

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 17, 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 was City Attorney Phillip D. Gaujot. Absent were Councilman A. A. "Joe" Savilla and City Treasurer Ralph Allison.

Mayor Ashley informed that this past week was National Police Officer's Week, and Sunday was National Police Officer's Memorial Day which was the 25th anniversary of this celebration. Mayor Ashley said that there wasn't that much done in the State of West Virginia or in the City of Nitro, but there was a major celebration in Washington, D. C. honoring the law enforcement officers who have given their lives, more especially in the line of duty. Mayor Ashley said he feels it is worthy of note, and we will probably see police officers in this part of the state that will be wearing the black band around their shield in recognition of this being "National Police Officer's Memorial Week".

Mayor Ashley announced that we focus attention on academic excellence when we can, and thinks we have again been given reason to celebrate in Nitro. He informed that we had a group of young people that competed in Parkersburg in a competition on the Bible, and they won the state championship and are on their way to Fort Worth, Texas to compete in a national competition this summer. The young people are from Rev. Flippo's church, and it is a real tribute to them and to the City of Nitro. Mayor Ashley stated that he wishes them well.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 3, 1988 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the Council Meeting Minutes of May 3, 1988. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - APPROVAL OF MAY 8, 1988 SPECIAL COUNCIL MEETING MINUTES: - Councilman Charles Miller moved for the approval of the minutes of the special Council Meeting on May 8, 1988. The motion was seconded. City Recorder Joan McClanahan informed that the purpose of this meeting was for the approval of the candidates for the June 7, 1988 City Election, and ballot assignment of candidates. Mayor Ashley said that there was a provision for the possibility of mail in filings, and there were none, and asked if this was correct. City Recorder Joan McClanahan answered that there were no filed petitions received by mail. A vote was taken for the approval of the May 8, Council Meeting Minutes as written, and it was unanimous.

AGENDA ITEM NO. 3 - APPROVAL OF SPRING FESTIVAL ACTIVITIES:

Mayor Ashley asked Larry Angell, Director of Recreation, to explain those activities that he would like to have Council sanction. Larry Angell apologized for not having copies of the planned activities for members of Council. Mr. Angell informed that the Spring Festival is pretty much in line. He informed that a few adjustments have been made, and said that he had condensed the time to one Saturday, which is May 28. He informed that all activities will be held at Nitro City Park. Mr. Angell said that several events had already been planned and will be incorporated into our Spring Festival. One being the Kirk Kelly Memorial Run, which is in place for Saturday. The Little League is having a baseball card show at Nitro High School with Lew Burdette, which will be made a part of the Spring Festival agenda. Other activities will be the Police competition, a parade and senior citizen's picnic. Mr. Angell informed that there will be jugglers and clowns, and events for children that we haven't had in the past. There will be several hours on Saturday that will be set aside strictly for the children. There will be a Miss Spring Festival Pageant and a street dance. On Saturday and Sunday there will be arts and crafts. There are several local people and people from Charleston and Huntington that are registered with the Cultural Center in Charleston that will have booths of crafts. On Sunday, there will also be arts and crafts with a gospel sing that will basically handle itself. As usual, Monday there will be a Memorial service. Mr. Angell invited Council to participate in the parade and requested their approval for a parade on Saturday, May 28 beginning at noon. Also, Mr. Angell said that it has been a number of years since we have had a true Spring Festival, we are lacking in the way of entertainment for the festival. He said that with the anticipation from the residents that they are expecting to attend the activities, would warrant a commitment from Council to give the Recreation Department for the Spring Festival a ceiling amount of \$400 for entertainment on Saturday for a band. Mr. Angell said that several people have been contacted, but didn't have any definite prices, but it could be a little less than the \$400 figure. Mayor Ashley said to address the request of Mr. Angell concerning the parade, questioned the route. Mr. Angell answered that it would start at 39th Street and end at Nitro City Park parking lot. Councilman at Large Rusty Casto moved that the request for the parade be granted. The motion was seconded. Councilman at Large Olaf Walker mentioned that this be cleared with the Police Department. Mr. Angell informed that it had already been approved by them, and they are a part of the parade. A vote was taken and it was unanimously approved. Councilman Jim Hutchinson moved that the City fund up to an amount of \$400 for the purpose of providing entertainment during the course of the Spring Festival subject to the confirmation by the City Treasurer Ralph Allison that the funds are available in this years budget. The motion was seconded. Mayor Ashley asked Mr. Angell to be more specific as to the kind of entertainment that

he has in mind. Mr. Angell said that he believed we should have a bluegrass or a country and western band. Councilman at Large Olaf Walker asked if a bank or someone hadn't previously paid for the entertainment. Councilman Casto informed that the bank sponsored the fishing contest. Mayor Ashley advised that Mr. Angell is trying to reinstate the concept of the Spring Festival, and in the past we had some underwriting by different people of different events. Mayor Ashley said that one year Monsanto paid a significant amount of money and paid for the fire works entirely. Mayor Ashley reported that in the past we had different sponsors of events to cover the cost. Mr. Angell advised that we have sponsors too this year, but we are not getting the response we had in the past. He said that he just didn't have the time to work on this as we had in the past. Councilman Walker asked if the response was due to him not being able to contact the sponsor. Mr. Angell answered that in the past, Jay Long has been our contact person to the businesses of the City, and he is still working trying to raise more money. He reported that we are gaining sponsors in other ways. Councilman Walker asked if the sponsors had lost interest, and Mr. Angell said they had not. Mr. Angell said that he feels the basic problem at this point is the time element. The fact that we haven't had six months to work on the festival as we did in 1985. Mayor Ashley said that having been involved in some of the personal fund raising, he hasn't had the opportunity to help and it does take some direct contact. Councilman Walker asked if the Spring Festival is something that we can probably anticipate annually in the future, and Mr. Angell said that he feels it should be. He said that we have had good response from the citizens. He said that over the past years, we have had a good turn out and is worthwhile, and feels it should be brought back to what it was in the past. Mayor Ashley said that there is very little that competes with the Memorial Day weekend in this part of the state. Councilman Walker requested that we have a report of the receipts and expenditures, and Mr. Angell advised the information would be made available. Mayor Ashley mentioned that he would also like to have some activity level reports too, such as how many people were there participating, and how many citizens did we have at the various events. Councilman Bob Evans questioned how the people would know the times of the children's events, and Mr. Angell said that there would be flyers available and we have gained free advertising through all of the radio stations; also in the Shopping Guide. A vote was taken on the request of granting the expenditure of up to \$400 for entertainment at the Spring Festival subject to confirmation by the Treasurer that the funds are available, and it was unanimous. On behalf of the City Council, Mayor Ashley wished Mr. Angell the best of luck. Mr. Angell again invited the members of Council to participate in the parade. Councilman Casto suggested we ask Lew Burdette to be in the parade. Councilman Miller advised that Mr. Burdette's Dad was very ill, and Councilwoman Trout added that he was in the hospital and his Mother was also ill.

Councilman at Large Rusty Casto said that he received a call an hour ago and he had mentioned the tee shirts to the Mayor earlier. He said that he believed that he knew of a couple of businesses that he could get to fund the \$300 for the shirts, but in lieu that he couldn't obtain the funds from them, would Council approve the City to underwrite the shirts. Councilman Casto said that he promised the Council that if they would stand behind him one time on the \$300, he would go out the first thing in the morning to try and obtain the funds. For clarification, Mayor Ashley said that what Councilman Casto is asking for is that City Council underwrite the cost of the Kirk Kelly Memorial Distance Run to the tune of \$300 to cover the portion of the cost of tee shirts. Councilman Casto said that he was confident that he could obtain the funds, but if not, he promised that he would walk the parade if Council would vote to underwrite the \$300. The motion was seconded. Councilman Olaf Walker said that he read in the minutes of the last meeting where the Council agreed to underwrite \$500, and we just finished approving \$400 for the Spring Festival and then now we have a request for another \$300. Councilman Casto informed that he covered the \$500 that was approved at the last Council Meeting. Mayor Ashley said we all have gone through the trauma of recognizing the tragic loss of Kirk's life when the fire took place and we have applauded everything that's been done. Mayor Ashley said that every dollar that they have taken in through the years has gone directly into the trust that goes for scholarships. Mayor Ashley said that even though they charge runners to enter the race, every dollar of that money goes into the fund. Nothing has been taken to cover expenses. Mayor Ashley said that if he recalls correctly, they had the largest number of runners in any foot race ever in the history of the City. It has been a successful event in terms of participation and money, but they haven't had to come before City Council for any funds and asked Councilman Casto why it was necessary for them to do so this year, and asked why they were not here making the request. Councilman Casto said that Jay Long was going to make the request in conjunction with Councilman Joe Savilla. However, they were unable to attend and asked if he would make the request. Councilwoman at Large Mary Trout said that this is something that is hard to say yes and it is even harder to say no, as we all recognize the need. She said that if we set a precedent, she feels we might for one time only. She said that she was in charge of fund raising for Melanne Pennington, and thinks it would be inappropriate for her to ask Council to give a \$1,000 because she needed it, and was concerned if we have another distance run or fund raising event. Councilman at Large Olaf Walker said that Councilwoman Trout had more or less expressed his view. He said that if these functions can't survive on their own, he hated to spend tax payers money on these types of events but it is hard to say no. Councilman Walker said Larry Angell said that we get a large participation at the Spring Festival and he feels the \$400 is justified.

Councilman Walker said that we have a lot of other expenditures that would probably benefit more people in the City than that. He said never the less, he reluctantly voted for his request for \$400, and he would reluctantly vote for the approval of the \$300 requested for the Kirk Kelly Memorial Run. Councilman Walker said that he has reservations about this, and didn't know enough about it to take a hard fast position. Councilman Charles Miller said that he feels we all have a little hesitancy about voting for it, and believed that if we voted for it this time, we could talk to the people that have the money in the bank drawing it out, we should let them buy their own shirts and charge so much and get their money back if they could take it out of the trust. Councilman Casto said that he believed that once it was put into the trust it stays in there. Councilwoman Trout commented that they would receive new money that would be generated on the date of the race. They could take \$300 off of the top as they will make a lot more than \$300 on that race. Councilman Olaf Walker said that a committee should go out and ask for contributions from private citizens to underwrite it instead of taking tax payers money. Mayor Ashley agreed. Councilman Charles Miller said that it was his understanding that the shirts cost \$1,500 and they raised \$1,200. Councilman Casto informed that the City of Nitro would go on the shirts, if they contributed the \$300. A vote was taken to approve the cost of \$300 to be applied towards tee shirts for the Kirk Kelly Run on Memorial Day weekend, and the motion was defeated 4-3. Mayor Ashley requested that Councilman Casto get in touch with them, and informed that we would try to raise the funds for them privately.

AGENDA ITEM NO. 4 - ORD. 88 (2ND READING) TO ADOPT NITRO CITY LOGO AND THE NITRO CITY FLAG: - Mayor Ashley informed that the ordinance to adopt Nitro City logo and the Nitro City flag was passed on the first reading at the last Council Meeting and entertained a motion to adopt it on the second reading. Councilman at Large Rusty Casto moved we adopt the ordinance. The motion was seconded. Councilwoman at Large Mary Trout said that she feels that in adopting this, we should specify that our Mayor was the one who developed the logo that we now have on all of our City owned vehicles. She said that the Mayor has been quiet about this, but feels it would be appropriate. City Recorder Joan McClanahan questioned who designed the City flag, and Councilman Casto informed that he did, but he didn't want to put in the ordinance. City Recorder Joan McClanahan and Councilwoman Trout agreed that we should give credit to the people developing the logo and flag. Mayor Ashley informed that there was a contest among the citizens of Nitro to design the Nitro flag, and Councilman Casto's entry won the competition. Councilwoman Trout asked if we could insert this information in the ordinance in an appropriate place. Mayor Ashley said this should be done before the approval of the ordinance for the record. Councilwoman at Large Mary Trout suggested we insert in the first paragraph after "Nitro City Logo" designed by Mayor

Art Ashley and City Recorder Joan C. McClanahan said that in the second paragraph after display a flag, designed by Councilman Rusty Casto. Mayor Ashley asked our City Attorney Phillip Gaujot if this would be a proper change in the ordinance, and Mr. Gaujot said that it would be, as it was a minor change. A vote was taken to approve the modified ordinance, and it was unanimous.

COPY OF ORDINANCE 88-5 ATTACHED.

AGENDA ITEM NO. 5 - (2ND READING) TO DEDICATE MARTIN'S COURT STREET INTO THE CITY OF NITRO AS A CITY STREET: - Councilman at Large Rusty Casto 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 requested City Recorder Joan McClanahan to notify the residents of Martins Court that their street has been officially dedicated.

Councilman Bob Evans asked if there was another public meeting scheduled for the dedication of Erwin's Drive. Mayor Ashley said that the City Attorney Phillip Gaujot had instructed them to get an attorney as the Martins Court people did, and asked if we had heard anything back from them. Mr. Gaujot said but before that they were to give us a new petition with all of the property owners abutting the street or give us the addresses of those that didn't sign in order for us to give them notice of a hearing. City Recorder Joan McClanahan informed that she had the names. Mr. Gaujot said that now is the appropriate time to have a hearing on this, and notices should go by certified mail to the last known address of the individuals that did not sign the petition. Also, Mr. Gaujot said that a notice should be posted on the street and in City Hall as before. They will need an attorney to give an opinion on whether it is a street suitable for dedication as did the people of Martins Court.

AGENDA ITEM NO. 6 - ORD. 88 - (1ST READING) TO ADOPT CITY ANIMAL, FISH, TREE, BIRD AND FLOWER: - Mayor Ashley read the proposed ordinance in its entirety. Councilman at Large Rusty Casto said that the petunia as the flower was done under Bill Alexander's administration. The Woman's Club had a contest and all the students had a writing contest and that's how the petunia came in as the city flower. Councilman Casto said that he didn't know if we would want to consider this in the ordinance. He informed that the remaining items were voted on by the school children on our 51st birthday. Councilman Casto said that he feels if we have the City flag and logo in an ordinance that we should approve this ordinance so that the next administration would know what the school children have done. Mayor Ashley said that this isn't what the school children are doing, this is what the City Council is doing. Councilman Casto said that he thinks we have already voted this in, but we didn't put it in the form of an ordinance. Councilman at Large Olaf Walker asked if this was passed, what would happen, and Mayor Ashley said that we will

receive petitions from people wanting different animals, etc. will ask us to change the ordinance. Councilman at Large Rusty Casto moved we adopt the first reading of the ordinance. The motion was seconded. Councilman Casto said that if we would recall, back in February, 1983 that he and Mr. Santrock went around to all of the elementary schools and this is one of the things the students voted on. He said that they tabulated all the votes and brought it back to the City, and we voted to accept the recommendations on this, because it was a city wide contest held for the students. Mayor Ashley asked if we adopted the recommendation by ordinance, and Councilman Casto said that we just voted it in. Councilman at Large Olaf Walker asked what is the significance of this and what will happen after we approve it. Councilman Casto answered that the States all have this, and he said that they just thought it was good for the children to get involved with the City. Councilman Walker stated that this reminded him of the Legislature because they have recognized the Monarch butterfly this year and one year it was the brown bear. Councilman Casto explained the reason this was done was to get the young people involved in the 51st birthday of the City. Councilman Walker wanted to know if we acknowledged our appreciation to the children. Councilman Casto reported that they were telephoned and then a couple of the classes showed up at City Hall on a Sunday. Councilman Walker said that the students voting on this in 1983 are not the students attending today. He said that if we would obtain a survey today, we would get a different group. Councilman Casto said that technically this is the way it is now, but we just never put it in the form of an ordinance. Then Councilman Walker asked what good it would be to pass an ordinance on this. Councilwoman at Large Mary Trout moved we table this agenda item. The motion was seconded. A vote was taken and it passed with Councilman at Large Rusty Casto opposing.

AGENDA ITEM NO. 7 - ORD. 88 (1ST READING) TO AMEND THE CITY CODE OF NITRO BY ADDING A PARAGRAPH DESIGNATED HOTEL/MOTEL OCCUPANCY TAX: - Councilman at Large Olaf Walker moved we adopt the first reading of the ordinance to amend the City Code of Nitro by adding a paragraph designated hotel/motel occupancy tax. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - RESOLUTION 88-5 - RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT APPLICATION TO THE GOVERNOR'S OFFICE OF COMMUNITY AND INDUSTRIAL DEVELOPMENT FOR A 75/25% MATCHING GRANT UNDER THE ANTI-DRUG ABUSE ACT OF 1986: - Councilwoman at Large Mary Trout moved that we adopt the resolution authorizing the Mayor to submit application to the Governor's Office of Community and Industrial Development for a 75/25% matching grant under the Anti-Drug Abuse Act of 1986. The motion was seconded. Mayor Ashley read the resolution. There was a discrepancy in the typed figure and written amount; the correct amount of the total

responsibility for the City being \$3,432.56. City Attorney Phillip D. Gaujot suggested the insertion of a percentage sign behind the 75-25% matching funds. Mayor Ashley reported that we have attempted to be a part of the Metro-Government Drug Unit before and there was an application offered up to the Federal Government last year, and that application was denied through no fault of the City of Nitro. Mayor Ashley informed that this is a multi-agency unit. In terms of the total number of dollars that would be expected of the City of Nitro, it represents far less than the amount that we would normally spend in a year in drug enforcement. The unit would participate in law enforcement and education with regards to drugs. Councilman Walker asked if the City's responsibility would be \$3,432.56, and Mayor Ashley answered that this was correct. Councilman Walker asked the amount we would receive. Mayor Ashley replied that the total sum to the program in the Metro-Charleston area would be \$150,882.50. Councilman Bob Evans responded that we would be actually giving manpower. Mayor Ashley advised that each of the assisting agencies would have one participate and Charleston will have some. A pro rata share of any assets through confiscation would be distributed to the cities. There was a question as to whether or not they worked our area. Mayor Ashley reported that they do. He advised that they have, in the past, worked our area with or without the participation by Nitro's law enforcement officers. Councilman Bob Evans questioned if the City still send policemen to drug schools, and Mayor Ashley answered that we send them to classes on all subjects as they are offered up. The courses are sanctioned by the State Police Academy. A vote was taken to approve the resolution, and it was unanimous.

RESOLUTION 88-5 ATTACHED

COMMITTEE REPORT:

1. REPORT ON MELANNE PENNINGTON: - Councilwoman at Large Mary Trout reported that Melanne had been having some problems and they are going to have to run some tests to see where the problem is coming from. So, it is still just touch and go. Councilwoman Trout informed that Melanne talked with Kay Lee for about 30 seconds this morning, and she asked that everyone remember her in their prayers. Councilwoman Trout said that there was a fund raising project at the Methodist Church this weekend. They raised between \$1,500 to \$2,000. Councilwoman Trout reported that there was around \$14,000 in the trust fund for Melanne. Mayor Ashley added that the most important thing now is her recovery.

Councilman Jim Hutchinson said that, hopefully, speaking for all member^s of Council, feels it in order to compliment the Mayor and Councilman Savilla on their recent victory in the nomination by their party to compete in November in the sheriff's race in Kanawha and Putnam Counties, and congratulated them.

Mayor Ashley asked the candidates running for office in the June 7, City of Nitro Municipal election to please state their name and the office for which they were running. Candidates stating their names were:

Ivan Meadows - Councilman Third Ward.

Herman Baker - Running for Councilman Fourth Ward. At this time, Mr. Baker said that he would like to ask a question. Mr. Baker asked how the shut in people could vote in the elections. City Recorder Joan McClanahan asked Mr. Baker to stop by her office and she would explain the ways in which to handle the voting privileges of the confined. Mayor Ashley said that this could be handled by way of absentee ballot or providing them with transportation.

Mrs. Paul McCallister - My husband is running for Mayor.

City Recorder Joan McClanahan proudly announced that Christina White, our May Citizen of the Month, was Nitro's entry in the Charleston-Kanawha Bicentennial Celebration, and was named Heritage Queen. Mayor Ashley said that he was sorry this wasn't on the agenda and it was an oversight. He said that she was a lovely young lady, and will be a great Bicentennial Queen.

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

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 88-4

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

MAY 17, 1988
SECOND READING

passed this 17th day of MAY, 1988.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 88-5

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", designed by Mayor Art Ashley, as reflected on this stationary and all City vehicles of this City; and

WHEREAS, we proudly display a flag, designed by Councilman Rusty Casto, 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 adopt this logo and flag as officially the City's logo and flag.

MAY 3, 1988
FIRST READING

MAY 17, 1988
SECOND READING

passed this 17th day of May, 1988.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER

12 Resolution 88-4 not passed! JCM:



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

RESOLUTION 88-5

RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT APPLICATION TO THE GOVERNOR'S OFFICE OF COMMUNITY AND INDUSTRIAL DEVELOPMENT FOR A 75/25% MATCHING GRANT UNDER THE ANTI-DRUG ABUSE ACT OF 1986.

WHEREAS, the City of Nitro desires to be a recipient for a 75-25% matching grant in the amount of \$150,882.50 under the Anti-Drug Abuse Act of 1986; and

WHEREAS, the City of Nitro also desires to be a recipient for supplemental funding in the amount of \$55,000 for 75-25% matching funds under the Anti-Drug Abuse Act of 1986; and

WHEREAS, to assist in establishing a drug enforcement task force with the Cities of Charleston, Dunbar, South Charleston and St. Albans, and Kanawha County; authorization be granted to the Mayor to submit applications to the Governor's Office of Community and Industrial Development; and

WHEREAS, the total responsibility for the City of Nitro would be Three Thousand, Four Hundred Thirty-two Dollars and Fifty-six Cents (\$3,432.56) as it is with each of the assisting agencies.

BE IT RESOLVED by the Council of the City of Nitro, West Virginia that the Mayor is hereby authorized and directed to submit an application to the Governor's Office of Community and Industrial Development for a 75-25% matching grant in the amount of One Hundred Fifty Thousand, Eight Hundred Eighty-two Dollars and Fifty Cents (\$150,882.50) under the Anti-Drug Abuse Act of 1986; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to submit an application for supplemental funding in the amount of Fifty-five Thousand Dollars (\$55,000) for 75-25% matching funds under the Anti-Drug Abuse Act of 1986 to enhance the drug enforcement effort in the Metro-Charleston area.

Passed this 17th day of May, 1988.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 88-

AN ORDINANCE TO AMEND THE CITY CODE OF
NITRO, WEST VIRGINIA BY ADDING A PARAGRAPH
DESIGNATED HOTEL/MOTEL OCCUPANCY TAX

SECTION 12, ARTICLE V
BUSINESS AND OCCUPATION TAX

WHEREAS, the West Virginia State Legislature authorized
municipalities to impose a hotel occupancy tax, and

WHEREAS, the following paragraph identifies the hotel
occupancy tax;

Sec. 12-80 Hotel/Motel Occupancy Tax

Upon every person engaging or continuing within this city in
the business of operating a hotel or motel for use or occupancy
there is hereby levied, and shall be collected a tax of three
percent of the consideration paid for the use or occupancy of a
hotel/motel room. The tax shall be imposed on the consumer and
shall be collected by the hotel/motel operator as part of the
consideration paid for the occupancy of a hotel/motel room.

Such consideration shall not include the amount of tax
imposed on the transaction under Article fifteen, Chapter eleven
of the Code of West Virginia or charges for meals, valet service,
room service, telephone service or other charges or consideration
not paid for use or occupancy of a hotel/motel room.

THEREFORE, BE IT ORDAINED the City Code be amended to read
as stated above.

MAY 17, 1988
FIRST READING

SECOND READING

Passed this _____ day of _____, 1988.

ARDEN D. ASHLEY, MAYOR

JOAN C. MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JUNE 10, 1988

The 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, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Bob Evans and Councilman Jim Hutchinson. Also present was City Treasurer Ralph Allison. Absent were Councilman at Large Rusty Casto, Councilman Charles Miller and City Attorney Phillip D. Gaujot.

The invocation was given by Councilwoman at Large Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 17, 1988 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved for the approval of the May 17, 1988 Council Meeting Minutes. The motion was seconded. A vote was taken and the minutes were unanimously approved as written.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Ashley said that this agenda item is a fun thing we do each month and has been a tradition since August, 1980. Mayor Ashley explained that usually we try to pick a person who represents a kind of citizen that makes Nitro a better place to live, to work and to play. We also usually try to do it without their knowledge and have succeeded in most instances. Mayor Ashley reported that our citizen of the month for June is a gentleman who has been of great service to the City over many years. He presided over the preparation of the Zoning book and setting forth the Zoning Ordinances for the City of Nitro many years ago, and in 1984 he was elected to the City Council as Councilman at Large and on June 7, he was re-elected Councilman at Large. At this time, Mayor Ashley proudly presented Councilman at Large Olaf Walker the plaque as Citizen of the Month. A big round of applause was given to Councilman at Large Olaf Walker. Councilman Walker expressed his appreciation.

Mayor Ashley said that speaking of Citizen of the Month that those people he has managed to serve with on the current Council have all been designated Citizens of the Month. He said that when he discovered that he had one month to go, and Councilman Bob Evans had not been recognized as Citizen of the Month. Therefore, he was going to ask Mayor Karnes to consider Councilman Evans a nominee because he is very deserving. Mayor Ashley said that he considered breaking with tradition and naming two Citizens of the Month but decided against it because he feels it is a tradition that should be retained. Mayor Ashley told

Councilman Evans that he selected Councilman Walker because he has served through the years and was re-elected, but told him that he too was deserving. Mayor Ashley added that without those who volunteer their services and ask nothing in return, this would not be the good place that it is to live.

AGENDA ITEM NO. 3 - ORD. 88- (2ND READING) - AN ORDINANCE TO AMEND THE CITY CODE OF NITRO BY ADDING A PARAGRAPH DESIGNATED HOTEL/MOTEL OCCUPANCY TAX: - Mayor Ashley explained that this ordinance passed on the first reading and the language was made a part of the minutes of the last meeting. Mayor Ashley reminded Council and told the audience that an operator of the Best Western Motel requested the City impose this tax in the City. Councilman at Large Olaf Walker moved we adopt this ordinance. The motion was seconded. There being no discussion, a vote was taken and it was unanimous.

ORDINANCE 88-6 ATTACHED.

AGENDA ITEM NO. 4 - PUBLIC HEARING: - City Recorder Joan McClanahan reported that a public hearing was held on June 2, regarding the request from residents of Erwin Drive to dedicate their street to the City. She informed that there was not any opposition at the meeting, but there were a lot of unanswered questions from the City and the residents. City Recorder Joan McClanahan moved that the minutes of the public hearing be entered into the record of the City and that the question of further action on the petition be set aside until some later date. The motion was seconded. City Recorder Joan McClanahan reported that most of the questions were primarily among themselves. Councilman Walker asked if they were objecting to the dedication. City Recorder Joan McClanahan answered that she didn't receive any open opposition, but then there were questions that they needed answered. Councilman at Large Olaf Walker asked if she thinks we need to hold another hearing, and she said that she thinks it would only be fair to the residents of Erwin Drive that they be given a chance to have another public hearing. Mayor Ashley suggested that by a communique to the residents of Erwin's Drive that the Council has set aside any further action and would presumably then respond to action on their part to ask the Council to take it up again and schedule another public hearing. A vote was taken to set aside the question of the petition for dedication of Erwin's Drive, and make the Public Hearing a matter of record, and it was unanimous.

MINUTES OF PUBLIC HEARING ATTACHED.

AGENDA ITEM NO. 5 - BOARD OF CANVASSERS - MUNICIPAL ELECTION 6-7-88: - City Recorder Joan McClanahan furnished members of Council the results of the election by precincts and also the accumulative results. She informed that this Council is the ex

officio Board of Canvassers and as such, they must certify the election. City Recorder Joan McClanahan thanked Dr. Guy Cassell and Bess Stahl, Ballot Commissioners, for all they have contributed and the support and help that they gave her; it was invaluable. She reported that there were some challenge of voters. Dr. Cassell and Mrs. Stahl opened the sealed envelopes containing the challenged ballots, which were as follows:

PRECINCT 22
(6 Challenged Ballots)

1. Registration Number not in the Book on poll ticket 144. Dr. Cassell informed that this was the only explanation. Councilman Walker said that based on the information received would mean that he/she are not registered. Councilman at Large Olaf Walker moved that the challenge be upheld and the vote not be counted. The motion was seconded. Councilman Savilla informed that it's not always the case that because it's not in the book, that the person is not registered. He said that this is not an uncommon occurrence, because a lot of times the clerk's office had not properly entered the people who had properly registered; this is not an uncommon occurrence. City Recorder Joan McClanahan agreed with Councilman Savilla. Councilman Savilla said that what they did in the Primary Election, the clerk had to bring the registration book and the registration form to show if the people were or were not registered. Councilman Savilla wanted to know if we had the registration books, and City Recorder Joan McClanahan answered that we did still have the registration books, but we are not to touch those. Dr. Cassell informed that in the past we did receive challenge of voters, but it was only because of a worker working in a precinct and voting. He said that we haven't had the problem of the registration not being in the book. A vote was taken on upholding the motion not allowing the challenged ballot, and it was unanimous.

The following five remaining challenged ballots were:

2. Registration form not in Registration Book.
3. Registration form not in Registration Book.
4. Registration dated 5-28-88.
5. Registration form not in Registration Book.
6. Registration form not in Registration Book.

Councilman Bob Evans moved that the challenge be upheld and the ballots not be counted, and it was unanimous.

PRECINCT 402
(2 Ballots)

1. & 2. Voter moved out of precinct 30 days before election but did not change registration. Dr. Cassell advised that they still live in Nitro, but did not vote in the precinct where they were registered. After a short discussion, Mayor Ashley said that they were not properly registered in the Ward in which they voted. Councilman Joe Savilla moved that the votes be disallowed and the challenge upheld. The motion was seconded. A vote was taken and it was unanimous.

PRECINCT 403
(2 Ballots)

1. Moved within the same precinct, has sent in for change, but not yet received new registration.

2. Moved within the same precinct but not yet changed address.

A discussion followed and it was determined that more information needs to be explained on the challenge of voter form. Councilman Bob Evans moved that the challenge be upheld and the ballots not be counted. The motion was seconded. A vote was taken and the challenge was upheld.

PRECINCT 406
(6 Ballots)

1. No reason for the challenge listed on envelope.

2. Voter moved out of precinct more than 30 days.

3. Voter moved out of precinct more than 30 days.

4. Voter moved out of precinct more than 30 days.

5. Legally changed name more than 30 days before the election, but did not change registration.

6. Right ward, but wrong precinct.

In the case of the challenge of voter where nothing was noted on the envelope, Councilman Savilla said that the Secretary of State ruled two years ago in a challenge in Putnam County, that you have to honor the intent of the voter in all cases where at all possible. Mayor Ashley added that it is incumbent upon the election official to show cause why the ballot was challenged. With regard to the challenge ballot with no instructions, Councilman Jim Hutchinson moved that the challenge be upheld and the ballot disallowed. After discussion, Councilman Hutchinson withdrew his motion. Councilman Joe

Savilla moved that we allow the challenged ballot since there were no instructions from the poll worker and the vote be honored. The motion was seconded. A vote was taken and it was unanimous. Dr. Cassell opened the envelope and the votes cast were as follows:

Mayor	Charles Miller
Recorder	John Hill
Council at Large	David Casebolt
Council at Large	Herbert Sibley
Council at Large	Rusty Casto
Council - Ward III	Dave Jones

Councilman Bob Evans moved that the three voters that moved out of the precinct more than 30 days that the challenge be upheld and the ballots not be counted. The motion was seconded. A vote was taken and it was unanimous.

Councilman Joe Savilla moved that we allow the counting of the vote by the person that legally changed their name 30 days prior to the election. The motion was seconded. A vote was taken that the challenge be over turned and the ballot be counted, and it was unanimous which was as follows:

Mayor	Charles Miller
Recorder	Joan McClanahan
Council at Large	Herbert Sibley
Council at Large	Bob Smith
Council at Large	Rusty Casto
Council - Ward III	Charlotte Matthews

Councilman Joe Savilla moved that the challenge vote on the absentee ballot be over turned and counted. The motion was seconded. Mayor Ashley questioned how this would have happened. City Recorder Joan McClanahan explained that there were two precincts in one ward. A vote was taken and it was unanimous and the votes were cast as follows:

Mayor	Charles Miller
Recorder	Joan McClanahan
Council at Large	David Casebolt
Council at Large	Olaf Walker
Council at Large	Larry Kallmerten
Council - Ward III	George Atkins

PRECINCT 408
(1 Ballot)

1. Registration form not in Registration Book.

Councilman Joe Savilla moved that the challenge be upheld and the ballot not counted. The vote was seconded. A vote was taken and it was unanimous.

PRECINCT 409
(2 Ballot)

1. & 2. Registration form not in Registration Book.

Councilman Bob Evans moved that the challenge be upheld and the ballots not counted. The vote was seconded. A vote was taken and it was unanimous.

Mayor Ashley reported that the challenge ballots that were counted had no impact on the outcome, but it will change the numbers. City Recorder Joan McClanahan informed that this would be reflected in the minutes of this meeting.

Councilman Joe Savilla moved that we accept the results of the canvass and enter them into the minutes of this meeting. The motion was seconded. Councilman Savilla requested that it be noted in the minutes, that we thank the Ballot Commissioners, Bess Stahl and Dr. Guy Cassell for all of their excellent work. City Recorder Joan McClanahan said that she would certainly second that motion. Mayor Ashley added that City Recorder Joan McClanahan, as well, worked long and hard. Mayor Ashley said that another part of the motion would be to have the City Recorder report this action to the County Clerks in the two respective counties so that they are informed of the action of Council. A vote was taken and it was unanimous.

Councilman Joe Savilla said that he would like to congratulate all the winners and thought it was a clean, well run, well organized election on the part of the City Recorder Joan McClanahan and her officials.

CERTIFICATION BY THE BOARD OF CANVASSERS, PRECINCT TOTALS AND COMBINED NUMBER OF VOTES ATTACHED.

AGENDA ITEM NO. 6 - LETTER FROM WILLIAM HARRIS, PRESIDENT OF THE FIRE CIVIL SERVICE COMMISSION: - Mayor Ashley read the letter received from William Harris, President of the Fire Civil Service Commission which contained both a report on the status of the attempts to fill the vacancies in the Fire Department along with his stated resignation as President and a member of the Fire Civil Service Commission. Additionally, Mayor Ashley advised that he had correspondence dated today, from Donald Mellert tendering his resignation from the Fire Civil Service Commission effective as of June 30, 1988. His reasons were because of health problems and dissatisfaction with being unable to solve some of the problems before the Commission. Mayor Ashley said that he accepts with regret Mr. Bill Harris's resignation. He has served on the Commission 17 years. Mr. Mellert was the appointment of the Business Association. Mayor Ashley commented that he did not disagree with the statements in the letter. Mayor Ashley said that with regard to the request to adopt new regulations, he would suggest that this matter be carried over

for the next administration to deal with. It's going to take some close examination. Mayor Ashley said that it was his hope that this could have been resolved a long time ago, and regrets that it couldn't be. Mayor Ashley said that he feels it would be proper for us to table all portions of the issue apart from the acknowledging the resignation from Mr. Harris. Mayor Ashley advised that Mr. Harris wanted to give his report in person, but had to work this evening. Mayor Ashley said that he wanted to make it clear that the governing body of the City of Nitro needs to move quickly to let the fire department know that they are prepared to take action on the situation, but said that he wasn't sure that this administration should do that. Councilman at Large Olaf Walker moved that we accept the report from Mr. Harris and make his correspondence a part of these minutes. The motion was seconded. Councilman Joe Savilla commented that it was a shame to lose someone as dedicated as Mr. Harris. Mayor Ashley said that Mr. Harris indicated that he was more than willing to serve the City in any way that he could, but he asked to be excused from the Fire Civil Service Commission. A vote was taken and it was unanimous.

COPY OF THE COMMUNIQUE FROM MR. HARRIS ATTACHED.

AGENDA ITEM NO. 7 - ORD. 88- TO ABANDON PART OF KANAWHA AVENUE (1ST READING) - Councilman Jim Hutchinson introduced the proposed ordinance to abandon part of Wallace Street & Michigan Avenue, that is the current location of Dunbar Supply & Sash, and moved the ordinance be approved on the first reading. The motion was seconded. Mayor Ashley explained that this is property that is the current location of Dunbar Supply & Sash and owned by Jerry Goldberg and has been in the City for some time. Mayor Ashley advised that to the right of the yellow shading on the map furnished to members of Council, there is an imprint of the building itself. There is a plan for the expansion of that building. Mayor Ashley added that on early action taken by the City Council, Michigan Avenue to the right of that portion shaded in yellow had earlier been abandoned as a right-of-way. He said that it was important to note that there has never been a Michigan Avenue in that section and there has never been a Wallace Street in that section. The first reading of the ordinance is a request for the City to abandon plans and permission to have a street there. Mayor Ashley said that since it is a commercial parcel owned by the Goldbergs, and there is no street there, has not been and a portion of that had earlier been abandoned by the City in 1973. Councilman at Large Olaf Walker informed that he was part of the City Government when that building was proposed, and there was quite a controversy over it. He said that he thought everyone associated with it realized the improvement that was made and feels it is a real asset to the area. Councilman Walker stated that he has confidence in these people and thinks it is a good ordinance. Mayor Ashley informed that Mr. Goldberg was willing to change his travel plans. He is

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in South Carolina, but was willing to come back for the meeting. Councilman Joe Savilla said that he was in agreement with Councilman Walker. Councilman Savilla said that the right-of-way has existed there for many years, but it is on the property that belongs to the Goldbergs. He said that we didn't have any intension of using it 50 years ago, and it order to use it now it would be necessary to go through the building and feels it is a proper motion to abandon the right-of-way. A vote was taken to approve the ordinance on the first reading, and it was unanimous. Present at this Council Meeting was Attorney Richard Hess, agent and representative of Jerry Goldberg.

COPY OF ORDINANCE ATTACHED.

AGENDA ITEM NO. 8 - ORD. 88 - TO ABANDON PART OF KANAWHA AVENUE (1ST READING): - Mayor Ashley advised that this agenda item is not totally unrelated to agenda item 7, but it has been separated by the petitioners. Mayor Ashley said that this includes a petition and a request outlined in red on the map furnished to members of Council. Mayor Ashley informed that the juxtaposition of this property to the earlier petition, and asked Council to look at the top of their map, and explained the site of Dunbar Supply & Sash and the property that was just approved. He informed that the property is across the railroad tracks, and it is property owned by the same people, operating as Raleigh Junk at the present time. There are no roads on that parcel of land designated, but there is a right-of-way to put a road there. Mayor Ashley said that if he understood the petition requested, it would abandon the right to place the roads. Richard Hess, attorney and representative of Mr. Goldberg, added that the reason for the separate petitions is that the ownership is a little different. He informed that this property was owned by Jerry Goldberg's father, now owned by the estate with Jerry Goldberg executor. Mayor Ashley said that in essence it is the same request. There are no roads there, there have never been roads there and it is a parcel owned separate and being used for commercial purposes. Councilman Joe Savilla moved for the approval of the ordinance on the first reading. The motion was seconded. A vote was taken and it was unanimously approved.

COPY OF ORDINANCE ATTACHED.

COMMITTEE REPORTS

1. REPORT ON MELANNE PENNINGTON: - Councilwoman Mary Trout reported that as of Wednesday, June 8, Melanne was doing a little bit better. She had eaten a small amount of food, and according to her sister this was the only food she had eaten for 6 weeks. She ate half of a popsicle. As soon as her sister returns Sunday from visiting her, she will report on her progress. Mayor Ashley said that in keeping with the tradition of this Council, a greeting card will be circulated through Council Chambers for signatures. Councilman Joe Savilla requested a greeting card be sent to Angie Via too. Councilwoman Trout said that the family

asked her to extend their appreciation to everyone for their support.

2. REPORT ON THE SENIOR CITIZEN'S PROJECT: - Mayor Ashley informed that Council was privileged this evening to have a preview of the Senior Citizen's Complex, and there was a preliminary ribbon cutting. He reported that it was a beautiful facility and will be home for 60 seniors in our community. Mayor Ashley advised the public will be invited to the official ground breaking ceremony scheduled for June 26. Mayor Ashley encouraged everyone to go by and take a look at the complex as it is very impressive. Mayor Ashley said that as with most projects of that size, there is always the good news, bad news side. Mayor Ashley said that in the sale of the property to Village on Park, a part of the HUD project paid us money for the land on which the building is structured, of which \$20,000 is yet to be paid. Mayor Ashley informed that we used that money for the relocation of the library. Mayor Ashley advised that reported to him today that they had cost overruns, and have asked the City to donate back those unanticipated and unallocated contingency costs which came to 11,000 + dollars. He said that he thought we would have a representative from the Senior's Complex present and didn't make note of the figures. Mayor Ashley said that from the standpoint of the mechanics of that, they must pay us the \$20,000 and then we would have to present back to them a contribution from the City for the balance of monies that it would take to clear their deficiency. Councilman Savilla commented that \$37,000 of their overrun was a direct result of their investigation by the State Fire Marshal, and they had to install fire doors, sprinkling system, etc. Also, they had an additional \$15,000 worth of overrun immediately in the masonry, because the property is in a high water table area. Plus, they had an expense of \$5,000 where they had to remove the debris on the Cecil Lemma property where they originally started construction. Councilman Savilla said that he believed the total was \$67,000 in cost overrun, and asked the City of Nitro to donate somewhere in the amount of \$11,000 back to them after they paid us the \$20,000. Councilman Savilla commented that he feels this would be a very small investment in the future of at least 60 to 120 citizens that will be living in the complex, and we have spent \$11,000 on a lot less worthy projects. Mayor Ashley added that in addition to the \$80,000 we received from the sale of the property, we get 2% of the value of the construction so that turned out to be an amount that carried the revenue received from them well over \$100,000. Councilman at Large Olaf Walker asked Mayor Ashley if we received \$60,000 from this project, and Mayor Ashley answered that we had. He then asked how much we spent on the relocation of the library, and City Treasurer Ralph Allison responded that he believed we assigned between \$30,000 - \$40,000 for the relocation of the library. Councilman at Large Olaf Walker stated that he was hoping a representative would be present this evening. He said just roughly calculating that \$400

per unit, and there being 60 units, would be over \$280,000 a year income assuming that they are all occupied. Councilman Walker said that they reported the manager would receive \$12,000 and then the utilities would have to be come out of the revenue and debt service. Councilman Walker said that they reported that Hud, at the end of the year, would make a supplement of a certain amount, but the representative didn't report the amount. Councilman Walker said that he was hoping Dr. Hamilton would be here tonight and give us a budget because someone said that they would be making some money. Mayor Ashley and Councilman Savilla disagreed with Councilman Walker, as it was a nonprofit project. Councilman Savilla said that it couldn't be a money making project. Councilman Walker said that the income would exceed the operating expense, and then what's left would be applied to debt service. Councilman Savilla said that they still want to put a canopy in front and they didn't have the funds. Mayor Ashley said that it was his understanding that though HUD subsidizes these low cost housing units and they are not self sustaining when you take into account the debt service. In paying off the mortgage which amortizes over a 30 year period, it is anticipated that the Federal Government will continue to subsidize the facility. Councilman at Large Olaf Walker said that he understood Mr. Vinson saying that the subsidy would almost meet the debt service. Mayor Ashley answered that this is what it is intended to do, but what they take in will not keep up the expense from year to year so it will have to be subsidized. Councilman Walker asked if they would have \$280,000 operating expense, and Mayor Ashley said that he didn't know, but we were talking about a 2 1/2 million dollar structure. Councilman Joe Savilla moved that this Council donate the \$11,000+, not to exceed \$12,000. The motion was seconded. Councilman Walker asked if they didn't want to see a budget, and Councilman Bob Evans said that he would like to see a budget. Councilman Savilla said that he would like to see a budget, and was sure that we would. He said that their problem now is that they are cash short and they need this contribution from the City of Nitro. Councilman Walker said that let's assume that the City of Nitro did not have \$11,000, and then Councilman Savilla said that then, we couldn't help them. Councilman Walker then asked, what would they do then, borrow the money? Councilman Savilla answered that this was a good question, and Mayor Ashley said that he didn't know, but they would certainly start off in the red. Councilman Walker then asked if it was imperative that we make this decision this evening, and Mayor Ashley answered that it wasn't imperative that we make the decision tonight, but there is a certain level of anxiety to have it done at a time that they have the dedication ceremony and start accepting residents so that they get a clean start. He added that they are anxious about the money. Mayor Ashley said that this is a project that has been ongoing even before 1984 and goes back to the 1980's when we were working year after year to get an application in that HUD would find acceptable. He said that we are close enough

now, and the project is ready for occupancy. He stated that there is a distinctive desire, at least on the part and in the minds and hearts of some that would like to leave it clean and not leave it for someone else to finish the job. Councilman Savilla said that to him it was very important and he has been in on this since the ground floor. He said that it was a legacy that he would like to leave behind. Councilman Walker asked why Dr. Hamilton wasn't present, and Councilman Savilla answered that he didn't know. Councilman Walker stated that he was going to vote against this, because Dr. Hamilton wasn't present to answer some questions. Councilman Bob Evans moved we table this matter until we have something to look at, and just sitting here saying they need \$12,000 and it's nonprofit. He said CAMC is nonprofit. The motion was seconded. A vote was taken to table and it was a tie of 3 to 3. Mayor Ashley voted in the negative, thus the motion did not pass. City Treasurer Ralph Allison informed that from a budget standpoint, we only budgeted \$70,000. Therefore, from a budget standpoint, we are only giving \$1,000 or \$2,000, but from a cash standpoint, we are giving up \$11,000 or \$12,000. Councilman at Large Olaf Walker commented that as he said before, he didn't know whether he was for it or against it. He said that he was basically voting against it, because Dr. Hamilton wasn't here to explain it more fully. Councilman Walker said that he would ask to see a budget showing the anticipated income and expenses. He said that he thinks she should be present to justify the contribution. Councilman Savilla said that his motion still stands. Mayor Ashley said that we should not assume that it is a reflection on her desire for the money or her commitment to the project that she's not here, but would rather think that it's a lack of communication. Mayor Ashley said that he would assume the responsibility for that, as he thought she would be here. He said that he didn't know why she wasn't, but he would be willing to state his reputation on the fact that it's not because she doesn't care. Councilman Walker told Mayor Ashley that he didn't think it would be any reflection on his part that he has played in this project all along if we do not approve this tonight. Mayor Ashley said that he wasn't going to be able to make it at the closing ceremony or the next Council Meeting and would not like to leave this unattended by his administration. He said that he would like to get it to a vote, and then it would be Council's decision as to whether or not to approve it. Mayor Ashley said he would rather not leave it unattended to. A vote was taken to approve the request which was a tie. Therefore, Mayor Ashley voted with the affirmative and the motion carries with a vote of 4 - 3. Those voting in the affirmative, in addition to the Chair, were Councilwoman at Large Mary Trout, Councilman Joe Savilla and Councilman Jim Hutchinson. All others present voted in the negative. Councilman at Large Olaf Walker commented that we have demonstrated one thing tonight. He said that he thinks this is twice in four years that we've had a real close vote in this Council.

3. SHELBY STEEL PROPERTY: - Mayor Ashley reported that this item of business has some good news, bad news to it. It's a major report in a positive vein on economic development. Far too long the Shelby Steel property has been idle, and that operation was believed to have been a boom to us as it came in. It shut down and there has been small operations there from time to time. Mayor Ashley said it was a pleasure to report that there is a buyer for the Shelby Steel property. The expectation would be that it will be up and running and employing people, hopefully from Nitro. They are located within the City and there should be some tax benefits in addition to the employment improvement. Mayor Ashley said that on the other hand, it has been reported to us that the buyer/seller have discovered that the fence that was located on that property was supposed to have been on the property line between Shelby Steel and the City of Nitro. Mayor Ashley said that for some reason that he was not aware of, the fence is located approximately 4 to 5 feet, depending upon the location, on the City's property. He said that he didn't know how this would impact the sale of the property because the fence should not be part of the Shelby Steel property, but it apparently does have some impact on the conclusion of that transaction. Mayor Ashley said that he didn't think this is a matter that should be concluded by Council tonight. Mayor Ashley said that the options, as he understood them, were that we can disregard the fact that the fence is 4 to 5 feet on our property (this would not jeopardize our ownership of the land now or later), we could require that the fence be moved to the proper line or we could give Shelby Steel or the new owners of the property that space for whatever good consideration the City might receive. Mayor Ashley said that we decided to dispose of assets of the City, it would be incumbent upon us to do so by way of an ordinance after properly advertising and having public hearings on the subject. Mayor Ashley said that this would take a considerable amount of time to do it which would carry it over into the next administration. He said that he would not be in favor of moving in that direction. Mayor Ashley said that he would like to create a Committee and asked Councilman Walker to chair the committee along with Councilman at Large Rusty Casto and Councilman Jim Hutchinson. (The 3 members of this Council who have been elected to serve with the next administration.) Mayor Ashley suggested to the committee that it is important to the other parties that the transaction be completed before June 30. Councilman Walker said that this would only allow him a week, and Mayor Ashley said that this would mean that we must make a decision now. Then, Mayor Ashley said that he thought that the only way this Council could act upon the matter is to require that the fence be relocated to the line of the City's property. Councilman Walker asked when did the parties need to have a decision. A representative answered that both the buyer and seller would like the decision immediately. Councilman Walker asked to see a drawing, which was furnished. Councilwoman at Large Mary Trout moved that the fence be relocated. The

motion was seconded. Mayor Ashley advised that from our standpoint, it isn't necessary that the fence be moved, but apparently there is something in their contract requiring this action. So, if Council acts upon this, it would be as a courtesy to them. Councilman Walker asked if they would pay for the cost of relocating the fence, and Mayor Ashley answered that they would, but we would give them permission to come on our property to move the fence. A vote was taken on the motion that the proper quick solution would be the relocation of the fence to the property line by either the buyer or seller of the Shelby Steel property, and it was unanimous. Mayor Ashley said that this is probably not the solution they wanted, but on short notice, it's the best we can offer.

4. A TIME FOR COMMENT FROM THE MAYOR AND COUNCIL: - Mayor Ashley advised that he would not be here for the next Council Meeting. He will be officially on vacation and going to Brazil with the Partners of the America's for two and half weeks. He will be sharing some of the things done in this valley on emergency preparedness. Mayor Ashley said that there are a lot more people qualified than he was to go down and talk with them regarding this sort of thing, and one person is our City Recorder Joan McClanahan, Chairman of our Task Force. Mayor Ashley said that he accepted the challenge and the offer from the Partners of the America's and the State Department to go down and is looking forward to this trip.

Mayor Ashley said, "I just wanted to thank the City Council. We've worked closely together, as has been evident tonight. I think it's beautiful; we've had some close votes. We've had issues that have divided us, but we have not been divided in terms of our commitment to the City and we have worked well together in good times and bad. We have, I think, as a Council done well with what we have had. It's been a difficult time for small cities across the country. During a period of time when we lost \$300,000 a year in general revenue sharing money, and virtually every federal program that was available, we, at the same time, generated new revenues through the help of the Civic Benefits Association and their annual contribution of \$172,000, and more recently the acquisition of the dog track by annexation to generate revenue in the amounts of \$250,000 to \$300,000, depending upon how much people wager. It has turned things around for the City, and so, when we came in we inherited an indebtedness that the City couldn't pay, and we are leaving with more money than the City has ever had to work with. I hope and trust that the new Council will honor the requests of the new Mayor, and I noticed his first priority was paving the streets. I know that pleases all the members of this Council, including those who are going to be on it. I hope that you will give him the support he is asking for to pave the streets in the City, because it was not possible before, and it is possible now. I want to say something about the employees. We have seen some

departments that have worked through the last eight years in pretty much the same way they worked before. They work hard; they do everything that is called upon them to do. They are under paid; they are not appreciated all that much, and we have some people that truly astound me. One of the things that is interesting is most of the people that were here when I came in 1980 are still here when I leave in 1988. I hope that they will be here again in 1992, when the next administration comes in. The point is, these people are dedicated people and they do work hard and try their best. They have given it everything they have everyday, and I think they are all to be commended for that. I don't want to miss anyone, so I don't want to be too specific about it except to say that it's the employees who have been indispensable, not the elected officials. As a matter of fact, I have always said if there was one indispensable person in the City, it has to be Gene Williams because he knows how to fix just about everything and he will either do it or have it done. The Public Works Department is to be commended as those from other cities who know how they have held the equipment together, the people can't just believe what they have managed to do with very few dollars. So, I hope they will fall upon better times and have newer equipment to operate with. I want to say a good word about our Police Department because during the course of the campaign they took some raps, and I guess it's typical in an election year that people always turn to the police department and they get critical. Going back again to 1980, we had a chief that made \$11,080 a year, and we didn't have anyone that was academy trained. Things have changed. We now have, and this is documented that on this end of the valley, we have the highest paid police department among the cities from this end of the county. We have the best equipped police department; we have the best trained police department. We are the only City in the State of West Virginia that requires academy certification and training prior to getting a job in the City of Nitro. For those nay sayers who said you will never hire anybody, we've had State Troopers and deputies. We have openings in the department now that are being filed by guys from police departments from cities like St. Albans and Dunbar because they are backing up and Nitro is moving ahead, and that's the word from the guys who are coming in. So, I think that the police department is to be commended. They are very professional in every respect, and for those who have negative things to say about them, should get to know them personally and individually because you will find them to be of the highest standards and great character. So, I applaud them for their efforts and, likewise, for the fire department. Just as we talked earlier about the problem getting the vacancy filled for the chief, we have another vacancy for a probationary fireman. We haven't been able to fill that, but let no one suggest that we do not have the best trained fire department in the State of West Virginia and a greater variety of responsibilities. We have chemical plants that have worked closely with us and made this possible. So, we have guys who are

prepared, equipped and trained to fight any kind of fire and face any kind of contingency, and my only concern for them, the professional as well as the auxillary firemen, is that they have too much courage. I really have not worried that much about the police officers. They tend to be so conscientious about being safe and taking care of each other. The fireman just tend to go in; they are not above going in where angels fear to tread, and I would not like to have any of them to become angels while on duty in the City of Nitro. I think that a lots been done, and I am pleased with what we have managed to achieve. I'm sorry we couldn't do more. The hump on 21st Street was the highest priority on my mind when I took office in 1980, and it will be the highest priority when I leave. It's still a state highway and two governors have lied to me about fixing it, and I have also lied to the people of Nitro because I just knew we were going to get it fixed. I haven't intentionally lied, and I'm sure that the money is not there. If it becomes a battle of paving the 21st Street hump, it would be a hard call for the City to have to fix that since it is a State highway. There are problems coming up, but nothing that can't be handled by the new Council. I'm pleased with the new Council; they will do well, and I think the City is in good hands and has a bright future. I applaud the candidates who ran and lost, and more especially those who run and won. My hats are off to all of you and I wish you the best of everything. There are good people here. One final comment that I would like to make to the citizens of the City. There are not that many here to make a difference, but then again, maybe there are. There are almost 60 positions that the Mayor fills by appointment with consent of Council to Boards, Committees and Commission. For the most part they've gone hungry. There have been times when we couldn't get a Board of Zoning Appeals to meet, to get a quorum. We have two resignations tonight from the Fire Civil Service Commission. These things reflect back on the people of the City, and we have a community and a City in which we can all take pride, but we must find someway to stimulate the interest and eliminate the apathy of the people in this town. There are good people who want to help, and can help and will help and we must get them active. I will do all that I can to help in that regard, but it's a difficult task. I failed to mention Connie Stephens. And, that's a funny thing too. In 1980 the Sanitary Board was the most controversial agency of the City, and everybody was really knocking them. They had just gone through a price increase, and they were at the center of all the attention. Now they are not. That's a credit to Connie. She has been the General Manager and she is recognized across the state as being the best General Manager. I wouldn't have her job. Not only the nature of what she is dealing with, but also the hours she has to keep. She is very good at her job, so she is to be applauded too. She is another one of those department heads that was here as a department head when I came and I have enjoyed working with her. It's been fun, and I'm sorry I'm not going to make the last Council Meeting of my administration."

Councilman Jim Hutchinson said, "Mayor, first let me say to you that I hope you have a nice trip, and through the years, it's been a pleasure working with you and with this Council. Knowing full well that you will be missed, by me especially, and for those who will not be serving under the next administration, Mary, Joan, Joe, I'll certainly miss you."

Councilman at Large Olaf Walker said, "You and I have had some interesting discussions, and I don't believe you really intended for anybody just to come in here and listen and not differ with you once in awhile. I want to wish you success, not only on your trip, but on your campaign. I think the person who sits there the next four years in lots of areas is going to have some real challenges that you have set for him. As I said at the last Council Meeting there are certain things that I believe in, certain things that I will be pushing for regardless who sits there. So again, it's been a pleasure working with you, and I look forward to seeing you around town."

Councilman Joe Savilla said, "I still have another meeting and I will save my comments until the next meeting. We will miss you. Of course, I will be working with you as new Sheriff's. Putnam and Kanawha counties join borders, so we'll still be working together."

Mayor Ashley invited everyone to stay for refreshments immediately following the Council Meeting.

Councilman Savilla said that he would like to make one comment with regards to Connie. He told Mayor Ashley that the one thing that he didn't say was when he took office in 1980, the one head that everybody in Nitro wanted was Connie's. But, to the Mayor's credit he saw what a fine administrator and what a hard worker she was, and to his credit she is still there. He said that he hopes she will be there through the next 2 or 3 administrations. Mayor Ashley said that he hopes she is too, because she is one of the hardest working people he's ever seen.

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

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

ORDINANCE 88-6

AN ORDINANCE TO AMEND THE CITY CODE OF
NITRO, WEST VIRGINIA BY ADDING A PARAGRAPH
DESIGNATED HOTEL/MOTEL OCCUPANCY TAX

SECTION 12, ARTICLE V
BUSINESS AND OCCUPATION TAX

WHEREAS, the West Virginia State Legislature authorized
municipalities to impose a hotel occupancy tax, and

WHEREAS, the following paragraph identifies the hotel
occupancy tax;

Sec. 12-80 Hotel/Motel Occupancy Tax

Upon every person engaging or continuing within this city in
the business of operating a hotel or motel for use or occupancy
there is hereby levied, and shall be collected a tax of three
percent of the consideration paid for the use or occupancy of a
hotel/motel room. The tax shall be imposed on the consumer and
shall be collected by the hotel/motel operator as part of the
consideration paid for the occupancy of a hotel/motel room.

Such consideration shall not include the amount of tax
imposed on the transaction under Article fifteen, Chapter eleven
of the Code of West Virginia or charges for meals, valet service,
room service, telephone service or other charges or consideration
not paid for use or occupancy of a hotel/motel room.

THEREFORE, BE IT ORDAINED the City Code be amended to read
as stated above.

MAY 17, 1988
FIRST READING

JUNE 10, 1988
SECOND READING

passed this 10th day of June, 1988.

ARDEN D. ASHLEY, MAYOR

JOAN C. MCCLANAHAN, RECORDER

PUBLIC HEARING

JUNE 2, 1988

The Public Hearing was called to order by City Recorder Joan C. McClanahan in Council Chambers at 6:30 p.m. Present was Councilman Charles Miller. Also present were Dane T. Miller, Henry Michaelson, Harry Tidd, Curtis Grant, F. B. Donohoe, and H. E. Martin. Absent were Mayor Arden D. Ashley, Councilman at Large Rusty Casto, Councilwoman at Large Mary Trout, Councilman at Large Olaf Walker, Councilman A. A. "Joe" Savilla, Councilman Bob Evans, Councilman Jim Hutchinson and City Attorney Phillip D. Gaujot.

City Recorder Joan McClanahan explained that this meeting was properly advertised regarding the petition from freeholders who hold property on Erwin's Drive to dedicate Erwin's Drive into the City of Nitro. The petition was signed by the majority of the freeholders on Erwin's Drive, and a certified letter was mailed to F. B. Donohoe, H. E. Martin and Charlton Osborne notifying the property owners that did not sign the petition of this scheduled hearing.

Mr. Martin said that he was basically concerned what would happen if the City did accept the dedication. He said the majority of the people desired the dedication of the street so that the City would maintain it, and asked if this would happen or would the City elect to put in a new street and access the land owners. Councilman Miller informed that once the City takes the street into the system, they won't dig it up and access the property owners. It would be handled as any other street within the City. Councilman Miller asked if the City's garbage trucks use the street, and was informed that they do. City Recorder Joan McClanahan added the fire trucks and police cruisers also would use the street if needed. Councilman Miller advised that the funds received from the dog track will be used primarily for the streets. Mr. Martin informed that he didn't drive out Erwin's Drive as his property faces Kapok Street, but he stated that he knew that if the City desired, they could obtain 3 bidders and have the street paved and access the land owners for the amount of the bid. Councilman Miller answered that he didn't think this would happen now. Mr. Martin said that DuPont Street was so bad that a car drags on it. Councilman Miller said that this street was in his ward, and he has been trying to get this street repaired for four years, but the City didn't have the money. City Recorder Joan McClanahan said that Councilman Miller was correct and she was sure the residents were aware of the money situation. She said we were lucky to have been able to do some patching that was done. City Recorder Joan McClanahan informed that in the beginning, it might be just a question of getting the largest potholes taken care of, but she would like to think, if the street is dedicated and accepted, would fall under

the same schedule and at some point, it would be paved as we hope to do all the streets. She added that they were speaking for themselves at this time because after July 1, 1988, they may be addressing a new body. She said that she agreed with Councilman Miller that the majority of the money received from the dog track should go to the streets, because there isn't a street in Nitro that doesn't need fixed. City Recorder Joan McClanahan said that with regard to accessing the property owners for paving or repairing the streets, she would oppose this one hundred percent, because we now have money that we didn't have. City Recorder Joan McClanahan and Councilman Charles Miller wanted the residents to be aware that they were only speaking for themselves.

Mr. Martin asked if the City would be accepting the street as indicated on the map. City Recorder Joan McClanahan said that according to the map it would be from Benamati to the river, and Mr. Michelson said that it couldn't be because this was his property. Councilman Miller asked Mr. Michelson if there was a right-of-way through his property to the river and Mr. Michelson answered that there wasn't.

Mr. Martin said that he just purchased property on this street within the last three months and had a title search and a survey by an engineer, and the engineer assured him that the right-of-way (the old Jeffries right-of-way) is on the record books as going from Benamati to the river and it has been that way for a hundred years. City Recorder Joan McClanahan asked if this was as a right-of-way, and Mr. Martin answered yes. She asked Mr. Michaelson if he thought this was wrong, and he did. Mr. Michaelson said that his house was sitting on the right-of-way then before he tore it down. City Recorder Joan McClanahan informed that as suggested by our City Attorney Phillip Gaujot the residents of Erwin's Drive should obtain the services of an attorney to resolve any questions and clarify the legal aspects as did the residents on Martin's Court. Mr. Martin said that the attorney that searched his title said that there was a right-of-way through Mr. Michelson's property. However, he said that he didn't care where it ended, but Mr. Donohoe owns property on the other side and if there wasn't a right-of-way, then he couldn't come down Erwin's Drive. Councilman Miller suggested they contact an attorney and then have their attorney contact our City Attorney Phillip Gaujot.

Mr. Dane T. Miller said that it was his understanding at the last meeting that the City was going to get a surveyor. Councilman Miller asked Mr. Miller who informed him of this, and he didn't know but someone advised that they would send a surveyor to determine exactly where the right-of-way was. Mr. Donahoe said that he saw a surveyor there, but he didn't know how much they surveyed. Councilman Miller and City Recorder Joan McClanahan responded that they were not aware of this. There was a discussion among the residents as to whether it was before or after the first meeting.

Mr. Donohoe asked the width of the street, and Mr. Miller said that the existing street pavement width was around 8 to 10 feet. Mr. Miller informed that at the time people started purchasing property, Mrs. Erwin owned the property where Mr. Grant lives now, and she owned all the property behind her up to the property of Mr. Michaelson. She granted an additional 5 feet to widen the right-of-way.

Mr. Martin informed that Don Cunningham surveyed his property and Attorney Michaels searched the title on the property and came up with the 5 feet Mrs. Erwin had granted and the old Jeffries right-of-way that went from Benamati to the river and furnished the number of the deed book in which it was recorded. However, he did not bring a copy to the meeting as he didn't feel it to be necessary. Mr. Martin said that the City had a copy, but he would furnish another one.

Mr. Miller said that they just started off asking to have a few potholes patched and because it was a private street, the City said that they might get in a situation if they brought any asphalt up there and patched any potholes. Mr. Miller informed that he approached a Councilman about the situation and asked how could they go about getting the potholes patched, and was instructed to obtain a petition to have the street dedicated. He said that if they could have gotten a half ton of asphalt and a roller, then there wouldn't have been a need for meetings.

Mr. Tidd informed that he and Mr. Grant lived on corner lots facing Benamati Street and Erwin's Drive. He asked if something would occur on Benamati Street, would they be liable for that and Erwin's Drive as to any indebtedness. City Recorder Joan McClanahan asked if he was referring to the paving of the streets, and he answered that he was. She answered that she had the same concern as she lived on the corner of 28th Street and 2nd Ave. City Recorder Joan McClanahan and Mr. Kidd were informed that they would be responsible for both streets.

City Recorder Joan McClanahan advised that no action can be taken tonight, and there are obviously a lot of questions that need to be answered and feel the residents need an attorney to ascertain the width and length of the right-of-way. She stated that she wasn't getting a definite feeling as to whether the residents wanted to be dedicated into the City.

Mr. Tidd commented that if there had been two or three wheelbarrows brought up to Erwin's Drive, he feels the men living there would have rolled it. He said that he thinks this was done under the other administration without any question. He said the garbage trucks and city vehicles use the street and they are heavy and it wouldn't have taken over two or three wheelbarrows to patch the holes. A resident commented that Mr. Rusnek has potholes in front of a driveway between 8 inches to a foot deep.

Mr. Miller said that when he first moved to Erwin's Drive they lived with the dust for about a year and then a Mr. Hatcher moved in. He was a masonry contractor and suggested they get the street paved. Mr. Miller said that Mr. Herb Fitzsimmons, a candidate for Mayor, had a paving business at that time. They contacted Mr. Fitzsimmons for a quote. Then they notified all the neighbors and they accepted the amount. He said that Mrs. Erwin and another elderly lady couldn't afford their portion, so their part was divided and paid by the residents and the street was paved. He said that it probably didn't meet engineering specifications, but it kept the dust out of the front door. He informed that another question that wasn't clear was whether or not it was a private road. He said they started at one time to post it as a private road, but they were advised against it. Mr. Miller said that they couldn't get a street light from the City of Nitro. They contacted Appalachian Power Company and the neighborhood went together and had a street light installed. Mr. Miller said that he paid the bill once a year and the neighbors would always bring their share to him. He said that around six or seven years ago, they contacted the Councilman of their ward, and he presented the request to Council to have the City to assume the street light and they did. He said the residents appreciated this and thought it was extremely generous, but they would very much like to have the potholes fixed. Mr. Miller said that he was speaking for the majority of the residents. He said that even if they have to fix the holes, it was going to have to be done. Mr. Tidd said that there was a pothole beside of his house that in the winter, the side of his house is plastered with dirty water.

City Recorder Joan McClanahan stated that the potholes should be filled, and she didn't feel the residents were asking too much. Councilman Miller agreed and said that we have to make the street passable for the use of city vehicles. City Recorder Joan McClanahan added for ambulances also.

City Recorder Joan McClanahan told the residents present that if they desired to proceed with the request of the petition then suggested for their sake and ours, that they get an attorney. She said that we need to know what the residents as a group wants to do. She said that she would like to think that Councilman Miller and she could at least insure the filling of the potholes.

Mr. Tidd said that they are not a group that wanted to complain, and that he has lived there for four years and there are some of the nicest people that he has ever dealt with living in this area. He said that they live in the community, and it makes you wonder why they couldn't get 2 or 3 wheelbarrows to fill the potholes when City trucks use this drive. Mr. Tidd said that he spoke with the Councilman of their ward about a year ago, and was informed that he couldn't do anything until he spoke with the City Attorney.

City Recorder Joan McClanahan told the residents to proceed with the petition as they see fit, and said that she feels we definitely need to make sure our vehicles are able to pass on that street.

Mr. Miller said that he was just speaking for himself, but if we could get the City to maintain the street so that it is passable then he wouldn't care one way or the other if the street is taken into the City. City Recorder Joan McClanahan said that they can't speak on an agreement, but as far as highly suggesting that the road be maintained so that our vehicles can get through there, she and Councilman Miller could do that.

City Recorder Joan McClanahan told the residents that she and Councilman Miller would do whatever they could about getting the potholes filled and she may be calling on them for moral support. She informed that we will make sure that our vehicles can travel on the street, and if they would happen to need an ambulance, that they don't get hung up in a pothole.

There being no other comments or questions, the meeting was adjourned at 7:00 a.m.

ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan

JOAN C. MCCLANAHAN, RECORDER

BOARD OF CANVASSERS

MUNICIPAL ELECTION, JUNE 7, 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 Municipal Election held in said Counties; in each Precinct thereof, on the 7th day of June, 1988, do certify the results of the Municipal Election to be official.

BOARD OF CANVASSERS

Arden D. Ashley
ARDEN D. ASHLEY, MAYOR

Joan C. McClanahan
JOAN MCCLANAHAN, RECORDER

Rusty Casto
RUSTY CASTO, COUNCILMAN AT LARGE

Mary Trout
MARY TROUT, COUNCILWOMAN AT LARGE

Olaf Walker
OLAF WALKER, COUNCILMAN AT LARGE

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

Bob Evans
BOB EVANS, COUNCILMAN

Charles Miller
CHARLES MILLER, COUNCILMAN

Jim Hutchinson
JIM HUTCHINSON, COUNCILMAN

ELECTION RESULTS - ALL PRECINCTSMAYOR

CHARLES MILLER
W. W. ALEXANDER
DONALD BOGGS
HERB FITZSIMMONS
C. PAUL MCCALLISTER
DON KARNES

337 + 3 = 340
378
277
299
96
583

RECORDER

JOAN C. MCCLANAHAN
JOHN (JACK) HILL

950 + 2 = 952
998 + 1 = 999

COUNCIL AT LARGE

DAVID CASEBOLT
HERBERT G. SIBLEY
MARY TROUT
BRENDA PRITT SMITH
OLAF K. WALKER
LARRY KALLMERTEN
BOB SMITH
RUSTY CASTO

613 + 2 = 615
638 + 2 = 640
595
230
461 + 1 = 462
289 + 1 = 290
467 + 1 = 468
1218 + 2 = 1220

COUNCIL WARD I

BETTY RUSSELL
RICHARD SAVILLA
ROBERT D. YOUNG
PAUL D. STROHL

69
121
215
28

COUNCIL WARD II

BOB EVANS
BETTY JO BOGGESS
TIMOTHY SIZEMORE

155
237
100

COUNCIL WARD III

GEORGE ATKINS
DAVE JONES
CHARLOTTE MATTHEWS
IVAN MEADOWS

209 + 1 = 210
159 + 1 = 160
83 + 1 = 84
78

COUNCIL WARD IV

JAMES E. HUTCHINSON
HERMAN BAKER
MARK E. SANDERS, SR.

174
158
109

Bess Stahl
BESS STAHL, BALLOT COMMISSIONER

Guy R. Cassell
GUY R. CASSELL, BALLOT COMMISSIONER

Joan C. McClanahan
JOAN C. MCCLANAHAN, CITY RECORDER

PRECINCT 22MAYOR

CHARLES MILLER

74

W. W. ALEXANDER

48

DONALD BOGGS

61

HERB FITZSIMMONS

24

C. PAUL MCCALLISTER

0

DON KARNES

66

RECORDER

JOAN C. MCCLANAHAN

157

JOHN (JACK) HILL

93

COUNCIL AT LARGE

DAVID CASEBOLT

75

HERBERT G. SIBLEY

55

MARY TROUT

84

BRENDA PRITT SMITH

29

OLAF K. WALKER

105

LARRY KALLMERTEN

50

BOB SMITH

39

RUSTY CASTO

184

COUNCIL WARD I

BETTY RUSSELL

69

RICHARD SAVILLA

117

ROBERT D. YOUNG

21

PAUL D. STROHL

280

JOAN C. MCCLANAHAN

GUY R. CASSELL

BESS STAHL

PRECINCT 23MAYOR

CHARLES MILLER

2

W. W. ALEXANDER

1

DONALD BOGGS

0

HERB FITZSIMMONS

1

C. PAUL MCCALLISTER

0

DON KARNES

1RECORDER

JOAN C. MCCLANAHAN

1

JOHN (JACK) HILL

4COUNCIL AT LARGE

DAVID CASEBOLT

2

HERBERT G. SIBLEY

2

MARY TROUT

3

BRENDA PRITT SMITH

1

OLAF K. WALKER

0

LARRY KALLMERTEN

2

BOB SMITH

3

RUSTY CASTO

2COUNCIL WARD I

BETTY RUSSELL

0

RICHARD SAVILLA

1

ROBERT D. YOUNG

4

PAUL D. STROHL

0

JOAN C. MCCLANAHAN

GUY R. CASSELL

BESS STAHL

PRECINCT 401MAYOR

CHARLES MILLER

28

W. W. ALEXANDER

18

DONALD BOGGS

9

HERB FITZSIMMONS

10

C. PAUL MCCALLISTER

6

DON KARNES

125RECORDER

JOAN C. MCCLANAHAN

89

JOHN (JACK) HILL

104COUNCIL AT LARGE

DAVID CASEBOLT

105

HERBERT G. SIBLEY

54

MARY TROUT

53

BRENDA PRITT SMITH

21

OLAF K. WALKER

72

LARRY KALLMERTEN

36

BOB SMITH

31

RUSTY CASTO

101COUNCIL WARD I

BETTY RUSSELL

0

RICHARD SAVILLA

3

ROBERT D. YOUNG

190

PAUL D. STROHL

Joan C. McClanahan
JOAN C. MCCLANAHANGuy R. Cassell
GUY R. CASSELLBess Stahl
BESS STAHL

write in:
Mayor - Claf Walker - 1
Council at Large - Howard Withrow 1

PRECINCT 402

MAYOR

CHARLES MILLER	<u>40</u>
W. W. ALEXANDER	<u>56</u>
DONALD BOGGS	<u>15</u>
HERB FITZSIMMONS	<u>30</u>
C. PAUL MCCALLISTER	<u>19</u>
DON KARNES	<u>65</u>

RECORDER

JOAN C. MCCLANAHAN	<u>100</u>
JOHN (JACK) HILL	<u>118</u>

COUNCIL AT LARGE

DAVID CASEBOLT	<u>56</u>
HERBERT G. SIBLEY	<u>99</u>
MARY TROUT	<u>72</u>
BRENDA PRITT SMITH	<u>44</u>
CLAF K. WALKER	<u>103</u>
LARRY KALLMERTEN	<u>39</u>
BOB SMITH	<u>36</u>
RUSTY CASTO	<u>122</u>

COUNCIL WARD II

BOB EVANS	<u>61</u>
BETTY JO BOGGESS	<u>95</u>
TIMOTHY SIZEMORE	<u>42</u>

Joan C. McClanahan
JOAN C. MCCLANAHAN

Guy R. Cassell
GUY R. CASSELL

Bess Stahl
BESS STAHL

PRECINCT 403MAYOR

CHARLES MILLER

55

W. W. ALEXANDER

86

DONALD BOGGS

35

HERB FITZSIMMONS

42

C. PAUL MCCALLISTER

11

DON KARNES

77

RECORDER

JOAN C. MCCLANAHAN

171

JOHN (JACK) HILL

155

COUNCIL AT LARGE

DAVID CASEBOLT

123

HERBERT G. SIBLEY

111

MARY TROUT

125

BRENDA PRITT SMITH

31

CLAF K. WALKER

143

LARRY KALLMERTEN

34

BOB SMITH

44

RUSTY CASTO

202

COUNCIL WARD II

BOB EVANS

94

BETTY JO BOGGESS

142

TIMOTHY SIZEMORE

58

Joan C. McClanahan
 JOAN C. MCCLANAHAN

Guy R. Cassell
 GUY R. CASSELL

Bess Stahl
 BESS STAHL

Write In:
MAYOR - Howard Withrow - 1
JACK Hill - 1
Council-Ward III - Jim Hutchinson - 1

PRECINCT 406

MAYOR

CHARLES MILLER	<u>63 + 3 = 66</u>
W. W. ALEXANDER	<u>62</u>
DONALD BOGGS	<u>34</u>
HERB FITZSIMMONS	<u>34</u>
C. PAUL MCCALLISTER	<u>11</u>
DON KARNES	<u>50</u>

RECORDER

JOAN C. MCCLANAHAN	<u>97 + 2 = 99</u>
JOHN (JACK) HILL	<u>159 + 7 = 166</u>

COUNCIL AT LARGE

DAVID CASEBOLT	<u>97 + 2 = 99</u>
HERBERT G. SIBLEY	<u>143 + 2 = 145</u>
MARY TROUT	<u>63</u>
BRENDA PRITT SMITH	<u>25</u>
OLAF K. WALKER	<u>146 + 1 = 147</u>
LARRY KALLMERTEN	<u>29 + 1 = 30</u>
BOB SMITH	<u>32 + 1 = 33</u>
RUSTY CASTO	<u>144 + 2 = 146</u>

COUNCIL WARD III

GEORGE ATKINS	<u>75 + 1 = 76</u>
DAVE JONES	<u>116 + 1 = 117</u>
CHARLOTTE MATTHEWS	<u>29 + 1 = 30</u>

IVAN Meadows

Joan C. McClanahan

30
Guy R. Cassell

Bess Stahl
BESS STAHL

PRECINCT 408MAYOR

CHARLES MILLER

40

W. W. ALEXANDER

51

DONALD BOGGS

66

HERB FITZSIMMONS

62

C. PAUL MCCALLISTER

15

DON KARNES

63RECORDER

JOAN C. MCCLANAHAN

134

JOHN (JACK) HILL

165COUNCIL AT LARGE

DAVID CASEBOLT

132

HERBERT G. SIBLEY

68

MARY TROUT

65

BRENDA PRITT SMITH

23

CLAF K. WALKER

97

LARRY KALLMERTEN

41

BOB SMITH

154

RUSTY CASTO

184COUNCIL WARD III

GEORGE ATKINS

134

DAVE JONES

43

CHARLOTTE MATTHEWS

54

IVAN MEADOWS

48

JOAN C. MCCLANAHAN

GUY R. CASSELL

BESS STAHL

PRECINCT 409MAYOR

CHARLES MILLER

48

W. W. ALEXANDER

35

DONALD BOGGS

36

HERB FITZSIMMONS

60

C. PAUL MCCALLISTER

27

DON KARNES

97

RECORDER

JOAN C. MCCLANAHAN

151

JOHN (JACK) HILL

145

COUNCIL AT LARGE

DAVID CASEBOLT

148

HERBERT G. SIBLEY

75

MARY TROUT

69

BRENDA PRITT SMITH

31

OLAF K. WALKER

126

LARRY KALLMERTEN

40

BOB SMITH

103

RUSTY CASTO

171

COUNCIL WARD IV

JAMES E. HUTCHINSON

142

HERMAN BAKER

115

MARK E. SANDERS, SR.

38

Joan C. McClanahan
 JOAN C. MCCLANAHAN

Guy R. Cassell
 GUY R. CASSELL

Bess Stahl
 BESS STAHL

PRECINCT 411MAYOR

CHARLES MILLER

17

W. W. ALEXANDER

21

DONALD BOGGS

21

HERB FITZSIMMONS

46

C. PAUL MCCALLISTER

7

DON KARNES

39

RECORDER

JOAN C. MCCLANAHAN

80

JOHN (JACK) HILL

65

COUNCIL AT LARGE

DAVID CASEBOLT

65

HERBERT G. SIBLEY

31

MARY TROUT

61

BRENDA PRITT SMITH

25

OLAF K. WALKER

69

LARRY KALLMERTEN

18

BOB SMITH

25

RUSTY CASTO

98

COUNCIL WARD IV

JAMES E. HUTCHINSON

32

HERMAN BAKER

43

MARK E. SANDERS, SR.

71

Joan C. McClanahan
 JOAN C. MCCLANAHAN

Guy R. Cassell
 GUY R. CASSELL

Bess Stahl
 BESS STAHL



NITRO, WEST VIRGINIA 25143
(304) 755-0701

ART ASHLEY
MAYOR

June 9, 1988

Mayor Arden D. Ashley
and Members of Council
City Hall
Nitro, WV 25143

Re: Letter of Resignation and My Report on
the Fire Civil Service Commissioner's
Report on Attempts to Fill Vacancies
in the Fire Department

Dear Mayor Ashley & Members of Council:

please accept this as my notice of resignation from the Fire
Civil Service Commission and my report.

A great deal of misinformation has been recently
disseminated across the City concerning the long delay in
replacing the fire chief and filling a second vacancy for
probationary fireman. This information coincides with the just
completed City election. It further appeared to originate from
the Fire Department.

When Chief Ernest Hedrick took retirement from the
department and resigned as Chief, it appeared that he would be
quickly be replaced by Captain Stover. I recall that was your
preference and I'm sure the Fire Civil Service Commission would
have been pleased to have declared him the only eligible
candidate for promotion to the position in accordance with Civil
Service Law. However, Captain Stover declined the position
because firefighting is his secondary job and he would have been
required to have given up his other employment.

(Let me make note that under Civil Service Law,
firefighters have the specific authority to select their working
schedule, and the Nitro firefighters have chosen to work one day
on and have the next two days off. As a result, most of them
have other employment.)

From this point, the Civil Service Law, which leaves much to
interpretation, states, in part, that promotion must be made from
the next lower rank to those who have two years in that grade.
Therefore, the only individual eligible for promotion to the rank
of Chief in the Fire Department by those terms would have been

Mayor Arden D. Ashley & Members of Council
June 9, 1988
Page 2

Captain Stover. The next rank would have been Lt. Faulknier who had taken a medical disability after injuring his knee in a diving accident, thus removing him from consideration. The next available individuals for consideration would have been Sergeants Hardman and Hedrick if you would go by rank. With the law prohibiting their promotion, the debate that ensued dealt with whether or not the City was required or permitted to consider candidates from outside the department, given that no one in the department appeared to be qualified to move into the Chief's position.

As an attempt was made to reconcile the differences by representatives from your office, the Fire Department and the Commission, time continued to move on. It was at about this juncture that the Fire Department obtained the services of an attorney and indicated their intention to file suit if the Commission proceeded with its stated plans to conduct an open test.

In a meeting in which the three sides were represented, you recommended that the attorneys for the three sides arrive at a consensus and that it should be binding upon the other parties. Just getting the three attorneys together has been a monumental chore, but that effort has now broken down and we have a new list of demands being submitted by the Fire Department personnel with a new set of regulations because they object to the manner in which the Civil Service Commission is planning to grade the applicants.

The City Council is now being asked to adopt new regulations, and the Commission is being asked to abdicate its responsibilities by the Fire Department personnel. I cannot know what your attorney will advise you, but the Commission is having a problem reconciling its differences with the firemen and our frustrations have grown to a level that both Commissioner Mellert and I will regretfully resign our post. We certainly want to do what's right as members of the Commission, and would like to resolve this problem rather than leave it to others, but the lack of appreciation for our efforts on behalf of the firemen and the threat and prospect of being sued has made getting out of this job as President of the Commission a lot more attractive than staying.

Mayor Arden D. Ashley & Members of Council
June 9, 1988
Page 3

In summary, I would like to register the personal opinion that this matter will probably have to be resolved in a court of law..

Sincerely,



William Harris, President
Fire Civil Service Commission

WH/pa

ORDINANCE NO. _____ ADOPTED BY COUNCIL: _____

INTRODUCED IN COUNCIL: June 10, 1988

AN AMENDED ORDINANCE ABANDONING, VACATING, CLOSING AND DISCONTINUING A PART OF THAT CERTAIN STREET DESIGNATED AS MICHIGAN AVENUE, A PART OF THAT CERTAIN 10' ALLEYWAY AND A PART OF THAT CERTAIN STREET DESIGNATED AS WALLACE STREET IN OR ADJACENT TO BLOCK "A", SECTION ONE, EAST CRAWFORD ADDITION, AND BLOCK "F", SUNBRIGHT ADDITION, CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA

WHEREAS, the subject property of the proposed ordinance to be permanently abandoned, vacated, closed and discontinued is shown upon a certain map or plat, entitled "MAP SHOWING TRACTS 'A', 'B' and 'C' LOCATED IN THE CITY OF NITRO, KANAWHA COUNTY, WV THRU PROPERTIES OWNED BY JERRY L. GOLDBERG TO BE ABANDONED AND VACATED BY THE CITY OF NITRO", dated June 7, 1988, prepared by David E. Thomas, L.L.S., which map is attached hereto and made a part hereof, the subject of this Ordinance is designated thereon as Tracts "A", "B" and "C" and highlighted in yellow; and,

WHEREAS, by map of East Crawford Addition, now within the municipal city limits of the City of Nitro, recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 6, at Page 63, there is laid down and shown a certain street designated as "Michigan Avenue", forty (40) feet wide, running in an easterly-westerly direction, a portion of which is approximately 383 feet in distance, containing 0.371 acre (15,825 square feet), which portion lies

parallel to what is now First Avenue (also known as W. Va. State Route No. 25), and adjoins the northerly right of way line of Consolidated Rail Corporation (formerly K & M Railroad), and adjoins the southerly line of certain lots known as Lots 38 thru 52, inclusive, of Block F, Sunbright Addition, and further adjoins a portion of Wallace Street; and designated as "Tract A" upon the map attached to this Ordinance; and,

WHEREAS, there is also laid down and shown upon said map of East Crawford Addition that certain ten (10) foot wide alleyway which runs in an easterly-westerly direction, a portion of which is approximately 365 feet in distance, and contains 0.084 acre (3,646 square feet), and is parallel to First Avenue (also known as WV State Route No. 25), which portion of said alleyway is located and extends between Wallace Street and the easterly line (extended) of Lot 37 of Block F, East Crawford Addition, and which portion of said alleyway further adjoins the southerly line of Lots Nos. 12 thru 26, inclusive, of Block F, Sunbright Addition, and the northerly line of Lots Nos. 38 thru 52, inclusive, of Block F, Sunbright Addition, and designated as "Tract B" upon the map attached to this Ordinance; and,

WHEREAS, there is also laid down and shown upon the map of East Crawford Addition that certain street designated as "Wallace Street", running in a northerly-southerly direction, a portion of which is rectangular in shape and approximately 130 feet in length and 40 feet in width and contains 0.120 acre (5,170 square

feet), and is located between Michigan Avenue and First Avenue (also known as W. Va. State Route No. 25), and designated as "Tract C" upon the map attached to this Ordinance; and,

WHEREAS, some question has arisen as to whether there has ever been a complete dedication as public streets or alleyway of that portion of Michigan Avenue, that portion of the 10-foot alleyway and that portion of Wallace Street as shown on said map of East Crawford Addition, inasmuch as neither the City of Nitro, nor its unincorporated predecessor, the Town of Nitro, has ever accepted this property by any municipal order or action since the recordation of said Map of East Crawford Addition which recordation may be construed as an offer of dedication, nor has the City of Nitro, or its predecessor, ever exercised any act of ownership or dominion and control over these streets and alleyway by way of maintaining, repairing, or paving them;

WHEREAS, it is in the interest of the public at large, including the citizenry of the City of Nitro, to avoid any possible responsibility or liability on the part of said City to maintain, repair, or pave said streets or alleyway in the future; further, no person owning property in the City of Nitro will be deprived of ingress and egress to and from any property owned by him in the event said streets and alleyway are closed, vacated, discontinued, abandoned and disclaimed as public streets and alleyway; and since such streets and alleyway have never been required for public use, Council desires to close, vacate and

discontinue such as public streets and alleyway, should there have ever been any question that such property was used as public streets or alleyway; and, further, Council desires to abandon and disclaim any right or title of the City of Nitro in and to said streets, known as a portion of Michigan Avenue, and that certain portion of the 10-foot alleyway, and that certain portion of Wallace Street, for use by said City of Nitro, its citizens, and the public at large to go upon, use or claim any right or title thereto as streets or alleyway; and,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO:

1. That this Council hereby permanently vacate, close, discontinue, and abandon as public streets and alleyway, for pedestrian or vehicular traffic, or any other public use or purpose, the property hereinabove specifically referred to in the Petition dated June 8, 1988, and further shown highlighted in yellow upon the attached map and designated as "Michigan Avenue", forty (40) feet wide, running in an easterly-westerly direction, a portion of which is approximately 383 feet in distance, containing 0.371 acre (15,825 square feet), which portion lies parallel to what is now First Avenue (also known as W. Va. State Route No. 25), and adjoins the northerly right of way line of Consolidated Rail Corporation (formerly K & M Railroad), and adjoins the southerly line of certain lots known as Lots 38 thru 52, inclusive, of Block F, Sunbright Addition, and further adjoins a portion of Wallace Street; and designated as "Tract A"

upon the map attached to this Ordinance; and,

2. That this Council does hereby permanently vacate, close, discontinue and abandon that certain ten (10) foot wide alleyway which runs in an easterly-westerly direction, a portion of which is approximately 365 feet in distance, and contains 0.084 acre (3,646 square feet), and is parallel to First Avenue (also known as WV State Route No. 25), which portion of said alleyway is located and extends between Wallace Street and the easterly line (extended) of Lot 37 of Block F, East Crawford Addition, and which portion of said alleyway further adjoins the southerly line of Lots Nos. 12 thru 26, inclusive, of Block F, Sunbright Addition, and the northerly line of Lots Nos. 38 thru 52, inclusive, of Block F, Sunbright Addition, and designated as "Tract B" upon the map attached to this Ordinance; and,

3. That this Council does hereby permanently vacate, close, discontinue and abandon that certain street designated as "Wallace Street", running in a northerly-southerly direction, a portion of which is rectangular in shape and approximately 130 feet in length and 40 feet in width and contains 0.120 acre (5,170 square feet), and is located between Michigan Avenue and First Avenue (also known as W. Va. State Route No. 25), and designated as "Tract C" upon the map attached to this Ordinance; and,

4. And further, this Council acknowledges that the portion of said 10-foot alleyway and those portions of said

streets known as Michigan Avenue and Wallace Street were never accepted by the City of Nitro.

Passed by the Council and approved by the Mayor this _____ day of _____, 1988.

Mayor

Recorder

ORDINANCE NO. _____ ADOPTED BY COUNCIL: _____

INTRODUCED IN COUNCIL: June 10, 1988

AN ORDINANCE ABANDONING, VACATING, CLOSING AND DISCONTINUING
A PART OF THAT CERTAIN 10' ALLEYWAY AND PART OF KANAWHA AVENUE
LOCATED BETWEEN OWEN STREET AND FIRST STREET, AND PART OF
THAT CERTAIN STREET DESIGNATED AS WALLACE STREET LOCATED
BETWEEN THE RAILWAY AND KANAWHA RIVER, CITY OF NITRO,
KANAWHA COUNTY, WEST VIRGINIA.

WHEREAS, as shown upon a certain map or plat, entitled "MAP
SHOWING TRACTS 'A', 'B' AND 'C' LOCATED IN THE CITY OF NITRO,
KANAWHA COUNTY, WV THRU PROPERTIES OWNED BY THE ESTATE OF JEROME
GOLDBERG TO BE ABANDONED AND VACATED BY THE CITY OF NITRO", dated
June 7, 1988, prepared by David E. Thomas, L.L.S., which map is
attached hereto and made a part hereof, the property subject of
this Ordinance is designated thereon as Tracts "A", "B" and "C"
and highlighted in red; and,

WHEREAS, there is laid down and shown upon a map of East
Crawford Addition recorded in the Office of the Clerk of the
County Commission of Kanawha County, West Virginia, in Map Book
6, at Page 63, an alleyway ten (10) feet wide, running in an
easterly-westerly direction, a portion of which is approximately
1,363 feet in distance, and contains 0.319 acre (13,896 square
feet), and is parallel to and adjoins the southerly line of the
railway, and located between First Street and Owen Street, which
portion of said alleyway adjoins the northerly line of the
following lots and street: (1) Lots Nos. 1 thru 26, inclusive,

of Block "E", Sunbright Addition, (2) Wallace Street; and (3) Lots Nos. 1 thru 27, inclusive, of Block "B", Section One, East Crawford Addition, and which portion of said alleyway is designated as "Tract A" upon the map attached to this Ordinance; and,

WHEREAS, there is also laid down and shown upon said recorded map of East Crawford Addition a portion of that certain street designated as "Kanawha Avenue", forty (40) feet wide, running in an easterly-westerly direction, approximately 1,390 feet in distance and containing 1.280 acres (55,757 square feet) and adjoining the southerly line of the following lots and street: (1) Lots Nos. 1 thru 26, inclusive, of Block E, Sunbright Addition, and (2) Wallace Street, and (3) Lots 1 thru 27, inclusive, of Block B, Section One, East Crawford Addition; and also adjoining the northerly line of the following lots: (1) Lots Nos. 1 thru 28, inclusive, of Block D, Sunbright Addition, and (2) Lots Nos. 1 thru 28, inclusive, of Block C, Section One, East Crawford Addition, and which portion of said Kanawha Avenue is designated as "TRACT B" upon the map attached to this Ordinance; and,

WHEREAS, there is also laid down and shown upon the map of East Crawford Addition a portion of that certain street designated as "Wallace Street" running in a northerly-southerly direction, which portion is 104 feet in length and 40 feet in width, and containing 0.092 acre (4,160 square feet), and which

portion lies between the aforesaid ten foot alleyway and Kanawha Avenue, and which portion of said Wallace Street is designated as "TRACT C" upon the map attached to this Ordinance; and,

WHEREAS, some question has arisen as to whether there has ever been a complete dedication, as public streets or alleyways of said 10-foot alleyway, said portion of Kanawha Avenue, and that certain portion of Wallace Street as shown on said map of East Crawford, inasmuch as neither the City of Nitro, nor its unincorporated predecessor, the Town of Nitro, has ever accepted this property by any municipal order or action since the recordation of said Map of East Crawford, which recordation may be construed as an offer of dedication; nor has the City of Nitro, or its predecessor, ever exercised any act of ownership or dominion and control over these streets and alleyway by way of maintaining, repairing, or paving them;

WHEREAS, it is in the interest of the public at large, including the citizenry of the City of Nitro, to avoid any possible responsibility or liability on the part of said City to maintain, repair, or pave said streets or alleyway in the future; further, no person owning property in the City of Nitro will be deprived of ingress and egress to and from any property owned by him in the event said streets and alleyway are closed, vacated, discontinued, abandoned and disclaimed as public streets and alleyway; and since such streets and alleyway have never been

required for public use, Council now desires to close, vacate and discontinue such as public streets and alleyway, should there have ever been any question that such property was used as public streets or alleyway; and, further, Council now desires to abandon and disclaim any right or title of the City of Nitro in and to said 10-foot alleyway and those portions of said streets, known as Kanawha Avenue, and Wallace Street, for use by said City of Nitro, its citizens, and the public at large to go upon, use or claim any right or title thereto as streets or alleyway; and, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO:

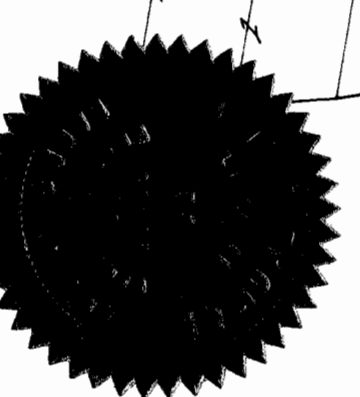
1. That this Council does hereby permanently vacate, close, discontinue, and abandon as public streets and alleyway, for pedestrian or vehicular traffic, or any other public use or purpose, the property hereinabove specifically referred to in the Petition dated June 8, 1988, and further shown highlighted in red upon the attached map and designated as an alleyway ten (10) feet wide, running in an easterly-westerly direction, a portion of which is approximately 1,363 feet in distance, and contains 0.319 acre (13,896 square feet), and is parallel to and adjoins the southerly line of the railway, and located between First Street and Owen Street, which portion of said alleyway adjoins the northerly line of the following lots and street: (1) Lots Nos. 1 thru 26, inclusive, of Block "E", Sunbright Addition, (2) Wallace Street; and (3) Lots Nos. 1 thru 27, inclusive, of Block "B", Section One, East Crawford Addition, and

which portion of said alleyway is designated as "Tract A" upon the map attached hereto; and,

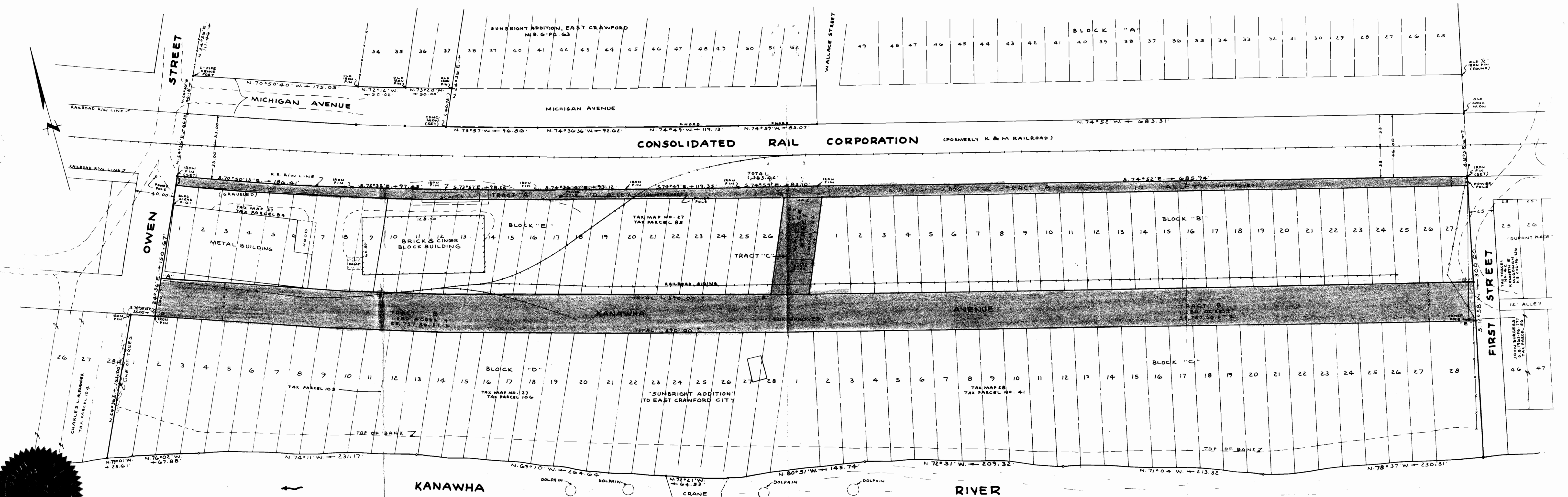
2. That this Council also does hereby permanently vacate, close, discontinue and abandon a portion of that certain street designated as "Kanawha Avenue", forty (40) feet wide, running in an easterly-westerly direction, approximately 1,390 feet in distance and containing 1.280 acres (55,757 square feet) and adjoining the southerly line of the following lots and street: (1) Lots Nos. 1 thru 26, inclusive, of Block E, Sunbright Addition, and (2) Wallace Street, and (3) Lots 1 thru 27, inclusive, of Block B, Section One, East Crawford Addition; and also adjoining the northerly line of the following lots: (1) Lots Nos. 1 thru 28, inclusive, of Block D, Sunbright Addition, and (2) Lots Nos. 1 thru 28, inclusive, of Block C, Section One, East Crawford Addition, and which portion of said Kanawha Avenue is designated as "TRACT B" upon the map attached hereto; and,

3. That this Council also does hereby permanently vacate, close, discontinue and abandon a portion of that certain street designated as "Wallace Street" running in a northerly-southerly direction, which portion is 104 feet in length and 40 feet in width, and containing 0.092 acre (4,160 square feet), and which portion lies between the aforesaid ten foot alleyway and Kanawha Avenue, and which portion of said Wallace Street is designated as "TRACT C" upon the map attached hereto.

4. And further, this Council acknowledges that the



David E. Higgins
LICENSED PROFESSIONAL SURVEYOR
WEST VIRGINIA LICENSE NO. 30



AREAS OF STREETS AND ALLEY
TO BE ABANDONED AND VACATED BY
THE CITY OF NITRO
TRACT "A" - 10' ALLEY - 0.319 ACRE
TRACT "B" - WALLACE STREET - 0.092 ACRE
TRACT "C" - KANAWHA AVENUE - 1.280 ACRE

SOURCE OF TITLE -
E. S. BOCK & LULU BOCK
TO
JEROME GOLDBERG
JUNE 11, 1948 D.B. 836/P. 324
ALL OF LOTS IN BLOCK "B" & "C"
SECTION ONE, EAST CRAWFORD
EASTLY 1/2 OF WALLACE STREET,
KANAWHA AVENUE EXTENDING FROM THE
MIDDLE OF WALLACE STREET IN AN
EASTLY DIRECTION TO EASTLY LINE OF
LOTS IN BLOCK "B" & "C"

SOURCE OF TITLE
F. L. SATTES & EATHERINE S. SATTES ETAL
TO
JEROME GOLDBERG
JAN. 18, 1948 D.B. 821/P. 107
LOTS 1-28 INCLUSIVE BLOCK "D" - SUNBRIGHT ADDITION
LOTS 1-28 INCLUSIVE BLOCK "E" - SUNBRIGHT ADDITION
LOTS 20, 21, 22, 23, 24, 25, 26, 46, 47, 48, 49, 50, 51 & 52
BLOCK "B" - SUNBRIGHT ADDITION
M.B. 6 - P. 63

MAP SHOWING
TRACTS "A", "B" & "C"
LOCATED IN THE CITY OF NITRO, KANAWHA COUNTY, WV
THRU PROPERTIES OWNED BY
THE ESTATE OF JEROME GOLDBERG
TO BE ABANDONED AND VACATED BY
THE CITY OF NITRO
SCALE: 1"=50' JUNE 7, 1988
FIELD SURVEYING CO., INC.
CHARLESTON, WV

61

portion of said 10-foot alleyway and those portions of said streets known as Kanawha Avenue and Wallace Street were never accepted by the City of Nitro.

Passed by the Council and approved by the Mayor this ____ day of _____, 1988.

Don Kamm
Mayor

Recorder

CITY OF NITRO
COUNCIL MEETING MINUTES

JUNE 21, 1988

The regular scheduled Council Meeting was called to order by City Recorder Joan C. McClanahan in Council Chambers at 7:30 p.m. Present were Councilman at Large Rusty Casto, 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. Absent were Mayor Arden D. Ashley and Councilwoman at Large Mary Trout.

There was a moment of silent meditation prior to the business at hand.

AGENDA ITEM NO. 1 - APPROVAL OF THE JUNE 10, 1988, COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the Council Meeting minutes of June 20, 1988 as written. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 2 - ORD. 88- TO ABANDON PART OF WALLACE STREET & MICHIGAN AVENUE - 2ND READING: - City Recorder Joan McClanahan read the title of the above mentioned proposed ordinance which constitutes the second reading of said ordinance. Councilman Joe Savilla moved we approve the second reading of the ordinance. The motion was seconded. Councilman at Large Olaf Walker inquired if anyone had contacted City Hall or any member of Council objecting to this. A gentlemen in the audience asked why would they want to oppose it, and City Recorder Joan McClanahan answered that the question was directed to the members of Council. Councilman Joe Savilla informed that the property in question was never a street or an alley way. Councilman at Large Olaf Walker asked a representative to report on this matter. Mr. Richard Hess, the attorney for Mr. Goldberg, advised that the property was on the maps of East Crawford Addition which was recorded in 1920. He said it was what they commonly refer to as a paper street, and they are asking the City to abandon this street in the sense of relieving them of the responsibility for ever opening it and any liability for any accidents that might occur. He informed that the law provides that the street, once it is abandoned, reverts to the abutting property owners. Mr. Hess advised that Mr. Goldberg plans to enlarge his building distance and needs to utilize those areas covered by the two streets and the alleyway, and that Mr. Goldberg was present this evening to address any questions. Mr. Hess referred to the map attached to the ordinance showing the area in question. Councilman at Large Olaf Walker said that as stated at the first reading of this ordinance that he was in favor of the abandonment

because he was on the Planning and Zoning Commission at the time of the constructing of the Dunbar Supply and Sash, and they have made a great improvement in this property over the years. Councilman Walker said that as Mr. Hess explained the property does go back to the adjacent or abutting property owners, and said that he thinks it would go back on tax rolls where now it is just laying there. Councilman Walker stated that whereas Dunbar Supply and Sash plan to expand, it will benefit the City of Nitro. Councilman Walker said that he was in favor of the ordinance on the first reading and is in favor of it on the second reading. Councilman Walker stated that he just wanted to make sure that there wasn't anyone present that had an objection to this, but hadn't had a chance to express their concern. There being no further discussion, a vote was taken and it was unanimous.

ORDINANCE 88-7 ATTACHED.

AGENDA ITEM NO. 3 - ORD. 88- TO ABANDON PART OF KANAWHA AVENUE (2ND READING): - City Recorder Joan McClanahan informed that this ordinance was approved on the first reading at the Council Meeting on June 21, and read the title which constitutes the second reading. Councilman Joe Savilla moved we approve the ordinance, and it was properly seconded. A vote was taken and it was unanimous and the ordinance was adopted.

ORDINANCE 88-8 ATTACHED.

AGENDA ITEM NO. 4 - REQUEST FROM THE WV (CAG) CITIZENS ACTION GROUP: - City Recorder Joan McClanahan read the request from Mr. Chuck Hanshaw, Staff Director of the CAG, seeking permission to contact the citizens of Nitro door-to-door beginning June 17, and completing by July 5, 1988, to inform them of the CAG activities and gain their support. Councilman at Large Rusty Casto moved permission be granted. The motion was seconded. Councilman Bob Evans asked if the organization had a representative present, and City Recorder Joan McClanahan stated that she has had no contact other than the letter of request. Councilman Bob Evans asked if there is a form that organizations such as this should complete. City Recorder Joan McClanahan answered that they should complete an application for a solicitation permit. Councilman Bob Evans moved this agenda item be tabled. The motion was seconded. A vote was taken and Councilman at Large Rusty Casto opposed this action. Councilman at Large Olaf Walker suggested that Mr. Hanshaw be notified and informed that he should comply with the regulations in filling out the proper form and resubmit his request. Councilman Walker said that he would also like for Mr. Hanshaw to present himself, and give a presentation of the information he will present to the citizens. Councilman at Large Rusty Casto asked if this would mean that all the requests we receive from now on that are not properly filled out will be automatically tabled. Councilman

Casto said that he sort of got the feeling that the reason behind this was because it wasn't political to do so. Councilman at Large Olaf Walker said that if we remembered, he was the one that brought it up before as he was familiar with CAG. He said that he thinks if they desire to solicit the citizens of Nitro, this City Government should know what they are going to be telling the citizens. Councilman Walker said that they should come in and fill out the proper application and then submit it to Council. He said that he would also like to see a budget and what they are going to do with the money, and feels this would be proper as this is not a charitable organization.

AGENDA ITEM NO. 5 - NITRO SANITARY BOARD APPOINTMENT: - City Recorder Joan McClanahan explained that this agenda item is an appointment to the Nitro Sanitary Board by Mayor Ashley. His appointment to fill the unexpired term of Mr. Morgan is William E. Harris, #4 Lakeview Drive. Councilman at Large Rusty Casto asked how long the term would last, and City Recorder Joan McClanahan informed that she telephoned Connie Stephens, General Manager of the Nitro Sanitary Board with the same question and she advised that she wasn't sure when the term would expire. Councilman Savilla commented that he didn't know the answer to the question but he did know Mr. Harris served 17 years on the Fire Civil Service Commission, and he had no problem recommending Mr. Harris to the Nitro Sanitary Board, and moved for the appointment of Mr. Harris. The motion was seconded. Councilman Walker questioned the number of members on the Board, and Councilman Casto answered three. A vote was taken to approve the Mayor's appointment of Mr. Harris to the Nitro Sanitary Board, and it was unanimous. Councilman at Large Rusty Casto said that he would like to have placed in the minutes the date of conclusion of Mr. Harris's term. City Recorder Joan McClanahan and Councilman at Large Olaf Walker agreed. Councilman Joe Savilla said that it should be brought up that there are a lot of vacancies that Mayor Ashley could have chosen to appoint, but he did not choose to do that and feels it is to his credit. However, Councilman Savilla said that this is one appointment that Mayor Ashley felt strongly about and that is the reason he made this recommendation. Councilman Savilla said that there are about 15 to 20 vacancies on Boards now that need to be filled by the new administration. Councilman at Large Rusty Casto moved that the City Recorder furnish the new administration with a list of the vacancies on the Boards. City Recorder Joan McClanahan told Councilman Casto that she agrees with him, and when the information is furnished to the Recorder, she would be happy to pass it along. Councilman Casto asked who had the information, and Councilman Savilla said that he would say the Mayor. Councilman Bob Evans commented that he feels the Mayor will furnish the new administration with all the pertinent information. Councilman Casto said that it would be of help if they knew what they needed. (Note: Taken from the Council Meeting Minutes of September 17, 1985, under agenda item #2. The

appointment of David Morgan to the Nitro Sanitary Board was unanimously approved, and he will fill the term of Mr. Jack Welton through March 4, 1988.

AGENDA ITEM NO. 6 - BUDGET REVISION: - City Recorder Joan McClanahan advised that this agenda item pertains to a revision in the budget and called upon the City Treasurer Ralph Allison for an explanation. City Treasurer Ralph Allison advised that we are required by the State Tax Department to submit any budget revisions for the year ending June 30, 1988 to be in the office of the State Tax Department by June 30, 1988 in order for them to make the appropriate notations. City Treasurer Ralph Allison furnished members of Council a copy of his recommendations of the revisions to the approved budget. City Treasurer Ralph Allison explained the recommended revisions and at the same time suggested to transfer the Communication Department to the Police Department. He advised that his reason for this is because of the memo dated June 17, 1988 from Mayor Ashley stating that the Communications Department is now under the Police Department. Councilman at Large Rusty Casto moved for the approval of the recommendations made by the City Treasurer Ralph Allison. The motion was seconded. Councilman at Large Olaf Walker questioned the amount of \$68,000 showing the sale of fixed assets, and asked if this was the gross amount and did not include the cost of moving the library or the building of the entry to the senior citizen's building. Mr. Allison informed that this amount was to come out of the \$68,000. Councilman Walker asked if he understood the correct amount for moving the library costing between \$30,000 and \$40,000 and Mr. Allison responded that this was correct. Councilman Walker asked if he knew how much the road or entry to the senior citizen's complex would cost, and Mr. Allison said that he did not at this moment. Councilman Walker said that he had a question with regards to moving the communication department under the police department, but he did not expect an answer. Councilman Walker said that if the current Mayor would have been in office for another four years, would this have been done. Mr. Allison responded that only the Mayor could answer that question. Councilman Bob Evans asked if the moving of the library wasn't already in the library budget under maintenance and Mr. Allison answered this was correct. Councilman Walker said that he knew it was in the budget for the moving of the library, but we got \$80,000 for the property, and out of the \$80,000 the City was to pay for the expense of moving the library. Also, the City was to pay for putting the entry road into the senior citizens complex. Councilman Walker said that at the last meeting, the Mayor said that we would realize some B & O Tax on the construction which was going to make the receipt around \$100,000. Councilman Walker said that this sounds alright, but the Mayor failed to mention that the City is going to continue to have cost rendering various City services to the complex for many years. He said the point he is making is that we didn't get that much out of the property. Councilman Evans

said when you ask a price for property, and then you say that you can purchase it for \$80,000 and he didn't know what else we could expect. He asked what other expenses are there, and asked if the road expense was in the budget? Councilman Walker informed that in 1986, we passed an ordinance saying that the City would build, at its expense, a roadway into the senior citizen's complex. Councilman Bob Evans asked Chief Cochran if there was a reason for putting the communication's department under the police, and Chief Cochran answered that when he was first employed with the City, under the City Code, the communication department was under the police department. Chief Cochran said that the Mayor then assigned the communication department under his supervision. Councilman Joe Savilla commented that he thinks the only reason it was re-assigned in the first place was the thought of going to 911. He said that the budget for the communication department was for only a 3 months period as we were scheduled to go with 911, but with the problems associated and related to 911, it was not done. Councilman Evans said that he thought it was a little late to be saying, let's do away with the communications department and just put it all in the police department. Councilman Savilla said that we are not saying we are doing away with the communication department, but just putting the communication department back with the police department. Councilman Evans said that we are doing away with the communications department, and the police department will be in charge of it. He said that he didn't have any problem with that, and it should have been done a long time ago, and he just hated doing it this late. A vote was taken to approve the budget revisions offered by our City Treasurer Ralph Allison, and it was unanimous. Councilman Savilla commented that he didn't see where it was a problem as the next administration could handle it as they see fit. Councilman Walker said the problem to him was that if it was good one way, then it should have stayed there and not have been moved back, and why do it at the end of the term?

COPY OF BUDGET REVISION ATTACHED.

AGENDA ITEM NO. 7 - REQUEST FROM POCA JR. HIGH CHEERLEADERS: City Recorder Joan McClanahan furnished members of Council a copy of the request from the Poca Jr. Varsity Cheerleaders to solicit for donations on 40th Street and 1st Avenue on Saturday June 25 from 10 until 2. City Recorder Joan McClanahan pointed out that they did not specify as to whether or not they want to stop traffic and this had been discussed before. Councilman Joe Savilla moved we approve their request with the stipulation that they be prohibited from stopping traffic for donations because of safety reasons. The motion was seconded. A vote was taken and it was unanimous. City Recorder Joan McClanahan informed that she would notify Nancy Agee of Council's action. Councilman at Large Rusty Casto suggested we should expressly have an ordinance, if need be, prohibiting soliciting by stopping traffic out in the road.

AGENDA ITEM NO. 8 - SHELBY STEEL CORRECTIVE DEED: - City

Recorder Joan McClanahan said that she would yield the floor to our City Attorney Phillip D. Gaujot on this agenda item. Mr. Gaujot reported that in 1981, the City of Nitro conveyed a parcel of property to Shelby Steel Holding Corporation, which was a Delaware Corporation. Mr. Gaujot said that he believed that Shelby Steel also got some adjacent property from Union Boiler, and then a building was erected and in consideration for the City conveying property, Shelby Steel was to put a fence on the property line. Mr. Gaujot said that at the last Council Meeting it was determined that the fence was placed approximately four to five feet from the property line on the City's property. It was requested that this property be conveyed to Shelby Steel, and said to correct him if he was wrong, but believes this was tabled. Mr. Gaujot said that Shelby Steel has merged with a company by the name of O'Neil Steel, Inc. and it now goes by that name. It is an Alabama corporation. Mr. Gaujot informed that they are now in the process of selling that property, and pursuant to their survey, they found that there was one call that was improperly cited in the deed from the City of Nitro to Shelby Steel. Mr. Gaujot pointed out on a map the property involved to the members of Council. He said the deed states that it's S. 1 degree, 14 minutes west, 640 feet. Mr. Gaujot said that it has been represented to him by Darrell Rolston of Goldman & Associates that this call, in fact, is South 1 degree, 15 minutes W, and it's not 640.41 feet, but 630.41 feet, which is actually 10 feet less. Mr. Gaujot said that O'Neil Steel, through Darrell Rolston, Goldman Associates went back to Caldwell & McCormick who prepared the deed, and asked that they prepare a corrective deed. Mr. Gaujot said that they contacted him last week and told him of the inaccurate call, and Jerry McCormick of that firm prepared a corrective deed and furnished it to him. Mr. Gaujot advised Council that it is just a corrective deed correcting one call from 640.41 feet to 630.41 feet, and changing it 1 degree, fifteen minutes. He said that it was very small, but it is still a corrective deed. Mr. Gaujot advised Council to allow the Mayor to sign the corrective deed which will allow O'Neil Steel to sell the property and put it into a posture that makes the property marketable. Mr. Gaujot said that he advised the Mayor that the request had been made of him to get the corrective deed signed. Mr. Gaujot said that he had the corrective deed delivered to Mayor Ashley and he signed it, and gave it back to him for purposes of bringing it to Council to approve his action of signing it. Councilman Joe Savilla moved for the approval of the Mayor signing the corrective deed if the moving of the fence is made a part of the action which was a matter acted upon by Council at the meeting held on June 10. The motion was seconded. Mr. Gaujot informed that no one from Shelby Steel has made that representation to him. He informed that Darrell Rolston from Goldman Association, was present this evening, and Mr. Gaujot asked him to speak on this matter.

Mr. Rolston informed that they have checked with two different companies about moving the fence, and that would be part of the closing that money would be allocated for moving the

fence. Councilman Savilla then asked if it would be moved at no expense to the City, and Mr. Rolston answered that it would be moved at no expense to the City of Nitro. Councilman at Large Rusty Casto asked the location of the fence, and asked if it was abutting City Park or on the other side of City Park. Mr. Rolston informed that it was behind the sanitary building. Mr. Gaujot said that they were not getting the property requested at the last Council Meeting. A vote was taken giving the Mayor permission to sign the corrective deed, in the past tense, and it was unanimous.

AGENDA ITEM NO. 9 - LITTLE LEAGUE PARADE - City Recorder Joan McClanahan yielded this agenda item to Councilman at Large Rusty Casto. Councilman Casto informed that the Little League would like to hold a parade on Saturday, July 2, beginning 9:00 a.m. from the Nitro Moose, going the regular parade route, up to the bridge, down Main Avenue, up 2nd Avenue to 40th Street and back to the park. Councilman Casto said that they would like to invite and would welcome members of Council, the Mayor and Recorder to participate in the parade. Councilman Casto moved their request be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 10 - POOL PASSES: - City Recorder Joan McClanahan yielded this agenda item to Councilman at Large Rusty Casto. Councilman Casto said that he has been talking to a number of children in the City, and a lot of their parents cannot afford to buy them a pass to go into the swimming pool. Councilman Casto moved that all families living in the city limits of Nitro who are below the federal poverty level or those receiving food stamps, that the children in these households be given free pool passes. The motion was seconded. He said that he didn't know if this would have to be done by ordinance or if Council could approve it, and would yield to our City Attorney for his advise, and asked Mr. Gaujot if this would have to be done by an ordinance or would it simply be by consent of Council. Mr. Gaujot said that he thought it would take the preparation of an ordinance, and then we would have to have the first and second reading of the ordinance. Councilman Casto asked that by reading it as he did, would it constitute the first reading? If so, could the new Council at the first meeting in July pass it? Mr. Gaujot said that in order for it to be legal, he thinks it has to be read at the first reading and the second reading. The ordinance has to be prepared and presented to Council. However, someone can move to dispense of the reading of the ordinance in its entirety and only read the title. Councilman at Large Olaf Walker told Councilman Casto that he didn't see anything wrong with his suggestion for Council to consider this, and added that he thinks that there ought to be some method to determine how many families there are and what criteria and who will determine their income, etc. Councilman Casto said that they would have to show proof such as their income tax return. Councilman Walker said that he thinks we should have some idea of how many people we are talking about putting in the pool. Councilman Walker said

on days there are two people for every cubic feet of water, and we should determine if the population of that pool could be exceeded. Councilman Walker said that we should determine the age group to which Councilman Casto is referring, and asked if it would include all ages or high school or below. Councilman Walker asked if he wanted the entire family included? Councilman Walker said that we are talking about the tax payers money, and there might be some citizens opposed to granting free passes to poor children. Councilman Charles Miller commented that he thought Councilman Casto had a good idea, but we really need the criteria before any action can be taken. Councilman Casto said that he would bring this matter up again in the next administration. City Recorder Joan McClanahan suggested to Councilman Casto that he follow our attorney's advise. Councilman Casto asked Mayor Elect Don Karnes if he would put him on the agenda for this. Councilman at Large Rusty Casto withdrew his motion as did the Councilman seconding the motion.

AGENDA ITEM NO. 11 - BURDETTE AWARD: - Councilman Joe Savilla requested the placement of this agenda item, and explained that it didn't require any action by Council. Councilman Savilla informed that during the past three years, we have bestowed upon several citizens in the City of Nitro and groups who have done good things to gain national recognition, an award called the Burdette Award. He explained that it is simply a certificate recognizing their talents. Councilman Savilla advised that the recent recipient of this award is Mike Brace, who attended Putnam Elementary and Nitro High School. He is attending G.W. University in D. C. and has gained quite a name for himself as an artist and illustrator for the G.W. Medical Journal. Councilman Savilla shared a painting and Mike's achievements with Council. Councilman Savilla said that he would like for Council to recognize Mike for all of his endeavors, and was sorry his Mother, Nedra, couldn't be here tonight. Councilman Savilla requested that the City Recorder Joan McClanahan have the certificate prepared and ask Nedra to accept the award for Mike.

COMMITTEE REPORT

1. REPORT ON MELANNE PENNINGTON: - City Recorder Joan McClanahan advised that she was informed by Councilwoman Mary Trout that Melanne has contacted legionnaires disease, and they had given her 48 hours on the life support system. Melanne had requested, by way of a written note, that she be taken off of the life support system. City Recorder Joan McClanahan said that it is in God's hands.

2. COMMENTS FROM MEMBERS OF COUNCIL: City Recorder Joan McClanahan advised that as this is the last Council Meeting for some members on Council, opened the floor for comments.

Councilman at Large Olaf Walker - I would like to say something Joan, to you, Joe and Charlie and Bob, I've enjoyed working with each and everyone of you, and we've had difference

of opinions, but I think that makes for a good Council. Joan, I want to say that I believe that you are the only one that has had perfect attendance at the Council Meetings. I know that you have worked hard at your job. I know all of you are still going to be residents of Nitro, and interested in what is happening. I wish you all good luck. Joe, good luck in your campaign.

Councilman Joe Savilla - I'd like to say something too, Joan. It's been a very enjoyable 8 years for me. Exactly what Olaf said, and I did a eulogy to a real good friend, Romie Hughart, when he died. We never always agree, but we've remained friends throughout everything. I will still be a citizen of Nitro and I will be watching very closely to the things the new administration does and I wish you the very best and God speed your endeavors and congratulations to all the victors. I see several of them out here tonight. I know Don has had a lot of experience, and I think the City of Nitro will continue to go forward. Jack, Betty and the other people, I wish all of you nothing but the greatest success in the world and offer you my hand in friendship and help.

Councilman Jim Hutchinson - My sentiments are pretty much the same as Olaf and Joe. I've enjoyed working with all of you. Hopefully, you will come back and keep us straight once in a while, and that's the way I feel. I hope the next four years will be as good as the last four.

Councilman at Large Rusty Casto - Well, I'm not going to say too much, except I had the best seat of anybody the last couple years. I got to sit right between two of the prettiest people on the Council. Of course, they got to sit beside the prettiest man on the Council. I have thoroughly enjoyed working and campaigning with everyone. I know ole Joe has raised about every kid in Nitro. Me and Andy have ate many bowls of chili down there, and me and Charlie worked a lot of the volunteer work together. I haven't started golfing with Olaf yet. Councilman Walker responded that he would leave that to Corky. Councilman Casto continued and said, Mrs. McClanahan, I'm certainly going to miss you and wish you the very best, all of you. If everyone has said what they want to say, I want to wish Don and the people who will come on the Council next week the very best. To close the meeting, Joe, I would like for everyone to stand and if you would give a prayer for Melanne Pennington and her family if it is acceptable to the Council.

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

ARDEN D. ASHLEY, MAYOR

JOAN MCCLANAHAN, RECORDER

ORDINANCE NO. 88-7ADOPTED BY COUNCIL: JUNE 21, 1988INTRODUCED IN COUNCIL: June 10, 1988

AN AMENDED ORDINANCE ABANDONING, VACATING, CLOSING AND DISCONTINUING A PART OF THAT CERTAIN STREET DESIGNATED AS MICHIGAN AVENUE, A PART OF THAT CERTAIN 10' ALLEYWAY AND A PART OF THAT CERTAIN STREET DESIGNATED AS WALLACE STREET IN OR ADJACENT TO BLOCK "A", SECTION ONE, EAST CRAWFORD ADDITION, AND BLOCK "F", SUNBRIGHT ADDITION, CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA

WHEREAS, the subject property of the proposed ordinance to be permanently abandoned, vacated, closed and discontinued is shown upon a certain map or plat, entitled "MAP SHOWING TRACTS 'A', 'B' and 'C' LOCATED IN THE CITY OF NITRO, KANAWHA COUNTY, WV THRU PROPERTIES OWNED BY JERRY L. GOLDBERG TO BE ABANDONED AND VACATED BY THE CITY OF NITRO", dated June 7, 1988, prepared by David E. Thomas, L.L.S., which map is attached hereto and made a part hereof, the subject of this Ordinance is designated thereon as Tracts "A", "B" and "C" and highlighted in yellow; and,

WHEREAS, by map of East Crawford Addition, now within the municipal city limits of the City of Nitro, recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 6, at Page 63, there is laid down and shown a certain street designated as "Michigan Avenue", forty (40) feet wide, running in an easterly-westerly direction, a portion of which is approximately 383 feet in distance, containing 0.371 acre (15,825 square feet), which portion lies

parallel to what is now First Avenue (also known as W. Va. State Route No. 25), and adjoins the northerly right of way line of Consolidated Rail Corporation (formerly K & M Railroad), and adjoins the southerly line of certain lots known as Lots 38 thru 52, inclusive, of Block F, Sunbright Addition, and further adjoins a portion of Wallace Street; and designated as "Tract A" upon the map attached to this Ordinance; and,

WHEREAS, there is also laid down and shown upon said map of East Crawford Addition that certain ten (10) foot wide alleyway which runs in an easterly-westerly direction, a portion of which is approximately 365 feet in distance, and contains 0.084 acre (3,646 square feet), and is parallel to First Avenue (also known as WV State Route No. 25), which portion of said alleyway is located and extends between Wallace Street and the easterly line (extended) of Lot 37 of Block F, East Crawford Addition, and which portion of said alleyway further adjoins the southerly line of Lots Nos. 12 thru 26, inclusive, of Block F, Sunbright Addition, and the northerly line of Lots Nos. 38 thru 52, inclusive, of Block F, Sunbright Addition, and designated as "Tract B" upon the map attached to this Ordinance; and,

WHEREAS, there is also laid down and shown upon the map of East Crawford Addition that certain street designated as "Wallace Street", running in a northerly-southerly direction, a portion of which is rectangular in shape and approximately 130 feet in length and 40 feet in width and contains 0.120 acre (5,170 square

feet), and is located between Michigan Avenue and First Avenue (also known as W. Va. State Route No. 25), and designated as "Tract C" upon the map attached to this Ordinance; and,

WHEREAS, some question has arisen as to whether there has ever been a complete dedication as public streets or alleyway of that portion of Michigan Avenue, that portion of the 10-foot alleyway and that portion of Wallace Street as shown on said map of East Crawford Addition, inasmuch as neither the City of Nitro, nor its unincorporated predecessor, the Town of Nitro, has ever accepted this property by any municipal order or action since the recordation of said Map of East Crawford Addition which recordation may be construed as an offer of dedication, nor has the City of Nitro, or its predecessor, ever exercised any act of ownership or dominion and control over these streets and alleyway by way of maintaining, repairing, or paving them;

WHEREAS, it is in the interest of the public at large, including the citizenry of the City of Nitro, to avoid any possible responsibility or liability on the part of said City to maintain, repair, or pave said streets or alleyway in the future; further, no person owning property in the City of Nitro will be deprived of ingress and egress to and from any property owned by him in the event said streets and alleyway are closed, vacated, discontinued, abandoned and disclaimed as public streets and alleyway; and since such streets and alleyway have never been required for public use, Council desires to close, vacate and

discontinue such as public streets and alleyway, should there have ever been any question that such property was used as public streets or alleyway; and, further, Council desires to abandon and disclaim any right or title of the City of Nitro in and to said streets, known as a portion of Michigan Avenue, and that certain portion of the 10-foot alleyway, and that certain portion of Wallace Street, for use by said City of Nitro, its citizens, and the public at large to go upon, use or claim any right or title thereto as streets or alleyway; and,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO:

1. That this Council hereby permanently vacate, close, discontinue, and abandon as public streets and alleyway, for pedestrian or vehicular traffic, or any other public use or purpose, the property hereinabove specifically referred to in the Petition dated June 8, 1988, and further shown highlighted in yellow upon the attached map and designated as "Michigan Avenue", forty (40) feet wide, running in an easterly-westerly direction, a portion of which is approximately 383 feet in distance, containing 0.371 acre (15,825 square feet), which portion lies parallel to what is now First Avenue (also known as W. Va. State Route No. 25), and adjoins the northerly right of way line of Consolidated Rail Corporation (formerly K & M Railroad), and adjoins the southerly line of certain lots known as Lots 38 thru 52, inclusive, of Block F, Sunbright Addition, and further adjoins a portion of Wallace Street; and designated as "Tract A"

upon the map attached to this Ordinance; and,

2. That this Council does hereby permanently vacate, close, discontinue and abandon that certain ten (10) foot wide alleyway which runs in an easterly-westerly direction, a portion of which is approximately 365 feet in distance, and contains 0.084 acre (3,646 square feet), and is parallel to First Avenue (also known as WV State Route No. 25), which portion of said alleyway is located and extends between Wallace Street and the easterly line (extended) of Lot 37 of Block F, East Crawford Addition, and which portion of said alleyway further adjoins the southerly line of Lots Nos. 12 thru 26, inclusive, of Block F, Sunbright Addition, and the northerly line of Lots Nos. 38 thru 52, inclusive, of Block F, Sunbright Addition, and designated as "Tract B" upon the map attached to this Ordinance; and,

3. That this Council does hereby permanently vacate, close, discontinue and abandon that certain street designated as "Wallace Street", running in a northerly-southerly direction, a portion of which is rectangular in shape and approximately 130 feet in length and 40 feet in width and contains 0.120 acre (5,170 square feet), and is located between Michigan Avenue and First Avenue (also known as W. Va. State Route No. 25), and designated as "Tract C" upon the map attached to this Ordinance; and,

4. And further, this Council acknowledges that the portion of said 10-foot alleyway and those portions of said

streets known as Michigan Avenue and Wallace Street were never accepted by the City of Nitro.

Passed by the Council and approved by the Mayor this 21st day of JUNE, 1988.

Don Harris
Mayor

John J. Hill
Recorder

ORDINANCE NO. 88-8

ADOPTED BY COUNCIL: JUNE 21, 1988

INTRODUCED IN COUNCIL: June 10, 1988

AN ORDINANCE ABANDONING, VACATING, CLOSING AND DISCONTINUING
A PART OF THAT CERTAIN 10' ALLEYWAY AND PART OF KANAWHA AVENUE
LOCATED BETWEEN OWEN STREET AND FIRST STREET, AND PART OF
THAT CERTAIN STREET DESIGNATED AS WALLACE STREET LOCATED
BETWEEN THE RAILWAY AND KANAWHA RIVER, CITY OF NITRO,
KANAWHA COUNTY, WEST VIRGINIA.

WHEREAS, as shown upon a certain map or plat, entitled "MAP
SHOWING TRACTS 'A', 'B' AND 'C' LOCATED IN THE CITY OF NITRO,
KANAWHA COUNTY, WV THRU PROPERTIES OWNED BY THE ESTATE OF JEROME
GOLDBERG TO BE ABANDONED AND VACATED BY THE CITY OF NITRO", dated
June 7, 1988, prepared by David E. Thomas, L.L.S., which map is
attached hereto and made a part hereof, the property subject of
this Ordinance is designated thereon as Tracts "A", "B" and "C"
and highlighted in red; and,

WHEREAS, there is laid down and shown upon a map of East
Crawford Addition recorded in the Office of the Clerk of the
County Commission of Kanawha County, West Virginia, in Map Book
6, at Page 63, an alleyway ten (10) feet wide, running in an
easterly-westerly direction, a portion of which is approximately
1,363 feet in distance, and contains 0.319 acre (13,896 square
feet), and is parallel to and adjoins the southerly line of the
railway, and located between First Street and Owen Street, which
portion of said alleyway adjoins the northerly line of the
following lots and street: (1) Lots Nos. 1 thru 26, inclusive,

of Block "E", Sunbright Addition, (2) Wallace Street; and (3) Lots Nos. 1 thru 27, inclusive, of Block "B", Section One, East Crawford Addition, and which portion of said alleyway is designated as "Tract A" upon the map attached to this Ordinance; and,

WHEREAS, there is also laid down and shown upon said recorded map of East Crawford Addition a portion of that certain street designated as "Kanawha Avenue", forty (40) feet wide, running in an easterly-westerly direction, approximately 1,390 feet in distance and containing 1.280 acres (55,757 square feet) and adjoining the southerly line of the following lots and street: (1) Lots Nos. 1 thru 26, inclusive, of Block E, Sunbright Addition, and (2) Wallace Street, and (3) Lots 1 thru 27, inclusive, of Block B, Section One, East Crawford Addition; and also adjoining the northerly line of the following lots: (1) Lots Nos. 1 thru 28, inclusive, of Block D, Sunbright Addition, and (2) Lots Nos. 1 thru 28, inclusive, of Block C, Section One, East Crawford Addition, and which portion of said Kanawha Avenue is designated as "TRACT B" upon the map attached to this Ordinance; and,

WHEREAS, there is also laid down and shown upon the map of East Crawford Addition a portion of that certain street designated as "Wallace Street" running in a northerly-southerly direction, which portion is 104 feet in length and 40 feet in width, and containing 0.092 acre (4,160 square feet), and which

portion lies between the aforesaid ten foot alleyway and Kanawha Avenue, and which portion of said Wallace Street is designated as "TRACT C" upon the map attached to this Ordinance; and,

WHEREAS, some question has arisen as to whether there has ever been a complete dedication, as public streets or alleyways of said 10-foot alleyway, said portion of Kanawha Avenue, and that certain portion of Wallace Street as shown on said map of East Crawford, inasmuch as neither the City of Nitro, nor its unincorporated predecessor, the Town of Nitro, has ever accepted this property by any municipal order or action since the recordation of said Map of East Crawford, which recordation may be construed as an offer of dedication; nor has the City of Nitro, or its predecessor, ever exercised any act of ownership or dominion and control over these streets and alleyway by way of maintaining, repairing, or paving them;

WHEREAS, it is in the interest of the public at large, including the citizenry of the City of Nitro, to avoid any possible responsibility or liability on the part of said City to maintain, repair, or pave said streets or alleyway in the future; further, no person owning property in the City of Nitro will be deprived of ingress and egress to and from any property owned by him in the event said streets and alleyway are closed, vacated, discontinued, abandoned and disclaimed as public streets and alleyway; and since such streets and alleyway have never been

required for public use, Council now desires to close, vacate and discontinue such as public streets and alleyway, should there have ever been any question that such property was used as public streets or alleyway; and, further, Council now desires to abandon and disclaim any right or title of the City of Nitro in and to said 10-foot alleyway and those portions of said streets, known as Kanawha Avenue, and Wallace Street, for use by said City of Nitro, its citizens, and the public at large to go upon, use or claim any right or title thereto as streets or alleyway; and, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO:

1. That this Council does hereby permanently vacate, close, discontinue, and abandon as public streets and alleyway, for pedestrian or vehicular traffic, or any other public use or purpose, the property hereinabove specifically referred to in the Petition dated June 8, 1988, and further shown highlighted in red upon the attached map and designated as an alleyway ten (10) feet wide, running in an easterly-westerly direction, a portion of which is approximately 1,363 feet in distance, and contains 0.319 acre (13,896 square feet), and is parallel to and adjoins the southerly line of the railway, and located between First Street and Owen Street, which portion of said alleyway adjoins the northerly line of the following lots and street: (1) Lots Nos. 1 thru 26, inclusive, of Block "E", Sunbright Addition, (2) Wallace Street; and (3) Lots Nos. 1 thru 27, inclusive, of Block "B", Section One, East Crawford Addition, and

which portion of said alleyway is designated as "Tract A" upon the map attached hereto; and,

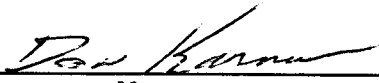
2. That this Council also does hereby permanently vacate, close, discontinue and abandon a portion of that certain street designated as "Kanawha Avenue", forty (40) feet wide, running in an easterly-westerly direction, approximately 1,390 feet in distance and containing 1.280 acres (55,757 square feet) and adjoining the southerly line of the following lots and street: (1) Lots Nos. 1 thru 26, inclusive, of Block E, Sunbright Addition, and (2) Wallace Street, and (3) Lots 1 thru 27, inclusive, of Block B, Section One, East Crawford Addition; and also adjoining the northerly line of the following lots: (1) Lots Nos. 1 thru 28, inclusive, of Block D, Sunbright Addition, and (2) Lots Nos. 1 thru 28, inclusive, of Block C, Section One, East Crawford Addition, and which portion of said Kanawha Avenue is designated as "TRACT B" upon the map attached hereto; and,

3. That this Council also does hereby permanently vacate, close, discontinue and abandon a portion of that certain street designated as "Wallace Street" running in a northerly-southerly direction, which portion is 104 feet in length and 40 feet in width, and containing 0.092 acre (4,160 square feet), and which portion lies between the aforesaid ten foot alleyway and Kanawha Avenue, and which portion of said Wallace Street is designated as "TRACT C" upon the map attached hereto.

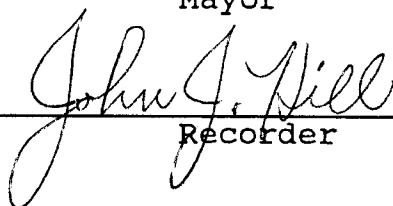
4. And further, this Council acknowledges that the

portion of said 10-foot alleyway and those portions of said streets known as Kanawha Avenue and Wallace Street were never accepted by the City of Nitro.

Passed by the Council and approved by the Mayor this 21st day of JUNE, 1988.



Mayor



Recorder

(S 11-8-26a)

CONTROL NUMBER	<u>FY</u>	<u>FUND</u>	<u>REV. NO.</u>	<u>PROG. NO.</u>
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June 21, 1988

Nitro

WV 25143

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ZIP CODE

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT
317	Sale of Fixed Assets	70,000		2,000	68,000
333	Utilities	115,000	25,000		140,000
332	B & O Tax	475,000	30,000		505,000
308	Bldg Permits	10,000	2,500		12,500
301-01	Ad Val Taxes	240,000	8,615		248,615

[illegible]

NET INCREASE/(DECREASE) 64,115

SPECIAL NOTE: TRANSFERS TO/ FROM SPECIAL FUNDS MUST BE ACCOMPANIED BY A STATEMENT CONTAINING SIGNATURES OF ALL COUNTY COMMISSIONERS. (7-1-9)

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

CITY OF NITRO

COUNCIL MEETING MINUTES

JULY 1, 1988

The special Council Meeting, strictly for organizational purposes, was called to order by Mayor Don Karnes in Council Chambers at 10:04 a.m. Present were City Recorder Jack Hill, Councilman at Large Rusty Casto, Councilman at Large David Casebolt, Councilwoman Betty Jo Boggess and Councilman George Atkins. Also present was City Treasurer Ralph Allison. Absent were Councilman at Large Olaf Walker, Councilman Robert Young, Councilman Jim Hutchinson and City Attorney Phillip Gaujot.

The invocation was given by Councilman at Large Rusty Casto.

AGENDA ITEM NO. 1 - DESIGNATION OF CITY DEPOSITORIES: - Mayor Karnes explained that every four years Council is supposed to reassign where the City's money is to be deposited. Councilman at Large Rusty Casto moved that we continue to use the National Bank of Commerce of Nitro as the City's depository for money. The motion was seconded. A vote was taken and it was unanimous. Councilman Casto inquired if the funds that were on deposit in the State Investment Pool had ever been reinvested with them, and City Treasurer Ralph Allison answered that it had been. City Treasurer Ralph Allison explained that during the time the Governor was borrowing money from funds, the City's funds were withdrawn for about 30 days and then reinvested.

AGENDA ITEM NO. 2 - SIGNATURES ON CHECKS: - Mayor Karnes informed that the statute also requires that we designate signatures to be honored on checks. The statute requires that at least two names be used, the Mayor and the Treasurer. However, other names may be used as an alternate. Councilman at Large Rusty Casto moved that Mayor Don Karnes, City Treasurer Ralph Allison and Computer Operations Manager Michael Morris be authorized to sign the checks for the City. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - ADOPT, READOPT OR AMEND RULES OF ORDER FOR COUNCIL MEETINGS: - Mayor Karnes informed that we now use Roberts Rules of Order, but there are other rules that we may use. Mayor Karnes said that he was not too familiar with what has been done in the recent past but thought it might be a good idea to readopt what has been done in the recent past, but changes can be made at a future date. Councilman at Large Rusty Casto moved to readopt the rules presently used. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - PROCLAMATION 88- PROCLAIMING JULY 16, 1988 AS GLENN BYRON PARSONS DAY: - Councilman at Large Rusty Casto moved that the Mayor read the proclamation in its entirety. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Rusty Casto moved we table this agenda item. The motion did not receive a second. Councilman George Atkins moved for the approval of the proclamation. The motion was properly seconded. After a lengthy heated discussion, a vote was taken with a vote of 2 to 2, and Mayor Donald Karnes cast his vote in favor of the proclamation breaking the tie and the proclamation passed. Mayor Karnes explained that he graduated with him, and the man is 6' 6", were the reasons he voted in favor of this proclamation. Councilman at Large Rusty Casto abstained. Council members voting for the proclamation were Councilman George Atkins and Councilwoman Betty Jo Boggess. After a heated debate and further discussion, Councilman at Large Rusty Casto moved that the adoption of the proclamation be declared unanimous by the Council. The motion was seconded. A vote was taken, and it was unanimously approved. Therefore, July 16, 1988 is proclaimed as "GLENN BYRON PARSONS DAY".

COPY OF PROCLAMATION 88-10 ATTACHED

There being no further business the meeting was adjourned at 10:16 a.m.

DON KARNES, MAYOR

Jack Hill

JACK HILL, RECORDER

PROCLAMATION

PROCLAMATION 88-10

WHEREAS, Nitro, West Virginia, will observe the Sixteenth day of July, One Thousand, Nine Hundred Eighty Eight as Glenn Byron Parsons Day; and

WHEREAS, Glenn Byron Parsons has a unique and significant history, much of which is unknown and unappreciated by his friends; and

WHEREAS, planning for proper observance will entail much effort and dedication on the part of all citizens of Nitro; and

WHEREAS, Glenn Byron Parsons will be Fifty Years old (One Half Century) on this date; and

THEREFORE, BE IT PROCLAIMED by the Council of the City of Nitro, West Virginia, that all citizens of said City are urged to join in celebrating this special day in observance of his birthday.

Passed this 1st day of July, 1988.


DON KARNES, MAYOR


JACK HILL, CITY RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JULY 5, 1988

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Jack Hill, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

The invocation was given by Jay Long.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 21, 1988 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved that the Council Meeting Minutes of June 21, 1988. be approved. The motion was seconded. Councilman Jim Hutchinson called attention to a typographical error in the date, under Agenda Item #1, of the Council Meeting listed as June 20, 1988 and it should have been June 10, 1988. Councilman at Large Olaf Walker said that he would like to bring to the attention of Council an item, that he doesn't exactly know how it should be handled, before approving the minutes. Councilman Walker said that under agenda item 5, on page 3, he learned that a member of the Sanitary Board, according to WV Code 16-13-18, states that no officer or employee of the municipality, whether holding a paid or unpaid office shall be eligible to appointment on said Sanitary Board until at least one year after the expiration of the term of his public office. Councilman Walker said that in light of what the statute says, he would like for this to be taken under advisement and see if the action taken by Council at the last meeting is proper and legal. City Attorney Phillip Gaujot read the code as pointed out by Councilman Walker, and said that it was perfectly clear that no one that has held public office within a one year limit could serve on the Sanitary Board. Mr. Gaujot asked what action the Council is proposing, and Mayor Karnes said that he suggests we approve the minutes as written. Mr. Gaujot informed that they would only be approving the minutes, and not the action as such. Mr. Gaujot said that if they feel there is a legal technical matter that needs to be corrected, they could do that. The approval of the minutes would be the actual reflections of what occurred at the last meeting. Councilman Walker asked if after the approval of the Minutes that a motion could be made that Mr. Harris could not be seated on the Sanitary Board as it was in violation of the code. Mr. Gaujot responded that he thinks Mr. Harris should be notified if Council believes that he is not a proper person to hold that position. The simplest way would be for him to resign, but Council could rescind the action taken on June 21, 1988. A vote was taken to approve the minutes of June 21, 1988 and it was unanimous.

Councilman at Large Olaf Walker moved that Mayor Karnes be authorized to write Mr. Harris a letter stating the law, and inform him that it is Council's belief that he cannot be legally and properly appointed to the Sanitary Board because of the time frame of his resignation from the Fire Civil Service Commission, and that we rescind the action taken by Council at the June 21, 1988 regarding his appointment. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - APPROVAL OF JULY 1, 1988 SPECIAL COUNCIL MEETING MINUTES: - Councilman Robert Young moved that the special Council Meeting Minutes of July 1, 1988 be approved as written. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 3 - PARKS & RECREATION - LARRY ANGELL: - Mayor Karnes called upon the Recreation Director Larry Angell to share with Council his resignation. Mr. Angell said that in a letter dated July 1, 1988 he offered his resignation. He said that he had worked with several members of Council, and looked forward to working with the new members of Council. Mr. Angell informed that he has accepted a position out of state, and July 15, 1988 will be his last day. Mayor Karnes informed that there is no action required on this agenda item. Councilman at Large Olaf Walker said that he would like to wish Larry the best on his new job and much success. Other members of Council wished Larry good luck.

AGENDA ITEM NO. 4 - STREET COMMITTEE: - Mayor Karnes informed that he desired to have Council's approval on the members of the Street Committee and asked legal counsel if we could vote on all five members at the same time. Mr. Gaujot advised that Mayor Karnes could do this without Council's consent, and the proper form would be just to name the members of the committee, and by their acceptance we would have the approval. Mayor Karnes appointed each Ward Councilman to the Street Committee and requested they submit, in priority order, the street conditions and the streets needing attention first. Street Committee members consists of Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins, Councilman Jim Hutchinson and chaired by Councilman at Large Olaf Walker. Councilman Jim Hutchinson informed that he has a list of streets throughout the City in need of repair and/or repaving. Mayor Karnes suggested the committee meet reasonably soon and design a plan as to which direction to take. Then, this can be shared with the citizens.

AGENDA ITEM NO. 5 - RECREATION COMMITTEE - Mayor Karnes named the members of the Recreation Committee consisting of Councilman at Large David Casebolt, Councilman at Large Rusty Casto, Mr. Paul Hartling, Mr. Charles Hudson and Mr. Bob Evans.

Mayor Karnes said that he would like to attend the first meeting and furnish them with his recommended agenda, and they could take away or add to it.

AGENDA ITEM NO. 6 - POLICE ENFORCEMENT AS RELATED TO RECREATION PROPERTY: - Chief Cochran said that he hoped to have more visability at the park, and to build it into a family oriented park. Chief Cochran reported that they are going to enforce the no parking. There will be three spaces allowed, two for emergency vehicles and one for a city car that will be working there. Chief Cochran advised that the signs have been ordered. Mayor Karnes stated that we already have the necessary ordinances and it is just a matter of enforcing them. There was a discussion about the park property located in Brookhaven, and Councilman at Large Olaf Walker suggested that the Recreation Committee check on the possibility of working out some method for the City of Nitro to obtain that property.

AGENDA ITEM NO. 7 - SENIOR CITIZEN'S VAN: - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman Atkins said that during the last administration, he thinks there was a limit put on the usage of the van that prohibited travel outside the City of Nitro for various reasons. He said that this was brought to his attention by the senior citizen's group and they would like to have this restriction lifted, and he moved this be done. After a discussion, Mayor Karnes will inform the senior citizens that the restriction has been lifted, and to encourage them to shop in Nitro when they can.

AGENDA ITEM NO 8 - REPORT ON 1ST ANNUAL PICNIC (JAY LONG): - Jay Long, Assistant Director of Public Works, reported that what started out to be a small backyard picnic, ended up with the Council and Mayor and approximately 2,500 citizens. Mr. Long said that it was through donations from the businesses in Nitro that we were able to have this picnic, and at no cost to the City. Mr. Long requested permission to purchase thank you cards for all the businesses contributing and to be signed by the members of Council, Mayor and City Recorder. Mr. Long said that he would like to thank the gospel and country singers that were present and entertained us, along with the square dancers. Also, Mr. Long said that he wanted to thank everyone for their assistance. Jay said that it was really great, and everything turned out real well. Councilman at Large David Casebolt said that he thought Jay Long should be commended on an outstanding job he did with the picnic. Mayor Karnes said that he would like added to the list of people to receive thank you cards, some of the elected officials and their spouses who worked very hard during the picnic. Councilman Walker questioned the number of thank you cards needed, and Jay Long responded that he would like to have fifty. Councilman at Large Olaf Walker said that in keeping with his tradition, he would personally pay for the thank you cards, because he said he feels this wouldn't be a proper place to spend

taxpayers money. Mr. Long expressed his thanks to Councilman Walker. Mayor Karnes informed that we had time donated, products donated and money donated. Councilman at Large Rusty Casto advised that the reason he wasn't at the picnic was because they had an untimely death in the family.

SCHOOL BUS ROUTE: - Councilman Jim Hutchinson said that going back to the Street Committee, it has been called to his attention more than once, and again recently about the school bus going through Valentine and Sattes Circle. He reported that the bus turns into Valentine Circle, picks up around 5 or 6 children, makes the circle and goes back down Main Avenue. Councilman Hutchinson questioned why the bus couldn't pick up the children at the corner of Main Avenue and go up to the bridge, make a left and back down to the school. Councilman Hutchinson reported that he has been receiving complaints about the bus traveling Valentine Circle, because there is a weak spot in the road near the church and heavy equipment doesn't help it any. There was a question as to age of the children, and Councilman Hutchinson reported they were around 13 and 14 year olds. Mayor Karnes said that he was not aware of this, and this can be checked out before the beginning of school.

REPORT FROM THE CITY TREASURER RALPH ALLISON: - Mayor Karnes shared a copy of a report of cash on hand, receipts expected and expenditures expected as of June 30, furnished by our City Treasurer Ralph Allison, to members of Council. Councilman Walker asked Mr. Allison if the amount of estimated invoices due in July was for goods purchased, and Mr. Allison answered that this is the amount we already have invoices for. Councilman Walker wanted to know if the estimated amount of \$117,000 included the payroll for that period, and Mr. Allison answered that it did. Councilman Walker asked if the estimated revenues of \$100,000 was for the same period, and Mr. Allison responded that it was. Mr. Allison mentioned that they should keep in mind that July is B & O tax month, but a lot of it isn't received until the first of August. Councilman Walker complimented Mr. Allison on this report and said that he didn't know the amount of work this report would entail, but would like to see this type of report every quarter. Councilman Walker wanted to know the amount received from the dog track, and Mr. Allison said that he thinks we are up to a little over \$37,000. Councilman Walker asked if we had received anything from the gas or water companies, and Mr. Allison answered that we have not as of today.

GOVERNOR'S YOUTH PROGRAM: - Mayor Karnes advised that he received a report today that the previous age requirement was between the ages of 16-19 for the Governor's Youth Program. However, they are making some exceptions as they did not receive enough applications. The age limit has now been brought down to

as low as 14, but the 14 and 15 year old applicants need to have their application in by Friday, July 8, 1988. Mayor Karnes said that if anyone knew of any youngsters that wanted to work this summer to inform them to go to the WV Unemployment Office. Mayor Karnes said that there is other criteria, but he wasn't sure of the exact rules. Mayor Karnes advised that the City of Nitro qualified for 15, and we have 5.

NOTICE OF UNSAFE CONDITION AT 158 ASH ST: - For Council members information, Mayor Karnes furnished a copy of a notice which has been posted at 158 Ash St. The property owner has been notified of this action. Sgt. Steve Hardman of the Nitro Fire Department reported that the owner called him today, and there was a fire in the house on December 12, and the owner didn't find out about it until last night.

REQUEST FOR AUDIT: - Mayor Karnes expressed his desire to have an audit conducted, and by the time of the next meeting will try to have more information.

PETITION FROM RESIDENTS - WARD IV: - Mayor Karnes read a petition received this evening regarding the street conditions on Wilson Street and Hillside Drive. Mayor Karnes said that he believes the petition was signed by all the residents on Hillside Drive. Councilman Jim Hutchinson said that he is sure that this is on the report he has.

COUNCIL'S COMMENTS: Mayor Karnes advised that he would like to start a routine by giving each member on the Council an opportunity to express their views, comments, introductions or concerns at the end of each Council Meeting.

CITY RECORDER JACK HILL: - I'd like to introduce my neighbor, Janet Martin, who is visiting this evening.

COUNCILMAN AT LARGE RUSTY CASTO: - I have one thing. Eight years ago, when I came on Council, we gave Herb Fitzsimmons a four year lease on the American Legion Building which is owned by the City. The lease expired four years ago, and I informed Mayor Ashley a couple times about this, and I don't ever remember another lease being given to him for that building. So, we need to check into that. It's possible that another four year lease could have been given four years ago, and I forgot it, but the lease is up again. Mayor Karnes said doesn't the police and fire department use this for a weight room, and Councilman at Large Rusty Casto advised that it isn't just for the police and fire department personnel per se, but there are some that go there. Chief Cochran commented that he has gone there and also several police officers go there. Mayor Karnes informed that he would check on this.

Councilman at Large Rusty Casto moved that when time permits that either the Mayor or City Recorder comprise a list of all the

property that is owned by the City of Nitro and all the equipment that has a value in excess of \$1,000 be given to Council. Mayor Karnes said that is part of the City Code and does not require a motion.

Councilman at Large Olaf Walker: - Councilman Walker said that I agree with Rusty and it is news to me that we own the Legion Building. If he's going to make that a motion, I will second it, with these remarks. I would like to see us make a list on all the property that we own that the value is of a \$1,000 or more. All moving vehicles should be given to us, the day it was purchased, mileage on it and this type thing, and the conditions it is in. Also, I would like to see us make a list of all the property that the City owns, land, I'm talking about. I asked Mayor Ashley about this one time because we were unable to find the deed on a piece of property that we were discussing. I would like to have list showing the location, the acreage, or the size of the lot that we own. In addition to that, I think Council should know the property that we lease in addition to what we own. I understand that we lease some property, and in connection with a recently discussed item that we never did resolve and this Council is going to have to deal with it pretty soon, make a list of all the companies or utilities that have franchises with the City. That includes all the utilities plus the cable tv. Now, in March there was an ordinance presented to Council to extend the franchise of the cable tv. Well, we didn't know anything about until it was given to us, so we voted it in and the next morning after I asked several questions, I went up to the Secretary of State's Office and found that this company, which we were going to approve, wasn't even registered with the Secretary of State. Then, I found that the City of Nitro did not even have a copy of the franchise agreement. In fact, we got a copy from Mr. Patton, and that question still hasn't been resolved, and we can take that up later because it will take considerable discussion on part of Council. I think it was mentioned here earlier that it's important that the City Council know what's able as far as finances is concerned, but also, it's important, I think, to Council to know how many vehicles we've got, what conditions they are in, who's driving them and how they are operated, because I've got records where we have approved the purchase of vehicles, which as far as I know, we've never purchased them. So, I think it is important that we know what property we have. Mayor Karnes said that according to the City Code this information is required. He said that he didn't know if we had an up-to-date list, but the City Recorder is suppose to have on file all properties that the City owns, titles to all vehicles and most of the things Councilman Walker mentioned. Councilman Walker said, one final thing in connection with this, I would like to see the City Recorder make a list of all the organizations that we have approved to solicit the citizens. We ought to have a book that once City Council approves it, their names goes in the book showing who they are, who represents them and what date they are going to solicit, so that next year, if we

approve it, the Recorder can say we approved this in March, 1988 and here it is again. We didn't do that in the past, because we just didn't have it. But, there is no reason why we couldn't have a log book in there with the all the people that come in here and ask permission to solicit our citizens. We ought to have a log book indicating the date that the Council approved the solicitation. Also, we could have in it when we rejected it, like we did at the last meeting. Mayor Karnes said that in regard to Councilman Walker's statement, they are suppose to apply for a permit, and if the City Recorder would keep a copy of the permit and mark on the permit approved or not approved. Councilman Walker advised that, I serve on the Ken Heckler's Commission on Charitable Organizations, and the State has a form that anyone coming in from out of state, to make telephone calls or mail to people of WV, they have to register with the Secretary of State and they have to present certain data as far as their budget is concerned and what the money is going to be used for. There is no reason why the City of Nitro couldn't have a questionnaire that they must fill out and submit to Council for approval. Mayor Karnes informed that no motion is required as Councilman Casto's request is already in the City Code, but we need to check to see if it has been done. Councilman at Large Rusty Casto withdrew his motion.

Councilman at Large Rusty Casto: - Sometime this year I am going to bring up about the pool passes, but I want Council to have a copy of what I'm going to do. I feel strongly that the kids of this town, 15 years of age and younger, who live in a home that the parents can't afford pool passes, should be given pool passes. That pools paid off, and the people we are letting in the pool, are not buying the passes anyway. So, it's not like we are giving away City money. In fact, they might scrap up a few pennies and buy a coke while they are over there and we would make money off of this. So, we're not giving anything away that is going to cost us any money. I might be fighting this between now and next May, but I will fight if I have to between now and next May to get this passed. Mayor Karnes mentioned that the different avenues that might be taken is something that could be recommended by the Recreation Committee.

Councilman at Large Olaf Walker: - I'd just like to caution the Committee that is going to consider this to come back and tell Council how many people we are talking about, and also, if there is a regulation to the number of people that can be in a pool. Councilman Casto said that he has already checked it out. Councilman Walker said that he checked it too, but wants it checked further on the number of people that can be in a pool of a certain size. Further discussion followed.

Councilman Robert Young: - Nothing except the grass I was talking about earlier. Mayor Karnes advised this would be taken care of.

Councilwoman Betty Jo Boggess: - I just have a small thing. Over to the World War I Memorial Park, I understood that there were two metal poles that had been hit a couple of times, and I was wondering if there was some way they could be taken up and replaced with a wooden pole before somebody gets hurt. Mayor Karnes said that he looked at this, and in fact, he was looking at it last week and sometime during Friday night, someone hit one and tore it out of the ground. Councilman Casto asked if anyone was hurt, and Mayor Karnes informed that it was hit and run, and we don't know. Mayor Karnes told Councilwoman Boggess that he agreed with her that it was a hazardous situation and will be corrected. Council members agreed.

Councilman George Atkins: - I've had a lot of complaints about the condition of 11th Street where the building was burned. All the property owners out there seem to think that it should have been cleaned up sometime back. Mayor Karnes said that he would contact Max Lemma and see if something couldn't be done about this.

Councilman George Atkins said that he knew there would have to be a study made on it, but the high school would be moving to Park Avenue. I know that's down the road a ways, but there will be traffic problems and I think there should be a study made on that by the Board of Education on what they are going to do in regards to parking and such in this particular area. Mayor Karnes said that this was originally supposed to have been a high school, and there is an existing right-of-way between 11th and 19th Streets on the school side of the track. The traffic was supposed to be on that side, and the vacant property between the schools is suppose to be a parking lot. There has been two board member changes on the school board, so this may be further delayed. Councilman Robert Young asked the anticipated time of the change, and Mayor Karnes said with the two changes in the Board Members there is no time limit, but it was about two years or so.

Councilman at Large Olaf Walker: - I agree with what George said, but somebody ought to keep in touch with the Board. Not only from that aspect, but also any possibility of any closing down here that the City should be notified first.

Mayor Karnes informed that he plans to run the Council Meetins about the way we did this evening, and expressed his appreciation for the cooperation of everyone. He said that any calls received on requests from citizens that they want on the floor, to try to resolve them without bringing every little item on the floor at any time they can. Mayor Karnes said that he would like to handle complaints before a citizen would have to come before Council.

There being no further business, Councilman Jim Hutchinson moved the meeting be adjourned. The motion was seconded. A vote was taken and it was unanimous and the meeting was adjourned at 8:50 p.m.

CITY OF NITRO
COUNCIL MEETING MINUTES

JULY 19, 1988

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Jack Hill, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

The invocation was given by Mrs. Mary Trout.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 5, 1988 COUNCIL MEETING MINUTES: - Councilman Bob Young moved for the approval of the July 5, 1988 Council Meeting Minutes as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - EXPANSION OF NITRO LIBRARY: - Mayor Karnes called upon Mary Trout, Chairwoman of the Library Board to explain the conditions for expanding the Nitro Library. She advised that the total cost of the project would be \$129,700, of which the Board must have fifty percent of the funds amounting to \$64,850. before applying for the matching grant in federal money. Information was furnished members of Council regarding the State Law, and documents were left with Mayor Karnes regarding the library. She informed that the land, not including the land on which the library is situated, must be appraised, and the Mayor is in the process of having this done. The appraised value of the land can be counted towards the City's matching funds. Mrs. Trout advised that the monies available as far as labor is concerned is \$42,240. This would count towards the \$64,850. She advised that the students from Ben Franklin Vocational School will build the library under the direction of their instructor. She reminded Council that in May, 1988, action was taken to allot \$10,000 towards this project. In order to apply for the additional money needed, Mrs. Trout requested that Council grant the Library Board the deed for the Library. Mr. Goff, an Architect with the firm of Wilson & Goff of St. Albans, shared plans of the expansion of the library with the addition matching the brick exterior of the existing structure. The new addition will have a fire place, new rest rooms, kitchenette and a meeting room. Construction should be completed by June, 1989. Mayor Karnes requested counsel's opinion as to whether the park property could be used for additional library usage before obtaining a survey and appraisal. Mr. Gaujot answered that he thought this would be in order. However, suggested the transfer of the property to another legal entity, even though it's still

the City, be handled by an ordinance. Councilman at Large Olaf Walker moved that the Mayor be authorized to obtain an engineer to have a survey made. The motion was seconded. A vote was taken and it was unanimous.

City Treasurer Ralph Allison asked the direction he should take with regards to the \$10,000 designated for the Library Board at the Council Meeting on May 19, 1988, and he was instructed to issue the check.

AGENDA ITEM NO. 3 - RECREATION COMMITTEE REPORT: - Mayor Karnes asked Councilman at Large David Casebolt to report on the meeting of the Recreation Committee. Councilman Casebolt reported that a meeting was held on July 11, and the three areas discussed were the City Park, City Pool and the lake. Councilman Casebolt advised that some of the endeavors besides basic repairs, were to build three new tennis courts, reinstall the wading pool and improve the river bank area to allow fishing. He said that they discussed building a miniature golf course beside the pool, and expand the present building to house a game room. At the lake, they planned to bring back the paddle boats and build a walkway from the bank to the small island in the middle. With Council's approval, they planned to establish a town fair, an annual weekend flea market and to hold a softball tournament annually to bring in revenue. The next meeting is scheduled for July 25, at the lake, at which time they will establish a time frame and a priority list for which they plan to have the above mentioned done. Mayor Karnes added that a copy of the minutes was furnished to members of Council and a lot of the things mentioned can be done at very little cost. Chuck Hudson is the Chairman of the Recreation Committee and Paul Hartling is the Secretary. Councilman at Large Rusty Casto questioned if there would be a separate account for the funds received for the recreation department. Mayor Karnes answered that he and the City Treasurer Ralph Allison would check into this matter.

AGENDA ITEM NO. 4 - STREET & TRAFFIC COMMITTEE REPORT: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman Walker reported that the Street & Traffic Committee met on July 11, and at this meeting, Mayor Karnes requested the Street Committee review the street conditions throughout the City of Nitro and to come up with a paving program that could be recommended to Council. He suggested that each Ward Council person list all the streets in his or her ward on a priority basis, and the members of Council did furnish this information. Councilman Walker informed that the Committee discussed the projected cost of paving and the sources of money that might be available for this. Councilman Walker informed that it was decided that the comments and recommendations of Gene Williams, Director of Public Works, would be valuable to the Committee. Also, the Committee felt they could benefit from the representative of a blacktop company to inform them of standards,

materials and terminology. Councilmen Walker and Atkins met with Gene Williams on July 14, at which time Mr. Williams suggested the following streets be paved first: Hillside Drive, 20th Street, 22nd Street, 23rd Street, 25th Street and 26th Street. Mr. Williams also suggested that the City follow up on Tom Rhule's proposal in which he would furnish all materials and the City of Nitro to furnish the labor and equipment necessary to blacktop Spring Street from the highway across the railroad tracks to Kanawha and also pave a portion of Kanawha Avenue. He suggested that all streets that have recently been resurfaced be sealed with a sealant. Councilman Walker informed that at the meeting held on July 18, the three suggestions of Mr. Williams were discussed as well as the conditions of the street in each of the wards. Councilman Walker advised that Mr. Williams said it would cost approximately \$4,500 to resurface a street 400' in length, 25' in wide with 2" of blacktop. Councilman Walker said that in anticipation of revenues from the dog track, the 1988-89 budget had \$95,000 for asphalt and sand. Councilman Walker said that the Committee recommends that the City, pending legal advise, contact Mr. Tom Rhule and proceed with a contract of mutual agreement to pave the streets mentioned earlier, that the Mayor instruct the Department of Public Works to begin immediately to apply a sealant on the recently paved streets. Also, the Committee recommends that the following streets have a new surface or resurfaced: (listed in priority by the Ward Council person) Ward I - Third Avenue from 21st St. to 40th St., Norwood Rd., Bentwood Rd. and Rockledge Dr. Councilman Bob Young explained that on Rockledge Dr. sections needs to be cut out and replaced and could be done by City employees. Ward II - 7th Street, 16th Street, 20th St., 22nd St., and 23rd St. Ward III - 900 block and the 1,000 block of Dupont Avenue, 700, 800 & 900 block of Washington Ave., 700 through 900 block of Kanawha Ave., Beech from Main to Kanawha, Elm from Main to Kanawha and Park Avenue. Ward IV - Kanawha Ave., S, Michigan Ave., S, Old County Rd., Okey Street, Hillside Dr., and Wilson St. Councilman Jim Hutchinson advised that the cul-de-sac on Hillside was left off of the list he submitted when reported by Councilman Walker. Councilwoman Betty Jo Boggess commented that the large hole on 22nd Street needs immediate attention. Connie Stephens, General Manager of the Sanitary Board requested that instructions be given to the workers not to cover the manholes. Councilman at Large Rusty Casto suggested having a type of concrete material put over the sealer which would improve the looks of the blacktop. He said that he didn't know the cost or the wearability of this product, but they have it on their driveway.

AGENDA ITEM NO. 5 - ADOPTION OF CITIZEN PARTICIPATION PLAN: Mayor Karnes called upon the City Recorder Jack Hill regarding this agenda item. The City Recorder Jack Hill explained that each city in the state, by state law, contributes money to the Regional Intergovernmental Agency (RIC) according to the population of the city. The state is divided into regions of

different counties, and each region has an office within itself. The purpose of this organization is to help cities find out how to obtain money from federal agencies, and we are in the region with Kanawha, Putnam, Boone and Clay counties. Mr. Hill informed that after talking with Mr. Felton, the City is proposing to get a grant from RIC and in the grant fund, there is \$10,000,000. There are other cities requesting this money. Mr. Hill said that the City is asking for a grant of \$300,000 up to \$500,000 which is the limit. The funds will be used for paving, and we propose to use our own labor and request that RIC get us a grant for the material. Mr. Hill commented that they are leaning towards sewer and water projects. Mr. Hill advised that it is a low to moderate income criteria, and if we can get an area of our City meeting this criteria, we can survey this section of the City. He informed that we must survey or attempt to survey 100% of the houses in this section, and we must contact 80%. Mr. Hill said that 51% of the residents of the households that we survey must meet the criteria of being low to moderate income. After Mayor Karnes and Mr. Felton reviewed the City map, considering the general knowledge of our city, they proposed to attempt to survey from 23rd Street to 41st Street inclusive to determine if this area would meet the criteria. Mayor Karnes added that this does not include 40th Street or 1st Avenue as they are state highways. The deadline for the application is August 15. The rules for the adoption of the Citizen Participation Plan are that we are required to have a lot of input from the citizens and that we hold two public meetings to allow for participation from citizens in that area. Mr. Hill reported that there was a public hearing on June 21, concerning the Community Center but no one showed up from the public. At the first meeting the law says that we are advising our citizens about applying for a grant. Therefore, according to the law the first meeting has been held. A public hearing will be held 2 weeks from today. The advertisement will be placed and the grant application administered for us through RIC. The survey must be completed by July 27. Councilman at Large Olaf Walker moved that we adopt the Citizen Participation Plan. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - CONSTITUTION SCHOLARSHIP BOWL: - Mayor Karnes informed that he has received telephone calls regarding this, but is not too familiar with it. Mayor Karnes said that he wanted Council made aware of this in the event they received any inquiries, as there seems to be a problem in the completion. Councilman at Large Rusty Casto volunteered to fill everyone in on this matter as best he knew. Councilman Casto informed that over a year ago there was a Bicentennial Committee formed on the 200th Birthday of the Constitution. He advised that it was Mayor Ashley's idea to have a Constitution Bowl among the local high schools. He said that if he remembered correctly, there were 4 members on each team. Each participant of the winning team would each receive a \$1,000 scholarship, and the runner-up team members would receive a \$500 scholarship. The amount raised for the

scholarships was \$2,657.40, and the amount needed is \$6,000, and some of the students are requesting the money to start school. Councilman Casto advised that until one week ago he wasn't aware that we did not have the money in its entirety. Mayor Karnes said that it was his suggestion that the Committee meet and let them see if they can resolve this before it gets too nasty. He said that there are probably several members that are not aware of the problem. Mayor Karnes said that in researching the minutes, found where there had been discussions and the Constitution Scholarship Bowl did take place, but it required no action by Council that he noted. Councilman Walker added that they were told that the prize money was to be contributed by professionals and businesses.

AGENDA ITEM NO. 7 - SPECIAL OLYMPIC SPONSORSHIP REQUEST: - Mayor Karnes distributed a copy of the request from the WV Special Olympics for an advertisement in their souvenir program book at a cost of \$115. Mayor Karnes commented that he thinks it is an excellent program, but didn't want to spend money for anything other than on the citizens in this town without Council's approval. Councilman at Large Rusty Casto moved for the approval of a bronze sponsorship page at a cost of \$115. The motion was seconded. Councilman Walker asked Mr. Gaujot if it was legal for the City Council to spend City monies for this type of request, and Mr. Gaujot answered that before this administration, contributions such as this was not made. He said that this type of thing has been debated before in previous Council Meetings, and since he has been the City Attorney this type of contribution has not been made. After a discussion, Councilman at Large Olaf Walker moved we table this item. The motion was seconded. A vote was taken to table this request, and it passed with Councilman at Large Rusty Casto voting in the negative.

AGENDA ITEM NO. 8 - SENIOR CITIZEN'S VAN INSURANCE: - Mayor Karnes reported that he feels that the senior citizen's van is of great importance to our seniors. He advised that in the past we paid the insurance on the van, but last year we did not, which left them in a bad situation and they had to borrow the money in order to pay for the insurance. He informed that after talking with the County Commission, it was explained to him that if this Council would authorize payment of the annual insurance premium of \$885, then in the future the County Commission would pay the insurance on the Multi-Cap van. Councilman Jim Hutchinson moved the Mayor be authorized to pay the insurance premium on the van. The motion was seconded. A vote was taken with Councilman at Large Rusty Casto voting in the negative.

AGENDA ITEM NO. 9 - PLANNING COMMISSION APPOINTMENT: - Mayor Karnes informed that we now have two vacancies on the Planning Commission and requested permission to appoint W. E. Harris, 24

Lake Lane to fill an unexpired term which would expire in February, 1989 or 1991. Councilman at Large Rusty Casto moved that W. E. Harris be approved as a member of the Planning Commission. The motion was seconded. A vote was taken and it was unanimous.

Mayor Karnes recommended the appointment of Janet Martin of 1516 W. 15th Street to the Planning Commission. Councilman at Large Olaf Walker moved for the approval of Janet Martin to the Planning Commission. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 10 - RECREATION DIRECTOR: - Mayor Karnes suggested that Jay Long be appointed as the Recreation Director. Mayor Karnes recommended that Mr. Long be assigned 2 employees during the summer, and then work with Gene Williams for additional assistance as needed. Councilman at Large Olaf Walker moved that the appointment of Jay Long as Recreation Director be approved. The motion was seconded. A vote was taken and it was unanimous.

PEOPLES FEDERAL CREDIT UNION: - Mayor Karnes informed Council of a request from the People's Federal Credit Union which needed the attention of the Planning Commission. He stated that the credit union has made an offer on a piece of property in Nitro, and requested that a "paper alley" on this parcel of land be abandoned.

Councilman at Large Olaf Walker read a letter from a person unknown, addressed to Councilman at Large expressing concern about plans for clearing brush along the west side of the railroad tracks which would cut away the cover for rabbits.

Councilman George Atkins announced that the resident manager of the senior citizen's complex is Bill Gibson, former owner of Twin City Furniture. Councilman Atkins said that it was his understanding that he would be contacting the people who have been approved for residence there and they will probably be moving in after the 1st of August. Councilman Atkins expressed his concern regarding the vehicles still parking inside the gate at the City Park. Mayor Karnes replied that we really don't have the proper signs at this time. Jay Long informed that the split rail fence has been removed at the proposed tennis courts, and it has been blocked off. Also, they put fence up against the gate and there is no way they can continue to park inside now, and signs will be posted. Councilman Atkins said that on the corner of 19th St. and Main, the sign needs to be moved back about 4' or 5' because it is blocking the view. Mayor Karnes informed that this has been brought to his attention, and will be corrected.

Councilman Robert Young said that the only thing he had was what he had talked with City Recorder Jack Hill about this evening. He informed that there has been a group of kids coming through his area once or twice a week or more from United Students of America selling candy for \$3.50 a box. Councilman Young said that a neighbor called his attention to this and he checked with two boys, who were from Orchard Manor, waiting at the entrance of Brookhaven for a gentlemen to come back and get them. When the driver of the vehicle, David Crum from Seth, WV, came back he showed Councilman Young his license. Councilman Young informed that he had numerous licenses from different states, which did include Nitro. Councilman Young commented that he would like to see these license rescinded, and inquired if Mr. Crum didn't need a vendors license. Mr. Gaujot suggested reporting this to Charlie Brown and the Consumer Division. Mayor Karnes said that he thinks we should check on this to ascertain if there are any violations.

Councilman David Casebolt reported that there is a very dangerous intersection at the corner of Gravely and Main at the bend of the road at Kanawha Brick and Block, there are trucks parking near the intersection. A person has to pull out in the roadway to see, and was afraid someone might be killed there if the problem isn't corrected immediately. Chief Cochran made note of this existing hazardous condition.

Councilman at Large Rusty Casto asked if he could contact the County Commission and request if they could give us \$30,000 for tennis courts. Mayor Karnes said that he has already talked with them, but didn't have an answer yet.

There being no further business, Councilman at Large Rusty Casto moved the meeting be adjourned. The motion was seconded. A vote was taken and it was unanimous and the meeting adjourned at 9:35 p.m.


DON KARNES, MAYOR


JACK HILL, CITY RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

AUGUST 2, 1988

The regularly scheduled Council Meeting was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Jack Hill, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess and Councilman George Atkins. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Councilman Jim Hutchinson was absent.

The invocation was given by Jay Long.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 19, 1988, COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved for the approval of the Council Meeting Minutes of July 19, 1988 as written. The motion was seconded. A vote was taken and it was unanimous and so ordered.

AGENDA ITEM NO. 2 - BLOCK GRANT RESOLUTION: - Mayor Karnes yielded this agenda item to the City Recorder Jack Hill. Mr. Hill introduced a resolution of which members of Council were furnished a copy. He explained that we need the approval of the resolution by Council as part of the formal application for grant funds. Councilman Bob Young moved for the approval of the resolution. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker suggested we follow the pattern we previously use on resolutions. Mayor Karnes answered that this resolution was written by RIC, and City Recorder Jack Hill informed that he was advised this was a standard form.

RESOLUTION 88-6 ATTACHED.

AGENDA ITEM NO. 3 - INCOME SURVEY: - City Recorder Jack Hill explained that the completed income survey for the paving grant, along with the forms, were taken to Mr. Felton of the Regional Intergovernmental Council in Dunbar. He advised that the percentages looked very good. The criteria for the below level income was 79.6% and the requirement was 51%. A copy of the survey was distributed to members of Council. Mr. Felton told Mr. Hill the volunteers working on the survey should be complimented. They were Dave Casebolt, Rusty Casto, Olaf Walker, Butch Miller, Norma Asbury, Kirk Casto, Steve Mitchell and Betty Jo Boggess. Mr. Hill complimented them on a job well done. Councilman at Large David Casebolt said that he felt that the City Recorder Jack Hill should also be commended. Mr. Hill furnished visitors copies of forms pertinent to the survey.

Mayor Karnes mentioned that Nitro as an entire City does not qualify for this grant. There was certain criteria that had to be met such as income, age of housing and various things. He explained the reasons for choosing the area they did. Councilman at Large Olaf Walker said that he would like to repeat a statement made by City Recorder Jack Hill at the Public Hearing for the benefit of those present that did not attend the hearing. He said that if we are able to get the grant funds for this particular section, then it would free up some money in our paving budget and enable more streets to be paved.

AGENDA ITEM NO. 4 - PARKING PROBLEMS: - Mayor Karnes said that he has received several calls regarding parking problems on 19th Street from 1st to 2nd Ave., 19th Street from 2nd Avenue to 3rd Avenue, 21st Street and in the Park Avenue City Park area. Councilman at Large David Casebolt has been involved in trying to resolve these problems. Councilman at Large David Casebolt informed that he was working with Councilman George Atkins on an ordinance for permit parking on the areas west of Park Avenue, including Park Avenue, 11th, 12th, 13th, 14th and 15th Streets. He said they had planned to bring the ordinance before Council this evening. The ordinance would be for permit parking in these areas which would be enforced 24 hours a day, and only vehicles displaying the proper parking permit would be exempt. Parking permits would be issued to recipients of these areas by the ward council member and there would be a current list on file with the police department giving the names, addresses, licence plate number, and date of issue for each parking permit. For the addresses in these areas, two parking permits would be issued for that address, and one permit would be issued for use by visitors to that address. Permits would be issued without cost. He explained this would eliminate the students from creating a greater parking problem once the high school is located on Park Avenue. Councilman Casebolt said that it was brought to his attention that other areas should be included on this ordinance, and inquired if there were any other streets. A lady expressed her concern regarding the parking at City Park for picnickers. She said that they were permitted to take the car into the park and unload their food, but had to bring the vehicle back out and park, and then walk across the field to their table. She commented that if the elderly are going to use the park, then there should be some arrangements made for this. The lady informed that there were ball player's cars already parked there and when they were ready to leave had to carry their containers out. Mayor Karnes answered that for at least twelve years, there has been an ordinance prohibiting parking in the park or have a bicycle other than at designated places, or have pets. Mayor Karnes explained that there is a limited amount of space there, but to go into the park to unload, there has never been a problem with this. He explained that if parking was permitted, there would be so many cars in the park, that if an emergency occurred,

we couldn't get an emergency vehicle through there. Mayor Karnes reported the ordinance was passed prior to 1976, and may be it should be changed or they should have a designated area for handicapped. He said that it was a City park for the residents, and whatever most of those people want, is what he intends to do. The lady commented that the park looks better than it has for a long time, and said that she was very pleased with the cleanliness. Councilman Atkins said the police department is issuing parking citations to these violators. He said that they would talk with the senior groups and try to get something resolved. Councilman Casebolt said that they welcome comments or ideas on their proposed ordinance. Councilman at Large Olaf Walker moved the ordinance be given to the Mayor and have somebody research the areas, and Councilman Casebolt informed that this had been done. Councilman Walker said that the idea was discussed before but they never implemented it because of the problems they foresaw on the question, such as the residents on one side of the street in favor of the permit parking, and on the other side opposing it. He said it wasn't in the area they are speaking of now. Councilman Casebolt and Councilman Atkins reported that a majority of the residents contacted are in favor of permit parking. Councilwoman Betty Jo Boggess advised of the parking problem on 19th Street. Mayor Karnes said that he suggests we deal with the Board of Education on this, and advise the teachers to use their parking lot. Further discussion followed concerning permit parking. Councilman Atkins recommended putting up parking signs, and Councilman Casebolt agreed. Mayor Karnes suggested we have signs put up, but legal council informed this would have to be done by an ordinance and will draft same. Councilman Casebolt said that parking is prohibited past 15th Street West in front of the football field, and thinks we should be allowed to continue to park there. Councilman Atkins advised that we would probably have to deal with the Board of Education on this. City Recorder Jack Hill agreed and suggested they provide enough parking spaces for their cars and keep them out of the neighborhood for all activities. Councilman at Large Rusty Casto moved that the four Ward Councilmen along with Councilman at Large David Casebolt as Chairman, offer their recommendations on a solution to the parking problems with our City Attorney to draft an ordinance. Councilman at Large Olaf Walker stated that the Street Committee has offered several recommendations, and he would suggest that legal counsel draft an ordinance and present it to the Committee. Mayor Karnes said that we would need an ordinance for permit parking on Park Avenue, and a separate ordinance for parking on the south side only of 19th Street. He said that with the cooperation between City Hall and the School Board, we should be able to cure the parking problem on 19th St. between 2nd and 3rd Avenue.

AGENDA ITEM NO. 5 - RECREATION COMMITTEE REPORT: - Councilman at Large David Casebolt reported the accomplishments of the recreation department which were as follows: 5 picnic

tables have been moved to the pool, a new bench has been placed there, the rocks have been painted, grass is being cut, and the pool is looking good. At the park, the fence has been painted along the front, a split rail fence has been installed along the road to the pavilion, painted the backboards and poles, put up new nets, placed two new benches, donated by Kanawha Brick and Block, beside the basketball court, installed new automatic lights which come on at 8:00 p.m. and goes off at 12:00, the right rail along the parking lot has been painted, the grass is being kept cut, and the trees have been white washed. The Director of Recreation, Jay Long, added that they are in the process of putting a new roof on the pavilion and then it will be painted. Councilman Casebolt reported the white posts at the lake have been painted, a City of Nitro flag raised, and the grass has been cut. Mayor Karnes reported that the new parking lot is finished except building a small bridge across a gully. Councilman Casebolt reported that a road has been made for easy access to one of the main shelters, and Mr. Quinn has been employed as Manager of the lake. Councilman Casebolt advised that a lot of the improvements were not recommended by the Recreation Committee, but it was done by Mayor Karnes and Jay Long, and they are doing an unbelievable job. Councilman Casebolt proudly reported that he has received numerous complimentary comments regarding the park and the lake. A lady commented that she has gone to the City Park since she was a small child, and she took her daughter over there two weeks ago, and stated that she has never seen it look as nice as it is now. Councilman Casebolt reported that plans are being made to start working on the nature trail this week, and in the near future a split rail fence will be installed along the lake. Councilman at Large Olaf Walker said that he was concerned about a proposed ordinance, charging for the use of picnic facilities at the City Park. He commented that we should rescind this ordinance, and several members of Council agreed. Jay Long will check on this and report back at the next Council Meeting. Councilman at Large Rusty Casto requested the Mayor, along with the City Attorney and Treasurer, furnish the Recreation Dept. the criteria for raising funds and also on spending the money raised.

AGENDA ITEM NO. 6 - LETTER - NITRO MIDGET FOOTBALL: - Councilman at Large Rusty Casto reported that the Nitro Midget Football League has requested the use of the Nitro City Park for practice sessions, and also permission to park cars on the city parking lot for high school games and ask for donations to their midget league as in the past. Councilman at Large Rusty Casto moved their requests be approved as long as they have a big sign designating donations. The motion was seconded. After a discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - PLANNING COMMISSION APPOINTMENT: - Mayor Karnes announced that he would like to appoint Charles B. Boggs, 106-B Broadway Avenue to the Nitro Planning Commission.

Councilman at Large Olaf Walker moved the appointment of Charles B. Boggs be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - FIRE CIVIL SERVICE COMMISSION APPOINTMENT - Mayor Karnes reported that we have some manpower problems in the fire department, and in order to get the Board in order, informed that he would like to appoint Dr. Charles Byrd, of 603 Kanawha Avenue, South to the Fire Civil Service Commission. Councilman at Large Rusty Casto moved for the approval of Dr. Charles Byrd to the Fire Civil Service Commission. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8A - LIBRARY BOARD: - Mayor Karnes advised that we also have a vacancy on the Library Board and suggested the appointment of Dorothy Atkins of 304 Kanawha Avenue to this Board effective July 1, 1988 for a one year term. Councilman at Large Rusty Casto moved for the approval of Dorothy Atkins to the Library Board. The motion was seconded. A vote was taken and the appointment was approved with Councilman George Atkins abstaining.

AGENDA ITEM NO. 9 - NEW BUSINESS: - Mayor Karnes reported that we received approval of the Library Grant from the WV State Library Commission, and construction for the addition to the library will start in September. It will be necessary that we advertise for bids on material as soon as we receive the materials supply list from Wilson and Goff.

Mayor Karnes reported that he has received several calls regarding Artel with more calls from the media than the citizens. He said that he thinks Artel Chemicals is in as good hands as we can hope they ever will be. If DNR and EPA don't know what they are doing, we are all in a lot of trouble. He said that he thought it is probably safer now than it has been for several years. He said that he didn't think it was true 8 to 10 days ago, but feels they have a handle on it now. He reported we receive a report almost every day on what they are doing there. The report is details about what they are doing at the time, but not anything to tell the public in general and accomplish anything. It just has details of the number of barrels near the northwest end of the building, but doesn't tell anything about the danger or safety. Mayor Karnes said that his response has been to the news media and the citizens, is that he thinks it is in good hands, and we depend on their advise. We have an evacuation plan that we have had for years and it is in place. He said personally he feels as safe with Artel Chemicals right now as he does with Monsanto Chemical, FMC or Union Carbide. He said that he just wanted to make that comment because there has been an awful lot of questions regarding Artel. He reported that he received a call from NBC, New York about 12:30 the other

Councilman at Large Olaf Walker: - Advised that the Street Committee is available to meet with the Mayor to continue their discussion on two proposals. Councilman Walker asked if the Mayor had contacted Mr. Rhule. Mayor Karnes said that he hadn't personally, but he has been contacted. Mr. Rhule is not ready at this point, but he will get back with us. Councilman Walker asked the status of the sealing of the streets, and Mayor Karnes reported that this has been turned over to Gene Williams. Mayor

Councilman Robert Young: - Commented on a copy of a letter and other correspondence received by an upset citizen regarding a problem with a dog. Chief Cochran reported that the problem mentioned by the lady was taken to Magistrate Court and the lady lost her case. Now, she has other problems. Mayor Karnes said the complaints mentioned in her letter happened prior to this administration, and we do not have the full story. However, if she has any problems effective now, we will enforce the laws.

Councilwoman Betty Jo Bogges - Councilwoman Betty Jo Bogges said that everything she had concerns about has already been taken care of. Councilwoman Bogges said that she was just made aware of the adult swimming night at the pool on Thursday, and wanted to know if this was made public. Mayor Karnes said there was an ad in the Shopping Guide last week, and he is trying to get a lot of participation. Councilwoman Bogges suggested we run a larger ad, and Mayor Karnes advised the senior citizens had this ad published.

Councilman George Atkins: - On 11th Street, West there is a piece of property that needs to be cleaned up. There is a piece of property adjacent to the house on Ash Street and Washington Avenue that needs to have the weeds and grass mowed. Councilman Atkins asked a resident of W. 15th St. to describe the problem on W. 15th Street. She reported they have a problem with rats. She said that she had Connie Stephens up there and she told her the problem is that the sidewalk needs to be sealed off. She reported that another hole is developing where her property is located beside the alley. The lady said that Connie told her that she needed to get Gene Williams on this. Connie Stephens gave her opinion as to what needed to be done to prevent the reoccurring of the holes, thus, resolve the rat problem. Councilman Atkins asked if we were going to take care of the problem Mr. Christian has with parking on Main St. Mayor Karnes said that before anything is done, we should find out what he is going to do as he has a for rent sign there now.

RPA has asked our fire department to supply them with temporary water, hose and fittings. We are now in the process of trying to work out a contract on this. He said they are calling it temporary, but he suspects it will be for a year or more. They are saying 45 days.

Karnes said that he thinks Mr. Williams has been working a good bit on getting ready to begin paving. Mayor Karnes reported that Mr. Williams has some one that will do the sealing at 4 1/2 cents a square foot. Councilman Walker said that the reason the Paving Committee discussed this is because they don't have a great amount of money in the budget for street paving as such, but there is enough money to get this phase out of the way. Councilman Walker said that anything they could do to help get this going, they would.


Councilman at Large David Casebolt: - Encouraged Jay Long to keep moving along.


City Recorder Jack Hill: - Said that he would like to welcome our guests and express the hope that we haven't worn them out to the point where they won't come back. He said that we enjoy having you, and hope you will all come back and bring friends.

Councilman at Large Olaf Walker moved the meeting be adjourned. The motion was seconded.

Mrs. Painter from Broadway Avenue asked to address Council with her concerns regarding the Artel situation. She complained regarding her inability to obtain answers to questions regarding Artel, especially about the stabilization of the roof there. Mayor Karnes responded that he receives reports almost every day, but they are detailed to the point that they don't really tell you anything. Mayor Karnes told Mrs. Painter that he would keep the police department informed and she could call them or to feel free to call him.

There being no further business, a vote was taken to adjourn the meeting at 9:10 p.m. and it was unanimous.


 DON KARNES, MAYOR


 JOHN JACK HILL, RECORDER

CITY OF NITRO

DON KARNES
MAYOR

RESOLUTION

RESOLUTION 88-6

The City of Nitro authorizes its Mayor to apply for up to \$250,000 in HUD-Small Cities Block Grant funds to pave the following streets: 22nd Street through 39th Street, 41st Street, 2nd Avenue, 3rd Avenue, 31st Street, E., and Easter Road.

The Mayor will sign the application, including the assurances, and will provide HUD and GOCID representatives with information related to this project.

Date: August 2, 1988

CITY OF NITRO

Don Karnes
Don Karnes
Mayor

Jack Hill
Jack Hill
Recorder

CITY OF NITRO
COUNCIL MEETING MINUTES

AUGUST 16, 1988

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Jack Hill, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

There was a silent prayer on behalf of James Paul Pennington and Stacey Garrett Brown, 1988 graduates of Nitro High School. Mayor Karnes reported they were unfortunately killed in an automobile accident today.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 2, 1988 COUNCIL MEETING MINUTES: - Councilman Bob Young moved that the Council Meeting Minutes of August 2, 1988 be approved as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PAVING REPORT: - Mayor Karnes asked Councilman at Large Olaf Walker to give the paving report. Councilman Walker said that he was proud to report that the paving of Hillside Drive was complete, and a portion of DuPont Avenue was being paved today. Councilman Walker suggested that future paving reports be given by the Ward Council person in which streets are paved. Councilman Walker said that they already knew the cost of materials to pave these two streets, but did not have the cost for labor as of this date. He reported the Paving Committee, at their first meeting, discussed having a contractor furnish a bid in order to compare the cost, as well as the workmanship and quality of the job. Councilman at Large Rusty Casto asked Mayor Karnes if he would write a letter on behalf of Council expressing appreciation to the crew of the Department of Public Works on their paving job in such hot weather.

AGENDA ITEM NO. 3 - SMALL CITIES BLOCK GRANT: - Mayor Karnes yielded this agenda item to the City Recorder Jack Hill. Mr. Hill reported that our application and all necessary materials were submitted to the Regional Intergovernmental Council before the deadline. He informed that he checked with RIC, and was informed that they submitted our application to the Governor's Committee who will make the decision on how the money will be allotted. Mr. Hill said that he could not obtain an answer when the funds would be released, but was in hopes the money will be received in time to do some paving before bad weather. Mayor

Karnes circulated documents to Council for their review pertaining to the grant. Mayor Karnes complimented the City Recorder Jack Hill on an outstanding job of obtaining the necessary information for the grant.

AGENDA ITEM NO. 4 - ABANDONMENT OF ALLEYWAY: - Members of Council were furnished a copy of the Planning Commission Minutes of August 4, with their recommendation concerning a request to "abandon the 12 foot alley running through Lots 32-39 and 1.33 acres of the Heirs of F. H. Sattes Estates on Route 25". Mayor Karnes mentioned that it was suggested by the Nitro Sanitary Board and the Building Inspector, that if we chose to abandon this alleyway, we reserve a 10' easement for possible future use of sewer lines. Mayor Karnes informed that he called this to the attention of the Planning Commission, and they were not aware that this could some day be a problem, and would be in addition to their recommendation to abandon the alleyway. Mr. Hill said members of the Planning Commission visited the site, and at their meeting, recommended that the City abandon this alleyway. Councilman at Large David Casebolt moved we accept the recommendation of the Planning Commission with the City reserving a 10' easement on one end of the property for possible utility usage. The motion was seconded. After a brief discussion, Councilman at Large David Casebolt withdrew his motion, and Councilman at Large Rusty Casto withdrew his second to the motion. Councilman at Large Olaf Walker moved that we approve the recommendation of the Planning Commission and then refer the drafting of the proper language designating the location of the easement to our City Attorney. The motion was seconded. A vote was taken and it was unanimous. City Attorney Phillip Gaujot suggested an ordinance be prepared which requires a first and second reading. A discussion followed regarding the proposed cemetery. Councilman at Large Rusty Casto asked if we could move on to the next item on the agenda and then come back to this matter.

COPY OF MINUTES ATTACHED.

AGENDA ITEM NO. 5 - SOLICITATION PERMIT: - Mayor Karnes advised that Councilman at Large Olaf Walker drafted what he feels we need in the way of an application to solicit of which members of Council were furnished a copy. Councilman Walker suggested Council review the application and then take action at the next meeting. He informed that if this application passed, the City Recorder Jack Hill would establish a filing system to better ascertain the action taken by Council on all solicitation requests. Mayor Karnes asked the City Attorney Phillip Gaujot to review the draft and advise if it appears legal, and help with the terminology of the ordinance. Councilman Casto suggested that we include prohibiting solicitation of money from traffic in the streets in the ordinance.

AGENDA ITEM NO. 6 - TAG DAY: - Councilman George Atkins informed that the Nitro Jr. High School requested permission to hold "Tag Day" on September 21, for the purpose of raising money for the band, and moved their request be granted. The motion was seconded. After a short discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - DISPOSING OF ELECTION BALLOTS (MUNICIPAL ELECTION): - Mayor Karnes requested Council to authorize him to have the research done to properly handle the disposing of June 7, ballots and supplies. Councilman at Large Olaf Walker moved that the Mayor dispose of the ballots of the Municipal Election held on June 7, according to state statute. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto suggested Council adopt an ordinance that would prohibit the using of paper ballots in the Municipal Election. A lengthy discussion followed regarding the cost of the votomatic machines and paper ballots.

AGENDA ITEM NO. 8 - NEW BUSINESS: - Mayor Karnes reported that the F.O.P. appointed Judy West as their representative on the Police Civil Service Commission. Also, a copy of the Recreation Committee Minutes was placed in Council's folder. Mayor Karnes reported that on Thursday, September 15, from 1:00 p.m. to 7:00 p.m. and September 17, from 10:00 a.m. to 2:00 p.m., representatives from the registrar's office will be at City Hall to register citizens to vote. Mayor Karnes reported that he has been checking on some prices on sanitary trucks. He said that he has 2 proposals on the regular packer truck as we now use, which are \$32,000 and \$37,000 for new trucks. One is slightly larger. Mayor Karnes said that he hasn't received the proposal on the front loading truck.

Councilman at Large Rusty Casto: - Reported that the bank President along with himself are making plans to bring in Brooks Robinson for a baseball card show, and moved Council designate December 10, 1988 as Brooks Robinson's Day in the City of Nitro. He asked Council to vote on this now so that it may be included in their advertisement, and then pass the proclamation at a later date. The motion was seconded. A vote was taken to proclaim December 10, Brooks Robinson's Day in the City of Nitro, and it was unanimous.

Councilman Robert Young: - Councilman Young expressed concern regarding the large hole on Brentwood Circle in Brookhaven, and fixing the streets in Brookhaven. Mayor Karnes answered there was a priority list of streets to be paved and/or repaired and he plans to have work completed as designated on the list. Councilman Young said that during the last administration, Brookhaven associates tried to have a weight limit imposed on the streets. A discussion followed.

Councilwoman Betty Jo Boggess: said that she received a real nice letter from Ken Kniceley today from 4th Street hill. She said that she had overlooked his street and wanted it included in her report. Mayor Karnes told her that the street would be included.

Councilman George Atkins: reported that he received two more complaints regarding the rat problem on 15th Street. Councilman Atkins said that he thinks there is probably a sanitary sewer line that is broken because of the odor. Mayor Karnes informed that he would have the Sanitary Department check on this. Councilman Atkins said that they had checked it a couple times, but it needs to be investigated. Councilman Atkins also reported that there seems to be another problem in the alley between Main and Lane Avenue. Councilman Atkins asked the status on the cleaning of 11th Street. Mayor Karnes informed that he had a meeting scheduled this week with the owner's son regarding this. Councilman at Large Casto mentioned that the owner is gravely ill. Mayor Karnes assured Councilman Atkins that this problem would be resolved.

Councilman Jim Hutchinson said that he appreciated that they started paving in Ward IV first.


Jay Long, Director of Recreation informed that the street crew was treated to dinner today by one of the fine businesses in Nitro, McDonalds.

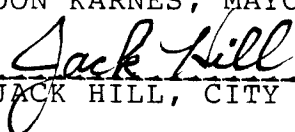
Mayor Karnes informed that letters are being mailed to businesses in Nitro inquiring about vacant property for sale or lease. For economic development purposes, we are going to try to help eliminate some vacancies.

Councilman at Large Rusty Casto moved the meeting be adjourn. The motion was seconded.

At this point, Dr. Walker asked if he could get Council's blessing to start construction on the proposed cemetery.

A long discussion followed, with Dr. Walker, Phillip Gaujot, Mayor Karnes and Council members participating, concerning pros and cons of Nitro City Code in regard to construction of a cemetery within city limits. There being a lack of legal information available at this time, no action was taken by Council.


DON KARNES, MAYOR


JACK HILL, CITY RECORDER

PLANNING COMMISSION

CITY OF NITRO

August 4, 1988

The Planning Commission of the City of Nitro, WV met at 7:00 p.m., Thursday, August 4, 1988 in the City Council Chambers. The meeting was called to order by Chairperson, Margaret Hudson. Other members present were Dr. Charles Byrd, Dr. Guy Cassell, William Harris, Janet Martin, Tom Waldorf, Sr., and new member Chuck Boggs who assumed his position on the commission after the first item of business was discussed and voted. Residents of Hillside Drive were also in attendance.

The first item of business was a request to "abandon the 12 foot alley running through Lots 32-39 and 1.33 acres of the Heirs of F.H. Sattes Estates, U.S. Route 25, Nitro, West Virginia." (See attached sheets.) A motion approving this request was properly made and seconded. A long period of discussion followed and included input from the Hillside Drive residents, Laura Mallett (Peoples Federal Credit Union Manager) and Chuck Boggs (realtor). Motion carried.

Mike Walker made a presentation concerning the second item of business, a proposed cemetery on Asbury Road. Mr. Walker said he had made a presentation concerning this earlier this year to City Council. The City of Nitro has no zoning regulations related to a cemetery and so the Planning Commission could not take action. They do however feel that Council members should be aware that they have no objections to this project and that they have been duly informed concerning the present plans for the cemetery.

There being no additional business, the meeting was adjourned.

Margaret A. Hudson
Margaret A. Hudson, Chairperson

Peoples Federal Credit Union 115

P.O. Box 728
INSTITUTE, WEST VIRGINIA 25112-0728
304-747-6209

June 23, 1988

Zoning Board of Appeals
City of Nitro
Nitro, WV 25143

Dear Sirs:

We have entered into a contract to purchase a tract of land located within the city limits of Nitro. This purchase is contingent upon a "paper alley" that crosses the center of the land.

We want to abandon the 12 foot alley running through Lots 32-39 and 1.33 acres of the Heirs of F. H. Sattes Estates, U. S. Route 25, Nitro, West Virginia.

I ask that you rule in favor of this request, and thank you in advance for your cooperation with this matter.

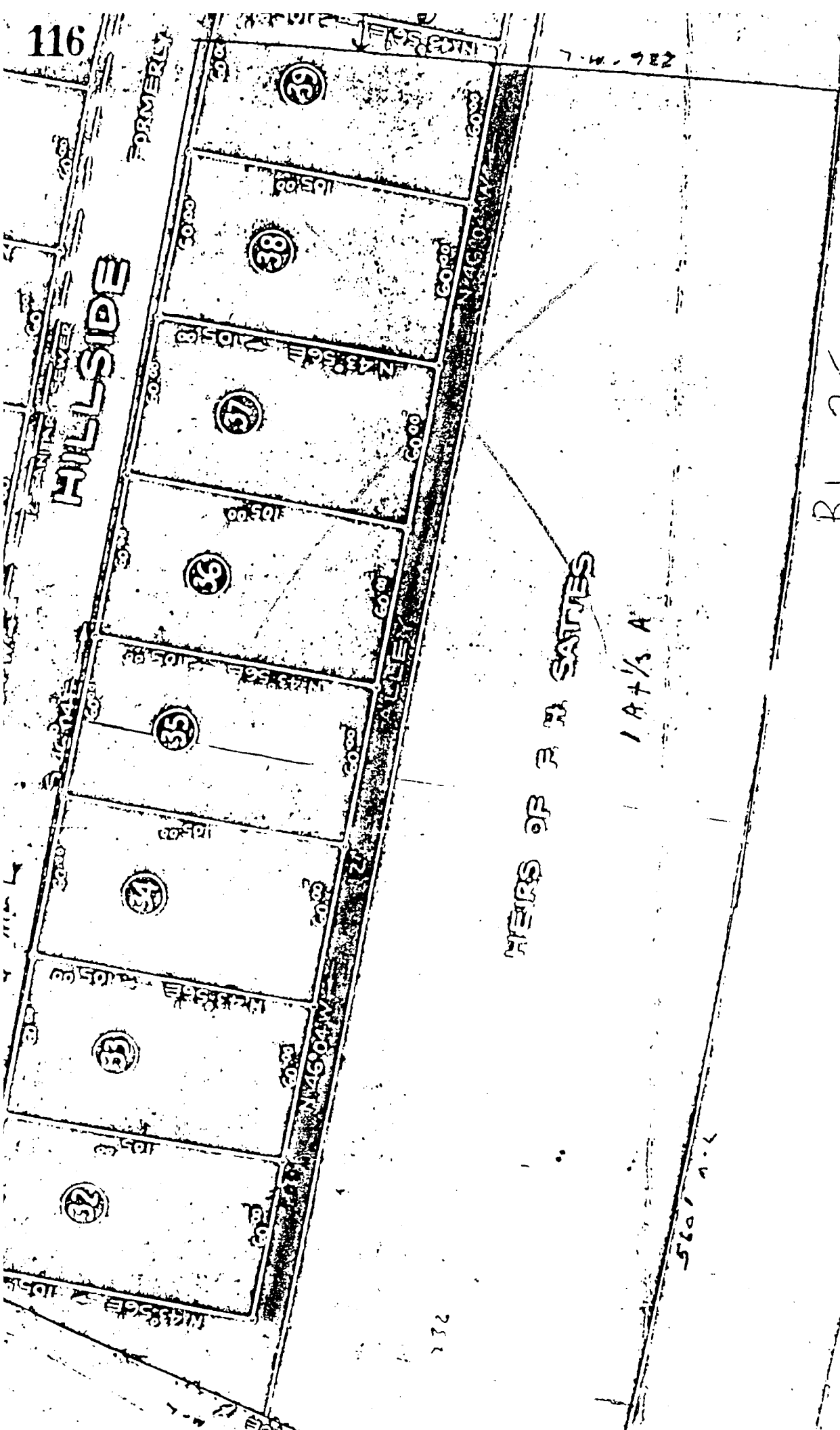
Sincerely,

William W Phares, Jr.
William W. Phares, Jr.
Treasurer

WWP/lm
cc: File

HILLSIDE

FORMERLY



HEIRS OF R. M. SATTIES

1 A + 1/3 A

5601 A.C.

Rt. 25

CENTERLINE OF NEW U.S. ROUTE 10

BEFORE THE CITY COUNCIL, CITY OF NITRO, WEST VIRGINIA

P E T I T I O N

PETITION OF BARBARA B. BACON, EXECUTOR OF THE ESTATE OF F. H. SATTES, DECEASED, IN SUPPORT OF A PROPOSED ORDINANCE TO PERMANENTLY ABANDON, VACATE, CLOSE AND DISCONTINUE PART OF THAT CERTAIN 12' ALLEYWAY LOCATED AT BEGINNING OF PROPERTY SITE BORDERING GWH SITE WHICH IS CURRENTLY LEASED BY CITIZENS NATIONAL BANK FOR CAR STORAGE AND ENDING AT THE NORTHWEST END OF SAID SITE BORDERING NORANDEX INC., LOCATED AT 415 FIRST AVENUE, NITRO.

TO THE MAYOR AND COUNCIL OF THE CITY OF NITRO:

WHEREAS, the subject property of the proposed ordinance to be permanently abandoned, vacated, closed and discontinued is shown upon a certain map or plat, entitled "HEIRS OF F. H. SATTES, LOCATED IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA THRU PROPERTY OWNED BY THE ESTATE OF F. H. ESTATES TO BE ABANDONED AND VACATED BY THE CITY OF NITRO", which map is attached hereto and made a part of this petition the subject property being designated thereon as Lots 32 thru Lots 39 and front tract containing approximately 1.33 acres that is highlighted in red; it is only that property included within said tracts that Petitioner desires to have council abandon, vacate, close and discontinue, which property is sometimes hereinafter referred to collectively as "property", and is more specifically referred to in this Petition; and,

WHEREAS, there is laid down and shown upon a map of Sattes Addition recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, on Map Card 13, Parcel 97, an alleyway (12) twelve feet wide, running in an easterly-westerly direction, a portion of which is approximately 560 feet in distance which is located between Route 25 and Hillside Drive.

WHEREAS, it is in the interest of the public at large, including the citizenry of the City of Nitro, to avoid any possible responsibility or liability on the part of said City to maintain, repair, or pave said streets or alleyway in the future; further, no person owning property in the City of Nitro will be deprived of ingress and egress to and from any property owned by him in the event said alleyway is closed, vacated, discontinued, abandoned and disclaimed as alleyway; and since such alleyway have never been required for public use, Petitioner now desires that Council close, vacate and discontinue such alleyway, should there have ever been any question that such property was used as alleyway; and, further, Petitioner desires that Council abandon and disclaim any right or title of the City of Nitro in and to said 12' alleyway, for use by said City of Nitro, its citizens, and the public at large to go upon, use or claim any right or title thereto as street or alleyway: and,

NOW, THEREFORE, Mrs. Barbara Bacon, Executor of the Estate of F. H. Sattes, Deceased, petitions the City of Nitro through and by its Council as follows:

That the City of Nitro permanently vacate, close, discontinue, and abandon such alleyway, for pedestrian or vehicular traffic, or any other public use or purpose, the property hereinabove specifically referred to in this Petition and further shown highlighted in red upon the attached map hereinafter referred to collectively as "property"; and from date of passage of such ordinance such property shall be closed perpetually as an alleyway, and shall no longer be impressed with any public use; and, further, that this Council will abandon and disclaim any right or title thereto; and, further, that this Council will acknowledge that such property was never accepted by the City of Nitro as a public alleyway.

Dated this 26th day of June 1988.

MRS. BARBRA BACON, AS EXECUTOR
OF THE ESTATE OF F. H. SATTES,
DECEASED

Petitioner

CITY OF NITRO
COUNCIL MEETING MINUTES

SEPTEMBER 6, 1988

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Jack Hill, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was Councilman George Atkins.

The invocation was given by Reverend James Cash.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 16, 1988 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the Council Meeting Minutes of August 16, 1988. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - UNIVERSITY OF CHARLESTON 100TH ANNIVERSARY CELEBRATION: - Mayor Karnes called upon the City Recorder Jack Hill to give further details regarding the celebration. City Recorder Jack Hill passed out copies of the information received from The University of Charleston regarding its 100th anniversary, in which they asked us to join them for this special commemorative event on September 14. Mr. Hill informed that they are going to have our local historian and expert on the history of Nitro, Bill Wintz, present. He will give a lecture and slide presentation on Nitro. Mr. Hill encouraged members of Council and the citizens of Nitro to join in this celebration.

AGENDA ITEM NO. 3 - CEMETERY PROPOSAL: - Mayor Karnes advised that Mrs. Young wasn't present this evening to express the concerns of some of the residents surrounding the proposed cemetery site. City Recorder Jack Hill said that he tried to reach her today by telephone, but did not get an answer.

AGENDA ITEM NO. 4 - SPOKESMAN FOR CITIZENS (13TH ST.) - Mayor Karnes said that he spoke with Mr. Kees and was told that he would rather not be on the agenda this evening. Therefore, in place of this item, he would like to substitute the matter regarding the abandonment of an alleyway.

ABANDONMENT OF ALLEYWAY: - Mayor Karnes furnished members of Council a copy of a proposed ordinance to abandon a 20-foot alleyway extending through real estate owned by the heirs of F. H. Sattes. Councilman at Large Olaf Walker moved we dispense reading the ordinance in its entirety. The motion was seconded.

A vote was taken and it was unanimous. After Mayor Karnes read the title, Councilman at Large Olaf Walker moved we adopt the ordinance as written. The motion was seconded. A vote was taken, and it was unanimously approved on the first reading.

COPY OF ORDINANCE ATTACHED.

AGENDA ITEM NO. 5 - GAZEBO RENTAL FOR RELIGIOUS USE: - Mayor Karnes called upon Reverend Slater to present his request to Council. Rev. Slater asked permission to use the Gazebo, at no charge, for a gospel sing and preaching on September 17, 1988, from 3:00 p.m. to 9:00 p.m. Councilman at Large Rusty Casto moved the request be granted. The motion was seconded. After discussion, Mr. Gaujot informed that the law is that when you have religious activities in public places, then you have placed yourself in a position where you could be made a defendant in a lawsuit to keep from using it for that purpose. Mr. Gaujot added that as previously stated we have to treat everyone the same. He explained that if we allow the use of the Gazebo without charging a fee, then we would be setting a precedent, not only for churches, but other organizations. After further discussion and comments from legal counsel, Councilman at Large Rusty Casto withdrew his motion, as did Councilman Robert Young who seconded the motion. Then, Councilman at Large Rusty Casto moved permission be granted the use of the Gazebo on Saturday, September 17, from 3:00 p.m. to 9:00 p.m. for a gospel sing only if the proper fee is paid. The motion was seconded. Councilman at Large Rusty Casto moved to amend the motion to include preaching also. The motion was seconded. Councilman at Large Casto withdrew his previous motions, as did the Councilmen seconding the motion. Councilman Casto then moved permission be granted to allow a gospel sing and preaching at the Gazebo on September 17, from 3:00 p.m. to 9:00 p.m. if the fee is paid. The motion was seconded. A vote was taken and passed with City Recorder Jack Hill voting in the negative.

AGENDA ITEM NO. 6 - REQUEST TO SOLICIT TO FREE KIDNAPPED CHILD: - Mrs. Russell wasn't present to explain her request to Council, and Councilman at Large Olaf Walker moved this item be tabled until the next meeting. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - N.J.H. ATHLETIC BOOSTERS (SOLICIT): - Mayor Karnes called upon Councilman Casto on this agenda item. Councilman at Large Rusty Casto read the request from the N.J.H. Athletic Boosters requesting permission to solicit donations in the parking lot prior to the Nitro High School football games, and moved permission be granted. The motion was seconded. A discussion followed regarding the approval of a previous request from the Nitro Midget Little League requesting donations for parking prior to football games and the possibility of problems, it was suggested that the Recreation Director resolve this matter and report back to Council. Councilman Casto withdrew his

previous motion, and moved that the Midget League be permitted to solicit donations for parking, and the Nitro Junior High Athletic Boosters be granted permission to request donations outside the parking lot and off the street and after this year, the City will not permit any nonprofit organizations to use the parking lot and the Nitro Recreation Committee will be in charge. The motion died for lack of second. Councilman Walker suggested that the Recreation Director, under the direction of the Mayor, look into this matter and determine who will be soliciting and when. After this is determined, the Mayor and Recreation Director decide if there will be two groups soliciting the same people.

NITRO HIGH SCHOOL BAND BOOSTERS: - Councilman at Large Rusty Casto read a request from the Nitro High School Band Boosters requesting permission to hold a Tag Day on Saturday, September 10, from 9:00 a.m. to 1:00 p.m., and moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - PAVING REPORT: - Mayor Karnes yielded this agenda item to Councilwoman Betty Jo Boggess as the last paving took place in her ward. Councilwoman Boggess reported the paving of 7th Street and commended the crew on an excellent job, and most of the neighbors were real pleased.

AGENDA ITEM NO. 9 - PACKER-TRUCK PRESENTATION: - Mayor Karnes informed that sometime back they talked about purchasing a dumpster, front loading, packer truck for the Public Works Department. Gene Williams, Director of Public Works, obtained quotes from Baker Equipment. Mayor Karnes said Council was welcome to see the brochures received. The approximate price of this truck is \$131,000, but we would need to obtain bids. Councilman Robert Young moved we authorize Mayor Karnes to seek bids on a front-loading garbage truck. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 10 - SOLICITATION PERMIT APPLICATION: - Mayor Karnes informed that Councilman Walker put together a suggested solicitation permit application in order to eliminate some problems we have from time to time on issuing solicitation permits. Councilman at Large Olaf Walker commented that by using these applications, it will help Council in making judgment on approving future solicitation requests. A discussion followed regarding a group soliciting called United Students of America.

AGENDA ITEM NO. 11 - COMMITTEE APPOINTMENTS: - Mayor Karnes advised there are two vacancies on committees and would like to appoint Judith Hudson, #4 Gravely Drive as an addition to the Recreation Committee. No action required by Council.

Mayor Karnes informed that there is a vacancy on the Zoning Board of Appeals and would like to suggest Herbert G. Sibley,

1121 W. 11th St. be appointed to fill this vacancy. Councilman at Large Rusty Casto moved that Herb Sibley be appointed to the Zoning Board of Appeals. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto said that it was brought to his attention by a police officer that days off are allowed for the death of members of the immediate family, and would like to have the code changed to allow days off for grandparents also.

Councilman at Large David Casebolt expressed his appreciation to Gene Williams for grading the parking lot at the park, and it was one hundred percent better. He said that according to all the employees, Jay Long had another successful picnic last Friday and should be commended. Councilman Casebolt announced that the Recreation Committee is co-sponsoring a back-to-school street dance from 7 to 10 p.m., Saturday 10, on 21st Street. There will be a live band by the name of Sleeper, and people of all ages are invited and encouraged to attend.

Councilman Robert Young requested we have someone with the grader to go out on 40th Street at Smith Addition and cut the top off the arch on the bridge that a citizen keeps complaining about dragging his car on. Mr. Williams informed that the arch had to stay in, and has to have 2' of compact dirt on it. Councilman Young informed of speeders on Route 62, and requested radar around the entrance to Brookhaven.

There being no further business, Councilman at Large Olaf Walker moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 8:40 p.m.


DON KARNES, MAYOR


JACK HILL, CITY RECORDER

ORDINANCE # 88-9

AN ORDINANCE TO ABANDON THAT CERTAIN 20-FOOT ALLEYWAY EXTENDING THROUGH REAL ESTATE OWNED BY THE HEIRS OF F. H. SATTES, WHICH ALLEYWAY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT NO. 1."

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

WHEREAS, the City of Nitro, West Virginia, has before it a Petition to abandon that certain 20-foot alleyway extending through real estate owned by the heirs of F. H. Sattes, which alleyway is depicted on that certain plat attached hereto and marked as "Exhibit No. 1," which alleyway is, in fact, nonexistent and at no time has been open to the public as an alley thoroughfare or as a means of ingress or egress; that the subject alleyway has at no time been improved or maintained by any public body for the purpose of ingress or egress; and there being no objection to the proposed abandonment of that portion of the said 20-foot alleyway above described in "Exhibit No. 1."

THEREFORE, BE IT ORDAINED by the City Council of the City of Nitro, West Virginia, that that certain 20-foot alleyway extending through real estate owned by the heirs of F. H. Sattes, which alleyway is depicted on that certain plat attached hereto and marked as "Exhibit No. 1," be abandoned as requested by the petitioners on the condition that the City of Nitro, West Virginia, have adequate right-of-way easements for sanitary, sewer and all other utilities crossing said real estate as described on "Exhibit No. 1" attached hereto.

Passed on First Reading: 6th day of September, 1988

Adopted on Second Reading: _____ day of _____, 1988



DON KARNES, MAYOR

CITY RECORDER

REVISED SECTION SIX - SATTES - M.B.

28 27 26 25 24

HILLSIDE DRIVE

REVISED SECTION SIX - SATTES - M.B. 17-PS 132 & 133

20' ALLEY, (TO BE ABANDONED) BY THE CITY OF NITRO

PARCEL "B"
1.444 ACRES

NITRO TAX MAP
NO. 13
TAX PARCEL 97

PARCEL "A"
1.445 ACRES

CHORD
N. 44° 39' W. N. 45020 W. N. 46° 11' W. N. 46° 24' W.
→ 47.02' → 49.15' → 48.97' → 46.20'

CHORD
N. 48° 12' W. N. 49° 08' W. N. 49° 51' W. N. 50° 33' W.
→ 49.49' → 49.38' → 49.35' → 49.33'

CHORD
N. 51° 05' W. N. 51° 02' W.
→ 49.36' W. → 49.30'

TOTAL FRONTAGE = 280'

36 37 38
TAX PARCEL 109 TAX PARCEL 108 TAX PARCEL 107
10' SANITARY SEWER EASEMENT

5.46004 E. = 233.00'

20' ALLEY, (TO BE ABANDONED) BY THE CITY OF NITRO

5.46033 E. 5.46033 E.

BY THE CITY OF NITRO

39 40
TAX PARCEL 106 TAX PARCEL 105

5.35029 W. (114.37')

56

57.29

58

59.00

60.00

61.00

62.00

63.00

64.00

65.00

CITY OF NITRO
COUNCIL MEETING MINUTES
SEPTEMBER 20, 1988

The regular scheduled meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Jack Hill, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

The invocation was given by Councilman at Large Rusty Casto.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 6, 1988 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved the Council Meeting minutes of September 6, 1988 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - ZONING BOARD OF APPEALS MEETING MINUTES OF 9-13-88: - Mayor Karnes yielded this agenda item to the City Recorder Jack Hill who was present at this meeting just as an interested official. City Recorder Jack Hill commented on how well the meeting was conducted which was chaired by Herb Sibley. City Recorder Jack Hill said that almost everyone present gave their opinion, and some spoke more than once. All citizens present were invited and encouraged to express their views. Mr. Hill informed that the meeting lasted 2 1/2 hours, and agreed with the summary of the meeting as submitted by Rev. Austin. Mayor Karnes questioned if the meeting they refer to in the minutes would be for a decision. City Recorder Jack Hill answered that they said they might have another meeting and would invite additional input from concerned citizens. Mr. Hill said that it was his understanding the Zoning Board of Appeals would vote on this matter at this meeting.

COPY OF ZONING BOARD OF APPEALS MEETING MINUTES & ATTACHMENTS AFFIXED.

AGENDA ITEM NO. 3 - AMERICAN CANCER SOCIETY REQUEST: - Members of Council were furnished a copy of the letter from the American Cancer Society requesting permission to solicit funds in the Nitro area. Councilman at Large Rusty Casto moved permission be granted. The motion was seconded. Councilman at Large Olaf Walker said that he would like to amend the motion that the Recorder be instructed to write the American Cancer Society and enclose a copy of our new solicitation application, for their use next year, along with notification of Council's approval of their

request. The motion was seconded. A vote was taken to approve the amendment, and it was unanimous. A vote was taken to approve the motion as amended, and it was unanimously approved.

AGENDA ITEM NO. 4 - RES. 88-7 SUPPORTING KRT & KVEAA LEVY: - Mayor Karnes informed that the above numbered resolution, of which members of Council were furnished a copy, was in support of KRT and the KVEAA Levy election which will be on the November 8, ballot. Mayor Karnes said that he would like to ask the elected body to support the Levy Election on November 8. Councilman at Large Olaf Walker moved Council adopt the resolution, and explained that this was just a renewal. The motion was seconded. A vote was taken and it was unanimous.

COPY OF RESOLUTION 88-7 ATTACHED.

AGENDA ITEM NO. 5 - PAVING REPORT: - Mayor Karnes said that he was trying to get as much street repair done as possible as long as funds were available and weather permitting. Councilwoman Betty Jo Boggess reported that she has received nothing but good comments on the paving of the two streets in her ward.

Councilman George Atkins said that he has been receiving favorable comments regarding the paving of Dupont Avenue. He stated that the paving crew did an excellent job, and the residents were very much appreciative. Councilman Atkins said that he feels the Street Committee should schedule a meeting as there are some streets in his ward that needs to be paved. Councilman Walker said that the Department of Public Works are following the Committee's initial plan. Councilman at Large Olaf Walker suggested members of Council vist and compare the quality of the paving on Hillside Drive and Dupont to 7th and 16th Streets. 7th and 16th Streets were paved by a paving contractor, and the first two were paved by the crew of the Department of Public Works. Councilman Walker said that at the next meeting, he would give an up-to-date report on the amount of money that has been spent for paving. The Street Committee scheduled a meeting for Monday, September 26, at 7:00 p.m.

AGENDA ITEM NO. 6 - RECREATION REPORT: - Mayor Karnes reported that the recreation department have made progress at the park and the lake. Mayor Karnes passed around a photograph of shelter number four at the lake, and encouraged the citizens to go out and take a look at these facilities. Councilman at Large Dave Casebolt informed that the pictures showed the accessibility to shelter 4 by way of a bridge that was built. Councilman Casebolt reported that at the last Recreation Committee meeting, they allocated \$600. to build six new bow targets. Also, Councilman Casebolt advised they are planning on having a Halloween party for the children. The Recreation Director Jay Long is making plans for the party to be held on the night of Halloween.

AGENDA ITEM NO. 7 - LANDFILL: - Mayor Karnes said there are some citizens present this evening that have concerns with the landfill known as Hickory Street/Elm Street Landfill.

Councilman David Casebolt said that he was contacted by a resident, Mr. Steve Gibson, to look at a large swamp in their area. He explained the effect of the broken storm and sewer lines and the problem with rats. Mayor Karnes advised that this has been a problem since the 1970's, and read part of a report by an engineer dated 1977. Mayor Karnes stated that he would like to resolve this problem, and do it right. He said that they would need the cooperation from all the property owners, and DNR's approval to use some type of chemical residue, by itself or mix with dirt, from Allied Chemical, for which they no longer use, to maintain the landfill. Mayor Karnes said he feels DNR will approve this residue as it has been used for road beds. Also, he said there are at least one other landfill that he would like to take care of and pursue it from that angle. Director of Public Works Gene Williams informed the cost of the pipe would be approximately \$5,300. Councilman Walker suggested the Sanitary Board correct the sewer line at this site, and Mayor Karnes answered he would put this item on the agenda September 29. Mayor Karnes said that he would visit the landfill, along with Gene Williams, to determine if there is anything that might be done in the mean time. Councilman Casebolt said these residents have been promised that something would be done for the past 6 years, and would like to have a report as to DNR's decision as soon as possible. He said that he would like to see us make some sort of a commitment to these people that we will do everything we can to correct the problem. Mayor Karnes answered we will do that. He said that he couldn't make a promise that we will resolve the problem, but we will make an effort and do everything we can.

AGENDA ITEM NO. 8 - ORD. 88-9 ABANDONMENT OF ALLEYWAY (2ND READING): - Mayor Karnes said this would constitute the 2nd reading of an ordinance to abandon an alleyway adjacent to Hillside Drive. City Attorney Phillip D. Gaujot said that at a previous Council Meeting, Council was inclined to abandon that alleyway in the event the owners convey by proper deed to the City of Nitro a 10' easement crossing parcels A & B. Mr. Gaujot informed that Chuck Boggs, from Century 21, brought to his office a plat and description of the 10' easement beginning at the south side of the alleyway and continuing across parcel A. Mr. Gaujot said that he told Mr. Boggs that it was also the intention of Council to have a 10' easement across parcel B. Also, Mr. Gaujot said that he told Mr. Boggs that the owner's attorney should prepare the deed conveying the easement to the City as he assumed the owner's attorney had all the deeds. Mr. Gaujot suggested someone could make a motion that the second reading effectuate the ordinance if Council so desires, contingent upon a proper deed of conveyance to the City of Nitro being made within a

reasonable time. Mr. Gaujot also suggested Council substitute Exhibit 1 with the plat and description Mr. Boggs has, and mark it as Exhibit 1 and attach it to the ordinance. Mr. Boggs passed a copy of the plat to Council for their review. Mr. Boggs informed that he would prepare the deed and submit it to Mr. Gaujot next week. Councilman at Large Olaf Walker moved that Ordinance 88-9 be amended to substitute the new exhibit as suggested by Mr. Gaujot, and also to dispense reading the ordinance in its entirety and only read the title. The motion was seconded. Mr. Gaujot informed that he would review the plat, and if it wasn't correct, a corrected copy would be attached to the ordinance. A vote was taken, and it was unanimous.

AMENDED ORDINANCE 88-9 ATTACHED.

AGENDA ITEM NO. 9 - LIBRARY GROUNDBREAKING 10-1-88, 11:00 A.M.: - Mayor Karnes announced that the addition to the Library groundbreaking is scheduled for October 1, 1988 at 11:00 a.m. The public as well as the City Officials are invited.

AGENDA ITEM NO. 10 - CONSTITUTION BOWL: - Mayor Karnes informed that to the best of his knowledge there was a Constitution Bowl in which students from high schools participated. The winners of the team of 4 were to receive \$1,000 scholarships, and the 4 member team in second place were to receive \$500 scholarships. Mayor Karnes advised that there is some money towards these scholarships in the City's general fund. He said that he personally didn't feel comfortable with that money in the general fund, and would like to take the money out of this account. Councilman Walker agreed. Councilman Casto explained that he wasn't the originator of Constitution Bowl and shared his knowledge of the competition with Council. Councilman at Large Olaf Walker moved Council go into Executive Session at this time. The motion was seconded. Councilman Casto asked that the City Attorney Phillip Gaujot and City Treasurer Ralph Allison remain in the meeting.

Councilman Jim Hutchinson suggested we act upon the next agenda item before going into executive session. At this time, Councilman Walker withdrew his motion, as did Councilman Casto making the second.

AGENDA ITEM NO. 11 - REZONING - PLANNING COMMISSION REPORT: Mayor Karnes reported that the Planning Commission met to consider a request to rezone Lots 48 and 49 of old Riverdale Acres Section from "R-3" Residential to "B-3" Business. A copy of the Planning Commission Minutes were distributed to members of Council expressing that they didn't see any reason for not granting the request to rezone. Mayor Karnes said that he feels Council need to have more knowledge and to be more familiar with this before any action is taken. Also, this would require an ordinance and we do not have one prepared. Councilman at Large

Rusty Casto moved that an ordinance be prepared for the next meeting. In the mean time Council would have a chance to visit the site. The motion was seconded. Mr. Stan Miller expressed his concerns to have the property rezoned. A vote was taken and it was unanimous.

COPY OF PLANNING COMMISSION MINUTES ATTACHED.

Mayor Karnes reported that the schools will be evacuated Wednesday, September 21, and called on Chief Cochran for a report in futher detail. Chief Cochran advised that on Wednesday morning around 9:00 a.m. to 9:30 a.m. a drill will be conducted and there will be buses to remove all students and faculty from the schools in Nitro. Mayor Karnes reported that part of Nitro would be evacuated Sunday. He said he hasn't been informed as to the time, but there would be a flyer distributed with details.

Councilman at Large Olaf Walker moved Council go into Executive Session to discuss the Constitutional Bowl due to the sensitivity of this matter. The motion was seconded by Councilman Casto who requested the City Attorney Phillip Gaujot and City Treasurer Ralph Allison be present. Also, Councilman Casto said that Chief C. R. Cochran and Eve Frazier could be present in the executive session if they desired. A vote was taken and it was unanimous.

Council went into Executive Session at 8:25 p.m.

Councilman at Large Rusty Casto moved Council reconvene the regular session of the City Council. The motion was seconded. A vote was taken and the regular session of Council reconvened at 9:00 p.m.

Councilman at Large Olaf Walker moved that the City Treasurer Ralph Allison be instructed to issue a check in the amount of \$2,490.73, payable to the Nitro Bicentennial Commission and the check delivered to the Chairman of the Commission or any other member of the Commission. The motion was seconded. A vote was taken and it was unanimous.

Councilman Robert Young inquired as to the owner of the streets in Carriage Way, and was informed the owner was Carriage Way. A discussion followed.

There being no further business, Councilman at Large David Casebolt moved for adjournment. The motion was seconded. A vote was taken and it was unanimous. The meeting adjourned at 9:32 p.m.

Don Karnes
DON KARNES, MAYOR

John Jack Hill
JOHN "JACK" HILL, RECORDER

ZONING BOARD OF APPEALS MINUTES

SEPTEMBER 13, 1988

The meeting of the Zoning Board of Appeals was called to order by Herbert Sibley in Council Chambers at 7:00 p.m. Board Members present were Tim Cook, Don Baker, Rev. Wade Austin and Herbert Sibley. Also present were approximately 25 interested citizens. Absent was Ken Mathes.

The purpose of the meeting was to consider a variance request of Dr. M. R. Walker for the approval of a cemetery to be located at Route 62 and Asbury Road.

The proposal was made by Dr. Mike Walker. He introduced the other cemetery owners who are Dr. Kenny Dolin, Hanley Barker and Bill Gravely. Temporarily they are calling the proposed cemetery Grace Gardens. Dr. Walker gave a presentation of the plans. He stated they had met with Council on various occasions and various City Officials and he said they all seemed to be in agreement, but lately ran into problems. Dr. Walker said the owners wanted to be open with everything. Dr. Walker passed out information pertaining to the proposed cemetery and gave further detail. Mr. Joe Gatens, from Gatens Funeral Home, was present and gave some information regarding some of the requirements. However, he did not speak for or against the cemetery.

Several citizens spoke in opposition to the proposal of the cemetery as it would decrease the value of their properties.

Steve Markham, loan officer from One Valley Bank, of 102 Colony Way spoke as a professional on the matter and one of the original builders of Colony Way Division, stated that he had talked with three appraisers on this matter. He said one appraiser told him that "If you see the cemetery from the house, it will affect the value of the homes and property. Peoples whose yards touch Asbury Road would be affected most. Markers above ground have more affect." Mr. Markham said that he did not feel there was a demand or a need for a new cemetery, and many of them with undeveloped land.

There was a lot of discussion, with most vocal opinions being against the cemetery.

Mr. Sibley suggested further study be made in consideration of all that this entails with all the discussion involved, and that we have another meeting soon.

The meeting was adjourned at 9:32 p.m.

Wade L. Austin
REV. WADE AUSTIN

PERTINENT INFORMATION ATTACHED.

4301 McCORKLE AVENUE, S.W.
South Charleston, West Virginia 25309

PAUL W. WICK, MANAGER
RUTH B. WICK, SECRETARY

TELEPHONE
(304) 768-6331

July 13, 1988

Mary E. Young
107 Carriage Way
Nitro, W. Va. 25143

Dear Ms. Young,

You asked for our opinion on starting and maintaining a cemetery. Maintaining an established cemetery is a very expensive operation. You must have a work force year around. You can't lay them off after the grass quits growing in the fall of the year as they must be available for burials and other winter-time chores. So, you are going to pay men for doing little work in bad-weather time. I have found that good help will not stay with you for part time employment. These people must be provided with good, up to date equipment and plenty of it; ride mowers, weed eaters, trimmers, tractor, backhoe, push mowers and many other items necessary to a good operation.

Starting a cemetery means a need for quite a sum of capital. Besides the above expenditures needed right away, you must have money for roads, water lines, shrubbery, trees, flowers, fences, gates an office building, and a maintenance garage. All these expenses with very little or no income. I forgot one other expense that is the need for an engineer to lay out the cemetery into different size plots. These plots must also be marked at each of four corners by numbered ceramic or metal pins, which is no small cost.

These needs are based on our cemetery size of approx. 36 acres. We were issued a state charter to do business in 1925. I think the first burial was in 1928 or 1929. We have approx. one-third of our property still for sale. That is less than one-half acre a year used for burials. We don't have anyway of letting you know how many available grave spaces we have because we have a large portion undeveloped; However, the above usage will give you an idea.

Sunset Memorial Park

4301 McCORKLE AVENUE, S.W.
South Charleston, West Virginia 25309

PAUL W. WICK, MANAGER
RUTH B. WICK, SECRETARY

TELEPHONE
(304) 768-6331

If I were on the zoning board, I would not permit a non-perpetual care cemetery be established. If you do, you will end up with a rundown, weed infested, eye-sore of a place. If you want to know about perpetual care cemeteries, call and I will explain it to you. As for the demand of new cemeteries it is anybody's guess. It takes an extremely large capital investment with plenty of operating capital along with good management to be successful in the cemetery business.

I hope I have been some help to your cause. If you have any questions, let me know.

Sincerely,

Paul W. Wick

Paul W. Wick

PWW/rbw

CERTIFIED APPRAISERS

135

JAMES J BARTH, SR.

JAMES J BARTH, JR - 925-2359
APPRAISER

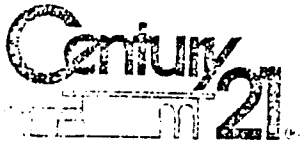
SECURITY BLDG., CHARLESTON - 346-4161

RES - 1220 SUMMIT DR, CHAS, WV 25302

CARL E. WELCH - SRA REALTOR 343-4011

1559 SUMMIT DR, CHAS., WV 25302 343-5776

THE ABOVE APPRAISERS WERE CONTACTED BY MR. STEVE MARKHAM.



SHAMROCK REALTY, INC.

3041 Mt. Vernon Road
Hurricane, West Virginia 25526
(304) 757-6969 / (304) 776-2121

Sept 12, 1988

To whom it may concern;

I have been a Realtor in Putnam Co. for five years. In my professional opinion a cemetery built near Carriage ~~Way~~ or any housing project would most definitely decrease property values. It would limit the prospective buyers to a small percentage because of the depressing image a cemetery has to most people. And in return sellers would start taking below market value for their homes in order to sell. And that brings down the value of every home in the neighborhood.

Thank you,
Mary Arnold
Century 21 Shamrock Realty
Teays Valley, W.Va. 25526

I am opposed to a Cemetery being build next to Carriage way Subdivision, because after talking with realators and having them send me documentine papers stating a Cemetery would depreciate the value of our homes. My home is an investment which I have to protect.

If you agree with the above statement please sign below.

Thank you
Ginger Harrison

1. Loreda Strickland
2. Hubert Strickland
3. Sam Skafford (or)
4. Bruce Durebin
5. Don Smith
6. ~~Leatha L. Pittman~~
7. ~~John E. Sk~~ 1001 Somerset Rd
8. Billie J. Bruce
9. Ailyn N. Leiby
10. Lisa Loftin
11. Terry Allen
12. Colleen Booth
13. Luisa Santos

14. Halida Ng.
15. Michelle
16. Angela Biel
17. Daniel E. Sall
18. Nancy Pallas
19. Pass. Shugdy
20. Katay Komie
21. David Komie
22. Molly
23. Joanne Pawley
24. Paul Suddeth
25. Lyda Shea
26. John Shea

27. Menge Hallman
 28. Hugh Hallman
 29. Eugene C. Thomas
 30. May Campbell
 31. Aaron Miller
 32. ~~John Thompson~~ ~~John~~
 33. ~~John Thompson~~ ~~John~~
 34. Henry C. Cook,
 35. ~~John C. Thompson~~
 36. ~~John Thompson~~
 37. Stephen R. Manning
 38. Sam Manning
 39. Ant J. Thompson
 40. ~~John C. Hall~~
 41. Clarence Kelly
 42. Paul O. Shockey, Jr.
 43. Yoshiko Shockey
 44. Maurine Pence
 45. Keith Sullivan
 46. ~~John Thompson~~ ~~John~~
 47. ~~John Thompson~~ ~~John~~
 48. Eugene Douglas
 49. Grace Collins
 50. ~~John Thompson~~ ~~John~~
 51. John Thompson
 52. Marcelle Shiger
 53. ~~John Thompson~~ ~~John~~

54. Post Office
 55. Josephine
 56. Barbara Clark
 57. Frank D. Clark
 58. Barbara Clark
 59. Diana Clark
 60. Sam Clark
 61. Janet McManis
 62. Margaret Margaret Clark (sister of Frank)
 63. Thompson
 64. Alice Thompson
 65.



RESOLUTION 88-7

DON KARNES
MAYOR

WHEREAS, by order of the Kanawha County Commission, dated July 7, 1988, a special levy election has been set for Tuesday, November 8, 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), the owner and operator of the public bus transportation system serving Kanawha County and its environs and the Kanawha County Emergency Ambulance Authority (KCEAA) which has established and maintains an emergency ambulance system for Kanawha County; and

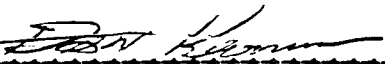
WHEREAS, the proposed excess levy is needed for the continued operation of KVRTA and KCEAA and will be used to provide funds for the acquisition of equipment, capital improvements and to cover in part current general maintenance and operational expenses as well as to match funds from the Government of the United States of America and others; and

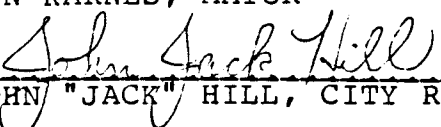
WHEREAS, KVRTA with the taxes provided by the property owners of Kanawha County pursuant to previous excess tax levies approved in 1973, 1976, 1979, 1982 and 1985 with the assistance of the federal government, has fully implemented all proposals relating to service and the acquisition of new equipment made by it to the people of Kanawha County in advance of the special levies approved in 1973, 1976, 1979, 1982, and 1985 and has otherwise conducted its operations in such a manner as to provide an essential public service; and

WHEREAS, KCEAA has in fact established and is currently operating an emergency ambulance system in all areas of Kanawha County providing thereby a service which is essential to the health and general welfare of the people of Kanawha County and as such is an essential public service.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Nitro does hereby endorse the proposed levy to be voted upon on November 8, 1988, and urges all voters of said City and all other County voters, to vote for the levy which will result in the continued operation and expansion of the emergency ambulance system both of which are essential to the general welfare of all the people of the County.

Passed this 20th day of September, 1988.


DON KARNES, MAYOR


JOHN "JACK" HILL, CITY RECORDER

ORDINANCE # 88-9

AN ORDINANCE TO ABANDON THAT CERTAIN 20-FOOT ALLEYWAY EXTENDING THROUGH REAL ESTATE OWNED BY THE HEIRS OF F. H. SATTES, WHICH ALLEYWAY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT NO. 1."

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

WHEREAS, the City of Nitro, West Virginia, has before it a Petition to abandon that certain 20-foot alleyway extending through real estate owned by the heirs of F. H. Sattes, which alleyway is depicted on that certain plat attached hereto and marked as "Exhibit No. 1," which alleyway is, in fact, nonexistent and at no time has been open to the public as an alley thoroughfare or as a means of ingress or egress; that the subject alleyway has at no time been improved or maintained by any public body for the purpose of ingress or egress; and there being no objection to the proposed abandonment of that portion of the said 20-foot alleyway above described in "Exhibit No. 1."

THEREFORE, BE IT ORDAINED by the City Council of the City of Nitro, West Virginia, that that certain 20-foot alleyway extending through real estate owned by the heirs of F. H. Sattes, which alleyway is depicted on that certain plat attached hereto and marked as "Exhibit No. 1," be abandoned as requested by the petitioners on the condition that the City of Nitro, West Virginia, have adequate right-of-way easements for sanitary, sewer and all other utilities crossing said real estate as described on "Exhibit No. 1" attached hereto.

Passed on First Reading: 6th day of September, 1988

Adopted on Second Reading: 20th day of September, 1988

Don Karnes
DON KARNES, MAYOR

John Jack Hill
CITY RECORDER

FIELD SURVEYING COMPANY, INC.

143

114 MONONGALIA STREET
CHARLESTON, WEST VIRGINIA 25302

(304) 343-5715

DAVID E. THOMAS
ROBERT R. JOHNSON

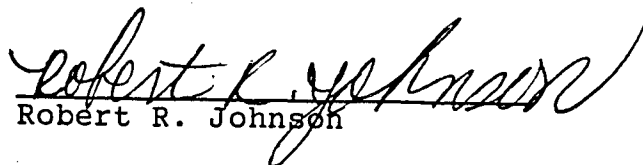
September 19, 1988

SURVEYS-SUBDIVISIONS
MORTGAGE LOAN SURVEYS
FARMS, COMMERCIAL
RESIDENTIAL LOTS
ACCIDENT SKETCHESDESCRIPTION OF A TEN (10) FOOT UTILITY EASEMENT RUNNING
THROUGH PARCEL "A" OF THE F. H. SATTES ESTATE LOCATED IN
THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA

BEGINNING at an iron pin located in the southwesterly line of Hillside Drive at a common corner to Parcel "A" and the parcel of land heretofore conveyed by Katharine B. Sattes, widow, et al to Hansford W. Cochran and Verdella F. Cochran dated December 14, 1970 and recorded in the Office of the Clerk of the Kanawha County Commission in Deed Book 1609, at page 368, said point being designated by the letter "A" on the attached map, and running thence from said beginning point leaving said line of Hillside Drive with the the common line between Parcel "A" and said Cochran parcel hereinbefore referred to S. $35^{\circ}29'$ W., 122.23 feet to a point designated by the letter "B" on the attached map; thence running N. $46^{\circ}04'$ W., 10.11 feet to a point being designated by the letter "C" on the attached map; thence running with a line parallel to and ten (10) feet northwest of the common line between Parcel "A" and said Cochran parcel N. $35^{\circ}29'$ E., 112.23 feet to a point designated by the letter "D" on the attached map; thence running with a line parallel to the southwesterly line of Hillside Drive N. $46^{\circ}04'$ W., 223.00 feet to a point located in the common division line between Parcels "A" and "B" as shown on the attached map and being designated by the letter "E"; thence running with part of the common line between Parcels "A" and "B" N. $46^{\circ}33'$ E., 10.01 feet to a point in the southwesterly line of Hillside Drive; thence running with the southwesterly line of Hillside Drive S. $46^{\circ}04'$ E., 233.00 feet to the beginning,

containing 3,452.30 square feet, more or less.

Respectfully submitted,


Robert R. Johnson

FIELD SURVEYING COMPANY, INC.

114 MONONGALIA STREET
CHARLESTON, WEST VIRGINIA 25302

(304) 343-5715

DAVID E. THOMAS
ROBERT R. JOHNSON

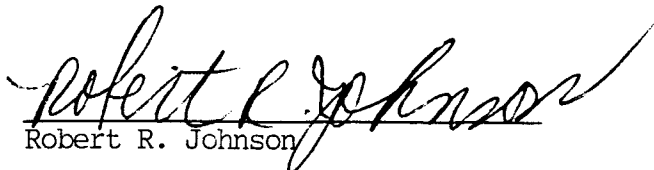
September 20, 1988

SURVEYS-SUBDIVISIONS
MORTGAGE LOAN SURVEYS
FARMS, COMMERCIAL
RESIDENTIAL LOTS
ACCIDENT SKETCHES

DESCRIPTION OF A 10 TEN FOOT UTILITY EASEMENT THRU PARCEL
"B" OF THE F. H. SATTES ESTATE LOCATED IN THE CITY OF NITRO,
KANAWHA COUNTY, WV

BEGINNING at an iron pin located in the southwesterly line of Hillside Drive at the common front corner to Parcels "A" and "B", and running thence from said beginning point leaving said line of Hillside Drive with part of the common line between said Parcels "A" and "B" S. $46^{\circ}33'$ W., 10.01 feet to a point; thence leaving said common line to said parcels and running with a line parallel to and ten (10) feet southwest of the southwesterly line of Hillside Drive thru said Parcel "B" N. $46^{\circ}04'$ W., 208.50 feet, more or less to a point; thence running with a curved line to the right with one chord thereof N. $58^{\circ}03'$ E., a chord distance of 3.00 feet, more or less to a point; thence running with another curved line to the right with one chord thereof S. $84^{\circ}00'$ E., a chord distance of 12.30 feet to a point; thence running with the southwesterly line of Hillside Drive S. $46^{\circ}04'$ E., 201.84 feet to the place of beginning, containing 2,525 square feet, more or less.

Respectfully submitted,


Robert R. Johnson

PLANNING COMMISSION

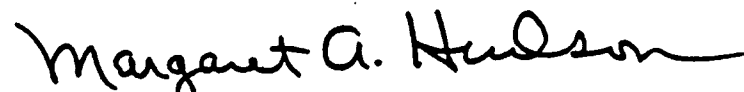
City of Nitro

September 15, 1988

The Planning Commission of the City of Nitro, WV met at 7:00 p.m., Thursday, September 15, 1988 at City Hall. This meeting was advertised in both Charleston newspapers on August 31, 1988 and September 7, 1988. The purpose of the meeting, as published in the newspapers, was "to consider the following: Stan Miller - 1135 1st Avenue, S - Request to change present zoning of lots 48 and 49 of old Riverdale Section from 'R-3' - Residential to 'B-1' Business District." The meeting was called to order by Margaret Hudson, Chairperson. Other members present were: Dr. Guy Cassell, Dave Miller, Janet Martin and Jim Hutchinson.

A motion was duly made and seconded to approve this request. A period of discussion with Stan Miller followed. Motion carried.

Since there was no additional business, the meeting was adjourned.


Margaret A. Hudson, Chairperson

TO: Planning Commission Members
FROM: Margaret Hudson
DATE: Sept. 12, 1988
RE: Request from Stan Miller

Stan's request, as I understand it, deals with lots next to his home at 1135 First Avenue, South--in the Riverdale section of Nitro, four or five houses down from Red Oak Drive on the hill side of the road. Stan has waited since spring for this meeting as his request was sent to the Zoning Board and didn't make its way back to us. Please attend it at all possible--thanks.



August 26, 1988

LEGAL AD

The Planning Commission of the City of Nitro will meet Thursday, September 15, 1988, at 7:00 p.m. in Council Chambers at Nitro City Hall, 20th Street & 2nd Avenue to consider the following:

Stan Miller - 1135 1st Avenue, S - Request to change present zoning of lots 48 and 49 of the old Riverdale Section from "R-3" - Residential to "B-1" Business District.

Interested persons are invited to attend and express their views.

Margaret Hudson
MARGARET HUDSON, CHAIRPERSON

PLEASE PUBLISH IN BOTH PAPERS ON:

WEDNESDAY, AUGUST 31, AND
WEDNESDAY, SEPTEMBER 7, 1988

MAIL INVOICE TO THE CITY OF NITRO

Miller Services

1135 1st. Avenue, South Nitro, West Virginia 25143

(304) 727-04

August 3, 1988

Mrs. Margaret Hudson
Chairwoman Planning Committee
City of Nitro
Nitro, WV. 25143

Dear Mrs. Hudson:

I am writing you concerning the present zoning code for lots #48 and 49 of the old Riverdale section located along Rte. 25 in East Nitro.

These lot's are zoned residential. There is commercial zoning on all sides. I would like to have my lots changed to commercial.

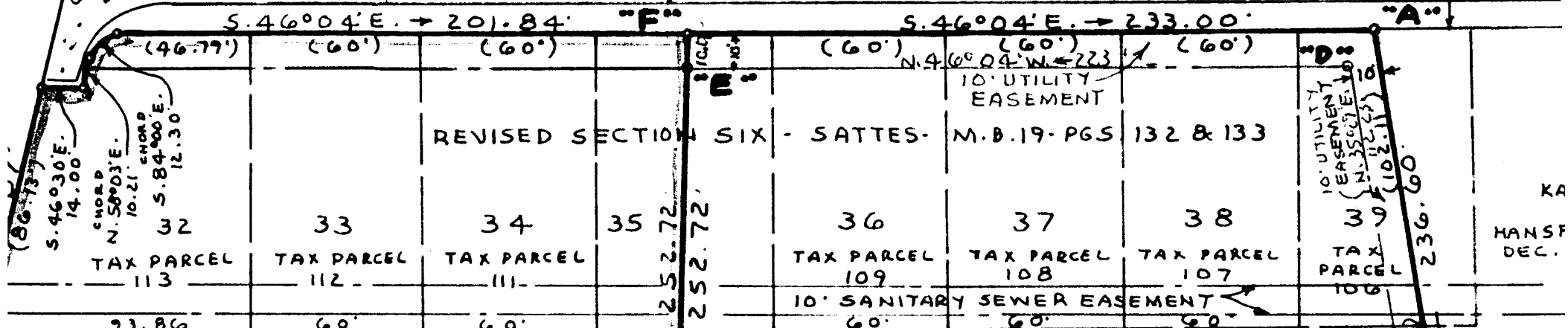
I would like to build a commercial building in order to expand my present operations which are Contract Cleaning and Bicycle repair.

I have been waiting for sometime now to hear a response from City Hall. I do need to know something as soon as possible. Your help in resolving this matter will be greatly appreciated. Thank You

Sincerely,


Stan Miller

HILLSIDE DRIVE

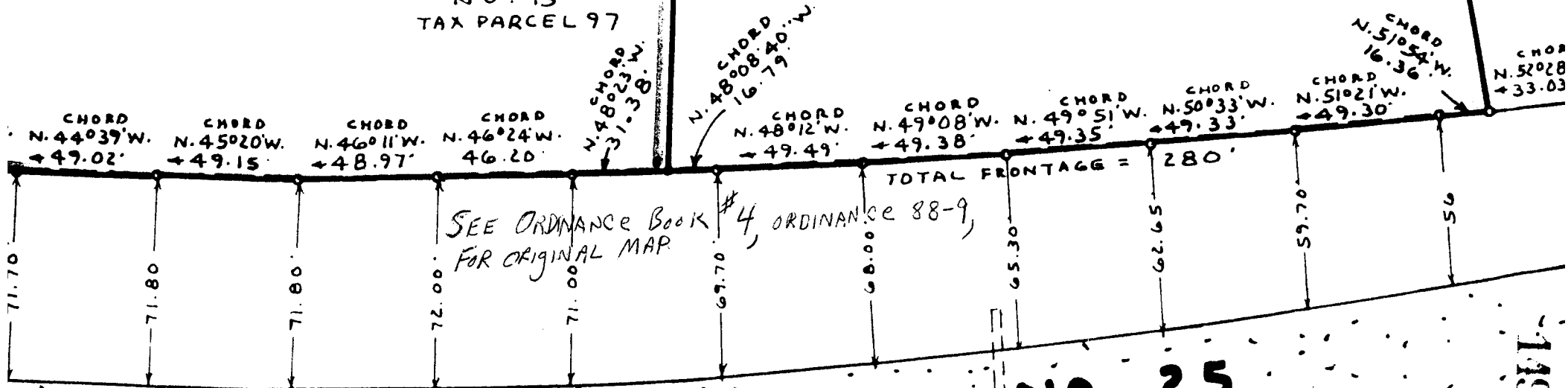


20' ALLEY (TO BE ABANDONED BY THE CITY OF NITRO)

PARCEL "B"
1.444 ACRES

PARCEL "A"
1.445 ACRES

NITRO TAX MAP
NO. 13
TAX PARCEL 97



SEE ORDINANCE BOOK #4, ORDINANCE 88-9,
FOR ORIGINAL MAP

WV STATE ROUTE NO. 25

CITY OF NITRO
COUNCIL MEETING MINUTES

OCTOBER 4, 1988

The regularly scheduled meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Jack Hill, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

The invocation was given by Ivan Meadows.

Mayor Karnes welcomed the large number of citizens present for Council Meeting this evening.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 20, 1988 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the Council Meeting Minutes of September 20, 1988. The motion was seconded. A vote was taken and it was unanimous.

For the benefit of the visitors present, Councilman at Large Olaf Walker moved the Mayor be granted permission to change the agenda. The motion was seconded. A vote was taken and it was unanimous.

Mayor Karnes called upon Councilman Robert Young to express the concerns of the majority of the citizens present this evening from his ward. Councilman Young advised that he was approached by a couple of neighbors and told they had a problem regarding a nursing home type facility being established in Brookhaven. He contacted the realtor and was told that Mr. James Taylor, from Charleston, was planning on purchasing a piece of real estate with the intention of keeping three elderly people in the home which would be paid by the welfare department. Mr. Taylor would take possession of the home October 15. Councilman Young said that it was his understanding the person would need a business license to operate a nursing home as he would classify it. Mayor Karnes informed that to his knowledge, they haven't made an application for a license. City Recorder Jack Hill explained that the zoning laws would not allow nursing homes in a R-1 residential section. After further discussion, Mr. Gaujot said that if the buyer starts operating without a license, then the City has an interest. He explained that as of right now, the City has no interest, but it doesn't mean that a neighbor couldn't bring action in the Circuit Court of Kanawha County to enjoin him from doing that, but they would have to prove that he was going to do it. A resident of Brookhaven advised that a

person must be registered if caring for two, but licensed if housing three in a nursing home type facility. After an open discussion, Mayor Karnes invited everyone to stay for the other business at hand.

AGENDA ITEM NO. 2 - TRICK OR TREAT - 10-31-88 6-8 P.M. HALLOWEEN - 21ST STREET 6-8 P.M.: - Councilman at Large Rusty Casto informed that the County Commission has established that Halloween be on October 31, 1988 from 6 to 8 p.m., and moved the City Council formally accept this date and time, and notify the elementary schools of Council's decision. The motion was seconded. Mayor Karnes announced that the Recreation Department is planning a Halloween party the same night for the children. After a brief discussion, a vote was taken and it was unanimous. Councilman Casto moved permission be granted for the Recreation Department to have a Halloween party from 6 to 10:00 p.m. on October 31, and block off 21st Street for this event. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - ORD. 88-10 (1ST READING) REZONE LOTS 48 & 49 OLD RIVERDALE ACRES SECTION RT. 25: - Mayor Karnes read the ordinance to change lots 48 & 49 of Old Riverdale Section from R-3 to B-1. Councilman at Large Rusty Casto moved the ordinance be adopted. The motion was seconded. A vote was taken and it was unanimously approved on the first reading.

COPY OF ORDINANCE 88-10 ATTACHED.

AGENDA ITEM NO. 4 - PAVING REPORT: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman Walker reported that since the last meeting, 20th Street had been paved and the 500 block of Kanawha Ave., South. He reported as of this date, approximately \$24,000 has been spent on paving. Councilman Walker said the Street Committee agreed to spend up to \$30,000 for paving right away, and then wait until we have additional funds available. Councilman Jim Hutchinson added that Gene Williams was holding some funds in reserve for salt and gravel for the streets.

AGENDA ITEM NO. 5 - ZONING BOARD OF APPEALS APPOINTMENT: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman Walker moved that Bob Kautz be nominated to the Zoning Board of Appeals. The motion was seconded. There being no other nominees, a vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - RECREATION REPORT: - Mayor Karnes asked Councilman at Large David Casebolt for a report on the Recreation Committee. Councilman Casebolt said that when the budget was prepared for the last fiscal year, there was \$25,000 allocated for a new community building. Councilman Casebolt reported that the Recreation Committee doesn't think the community building is feasible in pursuing at this time. Councilman Casebolt

requested, as a member of the Recreation Committee, the \$25,000 be turned over to the Recreation Committee to be used as they see fit. Councilman Casto said that Councilman Casebolt wants to move the \$25,000 out of the Recreation budget to a different line item in the budget. Mayor Karnes said that one thing that concerns him is that some of the things we have projected in revenues, in his opinion, will not be there. He said that if we are going to fall short, this is something we could use as a cushion. He said some things we cannot change, and this is one that we could if we have to. Councilman Casebolt told Mayor Karnes that he agreed, but feels Council should recognize the importance of recreation for the youth in our community, and moved the \$25,000 be used for the recreation department. The motion was seconded. Councilman at Large Olaf Walker informed the \$25,000 in the budget was anticipated revenue from the dog track and we don't know if the dog track revenue will reach \$11,000. Councilman Walker suggested the items suggested by the Recreation Committee be included in the budget for next year. After further explanation and discussion, Councilman David Casebolt withdrew his motion, as did Councilman George Atkins who seconded the motion. Councilman Casebolt moved that if at the end of the fiscal year, the \$25,000 is there, that it be moved from the use for a community building to a new line item in the recreation budget. The motion did not receive a second. Councilman at Large Rusty Casto moved that the recommended purchases for the recreation department be given to Mayor Karnes and the Treasurer and that they report back in the spring on the feasibility of buying any of the recommended items next spring and summer according to the budget. The motion was seconded. Mayor Karnes informed that before we go into any budget session, he would appoint a Finance Committee which would consist of some members of Council, the Treasurer along with the Mayor. A vote was taken and it was unanimous. Councilman Walker suggested having a training session prior to the preparation of the budget to educate Council and others on the role of Council on budget preparation. Mayor Karnes will report back at the next meeting after he has analyzed the situation on what he thinks can be done.

Mayor Karnes said regarding the budget, Council would be involved in the budget process, and they would understand the figures listed on the line items if they attend the meetings.

AGENDA ITEM NO. 7 - EVACUATION REPORT: - Mayor Karnes reported the the plan is to evacuate and be out of town by 1:00 p.m. on Sunday, October 9. The area involved is from 40th Street to 11th Street and to 21st Street North. Mayor Karnes reported the Ambulance Authority from Putnam and County Counties will transport the handicapped to hospitals or nursing homes. He reported that St. Albans High School will be open at 8:30 a.m. to

house anyone that wants to go and they will be transported by KRT buses beginning at 10:00 a.m. to and from this site. Mayor Karnes informed that there is no law requiring citizens to leave, but recommend they do. However, he said, we can keep them off the street and we will do that. Chief Cochran added that the police department will be blocking traffic from entering the zone at 12:30 p.m.

AGENDA ITEM NO. 8 - PRO. 88-12 - PROCLAIMING OCTOBER AS RECYCLING MONTH: - Mayor Karnes advised that he received a letter from the Department of Natural Resources requesting Council adopt a proclamation proclaiming the month of October, 1988 as recycling month. Members of Council were furnished a copy of the proclamation. Councilman at Large Rusty Casto moved we adopt the proclamation. The motion was seconded. Councilman Jim Hutchinson asked what has happened to the recycling truck that had been parking on the Moose Lodge Lot. Mayor Karnes responded that newspapers, glass and aluminum cans may be taken to the Kanawha County Metro Corporation, 1327 Hansford Street in Charleston and the Woman's Club is trying to get somebody to come back to the Moose parking lot as before. Councilman Casto said that he heard that a recycling business was going to locate at Par Industrial or next to Monsanto. He suggested having large receptacles designated for glass and cans placed at City Park, and have citizens deposit recyclable goods in these containers, and take the money earned from the cans and glass to be used for our tennis courts. There being no further discussion, a vote was taken to adopt the proclamation, and it was unanimously approved.

COPY OF PROCLAMATION 88-12 ATTACHED.

AGENDA ITEM NO. 9 - NITRO HIGH SCHOOL HOMECOMING PARADE PERMIT 10-7-88 AT 6 P.M.: - Mayor Karnes informed that Nitro High School has requested a parade permit for their homecoming game on October 7, and yielded this agenda item to City Recorder Jack Hill. City Recorder Jack Hill said this is just a formality of them applying for a permit to hold a parade before their homecoming game as they have done in the past. Councilman at Large Olaf Walker moved the request be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 10 - THE SALVATION ARMY CHRISTMAS APPEAL 1988 (11-24 - 12-24-88): - All members of Council were furnished a copy of a letter from The Salvation Army requesting permission for their Christmas Appeal - 1988. Councilman at Large Rusty Casto explained that basically the Salvation Army place kettles in front of the larger businesses and ring a bell requesting donations from the citizens. Councilman Casto moved the request for the Christmas Appeal be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 11 - REQUEST FROM CONFIDENCE ELEMENTARY PTA: Mayor Karnes yielded this agenda item to City Recorder Jack Hill. Mr. Hill said this too was a formality from the Confidence Elementary PTA requesting permission to solicit for fund raising activities in regard to the school's carnival scheduled for October 22. Councilman at Large Rusty Casto moved permission be granted. The motion was properly seconded. A vote was taken and it was unanimous.

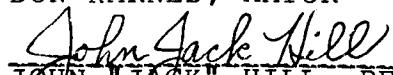
Mayor Karnes mentioned that he wanted Council to be aware that there was a mix up in the voter's registration in the Kanawha County section of 40th Street Road. Therefore, we requested a representative from the Voter's Registration Office to come down and try to correct this problem while it was fresh on our minds and before we have another City Election. They came down and are now working with City Recorder Jack Hill on trying to resolve this error.

Mayor Karnes announced that we had a ground breaking ceremony for the expansion of the library on October 1, at 11:00 a.m. In attendance were David Childress, from the State Library Commission. Dennis Davis, Assistant Supt., Phil Fitzwater, an Instructor at Ben Franklin who will be in charge of the construction, Jerry Goff, the Architect in charge from Wilson and Goff, Library Committee members Mary Trout, Lydia Dorcus, John Santrock, Dorothy Atkins, the Mayor's Secretary Eve Frazier, Mr. Bob Swartz from the Gazette and several citizens. Construction will begin right away.

Councilman Casto inquired if Mayor Karnes could give a report at the next meeting on the federal law which covers our employee's retirement, and make us more aware of what we can do, if anything, to protect their retirement. Mayor Karnes informed that this would affect the police and fire pension funds of small towns throughout the country. Mayor Karnes advised that there would be a meeting October 18, at 10:00 a.m. in the State Conference Center, Building 7, Room C in Charleston conducted by A. James Manchin. Mayor Karnes said they are trying to get the Federal Government to exclude small towns from this new legislation. Mayor Karnes said that the City Recorder Jack Hill and some people from the Fire and Police Pension Boards will be invited to attend this meeting.

There being no further business, Councilman Jim Hutchinson moved the meeting be adjourned. The motion was seconded. A vote was taken and it was unanimous. The meeting adjourned at 8:48 p.m.


DON KARNES, MAYOR


JOHN "JACK" HILL, RECORDER

ORDINANCE NO. 88-10

AN ORDINANCE TO CHANGE LOTS 48 and 49 OF
OLD RIVERDALE SECTION FROM (R-3) RESIDENTIAL
TO (B-1) BUSINESS

WHEREAS, the owner of Lots 48 and 49 of Old Riverdale Section petitioned the Planning Commission for the City of Nitro, West Virginia, on August 3, 1988, to change the zoning of said lots from (R-3) Residential to (B-1) Business; and

WHEREAS, the Planning Commission for the City of Nitro, West Virginia, after proper legal advertisement properly published, met on September 15, 1988, and approved the changing of the zoning of Lots 48 and 49 of Old Riverdale Section from (R-3) Residential to (B-1) Business; and

WHEREAS, the Planning Commission recommended to the City Council for the City of Nitro, West Virginia, that said change of zoning be permitted.

WHEREFORE, BE IT ORDAINED by the City Council of the City of Nitro, West Virginia, that the zoning of Lots 48 and 49 of Old Riverdale Section be changed from (R-3) Residential to (B-1) Business.


Don Karnes, Mayor

First reading: 4th day of October, 1988

Second reading: day of October, 1988



DON KARNES
MAYOR

PROCLAMATION 88-12

PROCLAIMING THE MONTH OF OCTOBER, 1988

AS

RECYCLING MONTH

IN THE CITY OF NITRO

WHEREAS, citizens and visitors of West Virginia enjoy the beauty of the state, its mountains, streams and cities; and

WHEREAS, recycling saves precious energy, conserves valuable natural resources, protects the environment, prevents littering by eliminating material from the litter stream; and prolongs the useful life of many materials; and

WHEREAS, recycling is becoming increasingly important in our efforts to ease the growing problems of solid waste management; and

WHEREAS, the West Virginia Department of Natural Resources has adopted as its theme "West Virginia's Beauty is Everyone's Duty" in calling the significance of litter control and recycling to the attention of our citizens; and

WHEREAS, the Governor of West Virginia has proclaimed the Month of October as West Virginia Recycling Month.

NOW, THEREFORE, I, Don Karnes, Mayor of the City of Nitro, do hereby proclaim the Month of October, 1988, as

RECYCLING MONTH

in the City of Nitro, and urge all of our citizens to join in an effort to make "West Virginia's Beauty Everyone's Duty" through recycling.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Nitro, West Virginia, to be affixed this 4th day of October, 1988.


DON KARNES, MAYOR

CITY OF NITRO
COUNCIL MEETING MINUTES

OCTOBER 18, 1988

The regularly scheduled Council Meeting was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Jack Hill, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

The invocation was given by Jay Long.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 4, 1988 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the Council Meeting Minutes of October 4, 1988. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - JR. HIGH HOMECOMING PARADE 10-20-88: - Mayor Karnes yielded this agenda item to the City Recorder Jack Hill. City Recorder Jack Hill informed that the Nitro Jr. High School requested permission for a homecoming parade on Thursday evening, October 20. He said that this would be a duplication of the type parade the Nitro High School had, and hopefully it would be as successful. Councilman Jim Hutchinson moved permission be granted. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 3 - ORD. 88-10 (2ND READING) REZONE LOTS 48 & 49, OLD RIVERDALE ACRES SECTION RT. 25: - Mayor Karnes read Ordinance 88-10 to rezone lots 48 and 49, old Riverdale Acres Section Rt. 25 which was passed on the first reading at the Council Meeting of October 4. Councilman Jim Hutchinson moved for the adoption of the above numbered ordinance. The motion was seconded. A vote was taken and it was unanimous.
COPY OF ORDINANCE 88-10 ATTACHED.

AGENDA ITEM NO. 4 - RECREATION REPORT: - Mayor Karnes asked Councilman at Large Rusty Casto for a report of the Recreation Committee recommendation. Councilman Casto informed that the Recreation Department stocked Ridenour Lake with 425 pounds of channel and Flathead catfish on Monday, October 17. The fish range in size from 2 pounds up to 42 1/2 pounds. On Monday, October 24, around 12:30 p.m. Ridenour Lake will be stocked again. Councilman Casto reported that all facilities at City Park are closed for the winter, and Ridenour Lake restrooms and water will be shut off on October 31.

Councilman at Large Rusty distributed information to members of Council pertaining to a proposal to have tennis courts in Nitro. He said that he would contact individuals, businesses, clubs or combination of any of the preceding who will put up the \$25,000 - \$30,000 necessary to build the courts. Councilman Casto then said that he would form a Nitro Tennis Club who will be responsible to repay the loan in the amount of \$2,000 a year. He requested that the City of Nitro sign a contract with the Nitro Tennis Club and the parties responsible to underwrite the cost of \$2,000 per year for the tennis courts. He said until the courts are paid for, the tennis club would receive all monies from the anticipated light meters to be installed at the courts, 5% of any monies raised by organizations using the courts for fund raisers, 100% received from a leasing agreement, and 100% of all monies coming from tennis lessons. After the courts are paid for, then the money received would go into the City's treasury. The City would be responsible for paying the light bills, and the upkeep of the Courts. Councilman at Large David Casebolt informed that he obtained bids for the courts, and the cost was \$30,000 for three without a fence. He said that with a fence around the courts, the cost would be approximately \$6,000 to \$7,000 more. Councilman Robert Young suggested this item be brought back at the next meeting in order to allow time for the members of Council to study this proposal. The next regularly scheduled Council Meeting will be November 1. Councilman at Large Olaf Walker expressed his views on the proposed tennis club, and said that he didn't think the City could underwrite the cost of the tennis courts. A short discussion followed. Mayor Karnes recommended that Jay Long and Councilman Casto contact the person in charge of the facilities at Coonskin as he is familiar with grants, and check on grants that might be available.

AGENDA ITEM NO. 5 - BOY SCOUTS: - City Recorder Jack Hill reported that he received two requests from the Boy Scouts. They want to have trick or treat for UNICEF on Sunday, October 30, from 1 to 6 p.m. Also, they requested to hold a hot dog and bake sale on December 10, from 11:00 a.m. to 4:00 p.m. This is the day of the Nitro Christmas parade. Councilman at Large Olaf Walker moved both requests be granted. The motion was seconded. A vote was taken and it was unanimous.

Recreation Director Jay Long announced the Nitro Christmas parade will be held Saturday, December 10, beginning at 1:00 p.m. He explained that the reason for the change in date is because other communities are having their parade on the first Saturday, and by having our parade on the second Saturday, we should be able to have more participation. Councilman Casto informed that Brooks Robinson will conclude signing autographs at the high school at 1:00 p.m., and if we schedule the parade for 1:30 p.m., we might be able to have him as a participant. Councilman at Large Rusty Casto advised Brooks Robinson will be at the high school from 11:00 a.m. to 1:00 p.m.

AGENDA ITEM NO. 6 - CHILDREN'S (DRUG FREE) COLORING BOOKS: - Mayor Karnes informed this agenda item pertains to a company that puts together information for the purpose of teaching children what drugs are all about and what they look like. Mayor Karnes said that Chief Cochran was familiar with what the people from this company want to do, and asked him to explain in further detail. Chief Cochran advised that a salesman, Mr. McDermott, approached him regarding the drug education program. The St. Albans Police Department accepted this program, and as of this date, they haven't received any complaints. Chief Cochran explained that the salesman contacts only businesses and solicits for advertisements in a drug magazine. Chief Cochran advised that we would receive a cabinet with drugs and drug related substances, as well as coloring books for children and a magazine type book for the education of adults on recognizing symptoms. Mayor Karnes added that this would be at no cost to the City. Councilman Robert Young moved we approve the request for solicitation by Mr. McDermott. The motion was seconded. A vote was taken and it was unanimously approved.

Mayor Karnes mentioned that there was a copy of the Zoning Board of Appeals Meeting Minutes in Council's folder at which meeting Herb Sibley was voted Chairman. Councilman Young questioned as to when a decision would be made regarding the proposed cemetery, and Mayor Karnes answered that he had not been informed of any action taken by the Board.

Councilman Jim Hutchinson said that a contractor is working at the Church of God located just as you are going out of the City, and he is leaving an open ditch which is creating an unsafe condition in this area.

Councilman at Large David Casebolt said the Nitro Midget League Football is having their homecoming Sunday, and request permission to have a parade from 21st St. to 11th Street back to City Park at 12:30 p.m. Councilman at Large Rusty moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

Councilman George Atkins mentioned that at the Gino's building site, there are some unsightly graffiti that needs to be taken off or covered with paint.

Councilman Atkins advised that the property on 11th Street still hasn't been cleaned up. Mayor Karnes said that he talked with Mr. Lemma, and he knows we want this taken care of. Councilman Atkins said that he thinks we should give them another week, and if they don't do it, then the City should clean it.

Councilman George Atkins said that 23rd Street was a one-way street, and we have talked about making 19th Street a one-way street due to traffic congestion. Councilwoman Betty Boggess

advised that she has talked with some of the neighbors and they disagree with this. She said that just parking on one side would be fine with them. Mayor Karnes said that from the people he has spoke with, he hasn't found anyone in favor of making this a one way street. One of the businessmen contacted, said that he wasn't in favor of taking away any parking because all the businesses there need all the parking spaces they could get. He did say that two or three times a day, there is a problem, but there are at least a dozen streets in Charleston such as this having the same problem every hour of the day. He did say that he would go along with the rest of the business owners if they desired the change. Councilman at Large Olaf Walker suggested Chief Cochran visit the people there, and come back at the next meeting with his recommendations.

City Recorder Jack Hill reported that he checked with the Attorney General's Office, the Secretary of State's Office, and the WV Department of Labor, and they are checking with the Federal Department of Labor regarding Mr. Crum, the man selling candy from his van. The State Department of Labor, the Field Representatives and the District Supervision have talked with Mr. Crum and they have interviewed the teenagers working for him and their parents. They have checked on the work permits of these children, and they haven't been able to ascertain if the children didn't work past 8:00 p.m., but they thought if they did work beyond this hour, it was rare. He said the Departments could not find any violations. Councilman Young reported that the State Police had a report on record that they were working past 8:00 p.m. Mr. Hill asked Councilman Young if he would furnish him with a copy of the report, and he would mail it to the authorities. He reported that the Federal Child Labor Law prohibits working past 7:00 p.m., and the State is going to turn this case over to the Federal authorities.

Councilman at Large Rusty Casto asked if the last paragraph was deleted from his proposed contract stating the City of Nitro will underwrite the cost of the sum of \$2,000 per year, would it be a valid contract, and Councilman at Large Olaf Walker answered that it would not. Mayor Karnes said that if the City would enter into a contract, we would have to go into further detail.

There being no further business, Councilman at Large Rusty Casto moved the meeting adjourn at 8:24 p.m. The motion was seconded. A vote was taken and it was unanimous.


DON KARNES, MAYOR


JOHN "JACK" HILL, RECORDER

ORDINANCE NO. 88-10


AN ORDINANCE TO CHANGE LOTS 48 and 49 OF
OLD RIVERDALE SECTION FROM (R-3) RESIDENTIAL
TO (B-1) BUSINESS

WHEREAS, the owner of Lots 48 and 49 of Old Riverdale Section petitioned the Planning Commission for the City of Nitro, West Virginia, on August 3, 1988, to change the zoning of said lots from (R-3) Residential to (B-1) Business; and

WHEREAS, the Planning Commission for the City of Nitro, West Virginia, after proper legal advertisement properly published, met on September 15, 1988, and approved the changing of the zoning of Lots 48 and 49 of Old Riverdale Section from (R-3) Residential to (B-1) Business; and

WHEREAS, the Planning Commission recommended to the City Council for the City of Nitro, West Virginia, that said change of zoning be permitted.

WHEREFORE, BE IT ORDAINED by the City Council of the City of Nitro, West Virginia, that the zoning of Lots 48 and 49 of Old Riverdale Section be changed from (R-3) Residential to (B-1) Business.


Don Karnes, Mayor

First reading: 4th day of October, 1988

Second reading: 18th day of October, 1988

CITY OF NITRO
COUNCIL MEETING MINUTES

NOVEMBER 1, 1988

The regularly scheduled meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent were City Recorder Jack Hill and Councilman at Large David Casebolt.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 18, 1988 COUNCIL MEETING MINUTES: - Councilman George Atkins moved for the approval of the October 17, 1988 Council Meeting Minutes. The motion was seconded. Councilman Olaf Walker said that he wasn't moving to amend the minutes, but at the last Council Meeting a motion was made, properly seconded and passed unanimously to move the Council Meeting date to November 1, and the minutes should reflect this even though this date was the regularly scheduled date. Mayor Karnes said he thought at the time this action was taken, that our meeting was scheduled for election day. A vote was taken to approve the minutes of October 17, and it was unanimous.

AGENDA ITEM NO. 2 - RES. 88-8 - FORMATION OF AN ADVISORY COMMITTEE TO STUDY FEASIBILITY OF WORLD WAR I MUSEUM: - Mayor Karnes stated that there have been people in town that have been working for quite sometime in trying to establish a World War I Museum in Nitro. They requested Council to give them authority to do a study to determine if it is feasible to continue working for the museum. If so, they would probably form a World War I Foundation which would enable them to apply for various grants. A copy of the resolution was furnished Council with the appointed members of the Committee of World War I Living Memorial for the City of Nitro attached. Councilman at Large Olaf Walker moved for the adoption of this resolution. The motion was seconded. Councilman at Large Olaf Walker pointed out that if members of Council hadn't visited what he called Jack Moody's Museum have missed something, and encouraged Council to make arrangements to view the World War I artifacts, etc. Councilman at Large Rusty Casto suggested a tour be scheduled at 6:30 p.m. prior to the next Council Meeting. Mayor Karnes said that he would confirm the date and time with Mr. Moody and inform Council. A vote was taken to adopt the resolution and it was unanimous.

AGENDA ITEM NO. 3 - PROC. 88-13 - RECOGNITION OF THE NITRO JR. HIGH SCHOOL BAND: - Mayor Karnes announced that the Nitro Jr. High School Band placed second in the majorette corps and band playing and third place in field commander at the Junior High School Band Festival. He said that he feels Council should have a day of recognition for this group. Members of Council were furnished a copy of the proclamation. Councilman at Large Olaf Walker moved the proclamation be adopted and that the Mayor mail a copy of the proclamation to the school. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION 88-13 ATTACHED.

AGENDA ITEM NO. 4 - SOLICITATION FOR BAND UNIFORMS BY NITRO HIGH SCHOOL: - A copy of a letter from the Chairman of the Uniform Procurement Committee from Nitro High School was furnished to Council. They are seeking contributions to purchase new band uniforms for the band, and asking Council to approve a permit for soliciting. Councilman Jim Hutchinson moved the request be granted. The motion was seconded. Councilman Walker questioned if they were planning door-to-door solicitation or just the businesses, and Gerald Foster, the Band Director, responded that there would be many different fund raising events, on this long term project, before they would have the \$25,000 needed for the uniforms; they have \$4,000 now. Mr. Foster said that they would not be canvassing the City door-to-door. A vote was taken to grant the request, and it was unanimously approved.

AGENDA ITEM NO. 5 - PROC. 88-14 - PROCLAIMING THE WEEK OF NOVEMBER 13 - 19TH "AMERICAN EDUCATION WEEK": - Mayor Karnes informed that each year there is an "American Education Week", and included in Councils' packet was a proclamation declaring November 13 - 19th as this week. On November 14, a student from Nitro High School will be a counterpart of each elected official and department head and invited to the Council Meeting on November 15. Councilman Jim Hutchinson moved for the adoption of the proclamation. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - REPORT ON SMALL CITIES GRANT: - Mayor Karnes reported the good news regarding the application filed August 8, for a Small Cities Block Grant to do some paving from 22nd Street to 41st Street, including 2nd Avenue, 3rd Avenue, East 31st Street and Easter Road. The grant was approved for \$220,500. Mayor Karnes commended the City Recorder Jack Hill on a job well done, and informed that RIC complimented us on the quality of the work of the application. Mayor Karnes said that we wouldn't be able to begin paving until spring, but plans to do some ditching and drainage work on East 31st Street.

AGENDA ITEM NO. 7 - FLEA MARKET/HALLOWEEN PARTY: - Mayor Karnes informed that on Saturday, October 21, we had a flea

market on 21st Street, and a Halloween party October 31. Also, we received additional fish for Ridenour Lake. Mayor Karnes asked the Recreation Director Jay Long for a report. Jay Long reported that around 4 weeks ago, the Nitro Professional Business Association along with the Recreation Department planned the flea market which they called "Nightmare on 21st Street" in order to get people to come to Nitro. There were 52 people with tables displaying their wares for sale, and the event was very enjoyable and successful. Mr. Long advised that the National Bank of Commerce of Nitro and Citizens National sponsored a band called the Bovarion Polkateers that gave a tremendous performance.

At the Halloween party held on October 31, a professional juggler was entertainment for the children, prizes were awarded in the costume contest, and each child received a bag of treats. This too was a success.

Jay Long reported that Ridenour Lake was again stocked with another 450 pounds of catfish, bringing the total well over 1400 pounds of catfish in the lake.

AGENDA ITEM NO. 8 - TRAFFIC REPORT: - Mayor Karnes said that at the last Council Meeting, Council requested the Police Department to survey 19th Street regarding the traffic problem, and give their recommendation. Chief Cochran informed that this block was observed several times. He informed that there are four residence located on this block, with two occupied, each having a driveway. Chief Cochran said that we haven't encountered any problems except with the school buses. Chief Cochran suggested the Traffic Committee meet regarding the three lanes on 1st Avenue and reroute the school buses. He said that the most severe decision would be that one side of the street be restricted to parking and the decision would be that of Council as to which side. Chief Cochran reported that the only severe problems are created by the school buses. He said that he spoke with the residents and businesses and the response was about 50/50 for and against. Councilman George Atkins stated that there was a problem, and moved that we have parking on one side of 19th Street which would be the residential side. The motion was seconded. Councilman Atkins suggested we could designate a five minute loading and unloading zone in front of the doctor's office. After further discussion, it was requested that the City Attorney Phillip Gaujot draft an ordinance, eliminating parking on both sides of 19th Street, for consideration at the next meeting. A vote was taken to authorize Mr. Gaujot to write the ordinance, and it was unanimously approved.

AGENDA ITEM NO. 9 - ZONING BOARD OF APPEALS - Mayor Karnes informed that Ken Mathes resigned his position on the Zoning Board of Appeals, therefore, creating a vacancy. Mayor Karnes

said that Bill Murray of 108 Hillside Drive has been suggested. Councilman at Large Rusty Casto moved for the appointment of Bill Murray to the Zoning Board of Appeals to fill the unexpired term of Ken Mathes. The motion was seconded. A vote was taken and it was unanimous.

GARBAGE CAN LINERS: - Mayor Karnes informed that each year we advertise for bids for garbage bags, and it's that time again. After the bids are received, this matter will be brought before Council. As the bags are distributed in January, Gene Williams, Director of Public Works, will be asked to proceed with the advertisement immediately in order to have the bags by the distribution date. Councilman at Large Olaf Walker suggested we obtain as many bids as possible, and also check with getting bags from commercial places and compare the price and quality. A discussion followed.

Councilman George Atkins reported that in the 700 and 800 block of Kanawha Avenue (where Hickory intersects Kanawha Avenue) there is a bad situation which is probably caused by either sanitary sewer or storm sewer that's causing a deterioration underneath the paving and the pavement is falling in. Connie Stephens informed that she would go up and take a look at it. She advised that this has been dug out once. Also, Councilman Atkins advised that sometime ago there was a fire on Kanawha and the fire trucks couldn't get in. He said the street is narrow and people park on both sides of the street, and feels the fire department and the Street Committee should take a look at this to see what can be done. Connie Stephens commented this is a problem throughout the City. Mayor Karnes said that he would ask the Police Department to check on this.

Councilwoman Betty Jo Boggess said that a street light is needed on the middle of 6th Street. She reported that she was approached with this request by an elderly couple. She was asked to obtain the tag number on the pole and give it to the Mayor.

Councilman Robert Young said that he was interested in getting yellow paint on the entrance way to Brookhaven, and questioned what was going to be done at the bottom of Norwood Dr. Mayor Karnes answered that he hasn't talked with Gene Williams, but he thinks they are going to try and fill in the ditch under the street. Mayor Karnes said that once the work has been done, they will pour concrete back over it. Councilman Young reported that the street entrance to Brentwood has fallen down more. Councilman Young questioned what has been done regarding the drain on 39th Street. Mayor Karnes said that Gene was aware of this, but he would mention it to him.

Councilman at Large Rusty Casto advised that he has contacted some organizations regarding the tennis courts and

received favorable response, but was unable to give specific answers to their questions. He said he needed to obtain bids on a 3 and 4 tennis court complex, and said that the feasible places to have the courts would be in front of the swimming pool or City Park behind the basketball court. Mayor Karnes said that we need to be convinced that the courts would be used enough to justify them. He said that he personally believed that a miniature golf course would be used by many more people vs the tennis courts, and could be built at half the cost. Councilman Casto said that from the light meters on the tennis courts, lessons and leasing of the courts, we could keep from spending the taxpayers money for which he was sure Council would not allow. Councilman Casto asked how he could obtain plans and the cost for the tennis courts, and City Attorney Phillip Gaujot suggested that Councilman Casto obtain enough of a contribution to go toward architectural fees that he could submit with ball park figure. Mr. Gaujot said that it seems to him that Councilman Casto could go to somebody who builds tennis courts and find out the general cost. Connie Stephens pointed out that there is a sewer line running through the property at City Park and a discussion followed. Councilman at Large Olaf Walker said that it should be brought to the attention of everyone that once the courts are built, they will belong to the City. Councilman Casto informed that he has pointed this out, and also the only cost to play on these courts would be for the light meters. Councilman at Large Rusty Casto said that he would bring this matter up again at the next Council Meeting.

There being no further business, Councilman Jim Hutchinson moved the meeting be adjourned. The motion was seconded. A vote was taken and it was unanimous and the meeting was adjourned at 8:50 p.m.



DON KARNES, MAYOR



JACK HILL, RECORDER

RESOLUTION NO. 88-8

WHEREAS, a living memorial has heretofore been established in the City of Nitro, West Virginia, honoring those that served defending the United States of America and its allies during World War I; and

WHEREAS, Don G. Karnes, Mayor, and members of the City Council for the City of Nitro, West Virginia, desire to continue the living memorial; and

WHEREAS, it is the desire to form a committee to explore the possibility of gathering and housing World War I artifacts and related paraphernalia in the form of a museum; and

WHEREAS, it is the desire to determine if any grants are available for such purpose; and

WHEREFORE, BE IT RESOLVED, that Don G. Karnes, Mayor of the City of Nitro, with the approval of the City Council for the City of Nitro, West Virginia, hereby appoints the following individuals as the members of the Committee of the World War I Living Memorial for the City of Nitro, West Virginia, to serve as members at the will and pleasure of the Mayor.

- 1) J. F. McClanahan
- 2) Olaf Walker, Councilman
- 3) William Wintz
- 4) John Santrock
- 5) Rusty Casto, Councilman
- 6) Lawrence Hill
- 7) Ray Keesling
- 8) Carolyn Atkinson
- 9) Everl Frazier
- 10) Don G. Karnes, Mayor
- 11) John Moon
- 12) Jack Moody

Passed this 1st day of November, 1988.



Mayor



Recorder

NITRO JUNIOR HIGH SCHOOL MARCHING BAND DAY OF RECOGNITION

PROCLAMATION 88-13

WHEREAS, The Nitro Junior High School Marching Band has devoted many hours practicing both this summer and after school; and

WHEREAS, the band recently competed in the Junior High School Band Festival and received the following awards:

Second Place - Majorette Corps

Second Place - Band Playing

Third Place - Field Commander

THEREFORE, BE IT PROCLAIMED by the Council of the City of Nitro, West Virginia, that November 2nd, 1988 be observed as "Nitro Junior High School Marching Band, Day of Recognition", and that all citizens are urged to show their appreciation to the band and to their Director, Mr. Alan French for the ability and character they have shown in representing our city.

Passed this 1st day of November, 1988.



Don Karnes
Don Karnes, Mayor

Jack Hill
Jack Hill, City Recorder



DON KARNES
MAYOR

PROCLAMATION 88-14

PROCLAIMING THE WEEK OF
NOVEMBER 13 - 19, 1988 AS
"AMERICAN EDUCATION WEEK"

WHEREAS, the week of November 13 - 19 has been proclaimed as
"American Education Week"; and

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

WHEREAS, November 14th, 1988 will be "Student Government
Day" in the City of Nitro.

NOW, THEREFORE, I, Don Karnes, Mayor of the City of Nitro,
do proclaim the week of November 13, 1988 as "American Education
Week" in the City of Nitro.

Passed this 1st day of November, 1988.



DON KARNES, MAYOR

CITY OF NITRO
COUNCIL MEETING MINUTES

NOVEMBER 15, 1988

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:33 p.m. Present were City Recorder Jack Hill, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

The invocation was given by Councilman at Large Rusty Casto.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 1, 1988 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the November 1, 1988 Council Meeting Minutes. The motion was seconded. Councilman at Large Olaf Walker stated that after confirming the following with Councilman George Atkins moved that under agenda item #8 the sentence, "After further discussion, it was requested that the City Attorney Phillip Gaujot, draft an ordinance eliminating parking on both sides of 19th Street for consideration at the next meeting" be amended to state, "After further discussion, it was requested that the City Attorney Phillip Gaujot draft an ordinance prohibiting parking on the north side of 19th Street between 1st Avenue and 2nd Avenue". A vote was taken for the approval of the minutes as amended, and it was unanimous.

AGENDA ITEM NO. 2 - BLUE CROSS/BLUE SHIELD: - Mayor Karnes introduced Karen Skaff, the representative from Blue Cross/Blue Shield Insurance Company. She explained there would be a rate increase effective December 1, 1988 and the options Blue Cross is offering. Ms Skaff distributed documents pertaining to the rate increase and called special attention to the merit statement. This statement showed figures of how Blue Cross arrived at the rate increase. She said that based on the claims paid and incurred, Blue Cross states we should have a 101.55% rate increase, but based on State Law, they could only give a 50% rate increase. The new rate for an individual will increase from \$41.73 to \$62.23, adult and child from \$62.28 to \$93.11, two adults from \$106.05 to \$158.02 and the family rate from \$114.61 to \$170.73. She informed that this was based on the activity of the group of the City of Nitro for the 9-1-87 to 9-1-88 period. Ms Skaff offered options which would lower the premium around \$6.00 to \$7.00 on the single rate, and raise the deductible from \$100.00 to \$250.00. Also, she furnished figures on coverage with

a \$500.00 deductible. Ms Skaff informed that by putting the prescription drug coverage under a standing program by itself, it would reduce the health rates. This could be with a \$3.00 deductible or an 80/20 situation. Ms Skaff brought information on the life insurance program now offered by Blue Cross, and quotes on dental coverage. Councilman at Large Rusty Casto suggested that a Committee be formed to study the Blue Cross/Blue Shield plan, and requested that Mayor Karnes, City Treasurer Ralph Allison, City Recorder Jack Hill and the three Council at Large be on this committee, and report back at the next Council Meeting. A representative from the Sanitary Board will also be on the Blue Cross Insurance Committee as requested by Connie Stephens. A question and answer session followed.

AGENDA ITEM NO. 3 - ORDINANCE 88-10 TO PROHIBIT PARKING ON THE NORTH SIDE OF 19TH STREET BETWEEN 1ST AVENUE AND 2ND AVENUE: Mayor Karnes said that this would constitute the first reading of an ordinance discussed at the last Council Meeting. Councilman at Large Rusty Casto moved we adopt the ordinance. The motion was seconded. A vote was taken and it was unanimous. Councilman George Atkins said they had discussed a five minute loading zone in front of the doctor's office, and asked if this could be done after the passing of the ordinance, and the City Attorney Phillip Gaujot answered that it could. A vote was taken and it was unanimously approved. Councilman at Large Rusty Casto said that he thought we had an ordinance where the Police Chief could step in and declare no parking areas in the City. City Recorder Jack Hill said that he would check on this prior to the next meeting.

ORDINANCE 88-10 ATTACHED.

AGENDA ITEM NO. 4 - LEE HEBERT: - Mayor Karnes introduced Lee Hebert, President of the Civic Benefits Association. Mr. Hebert said that he had two pieces of information that he would like to share with Council. First of all, he said they were delighted with the resolution passed at the last Council Meeting indicating that we wanted to continue on as a living memorial for the folks that served in World War I. He said they have been working for quite sometime to try and stimulate that kind of thing within the town, and that they purchased some 18 months ago, a World War I authentic Renault tank. He reported that in that 18 months period, the value has multiplied some 10 or 15 fold. Mr. Hebert said that as a starting point for the foundation that the committee has been appointed to look into and try to obtain funding and make this museum and memorial everlasting, they are donating the tank to the City for which they have been offered over a hundred thousand dollars for it. He said that in addition to that, they would like to earmark 15% of the CBA funds that are given to the City quarterly, to start the funding of that foundation. He stated that he feels the Committee that was formed was great, and feels this is the right way to do it. He said they wanted to indicate their support for

that by first donating the tank, and secondedly by earmarking 15% of their donation quarterly to that effort.

Councilman Walker asked if the CBA would need any type of action on the part of Council, and Mr. Hebert said they had a title to the tank and would convey this to the City. City Recorder Jack Hill asked if the 15% earmarked for the museum was a suggestion or a statement, and Mr. Hebert answered that it was a statement. He said the CBA feels very strongly that this project will do great things for the City of Nitro. He stated that he feels it will bring businesses into the community and be a real plus for the vitality as the years progress. Also, he stated the CBA would be willing to work with the Committee as well.

Mayor Karnes furnished the names of the counterparts for the City Officials and department heads taking part in Student Government Day, November 14, 1988, which were as follows:

Mayor	Heidi Ashbrook & Bryan McCoy
City Recorder	Kelly Crites
Council at Large (Casto)	Margie Moore
Council at Large (Walker)	Crissi Martin
Council at Large (Casebolt)	Paige Pence
Council - Ward I	Melissa Mayler
Council - Ward II	Kelly Crites
Council - Ward III	Melissa Holcomb
Council - Ward IV	Jennifer Eastwood
City Attorney	Mike Flipppo
City Treasurer	Lisa Philips & Missy Mahler
Chief of Police	Scott Townsend
Fire Chief	Cameron Simmons - Wes Dudding
Computer Operator	Stephanie Wiegand
Secretary to the Mayor	Angie Booth - Jennifer Eastwood
Building Inspector	Margie Moore
Public Works	Crissi Martin
Recreation Director	Chad Evans - Paige Pence
Communication Officer	Melissa Holcomb
General Manager - Sanitary	Alan Randolph

Mayor Karnes commended the students on taking an interest in city government, and made the following statement:

Our only asset is time, and we are never sure of how much we have or how much we have left. Once you spend time, it's gone, and it only exists in your memory.

There are several places we can spend time, religion, family, our vocation, our health, recreation, self-improvement and civic responsibilities.

One way we can buy the most with our time is by combining multiple areas, such as going to a church picnic with your family and learning to play croquet. By doing this you have combined religion, family, recreation and self-improvement.

As Mayor, I combine vocation and civic responsibilities. The time you have spent here, you are combining vocation, self-improvement and your civic responsibilities. Since you are spending your time in three places, and me only in 2, you are getting a better value for your investment.

I invite you and the others as you proceed through the tour of the City Government to find the areas where you and your peers can invest more of your time in civic responsibilities. We at City Hall are always glad to work with the next generation of citizens. Our generation could only muster up somewhere around 50% of our peers to even go vote in the most recent election. I sincerely hope your generation can do better.

If a group of you would like to offer your services toward retired citizens, seniors or any other project, we at City Hall will be glad to work with you in any of those endeavors. But, don't limit yourselves to these suggestions, use your own creativity. I know your ideas will be more in tune with motivations of your generation. We appreciate all of you.

City Recorder Jack Hill said that he would like to welcome all of our guests.

Councilman at Large Rusty Casto asked Mr. Gaujot if he would draft a brief ordinance that would officially give the Nitro Recreation Boosters Club, (which will be started to build the tennis courts), the land previously mentioned at a prior Council Meeting, at \$1.00 a year for 99 years. Also, granting permission to install pay lights to be included in the ordinance. Mayor Karnes said we need to understand exactly how Councilman Casto wants the ordinance and Council must agree. Councilman Casto said that basically it would give that area of ground that they want to build the courts on, and allows them to lease for \$1.00 a year that area of ground. The City would still have control of the courts, but the Club would receive the money from the lights in order to get the courts paid off. The City would be responsible for the utilities and maintenance of the courts. Mayor Karnes said that if the City would lease the ground, then they would have control of it. Councilman at Large Olaf Walker said that if the property has an economic value, it is worth more than that. He said that if Councilman Casto would raise the money to put the tennis courts on the property, then he would vote for permission to build them out of the money raised. He said that he wouldn't vote for any money to be used for tennis courts at the present time. Councilman Casto said to forget the dollar. He said that he needed permission to be able to build

the tennis courts on the land, and permission from the City that after they are built to install light meters. The money from the meters will be used to pay on the courts. Councilman Walker said that Councilman Casto should get his tennis club organized, get a formal organization or somebody who has some legal standing. Councilman Casto said that he wanted Council to be aware of everything regarding the courts. He said that the key for repaying the money back from the courts would be that they get permission to have the light meters installed, and derive the money from them. Councilman Casto said that he needs to have this in writing in ordinance form as soon as possible. He stated he anticipates revenue of \$1,200 per year from the meters to pay on the courts.

City Treasurer Ralph Allison said that he wanted Council to keep in mind that during the last 70 minutes we lost \$65,000 between the Blue Cross Insurance and the CBA. Councilman at Large Olaf Walker said that he didn't know that we lost the CBA. He said he thinks this is a move in the right direction, and that this City has existed on contributions too long as part of its budget. He said we ought to wean ourselves away from that. He said we can take the contributions from the CBA and move that money in the direction of physical buildings and physical assets for the City, over the long run, we will be better off. City Treasurer Ralph Allison told Councilman Walker that he agreed with him, but that we have \$172,000 budgeted from the CBA that we're not going to get. Councilman Walker said it would be around \$25,000.

Councilman Robert Young moved the meeting be adjourned. The motion was seconded. A vote was taken and it was unanimous. The meeting was adjourned at 8:40 p.m.

Mayor Karnes said that refreshments were being served on behalf of the students from Nitro High School, and invited everyone to share in them.


DON KARNES, MAYOR


JOHN "JACK" HILL, RECORDER

TABLED
12-6-88ORDINANCE # 88-10

AN ORDINANCE TO PROHIBIT PARKING ON THE NORTH SIDE OF
19TH STREET BETWEEN 1ST AVENUE AND 2ND AVENUE.

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

WHEREAS, because of the width of 19th Street between 1st Avenue and 2nd Avenue, and further, because of the present parking arrangement and amount of traffic, it has become apparent that a change in the manner of parking is necessary to allow the free flow of traffic.

THEREFORE, BE IT ORDAINED by the City Council of the City of Nitro, West Virginia, that parking shall be prohibited on the north side of 19th Street between 1st Avenue and 2nd Avenue.

Passed on First Reading: 15th day of November, 1988

Adopted on Second Reading: _____ day of _____, 1988

Don Karnes
Don Karnes, Mayor

John "Jack" Hill, City Recorder

CITY OF NITRO

COUNCIL MEETING MINUTES

DECEMBER 6, 1988

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:35 p.m. Present were City Recorder Jack Hill, Councilman at Large Rusty Casto, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was Councilman at Large Olaf Walker.

The invocation was given by the Rev. Mrs. Bea Burgess from the Otterbein United Methodist Church.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 15, 1988 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the November 15, 1988 Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PETITION FROM RESIDENTS OF HILLSIDE DRIVE: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt who requested this item be placed on the agenda. Councilman Casebolt said that he was presented a petition from the residents of Hillside and a copy was distributed to the members of Council. Councilman Casebolt called attention to excerpts from the Council Meeting Minutes of September 5, 1972. The petitioners stated that on March 17, 1959, the Nitro City Council adopted a zoning ordinance based on the recommendations of the Nitro Planning Commission at a meeting held on March 10, 1959, which ordinance included a plat showing both sides of Hillside Drive as being divided into residential lots. However, the zoning ordinance could not be located. Councilman Casebolt also called attention to the Council Meeting Minutes of August 15, 1972, which stated that, "Through some misunderstanding, a map drawn up by the City Engineer erroneously designated one side of Hillside Dr. as B-1 (business), and Council approved the ordinance, including the faulty map. Then, a motion was made that the intent of the Planning and Zoning Commissions should be accepted. The motion was seconded and carried by an unanimous vote." Councilman Casebolt said previous Council and the Zoning Commission changed the zone from B-1 to R-1, and asked if it would be necessary for Council to act upon this matter again in order to have our engineer make the necessary corrections on the city map. City Attorney Phillip Gaujot responded that we need the ordinance of March 17, 1959 to see where this area was, in fact made B-1. Councilman Casebolt questioned if the action taken by Council on August 15, 1974 changing the zone to R-1 ruled. Mr. Gaujot answered that it could

except to a bona fide purchaser of land relying upon the City map showing that it was commercial property. He said that if a bona fide purchaser purchased land thinking that it was commercial property because the City map indicated it was commercial property, he thinks the City would be in a hard position to deny him the right to use that property for commercial purposes. Mr. Gaujot added that if, in fact it is zoned residential and the map shows it is commercial, this Council would have to move that a new map be prepared reflecting the zoning. Mr. Gaujot stated that more research be made to try and find the ordinance. Councilman Casebolt reported the ordinance could not be found in the Minutes of March 17, and Mr. Gaujot asked then how could the action taken in 1972 be valid. Mr. Gaujot stated that unless we can find there was an inaccuracy, then he didn't think we are in a position to do anything. He said we need to see the ordinance of March 17, 1959 to see if that ordinance ordained that this area would be B-1. Councilman Casebolt said the purchaser is intending to put mobile homes in the area in question, and asked if there was any procedure the City could take to delay this until further research is made in locating the ordinance. Mr. Gaujot advised that a business license could be delayed while he studied the City's options, and that Council would need to act upon this matter. A resident of Hillside commented that he was assured by previous Council that the zoning problem would be corrected. Councilman Dave Casebolt moved that if there is a license request for a business on the aforementioned property, that it be denied until the zoning question is resolved. The motion was seconded. After further discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - TRUST FUND REPORT: - Mayor Karnes called upon Councilman at Large Rusty Casto on this agenda item. Councilman Casto reported that the Nitro Community Trust Fund has been established at the National Bank of Commerce of Nitro. He explained the previous plans were to invest the funds with the Greater Kanawha Valley Foundation, but they felt it better to keep the money in our town, and also there is a possibility that if all the Board members died, the money reverts to this foundation. So, they felt it should be kept under our residents control and remain for the benefit of the people of Nitro. He reported they have around \$5,000 in the fund, and it has generated over \$200 in interest. Plans have been made to set up the Nitro Community Trust Fund, and a Board meeting will be scheduled to have the Constitution drawn up which he will bring back to Council.

AGENDA ITEM NO. 4 - ORDINANCE 88-10 - PARKING ON 19TH STREET (SECOND READING): - Mayor Karnes read the ordinance title which would prohibit parking on the north side of 19th Street between 1st Avenue and 2nd Avenue. Councilman at Large Rusty Casto said that he didn't think a lot of the people on 19th Street wanted

the ordinance, and referred to an ordinance passed in July, 1982 whereby the Chief of Police may declare "no parking" areas when in his judgement parking adjacent to a driveway and creating an unsafe situation or blocking such driveway is dangerous and moved Ordinance 88-10 be tabled and have the Chief of Police survey this street. If after further study, the Chief feels an unsafe condition exists, then he has the authority to declare a no parking zone. The motion was seconded. Councilman George Atkins asked if the curb could be painted as it is suppose to be at the entrance and exit to the bank, and Mayor Karnes said that this could be done. A vote was taken to table this agenda item, and passed with Councilman Atkins opposing.

AGENDA ITEM NO. 5 - CHRISTMAS PARADE: - Mayor Karnes announced that the Christmas Parade is scheduled for Saturday, December 10, beginning at 1:00 p.m. Councilman at Large Rusty Casto moved for the permission of a Christmas parade on December 10, 1988. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto informed that Brooks Robinson will be in Nitro on December 10, and will be at the Nitro High School from 11:00 a.m. to 2:00 p.m. He advised there is a \$1.00 admission charge.

AGENDA ITEM NO. 6- CHRISTMAS DECORATIONS: - Mayor Karnes reported that each year we have Christmas decorations at the World War I Memorial Park at the intersection of 21st Street and 1st Avenue. There are several trees there and the City cannot afford to decorate all of them. A citizen, Ray Boggess who resides on Main St., donated a tree from his yard which will be placed in the middle of the park and decorated by the Nitro Woman's Club. Mayor Karnes said the Nitro Woman's Club have also decorated the street sign poles with red and white ribbon.

AGENDA ITEM NO. 7 - CHRISTMAS DINNER: - Mayor Karnes announced that the City's Christmas dinner will be held upstairs at the Nitro Moose Lodge on Monday, December 19, at 6:00 p.m. He said not to bring anything but a big appetite and a smile. We will have the honor of having Santa Claus there, so bring the children.

AGENDA ITEM NO. 8 - HEALTH INSURANCE: - Mayor Karnes yielded this agenda item to the City Recorder Jack Hill. Mr. Hill explained that our present status is that Blue Cross is billing us at the new proposed rate, and our insurance has not changed except with the new rate. He said they would continue to handle our account in this manner as long as we are accepting bids from other companies, and they cannot make a move without giving us a 30 day notice on our health insurance. Mr. Hill reported that there are four companies interested in submitting bids, and we

have received two of these bids as of this date. The two remaining bids should be in within the next week to 10 days. Mayor Karnes said we will advertise for bids.

AGENDA ITEM NO. 9 - REPORT - SOLID WASTE: - Mayor Karnes reported that effective December 31, through the State Legislature, the county can no longer operate a landfill. The City uses the county's western landfill, and we don't have alternative landfills to use, as most of the other landfills are operating at the peak permit. Mayor Karnes said that he has attended meetings on this, but it hasn't been resolved. In a meeting there was a question as to whether or not the State Solid Waste Authority Board had the legal authority to do anything. He said that the alternative we have at this point, is that if the the County makes a deal with the Solid Waste Authority, then we can continue to dump as in the past. However, probably the fee will increase. One other choice is that the County Commission can appoint a County Solid Waste Authority, and then they could take the landfill and control it. Third, Charleston could buy the landfill and operate it. He said that personally, he didn't feel the City of Nitro would want in the landfill business. He said he was going to attend a meeting Friday, at 1:00 p.m. in Dunbar in the office of the Solid Waste Authority regarding this serious problem.

AGENDA ITEM NO. 10 - REPORT - KVEAA: - Mayor Karnes reported that we do not have an ambulance stationed in Nitro, and this has been a problem for quite sometime. The 911 system is getting blamed for some problems that's really not the 911 systems fault. Nitro, as well as Cross Lanes, have had one paid person with the rest being volunteers. The law provides that if a patient is transported, they must have a EMT or paramedic in the back of the vehicle. With only one person on duty, a call cannot be answered. Many times, if only one person is on duty at the Nitro and Cross Lanes detachment, then both units respond to a call. They meet at the scene and if the person is transported, then one vehicle is left at the scene and picked up later. Mayor Karnes reported that one week, we had four days that our Nitro ambulance couldn't take a call because there wasn't anyone working. He said that he didn't know this was a problem until recently. Mayor Karnes said that he contacted Frank Dodd, the General Manager of KVEAA, to see if we could come up with a temporary solution to the problem. As it is now, ambulance service will be provided by the Cross Lanes station which is around 30 seconds from the Nitro corporate limits. The detachment in St. Albans will also cover part of the calls received from Nitro. Mayor Karnes said that he would receive a report of every call and response time, and this will be monitored to determine if this is acceptable. If not, we will need to find another solution. He said we have better service now than we had a week ago.


AGENDA ITEM NO. 11 - GARBAGE CAN LINERS: - Mayor Karnes yielded this agenda item to the City Recorder Jack Hill. Mr. Hill reported that we advertised for bids on trash can liners and received bids from 4 companies. The lowest bids received were from Unijax in Huntington, WV, and one did not meet our specifications. Mr. Hammons was present to answer any questions, and a discussion followed regarding the low bid of \$7.82 on the bag not meeting our specifications. The bid of \$8.21 per hundred and the sample furnished is the same bag previously used. Mr. Hammons said he would furnish the public Works Department sample bags of the quoted bid of \$7.82 per hundred for use in an area of town so that they could try them. He said he was sure if the City would go with this bag, they would have problems because he has problems initially everywhere he goes. But, he said once they try them, they like them. Councilman Casebolt questioned if we could refuse all bids, and change our specifications. Mayor Karnes responded that we could, but then we would have to again advertise for bids with new specifications. Councilman Casto commented that we would have problems if we changed the color of the bags as we did one other time. Councilman at Large David Casebolt moved we refuse all bids and have new specifications of the \$7.82 bid. The motion died for lack of a second. City Recorder Jack Hill commented that we should consider the time frame for delivery of the bags. Councilman at Large Rusty Casto moved we purchase 3,500 bags from Unijax for \$8.21 per hundred black bags. The motion was seconded. Further discussion followed. A vote was taken and Councilman at Large David Casebolt voted in the negative.

AGENDA ITEM NO. 12 - RES. 88-9 APPLICATION FOR DRUG LAW ENFORCEMENT GRANT: - Mayor Karnes introduced Resolution 88-9 authorizing the application for a drug law enforcement grant on a 75/25 matching grant. Mayor Karnes advised that Sgt. Angell was putting the application together, and a resolution authorizing the application much accompany the document. Councilman at Large Rusty Casto moved we accept Resolution 88-9. The motion was seconded. A vote was taken and it was unanimously approved. RESOLUTION 88-9 ATTACHED.

Councilman at Large David Casebolt said that he was approached by the Nitro Midget Basketball League for permission to solicit within the City door-to-door and businesses on December 17, 1988. Councilman at Large Rusty Casto moved their request be granted with the stipulation they do not stop traffic. The motion was seconded. A vote was taken and it was unanimous.

There being no further business, Councilman at Large Rusty Casto moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 8:55 p.m.


DON KARNES, MAYOR


JOHN "JACK" HILL, RECORDER



DON KARNES
MAYOR

RESOLUTION 88-9

AUTHORIZING THE APPLICATION FOR A
DRUG LAW ENFORCEMENT PROGRAM GRANT

WHEREAS, the State of West Virginia Criminal Justice and Highway Safety Office has announced the availability of federal drug law enforcement grant funds; and

WHEREAS, the City of Nitro Police Department would greatly benefit from obtaining much needed equipment with drug law enforcement grant funds; and

WHEREAS, the total responsibility for the City of Nitro would be 25% of the funds obtained, not to exceed Twenty Five Hundred Dollars (\$2,500); and

THEREFORE, BE IT RESOLVED by the Council of the City of Nitro, West Virginia that the Mayor is hereby authorized and directed to submit an application to the Criminal Justice and Highway Safety Office of the Governor's Office of Community and Industrial Development for a 75-25% matching grant in the amount of Ten Thousand Dollars (\$10,000).

Passed this 6th day of December, 1988.


DON KARNES, MAYOR


JOHN "JACK" HILL

CITY OF NITRO
COUNCIL MEETING MINUTES

DECEMBER 20, 1988

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:48 p.m. Present were City Recorder Jack Hill, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

The invocation was given by Councilman at Large Rusty Casto.

AGENDA ITEM NO. 1 - APPROVAL OF THE DECEMBER 5, 1988 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the December 5, 1988 Council Meeting Minutes. The motion was seconded. Under Agenda Item No. 2, Councilman Robert Young asked if it was correct that the mobile home business could not proceed until they obtain a license, and Mayor Karnes said that this was correct. A vote was taken to approve the minutes as written and it was unanimously approved.

AGENDA ITEM NO. 2 - PROC. 88-15 NATIONAL EYE HEALTH CARE MONTH: - Mayor Karnes introduced Proclamation 88-15 declaring January, 1989 as National Eye Health Care Month. Councilman at Large Rusty Casto moved the proclamation be approved. The motion was properly seconded. A vote was taken and it was unanimous.

PROCLAMATION 88-15 ATTACHED.

AGENDA ITEM NO. 3 - PROJECTED 1989 BUDGET EXPENDITURES - NITRO FIREMEN'S PENSION BOARD FUND: - Mayor Karnes informed that according to State Law, the projected 1989 budget, which has nothing to do with the Fire Department's budget, must be approved for the Nitro Firemen's & Policemen's Pension Boards. Councilman Robert Young moved the budget be approved. The motion was seconded. Councilman at Large Olaf Walker said that he has no objections to the approval, but questioned why action was being taken in December, as it has been previously acted upon in January. Mayor Karnes responded that as discussed in a Pension Board Meeting held today, the law states at the end of the year. A vote was taken and it was unanimous.

FIREMEN'S PENSION PROJECTED 1989 BUDGET FOR EXPENDITURES ATTACHED.

AGENDA ITEM NO. 4 - PROJECTED 1989 BUDGET EXPEDITURES - NITRO POLICEMEN'S PENSION BOARD FUND: - Councilman George Atkins moved the Nitro Policemen's Pension Board projected 1989 budget for expenditures be approved. The motion was seconded. A vote was taken and it was unanimous.

POLICEMEN'S PENSION PROJECTED 1989 BUDGET FOR EXPENDITURES ATTACHED.

AGENDA ITEM NO. 5 - PROPOSED FIRE DEPARTMENT RULES AND REGULATIONS: - Members of Council were furnished a copy of the proposed fire department rules and regulations, and Mayor Karnes suggested they study them thoroughly. City Recorder Jack Hill said that in the proposed fire department rules and regulations there was a statement "if action isn't taken within 20 days, then it automatically goes into effect" and said that he didn't feel that 20 days was long enough to study the document and feels a committee should be formed to determine the full meanings. He pointed out that this would be a supplement to the WV Civil Service Code in which they are already covered. Mr. Hill said that he was told in the meeting held with the Fire Pension Board that there is provision in the State Code that they would make-up these rules and regulations in addition to the coverage they already have under the State Civil Service coverage for the purpose of clarifying some of the points in the State Civil Service Code. Councilman Robert Young questioned if we could extend the 20 day time limit, and Mr. Hill replied that he was told that if a decision wasn't made on today or within 20 days, then they would hold off on the 20 day moratorium if it was in a committee for study. Mayor Karnes said that he would suggest a committee be formed including all Elected Officials and the City Attorney. Councilman George Atkins moved a committee be formed of Elected Officials and the City Attorney Phillip Gaujot to study the proposed F.D. Rules and Regulations. The motion was seconded. Councilman Walker questioned who drafted the proposed rules and regulations and also what parts of it was based on State Code and the parts added that wasn't on State Code. Sgt. Hardman said that they obtained the law firm of Hostler & Segal and an attorney, Jim Wallington to draft the proposed rules and regulations which has been adopted by Charleston, and Dunbar has just adopted. He said that Wheeling is very similar, but they change from City to City. Mayor Karnes said that he would try to obtain a copy of the rules and regulations from Charleston and Dunbar. Sgt. Hardman said that we could have the Attorney, Jim Wallington, present at the meeting. Sgt. Hardman explained that the intent of the paragraph stating 20 days was in the event a change should be made at a later date. He said that it was not intended for Council to act upon this matter in 20 days. A committee meeting was scheduled for Thursday, January 5, 1989 at 7:00 p.m. City Recorder Jack Hill invited the members of Council to read the Civil Service Rules that he has in his office. Mr. Gaujot suggested the committee review the Police Civil Service Commission rules, as he thinks they are very similar. After a short discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - WV CITIZEN ACTION GROUP SOLICITATION: - City Recorder Jack Hill informed that the WV Citizen Action Group has solicited for funds within the City of Nitro in the past. Their purpose is to lobby on behalf of consumers. Councilman at Large Rusty Casto moved permission be granted. The motion was seconded. A vote was taken and permission was denied with Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson voting in the negative.

AGENDA ITEM NO. 7 - DISCUSSION OF HILLSIDE DRIVE: - Mayor Karnes asked the City Attorney Phillip Gaujot for a report on the Hillside Drive situation. Mr. Gaujot said that he has looked at the documents presented with the petition, and Mr. Hill has spent numerous hours researching the records and did find some of the minutes alluded to in the petition. He said the minutes mention Hillside Drive, but nothing about zoning. Mr. Gaujot said that what he felt we had was a classic example of maybe the Mayor and Council, a number of years ago, intending to change the zoning but did not do it the way the law says it has to be done. Therefore, he said that in his opinion there hasn't been any change, and it is B-1 as to any bona fide purchaser. Mr. Gaujot said that after the required public hearings, Council could change the zoning if everybody there wanted it changed except for one property owner. The property owner that doesn't want it changed, wouldn't be effected unless he sold the property. Then it would have effect on the subsequent owner. Mr. Gaujot advised that the best way to handle this is to meet with the attorney representing the Hillside Drive residents and the attorney for the mobile home dealer to try and work out something. Councilman at Large Olaf Walker mentioned that a possible resolution to the problem would be that Mr. Jordan, the proposed purchaser, use the front of the lot for the purpose he bought the lot, and maybe on the lot facing Hillside Drive construct a residence or condo. After comments from residents from Hillside Drive and further discussion, City Attorney Phillip Gaujot advised that the City Council could refer this to the Planning Commission and there can be a hearing on this. Then, the Planning Commission makes recommendation to Council, and a public hearing is scheduled. After the hearing, Council could pass it. He stated that even then, his opinion is that because the City has been operating with that map for a number of years and using the map as authority for the zoning districts in this town, and since Mr. Jordan bought that piece of property believing that it was B-1, then it makes him a bona fide purchaser for purposes of that being designated B-1. Councilman at Large David Casebolt moved that we get the three attorneys together and see if they can reach an agreement, and if it's not agreeable to the residents on Hillside Drive, then we refer this matter to the Planning Commission. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large David Casebolt suggested we have the Zoning and Planning Commissions to review our City map to see if we might have this situation in another area. Councilman at Large Olaf Walker recommended we have a new zoning ordinance map prepared if we have the funds. Mayor Karnes said that he has discussed with two companies about bringing our codes up-to-date. He said that it would be expensive, but would include zoning and building codes plus all ordinances that has been passed since 1972. Further discussion followed regarding the zoning near Hillside Drive.

AGENDA ITEM NO. 8 - ORDINANCE - TO TRANSFER REAL ESTATE TO NITRO LIBRARY BOARD: - Mayor Karnes informed that in order for the Library Board to obtain a grant to expand our present library, the property has to be in the name of the Nitro Library Board. Mr. Gaujot prepared an ordinance for the transferring of the parcel of land to the Library Board. Councilman David Casebolt moved the ordinance be approved on the first reading. The motion was seconded. Councilman at Large Rusty Casto requested our City Attorney to check on the legality of conveying this property. A vote was taken and it was unanimously approved.

ORDINANCE 89-1 ATTACHED.

AGENDA ITEM NO. 9 - REPORT ON THE DUMPING SITUATION: - Mayor Karnes reported that the County Commission has appointed a five member County Solid Waste Authority, and beginning January 1, through March 30, they are going to operate what is now known as the Kanawha County Western Landfill, with the hopes it will be taken over by the State. The County Commission has been operating this in the past on about a \$10,000 a month loss and has been supplemented by the County Commission. The County Solid Waste Authority does not have a budget, as it is impossible for them to subsidize the operation. Mayor Karnes said that at the last meeting he was in, it was proposed that the towns of Nitro, Dunbar and South Charleston would pay a projected fee at the beginning of the month instead of paying the dumping fees at the end of the month through billing process. There will be an increase of \$3.00 per ton for the three months' period, and costing Nitro about \$300 additional per week. Mayor Karnes said that he thinks we are headed for some serious problems regarding our dumping fees.

Mayor Karnes reported that our garbage can liners will be in by the first of the year, and they will be distributed in January.

Councilman at Large Olaf Walker moved Council go into Executive Session for the purpose of discussing an issue facing the City as it relates to certain revenues from the dog track. He requested the City Treasurer Ralph Allison stay for the session. The motion was seconded. A vote was taken and it was unanimously approved.

Council went into Executive session at 9:00 p.m.

The regular session of Council reconvened at 9:28 p.m. Councilman at Large Olaf Walker moved that the City Treasurer provide Council a list of the banks where City money is deposited with the amount of funds on deposit as of December 31, 1988. He wanted to know what other sources of income other than the revenues listed on the budget do we receive money. The motion was seconded. City Treasurer Ralph Allison reported that we have around \$16,000 in the State Pool account earning 7.3%, and another account with a local bank. Councilman Walker asked if Council could be furnished financial data quicker than they have been receiving it. A vote was taken and it was unanimous. Mayor Karnes said that he would get with Mike Morris and discuss what he can now produce and how quick, and ask his opinion on whether we need additional software.

Councilman at Large Olaf Walker moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 9:35 p.m.



DON KARNES, MAYOR



JOHN "JACK" HILL, RECORDER



DON KARNES
MAYOR

PROCLAMATION 88-15

NATIONAL EYE HEALTH CARE MONTH

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

WHEREAS, the National Society to Prevent Blindness has declared that half of all blindness can be prevented; and

WHEREAS, such unnecessary blindness can be prevented when early attention by medical doctors is sought 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 State 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 Nitro should become aware of the importance of eye health care and seek direct help from medical doctors when eye conditions which may lead to blindness are experienced;

NOW, THEREFORE, I Don Karnes, Mayor of the City of Nitro, do hereby proclaim January, 1989 as

NATIONAL EYE HEALTH CARE MONTH

Passed this 20th day of December, 1988.



DON KARNES, MAYOR

NITRO FIREMEN'S PENSION & RELIEF FUND BUDGET FOR 1989

Clyde Harris Jan. - June $586.94 \times 6 = 3521.64$

Includes 4% July - Dec. $610.42 \times 6 = \frac{3662.52}{7184.16}$

C. M. McDaniel Jan. - June $539.03 \times 6 = 3234.18$

Includes 4% July-Dec. $560.59 \times 6 = \frac{3363.54}{6597.72}$

D. Rawlings Jan.-June $539.03 \times 6 = 3234.18$

Includes 4% July-Dec. $560.59 \times 6 = \frac{3363.54}{6597.72}$

K. King Jan. - June $615.32 \times 6 = 3691.92$

Includes 4% July-Dec. $639.93 \times 6 = \frac{3839.58}{7531.50}$

J. Raynes 13,248.36

E.W. Hedrick 17,130.60

R.L.Faulknier 12,117.72

Backpay for Harris, King, Rawlings and McDaniel 730.14

Secretary 300.00

Misc. Expense 300.00

Acturial Study 2000.00

Total 73,737.92

10% for INVESTMENT 7,373.79

81,111.71

NITRO POLICEMEN'S PENSION & RELIEF FUND BUDGET - 1989

KENNETH WEBB	\$ 9,859.80
ADA POST	3,956.28 *
SHELBY HARRISON	10,408.32
SECRETARY	300.00
MISC. EXPENSE	125.00
ACTURIAL STUDY	<u>2,000.00</u>
10% FOR INVESTMENT	2,649.40
TOTAL:	\$ 29,298.80

* INCLUDES 4% CONSUMER PRICE INDEX INCREASE

CITY OF NITRO

DON KARNES
MAYOR

ORDINANCE 89-1

AN ORDINANCE TO TRANSFER THE ATTACHED
REAL ESTATE TO THE NITRO LIBRARY BOARD
TO ENABLE SAID BOARD TO PARTICIPATE WITH
STATE LIBRARY COMMISSION GRANT

WHEREAS, the City of Nitro owns certain real estate located
in the City of Nitro; and

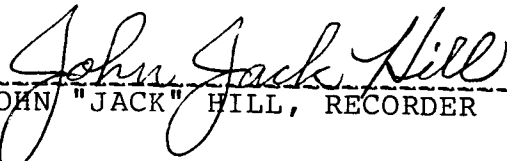
WHEREAS, the City of Nitro desires to receive a grant from
the West Virginia Library Commission to expand the City's present
library; and

WHEREAS, in order to participate, it is necessary and
required that the real estate described on the plat attached
hereto and marked "Exhibit A" be in the name of the Nitro Library
Board; and

THEREFORE, be it ordained that the Mayor of the City of
Nitro is hereby authorized to sign a deed conveying the real
estate described on the plat attached hereto and marked "Exhibit
A" to the Nitro Library Board for the purpose of allowing the
Library Board to participate in a grant from the West Virginia
Library Commission to expand the present library.



DON KARNES, MAYOR

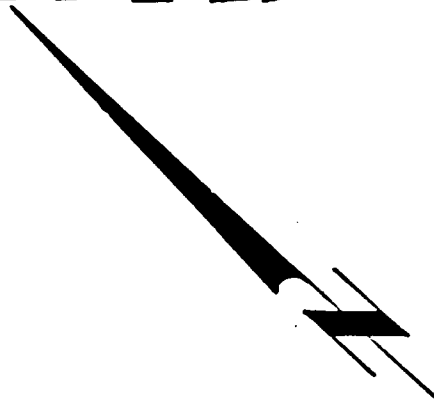


JOHN "JACK" HILL, RECORDER

FIRST READING: DECEMBER 20, 1988

SECOND READING: _____

NOTES: THIS PROPERTY IS A PART OF THE PROPERTY DESCRIBED IN DEED BOOK 748, PAGE 433.
SEE CITY OF NITRO TAX MAP NO. 3, PARCEL 1
THIS LOT IS IN FLOOD ZONE B (WITHIN 500yr. FLOOD) AS SHOWN ON
F.I.R.M. COMMUNITY PANEL NO. 540081-001-B.



Paul E. Smith

PAUL G. SMITH
REGISTERED

EXHIBIT A

CITY OF NITRO
COUNCIL MEETING MINUTES

JANUARY 3, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Jack Hill, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilman George Atkins 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 Councilwoman Betty Jo Boggess.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 20, 1988 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of December 20, 1988 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CITIZENS ACTION GROUP: - Mayor Karnes introduced David Grubb, a representative from the Citizens Action Group, who wished to address Council. Mr. Grubb said that he was here to ask Council to reconsider the action taken at the last Council Meeting denying the Citizens Action Group a solicitation permit. Mr. Grubb explained the work of the Citizens Action Group. He said going door-to-door is basically fundamental to their ability to effect change in West Virginia. He said that it was the core of their program activity, and it's protected activity under the First Amendment of the U.S. Constitution. He said that essentially they are petitioning our government, and petitioning individuals to petition our government through free speech on a wide variety of issues. Mr. Grubb further explained the issues, the importance of their work, and encouraged Council to reconsider their decision. After a question and answer session, Councilman at Large Olaf Walker moved we reconsider the action taken at the last meeting regarding the approval of the solicitation request from the Citizens Action Group. The motion was seconded. A vote was taken, and it was unanimous. After Councilman at Large Olaf Walker called Mr. Grubb's attention that he should check on the Citizens Action Group's registration with the Secretary of State's Office as it expired in May, 1988, moved that we approve the solicitation permit to the Citizens Action Group. The motion was seconded. City Attorney Phillip Gaujot said that as he informed the previous Council and Mayor that it cannot position itself with regard to who is a proper charitable organization for reasons of the First Amendment. Mr. Gaujot said that he did not express an opinion unless he was asked, and he was not approached for legal opinion on this

subject at the last meeting. After further discussion, a vote was taken and permission granted with Councilman Bob Young voting in the negative.

AGENDA ITEM NO. 3 - RES. 89-1 - APPOINTING MAYOR KARNES TO THE BOARD OF KANAWHA COUNTY AMBULANCE AUTHORITY: - A copy of a resolution was given to the members of Council appointing Mayor Karnes to the Board of the Kanawha County Ambulance Authority. Councilman at Large Olaf Walker moved the resolution be adopted and that Mayor Karnes be appointed to replace Joan McClanahan on the Board. The motion was seconded. After a short discussion, Councilman Walker withdrew his motion. Councilman Robert Young moved we remove Joan McClanahan from the Board of the Kanawha County Ambulance Authority. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved that Resolution 89-1 be adopted appointing Mayor Don Karnes to the Board of Directors of the Kanawha County Ambulance Authority. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 89-1 ATTACHED.

AGENDA ITEM NO. 4 - REQUEST FOR SPONSORSHIP FROM THE WV SPECIAL OLYMPICS: - Mayor Karnes said that we received a letter, of which members of Council were furnished a copy, from the WV Special Olympics requesting a donation of \$169. up to \$1,250. from the City of Nitro. Councilman at Large Olaf Walker moved we table the request. The motion was seconded. Councilman Walker explained that his reasoning for this is because the donation would be for placing an advertisement in a publication. He said that the largest percentage of the money goes to the printers and to the publication, and that very little of the funds goes to help the Special Olympics. Mayor Karnes commented that he feels this is for a good cause, but asked if we should spend the taxpayers money to support anything? A vote was taken to table the issue and it was unanimous.

AGENDA ITEM NO. 5 - FINANCE COMMITTEE APPOINTMENT: - Mayor Karnes said that in the near future the City will begin the preparation of the budget for the fiscal year 1989-90, and the first step would be the Finance Committee. He said that with Councils' approval he would like to appoint the City Treasurer, Ralph Allison, Mike Morris, Jack Hill, the City Recorder, the three Council at Large along with himself to the Finance Committee. Mayor Karnes said that anytime they have a meeting, all members of Council are invited. Councilman George Atkins moved for the approval of the Mayor's appointments to the Finance Committee. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 6 - REQUEST FROM THE WV STATE CHAPTER, THE MARCH OF DIMES BIRTH DEFECTS FOUNDATION: - Mayor Karnes advised

that we are in receipt of a request from the WV State Chapter of the March of Dimes to hold their annual Mother's March drive from January 15-29, 1989, in the City of Nitro. City Recorder Jack Hill reported that we did not receive a solicitation form. Councilman Bob Young and Councilman at Large Olaf Walker commented that they feel the form should be completed. Councilman Walker said that we could approve their request contingent on the fact that they complete our required form. City Recorder Jack Hill moved we grant their request contingent upon them bringing the required form to him before their deadline. The motion was seconded. A vote was taken and it was unanimous.

Councilman Robert Young asked the status on the light pole, and Mayor Karnes informed that Gene Williams was working on this, but it was a problem. Councilman Young reported that someone dug up a slab of concrete on Brentwood, and filled it with rocks. He inquired what the next step would be. Mayor Karnes said that we need to let this settle. He said that we have a 4 inch drain dumping out under the street, and we will eventually have problems because the 4 inch drain won't work now.

Councilman Jim Hutchinson asked if a pole number had been obtained on Helen's Court in order to have another street light installed. Mayor Karnes said that Gene Williams has this order and will take care of this. Mayor Karnes advised that in checking, Gene Williams found that we have been paying for three street lights that hadn't been burning, and he is planning on having one of these moved to Helen's Court. Councilman Hutchinson said that he would obtain the pole number.

Councilman at Large David Casebolt called Councils' attention to a meeting scheduled for Thursday night at 7:00 p.m. in the Conference Chambers at City Hall regarding the proposed Rules and Regulations of the Firemen Civil Service Commission.

There being no further business, Councilman at Large Olaf Walker moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 8:20 p.m.


DON KARNES, MAYOR


J. "JACK" HILL, RECORDER



DON KARNES
MAYOR

RESOLUTION 89-1

A RESOLUTION PASSED BY THE COUNCIL OF
THE CITY OF NITRO APPOINTING MAYOR DON
KARNES TO A POSITION ON THE BOARD OF
DIRECTORS TO THE KANAWHA COUNTY
AMBULANCE AUTHORITY

WHEREAS, in the opinion of the Nitro City Council, Mayor Don Karnes is well qualified to act in the capacity of a director on the Board of Directors to the Kanawha County Ambulance Authority by virtue of his experience and current official position; and

WHEREAS, in the opinion of the Nitro City Council, Mayor Don Karnes would be a distinct asset to said Board of Directors of the Kanawha County Ambulance Authority, and would be able to perform the duties and functions of such office with high degree of skill and ability; and

WHEREAS, the Council of the City of Nitro, in their official capacity, are desirous of endorsing Mayor Don Karnes for the aforesaid position.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Nitro does hereby go on record as endorsing Mayor Don Karnes for a position on the Board of Directors to the Kanawha County Ambulance Authority.

Passed this 3rd day of January, 1989.



DON KARNES, MAYOR



JOHN "JACK" HILL, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JANUARY 17, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Jack Hill, Councilman at Large Rusty Casto, Councilman Olaf Walker, Councilman David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 3, 1989 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of January 3, 1989 be approved as written. The motion was seconded. A vote was taken and passed with Councilman at Large Rusty Casto abstaining due to his absence at the last meeting.

AGENDA ITEM NO. 2 - RECYCLING (KAREN BOLES): - Mayor Karnes introduced Ms Boles who wished to address Council regarding a recycling project. She explained the name of the project PUTTI, stands for People United to Teach and Train Individuals. The target of the population that they will serve is children with cerebral palsy. She informed that they wanted to recycle aluminum, glass, paper, cardboard and plastic and have a market to sell all of these items. She said that they have a building and the machines to handle these items, and what they are planning to do is to pay the kids to be there. She advised that they have targeted 21 children within community distance having cerebral palsy involved in the program, and they will be paid \$1.50 per day just for being there, and would be paid according to what they can do. She said that they are in hopes that they can coordinate this project with Nitro, St. Albans and Dunbar, thus eliminating some of the waste going to the landfill. She explained that they didn't need any funds from the City, but asked Council if they would allow this to be done in the City. She said that volunteers could issue a flyer and attach to all sanitary sewer bills, instructions on what could happen if the citizens would help. Ms Boles said that if the City could encourage the citizens to sort, place in bags and label the bags as to the item contained. She said that with the label, the garbage collectors would know its contents and where to take the bags. A discussion followed on the manner in which this could be handled, and Mayor Karnes said that Gene Williams would have to be in on the discussion on how this could work. Councilman at Large Olaf Walker moved that Mayor Karnes be empowered to appoint a Committee, with Gene Williams as a member, to study and try to determine the extra cost, if any, this would incur, and report the findings at the next meeting. Also, he questioned what might

be done regarding a letter notifying the citizens to determine how many would be willing to sort their trash. The motion was seconded by Councilman at Large Rusty Casto who requested to be on the committee. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - RES. 89-2 - TO ACCEPT SMALL CITIES BLOCK GRANT AWARD: - Mayor Karnes introduced Resolution 89-2 authorizing him to sign all documents necessary to accept the Small Cities Block Grant. Councilman at Large Rusty Casto moved we accept resolution 89-2. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 89-2 ATTACHED.

AGENDA ITEM NO. 4 - RES. 89-3 - SMALL CITIES BLOCK GRANT REQUIREMENTS FOR STREET PAVING: - Mayor Karnes introduced Resolution 89-3 that in accordance with the 1988 Small Cities Block Grant requirements for street paving must be adopted. Councilman at Large Rusty Casto moved we adopt Resolution 89-3. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 89-3 ATTACHED.

AGENDA ITEM NO. 5 - RESOLUTION 89-4 - APPOINTING A REPRESENTATIVE TO RDA BOARD: - Councilman at Large Rusty Casto moved we adopt resolution 89-4 appointing Mayor Karnes as a representative to the RDA Board. The motion was seconded. Mayor Karnes explained the functions of the Regional Development Authority. A vote was taken and it was unanimous.

RESOLUTION 89-4 ATTACHED.

AGENDA ITEM NO. 6 - BID OPENING - HEALTH INS.: - Mayor Karnes yielded this agenda item to City Recorder Jack Hill. City Recorder Jack Hill informed that bids for hospitalization and municipal insurance were advertised and we received one sealed bid from RMI, Ltd. on hospitalization insurance. Mr. Hill opened the bid and moved that the bid be turned over to the Insurance Committee for comparison. The motion was seconded. Councilman Walker said that this didn't need a motion, but a statement that it was being turned over to the Insurance Committee. City Recorder Jack Hill withdrew his motion as did the member of Council who seconded the motion. Mr. Hill announced that the bid received would be turned over to the Insurance Committee. A representative from RMI, Ltd. was present and would have a salesman meet with the committee if they desired.

AGENDA ITEM NO. 7 - SOLICITATION FORM FROM MARCH OF DIMES: - City Recorder Jack Hill advised Council that the completed solicitation form, as requested at the last Council Meeting, from March of Dimes was received, a copy of which was distributed to the members of Council.

AGENDA ITEM NO. 8 - MINUTES OF PLANNING COMMISSION MEETING:
Mr. Hill advised that the Planning Commission met on January 5, 1989 and a copy of the minutes was furnished to Council. At the meeting, they approved two proposals, but neither case has been cleared through our Building Inspector. Mr. Hill said that he thought the Planning Commission did their job, but thinks before either request could be considered by Council, that they be presented to the Building Inspector for his review, and moved this be done, and put it on the agenda for the next meeting. The motion was duly seconded. A vote was taken and it was unanimous.

COPY OF PLANNING COMMISSION MEETING MINUTES ATTACHED.

Councilwoman Betty Jo Boggess inquired as to when the meetings would be scheduled concerning the budget for 1988-89, and Mayor Karnes answered that the meetings would be scheduled as soon as the department heads furnished their purposed budget. He said that he would notify all members of Council.

Councilman at Large Olaf Walker said that he would like to compliment the person in charge of the new calendar. However, he said that there was an omission as it did not have the members of Council listed.

Councilman at Large Rusty Casto presented a plan to Council for their review, which, if followed, would build the City a four tennis court complex. He asked Council if they would study the proposed plan and he would bring it up at the next meeting.

Councilman at Large Rusty Casto said that he had a nominee for citizen of the month for January, and would like to have the tradition of the Citizen of Month award started again. Mayor Karnes said that he personally didn't believe in a citizen of the month, but believed in awards for achievements. He said that he was open for suggestions on a name for this type of award, and feels this shouldn't be done monthly, but recognized when an achievement was made. Councilman Walker said that he agreed with Mayor Karnes. Councilman at Large David Casebolt said that he agreed. He said the award should be given to a person that has made an improvement to the City in their own way.

There being no further business, Councilman George Atkins moved the meeting be adjourned. The motion was seconded. A vote was taken and it was unanimous. The meeting was adjourned at 8:20 p.m.


DON KARNES, MAYOR


JACK HILL, RECORDER



DON KARNES
MAYOR
RESOLUTION 89-2

RESOLUTION TO ACCEPT
SMALL CITIES BLOCK GRANT AWARD

WHEREAS, the City of Nitro needs to resurface the following streets: 22nd Street through 39th Street; 41st Street; 2nd Avenue; 3rd Avenue; 31st Street, East; and Easter Road; and

WHEREAS, the State of West Virginia has made \$110,000 available from the 1988 Small Cities Community Development Block Grant Program;

WHEREAS, the City of Nitro must authorize acceptance of the grant offer, including the terms and and conditions involved;

NOW, THEREFORE, BE IT RESOLVED, that the Nitro City Council authorizes the acceptance of the Small Cities grant offer, including the terms and conditions involved and authorizes Don Karnes, Mayor, to execute and sign all documents necessary to accept this grant. The Nitro City Council also authorizes said Mayor to sign all documents related to financial matters, including requests for payments.


Adopted this the 17th day of January, 1989, at a regular meeting of the Nitro City Council at which a quorum was present and a majority voted affirmatively on the Resolution.



DON KARNES, MAYOR



J. "JACK" HILL, RECORDER

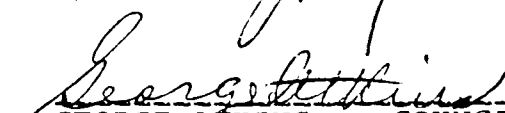

RUSTY CASTO, COUNCILMAN AT LARGE

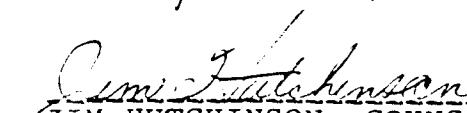

OLAF WALKER, COUNCILMAN AT LARGE


DAVID CASEBOLT, COUNCILMAN AT LARGE


ROBERT YOUNG, COUNCILMAN


BETTY JO BOGGESE, COUNCILWOMAN


GEORGE ATKINS COUNCILMAN


JIM HUTCHINSON, COUNCILMAN



DON KARNES
MAYOR
RESOLUTION 89-3

WHEREAS, at a regular session of the City Council of Nitro on this the 17th day of January, 1989, the Council of the City of Nitro, West Virginia, has been informed that in accordance with the 1988 Small Cities Block Grant requirements for street paving the following must be adopted:

1. Affirmative Action Program for Minority Enterprise directing business benefits to local minority firms;
2. Code of Conduct confirming that no members of the Council, officers, employees, or agents of the City will participate in any illegal activities with Community Development Block Grant funds;
3. Fair Housing Program, which will prevent housing discrimination in the City of Nitro.
4. Section 3 Plan for Low Income Employment, a plan of the City to direct employment and business benefit to the local community; and
5. HUD 24 CFR 85, which ensures and supports procurement of supplies, equipment, construction and services for federal assistance programs.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Mayor, Don Karnes, sign and execute all documents related to the aforementioned matters.

J. Jack Hill
J. "JACK" HILL, RECORDER

Olaf Walker
OLAF WALKER, COUNCILMAN AT LARGE

Robert Young
ROBERT YOUNG, COUNCILMAN

George Atkins
GEORGE ATKINS, COUNCILMAN

Don Karnes
DON KARNES, MAYOR

Rusty Casto
RUSTY CASTO, COUNCILMAN AT LARGE

David Casebolt
DAVID CASEBOLT, COUNCILMAN AT LARGE

Betty Jo Boggers
BETTY JO BOGGERSS, COUNCILWOMAN

Jim Hutchinson
JIM HUTCHINSON, COUNCILMAN



DON KARNES
MAYOR
RESOLUTION 89-4

A RESOLUTION BY THE COUNCIL OF THE CITY
OF NITRO APPOINTING MAYOR DON KARNES
REPRESENTATIVE FROM THE CITY OF NITRO TO
THE RDA

WHEREAS, in the opinion of the undersigned, Mayor Don Karnes is well qualified to act in the capacity of the representative from the City of Nitro to the Regional Development Authority Board; and

WHEREAS, in the opinion of the undersigned, Mayor Don Karnes would be a distinct asset to said board, and would be able to perform the duties and functions of said office with high degree of skill and ability; and

WHEREAS, the undersigned, the Council of the City of Nitro in their official capacity, are desirous of endorsing Mayor Don Karnes for the aforesaid position;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Nitro does hereby go on record as endorsing Mayor Don Karnes for a position of a representative on the RDA Board.

Passed this 17th day of January, 1989.

J. Jack Hill
J. "JACK" HILL, RECORDER

Rusty Casto
RUSTY CASTO, COUNCILMAN AT LARGE

Olaf Walker
OLAF WALKER, COUNCILMAN AT LARGE

David Casebolt
DAVID CASEBOLT, COUNCILMAN AT LARGE

Robert Young
ROBERT YOUNG, COUNCILMAN

Betty Jo Boggess
BETTY JO BOGGESS, COUNCILWOMAN

George Atkins
GEORGE ATKINS, COUNCILMAN

Jim Hutchinson
JIM HUTCHINSON, COUNCILMAN

PLANNING COMMISSION

CITY OF NITRO

January 5, 1989

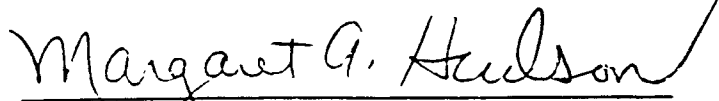
The Planning Commission of the City of Nitro, WV met at 7:00 p.m., Thursday, January 5, 1989 in the City Council Chambers. The meeting was called to order by Chairperson, Margaret Hudson. Other members present were: Jim Hutchinson, Dr. Charles Byrd, Dave Miller, Dr. Guy Cassell, William Harris, Janet Martin and Chuch Boggs. Mr. C.R. Winter and Mrs. Thala Miller were also in attendance.

The first item of business concerned a request from C.R. Winter of The Realty Group (and Mrs. Thala Miller) to rezone property now owned by George A. and Thala J. Miller at 1014 First Avenue, South, Nitro from B-2 to R-2. The legal ad concerning this ran in the Charleston newspapers on December 21 and December 28, 1988. The motion was duly made and seconded that the change from "B-2 to R-2 be made." Some discussion followed. Motion carried.

The next item of business was a letter from Charles Jividen requesting that a street shown on the map of Fry and Thayer Subdivision as Seventh Avenue, now next to 702 Kanawha Avenue, be abandoned. Dr. Byrd moved that "City Council declare that it no longer has any designs on the proposed right-of-way." Dr. Cassell seconded the motion. Motion carried.

It was decided that Margaret Hudson would continue to serve as Chairperson of the Planning Commission.

Since there was no additional business, the meeting was adjourned.


Margaret A. Hudson, Chairperson

Margaret A. Hudson, Chairman
Nitro Planning & Zoning Commission
105 Kanawha Avenue, South
Nitro, WV 25143

11/21/86

Dear Ms. Hudson:

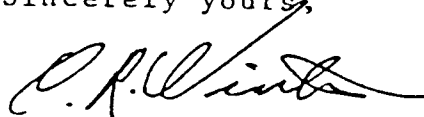
We are in the process of purchasing property at 1014 First Avenue, South, now owned by George A. and Thala J. Miller, whose address is 212 Broadway Avenue, Nitro, West Virginia (see attached contract - Exhibit #1). The property is about 3/4 of an acre and is located diagonally across the street from Thomas Tire Company. There is an older, frame house, painted yellow with a dark roof presently situated on the property. (See attached plot map, Exhibit #2)

We would like to get this property rezoned from business to residential to allow construction of apartments. We plan 20 one bedroom apartments, utilizing 2 story brick and frame construction. We are enclosing a photo of an artist's rendering of our proposed apartment building. The area presently has a mixed use flavor and we believe apartments on this property will blend well with existing residence and business and will add about \$500,000 to property values for the City tax basis.

I would like to appear personally before your commission to answer questions and hopefully secure your considerations and recommendations for rezoning.

Please call or write at your earliest convenience.

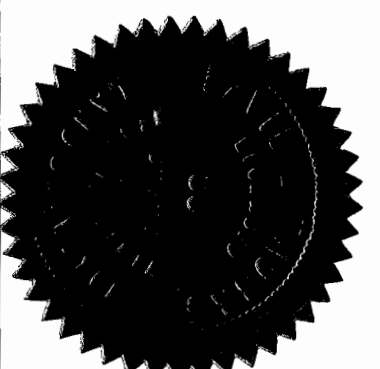
Sincerely yours,



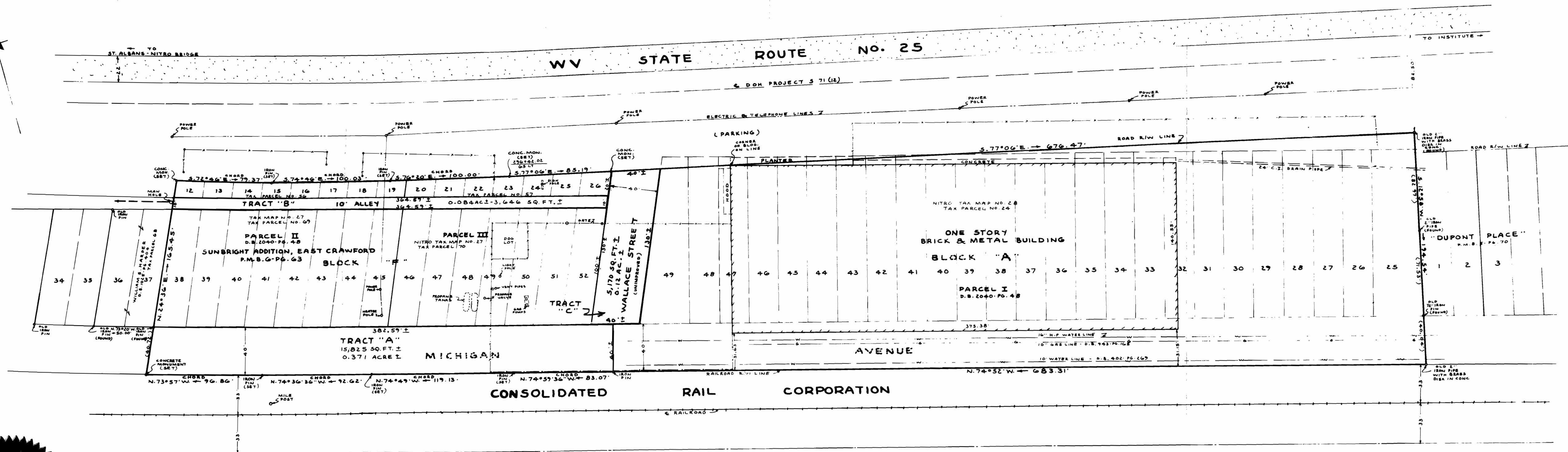
C. R. Winter, President
The Realty Group

CRW/cn

enclosures



David Thomas
LICENSED LAND SURVEYOR
WV LICENSE NO. 30



- TRACT "A" - PART OF MICHIGAN AVENUE
(TO BE ABANDONED)
TRACT "B" - 10' ALLEY (TO BE ABANDONED)
TRACT "C" - PART OF WALLACE STREET
(TO BE ABANDONED)

- SOURCE OF TITLE -
ALMA GOLDBERG, WIDOW
TO
JERRY L. GOLDBERG
MAY 7, 1982 D.B. 2040 PG. 18
PARCEL I - LOTS NOS. 12, 13, 14, 15, 16, 17, 18, 19, 38,
39, 40, 41, 42, 43, 44 & 45 - BLOCK "E"
SUNBRIGHT ADDITION, EAST CRAWFORD
PARCEL II - LOTS NOS. 46, 47, 48, 49, 50, 51 & 52 - BLOCK "F"

MAP SHOWING
TRACTS "A", "B" & "C"
LOCATED IN THE CITY OF NITRO, KANAWHA COUNTY, WV
THRU PROPERTIES OWNED BY
JERRY L. GOLDBERG
TO BE ABANDONED AND VACATED BY
THE CITY OF NITRO
SCALE: 1"=50' JUNE 7, 1988
FIELD SURVEYING CO., INC.
CHARLESTON, WV

TAX MAP DATANITRO DISTRICT, MAP 28
PARCEL 39 & 40

NEW YORK CENTRAL RAILROAD COMPANY

MICHIGAN AVENUE

40' R/W

N 75°50' W 182'

LOT (133) PARCEL 40

LOT (134) PARCEL 40

GEORGE A. & THALA J. MILLER

D.B. 1521, PG. 447

TAX PARCEL 39

LOT (136) D.B. 1356, PG. 329 PARCEL 40
TAX PARCEL 40

LOT (137) PARCEL 40

LOT (138) PARCEL 40

LOT (139) PARCEL 39

PART LOT (140) PARCEL 39

20' ALLEY

S 12°25' W 183'

20' ALLEY

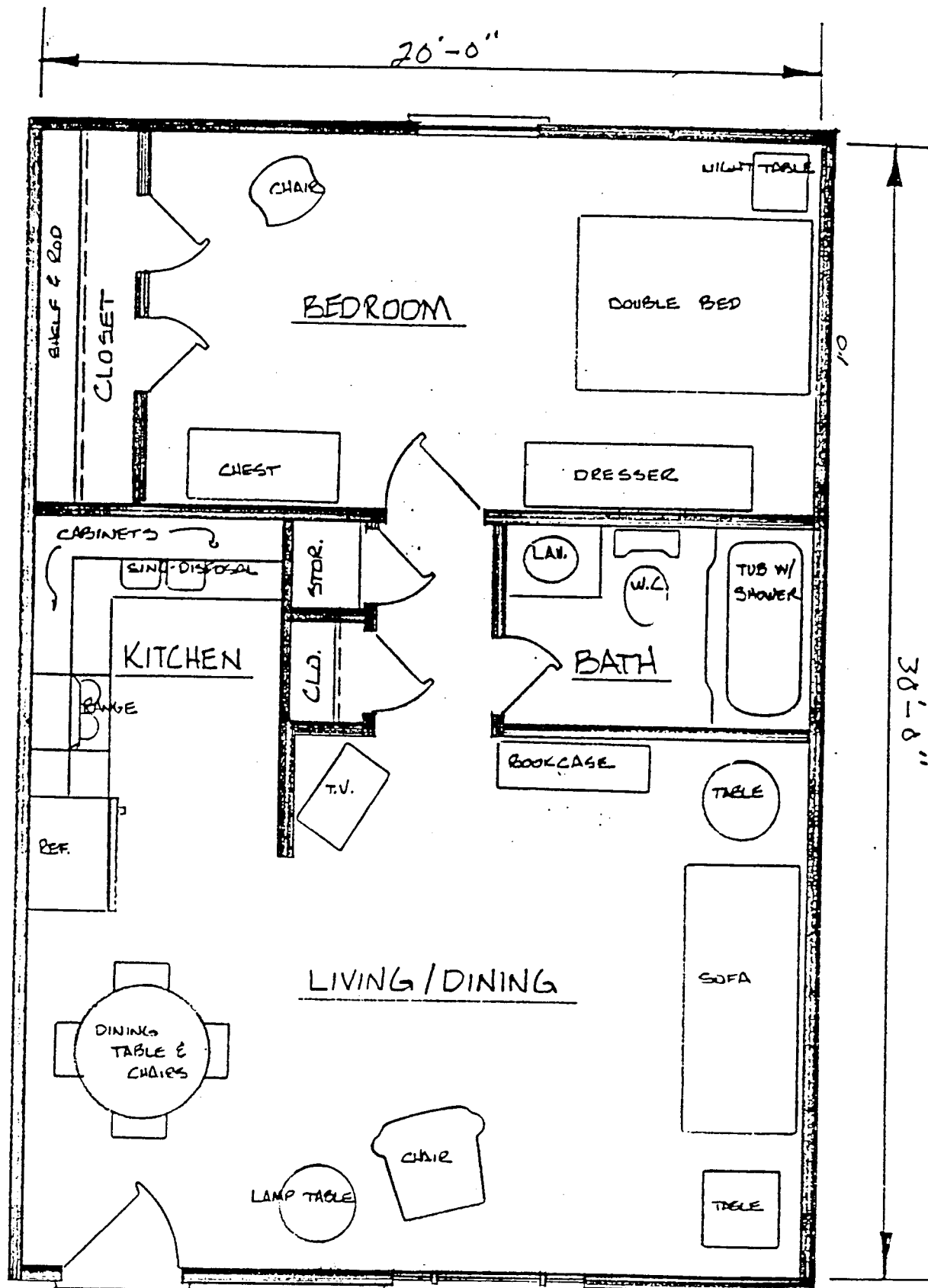
N 14°0' E 181'

Note: The property shown and outlined above is currently under option - purchase agreement by C. R. Winter and "The Realty Group".

November 15, 1988

The Realty Group

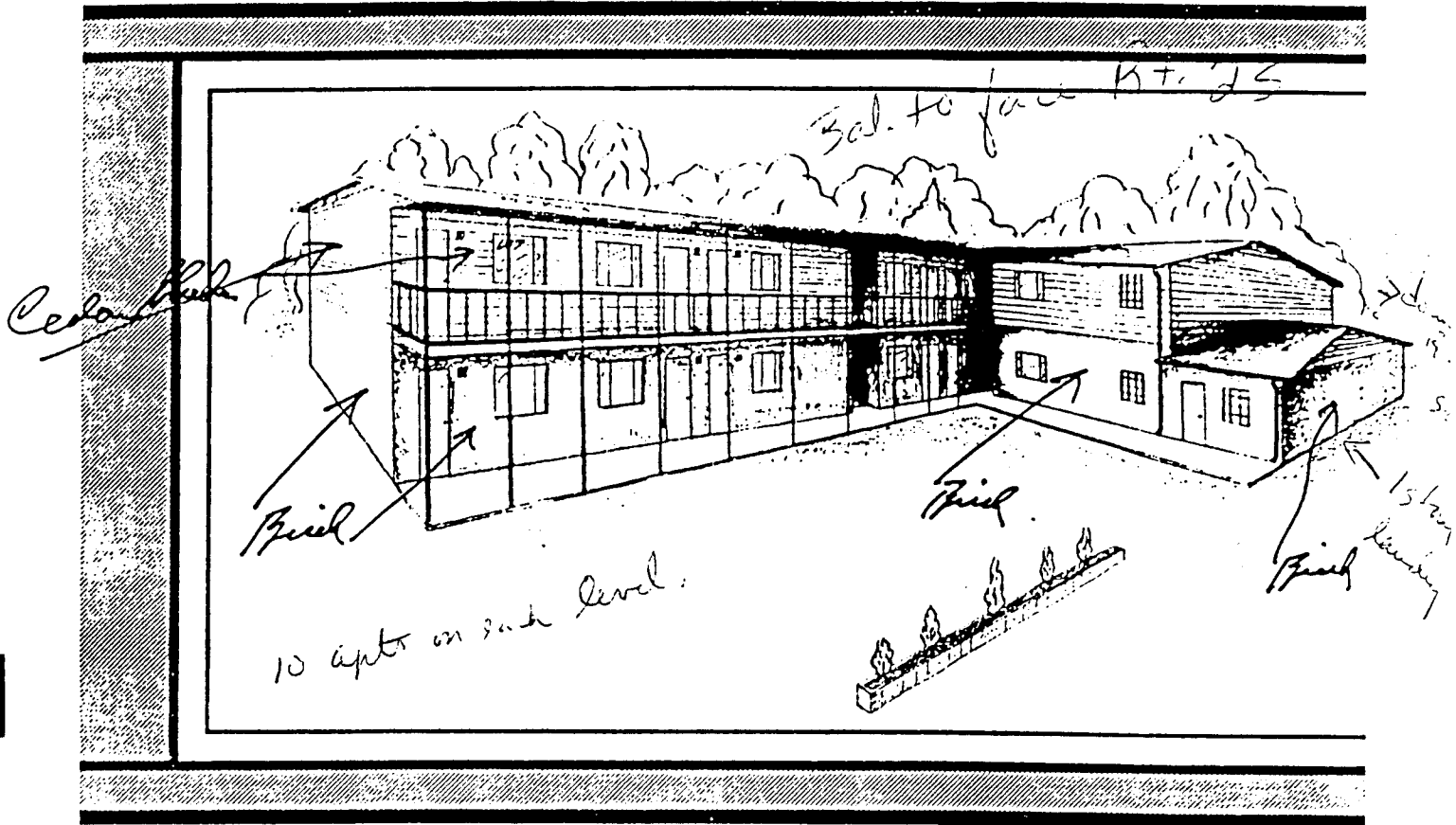
By: C. R. Winter Title: President**W.V. STATE ROUTE 25**



TYP. APARTMENT TYPES A,B,C 600 S.F.

FIRST AVENUE APARTMENTS
 NITRO, WEST VIRGINIA
 DEVELOPED BY: THE REALTY GROUP
 705 FIRST AVE. S.

1014 FIRST AVENUE SO.



PROSPECTUS

FIRST AVENUE APARTMENTS

NITRO, WEST VIRGINIA

(20 ONE BEDROOM APARTMENTS)

OFFERED BY: THE REALTY GROUP

A PRIVATE PLACEMENT

draft copy

2 Conner Road
Nitro, WV 25143
September 19, 1988

Donald Karnes, Mayor
City of Nitro
Nitro, WV 25143

Dear Mayor Karnes,

I own property at 702 Kanawha Avenue in Nitro. Adjoining this property is a piece of property owned by the City of Nitro and shown on the enclosed original map of Fry and Thayer Subdivision as Seventh Avenue. Seventh Avenue dead ends at the Kanawha River. This property (7th Ave.) has been maintained by the previous and present owners of the property at 702 Kanawha Avenue for over sixty years. A garage is on this property. This garage was on this site before the property was laid out as a street. This garage has been used by the previous owner, my uncle Roy Jividen, and myself for over sixty years. I would like to acquire this property from the City of Nitro for the purpose of building a masonry garage.

I am now doing some remodeling of the house on my property and ~~ultimately~~ may make my home at this location.

It now seems apparent that the City does not intend to actually build a street through this property and I would like to ask that the street be abandoned and that I may acquire a clear title to the property.

Your consideration of my request is greatly appreciated.

Very truly yours,

Charles Jividen

CITY OF NITRO
COUNCIL MEETING MINUTES

FEBRUARY 7, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Jack Hill, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was Councilman at Large Rusty Casto.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 17, 1989 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved the Council Meeting Minutes of January 17, 1989 be approved as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - HILLSIDE DRIVE: - Mayor Karnes yielded this agenda item to Councilman David Casebolt who requested it placed on the agenda. Councilman Casebolt distributed a copy of Article VIII, "B-1" Local or Neighborhood Business District under 801 - Permissive Use from the City of Nitro Zoning Ordinance, and asked the City Attorney Phillip Gaujot his interpretation. Mr. Gaujot said that it was pretty clear that in a local or neighborhood business district the land can be used for retail business or service businesses supplying commodities primarily for the residents that live nearby such as barber or beauty shop, business or professional offices, etc. Councilman Casebolt questioned how this would relate to the mobile home park, and the position they are in around Hillside Dr. Mr. Gaujot referred to 802 - Along State and Federal Highways. Mr. Gaujot said that the argument taken by the present owner is that the tract of land is along the highway. He said that he wasn't saying that he takes his position, one way or the other, but it specifically states under 802-B that trailer sales lots are permissable. Mr. Gaujot stated that he feels the court would take the position of the purchaser, but he wasn't the court. Mr. Gaujot said that he met with the attorney, Mr. Braun, representing some of the residents of Hillside Dr., and also with Mr. Haskel Jordan. At that meeting he asked Mr. Jordan what his plans were, and was advised that he intended to operate a mobile home sales lot, and that he is preparing and actually doing the ground work thus improving that property he purchased for the mobile home sales lot. Mr. Jordan said that when he purchased the property, he relied upon the map of the City of Nitro. Mr. Jordan said that he intended to put a fence across the back, and on the back side of the fence he plans to plant shrubbery. Mr. Jordan told Mr.

Braun that he was going forward with it, and Mr. Gaujot advised him that it might be to his benefit to try to get it resolved by the court before he expended all of that money because there is a possibility that he could lose. Mr. Gaujot said that Mr. Jordan feels he (Mr. Jordan) is correct. However, he indicated a willingness to work with the residents in that area as best he could. Mr. Gaujot said that he suggested, as City counsel, that Mr. Jordan bring a lawsuit to determine the rights and duties of everyone involved naming the City of Nitro as the defendant, but he (Mr. Jordan) wasn't interested in doing that. He said that he also suggested to Mr. Braun that maybe the residents of Hillside Dr. would want to bring suit against Mr. Jordan to stop him from doing it, and also bring suit against the city to enforce the ordinance as they see it to be. After a question and answer session, a discussion followed with comments from residents from Hillside Drive. Mr. Gaujot suggested that the residents of Hillside Drive have their lawyer bring suit. He said they could sue Mr. Jordan and also the City, and ask the court for declaratory judgement declaring what the rights are of the residents of the City and Mr. Jordan. He said this was a case for the courts, and not a simple matter. Councilman at Large Olaf Walker said that the hillside part of the lots in his opinion should have been zoned R-1 seventeen years ago, and the minutes of the Council Minutes indicate that a recommendation was made to make it R-1, and he thinks an error was made when the zoning maps were sent to the draftsman, engineer or whoever, because it was such a small map that he didn't delineate that particular section as R-1. He said that it was hard to determine the R-1 and B-1 zones, but said that he would have thought Mr. Jordan's attorney would have determined that. Councilman Walker agreed that he thought it would be up to the court to decide. Residents of Hillside Drive questioned if surrounding property (property facing Hillside Drive purchased by Peoples Federal Credit Union and a lot behind the bank) could be changed from B-1 to R-1. Mr. Gaujot answered that it depended upon the facts of each case. Mayor Karnes suggested that the City Recorder Jack Hill mail Mr. Jordan a letter notifying him of Councils' action and that it appears he is operating a business and he does not have a licence to do this. A resident of Hillside Drive also complained about the way Mr. Jordan is diverting the water. He said that Mr. Jordan had some open ditches which are deep and water would stand in them. He also said that children could be injured there. Further discussion followed, and Mayor Karnes informed that he would have the Building Inspector Bob Sargent check on this. Residents of Hillside Drive asked if it was legal for a person to have an outdoor "john" on property near Hillside Drive, and Mayor Karnes said that he would check on this and also in the area along Wilson Street, behind the bank where there is water and stays muddy all the time as stated by a resident of Hillside Dr.

AGENDA ITEM NO. 3 - ORD. 89-2 AMEND SEC. 21-77, DUI OF ALCOHOL, CONTROLLED SUBSTANCES OR DRUGS; PENALTIES: - Mayor Karnes introduced an ordinance amending Section 21-77 of the Code of the City of Nitro, as the Police Chief feels changes are needed. Councilman at Large Olaf Walker moved we pass Ordinance 89-2 for the first reading. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 89-2 ATTACHED

AGENDA ITEM NO. 4 - SOLICITATION PERMIT - NITRO ELEMENTARY BEAUTIFICATION COMMITTEE AND BOY SCOUT TROOP 151, & CUB SCOUT PACK 151: - Mayor Karnes yielded this agenda to the City Recorder Jack Hill. Mr. Hill advised that we have the proper solicitation permit forms completed from the above, and moved their requests be granted. The motion was seconded. Councilman Walker questioned the period for solicitation by the Scout Troops as it was indicated 1989, and Councilman Casebolt said that it was his understanding that they were raising money for a trip to North Carolina to see an aircraft carrier on June 9 - 12 and their solicitation should end in June. A vote was taken and the requests were approved.

AGENDA ITEM NO. 5 - ZONING BOARD OF APPEALS MEETING: - Mayor Karnes furnished all members of Council a copy of the minutes of the Zoning Board of Appeals meeting on February 2, 1989 granting two variance requests.

COPY OF THE ZONING BOARD OF APPEALS MEETING MINUTES ATTACHED.

AGENDA ITEM NO. 6 - FIRE CIVIL SERVICE COMMISSION MEETING MINUTES: - Mayor Karnes informed that the Fire Civil Service Commission held a meeting on February 2, 1989 and all members of Council received a copy of the minutes along with pages of their recommended changes to the new rules and regulations of the Firefighter's Civil Service Commission of the City presented at a prior Council Meeting. Mayor Karnes suggested the new pages be inserted replacing the ones in their original document. Councilman at Large Olaf Walker moved the regulations be approved. The motion was seconded. Mayor Karnes asked legal counsel if this shouldn't be done by an ordinance, and Mr. Gaujot answered that in his opinion it did. Councilman at Large Olaf Walker withdrew his motion as did Councilman Jim Hutchinson who seconded the motion. Councilman Walker then moved that the City Attorney prepare the proper ordinance and attach it to these regulations. The motion was seconded. A vote was taken and it was unanimous.

NITRO FIRE CIVIL SERVICE COMMISSION MEETING MINUTES ATTACHED

AGENDA ITEM NO. 7 - APPOINTMENT OF A FIRE SAFETY DIRECTOR: - Mayor Karnes said that we have been without a Fire Chief for a long time, and there were legal questions as to how we need to go about arriving at a new Fire Chief. He said that being the question, he didn't want to attempt to make an appointment for a Fire Chief. He said that he feels if we leave this position open, it will be resolved in the very near future. Mayor Karnes said that as a result, he requests the appointment of Charles L. Stowers to the position of Fire Safety Director. Councilman Robert Young moved the appointment of Charles L. Stowers be approved. The motion was seconded. A vote was taken and it was approved with Councilman at Large David Casebolt voting in the negative.

AGENDA ITEM NO. 8 - FINANCE COMMITTEE MEETING: - Mayor Karnes said that he is planning a Finance Committee meeting on Thursday, February 9, 1989 at 7:00 p.m., and asked if this time would be satisfactory to everyone, which it was. The meeting was scheduled for this date.

AGENDA ITEM NO. 9 - PETITION FROM RESIDENTS ON MAIN AVENUE: Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman Atkins said that members were furnished a copy of a petition from residents on the first block of Main Avenue, as they were concerned about the traffic situation. The petition stated that due to the parking congestion and speeding traffic with small children present, they petitioned Council to establish one-way traffic in this area. Councilman at Large Olaf Walker moved this be turned over to the Traffic Committee for consideration and review. The motion was seconded. A vote was taken and it was unanimous.

Councilman Jim Hutchinson asked Chief Cochran his feelings on the petition requesting Council to establish one-way traffic referenced under agenda item 9. Chief Cochran responded that a study had been done several years ago, and it was turned down. He said that he would attempt to find the study report and give it to the Traffic Committee.

Councilman George Atkins said that on the corner of Lock & Main Street, there is a stop sign, and questioned if there was a regulation as to the height of a stop sign, and Chief Cochran answered that there was. Councilman Atkins requested this matter be checked on.

Councilwoman Betty Jo Boggess inquired if the Fire Chief position would remain open, and Mayor Karnes responded that the Chief's position is open.

Councilman Robert Young asked about the lights on Rockledge. Mayor Karnes said that there are no poles and Gene Williams is trying to work something out. Mayor Karnes suggested that this matter be brought up in the Brookhaven meeting.

Councilman at Large Olaf Walker said it might be well to mention that C. R. Winter withdrew his request.

City Recorder Jack Hill informed that the request from C. R. Winter to build an apartment complex on First Avenue South has been withdrawn. His letter stated that this is due to the property being located in a flood plain area, and the property has been under water several times according to property owners in the area.

Mayor Karnes reported on the Community Awareness Board Meeting held on Tuesday morning. Mayor Karnes said that he feels we have some good people on the Board. We have received cooperation from the EPA people on information, reporting time on any incidents that they have and it looks as if the communication gap has been resolved. Mayor Karnes said that we had the Region III Director from EPA, and representatives from Congressman Wise's office present this morning, plus our regular group. We had safety directors from Putnam and Kanawha Counties, a representative from Monsanto, and the Department of Natural Resources. Members of Council will be furnished a copy of the minutes of the meetings.

A resident from Brookhaven commented about holes in his yard, and asked the status of the streets in Brookhaven. He said that he hasn't read or heard a thing regarding the streets in Brookhaven. Mayor Karnes informed him that we cannot use any of the grant money in Brookhaven. Mayor Karnes said that we are just starting into the budget preparation for the coming year, and said that he feels that everyone on Council feels we should put as much money in the street department's budget as possible because of our street problems. Mayor Karnes said that when we begin work, we intend to fix it so that there will be no reoccurring problems.

There being no further business, Councilman Robert Young moved the meeting be adjourned. The motion was seconded. A vote was taken and it was unanimous. The meeting was adjourned at 8:55 p.m.



DON KARNES, MAYOR

JACK HILL, RECORDER

ORDINANCE NO. 89-2

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

Section 21-77 of the Code of the City of Nitro, West
Virginia, be amended and reenacted as follows:

Section 21-77. Driving under the influence of alcohol,
controlled substances or drugs; penalties.

(a) It shall be and is unlawful for any person to:

(1) Drive a vehicle in this City while he is:

- (A) Under the influence of alcohol, or
- (B) Under the influence of any controlled substance, or
- (C) Under the influence of any other drug, or
- (D) Under the combined influence of alcohol and any controlled
substance or any other drug.

(b) It shall be and is unlawful for any person to:

(1) Knowingly permit his vehicle to be driven in this City
by any person who is:

- (A) Under the influence of alcohol, or
- (B) Under the influence of any controlled substance, or
- (C) Under the influence of any other drug, or
- (D) Under the combined influence of alcohol and any controlled
substance or any other drug.

(c) Any person violating the provisions of subsection (a)
of this section, upon conviction thereof, shall be imprisoned in the
City or county jail for not less than one day nor more than six
months, which jail term shall include actual confinement of not less
than twenty-four hours, and shall be fined not less than one hundred
dollars nor more than five hundred dollars.

(d) Any person violating the provisions of subsection (b)
of this section, upon conviction thereof, shall be imprisoned in the
City or county jail for not more than six months, and shall be fined
not less than one hundred dollars nor more than five hundred dollars.

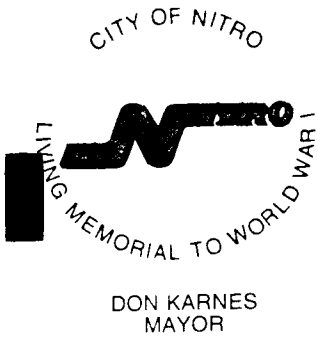
Passed on first reading February 7, 1989.

Adopted on second reading _____, 1989.



Mayor

Recorder



ZONING BOARD OF APPEALS MEETING MINUTES

FEBRUARY 2, 1989

The Zoning Board of Appeals meeting was called to order by Don Baker in Council Chambers at 7:00 p.m. Present were Don Baker, Rev. Wade Austin and Bill Murray. Absent were Herb Sibley and Bob Kautz. A quorum was declared.

The purpose of the meeting was to consider variance requests of:

Gillispie, Frank - To replace mobile home on property at 201 Michagan Avenue and

O. C. Sanders - To construct 2 car wood frame gabled roof 20' x 36' residential type gararge on property at 1216 W. 12th Street.

Both variance requests were approved.

There being no further business, the meeting was adjourned at 7:15 p.m.

DON BAKER, VICE CHAIRMAN
FOR HERB SIBLEY, CHAIRMAN

Herb S.

HB/pa

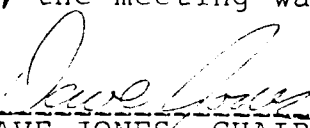
NITRO FIRE CIVIL SERVICE COMMISSION MEETING MINUTES

FEBRUARY 2, 1989

A meeting of the Nitro Fire Civil Service Commission was held on February 2, 1989 at 6:30 p.m. Present were David Jones, Dr. Charles Byrd and J. L. Marrs.

Members discussed changes to the rules and regulations as requested by Nitro City Council. The changes were unanimously approved by the Commission, and request that the City Council accept the new rules and regulations.

There being no further business, the meeting was adjourned.



DAVE JONES, CHAIRMAN

REGULATIONS OF
FIREFIGHTER'S CIVIL SERVICE COMMISSION
OF THE
CITY OF NITRO, WEST VIRGINIA

PART I - GENERAL

1.01 Authority for Enactment

The rules and regulations contained herein are enacted pursuant to the authority vested in the Firefighter's Civil Service Commission of the City of Nitro, West Virginia by Section 15, Article 15, Chapter 8 of the Code of West Virginia as amended.

1.02 Effective Date

The rules and regulations contained herein become effective after they have been approved by the Mayor and City Council of the City of Nitro or after the passage of twenty (20) days from the date of submission of these rules and regulations to said Mayor and City Council, whichever date is sooner.

1.03 Copies to be made Available

Copies of these rules and regulations, as adopted by the Mayor and the City Council, shall be distributed in printed form to each member of the fire department within a reasonable time after they become effective, at the expense of the City of Nitro. Thereafter, each person appointed to said Department shall be issued a copy of these rules and regulations.

1.04 Amendments

Amendments to these rules and regulations may be adopted from time to time by the Commission and shall become effective on the date of their approval by the Mayor and the City Council or twenty (20) days after their submission to said Mayor and City Council, whichever date is sooner. copies of the amendments to these rules and regulations shall be posted in the City Recorder's office at the Nitro City Hall, at each fire station in the City of Nitro and at such other places as the Commission may direct.

PART II - DEFINITIONS

2.01 As used in these regulations,

number to serve as President of the Commission. The term of such President shall be one (1) year from the date of election and such President shall be eligible for re-election.

2. It shall be the duty of the President of the Commission to preside over meetings of the Commission and to generally act as spokesman for the Commission. The President shall also cause a complete record of Commission actions and activities to be kept.

3. In the event of the death, resignation or other incapacity of the President of the Commission, a new President shall be elected in the manner provided for above immediately following the appointment of a new member of the Commission.

c. Quorum

Except as hereinafter provided, two (2) members of the Commission shall constitute a quorum for the transaction of business.

d. Meetings

The Commission shall meet regularly on the second Tuesday of every other month, commencing with the second Tuesday of the month following approval of these rules. If the day on which a regular meeting would otherwise be held pursuant hereto should be a legal holiday, then such regular meeting shall be held on the next succeeding business day. All regular Commission meetings shall be held at the Nitro City Hall.

No less than three (3) days prior to each regular meeting, the President shall fix a written agenda for the meeting and serve the same upon the other Commissioners, either in person or by first class mail. The agenda shall include any item which the President or any Commissioner deems pertinent to the Commission's business.

Special meetings may be held only at the call of the President of the Commission, but the President must call a special meeting if requested to do so by any other Commissioner. Written notice of all special meetings must be given by the President to all other Commissioner's at least five (5) days prior to the date of such special meeting. Special meetings may not be held without written notice or within five (5) days of the request therefore,

CITY OF NITRO
COUNCIL MEETING MINUTES

FEBRUARY 21, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Jack Hill, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 7, 1989 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved for the approval of the February 7, 1989 Council Meeting Minutes as distributed. The motion was seconded. Councilman Jim Hutchinson commented the minutes were correct, but that he strongly disapproved of the appointment of a Fire Safety Director under agenda item 7. A vote was taken and the minutes were unanimously approved as written.

AGENDA ITEM NO. 2 - APPROVAL OF FEBRUARY 13, 1989 SPECIAL COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the minutes of the February 13, 1989 special Council Meeting. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - SOLICITATION PERMIT - ROCK BRANCH ELEMENTARY PTO: - Mayor Karnes yielded this agenda item to the City Recorder Jack Hill. Mr. Hill furnished Council a copy of the properly completed solicitation application from the Rock Branch Elementary PTO requesting to solicit from February 22, through April 15, 1989. Councilman at Large Rusty Casto moved permission be granted. The motion was seconded. Councilman Robert Young questioned if they were going to solicit door-to-door, and Councilman Casto advised that they only solicited businesses last year. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - ORD. 89-1 - TO TRANSFER REAL ESTATE TO THE NITRO LIBRARY BOARD (2ND READING): - Mayor Karnes read Ordinance 89-1 to transfer real estate to the Nitro Library Board. Mayor Karnes informed that the first reading passed unanimously at the December 20, 1988 Council Meeting. He said this matter was delayed until the legality question was resolved. Councilman Robert Young moved for the approval of the ordinance. The motion was seconded. Councilman at Large Rusty Casto said that he had asked the question whether or not it was legal for the City of Nitro to transfer the property. City Attorney

Phillip Gaujot informed that Council would be giving it from one governmental agency to another and it is still part of the City; the Library Board is a part of the City. Mr. Gaujot said that the City is not giving up the land, but they would be giving up control over the land to the Board in order for the Board to obtain a grant. After a discussion, Councilman Robert Young withdrew his motion as did Councilman at Large Rusty Casto seconding the motion. Councilman Robert Young moved the ordinance be adopted with a provision in the deed that if and when the property is no longer used for a library, it reverts back to the City of Nitro. The motion was seconded. Mr. Gaujot will report back at the next Council Meeting after he checks with the State Library Commission to ascertain if this is agreeable with them. A vote was taken and it was unanimous.

ORDINANCE 89-1 ATTACHED

AGENDA ITEM NO. 5 - ORD. 89-2 TO AMEND SEC. 21-77 DUI OF ALCOHOL, CONTROLLED SUBSTANCES OR DRUGS; PENALTIES (2ND READING): Mayor Karnes informed that a copy of Ordinance 89-2 was attached to the minutes of February 7, 1989. Councilman at Large Rusty Casto moved we adopt Ordinance 89-2. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 89-2 ATTACHED

AGENDA ITEM NO. 6 - EXPLAIN COURT DECISION ON DIRECTOR OF PUBLIC SAFETY: - Mayor Karnes yielded this agenda item to our City Attorney Phillip Gaujot to explain the court decision on the appointment of the Director of Public Safety. Mr. Gaujot advised that they had a hearing last week on a petition filed by the Nitro Professional Firefighters against the City, the Mayor and the Civil Service Commission. At the conclusion, the Judge made the decision that Mr. Stowers could be hired, but not for purposes of conducting the affairs as the City Fire Chief. Mr. Gaujot reported that this was consistent with what Mayor Karnes originally thought of doing. He said that Mayor Karnes prepared a statement of the duties to be performed by the Safety Director, which was introduced as part of the records. With regard to a question as to what the Public Safety Director would do. Mr. Gaujot said that the statement of duties prepared by the Mayor would be helpful for Council as it explains his job and what he will be doing. In essence, he will be an assistant of the Mayor who will be the intermediary between the Chief or the senior officer of the Fire Department, the Chief of Police and the Building Inspector. He will oversee what is being done in these departments and report to the Mayor how those departments can be improved. Mr. Gaujot said that the Mayor, being Chief Executive Officer of the City, has a right to make those changes if he sees they are in line with what he desires. Councilman at Large Olaf Walker stated that the Mayor has the right and power to hire anyone he wants to if the funds are available. He said that the Judge had no other way to rule except the way he ruled. Councilman Walker said that it was his understanding that the

Safety Director would be the supervisor of the Fire Department. Mr. Gaujot said that the Safety Director could not be the Chief, but he could be the agent of the Mayor. Councilman at Large Olaf Walker said that we have created a position for a job that he didn't feel we needed. Councilman Jim Hutchinson stated that he was in agreement with Councilman Walker. Due to the nature of the discussion, City Recorder Jack Hill moved we go into executive session. The motion was seconded. A vote was taken and it was unanimous. Council went into executive session at 7:52 p.m.

Council reconvened regular session at 9:47 p.m.

Councilman David Casebolt said that he was planning to make a motion before Council went into executive session, but with the comments heard, he said that he wasn't going to make it.

Councilman at Large Olaf Walker said that he would like to express his comments that we all recognize, and some of them were told, that certain problems exist in the Fire Department. He told Mayor Karnes that he wanted to support him in anyway that he feels is necessary to solve those problems regarding the Fire Chief, and hopes we can get them resolved as soon as possible. Mayor Karnes informed that the Nitro Fire Civil Service have a meeting scheduled Thursday of this week. Councilman Walker said that as he has said before, he considered the Mayor the Chairman of the Board and the manager of the City and its affairs, and that he was one hundred percent behind him. This was agreed upon by several members of Council.

Councilman at Large Rusty Casto said that he thinks that getting a Fire Chief as soon as possible would be a good start. Mayor Karnes inquired as to how long it would take to receive tests, and Dave Jones responded it would take approximately 3 or 4 days to get them.

There being no further business, Councilman at Large Olaf Walker moved the meeting be adjourned. The motion was seconded. A vote was taken, it was unanimous and the meeting adjourned at 10:06 p.m.



DON KARNES, MAYOR

JACK HILL, RECORDER



DON KARNES
MAYOR

ORDINANCE 89-1

AN ORDINANCE TO TRANSFER THE ATTACHED
REAL ESTATE TO THE NITRO LIBRARY BOARD
TO ENABLE SAID BOARD TO PARTICIPATE WITH
STATE LIBRARY COMMISSION GRANT

WHEREAS, the City of Nitro owns certain real estate located
in the City of Nitro; and

WHEREAS, the City of Nitro desires to receive a grant from
the West Virginia Library Commission to expand the City's present
library; and

WHEREAS, in order to participate, it is necessary and
required that the real estate described on the plat attached
hereto and marked "Exhibit A" be in the name of the Nitro Library
Board; and

THEREFORE, be it ordained that the Mayor of the City of
Nitro is hereby authorized to sign a deed conveying the real
estate described on the plat attached hereto and marked "Exhibit
A" to the Nitro Library Board for the purpose of allowing the
Library Board to participate in a grant from the West Virginia
Library Commission to expand the present library.



DON KARNES, MAYOR

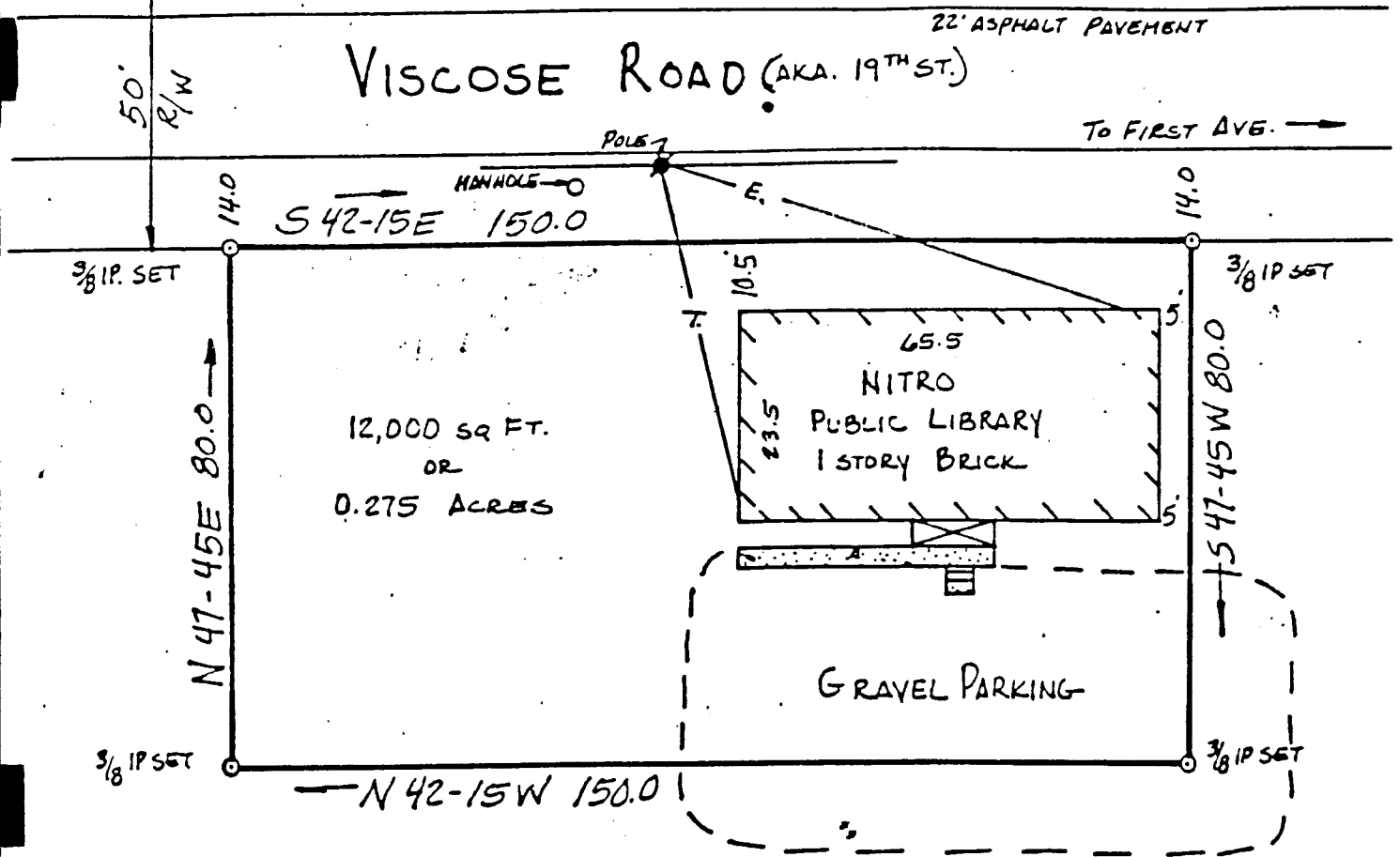
JOHN "JACK" HILL, RECORDER

FIRST READING: DECEMBER 20, 1988

SECOND READING: FEBRUARY 21, 1989

SEE CITY OF NITRO TAX MAP No. 3, PARCEL 1
THIS LOT IS IN FLOOD ZONE B (WITHIN 500YR. FLOOD) AS SHOWN ON
F.I.R.M. COMMUNITY PANEL No. 540081-001-B.

225



MAP SHOWING
A 0.275 ACRE LOT
IN THE CITY OF NITRO
KANAWHA COUNTY, WEST VIRGINIA
SCALE 1"=30' JULY 30, 1988

Paul G. Smith

LICENSED LAND SURVEYOR No. 277



EXHIBIT A

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

Section 21-77 of the Code of the City of Nitro, West
Virginia, be amended and reenacted as follows:

Section 21-77. Driving under the influence of alcohol,
controlled substances or drugs; penalties.

(a) It shall be and is unlawful for any person to:

(1) Drive a vehicle in this City while he is:

- (A) Under the influence of alcohol, or
- (B) Under the influence of any controlled substance, or
- (C) Under the influence of any other drug, or
- (D) Under the combined influence of alcohol and any controlled
substance or any other drug.

(b) It shall be and is unlawful for any person to:

(1) Knowingly permit his vehicle to be driven in this City
by any person who is:

- (A) Under the influence of alcohol, or
- (B) Under the influence of any controlled substance, or
- (C) Under the influence of any other drug, or
- (D) Under the combined influence of alcohol and any controlled
substance or any other drug.

(c) Any person violating the provisions of subsection (a)
of this section, upon conviction thereof, shall be imprisoned in the
City or county jail for not less than one day nor more than six
months, which jail term shall include actual confinement of not less
than twenty-four hours, and shall be fined not less than one hundred
dollars nor more than five hundred dollars.

(d) Any person violating the provisions of subsection (b)
of this section, upon conviction thereof, shall be imprisoned in the
City or county jail for not more than six months, and shall be fined
not less than one hundred dollars nor more than five hundred dollars.

Passed on first reading February 7, 1989.

Adopted on second reading February 21, 1989.



Mayor

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

PLEASE TAKE NOTICE THAT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF NITRO WILL BE HELD ON THE 13TH DAY OF FEBRUARY, 1989 AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, NITRO, WEST VIRGINIA.

AGENDA:

1. QUESTION ON BUSINESS LICENSE FOR MOBILE HOMES SALES LOT

SIGNED THIS THE 13TH DAY OF FEBRUARY, 1989.

X Don Karnes
DON KARNES, MAYOR

X Jack Hill
JACK HILL, CITY RECORDER

X Rusty Casto
RUSTY CASTO, COUNCILMAN AT LARGE

X Olaf Walker
OLAF WALKER, COUNCILMAN AT LARGE

X David Casebolt
DAVID CASEBOLT, COUNCILMAN AT LARGE

X Robert Young
ROBERT YOUNG, COUNCILMAN

X Betty Jo Boggess
BETTY JO BOGGESS COUNCILWOMAN

X George Atkins
GEORGE ATKINS, COUNCILMAN

X Jim Hutchinson
JIM HUTCHINSON, COUNCILMAN

CITY OF NITRO
COUNCIL MEETING MINUTES

FEBRUARY 13, 1989

A special meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 6:30 p.m. Present were City Recorder Jack Hill, Councilman at Large Olaf Walker, Councilman David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was Councilman at Large Rusty Casto.

AGENDA ITEM NO. 1 - QUESTION ON BUSINESS LICENSE FOR MOBILE HOMES SALES LOT: - Mayor Karnes advised that Haskel Jordan came into City Hall today to apply for a business license, but City Recorder Jack Hill did not issue the business license. Mayor Karnes said it is Council's decision as to whether or not a business license will be issued, and called upon our City Attorney Phillip Gaujot to explain the City's position on this matter.

Mr. Gaujot said that he received a telephone call from Parrish McKittrick and said that he represented Mr. Jordan. Mr. McKittrick said it was his understanding that Mr. Jordan had received correspondence from the Mayor regarding license to do business at his new address. Mr. McKittrick said that if Mr. Jordan wasn't able to get a license, that he was going to file a 1983 action, meaning Title 42, Section 1983, which allows a civil suit to be brought into Federal Court against a governmental agency and sue for damages. Mr. Gaujot told the attorney that the Council had voted unanimously to withhold issuing a license, and this would be up to Council. Mr. McKittrick then told him that he was going to send his client to get a license, and if one wasn't issued, then he would sue. Mr. Gaujot read Title 42, Section 1983 and explained the meaning. Mr. Gaujot said that Council is in a posture where they either have to issue Mr. Jordan a license or turn him down. Mr. Gaujot advised Council to try not to get involved to the extent they take either parties side. Mr. Gaujot said that he feels if there is a case of Jordan vs Nitro, that Jordan will win. He said but whether he would prevail with damages, he didn't know as he doesn't know what kind of case he could put together with regard to damages. Mr. Gaujot said that Mr. Jordan could also sue for the attorney fee. He said that probably it wouldn't come out of the treasury of the City if he received a judgement, but it would go against the insurance company. Mr. Gaujot said that the fact the insurance company would come in and defend the lawsuit, he believed it would have some bearing on future premiums.

Councilman Robert Young said that he would like to see this matter resolved. He said that if there was some way we could avoid the damage part of it, he would say to let him sue us. Councilman Young said that he would like to see someone bring suit and get it over with. Mr. Gaujot said one way to do this is to grant Mr. Jordan a license, and let the Hillside Drive residents bring a suit against him and us enjoining us from doing it. This way, Mr. Jordan can't sue the City and the case is Hillside Drive against the City and Jordan. Mr. Gaujot said that under this scenario, there is a possibility of winning.

Councilman David Casebolt wanted to know the date of the closing on the property. Mr. Gaujot said that he could find out when the deed was recorded, but that wouldn't indicate the closing date.

After further explanations from Mr. Gaujot, a resident of Hillside Drive stated that if it was going to be a problem with the City and Council, they have no objections that the City issue Mr. Jordan a license at this time. Then, he said that within the next week to ten days, their lawyer said there should be a scheduled hearing. Mr. Gaujot said that he thought it was the best way for the Hillside Drive residents to go.

Councilman at Large Olaf Walker said that he thinks the residents of Hillside Drive have a pretty strong case in getting this established as "R-1". He said that he thinks it always has been, and feels an error was made. He said that he thinks Mr. Gaujot gave the right advice on the way the residents are approaching the matter. Councilman at Large Olaf Walker said that pursuant to the advice of the attorney, moved that the Council, having voted on the prevailing side at the time, reconsider our action taken at the December 6, 1988 Council Meeting at which meeting voted to deny the issuance of a business license to Hack's Mobile Homes Sales. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved we now allow the City to issue a business license. The motion was seconded. A vote was taken and it was unanimous.

Councilman Jim Hutchinson moved the meeting be adjourned. The motion was seconded. A vote was taken and it was unanimous and the meeting adjourned at 7:10 p.m.



 DON KARNES, MAYOR

 JACK HILL, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

MARCH 7, 1989

The regular scheduled meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present was City Treasurer Ralph Allison. Absent were City Recorder Jack Hill and City Attorney Phillip D. Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 21, 1989 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved for the approval of the Council Meeting Minutes of February 21, 1989. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - INCREASE OF POOL PASS RATES: - Mayor Karnes yielded this agenda item to Councilman at Large Rusty Casto as he requested it placed on the agenda. Councilman Casto said that he would like to have the family rates increased \$10.00, and earmark this money for improving the tennis courts at the junior high and high school. He said that he would also raise money privately, from organizations, the County Commission and through the Greater Kanawha Valley Foundation so that we can get the courts painted, a fence installed and lighting put up. Councilman Casto said he was told that we could work up an agreement between the City and the Board of Education to get these courts fixed up. He said that he has checked on minor and major upgrade, but doesn't feel it will do any good to fix them up unless we can have gates installed and keep them locked. Councilman Casto suggested that we tear down all the basketball posts at the high school and junior high except the first two as you enter. Then, he suggested the holes be filled up and the tennis courts be painted which would take roughly 300 gallons of paint to paint the eight tennis courts. He said light meters should be installed and gates put in so they could be locked. He said that a master key would be kept at City Hall and keys would be distributed to citizens paying a dollar. Also, he said that he would keep one at Casto Hardware and leave one at Nitro Lock and Key, so that if anyone wanted to purchase one, they could. Councilman Casto said that the Kanawha County Board of Education told him they didn't have any funds available for the improvements, and that the City would need to enter into an agreement with the Board of Education to take over the courts and fix them up. Mayor Karnes said that Sam Lee contacted him

regarding this matter, and that he was going to try and schedule a meeting with Doc Young from the Board of Education. Councilman at Large Olaf Walker suggested that Councilman Casto get a draft copy of an agreement written and then present it to Council. Councilman Casto answered that they had suggested he present this to Council for their consensus, and asked if he should proceed with trying to get an agreement. Mayor Karnes said that he would have a meeting with Sam Lee, Paul McClanahan and Doc Young and find out what the City would be faced with and all pertinent information. Councilman Casto said the cost for lighting materials would be around \$7,000 to \$8,000, but this would not include the labor for installation. He said that he feels sure we could obtain volunteers for this service. Councilman Casto said that he would estimate the cost for paint to be over \$6,000. Councilman at Large David Casebolt said that he would suggest starting with the high school facility and then advance to the junior high at a later date.

Councilman Casto commented that in June, 1988 he said that after the new Mayor took office that he was going to approach him about the basketball court at the park and inquire as to when the lights would be put in. Councilman Casto said in less than 3 days, Mayor Karnes had a crew fixing the lights that he had been trying to have corrected for two years. Councilman Casebolt said they did an excellent job.

Mayor Karnes asked if Council would like a copy of the Community Awareness Board Meeting minutes, and Councilman Walker said as far as he is concerned, they could be passed around to the members to read. Mayor Karnes reported that Union Carbide began mobilizing this week for sodium removal operations. This mobilization is expected to continue until 3-8-89. ERCS began clearing the area east of the sodium bunkers of drums and debris to facilitate operations. Mayor Karnes announced that Carbide will chair a meeting regarding the sodium removal at the Nitro High School on March 8, at 7:00 p.m.

Mayor Karnes said that regarding the deed to the Library Board there is a question as to whether or not it will be acceptable to Kanawha County. He explained that there was a provision in the deed that if it ceases to be a library for a year, then it reverts back to the City. The deed also has a phase that prevents the Library Board from deeding the property to anyone else, and this is the part the Kanawha County Library system does not like. Mayor Karnes said that he would ask our City Attorney Phillip Gaujot to negotiate with the Kanawha County Library but leave that provision in there. He stated that there would not be a change made without Council's approval. Mayor Karnes said they do have the deed and as a result they are able to draw down the grant. The grant has nothing to do with whether or not it will be a county library, so they are able to start working.

Councilman at Large Olaf Walker referred to Councilman Casto's issue, and asked if he was thinking about funding his project by raising the swimming pool fees, and Councilman Casto said that would be part of it. Councilman Walker said that he would like to know the amount of passes that has been sold in the past 3 or 4 years, to see if we raise the fee \$10 how much money we might generate. Councilman Casebolt said that the family passes and the individual passes should be numbered differently, and Councilman Walker agreed. Mayor Karnes suggested we check the rates of other cities.

Councilman George Atkins said that the drains on the back side of the lake that feeds water into the lake were filled with leaves due to the heavy rains that we've had, and need to be unplugged. Councilman Casebolt added that there were a couple of spots that are washing away the pathway. Councilman Atkins complained about the bread trucks dumping loaves of bread at the lake, and suggested we warn the drivers that if they continue to dump the bread, they will be charged with littering. After a brief discussion, Councilman Atkins suggested we designate a feeding area for the ducks. Also, he said one of the shelters couldn't be used because of the duck droppings. Mayor Karnes said that he would ask the Recreation Committee to meet, and present their recommendations to Council.

Councilman Robert Young asked for an update regarding the fire department, and Mayor Karnes informed that the Civil Service Commission met, and the tests for a Fire Chief have been ordered. Also, Councilman Young asked about the lightpost on Rockledge.

A budget meeting was scheduled for Thursday, March 9, at 7:00 p.m. which was agreeable with Council.

There being no further business, Councilman at Large Rusty Casto moved the meeting be adjourned. The motion was seconded. A vote was taken, it was unanimous, and the meeting was adjourned at 8:06 p.m.



 DON KARNES, MAYOR

 JACK HILL, RECORDER

PUBLIC HEARING

MARCH 7, 1989

The public hearing was called to order by Mayor Don Karnes in Council Chambers at 7:00 p.m. Present were Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were Mark Felton, Frank Grover, Chief C. R. Cochran, Eve Frazier and Pansy Armstead. Absent were City Recorder Jack Hill, Councilman at Large Rusty Casto, City Attorney Phillip Gaujot and City Treasurer Ralph Allison.

Mayor Karnes explained that this public hearing was a requirement because there is grant money involved. Mayor Karnes turned the meeting over to Mark Felton to inform us about the street paving on our Community Block Grant.

Mark Felton informed that the Community Development Block Grants are based on basically meeting the needs of low and moderate income people. He said that in the targeted area about 80% of the people meet the income guidelines on the Community Development Block Grant program. Also, 80% of the narrowed reduced targeted area meet the income guidelines. Mr. Felton mentioned that the original intent was for the purchase of materials only, and the paving would be done by the City crew. He said that in checking they found that it was more economical and probably more viable to contract the work out to the lowest bidder. He advised that our original application for the Community Development Block Grant to the State was for \$220,000, and we were going to pave 3.5 miles of streets. However, the Governor only awarded the City \$110,000. So, the Street Committee met to decide which streets in the original application would be included in the reduced application. Part of 23rd Street will be omitted as well as all of 28th, 29th, 30th, 32nd through 39th, and 41st Streets. Councilman George Atkins inquired if there was a time requirement as to when we could start or when it had to be completed. Mr. Felton said that there is a requirement that the work must be completed within 2 years from the date the grant was awarded which was November 1, 1988. He said that by the time we submit the revised application, get approval and do the bidding procedures, it will probably be May before paving can begin. Mayor Karnes asked Mr. Felton if he had the amount of time calculated as to what he thinks it will take to complete the paving. Mr. Felton said that he didn't have much experience in working with paving projects, but the estimate they are working with is about a month. He added that they are working down to 2 1/2 miles from the original 3.6 miles. Councilman at Large Olaf Walker asked if Mr. Felton needed a

formal motion to adopt the plan presented, and Mr. Felton responded that it would be up to the requirements of the City. He said that Council passed a resolution at a previous Council Meeting and this still stands, and all they would need is the Mayor's signature on a couple forms to submit the amendment. Mayor Karnes asked how the grant money would be paid, and Mr. Felton said that this is new to him, but first they have to bid the job and have it approved. He said that he thought the contractor would do the work and submit an invoice. He said that they would deposit the funds in a non-interest bearing account, but he didn't know the exact procedure. Councilman Walker questioned that once the final approval is received, who contacts the contractor to enter into a contract, and who tells him to go to work. Mr. Felton said that he thought there would be a preconstruction conference at which time they would meet with the successful bidder to get everything squared away. Mayor Karnes said that in addition to the advertising, he felt it would be in our best interest to send a direct piece of mail or contact at least all of the local companies. Mr. Felton answered that they do that.

There being no further discussion, the meeting adjourned at 7:13 p.m.



DON KARNES, MAYOR

JACK HILL, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

MARCH 21, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder John "Jack" Hill, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 7, 1989 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the Council Meeting Minutes of March 7, 1989 be approved. The motion was seconded. A vote was taken and it was unanimous.

PUBLIC HEARING MINUTES OF MARCH 7, 1989: - Mayor Karnes said that also included as a part of these minutes was the public hearing minutes of March 7, 1989. Councilman at Large Olaf Walker moved that the minutes of the public hearing on March 7, be included with the minutes of the Council Meeting of that date. The motion was seconded. Councilman Robert Young asked if bids would include the ditch work on roads such as 31st Street and Easter Road, and Mayor Karnes replied that the City would have to do this work as it would not be a part of the bid. A vote was taken to include the public hearing minutes as a part of the Council Meeting Minutes of the same date.

AGENDA ITEM NO. 2 - PROPOSED BUDGET 1989-90 - CITY OF NITRO: Members of Council were furnished a copy of the proposed budget for 1989-90, and Mayor Karnes explained that the only change in the proposed budget since the last budget meeting was a two percent raise for the city employees. Councilman at Large Rusty Casto moved the proposed budget be approved. The motion was seconded. Councilman at Large Olaf Walker asked our City Treasurer Ralph Allison the status of our expenditures and revenues for the current fiscal year. Councilman Walker said the last report he had through January, the revenues were about \$45,000 less than the expenditures. City Treasurer Ralph Allison answered that they were about \$30,000 now. Councilman Walker asked if the City Treasurer Ralph Allison thought it would be close to the budget amount, and Mr. Allison responded it would be real close. Councilman Walker said that for the benefit of the Council, the Mayor might want to explain what the budget includes as the budget shows about a \$94,000 increase in revenues from the previous year. Mayor Karnes said that most of the additional revenue is coming from property tax. He said this is kind of a life saver in a way considering some of the expenses

we've encountered in the last few months such as landfill cost and health insurance. Mayor Karnes said that he was very much concerned as to whether or not we were going to be able to continue to pay the health benefits for the employees. Also, he said that our dumping fees are about 40% higher than they were last year. Mayor Karnes said that he would like to have been able to give the employees more than a 2% raise, and if our revenues permit, consideration will be given the first of the year for another increase. Councilman Walker said the budget meetings were very informative, and feels they accomplished a lot. A vote was taken to approve the proposed budget for 1989-90, and it was unanimous.

City Treasurer Ralph Allison said that he would like to express his appreciation to the Mayor, City Recorder, Council and all the Department Heads for all the work and input that they put in on the budget. Mayor Karnes complimented Mr. Allison on a job well done.

COPY OF PROPOSED BUDGET FOR YEAR 1989-90 ATTACHED.

AGENDA ITEM NO. 3 - PROPOSED BUDGET 1989-90 NITRO SANITARY BOARD: - Councilmembers were furnished a copy of the proposed Nitro Sanitary Board budget for fiscal year 1989-90. Mayor Karnes explained that their accounting method was different than ours. Councilman Robert Young said that he thought the \$20,000 for miscellaneous general expense should be broken down. Mayor Karnes said that emergency type work is included under this item such as rental equipment for pumping basements. Councilman at Large Olaf Walker said, and Councilman at Large Casto and Councilman Hutchinson agreed, that in the past we have had several sheets showing in detail their proposed budget items such as investments, revenues and raises. Mayor Karnes advised that included in the Sanitary Board's proposed budget was a 5% raise for employees. Councilman Walker said there was a heated discussion last year because the Sanitary Board employees received a 5% raise and the City employees didn't receive an increase. After further discussion, Councilman at Large David Casebolt moved we delay action on this item until the General Manager Connie Stephens arrives for further explanation. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - REGIONAL INTERGOVERNMENTAL COUNCIL CONTRIBUTION (RIC): - Mayor Karnes informed that there is a statutory provision that municipalities within our region are required to contribute to the Regional Intergovernmental Council. He said that all the members are suppose to certify that the Council passed their proposal which means Nitro will pay \$1,428. Mayor Karnes advised that this line item was in the budget, and the fee did not change from last years commitment. Councilman at Large Rusty Casto moved we authorize the contribution of \$1,428. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - KIRK KELLY RUN REQUEST: - Dan Vadala said that he would like to formally request permission to stage the fourth annual Kirk Kelly run in Nitro. He informed that the tentative date is Saturday, May 20, 1989 starting and ending at Underwood Field beginning at 8:00 a.m. Mr. Vadala explained to Council that Kirk was a student at Nitro High School who died in a fire in February, 1986. Soon after that this fund was started and the goal of the foundation is to award a four year scholarship each year to that student who has those qualities that Kirk had. Mr. Vadala said they have awarded two scholarships and a third scholarship will be awarded in June. He advised that the main source of income was from the races. Councilman Jim Hutchinson moved permission for the race be granted. The motion was seconded. Councilman Casto complimented Mr. Vadala on the matter in which he conducts the races and for their success. Councilman Casto mentioned that our City Treasurer Ralph Allison, as well as our Recreation Director Jay Long are involved in the Kirk Kelly Foundation. Mr. Vadala informed that the balance in the fund is around \$9,600. and the scholarship is \$300. a year. Councilman Casto said that he would like to challenge members of Council to walk with him. Mr. Vadala advised that this years race is being sponsored by Tri-State Greyhound Park, and as part of this years event, they are going to host a pasta dinner the night before the race. A vote was taken to honor Mr. Vadala's request, and it was unanimous.

Councilman Olaf Walker mentioned that there were no additional employees in the proposed budget.

Mayor Karnes said that members of Council received a copy of the changes made in the paving project, and we will be going out for bids now.

Mayor Karnes mentioned that it has been suggested from different citizens that we have a city wide clean-up. He said that he has been talking with different groups interested in the clean-up project to try and determine when they feel would be the best time. Mayor Karnes said the consensus seems to be around the 1st of April. He said if we begin the clean-up efforts on April 1, and continue through April 8, we would have two Saturdays. Councilman at Large Rusty Casto moved that Nitro Spring Clean-up begin April 1, at 8:00 a.m. through April 8, at 8:00 p.m. The motion was seconded. Councilman George Atkins suggested we might be able to obtain permission to use the swamp area as a dump site. After a discussion it was determined that it would be too long of a process to get permission from DNR for a temporary landfill site. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - PROPOSED BUDGET 1989-90 NITRO SANITARY BOARD: - City Attorney Phillip Gaujot asked Connie Stephens if they were controlled by Chapter 8 Article 20, and she said that

she thought it was under 16. Mr. Gaujot said that part of it was, but apparently the part dealing with the budget states they will prepare it each year and it will be open to the public for inspection. He said that he didn't see where it stated that Council must approve it. Connie Stephens said that it was her understanding that it was more or less a courtesy to Council since it should be made a part of the City's budget when it is submitted to the state as they are an agency. She said that she didn't think it was required by law that action be taken by Council. Councilman Walker said that he thinks in the code it states the budget will be prepared by the Sanitary Board, but approved by the City Council. After further discussion, Councilman at Large Rusty Casto moved the Nitro Sanitary Board proposed budget for 1989-90 be approved. The motion was seconded. After a question and answer session, a vote was taken and the proposed budget was unanimously approved.

PROPOSED NITRO SANITARY BOARD BUDGET FOR 1989-90 ATTACHED.

Councilman at Large David Casebolt requested a fence around the Harold Long Field be placed on the agenda for the next meeting, and asked the members of Council if they would visit the field and at the next meeting he would move to allow Nitro Little League to put a 150 ft. fence down left and right field, and 160 ft. center field around the Harold Long Field.

On behalf of Council, City Recorder Jack Hill expressed thanks to Connie Stephens for coming out on such a short notice, for being well informed and answering all their questions.

Councilman Robert Young inquired about the status of the fire department, and Mayor Karnes informed that the material has been received and the candidates are studying for the test.

There being no further business, Councilman at Large Rusty Casto moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 8:47 p.m.



DON KARNES, MAYOR

JACK HILL, RECORDER

ESTIMATE OF REVENUES
1969-70 BUDGET

239

BUDGET PROPOSAL

NEW ACCOUNT NUMBER	ACCOUNT NAME	1968-69 BUDGET	1969-70 BUDGET
-30-11-0305	PROPERTY TAX	255,000.	342,442.
-30-80-0815	BUILDING PERMITS	10,000.	11,000.
-30-90-0915	INSPECTION FEES	1,000.	2,000.
-33-20-1015	B & O TAX	475,000.	493,000.
-33-30-1110	UTILITY TAX	135,000.	150,000.
-33-40-1211	PARKS & RECREATION	30,000.	30,000.
-33-50-1308	LIQUOR LICENSE	1,000.	2,000.
-33-80-1608	LIQUOR TAX	60,000.	55,000.
-34-10-1715	BUSINESS LICENSES	8,000.	8,000.
-34-40-7920	INTEREST INCOME	7,500.	5,000.
-34-45-9120	CIVIC BENEFITS ASSOC.	172,000.	146,200.
-34-50-5989	RENTAL PROPERTY	2,400.	13,200.
-34-70-6089	COURT COSTS & FEES	33,000.	20,000.
-34-90-6289	LIBRARY FEES	500.	1,800.
-36-70-5389	MUNICIPAL SERVICE FEES	315,000.	315,000.
-39-90-9972	COAL SEVERANCE TAX	14,500.	14,500.
-39-96-9999	MISCELLANEOUS	35,000.	20,000.
	PAR INDUSTRIAL PARK	20,000.	20,000.
	DOG TRACK REVENUE	0.	210,000.
	GRANT	0.	16,054.
	BUDGET TOTAL	1,574,900.	1,875,196.

CITY OF NITRO
CITY COUNCIL
1989-90 BUDGET

BUDGET PROPOSAL

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1989-90 BUDGET
01-41-00-0111	SALARIES	8,400.	8,400.
01-41-00-0113	FICA TAX	631.	631.
01-41-00-1140	CONTRACT SERVICES	500.	0.
01-41-00-4157	TRAVEL	1,750.	0.
	BUDGET TOTAL	11,281.	9,031.

CITY OF NITRO
MAYOR'S DEPARTMENT
1989-90 BUDGET

BUDGET PROPOSAL

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1989-90 BUDGET
01-40-90-0111	SALARIES	41,040.	42,506.
01-40-90-0112	RETIREMENT	3,899.	4,038.
01-40-90-0113	FICA TAX	3,082.	3,192.
01-40-90-1141	DUES	2,184.	2,184.
01-40-90-4156	DEPARTMENT SUPPLIES	500.	1,000.
01-40-90-4157	TRAVEL	3,000.	3,000.
01-40-90-4160	MISCELLANEOUS	500.	0.
	TOTAL BUDGET	54,205.	55,920.

CITY OF NITRO
RECORDER
1989-90 BUDGET

BUDGET PROPOSAL

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1989-90 BUDGET
-41-10-0111	SALARIES	13,500.	13,500.
-41-10-0112	RETIREMENT	1,283.	1,283.
-41-10-0113	FICA TAX	1,014.	1,014.
-41-10-1140	CONTRACT SERVICE	500.	500.
-41-10-1143	ELECTIONS	0.	0.
-41-10-1145	LEGAL ADS	2,000.	2,500.
-41-10-4156	DEPT. SUPPLIES	500.	750.
-41-10-4157	TRAVEL	500.	500.
-41-10-4161	RECORD BOOKS	300.	300.
	BUDGET TOTAL	19,597.	20,347.

CITY OF NITRO
TREASURER
1989-90 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1989-90 BUDGET
-41-30-0111	SALARIES	9,000.	9,000.
-41-30-0113	FICA TAX	676.	676.
-41-30-1147	AUDIT FEES	2,000.	2,000.
-41-30-4156	DEPARTMENT SUPPLIES	750.	750.
-41-30-4160	MISC.; WORKERS COMP.	28,190.	27,800.
	CONTINGENCIES	7,500.	0.
	BUDGET TOTAL	48,116.	40,226.

CITY OF NITRO
BUILDING INSPECTOR
1989-90 BUDGET

BUDGET PROPOSAL

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1989-90 BUDGET
01-43-60-0111	SALARIES	21,758.	23,748.
01-43-60-0112	RETIREMENT	2,067.	2,256.
01-43-60-0113	FICA	1,634.	1,783.
01-43-60-1141	DUES	55.	55.
01-43-60-4156	DEPARTMENT SUPPLIES	1,500.	2,200.
01-43-60-4157	TRAVEL	1,500.	1,000.
	BUDGET TOTAL	28,514.	31,042.

CITY OF NITRO
CITY HALL
1989-90 BUDGET

BUDGET PROPOSAL

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1989-90 BUDGET
01-44-00-0111	SALARIES	67,983.	65,743.
01-44-00-0112	RETIREMENT	6,458.	6,246.
01-44-00-0113	FICA TAX	5,106.	4,937.
01-44-00-1140	CONTRACT SERVICES	20,700.	20,700.
01-44-00-1142	PROFESSIONAL SERVICES	24,500.	24,800.
01-44-00-1149	INSURANCE	31,253.	31,253.
01-44-00-1150	BLUE CROSS GRP. INS.	73,000.	98,000.
01-44-00-4156	DEPARTMENT SUPPLIES	5,000.	10,000.
01-44-00-4162	COMPUTER SUPPLY	4,000.	4,000.
01-44-00-4165	UTILITIES	18,800.	18,800.
01-44-00-4172	MAIN & REPAIR BLDG.	1,268.	10,000.
01-44-00-4176	TELEPHONE	12,000.	12,000.
	BUDGET TOTAL	273,968.	306,479.

CITY OF NITRO
DOG CATCHER
1988-89 BUDGET

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1989-90 BUDGET
01-44-60-0111	SALARIES	4,285.	4,679.
01-44-60-0112	RETIREMENT	407.	445.
01-44-60-0113	FICA TAX	322.	351.
01-44-60-1144	SHELTER FEE	600.	1,200.
01-44-60-4158	UNIFORMS	75.	150.
01-44-60-4159	AUTOMOTIVE SUPPLY	600.	600.
	BUDGET TOTAL	6,289.*	7,425.*

*HAVE SPLIT ALL COSTS WITH THE CITY OF DUNEAR

CITY OF NITRO
POLICE DEPARTMENT
1989-90 BUDGET

BUDGET PROPOSAL

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1989-90 BUDGET
01-45-50-0111	SALARIES	192,086.	312,120.
01-45-50-0112	RETIREMENT	2,200.	3,075.
01-45-50-0113	FICA TAX	14,424.	23,440.
01-45-50-1142	PROFESSIONAL SERVICES	750.	750.
01-45-50-4150	TELETYPE (CRT MAINT.)	1,200.	1,200.
01-45-50-4156	DEPARTMENT SUPPLIES	3,000.	4,000.
01-45-50-4157	TRAVEL	250.	250.
01-45-50-4158	UNIFORMS	3,200.	4,300.
01-45-50-4159	AUTOMOTIVE SUPPLY	16,000.	18,000.
01-45-50-4160	MISCELLANEOUS	600.	1,200.
01-45-50-4163	MAINTENANCE & REPAIR	2,600.	2,600.
01-45-50-4164	REFUNDS	500.	500.
01-45-50-4167	CRIME PREVENTION	500.	500.
01-45-50-4173	FOOD & DRUG	150.	200.
01-45-50-4176	TELEPHONE (CRT LINE MIL.)	2,500.	4,000.
01-45-50-4179	TRAINING	1,000.	1,000.
01-45-50-4180	RADIO TOWER RENTAL	300.	600.
01-45-50-4181	CRIME VICTIMS FUND	5,000.	5,000.
01-45-50-4182	EQUIPMENT RENEWAL	1,000.	2,982.
01-45-50-4183	POLICE RESERVES	1,200.	1,200.
01-45-50-5689	CAPITAL OUTLAY	6,000.	13,524.
	BUDGET TOTAL	260,454.	400,441.

CITY OF NITRO
FIRE DEPARTMENT
1989-90 BUDGET

BUDGET PROPOSAL

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1989-90 BUDGET
01-50-00-0111	SALARIES	151,515.	154,545.
01-50-00-0112	RETIREMENT	25,000.	25,000.
01-50-00-0113	FICA TAX	11,379.	11,606.
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	DEPARTMENT SUPPLIES	7,000.	14,500.
01-50-00-4158	UNIFORMS	3,000.	3,000.
01-50-00-4158	AUTOMOTIVE SUPPLY	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.
01-50-00-5659	CAPITAL OUTLAY	9,000.	16,054.
	BUDGET TOTAL	244,594.	262,105.

CITY OF NITRO
PUBLIC WORKS
1989-90 BUDGET

BUDGET PROPOSAL

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1989-90 BUDGET
01-53-00-0111	SALARIES	268,884.	282,939.
01-53-00-0112	RETIREMENT	25,544.	26,879.
01-53-00-0113	FICA TAX	20,193.	21,249.
01-53-00-1140	CONTRACT SERVICES	6,000.	6,000.
01-53-00-4156	DEPARTMENT SUPPLIES	28,000.	51,496.
01-53-00-4159	AUTOMOTIVE SUPPLY	23,500.	28,500.
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.	4,000.
01-53-00-4173	REPAIR EQUIPMENT	20,000.	20,000.
01-53-00-4174	SANITARY LANDFILL	34,000.	55,920.
01-53-00-4175	STREET PAVING	35,000.	50,000.
01-53-00-5659	CAPITAL OUTLAY	6,000.	13,000.
	BUDGET TOTAL	524,421.	614,283.

CITY OF NITRO
RECREATION
1989-90 BUDGET

BUDGET PROPOSAL

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1989-90 BUDGET
01-55-00-0111	SALARIES	38,431.	56,685.
01-55-00-0113	FICA TAX	2,886.	4,202.
01-55-00-0112	RETIREMENT	1,900.	2,583.
01-55-00-1140	CONTRACTED SERVICES	5,000.	6,000.
01-55-00-4156	DEPARTMENT SUPPLIES	6,700.	6,700.
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.	0.
01-55-00-4176	TELEPHONE	562.	0.
	BUDGET TOTAL	81,979.	102,170.

CITY OF NITRO
LIBRARY
1989-90 BUDGET

BUDGET PROPOSAL

NEW ACCOUNT NUMBER	ACCOUNT NAME	1988-89 BUDGET	1989-90 BUDGET
01-55-30-0111	SALARIES	14,000.	17,258.
01-55-30-0112	RETIREMENT	1,330.	1,330.
01-55-30-0113	FICA TAX	1,052.	1,296.
01-55-30-4156	DEPT. SUPPLIES	200.	200.
01-55-30-4163	MAINTENANCE	1,000.	1,000.
01-55-30-4165	UTILITIES	1,200.	1,200.
01-55-30-1149	CONTRACT SERVICES	0.	743.
01-55-30-4178	BOOKS	2,700.	2,700.
	BUDGET TOTAL	21,482.	25,727.

NITRO SANITARY BOARD
BUDGET
FISCAL YEAR 1989 / 1990

APPROVED 2-23-89

ESTIMATED REVENUES \$ 611,551

SALARIES	\$ 232,537	
FICA	17,464	
RETIREMENT	22,091	
HEALTH INSURANCE	17,500	
WORKMENS COMPENSATION	6,325	
OTHER EMPLOYEE EXPENSES	1,400	

TOTAL WAGE RELATED EXPENDITURES		\$ 297,317

UTILITIES	73,173	
INSURANCE	22,607	
SUPPLIES	11,471	
MAINTENANCE & REPAIRS	27,835	
VEHICLE REPAIRS & MAINTENANCE	6,172	
GASOLINE	2,459	
RENT	3,144	
EQUIPMENT RENTAL		
LEGAL SERVICES	14,408	
BILLING COLLECTING & ACCOUNTING	16,133	
SHOP & LAB	3,700	
UTILITY TAXES	10,050	
OPERATOR TRAINING	762	
MISCELLANEOUS GENERAL EXPENSE	20,000	

TOTAL OPERATIONS EXPENDITURES		211,914

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		603,859
INCREASE IN RESERVES		\$ 7,692
		=====

CITY OF NITRO
COUNCIL MEETING MINUTES

APRIL 4, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:35 p.m. Present were City Recorder J. "Jack" Hill, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

The invocation was given by Councilman at Large Rusty Casto.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 21, 1989 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved that the March 21, 1989 Council Meeting Minutes be approved with the following correction on page 1, the 3rd line from the bottom, delete the word "from" and replace it with "over". Therefore, correcting the sentence to "Councilman Walker said that for the benefit of the Council, the Mayor might want to explain what the budget includes as the budget shows about a \$94,000 increase in revenues over the previous year. The motion was seconded. A vote was taken, and it was unanimous.

AGENDA ITEM NO. 2 - ALL WEST VIRGINIA CITIES: - Mayor Karnes told Council that before he became involved, he wasn't aware of what went into the presentation to enter the All West Virginia City competition. Our entry has been presented to the judges, and Mayor Karnes asked Mike Morris, Chairman of the Committee who contributed at least 90% of the work involved, if he would share this years presentation with Council. Members of Council complimented Mr. Morris on a job well done.

AGENDA ITEM NO. 3 - FENCE AROUND HAROLD LONG FIELD: - Mayor Karnes yielded this item on the agenda to Councilman at Large David Casebolt. Councilman Casebolt said that he requested Council to go to the field and look it over. He said that the Little League is requesting permission to install a fence around the field beside the basketball court known as the Harold Long Field. He informed that it would be installed and paid for by the Little League. He said that it has been requested that instead of the 150 feet, that it be 170 feet on the left and right field line. Jay Long reported that at the Recreation Committee meeting held April 3, they voted unanimously to allow this to be done. He said that the first reason was for safety. He said that by having the fence 170 ft., it would give the Little League an okay to have a state tournament held there. After further discussion, Councilman at Large Rusty Casto moved

permission be granted. The motion was seconded. Discussion continued, and Mayor Karnes requested a roster of the baseball league after it has been formed. Councilman at Large Olaf Walker told Mr. Long that he would be interested in knowing the different organizations using the park, and Councilman Casebolt and Mr. Long informed him of the names of the leagues using the field along with the high school baseball, and the men's softball and also the people in charge. Councilman Casto stated that we shouldn't allow softball to be played on the baseball field. A vote was taken and it passed with City Recorder Jack Hill voting in the negative.

AGENDA ITEM NO. 3A - CONCESSION STAND REMODELING: - Councilman Casebolt informed they are expanding the selling area at the concession as they are putting a truss roof on it costing around \$4,000. He advised that the size of the stand would remain the same. Mayor Karnes said that it wouldn't be a major change, but it would have an overhang to allow shelter around the concession. Drawings were furnished to members of Council. Councilman Walker said that we should keep in mind that once anything is built or attached to the property of the City, then it becomes part of the city's property. Mr. Sanders informed that the League carries a million dollars worth of liability insurance, and the work will all be done by licensed and bonded contractors. He said he has already talked with Mr. Sergeant regarding the improvements. Councilman at Large Rusty Casto moved permission be granted to allow the Little League to remodel the concession stand. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 4 - CONCESSION RIGHTS (NITRO POOL): - Mayor Karnes called upon the Recreation Director to address this agenda item. Mr. Long advised that he contacted by telephone and letter several different businesses within this area regarding the concession rights at the Nitro City pool. He informed that the only bid received was from Gino's, and they did a good job in past years. Mr. Long said that Gino's guarantee they will give the City of Nitro 10% of their gross income before the 10th of every month of what they did the previous month. Mr. Long said that after 7:00 p.m., they will keep the concession stand open for pool parties if the person having the party will pay the employee's wages at \$3.50 per hour. Councilman at Large Rusty Casto moved we accept Gino's proposal. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - 1989 POOL EMPLOYEES: - Mayor Karnes yielded this agenda item to the Recreation Director Jay Long. Mr. Long furnished a list of the 1989 proposed pool employees. Mr. Long called the attention to the 4 cashiers listed, and explained that if the two cashiers that were hired were on vacation or ill, he wanted the other two approved so that they could take over. Also, Mr. Long informed that the eight lifeguards listed are or will be qualified by May 29. Mr. Long

informed that the Manager and Assistant Manager also listed would rotate days, and would be at the pool from the time it opens until it closes. Mr. Long explained the reason for the increase in the number of lifeguards was to eliminate any overtime pay and stay within the budget. Councilman Walker asked that a report be given to Council, at least monthly, on the cost for the pool. After a lengthy discussion, Councilman at Large David Casebolt moved we accept the 1989 pool employees as recommended by the Recreation Director. The motion was seconded. After further discussion, a vote was taken and it was unanimous.

Councilman Walker asked for an accounting of the number of family and individual passes issued.

After a short discussion regarding the fee for the pool passes, Councilman at Large Olaf Walker moved the due fees remain the same as in 1988. The motion was seconded. A vote was taken and it passed with Councilmen at Large Rusty Casto and David Casebolt opposing.

Councilman at Large Rusty Casto moved we add a \$10. surcharge on the pool passes to be sold, and use the additional revenue for expense on tennis courts lights. The motion was seconded. Councilman at Large Olaf Walker moved the motion be tabled. Councilman Casto said that he wanted to withdraw his motion, and would try and raise the money some other way. Councilman at Large David Casebolt withdrew his second to the motion.

COPY OF 1989 POOL EMPLOYEES ATTACHED.

AGENDA ITEM NO. 6 - DISCUSSION - STREETS IN CARRIAGE WAY: - Mayor Karnes introduced Mrs. Mary Young, a member of the Carriage Way Subdivision Homeowner's Assn., and yielded this agenda item to her. Mrs. Young said residents of the Carriage Way Subd., have researched and found that no one wants to take complete ownership of their property. She said they are presenting to Council a petition from the citizens of Carriage Way Subd. requesting that the streets of Carriage Way be dedicated and included in the responsibilities of the City of Nitro. Mrs. Young advised that they have done a lot of research and talked with professionals, and found that, in essence, they cannot get liability on their streets because they are located within the City limits. She said they have police and fire protection along with garbage collection. Also, she said the City has provided the subdivision with stop and safety signs. In conclusion, she said she feels they should be treated as any other citizens of the city and have their streets taken care of. She said they wanted Carriage Way to remain a dead end street, as they didn't want any through traffic. Mrs. Young said they desired to have Alexandria St. remain a dead end street. Mayor Karnes suggested that our City Attorney review the request from the residents of Carriage Way Sub., and advise Council at the next meeting of what the City

would be faced with. Charles Weseloh, a property owner in the Carriage Way Subd. and also on the Board, explained that the covenants written by the developer, are broken into 3 areas. Councilman at Large Olaf Walker moved this matter be referred to the City Attorney, as well as the City Engineer, to determine who owns the street now and what responsibilities the people have, as well as what the City might do before any action is taken. The motion was seconded. After further explanation and discussion, Mr. Gaujot reported that he thinks Mr. Volpi retained ownership of the streets when he developed it, and didn't believe the property owners that live adjacent to their streets can give the streets to the City of Nitro. Mr. Gaujot said the City of Nitro obviously has to consider whether they want the streets. He said if they could get the streets, the responsibility of caring for the streets would be shifted to the City of Nitro, and he wasn't sure if the City can or wants to take the added responsibility. Mr. Gaujot said that he thinks unless the City, on its own, wants to take the streets in, then he thinks the property owners should present a petition fully outlining the ownership of the street, the condition of the street, the structural capacity of the street and the possible benefits the City would have by taking the streets. He said the petition presented was inadequate. He said by reading the petition, it appears they want to keep the privacy of the streets, but yet, they want the City to take over the cost of maintaining the streets. Mayor Karnes said that he would get with Mr. Gaujot regarding this matter and get an outline of Mr. Gaujot's recommendations. Mr. Gaujot suggested that a Committee be formed to look into the feasibility of taking these streets in. Mr. Weseloh stated that according to their deed of covenants as of January 1, 1989, the homeowners do own the streets now. He said that it reverts back from Chuck Volpi's ownership, but the problem is they can't find the bank, in the repossession process, who holds the title. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - FIREMEN'S PENSION BOARD MEETING MINUTES: A copy of the minutes of the Firemen's Pension Board Meeting held on March 23, certifying the election results was distributed to the members of Council. Councilman at Large Rusty Casto moved the minutes be made a part of the Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous.

COPY OF FIREMEN'S PENSION BOARD MEETING MINUTES ATTACHED.

AGENDA ITEM NO. 8 - REVIEW SEC. 2-42. FUNERAL LEAVE (ORD. 146): - Mayor Karnes said that it was brought to his attention by Councilman George Atkins the way our funeral leave is written, and asked Councilman Atkins if he would address this issue. Councilman Atkins said that he thought the ordinance should be amended to include grandparents, and moved that the ordinance be amended to include funeral leave for grandparents of employee or spouse. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 9 - ANNEXATION BY MINOR BOUNDARY ADJUSTMENT:

Mayor Karnes informed that it was suggested that we might annex by minor boundary adjustment, and he asked Mr. Gaujot if he would research on what it would entail. Mr. Gaujot reported that the law allows for annexation in various ways, and the simplest way of annexation is by minor boundary adjustment. He said the City would pass an ordinance ordaining that the boundary lines be changed, and we would have the metes and bounds description of the area the City would want to change. Then, he informed that a petition would be filed with the County Commission, and attached to the petition would be a map showing the metes and bounds description of the area to be annexed by a minor boundary adjustment. He said it would be necessary to list in the petition all of the residents and freeholders within the area to be annexed. Then it goes to the County Commission and the County Commission establishes a hearing date, the hearing date is published in local papers and then there would be a hearing. Mr. Gaujot said the laws says that if there is no substantial opposition, then the County Commission is charged with granting the request. Mayor Karnes said that the reason this came up is because we are so close to some of the industry here, and we have national and international publicity on a situation near Nitro. We spend City money and we have responsibility to help Nitro citizens due to a problem that is out of the corporate limits. He said that as a result of this, he would like to entertain a motion that we ask our attorney to draft an ordinance to annex Artel Chemical. Councilman Jim Hutchinson moved an ordinance be drafted to annex Artel Chemical by minor boundary adjustment. The motion was seconded. After a discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 10 - REPAIRS TO CITY HALL ROOF: - Mayor Karnes advised we have several leaks in our roof, however, we do not have the funds for repairs at this time. Mayor Karnes said that it has been suggested by different members that we look into the aspects of building a second floor to City Hall vs spending enough money to replace the roof. Mayor Karnes suggested Council allow him to have our building inspector figure the cost of material only to build a second floor vs. what it would cost to have our present roof repaired. Mayor Karnes advised that he had a meeting with a person wanting to form a group of helpful citizens that would help us with any type project, and they are very capable. Councilman at Large Rusty Casto moved that the Mayor, the Building Inspector Bob Sergeant, Councilmen Young and Hutchinson check on this and come back with a recommendation to Council of the options and the cost of each. The motion was seconded. After a discussion, a vote was taken and it passed with Councilwoman Betty Jo Boggess voting in the negative.

AGENDA ITEM NO. 11 - SANITARY BOARD REPORT: - Mayor Karnes said we requested our City Attorney to look into the responsibility of Council as related to the Sanitary Board, and

called upon Mr. Gaujot to explain his findings. Mr. Gaujot said that his opinion hasn't changed any since the last meeting. He said the law provides that the municipalities shall maintain a proper system of accounting with the Sanitary Board. Also, it provides that there should be an audit each year, and that audit should be available to all the tax payers and residents of the City. The Treasurer is the custodian of the records, but Council can, by ordinance, designate someone other than the Treasurer. Mr. Gaujot said that he didn't know if this was done when the Sanitary Board was established, so we need to look at the ordinance to see if that has been delegated to someone other than the treasurer by this body. Mayor Karnes said that he would furnish Mr. Gaujot a copy of the original ordinance.

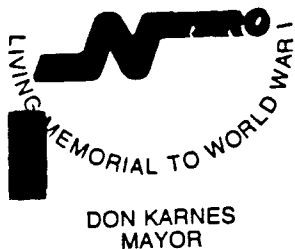
Mayor Karnes said that Mark Sanders wished to address Council to inform them of another improvement the Little League would like to do at the park. Mr. Sanders said that in addition to what has already been presented to the board, they wanted to construct a new batting cage that would benefit the high school and the Little League. He explained in detail their proposal. Councilman Casebolt requested this item be placed on the agenda for the next meeting. Mayor Karnes said that he would like to encourage all members of Council to go and take a look at the site. Mr. Sanders said that the batting cage would cost about \$8,000 and should be a nice one.

There being no further business, Councilman George Atkins moved the meeting be adjourned at 9:30 p.m. The motion was seconded. A vote was taken and it was unanimous.



DON KARNES, MAYOR

J. JACK HILL, RECORDER



TO: Nitro City Council

FROM: Jay Long, Director of Recreation

DATE: April 4, 1989

RE: Staffing of Lifeguards/Cashiers

I submit the following individuals for consideration for hiring as lifeguards/cashiers at the Nitro City Pool for calendar year 1989. These individuals have or will have met all the requirements by opening day, May 27, 1989.

CASHIERS:HOURLY WAGE

Ivy Bailes	(6)	Nitro	\$ 3.90
Charlotte Hill	(5)	Nitro	3.85
Evelyn Sheppard	(4)	Nitro	3.80
Laura Goff	(1)	Cross Lanes	3.40

LIFEGUARDS:

Manager Perry Estep	(1)	Hurricane	5.00
(Manager of the wave pool for 3 years.)			
Asst. Manager Kevin Dye	(3)	Nitro	4.75
Eric Dye	(2)	Nitro	3.45
Cheryl Mann	(2)	Nitro	3.45
Karen Karnes	(1)	Nitro	3.40
Scott Jones	(2)	Nitro	3.45
Troy McGrew	(1)	Nitro	3.40
Aliza Lusher	(1)	Cross Lanes	3.40
Jenipher Clanton	(2)	Nitro	3.45
Jason Mynes	(2)	Nitro	3.45

() Represents years of service.

NITRO FIREMEN'S PENSION BOARD MEETING

MARCH 23, 1989

The Nitro Firemen's Pension Board Meeting was called to order by Mayor Don Karnes at the Nitro Fire Department at 9:22 a.m. Present were Board Members Sgt. Steve Hardman, Sgt. E. W. Hedrick, II, Fireman Paul Frank Strohl and Fireman Ronnie King. Also present was Pansy Armstead, Secretary.

Fireman King said that he was concerned about forming a corporation on the Pension Board and asked the status. Mayor Karnes said that he would check with the City Attorney Phillip Gaujot if the Board voted to incorporate. Fireman Strohl said that Mr. Gaujot was going to check on the incorporation of the Board. Mayor Karnes informed that when he gave Mr. Gaujot the papers, that Mr. Gaujot told him that it certainly wouldn't hurt anything, but that he didn't know if the Board would have a lot of danger or liability. Fireman King said that he was in favor of incorporating. Mayor Karnes said that he would ask Mr. Gaujot to check on this and contact the Board.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 20, 1989 PENSION BOARD MEETING: - Fireman Strohl moved the minutes of the January 20, 1989 Pension Board Meeting be approved. The motion was seconded by Sgt. Hedrick. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CERTIFICATION OF ELECTION RESULTS: - Mayor Karnes reported that an election was held on March 13, and Fireman Strohl was re-elected to fill a 4 year term, and Fireman Ronnie King was elected to fill the unexpired term of J. L. Stover which will expire in 1992. Fireman Strohl moved for the certification of the election results. The motion was seconded by Fireman King. Fireman Strohl questioned if the proper procedure for the opening of the ballots should be at a Pension Board meeting, and Sgt. Hardman advised that this has been done both ways. Sgt. Hardman said that he didn't think there was a State Law on this, but it might be something the Board might want to adopt. After further discussion, a vote was taken to certify the election results, and it was unanimous.

AGENDA ITEM NO. 3 - CD RENEWAL: - Fireman Strohl said the Board received a 10 day notice from the bank that their certificate of deposit would be up for renewal. He said there was not a meeting called and the Board members talked it over among themselves, and decided to renew the certificate at the same bank. He said if they had received the notice sooner, they might have invested it with another bank. As a matter of record the funds (\$101,331.51) were reinvested on March 21, 1989 at The National Bank of Commerce of Nitro, and will mature September 19, 1989.

There being no further business, Fireman Strohl moved the meeting be adjourned at 9:36 a.m. Sgt. Hardman seconded the motion. A vote was taken, and it was unanimous.

Pansy Armstead
PANSY ARMSTEAD, SECRETARY

CITY OF NITRO
COUNCIL MEETING MINUTES

APRIL 18, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:33 p.m. Present were Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was City Recorder J. "Jack" Hill.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 4, 1989 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved that the Council Meeting Minutes of April 4, 1989 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - WALTER DRANE CO. REGARDING CODIFICATION OF ORDINANCE & ZONING CODES: - Mayor Karnes introduced Mr. Mike Kelly, a representative from Walker Drane Co. wishing to address Council to advise of his services. After an informative presentation, Mr. Kelly opened the floor for questions. After a question and answer session, it was agreed upon that we need codification so that we can quickly find an ordinance dealing with certain problems. Mr. Kelly informed the cost for 50 sets (25 hard cover and 25 soft cover) would be \$16,000, plus approximately \$1,000 per year to update depending on the amount of pages. Mr. Kelly told Mayor Karnes that he would send a cover letter Thursday with three copies of the contract so that the City Attorney and Council could review it. He said that if anyone had any further questions, feel free to contact him. Mayor Karnes asked Mr. Gaujot if he knew the company and for his comments. Mr. Gaujot said that he was not familiar with the company, but thinks codification would be great, but said it has to be put out for bids. Councilman at Large David Casebolt moved we have our City Recorder contact as many people in this type business as he can and obtain bids on the codification of ordinance and zoning codes of the City of Nitro. The motion was seconded. Councilman Walker said we might want to contact other municipalities in WV to see if they obtained bids and the procedure they went through. After further discussion, a vote was taken and it was unanimously approved.

AGENDA ITEM NO. 3 - LAYING OF LEVY: - Mayor Karnes yielded this agenda item to our City Treasurer Ralph Allison. Mr. Allison read a letter dated April 11, from the State Tax Department which stated: "In accordance with provisions of Chapter 11, Article 8 of the WV Code, as amended, the State Tax

Commission of WV hereby approves your levy estimate for the fiscal year beginning July 1, 1989. I find that any levy rates to be imposed in excess of those prescribed by the WV Constitution were legally authorized by the 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 WV Constitution and Code." Per the instruction from the State Tax Department, with the budget approved, by the Tax Commissioner, the levying body must meet on the the third Tuesday in April to officially lay the levy. This entails the adoption of the levy rates to be used during the next fiscal year. Councilman at Large David Casebolt moved we approve the laying of the levy. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 4 - WV AMERICAN LEGION REQUEST: - Mayor Karnes furnished members of Council a copy of a brochure from the WV American Leagion requesting the support of the City by placing an advertisement in the convention program. Councilman at Large Rusty Casto moved this matter be tabled. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - POLICE PENSION BOARD MEETING MINUTES: - Mayor Karnes said this item was placed on the agenda as it should be made a part of the record. Councilman at Large David Casebolt moved the Police Pension board meeting minutes be made a part of the Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous.

COPY OF POLICE PENSION BOARD MEETING MINUTES ATTACHED.

AGENDA ITEM NO. 6 - DEDICATION OF SENIOR LEAGUE FIELD: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt. Councilman Casebolt informed that the Nitro Moose Lodge contributed around \$22,000 to our Little League, and requested the high school baseball field (senior league field) be named the Moose Field. The motion was properly seconded. There would be a sign on the Pepsi scoreboard that would say Moose Field #565, at the expense of the Little League. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 7 - LITTLE LEAGUE TAG DAY (4-22-89): - Mayor Karnes asked Councilman Casebolt if he would address this request. Councilman Casebolt, President of the Nitro Lions Little League, informed that the Little League is requesting permission for Tag Day to be held Saturday, April 22nd, and moved their request be granted. He said this is an annual event, door-to-door solicitation with around 250 children participating. He advised that last year it only lasted around 50 minutes. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - LITTLE LEAGUE PARADE PERMIT (4-22): - Councilman Casebolt moved we grant the Little League a parade

permit for Saturday, April 22, which would be their opening day parade beginning at 9:30 a.m. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 9 - NITRO JR. HIGH TAG DAY: - Councilman at Large David Casebolt moved permission be granted to the Nitro Jr. High School to hold their tag day on May 6, 1989. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 10 - BATTING CAGE: - Mayor Karnes yielded this agenda item to Councilman Casebolt. Councilman Casebolt said that last week, on behalf of the Little League, he requested to put a batting cage beside the fence adjacent to the parking lot. He said he would like to revise the request and ask permission to redo the batting cage they have now. He advised that they do not want to build a 70 foot batting cage beside the fence, and if they do, it will be at the same location only extending it another 20 feet. Councilman Hutchinson suggested the chain link fence should be on the top, which is now underneath the pipe. Councilman Casebolt moved the request be granted to redo the present batting cage at the present location with a possible extension of 20 feet. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 11 - BOY SCOUT TROOP #188: - Mayor Karnes said that Mike Williams, Scoutmaster of Boy Scout Troop #188 contacted him requesting to upgrade the Nature Trail. The Boy Scouts, along with around 15 parents, want to camp at the Lake the last weekend in April on Friday and Saturday nights and clean up the Nature Trail. Councilman at Large Rusty Casto moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 12 - ORD. 89-3 FUNERAL LEAVE (1ST READING): Mayor Karnes said that as discussed at the last Council Meeting, Mr. Gaujot prepared an ordinance to amend Sec. 2-42 to include the grandparent of the employee or employee's spouse. Councilman at Large Rusty Casto moved the ordinance be approved on the second reading. The motion was seconded. After a short discussion, Mr. Gaujot informed that an ordinance had to be "read" in its entirety unless a motion is made to dispense with the entire reading. As the ordinance wasn't prepared at the last meeting, the reading tonight would constitute the first reading. Councilman at Large Rusty Casto withdrew his motion, as did Councilman at Large David Casebolt who seconded the motion. Councilman at Large Olaf Walker moved the ordinance amending Section 2-42 of the ordinances be approved on the first reading. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 13 - REPAIRS TO CITY HALL ROOF: - Mayor Karnes said that as Council was aware, City Hall is in dire need

of a new roof. Mayor Karnes said he obtained estimates and the prices received were in the range of \$12,500 - \$13,000. He said there was some discussion about adding a second floor to City Hall, but the materials would probably cost around \$45,000, and we just don't have the funds. Councilman Jim Hutchinson moved we advertise for bids on a new roof. The motion was seconded. A vote was taken and it was unanimous.

Councilman Robert Young asked the status of the street light on Rockledge, and Mayor Karnes advised him that the street light would be installed, but he didn't know the date.

Councilman at Large Olaf Walker questioned the status of the paving project, and Mayor Karnes responded that he feels he has signed all the necessary documents, and the advertisement for bids will be handled by RIC. Councilman Walker said he has received calls about dogs running loose, and wanted to know if there were some way to could let the citizens know that there is a ordinance prohibiting this. Chief Cochran reported that on Kanawha Avenue, S around Michigan Ave. there were two dogs turned in Wednesday from this area and one from another area. The owner paid the fee and picked up his dogs. He said that he hasn't been getting any complaints since this time. The shelter is receiving the fee, but the City doesn't receive any type compensation. Chief Cochran said that he would talk to the shelter about this. Councilman Walker questioned if Jack Legg paid B & O tax on the bingo held at the Cin San, and Councilman Casto said that he didn't receive any revenue from this function. The funds are divided between the Boosters and the people attending the bingo. Councilman Walker asked if there was a record kept of each employee's attendance, and was informed that it was kept by the Department Heads.

Councilman George Atkins said that there were some dogs running loose without tags, and the Humane Officer can't catch them, and asked if something could be done about this. Mayor Karnes agreed this was a problem. Councilman Hutchinson asked about cats running loose, and Mayor Karnes informed that we didn't have a leash law on cats.

Councilman at Large David Casebolt said that on behalf of the Little League, he would like to thank Gene Williams and his employees for repairing the Little League tractors and the work done on the concession stand. The guys did this on their own time. Councilman Casebolt extended an invitation to members of Council to attend the opening day ceremony of the Little League at the park Saturday.

NITRO HIGH SCHOOL TAG DAY (5-13-89): - Councilman at Large Rusty Casto said that he had a request from the NHS Band Boosters requesting permission to have Tag Day on Saturday, May 13, from 9:00 a.m. to 1:00 p.m., and moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto moved that Jack Hill be named Citizen of the Month as a token for Council's appreciation for all the work he has done, especially in obtaining the paving grant. The motion was seconded. Jack is in the hospital, and members of Council expressed their concern. After a brief discussion, Councilman Walker suggested the plaque be presented to Mrs. Hill for her to handle. A vote was taken and it was unanimously approved.

There being no further business, Councilman Jim Hutchinson moved the meeting be adjourned at 9:09 p.m. The motion was seconded. A vote was taken and it was unanimously approved.



DON KARNES, MAYOR

J. JACK HILL, RECORDER

LEVY RATE SHEET

RATES OF LEVY LAID BY:

City of Nitro

Kanawha/Putnam

(LEVYING BODY)

(COUNTY)

AND APPROVED BY THE STATE TAX COMMISSIONER FOR COUNTY,
SCHOOL, OR MUNICIPAL PURPOSES FOR THE FISCAL YEAR BEGINNING
JULY 1, 1989 IN ACCORDANCE WITH CHAPTER II, ARTICLE 8 OF THE
WEST VIRGINIA CODE, AS AMENDED.

	CURRENT LEVY RATE	EXCESS LEVY RATE	PUBLIC/PERM. IMPROVEMENT LEVY RATE	BOND LEVY RATE	TOTAL LEVY RATE
CLASS I	12.50	6.25			18.75
CLASS II	25.00	12.50			37.50
CLASSES III AND/OR IV	50.00	25.00			75.00

RATES ARE TO BE STATED IN CENTS PER ONE HUNDRED DOLLARS VALUATION

The above is a true list of the levies laid by the County Commission, Board of Education, or
Municipal Council of Nitro on the 18th day of April, 1989
and APPROVED BY THE STATE TAX COMMISSIONER.

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

NOTE: This form is to be submitted within three days after the governing body meets to lay the levy on the third Tuesday in April
DO NOT MAIL IT WITH THE BUDGET DOCUMENT. Retain the pink copy for your files and mail the white and yellow
copies (along with your Levy Order) to the State Tax Department, Chief Inspector Division, P. O. Drawer 238
Charleston West Virginia 25328. Upon receipt, one copy will be stamped "Approved" and forwarded to the assessor
your county to be used in extending the levies.

LEVY ORDER

Prescribed by State Tax Commissioner

ENTIRETY OF
KANAWHA/PUTNAM
COUNTY

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

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

	Assessed Values Tax Purposes	Current Expense Taxes Levied	Excess Levy Taxes Levied	Improvement Taxes Levied	Bond Purpose Taxes Levied
<u>Class I Property</u>		(Class I Rate <u>12.50</u>)	(Class I Rate <u>6.250</u>)	(Class I Rate _____)	(Class I Rate _____)
Personal Property	\$ <u>4,468,087</u>	\$ <u>5,585</u>	\$ <u>2,793</u>	\$ _____	\$ _____
Public Utilities	\$ <u>264,800</u>	\$ <u>331</u>	\$ <u>166</u>	\$ _____	\$ _____
Total Class I	\$ <u>4,732,887</u>	\$ <u>5,916</u>	\$ <u>2,959</u>	\$ _____	\$ _____
<u>Class II Property</u>		(Class II Rate <u>25.00</u>)	(Class II Rate <u>12.50</u>)	(Class II Rate _____)	(Class II Rate _____)
Real Estate	\$ <u>20,046,912</u>	\$ <u>50,117</u>	\$ <u>25,059</u>	\$ _____	\$ _____
Personal Property	\$ <u>49,420</u>	\$ <u>124</u>	\$ <u>62</u>	\$ _____	\$ _____
Total Class II	\$ <u>20,096,332</u>	\$ <u>50,241</u>	\$ <u>25,121</u>	\$ _____	\$ _____
<u>Class III Property</u>		(Class III Rate _____)	(Class III Rate _____)	(Class III Rate _____)	(Class III Rate _____)
Real Estate	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Personal Property	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Public Utilities	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Total Class III	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
<u>Class IV Property</u>		(Class IV Rate <u>50.00</u>)	(Class IV Rate <u>25.00</u>)	(Class IV Rate _____)	(Class IV Rate _____)
Real Estate	\$ <u>18,165,368</u>	\$ <u>90,827</u>	\$ <u>45,414</u>	\$ _____	\$ _____
Personal Property	\$ <u>17,501,411</u>	\$ <u>87,507</u>	\$ <u>37,754</u>	\$ _____	\$ _____
Public Utilities	\$ <u>4,186,600</u>	\$ <u>20,933</u>	\$ <u>10,467</u>	\$ _____	\$ _____
Total Class IV	\$ <u>39,853,379</u>	\$ <u>199,267</u>	\$ <u>93,635</u>	\$ _____	\$ _____
<u>TOTAL ALL CLASSES</u>	\$ <u>64,682,598</u>	\$ <u>255,424</u>	\$ <u>121,715</u>	\$ _____	\$ _____

The above is a true copy from the records of orders made and entered by this entity on the 18th day of April, 1989

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

NOTE: This is a three part form. When completed, retain the pink copy for your files and mail the white copy to the State Tax Department, Chief Inspector Division, P. O. Drawer 2389, Charleston, WV 25328. Mail the yellow copy to the State Auditor, Capitol Bldg. Charleston, WV 25305

NITRO POLICEMEN'S PENSION BOARD MEETING MINUTES


APRIL 17, 1989

The Nitro Policemen's Pension Board Meeting was called to order by Mayor Don Karnes in the Patrolmen's Office at 2:00 p.m. Present were Board Members Officers Michael Chatterton, Terance Thompson and John Joyce. Also present was Pansy Armstead, Secretary. Absent was Board Member Officer Jack Jordan.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 6, 1989 POLICEMEN'S PENSION BOARD MEETING MINUTES: - Officer John W. Joyce moved the Pension Board Meeting Minutes of January 6, 1989 be approved as written. The motion was seconded by Officer Chatterton. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CERTIFICATION OF ELECTION RESULTS: - Officer John Joyce moved that the election results of March 13, 1989, electing Terance E. Thompson to fill a four year term on the Policemen's Pension Board, be made official. The motion was seconded by Officer Chatterton. A vote was taken and it was unanimous.

There being no further business, Officer John Joyce moved the meeting be adjourned. The motion was seconded by Officer Thompson. A vote was taken; it was unanimous and the meeting was adjourned at 2:05 p.m.


PANSY ARMSTEAD, SECRETARY

AN ORDINANCE TO AMEND SECTION 2-42 OF THE
ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA,
WHICH SECTION IS TITLED, FUNERAL LEAVE BY
ADDING "GRANDPARENT OF EMPLOYEE OR EMPLOYEE'S SPOUSE."

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

WHEREAS, it is the desire of the City of Nitro to amend
Section 2-42 of the ordinances of the City of Nitro, West
Virginia, which section is titled, Funeral Leave by adding
"grandparent of employee or employee's spouse."

NOW, THEREFORE, BE IT ORDAINED by the City Council of the
City of Nitro, West Virginia:

Sec. 2-42. Funeral leave.

In the event of death of the father, mother, brother,
sister, spouse, child, father-in-law, mother-in-law, or
grandparent of an employee or employee's spouse, or legal
guardians of employee or spouse with one or more years of
service, an employee shall receive, upon request, up to a maximum
of three calendar days off without loss of straight time earnings
during the period beginning with the day of the death and ending
at 8:00 a.m. the day following the funeral for the purpose of
attending the funeral. The city may require the employee to
furnish satisfactory proof of the death. Calendar days shall be
defined for purposes of this section as scheduled eight hour
shifts.

First reading: 18th day of April, 1989.

Second reading: _____ day of _____, 1989.

Don Karnes
Don G. Karnes, Mayor

John "Jack" Hill, Recorder

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 2, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Absent was City Recorder J. Jack Hill deceased, and at the table in front of his empty chair there were two rose buds to show our respect for a dear friend, an outstanding citizen of Nitro and a loyal and dedicated public servant of the City. Also absent was City Attorney Phillip D. Gaujot.

Mayor Karnes said that as a token to one of our colleagues, he didn't feel we should conduct a regular council meeting tonight and shared the following:

A TRIBUTE TO JACK HILL

On April 30, 1989, John Joseph "Jack" Hill passed away. In his passing Nitro lost a good citizen. This Council lost a good member, and I lost a good friend. I will miss him very much.

During his short time in office, Jack has made a contribution that this City will long benefit from. He was well respected and his opinions were held in high regard. He knew that the important things in life were his family, his friends and his values.

Mayor Karnes asked everyone to bow their head in silent prayer in remembrance of our friend Jack Hill.

There was a long pause while everyone said a silent prayer for Jack and his family.

Mayor Karnes thanked everyone for coming out this evening, and moved the meeting be adjourned. The motion was seconded. A vote was taken and it was unanimous.


DON KARNES, MAYOR

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 16, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:34 p.m. Present were Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess and Councilman George Atkins. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was Councilman Jim Hutchinson.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 18, 1989 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the Council Meeting Minutes of April 18, 1989 be approved as written. The motion was seconded. Councilman at Large Olaf Walker asked if any companies had been contacted regarding the codification of ordinance and zoning codes, and Mayor Karnes advised that he received the information from Walker Drane Company confirming what he presented to Council on April 18. Mayor Karnes said that he personally spoke with a representative from So. Charleston, and they are well satisfied with the codification done by the Walker Drane Co. A vote was taken and it was unanimous.

NOTE: An amendment was made to the April 18, 1989 Council Meeting Minutes as stated following Agenda Item No. 4.

AGENDA ITEM NO. 2 - APPROVAL OF MAY 2, 1989 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the May 2, 1989 Council Meeting Minutes be approved. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 3 - ORD. 89-3 - FUNERAL LEAVE (2ND READING): Mayor Karnes read Ordinance 89-3, and informed that a copy of this proposed ordinance is attached to the minutes of April 18. Councilman at Large Olaf Walker moved the ordinance be adopted on the second reading. The motion was seconded. A vote was taken and it was unanimous.

COPY OF ORDINANCE 89-3 ATTACHED.

As the Building Inspector wasn't in Council Chambers at this time, Councilman at Large Rusty Casto moved we skip over agenda items 4 & 5, and come back to these later. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - NITRO BUSINESS & PROFESSIONAL ASSN. - JIM GREENE, PRESIDENT: - Mayor Karnes introduced Mr. Jim Greene, President of the Nitro Business & Professional Assn., who expressed a desire to share their ideas with Council. Mr. Greene informed that they have a project going to buy new Christmas

lights. He said it was his understanding that this must be approved by Council. Mr. Greene displayed the Christmas light decoration that they are planning to purchase, which would cost \$125.00 each. He said the Association needs Council's approval to buy these lights, and the manufacturer needs a letter from the City that the Association can purchase these lights through the City which would save them tax, a down payment and several other odds and ends. He said they are not asking for any money from the City. Mr. Greene said that he has several checks already and commitments from 14 businesses to buy this particular item. He said that the Association's goal is to purchase at least 25 of the lights for this year, and hopefully have them by October. Councilman at Large Olaf Walker moved we express support and endorsement for the purchase of the Christmas lights and that the Mayor prepare the necessary letter for him to buy the lights through the vendor. The motion was seconded. After a short discussion, a vote was taken and it was unanimous.

Mr. Greene said that also they are planning a fishing derby, on June 10, and 11, which is the last weekend of National Kid's Fish Week, at Ridenour Lake through the Lion's Club and the Business Assn., and at no cost to the City. He said that the YMCA-West along with the Recreation Director Jay Long will be helping with this event. He said they have several donations already committed. Citizens National Bank is going to donate two \$50.00 savings bonds to give away. Mr. Greene explained their plans for this event. Councilman George Atkins moved permission be granted for a fishing derby to be held on June 10 and 11, at Ridenour Lake. The motion was seconded. A vote was taken and it was unanimous.

Mr. Greene said that he would also like to have a carnival in Nitro from May 30, - June 4, 1989, to help raise money to buy fish and prizes for the fishing derby. Again, this event would be held at no cost to the City. He requested permission to use the property next to the swimming pool for the carnival. Mr. Greene introduced Mr. Picozzi from Showtime Agency to answer any questions. Mr. Picozzi named some of the organizations he has worked with to help raise money for the benefit of children. He said that he carries a million dollar insurance policy that would protect the City of Nitro and the property from any injuries. He said they were also self sufficient in electricity. Mr. Picozzi advised that he will bring the show in and the Association receives a percentage of gross ticket sales. Councilman at Large Rusty Casto moved we grant permission to the Nitro Business & Professional Assn. to have the carnival on dates requested. The motion was seconded. Mayor Karnes questioned if the carnival business was subject to B & O tax to the City, and asked legal counsel for the answer. Councilman Walker answered that it would. Mr. Picozzi said that he didn't have a problem with that. He said that they wanted to help the community and the City as far as taxes are concerned. Mr. Gaujot asked the percentage of

the gross tickets sold, and Mr. Picozzi said that he would have to discuss this with Mr. Greene. Mr. Gaujot asked Mr. Picozzi to explain what he meant by ticket sales. Mr. Picozzi said that the percentage would be based on the gross ticket sales for the rides. Mr. Gaujot inquired if the Association would receive anything from the games, and Mr. Picozzi said that they are guaranteed a flat fee for each one. Mr. Picozzi said they have discussed the percentage, but it hasn't been set. A short discussion followed regarding the amount charged for a license and it was thought to be minimal. Mr. Picozzi said that he had no problem paying the license fee if it was the minimal charge as stated. Mr. Sergent questioned if there would be any drain water put out on the ground, and Mr. Picozzi stated there would not be as the trailers are self contained. Mr. Picozzi said they will need access to water, but have enough hose they could connect with the outlet at the pool. Bob Sergent suggested the water should come from the Sanitary Board opposed to the pool. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 4 - ORD. 89-4 - ADOPTION OF BUILDING CODE (BOCA): - Mayor Karnes yielded this agenda item to the Building Inspector C. R. Sergent. Mr. Sergent explained that BOCA building code is the Building Professional and Code Administration covering the northern United States. He advised that we have been with southern since we have had a code, but the State Building Inspectors along with the State Fire Marshal got together and decided there should only be one code in this state as opposed to four or five different codes. The BOCA Code was the one decided to accept and was adopted by the State Legislature, and the Governor signed it into law. He said we have a choice of either adopting this code or having no code. He said it wasn't just a building code, it has other codes included and recommends Council accept the code. Mr. Sergent said the City Attorney has the list of the codes. Mr. Gaujot advised that he prepared an ordinance adopting the code, and attached additional information to the proposed ordinance that might be helpful. Councilman at Large David Casebolt moved we approve the ordinance on the first reading. The motion was seconded. At this time, Mr. Gaujot pointed out a correction that should be made on the Council Meeting Minutes of April 18, under agenda item 12. The sentence should have stated, "Mr. Gaujot informed that an ordinance had to be "read" in its entirety unless a motion is made to dispense with the entire reading, but the title must be read." Someone should move to suspend the reading of the entire ordinance, and then the title must be read in all cases. Councilman at Large David Casebolt withdrew his motion as did Councilman at Large Rusty Casto who seconded the motion. Councilman George Atkins moved we suspend with the reading of the ordinance in its entirety and read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large David Casebolt moved we adopt the first reading of Ordinance 89-4 to adopt the BOCA building code. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 89-4 ATTACHED.

Councilman at Large Olaf Walker moved that the April 18, 1989 Council Meeting Minutes, Agenda Item 12, be amended to show that a motion was made to suspend the reading of the entire ordinance at that time, and the title was read. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - BIDS ON CITY HALL ROOF: - The names of the companies and their bid amount were furnished to Council. Mayor Karnes said that there were discrepancies on what one company vs another company actually bid to do. Also, Mayor Karnes pointed out that the Allstate Roofing bid was received after the cutoff time. Councilman at Large Olaf Walker moved that the bid received from Allstate Roofing be deleted for consideration as it was not received prior to the cutoff time. The motion was seconded. The City Attorney Phillip Gaujot advised that if Allstate Roofing was considered and got the bid, there could possibly be a lawsuit. Also, he said it wouldn't be fair to the other five. A vote was taken and it was unanimous. Mayor Karnes asked Mr. Sergeant if St. Albans Roofing & Sheet Metal bidding \$11,200 met the qualifications that he specified. A discussion followed regarding the specifications. He said they have bid more than a B roof, but did not include a complete tear off of what is there now. Councilman Young asked Mr. Sergeant if he thought the entire roof should be removed, and Mr. Sergeant said that he didn't see how the whole roof could be bad. Councilman Walker mentioned that the lowest eligible bid was \$11,200 and the highest was \$17,820 and wanted to know why the big difference on the bids. He wanted to know if the bids were on the same thing. Councilman Young said if they were bidding on the same work, he couldn't see that much difference in the cost. Mr. Sergeant informed that one bid was to tear the roof completely off and start from scratch. After a lengthy discussion, Councilman at Large Olaf Walker moved a committee, appointed by the Mayor, be formed to review the bids received, and report back at the 1st Council Meeting in June. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - RES. 89-5 - COMMEMORATING POLICE WEEK: - Mayor Karnes introduced Resolution 89-5 commemorating Police Week from May 14 - 20. Councilman at Large Olaf Walker moved that we dispense reading the entire resolution and read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved the resolution be adopted. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 89-5 ATTACHED.

AGENDA ITEM NO. 8 - REQUEST FROM POCA VARSITY CHEERLEADERS: Mayor Karnes furnished Council a copy of a request from the Poca Varsity Cheerleaders to solicit donations at the stoplight on 40th St. on May 20 from 10:00 a.m. - 2:00 p.m. Councilman at Large Rusty Casto moved the request be granted. The motion was

In the House

by: Jennifer Yon

Passed Both Houses

Senate Bill 124 would mandate the use of domestic steel products in state-supported projects, passed the Legislature and is the second measure to go to the Governor for his approval.

As of Wednesday, March 14, 2001, the 29th day of the 75th Legislature, 858 bills have been introduced. Of these, 41 bills have passed in the House and sent to the Senate for its consideration.

Bills passed this week:

House Bill 2773 would address the shortage of teachers and substitute teachers in the state. The bill would expand the use of retired teachers for substitutes, eliminate the cap on the number of days a retired teacher can work without affecting monthly retirement annuity, provide priority in the Underwood-Smith scholarship for teachers that would stay in the state, among other things.

House Bill 2591 would allow the Commissioner of Highways to increase the gross weight limitations from 80,000 pounds to 90,000 pounds on certain roads in Brooke County.

House Bill 2583 would remove the authority of the Commissioner of the Division of Highways to raise weight limits on certain portions of roads in Ohio and Brooke counties and to secure payment for repair of these routes.

House Bill 2722 would provide compensation to those county school board members who attend multi-county vocational center council meetings. It also deals with meeting times of school boards, employment and assignment of teachers, budget hearings, compensation of members, and affiliations with state and national associations.

House Bill 2410 would clarify the duties and functions of the already established Child Fatality Review Team. The team would be under the office of the Chief Medical Examiner. Members would be appointed by the governor and serve three-year-terms.

House Bill 2587 would permit federal law-enforcement officers to assist state and local law-enforcement officers in enforcing state laws. The exceptions would be duty regarding parking ordinances or enforcing traffic laws.

House Bill 2772 would expand the hiring powers of the State Auditor. Under the bill, the auditor would be able to appoint for each county in the state a deputy commissioner of delinquent and non-entered lands.

House Bill 2339 which would create an Alzheimer's Caregiver Assistant Program to provide respite services for those caring for individuals with Alzheimer's Disease. It would provide for the development of a check-off program on individual income tax returns to fund the assistance program. The Commissioner of the Bureau for Senior Services would be required to administer and promote the assistance program.

House Bill 2376 would make inhaling, breathing, or drinking of a number of materials illegal. The person violating this could be guilty of a misdemeanor. It would exclude those using these substances under direction of a medical doctor or a dentist.

House Bill 2791 would continue the Massage Therapy Licensing Board. House Bill 2792 would continue the Lottery Commission.

House Bill 2599 would make radiologic technologist licenses valid for one year and renewable every year. It would also allow the board to establish renewal

fees through legislative rulemaking and would continue the Board of Radiologic Technologists.

House Bill 2372 would clarify the way money reserved for the payment of income tax refunds is to be managed. The fund would be re-designated as the Personal Income Tax Reserve Fund.

House Bill 2515 would repeal the fee charged for reporting fires to the state fire marshal.

House Bill 2435 would require agencies to report notices of disallowances of federal funds within sixty days. It would require all state officers, boards, commissions, departments and institutions to report to the governor, Speaker of the House and President of the Senate.

House Bill 2405 would allow counties to provide alternative sentencing. It would allow required community corrections program participation for convictions of driving under the influence, among other things.

House Bill 2256 relates to the authority of the division of motor vehicles to disclose motor vehicle records to persons for purposes of marketing and solicitations.

House Bill 2119 would update reports of the Supreme Court of Appeals and the Secretary of State. The fees charged by the Auditor, Secretary of State and Clerk of the Supreme Court of Appeals become property of the state and must pay those fees into the state treasury at least once every thirty days.

House Bill 2519 would repeal the ability of the Secretary of Administration to appoint security officers on Capitol grounds. The bills would clarify the Department of Administration's authority to employ security officers, modifying jurisdiction of Division of Protective Services and allowing persons contracted with the Department of Administration and employees of the Division of Protective Services to issue parking citations.

House Bill 2540 would provide notice to newly hired law-enforcement officers of the deadline to file for application to attend the police academy. It would also provide consequences if the employer fails to notify newly hired officers of these deadlines and notices.

Locating Bill Status

The Legislature's website has implemented full bill content and bill status. To track legislation electronically, use www.legis.state.wv.us and click on bill status.

For those of you who may know someone who would like to receive a copy of legislation in braille, the Legislature can now accommodate this request. Use the toll-free line to request a copy of a bill at 1-877-56-LEGIS (1-877-565-3447)

(Budget, Cont'd)

On Sept. 1 of each fiscal year (the state's fiscal year runs from July 1 to June 30), each state agency comes before the Department of Administration to submit a budget request—for the fiscal year starting the next July—10 months later (to be spent 303 to 668 days later.)

Reasonable requests are difficult to make so far in advance because of inflation, increases in postage, utility rates, food costs and other unexpected factors which must be addressed in maintaining the operations of the state.

The Department of Administration holds budget hearings with the agencies during the early Fall. These requests are continually changed by the agencies since they have to make adjustments to current year plans, they may amend these changes into the next year if necessary.

While the Governor can submit an unbalanced budget, the Legislature can-

not pass a budget which is not balanced. As such, the Legislature may pass measures increasing revenues above the Governor's estimates; however, these additional funds can be used only if the Governor increases his revenue estimate.

The budget is submitted to the Legislature following the State of the State Address in January. (With 2001 being an inaugural year, the Address was held in February.) It is at this point the Legislature assumes the responsibility for exercising its budgetary authority.

The Legislature may accept the Governor's tax proposals; it may meet the approximate amount of money which the Governor proposed by increasing revenues on its own; or it may reject any proposal recommended by the Governor. In addition to rejecting any tax proposal recommended by the Governor, it may cut the budget requests of various departments to fit within the estimates of revenues at their present or predictable level.

Once passed by the Legislature and ap-

proved by the Governor, the funds become available to various spending units at the beginning of the new fiscal year on July 1 of each year. If the moneys are coming in as anticipated, then the agencies use those dollars until the close of the fiscal year on June 30 of the following year. After that date, the agency has until the 30th of July each year to pay its bills and get its books in balance. Then, two weeks later, budget requests for the coming year are due..starting the entire process of developing the state's budget all over again.

This budget "in a nutshell" appears simplistic but, in comparison to any family budget, it is difficult to predict "when the washing machine will break down," "when the car will need a new part," or, "when a storm will cause the roof to leak."

Lawmakers, like heads-of-households, must focus on predicting in-coming revenues and determining which expenses must be met first.

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Wrap - Up

The Newsletter of the West Virginia Legislature

Volume XII, Issue IV

March 14, 2001

Bills Pending Committee A Sampling....

House Bill 2801 would discipline licensed contractors by the West Virginia Contractor Licensing Board for employing illegal aliens.

The purpose of **House Bill 2810** is to encourage economic development in counties with high unemployment by requiring the Tax Commissioner to refund 20 percent of personal income tax collected to the five counties with the highest unemployment rates in the state.

Retailers would be prohibited from displaying cigarettes and other tobacco products in a manner that allows a purchaser direct access to these products under **House Bill 2828**. The bill also requires that tobacco products must be placed behind a counter or another area where access to the general public is restricted.

House Bill 2855 would require tire manufacturers to replace tires that blow out within the first 20,000 miles of wear. The bill also creates a legal presumption that the tire was defective in the event it blew out within the first twenty thousand miles of wear.

Senate Bill 438 would allow for police officers to have legal immunity for withdrawing Driving Under the Influence (DUI) charges for persons whose breathalyzer results were .05 or less.

Senate Bill 462 would authorize counties and municipalities to form coalitions for the purchase and procurement of energy. This procedure is also known as "community choice" regarding energy deregulation.

Senate Bill 468 would create the Hate Crime Registration Act. The purpose of this bill is to require the registration of any person convicted of a criminal offense involving hate or intolerance of a particular person or group of persons due to the person's or group of persons' race, religion, gender, nationality, ethnicity or sexual orientation with the State Police.

Legislature Focused on State's Budget



photo by: Josh Baldo

During the 2001 Regular Session, a finance committee tackles an enormous number of proposals, Budget requests and other paperwork necessary to balance the state's Budget. All Standing Committee meetings are a vital and intricate part of not only the Budget process, but also the Legislative process.

On Mar. 15th, the Legislative Session is at its mid-way point. To date, 1337 bills have been introduced, with 47 meeting the approval of the Senate and 41 passing in the House.

Public hearings and meetings of standing committees are consuming most of each legislator's daily schedule. These work settings are an essential part of the legislative process since the Budget cannot be balanced until certain bills are passed.

Because balancing the budget is a complex process, a brief explanation of the procedure may help to clarify the responsibilities attached to managing the state's business.

The Budget Bill is the only bill that the Legislature is required to pass during each annual session of the Legislature according to the Constitution of West Virginia. Where does the money come from? Where does it go? How is it divided? How does the budget process work?

Much the same as a family predicts its yearly budget, the state theoretically does the same. How much money will the family have in the upcoming year and how will it be broken down on a monthly basis so that the expenses are met?

(Budget, pg. 4)

In the Senate

by: Bill Thomas

As of Wednesday, March 14, 2001, the 29th day of the 75th Legislature, 479 bills have been introduced. Of these, 47 bills have passed and have been sent to the House of Delegates for its consideration.

Bills passed this week:

Senate Bill 56 would require the approval of the Legislature before a road, highway, bridge or Division of Highway facility can receive a scenic or memorial designation. The bill states that such approval would be made by passage of a concurrent resolution.

Senate Bill 181 would authorize special motor vehicle registration plates for holders of the bronze star, World War II, Korean War, Vietnam War and Persian Gulf War veterans. It would also change additional plate fees and remove the number restriction for special registration plates for state officials and judges.

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Building 1, Room MB 27
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(304) 347-4836

Charlene Glagola
Director

Jennifer Emswiler
Jennifer Moses
Bill Thomas
Information Representatives

Dave Martin
Webmaster

Dee Spelock
Office Manager

Steve Brightwell
Josh Baldo
Photographers

Jennifer Yon
Perley Isaac Reed School of Journalism

Paul Fallon
W. Page Pitt School of Journalism

The Alzheimer's Caregiver Assistance Program would be created under **SB 219**. This program would provide respite services for informal caregivers of individuals with Alzheimer's disease or related dementia. The bill would provide a funding mechanism to help with the services derived from a voluntary contribution of a portion or all of any refund due a taxpayer, or any contribution a taxpayer may wish to submit in addition to tax owed, be transferred to a special fund.

Senate Bill 258, known as the West Virginia Dental Practice Act, would update the regulation of the practice of dentistry and dental laboratory services by increasing the membership of the West Virginia Board of Dental Examiners from seven members to nine, with the addition of a nationally certified dental hygienist from another state. It would also require rules be drafted for which all dental hygienist and dental assistants must follow. The bill would further require the West Virginia Board of Dental Examiners to investigate unlawful acts of a dental laboratory.

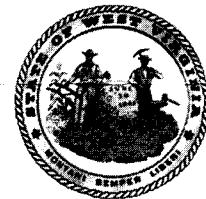
Senate Bill 388 would allow for a prosecuting attorney, or any person with prosecutorial authority, enter into a diversion agreement with a person under investigation or charged with an offense against the state of West Virginia when it is considered to be in the best interest of justice. Under this bill, anyone who has entered into an agreement for diversion and has successfully completed all terms of the agreement, is not subject to prosecution for the offense or offenses describes in the agreement.

The supplemental appropriation of federal funds out of the State Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 13, 2001, are the focus of **SB 429, 430, 431, 432, 433, 434, 435 and 458**.

Senate Bill 436 would not permit a person who has been convicted of a felony involving controlled substances or violence to apply for licensure as a pharmacist for a period of five years after the last denial of application or revocation of an existing license.

Three bills were passed regarding Sunset Legislation. **SB 448** would continue the Purchasing Division within the Department of Administration; **SB 449** would continue the Public Service Commission; and, **SB 450** would continue the Board of Architects. These bills would be made effective July 1, 2001.

WEST VIRGINIA FACTOID



The Great Seal of West Virginia was adopted by the Legislature on September 26, 1863. The seal bears the legend, State of West Virginia, together with the motto, "Montani Semper Liberi" (Mountaineers Are Always Free)

A farmer stands to the right and a miner to the left of a large rock bearing the date of admission to the Union, June 20, 1863. In front of the rock are two hunters' rifles with a Phygerian Cap, or "Cap of Liberty", resting at the cross of the rifles.

Joseph H. Diss Debar, of Doddridge County, designed the State Seal in 1863 at the request of the Legislature.

seconded. A vote was taken to approve the request as written, and it was unanimously opposed. Councilman at Large Rusty Casto moved permission be granted to solicit in Nitro, but prohibit solicitation out in the street. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 9 - REQUEST FROM 5TH GRADE HOMEROOM MOTHERS ROCK BRANCH ELEMENTARY: - Council received a request from the 5th grade homeroom mothers from Rock Branch Elementary asking permission to solicit businesses in Nitro for item donations to present to the graduating 5th grade students. Councilman at Large Rusty Casto moved their request be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 10 - ANNEXATION BY MINOR BOUNDARY ADJUSTMENT: - Mayor Karnes called upon the City Attorney Phillip Gaujot to explain this agenda item. Mr. Gaujot said that he had three proposed ordinances and distributed copies of each to Council.

He explained that the proposed first ordinance was to annex part of Route 62, over by Carriage Way that is not in the City limits of Nitro, but the City thought it was. Mr. Gaujot advised that the engineers found that it was not annexed and needs to be. Mr. Gaujot said that a metes and bounds description and a plat must be provided to the County Commission when petitioning for annexation. The problem is the highway, and the highway is where it is. He said that the only way to get a metes and bounds description of that highway is get a survey on all property owner's adjoining properties. Mr. Gaujot said that he asked Mr. Shultz from Dunn Engineers if this would be expensive and he said it would. Mr. Gaujot said that Council might want to inquire to see what that cost would be. Councilman at Large David Casebolt asked how the City could benefit by taking this property in. Mr. Gaujot responded that the Carriage Way property has to be adjoined, but it is not. Councilman Casebolt questioned how this was done the first time, and Mr. Gaujot said this was a good question as there had to have been a metes and bounds description. He said we may look at the annexation of Carriage Way documents, as there must have been a metes and bounds description attached. Mr. Gaujot recommended to go ahead and vote tonight, and in the mean time, he would get with Mr. Morris and try to find the Carriage Way annexation information. Councilman at Large David Casebolt moved we suspend with the reading of the above referenced ordinance and read the title only. The motion was seconded. A vote was taken and it was unanimously approved. Mayor Karnes read the title, and Councilman at Large David Casebolt moved the reading be approved on the first reading. the motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 89-7 ATTACHED.

The second proposed ordinance is the annexation of the river behind the Par Industrial Park. The City limits goes to the center of the river all along where it borders the City of Nitro, and this ordinance is just an amendment to bring in that portion of the river. Councilman at Large David Casebolt moved we dispense with the reading of the ordinance and just read the title only. The motion seconded, a vote was taken and it was unanimous. Mayor Karnes read the title, and Councilman at Large Rusty Casto moved the ordinance be approved on the first reading. The motion was seconded. A vote was taken and it was unanimously approved.

ORDINANCE 89-6 ATTACHED.

The third proposed ordinance is to annex territory in Putnam and Kanawha Counties, part of Viscose Road (Plant Rd.) and what was considered the Fike/Artel Chemical, consisting of 14.4 acres. Mr. Gaujot pointed out the property on a plat. Mr. Gaujot explained that this ordinance permits the Mayor to do whatever is necessary in annexing this. If the ordinance is passed, the next stage is the preparation of a petition which will be filed with the County Commission. Mr. Gaujot explained the law pertaining to annexation. Councilman at Large David Casebolt moved we dispense reading the ordinance in its entirety and read the title only. The motion was seconded. After a brief discussion, a vote was taken and it was unanimous. Councilman at Large Rusty Casto moved we adopt this ordinance on the first reading. The motion was seconded. A vote was taken and it was unanimously approved.

ORDINANCE 89-5 ATTACHED.

AGENDA ITEM NO. 11 - ROOFING COMMITTEE: - Mayor Karnes said that he would like to appoint Councilman at Large Olaf Walker, Councilman at Large Rusty Casto, Councilman George Atkins, Councilwoman Betty Jo Boggess and the Building Inspector C. R. Sergeant.

Councilman at Large Olaf Walker said that the legislature passed a tax bill, and in the package there was an increase of the home severance tax, and asked the City Treasurer Ralph Allison if this increased the amount we received. Mr. Allison said that it would, but it would be minimal. Councilman Walker said the bill states that 75% of the funds received must be allocated to fixed assets and he suggested we look into this. Mr. Allison answered that generally when he submits the budget to the State Tax Department, he always uses the coal severance money for fixed assets.

Councilman at Large Rusty Casto asked if we could put out for bids, the mowing of grass between 4th St. and 40th Street, between the highway and railroad track. Mayor Karnes said that

hopefully he is going to get a volunteer group to take care of this. He said that due to the heavy rains, it has been impossible to get it cut. However, he said that it has been started on today, but it still needs trimmed. Also, he informed that it needs dirt hauled in and leveled up, and hopefully this can be accomplished this summer. Mayor Karnes said that he was trying to get several Lombardy poplar trees to plant in this area.

Councilman Casto asked who would chair the meetings in the event Mayor Karnes was unable to attend, and the Mayor said there was a legal provision for it and he would let him know at the next meeting. Mr. Gaujot said that he thought it was the oldest Council at Large member.

Councilman Casebolt said that if we were going to be involved in the Governor's Youth Program (P.I.C.), we should notify the schools.

Mayor Karnes commented that he received a note from a person unknown (the letter was unsigned) that copies of the Kanawha Valley Leader from 1945 through 1979 were donated to Nitro some years ago. Mayor Karnes said that he has discovered papers from years 1945 through 1958, and they are at the Kanawha County Library, but they are the property of Nitro and we will get them back.

Bob Sergent informed that letters notifying property owners to cut the high grass and weeds on their property will start going out Monday.

Councilman Atkins stated that it has been a year now, and 11th Street still hasn't been cleaned up. Mr. Sergent informed that this was out for bids now.

Councilman at Large Rusty Casto moved the meeting be adjourned. The motion was seconded. A vote was taken, it was unanimous and the meeting was adjourned at 9:22 p.m.



DON KARNES, MAYOR

AN ORDINANCE TO AMEND SECTION 2-42 OF THE
ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA,
WHICH SECTION IS TITLED, FUNERAL LEAVE BY
ADDING "GRANDPARENT OF EMPLOYEE OR EMPLOYEE'S SPOUSE."

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

WHEREAS, it is the desire of the City of Nitro to amend
Section 2-42 of the ordinances of the City of Nitro, West
Virginia, which section is titled, Funeral Leave by adding
"grandparent of employee or employee's spouse."

NOW, THEREFORE, BE IT ORDAINED by the City Council of the
City of Nitro, West Virginia:

Sec. 2-42. Funeral leave.

In the event of death of the father, mother, brother,
sister, spouse, child, father-in-law, mother-in-law, or
grandparent of an employee or employee's spouse, or legal
guardians of employee or spouse with one or more years of
service, an employee shall receive, upon request, up to a maximum
of three calendar days off without loss of straight time earnings
during the period beginning with the day of the death and ending
at 8:00 a.m. the day following the funeral for the purpose of
attending the funeral. The city may require the employee to
furnish satisfactory proof of the death. Calendar days shall be
defined for purposes of this section as scheduled eight hour
shifts.

First reading: 18th day of April, 1989.

Second reading: 16th day of May, 1989.

Don Karnes
Don G. Karnes, Mayor

John "Jack" Hill, Recorder



DON KARNES
MAYOR

RESOLUTION 89-5

A RESOLUTION COMMEMORATING POLICE
WEEK - MAY 14 THROUGH MAY 20, 1989

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

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

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

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

NOW, THEREFORE, I, Don Karnes, do hereby call upon all patriotic, civic, and educational organizations to observe the week of May 14 through May 20, 1989, as Police Week, with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I Further call upon all citizens of Nitro to observe Monday, May 15, 1989 as "Police Officers Memorial Day" in honor of those peace officers who, through their courageous deeds have lost their lives or have become disabled in the performance of duty.

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

Done at the City of Nitro to be affixed this 16th day of May, 1989.


DON KARNES, MAYOR

COUNCIL MEETING MINUTES

JUNE 6, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:32 p.m. Present were Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 16, 1989 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved the Council Meeting Minutes of May 16, 1989 be approved, but wanted to point out three errors as follows: On page 1, in paragraph 1, the "at Large" should be in front of the name of Councilman at Large David Casebolt, on page 6, in the next to the last paragraph the word "home" should be replaced with "coal" and on page 7, regarding the question by Councilman at Large Rusty Casto as to the person that would chair the meetings in the event the Mayor was unable to attend, it should be clarified that Mr. Gaujot said that he thought it was the oldest Council at Large member in terms of service on the Council. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - FIRE CHIEF: - Mayor Karnes said that we ordered, we received and an exam was given to all qualified firemen for Fire Chief. After the results were received, names were submitted, and Sgt. Stephen Hardman made the highest score on the exam. Councilman Jim Hutchinson moved Stephen Hardman be appointed Chief of the Nitro Fire Department. The motion was seconded. A vote was taken and it was unanimously approved.

Mayor Karnes appointed Stephen Hardman, former Sergeant of the Nitro Fire Department as Fire Chief of the City of Nitro as he pinned the Fire Chief Shield on Chief Steve Hardman's uniform. Congratulations and a big round of applause were given to Chief Hardman.

Councilman at Large Olaf Walker said that he too would like to offer his congratulations to Steve, and would like to offer any help, cooperation or assistance that we can give him to turn the fire department around so that we can accomplish some things as suggested by Chief Hardman. Another round of applause was given to Chief Hardman.

Mayor Karnes announced that we received a check today for reimbursement for expenses incurred in the evacuation process in October, 1988. The check was in the amount of \$1,669.36.

AGENDA ITEM NO. 3 - PROCLAMATION 89-1 - NATIONAL FLAG DAY: - Mayor Karnes said that the City of Nitro has been asked to join the President and others in the Tenth Annual PAUSE FOR THE PLEDGE

OF ALLEGIANCE on June 14, 1989, and proclaim June 14, 1989 as Flag Day in the City of Nitro. Councilman at Large Rusty Casto moved we accept Proclamation 89-1. The motion was seconded. A vote was taken and it was unanimously approved.

COPY OF PROCLAMATION 89-1 ATTACHED.

AGENDA ITEM NO. 4 - SOLICITATION REQUEST - LETTER CARRIERS: Mayor Karnes furnished members of Council a copy of the request from the National Association of Letter Carriers Auxiliary #395 of NALC #531 to solicit items from merchants for an auction scheduled for June 30, 1989 for the St. Albans Town Fair. Mike Morris said he contacted Colene Heim, Secretary of the Association to ask what the Letter Carriers Auxiliary actually was. She explained that it was an auxiliary such as the fire and police auxiliary, and that the Letter Carriers Auxiliary was for the postmen that deliver letters. She said that a percentage of the money raised would go towards lights at the St. Albans amphitheater, a percentage would go to send some of their members to the National Convention of Letter Carriers and a percentage would go to the Muscular Dystrophy Foundation. He said that she stated that this is the first time they have undertaken something like this in the Kanawha Valley. After a brief discussion, Councilman at Large Rusty Casto moved that we grant their request, advise them that we are raising money for Christmas lights, and if they have extra money in the future we would appreciate their support. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - ORD. 89-4 - ADOPTION OF BUILDING CODE (BOCA): - Mayor Karnes said that this would constitute the second reading of Ordinance 89-4. Councilman at Large Rusty Casto moved the reading of the ordinance in its entirety be waived. The motion was seconded. A vote was taken and it was unanimous. Mayor Karnes read the title, and Councilman at Large Olaf Walker moved we adopt the above referenced ordinance. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 89-4 ATTACHED.

AGENDA ITEM NO. 6 - ORD. 89-5 - FIKE/ARTEL, RT. 25/9 ANNEXATION VISCOSE ROAD/PLANT ROAD (2ND READING): - Councilman at Large Olaf Walker moved that the Mayor dispense with reading the entire ordinance and just read the title. The motion was seconded. A vote was taken and it was unanimous. Mayor Karnes read the title, and Councilman at Large Olaf Walker moved the ordinance be adopted on the second reading. The motion was seconded. A vote was taken and it was unanimously approved.

Mr. Gaujot advised that he had filed a petition with Kanawha County, and the hearing has been scheduled for June 29. He said that he has prepared a petition also for Putnam County. He said that he knew we had to file in Kanawha County, but it's a

question as to whether we also have to file in Putnam County. Mr. Gaujot said that he was of the opinion that we didn't have to, but wasn't sure. He said that the land is in both counties, but the largest portion is in Kanawha County. The law says that you bring the petition in the county in which the City is in or the largest portion of the territory to be taken in.

ORDINANCE 89-5 ATTACHED.

AGENDA ITEM NO. 7 - ORD. 89-6 PAR INDUSTRIAL PARK, RIVER ANNEXATION PUTNAM COUNTY (2ND READING): - Councilman at Large Olaf Walker moved that the Mayor dispense reading the ordinance in its entirety and read the title only. The motion was seconded. A vote was taken and it was unanimous. Mayor Karnes read the title, and Councilman at Large David Casebolt moved we adopt Ordinance 89-6. The motion was seconded. A vote was taken and it was unanimously approved.

ORDINANCE 89-6 ATTACHED.

AGENDA ITEM NO. 8 - ORD. 89-7 CARRIAGE WAY - RT. 62 ANNEXATION (2ND READING): - Councilman at Large David Casebolt moved that the Mayor dispense reading the entire ordinance and read only the title. The motion was seconded. A vote was taken and it was unanimous. Mayor Karnes read the title, and Councilman at Large David Casebolt moved we adopt Ordinance 89-7. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 89-7 ATTACHED.

AGENDA ITEM NO. 9 - ZONING BOARD OF APPEALS MEETING MINUTES: Mayor Karnes said that members of Council were furnished a copy of the Zoning Board of Appeals Meeting Minutes of May 18, at which meeting three variance requests were granted. There was a discussion regarding the establishment of a towing and wrecker service at 493 1st Avenue.

COPY OF THE ZONING BOARD OF APPEALS MEETING MINUTES ATTACHED.

AGENDA ITEM NO. 10 - COUNCIL MEETINGS (6-20 & 7-4-89): - Mayor Karnes said that the next two scheduled Council Meeting dates are holidays, and asked Council if they would like the dates changed. After a short discussion, Councilman at Large Rusty Casto moved the next Council Meeting be held on June 27, and eliminate the regular scheduled meetings on June 20, and July 4. The motion was seconded. After a short discussion, Mr. Gaujot said that he would check the legality of this. A vote was taken to move the June 20th meeting to the 27th, and waive the July 4, meeting pending approval by legal counsel, and it passed with Councilman at Large David Casebolt abstaining.

AGENDA ITEM NO. 11 - CITY HALL ROOF: - Mayor Karnes asked Councilman at Large Olaf Walker if he would report on the meeting of the Roofing Committee. Councilman at Large Olaf Walker

reported the Committee met and after a long discussion, the Committee recommended that the firm of Harris Brothers Roofing be contacted and contracted to repair the roof. Councilman at Large David Casebolt moved we accept the recommendation of the Committee to accept the bid from Harris Brothers Roofing for the roof repair. The motion was seconded. After a discussion, a vote was taken and it was unanimous.

Mayor Karnes said that he wanted to point out that the bids included implied warranties, etc. which states "If a manufactures ten year roof warranty is required, add the sum of \$570.00". Mayor Karnes explained that all the bidders did not state \$570.00, but all had an added on charge if a 10 year warranty was desired. After a discussion, a comment was made that we might be able to obtain our own policy. Also, we should ascertain what type of warranty we have stated in the contract which will be reviewed by the City Attorney Phillip Gaujot.

Mayor Karnes reported that due to the rainy weather, we are behind on cutting the grass and weeds, but by the end of this week we hope to have all of this caught up all over town, if weather permits.

Mayor Karnes said that on June 6, Gene Williams filled some potholes in the section of 23rd and 24th Street, and plans to work on others June 8.

Mayor Karnes reminded everyone of the Fishing Derby scheduled for June 10, at Ridenour Lake.

Councilman George Atkins said that he has been receiving calls regarding the street sweeper. Mayor Karnes informed that the Department of Public Works have repaired and painted the sweeper and it is about ready to be put into service.

Councilwoman Betty Boggess said that she was concerned with the high weeds and grass on 8th Street, but she noticed that Mr. Sergent has sent letters.

Councilman Robert Young said that there was an empty lot at 112 Brookhaven that needs mowed.

Councilman at Large David Casebolt said that once we receive the information on the youth program, he would like to know.

Councilman at Large Rusty Casto said that he has thoroughly enjoyed working with the Mayor and Council this past year.

There being no further business, Councilman Jim Hutchinson moved the meeting be adjourned. The motion was seconded. A vote was taken, it was unanimous and the meeting adjourned at 8:36 p.m.


DON KARNES, MAYOR



DON KARNES
MAYOR

PROCLAMATION 89-1

NATIONAL FLAG DAY - JUNE 14, 1989

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 President of the United States at the National Ceremony held in Baltimore, Maryland on June 14, 1985, led the Pledge of Allegiance; and

WHEREAS, the year 1989 will be dedicated to the commemoration of the Bicentennial of the United States Congress; 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, Don Karnes, Mayor of the City of Nitro, do hereby proclaim June 14, 1989 as Flag Day in Nitro, West Virginia, and urge all citizens Nitro to pause at 7:00 P. M. EDT on this date for the tenth annual PAUSE FOR THE PLEDGE and recite with all Americans the Pledge of Allegiance to our Flag and Nation.


DON KARNES, MAYOR

ORDINANCE NO. 89-4

AN ORDINANCE TO ADOPT THE STATE BUILDING CODE RELATING TO INSPECTION ACTIVITIES OF THE CITY OF NITRO AND ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED IN SAID CODES .

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

WHEREAS, it is the desire of the City of Nitro to adopt, in all respects, the state building code relating to minimum building and housing standards; and

WHEREAS, the adoption of this code is done to facilitate proper inspection activities relating to construction and maintenance of buildings within the jurisdiction of said City of Nitro and relating to public safety, health, and well-being.

WHEREFORE, be it ORDAINED by the City Council of the City of Nitro, West Virginia, that the following state codes are hereby adopted by reference as though they were copied herein fully: Section 13, Article 12, Chapter 8, of the West Virginia Code of 1931, as amended; and the State Building Code as provided for in Section 5b, Article 3, Chapter 29, of the West Virginia Code of 1931, as amended.

Passed on First Reading

May 16, 1989

Adopted on Second Reading

June 6, 1989

Don Kram
Mayor

City Recorder

TITLE 87
LEGISLATIVE RULES
STATE FIRE COMMISSION
SERIES 4
STATE BUILDING CODE

87-4-1 GENERAL

1.1 Scope: These rules and regulations establish the rules and regulations considered necessary by the State Fire Commission for the safeguarding of life and property and to ensure the quality of construction of all structures erected or renovated throughout this state.

1.2 Authority: West Virginia State Code 29-3-5b.

1.3 Filing Date: April 28, 1989

1.4 Effective Date: April 28, 1989

1.5 Incorporation of other Documents: This rule does not include a reprinting of all the requirements imposed by statute or by the incorporation of various nationally recognized standards and codes cited in Section 4.1 of these rules and regulations. For ascertaining these additional standards and requirements, it is necessary to make reference to the other documents.

87-4-2 DEFINITIONS

2.1 Building code, includes all aspects of safe building construction and mechanical operations and all safety aspects related thereto.

2.2 Fire marshal, means the West Virginia State Fire Marshal and/or his designated representatives.

2.3 Fire Commission, means the eleven (11) appointed members of the West Virginia State Fire Commission.

2.4 Local jurisdiction, means municipal or county level government.

2.5 State Building Code, means the entire contents of this rule and the referenced national codes.

2.6 BOCA refers to the "Building Officials & Code Administrators International", 4051 Flossmoor Road, Country Club Hills, Illinois, 60477-5795.

State Fire Commission
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Series 4

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2.7 CABO refers to the "Council of American Building Officials", 5203 Leesburg Pike, Suite 708, Falls Church, Virginia, 22041.

87-4-3 CONFLICTS

3.1 Whenever there arises a conflict between the "state fire code" and the "state building code", the "state fire code" shall take precedence.

3.2 Whenever there arises a conflict between the BOCA National Plumbing Code section of the "state building code" and the rules of the West Virginia State Board of Health, the rules of the Board of Health shall take precedence.

3.3 Whenever there arises a conflict between the "state building code" and statutory laws of the State of West Virginia, the West Virginia State Code shall take precedence.

87-4-4 NATIONAL STANDARDS AND CODES

4.1 The standards and requirements as set out and as published by the Building Officials & Code Administrators International and the Council of American Building Officials, as listed below, shall have the same force and effect as if set out verbatim in this rule:

The BOCA National Building Code,
Tenth Edition, 1987

The BOCA National Plumbing Code,
Seventh Edition, 1987

The BOCA National Mechanical Code,
Sixth Edition, 1987

The BOCA National Existing Structures Code,
Second Edition, 1987

The BOCA National Energy Conservation Code
Fifth Edition, 1987

The CABO One- and Two-Family Dwelling Code
1986 Edition

4.2 A copy of the said respective codes as listed in Section 4.1 of this rule have been filed with the Secretary of State. These code books, collectively or separately, may be obtained by

contacting the Building Officials & Code Administrators International, 4051 West Flossmoor Road, Country Club Hills, Illinois 60477-5795, telephone 312/700-2300; OR BOCA International Regional Offices, 3592 Corporate Drive, Suite 107, Columbus, Ohio 43229, telephone 614/890-1064.

87-4-5 ADOPTION BY LOCAL JURISDICTION

5.1 Each county or municipality intending to adopt the State Building Code shall notify the State Fire Commission of its intent in writing along with a copy of the local ordinance. Said documents shall be forwarded to the State Fire Administrator, West Virginia State Fire Commission, State Capitol Building, Room EB-64, Charleston, West Virginia 25305, within thirty (30) days of the adoption.

5.2 Each county or municipality which adopts the State Building Code shall have responsibility for the enforcement of the building code as provided in West Virginia Code 7-1-3n and 8-12-13.

87-4-6 EXISTING BUILDING CODES

6.1 All building codes which have been adopted by local jurisdictions prior to the passage of West Virginia Code 29-3-5b, shall be null and void one year following the effective date of the State Building Code.

87-4-7 SEVERABILITY

7.1 The sections and subsections of these rules and regulations shall be deemed severable. Should any section or subsection be deemed by judicial opinion unconstitutional or in any manner contrary to the laws of the State of West Virginia, then such opinion or enactment shall invalidate only that particular section or subsection of these rules and regulations and all other sections shall remain in full force and effect: Provided, that such remaining portions are not determined to be inseparable, and to this end these rules and regulations are declared separable.

ORDINANCE NO. 89-5

AN ORDINANCE TO ANNEX A CONTIGUOUS UNINCORPORATED TERRITORY TO AND BECOME PART OF THE CITY OF NITRO, A MUNICIPAL CORPORATION, KANAWHA AND PUTNAM COUNTIES, 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, the City Council of the City of Nitro deems it appropriate to annex the hereinafter described contiguous unincorporated territory to and become part of the City of Nitro, a municipal corporation, Kanawha and Putnam Counties, 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 and Putnam Counties, West Virginia; and

WHEREAS, the area of proposed annexation is contiguous with the City of Nitro, West Virginia; 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 this Ordinance; and

WHEREAS, the City Council of the City of Nitro has determined that the annexation is proper by Ordinance; and

WHEREAS, the City Council of the City of Nitro, 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 City Council of the City of Nitro deems it appropriate to annex the hereinafter described contiguous unincorporated territory to and become part of the City of Nitro, a municipal corporation, Kanawha and Putnam Counties, West Virginia.

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 and Putnam Counties, 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 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.

6. 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.

7. The area and/or territory situate and lying adjacent to the City of Nitro, West Virginia, containing 14.4 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 16, 1989

Adopted on Second Reading

June 6, 1989



Mayor

City Recorder

FIKE CHEMICALS ANNEXATIONANDROUTE 25/9 ANNEXATIONVISCOSE ROAD/PLANT ROADPUTNAM COUNTY

Situate in Pocatalico District, Putnam County, and Union District, Kanawha County, West Virginia, and being more particularly described as follows:

Beginning at a point in the western right-of-way line of Route 25/9 (known as Viscose Road or Plant Road) at its intersection with the dividing line between Kanawha and Putnam Counties and in the line of the Sattes, River and Westerly Area Annexation of 1958 (Book 6, Page 209);

thence, leaving said dividing line and Annexation of 1958 and running with the western line of said Route N13°38'E, 279.83 feet; N11°52'E, 846.68 feet; N30°49'E, 98.59 feet; N44°17'E, 152.96 feet; and N42°15'E, 142.22 feet to a point in the Par Industrial Park Annexation of 1983 (Book 19, Page 81);

thence, with said Annexation of 1983 line, S73°32'E, 11.11 feet; S42°15'W, 147.23 feet; S44°17'W, 151.96 feet; S30°49'W, 95.74 feet; S11°52'W, 845.16 feet; and crossing Route 25/9, S76°11'E, 40.00 feet to a point in the eastern line of said Route 25/9 at its intersection with the dividing line of Kanawha and Putnam Counties and in the northern line of a 50 foot roadway reservation which northern line runs in an easterly direction with said dividing line; said point also being at the southwest

corner of a 3.57 Acre parcel owned by West Virginia Spring and Radiator Company, as recorded in Deed Book 292 at Page 154 in the Office of the Clerk of Putnam County;

thence, running with the line of said 3.57 Acre parcel and the said dividing line of Kanawha and Putnam County, three courses; S76°11'E, 363.57 feet; N74°17'E, 313.56 feet; and N13°50'E, 281.03 feet leaving the 3.57 Acre tract at 123.03 feet and running with a tract of land owned by Dana Container, Inc., as recorded in the Office of the Clerk of Putnam County in Deed Book 301, Page 191;

thence, leaving the said counties dividing line and continuing with the Dana Container tracts and western line of said roadway N13°50'E, 714.76 feet to the southern line of a 50 foot roadway reservation;

thence, with said roadway southern line and further along Dana Container Tracts, and a 0.928 Acre Tract owned by C.S.T., Inc., as recorded in the Office of the Putnam County Clerk in Deed Book 270, Page 263, N76°13'W, 470.05 feet to a point in the southeastern line of said Route 25/9, said point also being the northern most corner of said 0.928 Acre parcel of C.S.T., Inc.;

thence, along the southeastern line of said Route 25/9 and diagonally across said 50 foot roadway reservation, N42°32'E, 57.03 feet to the northern line of said roadway reservation;

thence, along the northern line of said roadway reservation S76°13'E, 492.61 feet to a point in the eastern line of said roadway reservation;

thence, along the eastern line of said 50 foot road reservation S13°50'W, 290.10 feet, to a point;

thence, leaving said 50 foot roadway reservation and going S76°13'E, 270.75 feet along a 2.13 Acre tract of land owned by VIMASCO Corp., said tract being recorded in the Office of the Clerk of Putnam County in Deed Book 106, Page 4;

thence, along a 0.58 Acre tract of land owned by VIMASCO, said tract being recorded in the Clerk of Putnam County in Deed Book 140, Page 299, S13°50'E, 65.66 feet and S76°10'E, 168.25 feet to a point in the western right-of-way line of Consolidated Rail Corporation, said point being 20.00 feet by rectangular measurement from the centerline of said railroad's sidetrack #4699;

thence, with the said railroad right-of-way line S9°54'E, 93.16 feet; S3°58'E, 91.89 feet; S1°26'W, 160.91 feet to a point in the dividing line between the said Putnam and Kanawha Counties;

thence, crossing said Counties dividing line and continuing with said railroad right-of-way S1°19'W, 200.00 feet;

thence, further with said right-of-way on a curve to the right with the following chords S8°10'W, 81.84 feet; S15°53'W, 75.00 feet; S27°15'W, 100.00 feet; S39°55'W, 100.00 feet; S51°19'W, 100.00 feet; S63°20'W, 50.00 feet; S74°19'W, 50.00 feet and S86°43'W, 49.57 feet;

thence, further with said railroad right-of-way on a tangent S89°29'W, 122.47 feet;

thence, further with said right-of-way on a curve to the left with a chord of S86°19'W, 75.00 feet to a point, in said right-of-way line, to a common corner with a 4.06 Acre tract owned by T.R. and C. L. Halloran as recorded in Kanawha County Courthouse in Deed Book 1890, Page 704;

thence, leaving said right-of-way line and with said Halloran tract, N7°05'W, 56.29 feet; N13°50'E, 581.06 feet; and N76°10'W, 121.01 feet to the east line of 50 foot roadway reservation;

thence, further with the Halloran tract and with the east line of said 50 foot roadway reservation S13°50'W, 280.15 feet and S74°17'W, 355.88 feet (leaving the Halloran tract at 268.14 feet);

thence, with the south line of said road reservation and with the line of a 2.12 Acre tract owned by A. L. King, N76°11'W, 376.75 feet to the eastern line of Route 25/9, and the dividing line of Kanawha and Putnam Counties;

thence, with said dividing line and the eastern line of said Route, S13°38'W, 230.32 feet to a point in the line of the aforementioned Sattes, River and Westerly Area Annexation of 1958;

thence, crossing said Route 25/9 along said Annexation of 1958 line, N75°50'W, 50.00 feet to the point of beginning containing 14.4 Acres, more or less.

ORDINANCE NO. 89-6

AN ORDINANCE TO ANNEX A CONTIGUOUS UNINCORPORATED TERRITORY TO AND BECOME PART OF THE CITY OF NITRO, A MUNICIPAL CORPORATION, PUTNAM 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, the City Council of the City of Nitro deems it appropriate to annex the hereinafter described contiguous unincorporated territory to and become part of the City of Nitro, a municipal corporation, Putnam 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 Putnam County, West Virginia; and

WHEREAS, the area of proposed annexation is contiguous with the City of Nitro, West Virginia; 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 this Ordinance; and

WHEREAS, the City Council of the City of Nitro has determined that the annexation is proper by Ordinance; and

WHEREAS, the City Council of the City of Nitro, 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 City Council of the City of Nitro deems it appropriate to annex the hereinafter described contiguous unincorporated territory to and become part of the City of Nitro, a municipal corporation, Putnam County, West Virginia.

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 Putnam 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 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.

6. 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.

7. The area and/or territory situate and lying adjacent to the City of Nitro, West Virginia, containing 25 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 16, 1989

Adopted on Second Reading

June 6, 1989

Don Karner

Mayor

City Recorder

PAR INDUSTRIAL PARKRIVER ANNEXATIONPUTNAM COUNTY

Situate in Pocatalico District, Putnam County, West Virginia, and being more particularly described as follows:

Beginning at a point in the Kanawha River at the old Normal Pool stage at elevation 546.4 feet (Sandy Hook Datum) at a point located S23°45'W, a distance of 21.72 feet from the northwest corner of the first tract (6.23 Acres) conveyed by Nitro Industrial Corporation to American Viscose Corporation and said point being the northwest corner of the Par Industrial Park Annexation of 1983 (Book 19, Page 81);

thence, running in a southerly direction with the line of said Annexation and up the Kanawha River with its meanders at said elevation, a distance of approximately 2,200 feet, more or less, to the southwest corner of said annexation;

thence, leaving said annexation and running N73°32'W, a distance of approximately 500 feet, more or less, to the center of the Kanawha River;

thence, running in a northerly direction down the Kanawha River with the meanders of its centerline, approximately 2,200 feet, more or less;

thence, running S66°15'E approximately 500 feet, more or less, to the point of beginning, and containing 25 Acres, more or less.

ORDINANCE NO. 89-7

AN ORDINANCE TO ANNEX A CONTIGUOUS UNINCORPORATED TERRITORY TO AND BECOME PART OF THE CITY OF NITRO, A MUNICIPAL CORPORATION, KANAWHA AND PUTNAM COUNTIES, 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, the City Council of the City of Nitro deems it appropriate to annex the hereinafter described contiguous unincorporated territory to and become part of the City of Nitro, a municipal corporation, Kanawha and Putnam Counties, 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 and Putnam Counties, West Virginia; and

WHEREAS, the area of proposed annexation is contiguous with the City of Nitro, West Virginia; and

WHEREAS, the City of Nitro has determined the number of eligible petitioners in the territory; and

WHEREAS, the City Council of the City of Nitro has determined that the annexation is proper by Ordinance; and

WHEREAS, the City Council of the City of Nitro, 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 City Council of the City of Nitro deems it appropriate to annex the hereinafter described contiguous unincorporated territory to and become part of the City of Nitro, a municipal corporation, Kanawha and Putnam Counties, West Virginia.

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 and Putnam Counties, 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 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.

6. 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.

7. The area and/or territory situate and lying adjacent to the City of Nitro, West Virginia, containing 3.7 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 16, 1989

Adopted on Second Reading

June 6, 1989



Mayor

City Recorder

CARRIAGE WAYROUTE 62 ANNEXATIONKANAWHA AND PUTNAM COUNTIES

Situate in Union District, Kanawha County, and Pocatalico District, Putnam County, West Virginia, and being more particularly described as follows:

Beginning in Union District, Kanawha County at a concrete monument in the eastern right-of-way line of West Virginia State Route 62 (old U.S. Route 35) and being the northwestern corner of the Brookhaven Land and Development Company and in the line of the Brookhaven Annexation of 1967 (Book 10, Page 1) and the Carriage Way Annexation of 1982 (Book 19, Page 78);

thence, along the said Annexation of 1982 and the eastern right-of-way of said route in a northerly direction approximately 1,700 feet to a point in the dividing line between Kanawha and Putnam Counties;

thence, continuing in Pocatalico District of Putnam County along the said Annexation of 1982 and the eastern right-of-way of said route in a northerly direction approximately 2,500 feet to a point where said Annexation of 1982 leaves said right-of-way;

thence, leaving the Annexation of 1982 line and crossing Route 62, approximately 40 feet to the western right-of-way line of said route;

thence, with said western line in a southerly direction, approximately 2,500 feet to a point in the dividing line between Kanawha and Putnam Counties;

thence, with said dividing line and said western right-of-way line approximately 500 feet;

thence, leaving said counties dividing line and with said western right-of-way line in a southerly direction, approximately 1,200 feet to a point in the line of the Annexation of 1967;

thence, with said Annexation of 1967 line and crossing said route approximately 40 feet to the point of beginning and containing 3.7 Acres, more or less.



DON KARNES
MAYOR

ZONING BOARD OF APPEALS MEETING MINUTES

MAY 18, 1989

The Zoning Board of Appeals Meeting was called to order by Herbert S. Sibley, Chairman at 7:05 p.m. in Council Chambers. Present were Board Members Bill Murray and Rev. Wade Austin. Also present were Peter C. Copley, his wife and attorney, Mr. McCormick, Claude Bowling and wife, and Mr. & Mrs. Friend.


The meeting, which was properly advertised, was to consider variance requests as follows:

Copley, Peter C. - Establish a towing and wrecker service on property now owned by E. B. Gunter and Gary Harmon at 493 1st Avenue.

Bowling, Claude - Open a residential board and care home facility on property located at 2303 23rd Street.

Friend, Ruth C. - 203 Hickory St. - Construct a 8'x16' front porch which would be closer than 20' to the property line.

After a discussion by Board Members and reviewing photographs taken by Mr. Sibley of the above properties, and no protests received, a vote was taken and all three requests were unanimously approved.


HERBERT S. SIBLEY, CHAIRMAN

CITY OF NITRO
COUNCIL MEETING MINUTES

7
JUNE 23, 1989

The meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:35 p.m. Present were Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilwoman Betty Jo Boggess and Councilman George Atkins. Also present was City Treasurer Ralph Allison. Absent were Councilman at Large David Casebolt, Councilman Robert Young, Councilman Jim Hutchinson and City Attorney Phillip D. Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 6, 1989 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the Council Meeting Minutes of June 6, 1989 be approved. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Olaf Walker asked if Mr. Gaujot had checked on the requirement of Council to have two Council Meetings in July. Mayor Karnes said that he thought it was a requirement. He said at the last meeting Council delayed the second regular scheduled meeting in June because of a holiday, and at the same meeting voted unanimously to skip the meeting scheduled for July 4. Mayor Karnes informed that the the way our City Ordinances read states that we shall have meetings on the 1st and 3rd Tuesday of each month. However, if those dates fall upon a holiday, Council may fix another date. It does not say we can't skip a meeting, but it says choose another date which indicates that we are suppose to have two meetings a month, which probably should be scheduled at this meeting.

Mayor Karnes furnished members of Council a list of activities taking place during Nitro's 2nd Annual 4th of July Celebration beginning Thursday, June 29, at 7:00 p.m. and concluding with a gospel sing on Sunday at 1:00 p.m.

Mayor Karnes reported that there was a Public Hearing on June 19, regarding grants to replace or repair the bridge on 31st Street, and to finish paving the lower section of the City. (The same area was earmarked in our earlier grant.) Councilman at Large Rusty Casto moved the minutes of the Public Hearing meeting be made a part of the Council Meeting minutes. The motion was seconded. A vote was taken and it was unanimously approved.

COPY OF PUBLIC HEARING MEETING MINUTES ATTACHED.

Mayor Karnes informed that another Public Hearing on the grants is scheduled for July 18, 1989 at 7:00 p.m. prior to our regular scheduled Council Meeting.

Mayor Karnes advised that the Little League must have permission of Council for their parade scheduled for 9:00 a.m. Saturday. Councilman at Large Rusty Casto moved we give the Little League permission to hold their parade Saturday. The motion was seconded. A vote was taken and it was unanimously approved. Mayor Karnes mentioned that all members of Council were invited to participate in this parade.

Mayor Karnes mentioned that our Building Inspector Bob Sergent was chosen as a member of the State Licensing Board. Mayor Karnes said the tasks of the Board will be to write and recommend the rules for electrical inspections statewide. Mr. Sergent was the only Building Inspector selected to serve on this Board, and feels this is a well deserving honor.

Mayor Karnes said Chief Cochran took a ride around town today with some people from the State Road Commission, and asked him if he would share the information he received from the highways department. Chief Cochran said he talked with a representative from the Department of Highways and they drove to Main Avenue. The Department of Highways will be stripping a center line on Main Avenue to Lock Street. However, the lane was too narrow to have a turn and straight through lane. Chief Cochran said it would probably be done the first of the week or after July 4.

Mayor Karnes said that he has talked with several citizens interested in the position of City Recorder, and most of them were well qualified. He said that this leaves him in a position to make a choice from a lot of good candidates. Mayor Karnes said that he offered the job to Jack Hill's wife, Juanita. He said that after giving her probably 4 to 5 weeks to contemplate accepting the position, she declined as it would be too difficult working in an environment with everyday reminders of Jack. Mayor Karnes said that after reviewing the resumes submitted and after much consideration he would like to appoint Doris Carrier, a lifetime resident of Nitro, City Recorder. Councilman at Large Olaf Walker moved that the recommendation made by Mayor Karnes that Doris G. Carrier be appointed as the City Recorder be adopted. The motion was seconded. Councilman at Large Olaf Walker said that he was sure the Mayor advised her that this was a full time job, and Mayor Karnes said as mentioned by Councilman at Large Casto, it is a 40 to 50 hour a week job. After a short discussion, a vote was taken and the motion passed with Councilman George Atkins abstaining. Those voting in favor of the motion were Mayor Karnes, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker and Councilwoman Betty Jo Boggess.

Councilman George Atkins said that he thought when the swimming pool arrangements were discussed, the members of Council would be furnished a financial report each month. Councilman at Large Olaf Walker agreed. Mayor Karnes said that he would get the information for Council at the next meeting.

COUNCIL MEETING DATE: - After a short discussion, Councilman at Large Rusty Casto moved that the next Council Meeting be scheduled for Wednesday, July 5, at 7:30 p.m. The motion was seconded. A vote was taken and it was unanimously approved.

Councilman George Atkins said that swimming lessons at the pool are being conducted by the YMCA, and there is a charge from \$14.00 to \$20.00 per person plus the use of the pool. The Red Cross gives swimming lessons free. The only charge would be for the use of the pool. Councilman Atkins said that he couldn't understand why we are, more or less, catering to the YMCA. Mayor Karnes said that Jay Long didn't know about the Red Cross when he made the commitment. YMCA have been giving swimming lessons at the pool in the past. Councilman at Large Rusty Casto said it was also costing us money because we are not able to have pool parties except on Saturday nights. He said he thought we should also sell pool passes at the pool. Mayor Karnes said it was his suggestion that we only sell passes at City Hall, and this was for bookkeeping purposes. Councilman at Large Olaf Walker said that he agrees with the Mayor on this matter. Councilwoman Betty Jo Boggess said that she was asked if there would be an adult swimming night this year, and Mayor Karnes informed this would begin the first Thursday evening in July, and he announced this to the seniors at the Nutrition Site in hopes of a large turnout.

Councilman George Atkins said that he would like for the Mayor and Council to create some activities for the senior citizens in Nitro. Councilman Atkins said that there will be another meeting at the Senior's Complex and invited the Mayor to attend. He said he would advise him of the date of the meeting. He said they were trying to generate some activities in Nitro for senior citizens. He said they have formed a committee and are hoping to find a piece of property in Nitro that they can purchase cheap or have donated to them for the senior citizens. Councilman Atkins said he would try to have a representative present for the second council meeting in July to present ideas and information.

Mayor Karnes mentioned that Leo Boggess, Councilwoman Boggess's husband, volunteered to contribute a bucket of pennies for the penny scramble for the children at the park on Saturday.

Councilman at Large Olaf Walker said that every year we have always had a resolution calling the attention to "Flag Day". He said that in light of the recent Supreme Court decision on the desecration of the flag, he would like to see Council, if it be their will, to have Mr. Gaujot write a resolution and present to Council to admonish the Supreme Court for this particular decision, and recommend to our Congressional Delegation that they support legislation that would make the abuse or desecration of the flag a crime. He said he would also like for the Mayor to

PUBLIC HEARING

JUNE 19, 1989

The Public Hearing was called to order by Mayor Don Karnes in Nitro City Hall at 7:05 p.m. Present were Councilman Robert Young, Councilwoman Betty Jo Boggess and Councilman Jim Hutchinson.

The purpose of the meeting was to consider an application for HUD Community Development Block Grant funds administered by the State of WV, and to obtain views and comments of City residents on community development and housing needs, as well as the needs of low and moderate income persons. Copy of advertisement as follows:

6/12/89 **PUBLIC NOTICE** *TWIN CITY PRESS*

The City of Nitro is considering an application for HUD Community Development Block Grant funds administered by the State of West Virginia. The City will conduct a public hearing to obtain views and comments of City residents on community development and housing needs as well as the needs of low- and moderate-income persons. The City will consider these views and comments when it submits its block grant proposal to the State of West Virginia.

The public hearing is scheduled for Monday, June 19 at 7:00 p.m. at the Nitro City Hall. Citizens are urged to attend this meeting and express their views or submit written comments by the above date to the **Honorable Don Karnes, Mayor, city of Nitro, P.O. Box 308, Nitro, WV 25143.**

After a brief discussion, Councilman Hutchinson suggested we apply for the grants to be used for paving and major bridge repairs. Those present agreed.

There being no further comments, the meeting was adjourned.

Don Karnes
DON KARNES, MAYOR

CITY OF NITRO
COUNCIL MEETING MINUTES

JULY 5, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:35 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was Councilman Robert Young.

Mayor Karnes welcomed the guests.

The invocation was given by the Recreation Director Jay Long.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 27, 1989 COUNCIL MEETING MINUTES: - Mayor Karnes pointed out an error on the last page which stated that Mr. Lee Hebert was Plant Manager of FMC, and it should have been Monsanto. Councilman at Large Olaf Walker said there should be a correction made on page 4 in sentence stating, " Councilman at Large Olaf Walker said that when he is talking about someone else's money and he didn't know what it would amount to, he could not vote on this", changed to "Councilman at Large Olaf Walker said that when he is talking about someone else's money and he didn't know what it would amount to, he could not vote for this". Councilman at Large Olaf Walker moved the minutes be approved as corrected. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - MRS. PAT SAMPSON ON BEHALF OF RESIDENTS OF HILLSIDE DR.: - Mrs. Sampson said that Mr. Sampson would like to address Council. Mr. Sampson said that at an earlier meeting, they brought the attention of the moat to Council when Mr. Jordan was issued a permit for a mobile home sales lot. He said there was a controversy about the zoning, and they mentioned the moat and asked Council's feelings about the water, the drainage going through the moat that was coming off of the hill. Mr. Sampson said that the City approved the permit, and Mr. Jordan hauled rock in by the truck loads, filled in the area and done away with their catch basin. Mr. Sampson said the water previously went to the field, but now it doesn't, causing flooding in some of the resident's basements. He said they knew we have been getting a lot of rain, but this is the first time the storm sewers have backed up, and they have it on film. He stated the water doesn't have anywhere to go; it goes directly to the moat and backs up. He said they didn't feel the moat was adequate. Mr. Sampson said he would like for the City to address this and

let them know what Council thought about it. Mayor Karnes said that he knew there was a problem in this area, which has been there long before Hacks Mobile Home Sales was there, and thinks the City needs to do what they can to cure the problem. Mr. Sampson said that they have talked with their attorney regarding the suit against the City and Hacks, and the attorney informed that he has run into a snag. He said for about a month or more, he has been waiting on an official city map from Mr. Gaujot, but can't get it. After further comments from residents of Hillside Drive, Councilman at Large David Casebolt suggested we have Connie Stevens and Bob Sargent check the area, and try to determine a solution that would be feasible. Mayor Karnes said that the solution would be either more drains or larger drains going under the highway, but it would be a matter of a combination of agencies and money for which we would have to lean on the state for that. A resident requested that consideration be given on putting the water in culverts as suggested, which would do away with the mosquito harbour. After a discussion and comments from residents of Hillside Drive, Mayor Karnes assured the residents he would do what he could to resolve their problem. Mr. Gaujot informed the residents that he spoke with their attorney this morning and he has a copy of a map that he wants us to work with. Mr. Gaujot said the attorney told him that he would furnish him a copy of this map that he wanted to work with, and that he thought he had already mailed it, but as of this date, the map hasn't been received. Mr. Gaujot told the residents that he thinks they have a cause of action. He said that "none of you, including Hack Jordan, or any of us, can do something with our property that causes damage to someone else's property." So, if Mr. Jordan has done something to his property that has caused damage to the property owned by residents of Hillside Dr., and if they can prove it, then they have a perfect court case. A resident said they were in hopes that they could get some cooperation from the City or Mr. Jordan so they wouldn't have to bring suit.

AGENDA ITEM NO. 3 - RES. 89-6 CONDEMNING THE U.S. SUPREME COURT'S DECISION TO ALLOW FLAG BURNING: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker who brought up the issue to this Council adopting a resolution expressing their dissatisfaction of the recent Supreme Court's ruling.

In order to allow time for copies to be made and furnished to members of Council, Councilman at Large Rusty Casto moved we move to Agenda Item No. 4, and then go back to Item No. 3. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - POOL FINANCIAL REPORT: - Mayor Karnes informed that this agenda item pertains to the monthly financial report on the operation of the Nitro City Pool, and called upon the Recreation Director Jay Long to address this issue. Mr. Long pointed out, as indicated on the report, that the total

attendance for the month of June at the pool was 4,359 people in a 23 day period, which averaged 189 people. The total money collected from the daily rate attendance at the pool was \$5,863.50; the total money collected from the sale of family passes was \$5,038.00 and individual passes was \$760.00, totaling \$5,760.00. Revenue received during the month of June was \$11,661.50. Mr. Long said that he would furnish a report showing expenses at the next meeting. He informed that they are using approximately \$100.00 worth of chlorine at the pool per day. For safety reasons, they changed from the gas type chlorine to the liquid. Councilman Atkins asked if we were getting adequate return on the concessions, and Mr. Long said the first check should be received by the end of the week. Councilman Atkins inquired if we would make more money if the City would handle the concessions, and Mr. Long said that he would ask the pool manager, Perry Estep, to address this issue as it might be feasible next year to consider this.

In response to Councilman Atkins's question, Mr. Long said that he would also furnish a report on the amount of funds received from the softball league. Councilman Atkins stated that he spoke with the person cleaning the field area, and he said that there was quite a mess created by the players after each game which took him half a day to clean before he could do his other work. Councilman at Large Rusty Casto said that he would like to go on record of saying that this be the last year for men's softball at the park. Mr. Long said that this is something the Committee will discuss.

Councilman at Large Olaf Walker asked if Mr. Long expected an increase in the attendance at the pool during the next few months, and Mr. Long answered that he did. Councilman at Large Walker said that he noticed that there were 77 passes and 73 free passes which went to employees and their families. Councilman Walker asked if the employees were automatically issued a pass or did they request it, and Mr. Long said they are issued at the cashier's window by request. Councilman at Large Rusty Casto asked if the free passes were just given to fulltime employees or were they given to volunteer firemen, etc. Mayor Karnes said that he thought that in the past, the policy had been that they were issued to volunteers and part time people, but wasn't sure this was the correct procedure. Councilman Casto said that he understood that when this was passed, that it would be for full time City employees only. Councilman at Large Olaf Walker said he feels that members of Council should not receive a free pass as they are not city employees per se. He said that he checked with other cities in the Kanawha Valley and none of them gave free passes except to employees. Councilman Walker commented that he feels Jay Long is off to a good start, but feels the report should be more comprehensive on exactly how much money was received from the passes.

Councilman at Large Rusty Casto said that he requested the City Recorder Doris G. Carrier locate exactly what was passed by Council four or five years ago concerning the free pool passes. He said that it was his understanding that free pool passes would be issued to employees working a minimum of 30 hours a week. Councilman at Large Olaf Walker said that in April, 1986 Council voted to adopt the rates that were in effect in 1983, Ordinance 83-10. He said that in 1987, the amendment to Ordinance 83-10 was passed on July 21, 1987 which gave free admission to children under 6 years old, and raised the adult pass to \$2.00. Council then discussed pool rates on March 15, 1988, but he didn't think there was a discussion regarding pool passes. Councilman at Large David Casebolt said this issue is something we should consider next year.

A resident of Hillside Drive said members of Council were speaking about a few dollars for pool passes, but feels the real trouble is in up the road where people's homes are under water.

Councilman at Large Olaf Walker moved the financial report submitted by the Recreation Director Jay Long be approved. The motion was seconded. A vote was taken and it was unanimous.

A resident of 1821 18th Street said that their house was being flooded, and asked if there was something that could be done before the water got completely in the house. Mayor Karnes said that anytime any resident had any type problem, to call 755-0701 and inform them of the problem. They, in turn, will contact the proper agency dealing with the situation.

Jay Long introduced the Pool Manager Perry Estep, and complimented him on an outstanding job. Mr. Estep furnished members of Council forms they are using at the pool, and explained each one. He said he was concerned with the number of passes sold, and would like to solicit households or have a little more advertising next year. During Mr. Estep's detailed presentation, he suggested the City might want to run its own concession stand next year to generate more revenue. Mr. Estep recommended closing the pool at 6:00 p.m. rather than 7:00 p.m. in August in order to save money.

Mr. Long reported adult's night at the pool will be held on Thursday evenings, from 7:00 p.m. to 9:00 p.m.

Mayor Karnes called upon Councilman at Large Olaf Walker regarding Agenda Item No. 3.

AGENDA ITEM NO. 3 - RES. 89-6 CONDEMNING THE U.S. SUPREME COURT'S DECISION TO ALLOW FLAG BURNING: - Councilman at Large Olaf Walker moved that Resolution 89-6 be adopted, and that Mayor Karnes mail a copy to each of the people indicated in the resolution. The motion was seconded. Mr. Gaujot informed Council that the resolution was dictated to his secretary by

Councilman at Large Walker, and after reviewing it, didn't see that he could improve on it at all. A vote was taken and it was unanimously approved.

RESOLUTION 89-6 ATTACHED.

AGENDA ITEM NO. 5 - POOL RATES (HALF SEASON): - Mayor Karnes reported that in the past the pool rates have been reduced by half in July, and asked if Council approves of this procedure. Councilman at Large Rusty Casto said that he feels this is already on the books to do this, and Councilman at Large Olaf Walker agreed.

AGENDA ITEM NO. 6 - BUDGET REVISIONS: - Mayor Karnes yielded this agenda item to our City Treasurer Ralph Allison. Mr. Allison advised that we are required by the State Tax Department to amend our budget every year, after the fiscal year, to more correctly reflect revenue and expenses. A copy of the proposed request for revision to the approved budget was furnished to Council. Mr. Allison informed that this was the budget prepared in March and April of 1988, for the year ending July 30, 1989. After Mr. Allison explained the revisions, Councilman at Large Rusty Casto moved the revision to the budget be approved. The motion was seconded. In answer to a question raised by Councilman at Large Olaf Walker, Mr. Allison advised if there was not more than a 10% difference, an adjustment was not necessary. After further discussion, a vote was taken and it was unanimously approved. (Copy Attached.)

Mayor Karnes said that there was an article in Fanny Seiler's column last week which appeared to question what is a majority and what it takes to carry a vote. He said he was sure Council already knew that a majority is more than half of the members (quorum). To carry a vote, it takes the majority of those voting that are present. Mayor Karnes said there were questions as to whether or not he needed to vote, and whether he could vote. He informed that according to State Code, he could vote on every issue should he desire, and so could the City Recorder. Mayor Karnes said that it is customary that the person chairing the meeting doesn't vote, but it doesn't mean he doesn't have the right to vote.

Mayor Karnes informed that ex-Governor Okey Patterson passed away and the Governor requested that on July 6, everyone fly their flags at half mast.

Mayor Karnes called upon the City Attorney Phillip Gaujot for a report on the important issue of annexation. Mr. Gaujot announced that June 29, he attended the regularly scheduled meeting of the Kanawha County Commission along with Mayor Karnes, at which time, the matter came up on the City of Nitro's annexation by minor boundary adjustment, the 14.4 acre, m or l, property situate next to the boundary line of the City of Nitro.

There being no objection, the County Commission entered an order annexing that 14.4 acre to the City of Nitro. He said he received a certified copy of that order which should be entered into the records of the City. Mr. Gaujot said that he would record this, and all action that needed to be taken has been taken. Mayor Karnes complimented Mr. Gaujot on a job well done.

Councilman at Large Rusty Casto said that anyway he could legally help the people from Hillside Drive, whether it involves finances from the City or support from the City, he would do so with his vote on the Council. He said he would go up there and work for them, because they think we are sitting here with a careless attitude which is wrong. Mayor Karnes said he feels the entire Council has the same feelings as Councilman Casto, however, we are limited to what we can do.

Councilman at Large David Casebolt said that he would like to welcome Doris.

Councilwoman Betty Jo Boggess said that she would be glad when we have the new roof on City Hall. Mayor Karnes said he hopes this will be accomplished before the next meeting.

Councilman George Atkins asked the status on the paving grant, and Mayor Karnes advised that they have not run the publication for bids. It is in the hands of our City Engineer and RIC.

Councilman Jim Hutchinson said that regarding the statement made by Councilman at Large Casto, he is in total agreement with the people from Hillside Drive. He said he's away from home quite a bit, but has an answering service and would return all calls if they would leave their number.

Mayor Karnes said that along the same lines, he said he received complaints because they couldn't reach him. They called his home, but he was already on 21st Street working on the problem.

Charlie Miller from Main Avenue said that he had water last night and again tonight. He said that he understands the storm sewer comes down his street and goes over in the alley and then goes back up to the sewer in the landfill. He said that he would like to see if the city engineer or the person taking care of the sewers to ascertain if this was correct. If so, he wanted to know if we could come down to the northend of Main Street, and drive the sewer all the way to the river instead of back up to the landfill. Mayor Karnes said that either Bob Sergent or the Sanitary Board could answer this question.

Bill Boso from Frederick Street said that there is a creek behind his house and everytime it rains, it gets higher. He said

that if the water raises another 6 inches, it will be in his house. Mayor Karnes said that he didn't have any instant solution, but we are aware of the problem and will do what we can. Mr. Boso said that he has lived there for 7 years and complained several times, but nothing has been done.

Councilwoman Betty Jo Boggess moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 9:20 p.m.

Don Karnes
DON KARNES, MAYOR

Doris G. Carrier
DORIS G. CARRIER, RECORDER

RESOLUTION NO. 89-6

WHEREAS, the President of the United States and members of the United States Senate and House of Representatives are seeking an amendment to the Constitution which would prohibit the willful destruction and desecration of the American flag; and

WHEREAS, the American flag embodies for this nation the principles of strength and sacrifice of the American people and further is a symbol recognized around the world of the values for which we stand; and

WHEREAS, the United States Supreme Court in a recent decision held that burning the American flag was an act of political protest protected by the First Amendment to the United States Constitution; and

WHEREAS, the President and other national leaders have expressed grave disappointment over the Court's ruling; and

WHEREAS, the destruction and desecration of the American flag is a fundamental disservice to those Americans who throughout our history have unselfishly given their lives so that we may remain free.

WHEREFORE, BE IT RESOLVED, that the Council of the City of Nitro, West Virginia, unanimously supports the efforts of the President of the United States, the United States Senate, and the

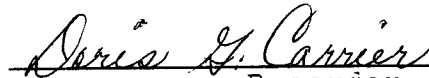
House of Representatives to secure an amendment to the United States Constitution which would prohibit the willful destruction and desecration of the American flag.

BE IT FURTHER RESOLVED that the Clerk of the Council of the City of Nitro, West Virginia, shall forward copies of this resolution to the President of the United States, the United States Senate, and members of the House of Representatives from West Virginia, the Governor of West Virginia, the president of the State Senate, and the speaker of the House of Delegates informing them of our actions.

Passed this 5th day of July, 1989.



Mayor



Recorder

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

CONTROL
NUMBER
FY
FUND
REV. NO.
REV. NO.

CITY OF NITRO

GOVERNMENTAL ENTITY

20TH AND 2ND AVENUE

STREET OR P.O. BOX

7-5-89

ENTITY APPROVAL DATE

NITRO

WV25143

CITY

ZIP CODE

RECEIPTS: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT
305	DOG TRACK	NONE	204,000		204,000
332	B'D TAX	475,000	29,000		504,000

NET INCREASE/(DECREASE) 233,000

EXPENDITURES: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
440	CITY HALL	273,968		50,000	323,968
455	POLICE	260,454		165,000	425,454
540	PARKS	81,979		18,000	99,979

TAX DEPARTMENT USE ONLY

NET INCREASE/(DECREASE) 233,000

RECEIVED _____
POSTED _____ BY _____

APPROVED FOR THE STATE TAX COMMISSIONER BY:

DIRECTOR - OFFICE OF CHIEF INSPECTOR

AUTHORIZED SIGNATURE
FOR GOVERNING BODY

DATE OF REQUEST

SPECIAL NOTE: TRANSFERS TO / FROM SPECIAL FUNDS MUST

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.

CITY OF NITRO
COUNCIL MEETING MINUTES

JULY 18, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:35 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

Mayor Karnes said that Nitro lost a good citizen yesterday, and requested a silent prayer for Cecil Lemma's family.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 5, 1989 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the July 5, 1989 Council Meeting Minutes be approved. The motion was seconded. Councilman at Large Olaf Walker pointed out that there was a typographical error on the date of the minutes of June 27, 1989 and should be changed from June 23, to June 27, 1989. He requested that the City Recorder Doris Carrier change this on the file copy. Councilman at Large Rusty Casto asked that on page 3, in the second paragraph, for clarification purposes change the sentence to state, "Councilman at Large Rusty Casto said that he would like for this to be the last year for men's softball at the park." A vote was taken to approve the minutes as corrected, and it was unanimous.

AGENDA ITEM NO. 2 - HILLSIDE DRIVE - FRED SAMPSON: - Mayor Karnes advised that there were two residents from Hillside Drive requesting to address Council, and yielded the floor to Mr. Sampson.

Mr. Sampson said about a year ago and also at the last meeting they discussed the drains in the area of Hillside Drive. He asked since the cloud burst, has the City made any effort to clean the drains? Mayor Karnes responded that he could not give an absolute answer, but if the drains were the City's responsibility and haven't been cleaned, they would be. He said they have been cleaning drains all over town, but he wasn't sure if these drains had been cleaned. Mr. Sampson said that out of the seven drains in this area, five were stopped up and have grass growing in them. He explained the problem regarding the water backing up at the end of Wilson Street. He said that as far as anyone could tell, those drains haven't been touched by the City in ten years. Mr. Sampson said that he has water damage amounting to approximately \$6,000, and wanted to know when the City was going to take care of the drains. He said that

everytime it rains, it is a threat, and he didn't want to do any cleaning until the problem was corrected. He said the Health Department will be visiting the City to discuss this matter, and he said their position is that they are wondering what the City is going to do about it.

Mr. Sampson also informed that there were two holes at Wilson Avenue which could burst a tire.

He said he was speaking as President of the Hillside Drive Association. Mr. Sampson said about 6 months ago, there was a sanitary piping put over to Hack's Mobile Homes and a child had a bicycle wreck and it skinned her up pretty bad. Mr. Sampson said they need some gravel in there. Mayor Karnes said that he told the Sanitary Board to patch it, and the holes will be taken care of the next time we receive a load of patching.

Mr. Sampson said they have a monthly pickup, and the trucks got some of the stuff from some houses, and at other houses, they didn't. Mr. Sampson advised they took part of the articles he had out, but left some.

Mr. Sampson said that another situation on Hillside Drive is the moat which seems to breed mosquitos. He said he called the Health Department and they told him that they couldn't spray because it kills bees and other insects. Also, that people complain about the odor of the pesticide they use.

Mr. Denver Peters, of 113 Hillside Drive, said that he came here tonight, not to criticize City Hall, but to ask for their help. Mr. Peters said that his residence was behind the Citizens National Bank and Bowman's Store. He said that his house has been flooded three times. He said he feels the problem is simple to solve by the use of a backhoe for probably 2 hours. Mr. Peters said the sewer has been plugged up for three years and mentioned this to the City several times. Mr. Peters said that he was at the mercy of this Council, and asked that they please do something. He added that he didn't seek financial restitutions or didn't expect any. Mr. Peters said that when the Pizza Inn opened, they took part of the City's property for a parking lot. This decreased the size of the 4 foot ditch to about a 1 foot ditch. Mayor Karnes said that he would research this, and also check with our City Attorney.

A resident of Hillside Drive advised that when the Pontiac sales company decided they wanted more room to display their automobiles they took up one of the two 24 inch drains and hauled it away. He explained that this was the reason this field wouldn't drain. Mayor Karnes said that he would try and find out if there ever was a drain going under Rt. 25, because he said to his knowledge, from Pizza Inn to Kapok St. there is one drain going under Rt. 25.

Mayor Karnes said that the City doesn't own a backhoe, but if it is City's property, we could borrow a backhoe from the Sanitary Board and clean the drain on one end of Hillside, but this wouldn't solve the problem on the other end.

Mr. Peters repeated that the reason they came tonight is not to criticize because all the members of Council are nice and receptive to the needs of the residents.

Mayor Karnes told the residents of Hillside Drive that anything that we can legally do to help with their problem, we would.

AGENDA ITEM NO. 3 - SENIOR CITIZEN BUILDING: - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman Atkins said that what they are trying to do is get a senior citizen program started for the senior citizens in Nitro. He said they have had several meetings, and wanted to get Council involved. Councilman Atkins then asked Mr. Collins if he would speak on this matter.

Mr. Collins said that they have a group of retired Monsanto employees, and someone suggested that there might be something that they, as retired people still capable of doing some work, could start a program where they could help assist the seniors, such as taking them to the doctor, or doing little odd jobs around the house. Mr. Collins said also to have a permanent meeting place for the senior citizens, and they wouldn't have to meet at the church. He said he contacted several of the retired people and some of them said they would be willing to volunteer their service. He asked if they could possibly get some help from the City on maybe obtaining some place where they, as a group, could help the senior citizens have a permanent place to have their meetings. Mr. Collins said that he would welcome any suggestions regarding a piece of property they may obtain.

Councilman Atkins said they are looking for a facility where they can plan their own meals and do the cooking. He said that this is what they are doing in Buffalo, Eleanor and Hurricane. Councilman Atkins said that it was his understanding there was money available for some of this such as hiring a cook.

Truda Null said that she wasn't against the seniors having a place of their own, but there is a lot involved. She said the money for aging comes through the State Department of Aging. Nitro now gets their food through Multi-Cap from Shawnee because Shawnee has the facilities to cook. She said Nitro could cook, but they would run into a problem because cooks don't come cheap. Ms Null said that regarding the planning of their menu, she thought this would have to be by master county plan; everybody in

the county eats the same thing. She said this is a mandate from Triple A. Ms Null said she agreed that the seniors needed a meeting place, but they need to take one step at a time.

Councilman Atkins informed that they were asking the Mayor and Council to become involved with the senior's program. Councilman Atkins said they will be going to Buffalo, Tuesday, August 8, for lunch to get information about their program.

Dolly Kilgore said they would like to have a building where they could play bingo, and also their time is limited at the church.

Discussion followed.

AGENDA ITEM NO. 4 - RESOLUTION (RIC): - Mayor Karnes informed that as a result of an application for Small Cities Block Grant this agenda item and also the next are requirements. Mayor Karnes read resolution 88-6 in its entirety. Councilman at Large Rusty Casto moved we adopt the resolution. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker asked if the Mayor would update Council on the present status of the \$110,000 grant. Mayor Karnes reported that the only other information needed before the advertisement for bids would be published, is a report from our engineering firm of the specification on the job to be done. He said he has been assured that it would be in RIC's office tomorrow, then RIC will do the proper advertising and after the proper waiting period, paving will begin.
COPY ATTACHED.

AGENDA ITEM NO. 5 - RESIDENTIAL ANTI-DISPLACEMENT PLAN: - Mayor Karnes informed that as a result of this grant, if we get it and use it, and we displace new residents, that we will furnish them with housing within three years. Mayor Karnes said that we are not condemning or taking property, we are just recapping streets and wouldn't apply in our case. However, it is a requirement. Councilman at Large Rusty Casto moved we adopt the Residential Anti-Displacement Plan. The motion was seconded. A vote was taken and it was unanimous.
COPY ATTACHED.

AGENDA ITEM NO. 6 - POOL PASSES: - Mayor Karnes yielded this agenda to Councilman at Large Rusty Casto. Councilman at Large Rusty Casto mentioned that he shared the grief with the rest of Council about the number of passes sold for a City this size. He said that he would like to make three recommendations: (1) We need to clarify that the free passes we give out to City employees is only to be given to fulltime employees. (2) Take all the pool passes and make them a uniform rate because if we priced them the same, we could sell more. Mayor Karnes said that when this rate was established, there were less pools in the

overall area, and this was done to control the volume of people in that pool. (3) He said that he would like for all youngsters who live in homes, within the corporate limits of Nitro, that receive Federal food stamps be given a free pool pass or to raise the age for which we let children in free from 6 to 11 year olds. Councilman at Large Rusty Casto moved that all children age 15 or younger, living within the corporate limits of Nitro whose family receives Federal food stamps, get a free pool pass for the remainder of the year. The motion was seconded. Councilman at Large David Casebolt suggested that if this passes, we should keep numbers on the amount of passes issued. Councilman George Atkins asked about families in town that aren't on food stamps, but really don't make much money, what would we do about them, and Councilman Casto said that they wouldn't be what he would call poverty. Truda Null said there were a lot of people like Councilman Atkins mentioned that are poor, but they are not on food stamps because they own property. She said she didn't think they should use food stamps as a guideline, but their annual income. Councilman at Large Olaf Walker said he appreciated her remarks. He said he had been trying to make this point for several meetings. A discussion followed. Councilman at Large Olaf Walker moved the motion be tabled, which did not receive a second. A vote was taken on the motion that all children 15 and younger, living within the corporate limits of Nitro, whose families receive Federal Food Stamps be given free pool passes which did not pass. Councilman at Large Rusty Casto and Councilman at Large David Casebolt voted for the motion and those opposing were City Recorder Doris Carrier, Councilman at Large Olaf Walker, Councilman Bob Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson.

Councilman at Large Rusty Casto moved that all children age 12 and under get into the pool free for the rest of the year. The motion was seconded. Mayor Karnes checked with the legality on this motion if it would pass. Mr. Gaujot said the people paying may want half a years refund. After a brief discussion, Councilman at Large Rusty Casto withdrew his motion as did Councilman Robert Young who seconded the motion. Councilman Walker suggested that Councilman Casto chair a committee to study and contact other cities and determine what would be a good method to handle the situation which he is concerned about. Mayor Karnes suggested this matter be taken up by the Recreation Committee that is already formed, and Councilman Casto would be personally invited. Councilman George Atkins moved that the pool be opened to the public on Tuesday night after pool hours from 7:00 p.m. to 9:00 p.m. for the remainder of the year. The motion was seconded. After a brief discussion, Councilman George Atkins withdrew his motion as did Councilman Robert Young seconding the motion.

Councilman at Large Rusty Casto said the City-owned Legion Building was leased, the lease expired 5 years ago and we need to


either get another lease or sell it to get some money from this. Mayor Karnes informed that we are now using this building for storage, and this will save us \$60.00 a month.

Councilman at Large Olaf Walker asked about the codification, and Mayor Karnes said that Council has not yet voted to authorize him to do this. Mayor Karnes said that he received the estimate in writing for \$16,000 and they are prepared to proceed upon notification. However, we do not have money allocated in this budget for it, but it is a needed item. Councilman Walker asked if the Mayor would consult with the Treasurer to look over the projections of the revenue to see if there is a possibility that we could come up with the funds.

Councilman George Atkins questioned the status on the roof, and Mayor Karnes said they promised they would begin on July 15, so it should be any day now.

Councilman at Large Rusty Casto moved the meeting be adjourned at 9:15 p.m. The motion was seconded. A vote was taken and it was unanimous.


DON KARNES, MAYOR


DORIS CARRIER, RECORDER



DON KARNES
MAYOR

RESOLUTION

RESOLUTION 88-6


The City of Nitro authorizes its Mayor to apply for up to \$500,000 in HUD-Small Cities Block Grant funds for the following projects:

- (1) Resurface 29th Street through 39th Street and 41st Street; and
- (2) Replace the 31st Street Bridge.


The Mayor will sign the application, including the assurances, and will provide HUD and GOCID representatives with information related to this project.

Date: JULY 18, 1989

CITY OF NITRO



Don Karnes
Mayor



Daris G. Carrier
Recorder

CITY OF NITRO

Residential Anti-Displacement and Relocation Assistance Plan
Under Section 104(d) of the Housing and Community Development Act
of 1974, as Amended

The City of Nitro will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496a(b), a copy of which is attached hereto.

All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Nitro will make public and advise the state that it is undertaking such an activity and, if requested, will submit to the state, information that identifies:

- (1) a description of the proposed assisted activity;
- (2) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- (3) a time schedule for the commencement and completion of the demolition or conversion;
- (4) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- (5) the source of funding and a time schedule for the provision of replacement dwelling units; and
- (6) the basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.

The City of Nitro will provide relocation assistance, as described in Section 570.496a(b), to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the Act, the City of Nitro will take all necessary steps to minimize the displacement of persons from their homes.

CITY OF NITRO
COUNCIL MEETING MINUTES

AUGUST 1, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:34 p.m. Present were Councilman at Large Rusty Casto, Councilman at Large Claf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 18, 1989 COUNCIL MEETING MINUTES: - Councilman Robert Young moved the July 18, 1989 Council Meeting Minutes be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - HILLSIDE DRIVE - FRED SAMPSON: - Mayor Karnes informed that Fred Sampson from Hillside Drive wanted to address Council.

Mr. Sampson passed out a letter addressed to the City with information regarding the drain pipe lengths and catch basins in the Hillside Drive area. He said that after the rain Thursday, he called Mayor Karnes Friday. The Mayor came up and they reviewed the area. Mr. Sampson said that he wanted to thank Mayor Karnes.

Mr. Sampson mentioned the moat which is only fenced on one side. Councilman Robert Young expressed concern regarding children playing in this water, and who would be liable if a tragedy should occur. A discussion followed.

Mr. Edes and Mr. Wolfe addressed Council regarding the flooding problem at Hillside Dr.

After further discussion, it was agreed upon that there was only one solution, and that was to try and work with the State to put another line out to the river. Mayor Karnes said that he was doing everything he could to try and resolve the problem at Hillside Drive.

Mayor Karnes said he is awaiting a report from the state of their plans. He said they (Hillside Dr. residents) mentioned matching funds, and the City would need more than matching funds.

Mr. Ben Henry stated that we needed a qualified engineer to look at this problem.

Mayor Karnes said that this Council would be wise to have an engineer to tell us what we can do before we jump in and start doing things other than typical maintenance.

Councilman Robert Young asked if we could ask Mr. Jordan if he would put a fence around Hack's Mobile Homes Sales for safety reasons.

Mayor Karnes read a letter from Ms Cline with the State which was mailed to the Hillside Dr. Improvement Association.

Councilman at Large Olaf Walker said he agreed with the suggestion to have an engineer run a survey in this area and determine which way the water falls. Then it could be determined what size drain pipes are needed. A Hillside Drive resident asked if it was the City's responsibility to get the water to the road, and Councilman at Large Olaf Walker said that he thinks this is a point that needs to be resolved. He said he didn't know if it was the City's responsibility of getting the water off of private property. Councilman at Large Olaf Walker said we could have drawings made showing the crossings and the sizes of the pipes. He said he didn't know the cost for an engineer, or if it was our responsibility, but for the Mayor to clear this with counsel to see what the City's legal responsibility is.

Mayor Karnes said from the results of what has happened at the meeting tonight, there is one thing he thinks would be a good idea to have done that he hasn't already, would be to have our engineering firm to advise us of what size pipes we need. He said that everything that he intended to do, or that anybody has brought up, he has already started motion. He said the cleaning of the drains all over town have been put on schedule, but he wasn't sure of the scheduled date for Hillside Dr.

Other comments, complaints and discussion followed.

Mayor Karnes said that he was going to have Dunn Engineers to tell him what needs to be done, how much it would cost, and also give him letters to the State and also write letters themselves to the State. Then, he said he would advise Council of the cost. Mayor Karnes stated that to blame people isn't going to cure anything or to have this on the agenda at each Council Meeting and rehash the same things wouldn't cure anything. Councilman Jim Hutchinson moved we get Dunn Engineers on this matter as quick as possible and request the report as soon as possible. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - RES. 89-8 REAPPOINTMENT TO RDA BOARD: - Councilman at Large Rusty Casto moved resolution 89-8 reappointing Mayor Don Karnes to the RDA Board. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 89-8 ATTACHED.

AGENDA ITEM NO. 4 - NITRO SANITARY BOARD APPOINTMENT: - Mayor Karnes informed that the Board of the Nitro Sanitary Board is one member short and he would like to appoint Gary Creech, a Nitro resident, as a member of this board. Mayor Karnes said it is a three person Board and the members now are Vic Wolford and himself. Councilman at Large Rusty Casto moved the appointment be approved. The motion was seconded. Councilman at Large Rusty Casto asked the term of the appointment, and Mayor Karnes responded that he thought it would expire with his term of office. A short discussion followed. Councilman at Large Rusty Casto said that he thought anytime there was an appointment, we have it specified in the minutes of how long the term of office would be. Mayor Karnes said that the timing on this is not real critical, and he would have this information at the next meeting. Councilman at Large Rusty Casto withdrew his motion to approve the appointment as did the Councilman seconding the motion.

AGENDA ITEM NO. 5 - PUBLIC HEARING: - Mayor Karnes informed that prior to the last Council Meeting, there was a Public Hearing, and entertained a motion to include these minutes as part of the Council Meeting Minutes. Councilman at Large Olaf Walker moved the public hearing minutes be a part of the Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous.

PUBLIC HEARING MINUTES OF JULY 18, 1989 ATTACHED.

AGENDA ITEM NO. 6 - REQUEST FROM NITRO JR. HIGH MAJORETTES: Members of Council were furnished a copy of the request from the Nitro Jr. High Majorettes to hold Tag Day. Councilman at Large Rusty Casto moved we approve their request provided they are told they are not allowed in the highway. The motion was seconded. Councilman Robert Young asked how they would be soliciting, and City Recorder Doris Carrier said that it would be door to door solicitation with adult supervision. A vote was taken, and the request was granted with Councilman Robert Young casting a negative vote.

Chris Knighton, an Eagle Scout, from St. Paul's United Methodist Church explained that he was working on an Eagle project. He said he was required to either help the community, the church or a school. He explained that he would like to work on another trail which would veer off from the present nature trail at Ridenour and then come back onto the trail. Mayor Karnes said that Chris would be in Wednesday, and they would work on the details.

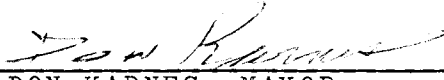
Mayor Karnes announced that Thursday, August 3, Harris Brothers Roofing would begin working on the City Hall roof.


Mayor Karnes reported the first advertisement for paving bids was in the newspaper today. He advised that a pre-bid conference was scheduled for 3:00 p.m. on August 10, at Nitro City Hall, and the bid openings August 15, at the Council Meeting.

Mayor Karnes advised that he received a letter from Nitro Elementary School requesting financial assistance from the City for play ground equipment. They need a balance of \$1,550. Included with the request was a copy of a letter requesting a grant from the Greater Kanawha Foundation which they received \$1,550 of their requested \$3,100 for the project. Councilman at Large Olaf Walker said it would be nice if the City had the money to give the school, but with the demands on the budget, he didn't feel the City could give this to the school. He suggested they contact the Kanawha County Board of Education for help.

Councilman at Large Rusty Casto said that somebody, either in or out of the City, is going to have to stand up and start doing something for the kids in Nitro. He said that we have one basketball court in Nitro, and a light that has been burned out for three months. He complimented Mayor Karnes for the improvements at the City Park. Councilman at Large Rusty Casto suggested we have crafts at the park again. He asked Mayor Karnes why the light hadn't been fixed at the basketball court, and Mayor Karnes responded by asking him how long the light had been out before he took office. Councilman at Large Rusty Casto said that he couldn't get anything done with it, but he didn't blame the Mayor. Mayor Karnes informed that an electrician had already been contacted regarding this. Councilman at Large Rusty Casto again stated that he wasn't blaming Mayor Karnes, but would like to put a motion on the floor that the Recreation Director be told that there is a light burned out at the basketball court, and in two weeks if the light hadn't been fixed that he come before Council and explain why he couldn't get the light fixed. The motion was seconded. Councilman at Large Olaf Walker said that he thinks this should be handled by the Mayor and is such a trivial matter, it shouldn't come before Council. A vote was taken and it passed with Mayor Karnes, Councilman at Large Olaf Walker and Councilman Robert Young opposing.

Councilman Jim Hutchinson moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 8:53 p.m. with Councilman Robert Young and Councilman George Atkins opposing.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

CITY OF NITRO

DON KARNES
MAYOR

RESOLUTION 89-8

WHEREAS, it is provided by Chapter 7, Article 12, Section 3 of the Code of West Virginia, relating to the Board of Members of County Redevelopment Authorities, that "the city and town council of each municipality located within the county shall submit to the County Court the name of one representative to be appointed to the Board",

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Nitro, West Virginia, does hereby submit to the County Commission of Kanawha County the name of Don Karnes, to be appointed as the representative of said City on the Board of the Regional Development Authority of Charleston, Kanawha County, West Virginia Metropolitan Region, to serve for a term of three years and until his successor has been appointed and qualified, unless sooner removed by appropriate action of said council.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forthwith delivered by the City Recorder to the Kanawha County Commission.

Passed by the Council of the City of Nitro the 1st day of August, 1989.


Don Karnes, Mayor


Doris Carrier, Recorder

PUBLIC HEARING

JULY 18, 1989

The Public Hearing was called to order by Mayor Don Karnes in Council Chambers at Nitro City Hall at 7:05 p.m. Present were Mayor Don Karnes, City Recorder Doris Carrier, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilman George Atkins and Eve Frazier.

The purpose of this meeting was to consider an application for HUD Community Development Block Grant funds administered by the State of WV, and to obtain views and comments of City residents on community development and housing needs, as well as the needs of low and moderate income persons. The first public hearing was held June 19, 1989, and this was the second public hearing. Copy of advertisement below:

PUBLIC NOTICE

The City of Nitro will be applying for up to \$500,000 from the HUD Small Cities Block Grant Program under the Governor's Office of Community and Industrial Development for the following projects:
(1) Resurface 29th through 39th Street and 41st Street;
and (2) Replace the 31st Street Bridge.

The City of Nitro will conduct a public hearing to obtain the views and comments of City residents concerning the proposed application. The public hearing is scheduled for July 18, 1989 at 7:00 p.m. at Nitro City Hall. Citizens are urged to attend this meeting and express their views or submit written comments to the Honorable Don Karnes, Mayor, City of Nitro, P.O. Box 308, Nitro, WV 25143 prior to August 1, 1989.

Since there were no alternative suggestions made, it was the consensus that we proceed with the previously outlined projects.

There being no public input, the meeting was adjourned.


DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

AUGUST 15, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:35 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young and Councilman George Atkins. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent were Councilwoman Betty Jo Boggess and Councilman Jim Hutchinson.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 1, 1989 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the August 1, 1989 Council Meeting Minutes be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - NEW FIREMAN: - Mayor Karnes introduced Shawn Alderman, a new fireman effective August 15. Mayor Karnes commented on the number of certificates achieved by Mr. Alderman and attached to his application, and stated he feels he will be an asset to the Fire Department. At this time, Mayor Karnes swore in Mr. Alderman as a firefighter of the City of Nitro, and presented him with a fireman's shield. Mayor Karnes welcomed Shawn Alderman aboard, and he received a round of applause.

AGENDA ITEM NO. 3 - NITRO SANITARY BOARD APPOINTMENT: - Mayor Karnes furnished members of Council background information on Gary Creech. Mr. Creech has been a lifetime resident of Nitro and resides at 56 21st Street, married with two children, Chris and Michelle. He graduated from Nitro High School in 1968, and is presently continuing his education. He is employed by Union Boiler as a Transportation Manager, and has been with this company for 17 years. The term for the appointment would be for an unexpired term which will expire December 31, 1991. Councilman at Large Rusty Casto moved that Gary Creech be appointed to serve on the Nitro Sanitary Board through December 31, 1991. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - CITY POOL REPORT: - Mayor Karnes yielded this agenda item to the Recreation Director Jay Long. Mr. Long reported on the revenue and expenses for the Nitro City Pool. Councilman at Large Olaf Walker moved the report be made a part of the minutes. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Rusty Casto commended Mr. Long for a fine report. He added that Mr. Long and Mr. Estep are doing an excellent job.

POOL REPORT
JULY 2, THROUGH JULY 31, 1989

ATTENDANCE

Pool Passes	2,916
Paying Daily Rate	2,553
Children Admitted Free	528
	5,997

Average Daily Attendance for 27 day period - 222.12

Total Monies collected from daily rate, including adult swim,
pool parties, concession - \$5,848.16

	<u>POOL PASSES</u>	<u>People</u>
Employees Family (Free)	4	27
Individual	0	0
Total:	4	27

	<u>PASSES SOLD</u>	
Family (\$35.00)	21	86
Individual (\$20.00)	2	2
Total:	23	88
Total Passes:	27	115

TOTAL MONEY COLLECTED FOR PASSES

Family	\$745.00
Individual	40.00
Total:	\$785.00

TOTAL REVENUE: \$6,633.16

EXPENDITURES

JULY 1, THROUGH JULY 31, 1989

Salaries	\$4,346.07
Chemicals	2,544.30
Supplies (Paper products, etc.)	327.10
TOTAL:	\$7,217.47

AGENDA ITEM NO. 5 - NITRO LIBRARY: - Mayor Karnes said that it appears that we need to do something with or about the Nitro Library in the near future. He called upon Councilman at Large Olaf Walker to explain this matter. Councilman at Large Olaf Walker informed that all members of Council received a letter from Mary Trout indicating that they need some action on the part of Council with regard to what direction the Library is going to go. He said the Library can be operated independently or it can be operated as an affiliate, as it is now, of the Kanawha County Library. Councilman at Large Olaf Walker stated that we are the only library operating as an affiliate of Kanawha County. He explained the other option is a branch. He said he could not explain the difference in the three classifications except that as a branch of the Kanawha County Library, the building, land, operation all comes under the jurisdiction or supervision of Kanawha County. They determine the employees, opening hours, etc. He said that it was his understanding that the only thing the Council would have to do is provide in the City's budget roughly around \$25,000 a year which we would pay Kanawha County Library Commission for operating the library of Nitro as a branch. If we were to go independently, it would cost in excess of \$25,000 a year. He said they were told and it was also stated in the letter that they would have to deed the land to the Kanawha County Library Commission. Councilman at Large Olaf Walker said he had reservations, along with others, deeding City property to another government agency such as the Kanawha County Library. He stated at the meeting the Commission agreed that they would accept a proviso or covenant in the deed that in the event the library would cease to operate, then the property would revert back to the City of Nitro. Councilman at Large Olaf Walker said per the suggestion of the Mayor, which he was in agreement, they would like to have a stipulation that if we vote on a branch under the operation of the Kanawha County Library, and they decide not to open to the extent that we feel the citizens of Nitro are being deprived of the use of the library, then it would revert back to the City. The Library Board recommended the Nitro Library be a branch, and agreed that these two provisions could go into the deed. Mayor Karnes asked Mr. Gaujot if this could be done, and he advised that these restrictions could be done. He said the property could be conveyed for a specific purpose. Councilman at Large Olaf Walker moved that the Mayor request our legal counsel to write a deed conveying the property that the library is situated on, with the two provisos mentioned and entering into a contract is necessary. Mayor Karnes said the way he understood the provisions were if it ceases to be a library, then it automatically comes back to the City, and if, on the other hand, the County doesn't operate the library to the satisfaction of the City and City Council, then Council can then demand it back. Mr. Gaujot said that he didn't know if this could be done. Mr. Gaujot suggested they enter into a contract that it will be used for the purpose of a library, and what Council expects. The motion was seconded. After a discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - SR. CITIZEN REPORT: - Mayor Karnes yielded this agenda item to the City Recorder Doris Carrier. She said that as Council was aware, there is a group interested in getting a meeting place for our senior citizens. She reported that she went with a group to Buffalo last week at a senior citizen center, and they had purchased an old house for a \$1.00 and paid to have it moved to land donated to them. She said she saw before and after pictures and was very impressed with the improvements made, and it was a joy seeing them working on crafts, quilting, making jellies and some just relaxing in rocking chairs. City Recorder Doris Carrier said that some of the seniors expressed a desire that the former American Legion Building, owned by the City, would be ideal for their needs, and they offered to make the necessary repairs. She said she thinks they need and deserve a building. She opened the floor for discussion. Councilman George Atkins asked if there was any land with the building, and Gene Williams informed that it may be 1 or 2 inches more than what the building, which he would guesstimate 50 x 120, is sitting on. There was a question regarding parking, and Truda Null said they would need a place to park. Mayor Karnes said he was concerned that the building wasn't big enough. Truda Null said that it was big enough now, but questioned if it would be big enough in two years. Councilman Robert Young pointed out that once they put money into the building and then they moved, they would have to leave what they put into the building. Councilman at Large Rusty Casto asked if the building would be big enough, and Janie Haynes responded that they have lost a lot of people. She explained that their hands were tied. They can't play bingo, cards and they can't enter the church until a certain time and have to leave by a certain time. She said now they are being required to do janitorial service. Councilman at Large Rusty Casto said that he would like to know the size building the seniors need, and would hate to see them in the former American Legion building because of the roof condition. Janie Haynes advised the attendance on a good day there might be 35, and on a slow day around 20. The attendance depends on the menu. Councilman at Large Olaf Walker mentioned that he heard there were some restrictions put in the deed on this property. Mayor Karnes said that he would review the deed. Councilman at Large Olaf Walker suggested we ascertain the cost to fix the roof as it might be to the advantage of the City to have it fixed. Councilman at Large Rusty Casto inquired if the seniors had any sort of plans as to what they wanted in a building, we might be able to do something. Truda Null informed that they wanted a kitchen which would seat 60 to 75, and maybe at a later date get their own cook to prepare the food at the site. They want a room where they can quilt, play cards and a recreation room. They would like to have the site open from around 9:00 a.m. until 4:00 p.m. so that they can come and go. Councilman Robert Young asked who would manage this, and Truda Null said it would be the City's property. There would have to be someone hired to open and close the site and also maintenance.

She informed that there was money available through the Commission on Aging. Mr. John Keller said the American Legion Building was an ideal site for getting the seniors near the door. Janie Haynes commented that it would also be convenient to get the food inside. Councilman Robert Young thought it might be feasible to have the Committee go around town and check on the empty buildings. Councilman at Large Olaf Walker suggested that the Committee take up this matter and try to answer the questions and concerns expressed this evening, and then come back to Council with their report. Mayor Karnes said he would check with Ben Franklin Store to see if they would let us use their parking lot and other information, and also in the mean time look for another site.

AGENDA ITEM NO. 7 - PRE-BID MEETING MINUTES: - Mayor Karnes informed that on August 10, there was a pre-bid conference of which members of Council were furnished a copy of the minutes. Councilman at Large Olaf Walker moved the pre-bid meeting minutes be made a part of the Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous.

COPY OF PRE-BID MEETING MINUTES ATTACHED.

AGENDA ITEM NO. 8 - PAVING BID OPENING: - Mayor Karnes informed that the City Recorder Doris Carrier had four sealed bids which were received prior to 7:30 p.m. The bids were opened as follows:

Quantity L. F. - 13,200

E. E. Moore Paving	\$ 78,540.00
Pave gutter along 31st St., East	
Per Linear Foot \$2.25	
Est. Quantity 2,100	4,725.00
TOTAL:	\$ 83,265.00

WV Paving	\$ 139,920.00
Pave gutter along 31st St., E	
Per Linear Foot \$10.60	
Est. Quantity 2,100	14,175.00
	\$ 154,095.00

Order & Haynes	\$ 65,604.00
Pave gutter along 31st St., E	
Per Linear Foot \$4.97	
Est. Quantity 2,100	6,300.00
	\$ 71,904.00

B & B Paving	\$ 67,140.96
Pave gutter along 31st St., E	
Per Linear Foot \$.71	
Est. Quantity 2,100	1,491.00
	\$ 68,631.96

All bids were reviewed by Council and the Director of Public Works Gene Williams. Mark Felton from RIC advised that we have \$102,000 granted for paving, but wasn't sure what would happen to the balance, but he would check with the Governor's office regarding this. After a discussion, Councilman at Large Olaf Walker moved that the Mayor be authorized to accept the lowest bid, then work with Mark Felton to expedite whatever needs to be done so that the contractor can begin paving no later than or sooner than the first of September. The motion was seconded. A vote was taken and it was unanimous.

Councilman George Atkins moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 9:02 p.m.


DON KARNES MAYOR


DORIS CARRIER, RECORDER

PRE-BID MEETING

AUGUST 10, 1989

Present at the pre-bid meeting held on August 10, 1989 in Council Chambers at Nitro City Hall beginning at 3:04 were Louie Ledsome from Orders and Haynes Paving, Jerry C. Hartman from B & B Paving, Tom Kelly from E. E. Moore Paving, Bill Cunningham from Dunn Engineers, Inc., Mark Felton from RIC, Mike Morris, Operations Manager, Gene Williams, Director of Public Works, Bob Sergeant, Building Inspector and Pansy Armstead.

Mr. Bill Cunningham stated the City asked him to assist them with putting together a set of specs to put some street paving work out for bid. He informed that Mark Felton is the representative from the Regional Intergovernmental Council who will be the administrator of the project for the HUD fund. Mr. Cunningham explained that it would be financed through the HUD CDGB grant coming from the Federal and State Government. He advised the contractors that they would be working with Gene Williams.

Mr. Cunningham explained that the project was developed trying to meet some HUD guidelines and certain streets and areas were surveyed to see what met the criteria for the HUD project, and this is how the streets listed in the spec booklet were determined to be paid.

Mr. Cunningham said a different approach was taken in the method of payment on this project. He said normally on paving projects you go with tons of asphalt applied, etc. He said the City wanted to hold the cost down and they didn't want to have a fulltime inspector, etc. on the project trying to keep weight tickets, and so they went with a full width payment on these streets with a 1 1/2 inch overlay.

Mr. Cunningham informed that the City would be contacting the water, telephone and power companies for them to raise any of the meter boxes, etc. that are out in the roads. He advised that the contract they would be bidding on would require that they raise the catch basins and any sanitary sewer or storm sewer lids.

Mr. Cunningham recapped certain HUD requirements that need to be met on the project as it relates to documentation of their efforts. He advised that Mr. Felton would assist the lowest bidder in complying with the regulations.

Mr. Cunningham cautioned the proposed bidders that they are required to pay the prevailing state and federal wage rates on this project as it does involve federal funds. He informed that the wage rates were attached to the document. Also, he reminded them about discrimination.

Mr. Hartman asked if there was a certain way the manholes had to be raised, and Mr. Cunningham said they would prefer using the rings. He questioned the size of the manholes, and Mr. Williams advised they were standard size.

Mr. Kelly asked the number, and Mr. Williams said that he would supply them with the number of manholes and drop inlets.

After a short discussion, Mr. Cunningham said they could taper into the catch basins.

Mr. Cunningham informed the contractor that the low bidder should furnish their working schedule to Gene Williams and then he could put the markers up for that days activities. Mr. Williams said they have a letter which will be delivered door-to-door.

There was an inquiry as to some of the streets having a lot of potholes, and Mr. Cunningham said that filling of the potholes is included. He said it calls for the contractor to go in and patch the holes first and then go back and do the overlay.

There was a question if the sanitary sections would have to be raised, and Mr. Cunningham said we might get Connie Stephens to raise them. Mr. Williams said they have rings on hand. Mr. Cunningham said that if she can do this, then it would save money on the paving. Mr. Williams said that he would check with her and would have an answer Monday morning. If it is not going to be included, those holding plans will be notified.

There was a question on the width of the streets, and Mr. Williams answered that they were 24 to 30 feet.

Mr. Cunningham explained that the paved gutters mentioned that this was on the hillside section of 31st Street. He said the City has to do some drainage work such as put in some pipe and culverts, so the City wants a price in this contract to pave the gutter should they get the work completed. He said they would be looking at about 1 1/2 to 2 inches of asphalt to cover the invert of the ditch to stop erosions.

Mr. Cunningham checked to make sure the proposed bidders had all the necessary information packets.

There being no further questions, the meeting was adjourned.

Don Kaen

CITY OF NITRO
COUNCIL MEETING MINUTES

SEPTEMBER 5, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 15, 1989 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the Council Meeting Minutes of August 15, 1989 be approved as written. The motion was seconded. A vote was taken and it was unanimous.

Mayor Karnes requested a motion to bypass agenda item 2, and proceed with item 3. Councilman at Large Olaf Walker moved we proceed to agenda item number 3 and then come back to number 2. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - PAVING - SPRING STREET & KANAWHA AVENUE, S.:- Mayor Karnes advised that in the area of Spring Street and Kanawha Avenue, South there are some builders trying to develop some apartments and are anxious to get some paving done in this vicinity. Mayor Karnes said the street has never been paved. He informed that the proposal is that if the City would move Spring Street up on their priority list and pave it, then the builders would pay for the paving of Kanawha Avenue, South. He said that before he would expect any action from Council, he wants them to know more about this proposal and would also furnish them a map. The developers could not be at the meeting tonight as they had another commitment. Mayor Karnes said that he would supply members of Council with more information and would place it on the agenda at the next meeting. Mayor Karnes stated that while he is in office he would like to pave all the streets that haven't been paved. Councilman at Large Olaf Walker commented that he thought the proposal made by the developers is a good deal for the City, if money is available.

There was a short recess in order to locate the pertinent map, etc. to address agenda item number 2.

AGENDA ITEM NO. 2 - ABANDON 3RD STREET: - Mayor Karnes reported that on June 4, 1985, at a regular scheduled Council Meeting, the subject to abandon a couple of minor streets that were never used, was tabled. Councilman at Large Rusty Casto moved this be brought off the table. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto moved the Mayor dispense reading the ordinance in its entirety and read the title only. Mayor Karnes read the title, and Councilman at Large Rusty Casto moved we approve the first reading of the ordinance. The motion was seconded. Councilman at Large Rusty Casto asked if the property owners abutting this property signed that it was okay to abandon the property, and Mayor Karnes answered that they had. A vote was taken to approve the first reading of the ordinance, and it was unanimous.

ORDINANCE 89-8 ATTACHED.

At the request of Councilman at Large Rusty Casto, Mayor Karnes announced that Ray Kesling, from the Nitro Moose Lodge #565, received Best Lodge Administrator award from the Supreme Secretary Donald Ross which is national. Also, the Top Lodge of the Year award was won by the Nitro, WV Lodge #565 which was presented by Supreme Governor Frank Carnecci to Lodge Governor Robert Pryor. Congratulations to Ray Kesling and the Loyal Order of the Moose Lodge #565.

Mayor Karnes furnished a copy of the letter received from Fred Cutlip, Director of the Community Development Division to members of Council. Mayor Karnes said that he had requested that we use any money that is left from our original grant to continue the original scope. He informed that they have approved that any money we have left we can continue to pave the original project without obtaining new bids. Therefore, B & B Paving, along with their other bid, will have this bid too. Mayor Karnes said that it appears we will be able to pave all the way to 41st Street. Mayor Karnes said that we are required to have a preconstruction conference, and at that conference we make sure the contractor isn't on the State's list, and they are not, and their performance bond must be in place, the contracts must be signed and the awarding of the contract officially takes place at the conference. Mayor Karnes said this should happen this week and paving should begin before the next Council Meeting.

Mayor Karnes said that he has a request from Mrs. Chandler to have a street light put in at the end of Reeves Drive. Councilman at Large Rusty Casto moved this request be referred to the Street & Traffic Committee to review and make their recommendation at the next Council Meeting. The motion was seconded. A vote was taken and it was unanimous.

Councilman George Atkins suggested the Street and Traffic Committee schedule a meeting as he also has some suggestions for street lights which need to be reviewed and also to review some matters he has turned in before. A meeting of the Street & Traffic Committee was scheduled for Thursday evening, September 7, at 7:00 p.m.

Councilman George Atkins mentioned the horrible condition around the kitchen facility at the field, and asked whose responsibility it was to clean this. Councilman at Large David

Casebolt informed that Jay Long promised that he would send a truck over there and pick it up. He said he told Mr. Long if he would get a truck over there that they would clean it themselves. Also, Councilman Atkins said the field needs mowed, and asked if there was any reason the field couldn't be mowed even though it wasn't being used. Mayor Karnes answered the field should be mowed, and said that he thought the City should be totally in charge of the park, as it is a City park. He said in the Spring, with Councils' agreement, the park should be in one persons control and it should be the City's. Mayor Karnes said the softball field hasn't been mowed, and he mentioned it to the employee taking care of the park. He said the League had been mowing it, and he thought they would do it. Mayor Karnes said that this wasn't good when you don't know who is supposed to do it, and thinks the City should do it all which would eliminate confusion about who should be mowing it, but would appreciate any volunteers.

Councilman George Atkins said that he would like to have a financial report on the pool from the opening day until it closed. Councilman at Large Olaf Walker said the report should include the wages paid to the employees.

Councilman George Atkins said that he would also like to have a report on the softball league. Councilman at Large Rusty Casto asked if they paid their fee to get in the league which he believes they haven't. Councilman at Large Rusty Casto stated that he would like to have some representatives from the men's softball league attend the next Council Meeting as he would like to ask some questions.

Councilwoman Betty Jo Boggess said that at times downtown Nitro looks really dirty especially on Bank Street. She said she talked with Gene Williams, Director of Public Works, and he told her they would run the street sweeper. She said she would like to see the litter ordinance enforced.

Councilman Robert Young said that at the top of Brentwood there are two catch basins and the pipe has large holes in it and water is coming out the bottom of it, and if something isn't done about this he feels we will be in a lot of trouble.

Councilman at Large Rusty Casto asked Council their feelings with regard to raising the seat belt age limit to age 17. He said that he would like to discuss this matter at the next meeting, and questioned if it would be legal to raise the age requirement to 17 years old while riding or driving in the corporate limits of Nitro. Mr. Gaujot answered that he doubted if this could be done because we have a state law. Mayor Karnes asked Mr. Gaujot if he would check on the legality of this issue. Councilman at Large Olaf Walker pointed out that the legislature has attempted to get a seat belt law in this state several times. Discussion followed.

Kermit Thompson, a resident of Nitro, asked if he may address Council. He said he spent a lot of time this summer at the pool, and came to Council Meeting this evening to congratulate the City on the operation of the pool. He advised that he found the lifeguards and manager to be very professional. Mr. Thompson said he was in attendance one day when a situation arose, and the Manager of the pool handled it in a psychological manner and very few people knew there was a problem at the pool. He said he thinks they did a good job and should be congratulated.

There being no further business, Councilman at Large Rusty Casto moved the meeting be adjourned. The motion was seconded. A vote was taken, it was unanimous and the meeting was adjourned at 8:34 p.m.



DON KARNES, MAYOR



DORIS CARRIER, RECORDER

ORDINANCE # 89-8

AN ORDINANCE TO CLOSE A PORTION OF THIRD AVENUE FROM THE INTERSECTION OF FOURTH STREET TO THE WESTERLY RIGHT OF WAY LINE OF W. VA. RT. 25 (FIRST AVENUE) AND THIRD STREET FROM THE INTERSECTION OF THIRD AVENUE TO THE WESTERLY RIGHT OF WAY LINE OF W. VA. RT. 25 (FIRST AVENUE).

1. Whereas, the City of Nitro, West Virginia, has before it a petition seeking to close a portion of Third Avenue from the intersection of Fourth Street to the intersection of the westerly right of way of W. Va. Route 25 (First Avenue), and seeking to close Third Street from the intersection of Third Avenue to the intersection of the westerly right of way of W. Va. Route 25 (First Avenue), which are streets owned by the City of Nitro, the portions sought to be closed being more particularly described as follows:

BEGINNING at an iron pin in the southerly right of way line of Fourth Street at its intersection with western right of way line of Third Avenue; thence with the right of way line of Fourth Street projected crossing Third Avenue S. 66 deg. 15' E. 63.54' to the easterly right of way line of Third Avenue at property of Paul Willard; thence along said easterly right of way line with property of Paul Willard the following two courses and distances: S. 52 deg. 41' 16" W. 49.90' to a point, S. 39 deg. 26' 16" W. 94.69 feet to an iron pin at the division line of property of Paul Willard and Nitro Moose Lodge #565; thence continuing along easterly right of way line with property of Nitro Moose Lodge #565, the following two courses and distances: S. 44" deg. 00' 11" W. 191.97 feet to a concrete nail, S. 20 deg. 53' 03" W. 88.46 feet to an iron pin on said right of way at its division line with property of Nitro Moose Lodge #565 and property of Tennessee Gas Transmission Company; thence leaving said easterly right of way with a line projecting the property line between Nitro Moose Lodge #565 and Tennessee Gas Transmission Company, N. 82 deg. 38' 44" W. 9' +/-, to the easterly right of way line of West Virginia Route #25 and westerly right of way line of Third Avenue; thence along West Virginia Route #25 and Third Avenue, N. 02 deg. 40' W. +/- 136' +/- to property of Ashland Oil Company; thence along property of

Ashland Oil Company with westerly right of way line of Third Avenue the following three courses and distances: A. 52 deg. 32' E. 57' +/- to a point, N. 38 deg 45' E. 78.92 feet to an iron pin, N. 23 deg. 20' E. 44.00 to an iron pin on westerly right of way line of Third Street; thence following said westerly right of way line of Third Street, N. 66 deg. 15' W. 147.60 feet to the easterly right of way line of W. Va. Route #25; thence along W. Va. Route #25 and crossing the northerly terminus of Third Street 02 deg. 04' W. 50.16 feet to an iron pin on the easterly right of way line of Third Street; thence continuing said easterly right of way line of Third Street to an iron pin on the westerly right of way line of Third Avenue, S. 66 deg. 15' E. 200.70 +/- feet; thence continuing along westerly right of way line of Third Avenue and Property of Nitro Moose Lodge #565, N. 40 deg. 19' 55" E. 135.64 feet to the place of beginning, containing 0.3 +/- acres.

2. Whereas, the property owners who own property abutting the above-described portion of Third Avenue have joined in the petition, to-wit:

- (a) Paul Willard
417 Fourth Street
Nitro, West Virginia 25143
- (b) Nitro Moose Lodge No. 565
101 First Avenue
Nitro, West Virginia 25143
- (c) Ashland Oil Company
DBA Rich Oil Company
P. O. Box 2069
Ashland, Kentucky 41105
- (d) Tennessee Gas Transmission Company
Tenneco, Inc.
P. O. Box 577
Winchester, Kentucky 40391
- (e) Pine Grove Realty Company
508 Roane Street
Charleston, West Virginia 25302


3. Whereas, those portions of Third Avenue and Third Street sought to be closed have at no time been opened to the public as a thoroughfare of a means of ingress and egress; that the subject areas have at no time been improved or maintained by any public

body for the purpose of ingress and egress; and there appearing no objection to the proposed closing of that portion of Third Avenue and Third Street above described:

Therefore, be it ordained by the City Council of the City of Nitro that those portions of Third Avenue and Third Street, as more particularly described in paragraph 1 above, be closed as requested by the petitioners on the condition that the petitioners agree that Nitro Moose Lodge ³⁵⁶⁵ be responsible for constructing (at their expence) an adequate turnaround at the head of Fourth Street at the point and time such property is vacated, with this work being done to the specifications of the City of Nitro, and the right of way for the Sanitary Sewer now existing remains in effect at ten feet, and when future paving of Nitro Moose area is undertaken, the Sanitary Sewer lines will be relocated based on specifications set forth by the Nitro Sanitary Board prior to construction. A new right of way will be granted to the Nitro Sanitary Board by the Nitro Moose of ten feet at the time of relocation. All location cost will be borne by the Nitro Moose. And an adequate storm sewer system will be installed by the Nitro Moose to handle water flows from this area as specified by the City of Nitro.

Passed by the Council of the City of Nitro, West Virginia, this _____ day of _____, 1989.

Signed by Mayor Donald Karnes this _____ day of _____, 1989.


DONALD KARNES, MAYOR

FIRST READING: September 5, 1989

SECOND READING: _____

CITY OF NITRO
COUNCIL MEETING MINUTES

SEPTEMBER 19, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:35 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was Councilman at Large Olaf Walker.

Mayor Karnes welcomed all the guests.

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

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 5, 1989 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the Council Meeting Minutes of September 5, 1989 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - FRED SAMPSON REGARDING PEOPLES FEDERAL CREDIT UNION: - Mayor Karnes said that Mr. Sampson asked to address Council, but wasn't present. Therefore, Mayor Karnes said that he would move on to the next item of business, and if Mr. Sampson comes later, then he would move back to this item.

AGENDA ITEM NO. 3 - ORD. 89-8 TO CLOSE A PORTION OF THIRD AVENUE (2ND READING): - Mayor Karnes informed that this would constitute the second reading of Ordinance 89-8. Councilman at Large Rusty Casto moved the Mayor dispense reading the ordinance in its entirety and read the title only. The motion was seconded. A vote was taken and it was unanimously approved. After the Mayor read the title of the ordinance, Councilman at Large Rusty Casto moved that Ordinance 89-8 be approved. The motion was seconded. A vote was taken and it was unanimously approved.

Councilman at Large Rusty Casto asked when the Nitro Moose Lodge would begin work on their project, and Ray Kesling, the General Manager and Secretary of the Lodge, responded that it would probably be within the next two weeks. He said that he has to have all the legal work completed first and then he would get with the engineers.

For the benefit of those present and not aware of the above conversation, Mayor Karnes explained that the Moose Lodge has a parking problem, and they bought some property on 4th Street and

needed a way to get in and out of that area without disturbing the neighbors on 4th Street. So, they requested that Council abandon the right-of-way, that's never used anyway, in order for them to access the parking lot from the main road.

ORDINANCE 89-8 ATTACHED.

AGENDA ITEM NO. 4 - REQUEST FROM CONFIDENCE ELEMENTARY SCHOOL: - Mayor Karnes yielded this agenda item to the City Recorder Doris Carrier. She advised that the Confidence Elementary School requested permission to solicit for fund raising activities for their annual fall carnival scheduled for October 14, 1989. Councilman at Large Rusty Casto said that we have approved their request every year, and moved permission to solicit be granted to the Confidence Elementary School. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - NITRO MIDGET FOOTBALL LEAGUE REQUEST: - Mayor Karnes informed that we have a request from the Nitro Midget Football League to have a parade, and asked Councilman at Large David Casebolt for further explanation. Councilman at Large David Casebolt informed that Saturday, September 23, was Homecoming weekend for the Nitro Midget Football League and they are requesting permission to have their annual parade. He advised the parade would begin at 35th Street, up First Avenue to West 11th Street and down Park Avenue to the field, beginning at 3:30 p.m. Councilman at Large David Casebolt moved their request be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - SENIOR CITIZENS: - Mayor Karnes informed that the senior citizens asked to address Council, and yielded this agenda item to their spokesperson, Herb Sibley. Mr. Sibley said the seniors of Nitro have been active for a number of years, dependent upon others for a place to meet, eat and fellowship. At the present time, they are meeting at the Presbyterian Church which allows the seniors to use their kitchen and facilities. However, he explained that it's not because it's a Presbyterian Church, but because it is a church they put a certain stigma on the meeting place inasmuch as some people think it is a project of the church, and as a result, just don't come. Mr. Sibley said they average 30 to 45 seniors per day. However, this varies according to weather. He said that parking facilities are great, and through the generosity of the Mayor and Council they have a van so they can bring people to the meeting place.

Mr. Sibley said the facility they have now is not a facility that should be a long term facility. He advised they have been partly supported by Multi-Cap, which is an agency supported by the Federal and State governments. This agency prepares the food in Institute, and the van drivers bring the food to the site.

Mr. Sibley reported that they (Golden Nuggets) had a meeting last Tuesday with the Mayor, City Recorder, several members of the Monsanto retirement organization and a representative from the Kanawha Senior Council. Multi-Cap sent word of their participation and encouragement for a particular project to have a site that would be a senior citizen permanent site within this area. He informed that a representative from the Kanawha Council indicated that there were 40,000 seniors in Kanawha County. Mr. Sibley stated that he feels if the seniors had a facility they could call their own, the number of seniors attending in Nitro would increase to 60 to 100 people. He said they have looked at several locations and one location discussed at the meeting is known as the American Legion Hall. He said they inspected the building and it needed renovation, but it was his understanding that there are volunteers from the Monsanto Retirement Group and other financial support from the Golden Nuggets, the Kanawha Council and Multi-Cap.

Mr. Sibley explained that on behalf of the seniors, he is petitioning that consideration be given on their use of the American Legion Building on some sort of a lease basis vs a gift basis as the City owns this building. Then the renovation could go on from there. He said without figures, he understands there is further consideration to be made on the amount of renovation necessary and the length of time it would take. However, he appealed to the Mayor and Council to give consideration to this location.

Charles Boggs informed that if a new roof was put on the building, doors installed, wiring and plumbing, tile on the floor, drop ceiling, insulation above the ceiling, fire proof sheet rock, install an additional bathroom, paint as needed and lights as needed, the material and labor would cost \$17,000.00. Mr. Boggs said that he asked for a bid on adding a new completed second floor, and the total cost for the addition and renovation would be \$38,000.00. Mr. Boggs said that they had an engineer check on the soundness of the building, but hasn't received the report.

Mayor Karnes said as it stands right now, the City has records stored in the building, and there is gym equipment there that the police department and others use. Councilman George Atkins asked if it would be a problem, and Mayor Karnes said he hasn't discussed this with the police department, but moving the records wouldn't be a problem.

Councilman Robert Young questioned where the \$38,000 would come from, and Mr. Boggs said there has been several sources mentioned, but the Kanawha Senior Council indicated that there is Federal and State money, which is called Partnership Money, available and they would be glad to help them. Mr. Boggs added that Multi-Cap indicated that they would continue their support.

Their budget at the present time is \$275.00 a month. In addition, the seniors have some funds. Mr. Boggs said that they hope the Council would be interested enough to help, if they can, at a later date. He said he feels there is a need for a senior and a community center. A discussion followed regarding the requirement of the length of time required for the lease agreement.

Councilman at Large Rusty Casto asked the seniors if they would prefer to wait in hopes of the City getting the high school or would they rather get the Legion Building now. The seniors all agreed that the sooner, the better.

Mayor Karnes said that he feels the consensus of the Council is that they are not opposed to this idea unless there is something unforeseen. Mayor Karnes suggested we get some key people that are going to be involved to come up with a rough draft agreement that will work, and present it to Council.

Mr. Sibley said that he has taken the liberty of taking the first step to get the Golden Nuggets incorporated, and he will make application to the Internal Revenue to make them a nonprofit organization.

Councilman George Atkins said that he would like to thank Conda Martin for the endeavor that she has put forth in getting the senior group together.

Mr. Kesling commented that they didn't have many workers at the Moose, but he feels they can help out a little on this project when it gets started. He said he appreciates all the seniors and all the work they do for our City and the Lodge, and they would like to help them in return.

Mr. Charles Boggs said that he would like to thank Council for their interest in this project as it is something we need badly.

AGENDA ITEM NO. 7 - POOL REPORT: - Mayor Karnes informed that Jay Long was an invited guest of the Shawnee Hills Community Mental Health/Mental Retardation Center, Inc. As Mr. Long plays Santa for the children, they asked him to be present at their annual meeting to receive A Special Friend Award. Their keynote speaker was Jon McBride. Mr. Long asked Councilman at Large Rusty Casto if he would give the pool report as they reviewed it together.

Councilman at Large Rusty Casto reported that members of Council were furnished a packet which he feels is self explanatory. Councilman at Large Casto said that Jay and Perry did a thorough job compiling the information. During the 81 opening days, with an average of 174 people per day, the pool cleared \$321.75. Councilman at Large Casto said that Jay asked him to stress that next year, the free passes will be distributed according to the City Ordinance, they will try to push the sale

of the pool passes, and also consider the feasibility of the City taking over the concession stand. A short discussion followed. Councilman at Large Casto said that Jay pointed out that the 1,726 people admitted free were children 6 years old or younger. Mayor Karnes added that we have some chemicals that need to be returned, so this will increase the revenue a small amount. Councilman at Large David Casebolt said this was a bad year because of all the rain, and to come out ahead was amazing. Mayor Karnes reported that the wade pool lost money, and thinks the Nitro Pool did very well this year considering everything.

Councilman at Large Rusty Casto said that if we could figure a way to afford a nice set of tennis courts, and sell passes for the pool and tennis courts we could really sell passes. However, he said we would have to set a limit on the amount of passes sold.

AGENDA ITEM NO. 8 - PROC. 89-2 RECYCLING MONTH: - Mayor Karnes said he received a letter from the Governor's office asking that October, 1989 be proclaimed Recycling Month. He said that he would like to see Nitro in the recycling business, and was aware it would be a little tough to set up. Councilman at Large Rusty Casto moved we accept Proclamation 89-2. The motion was properly seconded. A vote was taken and it was unanimous.

PROCLAMATION 89-2 ATTACHED.

Mayor Karnes asked Council if they thought the citizens of Nitro would be interested in recycling in Nitro. Councilman at Large Rusty Casto commented that he did. Councilman Jim Hutchinson said that he thought if one was set up, the citizens would use it. Councilman Robert Young mentioned that anytime you pass the recycling station on Route 60, there is always a vehicle there. Mayor Karnes said that he was going to try to set up the mechanics of this, and present it to Council, to see if we can get involved.

City Recorder Doris Carrier said that she was glad to see the Golden Nuggets at the Council Meeting this evening.

Councilman at Large Rusty Casto asked what we are going to do about grass cutting at the park next year, and Mayor Karnes advised that the City would take this over except the ballfields, and this could be done by the Leagues.

Councilman Robert Young said that Cary Field is maintained very well during the ball season, but at this time of year it is a mess. This is private property, and Ms Martin said that during the season, the coaches and managers are responsible for the cutting of the grass.

Mayor Karnes said that we have members of the Jaycees present who requested to address Council.

Ms Cindy Anderson, President of the Nitro-Cross Lanes Jaycees, said that it was their understanding that a few years ago, the Nitro-Cross Lanes Jaycees did what they call a Halloween Meet and Treat in Nitro. She said they were entrusted in doing this again this year, and need Council's help in finding a place for children to come to. She informed that the intention of the project is to keep the kids from having to go door-to-door and possibly get injured. Ms Anderson said they could have this the Saturday or Sunday before Halloween or they could do it Halloween night. She said they solicit businesses for donations of candy, prizes, toys and games. She said they would like to have a costume parade on the sidewalk for about a block. Ms Anderson said that she wasn't asking Council for donations, but for permission to solicit businesses and have it in Nitro, and block off the street if this is decided upon. Mayor Karnes suggested Ms Anderson contact our Recreation Director Jay Long to work out all the details and then put this issue on the agenda at the next Council Meeting. Mayor Karnes told them that Council could address the issue of their request to solicit. Councilman Robert Young moved permission be granted to the Jaycees to solicit businesses in Nitro. The motion was seconded. A vote was taken and it was unanimous.

Councilman Robert Young mentioned the drain on Brentwood as discussed with Mayor Karnes.

Councilwoman Betty Boggess stated that she was real pleased to see that five streets were paved today in the lower end of Nitro. Councilman at Large Rusty Casto said at the rate the contractors are going, they would probably pave 5 more tomorrow. Mayor Karnes called Council's attention to a map in Council Chambers. He said the map would be put on the wall, and they would paint the streets that have been paved during this administration. He advised that since July 1, 1988, Hillside Drive, Wilson Street, 800 and 900 block of Dupont Avenue, 16th Street, 20th Street, 500 block of Michigan Avenue, 7th Street, 1000 block of Dupont, River Avenue, another section of Wilson St., 2nd Street, 22nd Street, West 11th Street, Park Avenue, 23rd, 24th, 25th, 26th, 27th and 28th Streets have already been paved.

Councilman George Atkins said that he had a petition from the residents of Park Avenue concerning the parking problem in this area during the school year. He said they are taking parking spaces that the residents should be using, but can't. He said that also 19th Street between 2nd and 3rd Avenue, the residents have the same problem. Councilman Atkins moved that the petition be submitted to the Traffic and Street Committee for their consideration. Councilman Atkins said that we need to upgrade some lights. He said one needs to be installed at Reeves Avenue, upgrade lights on 13th Street, Reeves Drive and 800 - 900 block of Kanawha Avenue. He said that a lot of the lights are antiques, and don't give out the light that the new ones do, and

moved that this too should be referred to the Traffic and Street Committee. The motion was seconded. A vote was taken and it was unanimous.

Councilman Jim Hutchinson said that he noticed that very little has been done regarding the upgrading of the crossing on Center Street. He said he believes if we could get the newspaper reporter there, we could possibly get something done. He said it was in a horrible condition.

Councilman Hutchinson said that he was glad to see the senior citizens at the meeting tonight.

There being no further business, Councilman at Large Rusty Casto moved the meeting be adjourned. The motion was seconded. A vote was taken, it was unanimous and the meeting was adjourned at 8:35 p.m.


DON KARNES, MAYOR


DORIS CARRIER, RECORDER

ORDINANCE # 89-8

AN ORDINANCE TO CLOSE A PORTION OF THIRD AVENUE FROM THE INTERSECTION OF FOURTH STREET TO THE WESTERLY RIGHT OF WAY LINE OF W. VA. RT. 25 (FIRST AVENUE) AND THIRD STREET FROM THE INTERSECTION OF THIRD AVENUE TO THE WESTERLY RIGHT OF WAY LINE OF W. VA. RT. 25 (FIRST AVENUE).

1. Whereas, the City of Nitro, West Virginia, has before it a petition seeking to close a portion of Third Avenue from the intersection of Fourth Street to the intersection of the westerly right of way of W. Va. Route 25 (First Avenue), and seeking to close Third Street from the intersection of Third Avenue to the intersection of the westerly right of way of W. Va. Route 25 (First Avenue), which are streets owned by the City of Nitro, the portions sought to be closed being more particularly described as follows:

BEGINNING at an iron pin in the southerly right of way line of Fourth Street at its intersecetion with western right of way line of Third Avenue; thence with the right of way line of Fourth Street projected crossing Third Avenue S. 66 deg. 15' E. 63.54' to the easterly right of way line of Third Avenue at property of Paul Willard; thence along said easterly right of way line with property of Paul Willard the following two courses and distances: S. 52 deg. 41' 16" W. 49.90' to a point, S. 39 deg. 26' 16" W. 94.69 feet to an iron pin at the division line of property of Paul Willard and Nitro Moose Lodge #565; thence continuing along easterly right of way line with property of Nitro Moose Lodge #565, the following two courses and distances: S. 44" deg. 00' 11" W. 191.97 feet to a concrete nail, S. 20 deg. 53' 03" W. 88.46 feet to an iron pin on said right of way at its division line with property of Nitro Moose Lodge #565 and property of Tennessee Gas Transmission Company; thence leaving said easterly right of way with a line projecting the property line between Nitro Moose Lodge #565 and Tennessee Gas Transmission Company, N. 82 deg. 38' 44" W. 9' +/-, to the easterly right of way line of West Virginia Route #25 and westerly right of way line of Third Avenue; thence along West Virginia Route #25 and Third Avenue, N. 02 deg. 40' W. +/- 136' +/- to property of Ashland Oil Company; thence along property of

Ashland Oil Company with westerly right of way line of Third Avenue the following three courses and distances: A. 52 deg. 32' E. 57' +/- to a point, N. 38 deg 45' E. 78.92 feet to an iron pin, N. 23 deg. 20' E. 44.00 to an iron pin on westerly right of way line of Third Street; thence following said westerly right of way line of Third Street, N. 66 deg. 15' W. 147.60 feet to the easterly right of way line of W. Va. Route #25; thence along W. Va. Route #25 and crossing the northerly terminus of Third Street 02 deg. 04' W. 50.16 feet to an iron pin on the easterly right of way line of Third Street; thence continuing said easterly right of way line of Third Street to an iron pin on the westerly right of way line of Third Avenue, S. 66 deg. 15' E. 200.70 +/- feet; thence continuing along westerly right of way line of Third Avenue and Property of Nitro Moose Lodge #565, N. 40 deg. 19' 55" E. 135.64 feet to the place of beginning, containing 0.3 +/- acres.

2. Whereas, the property owners who own property abutting the above-described portion of Third Avenue have joined in the petition, to-wit:

- (a) Paul Willard
417 Fourth Street
Nitro, West Virginia 25143
- (b) Nitro Moose Lodge No. 565
101 First Avenue
Nitro, West Virginia 25143
- (c) Ashland Oil Company
DBA Rich Oil Company
P. O. Box 2069
Ashland, Kentucky 41105
- (d) Tennessee Gas Transmission Company
Tenneco, Inc.
P. O. Box 577
Winchester, Kentucky 40391
- (e) Pine Grove Realty Company
508 Roane Street
Charleston, West Virginia 25302

3. Whereas, those portions of Third Avenue and Third Street sought to be closed have at no time been opened to the public as a thoroughfare of a means of ingress and egress; that the subject areas have at no time been improved or maintained by any public

body for the purpose of ingress and egress; and there appearing no objection to the proposed closing of that portion of Third Avenue and Third Street above described:

Therefore, be it ordained by the City Council of the City of Nitro that those portions of Third Avenue and Third Street, as more particularly described in paragraph 1 above, be closed as requested by the petitioners on the condition that the petitioners agree that Nitro Moose Lodge 3565 be responsible for constructing (at their expence) an adequate turnaround at the head of Fourth Street at the point and time such property is vacated, with this work being done to the specifications of the City of Nitro, and the right of way for the Sanitary Sewer now existing remains in effect at ten feet, and when future paving of Nitro Moose area is undertaken, the Sanitary Sewer lines will be relocated based on specifications set forth by the Nitro Sanitary Board prior to construction. A new right of way will be granted to the Nitro Sanitary Board by the Nitro Moose of ten feet at the time of relocation. All location cost will be borne by the Nitro Moose. And an adequate storm sewer system will be installed by the Nitro Moose to handle water flows from this area as specified by the City of Nitro.

Passed by the Council of the City of Nitro, West Virginia, this 19th day of September, 1989.

Signed by Mayor Donald Karnes this 19th day of September, 1989.


DONALD KARNES, MAYOR

FIRST READING: September 5, 1989

SECOND READING: September 19, 1989



DON KARNES
MAYOR

PROCLAMATION 89-2

CITY OF NITRO

WEST VIRGINIA

Proclaiming the Month of October, 1989 as

RECYCLING MONTH

In the City of Nitro

WHEREAS, citizens and visitors of West Virginia enjoy the beauty of the state, its mountains, streams and cities; and

WHEREAS, recycling saves precious energy, conserves valuable natural resources, protects the environment, prevents littering by eliminating material from the litter stream; and prolongs the useful life of many materials; and

WHEREAS, recycling is becoming increasingly important in our efforts to ease the growing problems of solid waste management; and

WHEREAS, the West Virginia Department of Natural Resources has adopted as its theme "West Virginia's Beauty is Everyone's Duty" in calling the significance of litter control and recycling to the attention of our citizens; and

WHEREAS, the Governor of West Virginia has proclaimed the Month of October as West Virginia Recycling Month.

NOW, THEREFORE, I, Don Karnes, Mayor of the City of Nitro, do hereby proclaim the Month of October, 1989, as

RECYCLING MONTH

in the City of Nitro, and urge all of our citizens to join in an effort to make "West Virginia's Beauty Everyone's Duty" through recycling.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Nitro, West Virginia, to be affixed this 19th of September, 1989.


DON KARNES, MAYOR

CITY OF NITRO
COUNCIL MEETING MINUTES

OCTOBER 3, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Council Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present was City Treasurer Ralph Allison. Absent were City Recorder Doris G. Carrier and City Attorney Phillip D. Gaujot.

Prior to calling the meeting to order and declaring it to be in regular session, Mayor Karnes welcomed all the guests.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 19, 1989 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the Council Meeting Minutes of September 19, 1989 be approved as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - SENIOR CITIZENS: - Mayor Karnes yielded this agenda item to Councilman Atkins. Councilman Atkins stated that at the last Council Meeting there was a discussion concerning a future site for the senior's program. He asked Mayor Karnes if he would report on the tie ups which would delay this for a while. Mayor Karnes said that he didn't think it would delay the matter, but he talked with the City Attorney and he didn't have the deed to review. He feels this wouldn't be a problem, but there are limits as to what this administration can do in regard to saddling the next administration for a lease, loan, etc. He said we didn't have the exact specifics at this point. Mayor Karnes said that they do not foresee a problem, but it's not worked out yet. However, he said that this doesn't mean that this Council cannot approve it pending legal ramification. Mr. Gaujot advised that if Council desires to take action, to make sure that it is approved based on that contingency. Councilman Atkins moved that on the contingency of the legal ramification, Council approve the use of the American Legion Hall as a future senior citizen hall. The motion was seconded.

Mayor Karnes said he would contact the City Attorney for advise.

Mr. Herb Sibley informed that after the presentation at the last Council Meeting, they felt they needed additional information. Therefore, last Wednesday they held another meeting. He said they received recommendations from Ramona McNeely, a representative from the Kanawha Valley Senior Council, and Charlie Boggs furnished them information in regards to the financial requirements for the renovation of the building. Mr.

Sibley asked Oscar Smith, President of the Golden Nuggets Senior Citizens Club of Nitro, if he would share his expertise regarding the structural condition of the building. Mr. Sibley informed that Mr. Smith worked for a contractor for 50 years. He visited the site along with an engineer.

Mr. Smith said he looked at the building, and the wall towards 22nd Street is 3 or 4 inches out of line at the top and cracked, and the opposite wall has a curve in it. He said that to build a second floor wouldn't be practical. Mr. Smith said the cooling system wasn't working, and neither was the furnace. He advised that a rough estimate for a complete heating and cooling system for two floors would cost between \$10,000 to \$12,000. Mr. Smith said that he was talking about the building as a whole and not making any recommendations in response to Councilman Young's comments regarding the instability of the walls. Mr. Smith said he thought the walls were of 8 inch blocks. He asked if the estimate for the second floor of \$21,000 was for frame or masonry construction, and Mr. Boggs said that it was for frame construction on the existing blocks.

Mayor Karnes advised that if Council desired to go with this project, he was going to try and find someone qualified to draw a working plan, and then have our city engineers review the plans and look at the building.

Mr. Smith said that he had a rough sketch of a floor plan that he would furnish. Mayor Karnes commented that he thought the senior citizens group should make the choice of the design of the floor plan, but that our engineers should approve the structure and the safety of the structure. Further discussion and comments followed.

Councilman at Large Olaf Walker stated that in view of what has been said tonight regarding the present status of the American Legion building we should consider the following:

If there is any kind of a covenant in the existing deed that would prohibit the City of Nitro from disposing of the property. Also, he said that he didn't know if we had determined the value of the property. He said it was his understanding the property was given to the City, and he would like to have someone evaluate this and then he might be willing, based on the information he received tonight, to have the City give the building to the seniors if the site meets their needs and requirements. However, he recommended we have someone look at the building and give Council their recommendations.

Councilman Robert Young questioned that if the property is transferred to the seniors, would it relieve the City from any responsibility, and Councilman at Large Olaf Walker advised that it would.

Mr. Sibley informed that since the last meeting, he prepared a charter and has it ready to file with the State of WV. He said it was his intent to follow through with the Internal Revenue Service to get the Golden Nuggets Senior Citizen Club of Nitro listed as a nonprofit organization, after reviewing the documents with Ms McNeely.

Ms McNeely stated that she felt that in the long run it would be better if the City would not divest itself of the property for the simple reason the seniors do not have a record of being able to pay utilities, insurance, etc. She said there are lots of city owned buildings leased for senior citizen centers. For instance, they lease their senior center from the City of Charleston. This way, the City retains a measure of independent guidance for seniors, which doesn't take anything away from the seniors who want to operate their program independently. She said she feels it is better if the seniors lease a facility. A short discussion followed.

Councilman at Large Olaf Walker stated that he wouldn't propose giving away City property if we had money involved in it. He said that in some respects, the building is of no value to the city.

Councilman George Atkins amended his motion, assisted by Councilman at Large Olaf Walker, that the Mayor authorize a committee, professional or someone to make a study of what ramifications are, legal and otherwise, and if possible, to transfer the deed to the seniors to use as a future senior citizen hall. The amended motion was accepted by Councilman at Large Rusty Casto who seconded the motion. A vote was taken and it was unanimous.

Councilman at Large Olaf Walker moved Agenda Item 3 be moved to the end of the agenda. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - PROC. 89-3 FIRE PREVENTION WEEK: - Mayor Karnes informed that this agenda item pertains to a proclamation which has been passed by Council for several years. Councilman Jim Hutchinson moved we approve the proclamation. The motion was seconded. Councilman at Large Rusty Casto said that he felt the third whereas, should be deleted because fire in wildlife is very beneficial if it is controlled. Mayor Karnes said that he wouldn't agree that it was beneficial, but it is nature. A short discussion followed. A vote was taken and it was unanimous.

PROCLAMATION 89-3 ATTACHED.

AGENDA ITEM NO. 5 - PARADE REQUEST - NITRO HIGH SCHOOL: - A copy of the request from Judy Fortner asking that Nitro High School be granted a parade permit for October 20, 1989 was

furnished to members of Council. Councilman at Large Rusty Casto moved we approve their request. The motion was seconded. Councilman at Large Rusty Casto said that he feels that Council needs to notify all organizations requesting permission to hold a parade that he wouldn't vote in favor of approving a parade from the Moose Lodge to the Nitro-St. Albans bridge on 1st Avenue. He said they drive too fast and he was afraid a child might get seriously injured. He said the parade request from the Nitro High School parade isn't scheduled for this route, but this point was called to his attention by some of the parents. A vote was taken to approve the parade request from Nitro High School, and it was unanimously approved.

AGENDA ITEM NO. 6 - PAVING REPORT: - Mayor Karnes said that as Council was aware, we started out with one project and then had to reduce the scope of the project. Then, after obtaining the bids and going through the proper process, we asked to change the scope of the project again. Mayor Karnes reported that we had enough money left, and as the low bidder, we can legally extend the contractor's bid to increase the size of project. He said he signed papers for the approval from the Regional Intergovernmental Council to include almost the entire area of the original scope of the project. He reported that all the streets in the first phase of the job were paved.

AGENDA ITEM NO. 7 - HALLOWEEN: - Mayor Karnes informed that the Kanawha County Commission designated October 31, 1989 from 6:00 p.m. to 8:00 p.m. for Halloween. Councilman Jim Hutchinson moved we observe Halloween as designated by the County Commission. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - POOL REPORT: - Mayor Karnes yielded this agenda item to Councilman at Large Rusty Casto who requested to be put on the agenda. Councilman at Large Rusty Casto passed a packet of information with recommendations from Perry Estep, and said that Mr. Estep asked him to pass this along to Council members as he wasn't able to attend the meeting. He said the biggest recommendation was that the City take over the concession stand operation. Councilman at Large Rusty Casto said that he didn't know if the Mayor would want this to go to a committee or simply send it to Jay Long. Mayor Karnes said he thought we should give Council enough time to review it as we really didn't have to address this tonight. Councilman at Large Rusty Casto commented that it was a thorough report and worthy of our attention. Mayor Karnes said that we do need to consider if the City wants to operate the concession, and asked for input from Council.

Councilman at Large Olaf Walker asked if he could add something. He said it was good that Council would have an opportunity to review the proposals, but said he would like to

furnish more data. He said the report that was furnished at the last Council Meeting was good, but feels Council should have more data. Councilman at Large Olaf Walker compiled and furnished Council figures of the budgeted revenues and expenses for the years 81 through 89, and the amounts received and disbursed for these years. He said he also prepared a report showing individual items of the revenues, and line item expenditures during the year of 1983. Councilman at Large Olaf Walker said that he could not obtain the figures for the years 1984 through 1988. This report also reflected the total attendance with an average daily attendance. He also shared a report showing the amount of revenue received on a monthly basis and the expenditures. Councilman at Large Olaf Walker advised that the figures furnished on the reports were predicated from the records he received from the City. Councilman at Large Olaf Walker said that he would like for the Recreation Committee to review the figures presented and come up with some suggestions. He said he checked with Mr. Morris and the City Treasurer Ralph Allison and was informed there could be a separate report for the pool and park revenues and expenditures. Councilman at Large Walker said he would also like for the Committee to consider as to how we arrive at the price of a pool pass. He said he wasn't saying the pool should make money, but in talking with people from other towns, they at least try to make expenses. He said that if we took out the labor during the winter months, it would look more favorable.

Councilman at Large Rusty Casto moved we go into Executive Session. Councilman at Large Olaf Walker responded that he would like for Council to review the reports and if Councilman at Large Casto felt we should go into executive session to discuss it in more detail, he would be with him. He said he could have made mistakes. Councilman at Large Casto asked that if we discussed figures, could they go into executive session, and Councilman at Large Walker responded that the only way they could go into executive session would be for the purpose of discussing personnel or confidential problems relating to people. Mayor Karnes commented that over the years, there was a tremendous variation from one year to the next of what the Recreation Department spent. He said that in some years, the employees cutting grass were expensed under the Recreation Dept. Mayor Karnes pointed out that the swimming pool very well may make money, but there is no town that the Recreation Department makes money and the police and fire departments don't make money. Councilman at Large David Casebolt said that he feels there should be a meeting, and then bring it back to Council.

REQUEST FROM NITRO BUSINESS & PROFESSIONAL ASSN.: - Mayor Karnes advised that Mr. Greene displayed a Christmas decoration and the business people asked if the City would purchase 2 at \$125. each. Councilman at Large Olaf Walker asked our City Treasurer if we have the funds, and Mr. Allison responded that we

do. Councilman at Large Olaf Walker moved the City purchase 2 lights. The motion was seconded. A vote was taken and it was unanimous.

Councilman George Atkins asked Mayor Karnes if he had made the appointment of the Librarian yet, and Mayor Karnes explained that the Nitro Library Board had already filled this position. He informed that our City Code gives this authority to the Library Board, and does not require approval from the Mayor or Council.

Councilman Robert Young asked about the drain on Brentwood, and Mayor Karnes advised that Mr. Williams is suppose to be looking at it.

Councilman at Large Rusty Casto moved that we ask the Street Committee to investigate our street signs and come up with recommendations and the cost for improving them. He said when it is dark and raining, nobody can read the signs. The motion was seconded. Several members of Council agreed that they have received complaints regarding the visability. A vote was taken and it was unananimous.

Councilman at Large Rusty Casto said that he read in this evenings paper that the Attorney General may bring suit against the cities and counties, and ask how this would affect the City. Mayor Karnes said they would have to win their suit first and he didn't see this happening. City Treasurer Ralph Allison said that it wouldn't have a drastic affect on the City, but it might on the Police and Fire Pension funds.

Councilman Bob Young moved the meeting be adjourned. The motion was seconded. A vote was taken, it was unanimous and the meeting was adjourned at 8:50 p.m.


DON KARNES, MAYOR


DORIS CARRIER, RECORDER



DON KARNES
MAYOR

PROCLAMATION 89-3

PROCLAIMING THE WEEK OF OCTOBER 8,
THROUGH OCTOBER 14, AS FIRE PREVENTION
WEEK

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, Don Karnes, Mayor of the City of Nitro, West Virginia, do hereby proclaim the week of October 8 - 14, 1989 as

FIRE PREVENTION WEEK.

Proclaimed this 3rd day of October, 1989.


DON KARNES, MAYOR

CITY OF NITRO
COUNCIL MEETING MINUTES

OCTOBER 17, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present was City Treasurer Ralph Allison. Absent were City Attorney Phillip D. Gaujot and Councilman at Large David Casebolt.

The invocation was given by Father John Ledford.

Mayor Karnes informed that the Air Guards from Charleston received 8 new C-130 airplanes. They reviewed the population of all the cities, with members of the Air Guard vs the population of the town, and Nitro rated high. Therefore, in a ceremony that was held this past Sunday, one of the planes was named the City of Nitro. Mayor Karnes commented that it was a nice ceremony, and they presented the City of Nitro with a key as a memento of the occasion.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 3, 1989 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the October 3, 1989 Council Meeting Minutes be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - SENIOR CITIZENS UPDATE: - Mayor Karnes informed that the deed to the former American Legion Building property has no restrictions as to what we can or cannot do with the property. He advised that our City Attorney Phillip Gaujot has been brought up-to-date of our desires. Mayor Karnes said that Mr. Gaujot understands to some degree what we need, but feels before we finalize this, there should be a meeting with the proper people to determine exactly what we need in the agreement that will be acceptable to both sides. He said it is now in the attorney's hands and we should receive something from him soon.

Mayor Karnes said he met with the Kanawha County Commissioners requesting their help in funding the creation of the senior citizens center in Nitro. He said the Commissioners told him it sounded like a good idea, but they needed more time to study the proposal. Mayor Karnes said he also spoke with the Putnam County Commissioners, but as the site is in Kanawha County, they won't fund it.

Discussion followed regarding the City maintaining ownership of the property, financial obligations, paying the utilities,

and approving a budget. These matters would be resolved at a later meeting. Councilman at Large Olaf Walker stated that we need Mr. Gaujot's opinion regarding giving away property belonging to the City.

AGENDA ITEM NO. 3 - HALLOWEEN PARTY & PARADE 10-31-89: - Mayor Karnes yielded this agenda item to Councilman at Large Rusty Casto. Councilman at Large Rusty Casto said members of Council received a copy of a memorandum from Jay Long, the Director of Recreation, requesting permission to block off 2nd Avenue from 19th Street to the 21st Street stoplight, and also for a parade which would begin at the Nitro High School parking lot, proceed north to 21st Street, left on 21st Street to First Avenue, right on First Avenue to 23rd Street, right on 23rd Street to 2nd Avenue, right on 2nd Avenue back to the High School parking lot. Councilman at Large Rusty Casto moved the request for a parade be granted. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved permission be granted to block off 2nd Avenue from 19th Street to the 21st Street stoplight on October 31, from 4:30 p.m. until 10:00 p.m. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto said that attached to Mr. Long's request was a notice that the Nitro Business & Professional Assn., Nitro/Cross Lanes Jaycees, Nitro High School Key Club, National Bank of Commerce of Nitro and the Nitro Recreation Department will be having "The Haunted Rooms" between 23rd and 24th Streets on First Avenue on October 26, 27, 28 and 30th. Admissions will be \$2.00 for goblins 12 years and older and \$1.00 for spooks up to age 12. The fee charged for admission will be used for candy and prizes and the profits will be applied towards the purchase of Christmas lights. Councilman at Large Rusty Casto moved approval be granted to have the "Haunted Rooms". The motion was seconded. Mayor Karnes said special thanks should go to the law firm of Peyton, Caldwell and McCormick who donated the use of their building for this event. A vote was taken and it was unanimously approved. Councilman at Large Rusty Casto suggested that Mayor Karnes, City Recorder Doris Carrier and members of Council volunteer their services during one of the opening nights.

AGENDA ITEM NO. 4 - SALVATION ARMY REQUEST: - Mayor Karnes yielded this agenda item to the City Recorder Doris Carrier. City Recorder Doris Carrier advised that the Salvation Army requested to place kettles in our area for donations to help finance their Christmas Programs and services for the needy. Councilman at Large Rusty Casto moved their request be granted. The motion was seconded. Councilman at Large Olaf Walker said that he would like to offer his time and would be pleased to man a kettle, and suggested other members of Council to do likewise. A vote was taken and it was unanimous.

Mayor Karnes reported that Mr. Tom Curry is opening a new business beside Casto Hardware on First Avenue. He said they do new truck drivers regulations to maintain licenses, etc. They are having open house Friday from 10:00 a.m. to 5:00 p.m. and Saturday from 10:00 a.m. to 2:00 p.m. and invited all Council members.

Mayor Karnes announced that the official ground breaking ceremony of Peoples Federal Credit Union was held on October 12, and T & L Hot dogs opens Wednesday, October 18.

Councilman George Atkins asked if the Firefighters appointed someone to the Fire Civil Service Commission, and Mayor Karnes responded that they have, and there are 3 Commissioners.

There was a discussion regarding the water problem on the parking lot at the Senior Citizens Complex.

Councilwoman Betty Jo Boggess said that she feels there is going to be a traffic problem at 8th Street and we should keep an eye on this area.

Councilman Robert Young asked how long the trash, on the corner of 14th and Main Street where the house was rebuilt, is going to be there. Mayor Karnes said that it's not the same trash everyday. He said that the Public Works Department has hauled away around 6 loads from this site.

Councilman Robert Young said he received a telephone call from a resident of Carriage Way, and the residents of Carriage Way and Brookhaven feel they are treated like "red headed step children". He said he was told by the complainant that the Homeowner's Assn. won't allow the new homeowners to join the association. Councilman Young said the resident requested having a light, a dusk to dawn or something, installed where the new development has been added. He said a neighbor has put in plastic storm sewers three times because everytime he does, some youngster hooks a rope on them and to his truck and pulls them out. Also, there are no fire hydrants located within this area. The closest one is over 2,000 feet away. Mayor Karnes said the homeowners of the first section of Carriage Way wanted to retain control of the streets, and the streets on the back section haven't been dedicated to Nitro and nobody really knows who owns them. Mayor Karnes said he feels we need the City Attorney to tell us what steps need to be taken and if all parties involved agree.

Councilman at Large Olaf Walker asked if we were getting the motel tax as mentioned regarding Senator Craigo in an article in the newspaper, and Mayor Karnes responded that we are. Councilman at Large Walker wanted to know if there were any new developments on this, and Mayor Karnes advised what a reporter told him.

Councilman at Large Olaf Walker asked if there was any record indicating past due accounts on B & O taxes, and the City Treasurer Ralph Allison answered that there was. Councilman at Large Walker inquired if we had anybody 60 days past due, and Mr. Allison said that he hadn't looked at the list. He said Mr. Morris works with the list.

Councilman at Large Rusty Casto said that the Nitro soccer team is undefeated and is playing another undefeated team this evening. If Nitro wins this game, they will be number one in the state. He asked if Mayor Karnes would write a letter, on behalf of the City, congratulating them on their excellent season.

Councilman at Large Rusty Casto asked if we wanted to have Nitro High School students participate in Student Government Week acting as counterparts of elected officials and department heads, and it was agreed upon that if the students so desired, then they would be welcomed. He said he would make the necessary arrangements.

Councilman at Large Casto inquired if work had been started on the preparation of the 1990 City calendar. Mayor Karnes said not officially, but thinks we should let Jay Long proceed with it as he did last year, and then have Council review it and offer suggestions. Councilman Casto said he feels that Council, as a whole, should have their pictures in the calendar. Councilman at Large Walker said he feels the Mayor should appoint two Councilmembers to a Committee to help with the preparation of the calendar. Councilman at Large Casto said he feels last years calendar was the best one as far as the pictures. Mayor Karnes suggested having a meeting to review the proposed calendar prior to a regular scheduled Council Meeting. Councilman at Large Walker mentioned the idea of mailing out a quarterly newsletter. Mayor Karnes said that this is an expensive mailing. A short discussion followed.

City Recorder Doris Carrier asked if recommendation had been made to improve the visability of the street signs, and Mayor Karnes responded that we are in a test process at this time. He said they will be using light colored paint to go over the signs which might solve the problem temporarily, but he didn't know how long this would last.

There being no further business, Councilman George Atkins moved the meeting be adjourned at 8:50 p.m. The motion was seconded. A vote was taken and it was unanimous.


DON KARNES, MAYOR


DORIS CARRIER, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

NOVEMBER 7, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:35 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 17, 1989 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Minutes of October 17, 1989 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - HOSPITALIZATION INS.: - Mayor Karnes yielded this agenda item to the City Recorder Doris Carrier. She informed that the City employee's hospitalization insurance contract will expire December 1, and a representative from Blue Cross/Blue Shield was present this evening to enlighten us on their policy. City Recorder Doris Carrier introduced Karen Skaff who furnished members of Council a group renewal package. Included in the packet was a merit statement indicating the activity for the experience period from 9-1-88 to 9-1-89, but she advised the effective date of the contract was December 1.

Ms Skaff informed that the premium increased 20%, City Treasurer Ralph Allison advised that this increase would result in an additional \$100,000 plus.

Ms Skaff furnished monthly rates with a \$250.00 deductible which would decrease the rates. She said that going to the \$250.00 deductible, the monthly rate for an individual would be \$69.01, which would be around a 5% increase. Councilman Robert Young said that this wouldn't be worth it, and Councilwoman Betty Jo Boggess commented that it would create a hardship on some of the employees to have to pay the \$250.00 deductible. Several members of Council agreed.

Also in the packet, Ms Skaff included other options Council might want to consider such as a drug card. She said with the Gold Card, there would be a \$3.00 deductible and 80/20 depending on the deduction chosen, or they could pay 20% of the amount of the drugs depending on the type of payment schedule. She said this would decrease the hospital side of the benefits once the drug benefit was added. This was based on the drug activities for the group from last year. She explained that there was an increase in the premiums, but they would be adding the drug card.

She said this would be a new feature for the employees. However, the 20% increase is on the present coverage with \$100.00 deductible. Councilman at Large Olaf Walker stated that he didn't think the City should consider any new features at this time.

City Recorder Doris Carrier said that the representative from another insurance company desired to address Council with their proposal, but was unable to be here this evening because of illness in the family.

A discussion followed regarding the decrease of claims paid this year as compared to last year and the 20% increase of premiums. The Regional Manager explained the merit-rating statement.

Mayor Karnes said that we didn't need to take any action on this matter until the next Council Meeting. Mayor Karnes thanked the representatives for coming.

AGENDA ITEM NO. 3 - NITRO-CROSS LANES JAYCEES: - Mayor Karnes introduced Greg Harkins, a member of the Nitro-Cross Lanes Jaycees, who asked to address Council.

Mr. Harkins said that first he would like to thank the City for a real good time during the Halloween festivities. He said that a lot of the businesses were real helpful and personally thanked Casto Hardware for all their help. He reported that during the four days they were open, there were 709 people visiting the Haunted House. Mr. Harkins said they feel they would have had a lot more if they would have opened the Haunted House during the weekends of October, and had major advertisements. Mr. Harkins said that out of the funds raised, they were able to give \$450.00 to Mayor Karnes on Halloween night to go to the Business and Professional Assn. to payoff the balance of the Christmas lights.

Mr. Harkins advised they will be assisting Jay Long "Santa Claus" in the parade this year by passing out candy curbside to the little children, along with the big children.

Mr. Harkins informed that they had around 50 to 100 people, on and off, turnout for the Halloween Meet and Treat. He complimented the Fire Department on their excellent assistance during both events, and also the support from the Police Department.

He said they are discussing plans regarding "A Santa Wonderland" for the holidays.

Mr. Harkins said they are happy to help the City, and if the Jaycees could be of any help, ask Mayor Karnes or Jay Long to contact them.

Councilman at Large Rusty Casto said he would like to thank the Jaycees and also Jay Long. He commented that Jay and his wife need a pat on the back, and also the students at Nitro High School. Councilman at Large Casto asked if the Mayor would write a letter to the Jaycees and the students at the high school. He recommended that if there is a Santa Wonderland and an admission charge, that underprivileged children be given a free pass.

Mayor Karnes commented that he felt they did an outstanding job.

AGENDA ITEM NO. 4 - PROC. 89-4 TELEPHONE PIONEER DAY: - Mayor Karnes advised that November 2, the Telephone Pioneers of America celebrated the 78th anniversary of their founding, and asked that he sign a proclamation for them. The timing was such that there wasn't a Council Meeting before November 2, so he signed their copy. Mayor Karnes said he told them he would send them a copy of the proclamation that was attached to the Minutes. Councilman at Large Rusty Casto moved that Proclamation 89-4 be approved. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION 89-4 ATTACHED.

AGENDA ITEM NO. 5 - PROC. 89-5 GREAT AMERICAN SMOKEOUT IN NITRO - Mayor Karnes said that we have a request from the American Cancer Society asking that we pass a proclamation declaring November 16, as the Great American Smokeout day in Nitro. Councilman at Large Rusty Casto moved for the approval of Proclamation 89-5. The motion was seconded. A vote was taken and it was unanimously approved. Councilman at Large Rusty Casto moved that City Hall be a smokefree building on November 16, 1989. The motion died for lack of a second.

PROCLAMATION 89-5 ATTACHED.

AGENDA ITEM NO. 6 - RES. 89-9 CITIES FIGHT BACK AGAINST DRUGS WEEK (12-3/9-89): Mayor Karnes informed that the National League of Cities asked that we pass this resolution and send them a copy. He said they supposedly use the resolutions in lobbying efforts to raise money to fight drugs. Councilman at Large Olaf Walker moved we pass resolution 89-9. The motion was seconded. Mayor Karnes advised that Lt. Blankenship is making arrangements to talk with some of the students in our local school system to educate them about drugs during this week. A vote was taken and it was unanimous.

RESOLUTION 89-9 ATTACHED.

AGENDA ITEM NO. 7 - UNITED WAY: - Mayor Karnes said members of Council were furnished a brochure from the United Way asking that we make it available and solicit the City employees so they

can make pledges to the United Way. Mayor Karnes said he was asking Councils' approval to pass the brochures to the City employees. Councilman George Atkins moved permission be granted to distribute the brochures to all employees. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - STUDENT GOVERNMENT DAY 11-13-89: - Mayor Karnes yielded this agenda item to Councilman at Large Rusty Casto. Councilman at Large Rusty Casto reported that Mayor Karnes and the principal of Nitro High School designated Monday, November 13, Student Government Day. Mayor Karnes said that he would ask the counterparts of the Council Members if they would come to the Council Meeting on November 21.

AGENDA ITEM NO. 9 - ORD. 89-9 - SANITARY BOARD: - Mayor Karnes informed that the proposed ordinance 89-9 changes the rate structure of the Sanitary Board rates. He stated that this has to do with the Legislature passing and authorizing a municipality and the water company to enter into an agreement to discontinue the service of water if the sanitary bill is 60 days past due, and to charge such customer a \$20.00 disconnect fee and a \$20.00 reconnect fee. Discussion followed. Councilman at Large Olaf Walker moved we dispense reading the ordinance in its entirety, and just read the title. The motion was seconded. A vote was taken and it was unanimous. After Mayor Karnes read the title of the Ordinance, Councilman at Large Olaf Walker moved for the adoption of the ordinance. The motion was seconded. A vote was taken and the first reading of the ordinance was approved. Mayor Karnes advised that prior to the passing of the ordinance, we must hold a public hearing.

ORDINANCE 89-9 ATTACHED.

GARBAGE CAN LINERS: - Mayor Karnes informed that an advertisement for bids for garbage can liners has been published, and members of Council were furnished a copy of the ad. Mayor Karnes said our efficient City Recorder and Computer Operations Manager placed the ad knowing our time was running out.

Councilman at Large Olaf Walker said that in the past, the City Recorder's name has always appeared on all the previous advertisements. He said that he feels an elected official should sign authorizing the advertisement. Mayor Karnes asked counsel's opinion on this matter. Mr. Gaujot said that he didn't think it was a requirement, but it's probably a custom that has been used for years. He further stated that he didn't feel that it was a requirement, because there is nothing to keep the Mayor from delegating an employee to run the ad. However, an advertisement is generally signed by an official. He said most important is that we must advertise for bids, and that we are giving notice.

Councilman at Large Rusty Casto said he had to go to the funeral home as he had a death in the family, but would like to make a statement before he left. He said the Civic Benefits Association gives the City \$170,000 plus dollars. He said as he understands it, the World War I Association has gone to the Civic Benefits Association and ask them to deduct \$25,000 of what they give the City to go towards purchasing the building. (Situate beside City Hall on 2nd Avenue.) Councilman at Large Rusty Casto said he didn't remember the City Council having a say on this, and was against it because he didn't think the building was worth \$100,000, and he didn't think we needed it if it was worth the price. Also, he said we need to be saving our money to try and get the high school if we get anything. He said we are on the verge of costing ourselves \$100,000 to buy a building that he understands the City will not own once they have the money deducted from the budget. He said he didn't want to say this in a public way and has been putting it off, but he understands things are getting to the point now that he wants to go on public record as being against it. Councilman at Large Casto said he believes if it is purchased, it should be done after the majority vote of this Council. He stated that he believes someone somewhere is going around behind their back to get some money that they don't have any business fooling with until they come directly to this City Council. He stated that he says this diplomatically and without malice towards any person, any elected official or anybody period.

In response to Councilman at Large Rusty Casto's statement, Mayor Karnes said the Civic Benefits Association donate to the City, and it is varied over the years as to how much. He said it was a donation. He said if a person would go to them and ask for money to build a new swimming pool, for instance, they have that choice.

Councilman at Large Rusty Casto said he didn't feel he had any right, nor anybody else has any right, to go over there seeking funds unless they come through the Mayor and Council.

Mayor Karnes told him we didn't have a choice in that.

Councilman at Large Casto said he didn't believe the World War I Foundation had a right to run over there and ask for money.

Mayor Karnes responded that where they have a right or whether they don't, we, as elected people of Nitro, do not have the choice to have any say in this. It is the Civic Benefits Association's money, and they can do as they please with it.

Councilman at Large Casto stated that this might be true, but it wasn't right for them to go over there.

Councilman at Large Olaf Walker said the information was wrong because they've never been over there. This was agreed upon by Mayor Karnes.

Councilman at Large Casto said that he has notified the public that he thinks all of Council needs to know.

Councilman Bob Young and Councilwoman Betty Jo Boggess said that they didn't know what Councilman at Large Casto was talking about.

Councilman at Large Casto said he knew what he was talking about, and asked if there was a World War I Museum Foundation, and Councilman at Large Walker answered that there was. Then Councilman at Large Casto asked if the Foundation had approached the Civic Benefits Assn. to have money deducted from the funds the Association gives the City to buy the building. Councilman at Large Walker answered no.

Councilman at Large Casto said it is a funny thing, they are talking it. He said they had a meeting yesterday that was cancelled because they can't agree on the price of the building.

Councilman at Large Walker told him he was wrong. Mayor Karnes told him that he didn't have all the facts.

Councilman Jim Hutchinson said this is getting to be a habit everytime the Council Meeting is about the adjourn, there is a lengthy conversation about something that was not on the agenda. He mentioned to Councilman at Large Casto that if he wanted to discuss this in a Council Meeting, to get it on the agenda.

Councilman Jim Hutchinson moved the meeting be adjourned. Councilman at Large Casto said that he has to go to the funeral home, but wanted to make his point. He said he thinks Council needs to be respected to the point that before people go over there, they come to us.

Mayor Karnes advised that he wasn't trying to justify what they are doing, but the elected people in this room do not have a choice in that.

Mayor Karnes asked Councilman Hutchinson if he would withdraw his motion to adjourn as we had residents from Carriage Way wanting to address Council. Councilman Jim Hutchinson withdrew his motion to adjourn.

CARRIAGE WAY: - Mayor Karnes informed that there were residents from Carriage Way desiring to address Council, and called upon Councilman Robert Young as Carriage Way is in his Ward. Councilman Young turned the floor over to Mr. Mike Laughlin.

Mr. Laughlin from 101 Alexandria Dr. said he had an estimate from the water company and would like to propose that a fire hydrant be installed somewhere in the vicinity of Yorktown and

Alexandria Drive. He said the cost of the hydrant, if it is put in now, is \$1,460 with the water company putting it in and not their contractor. Mr. Laughlin said he works for the water company and they will be accepting bids January 1, so, the price will go up. He mentioned that they only have 1 fire hydrant in Carriage Way. Mr. Laughlin asked City Council if they would be willing to have the hydrant installed. He said the water company would need a check for \$1,460 in advance, and if the cost would run under this amount they would reimburse the unused portion, but if it was more, they would charge the City.

Alan Huffman of 104 Alexandria Drive said he was coming before Council to ask for street lights. He said he knew the City didn't own the streets, but his thought on that was "heck with the streets, he wanted a light for security and for piece of mind when his children are out playing on the street." Mr. Laughlin pointed out that addresses are hard to find since they don't have any lights. He said he would like to commend the Police Department for rendering extra patrol in their area.

A discussion followed. Councilman Jim Hutchinson moved these requests be referred to our Street and Traffic Committee, and put on the next agenda with their recommendation. The motion was seconded. After further discussion, a vote was taken and it was unanimous.

Councilman at Large David Casebolt mentioned to the City Treasurer Ralph Allison that if we went from \$100 to \$250 deductible on the hospitalization insurance, we would be able to provide the employees dental insurance for \$4 per person. He asked if there was anyway we could determine the exact amount of the increase and also get the employee's opinion. Mayor Karnes

Mr. Laughlin asked what would it take to have the City take over the streets, and Mayor Karnes said this is done by a petition. Mr. Gaujot informed that the streets were reserved by the developer. Mayor Karnes said that we would need to know who legally owns the streets. A discussion followed. Mayor Karnes told the residents that their two requests would be on the November 21, agenda.

Councilman at Large Olaf Walker said he would like to briefly address Council. He said he distributed to each of the Council Members some data he put together in regard to our budget. He said he would like for Council to look over his statistics and let him know if they find any mistakes. He said on the last page, which deals with the police and fire departments, he has a blank space as far as vehicles are concerned. Councilman at Large Walker moved that the City Recorder provide each Council person a list of rolling vehicles by make and type, date purchased, whether it was used or new, the present mileage, what department it is assigned to, and the driver. The motion

was seconded. Councilman at Large Walker told the City Recorder that whatever is on our registration is what they want so that the vehicle can be identified. Also, the condition of the vehicle. A vote was taken and it was unanimous.

Councilman Robert Young moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned.



DON KARNES, MAYOR



DORIS G. CARRIER, RECORDER



DON KARNES
MAYOR

PROCLAMATION 89-4

WHEREAS, the Telephone Pioneers of America, with a membership of more than one-half million, is the largest social-industrial service organization in the world; and

WHEREAS, the Telephone Pioneers of America all over the United States and Canada have joined in and reached out beyond their membership into their communities in service to others; and

WHEREAS, The Telephone Pioneers of America have, through this service to others, made life more meaningful and enjoyable for thousands of children and elderly, handicapped and disadvantaged people; and

WHEREAS, the Telephone Pioneers of American have helped to make our land, waters and air cleaner and more beautiful through their hundreds of environmental projects; and

WHEREAS, the Telephone Pioneers of American are now marking their twenty-eighth year of community service with the theme of "Pioneering Brings Out The Best In West Virginia," and

WHEREAS, the Telephone Pioneers of America , On November 2, 1989, celebrate the 78th anniversary of their founding.

NOW, THEREFORE, I, DON KARNES, Mayor of Nitro, West Virginia, do hereby proclaim November 2, 1989, as

TELEPHONE PIONEER DAY IN NITRO, WEST VIRGINIA.


DON KARNES, MAYOR



DON KARNES
MAYOR

PROCLAMATION 89-5

WHEREAS, the American Cancer Society's Great American Smokeout is a lighthearted effort to encourage cigarette smokers to give up their habit for 24 hours on Thursday, November 16; and

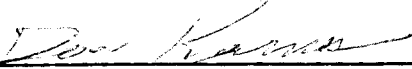
WHEREAS, for twelve consecutive years, millions of smokers, including many in Nitro, have participated in this event, and

WHEREAS, the health benefits of not smoking are substantiated and well-known, and

WHEREAS, there are additional civic benefits such as a reduction of the risks of accidental fire and illnesses related to "secondhand smoking,"

NOW, THEREFORE, I, Don Karnes, Mayor of Nitro, do hereby proclaim Thursday, November 16th, 1989 as the day of the Great American Smokeout in Nitro, and in so doing urge all cigarette smokers in the community to demonstrate to themselves and their friends that they can quit if they wish by joining the American Cancer Society's 13th Annual Great American Smokeout.

Proclaimed this 7th day of November, 1989.


DON KARNES, MAYOR



DON KARNES
MAYOR

RESOLUTION 89-9

CITIES FIGHT BACK AGAINST DRUGS WEEK
DECEMBER 3 - 9, 1989

WHEREAS, the presence of drugs and narcotics in our society has resulted in innumerable problems of human, community, social and economic dimensions; and

WHEREAS, the consequences of drug-related problems are witnessed in the loss of human lives, the loss of economic productivity, the diversion of public resources to address these problems on all fronts and are threats to the health of our people; and

WHEREAS, the dissolution of the family, an inadequate education system, poverty, unemployment and greed all contribute to illegal drug use; and

WHEREAS, the demand for illegal drugs is a pervasive problem that affects all segments of our society, including professional and affluent people; and

WHEREAS, illegal drugs plague urban, suburban and rural communities of all sizes and regions; and

WHEREAS, illegal drugs constitute a problem in our community and lead to a host of problems such as homicides, robberies, burglaries and other crimes, and domestic violence; and

WHEREAS, a national war on drugs has been declared to combat the importation, trafficking, sale and abuse of drugs; and

WHEREAS, our nation's cities and towns are on the frontlines of our war on drugs; and

WHEREAS, hundreds of America's dedicated public servants have died and thousands of others risk their lives daily to fight our cities' individual battles against illegal drugs and the criminal activities stemming from illegal drugs;

NOW, THEREFORE, BE IT RESOLVED that Nitro declares December 3 to 9 as "Cities Fight Back Against Drugs Week"; and

BE IT FURTHER RESOLVED that members of the City will go on record urging community groups, schools, and business and civic organizations to support and participate in special activities during that week to draw community attention to this issue.


DON KARNES, MAYOR

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, WEST VIRGINIA, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM, AND FOR THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SECONDARY TREATMENT SANITARY SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, WEST VIRGINIA.

WHEREAS, the City of Nitro, Kanawha and Putnam Counties, West Virginia, presently owns and operates a secondary treatment sanitary sewage system, providing sanitary sewage treatment and collection service in and to the City of Nitro, West Virginia, and to surrounding territory; and

WHEREAS, the Sanitary Board of the City of Nitro, West Virginia, has experienced a certain amount of difficulty in collecting delinquent sewer bills from certain delinquent customers; and

WHEREAS, on April 8, 1989, the West Virginia Legislature enacted Enrolled Committee Substitute for Senate Bill No. 169, which authorizes a municipally operated sewer utility to require the discontinuance of water service by the provider of that service for the non-payment of sewer rates and charges; and

WHEREAS, the Sanitary Board has requested the approval of the City Council to require the provider of water service to terminate and discontinue water service to customers of the sanitary sewer system who are more than sixty days past due in paying their sewer bills and to charge such customers a disconnect fee and

reconnect fee as may be required by the provider of water service in accordance with rules, regulations and orders of the West Virginia Public Service Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that certain ordinances previously enacted by the City Council of the City of Nitro, West Virginia be amended to reflect the following new material, but in all other respects such previous ordinances shall remain in full force and effect.

1. The City Council hereby approves and authorizes the Sanitary Board of the City of Nitro, West Virginia, to require the provider of water service (generally West Virginia-American Water Company) to terminate and discontinue water service to customers of the Sanitary Board who are more than sixty days past due in the payment of their sewer bills, and for which no satisfactory repayment plan can be entered into, all as provided by the laws of the State of West Virginia and rules, regulations and orders of the Public Service Commission.

2. The City Council further authorizes the Sanitary Board to charge and collect the disconnect and reconnect fees charged by the provider of water service (currently \$20.00 for each of the disconnect and reconnect fees), all as provided for in the rules, regulations and orders of the Public Service Commission.

3. This ordinance shall take effect forty-five days from its date of enactment.

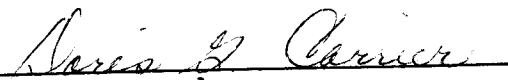
Passed on first reading November 7, 1989.

Public hearing held _____.

Enacted on second reading _____.


Mayor

Attest:


Recorder

CITY OF NITRO
COUNCIL MEETING MINUTES

NOVEMBER 21, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers following a public hearing. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - PUBLIC HEARING: - Meeting held prior to Council Meeting - Minutes attached.

AGENDA ITEM NO. 2 - APPROVAL OF NOVEMBER 7, 1989 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of November 7, 1989 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - INTRODUCTION OF COUNTERPARTS: - Mayor Karnes welcomed the student counterparts, from Nitro High School, and asked if they would introduce themselves. Those present were:

Beth Thompson	Councilman Jim Hutchinson, Ward IV
Vicki Smallridge	Councilman George Atkins, Ward III
Stacey Burke	Councilwoman Betty Jo Boggess, Ward II
Bryan Owens	Councilman Robert Young, Ward I
Karen Karnes	Recreation Director Jay Long
Matt Talbert	Councilman at Large David Casebolt
Lane Gibson	Librarian Sue Martin

Councilman at Large Olaf Walker moved that we address agenda item 8, Ordinance 89-9 - Sanitary Board.

AGENDA ITEM NO. 8 - ORDINANCE 89-9 - SANITARY BOARD (2ND READING): - Councilman at Large Olaf Walker moved the Mayor dispense reading the entire ordinance and read the title only. The motion was seconded. A vote was taken and it was unanimous. After Mayor Karnes read the title of Ordinance 89-9, Councilman at Large Olaf Walker moved the ordinance be adopted. The motion was seconded. A vote was taken and it passed unanimously. Mayor Karnes informed there is a 45 day waiting period before it goes into effect.
ORDINANCE 89-9 ATTACHED.

AGENDA ITEM NO. 4 - BID OPENING - GARBAGE CAN LINERS: - Mayor Karnes yielded this agenda item to the City Recorder Doris Carrier. She reported that we received two bids, one from Unijax and Hartley Oil Company, Inc. from Ravenswood. The City Recorder

Doris Carrier opened the sealed bids and advised that the bid from Unijax was for \$17,056.00 and \$27,200.00 from Hartley Oil Co., Inc. Two bags were enclosed with Hartley Oil's bid which represented strength and color only. Councilman at Large Rusty Casto moved we accept the bid from Unijax. The motion was seconded. The representative from Unijax advised the cost for plastic has gone down; it fluctuates with petroleum. A vote was taken and it was unanimous.

Councilman at Large Olaf Walker asked if we could move agenda item 5, budget discussion, to the end of the agenda. No objections received.

AGENDA ITEM NO. 6 - HOSPITALIZATION INSURANCE: - Mayor Karnes yielded this agenda item to the City Recorder. City Recorder Doris Carrier said that we have an insurance specialist present this evening to give us facts and figures regarding hospitalization insurance, and then turned the floor over to Michael Albert from Amos-Lee Insurance, Inc.

Mr. Albert distributed information to members of Council on his bid, which is one of several that he had requested, from Blue Cross/Blue Shield of WV of Parkersburg. On the front page of the packet contained a comparison sheet of the present major medical program and the suggested program. He pointed out that their plan has some features the present plan does not have. One is a 50% cap on rate increases. He said they also have a 14 day turnaround claims response. Another feature is the payment of claims based upon the usual and customary rates (U.C.R.), the present plan has a standard rate no matter where you are hospitalized, they pay one standard rate, whereas Blue Cross of Parkersburg pays the rates for that particular area.

Mr. Albert reported that the Parkersburg Blue Cross is in the black, profitable and growing, whereas the other Blue Cross is having financial problems. He said Blue Cross/Blue Shield of Parkersburg are competitors with the Blue Cross/Blue Shield of WV.

He said their proposal also includes an ultimate program which includes dental and perscription drug benefits, and the rates on this program they are suggesting, averages about \$20.00 more per month for employee. Mr. Albert said the main feature this new program has is unlimited lifetime maximum benefits. The current plan is \$1,000,000. He explained their current claims process and left information for Councils' review.

Mr. Albert said that he would have additional quotes and when he receives them he would like to present them also.

Mayor Karnes said he didn't feel he could make a decision without futher study, but this would be up to Council. He said if we pay our premium monthly, it would appear we could change at the end of any paid period.

City Recorder Doris Carrier asked if the coverage would cost \$20.00 more for the same coverage, and Mr. Albert answered that this was correct, but there were some features the new coverage has.

Councilman at Large Olaf Walker said he thought at the last meeting we talked about the insurance premium being around \$100,000. City Treasurer Ralph Allison said we did and we do have it budgeted. Councilman at Large Olaf Walker said he would like to know the total impact on the budget with the same coverage as we have had in the past. City Treasurer Ralph Allison said it would be around \$10,000 more which would total around \$110,000 annually.

Mr. Albert said he anticipates having two other proposals he would like to present before a decision was made. This was agreed upon by members of Council. Also, it was agreed upon that we pay the December invoice from Blue Cross which reflects the new rates.

Councilman at Large Rusty Casto said he would like for the Mayor, Treasurer and the Department Heads to review the proposals thoroughly. Mayor Karnes agreed that we should have input from them.

AGENDA ITEM NO. 8 - SAM HODROGE: - Mayor Karnes said that Mr. Hodroge asked to be placed on the agenda. However, he couldn't make it this evening and sent two representatives, Dirar Ahmad and Charles Deal, Jr. Mr. Ahmad advised that they would like to build a convenience store in Nitro at 603 First Avenue across from the St. Albans Bridge. Mayor Karnes informed they have been in contact with the Building Inspector and there were no problems as of this date, and he appreciated them sharing their plans with Council. Mayor Karnes told the representatives to get with the Building Inspector if they have any questions.

AGENDA ITEM NO. 5 - BUDGET DISCUSSION: - Councilman at Large Olaf Walker said he furnished members of Council data dealing with population and other figures relating to the budget.

Councilman at Large Olaf Walker said, as requested at a previous Council Meeting, the City Recorder Doris Carrier is obtaining a list of all City vehicles and there will eventually be a list prepared showing the vehicles by registration number, make, mileage, etc. He said he thought some members would be shocked at the mileage and age of some of these vehicles.

Councilman at Large Olaf Walker said, as Council Members recall, we closed out our fiscal year June 30, with our revenues exceeding the expenditures \$6,158. Councilman at Large Walker then passed out additional data showing revenues from various sources during the months of July, August, September and October. Also, he had a sheet showing expenses for the same period.

During this four months period, the expenses exceeded the revenues by \$33,152. He said he researched this for the past four or five years, and there was only one year that the revenues for that period were less than the expenses. He pointed out that in October, 1989 we received \$43,347 from the Civic Benefits Association which is paid quarterly. Councilman at Large Olaf Walker said if this continues at the same rate, we are going to be in trouble meeting our bills. Councilman at Large Olaf Walker also pointed out that our revenue from the dog track dropped \$3,000 in one month.

Councilman George Atkins asked about the B & O Tax for September. City Treasurer Ralph Allison advised that businesses pay their B & O Tax quarterly. He explained that a lot of people mail their tax at the end of the month in which due and it is received and credited the following month. Mr. Allison also explained the revenue from the Civic Benefits Association of \$43,347 received in October was due in the month of July. He informed we got a check from them today in the amount of \$29,000. Also, last week we received a \$15,000 check from Par Industrial Corporation. Mr. Allison said that he too was concerned about the revenues from the dog track.

Councilman at Large Olaf Walker said he would like for Council to have an report, such as the one he presented which St. Albans Council receives monthly. He asked if our computer was capable of doing this, and Mr. Allison advised that our computer at this time is not capable of that, but thinks it could be programmed to do so for a cost of around \$4,000 to \$5,000. He suggested getting an estimate from a programmer to see what it would cost. Mayor Karnes said he, along with Mike Morris, have a meeting scheduled Wednesday with a programmer.

Mayor Karnes mentioned that when we prepare the budget for the coming year, we approve a budget with certain amounts of money in each line item. There could be a report showing the amount taken from this line item, but it wouldn't indicate the material purchased.

Councilman at Large Rusty Casto asked the City Treasurer if he was foreseeing an increase in the municipal fee or the B & O Tax in the near future. Mr. Allison responded that this would be up to Council. Mayor Karnes said that he could see an increase of the municipal service fee real soon. Councilman at Large Casto asked if it would be a \$1.00 a month per house. Mayor Karnes said that a \$1.00 per month might be enough, but saw in the paper the other day that Sally Shepherd anticipates landfill cost increase to \$20.00 a ton and now it is \$10.75. He said just because our cost would be doubled, it wouldn't mean we would have to double the people's municipal service fee, but we would have to increase the fee to reap the difference.

Councilman at Large Walker furnished a list of expenses on labor and related cost, professional service, dues, travel, contract service, insurance, utilities and telephone fees. He said we couldn't do much about these except for dues, travel and utilities. He said there could be a study made on these utilities. He asked the City Treasurer Ralph Allison if he would expand on the \$16,054 capital outlay in the Fire Department and \$13,000 capital outlay under Public Works. Mr. Allison responded that the \$16,000 under the fire department is the annual payment on the fire truck, and the capital outlay under public works is not for anything specific that he knows of, but we allocated them \$13,000 to purchase equipment.

Councilman at Large Olaf Walker asked our legal counsel the law regarding committing future Council. Mr. Gaujot said Council cannot commit for more than a year. Mayor Karnes said the truck was bought on a lease contract agreement, and we could cancel the contract. However, if we do, we would pay an outrageous penalty.

Councilman at Large Rusty Casto asked if the Mayor or Treasurer foresee a possible layoff of employees or a tax increase in the next six to eight months. Mayor Karnes answered that the only one he sees is the municipal service fee due to the landfill cost, and this wasn't factual. He said he did know that the present landfill will be closed in November, 1990 or a new one built. When this happens, it's not clear in anybody's mind what the cities will do with the trash, and this is a serious problem. He said they couldn't get any government agency that's big enough to address it.

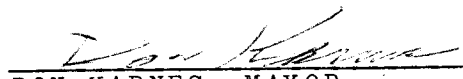
Councilman George Atkins moved that all hiring in the city government be frozen effective immediately, and all future hiring needs be discussed with Council. The motion was seconded. Councilman Atkins also wanted included in his motion a six months freeze, at the present level, on all spending. Councilman at Large Olaf Walker questioned the amount a department head could spend without approval. City Treasurer Ralph Allison advised the department could spend under \$300, from \$300 to \$5,000 must have the Mayor's approval and anything over \$5,000, must be placed for bid. A discussion followed, and City Treasurer Ralph Allison commented that he didn't favor any spending freeze. He said that he would rather spend the programming money that Councilman at Large Walker was talking about so that we can get the details and have better control. Councilman Atkins withdrew his motion to freeze spending. There was no second to this motion. A vote was taken to freeze hiring and all future hiring requests be brought before Council, and it was unanimous.


Councilman at Large Olaf Walker said he would like to mention again that ever since the annexation and discussion on annexing the dog track, things have been done. He said they were told certain things, then this administration entered into an

agreement and this Council didn't know anything about it. He said that putting an additional officer there and buying a cruiser was part of the budget. Councilman at Large Walker suggested that if it was possible for us, the Mayor and legal counsel, meet with them and enter into an agreement and find out what they were promised and what we are going to give them. This way, Council and future members of Council would know what they are doing. Mayor Karnes said there wasn't an agreement except from the time they were annexed it was agreed that we would keep an officer on duty which was put in our budget. Then, we went out to the track to try to get part of the money back which we were going to pay the officer to be on duty. Mayor Karnes said that he personally didn't see anything wrong with this. Councilman at Large Rusty Casto commented that the only thing we are bound to is the ordinance that was passed. He said as far as the agreement, this could change from month to month or from Mayor to Mayor. City Attorney Phillip Gaujot said that he thought the only thing that's different in what we do for anybody else is the cruiser and the police officer. He said he wasn't aware that they were picking up part of the fee for the police officer until this evening. Mr. Gaujot told Councilman at Large Walker that it might be nice to have an agreement, but he didn't know if the dog track would enter into an agreement considering the problems they are having with finances right now. He said they may want to pay for the police officer now, but at some point and time they may decide they don't want to. He said what it amounts to is that we are getting a gift and receiving funds that we were not planning on. Further discussion followed. Councilman at Large Olaf Walker stated that he feels that any agreement made with the dog track people or anyone else on behalf of the City, this Council should know about it. Mayor Karnes responded he wouldn't make any agreements one way or the other with anybody. He said he was trying to do a good job for the City, and would continue to do a good job for the City, but he wouldn't make any agreements with anyone. Councilman George Atkins said anything that the Mayor does such as this should be reported to Council so they would know what a good job he is doing. This way they could pat the Mayor on the back or disagree with him.

Councilman at Large Rusty Casto said he was informed that if the high school ever became vacant, the building reverts to the City at no charge. He asked Mayor Karnes if he had heard or knows anything about this. Mayor Karnes answered that he heard some parts of this, but has no idea if it is true.

Councilman at Large Rusty Casto moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 9:10 p.m.


DON KARNES, MAYOR


DORIS CARRIER, RECORDER

PUBLIC HEARING


CITY OF NITRO


NOVEMBER 21, 1989

The scheduled Public Hearing was called to order by Mayor Don Karnes at 7:34 p.m. in Council Chambers. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot, City Treasurer Ralph Allison and student counterparts of City officials. Also present for the Council Meeting immediately following the Public Hearing were Charles Boggs, Michael Albert and Mr. Spencer, nonresidents of Nitro.

Mayor Karnes informed that the purpose of this hearing is in regard to an ordinance to amend an ordinance on the charges that the Nitro Sanitary impose on their customers. Mayor Karnes advised that the first reading of the ordinance was approved at the Council Meeting of November 7. After reading the title of Ordinance 89-9, Mayor Karnes asked if there was anyone present desiring to speak on this issue.

There being no comments or opinions received, the meeting was adjourned.


DON KARNES, MAYOR


DORIS CARRIER, RECORDER

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, WEST VIRGINIA, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM, AND FOR THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SECONDARY TREATMENT SANITARY SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, WEST VIRGINIA.

WHEREAS, the City of Nitro, Kanawha and Putnam Counties, West Virginia, presently owns and operates a secondary treatment sanitary sewage system, providing sanitary sewage treatment and collection service in and to the City of Nitro, West Virginia, and to surrounding territory; and

WHEREAS, the Sanitary Board of the City of Nitro, West Virginia, has experienced a certain amount of difficulty in collecting delinquent sewer bills from certain delinquent customers; and

WHEREAS, on April 8, 1989, the West Virginia Legislature enacted Enrolled Committee Substitute for Senate Bill No. 169, which authorizes a municipally operated sewer utility to require the discontinuance of water service by the provider of that service for the non-payment of sewer rates and charges; and

WHEREAS, the Sanitary Board has requested the approval of the City Council to require the provider of water service to terminate and discontinue water service to customers of the sanitary sewer system who are more than sixty days past due in paying their sewer bills and to charge such customers a disconnect fee and

reconnect fee as may be required by the provider of water service in accordance with rules, regulations and orders of the West Virginia Public Service Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that certain ordinances previously enacted by the City Council of the City of Nitro, West Virginia be amended to reflect the following new material, but in all other respects such previous ordinances shall remain in full force and effect.

1. The City Council hereby approves and authorizes the Sanitary Board of the City of Nitro, West Virginia, to require the provider of water service (generally West Virginia-American Water Company) to terminate and discontinue water service to customers of the Sanitary Board who are more than sixty days past due in the payment of their sewer bills, and for which no satisfactory repayment plan can be entered into, all as provided by the laws of the State of West Virginia and rules, regulations and orders of the Public Service Commission.

2. The City Council further authorizes the Sanitary Board to charge and collect the disconnect and reconnect fees charged by the provider of water service (currently \$20.00 for each of the disconnect and reconnect fees), all as provided for in the rules, regulations and orders of the Public Service Commission.

3. This ordinance shall take effect forty-five days from its date of enactment.

Passed on first reading November 7, 1989.
Public hearing held November 21, 1989.
Enacted on second reading November 21, 1989.

Don Karnus
Mayor

Attest:

Loris G. Carrier
Recorder

CITY OF NITRO

COUNCIL MEETING MINUTES

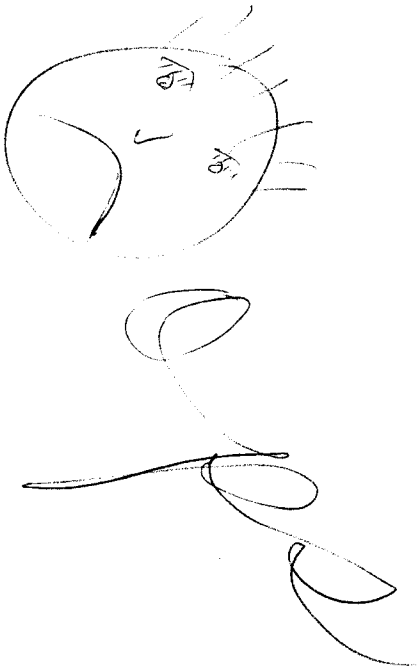
DECEMBER 5, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:35 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Olat Walker, Councilman at Large David Casabolt, Councilman Robert Young, Councilman George Atkins and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot. Absent were Councilman at Large Rusty Casto, Councilwoman Betty Jo Boggs and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 21, 1989 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of November 21, 1989 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PUBLIC HEARING MINUTES OF NOVEMBER 21, 1989: - Mayor Karnes informed that attached to the Council Meeting Minutes, were minutes of the Public Hearing relating to the Sanitary Board ordinance. Councilman Jim Hutchinson moved the Public Hearing Minutes be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - REQUEST FROM THE FIRE DEPARTMENT: - Mayor Karnes asked the City Recorder Doris Carrier if she would address this agenda item. City Recorder Doris Carrier informed that she was approached by Leo Hudson from Columbia Promoprint, Inc. requesting the renewal of their solicitation permit. The Nitro Firemen's Association invited the company to help with a fund raising project. They sell certificates for \$10.00 for a 10 x 13 family portrait. She said they wanted to begin soliciting immediately, but she refused the issuance of a permit at the time of his request and explained it must be sanctioned by Council. Mr. Hudson, along with Chief Hardman, went to the Mayor and



CITY OF NITRO
COUNCIL MEETING MINUTES
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AGENDA ITEM NO. 4 - CITY VEHICLE INVENTORY: - Mayor Karnes said that Councilman at Large Olaf Walker has an inventory of all City rolling stock, and yielded this agenda item to Councilman at Large Walker. Councilman at Large Olaf Walker said the City Recorder Doris Carrier was very helpful in obtaining the information. He said the City Recorder requested a list be submitted to her of all vehicles by make, model, year, date purchased, registration number, tag number and speedometer reading. From the list furnished by the department heads, he, along with the City Recorder, took the titles that were in the Recorder's office, and matched the titles with the vehicles. The titles of all Police Department vehicles are in the Recorder's office except one purchased in November, 1989, and the State is processing the registration card and the title will be mailed to the City Recorder.

If it is agreeable with the Mayor and Council, the City Recorder will send a letter to the department heads with a copy of the report that was furnished Council this evening. She will ask them to make any corrections and sign the report acknowledging the fact they have the vehicles in their department at the present time.

Councilman at Large Walker said there were two vehicles in the Fire Department for which we don't have the title. One of them is the vehicle bought on a lease purchase agreement. He said he thinks the title is with a bank. Mayor Karnes informed that FMC has the title. Councilman at Large David Casebolt asked what the Dodge van was, and Mayor Karnes said this is the one they are equipping and will be used in a quick-hit type situation.

Councilman at Large Olaf Walker said the titles of almost all the vehicles in Public Works were in the Recorder's office, except one or two, and they will get this cleared.

He said after they matched all the titles with all the vehicles, they had 16 titles left with no vehicles. He advised that some of these go back to 1960. He mentioned that one of titles was for a 1972 Dodge truck titled to the City of Dunbar. The City Recorder of Dunbar is researching this. Out of the 16, there were 4 that Gene Williams told them were junked and will be disposed of. Councilman at Large Walker said that Mr. Williams would come to Council with a list of those vehicles and his recommendation to dispose of them with Council's approval. Also, he has other equipment that is junk.

Councilman at Large Olaf Walker said it was his understanding that if a vehicle is junked or destroyed beyond repair, the title was suppose to be executed and wrote on it, junked, etc. and sent to the Department of Motor Vehicles so they can purge their files. This would eliminate a lot of vehicles on file that won't be on the road. He said if they can't find the vehicle, then the 16 titles will be executed and mailed to

the Department of Motor Vehicles that these vehicles are junk or have been junked and no longer on the road.

Councilman at Large Walker reported that there were roughly \$50,000 worth of vehicles that is on the insurance list that shouldn't be. Some of these vehicles Gene Williams informed them that were junk were on the insurance list. Upon completion of their research, they will make sure the vehicles on the insurance list are vehicles that are being used.

Councilman at Large Olaf Walker said it was suggested the vehicle information be stored on the computer. He said the City Recorder Doris Carrier feels it can be handled in her office a lot easier than it can be put on the computer, and he agrees. He said she will put the titles with the list in a notebook, and anytime a vehicle is sold, purchased, etc., she will note it on the list. This information would be available whenever needed or requested.

Councilman at Large David Casebolt asked if the vehicles were covered that were not on the insurance list. Mayor Karnes answered that he wasn't sure, but he would research this. Mr. Gaujot said he was fairly certain the vehicles would be covered if there were any questions, but he hasn't read the policy. He said to make sure, he thought there should be correspondence from the Mayor's office to the insurance representative requesting that information.

Councilman at Large Casebolt said he would like to know if Mr. Williams feels he has any vehicles he is using that he doesn't need. He said there were 10 trucks showing on the list. Mayor Karnes said there were 5 dump trucks, 4 packers and 5 pickup trucks, and pointed out that the latest model vehicle they have is a 1980 model.

Councilman at Large David Casebolt asked if this would be on the agenda at the next meeting. Mayor Karnes said he thinks by then, we could probably include a list of vehicles, etc. at the City Garage the City would be better off without. Councilman at Large Olaf Walker said he thinks we should consider using the money we get from the vehicles, etc. to pave the front of the parking garage, and get the place cleaned up. Mayor Karnes said he had an offer of \$1,175 from a citizen wanting to purchase one of the fire trucks, but that he would feel uneasy to sell anything without Council declaring it to be surplus. He also stated the law wouldn't allow him to sell anything for over \$999.00 without advertising for bids. Councilman at Large Walker said he thought the check could be made payable to the City of Nitro, and then the Treasurer could set it up as unappropriated funds and put it under the Council. Then, if the Mayor and Council agrees to use it for paving at the garage, we could do that without putting it in the general fund. A discussion followed as to the most profitable way to sell the items.

AGENDA ITEM NO. 5 - NEW BUSINESS: - Councilman George Atkins requested to address Council, and Mayor Karnes yielded the floor to him. Councilman George Atkins said there were several members of Council desiring to address Council, but he did request to be on the agenda.

Councilman George Atkins asked the status of the 1990 City Calendar. He said it was suggested last year there be a Committee appointed to work with Mr. Long, and moved we appoint a committee to work with him. Mayor Karnes informed that Mr. Long has all the information on the calendar, and has chosen some pictures for suggestions for most of the months. Councilman Atkins said Councilman at Large Olaf Walker said he would like to serve on the Committee and also Councilwoman Betty Jo Boggess expressed a desire to serve on this Committee. Councilman at Large Olaf Walker said he feels Council should be aware of what is going in the calendar, the money spent on it and the amount of the profit, if any. There will be a meeting scheduled with Mr. Long and as many Council members as possible, and Councilman George Atkins withdrew his motion. He stated that as long as we get it done, was his concern.

Councilman at Large David Casebolt asked the results of the meeting with the programmer. Mayor Karnes responded that he was working on the program now. Councilman at Large Casebolt said he feels Council should know what kind of reports they would be receiving, and if it would actually give them the information they are wanting. Councilman at Large Casebolt asked if it would show under each line item the purchase made. Mayor Karnes said the computer would be capable, but whether it would be feasible to enter all this is another thing. Mayor Karnes said that he didn't know if it would be set up to handle by purchase order number, or what the control factor would be. Councilman at Large Casebolt said he thinks it needs to be set up where each purchase order is shown, and what is bought under the line item. Mayor Karnes advised they requested the programmer to give us a report that would tell us everything that is spent under each department, under each line item, and on the income side too. Councilman at Large Walker said that he, accompanied by the City Recorder Doris G. Carrier, talked with the people at St. Albans. He said it is more than just somebody programming, you have to tell them what you want. Mayor Karnes agreed. Councilman at Large Casebolt said it was a very competitive market, and by just going to one person is not giving the best shot we can do. Mayor Karnes said he knew the person, not personally, but he knows his background, his history and what he is doing for the City we couldn't buy for \$7,000 or \$8,000. Councilman Atkins commented that we need to know we are having everything in the program we need. He said as stated by Councilman at Large Casebolt, we want to know where every penny is spent. Councilman Robert Young said he agreed with Councilman at Large Casebolt that the purchase order number should be on the report. Councilman at Large Casebolt asked the cost of the program, and Mayor Karnes said it

was \$2,000. Also, included in this cost would be a program which would enable the usage of the computer in the cashier's office. Councilman Atkins asked if the programmer could come before Council to explain the program and answer any questions Council may have at the next Council meeting. Mayor Karnes said the programmer will provide as much on the program as our computer is capable of handling.

Councilman at Large David Casebolt said he feels we should seriously consider changing our fiscal year from January to January, since most of our major bills are due around this time. He said it was his understanding it couldn't be done this year, but we would have to prepare our budget in July as usual, and then do a new budget in early January. Mayor Karnes said it didn't matter to him when the fiscal year would end, but the elected officials term of office ends June 30. A discussion followed.

Mayor Karnes asked that the following be made a part of the record:

During 1988-89, this Administration has achieved many goals. Of those, one of the most noteworthy was the Paving Grant of \$105,000, which allowed us to pave the majority of the roads from 23rd Street to 41st Street and the much needed 31st Street, East.

We were able to obtain a \$65,000 grant which allowed us to double the size of our library. Through a \$25,000 grant, we were able to make a \$16,500 payment on a FMC Fire Truck, and with the remaining \$8,500, obtain new radio equipment for the Fire Department to improve critical emergency communications.

Through a recently obtained grant of \$6,876, our Police Department has began a D.U.I. patrol to help confront the problem of drunk drivers on our roadways. This program will continue through February of 1990.

In a combined effort with other local agencies we have obtained grant money which allows us to actively participate in an ongoing Drug Enforcement Task Force.

We have obtained a \$12,000 grant from the Kanawha County Commission which will make the dream of a Senior Citizen's Activity Center a reality.

We have also accomplished goals without the use of grant money. One was the installation of a new roof on City Hall amounting to \$15,000 in much needed repairs.

In addition to the paving grant, we have managed to perform \$25,000 of additional paving from City funds.

For the first time in over 15 years, Nitro is currently involved in the recodification of the City Code, including building codes, zoning codes and ordinances.

With the adoption of the BOCA Codes, we have gained the ability to enforce building codes in a manner which will be uniform throughout the entire State of West Virginia.

The annexation of the Artel property was approved in June, 1989. After the EPA clean-up is completed, the property could possibly be developed for industrial use which could supply jobs and enhance the tax base for the City.

The appointment of Chief Steve Hardman has added the much needed and long awaited leadership to our Fire Department. The hiring of one fireman and with one more vacancy to fill, we will have a fully staffed Fire Department for the first time in many years.

Over 2,000 people attended our 2nd Annual 4th of July Celebration which is rapidly becoming a highlight of our Summer Season.

Mayor Karnes added that he thinks overall our budget is in pretty fine shape, and proposed Council authorize the full-time City employees a \$100.00 bonus for Christmas, the part-time employee \$50.00 excluding temporary employees. He informed it would amount to around \$6,000, and with this and the \$2,000 for programming, we've used most of the funds we saved on the garbage bags. Councilman Robert Young moved we give the full-time employees, excluding the elected officials, a Christmas bonus of \$100 and the part time \$50. The motion was seconded. Councilman at Large Olaf Walker said this just goes to prove something that he has always said. He said we are always ready to spend every dime that we can get. He mentioned that he didn't know if at the end of the year, with the \$9,000 saved from the purchase of the trash bags, we would have a surplus or not. He said he knew we wouldn't have by spending this way. Councilman at Large Walker said the \$15,000 for the new roof was taken out of the dog track money. Mayor Karnes said this was in the budget. Councilman at Large Walker asked if the \$12,000 for the Senior Citizen's Center would affect our budget, and Mayor Karnes responded that it would not. Councilman at Large Walker stated that he wasn't objecting to giving the employees a bonus, but he is reluctant to accept the fact we have the money. He said he was going to suggest that the Mayor take under advisement the consideration of approving all purchases for any amount until next July. He mentioned an article in the newspaper regarding the dog track, and said it could cease operation at any time. He said if it closed for one or two months, we would roughly lose \$14,000, \$16,000 or \$17,000. Mayor Karnes told Council that we can't operate with anticipation that the track will close. He added that we have been operating for many years that the CBA will give us money, but they could

stop this at any time. A discussion followed. Councilman at Large Olaf Walker moved to amend the motion that we just include the full-time regular employee, excluding all elected officials and so-called part-time employees. The motion was seconded. After a discussion regarding the definition of part time employees, Councilman at Large Olaf Walker withdrew his motion to amend the previous motion, as did Councilman Robert Young who seconded the motion to amend. A vote was taken to approve the original motion, and it was unanimous.

Councilman at Large Olaf Walker asked to put the City Treasurer Ralph Allison on the agenda for the next meeting to furnish Council a report. Mayor Karnes said he feels that once we start getting the print out, it will be almost like everyone has a copy of answers to their own questions, but we could ask him to give us a Treasurer's report.

Councilman Jim Hutchinson said he and Councilman Atkins talked this afternoon about bringing the Department Heads in at different Council Meetings to explain their duties. Councilman at Large David Casebolt mentioned we may want to do this before Council Meetings. Councilman at Large Olaf Walker said it would be an advantage having it at the Council Meetings. He said the person could explain how they operate their department, some of the problems they have and plans on what they would like to do. He said it would be an information type conversation. Councilman at Large Walker said it is about time to prepare the budget, and the more Council knows about City operations, they will be better able to handle the budget. It was decided to have the City Treasurer Ralph Allison and Mike Morris, the Computer Operations Manager placed on the agenda for the next Council Meeting. Councilman at Large Walker stated that he didn't feel any decisions should be made regarding anything brought up by the Department Heads when they are addressing Council, and then Council could take action at the next Council Meeting. For example, if a department head had surplus property that wasn't or wouldn't be used, and asked permission to dispose of it, he wanted Council to have time to think about it. Mayor Karnes said it appears to him this is moving towards the Council dictating the functions of the Department Heads, and said this is an administrative process. However, he said he feels Council should know the functions of the Department Heads, but when it comes to directing Department Heads on what to do, then that is administrative.


Councilman Robert Young asked if the Mayor had any word on the lights and fire hydrants at Carriage Way, and Mayor Karnes responded he hasn't heard anything. Councilman Atkins informed that he and Councilman at Large Olaf Walker visited Carriage Way to observe the situation, and said they do need lights. He said they needed a map of Carriage Way to help them estimate how many lights are needed. Councilman at Large Olaf Walker said the requests are still in the hands of the Street Committee, but they will need a map for further study.

Mayor Karnes said Mr. Bob Harrison was present this evening, and would like to address Council, at which time the floor was yielded to him.

Mr. Harrison said he would like to get a straight answer. Then, Mr. Harrison told the reporter not to put his name in the paper. The reporter responded that this was a public meeting, and his name may or may not be published in the paper. Mr. Harrison asked the reporter to leave until he addressed Council, but Mayor Karnes told him that this wasn't legal as it is a public meeting. Mr. Harrison said the last time he spoke in Council regarding an issue, he got his window blown out of his truck, but this happened before this administration. He said he wouldn't say anything else while the reporter was present, but he would find out why he can't get some answers to some questions. Mayor Karnes told Mr. Harrison to call him at his convenience. Mr. Harrison said he thinks this administration is doing a fantastic job, but he has some questions he would like to have answers to. City Recorder Doris Carrier asked Mayor Karnes if he could speak with Mr. Harrison after the meeting tonight, since he has waited all evening and the issue sounds rather urgent.

There being no further business, Councilman George Atkins moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 9:20 p.m.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

PUBLIC HEARING

CITY OF NITRO

NOVEMBER 21, 1989

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Mayor Karnes informed that the purpose of this hearing is in regard to an ordinance to amend an ordinance on the charges that the Nitro Sanitary impose on their customers. Mayor Karnes advised that the first reading of the ordinance was approved at the Council Meeting of November 7. After reading the title of Ordinance 89-9, Mayor Karnes asked if there was anyone present desiring to speak on this issue.

There being no comments or opinions received, the meeting was adjourned.


DON KARNES, MAYOR


DORIS CARRIER, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

DECEMBER 19, 1989

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was Councilman Robert Young.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 5, 1989 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of December 5, 1989 be approved. The motion was seconded. A vote was taken, and it was unanimous.

AGENDA ITEM NO. 2 - POLICE PENSION BOARD 1990 BUDGET OF EXPENDITURES: - Mayor Karnes advised that according to State Law, the projected 1990 budget of the Nitro Policemen's and Firemen's Pension Boards must be approved. Councilman at Large Rusty Casto moved the projected budget of expenditures be approved. The motion was seconded. A vote was taken and it was unanimous.

POLICEMEN'S PENSION PROJECTED 1990 BUDGET OF EXPENDITURES ATTACHED.

AGENDA ITEM NO. 3 - FIRE PENSION BOARD 1990 BUDGET OF EXPENDITURES: - Councilman at Large Olaf Walker moved the projected 1990 budget of expenditures of the Fire Pension Board be approved. The motion was seconded, a vote taken and it was unanimous.

AGENDA ITEM NO. 4 - 1990 CALENDAR: - Mayor Karnes said that members of Council were furnished a list of businesses and friends of the City placing an advertisement in the 1990 City Calendar amounting to \$3,850.00. Also, Mr. Long obtained quotes and/or estimates per telephone from two printing firms for 3,000 and 3,500 copies of the calendar. The lowest price quoted was \$4,750.00 for 3,500 copies and \$4,600.00 for 3,000 copies from Color Craft Printing. It was suggested that work on the calendar begin much sooner next year and have it ready to be sent to the printer no later than September. After a discussion, Councilman at Large Rusty Casto moved the City pay \$900.00, and accept the bid from Color Craft Printing for 3,500 copies at a cost of \$4,750.00. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - SURPLUS EQUIPMENT: - Mayor Karnes distributed a list submitted by Gene Williams of surplus

equipment at the Department of Public Works, including 20 bicycles of the Nitro Police Department. Chief Cochran advised they were unclaimed bikes that were stolen or lost. After a discussion, it was agreed upon that we should wait until warmer weather to dispose of the surplus vehicles, etc. because it would be difficult to sell the items at this time due to the weather.

AGENDA ITEM NO. 6 - HIGH SCHOOL PROJECT: - Mayor Karnes yielded this agenda item to the City Recorder, Doris Carrier, who introduced Vicki Smallridge, a student from Nitro High School. Vicki Smallridge advised she was assigned to do an investigative research project for her Chemistry Class which will be used in the Science Fair. She informed that it would be concerning the Artel Chemical site, and assured Council that she would not bring up anything that could be viewed as controversial. She said it would be more for community awareness, showing the community how the clean up procedures have been done, and safety that has been provided. She explained that in order to make this an investigative project, she must perform a minor investigative experiment, and proposed to work with soil samples. Also, she said she would need photographs, and that she would turn the film over to the City, and they could select the photographs to be used. She said for the project, she would need a visual display, and would like to make photo copies from the City's files of articles relating to Artel. She said she needed Councils' approval to do the project, and asked for the City's help. Councilman George Atkins moved approval be granted. The motion was seconded. After a question and answer session, a vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - TREASURER'S REPORT: - Mayor Karnes yielded this agenda item to the City Treasurer, Ralph Allison. Mr. Allison said that financially, as of today, we have \$108,000 in the bank. He advised that he looked at each department's expenses vs their budget, and all departments appear to be well within reason of what they are budgeted for. He reported that from an income standpoint, there are three items that aren't measuring up to budget. He said the liquor tax is running about \$5,000 behind what it should be as of the end of November. The B & O Tax is up about \$26,000 over budget, and the building permit fees are around \$1,500 over budget. Councilman at Large Rusty Casto asked if it was the Cross Lanes or Nitro store that was falling down on the liquor tax, and Mr. Allison answered that he didn't know as we didn't have a way of determining this. Councilman at Large Olaf Walker said there was a comparison between the present revenues with the budget projections in the same year, and said he would like to look at it in a different light. He said when he gave his report it showed our revenues were down \$33,152, then Mr. Allison reported we received a payment from CBA and Par Industries which would reflect in the November receipts. He said he compared the revenues in 1988 for July, August, September and October we have \$303,586, and for the same period in 1989, we had \$145,000. He said the Utility Tax for the same period was \$57,558, and for 1989 it was \$49,716. He said the 1989 municipal service fee exceeds the 1988 amount for

the same period. In 1988, we had \$95,928 on municipal fees, and this year for the same period \$101,000. The dog track revenues for the same period was \$74,789 for 1988, and \$71,765 for 1989. Councilman at Large Walker said the point he was trying to make is that our revenues were running behind the actual revenues for the same period last year, and feels his figures were right. Mr. Allison responded that he didn't know all the reason without researching it, but one of the reasons would be what they previously discussed concerning the CBA check not coming until November when it was due in October. Councilman at Large Walker said we received \$43,000 from CBA in October, and Mr. Allison explained that this was due in July. Mr. Allison told Councilman at Large Olaf Walker that he couldn't answer his question without researching it, but he would be happy to do so. Councilman at Large Walker said the point he was trying to make is that the revenues are down, and we should be very cautious on what we are doing. He stated that he didn't like to compare revenues with budgets. He referred to figures he furnished and said every year during the past eight or nine years, our budget amount has always been increased. He said we could make the budget any amount we want to, and if we happen to run over or under we just do a revision and change the expenditures to meet the revenues. He said it was his contention after a certain number of years, our revenues are going to be about the same if the economy stays the same. Councilman at Large Walker further stated that our municipal fee is the only one that is straight across the board. He said it would vary slightly, but nothing like property tax. He said he didn't put property tax on his report because we might get \$5,000 this month, and \$105,000 next month. He said he wants us to be cautious on our expenditures because we have six months to go, and the revenues are running a little behind. Councilman at Large Walker told the Mayor that the City Treasurer was giving us a report, but he thought he would advise what his office is all about. Therefore, Councilman at Large Olaf Walker told Mr. Allison he has a lot of questions, and there are some that would like to know how a budget is prepared, how a receipt is handled, where the banking is done, and all these type things. He asked Mr. Allison if he would inform Council the function of the Treasurer.

Mr. Allison said he has some information written down, and with Councils' permission would give them this information. Then, if they had any questions, he would happy to try and answer them.

Mr. Allison said he looked as his job as primarily working with the Mayor and Council and properly account for the financial affairs of the City. As part of this, he said he performs the following duties: Coordinate the cash flow with Mike Morris and the accounts payable clerk, which includes a weekly update on how much money we have in the bank, what bills we have to pay, plus any anticipated larger bills due in future months such as trash bags, new vehicles, new roof and that sort of thing. He said he

reconciles all the bank accounts and keeps tract of all the money we have invested. He said he looks at income and expense accounts monthly, and investigates discrepancies with budget. For example, if he did not see a large property tax income in September or October, then he would know something was wrong because this is when we receive the biggest part of it. He said if he saw a \$16,000 capital expenditure in the fire department in August, then he would know this was paid on the fire truck. Also, he said he works with the Mayor, Council, Department Heads on the yearly budget preparation. He prepares the budget and mails it to the State Tax Department after it has been approved. He said he submits any budget revisions to the State Tax Department, and this also includes filling out the levy form. He said he coordinates the fire and police pension funds and prepares their reports for the State Treasurer's office, prepares their reports for actuarial studies and keeps track of money they have invested and of any money they are due from the State and from the City. He said he prepares the quarterly tax reports, the payroll tax reports, Form 941, Worker's Compensation reports, State Unemployment reports, Department of Labor reports, and at the end of the year submits W-2's to the Social Security Administration. He said he keeps track of our grants with Par Industrial Corporation, prepares reports for HUD everytime there is a draw down, and computes amounts that are due us from Par Industrial Corp. He said he also consults with department heads on timing of large purchases. He reconciles the account with the Municipal Bond Commission and makes sure there is enough monies there to retire the bonds that are still outstanding. Mr. Allison then asked if there were any questions.

Councilman at Large Olaf Walker asked if a balance sheet would have any value to city government, and Mr. Allison said that he didn't know whether a balance sheet would mean very much to City Council, but may be a cash forecast would be beneficial. Mr. Allison advised that our budget is sort of a cash forecast. Mr. Allison informed this is sort of what he does with Mike Morris on a weekly basis. Mr. Morris tells him the balances in each checking account, he checks to see what we have in our investment pool, he tells him the amount of the payroll, etc.

Councilman at Large Olaf Walker questioned the number of checks written per month excluding payroll, and Mr. Allison estimated between 100 to 125.

Councilman at Large Walker asked Mr. Allison the City's procedure on reconciling the bank account. Mr. Allison advised that he takes the bank statement, separates all the checks and puts them in numerical order, then he takes his outstanding check list from the previous month, and checks them off. Councilman at Large Walker said it is done the same as for an individual account. Councilman at Large Walker asked the manner in which the checks are filed, and Mr. Allison said they were kept with the bank statement.

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Councilman at Large Olaf Walker said he never did understand the levy which the citizens vote for every three years. He said it has street lights on it, street paving and it is estimated on the money generated from that. Mr. Allison told him that it was not an estimate, it was an actual figure. Councilman at Large Walker asked if there was anyway to determine if this amount was actually spent on these. Mr. Allison advised that you would have to go back and look at each item individually, because all the money comes in the property tax income category; it's not separated.

Councilman at Large Olaf Walker asked how the auditing is done. He said that in industry, an auditor is given a schedule before he goes to the job, and doesn't audit everything that a particular entity does. He said the auditor is given a schedule to audit the cash this trip, payroll another trip and doesn't audit the entire operation. Mr. Allison said in our case, they audit the cash, payroll and income every year. They will do some testing. They will go through certain checks and ask to see the accounts payable information on these. Councilman at Large Walker asked if the City was notified prior to the auditor's arrival, and Mr. Allison responded that we are notified. Mr. Allison advised that while they are here, they won't tell the accounts receivable clerk the day or time they will be checking the cash drawer.

Councilman at Large Olaf Walker said that when he was working with the City Recorder on automobile equipment, they came up with around 16 or 17 titles in her office with no vehicles which had been destroyed or something happened to them. He asked if the State Auditor's dealt with this, and Mr. Allison answered he hadn't had one ask for a title, but if we show a purchase of a vehicle, then they ask to see the invoice and check. Councilman at Large Walker asked what type of instrument we look at to determine that the City owns so many vehicles, that the vehicles have a title and anything such as furniture or anything of \$1,000 or over. He wanted to know if there was a record made of these. Mr. Allison responded that there is a record made for that year. It is called fund accounting. There is a debit to the fixed asset account and a credit to the fixed asset fund. This amount stays in this fund forever unless it is sold. Councilman at Large Walker said we have items on the books which are worth half the amount designated or no value at all, and wanted to know how we could get this off the books. Mr. Allison said the only way it could be removed is to ask the auditor to write it off. Councilman at Large Walker said he viewed a state audit that showed some assets, and asked how do we know that there isn't a lot of amounts shown, that shouldn't be there. Mr. Allison said there could very well be some amounts in there on items we probably still have, but not worth what is shown. Councilman at Large Walker said he was concerned with furniture, automobiles, expensive tools and these type things. Mr. Allison said generally cities are a little different from corporations,

etc. He said a \$1,000 desk would have probably been charged to supplies.

City Recorder Doris Carrier asked Mr. Allison if it was his responsibility to collect delinquent B & O Tax, and Mr. Allison responded that it was.

Councilman at Large Olaf Walker asked Mr. Allison if he had anything to do with licenses, and he said if he understood the Code, he was responsible for collecting the fee, but not issuing the licenses. Councilman at Large Walker asked how a fee was set, and Mr. Allison told him it was on the license application. Councilman at Large Walker said he looked at the application, and under professionals the fee was \$15.00, but all professionals do not pay \$15.00 and asked how this was determined. Mr. Allison said he hadn't reviewed them. Councilman at Large Rusty Casto advised that he thought Council passed an ordinance defining what a professional was. Councilman at Large Walker said he noticed that a contractor living outside of the City could get a license and do work in the City, but doesn't pay a fee. Mr. Allison said this was the way Council voted to do it. Councilman at Large Walker said there was a bunch of names on the list, and he would like to have them separated into out of town and in towners. Also, he said he would like for someone to evaluate the fees. Mr. Allison said that he would like to have the time to drive up and down the city streets, make a list and check every business, but with everything else he has to do just couldn't. However, he said he felt it would be a worthwhile project. A short discussion followed regarding license fees.

Councilman George Atkins asked how often departments were brought up-to-date on the amount they spend, and Mr. Allison said this is done every month.

Councilman at Large Walker said he would like to thank Mr. Allison for his report, and it has helped members of Council to have a better understanding of his duties. Councilman George Atkins said he wasn't aware the Treasurer had all those duties.

Councilman at Large Walker asked if the programmer was coming in to answer questions for Council. Mayor Karnes advised we have examples of what the program will produce. Also, Council will be furnished an example of the new program for the accounts receivable office. Councilman at Large Olaf Walker said he still wants the programmer present so that he could answer some questions.

City Treasurer Ralph Allison informed that the cashier's use a register at the present time, and at the end of the day they prepare, by hand, a detail list of utilities with account numbers and the amount paid. He called Council's attention to this time consuming task, and also the possibility for errors in account numbers. Then, he shared with Council a report of the

new system which would summarize all of these and print them out, whether it was a check or cash. Mr. Allison also had a copy of what the screen would display for utility payments, swimming pool passes, for instance, and miscellaneous revenue. All the information will be stored on a disk, and at the end of that day there will be a printout of every receipt that came in that day. This would show transaction number and code (depending on what it is). Another sheet would be a recap of everything received that day whether it be cash or check, and there would also be a summary report. Mr. Allison said he liked the program, and feels the girls will be pleased with it, but thinks it will take some training.

Councilwoman Betty Jo Boggess asked if the bank charged the City \$8.00 for a check returned for insufficient funds, etc., and Mr. Allison answered they did not.

Mr. Allison furnished Council a report which shows a listing by check number, payee, amount and date. It breaks it down by account number too. Another report will show the revenue/expense with annual budget. It will give a breakdown by department, by expenditures. Mr. Allison informed Council they could be furnished with this report, plus an account detail of checks written. Councilman at Large David Casebolt asked if the report would give them a list of all the checks written and what items were purchased with each check at the end of the month, and Mr. Allison told him it would. Councilman at Large Casebolt asked if a check was written for every single purchase, and Mr. Allison answered there was. Councilman at Large Walker said that he would like to pick out a certain month, and find out what supplies were purchased by departments. Mr. Allison said he didn't think this program had the capability of picking supplies for each department and listing them. Mr. Allison said Council could expect a report at the end of February or the beginning of March.

Councilman at Large Olaf Walker asked if we would be purchasing equipment in addition to software, and Mr. Allison informed that the information was just on floppy disks.

Councilman at Large Rusty Casto told Mr. Allison he appreciated his time and that he gave a very thorough report.

Councilman at Large Olaf Walker suggested the Mayor get a list of what we expect the programmer to do, and what he expects us to pay. Mayor Karnes informed this has already been done, and the programmer is virtually finished. Councilman at Large Walker told Mayor Karnes he shouldn't have done that, and Mayor Karnes said he thought this was what Council wanted. Councilman at Large Walker stated that Councilman Atkins wanted the programmer to come to Council, and he thought this was what we were going to do. Councilman at Large Walker said he wanted to say something that he has said so many times before. He said the State Law

gives the Legislature certain powers and the Legislature gives City Governments certain powers, and we have got to function with this. No one man in City Government can make a commitment for the entire city government. Mayor Karnes responded this was talked about on Council floor, and it was discussed on what was wanted. Councilman George Atkins said he thought we discussed having different companies for variation to see what they offered. Councilman at Large Olaf Walker said that he didn't think the Mayor had the authority to go out and commit this city government for \$2,000, which isn't in the budget.

Councilman at Large Walker said he wasn't pleased with the agreement made with the dog track. A question and explanation session followed.

Councilman George Atkins said that anytime there was money involved, it should be discussed with Council. Mayor Karnes said it was discussed in Council. Councilman Atkins said it was discussed, but they wanted to look at some other faces.

BONUS FOR CROSSING GUARDS: - Mayor Karnes asked Council if the crossing guards should or should not be included to receive a bonus, and if they are included, should it be for \$50.00 or \$100.00. Councilman at Large Olaf Walker moved the crossing guards be included, and said he also wanted to point out that it would take a revision to the budget. He said this was a line item in the budget of the Department of Public Works Department. A discussion followed regarding the amount to pay the crossing guard and the part time employee at the lake. Councilman at Large Olaf Walker moved to include in his previous motion to pay the part time employee at the park and the crossing guards \$50.00 each. The motion was seconded. Councilman at Large Olaf Walker told members of Council to remember and include this in the budget when preparing the new budget. A vote was taken and it was unanimous.

Councilman at Large David Casebolt asked if we could get the gate unlocked at the lake, and the reason for it being locked. Mayor Karnes said it was locked for security purposes for the parking lot. Councilman George Atkins mentioned he was up there one night and there were beer bottles all over the parking lot. Councilman at Large David Casebolt said he felt the gate should be unlocked from dawn to dusk. Councilman Atkins informed that the reason the gate was locked during noon is because the students were doing wheelies, and Councilman at Large Casebolt suggested having the police go up there once or twice and this could eliminate this.

Mike Morris said he wrote down a few items that have been summarized as his duty. He said he supervised the payroll operation, data systems clerk, also supervised the daily operations in the cashier's office and if necessary, he fills in and helps out to try and make sure we have all the money

accounted for each day. He advised he was responsible for all the computer operations and from time to time, assists the City Recorder with the business license and assists the Treasurer with B & O Taxes. He is Chairman of the Nitro All West Virginia Cities Committee, Treasurer of the Nitro Museum Foundation which he feels he is doing for the City. He assists the Finance Committee and Council in budget preparation. When possible, tries to make bulk purchases of city supplies to take advantage of a price break. He assists the Treasurer in preparation of financial information, assists the Mayor with any projects he requests. He said sometimes he works on special projects, such as assisting the City Recorder in the codification of city codes and assisted on the paving grant.

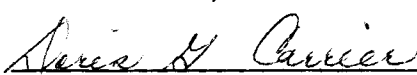
Councilman at Large Olaf Walker asked the City Attorney the Chapter that tells what Council may or may not do, and Mr. Gaujot told him it was Chapter 8, and he thought it was Article 2 or it might be Article 1.

Councilman at Large Rusty Casto commented that he hopes this Council becomes more visionary and less nitpicky in the next couple years. He said if not, they could find somebody to replace him. A discussion followed.

Councilman George Atkins said he thought the report we heard tonight was very informative. Councilman at Large Casto said he thought we got too informative and too nitpicky.

Councilman at Large David Casebolt moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting adjourned at 9:30 p.m.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

NITRO POLICEMEN'S PENSION & RELIEF FUND

EXPENDITURE BUDGET - 1990

KENNETH WEBB	\$ 9,859.80
ADA POST	4,171.69 *
SHELBY HARRISON	10,408.32
SECRETARY	300.00
MISC. EXPENSE	125.00
ACTURIAL STUDY	<u>2,000.00</u>
	26,864.81
10% FOR INVESTMENT	2,686.48
TOTAL:	\$ 29,551.29

* INCLUDES 5.2% INCREASE PER LETTER FROM THE U.S. DEPT. OF LABOR BUREAU OF STATISTICS. (INCREASE IS AN ESTIMATE BASED ON 1989 FIGURE.)

NITRO FIREMEN'S PENSION & RELIEF FUND

EXPENDITURE BUDGET - 1990

CLYDE HARRIS	\$	7,570.07	*
C. M. MCDANIEL		6,952.17	*
D. RAWLINGS		6,952.17	*
K. KING		7,767.84	*
J. L. RAYNES		13,248.36	
E. W. HEDRICK		17,130.60	
R. L. FAULKNIER		12,117.72	
SECRETARY		300.00	
MISC. EXPENSE		300.00	
ACTURIAL STUDY		<u>2,000.00</u>	
	\$	74,338.93	
10% FOR INVESTMENT		7,433.89	
	\$	81,772.82	

* INCLUDES 5.2% INCREASE PER LETTER FROM THE U. S. DEPT. OF LABOR BUREAU OF STATISTICS. (INCREASE IS AN ESTIMATE BASED ON 1989 FIGURE.)

CITY OF NITRO
COUNCIL MEETING MINUTES

JANUARY 2, 1990

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot. Absent were Councilman at Large Olaf Walker and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 19, 1989 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the December 19, 1989 Council Meeting Minutes be approved. The motion was seconded. A vote was taken and it was unanimous.

Councilman Robert Young asked if the Street Department would clean the ice from the streets in Brookhaven.

Councilwoman Betty Jo Boggess inquired if something could be done regarding the dwelling that was burned on 21st Street.

Councilman at Large Rusty Casto said there were rumors about not only closing Nitro Junior High, but also Nitro High School and transporting the students to St. Albans. Councilman at Large Rusty Casto moved the Mayor write a letter to the Board Members and Superintendent stating it is the consent of the Council that there should be a high school remaining in Nitro. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto advised he needed a constitution regarding the Nitro Community Trust Fund and also additional Board Members. He said the man helping him was ill, and the other member was Jack Hill. Councilman at Large Casto advised that with the interest earned on the \$5,000 plus account, they purchased a set of World War I videos which will be donated to the Library.

City Recorder Doris Carrier mentioned we had a bid on employee hospitalization insurance, and Council never acted on this. Councilman at Large David Casebolt asked if we were paying on a month to month basis, and Mayor Karnes said that even if we accept the present plan, it would still be on a month to month basis.

Councilman George Atkins asked if he would notify the police department in writing to unlock the gate around 6:00 a.m. and then lock it at dark. He advised the lake would be stocked Wednesday.

Councilwoman Betty Jo Boggess suggested the two hour parking restriction be more closely monitored.

Councilman Jim Hutchinson moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 7:55 p.m.

Don Karnes
DON KARNES, MAYOR

Doris G. Carrier
DORIS G. CARRIER, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES
JANUARY 16, 1990

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:32 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was Councilman at Large Rusty Casto.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 2, 1990 COUNCIL MEETING MINUTES: - Councilman at Large David Casebolt moved the Council Meeting Minutes of January 2, 1990 be approved. It was seconded, a vote taken and it was unanimous.

AGENDA ITEM NO. 2 - WV SPECIAL OLYMPICS REQUEST: - City Recorder Doris G. Carrier distributed to members of Council, a copy of the letter from WV Special Olympics requesting a donation. Councilman at Large David Casebolt moved their request be denied. The motion was seconded, a vote taken and it was unanimous.

AGENDA ITEM NO. 3 - COMMITTEE REPORTS: - Nothing to report.

Councilman at Large Olaf Walker said he would like to make a comment and preface it with an apology to Ralph Allison. He said he hoped that Mr. Allison didn't feel he interrogated him at the last meeting in December. Mr. Allison answered that he felt the meeting went well. Councilman at Large Walker said he has a much better understanding of the duties of the Treasurer now, and hopes because of what was published in the newspaper is not perceived as an intention to stop having other department heads come before Council.

Mayor Karnes mentioned other articles printed in the newspapers which were incorrect.

AGENDA ITEM NO. 4 - NEW BUSINESS: - Councilman at Large David Casebolt inquired when the garbage bags could be picked up, and Mayor Karnes responded they are in and could be picked up at the Department of Public Works until around 4:00 p.m.

Councilman at Large David Casebolt said he would like to have placed on the agenda for the next meeting, a report on the Recreation Director and whether it was a necessary position.

With regard to the surplus equipment list which contained 20

operable bicycles, Councilman at Large Olaf Walker suggested Council or a Committee look at them to determine what it would cost to get them in good condition, and then Mayor Karnes appoint a Committee to look into the possibility of passing the bicycles to the Recreation Committee and Lions Club to be used as prizes or awards to children that can't afford a bike if this would be legal. City Attorney Phillip Gaujot said he thinks they could do it if they could come up with a means of it being fair. He said he thinks they could come up with a program to give them to the underprivileged as long as they have a standard and they are fair. Chief Cochran said they could not dispose of any bikes less than 6 months old. Discussion continued.

Councilwoman Betty Jo Boggess mentioned the street needed to be repaired at the top of 4th Street hill.

In response to an inquiry from Councilman George Atkins, Mayor Karnes informed that Walter Drane Co. is working on the codification. Discussion followed.

Councilman George Atkins reported that Bob Sargent had the maps of Carriage Way and the Street & Traffic Committee could meet and review the area. Mayor Karnes announced that the Carriage Way Homeowners Assn. have scheduled a meeting at 7:00 p.m. on January 23, at City Hall, and invited Council.

City Recorder Doris G. Carrier asked when something would be done about the street signs, and Mayor Karnes said Gene Williams was looking into this matter.

Councilwoman Betty Jo Boggess expressed concern regarding a van with a load of small children solititing door-to-door, but did not recall the name of the organization given when they requested donations.

Councilman George Atkins moved the meeting be adjourned. The motion was seconded. A vote was taken, it was unanimous and the meeting was adjourned at 8:13 p.m.

Don Karnes
DON KARNES, MAYOR

Doris G. Carrier
DORIS G. CARRIER, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

FEBRUARY 6, 1990

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

Mayor Karnes welcomed the guests.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 16, 1990 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the minutes of the Council Meeting of January 16, 1990. The motion was seconded, a vote taken and it was unanimous.

AGENDA ITEM NO. 2 - PRO. 90-1 NATIONAL CHILD PASSENGER SAFETY WEEK, FEBRUARY 11-17, 1990: - Mayor Karnes read the proclamation title, and Councilman at Large Olaf Walker moved it be approved. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION 90-1 ATTACHED.

Councilman at Large Rusty Casto said that considering most of the people visiting this evening are here regarding the senior citizens, moved Council address Agenda Item 5 next. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - SENIOR CITIZENS: - Mayor Karnes yielded this agenda item to the City Recorder Doris Carrier. She introduced Bob White, and said he would like to address Council regarding a possible site for a senior citizen's center.

Mr. White said they feel it is imperative that the City of Nitro have a senior citizens building of their own, which will enable them to be more active and participate more fully in activities that can be offered. He said the group was asking they be granted 3/4 of an acre in the southeast corner of the Nitro City Park, which would not interfere with the basketball court or any of the ball diamonds. Mr. White said they propose to build the building with city involvement and assistance as far as budget and inclusion in the budget for some of the planned activities. He informed that the proposed building would be roughly 60 x 50, which is 3,000 square feet. Mr. White had a

sketch of the original proposed building and after talking with an architect, a revised drawing. He said they were talking about a cost of between \$100,000 and \$110,000.

Councilman George Atkins said they were asking Councils' permission to go ahead with whatever they need. Mayor Karnes said he feels we would need a motion agreeing in principal with the concept.

Mr. White said it is his understanding that a lease would have to be prepared such as for a 20 year period with an option of renewal in order to be eligible for federal funding. He said they have monies they could receive right now, but needed someone to handle it. He commented that as this is for the seniors of Nitro, it should be managed, operated and supported by the City of Nitro.

Councilman at Large Olaf Walker asked if everybody that uses the park, such as the Little League, was aware of the plans for the senior citizen building. Councilman at Large Walker said he felt the Committee should form a Senior Citizen Corporation with officers, because he didn't like the idea of the City handling their funds. Councilman Jim Hutchinson agreed with Councilman at Large Walker that the Board should handle their own funds.

Mr. White said before they can go any further with this project, they need Councils' approval and letter of intent. City Recorder Doris G. Carrier moved we begin legal transactions. The motion was seconded. Councilman at Large Olaf Walker said Mr. Gaujot said he could prepare a document, and the Committee could review it. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - CHURCH OF GOD SIGN: - Mayor Karnes advised the Nitro Church of God at 2nd Avenue and 15th Street want to put a sign at 1st Avenue and 15th Street directing the public to the church. Councilman Robert Young moved permission be granted. The motion was seconded. A vote was taken, and it was unanimously approved.

AGENDA ITEM NO. 4 - CONSOLIDATION OF NITRO SCHOOL SYSTEM: - Mayor Karnes yielded the floor to Councilman at Large Rusty Casto. Councilman at Large Rusty Casto said he requested to address Council regarding a quote in the Charleston Gazette Saturday morning from one of the Board members. He said he wanted Council to be aware the statement was made, and maybe Council could figure out what she meant and how to interpret this. A copy of the article, which stated Board Member Ditty Markham said we can't redistrict our kids from Dunbar to Nitro because they won't accept blacks in Nitro, was given to members of Council. A short discussion followed, and it was mentioned that possibly Ms Markham was misquoted. Councilman at Large Rusty Casto moved the Mayor write to Ms Markham and ask her to

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explain what she meant or either give the City of Nitro an apology. The motion was seconded. A vote was taken and it was unanimous. Mayor Karnes said he would check with her and also Matthew Kinsolving and Mr. Trumble.

AGENDA ITEM NO. 6 - MS HATFIELD: - Mayor Karnes introduced Genevieve Hatfield who requested to address Council. She said she recently presented another petition to the City to help her open up and recognize Minor Avenue as a full avenue. She asked Council to look at the pictures submitted, see her problem and act on it. She said Mr. Gaujot, along with members of Council, came up to her property and they all agreed there was a problem there, and she said it seems to be getting worse. Mr. Gaujot responded it was several years ago and they didn't know where the property line was at that time as it was before Dunn Engineers. Mr. Gaujot said he thought the problem had resolved itself. It was pointed out that a tree and Mr. Jack Diehl's carport is on city property. Mr. Gaujot said his advise to the last Council and this Council on previous occasions, is that whenever there is an alleyway or a street that is on the maps that is not being used or not contemplated being used by the City, and the City has no interest in that, the City leave the dispute up to the property owners.

Mr. Diehl explained that when he built his house in 1969, the entire avenue was all in grass. He said he kept the driveway up. He said he would cut the tree down, but doesn't feel it is necessary to cut his awning off. He said he would continue to pray for Ms Hatfield, and hopes they will become friends.

Mayor Karnes suggested the Street & Traffic Committee hold a meeting and invite all elected officials and see if there is a way the problem can be resolved. Councilman at Large Olaf Walker said Council should be guided by Mr. Gaujot's statement that whenever there is a dispute regarding a street that is not involved in any activity that the city must perform, then the city should not be drawn into it and takes sides.

After further discussion and comments, Councilman at Large Olaf Walker moved this matter be referred to the Street & Traffic Committee, as suggested by the Mayor, for the purpose of those that have not been to see the street in question lately to do so. The motion was seconded. A vote was taken and it passed with Councilman Robert Young opposing.

AGENDA ITEM NO. 7 - CARRIAGE WAY STREETLIGHT REPORT: - Mayor Karnes advised that the Street and Traffic Committee has been doing a study on the streetlighting situation in Carriage Way.

Councilman at Large Olaf Walker reported the Street & Traffic Committee met January 23, for the purpose of discussing the street lights at various locations in the city, and also the fire hydrants that have been requested.

Councilman George Atkins along with City Recorder Doris Carrier, Councilman at Large Walker, Councilman Hutchinson, Gene Williams and a representative from the power company walked over the entire area of Carriage Way. Councilman Atkins shared a map with Council showing where lights should be installed and the type of lighting as recommended by the representative from the power company.

City Recorder Doris G. Carrier said she talked with Mr. Pugh, from Appalachian Power, and we were given two options. We can go with a post type street light and pay \$3,104 up front for installation with a monthly rate of \$5.11 for each light with a contract of 10 years. Mr. Pugh recommended we go with the dusk to dawn light. There would be no up front cost and the monthly rate is \$9.27 each for mercury vapor 7,000 lumens with a 3 year contract. She said the high pressure sodium, which they wanted originally, was not available. In the back of Carriage Way they looked at 2 above ground poles, and feel they needed 2 lights there. The cost of those would be \$7.34 each. City Recorder Doris Carrier said if Council were to vote to proceed with this, the cost would be \$14.68 per month, and the six lights would cost \$55.62 per month. Councilman David Casebolt moved we accept the proposal. The motion was seconded. A vote was taken and it was unanimous.

NEW BUSINESS: - Councilman at Large David Casebolt said a person was trying to break into his house at 2:30 a.m. Thursday, and commended the policemen for their response time. He said by the time he hung up the phone and walked to the back of the house, the policemen had arrived.

Councilman at Large Olaf Walker inquired if preparations were being made for the budget, and Mayor Karnes answered they were.

Mr. Chuck Boggs, Jr. complained that there was a pipeyard across the river from them in St. Albans, and all hours during the night it sounded as if they were dropping the pipe, and would like to have some advise regarding this noise. Mayor Karnes said he would be glad to write them a letter.

Councilman Jim Hutchinson said he too would like to commend the police department on their response time. He said his alarm went off, he telephoned the police department and in less than 5 minutes Officers Joyce and Winter were there.

Councilman Jim Hutchinson moved the meeting adjourn. The motion was seconded. A vote was taken and the meeting was adjourned at 9:05 p.m.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER



PROCLAMATION 90-1

To designate the week of February 11-17, 1990 as
"National Child Passenger Safety Awareness Week"

DON KARNES
MAYOR

WHEREAS, motor vehicle crashes are the number one cause of death of children over the age of six month in the United States;

WHEREAS, motor vehicles are the number one cause of the crippling of children in the United States;

WHEREAS, more children under the age of five years are killed or crippled as passengers involved in motor vehicle crashes than the total number of children killed or crippled by the seven most common childhood diseases: pertussis, tetanus, diphtheria, measles, mumps, rubella and polio;

WHEREAS, motor vehicle crashes are the leading trauma-related cause of spinal cord injury, epilepsy and mental retardation in the United States;

WHEREAS, between 1978 to 1988, about 10,000 children under the age of five years were killed in traffic crashes, and more than 500,000 were injured in the United States;

WHEREAS, all 50 states and the District of Columbia have enacted laws requiring the use of child passenger protection systems;

WHEREAS, the latest national surveys show that 82.5 percent of children under the age of five are placed in child safety seats in the United States;

WHEREAS, current nationwide studies estimate that only 56 percent of children under the age of five are fully protected in cars in the United States through the correct use of child safety seats;

WHEREAS, numerous government and private sector organizations have agreed to work together to achieve a minimum 70 percent correct use of child passenger protection systems and adult safety belts by the year 1990;

WHEREAS, research shows that when used correctly, child passenger protection devices are 71 percent effective in preventing death and 67 percent effective in preventing injury;

WHEREAS, death and injury may be reduced significantly through greater public awareness, information, education and enforcement;

NOW, THEREFORE, I, Don Karnes, Mayor of Nitro, in recognition of this tragic situation, so hereby proclaim the week of February 11-17, 1990 as

"National Child Passenger Safety Awareness Week"

and encourage the community to observe the week with appropriate programs, ceremonies and activities to increase correct use of child safety seats.

Passed this 6th day of February, 1990.


DON KARNES, MAYOR



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