

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 26, 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 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 at Large Rusty Casto.

The invocation was given by The Reverend Wade Austin.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 5, 1987 COUNCIL MEETING MINUTES: - City Recorder Joan McClanahan moved for the approval of the Council Meeting Minutes of May 5, 1987. The motion was seconded. Councilman at Large Olaf Walker moved for a friendly amendment of an addition to the sentence on page 6, reading "The budget for next year currently contains \$40,000", to "The budget for this equipment next year currently contains \$40,000." A vote was taken to approve the minutes as modified, and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH FOR JUNE, and AGENDA ITEM NO. 3 - RIVERBOAT PARADE, 1987 RIVERBANK BEAUTIFICATION AWARD:: - Mayor Ashley informed that at the first Council Meeting each month, we select someone from among our residents to be identified as "Citizen of the Month", therefore, this presentation is a little early. Mayor Ashley added that this past weekend we participated in a riverboat parade that included the sponsorship of five cities. A part of that celebration was the examination of the riverbanks along the route of that parade from Nitro to the levy in Charleston. Therefore, an award was presented for the most attractive riverbank property in the City of Nitro, to Mr. Brian Honaker. Given the fact that his homesite was chosen the most attractive, he was declared as "Citizen of the Month for June, 1987". A round of applause was given Mr. Honaker. Mr. Honaker said that he appreciated the awards, and accepted the beautification award on behalf of all the other people participating on the beautification of their riverbanks. Mayor Ashley added that the American and State Flags fly proudly in his yard, and it is an attractive site as you travel the river. Mayor Ashley introduced Johnny Johnson, and said that he and Johnny were talking and that Mr. Honaker definitely needed a City of Nitro flag flying in his yard. Mr. Johnson offered his boat as the City's sponsored boat and his boat won first prize in the parade. Mayor Ashley thanked Mr.

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Johnson for allowing us to use his boat as the City boat. A round of applause was given to Mr. Johnson.

AGENDA ITEM NO. 4 - BURDETTE AWARD: - Mayor Ashley said that this agenda item has to do with another award. For those who arrived earlier and were outside, had the opportunity to hear a young group from Poca High School called the "Melodaires". Mayor Ashley did not have all the details in terms of their competitions so at this time he asked Councilman A. A. "Joe" Savilla to tell us about this group and the recognition that they brought upon our community. Councilman Savilla stated that he would like to yield the floor to their Director, Mrs. Kim Edwards. A round of applause was given to Mrs. Edwards and the group. Mrs. Edwards explained that the Melodaires were a show choir. They are a small group taken apart from their 200 voice concert choir, and they went to the State Festival in Buckhannon at Uphur High School and received a superior rating. They were one of three schools. They also went to New York City and participated in the Music Festival where there were ten other schools from different states, and they were the only school to receive a superior rating. Mrs. Edwards added that these students had worked hard all year, and appreciated the opportunity to perform for us in front of City Hall. She then said that what she appreciated even more was the fact that we take interest in young people because it seems that we hear so many negative comments about drinking and drugs involving young people. Mrs. Edwards said that wasn't a part of the students involved in the choir, and she was proud to be their teacher.

Mayor Ashley said he appreciated the fact that Councilman Savilla brought the Melodaires to our attention, and a special award has been created. The Melodaires are the first recipient of this award, which is in recognition of demonstrated excellence at the national level of comparison. Mayor Ashley presented the award to The Melodaires of Poca High School and congratulated them. Mrs. Edwards expressed her thanks and appreciation. Another round of applause was given to them. Mayor Ashley said that they were unable to get the entire group in Council Chambers, but did notice Councilman Savilla's son, Rocky, of Poca High School and part of the Melodaires group. A round of applause was given Rocky Savilla. Mayor Ashley commented that we didn't have to worry about the future of our Country when it is in the hands of young people like that, and we applaud them. They are really really good.

AGENDA ITEM NO. 5 - PROCLAMATION 87-1 - PROCLAIMING 6-7 THROUGH 6-13-87 AS "NATIONAL SAFE BOATING WEEK": - Mayor Ashley read the prescribed proclamation format proclaiming 6-7 through 6-13-87 as "National Safe Boating Week". Councilman Romie Hughart moved we adopt this proclamation for the City of Nitro. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION AS FOLLOWS:

PROCLAMATION 87-1

OFFICE OF THE MAYOR

PROCLAMATION

WHEREAS, more Americans each year are choosing recreational boating as an ideal way to relax with their families and friends. However, what starts out as a pleasant cruise often ends in tragedy because boaters fail to teach their families to swim, fail to properly equip their craft with Personal Flotation Devices and other protective equipment, or fail to instruct their passengers in the use of such devices prior to boating cruise: and

WHEREAS, every year hundreds of lives are lost in boating accidents. These fatalities can be reduced and boating made more pleasurable if those who engage in it will emphasize knowledge, care and courtesy necessary for safe boating; and

WHEREAS, the Congress of the United States, having recognized the need for such emphasis, has, by a joint resolution of 4 June, 1958 (72 Stat.179), requested the President to annually proclaim one week as National Safe Boating Week.

NOW, THEREFORE, I, Arden D Ashley, Mayor of the City of Nitro, do hereby designate the week beginning June 7, 1987, as

NATIONAL SAFE BOATING WEEK IN NITRO

I urge all who use our waterways to acquire those skills and knowledge essential to their own safety and that of others and to apply them carefully.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of May, in the year of our Lord nineteen hundred and eighty seven.

Arden D. Ashley

Mayor, the City of Nitro

AGENDA ITEM NO. 6 - PETITION FROM RESIDENTS FROM HILLSIDE DRIVE AREA: - Mayor Ashley stated this agenda item relates to petitions from citizens within the City concerning a place of business that intends to allow, permit and encourage exotic or nude dancing. Mayor Ashley mentioned that there has been no one come to the City of Nitro requesting a permit or a license to do business in that fashion in the City of Nitro. As of this afternoon, Mayor Ashley said that he was not aware that anyone has applied with the State Liquor Commission for a license to conduct such a business in the City of Nitro. However, we have had visits by people who have expressed an interest in opening such an establishment in the City of Nitro at the site of the former Pizza Inn on Route 25. The questions before us are what we, as a community feel about such an establishment coming into our city, and we have been checking with our City Attorney Phillip Gaujot in terms of how we might address it if, in fact, permits and license are requested. There are several things that might be done, but what we are interested in doing is preparing ourselves in such a way that upon resisting this establishment coming to our city, if we are challenged in a court of law, we will prevail. Mayor Ashley said that he knew the citizens of this city are concerned because they have told him so. The Council is also concerned and we have told the City Attorney so. Mayor Ashley informed that there are petitions circulating in the City with regards for such a business coming into the City. Mayor Ashley said that he has had specific communication from two of our citizens and they have requested an opportunity to address the Council as representatives of the citizens in the City of Nitro, because we, as a City Council, want to have you articulate your concerns and share with us any suggestions for approaching the question of the potential for a business such as this opening up in our City. After that, Mayor Ashley has asked City Attorney Phillip Gaujot to respond from a legal standpoint of what advise he might give the City Council, and then at that time we will open the floor to questions from the City Council. Circumstances and space will not permit all the members of the audience to have an opportunity to speak on the subject, but Mayor Ashley assured that all Councilmembers have their telephone numbers listed at home and they could talk to them other than at a Council Meeting.

Pam Raynes said that she was here to express the concern of the residents of the Hillside Drive area in Nitro, who strongly oppose the possibility of an exotic showbar opening within the city limits of Nitro. She stated that they feel this kind of business will down grade property values, increase traffic hazards, distract passing motorists with excessive lighting, increase drunk drivers and speeders, create excessive noise at late night and early morning hours, create an overall detrimental effect on teenagers, young children of surrounding neighborhoods, as well as the health and welfare of citizens in the City, visitors and patrons of such businesses. She said that these are just some of the problems that could be the outcome of such businesss being allowed to open in the city limits. So far, the

opening of an exotic show bar is just rumor, but we have over 600 signatures on these petitions we've passed around this week of concerned citizens that are requesting the Councilmembers amend an ordinance that may be able to cover exotic show bars to prohibit them from opening within the city limits. If Council feels this is not enough signatures to show the feelings of the community, give us until the next Council meeting so that we can pass more petitions around. If such business must be permitted within city limits, we request that Council designate an area away from residential neighborhoods. She added that they obtained an ordinance from South Charleston that may help us, and passed a copy to each Councilmembers, that is classified as "adult entertainment business" that we might possibly use. This ordinance covers the regulation, definitions, zoning and development standards of adult bookstores, adult motion picture theaters, adult motion picture arcades or live conduct theater. The section under live conduct theater describes the anatomical areas of the body that are not to be exposed. This section of the ordinance could cover exotic show bars since the anatomical areas as described would cover the live conduct of the show bars entertainment. Also, since Nitro so far has no adult bookstores, adult theaters, or adult picture arcades, the citizens also request that Councilmembers amend an ordinance including these businesses listed so that we can cover all of it under one ordinance so that in the future these businesses would be regulated. So, if an ordinance such as adult entertainment business is passed, it would be easier to cover the exotic show bars under this category.

Mayor Ashley thanked Pam Raynes, and told her that he appreciated her interest and comments. At this time, we have a request from Gary Marion to address Council.

Gary Marion said that he agreed with Pam one hundred percent on everything she said, and she had been a tremendous help to him in getting the petitions put out. Mr. Marion stated that he had a couple of solutions to the problem. He has been in contact with other offices, and one of the solutions to the problem would be to enact an ordinance that wouldn't allow anything like this in our city. He said that nobody wants it; at least, the ones that he has talked with. Mr. Marion stated that we could put a cap on a liquor license. As far as he knew, Nitro only had two such businesses requiring this type of license. The bar down the street and the Moose Lodge. If we were to put a cap and establish that we could only have two such businesses, then anyone else would have to wait for the Moose or bar to go out of business before he could obtain a liquor license to do business in our City. Mr. Marion said that this would be a way we could keep the exotic dancing business out of the city for now, but he feels we still need an ordinance. Mr. Marion said at his last count he had petitions with 688 signatures, and would leave copies with the Mayor and send some to the Liquor Commissioner too. Mr. Marion commented that he feels we have a lack of communication within the City, because a lot of people were unaware of this type of business wanting to open in Nitro. He further stated that

Councilmembers didn't know about this problem until he called them. Mr. Marion said that he found out through rumors and then talked with Mayor Ashley. He feels we should get something arranged where the people of Nitro can be more informed of situations.

Mayor Ashley thanked Mr. Marion and called on the City Attorney Phillip Gaujot.

City Attorney Phillip Gaujot said that the only thing that he wanted to say this evening was that we are proceeding correctly if we want to keep that type of establishment out of Nitro. He said that he couldn't say from a legal standpoint that we would absolutely prevail. The court decisions across this country and the Supreme Court of our country tend to say different things. In some jurisdictions they have allowed this type of entertainment as being a freedom that's to be enjoyed by adults if they so choose. There has been other jurisdictions that have prohibited this type of activity. It appears that the test is one of conduct that would affront the current community standards of any given community. Standards of what is decency, and what is not. So, it boils down to a community determination, as far as Mr. Gaujot can interpret the various cases that have made written rulings. Phillip Gaujot said that we are doing the thing that is necessary by petitioning the City Council of their desires. Also, Mr. Gaujot told Mr. Marion that he would suggest, as he indicated that he intended to do, was to petition the ABCC and let the Commissioner there know that it is not their desire to have this type of establishment in the community of Nitro for reasons stated. This would be with regard to the traffic, location and the light. If this is done through the Commissioner, then prior to granting a license he will ask for a Nitro community hearing. He will send his Hearing Examiner down and will conduct a hearing for that purpose. Mr. Gaujot explained that he had some experience with regard to that agency, and that is what they have done in the past, and feels they will do this under the current commissioner. So, what the citizens are doing is proper. Mr. Gaujot told Mr. Marion that he feels he is correct that probably the majority of the residents of this City would clearly demonstrate that this type of establishment is not needed in Nitro, and therefore, not wanted.

Mayor Ashley asked the four Ward Councilman to serve on an ad hoc committee to stay abreast of any movement in the direction of this business coming to town, and to examine any defense that the people of Nitro might want to set forward to oppose it. Mayor Ashley said that he has spoken with Councilman Hutchinson and suggested that Mr. Gary Marion would be an excellent appointee from that ward to represent ward four and Councilman Hutchinson has agreed and consented to that. Mayor Ashley suggested the other three ward Councilmen select someone from their ward to join with them as a citizen member and then meet with Mayor Ashley, City Recorder Joan McClanahan and City Attorney Phillip Gaujot to make sure that the people are kept abreast of any developments that might be taking place.

Councilman Jim Hutchinson stated that the business in question would be in his ward and he is very much opposed to it. He invited anyone wishing to call him, to please feel free to do so. He informed that the best time to catch him would be early in the morning or late at night. He added that if they wanted to have meetings with him at his home or their home, feel free to call.

Councilman Charles Miller said that he would like to have Mr. Casebolt on the committee.

Mayor Ashley suggested scheduling a meeting at 6:30 p.m. prior to the next Council Meeting on Tuesday, June 2.

Councilman at Large Olaf Walker said that if it was within his power, the exotic dancing business would not be open, but unfortunately it is not within his power. He said that the issue certainly transcends any ward boundary that we might have, and agrees with Mr. Gaujot that the people of Nitro generally would be opposed to this. Councilman Walker asked City Attorney Phillip Gaujot that if the Council was inclined to pass an ordinance prohibiting this type of business, assuming the ABCC conducts the hearing and grants the license, and at this time the City Council adopts an ordinance, would it be effective or would it be after the fact? City Attorney Phillip Gaujot said that it would be best to have the ordinance before the fact. Councilman Walker said that he checked our zoning ordinance, and the word "entertainment" isn't in our zoning ordinance, and he was wondering if we couldn't prohibit them from opening under that fact that the ordinance wasn't listed. City Attorney Phillip Gaujot said that we could prohibit them from opening for any reason, but whether it stands up in court or not is the question.

Councilman A. A. "Joe" Savilla asked if there were two different license required, and Mr. Gaujot said they must have a ABCC license and a City license. Then Councilman Savilla asked if they could obtain a beer license without a liquor license, and Mr. Gaujot said they could.

Councilwoman Mary Trout said that if anyone wanted to call her to feel free to do so.

Mayor Ashley read a letter from Rev. William Westlund, Moderator for the Elders of the First Presbyterian Church in which they "strongly object to the establishment of businesses that cater to the prurient interests of a sexual nature." Mayor Ashley said that he thinks it is important that we understand that so far we haven't received a request for a permit or a license to do business, and feels it is imperative that we stay alert and be informed, but not over react.

Pam Raynes further stated that she was not sure that we understood, but they still want an ordinance. Mayor Ashley advised her that we understood the request.

Mayor Ashley informed that we would make available the minutes of this Council Meeting to the ABC Commission, Congressman Wise's office and members of the Committee.

AGENDA ITEM NO. 7 - TRI-STATE DOG RACING TRACK ORDINANCE - (2ND READING): - Mayor Ashley informed that this agenda item is consideration of a petition for annexation submitted to the City Council by Tri-State Greyhound Dog Tract. At the time of the last council meeting, there was an ordinance approved on the first reading. Councilwoman Mary Trout moved to dispense reading the entire ordinance. The motion was seconded. A vote was taken and it was unanimous. Mayor Ashley read the title of this ordinance. Councilman Romie Hughart moved we adopt the ordinance. The motion was seconded. A vote was taken that we adopt this on the second reading of the ordinance as amended, and it was unanimous. Mayor Ashley requested to be entered into the count. Mayor Ashley called on City Attorney Phillip Gaujot to give a brief description of the mechanics that will take place at this time.

City Attorney Phillip Gaujot informed that what he will do is to file a petition with the County Commission asking that the County Commission call a public hearing pursuant to Chapter 8, Article 6, Sec. 5 of the Code, and give notice of the hearing in the newspaper of general circulation in this area. Also, ask the County Commission to post in 5 conspicuous places within the area which is to be annexed, notice of the hearing, and at that hearing the County Commission by law is to ask if there are any comments relative to the annexation. If there is no substantial objection from the freeholders or voters within the territory to be annexed, then the County Commission may at that time enter an order of annexation. There has been some question whether the County Commission will allow the annexation under any circumstance; and, therefore, in the event it is not ordered to be so annexed, the City of Nitro's only alternative at that point is to petition the Circuit Court for relief. Mr. Gaujot said that he was hopeful that the County Commission will see that we are correct in Nitro and have every right to annex the territory so described in the ordinance, and enter the order without any problem. In the event the County Commission should not enter the order, then our remedy would be to proceed in Circuit Court. At this time, Mr. Gaujot opened the floor for questions.

Councilman Charles Miller asked how long it would take to go through Circuit Court? Mr. Gaujot said that this would depend on the judge that it's assigned to, and when that judge can have a hearing on Mr. Gaujot's petition. To try to give Councilman Miller some idea, Mr. Gaujot stated that it should be decided in a matter of weeks, and hopefully not more than 2 months.

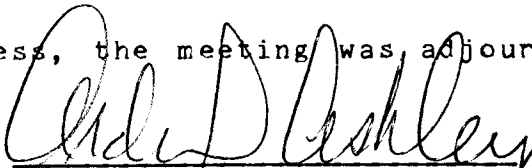
Councilman at Large Olaf Walker said that since this was heard in Judge Workman's court, would the chances be that it would continue in that court? Mr. Gaujot answered that a civil action has been filed which was assigned to Judge Workman. Whether or not Judge Workman would be assigned our case, in the

event it goes to court, he just couldn't say. There is a good chance that the Administrator Bob Slack would assign it to Judge Workman because she has some knowledge with the case. At this time, we don't know whether there will be any court action involved.

Mayor Ashley thanked Mr. Gaujot for all of his efforts on our behalf on this question. Mayor Ashley then told Councilman Miller that in answer to his question, we should be prepared to pack a lunch, if necessary, and move with dispatch on the question.

ORDINANCE 87-3 ATTACHED.

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


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

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. McDavid*
Its: PRESIDENT

SOLCO, INCORPORATED, a West Virginia
corporation

By: *R. J. McDavid*
Its: PRESIDENT

TRI-STATE GREYHOUND PARK LIMITED
PARTNERSHIP, a West Virginia limited
partnership

By: *J. E. Smith*
Its: President

-2- *Murray Contractors, Inc., General
Partner*

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 Lindsey

(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 Linda

(SEAL)

STATE OF WEST VIRGINIA,

COUNTY OF Lacawua, TO-WIT:

Dana K. Barker 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]

Michael [Signature] General 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)

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.

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

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.

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

May 5, 1987

Adopted on Second Reading

May 26, 1987


MAYOR


CITY RECORDER

EXHIBIT "A"

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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.

CITY OF NITRO
COUNCIL MEETING MINUTES

JUNE 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, 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 MAY 26, 1987 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved the Council Meeting Minutes of May 26, 1987 be approved. The motion was seconded. A vote was taken to approve the minutes as written, and it was unanimous.

AGENDA ITEM NO. 2 - PROPOSED ORDINANCE FOR THE ESTABLISHMENT OF ADULT ENTERTAINMENT BUSINESSES (FIRST READING): - Mayor Ashley informed that this agenda item is a call for consideration of a proposed ordinance which would prohibit the establishment of adult entertainment businesses that would be identified as exotic show businesses, and called on Councilman Joe Savilla to give a report on the meeting held earlier by the ad hoc committee that met for the purpose of reviewing the ordinance.

Councilman Savilla advised there was a meeting held earlier of the ad hoc committee consisting of the four Ward Councilmen, and concerned citizens of Ward 4, Vernon Casebolt, Jerry Marvin, and Nedra Brace. Also attending the meeting were Mayor Ashley, City Recorder Joan McClanahan and Councilman at Large Olaf Walker. Everyone agreed that the ordinance to be presented tonight looks very good, and they think this is the way to go. If this passes on the first reading at the Council Meeting tonight, and the second reading in two weeks, then the people in Ward 4 will be pleased, as well as the rest of the people in the City of Nitro. Councilman Joe Savilla moved we dispense reading the entire ordinance and just read the title, and accept this as the first reading. Councilman Savilla read the title, "An ordinance regulating the establishment of adult entertainment businesses in the City of Nitro", and moved we approve this ordinance on the first reading. The motion was seconded. City Recorder Joan McClanahan asked if we would want "regulating" or "prohibiting" in the title. Mayor Ashley answered that he felt regulating is probably more correct, but it is an adjustment that can be made before the second reading and should be looked into. A vote was taken to approve the first reading of the ordinance, and it was unanimously approved.

ORDINANCE ATTACHED.

COMMITTEE REPORTS

TRAFFIC COMMITTEE: - Councilman Savilla reported on Bailes Drive. He stated that as all of us know, we had a core drilling done to determine the extent of the damage on Bailes Drive which cost us \$5,000 and appeared that we were going to have to spend about \$80,000 to \$100,000 to repair the damage. Councilman Savilla said that he worked with the three members of the Putnam County Commission, since it is located in Putnam County, and they contacted the State Road Department and worked with the people of the Department of Highways in Putnam County. They sent their crew in and did an emergency backfill. After talking with the Mayor, the engineer found that this would not hold. They used literally what was said in our engineering report. Councilman Savilla commented that he felt we owe the Putnam County Commission and the State Department of Highways a debt of gratitude, and requested Mayor Ashley send a letter to the Commissioners expressing our thanks. Mayor Ashley answered that he had a letter waiting for his signature to be mailed, and appreciated Councilman Savilla's report. Councilman Savilla said that there was one question before Council, and they wondered if the \$5,000 was wasted, but it was very well spent because the \$5,000 spent on the core drilling saved us probably \$80,000 to \$100,000 as the State did utilize our report.

Councilman at Large Olaf Walker said that at an earlier Council Meeting, we acted upon the request from Marrs for the placement of a sign. At this time, Mayor Ashley appointed a committee to study, and advise Council in regard to the sign. Mayor Ashley said he hasn't had any feedback at all on this matter. Councilman Miller informed that Councilman Walker wanted to report on this. Councilman Walker said that he and Councilman Miller met with Mr. Marrs on two different occasions. Councilman Miller met with the Chairman of the Planning and Zoning Committees. Councilman Walker was not present at this meeting. Councilman Walker informed that Mr. Marrs would like very much to have the sign, and stated the sign would be placed in line with the Cooke & Pauley, the bank and insurance signs that parallel First Avenue. Councilman Walker said that it was his understanding the sign will cost somewhere in the area of \$7,500, and he hoped to recoup that cost by generating additional business, which in turn would help the City. Councilman Walker stated that they talked with Mr. Marrs along the lines of maybe hiding the wires by burying them underground, and also, they talked with him about removing his present sign which is a vertical sign that sits on probably a 6 or 8 inch cast iron post that is adjacent to the sidewalk. They further discussed with Mr. Marrs that if his new sign could be approved by Council, about the possibilities of taking that sign down, and having his advertisement person to put up some other kind of sign on the front of his building, on the roof or something, designating Marr's Jewelry. Councilman Walker said that Mr. Marrs wanted to

talk with his advertising person. The second time Councilman Walker and Councilman Miller met with Mr. Marrs, he informed them that he had no problem with the wiring; that they could come from another pole and not have to go under the pavement. Councilman Walker said that Mr. Marrs was a little reluctant at that time to make any decision on removing his present sign. Councilman Walker said that if he would remove the present sign and put up the new sign, he feels it would improve the appearance of the whole area. Councilman Walker and Councilman Miller questioned Mr. Marrs in regards to having two vertical signs for the same business within 25 to 30 feet of each other. Councilman Walker said that he asked Mr. Marrs if it had some kind of sentimental value because he did say that he brought it down from Parkersburg. Mr. Marrs said that this was not it, but that his advertising person indicated that it would be difficult to put any kind of a sign on his roof or awning. Councilman Walker informed that Mr. Marrs called him after their meeting and wanted to know what we had done. Councilman Walker informed him that we hadn't made any decision yet, as we hadn't reported back to Council. Councilman Walker said that if we would go back just a little bit, we would remember that this was somewhat delayed and he understands the attorney's position on it. When you read the ordinance, you could see that this property would not be contiguous or part of the property on which the business is located. On that basis, the Attorney felt this would be a violation of our zoning ordinance. Councilman Walker said that the width of Bank Street is the only distance between the place of business and the parking lot which Mr. Marrs owns. Councilman Walker said on that basis, he feels the Council should allow Mr. Marrs to erect his sign if it is in keeping with the other signs along the highway. Councilman Savilla addressed a question to City Attorney Phillip Gaujot as to whether or not this would be legal in keeping with the ordinance we passed last year along with the Nitro beautification project. City Attorney Phillip Gaujot answered that the problem that he had with it, was under Article 12, Section 1205, titled "Purpose of Sign Use", it says in part, that no signs shall be permitted except those specifically pertaining for the use of the property on which they (the signs) are located. He said that he tried to understand the intent of that, and figured that the reason for that ordinance was to keep billboards advertising one place with their business at another location. He stated it wasn't a clear statute, depending on what Marrs wanted to put on his sign. City Attorney Phillip Gaujot explained that if the sign would designate Marrs Parking, then the sign would pertain to the property that it's on. So, if the sign said words to that effect, then he could advise Council that they are within the ordinance. Otherwise, it might require some type of change in the ordinance. Councilman Casto commented that if we really want to beautify Nitro, then we should do away with all vertical signs and billboards. Councilman Hughart said that businesses have to have some kind of sign. Councilman Casto agreed but said the best place to have them is against the building such as Rite Aid; thus not creating an eyesore. Councilman Miller said as a person is driving along First Avenue, you can't see his store from the highway until you

are past it which Mr. Marrs pointed out. Councilman Walker said that in response to Councilman Savilla's question, as he remembered the drawing, the sign would be advertising three different businesses. Mayor Ashley said the way he recalled, it was not parking that he would be advertising, but the three businesses. Councilman Walker said that he could understand our Attorney's position because the ordinance says the sign is to be on the lot which the business is located. Bank Street is the only thing that is between Marr's Store and the lot which he owns. He feels different than Councilman Casto about the business signs. Councilman Walker said that he didn't have a business in Nitro, but takes the position that whenever you advertise, you are doing something to help your business. No business is going to spend money unless they anticipate getting something in return, such as new business or increased business. Therefore, we must tolerate signs, and have an ordinance that they must conform to certain standards, such as lighting, size and this type thing. Councilman Walker said that he didn't feel we had a problem there because as he remembers Mr. Marrs and Building Inspector Bob Sargent telling them that the sign does conform as far as size is concerned. The only variance that Councilman Walker is asking is the fact that the sign is located in front of his property and on his property which is divided from the place of business and the property on which he desires the placement of the sign by 20 feet or so. A discussion followed concerning the ordinance that was passed some time back. Mayor Ashley explained that legal counsel is advising us that it is prerogative that we can exercise to grant the variance, but our laws says because of the intervening street, which is a public throughfare, that to grant this permission would not be in accordance with the laws we have passed unless the sign is advertising parking rather than his places of business. City Attorney Phillip Gaujot is not telling us to go for it or not go for it; he's simply telling us that we'd be violating our ordinance. Councilman Casto commented that if we would do away with vertical signs and billboards, it would make the City look better. Mayor Ashley said the billboards could be a separate question to address. Councilman Jim Hutchinson commented that he felt what Mr. Marrs had in mind would be beneficial to the city, and he feels he is in his right and should be permitted to have the sign. Mayor Ashley informed that if it is to be allowed, then there should be a rewriting of the ordinance. Councilman Savilla said that he agreed with Councilman Walker, as this Council has proven in the past we have tried to do everything we could to help the small businesses in Nitro, because we need the small businesses. Then Councilman Savilla added that we shouldn't jump in and rewrite an ordinance without carefully studying the ratification that it might have all over the City of Nitro. Councilman Walker said that Mr. Lemma, Chairman of the Zoning Appeals Board, suggested in his letter that the entire zoning ordinance be reviewed and possibly be rewritten. Mayor Ashley said this should be something that should be included on the agenda for the next Council Meeting, and asked Councilman Walker to help with the restructuring of an ordinance for Councils' consideration. Councilman Olaf Walker stated that he

went through some of the ordinances and minutes in 1972 and 1971, and the only ordinances he found that dealt with, other than what Councilman Casto referred to nailing campaign posters to trees, the last one had to do with the ordinance that was passed allowing Walters Homes to erect their sign. A few people in the area came down in protest over the initial consideration of that sign, but after it was up, someone from up there came in and complimented to Council and Walters on what a good sign they had put up. Councilwoman at Large Mary Trout said that she feels like the rest concerning the sign, but what we might include when talking with Mr. Marrs, is about a year ago when the Beautification Committee was meeting, the parking lot was one of the areas they recommended for beautification. So, maybe we can work with him in a positive way to do something about that. Councilwoman Trout commented that First Avenue looked beautiful now with the flowers, trees and mowing. The parking lot is an area that needs attention. We need to get the cinders off the road, because every time a car pulls off the lot, the cinders are all over the highway. Councilwoman Trout informed that she would be happy to work with the committee regarding the sign requested by Mr. Marrs. Mayor Ashley said that in this two block section, there was some discussion about having an architect's rendering of this two block area. Councilman Savilla said that we have come a long way in the last few years with the section from 22nd Street down to 20th Street, and the section that Councilwoman Trout was speaking of is the only section where there hasn't been anything done. Councilman Walker said that he wasn't objecting to what Mayor Ashley had in mind, but we could go ahead and write an ordinance that would take care of this particular situation. He feels that what needs to be done is for someone to go and redo the complete ordinance which would take care of the entire city, because by making one change at a time is going to make it more cumbersome. We will relieve the problem today, but it's not going to help in the future. Mayor Ashley answered that the massive job was done by the Planning Commission that Councilman Walker was very much a part of, and that resulted in the zoning ordinances. Subsequent to that time, those ordinances pertaining to zoning have been looked at with a great deal of care and scrutiny by the various City Councils through the years, one at a time, with great deliberation. So, any committee effort to reexamine the total document is not going to come up with many changes, but certainly there is no reason why there couldn't be a committee to take a look at some of those ordinances that do need to be changed. At the next Council Meeting, there will be the first reading of an ordinance having to do with those signs directed more specifically with Mr. Marr's problem.

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


 ARDEN D. ASHLEY, MAYOR


 JOAN C. MCCLANAHAN, RECORDER

ORDINANCE NO. 87-

AN ORDINANCE REGULATING THE ESTABLISHMENT OF
ADULT ENTERTAINMENT BUSINESSES IN THE CITY OF
NITRO

WHEREAS, the establishment of adult entertainment businesses has a deleterious effect on existing businesses and the surrounding residential segments of neighborhoods, causing blight and downgrading of property values, and has an overall detrimental effect on the health and welfare of the City; and

WHEREAS, such businesses, characteristically, utilize excessive illumination to identify their locations at night, thereby distracting passing motorists; and

WHEREAS, such businesses, characteristically, operate during the late hours of the evening and early hours of the morning, thereby creating excessive noise levels adversely affecting contiguous and surrounding properties and persons utilizing such properties; and

WHEREAS, such businesses have a general overall adverse effect on the health and welfare of the patrons of such businesses, of visitors of the City, of the citizens of the City, and upon the surrounding neighborhoods, thereby necessitating the regulation of the location of such businesses and uses within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA THAT THIS ORDINANCE BE ADOPTED REGULATING THE ESTABLISHMENT OF ADULT ENTERTAINMENT BUSINESSES IN THE CITY OF NITRO.

A. REGULATION OF ADULT ENTERTAINMENT BUSINESS

The establishment of adult entertainment businesses tends to result in the blighting and deterioration of the areas in which such businesses are established. Accordingly, it is necessary that such businesses be regulated in such a manner as to prevent the erosion of the character of the affected neighborhood and to prohibit the establishment of such businesses.

B. DEFINITIONS

1. "Adult bookstore" means an establishment having as a significant portion of its stock in trade, for the purpose of retail sale or for the purpose of display by coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes, which materials have as their major or dominant theme matter depicting, describing or

relating to "sexual conduct" or "specified anatomical areas".

2. "Adult entertainment business" means an adult bookstore, adult mini-motion picture theater, adult motion picture arcade, and an adult motion picture theater.

3. "Adult mini-motion picture or live conduct theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on depicting or describing "sexual conduct" or "specified anatomical areas", including live conduct.

4. "Adult motion picture arcade" means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "sexual conduct" or "specified anatomical areas."

5. "Adult motion picture or live conduct theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on depicting or describing "sexual conduct" or "specified anatomical areas," including live conduct.

6. "Sexual conduct" includes, but is not limited to, the fondling or other touching of human genitals, pubic region, buttocks or the female breasts, or masturbation.

7. "Specified anatomical areas" means the human genitals, less than completely and opaquely covered, the pubic region, buttocks and female breasts below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

The "establishment" of an adult entertainment business shall include the opening of such business as a new business, or the conversion of an existing business location to any of the uses defined to constitute an adult entertainment business.

This ordinance shall take effect immediately upon passage.


ARDEN D. ASHLEY, Mayor

FIRST READING: June 2, 1987
SECOND READING: _____

CITY OF NITRO
COUNCIL MEETING MINUTES

JUNE 16, 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 Romie Hughart, and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent were Councilman at Large Rusty Casto and Councilman Charles Miller..

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 2, 1987 COUNCIL MEETING MINUTES: - Councilman A. A. "Joe" Savilla moved for the approval of the Council Meeting Minutes of June 2, 1987. The motion was seconded. Councilman at Large Olaf Walker, for clarification purposes, moved for an amendment of sentence on page 2, second paragraph to read, "Councilman Walker said that it was his understanding the sign will cost some where in the area of \$7,500, and Mr. Marrs was in hopes he would recoup that cost by generating additional business which, in turn, would help the city. A vote was taken to approve the amended minutes, and it was unanimous.

AGENDA ITEM NO. 2 - ORDINANCE REGULATING THE ESTABLISHMENT OF ADULT ENTERTAINMENT BUSINESSES - SECOND READING: - Mayor Ashley read the title of an ordinance approved on the first reading at the Council Meeting held June 2, 1987. He explained that if the ordinance was approved tonight, it would constitute the second reading and become the law of the City. Councilman at Large Olaf Walker moved to dispense with reading the full ordinance. The motion was seconded. A vote was taken and it was unanimous. Councilman A. A. "Joe" Savilla moved for the adoption of the ordinance regulating the establishment of adult entertainment businesses in the City of Nitro. The motion was seconded. Councilman at Large Olaf Walker said that in the minutes, Mayor Ashley mentioned something about changing the title. City Recorder Joan McClanahan answered that they had mentioned using the word prohibiting as opposed to regulating, and City Attorney Phillip Gaujot said that we want to regulate, and not prohibit. A vote was taken, and it was unanimously approved and a law of the City.

ORDINANCE 87-4 ATTACHED.

AGENDA ITEM NO. 3 - REQUEST FROM THE AMERICAN CANCER SOCIETY: - Mayor Ashley informed that the American Cancer Society has approached us to approve a distance run to start at Ridenour

Lake, to proceed through Lakeview Estates, leaving the City, and to terminate at the Tri-State Greyhound Dog Track. Mayor Ashley said that they have the permission of all other parties involved, and their request of us is that the City approve the beginning of the race at Ridenour Lake at approximately 7:30 p.m. on the evening of July 3, 1987. Mayor Ashley informed that there is additional information attached to their request, along with an entry blank for all Councilmembers to enter the race if they would like. Councilman Jim Hutchinson moved we authorize the fund raising distance run taking place as requested. The motion was seconded. Mayor Ashley added that this will require, for a very brief period of time, participation by the City Officials, either the reserve officers or probably the police officer. This would be to get the runners safely across the Blake Creek Road area at the parking lot at the lake. A vote was taken for the approval of the request, and it was unanimous.

AGENDA ITEM NO. 4 - BUDGET REVISIONS: - Mayor Ashley explained this business item is a call for modifications to the budget in compliance with state laws. Therefore, we need to make adjustments to the budget for this fiscal year ending at midnight on June 30, 1987. City Treasurer Ralph Allison requested an increase in the Treasurer's Department under the Workers Compensation category in the amount of \$10,000, an increase in the Communication Department under the wages category of \$21,000, an increase in the Public Works Department for street light expense of \$5,000, an increase in Capitol Outlay for fencing of \$20,000, and under the Police Department an increase in the wage category of \$7,000. Under the Revenues, City Treasurer Ralph Allison suggested an increase under the Civic Benefits Association in the amount of \$20,000, and an increase in the B & O Tax of \$43,000. Also, City Treasurer Ralph Allison requested a \$63,000 increase in expenses, and a \$63,000 increase in revenue. Councilman Savilla mentioned that for the sake of the press and the public that wasn't at the earlier meeting, shouldn't City Treasurer Ralph Allison expound why he is asking for these revisions, and Mayor Ashley answered that he thinks this would be appropriate. City Treasurer Ralph Allison explained that in the Treasurer's Department, under Workers Compensation there was a six per cent increase in our workers compensation rate effective July 1, 1986 which accounts for the majority of that increase. Under the Communication Department, we previously budgeted this department for a half a year and it is running a full year, so we had to increase the wages and the wage related items in that category. Under Public Works, we are increasing the street lights \$5,000 simply because we have had an increase in those rates and that's what the expenses run. The fence that was installed around the Smith Street landfill at the cost of \$20,000, was donated by the Civic Benefits Association. Therefore, Mr. Allison requested an increase in both the expense and revenue categories. Under the Police Department, the increase in wage related items and wages is for overtime worked prior to December 31, 1986. The increase in the B & O Tax of \$43,000 is largely a result of collection of past due B & O taxes. Councilman A. A. "Joe" Savilla moved we adopt the budget

revisions. The motion was seconded. There being no discussion, a vote was taken and it was unanimous. Mayor Ashley stated that he appreciated the effort of the City Treasurer Ralph Allison, and the city employees, especially the department heads for holding the budget so much in line. Councilman Romie Hughart complimented City Treasurer Ralph Allison on the information furnished Council regarding City holidays.

REVISION TO APPROVED BUDGET ATTACHED.

AGENDA ITEM NO. 5 - SENATE BILL 323 - STANDARDS FOR PROFESSIONAL FIRE FIGHTERS TRAINING; REGISTERED APPRENTICESHIP AND CERTIFICATION: - Councilmembers were furnished a copy of Senate Bill 323. This Bill creates certain standards for professional fire fighters training and registration of their apprenticeship and ultimate certification as fire fighters. Mayor Ashley said that we see this as the first step by the State of West Virginia to create for professional fire fighters a system of apprenticeship, training and certification comparable to what we have seen in the work of the State Police Academy for law enforcement officers. Mayor Ashley said that he thinks in principle, it is an outstanding idea for the state to enter into. Mayor Ashley added that under the provisions of the law, it is mandated by the Council, so we really don't have much of a choice but to approve this. However, it is a function of this Council to consider and give their stated approval to the apprenticeship program. Also included for Council's edification was a copy of the local apprenticeship and training standards for the fire/medic in the City of Wheeling. The reason for doing this was that since they have gone to the trouble of taking this state law and converting it to their specific needs, we have been informed by the Department of Labor that only the names of Wheeling and certain minor modifications need to be made to this document in order for it to be adopted by the City. For example, we do not have fire medics, we have professional fire fighters. There are a few other administrative changes that we can make with the approval of Council on the principle of Senate Bill 323. Present from the Fire Department were Sgt. Steve Hardman and Sgt. Ernie Hedrick, II. Councilman at Large Olaf Walker moved we adopt the apprenticeship program in accordance with Senate Bill 323. The motion was seconded. Mayor Ashley commented that he feels it is an excellent program, and it was his understanding that it was for the professional fire fighters, and would not include the volunteers. Sgt. Hardman informed that the State of West Virginia was the first state in the country to put this in the state law, and we are receiving a lot of good publicity all over the United States with it. Along the same line, the State Fire Fighters are trying to get all of their programs started so that we can also be the first state in the union to have complete professional fire fighters. Mayor Ashley added that they give weight to specific areas where we would have a unique and specific need. Sgt. Hedrick said there would be 6,000 hours of training for a rookie fire fighter and for firemen with less than three years of service. Any firemen with over three years of service that agrees to do it now, it would be a 3,000 hour

course. Mayor Ashley said that as he understands it, the existing paid fire fighters still have to go through the program of certification. Sgt. Hardman explained that it wasn't mandatory, but that is the goal. He said that he didn't feel we would have any problem with it, and that if the fire fighters that are already on duty, go through with it immediately, they get 3,000 hours credit for their work experience. Therefore, they would only be required to have 3,000 hours. The new fire fighter, Ronnie King, would be required to complete 6,000 hours. Sgt. Hardman further explained that if, for instance, Sgt. Hedrick didn't want to do it now, and next year he wanted to, then he would be required to go 6,000 hours. A vote was taken to adopt the apprenticeship and certification program, and it was unanimously approved. Councilman A. A. "Joe" Savilla stated that he feels Nitro has an exemplary fire department.

AGENDA ITEM NO. 6 - PROCLAMATION - WV LIONS SIGHT CONSERVATION WEEK: - Mayor Ashley read the proclamation proclaiming the week of June 22, 1987 as West Virginia Lions Sight Conservation Week in the City of Nitro. Councilman Romie Hughart moved we adopt the above proclamation. The motion was seconded. Mayor Ashley informed that this same proclamation is being considered by the cities throughout the lower end of Kanawha County, and was sure that it would meet with the approval of the respective governing bodies throughout the valley. A vote was taken and it was unanimous. Mayor Ashley stated that he would inform the Lions of that effort.

PROCLAMATION 87-2 ATTACHED

COMMITTEE REPORTS

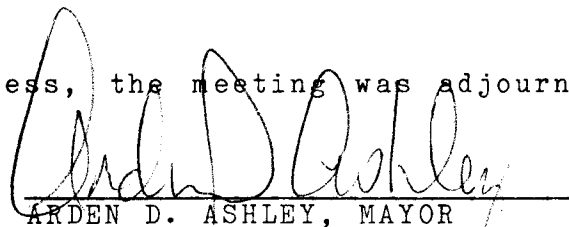
1. HOLIDAY REPORT: - Mayor Ashley said that it was requested by Council that City Treasurer Ralph Allison make a report of the feasibility of saving money in next years budget by eliminating holidays of the city. City Treasurer explained that what Councilmembers had before them was various days that other cities, the State Civil Service Commission and the City of Nitro are currently taking for holidays. As shown on the report, Charleston is taking 13 2/3 days, Dunbar 14 days, St. Albans 13 1/2 days, State Civil Service Commission 13 days and the City of Nitro 14 days. This information was obtained from the Recorder of the Cities and Mr. Morris, of the State Civil Service Commission. City Treasurer Ralph Allison mentioned that the only holidays being celebrated that are not legal holidays according to the WV Code are Good Friday and the half day on Christmas Eve and New Years Eve. Everybody is pretty much the same, except the State Civil Service Commission doesn't take Good Friday. The City of Dunbar takes two days at Thanksgiving as opposed to taking Columbus Day, and the City of Charleston only takes a third of a day off on Christmas Eve and New Years Eve. City Treasurer Ralph Allison pointed out that a Nitro holiday cost is approximately \$3,500, and added that he didn't have any specific recommendations, but we are on the top end of the holiday list,

but not far from the bottom. One day or a half day isn't going to make a lot of difference, but the report is submitted to Councilmembers for their discussion and action to be taken, if any. Mayor Ashley complimented City Treasurer Ralph Allison for the information, and said that it was interesting that they are so close. Mayor Ashley said that while we would definitely like to save money, he thinks that unless there is some specific move on the part of Council to eliminate some of these holidays in an effort to save money, but given the fact that our employees have been without some of the amenities, it's good to be first in terms of giving of holidays, especially if we can't give them pay raises and other benefits that some of the other cities can give, then he would be in favor of moving on to the last report. Councilman at Large Olaf Walker said that he had a question and a comment. Councilman Walker addressed City Treasurer Ralph Allison and said that he noticed that he didn't have President's Day listed on his report, and City Treasurer Ralph Allison said that he had it listed, but it was listed as Washington's Birthday. Then Councilman Walker said that according to the 1987 calendar, City Hall was closed Lincoln's Birthday, President's Day and Washington's Birthday. Mayor Ashley told Councilman Walker that there are a few errors in it, and we celebrated Lincoln's Birthday and President's Day. Councilman Walker commented that in 1987, there were 16 holidays and in 1987, it will be 17 days. Councilman Walker added that he wasn't for taking any holidays away from the employees, but thinks Council should be made aware of the number of nonproductive days we have. He then said we are closed on election days. Councilman Walker repeated that he wasn't for taking any holidays away from employees, but just thinks we should be aware of what it is costing the City and the State of West Virginia for holidays. Councilman Romie Hughart said that as he recalls, City Hall was not closed for the Municipal Election. There was a question as to the law regarding closing on election days, and requested the City Attorney Phillip Gaujot to research the law and ascertain if it is mandated that the cities declare a holiday. Councilman Walker said that each employee is allowed three hours off to vote. Councilman Jim Hutchinson added they are allowed three hours to vote, but by the same token, they won't pay you for the three hours at Carbide. He's not sure as to how other places handle it. Mayor Ashley said that technically speaking, City Hall is open 7 days a week, 24 hours a day because there are people here. City Recorder Joan McClanahan explained to Councilman Walker earlier that we have people on call 24 hours a day, and the City isn't in any position to give raises, and thinks we would be adding insult to injury to take away a holiday. She then stated that we are talking about productivity, and on December 24, you can't call another office because they are not there, there is no one coming in to transact business and there is nothing we can do. Councilman Walker said that he has experienced in the past, where one half the employees take off prior to Christmas Eve and the other half goes prior to New Year's Eve. City Recorder Joan McClanahan explained that if it was snowing, the Department of Public Works would have to work anyway along with the Police and Fire Departments. Councilman

Walker said that he didn't have a recommendation to make, but thinks when we are making our budget and computing salaries, we have to realize that we have anywhere from 14 to 16 days off, plus the average vacation for employees of 3 weeks, and mentioned the average sick leave. Mayor Ashley said that he thinks the one reason for the 3 weeks of vacation average is because there has been so little turnover among the employees of the City, and thinks there is clearly a movement at the state, national and local levels, not only in Nitro, but across this State and Country, that we can't continue to grant holidays for every occasion that someone thinks of another cause to celebrate. Councilman Romie Hughart said that in reference to the holidays, the City is in line with the plants in the valley such as Carbide and the Telephone Company, so he feels we should give our City employees a break too. There was no action taken on holidays for City employees.

2. SMALL CITIES COUNCIL: - Mayor Ashley reminded Councilmembers that there is a national gathering of leaders of small cities coming into this region. The host facility will be the Marriott in Charleston. On Friday, June 26, a business meeting will take place all day long and then Saturday morning. Mayor Ashley encouraged all Councilmembers to come and be a part of that. It is a unique opportunity for the region. The keynote speaker will be Ms. Pamela Plumb from Portland Maine, and the First Vice President of the National League of Cities to become the President. Mayor Ashley said that he thought the agenda was an excellent one, and the participation level should be quite high. We have people coming in from North Miami Beach, Florida, Arkansas, Ohio, Kentucky, Oregon, Indiana and all across the land.

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


 ARDEN D. ASHLEY, MAYOR


 JOAN C. MCCLANAHAN, RECORDER

ORDINANCE NO. 87-4

AN ORDINANCE REGULATING THE ESTABLISHMENT OF ADULT ENTERTAINMENT BUSINESSES IN CERTAIN AREAS OF THE CITY OF NITRO, WEST VIRGINIA.

BEFORE THE CITY COUNCIL OF THE CITY OF NITRO, TO-WIT:

WHEREAS, the establishment of adult entertainment businesses has a deleterious effect on existing businesses and the surrounding residential segments of neighborhoods, causing blight and downgrading of property values, and has an overall detrimental effect on the health and welfare of the City; and,

WHEREAS, such businesses, characteristically, utilize excessive illumination to identify their locations at night, thereby distracting passing motorists; and,

WHEREAS, such businesses, characteristically, operate during the late hours of the evening and early hours of the morning, thereby creating excessive noise levels adversely affecting contiguous and surrounding properties and persons utilizing such properties; and,

WHEREAS, such businesses have a general overall adverse effect on the health and welfare of the patrons of such businesses, of visitors to the City, of the citizens of the City, and upon the surrounding neighborhoods, thereby necessitating the regulation of the location of such businesses and uses within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, THAT:

A. REGULATION OF ADULT ENTERTAINMENT BUSINESSES

The establishment of adult entertainment businesses, as defined in this Ordinance, tends to result in the blighting and deterioration of the areas in which such businesses are established. Accordingly, it is necessary that such businesses be regulated in such a manner as to prevent the erosion of the character of the effected neighborhood and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, schools, churches, parks and playgrounds.

B. DEFINITIONS

1. "Adult bookstore" means an establishment having as a significant portion of its stock in trade, for the purpose of retail sale or for the purpose of display by coin or

slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes, which materials have as their major or dominant theme matter depicting, describing or relating to "sexual conduct" or "specified anatomical areas," as hereinafter described.

2. "Adult entertainment business" means an adult bookstore, adult mini-motion picture theater, adult motion picture arcade, and an adult motion picture theater, as hereinafter defined.

3. "Adult mini-motion picture or live conduct theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on depicting or describing "sexual conduct" or "specified anatomical areas," including live conduct.

4. "Adult motion picture arcade" means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "sexual conduct" or "specified anatomical areas."

5. "Adult motion picture or live conduct theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on depicting or describing "sexual conduct" or "specified anatomical areas," including live conduct.

6. "Sexual conduct" includes, but is not limited to, the fondling or other touching of human genitals, pubic region, buttocks or the female breasts, or masturbation.

7. "Specified anatomical areas" means the human genitals, less than completely and opaquely covered, the pubic region, buttocks and female breasts below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

C. ADULT ENTERTAINMENT BUSINESSES: ZONING DISTRICT AND DEVELOPMENT STANDARDS

1. Zoning district for adult entertainment businesses. No person, firm, corporation or association shall cause or permit the establishment of any adult entertainment business within any Zoning District other than B-2, and then only

after receiving a special permit in conformance with the Zoning Ordinances for the City of Nitro.

2. Development standards for adult entertainment businesses. In addition to the development standards prescribed for the districts heretofore noted, no person, firm, corporation or association shall cause or permit the establishment of an adult entertainment business within 2,000 feet of another such business or within 1,000 feet of any church or other place of worship, funeral establishment, public or private pre-school, elementary, middle or secondary school, park, playground, or area zoned for residential use. For the purpose of this regulation, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the parcel of real estate upon which an adult entertainment business is located to the nearest property line of the premises of a church, public or private pre-school, elementary, middle or secondary school, park or playground, or to the nearest boundary line of a district restricted to residential use by the City Code or Ordinances of the City of Nitro.

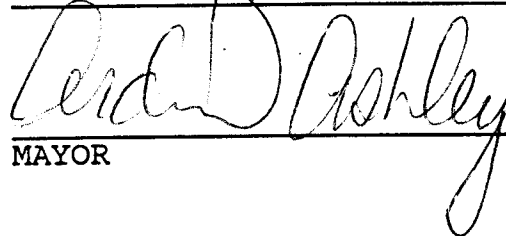
The "establishment" of an adult entertainment business shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses defined to constitute an adult entertainment business.

Passed on First Reading:

June 2, 1987

Adopted on Second Reading:

June 16, 1987


MAYOR


CITY RECORDER

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

(§ 11-8-26a)

CONTROL NUMBER FY FUND REV. NO. PAGE

CITY OF NITRO

GOVERNMENTAL ENTITY

26TH AND 2ND AVE

STREET OR P.O. BOX

NITRO

CITY

WV 25142

ZIP CODE

6/16/87

ENTITY APPROVAL DATE

RECEIPTS: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT
328	CONTRIS FROM OTHER ENTITIES	172 000	20 000		84 000
332	BID TAX	450 000	43 000		443 000

NET (INCREASE) (DECREASE)

63 000

EXPENDITURES: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
413-41-55	COMMODITIES	25 500		10 000	35 500
711-1-10	PERSONAL SER	408 28		21 000	61 828
530-41-55	COMMODITIES	135 555		25 000	164 555
455-1-10	PERSONAL SER.	197 884		7 000	204 885

TAX DEPARTMENT USE ONLY

NET (INCREASE) (DECREASE)

63 000

RECEIVED
POSTED BY

APPROVED FOR THE STATE TAX COMMISSIONER BY:

DIRECTOR - OFFICE OF CHIEF INSPECTOR

Joan C. McPherson

AUTHORIZED SIGNATURE
FOR GOVERNING BODY

6/16/87

DATE OF REQUEST

SPECIAL NOTE: TRANSFERS TO/ FROM SPECIAL FUNDS MUST BE

ACCOMPANIED BY A STATEMENT CONTAINING

SIGNATURES OF ALL COUNTY COMMISSIONERS. (7-1-8)

PLEASE NOTE:

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



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

PROCLAMATION 87-2

CITY OF NITRO

WEST VIRGINIA

OFFICE OF THE MAYOR

PROCLAMATION

WHEREAS, the precious gift of sight and hearing is recognized as the most valuable of the senses; and

WHEREAS, the West Virginia Lions Sight Conservation Foundation, Inc. has declared to prevent the loss of these senses where possible; and

WHEREAS, unnecessary blindness and hearing loss can be prevented by taking action to make sure that the indigent citizens of this community receive the professional help needed; and

WHEREAS, the community of Nitro has many qualified doctors plus outstanding facilities to properly care for those citizens needing sight and hearing corrective treatment; and

WHEREAS, the citizens of our community should become aware of the importance of sight and hearing care and seek direct help from eye care and hearing professionals when needed.

NOW, THEREFORE, I, Mayor of the City of Nitro do hereby proclaim the week of June 22, 1987 as West Virginia Lions Sight Conservation week in the City of Nitro.

IN WITNESS WHEREOF, I have here unto
set my hand and caused the Seal of the
Executive Department to be affixed this
16th day of June, 1987.


ARDEN D. ASHLEY, MAYOR

CITY OF NITRO
COUNCIL MEETING MINUTES

JULY 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, 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 was Councilman Romie Hughart.

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

Mayor Ashley welcomed everyone to the Council Meeting.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 16, 1987 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the June 16, 1987 Council Meeting Minutes as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley announced that one of the fun things we do every month is designate some one as our Citizen of the Month. The Citizen of the Month for July, 1987 is Violet Young. She lives at 205 Walker Street, a lifelong resident of the City of Nitro, the mother of five sons and she was named Licensed Practical Nurse of the Year at the annual meeting of the WV LPN Association. She is a dedicated nursing employee associated with Thomas Memorial Hospital for over 20 years. Mayor Ashley congratulated Violet Young, and a round of applause was given her. Violet Young responded that she may cry. She thanked everybody that was involved in this, that it was a great honor and she appreciated it. Another round of applause was given Mrs. Young.

AGENDA ITEM NO. 3 - JODY CALDWELL: - Mayor Ashley called on Councilman Charles Miller on this agenda item. Councilman Charles Miller advised that he has a young lady in his Ward that he wanted the City to know about. Her name is Jody Caldwell. Councilman Miller read a list of some of her achievements. In 1984, she was ranked second in the nation in hurdles and fourth in the high jump. In 1986, she was named 1986 Model of the Year. In 1986, she was Miss West Virginia Teen USA and was one of the top ten finalist in the competition. In 1986, she was Female Athlete of the Year, and a sophomore in high school. Also, in 1986, in the State Track Meet, she won two state events and set one record. In 1986, she was nominated for National High School Track All American. 1986 was a big year for her as she rated fourth in the nation in the high jump, and sixth in the hurdles in her age division. In 1987, she was crowned Miss West Virginia

Teen All American. Also, in 1987 she was Female Athlete of the Year. In 1987, at the State Track Meet, she won three events and set two more records. In 1987, she was named Gatorade Circle of Champions for West Virginia. She is a member of the Who's Who. Mayor Ashley added that she was Miss Spring Festival in 1985, also she was Citizen of the Month. Mayor Ashley commented that she is a special young lady, and appreciated Councilman Miller taking this occasion to pay tribute to her. Councilman Savilla said that she represented us well at the Small Cities Conference.

AGENDA ITEM NO. 4 - AIR CONDITIONER BIDS FOR CITY HALL: - Mayor Ashley informed that we have three air conditioning units at City Hall and one of them has been giving us some problems. We are not sure if we need a part replaced or the entire unit replaced, but thinks a new part would solve the problem. City Recorder Joan McClanahan explained that the original installers looked at it today, and determined that it was more complicated than they had anticipated. The coils are leaking, and won't retain the coolant. City Recorder Joan McClanahan said that originally we needed a compressor, and then after further checking from the installers, they found the problem with the coils and thus, far more involved. They recommended we replace the air conditioning unit. This unit cools the Conference room, Mayor's office, main hallway, Council Chambers and offices along the hallway. Mayor Ashley asked the estimate of the cost, and City Recorder advised that we needed three verbal bids. As of closing today, we received two bids and we need at least one more. The lowest bid now is \$1,965. and the highest \$2,170. Councilman Walker wanted to know who has bid, and City Recorder Joan McClanahan informed that we had telephoned the local air conditioner repair companies and had received two bids today, one from Teays Valley and the other from Johnsons. Councilman Walker asked the name of the air conditioner we now have and the age. City Recorder Joan McClanahan said that it was a Fedders and was 10 years old. Mayor Ashley said that this is within our budget as we are beginning a new fiscal year.

AGENDA ITEM NO. 6 - COMMUNITY ALLIANCES TO SUPPORT EDUCATION: - Mayor Ashley informed that some time back FMC Corporation entered a partnership with Nitro High School, and what they essentially have done in their effort is to create sort of a family connection and tie with Nitro High School. As a result, many of the other corporations around West Virginia and across the country are creating these partnerships with schools. One of the things that has been suggested is that the City of Nitro, as a government agency, also enter into a partnership with schools. In a letter from H. Beach Vickers, Education Director with the Charleston Regional Chamber of Commerce and Development, to us on the subject suggests that we create this partnership with Nitro Elementary and Baker Elementary. Mayor Ashley said he feels we should add Nitro-Putnam Elementary as well, if we are going to do that. Mayor Ashley feels that one reason for selecting the elementary schools is that we already are working in close harmony with these schools in a lot of ways. Councilman at Large Rusty Casto mentioned that he didn't know if they picked

Nitro and Baker Elementaries for the City to work with, as Casto Hardware and Southern Supply will be working with Nitro-Putnam, and the bank will be working with the junior high. Mayor Ashley answered that he thought they had probably overlooked Nitro-Putnam Elementary because they want a variety of partners. All of the schools will be working with more than one partner. Mayor Ashley explained the CASE program. Councilman at Large Olaf Walker moved we enter into an alliance between the City of Nitro and Nitro Elementary, Baker Elementary and Nitro-Putnam Elementary Schools. The motion was seconded. A vote was taken and it was unanimously approved. Councilman Walker informed Mayor Ashley that if there was anything he could do, he would be happy to do so.

AGENDA ITEM NO. 6 - AMERICAN CANCER SOCIETY REQUEST: - Councilmembers were furnished a copy of the request from Pam Stephens, Field Representative, from the American Cancer Society for a door to door solicitation permit from July 15, to August 15, 1987. The funds will be used for public education and patient services in Kanawha and Putnam Counties, and also for research as stated on the application for the solicitation permit. Councilman at Large Olaf Walker moved for the approval of their request. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 7 - AMENDMENT OF ORDINANCE 83-10 (NITRO SWIMMING POOL RATES) (1ST READING): - This agenda item is a suggestion for a revision to Ordinance 83-10, which would constitute a new ordinance on the first reading having to do with swimming pool rates. City Recorder Joan McClanahan explained the need for clarification purposes, an amendment to Ordinance 83-10. It has been the practice of the City of Nitro to reduce the pool passes to half price effective July 15. She further explained that Ordinance 83-10 specified the year of 1983 only, and needed modified in language. Councilman A. A. "Joe" Savilla questioned if it was necessary for the rewriting of the entire ordinance, and Mayor Ashley answered that this was just a modification. Councilman A. A. "Joe" Savilla moved for the approval of this ordinance. The motion was seconded. Councilman Walker said that he followed Councilman Savilla's reasoning, and ask if there was some possible way that an ordinance could be amended. Mayor Ashley answered that it could, and it would be practical to enter an ordinance one paragraph long, except that ordinance would stand alone. It could cause someone to have an impression that the earlier ordinance, which included the year, was the only reference to it. Mayor Ashley said that he thinks the cleaner approach would be to amend the original ordinance in its entirety so as not to be confused. Councilman Walker then asked if we should have something in this ordinance that deletes the prior ordinance, and Mayor Ashley said that the ordinance that was originally written covered only the year of 1983. City Attorney Phillip Gaujot stated that we had to amend or come up with a new ordinance. Mayor Ashley suggested that the City Recorder Joan McClanahan designate on Ordinance 83-10 that it was modified by the new ordinance number. A vote was taken to approve on the

first reading the ordinance, and it was unanimous.

ORDINANCE ATTACHED.

COMMITTEE REPORTS

1. REPORT ON NEWSLETTER: - Mayor Ashley reported on the special addition of a newsletter which relates to the subject of the annexation of the Tri-State Greyhound Park, and two other parcels of land into the City. At this time, Mayor Ashley opened the floor for discussion and suggestions with regard to the language to be included in the newsletter with the expectation that it would be distributed by perhaps the Nitro Police Reserves and/or the Fire Auxiliary and would be in the hands of the residents of the City of Nitro by the end of the week or very soon thereafter. Mayor Ashley invited all Councilmembers to sign the document if they wished to do so, and added that Councilman Romie Hughart had already signed the document.

Councilman at Large Rusty Casto said that he thought the City of Nitro needed a stronger tax base. We definitely need something that we can see money coming in, and the dog track would bring money into the City.

City Recorder Joan McClanahan said that she agreed with Councilman Casto, and the one thing the residents need to be reminded or think about, is the fact that this would be revenue for the City, now and in the future. She informed that she was one hundred percent in favor of the annexation.

Mayor Ashley informed that the newsletter was to inform the public of the circumstances surrounding the annexation, but, as well, it is asking for some call for action by the part of the Council.

Councilman Savilla said that one of the things Pamela Plumb talked about at the Small Cities Conference in Charleston was the way the Federal Government has been treating the small cities, and it is getting worse. Councilman Savilla added that they are going to expect more from the small cities with little or no revenues coming from the Federal Government to do these things. The only thing for the small cities to do, is to attract small businesses or, in the case of the dog track, when someone asks us for a friendly annexation by minor boundary adjustment, we would be foolish not to do it. Our budget isn't going to get any better next year or the year after, and agreed with Councilman Casto that if we didn't have a stronger tax base, we are going to have a difficult time.

Mayor Ashley said that one of the things that is being considered by the people in Cross Lanes is the question of incorporation as pointed out in the newsletter. It is indeed a strange time to think in terms of starting a small city when the rest of the nation is moving in a different direction.

Councilman at Large Olaf Walker expressed his compliments and commended Mayor Ashley on the idea of the newsletter to the citizens because he feels this does two things. It gives the citizens of Nitro a summarization of what we have done in regard to the annexation of the dog track. He stated that probably each Councilmember has had questions from citizens or been involved in conversations regarding the annexation, and hopes the citizens will read the newsletter and take the action suggested in the newsletter. Councilman Walker said that he and Councilman Miller were pleased they could be of help in putting the newsletter together. Councilman Walker asked what the cost would be to mail it, and Mayor Ashley said that we could use the bulk rate which would be around \$400. Councilman Walker said if they were mailed, then we would be assured that the majority of the citizens would receive it. Mayor Ashley said that he would trust that every residential property would get a copy more quickly and more certainly if delivery was made by the Auxiliary Firemen and the Reserve Officers. Councilman Walker asked if they would do it for less than \$400. Mayor Ashley answered that essentially they would do it for a donation of half that amount and jump at the chance. Mayor Ashley said that it gives them a chance to be seen in the neighborhood and appreciate what they are doing. Councilman Walker said that he feels it is an important piece of information and wanted to be assured that the citizens will receive it. Councilman Walker said that if the newsletter was mailed they would pick up their mail, but if it was thrown on the porch or put under the door, they might not see it. All Councilmembers endorsed the document. Councilman Savilla asked how soon the newsletters could be delivered as he felt speed was of the essence. The people need to have the information to read between now and July 21, in order to take whatever action they might want to do. Councilman Savilla said that he thinks we should encourage everyone to watch exactly how each of the Commissioners vote which would effect Nitro.

Councilman at Large Olaf Walker moved the newsletters be mailed because, in his opinion, it is an important piece of information and didn't want it treated like a piece of campaign literature. The motion was seconded. A vote was taken and it was unanimously approved.

2. SMALL CITIES COUNCIL STEERING COMMITTEE CONFERENCE, JUNE 25-27: - Councilman A. A. "Joe" Savilla congratulated Mayor Ashley on an excellent job as host of the Small Cities Council Steering Committee Conference. The guests could not get over the hospitality afforded them by the City of Nitro, and the various drivers Chief Cochran provided the transportation of them to the various places they visited. Councilman Savilla said that the City of Nitro made a lot of friends. Councilman Savilla said that he and Councilman Miller attended all of the sessions, and received a lot of information, and some of it was a little bit scary. Councilman Savilla said that he picked up the packets that were left, and any of the Councilmembers that would like to see copies of the agenda and read some of the information provided by the Small Cities Steering Committee, they are welcome

to it. Councilman Savilla also reported on decisions made by the Supreme Court which would effect all cities across the United States. Councilman Savilla said that he thought we should also commend Eve Frazier on the work she did. The people were constantly talking about Eve and all the work she performed. She represented Nitro well, and did a more than capable job. Councilman Savilla called Councilmember's attention to an article in the Nation's City Weekly, regarding the conference held in Charleston and recommended Council read it. There was a photograph of Pamela Plumb, Mayor Ashley and Dave Dawson from the National Bank of Commerce of Nitro. The bank furnished luncheon for the group. Again, Councilman Savilla congratulated Mayor Ashley on a super job and a super conference.

Councilman Charles Miller offered his congratulations to Mayor Ashley on the way he conducted the meeting, and commented that he did a professional job. Also, he had some nice people helping him from the National League of Cities. The National Bank of Commerce hosted a dinner for the conference. Mr. Margolis from the State, gave a very informative talk, and Councilman Miller said that he was really impressed. It was a good workshop all the way around.

Mayor Ashley said that he appreciated Councilman Savilla and Councilman Miller for taking time out of their schedule to attend the business sessions throughout. Councilman Walker got in on a portion of the conference too. Mayor Ashley offered his thanks to Chief Cochran for arranging the local transportation, donated by the automobile dealers in the area at no expense to the city. It was a great conference and there have been a lot of compliments received. At NLC, they found out that Charleston is a great convention city. The Marriott was super to us, and the convention facilities are great.

3. DOGWOOD AVENUE SEWER LINE PROJECT: - Mayor Ashley said this is an outgrowth of our efforts at beautification. One of the things we wanted to do was to focus some attention on the riverbank. When we had the river parade on Memorial Day weekend, that was a part of the focus. As a result of that, there were four neighbors that got together and decided that they were going to enter into a beautification program of the riverbank on their own. This involved an extension of the backyard and addressing it off at the riverbank level. One of the properties had a sewer line that didn't go to the point at which they were going to decorate. The citizens approached Gene Williams and the Department of Public Works to see about getting an extension of the sewer line. Mayor Ashley called on the Director of Public Works, Gene Williams, to give a report on this project.

Gene Williams explained that we needed to extend the pipe about 30 feet. The pipe at 30 feet, uncoated and corrugated is \$13.49 a foot, and the coated is \$16.07 a foot. The uncoated would amount to \$404.70, and the coated would be \$482.10. Councilman Miller said that he looked at this particular project today, and the sewer is back underneath some old cross ties and

they are rotting to the point that they are about to fall in. The property owner wants to extend the line on out where he can fill the lawn in to the riverbank. Councilman Miller said that in his opinion, this needed to be corrected while he is going to have the equipment in there, and the City won't have to pay for getting the equipment in there. Mayor Ashley added that there was over \$30,000 in private money being spent to beautify their yards, and this person is spending \$6,000 on his. So, this is not to do any of the work other than to extend the line out to where he is going to landscape his yard. The contractor who is working on the other yards will be working with the Department of Public Works. Councilman Casto asked Gene Williams if he recommended coated or uncoated, and Gene Williams answered coated. Councilman at Large Rusty Casto moved we buy the coated pipe. The motion was seconded. A vote was taken, and it was unanimously approved. Mayor Ashley requested Gene Williams execute this transaction.

Councilman at Large Rusty Casto said that speaking of beautification, he approached the Nitro Moose Lodge and they agreed to finance the beautification in front of McDonalds, the area as you go over into Monsanto down around Gino's and the brush pile, and plant trees and possibly plant wildflowers. Councilman Casto said the signs in this area are an eyesore, and he would like to have the signs removed and the city to make a nice wooden sign advertising the churches and businesses. Mayor Ashley asked Councilman Casto to be specific about which signs he was referring, and Councilman Casto answered that the sign in the air which was about to fall over, and then there are about four or five signs for businesses. If we could ask permission to take these down and make a nice wooden sign with the names of the companies on one sign, it would improve the appearance. Mayor Ashley informed that Monsanto spent a great deal of money on the sign, and it is a wooden sign that has been carved. They spent a lot of money changing that to a wooden sign at our request. Mayor Ashley said that he would go along with the framing of the sign welcoming people to Nitro and listing the churches. However, he was not in favor of asking the corporations to put all of their signs on one large one. Councilman Casto asked permission to remove the sign, and Mayor Ashley suggested we assign this project to the Department of Public Works. Councilman Jim Hutchinson mentioned that further down Route 25, the brush around the Pioneers sign should be cut away from this sign, and Councilman Casto said that was the area he was speaking about. Councilman A. A. "Joe" Savilla said we couldn't read the sign. Councilman Jim Hutchinson said that if they had darker letters on the Pioneer sign, it would be more visible. Mayor Ashley asked Gene Williams if his department could take care of this matter. Councilman at Large Olaf Walker asked if the Pioneer Club wouldn't take care of this if we telephone them, and Mayor Ashley answered that he was sure they would. Councilman Walker said they were difficult to read. Councilman Walker wanted to know if anyone had ever contacted the railroad to see if they would help. Mayor Ashley told Councilman Walker that he was glad he brought up this subject. Mayor Ashley informed that

we had some volunteers that were mowing the railroad right-of-way, and the mower hit a rock, which in turn struck a vehicle. The owner of the vehicle came into City Hall and reported it and wanted the City to be of assistance in some way. Of course, the question that came into the minds of the volunteers was their liability. On behalf of those volunteers, we tried to intercede and assured them that if push came to shove, the City would pick up the cost which would be less than \$50. After some examination, we determined that it was the railroad right-of-way and not the highway right-of-way, contacted the railroad and their response was that the people who were there had no permission to be on the railroad right-of-way and could be arrested and fined. The spokesman for the railroad informed they had no liability either stated or implied, and they had no intentions of helping out. The bottom line is that the City will probably end up fixing the vehicle, and perhaps we can find some public forum for letting the public know the attitude of the railroad. Councilman Savilla said that we had a man who has previously arrested railroad engineers before, and if they don't clean their right-of-way, suggested we just stop the train and lock up the engineers. Mayor Ashley said that as a practical matter, we're not talking about a cost that is so great that it can't be taken care of, but the principle remains the same. In terms of liability, it is something we need to address, but feels we also need to focus some attention on the need for a better public spirit from the railroad. Mayor Ashley stated the railroad and the Department of Highways have done a poor job of maintaining their right-of-ways. If it wasn't for the citizens mowing the highway and railroad right-of-ways, and the Department of Public Works, there would be no beautification program. Mayor Ashley said that he feels strongly that this situation couldn't continue to deteriorate as it has in the past, and submitting a bill to the Department of Highways would not be out of order. Mayor Ashley informed that when lightning knocked out the traffic light at Lock Street and First Avenue, we received a invoice for over \$600. to repair it, and yet the Department of Highways won't cut their grass in Nitro. Councilman Savilla added that if we don't enforce the highway department and the railroad to cut their grass, we are doing our citizens an injustice.

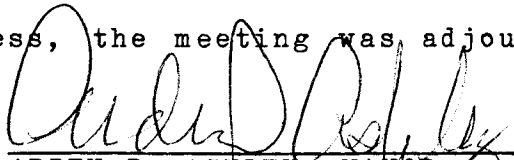
Mayor Ashley informed that the Department of Highways haven't fixed the slip. He has called Commissioner Ritchie, and can't get an answer back from his office. It was his understanding that Commissioner Ritchie was on leave last week, but was suppose to have been back this week. Councilman at Large Rusty Casto asked about Reeves Drive that is a private road and it is completely falling apart. The citizens of this area want to become a part of the city, and asked if there is anyway the City can begin moving toward helping the people out. Mayor Ashley said they should submit a petition to Council to dedicate the street for Council's action. City Attorney Phillip Gaujot said that it would have to be unanimous by property owners abutting the street.

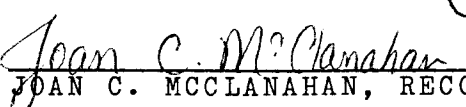
Councilman Savilla said that Brenda Tyler approached him

regarding the people of her neighborhood approaching Council several years ago, about the oil water problem. The State put in drain tile, and the City agreed to backfill it. Ms. Tyler informed Councilman Savilla that it had never been done. Mayor Ashley informed that the Department of Highways does not have an adequate drainage system along First Avenue. It starts at the City limits at Cleveland Avenue and throughout the length of First Avenue, there is not an adequate drainage system that ties into storm drains that go to the river or even tie into our sanitary sewer system. In that specific area there was oil that frequently arrived in their yards, and there are a couple places in close proximity to that neighborhood. One being a service station and the other an automobile dealership. There is another one which is a lawnmower and chainsaw repair shop. Any one of which, could have been an area where oil could have infiltrated the ditch line, and put oil in their back yard. The Department of Highways did put a drain pipe in, and the City did agree to cover that drain pipe. The problem is that the engineers from the Department of Highways and our engineers said that this would not solve the problem. It would solve the problem of covering the unsightly drain pipe, but it would create another problem in terms of causing standing water in those yards. The citizens were furnished a petition designed as a "hold harmless" agreement saying that if it creates a problem of standing water in their back yard, then they wouldn't hold the City responsible. If they did sign it, we don't have any record of it. Councilman Savilla said that Ms. Tyler had everyone sign it and gave it to someone in the City. Councilwoman at Large Mary Trout said that she worked with her, and she was of the opinion that one person wouldn't sign the petition. This matter will be placed on the agenda for the next meeting for Council's action. Mayor Ashley said that there is no problem with us taking dirt and covering that line, but also stated that the engineers advised that this would not solve any problems other than the appearance.

Again, thanks were given to the volunteers for their efforts on the beautification of our City.

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


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 87-

BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF NITRO, WEST VIRGINIA,
THAT ORDINANCE 83-10 REGARDING
SWIMMING POOL RATES BE AMENDED
AND READ AS FOLLOWS:

PASSES

	RESIDENT	NON-RESIDENT
FAMILY	\$70.00*	\$140.00
INDIVIDUAL	\$35.00**	\$ 70.00

- * \$ 10.00 DISCOUNT IF PURCHASED BEFORE MAY 1
- ** \$ 5.00 DISCOUNT IF PURCHASED BEFORE MAY 1

EFFECTIVE JULY 15, AND THEREAFTER POOL PASSES
MAY BE PURCHASED FOR ONE-HALF THE FULL RATE

DAILY RATES


	RESIDENT	NON-RESIDENT
ADULT	\$2.00	\$4.00
CHILD (under six accompanied by adult) Free		\$1.00
Senior Citizen	\$1.00	\$1.00


POOL HOURS: MONDAY THROUGH SATURDAY - 11:00 A.M. - 7:00 P.M.
SUNDAY 1:00 P.M. - 6:00 P.M.

POOL RENTAL: \$25.00 PER HOUR, AFTER 7:00 P.M.

FIRST READING: JULY 7, 1987

SECOND READING: _____


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JULY 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 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, Councilman A. A. "Joe" Savilla and Councilman Romie Hughart.

The invocation was given by Councilwoman at Large Mary Trout.

Mayor Ashley welcomed everyone to the Council Meeting, and announced that a card for Councilman Romie Hughart was being passed around and invited everyone to sign it. Councilman Hughart is ill and couldn't be with us this evening.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 7, 1987 COUNCIL MEETING MINUTES: - Councilman Charles Miller moved for the approval of the Council Meeting Minutes of July 7, 1987. The motion was seconded. A vote was taken to approve the minutes as written and it was unanimous.

AGENDA ITEM NO. 2 - SEAT BELT PROGRAM: - Mayor Ashley had distributed to Councilmembers, material with regard to the use of seat belts. Mayor Ashley said that it was his personal feeling that City vehicles operated by City employees in the conduct of City business should wear seat belts. Mayor Ashley said that he had talked with department heads and hadn't encountered opposition. There are some special requirements and concerns with the operation of oversized vehicles such as the very large trucks. Fire trucks have special safety devices that are available to them in areas called the "jump seat" which is the firefighters riding seated backward. There are restraining devices available, and will be on our new truck but are not on all of our vehicles. So, Mayor Ashley said that he would like to include in his request instructions to obtain those restraining devices, because they can save lives. Councilman Jim Hutchinson commented that he was a firm believer in safety belts, and moved we require seat belts be worn in City vehicles. The motion was seconded. Councilman Miller asked if we could get Mr. Danny Woofter of the WV Safety Belt Coalition to present the program before we install this. Mayor Ashley answered that this is one of the reasons he wanted a transition time, and they indicated they would be available to us and provide us free literature on the subject. Councilman Miller asked if all of our equipment had safety belts, and Mayor Ashley told him that at the present time, the Public Works Department vehicles are not equipped with seat belts except on some of the smaller vehicles. Mayor Ashley said

that his thought was that we should have at least a month before it would become mandatory, and that is so that they can all be equipped and the employees can get familiar with the transition. Once the effective date takes hold, there would be included in the regulations some action to be taken in terms of discipline if, in fact, they were caught not wearing their seat belt. A vote was taken to approve the seat belt regulation, and it was unanimous. Mayor Ashley advised we would aim for a target date of September 1, for the implementation of the regulation.

Councilman at Large Rusty Casto ask if we needed a motion to purchase the seat belt equipment necessary for the vehicles of the Public Works Department, and Mayor Ashley said the cost would be incidental, a maintenance and repair kind of expense item. It's not that expensive to purchase the seat belts, and they can be installed by the Department of Public Works. Mayor Ashley pointed out as information for Council's edification that one of the reason this became a concern to him was the condition on 21st Street is such that the probability is becoming greater and greater that one of our trucks might turn over on the hump, and without the benefit of the seat belts, he is more and more concerned about their safety as discussed earlier with Gene Williams.

AGENDA ITEM NO. 3 - REQUEST FOR CHANGE OF SPEED LIMIT, ETC. ON HILLSIDE DRIVE: - Mayor Ashley furnished Councilmembers a copy of a letter from Mrs. Pam Raynes. Mr. and Mrs. Raynes were present for the meeting, and their request was to approach the Council with regards to changing the speed limit from 25 to 20 miles per hour on Hillside Drive. Mayor Ashley said that for the purpose of considering the question, we have prepared copies of the map showing the length of Hillside Drive in its entirety. Mayor Ashley spoke with Mr. & Mrs. Raynes prior to Council Meeting to obtain a better field for just exactly what they were requesting. One of the things they commented on was the condition and the number of signs. Mayor Ashley informed that there was no problem putting up new signs and additional signs reflecting the proper speed limit and children at play. Mayor Ashley stated changing the speed limit from 25 to 20 m.p.h. would require action by Council and an ordinance. We do not have an ordinance to consider, but if we would frame the language into a motion it could be confirmed in time for the next Council Meeting. Mayor Ashley said there is a car wash in that stretch, so there is a lot of traffic that circles around the car wash. Another condition they pointed out was people testing automobiles would go the route up Hillside Drive. Also, they recommended more strick enforcement of the 25 miles per hour speed limit. Councilman Charles Miller informed he received a call from Mr. Raynes last week, and he came down and talked with Chief Cochran, and was told that he would put some officers up there to try and resolve the problem. Councilman Miller said that he could see no reason at all for us not to be able to put new signs on that street, and also, have the police there more to catch the speeders. Councilman Miller said that if they are having trouble with some of the teenagers, he instructed Mr. and Mrs. Raynes to

get the license number and notify the police department and they pick them up. Mayor Ashley asked Chief Cochran if he had increased the monitoring as a result of notification by Councilman Miller. Chief Cochran responded that he was up there himself three times Saturday evening and several times Sunday evening when he was on duty, and observed no traffic problem at all. Mayor Ashley addressed Mr. Raynes about the other people in the neighborhood, and wanted to know if he had discussion with them about the reduction of the speed limit. Mr. Raynes replied that he hadn't about the reduction in the speed limit, but had conversations with them about their teenagers speeding. The neighbors informed Mr. Raynes not to say anything to their children, that they would take care of it, but they haven't. Mayor Ashley said that it was generally not a good idea to take the law or matters in your own hands. Mayor Ashley wanted to know what the temperament of the other people that live on Hillside Drive would be with regards to a reduction of the speed limit and/or a more strict enforcement of the speed even at 25 miles per hour. Mr. Raynes answered that some of them he was sure would agree with it. Mrs. Raynes said a lot of the neighbors have commented about the speeders. Councilman Jim Hutchinson said that he thinks something should be done about this before someone is hurt or maybe killed. Mayor Ashley said that it really doesn't do as much good when you get a license number, because there is no way you can charge them with speeding if all you have is a license number unless you can attest to the speed at which they are exceeding the limit, and this can't be done without radar. Mayor Ashley added that there were two ways to approach surveillance; one is with a marked car which will slow everyone down, and the other is with an unmarked car and radar which will catch more people. Councilman at Large Rusty Casto questioned Chief Cochran if he felt the speed limit should be changed. Chief Cochran said that the current speed limit of 25 m.p.h. is not fast, and if maintained it would be okay. There is no way we would be able to catch every speeder. Mrs. Raynes suggested a speed bump, and was informed that it was not legal to have these on a public thoroughfare. Mayor Ashley suggested we get additional signs posting the speed limit existing now, post a sign of, "children at play", and in addition to that, notify the automobile dealerships that if they or their patrons are test driving vehicles on this street, we are increasing surveillance. Also, we will post officers on duty a minimum of eight hours in an unmarked car to check the speed of vehicles on Hillside Drive and report back to Council at the next meeting of the findings along with a report on which eight hours were worked. Mayor Ashley also suggested they make the shift that's worked, those times that the businesses are open. In the meantime, if it is still the desire of Mr. Raynes's part to pursue a change in the speed limit, we would be glad to assist with the structuring of a petition to present to the neighborhood and then present it to Council. Mayor Ashley requested Gene Williams, the Director of Public Works to get with the Police Department with regards to the posting of the signs.

AGENDA ITEM NO. 4 - OKEY AVENUE: - Mayor Ashley said this agenda item concerns a condition that exists throughout the City

along Route 25, but more especially around Okey Avenue where we have a surface water drainage problem. We have been attempting to deal with this for quite sometime. Mayor Ashley pointed out that there has been in that one block a considerable amount of concern by the citizens. The Department of Highways put a storm sewer pipe down, and it was the City's intent to cover that pipe. The problem is, as we understand it, is that if we cover the pipe, it would only make the problem somewhat worse because that water is now draining out under the pipe line cavity, is going to be trapped in the back yards of these houses whose ground level of their homes is lower than the road. Building Inspector Bob Sergeant and the Director of Public Works have met with City Attorney Phillip Gaujot and Mayor Ashley asked the City Attorney to give us a report on the City's position with regards to where we stand and what we might do.

City Attorney Phillip Gaujot informed that he discussed this matter with Bob Sergeant and Gene Williams at length, and it was reported to him that if the dirt is filled in around the pipe that's in there now, most likely in the opinion of Mr. Williams that several residence in the stretch could be flooded if there was a big rain and he feels the City could be liable. City Attorney Phillip Gaujot said that what he understood, there was an unofficial agreement some time ago whereby the City agreed to cover the pipe if the state put the pipe in. The State put the pipe in but he questioned whether the pipe was put in correctly by the state. City Attorney Phillip Gaujot advised not to do something that could cause damage to the residences along this stretch of roadway. City Attorney Phillip Gaujot then informed that he advised Mayor Ashley to write a letter to the Department of Highways to see what kind of relief the Department of Highways could give by possibly tunneling under the roadway, giving some avenue for that water to travel, and once that's done the City could go in and fill in around the pipes. There has been some question raised about preparing a hold harmless agreement, an agreement whereby the City would go in and fill in around the pipes if the people along that stretch sign this agreement. Based on some correspondence, some wish to sign but not one hundred percent. Without one hundred per cent, Mr. Gaujot didn't feel it would be wise for the City to do anything. He questioned whether the city should even do it anyway if the City feels at some point and time in the future there could be flooding. Mayor Ashley added that in a meeting last week with Commissioner Ritchie from the Department of Highways, a concern was addressed, for example as you enter the City around Cleveland Avenue regarding water problems. We have appealed to the Department of Highways to go under the road or cut through the road to get the drainage system on the other side to carry the water to the river, and they have been unwilling or unable to do that. In some areas the open ditch is not the problem. For example, around Center Street there are sewer systems, but around Okey Avenue there is a problem with getting the water out. Mayor Ashley said that he would follow Mr. Gaujot's advise and contact the Department of Highways to confirm their discussion. Mayor Ashley informed that a representative from the Department of Highways is scheduled to

come to Nitro on Wednesday. This is his second visit since Mayor Ashley's visit with the Commissioner. The meeting will be to address this problem along with some others.

AGENDA ITEM NO. 5 - CARRIAGE WAY: - Mayor Ashley turned this agenda item over to our City Attorney Phillip Gaujot. Mr. Gaujot reported this agenda item has to do with a house built for Mr. & Mrs. Amos by Mr. Volpi by and/or his corporation in Carriage Way. The house is literally breaking down the middle and there is a chance the house might fall over the hill. Mr. Gaujot said that in his opinion it is a hazard to anyone that might go into it, especially for children. It appears that the Amoses, who are present at the Council Meeting, are obviously aware of the condition of their home and have moved out of it. Mr. Gaujot said that it was his understanding that Mr. Volpi and/or the company that built the home has filed bankruptcy so his company has walked away from the problem. The insurance company representing both the Amoses, Mr. Volpi and/or his company have maintained a "hands' off" attitude. As a result, the City of Nitro is stuck with a hazardous situation, and potentially the City could be liable for allowing such a hazard or nuisance to exist if some one were hurt, especially a child. Mr. Gaujot visited the site with the Building Inspector Bob Sargent and Gene Williams and representing what they said to him he directed a letter to Mr. & Mrs. Amos putting them on notice that their home is a nuisance and a hazard to Nitro and its residents, especially children. They were informed in this letter that something needs to be done immediately, and if the City had to take any action, they would be held accountable. Copies of this letter were mailed to Mr. Duffied, who Mr. Gaujot understands is Mr. Volpi's lawyer, to Mr. Amos's insurance carrier, State Farm, Mr. Volpi's insurance carrier which is Nationwide and Mayor Ashley. Mr. Gaujot advised Bob Sargent and Gene Williams there needed to be some type of blocking off this area from adults and especially children. It would be too expensive to fence the house or tear it down. Therefore, Mr. Gaujot suggested the least that could be done was to tape it off all the way around. It is a situation that the City must closely monitor. Mayor Ashley added that Mr. & Mrs. Amos approached the City, and so the action that has been taken was discussed with them in advance of taking it. Mr. Gaujot suggested to Mr. & Mrs. Amos to tape off the area because if the City does it, they will have to charge them. Mr. Amos informed that it had been done previously, but the strong winds caused it to fall down. Mayor Ashley commented that the action on our part might give visability to the essence of prompt action on the part of the insurance companies. Mayor Ashley also mentioned that there are other problems having to do with the streets that have been reported to us, but not evaluated. We are not in a position to pass judgement on any of the other complaints or comments. In Carriage Way there are some other problems with regards to the streets which are not dedicated streets in the City. Mayor Ashley said that he would keep Councilmembers posted, and appreciated Mr. & Mrs. Amos attending the meeting this evening.

AGENDA ITEM NO. 6 - BROOK FOREST: - Mayor Ashley again yielded this agenda item to City Attorney Phillip Gaujot. Mr. Gaujot briefed Council that Brook Forest is the subdivision just behind Carriage Way and the entrance to Brook Forest is in Brookhaven. This Council has been requested to approve a plat of that subdivision, which he understands has already been approved by the Planning Commission, but he is not sure. Mr. Gaujot said that he needs to see some records from the Planning Commission with regard to this. Mr. Gaujot said that he has had two different attorneys write letters asking Council to put the stamp of approval on the subdivision, and thinks the underline reason for it all is for insurance purposes. Mr. Gaujot said for an update, he needed to see the minutes of the Planning Commission to see what was done at their meeting, and then he would be able to advise on this matter at a later date. Mr. Gaujot said that he was fairly convinced that it was within the City of Nitro, and this was the type of determination that needed to be made before we could put our stamp of approval on any document. City Attorney Phillip Gaujot said that he thought the Building Inspector could authorize this, and didn't know what authority Council had for the approval of a subdivision. Mr. Gaujot said that he would get with the Chairperson, Margaret Hudson, when she returns from out of state.

AGENDA ITEM NO. 7 - AMENDMENT OF ORDINANCE 83-10 (2ND READING) NITRO SWIMMING POOL RATES: - City Recorder Joan McClanahan informed this would constitute the second reading of an ordinance concerning the mid-season reduction of swimming pool rates. Councilwoman Mary Trout moved we dispense reading the entire ordinance. The motion was seconded. A vote was taken and it was unanimous. City Recorder Joan McClanahan read the heading of the ordinance. Councilman at Large Rusty Casto moved we accept the ordinance. The motion was properly seconded. A vote was taken and it was unanimous and adopted.
ORDINANCE 87-5 ATTACHED.

AGENDA ITEM NO. 8 - MARR'S JEWELRY SIGN: - Mayor Ashley said this agenda item had been considered by the Council previously, but final action was not taken. It has to do with a request from Mr. Marrs from Marrs Jewelry to construct a sign on his parking lot property separate and apart from and divided from his store property by a public thoroughfare, namely Bank Street. Mayor Ashley informed that it had been pointed out that the construction of that sign advertising his business and other businesses on property separated by that road would not be consistent with the zoning ordinances of the City. However, if that sign was advertising parking for those other businesses, rather than the businesses themselves, then it would not be a violation of the ordinances of the City. Mayor Ashley said he feels it is incumbent upon this Council to take some action with regards to Mr. Marr's request, and recommended that the action that would be proper, under the circumstances, would be to approve the request for the construction of the sign along with the instruction that with the inclusion of free parking to be included in the language of the sign. So, he would be

advertising the parking of the businesses. Councilman at Large Rusty Casto moved for the approval for the construction of the sign with the language of free parking included. The motion was seconded. Mayor Ashley questioned City Attorney Phillip Gaujot if this was consistent with his advise, and was informed that it was. There being no discussion, a vote was taken and it was unanimously approved. Mayor Ashley requested Eve Frazier to make a note to notify Mr. Marrs of Council's action as soon as the store opened Wednesday morning. Mayor Ashley also requested Bob Sergeant, the Building Inspector to notify Mr. Marrs in writing that Council approved his request conditioned upon the additional language that says free parking on the sign itself, and furnish the members of Council a copy of the communique.

Councilman at Large Rusty Casto announced that on Thursday, at 6:00 p.m. there will be a work party to clear the weeds, etc. in front of McDonalds at the sign along Route 25 down to Gino's, and invited anyone that wanted to participate to and bring a cycle.

AGENDA ITEM NO. 9 - SHAWNEE HILLS REQUEST: - Councilmembers were furnished a copy of the letter from the Shawnee Hill Community Mental Health/Mental Retardation Center, Inc. expressing an interest in utilizing the West Sattes Elementary School site for their program. This particular matter was originally addressed to Mr. Lemma's Board of Zoning Appeals. He, in turn, requested the matter be referred directly to the City Council because of its magnitude. Mayor Ashley said it is incumbent upon us to have a public hearing on the question so that the people in that neighborhood, as well as in the community at large, are informed before we would render a decision on it. Mayor Ashley added that in the language of the zoning ordinance it appears that the zoning ordinances provides that there can be exceptional permissive uses in an R-1 area for facilities of which this would be considered. (Nonprofit educational facility). After a discussion to the scheduling of the public hearing, Councilman at Large Rusty Casto moved we have a public hearing prior to the second Council Meeting in August beginning at 6:30 p.m. In order to accommodate more people and for their convenience, Mayor Ashley suggested we conduct the meeting at the Nitro Junior High School. A public hearing will take place at the junior high school at 6:30 p.m. on August 18, 1987, with Council Meeting beginning at 7:30 p.m. City Recorder Joan McClanahan will place a legal advertisement announcing the public hearing and Council Meeting.

AGENDA ITEM NO. 10 - WV MUNICIPAL LEAGUE ANNUAL CONFERENCE, AUGUST 13, 14 & 15, 1987: - Mayor Ashley advised this agenda item is a reminder that we have the WV Municipal League Annual Conference scheduled for Huntington on August 13 through 15th, and encouraged Councilmembers to participate. Mayor Ashley said that he would be attending the meetings and commuting each day, and offered transportation to them if they desired. Mayor Ashley also suggested they arrange their registration through Eve Frazier.

Mayor Ashley stated that in the material furnished to Council Members there was a flyer announcing the Band Concert by the Beni Kedem Gold Band to be presented Thursday evening, July 23, at 7:30 p.m. at Ridenour Lake. Mayor Ashley encouraged everyone to attend this concert as they furnish a very good show.

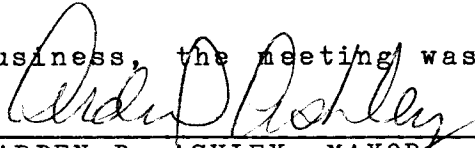
Mayor Ashley mentioned that there is a need for scheduling a Town Meeting, and asked for recommendations as to the date. Hopefully, we can arrange to schedule the meeting before the end of the summer. It was suggested we might plan on having the meeting a few days prior to August 20, 1987.

Mayor Ashley called on our City Attorney Phillip Gaujot to give the status on the annexation of the Tri-State Greyhound Dog Track. City Attorney Phillip Gaujot reported that pursuant to an ordinance passed by this Council, Mayor Ashley petitioned the County Commission on May 28, for an order allowing the annexation of certain territory within the county of Kanawha which was owned by Southway Construction Co., Solco and Tri State to be annexed with the City of Nitro. A petition was filed with the County Commission on the 28th day of May, and the Commission for some reason set the hearing on the petition for July 21. On the 28th day of May, Mr. Gaujot entered an order filing the petition and ordering that publication for the hearing scheduled for July 21, be made in two newspapers of general circulation in Kanawha County to run on two successive weeks. The order of May 28, which was signed by the County Commission also ordered that the posting of the notice be made in at least five conspectus places within the area to be annexed which was done. In addition to that, the notice was also placed in seven other areas. A hearing was scheduled for July 21, and we anticipated going to the hearing until approximately a week ago, when Mr. Gaujot heard that the hearing that was scheduled for today had been cancelled. Mr. Gaujot called Gary King, who is the County Attorney, to inquire and Mr. King told him that it had been continued until August 20. Mr. Gaujot ask him how that could be done, and that he didn't appreciate the fact that something like that happened. Also, Mr. Gaujot said that he heard the reason for the continuance was to allow a petition to be filed by certain residents in an area known as Cross Lanes, and Mr. Gaujot told Mr. King that he didn't appreciate, on behalf of the City, that the City Attorney and the County Commission would enter into some exparte hearing involving other people relative to the annexation of this territory to Nitro, without Nitro being a part of it. It was not fair to the people of Nitro, and at least, it wasn't fair to the Mayor who desires more courtesy than what they were extending. Mr. King told Mr. Gaujot that he would be getting back to him and he never did. So, unofficially as of last week, Mr. Gaujot had a pretty good idea that the hearing that was scheduled for July 21, was going to be continued. However, not being advised formally that it had been continued, proceeded today, prepared to go to a hearing on the petition that the City of Nitro filed. They arrived for the hearing at 8:57 a.m., and the hearing was to begin at 9:00 a.m. and Commissioner Bloom called the hearing and immediately after calling the matter to

the docket, a motion was made by Commissioner Stump to continue the matter until August 20. It was seconded by Commissioner Hunt. Mr. Gaujot asked to speak on the matter and was refused. The vote was taken and it was continued until the 20th day of August. Mr. Gaujot asked the County Commission to make a proffer, which is a statement made by counsel on the record in order to prepare and have a record to take to a higher court or take to a judicial court if need be. They denied Mr. Gaujot the right to make that proffer. They said that he could make it in writing. After continuing the matter to August 20, they said they would give him a moment to speak on the continuance even though they had already voted to continue it. Mr. Gaujot began to make a statement and after several interruptions, they ultimately walked out and refused to hear anymore. As they walked out of the courtroom, Mr. Gaujot continued to say what he thought, which was that the County Commission is a tribunal. It is suppose to be fair to the parties, and not unfair to either party. He wasn't asking the County Commission for any favors or to treat us any differently then they would anyone else, but he was asking they do treat Nitro fairly. Mr. Gaujot said that in his opinion, they are not doing that, and he told the County Commission that he thought they were treating the residents of Nitro as second class citizens, and he meant that. Mr. Gaujot said that he feels they think they have the authority to decide who gets the dog track. The code section is pretty specific, it gives the City of Nitro the chance to annex this property if it so desires and if there is no objection by the freeholders of the area to be annexed. Mr. Gaujot said that he was prepared to listen to the arguments from the other side that Nitro doesn't deserve it, and if they can give him some reason why Nitro doesn't deserve or cannot have it legally, then he will accept their argument and advise the Mayor and Council. As of this date, no one has given him an argument why this area cannot be annexed to the City of Nitro. Mr. Gaujot stated the law is clear as far as he can see. The law only allows those freeholders within the territory proposed being annexed by the City to voice an objection. Mr. Gaujot said that based on what he has heard and read, the County Commission has determined that it has the right to decide whether Cross Lanes, an unincorporated territory, gets the track or Nitro gets it. In Mr. Gaujot's opinion the Commission is biased in favor of Cross Lanes. Mr. Gaujot said they continued the hearing today for reasons he feels are improper. Mr. Gaujot, on the advise of Mayor Ashley, petitioned the Supreme Court asking for a rule ordering the County Commission to show cause, if any, why they should not be ordered to hold a hearing posthaste relative to our petition to have this territory annexed to the City of Nitro. Because of the long delay, it is Mr. Gaujot's belief that the City of Nitro has already lost somewhere in the neighborhood of thirty some thousand dollars that it could have received. Because of the delay, it is going to the Department of Highways. Between now and the 20th of August, the projections are that the City of Nitro will lose out on approximately twenty-two thousand dollars. Mr. Gaujot opened the floor for questions. Councilman Charles Miller told Mr. Gaujot that he was present for the scheduled

meeting, and approved of everything Mr. Gaujot told them. City Recorder Joan McClanahan said that she was present also, and it was shocking to her on how rude and discourteous they were. Even in the midst of Mr. Gaujot expressing himself; they just got up and walked out as though we were not important or worth listening to. From elected officials, it is just not what you would expect, and she was very disappointed in the manner in which they conducted themselves, and commented that Mr. Gaujot did an excellent job. Mayor Ashley commented that he too was there and said that he thinks we are fortunate that we have someone that's as capable as Mr. Gaujot. Mayor Ashley pointed out that he has limited staff and facilities to deal with problems of this magnitude because he takes his work with the City seriously enough that it doesn't take a back seat. It is not an easy assignment that he has presenting this sort of thing to the County Commission. Mayor Ashley commented further on the statement made by City Recorder Joan McClanahan, that in the legal profession and in the judiciary system there are a lot of courtesies that are extended, and he felt there were none today. Also, it was most uncalled for that we didn't have any kind of official notification that the plan was to continue. As a result of that, Mr. Gaujot and his staff spent countless hours preparing for a meeting that did not take place. Mayor Ashley said that he spent many hours preparing a statement as well, and he wasn't given a chance to get it out of the briefcase. As soon as there is anything to report, either Mayor Ashley, Phillip Gaujot or the media will let everyone know. City Attorney Phillip Gaujot said the issue before the court is, at this stage, whether or not the City of Nitro has the right to annex this territory. The issue is more important than that and that is to treat this body and the residents of Nitro equally. City Attorney Phillip Gaujot informed that he had a copy of the petition for Councilmembers, but it didn't have the exhibits attached. There was a question that since the revenue is going to the Department of Highways, could we possibly sue them for our loss. City Attorney Phillip Gaujot answered that it was a possibility. He said that anytime a tribunal, such as the County Commission, acts beyond the scope of their authority and causes damage to someone else, they could possibly be liable for their actions. If this Council would choose to do that, Mr. Gaujot said that he would be happy to research the issue to see if it is viable. Mayor Ashley said that they are bonded, we have lost money and we are going to lose more money. If the circumstances turn out that it is a viable alternative for us, this body could consider it. Mayor Ashley said that he appreciated the representation we had and the quality of representation from Mr. Gaujot.

There being no further business, the meeting was adjourned at 9:05 p.m.


 ARDEN D. ASHLEY, MAYOR


 JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 87- 5

BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF NITRO, WEST VIRGINIA,
THAT ORDINANCE 83-10 REGARDING
SWIMMING POOL RATES BE AMENDED
AND READ AS FOLLOWS:

PASSES

	RESIDENT	NON-RESIDENT
FAMILY	\$70.00*	\$140.00
INDIVIDUAL	\$35.00**	\$ 70.00

- * \$ 10.00 DISCOUNT IF PURCHASED BEFORE MAY 1
- ** \$ 5.00 DISCOUNT IF PURCHASED BEFORE MAY 1

EFFECTIVE JULY 15, AND THEREAFTER POOL PASSES
MAY BE PURCHASED FOR ONE-HALF THE FULL RATE

DAILY RATES

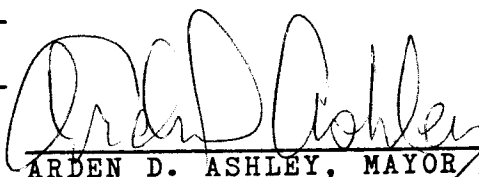
	RESIDENT	NON-RESIDENT
ADULT	\$2.00	\$4.00
CHILD (under six accompanied by adult) Free		\$1.00
Senior Citizen	\$1.00	\$1.00

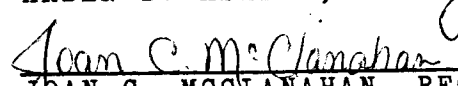
POOL HOURS: MONDAY THROUGH SATURDAY - 11:00 A.M. - 7:00 P.M.
SUNDAY 1:00 P.M. - 6:00 P.M.

POOL RENTAL: \$25.00 PER HOUR, AFTER 7:00 P.M.

FIRST READING: JULY 7, 1987

SECOND READING: JULY 21, 1987


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

AUGUST 4, 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 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.

On July 30, 1987, the City of Nitro lost an outstanding citizen and dedicated public servant, Romie Hughart, Councilman of Ward II.

Councilman A. A. "Joe" Savilla wrote a tribute to Romie Hughart. However, Councilman Savilla was ill and unable to be in attendance this evening, but his wife, Joan Savilla, presented the eulogy as follows:

A TRIBUTE TO ROMIE HUGHART

"Romie worked for the C & P Telephone Company. One of the things he was most proud of in his lifetime was the training of the young people who started working for the phone company. He trained them to climb the telephone poles, safety techniques and every day safety measures as they went about their day performing their duties. I have talked to many people who trained under Romie, and without exception, they said he was a firm taskmaster. He believed there were no short cuts when it came to safety training.

Romie was the same when it came to his duties as a City Council member. He was as determined as a bulldog, had as much perserverence as an old indian scout (which probably came from his days in scouting as he was himself, an Eagle Scout), and as he proved in his last great battle with cancer, he had the heart of a lion. When it came to working for the City he loved so much, there was no job too large or too small for Romie Hughart to tackle. If he believed what he was doing was absolutely right, he would present his case to Council, argue his point, and stick to his guns no matter what the outcome would be. No matter how fierce the battle, when Romie left Council Chambers, he carried no animosity out the door with him.

Romie Hughart was 62 at the time of his death...born in 1924, an only child. He graduated from Stonewall High School. He would have celebrated his 41st wedding anniversary in October. Romie was the father of five sons. He lost one of his sons when the child was only nine months old.

Romie loved hunting and fishing with his boys. He loved nothing better than going to Sutton Dam or up on the Cranberry River with his wife, Edith Ann, and his boys for a camping trip.

Romie loved the youth. He spent approximately 20 years in the Boy Scouts of America organization. One of his dreams unfulfilled was to see a youth center in Nitro. Romie also loved the elderly. He realized one of his dreams for Nitro when the Senior Citizen's Complex finally received the green light.

Romie loved Nitro. He lived in Nitro twenty-one years and was an active citizen at all times. He spent approximately five years serving on the City Council. Romie's eyes gleamed with delight with the possibility of incorporating the Tri-State Dog Track into the City.

We could go on at length talking about the things we remember about Romie, but Romie's gone. Gone where? If we believe the promises of Jesus, we do go somewhere. We, who are God's dearest creation, cannot simply be stamped out, canceled, obliterated. When one of us leaves the earth, it is for another destination. As surely as if he had climbed on a train that becomes just a plaintive wail in the distance, or a plane that dwindles to a speck in the sky. The rest of us can no longer see the plane or train or its occupant, but we know it is taking him somewhere.

"All aboard! Let's go!" ... Whether we are prepared for that summons or not, we all know it's coming to us and everyone we love. And its very inevitability bespeaks a God firmly in charge. When our time on earth is up, God wants us back.

Good-bys are always hard. Separations always hurt, whether short or long or final... The vacancy, the emptiness, the loneliness, the longing...but it helps, how it helps to know that the one we miss so acutely has not ceased to exist, but simply lives in a place we can't join him yet.

As Victor Hugo once wrote, "Have courage for the great sorrows of life and patience for the small ones; and when you have laboriously accomplished your task, go to sleep. God is awake."

Sleep well old friend. We will miss you.

May we please have a moment of silence in memory of our friend and fellow Councilman."

By: A. A. "Joe" Savilla
Councilman, First Ward

Mayor Ashley announced that we are going to be preparing in Councilman Romie Hughart's memory a display plaque to be placed in Council Chambers that will identify all members of Council since it was chartered in 1932.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 21, 1987 COUNCIL MEETING MINUTES: - Councilwoman at Large Mary Trout moved for the approval of the Council Meeting Minutes of July 21, 1987. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker said that he wasn't present at this Council Meeting, but on page 1 there was a motion made by Councilman Jim Hutchinson that we require seat belts be worn in City vehicles, and the motion was seconded. However, it doesn't show a vote being taken. Mayor Ashley assured Councilman at Large Olaf Walker that there was a vote taken and the action was approved and the minutes should have stated this. Councilman at Large Olaf Walker then referred to page 5, under Agenda Item No. 5, stated sentence reading, "The house is literally breaking down the middle and there is a chance the house might fall over the hill", and feels it would read better as, "The house is literally breaking down in the middle and there is a chance the house might fall over the hill". Councilman at Large Olaf Walker asked if the ruling on seat belts would be coming up again, and Mayor Ashley informed him that it would not. Councilman Walker said that since he was absent, could he ask a question, and was informed that he could. Councilman Walker said that he feels that putting any rule requiring employees to wear seat belts is a good rule, but he said that he believes and feels that is a responsibility of the Manager or Mayor of the Town. He said that he didn't see why Council would be involved in this. Councilman Walker said that it was reported in the press that this is going to apply to the public; at least that was told to him. Councilman Walker said that he would be opposed to any ordinance that included the public in wearing the seat belt. Mayor Ashley told Councilman Walker that there is no ordinance and it does not apply to the public. Mayor Ashley also said that he didn't disagree with Councilman Walker that is an administrative authority, but it's not that rare that there are things that we have the right to administer that we share with the Council for an impression of consensus. Councilman at Large Olaf Walker wanted to know how old the trucks were that we are going to put the seat belts in, and Mayor Ashley answered that some of them are perhaps early 70's. Councilman Walker said that he was a little familiar with the seat belt apparatus on vehicles and the drivers and workers that are in the trucks are in and out of them, and wanted to know if it was the intention to require the seat belts on the trash trucks, for instance, where they have to stop every half block and get out of the truck. Mayor Ashley said there was some discussion that covered this question at the last Council Meeting. Councilman Walker then said that he understood the Mayor would look into this by September 1 anyway, and asked if all the cars we have now had seat belts, and would this apply to those people who drive City cars including the Mayor. Mayor Ashley answered that it would, and that there was also discussion that there are some unique requirements on such vehicles as fire trucks and things of that nature, and specifically on garbage trucks. One reason for allowing the time was to enable us to make sure that if there are exceptions or exemptions, then this again would be adhered to because it is not

automatic in every vehicle. He explained that if this be the case, it could include such things as bulldozers, etc., but where it should apply, it will. Mayor Ashley stated that it would include passengers as well as drivers of City owned vehicles. The minutes were approved as written with exceptions as noted.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley called on Councilman Charles Miller to do the honors of naming the Citizen of the Month for August, 1987. Councilman Miller announced this month's Citizen of the Month is his neighbor and he invited him to Council Meeting this evening under false pretense (about something that was happening in the Park), and awarded Vic Thompson the Citizen of the Month Award. A round of applause was given to Mr. Thompson. Mayor Ashley and all members of Council offered their congratulations. Mayor Ashley announced that the reason Mr. Thompson was selected our Citizen of the Month was just a small way of thanking him for all the mowing he does along the highway in the City, and told him that he is a super citizen.

Mayor Ashley commented that we have recently been programing a program called, Nitro Profile, which is on the cable channel on Monday evenings at 6:00 p.m. and Friday at 7:00 p.m. Our program today included a couple of the ladies from the Nitro Women's Club who talked mostly about the work being done by volunteers to clean-up the City.

AGENDA ITEM NO. 3 - GREATER NITRO FOUNDATION: - Mayor Ashley said that there is some work being done to create for the City's benefit and for the benefit of its people, a Greater Nitro Foundation and feels it is an excellent undertaking and one that will pay long term benefits to the City. Mr. Chuck Taylor, affiliated with FMC, is spearheading foundation with the able assistance of Councilman at Large Rusty Casto. Mayor Ashley asked Councilman Casto to bring us up-to-date on their progress. Councilman at Large Rusty Casto informed that the Greater Nitro Foundation works on the same principle as the Greater Kanawha Valley Foundation. They have to start off with \$5,000 and they invest with the Greater Kanawha Valley Foundation and the members of the Board of the Greater Nitro Foundation will make the decision on how the interest from their money will be spent to benefit the citizens of Nitro. A meeting is scheduled at FMC on Thursday, at 1:30 p.m. and issued an open invitation. A representative from the Greater Kanawha Valley Foundation will be present at this meeting to explain the details involving the foundation. They have got to raise initially \$5,000 to have an account through the Kanawha Valley Foundation, and having it through them will result in a better rate of interest as compared to a regular passbook account. This will be used to help and promote the City of Nitro through the private people and businesses, and not through City Government. Mayor Ashley added that there are those associated with city government that maybe involved, but it is a separate function.

AGENDA ITEM NO. 4 - RESOLUTION 87-7 - SUPPORT OF HECKS: -

Mayor Ashley read the resolution in its entirety. Councilwoman at Large Mary Trout moved for the approval of the resolution. The motion was seconded. Councilman at Large Olaf Walker questioned if strengthened was spelled correctly, and it was. Councilman at Large Olaf Walker then pointed out in the next to the last paragraph and asked if it wouldn't sound better if we left off the first, their; and the Mayor along with Councilman at Large Casto said it would. Councilman at Large Olaf Walker then referred to the third paragraph from the top, and suggested it read, "WHEREAS, THE NITRO CITY COUNCIL recognizes the 28 years of public service of Hecks, Inc. and its contribution to the economy of the City as well as to the State, which has benefited so many groups, organizations and individuals," and delete throughout West Virginia. Councilman Walker stated that they have contributed tremendously to the business climate of the City as well as the State. Councilman Walker asked what methods are we going to use to win the support of the other cities, and Mayor Ashley informed that he had the locations of the other stores and he will be writing to the local officials in those areas sharing a copy of our resolution as amended, and ask them likewise to take steps to show support for Hecks locally. The resolution was prepared by Currey and Associates, employed by Hecks but he would be glad to make changes as recommended by Councilman Walker. Councilman at Large Olaf Walker asked if Bill Currey prepared the resolution, and Mayor Ashley answered that he wasn't sure if Bill Currey did or not, but Currey and Associates did. Bill Currey was the one who visited with Mayor Ashley and arranged to get the resolution drawn, but he would make the changes. Councilman at Large Olaf Walker said that we didn't have to make the changes because of him; he thinks it is a good resolution. The adjustments were considered friendly by Councilwoman at Large Mary Trout who made the motion for the approval and Councilman Jim Hutchinson who seconded the motion. The main motion was adjusted to include the comments made by Councilman Walker, and a vote was taken and it was unanimous.

RESOLUTION 87-7 ATTACHED

AGENDA ITEM NO. 5 - REQUEST FROM NITRO LOCAL #1822 "FILL-THE-BOOT DRIVE" MUSCULAR DYSTROPHY: - Mayor Ashley informed that this agenda item had to do with the Muscular Dystrophy fund raising effort to be participated in, subject to the approval by Council, by the Nitro Fire Department. We received the request from the Nitro Local #1822 requesting participation by the fire department and that August 14 and 15 be the two days they have their "Fill-the-Boot drive in the location of Lock Street and First Avenue at the traffic light. Councilman at Large Olaf Walker moved we approve their request. The motion was seconded. Councilman Walker asked if this would be posted at any place. Mayor Ashley informed that there wasn't anything about it being posted. A vote was taken for the approval of the request for solicitation, and it was unanimous. Mayor Ashley informed Captain Stover that he could make plans for participation.

AGENDA ITEM NO. 6 - CITIZEN'S PETITION: - Mayor Ashley said

that this agenda should be identified as classified information; it's called a citizen's petition. Without much discussion about the petition, Mayor Ashley then called upon the City Attorney Phillip Gaujot. City Attorney Phillip Gaujot stated that Mayor Ashley had mentioned this to him over the telephone this morning and then he saw the petition just before Council Meeting this evening. Mr. Gaujot informed that this isn't a matter that should be taken care of by Council, and suggested that Council Members turn their copy back to the Mayor as he should have all the copies. Councilman at Large Olaf Walker said that he was glad to hear Mr. Gaujot say that because he had questions about it. Mayor Ashley said that it has been the practice that when a petition is received, copies are distributed to Council.

AGENDA ITEM NO. 7 - DONATIONS - NITRO MIDGET FOOTBALL LEAGUE: - Mayor Ashley shared with Council the request from the President of the Nitro Midget Football League. First of all, it is a continuation of two requests from the League. As you know, they derive the vast majority of all their funds from donations from people coming to the high school football games parking in the City Parking Lot. So, it has been requested of the City Council in years past, and the City Council have always granted permission, for the Nitro Midget Football League to accept donations for people who go into the City Parking Lot to park their cars. They have again made that request to us, and there was a second request in their communique which takes no action by Council, but reported that they also requested a section of the City Park be reserved again for their use during their football season. This is again typical of the request in the past. The action required by Council would be with regards to their request to accept donations for parking at the City Parking Lot. Councilwoman at Large Mary Trout moved for the approval of their request. The motion was seconded. Councilman Miller stated that either two or three years ago we asked them to give us a report of how much money they received during their season, and so far he hasn't received anything pertaining to this. Councilman at Large Olaf Walker said that was the question he was going to raise because we had requested a report to us on this. A vote was taken, and it was unanimous. Mayor Ashley said that at the same time we informed them that their request was granted, we will ask for an accounting over the past couple years.

COMMITTEE REPORT

1. PUBLIC HEARING AT 6:30 P.M. & COUNCIL MEETING AT 7:30 P.M. AT NITRO JUNIOR HIGH SCHOOL: - Mayor Ashley reported that the regularly scheduled Council Meeting of August 18, will be held at the Nitro Junior High School Auditorium. Also, prior to the Council Meeting at 6:30 p.m., we will have a public hearing for the purpose of discussing the request by Shawnee Hills to utilize the facility which was formally the W. Sattes Elementary School for their purpose. This is a matter that was referred to us by the Zoning Board of Appeals as being something that Council should take up, and the public hearing has been advertised. City Recorder Joan McClanahan informed that she had notified Mr. A. J.

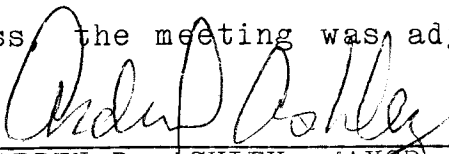
Ball, Director of Facilities at Shawnee Hill and requested he be present for this meeting so that he may answer any questions. Mayor Ashley said that he would like to encourage notification to all the citizens of the City to attend as there will be a briefing on the Tri-State Dog Track annexation petition. This would be two days before the scheduled meeting of the Kanawha County Commission on August 20. Councilman at Large Olaf Walker asked if Shawnee Hills has plans to rent or buy the property. Mayor Ashley responded that their plan is to purchase the facility. Mayor Ashley said that we would need to have, legal opinion in terms of what latitude City Council has in regards to that request.

2. PATROL REPORT ON HILLSIDE DR.: - At the last Council Meeting, we had residents from Hillside Drive requesting surveillance and closer examination of the vehicular traffic in their neighborhood. There was an initial request that something be done with the speed limit. Mayor Ashley reported that in lieu of that, we proposed a closer examination of the area with a follow-up report tonight at this Council Meeting. Chief Cochran has very diligently been doing a lot of patrol work in the area. Chief Cochran reported that orders were left with Lt. Blankenship while he was on vacation to have that area checked. It has been checked every day, and a lot of days there weren't any contacts made at all as there wasn't any traffic. Chief Cochran informed that since he has been back from vacation, he has talked with neighbors and found out some new times when there was more traffic moving, and so he is taking steps to have that time checked. Chief Cochran reported that they are still watching the area, along with some other problem areas. Mayor Ashley said that at this point, as he understands it, the surveillance hasn't resulted in any arrests, and Chief Cochran replied that it hadn't. Chief Cochran reported they will continue surveillance at different times in marked and unmarked vehicles. Mayor Ashley reported to Mr. Raynes that with the report furnished by Chief Cochran, it would appear that with the continued surveillance, unless there is something else that he would recommend, then he would assume we wouldn't be imposing any change in the speed law or the ordinances of the City. Mr. Raynes requested a reinstatement of his request for the reduction of the speed limit. Mayor Ashley informed that this would require an ordinance and also a specific motion by a member of the Council. Mayor Ashley advised Mr. Raynes that it would be awkward to expect that a Councilmember would offer a motion to pass an ordinance that they haven't seen in writing. Councilman Charles Miller, a member of the Traffic Committee, will go up and look at the Hillside Drive question. Councilman at Large Olaf Walker asked if we had any criteria or standards or specs that an area or a street must exhibit in order to have a 15 m.p.h. speed zone or a 20 or 30 mile speed zone, or do we handle each one separately. Mayor Ashley answered that it is on a case by case basis. A lot depends on whether or not it is a public thoroughfare used by a lot of people or a separate road like a culdesac. We have on occasion, but not frequently, had special requests for reduced speed limits, and given the nature of the

neighborhood and the lack of use from outsiders, the Council as in the past has always listened carefully to that kind of a request and each one is taken on a case by case basis. Councilman at Large Olaf Walker said that a tough problem the police have is being there when somebody speeds. He said that out Third Avenue, where he is, there is a 15 m.p.h. speed limit but on many occasions the cars are speeding when they go across the bridge. So, lowering the speed limit will not assure that everyone would obey the speed zone. Mayor Ashley said that it is not uncommon to find people violating that law. By the same token in the defense of the department, if you do not believe that the Municipal Court is full of people who think they can get away with speeding, invited them to attend Court. Mr. Raynes thanked everyone for their efforts and concern. There was a statement as to allowing people to go ten miles over the speed limit, and Mayor Ashley informed that he would address this. We will continue the patrols at Hillside Drive.

Mayor Ashley reported that the Senior's Complex is under contract, and the construction work is prepared to start. The schedule is they hope to have it under roof before the onset of coldest weather and ready for occupancy by late next spring. Three months before completion date, they will be taking applications. Councilman at Large Olaf Walker asked what will be the criteria for tenants, and Mayor Ashley answered that there are very specific guidelines under HUD 202. You would have to be a senior citizen and that is essentially the limit. You cannot discriminate because they do not live in Nitro, and because they are poor or they are not poor. Mayor Ashley said that he feels the rent you pay is based upon your level of income. It will have 60 units, is a two and a half million dollar structure and should be very nice. Mayor Ashley said that if Council will recall, we must relocate the City Library, and welcomed any suggestions in that regard. One suggested area was across the street from the swimming pool facing over in the corner to the right as you look out from the pool, facing the pool itself. We will have to move the building in its entirety, so the shorter the distance, the less the cost. Councilman at Large Olaf Walker asked if the Mayor had an engineer to study this and to come up with an idea, and bring it back as a tentative plan. Mayor Ashley advised that the engineers were looking at it from a standpoint of suitability of location.

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


 ARDEN D. ASHLEY, MAYOR


 JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

RESOLUTION 87-7

WHEREAS the Nitro City Council fully supports Hecks, Inc. in its efforts to restructure the company so as to retain the 4,000 jobs it provides throughout West Virginia and the six other states in its service area; and

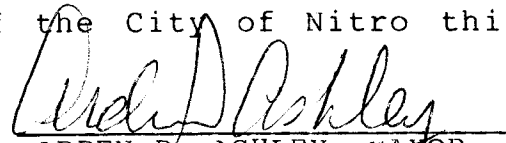
WHEREAS the Nitro City Council supports and encourages others to support the company in its planned program to increase its sales and improve its overall operations in a manner which will secure the future of its more than 400 employees at its home offices, central warehouse facilities in Nitro, West Virginia; and

WHEREAS, THE NITRO CITY COUNCIL recognizes the 28 years of public service of Hecks, Inc. and its contribution to the economy of the City as well as to the State, which has benefited so many groups, organizations and individuals; and

THEREFORE, BE IT RESOLVED that the City of Nitro, through the office of th Mayor, will seek the same support from all cities where Hecks, Inc. has retail stores. We believe that through such mutual yet independent actions to support the company thta the overall future welfare of the Hecks 4,000 employee associates will be enhanced and the economic future of the company strengthened.

BE IT FURTHER RESOLVED THAT THE NITRO CITY COUNCIL commends the reorganization efforts of the management and employees of Hecks, Inc. and wishes them early success in reaching their business goals.

PASSED by the City Council of the City of Nitro this 4th day of August, 1987.


ARDEN D. ASHLEY, MAYOR


JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

AUGUST 18, 1987

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley in the auditorium of the Nitro Junior High School 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 and City Treasurer Ralph Allison.

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

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 4, 1987 COUNCIL MEETING MINUTES: - Councilman A. A. "Joe" Savilla moved for the approval of the Council Meeting Minutes of August 4, 1987. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN'S PETITION FROM VALENTINE CIRCLE: - Mayor Ashley said that at a just concluded public hearing we had a thorough discussion of the petition that was received from Valentine Circle. Councilmembers were furnished a copy of the petition and the signatures submitted with the petition numbered some 109 names, many of which were recognizable and there was no reason to believe that the names on the petition were not certifiable. At the public hearing, City Recorder Joan McClanahan read the essence proposed use of the former West Sattes Elementary School property by Shawnee Hills, and there were questions and discussion on the questions. Mayor Ashley asked Mr. A. J. Ball, Director of Facilities, of Shawnee Hills, if he desired to make further comments. Mayor Ashley informed Mr. Ball that anything that was said at the prior meeting, could be adopted as a part of the record of the City; therefore, anything that was said before he wouldn't have to necessarily say again.

Mr. Ball said that he didn't know if there was any point of clarification that he could make. He said that he thinks we discussed the issue thoroughly, and requested that comments made by Shawnee Hills and their program be entered into the public record.

Mayor Ashley answered so noted. Mayor Ashley said that he noticed that we had a couple of questions from the audience as we were ending the public hearing and encouraged them to speak if they wished to do so.

A member of the audience informed that she was a registered nurse, and has lived with the mentally retarded pretty much. She said that she knew they were sweet and friendly one minute, but

the next minute if they want to do something, it takes control.

Mayor Ashley asked if anyone on Council had any comments, questions or suggestions, as we do have before us a request from Shawnee Hills and at some point and time, action by the Council must be taken.

Councilman Charles Miller said that Mr. Ball informed that there would be no activity at the proposed site after dark, and asked Mr. Ball if he understood this correctly. Mr. Ball informed Councilman Miller that he was correct. Councilman Miller wanted to know if they would have a security guard there, and Mr. Ball answered that they would not have a guard at this facility.

Councilman A. A. "Joe" Savilla questioned Mr. Ball on what this would do to their program at Shawnee Hills if Council would so choose not to grant the permit for their request, and Mr. Ball said this would severely limit the programs ability to provide training and education for those clients at Institute. There would not be growth as the building that they have is very limited in space and equipment. Therefore, for the population they are serving, they would not be able to provide quality programs for them as they would be able to do at the W. Sattes Elementary School facility. Councilman Savilla said that it was his understanding that this school would be run almost exactly as any other school in the Kanawha County School system (for the purpose of educating the people who are not quite able to attend a public school) and wanted to know if he was correct. Mr. Ball said, "Yes, he was correct." Councilman Savilla then asked if the school would be open for use by the public just like any other school in Kanawha County, and all we would have to do would be ask permission, in this case, from the Kanawha County Board of Education, and Mr. Ball said that we would request permission from Shawnee Hills. Councilman Savilla said that he thought it was an excellent idea.

Councilman at Large Olaf Walker wanted clarification of the parking situation at the proposed site. It was his understanding that the parking would be on the Valentine Circle end of the school property, and wanted to know if this was correct. Mr. Ball informed him that it was. Also, Councilman Walker wanted to know if the entrance on Lee Street would be used or closed. Mr. Ball answered that it would not be used by staff or transportation of clients to and from the program. It could be used by vans of Shawnee to supply lunch requirements. Councilman Walker said then we would have reduced traffic on Lee Street, and Mr. Ball said we would. Mr. Ball said we may have an occasional vehicle use this to make a delivery to the lunch program. Councilman at Large Olaf Walker commented that he has experience working with the crippled and handicapped, and has a great deal of empathy to those people involved. These people's educational and training needs are needed as much or more than a lot of the so called normal persons. Councilman Walker informed that he was a member of the United Way Budget Committee for

several years, and visited a lot of these facilities and knew what Mr. Ball was speaking of with regards to these people. Councilman Walker said that he would admonish Mr. Ball or whoever slightly for not taking action earlier, before they proceeded this far to let the people in that area know of the intentions of Shawnee Hills. Councilman Walker said that he has received telephone calls and was at the barber shop and someone asked about it and that they were opposed to it. Also, just before he left for the meeting this evening, he had a telephone call from a lady in St. Albans speaking for the proposed site because she had a child that would be attending. Councilman Walker told Mr. Ball that he thought if he had done this earlier, the reception in that community would have been a lot different. Councilman at Large Olaf Walker explained that no one wanted to be deterrence or a road block in the training and education of these people.

Mayor Ashley said at some points he thought most of them had seen the zoning ordinances that are applicable, and suggested if they hadn't it wouldn't take but a moment to read from our zoning ordinance, Article 5, having to do with "R-1" Single Family Residence District. Under paragraph 501, Permissive Uses, it lists in Single Family Residential Districts ("R-1"), the following uses of buildings may be permitted. Under B, it lists education, religious and philanthropic uses when not conducted as a gainful business. City Attorney Phillip Gaujot agreed with Mayor Ashley that the section that he read was applicable.

A concerned member of the audience wanted to know when the lease purchase agreement was signed with the Board of Education, and Mr. Ball informed that it was signed on the 18th day of June, 1987.

Mayor Ashley mentioned that there were discussions between the City and the Board of Education about the building itself, and there was some requirement that there is some asbestos insulation that was going to have to be removed, and wanted to know if Mr. Ball was made aware of this. Mr. Ball said that he talked with Mr. Caldwell from the Board of Education, and they have certified documents that the asbestos that is in the building in the ceiling is sealed and is not a problem and will not be a problem as long as it is not disturbed. Mr. Ball informed that they had not touched or moved any of that, and he has certified documents showing where the asbestos is, and it is sealed. Mr. Ball said that the problem was there prior to them purchasing the building, and the Board of Education had taken measures to seal it.

Councilwoman at Large Mary Trout informed that this was the reason the School Board gave for closing the school because of the expense of removing the asbestos from the school.

Mayor Ashley added that they identified that to us. For \$72,000 we might of bought the building.

Councilman Walker wanted to know if Shawnee Hills obtained

the property through a bidding process, and Mr. Ball said they did. Mr. Ball said that there was an exhaustive process that they went through the Board with proposals and counter proposals, and they did go through a four or five month negotiation period with them to reach the lease agreement that they signed. Mr. Ball did not know if there were any other bids received.

Charlene Fulton, an employee of WV Advacants for Developed Mentally Disabled, said that several people have raised the issue of property values, and in her work there she has come across some studies from around the United States on property values and she would be happy to share them with Council. The studies deal with comparison of property values in connection with group homes, but they are not exactly what we are talking about. She informed that she couldn't remember all the details, but her recollection was that basically in neighborhoods where property values were increasing anyway, they continued to increase, and where they were decreasing, they continued to decrease. She again said that she would look them up and send them to Council. Mayor Ashley told her that it would very much appreciated.

A gentlemen wanted to know if all the vehicles used by Shawnee Hills would be inside a fenced area, and Mr. Ball said there was an existing parking lot inside the fenced area and will be used for staff parking, and their vans would come on the parking lot and unload the clients and they would leave and be housed the rest of the day at their facility in Institute; there would only be staff cars parked there. They would not be parked on the streets on Valentine Circle; they would be parked inside the property.

Mayor Ashley said that what Shawee Hills was looking for from City Council, is a commitment of the governing body to grant the necessary permits to proceed with their work at the site, and questioned if this was correct. Mr. Ball answered that in his request, it was for a variance for them to operate the school. Mr. Ball stated that to this point, they haven't done anything that would require a permit from the City of Nitro. He informed that all they have done is clean and paint which does not require a permit. He further stated that they haven't done any major electrical work or a large amount of plumbing or any of that kind of thing. Mr. Ball informed that they proposed to change the electrical supply service by upgrading it so that they could provide air conditioning in the building. They have not done that yet. Mayor Ashley then asked if he needed, from the governing body, permission to do those things that the law stipulate that they would need our permission, and Mr. Ball answered that Mayor Ashley was correct.

Councilman at Large Olaf walker asked if Shawnee Hills had to have our approval to occupy the building to use it as they intend to, and Mayor Ashley answered that they have to have our permission to use it as they intend, but they don't have to have our permission to occupy the building. Mayor Ashley said that as long as the work is clean-up work. Mayor Ashley said that he

understood there were some changes of windows and a few things like that, and this was a good thing to do regardless who owned the building. Mr. Ball informed that they had replaced some broken windows.

Councilman A. A. "Joe" Savilla said he thought to show a lot of good faith on the part of Shawnee, he feels it would be nice if the Board would work with our attorney to draw up a contract with just exactly what they are planning to do. He said this might ease the mind of a lot of the citizens that had questions about them changing the facility at a later date.

Mayor Ashley said that he was discussing with Councilwoman Mary Trout a proper motion to set aside enough time to establish some expert testimony on things such as property values, a research of the covenants on the property in question and to have some language structured in terms of future cliental assurances or anything else that either the Council, our legal counsel, Mr. Ball or anyone from the audience might want to suggest. Also, to be included in the motion that we would do so with the expectation of having it back on the agenda at the time of the next Council Meeting so as to take some action up or down.

Councilman at Large Olaf Walker said that before the motion is made, he would like to ask Mr. Ball another question. He informed that it was a follow-up to what Councilman Savilla asked earlier. Councilman Walker said that he didn't know what action Council might take on this, and if the request from Shawnee Hills wouldn't be granted, what does that do to them financially. Mr. Ball said that it would mean, at this point, that they lost \$7,000 that they have already spent on the clean-up of the facility. Mr. Ball added that they may still be legally bound by the document to purchase that facility without a use for it, which would be a tremendous loss to the center financially. Councilman at Large Olaf Walker asked Mr. Ball their source of monies, and Mr. Ball said that they had several sources. They are received from federal funds to the State Department of Health, Department of Human Services, local community funding, private donations to the center, and they do some work in separate workshop environments in which they contract with local businesses to provide either a labor force or to manufacture for them products, that in turn produces revenue at the workshop located on Smith and Ruffner Streets in Charleston. Therefore, some of the revenue they receive is self generated. Councilman at Large Olaf Walker asked if the Kanawha County Board of Education fund them in anyway, and Mr. Ball said they did not. Mr. Ball informed that from the Governor's Office they receive funding for camps during the summer. It is a special grant for which they apply, and it is not a regular funding source that they received on an annual basis.

Councilman A. A. "Joe" Savilla moved that we set the question aside to allow us time to gather specific data relative to the impact of this proposal on property values in the neighborhood, to research and review any existing covenants that

might apply to that property, to review with the staff of Shawnee Hills or the Board of Directors a commitment for restricted future cliental changes and/or future use changes if the covenants aren't restrictive in that way, and anything else that they can think of that might be of concern to Council, and hopefully have the answers available for the Council at the next meeting. Also, have something drawn up. The motion was seconded. Councilman Savilla commented that he thought it was apparent that the people in that community are not opposed to this facility coming in. A lot of times the worst information in the world is misinformation or no information at all, and Councilman Savilla said that he believes this is pretty much of what the case has been. They had little or no information and the information was misinformation. It was too little too late, and we could see that they're certainly not opposed to Shawnee Hills moving into that school because if anything it would probably enhance the neighborhood. There being no further discussion, a vote was taken and it was unanimously approved. Mayor Ashley informed that this would be on the agenda at the next Council Meeting, and encouraged each and all of them to come back.

Councilman Jim Hutchinson moved we have another public hearing at 6:30, which would be one hour in advance of our next Council meeting to be held on September 1, 1987. Mayor Ashley asked for a show of hand as to how many of the audience would plan to attend and bring a friend. Due to the large number responding, Mayor Ashley advised the public hearing would be again held at the Nitro Junior High School auditorium.

COMMITTEE REPORTS

1. MEETING REGARDING ANNEXATION OF THE TRI-STATE GREYHOUND DOG TRACK AREA: - Mayor Ashley reported that a hearing is scheduled for Thursday, August 20, in the City's attempt to annex the Tri-State Greyhound Park. Mayor Ashley said that he thinks our annexation attempt has been preempt by the question of Cross Lanes as to whether or not they want to become a city. Mayor Ashley said that he noticed in the newspaper this evening is that the people from Cross Lanes have submitted a petition to the Kanawha County Commission and they claim to have the signatures necessary to call for an election on the question of incorporation. Mayor Ashley called on the City Attorney Phillip D. Gaujot to report on what is scheduled for Thursday night.

City Attorney Phillip Gaujot reported that what is scheduled is a hearing that the law calls for, for those people who live within the proposed territory for annexation. It is a hearing for the people who live in that area to appear and voice any objection to the annexation of that territory to the City of Nitro. He said that based upon his communication with the County Commission, it was his understanding that they would going to let people out side of that territory testify, which primarily would be the residents of Cross Lanes, and Mr. Gaujot said that in his opinion is contrary to what the law calls for. He said that

based upon the representation made to him by the County Commission, he suspects the hearing will be open for just about anything and everything. He said that under these circumstances, all we can do is be prepared, as he has no guidelines under which to make preparation. Mr. Gaujot said that it would be good too to have all those people present who are in support of the annexation of that territory.

A question from a member of the audience asking if it would be good to have the citizens of Nitro to show up for the hearing.

Mayor Ashley responded that it would certainly help. He said that it would make a difference. First of all, it's going to be a great opportunity to see the new court room that they have just refurbished. Mayor Ashley reported that the chambers will probably be crowded because there is clear evidence that both sides of the question of Cross Lanes incorporation have expressed the opinion that they are going to be there in full force. Mayor Ashley said that it was in Nitro's best interest that we be represented in large numbers. The hearing is scheduled for Thursday, August 20, at 6:00 p.m. at the Kanawha County Commission, in the old Courthouse, probably upstairs in the refurbished courtroom. Mayor Ashley reported that we are talking about a whole lot more than \$250,000 or \$300,000 that the dog track revenue would mean to the City of Nitro. We have representatives from the Department of Public works driving 1963 garbage trucks. We've been austere and we've tried to cut back on costs and on the survey done by the Regional Intergovernmental Council, we are pulling out. On a per capita basis, the City of Nitro is really doing a good job on holding back on cost, but there are so many things we really need to do in the community that we simply cannot do at this time, and will open the door to a lot of things that go beyond just the money. Mayor Ashley said that the most important of those things would be posturing our City in such a way that we can be attractive to economic development, and feels we are on the threshold of seeing some major changes take place in Nitro as soon as West Virginia is in a position to attract new business. This means new jobs for our residents, and we have a lot of them unemployed and a lot of them haven't worked since the Avtex plant shut down in the winter of 1980, but we are on the threshold of being able to change that and that's where Mayor Ashley sees that annexation being so terribly important. Mayor Ashley said that the other way it is important from the negative side of things, is what if Cross Lanes becomes a city and what if Nitro loses the dog track. Mayor Ashley encouraged the citizens of Nitro to come to City Hall and look at the map and he will show them how much of an invasion into the City of Nitro that would be, and encouraged as many as could to be there because Nitro's future depends upon our not losing this case. Mayor Ashley said that he felt comfortable about what the law says and he feels comfortable about our legal representative, but he doesn't feel at all comfortable about what the Kanawha County Commission will decide. However, if we lose this case, we are prepared to appeal it to the higher courts.

City Attorney Phillip Gaujot said he felt it important to notify the citizens of Nitro, that the City of Nitro has done everything according to West Virginia law. In other words, we have petitioned the County Commission to annex a certain piece of property, and the City of Nitro has followed the law. The County Commission has elected to take upon itself to set out of the boundaries of that law and has chosen itself to be a government body who will make the decision of whether the dog track goes to Nitro or to the post city of Cross Lanes. Mr. Gaujot, said what it is doing in essence is choosing Cross Lanes over Nitro, and in Mr. Gaujot's opinion, it violates the letter of the law and feels it's a slap to the citizens of Nitro.

There was a question from the audience asking how can they do that, and the answer was, they are just doing it.

Mayor Ashley expressed his appreciation for legal counsel's opinion and said that it comes from one of Cross Lanes's finest.

There was a comment from a member of the audience that she wasn't knowledgeable of what was going on. Mayor Ashley told her that we tried to inform every resident in town on what was going on by way of a newsletter. The entire content of the law was enclosed, but they did not enclose a case log out of Morgantown which was identical in form of what we are trying to do. Mayor Ashley reported that in that instance, Morgantown tried to annex by minor boundary adjustment, and the County Commission told them no, and they appealed it to the Circuit Court and the Circuit Court overturned the County Commission. The County Commission then went to the Supreme Court to appeal that overturned verdict and the Supreme Court told them that they have no right to appeal any judgement that they made at a higher court level. So, they upheld Morgantown's annexation by minor boundary adjustment. Mayor Ashley informed that he feels we are right; we feel we have satisfied, not only the letter, but the intent of the law. Mayor Ashley told that we were approached by the principals who contacted us and they asked us to annex them. They contacted the City Attorney Phillip Gaujot and instructed him to call Mayor Ashley. That's how it came about. They wanted us to annex them, and asked us to, by way of petition.

Councilman at Large Olaf Walker questioned City Attorney Phillip Gaujot if it was correct that we did it under 1969 law, and had nothing to do with what was passed in the past legislature. Since then, the people perceive because of a bill that was passed, that we have not gone by the law in the annexation process.

There was a question that if things go right for Nitro Thursday, what would be the next step.

Mayor Ashley answered that if things go right, then the County Commission would enter an order, and then we would start getting the money from the dog track. It is costing us, as of this coming Thursday night, an estimated \$60,000 so far for the

delays. We are talking roughly \$30,000 a month which could be used for a new garbage truck, police cruisers and road repairs.

A lady in the audience asked if she could get a dead end street sign then, and Mayor Ashley informed her that we could get her that now.

City Attorney Phillip Gaujot said that we would have to understand why the County Commission would want Cross Lanes to incorporate. He explained that it was not necessarily that it would be good for Cross Lanes, but right now Cross Lanes is being supported by the County Commission. If Cross Lanes incorporates, it would free up a lot of money for the County Commission so that they could give it the other end of the county, like they always have.

Mayor Ashley stressed that it is very important that a large number of people from Nitro be present.

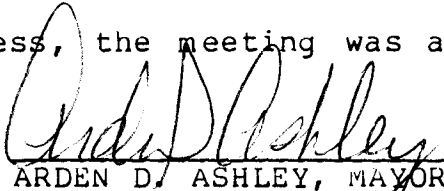
Mayor Ashley requested an updated report on Hillside Drive, and Chief Cochran informed that he didn't have the report with him, but they have been up there and no arrests have been made as of this date. Mayor Ashley said that there were some questions about signs to be placed. Chief Cochran reported that the "Children at Play" signs are ordered, but not up at this time. Councilman Charles Miller said that he was at Hillside Drive on Thursday evening, at 4:30 p.m., and stayed one hour. During this time, he saw seven automobiles and one bicycle within the hour and none of them were exceeding the speed limit. Councilwoman at Large Mary Trout reported that she had been there seven times, at different times, about 4:00 p.m., 5:30 p.m., early in the morning and around lunch time. She reported that she only met one vehicle during the times she was there.

Mr. Raynes mentioned the need for more speed limit signs, and Mayor Ashley told him that we would post three more signs. Then Mr. Raynes mentioned his original request of the reduction of the speed limit. Mayor Ashley stated that initially, Mr. Raynes petitioned for a reduction in the speed limit, and it was Mayor Ashley's understanding that he would reconsider his request if the law was enforced. He said that he didn't think Mr. Raynes's concern was as much at that point with the speed limit, as it was with the enforcement of the existing limit. Mr. Raynes, said that if we would recall, that at the last meeting, he informed Council that one of the officers told him that they allowed 10 m.p.h. over the speed limit. Mayor Ashley again told Mr. Raynes that this was not a departmental policy, and if it was, it would be changed, and it was changed the same night. There is no 10 m.p.h. grace given in the area. Also, if the speed limit is changed, it would require an ordinance and we haven't had an ordinance offered up or considered by a member of the Council. Mr. Raynes said that he asked if we needed a petition from some of the other citizens that were also concerned about the speed limit. He said that he is sure there are some citizens that aren't concerned, because they have teenage

children. Mayor Ashley informed Mr. Raynes that if he wanted to submit a petition, then he could. We will do the will of the community. Mayor Ashley informed Mr. Raynes that he had no problem with reducing the speed limit or adding additional signs. Mr. Raynes informed that he signed a warrant Friday on one of his neighbor's children for reckless driving on the street. Mayor Ashley said that this would be dealt with in court. For the benefit of the rest of the audience, Mayor Ashley explained that at the request of Mr. & Mrs. Raynes we have posted police officers for quite a few hours over a period of the past couple of months and we are not finding any offenses and according to his understanding, we haven't made an arrest. We have had testimony tonight by members of the Council, and put up new signs. If those people on Hillside Drive want the speed limit reduced, we will do that. However, we need to have information that supports Mr. Raynes's claim. Mayor Ashley told Mr. Raynes that with regards to the warrant he signed, it is not at all an improper action, and that can be dealt with in Court with the Municipal Judge.

Mayor Ashley reported that construction on the senior housing project has started, and scheduled for completion in time for occupancy late next spring in about May or June. It is an exciting development for us.

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


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

PUBLIC HEARING

AUGUST 18, 1987

CONCERNING THE REQUEST FROM

SHAWNEE HILLS COMMUNITY MENTAL HEALTH/MENTAL RETARDATION CENTER

The Public Hearing was called to order by Mayor Arden D. Ashley at 6:30 p.m. at the Nitro Junior High School Auditorium. A quorum of Councilmembers were present, representatives from the Shawnee Hills Community Mental Health/Mental Retardation Center, and concerned citizens of Nitro. Mayor Ashley announced that the City Attorney Phillip D. Gaujot would not be present for the hearing, but would be attending the Council meeting, and at that time this subject is on the agenda for the Council Meeting, and there may be an opinion expressed by him.

Mayor Ashley said that what Shawnee Hills needs to understand and what the people of Nitro needs to understand is that we are not sure what the law is going to say with regards to any use of single family residential property anywhere in the City. It is in all likelihood going to be important for the City Council to know how the people feel in the community, and told them that rest assured that whether they be representing the City of Nitro, residents of Nitro or Shawnee Hills, it is not unlikely that the will of this Council will be consistent with the will of the people who live in the community. This determination will be made at some later time as a convening Council. In the meantime, they are interested in finding out what the residents of the community feel which is our purpose for this meeting.

To start the program, City Recorder identified the request from Shawnee Hills. The original question was directed to the Nitro Board of Zoning Appeals and they in turn referred the question, because of its magnitude, directly to the City Council which is as follows:

Shawnee Hills Community MH/MR Center, a non-profit private corporation, is hereby requesting an exception or variance in the zoning code for the West Sattes Elementary School site from the present R-2 (Residential) classification.

The change would facilitate our use of the building to provide an educational/training program for developmentally delayed adults. The program operation would be very similar to the previous elementary school program provided in this facility by Kanawha County Schools. Hours of operation would be from 7:30 a.m. to 4:30 p.m. Monday through Friday.

The Center would be very receptive to providing the facility for community social, civic, and recreational activities on a coordinated, scheduled basis.

Our check in the amount of \$25.00 to cover the filing fee cost is enclosed.

Please advise me as to the date, time, and location of the Board's next meeting. If you have any questions, or require additional information, please let me know.

The letter was dated July 10, 1987, and signed by Mr. A. J. Ball, Director of Facilities. Mr. Ball was present for this meeting to answer any questions. Mayor Ashley acknowledged receipt of a petition in opposition to the request of Shawnee Hills, and a copy of the petition was given to all Councilmembers.

Mayor Ashley requested that citizens wishing to address the assembly to please use the microphone placed in front of the stage.

There was a request from a member of the audience that it be explained in more detail of what really is going to happen there. Mr. Ball explained that what they proposed not to do at the West Sattes site, which he stated he feels is the community's concern. They propose to move a program that it is now in operation at Institute which is a training center adjacent to the State Police Academy that provides a program for adult mentally retarded people age 23 and up. If the program was moved to the W. Sattes Elementary School site, it would operate as stated in the letter from 8:00 a.m. to 4:00 p.m. basically each day. It is not a residential program; the people that they would serve are not substance abusers. They are not alcoholics, drug addicts or the chronically mentally ill; they are basically mentally retarded and classified as such. They live currently in homes or foster homes and transported to the program on Shawnee Hills van; it's not large school buses. Mr. Ball said they did have one large school bus that comes out of Putnam County, but it would be reduced to a van if they received the approval to use the West Sattes site. The program is not a residential site. The building at W. Sattes does not lean itself to a residential facility. They are not proposing now or in the future to change that facility to a residential site. They intended to operate it in much the same way as the elementary school was. People would be brought to that site, and they would receive an education and return to their homes. Most of the clients are gone by about 2:30 in the afternoon. The staff works from 8:00 a.m. to 4:00 p.m. However, some parents schedules calls for them to come in a little bit early. If a parent works and brings a client to the center at 7:30 a.m., there must be a staff person there to pick that client up before the program opens. In most daily activity, by 2:00 or 3:00 in the afternoon everyone is gone except the staff. Mr. Ball said that he thought the program would be basically a program that the community would not see unless the staff took the clients outside. They are in classrooms and are not a loud group of people. Mr. Ball said that he was not talking about those kinds of people that would be running about the community causing problems. The population is

one that has a great need as far as the program and the West Sattes School site lends itself to that need. It provides them with a facility to put those people who are now over crowded, and not in as good of an environment as they could be. At this time, Mr. Ball stated he would answer any questions that anyone might have.

Mayor Ashley said that we acknowledge receipt of the petition from the residents in the former W. Sattes Elementary School area, and there are a lot of signatures on the petition that included a thorough lengthy preamble of those things on which they were opposed, but this meeting is an equal forum for expressing concerns. Mayor Ashley invited members of the audience to express their thoughts with us.

Joe McCoskey said that he was talking with Tony Lukowski who is attending the program up next to the State Police Academy, and after reading the concerns the people have, he had to look at the calendar to see if we are living in the dark ages or if this is 1987. He said that he never did see anything on paper so misrepresented in a long time. The first statement on there, "It would not be fitting to put a commercial enterprise in a nice residential neighborhood, especially a neighborhood where the majority of the residents are elderly." Mr. McCoskey said that he thought it was mentioned before that this is not a commercial enterprise; it is an educational facility. He said, at least Mr. Ball outlined pretty well the quality of the people who would be moving down to this new facility, and said the first statement can be a little disturbing. The second has to do with noise and he'd like to reiterate on what Mr. Ball said earlier. The proposed population is quite subdue the facility that had been there were Kanawha County students and he said that he knew for a fact, that they put out a lot more noise than the mentally retarded plans. He said that he used to live next to a school. Third, it talks about traffic congestion and parking on Valentine Circle, and a concern about no sidewalks. Also, a constant state of repairs of the roads, and he said that he believes that we had comments about the state of conditions of the roads, they should address the Council about this, because if one facility was used as a school for children, he was sure there was a lot of traffic on that road. Regardless of what goes into this facility, there will be traffic. Anytime that there is a lot of traffic, the roads take punishment. Number four speaks of something about lowering property values, and Mr. McCoskey stated that if it didn't lower property values when the facility was used as a Kanawha County School, it certainly wouldn't lower property values now. In answer to number five which states, there would be the chance of increased crime in the area due to the coming and going of more people who either help with the transportation of the retarded mental patients or assist in their care, Mr. McCoskey said that this implies that the staff of Shawnee Hills and the parents of the attending clients are criminals. Mr. McCoskey said that to him, this was a slanderous statement, and that anyone who would sign their names to a petition as this, certainly isn't thinking straight. Mr. McCoskey read number six

on the petition which designated that this type of facility should be located away from any residential area and should have more area around it for future expansion and for the mentally retarded patients to walk and be physically rehabilitated as well as being mentally rehabilitated. Mr. McCoskey said that he believed we have an excellent staff at Shawnee Hills, and they know what they are doing and what they need. He said that we could rest assured that when Shawnee Hills tells us that is the facility they need, that's it. The last statement read, it should also be understood that the action behavior of mentally retarded patients cannot always be accurately foretold and no one knows and cannot predict the action of said patients at any given time, and Mr. McCoskey answered that we could not predict the actions from a lot of people. There is no guarantee that any person in the room this evening will wake up tomorrow morning with everything we had when we went to bed. You can't predict anything like this, as that's just the way it goes, and to say that the mentally retarded are unpredictable, is a very misrepresented statement. Mr. McCoskey stated to the Mayor and the members of Council, that on behalf of the staff of Shawnee Hills and the parents of the clients at the mentally retarded center, he strongly suggested they disregard the petition, and thanked them.

Donna Hartley said that she was a foster parent of one of the clients attending Shawnee Hills. She said that this gentlemen probably never had fears that some of the other people that haven't been around mentally retarded people. She informed that she had two in her home right now, and one she has kept for five years. Prior to that, she hadn't had any contact with mentally retarded people, and had fears as she didn't understand them. The fact that if one would even speak to her in a store, she didn't know how to respond. Since she has had a child for five years, she has been in and out of a lot of schools. The atmosphere at Shawnee Hills is very, very good. A much more relaxing atmosphere than in public schools. She informed that she had two children of her own, one in junior high school and the other in elementary school, and the atmosphere is much more relaxing at Shawnee. She said the fears we have, if we would just think about them, what are they? That is what she wondered after she got to know these people. She said that she has talked with different ones on the van every day when she picks up her children, and has been around the mentally retarded a lot during the past five years and they, instead of being disruptive, she has found out they are more likely to please the community, then to be disruptive.

Chester Byrd, Pastor of the Starcher Baptist Church in North Charleston, and associated with Shawnee Hills, said that he runs the van back and forth to Chelyan everyday. He said that he has been with Shawnee Hills for a little over a year, and informed that when he came to Shawnee Hills he was like a lot of other people. He said that he was scared to death. For 20 years he said that he had been a Pastor, and always there would be some folks in his community who were retarded and there were fears on

how to deal with these people, how to talk with them, what to do and what not to do. Rev. Byrd said that it had been an educational experience for him, and stated that he personally has found that it is very rewarding to deal with those who are more misfortunate than we, and all of us know someone who has this type of problem. It's not a problem that goes away if we look in the other direction; it's a problem that needs to be dealt with. He said that he is in "people business"; he loves people. He loves people he deals with that are considered to be normal and he also loves the mentally retarded. Rev. Byrd said that he had to respond to area number five, and reported that most of the drivers had other commitments this evening and unable to attend this meeting. He said that area number five was very detrimental, and finds it to be very offensive and thinks they deserve an apology.

Mayor Ashley explained that Reverend Byrd was referring to item number five on the preamble to the petition which says, "There would be the chance of increased crime, in the area due to the coming and going of more people who either help with the transportation of the retarded mental patients or assist in their care."

Marge Sales, a resident of Valentine Circle, said that she was really glad the school was going to be used again. She said that it a lot harder on property values if the property was not being used. Some of the neighbors are opposed to the building being used by Shawnee Hills, but she wanted everyone to know that she was in favor of it. A big round of applause was given Ms. Sales.

Sherrie Givens stated that she was also a resident of Valentine Circle, and has been most of her life. She wanted to know if it has not already been approved by the Council, why has so much time and money been put into the building already. Mayor Ashley requested Mr. Ball address this question.

Mr. Ball said that when they originally got into the project, they were not aware there would be problems. They felt that Shawnee Hills was known in the community. The programs they operate are well received in the community and would not be a problem. He said they were remiss by not informing the citizens of the community that they intended to put the program at this site. Mr. Ball informed that Shawnee Hill has spent in the neighborhood of \$7,000 to rehabilitate the building, and they need an additional \$8,000 to \$10,000 to complete the job. It was something they attempted to do without the community knowing.

Sherrie Givens said that Mr. Ball informed them of what type of people that will be clients now, but wanted to know if that was subject to change at a later date. Mr. Ball answered that Shawnee Hill has no intention in the future to change the type of program they are proposing to place at West Sattes. The building itself would not lend itself to another type of program. He said if she was thinking about a residential site, there is no

way that they could do that. They could not meet the fire code or ordinance as far as a resident.

City Recorder Joan McClanahan wanted to make sure Ms. Givens understood that the City of Nitro has not invested any funds in the site.

There was a question as to how much of an increase in traffic does Mr. Ball anticipate in the neighborhood, and Mr. Ball answered that there would be staff coming to the facility in the morning and Susan Underwood, the Program Supervisor, could inform as to how many of them drive. Mr. Ball said that they had five vans that come in between 7:30 and 8:30, maybe 8:45 of the morning that would unload clients at the site and about 1:30 p.m. they would start picking those people up again. Other than that, there is not a great deal of traffic; maybe a supervisor coming to visit once or twice a day. Also, a janitorial crew that comes in to assist with training the clients to clean the building. Other than that, there is no large buses, large vehicles or any vehicles that would be disruptive to the neighborhood.

Wanda Collins of Sattes Circle said that she didn't see until she got up there this evening that when she signed those sheets, that she would actually have to look at them. Obviously, she did go around in her neighborhood, and most of them who heard about this coming thought it was going to be drug and alcohol abuse because someone told someone and told someone. Probably when the people signed the petition, people didn't read the whole thing or they just heard what the person said at their door and they were in a hurry with dinner or whatever. That's no excuse for them signing it anyway; they shouldn't have without reading it. She said she feels the community wasn't properly informed, anyway, before they signed it. She commented that she feels it is wonderful that the mentally retarded have a chance for education, that years ago they didn't have. She received a big round of applause from the crowd.

Mayor Ashley announced that Councilman at Large Olaf Walker has commented that it seems that the preponderance of those speaking for the facility, and asked if there was anyone in the audience to speak on the other side.

Bud Austin of 104 Planck Drive, lives two doors from the school. He informed that he just came back to West Virginia 8 to 10 months ago, and bought a house two doors from the school. He said that his main concern is if he would sell this house in the next year or so, would he get his money back out of his house. That was his biggest concern. He said that he didn't have anything against training, and said that Shawnee must be doing a heck of a job from what he has read and heard. He said that he didn't think most of them knew what was going on at the school. They saw all of this activity, and then suddenly somebody was forcing something "down our throats". He added that he understood that it wasn't the City, but it must be the school

board; he wasn't sure who it was. He said that he was concerned and was sure that a lot of the audience was concerned about their property. He said that this was his only worry, as his past history has been that he doesn't stay in one place very long because of his job. He said that now he is retired, but that doesn't mean that he won't move again, and he sure didn't want to lose money.

Mr. Ball informed Mr. Austin that they were not Kanawha County School Board.

Mr. Austin then said, "But the School Board owns the property, right?"

Mr. Ball informed him that they do. The Kanawha County School Board owns the property, but Shawnee is in a lease/purchase agreement with the School Board for \$193,000 to purchase the school through a payment plan. Shawnee pays the School Board a monthly payment. The lease purchase agreement is in effect now.

Mr. Austin said that they didn't tell anybody anything, which is typical of the Kanawha County School Board.

There was a comment from a member of the audience stating that they don't have a chance; the petition doesn't mean anything?

Mayor Ashley answered that the petition does mean something. When the comments are completed Mayor Ashley informed that he would try to summarize, along with the members of Council, some of what they have known.

A lady from 1328 Valentine Circle said that they built their home there because they thought it would be quiet there on the river. When the school was there, there was buses, people parking and they couldn't hardly get through and feels it will be the same way. She said that they are old people, and didn't feel like hearing the noise with cars going and the street is kept up. They had potholes in them all winter; but it has been paved over now. She stated it is too narrow for people to come and park in front of your house; they can't do that. She said that she didn't object to a lot of things, but she did object to this, because people have their homes there and their home value would go down.

Another lady informed that she also had a house on Valentine Circle, and had contacted two realty companies who assured her that the value would go down. It would be difficult to sell with Shawnee next door.

Another lady said that she had a retarded daughter and they had moved several times in the past 20 years, and the neighborhoods have always been receptive of their daughter. They always sold their property for more than what they paid for it,

and the property value went down none for them.

There was a question from the audience that wanted to know if they could be assured that when Shawnee purchased the building that the cliental would not change. She said that she feels they are entitled to an education, but she is also thinking about herself.

As Mr. Ball stated earlier, he again repeated that they have no intention of changing the population or program that they proposed at the site.

The lady said, "Can you assure us?"

Mr. Ball said he thinks they could, and as a center they would be very receptive to either negotiating in the variance of the agreement with the City of Nitro that they would not change the program that they put at West Sattes. Mr. Alex Ross, a Board member was present, and he could speak for the Board.

Mr. Alex Ross, a member of the Board of Directors of Shawnee Hills. He said that he wasn't employed by Shawnee Hill, but a member of the community who serves on the Board. Mr. Ross said that they are not going to have a facility full of Charles mansons.

The lady said that she thought Mr. Ross was misunderstanding her.

Mr. Ross said that he did understand it, and thinks it's very important that we know what Shawnee Hills is not going to do. He said from the standpoint of real estate values, common sense would tell anybody that if we had a drunk tank, a detoxification center or something like that in this particular facility, this is not the greatest thing in the world. Mr. Ross said that they are not going to have drug addicts or substance users. You informed that we would have to draw a clear distinction between chronic mentally ill and with what we are dealing with. We are talking about a client population that frankly is retarded. Mr. Ball said that when someone stands up and expressed reservation on what guarantees do we have that 1991 or 1989, or what have you, that all of a sudden bus loads of recovering alcoholics or recovering drug addicts will be brought in is a bona fide down to earth question. He said that he feels it has a lot more to do than with property values, he thinks it has to do with peace of mind and he said that he understood what peace of mind is all about. So, on behalf of the Board of Directors of Shawnee Hills, Shawnee Hills will put in writing whatever it takes to commit themselves that this particular facility will be used for the exact population that A. J. Ball has described. If there is any attempt made to try and change horses in mid-stream, they would have to reapply to the City Administration for permission. He said that when Mr. Ball said that they have no intention of changing, he thinks he is dealing with good faith. Mr. Ross said that they would commit themselves

that this will be a mentally retarded facility and not a drug facility, a mentally ill facility or any of these things asked about. They are dealing with the mentally retarded, nothing more and nothing less. The nature of this particular facility is such that its best use is for the type of facility that Mr. Ball has described. This is a school, and it would be pretty difficult to try and change it into something else. Mr. Ross said that he could understand their concerns about if Shawnee would bring in a less desirable type of individual, and he informed that Shawnee Hills will bind themselves to the City of Nitro, to the population of the City of Nitro and what the Council tells them, they will agree to the zoning variance and certain restrictions.

A gentlemen asked if the property would go to the school board, and what it would be called.

Mr. Ball answered that it would become the property of Shawnee Hill Community Mental Health and Retardation Center.

The gentlemen asked if for some reason the whole program changed, and they do not want that property, then there would be the options of being able to control it so that it still stays in a residential area as you could probably by then, have a variance and sell it to someone else that would have another purpose.

Mr. Ball said that he didn't think that would be possible based on what he knows about Nitro's ordinances. Mr. Ball said that regardless of what their variance would be, if they sold it back to the school board or to a private industry, they would have to come before City Council requesting a variance or a change in the code to use the facility for something other than a school, and that is why he was here now.

There was a question that if they could get an ordinance, then couldn't someone else get a variance with a slight change. We have started an action now and probably ten years from now, these people won't be on Council and what will keep us from being able to change it to another specific type.

Mayor Ashley answered that the solution that he addressed rests with the ordinance, more specifically with regards to zoning, and as Mr. Ball said that is why he is here tonight.

Someone wanted to know if they stayed in the building all day, and Mr. Ball explained that they do not. Behind the building is a basketball court and a large area fenced in around the school that would be used for outside activities. They would also be responsible for maintaining the law and the appearance of the building. Susan Underwood could answer any questions about the program and what they would be doing outside the building.

Another question was asked regarding the third paragraph of Mr. Ball's letter and requested Councilman Jim Hutchinson to read it. Councilman Hutchinson read as follows, "The Center would be very receptive to providing the facility for community social,

civic, and recreational activities on a coordinated, scheduled basis and requested Mr. Ball to collaborate on this. Mr. Ball answered that this means the building would be available to the community if they choose to use it for community meeting, recreational activities in the activity room, meetings, Scout groups and it would be much like we now use schools in various communities.

There was a question if Shawnee Hills would be using the facility at night, and Mr. Ball answered that there would no reason for them to be in the facility at night except if something would go wrong and the maintenance people would have to enter the building to correct the problem.

A lady said that she, along with other neighbors, walk in the evenings and after dark, and they were concerned regarding any activity taking place in the evening. Mr. Ball advised that the building would not be opened at night for programs. His intent in the letter was to make the facility available for use by the community. Mr. Ball suggested that if they were concerned about the population that will attend Shawnee Hills at this location, to contact Susan and make an appointment to go up and review the program they have at Institute. Also, take a look at the clients and the programming that goes on there, and felt they would be very much impressed as far as the staff, the program, clients and facility at Institute; the same kind of facility and program proposed for West Sattles. Mr. Ball explained that the building at Institute was very run down; it was vandalized and an eyesore to the community. The building now is very much improved and it will continue as long as Shawnee Hills is associated with it.

Mayor Ashley announced that it was near 7:30 p.m., and time for the Council meeting to start, and that if anyone had a question that they didn't get to ask in the Public Hearing, there was a very short agenda. The major portion of which is the same subject, but in order to stick to the schedule that if anyone would like to speak that hasn't had a chance so far, they would be given a chance to do that in Council meeting. Mayor Ashley, at this time, ask if anyone on Council would like to ask a question or make a comment.

Councilman at Large Olaf walker wished to respond to a comment made by a lady in the audience. He informed that he just learned that there is a clause in the deed, and said that maybe Mr. Ball could respond further, that that facility cannot be used for anything other than schools. Councilman walker said that he didn't have time to go to the Court House to do research on this, but did call the Kanawha County Board of Education, Mr. Caldwell's office. Mr. Caldwell was going to check on this but he didn't get back with Councilman walker. Councilman walker said that if he understood it correctly, that if that covenant was in Shawnee Hills deed when they purchase it, that would be another restraint along with the City ordinances. Mr. Ball answered that he was not aware of the covenant in the deed.

There was a question as to the number of clients and the number of staff that Shawnee has now; also, the maximum number they expect to have. Sue answered that at the present time, they have 50 to 53 clients per day. That's their average daily attendance; their enrollment is 70. She added that some of the clients only come two or three times a week. Their maximum enrollment is 90. The school is set up for close to 300, so they are putting one-third of the population that were there before. She said there was concern about traffic, and she sees no reason why the staff can't park on the parking lot at West Sattes. There are approximately 14 cars as far as the staff is concerned per day. The van come and drop them off, and they go back to Institute where they are housed. At most, there would be only one van on the property at West Sattes property per day. She said they had plans of enlarging the parking lot by moving the grass back.

A member of the audience wanted to know why they were moving from Institute to Nitro. Betty answered that the facility has 5 classrooms and a lunch room. Their program has expanded and the preschool program has expanded. Kanawha County is responsible for all handicapped students between the ages of 4 and 23, but a lot of them don't become handicapped at age 4. Therefore, they have a preschool and a home bound program that operates out of the same building that they are occupying, and their program has grown. They need more space and she said they were cramped in the 3 1/2 class rooms that they are using for their 50 clients per day. They don't have room for proper training.

Mayor Asnley requested a hold on the questions at this point as it was nearing the time for the Council meeting. Mayor Asnley expressed his appreciation for the petition from the neighborhood. Mayor Asnley assured that the Council had taken no action to approve anything that has been suggested thus far by Shawnee Hills. Mayor Asnley said they did not, because they have not been asked; we did not have anyone come to us for a permit to do any work that was done there. Upon discovering that work was being done, they were asked to stop working until such time as a permit could be obtained. Mayor Asnley stated that we knew there would be concerns because we have concerns. Before any such work is done in the City of Nitro, whether it's done by the Board of Education or Shawnee Hills or a private citizen on their home, they must first go to our Building Inspector and get permission by way of a permit to do the work they have outlined to us to make sure that it is done in proper form. For the record, (the building inspector Bob Sergeant was present at this meeting) and we were not approached, and they did not ask for permission nor did we give permission for any of the work that has been done. We were not a party to any lease purchase agreement between Shawnee Hills and the Board of Education. In terms of some comments that were made about, is it all over or is it too late, Mayor Asnley assured them that as a Governing Body of the City, it is the beginning because we want the input from Shawnee Hills because we are interested in their program, and applaud what they

have done. Also, Mayor Ashley said that we are interested in the neighborhood and wants to know how the community feels, and to the extent that this City Council has the authority, then nothing has been done except to call this public meeting for the purpose of gathering information so that we can all hear it together. Mayor Ashley said that he thinks there has been some key issues raised. One by Councilman at Large Olaf Walker with regards to covenants existing where the property is currently located from the owner who sold it to the Board of Education. Mayor Ashley informed that we would take it upon ourselves as a City to research that question and get the answer. Also, Mayor Ashley said that another question that has been raised that perhaps we can get some panel of opinion, and suggested to Council that one thing they may want to consider, in advance or as a part of tonight's Council meeting is to get some independent real estate brokers to make some assessments, independent of Nitro's local real estate agents or representatives of Shawnee Hills to make a decision of what impact it might have on the real estate property values in the community. Mayor Ashley announced that if there are other questions that we can think of that we need to provide an answer, he was sure the Council would take that up as a part of the agenda.

The meeting was concluded at 7:30 p.m.


ARDEN D. ASHLEY, MAYOR


JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

SEPTEMBER 1, 1987

The regular meeting of the Nitro City Council was called to order by Mayor Arden D. Ashley in the auditorium of the Nitro Junior High School at 7:35 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 Charles Miller and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujet and City Treasurer Ralph Allison.

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

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 18, 1987 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved that the Council Meeting Minutes of August 18, 1987 be approved as written and the minutes of the public hearing on the same date be included with the minutes. The motion was seconded. Councilman at Large Olaf Walker said he has read the minutes several times in view of the fact of the subject matter, and commended the person preparing the minutes and stated that he feels they were well prepared. A vote was taken to approve the Council Meeting minutes of August 18, 1987 and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley informed that it was a tradition of the City Council that they have enjoyed through the years to select from among the residents of the City, one person to be identified as the Citizen of the Month. Mayor Ashley said we have countless nominees, and a long list of people that have been suggested, but there is one lady that probably in some way have to be identified in a loving manner, "the queen of the City of Nitro" and our Citizen of the Month" for September is Grace Lewis, who was unable to be with us this evening. Grace Lewis resides on 23rd Street in Nitro, and served as the City Recorder from 1944 to 1972. Her father served as the first City Recorder from 1932 to 1944. In recognition of naming her as our Citizen of the Month, a plaque has been prepared which lists the City Recorders in our City's history. So far, we have had seven. This plaque will be placed in the hall at City Hall, and will be kept at City Hall permanently. A big round of applause was given Ms. Lewis.

AGENDA ITEM NO. 3 - NOMINATION TO FILL VACANCY FOR WARD II COUNCIL SEAT: - This agenda item has to do with entertaining a nomination to fill the vacancy on the City Council for Ward II which was brought about by the passing of the late Councilman Romie Hughart. Mayor Ashley recommended to Council for the replacement of Romie Hughart's seat on City Council for his unexpired term, Mr. Bob Evans. Councilman A. A. "Joe" Savilla moved that Mr. Bob Evans be named to replace Romie Hughart as the Councilman from Ward II. The motion was seconded. Mayor Ashley

introduced Mr. Evans. There being no discussion, a vote was taken and it was unanimous. Mayor Ashley extended his congratulations to Mr. Evans, and asked that he please come forward and Mayor Ashley administered the oath of office to Mr. Evans. A big round of applause was given Mr. Evans. Mr. Evans resides at 1507 15th Street. He is a local businessman in the insurance business. His wife is a school teacher, he has a two year old son named John, and has served on Nitro's Police Civil Service Commission. Mr. Evans is active in Civic Affairs and also works with us on the Committee looking at the creation of a Community Building. At this time, Mr. Evans took his chair with his colleagues. Mayor Ashley added that Bob Evans was a close friend of Romie Hughart, and he is also close enough to the work of the City Council that he is well acquainted with part of the task before him.

For the convenience of the audience, Mayor Ashley moved Agenda Item 7 up on the agenda.

AGENDA ITEM NO. 7 - SHAWNEE HILLS REQUEST: - Mayor Ashley advised that we have held two public hearings and discussed at some length in the Council meetings, the question of Shawnee Hills request for use of the former West Sattes Elementary School. At this time, Mayor Ashley said that he would be happy to hear from members of the Council as to what action they would like to see taken. Councilman A. A. "Joe" Savilla moved that we approve the request from Shawnee Hills. The motion was seconded.

Councilman A. A. "Joe" Savilla said that he had several things to say, and some of them may be popular and some of them may not be popular. Councilman Savilla said that number one, he was ashamed of a lot of the people in the room, and that he hadn't heard this much prejudice since he started the school at State in 1957. He said that the people do not understand the type of program that Shawnee Hills wants to move in the West Sattes School. He told them that if they want problems in that neighborhood, just let that school remain vacant, and let the same type of riffraff or street people that hung around that empty building on 21st Street. He said that if they worry about their wives and daughters being raped and murdered and robbed, and said that is when they would have problems. Not with the program like Shawnee Hills wants to put in that West Sattes School. He said that if they wanted their property values to go down, let that building set up there empty, then they would really have depressed property and problems. Councilman Savilla said that we couldn't police it 24 hours a day, 7 days a week, and keep all the street people, drug pushers and what have you out of there. He said that would be the real problem they would have in that neighborhood if that building is allowed to stay empty. He said that he heard it two weeks ago and again tonight, but less tonight, the people not understanding the Shawnee Hills program. Councilman Savilla said that we are not talking about putting a home up there for the psychopathically deranged, we are talking about an educational facility for the mentally retarded young people, and added that he for one, was for it, and said

that he was ashamed of the people who have talked so blatantly against it.

Councilman Jim Hutchinson said that we have a petition with a 110 names on it. Out of the 110, 6 people from ward IV talked against it, and they are all in his ward. Councilman Hutchinson informed that he had mixed feelings as to how he was going to vote. Councilman Hutchinson asked where are all the people that let him down, and let the people down that prepared the petition, and asked where are they? Councilman Hutchinson complimented Mr. Ball on his presentation of the program, and told him that it was very informative. Councilman Hutchinson said with that in mind and knowing full well if he voted for the program to go in, that he would be prosecuted in ward IV. Councilman Hutchinson said that this is the only reason that he has to vote against it. Councilman Hutchinson said that the people had confidence enough in him to vote for him and put him in office, that he would support the little handfull that was opposed to it.

City Recorder Joan McClanahan wanted the residents of that area or any area that this might be proposed for, to remember is that but for the grace of God, goes you or her or someone that she loves. She informed that she has been very fortunate; her sons are healthy and so is her husband and herself. She said that tomorrow that might not be true, and she would hate to think that someone she cared about might not get a chance for a better life. City Recorder Joan McClanahan said that she has to support it; and has no other choice as she has to live with her own conscious. She stated that she would support the program.

Councilman at Large Olaf Walker, for clarification purposes, wanted to know what we were voting on tonight. He said that he knew Mr. Ball wrote a letter requesting a variance, and implies to him that someone felt that the proposed use would be in violation of our zoning ordinance. Councilman Walker said that he read the ordinance and the way he understood the explanation of our attorney, this is fully within the ordinance as a permissive use, and wanted to know if this was true. Mayor Ashley explained that it would not require a variance from the existing zoning ordinances. It is identified as a permissive use in a R-1 (Single Family Residential) neighborhood, and it is not required that the Council approve any variance, it is only necessary that the Council approve their request for permission to have the facility to go in. The motion before the Council is to grant permission to Shawnee Hills to proceed with their request as submitted. Councilman at Large Olaf Walker answered that he understood the motion, but if a variance is not required, and if the proposed use is going to conform with our zoning ordinance, why can't they go ahead and use it as such. In other words, they do not need the permission or approval of City Council except if they plan on making major repairs and changes in the building. Mayor Ashley answered that there are repairs and changes in the building that will require permits and that is understood. That is generally the prerogative of the Building Inspector, and he has the right to make those decisions. BY

virtue of the request from Shawnee Hills to the Board of Zoning Appeals, and in turn, it was referred to the City Council. While the City Council does not normally advise the Building Inspector on what should or should not be permitted, given the nature of this move, it was taken up as an item to be considered by the City Council, and we always have the right as a governing body to intercede on any question that they consider to be significant enough to step in where the Building Inspector might tread. So, we are doing this as assistance to the Building Inspector; as he did not feel it was something that he should go ahead and do on his own. Councilman Walker then asked if Shawnee wanted to pursue and go ahead and use the building as they have presented it us, couldn't they? Councilman A. A. "Joe" Savilla answered that as long as it was used for a school because that is what the City Code says. Councilman Walker informed that is what he said. Mayor Ashley explained that what most of the Council has recognized from the beginning was that we have the right as a governing body to withhold permission of the school to do what they were wanting to do. They, in turn, would have the right to appeal that decision to the Circuit Court, and the prospects of whether or not we would prevail at that level, should not be commented on by Council. Councilman at Large Olaf Walker said the minutes of the last Council Meeting, as well as the hearing reflected the remarks that he made and the fact that we did admonish Shawnee for not taking a little public relations, a little community relations, and information to the neighbors earlier which would have defused a lot of this controversy that we had. Councilman Walker said that they signed the note in June and the City didn't get notification of it until July 10, and the petition from the people was originated on August 3, and it was first discussed at the Council Meeting on August 4, and then at the public hearing on August 18. After that, Shawnee prepared a brochure and distributed it to the neighborhood, and as someone pointed out earlier, there were certain pictures put in the paper about it, and feels that all of this should have been done earlier. Councilman Walker commented that this is the 20th Century, and we do not close off, lock off or send these clients, patients, people, (Councilman Savilla said human beings.) human beings (Councilman Walker said that client was used several times at the last meeting, and that is why he used it.), and he knew from personal experience that some of these schools are able to develop certain talents and skills in these people, and it's not only useful in their everyday life, but in some cases, they have been able to go out and work at certain jobs. Councilman Walker advised that as he said at the last meeting, he thinks that these people, patients or clients need training. They need schooling. Councilman Walker said that a lot of our tax dollars goes to help train these people. It takes a special type of training. Councilman Walker said that he has to support the motion even though he feels the motion is not required. Councilman Walker said that he feels that the Shawnee organization could proceed and occupy the building and do exactly what they said they are going to do as long as it is educational, as long as it's training and as long as it's not for profit being made from it, they could do it without any action on the part of this Council.

Councilman Walker said that he was going to support the motion as presented to Council.

Councilman Charles Miller said that he understood this had been a school for some time, and wanted to know if school buses didn't run in there before. Councilman Savilla answered that a whole lot more buses. Councilman Miller said that he was under the impression they did, but he said someone said something earlier about the buses coming in there and tearing up their street. Councilman Miller informed that he received a lot of phone calls the last week from the residents of his ward, and he didn't receive one call that was against it. Councilman Miller said that he realized that the facility was not in his ward, and he is leaning to vote for it.

Councilman at Large Rusty Casto stated that he visited Shawnee Hills on a number of occasions, and said that he could assure that there were no people up there which are violent in any way, shape or form, and said that he believed that moving Shawnee Hills to the W. Sattes Elementary School site would enhance the community as opposed to any detriment toward it.

Councilman Bob Evans said that he would have to abstain on this matter as this was his first meeting. He added that it was not because he was for or against Shawnee Hills, and that he would accept Susan Underwood's invitation and visit the facility. He said that he feels it is important that we know what is going on in our neighborhood. He said that personally, he didn't feel the values of real estate would decrease.

Councilman A. A. "Joe" Savilla said that he would like to respond to one of the things said by Councilman Walker about Shawnee Hills. He stated that everyone in the room was aware that he was for the program that is going in, but he said that possibly they could go ahead with their program even if the Council said, no. Councilman Savilla said that this is probably true as far as a school, but if they or anyone else tried to put any other type of facility in there, they would see just how far and hard this Council fought in just the opposite direction, to not allow something like a detox center or a substance abuse center or something like that to go in that school or any other school within the City limits.

Councilman Walker said that he appreciates that, but that he would add to that, and that is the very reason that he asked that the waiver (document) be put in the minutes of the Shawnee Hills Organization, as he was sure it would be a part of our minutes. Any future Council or future people at Shawnee can go back and see the history on what decisions were made based on that.

There being no further comments or questions from the Council, Mayor Ashley asked if there were any comments or statements to be made from anyone in the audience.

Dr. James Slaughter said that he didn't think there were anyone of them that opposed the education of retarded people, but why would it have to be located where it is. He said that it's more of where it is going to be located, than to being opposed of educating the people who are retarded. He asked why they couldn't put it somewhere else.

A lady asked if Shawnee Hills had already started to remodel the building, and Mr. Ball informed that they had been doing some painting inside and outside. Also, they had replaced some windows. He informed that in their lease from the Kanawha County Board of Education, they were responsible for the property. Therefore, for their protection and to make it presentable in the neighborhood, they secured it. He informed that they hadn't done anything that required a permit or had they received any authorization from the city. The lady said that she wasn't here earlier, and asked how many people spoke from St. Albans or somewhere outside Nitro. Mayor Ashley answered that apart from the people representing Shawnee, he recalled there was one gentlemen from St. Albans. Other than that, Mayor Ashley said that he thought that everyone else that spoke, other than the Shawnee Hills representatives, were from the City of Nitro. Mayor Ashley said that he would confirm Mr. Ball's comment, that to the best of our knowledge, there has been no work done at the facility that requires a permit from the City.

A lady wanted to know if the building has already been bought. Mayor Ashley informed her that if she was here at the prior hearing, she would have found out the same time we did, that they purchased the building sometime in June, and he was not aware of that until the last meeting.

Another lady asked that how many on the Council would want this in their front door. She said that she wasn't against the school, but where it is. She said that they had a nice neighborhood. Mayor Ashley answered that this would be a proper question to ask them personally or privately, and that this was not the discussion. The lady commented that she just wanted Council to think about it. Councilman A. A. "Joe" Savilla said that he has a school at his back door and if it ever closes, he would welcome a program like Shawnee Hills offers. The lady said that she wasn't against the retarded, but why put something where there has to be so much traffic, as it tears up their streets. She said that they had a nice quiet neighborhood and they have enjoyed it, but there is someone that always wants to mistreat them. Mayor Ashley told her that he appreciates her comments, but that he would suggest that anyone who has been around as this Council has deliberated and considered and pondered and inquired about and looked into this question, would have no right to suggest that we aren't taking the question seriously and said that he would suspect that there isn't a member of the Council that isn't going to vote his conscious.

Councilman at Large Olaf walker said that he would like to say one other thing. We did have one Public Hearing that had

been mentioned tonight and some of the people were present. Councilman Jim Hutchinson wanted to have the second hearing to give an opportunity for those people to come in that were not present at the first hearing. Councilman Walker said that it isn't too often that we have two hearings on the same subject. Councilman Savilla said that it was a credit to Councilman Jim Hutchinson because he was so concerned about the people in that ward, yet only six people got up this evening and spoke against it out of 110 on that petition.

A gentlemen said that if they do get their streets tore up, they can't hardly get it fixed. Mayor Ashley informed that this didn't have anything to do with the motion, but he would be glad to talk with him later about it. Mayor Ashley said that we do have a program to fix the streets as fast and as best we can, but that's not part of the motion.

Andy Preger said that he wanted to say one thing. The man in the blue shirt on Council was not in his ward, but he did not appreciate the way he was talking to the people that were opposing it. He said that he wasn't talking in favor or against it, but asking questions. He said, but from a man who was condoning his constituents, doesn't not have any right to be sitting where he is, representing the people. He said that this meeting was a very peaceful thing; people were giving their own opinions and said that this is what the hearing was for he believed. He said that it wasn't for people in the town to come here and be insulted tonight. A round of applause was given to Mr. Preger.

Councilman A. A. "Joe" Savilla told Mr. Preger that if he felt offended by his statements, he was very sorry, but he was certainly very offended from some of the statements made from the people who were talking about the mentally retarded students and the school that is about to go in. Councilman Savilla said that if he was offended, he certainly apologized for that. He added that Mr. Preger said nothing out of the way, then he should take no offense to what he said, and if he did, then he should take offense with it.

A lady said that people keep saying students, and the letter she received said that it would be severely retarded adults, and wanted to know which is it. Mr. Ball responded to this question, and informed that they are really both. They are students of the program. They are adults in that if they are more than 22 years old, they are not considered school age, but an adult in an educational facility. He informed that we are talking about people 23 years of age or older.

A lady questioned the time frame and wanted to know if the site had already been purchased by Shawnee Hills. Mayor Ashley answered that it had not, and informed that the action being taken by the governing body is proper, and they took what action they took as soon as they discovered that there was work being done there. He informed that they were not aware that it had

been bought. Mayor Ashley informed that we are taking position that Shawnee Hills bought the property from the Board of Education at their own risk, and he holds that this governing body has the right to deny them permission to put that school in until the Council votes on it. They can take whatever appeals action they would wish if this body would choose not to allow them permission. So, we are acting in proper time, and couldn't have acted any sooner because we were not aware of the acquisition of the property by Shawnee Hills.

The lady wanted to know why the public wasn't notified sooner, and Mayor Ashley said that the question of why there was not public information distributed sooner has been raised at each public hearing and it has been raised by the Council, and it was certainly raised by him at the hearing and at least twice here tonight, and feels that it has been answered. Mayor Ashley said that he thought that the admonition was clear that Shawnee Hills did not do a very effective job of informing either the City Council or the public in that neighborhood, and said that he thought that Mr. Ball has even indicated that it was probably a mistake on his part not to have done that.

A lady said that she wanted to say that she was grateful for Mr. Savilla and the way Mr. Savilla has expressed his views and also Rusty Casto and Mrs. McClanahan and said that she didn't know any of the others, but the three that she did know that she is thankful for the way they feel. She said that she was just grateful to have Councilman such as they are.

A resident of Valentine Circle said that the people on Valentine Circle possibly should just pack up and move, simply because tonight he didn't think the Council heard what they have to say. He said that he also interpreted the remarks by Mr. Hutchinson that the people up there aren't interested, or they would have come to the meeting, if they were interested enough to sign the petition. He said that whether they thought they should come tonight; they possibly didn't think they should because they had signed the petition. Yet, it seems to be casted completely aside, and the people on Valentine Circle in one effect, had not been heard at all tonight. But, the people on 30th Street, the people from 15th Street, people from St. Albans, people from Shawnee Hills, they have been heard. He said that "we, I think have been ignored, simply because we do not want that business in our district". He stated that they were not against the education of those people, and he said that he could go on for a long time telling things that he had to do in his 38 years in business in this town for such people, but he said, "no, you don't have the time, and neither do I". He said, but to tell him that he was some kind of hypocrite because he doesn't want a school of that type in his neighborhood, is certainly asinine. Mr. Preger received an applause.

Councilman at Large Olaf Walker said that he did a lot of running around and studying, in addition to what he has experienced over the years in regards to this, and he said it

troubled him because we have a lot of people in that area who are opposed to this. He stated that each and everyone has their right to feel the way they do about this particular facility. He said that it was his responsibility to look at these things, and try to make his decision based on what the law is, as he understands it, as well as what he thinks is right for the benefit of the group and citizens. Councilman Walker said that he didn't enjoy voting against something that his friends are for, or voting for something that his friends are against, but said that when he came on the Council, he said several times, he didn't come in to go along and to get along, but he makes up his own mind and makes his own decisions and votes the way he sees it. He said that he hopes that Shawnee Hills turns out to be a good neighbor, and that he really and sincerely believes that they will be a good neighbor. Councilman Walker said over the years, we have heard the argument for the last 30 years, going back to some of the issues the society has faced, that there would be property devaluation because of certain things happening to other groups and it hasn't happened. He said that he didn't want it to be true that Nitro be the only city in the State of West Virginia that would deny the use of a facility inside its corporate limits for the benefit of helping people that might be a little bit less fortunate than we are.

A lady said that there was one thing that she didn't understand, and wanted to know what was discrimination. Mayor Ashley answered that this was not part of the main motion, and said that he would yield that to some academician that can properly respond to it. It was suggested the question be called. Mayor Ashley advised the question had been called. Mayor Ashley informed that after the vote, he would like to make a comment.

A vote was taken to approve the request from Shawnee Hills and permission was granted to Shawnee Hills. Councilman Jim Hutchinson voted in the negative and Councilman Evans abstained.

Mayor Ashley commented that he thought it appropriate that those in the audience understand that this is precisely the American way and the freedoms we have in this country are all about. He said that if they think that this was an easy time for anyone on the Council, he would submit to them that it was not. He said that some of them from time to time may have vacillated back and forth. One comment from a member of the Council was that everytime one speaks, they bring out a point that hasn't been made before, and they found themselves in support of that position, and then the other side says something, and they find themselves in support of that position. Mayor Ashley said that is not a privilege that they are entitled to take, and he would ask as they look at the Council and consider the deliberation they have taken, and what they have had to do has been up on a stage in front of God and everyone. They have, as a Council, as a body and as individuals done the very best on the question that they possibly could. Mayor Ashley said that while they may or may not agree with it, he would ask that they, at least, recognize and understand that they are nine individuals, each perfectly capable

of having the courage to vote their convictions when and if the occasion calls for it. Mayor Ashley encouraged and invited the members of the audience to stay for the remainder of the Council meeting so that they can see their governing body at work.

AGENDA ITEM NO. 4 - RELOCATION OF NITRO LIBRARY: - Mayor Ashley recognized the Chairman of the Nitro Library Board, Councilwoman at Large Mary Trout, to give the report on the program of the relocation of the Nitro Library. Councilwoman at Large Mary Trout informed that on August 20, the Nitro Library board met and one of the topics was the discussion of the relocation of the library. The reason for the need of relocation is because of our new senior citizen's complex site. She informed that they made several suggestions about moving the library, and it will be moved before cold weather. There were several suggestions made by members of the committee about what would be done about the service of the library during the time of relocation, and it was an unanimous decision by members of the Board to keep the service of the library open. All details haven't been worked out yet. A copy of the minutes of the Library Board meeting held on August 20, is attached. Councilwoman Trout reported that the next Library Board Meeting is scheduled for September 21, at 7:00 p.m. and welcomed any suggestion for services during the time of relocating the library. Dolly Withrow and Linda Dorko are two new members on the Board. Ms. Withrow has worked with the City Council before and is a Professor at WV State College, and Ms. Dorko is a resident of Carriage Way. She and her husband have worked in various City activities. Councilwoman at Large Mary Trout moved that Council approve Ms. Withrow and Ms. Dorko to the Library Board. The motion was seconded. A vote was taken and it was unanimously approved. Councilman at Large Rusty Casto questioned the term of the new members, and the establishment of their terms hasn't been made. Members of the board are John R. Santrock, Rich Hively, Councilwoman Trout and now Dolly Withrow and Lydia Dorko. Councilman at Large Olaf Walker said that with regard to moving the Library structure, wanted to know how many days the library would be out of service. Mayor Ashley answered that the engineers anticipated that it would take roughly 30 days that the library would be out of service. He explained that most of that time is because once the crane goes in to lift the structure, it would be out of service. Councilman Walker wanted to know the cost for moving the library, and Mayor Ashley answered that the cost preparation was \$3,000 and the cost of moving was \$10,000 or something around that. We would also have related expense having to do with preparation of the books and we aren't sure what that will take. If the building at the pool was used, we would have to spend some money to secure this building. There is also some additional cost involving the relocation of the computer which is an essential part of the operation, but the Library Board may pick up that expense. Mayor Ashley said the bottom line is that we don't have the total. The money to pay for that is slated to come from the monies to be paid by HUD for the property on which the senior's complex is to be built. Mayor Ashley said the relocation would probably fall within \$20,000.

Councilman at Large Olaf Walker mentioned that we got \$80,000 for the property, and Mayor Ashley informed that we hadn't received it yet. Councilman Walker asked how much it would cost to move the sewer, and Mayor Ashley told him that we don't have the figure on the total cost that will be associated with the relocation of the library. Councilman Walker said that he was trying to come up with the net amount as far as the property is concerned.

AGENDA ITEM NO. 5 - ORD. 87 - TO DESIGNATE THE MAYOR OF THE CITY OF NITRO AS AN EX OFFICIO MEMBER OF THE NITRO LIBRARY BOARD: - Councilwoman at Large Mary Trout introduced an ordinance designating the Mayor of the City of Nitro as an ex officio member of the Nitro Library Board. Councilwoman Trout said that the Mayor met with them at their meeting and was not a member of the Board, and the members of the Board felt that this was a needed ordinance because his input to the Board was very important. The motion was seconded. Councilman Walker stated that he wasn't objecting to the ordinance, but wanted to know why it was necessary to have an ordinance. Mayor Ashley informed that they researched the City Code and couldn't find where it stated the Mayor was ex officio member of the Library Board, and the members felt it should be made official. Councilman Walker wanted to know there should be an ordinance, and why couldn't someone come before Council with a motion that the Mayor be named an ex officio member to the Library Board. Councilwoman Trout said then after we're not on the Council, then this would have to acted upon again. A vote was taken to approve the first reading of an ordinance naming the Mayor as an ex officio member of the Library Board, and it was unanimous.

ORDINANCE ATTACHED.

AGENDA ITEM NO. 6 - PROCLAMATION 87-3 PROCLAIMING 9-16-87 AS A CELEBRATION OF CITIZENSHIP DAY IN NITRO: - Mayor Ashley read the proclamation which he approved proclaiming the day of September 16, 1987 and September 17, 1987 as a Celebration of Citizenship Day in Nitro. Mayor Ashley informed that he would have a phone committee notify all agencies and people known that have bells including all churches and our fire department to join in this celebration.

PROCLAMATION 87-3 ATTACHED.

AGENDA ITEM NO. 7 - REQUEST FOR BIKE-A-THON TO BENEFIT THE ST. JUDE CHILDREN'S RESEARCH HOSPITAL: - Mayor Ashley read the request from Pauline Bell for permission to hold the sixth annual Bike-A-Thon, scheduled for October 10, to benefit the St. Jude Children's Research Hospital in the usual place. Councilman A. A. "Joe" Savilla moved for the approval of the request. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 8 - MAIN STREET WV PROGRAM: - Mayor Ashley reported this is a beautiful program. Basically, it was one that

started at the Federal level and passed down through the Governor's office, and has the endorsement and support of the Governor of the State of West Virginia. It is an invitation to participate in a program called, "Main Street West Virginia". Essentially, it would have to do with an effort to beautify and develop our main street. Mayor Ashley said that he would be glad for anyone on the Council that has an interest, to take a look at it. The problem is that there is a price tag attached to participating in the program officially. Much of what is suggested in the program, we are doing to the best of our ability. A minimum requirement for participation in the program requires that we hire a full time director, and anticipate a minimum budget of \$35,000, and this is for cities with less than 50,000 in West Virginia. Mayor Ashley said that as much as he would like to suggest to the Council that we consider it, and said we will if anyone on Council wants to move in that direction, but he wanted to make them aware of the program with the expectation that this Council will respectfully decline an invitation to participate officially. Council felt it was a great program, but chose not to participate.

AGENDA ITEM NO. 10 - GROUND BREAKING CEMEMONY - SENIOR CITIZEN'S COMPLEX: - Mayor Ashley announced that there is a groundbreaking ceremony scheduled for the senior citizen's complex for Sunday, September 13. Mayor Ashley read the communique from Dr. Hamilton, a copy of which was furnished to the members of Council. There is a dedication worship service to be conducted at the First Presbyterian Church as a part of the regular worship service at 11:00 a.m., at noon a luncheon, and at 1:30 p.m. the groundbreaking ceremony. Mayor Ashley said that he was sure that Dr. Hamilton and those associated with the senior's complex would be delighted to have everyone in the community to show up for the groundbreaking ceremony. The complex is a 60 unit, two and one half million dollar facility which is under construction. They got started on the construction before we could break the ground, but we will still have the celebration. This is an occasion that we will celebrate as many times as we can. Councilman at Large Olaf Walker advised that they have changed the name. Mayor Ashley said that this was an important point, and for the record as he feels the public is entitled to know that Mr. Cecil Lemma had property that was originally considered in earlier applications. Mr. Lemma is a prominent and loved citizen. Lemma Village has been reidentified as Village on the Park at 1600 Park Ave. Mayor Ashley encouraged everyone to be present for the ground breaking ceremony.

Mayor Ashley said, "It has been a long agenda, and God bless all of you for coming and being a part of it, and staying to the bitter end".

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


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

PUBLIC HEARING

SEPTEMBER 1, 1987

CONCERNING THE REQUEST FROM

SHAWNEE HILLS COMMUNITY MENTAL HEALTH/MENTAL RETARDATION CENTER

The Public Hearing was called to order by Mayor Arden D. Ashley at 6:30 p.m. in the Nitro Junior High School Auditorium. Present were City Recorder Joan McClanahan, Councilmembers, City Attorney Phillip Gaujot, City Treasurer Ralph Allison, representatives from Shawnee Hills and interested citizens.

Mayor Ashley welcomed everyone to the hearing, and invited the public to voice their concerns and comments. He asked they state their name and informed them that there was a microphone placed at the front of the stage for those wishing to address the assembly.

Mayor Ashley said that on the occasion of the last public hearing on August 18, there were some questions to be answered tonight. Those points raised had to do with restricted covenants that might apply to the land in question from those who disposed of the land to the Board of Education, and questions about the prospect of the value of the properties in the neighborhood if this facility were to go in or the property was left vacant. There were also questions raised about the prospect for changes in future use or the future clients of Shawnee Hills. Mayor Ashley requested Mr. A. J. Ball, Director of facilities at Shawnee Hills, to first of all speak to those issues and make any other preliminary statements that he may wish to make, after which Mayor Ashley asked the City Attorney to respond to those points that have been referred to him for comment, and then the hearing would be opened for questions from the floor.

Mr. Ball stated that we were aware, they propose to open a program at West Sattes Elementary School site, based on the approval by City Council. They requested a variance to provide that program in an R-2 zone. The program would be for mentally retarded adults, age 23 and up. The program would operate Monday through Friday from approximately 8:00 a.m. to 4:00 p.m. Mr. Ball said that the mentioning of them changing the clients at that program site was addressed by a contract that was just presented to the attorney, and they would be willing to sign it as an agency, that they would not, in fact change the population that would be going to the West Sattes School site. Mr. Ball informed that they never intended to have anything else there other than the program for mentally retarded adults, and at the last meeting a lot of questions were answered relative to that and hopefully, the concerns were cleared. The other issue that was addressed at the last meeting had to do with property values. Mr. Ball said that he had talked with several people throughout the community, and shared with City Council a letter from Goldman

Associates that addresses property values in the neighborhood if in fact the school does open at this location. Basically, Mr. Goldman advised that there would not be a change in property values because of the school itself. What would cause the change of property values would be the degradation of the neighborhood either through neglect or the neighborhood itself allowing property values to decrease. The school itself, if it is maintained in a proper format, would not have a negative impact on the property values in the community. Mr. Ball said that he thought this was the second major issue. We also received a letter from Charli Fulton, who spoke at the last meeting, that addressed the group home impact on property values, as well. The information she furnished was not totally relevant in that group homes are a different kind of program. Group Homes is a residential site, but the program proposed by Shawnee Hills is not a group home site. Her information was based on the impact on group homes going in the neighborhood. Again, it is based on the neighborhood itself. If the neighborhood is maintained in the standard it is now, property values would not decrease. Mr. Ball said that he has talked with other realtors throughout the valley, and their opinion is much the same. Property values in the Kanawha Valley have not depreciated a great deal since 1981, so he wasn't sure if they would continue to increase or stay level or what. Mr. Ball said that he didn't think based on the opinion that we have, the school site would cause a negative impact on the property values on Valentine Circle or the Lee Street area of Nitro.

City Attorney Phillip Gaujot informed that he quickly reviewed several documents that were handed to him by Mr. Ball. As stated by Mr. Ball, one document is a letter from Charli Fulton, who is an attorney at law, working for the WV Advocates for the Developmentally Disabled, and it is her opinion, based upon the analysis of the group facilities as stated by Mr. Ball, that the property values will not diminish. Also, Mr. Gaujot said that he had reviewed the letter from Jay Goldman, a commercial and industrial appraiser from Kanawha County, and his ultimate opinion was that the contemplated use for this facility would not depreciate land values in the area. Also, Mr. Gaujot said that he reviewed the letter from Harvey Siler, an Attorney with the law firm of Jackson, Kelly, Holt and O'Farrell in Charleston. Mr. Gaujot said that he knew Mr. Siler personally, and he and the firm for which he works does good work. Mr. Siler notified that he reviewed the deed with regards to this property since 1945, and with regard to the Lee's Fairy acres, he went back as far as 1920, and he could find nothing in the chain of title that would restrict the use of this building for school purposes only. He did find some restrictions pertaining to boundary lines and frontage, and how far away from the streets the structure should be built, but nothing with regards to the structure being used for school purposes only. Mr. Gaujot said that just a few moments ago, he received an agreement whereby the Shawnee Hill Community Mental Health/Mental Retardation, Inc., which is a nonprofit corporation known as Shawnee Hills agrees to use this site for an educational training center only, and in the

event that they would want to change the purpose, this agreement provides that Shawnee Hills must apply to the City, and that the City reserves the right to either reject or accept the proposed modification, and then only if it is consistent with the zoning laws of the City of Nitro. Mr. Gaujot said that he finds the agreement, as to form, sufficient.

Mayor Ashley mentioned that with reference to Mr. Ball's statement and the correspondence from Goldman Associates, Inc. and WV Advocates for the Developmentally Disabled relating to property values, he had extra copies and would place them on the front of the stage if anyone would desire a copy. With regards to correspondence relating to this question, after tonight's Council Meeting, we will be including the minutes of the last public hearing and informed that they were public record, and if anyone would like to see them, he informed them they could look at his copy, or get in touch with someone at City Hall and they would be furnished a copy. Mayor Ashley said that we appreciated the input from those people who spoke on the property values, but feels it important that the City also do some research on the question, and called on the City Recorder Joan McClanahan to report on the research made.

City Recorder Joan McClanahan read the memo to the Nitro City Councilmembers from Michael Morris, Computer Operations Manager for the City of Nitro. The report was on appraisal effect on areas surrounding the former West Sattes Elementary School if Shawnee Hill's program is established on the property. The report was as follows:

Since Council Meeting on August 18, real estate brokers were contacted and asked their opinion on the two following questions:

1. What effect would the establishment of a program for developmentally delayed adults at the West Sattes property have on the homes in the surrounding area?
2. What effect would the West Sattes property have on the surrounding areas if the property remains empty?

The following real estate brokers were contacted:

Century 21 - American Realty, Inc., Coldwell Banker, Jamon Organization, Keiffer Realty Co. and Mallory Group.

Of the realtors contacted, only one would comment on how the value of the property would be affected if the Shawnee Hills program is established, which was Ms. Jo Tolley of Century 21. Ms. Tolley said the program would have no effect on the values of the homes in the area surrounding West Sattes. She agreed to verify this in writing, but as of this date, we have not received such varification.

A majority of the realtors questioned commented that if the building remains empty, it will at some point decrease the value

of the property surrounding it.

A majority of the realtors questioned stated that the only way a realtor could determine the effect of the Shawnee Hills program on surrounding properties would be through an indepth study.

Mayor Ashley said that insofar as he knew, this addresses the three major points that we were suppose to bring information back on. The first was restrictive covenants, and there appears to be none, property values and a commitment for restricting future use.

Councilman at Large Olaf Walker stated that looking at the contract at a long range point of view, questioned the City Attorney Phillip Gaujot if the contract was binding and would it go long term. City Attorney Phillip Gaujot answered that there could possibly be an argument that this agreement could only be entered into on a yearly basis. Mr. Gaujot added that it was a good agreement as it was right to the point, and there wasn't any wasted language in the two paragraph agreement whereby Shawnee Hills would use this facility as an educational training center, and it doesn't have any deadline on it. Mr. Gaujot said that according to this agreement, it could be used for ever and ever, and in the event they had the desire to change the use for any other purpose, then the City reserves the right to either reject or accept the modification as proposed, and then, only according to ordinances relative to zoning. Councilman at Large Olaf Walker asked Mr. Gaujot, if it would be correct to say that the property cannot be used for anything other than what it has been used for without changing the zoning ordinances. Councilman Walker asked Mr. Ball if the document would be entered into the minutes of the Board of Directors where they are taking this action on behalf of Shawnee. Mr. Ball answered that there was a pole taken of the Executive Committee and the Board of Directors of Shawnee Hills, and it has already been passed as far as Shawnee Hills is concerned, and approval made. City Attorney Phillip Gaujot stated that the approval should be appended to the contract. Councilman A. A. "Joe" Savilla asked Mr. Gaujot if there could be an evergreen clause attached to the agreement that it could only be renewed on a year to year basis along those guidelines, and questioned if this would be feasible, and Mr. Gaujot said that it was. Councilman Savilla asked if this wouldn't eliminate anything if it had an evergreen clause on it, and Mr. Gaujot said that he didn't know if Shawnee Hills would want that, but he would guess they would take it. It would be better than nothing. Councilman Savilla then asked Mr. Gaujot how he felt about this, and he answered that he thought the City could enter into an agreement such as this that would bind the City, and thinks there could be an answer to Councilman Walker's question. There could be an argument that the agreement is only good for a year, but said that he wasn't so sure, at this time anyway, that it would be a sound argument. Mayor Ashley stated that he might recognize that all parties concerned in the future may find a need to support changing the purpose. We cannot

project forever that the City, the neighborhood or that Shawnee would feel that it's necessary to change. City Attorney Phillip Gaujot informed that he stated earlier that the contract was good as to form, but now wanted to change his opinion. He said that he thought it needed an acknowledgment as well as for them too. The agreement, Mr. Gaujot feels, should have the authority. Mr. Ball informed that whatever modifications needed would be fine.

Mayor Ashley announced that we would like to hear from interested parties in the audience that desired to express their opinion, speak to the City Council so that we will have a better feeling for which direction we should take.

Mr. Allen Orth said that he would like to make a brief statement concerning his feelings and the feelings of some of the neighbors that he has spoken with, and wanted to ask a question that was very important to them, and not carried over from the last meeting or there was not a sufficient question asked and wished to have it addressed this evening. Mr. Orth said that he was addressing Council this evening as a very concerned citizen, and a resident of Valentine Circle. He said that his concern was not primary property value, and there has been a lot of discussion on this. He informed that he also contacted several realtors and he said that he thought there was some point of confusion. Not so much as the actual value of the property would decrease on paper, but their ability to sell their homes would lessen and was a concern to them. The reason for the concern, is the psychological impact that happened to them initially when they heard the news, and might happen to any prospective buyer coming into and looking at the neighborhood. He said that while on paper it might not decrease the value of the property yet the realtors said that it would have a variable impact on the salibility of their homes. Mr. Orth informed that this was not his primary concern. He said that his primary concern was the safety of the well being of his family, his wife, son and for the other families of his neighborhood. He said that his current home is located two doors away from the facility, and he has worked in management at the Health Care Industry for the past 15 years and during this time, he informed that he has come into contact with the mentally retarded, with adults and teenagers. These were psychiatric units in which he worked, one in Richmond, Virginia and one in Miami, Florida. When at the psychic units, he said that he was able to visually observe the behavior and conduct of patients. He said that he feels it was brought up at the last meeting, there are times the patients appear to be very calm, talkable to, very rational, very friendly and very affectionate, and at other times, the patients were very hostile, very angry, very difficult and very hard to restrain. It took several adults to restrain one teenage boy in a particular instance that he saw. I had to go through these units with a guard at my side; I could not go through on my own because of the danger that possibly could occur. He said that he spoke with some of the counselors at these units, and they informed him of the personal rewards they receive by helping people who really needed their services and skills. They also expressed their

awareness of the sometime dangerous and hostile situations that they encountered. One counselor told him that he had been attacked and beaten by a mentally retarded adult before the guards could restrain him, and he still continued with his work even aware of the danger he faced because of the rewards that he felt when he saw progress with the patients. Mr. Orth said that we all admire and respect the people who work with mentally retarded. These are people who dedicated themselves to the service of others, but he stated that he did not believe that the proper location to place 70 or more mentally retarded adults is in a residential neighborhood with small children, and with women who are by themselves in the daytime. Mr. Orth informed that when he purchased his property it was and is with the intention of staying. Mr. Orth stated that he looked at several areas before purchasing their home on Valentine Circle, and he chose Valentine Circle in particular as they had found what they were looking for in a home and a neighborhood. He said that they thought it was an attractive and safe place to raise a family, but now feels the safety of his family is threatened and is being threatened. He said that if anyone tried to tell them that there were no potential danger present from 70 or more severely mentally retarded adults, and has never been exposed to their behavior, that he feels somewhat insulted that they feel that we would not have the intelligence to swallow such a line and to think that we would believe such an inplauseable statement. Mr. Orth said that he knew because he had seen it, and been exposed to it. He said that he didn't know the reason for the motivation that is being considered and such a move might be, but he said that he knew the potential consequences of placing mentally retarded adults in a neighborhood with women and children. Mr. Orth commented that the ladies and children were his concern, his family and son. He informed that he knew what could happen, and thinks that anyone who again tells them that there were absolutely no chance and danger that anyone of these mentally retarded adults would escape and leave the facility and wander into their neighborhood on their own, is not being honest with them; they're not telling them a straight line because it could happen. He said that we also know one of these mentally retarded adults could grab a child and actually attack and rape one of their wives.

There was a lady in the audience who objected to Mr. Orth's statement. Mayor Ashley advised her that she had a right to object, and would be given an opportunity to speak.

Mr. Orth continued and stated that the mentally retarded adults are not held responsible for their actions, and questioned if such an event occurs, and it is possible, then who would be responsible. He asked if it would be the Mayor, would it be the members of the Town Council, or would it be the members of Shawnee Hills who would allow this to happen and would be responsible for these patients? Who is legally responsible? Mr. Orth said that their hope, their prayer and concerns and their very real thought, is that the members of the Town Council and the Mayor who were elected to look out for the citizen's best

interest will have these interests at heart when they make the decision.

Mayor Ashley requested that everyone hold their comments to five minutes, and informed that's not to cut anyone short, it's simply to give everyone who wishes, an opportunity to speak.

Barbara Warner, a resident of 30th Street, informed that she had a brother, Carl Goodwin, who is mentally retarded, and he has never physically harmed anyone. Ms. Warner said that he does have temper spells once in a while. She expressed that she wouldn't mind having a retarded school, group home or any other facility recommended by Shawnee Hills on each side of her. She said that what she has beside her and around her are worse than the mentally retarded. She said that she could walk down the street and might get hit in the head by somebody that's suppose to be normal and feels they have been expressing too much for the mentally retarded people who can't standup and defend themselves. She stated that she was here to defend them 100 per cent and it's not just because she has a brother that's mentally retarded, but said that she has feelings for anyone that has a mentally retarded person in their family. She said that it may be a shame that if more people in Sattes might have a few of them theirselves, then they would know what they are talking about. A round of applause was given Ms. Warner.

Gorman Wise of 1334 Valentine Circle said that he took particular note that those persons speaking about the value of property got their information from people in Charleston, and said that he believed we are talking about Nitro. He informed that he personally contacted two people, and thinks most of the Council and many of the people would recognize them immediately. One of them was Kellis Pauley, who is an appraiser for the GI loans, etc. Mr. Pauley informed him that he would try to be at the meeting, but he didn't promise him for sure, and he was told the reason why, but he wouldn't get into that. Mr. Pauley told him that it would very definitely affect the value of the properties in Valentine Circle. Mr. Wise informed that the other person he talked with was a former resident of Nitro, the Judge of the Circuit Court of Putnam-Mason County. Mr. Wise said that the man was speaking, not as a Judge, but as a friend when he talked with him. He also said that it would definitely affect the property values in Valentine Circle. Mr. Wise said that he feels their word is more valuable than someone from Charleston regardless of what size firm they are with.

Dr. James Slaughter of 1338 Valentine Circle commented that the first he knew about Shawnee Hills Mental Health Department was when he saw a small piece in the newspaper that had about four lines. He said that he wondered why Shawnee Hills Mental Health Center, a center for the education of the mentally retarded, waited so long. Dr. Slaughter said that he was for education of the mentally retarded, regardless of age, but said that he too had seen them go off like that. They might be nice one time, and then form one opinion and in three or four weeks or

longer, nobody knows the time because we haven't got that good as yet in the medical way to see when somebody will erupt all of a sudden. Dr. Slaughter informed that while he was gone, he read the minutes and the Mayor sent him a copy of the petition that Mr. Ball had given, and also, the Mayor brought an assistant who said that the facility would only be for the mentally retarded adults over age 23. Mr. Ball informed that this was the reason the petition read the way it did, was because it said that this would be an extension of the Shawnee Mental Health and Mental Retardation Center. It didn't say then that they just wanted to put in a facility for the training and education of the mentally retarded above age 23. Dr. Slaughter repeated that while he was gone, all kinds of articles came out in the paper, and up until that time, he had only seen one very small article in the paper and if he hadn't been looking awfully close, he would have missed it. Dr. Slaughter said again that he was for the education of the mentally retarded above age 23, but what if they want to expand again, what would they do? Dr. Slaughter said that he didn't think that the area is large enough for expansion if they had to, and asked why wasn't the public informed, especially the residents surrounding the area of the proposed site? Dr. Slaughter said that he worked 38 years in Dunbar as a family physician and during that time, he had a well Baby Clinic, the first at WV State College and then in Dunbar for 20 years. He said that he spent one afternoon a month for 20 years and never asked for any compensation and never received any. He said that he wasn't thinking just in dollars, but why did they pick this place when there were other places such as an extension at Shawnee Hills or down at the location of the rehabilitation? He asked if they wanted to expand again, what are they going to do?

Mayor Ashley said that we would make note of the questions and then answer all the questions later, as he wanted the public to be given a chance to ask questions and make comments.

Dr. Slaughter stated that he feels it will lower the property values, and make a lot of the elderly people feel very insecure. Dr. Slaughter said there used to be a lot of kids on Valentine Circle but now not as many, and he thinks the people would be in constant fear. Dr. Slaughter said that although they said they never had a patient "go off the rocker", but he has seen them do it, even in his office. Dr. Slaughter said that there is a chance that this can happen.

Ann Lasoska, a registered nurse, informed that she works at Shawnee Hills one day a week, and has never been afraid at any time. She said that she takes care of them, she bathes them, she cuts their toenails and loves them; they are wonderful people. They would not hurt anyone. They are well cared for, and Shawnee Hills has a wonderful staff, the most wonderful staff in the world. She said that she thought we should ask the people as they used to be at Pierpoint before the Board of Education took that away from them. She said that she didn't think that anybody in that neighborhood was harmed in the least. In fact, she said that she would love to have them in her neighborhood, and she

wouldn't have to drive. She said that she has been driving for all the years that Tiny has been in school, and he is 30 years old. She said again that she would love to have them in her neighborhood. She would spend a lot of time with them because they are wonderful people.

Linda Leasure who works for the WV Advocates for the Developmentally Disabled, informed that she brought a survey that Charli Fulton made on the property values on what a group home might do to a property. She said that Ms. Fulton discovered that so far in the state, they have never had a town to tell them that they couldn't put a day program in. She said that they have had group homes placed in neighborhoods, and she did do a survey based on group homes and found that property has not decreased in value.

For clarification purposes, Mayor Ashley asked Linda Leasure if she had advised that they had never had a City turn down a request for this type of facility or even challenged this type of facility, and Ms. Leasure answered that this was correct, none that they knew of.

Ms. Leasure said that she also has a brother that is mentally retarded who is currently living in an institution and is due to come out into the community. She informed that he has been institutionalized for 23 years. He has been exposed gradually to the community for the last 3 years, and is more than capable of living next door to anyone and doing quite well. The children that have been put in an institution receive a lot of training prior to their coming into a community. In fact, she said that most of them behave better than our neighbors.

Patsy King of 3019 30th Street, the sister of Barbara Warner, informed that she also had a brother who is mentally retarded. He does have temper tantrums, but she said that she worked in a nursing home for 15 years and loved every minute of it, and she said that she has been knocked over chairs, hit in the head with trays and she has had a little bit of everything done to her, and there was a member on the Council that knew this. She said that it was not just the mentally retarded, if we are going to be against, then we would be against the elderly people when their minds get bad also. She said that she just couldn't see this. She said that she just couldn't see the community not wanting these people.

Dr. Peter Lukowski of St. Albans commented that although he wasn't a resident of the City, he wished to express his views on this matter. He said that he grew up in a home with a mentally retarded brother, and never witnessed any one harmed by him. Dr. Lukowski said that he thought the fears the residents expressed are real, and certainly should not be disregarded. He said that the decision on whether to grant this request should not be based on fear but on facts. He said that he thought the facts were that these children are not dangerous, merely because the people of Shawnee Hills, under whom they are cared for, have observed

them for a long period of time and if they were violent, they would be in an institution as described by one of the gentlemen earlier. He said that surely anyone could make a distinction between persons who have to be in an institution and persons who are allowed to go to a community and a day care type facility. The professionals who care for these people are the ones who make the decisions. Surely, we have to trust their judgement that they aren't allowing children to be in day care facilities that are known to be dangerous. While fears of property values and fears of harm are real in peoples' minds, Dr. Lukowski said that he would plead with this Board to make the decision on the school based on facts and not on fears.

Virginia Diehl of 31st Street commented that Dr. Lukowski said about everything that she wanted to say. She said that she knew that the mentally retarded children, back years ago, it was unknown to try to do anything with them. She stated that after she put her brother in Shawnee Hills, there was a terribly lot of difference in him. She said that they found out that he could learn; he could learn to behave himself. Another thing, he is 45 years old, but in his mind he's no older than 9 or 10. She said that these people talking about being afraid of them in the community, these mentally retarded people, don't know of a lot of things that go through other peoples minds. She said that she didn't know what a person had to be afraid of them for, and she said she agreed with her sister, that she would rather have a group home, a school or whatever Shawnee Hills wanted to put up in back of her, in front of her and on each side of her then the neighbors that she has been putting up with in Nitro. She said that she was sure that what the people are thinking about the mentally retarded harming them, she hopes they will quit thinking this. They are trained before they are put in these school. She mentioned that Cross Lanes allowed a group home there, and if Nitro turns this school down, she is ashamed of them and will give all her credit to Cross Lanes, and she said that she doubted if she would want to live in Nitro again. Ms. Diehl also received a round of applause.

A lady asked if she could speak from her seat and stated that as far as the children, her hearts goes out to everyone of them, but the thing is the school would be there, and as far as the real estate has anything to do with the property value, it would be up to the people who would value the property. If they were interested in it, they may kick against giving the price for the property on account of the school. Another thing, Ms. Sales said the people that live on 30 and 31st Street and over in St. Albans, don't live near the school. They wouldn't have to put up with all the traffic coming and going there and all the dirt and stuff. Also, the streets being torn up and having to be fixed. They are far away from the school. She said that she loved the children with all her heart.

Marge Sales of 1358 Valentine Circle said that she was in favor of Shawnee Hills having their program, and it really bothers her for all the reasons the people have for not having

it. She said that she didn't understand it. She said that she would much rather have a reputable group of people well trained. She said again that she approved of Shawnee Hills. A big round of applause was given Ms. Sales.

Ruth Phalen said that she had talked with Mayor Ashley and Councilman Hutchinson and was very surprised that some of her neighbors feel like they do. She said that she was in favor of the facility being at the former W. Sattes Elementary School site rather than an empty building. Ms. Phalen received an applause.

Terry King who lives at 106 Planck Drive said he lives right at the back door with those people associated with that group, and she said that she was afraid. They have a group of people living in an apartment on Main. She said that she has an 18 year old daughter, and they went for a walk and they would not move and they were making smart remarks; she didn't want them that close to her.

Susan Underwood, Director of the program that they want to place at W. Sattes, said that she couldn't tell anymore than the people have said already, but she said that she would like to issue everybody in the neighborhood or anyone that is interested, an open invitation to come see the program as it exists, to see their clients, to see what they do and what they are attempting to do. They operate from 8:00 a.m. to 2:00 p.m. at the day training program in Institute, five miles away. Ms. Underwood told Ms. King that their clients were not the same as the ones she was talking about. Ms. Underwood said please open your minds and see what they do, and then make a decision.

Mayor Ashley told Ms. Underwood that it has been asked by the Council if she would briefly describe the curriculum at the school.

Ms. Underwood explained that they teach self help skills which has to deal with taking care of yourself, like their hair, getting dressed in the morning and picking out the right clothes. Also, maintaining their bodily functions in a way that would not be offensive to another person. They work on communication skills so that they can make their views known, and that they can respond in an appropriate way. They work on what they call, prevocational skills, and their ultimate goal is that their clients go to the shelter workshop, so they try to train them to get the proper skills to move into a supported work study. They also do what they call daily living skills or community living skills such as make beds, pick up their room, dust the bedroom, vacuum and do some light cooking. They do fun things, such as hay rides. Ms. Underwood said that what other children were raised on as a normal function, they try to provide this type of environment.

Mr. Andy Preger stated that he also lives on Valentine Circle. Mr. Preger informed that he called City Hall to find out the time of the meeting and was told 7:30 p.m., so he missed a

lot of the meeting. Mr. Preger wanted to know why Shawnee Hills was moving, and Ms. Underwood told him that they were in a building that was too small for their program. Mr. Preger asked if Council approves the proposed program, is that the way it will be or in another year or so, would they change this. Ms. Underwood responded to Mr. Preger's question by telling him that there is a contract.


The time for the public hearing was over at 6:30 p.m. as far as questions from the floor. Mayor Ashley said Council now has the option of determining specific action or final action. With regards to the realtors contacted, he said that we are in a Kanawha Valley market or Putnam County region, and thinks that the people in the real estate business would have knowledge of Nitro enough to give us some opinion. Concerning the question of liability, Mayor Ashley requested the City Attorney Phillip Gaujot's response on this as what is the liability for the Mayor and City Council. Mr. Gaujot answered that as far as liability, obviously if a person who had a mental disability would cause some type of injury to someone or damage to someone's property, we would have to look to that individual for possible liability. Depending on the amount of disability, then to the person in charge of that person at the time of the incident. Then, depending on what the activity was, there could be other liability which could extend as far as the City. Therefore, Mr. Gaujot said that he couldn't give an answer that would be clear cut, and fit every circumstance. If Shawnee Hills were to locate in this area, Mr. Gaujot said that he feels there would be a considerable amount of liability exposure to that facility, and said that he didn't know what their insurance coverage would be, but feels sure they would have insurance as the City has insurance. Mr. Gaujot said that he wished he could give a straight forward answer as to where the liability could go. Assuming something happened, all facts would have to be considered and determine who was responsible at the time. Mayor Ashley added that the members of Council recognize that every decision they make, subjects them to the liabilities of those decisions. Even beyond that, they are liable for the decisions made by public officials that have passed the ordinances and the position that the City is in now. There was a question asked about why the public was not better informed earlier and why this place. Mayor Ashley requested that Mr. Ball respond to this question. Mr. Ball said that he talked about this at the last meeting, and Shawnee Hills probably made an error in their judgement as far as not giving the community total information up front. Mr. Ball explained that it wasn't something that they tried to hide or keep from them; that was not their intent. He said that they wanted the public to know that they did not feel that they would have the type of questions that were asked about their program, that there would be misinformation about what they were trying to do there that would cause such a concern. He said that he knew there would be questions, but not the kind of concern as far as programming, and what they were intending to do with the people they put in the program at this facility. Mr. Ball said that he apologized at the last meeting for this, and

offered his apology again this evening. Mayor Ashley explained to Mr. Preger that when he called City Hall, that he was told the meeting was at 7:30 p.m. which is our regularly scheduled Council Meeting. The public hearing was scheduled at 6:30 p.m. and was advertised as a result of the good coverage by the Gazette and the Daily Mail also reported it. We placed an advertisement in the newspapers, and communicated with the people throughout the neighborhood to the extent that we possibly could by word of mouth and in any others. Mayor Ashley told Mr. Preger that he was sorry that he missed the meeting, but was glad he arrived in time to have some input.

Mayor Ashley announced that the time was up for the public hearing, but advised that this item would be on the agenda of the Council Meeting for the purpose of allowing the Council to make any comment, ask any question or take any action that they consider to be appropriate. Also, he encouraged everyone to stay as they go about the business of conducting the work of the City Council. Mayor Ashley explained that the format was somewhat different, but when they get to the part about Shawnee Hills and their use for the West Sattes School property facility, they would open the floor to the public.

The public meeting adjourned at 7:30 p.m. Mayor Ashley declared a five minute recess before convening Council meeting.


ARDEN D. ASHLEY, MAYOR


JOAN MCCLANAHAN, RECORDER

LIBRARY BOARD MEETING MINUTES

AUGUST 20, 1987

(Typed 8-27-87)

The meeting of the Library Board was called to order in Conference Chambers by Chairman Mary Trout at 10:00 a.m. Present were John F. Santrock, Rich Hively and Mayor Arden D. Ashley. Absent were Dolly Withrow and Lydia Dorko.

The first order of business was the need to talk about some of the things needed to be done concerning the library.

Art Ashley suggested to the Library Board that we include the subject on the agenda at the next Council meeting, and confirm the adoption of the rules for organization of the Library Board in accordance with West Virginia Code 1015. We will ask the City Council to confirm and include as part of the minutes of the meeting of the Council that we are reaffirming our adoption of this language and all of the Board members with John Santrock to set the expiration date of each individual members.

Mary Trout said one of the things that has been discussed for a long time is being able to become a branch rather than an affiliate of the Kanawha County System. She informed that she has met with several people from the Charleston Library, and attended several meetings, and the only thing that they can tell her is that we don't have enough space available for the programs we need to offer. We need additional personnel, and more matching money. Mary Trout said that one of the purposes of this Board is to determine how we can help our library meet their standards and become a branch library.

Art Ashley agreed, as it has been a goal of at least three of the Board members. Mayor Ashley informed that when they invited someone from Carriage Way to be on the Board, it was pointed out to them that we wanted them to know that was part of our agenda.

John Santrock said that he thought we should pursue it with all the vigor that we can, and continue to keep the Kanawha County Library apprised of the activities we have. He said he thinks that the meeting we are having today, and meetings held in the future involving additional people of the Library Board will make steps towards meeting that goal. John Santrock informed that according to the letter he has read, while meeting with the Kanawha County Library, it was his understanding that they were not necessarily talking about additional funds, they were looking at the fact that they wanted the City of Nitro to continue with approximately \$20,000. Mayor Ashley said that if we look at the relative contribution of a sister city like Dunbar where we're very close, Art Ashley said that he feels our level of contribution year to year is greater than theirs. He said he feels they may want us to contribute more, but thinks our position has to be that we want to be a part of their family, but at the same time, we want it to be reasonable too. He said that

he would hope that this would be negotiable, and as far as space is concerned, certainly we acknowledge our library is too small in terms of floor space. However, we are reaching a point when we may be able to make a change to that, because we have to relocate the library anyway. Art Ashley informed that we have selected a tentative site for the library which will be moved within the next six months, and unless someone can find a better location, it will be moved to that area facing the City pool some distance away. There will be spaces dedicated for special parking, allow for some landscaping and perhaps a sidewalk going up to the front of it. We would also have some land for the expansion of the library, so that if we wanted to build on to it, we would be in a position to do that. Art Ashley said that he was inclined to think this would be better than trying to design a community building that would include a library. At this point, the community building is a concept and maybe we could enlarge the library cheaper than adding it to the community building. John Santrock said that it would move us more quickly towards our goal. Art Ashley said he thought that one question that he had, would the Kanawha County Library Board be willing to help financially or do they know of some means by which we could get funds? Could we count on them to be of some assistance if, in fact, we could expand the size of the library, and if they would be interested in helping us do that? Art Ashley informed that we are going to relocate the library with or without their help, and we have the funds to do this.

John Santrock said that he couldn't speak for the Kanawha County Library Board, but their attitude toward that has been that they will not give funds for assistance in getting there. On the other hand, at the last meeting, they were in the process of taking a look at getting greater parity; they are in the process of development guidelines which they have not had for that. This would be favorable for Nitro. Clendenin's library was established much in the same manner as Nitro's, and they pay for almost everything in Clendenin. Mr. Santrock said that he feels that once we get in, a couple or three items that they have requested that we get in order, such as the librarian being certified and other personnel, then that's the Kanawha County Library Board's responsibility to pick up the tab. When we have a problem area, such as flaws in the building in St. Albans and Dunbar, they were the responsibility of the Kanawha County Library. However, Mr. Santrock said that it might be requisite that we deed the library to the board, but there are cases in which they don't do that. Art Ashley said that he couldn't speak for the other members of Council, but he didn't anticipate that would be a problem. It was his assumption that when we get to the point to where we become part of their system, then our Council would probably be of the mind to deed the property over to them which is only fair. Mayor Ashley informed that our librarian is off getting a masters in library science, which is a compliment to her but it is also a compliment to the city. This was part of the agreement under which she was hired, but we didn't know she would have to go to the University of Kentucky in Lexington to get it done. She is doing it at an inconvenience and

expense to her, but we hope that the Kanawha County Library Board will look at that as a positive move. John Santrock suggested we communicate this information to Linda Wright on what we are doing. Art Ashley said that he feels now is the time to do it. Art Ashley suggested we invite the Kanawha County Library Board to participate in, at least, a confirmation that the site we are picking meets with their favor, and that any redesign or expansion of the existing facility, that they would take a look at it and advise us if it meets with their approval. John Santrock informed that in talking with Linda, she wasn't aware that we were about ready to move the library. Art Ashley said that the reason we need to do it quickly, is that the library is located on property that's been sold for the purpose of building a senior housing project, and that the library has to be located before that building can be complete. We want to move the building before cold weather. John Santrock said by communicating the information to her, then this shows our good faith that we want them to be made aware, and that they would be a part of. Art Ashley said that we definitely want them to be a part of everything we do from this point forward. Mayor Ashley informed that the relocation of the library is in the City's budget, and we will have those funds available as soon as we get the money from HUD, which we anticipate receiving the funds in the next month or two. Mayor Ashley informed that we talked about the relocation of the library, they said it would probably be necessary for the library to shut down for a month, and he's not sure he understands why it would take a month to do it. He said that he was sure that Linda and the library staff will need the input from our Board on how to make this transition as smooth as possible. Space would be made at City Hall during the interim period. It was also suggested that we might want to go to one of the businesses or some other place other than City Hall to get the community involvement. Art Ashley said that one thing that could be used is the swimming pool building because it is right there and could be kept open just for the purpose of serving as an interim or alternative site, because it will be exactly in the middle between where the library is now and where it is going to go. It would be in the same neighborhood and it is a building in which the city would have control. Mayor Ashley said that he was sure we would need the computer, but we should establish what services would be rendered. We could have the computer even though we wouldn't have the books available. They could come back the next day and get them. John Santrock said that this was one of the reasons that he wanted Linda to know where we were, and what would be their responsibility at the central office getting books to our people down here. Mayor Ashley said that we could use some additional hands to get the books off the shelf which would have to be done in an organized way, and hopefully the Library Board could be helpful. Mayor Ashley indicated on the blackboard a suggestion by an engineer the proposed library site and what might be happening in between such as the site of the proposed community building. Mayor Ashley informed that once we prepare the site for the library, we will contract the preparation of the site and we will contract a house moving company to pick the library up from where it is now and sit it

down. Mary Trout asked that even though the library was physically closed, the librarian would still work, and Mayor Ashley informed that she would. Mayor Ashley said that his plan was that we would still need to provide the services of the library. It wouldn't be as convenient for the people as we would not have books on the shelves that we could hand to them, but at the same time, we need the service there. We need somewhere that they can answer the phone and respond to rental request. Mayor Ashley said that as far as he is concerned, if they wanted to use the little building at the City pool, we can keep it open and keep it heated and we could have a telephone installed and have the computer moved there. At City Hall, the only place we would have would be the Conference Room to be used as the temporary library, and the city pool would be closed at this time. Rich Hively commented that the location of the city pool sounds reasonable, and wanted to know about the books themselves and what he had in mind. Mayor Ashley answered that there will obviously be a problem there, and he would prefer to keep all the books together from the standpoint of security, and they should be kept high and dry. He said he feels the books in the library itself are going to be taken out of service until the new library opens. He can't see us storing them in a way that we could get to them. Therefore, the books we rent out are going to have to be from the county. Mayor Ashley said that he thought we would have to remove the books, put them in boxes, seal them, mark the box and store the box. Then when they are put back on the shelf, they would be put back up the same way. In the interim, we could store them at the city garage or city pool. Rich Hively asked if we might be able to leave them in the building. Mary Trout suggested we might be able to tape them with wide tape to secure them. Mayor Ashley said that it is a possibility, but he didn't know how much stress it would put on the structure. This will be the second time the building has been moved. Rich said that it would be far better to leave them inside the building even if we would have to box them up. Mayor Ashley said that he assumed we would have to clear the books from the library, but if we didn't, that would be fine. Mary Trout thought we might be able to use one of the book mobiles. Mr. Santrock said that he was thinking that we might be able to work something in. Kanawha County Library are dividing the jobs somewhat now, and they are putting someone in charge of the branch libraries and someone else in charge of the mobile libraries which will give the libraries much more attention. Mr. Santrock informed that Mary Ellen Flagg has had both responsibilities in the past, and you just can't do justice having both jobs. Mr. Santrock said that maybe we could even move one of the mobile libraries here and park it. Mayor Ashley said that they might be able to increase the hours that the service would be available in the area. Mr. Santrock said that he was suppose to meet with Linda real soon, and he will relay some of these suggestions to her. Mary Trout mentioned a letter that we should prepare. Mr. Santrock said that it would be good if he could have the letter before he meets with her. Mary Trout asked Mr. Santrock if he could prepare the letter and then have the Board members review it. Mr. Santrock informed that he would rather have the letter come from the board. Mayor

Ashley suggested we furnish her copies of the minutes, and attach a cover letter.

The relocation of the building will be a good move, good publicity, high visibility, good location and one of the things we can do is to get the community to help out with its beautification. Mayor Ashley mentioned that with the good work the Woman's Club is doing, turn over to them the task of beautification and keeping in mind, plans for future expansion. Mayor Ashley said that he would really like to make it attractive, and the City is prepared, subject to Council's approval, to put a nice decorative slip rail fence around it, to isolate the library from the rest of the parking lot. Mary Trout asked if we had an architect working on plans to show us. Mayor Ashley said that he talked with an engineer and he said that the way the building is constructed, we could put the building at any angle and if we wanted to enlarge it, we could do it. We could just extend the roof line or reshape it. A representative from Dunn Engineers who does design work said that he didn't think it would be necessary for the City to hire them or any other person to do that kind of design work until we determine the square footage, etc. He said it wouldn't be a tough job at all if we had the space to grow. He told Mayor Ashley that he would be glad to do it, but didn't see any reason to spend a lot of money at this time on alternative plans. He said it would be a simple matter to enlarge the facility. He informed Mayor Ashley that we should decide where we want the building, in which direction we would want it to grow in, and by how much. Mayor Ashley said that he would assume that if we expand the building, some of space would be used for books, meeting room, offices and things of this nature. The City assumes the position that without help from Kanawha County, it would be at our expense. This is an expense that would have to be borne, and if no one else will do it, then we will.

As soon as the minutes of this meeting are completed, John Santrock will schedule a meeting with Linda. Mr. Santrock said that he was hoping to do at this meeting is spur her "long range committee" to start moving into the direction of parity for the whole system. Mr. Santrock said that he wasn't trying to take anything away from Clendenin, but we need to be treated the same as the rest of them. Glasgow doesn't pay anything, but he could understand why in a way. Mayor Ashley said that it might be well to point out to Kanawha County, it's not Kanawha County's fault that Putnam County chooses not to give us any money, but the per capita revenue that is supposed to be given to the City, isn't given to the City of Nitro by Putnam County. Mr. Santrock said that this might be a way to get into the door of Fred Glazier on the state level. Mayor Ashley said that this was an interesting point, and perhaps we can seek some relief at the state level. Mr. Santrock said that this was what he was thinking, but they are closing libraries all over the state, and he's not sure money is available. There may be other monies other than the operational money that Fred may have available. Mr. Santrock informed that he would ask Fred Glazier about this.

Chairman Mary Trout read a letter from the Library Commission saying that there will be a Conference being held in Beckley on October 8 - 10. There has been allotted \$200 to send someone from this Board to that meeting. Mary Trout said that she felt it would be a worthwhile meeting, but she's not sure that she would be able to attend. Mr. Santrock said that it was a State Library meeting, and we should become involved. Mr. Santrock suggested we wait until we get the other two Board members involved, and make a decision at the next meeting. All Boardmembers agreed.

The next meeting of the Library Board was tentatively scheduled for Monday, September 21, at 7:00 p.m. Mayor Ashley said that he was not a member of the Board, but would like to be present. Mr. Santrock said that he hopes he will continue to, and suggested we write in that the Mayor is an ex officio member, and would be something that we could put into the code. Mr. Santrock said that we would have to change some things anyway if we can become a branch library. Mayor Ashley said that he thought the Kanawha County Library Board should understand that we realize that there will be concessions that we will have to make, and the City's role would be pretty much written out of it. Whatever that would require, it is not a problem. Mr. Santrock informed that in a discussion that he got into last time relative to Mary Ellen Flagg being in charge of all the branch libraries. He told them that really they wanted the branch library commission to be stronger, and now they are putting someone out there to look over them, and how much power does she have out there? Mr. Santrock said that she shouldn't have that much power. The answer was that she was for assistance and not as an administrator, and in Mr. Santrock's opinion that's the way it should be. The local boards should be the ones making the decisions.

There being no further business, the meeting was adjourned at 10:46 p.m.

MARY TROUT, CHAIRMAN



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 87-

AN ORDINANCE DESIGNATING THE MAYOR OF THE
CITY OF NITRO AS AN EXOFFICIO MEMBER OF
THE NITRO LIBRARY BOARD

WHEREAS, the Nitro Library provides a vital service to the citizens in the community of the City of Nitro, and

WHEREAS, the Nitro Library Board consists of residents of the community of the City of Nitro, and

WHEREAS, the Mayor being the chief executive of the City, we
THE CITY COUNCIL OF THE CITY OF NITRO hereby designate the Mayor of the City of Nitro as an ex officio member of the Nitro Library Board.

ARDEN D. ASHLEY, MAYOR

JOAN MCCLANAHAN, RECORDER

SEPTEMBER 1, 1987

FIRST READING

SECOND READING



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

PROCLAMATION 87-3

CITY OF NITRO

WEST VIRGINIA

OFFICE OF THE MAYOR

PROCLAMATION

WHEREAS, on September 16, 1987 Americans will have the unique opportunity to honor the Constitution of the United States in "A Celebration of Citizenship." In this year of the Bicentennial of the signing of the Constitution, it is fitting that we celebrate our heritage of freedom under law that was granted by this national charter.

WHEREAS, the City of Nitro has dedicated this year of 1987 as the Bicentennial celebration of the United States Constitution, and in doing so was the seventeenth city in the nation to be named a Bicentennial City.

WHEREAS, on September 16, at 1:00 p.m., a live national radio and television broadcast from the west front steps of the United States Capitol will enable all Americans to join in the Pledge of Allegiance, as well as to hear the words of the Preamble of the Constitution.

WHEREAS, on September 17, at 4:00 p.m., at the time of the actual signing of the Constitution 200 years ago, everyone is asked to commemorate this historic moment by ringing their bells, chimes, and carillons for 200 seconds. During this ringing tribute all Americans are asked to reflect on the blessings of liberty, the ideals of justice, and equal opportunity made possible by the Constitution.

NOW, THEREFORE, I, Mayor of the City of Nitro do hereby proclaim the day of September 16, 1987 as A CELEBRATION OF CITIZENSHIP DAY in Nitro, and urge all citizens to take part in this once-in-a-lifetime celebration of our heritage.

IN WITNESS WHEREOF, I have here unto set
my hand and caused the Seal of the
Executive Department to be affixed this
1st day of September, 1987.

A handwritten signature in cursive script, reading "Arden D. Ashley".
ARDEN D ASHLEY, MAYOR

CITY OF NITRO
COUNCIL MEETING MINUTES

SEPTEMBER 15, 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 Bob Evans, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot. Absent were Councilman at Large Rusty Casto, Councilman A. A. "Joe" Savilla and City Treasurer Ralph Allison.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 1, 1987 COUNCIL MEETING MINUTES: - Councilwoman at Large Mary Trout moved for the approval of the Council meeting minutes of September 1. The motion was seconded. A vote was taken and it was unanimously approved. Councilman Olaf Walker mentioned that it was published in both newspapers that Nitro City Council okayed zoning variances, and stated this is not what we approved. He said that someone approached him the next day and asked him if the Council did change the zoning ordinance at the former W. Sattes Elementary School site, and he told him they did not. Councilman Walker said that if they would of had a motion to approve the zoning ordinance or even a variance, he would have opposed that action. Councilman Walker said that he had requested Mayor Ashley to restate the motion to clarify this so that we would better understand what we were voting on. Councilman Walker said that the way he understood it, the variance was not needed, and if the Board of Education had decided that they wanted to occupy that building and have the same type program that Shawee Hills are planning to do, there was nothing that this Council could do to keep them from it. He said that suppose Ras Chek went out of business, and some other merchantile person wanted to open either a drugstore or hardware store and since this is zoned for business, it would not require any action on the part of the Council. Councilman Walker stated that there was a lengthy discussion in regards to this motion, and said that he was very anxious to see if the minutes mentioned that Council approved a variance, which they did not. Councilman Walker said that possibly he made a parliamentary mistake. He said that if he had it to do over, he would have moved that the motion be tabled because he still feels that it required no action on the part of Council since Shawnee Hills was moving in to occupy the building and going to do the same type thing that was permitted under the zoning ordinance. Councilman Walker said we have already voted on the motion, as stated, which Councilman Savilla said it was on their request to use that facility even though their letter was requesting a variance. Councilman Walker stated that we did not need to approve a variance. Councilman Walker said that he

hoped that the next time we have something to consider such as this, it doesn't get reported that we approved a variance when we didn't. He said that is the reason he asked Mr. Gaujot to state if he thought it did conform with our existing ordinance, and he implied that it did - permissive uses. Mayor Ashley said that he took note of the fact that the newspaper reported it as granting a variance as well, but didn't pay a lot of attention to it, as he didn't look to the Gazette or the Daily Mail to accurately report the work of this governing body. Mayor Ashley said that basically what they print is not necessarily that much akin to what we do, more especially in terms of where emphasis is placed. Councilman Walker said that this is what the public saw. Mayor Ashley said that he realized it was what the public saw, because the public was not here and that is why we count heavily on the newspapers to report accurately. Mayor Ashley informed that no one at that meeting had a right to think that we were granting a variance, because we clearly said we were not doing that. He said as a matter of fact, he took executive privilege and told Councilman Walker that he knew Council did not have to approve that as a body. Mayor Ashley said that going back, we had a request to meet with the Board of Zoning Appeals on that question, and the specific ordinance gave exemption to the facility for educational purposes by a nonprofit organization. The question then to be decided by the Board of Zoning Appeals was, do we take this up? Would it be a variance? Then they decided to refer it to the City Council. Mayor Ashley said that he thought it was perfectly proper for the Council to debate it as they did, for as long as they did, for as often as they did, and in front of the public as they did. Not to grant the variance, but simply to say that they had Council's permission to go ahead and do it, but it was not a variance. Councilman at Large Olaf Walker said that the document or agreement that the City Attorney Phillip Gaujot had, was not made a part of the minutes. City Attorney Phillip Gaujot said that it was not finished. He informed that he called the attorney for Shawnee Hills with reference to the document, and he advised Mr. Gaujot that the Board would be taking the matter up at the next Board meeting. He assured Mr. Gaujot that it was being taken care of and he would provide the agreement pursuant to Mr. Gaujot's suggested modification. Mayor Ashley said that he felt it would be in order for this body to acknowledge with grateful appreciation to Mrs. Armstead on her work in transcribing the lengthy minutes. Councilman at Large Olaf Walker said that he had talked with Pansy, and there was one mistake on Page 8, in the next to the last paragraph which states Mr. Preger received an applause. The corrected sentence should read, Mr. Wise received an applause. Councilman Jim Hutchinson agreed this was an error and it should have been Mr. Wise.

AGENDA ITEM NO. 2 - NITRO HIGH SCHOOL PARADE REQUEST -
SEPTEMBER 18, 1987: - Councilmembers were furnished a copy of a letter from Ms. Fortner of Nitro High School requesting permission to hold their Homecoming parade on September 18. Councilman Charles Miller moved for the approval of the request to hold the parade. The motion was seconded. A vote was taken

and it was unanimous. Mayor Ashley informed that members of the City Council were invited to participate. There will be a crowning of the Homecoming Queen at the ballgame.

AGENDA ITEM NO. 3 - CONFIDENCE ELEMENTARY SCHOOL SOLICITATION REQUEST: - This agenda item is with regards to our annual renewal request from Confidence Elementary School to solicit within the City. The permit would be used for fund raising activities regarding the school's annual fall carnival to be held on October 24. Councilman Jim Hutchinson moved permission be granted. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 4 - CUB SCOUT PACK 68 REQUEST TO HOLD A FISHING TOURNAMENT AT RIDENOUR LAKE: - A copy of the request from Mr. Frank Cowherd, Cubmaster, was furnished to Council to hold a fishing tournament at Ridenour Lake on Friday, October 16, from 4:00 p.m. to 6:00 p.m. He informed they expect about 40 boys and their fathers to attend, and they will give prizes for the biggest fish, the smallest fish and the most fish caught. Mayor Ashley said that they did not detail how they would handle the charging of the fee. Mayor Ashley said that if this request is granted, we should clear with them that they would not charge anyone to fish, only to enter the contest. They could not prohibit the regular fishing that takes place. Councilman at Large Olaf Walker asked if this would conflict with anything already planned. Mayor Ashley answered that this would not require access or exclusive use of anything we reserve. Councilman at Large Olaf Walker moved the request be granted. The motion was seconded. A vote was taken and it was unanimous. Mayor Ashley suggested we advise them that if no one else is using the facilities, such as the Gazebo, to feel free to use it.

AGENDA ITEM NO. 5 - ORD. 87- TO DESIGNATE THE MAYOR OF THE CITY OF NITRO AS AN EX OFFICIO MEMBER OF THE NITRO LIBRARY BOARD: This agenda item is with regard to the second reading of an ordinance that was introduced at the last meeting, designating the Mayor of the City of Nitro as an ex officio member of the Nitro Library Board. Councilwoman at Large Mary Trout moved we approve this ordinance. The motion was seconded. A vote was taken and it was unanimously approved.

ORDINANCE 87-6 ATTACHED.

Councilwoman at Large Mary Trout announced that a meeting of the Nitro Library Board is scheduled for Monday, September 21 at City Hall beginning at 7:00 p.m., and issued an invitation to all Councilmembers to attend. The main topic will be plans for moving the library. Mayor Ashley informed that it appeared that we would be able to move the library with the books in place.

Mayor Ashley reported that all city officials, employees and their families and friends are invited to attend and/or participate in a service involving the City Government and the Nitro Church of the Nazarene at 1400 Sattes Circle, Sunday,

September 20, at 9:00 a.m. Councilman Miller and Councilman Hutchinson questioned the time, and Councilwoman Trout stated that she had 9:30 designated as the time on her records. Councilwoman Trout said that she would telephone Jay Long to confirm the time.

Mayor Ashley made a recommendation that Council give the Nitro Athletic Boosters permission to solicit funds within the City for the field house. Councilwoman at Large Mary Trout moved permission be granted. The motion was seconded. Councilman at Large Olaf Walker questioned the methodology, and Mayor Ashley answered they wanted to sell raffle tickets. They obtained, through the generosity of Mr. Bill McDavid, of Union Boiler, a one half acre lot at Lakeside Subdivision, and they are selling raffle tickets for \$5.00 each and there will be a drawing to determine the winner. Councilman at Large Olaf Walker informed that he had already been approached about buying a ticket, but if they are only going to sell tickets, asked if it was necessary to obtain permission from the Council. Mayor Ashley informed that it would be soliciting within the City. A vote was taken, and it was unanimous.

Mayor Ashley said that he wanted to remind the members of Council and the audience, that on Monday morning of each week, we are having a coffee break at City Hall from 8:00 a.m. to 9:00 a.m. There is no agenda, and we're trying to get people to come and sit and talk about the City, the good things, bad things, things that need to be done and things that are being done. Proceeding the coffee break at 9:00, there is a staff meeting and invited the members of Council to attend if their time permitted. Councilman Charles Miller commented that he felt this was a good idea, because there are people out on the street that would talk, but they wouldn't come to City Hall and talk with the Mayor. Some of the people have some very good ideas. Mayor Ashley said that as a matter of fact, they had a gentleman stop by while they were meeting Monday, and received some ideas from him, and this is what it's all about. Councilman Walker said that while we are on the subject, he thought it would be a good idea having a half an hour set aside at the end of our agenda at the Council meetings and having citizens come in and voice their complaints and suggestions. He said that he didn't mean to allow it to continue for an hour or longer, and Councilman Miller said that this is what we would have. Councilwoman Trout said to let them come before, not after, because this way we would have a cutoff time. Councilman Walker said that the point that he was making is that there would be no action taken by Council, but it would allow the citizens to come in and voice their complaints or whatever. Mayor Ashley informed that what we have previously done, is have Town Meetings. The Town Meetings are separate from the Council Meetings, but sometimes they are held on the same night. At these meetings, it is an opportunity for the citizens to come and speak and ask any questions they might have, which has proven successful in the past. Mayor Ashley said that he was willing to have a Town Meeting at anytime, and feels this is the way we should do it. Mayor Ashley said that if there is an issue

that is burning on anyone's mind, then we can schedule a Town Meeting. Councilman Walker said that we could certainly use some input, and feels it is a good idea. A discussion followed involving the public being invited to voice their concerns after Council Meetings. Mayor Ashley said that is one of the reason we have invited the Councilmembers to come to the staff meetings if they can, and we have tried to have the coffee for the convenience of Councilmembers and the public. It is all a part of trying to be available to the public.

COMMITTEE REPORT

1. BROOKHAVEN REPORT: - Mayor Ashley told Council that our worst fears were not realized, because the damage is not nearly as severe as we thought it might be in Brookhaven. Mayor Ashley shared pictures with Council and thus far, three specific areas have been fixed at a cost of some \$700.00. Mayor Ashley pointed out that the reason for Gene Williams, Director of Public Works and his crew beginning the work where they did, was because this was the areas projected as the work that needed immediate attention. What they are finding is instead of breaking up a whole slab of half of a road, Gene Williams reported that they had to put one yard of concrete in the biggest patch. So, it isn't nearly as severe as anticipated. Mayor Ashley said that if the other problems were equally smaller than we thought they would be, when we break open the concrete, then the cost for the total repair to Brookhaven will be far less than we originally expected. Mayor Ashley commended Gene Williams and his crew for doing an excellent job. Gene Williams explained that when he finishes patching the Brookhaven area, they will put chemical rock in the cracks and a two inch layer of tar in each seam to prevent the problem from reoccurring. Mayor Ashley added that Ed Hensley, the Chairman of the Brookhaven Homeowners Association group, lives near that area and he's been there several times and the people there seem to be very pleased. He also mentioned that they have been very cooperative. Mayor Ashley encouraged the Councilmembers to go up and take a look at it.

2. TRI STATE GREYHOUND DOG TRACK - City Attorney Phillip Gaujot informed that he finally reached Gary King this morning, and Mr. King advised that he was looking into legal questions concerning the annexation by minor boundary adjustment, and he thought the Commission would render an order either this Thursday night, (September 17) or Tuesday (September 22) at their regular scheduled meeting. Mr. Gaujot reported that this Thursday they are having a meeting that was called for on the matter involving the incorporation of Cross Lanes. On the agenda is the petition that was filed concerning the incorporation of Cross Lanes. He said that he supposed they were going to use that form to see if there is any chance of incorporation, and he feels if they think there is a chance, that they will probably enter an order denying the annexation. Mr. Gaujot said that he didn't know this, and that he was a little more optimistic than some, and likes to think that reason will take hold and that they will see their duties and what they are suppose to be doing and will give us a

favorable order. Mr. Gaujot informed that Nitro has done everything that we are supposed to do. The next step would be for the Commissioners to enter an order which prefects the annexation. Councilman at Large Olaf Walker asked if the other side could deny that, and Mr. Gaujot informed that they could turn it down for whatever reason. Mr. Gaujot said they could not enter an order at all and could put us off even longer. Councilman Walker asked for how long, and Mr. Gaujot responded that they could do it for as long as they want, but that doesn't mean we don't have our remedies. We could go to the Supreme Court. Mr. Gaujot said that he feels that an order will be coming probably Tuesday, and may be as early as Thursday. If not, we can file whatever papers we need to file with the Supreme Court. Mr. Gaujot said that if they rule for us, then it is over. If they rule against us, then we can make an appeal.

Councilman at Large Olaf Walker commended City Attorney Phillip Gaujot on a super job at the hearing before the Kanawha County Commission.

Mayor Ashley advised that he had plans for attending the meeting Thursday night, as did City Attorney Phillip Gaujot, and encouraged every Councilmember to be present. Mr. Gaujot said that he felt it important that the Council sit on the front row and let them know their presence.

Mayor Ashley said that he wanted to compliment the people in the Public Works Department for the work they did in the Brookhaven area; it is looking good. Mayor Ashley informed there was an article to the editor in the Daily Mail today that might be of interest. There was a nice letter about the beautification effort that's going on in Nitro, thanks to the work of the Womans' Club.

Mayor Ashley announced that at 1:00 p.m., Wednesday the President of the United States will be on television leading the nation in the Pledge of Allegiance and there are ceremonies that are going to take place at the elementary schools. Each Councilmember is invited, along with the members of the Bicentennial Commission to go to the schools at 1 o'clock. On Thursday at 4:00 p.m., the actual hour of the signing of the Constitution 200 years ago, all the bells are to be rung for 200 seconds.

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


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

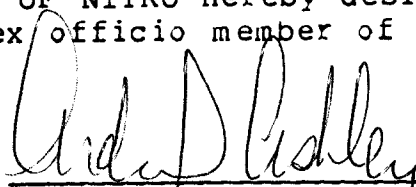
ORDINANCE 87-6

AN ORDINANCE DESIGNATING THE MAYOR OF THE
CITY OF NITRO AS AN EXOFFICIO MEMBER OF
THE NITRO LIBRARY BOARD

WHEREAS, the Nitro Library provides a vital service to the
citizens in the community of the City of Nitro, and

WHEREAS, the Nitro Library Board consists of residents of
the community of the City of Nitro, and

WHEREAS, the Mayor being the chief executive of the City, we
THE CITY COUNCIL OF THE CITY OF NITRO hereby designate the
Mayor of the City of Nitro as an ex officio member of the Nitro
Library Board.


ARDEN D. ASHLEY, MAYOR


JOAN MCCLANAHAN, RECORDER

SEPTEMBER 1, 1987

FIRST READING

SEPTEMBER 15, 1987

SECOND READING

CITY OF NITRO
COUNCIL MEETING MINUTES

OCTOBER 6, 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 Bob Evans, 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 Councilman A. A. "Joe" Savilla.

As a memorial to Councilman Romie Hughart, there was an unveiling of mounted framed plaques identifying Councilmembers who had served the City since 1932, and will be on permanent display in Council Chambers. The plaque in the center identified that this was prepared in memory of Romie Hughart. Mayor Ashley invited the members of Council to review the encased plaques and welcomed any recommendation as there could be a misspelled name or an incorrect date of service. Members of Council expressed favorable comments, and an applause.

Mayor Ashley reported the good news that the Monsanto strike was settled today, and the employees would be going back to work.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 15, 1987 COUNCIL MEETING MINUTES: - Councilman Charles Miller moved for the approval of the Council meeting minutes of September 15, 1987 as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley said that it was a monthly tradition that we select from among the ranks of the citizens of the City someone to be identified as our Citizen of the Month. Mayor Ashley reported that unfortunately our recipient for the month of October was not able to be present with us this evening, but arrangements have been made that he will be present at the next Council Meeting. At this time, Tim Coonrod will be awarded the plaque for the Citizen of the month for October. Tim has been well recognized for his athletic skills in Special Olympics and recently won a gold medal in the Olympics. Mayor Ashley called on Councilman A. A. "Joe" Savilla to share some information about Tim's accomplishments.

Councilman A. A. "Joe" Savilla informed that Timmy started out in the Special Olympics in 1981-82 participating in track and field. He engaged in the track and field in the years 1981 through 1984. In 1984 in the county, he won three gold medals in the 100, 200 and the 50 meter run. In 1985-86, in the county, he won a gold medal in the 100 meter, a gold medal in the 400 meter

and a bronze in softball. In state competition, he won a gold medal in the 100 meter run in 1985-86. He has also participated in skiing in which he received a silver and a bronze medal. In 1986-87, he was in the Marine Corp mini-marathon in Washington, D. C. and won a bronze medal. In county competition in swimming, he has won a host of gold medals. He went on to International competition, competing with Special Olympians from around the world, in July 1987 and won a gold medal in swimming in the 25 meter backstroke. He won a bronze medal in the 100 meter relay, finished fourth in the 25 meter free style, and fourth in the 50 meter free style. Councilman Savilla expressed that he thinks Timmy has represented the City of Nitro quite well during the past few years on the county, state and international levels, and is a young man that is most deserving to be our Citizen of the Month.

AGENDA ITEM NO. 3 - DATE SET FOR HALLOWEEN: - As in the past, Mayor Ashley said that it was expected of the City Council from all Governing Bodies in local government in West Virginia to set the date for Halloween. In recent years, we have gone with the date set by the Kanawha County Commission. We have asked the Kanawha County Commission when they were going to set their date, and was told this would be decided upon Thursday, October 8. Councilwoman at Large Mary Trout moved we accept the date for Halloween the same day that is established by the Kanawha County Commission as the one we will recognize. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 4 - SALVATION ARMY REQUEST: - A copy of a communique was given to Councilmembers requesting permission to place the traditional Salvation Army kettles in front of businesses in Nitro for their Christmas Appeal - 1987, from November 27, through December 24, 1987. Councilman at Large Olaf Walker moved that the request be granted, and commented that Christmas holidays wouldn't be the same without the kettles. The motion was seconded. Mayor Ashley agreed with Councilman Walker that Christmas just wouldn't be the same without the Salvation Army and their kettles; and can't remember not being in a position to see them. A vote was taken and it was unanimous. The Salvation will be informed accordingly.

AGENDA ITEM NO. 5 - PETITION FROM RESIDENTS OF MARTINS COURT: - A copy of the petition signed by residents of Martins Court to dedicate said Martins Court to the City of Nitro, was distributed to Council. The petition was signed by five in number, and they represented that their petition represents one hundred per cent of the freeholders of the property along Martins Court. Mayor Ashley informed that this request has been referred to our City Attorney Phillip Gaujot. If action is taken, it would be by way of an ordinance. Councilman at Large Olaf Walker said he thought we should acknowledge receipt of the petition and then designate that it had been referred to our Counselor to prepare an ordinance after which time we can take action. Councilman at Large Rusty Casto questioned if this property was tied up in heirship and is the reason it has been out of the City

for the period it has been. Mayor Ashley replied that he wasn't sure, but to the best of his knowledge, there was one owner he was told that was not able to sign the petition. Councilman at Large Olaf Walker questioned if we would need a document that would transfer the property to the City? Mayor Ashley replied that we would also need the identification of mets and bounds because we would probably need some title transfer of the property as a part of this transaction. Mayor Ashley advised that our City Attorney Phillip Gaujot has a copy of the petition and has indicated that he will be prepared to discuss it and make recommendation at the time of the next Council Meeting.

AGENDA ITEM NO. 6 - NITRO JR. HIGH SCHOOL HOMECOMING PARADE: Councilwoman at Large Mary Trout announced that Thursday night, October 8, there is a homecoming ballgame scheduled, and requested permission for a parade beginning at the Nitro Jr. High School going down Plant Road to First Avenue, then going to 11th Street and around the block back to the school, and moved we grant permission. The motion was seconded. A vote was taken and it was unanimous.

Councilwoman at Large Mary Trout informed that the Nitro Junior High School Band Boosters are requesting permission to hold a Tag Day on October 17, from 8:00 a.m. to 2:00 p.m. She explained that this is to be similar to the Tag Day held by Nitro High School. Councilman at Large Mary Trout moved the request be granted with the stipulation that for safety reasons, they do not put children out on First Avenue and solicit money from people in vehicles. The motion was seconded. A vote was taken and it was unanimously approved.

Mayor Ashley said that on the subject of parades, City Council has the authority to respond to requests for parades and they are typically approved by the Council and said that he thought too often the City thinks of it as perfunctory kind of thing, and we had an example of that this past week end.

Mayor Ashley reported that the Nitro Midget Football League approached us subsequent to the last Council Meeting and requested permission to hold a parade this past Sunday. Knowing that the Council would not be meeting before the parade, it created a little bit of a problem because they wanted to start the parade at 11:30 a.m.. Mayor Ashley said that he did not have authority to grant their permission, but advised them that it would not be wise to start the parade at 11:30 a.m. on Sunday morning while church was in session. Therefore, they compromised and started the parade at 12:15 p.m., not with permission from the mayor but with the understanding that we were aware that they were going to have the parade and the City Council had not approved it. They also were asked to please plan their parade next year in such a fashion that the Council would be given an opportunity to act upon their request.

In response to Councilman Charles Miller's earlier request, Mayor Ashley reported that we received a letter from the

Treasurer of the Nitro Football Little League, Mrs. Casto, on the amount of money received from donations for parking, and also Mayor Ashley's response to her. Copies of the report from the Treasurer and the Mayor's response were placed in Council's folders. For the entire year, they only received \$78. which astonished members of Council. Councilman at Large Olaf Walker mentioned that the City should take under consideration and study the possibility of charging for parking on the lot, such as a quarter or fifty cents. Mayor Ashley said that as a matter of fact, one year the Council was discussing whether the City should be collecting the funds. The conclusion was, that the Nitro football Little League's budget depended upon that money. Councilman Walker said that with 200 cars with a donation of \$.50 would generate more funds than they received. Councilman A. A. "Joe" Savilla said that they might want to start charging a fee instead of a donation. Councilman Savilla said that in a previous conversation, they talked about getting involved and using the money to pave that parking area. Councilman at Large Rusty Casto commented that the park could use all the money it could get. Mayor Ashley said that if we were to establish a fee, we would probably charge more than a quarter, and could probably handle the parking and donate to the Midget Football League a \$100.00 and still come out ahead. Mayor Ashley informed that they have permission for this year to solicit, but we might contract with them in the future to collect for us, and then we could set a fee that might generate a little bit more money, both for the City and League. This would be with the stipulation that the money could be used for the cost of paving the parking lot. Councilman Walker mentioned that it might be a little bit more conscious effort in collecting funds. Mayor Ashley remarked that they were there, but they might be a little timid. Councilman at Large Rusty Casto mentioned that they were previously charging fifty cents for parking, but Council informed them they could not set a charge, but simply accept donations. Mayor Ashley answered that Councilman Casto was technically correct because it is public property and we were not setting the fee. Therefore, they couldn't charge per se.

AGENDA ITEM NO. 7 - SHAWNEE HILL'S AGREEMENT: - Mayor Ashley informed that this agenda item has to do with a follow-up to an earlier agreement with the Board of Directors of Shawnee Hills. Copies of the minutes of the Board of Directors Meeting were given to all Councilmembers which designates that they do sanction the agreement made earlier with the City Council with regards to the manner in which the facility at the former West Sattes Elementary School property would be managed and what it would be intended to do. Mayor Ashley said that it appears to be consistent with requests that were agreed upon earlier. A copy of their minutes will be forwarded to our City Attorney Phillip Gaujot for examination because it was the City Attorney that suggested that it would be appropriate to have their intentions confirmed to the Council with regards to that facility. Councilman at Large Olaf Walker requested Mayor Ashley mention to our Attorney that we did not approve a zoning variance which is stated in the agreement. Mayor Ashley indicated to Councilman

walker that he has noted this for the City Attorney's benefit that we at no time considered granting a variance. After review, it was determined that what they were doing was consistent with City's ordinances relative to zoning and no variance was required to grant them permission, because they were in compliance with all zoning ordinances. Councilman at Large Olaf Walker said that after the agreement is reviewed, make it a part of last months minutes. Mayor Ashley said that he thought the proper action for the Council would be to acknowledge receipt of the document, and accept the report from Mr. Gaujot that after that change is made, and it will be made before we enter into it, that this would be the final transaction requested by the City. Councilman at Large Olaf Walker asked if it would be filed with the first meeting, and Mayor Ashley answered that it would be included in the minute structure of this meeting, but it would be made a part of the first meeting in September. Councilman Jim Hutchinson reported that the "heat" has died down a little bit regarding Shawnee Hills in his neighborhood. He advised that the gentlemen responsible for the petition, told him that he felt he went overboard with the circumstances in the petition. Councilman Jim Hutchinson reported that his next door neighbor, Allen Orth, asked him to compliment Mayor Ashley on his response to the article in the Gazette. Mr. Orth advised that some of the things he was supposed to have said, were not accurate and wanted Councilman Hutchinson to thank the Mayor for him. Councilman Walker informed that he had a gentlemen mention the fact that he felt that people did not understand what was happening at the former W. Sattes Elementary School site until it was too late. Councilman Hutchinson mentioned that a person told him that the way Shawnee Hills went about it, he was opposed to that.

COPY OF AGREEMENT ATTACHED.

Councilman Jim Hutchinson stated that the bigger school buses are going around the circle every day, twice a day and wanted to know what business do they have in that area with that large of equipment, tearing up their streets, and why couldn't this be stopped? Mayor Ashley responded that someone from that region had already contacted him and raised the same point. Mayor Ashley said that he, in turn, has been talking with the Board of Education and was told that, first of all, they are picking up school children. They admitted that they use the circle as a turnaround area. Mayor Ashley said that he understood, they go out Main Avenue and then turn in and use it as a turnaround and go back to Main Avenue. Mayor Ashley suggested as an alternative to that, they could go first Avenue to Center Street, and then come into Main that way. This would void the need to go into that neighborhood section and turn around. Mayor Ashley said that we are now in the process of negotiating with the Board of Education as they aren't convinced that they should do that. Mayor Ashley said that he might need some help in convincing the Board of Education to do this, but they haven't said they won't do what we are asking. Mayor Ashley said that he would take it as a personal challenge to have a report to the Council at the time of the next meeting, but stated

that he would try to get it resolved before this.

AGENDA ITEM NO. 8 - PROCLAMATION - FIRE PREVENTION WEEK: - Mayor Ashley read a proclamation, if passed, proclaiming the week of October 5, 1987 as Fire Prevention Week. Mayor Ashley commented that the homes being built today are being built more safely than they ever have. Now, fires are usually caused by carelessness on the part of the homeowner or things that could be prevented with proper education. Mayor Ashley added that he thinks our Fire Department is doing an excellent job and commended them. He said that he thought if the citizens would pay close attention to those things that are being said to them about the hazards of the things they are storing around the house, or the importance of having their furnaces checked then we could very easily reduce the fire incidents by fifty percent in the next decade. More and more we find our firefighting departments are spending their time educating people in ways to prevent fires, rather than to have to go out and fight them, which is a compliment to the department and fire departments all across the country.

Sgt. Hedrick informed they are going to all the elementary schools, and visited two of them today.

Councilman A. A. "Joe" Savilla commented that our fire department does a super job around the elementary schools with the young children.

Mayor Ashley said that he would like to share the letters received from the elementary students from Baker Elementary School that visited City Hall in September. They expressed their fascination for the policemen and firemen.

Councilman at Large Rusty Casto asked the status of the selection of a fire chief? Mayor Ashley responded that he would like to hope that we are in the process of getting one, but where it stands at the present time as the interpretation by the Attorney General's Office, is that the selection process has to follow the guidelines set forth by the Civil Service Law in West Virginia for a fire chief. It's not true of a police chief, but it is of a fire chief. Mayor Ashley said that we have declared an opening and have asked of the Fire Civil Service Commission that they conduct a test and offer up people who are eligible. Mayor Ashley informed that we have interest shown, not only from within our department, but also from people who are currently employed as supervisors in fire departments, former fire chiefs and those inquiries are being referred to the Civil Service Department. They will create a test, conduct the test, evaluate the results and make recommendations to the Mayor and we will have up to three candidates that are eligible for consideration. Part of the problem is that it is not a requirement by statute that the fire chief be protected or a part of Civil Service, but it is a requirement of the statute that if a fireman is in Civil Service, that he shouldn't have to give up being in Civil Service to be the Chief. There are also some statutes that say that you

cannot jump over a grade to get to the next grade; that you must spend a period of time in each grade as we progress up the ladder. Mayor Ashley said that in our case, he thought if Captain Stover had been in a position to have accepted the position of Fire Chief, our selection process would have been made much less difficult, but he was not in a position to accept because of some personal employment. As a result, we have no one in the next grade available to go into the Chief's job, and doesn't know how the Civil Service Commission will rule, but would guess that the test, since there is no one in the next lower grade as the law states, they would have to open it up as they would a new employee. Mayor Ashley said that the Civil Service Commission will send us three candidates that they declare eligible and we will choose from among the ones submitted; they don't have to send us three, but they cannot send us more than three. We have not heard anything back from the Commission as to when they will be conducting their test. In the meantime, operationally, we have a captain and two sergeants that are alternating as department heads. The ranking officer on duty is in charge of the department at that time.

Councilman at Large Olaf Walker moved for the adoption of Proclamation 87-4, proclaiming the week of October 5, 1987 as Fire Prevention Week. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION 87-4 ATTACHED.

AGENDA ITEM NO. 9 - ORD. 87- PROHIBITING USE OF LIVE BAIT AT RIDENOUR: - Mayor Ashley advised that this agenda item pertains to an ordinance prohibiting the use of minnows as live bait for catching fish at Ridenour Memorial Park. When the lake was drained, it was drained due to infiltration of what DNR refers to as trash fish, shad specifically and some nongame fish such as carp. They are usually introduced into a lake as minnows, fishing for other game fish, and they tend to survive and multiply. Signs are posted indicating that using minnows is prohibited, but we did not have an ordinance to that effect, and it has been recommended by DNR that we impose such a restriction to keep minnows from coming in. Mayor Ashley added that minnows are also brought in as eggs by the ducks that fly from the river to the lake. Therefore, we can't totally keep them out, but we can certainly cut it back a lot by making it against the law. Mayor Ashley said that he felt we could do a much better job if we make it a City Ordinance, and we too can enforce that law. Councilman A. A. "Joe" Savilla moved for the adoption of the ordinance. The motion was seconded. A vote was taken for the approval of the ordinance on the first reading and it was unanimous.

Councilman at Large Rusty Casto questioned if the City had an ordinance on the limit of trout that can be taken at Ridenour Lake. He mentioned that there is a State Law that the maximum is four trout per day. Mayor Ashley said that he would check on

this inquiry, but thinks there is a difference because the trout, as a fish, is protected by the State pretty much as the Mallard Ducks, and doesn't know if this kind of an ordinance would be proper. Mayor Ashley commented that this is a good point, and maybe we could and should make our ordinances more specifically broader so that they would encompass things like this.

AGENDA ITEM NO. 10 - RECOMMENDATION FROM PLANNING COMMISSION: - Mayor Ashley recognized the City Recorder Joan McClanahan to report on the recommendations from the Planning Commission.

City Recorder Joan McClanahan reported the Planning Commission received two requests to subdivide property. There was no problem with the Planning Commission or with the Building Inspector Bob Sergent concerning these requests. Councilman Jim Hutchinson moved we accept the recommendations and adopt the action recommended by the Planning Commission. The motion was seconded. Councilman at Large Olaf Walker said that he didn't have any question regarding the property of S. L. Summers, but questioned why the Mountaineer Gas Co. wanted to divide their property. City Recorder Joan McClanahan answered that it was her understanding that they plan to sell the property. Councilman at Large Olaf Walker said that on the map prepared for Mountaineer Gas Company, there were roadway, pipelines and facilities easement on three different plots, and also at number 1, wanted to know if that would be the access to the building. No one could answer this question. Mayor Ashley stated that he didn't know whether this drawing would indicate that, but what we do have is a statement from Bob Sergent to the effect that what they are asking is in proper form. City Recorder Joan McClanahan informed that Margaret A. Hudson, Chairperson of the Planning Commission, wanted a statement from the Building Inspector, Bob Sergent, in writing, that he certifies the request meets all of the City requirements. City Recorder Joan McClanahan informed that Ms. Hudson will not proceed further until she receives the certification from the Building Inspector. Ms. Hudson, as a courtesy, explained the request to the Bartoe's living across the street, and had no problem with it. A vote was taken and it was unanimous. Mayor Ashley requested Eve Frazier to make note to contact Bob Sergent and ascertain whether or not he is satisfied on the Mountaineer Gas request.

By way of report, with regard to 911, Mayor Ashley reported that we have been trying for quite some time to get the Council to go, as a body, to the Metro Comcenter for a tour of the facilities and to review the capabilities of that Kanawha County Metro Comcenter as it will function under the provisions of 911 and Enhanced 911. The tour has been set for Wednesday, October 7, at 3:00 p.m. Mayor Ashley apologized for the short notice, but wanted to try to get it at a time when the right people at the Comcenter would be available to demonstrate the capabilities and asked for a show of hands that would be available to attend. Mayor Ashley informed that for those that could not make this tour, to make arrangements with Lt. Vance who is in charge of

this operation, for a tour at another time. Mayor Ashley said that he felt it important that everyone see the same demonstration by the same person so that they could all be aware of what is happening.

Councilman at Large Olaf Walker questioned Mayor Ashley as to how he feels on the subject of 911, and Mayor Ashley replied that the City has had Sgt. Angell working with the implementation of data input on the CAD system (a computer assisted dispatch), the key software ingredient to making 911 work. Mayor Ashley said that he has been in close contact with people working with 911, and what he has been told is that the problem that they are now encountering are a by-product of their personnel and the limitations with the equipment they currently have. So, to judge what will happen with the implementation of the CAD system under the new program 911 with computer assisted dispatch, and Enhanced 911 is just not fair because it is not the same thing as he was told. Mayor Ashley said that we need to hold our judgements, for or against, until such time as we see it work. Mayor Ashley said that he thought clearly across the country it is working and it is working well, more especially, the enhanced 911. Mayor Ashley added that he thinks clearly what we have in the way of data input on Nitro in that system will be beneficial and will make it work. So, if they have that capability and then we chose not to adopt the system, that's really the question. Whether or not it works or doesn't work, we need to satisfy ourselves that our service that we receive in Nitro would be marketedly better than what we are now getting. In our present system, we have good response, good capability, good dispatching. There is no question about it, but it's going to be a new world when 911 provides that same capability countywide, and the question then becomes, are we going to be part of an improved network system of mutual aid when they can dispatch our police cruisers from Charleston, as we would dispatch it here. Mayor Ashley said that what Council needs to know is that there has been an effort on the part of the Kanawha County Commission that a representative of the Kanawha County Commission has informed that the Putnam County residents of Nitro were going to be pulled from the CAD system under E-911, and they would get their service through Winfield and Putnam County's 911 system. The information that we have that is irrefutable, is that the Kanawha County Commission have campaigned with the Putnam County Commissioners to pull that service out of the Kanawha County Comcenter into Putnam County, and we have been trying to do some kind of assessment. Mayor Ashley said that Commissioner Louis "Duke" Bloom indicated to him personally that he was not trying to do this and he would like to help us prevent it from happening. Conversations with others indicate that the Kanawha County Commission is attempting to have our service interrupted. Mayor Ashley said that he felt this Council would not approve a split system as we need dispatching from one point, not two. Mayor Ashley informed that we are dealing with the telephone company, and we have their assurance that what is set up for Nitro, will be that the Nitro calls will go to one Comcenter. At the present time, the plan is that the calls will go to the

communication center in Charleston. There was a question as to what St. Albans and Dunbar plans were with regards to the 911, and Mayor Ashley said that he didn't know. We have asked the other cities to advise us of their plans, but at this point we don't know what they are going to do. City Recorder Joan McClanahan stated that at this point, Dunbar is not planning to go with the 911. Mayor Ashley said that the final commitment is perhaps awaiting some confirmation that they are, in fact, ready for us. He said that he didn't think their position was that much different than ours. Mayor Ashley said that he thinks one thing that is important is that whether you live in Putnam or Kanawha County, if you pick up the telephone and dial 911, your call will be answered either at Winfield or Charleston. Councilman at Large Olaf Walker questioned if the Legislation mandates that all cities shall eventually become part of this, and Mayor Ashley answered that each governing body will make its own determination. Mayor Ashley informed Council that all ambulance calls are dispatched from 911, but they do not have the capability of dispatching police and fire calls for Nitro. If they had the capability, then we can choose to go to it or we can choose not to go to it. In terms of planning for this years budget, we planned to go to it, but feels we all want to be satisfied that the citizens are getting the best service. Mayor Ashley said there are those who are saying it never will be as good, but there are others saying it will be better. With Enhanced 911, when it is installed in May, 1988, why would we go to 911 in March to go to E-911 in May? The difference between 911 and E-911 is like the difference between night and day, because on E-911 the caller is locked in and there is a monitor that displays everything about the caller from that telephone. City Recorder Joan McClanahan said to correct her if she was wrong, but when Mr. Sweeney gave his presentation he mentioned that there would be a charge, and he would get back to Council on the amount involved. She stated that she understood it would be a flat fee in addition to the \$.25 cents charged on the telephone bill and then a monthly maintenance fee. City Recorder Joan McClanahan questioned if we had received anything back on the cost. Mayor Ashley answered that part of the cost was the hardware that included a computer, for which we applied for a grant. Presumably, that computer is like a \$5,000 RCA computer that will replace some of the hardware we now have, but as far as coming back to us with hard dollars or the availability of the product, no they haven't gotten back with us. We don't know how much it will cost, but we do know what equipment they have selected. We know what we can get rid of in the way of equipment, but we do not have a net figure. Mayor Ashley stressed that we, as the governing body, have the responsibility of finding out as much as we can in an objective kind of way about this new capability that is going to be offered. If we choose to take it or choose not to take, it should be based upon information that we know for a fact, because we have seen it demonstrated and satisfied. If we are not satisfied, this is the time to ask the questions, challenge the capability of that system, time to talk about the cost, and when are they going to be able to do it.

Mayor Ashley reported on the problem at Okey Avenue, and the latest interpretation of where the City stands. This is an area between Gasoline Alley and Scott Runyons Pontiac Dealership. There are five homes on the uphill side of First Avenue between there and Okey that are situated in such a position that the road levels are higher than their yard level. The Department of Highways put a line in, and we said when they finished putting the line in we would cover it. The problem is that when they put the line in, they left it in such a way that the water cannot get into the line. It's good that the water can't get out of the line and flood their yards, but it is bad that the water in their yards can't get into the line and be carried away without there being an accumulation of water in their yards. So, our determination was that it was folly to cover up the line because that would further compound their loss of space and would cause the water to rise even faster. So, while the pipe used in the storm sewer by the Department of Highways was ugly, covering it was not going to solve the problem. As a matter of fact, it would compound their problem. We are going to communicate our position to those who have shown an interest, including the residents in the area, the Department of Highways, the Health Department, Senator Rockefeller, Congressman Wise, and we are going to offer to the residents of the area an opportunity to enter into an agreement that would essentially say that if all of them are willing to enter into this agreement, we will cover the line as long as they understand that it is not going to cure their problem, but just landscape their yards a little better. However, in the event of a rain, it's not going to be helpful to have that dirt replace open space where the water could have gone. It goes back to where the Department of Highways has built a road and put in a sewer line, that by its very nature forms a bowl, trapping water that has no way to get out. The Department of Highways has offered a series of agreements, going back to the 1950's, that were entered into when the highway was built that the department is taking the position that holds them harmless of any ultimate effect of water being accumulated in their yard. Mayor Ashley informed that we have the personnel to cover the pipe, but that's not going to solve their problem. Mayor Ashley said that he would be happy to share the file with Council, and as soon as the letter is drafted, it will be forwarded to the City Attorney Phillip Gaujot for his edification. Councilman at Large Olaf Walker questioned that if it is the Department of Highway's problem, why do we want to make it Nitro's problem. Councilman Savilla answered that the City of Nitro agreed that once the pipe was put in, the City would cover it. Mayor Ashley said that he felt the Department of Highways should have not put the storm line in as they did in the early 80's, but it's because of the manner in which it was put in that is causing the problem. There is no way that the water that accumulates in their back yard is going to get out until it gets to a certain level. Mayor Ashley said that we couldn't leave this to the Department of Highways alone for the same reason we can't leave the 21st Street slip to the Department of Highways because they aren't going to fix it. Mayor Ashley invited Council to visit Okey Avenue and

requested their help on trying to work out something that will offer some response to the citizens as long as they understand that we think their problem will not be solved by us covering the pipe.

Regarding the 21st Street slip, Mayor Ashley reported that he has a letter from Commissioner Ritchie saying that their new estimate is now \$625,000 if they take the slip material to Ridenour Lake, and stated that they are continuing to examine their available funding sources to determine if funds can be made available for this work.

Mayor Ashley informed that we have a request for \$350.00 to purchase trees for the continued beautification program, and asked the City Council to give attention to Councilman at Large Rusty Casto's request. Councilman Casto questioned if we had money in the budget as we did last year, and Mayor Ashley said that we have checked with the Treasurer Ralph Allison, and he assured us that the money is in the budget and available. Councilman A. A. "Joe" Savilla moved for the approval of the purchase of the trees. The motion was seconded. Mayor Ashley cautioned Councilman Casto to make sure that there would be no problem with the area on which the trees would be planted, and requested Councilman Casto notify the railroad that we will be planting trees. A vote was taken and it was unanimously approved. Councilman at Large Olaf Walker inquired as to how many trees could be purchased for the \$350.00. Councilman Casto answered that we could purchase about 40 Bradford pear trees that could withstand pollution.

Councilman at Large Rusty Casto said that he destroyed his lawn mower cutting the brush, and the Nitro Moose Lodge bought enough wildflower seeds to plant along this area. Councilman Casto suggested we get permission from the people advertising on the signs, and fix a nice wooden sign with our router, with their names on it, to replace the ones now there. Councilman Casto said that the business owners he has talked with said they thought it would be a wonderful idea. Councilman Casto stated that the corner is the only thing he has left to work on, and then he would be finished with his beautification effort. Mayor Ashley told Councilman Casto that he had a deal. Councilman Savilla commended Councilman Casto on all of his efforts on the beautification project.

Councilman Jim Hutchinson asked who cleared the brush between the highway and railroad, and was informed this was done by Councilman Rusty Casto and Mr. Dean Meadows. Councilman Hutchinson commented that it was looking good. He also mentioned that one end of the Pioneer Club sign was broken and in need of repair.

Mayor Ashley said that with regard to beautification, asked Council to consider a request from the Nitro Business and Professional Association for assistance of the payment of the electric bill for the holiday season lights. Those lights were

obtained by the Nitro Business and Professional Association, and the Lions Club have worked with them, the City has put them up, and over the period of the last 4 or 5 years, there has been a problem of getting the electric bill paid. Mayor Ashley informed that he did not know the amount, but it came to mind that a good figure for the City to commit is \$250.00 to the cost of electricity. Councilman at Large Rusty Casto moved for the approval of the commitment of up to \$250.00 for payment on the electric bill. The motion was seconded. Councilman at Large Olaf Walker questioned the amount of the bill for last year. Mayor Ashley said that he did not know, but a few years ago, the bill was around \$230.00 or \$240.00, but there has been a rate increase. Councilman Savilla suggested we make the amount up to \$250.00. Councilman Casto said that he believed the previous bill was more than the \$230.00, but if we paid \$250.00 they could surely pay the balance. Mayor Ashley said that this was his thinking, but he didn't expect the \$250.00 would cover the cost now. Councilman Walker asked if the City would be responsible for putting up the lights, and Mayor Ashley informed that they would. Councilman Walker asked if this wouldn't cost between \$400.00 to \$500.00? Director of Public Works Gene Williams informed that it would take about 8 hours to mount the lights with a crew of two men. It was estimated that it would cost \$160.00 to put them up and take them down. Councilman Walker was in agreement that the City should help, but he said that if we aren't careful we will be paying for the entire project, and maybe the City should be doing it anyway and should be made part of the budget. Councilman Savilla said that most cities pick up the cost. Mayor Ashley said that basically if we were in the position to do so, we would pick up the tab for that and a lot of other things if we had the money. At the present time, the Nitro Business and Professional Association are not well off with their membership and their treasury, and feels our gesture would be appreciated. Mayor Ashley informed that the President of the Nitro Business and Professional Association and its members are basically retail business people, the Bank, Fruth Pharmacy, Marrs Jewelry, etc. Councilman at Large Olaf Walker said that he was going to vote for this, but it should be mentioned to them that the City will not only pay \$250.00 toward the electric, but the City will also erect and take the lights down. A vote was taken to approve up to \$250.00 toward the additional electric bill for holiday season lighting, and it was unanimous.

Councilman A. A. "Joe" Savilla told Councilmembers when they made their tour of the Comcenter to remember that one-third of the residents in Nitro live in Putnam County, and will not be served by the Charleston Comcenter.

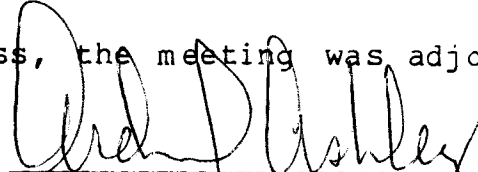
Councilman Charles Miller said that Main Avenue was changed from Payne Avenue in the first block from 0 to 20. The next street up is not the 100 block. The 100 block starts up about Ash Street and goes from there on up. People that live there know all about it, but there are so many people coming into town and can't find 103 Main Avenue, 106 or whatever it is. Councilman Miller wanted to know who he should see to get those

numbers changed to where they will be easily located. He informed that the numbers in his block are okay, but feels the 100 block should start above there. Mayor Ashley suggested he contact the Postmaster, and offered to go with Councilman Miller. Mayor Ashley informed that we have dealt with that before and it becomes a rather lengthy process. Mayor Ashley said that another way the problem can be addressed, is a more prominent display with larger numbers on Main Avenue. Councilman Savilla said that they have the same trouble at the other end of the city. The row of houses that goes down toward the elementary school has the same numbers as the homes that go up and down beside the elementary school, and informed that they have been trying to get this changed for years.

Mayor Ashley next brought Council up-to-date on the status of Nitro's Annexation. Mayor Ashley reported that what we understand, we have, first of all, prevailed in Judge Hey's Circuit Court in getting a decision by Friday, October 9, from the County Commission. They have announced their intent to appeal that decision. However, they did sign the order without noting objection or acception, and thinks this would make it pretty difficult for them to appeal the same order that they have accepted. Also, Mayor Ashley said that it was his understanding that the group in Cross Lanes opposing the incorporation of the proposed City of Cross Lanes is planning to petition the State Supreme Court, either with a writ of probation which would prohibit the continuation of the election effort or an appeal to the decision of the Circuit Court which said the election in Cross Lanes could proceed. Mayor Ashley reported that we found out today, notwithstanding the fact that they have as their President, an attorney, and a county Attorney by the name of Gary King, and legal counsel available to them in the name Steve Miller from Cross Lanes, and an attorney by the name of Gary Pullin who is the President of the Cross Lanes (hopeful city or city of hope). They have, notwithstanding all that legal advise, hired the largest and probably the most expensive law firm in the State of West Virginia, Jackson, Kelly, Holt and O'Farrell to help them in their opposition against the City of Nitro and our one attorney. Councilman Savilla said that the citizens of Kanawha County should get up in arms, because it will cost them a fortune. Mayor Ashley said that if the citizens of Kanawha County don't have objection to the Kanawha County Commission employing the services of Jackson, Kelly, Holt and O'Farrell, then we shouldn't object. Mayor Ashley agreed with Councilman Savilla that it would really cost the taxpayers for all of those lawyers. Mayor Ashley informed that prior to the next Council meeting, he would anticipate the Kanawha County Commission would have taken action, the people of Cross Lanes would have taken action and presumably the Supreme Court will have taken some action with regards to all of these petitions and appeals that are being offered up for their consideration. Mayor Ashley reported that the complexity is just about as great as it can possibly become. Councilman Miller asked if we had any legal right to ask for the tax we are missing because of the delay in annexation. Mayor Ashley said that the tax is assessed as of the

first of July. If the County Commission had acted upon our petition in May, then we would have had the track by the first of July if it had of gone unopposed. The owners of the property get the benefit of the property tax as of July 1, and continues until the following July. We lost the taxes because we did not have the dog track on July 1. The other revenue, that being the handle from wagering, we can precisely tabulate that after the fact and we do have a meter on that. As a Council, we have a right to sue for the bond of the Commissioners for either misfeasance or malfeasance of office.

There being no further business, the meeting was adjourned at 9:20 p.m.


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

THIS AGREEMENT, made this 1st day of September, 1987, between the City of Nitro, a municipal corporation, and the city council for said municipal corporation, hereafter called "Nitro", and Shawnee Hills Community Mental Health/Mental Retardation Center, Inc., a non-profit corporation, hereafter called "Shawnee Hills";

149

WHEREAS, Shawnee has acquired the former West Sattes Elementary School site located on Lee Avenue within the City of Nitro; and

WHEREAS, questions have arisen concerning the zoning applicable to the site and the proposed use of the site by Shawnee; and

WHEREAS, Shawnee has applied to the city council for a zoning variance;

WITNESSETH: That for good and valuable considerations, the receipt and legal sufficiency of which is acknowledged, the parties hereto do agree and covenant as follows:

1. The West Sattes Elementary School site will be used by Shawnee as an educational training center for Shawnee's mentally retarded and developmentally disabled adult client population.

2. Should Shawnee wish in the future to use the site for other purposes, it shall and must first make a proper application for permission to do so with the City and the City reserves the right to reject or accept or modify any such future applications consistent with the City's zoning policies under its municipal ordinances.

WITNESS the following duly authorized signatures and seals:

Alexander Ross - V. Pres.

SHAWNEE HILLS COMMUNITY MENTAL
HEALTH/MENTAL RETARDATION
CENTER, INC.



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

PROCLAMATION 87-4

PROCLAMATION

WHEREAS, fire, since its discovery, has been both friend and enemy to all mankind; and,

WHEREAS, each year countless West Virginians are injured, some of whom die as a result of fire; and,

WHEREAS, the losses due to wildland fires are immeasurable due to their long range effects upon our natural resources, and

WHEREAS, most hostile fires result from the carelessness of people at home, at work, and at play; and,

WHEREAS, the majority of these fires, resulting in death, injury, and property losses, could have been prevented; and,

WHEREAS, it is the responsibility of all levels of government; the fire service organizations; and citizens, both individually and collectively, to work together to protect our fellow citizens, their property, and our natural resources from hostile fires.

NOW, THEREFORE, I, Arden D. Ashley, Mayor of the City of Nitro, West Virginia, to hereby proclaim the week of October 5, 1987 as

FIRE PREVENTION WEEK

and encourage the citizens of this State to become more aware of the great personal losses that result from the ravages of fire and to join with their local fire department and local government in a collective effort to prevent the loss of life and property from fire and related disasters. And, to commit ourselves to this effort everyday of the year with the long range goal of reducing life and property losses from fire by fifty percent over the next decade.

Proclaimed this sixth day of October, one thousand nine hundred eighty-seven, and in the fifty-sixth year of our City.


ARDEN D. ASHLEY, MAYOR



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 87-

AN ORDINANCE TO PROHIBIT THE USE OF
MINNOWS AS LIVE BAIT FOR CATCHING
FISH AT RIDENOUR MEMORIAL PARK

WHEREAS, The Department of Natural Resources has determined that the use of minnows as live bait disrupts the balance of fish in the Lake;

THEREFORE, BE IT ORDAINED that the City Council of the City of Nitro hereby prohibits the use of minnows as live bait for catching fish at Ridenour Memorial Park, and anyone found in violation of this ordinance will be subject to a \$25.00 fine.

PASSED this _____ day of _____, 1987.


ARDEN D. ASHLEY, MAYOR

JOAN MCCLANAHAN, RECORDER

OCTOBER 6, 1987
FIRST READING

SECOND READING

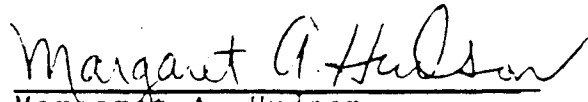
NITRO PLANNING COMMISSION

Report to Nitro City Council

October 6, 1987

Based upon a vote the Planning Commission recommends the following to City Council:

1. The property of S.L. Summers, 40th Street, Nitro, be divided as requested. Bob Sargent assured the Commission Chairperson that this property division meets all of the city requirements. Information in regard to this division is attached.
2. The request from Mountaineer Gas for division of property be approved if Bob Sargent certifies that the request meets all of the city requirements. Information in regard to this request is attached.


Margaret A. Hudson
Chairperson

Sept. 9, 1987

Nitro City Planning Commission

Re: Division of Summers Property

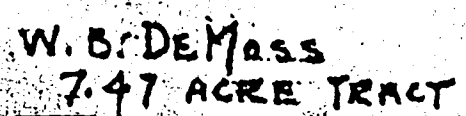
Please consider this my request to have property fronting 40th St. divided. I believe all the information needed by the commission is enclosed.

There are 2 houses on the property, one on each of the 2 lots created by the division requested. The address of the homes are 169 & 169-A 40th Street.

J F Summers

268919892

M.E. CLARK
D.B. 1204 P. 61
S.G. AC.



169 40th St garage
5 (2) feet away from
opposed new Paperty line
69-A is about 20 feet
Requested
Division

NOTE: 1/2" PIPE AT D.L. 1204 P. 50
5" D.P. 1204 P. 50
1/2" D.P. 1204 P. 50
1/2" D.P. 1204 P. 50
1/2" D.P. 1204 P. 50

W.E. CLARK

W.E. CLARK
D.B. 1204 P. 61
5.6 AC. 61

1262/281

1490.62
1227.46
(NOT TO SCALE)

S 20° 55' W

228.17
108.0
S 20° 55' W

D.L. AND VELMA M. SUMMERS
B. 1007 P. 343

S 20° 55' W

580.47'E

176.08

N 70° 35' W

580.47'E 200.0'
90TH ST. RD.
TO NITRO.

S.L.
Summers
Property

227.92

I.P. BEGINNING

N 20° 55' E

1274.17
(NOT TO SCALE)

1502.11

ARMOURS CR
FLOW

W.B. DE MASS
7.47 ACRE TRACT

SURVEY DESCRIPTION

0.34 Acre

Being a 0.34 Acre lot located at 169A-40th Street, Nitro, W.Va. and being more particularly described as follows:

Beginning at an Iron Pipe set in the southernly right-of-way line of 40th Street and being a corner to Wilbur Winter and S.L. Summers and then continuing with the southernly right-of-way line South 79-58' East, 60.00' to a chiseled cross in concrete and then leaving the right-of-way line and heading South 09-22' West, 67.05' to an Iron Pipe set and then heading towards Armour Creek South 25-25' West, 156.73' to an Iron Pipe set on the northern creekbank of Armour Creek and then continuing 8.00' for a total of 164.73' to the center of Armour Creek and then heading downstream with the center of Armour Creek North 74-42' West, 59.70' and then heading North 20-55' East, 11.00' to an Iron Pipe set on the northern creekbank and then continuing 213.43' for a total of 224.43' to the place of beginning and containing 0.34 Acre as surveyed July, 1987.

For a more particular description refer to attached plat of survey dated July, 28, 1987 and made a part of this description.

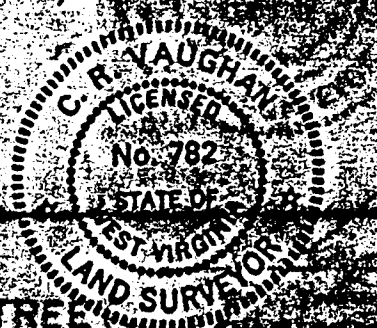
SURVEY & PLAT FOR

S.L. SUMMERS

PROPERTY SITUATE AT 169A-40TH STREET
NITRO, KANAWHA COUNTY, WEST VIRGINIA

SCALE 1"=40'

JULY 28, 1987



WHITE DESCRIPTION

0.34 ACRES

DB/537 PL 264

APPROXIMATE LOCATION OF 169A-40TH STREET

IRON PIPE SET IN

STREET AND BEING A CENTER

LINE CONTINUING WITH THE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

PAVED ASPHALT
40TH STREET
40' WIDE R/W
TO CROSS LANE

S 79°-58'E
60.00'

2-STORY
FRAME
DWELLING

40th St

S 09°-22'W
67.05'

S 25°-25'W
164.73'

N 20°-55'E
224.43'

N 74°-42'W
59.70'

60.00'

60.00'

60.00'

60.00'

60.00'

60.00'

WILBUR WINTER

D.B. 1514

PG. 271

S.L. SUMMERS

D.B. 2065

PG. 679

S.L. SUMMERS

D.B. 2065

PG. 679

NOTE - ALL PIPES SETS HAVING
ARE 1" DIAMETER

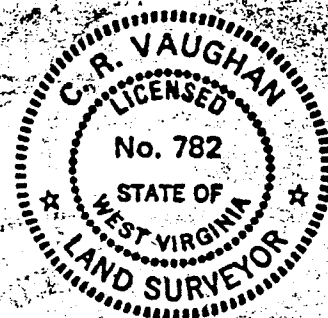
0.34 ACRE

I.P. SET
AT 213.43

SEWER
M.H.

I.P. SET
AT 156.73

W.E. CLARK
1204/61



SURVEY & PLAT FOR
S. L. SUMMERS

PROPERTY SITUATE AT 169A-40TH STREET,
NITRO, KANAWHA COUNTY, WEST VIRGINIA

SCALE: 1" = 40'

JULY 28, 1987

201 JARVIS ST.
CHARLESTON, W. VA.
25302
344-8183

August 13, 1987

Ms. Margaret Hudson
Chairperson
Nitro Planning Commission
105 Kanawha Avenue, South
Nitro, West Virginia 25143

Dear Ms. Hudson:

Mountaineer Gas Company owns a parcel of land on Boundary Street in the City of Nitro. We would like to subdivide this parcel as shown on the enclosed maps. Please present these maps to the Planning Commission at your earliest convenience.

Thank you for your cooperation and assistance in this matter. If you have any questions or need additional information, please feel free to contact me at 348-1650.

Sincerely,

Don K. Cunningham

Don K. Cunningham
Superintendent
Civil Engineering/Mapping

Enclosure

TAX PARCEL 59.18
O.W. MEADOWS, JR.
D.B 1840 PG. 250

EXISTING ROADWAY
PIPELINES AND
FACILITIES EASEMENT

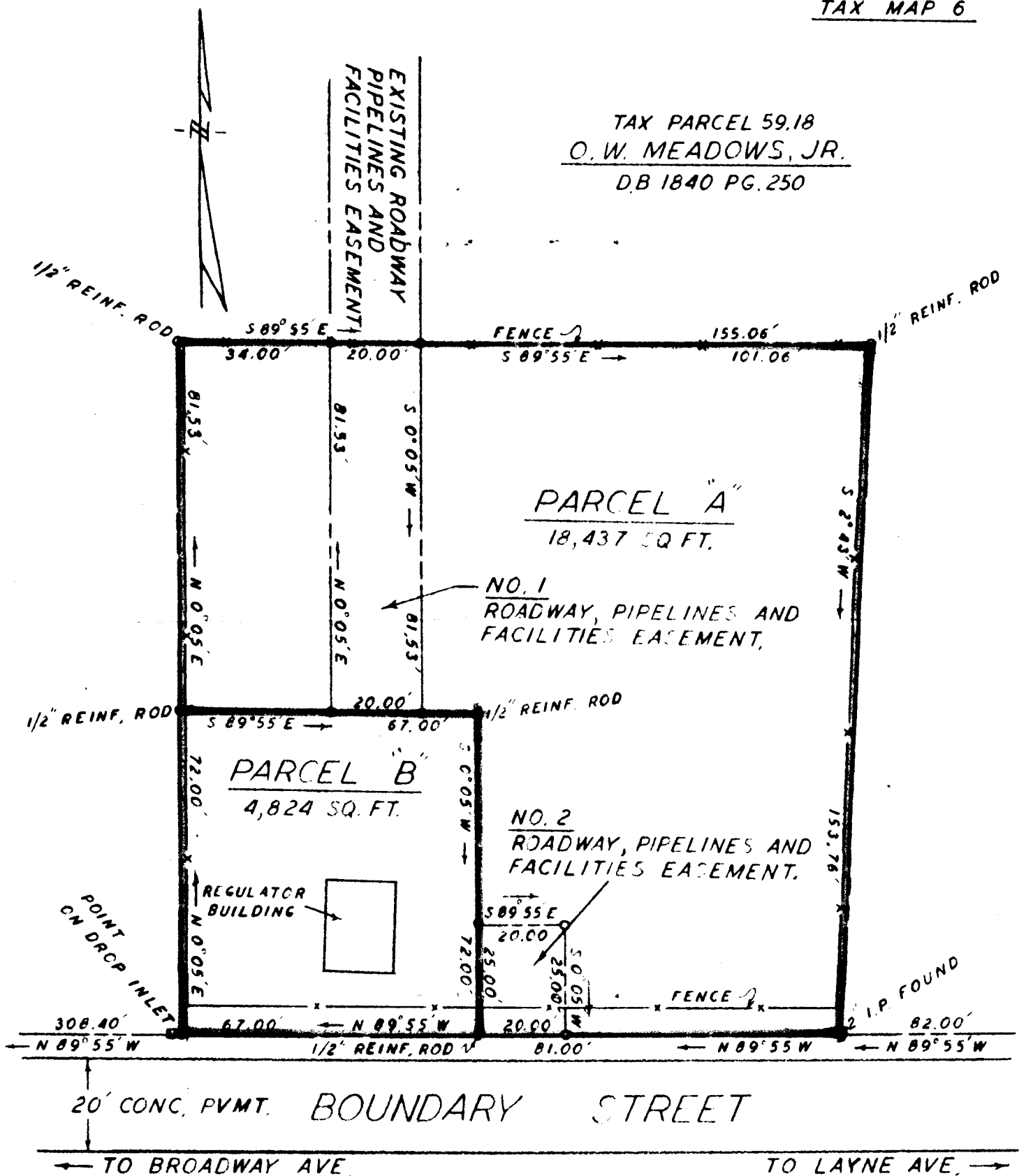
PARCEL "A"
18,437 SQ. FT.

NO. 1
ROADWAY, PIPELINES AND
FACILITIES EASEMENT.

PARCEL "B"
4,824 SQ. FT.

NO. 2
ROADWAY, PIPELINES AND
FACILITIES EASEMENT.

REGULATOR
BUILDING



NOTE:

PARCEL "B", EASEMENTS
NO'S 1 & 2 WILL BE
RETAINED BY
MOUNTAINEER GAS CO.

SUBDIVISION MAP FOR

MOUNTAINEER GAS CO.

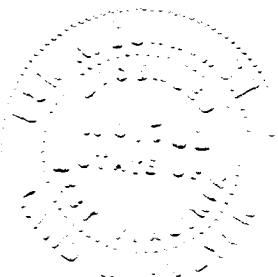
BEING PARCELS A & B

IN THE CITY OF NITRO

NITRO DISTRICT, KANAWHA COUNTY, W.V.

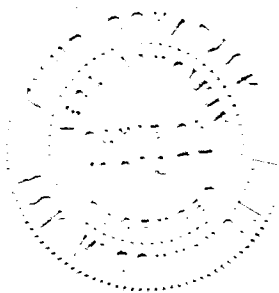
SCALE: 1" = 30'

AUGUST 3, 1987



Don K. Cunningham

LICENSED LAND SURVEYOR NO. 701



CITY OF NITRO
COUNCIL MEETING MINUTES

OCTOBER 20, 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 Bob Evans, 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 OCTOBER 6, 1987 COUNCIL MEETING MINUTES: - Councilman A. A. "Joe" Savilla moved for the approval of the Council Meeting Minutes of October 6, 1987, as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH AWARD PRESENTATION TO TIM COONROD: - Mayor Ashley said that at the October 6, 1987 Council Meeting, we recognized Tim Coonrod as our October, 1987 Citizen of the Month, but unfortunately his schedule didn't permit him to be with us on that occasion. Mayor Ashley informed that Councilman Savilla nominated Tim Coonrod for the honor of being our citizen of the month, and called on Councilman Savilla to report on Tim's success in the sports field.

Councilman Savilla stated that Tim's accomplishments are most lengthy, so with Tim's permission, he would just highlight some of his awards as he did at the last Council Meeting. Councilman Savilla reported that Timmy has been active in Special Olympics since 1981-1982 year, when he began participating in the county track and field meets. They have no exact records of what he won in the years 1981-82 and 1983-84. In 1984-85, he won three gold medals in the 100, 200 and the 50 meter run in the county. He also participated in bowling and basketball. In 1985-86, he won gold medals in the 100 meter and the 400 meter relay runs, and a bronze medal in softball. In state competition, he competed in the 100 meter run in the 1985-86 season. In the county and state competition, he won the gold medal in the 50 meter free style and a silver in the 25 meter free style. He has also participated in skiing, and did quite well. He received a silver and bronze medal. In 1986-87, Timmy participated in the Mini-Marathon in Washington, DC., and won a bronze medal for his running ability. He went on to the International competition, competing with 73 countries around the world, and brought back the gold medal for his endeavors in the 25 meter backstroke. He also won a gold medal in the 100 meter relay, and finished fourth in both the 25 meter free style and 50 meter free style. Councilman Savilla said that this was

just a few of Tim's accomplishments, and we are very proud of him. Mayor Ashley agreed. Tim Coonrod received a big round of applause.

Mayor Ashley proudly presented Tim Coonrod the plaque naming him Citizen of the Month for October. Mayor Ashley pointed out that Tim displayed medals around his neck which were very heavy. They were admired by Councilmembers. Members of Tim's family present for his presentation were his Mother, Sharon, his Father Charlie Miller, Sylvia, his sister, Penny, her husband and daughter, Nicole. Tim received another round of applause and congratulations from Councilmembers.

AGENDA ITEM NO. 3 - LIBRARY BID OPENING: - City Recorder Joan McClanahan reported on the Library bid opening held at 10:00 a.m. on October 16, 1987, and members of Council were furnished copies. Bids received were from Carroll Boggess, 4807 Washington Street in Charleston for \$10,000, and Davis House Movers of Rt. 4, Box 367, Hurricane bidding \$9,500. City Recorder Joan McClanahan informed that she had talked with the City Building Inspector Bob Sargent and Dave Shultz from Dunn Engineers; they had no problem with it, therefore, moved we accept the lowest bid of \$9,500 from Davis House Movers. The motion was seconded. Councilman Charles Miller questioned if they were bonded. City Recorder Joan McClanahan responded that they are bonded and they are both licensed within the City. Councilman at Large Olaf Walker said that he used to know a Boggess mover that had been around for several years, and asked if this was the same people. Director of Public Works Gene Williams responded that it was. Councilman at Large Walker asked who were Davis House Movers? Mr. Williams answered that Davis used to work for Asbury. Councilman Walker wanted to know if he had a lot of experience. Councilman Walker said that as a follow-up on Councilman Miller's inquiry, stated that not only are they bonded, but if the bonding would take care of any cracking, etc. City Recorder Joan McClanahan said that this had already been discussed, and when the contract is presented, they will have to give us a written guarantee that everything will be covered. Councilman Walker said that he had mentioned to Gene Williams, that we should take pictures inside and outside before the building is moved. Mayor Ashley said that we should do that with a video camera as it would give us a little bit more flexibility, and reported we are planning on relocating the library with the books in place. Councilman at Large Rusty Casto wanted to know the new location of the library, and Mayor Ashley answered that we are moving the library to the area across the street, and facing the swimming pool office. In fact, during the interim period when the library is being relocated, the swimming pool will be used as a mini-library with limited service. Mayor Ashley informed that the area will have to be secured because the computers and equipment will be stored in this facility. Councilwoman at Large Mary Trout is Chairman of the Library Board and she and the Librarian are working on these plans. Councilman A. A. "Joe" Savilla inquired about the estimated time of reopening once they start the moving process, and Mayor Ashley answered 30 days.

Councilman Jim Hutchinson asked Gene Williams if this was the same Davis that is in the wrecker business, and Mr. Williams answered that it was not. Mayor Ashley said that with regards to bonding, the question came up in staff meeting that since they are moving the books the librarian said that the books with an estimated value of \$10,000. The movers will advise us on how we can secure the books so that when the building is moved, the books will be secured. Mayor Ashley said the one thing we might keep in mind, and we want the mover to know ahead of time, that the building is an old wooden frame building that has brick veneer around it. It is logical to expect there may be some degree of damage to the veneer around it. Councilman Walker said that he wasn't concerned about a book falling off the shelf, but was concerned with the stress on the building and on the brick. Councilman Miller asked if they were preparing the area for the library, such as putting in sewers, electric, water, etc. Mayor Ashley informed Councilmembers that this was not part of the relocation expense; there is a site preparation that is separate from that. Mayor Ashley said that he didn't know how much help they would need, but would welcome Councilmembers that were interested in volunteering their services to assist in this transition, contact Councilwoman Trout or Carolyn Atkinson. Councilman Walker said that he visited the Library, and there were a lot of books. He said that he feels that some of them could be moved very easily. Councilwoman Trout said that storing them was the problem.

Councilwoman at Large Mary Trout announced that the Library Board has a meeting scheduled for October 26, and welcomed Councilmembers to come and set in.

AGENDA ITEM NO. 4 - MUNICIPAL ELECTION 1988 DATES: - City Recorder Joan McClanahan said that everyone was aware that next year is an election year, and this ordinance would set the date for the municipal election. She informed that the State Primary Election is May 10, and state law mandates that we cannot hold an election within 25 days prior or after this election as the books are closed and not available. The election date for the City of Nitro would be the first Tuesday in April, which would be April 5. City Recorder Joan McClanahan advised that she talked with the Secretary of State's Office, and this would give them sufficient time to get the election declared, books closed and everything they need to get the canvass completed. Councilman at Large Rusty Casto stated that most communities have their election in June, and asked why we put it back to April. City Recorder Joan McClanahan said that in talking with the Secretary of States's Office, that her feelings were that it allowed for very little transition time in order for someone new coming in to be prepared and helped. Mayor Ashley explained that because of the May 10 primary date, it would be difficult to hold it in June, 30 days and still canvass and make legal, the results of the election by July 1. Councilman A. A. "Joe" Savilla moved the ordinance be approved. The motion was seconded. Councilman Walker wanted to know if the ordinance changed any of the ward boundaries or precincts, and City Recorder Joan McClanahan

answered that she was notified that in the Second Ward, it was Precinct Nos. 402, 403 and 405, which were redistricted instructing us to eliminate 405, which would be included with 402 and 403. Councilman Walker said that he was reading the ordinance prior to Council Meeting, and didn't read the minutes, and that's why he didn't say anything about the minutes. Mayor Ashley said that if the election was held on June 14, and the books are frozen for 30 days, and we are into the month of July, canvassing of the votes and declaring the election results official probably couldn't happen by the first of July. Councilman Walker stated that he wasn't objecting to this, but wanted to obtain a little more information. City Recorder Joan McClanahan said that she mentioned her reasoning to a member of the Council today and wanted to share it with the other members. She informed they talked about her reasoning for not having the election in May, and stated that we are a nonpartisan city. City Recorder Joan McClanahan explained that quite often in primary and general elections feelings are running high. Since we are nonpartisan, said that she feels politics should not enter into it, as political affiliation is not a problem in this election. There being no further discussion, a vote was taken to approve the first reading and it passed with Councilman at Large Olaf Walker abstaining.

ORDINANCE ATTACHED.

AGENDA ITEM NO. 5 RES. 87- LEVY ELECTION: - City Recorder Joan C. McClanahan informed Council the Municipal Levy will expire June 30, 1988, and this levy must be voted upon every three years. This election is essential as it must be incorporated into the budget, and feels it better to separate the two elections whereby voters will vote the issue and not the person. Councilman A. A. "Joe" Savilla moved we approve the resolution and, accept the date of Tuesday, February 9, 1988 for the levy election. The motion was seconded. Councilman at Large Olaf Walker wanted to know if the figures on the resolution were approximately the same as in the last levy. City Recorder Joan McClanahan stated that they change according to the property taxes, and the figures were received by our City Treasurer Ralph Allison. The rates are the same, and the issues are the same. There have been no changes in terms of how the funds will be used. City Treasurer Ralph Allison stated that the rates stay the same, but it could increase or decrease depending upon what happens to property values. A vote was taken to approve the resolution and accepting the levy election date of February 9, 1988, and it was unanimous.

AGENDA ITEM NO. 6 - PLANNING COMMISSION MEETING MINUTES OF OCTOBER 13, 1987: - A copy of the Planning Commission Minutes with attachments was furnished to Councilmembers, and City Recorder Joan McClanahan moved we make the Planning Commission Minutes a part of the City record. The motion was seconded. City Recorder Joan McClanahan called Council's attention to the last paragraph in the Planning Commission's Minutes, and commented that the Chairperson, Margaret A. Hudson has really worked hard

to make this a working commission. City Recorder Joan McClanahan said that if they would notice, Ms. Hudson is trying to conduct regularly scheduled meetings, and should be commended for the job she has done. Councilman at Large Olaf Walker requested Mayor Ashley to comment on Agenda Item No. 2 of the Nitro Planning Commission Minutes. Mayor Ashley informed that attached was a map covering 7.96 acres as a part of Par Industries. The property in question is located in Par Industrial Park as you enter the gate on the immediate left. That is a parcel of land that was bought from Par Industrial Park for the purpose of building a 150,000 square foot warehouse. A vote was taken to accept the minutes from the Nitro Planning Commission as record of the city, and it was unanimously approved.

MINUTES ATTACHED.

AGENDA ITEM NO. 7 - FIRE PREVENTION SERVICE: - Mayor Ashley informed that this agenda item has to do with a fire prevention service, which came as a result of a suggestion. Mayor Ashley advised that we have informally encouraged our Fire Department to be of service to the citizens of the City with their residential property or business and industry because they are always interested in knowing about the makeup of structures and those people that would have hazardous material. They need to know these things. Also, Mayor Ashley said the citizens need to get the benefit of some of their expert advise. Councilman Bob Evans suggested that we have a specific plan for fire prevention service, and encourage the citizens and the fire department to go in the homes to do a survey, so they could tell them the best place to put smoke detectors, fire extinguishers and the size fire extinguisher needed. Also, what not to store, and if they are going to store a dangerous material, what containers to use. Mayor Ashley said that he thought it would be very helpful to the community at large, also to the Fire Department, and encouraged that this service be rendered. This should be made publicly known to the citizens that the service is available to them. Mayor Ashley said that there is another feature that could be added. He stated that some of them that took the tour of the Metro Comcenter were made aware of some of the capabilities that they have in the NCR computer system. Using Casto's Hardware, for example, right now they have information and if they receive an emergency call, they know which ambulance service is the proper responder; they know which fire department is the proper responder; they know which police department is the proper responder and they also know that Casto Hardware has hazardous material stored in the facility in the form of paints and things. They also know that about Monsanto. The thing that can be done with the information that is available through the Fire Department going out and visiting these homes is that if there is particular information that the citizens would like to have entered into that emergency call system, then they are in a position to do so by giving the people notification that if there is anything they want to have put on their address, they can do it. There is a lot of information that can be added to the information that is already in the computer, and we can make that

known to the citizens when the fire department goes out and visit. Councilman Bob Evans asked how are we going to let the people know that this is available, and Mayor Ashley answered that this should be done by way of a newsletter. We could also offer public service announcements to the television stations and to the newspapers. Councilman at Large Olaf Walker inquired if this would be done by request, and Mayor Ashley stated that it would be strictly on request, and with regards to the information that is stored on any computer, would be strictly voluntary also. Mayor Ashley said that we are getting into the season with cold weather coming on, we have furnaces being turned on and approaching the holiday season with all the Christmas trees, and they do cause fires. Councilman Jim Hutchinson added also chimney fires. Mayor Ashley said that he is sure the Fire Department would rather get a call in the afternoon making an appointment to visit with them on a tour through their homes, than to go put out a fire. Sgt. Hedrick commented as far as businesses are concerned, they can go into a business anytime they want according to State Law. Councilman Bob Evans asked if they inspect public buildings, and Sgt. Hedrick informed that they had, but at the present time, they are shorthanded. Mayor Ashley said that for the most part, that relationship has been good. He said that he knew that with the Civic Benefits Association, it has been excellent. Sgt. E. W. Hedrick, II informed that after talking with the building inspector, that the Fire Department and the Building Inspector will begin making inspections together. Mayor Ashley said that they will be firming up the plans, subject to the availability of the time because the department is shorthanded.

AGENDA ITEM NO. 8 - BROOKFOREST PLAT: - City Attorney Phillip D. Gaujot said first he would like to give a little background on this matter as he understands it by reviewing the documents he has been able to locate. He reported that it appears that back in March of 1984, Joe Carney, an Engineer for E. L. Robinson Engineering located in Cross Lanes, wrote Mayor Ashley on behalf of the Brookforest Subdivision. A subdivision located out in the Carriage Way area. Mr. Carney, the Engineer, said in his letter that he enclosed three prints of plats and asked that the plans be reviewed and the City approve them. Also, in the letter he states that he expects construction to start right away, and it was the wish of Brookforest to dedicate the streets to the City of Nitro. This was in March, 1984. In April, a letter was written to Mr. Santrock enclosing a letter from the Union Public Service District which stated that the Union Public Service District would accept and treat the sewer from Brookforest Subdivision. Then, in June, 1984 another letter was written to Mayor Ashley from Ed Watkins, the engineer, indicating that the construction would not increase the quantity of storm runoff, and that they intended to use some type of straw to filter the silt from the runoff. On June 22, Mr. Gaujot said that he had a memo from E. L. Robinson that he had talked with Bob Sergeant, of the City, and Bob Sergeant in a telephone conversation told him that work could begin. He said that he would grant building permits on a lot by lot basis in that

subdivision. He said that approval was not required by the City for the subdivision as a whole, and back in 1984, Mr. Gaujot said that he thought this was right. There wasn't such a thing as approval of a subdivision. Bob did review the plat and he, himself, did not see anything wrong with the plans, and appreciated the fact that they were actually working with city on that matter. Then, in August another letter was written to Mr. Gaujot asking that things be speeded up, and that the Planning Commission or the City approve the subdivision and/or take in the street. This was in August, 1984. In October, 1984 we got a letter from Bob Martin, their attorney, who wanted to know why we wouldn't approve the subdivision. Bob Sergeant had already told them that at this time we did not approve subdivisions. The attorney wanted to know why we wouldn't approve it. Then it went to the Planning Commission in November, 1986. It was on their request to number (1) to have the streets and rights-of-way dedicated to the City, and (2) to recognize again, Brookforest a subdivision within the City. The Planning Commission made motion, passed and recommended to the City Engineer that he be directed to immediately determine whether or not the streets met City specifications, and in 1986, the Planning Commission recommended that the City accept the recommendation of the engineer. Then, the Planning Commission also felt that there was no cause to deny their request. Now, the owner or developer of Brookforest has asked that we approve the subdivision, and an attorney representing Home Equity, Inc. is going to loan some money on a house already located in this subdivision. They want us to approve the plat which Mr. Gaujot received today. Mr. Gaujot advised Council at this time, to follow the recommendation of the Planning Commission and send the engineer out to follow-up on their request that he determine whether or not the streets meet city specifications. Then, at some point determine if the City wants to receive these streets as dedicated. The other issue before Council is whether or not they want to approve the subdivision, and thirdly, whether they want to put their stamp of approval on the plat. Mr. Gaujot asked the attorney by what authority are we suppose to do that, and she answered that she didn't know, but there are other plats at the Courthouse with the City stamp of approval on it. Mr. Gaujot stated that he didn't know as he has never been involved with this situation, but is assuming there are other plats up there with the City stamp. Mayor Ashley said that he didn't know that we have since 1980, but said that while this was going on is the period of time when we developed and accepted a subdivision ordinance that Mr. Santrock worked on which is lengthy. During this intervening period, we have adopted a subdivision ordinance, and feels we can take action in response to their request with regards to the subdivision. City Attorney Phillip Gaujot said that we had three things to act upon. (1) Dedication of the streets. (2) Recognizing the subdivision as being a proper subdivision in the City. Mr. Gaujot suggested we use the new ordinance, even though the request was made before the passing of the ordinance, and (3) Whether the City wanted to put their stamp of approval on the plat. Councilman A. A. "Joe" Savilla said our number one priority now, would be to take a long hard look by someone at the

streets there such as the layout, the drainage, etc. Mr. Gaujot said that an engineer should go and then we should get recommendation as to whether the streets are proper to be taken into the City, whether or not the subdivision meets the criteria as set forth in our new subdivision ordinance, and if it does, he doesn't see why we couldn't give our approval of the plat. Mayor Ashley informed that this is an extension of Norwood, and Norwood was the most troublesome street in Brookhaven. Mayor Ashley said that he had a question with regard to the approval of the plat, and questioned if it was like an overview of the subdivision and if we approve the plat, it wouldn't preclude our being able to examine, inspect and permit individual home construction, and Mr. Gaujot answered yes. Mayor Ashley informed that this matter would be referred to the engineer, and hopefully have a report back by the time of the next Council Meeting.

AGENDA ITEM NO. 9 - STUDENT GOVERNMENT DAY - NOV. 16-17: Mayor Ashley informed that each year in November and the dates set by the school, we have our Nitro High School students as counterparts to City employees and officials. So, we have sort of a double date this year. November 17 is a school holiday, and that's on Tuesday, the second Council Meeting in November. Therefore, we are going to use both the 16th and 17th. On the 16th, those who have counterparts such as the Fire Department and City Judge will work with their counterpart on Monday, and then on Tuesday evening we are inviting all of the students who play a counterpart role to come to the Council Meeting. For those on Council, that will be their first introduction to their counterpart. Mayor Ashley encouraged Councilmembers to come early for a reception prior to Council Meeting. Mayor Ashley reported to Councilman Savilla that he would guess that the consensus of this Council, that we would love to have the same kind of arrangement made with Poca High School. Mayor Ashley reported that we have attempted several times, but it hasn't worked out, but perhaps one of these days we can do it as well with Poca. Councilman Savilla said that it would be great if we could do it this year, that his baby is a senior. Councilman at Large Rusty Casto asked if any thought was given about having the junior high school students to come for Council Meeting and have counterparts for each member of Council, as opposed to bringing them for the entire day because it might be asking too much for people that age to come and stay all day. Mayor Ashley said that he was amenable to any such arrangement. Mayor Ashley commented that having students to meet with the Council would be fine with him, and if Councilman Casto wanted to work something out with the junior high school students to come and visit us at a Council Meeting, he had no problem at all with it and would be glad to do it for any of the schools that might be interested. Mayor Ashley suggested that Councilman Casto get with Councilwoman Trout to see what they could work out. Mayor Ashley suggested that we obviously shouldn't do it on the 17th of November.

AGENDA ITEM NO. 10 - ORD. PROHIBITING THE USE OF LIVE BAIT AT RIDENOUR LAKE: - Mayor Ashley told Council that the ordinance

prohibiting the use of live bait at Ridenour Lake passed on the first reading at our last meeting. The purpose of the ordinance, which was recommended to us by DNR's Fishery Division, was to eliminate trash fish getting into Ridenour Lake. Mayor Ashley added that on Wednesday, October 28, the Department of Natural Resources Fishery Division is going to go out and shock the fish in the lake to get them to come out so that they can obtain an inventory. The shock wouldn't kill them, and the DNR may take this occasion to remove some of the trash fish if they come to the surface. Mayor Ashley announced that if anyone would be interested in seeing this done, issued an invitation to be there Wednesday evening around dusk on October 28. Councilman Charles Miller inquired as to what the penalty would be if a person was caught using minnows for bait, and was informed that they would be subject to a \$25.00 fine. Councilman at Large Olaf Walker moved for the approval of the second reading of the ordinance. The motion was seconded. A vote was taken, and it was unanimously approved. Mayor Ashley advised Chief Cochran that the department can now enforce the law. Councilman at Large Rusty Casto stated that we also need to check about the law allowing only four trout per day being taken out of the Lake. Councilman Casto said that this is where we could make the money. Councilman Casto said that we're talking enough to balance the budget and move the library and everything else. Councilman A. A. "Joe" Savilla asked Councilman Casto if there were that many trout coming out of the Lake, and Councilman Casto answered, "Yes sir". Councilman Casto said that he heard that a fellow had fifty some hid up there in plastic bags, but he didn't find out who it was. Councilman Casto said that he believed it, because when he went up there, he caught four in a short time, and stated that if he could catch them, anybody else up there all day could catch them. Mayor Ashley said that if Council would like to have the Police Department apply more force to the laws at Ridenour Lake, with regards to fishing then certainly we can do that. Admittedly, the law enforcement division of DNR has very few people out, and available to check license. They do check Ridenour Lake, but it's not something that is done on a regular basis, and we have not treated it as a high priority for law enforcement people, but based on Councilman Casto's comment inquired as to the feelings of some of the rest regarding this. Mayor Ashley said that the Chief was present, and if we wanted him to go out and check licenses, he was not at all opposed to having him do that. Mayor Ashley said that he thought the police department was doing a good job of protecting the lake, closing the gates at dusk and opening them early in the morning. The all night fishermen, we can't discourage them, but we are not checking license all that much; we do on occasion. Councilman Charles Miller suggested that if we have someone go to the lake, they should be in plain clothes and not a uniform. Councilman at Large Rusty Casto stated that he was very satisfied with the police department, and he knows that we can assign too much work on them, but he was just saying it might be a good law to have in the event we have a bunch of trouble makers up there, and the police would go up there and catch them with more trout than is allowed, then they could nail them for something else was the

point he was bringing up. Mayor Ashley questioned the statement, nail them for something else? Councilman Casto explained that if they are up there causing trouble, and the police would go up there and there were too many trout, they could arrest them. Mayor Ashley said that this sounds a little bit like harassment. If they are making trouble, we could arrest them for making trouble, and if they have too many trout, they could be arrested for that. Councilman A. A. "Joe" Savilla said that he thought the best way to go, would have them step up their patrol. Mayor Ashley asked Council's feelings about Councilman Miller's suggestion of having them check the lake out of uniform, and Councilman Savilla said that he thought this was an excellent idea. Councilman at Large Olaf Walker said that the only problem that he would have, but wasn't in a position to judge, would be that he thought it should be looked at from a cost benefit. Councilman Walker said that if the amount of fish is being taken out as indicated, may be it is worthwhile to look into it to see if it is worth sacrificing a policeman's duty someplace else and putting him up there or hiring someone part time to go up there. Councilman Savilla said that we could use our police officers on off duty time, and pay a little over time, as we did on the DUI, and we get the money from the state. Councilman Savilla said that we should get a study on this. Mayor Ashley said that he didn't think we would have a problem including in their routine surveillance of Ridenour Lake, in or out of uniform, and we can do that and feels we can give it a higher priority and ask them to report back to us. Councilman Charles Miller said that whenever they stock trout, ten percent of the fishermen catch ninety percent of the fish, and they carry them out of there in buckets. Councilman at Large Olaf Walker told Councilman Miller that this is the same argument that he had taken some time ago when we were going to spend \$7,000 to put fish up; and stated he thought it was \$7,000, was how many citizens of Nitro or Kanawha County go up there and benefit from that. Councilman Walker said that the few that do are benefiting more from the \$7,000. Councilman Walker said that looking at it from the point of view of sending an officer up there to police it, he said that he assumed that the policeman's duties occupy him eight hours a day when he is on duty; he's doesn't sit around waiting for something to do, he is patrolling someplace. Councilman Walker said that Mayor Ashley stated that we can work that in, and it sounded to him like if we can work that in, the officers' time has not been fully utilized previous to that. But, if it is worth the time and cost of doing it, Councilman Walker said, let's find out and do it. Mayor Ashley said that the officers go up to the Lake and close and open the gates, and it wouldn't be that much of a chore to also check for fishing licenses occasionally, but we haven't had them doing it. The same thing with marking cars. Mayor Ashley informed that we had the merchants asking us to mark cars, and the first couple days we get one of the merchants that received a parking ticket for a \$1.00. Mayor Ashley said that we have officers that can absorb this into their routine without being unfair to them and having to spend overtime. Mayor Ashley said that as Councilman Casto suggests we can balance the state's budget with the money we are

going to make, may be we can hire some additional people. Councilman Casto told Mayor Ashley it was the City's budget, not the State's budget. Councilman Charles Miller suggested we wait until the Lake is stocked again before we take action. Mayor Ashley agreed because there is not that much fishing there at this time, only catfish.

ORDINANCE 87-7 ATTACHED.

AGENDA ITEM NO. 11 - EMPLOYEES HOLIDAY DINNER: - Mayor Ashley reported that the annual employee's holiday dinner is scheduled for Friday, December 4, 1987 from 6:00 to 8:00 p.m. at the Nitro Woman's Club. Mayor Ashley said that we chose Friday evening this year in hopes that the attendance can be improved. Mayor Ashley encouraged members of Council and their spouses to volunteer their time to help out with serving. Mayor Ashley informed the plans are to have dinner between 6 to 7:00 p.m., and then having entertainment by local talent with a visit by Santa Claus during the last fifteen minutes of the evening.

AGENDA ITEM NO. 12 - SENIOR CITIZENS HOLIDAY LUNCHEON: - Mayor Ashley announced that the annual senior citizen's holiday luncheon is scheduled for December 19, 1987 at the First Presbyterian Church from 1:00 to 3:00 p.m. Mayor Ashley informed that we had it scheduled at the Nitro Moose Club, but had to change the site due to a scheduling conflict. When the luncheon was held at the First Presbyterian Church previously, it was very crowded, and we are going to be restricted in terms of the outside guests we can invite. Again, Mayor Ashley encouraged the Councilmembers and their families to help out with serving our seniors on that day.

ANNEXATION REPORT: - Mayor Ashley requested that our City Attorney, Phillip Gaujot, bring Council up-to-date on the annexation of the Tri-State Greyhound Park, and commented that win, lose or draw, no matter how this turns out, we can't thank Phil Gaujot enough for the effort he has put into it. A big round of applause was given to Mr. Gaujot.

Mr. Gaujot reported that we went to court before Judge Hey, asking Judge Hey to order the County Commission to enter an order on the annexation petition. After the hearing, Judge Hey was satisfied that the County Commission did have sufficient time to enter the order and ordered the County Commission to enter an order by no later than October 9. On October 7, or before then, the County Commission hired the largest law firm in the state and something like the 120th largest in the country, Jackson, Kelly, Holt & O'Farrell to take over in this case. Jackson, Kelly, Holt & O'Farrell went to the Judge without Mr. Gaujot being present, to try to get the judge to enter an order staying his order, which means leaving it alone until the Cross Lanes election was completed. However, they told Mr. Gaujot that they were going to go, but he was in trial and couldn't be there. He said that he objected to them going to the judge without him being present.

They passed that Mr. Gaujot objected to Judge Hey, and he went ahead and accepted their motion, but denied their relief and would not grant the stay. So, on the October 8, they went to the Supreme Court by themselves, and they prepared a motion for stay and a memorandum in support of that motion and Mr. Gaujot said that it was all one sided, and the Supreme Court granted the stay until January 14, obviously giving the Cross Lanes incorporation proponents sufficient time to have the election. Mr. Gaujot informed that what he did yesterday and today was, that he prepared a motion to lift the stay. Also, he informed that he prepared a memorandum on authority and support of why they should lift the stay. Mr. Gaujot advised that Chief Cochran delivered it to the Supreme Court today around 4:30 p.m. Now, it is back in the bosom of the Supreme Court, and hopefully the court will look at this and give us an opportunity to present our side. They haven't done it in the past with our other petitions to mandate the Commission to do certain things, but may be now because of what the Commission did, it will expedite the real issue to the Court, and hopefully the Court will be interested enough to hear Mr. Gaujot's presentation tomorrow. (Wednesday, October 21, 1987). They meet tomorrow, and this is the type of things they hear on Wednesday. Mr. Gaujot said that he told the Supreme Court Clerk that he would be available, and would be hoping that he would receive a call from the Clerk advising him to go to court. Mayor Ashley asked Mr. Gaujot, when the Supreme Court ruled on Jackson, Kelly, Holt and O'Farrell petition for stay, what was the vote court, and Mr. Gaujot answered 5-0. Mr. Gaujot informed that he feels the lawyer, Jackson Kelly misrepresented to the Court, the Morgantown case. It was one of situations where they didn't lie, but they didn't tell the whole truth. Councilman at Large Olaf Walker wanted to know if it was very often that the Supreme would listen to one side and make a decision by just hearing one side, and Mr. Gaujot answered that it happens. Councilman Walker requested Mr. Gaujot to comment on the problems they are having with the election dates, and Mr. Gaujot said that he did not know. Mr. Gaujot said that he was talking with Mayor Ashley before coming into the meeting, and that something was wrong. He said that he thought someone had read it in the newspapers, but he didn't know anything about that. Mr. Gaujot told Council that he had not been following Cross Lanes incorporation. He explained that he was not for or against incorporation out there. However, Mr. Gaujot said that he would follow-up on that, if we don't prevail in the court either this week or next week and the Supreme Court turns us down. Mr. Gaujot said that maybe he could assist somehow the attorney representing the opposition to incorporate. Mr. Gaujot said that he made recommendations in the past to the attorney, but he didn't want to give the impression that he was working for those people. Councilman at Large Olaf Walker said that when he was employed, they had situations where they had a hearing examiner, and one side would go in and present their side, and this was always their lawyers position that they could not make a decision until they heard the other side. Councilman Walker said that the law was changed later to prohibit the hearing examiner listening to one side and not have the other side present. Mr.

Gaujot said that the way he would like to see the court run, is that they would have said that there was merit on the motion, but let's hear what Nitro has to say, but they elected not to do that.

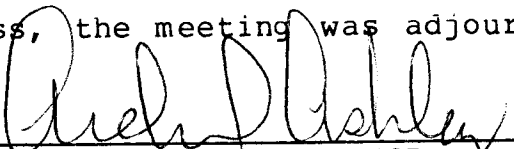
Councilman A. A. "Joe" Savilla asked do we or do we not have zoning ordinances against mobile homes in the City of Nitro unless they fall under the grandfather clause? Councilman Casto said that he thought we did. Mayor Ashley said that he was trying to think if there are exceptions. Councilman Savilla said that there has been variances granted by this Council in the past seven years that he was aware of, but they were always extenuating circumstances. One was granted out on Easter Road when a lady was building a home, and they wanted it put in there temporarily. Councilman Savilla said that he understood that we have had one moved in on Easter Road, and Bob Sergeant approved that and we just can't do that as it did not come before the Planning Commission or the Council to his knowledge. Councilman at Large Olaf Walker told Councilman Savilla that in the zoning ordinances, there are two areas in the City that modular or mobile homes placed, but they must be off the wheels. Councilman Walker said as he remembers, one section is on 40th Street, and the other is at Riverdale Acres. Councilman Savilla said that we need to check on this as there are some people pretty upset about this. Mayor Ashley said that we would check on this.

Mayor Ashley thanked our City Attorney Phillip Gaujot for his report on the annexation. Mr. Gaujot said that if we fail on our motion to lift the stay, there is nothing we can do. Councilman Charles Miller asked Mr. Gaujot if Cross Lanes has an election and incorporation is defeated, then what would happen? Mr. Gaujot said that the Commission has indicated that it will allow the annexation to the City of Nitro, but Cross Lanes gets it first if they incorporate. Mr. Gaujot said that we must keep in mind, that this body has already ordained and it is law in this City that the property is part of the City of Nitro. Then Councilman Miller wanted to know if Cross Lanes does incorporate, and the property in discussion is part of our City, then what happens. Mr. Gaujot said that he suppose if we lose here, the Supreme Court will not take it away from Cross Lanes. Councilman Savilla said that this is the wildest thing he has ever heard of in his life. He said it's like if he had asked Joan to marry him, and she said she would, and then some guy out Cross Lanes that didn't know either one of them said, hey, I wanted to meet that girl someday and ask her to marry me. Then, he would take her to court and say they would tell her that she has to marry this guy because somewhere down the road, he was going to meet you and ask you to marry him. Councilman Savilla said this is what the County Commission has done to Nitro. City Attorney Phillip Gaujot said he could add to his statement that Joan wanted to marry Councilman Savilla. Councilman Savilla said that Joan wants to marry him, but yet some guy out there said that he was going to meet her 10 years down the road, and I was going to ask her. The County Commission has stepped in and said that they are going to be match makers, and said that Cross Lanes

should marry the dog track, Nitro is ugly and they don't need to marry the dog track. City Attorney Phillip Gaujot told Councilman Savilla that he wished he would have put that in his argument.

Councilman Jim Hutchinson asked if we were making any progress about a sign being put up out front of City Hall for handicapped parking, and the Director of Public Works Gene Williams said that he got the sign today.

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


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

ORDINANCE 87-

Part I, Division II, Section 2 and 3 of City Code be replaced by the following:

Part I, Division II, Section 2 Ward Boundaries, City of Nitro, Counties of Putnam and Kanawha:

On and after October 20, 1987, the City of Nitro shall be made up of four wards, the areas and boundaries of which are as follows:

FIRST WARD The first ward of the City of Nitro shall consist of that portion of the City lying within the County of Putnam (comprised of Putnam County Voting Precinct No. 22), as officially laid off and described by the County Court of Putnam County, West Virginia, and the recently annexed area identified as Carriage Way located in Putnam County.

County Precinct 401 (redistricted December, 1981) known as Brookhaven Addition and as shown by the records of the County Court of Kanawha County, West Virginia, and citizens residing in recently annexed territory known as Carriage Way (February 24, 1983).

SECOND WARD The second ward of the City of Nitro shall consist and be made up of the area lying within the boundaries of Kanawha County Voting Precinct Nos. 402, and 403 as the same are officially constituted and as shown by the records of the County Court of Kanawha County (redistricted December, 1985).

THIRD WARD The third ward of the City of Nitro shall consist and be made up of the area lying within the boundaries of Kanawha County Voting Precincts Nos. 406 and 408, as the same are officially constituted and as shown by the records of the County Court of Kanawha County, West Virginia (redistricted December, 1981).

FOURTH WARD The fourth ward of the City of Nitro shall consist and be made up of the area lying within the boundaries of Kanawha County Voting Precincts Nos. 409 and 411, as the same are officially constituted and as shown by the records of the County Court of West Virginia.

Section 4 becomes Section 3.

Section 5 becomes Section 4.

Section 6 becomes Section 5.

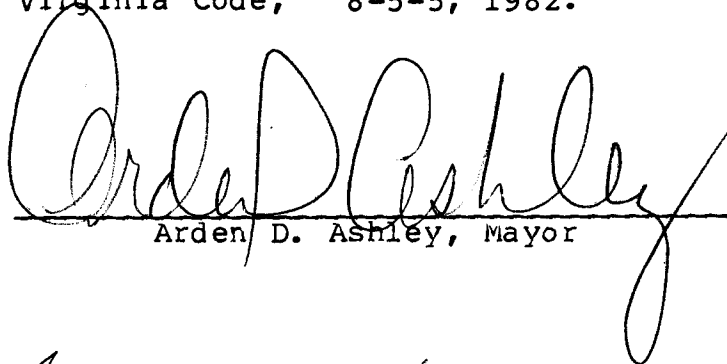
Section 6 to read:

Date for holding regular leap year elections for mayor, city recorder and councilmen, and when their terms of office begin.

Regular elections for the purpose of selecting municipal officials shall be held quadrennially on the first Tuesday in April, beginning with the year 1988. Terms of office of all officials shall commence on the first of July, following election (Ord. No. 83, 5.)

Editor's Note The preceding section does not specify the term of office for councilmen; but inasmuch as councilmen are "municipal officials" they are covered by this section; and as elections are held "quadrennially", it follows logically that the term of office of councilmen is four years.

For general law as to date for holding general elections for municipal officers and their terms of office, see West Virginia Code, 8-5-5, 1982.



Arden D. Ashley, Mayor



Joan C. McClanahan, City Recorder

RESOLUTION 87- 8

NOTICE OF SPECIAL ELECTION

FOR

ADDITIONAL MUNICIPAL LEVY

TO THE VOTERS OF NITRO, WEST VIRGINIA:

TAKE NOTICE

That a regular meeting of the Council of the City of Nitro, State of West Virginia, held on the 20th day of October, 1987, the following order was made and entered of record, to-wit:

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

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

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

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

- (a) Street Maintenance and Repairs, \$16,465.00 for each fiscal year for a period of three years.

- (b) Parks and Recreation, \$17,590.00 for each fiscal year, for a period of three years.
 - (c) Firemen's Wages, \$18,402.00 for each fiscal year for a period of three years.
 - (d) Additional Street Lighting, \$19,780.00 for each fiscal year, for a period of three years.
 - (e) Policemen's Wages, \$28,087.00 for each fiscal year, for a period of three years.
 - (f) Library, \$7,747.00 for each fiscal year, for a period of three years.
 - (g) Fire Hydrant Rental, \$3,874.00 for each fiscal year, for a period of three years.
3. That the total approximate amount for said purpose or purposes is \$111,945.00 for each fiscal year for a period of three years.
4. That the separate and aggregate assessed valuation of each class of taxable property within the municipality of Nitro is as follows: Class I - \$3,929,166; Class II \$18,866,845; Class VI - \$34,361,972; Aggregate \$57,157,983.
5. That the proposed additional rate of levy in cents on each class of property is as follows: Class I - 6.25c; Class II - 12.5c; Class IV - 25c.
6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1988; July 1, 1989; and July 1, 1990.
7. That the question of such additional levy shall be submitted to a vote at a special election to be held on the 9th day of February, 1988.

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

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

Special election to authorize additional levies for the fiscal years beginning July 1, 1988; July 1, 1989; and July 1, 1990, for the following purposes and in the approximate amounts set forth as follows:

- (a) For street maintenance and repairs, the annual approximate amount of \$16,465.00.
- (b) For parks and recreation, the annual approximate amount of \$17,590.00.
- (c) For firemen's wages, the annual approximate amount of \$18,402.00.
- (d) For additional street lighting, the annual approximate amount of \$19,780.00.
- (e) For policemen's wages, the annual approximate amount of \$28,087.00.
- (f) For the Library, the annual approximate amount of \$7,747.00.
- (g) For fire hydrant rental, the annual approximate amount of \$3,874.00.

*** The annual total approximate amount ot be expended during the term of this levy is \$111,945.00.

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

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

() For the Levies

() Against the Levies

Council of the City of Nitro

By: _____ Mayor

Attest:

_____ City Recorder

October 20, 1987 1st Reading

_____ 2nd Reading

NITRO PLANNING COMMISSION
Report to Nitro City Council

October 13, 1987

The Planning Commission of the City of Nitro met at 7:00 p.m. on Tuesday, October 13, 1987. The following members were present: Dr. Charles Byrd, David Miller, Tom Waldorf, Jim Hutchinson, Joan McClanahan and Margaret Hudson. Others present included: Mr and Mrs. Mark Sanders, Mr. and Mrs. Means, Mr. Botkin and Mr. Goodwin.

The following items were considered:

- I. Request from Mark E. and Lola L. Sanders for the rezoning of lots located on tracks 41 and 42 of the Riverdell Acres, Section 1, from R3 to B1.

After some discussion and comments from each of the non-commission people present in support of the requested change, Dr. Byrd moved that the Planning Commission "recommend the change from R3 to B1 as requested." The motion was properly seconded and carried.

A Public Meeting was required for this request--attached is information concerning the dates of the ad, etc.

- II. Request from John T. Poffenbarger to separate 7.96 acres from the Par Industries property. This property has been conveyed to Nitro Corporation.

Following some discussion a motion was made to "pass this request along to City Council with our approval." The motion was properly seconded and carried.

A copy of the request and a map of the tract is attached.

The Planning Commission plans to meet on the second Monday of October, January, April and July at 7:00 p.m. at City Hall. Requests requiring action by the Planning Commission should be in several weeks (four perhaps if a Public Meeting is required) prior to the meeting date. Each request is to be written and is to include a map or diagram if appropriate.

Margaret A. Hudson
Margaret A. Hudson, Chairperson
Planning Commission

Septmeber 15, 1987

Nitro Planning Commission
Nitro, Wv 25143

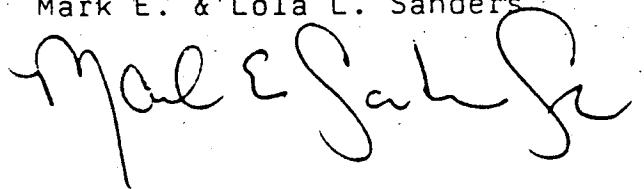
Ladies & Gentlemen:

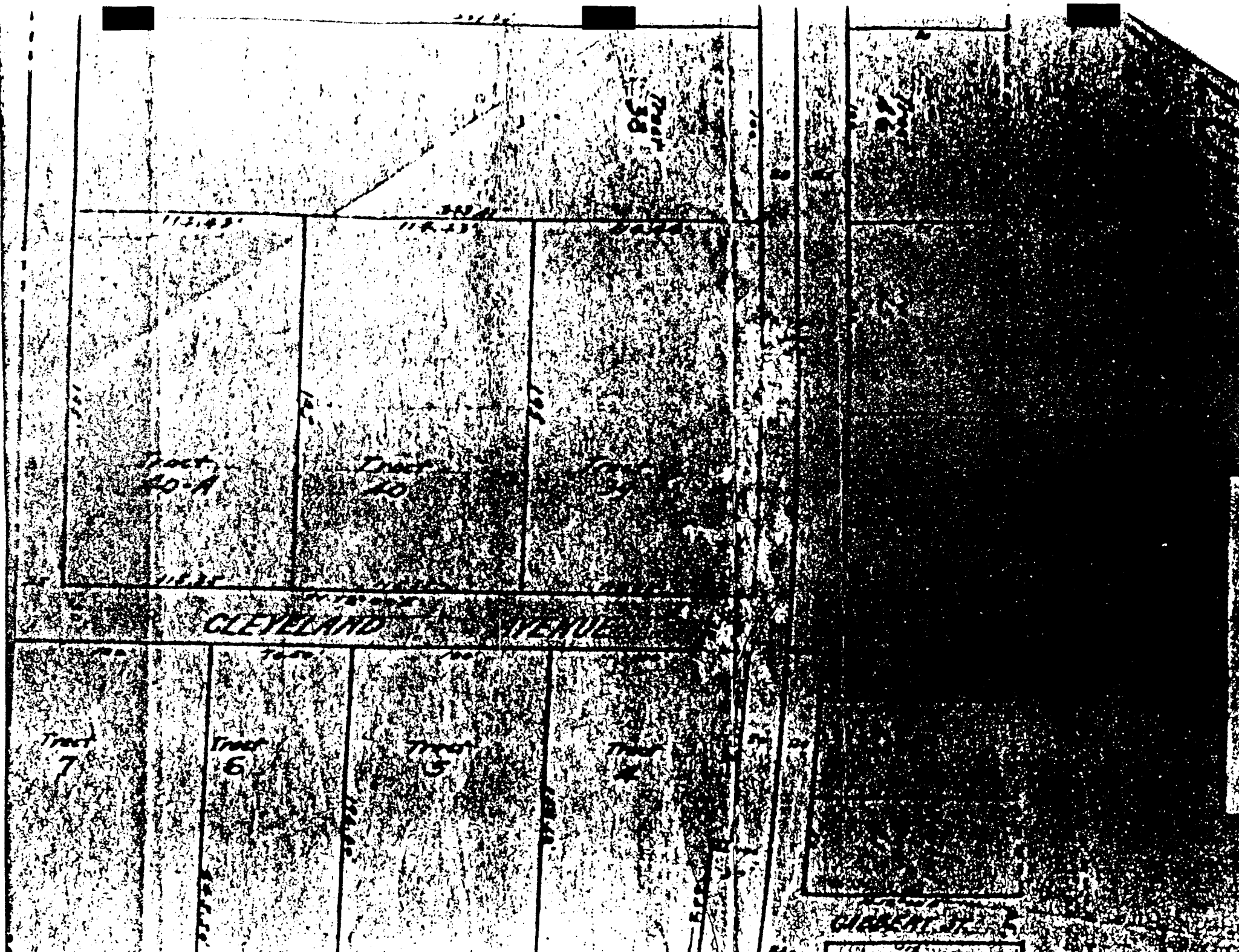
This letter is to request the rezoning of the lots located on tracks 41 & 42 of the Riverdell Acres, Section No. 1. My request is to be rezoned from R3 to B1.

The purpose of the rezoning is to locate my office and shop for my Heating & Air Conditioning Company.

Thank you for your consideration of this request. If I can be of any other assistance to you please feel free to contact me at my office. The telephone No. is (304) 722-3516.

Sincerely,
Mark E. & Lola L. Sanders





Tract 38

112.43'

112.43'

Tract 40-A

Tract 40

Tract 39

CLEVELAND AVENUE

CLEVELAND AVENUE

Tract 7

Tract 6

Tract 5

Tract 4

CLEVELAND AVENUE

LAW OFFICES

HAMB, POFFENBARGER & WILLIAMS

608 VIRGINIA STREET, EAST

CHARLESTON, WEST VIRGINIA 25301

September 25, 1987

WILLIAM E. HAMB
JOHN T. POFFENBARGER
J. CHESLEY WILLIAMS
JENNIFER F. BAILEY

MAILING ADDRESS
P. O. BOX 1671
CHARLESTON, WEST VIRGINIA 25326
TELEPHONE: (304) 343-4128

City of Nitro
20th Street and Second Avenue
Nitro, WV 25143

Attention: Bob Sargent:

Dear Bob:

Please find enclosed several copies of a map depicting the 7.96 acres that Par Industries has conveyed to Nitro Corporation. I would appreciate it if you would have the maps executed and returned to me in the self-addressed stamped envelope.

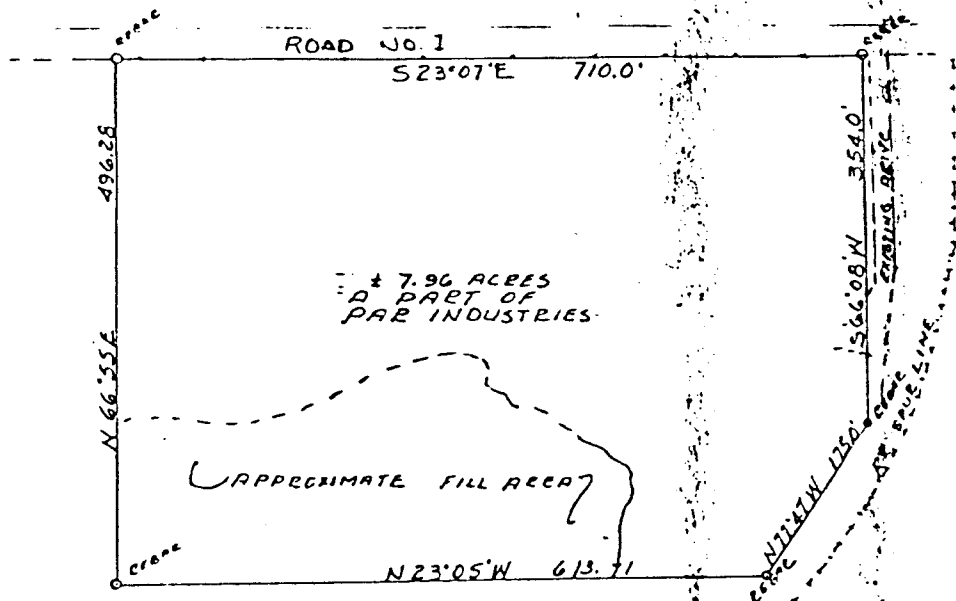
I sincerely appreciate your help and cooperation in this matter.

Very truly yours,


John T. Poffenbarger

JTP/cs

II



NOTE: NO UTILITIES OR PIPING
WERE NOTED BY
VISUAL INSPECTION.

PLAT SHOWING
A 7.96 ACRE TRACT OF LAND
BEING A PART OF
PAR INDUSTRIES
IN
NITRO, WEST VIRGINIA
SCALE: 1"=120' AUG 26, 1987



KELLEY GIDLEY BLAIR & WOLFE, INC.
CONSULTING ENGINEERS

Oke D. Terry
OD TERRY, LLS NO. 325



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 87- 7

AN ORDINANCE TO PROHIBIT THE USE OF
MINNOWS AS LIVE BAIT FOR CATCHING
FISH AT RIDENOUR MEMORIAL PARK

WHEREAS, The Department of Natural Resources has determined that the use of minnows as live bait disrupts the balance of fish in the Lake;

THEREFORE, BE IT ORDAINED that the City Council of the City of Nitro hereby prohibits the use of minnows as live bait for catching fish at Ridenour Memorial Park, and anyone found in violation of this ordinance will be subject to a \$25.00 fine.

PASSED this 20th day of October, 1987.


ARDEN D. ASHLEY, MAYOR


JOAN MCCLANAHAN, RECORDER

OCTOBER 6, 1987
FIRST READING

OCTOBER 20, 1987
SECOND READING

CITY OF NITRO
COUNCIL MEETING MINUTES

NOVEMBER 3, 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 Bob Evans, 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 Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 20, 1987 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the Council Meeting Minutes of October 20, 1987. The motion was seconded. A vote was taken and unanimously approved as written.

Councilman at Large Olaf Walker requested an explanation of the figures for the Levy Election. Mayor Ashley answered that as far as he knew, the City Treasurer Ralph Allison would be here, but if not, we can ask the question of him, and get the answer to Councilman Walker.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley informed that each month we have the privilege of selecting from among the ranks of those residents of the City, someone that is deserving of special recognition, and we call that our Citizen of the Month. Mayor Ashley commented that we are indeed honored to have a citizen of the month that is not only a servant of the people in terms of serving the city, but also, has been a longstanding and loyal employee of the City. Mayor Ashley announced that it was his pleasure to make official the fact that our citizen of the month for November, 1987 will be identified by Gene Williams, the Director of Public Works.

Gene Williams proudly announced John Harris. A big round of applause was given Mr. Harris. Mr. Williams advised that Mr. Harris started work with the City on January 1, 1973, and retired October 23, 1987. Mr. Williams said that every morning at 7:00 a.m., you could see John walking through the Department of Public Work's door. Mr. Williams commented that John was one of their better drivers and a dedicated employee.

Mayor Ashley offered his congratulations to Mr. Harris on being Nitro's Citizen of the Month for November, 1987, and presented him with the citizen of the month plaque. Another round of applause was given Mr. Harris. Present for the

presentation was John's sister, Eula and informed that his nephew, Gary, is our Humane Officer who also works for the City. Mayor Ashley commented that John has probably made more friends in Nitro, and more friends for Nitro than practically any employee we could have. Mayor Ashley added that John has been a good dedicated employee of the City, and certainly deserves the recognition. Mayor Ashley said that Gene Williams would have a difficult time finding a good replacement for John. John is also a CBER, and he was a CBER before he had cancer of the throat. His handle was "Coppertone Door", and "Lost Cord" is his handle now. John advised that he uses both handles now. Mayor Ashley said that John has a lot of friends that are CBERs also. Mayor Ashley told John that it was good to have had him as an employee, and wished him all the luck in the world in his retirement.

AGENDA ITEM NO. 3 - NITRO MIDGET BASKETBALL LEAGUE REQUEST FOR TAG DAY 11-14-87: - Mayor Ashley read the request from Cynthia Harper, Secretary-Treasurer of the Nitro Midget Basketball League to hold a tag day at all the businesses in Nitro on Saturday, November 14, 1987 from 10:00 a.m. to 3:00 p.m. Councilman A. A. "Joe" Savilla moved that we approve the request of the Nitro Midget Basketball League. The motion was seconded. A vote was taken and it was unanimous. Mayor Ashley told Eve Frazier to make sure Ms. Harper was notified of Council's action, and that we wish them well.

AGENDA ITEM NO. 4 - REQUEST FROM WV CITIZEN ACTION GROUP: - Mayor Ashley informed that this agenda item is a request from the WV Citizen Action Group for permission to solicit from November 4, to November 30, in a door-to-door campaign, which is a semi-annual campaign. This organization has in the past, made requests of the City to allow them to solicit. Along with their letter of request, they included a flyer with information for part of what they will be soliciting. Councilman Jim Hutchinson moved their request be granted. The motion was seconded. Councilman at Large Olaf Walker said that he didn't know what the material included that the Mayor received, but he would have like to have had a representative present this evening to advise him what they would be going to say when they knock on the prospect's door. Councilman Bob Evans informed that last year, when they knocked on his door, it was pretty much sign this petition, and give us a donation. Then he said that they were the ones responsible for lowering our heating cost. Councilman at Large Olaf Walker said that this was the point. Councilman Evans said that he was surprised to see the letter saying door-to-door canvassing, information and things of this nature, when, in fact, all it was to have the residents sign the petition and give them some money so that they could lower utility bills. Mayor Ashley said that it was not automatic that we have to grant permission of everyone who wishes to solicit in the City, more especially, door-to-door. If we allow anyone to do door-to-door solicitation, then our legal counsel informed us that we can't discriminate against any organization or body, but as long as we are consistent, then we can do that. Councilman Walker questioned if they have a written summary of what they are going

to say, and Mayor Ashley informed that included with their request was what they called, a recent newsletter as an up-date. Mayor Ashley said it did not include their message to the City. Mayor Ashley said that he did not know the approach they use, and told Councilman Walker that he had a perfectly legitimate inquiry, and asked if anyone else had any experience with them other than Councilman Evans. Councilwoman at Large Mary Trout informed that they told her exactly the same, and she told them that she wasn't interested and they left. Councilman Evans said that articles have been printed on them in the newspaper lately, and Mayor Ashley informed that they had been in the newspaper over some controversy over their leadership, and over a reportedly shortage of funds. Councilman Walker said that he didn't think we could prohibit them from soliciting, because he said that he thought it was tried by one of the other municipalities, and the court ruled in the WV Citizen Action Group favor. After discussion, Mayor Ashley said that from the approach that we have taken with similar requests in the past to solicit door-to-door, feels the WV Citizen Action Group qualifies as a non-profit organization. Inasmuch as we have allowed others to do it, then it is incumbent upon us to take a serious look at any effort to either delay or deny them permission to do the same thing that they have been permitted to do in the past. Councilman at Large Olaf Walker informed that CAG does endorse candidates, and Mayor Ashley asked legal counsel if this would make a difference. City Attorney Phillip Gaujot said that it did not in his opinion, but we could turn them down and make them take us to court. Mayor Ashley said that if we turn them down, we would end up with the City Attorney representing us in a court of law. Mayor Ashley stated that we could certainly request that they provide us with a script of their solicitation approach, and feels that it is proper for us to do that. Councilman at Large Olaf Walker said that he didn't want to make it hard on them or discriminate, but if Council agrees, he would sanction the request if the Mayor or the City Recorder would write them a letter saying that their request was approved by the City Council, but Council raised certain questions; therefore, they should be prepared next year to come before Council in person to inform of their intent and method. Councilman A. A. "Joe" Savilla requested to expound further, and requested the letter ask them to respond to Council, before the next Council Meeting, advising of their pitch when they solicit door-to-door. Councilman Savilla said that if we are going to approve their request, we would like to know what they are telling our citizens when they solicit. Mayor Ashley questioned if there was a problem in not requesting the same kind of information from others who seek our permission to solicit. City Attorney Phillip Gaujot said that from a legal standpoint, we could force them to take the City to court. Mr. Gaujot said that in his opinion, there is no difference then the Nitro Midget Basketball League, and we don't know what their pitch will be. Councilman Walker said the difference is that the Nitro Midget Basketball League are our neighbor; they are people we know. Mr. Gaujot asked Councilman Walker, what about the people soliciting for cancer? Councilman Walker said that they are people in the neighborhood,

and will give that information. City Attorney Phillip Gaujot explained that what we would be doing, is taking a particular group and restricting them to speak, and feels we would be violating their constitutional rights. They have a right to talk politically. Councilman at Large Olaf Walker asked if we couldn't set up certain criteria that each solicitor must meet, and Mr. Gaujot said we could as long it was across the board. Mr. Gaujot further explained that we couldn't say, you can solicit for donations for medical reasons, but you can't solicit for political reasons. After further discussion, a vote was taken and it was unanimously approved.

AGENDA ITEM NO. 5 - ORD. REGULATING THE USAGE OF WARNING DEVICES ON TRAINS OR VEHICLES WHICH OPERATE ON STATIONARY RAILS: Mayor Ashley informed that this agenda item regards a proposed ordinance which was requested by a citizen of the community. They specifically referred us to an ordinance out of the City of Memphis, Tennessee, and we have essentially prepared for Council's consideration that ordinance regulating the usage of warning devices on trains or vehicles which operate on stationary rails. Councilman at Large Olaf Walker moved the ordinance be tabled until one month from today, and during the interval, we have someone contact the railroad people and anyone else that this might affect, so that they may be aware of this pending ordinance, and then they could come before Council and give us the other side. There was no second to the motion, and the motion died for lack of second. Mayor Ashley read the ordinance, and informed that in a discussion with our City Attorney Phillip Gaujot, his caution was that there are federal regulation that require the notification of people at railroad crossings, and no ordinance we pass could interfere with the implementation of that other regulation. On the other hand, the citizens of the city that brought the request to the Mayor's office specifically mentioned this particular ordinance out of Memphis. Mayor Ashley said the essence of the ordinance is that it sends a signal to those railroad people that we would like for them to exercise the proper judgment and not exceed the minimum standards, more especially in the middle of the night. Mayor Ashley said the railroad track runs through our City, and there are a lot of residents that are impacted of excessive blowing of the railroad whistles as signals in the middle of the night. Councilman at Large Olaf Walker questioned Mayor Ashley if there were more than one citizen making the request and if we received a petition. Mayor Ashley answered that it was one citizen, and there was no petition. Councilman at Large Olaf Walker wanted to know if we had a disabell meter, and Mayor Ashley informed that we have access to one at no cost to the city. Councilman Charles Miller told Councilman Walker that he agreed with the idea of laying this over. Councilman A. A. "Joe" Savilla said that now the ordinance had been read, if Councilman Walker would move to table, he would second it. Councilman at Large Olaf Walker moved we table this agenda item. The motion was seconded. A vote was taken and it was unanimous. Councilman Walker asked if we were going to proceed to obtain other information on this, and Mayor Ashley informed that the motion on the ordinance is tabled, and

said that if there is other action that he wants Council to take with regards to getting people from Conrail present at the Council Meeting, which he understood was Councilman Walker's request.. Councilman Walker said that he wasn't absolutely sure that Conrail is the only one that could be affected by this ordinance. Mayor Ashley asked Councilman Walker what he wanted Council to do, and Councilman Walker said that he didn't know if it was in the jurisdiction of Council, but someone needs to decide who this would affect. Councilman Walker said that it appeared to him that this ordinance was specifically aimed at the railroad. Mayor Ashley told Councilman Walker that we have tabled the ordinance and didn't feel that we needed to debate the merits of the ordinance per se, but if he wanted to get someone from the railroad in to represent the other side of the question, then we can invite them. Mayor Ashley asked Councilman Walker if this is what he wanted him to do? Councilman Walker answered that he wanted more information on this matter. Mayor Ashley informed that he would ask the railroad to send a representative to a future Council Meeting to show us why the ordinance should not be passed. Mayor Ashley said that he would also take the liberty of informing the citizen who made the request to us, to appear also and show cause why the ordinance should be passed.

COPY OF THE ORDINANCE ATTACHED.

AGENDA ITEM NO. 6 - PROC. 87-5 PROCLAIMING THE WEEK OF NOVEMBER 15 - 21 AS "AMERICAN EDUCATION WEEK": - Mayor Ashley read the proclamation proclaiming the week of November 15, through November 21, as "American Education Week". Councilman Charles Miller moved for the approval of the resolution. The motion was seconded. By way of discussion, Mayor Ashley informed that he thought our plans are moving well in terms of having our counterparts work with us on the 16 and/or 17. Also, Mayor Ashley said that he thought there are some other activity taking place in conjunction with education week, and some of Council may be alert to opportunities to visit the schools. Mayor Ashley said that Poca Middle School is having some activity, and he had been invited to participate. Mayor Ashley advised that he would accept the invitation on the 16th or 17th when he has his student counterpart working with them. Councilwoman at Large Mary Trout announced that they were having a special luncheon at the Nitro Junior High School on Wednesday, November 18, for senior citizens, and hopefully they will stay for an hour after the luncheon and play bingo. Councilwoman Trout issued an invitation to Councilmembers to also come to the luncheon. A vote was taken and unanimously approved.

COPY OF PROCLAMATION ATTACHED.

Councilman at Large Olaf Walker asked about the ordinance setting the City election date. Mayor Ashley informed that the ordinance was approved on the first reading and the next consideration of that ordinance is scheduled for the first meeting in December. City Recorder Joan McClanahan said that

there was a time frame that we had to meet, which she explained to Councilman Walker earlier. Sh explained that we had to have a legal ad placed, which has been done, and there has to be 30 days, then there is 10 days after the public hearing which is scheduled for December 1, at 6:30. There is 10 days required after the public hearing for someone to protest in writing. This would give us the 2nd Council Meeting in December to pass it on the second reading. This is the requirement by the State Code. Councilman at Large Olaf Walker stated that if we remember, he abstained on the first vote on this matter because he wanted additional information. Councilman Walker said that as he understands from what was said then and now, that this would be a change in our charter. City Recorder Joan McClanahan informed that he was exactly right; it is an amendment. Councilman Walker informed that he went back to 1968 and checked the City Elections, as well as the Primary Elections and he knows the present law says, that a city election cannot be held 25 days prior or after the primary, so we are locked in within that 50 day period, and excluded from having an election. Councilman Walker said that the ordinance cannot be passed. City Recorder Joan McClanahan questioned why, and Councilman Walker said that he was going to vote against it. Councilman Walker said that it took one vote of a homeowner, taxpayer and voter to kill the ordinance in front of this Council. City Recorder Joan McClanahan questioned if he meant at the public hearing, and Councilman Walker said that he didn't care if it was at the public hearing or not, but when it comes before Council he was voting against it and passed information to fellow Councilmembers. City Recorder Joan McClanahan asked Councilman Walker why he didn't tell her this today. She questioned if it was privileged or private information? Mayor Ashley asked Councilman Walker if he was already campaigning or what was going on? Councilman Walker said that he has said this before Council before, and that being that he doesn't want anything brought into this Council and him be asked to vote on it at the Council meeting, as some of the things are complicated. Mayor Ashley informed Councilman Walker that the ordinance is not on the agenda this evening. Councilman Walker said that it was on the agenda last month. City Recorder Joan McClanahan told Councilman Walker that we are not voting on the second reading of the ordinance. Councilman Walker said that he wouldn't be present for the next Council meeting. City Recorder Joan McClanahan told him the second reading of the ordinance would be on December 15. Mayor Ashley said that if Councilman Walker was saying is that if there is a single vote in opposition to the setting of a date for an election, and Councilman Walker interrupted and told the Mayor that changing the charter was the only thing. Mayor Ashley explained that we have to change the charter. Councilman Walker said that we would be changing the charter to change the election date, and we don't have to change the election date. City Recorder Joan McClanahan asked Councilman Walker when he propose we hold the election, and Councilman Walker said that we will have the election on June 14, the date that the state code says we shall have it. Councilman Walker informed that the only time we need to change the code is whenever the city charter conflicts

with that 50 day period that he mentioned. City Recorder Joan McClanahan said that it falls within our jurisdiction to amend the city charter. Councilman Walker said that he would suggestt our legal counsel read the code pertaining to this, and City Recorder Joan McClanahan said that she highly suggests that he does. Mayor Ashley said that it has been the tradition, as far as he knew, that the City Recorder is the election official. City Recorder Joan McClanahan told Councilman Walker that he was in her office today, and had a chance to talk with her about, and Councilman Walker answered that this was not the point. Councilman Walker said that if she would have told him ahead of time that the matter on the election date was going to be on the agenda at the last meeting, he said that he would have told her what he had in mind. Councilman Walker said that he indicated that at the last meeting. City Recorder Joan McClanahan told Councilman Walker that we had to have a city election next year, and Councilman Walker told her that we had to have a city election on June 14. Mayor Ashley informed that this was not an item on the agenda, and told Councilman Walker he didn't understand his point. Mayor Ashley stated that it was his understanding from the City Recorder is that we must have a charter change, and if we have the election on the 14th of June, then by the first of July, the election will not be certified when it's time for the people to take office. Mayor Ashley said that he didn't disagree with her, but he hasn't researched the law. Mayor Ashley said as this is not an item on the agenda, they would move on. Councilman Walker stated that no, we are not, and told Mayor Ashley that he couldn't move him out of order because he was elected. Mayor Ashley said that he rules Councilman Walker out of order and wanted the records to show that he did. A short discussion followed between Mayor Ashley and Councilman at Large Olaf Walker. Mayor Ashley said that we are going to move on, and if there is a problem with the date, to let them know the problem. The attorney has been assigned the task of researching the law if there is any problem. Mayor Ashley said that the City Recorder knows within proper limits what she can do, and asked for April 5. Mayor Ashley said that we have to set a date, and asked if anyone else had a problem with the date of April 5. Councilman Walker said that even the President of the United States isn't elected three months before he takes office, and added that somebody will be elected to this City Government three months before they take the oath if the election is held on April 5. Councilman at Large Rusty Casto said that he would personally like to have the election in June, as this is when it has been held since we chartered the city 60 years ago. Councilman Walker said that since 1968, we have had it in June. City Recorder Joan McClanahan asked Councilman Walker what date the election was held in 1984, and he answered May 1, and this was the only time. City Recorder Joan McClanahan asked what was his problem with it then, and he said that it was 34 days prior to the WV Primary. Councilman Walker said that he wanted the City Attorney to check if we have the election on June 14, the date the laws says for us to have it, there is 5 days before Council has to set as the Board of Canvassers to certify the election, then 48 hrs. must elapse before the City Council

can issue a certification. Then after that, if no one contests a race in the city, then the books can be sent back to the County Clerk. Councilman Walker said that he visited with the Secretary of State's Office and talked with Mary Ratliff, as well as Bill, and they told him that all the other towns were having their election in June. City Recorder Joan McClanahan said that she didn't care what the other towns are doing. She further stated that she expected cooperation and has received it from everyone but him, and didn't understand the problem. She said that if she is doing anything illegal, please let her know. Councilman A. A. "Joe" Savilla asked, what is the problem? Councilman Walker said that we are moving it back three months before the oath of office is taken. City Recorder Joan McClanahan and Councilman Savilla asked what made the difference? Councilman at Large Olaf Walker requested the following be made a part of the minutes:

To: Mayor Art Ashley
Members of City Council

I, Alby X Walker, resident, homeowner, tax payer and voter in the Municipality of City of Detroit, do hereby declare my objection and reject the proposal now pending before City Council to amend the City Charter

Alby X Walker

City Recorder Joan McClanahan said that he could do this at the Public Hearing, and he answered that he had a right to do it as a member of the City Council too. Mayor Ashley said that he would rule that it's certainly proper for a member of the Council duly elected as a representative of the residents of the City at large to request that the communique be entered into the records. Councilman Walker said that we could have the City election with the WV Primary if we desired, but it would take two boards, and Mayor Ashley said that they were all aware of this. Councilman Walker said that he heard someone say that we couldn't do that because of partisan politics, and City Recorder Joan McClanahan

and Councilwoman Mary Trout said they did not say that. Councilwoman Trout explained that they said that they didn't suggest that because we are non-partisan and that is why they didn't want to do it like that.

AGENDA ITEM NO. 7 - LIBRARY BOARD REPORT: - Mayor Ashley called on the Chairman of the Library Board, Councilwoman at Large Mary Trout, to give a report on the status of the library and its proposed relocation. Councilwoman at Large Mary Trout informed that on Saturday, November 7, at 12:30 p.m. they were asking for volunteers including members of Council, to come to the Nitro Library to help in moving books from the Nitro Library to the swimming pool. She advised that they are going to pack books needed to take to the swimming pool, and also secure the books in the library. They will be moving all necessary equipment from the library to the temporary quarters at the swimming pool. They are in hopes to have the above complete by Saturday, if they have enough volunteers. Councilwoman Trout informed that the site for the relocation is being prepared. On Monday, November 9, the Davis House Movers will be preparing the necessary steps for moving the library. Councilwoman Trout said that it was her understanding that it won't take long to move the library, but it will take perhaps a month to secure it once it is placed on the foundation. Councilwoman Trout informed that during this time, there will be limited service conducted at the swimming pool.

Mayor Ashley said that as many of us know, the Fire Department works closely with many of our corporate neighbors, and he was told that we would be receiving a gift to the Nitro Fire Department, and was in receipt of a check in the amount of \$300 from FMC Corporation. Mayor Ashley said that this was a generous gift, and he would check with the Fire Department to see if there was anything in particular that they wanted the funds used for.

Councilman A. A. "Joe" Savilla said the Mayor received a letter from Janice Stowers, Principal of Nitro Putnam Elementary School of which he had a copy. Councilman Savilla informed that the Nitro Putnam Elementary School sets on a little community park, and the community park has fallen on bad times. It was funded for years by the Putnam County Parks and Recreation Commission, but due to the cutback in funds, the Putnam County Parks and Recreation Commission no longer exists and there is no money budgeted by the Putnam County Commission for repairs to the small parks throughout Putnam County. The park is at the school, and the fence and everything that you see at the school was put up by the Putnam County Parks and Recreation Commission. Councilman Savilla said that everything is in pretty good shape with the exception of the backboards. The backboards on the 8 foot and 10 foot rims have been destroyed. Councilman Savilla informed that the school would like for the City to purchase four backboards. Councilman Savilla said that if Gene Williams' crew could do the work, we would be talking about \$150. to \$200. Councilman Savilla mentioned that it serves a lot of children in

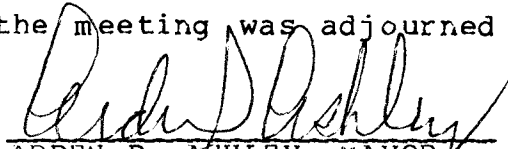
this area, and it is too far for them to walk to the City Park. Mayor Ashley asked if this was the Board of Education exclusive. Councilman Savilla said that it was a community park. Mayor Ashley said that we have checked into the availability of the premanufactured basketball backboards, and said that the price Councilman Savilla mentioned is certainly in reach, including modification of the post to raise the basket. Mayor Ashley said that Gene also checked on the availability and cost of steel backboards, and that cost, when completed, could run up to \$250. per backboard. Councilman A. A. "Joe" Savilla moved we approve funds for the four backboards at the community park at the Nitro-Putnam Elementary School. The motion was seconded by Councilman Rusty Casto to get it voted in. Councilman Rusty Casto informed that we don't have backboards at the Nitro Junior High and the ones at the high school are in as bad a shape as they are down at Nitro-Putnam. Mayor Ashley asked if there is a difference between the community obligation at Nitro High School or junior high, for example? Mayor Ashley said that he knew we had the responsibility for the one at the City Park. Mayor Ashley questioned if we should be treating the Nitro-Putnam Elementary site as more as a community park or is there a distinction that we can make as far as if it is the responsibility of the Board of Education? Councilman Savilla said that he didn't know who put the ones up at the high school, but the Parks & Recreation Commission put the ones up at Nitro-Putnam. Councilwoman at Large Mary Trout informed that the Board of Education is responsible for all the equipment on the Board's property. Mayor Ashley asked if they had considered a request for basketball backboards to be placed. Councilwoman at Large Mary Trout said that she would suggest they don't spend any more money behind the school because of the vandalism. She informed that they put up new tennis nets in the spring, and if it is left out over night, it is taken and cut in pieces. Mayor Ashley questioned the condition of the backboards at the City Park, and was told that they were usable. Councilman Savilla asked if Gene Williams had any idea of what kind of money we are talking about for fiberglass, and Mayor Ashley informed that the backboard set with rim can be obtained for approximately \$60. each and would cost a total of over \$300. for the four of them. City Recorder Joan McClanahan agreed with Councilman Savilla that they are in constant use, but with bad weather coming, asked if it wouldn't be a good idea to wait until spring. Councilman Savilla said they are used year round. Mayor Ashley said the adverse of that is that basketball season is just beginning to start. Mayor Ashley asked if it would be offensive at this time to reducing the request in half to two backboards. Councilman Savilla said that two now and two later would be great, and would appreciate any help they can get. Mayor Ashley said that he felt it would be worth attempting that if the City of Nitro would put two backboards up, then it would be worth an effort to go to the authorities in Putnam County and suggest inasmuch as we put up two, they would match ours. Councilman Savilla said that he would approach them. Councilman A. A. "Joe" Savilla requested to modify his motion to repair the two ten foot ones, and at the same time ask the city workers to cut the existing backboard off

the other eight foot one so that someone won't get hurt. The motion was seconded. Councilman Jim Hutchinson asked why the vocational schools in Putnam County couldn't put an extension on the poles. Mayor Ashley said that he didn't think of that, but offered the services of the City crew to assist with the installation of the backboards. Councilman Savilla said that they would need a welder. Mayor Ashley told Gene and Larry that they might want to recruit the schools to do it. A vote was taken to authorize the installation of two basketball backboards at Nitro-Putnam Elementary playground with the help of the City crew, and it was unanimous.

Councilman A. A. "Joe" Savilla reported that there is a little girl at Nitro-Putnam Elementary by the name of Angie Dye. Councilman Savilla's wife, Joan, will be going around and putting jars in some of the businesses in Nitro for donations for her, and asked Councilmembers if they see one of the jars, to put money some money in it. Mayor Ashley asked if there would be any problem of putting one of the jars at the cashier's window at City Hall. Councilman Savilla informed that he suggested this to her, and she will be bring a jar in.

Councilman at Large Rusty Casto mentioned the Nitro Community Trust Fund earlier. The money raised will never be touched. Councilman Casto said that those of them in the private sector will be similar to a club and open to anyone. Their constitution will read that the interest off of that money will come back to the Board of Directors, who then could distribute it. For instance, if Councilman Savilla needed money for backboards, and they had a few hundred dollars, then they could allot him some money. The funds will be used strictly for the good of the community of Nitro. Mayor Ashley commented that he believes in the Nitro Foundation and thinks it will be a good thing, and feels that in time, the \$5,000. can be raised. Mayor Ashley said that the only caution he would have is that he had a report from the President of the Civic Benefits Association, that Councilman Casto had requested the \$5,000. be deducted from their contribution to the City. Councilman Casto said that this was not correct. Councilman Casto said that the President told this to him, and Councilman Casto told him that he wanted the one hundred percent that they give to the City, to stay at a hundred percent, and that he wanted \$5,000. more. Councilman Casto said that he did not tell him to take it from the City, but that he wanted \$5,000. to his account.

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


ARDEN D. ASHLEY, MAYOR


JOAN MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE NO. 87-

AN ORDINANCE REGULATING THE USAGE OF
WARNING DEVICES OF ANY TYPE ON TRAINS
OR VEHICLES WHICH OPERATE ON
STATIONARY RAILS.

WHEREAS, it shall be unlawful for any person to operate or cause to be operated a warning device of any type, including, but not limited to, a whistle, horn or electronic blast, on trains or vehicles which operate on stationary rails in excess of eighty-seven (87) dB (A) at fifty (50) feet within the City for a sustained period of more than thirty (30) seconds, except as may be required by an federal safety regulation, requiring sounding of warning signals at grade crossings, and

WHEREAS, violations of this section shall be prosecuted in the same manner as other misdemeanor violations of the City Code, and shall be initiated upon issuance of a traffic citation ticket, or brought upon complaint of a private citizen by issuance of a summons, after verification by a police officer using a sound meter.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Nitro, West Virginia, that the usage of warning devices of any type on trains or vehicles which operate on stationary rails shall be regulated.

Passed by the City Council of the City of Nitro, this _____ day of _____, 1987.

ARDEN D. ASHLEY, MAYOR

JOAN MCCLANAHAN, RECORDER

FIRST READING

SECOND READING



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

PROCLAMATION 87-5

PROCLAMATION PROCLAIMING THE WEEK
OF NOVEMBER 15-21 AS
"AMERICAN EDUCATION WEEK"

WHEREAS, the week of November 15-21 has been proclaimed across the nation as "American Education Week"; and

WHEREAS, special activities and events have been planned for the parents, community, students and teachers; and

WHEREAS, November 16 and 17, 1987 will be "Student Government Days" in the City of Nitro.

NOW, THEREFORE, I, Arden D. Ashley, do hereby proclaim the week of November 15, 1987 as American Education Week in the City of Nitro.

In Witness Whereof, I have here unto set my hand and caused the seal of the Executive Department to be affixed this 3rd day of November, 1987.

A handwritten signature in cursive script, reading "Arden D. Ashley".

ARDEN D. ASHLEY, MAYOR

CITY OF NITRO
COUNCIL MEETING MINUTES

NOVEMBER 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 McClanahan, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman Bob Evans, 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.

At the last Council Meeting, Proclamation 87-5 was adopted by the City Council proclaiming the week of November 15 - 21 as "American Education Week". Mayor Ashley said that the first thing we should do is ask student Mayor Hamilton to begin the introduction and then go around the room and have the students introduce themselves. Counterparts were as follows: Hamilton Goodman - Mayor, Rob Chapman - Councilman Ward III, Allison Holstad - Councilwoman Ward II, Elizabeth Smith - Secretary to the Mayor, Brian Black - Councilman at Large, Wendy Wysong - Councilwoman at Large, Kim Jopling - City Recorder, Donica Williams - Computer Operations Manager, Michele Henshall - Communication, Joe Acker - Director of Public Works, Bobby Barrett - Councilman Ward I, Troy Thomas - Building Inspector. Counterparts absent were Simon Bolz also Mayor, David Lemon - Police Chief, Scott Priddy - Human Resource Worker, Tony Null - Councilman Ward IV, Dennis Schalliol - Councilman at Large, Mike Flippo - City Attorney, Steve Hawkins - City Judge, and Sean Meador - Fire Department.

Mayor Ashley expressed his appreciation to the students for coming to the Council Meeting, and said that he hoped this will be a positive and meaningful experience for them.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 3, 1987 COUNCIL MEETING MINUTES: - Councilman Bob Evans said that on page 2, under agenda item #4, the sentence should be corrected to read, "Then, they claimed that they were the ones responsible for lowering our heating cost". Councilman at Large Rusty Casto questioned if the days should be 50 or 30 days at the top of page 7, and since Councilman Walker wasn't present, it may be necessary to modify these minutes at some subsequent time. Councilman Charles Miller moved that the Council Meeting Minutes of November 3, 1987 be approved as amended by Councilman Bob Evans. The motion was seconded. A vote was taken and unanimously approved as amended.

Mayor Ashley requested Council take seriously the question that was raised about the blowing of train whistles by Conrail in the City. Mr. K. K. Pauley was the individual that brought the complaint to the Mayor's attention. Mr. Pauley lives on First Avenue, and in close proximity to First Avenue and the railroad crossing at W. 19th St. Mr. Pauley specifically brought the complaint to the attention of Mayor Ashley, and his statements were that his position was represented by other citizens in the City. The ordinance was tabled that was available for consideration by the Council, but we also chose to request that representatives from Conrail and the citizens be invited to the Council Meeting this evening. Mr. Pauley was unable to be here this evening as his wife is in the hospital, but Mr. Don Beck with Conrail is present. Mayor Ashley informed that this was not for purposes of voting because it would be first necessary to consider taking the ordinance off the table for discussion and consideration, but it is not inappropriate to have a report from Mr. Beck. Mayor Ashley said that if Council would recall, the essence of the ordinance was that we recognize that there were federal regulations by which they were restricted in terms of blowing whistles as they approach crossings. The ordinance specifically addressed that, and said that we did not intend to pass an ordinance that would in anyway be in conflict with federal regulations. Mayor Ashley asked if anyone on the Council had questions for Mr. Beck. Councilman Bob Evans asked Mr. Beck if he had seen the ordinance, and Mr. Beck answered that he had not. Councilman Evans questioned if he was familiar with how sound is measured, and Mr. Beck said that he was. Councilman Evans asked Mr. Beck if the ordinance conformed to what they do? Mr. Beck said that he couldn't give any figures as far as testing their horns. Mayor Ashley said that he thought it would be in order to ask Mr. Beck to look at the ordinance and take the time necessary to respond. There being no further questions at this time, Mayor Ashley asked Mr. Beck if he would address Council.

Mr. Beck said that as far as Conrail is concerned, they don't want anybody to get hurt. He said they didn't want to hit people at the railroad crossing. Mr. Beck said that the speed limit is 40 miles per hour through Nitro. He informed that the whistle posts where the engineers are required to start whistling, are controlled by the federal government. They put up what they call a whistle sign, and it's put up at a distance pertaining to the speed the trains are traveling. The engineers have to start at the whistle post and keep blowing until they are over the crossing. Mayor Ashley asked Mr. Beck if the train is traveling 40 m.p.h. through the City, and they are approaching the Lock Street intersection, would it not result almost in a constant blowing of that whistle, from the approach to Lock Street until they pass W. 19th Street? Mr. Beck answered that it would. Councilman Charles Miller told Mr. Beck that those engineers do it too, but they are just following orders. Councilman Miller asked if there was anyway that they could put a less volume whistle on the train, and Mr. Beck answered no. Mr. Beck explained that the federal government states that the horn has to put out so many decibels, and that is the way it is

regulated. Mr. Beck said that they have inspectors that come around and check this. Mayor Ashley asked what would be the impact if the speed limit in that area were to be reduced, in terms of the impact to Conrail and their performance, but also in terms of the whistle blowing? Mr. Beck answered that if the speed limit was reduced, the distance for the designated marker for the blowing of the whistle would probably be closer. Mr. Beck said that as many railroad crossings as we have in Nitro, he didn't feel that this would help. Mayor Ashley asked Mr. Beck if he had any suggestions for the City that might in anyway accommodate the request of the citizens? Mr. Beck said that there was only one place that he knew of on the Conrail system in his 13 years of experience, and this was in Middletown, Ohio, where almost every road crossing has a crossing gate. The City adopted an ordinance and contacted the federal government, and every crossing has a gate that would go down when the train went by. Mr. Beck informed that a set of crossing gates are \$100,000, but Conrail would maintain them. Mayor Ashley asked Mr. Beck what is the hazard that we're dealing with, such as a railroad crossing vs. a highway intersection, and what if all the cars took the same posture and had to blow their horn a hundred yards before and after every intersection? Where is it different for a railroad? Mr. Beck answered that since February when he came to West Virginia, he knows of three occasions where three people were killed. Mr. Beck said that we should realize that a train running 40 m.p.h. with 18,000 ton of coal behind it, and somebody pulled onto the train crossing and he put his emergency brake on, the train would be a half mile down the track before the engineer could get the train stopped. Mr. Beck added that he didn't know of any solution, except for crossing gates. Mayor Ashley informed that the gentleman that brought the challenge to the Council has a wife who is quite ill, and has been ill for some time and the schedule of the train is such that it keeps her awake. Once she is awoken in the middle of the night, then she has trouble getting back to sleep. So, then too, does the rest of her family because they have to care for her, and it makes it an almost impossible situation for them to continue to deal with under their present circumstances. Mayor Ashley said that their cause is legitimate, it's real and we would really like to find a solution. Councilman Jim Hutchinson commented that he would rather hear the whistle than to get someone killed. He added that Councilman Miller lived nearer the tracks than he, but occasionally he is awakened from the whistle. However, Councilman Hutchinson stated, we are regulated by the federal government, so what can we do? Mayor Ashley asked the City Attorney Phillip Gaujot if he had any comments that he would like to add. Mr. Gaujot said that he hadn't checked the state or federal laws on this as to speed or decibels, but said that he knew it was all regulated. City Attorney Phillip Gaujot said that he was just made aware by Chief C. R. Cochran that there is already a whistle blowing ordinance on record, and there is also a speed limit for trains going through the City of 20 m.p.h. Mr. Gaujot said that he didn't know if that law is any good. Mayor Ashley said that the ordinance regulating the usage of warning devices of any type on trains or vehicles which operate on

stationary rails was tabled, and unless there is an action by Council to cause that ordinance to be taken off the table, then the ordinance will remain tabled and no further consideration of that particular ordinance. Mayor Ashley thanked Mr. Beck for his participation, and stated that he would communicate to Mr. Pauley the action thus far, so he will at least know we have attempted to address his concern. Mr. Beck said that he didn't think that the lowering of the speed limit would help. Mayor Ashley again expressed his appreciation to Mr. Beck and Matt for coming to the Council Meeting this evening.

AGENDA ITEM NO. 2 - PARCEL OF LAND CONTAINING THE WATER INTAKE BUILDING: - Mayor Ashley informed that there has been an individual that approached the City about obtaining the land containing the old water intake building. Councilmembers were furnished a sketch identifying the area. The area in question is the property at and surrounding the old water intake building, and not the property fenced in and formally the landfill. Mayor Ashley informed that the property in question has never been used as a landfill, and is not land that is subject to any question about what the subsurface condition might be. Mayor Ashley said that this was good solid dirt upon which the building was constructed in 1918, for the purpose of supplying this end of the Kanawha Valley with water. The building is approximately 100x30'. The property is approximately one third of an acre, and has not been appraised. Mayor Ashley reminded Council that any disposal of City assets of this type would require that the property be disposed of either by way of a sealed bid and it would be proper to state a minimum bid, or either by public auction. Mayor Ashley said that he told the individual that he would be more than happy to put it on the agenda and see what the feeling of it would be. Mayor Ashley said that he thought it only fair to share with Council discussions that he has had by people who are interested in the property. Mayor Ashley informed that within the past year, we have been approached by one individual for the purpose of building his residence at this site. There was an earlier interest from one individual who had a couple of things in mind. One was turning the landfill into a boat launch facility and turning the old water intake property into a Marina downstairs and either an apartment or restaurant upstairs. Whether or not that is a serious consideration, but it was a recent discussion. There was another individual who proposed that he would like to obtain the land for the purpose of constructing three luxury apartments in the water intake building. His thought was that he could remodel the structure, divide it into three apartments and rent it out. There has been another individual who is a local entrepreneur who asked about the property to see if the City Council was interested in allowing it to be sold so that he could use it, but didn't explain what he would use it for, but thought it would be good commercial property. The second of the three was asking if we would be interested in a lease arrangement wherein the City could own the property and lease it out to them if they wanted to put in a restaurant and marina. They would only do that if the landfill was available to be made into a boat launch facility.

The landfill is fenced, and we do not have clearance from DNR to turn that into a boat launch facility. However, Mayor Ashley said that he thought it would be less difficult to do that than we might think. Mayor Ashley said that it would be difficult to get anyone to approve the construction of a building on the landfill property as it's not suitable for a heavy structure. However, to pave it for purposes of parking trailers and vehicles while people are boating would probably be very appealing to DNR and EPA because that would serve to cap the landfill. Mayor Ashley said that he didn't think we would have any problem getting approval to place an asphalt cap over the landfill site, but wasn't sure. The question to this body would be whether or not they are interested in disposing of this property in some fashion in response to the specific request. Mayor Ashley informed that before we dispose of the property we would have to have it appraised and surveyed for which the City would be responsible to absorb the cost. Councilman Charles Miller questioned the low water line, and Mayor Ashley told Councilman Miller that this was a very interesting question but he couldn't answer. The City limits run to the center of the river, but would assume that there would be some line at the river bank that would be fixed. Councilman Bob Evans commented that it could be a little premature, not knowing what the landfill situation is. If the landfill property gets a clean bill of health, the property may be worth a lot more. Mayor Ashley said that the landfill has been shutdown by the City many years ago, and it has been monitored periodically. Councilman Bob Evans questioned if we could sell the landfill, and Mayor Ashley answered that he thought we could sell the landfill, but we would still have our responsibility or liability for anything that might be in the landfill. Mayor Ashley reported that we recently had to do a three part study over the period of the summer. On three occasions, we had to sample the water, air and the soil in the landfill. The preliminary indications is that we got a clean bill of health, and also the preliminary indication from EPA enforcement people was that if it received a clean bill of health, they probably won't ask us to do it again. However, we're not talking about selling the landfill at this time. Councilman Evans questioned if someone would purchase the property and put in a boat launch, would there be ample parking to handle something like this. Mayor Ashley answered that if Councilman Evans was talking about the fenced in area, the answer would be no. If both properties were combined and the old landfill was used for parking, then there would be ample parking for boating recreation. Councilwoman at Large Mary Trout commented that she is concerned about the building as it's very dangerous and a big liability to the City. She informed that a lot of the children play around this building, and thinks that if there is some way that it could be put into good use, then she would be in favor of it. Mayor Ashley told Councilwoman Trout that her point is well taken, because he feels the police department will confirm that from time to time it has been a heaven for youngsters to smoke marijuana, and it has been a problem. Mayor Ashley said that in view of the gravity, it would be appropriate to have a committee to take a look at this

and come back with their recommendation at a future council meeting after they have had an opportunity to satisfy themselves. Mayor Ashley requested Councilman Charles Miller to serve as Chairman of this committee along with the At Large Councilmembers to represent the committee. Councilman at Large Rusty Casto moved that the committee be granted the authority to go ahead and commit to an official appraisal of the property. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - REQUEST FOR DONATION OF NITRO PINS: - Councilmembers were furnished a request from Mrs. Rasnake for 50 Nitro pins for her daughter who won the Miss West Virginia American Princess pageant in May. She will be going to Tampa, Florida on November 21, as a representative of West Virginia. All contestants were asked to bring a pin of their state or city to exchange with other contestants. Councilman at Large Rusty Casto questioned as to how much money we are speaking of, and was informed that it would be \$62.50. We have about 50 left, but we are constantly restocking. However, it takes a good six month to replenish our supply. They are a popular Christmas item, and the pins we have on hand are a popular item, and will probably be gone soon. City Recorder Joan McClanahan and Councilman Charles Miller said that they felt it was a too short of a notice to consider it. City Recorder Joan McClanahan moved we deny the request with regrets due to the time frame. The motion was seconded. A vote was taken on the decision to deny the request, and it was unanimous.

AGENDA ITEM NO. 4 - LIBRARY BOARD REPORT: - Councilwoman at Large Mary Trout, Chairman of the Library Board reported that two weeks ago on Saturday, she met at the Library with some volunteers and packed as many of the books they could take to the swimming pool which will serve as the temporary library. The movers are now ready to move the building on Friday or Saturday of this week to the new location. At the Library Board meeting held Monday, November 16, there were discussions about landscaping and other things that needed to be taken care of before the library opens at the new location. The Board had a discussion about the landscaping and decided to hold a contest, and include any resident of the City, students and library patrons to enter the contest. There will be a drawing to scale of the library, and the contestants should list their ideas of how the landscaping should be done around the library. The deadline for entering the contest will be December 14, at which time the Board will hold a meeting and a winner will be declared. There will be a \$25.00 gift certificate issued to the winner of the sketch that is chosen to use by the Library Board. Councilwoman Trout mentioned there will be a ramp for the handicapped and they did want to make it attractive along the ramp. Mayor Ashley said that he wanted to compliment Councilwoman Trout, the Library Board, the Librarian and all the volunteers in town who have been so helpful getting us through this transition period. Mayor Ashley informed that at the interim library site, Gene Williams and the Department of Public Works, along with Bob Sargent have the front entrance to the

swimming pool fixed very nicely for a temporary accommodation. Mayor Ashley said that we want to get some video pictures and 35 MM slide pictures, and invited anyone that desired to help accumulate some pictures. Mayor Ashley said that we would like to have an assortment of pictures of seeing the library literally moved up and moved over to another site, and would like for the pictures to include such things as the senior citizen's complex in the background and that sort of thing. Mayor Ashley received a report very late this afternoon from the librarian. It seems that the proposed acquisition of the direct line and the computer which was to be financed 50/50 cost sharing by the City and the State. The County Library Board is agreeing to allow for the acquisition of that and they are going to process the paper work in return for the City giving it to them when it comes in. Mayor Ashley said that Carolyn thought that rather infuriating because we are trying hard to become a branch library of Kanawha County, and it seems they are making it just as difficult for us as they possibly can. Mayor Ashley offered his compliments again to the work that is being done by the Library Board. Councilman at Large Rusty Casto asked Councilwoman Trout if the Library Board had agreed upon a price for the landscaping. Councilwoman Trout answered that they hadn't, and when they get all the drawings in and agree upon a winner, they will try to get someone to help them pay for it. Mayor Ashley mentioned that when we budgeted for the relocation of the library, that included not only the relocation itself, it included all the preparatory work, the maintenance of an interim library and site preparation such as landscaping. Mayor Ashley said that we may receive some donations.

COMMITTEE REPORT

Mayor Ashley reported that the Nitro Bicentennial Commission met last evening and made final plans for the preparation of the Constitution Bowl that the Bicentennial Commission is sponsoring along with the City of Nitro. All high schools in Putnam and Kanawha Counties have been invited to participate in a competition on the Constitution. The schools were given the opportunity to choose the students that they wish to participate. The test questions have been pretty much structured. It's a serious competition with the winning team members receiving a \$1,000 scholarship each, and the runner-up team members receiving a \$500 scholarship each. This was made possible by monies donated by corporations and individuals to the Bicentennial Commission. Mr. John Santrock is chairing the competition, and he has visited every school. On December 5, beginning at 1:00 p.m. and continuing through into the evening, we will have a first round of elimination. Then on Monday evening, December 7, the semi-finals and finals of the competition will take place. All competition will take place at Nitro High School. Mayor Ashley informed that we are asking members of the Bicentennial Commission to act as patrons for individual teams. Among other things, McDonalds is offering free meals to the competitors and we are providing each school with \$100 to be given to each school that competes in the competition. Mayor Ashley said that we are

expecting a high level of participation, and thinks it will make an excellent spectator event because the questions will be asked out loud and hopefully they will be answered correctly out loud. Mayor Ashley advised that there are 50 questions in each series, and an individual competition is slated to last approximately one hour. Mayor Ashley said that he would hope that all the members of City Council would have an opportunity to be present as it will be an exciting time. Councilman at Large Rusty Casto commented that all the Commission members worked hard in getting things done, but wanted everyone to know how much he appreciated Mayor Ashley's role in getting the scholarship money available. Councilman Casto added that Mayor Ashley was basically responsible for obtaining the money for the scholarships, and he certainly appreciated his efforts in doing so. Mayor Ashley answered that it was a joint effort, and there are a lot of generous people out there that are more than willing to help the community. Mayor Ashley told the students that if we have a project and if we approach people and it's a legitimate, well thought out kind of project and includes the young people, they will help out when otherwise they would tell us no.

There being no further business, the meeting was adjourned at 8:25 p.m. Mayor Ashley again expressed his thanks to the students for participating in Student Government Week, and advised there was a continuation of the reception preceding the Council Meeting.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

DECEMBER 1, 1987

The regular scheduled Council Meeting 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 Bob Evans, 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 NOVEMBER 17, 1987 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the Council Meeting Minutes of November 17, 1987. The motion was seconded. A vote was taken and unanimously approved as written.

Mayor Ashley wanted added, for the record, that there was an issue calling for a special meeting of the Council. Mayor Ashley said that he feels the record of our City should show that warrants were served on a majority of the Council. Subsequent to issuing the warrants, and at the time they were issued, we knew there may be a chance that it wouldn't be necessary to have the meeting, and apologized to those on Council that might have been inconvenienced by this. Mayor Ashley explained that we had anticipated in the course of negotiating with the County Commission that we may need to take action as a Council, and the only way to have done that would have been to call a special council meeting for the purpose stated on the warrant. Later in the evening on November 24, it turned out the need for that meeting was eliminated, and therefore, an employee of City Hall was asked to notify all Councilmembers promptly. Warrants were issued, but the meeting was not held.

Councilman at Large Olaf Walker said that he had a question pertaining to the minutes under Agenda Item No. 1, page 4, with regards to the sentence "Mayor Ashley again expressed his appreciation to Mr. Beck and Matt for coming to the Council meeting this evening." Councilman Walker questioned the identity of Matt, and Mayor Ashley informed that Matt was Mr. Beck's son.

AGENDA ITEM NO. 1 - CITIZEN OF THE MONTH: - Mayor Ashley informed that our honoree for the Citizen of the Month of December, Jack Westfall, was not present, but will be honored in the presence of the other employees of the City at the employee's dinner scheduled for December 4, and encouraged all members of Council to be present at this occasion. Mr. Westfall was employed by the City on July 16, 1976, and retiring effective the

both of December. Mr. Westfall has been an excellent employee for all these years, and we think it only fitting that he be recognized and honored as our Citizen of the Month for December, 1987. Mayor Ashley said that Jack is timid, and we probably couldn't have gotten him to come to the Council meeting, but his plan is to come to the employee's dinner, so the plaque will be presented to Mr. Westfall at that time.

Assistant Director of Public Works, Larry Angeli, agreed that Jack was timid, and added that in the eight years he has known him, he has been an outstanding employee, and regrets to see him leave.

Mayor Ashley said that we would pay tribute to him on Friday evening. He is one of the quiet guys that does his job in a way that always brings credit to the City and service to the citizens, and will be missed. It will be a tough task replacing him.

AGENDA ITEM NO. 3 - BID OPENING - GARBAGE CAN LINERS: - Mayor Ashley informed that this agenda item calls for the bid opening on the garbage can liners, and turned the meeting over to the City Recorder Joan McClanahan. City Recorder Joan McClanahan furnished Councilmembers a copy of the legal advertisement and bid specifications. She informed that we received two bids, one from Copco, our supplier last year, and the other from M & P Distributors, Inc. from Lesage, WV. The deadline for receiving the bids was noon, Monday, November 30. City Recorder Joan McClanahan gave the bids to Councilman at Large Rusty Casto and Councilwoman at Large Mary Trout to open. Assistant Director of Public Works Larry Angeli said that the bid specifications required that we have an exact sample of the garbage can liner on which they are bidding. However, a representative from M & P Distributors told him, after they had submitted their bid, that it would be extremely expensive to set up their equipment to furnish one bag. Therefore, they furnished two bags and detailed what part of the bag would go with which one to come up with the actual one that they are bidding. Therefore, by taking the two bags and comparing them, they have offered an equivalent in terms of size and strength in lieu of an exact liner. Councilwoman at Large Mary Trout reported that the bid from M & P Distributors, Inc. was \$7.84. Councilman at Large Rusty Casto reported that the bid he opened from Copco Papers for 3,200 cases, 100 per case is \$7.17 per hundred. There was a discussion regarding the increase, as the cost was \$5.57 last year, which was an increase from the previous year. Councilman A. A. "Joe" Savilla asked if other cities around are furnishing garbage bags that we might venture with. Mayor Ashley answered that he knows the City of Charleston is still supplying garbage bags, and it is his understanding that Copco is their supplier, but he not sure if it is the same bag. Larry Angeli advised that it was the exact same liner. Mayor Ashley said it would be his guess that if we wish to piggyback a Charleston purchase, we could do so and it would not be a problem for the City of Charleston. One distinction is that our boxes come stamped with the City of Nitro, and their

boxes have the City of Charleston imprinted on them. We have, in the past, gotten bags from them. Larry Angell advised that we have piggybacked with Charleston before. Mayor Ashley asked if we knew their price. Larry Angell answered that their quantities are so much larger than ours, and the fact that the mill is set up for the same bag, it would reduce the cost. Larry Angell explained that Charleston stock piles their bags, and doesn't buy them on a consistent basis as we do. They buy very large amounts. If people don't pick them up, then they have a surplus and no need to purchase them at the same time as we do. However, there was one occasion when we did get our order in at the same time. Councilman A. A. "Joe" Savilla said this is an additional \$5,000. a year, and City Treasurer Ralph Allison said it was more like \$8,000. Councilman Savilla said that it was fifty some cents a bag last time, and every year it goes up. He said that we are going to have to piggyback or joint venture with someone; either that, or raise the municipal service fee to compensate for the cost of the bags. Mayor Ashley agreed that the cost of the bags have really increased. Mayor Ashley said that it is important that an order be placed without delay in order to make sure the bags are received in time for our early January distribution. Councilman Charles Miller moved we accept the bid from Copco Papers for the purchase of 5,200 cases of garbage can liners. The motion was seconded. Mayor Ashley told Councilman Savilla that his point was well taken with regards to piggybacking with Charleston. Councilman Savilla asked if we could contact Charleston to see when they will be placing an order, and if the motion is amended to this effect, with a leadway to go ahead and buy the bags if necessary. He said in the meantime, see if we could work with Charleston or another City on a joint venture as it wouldn't be that important if another city's name is stamped on the box, as we are talking about a considerable amount of money. Councilman Miller said that he would consider Councilman Savilla's recommendation that we go ahead and buy the bags from Copco, but first, check on the possibility of piggybacking the purchase with another city that might be getting delivery at or about the same time. Councilman at Large Rusty Casto who seconded Councilman Miller's motion also considered the recommendation as a friendly amendment. Councilman at Large Olaf Walker asked how many cases we ordered last year, and Larry Angell responded that the initial order was 5,200. However, there was a problem in the delivery, and we did not receive full shipment on the first truck that came in. Councilman Walker said that there was a data sheet prepared last year, showing the cases purchased, number of cases issued and the remaining cases and as he recalled there were 200 to 300 cases left over. Larry informed that there were approximately 200, and asked Councilman Walker to clarify his question. Councilman Walker said that after they had taken the IBM sheet and taken each resident that picked up their liners, we knew who hadn't received their supply and the ones that picked up their bags, and then there was a balance remaining. Mr. Angell informed Councilman Walker that the balance changes daily, and Councilman Walker wanted to know where did the bags go. Mr. Angell explained that the people who did not pick up their bags

Originally and also new residents moving in the neighborhood. Councilman Walker said there was a deadline on the date the bags must be picked up, and Mr. Angell and Mayor Ashley informed that we did not have a deadline. Mayor Ashley further explained that on January 8, 1987, the bags would be available and on any day throughout the entire year, they could go and obtain the bags for the remainder of the year. Mayor Ashley informed that this year the plan is to do essentially the same to allow extra hours the first week for people who want to pick up their bags, and we're trying to set the date that the bags will be available for distribution for the year of 1988 to begin on the first Monday in January. Councilman at Large Olaf Walker wanted to restate his question and asked how many housing units, apartments, residents received bags, and Mr. Angell asked what time period Councilman Walker was speaking. Councilman Walker said that it should be, allowing for some houses that are being destroyed, and for a few houses that might be added, about the same from one year to the next. Mr. Angell answered that it has been, and the orders have been basically the same. Councilman Walker said that he was trying to ascertain if the order could be reduced. Mayor Ashley explained that last year we ordered 3,200, and at the time of the delivery of the bags we were short by some five hundred boxes. Copco said they would go ahead and deliver those if we wanted them at the same price. The question was whether or not we wanted to invest in those bags at that time. We believed that we would not need all of that amount by the end of the year, so we chose not to go ahead and get those bags. We subsequently ran into a situation where we had to order 200 boxes from Charleston at a price less than we had agreed with Copco. Mr. Angell informed that we purchased the bags from Charleston at their cost which was \$5.18 per box. Mayor Ashley advised that if all the people who are entitled to the bags take them, we suspect that 3,200 is not a bad number. Councilman Walker said that we ought to know how many residents in Nitro that will receive 100 liners, and we should know because of the sanitation bills mailed. Councilman at Large Rusty Casto commented that businesses do not receive bags, and Councilman Walker said that he wasn't speaking of them. Councilman Bob Evans said that the city uses some of the bags. Larry Angell informed that City Hall, the Fire Department, Police Department, City Park and Ridenour use these bags, and in the summer months use quite a few bags. Councilman Walker said that he understood this, and felt the various departments should be charged with the number of boxes they use. He said on the books, not literally. Councilman Charles Miller said that we have people living in Nitro a couple of months, getting their bags, and moving. Mayor Ashley explained that if a person moves into town, they are entitled to their bags for the remainder of the year. Mayor Ashley said that the point is that we do not have everyone taking advantage of the bags, so we can't know exactly how many bags we will use. He said that the 3,200 number is not a bad one, and as far as cross charging from one department to another, he could not see a problem with that. Mayor Ashley said that there is nothing wrong with charging \$7.17 as a line item charge to supplies for each department and feels this should be done. Councilman at Large Rusty Casto feels this

would only create a headache and a lot of red tape. Mayor Ashley informed that the distribution of the bags is now controlled, which wasn't in the past. Councilman Walker complimented the handling of the distribution last year. Mr. Angell commented that the control resulted in a savings last year, and this year, we will be using the municipal bills. Councilman Walker said that after talking with Larry and Jay, he was under the impression that we could cut down on the order, but we are ordering the same amount. Mayor Ashley said that we might end up getting less as we did last time as our order was approximately 2,900. Councilman Charles Miller said that if we can't piggyback with Charleston at this time, maybe we could piggyback earlier in the year and not wait until 30 days before we need them. Mayor Ashley said that he thought this was a good idea. Mayor Ashley reported that Larry Angell and Mike Morris are working out the details for the distribution of the bags, which is scheduled for January 11. Councilman A. A. "Joe" Savilla asked if we had money to cover this expense, and City Treasurer Ralph Allison answered that we would have to do some adjusting of the budget unless we receive some extra money. A vote was taken to accept the bid from Copco for 3,200 bags at \$7.17 a hundred and it was unanimous. Mayor Ashley requested the City Recorder Joan McClanahan to enter into the purchase order Wednesday morning so as to give Copco the maximum amount of lead time for the delivery of the bags.

At this time, Councilmembers had a surprise visit by Santa Claus. Santa invited all members to join him in the parade Saturday, and wished all a very Merry Christmas. Councilmembers commented on what an excellent job Santa and Mrs. Claus do.

AGENDA ITEM NO. 4 - CHRISTMAS PARADE - DECEMBER 5: - Mayor Ashley reported that as Santa Claus mentioned, the Christmas Parade is scheduled for Saturday, beginning at 10:00 a.m. The members of Council have been extended an invitation by the merchants and Brenda Tyler, who is chairing the parade, to participate. Chief Cochran is acting as an assistant to Brenda, and reported that the last count he had, there were 50 units participating. Councilman at Large Rusty Casto moved we grant permission to the Nitro merchants and Professional Association to have their parade on Saturday, December 5. The motion was seconded. A vote was taken, and it was unanimously approved. Mayor Ashley reported that the merchants are working real hard to do some things that will uniquely attract merchants into the community. Some of them have offered prizes that will be drawn, and this should be a festive month. He suggested we patronize the Nitro merchants every chance we get.

AGENDA ITEM NO. 5 - THE NITRO FOUNDATION: - Councilman at Large Rusty Casto gave Mayor Ashley the annual report of the Greater Kanawha Valley Foundation. Councilman Casto, Councilman Charles Miller, Chuck Taylor and Victor Thompson began working on starting The Nitro Foundation last summer. Councilman Casto said that he was reading about Benjamin Franklin and came up with the idea. About 212 years ago, Benjamin Franklin donated \$10,000

into a Philadelphia bank, for a 200 year period of time, and after 200 years they built schools and fixed roads. Councilman Casto said that he thought it would be nice if we could set up some kind of an account similar to that for Nitro. Councilman Casto said that it was Mr. Taylor's idea to start a Nitro Community Trust Fund to be administered under the umbrella of the Greater Kanawha Valley Foundation. Councilman Casto said that during the past two weeks he has been inviting people to lunch and visiting with them in their offices, and of the \$5,000 needed to begin the Trust Fund, he has received \$2,400 in cash and pledges. Councilman Casto said that only the interest from their account may be spent with the exceptions of money willed or sent specifying in writing that the foundation spend every penny of the money given. The trust fund will be governed by a constitution to be drawn up by the membership after the \$5,000 is received. The funds will be invested by the Greater Kanawha Valley Foundation who will charge 5 percent of our interest for their administration work. Once the initial \$5,000 fund is set up in the Greater Kanawha Valley Foundation, additional contribution may be made by mailing funds to the Nitro Community Trust Fund, c/o of the Greater Kanawha Valley Foundation. Councilman Casto said they are making plans to have a breakfast or luncheon in January, in which they will invite a number of interested private citizens and business people and have a representative from the Greater Kanawha Valley Foundation to answer any questions and explain the trust fund in detail, and receive their charter. Councilwoman at Large Mary Trout asked why they wouldn't have by-laws and a constitution before they began, and he showed her the by-laws they have been using. Councilwoman Trout said that she is in favor of this, but feels Councilman Casto needed more than what he is presenting. Councilman A. A. "Joe" Savilla asked if they wouldn't have to have approval from City Council to solicit funds in the City of Nitro. Councilman at Large Olaf Walker said according to Councilman Casto's presentation, it was done by one business associate being with another and not going out calling on all of them as an unknown, but if this was opened up to the public, then we would need Council's approval. Councilman Savilla said that he thought it was a good idea, but we are using Nitro's name. Mr. Gaujot will get the answer to Councilman Savilla's question and report back to Council. Councilman Casto said that assuming the City would get the dog track, and assuming the City would come into some money, would it be permissible for the City to budget a donation to this Foundation at a future time? Our City Attorney Phillip Gaujot will also check on this and report back. Councilman at Large Rusty Casto informed that we are the first City that has ever contacted the Greater Kanawha Valley Foundation towards starting a trust fund for a community and she was very pleased that there were people in Nitro that thought enough of their community to undertake this. Councilman Walker said that if the Greater Kanawha Valley Foundation will be taking 5% of the earnings to maintain the trust, and the investment yields 7%, the fund will only grow by 2%, and Councilman Casto explained that they will take 5% of the earnings. Councilman Casto said that if we would get \$500, they would take \$25. he

further explained that for every \$100 in interest we receive, they would keep \$5.

COMMITTEE REPORT

Mayor Ashley reported that the Bicentennial Commission is looking forward to the Constitution Bowl competition between the high school students of Putnam and Kanawha Counties to begin this Saturday at 1 o'clock. Two rounds will be held on Saturday, December 5, and semi-finals and finals on Monday evening, December 7, beginning at 6:00 p.m. at Nitro High School, and the champion will be crowned Monday evening. The competition will consist of 50 questions in each round, and will take approximately one hour. Mr. John Santrock is chairing the competition, and he can use our help. Mayor Ashley encouraged the members of Council and the Bicentennial Commission to be of assistance to these teams in whatever way that might need help. Because Nitro is playing host, we want to do everything we can to make all of the representatives and students feel welcome and feel that the competition is fair and above board. We have representatives throughout both counties participating in the program in a leadership way. There are 16 high schools in Kanawha and Putnam County, and Mr. Santrock has personally visited every school and has arranged to obtain entries from 15 of the 16 schools. Mayor Ashley pointed out that by comparison, that the statewide competition that's being so highly touted and ballyhooed by the media this weekend taking place at the same time on the same subject on a statewide level has 11 entries. Our competition in two counties has 15 entries. Councilman Savilla informed that the City of Nitro received some good publicity on WQBE; they were applauding the City of Nitro for everything they have done this year as far as celebrating the Bicentennial Constitution. Mayor Ashley said that the credit for this kind of publicity is due to John Santrock. Mayor Ashley advised that in advance of the competition on Saturday, Thursday afternoon at 5:30 p.m. at the Capitol Rotunda there will be a blind drawing of the competitive teams. We will first of all identify the team that is to draw next out of a hat, and then they will draw a ball with a number on it which will be their number in the competition. There will be a single elimination format, 16 entries and 3 byes. Each of the four team members of the winning team will receive scholarships of \$1,000. Each member of the runner-up team will receive scholarships of \$500, and each competing high school will receive a \$100 gift from the Bicentennial Commission for their participation. These prizes are being donated by the private sector, corporations and individuals around the valley. Some of the members of the Bicentennial Commission, such as McDonalds, have participated in many ways and they are going to feed the contestants while they are here. Mayor Ashley commented that this is going to be a great event for the City of Nitro to host. It is going to be a major event and it's going to be a super program. Mayor Ashley again stated that Councils' help is needed on Saturday and Monday, and encouraged all to come and participate. Councilman A. A. "Joe" Savilla informed that there was an article in the Charleston Gazette this morning regarding the competition, and

commended John Santrock and the other Bicentennial Commission members. Councilman at Large Olaf Walker offered his assistance in any way that he could. Mayor Ashley advised that we are looking to have patrons who will accommodate or provide service to each team.

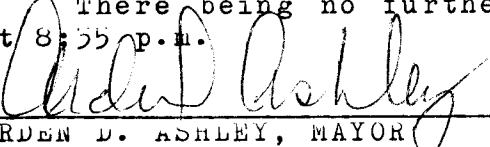
Councilman Jim Hutchinson informed that when he was taking his walk this morning he received a lot of praise on the performance of the police department on their quick response to a call from a resident on Valentine Circle. Councilman Hutchinson said that he was asked to extend their compliments to the department. Mayor Ashley said this was good, and too often they don't get the praise they deserve.

Mayor Ashley said that since we are patting the police officers on the back, not long ago, Lt. Blankenship was working off duty at the Moose Lodge, and he saw three fellows acting in a suspicious fashion. He went up behind them as they were watching the Shop A Minit, approached them inquiring as to their reason for being there and obtaining identification, just as two fellows came rushing out of the store in great haste with something under their arm. Upon further investigation, it was determined to be stolen merchandise and all five were apprehended by Lt. Blankenship. Councilman at Large Olaf Walker said that he felt a letter of commendation from Mayor Ashley or Chief Cochran to Lt. Blankenship for being alert to the situation and recognizing and apprehending the five people involved. Councilman Walker said that he thought this is a lot to be said for Lt. Blankenship. Mayor Ashley said that he agrees with Councilman Walker and gave Lt. Blankenship his personal congratulations. He added that he thinks the world of him as a person and a police officer. Mayor Ashley said he didn't write such a letter, but he would treat Councilman Walker's statement as a motion to do so. The motion was seconded. A vote was taken, and it was unanimous and so ordered.

Councilman Charles Miller informed that he has contacted an appraiser regarding the parcel of land containing the water intake building, and as soon as the appraisal is made Councilmembers will be notified.

Councilman A. A. "Joe" Savilla said that he would like to thank Mayor Ashley and the young lady from the Gazette for the nice article that appeared in the Metro-West regarding Angie Via. A reporter advised Amy Neil wrote the article. Councilman Savilla advised that Angie is still in New York, has had surgery and the prognosis is good. The doctors removed ninety percent of the tumor, and they feel they can treat the remainder with some type of chemotherapy.

There being no further business, the meeting was adjourned at 8:55 p.m.


 ARDEN D. ASHLEY, MAYOR


 JOAN C. MCCLANAHAN, RECORDER

PUBLIC HEARING

DECEMBER 1, 1987

The public hearing scheduled for 6:30 p.m. to 7:30 p.m. was called to order by City Recorder Joan McClanahan in Council Chambers at Nitro City Hall. Present were Councilman at Large Olaf Walker, Councilman Bob Evans and City Treasurer Ralph Allison. Councilman Charles Miller entered the meeting late.

A copy of the legal advertisement was furnished to Councilmembers. City Recorder Joan McClanahan informed of a typographical error in Ward I, there should have also been included Precinct 23. She informed that they both have the same polling place, but there are two precincts. Councilman at Large Olaf Walker previously suggested that we check with our City Attorney Phillip Gaujot on the ordinance to ascertain if the date 1982 really should be 1986, and City Recorder Joan McClanahan said that she would do this.

City Recorder Joan McClanahan stated that the purpose of this meeting was to give those present an opportunity to voice their objections and/or reasons for not wanting to approve the second reading of an ordinance scheduling the Municipal City Election on the 1st Tuesday in April.

Councilman at Large Olaf Walker said that he wanted to voice the same reasons he stated at the Council Meeting on the 3rd of November. He said that as previously stated he was opposed to changing the date of the election to April 5, and feels there is ample time to have the election on June 14, to get the election results canvassed and certified in plenty of time for those people who are elected to take their office. Councilman Walker said that he wanted to state his objections as a resident and a homeowner that he is opposed and rejected to changing the charter. Councilman Walker said that if needed, we could use the same statement that he had in Council Meeting. Councilman Walker said that one other thing that he would note, is the fact that he believes that there has been an error made in the calling of this public hearing, and was in hopes that our City Attorney Phillip Gaujot would be present. Councilman Walker said that as he understood, the governing body of the City of Nitro is the elected Councilmembers, the City Recorder and Mayor, and at the Council Meeting on October 20, when the issue was first brought up of changing the charter, we read it the first time and it was approved; there was no mention of the public hearing. He added that on November 3, it was not on the agenda and was told twice by Mayor Ashley that it was not on the agenda, and Mayor Ashley said that the next time this would be considered would be at the first meeting in December. Councilman Walker said that City Recorder Joan McClanahan did mention briefly in her remarks about a public hearing, but there was no day, time or place specified, a motion or an ordinance offered to Council stating that.

Councilman Walker said that some time after that, someone decided we should have a public hearing. He said that he didn't know who decided that we would have a public hearing, but this body, City Council, did not. Councilman Walker said and for this reason he didn't think the hearing was proper. City Recorder Joan McClanahan explained that the hearing was not anything that we, as a Council, had any control over as this was called for in the state code book that a hearing was necessary. City Recorder Joan McClanahan informed that it wouldn't be voted upon this evening as the second reading of the ordinance, because after the public hearing there has to be a waiting period of 10 days to allow for either a written objection or a withdrawal of an objection. Therefore, it could not be acted upon at this Council Meeting to allow for the 10 days. Councilman Olaf Walker told City Recorder Joan McClanahan that she was correct in saying that the law specifies this, as it says specifically the governing body shall set a date, time and place for the public hearing. Councilman Walker said that his point was that the Council did not vote on a date, time and place. Councilman Walker said that he would make further comments at the Council Meeting.

City Recorder Joan McClanahan at this time, informed that Councilman Charles Miller had entered the meeting.

Councilman Bob Evans said that he guessed this meeting was just for citizens to voice their opinion on the changing of the election date, and City Recorder Joan McClanahan answered, to voice an objection. Councilman Evans said that he would like to have a copy of the law, and City Recorder Joan McClanahan said that it was in the State Code book, and would be no problem.

Councilman at Large Olaf Walker said that if we would have had some citizens present, he would have asked City Recorder Joan McClanahan to restate why we are changing it, why we want it changed, but in view of the fact that we do not, then he didn't see any point in asking her to restate what had previously been said at the Council Meeting on November 3. Councilman Walker said that some of those reasons were very reasonable, and he accepts them. City Recorder Joan McClanahan told him that she expressed just her own personal feelings, and agreed that the decision does not rest with her, but with the Councilmembers.

Public Hearing adjourned.

Joan McClanahan
JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

DECEMBER 15, 1987

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

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 1, 1987 COUNCIL MEETING MINUTES: - Councilman A. A. "Joe" Savilla moved for the approval of the December 1, 1987 Council Meeting Minutes which also includes the Public Hearing Minutes of the same date. The motion was seconded. A vote was taken and the Minutes of December 1, 1987 were unanimously approved as written.

AGENDA ITEM NO. 2 - BID ON MINI-PUMPER: - City Recorder Joan McClanahan furnished a copy of the legal advertisement that was placed for a mini-pumper for the Fire Department, and also a copy of the minutes of the bid opening. At this time, City Recorder Joan McClanahan asked Sgt. Hardman to address Council with the Fire Departments' recommendations and to answer any questions. Sgt. Steve Hardman advised that since the bid opening, they have been reviewing the bids received and there was a reason for the discrepancy between the bids. The bid from Dill's Fire and Safety Equipment Co., the highest bidder, was the only truck that met the specifications, and is the truck they are recommending. Sgt. Hardman explained that another reason for the recommendation of this truck was the financing. If we decide to accept their bid, they can piggyback this truck payment and the new truck payment together. Therefore, we would only have one payment on the two vehicles. Sgt. Hardman advised that he visited the main factory with Sgt. Hedrick, and they do quality work. He further stated that they receive good service locally from Dills in Ravenswood, and since they have been doing business with them for the past ten years, and haven't had any problems. Sgt. Hardman said they also have a 100 percent performance bond for their vehicle that the other companies did not have. Sgt. Hardman said that he had the bids with him if Councilmembers desired to review them. Councilman Savilla asked Sgt. Hardman about the big difference in the cost, and Sgt. Hardman explained that basically, the Fire Department designed the truck to fit their needs, and the corporations stamp them out on an assembly line the same as other vehicles. When you get away from that manufactured stamped body, there would be additional cost because

the manufacturer must go back to engineering and blue printing at the main office and start over according to the design requested. The truck was designed for the City of Nitro to go up the hills, Red Oak Drive and places such as this. Councilman Savilla questioned if the bid received from Dill's Fire and Safety Equipment Co. was the only one of the four received that actually meets the specifications, and Sgt. Hardman and Sgt. Hedrick answered that it was the only one that met the specifications one hundred percent. Sgt. Hardman informed that Worldwide and Allegheney were close, but they had minor changes. Sgt. Hardman advised that Worldwide is new in the fire truck business and no one around this area has one of their trucks; therefore, they didn't know anything about their service. However, the bid looked fine except for some minor changes. Sgt. Hardman said that he would list them as moderate because the company was going to use a stock body to set on the chassis, and the Fire Department wanted their body built to their specifications. Sgt. Hardman reported that Allegheney had nine major changes of their specifications. They were compatible, but not what the Fire Department wanted or needed. Also, Sgt. Hardman said that they have not been real happy with the service of Allegheney. Councilman Savilla asked about the lowest bidder, Slagle, and wanted to know if they cut some major components. Sgt. Hardman said that Slagle is located in New Boston, Virginia and the way he understood it is that their basic difference is that they are getting the Ford chassis off the boat. This way they are saving money going with the basic chassis. Sgt. Hardman pointed out that if they have problems with the truck, then they would have to take it to Virginia resulting in 6 or 7 hours to have it serviced. Also, the bid from Slagle did not include any type of a financing plan. Councilman Charles Miller questioned if we piggybacked this truck payment with the other one, about what would the payment run, and Sgt. Hedrick said that Dill's told them that they could not tell him because it is a day by day rate. However, the representative from Dills told them that if they decided to accept their bid, to call them and he could give the Treasurer the exact figures on the amount of the payment. Sgt. Hardman informed that included with the bid from Dill's were two plans of payment. Sgt. Hardman invited the members of Council to review the bids if they desired. Councilman at Large Olaf Walker said that as the bid opening was today, he didn't get a chance to review the minutes, and requested the City Treasurer Ralph Allison to briefly tell a little about the earlier discussion and the decision made by Council. City Treasurer Ralph Allison advised that this was discussed at a prior Council Meeting, and said that if he remembers correctly, that what we were trying to do at that time was to approve the purchase. Therefore, it was approved so that it would be in the budget for the next fiscal year, which is the year we are in now. There was some problem with them holding their price open. City Treasurer Ralph Allison advised that there was some question before the meeting began, whether this was a budgeted item or not, and it is. It was setup in the prior budget on a lease purchase plan. City Treasurer Ralph Allison said that if the truck was ordered tomorrow, it probably wouldn't be here until July. So, if it was

ordered tomorrow, it would probably be something that we would have to take into consideration at the next budget meeting. Councilman Savilla commented that we have all gone through this before, and the firemen know more about this equipment than us, and moved that we accept their recommendation to purchase the truck from Dill's Fire & Safety Equipment. The motion was seconded. Councilman Bob Evans asked if we had the money to pay for this equipment, and City Treasurer Ralph Allison informed that it was budgeted, and we do have the money. Councilman at Large Olaf Walker asked City Treasurer Ralph Allison that when he was talking about having the money, he didn't mean that we had the money to pay for it in hand, and that it would come out of future budgets. City Treasurer Ralph Allison explained that when it comes time to make the down payment, we will have the money for this and each year the payment amount will be budgeted. A vote was taken, and it was unanimous.

City Recorder Joan McClanahan said that there was an item not included on the agenda, which was a request from the Fire Department regarding the Firemen's Association annual fund drive. City Recorder Joan McClanahan explained that the reason this was not on the agenda, is that they did not realize there would not be another Council Meeting before solicitation would begin. Sgt. Steve Hardman advised that Columbia Productions would be going door to door selling coupons for \$10.00 each for a 10 x 13 family portrait. This is the same fund raising project, with the same company as last year, with the entire \$10.00 going to the Firemen's Association. City Recorder Joan McClanahan said that she heard a lot of compliments on the quality of the photographs last year. Sgt. E. W. Hedrick, II reported that they purchased over \$3,500 worth of firefighting equipment for the new truck. Councilman Jim Hutchinson moved the request be granted. The motion was seconded. A vote was taken and it was unanimous.

COMMITTEE REPORTS

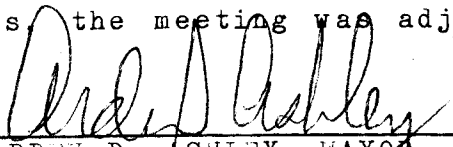
1. BICENTENNIAL CONSTITUTION BOWL: - City Recorder Joan McClanahan said a lot of the Councilmembers were present for the Bicentennial Constitution Bowl, and that she was sure most of them knew the winners of the Bicentennial Constitution Bowl was South Charleston High School and the second place winner was the team from Charleston High School. There were 13 teams representing Kanawha and Putnam Counties participating, and feels that Mr. John Santrock and those involved in this event should be complimented and congratulated. Councilman at Large Olaf Walker stated that he thought the event went real well as there were only two serious challenges, and thinks the Mayor made an excellent decision when he was reading the questions on one thing that was challenged.

2. SENIOR CITIZEN'S HOLIDAY LUNCHEON - DECEMBER 19, AT 1:00 P.M. FIRST PRESBYTERIAN CHURCH: - By way of reminder, City Recorder Joan McClanahan mentioned that the Senior Citizen's Holiday luncheon is being held December 19, at 1:00 p.m. at the First Presbyterian Church on 21st Street, at which, all

Councilmembers and department heads are to serve. Councilman Savilla commented that this is one of the most fun things to do is serving at this senior citizen's Christmas dinner. City Recorder Joan McClanahan agreed that it was enjoyable.

Councilman at Large Olaf Walker inquired as why the ordinance concerning the election date wasn't on this agenda. City Recorder Joan McClanahan responded it was on the agenda earlier, and that at 4:25 p.m. the City Attorney Phillip Gaujot advised that he wouldn't be able to attend the Council Meeting this evening. Therefore, without the Mayor and the City Attorney present, she didn't feel we could accomplish a decision on this matter.

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


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

JANUARY 5, 1988

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 Bob Evans, 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 THE DECEMBER 15, 1987 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the December 15, 1987 Council Meeting Minutes as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - By way of introduction, Mayor Ashley said that there may be members of this Council who hasn't had the opportunity to meet Mrs. Coon, and we all should not only meet her, but thank her. One way we have of doing this, as a City Council, is to select from among our residents in the City someone each month that typifies the kind of resident that we think makes this a nice place to live and to work, and identified Nada Coon as the Citizen of the Month for January, 1988. Mrs. Coon lives on Kanawha Avenue and has worked 15 hours a week as a volunteer for the Library since last June. Mayor Ashley added that we just can't beat that kind of help, and offered his congratulations. Mrs. Coon expressed her appreciation and said that it was something that she really enjoyed.

The Librarian, Carolyn Atkinson, told Mrs. Coon that the award of Citizen of the Month was a very small token of their appreciation at the Library. She hasn't missed a day being at the library, and hasn't even asked for a vacation. Carolyn said that she wouldn't have been able to attend library school in order to be a better Librarian without such good help. Mrs. Coon again thanked everyone and said that she couldn't wait to get back in the Library and out of the temporary facility located at the swimming pool. A big round of applause was given to Mrs. Coon.

AGENDA ITEM NO. 3 - 1987 EMPLOYEE'S CHRISTMAS BONUS: - Mayor Ashley expressed his appreciation to the members of Council in agreeing, by telephone, that the bonus was acceptable with them. Mayor Ashley said that in acting as they did, they did it on the

assumption that the approval would follow. Mayor Ashley informed that previous to consulting the members of Council, he had discussed this matter with City Treasurer Ralph Allison to determine if the money was available. All members of the governing body received more than one comment of thanks, either orally or in writing, from some very grateful employees of the City. A computer printout identifying the cost, which represented \$100 each to the full-time employees and \$50 to the part-time employees of the City, was furnished to the members of Council. The total cost to the City for this action was \$4,950. Councilman Charles Miller moved we sanction the approval of the employee's Christmas bonus. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 4 - PROCLAMATION 88-1 - NATIONAL EYE HEALTH CARE MONTH: - Mayor Ashley read a proclamation proclaiming January, 1988 as National Eye Health Care Month and offered same to Council asking for a motion of approval. Councilman at Large Olaf Walker moved that the proclamation be adopted. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION 88-1 ATTACHED.

AGENDA ITEM NO. 5 - ESTIMATES -SURPLUS VEHICLES OF THE FIRE DEPARTMENT: - Mayor Ashley said that this agenda item was identified as estimates on surplus vehicles of the Fire Department, and it should be corrected to a surplus vehicle and estimates on two vehicles. Mayor Ashley brought Council to the current time frame, and explained that what happened was that we have been looking for a buyer for the Seagrave since the new fire truck was obtained. The Seagrave was purchased as part of surplus equipment out of Charleston, and our Fire Department spent a great deal of time and money for the repair and modification of the vehicle. With the acquisition of the new fire truck, the Seagrave became surplus. Mayor Ashley informed that in talking at a Regional Intergovernmental Council meeting, Commissioners from Clay County expressed an interest in the vehicle and Commissioner Clinton Nichols came by to take a look at it. At the same time, he also showed an interest in the 1967 Ford fire truck, which we use as a backup piece of equipment. It is old, but in good shape thanks to the work of the fire department. Clay County can use two pieces of equipment, and is planning to pay for it with the last remains of the revenue sharing money. Mayor Ashley said that he informed Mr. Nichols, not knowing at the present time the value of the vehicles, that we would try to find out a fair market value and make the vehicles available to them. Mayor Ashley said that he told Mr. Nichols that he was sure that this Council wasn't interested in getting anything more than a fair market value for the vehicles or vehicle, more especially the Seagrave. Mayor Ashley said that we need to understand that if we were to sell both vehicles, we would need to replace one of them. We cannot afford to lose the pumping capacity that is represented in the 1967 Ford. As a result of Clay County's interest in both vehicles, and not knowing the fair market value, he offered a figure on both

vehicles which was a little less than what we have been advised as fair market value. Mr. Jeff Watkins from Dill's Fire and Safety gave an estimate to Sgt. Ernie Hedrick which showed the 1967 Ford at \$10,000 to \$20,000 depending upon its condition and on the 1962 Seagrave \$4,000 to \$8,000 depending upon its condition. Mayor Ashley said that considering the age of the 1967 Ford, it would be considered in very good condition and the Seagrave would probably be considered to be in adequate condition. Therefore, we could assume that the Seagrave would probably fairly fit into the low side of the estimate range and the Ford might fit somewhere between the middle and the high side of the estimate. Mayor Ashley said that we have indicated an interest in selling the Seagrave, and asked Council what they wanted to do with regards to the Clay County Commission's request. The Clay County Commission will have a meeting Monday, and they are in a position to make a purchase of one or both of the vehicles if the price is right. Councilman Charles Miller questioned the condition of the Seagrave. Captain Stover advised that the Seagrave has been repowered and it works. He informed that the Fire Department had hardly ever used the truck as it was for a backup. Mayor Ashley asked Captain Stover if it would do what it was designed to do, and Captain Stover answered that it did. Mayor Ashley advised that he was talking to Bill White, and Mr. White pointed out that the engine had just been put in it, and the engine itself would probably be worth \$3,000. Councilman at Large Olaf Walker said that he would have to rely on the comments and evaluation on both pieces of equipment from the Fire Department. Councilman Walker mentioned that there was a lot of latitude between \$10,000 and \$20,000, and Sgt. Hedrick answered that it was hard for them to pinpoint something if they don't know the equipment. Councilman Walker asked if Mr. Watkins had seen the equipment, and Sgt. Hedrick said that he had, but he doesn't know how it would perform. Councilman Bob Evans asked the members of the Fire Department what they thought about it, and Captain Stover said that personally, he feels that anything that we can get out of the Seagrave to take it, because the longer we keep it, the value will decrease. Councilman at Large Rusty Casto asked that if we sold both vehicles, would we have to purchase another one. Mayor Ashley informed that if we sold both of them, we would be short changing ourselves in terms of a fire unit, and strongly advised that we not do that. Mayor Ashley said that we could consider, and feels it would not be an improper action, is to set a price on both pieces of equipment contingent upon positive action Thursday evening by the County Commission on the City of Nitro's petition on the dog track. Councilman Walker asked that if we sold the Seagrave now, and then we would decide to sell the pumper six months later would it make a difference in the price we could receive, and Captain Stover said that he told Mayor Ashley before he talked with the gentlemen from Mountaineer that he felt the 1967 Ford was worth in the neighborhood of \$15,000. Mayor Ashley added that Clay County needs two pieces of fire fighting equipment. Councilman Walker mentioned that if we established a price of \$18,000 on both pieces of equipment, and asked for comments on this statement. Captain Stover said that as he told the Mayor earlier

that if they were going to sell the Ford to Clay County, it would have to be a package deal with the condition that the equipment be replaced. Mayor Ashley advised that he didn't feel that we were in a position this evening to commit to an acquisition of additional equipment. Councilman Miller suggested we sell the Seagrave, and then if the County Commission rules in our favor, then we can sell the Ford. Councilman Jim Hutchinson said that he was of the opinion that if the Clay County Commission wanted to purchase both vehicles that we should gamble and let them have both of them for \$18,000. Councilman Bob Evans asked if the Ford would be hard to sell, and Captain Stover said that he didn't think it would. Councilman Bob Evans questioned if we could possibly sell the Seagrave for \$4,000, and Captain Stover and Sgt. Hedrick answered that buyers for the Seagrave would be hard to find. Councilman Bob Evans moved that we offer to sell the Seagrave for \$3,000 to Clay County, and hold off on selling the Ford at this time. The motion was seconded. By way of confirmation, Mayor Ashley asked our City Attorney Phillip Gaujot whether or not there was a problem selling to a separate agency of government capitol equipment belonging to the municipality, and Mr. Gaujot informed that he would check on this. Mayor Ashley requested Councilman Evans to make a part of his motion subject to examination of the statues by the attorney that it is a proper transaction. Councilman at Large Olaf Walker asked Mayor Ashley if the Commissioner from Clay County had made any preference to either vehicle? Mayor Ashley answered that his intent was to bring them to look at the Seagrave, and it was after being here that they expressed an interest in the Ford as they need and plan to purchase two pieces of equipment. They will take either one or both. Mayor Ashley said that he feels if we would get in touch with them in two weeks offering to sell the Ford, that they would take it. A vote was taken, and it was unanimously approved. Mayor Ashley informed that the Clay County Commission would be meeting Monday to act upon our offer.

AGENDA ITEM NO. 6 - ELECTIONS - 1988: - City Recorder Joan McClanahan said that Council was aware that we will have the Levy Election on February 9, and submitted a list of the Precinct Boundaries, polling places and a partial listing of election officials. Councilman at Large Rusty Casto moved for the approval of the recommendations made by our City Recorder Joan McClanahan the partial list of officials to be completed later. The motion was seconded. Councilman at Large Olaf Walker wanted to know if the names of the officials had to be mailed to the Counties, and questioned if there was a deadline for obtaining the officials? City Recorder Joan McClanahan answered that she would need to have the list completed before January 25, as this is the date scheduled for the training session. Also, the list must be published. Mayor Ashley added that our City Attorney Phillip Gaujot either administered, conducts or participates in the school for the election officials. Also to be included in the motion, would be the fee structure, as before, which would be \$50 a day, \$15 extra for attending the school and \$5 to the Supply Commissioner for returning supplies to City Hall. Councilman Walker asked if this had been budgeted, and City

Recorder Joan McClanahan informed that it had. A vote was taken to approve the individuals and the fee structure, and it was unanimous.

PRECINCT BOUNDARIES, POLLING PLACES & PARTIAL LISTING OF ELECTION OFFICIALS ATTACHED.

City Recorder Joan McClanahan announced that the Municipal Election will be held on the first Tuesday in June, 1988.

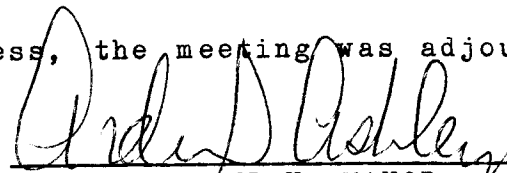
AGENDA ITEM NO. 7 - WATER INTAKE BUILDING APPRAISAL: - Mayor Ashley said that we had asked Councilman Charlie Miller to Chair a Committee to look at the prospect of selling City owned property identified as the water intake building. Councilman Charlie Miller reported that he does not have the appraisal listing. Councilman Miller informed that the appraiser had been at the site looking at it. The appraiser reported that the landfill itself is the only piece of property in the valley such as this, and he will have to do further study on this. However, the appraiser reported that he wouldn't have any problem with the appraisal regarding the site of the water intake building. Councilman Miller informed that he should receive the appraisal tomorrow and will have it for the next meeting. Councilman Miller said that he would get with the Council at Large so that they could discuss what should be done. Mayor Ashley added that there has been more than one party to show an interest in one or both pieces of property. Mayor Ashley addressed the City Attorney Phillip Gaujot as to the need to advertise and either offer it for sale by public auction or sealed bids, and Mr. Gaujot said this was correct.

For the benefit of the Council, Mayor Ashley furnished a copy of a communique insofar as 911 is concerned and the scheduled change over for January 31, 1988. We are scheduled to parallel that new system with our current system by having Communication Officers monitor the communiques to make sure that in the event they have any kind of a problem in our community, that we will override and step in. Mayor Ashley said that some Councilmembers have had an opportunity to take a personalized tour of the Metro Comcenter facilities, and encouraged those that hadn't to please do so.

Mayor Ashley reported that the Department Heads are preparing their budget for next year, and beginning next week there will be working meetings with each of the department heads. A copy of the tentative schedule was given to all members of Council, and Mayor Ashley encouraged that they attend any or all of these meetings. The budget meeting for the library is scheduled for Monday at 1:00 p.m. which is in conflict with the grand opening of the Library. Mayor Ashley said that he requested that the department heads totally disregard any projected revenue as a result of the dog track. Their plans will be to operate with a pretty much status quo budget in the preliminary stage. Mayor Ashley said that he has asked the

department heads to also identify any urgent or critical need that might require additional monies that they are going to need. Mayor Ashley informed that the budget work is scheduled to be completed by the department heads in January. Mayor Ashley mentioned that with regards to projected revenue, it looks as if we're not in bad shape in relation to our budget this year. He reported that we will not have available to us until probably the first of February, a final projection on revenues for the following year, because of the tax reappraisal questions and delays. The expectation is that the two counties, who must provide that information to us, will have it available around the first of February. There is going to be a preliminary estimate as to projected revenues that our Treasurer Mr. Allison will make, and that's the figure we will be working with which will be subject to changes as we get the information on tax reappraisal and obviously subject to change as any development would occur in regards to the dog track. Mayor Ashley said that we will start with a status quo budget, and that he would really appreciate the members of the Council working with us as we go through that process.

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


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

PROCLAMATION 88-1

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 when early attention by medical doctors is sought for and obtained, or when safety devices are worn to protect the eyes, or when state laws 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 proclaim January, 1988 as

NATIONAL EYE HEALTH CARE MONTH

Passed this 5th day of January, 1988.

A handwritten signature in dark ink, appearing to read "Arden D. Ashley".

ARDEN D. ASHLEY, MAYOR

PRECINCT BOUNDARIESPRECINCT NUMBER:

22 & 23 PUTNAM COUNTY - 28th Street to and including 41st Street and only part of 40th Street. Carriage way

401 BROOKHAVEN - Cross Lanes Drive - within Nitro City limits, Kanawha County

402 27th Street up to 21st Street; on left side of 21st St. up to bridge is 402. Past the bridge on both sides is 402, including 21st Street.

403 Other side (Right) of 21st Street to bridge, to Moose Lodge to Railroad Tracks (West Boundary).

406 On other side of Railroad Tracks (West) down to Elm Street.

408 From Elm (not including Elm) to the middle of Kapok Street.

409 Middle of Kapok up to St. Albans Bridge, down Main to middle of Wilson Street (West).

411 St. Albans Bridge, Main Avenue to middle of Wilson Street (East) to Red Oak St., City Limit).

<u>PRECINCT</u>	<u>WARD</u>	<u>POLLING PLACE</u>
22 & 23	I	NITRO-PUTNAM ELEMENTARY SCHOOL
401	I	NITRO HIGH SCHOOL
402	II	NITRO HIGH SCHOOL
403	II	NITRO ELEMENTARY SCHOOL
406	III	BAKER ELEMENTARY
408	III	USWA LOCAL UNION 12610 510 MAIN AVENUE
409	IV	POTTERY PLUS, INC. 728 1ST AVENUE, SOUTH
411	IV	POTTERY PLUS, INC. 728 1ST AVENUE, SOUTH

NITRO MUNICIPAL LEVY ELECTION
FEBRUARY 9, 1987
ELECTION OFFICIALS

PRECINCTS 22 - 23

SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 401

CLERK
CLERK
COMMISSIONER

PRECINCT 402

SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 403

COMMISSIONER

PRECINCT 406

CLERK
CLERK

PRECINCT 408

CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 409

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 411

CLERK
SUPPLY COMMISSIONER
COMMISSIONER

NITRO PUTNAM ELEMENTARY SCHOOL

CHARLOTTE HILL - 3719 37TH ST.
ETHEL HALL - 4116 41ST ST.
WANDA THOMPSON - 3953 39TH ST.

NITRO HIGH SCHOOL

JOAN STEPHENS - 111 BROOKHAVEN DR.
KATHERINE WEAVER - 110 BROOKHAVEN CIR.
MICHAEL STEPHENS - 111 BROOKHVEN DR.

NITRO HIGH SCHOOL

TILLIE MYNES - 58 21ST ST.
VIRGINIA HUNTER - 2511 25TH ST.
IRIS ASHLEY - 2610 26TH ST.

NITRO ELEMENTARY SCHOOL

INA HOLLEY - 1524 15TH ST.

BAKER ELEMENTARY SCHOOL

SYLVIA PULLINS - 1429 W. 14TH ST.
DOROTHEA BARTOE - 101 LAYNE AVENUE

USWA LOCAL UNION 12610

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

POTTERY PLUS

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

POTTERY PLUS

DOROTHY HUDSON - 105 KANAWHA AVE.
SUE GOODWIN - 103 CLEVELAND AVENUE
OLLIE HANCOCK - 711 KANAWHA AVE.

CITY OF NITRO
COUNCIL MEETING MINUTES

JANUARY 19, 1988

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 Bob Evans, 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 THE JANUARY 5, 1988 COUNCIL MEETING MINUTES: - Councilman Charles Miller moved for the approval of the January 5, 1988 Council Meeting Minutes as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PEOPLES FEDERAL CREDIT UNION: - Mayor Ashley stated that each member of the Council received a packet of material from Laura Mallett, a representative from Peoples Federal Credit Union. Mayor Ashley said that we have been looking, for sometime, for an opportunity to either create a credit union or becoming affiliated with a credit union. The credit union that Laura represents is located in Institute which may possibly be relocating in Nitro. Mayor Ashley informed that this credit union was created, for the most part, for Carbide employees, and it is not a part of Carbide in any way. Mayor Ashley added that the City of Dunbar recently affiliated with this credit union. At this time, Mayor Ashley called on Laura Mallett for her presentation. She briefly described that the idea of a credit union is nothing more than a financial cooperative, where people with a common bond pool their money together to help out their coworkers or other people that share their common bond interest. She explained that the only common bond they look at in the credit union is occupation. She advised that they were not interested in becoming a big community credit union. She informed that they have served Union Carbide employees at the Institute Plant for 21 years. She said that when Union Carbide sold the Agriculture Products Division of its plant, for the first time the Credit Union was faced with the aspect of having more than one sponsor. They didn't know what to do or what might be coming with the purchase of the plant, and they were afraid for a little while. But, they saw when a firm from France purchased the company and took it over, it looked as if things were going to run pretty smooth. She said it did give them a little scare, and made them think what would happen if they lost their sponsor. At this time they were a nine million dollar institution. So, she said at this point they opened their eyes a little, and said that there are a lot of people working

that don't have access to a credit union. She asked, why would they want it? She stated that they are not profit driven, but they do have to make a profit to pay dividends to their savers, but they don't have to pay stockholders. Therefore, this makes credit unions a little bit different. They are controlled and directed by volunteers; they are not paid officials. She advised that the only official that is paid is the Treasurer because of the responsibilities that he or she must assume. Ms. Mallett informed that the employees of the City of Dunbar have been members for about a year, and they like the services available. She said the interest on the credit loans are a little bit cheaper, and the dividend rates on savings are just a little higher than they could receive on a passbook account. Ms. Mallett explained that after the initial \$5.00 deposit, there are no fees involved. The employees contribute whatever amount they desire and it can be handled by payroll deduction. For the convenience of the employees of Dunbar, the credit union opened a branch office at Dunbar City Hall last July which is opened four hours per week. She said that Peoples Federal Credit Union are looking to give the employees of the City of Nitro the opportunity to make a choice in the financial services they need. Ms. Mallett informed that Peoples Federal Credit Union is now a 17 million dollar institution, controlled by federal and state laws. Mayor Ashley added that a couple of points Laura had made at an earlier meeting with him, were that if we affiliate with this credit union then the employees of the City and those people that are identified by the City such as the officers of the City, employees, elected officials and those that are rendering a service for which there is real value such as the Police Reserve Officers and Fire Auxiliary will be eligible to participate. Also, not only are those employees eligible for participation, but as well, the immediate members of their families, both older or younger. So, their mothers, fathers, children, and grandchildren are also eligible for full membership participation. Mayor Ashley said that if we are to participate with Peoples Federal, it would require by Council's authority a letter requesting membership participation for the elected and appointed officials of the City, the employees and those unpaid employees that were mentioned earlier. We would need to identify the number of people that would be counted in that group. Peoples Federal requested we offer a payroll deduction program. Mayor Ashley informed that we have the capability of doing that and certainly thinks this would be a good thing for us to do if we are going to participate. Mayor Ashley said that Councilman at Large Olaf Walker posed a question earlier and he questioned our City Attorney Phillip Gaujot with this question and he indicated that he didn't come in prepared to give us an answer. Mayor Ashley said there are some very specific rules, regulations and statutes that are applicable for the operation of credit unions. One question would be whether or not the City could assist in anyway or participate in anyway, other than to offer payroll deduction. If it is determined that we can, Mayor Ashley said that he would like to propose that for those full-time, part-time and paid employees including the Police Reserve Officer and Fire Auxiliary, with the exception of the elected officials,

that we pay for on behalf of the employee, the \$5.00, subject to the examination of the statutes by the City Attorney and affirmation that it would be proper, that would provide them with a membership participation. Mayor Ashley explained that this was not a fee as there is no fee for participation. It would simply be a deposit to the account of the individual which would, in turn, make them full pledged members with all privileges. Councilman Jim Hutchinson moved for the approval of the credit union and the allotment of \$5.00 for each employee to be placed into the account, subject to the affirmation by the City Attorney that this would be proper action. The motion was seconded. Councilman Miller questioned if it would be a requirement that every employee participate, and Mayor Ashley answered that if we are authorized to make a deposit of \$5.00 in the account of the individual, and if the individual chose not to continue participation, can withdraw the \$5.00. Mayor Ashley said that our City Treasurer Ralph Allison reported that this could amount to around \$500.00. Councilman at Large Olaf Walker stated that he was in favor of the credit union, but he was concerned about the City making the \$5.00 initial deposit. Councilman Walker questioned if the City could deposit the \$5.00 for the employee to get his share into this credit union, and wanted to know how it would be handled, and if it would be considered as income to the employee? Also, Councilman Walker wanted to know if the \$5.00 or the share certificate become the certificate of the employee? Mayor Ashley answered that it would be considered a gift to the employee through the form of income. City Attorney Phillip Gaujot said that his first thought is that it can be done; there is nothing wrong with it. It is just another form of income. Mr. Gaujot said that the Treasurer Ralph Allison informed him that it would be considered as income to the employee. Mr. Gaujot said that Council would be giving the employee a \$5.00 raise earmarked for this credit union by way of payroll deduction. Mr. Gaujot added that this was his opinion without the benefit of any research. Councilman Walker asked if this would be an annually, and Mayor Ashley answered that it would not. Mayor Ashley explained that there was a \$5.00 deposit required in order to be eligible for active and full membership. There was a question as to how an employee would get their \$5.00 back and questioned if it was \$5.00 a share? Ms. Mallett responded that if an individual owned one share, they were a member. Mr. Gaujot asked how they determined the amount a person could borrow, and questioned if it was based on the amount the person has deposited. Ms. Mallett answered that the loan amount was based on the collateral and how long they have been employed. Ms. Mallett said that the original \$5.00 share to make an individual a member is actually the individual's money. If they wanted to close their account, they would get the \$5.00. Mayor Ashley added that some of the types of things for which the credit union would loan money is for automobiles, appliances, television sets and up to home mortgages. Councilman Walker asked the maximum loan on a home mortgage loan, and Ms. Mallett answered that it was \$50,000, and that she furnished the members of Council the terms and conditions of their loans. Councilman Joe Savilla asked that if we gave the present employees the \$5.00

for the credit union, would we be required to do this for any new employee, and Mayor Ashley that we would not as this action would not require we do the same thing for the new employees. The City Attorney Phillip Gaujot said that he didn't have the benefit of doing any research, but Council may want to give the \$5.00 and give the employee the option as there could be some problems of paying the \$5.00 and saying the employee will put it into the credit union. Mr. Gaujot suggested that we should give the employee notice that there is going to be \$5.00 earmarked for the credit union, and explain to them that if they do not elect to place their \$5.00 in this credit union in their name, it will be given to them. Councilman Walker agreed. Mayor Ashley told Mr. Gaujot that when he completed his research and make his recommendation, then if there is a way in that direction, then Mr. Gaujot should make that a part of his recommendation and then we will proceed accordingly. Councilman Walker asked Ms. Mallett if the credit union she represents, would be seeking membership outside of the Carbide plant at Institute, City of Dunbar and the City of Nitro, other than another town, and she answered that they do not solicit membership openly. She also said that payroll deduction is a mandated benefit that the Federal Government has placed on their credit union. Mayor Ashley said that for the record, he asked her for information, and she brought it down and met with them. So, it was an outgrowth of Mayor Ashley contacting her. Ms. Mallett said that Peoples Federal Credit Union have outgrown their quarters at Institute and they are searching for a location to build a credit union. She said that they liked their area, and liked Route 25 and they don't want to move very far from where they are now. She informed that they have received a certified appraisal on a piece of property located almost at the base of the Nitro-St. Albans bridge that used to be a car lot beside the former Pizza Inn, within the city limits of Nitro. She said that this property was subject to Board approval, subject to the offer they intend to make on the property, etc. Ms. Mallett said that if Council agrees that they do want credit union membership, it has to be approved by the Board of Directors. It also has to be approved by the National Credit Union Administration. Ms. Mallett said that they want to make sure that it is in the best interest of the City's employees and the best interest of our current members. So, based on those two approvals, the final approval would have to come out of Washington as to whether or not the City of Nitro employees are accepted into credit membership. Mayor Ashley said that our affiliation should not in anyway be tied to the credit union's proposed or planned acquisition of land or relocation of property in Nitro. Also, Mayor Ashley added that subsequent to his initial meeting with Laura, that we have in our staff meeting discussed with the department heads on at least two occasions, this attempt on our part to affiliate with a credit union. Councilman Walker asked Mayor Ashley if he anticipates City Government in any way in governing the credit union on behalf of the employees with the exception of the \$5.00 membership fee. Mayor Ashley answered, absolutely not, as he knew this was against the law. Chief C. R. Cochran commented that the Police Department have been wanting something like this

for quite a while. City Treasurer Ralph Allison asked Laura how often a statement was submitted to the employees informing them of their account status? She answered that at the present time, it was reported quarterly and at the end of the year, they are mailed the necessary form for income tax purposes. The City Attorney Phillip Gaujot said that there is a possibility that the City may have to shop around regarding the credit union, and he was concerned that it might violate one of the anti-trust laws in some way. Mayor Ashley requested that Mr. Gaujot advise us on those points as part of the motion. A vote was taken to affiliate with Peoples Federal Credit Union, subject to review of discussed questions about the City's participation and then the subsequent discussion and recommendation by Counsel to see if it is necessary that we continue searching for other potential affiliates, and it was unanimous. Mayor Ashley told Mr. Gaujot as soon as he could advise us if there is a problem, then we will back off and take it up at the next Council Meeting. If there is no problem with what we have proposed, then we will go forward as soon as we can make the arrangements.

AGENDA ITEM NO. 3 - ORD. 88- AN ORDINANCE REQUIRING THE PUBLIC TO USE SAFETY ROPES AT RIDENOUR LAKE WHEN WALKING OR FISHING ON ICE: - Mayor Ashley informed that this agenda item has been discussed and we have recognized the need. Councilman Joe Savilla said that the Council set down a list of rules and regulations for the lake and this was one of them. Mayor Ashley agreed that this was discussed in length, but we need to address one problem and that is that there is no way for them to tie off onto anything at the Lake. Mayor Ashley said that he discussed this with Gene Williams, the Director of Public Works, and he said that within a couple days he could have the stakes in the ground at Ridenour Lake, anchored with a ring on them that people could tie onto. We could put as many as two dozen around the perimeter of the lake. Mayor Ashley said that if we had that, then he thinks we would be on reasonable solid ground to require, as a regulation, that people tie onto that for their own safety until an ordinance is passed on the second reading. Mayor Ashley reported that last weekend there were between 50 to 100 people standing out on the lake in 55 degree weather, with the ice visably melting, in the middle of a rain, with some of the people standing directly over a spring, with children playing without parental supervision and running all over the place which he feels was dangerous and hazardous. Mayor Ashley said that if we put the posts there with the rings and regulations to not be secured with a tie line while ice fishing would be a violation of City Ordinances, at least it might save a life. Mayor Ashley said that he was very much concerned because people don't seem to always use good judgement. Mayor Ashley said that City Recorder Joan McClanahan was concerned about the safety in ice fishing on the lake, and a citizen came in asking if we couldn't require life jackets to be worn by people on the lake, but this would not resolve the problem. Mayor Ashley said that he was very fearful that we're going to have a serious accident out there. Councilman at Large Olaf Walker moved we approve the first reading of the ordinance. The motion was seconded. Councilman

Joe Savilla said that this has been one of his concerns for many years, and wants us to check on previous regulations. Mayor Ashley asked Mr. Gaujot if he had any comments on the subject as he did not get a chance to consult with him before putting it on the agenda this evening. Mr. Gaujot said that he knew that ice fishing in the northern part of the country is very popular, and he supposed they had fishing on city and privately owned lakes. He said that the only alternative to that is to prohibit ice fishing. Mayor Ashley said that he didn't think this Council wanted to do that. Mr. Gaujot said that if it is to be allowed, then we have to do whatever we can to make it safe. Mayor Ashley asked Mr. Gaujot if he thought the recommendation to require a safety tie line to be secured to a post on the shore is appropriate for the Council. Mr. Gaujot answered that it was appropriate because it might save a life. City Recorder Joan McClanahan said that they had discussed erecting signs stating, "At your own risk" and asked Mr. Gaujot if this would be of any help, and Mr. Gaujot answered it would be helpful if we had plenty of them and they were quite obvious to see, but it would only help from a limited standpoint. He explained that if a 5 year old child fell through the ice this would be different. Mr. Gaujot said that if anyone would drown as a result of falling through the ice that the City has allowed, or one could argue they were encouraged, then the City would probably be sued. Mayor Ashley said that he thought the only guidelines that DNR offers was that if the ice is 4 inches thick, it is considered safe. Mayor Ashley said that this leaves a lot of questions unanswered, such as does the 4 inches take care of 10 people at 200 pounds a piece in a 20 square foot area, because they all tend to go to the same spot. A vote was taken to approve the first reading of the ordinance, and it was unanimously approved. Mayor Ashley said that with the installation of the posts and signs he would like to inform the ice fishermen and enforce the regulations even before the passing of the second reading of the ordinance without penalty. Councilman Walker suggested that we put a sign up saying, "Get off the ice and stay off of the ice". Mayor Ashley said that he wanted to go on record of being against that, because he knows how many ice fishermen like to fish on that lake. Mayor Ashley said that we will refine the ordinance before the second reading and welcome any advise and suggestions from the Department of Public Works, Police Department and legal counsel.

AGENDA ITEM NO. 4 & 5 - 1988 BUDGET - NITRO FIREMEN'S AND NITRO POLICEMEN'S PENSION BOARDS: - Mayor Ashley stated that these two agenda items relate to the Pension Board's budget proposal for the calendar year of 1988 from each the Fire Pension and Police Pension Boards. By way of comment, the request of the Chair was that the Council move to accept into the record of the City the budgets of the two reports. Councilman at Large Olaf Walker moved we accept into the record of the City, the budgets of the two reports. The motion was seconded. Mayor Ashley pointed out that the disbursements of the Fire Pension Board were greater than last years budget projection because of two retirements, and the disbursements of the Police Pension

Board were less than might have otherwise been expected and those are reflected in each of the two pension boards by the City and through the Treasurer's office. Councilman at Large Olaf Walker questioned the reason for the asterisk beside of some of the names. The City Treasurer Ralph Allison explained that any pensioner making under \$500. gets a 2% raise each year. A vote was taken and it was unanimous and so ordered.

SEE ATTACHED.

AGENDA ITEM NO. 6 - ELECTION OFFICIALS: - City Recorder Joan McClanahan furnished a completed list of election officials for the levy election to be held on February 9, and moved they be accepted. The motion was seconded. She informed that some of the officials have already been approved by Council, and there have been some changes. Mayor Ashley asked what if there is a need for further change? Do we let the City Recorder make it? Council agreed that this would be necessary as the election will be held before the next Council Meeting if the next item on the agenda is approved. City Recorder Joan McClanahan informed that there will be a training session for the election officials scheduled for Monday, January 25, at 7:00 p.m. All election officials are being notified by letter that it is mandatory now that they attend the training session. The City Attorney Phillip Gaujot will assist with the training session. A vote was taken for the approval of the election officials as identified, and it was unanimous.

LIST OF OFFICIALS ATTACHED.

AGENDA ITEM NO. 7 - FEBRUARY, 1988 COUNCIL MEETING DATES: - City Recorder Joan McClanahan said that she included in Council's folders a copy of the State Code that applies which says that the City Council is the ex officio board of canvassers of which she was sure they were all aware. She suggested that in order to avoid having three council meetings in February, to change the February 2, to Thursday, February 11, at which time the Council could ascertain and declare the results of the Levy Election as this must be done within 5 days. City Recorder Joan McClanahan then moved that we change the regularly scheduled Council Meetings from February 2, and February 16, to February 11, and February 23. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 8 - SOLICITATION PERMIT - HOLY SPIRIT ASSN.: The City Recorder Joan McClanahan shared a request for a solicitation permit with members of Council. She informed the solicitation permit says the Holy Spirit Association for the Unity of World Christianity. However, the card the gentlemen left with her stated The Unification Church of WV. City Recorder Joan McClanahan advised that they do have a WV license with the State, as well as a letter from the U.S. Treasury Department informing that based on the evidence submitted, they are exempt from Federal Income tax as an organization. After a lengthy discussion, and the request being unique as it was requesting the

proposed dates for solicitation from January 20, to December 31, 1988, Councilman A. A. "Joe" Savilla moved we table this agenda item until such time as the application is amended to 30 days for the proposed dates for solicitation. A vote was taken and it passed unanimously. Mayor Ashley requested the City Recorder Joan McClanahan inform the gentleman that the matter was tabled because of concerns Council had about the specific issues that were raised, quantifying their answer and the length of time required because we have not in the past given such latitude to anyone else.

AGENDA ITEM NO. 9 - PLANNING COMMISSION MINUTES (1-22-88) - Councilman Jim Hutchinson read the Planning Commission minutes of January 22, 1988 in its entirety and moved that this request be granted. Mayor Ashley said that the Planning Commission serving as an advisory commission to this Council has recommended that the Council allow their recommended change as requested. The motion was seconded. Councilman Jim Hutchinson informed that Mr. Howard Martin wanted to purchase the property identified as Parcel A which consists of 10,128 square feet. A vote was taken and it was unanimous. The action of the Planning Commission is confirmed and their recommendation adopted by Council.

PLANNING COMMISSION MINUTES ATTACHED.

AGENDA ITEM NO. 10 - PROC. 88-2 MARCH OF DIMES 50TH ANNIVERSARY - Mayor Ashley read the proclamation declaring 1988 as March of Dimes 50th Anniversary Year, subject to Council's confirmation and approval. Councilman A. A. "Joe" Savilla moved for the approval of the proclamation. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION 88-2 ATTACHED.

AGENDA ITEM NO. 11 - WATER INTAKE PROPERTY APPRAISAL: - Mayor Ashley said that we had interest expressed in the property that's identified as the water intake property, and from time to time, the Smith Street Landfill. We own two parcels of land. Mayor Ashley assigned Councilman Charles Miller to work with the At Large Councilmembers and establish an appraised value, so that this Council could address whether or not they wish to make that property available on the open market to interested parties. Councilman Miller said that he was asked to obtain three appraisals on the properties, one being the water intake building and the land surrounding it consisting of 1/3 of an acre, plus the fenced landfill itself, and then the two combined. Councilmembers were furnished a copy of each. Councilman Miller said that he went with Bob Sergeant, the Building Inspector, and talked with Bill Pittman and he did the appraisals. Councilman Miller stated that Mr. Pittman did a lot of work, and said that Mr. Pittman said that it was the only property like it that he knew of. Mr. Pittman gave us an appraisal of \$35,000 for the intake building and the land surrounding it, \$60,000 for the landfill property and \$100,000 for both parcels. Mayor Ashley questioned the appraisal stating \$35,000 and asked if Mr. Pittman

appraised the building as the last sentence in the letter stated, no value was given to the building. Councilman Miller answered that Mr. Pittman did look at the building. He said Mr. Pittman commented that there would have to be a lot of work done to this before anything could be accomplished with it. Councilman Miller said that some people might look at it and feel it is the right structure for their purpose. Mayor Ashley said that he had assumed that the building would be worth quite a bit. Councilman Charles Miller moved that the combined properties be made available for sale for a price of not less than \$100,000. The motion was seconded. Mayor Ashley said that this could be handled by way of sealed bids or public auctions. He said that he felt sealed bids would be better. Councilman Charles Miller who made the original motion and the Councilmember seconding the motion accepted the inclusion of a sealed bid technique. Councilman at Large Olaf Walker said that he could see this property being worth more than \$100,000. Councilman A. A. "Joe" Savilla agreed, and said that when Mr. Pittman didn't place a value on the building, it bothered him. Mayor Ashley said that regarding the Smith Street Landfill, he received a report today from ERT Engineering Company. The essence of the report is covered in ERT's cover letter, wherein it says that no time during their field investigation was any seeps observed and none of the air or water samples showed any detectable levels of phenol or dimethylphenol. Also, in the diagram they have areas wherein the surveys were taken on a map, and encouraged Council to review this at their leisure because it shows they did extensive examination in terms of numbers of location. Copies of cover letters were shared with Councilmembers. Councilman at Large Olaf Walker asked the City Attorney Phillip Gaujot if we sell the property would it be fee simple or just surface. Mr. Gaujot said that the City could only sell what they have and are allowed to sell. He said that he didn't know who owned below the surface, but if the City owned below the surface that they could sell it or they could retain it. Mayor Ashley pointed out that the property is not zoned for commercial use at the present time. Mayor Ashley said that there are a lot of questions for which we must find the answers before we do any advertising. We have two parcels of land, and each are zoned differently. The question for legal counsel and members of this Council would be to consider what would be the best approach to take with regards to addressing that concern. Mr. Gaujot answered that we might want to leave it alone at this time as someone might want to put a house on it. Mayor Ashley said that with the provision that the schedule to offer to sell the property would be passed through legal counsel for structure, in terms of the necessary legal ads, public hearings, etc. which was understood with the motion and the second. Councilman Savilla said he, along with Councilman Walker, have a concern about the subterranean part of that land. Mayor Ashley said that he thought that what we could find is that we can sell the land and the subsurface land and all the chemicals that are under there, but we can't sell our responsibility for having allowed the material to be put in there. So, if there is liability attached to that property, we cannot sell away the liability for having it put in there.

Councilman at Large Olaf Walker said that he thought Mayor Ashley was right, but also it might be safer for the City to keep the property fenced and keep it. Mayor Ashley said that they have gone further just to get back to zero with this piece of property than anything he has ever experienced. Councilman at Large Olaf Walker said that he thought we should try to sell the liability too. Mayor Ashley said that what he thought we would have to be guided by legal counsel. A vote was taken that we sell both parcels of land as one, subject to review and structure by legal counsel for a minimum price of \$100,000 by way of sealed bids subject to that we may refuse all bids, and it was unanimous. Mayor Ashley thanked Councilman Charles Miller for his efforts on behalf of the Council for Chairing the group on the water intake property appraisal. Councilman Miller answered that he had a lot of help.

AGENDA ITEM NO. 12 - REQUEST FROM THE BROOKHAVEN GARDEN CLUB REGARDING PARTIAL PAYMENT OF GAS BILL FOR ENTRANCE LIGHT: - Mayor Ashley said that the City had placed a moratorium on adding lighting in the City, but in every case, there are always exceptions. When Brookhaven was built in the 60's, and sometime subsequent to that, they had designed into the entrance gas lights on either side of the entrance of Brookhaven. In the past, through an arrangement that they made with the City prior to any of our personal involvement in city government, there was some kind of an arrangement made wherein the City shared the cost of that lighting. To be consistent with other lighting that the City has paid for in the past, and shared in the past, it would not be improper for the City to cover the cost of the gas lighting at Brookhaven. Mayor Ashley said that it is not the personal property of any individual resident insofar as he knew, and Council has been asked by the Garden Club of Brookhaven to pay for half of the lighting cost. Mayor Ashley said that he has bills from the past which averages something under \$20 a month. Councilman A. A. "Joe" Savilla moved that the City pay the entire gas bill for the entrance lights to Brookhaven. The motion was seconded. Councilman Walker said that there were related expenses pertaining to the gas lights such as mantles, and wanted to know who pays these expenses. Mayor Ashley said the husband of the President of the Brookhaven Garden Club has said that he has the tools, equipment, interest, desire and knowledge to see to it that the gas lights have new mantles put in. Mayor Ashley said they also need a new meter, and the Garden Club will need to take care of doing that also. Councilman Walker said that he wasn't opposed to paying this, but wanted to point out that we could probably go in there and put an electric light with a 100 watt light bulb and this would probably be equivalent to a 40 watt light bulb now for less than half of the bill. Mayor Ashley said that the residents prefer to have gas lights at their entrance. Councilman Savilla commented that he said that is why they volunteered to pay half, because they figured they could probably have electric for about half of the cost of gas. A vote was taken that the City absorb the cost of the gas lights at the entrance to Brookhaven Subdivision, and it was unanimous.

Councilman Jim Hutchinson reported the Valentine Circle sign is missing, and Eve Frazier said that she mentioned this to the Assistant Director of Public Works Larry Angell and he said that they would take care of it.

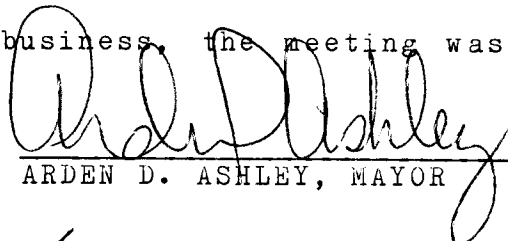
COMMITTEE REPORTS:

1. PICNIC TABLES: - Gene Williams, Director of Public Works, reported that the Seabees built eight real nice picnic tables for the lake over the weekend. Councilman Charles Miller added that the Seabees had some good men and they worked hard under the supervision of Gene Williams and made eight picnic tables. Also, Mr. Williams spent money for lumber which was charged to his department, and Councilman Miller said that he would like to have this removed from his department expense and charged to Recreation or the correct department. Mayor Ashley asked how much money above the \$300, and Mr. Williams informed that it was \$328. Mayor Ashley asked Councilman Miller if his request was for us to find a place to allocate those expenses in this years budget, and Councilman Miller said this was correct. Mayor Ashley said this task would be assigned to our City Treasurer Ralph Allison. Councilman Miller reported that the Seabees told Gene that this was the best place that they had worked, and to contact them if we had anything else we would like for them to do.

2. LIBRARY BOARD REPORT: - Councilwoman at Large Mary Trout reported that the Library Board held a meeting on January 18, and the Library would move out of the temporary quarters back into the regular building this Saturday. Councilwoman Trout said they could use help, and especially the assistance of men because the books were heavy. The moving will start around 12:30 p.m. She also reported that they are also establishing a group known as Friends of the Library which is a support group. She advised that this is not the Library Board itself, but a group of people who will meet next Monday night, January 25, at City Hall in the Conference room. Shirley Smith from the State Library Commission is scheduled to meet with them. Councilwoman Trout said that there will be committees formed to work throughout the town. She said that some will possibly be committees that will include tutoring for children in school that need assistance with math, science, etc. Also, they will try to help with the literacy problem, and will encourage older people to come on certain days for help. Also, another committee will be responsible for fund raising, and reported that they have been offered money from two organizations already. They will establish a bank account for the Friends of the Library, which will still be a support group but not a part of the City budget. Reports of monies received will be reported to Council. Councilwoman at Large Mary Trout announced that they are getting ready to begin writing a grant, and the Librarian will talk with John Romano as he has a lot of expertise in this area. Councilwoman Trout said that there is some federal money which is available on a 50-50 matching basis, and they would probably have to come up with \$50,000. This amount was an estimate that the Librarian, Carolyn Atkinson,

received on expanding our Library. Councilwoman Trout said that she felt that all members of Council knew that we have been trying to become a branch. In order to become a branch, there is a list of things that the Kanawha County Library expects us to do, and one of the things is to increase our square footage. Councilwoman at Large Mary Trout said that as she receives further information on the grants, etc. she would share it with Councilmembers. Mayor Ashley thanked Councilwoman Trout for the good work the library is doing. The grand opening of the Library and ribbon cutting is scheduled for Monday, January 25, at 1:00 p.m.

There being no further business, the meeting was adjourned at 9:15 p.m.


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 88-

AN ORDINANCE REQUIRING THE PUBLIC
TO USE SAFETY ROPES AT RIDENOUR
WHEN WALKING OR FISHING ON ICE

WHEREAS, there has been an increase in the people using Ridenour Lake during the winter when it is iced over, and

WHEREAS, throughout the year it is difficult to monitor the thickness of the ice, and

WHEREAS, there is danger of the ice breaking and someone being injured or drowned, and

THEREFORE, BE IT ORDAINED by the City Council of the City of Nitro, WV requires that all persons, walking or fishing on Ridenour Lake, must use safety ropes tied around them and attached to anchors on the shore.

Passed by the City Council of the City of Nitro, this ____
day of _____, 1988.


ARDEN D. ASHLEY, MAYOR

JOAN C. MCCLANAHAN, RECORDER

FIRST READING

SECOND READING

242

NITRO FIREMEN'S PENSION BOARD MEETING MINUTES

JANUARY 12, 1988

The Nitro Firemen's Pension Board meeting was called to order by Mayor Arden D. Ashley at 9:07 a.m. in Conference Chambers. Present were City Recorder Joan C. McClanahan, Board Members: Captain J. L. Stover, Sgt. Steve Hardman, and Sgt. E. W. Hedrick, II. Also present were City Treasurer Ralph Allison and Pansy Armstead, Secretary of the Firemen's Pension Board. Absent was Fireman Paul Frank Strohl.

APPROVAL OF DECEMBER 8, 1987 FIREMEN'S PENSION BOARD MINUTES:
Captain J. L. Stover moved for the approval of the December 8, 1987 Firemen's Pension Board Meeting as written. The motion was seconded by Sgt. E. W. Hedrick, II. A vote was taken and it was unanimous.

It was brought to the attention of the Board that the action taken on the appointment of Sgt. Steve Hardman to the Firemen's Pension Board should be modified. City Recorder Joan McClanahan advised that at the meeting on December 8, 1987, that she stated Sgt. Hardman would fill Lt. Faulknier's unexpired term which would expire March, 1990 which is incorrect. After research, City Recorder Joan McClanahan informed that according to the City Code, Sec. 10-43 states that the members of the Firemen's Pension Board shall choose the successor or successors until the next annual election at which latter time all vacancies shall be filled. Mayor Ashley added that at this time there will actually be an election of two people, one would be to complete the unexpired term of Lt. Faulknier and the other would be the annual vacancy. The December 8, Firemen's Pension Board Meeting Minutes has a footnote referring to this correction. Therefore, at the next annual election to be held on the second Monday in March, 1988, there will be two board members elected.

FUNDS RECEIVED FROM THE STATE OF WV: - City Treasurer Ralph Allison reported that he has checks amounting to \$36,000 from the Treasurer of the State of WV payable to the Nitro Firemen's Pension Fund which represents their contribution or their insurance proceeds for the remainder of 1986 and part of 1987 and asked for directions on what to do with these funds. City Treasurer Ralph Allison reported that the Firemen's Pension Board has a CD with Citizens which will mature March 9, earning approximately 6.30%. Mr. Allison said that he checked with the State Investment Pool this morning and they are currently paying 3%. After discussion, Sgt. Steve Hardman moved we deposit these funds with the State Investment Pool. The motion was seconded. A vote was taken and it was unanimously approved.

FINANCIAL STATEMENT: - City Treasurer Ralph Allison distributed a copy of the summary of what has happened with regards to Firemen's Pension funds for the calendar year ending December 31, 1987 to Board Members present. Also included on the report was the individual fund status of each member. All

members of the paid fire department are vested as they have been with the department 5 years with the exception of R. King. Sgt. Steve Hardman moved we accept the figures into the record offered by the Treasurer. The motion was seconded. A vote was taken and it was unanimous.

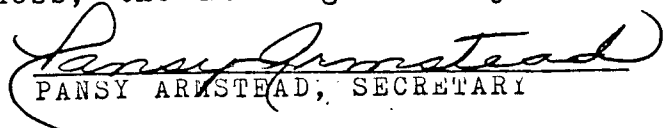
STATEMENT ATTACHED.

ACTUARIAL VALUATION AND 1988 BUDGET: - City Treasurer Ralph Allison shared a copy of the actuarial study as of July 1, 1987 with the Board Members, and called their attention to the page which showed the expected contributions for the year of \$55,515. Mr. Allison said that based on this, he would estimate that approximately 29,000 to \$30,000 would come from the State, about \$10,000 from the Firemen and the rest would come from the City. By way of further discussion, Mr. Allison said that based on the information submitted on the budget, it looks like the contribution to the fund would require more money than was indicated. Mr. Allison said that the board might want to consider having another actuarial study done because he feels that there were some things done after the information was compiled for this study that would affect the contribution. Mr. Allison said that he hadn't checked with the company doing the study, but since they just completed this one they might give us a better rate. Mayor Ashley mentioned that on the projected 1988 budget, there was a listing of the proposed expenditures, but the estimated revenues were not listed. City Treasurer Ralph Allison said that the budget report didn't include the revenues in the past, but he could get together with the board members and add this. Mayor Ashley said that they could or they may submit this as a rule of thumb budget, as there is a statutory provision that the City Council approve the budget for the calendar year. Sgt. Hardman said that the Board had discussed including into the budget, funds to pay for a physical every year, and Mayor Ashley said that in his opinion, this wouldn't be the Pension Board's responsibility. Mayor Ashley said that he didn't see a physical examination being a proper function of the Pension Board, and feels this would be an improper expense. A discussion followed regarding physical examinations for firemen. Captain Stover moved we accept the budget figures as presented and submit it to Council for approval. The motion was seconded. A vote was taken and it was unanimous.

PROJECTED 1988 BUDGET EXPENDITURES ATTACHED.

The question as to the request for another actuarial study will be discussed later. Captain Stover requested that the City Treasurer Ralph Allison inform the Board Members of the best time to have another actuarial study started. A copy of the actuarial study will be given to the Pension Board members.

There being no further business, the meeting was adjourned at 9:41 a.m.


PANSY ARMSTEAD, SECRETARY

NITRO FIREMEN'S PENSION FUND

DECEMBER 31, 1987

RECEIPTS

INTEREST INCOME	9,639.19
FIREMEN'S CONTRIBUTION	10,637.42
CITY'S CONTRIBUTION	12,499.16
	<u>32,775.77</u>

DISBURSEMENTS

PENSIONS AND DISABILITY	55,660.29
SECRETARY	300.00
MEDICAL EXPENSES	<u>908.00</u>
	56,868.29

EXCESS DISBURSEMENTS OVER RECEIPTS

24,092.52

ASSETS

CASH IN BANK	3,662.08
CERTIFICATE OF DEPOSIT	67,580.00
INVESTMENT POOL	<u>500.00</u>
	71,742.08

ACCUMULATED CONTRIBUTIONS

J. STOVER	15,772.10
S. HARDMAN	9,925.85
E. HEDRICK	7,839.71
P. JONES	10,889.67
F. STROHL	9,812.95
R. KING	<u>2,174.46</u>
	56,414.74

NITRO FIREMEN'S PENSION & RELIEF FUND BUDGET

1980

Clyde Harris	\$ 6,789.72 *
C. M. McDaniel	6,236.28 *
D. Rawlings	6,236.28 *
K. King	7,118.16 *
J. Raynes	13,248.36
E. W. Hedrick	17,150.60
R. L. Faulknier	12,117.72
Secretary	300.00
Misc. Expense	300.00
Acturial Study	1,750.00

TOTAL:	71,227.12
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10% FOR INVESTMENT	7,122.71
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TOTAL:	\$ 78,349.83
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*INCLUDES 2% PRICE INDEX

NITRO POLICEMEN'S PENSION BOARD MEETING MINUTES

JANUARY 12, 1988

The Nitro Policemen's Pension Board Meeting was called to order by City Recorder Joan C. McClanahan. Board Members present were: Lt. Gary Blankenship and Ptl. Jack Jordan. Also present were City Treasurer Ralph Allison and Pansy Armstead, Secretary of the Policemen's Pension Board. Absent were Mayor Arden D. Ashley, Ptl. Michael Chatterton and Ptl. John Joyce.

APPROVAL OF THE PENSION BOARD MEETING MINUTES OF DECEMBER 8, 1987: - Lt. Gary Blankenship moved that the Pension Board Meeting Minutes of December 8, 1987 be approved as written. The motion was seconded by Ptl. Jack Jordan. A vote was taken and it was unanimous.

FUNDS TO BE RECEIVED FROM THE STATE: - City Treasurer Ralph Allison reported that the Policemen's Pension Fund will be getting, within the next two weeks, around \$25,000 from the State, which is part of the State's contribution. City Treasurer Ralph Allison said that as the Pension Board Members were aware, they have a CD at Citizens earning around 6.30% which matures March 9, 1988. Mr. Allison inquired as to how or where they wanted the money invested that they will receive from the State. Mr. Allison said that he checked with the State Investment Pool this morning, and they are currently paying 8%. Mr. Allison reported that the Fire Department instructed him to deposit their funds with the State Investment Pool, but they are in a little bit of a different situation then the Policemen's Pension Fund. Lt. Blankenship wanted to know the amount they would have after receiving the \$25,000, and Mr. Allison informed that it would bring their account up to \$93,000. Mr. Allison told the members of the Pension Board to keep in mind that their money is available to them at any time from the State Investment Pool. Mr. Allison said that he didn't feel we should take any action at this time as far as the CD at Citizens is concerned. After a short discussion, Lt. Gary Blankenship moved we invest the money with the State Investment Pool. Ptl. Jack Jordan seconded the motion. A vote was taken and it was unanimously approved.

FINANCIAL STATEMENT: - City Treasurer Ralph Allison distributed a copy to the Pension Board Members of the summary of their funds during the calendar year of 1987. Also included on the report was the individual fund status of each member. Lt. Blankenship requested the City Treasurer Ralph Allison furnish each member the fund status of their individual account quarterly and he agreed to do so. Ptl. Jack Jordan asked City Treasurer Ralph Allison about the City's contributions, and Mr. Allison advised that the City is under obligation to put what ever funds it has to in order to keep the funds actuarially sound after deducting the officer's contribution and the state's contribution. Ptl. Jack Jordan moved we accept the figures offered by the City Treasurer into the record. Lt. Gary Blankenship seconded the motion. A vote was taken and it was

unanimous.

STATEMENT ATTACHED.

ACTUARIAL VALUATION: - City Treasurer Ralph Allison shared a copy of the actuarial study as of July 1, 1987 with the Board Members, and informed them that according to the study the amount of \$41,891 will have to go in this fund for the calendar year of 1987. Mr. Allison said that he would anticipate that they will receive around \$25,000 from the State, and last year from the policemen \$12,600 and the City would be required to put \$4,291. Lt. Blankenship asked if the department had more manpower, would the figures stay the same or increase? Mr. Allison explained that it would stay the same until another actuarial study is made. Mr. Allison informed the Policemen's Pension Board members that there was a discussion in the Firemen's Pension Board meeting the possibility of having another acturial study done. According to the requirements, an acturial study must be done every three years. Lt. Blankenship said that he didn't think we should have this done every year, as every three years is fine with him. City Recorder Joan McClanahan asked the City Treasurer Ralph Allison if he felt there was a need for them to have another one at this time, and Mr. Allison said that he didn't at at this time as their fund is in good shape. A copy of the actuarial study was given to each Board member.

1988 BUDGET OF EXPENDITURES: - City Treasurer Ralph Allison said that according to the information submitted on the 1988 budget, it would appear they will have excess receipts over disbursements again for this year. Ptl. Jack Jordan moved we accept the budget figures as presented and submit it to City Council for approval. The motion was seconded. A vote was taken and it was unanimous.

PROJECTED 1988 BUDGET EXPENDITURES ATTACHED.

Ptl. Jack Jordan said that he feels we should withdraw the certificate at Citizens Bank when it matures, and place it in the account with the State Investment Pool. City Treasurer Ralph Allison said that this would be his recommendation unless something drastic happens. A meeting will be scheduled prior to March 9, 1988 to act on this matter.

The annual election for a board member will be the second Monday in March which is March 14.

There being no further business, the meeting was adjourned at 10:34 a.m.


PANSY ARMSTEAD, SECRETARY

NITRO POLICEMEN'S PENSION FUND

DECEMBER 31, 1987

RECEIPTS

INTEREST INCOME	7,089.02
POLICEMEN'S CONTRIBUTIONS	12,613.75
J. JOYCE REPAYMENT	3,245.97
CITY'S CONTRIBUTIONS	<u>2,500.00</u>
TOTAL:	25,448.74

DISBURSEMENTS

PENSIONS	22,186.32
SECRETARY	300.00
SERVICE CHARGES	<u>10.00</u>
TOTAL:	22,496.32

EXCESS RECEIPTS OVER DISBURSEMENTS

2,952.42

ASSETS

CASH IN BANKS	4,956.61
CERTIFICATE OF DEPOSIT	63,055.00
INVESTMENT POOL	<u>500.00</u>
	68,511.61

ACCUMULATED CONTRIBUTIONS

G. BLANKENSHIP	11,268.03
B. ANGELL	7,352.83
J. JORDAN	8,387.05
D. DEAN	9,200.98
T. THOMPSON	4,862.44
M. CHATTERTON	3,572.36
R. COON	3,202.42
G. WINTER	2,218.23
J. JOYCE	1,434.91
J. JOYCE (REPAYMENT)	<u>3,245.97</u>

54,745.22

NITRO POLICE PENSION & RELIEF FUND BUDGET

1988

Kenneth Webb	\$ 9,859.80
Ada Post	3,741.72 *
Shelby Harrison	10,408.32
Secretary	300.00
Misc. Expense	125.00
Acturial Study	1,750.00
TOTAL:	26,184.84
10% FOR INVESTMENT	2,618.48
TOTAL:	\$ 28,803.32

* INCLUDES 2% CONSUMER PRICE INDEX

NITRO MUNICIPAL LEVY ELECTION
FEBRUARY 9, ~~1987~~ 1988
ELECTION OFFICIALS

PRECINCTS 22 - 23

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 401

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 402

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 403

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 406

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 408

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

NITRO PUTNAM ELEMENTARY SCHOOL

ALICE WOODALL - 3509 35TH ST.
BETTY FORTNEY - 3411 34TH ST.
WANDA THOMPSON - 3953 39TH ST.
ETHEL HALL - 4116 41ST ST.
ANN LLOYD - 2922 29TH ST.

NITRO HIGH SCHOOL

JOAN STEPHENS - 111 BROOKHAVEN DR.
KATHERINE WEAVER - 110 BROOKHAVEN CIR.
CHARMAINE MAZZEI - 1 BARRINGTON RD.
MICHAEL STEPHENS - 111 BROOKHVEN DR.
CHARLOTTE MILLER - 2151 21ST ST.

NITRO HIGH SCHOOL

BARBARA SMITH - 1124 11TH ST.
JANET TAUSCHER - 17 21ST ST.
TILLIE MYNES - 58 21ST ST.
VIRGINIA HUNTER - 2511 25TH ST.
IRIS ASHLEY - 2610 26TH ST.

NITRO ELEMENTARY SCHOOL

ISABELLE HUDNALL - 1522 15TH ST.
JESSIE RAYNES - 1123 11TH ST.
RUTH CARPENTER - 1022 10TH ST.
MRS. EZELLA PERRY - 2122 21ST ST.
INA HOLLEY - 1524 15TH ST.

BAKER ELEMENTARY SCHOOL

SYLVIA PULLINS - 1429 W. 14TH ST.
DOROTHEA BARTOE - 101 LAYNE AVENUE
POLLY TUCKER - 103 LAYNE AVENUE
REVA CALDWELL - 6 SMITH ST.
HANK EDWARDS - 9 MAIN AVENUE

USWA LOCAL UNION 12610

IRIS MILES - 708 MAIN AVENUE
DORTHA BUCKHEIMER - 306 DUPONT ST.
BONNIE JONES - 200 JUNIPER ST.
CAMELLA BROWN - 901 WASHINGTON AVE.
LENA PAINTER - 306 DUPONT ST.

ELECTION OFFICIALS
PAGE TWO

PRECINCT 409

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 411

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

POTTERY PLUS

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

POTTERY PLUS

DOROTHY HUDSON - 105 KANAWHA AVE.
OLLIE HANCOCK - 711 KANAWHA AVE.
SUE GOODWIN - 103 CLEVELAND AVENUE
KARI JARRELL - 701 KANAWHA AVE.
JEWELL HICKS - 704 KANAWHA AVE., S

PLANNING COMMISSION

CITY OF NITRO

January 11, 1988

The Planning Commission of the City of Nitro, WV met at 7:00 p.m., January 11, 1988 in City Council Chambers. The meeting was called to order by Chairperson, Margaret Hudson. Other members present were: Joan McClanahan, Dave Miller, Jim Hutchinson and Dr. Guy Cassell.

A request from F.B. Donohoe to divide a parcel of land he owns on Erwin Drive into two lots was considered. Since each of the two parcels meets all of the city requirements, a duly made and seconded motion to divide the property as desired--see attached map--carried.

There being no additional business, the meeting was adjourned.

Margaret A. Hudson
Margaret A. Hudson, Chairperson

DECEMBER 23, 1967

MS. MARGARET HUDSON
CHAIRPERSON
NITRO PLANNING COMMISSION
105 KANAWHA AVENUE, SOUTH
NITRO, WEST VIRGINIA 25143

DEAR MS. HUDSON:

I OWN A PARCEL OF LAND THAT FRONTS ON ERWIN STREET IN THE
CITY OF NITRO. I WOULD LIKE TO SUBDIVIDE THIS PARCEL AS
SHOWN ON THE ENCLOSED MAPS. PLEASE PRESENT THESE MAPS TO
THE PLANNING COMMISSION AT YOUR EARLIEST CONVENIENCE.

SINCERELY,

F. E. Donohoe

F. E. DONOHOE





NITRO, WEST VIRGINIA 25143
(304) 755-0701

PROCLAMATION 88-2
ART ASHLEY
MAYOR

1988 - MARCH OF DIMES 50TH ANNIVERSARY YEAR

WHEREAS, the March of Dimes Defects Foundation is celebrating its 50th anniversary as a voluntary health organization working to assure healthy lives for America's children and prevent disability and illness; and

WHEREAS, the March of Dimes was founded in 1938 to raise funds through the efforts of thousands of volunteers to support the development of a vaccine that virtually eliminated the crippling human toll of polio, and

WHEREAS, for the past 50 years the March of Dimes has been a pioneer in preventing birth defects, the nation's number one child health problem, through research, education and health care programs, and

WHEREAS, the march of Dimes commitment to improving maternal and child health care has helped to reduce the incidence of birth defects, low birthweight and infant mortality, and

WHEREAS, our hope for assuring future generations of children a healthy start in life depends on the efforts and commitment of all our citizens,

NOW, THEREFORE I, Mayor Arden D. Ashley, declare 1988 as March of Dimes 50th Anniversary Year and urge all residents of the City of Nitro to celebrate this year by supporting March of Dimes efforts to prevent birth defects.

Passed by the City Council of the City of Nitro this 19th day of January, 1988.


ARDEN D. ASHLEY, MAYOR

LIVING MEMORIAL TO WORLD WAR I

CITY OF NITRO
COUNCIL MEETING MINUTES

FEBRUARY 11, 1988

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 McClanahan, Councilman at Large Rusty Casto (arriving at 8:10 p.m.), Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman Bob Evans, 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 THE JANUARY 19, 1988 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the January 19, 1988 Council Meeting Minutes. The motion was seconded. Councilman Charles Miller explained that in answer to Mayor Ashley's question on page 8 of the Council Meeting Minutes, under agenda item 11, that he did have the appraiser to appraise the building and the land surrounding the building plus the landfill. The structure and land were appraised together. Also, on page 9 under the same agenda item, Councilman Savilla was concerned that a value hadn't been placed on the building, but Councilman Miller advised that the appraiser did include the building. Therefore, for clarification purposes, the appraisal does include the building and the ground. A vote was taken for the approval of the minutes, with the noted exceptions, and it was unanimous.

AGENDA ITEM NO. 2 - APPROVAL OF JANUARY 30, 1988 SPECIAL COUNCIL MEETING MINUTES: - City Recorder Joan McClanahan moved for the approval of the Special Council Meeting Minutes of January 30, 1988 as written. The motion was seconded. A vote was taken and the minutes were unanimously approved.

AGENDA ITEM NO. 3 - CITIZEN OF THE MONTH: - A tradition of the Council is that on the first meeting of each month we take the occasion to recognize and identify someone from the ranks of our citizens to be our Citizen of the Month. Mayor Ashley said that as often as not, this announcement comes as somewhat of a surprise to the honoree, which is the case this evening. Mayor Ashley informed that there are a lot of reasons why this person should be named the Citizen of the Month. He has served this City as a member of Council, he has served this community in a variety of ways, and more recently served as one of the major election officials in the City's Levy Election that just took place. In fact, we told him that is why we wanted him to attend the Council Meeting tonight. Also, he has recently been named to the position of President of the KRT Board. Mayor Ashley proudly announced that the Citizen of the Month for February, 1988 is Dr.

Guy Cassell. Congratulations and a round of applause were given to Dr. Cassell. Dr. Cassell expressed his appreciation for this award.

Mayor Ashley suggested we bring agenda item number 8 as the next item of business.

AGENDA ITEM NO. 8 - RES. 88-1 - KVRTA APPOINTMENT: - Mayor Ashley read the resolution asking this Council to certify Dr. Guy Cassell's appointment to the KRT Board. Councilman at Large Olaf Walker moved we adopt the resolution. The motion was seconded. A vote was taken and it was unanimously approved. Mayor Ashley told Dr. Cassell that we would inform the KRT Board of this action by the Council on his behalf. Again, Mayor Ashley thanked Dr. Cassell, not only for serving as a member of the Board but being our Citizen of the Month. Mayor Ashley said that Dr. Cassell has done a great service to this community.

PROCLAMATION 88-1 ATTACHED.

AGENDA ITEM NO. 4 - COMMERCIAL INSURANCE COMPANY: - City Recorder Joan McClanahan said that as most of the Councilmembers were aware, our liability insurance for the City expires February 20, 1988. By changing the Council meeting dates, this is a matter that has to be addressed tonight. At this time, City Recorder Joan McClanahan yielded this agenda item to our City Treasurer Ralph Allison for his explanation. City Treasurer Ralph Allison introduced Deborah Roach and Mr. Frank Bare from Commercial Insurance Co. City Treasurer Ralph Allison asked Mr. Bare to make a presentation of our insurance program. Mr. Bare told Council that as Council knew, insurance is a significant item in our budget which amounts to approximately \$48,000 a year for the property and casualty insurance. Mr. Bare said that he could remember the time, 10 or 12 years ago, when he would come to Nitro and there would be 10 or 12 insurance agents and companies bidding on this account when municipality insurance was competitive. Due to a lot of enviromental situations and a lot of court liability situations, it became less and less attractive and it was much higher than this a few years ago. It caused the legislature to be concerned with it, and the legislature set up a mechanism for those municipaliites that found it impossible to buy insurance or to buy it on a reasonable basis. Many municipalities did have to go with the State, because there was no other market available. Mr. Bare said that the City of Nitro has been fortunate in the last several years in having a fairly steady market that has been backed primarily by U.S.F. & G. Insurance Company as a company who has kept their rates fairly reasonable and have renewed the account on a reasonable basis for the last several years. The coverages are basically approximately the same as they were last year. The cost is a little less than last year. Mr. Bare said that they also obtained quotes from the State Program, and the State Program is slightly more than the U.S.F. & G. renewal. On the overall figures, the renewal of the existing account amounts to \$48,275.20; the State Program for like coverage is \$49,059.00,

with the State Program being \$784.00 more annually. The comparison of what the City paid last year to what we will pay this year is slightly less. The total amount that Mr. Bare calculated that the City paid last year was \$48,491.20 and the amount calculated this year on the bid specifications is \$48,275.20 which is down \$216.00. It has been cost contained fairly well. Mr. Bare opened the floor for questions at this time. City Recorder Joan McClanahan asked if the coverage was the same as we've had in previous years, and Mr. Bare said that the coverage is the same with the exception of one area. This is that the liability is on a claims made basis as opposed to a current basis, and this is pretty well the way it is handled with municipalities. Mayor Ashley asked if we had copies of the proposal for members of Council, and copies were distributed. Mayor Ashley asked if the members of Council had any comments or questions for Mr. Bare. Councilman at Large Olaf Walker commented that it was certainly refreshing and pleasing to see something that is less than the year before. Councilman at Large Olaf Walker moved that we accept and adopt the proposal from Commercial Insurance to continue our insurance program with them as has been done in the past. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - ORD. 88- AN ORDINANCE REQUIRING THE PUBLIC TO USE SAFETY ROPES AT RIDENOUR LAKE WHEN WALKING OR FISHING ON ICE (2ND READING): - Mayor Ashley said this would constitute the second reading of an ordinance requiring the public to use safety ropes at Ridenour Lake when walking or fishing on the ice. Mayor Ashley commented that before the ordinance can be enforced, it will be necessary that instructional and informative signs be posted. We can pass the ordinance, but it would not be wise to attempt to vigorously enforce it without instructional signs. Mayor Ashley requested Jay Long from the Department of Public Works to make note thereof and see to it that the signs are in proper place with the passage of the ordinance. In the meantime, Mayor Ashley said that he thinks the Police Department understands that it would be in the form of a request to people that would go out onto the ice. Councilwoman at Large Mary Trout moved we adopt the ordinance on the second reading. The motion was seconded. A vote was taken and it was unanimous and the ordinance becomes law which will be enforced with the posting of the signs.

COPY OF ORDINANCE ATTACHED.

AGENDA ITEM NO. 6 - AMERICAN CANCER SOCIETY REQUEST: - Mayor Ashley read the request from the Kanawha County Unit of the American Cancer Society to conduct their annual residential drive (including businesses) during the month of April, 1988. Also, they requested permission to hold several Special Events during the 1988 year. Councilwoman at Large Mary Trout moved for the approval of the American Cancer Society request. The motion was seconded. City Recorder Joan McClanahan said that she feels the representative from the American Cancer Society should identify the Special Events to be held in the City for safety reasons and

scheduling. The City should receive detail as to the dates and specifics of these events. Councilwoman at Large Mary Trout considered this a friendly amendment as did the seconder. A vote was taken for the approval of the April activity and treat each special event as a separate request to be submitted to Council for prior approval, and it was unanimous.

AGENDA ITEM NO. 7 - AMERICAN HEART ASSOCIATION REQUEST: - Members of Council were furnished a copy of a letter from the American Heart Association requesting their Annual Heart Fund Drive during the month of February, 1988 within the City of Nitro. Councilwoman at Large Mary Trout moved for the approval of the request from the American Heart Association. The motion was seconded. Councilman at Large Olaf Walker asked if Council approved a request from the American Heart Association last year, and was informed that we did. A vote was taken and it was unanimous.

AGENDA ITEM NO. 9 - PROC. 88-3 LOYAL ORDER OF MOOSE CENTENNIAL SUNDAY - FEBRUARY 14, 1988: - Mayor Ashley read the proclamation in its entirety, and entertained a motion to have the Council show support for the proclamation and endorse it by way of Council's action. Councilman Charles Miller moved we accept the proclamation. The motion was seconded. Mayor Ashley said that before we go for a vote that he would remind members of Council and members of the audience that the Moose has planned an open house and is anticipating a large turnout. Also, they have extended an invitation to any and all, especially to the officials of the City, to come by between the hours of 1:00 p.m. to 5:00 p.m. A vote was taken and it was unanimous.

PROCLAMATION 88-3 ATTACHED.

AGENDA ITEM NO. 10 - PROC. 88-4 SCHOOL NURSE RECOGNITION DAY, WEDNESDAY, FEBRUARY 17, 1988: - Mayor Ashley read the proclamation suggesting Wednesday, February 17, 1988 as School Nurse Recognition Day in Nitro. Councilman at Large Olaf Walker moved we adopt the resolution. The motion was seconded. Councilman at Large Olaf Walker said that he had a question of general nature, and stated that he didn't want anyone to take it as being directed to any individual. Councilman Walker asked Mayor Ashley if he didn't have the authority to issue a proclamation, and if so, why bring it before Council? Mayor Ashley answered that it his prerogative to pass proclamations, but it has been his practice in the past to bring them before Council as they may desire to endorse a statement of support and is allowed an opportunity. Mayor Ashley explained that it is done more as an effort on his part to share with the Council the participation and let it be a record of Council as well as his office. Councilman at Large Olaf Walker asked if Council could initiate a proclamation, and Mayor Ashley answered they could. Mayor Ashley explained that there would be no problem of a proclamation being initiated by anyone as they could either come before or have sent before Council, a proclamation for their consideration. In order for it to be correctly moved, it would

have to be presented or supported by a member of the Council. Mayor Ashley added that an ordinance is law, a resolution requires action by Council and a proclamation can be done by executive order. This agenda item is a proclamation, and Mayor Ashley said that he was asking Council if they wanted to be a part of endorsing it. Councilman Charles Miller commented that he thought it was a good idea to share the proclamations with Council. Mayor Ashley said that we shouldn't really overlook the people like the school nurses. They do work hard and we have people come from the Health Department. The nurses and volunteers come to City Hall and do blood pressure checks and services such as this. Councilman Walker said that he wasn't debating this proclamation, as proclamations do have a certain amount of value to some people. A vote was taken and it was unanimous.

PROCLAMATION 88-4 ATTACHED.

AGENDA ITEM NO. 11 - PROC. 88-5 FEBRUARY 8 - 14, 1988 NATIONAL BURN AWARENESS WEEK: - Mayor Ashley read the proclamation proclaiming the week of February 8 - 14, 1988 as National Burn Awareness Week in Nitro. Mayor Ashley said that again in keeping with tradition, he would welcome an opportunity to have the Council join him in support of this proclamation. Councilman Jim Hutchinson moved for the approval of the proclamation. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION 88-5 ATTACHED.

AGENDA ITEM NO. 12 - FIREMEN'S ASSOCIATION ANNUAL FUND DRIVE REPORT: - As requested by Council, the Firemen's Association furnished a report of the result of their fund drive. This was the one in which we had photographs taken at the fire department. The Nitro Firemen's Association raised \$2,237, plus \$225 in donations making a total of \$2462 donated to the Nitro Firemen's Association. A discussion followed regarding the decrease in the amount of funds raised from last year. Councilman at Large Olaf Walker commented that the report was good, and congratulated the Fire Department. Councilman Walker said that this is the type of report he would like to see from all of the quasi city government bodies that raise money. Several members of Council were not contacted, and Councilman Jim Hutchinson asked if there were some way we could advertise to get better response as the Firemen's Association deserve and could use more funds. Mayor Ashley said that it seemed that they only had one person doing the contacting, and City Recorder Joan McClanahan responded that it was limited number. Councilman Hutchinson said that if it was publicized, he thinks more people would participate. Mayor Ashley said that maybe the Council would want to participate in promoting the event next year, and Councilman Charles Miller said that would be a good idea.

AGENDA ITEM NO. 13 - RESOLUTION 88-2 APPOINTMENT TO THE RDA BOARD: - Mayor Ashley advised that this resolution is calling for

the change in the appointee to the Regional Development Authority. He said that in view of the personal circumstances surrounding his participation with the RDA Board, he requested to be replaced on the Regional Development Authority by Councilwoman at Large Mary Trout. Councilman at Large Olaf Walker moved that the representative from the City Council be Councilwoman Mary Trout. The motion was seconded. A vote was taken and it was unanimous. Mayor Ashley wished Councilwoman Trout good luck and told her that it was a very important group. The Regional Development Authority has a major responsibility; it's for the good of the region and goes beyond the scope of Kanawha County. RESOLUTION 88-2 ATTACHED.

AGENDA ITEM NO. 13 - BOARD OF CANVASSERS RENEWAL LEVY OF 2-9-88: - Mayor Ashley turned this agenda item over to the Election Official, City Recorder Joan McClanahan. City Recorder Joan McClanahan reported that the Levy Election passed by 76%. She reported there were two challenged ballots, one from precinct 401 and the other from precinct 403. Dr. Cassell and Councilwoman Trout opened the envelopes. Both ballots were from poll workers residing in other than the precinct in which they were working. City Recorder Joan McClanahan moved we count these ballots. The motion was properly seconded. A vote was taken and passed unanimously. The affirmative votes are now changed to 163. Councilman Charles Miller asked if there were two notices published in the newspapers on different dates, and City Recorder Joan McClanahan advised there were. Councilman Miller said that some of the poll workers remarked to him that there wasn't enough publicity on this election, and people didn't know about it. Councilman Miller informed that he did see the ballot published both times in the two papers. Mayor Ashley commented that we have the affidavits of publication which is a matter of public record. However, Mayor Ashley said that we did not get much publicity and legal notices are not that widely read. We did ask the papers to give us whatever coverage they could. City Recorder Joan McClanahan informed that along with a copy of the ballot, the precinct boundaries and election officials were also published. City Recorder Joan McClanahan said that she talked with a representative from the Gazette and Daily Mail the day before the election and the night of the election and there was nothing published. Councilman at Large Olaf Walker said that we look for the publication because we are concerned with it, but the average citizen probably reads the paper and never looks at that part. Signatures of Board of Canvassers were obtained to certify the results. Councilman at Large Olaf Walker moved that the results of the Levy Election on February 9, 1988 be certified as presented to Council by the Ballot Commissioners and be made a part of the minutes. The motion was seconded. A vote was taken and it was unanimous. The West Virginia State Tax Department will be notified.

City Recorder Joan McClanahan said that she would like to extend her thanks to Chief Cochran, the poll workers, and to Jay Long and Bobby Lewis who provided the meals for the workers. She said that there were a lot of people involved that deserves

thanks, and she really appreciated them. She also expressed her thanks to Dr. Guy Cassell, Bess Stahl and Pansy Armstead for their assistance.

Mayor Ashley said that he thinks that one person who deserves thanks and applause is the City Recorder Joan McClanahan who put the election on. A big round of applause was given her.

COPY ATTACHED.

AGENDA ITEM NO. 15 - BALLOTS TO BE USED IN ELECTION ON 6-7-88: - Mayor Ashley said that this agenda item pertains to elections, not the one just past, but the Municipal Election to be held on June 7, 1988 and called on the City Recorder Joan McClanahan for her inquiry to the Council with regards to the preference for form of ballot. City Recorder Joan McClanahan advised that we have a choice between the paper ballots that we used in the Levy Election, or the electronic voting machines. She said that this was her first experience in running an election, and it went very smooth. City Recorder Joan McClanahan said that it was Council's option. She informed that she checked with the Voter's Registration Office and a couple of communities with comparative population, and was advised that the voting machines are cost prohibitive. She said that she was thinking around double the cost, and one lady told her that it would be more than that. City Recorder Joan McClanahan said that she would like to move we use paper ballots in the Municipal Election. The motion was seconded. Mayor Ashley said that in talking with the City Recorder earlier that the only thing that will be on the ballot on June 7, would be the question of election of the officials in the nine positions represented on the City Council. City Recorder Joan McClanahan answered that this was correct. Mayor Ashley asked how much of a cost reduction would it be, and City Recorder Joan McClanahan said that if we could save anything, we would be doing good. She said that she didn't realize the cost of elections. There was \$12,000 budgeted for the elections, \$8,000 was for the Municipal Election. She informed that at the rate we are running now on the cost of the levy election, we would be in far better shape if we used paper ballots. City Recorder Joan McClanahan said that Mary Ratliff explained at a seminar that there are always the question of tampering with paper ballots, and that she has been assured from all parties involved, that the use of paper ballots would be no more so than the voting machines. City Recorder Joan McClanahan said that the primary reason the big cities use the electronic machines is because of the length of time it would take to tally and the use of the electronic machines would expediate the count. They had no other reason for the use of the electronic machines rather than the paper ballots. City Recorder Joan McClanahan also advised that the State tells us how to stagger the candidates. Councilman at Large Olaf Walker wanted to know if they gave her any kind of a price of the cost for the electronic machines, and City Recorder Joan McClanahan said that she had talked with representatives from both Counties, and they

did not have the figures. Mayor Ashley asked if the County would count our ballots, and City Recorder Joan McClanahan responded that the paper ballots will be counted in the precincts then brought in for a tally by the Board of Ballot Commissioners at City Hall, but if the electronic machines are used, they will go to the county. Councilman at Large Olaf Walker wanted to know if it would be necessary to have more than one machine at each precinct? City Recorder Joan McClanahan informed that we would have to have more than one. Councilman Charles Miller answered that we would need two at some of the precincts and possibly three. Councilman at Large Olaf Walker asked why we would need two, and City Recorder Joan McClanahan said that because it is required in order to allow sufficient time for voting and give everyone a chance to vote. Councilman at Large Olaf Walker asked if she was sure, and she advised him that she was 99.9 per cent sure, but she would inquire and advise him. Councilman at Large Olaf Walker commented that he thought paper ballots would be fine, but said that he was just thinking if a candidate wanted one machine per precinct, that he didn't know of any reason why we couldn't have one machine. Mayor Ashley told Councilman Walker that he feels the decision of the kind of ballot we have is not a decision for the candidates, it is a decision of this Council. Councilman at Large Rusty Casto questioned if Council had voted in 1972 that it had to be held on the machine? He said that he knew it was a campaign promise that was used in the 1972 election, but he didn't know if it passed. City Recorder Joan McClanahan said that she had not heard of this. Mayor Ashley said that he thought even if Council had taken action in 1972 to go with the voting machines, that if they could make the decision then that this Council could make the decision to undo that. Mayor Ashley said that City Recorder Joan McClanahan said that there is a need to know quickly on which way the Council decides to go. She answered that this was correct because of the other scheduled elections such as the school bond in March and the primary in May and she would need to let the counties know. Councilman at Large Olaf Walker said that he didn't feel that we had all of the answers, and if there happens to be a lot of contested precincts in the WV Primary, some of the machines could be tied up for as long as 6 weeks after the election. City Recorder Joan McClanahan said that another problem involving the contesting of the election and the books being held, then we would probably have to take them to court to open the books for our election. Councilman Walker said that he understood, but he was also told that getting the books wouldn't be as difficult as getting machines. Councilman Charles Miller asked if there were 5 people working in each precinct, and City Recorder Joan McClanahan answered that this was correct. Councilman Miller said that if we can't trust these workers with our ballots, we shouldn't have them. Councilman at Large Rusty Casto said that we had better make sure that an ordinance wasn't passed in 1972 that we had to use the machines. This motion is subject to confirmation that we have no superceding outstanding ordinance against using paper ballots in the City Election, then the motion would be amended to stipulate that the passage of this motion by the Council stipulates that there is no superceding and opposing

ordinance outstanding. A motion was taken for the use of paper ballots, and it was unanimous.

COMMITTEE REPORTS

1. PEGASUS ENVIRONMENTAL RESOURCES CORPORATION PROPOSAL: - By way of report to the Council, Mayor Ashley said the principals of Pegasus have asked for an opportunity to meet with this Council on February 23, 1988 at our next Council Meeting. Their purpose will be to present a proposal to this Council on the proposed project. Also, they are asking for a Town Meeting, at which time they would make the same presentation to our residents. The date of the Town Meeting has not been set, and is subject to the invitation of this Council they would like to come at our next meeting on February 23. On that occasion, it would be proper to ask any questions. It would not be a forum that would be suitable for extensive audience participation. However, we will certainly permit a limited amount for that. The time for the community to get involved would be at the Town Meeting, which Mayor Ashley suggested should be held as quickly as it can be scheduled after the February 23 Council Meeting, and it should be held at a location other than this. Councilman at Large Olaf Walker questioned why they were not present for the special Council Meeting, and Mayor Ashley said that for the record that no one that he knew ever suggested that Pegasus representatives were going to be here or had planned to be present at the January 30, special meeting. Councilman Walker said that it might not have been planned, but it had been implied, and a lot of people felt they were to be present. Councilman Walker said that he knew that Pegasus had held various meetings with various agencies for the past several months, and then there was a call for a special meeting on Saturday morning at 11:00 a.m. He said that to him, that in itself has a sense of urgency. Councilman Walker said that he thought they wanted to inform Council what they intended to do, and this Council is the last to know. He said that he did not know what types of waste they wanted to bring, and thinks the Council should see where the citizens stand. Councilman at Large Rusty Casto informed that a lot of people have expressed concerns to him about the proposed site. Councilman Miller said that this is the reason we want to hear the presentation from Pegasus, so that we can find out about it. After this, we can inform the citizens of their presentation, and ask their opinions. Mayor Ashley said that he would like to address a couple points. First of all, with regards to being the last to know, Mayor Ashley said that the Mayor is the first to be contacted in a community, and he didn't make that rule. He said that he was contacted, and when they wrote a letter asking that he write a letter in support and endorsement of that project, that he wasn't about to do. He said that he passed the request on to the Council. The Pegasus Environmental Resources Corporation wanted an answer before our first February meeting, which is tonight. Therefore, the only way to do that was to call a special meeting of the Council. Mayor Ashley said that at the time of that meeting, he was very sick in bed with the flu, and

the last thing on his mind was the meeting of January 30. He said that the only thing that he was going to do was to give Council Pegasus's request for a letter of support, and this was the only reason the meeting was called. Mayor Ashley said that he has not recommended to anyone that we give them a letter of endorsement. Councilman Walker asked Mayor Ashley a question. He said, let's say we had the meeting last Saturday, and Mayor Ashley did just what he said he would do, and wanted to know how could this Council endorse or reject their proposal. Mayor Ashley answered that he didn't think we should, but it wasn't his place to make the decision for anyone. He said that he was passing along a request from people from outside this community on an issue that he thought should be shared with Council. He added that he didn't think it should wait until tonight. Mayor Ashley said that he too had people express concerns and reservations about it, and said that he had concerns and reservations about it. He said that he has heard the regulatory agencies of the State of West Virginia expressed concerns and reservations about it.

Councilman Charles Miller said that he wanted to thank Mayor Ashley and Pansy for writing the letter of appreciation to the SeaBees for making the picnic tables for the City.

Councilwoman at Large Mary Trout said that at the last meeting she spoke with Council about Melann Pennington and her health problems. She is going to have surgery the week before the Spring break in March in Lexington, Kentucky. Councilwoman Trout said that she has contacted some people to form a committee and she will meet with the President of the Bank of Cross Lanes on Monday. She said that she has been assured that they can open an account there and donations can be made to that account. She said that if any member of Council had any suggestions or would like to help, please let her know. Councilman Jim Hutchinson asked if the account was opened, and Councilwoman Trout said that she would be meeting with the President on Monday to sign the papers at this time. Councilman Charles Miller questioned if the account would be in her name, and Councilwoman Trout said that it would be opened in the name of Melann Pennington Fund, in care of the Bank of Cross Lanes.

Mayor Ashley thanked Dr. Cassell again for caring enough about this community to work as he has in the past, and wished him good luck as the President of KRT and was sure that he would do a great job. Dr. Cassell answered that he certainly appreciated the confidence that Council has shown in him, and that he would do his best.

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


 ARDEN D. ASHLEY, MAYOR


 JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

RESOLUTION 88-1

A RESOLUTION BY THE COUNCIL OF THE CITY OF NITRO
APPOINTING GUY R. CASSELL THE REPRESENTATIVE FROM
THE CITY OF NITRO TO THE KVRTA BOARD

WHEREAS, since the appointment of Guy R. Cassell to the Kanawha Valley Regional Transportation Authority (KVRTA) nearly 12 years ago, Mr. Cassell has very faithfully served the City of Nitro and the Board by his regular attendance and by taking the lead role in many committees appointed to handle the affairs of the Authority; and

WHEREAS, Guy Cassell was named to the Board's Executive Committee shortly after his term began, and was unanimously elected President of the Board in August, 1987 by his fellow Board members; and

WHEREAS, Mr. Cassell's selection to become only the third Board President since the Authority was created reflects the confidence and esteem with which his fellow Board members view him;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Nitro does hereby go on record as appointing Guy R. Cassell representataive from the City of Nitro to the KVRTA Board.

Passed this 11th day of February, 1988.

Arden D. Ashley
ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER

Rusty Casto
RUSTY CASTO, COUNCILMAN AT LARGE

Mary Trout
MARY TROUT, COUNCILWOMAN AT LARGE

Olay Walker
OLAY WALKER, COUNCILMAN AT LARGE

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

Bob Evans
BOB EVANS, COUNCILMAN

Charles Miller
CHARLES MILLER, COUNCILMAN

Jim Hutchinson
JIM HUTCHINSON, COUNCILMAN

LIVING MEMORIAL TO WORLD WAR I



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

RESOLUTION 88-2

A RESOLUTION BY THE COUNCIL OF THE CITY OF NITRO APPOINTING COUNCILWOMAN AT LARGE MARY TROUT REPRESENTATIVE FROM THE CITY OF NITRO TO THE RDA BOARD

WHEREAS, in the opinion of the undersigned, Councilwoman at Large Mary Trout 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, Councilwoman at Large Mary Trout 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 Councilwoman at Large Mary Trout for the aforesaid position;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Nitro does hereby go on record as endorsing Councilwoman at Large Mary Trout for a position of a representative on the RDA Board.

Passed this 11th day of February, 1988.

Arden D. Ashley
ARDEN D. ASHLEY, MAYOR

Jean C. McClanahan
JEAN C. MCCLANAHAN, RECORDER

RUSTY CASTO, COUNCILMAN AT LARGE

Olaf Walker
OLAF WALKER, COUNCILMAN AT LARGE

A. A. "JOE" SAVILLA, COUNCILMAN

Bob Evans
BOB EVANS, COUNCILMAN

Charles Miller
CHARLES MILLER, COUNCILMAN

Jim Hutchinson
JIM HUTCHINSON, COUNCILMAN



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 88- 1

AN ORDINANCE REQUIRING THE PUBLIC
TO USE SAFETY ROPES AT RIDENOUR
WHEN WALKING OR FISHING ON ICE

WHEREAS, there has been an increase in the people using
Ridenour Lake during the winter when it is iced over, and

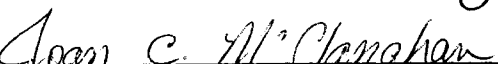
WHEREAS, throughout the year it is difficult to monitor the
thickness of the ice, and

WHEREAS, there is danger of the ice breaking and someone
being injured or drowned, and

THEREFORE, BE IT ORDAINED by the City Council of the City of
Nitro, WV requires that all persons, walking or fishing on
Ridenour Lake, must use safety ropes tied around them and
attached to anchors on the shore.

Passed by the City Council of the City of Nitro, this 11th
day of February, 1988.


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

January 19, 1988
FIRST READING

February 11, 1988
SECOND READING



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ARDEN D. ASHLEY
MAYOR

PROCLAMATION 88-3

FEBRUARY 14, 1988

LOYAL ORDER OF MOOSE CENTENNIAL SUNDAY IN NITRO

WHEREAS, The Loyal Order of Moose is celebrating 100 years of service during 1988; and

WHEREAS, the week of February 14th is Brotherhood Week; and

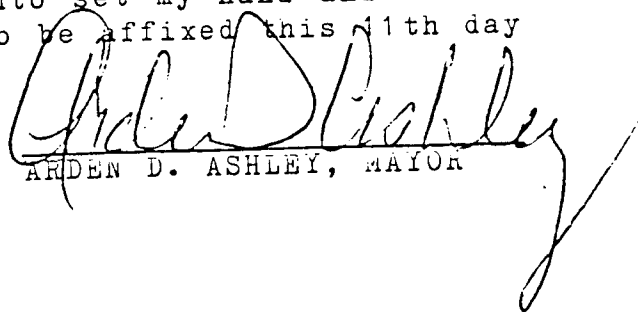
WHEREAS, February 14th will be "Centennial Sunday", and the Nitro Moose Lodge #565 will be having an open house on that day from 1:00 p.m. to 5:00 p.m. to convey the purpose of the organization of the Loyal Order of Moose;

NOW, THEREFORE, I, Arden D. Ashley, Mayor of the City of Nitro, do hereby proclaim Sunday, February 14, 1988 as

LOYAL ORDER OF MOOSE CENTENNIAL SUNDAY IN NITRO

and urge all citizens to visit the Moose during their open house.

IN WITNESS WHEREOF, I have here unto set my hand and caused the Seal of the Executive Department to be affixed this 11th day of February, 1988.


ARDEN D. ASHLEY, MAYOR



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

CITY OF NITRO

OFFICE OF THE MAYOR

PROCLAMATION 86-4

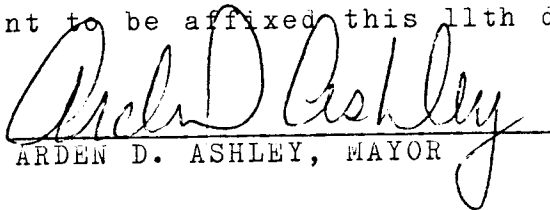
FEBRUARY 17, 1988 - SCHOOL NURSE APPRECIATION DAY IN NITRO

WHEREAS, the major focus of the nurse who provides school health services is to strengthen the education process through improvement of health status of children and youth; and

WHEREAS, the school nurse role of child health specialist, health educator and health counselor to children and families, resource person to classroom teachers and administrators, child advocate in times of crisis, and liaison between home, school and community are essential to achieving the goal that each student be able to reach his education potential.

NOW, THEREFORE, I, Arden D. Ashley, Mayor of the City of Nitro do hereby proclaim February 17, 1988 as School Nurse Recognition Day in Nitro to express appreciation to nurses employed by county school systems and county health departments, who provide school health services for their dedication to West Virginia's children and youth.

IN WITNESS WHEREOF, I have here unto set my hand and caused the Seal of the Executive Department to be affixed this 11th day of February, 1988.


ARDEN D. ASHLEY, MAYOR



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

PROCLAMATION 88-5

PROCLAIMING FEBRUARY 8 - 14, 1988
AS NATIONAL BURN AWARENESS WEEK

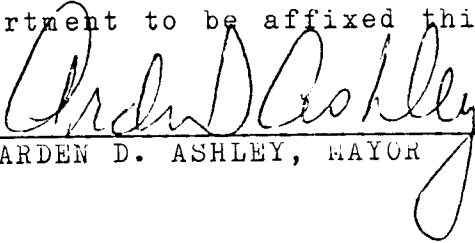
WHEREAS, in the United States alone, everyday, 32 people die and 5,400 are injured as a result of burns. Two million people, most of them children, suffer from burn injuries every year, and studies show that about 75 percent of all burns can be prevented with proper education; and

WHEREAS, the United States Congress has proclaimed February 8th - 14th, 1988 as

NATIONAL BURN AWARENESS WEEK

NOW, THEREFORE, I, Mayor of the City of Nitro do hereby proclaim the week of February 8th - 14th, 1988 as Burn Awareness Week in Nitro and urge all citizens to learn about burn prevention and fire safety.

IN WITNESSS WHEREOF, I have here unto set my hand and caused the Seal of the Executive Department to be affixed this 11th day of February, 1988.


ARDEN D. ASHLEY, MAYOR

BOARD OF CANVASSERS

Special Election, February 9, 1988
City of Nitro, WV

The Board of Canvassers of the City of Nitro, located in the Counties of Kanawha and Putnam, State of West Virginia, having carefully and impartially examined the returns of the Special Election held in said County; in each Precinct thereof, on the 9th day of February, 1988, do certify that in said city in the Special Election the number of votes cast were as follows:

PRECINCT	FOR THE LEVIES	AGAINST THE LEVIES
PRECINCT 22 & 23	<u>34</u>	<u>6</u>
PRECINCT 401	<u>16</u>	<u>2</u>
PRECINCT 402	<u>22</u>	<u>4</u>
PRECINCT 403	<u>20</u>	<u>3</u>
PRECINCT 406	<u>19</u>	<u>4</u>
PRECINCT 408	<u>15</u>	<u>5</u>
PRECINCT 409	<u>26</u>	<u>16</u>
PRECINCT 411	<u>11</u>	<u>12</u>
TOTAL:	<u>163</u>	<u>52</u>

We now declare on the 9th day of February, 1988, the Special Levy, receiving 163 positive votes cast and exceeding the 60% required for passage, to be officially recognized in effect for the years 1988-1991.

Board of Canvassers

<u>Mary Trant</u>	<u>Robertson</u>
<u>Ray Schekel</u>	<u>James East</u>
<u>Orlando Ashley</u>	<u>Jean C. McClanahan</u>
<u>James Hutchinson</u>	
<u>Charles W. Miller</u>	

CITY OF NITRO
COUNCIL MEETING MINUTES

FEBRUARY 23, 1988

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 Bob Evans, 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 FEBRUARY 11, 1988 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the Council Meeting Minutes of February 11, 1988. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - NITRO SANITARY BOARD PROPOSED BUDGET 1988-89: - Mayor Ashley informed that this agenda item is offered as information to the members of the Council to be included in the budget consideration that the Council must approve so that the budget can be sent to the State Tax Commission. Mayor Ashley said that in that regard, he would like to suggest to Council that our budgets must be approved in March, and submitted to the State Tax Commission. Since the preliminary work has been completed on our City budget, and the budget of the Sanitary Board was included in Council's folders, Mayor Ashley suggested to this body that we act upon those budgets and give final approval on them at the next Council meeting scheduled for March 1, 1988. Mayor Ashley stated that he could see no reason not to go forward with them as we've had no adverse comments or suggestions or even discussions from anyone, either the department heads or members of the Council since we discontinued the work. Mayor Ashley said that he feels if we vote on the budgets next week, and if there should be a problem or questions, we would still have the March 15, meeting to reconcile any difference that might exist. Mayor Ashley said that if would wait until March 15, and then there would be some questions, we would have to call a special meeting of Council. Mayor Ashley said that unless it meets with objections, we would plan to put it on the agenda for the March 1, meeting. There is no action required on this agenda item at this time, but we wanted to get the budget of the Sanitary Board to Council now, because the statutory responsibility of the City Council is to approve the budget of the Sanitary Board as well as the budget for the City. Mayor Ashley said that if there are any inquiries to let him know or contact Connie or the Treasurer Max Lemma of the Sanitary Board.

AGENDA ITEM NO. 3 - CITIZEN ACTION FOR AFFORDABLE HOUSING KIT: - Mayor Ashley informed that this agenda item has to do with a proposal being offered through HUD for a program that is identified as Citizen Action for Affordable Housing, which is part of a Federal program. Members of Council were furnished an information kit on this program. Mayor Ashley said that he had reviewed this with our Building Inspector Bob Sergeant so that he would also be informed that we were going to bring this matter before Council tonight as a matter of discussion. Essentially what this program is designed to do is to reduce the cost of housing for the family to a level that makes it more affordable and get it within reach of so many more people. Mayor Ashley informed that across the country the majority of our citizens, even those who are gainfully employed, cannot afford the cost of a mortgage. Mayor Ashley pointed out to the members of Council that the book in their packet identified as case study related to some areas where cost savings are summarized. Mayor Ashley said that it was his understanding that housing constructed under this program there would also be an assurance by HUD that they would insure the mortgage. That in turn could enable lending agencies to make sure that they could cut cost by cutting down on the number of closings that would be required, etc. Mayor Ashley informed that there are also some proposals for imaginative changing of code where it does not effect the security of the home. Mayor Ashley said that the City Building Inspector Bob Sergeant would respond to any questions Council might have. Basically, as Council probably already knows, anytime that you build a house, there are a lot of codes necessary. However, there are some codes that could perhaps be relaxed under certain circumstances. Not only in construction, but also perhaps in zoning. Mayor Ashley said that he thought what they were looking for from the cities, is the spirit of cooperation. The spirit of the program is to try to make housing available to more of our people through reduction of cost. Mayor Ashley said that he would answer any questions at this time, and that proper action for the Council, if they would care to take it, is to indicate a willingness on the part of the City so that the Building Inspector Bob Sergeant could be guided that we have entered into the spirit of this program. Mayor Ashley said that it was his understanding that it would be advertised further. Councilman at Large Olaf Walker questioned Bob Sergeant on what code the city used, and the Building Inspector Bob Sergeant informed that it was the Southern Building Code. Councilman Walker said that when it comes to housing, he was in favor of anything we might be able to do to help, but at this time, he said that he didn't know enough about it for discussion. Councilman A. A. "Joe" Savilla said that if he understood the Construction Cost Saving Summary, that out of 219 units there was an average savings of \$2,000 per unit, and Mayor Ashley said this was correct. Councilman Savilla stated that this wasn't a significant amount as far as the cost of a home, but to a lot of people, this could be

the difference in a down payment. Mayor Ashley pointed out that on page 25, there were some other cost savings that had been experienced. Councilman Savilla asked if the plans for the homes in the kit, complied with the Southern Building Codes, and Mr. Sergent informed that there are some that doesn't comply, but these are in places where it doesn't mean taking away any safety features of a home. Mayor Ashley added that the way he understood it, is there are several national standards, such as Southern Building Code, Boca and others across the country, and HUD is working with them. What they are doing is in cooperation with these various agencies that represent code standards. Mr. Sergent said they have engineers and that he could call them and they give him an answer over the phone, and then follow up with a letter for his records. Mayor Ashley said that also included in the package are imaginative suggestions coming in from some of the contractors. Councilman Savilla asked Mayor Ashley what he wanted Council to do regarding this, and Mayor Ashley requested they become familiar with the material and ask any questions of HUD. Mr. Carl Smith from HUD brought the material to Mayor Ashley. After reviewing the material, asking questions of Mr. Sergent, then it will be ascertained if Council would like to take the position of endorsement of the program in principal. That information can then, in turn, be supplied to HUD and to contractors in the region. So, if the contractors have a desire to build low-cost housing that they could be assured of HUD mortgage insurance, then those contractors would know that they would meet with receptive plans when they come to the City of Nitro. Councilman Walker said that the case study was based on a contractor from Phoenix, and as labor rates are different, wanted to know if there would be a \$2,000 savings in Nitro for the same house. Mr. Sergent said that on some of the cost mentioned in the study, that the savings on some of the items would be a lot greater than shown in the book. Mayor Ashley said that in answer to Councilman Walker's specific question about would that savings still apply here, stated that he thought the answer would be yes, because in some cases it might differ in wage rate and other cases it might be material, but we would still have the reduction. Mayor Ashley said that if there were any questions, Council could refer them back and then at a later time, if Council desired, they could take action, and if not, then they would at least be aware of it.

AGENDA ITEM NO. 4 - PETITION FROM RESIDENTS ON 16TH STREET: - Mayor Ashley yielded this agenda item to Councilman Bob Evans. Councilman Evans said that members of Council were furnished a copy of a petition signed by residents on 16th Street asking Council to approve erecting a street light in the middle of the block on 16th Street. Councilman Evans informed that five of the residents signing the petition were on walkers and had a disability of some type. At the end of the street there is an apartment building, and a lot of

traffic late at night. Also, there is a lot of walking between the houses which is a problem. Councilman Evans stated that the one light at the end of the street is covered by a tree in a person's yard, making it rather dark on this street. Councilman Evans said that he requested a police officer to drive by on this street, and the officer agreed that we do need a street light on this street, and moved we approve the request of the residents. The motion was seconded. The motion made was that we illuminate 16th Street, placing the light on the power company's pole (which can be identified by number) and since it is the power company's pole, they can put the light up. Councilman Evans informed that the house number was 1609. Councilman Savilla said that we could also have the tree trimmed in order for the other light to be more visible. Mayor Ashley said that we could either do it or have it done, after it is determined who would be responsible. A vote was taken and permission granted. Mayor Ashley requested that Councilman Evans obtain the number off of the pole.

AGENDA ITEM NO. 5 - VARIANCE REQUEST FROM MARK SANDERS: Mayor Ashley informed that the request from Mr. Sanders is in response to a denial of an earlier request by Mark Sanders by the Building Inspector for permission to place an off premise business sign on his property. Mayor Ashley said that he understood Mr. Sanders asked for a permit for this sign and the Building Inspector Bob Sargent denied the request, and in turn, gave Mr. Sanders an opportunity to go before the Zoning Board of Appeals. Mr. Cecil Lemma, Chairman of the Zoning Board of Appeals corresponded with us concerning that request, and suggested that it would be a matter that should be properly taken up by the City Council in view of the fact that Council has looked at this type of question in the past. Mayor Ashley said that Mark Sanders was present to make his appeal to Council for permission and the Building Inspector Bob Sargent was also present to address the concerns.

Mark Sanders explained that what he is proposing is to place a sign, which is roughly a 30 foot high sign with his sign on the top. The off premise sign that he is requesting is for Nitro - St. Albans Wrecker, which is located up Red Oak Drive. He said that he is in his office every day and traffic goes by Red Oak Drive looking for Nitro-St. Albans Wrecker. Mr. Sanders said that as soon as they pass Red Oak Drive and realize they have gone passed the entrance to Red Oak, they hit their brakes and there have been a considerable number of accidents there. Mr. Sanders informed that if there was a sign where they could see where to stop and turn off, this would reduce the congestion. Also, Mr. Sanders informed that as far as them being out of the City limits, he said that he didn't know if anyone had talked with them or had seen them, but they are putting in a big auction yard. Mr. Sanders said that it was his understanding that in talking with Mr. Riley, that they were going to be handling

insurance auctions there. So, what they will be doing is bringing a lot of people in from out of state into Nitro for these auctions. He said that what effect this would have on businesses in Nitro, he wasn't sure, but he feels that by them allowing him to put a sign up on his property, along with his sign, that it would benefit both the City and the wrecker company along with himself. Councilman Olaf Walker asked if Mr. Sanders had a drawing or picture of the sign, and wanted to know who would erect the sign. Mr. Sanders said that they may erect it eventually, but Dove Sign Company. He added that he was going to obtain estimates from Walker and a couple other sign companies. Mr. Sanders said that the Building Inspector had seen the prints and they met with all the codes, etc. Councilman Walker said that he would like to see drawings of the sign, with the height of the sign and how far it would be from the street, as well as the height from the ground. Councilman Walker asked Mr. Sergeant his reason for denial, and Mr. Sergeant answered that we have an ordinance that prohibits off premise signs. Mayor Ashley explained that Mr. Sergeant had no alternative as it was not consistent with the existing ordinances and his interpretation. The standard procedure is that in that instance, Mr. Sergeant tells them what the process would be. So, he informed Mr. Sanders that he could go to the Zoning Board of Appeals, and then Mr. Cecil Lemma requested Council act on this matter as we have considered this type question before. Councilman Walker questioned if the sign would be off premise for the wrecker company and on premises of Mr. Sanders. Mr. Sanders said that it would be his sign and they would have another sign underneath his sign with an arrow pointing toward the wrecker company. Councilman Walker said that if the wrecker company's name wasn't listed on the sign, would there be a problem, and Mr. Sergeant answered there would be no problem. Councilman at Large Rusty Casto moved we grant the request of Mr. Sanders to erect the sign. Councilman at Large Olaf Walker stated that he didn't want to vote on this matter until viewing the information requested. Councilman Savilla requested Councilman Casto to withdraw his motion so that we can wait on the information requested. Councilman at Large Rusty Casto withdrew his motion. Councilman Walker commented that this was a good move, and that he didn't want to vote against Councilman Casto's motion. Councilman Walker further commented that at this time he didn't know whether he would vote for or against the sign, but did want a little more information. Mr. Sanders said that he had the detailed blueprints, and would bring them to the next Council Meeting. Mayor Ashley told Mr. Sanders that our Council Meeting schedule was adjusted this month because of the need to canvass the Levy Election, and we would go back to our regular meetings in March which would be the first and third Tuesdays. Councilman Joe Savilla moved we table the request for the off premise sign until the next Council Meeting. The motion was seconded. A vote was taken and it was unanimous.

Mark Sanders explained that a few months back, the area was zoned residential and he requested it be rezoned to B-1 in order to place his heating and air conditioning offices on the premises. Since then, he has built a new building, and said that he didn't know if Council had seen it. Councilman Jim Hutchinson said that he wanted to compliment Mr. Sanders on the structure. Councilman at Large Rusty Casto said that it was a hundred percent improvement in that area of the City. Councilman Joe Savilla commented that he thought everyone was in agreement with this. Mr. Sanders said that he has plans that his offices would be downstairs, with three units upstairs. He said that he wanted to lease the units upstairs for offices. His request was that in the event that he couldn't rent them out as offices, then he wanted to use them as apartments for single family dwellings. Councilman at Large Rusty Casto asked why would the Council care if anyone lived upstairs. Mayor Ashley said that he felt the proper answer would be that we have certain areas of the City zoned for residential occupancy and other areas where it is not permissible that it be used for residential purposes. So, it is not whether or not we would want it, but it wouldn't be legal to have it zoned B-1 and have it turned into apartments. In order for it to be in compliance with the ordinance, it would have to be rezoned. Councilman at Large Olaf Walker said there was a business underneath there at one time, and that there was an apartment over the structure then, so if Mr. Sanders wanted to continue that and use the upstairs for apartments, couldn't he continue to do it? City Attorney Phillip D. Gaujot said that if it was continuance ownership. Mayor Ashley said that he thought the reason it had been used as an apartment and business before was because the Council did not act on the use of the property before, and when we were approached, it was identified as being an area that probably there was not a change made when annexation took place. In any event, it was an area Mr. Sanders requested be changed from residential to business so that he could build the kind of business he wanted. Therefore, this means the Council has acted in that area on that specific property on the request of Mr. Sanders to make it business. So, Mayor Ashley informed that under the Grandfather Clause, if he had owned it all along and had an apartment downstairs or upstairs and a business downstairs, it would have been okay, and we wouldn't zone him away from that, but this is not the case. Mr. Sanders obtained the property and asked us to zone it for business and we did that. Now, he is asking us to change the zoning to accommodate either business or residential. Mark Sanders said that he was not asking for rezoning. He said that he asked the City Recorder and the City Attorney for clarification at one time of the exact status of an apartment. Mr. Sanders said that in a B-1 area you could have a motel, a hotel, a boarding house and a rooming house. He commented that this is a place where people stay overnight and pay. He expressed his opinion that there wasn't really

that much difference between those four and an apartment. Mr. Sanders said that he paid B & O Tax and operated as a business. He said that he owned the building but wanted to lease space other than his office. He said that he didn't see a big difference in what he was requesting and a motel. He said that he didn't know how Mr. Norvell did his. The City Attorney Phillip Gaujot said that as he recalled, Mr. Norvell requested renting the upstairs on a daily basis. Mayor Ashley said that to the best of his knowledge, this was Mr. Norvell's request, and if this is not what he is doing, then he is in violation of the City Ordinances. Mark Sanders said that he spoke with Mr. Norvell, and he believes he has a contract which states the people will pay a daily rate payable once a month. Mayor Ashley said that he thought the reason Mr. Sanders was coming before Council is that he wanted to set it up as apartments to establish residence, and it is not consistent with what it is zoned to do. Mayor Ashley told Councilman Walker that he helped write the ordinance, but believes these are National Standards. Councilman at Large Olaf Walker said that he would have to look at the ordinances, because he couldn't remember exactly, but he said it seems to him that if the business underneath will continue as a business and there is an apartment upstairs that continued to be used as an apartment then there would not be a violation. However, he said that he could be wrong and would have to look at it. Councilman at Large Rusty Casto asked our Building Inspector Bob Sargent that if the structure wasn't empty for more than 6 months then he could put a residence back in there, and Bob Sargent answered that it would have to be straight continued use by the same owner. Mayor Ashley said that he thought what we were dealing with is that we have the interpretation by our legal counsel that it isn't within our domain to permit the variation that is being requested in this particular case by Mr. Sanders because it isn't zoned for what he is wanting to do. So, recognizing that then the next question would be to the Council, is there action we can or should take or would want to take as a body to address his request with legal counsel advising that we can't let him do what he is requesting to do without some change in the zoning at that particular area. Councilman Bob Evans asked if we had a zoning where there could be businesses downstairs and apartments upstairs, and City Building Inspector Bob Sargent said that it was possible in a B-2 and also possible in a B-1 Zoning area if the residential use is necessarily for and incidental to the conduct of the permitted retail business underneath or overtop. Mayor Ashley explained that this would be considered one structure, they are living upstairs and working downstairs and it is a necessary part of it. If his property was zoned B-2, then the request of Mr. Sanders wouldn't even have to come before Council. City Attorney Phillip Gaujot explained that the question at hand is different. He stated that B-2 has to do with the business and the owner of the business living in the same proximity.

Councilman at Large Olaf Walker asked if the question before Council is going to give Mr. Sanders a variance, and according to legal counsel, we cannot. Councilman Walker said that he will have to look at the ordinance, but his opinion would be that Mr. Sanders would need to decide if he wanted apartments or offices upstairs. Councilman Walker said that in his opinion he didn't believe that he would go along with giving Mr. Sanders a variance where he could go from offices or apartments. Mark Sanders answered that from his experience already, he thinks he would stand a better chance of renting them out as apartments and leave his business downstairs. He said that he has advertised for office space and received very little response. He said that is why he requested the upstairs being rented as apartments. Councilman Joe Savilla said that he was sure Mr. Sanders understood Council's position, as they just recently converted this area from residential to a B-1, and now Mr. Sanders is coming back asking them to change it again. City Attorney Phillip Gaujot said that he would research this issue and see what he can find. It is a tough question. Mayor Ashley told Mr. Sanders that at the March 1, they will taking up the sign question anyway and then we will see what Mr. Gaujot has found out in the mean time. Mark Sanders told City Attorney Phillip Gaujot to meet with his attorney, Mr. Bill Smith, and requested this item be tabled until both counsels check into it and determine what Mr. Sanders needs to ask for. Councilman Joe Savilla said that he would like to honor Mr. Sander's second request and moved we table this until the two counsels meet and the our Zoning Board can get together. The motion was seconded. A vote was taken and it was unanimous.

COMMITTEE REPORTS

1. REPORT ON MELANN PENNINGTON FUND RAISING EFFORT: - Councilwoman at Large Mary Trout said that she had copies of an article that appeared in the newspaper, and that she would be happy to share with Council. She said that she has been receiving a lot of telephone calls regarding the fund raising on behalf of Melann Pennington. Councilwoman Trout said that many local people want to be a part of this fund raising effort, and that she was going to try and schedule a meeting next week which she will announce the date, time and place at the March 1, Council Meeting. She said that she was planning a Melann Pennington day in Nitro, and have a big activity that all the different groups in Nitro could support. Councilwoman at Large Mary Trout said that people are very sympathetic and want to be a part of the fund raising effort. Councilwoman Trout informed that an account had already been opened at the Bank of Cross Lanes in the name of Melann Pennington Trust Fund. Councilwoman Trout said the bank requested if a donation is mailed, that the people put on the outside of the envelope that it is for the trust fund. Councilwoman Trout informed that she has

contacted the Miss America Pregnant, WVU and spoke with a representative from the Greater Kanawha Foundation today and was informed that there was a lot of legal work they would have to do, but the lady assured her that there was a lot of money there if we could obtain the correct form from the IRS and have the group tax exempt. The lady from the Greater Kanawha Foundation assured her that there was money available, but didn't give her any assurance of the amount. Councilwoman Trout said that she has also contacted McDonalds, Rax and RC. Councilman at Large Rusty Casto questioned the amount of money needed for Melann, and Councilwoman Trout said that the estimated amount would be over \$300,000. Mrs. Pennington said that their insurance would pay a lot of it. Councilman Joe Savilla said that the medical insurance would pay 80 percent, but she has to live there for 6 months which would be a great expense. Councilman Savilla said that members of her family would want to be with her because she would be extremely ill because of the treatment. Councilwoman Trout said that they estimated it would be over a \$100,000. from out of pocket expense. Mayor Ashley said that he thought it would be a proper action on the part of the Council to move into the direction of sanctioning the necessary solicitation permit. Councilwoman at Large Trout said that no soliciting will take place until after the next Council Meeting.

2. 1988-89 PROPOSED BUDGET MARCH 1, 1988-89: - This item was covered under agenda item no. 2, and will be acted upon at the March 1, 1988 Council Meeting Minutes.

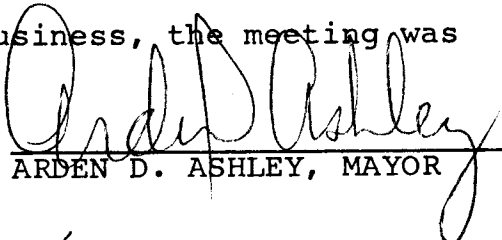
3. NITRO MUSEUM: - Mayor Ashley shared a communique from Mr. Jack Moody, Chairman of the WWI Commission inviting the Department of Culture & History to see the Museum site. Mayor Ashley reported that Jack is getting close to the point where the museum will be open. Mayor Ashley reported that Mr. Moody has done an awful lot there recently and thinks that most of the members of Council have been there. Mayor Ashley said that Councilman at Large Olaf Walker had mentioned some personal contributions to the museum. Mayor Ashley told Council that if they hadn't seen it, that he would encourage them to get in touch with Jack Moody and ask him to take them through as they will really be impressed. Mayor Ashley mentioned that if members of Council are available on Friday morning around 10:45 a.m., Mr. Moody is hosting some folks down and was sure he would be pleased and honored to have members of Council present.

LANDFILL PROJECT: - Councilman Charles Miller said that he received a call from a prospect wanting to buy the intake building and a third of an acre of ground encompassing the building. He wasn't interested in the landfill. The prospective buyer didn't mention money. Councilman Miller said that he was of the opinion that we should sell it all if we are going to sell it. Members of Council agreed that it

should be sold as a package. Mayor Ashley said by way of report, we asked Legal Counsel to advise us on that, and he has turned us loose to establish the mets and bounds and place an ad for sale of the property by sealed bids with a minimum bid of \$100,000. Mayor Ashley said that we would have to go back when we place the legal ad to make sure that the language is consistent with what counsels sanctioned. Mayor Ashley said that what we need now is the mets and bounds of the two parcels combined, so that the legal ad can be placed. This should be done by or through the engineers. Mayor Ashley said that we have a survey of mets and bounds from the fencing in, but did not know what we had in the way of mets and bounds on the property that houses the old water intake building. With that, we can place the legal ad and call for sealed bids. With the above completed, we could arrange to have the bid opening at a Council Meeting.

Mayor Ashley and Councilman at Large Olaf Walker had a debate regarding the Pegasus Environmental Resource Corporation proposal, and opinions were expressed by several members of Council. All members of Council opposed the location of the hazardous waste treatment plant being located in or near the City of Nitro except Councilman Jim Hutchinson. Councilman Hutchinson said that he had worked in chemicals all his life and wasn't too much opposed to this. However, he said that he didn't know what the public sentiment might be. He stated that if the majority of the citizens were opposed to it, then he was opposed to it and if the majority was in favor of it, then he was for it.

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


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

MARCH 1, 1988

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 Bob Evans, 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 FEBRUARY 23, 1988 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the Council Meeting Minutes of February 23, 1988 as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley said that this agenda item is something that we do once a month in which we always take a great deal of pleasure. We make it a point throughout the year, during each month, to select someone from among our ranks to recognize in a special way as being a person that we call our Citizen of the Month. It is requisite that they be a resident of the City, and be recommended or nominated to the Mayor's office. Mayor Ashley informed that in making the choice we often times try to bring it up and let it be a surprise to the recipient of the award. Mayor Ashley said that he thinks we have done this tonight, because Danny Hill thinks he's here to correct the list of Councilmembers on the panel in the display case in Council Chambers. But, in fact, Danny Hill is Nitro's Citizen of the Month for March, 1988. Mayor Ashley extended congratulations to Danny. Also, Danny received a big round of applause. Mayor Ashley asked the surprised Danny Hill if he had anything to say, but he didn't. Mayor Ashley advised that Danny was a man of few words, but for the record, gave a little information about Danny for the benefit of those in the audience that might not know him. Apart from the fact that Danny is a charming fellow and hard worker, he has been an employee of the City since 1981, he lives on 16th Street, his wife's name is Brenda and they have a son named Rodney. Danny is very helpful and cooperative around City Hall and in the City. He works for the Public Works Department, and whatever that department requires in the way of work to be done, Danny is the kind of guy that does it all with a smile on his face. He is such a fan of the City of Nitro and exemplifies the kind of citizen we like to have and the kind of employee we like to have, because we can always count on him. Danny has a scrapbook pertaining to events of Nitro that is more complete than anything we've seen. So,

when we are looking for material to go into the archives of the City, we always ask Danny to see his material and we have borrowed from that. Mayor Ashley again congratulated Danny Hill as being recognized as Nitro's Citizen of the Month and thanked him for his excellent service to the City. Another round of applause was given Danny Hill.

AGENDA ITEM NO. 3 - REQUEST OF HARMON CABLE COMMUNICATIONS: Councilmembers were furnished a copy of the communique from Harmon Cable Communications dated February 1, 1988, asking that we modify our agreement by changing the name of the entity involved to ARH, Limited. Mayor Ashley questioned if the only change would be just to simply change the name, and Mr. Patton from Harmon Cable Communications, answered that this would be the only change. Mayor Ashley asked if there would be any changes in the essence of the agreement, and Mr. Patton answered there would not be. There would be no change in ownership, operation or anything. Mr. Patton informed that they were actually still incorporated as Kanawha Cable Television Company, and they will still be known as Harmon Cable Communications as far as the citizens are concerned. Councilman at Large Olaf Walker said that he noticed that the ARH, Ltd. is the initial of Alan R. Harmon. Mr. Patton said this was the initials of the owner. Councilman Walker asked if Alan R. Harmon was a corporation, and Mr. Patton answered that he is the owner. Councilman Walker asked if he was the principal owner, and Mr. Patton said that he was the principal owner; the sole owner. Councilman Walker asked if the Kanawha Cable Television Company was chartered in the state, and Mr. Patton answered that it was; it was incorporated in the State of West Virginia. Councilman Walker questioned where the ARH, Ltd. was chartered, and Mr. Patton said in Colorado. Councilman at Large Olaf Walker wanted to know the reason for wanting the change, and Mr. Patton said that they have quite a few systems in the country, and when they changed the name of all of them to Harmon Cable Communications and on a local level, they found it much more simple and quite a savings on signs, stationery, etc. Also, he said that the way he understood it was that under some of the new tax laws, there will be some savings. Councilman Walker asked Mr. Patton if he received an annual report, and Mr. Patton answered that he did not. Mayor Ashley asked Mr. Patton if the City would receive a different agreement, and Mr. Patton said that all that would be required is a resolution changing the name in the existing agreement. Councilman at Large Olaf Walker moved we consider the request by Harmon Cable Communications to adopt a resolution identifying that the agreement would be with ARH, Ltd., instead of with Harmon Cable Communication, and the agreement otherwise would remain the same. Also, that Mayor Ashley check with the City Attorney Phillip Gaujot to make sure that the same commitment by both parties still exist, and the resolution be reviewed and approved by our City Attorney. The motion was seconded. Councilman Charles Miller asked Mr. Patton the length of time of the City's agreement, and Mr. Patton said that he believed it was set at 15 years around 4 or 5 years ago. Mayor Ashley said that he thought it was an agreement that renewed until otherwise

specified, and Mr. Patton said that this was not the case. Mr. Patton added that he couldn't say for certain, but thinks it expires around 1995 or 1997. A vote was taken for the adoption of the resolution subject to City Counsel's approval, and it was unanimous.

AGENDA ITEM NO. 4 - CONCESSION BIDS: - Mayor Ashley yielded this agenda item to the City Recorder Joan McClanahan who then yielded to our Director of Recreation Larry Angell. Mr. Angell furnished members of Council a copy of the bids received and explained that we advertised for sealed bids, not only for the pool, but also for the City Park and Ridenour Lake if anyone was willing to provide their own equipment at the last two facilities mentioned. However, we did not receive any bids for these facilities. We did receive bids from two companies on the concession rights at the Nitro Municipal Pool, one from Norris Concession Management Company and two bids from Better Foods, Inc., dba Better Foods Catering (Gino's). Mr. Angell said that as Council would notice, we received two bids from Better Foods (Gino's), one provided that videos be allowed and the other without. Of the three bids received, Norris Concession Management offered the highest rate which was 25% of gross. Councilman at Large Rusty Casto asked who was Norris Concession Management Co., and Mr. Angell answered that it was a private individual and that he hadn't worked with them in the past. But, they do have experience in food service and management, and they are not someone coming off the street wanting to start a business. Councilman Jim Hutchinson asked the location of this company, which is 1505 Crescent Road-C, in Charleston. Chief Cochran explained that it was on the West Side, along side the mountain near Bigley Avenue. Councilman Charles Miller asked who had the concession rights last year, and Mr. Angell informed that it was Better Foods. Councilman Miller asked if we had any problem with them last year, and Mr. Angell answered that we didn't, to his knowledge. Councilman Miller asked if they served the public well, and Mr. Angell said that he didn't know of any problems, but he wasn't that closely associated with the concessions last year. City Recorder Joan McClanahan answered that there were no problems with Gino's. Mayor Ashley said that he didn't recall having a single complaint on concessions last year, but said that he had a question on the percentage of gross on the bids from Better Foods. One bid stated 10.5% providing videos' were not allowed, and the other 15% providing videos' are available. Mr. Angell explained that last year we had videos' and there were problems with them, and this year he didn't feel it was a worthwhile venture. Therefore, Mr. Angell said that he choose to disallow videos' at the pool this year. All three bids received were for the swimming pool only, but Mr. Angell said that we were exploring the possibility of having bids from someone that would be able to provide their own equipment and facilities at City Park and Ridenour Lake. Better Foods have had concession rights at the Nitro Pool for at least the past two years. Councilman at Large Olaf Walker said that as he recalled, the City Recorder Joan McClanahan reported a substantial profit from the concession last year, and she answered that we did very

well last year. City Recorder Joan McClanahan added that there were no complaints. Councilman at Large Olaf Walker said that he would like to hear Larry's recommendation, but in his personal opinion, he would like for us to stay with the local business. Larry Angell said that the fact is, we have used Better Foods for two years and we have been very successful with no problems, and this is what we are looking for. Mr. Angell said that the small amount of background checking he did on the other company was with the people bidding, and not with any outside companies. According to them, they do have a pretty extensive background. Councilman at Large Rusty Casto said that he too would like to stay with Gino's, but we are looking at a bid in which the company would pay us a larger percentage. Mayor Ashley said that on the surface, this would certainly concern us as there seems to be a wide gap. But, Gino's offer a variety of concessions, and they did a pretty good level of business which would also have a bearing. Councilman at Large Rusty Casto said that he didn't know Norris Concessions, but he did know Gino's. City Recorder Joan McClanahan said that we do know that Gino's is reliable. Mayor Ashley said that they are also local. Mayor Ashley said that on the surface it would appear that we are thinking of the difference of 10.5% of gross vs 25% if we go with Norris. Councilwoman at Large Mary Trout asked if it was urgent that Council act upon this tonight, and Mr. Angell said that he didn't see any reason that it would have to be approved tonight. Councilwoman Trout requested that Mr. Angell do further investigation on the Norris Concession Management Company from other sources. Mr. Angell said that the background that was given is management with 7-Elevens for many many years, short order cooks with various different companies, such as the Marriott and the Braxton County Recreation Department. Mayor Ashley said that another questions that comes to mind is what percentage we received last year? Mr. Angell said that he thought it was 10.5%. Councilman at Large Olaf Walker said that we should get the report from last year and apply those figures on what we received last year. Councilman Charles Miller mentioned that we should also consider the items to be sold and the quality. Mayor Ashley said that if we have 600 people at the pool on a crowded Saturday afternoon and we don't receive any complaints, they they must be doing something right. Mr. Angell said that Mrs. Norris brought to his attention that they are planning to offer a wide variety of concessions at the pool. Councilman Charles Miller told Mr. Angell that he would like for him to check further and then report back to Council with his recommendation. Councilman Jim Hutchinson moved we table this item until such time as we get a recommendation, after the investigation, from the Recreation Director. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto said that he would like to ask Larry Angell a question regarding the park concession stand. Councilman Casto asked if the proposed concession stand would be operated in competition with the Little League? Mr. Angell said that his intent was not to try to create any direct competition,

but there would probably be competition. Mr. Angell said that there are quite a few people that have shown an interest in providing a concession stand on the pavilion side of the park. So, that is one of the possibilities that we explored. Mayor Ashley said that he thought the directions given were in the sense that it was not to create competition with the Little League. Mayor Ashley added that he thought most of the people would walk across the field to buy from the Little League concession stand, rather than buy from someone else. Mayor Ashley inquired if Mr. Angell had asked for bids park wide, and Larry said that he had. Mayor Ashley said that since we didn't receive any bids after being invited, then he thought it would not be inappropriate if Council wanted to extend to the Director of Recreation the latitude to make arrangement with someone that might want to put in concessions for a given event, such as high school baseball. Mayor Ashley said that some of the people selling concessions have carts that could be moved into place. Mr. Angell said that he talked with a representative from Pepsi and was informed that they are interested in possibly providing a mobile facility, but they are not interested in providing the concessions. Mayor Ashley mentioned that maybe the Lion's Club, the Woman's Club or the Volunteer Firemen would have an interest in the concessions. Mayor Ashley said that he thought it would be proper for this body, if Council would care to do so, to authorize the Recreation Director to enter into any special agreement with any concessionaire using his own discretion and making sure that whatever is done is done in a fair minded kind of way so that we could provide concessions without having to reconvene the Council to do it. Councilwoman at Large Mary Trout moved that we give the Recreation Director the authority to enter into agreements on special occasions of City owned facilities to sell concessions apart from the separate question on concessions at the pool. The motion was seconded. Councilman at Large Rusty Casto said that he would like to make a friendly amendment to the motion to have included that concessions include such things as fishing equipment rental or bait, etc. A vote was taken and it was unanimous. Mayor Ashley told Larry that as he enters into agreements that he report back to Council as requested by Councilman at Large Olaf Walker.

AGENDA ITEM NO. 5 - PROPOSED BUDGET 1988-89 CITY OF NITRO & NITRO SANITARY BOARD: - Mayor Ashley said that Council has before them the proposed budgets for 1988-89 of the City of Nitro and the Nitro Sanitary Board. Councilman at Large Olaf Walker asked if we could address these two budgets separate, and Mayor Ashley informed him that we could. Councilman Charles Miller moved that we approve the proposed budget for the City of Nitro as offered for the period of 1988-89. The motion was seconded. The projected revenue for the City of Nitro, as submitted by our City Treasurer Ralph Allison is \$1,574,900, which is summarized on the proposed documents. Then, we have, likewise, an estimate of expenditures in the same amount broken down by departments. Mayor Ashley said that subsequent to that, we have by departments and by line items the worksheets that lead up to the two summary

pages. At this time, Mayor Ashley said that what he would like to do in order to expedite the process is to entertain a motion to vote on that motion to approve the full budget, but extract from that any individual department or line item that any member of Council may wish to remove. Councilman at Large Olaf Walker said that he didn't anticipate any big controversy over the entire budget, but there may be one or two questions raised. Councilman Walker said that he didn't feel that this would affect it enough to approve the budget and then go item by item. Mayor Ashley said that the reason that he took the approach he did is that they have worked through the budget, line item by line item in each and every department. He said that he did not intend to go through that entire process again. He said that he was simply suggesting, as a body, that since we had the budget to work through during the months of January and February and there hadn't been any questions, inquiries or complaints about the figures thus far, but if there were a need to single out anything for separate discussion, we could remove it from the approval and then vote on it separately. Mayor Ashley said that if there were no inquiries or challenges to any of the budget, then we could move by approving the motion, which would then approve the proposed budget. At this time, Mayor Ashley questioned if anyone had any particular line item or department that they wished to make exception and withdraw from the approval. Councilman Bob Evans said that he did. He said that it wasn't in the budget, but the Communication office concerned him. Councilman Bob Evans said that even though we are anticipating going with 911, he doesn't see it happening. He said that the last budget approved, Council thought this would be done by October, 1987 and we still have the Communication office. Councilman Evans said that he would like for us to consider putting the Communication Department back into the budget which is in operation. Councilman Evans said that if we go to 911 at a later date, then that would just be over with. He said that we are going to be operating the Communication office without a budget for that department. Also, Mr. Evans said that there was a big question on the 911 system, such as the cost to the City, and are we going with this system? He commented that a lot of things have changed since Council discussed this. Councilman Evans said that there are all kinds of rumors regarding the 911 system. He said that we have read in the newspapers about the problems with 911, and also we have read good things about it. Councilman Bob Evans said that he really thought we should consider putting the Communication Department back in the budget for now. Mayor Ashley answered that the reason for having the discussion of the budget tonight is that if there is a problem, we can always delay the approval until the March 15, Council Meeting. Mayor Ashley said that during the period from the time we worked on the budget, Council had already taken action, but we could rescind the action by the first of July and amend the budget at a later date. Mayor Ashley said that it is a question as to whether we go with the guess that we are going to have 911 by July 1, or we're not going to have it. So, either way we are pretty much speculating or guessing. The Council has taken action to

approve 911. Mayor Ashley said that it would make it rather difficult to restructure tonight, a budget for the Communication Department and thinks it should be done in a working session. He said that he didn't know how we could address the budget in question if we are going to try to recreate a departmental budget for next year. Mayor Ashley asked Councilman Evans if he had any suggestions as to how we could approve the budget if we are going to have to go back and refigure it, and Councilman Evans said that he would then have to move not to approve the budget. Mayor Ashley informed him that we already have a motion to approve the budget, and feels the motion made by Councilman Evans was improper. Councilman at Large Olaf Walker said that he wanted to try and help Councilman Evans, and explained that we don't have a title in the budget for communications, but we do have the same person who is there now budgeted in another department. Mayor Ashley said that we have absorbed the individual carried over in City Hall. Councilman Walker said that if we don't go to 911, and we continue with our Communication's Department as it is now, asked if we had the same money in the budget to continue this department. Mayor Ashley answered that we did not, and that Councilman Evans is correct. We do not have provided in the budget the personnel we presently have assigned to the Communication Department, so there are additional personnel that are in the budget now because we are maintaining the communication staff that would not need to be maintained. All other expenses are pretty much the same except for the personnel. Mayor Ashley told Councilman Evans that one of the problems he had with his thought was that based upon rumors and comments, we still don't know what is going to be the capability of the Metro Comcenter, notwithstanding they have not met their target dates, and perhaps notwithstanding the fact there are concerns that all of us share about their ability to communicate emergency services better than we can. Councilman Walker said that he felt this was the concern of Councilman Evans. Mayor Ashley said that we are not in a position to make a judgement on that, one way or the other. He said that we could make a decision now not to go with 911, and he would certainly hope this Council wouldn't choose to do so, as he felt it was too soon to do that. Councilman Evans said that he wasn't suggesting that. Mayor Ashley said that he thought it was also too soon to make a projection, when we are not getting information out of the Metro Comcenter as to when they are going to be able to address our needs or the needs of the other cities. At this time, they do not have the capability to dispatch our policemen and firemen in Dunbar, South Charleston, St. Albans or Nitro. Mayor Ashley said that someone in Charleston would have to speak to that challenge, but they are not offering us anything. Their latest promise was January 31, but they did not meet that date, and we haven't heard from them since. Mayor Ashley said that he didn't know what their problems were, but obviously they have some. It may very well be that they also will not be able to accommodate these other emergency communications before the first of July, but he said he didn't know that, and it is a guess either way we go. Mayor Ashley said that as we were all aware, the 911 is in place and working for

the citizen population of Kanawha County, and it is in place and working for the citizen population of Putnam County. Therefore, we are not talking about 911 for our citizens; they have it. We're talking about 911 for our emergency uniform police officers and firemen. It works for ambulances and for Charleston's Police Department, the Kanawha County Sheriff's Department, but it does not work for any other municipal emergency service. Councilman Charles Miller said that before we get 911, he would like for a representative from the Metro Comcenter to come to Nitro and answer about 4 or 5 questions that he has. Councilman Miller said that he would like to know the cost for the City to go with this system, also how much it will cost each year to stay on it, and if they are taking care of the upper end of Kanawha County without charge. Mayor Ashley offered as a counter proposal, that there are some concerns about when they are going to be able to accommodate 911, and at that point and time, this governing body may choose to go with it or not to go with it. Mayor Ashley said that in our budget, we have tentative plans of going with 911 because we have written the Communication Department out of next years budget. Councilman Walker asked where was the money that was going to be used to operate Communications? City Recorder Joan McClanahan told Councilman Walker that as she recalled, it wasn't in the budget last year. Mayor Ashley said that it was budgeted through September. Mayor Ashley informed that as far as the total budget is concerned, we are okay, but we're going to need to adjust the budget this year, and at that point and time, we're going to need to make a decision on the 1988-89 budget which would need to be done in June. Mayor Ashley mentioned that unless Comcenter get things put together in a hurry, chances are they won't be ready for us at this time. Councilman at Large Olaf Walker asked Mayor Ashley if he was talking about the adjustment which would mean that we are going to have to come up with more money to pay the system. Mayor Ashley answered that this was not correct. He said that he wasn't talking about that kind of an adjustment. The question asked by Councilman Miller was how much it is going to cost us, and Mayor Ashley said that he wasn't assuming that it would cost us anything. He said that we are all working under the same rules and regulations, and they can't come to us and tell us it will cost \$40,000, for instance. Mayor Ashley said that he thought the questions posed by Councilman Miller were very proper. Mayor Ashley suggested that, as a body, we address this concern and at the same time get this budget through anticipating that the problems will be taken care of. If it isn't, the mechanism is there to adjust it. Mayor Ashley said that if we do anything other than what we are doing, we're still guessing because we don't have the answers. Mayor Ashley said that in order to get the budget in, he would suggest that we go forward with what has been proposed. Mayor Ashley said that what he would suggest they do, as a body, is let him contact the Metro Comcenter and share with them the concerns of this governing body, and ask not that they come down here, but that we go up there. We should find a time when it is most convenient for the majority to go, and ask them to review for us where they stand in terms of their ability to dispatch our

emergency services and those of the other cities. City Recorder Joan McClanahan said that she agreed with Councilman Miller. She said that she has grave concerns regarding this, but said she honestly feels that we deserve for them to come here and address us. She said that if they want us to join with them, that they come to us. Why should we go to them? She said that they are trying to persuade us that this is the best route to go, that it would be best for all concerned, and there are a lot of things for which she would like an answer. Mayor Ashley said that they are the ones with the equipment, and said that if there are things they need to demonstrate to us, then they can best do it with their equipment at their place. Mayor Ashley said that we could insist that they come down and we could put them on the agenda. At this time we could ask questions, but he said that he didn't know if this would solve anything. City Recorder Joan McClanahan then asked if there was any point of them coming down or Council going to Comcenter if they don't have a figure? She said until we arrive at a figure or they arrive at a figure, it is pointless. Mayor Ashley answered, why must we assume there is a figure? He said that everybody is assuming that we are going to get a bill. Councilman at Large Olaf Walker said that someone would have to pay. Councilman at Large Olaf Walker asked Mayor Ashley to comment on the impact this would have on businesses in town. Mayor Ashley said that he didn't mind doing this, but we are getting away from the main motion. Mayor Ashley responded to Councilman Walker's inquiry. He said that our businesses are suggesting that the City of Nitro should provide 24 hour a day, 7 days a week alarm monitoring service, and if we have personnel at City Hall, he certainly didn't mind doing this. However, if we do not have personnel here, he didn't feel it was a function of government that we should provide the private sector with free monitoring service. Mayor Ashley added that he was not at all concerned about providing the service as long as we are here and it doesn't cost us any extra. Mayor Ashley informed that the main motion does not specifically have to do with 911; but it is regarding the budget and then he called the discussion back to the main motion. Councilman Walker said that indirectly it does, and Mayor Ashley agreed. Councilman Bob Evans said that he hated to bring the 911 subject up again, but Mayor Ashley said this was alright. Councilman Evans commented that it doesn't look as if this will happen real soon, and we should plan on having the Communication Office for a while. Mayor Ashley responded to Councilman Evans that he wished he had made this point to us a month or at least two weeks ago. Councilman Bob Evans responded that he tried to do that. Mayor Ashley told Councilman Evans that there is nothing sacred about the budget as far as he was concerned. Councilman Walker asked Mayor Ashley if plans were to continue to operate as we have been and Mayor Ashley answered that the Communication Department will continue to operate until such time as the emergency communications system at the Metro Comcenter would be in a position to take it over and be sanctioned by this body. Councilman Bob Evans asked how are we going to pay for the Communication Department if 911 doesn't go?

Councilman at Large Olaf Walker said that he thought the Mayor was right. Councilman Walker said that he thought it was the prerogative of the Mayor to shift the personnel within the City as he sees fit in order to get the job done. Councilman Walker commented that in reviewing the budget, he noticed it was only \$3,500 over last years budget. City Treasurer Ralph Allison asked Councilman Walker was he talking about the additional revenue or where are we going to spend it? Mayor Ashley answered that Councilman Walker was asking where the additional revenue was generated. City Treasurer Ralph Allison answered that it didn't come from any one specific item. Councilman at Large Olaf Walker asked if there were any receipts from the dog track planned or anticipated in this budget, and City Treasurer Ralph Allison answered that there were not. Councilman at Large Rusty Casto asked the status of the dog track. Mayor Ashley answered that he would entertain that question later. Councilman at Large Olaf Walker said that he was present during the budget review committee meetings, and the only time he started to ask a question was when the Mayor was shifting personnel. He said at this time, he thought the budget would be increased, but after checking the personnel, we have the same staff as last year and the money is basically the same. Councilman Walker said that even though Councilmen Evans and Miller's questions concern him, he feel the budget is okay. Mayor Ashley said that he hopes everyone understands that the point Councilman Evans is making has to be very well taken. If it is necessary that adjustments be made, it will not be with more money; we would have to go back into the departments, through the department heads, down through the personnel and make cuts from departments somewhere in order to accommodate the additional expense of maintaining staff in the Communication Department that is not now planned. Councilman at Large Rusty Casto said that we are in grave need of restrooms at the Park, and asked if Council could budget \$1,000 for the building of the restrooms. Mayor Ashley said that he would really like to accommodate Councilman Casto, but would suggest that the proper form, if he wished to do that, would be in the construction of the budget and should have been requested as they were working through the departments line items. Mayor Ashley then informed Councilman Casto that if he wished to make that motion at this time, he might suggest it as an addition of \$1,000 for the Recreation or the Public Works Department maintenance and repair, and then asked him to advise where it should be taken from. Councilman at Large Rusty Casto said that he would approach the new Mayor and advise him or her that the bathrooms at the City Park are a disgrace. Councilman Casto informed that he worked over there until midnight three nights in order to get the restrooms in shape so that the women could at least go in them. Mayor Ashley told Councilman Casto that his point was well taken, but we do have a maintenance and repair line item in the budget which is designed for that, but then it becomes a question of priority. Councilman Casto informed Council that he would like to go behind Baker Elementary, the junior high school and the railroad tracks and clean-up this area as soon as weather

permits. Then, Councilman at Large Rusty Casto said he would like to request \$500. from the City to put trees in this area, along with the 1,000 trees that the State would supply in order to beautify this area. Councilman Casto said that he would like to accomplish this before this Council leaves office. Mayor Ashley told Councilman Casto that the first thing he should do would be to go to the City Treasurer Ralph Allison to ascertain if the money is there. If so, then he should come before Council for their support. Councilman at Large Olaf Walker commented that he agreed with the Mayor again. He told Councilman Casto that he was talking about money, if we have it, in this years budget, and then he could come before Council pointing out the need for it, and most likely he would support Councilman Casto. Councilman Walker said that he would not be for increasing the budget. Councilman Jim Hutchinson stated that this body, including himself, always has a tendency to get away from the agenda item being discussed. Councilman Casto answered that it was on the agenda. Mayor Ashley explained that Councilman Casto is requesting additional money in the budget, and Councilman Casto was trying to get Council to revise the budget before we vote on it. Councilman Casto said that he was just informing of things that he needs. Mayor Ashley said that then he thinks he would have to rule with Councilman Hutchinson if all that Councilman Casto is doing now is appealing to Council to give him later approval. Councilman at Large Rusty Casto asked if it would be legal for the City, at some future date, to allot money for the Nitro Community Trust Fund? Mayor Ashley said that it would be a legal decision of Council to dedicate money to a foundation, but whether or not Council would wish to sanction this, would be another question. Mayor Ashley said that the question before us on the main motion is the approval of the proposed City budget (proposal #2), with the understanding that even up until the midnight hour on June 30, this budget is subject to revision. A vote was taken on the approval of the proposed budget in the amount of \$1,574,900, as submitted, and it was unanimously approved. Mayor Ashley requested the City Treasurer Ralph Allison prepare the necessary documents and submit them to the State Tax Commission.

PROPOSED 1988-89 CITY BUDGET ATTACHED.

Councilman at Large Olaf Walker said that to pursue what Councilman Casto was talking about, and also the items mentioned by Mayor Ashley, regarding projects that need to be done throughout the City and some equipment we would like to obtain, asked if we could or would bring a list of these to Council. Councilman Walker said that he thinks there were some good needs expressed in some of the budget meetings, but we don't have the funds to pay for them at this time. Councilman Walker said that he thinks we should have a list compiled and set them up in priority order. Mayor Ashley said that this is not a bad idea and we still have working papers from the department heads. For the record, Mayor Ashley said that we could record the City's deliberations so that we don't lose track of them.

Councilman at Large Olaf Walker moved for the approval of the budget of the Nitro Sanitary Board. The motion was seconded. Mayor Ashley mentioned that it did represent pretty much of status quo budget. Councilman at Large Olaf Walker questioned if it included a pay increase, and Mayor Ashley answered that it did not. A vote was taken for the approval of the budget of the Sanitary Board as proposed, and it was unanimous.

NITRO SANITARY BOARD BUDGET ATTACHED.

COMMITTEE REPORTS

1. VOLUNTEER AMBULANCE DRIVERS: - City Recorder Joan McClanahan shared a list with Council of 33 names of drivers for our ambulance, showing a total of 9,285 volunteer hours worked for the year 1987. She said that if these hours were multiplied by \$3.35, the minimum working wage, it would have amounted to \$31,104.75. City Recorder Joan McClanahan said that she thought the volunteers need a lot more recognition than they receive. Councilman at Large Olaf Walker agreed. Councilman at Large Olaf Walker questioned if all the volunteers were from Nitro, and City Recorder Joan McClanahan informed that they were not; one of the drivers is from Elkview. Mayor Ashley told City Recorder Joan McClanahan he is glad that she did this, because it is a real tribute to them that they would be willing to volunteer their time. Mayor Ashley added that they are life savers in more ways than one. Councilman Jim Hutchinson asked what type of special recognition they receive, and Mayor Ashley answered that they ask for so little and their needs are quite small. Mayor Ashley said that the Council has been kind enough to give them furniture, television and we have arranged to get them a few little things now and then. Councilman Walker asked the age group, and City Recorder Joan McClanahan said that it covered all age groups. Mayor Ashley said that a lot of them were working on certifications, paramedics and they come along at various stages. Councilman Walker said that he didn't know what we could do to express our appreciation for this type of contribution. Mayor Ashley said that he thought it would be nice if we print this in the next newsletter and give them credit for the hours worked so that the citizens will know. City Recorder Joan McClanahan said that what most people don't realize is that when there are two people responding to an ambulance call, that only one is paid and the driver is a volunteer. Councilman Jim Hutchinson commented that he thought we should do something in the way of special recognition for these volunteers, and told Mayor Ashley that he liked his suggestion. Councilman Walker inquired as to how a person could become a driver, and City Recorder Joan McClanahan said that they must pass some tests. Councilman Walker wanted to know if the information furnished was just for Nitro, and also if the other cities were the same? City Recorder Joan McClanahan responded that it is the Kanawha County Ambulance, but the information furnished pertains just to our ambulance. Mayor Ashley said that he thought St. Albans is pretty much a full paid

staff, but Cross Lanes has volunteers. City Recorder Joan McClanahan said that we could not operate without the volunteers. Mayor Ashley said that he would communicate some of the comments expressed tonight in a letter to them, and also the summary would be in the newsletter.

2. MELANNE PENNINGTON TRUST FUND: - Councilwoman at Large Mary Trout announced that Thursday, March 9, at 7:00 p.m. in City Hall, a meeting has been scheduled to designate a Saturday as Melanne Pennington Day. Councilwoman Trout reported that after the article appeared in the newspaper she received around 25 calls from people wanting to do something in the way of fund raising. She reported that she also received a call from Michigan from a lady that had heard about Melanne through the wire service. The lady told her that she met Melanne in the Miss America Pageant and wanted to send a contribution. Councilwoman Trout informed that Channel 5 from Clarksburg came down to Baker Elementary and did a beautiful story on Melanne which was viewed last evening. One of the teachers at Baker has a son attending WVU, and he taped the program and will send a copy. The Perrow Church in Cross Lanes will sponsor a blood drive on March 22. Councilwoman Trout said that with leukemia patients, there is a lot of blood used. She said that there will be advertisements for this drive. This blood drive was planned by a group of Melanne's friends who graduated from high school with her. Councilwoman Trout said that she thought rather than have fund raising activities planned over a long period of time, that one day be designated as Melanne Pennington Day with various activities. The tentative date is Saturday, March 26, but the definite date will be set at the meeting on Thursday evening. Councilwoman Trout said that they would like to have Melanne Pennington Day before she has surgery. Councilwoman Trout reported that Melanne is in Lexington, Ky. for some preliminary tests, and also she will be checking on housing while she is there. After her surgery, she will have to live there for 6 months. Councilwoman Trout advised that her surgery is scheduled for the last week in March. Councilwoman Trout reported that the trust account is opened at the Bank of Cross Lanes, and today she received \$50.00 from a student at Baker Elementary School from their class. Councilwoman Trout said that Mrs. Lee nor their teacher knew the students were collecting money for Melanne. Councilman at Large Rusty Casto asked the name of the hospital in which Melanne would be a patient, because when blood is donated to a certain individual, they always ask the name of the hospital. Councilwoman Trout said that she didn't have that information but she would certainly get it. Mayor Ashley said he was thinking that as Council convenes in the coming weeks, they might make it a point to have a greeting card that those present could sign and send to her. Councilman at Large Rusty Casto suggested that Councilwoman Trout notify the Nitro Moose Lodge and the high school as they have their blood drives in the Spring. Councilwoman at Large Mary Trout replied that the lady at the Red Cross said that there was a dire need of blood in the Charleston area, and asked them not to tap the sources they had already set up.

Councilman at Large Rusty Casto announced that he has been having a baseball card show once a month for the benefit of the Nitro Community Trust Fund which is attended by around 400 people. The next meeting is scheduled for March 26 at the Cin-San with A. James Manchin as the special guest. Councilman Casto invited Councilwoman Trout to come and pass the hat for contributions or they were welcome to have a raffle to raise funds if they desired.

3. REPORT ON TWO REQUESTS FROM MARK SANDERS: - Mayor Ashley reminded Council that before we act on the requests from Mark Sanders that those requests were tabled at the time of the last meeting. So, if we are to take them up as an item for discussion, the proper action would be to remove them off the table. Councilman at Large Rusty Casto moved the items be removed from the table. The motion was seconded. A vote was taken and it was unanimous. At the last meeting, the matters were turned over to our City Attorney Phillip Gaujot for consideration. The City Attorney Phillip Gaujot said that if he understood the first request, it was to have a sign made to be located on the property of Mr. Sanders. It would be a sign used for that property, but also the sign would be used for a property that is adjacent and behind, situated off the road. Mr. Gaujot said that we had a similar issue and question raised some months ago concerning Marrs Jewelry whereby Marrs wanted to place a sign on an area that was across the street from the business. However, the sign indicates that it is parking for that business, and this body allowed the sign to go up, which he thinks was proper. Mr. Gaujot informed that we have a zoning ordinance for the City of Nitro, and under 1205 - Purpose of Sign Used states that "no sign shall be permitted except those specifically pertaining to the use of the property on which they are located". Mr. Gaujot said that following that section of the zoning ordinances, he thinks that Mr. Sanders could place a sign on his property, which sign would advertise the businesses and the purpose for that land on which the sign is situated. Mr. Gaujot said that it would be prohibited by the zoning ordinances to advertise for someone else. Councilman at Large Olaf Walker commented that he thought this was exactly right. Councilman Walker asked Mr. Sanders whether or not he agreed to have the wrecker service advertisement on his sign? Mr. Sanders said that at the conclusion of the meeting last week, he was requested to bring a copy of the sign. He explained that his request was for a variance to allow Nitro St. Albans Wrecker Co. to place their sign on his. Mr. Sanders said that he had a discussion with Gary Blankenship after the meeting last week, and Gary informed him he would be at the meeting this evening to express his opinion. Mr. Sanders said that Gary told him that people came to the Police Department looking for the Nitro-St. Albans Wrecker. Mr. Sanders said that as he informed last week that people would be driving by, and passing Red Oak Dr. at which time they would come to a sudden stop or pull on his lot. Mayor Ashley said that Gary Blankenship is a Lt. with the Nitro Police Department and he

isn't here, and he didn't feel it was proper to represent his opinion before this body. Councilman at Large Olaf Walker told Mark Sanders that he would support the sign, but he was not going to support it if he would insist putting the Nitro-St. Albans Wrecker Service on his sign. Councilman Walker explained that his reasoning for that is the Marrs sign differs somewhat to what Mr. Sanders is proposing. Councilman Walker further explained that the sign of Mr. Marrs was 60 or 70 feet directly in front of the business he owns or operates. The problem was the street between his business. Councilman Walker said that Mr. Sanders would be allowed to put a sign up advertising his business. Mr. Sanders said that the Building Inspector had already approved for him to put up a sign, but that's not why he came to Council. Mr. Sanders asked if Mr. Marrs owned all the businesses that are listed on his sign, and Council advised that he did. After discussion, it was determined that he owned the building, but did not own all three businesses. Mayor Ashley ask that all comments be directed to the chair, and then he would recognize people to speak one at a time. Mayor Ashley said that the purpose at this point is to consider the request of Mr. Sanders for permission to advertise another business, not owned by Mr. Sanders, that is to be located on his property. Mayor Ashley agreed with Mr. Sanders that there is no problem with him putting the sign that he wants advertising his business, but the question before Council is whether or not they want or would permit him to advertise someone else's business on his sign. Mayor Ashley said that according to Mr. Gaujot's report, we can't do that according to the zoning ordinance as it presently reads. It was agreed that if another business in the building owned by Mr. Sanders on the same piece of property, then their advertisement could be placed on his sign. Mayor Ashley said that he had a question, but didn't know if it had anything to do with the decision of Council. He said that if he understood our attorney correctly, that he wasn't sure we have a right to make this decision in favor of Mr. Sanders's request, but asked if Nitro-St. Albans Wrecker was inside the City limits. Mr. Sanders informed that it was just outside the City, and Councilman Walker said that this was one question that he had. Councilman Walker said that Mr. Sanders pointed out, at the last meeting, the benefit the City would realize from the auction to be conducted at the wrecker company and stated that he feels the City would not derive any benefit from this. Mr. Sanders answered that this was one point he made because they will be coming in to spend the night and staying in the City. Mr. Sanders said that another thing was the safety hazard in this area. People do not know the location of the wrecker company and the sudden stops causing accidents. Mr. Sanders said that he has had vehicles slide through his lot. Councilman Walker asked Mr. Sanders if he would be paid for having the wrecker sign on his property, and Mr. Sanders answered that there would be no payment made to him. Councilman Walker questioned if he would share in the cost of the sign, and Mr. Sanders informed that this had not been discussed, but Mr. Riley expressed his desire to have something on the sign informing of the wrecker company location. Councilman Charles Miller said that according to the report from

legal counsel, Mr. Sanders is allowed to put up his sign, but we cannot allow him to put up the other sign advertising Nitro-St. Albans Wrecker, and moved that we deny the request of Mr. Sanders pertaining to the sign. The motion was seconded. Mayor Ashley asked the City Attorney if this would be correct, and Mr. Gaujot said that just so we are perfectly clear, the ordinance states that no sign shall be permitted except those specifically pertaining to the use of the property on which the sign is located. Mr. Gaujot explained that if it was parking, as he understood the sign requested by Mr. Marrs, on Marrs property and the sign does advertise that it is parking for properties owned. Mr. Gaujot said that if Mr. Sanders owned the Nitro-St. Albans Wrecker premises and that area where the proposed sign would be for parking, for instance, for that business, then he would say it would be allowed. Councilman at Large Rusty Casto asked if Mark would rent office space out to the Nitro Wrecker, could the sign go up? Mayor Ashley said that it may have some effect on the substance to change and Mr. Gaujot's position, but then it would be more proper for us to consider it. Councilman Bob Evans said that he didn't think Council had any choice but to deny the request. Mr. Sanders asked Mr. Gaujot if the Nitro-St. Albans Wrecker would rent space from him, with possibly a satellite office, and if they have their business on his premises, could their sign go up? Mr. Gaujot said that the sign can be used and it can state the purpose of the land being used on which the sign is situated. If there are businesses in Mr. Sanders's building, then he could advertise for those businesses; it could be parking for those businesses. A vote was taken that the request of Mark Sanders for an off premise sign be denied, and it was unanimous.

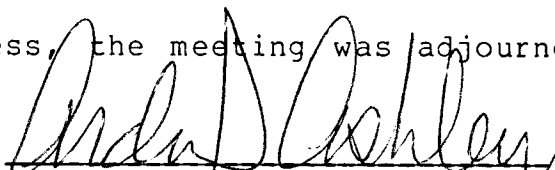
Mr. Gaujot advised that the second request of Mr. Sanders had to do with changing the zoning from B-1 back to R-2 to allow apartments to be rented out in a B-1 zone. Mr. Gaujot informed that if Council changed the zoning back to R-2, then the business that Mr. Sanders has wouldn't be allowed. According to the zoning ordinances relative to B-1, under Prohibited Uses, "any residential conduct of a business is prohibited, and this is what he is asking. However, Mr. Gaujot informed that there is a provision under zoning ordinance Section 245 which allows for a variance especially where it would result in hardship. Mr. Gaujot said that it was his understanding that Mr. Sanders has expended a considerable sum of money to build a business in Nitro to enhance the revenues in Nitro and also enhance the beauty of Nitro. As a result, Mr. Sanders is now unable to rent the space above his business for office space. Therefore, it appears there could be substantial economic loss to him, and could be an economic loss to the City. Mr. Gaujot said that interpreting variance as identified in the ordinance, he would say that the proper way to handle this is to have Mr. Sanders withdraw his request before this body, and to resubmit to the Board of Zoning Appeals a request for a variance. Then that body would advertise, allow the people living in the community to address the issues with any objections or support of Mr. Sanders, and then they can make the decision whether his hardship outweighs

the objections of any of the people living in the neighborhood. Mr. Gaujot said that he talked with Mr. Smith, Mark Sanders's attorney, and suggested that Mr. Sanders resubmit his request to the Board of Zoning Appeals. Mr. Gaujot said that once the Board of Zoning Appeals makes a decision, then it is referred to Council to have made a part of public record. Mr. Gaujot suggested that Mr. Sanders withdraw his request that is before this body, and resubmit a new request to the Zoning Board of Appeals. Mayor Ashley said to recap for the benefit of Mr. Sanders and for the Council, Mr. Lemma's impression was based upon the nature of Mr. Sanders's request referred it to Council. But, following the advise of the City Attorney inasmuch as it must, in order to be approved as a variance, be advertised and followed by a public comment hearing, then they can grant the variance. Mayor Ashley advised that the advertisement would be placed through the City Recorder's office as a service to the Board of Zoning Appeals which would be requested by Cecil Lemma, Chairman. Councilman at Large Olaf Walker said that he was discussing Mr. Sanders's request with the City Recorder today, and wanted to know what zone he was in before requesting the variance. Mr. Sanders's said that he thought it was an R-2 zone. He said that the alley behind it on the hillside was zoned R-3. Councilman Walker asked what we did on his first request. City Recorder Joan McClanahan said that his original request was from R-3 to B-1. Councilman Walker said that he was in R-2, but the Board of Zoning Appeals had him in R-3. If he is R-2, then he needs to proceed as our City Attorney suggested. Mayor Ashley said that now he is in a B-1 zone as per his request, and there is no zone wherein you can have a business apartment combination. Councilman Walker said that he never was in an R-3 zone. Mayor Ashley said that he was aware of this, but it was beside the point. He requested to be changed to B-1 and that request was granted. Councilman Walker said that the action by the Board of Zoning Appeals was flawed because there was an error. Mr. Gaujot said that if it was zoned R-2, then he can't operate his business. Councilman Walker said that we can change it. Mayor Ashley said that we can't change it to anything on the books that will allow him to have both a business and an apartment without a variance; there is no such zone. Mr. Sanders is in a B-1, as he has requested to be, and now he wants permission to have an apartment in a B-1 zone, and the Board of Zoning Appeals can grant him that variance. Mark Sanders said that he would withdraw his request and resubmit to Mr. Lemma a letter of request for variance on that property. No action required by the Council. Eve will contact Bob Sergeant, the City Building Inspector of the action taken.

Councilman at Large Rusty Casto said that he would like to see the members of Council meet at 6:00 p.m. and go, as a group, to the spaghetti dinner to be held at the Nitro High School on behalf of the Kirk Kelly Memorial. Councilman Casto said that he had to work and couldn't get away until 6:00 p.m. The

dinner starts at 4:30 p.m. and lasts until 7:00 p.m. Mayor Ashley said that he was going to the dinner, but may go before 6:00 p.m. Other members of Council also informed that they were going to the dinner.

There being no further business, the meeting was adjourned at 9:10 p.m.


ARDEN D. ASHLEY, MAYOR


JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO
ESTIMATE OF EXPENSES
1988-89 BUDGET

BUDGET PROPOSAL #2

DEPARTMENT NAME	1988-89 BUDGET	1987-88 BUDGET
CITY COUNCIL	11,281.	11,165.
MAYOR	54,205.	54,057.
CITY RECORDER	19,597.	31,049.
TREASURER	48,116.	44,404.
CITY HALL	273,968.	262,932.
BUILDING INSPECTOR	28,514.	27,186.
POLICE	260,454.	242,462.
FIRE	244,594.	239,363.
PUBLIC WORKS	524,421.	531,032.
RECREATION	81,579.	54,068.
LIBRARY	21,482.	51,431.
DOG CATCHER	6,259.	6,366.
BUDGET TOTAL	1,574,900.	1,571,400.

CITY OF NITRO
ESTIMATE OF REVENUES
1988-89 BUDGET

BUDGET PROPOSAL #2

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1987-88 BUDGET
01-30-11-0305	PROPERTY TAX	255,000.	240,000.
01-30-80-0815	BUILDING PERMITS	10,000.	10,000.
01-30-90-0915	INSPECTION FEES	1,000.	1,000.
01-31-70-5389	SALE OF FIXED ASSETS	0.	70,000.
01-33-20-1015	B & O TAX	475,000.	475,000.
01-33-30-1110	UTILITY TAX	135,000.	115,000.
01-33-40-1211	PARKS & RECREATION	30,000.	30,000.
01-33-50-1308	LIQUOR LICENSE	1,000.	1,000.
01-33-60-1608	LIQUOR TAX	60,000.	60,000.
01-34-10-1715	BUSINESS LICENSES	8,000.	8,000.
01-34-40-7920	INTEREST INCOME	7,500.	5,000.
01-34-45-9120	CIVIC BENEFITS ASSOC.	172,000.	172,000.
01-34-50-5989	RENTS & CONCESSIONS	2,400.	2,400.
01-34-70-6089	COURT COSTS & FEES	33,000.	22,000.
01-34-90-6289	LIBRARY FEES	500.	500.
01-36-70-5389	MUNICIPAL SERVICE FEES	315,000.	315,000.
01-39-90-9972	COAL SEVERANCE TAX	14,500.	14,500.
01-39-96-9999	MISCELLANEOUS	35,000.	30,000.
	PAR INDUSTRIAL PARK	20,000.	0.
	BUDGET TOTAL	1,574,900.*	1,571,400.

CITY OF NITRO
MAYOR'S DEPARTMENT
1988-89 BUDGET

BUDGET PROPOSAL NO# 2

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1987-88 BUDGET
01-40-90-0111	SALARIES	41,040.	41,040.
01-40-90-0112	RETIREMENT	3,899.	3,899.
01-40-90-0113	FICA TAX	3,082.	2,934.
01-40-90-1141	DUES	2,184.	2,184.
01-40-90-4156	DEPARTMENT SUPPLIES	500.	500.
01-40-90-4157	TRAVEL	3,000.	3,000.
01-40-90-4160	MISCELLANEOUS	500.	500.
	TOTAL BUDGET	54,205.	54,057.

CITY OF NITRO
CITY COUNCIL
1988-89 BUDGET

BUDGET PROPOSAL #2

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1987-88 BUDGET
01-41-00-0111	SALARIES	8,400.	8,400.
01-41-00-0113	FICA TAX	631.	515.
01-41-00-1140	CONTRACT SERVICES	500.	500.
01-41-00-4157	TRAVEL	1,750.	1,750.
	BUDGET TOTAL	11,281.	11,165.

CITY OF NITRO
CITY HALL
1987-88 BUDGET

BUDGET PROPOSAL #2

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1987-88 BUDGET
01-44-00-0111	SALARIES	67,983. *	62,046.
01-44-00-0112	RETIREMENT	6,455. *	5,895.
01-44-00-0113	FICA TAX	5,106. *	4,436.
01-44-00-1140	CONTRACT SERVICES	20,700.	20,700
01-44-00-1142	PROFESSIONAL SERVICES	24,800.	24,800
01-44-00-1149	INSURANCE	31,253.	31,253
01-44-00-1150	BLUE CROSS GRP. INS.	73,000.	70,000
01-44-00-4156	DEPARTMENT SUPPLIES	8,000.	8,000.
01-44-00-4162	COMPUTER SUPPLY	4,000.	4,000.
01-44-00-4165	UTILITIES	18,800.	18,800.
01-44-00-4172	MAINT. & REPAIR BLDG.	1,868.	1,000.
01-44-00-4176	TELEPHONE	12,000.	12,000.

CITY OF NITRO
TREASURER
1988-89 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1987-88 BUDGET
01-41-30-0111	SALARIES	9,000.	9,000.
01-41-30-0113	FICA TAX	676.	644.
01-41-30-1147	AUDIT FEES	2,000.	2,000.
01-41-30-4156	DEPARTMENT SUPPLIES	750.	750.
01-41-30-4160	MISC.:WORKERS COMP.	28,190.	24,500.
	CONTINGENCIES	7,500.	7,510.
	BUDGET TOTAL	48,116.	44,404.

CITY OF NITRO
RECORDER
1988-89 BUDGET

BUDGET PROPOSAL #2

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1987-88 BUDGET
01-41-10-0111	SALARIES	13,500.	13,500.
01-41-10-0112	RETIREMENT	1,283.	1,283.
01-41-10-0113	FICA TAX	1,014.	966.
01-41-10-1140	CONTRACT SERVICE	500.	500.
01-41-10-1143	ELECTIONS	0.	12,000.
01-41-10-1145	LEGAL ADS	2,000.	1,500.
01-41-10-4156	DEPT. SUPPLIES	500.	500.
01-41-10-4157	TRAVEL	500.	500.
01-41-10-4161	RECORD BOOKS	300.	300.
	BUDGET TOTAL	19,597.	31,049.

CITY OF NITRO
FIRE DEPARTMENT
1988-89 BUDGET

BUDGET PROPOSAL #2

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1987-88 BUDGET
01-50-00-0111	SALARIES	151,515.	159,000.
01-50-00-0112	RETIREMENT	25,000.	12,294.
01-50-00-0113	FICA TAX	11,379.	11,369.
01-50-00-1140	FIRE PREVENTION	800.	800.
01-50-00-1142	PROFESSIONAL SERVICES	9,500.	9,500.
01-50-00-1148	PRINTING	500.	500.
01-50-00-4156	DEPT. SUPPLIES	7,000.	7,000.
01-50-00-4158	UNIFORMS	3,000.	3,000.
01-50-00-4159	AUTOMOTIVE SUPPLIES	4,000.	4,000.
01-50-00-4163	MAINTENANCE & REPAIR	6,000.	6,000.
01-50-00-4165	UTILITIES	16,000.	16,000.
01-50-00-4168	LAUNDRY	600.	600.
01-50-00-4180	RADIO TOWER RENTAL	300.	300.
01-50-00-5659	CAPITAL OUTLAY	9,000.	9,000.
	TOTAL BUDGET	244,594.	239,363.

CITY OF NITRO
PUBLIC WORKS
1988-89 BUDGET

BUDGET FORPOSAL #2

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1987-88 BUDGET
01-53-00-0111	SALARIES	268,884.	286,954.
01-53-00-0112	RETIREMENT	25,544.	27,261.
01-53-00-0113	FICA TAX	20,193.	20,517.
01-53-00-1140	CONTRACT SERVICES	6,000.	6,000.
01-53-00-4156	DEPARTMENT SUPPLIES	28,000.	28,000.
01-53-00-4159	AUTOMOTIVE SUPPLY	23,500.	10,000.
01-53-00-4160	MISCELLANEOUS	1,000.	1,000.
01-53-00-4165	UTILITIES	12,500.	12,500.
01-53-00-4168	STREET LIGHTS	40,800.	40,800.
01-53-00-4172	REPAIR BUILDINGS	3,000.	3,000.
01-53-00-4173	REPAIR EQUIPMENT	20,000.	20,000.
01-53-00-4174	SANITARY LANDFILL	34,000.	34,000.
01-53-00-4175	ASPHALT, SAND	35,000.	35,000.
01-53-00-3659	CAPITAL OUTLAY	6,000.	6,000.
	BUDGET TOTAL	524,421.	531,032.

CITY OF NITRO
LIBRARY
1988-89 BUDGET

BUDGET PROPOSAL #2

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1987-88 BUDGET
01-55-30-0111	SALARIES	14,000.	14,000.
01-55-30-0112	RETIREMENT	1,330.	1,330.
01-55-30-0113	FICA TAX	1,052.	1,001.
01-55-30-4156	DEPT. SUPPLIES	200.	200.
01-55-30-4163	MAINTENANCE	1,000.	31,000.
01-55-30-4165	UTILITIES	1,200.	1,200.
01-55-30-4176	TELEPHONE	0.	500.
01-55-30-4178	BOOKS	2,700.	2,200.
	BUDGET TOTAL	21,482.	51,431.

CITY OF NITRO
RECREATION
1988-89 BUDGET

BUDGET PROPOSAL #2

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1987-88 BUDGET
01-55-00-0111	SALARIES	38,431.	13,725.
01-55-00-0113	FICA TAX	2,886.	981.
01-55-00-0112	RETIREMENT	1,900.	0.
01-55-00-1140	CONTRACTED SERVICES	5,000.	5,400.
01-55-00-4156	DEPARTMENT SUPPLIES	6,700.	6,900.
01-55-00-4163	MAINTENANCE & REPAIR	6,000.	6,000.
01-55-00-4165	UTILITIES	20,000.	20,000.
01-55-00-4175	SAND, GRAVEL	500.	500.
01-55-00-4176	TELEPHONE	562.	562.
	BUDGET TOTAL	81,979.	54,068.

CITY OF NITRO
DOG CATCHER
1988-89 BUDGET

311

ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1987-88 BUDGET
01-44-60-0111	SALARIES	4,285.	4,364.
01-44-60-0112	RETIREMENT	407.	415.
01-44-60-0113	FICA TAX	322.	312.
01-44-60-1144	SHELTER FEE	600.	600.
01-44-60-4158	UNIFORMS	75.	75.
01-44-60-4159	AUTOMOTIVE SUPPLY	600.	600.
	BUDGET TOTAL	6,289.*	6,366.*

*HAVE SPLIT ALL COSTS WITH THE CITY OF DUNBAR

CITY OF NITRO
POLICE DEPARTMENT
1988-89 BUDGET

BUDGET PROPOSAL #2

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1987-88 BUDGET
01-45-50-0111	SALARIES	192,066.	189,979.
01-45-50-0112	RETIREMENT	2,200.	6,900.
01-45-50-0113	FICA TAX	14,424.	13,583.
	CONTRACT: SERVICES	0.	0.
	PROFESSIONAL SERVICES	750.	0.
	TELETYPE (CRT MAINT.)	1,200.	0.
01-45-50-4156	DEPARTMENT SUPPLIES	3,000.	2,700.
01-45-50-4158	UNIFORMS	3,200.	3,200.
01-45-50-4159	AUTOMOTIVE SUPPLY	16,000.	14,000.
01-45-50-4160	MISCELLANEOUS	600.	600.
01-45-50-4163	MAINTENANCE & REPAIR	2,600.	2,600.
01-45-50-4164	REFUNDS	500.	500.
01-45-50-4167	CRIME PREVENTION	500.	100.
	FOOD & DRUG	150.	0.
	TELEPHONE (CRT LINE MIL.)	2,500.	0.
01-45-50-4180	RADIO TOWER RENTAL	300.	300.
01-45-50-4179	TRAINING	1,000.	200.
01-45-50-4181	CRIME VICTIMS FUND	5,000.	1,800.
01-45-50-5659	CAPITAL OUTLAY	6,000.	6,000.
	EQUIPMENT RENEWAL	1,000.	0.
	POLICE RESERVES	1,200.	0.
	DRUG ENFORCEMENT	0.	0.
	TRAVEL	250.	0.
	SCHOOL CROSS. GUARDS	6,014.	0.
	BUDGET TOTAL	260,454.	242,462.

CITY OF NITRO
BUILDING INSPECTOR
1988-89 BUDGET

BUDGET PROPOSAL #2

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1987-88 BUDGET
01-43-60-0111	SALARIES	21,758.	21,758.
01-43-60-0112	RETIREMENT	2,067.	2,067.
01-43-60-0113	FICA	1,634.	1,556.
01-43-60-1141	DUES	55.	55.
01-43-60-4156	DEPARTMENT SUPPLIES	1,500.	1,500.
01-43-60-4157	TRAVEL	1,500.	250.
	BUDGET TOTAL	28,514.	27,186.

NITRO SANITARY BOARD
BUDGET
FISCAL YEAR 1968 / 1969

1. PROJECTED REVENUES & EXPENSES NO WAGE INCREASE

ESTIMATED REVENUES \$ 589,319

SALARIES	\$	212,946
FICA		15,992
RETIREMENT		20,230
HEALTH INSURANCE		17,500
WORKMENS COMPENSATION		5,792
OTHER EMPLOYEE EXPENSES		1,400

TOTAL WAGE RELATED EXPENDITURES \$ 273,860

UTILITIES		91,500
INSURANCE		19,645
SUPPLIES		9,159
MAINTENANCE & REPAIRS		17,047
VEHICLE REPAIRS & MAINTENANCE		2,425
GASOLINE		2,459
RENT		2,996
EQUIPMENT RENTAL		247
LEGAL SERVICES		14,408
BILLING COLLECTING & ACCOUNTING		34,313
SHOP & LAB		6,573
UTILITY TAXES		10,050
OPERATOR TRAINING		762
MISCELLANEOUS GENERAL EXPENSE		16,000

TOTAL OPERATIONS EXPENDITURES 217,584

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 586,072

INCREASE IN RESERVES \$ 3,257

CITY OF NITRO
COUNCIL MEETING MINUTES

MARCH 15, 1988

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 Bob Evans, 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.

Mayor Ashley welcomed everyone to the Council Meeting. In the invocation by Councilwoman Trout, she made reference to the Boy Scouts that were present. We have with us Boy Scout Troop 116 from the Nitro Church of God, and their Scoutleader Jimmy Boggess. Mayor Ashley asked the scouts if they would please stand when he introduced them. Present were Brian Murray, Carl Morris, Scott Diehl, Scott Keith, Andy Woodson, Jonathan Woodson, Chris Shingleton, committee member John Woodson, Danny King, assistant Scoutmaster and the Leader Jimmy Boggess. Mayor Ashley said that he understood that the Scouts were here tonight as one of their assignments and they will be watching local government in action.

Mr. Boggess explained that the Scouts were working on their communication, citizenship and community merit badges, and one of the requirements is that they must attend a town meeting, obtain a budget of the City, and also to write local or national government or the President, if they desire, expressing their views about a local problem or an event that is coming up. Mr. Boggess expressed his thanks to Council for having them. Mayor Ashley answered that it was our pleasure, and for them to feel free to write any one or all of the members of Council.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 1, 1988 COUNCIL MEETING MINUTES: - City Recorder Joan McClanahan moved for the approval of the Council Meeting Minutes of March 1, 1988. The motion was seconded. A vote was taken for the approval of the minutes, as written, and it was unanimous. Mayor Ashley added that the minutes constitute a long list of pages and contains the most important document with which the City deals, and that is the approved budget for the fiscal year beginning July 1, 1988 and ending June 30, 1989.

AGENDA ITEM NO. 2 - (RIC) REGIONAL INTERGOVERNMENTAL COUNCIL CONTRIBUTION: - Mayor Ashley informed that this is in a line item in the budget, and there is a statutory provision that

municipalities within our region are required to contribute to the Regional Intergovernmental Council. The fee was \$1,428 last year and it did not change from last years commitment to this years commitment. Mayor Ashley informed that this has been approved, and entertained a motion to authorize the certification so that he can affix his signature to their request. Councilman Jim Hutchinson moved we authorize the contribution. The motion was seconded. Councilman at Large Olaf Walker asked if we could have included in the motion the amount which is \$1,428. Councilman Jim Hutchinson considered this a friendly amendment to his motion, as did Councilwoman at Large Mary Trout who seconded the motion. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - REQUEST FOR 3RD ANNUAL KIRK KELLY MEMORIAL RUN - MAY 28: - Mayor Ashley informed that this agenda item is a request for authorization of the 3rd Annual Kirk Kelly Memorial Run to be held on May 28 at 8:00 a.m. All members of Council were furnished a copy of the request detailing the run. Councilman Joe Savilla moved the request be granted. The motion was seconded. A vote was taken and it was unanimous. Mayor Ashley commented that we not only approve the event, but offer our wholehearted support. All the members of Council were invited to help in this event. Jay Long, Assistant Director of Public Works, reported that they raised around \$300 from the spaghetti dinner. Councilman Walker asked the cost of the spaghetti dinner, and Mr. Long informed that it was \$2.50. Councilman Walker said that he would donate this amount after Council Meeting. Councilman Walker said that the date of the spaghetti dinner was included in the minutes, and he thought it was this evening. Councilman Walker said that Councilman Casto had mentioned that the body meet at 6:00 p.m., and go over together. He said that he guessed he just wasn't listening. Mayor Ashley told Councilman Walker that this was generous of him. Mr. Long advised that the money goes to a scholarship fund for some lucky recipient chosen by the Principal and teachers from the high school. Mr. Long said that our City Treasurer Ralph Allison washed dishes at the spaghetti dinner, and he would like to commend him. Councilman Jim Hutchinson told Mr. Long that he thought the spaghetti dinner was real good. Mayor Ashley said that our Treasurer Ralph Allison does quite a bit around the community and had a pretty close feeling for Kirk Kelly. So, he along with a lot of other people have seen to it that this project is not going to die, and thinks it will get stronger as years go by.

AGENDA ITEM NO. 4 - PROC. 88-6 MELANNE PENNINGTON DAY: - Mayor Ashley read the above numbered proclamation in its entirety proclaiming March 26, 1988 as Melanne Pennington Day. Councilman at Large Olaf Walker moved for the approval of this proclamation. The motion was seconded. A vote was taken and it was unanimous.

Councilwoman at Large Mary Trout, Chairman of the Melanne

pennington fund raising effort, reported that prior to the Council Meeting she distributed posters regarding the blood drive for Melanne, and requested everyone take at least one and post them in businesses in Cross Lanes. Councilman Charles Miller will be working with the Blood Drive for Melanne on March 22, at the Perrow Presbyterian Church, and if anyone would need any information, to please contact him. Anyone interested in working in this drive should call the Perrow Presbyterian Church. Councilwoman Trout said that she checked with the Bank of Cross Lanes today; there is \$2,000 in the account, and the big fund raising drive is just beginning. She reported that she has mailed letters requesting donations and inviting participants in the fund raising activities. Saturday, March 26, a Tag Day has been planned and sponsored by the Band Boosters at the high school. They are requesting adult help in this. A hot dog sale at Baker Elementary, and the teachers are putting this on. They will delivery the hot dogs, or you are welcome to come to the school for them. A hair cut-a-thon on 21st Street is being planned. Councilwoman Trout explained that a beautician, who is a friend of the family, has volunteered to give her Saturday to cut hair with donations going to the Melanne Trust Fund. Councilwoman Trout reported that there will also be crafts for sale to be held at Baker Elementary if it rains, and if not, it will be located at Body Directions. Also, she reported that we have a softball tournament that will be held on the 2nd and 3rd of April which is being taken care of by Larry Angell. He has contacted 41 teams. There will be a fee charged and all the money will go to the fund. Jay Long, Assistant Director of Public Works reported that the employees have scheduled a car wash for April 9, at the Nitro Moose Lodge. He said that he is awaiting confirmation from the Moose, but anticipates no problem. Councilwoman Trout said there will also be other activities sponsored by Nitro High School in the month of April. They are having a special bingo night with all funds going to the Melanne Pennington Fund, and they are also planning a faculty-student basketball game with the funds raised going to the fund. Councilwoman Trout explained the need and the importance of the blood drive that is scheduled for March 22 to the Scouts. Councilwoman Trout told the Scouts that if they would take the information regarding the blood drive to their church and tell the people on their block or give a copy of the poster to their parents so that they could take it to the plant or office in which they work, she feels this would be considered a beneficial community service. Councilwoman Trout reported that Melanne was home now, but she and her sister will be leaving this weekend. The surgery is scheduled for March 28. A card was circulated to the members of Council and the audience for their signatures. Mayor Ashley said that we will, likewise, have cards at each meeting for signatures. Also, he said that we shouldn't forget Melori as she is donating the bone marrow.

PROCLAMATION 88-6 ATTACHED.

AGENDA ITEM NO. 5 - PROPOSED BUDGET 1988-89 CITY OF NITRO AND NITRO SANITARY BOARD: - Mayor Ashley informed that this agenda item was approved at the last Council Meeting and was listed in error.

AGENDA ITEM NO. 6 - SPECIAL COUNCIL MEETING (MAY8): - Mayor Ashley said that this agenda item pertains to a planned special Council Meeting, and asked the City Recorder Joan McClanahan to explain this to the Councilmembers. City Recorder Joan McClanahan advised that our Municipal Election is June 7, 1988, and the last filing date is midnight May 7. Therefore, this gives us five weeks to get the ballots and allow for absentee balloting, and said that she is requesting or proposing that we have a special Council Meeting on May 8, to determine the placing of the candidates on the ballot. City Recorder Joan McClanahan apologized for requesting the meeting on Mother's Day, but in order to get the information to the printers on Monday to insure we receive the ballots as quickly as possible. There was a question as to what time, and the City Recorder Joan McClanahan answered that the members of Council could make this decision. Mayor Ashley said that since the placing of the candidates is the only item on the agenda, and as he understood, the process would be by those who have filed for each office, and draw numbers for each candidate to fix their position on the ballot. After a short discussion, the time was set at 1:00 p.m. on May 8. City Recorder Joan McClanahan said that she would make a public announcement of this meeting, and in addition, notify all candidates that they are welcome to attend.

AGENDA ITEM NO. 7 - POOL PASS RATES: - Mayor Ashley referred this agenda item to the Director of Recreation Larry Angell. Mr. Angell furnished a copy of the rate structure for the year 1988 to all members of Council. He suggested an increase of \$5.00 on individual passes for in town and a \$10.00 increase to out of town individuals. His proposal would be an increase from \$35.00 to \$40.00 for in town and from \$70.00 to \$80.00 for out of town individuals. No other changes recommended. Mayor Ashley said that he would suggest to the members of Council that we've had an information discussion, but the consensus is that this would require an ordinance change. However, we can treat the request as the first reading of the ordinance if Council would care to act favorably upon the request, and the ordinance would be modified, in form, in time for the next Council Meeting. Councilman Savilla asked if we couldn't adjust the existing ordinance, and City Attorney Phillip Gaujot answered that he thought we would need a new ordinance. Councilman at Large Olaf Walker moved that we adopt the rates that has been proposed by the Recreation Director, and if an ordinance is required that it be drafted and presented to Council at the next Council Meeting for the second reading. The motion was seconded. Councilman Bob Evans asked if we would be offering discount rates during the mid-season. Mayor Ashley answered that this was in the ordinances we now have. Councilman Joe Savilla asked Councilman Walker if he would include the mid-season reduction in his

motion and Councilman Walker said that he would. A vote was taken for the approval of the first reading of the ordinance, and it was unanimous.

AGENDA ITEM NO. 8 - DEDICATION OF MARTIN'S COURT: - Mayor Ashley reported that this agenda item is a result of requests from citizens in two sections of town. Coincidentally, it's two parallel roads next to each other, both of which have requested that the streets be dedicated as City streets. Mayor Ashley said that the requests, as he understood, were quite different. On one hand we have a request from Martin's Court. Mayor Ashley informed that the information that he has on Martin's Court, is that it is 14 feet wide, and thinks that a big portion of that road is bordered on both sides by a fence. This would make it a little close than what would normally be thought of as a standard width city street, and it is 352 feet long. As the Council may recall, the people who live on Martin's Court submitted a petition some time ago that their street be dedicated. Mayor Ashley informed that we do provide service to the end of Martin's Court. There are also utility rights-of-ways across parts of the land for which we must have access. We do collect garbage along that street and we would respond to a fire on that street. So, in many respects we have treated it as a City street, all but for maintenance and repair. He added, he wasn't sure we hadn't done any of that. The petition was signed by all owners except for one, and this party could not be located. Councilman Joe Savilla said that these residents approached the City several years ago about paving their street and then paying for it. However, we could not legally do this. Councilman Savilla said that these people have wanted something done with this for many years, and said that he didn't have any problem with it. Councilman Savilla said that if it would be legal, he moved we approve their petition.

AGENDA ITEM NO. 9 - DEDICATION OF ERWIN DRIVE: - Mayor Ashley said that at this time, he would like to mention the second request and then we could refer to our City Attorney Phillip Gaujot for his recommendation. Mayor Ashley informed that the second request is identified as Jeffrey's Road on the map. Mayor Ashley pointed out that as shown on the map the blue line goes out to Benamati. This request is not unlike the other request. It has been simply stated that it is a desire expressed on the part of at least some of the residents. Mayor Ashley said that since we had the two requests, and in talking to Mr. Gaujot on the subject, since we are not sure that everyone has responded, Mr. Gaujot had some recommendations as to how the Council should approach the question if we desire to consider dedicating the streets. The City Attorney Phillip Gaujot stated that we should have a notice published in the newspaper of a public hearing on the issues of the dedication of the streets. Mayor Ashley advised that what we are identifying as Erwin's Drive, on the map as Jeffrey's Road, is 342 feet long and 16 feet wide. Councilman at Large Olaf Walker commented that it appears they left off the portion that connects to Benamati, and Mayor

Ashley informed that this would be clarified. Councilman A. A. "Joe" Savilla moved that we publish notice of a public hearing on the proposed adoption of the two streets, and in the mean time ask the Department of Public Works to recheck the metes and bounds so that we will have them to place in the advertisement and on hand at the next Council Meeting. Councilman Savilla also moved that we have the public hearing at 6:30 p.m. prior to the regular scheduled Council Meeting on April 5. The motion was seconded. Councilman at Large Olaf Walker said that he didn't feel this should be part of Councilman Savilla's motion, but requested that a drawing be presented to Council indicating that the right-of-way has been obtained all the way to Benamati Street. Councilman Joe Savilla said that he would consider this a friendly amendment to his motion. Councilman Charles Miller commented that before we accept the dedication of these two roads, that we should inspect the condition of both. Mayor Ashley suggested that during the course of deliberation at the public hearing and consideration by the Council, to dedicate the road is not necessarily a commitment to pave the roads or spend money to pave the road. It is not necessarily that, but it means that these are now City streets, and whatever that encompasses. Councilman at Large Rusty Casto said that he wanted to make Mayor Ashley, Mr. Gaujot and Jay aware that between Lee Street and Martin's Court, there is a fence. That street just like dead ended, and there is about a four foot fence that runs along Martin's Court, and you cannot get from Lee to Martin's Court with a car. Councilman Casto said that we would need to determine if the fence would stay, as the fence goes across Lee Street. Mayor Ashley said that it would be well if all the members of the Council took the occasion between now and the time of the hearing to visit the area. Mr. Gaujot said that it would be a good idea to put a notice of the hearing at the intersection of those streets. Councilman at Large Olaf Walker asked that if the City would accept these into our street system, would they be recorded on a map, and Mr. Gaujot answered that he wasn't real sure. He added that he didn't do property work, but he could check on this. Councilman Walker said if we wanted to have a map printed of the City of Nitro, it would be impossible if this is not recorded. At this time Mr. Gaujot said that it would be recorded in our minutes, and it would be done by an ordinance. Mayor Ashley informed that in recent months, we have brought our maps of the dedicated streets up-to-date. Mayor Ashley advised that we had the engineers develop a new map, and to the best of our knowledge it is current and accurate. It will be further made current and accurate if there is any change as a result of the impending annexation. Mayor Ashley said that what we have done through the engineers by asking them for that current and accurate map, they have gone back to the markers and metes and bounds and constructed that map; they have gone over every section. Then, we are prepared to turn that in to the County as an official map of the City. Then, it would also be an official map of the City to supercede all other existing maps. Councilman Charles Miller said that most likely we will have to remove the fence as the fence was probably put there because it was a

private drive. Mr. Gaujot said it might be a good idea to have the engineer to make a survey. A vote was taken to proceed by a public notice followed by a public hearing to be held immediately prior to our next regularly scheduled Council Meeting on April 5, and it was unanimous.

UNFINISHED BUSINESS:

CONCESSIONS: - Larry Angell, the Director of Recreation, said that as Council recalled, we had two bids on the concession at the pool. One was from Norris Concession Management, a private individual, and the other from Gino's. We proposed the decision for further investigation of Norris Concession. Mr. Angell reported that he couldn't get enough information on the individual representing Norris Concession as the background employment is out of state, and the people having the information are no longer available. Therefore, Mr. Angell recommended that we stay with Gino's. Councilman Joe Savilla moved we award the concession bid to Gino's (Better Foods, Inc.) as recommended by Larry Angell. The motion was seconded. Councilman Bob Evans asked if we could legally do this, as we advertise for bids and then totally ignore the bid. Mr. Angell informed that the employment history is basically all out of state, and he wasn't able to get enough information to really feel good about a recommendation. Councilman Savilla said that he didn't think that legally we had to accept the lowest or the highest. Councilman at Large Olaf Walker commented that this is not the only criteria we had to consider. The City Attorney Phillip Gaujot responded that the low bidder might complain because his bid was the lowest and couldn't understand why he didn't get the work, but Council as a body, have the right to exercise their discretion. Mr. Angell pointed out that Norris Concession is not licensed by the State of West Virginia. A vote was taken to approve Better Foods as our concessionaires. Councilman at Large Olaf Walker said in view of the fact that we are raising the fee on the pool, and at this time, we don't know the effect this will have on our attendance asked if it would be proper to request a report around June or July showing the number of passes sold as compared to the same period last year. Mr. Angell said that he didn't see any problem with this. Mayor Ashley reported that there is a tally kept on a daily basis as revenue from the pool is brought in and factored into the cashier's receipt and then deposited in the bank.

ORDINANCE ATTACHED

Councilman Charles Miller said about 10 days ago he received a call regarding the Seagrave fire truck that we set a price for sale. Councilman Miller said that in the conversation, Clay County's name came up. Councilman Miller advised that representatives from Clay County came to get the truck, but didn't bring any money with them. Mayor Ashley answered that they didn't get to take the fire truck with them either. The fire truck is polished and ready for pickup.

Mayor Ashley recognized Mr. Dan Vadala, Chairman of the Kirk Kelly Scholarship Foundation, and informed him that Council unanimously approved his request for the 3rd Annual Kirk Kelly Memorial Run, and that we give the event our blessing. Mr. Vadala said that he would like to thank the Council for their consideration. He added that he thought the cooperation from the City has just been outstanding, and thinks their efforts along with the efforts of the students makes this really worthwhile. Mr. Vadala again thanked Council for their consideration. Mr. Vadala received an applause.

Councilman at Large Rusty Casto said that he would like to put a motion on the floor that Council was 100% upset with the recent legislative session. Mayor Ashley said that he did not consider the motion improper. Councilman Casto moved that this Council is totally upset and aggravated with the recent legislative session by the State of West Virginia. The motion was seconded. Mayor Ashley said that at the very least the sentiment of this Council is that we are in absolute agreement with those members of the legislature and the executive branch of government that feel this was a lousy legislative session. Councilman at Large Olaf Walker commented that they did pass some important bills such as the seat belt bill, aids bill and the dog bill. Councilwoman at Large Mary Trout added but nothing for education. Councilman A. A. "Joe" Savilla said that he felt a nasty letter should be addressed to them and signed by all members of Council as they all have the same feelings. Councilman Walker said that he would like for the motion to include that a copy of the letter or resolution, if approved, be sent to the President, as well as the Speaker of the House and to each and every Kanawha County Delegate. Councilman Miller added also to the Governor. It was also mentioned that we shouldn't leave out the Kanawha County Senators. Councilman Savilla said we should also include the Honorable Delegates and Senators from Putnam County. Councilman at Large Rusty Casto considered the above as friendly amendments, as did Councilwoman Trout who seconded the motion. Councilman Walker told Mayor Ashley that if he would write the letter, he would pay the postage. Councilman Savilla said that he thought that one thing that should be stressed is the fact that probably there was less done for the educational system in the State of West Virginia than it's ever been done in the history of this state. Councilman Miller commented that he thought our state politicians caused the levy to be defeated. A vote was taken on the motion as amended and it was unanimous.

HARMON COMMUNICATIONS: - Mayor Ashley informed that Mr. Joel Patton was present for the Council Meeting, and we do not have the item of the franchise agreement with Harmon Communications, but it should be treated as unfinished business. Mayor Ashley said that he sent our City Attorney Phillip Gaujot some material pertaining to this matter. Mayor Ashley said that we found in the records of the City subsequent to our discussion by Council,

an ordinance relative to an agreement with Kanawha Cable Communications and then changed to Harmon Cable Communications. The request now pending is to change the party with whom our agreement was made. Intervening questions have come up with regards to that agreement and to what latitude the Council might have or what we might consider. Councilman at Large Olaf Walker informed that on Wednesday morning, following the last Council Meeting, he went to the Secretary of State's Office. He said that as Council would recall that he asked Mr. Patton if the new company was chartered to do business in the State. Upon checking back to where it was sold to a group of people at Harmon, WV. He said that he couldn't remember all the names, but one was Cooper and Teter. Then, it sold to Mr. Harmon out in Colorado. Councilman Walker said that even though it was chartered as a limited partnership in Colorado, it was not chartered in the State of West Virginia in the Secretary of State's Office. However, Councilman Walker informed that they had registered with the State Tax Department to do business. Councilman Walker said that they are not eligible to do business in the state until they are chartered with the Secretary of State's Office. Mr. Patton explained that they have done business since 1972 and perhaps prior to that time as Kanawha Cable Television Co., Inc. That corporation is a WV corporation. He told Councilman Walker that he didn't know why he couldn't find it. Councilman Walker said that he did find this. Mr. Patton said that this is a WV corporation and that is the corporate entity which owns, if you will, what is doing business as Harmon Cable Communications. Harmon Cable Communications has being dba since the outgrowth which was approximately 3 years ago. Mr. Patton said that it was his fault that the dba wasn't registered with the Secretary of State. Mr. Patton said that when the request was presented to Council two weeks ago, Councilman Walker brought up a very good point and he took it up with his Denver office, and it had crossed their minds. In fact, it had even crossed their desk, and was on its way to the Secretary of State's Office as of last Tuesday. So, it has been mailed to them. He said that he checked with the Secretary of State's Office this morning, but they hadn't seen it yet. ARH Limited, not a limited partnership, but instead a trust, is owned by Alan R. Harmon who has owned the company since 1972. He said that as explained two weeks ago, there is absolutely no change in management and operations whatsoever. It has nothing to do with anything except trying to take what is not such a very large company, from 11 different corporate entities down to two. With the new tax laws, and the more expensive accountants that they now have, they felt they could save money if they didn't try to file returns on 11 different companies. Mr. Patton said that even though ERH, Limited hadn't shown up in the Secretary of State's Office as of this morning, it is undoubtedly in the process of being registered. Mr. Patton said that he believed this would be the second reading, but if Council cared to put something to the effect that

proof of registration must be furnished to Mayor Ashley or the City Recorder Joan McClanahan, he would be happy to do that. Councilman at Large Olaf Walker questioned that what he was asking Council to do was to change our agreement from Kanawha Cable to ARH Limited, which would be, in a sense, changing the parties of the agreement. Mr. Patton answered that if we looked at entities, we would be transferring a franchise to ARH Limited from Kanawha Cable Television, Inc. Kanawha Cable Television Company will be a deceased corporation once this is completed. Councilman Joe Savilla asked our legal counsel if we could legally honor the request before the company is registered as a WV corporation. Mayor Ashley said that he thinks it is incumbent upon the company that we franchise with to be registered, and feels the burden would be with them if they are looking to do business in the State of West Virginia. Mayor Ashley said that as he understood, they have a license to do business, but they are not registered with the Secretary of State's Office. Mr. Patton advised that their license with the City of Nitro is probably with the title of Harman Cable Communication, and informed that they will still be doing business as Harman Cable Communications. Mr. Gaujot advised that ARH Limited has to be authorized to do business in the State of West Virginia. Councilman Savilla said that he didn't think we should do anything until we have proof that they are a West Virginia corporation. Mr. Gaujot said that it doesn't have to be a WV corporation, but they have to be authorized to do business as a WV corporation. Councilman at Large Olaf Walker said that due to the fact that one of these days, this may become a utility, maybe we should consider, if proper, to reduce the length of time. Mr. Gaujot answered that you can't have an exclusive and you can't have a non-exclusive franchise, but you can have two complete entities. The ordinance that was passed in 1983, doesn't say one way or the other whether it's exclusive or not. But, the ordinance in 1983 provides that there would be a written agreement to go along with the ordinance, and Mr. Gaujot said that he didn't have the benefit of that agreement. Mr. Gaujot said that the agreement controls. Mayor Ashley commented that we have looked in the City for that franchise agreement between the two parties, and we have not found it in the records of the City. Mayor Ashley said that it was his understanding that a copy of the agreement has been requested. Mr. Patton said that he had a copy of this agreement which he got from our City Recorder Joan McClanahan around two or three years ago. City Recorder Joan McClanahan told him that this was the ordinance. Mr. Patton said that in 1965 there was an original ordinance granting the franchise. Mr. Gaujot informed that there should have been a written agreement, contractual agreement, along with that ordinance according to the ordinance in 1983. Mr. Patton said that somewhere he had a copy of the original franchise. Mr. Gaujot said that we need to get the ordinance of January, 1965 and the agreement could be affixed to this document. Councilman A. A. "Joe" Savilla moved that we table this until the next

meeting or until the original agreement can be provided to this Council. Also, he said by that time, possibly the name change will have come through with the Secretary of State's Office. The motion was seconded. A vote was taken, and it was unanimous.

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

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

PROCLAMATION 88-6

A PROCLAMATION BY THE COUNCIL OF THE
CITY OF NITRO DESIGNATING MARCH 26, 1988
AS MELANNE PENNINGTON DAY

WHEREAS, Melane Pennington was born in Nitro, was educated here and has taught our children here; and

WHEREAS, she has excelled in her endeavors at all levels as a person, a student and a friend; and

WHEREAS, all of her life Melanne Pennington has given of herself by being a special education teacher, and as demonstrated by representing both the City and State in the Miss America Pageant, by the honor and pride she has shown as a citizen, a church member and a leader.

WHEREAS, now in her time of need, all the people she has touched have the opportunity to do for her what she has done for them.

NOW, THEREFORE, be it resolved that the City Council of the City of Nitro proclaims March 26, 1988 as Melanne Pennington Day, with various scheduled events and activities sanctioned and sponsored by the City of Nitro.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Nitro to call upon all those who can and will come to the aid of one who has given so much.

Passed this 15th day of March, 1988.

ARDEN D. ASHLEY, MAYOR



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 88-

BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF NITRO, WEST VIRGINIA, THAT
ORDINANCE 87-5 REGARDING SWIMMING POOL
RATES BE AMENDED AND READ AS FOLLOWS:

PASSES

	RESIDENT	NON-RESIDENT
FAMILY	\$70.00*	\$140.00
INDIVIDUAL	\$40.00**	\$ 80.00

* \$ 10.00 DISCOUNT IF PURCHASED BEFORE MAY 1

** \$ 5.00 DISCOUNT IF PURCHASED BEFORE MAY 1

EFFECTIVE MAY 1, THERE WILL BE AN ADDITIONAL CHARGE OF \$1.00 PER
PERSON FOR FAMILY PASSES OF MORE THAN FOUR PEOPLE.

EFFECTIVE JULY 15, AND THEREAFTER POOL PASSES MAY
BE PURCHASED FOR ONE-HALF THE FULL RATE.

DAILY RATES

	RESIDENT	NON-RESIDENT
ADULT	\$ 2.00	\$ 4.00
CHILD (UNDER 6 ACCOMPANIED BY ADULT)	FREE	\$ 1.00
SENIOR CITIZEN	\$ 1.00	\$ 1.00

POOL HOURS: MONDAY THROUGH SATURDAY - 11:00 A.M. - 7:00 P.M.
SUNDAY - 1:00 P.M. - 6:00 P.M.

POOL RENTAL: \$25.00 PER HOUR, AFTER 7:00 P.M.

ARDEN D. ASHLEY, MAYOR

JOAN MCCLANAHAN, RECORDER

FIRST READING: MARCH 15, 1988

SECOND READING: _____

CITY OF NITRO
COUNCIL MEETING MINUTES

APRIL 5, 1988

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 Bob Evans, 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.

Mayor Ashley said that many of us feel indeed that the Lord's blessings has been upon this Council and the City today; it's a special kind of day for us. He said that if we are a little bit discombobulated, forgive us. Mayor Ashley informed that we have a party that we're planning, and hopes everyone will be able to stay and enjoy that.

Mayor Ashley said that breaking from our usual routine and the prescribed agenda, he would like to ask "Rug Rat" #5, escorted by Roger Childers from Tri-State Greyhound Park, to come in. Mayor Ashley said that Rug Rat has on Nitro's colors and a winning number of 5 for April 5. Comments were expressed of her beauty. There was a round of applause to officially welcome a greyhound to Nitro. Mr. Childers expressed his thanks.

Mr. Childers informed that Rug Rat was a maiden that really never burst her maiden. She doesn't care that much about running; she would rather work in marketing. Mr. Childers said that she eats better in marketing. Rug Rat will be three years old in July. She is a small brindle greyhound, and weighs about 55 pounds. Mr. Childers informed that most of the racing greyhounds weigh between 72 to 75 pounds. He said that all the greyhounds are very friendly dogs; they love affection and to be petted. Also, he said they are very easy to care for and are all house broken. Mr. Childers said they have an adoption program and he would be glad to put their name on the list. She eats the same things that the racing greyhounds eat, which is raw meat with very high protein dry dog food mixed in with it. The trainer adds the kind of vitamins to the food that the dog needs. Another round of applause was given Mr. Childers and Rug Rat.

Mayor Ashley said there were a couple of other people present for Council Meeting this evening that he would like to

introduce. We have with us two candidates running for the Board of Education. At this time, Mayor Ashley introduced Wayne Crowder and Wayne Bailey. Mr. Crowder and Mr. Bailey received a big round of applause.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 15, 1988, COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the Council Meeting Minutes of March 15, 1988. The motion was seconded. Councilman at Large Olaf Walker moved we correct a typographical error on page 9, near the bottom of the page, which shows ERH, Limited, and it should be ARH, Limited. Also, Councilman Walker moved we amend, under Concessions in Unfinished Business, the sentence reading, a vote was taken to approve Better Foods as our concessionaires and should have been, a vote was taken to approve Better Foods as our concessionaires and the approval given. Councilman Charles Miller moved we approve the minutes as amended. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - BUDGET REVISION: - Mayor Ashley called upon our City Treasurer Ralph Allison to explain what he has in mind for a budget revision. City Treasurer Ralph Allison explained that Council has before them a suggested budget revision that would be needed if we were to approve a 7 percent pay increase for all the employees except for elected and appointed officials. He informed that the first column lists revision by departments that would be needed to be submitted before the end of this fiscal year. It would increase the wages by the respective amounts, and the total increase would be \$12,000. The next column indicates what revisions would be needed for the fiscal year ending June 30, 1989, which amounts to \$64,454. In those figures are included the actual pay increase, the increase in social security tax, the retirement and the worker's compensation. Mr. Allison apologized for not having time to get the official form prepared for this evening, but it is just a matter of taking the figures off of the sheet and putting them on the form with account numbers. Councilman Joe Savilla moved that we authorize the submittal and also authorize the Mayor to sign the submittal for this budget revision as suggested earlier in the day and confirmed by Mr. Allison in terms of the budget impact on the fiscal year ending June 30, ending this year, as well as the budget impact on next years budget which we have pending. The motion was seconded. Councilman at Large Rusty Casto questioned the effective day of the pay raise. Mayor Ashley said that it would take effect on April 17, which is the first day of the second pay period in the month. It also happens to be the day after the beginning of revenue projections from the dog track. Councilman at Large Olaf Walker asked Mr. Allison if the first column was for June 30, 1988 and for one month in the amount of \$12,000. Mr. Allison told Councilman Walker that it was for a period from April 17, to June 30, 1988. Mayor Ashley said that this represents the

increase in expenses from the period of April 17, until June 30, 1988. Councilman Walker asked if the total cost for this budget year and next year is \$73,000. Mayor Ashley advised that the total cost for the budget this year is \$12,000 and the total budget cost for next year would be \$61,454. Councilman Walker asked, when was the last raise? City Recorder Joan McClanahan advised that it was 1985. Councilman Walker asked if the raise in 1985 was 3 percent? Mr. Allison informed that it was 5 percent. Councilman Walker wanted to know the month, and Mr. Allison advised that it was voted upon in December and effective January 1. Councilman Walker said that what he was getting at is that a 7 percent would probably cover close to a 2 year period, and Mr. Allison answered approximately. City Recorder Joan McClanahan commented that she wished it was a lot more. Mayor Ashley said just for the edification of anyone in the public that might think she wishes that for any other reason, she wishes that for the employees because this does not apply to the officers of the city or appointed officers. Councilman A. A. "Joe" Savilla said that he personally believes that our employees are the greatest asset the City has. He said when we were short on money and couldn't give them a pay raise, they continued to do an excellent job, and when employees from other cities were walking out with blue flu, the employees of the City of Nitro stayed with us and continued to do the kind of job that has Nitro quite renowned as a fine little city and a nice place to live. Councilman Savilla said that he agreed with Joan; he said that he wishes it could be 14 percent. Councilman Savilla said that he thinks it is our obligation and our duty to unanimously approve this pay raise for the employees of the City of Nitro. Councilman Jim Hutchinson said that he goes along with Councilman Savilla as it is long over due and feels it is the proper thing to do. Mayor Ashley said that he would like to take the liberty of commenting. Mayor Ashley informed, for the information of anyone present not knowing, that when we work in the construction of our budget, our approach is to deal, first of all, with the needs of the City and the expenses required to operate and manage the City. Then we take whatever is left over and apply it to compensation to the employees. Mayor Ashley said that the employees understand that, and recently there hasn't been anything left over to provide for the employees. Mayor Ashley advised that he has not heard of a single complaint on the part of any employee, and thinks that now we do have some extra funds coming in, it is appropriate that the first thing we do this time is to turn around and recognize the need to give our employees compensation before we spend the other money on anything else. Mayor Ashley said this is his personal feelings and has taken the liberty of executive privilege to make that statement as the chair. A vote was taken to grant the 7 percent increase and authorizing the budget revision as prescribed, and it was unanimous.

AGENDA ITEM NO. 4 - YMCA-WEST REQUEST: - Mayor Ashley recognized Larry Angell, the Director of Recreation for his

presentation on this agenda item. Larry Angell reported that the YMCA-West requested the use of our swimming pool for swimming lessons each year. Mr. Angell said that initially he chose not to allow the YMCA-West to use our pool facilities, and provide the program ourselves. However, after talking with the representatives from YMCA-West, thought it might be more beneficial if we would have a joint venture. Mr. Angell informed that we have not received any revenue from this program through the YMCA-West for any year that he knows of. Mr. Angell reported that there are four changes on the proposal of which Councilmembers have a copy. Mr. Angell said that the first page indicates the responsibilities they are wanting from the City. They are requesting to have a lifeguard that actually watches the swimming lessons, which they have not had in the past. Again, they requested we provide that employee. Mr. Angell said that he told them that we could do that. They have agreed that instead of the City providing the lifeguard, that they will absorb that into the expense of the program. The second change is that they have a reduced rate for their YMCA members for swimming lessons. Mr. Angell said that he indicated to them that they must include the reduction to our season pool pass holders. They also requested evening hours as they have each year. Mr. Angell said that we will have programs that will be effected this year that we have not been able to have in the past because of the lack of a Director. So, Mr. Angell said that he didn't feel that it would be possible to allow them evening hours because it would interfere with programs that we have planned. He advised that they accepted this also. Mr. Angell said that because we chose initially to carry on the program ourselves, we have three people returning as lifeguards from last year. They are enrolled in classes at this time to become instructors to teach swimming. Mr. Angell said that he felt that if we allowed YMCA to come in at this point, then we would have to do something with those employees. He said that one of the stipulations is that we choose and select the instructors. Mr. Angell reported that in the past they have used our lifeguards; most of them have been certified swimming instructors. Mr. Angell said that we will choose the instructors. They need three; we have three in class. We have two others that will be staffed as backup if they are needed, and we will actually see a very small amount of revenue. Mr. Angell said that YMCA indicated \$415 in revenue at the end of the program, after expenses, that they will split with us 50/50. Mr. Angell said there will be a smaller amount than this because of the lifeguard we will have to pay. Mayor Ashley told Council that they have heard the recommendation from the Recreation Director, with the knowledge and understanding, by City Charter in the City of Nitro that Council approves the employment of city employees, and with that knowledge and stipulation that those people who are becoming employed to participate in part in the life saving training program would be a part of the YMCA's program, entertained a motion to accept the recommendation of the training program. Councilman at Large Rusty Casto moved we

accept the recommendation of the Recreation Director. The motion was seconded. Councilman at Large Olaf Walker questioned if the budget they were furnished from YMCA-West had anything to do with the budget of the Recreation Department. Councilman Walker asked what the City would receive from this. Mr. Angell explained that we would split the \$415 in half, but there would be additional expense coming out of that for the lifeguard that would man the area during swimming lessons. City Recorder Joan McClanahan said that she would like to commend Larry on the energy and enthusiasm he has brought. There are a lot of changes he has already made, and she expects a lot more. She commented that he has done a marvelous job. A vote was taken that we adopt the recommendations of the Recreation Director, and it was unanimous.

AGENDA ITEM NO. 4 - PROC. 88-7, PROCLAIMING APRIL, 1988 AS FAIR HOUSING MONTH: - Mayor Ashley read the title of the proclamation as requested by Councilman Savilla proclaiming April, 1988 as Fair Housing Month in the City of Nitro. Councilman at Large Rusty Casto moved for the approval of this proclamation. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION 88-7 ATTACHED.

AGENDA ITEM NO. 5 - PROJECTED CEMETERY PLANS DR. MICHAEL WALKER: - A copy of a letter to Bob Sargent, Building Inspector, from Dr. Michael Walker was furnished to Councilmembers. Mayor Ashley informed that Dr. Walker was present this evening, and insofar as we have been able to determine, this project does not require action on the part of the Council, but felt it appropriate that in order for us to be better informed about the project, was to have Dr. Walker present his plans to us. Dr. Walker said that hopefully Council had a chance to look at some of his literature, and hopes to have permission by the City to put in a cemetery. Dr. Walker did not use the word cemetery, as they have have tossed the name around of a cemetery for many other possibilities. Dr. Walker informed that the proposed site is the property to the left as you are going out of Asbury Road. There is a total of 49 acres. Dr. Walker said that the letter stated that they hoped to have this for 30 years, and that should not have been said. With perpetual care, it would be for eternity and he said this is the way it should have been stated. Dr. Walker said that he thought this is something needed in the area. Dr. Walker then advised he would be glad to answer any questions. Mayor Ashley stated in summary fashion that it is our understanding that there are no zoning laws or any other statutes that would preclude this project going forward. However, there are some state statutes that are applicable, and of course, these standards would be met, and it's further our understanding that no action on the part of Council to approve or disapprove the project would be in order. Councilman at Large Olaf Walker

questioned if this matter had to go before the Zoning Board of Appeals, and Mayor Ashley said that as he understood it, it doesn't have to go before the Zoning Board. Mayor Ashley questioned if this project had been permitted by the Building Inspector, and Dr. Walker informed that when he talked with Mr. Sergeant two weeks ago, he indicated that there had been a meeting and possibly we would not need to have the hearing. Mayor Ashley said that this is the information he had received. Mayor Ashley said that we will get confirmation by Bob Sergeant, the Building Inspector, when he returns from vacation. City Recorder Joan McClanahan said that Dr. Walker had mentioned to her that he intended to have a public hearing, whether or not it be required, to let the residents in that area know his plans and to set aside any apprehension and answer any questions. Dr. Walker said this would be up to Council, and he would be happy to answer any questions. He said that they hope to meet, if not exceed, the cemetery located across the river. Councilman at Large Rusty Casto asked if he was speaking of Cunningham, and Dr. Walker answered yes. City Attorney Phillip Gaujot pointed out to Council that there is nothing under Chapter 35 of the code, which has to do with cemeteries; 35-5 and 35-5A has to do with the appointment of trustee and trust funds for the perpetual care cemeteries. He informed that is all that he has looked at prior to this meeting tonight. Mr. Gaujot informed that we have recently had calls to make sure that new housing developments that go in follow a certain standard. He said that he hasn't had an opportunity to look at ordinances that apply to cemeteries or if there is anything in the ordinances which apply to cemeteries. Mr. Gaujot said that he didn't know if the City had any authority, but they may want to see some preliminary plans and to see what is being done with the roadway and drainage which could have some effect on us. Dr. Walker pointed out that in the letter, they indicated that they will meet any road standards. He said the road will be blacktop, the water will be taken care of and those kind of things. Councilman Savilla asked Dr. Walker if time was of the essence, and Dr. Walker replied that time was very important to them. He said if they can get the land cleared, they would love to get the grass started while the water is still being given to them by the rains. Councilman Savilla told Dr. Walker said he was sure he could understand Council's position, but he didn't think any one on this Council has had any experience in the past on approving a cemetery within the City limits of Nitro. Councilman Savilla commented that whether or not we have a say in it or not, he thinks we should look at the plans and talk with our Building Inspector. Councilman Savilla said that it is important that we know everything that is going on. Mayor Ashley said that as he understood the purpose of Dr. Walker coming tonight was for a preliminary announcement so that we would be informed that he is coming in with the understanding, of course, that everything that would be done would be permitted through the Building Inspector. If there is any cause to call for any review by the Zoning Board of Appeals or the City Council, then that would follow. Mayor Ashley said that he

thought Dr. Walker was interested in seeing to it that we found out his intention. Dr. Walker said that they wanted to let Council know that they hope to offer a service to the area that's not available. Dr. Walker passed a sketch of the proposed entrance to the cemetery around for Council's review. Mayor Ashley told Dr. Walker it would be appropriate to go into detail with our Building Inspector Bob Sargent and have him come with him to a Council Meeting at a later date. Dr. Walker said that he had included with his letter to Mr. Sargent, a copy of the state laws. Councilman at Large Olaf Walker said that he was a lobbyist and cemeteries come up every session at the legislature. Councilman Walker asked Mr. Gaujot if this was the first proposal for a new cemetery inside an incorporation, and Mr. Gaujot said that he was not aware of this one way or the other. Councilman Walker said to his knowledge he didn't know of any new cemeteries that had been developed inside a municipality in the State of West Virginia. Councilman Walker said that he thinks we will need a drawing showing access, streets, and also since it is in the city limits of Nitro, how they propose to sell the lots. Also, Councilman Walker asked Mayor Ashley and Mr. Gaujot what obligations would we, the City, incur and asked if it would be anymore than we would a city park. City Recorder Joan McClanahan answered, it is a private enterprise, is it not? Dr. Walker said that they would have to carry liability insurance and all of these things just as any other business. Councilman at Large Rusty Casto questioned if cemeteries paid a B & O tax, and Councilman Walker said not a B & O tax. Mayor Ashley said that we would check on this to determine the proper tax. Councilman at Large Rusty Casto asked if this would be just a cemetery or would there be a funeral home there as well. Dr. Walker answered that they have no plans for a funeral home. Dr. Walker stated that as far as they are concerned, the services that Cooke and Pauley Funeral Home is giving to the area is excellent. Councilman Casto asked if Mr. Volpi was in anyway in business with this, and Dr. Walker answered no sir; in no way. Councilman Walker asked about a Mr. Ballard, and Dr. Walker answered that he did not know. Councilman Walker asked if it was a corporation or just Dr. Walker. Dr. Walker answered that there were a total of four partners, each owning a fourth. Mayor Ashley said there would be more to follow in the way of information on this project. Council thanked Dr. Walker for his presentation.

AGENDA ITEM NO. 6 - NITRO POLICEMEN'S PENSION BOARD MEETING MINUTES: Mayor Ashley informed that this agenda item is for a request that the Nitro Policemen's Pension Board Meeting Minutes of March 31, be made part of the record of the City. Councilman Jim Hutchinson moved that the minutes of the Nitro Policemen's Pension Board be included as part of the Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous.

COPY OF POLICEMEN'S PENSION BOARD MEETING ATTACHED.

AGENDA ITEM NO. 7 - ORD. 88 - POOL PASS RATES 1988 (2ND READING): - Mayor Ashley informed that this agenda item has to do with pool pass rates for 1988. The first reading of this ordinance as passed at the last Council Meeting, and this would constitute the second reading of the ordinance. Councilman at Large Rusty Casto moved for the approval of the ordinance. The motion was seconded. Councilman at Large Olaf Walker said that he wasn't objecting, but thinks we should be consistent. He said that after the last Council Meeting, there was some discussion about whether we needed an ordinance or just needed a motion. Councilman Walker said that he checked the minutes for the last two years and this was acted upon by a motion. He said that he called Councilman Savilla as they were involved in a discussion about it. Councilman Walker that he believed just a motion would be in order. City Recorder Joan McClanahan informed Councilman Walker said that in the past two years the rates were the same, and this year we are changing the rates and an ordinance would be required. Mayor Ashley said that he thought it was fundamental that anything that has to do with rates being charged by the City to generate revenue requires action by ordinance. City Recorder Joan McClanahan advised that the original rates were set by ordinance. Mayor Ashley said that it requires a change in the law, and if there were no revisions then the motion would be in order. The only way we could change an ordinance would be by way of another ordinance. Mayor Ashley told Councilman Walker that the point he raised was well taken and that he would personally see to it that we have some clarification on this before the next Council Meeting. There being no further discussion, a vote was taken for the approval of the second reading of this ordinance, and it was unanimous.

ORDINANCE 88-2 ATTACHED.

AGENDA ITEM NO. 8 - REQUEST FROM NITRO LITTLE LEAGUE: - Mayor Ashley informed that Nitro Little League wishes permission to hold an opening day parade at 10:00 a.m. on April 23, with the Mayor and City Council invited to participate. The lineup for the parade will be at the Nitro Moose Lodge starting at 9:30 a.m. Also, they requested permission to solicit in the City for their Tag Day on the same date. Councilman Joe Savilla moved their requests be granted. The motion was seconded. A vote was taken and it was unanimous. Mayor Ashley commented that he wished the Little League a lot of luck in the coming season, and looks forward to participating in the parade.

AGENDA ITEM NO. 9 - APPOINTMENT OF SPECIAL COMMITTEE TO RECOMMEND ALLOCATION OF FUNDS: - Mayor Ashley said that he would like to take this occasion to create a task force of the Council at Large members for the expressed purpose of reviewing budget revisions, revenue generation that will be new with us, taking into account the cost of services to be provided as a result of the annexation today of the Tri-State Greyhound park and other parcels. Mayor Ashley said that in view of the fact that we have

already taken a portion of that money and granted increases to City employees, what he would like to do is ask that the three at large Councilmembers and City Recorder Joan McClanahan as an ex officio member of that group with Councilwoman Mary Trout to chair the group to examine all pertinent facts, seek information from all other members of the Council, all department heads, and any and all other citizens and employees of the City that they can gather and come back to the next Council Meeting with some specific recommendations as to how the future distribution of those additional funds should be made. Mayor Ashley explained that his reasoning for wanting to do this is that we have had identified to us, and have had identified by us, priorities we should address in view of the increased revenue we will be experiencing. There are such projects as paving and repairs of streets, repairs to existing bridges in the City, expenditures for the library, commitment to the proposed community building, the Nitro Foundation and the list goes on. Mayor Ashley said that he thinks some of us openingly endorse all of the projects, but the testing question for us is to what extent we can endorse all of those projects and still not manage to over spend the money. Mayor Ashley told the task force that he would like to make as a part of the assignment recognition that we may not have unanimity of opinion, and would invite a majority report as well as a minority report in writing. Mayor Ashley said that he would like to have this report for the next Council Meeting. The date of the first meeting is scheduled for Monday, April 11, at 7:00 p.m. in City Hall. Councilman at Large Olaf Walker said that we have set here for three years, and all of a sudden we have hit a bonanza and we are going to decide, in priority what we are going to do with that money in two weeks. Councilman Walker said that he thought the committee should have at least a month.

Commissioner Stump had to leave and Mayor Ashley thanked him for coming down, and told him that we certainly appreciated the action taken today on the annexation.

Mayor Ashley told Councilman Walker that there is argument for the fact that they are going to have a major task to perform and a relatively short period of time, but on the other hand, the petition that was submitted to the County Commission was structured almost a year ago. They have had it in their hands since last May, and we have had fairly good knowledge of the amounts of money that would be coming forth. He said that even the citizens of Nitro have shared with him things they would like to see done with the money. If the time is too short to come back to the Council Meeting in two weeks, then the Committee obviously wouldn't come back. Councilman at Large Rusty Casto questioned if they would be talking just about this years budget or would they be including both, and Mayor Ashley informed that they would be talking about the budget ending June 30, 1988 and also next years budget. Mayor Ashley informed that they must change this years budget because we are going to have money

that's not in the budget. Also, we have the obligation and responsibility to prepare a budget for the fiscal year that begins July 1, 1988. We must do so promptly. Mayor Ashley said the Committee was nothing more than an advisory committee, and once they report back to Council there will probably be arguments back and forth within the Council to fine tune their recommendations.

AGENDA ITEM NO. 10 - APPOINTMENT OF BALLOT COMMISSIONERS: One of the functions of the Mayor is to appoint Ballot Commissioners. Mayor Ashley informed that we have had serving this City in the past, two Ballot Commissioners that he would like to recommend to the Council. They are Bess Stahl and Dr. Guy Cassell. They have both done a commendable job in the past. Councilman at Large Rusty Casto moved that their appointment be accepted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 11 - RES. 88-3 ENDORSING THE PROPOSED LEVY TO BE VOTED UPON MAY 10: - Mayor Ashley informed that this resolution is favoring a positive vote upon the levy, thus approving it, and it has to do with the Kanawha Valley Regional Transit Authority and the Kanawha County Emergency Ambulance Authority. Mayor Ashley read the resolution in its entirety. Councilman at Large Rusty Casto moved for the adoption of this resolution. The motion was seconded. A vote was taken and it was unanimously approved.

RESOLUTION 88-3 ATTACHED.

AGENDA ITEM NO. 12 - RES. 88-4: - Mayor Ashley advised that this was a draft resolution that has not been given a title and is offered up by Councilman at Large Olaf Walker. Mayor Ashley recognized Councilman Walker to present the resolution. Councilman Walker said that he didn't know about the title part, but the resolution was offered a couple of weeks ago but it didn't get on the agenda. He informed that it was redrafted and to start with, the word tremendous is misspelled. Councilman at Large Olaf Walker informed that this was a draft, and his original idea was just to present this to Council and let Council think about it before we take any action. Councilman Walker said that the Mayor mentioned that he could offer a resolution so he drafted one. Councilman Joe Savilla told Councilman Walker that it appeared to him that this goes along with the ad hoc committee that had just been formed, and suggested this should be made a part of his presentation to the Council after they reach their recommendations. Councilman Walker answered not necessarily. At this time, Councilman Walker read the proclamation, and requested that the last sentence relating to a fair and reasonable pay increase for employees be deleted. Councilman Walker told Mayor Ashley that he may not be able to add anything to the Committee as this is his position. He said that we could do what we like, but his position was stated in the resolution. Mayor Ashley

informed Councilman Walker that to be in proper form, it would be in order if you have a motion to made, normally the procedure would be that you make the motion and then we enter into a discussion. Councilman at Large Olaf Walker said that if he didn't make a motion, it just expires, it dies. He said that his feelings were that nobody else on Council feels that this is a need in this City. Councilmembers disagreed with Councilman Walker. Councilman Charles Miller moved we adopt the resolution. The motion was seconded. Councilman Miller questioned if Councilman Walker was speaking of \$100,000 for the next five years or per year, and Councilman Walker answered \$100,000 a year. Councilman Miller told him that he said five years, and Councilman Walker said that within 5 years we should have all the City streets paved. Councilman at Large Rusty Casto asked the amount we would receive from the track. Mayor Ashley said that he could supply him with the latest estimate which is based on information received within the past 24 hours. Mayor Ashley said that before he does that, he wanted to make one correction. He said that the implication was, Councilman Walker, that he was the only one who cares about paving the streets in Nitro because of his comment. Mayor Ashley told him that there are 9 people on this Council that want to have money spent on the repair of the streets. In response to Councilman Casto's question, Mayor Ashley informed that wagering over the next 12 months that the current rate would amount to \$77,000,000. The City's share would equal 3/10 of 1 percent or \$231,000. Property tax would amount to \$24,865, B & O Tax estimated as \$8,200 for a total of \$264,065 over a period of the next twelve months. Mayor Ashley advised that these were estimates subject, of course, to the level of business done at the restaurant in terms of B & O Tax, and subject to the wagering level by the patrons at Tri-State Greyhound Park. Mayor Ashley informed that we have already committed \$61,000 per year on salary increases, and we have previously indicated that we would have some expenditure to provide the service ranging from \$60,000 to \$100,000 for extra police officers, public works personnel, cruisers and garbage trucks. Councilwoman at Large Mary Trout mentioned that if we were going to decide where we are going to spend the revenue this evening, then she didn't see any reason to have a committee meeting. Councilwoman Trout said that she had a suggestion for funds for the library, and asked if she should bring this matter up tonight too. She told Councilman Walker that there isn't one on the Council that doesn't want to pave the streets, but said that she thinks we need to review the matter. She said that she thought we should consider this, and maybe after the meeting, we will be able to spend \$100,000, but maybe we won't. Councilman Miller added that possibly we would be able to spend \$100,000 this year, but next year we may not be able to. Councilwoman at Large Mary Trout said that she thought we should talk about it before it is brought up for a motion. Mayor Ashley said that his intent in creating the committee of Council at Large members was to review the priorities of the City, most certainly including the paving of streets in the City. The Attorney Mr. Gaujot said

that we could not obligate the Cities funds beyond June 30, 1989. Councilman at Large Olaf Walker said that he was well aware of that, and a resolution is not binding anyway. He said that it is only a sense of the feeling of a body, and those who are going to be on Council for the next four years, can go on record as saying that their number one priority is paving the streets. Councilman Walker said that it wouldn't mean if we need to spend some money on an emergency, that they can't change their mind. He repeated that this is not binding on anyone. Mayor Ashley said that if it isn't binding, he didn't see any point of Council wasting any more time on it. Councilman Bob Evans informed that he agreed with the resolution except for one part, and that is the dollar amount. He said that this was a little premature on dollar amount, and thinks we should put streets in priority. However, we haven't been in a position to improve the streets as we would like to. Councilman Charles Miller said that he thinks the Committee should decide the amount of funds we are going to spend through June, 1989, and then bring their recommendations before Council for discussion. Councilman Bob Evans moved we amend the ordinance by deleting the amount of \$100,000 from it, and show that this Council is dedicated to improving the streets. The motion was seconded. A vote was taken and the motion was defeated five to four. Mayor Ashley then asked if there was any further discussion on the main motion. Councilman at Large Rusty Casto moved we table this item until the next Council Meeting. The motion was seconded. A vote was taken to table, and it passed with Councilman at Large Olaf Walker and Councilman Bob Evans voting in the negative.

AGENDA ITEM NO. 13 - REQUEST FROM NITRO-PUTNAM ELEMENTARY: Mayor Ashley informed that we have a letter from the President of the PTO of Nitro-Putnam Elementary stating that they will be having a school carnival on May 14, and would like to obtain permission to solicit merchants in the area for donations. Councilman Charles Miller moved their request be granted. The motion was seconded. A vote was taken, and it was unanimously approved.

REPORTS

1. REPORT ON THE ANNEXATION OF THE TRI-STATE GREYHOUND PARK: - Mayor Ashley advised that the Roger McGaw, Vice President of Union Boiler was with us this evening. Also, Doug Skaff, General Manager of Tri-State Greyhound Park was present. We all know that Tri-State Greyhound Park is now located in the City of Nitro. Councilman Charles Miller said that he would like to commend our barrister on the excellent job he did on the annexation. A big round of applause was given Phillip Gaujot. Councilman at Large Rusty Casto questioned if there was any way that he could be named Citizen of the Month even though he isn't a resident of Nitro. Councilman Joe Savilla said that we could name him barrister of the century.

1. REPORT ON MELANNE PENNINGTON: - Councilwoman at Large Mary Trout reported that she checked with the bank today, and there is \$8,192.37 on deposit in Melanne's account. There are other activities planned to support the effort. Councilwoman Trout informed that there were 170 pints of blood donated at the blood drive. Mayor Ashley advised that all employees including members of Council will be participating in a car wash on Saturday, April 9, from 9:00 a.m. to 3:00 p.m. at the Nitro Moose Lodge to raise money for Melanne. Mayor Ashley informed that he received a medical report on Melanne; she is doing extremely well. A doctor from the staff at the hospital visited with Melanne about her ailment and her recovery period and what she was going to have to go through. After having talked with Melanne, his mental attitude was adjusted beautifully, because she didn't need him. He was astounded at her attitude. Her progress has been excellent, and there has been expectation that she may even be released from the hospital and allowed to move into her apartment as early as May 1. However, she must remain in isolation for two years. When she reads the cards sent to her, she must wear a mask and put on rubber gloves. A card for Melanne was passed around for everyone to sign.

Councilman Savilla reported that Angie Via is still having a rough time; she has lost sight in one eye. They put a shunt in her head to relieve the pressure, and they are going to do emergency surgery to make sure that she does not lose sight in the other eye. She is still in critical condition and should be remembered in prayer along with Melanne.

Mayor Ashley informed that Councilman Jim Hutchinson has been through surgery, and is recuperating nicely, and it was good to see him back.

Mayor Ashley told Mr. Patton that we do not intentionally have the question of Harmon Cable Communication's request for a change, but we have provided the members of Council a packet of information. The matter has been tabled, and would not be taken off the table other than by action of the Council. We did not intend that it be taken off the table tonight because they just received the information.

Mayor Ashley advised that the subject matter having to do with the dedication of two streets in the City is not on tonight's agenda because a public hearing was held this evening and not attended by all members of the Council. So, obviously we do not have the minutes of that meeting which will be presented to the Council and presumably will be on the agenda at the next Council Meeting.

PUBLIC HEARING MINUTES ATTACHED.

3. CELEBRATION PARTY - NITRO FIRE DEPARTMENT: - Mayor Ashley announced that we have a celebration going on next door that includes good music. The purpose of the party is to celebrate the annexation of the Tri-State Greyhound Park into the City of Nitro.

There being no further business, the meeting was adjourned at 8:55 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

PROCLAMATION 88-7

PROCLAIMING APRIL, 1988, AS FAIR
HOUSING MONTH FOR THE CITY OF NITRO

WHEREAS, April, 1988 marks the twentieth anniversary of the Federal Fair Housing Law; and

WHEREAS, the Fair Housing Law prohibits discrimination in the sale or rental of housing based on race, color, religion, sex or national origin, and it is the public policy of the State of West Virginia to provide all of its citizens equal opportunity; and

WHEREAS, over the years, fair housing legislation has helped many citizens gain access to housing; and

WHEREAS, we encourage you to plan and implement appropriate activities in commemoration of fair housing during the month of April; and

WHEREAS, we must continue our efforts and commitment to make fair housing a reality for all Americans; and in this spirit join other communities in the State of West Virginia proclaiming

APRIL, 1988 AS FAIR HOUSING MONTH
FOR THE CITY OF NITRO

NOW, THEREFORE, I, Mayor of the City of Nitro do hereby proclaim April, 1988 as Fair Housing Month for the City of Nitro.

IN WITNESS WHEREOF, I have here unto set my hand and caused the Seal of the Executive Department to be affixed this 5th day of April, 1988.

A handwritten signature in dark ink, appearing to read "Arden D. Ashley".

ARDEN D. ASHLEY, MAYOR

NITRO POLICEMEN'S PENSION BOARD MEETING MINUTES

MARCH 31, 1988


The Nitro Policemen's Pension Board Meeting was called to order by City Recorder Joan C. McClanahan in Council Chambers at 2:32 p.m. Board Members present were Lt. Gary Blankenship, Ptl. Michael Chatterton and Ptl. John Joyce. Also present was Pansy Armstead, Secretary of the Policemen's Pension Board. Absent were Mayor Arden D. Ashley and Ptl. Jack A. Jordan.

AGENDA ITEM NO. 1 - APPROVAL OF THE JANUARY 12, 1988 PENSION BOARD MEETING MINUTES: Lt. Gary Blankenship moved that the Pension Board Meeting Minutes of January 12, 1988 be approved as written. The motion was seconded by Ptl. John Joyce. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CERTIFICATION OF ELECTION RESULTS: - Lt. Gary Blankenship moved that the election results of March 14, re-electing Ptl. Jack A. Jordan to fill a four year term on the Policemen's Pension Board, be made official. The motion was seconded by Ptl. John Joyce. A vote was taken and it was unanimous.

Lt. Gary Blankenship questioned if the money invested in Citizens National Bank on a certificate which matured March 9, 1988, was withdrawn as per the Board's instructions to our City Treasurer Ralph Allison and deposited in the State Investment pool account, and they were informed that it had been taken care of. Ptl. Michael Chatterton informed that Ptl. Jack Jordan would like to have a copy of the bank statements showing the transactions. Lt. Blankenship requested copies of the bank statements on a monthly basis beginning January 1, 1988.

There being no further business, the meeting was adjourned at 2:40 p.m.


PANSY ARMSTEAD, SECRETARY



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 88- 2

BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF NITRO, WEST VIRGINIA, THAT
ORDINANCE 87-5 REGARDING SWIMMING POOL
RATES BE AMENDED AND READ AS FOLLOWS:

PASSES

	RESIDENT	NON-RESIDENT
FAMILY	\$70.00*	\$140.00
INDIVIDUAL	\$40.00**	\$ 80.00

* \$ 10.00 DISCOUNT IF PURCHASED BEFORE MAY 1

** \$ 5.00 DISCOUNT IF PURCHASED BEFORE MAY 1

EFFECTIVE MAY 1, THERE WILL BE AN ADDITIONAL CHARGE OF \$1.00 PER
PERSON FOR FAMILY PASSES OF MORE THAN FOUR PEOPLE.

EFFECTIVE JULY 15, AND THEREAFTER POOL PASSES MAY
BE PURCHASED FOR ONE-HALF THE FULL RATE.

DAILY RATES

	RESIDENT	NON-RESIDENT
ADULT	\$ 2.00	\$ 4.00
CHILD (UNDER 6 ACCOMPANIED BY ADULT)	FREE	\$ 1.00
SENIOR CITIZEN	\$ 1.00	\$ 1.00
POOL HOURS:	MONDAY THROUGH SATURDAY - 11:00 A.M. - 7:00 P.M.	
	SUNDAY - 1:00 P.M. - 6:00 P.M.	
POOL RENTAL:	\$25.00 PER HOUR, AFTER 7:00 P.M.	

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

FIRST READING: MARCH 15, 1988

SECOND READING: APRIL 5, 1988



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

RESOLUTION 88-3

A RESOLUTION ENDORSING THE
PROPOSED LEVY TO BE VOTED
UPON MAY 10, 1988

WHEREAS, by order of the Kanawha County Commission, dated February 23, 1988, a levy election has been set for Tuesday, May 10, 1988, to provide the voters of Kanawha County an opportunity to approve an excess tax levy for Fiscal years 1990, 1991, and 1992 to support the operations of the Kanawha Valley Regional Transportation Authority (KVRTA): and

WHEREAS, the proposed excess levy is needed for the continued operation of KVRTA and KICCEAA and will be used to provide funds for the acquisition of equipment, capital improvements; and

WHEREAS, KVRTA has otherwise conducted its operations in such a manner as to provide an essential public service; and

WHEREAS, KCEAA has established and is currently operating an emergency ambulance system in all areas of Kanawha County.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Nitro does hereby endorse the proposed levy to be voted upon on May 10, 1988, and urges all voters of said City and all other County voters, to vote for the levy.

Arden D. Ashley
ARDEN D. ASHLEY, MAYOR

Resty Casto
RESTY CASTO, COUNCIL AT LARGE

Olaf Walker
OLAF WALKER, COUNCIL AT LARGE

Bob Evans
BOB EVANS, COUNCILMAN

Jim Hutchinson
JIM HUTCHINSON, COUNCILMAN

Joan McClanahan
JOAN MCCLANAHAN, RECORDER

Mary Trout
MARY TROUT, COUNCIL AT LARGE

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

Charles Miller
CHARLES MILLER, COUNCILMAN

PUBLIC HEARING

CITY OF NITRO

APRIL 5, 1988

The public hearing was called to order by City Recorder Joan C. McClanahan at 6:35 p.m. in Council Chambers. Present were Councilman at Large Olaf Walker, Councilman Bob Evans, City Attorney Phillip D. Gaujot and concerned citizens. Councilwoman Mary Trout, Councilman Charles Miller and Councilman Jim Hutchinson entered the hearing after it had convened.

City Recorder Joan McClanahan thanked the citizens and the members of Council for their presence. She explained the purpose of this meeting is to hear concerns regarding a petition to dedicate the streets of Erwin's Drive and Martin's Court into the City of Nitro. The floor was opened for comments or questions.

After she explained that we would like to have their name and address before commenting, remarks were made as follows:

Tom Miller, 4 Erwin's Drive - he wanted to endorse his support for incorporation of Erwin's Drive into the City.

Mr. Rusnek, 7 Erwin's Drive- in favor.

Tracy Maddox, 2 Martin's Court - we're in favor of it.

Henry Michelson, 13 Erwin's Drive - in favor. He asked how far do we go up in his property which is at the end of Erwin's Drive. City Recorder Joan McClanahan invited Mr. Michelson and anyone that desired to look at her map. Mr. Michelson informed that so far on Erwin's Drive there is a right-of-way, and wanted to know if the pavement went all the way up to the right-of-way. Mr. Michelson said that his deed stated that the right-of-way went up so many feet and so wide. City Recorder Joan McClanahan told him that she would get an answer to his question. Councilman Evans mentioned that it might be on the description that was published, and City Recorder Joan McClanahan informed that it gave the metes and bounds. Mr. Michelson questioned if it stopped right at the line where his property starts and the pavements stops. Mr. Michelson informed that his house was situated on Lot 13, which was almost at the river's edge. City Recorder Joan McClanahan stated that the metes and bounds were furnished by an engineer, and it was just a matter of interpreting, and told Mr. Michelson that we would get an answer to his question before any decision is made.

Mrs. Casey Stribling, 3 Martin's Court - in favor.

Jack Williams, #5 Martin's Court - he was in favor of dedicating Martin's Court to the City as described in the metes and bounds.

Mr. Michelson commented that Mr. Williams may have the same problem because he is on the end lot.

City Attorney Phillip Gaujot told Mr. Williams that it was his understanding that the owners of lots adjacent to Martin's Court signed a petition and filed the petition with this body, and Mr. Williams answered that this was correct. Mr. Gaujot asked if this was the same with Erwin's Drive and if they had a separate petition. Councilman Bob Evans said that he had a petition and there was another one that was presented to Council several months ago. Mr. Gaujot said that on Erwin's Drive, lots 1, 3, 4, 5, 7, 9 and 13, and asked what about the people owning lots 2, 6, 8, 10, 11 and 12. He was informed that lot 2 was owned by Shelton Osborne, and 6 is owned by Ed Martin. Mr. Rusnek said that the last time he talked with Mr. Martin, that he said he was in favor of it. Mr. Gaujot asked if they could get his name on this petition, and asked what about the other individuals. He was informed that the problem is that there are no houses on those lots and the owners don't live in the neighborhood. Mr. Gaujot asked Mr. Williams how many freeholders are on Martin's Court, and he said that he believed that there were freeholders situated at Lots 23, 24, 25, 22.1 and 22 all of which names appear on the petition. Mr. Gaujot asked if they had the signatures of everybody that has property adjacent to Martin's Court. Mr. Williams answered that he didn't have a copy of the petition, but that it was correct. Mr. Gaujot said we have 100 percent on Martin's Court and we have the majority of the signatures on Erwin's Drive. Mr. Michaelson informed that he owned lot 13, and also 11. Mr. Gaujot said that since there is a question of metes and bounds, he would suggest that it be surveyed. Mr. Gaujot said that he knew we have a metes and bounds description but believes a surveyor needs to go out and mark the boundaries as he understands them to be. Also, Mr. Gaujot told the residents on Erwin's Drive that he didn't think a simple majority would carry. He said that he thinks it's enough to dedicate the street, but by simply advertising it in the paper and posting notices at the street corner, it could be defective. Mr. Gaujot said that as they have other property owners in the area, we need to get their addresses and mail them a certified notice by mail. Also, Mr. Gaujot said that he would recommend to Council that if the Council wishes to do this, is to have a surveyor to survey the streets as we want to make sure where the street is. Mr. Michelson said that in his deed it states that there is a right-of-way so far up in his yard than where it extends to now. Mr. Gaujot told him that he thought he would like to know that because Mr. Michelson may want to object to this petition after finding out where the right-of-way is, and Mr. Williams might also. Mr. Williams said that for the record

he didn't question the piece of right-of-way in the description by the City Engineer as it doesn't, in fact, end at his gate. Mr. Gaujot said that if the street was located at a certain the street as he sees it, but in fact, that street may be out of its place right now. Mr. Gaujot said that he would recommend to the Council that the street be surveyed, but it doesn't mean that Council will authorize the surveying. Mr. Gaujot stated that if everybody on Martin's Court is satisfied and are not questioning where the street is, then it may not be necessary. Mr. Maddox said that they don't have much traffic going up their street. Mr. Michelson said that he thought what his property was for was so that number 11 would have a right-of-way to go into his property. Councilman Bob Evans said that on the metes and bounds, it mentioned that 230.9 feet from the northern most corner of block A. Mr. Michelson said that he didn't know what that would be. Councilman Evans said that he would assume that would be from the corner of Benamati. Councilman Evans said that he agreed with legal counsel's recommendation that we should have a survey. City Attorney Phillip Gaujot said that as he understood, there were not objections to either street being dedicated. City Recorder Joan McClanahan said that there were none from anyone present.

Harold Mitchell, #5 Reeves Drive - in favor of Martin's Court. Mr. Gaujot asked if his property abutts and Mr. Mitchell answered that it did.

Mr. Gaujot said that if there are no objections, Martin's Court is in proper posture for Council's action. There were no objections on Erwin's Drive, and Council could take action if they desire. But, he could see a possible defect by not properly notifying everyone since some of the property owners do not reside there. We should send them a notice by certified mail and allow them another hearing.

Councilman at Large Olaf Walker said that if he understood Mr. Gaujot correctly, there was no problem with Martin's Court. Councilman Walker questioned if a right-of-way would be obtained on Erwin's Drive between lots 14 and 15 to go to Benamati. He was informed that they turn off of Benamati onto Erwin's Drive as there is a concrete drive between those two houses.

There was no one present having an objection to the dedication of the streets.

Mr. Gaujot stated just so the record is clear that on behalf of the petition on Martin's Court, he understands that the property owners on Martin's Court signed the petition, and there were no objections here tonight to Martin's Court being dedicated to the City of Nitro. Therefore, Mr. Gaujot said that he believes the petition is a problem before the Council to take a

vote on the issue of whether Martin's Court should be taken into the City as dedicated. In the event the City votes to take Martin's Court in, then Mr. Gaujot would recommend to the Council that this action be done contingent upon an accurate survey being made of the street with the placement of the fence following the metes and bounds description as described by our City Engineer. Councilman at Large Olaf Walker questioned the fence, and Mr. Gaujot informed that the fence at the end of Lee Street will come down, and Lee Street will join with Martin's Court. Mr. Gaujot said that Martin's Court was a private drive when the fence was put up, and that fence would have to be opened up as Lee Street is a City Street. To keep the fence up would in effect make Martin's Court a private drive even though it was dedicated to the City. So, if it is truly a public street, then the fence would have to come down at the intersection of Lee and Martin's Court.

Mr. Williams said that this may be more difficult than meets the eye. He said that if he wasn't mistaken, it's a part of the deed of lot 104, and also it might be the opinion of the City Engineer that there is in fact a private either 1 or 3 foot strip of ground between Lee Dr. Mr. Gaujot said that if this was the case then obviously we can't do it. However, if Lee Street is open to the fence then the fence would come down; if it is determined that it is a City street, then it would come down. If the property owner at 104 or 103 thinks they own the street and if there becomes a dispute, then that would be for the City and property owners to resolve. Councilman Walker asked if there was a piece of property that crosses Lee Street that is deeded to some individual, and Mr. Williams said that he believed that would be correct. Mr. Gaujot said that if this was the case, then it can't be done. But, he said the engineer could determine this. Mr. Maddox from 2 Martin's Court said that he believed they owned that as they have been mowing the grass. Mr. Gaujot told Mr. Maddox that this was the street. Mr. Maddox told Mr. Gaujot that there was a strip of grass that he has been mowing. Mr. Gaujot said that if Lee Street is a City street and if Lee Street goes all the way to the fence or goes all the way to Martin's Court, then the fence would come down. This would be between the City and property owner at 104 or who ever claims that strip of land. It has nothing to do with Martin's Court.

Mr. Gaujot said that with regard to Erwin Drive, that their petition was a little bit different than Martin's Court. Mr. Gaujot informed that Martin's Court had a hundred percent signing on the petition, and they don't have anyone present objecting this evening. Martin's Court had approximately sixty percent and nobody objecting tonight. Mr. Gaujot informed that even though a notice was published in the newspaper, which is generally notice to the world, and even though we put a notice at the intersection, there is a chance that a property owner may not

have noticed it. Therefore, to alleviate any possibility of a defect or to alleviate any indication that we're acting improper, Mr. Gaujot said that he would recommend to the Council that the hearing on that matter be postponed until another time. In the interim, the person in charge of the petition for Erwin's Drive get us the names and addresses of the owners of land on Erwin Drive that are not present tonight. Then, we can send them certified notice of the next hearing. Mr. Gaujot said that then we could republish in the newspaper another notice and repost another notice at the corner of the street. Mr. Gaujot said that at the next hearing he thinks everything would be in order assuming nobody shows up to object, then at that time it would be proper for Council's action. Councilman Evans asked what if they would get those people to sign the petition for the dedication of the street. Mr. Gaujot answered that if they could get everyone to sign the petition, he would recommend Council to take action. A resident asked if one individual refused to sign, then the City could not accept the street. Mr. Gaujot told him that we just wanted to give all residents a chance to voice their opinion. Mr. Williams said that for the record he would like to make a comment about Martin's Court. He said that as the description of the posting reads, Martin's Court appears to end at a place he pointed to on the map. Mr. Williams informed that he was pointing to the boundary as described between McKinley B. Reed or the boundary of McKinley B. Reed. Mr. Williams said that he was just saying that it doesn't go to the river. Mr. Gaujot said that we know the map is wrong, and what we want to do is have a survey so we know exactly where the road is and they know where the road is. Councilman at Large Olaf Walker said that it recorded that the road goes to the river, but whether it is open or passes the river doesn't make any difference.

City Recorder Joan McClanahan stated that she remembered seeing a petition on Martin's Court, but didn't recall seeing the petition on Erwin's Drive. Councilman Evans answered that he thought we had a petition on Erwin's Drive. Councilman Evans asked if there was another petition other than the one he had on Erwin's Drive. Mr. Miller said that he wasn't aware of another petition. Mr. Rusnek said that there were petitions signed before. Councilman Bob Evans made a copy of the petition for his records, and also copies of the map for anyone desiring a copy.

City Recorder Joan McClanahan informed that we cannot take any action tonight, as this was a public hearing to give all citizens concerned a chance to express their opinions.

Mr. Williams asked what is now the course of action. City Recorder Joan McClanahan answered that if she understood Mr. Gaujot correctly, there seems to be no problem with the recommendation of accepting the petition from Martin's Court dependent upon the surveyer setting the markers. Then, should we

encounter a problem, then we would need to readdress the issue. She stated that she didn't see a problem with Martin's Court as it stands at this time, unless something would come up during the survey. She explained that Mr. Gaujot recommended that the petition on Erwin's Drive be signed 100 percent or closely as they can. There again, this drive would have to be surveyed. Also, we would need to schedule another public hearing to insure that everyone involved, is aware of the proposed dedication. Mr. Miller said that he understood Mr. Gaujot saying either 100 percent signatures on the petition or certified mailings to the property owners. Mr. Miller asked if the City would do the certified mailings. City Recorder Joan McClanahan informed that if they could obtain the names and addresses, we would do the mailing.

Councilman Walker said that he would like to get clarification on a question. He said that he didn't hear to anybody objecting to the removal of the fence as our attorney pointed out. Councilman Walker said that he feels if we make Lee Street a dead end and then we couldn't get through to Martin's Court, this would create a problem. City Attorney Phillip D. Gaujot told Councilman Walker that he didn't think this was a proper issue. Lee Street is a street all the way to Martin's Court if Lee Street is a public City street, and now we are taking in Martin's Court. Martin's Court is a public street all the way to Lee Street and they connect. Mr. Gaujot said that this is an issue that doesn't even involve this matter. If the fence is in the middle of the street, it will have to come down. We need to find out if Lee Street is a public street. Mr. Gaujot said that if Mr. Williams is correct that there is a private strip of land that has never been dedicated and never been used as Lee Street or Martin's Court and someone owns that in fact, then there is nothing we can do about it. Mr. Maddox informed that there is a gate that goes through there, and he parks his car on Lee Avenue so that he can enter through the gate. Councilman at Large Olaf Walker said that he couldn't speak for the rest of Council as we only have three present, but that might be a problem that Council would have to resolve in order to accept the dedication of Martin's Court into the City of Nitro. Mr. Maddox informed that he mowed the strip of grass in question. Mr. Gaujot told him that his house was on the other side of the street. Mr. Maddox said that they were told that they owned the property. City Recorder Joan McClanahan advised that this is even more reason to have a survey as suggested by Mr. Gaujot. Ms Stribling said that the court is only 15' wide, and it shows a 20' right-of-way. So, Ms Stribling said there would be the strip of land. Mr. Gaujot told her that what Councilman Walker was saying is that if Lee Street would not be open, there may be some objections from Councilmembers.

Mr. Jack Williams said by way of definition and to attempt to answer some of the questions that was going on in Councilman

Walker's mind, that in the deed of all of the property owners on Martin's Court, there is defined a right-of-way extending from essentially the end closest to the river to Benamati Street. Also in everyone's deed a provision whereby it says that if in the event Lee Street is opened up on Martin's Court, then that portion of the right-of-way from Lee onto Benamati will be extinguished.

Councilman at Large Olaf Walker asked the residents what are the advantages for this to be put into the City.

Jack Williams - We're not isolated in the middle of Nitro. One thing it does to assure continuance onto our property.

Councilman Walker said that this was the very point that he was making. If we take over the street, we want access to it as much as possible.

Tracy Maddox - If you take down that fence, they are going to go right in our driveway.

Councilman Walker said that we may have more of a problem than anticipated.

Mr. Gaujot said that it's hard to argue for it on Mr. Maddox's behalf. They want to make a public street, but they don't want anybody on their street.

City Recorder Joan McClanahan asked everyone to look at their map, and said that she would like to ask a question. She asked that coming off of Benamati going toward the river on Erwin's Drive, who owns the property between Benamati and Erwin's Drive. She said that according to the map, there appears to be a blank space and colored in, and would seem to indicate where the road starts. Mr. Williams said that it doesn't. She answered that she has been there and the road starts coming off of Benamati, and questioned who owns that property. Mr. Miller said that there again, the deeds all have a right-of-way from Benamati to the lots. Mr. Miller informed that a person by the name of Witt owned the one on the western side, and he wasn't sure who owns it. Mrs. Erwin was the property owner at the time he moved her 20 some years ago. Mrs. Erwin is now deceased and Mr. Miller said that he believes her son is now the owner, but he wasn't certain.

Councilman Walker said that looking at the map, there are only two lots that are adjacent to Erwin's Drive. All the rest of the lots are at the rear of Erwin's Drive, and asked if this was correct. City Recorder Joan McClanahan informed that they faced Erwin. Mr. Miller informed the lots that face Erwin Drive on both sides except for the two that front on Benamati, and Erwin Drive goes between those two lots that front on Benamati.

The rest of the lots face on Erwin Drive. City Recorder Joan McClanahan informed that 14 and 15 face on Benamati and the rest face Erwin Drive.

Mr. Jack Williams - Said that he would like to say this. I think you have fairly heard the petition of the residents of Martin's Court, and would like to thank Council for hearing our petition and listening to our dedication efforts. We sincerely appreciate that and I surely don't have anything to add, except you can turn around in my driveway as well.

Tracy Maddox - I don't live on Erwin's Drive. If they take in Erwin's Drive are they going to open Washington Street to Erwin? A resident informed him that this was private property.

City Recorder Joan McClanahan said there needs to be a survey and we will plan another public hearing for the benefit of the residents on Erwin's Drive that did not sign the petition. She said if you will get us those names, we will handle the mailing to make sure they have been notified. Mr. Miller asked that if he couldn't get their signature on the petition, just get their names and addresses. City Recorder Joan McClanahan told him that it would be simpler if he could get their signatures. If he was unable to obtain the signatures, then supply us with the names and addresses and we will notify them of the pending matter.

Mr. Michelson - I think it is only 8' wide instead of 10'. I'm almost positive of that, but I'm not sure.

City Recorder Joan McClanahan said that as the discussion continues, it becomes more and more apparent that there needs to be a survey.

City Recorder Joan McClanahan thanked everyone for coming, and there being no further discussion, the meeting was adjourned at 7:23 p.m.

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

APRIL 19, 1988

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

The invocation was given by Councilman Joe Savilla.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 5, 1988 COUNCIL MEETING MINUTES: - City Recorder Joan McClanahan moved for the approval of the Council Meeting Minutes of April 5, 1988. The motion was seconded. Councilman at Large Olaf Walker moved that a correction of the amount of \$64,454 on page 2, be amended to \$61,454. For the benefit of the audience, Mayor Ashley explained that the \$61,454 represents the increase in salaries to the employees for the fiscal year 1988-89. A vote was taken to approve the minutes as amended, and it was unanimous.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - For those in attendance unaware of our monthly tradition, Mayor Ashley explained that usually on the first Council Meeting of the each month, we designate a citizen of the City who has been outstanding enough to be recognized as our Citizen of the Month. He informed that we usually try to surprise the recipient, and feels we have accomplished this again this time. Mayor Ashley said that it was especially fitting because this person is a resident of the City and also a long standing employee of the City, and she has done a great service to the people of this City for a long period of time. As a matter of fact, she thinks the recipient of the award is our City Attorney, but he doesn't live in the City. Mayor Ashley advised that next week is Secretary's Week, and was sure that Council would join him in congratulating Eve Frazier as the Citizen of the Month for April. A big round of applause was given Eve. She expressed her appreciation and stated that she was indeed surprised. Mayor Ashley said that Eve is a very efficient secretary and deserves to be recognized on Secretary's Week, of course, but she is so efficient and thorough, in terms of making sure that all the things necessary for the members of Council and certainly for him are in place for the Council Meetings. Eve always sees to it that the plaque for the recipient of the citizen of the month is on hand, and just about drove everyone crazy today trying to find out where the plaque was because she wanted to make sure it was here. Mayor Ashley told Eve that she has been a great employee and a great citizen of the City.

AGENDA ITEM NO. 3 - POOL EMPLOYEES - 1988: - Mayor Ashley recognized Larry Angell, the Director of Recreation, to make his recommendation to the City Council. Mr. Angell furnished the members of Council a list of names as his recommendation for staffing of lifeguards/cashiers at the pool for 1988. The number following their names represents the years worked at the pool. Mr. Angell informed that we only have three lifeguards returning from last year, with the remainder being new. He informed that all but one making application was submitted. They all meet the qualifications and certifications of the State and our requirements of the City. Councilman Joe Savilla moved we approve the recommendation of the Director of Recreation. The motion was seconded. Councilman at Large Olaf Walker asked Mr. Angell the approximate dollar amount that take care of this, and Mr. Angell said that he believes it was approximately \$16,000. Councilman Walker said that he didn't mean for the entire budget, but just for the lifeguards and cashiers. Mr. Angell told him that this amount was strickly for the budget of salaries to man this facility for the season. Councilman Savilla questioned if this was for all staff positions, and Mr. Angell advised that this does not include him. Mayor Ashley questioned if we had other lifeguards, and asked if he didn't think we would be needing more. City Recorder Joan McClanahan informed that this is what we operated with last year. Councilman Savilla asked if the other applicant had the required qualifications, and Mr. Angell answered that they did, but this is the number of personnel we had in the past. He said that he didn't know of any scheduling problem that we have ever had. Mayor Ashley said that towards the end of the year, often times lifeguards are looking to take their summer vacation at the end, and he may have a need to hire some additional lifeguards, Council must approve them. Councilman at Large Olaf Walker said that what prompted his question, was that the budget for labor in the Recreation Department was \$38,000, and Mr. Angell used \$20,000 to compute the raise for that department, and questioned if this was correct. The City Treasurer Ralph Allison said that he would have to check on this. Councilman Walker said that there was a difference of \$2,000, if the \$20,000 and \$16,000 were correct, it would amount to \$36,000, and the budget is \$38,000. Mr. Angell said that he would have to check his figures also, but \$16,000 was the amount that he had in his mind. The City Recorder Joan McClanahan said that she believed the amount of was more than \$16,000 because she was under budgeted last year. Mayor Ashley said that he thinks that what we are dealing with is that Councilman Walker is looking for a specific number in response to an estimate, and we should either recess long enough for Mr. Angell to get the information for Councilman Walker or Councilman Walker should allow the Treasurer and the Recreation Director to work the figures up and get something specific. Councilman Walker told Mayor Ashley that it wasn't that big a deal, and probably Mr. Allison could help him. Councilman Walker said that he went through each department and figured the salary increase

plus the FICA, and the retirement on each department, and all of the came out close to the figure presented by Mr. Allison except the Recreation Department and they differed a little on this. Mr. Allison informed that he would check on this. A vote was taken to accept the recommendation of the Director of Recreation, and it was unanimous. The accepted employees are as follows:

CASHIERS

Ivy Bailes (5)
Charlotte Hill (4)
Evelyn Shepherd (3)

LIFEGUARDS

Jon Cormany - Head Lifeguard (1)
Tiffani Dagostine (2)
Kevin Dye (2)
Michael Smith (3)
Eric Brightwell (1)
Catherine Wolfe (1)
Jason Mynes (1)
Michael Jones (1)
Eric Dye (1) *See below

() Represents year(s) of service.

Mr. Angell informed that we have pool passes for sale, and that during the past week and a half, the sales are picking up. Also, he reported that the park facilities are being reserved everyday.

Councilman Joe Savilla mentioned that possibly he submit the name of the other applicant in case an emergency should occur between Council Meetings, as we should always have at least one person in reserve. Mayor Ashley said that he didn't see anything wrong with obtaining prior approval from the Council. Mr. Angell informed that the other person was Eric Dye, and this will make the second year for his brother, Kevin, and he too is qualified and certified. Councilman Savilla moved that we include Eric Dye on the list at the discretion of the Director of Recreation. The motion was seconded. A vote was taken and it was unanimous. *Authority was granted to add Eric Dye at a later date if it is necessary to do so.

AGENDA ITEM NO. 4 - LAYING OF THE LEVY: - Mayor Ashley advised that this agenda item calls for the Laying of the Levy and recognized our City Treasurer Ralph Allison. Mr. Allison read a letter dated April 15, from Mr. John Snyder, Director, of the Chief Inspector Division with the State Tax Department as follows:

In accordance with the provisions of Chapter 11, Article 8 of the West Virginia Code, as amended, the State Tax Commissioner of West Virginia hereby approves your Levy Estimate for the fiscal year beginning July 1, 1988.

I find that any levy rates to be imposed in excess of those prescribed by the West Virginia Constitution were legally authorized by a vote of the people.

I find that the proper rates of levy are 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 Code.

Mr. Allison said that per the WV State Tax Department instructions with the budget approved by the State Tax Commissioner, the levy body must meet on the third Tuesday in April to officially lay the levy. Mr. Allison presented a copy of the Levy Rate sheet to the City Recorder Joan McClanahan for her signature after approval. Councilman at Large Olaf Walker moved for the approval of this action. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - PROC. 88-8, NATIONAL FLAG DAY: - Mayor Ashley informed that this agenda item is identification of a proclamation calling for National Flag Day on June 14, 7:00 p.m., EDT, and read the proclamation in its entirety. Councilman at Large Olaf Walker moved the proclamation be adopted. The motion was seconded. A vote was taken, it was unanimously approved and so ordered.

PROCLAMATION 88-8 ATTACHED.

AGENDA ITEM NO. 6 - PROC. 88-9, MAY '88 BETTER HEARING AND SPEECH MONTH: - Mayor Ashley read a proclamation identifying May, 1988 as Better Hearing and Speech Month. Councilman Joe Savilla moved the proclamation be adopted. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION 88-9 ATTACHED.

AGENDA ITEM NO. 7 - ORD. 88- PARKING ZONE RESTRICTION 2ND AVENUE: - Mayor Ashley advised that this ordinance has been set forth by Councilman Bob Evans, who was unable to be present this evening. Mayor Ashley informed that Councilman Evans has specifically requested that the Council consider putting a time limitation identified as parking zone restrictions on Second Avenue, West from the Northeast corner of 2222 Second Avenue to its Southeast corner on 22nd Street South. Mayor Ashley said that separate from that, there is a map that would identify that location. Mayor Ashley read the proposed ordinance in its entirety which constitutes the first reading. Councilman Olaf Walker questioned if Chief Cochran had anything he would like to add. Chief Cochran stated that he believed Councilman Evans had reference to a two hour parking zone. Councilman Savilla asked if there had been complaints, and Chief Cochran answered, yes. Mayor Ashley informed that there was one particular business that

had asked that Council take this action. Councilman Joe Savilla moved the ordinance be approved on the first reading. The motion was seconded. Councilman Savilla asked Mr. Gaujot if he wrote this ordinance, and Mr. Gaujot answered that he did not. Mayor Ashley informed that Councilman Evans requested that the ordinance be structured by Mike Morris, from the staff, and it is modeled after other ordinances within the record of the City on restricted parking. Councilman Miller asked if the time would be checked by the Police Department, and was told that it would. Mayor Ashley said that without the benefit of meters, the way this is done, is by marking the tires with chalk, and then go back and check it two hours later. Councilman Walker said that he was talking with Councilman Hutchinson prior to the meeting and that he thinks it would be a big help, and identified the location prior to the Council Meeting. Councilman Walker said that if Councilmembers were furnished a map, that it should be colored in. Mayor Ashley informed that he suggested that this be done in yellow and apologized that we didn't get it in color. However, he advised that we will have that in time for the next meeting.

For the benefit of the audience, Mayor Ashley mentioned that we have, during the course of Melanne Pennington's illness, been passing around a greeting card that will be sent to her at the conclusion of each Council Meeting, and urged all members of the audience to sign the card. He informed that we will have a report on her condition later.

A vote was taken on the approval of the first reading of the ordinance, and it was unanimous.

ORDINANCE ATTACHED.

AGENDA ITEM NO. 8 - NITRO FIREMEN'S PENSION BOARD MEETING MINUTES OF APRIL 15, 1988: - Mayor Ashley informed that this agenda item is to enter into the record of the City, minutes from the Nitro Firemen's Pension Board Meeting of April 15. City Recorder Joan McClanahan reported that copies of this meeting were furnished to all members of Council. Captain Stover was re-elected to fill a four year term, and Sgt. Steve Hardman was elected to fill the unexpired term of Lt. Faulknier upon his medical retirement. Mayor Ashley called the Council's attention to the recorded minutes, as well, with regards to a suggestion by Sgt. Hardman and said that he thinks appropriate, that the City take a look of expanding the physical examination and evaluation of prospective employees. Mayor Ashley said that Sgt. Hardman was referring to the Fire Department, but feels the message speaks as well for consideration given to prospective employees into the Police Department. Mayor Ashley added that there are some benefits to be derived from more extensive testing, more especially with regard to such things as stress tests because medical advances have recently allowed us to discover more. He said that we may want to take this under consideration, and there

will be forthcoming from the Fire Department a specific recommendation that would require Council's consideration. He informed that for the purpose of the minutes, we are simply entering this into the record of the City and it requires no action on the part of Council other than to approve the entering of this record into the record of the City. Councilman Joe Savilla moved we make the minutes of the Nitro Firemen's Pension Board be made a part of the record of the City. The motion was seconded. A vote was taken and it was unanimous.

NITRO FIREMEN'S PENSION BOARD MEETING MINUTES ATTACHED.

AGENDA ITEM NO. 9 - REQUEST FROM NITRO JR. HIGH ATHLETIC BOOSTERS: - A copy of the communique from Ms Hager, President of the Nitro Junior High Athletic Boosters, requesting permission to hold "Tag Day" on April 30, 1988 to solicit donations from 9:00 a.m. to 12:00 p.m. on that day was furnished to all Council members. Councilman at Large Rusty Casto advised that the request was for 9:00 to 12:00. Councilman at Large Olaf Walker said that 12:01 would be p.m. and we should make this 12:01 p.m. Councilman at Large Rusty Casto moved that permission be granted. The motion was seconded. A discussion followed as to soliciting in the streets, and Councilman Savilla suggested we advise by letter that they are not to stop traffic in the streets due to safety reasons. A vote was taken for the approval of the request, and it was unanimous with the stipulation that this does not include soliciting in the streets.

AGENDA ITEM NO. 10 - MINUTES OF THE ZONING BOARD OF APPEALS: A copy of the minutes of the Zoning Board of Appeals public hearing on April 1, 1988, was distributed to Council, and Mayor Ashley entertained a motion to adopt this into the record of the City. Councilman Jim Hutchinson moved we adopt the minutes of the public hearing into the record of the City. The motion was seconded. Councilman Charles Miller asked if Rev. Austin Wade's name was backward, and was informed that it should be corrected to read Rev. Wade Austin. A vote was taken to enter the minutes of the public hearing of the Zoning Board of Appeals into the record of the City, and it was unanimous.

MINUTES OF THE ZONING BOARD OF APPEALS PUBLIC HEARING ATTACHED.

AGENDA ITEM NO. 11 - REQUEST FROM MILLER SERVICES: - A copy of the communique dated March 2, from Mr. Stan Miller from Miller Services addressed to Margaret Hudson of the Planning Commission was given to Council. The letter was requesting a variance for lots 48 and 49 of the Riverdale Acres area in East Nitro. These lots are presently zoned R-1, and he requested a variance for these lots to change to commercial rating. Mr. Miller informed that he could supply any needed information concerning the

structure. He stated there will be two separate business offices, one a bike shop and the second a contract cleaning operation. He also stated that there is commercial zoning quite close to this area, and feels rezoning would not be detrimental to this area. City Recorder Joan McClanahan stated that the Planning Commission doesn't grant variances, it would need to go to the Zoning Board of Appeals. Mayor Ashley said that he didn't know why this was on the agenda. City Recorder Joan McClanahan asked if we didn't refer it to the Zoning Board of Appeals. Mayor Ashley said that we didn't need action by Council, we would just refer this to the Zoning Board of Appeals, and apologized to Council.

AGENDA ITEM NO. 12 - HARMON CABLE COMMUNICATIONS: - Mayor Ashley informed that this agenda item has to do with the re-introduction of the earlier asked questions regarding Harmon Cable Communication and then yielded to Councilman Olaf Walker as he wished to address the Council. Councilman Walker said that he thought that at the last discussion, it was tabled. Mayor Ashley told Councilman Walker that he was correct and now it is proper, as first action, to move to take it off the table. Councilman Joe Savilla moved we remove the Harmon Cable Communication request from the table. The motion was seconded. A vote was taken and the item was off the table and open for discussion. Councilman at Large Olaf Walker told Mayor Ashley that he would need some guidance. He said that he was going to inform Council what he has determined. He stated that Councilmembers received a copy of the original document that was adopted in 1965, which set forth that the cable company would pay the City of Nitro \$2,000 annually, plus a B & O Tax computed on the gross revenues for a particular number of subscribers. He explained that in other words, once the number of subscribers got to 1,200, it was 3% of the gross revenue. He said that in June, 1983, the City Council of Nitro made a motion and adopted and rescinded a portion of the original agreement in that they deleted the part pertaining to the application of the B & O Tax, and increased the one thousand dollar franchise fee to \$2,000. So, since 1983, the cable company has been paying the City of Nitro \$2,000 annually. Councilman Walker said that when the request came before Council two or three meetings ago, we had some discussion and it was layed over and eventually tabled. Councilman Walker said that for the benefit of those in the audience that want to see what happened, they can go back and read those minutes. Councilman Walker told Mr. Gaujot that as he sees this at the present time, Harmon Cable has two choices. He said that they can leave the agreement as it is and let it run to the expiration date of January 19, 2000, and pay the City \$2,000 annually as they do now or Harmon Cable can continue to pursue the request to change the name of the original agreement to the new name, which would open the agreement for possible other changes. Councilman Walker said the Council has the choices. 1. To approve or to disapprove the

request for name change. 2. The possibility of opening up the agreement for renegotiation of the various provisos in the agreement. 3. Adopt a motion to cancel or rescind the action of Council in June, 1983, and go back to the original agreement where the Cable TV would pay the Treasury of the City of Nitro, \$1,000 for a franchise fee, plus 3% of the gross revenues. Councilman Walker said to correct him if he was wrong, but he was informed that Harmon Cable Communications had approximately 1,752 customers, and Mr. Patton said that they have a few more than that amount. Mr. Patton informed that it was probably more like 2,300, but he wasn't sure. Councilman Walker advised that he did a little bit of computing on the basis of 1,752 subscribers. Mr. Patton stated that before we do the computing, could we ascertain whether or not Council has the options that Councilman Walker believes they have. Mr. Gaujot said that it appears that in 1965, a contract was entered into when the City of Nitro through and by Mayor Alexander and Kanawha Cable Television Company. Then on June 7, 1983, an amendment to that agreement was entered into, and in that June 7, 1983 ordinance which modified the 1965 ordinance, and pursuant to that 1983 ordinance, a contract was entered into between the City and Kanawha Cable Television, which contract appears to be binding. Mr. Gaujot informed that he didn't know if there was an earlier contract pursuant to the 1965 ordinance, or if there was a contract entered into. Councilman Walker informed that the first one was in 1965. Mr. Gaujot said that he has a copy of an ordinance, but didn't have a contract. Mr. Gaujot informed that in his opinion, that just because there is an ordinance, it might be binding by the City, but it is not a binding contract on Kanawha. Therefore, it is a unilateral contract, not binding at all. Mr. Gaujot said that it was just an ordinance, and that is why the second contract in 1983 recites there must be a contract entered into and in 1983 a contract was entered into. Mr. Gaujot said that the contract, in his opinion, is binding between the City of Nitro and Kanawha Cable Television. Councilman Savilla said that something happened, and maybe Joel Patton could refresh his memory, but the legislature passed a bill in 1983 which was one of the reasons Council renegotiated this. Councilman Savilla said that he couldn't remember all the details, but the legislature passed some bill restricting the cable communication companies, and that is why they came back to this Council. They were doing the same with City Councils' all over the State of West Virginia. Mr. Patton advised that he believed he was speaking of the one in 1983 which eliminated B & O Taxes and thought it was an FCC decision. It had to do with interstate commerce because they receive out of state signals. Mr. Patton informed that he was in college at the time and wasn't with the cable company, but for some reason, the legislature felt they should not be liable for B & O Tax for services. Mr. Patton said that they still pay B & O Tax on installation fees. Mr. Patton informed that the 1984 Cable TV Act is the deal the legislature passed, and that 1984 Act had some impact on how they operated, but really not that much. He

said that in the Cities of Nitro and St. Albans, they didn't receive or seek that much relief from the 1984 Cable TV Act. Mayor Ashley informed that with the passage of the law, the new agreement was intended in lieu of collecting the B & O Tax, they made it a lump sum payment. Councilman Savilla said that at that time, the lump sum payment would have been greater, but now with 2,300 subscribers, it is not. Mr. Gaujot said that in his opinion, we have a binding contract between the City and Kanawha Cable Television which he thinks would have to be honored by both. He said that whatever the reasons were in 1983 for the change is sort of immaterial but it's good to know what the reasons were. Mr. Gaujot advised that before Kanawha Cable entered into this contract, it had to make certain considerations concerning the number of people that were going to have the service, the cost of implementing the service and that type of information. Of course, the Council had to consider the amount of revenue possibilities that it could gain. Mr. Gaujot said that at any rate, a legal and binding contract appears to have been entered into. Mr. Gaujot said that it was his understanding that Kanawha Cable is also owned by ARH, Limited, and questioned if Kanawha Cable is owned by ARH, Limited. Mr. Patton answered that this was correct. Mr. Gaujot said what ARH, Limited plans to do, since it is the stockholder of Kanawha, is to desolve Kanawha Cable and assume the responsibilities of Kanawha Cable. Well, in the original ordinance, it isn't a contract, but the wording should be in a contract, says the grantee, it's successors and assigns, and in Mr. Gaujot's opinion if that was the intent of the City in 1965, then he thinks ARH has a right be considered an assigned of Kanawha. Mr. Gaujot told Councilman Walker that with all due respect, they could be held accountable. If they decided to get out of the contract and business and not pay the \$2,000, we can hold them responsible and bring a suit. Mr. Gaujot said that he feels we would prevail. Likewise, he said that he thinks they would prevail if we determine to do something along the lines of trying to get out from under the contract. Mr. Gaujot said that the one problem that he sees, and the City might want to pursue, is that the City might argue that the ordinance entered into in 1965 is not a contract because we don't have but the one side. We have the City, but we don't have Kanawha Cable and, therefore, the contract of 1983 is incomplete. But, stated that he felt we would be in a disadvantage there because we have been operating since 1965 as if we were following this as a contract and the City might run into some problems. Councilman at Large Olaf Walker inquired if we opened with a new contract and renegotiate to change the name, where would that put us. Mr. Gaujot said that since ARH, Limited is the stockholder and it is the assigned. He said that he supposed there has been a proper assignment made of the rights and duties of Kanawha to ARH, then that is a legal maneuver. The company can be dissolved as long as ARH is the successor. Councilman Walker said ARH bought the cable company or a group of people in Harmon, West Virginia. Mr. Patton informed that no one living in Harmon, WV

ever owned Kanawha Cable Television Company. Mayor Ashley said that this has nothing absolutely whatsoever to do with the legal question before us. Mr. Gaujot informed that this is the reason you put that language in a contract because the party of that contract can reasonably expect that may be they will sell out one day and make a huge profit, and he would want to be able to sell his rights and obligations. Mr. Gaujot told Councilman Walker that he wasn't saying that he couldn't put up a good fight, but he thinks it would be a fight. Councilman Walker asked Mr. Gaujot what would be his advise to this Council? Councilman Joe Savilla asked if we couldn't capitalize this by saying they have changed their name, but the contract is still binding. Mayor Ashley said that basically the essence of the request has been that we discontinue contractually our arrangement with Kanawha Cable Communications and the new company ARH, Ltd. be inserted. Mr. Gaujot said that he didn't feel this needs any action by Council because in the original ordinance under section 2, it talks about successors and assignments. Mr. Gaujot explained that this doesn't mean, considering the inquiry made by Councilman Walker and the obvious interest of the rest of Council, that Kanawha and ARH, Limited wouldn't voluntarily enter into negotiations with the City for purposes of changing the 1983 contract. Mr. Gaujot said that it might be Kanawha and/or AHR may consider it economically feasible to enter into negotiations with the City to keep the City from pursuing any type of legal action. Mr. Gaujot said that just because there is a contract, it doesn't mean you can't re-negotiate. Councilman Savilla mentioned that we should have our attorney to enter a contract negotiation with ARH, Harmon or whatever we choose to call them. Mayor Ashley said that he hasn't had an indication of this at this point. We started with their request that we just change the name in our agreement with them, and we've discussed it and he wasn't sure that there was a particular will of the Council that has been expressed. Mayor Ashley said that now we have some declaration from legal counsel as to our options, if there is any will of the Council that they want to set forth, then we still have the request from Mr. Patton that the name change be made in the agreement. Mayor Ashley said that out of courtesy to Mr. Patton, we should act upon that. Councilman Savilla said that if he understood Mr. Gaujot, no matter what we let them change the name to, the existing contract is still binding. Mr. Gaujot answered that the contract is binding with Kanawha Cable and/or successors or assigns. Councilman Savilla said that we could approve their request and then enter into negotiations to increase the City's share. This request would have nothing to do with one or the other. Mr. Gaujot said that by putting off the request to voluntarily change the name, we might have a little leverage with the negotiation. Councilman at Large Olaf Walker asked Mr. Patton if he feels in light of the great increase of subscribers they have had in recent years, in light of the total gross revenues that his company is taking and the fact that the

City is only getting \$2,000, there is some room in there that might be negotiated where it would be fair to the company and also fair to the City? Mr. Patton said to keep in mind that his initials were J.H.P., not A.R.H and A.R.H. makes that decision, and they have not specifically discussed this and hesitates to speak for him. Mr. Patton said that he does, however, believe an increase in a set fee could be entertained. Mr. Patton said that if he understood properly, he wasn't sure how much levy we had, and wished that he had spoken with our attorney before making the request to Council. Mr. Patton advised that it was after making the request to Council that they started studying the franchise and come to the conclusion that perhaps they could change the name without an ordinance. He said that if he had spoken with Mr. Gaujot prior to making the request, he may have saved the members of Council and himself a lot of time and offered his apology. Councilman Walker said that it would have saved him a lot of money too. Mr. Patton answered that it only cost him his time. Councilman Walker said that he was talking about his company. Mayor Ashley commented that he thought it had been a good exercise because there are so much that we, as the governing body, have learned and it's good that we would know these things. Mr. Patton said that as far as increasing the franchise fee, he would call the office and find out. Councilman at Large Olaf Walker told Mr. Patton that it seems to him that there is some room, but he didn't know how much, in light of the amount of the franchise fee the company is paying, the total gross revenue that the company is collecting vs what some of the other businesses in the City are paying. Councilman at Large Olaf Walker moved that Mr. Patton contact his company, and apologized for the delay on this question, and explain to them his feelings. He said that he wasn't speaking for the other members of the Council. He told Mr. Patton that we wanted to be fair about it. Mr. Patton advised that he would like to pass a couple of notes regarding the rebuilding expenses. Mr. Patton informed that they are in two weeks of completing the activation of all of their trunk and feeder lines in Nitro. He said that they are progressing at the rate of approximately 200 customers per week, transferring it over to the new lines. Mr. Patton informed that this would mean a slightly clearer picture, but as far as being on the new system, it's all brand new cable, brand new electronics and brand new everything except the drop and they just swing those over. These will be replaced if need be. Mr. Patton stated that they are very excited about this, and Nitro was first among over 12,000 to see those changes. He said that it would take a while to get all the people switched over, but at least they have the new lines. Mr. Patton informed that when he was looking for copies of the franchise, he came across a letter from Mayor Ashley. Mr. Patton said that he guessed that he had been trying since 1984 to get service for the people living on Blakes Creek Road, and that is in their plans. They will also pick up Robin Road. Councilman at Large Rusty Casto inquired as

to when the date would be for this, and Mr. Patton said that he hoped they would be ready to start activating with them in 30 to 60 days. He said that this was just an estimate as they have a problem with the power company. They need to have them do a little make-ready, and then it's just a matter of getting the cable up. He said that they have already got a lot of the strand up. Mr. Patton informed that the people on Blakes Creek and Robin Road will not pay any extra installation fee. He informed that if they are able to extend to Majestic Heights and a piece of Old Golf Mountain Road, they will be installed for \$60 to \$100 a piece as opposed to their standard \$20 installation fee. Mr. Patton asked if anyone had any questions with regard to WSAZ switching? He informed that WVAH, Channel 23, relicensed themselves to Channel 11, and that is where they broadcast now. Mr. Patton said that just as we did not use Channel 8 for approximately 15 to 18 years, we have gotten to the point now where Channel 11 is going to be worse than Channel 8 was. He told Council that they may have noticed that in the last few months, they have been attempting to use Channel 8 and this works in some places and doesn't in others. Mr. Patton said the same thing is going to be true of the cable channel position 11. Mr. Patton said that they took WVAH 23, now 11, and placed then on cable Channel 3, so that WVAH can be seen fairly clear. He informed that there may be a few people who have interference on 3, because of WSAZ's interference. If that is the case, Mr. Patton requested that the office be contacted for a service call. Mr. Patton advised that once they get the rebuild complete, probably within the first three or four months of 1989, they will be able to abandon all of the channels that aren't clear and put everything on a good clean channel. They will have over 50 channels, but they won't carry that many. Mayor Ashley said that we should move on with the question at hand, and it has been suggested that there is room for negotiation. He asked Council if they wanted anything specific from Mr. Patton and report back to us or could we assign someone that Mr. Patton could deal with. Mr. Patton said that he would be very happy to deal with the Mayor if it was acceptable to the Council. Councilman at Large Olaf Walker said that if Mr. Patton was going to contact his home office and see what they feel would be a franchise fee as far as the City is concerned, and then he gets with the Mayor, questioned if someone would have to put together some sort of contract, and asked Mr. Patton if they had a form contract. Mayor Ashley informed that we have the 1983 contract. Councilman Walker asked how Mr. Patton would feel if there was a proviso put in the contract that either party could open up the contract with a 90 day notice to the other party, and asked Mr. Gaujot if this would be proper. Mr. Gaujot responded that sword has two sharp sides. He added that we would then have a 90 day contract. Councilman Savilla said that the original intent of the long term contract was for the protection of the citizens of Nitro. Mayor Ashley said that one of the question he has in his mind, is that any rate increase we would impose upon the company, if they

would, in turn, be passed on to the customers in Nitro. Mr. Patton said that if they come to a reasonable agreement, then nothing specifically is passed on. However, if Council had the option and Council did pass a rate increase that they felt was unfair, then Nitro residents would be paying more each month than St. Albans or Cross Lanes. Councilman Walker told Mr. Patton to go ahead and do whatever is necessary on his end, and then contact the Mayor and try to work out something that is fair to both sides. Mayor Ashley said that hopefully they could get together in the next couple of days, they will be in a position to take it up again at the next Council Meeting.

AGENDA ITEM NO. 13 - PEOPLE'S FEDERAL CREDIT UNION: - Mayor Ashley informed that we have requested the People's Federal Credit Union to consider us suitable for membership in their organization. A representative from People's Federal Credit Union was present to give us the official word on their Board's action. The representative informed that they received word Monday from Washington, D. C. that the National Credit Union Administration did approve the charter amendment to allow the employees, elected and appointed employees and officials of the City of Nitro and full-time volunteers who operate under the supervision of the staff of the City of Nitro to be eligible for credit union membership. A big round of applause from Council showing their support was given. Councilman Jim Hutchinson inquired as to where the credit union plans to locate in Nitro, and the representative advised that this was a controversial issue. She explained that they did a demographic analysis and determined that to meet the needs of most of their members (over 2,000 members), they need to be in the Nitro-St. Albans area. She informed that they have been looking for a site for the past two months that they feel suitable. She said that there are several locations in the east end of Nitro that they feel would be convenient to the plant location, as their primary membership is with Union Carbide at Institute. She said that the majority of their members live in St. Albans, and that they had looked at several pieces of property down there and found traffic flow problems if they locate too close to the bridge, and traffic backed up as they get near the bridge. She informed that they have found a lot next to Citizens National Bank, but they haven't signed the contract. She advised that there are several stipulations to that contract, and she wasn't telling anyone that they were moving to this location. She said that they would have to do core drillings and surveys done. They are getting current maps and have to check out zoning requirements. However, she stated that they are looking at locating the credit union, at some future date, in the Nitro area providing they can find a suitable site. Mayor Ashley added that they have discussed some specifics, and thinks where we are dealing with organizations like the auxillary firemen and the police reserves, they are clearly eligible for participation with the credit union. Likewise, for people who are volunteers, but under direct

supervision and control of employees, such as volunteers to the library. They too are eligible. Mayor Ashley said that we would advise those wherein we have the impression that they are eligible, to the best of our knowledge and during the course of their application for membership, we will let the credit union be the final judge if their membership is acceptable. Councilman at Large Olaf Walker said that during our last discussion, we talked about somehow or other paying the \$5 per share, and questioned if this was correct. Mayor Ashley informed him that this was correct. Councilman Walker said that he believed Mr. Gaujot was going to look into this matter. Mayor Ashley informed that he has done that, and feels the conclusion is that we just can't pay their membership, but we can give everyone a bonus of \$5.00 and allow them to choose whether or not the bonus will be given to them by a check or would become the first payroll deduction and used for their membership in the credit union. All employees, except the elected officials and appointed officials, would get the one time \$5.00 bonus. Mayor Ashley reported that he signed his membership card today and issued his check for the \$5.00 membership fee. Membership cards were available for the employees and officials desiring to participate and payroll deduction is available for this purpose. Mayor Ashley informed that this takes no further action of the Council, and asked if there were any questions.

COMMITTEE REPORTS:

RECOMMENDATION FOR ALLOCATION OF FUNDS: - Mayor Ashley said the next item on the agenda is a matter of considerable importance and called on Councilwoman Mary Trout, Chairperson of the Committee to report on her committee's recommendations on the allocations of funds brought about with the annexation of Tri-State Greyhound Park.

Councilwoman Mary Trout passed out two papers, one showing the projected revenue from Tri-State Greyhound Park for 1988-89, and the other showing revenue through June 30. She said that she would like to address first the one showing revenue through June 30, showing \$48,900. She reported that her Committee felt that this amount of money should be allocated for the remainder of this budget year 1987-88. Councilwoman at Large moved that Council approve the revision of the budget to include the \$48,000 to be spent from the revenue through June 30, which is a revision to the current years budget ending June 30, 1988. The motion was seconded. Councilman at Large Olaf Walker said that he would like to add to Councilwoman's Trout report that the \$48,900 on the sheet furnished only includes the wagering portion. It does not include any monies that the City may receive from B & O Tax on the restaurant or property tax. He advised if they would prorate that and didn't know how this would be handled. In other words, it could be more. Mayor Ashley said that he has already complimented Councilwoman Mary Trout on the work of the Committee and has no extra comments to make. A vote was taken on the

approval of the recommendation of the committee to make adjustments to the budget in the current years budget by the Treasurer to the State Tax Commission and it was unanimous. Mayor Ashley requested that our City Treasurer Ralph Allison make the necessary changes to the State Tax Commissioner which are as follows:

REVENUE THRU JUNE 30, \$ 48,000

Employee Raises	\$ 12,000
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ALLOCATE THE FOLLOWING:

Nitro Foundation	1,000
Electronic Door for City Hall (Handicapped)	10,000
Library	10,000
Volunteer Ambulance Drivers Uniforms	1,000
Roof at City Hall	13,000
Communication (Typewriter, copier, chair)	1,000
TOTAL:	\$ 48,000

Councilwoman at Large Mary Trout informed that on the other sheet listed as projected revenue from Tri-State Greyhound Park, they are asking for a budget revision for the year 1988-89. She informed that they used \$264,000 as the projected revenue from the Tri-State Greyhound Park; and expenditures of \$191,181. The committee had unallocated funds of \$72,819. Councilwoman Trout said that this was a big task to come up with something they felt would be of benefit to all the residents, as well as all departments in the City. She said the \$191,181 represents the feelings of the committee as the most important things, and they still have \$72,819. to allocate at a later time. Councilwoman at Large Mary Trout moved we accept the Committee's recommendation. The motion was seconded. Mayor Ashley questioned if the items related to additional employees, one in the police department and the other in the street department, if the amounts shown were straight salary figures, and said that they should include wage related expense. Councilwoman Trout answered that Mayor Ashley was correct. Mayor Ashley said that the figures would have to be adjusted and would modify the unallocated portion, but not enough to threaten the figures. A vote was taken on the adoption of the recommendations, thereby changing the budget for fiscal year 1988-89, and it was unanimous.

Recommendation of the Committee was as follows:

Projected Revenue from Tri-State Greyhound Park for 1988-89:	
	\$ 264,000.

Employees Salary Increase	\$ 61,454.00
Paving (1988-89 Budget \$35,000)	60,000.00
Police Department (1 Additional Person)	18,227.00

Street Department (1 Additional Person)	12,000.00
Mini Pumper (Lease Purchase) Down Payment	7,500.00
Garbage Truck (Lease Purchase) No Down Payment	7,000.00
Community Building	<u>25,000.00</u>
	\$ 191,181.00

Unallocated	\$ 72,819.00
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Councilman Joe Savilla said that we should express our thanks to the Committee for the job they did, and he was sure that it wasn't easy. Mayor Ashley said that he echoed Councilman Savilla's sentiments, and could find no way to improve on what they have done and compliments them.

Councilman at Large Olaf Walker said that he was going to make a motion, and the committee spent a lot of time discussing it. He informed that prior to that he has talked with Mr. Allison and others, and wanted to have a complete and separate accounting of all monies that we benefit from the dog track. He advised that there are a number of ways that this can be done, and whatever method that Mr. Allison chooses would be acceptable. Councilman Walker said that once a month, the Council should be given a report showing the deposits and withdrawals from that particular account. He said that it could be record keeping from inside the office. Councilman Walker said that what he wanted to see is that anytime that the Council wants to see a complete report of what monies are received from the dog track operation, and the amount going out, that it be made available on a monthly basis. Councilman Walker informed that he was filing for Council at Large, and the above suggestion is one thing that he is going to push for regardless of who the Mayor may be. He said that he thinks it is important. Mayor Ashley told Councilman Walker that he didn't see any problem with his request, and thinks all of us are going to be curious about the additional monies coming in. Mayor Ashley told Councilman Walker that he was sure that our City Treasurer Ralph Allison would be glad to work with him on how he would want the reports to come out, and then if there is someone else that has other ideas about the kind of reporting we can get out, he thinks that kind of information could be reported on a monthly basis. Mayor Ashley said that we have to recognize the State is taking the money from the dog track and giving it to us twice a month and didn't know of any good reason why this should be done. He said that he hopes to address this with the state shortly, as he sees no reason why this money could not and should not be distributed directly to the City on a daily basis as it's currently being directed to the state. City Treasurer Ralph Allison informed that as far as the take revenue, the 3/10 of 1%, there would be no problem of identifying this and there is no trouble of identifying the B & O Tax. However, there will be a little trouble in trying to identify the property tax. He informed that when he received a property tax check, it covered all the property located in the City limits; it doesn't identify

the dog track. Councilman at Large Olaf Walker said that he would be happy to go up there twice a year or whatever and pick it up as they do have separate tax tickets for each piece of property. Mr. Allison commented that to make sure we don't run out and spend all this money at once as the money will come in gradually. Councilman at Large Rusty Casto commented that the \$1,000 allocated for the Nitro Foundation be the first to be paid. Mayor Ashley told Councilman Casto that his comment goes without saying, and has been understood by all the Council. He added that likewise, it would not be an improper motion for the Nitro Foundation to receive \$1,000 out of the earlier monies to come in. Councilman at Large Rusty Casto said that included in the recommendations of the At Large Council Members that there was a \$1,000 for the Nitro Foundation, and moved this amount be paid out of the early monies. The motion was seconded. A vote was taken and it was unanimously approved.

Mayor Ashley reported that having to do with the issue on paving, we obtained from two different suppliers of asphalt quotes on the cost of asphalt per ton. The current rate is not that different from what we have been experiencing in the past. From E. D. Moore the rate was \$23.50, and \$24.00 a ton from Orders and Haynes. Mayor Ashley said that if we take the conditions of the streets and try to generalize on the cost of paving, as opposed to patching, we can normally get a one hundred foot strip paved at a cost of around \$700. If we take as examples, most of the streets in Nitro are consistently some 25 feet wide, more or less, and then the length of street will run something between four and six hundred feet if we go between 1st and 2nd Avenue in that direction, then we would probably go closer to 600 feet. If we get up in the area of 27th Street up to 40th Street, then it would be around 400 feet between 1st and 2nd Avenue. Mayor Ashley told Council for their edification and more specifically the Traffic Committee (consisting of the Ward Councilmen), it would cost some \$3,000 to pave 27th Street between 1st and 2nd Avenue. He said that it would cost us some \$4,500 to pave 13th Street between 2nd and 3rd Avenue. He said that he wasn't suggesting those streets as priority streets, but just using them as examples for measurements and guides. Councilman Joe Savilla reported that the Traffic Committee has a list of where they left off. He said that he would get together with the other Ward Councilmen. Mayor Ashley said that he has, as of today's date, a current list of streets in need of repair, either to be patched and/or paved furnished by the Department of Public Works. It includes slightly more than 3+ pages single spaced, with recommendations from the Public Works Department. For example, Mayor Ashley said that there are streets where they recommend cut and repair. Other recommendations include patch and seal, some recommendations are for paving, etc. Mayor Ashley passed the recommendations to the Chairman of the Traffic Committee, Councilman Savilla, and told him that the list was recommendation and was not binding upon his committee in

anyway. Mayor Ashley recommended that the committee get busy immediately, set priorities and start spending some of the money on paving the streets in the City. Councilman at Large Olaf Walker commented that he didn't believe we were quite ready to go out and start paving streets. Mayor Ashley informed Councilman Walker that we have money budgeted for this year, and we are going to spend the money on paving the streets as the money is available. Mayor Ashley said that he thought we all agreed that we need to start moving in the direction of getting the streets paved in the City as quickly as we can. Councilman Walker said as he told him a couple of times and told Council that paving the streets is very important to him, but he said that as bad as he wants to see streets paved, he didn't want to see us rush out and pave a bunch of streets between now and election. Mayor Ashley answered that he didn't want to see us dragging our feet because there is an election coming up.

REPORT ON MELANNE PENNINGTON: - Councilwoman at Large Mary Trout reported that she talked with Melanne's Father last week, and she seems to be progressing pretty well. The transplant, according to the doctors, is taking hold and new cells growing, and it's working. She's still very sick and will be for quite sometime. Sharon, Melanne's Mother, seems to be doing as well as expected. Councilwoman Trout advised that there is over \$10,000 in the trust fund for Melanne. Councilman Savilla informed that he read a very successful story in Reader's Digest about a girl with the same problem as Melanne. Mayor Ashley informed that there was a feature article in the newspaper this week on a related case with a local lady, and this too was an excellent story.

Councilman Savilla said that little Angie Via wasn't doing well, and to remember her in your prayers also.

Jay Long, Assistant Director of Public Works, reported that Ronnie Withrow passed away today of leukemia.

ERWIN'S DRIVE AND MARTIN'S COURT: - The City Attorney, Phillip Gaujot, reported that at the public hearing concerning both streets held on April 5, there were no objections. However, the petition from Erwin's Drive, was determined that they didn't have 100% participation. So, we suggested that they either get 100% participation on the petition or send certified mail to the property owners on the street of a notice of hearing. Mr. Gaujot informed that the residents on Erwin's Drive are supposed to get back with us on a new petition or as many signatures of the owners as they could obtain. Mr. Gaujot said that he believed both Erwin's Drive and Martin's Court have been surveyed by our engineer or they are in the process of doing this. City Recorder Joan McClanahan reported that the metes and bounds were done by Dunn Engineers. Mr. Gaujot said that he suggests that the residents of Martin's Court hire an attorney to do a title search and report to us a legal opinion, and also suggests the same

thing of the residents on Erwin's Drive. Mayor Ashley said that one question Council had was that there was one person who lived next to Martin's Court that has in her deed that if Lee Street opens up onto Martin's Court, then she gets to close off access to Benamati or something, and the property reverts back to her. Mayor Ashley said that the understanding is, subject to review by title search and the work of the attorneys, there is a five foot strip which is privately owned and would preclude us from opening up Lee Street onto Martin's Court anyway. Mayor Ashley said that it was his understanding that the task before Erwin's Drive is to get certification that all occupants along Erwin's Drive are in agreement, and in the case of Martin's Court and Erwin's Drive that they obtain the services of an attorney. Mr. Gaujot advised that this was correct, and informed that he has been advised that the petition for Erwin's Drive was 100% participation even though there was a blank line on the petition. He said that there were five property owners, but there was a space for the sixth to sign, and was told that there isn't a sixth property owner. A property owner on Erwin's Drive stated that he was very concerned about the width of the street, and thought Mr. Gaujot was to check on this. He informed that he just acquired this lot, had a title search, and found that it was 10 foot wide or possibly 15 foot. He questioned if the City had a requirement on how wide a street needs to be. Mayor Ashley told him that if we take the street in as a dedicated street of the City, we would take it as is even though it may not be to the standards of the City. Mayor Ashley said that there maybe and he thinks there has been a suggestion made, for example on Martin's Court, that they may be required to put a cul-de-sac at the end so as to allow people to turnaround without having to go on private property. Mayor Ashley told him that we would have to balance the width of the road, as identified if we are to dedicate it against the need to provide them with service (such things are fire protection, police protection and garbage collection) and as a private road there are some jurisdictional problems. Mayor Ashley said that as far as fire protection, if they need us, we're coming. So, we wouldn't worry too much about jurisdiction at a time like that. As far as the fire trucks are concerned, if we have to go in and back out, we will do it. Mayor Ashley said that we don't want to have to do that, and we would not change the standards of the streets of the City to do it, but we would accept theirs on as is condition. Mayor Ashley said that he thinks clearly the desire of the Council is to know how he would feel about having the streets dedicated. The resident of Erwin's Drive said that he realized that the property owners want the City to maintain the streets, but he would like to know in what manner the City would do this. He said that he lived on Kapok Street when it was paved. The City came in and just called a contractor and he came in and paved the street. The property owners were assessed, under the administration of W. W. Alexander, and the titles were not searched. He said that he would hate to see this happen again. Mayor Ashley said that they can't speak for future Council, and there is a provision in the Charter of the City that

the City can go out and pave the streets and assess the property owners. It has not been the disposition of the Council recently to do this. Mayor Ashley told the owner that he didn't know how we could address his concerns, but thinks what they would get with a dedicated street, would be the service of the City. He said then we would certainly be allowed to pave or repair or maintain the street. We would be authorized to go in and remove snow, as the streets would be ours, and they would become our responsibility. He said that's not to say that they would jump to the head of the class and they would find them paved next month at the City's expense. Councilman Charles Miller said that the primary question was if the City would come in to pave, and the street is 10 feet wide, how much wider they would make the street. Mayor Ashley informed that we would pave what is there as a dedicated street; we certainly would not take their yards. Councilman at Large Olaf Walker questioned if we were going to accept the responsibility of getting the engineer and paying the attorney. Mr. Gaujot answered that he thought the engineering had been done, but the people on Martin's Court should retain a lawyer to give the City an opinion. Councilman Walker wanted to know how the trash is picked up there, and was informed that the garbage truck picked it up. Councilman Walker asked if it was picked up in front of the house, back of the house or does the truck go down one of those streets. Mayor Ashley informed that we go down Martin's Court and Erwin's Drive at the request of the owners. Mayor Ashley informed that we would have the right to refuse to do it because it is private property, but we haven't chosen to do this. Mr. Gaujot said that he felt someone would have a hard time saying it was private property anyway.

Councilman at Large Rusty Casto said that he would like to compliment the City Council, the Recorder and Mayor Ashley for allotting the \$1,000 for the Nitro Foundation. He reported that we are the first City to have a separate account in the Greater Kanawha Valley Foundation earmarked solely for the betterment of their community. Mayor Ashley told Councilman Casto that the credit should go to him, because he has been very persistent and dogmatic regarding this account. Councilman at Large Rusty Casto said that the business community, private individuals and the City are responsible for the \$5,000 needed to make this possible. Councilman Casto said that he would have a brochure printed, as soon as funds are available. He mentioned that on the death of a friend or relative, contributions may be made to the Nitro Community Trust Fund, c/o The Greater Kanawha Valley Foundation instead of sending flowers to the funeral home. Also, donations can be made on behalf of an anniversary celebration in lieu of gifts. The family gets a letter showing the contribution.

There being no further business, the meeting was ajourned at 9:25 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

PROCLAMATION 88-8

NATIONAL FLAG DAY, JUNE 14
7:00 P.M., EDT

WHEREAS, by Act of the Congress of the United States dated June 14, 1777, the first official flag of the United States was adopted; and

WHEREAS, by Act of Congress dated August 3, 1949, June 14 of each year was designated "National Flag Day": and

WHEREAS, the Congress has requested the President to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week; and

WHEREAS, on December 8, 1982 the National Flag Day Foundation was chartered to conduct educational programs and to encourage all Americans to PAUSE FOR THE PLEDGE of Allegiance as part of National Flag Day ceremonies; and

WHEREAS, the Ninety-Ninth Congress passed, and President Ronald Reagan signed on June 20, 1985, Public Law 99-54 recognizing the PAUSE FOR THE PLEDGE of Allegiance as part of National Flag Day ceremonies; and

WHEREAS, Flag Day celebrates our Nation's symbol of unity, a democracy in a republic and stands for our country's devotion to freedom, to the rule of all, and to equal rights for all:

NOW, THEREFORE, I, Arden D. Ashley, Mayor, do hereby proclaim June 14, 1988 as Flag Day in Nitro, West Virginia, and urge all citizens of Nitro to pause at 7:00 p.m., EDT on this date for the Ninth Annual PAUSE FOR THE PLEDGE and recite, with all Americans, the Pledge of Allegiance to our Flag and Nation.

Passed this 19th day of April, 1988.

ARDEN D. ASHLEY, MAYOR



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

PROCLAMATION 88-9

MAY '88 - BETTER HEARING AND SPEECH MONTH

WHEREAS, communicative disorders, including hearing loss, speech impairments and related language deficiencies, constitute our nation's number one handicap, affecting 10% of the population of Nitro alone and 24 million people nationally; and

WHEREAS, most people with such problems can be helped through medical treatment, surgery, hearing aids, or appropriate therapy; and

WHEREAS, the first step toward obtaining help is knowing that it is available; and

WHEREAS, the leading national and regional organizations concerned with hearing, speech, and language problems have joined together in a common desire to promote public awareness through an intensive annual effort; and

WHEREAS, such effort will help encourage and stimulate early detection of communicative disorders, proper prevention, and treatment, and greater public understanding of hearing, speech, and language impairments;

NOW, THEREFORE, I Arden D. Ashley, Mayor of Nitro, West Virginia, do hereby proclaim the month of May as BETTER HEARING AND SPEECH MONTH. I urge all citizens of Nitro to learn more about hearing, speech, and language disorders and to join in the effort to create a more enlightened public attitude and response to this, our nation's most widespread malady.

Passed this 19th day of April, 1988.

ARDEN D. ASHLEY, MAYOR



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 88-

PARKING ZONE RESTRICTIONS ON SECOND
AVENUE WEST FROM THE NORTHEAST
CORNER OF 2222 2ND AVENUE TO ITS
SOUTHEAST CORNER ON 22ND STREET,
SOUTH

WHEREAS, the parking on Second Avenue West from the north east corner of the building located at 2222 2nd Avenue to the southeast corner of the same building on 22nd Street south has unrestricted parking; and

WHEREAS, this has been an inducement for all day parking; and leaves no space for customers to park wishing to do business with those operating such in the area (including deliveries of goods).

NOW, THEREFORE, BE IT ORDAINED that this area, Second Avenue West from the northeast corner of the building located at 2222 2nd Avenue to the southeast corner of the same building on 22nd Street south be designated as limited two-hour parking from 8:00 a.m. to 4:00 p.m., Monday through Friday.

ARDEN D. ASHLEY, MAYOR

JOAN MCCLANAHAN, RECORDER

APRIL 19, 1988

FIRST READING

SECOND READING

NITRO FIREMEN'S PENSION BOARD MEETING MINUTES

APRIL 15, 1988

The Nitro Firemen's Pension Board Meeting was called to order by Mayor Arden D. Ashley in Council Chambers at 9:00 a.m. Present were City Recorder Joan McClanahan, Board Members Captain J. L. Stover, Sgt. Steve Hardman, Sgt. E. W. Hedrick, II and Fireman Paul Frank Strohl. Also present was Pansy Armstead, Secretary of the Pension Board.

APPROVAL OF THE JANUARY 12, 1988 PENSION BOARD MEETING MINUTES: - Fireman Strohl moved for the approval of the Pension Board Meeting Minutes of January 12, 1988 as written. The motion was seconded by Captain Stover. A vote was taken and it was unanimous.

CERTIFICATION OF THE ELECTION RESULTS: - City Recorder Joan McClanahan reported that Captain J. L. Stover was re-elected to fill the four year term, and Sgt. Steve Hardman was elected to fill the unexpired term of Ronnie Faulknier which will expire in 1990. Sgt. E. W. Hedrick moved for the certification of the election results. The motion was seconded by Fireman Strohl. A vote was taken and it was unanimous.

Sgt. Steve Hardman informed that they have been discussing with other pension board members in the valley, and with several throughout the state, on the employment of new candidates that the Pension Boards are requiring candidates to have physical exams according to Chapter 8 of the WV Code. Sgt. Hardman stated that he feels we should officially make this a part of our procedure in the hiring of a candidate. Mayor Ashley answered that first of all, he didn't think it was a function of the fire pension board to set standards for hiring, and didn't know if the statutes allow for that. Mayor Ashley said that it was a standard, even before his time, that all candidates be given a thorough examination before they are hired. He said that to his knowledge, there has never been an exception. Mayor Ashley advised that we do not give all candidates an examination because of the cost; we only give those who are being considered for employment. Mayor Ashley told the Board Members that it is standard practice in the case of the Fire Department, that they have a thorough physical examination, and in the case of the Police Department, they would have a thorough physical examination plus a psychological evaluation. Sgt. Hardman said that according to Chapter 8 of the State Pension Law, it falls under the jurisdiction of the Pension Board also to see that the physicals are given to the top individuals that are considered for hiring. Mayor Ashley inquired to whom he was referring as the top individuals being considered for hiring. Sgt. Hardman answered that these are the 3 written names furnished by the Civil Service Commission. Mayor Ashley told the Pension Board that they could do whatever they wanted, but he wasn't going to give a physical examination to people who are screened and not offered a job unless he is ordered to do so. He said that in his

opinion, it was a waste of the public's money, and if the Pension Board is going to authorize it, the cost would come out of the Pension Board funds. Sgt. Hardman explained that he was speaking of the final three recommended for consideration to the Mayor by the Civil Service Commission. Mayor Ashley said that he has tried to follow the law, and advised that the normal practice has been that the final decision is made from those three. If one of them is picked, then there is plenty of time to give them a physical. Sgt. Hardman inquired if the City had done anything along the lines of adopting the firefighter qualifications 1,001. Mayor Ashley answered that his understanding is yes, but not only that, he said that also he understands that it isn't necessary that the City do it; it is adopted as a state standard. The State adopted that as a minimum standard, and it supersedes anything that the City would do. Sgt. Hardman said that the last individual hired did not have any physicals that came close to the 1,001 standards. Mayor Ashley said that he didn't accept this as being a factual statement, because to his knowledge, we gave the person a thorough physical examination. Fireman Strohl said that his concern was that a previous fireman supposedly from all of his reports had a knee problem for years, and yet he was hired. Fireman Strohl said that his understanding from the letters from the doctors that a lot of his problem had been there for years and not a result from his injury. Mayor Ashley explained that he had a congenital condition that caused him to be susceptible to the injury, and there is no way that this could be caught in a medical examination. Sgt. Hardman advised Mayor Ashley that if he would read 1,001 that he would find that if a person has an efficient doctor, he would pick up on a lot of these problems. Mayor Ashley said that we had the very best the system allowed in the State of WV, and thinks it would be great if we could have a system that will allow us to screen people that won't come in and claim disability in five years. Sgt. Hardman said that before you can become a firefighter in Charleston, they will have 7 physicals by seven different doctors. The City pays for 3, the Pension Board 3 and the individual pays for one. Mayor Ashley told the Pension Board that they can do whatever they want to do, and feels the Mayor's office has little to do with the way the system works in terms of choosing people, firing people, or hiring people. Mayor Ashley told the Board that if they wanted to impose stricter examinations of individuals, then put it in writing the way they want it done, and he would approve it as long as the pension board pays for the extra steps that are to be taken. Mayor Ashley said that he thought we were doing everything within reason that should be done in terms of examining people. Mayor Ashley said that this would not get the job done that they want. He said you talk to the doctor and to the lawyers about vicarious liability, and when the doctor says that this person can't qualify as a firefighter because of some nebulous kind of condition that he's got that is congenital and it may cause a physical problem later, then he would get slapped with a lawsuit.

and it would cost them a million dollars. Mayor Ashley told the Board that he applauds what they are trying to do; but they wouldn't find a doctor that would tell someone that they have a congenital problem with their back, for instance, and they would hurt it as a fireman. Sgt. Hardman said that he would do further investigation because if the doctors are spineless, then they won't do us any good. Sgt. Hardman said that for the record, they are working on changing the system too. Sgt. Hedrick reported that the hearing test he received, the doctor put his finger in one ear and then held a clock a short distance, and asked if he could hear the ticking. Mayor Ashley said that he was not aware of this, and we wouldn't send another candidate to that doctor; we request a thorough physical examination. Sgt. Hardman said that he feels the City or the Pension Board has not taken it upon themselves to inform these doctors that we have a set of specs and we want the candidates thoroughly examined according to them. Sgt. Hardman informed that some of them are even going as far as requiring a stress test. Mayor Ashley answered that he wasn't adverse to including such things as stress tests. It is important, especially to a fireman. Sgt. Hardman said that he had the consensus of the body, he would go to some doctors and discuss 1,001 with them and see if he could obtain some feedback regarding cost and pertinent information. Mayor Ashley mentioned that what if we were to go to a hospital rather than going to a physician for the test. Sgt. Hardman said that he was thinking about Health Plus in St. Albans and Cross Lanes. He informed that this is where he goes, and they did everything except the stress test. The cost was under \$200. Mayor Ashley said that they have different doctors in and out of there working, and they wouldn't get the same doctor. We don't want the buddy system. Sgt. Hardman said even a hospital would be more willing to do it than going to a general practitioner. Mayor Ashley said that he had no problem with trying to strike up a deal with Health Plus in Cross Lanes if they do that kind of a job. Mayor Ashley said that we strike up a deal with an outfit in Cross Lanes, we would be subject to criticism from Modern Medicine if we're sure they wouldn't do as good a job. Sgt. Hardman said that we might have conflict of interest by them being in the City. Mayor Ashley told the Board that he didn't think they would be able to plug all the gaps, but it's a good faith effort. Sgt. Hardman advised that he heard there have been cases where firefighters hurt themselves on the job and tried to sue, but he hasn't heard of any of them winning. They have actually tried to sue the City for not giving them a thorough physical when they were hired. Mayor Ashley informed that there were cases where police officers sued the City because they didn't train them well enough in driving a vehicle and they had an accident. Captain Stover said that he thought we should at this time try to establish a number of places that can conduct the test that is prescribed and to give us the assurance they will do it. Mayor Ashley said that we should obtain two or three places, and then we can pick the one they will go to. Fireman

Strohl said that he would check with the doctor where his wife works, but the problem is, it usually takes two months to get an appointment. Sgt. Hardman advised that this is why he was thinking more about a client type setting. Mayor Ashley agreed that we don't want anything that is going to take a lot of time. Once we get to the point where we have someone ready to hire, we usually do a background check and physical examination at the same time. This is based on the assumption that we are going to hire them if they check out. Mayor Ashley pointed out that the stress test is not included on the standards, but he wasn't opposed to having this included, but we should find out the cost. In conclusion, Sgt. Hardman said that he would check into the cost, etc. and will come back with a report. Mayor Ashley said that anytime between now and the 30th of June, we could make it effective. He added that whatever we decide regarding specific standards for physical examinations for the fire department, that we recommend this for the police department as well. Mayor Ashley recommended that we try and find some places that would go along with us and would take us immediately so that we won't have to wait a long time for an appointment.

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


PANSY ARMISTEAD, SECRETARY

PUBLIC HEARING
ZONING BOARD OF APPEALS MINUTES

APRIL 1, 1988

The meeting of the Zoning Board of Appeals was called to order by Cecil Lemma, Chairman, in Council Chambers at 7:00 p.m. Friday, April 1, 1988. Present were Rev. Austin Wade, Ken Mathes, Tim Cook and Mark Sanders. Absent were Don Baker and Building Inspector Bob Sergeant.

The purpose of the meeting was to consider a variance request of Mark E. & Lola Sanders of 1157 1st Avenue, South to permit rental of two apartment units over their business (Statewide Service). After discussion, Cecil Lemma moved the request be granted. The motion was seconded. A vote was taken and it was unanimous.

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



CECIL LEMMA, CHAIRMAN

CORRECTION NOTED:

The name of Rev. Wade Austin typed in the reverse on minutes.

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 3, 1988

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 A. A. "Joe" Savilla, Councilman Bob Evans, Councilman Charles Miller and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot. Absent were Councilman at Large Olaf Walker and City Treasurer Ralph Allison.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 19, 1988, COUNCIL MEETING MINUTES: - Councilman Charles Miller moved for the approval of the Council Meeting minutes of April 19, 1988. The motion was seconded. A vote was taken and it was unanimous; the minutes were approved as written.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley announced that this agenda item is one that has become an enjoyable tradition over the past eight years, which is recognizing someone from among our citizens that we have selected to be our Citizen of the Month. Mayor Ashley advised that most of the time our recipients of the award are not aware of it, and often times we get them to the Council Meeting by some devious means. Mayor Ashley announced that our citizen of the Month for May, 1988 is Christina White. She was unable to be with us tonight, but her Mother, Judy White, accepted the award for her. Christina is a senior in pre-med at Marshall University. Her activities and honors include resident advisor at Marshall, freshman attendant at Marshall, Dean's list, Who's Who Among American College Students, Miss Sternwheel Regatta of 1986, Kanawha County Junior Miss, a volunteer with Cereda-Kenova Medical Clinic, and she resides on Gravely Drive in Nitro. Christina is Nitro's candidate in the Charleston-Kanawha Bicentennial Celebration. Mayor Ashley explained that this is a beauty pageant in which they will select someone to reign as the Heritage Queen. Christina is 21 years of age, and plans to enter medical school when she graduates from Marshall. Mayor Ashley said that it was a real tribute to the community to have someone with the beauty and the brains of Christina White, and that it was with a great deal of pleasure, on his part, to announce her as Nitro's Citizen of the Month for May, 1988. The plaque was presented to Christina's Mother on her behalf. Congratulations and a big round of applause were given Christina. Mrs. White informed that Christina was aware of the award, because she had

to call her to see if she could possibly come to Council Meeting this evening. Mrs. White said that unfortunately she had a final tonight. Mrs. White said that Christina was very thrilled, and to tell everyone that she hoped she brought back the crown as Heritage Queen next weekend. Mayor Ashley issued an invitation to Christina to visit with us when her circumstances permits, and wished her well on the upcoming pageant.

Mayor Ashley informed that as we recognize the Citizens of the Month, we give them a personal plaque for their keeping, and we also have a list of the recipients for each year posted in City Hall.

Councilman at Large Rusty Casto commented that around July, 1980, he and the Mayor came up with the idea of honoring a citizen of Nitro, as citizen of the month. He said that he hopes the new Mayor will keep this tradition alive. Mayor Ashley told Councilman Casto that this is a point well taken, but those traditions that have caught on so well and have been a lot of fun, speak for themselves. He stated that he too would be disappointed if the tradition wasn't continued.

AGENDA ITEM NO. 3 - REQUEST FROM THE DIRECTOR OF RECREATION FOR ADDITIONAL SUMMER HELP: - Mayor Ashley recognized Larry Angell, the Director of Recreation, to address Council. Mr. Angell told Council that as they were aware, we haven't had a Director of Recreation for quite some time, and this has basically thrown the total burden of identifying and performing all maintenance of the recreation facilities on the Public Works Department. Mr. Angell reported that during the last 2 1/2 years, since the Recreation Director left, the City Recorder Joan McClanahan done the best she could, along with the Public Works Department, to maintain the facilities. Mr. Angell said that our facilities are in extremely bad shape, and we need to get the facilities in good shape immediately. He informed that we don't have the manpower in the Public Works Department to perform the maintenance that's needed, and requested permission to hire temporary emergency help (4 employees) for the Recreation Department. He said that employment would be from May 4, 1988 to June 26, 1988, at which time there would be another evaluation. Mr. Angell furnished Council a project sheet listing improvements, repairs or replacements needed at Ridenour Lake and the City Park. He explained that the project sheet did not include maintenance, repairs, etc. needed at the pool. On the memo furnished to Council, Mr. Angell informed that the cost in this fiscal year would be \$4,206.65, and as there is no money in the budget of the Recreation Department, the funds would have to be appropriated from the Tri-State Greyhound Park revenue. Mr. Angell said that we have men that we can put strictly on work on the recreation facilities. He said that on occasion, Mr. Williams, Director of Public Works, would be able to come up with a few men for jobs, but if he has an emergency he would have to

pull his men. Therefore, Mr. Angell, said that he felt the Recreation Department needs employees that he can depend on and count on every single day. In conclusion, he said that if he didn't receive the help needed, he wouldn't be able to get the facilities in shape. Mr. Angell said that he discussed this with the City Treasurer Ralph Allison and there is no money allocated, but there may be a small amount of money left over in the line item of maintenance and repair. However, in the last couple weeks we have had to spend \$2,852.50 out of the \$5,000 that he had as there was a major water leak at the lake. Mayor Ashley said that in terms of Mr. Angell's request, clearly this would call for an amendment to the existing budget for this fiscal year. Councilman Charles Miller moved the request of Mr. Angell be granted contingent upon the availability of the funds. The motion was seconded. Councilman Bob Evans stated that when we approved the budget and put a recreation director in charge of recreation, that part of the discussion was the upkeep on the recreation facilities. He said that it was his understanding that, as in the past, the Public Works Department would be able to take care of everything. Councilman Evans said that there are quite a few requests on the project sheet and some of them are major. He said that he didn't see any item listed that the Public Works Department couldn't take care of, and suggested that we have Mr. Williams take a look at the list and advise Mr. Angell what the Public Works Department can't do, and then if there is something that the department can't take care of, then go ahead and make the adjustments to the budget if it needs to be. Councilman Evans said that when they were discussing the budget for the recreation department, they did feel that the Public Works Department could take care of everything. Mayor Ashley told Councilman Evans that the way he understood his suggestion, although it wasn't in the form of a motion, is that it would properly come in the form of a friendly amendment to the motion that has been moved and seconded. Councilman Evans said that he thinks we should look at this further, because when they approved the budget they felt that everything would run the way it is, and he was moving not to accept it. Mayor Ashley said that this would not be a proper motion as we already have a motion and it has been properly seconded to approve the request. Mayor Ashley advised Councilman Evans that he could argue against the motion, but a new motion couldn't be made not to approve the recommendation. Councilman Joe Savilla suggested that we ask Gene Williams, the Director of Public Works, if his department could handle the requests and if they have the manpower or the time? Mr. Williams responded that they really don't have the manpower. Mayor Ashley pointed out that there are two changes that should be fairly obvious especially to the members of Council. In the past, we have called upon the Public Works Department, and Mr. Angell as the spearhead of that effort by the Public Works Department, to do the best they could to bring the City into shape during the spring, knowing that it was too much to ask of them. Mayor Ashley said that we have known that

we have been shorthanded, and we've known that we haven't had the money to spend that was really necessary. So, we have, on a make do basis, tried to get the City ready for the coming of each spring, including the monumental task of opening the pool, and we have managed to do that, but not under the best of circumstances. The City has not been as clean as we would have liked to have seen it, but under those circumstances we have done it. Now, the City's circumstances are perhaps a little bit more relaxed in view of the new found revenues, and this changes things. Mayor Ashley said that the other thing that has changed is that we now have a Recreation Director, and what this new Recreation Director is telling us is that he can see things and a way to address some of these problems that we haven't seen before because we haven't had a Recreation Director. Councilman Joe Savilla said that one other point that should be made is the amount of overtime that the Department of Public Works have expended during the last few years doing the work that needed to be done on the recreation facilities, which far exceeds the \$4,206.65 requested by Mr. Angell. Councilman Evans asked Mr. Williams if he had seen the project list submitted by Mr. Angell, and Mr. Williams answered that he had. Councilman Evans questioned if the Department of Public Works could handle this, and Mr. Williams told him some of it they could. Councilman Evans moved to table the request of Mr. Angell until Mr. Williams could review the list and advise on what the Public Works Department can and cannot do, and then make a budget adjustment. There was no second to the motion. Mr. Angell said that he wasn't reflecting anything bad towards the Public Works Department, but the project sheet furnished to Council was given to the Public Works Department on February 10, and they have not been able to come up with the manpower necessary to accomplish more than two or three items on the list. He said that he didn't see that they were going to be able to do anything differently in the next twenty some days before the park facilities are open. Councilman Evans told Mr. Angell that he agrees with him on the things that should be done, such as the railing for the kids at the lake. Councilman Evans said that the projects on the list have been presented to Council as an emergency that needs to be done right now so that we can keep the parks up. Councilman Evans said that some of the things on the list he didn't feel were emergencies. Councilman Evans said that he thinks that once we get some of the things completed, the parks would be fine. He said that he just didn't see the need for four people. Mr. Angell advised that he didn't mean to indicate that every item on the list was an emergency situation, but the list was a total computation that he did shortly after taking the position. He said that many of the item are emergency needs. Mr. Angell again informed that the items necessary for the opening of the pool was not included on the list. City Recorder Joan McClanahan said that she has been closely involved with the recreation department over the past two years, and grants that not everything needs to be done today, but it does need to be done. She stated that this is not a reflection on

Gene Williams and his men. They worked above and beyond the call of duty during the past two years that she has dealt with them, and they have done more than their share. She said that they are overloaded. She added that she feels the request is justified and it is certainly not a reflection on Public Works; it is two separate items altogether. Councilman Charles Miller said that he too felt that by June 26, there are going to be a lot of people using the park and lake facilities and all of the work indicated should be done by this time. Councilman Bob Evans questioned if the \$4,206.65 included materials and labor, and Mr. Angell answered that it was for the cost of wage related expense for manpower. Councilman Evans said that the cost of material for repairing the bleachers wasn't mentioned, and Mr. Angell informed that we have a lot of materials already. He said that the vast majority of the expense for materials have been ordered and are coming in. Mayor Ashley explained that he thought Councilman Evans's question is if there would be additional expenses above the \$4,206.65 that would constitute materials. Mr. Angell answered there there would be. Mayor Ashley asked if he had the figure on the expense for materials, and Mr. Angell answered that he did not, but a majority of the materials have been ordered. These expenses would be coming out of the current budget, and there would be no additional material expenditure that would have to be budgeted. Councilman at Large Rusty Casto mentioned that there are four or five trees at the lake, and it is about time for the Kirk Kelly Memorial Run, and he said that it wouldn't surprise him if one of these trees wouldn't come down on some of the runners. He said that we need the work done. A vote was taken to approve the request for additional funds in this fiscal years budget in the amount of \$4,206.65 to be added for additional summer help, and it was approved. Councilman Bob Evans voted in the opposing position. Mayor Ashley suggested Mr. Angell contact Mr. Allison with regards to this request and ask him to confirm to the Mayor or Recorder that the funds are available and the transaction will be approved, and the Treasurer can make the necessary adjustments.

AGENDA ITEM NO. 4 - APPROVAL OF ELECTION OFFICIALS, FEES AND PRECINCT BOUNDARIES: - Mayor Ashley recognized the City's Election Official, City Recorder Joan McClanahan. City Recorder Joan McClanahan submitted to Council, for approval, a copy of the election officials for the June 7, City Election, and also, a copy of the precinct boundaries and polling places. The fees are not on the list, but will be the same as paid for the Levy Election poll workers, which were \$50.00 for working the day of the election, \$15.00 for attending the training session (which is mandatory) and \$5.00 to the supply commissioner who picks up and returns the election supplies to City Hall, and moved the above mentioned be approved. The motion was seconded. Councilman Bob Evans asked if the boundaries have been changed, and the City Recorder Joan McClanahan answered no. Mayor Ashley said that we have annexed additional property which is contiguous to Ward I,

and includes no residence. So, that wouldn't necessarily have to be a part of the City boundary since there is no one there to vote, and assumes it wouldn't cause a problem in the election, but technically that property at some point and time needs to be added to Ward I. City Recorder Joan McClanahan informed that we will be notified immediately by the county when they redistrict this. Mayor Ashley informed that our legal counsel advised us that it is not a problem in this election. A vote was taken and it was unanimously approved.

Mayor Ashley mentioned for the benefit of those in the audience that didn't know, a get well card to Melanne Pennington was being passed around for signatures and if anyone had not had an opportunity to sign the card, they were invited to do so.

AGENDA ITEM NO. 5 - REQUEST FOR CHANGE OF COUNCIL MEETING FROM 6-7-88 TO 6-10-88: - City Recorder Joan McClanahan explained that the purpose for requesting the change of the first Council Meeting in June from June 7, to June 10, is that the election is on June 7, and the members of Council act as the Board of Canvassors for the election. Therefore, City Recorder Joan McClanahan moved that we change the 1st Council Meeting in June from Tuesday, June 7, to Friday, June 10, 1988. The motion was seconded. A vote was taken and it was unanimous. City Recorder Joan McClanahan reported that a notice would be published regarding the change.

AGENDA ITEM NO. 6 - ORD. 88- TO ADOPT THE NITRO CITY LOGO AND THE NITRO CITY FLAG AS THE OFFICIAL CITY LOGO AND FLAG: - Mayor Ashley read the proposed ordinance in its entirety. Councilman Joe Savilla moved that we adopt the ordinance. The motion was seconded. Councilman at Large Rusty Casto mentioned that around 2 years ago, Council directed him to come up with a City animal, fish, tree, etc., and asked if we should present this along with this ordinance. Councilman Casto informed that the students from all the schools voted on these. Mayor Ashley said that it is not at all improper to do that, and whether or not this should be done as a part of this ordinance or treated as a separate ordinance, should reflect the will of the Council. A vote was taken, it was unanimously approved, and this constitutes the first reading which requires a second reading of the ordinance to adopt the Nitro City logo and the Nitro City flag as the official City logo and flag on a later date.

ORDINANCE ATTACHED.

AGENDA ITEM NO. 7 - ORD. 88- PARKING ZONE RESTRICTION 2ND AVENUE (2ND READING) - Mayor Ashley informed that this would constitute the second reading of an ordinance reflecting the time restriction on parking on Second Avenue. This was initiated by Councilman Bob Evans and acted upon by the Council at the time

of the last meeting. Councilman Joe Savilla moved that we approve the ordinance on the second reading. The motion was seconded. Councilman Evans informed that this would restrict parking on 22nd and 2nd Avenue (the Valley Press Building). Their customers can't get in, and requested that there be a two hour limit parking restriction in order for customers to get in and out. A vote was taken and it was unanimously approved. Mayor Ashley asked Chief Cochran and Mr. Williams to take the necessary steps to make the action of Council known to the public in terms of proper signs and instructions, and to inform the Police Department to enforce the ordinance.

ORDINANCE 88-3 ATTACHED.

Mayor Ashley informed that not listed as an agenda item, but to be added, he had indication from our City Attorney Phil Gaujot that he has a recommendation for the Council with regards to the propriety of acting on the request to dedicate Martins Court as a street of the City of Nitro. Mr. Gaujot said to bring Council up-to-date, we had a petition filed with the City signed by the residents and property owners abutting Martin's Court to take Martin's Court into the City. Mr. Gaujot suggested that we send a surveyor out to make sure that Martin's Court is where Martin's Court appeared to be on the plat, and the engineer has indicated that it is. Mr. Gaujot advised that he also suggested to the petitioners that they have an attorney examine the street to make sure that it was proper to take it in by the City, and they obtained the services of Jim Crewdson. Mr. Gaujot said that Mr. Crewdson had not had an opportunity to send him a letter, but he called him this afternoon. Mr. Crewdson told Mr. Gaujot that he was the one that originally set Martin's Court up when that property was subdivided, and gave him the history of Martin's Court. It was originally a 12 foot right-of-way and was later expanded to 15 feet. There was a question as to whether the intersection of Lee Street was opened or could be opened, and it cannot be. There is a two foot strip of land between Lee Street and where the boundary line of Martin's Court is, and that is owned in fee by a property owner. Therefore, that street cannot be opened. Mr. Gaujot said that at some time, we could take that two foot piece of land if we felt it was needed, but that would be an entirely different question that this Council would have to consider. Mr. Gaujot said that in his opinion, Martin's Court is a street that is postured properly for dedication to the City, and the City can act on this. Mr. Gaujot mentioned that we also have a petition from some of the residents on Erwin's Drive, but it did not have the names of all of the property owners that abut Erwin's Drive. Therefore, the City Attorney asked that either the property owners sign the petition, as they did on Martins Court or they furnish us proof that the property owners had, in fact, been notified that they are intending to ask the City to take the street. He said that we haven't received a new petition from

them, and didn't know if the property owners have been notified. Also, Mr. Gaujot said that he would likewise recommend to Council that we have them to have an examination on their street, as well. Mr. Gaujot said that he believed, and it has been represented to him, that all or most of the streets surrounding this area are already within the City. He said that in his opinion since the garbage truck goes up the street, and the fire truck goes up the street and anyone else who wants to go up the street, it's probably already a City street. But, the people on that street want to make it official, and he says he feels it is proper for action to be taken by Council. Councilman Jim Hutchinson moved we adopt Martin's Court as a dedicated City street. The motion was seconded. Mayor Ashley informed that this would constitute the first reading of the ordinance. Councilman at Large Rusty Casto said that referring to the two foot strip of land of private property, that we would probably be better off if we could get the fence removed and pave the strip. City Recorder Joan McClanahan commented that Mr. Gaujot had mentioned this could be done at a later date by eminent domain. Councilman Casto said that this is something that Council might want to think about. Mayor Ashley said that anticipating the kind of action that this might bring about later on, it's certainly in order. So, what we are doing now might lead to some further action at a later time by the Council of the City. Councilman Bob Evans said that on Erwin's Drive, we didn't ask those people to prove that the property owners got notice. We asked them to furnish us the names and addresses of the people that didn't sign the petition, and we would contact them. Mayor Ashley informed that they have been advised just as the Martins Court residents have been advised to get an attorney to do those things that Martin's Court has done. This would give our attorney assurances that everyone is represented. City Recorder Joan McClanahan advised that we did not receive a new petition, but were furnished names and addresses for a notice of the public hearing. Mayor Ashley stated that he was sure Council has the same attitude toward Erwin's Drive as they do Martins Court, but we have more information on Martins Court available to us than we do Erwin's Drive at this point. A vote was taken to approve the first reading of the ordinance calling for the approval of Martins Court, and it was unanimous.

ORDINANCE ATTACHED.

COMMITTEE REPORTS

1. REPORT ON MELANNE PENNINGTON: - Mayor Ashley recognized Councilwoman Mary Trout who has served as the Chairperson for the Melanne Pennington Fund Committee. Councilwoman Trout reported that she talked with Melanne's Mother yesterday, and she's not doing well. They are hoping things will turn around. Melanne has quite a few problems at this time, and there was an earlier indication that the transplant was taking, and she was doing

well, but this past week she has had some problems. Councilwoman Trout informed that she was going to call again tomorrow, and will pass the information on.

2. COUNCIL MEETING - MAY 8, 1988: - City Recorder Joan McClanahan reminded members of Council that we will be having a special Council Meeting Sunday, May 8, 1988 at 1:00 p.m. for the position of candidates on the ballot for the City Election. Mayor Ashley mentioned that the deadline for filing is midnight, Saturday, May 7, 1988. Mayor Ashley said that he didn't have anything personally in mind, but what if someone mails a petition and files for election, postmarked before midnight Saturday. City Recorder Joan McClanahan informed that the ballots would not be taken to the printer until after the mail is delivered Wednesday to allow for this. Mayor Ashley said that we wouldn't know about them on May 8. City Recorder Joan McClanahan answered that in talking with Mary Ratliff and Bill Harrington at the Secretary of State's Office, they advise we could hold the Council Meeting and assign the next number to the candidates as the envelope is opened. City Recorder Joan McClanahan commented on the cooperation she received from Mary Ratliff and Bill Harrington. Mayor Ashley stated that all candidates are invited to attend the Council Meeting on May 8.

3. ALL WEST VIRGINIA CITIES: - Mayor Ashley proudly announced that for the sixth consecutive year, the City of Nitro has been honored and declared an "All West Virginia City". Mayor Ashley said that having started the participation in the program, we have consecutively been honored over the past six years. He reported that there were over 40 entries, and we were one of the twelve finalists and one of those designated as an "All West Virginia City". Mayor Ashley said that the theme behind the All West Virginia Cities program over the past couple years has been directed towards economic development. Mayor Ashley said that as suggested by Councilman Casto, he would strongly recommend to the next administration of this City that this tradition be continued. He added that he thinks it appropriate that Nitro remain forever an "All West Virginia City".

4. CLEAN-UP AND BEAUTIFICATION REPORT: - Mayor Ashley recognized Councilman at Large Rusty Casto for this report. Councilman at Large Rusty Casto said that the area behind the junior high school and Baker Elementary and the fence and railroad track looks pretty ragged with the underbrush and thorns. He said that he and Mr. Smith were talking that this would be an area that we could beautify. Councilman Casto said that he was going to go out looking for private funds, and by the time he purchases the wildflower seed, a few trees and gets people to help him clear the area, it would probably cost around \$500. He said that he wants the City to know that he would look strongly for private donations for this project. Councilman Casto said that he would like to have this area dedicated to

former Councilman Romie Hughart with signs stating "This Area Dedicated to the Memory of Romie Hughart". He said that he wants Council to designate this as a project that he can undertake between now and June 30. Councilman Charles Miller questioned who owned this land, and Councilman Casto told him that it was owned by the railroad, but they wouldn't say anything if we would go in there and clean it up. Councilman Miller suggested Councilman Casto obtain permission before doing anything. Councilman Casto asked if he would get permission, would it be okay with Council. Mayor Ashley commented it needs to be said that there are all kinds of kudos that should go to the people who have helped to beautify the City, and certainly Councilman Casto has been at the forefront of some of that effort to plant trees and to clean-up areas that are unsightly, especially in the heart of our town, and we applaud that. Mayor Ashley said that he was less concerned about spending the public's money on the railroad's ugly right-of-way if they won't do, as it has been a tradition of the City since 1932, when we were chartered, that we had to do things that should have been done by the state or other people in our town. He said that he was concerned about whether or not it would be proper to designate that space to the memory of Romie Hughart when, in fact, it's not our property. Councilman Casto said that we could then say that this flower garden dedicated to the memory of Romie Hughart. He said that we wouldn't be dedicating the space, but the beautification effort that had been put forth. Councilman at Large Rusty Casto moved that Council underwrite \$500 for the purpose of beautification of that region between 19th Street on the west side of First Avenue and 11th Street on the west side of First Avenue with wildflowers and trees and other things that he may designate up to the limit of the \$500. The motion was seconded. Councilman Casto again said that he believes he can find public donations for this project, and probably won't be coming back for the money anyway. Councilman Casto informed that he would like to have this project completed between now and June 30, as he would like to have a ribbon ceremony prior to this date. Mayor Ashley said that he wished we had pictures of how ugly the space was along First Avenue and the railroad track before people starting cleaning it up. Councilman Joe Savilla pointed out that signs are placed along First Avenue where they are not supposed to be, and the candidates should be notified of the ordinance. A vote was taken and it was unanimously approved.

Mayor Ashley said that we have visitors in the audience, and some of them are candidates for public office. Mayor Ashley invited them to stand and speak to the assembly, giving their name and what office they seek, if they would care to do so. Candidates present and voicing the office for which they are running were:

Herman Baker, Councilman, 4th Ward.

Paul Strohl, running for Councilman at Large, City of Nitro.

Don Karnes, a candidate for Mayor.

Paul McCallister, also a candidate for Mayor.

Larry Kallmerten, running for Councilman at Large.

Joan McClanahan, a candidate for City Recorder.

Charlie Miller, a candidate for Mayor for our City.

Jim Hutchinson, running for re-election of Ward IV.

Mary Trout, running for Council at Large.

Bob Evans, still pondering.

Joe Savilla, running for Sheriff of Putnam County. Has a brother running for his seat on Council.

Art Ashley a candidate for Sheriff of Kanawha County.

Mayor Ashley informed that we have an honored guest in the audience tonight. Mayor Ashley introduced, Allen Savilla, a young man who is of the City, but recently went into the military and has been out in the beautiful state of North Dakota. Mayor Ashley told Allen that it was really great to see him back. He received a big round of applause.

Mayor Ashley announced that there are passes all over town for Nitro Night at Tri-State Greyhound Park on Friday evening. Mayor Ashley said that this should be a real cause for celebration for all of the citizens of Nitro. Mayor Ashley said we are anticipating a big crowd, and certainly hope there will be. Beginning at 6:00 p.m. there will be a patio party. Merchants throughout Nitro have free passes which will entitle free admission to the park, and then hot dogs and soft drinks on the patio. Mayor Ashley informed that Nitro High School's band will be entertaining, and perhaps the choral group from Poca High School will be present. The ceremony will basically consist of the City of Nitro presenting a flag to Tri-State along with a sign that welcomes everyone to the City of Nitro when they drive in. They will be dedicating one or two of the races to the members of Council, and everyone is encouraged to attend. Mayor Ashley thanked those in the audience for coming and invited them back.

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

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER

PRECINCT BOUNDARIESPRECINCT NUMBER:

22 & 23 PUTNAM COUNTY - 28th Street to and including 41st Street and only part of 40th Street. Carriage Way

401 BROOKHAVEN - Cross Lanes Drive - within Nitro City limits, Kanawha County

402 27th Street up to 21st Street; on left side of 21st St. up to bridge is 402. Past the bridge on both sides is 402, including 21st Street.

403 Other side (Right) of 21st Street to bridge, to Moose Lodge to Railroad Tracks (West Boundary).

406 On other side of Railroad Tracks (West) down to Elm Street.

408 From Elm (not including Elm) to the middle of Kapok Street.

409 Middle of Kapok up to St. Albans Bridge, down Main to middle of Wilson Street (West).

411 St. Albans Bridge, Main Avenue to middle of Wilson Street (East) to Red Oak St., City Limit).

<u>PRECINCT</u>	<u>WARD</u>	<u>POLLING PLACE</u>
22 & 23	I	NITRO-PUTNAM ELEMENTARY SCHOOL
401	I	NITRO HIGH SCHOOL
402	II	NITRO HIGH SCHOOL
403	II	NITRO ELEMENTARY SCHOOL
406	III	BAKER ELEMENTARY
408	III	USWA LOCAL UNION 12610 510 MAIN AVENUE
409	IV	POTTERY PLUS, INC. 728 1ST AVENUE, SOUTH
411	IV	POTTERY PLUS, INC. 728 1ST AVENUE, SOUTH

NITRO MUNICIPAL ELECTION
JUNE 7, 1988
ELECTION OFFICIALS

PRECINCTS 22 - 23

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

NITRO PUTNAM ELEMENTARY SCHOOL

ALICE WOODALL - 3509 35TH ST.
DOROTHY LAMB - 3409 34TH ST.
WANDA THOMPSON - 3953 39TH ST.
ETHEL HALL - 4116 41ST ST.
ANN LLOYD - 2922 29TH ST.

PRECINCT 401

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

NITRO HIGH SCHOOL

JOAN STEPHENS - 111 BROOKHAVEN DR.
FRANK GOTTSCHALK - 109 BROOKHAVEN DR.
CHARMAINE MAZZEI - 1 BARRINGTON RD.
MICHAEL STEPHENS - 111 BROOKHVEN DR.
PATSY GOODE - 111 NORWOOD ROAD

PRECINCT 402

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

NITRO HIGH SCHOOL

CHARLOTTE MILLER - 2151 21ST ST.
GARNET GALLOWAY - #2 BLAKE ROAD
IRIS ASHLEY - 2610 26TH STREET
VIRGINIA HUNTER - 2511 25TH ST.
TILLIE MYNES - 58 21ST STREET

PRECINCT 403

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

NITRO ELEMENTARY SCHOOL

ISABELLE HUDNALL - 1522 15TH ST.
BARBARA SMITH - 1124 11TH ST.
JUANITA O'DELL - 829 8TH STREET
MRS. EZELLA PERRY - 2122 21ST ST.
INA HOLLEY - 1524 15TH ST.

PRECINCT 406

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

BAKER ELEMENTARY SCHOOL

SYLVIA PULLINS - 1429 W. 14TH ST.
DOROTHEA BARTOE - 101 LAYNE AVENUE
POLLY TUCKER - 103 LAYNE AVENUE
REVA CALDWELL - 6 SMITH ST.
HANK EDWARDS - 9 MAIN AVENUE

PRECINCT 408

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

USWA LOCAL UNION 12610

IRIS MILES - 708 MAIN AVENUE
DORTHA BUCKHEIMER - 306 DUPONT ST.
BONNIE JONES - 200 JUNIPER ST.
CAMELLA BROWN - 901 WASHINGTON AVE.
LENA PAINTER - 306 DUPONT ST.

ELECTION OFFICIALS
PAGE TWO

PRECINCT 409

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

PRECINCT 411

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

POTTERY PLUS

BRENDA KAISER - 1368 VALENTINE CIR.
NELLIE SHIFFLETT - 1307 MAIN AVE.
WANDA SMITH - 203 WALKER ST.
RUTH PHALEN - 1372 VALENTINE CIR.
PAULINE WARNER - 1311 MAIN AVE.

POTTERY PLUS

DOROTHY HUDSON - 105 KANAWHA AVE.
WENONA HAMMONDS - 701 KANAWHA AVE.S
SUE GOODWIN - 103 CLEVELAND AVENUE
AMY YATES - 712 MICHIGAN AVENUE
OLLIE HANCOCK - 711 KANAWHA AVE.



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 88-

AN ORDINANCE TO ADOPT THE NITRO
CITY LOGO AND THE NITRO CITY FLAG
AS THE OFFICIAL CITY LOGO AND FLAG.

WHEREAS, the City of Nitro, Kanawha and Putnam Counties,
West Virginia presently use "Nitro City Logo" as reflected on
this stationary and all City vehicles of this City, and;

WHEREAS, we proudly display a flag symbolizing the great
City of Nitro at World War I Memorial Park and functions held by
the City or its' affiliates; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
NITRO, that we do adopt this logo and flag as officially the
City's logo and flag.

MAY 3, 1988

1st READING

2ND READING

Passed this _____ day of _____, 1988.

ARDEN D. ASHLEY, MAYOR

JOAN MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

RT ASHLEY
MAYOR

ORDINANCE 88- 3

PARKING ZONE RESTRICTIONS ON SECOND AVENUE WEST FROM THE NORTHEAST CORNER OF 2222 2ND AVENUE TO ITS SOUTHEAST CORNER ON 22ND STREET, SOUTH

WHEREAS, the parking on Second Avenue West from the north east corner of the building located at 2222 2nd Avenue to the southeast corner of the same building on 22nd Street south has unrestricted parking; and

WHEREAS, this has been an inducement for all day parking; and leaves no space for customers to park wishing to do business with those operating such in the area (including deliveries of goods).

NOW, THEREFORE, BE IT ORDAINED that this area, Second Avenue West from the northeast corner of the building located at 2222 2nd Avenue to the southeast corner of the same building on 22nd Street south be designated as limited two-hour parking from 8:00 a.m. to 4:00 p.m., Monday through Friday.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN MCCLANAHAN, RECORDER

APRIL 19, 1988

FIRST READING

MAY 3, 1988

SECOND READING



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 88-

AN ORDINANCE TO OFFICIALLY DEDICATE THE
STREET OF MARTIN'S COURT WITHIN THE CITY
OF NITRO

WHEREAS, the residents and/or property owners abutting
Martin's Court have petitioned the City of Nitro to consider the
dedication of the street on Martin's Court within the City of
Nitro; and

WHEREAS, the City records do not reveal such action by City
officials; and

WHEREAS, the City has treated the street as if it were a
dedicated street over the years.

THEREFORE, BE IT ORDAINED that the governing body of the
City of Nitro officially dedicate the street known as Martin's
Court into the City of Nitro.

MAY 3, 1988
FIRST READING

SECOND READING

Passed this _____ day of _____, 1988.

ARDEN D. ASHLEY, MAYOR

JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 8, 1988

The special Council Meeting was called to order by City Recorder Joan McClanahan in Council Chambers at 1:05 p.m. Present were Councilwoman at Large Mary Trout, Councilman A. A. "Joe" Savilla, Councilman Bob Evans, Councilman Charles Miller and Councilman Jim Hutchinson. Absent were Mayor Arden D. Ashley, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

Also present were the majority of candidates or their representative.

The invocation was given by Councilwoman at Large Mary Trout.

While members of Council were reviewing the petitions of the candidates, City Recorder Joan McClanahan distributed copies of ordinance 86-10 pertaining to placement of signs or markings upon the right-of-way of any public road or highway to candidates.

AGENDA ITEM NO. 1 - APPROVAL OF CANDIDATES FOR THE JUNE 7, 1988 CITY ELECTION: - Councilman Jim Hutchinson moved that the candidates submitted be approved. The motion was seconded. There being no discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - BALLOT ASSIGNMENT OF CANDIDATES: - City Recorder Joan McClanahan explained that we would be drawing for placement on the ballot beginning with the candidates for Mayor. The first name drawn would be in the number one position and then on down the line. City Recorder Joan McClanahan opened the sealed envelope and informed that she would read each name as taken from their petition, before placing in container for drawing, and if it is not as they desire their name printed on the ballot, please advise when their name is called. Donald G. Karnes requested that his name be listed as Don Karnes on the ballot, with all others as filed. Councilman Jim Hutchinson suggested that if we had any citizens present that were not on the ballot, that they be permitted to draw. Everyone was either a candidate or affiliated with a candidate. Drawing for the position of the Mayor's race was Councilman Joe Savilla.

1. Charles Miller
2. W. W. Alexander
3. Donald Boggs
4. Herb Fitzsimmons
5. C. Paul McCallister
6. Don Karnes

City Recorder Joan McClanahan informed that there will be slots left open in the event we receive a properly filed petition by mail and postmarked before midnight Saturday, May 7, 1938. Mr. Fitzsimmons asked who picked up a petition that wasn't present, and City Recorder Joan McClanahan answered that there were more than one of the candidates that took out several petitions and she didn't have any way of knowing. She said that it was a generic form, and there were City petitions turned in that she had not personally handed to the individual. Mr. Fitzsimmons then asked if this was legal that they didn't have to come to her and personally get a petition, and said that it didn't appear legal to him. Ms Smith asked if we were going by the City Code or State Law, and City Recorder Joan McClanahan answered that we are doing it on written advise by our City Attorney. Ms Smith questioned if this was the first time it has been done, and Councilman Savilla said that he was sure that it has always been done this way. Ms Smith asked what number(s) would be assigned, and City Recorder Joan McClanahan informed that the numbers would be assigned as the envelopes were opened beginning with the next number. She added that in her personal opinion, she couldn't believe that anyone that wants to file in the City of Nitro, couldn't have bothered to come in and filed before midnight Saturday night. Mr. Fitzsimmons questioned if the names drawn today stands as is, and City Recorder Joan McClanahan responded that they would.

Janet Fitzsimmons drew for the position of the City Recorder which were as follows:

1. Joan C. McClanahan
2. John (Jack) Hill

The names of the candidates for Council at Large were read and placed in the container. Brenda Smith requested that her name be listed as Brenda Pritt Smith and Bobby L. Smith requested his name be listed as Bob Smith on the ballot. Drawing for the placement on the ballot for Council at Large was Mrs. C. Paul McCallister:

1. David Casebolt
2. Herbert G. Sibley
3. Roland Gene Cook
4. Mary Trout
5. Brenda Pritt Smith
6. Olaf K. Walker
7. Larry Kallmerten
8. Bob Smith
9. Rusty Casto

City Recorder Joan McClanahan mentioned that everyone associated now and those that aren't directly involved are very happy to see the interest that's being shown in the governing of the City of Nitro.

George Atkins drew the placement of candidates for Council in Ward I, which were as follows:

1. Betty D. Russell
2. Richard Savilla
3. Robert D. Young
4. Edward L. Cundiff
5. Paul D. Strohl

The names of Ward II candidates were drawn by Brenda Pritt Smith:

1. Bob Evans
2. Betty Jo Boggess
3. Timothy S. Sizemore

The names of the candidates for Ward III were read and George L. Atkins asked that his name be put on the ballot as George Atkins, and David W. Jones requested his name be listed as Dave Jones. Councilman Charles Miller drew for placement.

1. George Atkins
2. Dave Jones
3. Charlotte Matthews
4. Ivan Meadows

Councilwoman at Large Mary Trout drew the placement of the candidates for Ward IV:

1. James E. Hutchinson
2. Herman Baker
3. Mark E. Sanders, Sr.

Councilman Bob Evans inquired if we would have a sample ballot before it is submitted to the printers for the candidates' edification. City Recorder Joan McClanahan advised the names of the candidates would be typed early Wednesday morning and if any candidate desired they are welcome to come and look it over; the names will be submitted to the printers Wednesday.

Councilman Joe Savilla moved that the names of the candidates be placed on the ballot as drawn. The motion was seconded. A vote was taken and it was unanimous.

City Recorder Joan McClanahan thanked everyone for attending, and there being no further business, the meeting was adjourned at 1:35 p.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER

