioners, SOUTHWAY CONSTRUCTION COMPANY, a West Virginia corporation; SOLCO, INCORPORATED, a West Virginia corporation; and TRI-STATE GREYHOUND PARK LIMITED PARTNERSHIP, a West Virginia limited partnership, and petition the City of Nitro, West Virginia, that the following described real estate be annexed to the City of Nitro, pursuant to Chapter 8, Article 6, Section 5, of the West Virginia Code of 1931, as amended, situate and lying adjacent to the City of Nitro, West Virginia, containing 114.43 acres, and being more particularly bounded and described as follows:

BEGINNING at an iron pin found on the line of Nitro District and Union District, as the same intersects with that certain Interstate No. 64 controlled access right-of-way 310 feet right of Station 55+66 of the Centerline of Interstate No. 64; thence with the common division line of said Interstate No. 64 controlled access right-of-way S. 71° 33' 10" E. a distance of 348.0 feet to a 5/8-inch iron pipe (found), being 325 feet right from Centerline at Station 59+43; thence leaving said Interstate No. 64 controlled access right-of-way and with the western common division line of Mary W. West S. 02° 01' 10" E. a distance of 1432.24 feet to an old iron pipe (found); thence S. 68° 52' E., 427.97 feet to an old iron pipe

set in concrete (found); thence N. $64^{\circ} 50'$ E. a distance of 121.85 feet to an iron pin (set) in the 66th line as described in that certain deed conveying 382.654 acres from Scarlet Oaks, Inc. to SOLCO, INCORPORATED dated August 30, 1982 and recorded in the Office of the Clerk of the Kanawha County Commission in Deed Book 2012, page 367, said point is also located N. $64^{\circ} 50'$ E. a distance of 121.85 feet from an old iron pin in concrete (found) located at the sixty-sixth (66th) corner as described in said deed to SOLCO, INCORPORATED; thence running with a part of the 66th line of said 382.654 acre tract of SOLCO, INCORPORATED N. $64^{\circ} 50'$ E. a distance of 217.99 feet to an old iron pin in concrete (found) with a 14" Persimmon pointer, formerly a Sassafras tree located at the 67th corner of said 382.654 acre tract; thence running with two lines of said 382.654 acre tract N. $19^{\circ} 07'$ E. a distance of 649.48 feet to an old set stone (found) at the 68th corner of said 382.654 acre tract; thence running N. $45^{\circ} 11'$ E. a distance of 115.14 feet to an old iron pin (found) in the southwesterly controlled access right-of-way line of Interstate No. 64, said point being located 290 feet right of and at right angles to Centerline Station 74+12 of Project No. I-64-2(3)46, said point also being the beginning corner as described in said deed from Scarlet Oaks, Inc. to SOLCO, INCORPORATED; thence running with said controlled access right-of-way line and one foot southwesterly of the existing DOH chain link fence and with five lines thereof S. $52^{\circ} 59'$ E. a distance of 514.44 feet to an iron pin (set); thence running S. $52^{\circ} 57'$ E. a distance of 731.61 feet to an iron pin (set); thence running S. $53^{\circ} 05' 30''$ E. a distance of 289.74 feet to an iron pin (set); thence running S. $52^{\circ} 37'$ E. a distance of 110.27 feet to a DOH square concrete monument (found); said point being located 140 feet right of and at right angle to Centerline Station 90+50, said point also being located at the fourth (4th) corner of said 382.654 acre tract; thence running S. $15^{\circ} 01'$ E. a distance of 296.62 feet to a DOH square concrete monument (found), said point being located 300 feet right of and at right angles to Centerline Station 93+00; thence leaving said controlled access right-of-way line and running with eleven (11) lines through said 382.654 acre tract S. $23^{\circ} 30' 20''$ W. a distance of 269.14 feet to an iron pin (set); thence running S. $3^{\circ} 17'$ W. a distance of 163.36 feet to an old iron pin in concrete (found); thence running S. $30^{\circ} 56' 30''$ W. a distance of 186.38 feet to an iron pin (set); thence running S. $24^{\circ} 58'$ W. a distance of 110.03 feet to an iron pin (set); thence running S. $14^{\circ} 25' 30''$ W. a distance of 493.11 feet to an iron pin (set); thence running S. $40^{\circ} 16'$ E. a distance of 537.84 feet to an iron pin (set); thence running S. 16°

10' E. a distance of 338.75 feet to an old iron pin in concrete (found); thence running S. $38^{\circ} 57' 30''$ E. a distance of 240.86 feet to an iron pin (set); thence running S. $7^{\circ} 45'$ E. a distance of 115.82 feet to an iron pin (set); thence running S. $20^{\circ} 56'$ W. a distance of 278.29 feet to an iron pin (set); thence running S. $17^{\circ} 27'$ E. a distance of 151.48 feet; thence S. $66^{\circ} 51'$ W. a distance of 104.42 feet to a stake; thence running N. $49^{\circ} 10'$ W. a distance of 406.55 feet to an iron pin (set) at edge of clearing; thence running N. $13^{\circ} 38'$ W. a distance of 236.04 feet to an iron pin (set); thence running N. $20^{\circ} 57'$ W. a distance of 118.10 feet to an iron pin (set); thence running N. $89^{\circ} 19'$ W. a distance of 331.18 feet to an iron pin (set); thence running S. $79^{\circ} 39'$ W. a distance of 242.27 feet to an iron pin (set); thence running N. $57^{\circ} 52'$ W. a distance of 255.28 feet to an iron pin (set); thence running N. $52^{\circ} 46'$ W. a distance of 226.70 feet to an iron pin (set); thence running N. $53^{\circ} 34' 30''$ W. a distance of 93.62 feet to an iron pin (set); thence running N. $6^{\circ} 58'$ W. a distance of 205.00 feet to an iron pin (set); thence running N. $3^{\circ} 15'$ E. a distance of 235.47 feet to an iron pin (set); thence running N. $40^{\circ} 10'$ W. a distance of 112.56 feet to an iron pin (set); thence running N. $58^{\circ} 40'$ W. a distance of 266.70 feet to an iron pin (set); thence running N. $0^{\circ} 59' 30''$ E. a distance of 186.11 feet to an iron pin (set); thence running N. $41^{\circ} 35' 30''$ E. a distance of 154.98 feet to an iron pin (set); thence running N. $0^{\circ} 29'$ E. a distance of 115.39 feet to an iron pin (set); thence running N. $81^{\circ} 21' 30''$ W. a distance of 178.48 feet to an iron pin (set); thence running N. $79^{\circ} 05' 30''$ W. a distance of 169.72 feet to an iron pin (set); thence running S. $61^{\circ} 48'$ W. a distance of 140.47 feet to an iron pin (set) south of an existing graveled road; thence running N. $27^{\circ} 04'$ W. passing the centerline of said graveled road at 80.00 feet, more or less, and continuing on in the same straight line in all a distance of 414.28 feet to an iron pin (set); thence running N. $21^{\circ} 58'$ E. a distance of 220.46 feet to an iron pin (set); thence running N. $16^{\circ} 20'$ E. a distance of 455.56 feet to an iron pin (set); thence running N. $79^{\circ} 56'$ E. 99.70 feet to an iron pin (set); thence leaving said TRI-STATE 110.137 acre tract and with a new division line thru SOLCO, INCORPORATED property and with a new division line thru SOUTHWAY CONSTRUCTION COMPANY property N. $68^{\circ} 37' 53''$ W. a distance of 547.35 feet; thence N. $02^{\circ} 01' 10''$ W. a distance of 1430.70 feet to a point; thence N. $71^{\circ} 33' 10''$ W. 309.86 feet to a point; thence S. $79^{\circ} 22' 50''$ W. 528.77 feet to a point; thence N. $10^{\circ} 37' 10''$ W. a distance of 40.0 feet to a 5/8-inch iron pipe (found) being in the northern property line of said SOUTHWAY CONSTRUCTION COMPANY property; thence with said property line N. $79^{\circ} 22' 50''$ E. a distance of 539.14

feet to a 5/8-inch iron pipe (found) being in the southern right-of-way of Interstate No. 64 controlled access right-of-way, being 310 feet right from Centerline at Station 55+66, to the place of beginning, containing One Hundred Fourteen acres and Four Hundred Thirty-Three One-Thousandths of another acre (144.433 acres), more or less, as described on that certain map prepared by Garrett R. Lowe, W.Va. LLS No. 725, attached hereto and incorporated herewith.

WHEREFORE, the petitioners, SOUTHWAY CONSTRUCTION COMPANY, a West Virginia corporation; SOLCO, INCORPORATED, a West Virginia corporation; and TRI-STATE GREYHOUND PARK LIMITED PARTNERSHIP, a West Virginia limited partnership, petition the City Council for the City of Nitro, West Virginia, to incorporate the aforesaid real estate by minor boundary adjustment.

SOUTHWAY CONSTRUCTION COMPANY,
a West Virginia corporation

By R. J. McCarroll
Its Secretary - Treasurer

SOLCO, INCORPORATED, a West
Virginia corporation

By R. J. McCarroll
Its Vice President & Secretary

TRI-STATE GREYHOUND PARK LIMITED
PARTNERSHIP, a West Virginia
limited partnership

By Robert T. Hagan
Its PRESIDENT MIDWAY CONTRACTORS, INC.
GENERAL PARTNER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

RESOLUTION 87-5

A RESOLUTION COMMEMORATING THE
WORK AND AWARDS ACHIEVED BY THE
NITRO WOMEN'S CLUB

WHEREAS, the federation of the West Virginia Women's Clubs had their 81st annual convention at the Greenbrier on March 20, and 21, 1987.

WHEREAS, the federation recognized the dedication and achievements of the Nitro Women's Club.

WHEREAS, the Nitro Women's Club won first place for the beautification and clean-up of Nitro.

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 the Nitro Women's Club for their work and devotion to the City of Nitro.

FURTHER RESOLVED, that a copy of this resolution be delivered to the Nitro Women's Club.

Passed by Nitro City Council the 21st day of April, 1987.

Arden D. Ashley
ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER

Rusty Cato
RUSTY CATO, COUNCILMAN AT LARGE

Mary Trout
MARY TROUT, COUNCILWOMAN AT LARGE

Olaf Walker
OLAF WALKER, COUNCILMAN AT LARGE

A. A. "Joe" Savilla
A. A. "JOE" SAVILLA, COUNCILMAN

Romie C. Hughart
ROMIE HUGHART, COUNCILMAN

Charles Miller
CHARLES MILLER, COUNCILMAN

Jim Hutchinson
JIM HUTCHINSON, COUNCILMAN

LIVING MEMORIAL TO WORLD WAR I

ZONING BOARD OF APPEALS MEETING

APRIL 14, 1987

The Zoning Board of Appeals met Tuesday, April 14, 1987, at 7:00 p.m. in Conference Chambers. Present were Cecil Lemma, Chairman, Tim Cook, Wade Austin, Don Baker, and Ken Mathes, Members of the Board. Also present were Jim Marrs, Building Inspector Bob Sergent and Councilman at Large Olaf Walker.

Following a complete and open discussion of the erection of a 8' x 12' sign as requested by Mr. Marrs, for J. A. Marr's Jewelry, the Zoning Board of Appeals issues a variance as to the size of the sign. However, the Board feels that the parking lot (owned by Marrs) is part of the jewelry store premises, and is not in violation of the zoning ordinance.

The Board recommends and suggests that the City Council give serious consideration in amending this particular section of the ordinance as well as the entire zoning ordinance.

CECIL LEMMA, CHAIRMAN

LEVY RATE SHEET

RATES OF LEVY LAID BY:

City of Nitro

(LEVYING BODY)

Kanawha/Putnam

(COUNTY)

AND APPROVED BY THE STATE TAX COMMISSIONER FOR COUNTY,
SCHOOL, OR MUNICIPAL PURPOSES FOR THE FISCAL YEAR BEGINNING
JULY 1, 87 IN ACCORDANCE WITH CHAPTER II, ARTICLE 8 OF THE
WEST VIRGINIA CODE, AS AMENDED.

	CURRENT LEVY RATE	EXCESS LEVY RATE	PUBLIC/PERM. IMPROVEMENT LEVY RATE	BOND LEVY RATE	TOTAL LEVY RATE
CLASS I	12.5	6.25			18.75
CLASS II	25	12.5			12.75
CLASSES III AND/OR IV	50	25			75

RATES ARE TO BE STATED IN CENTS PER 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 21 day of April, 1987
and APPROVED BY THE STATE TAX COMMISSIONER.Joan C. McClanahanCounty Clerk
Secretary, County Board of Education
Municipal Clerk or Recorder

NOTE: This form is to be submitted within three days after the governing body meets to lay the levy on the third Tuesday in April
DO NOT MAIL IT WITH THE BUDGET DOCUMENT. Retain the pink copy for your files and mail the white and yellow
copies (along with your Levy Order) to the State Tax Department, Chief Inspector Division, P. O. Drawer 89
Charleston West Virginia 25328. Upon receipt, one copy will be stamped "Approved" and forwarded to the assessor of
your county to be used in extending the levies.

LEVY ORDER

Prescribed by State Tax Commissioner

KANAWHA / PUTNAM

COUNTY

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

The governing body, having ascertained that the 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>12.5</u>)	(Class I Rate <u>6.25</u>)	(Class I Rate _____)	(Class I Rate _____)
Personal Property	\$ <u>3,404,966</u>	\$ <u>4,256</u>	\$ <u>2,128</u>	\$ _____	\$ _____
Public Utilities	\$ <u>524,200</u>	\$ <u>655</u>	\$ <u>328</u>	\$ _____	\$ _____
Total Class I	\$ <u>3,929,166</u>	\$ <u>4,911</u>	\$ <u>2,456</u>	\$ _____	\$ _____
<u>Class II Property</u>		(Class II Rate <u>25.0</u>)	(Class II Rate <u>12.5</u>)	(Class II Rate _____)	(Class II Rate _____)
Real Estate	\$ <u>18,773,029</u>	\$ <u>46,933</u>	\$ <u>23,466</u>	\$ _____	\$ _____
Personal Property	\$ <u>93,816</u>	\$ <u>235</u>	\$ <u>117</u>	\$ _____	\$ _____
Total Class II	\$ <u>18,866,845</u>	\$ <u>47,168</u>	\$ <u>23,583</u>	\$ _____	\$ _____
<u>Class III Property</u>		(Class III Rate _____)	(Class III Rate _____)	(Class III Rate _____)	(Class III Rate _____)
Real Estate	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Personal Property	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Public Utilities	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Total Class III	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
<u>Class IV Property</u>		(Class IV Rate <u>50.0</u>)	(Class IV Rate <u>25.0</u>)	(Class IV Rate _____)	(Class IV Rate _____)
Real Estate	\$ <u>14,779,429</u>	\$ <u>73,897</u>	\$ <u>36,949</u>	\$ _____	\$ _____
Personal Property	\$ <u>14,995,543</u>	\$ <u>74,978</u>	\$ <u>37,489</u>	\$ _____	\$ _____
Public Utilities	\$ <u>4,587,000</u>	\$ <u>22,935</u>	\$ <u>11,468</u>	\$ _____	\$ _____
Total Class IV	\$ <u>34,361,972</u>	\$ <u>171,810</u>	\$ <u>85,906</u>	\$ _____	\$ _____
<u>TOTAL ALL CLASSES</u>	\$ <u>57,157,983</u>	\$ <u>223,889</u>	\$ <u>111,945</u>	\$ _____	\$ _____

The above is a true copy from the records of orders made and entered by this entity on the 21 day of April, 1987.

Joan C. 1228 Clamshaw
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 to the State Tax Department, Chief Inspector Division, P. O. Drawer 2389, Charleston, WV 25328. Mail the yellow copy to the State Auditor, Capitol Bldg. Charleston, WV 25305.

LOITERING	65.00	15.00	500
FAILURE TO STOP ON COMMAND OF POLICE	50.00	15.00	500
PEEPING OR PEERING	125.00	15.00	500
LARCENY, PETIT	100.00	15.00	500
WHISKEY (POSSESSION OR SALE)	200.00	15.00	500
PROSTITUTION	200.00	15.00	500
RESISTING ARREST	100.00	15.00	500
SOLICITING ON STREET	100.00	15.00	500
TAMPERING WITH VEHICLE	100.00	15.00	500
TRESPASSING (PRIVATE OR CITY)	100.00	15.00	500
OPEN CONTAINER	50.00	15.00	500

*GJ = GRAND JURY

*MCA = MANDATORY COURT APPEARANCE

SPEEDING: MINIMUM \$15.00 COURT COST

	CASH BOND	COURT COST	PROPERTY BOND
NO INSURANCE	200.00	15.00	500
WILD RESTRAINT	25.00	15.00	
DEFECTIVE EQUIPMENT	50.00	15.00	500
DRIVING LEFT OF CENTER	25.00	15.00	500

	CASH BOND	COURT COST	PROPERTY BOND
ADULTRY	65.00	15.00	
ASSAULT	85.00	15.00	
ASSAULT, FELONIOUS	NONE		1,000 GJ
BRANISHING DEADLY WEAPON	100.00	15.00	500
BREAKING GLASS IN STREET	40.00	15.00	
BREAKING & ENTERING	NONE		1,000 GJ
BURGLARY	NONE		1,000 GJ
DESTRUCTION OF PROPERTY	200.00 MCA	15.00	1,000 MCA
DISORDERLY CONDUCT	75.00	15.00	500
DISTRUBING THE PEACE	65.00	15.00	500
INDECENT EXPOSURE	65.00	15.00	500
FIRECRACKERS (SALE, SHOOTING, POSSESSION)	40.00	15.00	500
GAMBLING - PRIVATE OR PUBLIC	60.00	15.00	500
INTERFERING WITH/OR OBSTRUCTING AN OFFICER	150.00	15.00	500
INTOXICATION	50.00	15.00	500
HOPLIFTING	200.00	15.00	500
LARCENY GRAND	NONE		1,000 GJ
LITTERING	135.00	15.00	500
LOITERING	65.00	15.00	500

DRIVING W/O OPERATORS IN POSSESSION	25.00	15.00	500
DRIVING WHILE LICENSE SUSPENDED OR REVOKED	200.00	15.00	500 MCA
DRIVING ON ANOTHERS OPERATORS LICENSE	100.00	15.00	500
DRIVING UNDER INFLUENCE	200.00 - 500.00	15.00	500
EXPIRED INSPECTION	30.00	15.00	500
EXPIRED OPERATORS	35.00	15.00	500
EXPIRED REGISTRATION	35.00	15.00	500
FAIL TO DIM LIGHTS	30.00	15.00	500
FAILURE TO GIVE PROPER HAND OR TURN SIGNAL	30.00	15.00	500
FAILURE TO HAVE VEHICLE UNDER CONTROL	50.00	15.00	500
FAILURE TO STOP ON COMMAND OF OFFICER	50.00	15.00	500
FAILURE TO YIELD TO EMERGENCY VEHICLE	50.00	15.00	500
FAILURE TO YIELD RIGHT-OF-WAY	50.00	15.00	500
FOLLOWING TOO CLOSE	40.00	15.00	500
FOUR IN FRONT SEAT	35.00	15.00	500
HAZARDOUS DRIVING	100.00	15.00	500
HIT AND RUN	250.00 MCA	15.00	500 MCA
IMPROPER REGISTRATION DISPLAY	35.00	15.00	500
LEAVING SCENE OF AN ACCIDENT	100.00	15.00	500
NO GOGGLES OR HELMET	35.00	15.00	500
PASSING IN NO PASSING ZONE	35.00	15.00	500
PASSING SCHOOL BUS LOADING OR UNLOADING	100.00	15.00	500
PERMITTING UNLICENSED PERSON TO DRIVE	50.00	15.00	500
RECKLESS DRIVING	150.00 MCA	15.00	500 MCA
RUNNING RED LIGHT	35.00	15.00	500
RUNNING STOP SIGN	35.00	15.00	500
RUNNING OVER FIRE HOSE	50.00	15.00	500
SPEEDING IN SCHOOL ZONE	50.00	15.00	500
U-TURN	35.00	15.00	500
SPEED RACING	100.00	15.00	500
WRONG WAY ON ONE WAY STREET	35.00	15.00	500

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 5, 1987

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley in Council Chambers at 7:30 p.m. 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 Treasurer Ralph Allison. Absent was City Attorney Phillip D. Gaujot.

The invocation was given by The Reverend Lawrence Hoptry.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 21, 1987 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved that the Council Meeting Minutes of April 21, 1987 be approved as written. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley stated that it was a tradition and a fun thing that the City of Nitro always picks from its residents, someone to pay special tribute to each month as our citizen of the month. Mayor Ashley proudly announced that the Citizen of the Month for May, 1987, is Councilman Romie Hughart. A large round of applause was given Councilman Romie Hughart. Mayor Ashley explained that Councilman Hughart is serving his third term on the Nitro City Council. He recently retired from C & P Telephone Company, he has been a volunteer around this community for a long time, has driven the senior citizen's van, he served eight years as a scoutmaster at the First Baptist Church, and is an Eagle Scout. Mayor Ashley added that Councilman Hughart is a member of the First Baptist Church, and appreciated Reverend Hoptry being with us this evening for this occasion. Councilman Hughart has served as President of the Nitro Lions Club, and has been active in Lionism for many years. Mayor Ashley quoted from Councilman Romie Hughart's wife, Edith Ann, "Romie has been a good friend to everyone and a very good Father to his four boys."

Councilman at Large Olaf Walker said that he has known Councilman Romie Hughart for a long time, and has worked with him in the Lions Club on a lot of Lions projects. Councilman Walker said that he has always found him to be a very conscientious, dedicated public servant, and he is someone who is worthy of this award and honor.

Councilman Charles Miller commented that he remembers one thing very distinctly about Councilman Hughart. Councilman Miller worked with him also in Lions. They were putting

Christmas lights up and Councilman Hughart's son, Charles, was assisting them. Councilman Miller said that Councilman Hughart thought he was talking to his Charles, who wasn't around at that time, and said, "Charlie honey hand me something." So, after this it was Charlie honey pretty much all the time.

Councilman A. A. "Joe" Savilla said that he too has some fond memories of Romie. He worked with him for a long time in the Lions Club, and when Councilman Savilla was first elected to the Nitro Council, it happened to be an election in which Councilman Hughart lost, but he thought enough to take Councilman Savilla out and introduce him to some people he knew, and pointed out some problem areas that existed in the City. Councilman Savilla mentioned that he has never forgotten that. Councilman Savilla stated that anytime that he has had a problem in his ward, Councilman Hughart has been happy to work with him. Councilman Savilla said that they haven't always agreed on every subject at the Council Meeting, but they have always left as friends and he feels they always will be.

Councilman Jim Hutchinson said that he too wanted to congratulate Councilman Hughart, and it has been a pleasure working with him.

City Recorder Joan McClanahan said that she considered herself very fortunate to have the entire Hughart family as friends.

Councilman Romie Hughart expressed his thanks. Mayor Ashley said that he thinks the thanks go from us to him, and appreciates everything that Councilman Hughart has done for the community. Mayor Ashley also expressed his appreciation to the family of Councilman Hughart for coming to the Council Meeting this evening.

Mayor Ashley requested we move Agenda Item 9 to the next item on the agenda.

AGENDA ITEM NO. 9 - PROPOSAL FOR RESCHEDULING NEXT COUNCIL MEETING TO MAY 26: - Mayor Ashley said that it had been suggested we move the Council Meeting from May 19 to May 26, 1987. Councilman A. A. "Joe" Savilla moved we approve the rescheduling of the meeting from May 19, to May 26, 1987, as several Councilmembers will be out of town. The motion was seconded. A vote was taken and it was unanimous. A public notice will be given.

AGENDA ITEM NO. 2 - TRI-STATE DOG RACING TRACK ORDINANCE: - Mayor Ashley said that we have first to consider a request by the petitioners on the ordinance that was acted upon at the time of the last meeting to withdraw their petition that was previously acted upon as the first reading of an ordinance. City Recorder Joan McClanahan read the motion to withdraw the petition. (Attached.) Councilman at Large Olaf Walker moved that this document be made a part of these minutes, and that their request

be granted. The motion was seconded. A vote was taken and it was unanimously approved, and Council will take no further action on that petition and ordinance.

Mayor Ashley said as a part of that same transaction, we have instead a petition, accompanied by an ordinance formed consistent with that petition, from the same principals directed to the Council. Mayor Ashley read the petition title and ordinance title and then opened the floor for action by the Council. Councilman Romie Hughart moved we accept the ordinance as written which will constitute the first reading of this ordinance. The motion was seconded. There being no discussion of the first reading of this ordinance petitioning for annexation, a vote was taken and it was unanimously approved on the first reading. Mayor Ashley informed that he was going to request a public hearing be conducted on the occasion of the next Council Meeting to be held May 26, at 6:30 p.m., given the gravity of this particular question to the City, and to make sure that if there is anyone withstanding that might have opposition to this petition for annexation, to be given an opportunity to address the Council. A legal advertisement will be prepared to this effect, and published in the local newspapers.

COPY OF PETITION AND ORDINANCE ATTACHED.

AGENDA ITEM NO. 4 - CONCESSION RIGHTS FOR 1987 AT THE POOL: City Recorder Joan McClanahan informed that the City advertised for bids for concession rights at the Nitro City Pool. We received one bid and that was from Better Foods, Inc., dba Gino's. She advised that they did have the concession rights last year and it worked out well, and moved we accept their bid. The motion was seconded. Councilman at Large Rusty Casto asked what percentage the City would receive, and City Recorder Joan McClanahan advised it would be 15 percent. Councilman A. A. "Joe" Savilla said that he would like for us to receive more bids next year, but these people do an excellent job. A vote was taken to accept the bid we received for the continuation of service by Gino's at our swimming pool concession, and it was unanimous.

AGENDA ITEM NO. 5 - SWIMMING POOL EMPLOYEES FOR 1987: - City Recorder Joan McClanahan furnished Councilmembers a list of the recommendation of the 1987 pool employees. As indicated by the list, all but 2 lifeguards have been employed by the City for a minimum of two years and some even longer. City Recorder Joan McClanahan added that last year was her first year in working with the pool employees, and that all things considered, it went very well. As noted, all lifeguards have current certifications from the American Red Cross in Multimedia Standard First Aid, Advanced Lifesaving and Water Safety and Basic CPR. City Recorder Joan McClanahan moved that the list of pool employees be accepted. The motion was seconded. A vote was taken and it was unanimous.

The following is a list of pool employees for the 1987 season:

POOL CASHIERS

IVY BAILES (4)
CHARLOTTE HILL (3)
EVELYN SHEPHARD (2)

LIFEGUARDS

STEPHANIE TROUT (HEAD LIFEGUARD) (6)
TODD MCGREW (3)
MIKE SMITH (2)
BETH NEGLEY (2)
CATHY HOPTRY (2)
CHRIS HOPTRY (2)
KEVIN DYE (1)
CHRISTY WESTLUND (1)

() REPRESENTS YEARS OF SERVICE

AGENDA ITEM NO. 6 - ORDINANCE - FINES & PUNISHMENT FOR MUNICIPAL ORDINANCE VIOLATIONS (2ND READING): - Mayor Ashley said this item is a carry over from the last Council Meeting in which there was a recommendation made by an ad-hoc committee on fines and punishments for municipal ordinance violations, and there was an earlier approval on the first reading. What we had hoped to have and made a part of, prior to the second reading was specific reviews of each recommendation by our City Attorney Phillip D.Gaujot. However, given the time requirements on his evaluation on the annexation questions and the time spent on it, he advised that he has not had an opportunity to give specific review to these recommendations. Mayor Ashley said that since this was part of the earlier motion, he feels it would be appropriate at this time not to act upon this ordinance on the second reading. Mayor Ashley said that it was his understanding that it would not pose a problem, and would not require any action by the Council. Mayor Ashley asked Councilman Charles Miller, Chairman of the Committee, if he had any objections and he answered that he did not.

AGENDA ITEM NO. 7 - BID OPENING - 1 MOBILE FIRE APPARATUS: - Mayor Ashley informed that in Councilmembers folders, they were furnished a summary of the bids received. Chief Hedrick requests we accept the bid from Alleghney Fire Equipment, the lowest bidder, for \$53,994 under a lease purchase plan. Sgt. Steve Hardman from the Nitro Fire Department and City Treasurer Ralph Allison were present should Council have any questions. Mayor Ashley said that the one thing that he would point out before asking Council to take specific action, is that in our budget for next year, there was a lessor amount of money made available for the acquisition of that piece of equipment. Therefore, Mayor Ashley wasn't sure whether or not we can get the equipment that the fire department really needs for the amount of money

approved.

Councilman A. A. "Joe" Savilla asked Sgt. Hardman why specifically we want to accept the lowest bid which was from Allegheny Fire Equipment, and wanted to know if they feel it is the best piece of equipment for the money? Sgt. Hardman answered that it met all the specifications. Then Councilman Savilla asked if he thought it would do as good a job as the equipment costing \$62,000, and Sgt. Hardman answered that it would; that all specs were all the same. Sgt. Hardman stated that all the trucks were just about exactly the same. Mayor Ashley then stated that all fire trucks are pretty much custom made, that you don't get any finished product, just the basic unit, and asked Sgt. Hardman if this was correct. Sgt. Hardman answered that this was correct. Councilman Savilla then asked if we could come up with the money on a lease purchase, and City Treasurer Ralph Allison answered that he feels it would be tough. He said that there are some things that might happen that would possibly generate some more revenue that we might be able to do that, but as it stands now it would be tough for us to work it into the budget we have for next year. Mayor Ashley added that there is a lead time from the time we make a commitment to contract, until the delivery of the equipment. It is also important to understand that by virtue of entering into the contract we are essentially moving that purchase up into this fiscal year which concerns Mayor Ashley very much. He wasn't sure if it would be a legal transaction even though Council would give their approval, to enter into the contract before the end of this fiscal year without encumbering this year illegally. Councilman A. A. "Joe" Savilla asked that if we moved to approve this, we would have to stipulate that this is to be purchased within the next fiscal year. Councilman Romie Hughart said that the lease purchase agreement gives us a little protection. If after five years and we don't have the money, then they would just repossess it. Councilman Romie Hughart asked if this equipment was a four-wheel drive, and Sgt. Hardman answered that it was. Councilman Hughart then said primarily we are getting it for our hill area, and hopefully we will have some more hill area and he feels we need it. Councilman A. A. "Joe" Savilla agreed, and then said that this brings up the problem we have on Bailes Drive, as we couldn't get a conventional fire truck up there now. However, the Quick-Hit Fire truck would be able to go up there. City Treasurer Ralph Allison asked Sgt. Hardman what would be the delivery date, and Sgt. Hardman answered that he thought they said 90 to 120 days after agreement. City Treasurer Ralph Allison stated that he agreed that we do need this equipment, but suggested we defer this commitment until a little bit later on until we see if some of these others things are going to happen, if it would not require us going out for bids again. Mayor Ashley stated that we could do this without going out for bids again, and part of their strategy was to get these bids in early so that we wouldn't have to start all this after the first of July. Councilman at Large Olaf Walker asked if the bids received had an expiration date, and Sgt. Hardman said they did, but he wasn't sure what they were. Chief Hedrick had the bids in his

office. City Treasurer Ralph Allison asked if there was a down payment required, and the answer was no. City Recorder Joan McClanahan informed that the first payment was not due until 12 months after the anniversary date of delivery. Sgt. Hardman obtained the bid documents and on the Allegheny Fire Equipment they reserve the right to withdraw their proposal if not accepted within 30 days from April 20. Councilman A. A. "Joe" Savilla said that since the first payment is twelve months from the date of purchase, would it be proper to make a motion and stipulate we place this bid to be ordered after the start of the new fiscal year as he didn't see that it would be a problem because a lot of things could happen between now and then. City Treasurer Ralph Allison informed that if that's the case, then it wouldn't come out of next years budget. Councilman A. A. "Joe" Savilla moved we approve the purchase of the Allegheny Fire Equipment Quick-Hit truck. The motion was seconded. Councilman Charles Miller asked if it was legal for us to do this for this fiscal year putting next fiscal year in debt, and Mayor Ashley answered that virtue of the approval of this motion authorization has been made to enter into the agreement, but it does not constitute actually entering into the agreement. The official action to commit funds out of this fiscal year will have to be delayed until after the 1st of July, 1987, with the understanding that it is acceptable that this bid be held open and firm. With the understanding that Council has already given their approval, the contracting would take place after the first of July. Councilman at Large Olaf Walker stated that he was going to support the motion because he feels that even though it is going to put pressure on our budget, it will enhance our fire department's capabilities. Also, it may help us if certain events hold up in six or eight weeks, he feels this equipment would probably be needed. Councilman Walker stated that he was not supporting this on the basis of any anticipated revenues that might come from that happening, but he feels we need the equipment and it will aid the fire department in a lot of ways. Also, in case this annexation does hold up, it will be a much needed piece of equipment. Councilman Walker said that he hopes that if we have anything in the future that comes before Council to spend money, that we will be a little bit reluctant to approve any further expenditure until we know that we can met the additional \$14,000. The budget for next year currently contains \$40,000. Councilman Savilla advised that originally the \$40,000 would cover the cost, but the longer we wait the more this piece of equipment will cost. A vote was taken to grant approval to commit to acquiring the equipment so as not to encumber our finances until the next fiscal year, and it was unanimous. Mayor Ashley requested Sgt. Hardman leave the bid with Eve Frazier and the City Treasurer Ralph Allison will contact them to make sure they will hold that bid open for us. If there is any problem, a special meeting of Council will be called to address this, as we don't want the fire truck to get away.

AGENDA ITEM NO. 8 - RES. 87-6 COMMEMORATING POLICE POLICE WEEK - MAY 10, THROUGH MAY 16, 1987: - Mayor Ashley read the above numbered resolution commemorating police week from May 10,

through May 16, 1987. Councilman A. A. "Joe" Savilla moved we adopt the resolution. The motion was seconded. Mayor Ashley said that it was a long resolution, but he thinks too often we take for granted those people who serve the communities in manners in which their lives are placed in jeopardy and they do it for the well being of other people. It is a job that is very demanding, and it calls for a mixture of courage and decency that is important to any community. Mayor Ashley commented that our police department performs as professionally as any he has known, and we have a good department to be proud of. He complimented the Chief on the work that they do in the community making this a safer place. A vote was taken to adopt the resolution and it was unanimous.

RESOLUTION 87-6 ATTACHED.

Mayor Ashley reminded everyone of the Bicentennial program for May. Ben Franklin will be performing on May 11, at St. Paul's United Methodist Church as a part of our Bicentennial program celebration. This will be a super program. Of all the professional actors coming in, this is supposed to be the quality program of that series. On West Virginia Day, June 20, we are having the Earl of Elkview with us. His program will be presented at the Nitro Moose Park out Blake Creek Road. They are planning on hosting free hot dogs and drinks focusing on the senior citizens. Advanced registration is suggested because they are anticipating a crowd of 800 people. Mayor Ashley encouraged all Councilmembers to be a part of that program if they can. There has been a military program planned for the last week of August for our Bicentennial celebration. In September, we will begin our school competition.

Councilman A. A. "Joe" Savilla informed that in the lower end of Nitro, there are a lot of children attending Poca High School. They have a group of young people called the "Poca High School Melodaries". They went to the State Show Choir Festival in March, and they took the first superior rating in the state. There were three superior ratings given, and Poca took the first. This competition was against A, AA, AAA schools. They are one of the top three show choirs in the state of West Virginia. In the latter part of April, they went to New York City to the New York, New York Music Festival which is the largest show choir festival in the United States. Two of the judges are from the Columbia School of University School of Music and Northwestern School of Music, which are two of the finer institutions in our country. Poca took the only gold ribbon out of schools representing ten states. The host school was eight stories tall, and equipped with elevators. There were schools from ten states all over the country including Virginia, West Virginia, New York, South Carolina, Illinois and Virginia. Poca took top honors at this festival and received a gold ribbon and the first place award. Out of 65,000 students representing show choirs, there has only been around eight percent that has ever achieved the gold ribbon. Councilman Savilla informed that he and Councilman Walker had the pleasure of hearing this group and they are a dynamic out-going

group of young people. Councilman Savilla feels they deserve some publicity and their Director Ken Edwards deserves some recognition. Councilman Savilla suggested we incorporate them into our program with Ben Franklin if their schedule permits.

Councilman A. A. "Joe" Savilla requested we name the Poca Melodaries and their director, co-citizens of the month for June. Mayor Ashley said that he thinks that the creditals that Councilman Savilla just numerated, it would be wonderful to get some publicity for them, and Nitro should do its' part. Mayor Ashley said that he accepts the challenge, and perhaps between them they can work out some proper recognition award for that group. Councilman at Large Olaf Walker mentioned that maybe we could recognize the group on the part of City Government for their achievements by resolution or a special recognition award.

Mayor Ashley invited the Poca Melodaries to perform at our Memorial Day service on the morning of Monday, May 25. Councilman Savilla will check to see if they are available.

Councilman at Large Olaf Walker commended Building Inspector Bob Sergeant for all the letters he writes residents to mow their grass and clean up around their houses. Councilman Walker then suggested that since it is a form letter, a form be created to show the date the letter was mailed, violation of ordinance and compliance, with this being furnished to Councilmembers instead of a copy of the letter. This would save on duplicating costs. Mayor Ashley suggested this information be put on the computer and furnished to Council once a month.

Mayor Ashley reported that plans for the river parade on Memorial Day are being completed. Five cities are co-hosting a river parade to start in Nitro. It will include all the paddle wheelers. The P. A. Denney will be in the parade and advanced tickets can be bought to ride the P. A. Denney in this parade. Nitro will have a boat. Johnny Johnson is offering his houseboat, and it will be decorated. The theme of the parade is "We the People". Mayor Ashley stated that we are expecting at least a hundred boats; they will be at least sixteen feet in length. There is an entry fee. Information and fliers will be handed out throughout the City.

BAILLES DR. REPORT: - Councilman A. A. "Joe" Savilla furnished Councilmembers a copy of a letter received by Gene Williams from Robert Flack stating that there is an existing right-of-way on the Jack Cochran property. He said that Nitro could use this right-of-way on a temporary basis for use during construction on Bailes Drive. Councilman Savilla informed that he had talked with the Putnam County Commission, they had talked with Governor Moore, and he offered no help on the Bailes Drive problem since it was in the City of Nitro. Councilman Savilla said that he explained to them that about 15 to 20 of the homes that used that road are out of the city limits. So the Putnam County Commissioners and the people from the State Road Garage in Putnam County are going to contact Gene Williams, Director of

the Department of Public Works, this week to make arrangements to see what they can do on a cooperative basis between the City and the State to upgrade the road for emergency use to get vehicles in and out in case the slip on Bailes Drive gets worse. Mayor Ashley told Councilman Savilla that he appreciated his work with the Putnam County Commission on behalf of those people both in the City and beyond the city's limits.

There being no further business, the meeting was adjourned at 8:25 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER

BEFORE THE CITY COUNCIL
FOR THE CITY OF NITRO, WEST VIRGINIA

SOUTHWAY CONSTRUCTION COMPANY,
a West Virginia corporation,
SOLCO, INCORPORATED, a West
Virginia corporation, and
TRI-STATE GREYHOUND PARK LIMITED
PARTNERSHIP, a West Virginia
limited partnership,

Petitioners.

MOTION TO WITHDRAW PETITION

Come now the petitioners, SOUTHWAY CONSTRUCTION COMPANY, a West Virginia corporation, SOLCO, INCORPORATED, a West Virginia corporation, and TRI-STATE GREYHOUND PARK LIMITED PARTNERSHIP, a West Virginia limited partnership, and hereby move the City Council of the City of Nitro, West Virginia, to withdraw the Petition heretofore filed with the City of Nitro on the 21st day of April, 1987.

SOUTHWAY CONSTRUCTION COMPANY,
a West Virginia corporation

Taken, subscribed and sworn
to before me, the undersigned
author. by, this 5 day of May
1987.
Paul Ferguson
my Commission expires
December 31, 1996

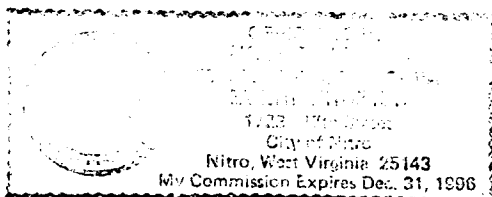
By R.S. McDavid R.S. McDavid
Its President

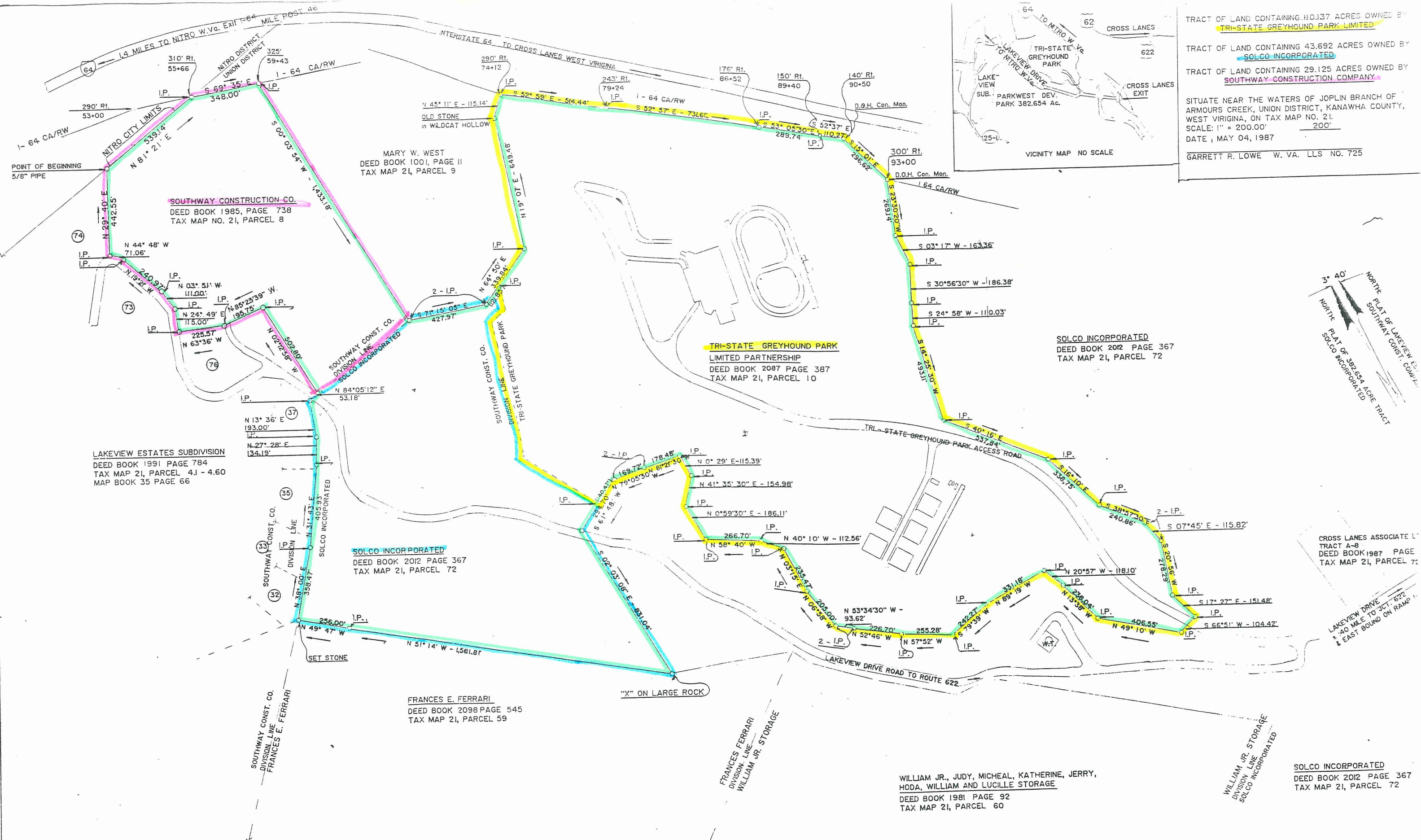
SOLCO, INCORPORATED, a West
Virginia corporation

By R.S. McDavid R.S. McDavid
Its President

TRI-STATE GREYHOUND PARK LIMITED
PARTNERSHIP, a West Virginia
limited partnership

By D.K. Baxter D.K. Baxter
Its Vice President of Midway Contractors,
Inc., General Partner





BEFORE THE CITY COUNCIL
OF THE CITY OF NITRO, WEST VIRGINIA

SOUTHWAY CONSTRUCTION COMPANY,
a West Virginia corporation,
SOLCO, INCORPORATED, a West
Virginia corporation, and
TRI-STATE GREYHOUND PARK LIMITED
PARTNERSHIP, a West Virginia
limited partnership,

Petitioners.

AMENDED FREEHOLDERS' PETITION

1. Come now the petitioners, SOUTHWAY CONSTRUCTION COMPANY, a West Virginia corporation, SOLCO, INCORPORATED, a West Virginia corporation, and TRI-STATE GREYHOUND PARK LIMITED PARTNERSHIP, a West Virginia limited partnership, and petition the City of Nitro, West Virginia, that the following described real estate be annexed to the City of Nitro, pursuant to Chapter 8, Article 6, Section 5, of the West Virginia Code of 1931, as amended, situate and lying adjacent to the City of Nitro, West Virginia, containing 182.954 acres, more or less, and being more particularly bounded and described as set forth on Exhibit "A" attached hereto, and more fully shown upon an accurate survey entitled, "Map Showing Tract of Land Containing 110.137 Acres Owned By Tri-State Greyhound Park Limited Tract of Land Containing 43.692 Acres Owned By Solco Incorporated Tract of Land Containing 29.125 Acres Owned By Southway Construction Company Situate Near the Waters of Joplin Branch of Armours Creek, Union District, Kanawha County, West Virginia, on Tax Map No. 21," dated May 4, 1987, made by Garrett R. Lowe, L.L.S., a copy of which map is submitted with this petition.

2. The petitioners further state that they are all freeholders of the additional territory that is herein petitioned to be annexed to the City of Nitro, and constitute sixty percent (60%) or more of the freeholders within said additional territory, and further aver that the additional territory proposed to be annexed into the City of Nitro conforms to the requirements of Chapter 8, Article 6, Section 5, of the West Virginia Code of 1931, as amended.

WHEREFORE, the petitioners petition the City Council of the City of Nitro, West Virginia, to incorporate the aforesaid real estate by ordinance; to enumerate and verify the total number of freeholders in said additional territory; consider the petition to be sufficient in every respect; enter such fact upon the City Journal and forward a certificate to that effect to the County Commission of Kanawha County, West Virginia; and for such other and further acts as are required by Chapter 8, Article 6, Section 5 of the West Virginia Code of 1931, as amended.

SOUTHWAY CONSTRUCTION COMPANY, a
West Virginia corporation

By: *R. J. McCard*
Its: PRESIDENT

SOLCO, INCORPORATED, a West Virginia
corporation

By: *R. J. McCard*
Its: PRESIDENT

TRI-STATE GREYHOUND PARK LIMITED
PARTNERSHIP, a West Virginia limited
partnership

By: *[Signature]*
Its: [Signature]

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, TO-WIT:

R. S. McDavid of SOUTHWAY CONSTRUCTION COMPANY, a West Virginia corporation, being first duly sworn, upon his oath says that he is an officer of one of the petitioners in the foregoing Amended Freeholders' Petition, and that he has read the same and the facts and allegations therein contained are true, except insofar as they are therein stated to be upon information and belief, and that insofar as they are therein stated to be upon information and belief, he believes them to be true.

SOUTHWAY CONSTRUCTION COMPANY,
a West Virginia corporation

By: R. S. McDavid
Its: PRESIDENT

Taken, subscribed and sworn to before me, the undersigned authority, this 5th day of May, 1987.

My commission expires: May 25, 1987.

Paula L. Bradley
NOTARY PUBLIC

Commissioned Paula L. Bradley

(SEAL)

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, TO-WIT:

R. S. McDAVID of SOLCO, INCORPORATED,
a West Virginia corporation, being first duly sworn, upon his
oath says that he is an officer of one of the petitioners in the
foregoing Amended Freeholders' Petition, and that he has read the
same and the facts and allegations therein contained are true,
except insofar as they are therein stated to be upon information
and belief, and that insofar as they are therein stated to be
upon information and belief, he believes them to be true.

SOLCO, INCORPORATED, a West
Virginia corporation

By: R. S. McDavid
Its: PRESIDENT

Taken, subscribed and sworn to before me, the undersigned
authority, this 5th day of May, 1987.

My commission expires: May 25, 1987.

Paula L. Bradley
NOTARY PUBLIC

Commissioned: Paula L. Bradley

(SEAL)

STATE OF WEST VIRGINIA,

COUNTY OF Kanawha, TO-WIT:

Thomas K. Baxter of TRI-STATE GREYHOUND PARK LIMITED PARTNERSHIP, a West Virginia limited partnership, being first duly sworn, upon his oath says that he is an officer of one of the petitioners in the foregoing Amended Freeholders' Petition, and that he has read the same and that the facts and allegations therein contained are true, except insofar as they are therein stated to be upon information and belief, and that insofar as they are therein stated to be upon information and belief, he believes them to be true.

TRI-STATE GREYHOUND PARK LIMITED PARTNERSHIP, a West Virginia limited partnership

By: [Signature]

Its: [Signature]

Thomas K. Baxter
Partner

Taken, subscribed and sworn to before me, the undersigned authority, this 5th day of May, 1987.

My commission expires: May 25, 1987.

Paula L. Bradley
NOTARY PUBLIC

Commissioned: Paula L. Bradley

(SEAL)

EXHIBIT "A"

Point of beginning at a 5/8" iron pipe (found being in the line of the Nitro corporate boundary and in the line of Lakeview Estate Subdivision, recorded in Map Book 35 at page 66, and the northeast corner of Lot No. 74, Union District, Kanawha County, West Virginia, on Tax Map No. 21, Parcel 4.1-4.60, with the plat bearing from "Lakeview Estates Subdivision"); thence, with the northern common division line of said Lakeview Estates Subdivision and the Nitro corporate boundary N 81° 21' E a distance of 539.14' to an I.P. being in the southern R/W of Interstate 64 at 310' right of Station 55+66; thence, with said I-64 R/W S 69° 35' E - 348.00' to an I.P. being 325' right of Station 59+43, and the northwest corner of Mary W. West property, recorded in Deed Book 1001 at page 11 on Tax Map No. 21, Parcel 9; thence, with the western common division line of Mary W. West S 00° 03' 54" W - 1,433.18' to an I.P. in an old fence line being the southeast corner of Southway Construction Company, recorded in Deed Book 1991; at page 784 on Tax Map No. 21, Parcel 8, and the northwest corner of Solco, Incorporated property recorded in Deed Book 2012 at page 367 on Tax Map No. 21, Parcel 72; thence; with the bearing from the plat of the 382.654 acre tract of Solco, Inc., leaving Southway Construction Company property and with the common division line of Solco, Inc. and Mary W. West property S 71° 15' 05" E - 427.97' to an I.P.; thence, N 64° 50' E - passing an I.P. at 121.85' to a corner of the Tri-State Greyhound Park property, recorded in Deed Book 2087 at page 387 on Tax Map No. 21, Parcel 10, in all 339.84' to an I.P.; thence, with the common division line of Tri-State Greyhound Park and Mary W. West property N 19° 07' E - 649.48' to an old stone in Wild Cat Hollow; thence, N 45° 11' E - 115.14' to an old iron pin being the northeast corner of Mary West property and in the western R/W of Interstate I-64 290 ft. right of Station 74+12; thence, Leaving Mary West property and with the westerly common R/W of I-64 S 52° 59' E - 514.44' to an I.P. at 243 ft right of Station 79+24; thence, S 52° 57' E - 731.61' to an I.P. being 176 ft right of Station 86+52; thence, S 53° 05' 30" E - 289.74' to an I.P. being 150 ft right of Station 89+40; thence, S 52° 37' E - 110.27 to a D.O.H. concrete monument at 140 ft right of Station 90+50; thence, S 15° 01' E - 296.62' to a D.O.H. concrete monument being 300 ft right of Station 93+0; thence, Leaving the western R/W of I-64 S 23° 30' 20" W - 269.14' to an I.P.; thence, S 03° 17' W - 163.36' to an old iron pin in concrete; thence, S 30° 56' 30" W -

186.38; to an I.P.; thence, S 24° 58' W - 110.03' to an I.P.; thence, S 14° 25'30" W - 493.11 to an I.P.; thence, S 40° 16' E - 537.84' to an I.P.; thence, S 16° 10' E - 338.75' to an I.P. being in the common division line of Noell Bland property recorded in Deed Book 1918 at page 475 on Tax Map No. 21, Parcel 62.1; thence, S 38° 57'30" E - 240.86' to an I.P.; thence, S 07° 45' E - 115.82' to an I.P.; thence, S 20° 56' W - 278.29' to an I.P.; thence, S 17° 27' E - 151.48' to an I.P. being in the eastern R/W of Tri-State access road; thence, crossing said Tri-State access road S 66° 51' W - 104.42' to an I.P.; thence, N 49° 10' W - 406.55' to an I.P.; thence, N 13° 38' W - 236.04' to an I.P.; thence, N 20° 57' W - 118.10' to an I.P.; thence, N 89° 19' W - 331.18' to an I.P.; thence, S 79° 39' W - 242.27' to an I.P.; thence, N 57° 52' W - 255.28' to an I.P.; thence, N 52° 46' W - 226.70' to an I.P.; thence, N 53° 34'30" W - 93.62' to an I.P.; thence, N 06° 58'00" W - 205.00' to an I.P.; thence, N 03° 15" E - 235.47' to an I.P.; thence, N 40° 10' W - 112.56' to an I.P.; thence, N 58° 40' W - 266.70' to an I.P.; thence, N 00° 59'30" E - 186.11' to an I.P.; thence, N 41° 35'30" E - 154.98' to an I.P.; thence, N 00° 29' E - 115.39' to an I.P.; thence, N 81° 21'30" W - 178.48' to an I.P.; thence, N 79° 05'30" W - 169.72' to an I.P.; thence, S 61° 48' W - Passing an I.P. at a corner of said Tri-State Greyhound Park at 140.47', in all 294.70' to a point in the northern R/W of Lakeview Drive; thence, through Solco, Incorporated property S 02° 03'08" E - 831.04' to a "X" on a large rock in the northern property line of Frances E. Ferrari property recorded in Deed Book 2098 at page 545 on Tax Map No. 21, Parcel 59; thence, with the common division line of Solco, Inc. and Frances E. Ferrari N 51° 14' W - 1,561.81' to an I.P.; thence, N 49° 47' W - 256.00' to a set stone being the northwest common corner of Frances Ferrari and the southwest corner of Solco, Inc., also the southeast corner of Lot No. 32 of Lakeview Estate Subdivision, recorded in Map Book 35 at page 66 on Tax Map No. 21; thence, leaving Frances E. Ferrari property and with the eastern common division of Lots No. 32, 33, 35 and 37 and the western division of Solco, Inc. N 38° 00' E - 358.47' to an I.P.; thence, N 31° 43' E 405.93' to an I.P.; thence, N 27° 28' E - 134.19' to an I.P.; thence, N 13° 36' E - 193.00' to an I.P.; thence, being in the western corner of Lakeview Estate Subdivision; thence, crossing Lakeview Drive road N 84° 05'12" E - 53.18' to a point in the eastern R/W of Lakeview Drive; thence, leaving said Solco, Inc. and with the plat bearing of Lakeview Estate Subdivision plat a new division line through Southway Construction Company N 02° 12'58" W 502.80' to an I.P.; thence, N 85° 23'39" W - 195.75' to an I.P. being in the northeast corner of Lot No. 76; thence, with the northern common division line of Lot No.

76 N 63° 36' W - 225.57' to an I.P. in the eastern R/W of Lakeview Drive R/W; thence, with the eastern R/W of Lakeview Drive N 24° 49' E - 115.00' to an I.P.; thence, N 03° 51' W - 111.00' to an I.P.; thence, N 19° 11' W - 240.97' to an I.P.; thence, N 44° 48' W - 71.06' to an I.P.; thence, being the southeast corner of Lot No. 74; thence, with the eastern common division line of Lot No. 74 N 29° 40' E - 442.55' to the point of beginning containing 182.954 acres more or less.

ORDINANCE NO. 87-3

AN ORDINANCE TO ANNEX A CONTIGUOUS UNINCORPORATED TERRITORY TO AND BECOME PART OF THE CITY OF NITRO, A MUNICIPAL CORPORATION, KANAWHA COUNTY, WEST VIRGINIA, BY ORDINANCE AND PURSUANT TO CHAPTER 8, ARTICLE 6, SECTION 5 OF THE WEST VIRGINIA CODE OF 1931, AS AMENDED

BEFORE THE CITY COUNCIL OF THE CITY OF NITRO, TO-WIT:

WHEREAS, on the 5th day of May, 1987, a duly verified Amended Freeholders' Petition was filed with the City of Nitro, petitioning the City of Nitro to annex the hereinafter described contiguous unincorporated territory to and become part of the City of Nitro, a municipal corporation, Kanawha County, West Virginia; and

WHEREAS, the area of proposed annexation does not lie within any existing municipality; and

WHEREAS, the area of proposed annexation lies within Kanawha County, West Virginia; and

WHEREAS, the area of proposed annexation is contiguous with the City of Nitro, West Virginia; and

WHEREAS, the petitioners constitute at least sixty percent (60%) of all freeholders of such additional territory; and

WHEREAS, the City of Nitro has determined the number of eligible petitioners in the territory, and an accurate survey map showing the metes and bounds description of such additional territory has been prepared, and is attached to the petitioners' Amended Petition and to this Ordinance; and

WHEREAS, the City Council of the City of Nitro has determined that the annexation is proper by Ordinance; and

WHEREAS, the City Council of the City of Nitro has determined that the petitioners' Amended Petition is proper and sufficient in all respects; and

WHEREAS, the City Council of the City of Nitro, West Virginia, has determined that the additional territory proposed to be annexed conforms to the requirements of Chapter 8, Article 6, Section 5 of the West Virginia Code of 1931, as amended; and

WHEREAS, the City Council of the City of Nitro has no reason to believe that the freeholders of such additional territory are substantially opposed to the proposed boundary change; and

WHEREAS, the City Council of the City of Nitro finds the proceedings to be in all other respects proper, legitimate and reasonable.

WHEREFORE, be it ORDAINED by the City Council of the City of Nitro, West Virginia, that:

1. The petitioners' Amended Petition heretofore tendered to the City Council is hereby ordered filed.
2. The area proposed to be annexed into the City of Nitro does not lie within any existing municipality.
3. The area proposed to be annexed into the City of Nitro is situate in Kanawha County, West Virginia.
4. The area proposed to be annexed into the City of Nitro is contiguous to the City of Nitro, West Virginia.
5. The Amended Petition heretofore filed is in all respects proper and is in conformity with Chapter 8, Article 6, Section 5 of the West Virginia Code of 1931, as amended.

6. The area proposed to be annexed into the City of Nitro conforms to the applicable requirements of Chapter 8, Article 6, Section 5 of the West Virginia Code of 1931, as amended.

7. The City Council of the City of Nitro, West Virginia, shall hold a public hearing on the petitioners' Amended Petition at 6:30 p.m., Local Prevailing Time, on May 26, 1987, at the Council Chambers, City Hall, Nitro, West Virginia. The City Recorder shall cause a notice of the public hearing to be published in a newspaper of general circulation in the City of Nitro, West Virginia.

8. The Mayor, the City Recorder and any other appropriate officer of the City is hereby authorized to take any and all actions necessary or desirable to carry out the provisions of this Ordinance.

9. The area and/or territory situate and lying adjacent to the City of Nitro, West Virginia, containing 182.954 acres, more or less, and being more particularly bounded and described as set forth on Exhibit "A" attached hereto, be, and the same hereby is, annexed into the City of Nitro, a West Virginia municipality.

Passed on First Reading	<u>May 5, 1987</u>
Adopted on Second Reading	<u>May 26, 1987</u>

: *Archie D. Ashley*
MAYOR

Joan C. McManabane
CITY RECORDER

EXHIBIT "A"

Point of beginning at a 5/8" iron pipe (found being in the line of the Nitro corporate boundary and in the line of Lakeview Estate Subdivision, recorded in Map Book 35 at page 66, and the northeast corner of Lot No. 74, Union District, Kanawha County, West Virginia, on Tax Map No. 21, Parcel 4.1-4.60, with the plat bearing from "Lakeview Estates Subdivision"); thence, with the northern common division line of said Lakeview Estates Subdivision and the Nitro corporate boundary N 81° 21' E a distance of 539.14' to an I.P. being in the southern R/W of Interstate 64 at 310' right of Station 55+66; thence, with said I-64 R/W S 69° 35' E - 348.00' to an I.P. being 325' right of Station 59+43, and the northwest corner of Mary W. West property, recorded in Deed Book 1001 at page 11 on Tax Map No. 21, Parcel 9; thence, with the western common division line of Mary W. West S 00° 03' 54" W - 1,433.18' to an I.P. in an old fence line being the southeast corner of Southway Construction Company, recorded in Deed Book 1991; at page 784 on Tax Map No. 21, Parcel 8, and the northwest corner of Solco, Incorporated property recorded in Deed Book 2012 at page 367 on Tax Map No. 21, Parcel 72; thence, with the bearing from the plat of the 382.654 acre tract of Solco, Inc., leaving Southway Construction Company property and with the common division line of Solco, Inc. and Mary W. West property S 71° 15' 05" E - 427.97' to an I.P.; thence, N 64° 50' E - passing an I.P. at 121.85' to a corner of the Tri-State Greyhound Park property, recorded in Deed Book 2087 at page 387 on Tax Map No. 21, Parcel 10, in all 339.84' to an I.P.; thence, with the common division line of Tri-State Greyhound Park and Mary W. West property N 19° 07' E - 649.48' to an old stone in Wild Cat Hollow; thence, N 45° 11' E - 115.14' to an old iron pin being the northeast corner of Mary West property and in the western R/W of Interstate I-64 290 ft. right of Station 74+12; thence, Leaving Mary West property and with the westerly common R/W of I-64 S 52° 59' E - 514.44' to an I.P. at 243 ft right of Station 79+24; thence, S 52° 57' E - 731.61' to an I.P. being 176 ft right of Station 86+52; thence, S 53° 05' 30" E - 289.74' to an I.P. being 150 ft right of Station 89+40; thence, S 52° 37' E - 110.27 to a D.O.H. concrete monument at 140 ft right of Station 90+50; thence, S 15° 01' E - 296.62' to a D.O.H. concrete monument being 300 ft right of Station 93+0; thence, Leaving the western R/W of I-64 S 23° 30' 20" W - 269.14' to an I.P.; thence, S 03° 17' W - 163.36' to an old iron pin in concrete; thence, S 30° 56' 30" W -

186.38; to an I.P.; thence, S 24° 58' W - 110.03' to an I.P.; thence, S 14° 25' 30" W - 493.11 to an I.P.; thence, S 40° 16' E - 537.84' to an I.P.; thence, S 16° 10' E - 338.75' to an I.P. being in the common division line of Noell Bland property recorded in Deed Book 1918 at page 475 on Tax Map No. 21, Parcel 62.1; thence, S 38° 57' 30" E - 240.86' to an I.P.; thence, S 07° 45' E - 115.82' to an I.P.; thence, S 20° 56' W - 278.29' to an I.P.; thence, S 17° 27' E - 151.48' to an I.P. being in the eastern R/W of Tri-State access road; thence, crossing said Tri-State access road S 66° 51' W - 104.42' to an I.P.; thence, N 49° 10' W - 406.55' to an I.P.; thence, N 13° 38' W - 236.04' to an I.P.; thence, N 20° 57' W - 118.10' to an I.P.; thence, N 89° 19' W - 331.18' to an I.P.; thence, S 79° 39' W - 242.27' to an I.P.; thence, N 57° 52' W - 255.28' to an I.P.; thence, N 52° 46' W - 226.70' to an I.P.; thence, N 53° 34' 30" W - 93.62' to an I.P.; thence, N 06° 58' 00" W - 205.00' to an I.P.; thence, N 03° 15" E - 235.47' to an I.P.; thence, N 40° 10' W - 112.56' to an I.P.; thence, N 58° 40' W - 266.70' to an I.P.; thence, N 00° 59' 30" E - 186.11' to an I.P.; thence, N 41° 35' 30" E - 154.98' to an I.P.; thence, N 00° 29' E - 115.39' to an I.P.; thence, N 81° 21' 30" W - 178.48' to an I.P.; thence, N 79° 05' 30" W - 169.72' to an I.P.; thence, S 61° 48' W - Passing an I.P. at a corner of said Tri-State Greyhound Park at 140.47', in all 294.70' to a point in the northern R/W of Lakeview Drive; thence, through Solco, Incorporated property S 02° 03' 08" E - 831.04' to a "X" on a large rock in the northern property line of Frances E. Ferrari property recorded in Deed Book 2098 at page 545 on Tax Map No. 21, Parcel 59; thence, with the common division line of Solco, Inc. and Frances E. Ferrari N 51° 14' W - 1,561.81' to an I.P.; thence, N 49° 47' W - 256.00' to a set stone being the northwest common corner of Frances Ferrari and the southwest corner of Solco, Inc., also the southeast corner of Lot No. 32 of Lakeview Estate Subdivision, recorded in Map Book 35 at page 66 on Tax Map No. 21; thence, leaving Frances E. Ferrari property and with the eastern common division of Lots No. 32, 33, 35 and 37 and the western division of Solco, Inc. N 38° 00' E - 358.47' to an I.P.; thence, N 31° 43' E 405.93' to an I.P.; thence, N 27° 28' E - 134.19' to an I.P.; thence, N 13° 36' E - 193.00' to an I.P.; thence, being in the western corner of Lakeview Estate Subdivision; thence, crossing Lakeview Drive road N 84° 05' 12" E - 53.18' to a point in the eastern R/W of Lakeview Drive; thence, leaving said Solco, Inc. and with the plat bearing of Lakeview Estate Subdivision plat a new division line through Southway Construction Company N 02° 12' 58" W 502.80' to an I.P.; thence, N 85° 23' 39" W - 195.75' to an I.P. being in the northeast corner of Lot No. 76; thence, with the northern common division line of Lot No.

76 N 63° 36' W - 225.57' to an I.P. in the eastern R/W of Lakeview Drive R/W; thence, with the eastern R/W of Lakeview Drive N 24° 49' E - 115.00' to an I.P.; thence, N 03° 51' W - 111.00' to an I.P.; thence, N 19° 21' W - 240.97' to an I.P.; thence, N 44° 48' W - 71.06' to an I.P.; thence, being the southeast corner of Lot No. 74; thence, with the eastern common division line of Lot No. 74 N 29° 40' E - 442.55' to the point of beginning containing 182.954 acres more or less.



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

RESOLUTION 87-6

A RESOLUTION COMMEMORATING POLICE
WEEK - MAY 10 THROUGH MAY 16, 1987

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 10 through May 17, 1987, 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 Friday, May 15, 1987, 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 to be affixed.

DONE at the City of Nitro to be affixed this 5th day of May, 1987.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER

