

CITY OF NITRO  
COUNCIL MEETING MINUTES

FEBRUARY 20, 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 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 FEBRUARY 6, 1990 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the minutes of February 6, 1990. The motion was seconded. Councilman at Large Olaf Walker said Mr. White asked that a correction be made in the last sentence of the third paragraph on page 2. Councilman at Large Walker said as he understood Mr. White's wishes, the sentence should be corrected to read, "He commented that as this is for the seniors of Nitro, it would be managed and operated by the Senior Citizen's organization of Nitro."

Regarding Agenda Item 3 - Church of God Sign, Councilman at Large Olaf Walker informed he discovered on June 3, 1986, Council adopted an ordinance 86-10 prohibiting the erection of signs of any kind along 1st Avenue. After a discussion, Mayor Karnes said he feels the ordinance should be changed. Mr. Gaujot suggested the time to make the change is when we receive the draft of the new codification of all the ordinances.

A vote was taken to approve the February 6, 1990 Minutes as corrected, and it was unanimous.

Councilman at Large Olaf Walker moved Council address Item 9 at this time. The motion was seconded, a vote taken and it was unanimous.

AGENDA ITEM NO. 9 - STREET COMMITTEE REPORT: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman at Large Walker informed the Street Committee held a meeting, and Minor Avenue was discussed. He distributed a drawing showing the concrete wood blocks had been removed which showed a better view of the street. He said several suggestions were presented, but none of them would solve the problem for both parties. Councilman at Large Walker informed a motion was made that the entire 25 foot right-of-way be graveled, and the gravel to extend from Smith Street to a short distance beyond the driveway of Hatfields and the carport of Diehls, the carport would remain as it is presently erected and the tree

would be removed. This motion did not pass unanimously, but it was agreed upon to offer this as a point of discussion to be considered by Council. Councilman at Large Walker said the former Mayor suggested the two parties meet with the attorney and discuss what would be acceptable to both sides and then an agreement would be drawn up and signed by each party. They met, but there was no agreement reached. He said Mr. Gaujot's advise to Council at that time was the City stay out of it as much as possible because the street is not or was not at that time being used by the city. He gave the same advise at the last meeting. Mr. Gaujot said this is citywide and wasn't singled out for this street as this type of situation is a matter for the court. Councilman at Large David Casebolt moved we take the advise of our City Attorney and leave the dispute up to the property owners on this matter. The motion was seconded. Councilman George Atkins said he would like for the City Attorney to meet with the property owners and see if they can reach an agreement agreeable to both parties so that we can get it on record of City Council. A vote was taken and it passed with the City Recorder Doris G. Carrier and Councilman Robert Young voting in the negative.

AGENDA ITEM NO. 2 - SWEARING IN CEREMONY - NEW FIREFIGHTER: Mayor Karnes said a new test was given, and Jeffrey Elkins was chosen to fill the vacancy in the Fire Department. Councilman George Atkins said he thought Council needed to go into Executive Session. Councilman at Large Olaf Walker stated that in November, 1989 we adopted a motion that all hiring would cease until it was brought before Council, and explained his concerns regarding the budget. After comments and discussion, City Treasurer Ralph Allison said in his opinion, we can afford to hire a new firefighter. Further discussion followed, and Jeffrey Elkins was sworn in by Mayor Karnes. Mr. Elkins received a round of applause.

AGENDA ITEM NO. 3 - D.A.R.E. PROGRAM (OFFICER REID): - Mayor Karnes yielded this agenda item to Chief C. R. Cochran. He informed that he has been involved with a lot of drug programs, and this is the best he has seen for many years, and asked Officer Reid to expand on this program. After a thorough explanation of the program, Officer Reid asked for a donation of \$1,000 from the City which should cover the expense involved for the remainder of this semester and the second semester ending December, 1990. Councilman at Large David Casebolt moved we contribute \$500 out of this years budget for the program. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - NITRO CROSS LANES JAYCEES: - Greg Harkins, Management Development Vice President of the Nitro-Cross Lanes Jaycees said the Muscular Dystrophy Association seek funds March through May every year. They asked every chapter in the United States to run a project or several projects to raise money for muscular dystrophy. The Nitro Cross Lanes Jaycees chose to try to raise money by a road block type situation, using

traffic lights as their road block, and advised they discussed using the light at 40th Street. After a short discussion, Councilman George Atkins moved we grant permission to the Jaycees to solicit and use their discretion for the street location. The motion was seconded. Mayor Karnes suggested they work directly with the Police Chief on when, where and the times. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - ROCK BRANCH ELEMENTARY PTO REQUEST: - Mayor Karnes yielded this agenda item to the City Recorder Doris G. Carrier. She informed the Rock Branch Elementary PTO requested permission to solicit businesses from March 1, to April 7, 1990. Councilman Jim Hutchinson moved permission be granted. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 6 - KIRK KELLY MEMORIAL RUN: - Mayor Karnes introduced Dan Vadala, Chairman of the Kirk Kelly Memorial Run. Mr. Vadala requested permission to conduct their run again which is scheduled May 5, 1990. Councilman at Large Olaf Walker moved permission be granted with cooperation of the police department. The motion was seconded, a vote taken and it was unanimous.

AGENDA ITEM NO. 7 - PARADE REQUEST - NITRO MOOSE LODGE: - Mayor Karnes informed the Nitro Moose Lodge has a 50th Anniversary this year, and they have requested permission for a parade on May 5, beginning at 11:00 a.m. which would not interfere with the runners as Mr. Vandala informed the race should be over by 9:30 a.m. Councilman at Large Olaf Walker said with the cooperation of the police department, he moves their request be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - SHAWNEE HILLS REQUEST: - Mayor Karnes furnished members of Council a letter from the WV Housing & Development Fund reference a request they finance a proposed facility for Shawnee Hills at 604 Main Avenue to provide mental health services. After a discussion, it was suggested a public meeting be held.

City Recorder Doris G. Carrier asked if there could be a committee appointed to revise our business license application. Mayor Karnes suggested the City Recorder chair the Committee, and asked for volunteers. Councilman at Large Olaf Walker, Councilman Jim Hutchinson and Councilman George Atkins volunteered.

City Recorder Doris G. Carrier mentioned that we are paying \$4.39 a month for a 3,500 lumens light in the City. She informed that most of our lights are 3,500 lumens, and we can get 9,500 lumens for \$1.43 per month more. She said the power company told her that if she would write a letter requesting the change, that as our lights need to be replaced, they could replace them with

the more powerful bulb with no installation charge. Council agreed this should be done. Councilman at Large Olaf Walker suggested the Recorder request the location of the upgraded lights as they are replaced.

Councilman at Large David Casebolt said he had nothing against the March of Dimes, but during their tournament they destroyed two baseball fields. He said they play 52 teams and in all kinds of weather. He said he didn't think Nitro should allow the tournament to be played in Nitro anymore. Mayor Karnes said that anytime anything comes in outside of what is normal, such as the use of field for the Little League games, it will be brought before Council. Mayor Karnes said he would get with Gene Williams concerning the repair of the field. Councilman at Large Casebolt said this should be done in cooperation with Jim Riffle, President of the Little League.

Councilman at Large Olaf Walker asked about the budget meeting, and Mayor Karnes scheduled the first meeting Monday, February 26, at 7:00 p.m.

Councilman at Large Olaf Walker said he would like to commend the City Recorder Doris G. Carrier on a job well done regarding the vehicle inventory. He moved a copy of the letter to the Department of Motor Vehicles be attached to the minutes.

COPY OF LETTER ATTACHED.

Councilman Robert Young said in his opinion he thinks Council, except for the City Recorder, took the easy way out this evening. He asked when is this going to come back again and hit us.

Councilwoman Betty Jo Boggess said she had some complaints on 16th Street regarding the church playing loud music 3 times a day, 7 days a week.

Councilman George Atkins advised he has been receiving telephone calls from residents of Hickory Street to the river area. He said they want the swamp either cleaned up or covered up. Mayor Karnes said there was a problem there, and he would check with Dunn Engineers to see if they have anything on record on this.

Councilman George Atkins mentioned Elm Street was about to collapse, and Mayor Karnes responded Gene Williams called his attention to this last week. He said Mr. Williams has been in touch with Connie Stephens of the Sanitary Board on this to share equipment and manpower to correct this problem.

Councilman Jim Hutchinson said on this side of Stadler's Greenhouse, they put in a new drain and there is a large hole,



and a pickup truck load of dirt might take care of this. Mayor Karnes said we need to build a catch basin. Also, he asked if there was anything we could possibly do regarding the railroad crossing at Center Street. Mayor Karnes said this was scheduled for September, 1989, and Chief Cochran informed he would check back with them.

Councilman Robert Young moved the meeting adjourn. The motion was seconded. A vote was taken and the meeting was ajourned at 9:30 p.m.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER



DON KARNES  
MAYOR

February 14, 1990

Department of Motor Vehicles  
Building 3, Room 126  
Charleston, WV 25317

Attention: Ms Marie Rose

Dear Ms Rose:

After extensive research of the records of this office and the cooperation of Department Heads, we have reconciled the vehicle titles with each piece of automotive equipment now being operated by the City of Nitro.

As a result of this reconciliation, we have ten titles for which we have no vehicle. Therefore, it is our determination that these vehicles have been junked or destroyed.

In an effort to purge our files and have the records of the Recorder's office reflect the current situation, I am listing the titles and herewith transmit to the WV Department of Motor Vehicles for proper disposal.

1972	Chev. Truck	CCE142F305037
1972	Dodge Truck	D13AB1S318773
1967	Ford Truck	C70DUA73852
1967	Ford Truck	F85KUA56743
1974	Chev. Truck	CCY244F310797
1978	Chev. Truck	1X69L8T173943
1974	Ford Truck	F60DCT00006
1977	Chev. 4S	1X69L7W187874
1979	Chrysler 4S	TH42L9A174243
1973	Ford Truck	F70EVQ32224

Sincerely,

*Doris G. Carrier*

Doris G. Carrier, Recorder

DGC/pa

Enclosures

CITY OF NITRO  
COUNCIL MEETING MINUTES

MARCH 6, 1990

The regular meeting of the Nitro City Council was called to order by Mayor Don Karens 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 Attorney Phillip D. Gaujot. Absent were Councilman at Large David Casebolt and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 20, 1990 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved the Council Meeting Minutes of February 20, 1990 be approved as distributed. The motion was seconded. Councilman George Atkins commented he feels Council should have gone into Executive Session at the last meeting when they discussed hiring the new firefighter. A vote was taken and the Minutes were unanimously approved.

AGENDA ITEM NO. 2 - BROOKHAVEN: - Mayor Karnes yielded this agenda item to Councilman Robert Young. Councilman Young said the problem regarding Brentwood Rd. had been discussed, quite a few times, regarding the drain coming off Brentwood Road. Mayor Karnes and Gene Williams, Director of Public Works, plan to have a contractor go to the top of Brentwood, take that drain, street and road out and then put it back in. They feel this will correct the problem and will begin work this spring. Mr. Claude E. Myers expressed concern regarding the pipe.

Mayor Karnes announced there will be registrars at City Hall on March 15, from 3:00 p.m. to 7:00 p.m. and Saturday, March 17, from 10:00 a.m. until 2:00 p.m. for the convenience of our citizens.

Mayor Karnes informed there will be a final hearing at Nitro Jr. High School at 7:00 p.m. on March 8, regarding a highway to link Point Pleasant to Charleston.

AGENDA ITEM NO. 3 - NITRO LITTLE LEAGUE: - Mayor Karnes yielded this agenda item to Rich Hively. Mr. Hively said basically they need help. He said last year they had a terrible time getting rid of the trash, and cut most of the grass themselves, and Mayor Karnes indicated that this would be taken care of this year. Mr. Hively informed the opening day for the Little League is April 21, but the high school starts their season on March 24.

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Also present for the discussion were Jack Harper and Mark Sanders with the Little League and Bob Hutchinson, the baseball coach of Nitro High School.

Mr. Sanders said they worked on the field today, but there is still a lot of work that needs to be done. He suggested the City drag the field prior to the high school home games.

Mayor Karnes said he would review the Little League's requests to see what they are asking in terms of money, time and also get some hard rules on whose responsibility is what. Mayor Karnes said he feels the City has received criticism through miscommunication, and he didn't want this to happen in the future. He suggested the Little League furnish Council with an idea of the cost of the repairs, etc., and they might want to come before Council at the next meeting.

Councilman at Large Rusty Casto moved Nitro disallow the Snowball Softball Tournament to be played on the high school field in the future. After a brief discussion, Mayor Karnes said this could be addressed later, and Councilman at Large Olaf Walker agreed we shouldn't make any hasty decisions and mentioned the City might want to get a substantial deposit against damage. The motion did not receive a second, and discussion continued. Mayor Karnes told the Little League people he would be in touch with them this week.

A concerned citizen said it was mentioned grading the parking lot at the Library and the ballfield. He said the area is covered with fly ash. He said as fly ash is a highly acid content and a child could track this over in the pool, in their automobile, library, and home and feels something should be done to this area, and asked Council if they would give this some thought. Mayor Karnes said he has looked into several ways to correct this and anything we would do, would be expensive. He informed there will be a certain amount of paving of the parking lot at the library which will help some.

AGENDA ITEM NO. 4 - STREET LIGHTS: - Mayor Karnes yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier said that at the last meeting, Council decided on upgrading the lights from 3,500 lumens to 9,500. She advised that Mr. Pugh from APCO telephoned and asked if the City would want the 7,000 lumens replaced with 9,500 as they go bad. This would cost an additional \$.22 per light and increasing the output 35.7. Eventually, all lights will need to be replaced, then we would have all of them the same. Mr. Pugh assured her the lights wouldn't be replaced unless the ballast (major component in the light) goes bad. Councilman Robert Young moved we upgrade the lights from 7,000 lumens to 9,500 lumens as they need to be replaced. The motion was seconded. A vote was taken and it was unanimous.

Mayor Karnes asked Mr. Gaujot to report on the Minor Avenue street problem. Mr. Gaujot said it was voted on at a prior council meeting the City would not get involved with the Hatfield-Diehl dispute. As suggested by Council, he said he met with them last week, and there were a few suggestions put on the table about resolving the matter, but at this point, there hasn't been any resolution; there hasn't been any offer. Mr. Diehl was in a position where he would accept about anything, and Mrs. Hatfield made a proposal. She said she didn't know if she wanted to make it official and would get in touch with him when she decided. The proposal was that the city vacate four feet on each side of the street, which would give him and her both four feet. That would make his carport fall within his boundary line, and it would give her an extra four feet. Mr. Gaujot said his position was still the same. He said he didn't think the City needs to be into this dispute until the City needs to use the street. He said he thinks the proper place for this case is in Circuit Court.

Councilman at Large Rusty Casto advised the video cassettes purchased by the Community Trust Fund on World War I have been donated to the library, and can be checked out. City Recorder Doris G. Carrier read the letter of appreciation from the library for the donation of the 11 video cassettes.

Councilman at Large Olaf Walker asked Chief Cochran if he thought it would be practical to have a "no left turn" sign exiting the new business to be located on Route 25 at Center Street, and Chief Cochran said he would check into this.

Councilman George Atkins inquired if the police department issue tickets or run tractor trailers off when they are parked in front of McDonalds along the no parking signs, and Chief Cochran answered they do both.

Councilwoman Betty Jo Boggess said she thought we hired an employee to maintain the park. After a short discussion, Mayor Karnes said he would meet with the Little League and there would be rules this year to eliminate any confusion. Also, there was discussion regarding the vandalism at the park.

Councilwoman Boggess said she received complaints regarding the number of ducks and their droppings at the lake, and asked what could be done about this. Councilman Atkins said this is one of the duties of DNR.

Councilman George Atkins said the fence between 12th and 13th Street, West is still up, and Mayor Karnes informed the order was signed January 18, 1990, and they were given 60 days.

Councilman Jim Hutchinson said it was budget time again, and he was of the opinion we should take in, or attempt to take in, some of the industry across the track, and as far down as Rock Branch.

Councilman Hutchinson said he was informed by Chief Cochran there were some friends in Cross Lanes interested in coming into the City. He asked the City Attorney what he thought the possibility might be. Mr. Gaujot said this was one of the fairest ways a city could grow. He said it could be done by election or minor boundary adjustment, but it has to be a minor boundary adjustment. Mr. Gaujot said that if you expand by minor boundary adjustment, there cannot be any opposition.

Mayor Karnes advised of a bill that was written which would eliminate the population density requirement that exists in law today. Councilman at Large Olaf Walker added it would make annexation more possible such as the industrial sites and Ortin Heights which was attempted several years ago. Mayor Karnes mentioned it wasn't signed into law yet.

After a brief discussion regarding areas for annexation, it was suggested there be a research of annexation in general.

Councilman George Atkins moved we go forth with disposing of the surplus equipment, etc. as per the list submitted by Gene Williams, Director of Public Works, in December. The motion was seconded. Councilman at Large Olaf Walker moved the motion be amended by requesting the equipment, etc. be put in a corner of the lot so that Council could look at it before it's sold. Councilman George Atkins considered the amendment friendly, as did Councilman Robert Young who seconded the motion. A vote was taken to approve the motion, as modified, and it was unanimous.

Councilman Jim Hutchinson 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 G. CARRIER, RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES

MARCH 20, 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 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 Reverend Bea Burgess.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 6, 1990 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of March 6, 1990 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - MEN'S SOFTBALL: - Mayor Karnes advised Rick Collins requested to address Council with the plans of the men's softball league, and would answer any questions. Mr. Collins asked why the Recreation Director didn't direct all leagues, and the teams cooperate with him, and Mayor Karnes said this was basically the plan. Mayor Karnes said he had a meeting with some of the representatives of the Little League, along with the Recreation Director Jay Long, and it was suggested that Mr. Long call a meeting of the Recreation Committee. Mayor Karnes said he feels there should be a central point for all information, and suggested Mr. Collins and others from his League attend the meeting. The Committee will report their recommendations to Council at the next meeting. Mayor Karnes said he feels there has been a lack of communication in the past.

AGENDA ITEM NO. 3 - JR. HIGH SCHOOL CONSOLIDATION: - Mayor Karnes advised that Councilman at Large Rusty Casto requested this item be placed on the agenda, and yielded the floor to him. Councilman at Large Rusty Casto said he was talking with Brenda Tyler and he thought she should address Council on a concern of hers and some of the parents of the students of Nitro Jr. High School. Brenda Tyler told Council that her purpose in coming to Council was not to ask to stop the consolidation because she supports that. She said there is no problem with Andrew Jackson, but there are from 12 to 15 people sick at that school. She reported they have a teacher on medical leave from that school, and they have people hospitalized. Also, she informed she talked with parents in that area. She asked Councils' support, as City representatives, to help assure the building and grounds are safe. On March 8, the State Board of Education conducted a meeting at Institute for the purpose of approving the

consolidation in Kanawha County. She said after hearing the concerns of the parents from this area, the State Board postponed the consolidation, and the Kanawha County Board of Education will hold another hearing on this matter March 28, at 6:30 p.m. at the Kanawha County School Board on Elizabeth Street. She said she feels there should be testing of the soil, but the Kanawha County Board of Education said they didn't feel this was necessary. After a discussion, Councilman at Large Rusty Casto moved the Mayor contact Robert Byrd, Jay Rockefeller's office and Bob Wise's office and request the Federal Government completely check the Andrew Jackson Jr. High School building and grounds. The motion was seconded. A vote was taken and it passed with Councilman at Large Olaf Walker abstaining.

Councilman at Large Rusty Casto suggested Brenda Tyler be put on the Recreation Committee. Mayor Karnes told him to bring this up at the Recreation Committee Meeting, and bring recommendation back to Council.

AGENDA ITEM NO. 4 - (RIC) REGIONAL INTERGOVERNMENTAL COUNCIL CONTRIBUTION: - Mayor Karnes informed that every year RIC asked City Councils of municipalities within our region to approve their funding formula and mail them certification of this action. Mayor Karnes advised this is a requirement and our City's contribution amount is \$1,428. Councilman at Large Olaf Walker moved the certification of the funding formula be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - 1990-91 BUDGET: - Mayor Karnes yielded this agenda item to the Chairman of this committee, Councilman at Large Olaf Walker. Councilman at Large Walker moved the recommendations of the committee be adopted, and the Treasurer be instructed to proceed with whatever is necessary to put it into proper form to submit to the State. The motion was seconded. Councilman at Large Olaf Walker said that during the series of budget meetings, they were never short more than one member of Council and at times all members were present. Councilman at Large Olaf Walker suggested that after the budget has been approved, the Mayor attach a copy of the budget with a letter to each department head stating something to the effect that each department head must watch their expenditures for the next four months. Councilman at Large Rusty Casto said he was going to vote for the budget, but had a few hangups. After further discussion, a vote was taken and it was unanimous.

Councilman at Large Olaf Walker suggested the meetings continue regarding the budget. A discussion followed regarding the date for the next meeting, and it was scheduled for Monday, March 26, 1990 at 7:00 p.m.

COPY OF BUDGET ATTACHED.



Mayor Karnes said the City Recorder Doris G. Carrier received a petition from residents of Escoe Drive requesting a street light, and this could be addressed at the meeting on March 26, with recommendation to Council at the meeting April 3.

Councilman at Large Rusty Casto said he would paint the street sign on 23rd Street white, and asked members of Council to drive by and take a look at it, and see if they thought this would solve our problem with the visability of the street signs in the City.

Councilman at Large Rusty Casto moved Brenda Tyler be made a member of the Recreation Committee. The motion was seconded. After a discussion, Councilman at Large Olaf Walker moved the motion be tabled. The motion was seconded. A vote was taken, and it was tabled with City Recorder Doris G. Carrier, Councilman at Large Rusty Casto and Councilman at Large David Casebolt opposing.

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

Councilman Jim Hutchinson said he talked with the Rev. Wade Austin, Bob Mattox and the citizen who complained about the chimes, and the complainant said if they wouldn't ring the chimes at 9:00 a.m. it would be agreeable with them. They have also taken the bass off the chimes and have toned it down as much as they can.

There being no further business, a vote was taken, it was unanimous, and the meeting was adjourned at 8:30 p.m.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

CITY OF NITRO  
ESTIMATED REVENUES

	<u>90-91</u>
CASH IN BANK 7-1-90	9,150
PROPERTY TAXES	353,465
BUILDING PERMITS	10,000
INSPECTION FEES	2,000
B & O TAXES	495,000
UTILITY TAXES	150,000
RECREATION	1,000
POOL	25,000
LIQUOR CLUB	2,000
WINE/LIQUOR TAX	40,000
LICENSES	7,000
DOG TRACK	200,000
INTEREST INCOME	3,000
CIVIC BENEFITS	146,200
RENTS	8,400
COURT COSTS	21,000
LIBRARY FEES	1,400
MUNICIPAL FEES	310,000
PAR INDUSTRIAL	20,000
COAL SEVERANCE	13,500
FRANCHISE FEES	2,500
GRANTS	8,946
MISCELLANEOUS	-0-
COLLECTION INCOME	5,000
REIMBURSEMENTS:	
DOG TRACK	8,700
CITY CALENDARS	3,500
HOSPITALIZATION	4,942
DOG CATCHER	6,781
DRUG PROGRAM	7,500
TOTAL	<u>1,865,984</u>

CITY OF NITRO  
TOTAL BUDGET90-91

MAYOR	55,924
COUNCIL	9,043
RECORDER	19,666
TREASURER	43,789
BUILDING INSPECTOR	29,578
CITY HALL	397,368
DOG CATCHER	14,864
POLICE DEPT	405,181
FIRE DEPT	256,072
PUBLIC WORKS	552,963
RECREATION	56,728
LIBRARY	24,808
TOTAL	<u>1,865,984</u>

MAYOR90-91

SALARIES	42,506
RETIREMENT	4,038
FICA TAX	3,252
CONTRACT DUES	
WV MUNICIPAL LEAGUE	700
REGIONAL INTERGOVT. CO.	1,428
DEPT SUPPLIES	1,000
TRAVEL	3,000
TOTAL	<u>55,924</u>

COUNCIL

SALARIES	8,400
FICA TAX	643
TOTAL	<u>9,043</u>

RECORDER

SALARIES	13,500
RETIREMENT	1,283
FICA TAX	1,033
CONTRACT SERVICES	-0-
LEGAL ADS	2,500
DEPT SUPPLIES	750
TRAVEL	300
RECORD BOOKS	300
TOTAL	<u>19,666</u>

TREASURER

SALARIES	9,000
FICA TAX	689
AUDIT FEES	2,000
DEPT SUPPLIES	100
WORKERS COMPENSATION	32,000
TOTAL	<u>43,789</u>

BUILDING INSPECTOR90-91

SALARIES	23,865
RETIREMENT	2,267
FICA TAX	1,826
DUES	120
DEPT SUPPLIES	1,000
TRAVEL	500
TOTAL	<u>29,578</u>

HUMANE OFFICER

SALARIES	9,358
RETIREMENT	890
FICA TAX	716
SHELTER FEES	2,400
UNIFORMS	300
AUTO SUPPLIES	1,200
TOTAL	<u>14,864</u>

RECREATION

SALARIES	38,523
RETIREMENT	1,775
FICA TAX	1,430
CONTRACT SERVICES	1,000
DEPT SUPPLIES	9,000
MAINT AND REPAIRS	5,000
TOTAL	<u>56,728</u>

LIBRARY

SALARIES	17,258
RETIREMENT	1,330
FICA TAX	1,320
CONTRACT SERVICES	1,500
DEPT SUPPLIES	200
MAINT AND REPAIRS	500
BOOKS	2,700
TOTAL	<u>24,808</u>

PUBLIC WORKS90-91

SALARIES	282,939
RETIREMENT	26,879
FICA TAX	21,645
CONTRACT SERVICES	8,000
DEPT SUPPLIES	26,000
GARBAGE BAGS	20,000
AUTO SUPPLIES	28,500
MISCELLANEOUS	-0-
REPAIRS TO BLDGS.	4,000
REPAIRS EQUIPMENT	20,000
SANITARY LANDFILL	70,000
STREET PAVING	30,000
ASPHALT, SAND AND GRAVEL	15,000
CAPITAL OUTLAY	-0-
TOTAL	<u>552,963</u>

CITY HALL

SALARIES	65,743
RETIREMENT	6,246
FICA TAX	5,029
CONTRACT SERVICES	18,000
PROFESSIONAL SERVICES	
CITY ATTORNEY	20,600
POLICE JUDGE	4,800
INSURANCE	40,000
BLUE CROSS	115,000
SUPPLIES	10,000
COMPUTER SUPPLIES	4,000
UTILITIES	
ELECTRIC	24,000
GAS	5,000
WATER	14,000
TELEPHONE	12,000
FIRE HYDRANTS	12,150
STREET LIGHTING	40,800
REPAIR TO BLDGS.	-0-
TOTAL	<u>397,368</u>

FIRE DEPARTMENT90-91

SALARIES	154,545
RETIREMENT	35,000
FICA TAX	11,823
CONTRACT SERVICES	800
PROFESSIONAL SERVICES	9,500
PRINTING	250
DEPT SUPPLIES	14,500
UNIFORMS	3,000
AUTO SUPPLIES	4,000
MAINT AND REPAIRS	6,000
LAUNDRY	600
CAPITAY OUTLAY	16,054
TOTAL	<u>256,072</u>

POLICE DEPARTMENT

SALARIES	312,120
RETIREMENT	29,202
FICA TAX	23,877
PROFESSIONAL SERVICES	750
TELETYPE	1,200
DEPT SUPPLIES	4,000
TRAVEL	150
UNIFORMS	4,300
AUTO SUPPLIES	15,000
MISCELLANEOUS	-0-
MAINT AND REPAIRS	2,600
REFUNDS	500
CRIME PREVENTION	500
FOOD AND DRUGS	200
EDUCATION	1,000
TOWER RENTAL	600
EQUIPMENT RENEWAL	2,982
POLICE RESERVES	1,200
CRIME VICTIMS FUND	5,000
CAPITAL OUTLAY	-0-
TOTAL	<u>405,181</u>

CITY OF NITRO  
COUNCIL MEETING MINUTES  
APRIL 3, 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 was City Attorney Phillip D. Gaujot. City Treasurer Ralph Allison was absent.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 20, 1990 COUNCIL MEETING MINUTES: - Councilman George Atkins moved for the approval of the Council Meeting Minutes of March 20, 1990. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PUBLIC HEARING (SMALL CITIES BLOCK GRANT): - Mayor Karnes informed that this was the time of year for applications for the Small Cities Block Grant. The number one criteria, after it is properly advertised, is to hold a public hearing. Mayor Karnes asked if anyone present would like to speak on this matter. No comments received, and Mayor Karnes read the advertisement. Mayor Karnes said he knew the Small Cities Block Grant funds will be real lean, and it has been suggested that if we submit for any grant, to try and make it one to show necessity. He said it was suggested we ask for enough money to replace the bridge on 31st Street and Armour Creek, which is a need and this project would qualify. Councilman at Large Olaf Walker moved this matter be referred to the Street Committee for consideration of replacing the bridge. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - POCA HIGH SCHOOL DONATION REQUEST: - Members of Council were furnished a copy of a letter from the principal of Poca High School requesting a donation to purchase a computer, software and hardware, for the school. Councilman at Large Olaf Walker said he would like to help them, but didn't feel the City had the resources to do so, and moved we table this issue. The motion was seconded. A vote was taken and it was unanimously approved.

Mayor Karnes said as a courtesy to them, we should address whether or not to allow them to solicit businesses in our community. Councilman at Large Rusty Casto moved permission be granted to allow them to contact businesses in Nitro after they complete the necessary solicitation form. The motion was seconded. A vote was taken and it was unanimous.



AGENDA ITEM NO. 4 - NITRO FIREMEN'S PENSION BOARD MEETING  
MINTUES (3-22-90): - Councilman at Large David Casebolt moved the  
 Nitro Firemen's Pension Board Meeting Minutes be made a part of  
 the City's record. The motion was seconded. A vote was taken  
 and it was unanimous.

AGENDA ITEM NO. 5 - ORD. 90-1 AMENDING & REENACTING AN  
ORDINANCE ESTABLISHING RATES & CHARGES FOR SERVICES RENDERED BY  
THE SANITARY BOARD: - Mayor Karnes distributed copies of the  
 proposed ordinance, and yielded to Jim Withrow, Attorney for the  
 Sanitary Board. Mr. Withrow said the Sanitary Board is coming  
 before Council to request preliminary approval of the ordinance  
 which would amend and raise the rates of charges that are charged  
 by the Sanitary Board for sewer services within the City of  
 Nitro. He explained there are three changes from the rates that  
 presently exist. The primary change is the Sanitary Board is  
 requesting a rate increase across the board in all the rate  
 blocks of ten percent. He pointed out that the last increase the  
 Sanitary Board had was ten years ago, and said he feels a ten  
 percent increase is justified after ten years. The second change  
 is an increase in the tap (connection) fee to \$400.00. The last  
 change is there are a few customers that have wells or otherwise  
 don't have meters, and the Sanitary Board have been billing these  
 customers a minimum bill. He said they felt this wasn't  
 appropriate, and tried to figure the rate on an average bill  
 which would be 4,500 gallons a month. He informed if they  
 receive preliminary approval this evening, then the Sanitary  
 Board would publish proper notice that there is a proposal for a  
 rate increase, it would be necessary for Council to have a public  
 hearing and hear public comment. He said after it has been  
 approved on a final basis, it wouldn't go into effect for 45  
 days. Mr. Withrow said the Sanitary Board has stretched the  
 dollar as far as they can go by purchasing used equipment, and  
 they have lost useage. He said the revenues are down, the amount  
 of water useage is down, and Pepsi Cola doesn't bottle in Nitro  
 anymore. Also, he said a couple of other large users aren't  
 using it, which has affected the revenues.

Mr. Withrow advised there is a provision in the Public  
 Service Commission Law that requires the Sanitary Board to place  
 a notice on each customer's bill. The Sanitary Board intends to  
 advise the customer at the next billing there is a proposal for  
 the rates to be increased.

Mr. Max Lemma, Treasurer of the Sanitary Board, added that  
 the increase is brought about entirely due to decreased revenues.  
 He said for fiscal years ending 1986, 1987 and 1988 their gross  
 revenues were \$615,000, \$627,000 and \$611,000 respectively. The  
 last fiscal year ending, the revenues were \$586,000 and  
 projected revenues to be \$569,000 for the next fiscal year.

Discussion followed regarding the property owners  
 responsibility for sanitary sewer bills.

Councilman at Large Olaf Walker asked the number of residential customers, and Connie Stephens answered the total number was 2,700, 4 industrial, residential customers around 2,552 and the remaining commercial. Councilman at Large Walker said when the burden of making up a revenue lost on another class of customer is not always acceptable. He asked what the Sanitary Board had done to meet the loss in revenues. Mr. Lemma and Connie Stephens offered an explanation with a question and answer session following.

Councilman at Large Rusty Casto moved the Mayor read the title of the ordinance only, and waive the reading in its entirety. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Rusty Casto moved Ordinance 90-1 be approved on the first reading. The motion was seconded. A vote was taken, it passed with City Recorder Doris G. Carrier opposing.

ORDINANCE 90-1 ATTACHED.

AGENDA ITEM NO. 6 - RECREATION COMMITTEE REPORT: - Mayor Karnes yielded this agenda item to the Recreation Director Jay Long. Mr. Long reported that on March 27, the Recreation Committee met at the home of Judith Hudson. He said the following 4 names were submitted to serve on the Committee: Leo Boggess, Vi Long, Ivan Meadows and Brenda Tyler. Rusty Casto moved the 4 names be accepted as new members. The motion was seconded by David Casebolt. It was unanimous. Current members are: Leo Boggess, David Casebolt, Rusty Casto, Rich Hively, Chuck Hudson, Judy Hudson, Vi Long, Ivan Meadows, Brenda Tyler and the Recreation Director.

The following recommendations concerning the Softball League were submitted and approved by the Recreation Committee: The responsibility of collecting fees, purchasing softballs, field markers and paying of umpires will be under the direction of the Nitro Recreation Department. This will also include repairing of lights, maintenance of the pavilion, dirt and sand and grass cutting. All monies received from the league, including a tournament for the Recreation Department, will be kept in the hands of the City to cover expenses. An expense sheet totaling \$4,010 with revenues of \$5,250 was furnished to members of Council. Mr. Long also furnished members a list of the City's responsibility and also the Leagues' responsibility. Mr. Long asked Council to let the mens softball league come into the hands of the Recreation Department. Councilman at Large David Casebolt moved we accept the Recreation Committee's recommendation to have the men's softball league handled by the Recreation Department of Nitro. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large David Casebolt moved we approve the

appointments to the Recreation Committee as recommended by the Committee. The motion was seconded. A vote was taken and it was unanimous.

Councilman Robert Young moved that whatever happened in Recreation, it must be coordinated through the Recreation Director, and then if the matter cannot be resolved, come to Council. The motion was seconded. Councilman at Large Olaf Walker moved we amend the motion to include that any change in any structure, any fixed assets to the grounds at the Park belonging to the City of Nitro, cannot be altered, changed or torn down until the Recreation Director and Mayor have been notified. The motion to amend was seconded. A vote was taken and the amendment was unanimously approved. A vote was taken to approve the motion as amended, and it was unanimous.

Mr. Long reviewed the letter of request from the Little League asking for 11 projects to be done, and reported on the status of each and the ones completed. Mark Sanders pointed out the need for 2 sets of new bleachers. Mayor Karnes suggested Mr. Long get with the Building Inspector Bob Sergeant, to determine the safety of the bleachers. Mr. Long said he would move one set of bleachers from the t-ball field. Mark Sanders suggested destroying 2 sets of bleachers and move the set of bleachers temporarily. Councilman at Large Olaf Walker moved this matter be addressed by the Recreation Committee, and come back to Council with their recommendation. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto said as we are short on funds, when certain things need to be done such as fixing the basketball court, he and Jay Long be given authority to identify this with the Committee. Then they would go out and ask for a corporation to underwrite what they wanted done, and use City personnel when available. They would put a sign which would state basketball court furnished by the organization or company responsible for underwriting the project. He said it would be similar to what was done at the Senior League Field. Councilman at Large Casto said they were planning to get someone to underwrite the lights and painting the basketball court which would cost around \$300. A short discussion followed.

Councilman Robert Young said he heard someone tore down some bleachers. Mr. Long answered he didn't give anyone permission to do this. He said the batting cage had been taken down and also a set a bleachers destroyed. A discussion followed. Councilman at Large Olaf Walker stated when anything is attached to the land, it becomes the property of the City, and no one has the right to destroy or move it. Mr. Mark Sanders said as far as the bleachers and batting cage, they probably did act in haste, but they are pressed for time.

NITRO LITTLE LEAGUE PARADE & TAG DAY: - Councilman at Large David Casebolt moved permission be granted to the Little League for an opening day parade on April 21, and tag day on the same date. The motion was seconded. A vote was taken and it was unanimously approved.

Mayor Karnes advised Monsanto and WV Manufacturing Association with cooperation of the Department of Natural Resources and Chemical Waste, Inc. are going to have a Hazardous Waste Day. Items usually not accepted by disposal facilities, such as used motor oil, batteries, etc. can be taken to Monsanto, Dupont, Union Carbide, Rhone-Poulenc from 10:00 a.m. until 4:00 p.m. on April 21.

Mayor Karnes informed Town & Country Supply (Southern States) have requested to put a billboard type sign on a piece of property that Nathan Wills has under contract to purchase located above the bridge on the left. This request was submitted in September, 1989 to the Planning Commission, Margaret Hudson, President, for a variance to our Zoning Ordinance. She gave the request to Mayor Karnes a few days back and said the Planning Commission didn't have any jurisdiction on this. Mayor Karnes said he believes Council needs to address that ordinance so that we can somehow supply mechanism for exceptions to these flat ordinances that are not designed to prevent this, but designed to prevent something else. Councilman at Large Rusty Casto said he would like to have an ordinance that would outlaw all signs and billboards, and Mayor Karnes replied we already have one. Councilman George Atkins moved this issue be put into the Street and Traffic Committee. The motion was seconded. A vote was taken and it was unanimous.

Mayor Karnes introduced Lila Hill, a candidate for the Kanawha County Board of Education. She advised of her educational background, work experience and goals. Mrs. Hill said she would answer any questions after the meeting.

Mayor Karnes said Mr. Bob White was present and has been working real hard with the Senior Citizen's project. Mayor Karnes asked if he would bring Council up-to-date.

Mr. White said the lot at the ballfield area had been surveyed, and the lot was 68/100 of an acre, 120 x 250. He reported they have a committee working which is presently putting together an advisory council, and working on by-laws. He advised they are in hopes of having a booklet prepared, containing drawings, specifications and things of interest, for publication around April 20 - 25. He said the target date for starting the building will be in June, and will be completed in December. He said he would give a report on the progress once a month.

Councilman Jim Hutchinson said we have been promised the railroad crossing will be fixed, and asked if we can do anything

to get this corrected. Mayor Karnes said he would make another attempt Wednesday morning to have this taken care of.

Councilwoman Betty Jo Boggess said she would like to have a Street Committee meeting scheduled.

Councilman Robert Young mentioned that a certified letter was mailed to a person regarding trash and debris on his property in January, 1990 and again in March, 1990, and asked if something couldn't be done about this. Councilman at Large David Casebolt asked if the owners of the lot on 11th Street, across from the school, had been mailed a letter. Mayor Karnes said he would check on this.

Councilman at Large Olaf Walker reminded Council of the budget meeting Monday evening.

Councilman at Large Rusty Casto asked when the hole, that was dug up for the sewer, would be patched in front of City Hall. Councilman Jim Hutchinson said they haven't been running black top.

Councilman at Large Casto said he put three coats of white paint on one side of the sign, and it absorbed all the paint. Mr. Long explained the signs were dipped in a sealer, and once the sealer is put on, it is hard to repaint them as paint won't stick.

Councilman George Atkins moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 9:30 p.m.

Don Karnes  
DON KARNES, MAYOR

Doris G. Carrier  
DORIS G. CARRIER, RECORDER

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NITRO FIREMEN'S PENSION BOARD MEETING MINUTES

MARCH 22, 1990

The Nitro Firemen's Pension Board Meeting was called to order by Mayor Don Karnes at the Fire Department at 9:02 a.m. Present were Sgt. E. W. Hedrick, II, Ronnie King and Shawn Alderman. Also present was Pansy Armstead, Secretary. Absent was Paul Frank Strohl.

AGENDA ITEM NO. 1 - APPROVAL OF MINUTES OF FEBRUARY 20, 1990: - Firefighter Ronnie King moved the February 20, 1990 Firemen's Pension Board Meeting Minutes be approved. The motion was seconded by Sgt. E. W. Hedrick, II. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CERTIFICATION OF ELECTION RESULTS: - Sgt. E. W. Hedrick, II moved we accept the results of the election on March 12, 1990, for trustee of the Firemen's Pension Board. The motion was seconded. Shawn Alderman was elected for a 4 year term replacing Chief Steve Hardman. A vote was taken and it was unanimous.

There being no further business, Sgt. E. W. Hedrick, II moved the meeting be adjourned. The motion was seconded. A vote was taken, it was unanimous and the meeting adjourned at 9:05 a.m.

  
PANSY ARMSTEAD, SECRETARY

ORDINANCE AMENDING AND REENACTING AN  
ORDINANCE ESTABLISHING RATES AND CHARGES  
FOR SERVICES RENDERED BY THE  
SANITARY BOARD OF THE CITY OF NITRO

WHEREAS, the City of Nitro, West Virginia, owns and operates a certain wastewater collection and treatment system in and around the City of Nitro, Kanawha and Putnam Counties, West Virginia; and

WHEREAS, the Sanitary Board of the City of Nitro has requested the Council of the City of Nitro to enact an Ordinance providing for changes in the rates and charges for the use of and services rendered by the sanitary sewer system in order provide funds for the payment of the proper and reasonable expense of operation, repair, replacement and maintenance of the system and the payment of the sums required for debt service for which the system is responsible.

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

1. From and after the effective date of this Ordinance, the following rates and charges shall be in effect for the use of and services rendered by the sanitary sewer system of the City of Nitro:

SEWER SERVICE CHARGE

First	2,000 gallons used per month	\$3.47 per 1,000 gallons
Next	3,000 gallons used per month	\$2.92 per 1,000 gallons
Next	25,000 gallons used per month	\$2.26 per 1,000 gallons
Next	70,000 gallons used per month	\$2.04 per 1,000 gallons
Next	100,000 gallons used per month	\$1.60 per 1,000 gallons
All Over	200,000 gallons used per month	\$1.21 per 1,000 gallons

Minimum Rate: No bill will be rendered for less than \$8.42 per month.

Service Connection Inspection Fee: \$ 25.00

Service Connection (Tap) Fee: \$400.00

Delayed payment Penalty: The above schedule is net. On all accounts not paid in full within twenty (20) days, ten percent (10%) will be added to the net amount thereof. This delayed payment penalty is not interest and is only to be collected once for each bill where appropriate.

Disconnect Fee: \$20.00

Reconnect Fee: \$20.00

The above disconnect and reconnect fees are applicable when a customers' water service is disconnected at the request of the Sanitary Board for non-payment of the sewer bill.

2. The above rates and charges shall be applicable for any owner, tenant or occupany of each and every lot or parcel of land or building situated within or outside the corporate limits of the City of Nitro and having any connection with the City's sanitary sewage system.

3. This Ordinance shall take effect forty-five days from its passage.

Passed on first reading	APRIL 3, _____, 1990.
Public hearing held	_____, 1990.
Enacted on second reading	_____, 1990.
Effective date	_____, 1990.

  
\_\_\_\_\_  
Mayor

Attest:

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



CITY OF NITRO  
COUNCIL MEETING MINUTES

APRIL 17, 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 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.

Mayor Karnes welcomed the guests.

The invocation was given by the Reverend Wade Austin.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 3, 1990 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of April 3, 1990 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PUBLIC HEARING REGARDING BLOCK GRANT: - Mayor Karnes informed that with grant applications, there are certain requirements. Mayor Karnes read the published notice of the meeting, and asked if there were any suggestions on what we apply for. He informed that as of now, one is to try and get a replacement for the 31st Street Armour Creek bridge and construction towards the building of the senior citizens center. We will be able to accept suggestions up to May 18, 1990. Mayor Karnes asked if anyone had any suggestions at this time. Mayor Karnes mentioned the area from the bridge to the corporate limits he thinks would qualify, and we need to do a lot of paving at this end of town. He said we might want to include a request for paving from around Blackwood Street up to Cleveland Avenue. Councilman at Large Olaf Walker moved the Mayor include in the application the area east from Blackwood to the corporate limits for paving. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved Resolution 90-1 be adopted. The motion was seconded. Councilman at Large Olaf Walker said he would like to amend the last sentence in the resolution to read, "The Mayor will sign the application, after reviewing the application with Council, including the assurances, and will provide HUD and GOCID representatives with information related to this project, as well as Council." Councilman at Large David Casebolt, who seconded the original motion, seconded the amendment also. A vote was taken to approve the amended resolution and it was unanimous.

RESOLUTION 90-1 ATTACHED

AGENDA ITEM NO. 4 - LAYING OF THE LEVY: - Mayor Karnes yielded this agenda item to the City Treasurer Ralph Allison. Mr. Allison informed that the State Tax Department approved our budget. In their letter of approval, it was instructed we meet on the third Tuesday in April to officially lay the levy. He explained this was establishing the levy rates we are going to have enforce over the next year, which were the same rates as in the past several years. Councilman Jim Hutchinson moved we approve the laying of the levy. The motion was seconded. A vote was taken and it was unanimous.

LEVY ORDER & LEVY RATE SHEET ATTACHED.

AGENDA ITEM NO. 5 - RECREATION COMMITTEE REPORT: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt who yielded to the Recreation Director Jay Long. Mr. Long reported he received recommendations from the Recreation Committee. He advised the Committee recommended the City have a telephone installed at the Little League concession stand at a cost of \$100.00 with the Little League paying the monthly rate. With reference to the bleachers, it was suggested the City purchase boards for the bleachers at a cost of \$150.00. He reported the request for new bleachers, bleacher pads and picnic tables were denied following a motion by David Casebolt, seconded by Leo Boggess and passing unanimously. Mr. Long advised as per the request of Council, he went with the Building Inspector, Bob Sergeant, and checked on the bleachers at City Park. He said Mr. Sergeant recommended the frames be welded and they would be structurally safe, and opposed of tearing down any other bleachers. Mr. Sergeant said, in his opinion, it was just a matter of getting some braces and welding them on. He asked if Councilman Jim Hutchinson would take a look at these also. Mayor Karnes asked if plans had been made concerning the installation of the boards, and Mr. Long responded there had not.

He said he hadn't checked with Mr. Williams, and didn't know if the Little League was planning to do this. Mark Sanders said they open this Saturday, and they didn't have time to get this done before this weekend. He suggested the bleachers be tagged "unsafe" if the work wasn't completed by Saturday. Mr. Sanders said they could possibly do the repairs next week.

There was a discussion regarding the installation of the telephone and Mayor Karnes said it should be ordered in whatever name will be paying the bill. Mr. Sanders said the Little League wouldn't stand responsible for the service. He said the phone would be placed inside the concession stand to be used for emergencies only. Mr. Sanders asked Jay to use the Little League name and his address for billing with the measured service. Councilman at Large David Casebolt moved we approve the recommendations of the Recreation Committee for the installation of the telephone at a cost of \$100.00 and \$150.00 to purchase boards for the bleachers. The motion was seconded. A vote was taken and it was unanimous.

City Recorder Doris Carrier informed she received the proper solicitation request form from the Nitro Lions Little League for Tag Day which was approved at the last meeting along with their request for an opening day parade.

Councilman George Atkins read the letter from Mr. Brannon, owner of Riverview Apartments. In 1983, Mr. Brannon said the Kanawha County Health Department suggested he turn to dumpsters to resolve the rat problem at the apartments. He said he went with Don's Disposal service, after which the Assistant Public Works Director told Mr. Brannon he could pay a \$2.00 per apartment monthly municipal fee. Mr. Brannon said he paid this fee until November, 1987, and he was billed \$8.50 a month. There is a balance due of \$7,144.25, and Councilman at Large Olaf Walker said they are studying this situation along with others. Mayor Karnes said he would to have an Ordinance Committee consisting of City Recorder Doris G. Carrier, City Attorney Phillip D. Gaujot and himself study this and report back to Council. Councilman at Large Olaf Walker said the Recorder and several members of Council have been working on this, the City Recorder Doris G. Carrier, Councilmen George Atkins, Jim Hutchinson along with Councilman at Large Olaf Walker. Mayor Karnes said that in every case, he would like to have the City Recorder, the City Attorney along with himself consider each case. He said if it was simple, they might be able to make a recommendation among the three, or in a case such as this, it will take more. Councilman Jim Hutchinson commented he thought it should be addressed real soon.

Councilman George Atkins asked the progress regarding the surplus equipment that was to be sold, and Mayor Karnes informed it must be properly advertised. He said a decision should be made as to the method these items will be sold. Councilman at Large Olaf Walker said he didn't care if the items were sold in a lump sum, but it should be cleared from the area. He said he wouldn't pay ten cents for what he saw. City Attorney Phillip Gaujot said he thought we should advertise it for bids.

There being no further business, Councilman Jim Hutchinson moved the meeting be adjourned at 8:30 p.m. The motion was seconded. A vote was taken and it was unanimous.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER



DON KARNES  
MAYOR

RESOLUTION 90-1

The City of Nitro authorizes its Mayor to apply for up to \$750,000 in HUD-Small Cities Block Grant funds for the following projects:

- (1) Replace the 31st Street Bridge; and
- (2) Paving from Blackwood St. to Cleveland Avenue.

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

DATE: APRIL 17, 1990

CITY OF NITRO

  
\_\_\_\_\_  
DON KARNES, MAYOR

  
\_\_\_\_\_  
DORIS G. CARRIER, RECORDER

LEVY RATE SHEET

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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, 1990 IN ACCORDANCE WITH CHAPTER II, ARTICLE 8 OF THE WEST VIRGINIA CODE, AS AMENDED.

	CURRENT LEVY RATE	EXCESS LEVY RATE	PUBLIC/PERM. IMPROVEMENT LEVY RATE	BOND LEVY RATE	TOTAL LEVY RATE
CLASS I	12.5	6.25			18.75
CLASS II	25.0	12.5			37.5
CLASSES III AND/OR IV	50.0	25.0			75.0
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 17<sup>th</sup> day of April, 1990  
and APPROVED BY THE STATE TAX COMMISSIONER.

*Shirley H. Carrier*

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 Department of Tax and Revenue, Chief Inspector Division, P. O. Drawer 2389, Charleston, West Virginia 25328. Upon receipt, one copy will be stamped "Approved" and forwarded to the assessor of your county to be used in extending the levies.

# LEVY ORDER

Prescribed by State Tax Commissioner

NITRO  
ENTITY  
KANAWHA/PUTNAM  
COUNTY

CS  
H

## ASSESSED VALUATIONS — PROPOSED LEVY RATES AND TAXES LEVIED FOR ALL PURPOSES

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

	Assessed Values Tax Purposes	Current Expense Taxes Levied	Excess Levy Taxes Levied	Improvement Taxes Levied	Bond Purpose Taxes Levied
<u>Class I Property</u>		(Class I Rate <u>12.5</u> )	(Class I Rate <u>6.25</u> )	(Class I Rate _____)	(Class I Rate _____)
Personal Property	\$ <u>5,465,189</u>	\$ <u>6,831</u>	\$ <u>3,416</u>	\$ _____	\$ _____
Public Utilities	\$ <u>296,100</u>	\$ <u>366</u>	\$ <u>185</u>	\$ _____	\$ _____
Total Class I	\$ <u>5,761,289</u>	\$ <u>7,197</u>	\$ <u>3,601</u>	\$ _____	\$ _____
<u>Class II Property</u>		(Class II Rate <u>25</u> )	(Class II Rate <u>12.5</u> )	(Class II Rate _____)	(Class II Rate _____)
Real Estate	\$ <u>21,022,722</u>	\$ <u>52,557</u>	\$ <u>26,278</u>	\$ _____	\$ _____
Personal Property	\$ <u>45,333</u>	\$ <u>113</u>	\$ <u>57</u>	\$ _____	\$ _____
Total Class II	\$ <u>21,068,055</u>	\$ <u>52,670</u>	\$ <u>26,335</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</u> )	(Class IV Rate <u>25</u> )	(Class IV Rate _____)	(Class IV Rate _____)
Real Estate	\$ <u>17,330,932</u>	\$ <u>86,655</u>	\$ <u>43,327</u>	\$ _____	\$ _____
Personal Property	\$ <u>18,277,445</u>	\$ <u>91,387</u>	\$ <u>45,694</u>	\$ _____	\$ _____
Public Utilities	\$ <u>4,321,700</u>	\$ <u>21,609</u>	\$ <u>10,804</u>	\$ _____	\$ _____
Total Class IV	\$ <u>39,930,077</u>	\$ <u>199,651</u>	\$ <u>99,825</u>	\$ _____	\$ _____
<u>TOTAL ALL CLASSES</u>	\$ <u>66,759,421</u>	\$ <u>259,518</u>	\$ <u>129,761</u>	\$ _____	\$ _____
Less Uncollectables, Exonerations and Delinquencies .....	-	<u>23,876</u>	<u>11,938</u>	-	(Total Amount to be raised from Municipal Bond Commission Letter)
Tax Discounts to be Deducted .....	-	-	-	-	
Net Amount to be Raised by Levy .....		<u>235,642</u>	<u>117,823</u>		

The above is a true copy from the records of orders made and entered by this entity on the 17 day of April, 1990.

Doris G. Carrier  
County Clerk, Secretary Board of Education, Municipal Clerk or Recorder

NOTE: This is a four part form. When completed, retain the pink copy for your files and mail the white and blue copies to the Department of Tax and Revenue, Chief Inspector Division, P. O. Drawer 2389,                     , WV 25328. Mail the yellow copy to the State Auditor, Capitol Bldg.                     , WV 25305.

CITY OF NITRO  
COUNCIL MEETING MINUTES

MAY 1, 1990

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:40 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 was City Treasurer Ralph Allison. Absent was City Attorney Phillip D. Gaujot.

Mayor Karnes welcomed everyone.

The invocation was given by the Reverend Jack Emrick from the First Presbyterian Church.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 17, 1990 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of April 17, be approved. The motion was seconded by Councilman at Large Olaf Walker who requested, if there were no objections, a copy of the letter from Mr. Brannon be attached to the Minutes. No objections were received. Councilman George Atkins asked if the advertisement regarding the surplus equipment had been published. He asked who was responsible for running advertisements. Mayor Karnes said by ordinance or law, he wasn't sure. He said he thinks this would come under the Recorder's jurisdiction. The City Recorder Doris G. Carrier responded she hadn't been notified that the equipment is ready for her to run the ad. A vote was taken on the motion, and it was unanimous.

AGENDA ITEM NO. 2 - PUBLIC HEARING MINUTES (4-24-90): - Councilman at Large Olaf Walker moved the Public Hearing Minutes of April 24, 1990 be approved as distributed. The motion was seconded. A vote was taken and it was unanimous.

PUBLIC HEARING MINUTES ATTACHED.

AGENDA ITEM NO. 3 - COMMITTEE APPOINTMENTS: - Mayor Karnes said he feels we could accomplish more if he appointed a Committee to handle different situations. He furnished Council a copy of the Committees and members. He said if a member of Council was listed on a Committee and they couldn't serve or if they had any suggestions, please let him know. He said he hopes this will permit a smoother government for us in Nitro. Mayor Karnes mentioned they were advisory committees, and had no power to change or amend any ordinance.

AGENDA ITEM NO. 4 - ORD. 90-1 ESTABLISHING RATES & CHARGES FOR SERVICE RENDERED BY THE SANITARY BOARD: - Mayor Karnes advised this would constitute the 2nd reading of Ordinance 90-1. It was approved on the first reading and the required Public Hearing was held. Councilman at Large Olaf Walker moved Ordinance 90-1 be brought up at this time for discussion for passage or rejection. The motion was seconded. Councilman Robert Young asked Connie Stephens, General Manager, of the Nitro Sanitary Board to tell him why he should vote for the ordinance. Ms Stephens informed the reason the Sanitary Board is requesting a rate increase is they have had a decrease in revenues. She said they have set expenses they must meet, have rules and regulations that have been set down by EPA and DNR they have to meet, they have discharge permits they have to meet, and must have funds to operate the systems in order to meet those requirements. Councilman Young said it was his understanding from comments at the Public Hearing, that if the rate increase is passed, they would have a small "nest egg" to put back. Ms Stephens said they were speaking of about \$2,000 to \$3,000. She said they were looking at hopefully \$2,000 a month to meet their bonding requirements. Councilman Young said if an emergency occurred, then this could be wiped out, and Ms Stephens answered, very quickly. She said in the past ten years, they have had over \$200,000 in repairs to collapsed sewer lines, etc. She said this didn't cover the operating expenses or small repairs. Councilman Young asked if they needed more money to get the same service we've been receiving, and Ms Stephens answered this was correct. He asked if we could fix the holes the residents were complaining about at the Public Hearing. Ms Stephens answered not anything beyond what they have already been doing. She said this raise would only allow them to continue operating, with no money for major upgrades. She said if they could accumulate some money, they would attempt to address some small things.

Councilwoman Betty Jo Boggess said she really believes the Sanitary Board needs the money, however, she has been receiving a lot of "feed-back" from people in her ward that they can't afford the raise.

Councilman Jim Hutchinson said he was sorry he missed the Public Hearing, but over a period of 10 years feel they need an increase. He said he is sure the increase would be a hardship on some, and asked where do they turn? He stated he was in favor of the increase.

Councilman George Atkins asked the amount of the increase per month, and Ms Stephens said it would be 10% across the board.

Councilman at Large Rusty Casto commented he didn't think any member of Council wanted to vote in favor of a service increase, but at a meeting Thursday it was stated that with all the new environmental laws coming in the future, they predict the



average garbage bill for the average household would be \$30.00 at the turn of the century. So, we could be looking at an increase on this side of the ledger as well. Mayor Karnes agreed.

Mayor Karnes said he wasn't in favor of any increases, but didn't see any other way that we could officially give people the service they not only should have, but demand.

City Recorder Doris G. Carrier said that she voted against the ordinance on the first reading, and said she didn't think it pleased any of Council to raise fees, but believes it is necessary. She said she thinks Ms Stephens runs a tight ship, and there is very little waste in her department. She said our sewers are old and in bad condition, and if we can't afford to keep them up, it will cost more money at a later date. She said she believes the increase is necessary as they haven't had one for 10 years.

Councilman at Large David Casebolt said he agrees with the statement made by the City Recorder Doris G. Carrier.

Councilman at Large Olaf Walker questioned the financial statement under industrial revenues. He said it was his understanding the loss of revenues from the Pepsi Cola Plant and one other plant was the principal reason for asking for a rate increase. He said he didn't have a breakdown of the amount of the revenue loss, but said if they would have lost all of their industrial customers, it would have been somewhere in the area of \$13,000. Ms Stephens told him that Pepsi alone was almost \$25,000. Councilman at Large Walker said he was looking at the income statement dated March 31, 1990 year to date budget, and for industrial customers the amount listed was \$13,914. Ms Stephens advised this figure reflected the loss. Councilman at Large Olaf Walker said the residents were notified of the proposed rate increase, but should have been notified of the public hearing on the reverse side of their bill. Councilman at Large Walker said he looked over the financial statement, and tried to determine what the best direction would be, but it was hard for him not to vote for the increase because the citizens didn't come out and voice their concerns. Councilman at Large Walker said someone said that this raise was just to help with the present operating expenses, and asked if and when there is any capital improvements, they would have to have funds from another source. Ms Stephens responded federal money is gone, and that is why all of the systems have been upgrading, building, and adding new systems since 1972. She said the only source now is federal money through low interest loans, and this would be the route they would have to take for any upgrades or replacements. Councilman at Large Walker asked if there were employee raises built in their new budget, and Ms Stephens answered there had been no raises discussed. Councilman at Large Walker said he didn't want to see an increase, but thinks it is justified.

Ms Stephens said the Sanitary Board didn't want to see an increase either, and they wouldn't be here now if they didn't need it.

Mayor Karnes asked if anyone would like to address Council.

Mr. Edward Maguire said when you look at a ten percent increase after ten years, it looks great. But, when you start comparing it to other communities of similar size such as Dunbar, it's very obvious Nitro has a problem, a serious problem when a minimum bill at Dunbar of \$3.30 and ours will be \$8.42. He said he went to Dunbar and talked with the manager to try and find out why. He said one of the obvious reason is they only have eight employees, one being a part time worker. Mr. Maguire suggested giving the secretary's title to one of the office workers, and Ms Stephens take over the Treasurer's responsibilities as it would save money. He said you start looking at where the difference is between the 15 employees of Nitro has and the 8 they have in Dunbar. He informed Dunbar and St. Albans got rate increases last year, and are not 20 years old. Mr. Maguire said we need to get more efficient in this operation. He said we have twice as many people that handle less customers. Dunbar has three or four hundred more customers than Nitro.

Ms Stephens pointed out Nitro has had upgrades in their treatment systems where Dunbar has not. Therefore, we have additional bonding that Dunbar does not have. She said we have additional mechanical, etc. to maintain that Dunbar does not have. She stated Nitro has a reputation with EPA and DNR as being one of the best run plants in the state of West Virginia.

Mr. Maguire said he noticed on the public service order, Ms Stephens had a rate of \$ .96 a thousand for their off branch district, and said he didn't see anything in the ordinance regarding Rock Branch. Ms Stephens said Rock Branch is handled in an entirely different manner. She said they went to the PSC with Rock Branch instead of the City Council. She said they are preparing a cost of service study now to see if an increase in the area is warranted.

Councilman at Large Olaf Walker said on the budget, utility tax was listed and asked for an explanation. Ms Stephens answered this was the 2% they charge on the sewer bill and pay the city. It was listed under tax on the bill.

Councilman at Large Walker asked about the account with Citizens National Bank, State Sinking Fund and the Farmers Home Administration. Ms Stephens responded these were loans for upgrading over the years. She informed they pay \$3,900 a month to the State Sinking Fund.

A vote was taken on the motion, and it was unanimous.

AGENDA ITEM NO. 5 - POOL EMPLOYEES 1990: - Mayor Karnes yielded this agenda item to the Director of Recreation Jay Long. Mr. Long submitted the following individuals for consideration for hiring as lifeguards/cashiers, concession workers at the Nitro Pool for calendar year 1990.

Charlotte Hill	(6)	Karen Karnes	(1)
Evelyn Shepherd	(4)	Aliza Lusher	(1)
Douglass Meadows	(0)	Beth Vance	(0)
Beth Sizemore	(0)	Jason Mynes	(3)
John Hager	(0)	Elizabeth Hall	(0)
Troy McGrew	(2)	Steve Tettor	(0)
Kevin Dye	(4)	Corey Beard	(2)
Eric Dye	(3)	Eric Brightwell	(2)
Cheryl Mann	(3)	( ) Represents years experience.	

Councilman at Large Rusty Casto moved the employees be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 90-2 - POOL PASS RATES: - Mr. Long advised that on April 23, 1990, at the Recreation Committee Meeting, Councilman at Large David Casebolt moved a change be made in the prices of the pool passes. It was properly seconded and the motion carried. The old rate for a family outside the City was \$140, and a proposed change would reduce it to \$100. On individual passes, it was suggested to change the price from \$40 to \$35 inside the City, and outside the City from \$70 to \$50. Councilman at Large Rusty Casto said he would like to see the rates the same for people inside and outside the City. A discussion followed, and Judy Hudson, Chairperson of the Recreation Committee said the residents of Nitro are paying for city services, and consideration should be given to them. Councilman Jim Hutchinson suggested a reduction in cost for season passes for senior citizens. Mr. Long advised there would be an adult night again this year. Councilman at Large David Casebolt mentioned the hours were changed to 11:00 a.m. - 6:00 p.m. Monday through Saturday, but we could extend it for an hour if necessary. The ordinance was read, and Councilman at Large Olaf Walker moved ordinance 90-2 be adopted as presented on the first reading. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 90-2 ATTACHED.

AGENDA ITEM NO. 7 - EMPLOYEE PASSES: - Mr. Long advised he researched and in the early 80's, a member of Council made a motion that again pool passes would be presented to full time employees. He said he was recommending that passes go to full time employees only, immediate family members living at home (mother, father & children). Also, must have approval of Recreation Director for other person/persons. He asked if a member of the family lives out of town and comes in over the

40

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weekend, etc. could he issue a weekend pass, and Councilman Jim Hutchinson said to charge them for it. The employees would contact Jay Long for the passes. After a short discussion, it was determined it would not include the school crossing guards, volunteer firemen, auxiliary policemen or members of committees.

The Recreation Committee suggested the Mayor issue a memo notifying employees to obtain their pass in a specified time from the Recreation Director. Councilman at Large Olaf Walker requested a mid-summer report showing passes sold, and also how many employees availed themselves of a free pass. He complimented the Recreation Committee on their report. Councilman at Large Rusty Casto said he thought the Committee and Jay Long were doing real well.

Councilman at Large Rusty Casto said he checked with the schools and there are around 50 children that eat free at the 3 Nitro elementary schools, and moved that any citizen attending one of the 3 elementary schools who eats a free lunch would also be given a free pool pass. Councilman at Large David Casebolt said he agreed, but questioned the legality. The motion was seconded. Mayor Karnes said this could be done, but we would have to set guidelines. A discussion followed. Mayor Karnes suggested the motion be amended to let the principals know and they can advise the students to go to the Recreation Committee. The Recreation Committee will then make recommendations as to the free passes. Councilman at Large Olaf Walker said the Board of Education can furnish a printout of those people who get free lunches, but it's only within the zip code area. Councilman at Large Walker said he feels the Recreation Director should give out the passes. A discussion followed regarding the identity. Councilman at Large Rusty Casto withdrew his motion as did Councilwoman Betty Jo Boggess who seconded the motion. Councilman at Large Olaf Walker moved the Mayor write a letter to the principals of the 3 elementary schools within the City limits, and advise them the City Government has indicated a willingness to provide a free pool pass to those students in the Nitro area qualifying for free meals, and to ask them to have their parent/parents contact Mr. Long. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - POLICE PENSION BOARD MEETING MINUTES 4-17-90: - City Recorder Doris G. Carrier reported the Police Pension Board met April 17, 1990 to certify their election results, and asked that their minutes be a part of the record of the City. Councilman at Large Rusty Casto moved the Police Pension Board Meeting Minutes be made a part of the City's record. The motion was seconded. A vote was taken and it was unanimous.

POLICE PENSION BOARD MEETING MINUTES ATTACHED.

AGENDA ITEM NO. 9 - REVISION OF BUSINESS LICENSE: - Councilman at Large Olaf Walker mentioned different areas where the business license application should be revised. He said as it was presented, it is now more conformative with the State Code and more in line with the other towns throughout the valley. Councilman at Large Walker said there were a few catagories that wasn't covered by state law, and they were going to check further to make sure they are in compliance. Councilman at Large Rusty Casto said he feels the barbers and beauticians shouldn't be required to pay more for a license than the lawyers and veterinarians. Councilman Jim Hutchinson agreed. Councilman at Large Rusty Casto moved we only charge the barbers and beauticians a \$5.00 license fee. Motion died for lack of second. Mayor Karnes said first of all, we need an ordinance and then the ordinance could be amended. Councilman at Large Olaf Walker moved this discussion of the application be considered as first reading of the ordinance. The motion was seconded. Mayor Karnes said we couldn't consider this the first reading without the ordinance in hand. Councilman Walker removed as the first reading from his motion, as did Councilwoman Betty Jo Boggess who seconded the motion. A vote was taken and it was unanimous.

AGENDA ITEM NO. 10 - AMERICAN CANCER SOCIETY REQUEST: - Mayor Karnes yielded this agenda item to the City Recorder Doris G. Carrier. She furnished members of Council a copy of the application for solicitation permit from the American Cancer Society requesting permission to solicit in our area from April through August, 1990. Councilman Jim Hutchinson moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 11 - PETITION FROM RESIDENTS - ASBURY RD.: - Mayor Karnes distributed a copy of the petition from residents of Asbury Road concerning the possibility of garbage service from the City with 6 signatures that agreed to paying a monthly fee, and suggested this be put in the Municipal Waste and Trash Committee. Councilman at Large Olaf Walker moved this item be placed in the Municipal Waste and Trash Committee. The motion was seconded. A vote was taken and it was unanimous.

Mayor Karnes informed that Dave Cash purchased property on Kanawha Avenue, South and the City's right-of-way is not straight. He said Mr. Cash wants to make some improvements which includes a fence and wants to have it put in straight. Mayor Karnes said there is one place he will be about 2 feet on the City's right-of-way, and several feet back on his property on other places. Mayor Karnes said he asked Mr. Cash to prepare or have prepared a request for some sort of agreement explaining exactly what he was requesting before it would be presented to Council. He said once he receives this, he will turn it over to the Street and Traffic Committee for their recommendation.

Councilman Robert Young asked the status of the lights, and the City Recorder Doris G. Carrier said she hadn't been notified that any had been put up.

Councilwoman Betty Jo Boggess said there was a little controversy over 4th Street being in the City. She said Mr. Williams said it was not, but on November 15, 1966, the street was taken into the City of Nitro. Mr. Williams said it hadn't been dedicated, and she asked what the procedure would be to have this done. Mayor Karnes said he would check on this.

Councilman Jim Hutchinson said a day or two after the last Council Meeting, the State Road was patching the hole at the block plant and he was pleased.

Mr. Jay Long reported the Kirk Kelly Memorial Run will be Saturday, the Nitro Moose has a parade scheduled and the Nitro Business Association will have a flea market at the high school.

Mr. White advised the Nitro Senior Citizens are planning a covered dish dinner to be held at the park the 2nd of June. He said additional information will follow.

Councilman at Large Olaf Walker advised Ms Diane Sawyer from 60 Minutes was in the area and interviewed several people regarding the situation at Andrew Jackson Jr. High School. He said he didn't know when it would be aired.

Councilman George Atkins moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 9:45 p.m.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

CITY OF NITRO  
SANITARY BOARD PUBLIC HEARING

APRIL 24, 1990

The Public Hearing was called to order by Mayor Don Karnes at 7:00 a.m. in the Nitro High School Auditorium. Present were City Recorder Doris G. Carrier, Councilman at Large Olaf Walker, Councilman Bob Young, Councilwoman Betty Jo Boggess and Councilman George Atkins. Also present were Gary Creech, a Board Member of the Nitro Sanitary Board, the attorney for the Sanitary Board, Jim Withrow, Max Lemma, Treasurer, Connie Stephens, General Manager of the Sanitary Board and Freda Patton, an employee. Also present were concerned citizens, Bob Harrison, Edward Maguire and Connie Francisco. Absent were Councilman at Large Rusty Casto, Councilman at Large David Casebolt and Councilman Jim Hutchinson. Vic Wilford, a member of the Sanitary Board was also absent.

Connie Stephens showed a video called Natures Way, and explained Nitro's system while viewing a video called Nitro Wastewater Treatment. Both videos were very educational.

Jim Withrow, Attorney for the Sanitary Board, explained the law requirements.

The Treasurer of the Nitro Sanitary Board, Max Lemma, advised it had been 10 years since they had a rate increase. He passed out a summary sheet which showed the revenues for the last 5 years. He explained that the need for the increase is due to the decrease in revenues, such as the loss of funds from the Pepsi Cola Bottling Company.

At this time, Mayor Karnes opened the floor for questions, and asked if the speakers would identify themselves for the record.

Bob Harrison stated he was all for the rate increase if we need it, if we'll fix the sewers we've got. He said he had been trying for three years to get the sewer lines fixed behind his house. He said the sanitary sewer and storm sewers are tied together, and this shouldn't be. He said everytime it rains, he has to have someone clean out his basement. He said if the money was used to benefit the citizens, then he was all for the increase. Connie Stephens responded that as everyone knew, probably 90% of all storm sewer water ends up in the sanitary sewer. She explained that some of the lines are from the 50's and are not designed to handle all they have to carry. She said she received an estimate to replace the lines and it would cost near twenty million dollars. She advised there was no money available and it would have to be done one hundred percent local money. If this increase is approved, she said she would like to build up funds to do one area at a time.



She explained the phase procedure, to upgrade one area, and as funds were available upgrade another.

Mr. Harrison said his problem goes back during several administrations, and he asked if this money could be used to fix the hole in the alley behind his house. He said he's not the only resident affected.

Mr. Edward Maguire of 1506 Fenton Circle, said he compared Nitro's proposed minimum rate of \$8.42 with surrounding cities, and found Nitro's to be higher. He said the minimum rate for St. Albans is \$4.84, Dunbar \$3.30 and South Charleston \$2.90. He said he looked at the Sanitary Board's financial statement, but didn't quite understand the figures. Mr. Maguire mentioned we are closer in size with Dunbar. Nitro has approximately 3,200 and Dunbar has 3,600 customers, Nitro has 15 employees and Dunbar has 8. Connie Stephens answered that Dunbar does not maintain their system. Discussion followed.

Mr. Maguire asked if they had an engineer look at the sewer system, and Connie Stephens told him they didn't have enough money to pay an engineer.

Mr. Maguire asked Councilman at Large Olaf Walker if the people that bring their sewer into our town pay a higher rate than we do, and Councilman at Large Walker said this question should be directed to the Sanitary Board. He explained to Mr. Maguire that in order for a public hearing, Council had to approve the ordinance on the first reading, and it didn't necessarily mean they support or reject the rate increase. In response to Mr. Maguire's question, Councilman at Large Walker said the one he was familiar with is Rock Branch, and they will have the 10% increase. Max Lemma advised that Rock Branch Public Service District was a wholesale customer of the City and all the city does is treat their sewage. Their cost must be based on cost of service approved by the Public Service Commission. He said the Board was in the process of doing a cost of service study.

Mr. Maguire said the minimum rate in the other communities, the water usage was based on 2,000 gallons, and Nitro's was based on 2,500. He said he didn't understand why there would be a difference. Mayor Karnes said it was based on average figures of 1,500 gallons per person and with a family of two, unless they were on vacation, their bill would exceed the minimum. He said this rate block hadn't changed. Mr. Lemma said that in order to properly finance a sewer system and sewer project, you must know that if all bills were for the minimum amount, you would still have enough money to pay the indebtedness.

Mr. Maguire asked where was Nitro losing 305 customers, and Mr. Lemma said obviously our customer count is through the water company. The water company tells us the amount and customers using water.

Mr. Maguire asked if you would go to the man's house that has a hole in the back yard, could you tell if it was the storm sewer or sanitary sewer. Mr. Harrison answered it was both. He said every time it rains, he gets sanitary waste in his basement. Ms Stephens said almost everyone in this area has the same problem. Mr. Maguire asked Mr. Harrison why he didn't put in a check valve, and he replied why should he fix his sewer when the City won't fix theirs.

Mr. Maguire said he could spend more time on salaries and breakdowns, but he wanted to show Council he had serious doubts on how we stand on our rate scale in Nitro. He said he would like to see Council postpone passing this long enough to delve a little deeper to obtain additional information.

Mr. Lemma said we have to operate the system on the funds we have and we do it the best we can. We have a system that is here, we have bonds and repairs that need to be made. We also have operating costs we are forced to incur, and if someone can figure out a way to move the plant and give us a more efficient one that is easier to operate, then we might do that.

Mayor Karnes said he wished he knew more about their exact rate, and added that typically, the newer the system, the higher the rate. He said that Poca's rate is quite a bit higher. Mr. Withrow advised it was \$25.00 per month.

Mr. Harrison asked Ms Stephens if this ordinance is passed, are the people going to get a raise, and Ms Stephens said raises had never been discussed.

Mr. Harrison asked if Council, on May 1 or whenever they vote, votes this down, what is the next step for the Sanitary Board? He said he knew what they were up against. He said he has problems with his sewer, and said he thinks the City needs the increase. He said he knew what they were fighting against. Mr. Harrison said even though he raises all kind of "sand" about getting his sewer fixed, I'm looking out for those widow ladies. Mr. Harrison said personally he thinks we have good rates in the City of Nitro. He said why should we live as second class citizens and depend on the government to take care of us? Mr. Harrison said that's what's wrong with this nation now, everybody wants the government to take care of us, instead of us taking care of ourselves. He asked, what's going to happen if Council doesn't vote it in? He asked if six months down the road, we are all going to get shut down, like they did over in Virginia. Are we going to get shut down because we don't met the criteria of DNR? Are we going to pay a \$250,000 fine like others have?

Ms Stephens advised that Charleston and Huntington were fined over a year ago in the neighborhood of \$200,000 to \$250,000.

As mentioned earlier in the presentation by Ms Stephens, when talking about sludge, Ms Stephens advised they had been stock piling their sludge. She added that sludge is a fact of life, just as garbage is a fact of life, and something must be done with it; we can't take it to the landfills. DNR states we have to start doing something with our sludge, so we have started composting. Our sludge is approved for land application. We have to have this tested as well as our effluent to meet their criteria. She advised the regulations were changing constantly, and all this costs money. She said their utilities, electric alone would run around \$90,000 a year. She informed they try to conserve the best they can, they recycle water.

Mr. Harrison said he understands this, but would like to have an answer to his question. Ms Stephens responded that Mr. Harrison asked if they were going to get a raise, and she told him this matter hadn't been discussed.

Then Mr. Harrison said he asked what would happen to the Sanitary Board if Council didn't pass the ordinance. Ms Stephens told him there would be violations. He said that was what he wanted to hear, not that the City would be in violation, but what the prognosis would be out in the future if we didn't pass the increase in our sewer.

Mayor Karnes said we are strictly a service oriented operation, and we're not in business to make money but need some surplus.

Connie Francisco said they were digging in her back yard, and there are rats coming up through these holes from the sewer. Mayor Karnes reminded her that the lines in this town proper area were from the 1918 World War I period.

Councilman at Large Olaf Walker said let's get back to Mr. Harrison's question regarding what would happen to the Sanitary Board if the ordinances wasn't passed.

Mayor Karnes asked Mr. Harrison if what he wanted to know was what would be the next step, and Mr. Harrison replied this was correct. Mayor Karnes responded that as far as the Board is concerned, there isn't another step to take if it doesn't pass. But, ultimately the Sanitary Board would have to go back to the drawing board and would have to reallocate expenses and try to stay in compliance, not only from DNR's prospective, but also from the standpoint of our bonding indebtedness, the Reserve requirements that are required in respect to the Sanitary Board. The Sanitary Board has to keep so much money in reserve in case they should default. It is a requirement that was made by the bond holder. If we can't satisfy those requirements, then we get into default. He said he wasn't going to say it would happen tomorrow or next month, but ultimately it would happen. As far

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as the Sanitary Board is concerned, we do not have an appeal. We can't go to the Public Service Commission or anyone else and ask them to override Council.

Mr. Withrow advised that the citizens have a right to petition the Public Service Commission. He said if they turn it down, there is no appeal.

Mayor Karnes said the purpose of the waiting period is to give the citizens an opportunity to appeal.

Mr. Withrow informed that the rates are established by the governing body of the City.

Mayor Karnes said the opposite is what happened in the rate increase in 1979. He said the Public Service Commission raised the minimum from \$3.85 to \$6.75.

Mr. Withrow responded that this was a strange circumstance, by the fact that Council had made a few adjustments to the rate, then there was a citizens petition. PSC came back and readjusted Council's adjustment raising the asking rate.

Connie Francisco said she would like to ask about the elderly and low income families. She said there are people that are just barely making it, and asked how it would affect these people. Was there anything set up for these people? She said there are some people barely making it from week to week, and this really bothered her. She said she could pay the additional charge, but was concerned about people with children and unemployed. Mayor Karnes said we didn't have anything built into our system regarding this, and wasn't sure if it would be legal. Ms. Francisco asked if these people can't pay their sewer bill, would their water be disconnected. Mr. Withrow told her that they have always been leery to discriminate with respect to senior citizens by charging them a lessor rate than other people. He said with respect to other people who have a problem paying their sewer bill, if they attempt to make payment in a reasonable fashion they will not have the water disconnected. It is designed for people who do not make an effort to pay their bills, and are delinquent for several months.

Mr. Maguire said with the poor system, that of the storm sewers running through the sanitary sewers, asked if there was a flow meter on the flow coming into the sewer plant. Ms Stephens told him they have flow meters on discharge. She added that they also monitor the treated waste as well as the bypass discharge. Mr. Maguire asked the difference between the metered flow from the WV-American Water Company vs that of the discharge flow at the plant. Ms Stephens advised the customer is billed based on the figures from the water company.

Mr. Harrison mentioned he pays for 1,000 gallons of water from his residence, but there would be 3,000 gallons going into the plant.

Mr. Maguire asked how bad was the storm sewer problem, and if we were to correct our problem, what would be we looking at down at the sewer plant.

Mr. Withrow told Mr. Maguire that you could average the meter flow from the water company and subtract that from the metered effluent from the plant, this would give you an idea of the storm flow through the plant. Mr. Maguire said this is the type of figure he would like to have. He said he was curious since he found out where the problem is. Ms Stephens advised that the average flow at the plant is 8 to 9 hundred thousand gallons per day. During wet weather, it would run 3 to 4 million, depending on the amount of rain. Mr. Withrow pointed out that it costs less to treat storm water than it did sewer water. Therefore, the cost to treat a thousand gallons of storm water could be figured in cents, where our waste water may be figured in dollars. Mr. Maguire said we start back two miles from the plant and have the upkeep on the sewer lines. If we'd cut the storm water and let the City take care of their storm drains, then we wouldn't have to pay for it out of the Sanitary Board.

Mr. Harrison commented if they would fix the sewers, we wouldn't care to pay. Mayor Karnes said he disagreed that they were not doing anything.

There being no further questions or comments, the meeting was adjourned at 8:25 p.m.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

ORDINANCE AMENDING AND REENACTING AN  
ORDINANCE ESTABLISHING RATES AND CHARGES  
FOR SERVICES RENDERED BY THE  
SANITARY BOARD OF THE CITY OF NITRO

WHEREAS, the City of Nitro, West Virginia, owns and operates a certain wastewater collection and treatment system in and around the City of Nitro, Kanawha and Putnam Counties, West Virginia; and

WHEREAS, the Sanitary Board of the City of Nitro has requested the Council of the City of Nitro to enact an Ordinance providing for changes in the rates and charges for the use of and services rendered by the sanitary sewer system in order provide funds for the payment of the proper and reasonable expense of operation, repair, replacement and maintenance of the system and the payment of the sums required for debt service for which the system is responsible.

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

1. From and after the effective date of this Ordinance, the following rates and charges shall be in effect for the use of and services rendered by the sanitary sewer system of the City of Nitro:

SEWER SERVICE CHARGE

First	2,000 gallons used per month	\$3.47 per 1,000 gallons
Next	3,000 gallons used per month	\$2.92 per 1,000 gallons
Next	25,000 gallons used per month	\$2.26 per 1,000 gallons
Next	70,000 gallons used per month	\$2.04 per 1,000 gallons
Next	100,000 gallons used per month	\$1.60 per 1,000 gallons
All Over	200,000 gallons used per month	\$1.21 per 1,000 gallons

Minimum Rate: No bill will be rendered for less than \$8.42 per month.

Service Connection Inspection Fee: \$ 25.00

Service Connection (Tap) Fee: \$400.00

Delayed payment Penalty: The above schedule is net. On all accounts not paid in full within twenty (20) days, ten percent (10%) will be added to the net amount thereof. This delayed payment penalty is not interest and is only to be collected once for each bill where appropriate.

Disconnect Fee: \$20.00

Reconnect Fee: \$20.00

The above disconnect and reconnect fees are applicable when a customers' water service is disconnected at the request of the Sanitary Board for non-payment of the sewer bill.

2. The above rates and charges shall be applicable for any owner, tenant or occupany of each and every lot or parcel of land or building situated within or outside the corporate limits of the City of Nitro and having any connection with the City's sanitary sewage system.

3. This Ordinance shall take effect forty-five days from its passage.

Passed on first reading	April 3, _____, 1990.
Public hearing held	April 24, _____, 1990.
Enacted on second reading	May 1, _____, 1990.
Effective date	_____, 1990.

Don Korman  
Mayor

Attest:

Arlis L. Carrier  
City Recorder



DON KARNES  
MAYOR

ORDINANCE 90-2

BE IT ORDAINED BY THE COUNCIL OF THE  
CITY OF NITRO, WEST VIRGINIA, THAT  
ORDINANCE 88-2 REGARDING SWIMMING POOL  
RATES BE AMENDED AND READ AS FOLLOWS:

PASSES

	RESIDENT	NON-RESIDENT
FAMILY*	\$ 70.00	\$ 100.00
INDIVIDUAL	35.00	50.00

THERE WILL BE AN ADDITIONAL CHARGE OF \$1.00 PER PERSON FOR FAMILY  
PASSES OF MORE THAN FOUR PEOPLE.

DAILY RATES

	RESIDENT	NON-RESIDENT
ADULT	\$ 2.00	\$ 4.00
CHILD (UNDER 6 ACCOMPANIED BY ADULT)	FREE	\$ 1.00
SENIOR CITIZEN	\$ 1.00	\$ 1.00.

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

POOL RATES: \$25.00 PER HOUR AFTER 6:00 P.M.

EFFECTIVE EACH SEASON STARTING JULY 15, POOL PASSES MAY BE  
PURCHASED FOR ONE-HALF THE FULL RATE.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

FIRST READING: MAY 1, 1990

SECOND READING: \_\_\_\_\_



CITY OF NITRO  
COUNCIL MEETING MINTUES

MAY 15, 1990

The regular meeting of the Nitro City Council was called to order by the City Recorder Doris G. Carrier in Council Chambers at 7:31 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. Absent were Mayor Don Karnes, Councilman at Large David Casebolt, City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

The City Recorder Doris G. Carrier welcomed everyone.

The invocation was given by the Reverend Jim Cash.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 1, 1990 COUNCIL MEETING MINUTES: - Councilman George Atkins moved the May 1, 1990 Council Meeting Minutes be approved. The motion was seconded. Councilman at Large Olaf Walker said he requested the letter from Mr. Brannon be attached to the minutes, and it was not in his copy. Councilman at Large Walker was told he requested the letter be attached to the minutes of April 17. He mentioned a typo, on page 2, under agenda item 4, the 7th line from the bottom of the first paragraph where the "b" should be changed to "v" correcting word to we've. Councilman at Large Olaf Walker said on page 6 pertaining to the discussion of free pool passes, the Mayor was to write a letter to the 3 elementary school principals and asked if this had been done. City Recorder Doris G. Carrier answered she was told this had been done. Eve Frazier said she took a telephone call from the principal of Baker, and perhaps the Mayor had heard from the other two. Councilman Robert Young asked if the telephone call was positive, and Ms Frazier said the principal said she couldn't give the names to Council of the students receiving a free lunch. Mr. Long said he was also told by the principal from Nitro Elementary School that she could or would not give him any names. The principal at Nitro-Putnam told him they could not identify the students who were getting free lunches. Councilman at Large Rusty Casto said we could have a record, for instance that 40 passes went to the schools, and we wouldn't have to know the person receiving them. Councilman at Large Walker said he voted affirmative on the motion at the last meeting, knowing this situation was coming up. He advised that two or three sources have determined that the number of free passes could run well over a hundred, and possibly two hundred. Councilman at Large Walker said as soon as the minutes were approved, he wanted to make an amendment to the minutes. A vote was taken to approve the minutes and they were approved with Councilman at Large Olaf Walker opposing.

Councilman at Large Olaf Walker advised that on several occasions over the last several years, Council has been approached about giving free pool passes to kids around town that are in need. He said they have never been able to put a handle on the number of children involved. He said there is no way that the capacity of that pool can accommodate even 100 over and above our present ticket sales. Councilman at Large Walker moved we reconsider action taken by Council on May 1, 1990, in regard to giving free passes to the needy kids. Councilman Jim Hutchinson said he would be in favor of Councilman at Large Walker's recommendation since we can't come up with names. Bob Schwarz, the Gazette Reporter pointed out the minutes had already been approved. Councilman at Large Rusty Casto said the minutes were approved because this is the way the business was conducted. He said this didn't mean you favored or opposed anything, but you could come back at the end of the agenda and address a particular item. The motion was seconded. Councilman at Large Rusty Casto stated he sees everyone has gone behind his back now, the Mayor, Recreation Director and everybody else to see that his suggestion would be shot down. He said he feels Mr. Long went behind his back because he heard parts of a conversation of Mr. Long and Mr. Meadows. Mr. Long told him that he didn't go behind his back, and mentioned that Councilman at Large Casto didn't come before the Recreation Committee with his idea as it should have been handled. Councilman at Large Casto disagreed. He said that anyone on Council could bring something up without going through the Committee. Councilman at Large Walker said he has always been reluctant to give away City treasure, and Councilman at Large Casto responded he was too, but when a child can't afford to eat lunches at school, he doesn't have the money to purchase a pool pass. Councilman George Atkins suggested opening the pool after hours twice a month, and let anyone swim free. Councilwoman Betty Jo Boggess said if there were parents that have children needing to go to the pool, why could they not go to Mr. Long and tell him their situation. Councilman at Large Casto answered this would put Mr. Long between a rock and a hard place if he started giving away passes without approval. She responded the passes would have to be approved. Councilman at Large Olaf Walker said the only way he would go along with the idea would be if a child's parent in the City of Nitro would come to Mr. Long, the Mayor or City Recorder and advise their child needed a free pool pass with their name and address. Councilman at Large Olaf Walker told Councilman at Large Rusty Casto that he would be willing to make a personal contribution of \$20 to a fund that he could administer to give free passes, and Councilman at Large Casto told him he would also give \$20, but this would not resolve the problem. Councilman at Large Casto said he thought he knew why the Mayor was down sick now that we've got to this, and Councilman at Large Walker advised he was sick this morning. Councilwoman Betty Jo Boggess said it was necessary for the parents to go to the schools and register for the free lunch program, and didn't feel they would be too proud to come to Mr. Long. Councilman Jim Hutchinson said he thought we should have

names. Councilman at Large Olaf Walker said he withdrew his motion and suggested we act on Councilwoman Betty Jo Boggess's suggestion where the parents go to the Recreation Director, Mayor or City Recorder and then Mr. Long would have record of the names and addresses of children receiving free passes. Councilman Atkins withdrew his second to the motion. Mr. Long asked if Council was speaking of Nitro people, and they said they were. Mr. Long told Councilman at Large Rusty Casto that he didn't do anything behind his back. He said he was told by one teacher there are kids in Nitro going to Rock Branch Elementary, and asked why they were not mentioned. He also said he was approached regarding junior high school students. Mr. Long said he wouldn't be able to ask any questions regarding finances. Councilman George Atkins asked what the teachers response were, and Mr. Long said the teachers told him they could not give him any names. One principal said when you see them coming to school in a Cadillac and then letting them eat free, how would you class this? One school had 76 students eating free everyday. There were approximately 170 children eating free in the three elementary schools per day. Mr. Long said he would handle this situation per Council's recommendation, but thinks it would be a hard task, and it might get out of hand. After further discussion, Councilman at Large Rusty Casto said he would see what he could come up with by the next Council Meeting. Councilman George Atkins moved the item be tabled. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - ORDINANCE 90-2 - POOL PASS RATES (2ND READING): - Councilman at Large Olaf Walker moved Ordinance 90-2 be approved. The motion was seconded. A vote was taken and it was unanimous and so ordered.

ORDINANCE 90-2 ATTACHED.

AGENDA ITEM NO. 3 - ORD. 90-3 - REVISION OF BUSINESS LICENSE: - The City Recorder Doris G. Carrier yielded this agenda item to Councilman at Large Olaf Walker. Councilman at Large Olaf Walker read portions of paragraphs from two chapters of the WV Code. Councilman at Large Olaf Walker said the revision of the business license was discussed at the last meeting, and read the title of Ordinance 90-3. Councilman at Large Walker moved we approve the first reading of the ordinance. The motion was seconded. Councilman at Large Rusty Casto asked why the license fee for attornies was only \$5.00, and Councilman at Large Walker advised he talked with the Tax Commission, and his answer was that the only reason he knew was because the lawyers were part of the legislative process that passed the code for this privilege. Councilman at Large Rusty Casto moved the charge for Barbers and Beauticians license be \$5.00, the same amount as for attornies. The motion was seconded. Councilman at Large Olaf Walker said he objected to the motion as it was discussed in the Committee, and it was the prevailing opinion at that time to charge \$15.00. A vote was taken with Councilman at Large Rusty Casto and

Councilman Robert Young voting in the affirmative, Councilman at Large Olaf Walker, Councilman George Atkins and Councilman Jim Hutchinson opposing with Councilwoman Betty Jo Boggess abstaining. A vote was taken to approve the first reading of Ordinance 90-3, and it was unanimous.

ORDINANCE 90-3 ATTACHED.

Councilman Robert Young said when this comes to pass, if we couldn't put some "teeth" into the collecting of these fees. Councilman at Large Olaf Walker said the Committee discussed and the Recorder indicated that if this reaches final passage, and the form is printed (which would cost around \$160), the form will be mailed to around 522 businesses and as these are returned, the City Recorder will note it on her records. Then the businesses not responding there will have to be a decision made to determine whether those individuals/businesses/firms are still actively engaged in business. If so, the City Recorder will send notification that they must have a license. Councilman Robert Young asked if the fine could be increased. Councilman George Atkins expressed concern whether we would be able to get the ordinance passed and new forms printed in time for the mailing.

City Recorder Doris G. Carrier furnished members of Council a copy of a letter from Keith and Carolyn Stathers requesting the City allow them to acquire an alley adjoining their property at 502 1st Avenue, S in order to build an addition to their house. After a short discussion, Councilman at Large Rusty Casto moved this be referred to the Street Committee and Bob Sargent with a drawing submitted as to what they wanted to build. Councilman at Large Olaf Walker said we should seek advise from our attorney. The motion was seconded. A vote was taken and it was unanimously approved.

Councilman George Atkins suggested a letter be addressed to Mr. Williams concerning the sale of surplus property such as vehicles, junk, etc. asking he submit a list to the Recorder that could be advertised in the near future. He said it was his understanding the bicycles, etc. were to be put out. Councilman at Large Olaf Walker said if he remembers correctly, the Mayor indicated the items would be put out in separate catagories to obtain bids. He said the question was whether they were going to get separate bids on each of the catagories or one bid for the entire lot. Councilman at Large Walker said he agreed with Councilman Atkins this should have already been done. Councilman Robert Young asked if we could get Raleigh Junk to come in and give a bid on everything. Councilman Jim Hutchinson said this would simplify it, and he didn't think we would get anyone to come in and bid on each item. Councilman at Large Olaf Walker advised Mr. Williams is sick too. Chief Cochran said he thought the list was ready. Councilman at Large Olaf Walker said he thought if the list was ready, then the Recorder could run the advertisement.

Councilwoman Betty Jo Boggess asked if the City was patching any potholes, and Councilman at Large Olaf Walker advised they did on 21st Street, North and 3rd Avenue.

Councilman Robert Young said there were two really bad holes in Brookhaven. He said a section of the street is falling in at the top of Norwood Rd. He said he thinks the problem is a storm sewer collapsed. The other hole is at 110 Brentwood. Councilman Young said the owner parks two cars in front of his residence to keep gravel and water from hitting his house.

Councilman Jim Hutchinson mentioned the grass was tall at Walker Street as you enter First Avenue that when you look West you cannot see oncoming traffic.

Chief C. R. Cochran said for the past two years Nitro has participated in Nitro-Cross Lanes Jaycees program for officer of the year. Last year Lt. Gary Blankenship won this award, and Bill Reid won the award this year. Officer Reid is in charge of the D.A.R.E. Program, and the graduation dates are May 25th and 26th.

On a sad note, Chief Cochran reported Sgt. Angell lost an eye in a fishing accident, and submitted his resignation the 3rd of May, 1990.

Lt. Blankenship will be returning June 15, from the F.B.I. Academy. He is apparently doing real well.

There being no further business, Councilman George Atkins moved the meeting be adjourned at 8:34 p.m. The motion was seconded. A vote was taken and it was unanimous.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER



DON KARNES  
MAYOR

ORDINANCE 90-2

BE IT ORDAINED BY THE COUNCIL OF THE  
CITY OF NITRO, WEST VIRGINIA, THAT  
ORDINANCE 88-2 REGARDING SWIMMING POOL  
RATES BE AMENDED AND READ AS FOLLOWS:

PASSES

	RESIDENT	NON-RESIDENT
FAMILY*	\$ 70.00	\$ 100.00
INDIVIDUAL	35.00	50.00

THERE WILL BE AN ADDITIONAL CHARGE OF \$1.00 PER PERSON FOR FAMILY  
PASSES OF MORE THAN FOUR PEOPLE.

DAILY RATES

	RESIDENT	NON-RESIDENT
ADULT	\$ 2.00	\$ 4.00
CHILD (UNDER 6 ACCOMPANIED BY ADULT)	FREE	\$ 1.00
SENIOR CITIZEN	\$ 1.00	\$ 1.00.

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

POOL RATES: \$25.00 PER HOUR AFTER 6:00 P.M.

EFFECTIVE EACH SEASON STARTING JULY 15, POOL PASSES MAY BE  
PURCHASED FOR ONE-HALF THE FULL RATE.

  
DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

FIRST READING: MAY 1, 1990

SECOND READING: MAY 15, 1990



DON KARNES  
MAYOR

ORDINANCE 90-3

AN ORDINANCE TO AMEND ORDINANCE 81-3 TO LEVY AND COLLECT AN ANNUAL LICENSE TAX ON PERSONS ACTIVELY ENGAGED IN THE PRACTICE OF CERTAIN PROFESSIONS RECOGNIZED AND REGULATED AS SUCH BY THE LAWS OF THE STATE OF WEST VIRGINIA.

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

SECTION 1.

There is hereby levied and shall be collected from persons actively engaged in the practice, within the corporate limits of the City of Nitro, Kanawha and Putnam Counties, West Virginia, of professions recognized and regulated as such by the laws of the State of West Virginia which are hereinafter named an annual license tax as follows:

Nitro Municipal License Tax		
	Price Per Unit	Amount
SPECIAL STORE (no cigarettes, tobacco products, or soft drinks sold on premises) .....	\$ 5.00	_____
GENERAL STORE (sells or has cigarettes, tobacco products, soft drinks or self owned coin machines).....	15.00	_____
BEER (state license must be presented in Clerk's office)		
Brewer .....	500.00	_____
Distributor.....	250.00	_____
Retail Dealers:		
Class A (Restaurants, Bars, Clubs, Fraternal, Social, Organizations)..	100.00	_____
Class B (Grocery store, chilled/unchilled)	50.00	_____
Class C (Grocery store only for consumption off the licensed premises) unchilled only...	15.00	_____
ALCOHOLIC BEVERAGES (liquor and wine)		
Retailers.....	150.00	_____
Class A (Non-profit Social, Veterans Fraternal Clubs).....	375.00	_____
Class B (Membership of 1000 or Less	500.00	_____
Class C (Membership of 1000 or More	1250.00	_____
BOWLING LANES, BILLARDS, POOL.....	25.00	_____
Each additional lane or table	15.00	_____

## COIN MACHINES:

Video Games (up to 20).....	12.00	_____
(over 20 - \$6.00 each)		
1-Cent Machine .....	2.00	_____
25-Cent Machine.....	12.00	_____
50-Cent Machine.....	12.00	_____
\$1.00 Machine .....	12.00	_____
MOTELS, HOTELS, RESTAURANTS.....	10.00	_____
GENERAL CONTRACTORS .....	15.00	_____

MASTER PLUMBER.....	15.00	_____
MASTER ELECTRICIAN .....	15.00	_____
MEDICAL CORPORATIONS, CLINICS.....	300.00	_____
FUNERAL ESTABLISHMENTS.....	75.00	_____
INSURANCE COMPANY OR AGENCY.....	15.00	_____
EMPLOYMENT AGENCY.....	200.00	_____
LOAN COMPANIES, CREDIT UNION & BANKS.	50.00	_____
DANCE STUDIO.....	15.00	_____
COMMERCIAL RENTAL.....		_____
RESIDENTIAL RENTAL.....		_____

## PROFESSIONAL:

Architects, Physicians,		
Surgeons, Chiropractors,		
Podiatrists, C.P.A., Engineer...	\$ 25.00	_____
Insurance Salespersons, Auctioners,		
Embelmers, Funeral Directors....	20.00	_____
Barbers, Beauticians, Real Estate		
Salespersons, Dentists.....	15.00	_____
Attorney, Veterinarians	5.00	_____
FORTUNE TELLERS, EXCOTIC DANCERS.....	200.00	_____

## HAWKERS AND PEDDLERS:

No Vehicle.....	10.00	_____
1/2-Ton Vehicles.....	15.00	_____
3/4-Ton Vehicles.....	50.00	_____
2-Ton Vehicles.....	100.00	_____

## JUNK DEALERS:

Resident Dealer.....	25.00	_____
Non-Resident Dealer.....	150.00	_____

## LAUNDROMAT, CAR WASH

1 to 5 Machines or Bays.....	15.00	_____
6 and up.....	3.00	_____
TAXI-CAB COMPANIES.....	200.00	_____
THEATERS & PLACES FOR PUBLIC SHOWS...	40.00	_____
CARNIVALS.....	100.00	_____
BINGO.....	100.00	_____

## SECTION 2.

For the purposes of this ordinance, a person shall be deemed to be actively engaged in the practice of any profession previously named during any fiscal year if that person is licensed by the State of West Virginia to practice a particular profession and



hold himself out to the public, or represents to the public that he is authorized and available to practice a particular profession and maintains any office, place of business, establishment, or the like, within the corporate limits of the City of Nitro.

### SECTION 3

The license tax provided for in this ordinance shall be payable annually to the City Recorder at his/her office in the City Building of said City of Nitro, West Virginia, on or before the 1st day of July of each year, and this ordinance shall be effective on and after July 1, 1990.

### SECTION 4

Any person who shall actively engage in the practice of, within the meaning of this ordinance, any profession named herein, without first paying the license tax herein provided for, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine, not to exceed Ten Dollars (\$10.00). Each day that said person shall practice without said license shall constitute a separate offense.

  
DON KARNES, MAYOR

\_\_\_\_\_  
DORIS G. CARRIER, RECORDER

May 15, 1990

\_\_\_\_\_  
FIRST READING

\_\_\_\_\_  
SECOND READING

CITY OF NITRO  
COUNCIL MEETING MINUTES

JUNE 5, 1990

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 MAY 15, 1990 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the minutes of the Council Meeting of May 15, 1990 be approved. The motion was seconded. A vote was taken and it was unanimous.

For the convenience of the citizens of the Washington Avenue area, Mayor Karnes entertained a motion to allow them to address Council at this time. Councilman at Large Olaf Walker moved the delegation from the area of Washington Avenue be allowed to address Council. The motion was seconded. A vote was taken and it was unanimous.

DESIRE FOR DRAINAGE AND STREET REPAIR: - There were several residents from the Washington Avenue area present to express their concern regarding the alley around their residence. This matter has been referred to Gene Williams, Director of Public Works.

AGENDA ITEM NO. 2- ORDINANCE 90-3 - REVISION OF BUSINESS LICENSE (2ND READING): - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman at Large Walker said the Committee held several meetings regarding the ordinance. He said he, accompanied by the City Recorder Doris G. Carrier and Councilman George Atkins went to the Capital and discussed the application and proposed ordinance with Mr. Snyder, the person in charge of municipal license tax.

Councilman at Large Olaf Walker read the minor changes to the ordinance as suggested by Mr. Snyder. Councilman at Large Olaf Walker passed around a draft of the application for license to members of Council. He said the City Attorney Phillip Gaujot suggested, if it be the desire of Council to adopt the ordinance on the second reading, as amended, it be published in the paper. After it has been published in the paper, then put it back on the agenda for final approval at the next Council Meeting.

City Recorder Doris G. Carrier asked if the application for license could be mailed prior to the next Council Meeting, and

she was informed they could be mailed. She mentioned we normally give businesses 30 days, and asked if we should extend the due date for returning the application. Mr. Gaujot said we should extend the date 30 days beyond the next Council Meeting date. Councilman at Large Olaf Walker informed the cost to have 2,000 applications printed would be around \$200. He advised the Recorder drafted a letter which would be mailed along with the applications advising the business people Council approved the ordinance and the fee hadn't been changed since 1971.

Councilman Robert Young said he wanted to see us enforce it.

Councilman at Large Olaf Walker informed the Recorder had a plan. He said when she mails out applications to the 522 current holders of 1989 business license, then when she receives them back, she will note when the application was mailed, date received and amount of fee. For the businesses not returning the form, it will be determined if they are active, and a decision made as to the action that will be taken.

Councilman at Large Olaf Walker moved the Mayor dispense reading the ordinance in its entirety, and read the title only, and that it be adopted on the second reading. The motion was seconded. After Mayor Karnes read the title, a vote was taken and it was unanimous. City Attorney Phillip D. Gaujot recommended the ordinance be read again at the next meeting.  
ORDINANCE 90-3 ATTACHED.

AGENDA ITEM NO. 3 - KANAWHA COUNTY COMMISSION SUMMER YOUTH PROGRAM SUBGRANTEE AGREEMENT: - Mayor Karnes said the Kanawha County Commission will supply us summer youth help, but we are always shorted because there are not enough children applying for jobs. Councilman at Large Olaf Walker said if Council knew of any child interested in applying for summer youth employment to telephone PIC and talk with Shelly Huffman. No action by Council needed on this agenda item.

AGENDA ITEM NO. 4 - BIKE-A-THON/ST. JUDE CANCER RESEARCH: - Mayor Karnes yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier informed the youth at the St. Paul's United Methodist Church requested permission to have a Bike-A-Thon Sunday, June 10, 1990. Copy of the request furnished to members of Council. Councilman at Large Rusty Casto moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - CLASS OF 1965 REQUEST: - Mayor Karnes read a letter from the class of 1965 requesting to put a banner across 21st Street on July 13, 14 and 15. Councilman at Large Rusty Casto moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - MUSEUM FOUNDATION: - Mayor Karnes said he had a letter from the Civic Benefits Association reference

the Museum Foundation. They asked that someone from the Museum Board present to Council what we think the future is for the Museum. Mayor Karnes said he was a member of the Board, but not an officer. He said he tried to schedule a meeting with the Museum Board members to have someone from that group make a presentation to Council to plea for support from the City. Mayor Karnes said the Civic Benefit Association's position on this is they want to do what the City wants done. He said it appeared there wasn't anyone from the Board that wanted to approach Council, and this is the reason the issue hadn't been addressed sooner. Mayor Karnes advised there were around 15 members on the Board, and the By-Laws dictate the Mayor and one elected official be on the Board. He asked Councilman at Large Olaf Walker if he would report on the status of the Foundation.

Councilman at Large Olaf Walker gave a report regarding the Foundation, and a lengthy discussion followed. Mayor Karnes said the CBA wants to know whether or not the City Council wanted to support the museum. However, the City Government does not have any control over the Foundation. Councilman at Large Olaf Walker suggested Council make a motion that we recognize that the City Government, at this particular time, does not have any authority over the Foundation, and we offer or don't offer moral support. But, one way or the other, they wanted to see the matter resolved. Councilman Robert Young suggested we vote on the issue now. Mr. Gaujot ask if the contributions to the City had been reduced since the \$35,000 was paid. Mayor Karnes responded it had been reduced by 15%. Councilman David Casebolt stated he didn't support the Foundation. Mr. Gaujot told Council that even though they didn't have any control over the museum, they are underwriting the project. He said what they would be saying would be for the CBA to give the City less and give it to the Museum Foundation. Councilman at Large Rusty Casto said he didn't want to underwrite the Foundation. Councilman at Large David Casebolt moved we not support the Museum Foundation, and was seconded by Councilman at Large Rusty Casto. City Recorder Doris G. Carrier asked if Council voted to get the Museum Foundation Board started, and was told they did not. A vote was taken, the motion passed with City Recorder Doris G. Carrier abstaining, Councilman at Large Olaf Walker voting against the motion and Councilman George Atkins was absent.

AGENDA ITEM NO. 7 - REQUEST TO USE RIGHT-OF-WAY: - Mayor Karnes informed he had a request from David L. and Connie L. Cash to use a City right-of-way on Kanawha Avenue, South, turning at Owens Street. Mr. Cash wants to bring the street up to a square corner and put a split rail fence on both sides of Kanawha Avenue and keep it in line to what appears to be the street. In order to do so, the fence, in places, would be on the City's right-of-way. Councilman at Large David Casebolt moved our City Attorney work out an agreement with Mr. & Mrs. Cash which would allow them to lay a fence on the City's right-of-way, but in no way encumber

the City to any future commitments. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - TRASH/GARBAGE REQUEST - ASBURY RD.: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman at Large Olaf Walker advised he, along with Councilman George Atkins, visited the people whose names appeared on the petition requesting the City pick up their trash. He said there were 11 houses involved, probably 15 to 18 hundred feet outside the present corporation line. Councilman at Large Olaf Walker said there was a resolution adopted in July, 1980 for Nitro City services requested outside the City limits. He read a section of Part III pertaining to trash pick up outside the City. Councilman at Large Olaf Walker said he felt the Department of Public Works had all the work they could do, and if they did have the time, the charge should be a minimum of \$30. After further discussion, Councilman at Large David Casebolt moved this matter be put back into the Committee to develop some rules and present to Council. The motion was seconded. A vote was taken and it was unanimous.

REQUEST OF STATHERS TO ACQUIRE AN ALLEY ADJOINING THEIR PROPERTY: - Mayor Karnes said Stathers requested acquiring the alley abutting their property. He said he also had verbal requests from residents asking the City to abandon their alley and let them acquire the alley behind their property. Mayor Karnes suggested this be placed into a Committee to look at abandoning the alley from Walker to Blackwood Streets. Mayor Karnes suggested the Street Committee, chaired by Councilman at Large David Casebolt meet and come back with their recommendation. Councilman at Large David Casebolt moved this request be referred to the Street Committee. The motion was seconded. A vote was taken and it was unanimous.

Mayor Karnes announced the Shrine Gold Band would be performing at Ridenour Lake June 7, at 7:30 p.m. He advised the concert was free, and well worth attending.

Mayor Karnes advised the Nitro pool has a leak, and the target date for having the problem corrected is a week to 10 days. Originally there was a water leak and where there were cracks in the pool, water was coming in and bringing mud with it.

Mayor Karnes reported we have been promised work will begin on replacing the crossing at Center Street. He said the crossing will need to be blocked and they asked us for 5 days, but will try and complete it in 3 days.

SIGN OF NATHAN WILLS: - Councilman Robert Young asked if we could address the matter of the request by Nathan Wills to place a billboard type sign on Route 25 near Thomas Tire, and moved it be placed in the Committee for recommendation. The motion was seconded. A vote was taken and it was unanimous.

Councilwoman Betty Jo Boggess commented that a lot of people in her ward felt she wasn't doing anything, but Gene Williams promised her that as soon as the pool was repaired he was going to try and pave some streets.


Charles Blake of 1127 11th Street said there were vehicles speeding down 11th Street, where children play near the road. He asked if the City would put a sign saying, "Children Playing" on the pole in front of his home.

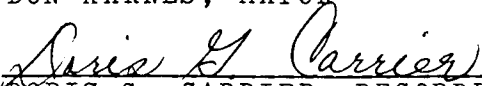
Councilman at Large Olaf Walker said the senior citizen's van is parked on the corner of 20th Street and it is hard to see oncoming traffic. He suggested the senior citizen van be moved off 20th Street and park on a space of 2nd Avenue designated for city officials.

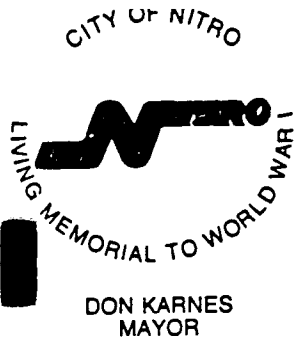
Councilman at Large Rusty Casto complained the grass in front of City Hall hadn't been mowed for three weeks, and he mowed it then. He said he pulled the weeds growing around the monument and painted the fence, with the help of David Arthur. He said the grass hadn't been cut as it should have been until last week. He said things seem to be getting a bit lackadaisical around certain areas of the City, and asked the reason. He said he has only seen two people working at the pool. Mayor Karnes said he would hope that we have enough work ongoing to keep the employees reasonably busy. He said with one man gone, it should affect our operation. Mayor Karnes said he wasn't saying everyone was at the pool, but when you take two or three men from their work, this would affect the entire crew. Mayor Karnes said he thought the men at the Public Works Department were doing a good job. Councilman at Large Rusty Casto said the grass height is in violation of our ordinance. Mayor Karnes told Councilman at Large Casto that he has been involved with the City since 1968, and there has never been a time we didn't have problems, and doubted if in the future there wouldn't be problems. Mayor Karnes stated we are continuously discussing items on Council floor that should be handled by a Committee. He said if the worse problems are ball parks, tennis courts and grass needing mowed, then the City is in pretty good shape. Councilman at Large Rusty Casto said the only reason he brings up the ball parks is this is the only thing we have for the kids of Nitro, and we're not doing a very good job over there.

A heated debate followed regarding the opening of the pool.

The meeting was adjourned at 9:39 p.m.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER



ORDINANCE 90-3

AN ORDINANCE TO AMEND ORDINANCE 81-3 TO LEVY AND COLLECT AN ANNUAL LICENSE TAX ON PERSONS ACTIVELY ENGAGED IN THE PRACTICE OF CERTAIN PROFESSIONS RECOGNIZED AND REGULATED AS SUCH BY THE LAWS OF THE STATE OF WEST VIRGINIA.

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

SECTION 1.

There is hereby levied and shall be collected from persons actively engaged in the practice, within the corporate limits of the City of Nitro, Kanawha and Putnam Counties, West Virginia, of professions recognized and regulated as such by the laws of the State of West Virginia which are hereinafter named an annual license tax as follows:

Nitro Municipal License Tax		
	Price Per Unit	Amount
SPECIAL STORE (no cigarettes, tobacco products, or soft drinks sold on premises) .....	\$ 5.00	_____
GENERAL STORE (sells or has cigarettes, tobacco products, soft drinks or self owned coin machines).....	15.00	_____
BEER (state license must be presented in Clerk's office)		
Brewer .....	500.00	_____
Distributor.....	250.00	_____
Retail Dealers:		
Class A (Restaurants, Bars, Clubs, Fraternal, Social, Organizations)..	100.00	_____
Class B (Grocery store, chilled/unchilled)	50.00	_____
Class C (Grocery store only for consumption off the licensed premises) unchilled only...	15.00	_____
ALCOHOLIC BEVERAGES (liquor and wine)		
Retailers.....	150.00	_____
Class A (Non-profit Social, Veterans Fraternal Clubs).....	375.00	_____
Class B (Membership of 1000 or Less	500.00	_____
Class C (Membership of 1000 or More	1250.00	_____
BOWLING LANES, BILLARDS, POOL.....	25.00	_____
Each additional lane or table	15.00	_____

## COIN MACHINES:

Video Games (up to 20).....	12.00	_____
(over 20 - \$6.00 each)		
1-Cent Machine .....	2.00	_____
25-Cent Machine.....	12.00	_____
50-Cent Machine.....	12.00	_____
\$1.00 Machine .....	12.00	_____
MOTELS, HOTELS, RESTAURANTS.....	10.00	_____
GENERAL CONTRACTORS .....	15.00	_____

MASTER PLUMBER.....	15.00	_____
MASTER ELECTRICIAN .....	15.00	_____
MEDICAL CORPORATIONS, CLINICS.....	300.00	_____
FUNERAL ESTABLISHMENTS.....	75.00	_____
INSURANCE COMPANY OR AGENCY.....	15.00	_____
EMPLOYMENT AGENCY.....	200.00	_____
LOAN COMPANIES, CREDIT UNION & BANKS.	50.00	_____
DANCE STUDIO.....	15.00	_____
COMMERCIAL RENTAL.....		_____
RESIDENTIAL RENTAL.....		_____
PROFESSIONAL:		

Architects, Physicians,		
Surgeons, Chiropractors,		
Podiatrists, C.P.A., Engineer...	\$ 25.00	_____
Insurance Salespersons, Auctioners,		
Embelmers, Funeral Directors....	20.00	_____
Barbers, Beauticians, Real Estate		
Salespersons, Dentists.....	15.00	_____
Attorney, Veterinarians	5.00	_____
FORTUNE TELLERS, EXCOTIC DANCERS.....	200.00	_____
HAWKERS AND PEDDLERS:		

No Vehicle.....	10.00	_____
1/2-Ton Vehicles.....	15.00	_____
3/4-Ton Vehicles.....	50.00	_____
2-Ton Vehicles.....	100.00	_____

JUNK DEALERS:		
Resident Dealer.....	25.00	_____
Non-Resident Dealer.....	150.00	_____

LAUNDROMAT, CAR WASH		
1 to 5 Machines or Bays.....	15.00	_____
6 and up.....	3.00	_____
TAXI-CAB COMPANIES.....	200.00	_____
THEATERS & PLACES FOR PUBLIC SHOWS...	40.00	_____
CARNIVALS.....	100.00	_____
BINGO.....	100.00	_____

## SECTION 2.

For the purposes of this ordinance, a person shall be deemed to be actively engaged in the practice of any profession previously named during any fiscal year if that person is licensed by the State of West Virginia to practice a particular profession and



hold himself out to the public, or represents to the public that he is authorized and available to practice a particular profession and maintains any office, place of business, establishment, or the like, within the corporate limits of the City of Nitro.

### SECTION 3

The license tax provided for in this ordinance shall be payable annually to the City Recorder at his/her office in the City Building of said City of Nitro, West Virginia, on or before the 1st day of July of each year, and this ordinance shall be effective on and after July 1, 1990.

### SECTION 4

Any person who shall actively engage in the practice of, within the meaning of this ordinance, any profession named herein, without first paying the license tax herein provided for, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine, not to exceed Ten Dollars (\$10.00). Each day that said person shall practice without said license shall constitute a separate offense.

*Don Karnes*  
DON KARNES, MAYOR

*Doris G. Carrier*  
DORIS G. CARRIER, RECORDER

May 15, 1990

FIRST READING

June 5, 1990

SECOND READING

CITY OF NITRO  
COUNCIL MEETING MINUTES

JUNE 19, 1990

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 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 JUNE 5, 1990 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved the Minutes of the meeting of June 5, 1990 be approved, but stated he had a comment or question. The motion was seconded. Councilman at Large Olaf Walker said on page 3, he said some things that's not in the minutes exactly the way he said it. He said he didn't want to discuss the matter tonight. A vote was taken and it was unanimously approved.

Councilman at Large David Casebolt advised there were a group of concerned citizens present regarding the pool and concession stand, and moved we address their problem at this time. The motion was seconded. A vote was taken and it was unanimous.

POOL & CONCESSION STAND: - Councilman at Large David Casebolt said in previous years we've allowed people to bring drinks and food inside the pool area. However, this year the City is running the concession stand, and Mr. Long outlawed all food and drinks to be brought inside the pool. He said this causes a burden on some people. Councilman at Large David Casebolt said this decision wasn't made by the Committee, and he talked with Jay Long as requested. Mr. Long said he's going to set a picnic table out front so that anyone with their lunch can go outside to the picnic table and eat. Councilman at Large David Casebolt moved this be referred to the Recreation Committee, and a meeting be held Thursday night, at 6:00 p.m. in Council Chambers to address this item. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large David Casebolt will report the recommendation of the Committee to Council at the next meeting.

Councilman Jim Hutchinson introduced residents from Valentine Circle who were discussing a drainage problem. One of the residents said he talked with the Director of Public Works and was informed they were getting a contractor and he would be there in a few days. Discussion followed.

Councilman at Large Olaf Walker reported the committee consisting of Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman George Atkins and Councilman Jim Hutchinson met and went back to the alley from Walker to Blackwood Streets. He said they looked at the area from Walker Avenue to the crossing, and looked at the area from the crossing up the river to Blackwood. He said he feels this should be referred to our attorney for advice. Councilman at Large Walker said some of the people would like to just use the alley and others requested it be conveyed to them. He said he didn't have any personal objections, but whenever you start giving away City property, he wanted to be right. Councilman at Large Olaf Walker moved that the alleyway parallel with the railroad track from Walker Avenue up to Blackwood Street be looked at by an attorney. The motion was seconded. Councilman at Large David Casebolt said if there was some way we could resolve this and draft an ordinance, if possible, by the next meeting it would be appreciated. Mayor Karnes pointed out that it was an entirely different thing to abandon vs convey deed. Mr. Gaujot said that in abandonment, the land goes to the property owners completely surrounding the alleyway. Mr. Gaujot said a petition was filed by the land owners and they should see an attorney. He said it should be drafted in such a way that it correctly set forths the boundaries of each property owner, preferably a map should be amended to the petition showing where the property owners are in relation to the alleyway and where the alleyway is. This would show the City exactly where the property lines are as a meets and bounds description. Mr. Gaujot said when the petition is filed with the City, then the City can look at it and refer it to him for review. If it is in order, then all they have to do is vote on it. He explained it couldn't be done by an ordinance. Councilman at Large Walker said he didn't know if it would be legal to convey just one lot. He said this Council would like to do what they could, but we just can't abandon City property by one request. Councilman at Large Olaf Walker moved this matter be tabled. The motion was seconded. A vote was taken and it was unanimous. Mr. Gaujot told Mrs. Stathers that she would have to have the names of the property owners and unanimous consent of the property owners.

AGENDA ITEM NO. 2 - ORD. 90-3 REVISION OF BUSINESS LICENSE: Councilman at Large Olaf Walker said this ordinance has been discussed at the last three council meetings. It has been advertised in the newspapers at the advise of legal counsel. Councilman at Large Olaf Walker moved, by reading the title, that we vote for final passage. The motion was seconded. Mayor Karnes said this would constitute the final reading of Ordinance 90-3, and read the title. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - GRANT - RIDENOUR LAKE: - Mayor Karnes gave Council a sketch of Ridenour Lake by a representative of Capitol Soil Conservation District. As noted, it was suggested they put rock riprap around the face of the dam which is 580

feet now. He said the representative of the Conservation District is willing to write the request for a 50/50 matching grant to have this done. At the bottom of the sketch was a cost estimate of \$13,015.20 (turn key job). Mayor Karnes informed this type grant qualifies for what they call a soft grant. This means the City can furnish their 50 percent in labor, money or combination of the two. Mayor Karnes said it appears to him this could be accomplished with virtually no dollars spent, and only man hours. Mayor Karnes said he asked if the area around the Gazebo could be included, but hasn't heard anything on this at this time. If it can be included, the cost would be double the amount shown and the City would need to spend in labor and money or combination around \$13,000 to get it all done. Mayor Karnes said in order to apply for the grant, it must be submitted by the end of June and we don't have another Council Meeting between now and then, so he told them to write the grant and furnish him with the facts as soon as possible. He said if it appears we can afford to do it, and if necessary, call a special Council Meeting to address this item to authorize him to sign the necessary papers. Councilman at Large Olaf Walker moved Council authorize the Mayor to contact the parties to go ahead and prepare the grant setting forth what they expect of the City, and then call a special Council Meeting for the sole purpose of considering this item. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - NITRO LIONS LITTLE LEAGUE REQUEST FOR PARADE & TAG DAY 6-30-90: - Mayor Karnes yielded this agenda to the City Recorder. The City Recorder Doris G. Carrier informed this request was approved for opening day, but it was rained out. Therefore, they are requesting permission to have a parade and tag day on the closing day of June 30, 1990. 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. 5 - REVENUE & EXPENDITURE PROJECTIONS THROUGH 6-30-90: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker who requested it be placed on the agenda. Councilman at Large Olaf Walker said about 3 months ago, he distributed information, observation and comments to Council concerning the revenue side of our budget. He said he suggested each member of Council read and discuss or challenge the contents. Councilman at Large Olaf Walker furnished members of Council a printout ending May 31, 1990 of rev/exp with year-to-date budget and pencilled figures showing projected revenues based on city records through June 30, 1990. He pointed out that City Hall, the Police and Fire Departments overspent their authorized budget by over \$100,000. He said, "From my review of these records, I conclude that we, the elected officials have done a very very poor job in budget preparation and departmental allocations. In addition, we, as City Council did a worse job in monitoring expenditures and the overall budget management throughout the year." He said in his opinion the message is that

a \$50,000 surplus could have been realized if the spending units would have stayed close to budgeted allocations. This amount carried over into the 1990-91 budget could have been used for street paving, Brookhaven street repair, replacement of street signs, tennis courts, employee pay raises, purchase much needed equipment or whatever Council approved. He said it would be interesting to see what we do to adopt guidelines for stricter adherence to the budget plan for the next year. He said he hopes the Budget Committee will meet again, and discuss ways of saving money and creating guidelines. Councilman at Large Olaf Walker said if Department Heads know or have reason to believe that he needs money that is not in the budget, he should come to the Mayor and the Mayor should come to Council. Councilman George Atkins questioned the \$300. under 01-31-70 Sale Fix Assets, and the City Treasurer Ralph Allison said he didn't know at this time, but would find the answer. Councilman Robert Young asked Chief Cochran how he spent the amount of money that was over his budgeted amount without Council being made aware of it. Chief Cochran responded that when the budget was prepared, he was only allotted funds for salaries. They didn't allow any money for overtime or court. He said from the first hour, he was underbudgeted, and he outlined the cost on four different categories. Councilman at Large David Casebolt said he understood Councilman Young's question. He said obviously the comment made by Councilman at Large Walker that we didn't do a very good job in preparing the budget was obvious. However, it still didn't answer Councilman Young's question, but didn't think this was Chief Cochran's point to answer this question. Councilman at Large David Casebolt asked the procedure for allocating a department \$30,000 outside the budget without the approval of Council. City Treasurer Ralph Allison said the Chief has never come to him and advised he needed additional funds. He said he agreed with Councilman at Large Walker that we didn't do a very good job budgeting. He said on top of that, until we got this new financial reporting system that we've been on for the last three months, there wasn't anyway any Department Head could tell he was over or under budget, but now we can furnish them a copy on a monthly basis. Councilman at Large David Casebolt said this answered his question, and said this should have been brought to their attention at the end of July, 1989. Mr. Allison informed they didn't have the records to know that at that time. He said according to State Law we are allowed to exceed our budget 10%. After a short discussion, Councilman at Large David Casebolt commended the City Treasurer Ralph Allison, but said he thinks there should be a committee, including the Treasurer, to set up a procedure that recognizes immediately if somebody goes over their budget and it's brought before Council for the necessary changes, and moved a committee be formed. The motion was seconded. Councilman at Large Olaf Walker said he thought Councilman at Large Casebolt's recommendation was in order, and he would like to be on the committee. Councilman at Large Olaf Walker informed that the Municipal Tax Division holds training sessions periodically around the state for City Clerks and people

working with budgets. He said he spoke with Mr. Snyder and Mr. Cooper in regard to possibly putting together a two evening training session at Nitro for members of Council, Department Heads and anyone else interested in City Government. Mr. Cooper said they might be able to work something out at a cost for both nights of \$400. He said he feels it would be \$400 well spent. Councilman at Large Walker suggested having an automatic line on the agenda at the last Council Meeting in the month, at which time Mr. Allison would furnish a forecast of what our anticipated revenues would be for the next month or two, and also by what the Mayor has in mind, we would know what work we are going to do and how much we would spend. A vote was taken and it was unanimous. Mr. Allison said he would like to have the guidelines into effect July 1. Discussion continued regarding the budget.

A gentlemen asked the amount of money allotted to the Recreation Department for the next year, and was informed it was \$56,000, which was a cut from last year. He stated we didn't get much for our money, and added from June to August maybe, but from September until the following June, he didn't see it. He asked if you don't fish, what do you do? Councilman at Large Olaf Walker said this has been discussed several time in Council, and hopes this year it will show a better performance. He said he wasn't saying revenue had to equal expenses, but on the other hand, last year was the lowest amount received in 5 years. He stated we spent about \$2.00 for every \$1.00 received.

Mr. Shafer said 9 days ago, he talked to the Recreation Director about a hole in the fence over at the City Park between the two slicky slides at the upper end of the playground. He said his wife was there with 2 of his grandchildren and a little three year girl crawled through the hole on the edge of the bank unattended. He said he was concerned about a child going through the hole and falling off into the deep water; this City wouldn't have enough money to pay the bills. He said Jay Long tried to make 3 telephone calls, and he didn't know if he reached anyone or not. Councilman at Large David Casebolt also mentioned fence posts had been pulled out beside the basketball court and left big holes. He said he assisted Jay Long and put the poles back in the ground.

Councilman Robert Young asked the status of the new licenses, and the City Recorder Doris G. Carrier passed a copy of the new license application around to Council for their review. She advised they will be mailed to businesses tomorrow.

Councilman Jim Hutchinson said Mr. Raines, a resident of 121 Hillside Drive, complained to him that people would go into the new business, Sam's 76 and purchase beer and then use the area between the man's fence and the business as their restroom. They also expose themselves to his wife and children. Also, he said Mr. Raines told him that he knew for a fact, the business is selling beer and wine to people under age. Councilman

Hutchinson said he looked at the building and didn't see any reason why there couldn't be a fence put up between the corner of the building and the privacy fence. Chief Cochran advised Bob Sergeant, talked with the owner, and he was going to put up something that might solve the problem.

There being no further business, Councilman Jim Hutchinson moved the meeting be adjourned at 9:30 p.m. The motion was seconded. A vote was taken and it was unanimous.

*Don Karnes*  
DON KARNES, MAYOR

*Doris G. Carrier*  
DORIS G. CARRIER, RECORDER

*Special council meeting held June 28, 1990*  
*Re: Grant - Kidenour Lake on page 85. DC*

CITY OF NITRO  
COUNCIL MEETING MINUTES

JULY 3, 1990

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 JUNE 19, 1990 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of June 19, 1990 be approved. The motion was seconded. Councilman at Large Olaf Walker said he had a couple of corrections on page 2. He said in the first paragraph, he thought the sentence reading, "He said it should be drafted in such a way that it correctly set forths the boundaries of each property owner, preferably a map should be amended to the petition showing where the property owners are in relation to the alleyway and where the alleyway is", be stated as, "He said it should be drafted in such a way that it correctly set forths the boundaries of each property owner's property, preferably a map should be amended to the petition showing where the property owners are in relation to the alleyway and where the alley is." Also, Councilman at Large said in the next line "meets" should be corrected to "metes". There were no objections to the corrections. Councilman George Atkins commented he disagreed with Chief Cochran's statement as printed in the newspaper regarding Council being held responsible for his budget being over spent. Councilman Atkins said Chief Cochran submitted his budget to Council, they worked with him on it and agreed with what he submitted. He said that everyone in Nitro thinks Council didn't do their job. Mayor Karnes agreed with the Councilman Atkins's statement. Councilman at Large Olaf Walker said he may have been the one who implied, not that Council wasn't doing their job, but his point was he wasn't going to pinpoint any particular individual or department head. He said he did say, we, the elected officials did a poor job in budgeting, but we budgeted on the basis of past history and what the department head submitted. A vote was taken to approve the minutes as amended, and it was unanimous.

AGENDA ITEM NO. 2 - APPROVAL OF SPECIAL COUNCIL MEETING MINUTES OF JUNE 28, 1990: - Councilman George Atkins moved for the approval of the June 28, 1990 Special Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous.



AGENDA ITEM NO. 3 - SANITARY BOARD: - Mayor Karnes yielded this agenda item to the General Manager of the Sanitary Board, Connie Stephens. She said they plan to explain to Council their plans which they have been working on for around 5 years trying to figure out a way to address some of the problems. She said they feel they have the solution and yielded to Bill Cunningham with Dunn Engineers. Mr. Cunningham commented on the engineering, and the problems with the pipes in areas of the City. He had a map highlighted with the more problem prone areas such as Hickory Street, Elm Street, Dupont and Dogwood areas with drainage problems. He said the proposal before Council is a combination of plans. Some sewer lines need to be replaced and some storm sewers need to be restructured. He said in the last couple months, EPA has gotten out a grant program. They have never funded a project such as this in the past, a storm sewer, sanitary sewer type project. He said under the new EPA program, they have a revolving loan project and EPA is putting \$.55 on the dollar into the state coffers, and anybody that can match that money with \$.45 on the dollar can get it at zero interest. Money can be borrowed for 30 years at zero interest to accomplish some of these types of projects. He said the borrowing capacity of the Sanitary Board is very limited. The proposal put before Council is they approve a program where an application is sent to HUD CDVT, (receive up to \$750,000 with a \$250,000 match), and there would be a million dollars that could be put towards addressing the major problems. Mr. Cunningham said they had about a three million dollar project outlined, but could be phased in year after year into the program. Mr. Max Lemma, Treasurer of the Sanitary Board, added that financially from the Sanitary Board's standpoint, that the rate increase that was recently approved and their current cash flow would allow them to borrow up to \$700,000. Under the federal program that funds such projects, the maximum grant is one million dollars, and asked Council to join the Sanitary Board in making a joint application for a one million dollar grant to separate the City's sanitary and storm sewers. Mr. Cunningham said they would put together the technical data to support the application and asked Councils' support in endorsing the application. He said if Council had some other project, they would need to determine which was the most important to the City. Mayor Karnes informed the only one they have at this time is the application for work on the 31st Street Bridge. After a question and answer session, Councilman George Atkins moved that the City Council authorize the Mayor to proceed to work with Dunn Engineering in preparation of the application to upgrade the sewer system and remove the storm sewers from the existing sewer line. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker requested when the application was prepared, bring it to Council for their review. Mayor Karnes said he thought Council should be involved with listing the priorities. Mr. Lemma said he plans to do the detail work, the cost estimates, etc. and then bring it back to Council and they can discuss it. A question and answer session continued.

AGENDA ITEM NO. 4 - RECREATION COMMITTEE REPORT: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt. He said in response to Councils' request that he report back on the decision of the Recreation Committee on allowing food in the pool area. He advised at their meeting on June 21, 1990, it was decided that food would be allowed to be taken inside the pool area.

AGENDA ITEM NO. 5 - BOB HARRISON: - Mayor Karnes yielded this agenda item to Bob Harrison. Mr. Harrison said that during the last two Council meetings, a delegation from Washington and Dupont Avenue petitioned the City to do something for them. He said he would like to have their letter of gratitude made a part of the minutes. Councilman at Large Olaf Walker moved the letter submitted by Mr. Harrison be made a part of the minutes. The motion was seconded. A vote was taken and it was unanimous.

LETTER OF APPRECIATION ATTACHED.

Councilman at Large Olaf Walker said a couple or three meetings ago, the Mayor appointed a committee to investigate a petition from a group of citizens from Asbury Road who live outside the corporate limits and wanted the City to pick up their trash and garbage. Councilman George Atkins reported the Committee visited the residents on Asbury Road. After discussion and consideration, they thought they might be taking on too much as the City has so much work needing to be done now that they didn't need any additional activity at the present time. He said they didn't think it was feasible to take on additional duties now. Mayor Karnes said he agreed with the Committee, especially with the closing of the Western Landfill. Councilman Atkins said they talked about the possibility of annexation. He said that probably 500 yards would take it all in. Councilman at Large Olaf Walker moved we table the request at the present time, and requested the Mayor write a letter stating the fact that Council has considered their request and find it's not economically feasible for the City to grant their request at the present time. Also, if they want to be annexed, they must submit a separate petition. The motion was seconded. A vote was taken and it was unanimous.

Councilman Robert Young said the large hole on Norwood Rd. was fixed, and also the Recorder got the two lights put up.

Councilwoman Betty Jo Boggess expressed concern regarding the rental of the shelters at the Lake. She said a shelter was rented two weeks ago for yesterday evening, and when the people arrived there was no sign indicating it was reserved, and was occupied by someone else.

Councilman George Atkins said we should try and do something about the duck situation at the lake, and suggested we designate

an area to feed the ducks away from the shelters. Councilman at Large Rusty Casto suggested not allowing anyone to feed the animals. It was requested this problem be addressed by the Recreation Committee.

Councilman George Atkins said we had an ordinance concerning riding bicycles on the sidewalk. He said in his neighborhood, a man and his wife were walking and a couple of kids were riding bicycles and she got knocked down. He said he thought the Street and Traffic Committee should perform a study on this to determine if it should be revised.

Councilman Jim Hutchinson commented he was very proud of the railroad crossing at Center Street, and moved the meeting be adjourned at 8:40 p.m. The motion was seconded. A vote was taken and it was unanimous.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

WE THE FOLLOWING RESIDENTS OF WASHINGTON AND DUPONT AVENUES WISH TO EXPRESS OUR SINCERE APPRECIATION TO COUNCILMEN GEORGE ATKINSON, DAVID CASEBOLT, MAYOR KARNES, THE REST OF THE COUNCIL ALONG WITH MR. GENE WILLIAMS AND THE CITY CREW FOR THE VERY FINE JOB THAT WAS DONE ON IMPROVING THE ALLEY BETWEEN WASHINGTON AND DUPONT AVENUES IN THE 800 AND 900 BLOCKS. WE THANK YOU VERY MUCH.

*Bob Harrison*

*Sis Harrison - 807 Washington Ave.*

*Tom Tidd - 900 Washington Ave.*

*Virginia Caulters 809 Washington Ave*

*Ray and Florence White*

*Christine S. Dunlap 801 Washington Avenue*

*Tom and Mary Jo Williams 800 Dupont Ave.*

*Keith and Helen Britt 804 Dupont Ave.*

*Jim and Patty Farry*

*810 Dupont Ave.*

CITY OF NITRO  
COUNCIL MEETING MINUTES

JULY 17, 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 was City Attorney Phillip D. Gaujot. Absent was City Treasurer Ralph Allison.

Mayor Karnes welcomed everyone.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 3, 1990 COUNCIL MEETING MINUTES: - Councilman Robert Young moved the Council Meeting Minutes of July 3, 1990 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - LIBRARY REQUEST: - Mayor Karnes yielded this agenda item to Mary Trout, a member of the Library Board. She explained they had been using money through a matching grant from the State Library Commission. She said in 1988, when the project was first started, they contracted with Ben Franklin, a technical school in Dunbar, and they were going to furnish free labor which could be counted towards the Library's matching money. She advised one of the contractors working at school had some problems. A lot of students enrolled in his class and then drop out leaving him shorthanded at times. Mrs. Trout said they have worked with the principal at the school and Dennis Davis in charge of vocational education and were promised temporarily that at the end of this month, the project will be completed. She said his term of completion just means the building will be completed, but some of the things they haven't been able to afford are a porch and a handicapped ramp. Also, they haven't been able to buy any furniture for the children's section because they don't have enough money. Mrs. Trout said they were expecting to get money from various sources. They have applied for grants from various places, sent letters to people in the business community and getting ready to send a letter to all the residents asking for their support. Mrs. Trout appealed to Council to loan them money to finish the project. She said before they receive the money from the State Library Commission, the project must be totally finished. Mr. Santrock advised they need around \$15,000. Mrs. Trout pointed out that one thing that contributed to their problem, as far as money, is because the amount of the bid's the contractor originally received increased over the past two years. Councilman at Large Olaf Walker said he didn't think it would be legal for the City to lend the Library

money. After comments and discussion, Councilman at Large David Casebolt moved this item be placed in the Finance Committee for study. The motion was seconded. A vote was taken and it was unanimous. John Santrock said he would like to attend the meeting.

AGENDA ITEM NO. 3 - REQUEST FROM SPECIAL OLYMPICS, INC.: - Mayor Karnes said again this year, WV Special Olympics, Inc. have requested the City buy an advertisement to support the Special Olympics, Inc. Councilman at Large David Casebolt moved this matter be tabled. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - RECREATION COMMITTEE REPORT: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt. He introduced John Duenberger, a resident of Nitro, who built a putt-putt golf course and would like to put it in front of the pool. Mr. Duenberger advised he was an elementary gym teacher and has been taking the course to different schools in the Dunbar and Charleston area. He said he didn't have any commitments this summer, and offered to let Jay Long use it for his Recreation Department. Mr. Duenberger requested Councils' permission to let him run the putt-putt course under the Recreation Director. Mr. Duenberger said it wouldn't cost Nitro anything, and feels it would be an excellent opportunity to raise money. However, he said that once it is removed, the grass will need to be replaced. Mayor Karnes said it was suggested that basically this could be done on a commission basis. Councilman at Large David Casebolt advised the Recreation Committee discussed a percentage of the money raised would go to Mr. Duenberger, the people running it and the Recreation Dept. Councilman Jim Hutchinson said he felt it was a worthwhile venture, and moved we go ahead with it. The motion was seconded. Council will be notified of the agreement at the next meeting. A vote was taken and it was unanimous. Mr. Duenberger said he hopes to have it in operation by the weekend.

AGENDA ITEM NO. 5 - POOL FINANCE REPORT: - Mayor Karnes yielded this agenda item to Jay Long, the Recreation Director. Mr. Long furnished members of Council a report of the revenues and expenditures at the pool through June 30, 1990. There was a profit of \$3,615.09 for the 14 days the pool was open. Councilman at Large Olaf Walker moved the report be made a part of the minutes and requested Mr. Long come before Council after Labor Day with a final report. The motion was seconded. A vote was taken and it was unanimous.

REPORT ATTACHED.

AGENDA ITEM NO. 6 - COMMITTEE REPORTS: - Councilman Robert Young said there was a problem at the top of Norwood Rd. past the last house there are two dropholes of water. During heavy rains, water comes off the hill and hits the streets and during

the last heavy rain, it flooded an air conditioner and furnace in one house. Mayor Karnes answered he wasn't aware of this, but stated there had been some inquiries regarding resubdividing property there. Councilman Robert Young asked if there was some way we could contact the contractor and have him correct this problem.

Councilwoman Betty Jo Boggess asked if the Mayor had any news about the landfill, and Mayor Karnes said he thought it would be opened real soon. He said he would notify all members of Council when he hears something on this.

Councilman at Large Olaf Walker reported the Finance Committee had a meeting, and they are planning another meeting.

Councilman at Large Olaf Walker said the WV Municipal League have two annual meetings, and he has attended them as a city observer and also while he was employed by Columbia Gas. Mayor Karnes reported they have a meeting scheduled for August 10. Councilman at Large Walker wanted to know what they had on their agenda, and Mayor Karnes said he didn't have the information at this time. Councilman at Large Walker said he knew they would be discussing some of the Legislation that was passed at the last session and also some items that will be introduced at the next session. He requested the Mayor make copies of the agenda of the WV Municipal League when he receives it. Councilman at Large Olaf Walker said the City Recorder is new and has exhibited a lot of interest in learning what the job is all about, and has worked hard at it. He said he thinks she would profit by attending the meeting, and thinks Doris Carrier should go to the conference. Mayor Karnes agreed. Councilman at Large Olaf Walker moved the City pay the City Recorder Doris Carrier's registration fee to attend the conference of the WV Municipal League. The motion was seconded. A vote was taken and it was unanimously approved.

Jay Long, Director of Recreation, announced that on Thursday, July 19, the Recreation Committee is sponsoring a puppet show by a professional group out of Atlanta, Georgia. The show will take place at Nitro Elementary School at 7:00 p.m., and is free to the public.

City Recorder Doris Carrier moved the meeting be adjourned at 8:45 p.m. The motion was seconded. A vote was taken and it was unanimous.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

NITRO CITY POOL  
REPORT AS OF 6-30-90  
(OPEN 14 DAYS DURING PERIOD)

REVENUES

SALE OF POOL PASSES	\$4487.00
55 -FAMILY           3927.00	
16 -INDIVIDUAL   560.00	
(\$77.00 COLLECTED FOR FAMILIES OF 5 OR MORE)	

POOL PARTIES	125.00
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ADULT SWIM	1.00
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DAILY ADMISSIONS	4185.70
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ATTENDANCE	
PERSONS WITH PASSES	906
PAYING AT GATE	2092
ADULT SWIM	4
CHILDREN ADMITTED FREE	366
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	3368

CONCESSIONS	2969.65
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TOTAL REVENUE	\$11,765.64
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EXPENDITURES

POOL

SALARIES	\$2270.85
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SUPPLES	689.99
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CHEMICALS	2418.20
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TOTAL POOL EXPENSES ACCRUED	\$5379.04
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CONCESSIONS

SALARIES	682.00
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FOOD	1889.68
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SUPPLIES	199.83
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TOTAL CONCESSION EXPENSES ACCRUED	2771.51
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TOTAL EXPESES ACCRUED	\$8150.55
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DON KARNES  
MAYOR

JUNE 28, 1990

TO THE MEMBERS OF COUNCIL OF THE CITY OF NITRO, WV:

DORIS G. CARRIER, RECORDER  
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  
COUNCILMAN JIM HUTCHINSON

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE THAT A SPECIAL MEETING OF THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA IS HEREBY CALLED AND WILL BE HELD IN THE COUNCIL CHAMBERS IN CITY HALL OF THE CITY ON THE 28TH DAY OF JUNE, 1990 AT 6:30 P.M. FOR THE FOLLOWING PURPOSE:

GRANT - RIDENOUR LAKE

SINCERELY,

DON KARNES, MAYOR

THE FOREGOING NOTICE IS HEREBY ACCEPTED AS BEING BOTH SUFFICIENT AND TIMELY:

DORIS G. CARRIER, RECORDER

RUSTY CASTO, COUNCILMAN AT LARGE

OLAF WALKER, COUNCILMAN AT LARGE

DAVID CASEBOLT, COUNCILMAN AT LARGE

ROBERT YOUNG, COUNCILMAN

BETTY JO BOGGESS, COUNCILWOMAN

GEORGE ATKINS, COUNCILMAN

JIM HUTCHINSON, COUNCILMAN

CITY OF NITRO  
COUNCIL MEETING MINUTES  
SPECIAL SESSION

JUNE 28, 1990

A special Council Meeting was called to order by Mayor Don Karnes at 6:30 p.m. in Council Chambers. Present were Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Absent were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman Robert Young, City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - GRANT - RIDENOUR LAKE: - Mayor Karnes explained this meeting was called for the purpose of Council to consider if they desired to make application for the grant and authorize the Mayor to sign the necessary documents. He explained it could cost the City \$6,500 plus, but it is a soft match. This means the City could furnish a combination of labor, material and money. If we vote to apply for the grant, the necessary paper work must be submitted Friday. Councilman Jim Hutchinson moved the Mayor proceed with the application for the grant. The motion was seconded. After a long discussion, a vote was taken and it was unanimously approved.

Councilman Jim Hutchinson moved the meeting adjourn at 6:50 p.m. The motion was seconded. A vote was taken and it was unanimous.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES

AUGUST 7, 1990

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 Olaf Walker, Councilman at Large David Casebolt and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot. Absent were Councilman at Large Rusty Casto, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and City Treasurer Ralph Allison.

Mayor Karnes welcomed all the guests and asked the Reverend Bea Burgess to give the invocation.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 17, 1990 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of July 17, 1990 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - MIDGET FOOTBALL LEAGUE REQUEST: - Mayor Karnes advised Eddie Casto, President of the Midget Football League requested to use the City Park for their practices. Councilman at Large David Casebolt moved the request be granted. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 3 - POLICE CIVIL SERVICE COMMISSION: - Mayor Karnes shared a copy of the letter from the Police Civil Service Commission requesting to rescind the certification requirement for hiring of police officers. Mr. Gaujot said he understands that the certification requirements the Police Civil Service Commission wishes to rescind has to do with the way the rules are written. Mr. Gaujot explained the hiring process. He said they give tests and the top three candidates are recommended to the Mayor for hiring from which he is to select one. There are certain stipulations which allow the Mayor to question the eligibility of any of the certified three from which the appointment is to be made. Mr. Gaujot said Council has nothing to do with the hiring. The hiring of the police officer is up to the executive officer of the municipality which is the Mayor, but he has to do it in a certain way. He said the rules provide that before you can be hired as a police officer by the City, you must have completed the schooling at the State Police Academy at Institute, and before you are allowed to attend this training, you must be hired which seems to be a conflict in the language. He said he had the rules in his office, and would review them. Mayor Karnes said he questions the legality of the present rule, and after review of the rules by the City Attorney, this item will be placed on the agenda at the next meeting.

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AGENDA ITEM NO. 4 - COMMITTEE REPORTS: - Councilman at Large Olaf Walker said the Finance Committee met, and at the meeting, the Committee decided to have Ralph Allison, Treasurer and the Chairman, Councilman at Large Olaf Walker, get together and consolidate some ideas or guidelines. He said they met and consolidated them, and will possibly have a Finance Committee meeting next Monday.

Councilman at Large Walker said the Street Committee has several items which need to be addressed, and he would talk with Mayor Karnes and they would schedule a meeting.

Mayor Karnes said he received a request to abandon a 10 foot wide alley. The alley is located between the ABC Store in Nitro and the brick building. The alley serves no one and the same property owner (Oshel Craigo) surrounds it, and he requested it be abandoned. A map, prepared by Carl Kinder, Sr., p.e., in St. Albans was attached to the request. Mayor Karnes said he feels this request should be placed in the hands of the Planning Commission. Councilman Jim Hutchinson moved this request be given to the Planning Commission for their recommendation. The motion was seconded. A vote was taken and it was unanimous.

Mayor Karnes yielded the floor to the Rev. Bea Burgess. She complimented the Department of Public Works on cleaning and painting the curbs.

Rev. Burgess said she works with several families who are unstable. She said she was very disappointed Council didn't allow the kids of low-income families free use of the pool. She asked Council if they would reconsider letting children of low income families use the pool. Councilman at Large Olaf Walker said Council had discussed this matter several times, and the Recreation Director contacted some of the school principals. He said he contacted some of the school officials from Kanawha County, and both of them were refused the names of the people who qualified as low income and also the number of children involved. Councilman at Large Olaf Walker stated the pool is already used at its capacity in his opinion. He said he would like to do what he could to help somebody provide tickets for these kids. Councilman at Large Walker said since he's been on council, he has been reluctant to give away city assets. He said he didn't think it was the business of city government to provide charity. Councilman at Large Walker said he would help from a personal point, but as a City Council person, he has some problem with that. A discussion followed regarding how to determine the people meeting the qualifications. Mayor Karnes said we might be able to develop guidelines and create a form to be signed and sworn to by parents prior to the next season.

There being no further business, Councilman at Large David Casebolt moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 8:02 p.m.

  
DON KARNES, MAYOR



CITY OF NITRO  
COUNCIL MEETING MINUTES

AUGUST 21, 1990

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers at 7:40 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 AUGUST 7, 1990 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Minutes of the Council Meeting of August 7, 1990 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - REQUEST TO ABANDON ALLEY: - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman Atkins shared a request with Council from Berta Vance and Charles Jividen requesting the City abandon the alley way on Gum Street between Kanawha Avenue and the river. He said the residents wanted to upgrade the river bank. Councilman George Atkins moved this request be given to the Planning Commission for their recommendation. The motion was seconded. After a discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - TAG DAY REQUEST - NITRO HIGH BAND BOOSTERS: - City Recorder Doris G. Carrier informed the Nitro High School Band Boosters requested permission for a Tag Day on Saturday, September 22, 1990 from 9:00 a.m. to 4:00 p.m. They requested a police officer being in attendance at the 40th Street and 19th Street lights. Councilman at Large Olaf Walker moved permission be granted with the deletion of approving solicitation by the band members at the 40th Street and 19th Street lights with a Nitro Police Officer in attendance. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - REVISION - POLICE CIVIL SERVICE COMMISSION: - Mayor Karnes advised the Police Civil Service Commission asked for revision to the rules and asked Mr. Gaujot if he would explain this to Council. Mr. Gaujot said it had been represented to him that 4.09 of the rules and regulations of the Police Civil Service Commission be deleted. He said after reviewing 4.09, found it to be a restatement of Chapter 30, Article 29, Section 5. He said the code says you must be certified or certifiable. Mr. Gaujot said in his opinion, 4.09 should be left as is. He explained the WV Code sets a minimum

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standard, but the hiring entity could set a standard much higher. Mr. Gaujot said he would be happy to meet with the Police Civil Service Commission.

AGENDA ITEM NO. 5 - REPORT ON SENIOR'S CENTER: - Mayor Karnes yielded this agenda item to the City Recorder Doris G. Carrier. She advised Mr. Chuck Boggs and Mr. Bob White were present this evening, and both of them have been very instrumental in getting the Senior Center on its way, and yielded the floor to Mr. White. Mr. White reported the Advisory Council for the Senior's Center is active and meet at least once a month. He said they have employed Jerry Goff, an architect from St. Albans. He displayed the plan prepared by Mr. Goff. Mr. White announced that on August 16, they received good news. He said they received approval of the 501C, which gives them the classification of being tax exempt. He informed the Committee for fundraising will meet August 22, and draft letters and put a brochure together. Mr. White said he would like to have Councils' approval on an application for a permit to solicit within the City of Nitro. He advised they planned to solicit by mailing letters, word of mouth and publications for a period from September 1, to the end of October. City Recorder Doris G. Carrier moved permission be given to solicit for the Senior's Building. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - ABANDON STREET ORDINANCE: - Mayor Karnes yielded this agenda item to the City Attorney Phillip D. Gaujot. Mr. Gaujot advised on June 21, 1988 Council, by ordinances 88-7 and 88-8, abandoned two streets and an alleyway, Michigan Avenue and Wallace Street. Now, there have been two petitions sent to Mr. Gaujot, one by Jerry Goldberg and the other by Jerry Goldberg as the Executor of the Estate of Jerome Goldberg asking the City to allow the Mayor to sign quitclaim deeds to that property already abandoned passing title to the land in whatever capacity the City has. Attached to the proposed ordinances are deeds for the Mayor to sign if Council granted authority. Councilman at Large David Casebolt moved the Mayor read the title only of Ordinance 90-4. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved we approve the first reading of Ordinance 90-4. The motion was seconded. A vote was taken and it was unanimous.  
ORDINANCE 90-4 ATTACHED.

Councilman at Large Olaf Walker moved the Mayor dispense reading Ordinance 90-5 in its entirety, and read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved the first reading of Ordinance 90-5 be adopted. The motion was seconded. A vote was taken and it was unanimous. Copies of the deeds and other documents available in the Mayor's and City Recorder's office.

ORDINANCE 90-5 ATTACHED.

AGENDA ITEM NO. 7 - FIRST RESPONDER CONTRACT: - Mayor Karnes yielded this agenda item to Fire Chief Steve Hardman. Chief Hardman informed the subject contract was an agreement with the Kanawha County Regional Ambulance Authority whereby they would tone the Fire Department to respond to medical emergencies within the Fire Department's run district. He said after the citizens of Nitro supported the Levy, they pulled the ambulance from Nitro, and left our citizens as much as 9 minutes away from an ambulance. Chief Hardman said 9 minutes was much too long for medical attention, so they had a first responder class at the Fire Department, and 20 plus men passed the test. Since that time they have hired a fire fighter paramedic, and they also had an EMT class set up at the Fire Station and 4 of the paid Firefighters are now Emergency Medical Technicians, as well as 5 or 6 of the volunteers. The contract would allow the County Metro System to tone Nitro's Fire Department out to calls when there are no ambulances available or in a different area. He said they will not tone the Fire Department until they have a legal document signed. Chief Hardman said they have been responding since the ambulance left Nitro. Chief Hardman said he was concerned about the citizens of Nitro, but they have expenditures coming out of the Fire Department's budget, that hasn't been budgeted. He said Kanawha County take their inventory of the ambulance supplies on Thursday and stock on Friday. The Firefighters could do the same and we could be reimbursed when the contract is signed. Chief Hardman said he read the contract, and basically it gives the Kanawha County Commission authority to recognize us as a first responder group and to tone us to medical emergencies in the City of Nitro. In return, they will reimburse the FD for most of the supplies used. Mayor Karnes said the contract was in the County's favor, as it states they will reimburse the FD for certain things if they can afford it. Chief Hardman said he has a lot bigger plans for the future, but feels this would be a start. Councilman at Large Olaf Walker suggested the Mayor look at the contract and review it with legal counsel and they could proceed from there. Councilman George Atkins said action needs to be taken on this as soon as possible.

AGENDA ITEM NO. 8 - NITRO DEVELOPMENT AUTHORITY: - Mayor Karnes yielded this agenda item to the City Attorney Phillip D. Gaujot. Mr. Gaujot said because of the way the economy is and has been for the past 15 years, a mechanism to have municipal economic phase or county phase has been through development authorities being established. The purpose of the development authorities is to promote and develop the business prosperity and

the economic welfare of the governmental entity. The way it is established is by ordinance; the authority would be made up of board members ranking from 12 to 21, and would have to come from this municipality, made up of business, labor, industry and one person from this body. The selection of the Board Members

would be made by this body with input from the various industries or businesses within the area. This body would be its own legal entity and could contract to buy land, sue or be sued. The purpose of the authority would be to bring a group of people together to try to figure out ways to enhance the economic phase of the community. Mr. Gaujot said Nitro has some property that should be good property for industry, and understands the property is available and it might be something the City of Nitro may want to consider. Mayor Karnes said he would welcome suggestions on appointees. He said they must be residents of Nitro and live within the corporate limits. Mr. Gaujot said he would prepare an ordinance allowing the establishment of the Nitro Development Authority, after the proper readings, and then after the establishment, the appointments could be made. Following the appointments, the first order of business would be the establishment of rules and regulations. Mr. Gaujot said he would prepare an ordinance and have it ready for the next meeting.

Councilman George Atkins asked if the surplus property was ready to get rid of, and Mayor Karnes responded he thought it was. Councilman at Large Olaf Walker said Mr. Williams has the items on one side of the building, and even has them numbered so that a person could bid on just one item if they wanted to. However, the Recorder needs a list of the items for sale.

Councilman George Atkins said on the 17th of April, Mr. Brannon came before Council wanting to know about the situation where he was in arrears around \$8,000 for municipal fees. Councilman Atkins said Mr. Brannon called him about two weeks ago and asked if anything had developed on it. Mayor Karnes said if he hadn't paid the bill, then he still owes it. Councilman Atkins said we have more than one situation such as this, and thinks we will need to handle them on an individual basis. Mayor Karnes said he feels we need to handle everyone the same. Councilman at Large Olaf Walker moved we go into Executive Session to discuss the four accounts. He said there was some publicity on this that got some facts that were discussed not quite right. He said these matters started as far back as 1982, and he would like to get these four accounts resolved before the next two years are up. Councilman at Large David Casebolt told Councilman at Large Walker the Mayor answered how he thought it should be handled, and the motion died for lack of a second. Mr. Gaujot said he didn't know the facts of what they are talking about, but he was assuming people were not paying a fee. Councilman Robert Young said Councilman at Large Olaf Walker could say what he has to say, and then when he finishes, Mr. Gaujot could tell us what we can do. Councilman at Large Olaf Walker said he wasn't going to mention any names other than the fact that all this, more or less, was initiated after Mr. Brannon wrote his letter to Council, but there are three other accounts that are involved which totals around \$33,000. It was published that Councilman at Large Walker said Larry Angell was suppose to



have told Mr. Brannon that he would allow him to pay \$2.00 instead of the \$7.00, for which Mr. Brannon paid the \$2.00 for a certain time. Councilman at Large Walker said that if Larry Angell did tell Mr. Brannon that, he or no other employee has the right or the authority to either lower or increase a fee or an amount set by this body. He said this started on April 8, 1982 on these 4 accounts. Councilman at Large Walker said he researched these accounts and gave the information to the Mayor, and suggested we proceed along this line. Councilman at Large Walker said he feels all four accounts have different characteristics. He said there are situations pertaining to one that doesn't pertain to the other and thinks based on that, they could be handled individually. Councilman at Large Walker said he suggested the Mayor write Mr. Brannon a letter telling him this matter was brought to his attention, and after reseaching found he is in arrears of whatever the delinquent amount is, and would like to meet with him to try and negotiate something, and then come before Council with it, prior to going to court to get it resolved. Councilman at Large Walker said he feels this case is different because some of the others have invited the last administration, as well as this administration, to go ahead and sue them. Councilman at Large David Casebolt stated we couldn't treat Mr. Brannon any different than the others. Councilman at Large Olaf Walker said we could settle with Mr. Brannon and then try to resolve the other three accounts. Mayor Karnes said he would write letters if Council desired, but thinks if a person is struggling to make a living and then someone with 26 apartments, Council granted a break, he would be upset. If Council would cut Mr. Brannon a break, we could be inviting others to not pay their bills. Councilman at Large Olaf Walker said we should collect it all, collect part of it or write it off. Members of Council commented they didn't want it wrote off. Councilman at Large David Casebolt moved the Mayor write each person individually about their bill and meet with them and if an agreement is not reached, then a lien be filed against their property. The motion died for lack of second. Mayor Karnes informed if a person can't pay their Sanitary bill, then a letter is mailed to them asking them to come in and pay their bill or make arrangements to pay their bill and agreements are signed. This procedure was agreeable with Council.

Councilman Jim Hutchinson asked how effective the maintenance and nuisance letters were that were mailed as there were two letter mailed to a resident and the debris is still there. Mayor Karnes advised the person was in the hospital, and would get with legal counsel about the proper way to handle this.

Councilman Jim Hutchinson mentioned there was a truck with a camper on it parked at the block company without tags, and it has been there for around 5 years. He said the man tells him he is not running a business, but he differs with him. He said the property is zoned for business, and the person should obtain a business license. He said the back yard is full of vehicles.

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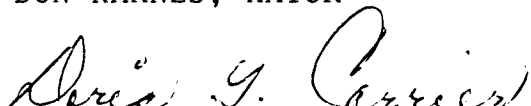
Mayor Karnes responded we have an ordinance on vehicles with no licenses, etc. and he would ask that a tow notice be placed on this truck. Also, he said the residents on Valentine Circle are very pleased with the drainage.

Councilman Robert Young asked if the Mayor had checked with Bob regarding the problem of the water at the top of Norwood Rd. during heavy rains. Mayor Karnes said he spoke with Bob Sergeant about this, but he hasn't gotten back with him.

Councilman at Large Olaf Walker said several weeks ago, the Sanitation Department was telling us about the fees that were going to be added on by the Health Department on the water and sewer bill, etc. He said he received a communique which stated they were pleased to report that the plans of the State Health Department to access all water and sewer utilities a fee for the operation of the Health Department has been cancelled. Mayor Karnes said Connie Stephens wrote a pretty strong letter, and attended some of the hearings which proved effective.

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 9:20 p.m.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

Ordinance No. 90-4 Adopted by Counsel

Introduced in Council: August 21, 1990

AN ORDINANCE DIRECTING THE CITY OF NITRO  
TO EXECUTE A QUITCLAIM DEED FOR 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, Ordinance No. 171, which was adopted by the Council  
of the City of Nitro on April 17, 1973, abandoned and disclaimed  
any interest of the City of Nitro in a certain strip of land 40  
feet wide and 684 feet long, being part of Michigan Avenue, a copy  
of which is attached hereto and made a part hereof; and

WHEREAS, Amended Ordinance No. 88-7, which was adopted by  
Council of the City of Nitro on June 21, 1988, abandoned and  
disclaimed any interest of the City of Nitro in 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, a copy of  
which is attached hereto and made a part hereof;

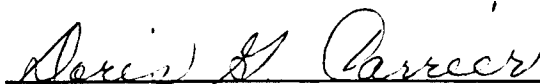
Be It Ordained By The Council Of The City Of Nitro:

1. That this Council does hereby authorize and direct its  
Mayor to execute, acknowledge and deliver a proper quitclaim deed  
to Jerry Goldberg conveying all of the right, title and interest  
of the City of Nitro in and to the above-described properties.

Passed by the Council and approved by the Mayor this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_.



Mayor



Recorder

Ordinance No. 90-5

Adopted by Council: \_\_\_\_\_

Introduced in Council: August 21, 1990

AN ORDINANCE DIRECTING THE CITY OF NITRO  
TO EXECUTE A QUIT CLAIM DEED FOR 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, Ordinance No. 88-8, which was adopted by the Council  
of the City of Nitro on June 21, 1988, abandoned and disclaimed any  
interest of the City of Nitro in a part of that certain 10'  
alleyway and a 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, a  
copy of which is attached hereto and made a part hereof;

Be It Ordained by the Council of the City of Nitro:

1. That this Council does hereby authorize and direct its  
Mayor to execute, acknowledge and deliver a proper quitclaim deed  
to Jerry Goldberg, as Executor of the Estate of Jerome Goldberg,  
deceased, conveying all of the right, title and interest of the  
City of Nitro in and to the above-described property.

Passed by the Council and approved by the Mayor this 4 day  
of SEPT, 1990.

Don Karmes  
Mayor

Alexis G. Carrier  
Recorder

CITY OF NITRO  
COUNCIL MEETING MINUTES

SEPTEMBER 4, 1990

Mayor Karnes welcomed everyone, and called the regular meeting of the Nitro City Council to order 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 was City Treasurer Ralph Allison. Absent was City Attorney Phillip D. Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 21, COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Minutes of the Council Meeting of August 21, 1990 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - TERANCE E. THOMPSON - PROMOTION: - Mayor Karnes announced that after the requirements of the Civil Service Commission, the number one candidate to fill the Sergeant's vacancy was Terance E. Thompson. He congratulated Officer Thompson and extended the honor of pinning the Sergeant's shield on him to his wife, Vanessa. Members of Council congratulated Sgt. Thompson on his achievement.

AGENDA ITEM NO. 3 - ORD. 90-4 (SECOND READING): - Mayor Karnes said this would constitute the second reading of an ordinance which would authorize the Mayor to execute a quitclaim deed for the abandonment of a part of Michigan Avenue. Councilman at Large Rusty Casto moved the Mayor dispense with the reading of the ordinance in its entirety. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved the ordinance be adopted. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 90-4 ATTACHED.

AGENDA ITEM NO. 4 - ORD. 90-5 (SECOND READING): - Mayor Karnes said this will constitute the second reading of an ordinance directing the City of Nitro to execute a quitclaim deed for 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. Councilman at Large David Casebolt moved the Mayor read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved for the adoption of the ordinance. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 90-5 ATTACHED.

AGENDA ITEM NO. 5- 90-6 NITRO DEVELOPMENT AUTHORITY (FIRST READING): - Mayor Karnes informed it would be necessary to postpone this agenda item as he did not have the ordinance in hand.

AGENDA ITEM NO. 6 - NATIONAL GUARD REQUEST: - Mayor Karnes yielded this agenda item to the City Recorder Doris G. Carrier. She advised the National Guard Association of WV requested we buy a column in a magazine to support annual scholarships, youth leadership camp, and also WV Veterans Memorial Fund. She informed the lowest cost would be \$79.00. After a short discussion, Councilman George Atkins moved this item be tabled. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - NEW BUSINESS: - Mayor Karnes announced there will be representatives from the Registrar's Office at City Hall to register citizens to vote on September 13, from 10:00 a.m. to 2:00 p.m., September 14, from 4:00 p.m. to 8:00 p.m., and on September 15, from 10:00 a.m. to 2:00 p.m.

Mayor Karnes shared a copy of a letter from the On-scene Coordinator of the US EPA regarding the Smith Street Landfill. He reported that ATSDR conclude that, if the landfill is properly closed, there is not a significant threat to human health. Councilman at Large Olaf Walker said around four years ago, the City had an appraisal made of that property. He asked if the Mayor would find this appraisal, look at it and give some thought for disposing of the property in a manner that would benefit the City.

Councilman at Large Rusty Casto asked if we were going to have a calendar, and if so, the progress. Mayor Karnes responded there was a Committee appointed last year.

City Recorder Doris G. Carrier advised that Nathan Wills from Towne and Country Supply called her, and he can't understand why he can't put a sign up in the hill section of East Nitro to advertise his business in the lower end of Nitro. Mayor Karnes informed there was an ordinance prohibiting a sign advertising a business except on the premises. A short discussion followed regarding signs. Councilman at Large Rusty Casto asked if the Mayor would write to the Mayor of Alexandria, Virginia and get a copy of their sign ordinance. He said they didn't have any signs except for the one against their business and the City looks a lot better.

Councilman Jim Hutchinson said the unlicensed truck is still parked on Main Avenue. Mayor Karnes said the owner has been notified. Councilman Hutchinson mentioned he feels the man is operating a business and should have a business license.

Councilman George Atkins said the marking of the street in front of the Fire Department and the placement of signs should

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have been brought before Council prior to this being done. Councilman at Large Olaf Walker responded this was correct, but this matter is in the hands of the Mayor.

The City Treasurer Ralph Allison furnished members of Council a Revenue/Expenditure Summary for fiscal year ending July 31, 1990.

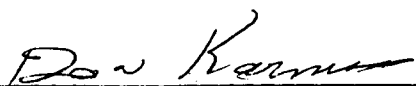

Councilman George Atkins asked if the Mayor was anticipating hiring someone to replace Mike Lamb who was brought over from Public Works and will be working for Bob Sergeant. Mayor Karnes advised we still have employees at the Public Works Department from the State Program. He explained that since the 1970's, the Building Department has shrunk, and said he didn't feel we were getting the income that this department could produce if the Building Inspector had the time. By having someone assist the Building Inspector we will be able to determine if it is worthwhile to employ an additional person in this department and also if it will generate more revenue. A discussion followed.

Councilman Robert Young asked what was being done regarding collecting B & O Taxes and if we had any delinquent accounts. Councilman at Large Olaf Walker said he feels the City Recorder could respond to this question and he could too. He said the City Recorder has been working hard on this matter and he has been doing a little work also. He said they have a number of people who have not renewed their license. At the end of this month, he advised they would be able to give the Finance Committee and Council a complete report on who has paid, new businesses, etc. The Mayor explained the collecting process of delinquent B & O Taxes.

Mayor Karnes said he would like to have Council review and the Committee to meet prior to the next Council meet and review the First Responder's contract and offer their recommendations.

Councilman at Large Olaf Walker said Gene Williams and his crew have been working very hard to get the garage and area in good shape. He said they are to be commended for their efforts. Councilman at Large Olaf Walker suggested we hold an open house at the garage the end of October and invite especially the key business people in the City, and also advertise the open house. He said Gene could have the equipment where everyone could see, and this way we could impress upon the people of Nitro that we need some new equipment. This could prepare them for an increase in the B & O Taxes if we should decide to go that route.

Councilman at Large David Casebolt moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 8:28 p.m.

  
DON KARNES, MAYOR.  
  
DORIS G. CARRIER, RECORDER



Ordinance No. 90-4 Adopted by Counsel September 4, 1990

Introduced in Council: August 21, 1990

AN ORDINANCE DIRECTING THE CITY OF NITRO TO EXECUTE A QUITCLAIM DEED FOR 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, Ordinance No. 171, which was adopted by the Council of the City of Nitro on April 17, 1973, abandoned and disclaimed any interest of the City of Nitro in a certain strip of land 40 feet wide and 684 feet long, being part of Michigan Avenue, a copy of which is attached hereto and made a part hereof; and

WHEREAS, Amended Ordinance No. 88-7, which was adopted by Council of the City of Nitro on June 21, 1988, abandoned and disclaimed any interest of the City of Nitro in 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, a copy of which is attached hereto and made a part hereof;

Be It Ordained By The Council Of The City Of Nitro:

1. That this Council does hereby authorize and direct its Mayor to execute, acknowledge and deliver a proper quitclaim deed to Jerry Goldberg conveying all of the right, title and interest of the City of Nitro in and to the above-described properties.

Passed by the Council and approved by the Mayor this 4th  
day of September, 1990

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder

BEFORE THE CITY COUNCIL, CITY OF NITRO, WEST VIRGINIA

P E T I T I O N

PETITION OF JERRY GOLDBERG IN SUPPORT OF A  
PROPOSED ORDINANCE TO DIRECT THE CITY OF NITRO  
TO EXECUTE A QUITCLAIM DEED FOR 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

TO THE MAYOR AND COUNCIL OF THE CITY OF NITRO:

WHEREAS, Ordinance No. 171, which was adopted by the Council of the City of Nitro on April 17, 1973, abandoned and disclaimed any interest of the City of Nitro in a certain strip of land 40 feet wide and 684 feet long, being part of Michigan Avenue, in or adjacent to Block "A", Section One, East Crawford Addition, and Block "F", Sunbright Addition to the City of Nitro, a copy of which is attached hereto and made a part hereof; and,

WHEREAS, Amended Ordinance No. 88-7, which was adopted by the Council of the City of Nitro, on June 21, 1988, abandoned and disclaimed any interest of the City of Nitro in 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 to the City of Nitro, a copy of which is attached hereto and made a part hereof;

NOW, THEREFORE, Jerry Goldberg petitions the City of Nitro

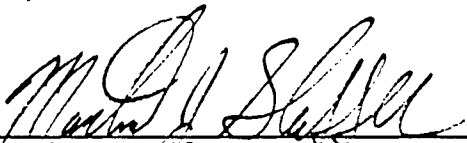
through and by its Council as follows:

That in order to avoid any question as to the clear title of said property in the records of the Clerk of the County Commission of Kanawha County, West Virginia, the City of Nitro authorizes and directs its Mayor to execute, acknowledge and deliver a proper quitclaim deed to Jerry Goldberg conveying all of the right, title and interest of the City of Nitro in and to the above-described properties.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

JEROME GOLDBERG  
Petitioner

LEWIS, CICCARELLO & FRIEDBERG

By   
Martin J. Glasser  
Counsel for Petitioner  
Suite 700 - One Valley Square  
Charleston, West Virginia 25301

ORDINANCE NO. 171

ADOPTED BY COUNCIL April 17, 1973

INTRODUCED IN COUNCIL April 3, 1973

AN ORDINANCE ABANDONING AND DISCLAIMING ANY INTEREST OF THE CITY OF NITRO, WEST VIRGINIA, IN A CERTAIN STRIP OF LAND 40 FEET DEEP AND 684 FEET WIDE, BEING PART OF MICHIGAN AVENUE, AND LOCATED PARALLEL WITH AND CONTIGUOUS TO THE NORTHERLY RIGHT OF WAY LINE OF PENN-CENTRAL RAILROAD (FORMERLY THE NEW YORK CENTRAL RAILROAD), AT THE REAR OF LOTS NOS. 25 THROUGH 49, BLOCK A, EAST CRAWFORD ADDITION, CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA.

WHEREAS, by map of East Crawford Addition, now within the city limits of the City of Nitro, recorded in the Office of the Clerk of the County Court of Kanawha County, West Virginia, in Map Book 6, at Page 63, there is laid, down and shown part of a certain street designated Michigan Avenue, 40 feet deep, running in an easterly-westerly direction, approximately 684 feet, parallel to what is now First Avenue (also known as West Virginia State Route No. 25), and adjoining the northerly right-of-way line of the Penn-Central Railroad (formerly New York Central Railroad) and the southerly line of Lots 25 through 49, Block A, East Crawford Addition, including part of what was formerly known on said map as Wallace Street (now abandoned); and,

WHEREAS, some question has arisen as to whether there has ever been a complete dedication of this part of Michigan Avenue as a public street inasmuch as the City of Nitro has never accepted said street, there has never been any use of it by the general public as a street for either pedestrian or vehicular traffic, nor has there ever been any municipal order or action accepting

tion of said map of East Crawford Addition, nor has the City of Nitro ever exercised any act of ownership or dominion and control over this strip of land by way of maintaining, repairing, or paving it; and,

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 strip of land in the future; and since it has never been required for public use, Council now desires to abandon any right or rights of the City of Nitro in and to said strip of land known as part of Michigan Avenue.

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

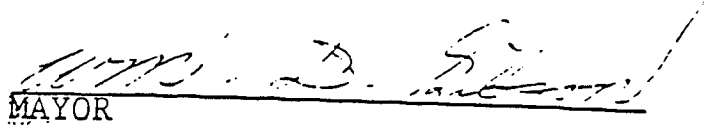
1. That this Council does hereby abandon and disclaim as a street, right-of-way, alleyway or walkway for the purpose or purposes of pedestrians or vehicular traffic, that part of Michigan Avenue consisting of a certain strip of land 40 feet deep and 684 feet wide, and bounded on its southerly side by the northerly right-of-way of the Penn-Central Railroad (formerly the New York Central Railroad), and bounded on its northerly side by Lost Nos. 25-49, inclusive, of Block A, East Crawford Addition, and part of Wallace Street (now abandoned) as shown upon the aforesaid map of East Crawford Addition recorded in said Clerk's Office in Map Book 6, at Page 63.

2. And further, this Council does abandon and disclaim any rights to said strip of land for use by said City of Nitro, its citizens or the public at large to go upon, use or claim any right of title thereto.

of said  
by 84  
street  
Passed  
April

3. And further, this Council acknowledges that the portion of said Michigan Avenue consisting of said strip of land, 40 feet by 684 feet, was never accepted by the City of Nitro as a public street.

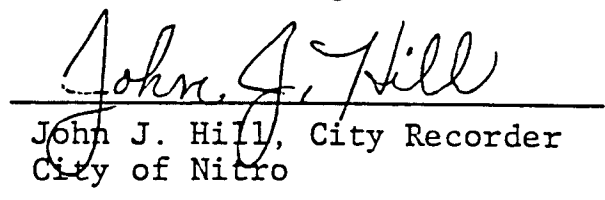
Passed by the Council and approved by the Mayor this 17 day of April, 1973.

  
MAYOR

  
RECORDER

July 22, 1988

This is a true and accurate copy of the original document.

  
John J. Hill, City Recorder  
City of Nitro





ORDINANCE NO. 88-7

ADOPTED BY COUNCIL: JUNE 21, 1988

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, 1968, 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"

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upon the map attached to this Ordinance; and,

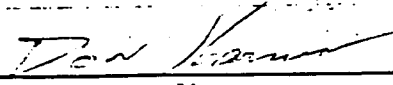
2. That this Council does hereby permanently vacate, close, discontinue and abandon that certain ten (10) foot wide alleyway which runs in an easterly-westerly direction, a portion of which is approximately 365 feet in distance, and contains 0.084 acre (3,646 square feet), and is parallel to First Avenue (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,

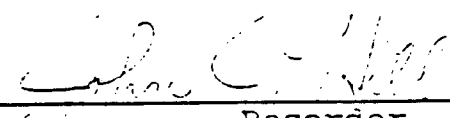
3. That this Council does hereby permanently vacate, close, discontinue and abandon that certain street designated as "Wallace Street", running in a northerly-southerly direction, a portion of which is rectangular in shape and approximately 100 feet in length and 40 feet in width and contains 0.120 acre (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.

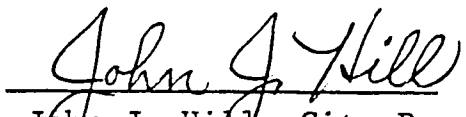
Passed by the Council and approved by the Mayor this 21st day of JUNE, 1988.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder

July 20, 1988

This is a true and accurate copy of the original document.

  
\_\_\_\_\_  
John J. Hill, City Recorder

Ordinance No. 90-5Adopted by Council: September 4, 1990Introduced in Council: August 21, 1990

AN ORDINANCE DIRECTING THE CITY OF NITRO  
TO EXECUTE A QUIT CLAIM DEED FOR 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, Ordinance No. 88-8, which was adopted by the Council  
of the City of Nitro on June 21, 1988, abandoned and disclaimed any  
interest of the City of Nitro in a part of that certain 10'  
alleyway and a 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, a  
copy of which is attached hereto and made a part hereof;

Be It Ordained by the Council of the City of Nitro:

1. That this Council does hereby authorize and direct its  
Mayor to execute, acknowledge and deliver a proper quitclaim deed  
to Jerry Goldberg, as Executor of the Estate of Jerome Goldberg,  
deceased, conveying all of the right, title and interest of the  
City of Nitro in and to the above-described property.

Passed by the Council and approved by the Mayor this 4th day  
of September, 1990.

Don Korman  
Mayor

Arlis St. Carrier  
Recorder

BEFORE THE CITY COUNCIL, CITY OF NITRO, WEST VIRGINIA

P E T I T I O N

PETITION OF JERRY GOLDBERG, AS EXECUTOR OF THE ESTATE OF  
JEROME GOLDBERG, DECEASED, IN SUPPORT OF A  
PROPOSED ORDINANCE TO DIRECT THE CITY OF NITRO  
TO EXECUTE A QUIT CLAIM DEED FOR 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

TO THE MAYOR AND COUNCIL OF THE CITY OF NITRO:

WHEREAS, Ordinance No. 88-8, which was adopted by Council of  
the City of Nitro on June 21, 1988, abandoned and disclaimed any  
interest of the City of Nitro in 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, a copy of  
which is attached hereto and made a part hereof;

NOW, THEREFORE, Jerry Goldberg, as Executor of the Estate of  
Jerome Goldberg, deceased, petitions the City of Nitro through and  
by its Council as follows:

That in order to avoid any question as to the clear title of  
said property in the records of the Clerk of the County Commission  
of Kanawha County, West Virginia, the City of Nitro authorizes and  
directs its Mayor to execute, acknowledge and deliver a proper  
quitclaim deed to Jerry Goldberg, as Executor of the Estate of  
Jerome Goldberg, deceased, conveying all of the right, title and  
interest of the City of Nitro in and to the above-described



property.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

JEROME GOLDBERG, AS EXECUTOR OF  
THE ESTATE OF JEROME GOLDBERG,  
DECEASED

\_\_\_\_\_  
Petitioner

LEWIS, CICCARELLO & FRIEDBERG

By  \_\_\_\_\_

Martin J. Glasser  
Counsel for Petitioner  
Suite 700 - One Valley Square  
Charleston, West Virginia 25301

ORDINANCE NO. 88-8ADOPTED BY COUNCIL: JUNE 21, 1988INTRODUCED 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,

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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.

*Don Korman*  
Mayor  
*John J. Hill*  
Recorder

July 20, 1988

This is a true and accurate copy of the original document.

*John J. Hill*  
John J. Hill, City Recorder

CITY OF NITRO  
COUNCIL MEETING MINUTES

SEPTEMBER 18, 1990

Mayor Karnes welcomed everyone and called the regular meeting of the Nitro City Council to order at 7:30 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 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 SEPTEMBER 4, 1990 COUNCIL MEETING MINUTES: - Councilman at Large David Casebolt moved the Council Meeting Minutes of September 4, 1990 be approved. The motion was seconded, a vote taken and it was unanimous.

AGENDA ITEM NO. 2 - ORD. 90-6 NITRO DEVELOPMENT AUTHORITY: - Mayor Karnes introduced Ordinance 90-6, and asked Mr. Gaujot if he would explain it. Mr. Gaujot said this was an ordinance which would create a new office known as the Nitro Development Authority. Under Chapter 7, Article 12 of the Code authorizing the City government authority to create and establish this agency. He informed the purpose of the agency is to promote, develop and advance business prosperity in the City, to rehabilitate and assist existing businesses, to promote the expansion of all kinds of business and to lend any type of technical assistance that the City can give. Councilman at Large Olaf Walker asked how the agency would obtain funds for operation. Mr. Gaujot said there were various means, but he wasn't exactly sure of all of them. Mr. Gaujot said he read the code and contacted the City of Elkins who put together this package to bring in Bruce Hardware. He said in his opinion, Elkins is a pretty progressive community for doing this. He said he asked the Mayor of Elkins to send him any type of information that might be of help with this. Councilman at Large Olaf Walker moved the Mayor dispense reading the ordinance in its entirety. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved we approve Ordinance 90-6 on the first reading. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 90-6 ATTACHED.

AGENDA ITEM NO. 3 - BID OPENING: - Mayor Karnes yielded this agenda item to the City Recorder. The City Recorder Doris G. Carrier reported there were 14 bids on the surplus property at the Department of Public Works. She reported they were pleased to have sold the entire lot for \$3,256.00. Councilman at Large Olaf Walker moved the bid from Par Industries for \$3,256. for the



surplus material and equipment be accepted, and the proper notice be sent to the successful bidder. Also, informing them payment is to be made prior to picking up the surplus material, and the merchandise is to be picked up by October 1, if possible. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved the \$3,256.00 be given to the Treasurer and the City Treasurer be instructed to establish a separate bank account at any bank of his choice, which would indicate unappropriated funds of the City. Also, on the income side of the budget there would be another line listed as unappropriated funds. He explained this wasn't much money, but it was money that was not in the budget. He said the Mayor and Gene Williams could decide what they could purchase for approximately \$3,000 and come before Council for approval of the purchase. The motion was seconded. Mayor Karnes asked if it was proper to have the funds entered on the income side of the statement. Mr. Allison responded if it was put on the income side of the statement, then they would need something on the expense side. He said he didn't know if they would want to call it unappropriated funds, and they might want to call it sale of Public Works assets or something of this nature. Councilman at Large Olaf Walker said this could be done when the budget is revised. Discussion followed. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - GRANT CONTRACT AGREEMENT: - Mayor Karnes stated the DARE Program has been successful, and this agenda item is concerning it, and yielded to the City Recorder. City Recorder Doris G. Carrier advised the grant agreement is between the Governor's Office of Community and Industrial Development and the City of Nitro, and the purpose of the grant is to provide program materials and a salary for ten months for an officer working in the DARE Program. She advised Council needed to act on a resolution authorizing the Mayor to receive and administer these funds. Councilman Robert Young moved the Resolution be passed. The motion was seconded. Councilman George Atkins asked if the grant would pay one of our officers for ten months, and Mayor Karnes said it could be or we could hire somebody new. He advised it wasn't earmarked in that way, but the funds have to be spent in the DARE Program. Councilman at Large David Casebolt said Bill Reid does an excellent job with the DARE program; he said he heard nothing but favorable comments on him. In response to Councilman at Large Olaf Walker's question, Chief Cochran advised the funds used would be reimbursed monthly from the grant. A vote was taken and it was unanimous.

RESOLUTION 90-2 ATTACHED.

AGENDA ITEM NO. 5 - FIRST RESPONDER'S CONTRACT: - Mayor Karnes said this item was on a prior agenda, and copies were given to members of Council for their review. Councilman at Large Olaf Walker moved this item be tabled until more

information is obtained. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - PARADE REQUEST - NITRO HIGH SCHOOL: - Councilman at Large Rusty Casto moved the parade request from Nitro High School for October 5, assembling between 5:30 p.m. and 5:45 p.m. be approved. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto suggested developing a parade route for all parades held in Nitro for safety reasons.

AGENDA ITEM NO. 7 - PARKING (FEES/CITY SPACES): - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman Atkins said a Committee meeting was held and those present were Councilwoman Betty Jo Boggess and Councilman Jim Hutchinson, chaired by Councilman George Atkins. It was recommended by the Chief, Lieutenant, and the two Sergeants of the Police Department to increase the fines and add violations as per the form distributed to members of Council. Councilman Atkins said the parking fees for violations have been too minor over the years, and they feel a change should be made increasing them. Councilman at Large David Casebolt said he didn't agree with some of the charges. Councilman at Large Rusty Casto moved the City Attorney prepare an amendment to the present ordinance and bring it back to the next meeting. The motion was seconded. A short discussion followed. A vote was taken and it was unanimous.

CITY SPACES: - Councilman George Atkins said the City employees have a problem trying to find a parking space. The Committee and the Police Department reviewed the proposed plan. Councilman Atkins advised Chief Cochran obtained the use of the old taxi stand area on 2nd Avenue which is incidental to the parking which needs to be discussed. One of the ideas the Committee had was requesting the senior citizen's van be parked parallel instead of at an angle. This would eliminate the visibility problem. Also, extending the handicapped spot back next to the Fire Department. On Second Avenue beside the alley, the Committee recommends there be three parking spaces provided for the shift workers. (Communication personnel and two police officers on duty.) Councilman at Large Rusty Casto said he thought Council passed an ordinance allowing the Chief to designate parking spaces. Mr. Gaujot said we need to find the ordinance pertaining to this. Councilman George Atkins said the parking in front of City Hall would remain unchanged. There would remain 5 minute parking in front of City Hall, and the angle parking across the street. Mayor Karnes informed the City could use the parking spaces at the old taxi stand, but the City must keep the grass mowed.

AGENDA ITEM NO. 8 - NEW BUSINESS: - Mayor Karnes said he received six telephone calls due to the blocking of the ramp at I-64 Nitro exit. Councilman at Large David Casesbolt said he has had people mention it to him. Mayor Karnes said he was advised this reduced the time the traffic is backed up on the Interstate by 45 minutes. He said in his opinion this was unfair to the businesses of Nitro and also the citizens. Discussion and comments followed concerning closing the ramp. Mr. Wayne Shaffer said he has almost been hit 4 or 5 times coming East on I-64, where the drivers are coming on at St. Albans. He said they have a yield sign, and he requested the Department of Highways put a stop sign there, because when you are travelling East the top of a car is eye level with the bank and you couldn't see oncoming traffic. He was told they didn't want the traffic flow to stop, and on Nitro's side, they are blocking the ramp. Mayor Karnes said the reason they are blocking the ramp is for safety reasons, not in order to cut the backup time 45 minutes.

Mayor Karnes announced a hearing to be held at Nitro High School on Thursday, September 20, regarding Route 35 at 7:00 p.m. Councilman at Large Olaf Walker said the Mayor may want to give consideration to join with Charleston, Dunbar, St. Albans and the lower end of Kanawha County to support the move to widen Route 35. Mayor Karnes said the proposal was to build a new highway, not to widen Rt. 35. Councilman at Large Walker said the Mayor was probably right, but thought the paper said Charleston Council went on record for widening Rt. 35. Councilman George Atkins moved we support the Route 35 route. The motion was seconded. A vote was taken and it was unanimous.

City Recorder Doris G. Carrier said a gentleman who sells garbage bags was in, and he mentioned we might want to consider advertising for bids now and locking in a price. Council agreed this was a good idea. Councilman at Large Olaf Walker moved the Recorder proceed as in the past to obtain bids for garbage bag liners. Councilman at Large Rusty Casto mentioned obtaining a price on heavy paper bags if they make them this size. Councilman at Large David Casebolt wanted added to the previous motion that we obtain bids for clear and dark bags as the clear might be a lot cheaper. Councilman at Large Olaf Walker considered this a friendly amendment, and Councilman at Large David Casebolt seconded the motion. Councilman at Large Rusty Casto said the residents do not like the clear bags and we will receive complaints as we did before. Councilman at Large Rusty Casto asked if we could find out if they have a paper bag that could withstand weather, and Mayor Karnes said he would check on it. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto said in the last two issues of Sports Illustrated, Nitro, WV was mentioned in it. One mentioned Lew Burdette from Nitro, WV and in the last issue there were three paragraphs about the two students from Nitro on the football team, one weighing 79 pounds and another weighing 315 pounds.

Councilman at Large Rusty Casto asked Mr. John Santrock if the Library Board was receiving calls from debtors. Mr. Santrock said he has received some calls as some of the vendors are hurting from this. He said Councilman at Large Olaf Walker suggested the Board hold Bingo games. Mr. Santrock reported the Nitro Woman's Club promised to give the Library Board \$2,000. He said they completed the steps, entrance, etc. He said they were waiting for funds to do this, but they found a way to get this done. He said it was important they get things completed as there was \$3,275.00 they will receive upon completion. Mr. Santrock reported there was a tentative, final inspection by the architect and the business manager of the Kanawha County Library Association and they outlined 15 areas needing to be completed, some of which were minor. Mr. Santrock said they started out with 2 thousand books, and now there were 16 thousands books. Mayor Karnes encouraged all members of Council to visit the Library. Mr. Santrock said letters have or will go out to every person in the community of Nitro and the businesses. Councilman at Large Olaf Walker asked if they prepared a financial statement, and Mr. Santrock responded he prepares a financial statement for every meeting. He said there hadn't been any activity as far as money coming in, but reported they are making a little money from the Fax machine.

Councilwoman Betty Jo Boggess reported the Town Meeting was very informative. She said she wished there could have been a bigger turnout.

Councilman George Atkins moved the meeting be adjourned at 8:55 p.m. The motion was seconded. A vote was taken and it was unanimous.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

ORDINANCE NO. 90-6

ADOPTED BY COUNCIL October 2, 1990

INTRODUCED IN COUNCIL September 18, 1990

AN ORDINANCE CREATING A NEW OFFICE KNOWN AS THE  
NITRO DEVELOPMENT AUTHORITY.

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

WHEREAS, the City of Nitro is authorized, under Chapter 7, Article 12, Section 1 et seq. of the West Virginia Code of 1931, as amended, to create and establish a public agency to be known as a development authority; and

WHEREAS, it is the desire that the Nitro Development Authority be created to promote, develop and advance the business prosperity and economic welfare of the City of Nitro; to encourage and assist through loans, investments, or other business transactions in the locating of new business and industry within the municipal boundaries of the City of Nitro and to rehabilitate and assist existing businesses and industries within the municipal boundaries of the City of Nitro; to stimulate and promote the expansion of all kinds of business and industrial activity which will tend to advance business and industrial development and maintain the economic stability of the City of Nitro, provide maximum opportunities for employment, encourage thrift and improve the standard of living of the citizens of the City of Nitro; to cooperate and act in conjunction with other organizations, federal, state or local, in the

promotion and advancement of industrial, commercial, agricultural and recreational developments within the City of Nitro; and to furnish money and credit, land and industrial sites, technical assistance and such other aid as may be deemed requisite to approved and deserving applicants for the promotion, development and conduct of all kinds of business activity within the City of Nitro.

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

That the Council of the City of Nitro hereby authorizes the creation and establishment of a public agency to be known as The Nitro Development Authority which shall have the authority to promote, develop and advance the business prosperity and economic welfare of the City of Nitro; to encourage and assist through loans, investments, or other business transactions in the locating of new business and industry within the municipal boundaries of the City of Nitro and to rehabilitate and assist existing businesses and industries within the municipal boundaries of the City of Nitro; to stimulate and promote the expansion of all kinds of business and industrial activity which will tend to advance business and industrial development and maintain the economic stability of the City of Nitro, provide maximum opportunities for employment, encourage thrift and improve the standard of living of the citizens of the City of Nitro;

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Passed on First Reading

September 18, 1990

Adopted on Second Reading

October 2, 1990

Don Karnes

Mayor

Auris G. Carrier  
City Recorder

RESOLUTION

The Nitro City Council met on 9-18-90 (date) with a quorum present and passed the following resolution.

Be it resolved that the Nitro City Council hereby authorizes The Honorable Don Karnes, Mayor of the City of Nitro to act on its behalf to enter into a contractual agreement with the Governor's Office of Community and Industrial Development to receive and administer grant funds pursuant to provisions of the Drug Control and System Improvement Formula Grant Program.

Signed: Shirley J. Carrico City Recorder  
Secretary/Registrar



CITY OF NITRO

COUNCIL MEETING MINUTES

OCTOBER 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 Olaf Walker, Councilman at Large David Casebolt, Councilwoman Betty Jo Bogges, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gault and City Treasurer Ralph Allison. Absent was Councilman Robert Young.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 18, 1990 COUNCIL MEETING MINUTES: - Councilman George Atkins moved the Council Meeting Minutes of September 18, 1990 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - ORD. 90-6 NITRO DEVELOPMENT AUTHORITY (SECOND READING): - Mayor Karnes said this would constitute the second reading on Ordinance 90-6 authorizing the Nitro Development Authority. Councilman at Large Olaf Walker moved Mayor Karnes read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Rusty Casto moved the ordinance be adopted. The motion was seconded. Mayor Karnes asked Council if they had anyone they would like to have on the Board to furnish him the names prior to the next Council Meeting. After a question and answer session, a vote was taken and it was unanimously approved.

ORDINANCE 90-6 ATTACHED.

AGENDA ITEM NO. 3 - GREG HARKINS, PRESIDENT - NITRO/CROSS

LANES JAYCEES: - Mayor Karnes introduced Mr. Harkins, President of the Nitro/Cross Lanes Jaycees co-sponsors of the Haunted Rooms. Mr. Harkins said October 5, was City Council night. He informed they would be opened 16 nights this year instead of 4. He said their goal was to raise \$3,500 to \$5,000 with one half of the funds, less expenses, going to the Recreation Department for children. Mr. Harkins advised they wanted to have a street dance on October 31 for the children and also have a parade blocking

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ORDINANCE 90-6 ATTACHED.

AGENDA ITEM NO. 3 - GREG HARKINS, PRESIDENT - NITRO/CROSS LANES JAYCEES: - Mayor Karnes introduced Mr. Harkins, President of the Nitro/Cross Lanes Jaycees co-sponsors of the Haunted Rooms. Mr. Harkins said October 5, was City Council night. He informed they would be opened 16 nights this year instead of 4. He said their goal was to raise \$3,500 to \$5,000 with one half of the funds, less expenses, going to the Recreation Department for children. Mr. Harkins advised they wanted to have a street dance on October 31 for the children and also have a parade blocking the street from 21st to 19th Streets. Mr. Harkins told Council they wanted to purchase yellow and red, white and blue ribbons for the monument, and also have a Ribbon Day at the intersection of 19th Street and pass ribbons to those interested. Councilman at Large Rusty Casto moved permission be given to the Jaycees to place yellow and red, white and blue ribbons on the monument. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large David Casebolt moved we close the street and authorize the parade as requested by Mr. Harkins in cooperation with the Chief of Police. The motion was seconded. A vote was

taken and it passed with Councilman at Large Rusty Casto abstaining. Councilman at Large Rusty Casto requested we obtain a letter from the insurance company stating the general public would be covered under the City's liability policy. Mr. Long and Mr. Harkins said they checked on this and anything the City is sponsoring, there would be coverage under the liability policy. Councilman at Large Olaf Walker asked Mr. Harkins the manner of payment of the proceeds from the Haunted Rooms. Mr. Harkins said during the street dance, the Mayor and Recreation Director were presented a check, which was used to pay on Christmas Lights for the City.

AGENDA ITEM NO. 4 - POOL REPORT (MR. LONG): - Mayor Karnes yielded this agenda item to the Recreation Director. Jay Long distributed a report of the revenues and expenditures for the period from June 16, through September 3, 1990 at the Nitro City Pool. He reported the revenue over expenditures was \$3,283.00. Councilman at Large David Casebolt said he thought Jay Long did a good job and Councilman Jim Hutchinson and Councilman George Atkins agreed. The report also listed the revenue and expenditures on the Men's Softball League, Putt Putt Golf Course and Ridenour Lake shelter and gazebo rentals. Councilman at Large Olaf Walker moved the report be accepted and made a part of the minutes. The motion was seconded. A vote was taken and it was unanimous.

REPORT ATTACHED.

AGENDA ITEM NO. 5 - ORD. 90-7 - INCREASE PARKING FEES (FIRST READING): - Mayor Karnes introduced Ordinance 90-7 establishing fines for vehicle parking violations. Councilman George Atkins moved the Mayor dispense with the reading of the entire ordinance and read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved the ordinance be passed. The motion was seconded. Councilman at Large David Casebolt stated he thought the fines were too high, and didn't think this would help Nitro. A discussion followed regarding parking while attending a ball game. Councilman at Large David Casebolt said he didn't have a problem with the fees of \$2.00 and \$3.00 parking fines when a person is parked on the sidewalk while attending a ball game, but feels the increases of the fines are excessive. After further discussion, Councilman at Large Rusty Casto moved the question be called. A vote was taken, and it passed with City Recorder Doris G. Carrier and Councilman at Large David Casebolt opposing.

ORDINANCE 90-7 ATTACHED

AGENDA ITEM NO. 6 - CONFIDENCE ELEMENTARY SCHOOL REQUEST: - Councilman at Large Rusty Casto moved the Confidence Elementary School PTA be given permission to solicit for fund raising activities in regard to the school's annual fall carnival scheduled for October 20. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - AMERICAN CANCER SOCIETY: - Mayor Karnes yielded this agenda item to the City Recorder Doris G. Carrier. She advised the Kanawha County Unit of the American Cancer Society requested permission to solicit funds from September 1, 1990 to August 31, 1991 in the Nitro area. They would like to hold Jail-A-Thons, cookie sales, etc. Councilman at Large Rusty Casto moved their request be granted. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - MARCH OF DIMES SNOW-BALL SOFTBALL TOURNAMENT REQUEST: - Members of Council were furnished a copy of a letter from a representative of the March of Dimes which they freely admitted they didn't do anything about reconditioning the ball fields as they assumed they were always reconditioned in the spring anyway. Also, they stated although they didn't recognize field condition as a problem, they do now and will certainly include field restoration on their tournament planning agenda. Councilman at Large Rusty Casto moved we let them use the softball field, but not the senior league field. The motion died for lack of a second. Councilman George Atkins said if it was dry weather, he didn't think it would damage the field, but feels they should make a deposit to take care of the repairs to the field. Councilman at Large David Casebolt agreed. Councilman at Large Olaf Walker suggested a deposit of \$500.00 be made for the restoration to the field. After further discussion, Councilman at Large Olaf Walker moved this matter be referred to the Recreation Committee for their recommendation and report to Council at the next meeting. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 9 - ORDINANCE 90-8 - FLOOD PLAIN: - Mayor Karnes said members of Council were previously furnished a copy of an ordinance which was recommended by the Federal Emergency Management Agency concerning Flood Plain of the City. He explained that according to the cover letter and our Building Inspector, we need to adopt a flood plain ordinance. The one we have is a model ordinance sent from the Federal Emergency Management Agency. Mayor Karnes said the letter stated that failure to prepare and adopt a Flood Plain Ordinance may lead to suspension from participation in the National Flood Insurance Program. He said this would strengthen the Code. After a discussion, Councilman at Large David Casebolt moved the Mayor read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved we approve the ordinance on the first reading. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 90-8 ATTACHED.

AGENDA ITEM NO. 10 - RECREATION COMMITTEE REPORT: - Councilman at Large David Casebolt moved permission be granted to use the Nitro City Pool to store and sell Christmas Trees beginning the last Saturday of November. The purpose of this project is to raise money for the Recreation Department. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 11 - NEW BUSINESS: - Councilman at Large Olaf Walker advised there was a Finance Committee Meeting held October 1, and the next scheduled meeting was October 8, but as this is a holiday, the meeting date will need to be changed. He said he would notify the members of the new date.

Councilman at Large David Casebolt asked if we ever get any resolution on the Hillside Drive case. Mr. Gaujot responded the Judge ruled in favor of Hillside Drive.

Councilman at Large Rusty Casto questioned if a meeting had been scheduled regarding the First Response Contract, and Mayor Karnes said it was suggested a policy be developed along with the contract to determine if we respond to everything. Firefighter Ronnie King said they respond if they are toned or if there is something serious reported over the radio.

Councilman at Large Rusty Casto asked if the Citizen of the Month Award would ever be brought back, and Mayor Karnes responded he wouldn't mind having an Outstanding Citizen Award, but he didn't really approve of the Citizen of the Month. Mayor Karnes said an award should be done on merit and not a timely basis. Councilman at Large Olaf Walker said he agreed with Mayor Karnes, but if it was decided to continue the award, a committee should be formed to select the person receiving the award. Councilman Jim Hutchinson said he thought a Citizen of the Year would be more meaningful, and there would be more time to make the selection. Councilman at Large Olaf Walker said he would like to have all City elected officials and City employees exempt from receiving the award, and Mayor Karnes said there should be some criteria and he didn't think we should eliminate anybody. Councilman at Large David Casebolt suggested we have the Nitro Woman's Club or the Lion's Club come up with a person worthy of receiving the award. After further discussion, it was agreed upon Mayor Karnes would contact the Woman's and Lion's Clubs to ask if they will write the criteria for Councils' approval and also administer the program.

City Recorder Doris G. Carrier informed she attended the Business and Professional Association meeting and three business persons asked if we couldn't enforce the bicycle ordinance regarding not riding on the sidewalks. He said they expressed concern about the safety of patrons coming out of their stores. Also, they complained about speeding on 21st Street at noon by the students. Councilman at Large Rusty Casto informed it wasn't the high school students speeding because Nitro has closed campus. She said she was told by a businessman that a senior citizen was almost hit crossing 21st Street by a student's speeding vehicle. Mayor Karnes said if the parent of the child says he/she can leave the school grounds at noon, then he/she is permitted to leave. Chief Cochran said the police officers are moving to different areas monitoring speed.

City Recorder Doris G. Carrier asked if she was allowed to turn down an application for business. She said it was the association that brings children in and they solicit door-to-door. She said she didn't feel comfortable issuing a permit for this type solicitation. She said we have many senior citizens and they don't appreciate sales people knocking on their door after dark. Mayor Karnes said it was suggested we might want to consider an ordinance that forbids this type of soliciting. Councilman at Large Olaf Walker said he checked with the Department of Labor and this type solicitation is done all over the state. He said he was informed the person in charge of this is acting within the law. It was agreed upon that she could refuse to issue a permit, but they didn't know where it would go from there.

Mr. Shaffer said he came to Council to speak on bicycles. He informed that he was hit twice in four years on the back of the hand by the handlebars. He said he walks from 11th Street to 40th Street to McDonalds and night before last, two kids on bikes zipped around him with no lights. He suggested the officer in charge of the drug program talk to the kids in schools concerning skate board training and bicycle training into his program. Also, if three or four of the kid's parents receive tickets for running the bicycles on the street, word would get around. Chief Cochran informed the officer had two extra evenings, and this could be incorporated a different way. Mr. Shaffer said there are the regular drunks along with strange drunks congregating on Bank Street, and suggested extra patrol on this street.

There being no further business, City Recorder Doris G. Carrier moved the meeting be adjourned at 9:34 p.m. The motion was seconded. A vote was taken and it was unanimous.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

ORDINANCE NO. 90-6

ADOPTED BY COUNCIL October 2, 1990

INTRODUCED IN COUNCIL September 18, 1990

AN ORDINANCE CREATING A NEW OFFICE KNOWN AS THE  
NITRO DEVELOPMENT AUTHORITY.

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

WHEREAS, the City of Nitro is authorized, under Chapter 7, Article 12, Section 1 et seq. of the West Virginia Code of 1931, as amended, to create and establish a public agency to be known as a development authority; and

WHEREAS, it is the desire that the Nitro Development Authority be created to promote, develop and advance the business prosperity and economic welfare of the City of Nitro; to encourage and assist through loans, investments, or other business transactions in the locating of new business and industry within the municipal boundaries of the City of Nitro and to rehabilitate and assist existing businesses and industries within the municipal boundaries of the City of Nitro; to stimulate and promote the expansion of all kinds of business and industrial activity which will tend to advance business and industrial development and maintain the economic stability of the City of Nitro, provide maximum opportunities for employment, encourage thrift and improve the standard of living of the citizens of the City of Nitro; to cooperate and act in conjunction with other organizations, federal, state or local, in the

promotion and advancement of industrial, commercial, agricultural and recreational developments within the City of Nitro; and to furnish money and credit, land and industrial sites, technical assistance and such other aid as may be deemed requisite to approved and deserving applicants for the promotion, development and conduct of all kinds of business activity within the City of Nitro.

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

That the Council of the City of Nitro hereby authorizes the creation and establishment of a public agency to be known as The Nitro Development Authority which shall have the authority to promote, develop and advance the business prosperity and economic welfare of the City of Nitro; to encourage and assist through loans, investments, or other business transactions in the locating of new business and industry within the municipal boundaries of the City of Nitro and to rehabilitate and assist existing businesses and industries within the municipal boundaries of the City of Nitro; to stimulate and promote the expansion of all kinds of business and industrial activity which will tend to advance business and industrial development and maintain the economic stability of the City of Nitro, provide maximum opportunities for employment, encourage thrift and improve the standard of living of the citizens of the City of Nitro;



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Passed on First Reading

September 18, 1990

Adopted on Second Reading

October 2, 1990

Don Kenna  
Mayor

Louis G. Carrier  
City Recorder

NITRO CITY POOL  
JUNE 16, THRU SEPT. 3, 1990  
(OPEN 68 DAYS DURING PERIOD)

REVENUES

SALE OF POOL PASSES	5623.00
75 -FAMILY	4787.00
25 -INDIVIDUAL	735.00
2 -FAMILY - NONRESIDENT	101.00
(16 PASSES FAMILY PASSES SOLD 1/2 PRICE	
8 INDIVIDUAL PASSES SOLD 1/2 PRICE)	
(\$97.00 COLLECTED FOR FAMILIES OF 5 OR MORE)	

POOL PARTIES	710.00
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ADULT SWIM	38.00
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SWIMMING LESSONS	9.00
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DAILY ADMISSIONS	10930.70
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ATTENDANCE	
PERSONS WITH PASSES	4490
PAYING AT GATE	5465
ADULT SWIM	67
CHILDREN ADMITTED FREE	1207
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	11,229

CONCESSIONS	9082.46
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TOTAL REVENUE	\$26,393.16
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EXPENDITURES

POOL

SALARIES	11211.64
SUPPLES	1223.40
CHEMICALS	3548.60

TOTAL POOL EXPENSES ACCRUED	\$15,983.64
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CONCESSIONS

SALARIES	2164.52
FOOD	4706.46
SUPPLIES	255.54

TOTAL CONCESSION EXPENSES ACCRUED	7126.52
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TOTAL EXPESES ACCRUED	\$23,110.16
REVENUE OVER EXPENDITURES	\$ 3,283.00

## MENS SOFTBALL LEAGUE

## REVENUE

LEAGUE ENTRY FEES	3625.00
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## EXPENDITURES

SOFTBALLS, LIME	\$ 642.45
UMPIRES	2040.00
LIGHT REPAIRS	186.00
CHAMPIONSHIP AWARD	600.00

TOTAL EXPENDITURES	3468.40
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REVENUE OVER EXPENDITURES	156.60
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## PUTT PUTT GOLF

## REVENUE

TOTAL PERSON PLAYING 245 (COST \$1.00 EACH)	244.80
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## EXPENDITURES

COURSE RENTAL	61.20
WORKERS	122.40

TOTAL EXPENDITURES	183.60
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REVENUE OVER EXPENDITURES	61.20
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## RIDENOUR LAKE

## REVENUE

GAZEBO RENTALS	1/2 DAY	460.00
	ALL DAY	880.00
LARGE SHELTERS	1/2 DAY	50.00
	ALL DAY	500.00
SMALL SHELTERS	1/2 DAY	30.00
	ALL DAY	40.00

TOTAL REVENUE	1960.00
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MAINTENANCE EXPENSES	158.45
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ORDINANCE # 90-7AN ORDINANCE ESTABLISHING FINES  
FOR VEHICLE PARKING VIOLATIONS


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

BE IT ORDAINED by the City Council of the City of Nitro, West Virginia, fines for vehicular parking violations shall be as follows:

<u>VIOLATION</u>	<u>FINE</u>
( 1) PARKING IN NO PARKING ZONE	\$10.00
( 2) PARKING WITHIN 15 FT. OF FIRE HYDRANT	\$25.00
( 3) PARKING ON SIDEWALK	\$10.00
( 4) UNLAWFUL PARKING IN ALLEY	\$10.00
( 5) DOUBLE PARKING	\$20.00
( 6) OBSTRUCTING TRAFFIC	\$25.00
( 7) OVERTIME PARKING IN MARKED PLACES	\$10.00
( 8) PARKING WITHIN 20 FT. OF INTERSECTION	\$25.00
( 9) BLOCKING DRIVEWAY	\$25.00
(10) UNLAWFUL PARKING IN HANDICAPPED ZONES	\$25.00
(11) BLOCKING INTERSECTION	\$25.00

Passed on First Reading: 2nd day of October, 1990Adopted on Second Reading:            day of                     , 1990

DON KARNES, MAYOR

  
CITY RECORDER

ORDINANCE NO. 90-8

AN ORDINANCE ESTABLISHING A FLOOD PLAIN AREA AND REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR DEVELOPMENT AND THE CONSTRUCTION, SUBSTANTIAL IMPROVEMENT OR RELOCATION OF ANY BUILDING OR STRUCTURE; PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR CONSTRUCTION WITHIN THE FLOOD PLAIN AREA AND SETTING FORTH SPECIAL PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS; AND ESTABLISHING PENALTIES FOR ANY PERSON WHO FAILS TO COMPLY WITH THE REQUIREMENTS OR PROVISION OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED by the \* City of Nitro,  
KANAWHA & PUTNAM County, as follows:

ARTICLE I- GENERAL PROVISIONS

Section 1.1 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health and safety by protecting water supply, sanitary sewage disposal, and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units and its residents, by preventing the unwise design and construction of development in areas subject to flooding.

Section 1.2 Abrogation and Greater Restrictions

This Ordinance supersedes any ordinances currently in effect in flood prone areas. However, any ordinance shall remain in full force and effect to the extent that its provisions are more restrictive.

\* Name of Community

### Section 1.3 Applicability

It shall be unlawful for any person, partnership, business, or corporation to undertake or cause to be undertaken, any development or the new construction, substantial improvement, the placement or relocation of any structure (including manufactured homes) within the Flood Plain Area, unless a permit has been obtained from the Permit Officer. In addition, where land is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a site plan must be submitted to, and approved by, the Permit Officer prior to any development.

Provisions of all other codes, ordinances, and regulations shall be applicable insofar as they are consistent with the provisions of this Ordinance and the community's need to minimize the hazards and damage resulting from flooding.

## ARTICLE II - DEFINITIONS

### Base Flood

The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this Ordinance, the one-hundred (100) year flood.

### Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

### Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

### Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of

streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Ordinance.

Expansion To An Existing Manufactured Home Park Or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood

A general and temporary inundation of normally dry land areas.

Flood Plain

(1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Floodway

The channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without increasing the water surface elevation of that flood more than one foot at any point.

Floodproofing

Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

### Historic Structure

Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - [1] By an approved state program as determined by Secretary of the Interior; or,
  - [2] Directly by the Secretary of the Interior in states without approved programs

### Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.



Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction

Structures for which the Start of Construction as herein defined commenced on or after the effective date of this Ordinance and includes any subsequent improvements to such structures.

New Manufactured Home Park Or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance.

One-Hundred (100) Year Flood

A flood that has one chance in one-hundred or a one percent chance of being equaled or exceeded in any given year.

Person

Any individual or group of individuals, corporation, partnership, association or other entity, including State and local governments and agencies.

Principally Above Ground

Where at least 51 percent of the actual cash value of a structure, less land value, is above ground.

### Recreational Vehicle

A vehicle which is:

- (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

### Start of Construction

For other than new construction or substantial improvements under the Coastal Barrier Resources Act, Pub Law 97-348, includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building."

### Structure

A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the Start of Construction of the improvement. This term includes structures which have incurred "substantial damage", as defined herein, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

ARTICLE III - ESTABLISHMENT OF THE FLOOD PLAIN AREA

## Section 3.1 - Identification

The identified floodplain area shall be those areas of the \* City of Nizno, which are subject to the one hundred (100) year flood, as shown on the Floodway map or Flood Insurance Rate Map (FIRM) and described in the Flood Insurance Study (FIS) prepared for the \* City of NITRA by the Federal Emergency Management Agency (FEMA) dated April 15, 1982, or the most recent revision thereof.

\* Name of Community

### Section 3.2 - Description of Floodplain Areas

The identified floodplain area shall consist of the following three specific areas:

- a. The Floodway area shall be those areas identified as such in the FIS and as shown on the Floodway map or FIRM. The term shall also include floodway areas identified in other studies for the approximated area discussed in section c. below.
- b. The Floodway Fringe area shall be those areas for which specific one hundred (100) year flood elevations have been provided in the FIS but which lie beyond the Floodway area. These areas are shown on the Floodway map or FIRM.
- c. The Approximated area shall be those areas identified as an A Zone on the Floodway map or FIRM included in the FIS prepared by FEMA and for which no one hundred (100) year flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. The \*City of Nitro may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the  
\* \_\_\_\_\_.

### Section 3.3 - Changes in Designation of Area

The delineation of the identified flood plain area may be revised by the \*City of Nitro where natural or man-made changes have occurred and/or more detailed studies

\* Name of Community

conducted or undertaken by the U.S. Army Corps of Engineers, a River Basin Commission or other qualified agency or individual document the necessity for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

#### Section 3.4 - Boundary Disputes

Should a dispute concerning any district boundary arise, an initial determination shall be made by the Permit Officer and any party aggrieved by this decision may appeal to the ~~\*\*Zoning Board Appeals~~ \*\*Zoning Board Appeals. The burden of proof shall be on the appellant.

#### ARTICLE IV - UTILIZATION OF THE FLOODPLAIN AREA

1. In the Floodplain Area any development and/or use of land may be permitted provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained herein and in all other applicable codes, ordinances and regulations.
2. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in the Base Flood Elevation.
3. Whenever a developer intends to alter or relocate a watercourse within the Floodplain Area, the developer shall notify in writing by certified mail all adjacent communities and the State Coordinating Office of all such intended activities prior to any alteration or relocation of the watercourse, and shall submit copies of such notification to the Federal Insurance Administrator. The developer shall also assure \*THE CITY OF VICTOR in writing that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

\*\* Name of Appeals Authority  
\* Name of Community

ARTICLE V - CRITERIA FOR BUILDING AND SITE PLAN APPROVAL

Section 5.1 - General

Building Permits are required in order to determine whether all new construction or substantial improvements are:

- (1) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) constructed with materials and utility equipment resistant to flood damage.
- (3) constructed by methods and practices that minimize flood damage.
- (4) constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Section 5.2 Basic Format

The basic format of the Building Permit shall include the following:

- (1) Name and address of applicant.
- (2) Name and address of owner of land on which proposed construction is to occur.
- (3) Name and address of contractor.
- (4) Site location.
- (5) Brief description of proposed work and estimated cost.
- (6) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

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### Section 5.3 Elevation and Floodproofing Information

Depending on the type of structure involved, the following information shall also be included in the application for work within the Flood Plain Area:

A. For structures to be elevated to the Base Flood Elevation:

- (1) a plan showing the size of the proposed structure and its relation to the lot where it is to be constructed.
- (2) a determination of elevations of the existing ground, proposed finished ground and lowest floor, certified by a Registered Professional Engineer, Surveyor or Architect.
- (3) plans showing the method of elevating the proposed structure, includes details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the Permit Officer, these plans shall be prepared by a Registered Professional Engineer or Architect.
- (4) plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to the Base Flood Elevation at the building site.

B. For structures to be floodproofed to the Base Flood Elevation (nonresidential structures only):

- 1) plans showing details of all floodproofing measures, prepared by a Registered Professional Engineer or Architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
- 2) a determination of elevations of existing ground, proposed finished ground, lowest floor, and floodproofing limits; certified by a Registered Professional Engineer, Surveyor, or Architect.
- 3) a certificate prepared by the registered Professional Engineer or Architect who prepared the plans in 1) above, that the structure in question, together with attendant utility and sanitary facilities is designed so that:

- a. below the Base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water.
- b. the structure will withstand the hydrostatic, hydrodynamic, buoyant, impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the Base Flood.

#### Section 5.4 Site Plan Criteria

The owner or developer of any proposed subdivision, manufactured home park or subdivision or other development shall submit a site plan to the Permit Officer which includes the following information:

- 1) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section.
- 2) A map showing the location of the proposed subdivision and/or development with respect to the municipality's flood plain areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restriction. In addition, it is required that all subdivision proposals and other proposed new developments greater than 50 lots or five (5) acres, whichever is the lesser, shall include base flood elevation data.
- 3) Where the subdivision and/or development lies partially or completely in the flood plain areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two (2) or five (5) feet depending upon the slope of the land and identify accurately the boundaries of the flood plain areas.

### ARTICLE VI - SPECIFIC REQUIREMENTS

#### 6.1 Design and Construction Standards

In order to prevent excessive damage to buildings, structures and related utilities and facilities, the following restrictions



apply to all development, subdivision proposals, manufactured home parks, new construction and to construction of substantial improvements to existing structures occurring in the Flood Plain Area.

A. Basements and Lowest Floors

- 1) All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated to or above the Base Flood Elevation.
- 2) All new construction and substantial improvements of non-residential structures must have the lowest floor (including basement) elevated to or above the Base Flood Elevation; or, together with attendant utility and sanitary facilities, be designed so that below the Base Flood Elevation the structure is floodproofed in accordance with Section 5.3B.
- 3) For all new construction and substantial improvements, those fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - A.) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - B.) The bottom of all openings shall be no higher than one foot above grade.
  - C.) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Manufactured Home Placement

- 1) Manufactured homes to be placed or substantially improved within any floodplain area on sites (a) outside of a manufactured home park or subdivision, (b) in a new manufactured home park or subdivision, (c) in an expansion to an

existing manufactured home park or subdivision or (d) in an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage", as defined herein, as the result of a flood shall:

- A) be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated to or above the Base Flood Elevation and,
  - B) be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement
- 2) Manufactured homes to be placed or substantially improved within any floodplain area in an existing manufactured home park or subdivision and not subject to the provisions of the paragraph above shall be elevated so that either:
- A) the lowest floor of the manufactured home is at or above the Base Flood Elevation. or
  - B) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement

#### C. Recreational Vehicle Placement

- 1) Recreational vehicles to be placed within any floodplain area shall either: (a) be on the site for fewer than 180 consecutive days and (b) be fully licensed and ready for highway use or meet the provisions of Section 6.1 B.1) of this Ordinance. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices, and has no permanently attached additions.

#### D. Fill

If fill is used to raise the finished surface of the lowest floor to the Base Flood Elevation:

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- 1) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For non-residential structures, fill shall be placed to provide access acceptable for intended use. At-grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of twenty-five (25) percent of the perimeter of a non-residential structure.
- 2) Fill shall consist of soil or rock materials only. Sanitary land fills shall not be permitted.
- 3) Fill materials shall be compacted to provide the necessary stability and resistance to erosion, scouring, or settling.
- 4) Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Permit Officer.
- 5) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

#### E. Placement of Buildings

- 1) All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum obstruction effect upon the flow and height of flood water.

#### F. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
2. All air ducts, large pipes and storage tanks located at or below the Base Flood Elevation shall be firmly anchored to resist flotation.

3. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not limited to the over-the-top and frame ties to ground anchors such as the following:
  - a. over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side for manufactured homes less than 50 feet long.
  - b. frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side.
  - c. all components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
  - d. any additions to a manufactured home shall be similarly anchored.

This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

#### G. Storage

No materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal or plant life, shall be stored below Base Flood Elevation.

#### H. Utility and Facility Requirements

- 1) All new or replacement water systems whether public or private, shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- 2) All new or replacement sanitary disposal systems, whether public or private, shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- 3) All other new or replacement public and/or private utilities and facilities shall be located and constructed to minimize or eliminate flood damage.

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- 4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

I. Drainage

Adequate drainage shall be provided to reduce exposure to flood hazard.

ARTICLE VII - ADMINISTRATION

Section 7.1 Building Permits and Site Plan Approvals Required

It shall be unlawful for any person, partnership, business, or corporation to undertake or cause to be undertaken, any development or the new construction, substantial improvement, the placement or relocation of any structure (including manufactured homes) with the Flood Plain Area, unless a permit has been obtained from the Permit Officer. In addition, where land is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a site plan must be submitted to, and approved by, the Permit Officer prior to any development.

Section 7.2 Approval of Permits and Plans

All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of the State and all other applicable codes and ordinances.

The Permit Officer shall require copies of all necessary permits from those governmental agencies from which approval is required by Federal or State Law.

A record of all information supplied to the Permit Officer shall be kept on file by \*The City of Niles.

Section 7.3 Application Procedures

Application for building permit and site plan approvals shall be made, in writing, to the Permit Officer, and shall include all information stipulated under Article V of this Ordinance.

#### Section 7.4 Changes

After the issuance of a building permit or site plan approval by the Permit Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Permit Officer.

#### Section 7.5 Placards

In addition to the building permit, the Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Permit Officer.

#### Section 7.6 Start of Construction

Work on the proposed construction shall begin within six (6) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Permit Officer.

#### Section 7.7 Inspection and Revocation

During the construction period, the Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable laws and ordinances. In the event of Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances or that there has been a false statement or misrepresentation by any applicant, the Permit Officer shall revoke the building permit and report such fact to the \* City of Niles for whatever action it considers necessary.

\* Name of Community

Section 7.8 Fees

Application for a building permit shall be accompanied by a fee, payable to the \* CITY of NITRO, based upon the estimated cost of the proposed construction as determined by the Permit Officer at the following rates:

Estimated Cost

Fee

\$0.00 to \$50.00  
\$51.00 to \$500.00  
\$501.00 to \$1,000.00  
Each additional  
thousand or part thereof.

\$ SEE CITY of NITRO  
\$ BUILDING PERMIT FEE  
\$ SCHEDULE ATT'D.

ARTICLE VIII - APPEALS AND PENALTIES

Section 8.1 Appeals

Whenever any person is aggrieved by a decision of the Permit Officer with respect to the provision of this Ordinance, it is the right of that person to appeal to the \*\* ZONING BOARD OF APPEALS which shall be known as the Appeals Authority. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Permit Officer. Upon receipt of such appeal, the Appeals Authority shall set a time and place not less than ten (10) nor more than thirty (30) days for the purpose of hearing the appeal. Notice of the time and place of the hearing shall be given to all parties at which time they may appear and be heard. The determination by the Appeals Authority shall be final in all cases.

\* Name of Community

\*\* Name of Appeals Authority

## Section 8.2 Appeal Review Criteria

All appeals contesting only the permit fee established by the Permit Officer may be handled at the discretion of the Appeals Authority. All decisions on appeals to all other provisions of this Ordinance shall adhere to the following criteria:

- 1) Affirmative decisions shall only be issued by the Appeals Authority upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the appeal would result in exceptional hardship to the applicant, and (iii) a determination that the granting of an appeal will not result in creased flood heights. additional threats to public safety, extraordinary public expense. create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinance.
- 2) An affirmative decision shall be issued only upon determination that it is the minimum necessary, considering the flood hazard, to afford relief.
- 3) An affirmative decision may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- 4) The Appeals Authority shall notify the applicant in writing over the signature of a community official that (i) the issuance of a decision to allow construction of a structure below the Base Flood Elevation will result in increased premium rates for flood insurance, (ii) such construction below the Base Flood Elevation increases risk to life and property. Such notifications shall be maintained with a record of all decisions as required in paragraph (4) of this section; and
- 5) The Appeals Authority shall (i) maintain a record of all decisions including justification for their issuance, and (ii) report such decisions issued in its biennial report submitted to the Federal Insurance Administration.



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- 6) An affirmative decision shall not be granted for any construction, development, use or activity within any floodway area that would cause any increase in the Base Flood Elevation.

### Section 8.3 Penalties

Any person who fails to comply with any or all of the requirements or provisions of this ordinance or direction of the Permit Officer or any other authorized employee of the community shall be guilty of an offense and, upon conviction, shall pay a fine to the \* City of Nitro of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) plus cost of prosecution. In default of such payment such person shall be imprisoned in county prison for a period not to exceed 10 days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance with this Ordinance or permit it to continue; and all such persons shall be required to correct or remedy such violations or non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in non-compliance with this Ordinance may be declared by the \* City of Nitro to be a public nuisance and abatable as such.

## ARTICLE IX - SEVERABILITY AND MUNICIPAL LIABILITY

### Section 9.1 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

\* Name of Community

Section 9.2 - Municipal Liability

The granting of a permit or approval of a subdivision or development plan in an identified flood-prone area, shall not constitute a representation, guarantee, or warranty of any kind by the \* City of Nitro or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the \* City of Nitro.

ARTICLE X - ENACTMENT

Passed on FIRST READING this the 2nd day of October, 19 90

Passed on SECOND AND FINAL READING this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

\_\_\_\_\_ OF THE \_\_\_\_\_

\_\_\_\_\_ County \_\_\_\_\_

SIGNED: Don Korman

ATTEST:

Alvin H. Carrier



BUILDING PERMITS FEES

For every building where the valuation from \$100.00 up to \$1,000.00....	\$ 7.50
Over \$1,000.00 to \$2,000.00.....	\$15.00
Over \$2,000.00 to \$3,000.00.....	\$19.50
Over \$3,000.00 to \$4,000.00.....	\$24.00
Over \$4,000.00 to \$5,000.00.....	\$28.50
Over \$5,000.00 to \$6,000.00.....	\$33.00
Over \$6,000.00 to \$7,000.00.....	\$37.50
Over \$7,000.00 to \$8,000.00.....	\$42.00
Over \$8,000.00 to \$9,000.00.....	\$46.50
Over \$9,000.00 to \$10,000.00.....	\$51.00
Over \$10,000.00 to \$11,000.00.....	\$55.50
Over \$11,000.00 to \$12,000.00.....	\$60.00
Over \$12,000.00 to \$13,000.00.....	\$64.50
Over \$13,000.00 to \$14,000.00.....	\$69.00
Over \$14,000.00 to \$15,000.00.....	\$73.50
Over \$15,000.00 to \$16,000.00.....	\$77.25
Over \$16,000.00 to \$17,000.00.....	\$81.00
Over \$17,000.00 to \$18,000.00.....	\$84.75
Over \$18,000.00 to \$19,000.00.....	\$88.50
Over \$19,000.00 to \$20,000.00.....	\$92.25
Over \$20,000.00 to \$21,000.00.....	\$96.00
Over \$21,000.00 to \$22,000.00.....	\$99.75
Over \$22,000.00 to \$23,000.00.....	\$103.50
Over \$23,000.00 to \$24,000.00.....	\$107.25
Over \$24,000.00 to \$25,000.00.....	\$111.00
Over \$25,000.00 to \$26,000.00.....	\$114.75
Over \$26,000.00 to \$27,000.00.....	\$118.50
Over \$27,000.00 to \$28,000.00.....	\$122.25
Over \$28,000.00 to \$29,000.00.....	\$126.00
Over \$29,000.00 to \$30,000.00.....	\$129.75
Over \$30,000.00 to \$31,000.00.....	\$133.50
Over \$31,000.00 to \$32,000.00.....	\$137.25
Over \$32,000.00 to \$33,000.00.....	\$141.00
Over \$33,000.00 to \$34,000.00.....	\$144.75
Over \$34,000.00 to \$35,000.00.....	\$148.50
Over \$35,000.00 to \$36,000.00.....	\$152.25
Over \$36,000.00 to \$37,000.00.....	\$156.00
Over \$37,000.00 to \$38,000.00.....	\$159.75
Over \$38,000.00 to \$39,000.00.....	\$163.50
Over \$39,000.00 to \$40,000.00.....	\$167.25
Over \$40,000.00 to \$41,000.00.....	\$171.00
Over \$41,000.00 to \$42,000.00.....	\$174.75
Over \$42,000.00 to \$43,000.00.....	\$178.50
Over \$43,000.00 to \$44,000.00.....	\$182.25
Over \$44,000.00 to \$45,000.00.....	\$186.00
Over \$45,000.00 to \$46,000.00.....	\$189.75
Over \$46,000.00 to \$47,000.00.....	\$193.50
Over \$47,000.00 to \$48,000.00.....	\$197.25
Over \$48,000.00 to \$49,000.00.....	\$201.00
Over \$49,000.00 to \$50,000.00.....	\$204.75

\$50,001.00 to \$100,000.00.....	\$204.75 for the first \$50,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and in- cluding \$100,000.00.
\$100,001.00 to \$500,000.00.....	\$354.75 for the first \$100,000.00 plus \$1.87 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001.00 and up.....	\$1,104.75 for the first \$500,000.00 plus \$1.12 for each additional thousand or fraction thereof.

Moving of Building or Structures

For the moving of any building or structure, the fee shall be  
\$50.00

Demolition of Building of Structures

For the demolition of any building or structure, the fee shall be  
\$25.00

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

When the valuation of the proposed construction exceeds \$1,000.00 a plan is required to be submitted by Section 105.3, a plan-checking fee shall be paid to the Building Official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth in Section 107.4.

CITY OF NITRO  
COUNCIL MEETING MINUTES

OCTOBER 16, 1990

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. Absent were Councilman Robert Young, City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 2, 1990 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Minutes of October 2, 1990 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - BID OPENING (CAN LINERS): - Mayor Karnes yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier advised she received two bids. The first bid opened was from Unijax and for non-transparent bags the price was \$21,736 for 3,200 cases. (\$6.7925 per case). The representative from Unijax informed transparent bags cost more. The bid from Hartley Oil Company was \$7.32 a case. Councilman at Large Olaf Walker moved the bids be accepted and said it appears the bid from Unijax was somewhat lower than the bid from Hartley, but he wanted to refer it to the Finance Committee for their study and to make sure the bids are in proper order. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - WV FEDERATION OF PARENTS: - Mayor Karnes introduced Sandra Kuhns, President of the Kanawha Valley Chapter of Mothers Against Drunk Driving (MADD). She explained the goals of MADD are to reduce the deaths and injuries caused by drunk drivers and to provide support and services to the victims of drunk drivers. She informed they have been monitoring Magistrate Court, and found that some of the laws are not being enforced. She complimented Nitro Police officers for showing up for the hearings as some police officers from other cities do not show up. She distributed material on MADD history and a brochure with information pertaining to MADD along with a membership application.

AGENDA ITEM NO. 4 - ORD. 90-7 - INCREASE PARKING FEES (2ND READING): - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman George Atkins moved the Mayor suspend reading the entire 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 informed this is the second reading of the ordinance. Councilman at Large Olaf Walker moved

the ordinance be approved. The motion was seconded. Councilman at Large David Casebolt furnished members of Council a list of the number of parking tickets that were issued during the last two months. He pointed out that 52 out of 80 tickets were given during the football games. Councilman at Large David Casebolt stated he thought we were taking the wrong approach to handling a parking problem we have had for years, and feels this would make it worse. Councilman at Large Casebolt said he thought a Committee should be formed to study the parking problems before the students are transferred to the Nitro Junior High School building, and also mark off 21st Street. Councilman at Large David Casebolt distributed information on fines charged by Dunbar and St. Albans as compared to Nitro. He said Nitro is higher than the other two on all charges, and in some cases five times higher. After further disucssion, a vote was taken and it passed with City Recorder Doris G. Carrier and Councilman at Large David Casebolt opposing. Councilman at Large Olaf Walker moved the Mayor appoint a new Committee or if he already has a Committee established that could work in this area, that this Committee be instructed to visit with the Board of Education. The motion was seconded. Councilman at Large Rusty Casto said he would contact Mr. McClanahan and report to Council at the next meeting. Mayor Karnes said this could be placed in the Street Lights, Signs and Traffic Flow Committee and Councilman at Large Casto was on this Committee. Councilman at Large Olaf Walker asked if the Mayor would contact the Board and ask them to bring him up-to-date on the plans being made as far as the high school is concerned. A vote was taken for the Committee to be a liaison between the City and school Board, and it was unanimous.

ORDINANCE 90-7 ATTACHED.

AGENDA ITEM NO. 5 - MARCH OF DIMES SNOW-BALL SOFTBALL TOURNAMENT REQUEST: - Mayor Karnes yielded this agenda item to the Recreation Director Jay Long. Mr. Long reported on the meeting of the Recreation Committee addressing the Snow-Ball Softball Tournament, and furnished members of Council a copy of the minutes of this meeting. Councilman at Large David Casebolt moved we accept the recommendation of the Recreation Committee, and a copy of the letter from the March of Dimes be made a part of these minutes. The motion was seconded. Councilman at Large Rusty Casto said the letter stated they have never been criticized, but this is incorrect. He said there has always been a negative impact at the ball park over using the senior league field. Mayor Karnes responded he didn't disagree, but the March of Dimes said in their letter they didn't realize this was a problem. Now they realize it, they will take care of the field. Councilman at Large Rusty Casto said probably around 50 years ago, the field was a swamp and another reason he has been against the tournament is because after around 700 people have been on the field for a weekend, you cannot get back on the field with any heavy equipment until the middle of April thus keeping Nitro

kids from using the field adequately until the middle of April. Councilman at Large Rusty Casto said he voted against allowing the March of Dimes to continue using the City ballfields for their tournament, but he was also the only one at the ball park last year while the games were going on. Councilman at Large David Casebolt said Councilman at Large Casto has probably put in a lot of hours working on the fields, but the March of Dimes stated they did not willfully neglect the field and this item was referred to the Recreation Committee to address and offer their recommendation. Councilman at Large David Casebolt said the field was already a mess with the children playing flag football. Jay Long said we should give the March of Dimes a chance, and if they do not restore the fields, then he would personally ask Council to deny their request next year. After further discussion, a vote was taken and it passed with Councilman at Large Rusty Casto abstaining.

COPY OF LETTER FROM MARCH OF DIMES ATTACHED.

AGENDA ITEM NO. 6 - ORDINANCE 90-8 - FLOOD PLAIN (SECOND READING): - Mayor Karnes said this would constitute the second reading of Ordinance 90-8. Councilman at Large David Casebolt moved the Mayor read the title of the ordinance only. The motion was seconded. Councilman at Large Olaf Walker moved we adopt Ordinance 90-8. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 90-8 ATTACHED.

AGENDA ITEM NO. 7 - SALVATION ARMY: - Mayor Karnes yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier advised the Salvation Army requested permission to put their traditional Christmas Kettles in front of the larger businesses

in Nitro. Councilman at Large Rusty Casto moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM 8 - ROCK BRANCH ELEMENTARY SCHOOL REQUEST: - This agenda item was yielded to the City Recorder. City Recorder Doris G. Carrier advised that Rock Branch Elementary School requested to solicit local businesses for their carnival. The motion was seconded. A vote was taken and it was unanimous.

Councilman Jim Hutchinson moved the meeting be adjourned. The motion was seconded.

Mayor Karnes asked the Recreation Director Jay Long for a calendar report. Jay Long said the calendar will be taken to the printer Monday, they will draft a copy and it will be brought back for proof in about a week. We should receive the finished product around December 15, 1990 or before.

It was reported around \$1,000 has been made for the Recreation Department from the Haunted Rooms. However, this is before expenses.

There being no further business, a vote was taken, it was unanimous and the meeting was adjourned at 8:45 p.m.

Don Karnes  
DON KARNES, MAYOR

Doris G. Carrier  
DORIS G. CARRIER, RECORDER



10-2-90  
Agenda

March of Dimes  
Birth Defects Foundation  
West Virginia State Chapter  
2333 Mac Corkle Avenue, S.W.  
P. O. Box 1446  
St. Albans, West Virginia 25177  
Telephone 304/722-4255



September 28, 1990

Marketersburg Office  
219 Garfield Avenue  
Marketersburg, WV 26101  
04/485-1736

Wheeling Office  
McLain Bldg. - Suite 333  
0 12th Street  
Wheeling, WV 26003  
04/232-6485

Fairmont Office  
24 Fairmont Avenue  
Fairmont, WV 26554  
04/366-9044

Beckley Office  
104 So Oakwood Avenue  
Beckley, WV 25801  
04/255-0922

Mr. Jay Long  
Recreation Director  
City of Nitro  
20th Street and 2nd Avenue  
Nitro, WV 25143

Dear Jay:

When the final out was made; the trophies awarded to the winning team; and the last scrap of trash picked up, we at the March of Dimes believed the 8th Annual March of Dimes Snow-Ball Softball Tournament had made a good, clean hit -- both for the March of Dimes and the City of Nitro. Shortly thereafter, however, the hit appeared to be a foul ball, made so by severe criticism over the torn-up condition of the fields after the tournament.

We freely admit that we did nothing about reconditioning the ball fields -- certainly not for the reason of willful neglect of accepted good housekeeping procedures. Considering the unfortunate aftermath of this year's tourney it may seem like an excuse or alibi but, in the seven previous Snow-Ball Softball Tournaments played on the same fields and frequently under similar weather conditions, we have never been criticized for any failure to restore the fields to their pre-tournament condition. The rationalization has been to the effect that the fields are always reconditioned in the spring anyway.

Regardless of the pros and cons in the above discussion, the fact remains that the March of Dimes Snow-Ball Softball Tournament has always been at home in Nitro and the 750 or so participants have thoroughly enjoyed the fine hospitality of your city. Jay, we want to continue to hold this tourney in Nitro and are asking for permission to stage the Ninth Annual March of Dimes Snow-Ball Softball Tournament in January, 1991.



ORDINANCE # 90-7AN ORDINANCE ESTABLISHING FINES  
FOR VEHICLE PARKING VIOLATIONS

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

BE IT ORDAINED by the City Council of the City of Nitro, West Virginia, fines for vehicular parking violations shall be as follows:

<u>VIOLATION</u>	<u>FINE</u>
( 1 ) PARKING IN NO PARKING ZONE	\$10.00
( 2 ) PARKING WITHIN 15 FT. OF FIRE HYDRANT	\$25.00
( 3 ) PARKING ON SIDEWALK	\$10.00
( 4 ) UNLAWFUL PARKING IN ALLEY	\$10.00
( 5 ) DOUBLE PARKING	\$20.00
( 6 ) OBSTRUCTING TRAFFIC	\$25.00
( 7 ) OVERTIME PARKING IN MARKED PLACES	\$10.00
( 8 ) PARKING WITHIN 20 FT. OF INTERSECTION	\$25.00
( 9 ) BLOCKING DRIVEWAY	\$25.00
(10) UNLAWFUL PARKING IN HANDICAPPED ZONES	\$25.00
(11) BLOCKING INTERSECTION	\$25.00

Passed on First Reading: 2nd day of October, 1990

Adopted on Second Reading: 16th day of October, 1990

  
DON KARNES, MAYOR

  
CITY RECORDER

## ORDINANCE NO. 90-8

AN ORDINANCE ESTABLISHING A FLOOD PLAIN AREA AND REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR DEVELOPMENT AND THE CONSTRUCTION, SUBSTANTIAL IMPROVEMENT OR RELOCATION OF ANY BUILDING OR STRUCTURE; PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR CONSTRUCTION WITHIN THE FLOOD PLAIN AREA AND SETTING FORTH SPECIAL PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS; AND ESTABLISHING PENALTIES FOR ANY PERSON WHO FAILS TO COMPLY WITH THE REQUIREMENTS OR PROVISION OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED by the \* City of Nitro  
KANAWHA & PUTNAM County, as follows:

ARTICLE I- GENERAL PROVISIONS

## Section 1.1 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health and safety by protecting water supply, sanitary sewage disposal, and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units and its residents, by preventing the unwise design and construction of development in areas subject to flooding.

## Section 1.2 Abrogation and Greater Restrictions

This Ordinance supersedes any ordinances currently in effect in flood prone areas. However, any ordinance shall remain in full force and effect to the extent that its provisions are more restrictive.

\* Name of Community

### Section 1.3 Applicability

It shall be unlawful for any person, partnership, business, or corporation to undertake or cause to be undertaken, any development or the new construction, substantial improvement, the placement or relocation of any structure (including manufactured homes) within the Flood Plain Area, unless a permit has been obtained from the Permit Officer. In addition, where land is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a site plan must be submitted to, and approved by, the Permit Officer prior to any development.

Provisions of all other codes, ordinances, and regulations shall be applicable insofar as they are consistent with the provisions of this Ordinance and the community's need to minimize the hazards and damage resulting from flooding.

## ARTICLE II - DEFINITIONS

### Base Flood

The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this Ordinance, the one-hundred (100) year flood.

### Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

### Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

### Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of

streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Ordinance.

Expansion To An Existing Manufactured Home Park Or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood

A general and temporary inundation of normally dry land areas.

Flood Plain

(1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Floodway

The channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without increasing the water surface elevation of that flood more than one foot at any point.

Floodproofing

Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

### Historic Structure

Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - [1] By an approved state program as determined by Secretary of the Interior; or,
  - [2] Directly by the Secretary of the Interior in states without approved programs

### Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction

Structures for which the Start of Construction as herein defined commenced on or after the effective date of this Ordinance and includes any subsequent improvements to such structures.

New Manufactured Home Park Or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance.

One-Hundred (100) Year Flood

A flood that has one chance in one-hundred or a one percent chance of being equaled or exceeded in any given year.

Person

Any individual or group of individuals, corporation, partnership, association or other entity, including State and local governments and agencies.

Principally Above Ground

Where at least 51 percent of the actual cash value of a structure, less land value, is above ground.



### Recreational Vehicle

A vehicle which is:

- (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

### Start of Construction

For other than new construction or substantial improvements under the Coastal Barrier Resources Act, Pub Law 97-348, includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building."

### Structure

A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the Start of Construction of the improvement. This term includes structures which have incurred "substantial damage", as defined herein, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

ARTICLE III - ESTABLISHMENT OF THE FLOOD PLAIN AREASection 3.1 - Identification

The identified floodplain area shall be those areas of the \* City of Nixa, which are subject to the one hundred (100) year flood, as shown on the Floodway map or Flood Insurance Rate Map (FIRM) and described in the Flood Insurance Study (FIS) prepared for the \* City of Nixa by the Federal Emergency Management Agency (FEMA) dated April 15, 1982, or the most recent revision thereof.

\* Name of Community

### Section 3.2 - Description of Floodplain Areas

The identified floodplain area shall consist of the following three specific areas:

- a. The Floodway area shall be those areas identified as such in the FIS and as shown on the Floodway map or FIRM. The term shall also include floodway areas identified in other studies for the approximated area discussed in section c. below.
- b. The Floodway Fringe area shall be those areas for which specific one hundred (100) year flood elevations have been provided in the FIS but which lie beyond the Floodway area. These areas are shown on the Floodway map or FIRM.
- c. The Approximated area shall be those areas identified as an A Zone on the Floodway map or FIRM included in the FIS prepared by FEMA and for which no one hundred (100) year flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. The \*City of Natick may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the

\* \_\_\_\_\_.

### Section 3.3 - Changes in Designation of Area

The delineation of the identified flood plain area may be revised by the \*City of Natick where natural or man-made changes have occurred and/or more detailed studies

\* Name of Community

conducted or undertaken by the U.S. Army Corps of Engineers, a River Basin Commission or other qualified agency or individual document the necessity for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

#### Section 3.4 - Boundary Disputes

Should a dispute concerning any district boundary arise, an initial determination shall be made by the Permit Officer and any party aggrieved by this decision may appeal to the ~~\*\*LOCAL BOARD OF APPEALS~~ The burden of proof shall be on the appellant.

#### ARTICLE IV - UTILIZATION OF THE FLOODPLAIN AREA

1. In the Floodplain Area any development and/or use of land may be permitted provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained herein and in all other applicable codes, ordinances and regulations.
2. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in the Base Flood Elevation.
3. Whenever a developer intends to alter or relocate a watercourse within the Floodplain Area, the developer shall notify in writing by certified mail all adjacent communities and the State Coordinating Office of all such intended activities prior to any alteration or relocation of the watercourse, and shall submit copies of such notification to the Federal Insurance Administrator. The developer shall also assure ~~\*THE CITY OF ALBERTA~~ in writing that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

\*\* Name of Appeals Authority  
 \* Name of Community

## ARTICLE V - CRITERIA FOR BUILDING AND SITE PLAN APPROVAL

### Section 5.1 - General

Building Permits are required in order to determine whether all new construction or substantial improvements are:

- (1) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) constructed with materials and utility equipment resistant to flood damage.
- (3) constructed by methods and practices that minimize flood damage.
- (4) constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

### Section 5.2 Basic Format

The basic format of the Building Permit shall include the following:

- (1) Name and address of applicant.
- (2) Name and address of owner of land on which proposed construction is to occur.
- (3) Name and address of contractor.
- (4) Site location.
- (5) Brief description of proposed work and estimated cost.
- (6) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

### Section 5.3 Elevation and Floodproofing Information

Depending on the type of structure involved, the following information shall also be included in the application for work within the Flood Plain Area:

A. For structures to be elevated to the Base Flood Elevation:

- (1) a plan showing the size of the proposed structure and its relation to the lot where it is to be constructed.
- (2) a determination of elevations of the existing ground, proposed finished ground and lowest floor, certified by a Registered Professional Engineer, Surveyor or Architect.
- (3) plans showing the method of elevating the proposed structure, includes details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the Permit Officer, these plans shall be prepared by a Registered Professional Engineer or Architect.
- (4) plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to the Base Flood Elevation at the building site.

3. For structures to be floodproofed to the Base Flood Elevation (nonresidential structures only):

- 1) plans showing details of all floodproofing measures, prepared by a Registered Professional Engineer or Architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
- 2) a determination of elevations of existing ground, proposed finished ground, lowest floor, and floodproofing limits; certified by a Registered Professional Engineer, Surveyor, or Architect.
- 3) a certificate prepared by the registered Professional Engineer or Architect who prepared the plans in 1) above, that the structure in question, together with attendant utility and sanitary facilities is designed so that:

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- a. below the Base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water.
- b. the structure will withstand the hydrostatic, hydrodynamic, buoyant, impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the Base Flood.

#### Section 5.4 Site Plan Criteria

The owner or developer of any proposed subdivision, manufactured home park or subdivision or other development shall submit a site plan to the Permit Officer which includes the following information:

- 1) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section.
- 2) A map showing the location of the proposed subdivision and/or development with respect to the municipality's flood plain areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restriction. In addition, it is required that all subdivision proposals and other proposed new developments greater than 50 lots or five (5) acres, whichever is the lesser, shall include base flood elevation data.
- 3) Where the subdivision and/or development lies partially or completely in the flood plain areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two (2) or five (5) feet depending upon the slope of the land and identify accurately the boundaries of the flood plain areas.

#### ARTICLE VI - SPECIFIC REQUIREMENTS

##### 6.1 Design and Construction Standards

In order to prevent excessive damage to buildings, structures and related utilities and facilities, the following restrictions

apply to all development, subdivision proposals, manufactured home parks, new construction and to construction of substantial improvements to existing structures occurring in the Flood Plain Area.

A. Basements and Lowest Floors

- 1) All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated to or above the Base Flood Elevation.
- 2) All new construction and substantial improvements of non-residential structures must have the lowest floor (including basement) elevated to or above the Base Flood Elevation; or, together with attendant utility and sanitary facilities, be designed so that below the Base Flood Elevation the structure is floodproofed in accordance with Section 5.3B.
- 3) For all new construction and substantial improvements, those fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - A.) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - B.) The bottom of all openings shall be no higher than one foot above grade.
  - C.) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Manufactured Home Placement

- 1) Manufactured homes to be placed or substantially improved within any floodplain area on sites (a) outside of a manufactured home park or subdivision, (b) in a new manufactured home park or subdivision, (c) in an expansion to an



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existing manufactured home park or subdivision or (d) in an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage", as defined herein, as the result of a flood shall:

- A) be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated to or above the Base Flood Elevation and,
  - B) be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement
- 2) Manufactured homes to be placed or substantially improved within any floodplain area in an existing manufactured home park or subdivision and not subject to the provisions of the paragraph above shall be elevated so that either:
- A) the lowest floor of the manufactured home is at or above the Base Flood Elevation, or
  - B) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement

#### C. Recreational Vehicle Placement

- 1) Recreational vehicles to be placed within any floodplain area shall either: (a) be on the site for fewer than 180 consecutive days and (b) be fully licensed and ready for highway use or meet the provisions of Section 6.1 B.1) of this Ordinance. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices, and has no permanently attached additions.

#### D. Fill

If fill is used to raise the finished surface of the lowest floor to the Base Flood Elevation:

- 1) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For non-residential structures, fill shall be placed to provide access acceptable for intended use. At-grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of twenty-five (25) percent of the perimeter of a non-residential structure.
- 2) Fill shall consist of soil or rock materials only. Sanitary land fills shall not be permitted.
- 3) Fill materials shall be compacted to provide the necessary stability and resistance to erosion, scouring, or settling.
- 4) Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Permit Officer.
- 5) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

#### E. Placement of Buildings

- 1) All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum obstruction effect upon the flow and height of flood water.

#### F. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
2. All air ducts, large pipes and storage tanks located at or below the Base Flood Elevation shall be firmly anchored to resist flotation.

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3. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not limited to the over-the-top and frame ties to ground anchors such as the following:
  - a. over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side for manufactured homes less than 50 feet long.
  - b. frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side.
  - c. all components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
  - d. any additions to a manufactured home shall be similarly anchored.

This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

#### G. Storage

No materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal or plant life, shall be stored below Base Flood Elevation.

#### H. Utility and Facility Requirements

- 1) All new or replacement water systems whether public or private, shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- 2) All new or replacement sanitary disposal systems, whether public or private, shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- 3) All other new or replacement public and/or private utilities and facilities shall be located and constructed to minimize or eliminate flood damage.

- 4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

I. Drainage

Adequate drainage shall be provided to reduce exposure to flood hazard.

ARTICLE VII - ADMINISTRATION

Section 7.1 Building Permits and Site Plan Approvals Required

It shall be unlawful for any person, partnership, business, or corporation to undertake or cause to be undertaken, any development or the new construction, substantial improvement, the placement or relocation of any structure (including manufactured homes) with the Flood Plain Area, unless a permit has been obtained from the Permit Officer. In addition, where land is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a site plan must be submitted to, and approved by, the Permit Officer prior to any development.

Section 7.2 Approval of Permits and Plans

All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of the State and all other applicable codes and ordinances.

The Permit Officer shall require copies of all necessary permits from those governmental agencies from which approval is required by Federal or State Law.

A record of all information supplied to the Permit Officer shall be kept on file by \*THE City of ALTA.

Section 7.3 Application Procedures

Application for building permit and site plan approvals shall be made, in writing, to the Permit Officer, and shall include all information stipulated under Article V of this Ordinance.

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#### Section 7.4 Changes

After the issuance of a building permit or site plan approval by the Permit Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Permit Officer.

#### Section 7.5 Placards

In addition to the building permit, the Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Permit Officer.

#### Section 7.6 Start of Construction

Work on the proposed construction shall begin within six (6) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Permit Officer.

#### Section 7.7 Inspection and Revocation

During the construction period, the Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable laws and ordinances. In the event of Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances or that there has been a false statement or misrepresentation by any applicant, the Permit Officer shall revoke the building permit and report such fact to the \* City of Niles for whatever action it considers necessary.

\* Name of Community

Section 7.8 Fees

Application for a building permit shall be accompanied by a fee, payable to the \* City of Nitro, based upon the estimated cost of the proposed construction as determined by the Permit Officer at the following rates:

Estimated CostFee

\$0.00 to \$50.00  
 \$51.00 to \$500.00  
 \$501.00 to \$1,000.00  
 Each additional  
 thousand or part thereof.

\$ SEE City of Nitro  
 \$ Building Permit Fee  
 \$ SCHEDULE ATT'D.

ARTICLE VIII - APPEALS AND PENALTIESSection 8.1 Appeals

Whenever any person is aggrieved by a decision of the Permit Officer with respect to the provision of this Ordinance, it is the right of that person to appeal to the \*\* Building Board of Appeals which shall be known as the Appeals Authority. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Permit Officer. Upon receipt of such appeal, the Appeals Authority shall set a time and place not less than ten (10) nor more than thirty (30) days for the purpose of hearing the appeal. Notice of the time and place of the hearing shall be given to all parties at which time they may appear and be heard. The determination by the Appeals Authority shall be final in all cases.

\* Name of Community

\*\* Name of Appeals Authority

## Section 8.2 Appeal Review Criteria

All appeals contesting only the permit fee established by the Permit Officer may be handled at the discretion of the Appeals Authority. All decisions on appeals to all other provisions of this Ordinance shall adhere to the following criteria:

- 1) Affirmative decisions shall only be issued by the Appeals Authority upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the appeal would result in exceptional hardship to the applicant, and (iii) a determination that the granting of an appeal will not result in creased flood heights. additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinance.
- 2) An affirmative decision shall be issued only upon determination that it is the minimum necessary, considering the flood hazard, to afford relief.
- 3) An affirmative decision may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- 4) The Appeals Authority shall notify the applicant in writing over the signature of a community official that (i) the issuance of a decision to allow construction of a structure below the Base Flood Elevation will result in increased premium rates for flood insurance, (ii) such construction below the Base Flood Elevation increases risk to life and property. Such notifications shall be maintained with a record of all decisions as required in paragraph (4) of this section; and
- 5) The Appeals Authority shall (i) maintain a record of all decisions including justification for their issuance, and (ii) report such decisions issued in its biennial report submitted to the Federal Insurance Administration.

- 6) An affirmative decision shall not be granted for any construction, development, use or activity within any floodway area that would cause any increase in the Base Flood Elevation.

### Section 8.3 Penalties

Any person who fails to comply with any or all of the requirements or provisions of this ordinance or direction of the Permit Officer or any other authorized employee of the community shall be guilty of an offense and, upon conviction, shall pay a fine to the \* City of Nitro of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) plus cost of prosecution. In default of such payment such person shall be imprisoned in county prison for a period not to exceed 10 days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance with this Ordinance or permit it to continue; and all such persons shall be required to correct or remedy such violations or non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in non-compliance with this Ordinance may be declared by the \* City of Nitro to be a public nuisance and abatable as such.

## ARTICLE IX - SEVERABILITY AND MUNICIPAL LIABILITY

### Section 9.1 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

\* Name of Community



Section 9.2 - Municipal Liability

The granting of a permit or approval of a subdivision or development plan in an identified flood-prone area, shall not constitute a representation, guarantee, or warranty of any kind by the \* City of Nitro or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the \* City of Nitro.

ARTICLE X - ENACTMENT

Passed on FIRST READING this the 2nd day of October, 19 90

Passed on SECOND AND FINAL READING this 16th day of October 1990.

\_\_\_\_\_  
MAYOR OF THE CITY OF NITRO  
\_\_\_\_\_  
PUTNAM/KANAWHA County WV

SIGNED: Don Harris

ATTEST:

Louis G. Carrier



DON KARNES  
MAYOR

# BUILDING PERMITS FEES

For every building where the valuation from \$100.00 up to \$1,000.00.....		\$ 7.50
Over \$1,000.00 to \$2,000.00.....		\$15.00
Over \$2,000.00 to \$3,000.00.....		\$19.50
Over \$3,000.00 to \$4,000.00.....		\$24.00
Over \$4,000.00 to \$5,000.00.....		\$28.50
Over \$5,000.00 to \$6,000.00.....		\$33.00
Over \$6,000.00 to \$7,000.00.....		\$37.50
Over \$7,000.00 to \$8,000.00.....		\$42.00
Over \$8,000.00 to \$9,000.00.....		\$46.50
Over \$9,000.00 to \$10,000.00.....		\$51.00
Over \$10,000.00 to \$11,000.00.....		\$55.50
Over \$11,000.00 to \$12,000.00.....		\$60.00
Over \$12,000.00 to \$13,000.00.....		\$64.50
Over \$13,000.00 to \$14,000.00.....		\$69.00
Over \$14,000.00 to \$15,000.00.....		\$73.50
Over \$15,000.00 to \$16,000.00.....		\$77.25
Over \$16,000.00 to \$17,000.00.....		\$81.00
Over \$17,000.00 to \$18,000.00.....		\$84.75
Over \$18,000.00 to \$19,000.00.....		\$88.50
Over \$19,000.00 to \$20,000.00.....		\$92.25
Over \$20,000.00 to \$21,000.00.....		\$96.00
Over \$21,000.00 to \$22,000.00.....		\$99.75
Over \$22,000.00 to \$23,000.00.....		\$103.50
Over \$23,000.00 to \$24,000.00.....		\$107.25
Over \$24,000.00 to \$25,000.00.....		\$111.00
Over \$25,000.00 to \$26,000.00.....		\$114.75
Over \$26,000.00 to \$27,000.00.....		\$118.50
Over \$27,000.00 to \$28,000.00.....		\$122.25
Over \$28,000.00 to \$29,000.00.....		\$126.00
Over \$29,000.00 to \$30,000.00.....		\$129.75
Over \$30,000.00 to \$31,000.00.....		\$133.50
Over \$31,000.00 to \$32,000.00.....		\$137.25
Over \$32,000.00 to \$33,000.00.....		\$141.00
Over \$33,000.00 to \$34,000.00.....		\$144.75
Over \$34,000.00 to \$35,000.00.....		\$148.50
Over \$35,000.00 to \$36,000.00.....		\$152.25
Over \$36,000.00 to \$37,000.00.....		\$156.00
Over \$37,000.00 to \$38,000.00.....		\$159.75
Over \$38,000.00 to \$39,000.00.....		\$163.50
Over \$39,000.00 to \$40,000.00.....		\$167.25
Over \$40,000.00 to \$41,000.00.....		\$171.00
Over \$41,000.00 to \$42,000.00.....		\$174.75
Over \$42,000.00 to \$43,000.00.....		\$178.50
Over \$43,000.00 to \$44,000.00.....		\$182.25
Over \$44,000.00 to \$45,000.00.....		\$186.00
Over \$45,000.00 to \$46,000.00.....		\$189.75
Over \$46,000.00 to \$47,000.00.....		\$193.50
Over \$47,000.00 to \$48,000.00.....		\$197.25
Over \$48,000.00 to \$49,000.00.....		\$201.00
Over \$49,000.00 to \$50,000.00.....		\$204.75

\$50,001.00 to \$100,000.00.....	\$204.75 for the first \$50,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00.....	\$354.75 for the first \$100,000.00 plus \$1.87 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001.00 and up.....	\$1,104.75 for the first \$500,000.00 plus \$1.12 for each additional thousand or fraction thereof.

Moving of Building or Structures

For the moving of any building or structure, the fee shall be \$50.00

Demolition of Building of Structures

For the demolition of any building or structure, the fee shall be \$25.00

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

When the valuation of the proposed construction exceeds \$1,000.00 a plan is required to be submitted by Section 105.3, a plan-checking fee shall be paid to the Building Official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth in Section 107.4.

CITY OF NITRO  
COUNCIL MEETING MINUTES

NOVEMBER 6, 1990

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 Olaf Walker, Councilman at Large David Casebolt, Councilwoman Betty Jo Boggess and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent were Councilman at Large Rusty Casto, Councilman Robert Young and Councilman George Atkins.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 16, 1990 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the minutes of the October 16, 1990, Council Meeting be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - APPOINTMENTS TO THE NITRO DEVELOPMENT AUTHORITY: - Mayor Karnes furnished Council a list of names with the term of their appointment that he recommends appointed to the Nitro Development Authority. They are as follows:

Max Galloway (1)	Jewell McClanahan (1)
Don Karnes (1)	Wayne Shafer (1)
John Santrock (2)	Preston Russell (2)
Lawrence Hill (2)	O. C. Sanders (2)
Robert White (3)	James Lemon (3)
Yvonne Murray (3)	Martha Bailey (3)

Councilman at Large David Casebolt moved the appointees be approved as suggested by Mayor Karnes. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 3 - NITRO/CROSS LANES JAYCEES: - Mayor Karnes introduced Greg Harkins, President of the Nitro/Cross Lanes Jaycees to report on the Haunted Rooms. Mr. Harkins introduced Jason Graves, President of the newest team organization in Nitro called the Nitro/Cross Lanes Jayteens. He said they couldn't be Jaycees due to the age limit. He reported they had 60 kids working at the Haunted Rooms, and they will be working on the Christmas float for Santa Claus. Mr. Harkins gave Council an expense and income report, and presented Mayor Karnes and Mr. Long, Director of Recreation a check in the amount of \$1,250 which represented one half of the proceeds from the Haunted Rooms. Councilman Jim Hutchinson commented he thought this group should be commended and Councilman at Large David Casebolt agreed. Also, he mentioned that when he drove by the building, Jay was there working and needed to be commended also. Mr. Harkins said the kids should be the ones commended, and everyone agreed. Councilman at Large Olaf Walker moved the

report be made a part of the minutes and suggested the Mayor write the Jaycees a letter commending them for their work in the Haunted Rooms, and express the City's appreciation for the \$1,250.00. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Olaf Walker said he would like for the Recreation Committee to make suggestions how they want to spend the \$1,250.00 and come back to Council. He said he didn't think Council had a lot to say about this, but feels it would be proper for the Committee to notify Council.

REPORT ATTACHED.

AGENDA ITEM NO. 4 - REPORT ON SENIOR CITIZENS: - Mayor Karnes yielded this agenda item to Mr. Bob White. Mr. White reported the Nitro Senior Citizens would move from the Presbyterian Church to a site of their own on Bank Street probably November 17, thanks to all the volunteers. He said what he can gather from the Community Council on Aging, the enthusiasm and participation has almost doubled since the announcement several weeks ago that this move was going to take place. He said the work was done by all volunteer labor, and invited the members of Council to stop by.

Councilman Jim Hutchinson said he had two cards for Lt. Blankenship, and would like to have Council sign and then leave them in the Police Station for the policemen's signature.

Mayor Karnes advised Mr. Gaujot had an update on the case brought by Fred Sampson and other residents on Hillside Drive against the City and Hack's Mobile Home. Mr. Gaujot reported the Court ruled in favor of the residents of Hillside Drive and enjoined permanently Hack's Mobile Homes from using that property in such a manner as to violate the Zoning Ordinance of the City of Nitro. He said the Court ruled that the B-1 zoning area only went back to where the reported alley was on the map. In addition to enjoining Hack's, the Court ordered and directed the City enforce our Zoning Ordinance in accordance with the Court's rule. Mr. Gaujot informed that we must appeal the decision of the Court or we have to notify Hack's he is in violation of the Zoning Ordinance as the Court has interrupted. Mr. Gaujot said his personal opinion is that the Court is wrong, but the only way we can determine this is if an appeal is taken. Mr. Gaujot advised he spoke with Mr. McKittrick, the attorney for Hack's, and he indicated he was taking an appeal for Hack's. Councilman at Large David Casebolt asked how this ruling affected Peoples Federal Credit Union, and Mr. Gaujot answered Mr. Parrish McKittrick told him that he was going to sue the City because we gave Hack's a permit to put the mobile home there. He said this would be a different suit, but it is a problem. If we enforce the ordinance, the Credit Union is in the same position as Hack's. Part of their building is in R-1 and part on B-1. Councilman at Large David Casebolt said the building wasn't on

the alleyway, but they have a parking lot there. Mr. Gaujot said a decision has to be made whether we will appeal, and if we don't prevail he fully anticipates Hack's will sue the City.

Councilman at Large David Casebolt said the Recreation Committee met, and they are organizing a basketball league and questioned if the children would be covered under the City's insurance. The City Attorney suggested the insurance agent be contacted. Mr. Long said it was run by the Recreation Department in the past and it was covered by the City's insurance plan at that time. Mayor Karnes said he didn't see anything wrong with this, and feels it would be a function of the Recreation Department.

Councilman Jim Hutchinson said he thought there should be better communication between Council. He suggested that in the event of illness or a death in the family of members of Council, the police department or the Mayor's secretary be notified so the information could be passed on to other members of Council.

Councilman Jim Hutchinson said people have been talking to Councilman George Atkins about the mess the geese and ducks are making at the lake. He asked if signs could be put up stating not to feed the ducks and geese, and if the Department of Natural Resources could take some of them elsewhere. Mayor Karnes informed DNR have taken some of the ducks to another site, but they come back because people feed them, and we could post signs.

City Recorder Doris G. Carrier asked if the insurance had been increased at the Library since the new addition. Mayor Karnes responded he wasn't sure.

Councilman at Large Olaf Walker asked if Gene Williams would take a couple of the street signs we now have and change it anyway he thinks would be more visible, such as paint the entire sign black and put the letters in white or leave as is and paint the letters white. Also, furnish prices on metal signs like we used to have if he has any.

Councilman at Large David Casebolt moved the meeting be adjourned. The motion was seconded. A vote taken and it was unanimous and the meeting was adjourned at 8:20 p.m.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

## THE HAUNTED ROOMS 1990

## EXPENSES

Date	Person or Company	Description of Expense	Amount
10/06/90	Greg	Snacks	13.53
10/07/90	Greg	Kmart	82.45
10/07/90	Vi	Snacks	5.06
10/07/90	Aliza	Make-up	20.00
10/09/90	Casto Hardware	Paint	35.97
10/09/90	Greg	Make-up	92.00
10/12/90	Fas-Chek	Cookies & Cake	8.00
10/12/90	McDonalds	Hamburgers	23.00
10/13/90	Greg	Drinks (pop)	17.18
10/15/90	Sams	Supplies	24.16
10/18/90	Fas-Chek	Pizza Rolls	14.47
10/18/90	Rich Oil	Gas	14.00
10/19/90	Nitro Lock & Key	New Locks	5.00
10/19/90	Nitro Supermarket	Drinks (pop)	8.40
10/19/90	Dominoes Pizza	Pizza	20.00
10/21/90	Fas-Chek	Kool-Aid	9.01
10/21/90	SuperAmerica	Gas	2.30
10/25/90	Dairy Queen	Hot Dogs	9.00
10/26/90	Nitro Supermarket	Cookies	8.11
10/26/90	Rich Oil	Gas	5.00
10/26/90	Fas-Chek	Kool-Aid & Brownies	15.05
10/26/90	Nitro Supermarket	Cookies	3.43
10/27/90	Sams	Candy	36.93
10/28/90	Pizza Hut	Pizzas	31.80
10/28/90	Nitro Supermarket	Drinks	6.30
10/28/90	Rich Oil	Gas	14.00
10/29/90	Sams	Candy	25.79
11/90	Virginia Welding	Dry Ice	120.00(*)
11/90	Sanitary Company	Port-A-Jon	75.00(*)
11/90	Ginos	Volunteer's Party (Kids)	300.00(*)

TOTAL EXPENSES

1,044.94

(\*) Estimated Cost

## THE HAUNTED ROOMS 1990

## INCOME

Date	Number of Tickets	Amount
10/05/90	81	101.30
10/06/90	88	114.91
10/07/90	111	159.25
10/12/90	140	219.93
10/13/90	146	226.42
10/14/90	96	114.41
10/19/90	192	282.35
10/20/90	226	315.13
10/21/90	64	108.25
10/25/90	59	89.41
10/26/90	203	301.69
10/27/90	316	516.50
10/28/90	263	401.67
10/29/90	162	206.80
10/30/90	185	235.30
10/31/90	133	141.00
 TOTAL TICKETS	 2,465	  TOTAL INCOME
		3,534.32



## THE HAUNTED ROOMS 1990

## FINAL FIGURES FOR 1990

TOTAL DAYS OPEN	16
TOTAL NUMBER OF TICKETS SOLD	2,465
TOTAL INCOME	3,534.32
TOTAL EXPENSES	1,044.94
NET PROFIT	2,489.38
AVERAGE GATE PER NIGHT	220.90
AVERAGE COST PER VISITOR	1.43
AVERAGE NUMBER OF TICKETS SOLD PER NIGHT	154

\*\*\*\*\*

TOTAL TO THE CITY OF NITRO RECREATION DEPARTMENT (CHECK# 176)	1,250.00
TOTAL TO NITRO-CROSS LANES JAYCEES	1,239.38
NET DIFFERENCE BETWEEN CITY AND JAYCEES	10.62

\*\*\*\*\*

## 1990 COMPARISON TO SAME 4 DAYS AS 1989

\*\*\*\*\*

1989 NET PROFIT	750.00
1989 TOTAL TICKETS SOLD	853
1989 TOTAL DAYS OPEN	4
1990 NET PROFIT	1,260.29
1990 TOTAL TICKETS SOLD	866
1990 TOTAL DAYS OPEN	16

\*\*\*\*\*

CITY OF NITRO  
COUNCIL MEETING MINUTES

NOVEMBER 20, 1990

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 Doris G. Carrier, Councilman at Large Rusty Casto, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present was City Treasurer Ralph Allison. Absent were Councilman at Large Olaf Walker, Councilman at Large David Casebolt and City Attorney Phillip D. Gaujot.

AGENDA ITEM NO. 1 - COUNCIL MEETING MINUTES OF NOVEMBER 6, 1990: - Councilman Robert Young moved the Minutes of November 6, 1990 be approved. The motion was seconded. A vote was taken and the Minutes were unanimously approved.

Councilman George Atkins asked if they had come up with anything to improve visibiliy regarding present street signs, and Mayor Karnes responded they just had ideas at this time.

AGENDA ITEM NO. 2 - ORD. 90-9 - AUTHORIZING LOAN AGREEMENT - NITRO SANITARY BOARD: - Mayor Karnes introduced Ordinance 90-9, and advised the Treasurer of the Nitro Sanitary Board would be at the next meeting to answer any questions. Councilman at Large Rusty Casto moved the Mayor read the title only of Ordinance 90-9. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Rusty Casto moved the ordinance be approved. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 90-9 ATTACHED.

AGENDA ITEM NO. 3 - PROCLAMATION 90-2 - LIBRARY WEEK (12/3 - 12/9): - Mayor Karnes yielded this agenda item to Mr. John Santrock, a Board Member of the Library. Mr. Santrock informed this was the 26th anniversary of the Nitro Public Library. He said he hoped all members of Council would visit the Library during the week of December 3 through 9, and hopefully they would be able to be present at the reception December 9 from 2 until 5 p.m. After Mayor Karnes read the proclamation, Councilman at Large Rusty Casto moved we accept Proclamation 90-2. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION 90-2 ATTACHED.

AGENDA ITEM NO. 4 - COUNCIL MEETING DATES (12-18-90 AND 01-01-90): - Mayor Karnes said the only opening the Moose had for the annual employee's Christmas Dinner was a regular Council Meeting date, December 18. Mayor Karnes asked if Council wanted to leave

the Council Meeting date as scheduled. Councilman Jim Hutchinson moved the Council Meeting scheduled for December 18, be moved to December 11, 1990, and the January 1, 1991, regular scheduled meeting be moved to January 8, 1991. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - SANTA CLAUS REQUEST: - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman George Atkins advised this agenda item was a request from the Recreation Department to spend \$250 of the funds raised from the Haunted Rooms to purchase gifts for the children of the employees. City Recorder Doris G. Carrier said her concern is that some will receive a big toy, while others get a small one and children would be sad. Giving each child fruit and candy was discussed. After a discussion, Councilman George Atkins moved this be referred back to the recreation department, and they be allowed to spend up to \$250.00 for gifts for Santa to give the children at the Christmas dinner. The motion was seconded. A vote was taken and it was unanimous.

Mayor Karnes said the next item for discussion was not on the agenda, because of the time involved. He informed one of our oldest employees, Eve Frazier, will retire effective November 30, 1990. Councilman Robert Young moved the Mayor read Proclamation 90-3. The motion was seconded. A vote was taken and it was unanimous. After the Mayor read Proclamation 90-3 in its entirety, Councilman Jim Hutchinson moved Council adopt Proclamation 90-3. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION 90-3 ATTACHED.

Councilman Robert Young said he has been asked to pass along to Council many thanks for fixing the drainage problem at Brentwood.

Councilman George Atkins announced they were having Open House at the new Senior Citizens Nutrition Center on Bank Street on December 1, following the Christmas parade.

Councilman at Large Rusty Casto suggested we have a Council Meeting at the new Senior Citizens Nutrition site. Mayor Karnes said this would be put on the agenda for the next meeting.


Councilman George Atkins inquired about the signs that haven't been put up, and Chief Cochran responded he ordered the signs to be placed.

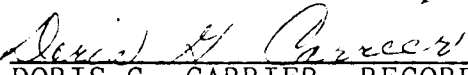
Councilman George Atkins asked about the painting of the diagonal parking lines through 21st Street, and Councilman Robert Young answered that if the lines are painted with temperatures 45 degrees or lower, they wouldn't stick.

Councilman at Large Rusty Casto said he understood the World War I Museum had around \$38,000 that could come into the City treasury, and asked if this was correct. Mayor Karnes said they have about that much money, but whether it could come in the City's treasury is another question. Councilman at Large Rusty Casto moved the Museum Foundation be sent a letter requesting this money be transferred to the City. Motion died for lack of second. Mayor Karnes said he was hopeful the money would come back to the City, but the Museum Board has control of these funds. Mayor Karnes said that during the last 8 years, we don't have anything to show for approximately two million dollars given to the City from the CBA, and would like their contribution be used for capital improvement.

Councilwoman Betty Jo Boggess said she would like to see the trees on First Avenue at Memorial Park decorated this year.

City Recorder Doris G. Carrier moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 8:15 p.m.

  
\_\_\_\_\_  
DON KARNES, MAYOR

  
\_\_\_\_\_  
DORIS G. CARRIER, RECORDER

Ordinance No. 90-9 -

Introduced in Council:

Referred to:

NOVEMBER 20, 1990

Introduced by:

Passed by Council:

MAYOR DON KARNES

An Ordinance authorizing a Loan Agreement by and between The City of Nitro, West Virginia and The National Bank of Commerce of Nitro in principal amount not to exceed \$212,000 to provide funds to pay in part the cost of construction and acquisition of certain betterments, improvements and additions to the municipal sewerage system of the City; defining and prescribing the terms and provisions of said Loan Agreement; providing for the rights and remedies of and security for the Lender named therein: and adopting other provisions related thereto.

Be It Ordained by the Council of The City of Nitro, West Virginia:

# ARTICLE I

## STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

Section 1.01. Authority of this Ordinance. This Ordinance is adopted pursuant to the provisions of Chapter 16, Article 13, of the West Virginia Code of 1931, as last amended (the "Act"), and other applicable provisions of law.

Section 1.02. Findings. It is hereby found, determined and declared as follows:

A. The City of Nitro, West Virginia (the "City"), desires to construct and acquire certain betterments, improvements and additions to the sewerage system (the "System") for the collection and treatment, purification and disposal of sewage, the custody, operation and maintenance of which System, both within and without the corporate limits of the City, is under the supervision and control of The Sanitary Board of the City (the "Sanitary Board").

B. By resolution duly enacted, and as amended and supplemented to the date hereof, the Council of the City (the "Council") duly authorized construction and acquisition of the System (the "Project") in accordance with the plans and specifications prepared by Dunn Engineers, Inc. of Charleston, West Virginia (the "Consulting Engineers"), and on file with the Sanitary Board of the City, at a cost presently estimated by the Consulting Engineers of \$322,000.

C. The cost of the Project is being financed in part with certain grants to the City or Sanitary Board, including a grant from the United States Environmental Protection Agency (the "EPA") in the approximate amount of \$106,000. The City has entered into a Step III grant agreement with the EPA, pursuant to which the EPA will reimburse the City for approximately seventy-five percent (75%) of the costs of the Project incurred by the City and eligible for grant assistance, not to exceed said approximate amount of \$106,000. As of the date hereof, the City has received EPA grant proceeds in the aggregate principal amount of \$-0- and has made, or is preparing to make prior to the enactment hereof, requests for reimbursement, not received as of the date hereof, in the additional aggregate principal amount of \$-0-.

D. The Sanitary Board has filed a petition with the Council requesting the Council to enact an ordinance which, among other things, authorizes the entering into of the Loan Agreement, payable in part from the proceeds of the aforementioned EPA grant, the proceeds of any additional notes or other obligations not required by any other trust indenture, trust agreement or contract, bond or note ordinance or other enactment of the Council to be set aside and held for the payment or security of any other bonds, notes or other obligations of the City, be issued in such aggregate principal amount as may be found necessary or appropriate to provide funds to pay certain costs of the Project and to make other necessary provisions pending receipt of the proceeds of said EPA grant.

E. It is deemed necessary and appropriate for the City to enter into the Loan Agreement hereinafter authorized to provide funds to timely pay in part certain costs of construction and acquisition of the Project. Said costs shall be deemed to include all costs properly chargeable to the construction and acquisition of the Project eligible for reimbursement by the EPA and all costs properly chargeable to the financing of such Project, including, whether incurred prior or after the date hereof, the cost of all property rights, easements and franchises deemed necessary or convenient for the Project, interest upon Loan Agreement during construction and acquisition and for six (6) months after completion of construction and acquisition of the Project: the cost of the construction of the Project, including labor,

equipment, materials, expenses for contractors, builders and materialmen and any other expenses necessary, incidental, desirable or appurtenant to the acquisition and construction thereof, engineering and legal expenses; expenses for estimates of costs and revenues; expenses for plans, specifications and surveys; other expenses necessary or incident to determining the feasibility or practicability of the Project; and such other expenses as may be necessary or incident to the financing authorized by this Ordinance, and to the construction or acquisition of the Project and the placing of the same in operation and the performance of the things required in this Ordinance or permitted in connection with any thereof; provided, that such costs, except those necessary or incident to the financing authorized by this Ordinance, must be eligible for reimbursement by the EPA. The construction and acquisition of the Project and the financing hereby authorized are for the purpose of meeting and serving public convenience and necessity.

F. It is in the best interests of the City that the Loan Agreement hereinafter authorized, be entered into as soon after the enactment of this Ordinance as may be practicable and authorized and permitted by applicable law.

G. Each and every act, matter, thing or course of conduct as to which provision is made in this Ordinance is necessary in order to effectuate the purposes of the City and to further secure the payment of the principal of and interest on the Loan Agreement hereinafter authorized.

## ARTICLE II

### LOAN AGREEMENT

Section 2.01. Authorization of Loan Agreement. In order to provide funds to timely pay certain costs of the Project, the City shall enter into a Loan Agreement with The National Bank of Commerce of Nitro which provides a line of credit to the City in an amount of up to \$212,000.

Section 2.02. Form of Loan Agreement. The Loan Agreement shall be in the following form with the appropriate changes, insertions and deletions as the Mayor of the City shall agree to by the execution of such agreement:

### FORM OF LOAN AGREEMENT

THIS LOAN AGREEMENT Made and Entered into as of the \_\_\_\_ day of \_\_\_\_, 1990, by and between THE CITY OF NITRO, WEST VIRGINIA, a municipal corporation, (herein the "City"), and THE NATIONAL BANK OF COMMERCE OF NITRO, a national banking association organized and existing under and by virtue of the

laws of the United States of America, with its principal place of business located in Nitro, West Virginia, (herein the "Bank").

W I T N E S S E T H:

WHEREAS, pursuant to and in accordance with the provisions of Chapter 16, Article 13 of the Code of West Virginia of 1931, as last amended (herein called the "Act"), the City is authorized and does operate sanitary sewage collection and treatment system in and around the City of Nitro, West Virginia in Kanawha and Putnam Counties, West Virginia; and

WHEREAS, pursuant to and in accordance with the Act the City by Ordinance adopted \_\_\_\_\_, 1990, authorized the borrowing up to \$212,000 from Bank by way of a line of credit for the purpose of providing interim financing for the acquisition, construction and installation of certain betterments, improvements and additions to the sanitary sewer system; and

WHEREAS, in furtherance of such ordinance the City will enter into a line of credit to be dated as of the date of this Agreement, with Bank, as provided by the terms of this Agreement; and

WHEREAS, in order to evidence the debt created by such line of credit, City will execute a promissory note payable to the order of Bank which note will be dated as of the date hereof, and in the principal amount of up to \$212,000 which will bear interest at the rate not exceeding 12% per annum and will be payable in full on or before ten years from date.

WHEREAS, Bank is willing to consent to the same; and

WHEREAS, the execution and delivery of this Agreement (the "Agreement"), as herein provided, have been in all respects duly and validly authorized by proceedings of the City by Ordinance adopted the \_\_\_\_\_ day of \_\_\_\_\_, 1990.

NOW, THEREFORE, the City in consideration of the premises and for other good and valuable considerations, the receipt of which is hereby acknowledge, the promise to repay the principal of and interest on the loan hereby granted and the performance and observance by the City of all the covenants expressed herein does hereby cause this Agreement to be executed and delivered to Bank.



## ARTICLE I

## DEFINITIONS

Section 1.01. Definitions of Terms. In addition to the terms defined elsewhere herein (including the recitals hereto), the following terms shall have the following meanings unless the context otherwise requires.

"Agreement" means this Loan Agreement.

"Bond Counsel" means any counsel acceptable to the City and the Bank experienced in matters relating to tax exemption of interest on loans of States and their political subdivisions.

"City" shall mean the City of Nitro, Kanawha and Putnam Counties, West Virginia.

"Code" means the Internal Revenue Code of 1986, as amended. Reference herein to any specific provision of the Code shall be deemed to refer to any successor provision of the Code.

"Event of Default" means any of the events described as an Event of Default in Section 6.01 hereof.

"I/C Proceeds" shall mean when used with respect to any insurance or condemnation award, the gross proceeds from such award less all expenses (including attorneys fees and any extraordinary expenses of the Bank) incurred in the collection thereof and including any amount for which the City shall be the self insurer.

"Opinion of Counsel" means an opinion of counsel (who may be counsel to the City) satisfactory to the Bank.

"Loan" shall mean the then outstanding balance of the line of credit which shall not exceed \$212,000 at any one time made by Bank to City.

"Pledged Revenues" mean all payments made pursuant to this Agreement, proceeds from the sale of the System or any part thereof, any condemnation award which has as its subject the System, any Standard Hazard Insurance Policy concerning the System, and the proceeds from the sale of any grant anticipation notes issued by the City for the System or EPA Grants for the same.

"System" shall mean the sanitary sewage collection and treatment system operated by the City in and around the City of Nitro, West Virginia.

## ARTICLE II

## THE LOAN

Section 2.01. Authorized Amount of the Loan. No Loan may be consummated under this Agreement except in accordance with this Article II. The aggregate principal amount of Loan which may be executed by the City is limited to a line of credit not to exceed \$212,000 at any one time; provided that after one year from the date of this Agreement, the amount outstanding shall not exceed \$60,000.00.

Section 2.02. Place and Manner of Payment. The principal of, premium, if any, and interest on the Loan shall be payable in lawful money of the United States of America at the office or agency of the Bank maintained for the purpose of making such payments. The principal and interest on the Loan shall be payable monthly out of funds available from the System, and any grant anticipation note proceeds.

Section 2.03. Execution. This Agreement shall be executed on behalf of the City with the manual signature of its Mayor and attested with the manual signature of its Recorder and shall have affixed, imprinted or otherwise reproduced thereon the corporate seal of the City. In case any officer whose signature shall appear on this Agreement shall cease to be such officer, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

Section 2.04. Loan to the City. Subject to the terms hereof, the Bank will lend to the City the sum of \$212,000.00. The Loan shall bear interest from the date thereof unless otherwise herein provided until the date of payment at the rate not exceeding twelve percent (12%) per annum. Such principal and interest shall be payable in full within 120 months from the date hereof. Payments of interest shall be made monthly commencing January 1, 1991 and continuing on the first day of each month thereafter until December 1, 1991 at which time payment of principal and interest shall commence and payments will be in an amount necessary to amortize the remaining principal balance over the term of loan at the prevailing interest rate. The specific terms of the loan shall be set forth in a supplemental resolution, which shall be adopted by the City Council prior to entering into this Agreement.

Section 2.05. Limited Obligations. This Agreement shall be a limited obligation of the City. This Agreement shall be payable solely out of revenues derived from, or in connection with, the System and any proceeds from the sale of any obligation issued by the City in the furtherance of the Project. This Agreement shall never constitute an indebtedness

of the State of West Virginia or the City of Nitro within the meaning of any constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the State of West Virginia or the City. Neither shall this Agreement be a charge against the general credit or taxing power of the State of West Virginia or the City.

Section 2.06. Interest Rate Upon Default. Notwithstanding any provision of this Agreement to the contrary, upon an event of default as set forth in Section 6.01 of this Agreement (1) the Loan shall thereafter during the period of such event of default bear interest at a rate (which rate is herein called the "Default Rate") of two percent (2%) more per annum (based on a 360-day year of twelve 30-day months) higher than the then applicable rate of interest, and (2) the City will pay to the holder hereof on the next Payment Date, the difference between (a) the amount of interest which the holder would have received in interest at the Default Rate if the Loan had borne interest at the Default Rate from the date of such event of default, and (b) interest paid at the rate set forth in Section 2.04 of this Agreement.

### ARTICLE III

#### PREPAYMENT

Section 3.01. City's Election to Prepay. The City shall give written notice to the Bank of its election to prepay in accordance with this Agreement, of the places where the amounts due upon such prepayment are payable, of the prepayment date and of the principal amount of such prepayment, which notice shall be given at least forty-five days prior to the prepayment date or such shorter period as shall be acceptable to the Bank.

Section 3.02. Partial Prepayment of Note. If less than all of the amounts at the time outstanding are to be prepaid by the City as will exhaust the monies available therefor and all such payments shall be applied to the last maturing installment or installments of principal on this Agreement and Note in the inverse order of maturity.

### ARTICLE IV

#### GENERAL COVENANTS AND PROVISIONS

Section 4.01. Payment. The City covenants that it will promptly pay or cause to be paid, but solely out of amounts derived from, or in connection with, the System and the Pledged Revenues, the principal of, premium, if any, and interest on the Note on the dates and in the manner provided herein according to the true intent and meaning hereof.

Section 4.02. Performance of Covenants. The City covenants that it will at all times comply with all provisions contained in this Agreement, and in all proceedings pertaining hereto. The City covenants that it is duly authorized under the Constitution and laws of the State of West Virginia, including particularly and without limitation the Act, to execute and deliver this Agreement; that all action on its part for the execution and delivery of this Agreement has been duly and effectively taken; and that this Agreement and Note in the hands of the holders hereof is and will be a valid and enforceable obligation of the City, payable solely out of revenues herein specified.

Section 4.03. Tax Covenant. The City shall at all times do and perform all acts and things permitted by law and necessary or desirable in order to assure that interest paid on this Agreement shall for the purpose of Federal income taxation be excludable from the gross income of the recipients thereof and exempt from such taxation. The City further covenants that it will and hereby does designate the line of credit as a "qualified tax-exempt obligation" for the purposes of Section 265 of the Code.

## ARTICLE V

### SATISFACTION AND DISCHARGE

Section 5.01. Satisfaction and Discharge. All rights and obligations of the City under this Agreement, shall terminate, and such instrument shall cease to be of further effect, when:

- (a) all reasonable fees and expenses of the Bank, shall have been paid;
- (b) the City shall have performed all of its agreements in this Agreement; and
- (c) The Note shall have become due and payable in accordance with its terms or otherwise as provided in this Agreement, and the City shall have paid all amounts required to be paid thereunder.

## ARTICLE VI

### DEFAULTS AND REMEDIES

Section 6.01. Events of Default. Each of the following shall be an "Event of Default" hereunder:

(a) Failure to pay the principal of, or premium, if any, on any amounts of this Agreement when the same shall become due and payable at maturity, by amortization, upon redemption or otherwise; or

(b) Failure to pay an installment of interest on any of this Agreement when the same shall become due and payable; or

(c) Failure by the City to perform any of its covenants, conditions, agreements and provisions contained in this Agreement other than as specified in (a) and (b) above, and such failure shall continue for the period and after the notice specified in Section 6.02 hereof.

Section 6.02. Notice of Default; Opportunity to Cure Such Default. No default under Section 6.01(c) hereof shall constitute an Event of Default until actual notice of such default by registered or certified mail shall be given to the City by the Bank or by the holders of this Agreement and until the City shall have had 30 days after receipt of such notice to correct such default, and shall not have corrected it; provided, however, if said default be such that it cannot be corrected within such 30 day period, it shall not constitute an Event of Default if corrective action is instituted by the City within the applicable period and diligently pursued until the default is corrected.

In the event that any payment referred to in Sections 6.01(a) or (b) is not timely made, the Bank shall immediately notify the City by telephone that such payment has not been made and shall confirm such notice by a subsequent telegram.

Section 6.03. Acceleration; Cure. Should any Event of Default occur and be continuing, then the Bank may, by notice in writing delivered to the City, declare the principal of all amounts then outstanding to be due and payable immediately, and upon such declaration the said principal, together with interest accrued thereon, shall become due and payable immediately at the place of payment provided therein without any presentment, demand, protest or other notice of any kind, all of which are hereby expressly waived, anything in this Agreement to the contrary notwithstanding.

The above provisions, however, are subject to the conditions that if, after the principal of this Agreement shall have been so declared to be due and payable, all arrears of interest upon the Loan, and all other sums payable under this Agreement (except the principal of, and interest on, this Agreement which by such declaration shall have become due and payable), shall have been paid by or on behalf of the City, and the City also shall have performed all other things in respect of which it may have been in default hereunder, and shall have paid the reasonable charges of the Bank, its counsel, including reasonable attorneys' fees paid or incurred, then and in every such case, by written notice to the City, the Bank may waive

such default and rescind and annul such declaration and its consequences, and such waiver shall be binding upon the Bank; but no such waiver, rescission and annulment shall extend to or affect any subsequent default or impair any right or remedy consequent thereon.

Section 6.04. Powers of Bank. If an Event of Default occurs and is continuing, the Bank in its discretion may take any or all of the following actions:

(a) enforce each and every right of the Bank under this Agreement; or

(b) by mandamus or other proceeding at law or in equity, enforce all rights of the Bank, including the right to require the City to enforce the provisions of this Agreement and to require the City to carry out any other agreements with or for the benefit of the Bank and to perform its duties under the Act; or

(c) bring suit upon this Agreement; or

(d) by a proceeding in equity require the City to account as if it were the trustee of an express trust for the Bank; or

(e) by a proceeding in equity enjoin any acts or things which may be unlawful or in violation of the rights of the Bank.

If any proceeding taken by the Bank on account of any Event of Default is discontinued or abandoned for any reason, or determined adversely to the Bank, then and in every case the City and the Bank shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies and powers of the Bank shall continue as though no such proceeding had been taken.

Section 6.05. Remedies Not Exclusive. No remedy herein conferred upon or reserved to the Bank is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

Section 6.06. Delay or Omission of Bank. No delay or omission of the Bank to exercise any right or power accruing upon any Event of Default shall impair any such right or power or shall be construed to be a waiver of any such Event of Default or any acquiescence herein; and every power and remedy given by this Article VI to the Bank, may be exercised from time to time and as often as may be deemed expedient.

Section 6.07. Application of Monies. Any monies received by the Bank while an Event of Default is continuing, and any available monies, and, in the case of a payment of principal, and premium if any, on the Loan, at the time such

Event of Default occurs, shall be applied in the following order:

(a) Unless the principal of all the amounts outstanding shall have become or shall have been declared due and payable, all such monies shall be applied:

First: To the payment to the persons entitled thereto of all installments of interest then due on this Agreement, and, if the amount available shall not be sufficient to pay in full any particular installment, then to the payment ratably, according to the amounts due on such installment, to the persons entitled thereto, without any discrimination or privilege;

Second: To the payment to the persons entitled thereto of the unpaid principal and premium, if any, of this Agreement which shall have become due (other than amounts called for redemption for the payment of which monies are held pursuant to the provisions of this Agreement), in the order of their due dates, with interest on such amounts from the respective dates upon which they become due, and, if the amount available shall not be sufficient to pay in full amount due on any particular date, together with such interest, then to the payment ratably, according to the amount of principal due on such date, to the persons entitled thereto without any discrimination or privilege;

Third: To the payment of the interest on and the principal of this Agreement and premium, if any, and to the redemption of this Agreement all in accordance with the provisions of and priorities under this Agreement;

(a) If the principal of all amounts shall have become due or shall have been declared due and payable, all such monies shall be applied to the payment of the principal and interest then due and unpaid upon such amounts, without preference or priority of principal over interest or of interest over principal, or of any installment of interest over any other installment of interest, according to the amounts due respectively for principal and interest, to the persons entitled thereto.

(b) If the principal of all amounts shall have been declared due and payable, and if such declaration shall thereafter have been rescinded and annulled under the provisions of this Article then, subject to the provisions of paragraph (b) of this Section in the event that the principal of all amounts shall later become due or be declared due and payable, the monies shall be applied in accordance with the provisions of paragraph (a) of this Section.

(c) To the extent of the surplus, if any, to the City, if the City shall then not be in default under this Agreement, or to whomsoever may be lawfully entitled to receive the same, or as a court of competent jurisdiction may direct.

Whenever monies are to be applied pursuant to this Section 6.07, the Bank shall fix the date upon which such application is to be made, and upon such date interest on the amounts of principal to be paid on such date shall cease to accrue. The Bank shall give such notice as it may deem appropriate of the deposit with it of any such monies and of the fixing of any such date.

Section 6.08. Severability of Remedies. It is the purpose and intention of this Article VI to provide rights and remedies to the Bank which may be lawfully granted under the provisions of the Act, but, should any right or remedy herein granted be held to be unlawful, the Bank shall be entitled, as above set forth, to every other right and remedy provided in this Agreement.

## ARTICLE VII

### CONCERNING THE BANK

Section 7.01. Acceptance of Agreement. The Bank by execution of this Agreement, accepts the covenants hereby expressed but only upon the additional terms set forth in this Article VII. The permissive right of the Bank to do the things enumerated in this Agreement shall not be construed as a duty to take any specified course of action.

Section 7.02. Responsibility for Statements in Agreement. The recitals, statements and representations in this Agreement, shall be taken and construed as made by and on the part of the City and not by the Bank, and the Bank shall be under no responsibility or obligation for the correctness thereof.

Section 7.03. Responsibilities of Bank. The Bank shall not be responsible for the recording or filing of this Agreement, or for the sufficiency of the security for this Agreement; and the Bank shall not be bound to ascertain or inquire as to the performance or observance of any agreements on the part of the City except as herein set forth, but the Bank may require of the City full information and advice as to the performance of such agreements. The Bank shall not be required to give any bond or surety in connection with the performance of its duties hereunder.



The Bank may execute any of the powers hereof and perform any duties required of it by or through attorneys or agents and shall be entitled to advice of counsel concerning all questions arising hereunder or related hereto. The Bank shall not be answerable for the default or misconduct of any such attorney or agent selected by it with reasonable care or for the exercise of any discretion or power under this Agreement nor for anything whatever in connection with this Agreement, except only its own willful misconduct or negligence.

Section 7.04. No Duties to Notice Default. In the absence of actual knowledge, the Bank shall not be required to take notice or be deemed to have notice of any Event of Default (other than an Event of Default under Section 6.01(a) unless specifically notified in writing of such Event of Default.

For purposes of this Section 7.04, the Bank shall not be deemed to have actual knowledge of any Event of Default unless a person charged with the administration of the obligations of the Bank hereunder shall during the course of its duties have actual knowledge thereof.

Section 7.05. Rights and Powers During Default. The Bank shall exercise such of the rights and remedies vested in it by this Agreement and shall use the same degree of care in their exercise as a prudent man would exercise or use in the circumstances in the conduct of his own affairs; provided, that if in the opinion of the Bank such action may tend to involve expense or liability, it shall not be obligated to take such action unless it is furnished with indemnity satisfactory to it.

Section 7.06. Right to Rely upon Documents. The Bank shall be protected and shall incur no liability in acting or proceeding in good faith upon any resolution, notice, telegram, request, consent, waiver, certificate, statement, affidavit, voucher, bond, requisition or other paper or document which it shall in good faith believe to be genuine. The Bank shall be under no duty to make any investigation or inquiry as to any statements contained or matters referred to in any such instrument, but may accept and rely upon the same as conclusive evidence of the truth and accuracy of such statements.

Section 7.07. Right to Deal With City. The Bank, either as principal or agent, may also engage in or be interested in any financial or other transaction with the City and may act as depository, trustee or agent for the City.

Section 7.08. Interest upon Monies Received. The Bank shall not be under any liability for interest on any monies received under any of the provisions of this Agreement, except such as may be agreed upon between the Bank and the City.

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Section 7.09. Construction of Provisions of Agreement. The Bank may construe any of the provisions of this Agreement insofar as the same may appear to be ambiguous or inconsistent with any other provision thereof, and any construction of any such provision hereof by the Bank in good faith shall be binding upon the City.

Section 7.10. Bank's Right to Make Advances. If the City shall fail to perform any of the covenants or agreements contained in this Agreement other than the covenants or agreements in respect of the payment of the principal of, premium, if any, or interest, the Bank may, in its uncontrolled discretion and without notice to the City, at any time and from time to time, make advances to effect performance of the same on behalf of the City, but the Bank shall be under no obligation so to do, and no such advance shall operate to relieve the City from any default hereunder.

Section 7.11. Intervention by Bank. The Bank may intervene in any judicial proceeding to which the City is a party and which, in the opinion of the Bank and its counsel, has a substantial bearing on its interests. The rights of the Bank under this Section 7.11 are subject to the approval of a court of competent jurisdiction.

## ARTICLE VIII

### MISCELLANEOUS

Section 8.01. Sole Benefit of Parties. Nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the parties hereto, any right, remedy or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the parties hereto.

Section 8.02. Severability of Provisions. In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement, but this Agreement shall be construed and enforced as if such illegal or invalid provisions had not been contained herein.

Section 8.03. Notices. All communications hereunder shall be in writing and, unless otherwise required under this Agreement, shall be deemed sufficiently given or made if delivered personally to the person who is to receive the same or if mailed to such person by first class mail, postage prepaid, addressed:

If to the City:

The City of Nitro  
Nitro City Hall  
Nitro, WV 25143  
Attention: Mayor

If to the Bank:

The National Bank of Commerce  
of Nitro  
1st Avenue  
Nitro, WV 25143  
Attention: President

The Bank and the City may, by notice given hereunder, designate any further or different address to which subsequent communications shall be sent.

Section 8.04. Successors and Assigns. None of the covenants, promises and agreements made in this Agreement by or on behalf of the City or the Bank shall be assignable by either of them except as expressly provided herein.

Section 8.05. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but all such counterparts shall together constitute but one and the same instrument.

Section 8.06. Governing Law. This Agreement, has been or will be executed and delivered under the laws of the State of West Virginia, and such laws shall govern the construction of this Agreement.

Section 8.07. Payments Due on Saturdays, Sundays and Holidays. In any case where the date for any payment on or with respect to this Agreement shall be a Saturday, a Sunday, a legal holiday or a day on which the Bank is authorized by law to close, and is closed, then payment shall be made on the next succeeding business day not a Saturday, a Sunday, a legal holiday or a day upon which the Bank is authorized by law to close, and no interest shall accrue for the intervening period.

Section 8.08. No Liability on City. No provisions, covenants or agreements contained in this Agreement or any obligations herein or therein imposed upon the City or the breach thereof, shall constitute or give rise to or impose upon the City a pecuniary liability other than herein set forth and provided or acts as a charge upon its general credit or taxing powers. In making the agreements, provisions and covenants set forth in this Agreement, the City has not obligated itself except with respect to its rights and interest in the System, as herein above provided. No officer or member of the City shall be personally liable on this Agreement.

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IN WITNESS WHEREOF, The City of Nitro, West Virginia, has caused these presents to be signed by its Mayor and its corporate seal to be hereunder affixed and attested by its Recorder, and to evidence its acceptance of this Agreement, The Bank of Nitro, has caused these presents to be signed in its name and behalf by its Authorized Representative and its official seal to be hereunto affixed, and the same to be attested by one of its officers, all as of the day and year first above written.

THE CITY OF NITRO, WEST VIRGINIA

By: *Don Karne*  
Its: Mayor

ATTEST:

*Doris H. Carrier*  
Recorder

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

The undersigned Notary Public in and for the jurisdiction aforesaid hereby certifies that \_\_\_\_\_ and \_\_\_\_\_, whose names as Mayor and Recorder, respectively, of THE CITY OF NITRO, WEST VIRGINIA, are signed to the foregoing instrument, acknowledged the same before me in my jurisdiction aforesaid, as the act and deed of said City.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

My commission expires: \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public

THE NATIONAL BANK OF COMMERCE  
OF NITRO

By: \_\_\_\_\_  
President

(SEAL)

ATTEST:

\_\_\_\_\_  
Authorized Representative

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to-wit:

The undersigned Notary Public in and for the jurisdiction aforesaid hereby certifies that \_\_\_\_\_, whose names as the President and Authorized Representative, respectively, of THE NATIONAL BANK OF COMMERCE OF NITRO, are signed to the foregoing instrument, acknowledged the same before me in my jurisdiction aforesaid, as the act and deed of said national banking association.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

My commission expires: \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public

ARTICLE III

MISCELLANEOUS

Section 3.01. Publication of Ordinance. The City Recorder is hereby authorized and directed to publish an abstract of this Ordinance as a Class II legal advertisement in compliance with the provisions of Chapter 59, Article 3 of the Code of West Virginia 1931, as amended in The Charleston Daily Mail, a newspaper of general circulation in the City, with a notice to all persons concerned stating that the Ordinance has been adopted, that the City contemplates entering into the Loan Agreement and that any person may appear before the Council, in the Council Chambers in City Hall, on the 4th day of December, 1990 at 7:30 o'clock p. m. as provided in such notice and present such protest or protests as to which such person may deed proper. The first date of the successive publications shall be at least ten days prior to said date for the hearing of protests and the last publication shall be prior to said hearing.

At such hearing all objection and suggestions shall be heard and the Council shall take such actions as it shall deem proper in the premises; provided, however, if at such hearing written protest is filed by thirty per cent (30%) or more of the owners of real estate in the City, then the Council shall not take further action unless four-fifths (4/5) of the qualified members thereof assent thereto.

Section 3.02. Effective Date. This Ordinance shall take effect immediately after public hearing thereon, as provided by law.



DON KARNES  
MAYOR

PROCLAMATION 90-2

PROCLAIMING NITRO PUBLIC LIBRARY  
WEEK DECEMBER 3 - 9, 1990

WHEREAS, the Nitro Public Library had its beginning on December 6, 1964; and

WHEREAS, the Nitro Public Library has just completed the addition of a beautiful wing and remodeled the present building, refurnished the new building and upgraded the old; and

WHEREAS, these improvements have facilities to give greater opportunities for education, reading, recreation, socialization and a meeting place for small groups; and

WHEREAS, these improvements include services for the citizens of the City of Nitro and surrounding areas such as:

FAX Machine	Computers (Two)
VCR And Tapes	Duplicating Machine
Magazine Area	Television
Capacity to increase book, etc. collection	Small Meeting Room
Restrooms	Open Fireplace

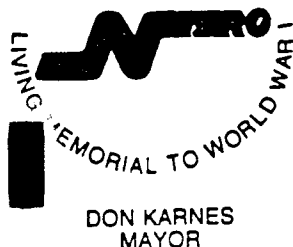
INASMUCH as these services, if used, make for a better community and it is desirous for all citizens to take the opportunity to utilize these facilities.

THEREFORE, All citizens of our community are requested to enroll for a free library card, good for all Kanawha County Library Services, and that I, Don Karnes, Mayor of the City of Nitro, do proclaim December 3 - 9 as NITRO LIBRARY WEEK; and

FURTHER proclaim Sunday, December 9, from 2 - 5 p.m. as Open House and encourage all citizens to visit the Nitro Public Library.

Signed this 20th day of November, 1990 and proclaimed unanimously by the Nitro City Council.

  
DON KARNES, MAYOR



## PROCLAMATION 90-3

A PROCLAMATION DESIGNATING NOVEMBER 30, 1990  
AS "EVE FRAZIER DAY" IN THE CITY OF NITRO

WHEREAS, Eve Frazier has been a dedicated employee and an outstanding servant to the people of Nitro since 1972; and

WHEREAS, she has excelled in her endeavors at all levels as a person, an employee and a friend; and

WHEREAS, she has been more than just an employee, but a member of our family; and

WHEREAS, she has faithfully served the office of the Mayor and City Council through several administrations.

INASMUCH AS EVE HAS DECIDED TO RETIRE, THEREFORE, be it resolved that the City Council unanimously proclaims Friday, November 30, 1990, as

"EVE FRAZIER DAY"

in the City of Nitro.

Passed this 20th day of November, 1990.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES

DECEMBER 4, 1990

The regular Council 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, Councilman George Atkins and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot. Absent were Councilwoman Betty Jo Boggess and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 20, 1990, COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting minutes of November 20, 1990 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - ORD. 90-9 - AUTHORIZING LOAN AGREEMENT - NITRO SANITARY BOARD (2ND READING): - Mayor Karnes said this would constitute the second reading of Ordinance 90-9. He said Max Lemma, Treasurer of the Sanitary Board and Connie Stephens, General Manager were present to answer any questions. Councilman at Large David Casebolt moved the Mayor read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Rusty Casto moved we adopt Ordinance 90-9. The motion was seconded. A vote was taken and it was unanimous. Connie Stephens informed there must be a public hearing on this matter. The Public Hearing was scheduled January 8, 1991, prior to the Council Meeting.

ORDINANCE 90-9

AGENDA ITEM NO. 3 - ORD. 90-10 - ADOPT THE 1991 CODIFIED ORDINANCES, ETC. (1ST READING): - Councilman at Large David Casebolt 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. Councilman at Large Rusty Casto moved the ordinance be approved on the first reading. The motion was seconded. The City Attorney Phillip D. Gaujot said he would need to review the ordinance, and suggested we place it on the agenda January 8, 1991, for the second reading. He said if there were any mistakes, it should be corrected before the next reading. City Recorder Doris G. Carrier mentioned there was a mistake on page 11 regarding elections. Mayor Karnes said he felt this wasn't a mistake on the company's part, but it is something we should correct. Councilman at Large Olaf Walker said City Council passed an ordinance in 1983 designating election day on the 1st Tuesday of May, but the Legislature later overruled this. It was suggested the people familiar with certain subjects, review the different sections. A vote was



taken to adopt the ordinance on the first reading, and it was unanimous.

ORDINANCE 90-10 ATTACHED.

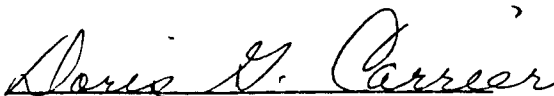
AGENDA ITEM NO. 4 - ZONING BOARD OF APPEALS APPOINTMENTS: - Mayor Karnes said he was checking records to determine when Board appointments are due, and feels he has the Zoning Board of Appeals correct. He said Herbert Sibley's term expires December 31, 1991, as does the term of Robert Kautz. Bill Murray's term expires December 31, 1990. Mayor Karnes said he would like to appoint Gene Brightwell to fill an unexpired term expiring December 31, 1992, and reappoint Bill Murray for a 3 year term expiring December 31, 1993. Also, appoint Charles Raynes for a 3 year term expiring December 31, 1993. Councilman at Large Rusty Casto moved the recommendation of appointments and reappointment to the Zoning Board be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - COUNCIL MEETING - SENIOR CITIZEN'S SITE: Mayor Karnes yielded this agenda item to Councilman at Large Rusty Casto. Councilman at Large Casto said the senior citizens are proud of their new meeting place, and he thought it would be nice if Council could hold one of their meetings there. Councilman George Atkins said they approved Council to hold their January 8, meeting at the new site. Councilman at Large Olaf Walker said he objected, but not because it was the senior citizen site. Councilman at Large Rusty Casto moved the Public Hearing scheduled for 7:00 p.m. and Council Meeting to follow immediately thereafter scheduled January 8, 1991 be held at the new senior citizen site. The motion was seconded. A vote was taken and it passed with Councilman at Large Olaf Walker opposing.

AGENDA ITEM NO. 6 - BLUE CROSS INSURANCE RENEWAL: - Mayor Karnes yielded this agenda item to the City Recorder Doris G. Carrier. She reported the insurance rate on the employees of the City has increased 53.37%. The renewal date is January 1, 1991, and asked if we were going to go with this or shop. City Recorder Doris G. Carrier informed we will be paying \$18,489.30 monthly, which would be \$221,871.60 per year for hospitalization.

City Recorder Doris G. Carrier moved the meeting be adjourned at 8:20 p.m. The motion was seconded. A vote was taken and the meeting was adjourned.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

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Ordinance No. 90-9 -

Introduced in Council:

Referred to:

NOVEMBER 20, 1990

Introduced by:

Passed by Council:

MAYOR DON KAPNES

DECEMBER 4, 1990

An Ordinance authorizing a Loan Agreement by and between The City of Nitro, West Virginia and The National Bank of Commerce of Nitro in principal amount not to exceed \$212,000 to provide funds to pay in part the cost of construction and acquisition of certain betterments, improvements and additions to the municipal sewerage system of the City; defining and prescribing the terms and provisions of said Loan Agreement; providing for the rights and remedies of and security for the Lender named therein: and adopting other provisions related thereto.

Be It Ordained by the Council of The City of Nitro, West Virginia:

#### ARTICLE I

##### STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

Section 1.01. Authority of this Ordinance. This Ordinance is adopted pursuant to the provisions of Chapter 16, Article 13, of the West Virginia Code of 1931, as last amended (the "Act"), and other applicable provisions of law.

Section 1.02. Findings. It is hereby found, determined and declared as follows:

A. The City of Nitro, West Virginia (the "City"), desires to construct and acquire certain betterments, improvements and additions to the sewerage system (the "System") for the collection and treatment, purification and disposal of sewage, the custody, operation and maintenance of which System, both within and without the corporate limits of the City, is under the supervision and control of The Sanitary Board of the City (the "Sanitary Board").

B. By resolution duly enacted, and as amended and supplemented to the date hereof, the Council of the City (the "Council") duly authorized construction and acquisition of the System (the "Project") in accordance with the plans and specifications prepared by Dunn Engineers, Inc. of Charleston, West Virginia (the "Consulting Engineers"), and on file with the Sanitary Board of the City, at a cost presently estimated by the Consulting Engineers of \$322,000.

C. The cost of the Project is being financed in part with certain grants to the City or Sanitary Board, including a grant from the United States Environmental Protection Agency (the "EPA") in the approximate amount of \$106,000. The City has entered into a Step III grant agreement with the EPA, pursuant to which the EPA will reimburse the City for approximately seventy-five percent (75%) of the costs of the Project incurred by the City and eligible for grant assistance, not to exceed said approximate amount of \$106,000. As of the date hereof, the City has received EPA grant proceeds in the aggregate principal amount of \$-0- and has made, or is preparing to make prior to the enactment hereof, requests for reimbursement, not received as of the date hereof, in the additional aggregate principal amount of \$-0-.

D. The Sanitary Board has filed a petition with the Council requesting the Council to enact an ordinance which, among other things, authorizes the entering into of the Loan Agreement, payable in part from the proceeds of the aforementioned EPA grant, the proceeds of any additional notes or other obligations not required by any other trust indenture, trust agreement or contract, bond or note ordinance or other enactment of the Council to be set aside and held for the payment or security of any other bonds, notes or other obligations of the City, be issued in such aggregate principal amount as may be found necessary or appropriate to provide funds to pay certain costs of the Project and to make other necessary provisions pending receipt of the proceeds of said EPA grant.

E. It is deemed necessary and appropriate for the City to enter into the Loan Agreement hereinafter authorized to provide funds to timely pay in part certain costs of construction and acquisition of the Project. Said costs shall be deemed to include all costs properly chargeable to the construction and acquisition of the Project eligible for reimbursement by the EPA and all costs properly chargeable to the financing of such Project, including, whether incurred prior or after the date hereof, the cost of all property rights, easements and franchises deemed necessary or convenient for the Project, interest upon Loan Agreement during construction and acquisition and for six (6) months after completion of construction and acquisition of the Project: the cost of the construction of the Project, including labor,

equipment, materials, expenses for contractors, builders and materialmen and any other expenses necessary, incidental, desirable or appurtenant to the acquisition and construction thereof, engineering and legal expenses; expenses for estimates of costs and revenues; expenses for plans, specifications and surveys; other expenses necessary or incident to determining the feasibility or practicability of the Project; and such other expenses as may be necessary or incident to the financing authorized by this Ordinance, and to the construction or acquisition of the Project and the placing of the same in operation and the performance of the things required in this Ordinance or permitted in connection with any thereof; provided, that such costs, except those necessary or incident to the financing authorized by this Ordinance, must be eligible for reimbursement by the EPA. The construction and acquisition of the Project and the financing hereby authorized are for the purpose of meeting and serving public convenience and necessity.

F. It is in the best interests of the City that the Loan Agreement hereinafter authorized, be entered into as soon after the enactment of this Ordinance as may be practicable and authorized and permitted by applicable law.

G. Each and every act, matter, thing or course of conduct as to which provision is made in this Ordinance is necessary in order to effectuate the purposes of the City and to further secure the payment of the principal of and interest on the Loan Agreement hereinafter authorized.

## ARTICLE II

### LOAN AGREEMENT

Section 2.01. Authorization of Loan Agreement. In order to provide funds to timely pay certain costs of the Project, the City shall enter into a Loan Agreement with The National Bank of Commerce of Nitro which provides a line of credit to the City in an amount of up to \$212,000.

Section 2.02. Form of Loan Agreement. The Loan Agreement shall be in the following form with the appropriate changes, insertions and deletions as the Mayor of the City shall agree to by the execution of such agreement:

### FORM OF LOAN AGREEMENT

THIS LOAN AGREEMENT Made and Entered into as of the \_\_\_\_ day of \_\_\_\_, 1990, by and between THE CITY OF NITRO, WEST VIRGINIA, a municipal corporation, (herein the "City"), and THE NATIONAL BANK OF COMMERCE OF NITRO, a national banking association organized and existing under and by virtue of the

laws of the United States of America, with its principal place of business located in Nitro, West Virginia, (herein the "Bank").

W I T N E S S E T H:

WHEREAS, pursuant to and in accordance with the provisions of Chapter 16, Article 13 of the Code of West Virginia of 1931, as last amended (herein called the "Act"), the City is authorized and does operate sanitary sewage collection and treatment system in and around the City of Nitro, West Virginia in Kanawha and Putnam Counties, West Virginia; and

WHEREAS, pursuant to and in accordance with the Act the City by Ordinance adopted \_\_\_\_\_, 1990, authorized the borrowing up to \$212,000 from Bank by way of a line of credit for the purpose of providing interim financing for the acquisition, construction and installation of certain betterments, improvements and additions to the sanitary sewer system; and

WHEREAS, in furtherance of such ordinance the City will enter into a line of credit to be dated as of the date of this Agreement, with Bank, as provided by the terms of this Agreement; and

WHEREAS, in order to evidence the debt created by such line of credit, City will execute a promissory note payable to the order of Bank which note will be dated as of the date hereof, and in the principal amount of up to \$212,000 which will bear interest at the rate not exceeding 12% per annum and will be payable in full on or before ten years from date.

WHEREAS, Bank is willing to consent to the same; and

WHEREAS, the execution and delivery of this Agreement (the "Agreement"), as herein provided, have been in all respects duly and validly authorized by proceedings of the City by Ordinance adopted the \_\_\_\_\_ day of \_\_\_\_\_, 1990.

NOW, THEREFORE, the City in consideration of the premises and for other good and valuable considerations, the receipt of which is hereby acknowledge, the promise to repay the principal of and interest on the loan hereby granted and the performance and observance by the City of all the covenants expressed herein does hereby cause this Agreement to be executed and delivered to Bank.

## ARTICLE I

## DEFINITIONS

Section 1.01. Definitions of Terms. In addition to the terms defined elsewhere herein (including the recitals hereto), the following terms shall have the following meanings unless the context otherwise requires.

"Agreement" means this Loan Agreement.

"Bond Counsel" means any counsel acceptable to the City and the Bank experienced in matters relating to tax exemption of interest on loans of States and their political subdivisions.

"City" shall mean the City of Nitro, Kanawha and Putnam Counties, West Virginia.

"Code" means the Internal Revenue Code of 1986, as amended. Reference herein to any specific provision of the Code shall be deemed to refer to any successor provision of the Code.

"Event of Default" means any of the events described as an Event of Default in Section 6.01 hereof.

"I/C Proceeds" shall mean when used with respect to any insurance or condemnation award, the gross proceeds from such award less all expenses (including attorneys fees and any extraordinary expenses of the Bank) incurred in the collection thereof and including any amount for which the City shall be the self insurer.

"Opinion of Counsel" means an opinion of counsel (who may be counsel to the City) satisfactory to the Bank.

"Loan" shall mean the then outstanding balance of the line of credit which shall not exceed \$212,000 at any one time made by Bank to City.

"Pledged Revenues" mean all payments made pursuant to this Agreement, proceeds from the sale of the System or any part thereof, any condemnation award which has as its subject the System, any Standard Hazard Insurance Policy concerning the System, and the proceeds from the sale of any grant anticipation notes issued by the City for the System or EPA Grants for the same.

"System" shall mean the sanitary sewage collection and treatment system operated by the City in and around the City of Nitro, West Virginia.

## ARTICLE II

## THE LOAN

Section 2.01. Authorized Amount of the Loan. No Loan may be consummated under this Agreement except in accordance with this Article II. The aggregate principal amount of Loan which may be executed by the City is limited to a line of credit not to exceed \$212,000 at any one time; provided that after one year from the date of this Agreement, the amount outstanding shall not exceed \$60,000.00.

Section 2.02. Place and Manner of Payment. The principal of, premium, if any, and interest on the Loan shall be payable in lawful money of the United States of America at the office or agency of the Bank maintained for the purpose of making such payments. The principal and interest on the Loan shall be payable monthly out of funds available from the System, and any grant anticipation note proceeds.

Section 2.03. Execution. This Agreement shall be executed on behalf of the City with the manual signature of its Mayor and attested with the manual signature of its Recorder and shall have affixed, imprinted or otherwise reproduced thereon the corporate seal of the City. In case any officer whose signature shall appear on this Agreement shall cease to be such officer, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

Section 2.04. Loan to the City. Subject to the terms hereof, the Bank will lend to the City the sum of \$212,000.00. The Loan shall bear interest from the date thereof unless otherwise herein provided until the date of payment at the rate not exceeding twelve percent (12%) per annum. Such principal and interest shall be payable in full within 120 months from the date hereof. Payments of interest shall be made monthly commencing January 1, 1991 and continuing on the first day of each month thereafter until December 1, 1991 at which time payment of principal and interest shall commence and payments will be in an amount necessary to amortize the remaining principal balance over the term of loan at the prevailing interest rate. The specific terms of the loan shall be set forth in a supplemental resolution, which shall be adopted by the City Council prior to entering into this Agreement.

Section 2.05. Limited Obligations. This Agreement shall be a limited obligation of the City. This Agreement shall be payable solely out of revenues derived from, or in connection with, the System and any proceeds from the sale of any obligation issued by the City in the furtherance of the Project. This Agreement shall never constitute an indebtedness

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of the State of West Virginia or the City of Nitro within the meaning of any constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the State of West Virginia or the City. Neither shall this Agreement be a charge against the general credit or taxing power of the State of West Virginia or the City.

Section 2.06. Interest Rate Upon Default. Notwithstanding any provision of this Agreement to the contrary, upon an event of default as set forth in Section 6.01 of this Agreement (1) the Loan shall thereafter during the period of such event of default bear interest at a rate (which rate is herein called the "Default Rate") of two percent (2%) more per annum (based on a 360-day year of twelve 30-day months) higher than the then applicable rate of interest, and (2) the City will pay to the holder hereof on the next Payment Date, the difference between (a) the amount of interest which the holder would have received in interest at the Default Rate if the Loan had borne interest at the Default Rate from the date of such event of default, and (b) interest paid at the rate set forth in Section 2.04 of this Agreement.

### ARTICLE III

#### PREPAYMENT

Section 3.01. City's Election to Prepay. The City shall give written notice to the Bank of its election to prepay in accordance with this Agreement, of the places where the amounts due upon such prepayment are payable, of the prepayment date and of the principal amount of such prepayment, which notice shall be given at least forty-five days prior to the prepayment date or such shorter period as shall be acceptable to the Bank.

Section 3.02. Partial Prepayment of Note. If less than all of the amounts at the time outstanding are to be prepaid by the City as will exhaust the monies available therefor and all such payments shall be applied to the last maturing installment or installments of principal on this Agreement and Note in the inverse order of maturity.

### ARTICLE IV

#### GENERAL COVENANTS AND PROVISIONS

Section 4.01. Payment. The City covenants that it will promptly pay or cause to be paid, but solely out of amounts derived from, or in connection with, the System and the Pledged Revenues, the principal of, premium, if any, and interest on the Note on the dates and in the manner provided herein according to the true intent and meaning hereof.



Section 4.02. Performance of Covenants. The City covenants that it will at all times comply with all provisions contained in this Agreement, and in all proceedings pertaining hereto. The City covenants that it is duly authorized under the Constitution and laws of the State of West Virginia, including particularly and without limitation the Act, to execute and deliver this Agreement; that all action on its part for the execution and delivery of this Agreement has been duly and effectively taken; and that this Agreement and Note in the hands of the holders hereof is and will be a valid and enforceable obligation of the City, payable solely out of revenues herein specified.

Section 4.03. Tax Covenant. The City shall at all times do and perform all acts and things permitted by law and necessary or desirable in order to assure that interest paid on this Agreement shall for the purpose of Federal income taxation be excludable from the gross income of the recipients thereof and exempt from such taxation. The City further covenants that it will and hereby does designate the line of credit as a "qualified tax-exempt obligation" for the purposes of Section 265 of the Code.

## ARTICLE V

### SATISFACTION AND DISCHARGE

Section 5.01. Satisfaction and Discharge. All rights and obligations of the City under this Agreement, shall terminate, and such instrument shall cease to be of further effect, when:

- (a) all reasonable fees and expenses of the Bank, shall have been paid;
- (b) the City shall have performed all of its agreements in this Agreement; and
- (c) The Note shall have become due and payable in accordance with its terms or otherwise as provided in this Agreement, and the City shall have paid all amounts required to be paid thereunder.

## ARTICLE VI

### DEFAULTS AND REMEDIES

Section 6.01. Events of Default. Each of the following shall be an "Event of Default" hereunder:

(a) Failure to pay the principal of, or premium, if any, on any amounts of this Agreement when the same shall become due and payable at maturity, by amortization, upon redemption or otherwise; or

(b) Failure to pay an installment of interest on any of this Agreement when the same shall become due and payable; or

(c) Failure by the City to perform any of its covenants, conditions, agreements and provisions contained in this Agreement other than as specified in (a) and (b) above, and such failure shall continue for the period and after the notice specified in Section 6.02 hereof.

Section 6.02. Notice of Default; Opportunity to Cure Such Default. No default under Section 6.01(c) hereof shall constitute an Event of Default until actual notice of such default by registered or certified mail shall be given to the City by the Bank or by the holders of this Agreement and until the City shall have had 30 days after receipt of such notice to correct such default, and shall not have corrected it; provided, however, if said default be such that it cannot be corrected within such 30 day period, it shall not constitute an Event of Default if corrective action is instituted by the City within the applicable period and diligently pursued until the default is corrected.

In the event that any payment referred to in Sections 6.01(a) or (b) is not timely made, the Bank shall immediately notify the City by telephone that such payment has not been made and shall confirm such notice by a subsequent telegram.

Section 6.03. Acceleration; Cure. Should any Event of Default occur and be continuing, then the Bank may, by notice in writing delivered to the City, declare the principal of all amounts then outstanding to be due and payable immediately, and upon such declaration the said principal, together with interest accrued thereon, shall become due and payable immediately at the place of payment provided therein without any presentment, demand, protest or other notice of any kind, all of which are hereby expressly waived, anything in this Agreement to the contrary notwithstanding.

The above provisions, however, are subject to the conditions that if, after the principal of this Agreement shall have been so declared to be due and payable, all arrears of interest upon the Loan, and all other sums payable under this Agreement (except the principal of, and interest on, this Agreement which by such declaration shall have become due and payable), shall have been paid by or on behalf of the City, and the City also shall have performed all other things in respect of which it may have been in default hereunder, and shall have paid the reasonable charges of the Bank, its counsel, including reasonable attorneys' fees paid or incurred, then and in every such case, by written notice to the City, the Bank may waive

such default and rescind and annul such declaration and its consequences, and such waiver shall be binding upon the Bank; but no such waiver, rescission and annulment shall extend to or affect any subsequent default or impair any right or remedy consequent thereon.

Section 6.04. Powers of Bank. If an Event of Default occurs and is continuing, the Bank in its discretion may take any or all of the following actions:

(a) enforce each and every right of the Bank under this Agreement; or

(b) by mandamus or other proceeding at law or in equity, enforce all rights of the Bank, including the right to require the City to enforce the provisions of this Agreement and to require the City to carry out any other agreements with or for the benefit of the Bank and to perform its duties under the Act; or

(c) bring suit upon this Agreement; or

(d) by a proceeding in equity require the City to account as if it were the trustee of an express trust for the Bank; or

(e) by a proceeding in equity enjoin any acts or things which may be unlawful or in violation of the rights of the Bank.

If any proceeding taken by the Bank on account of any Event of Default is discontinued or abandoned for any reason, or determined adversely to the Bank, then and in every case the City and the Bank shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies and powers of the Bank shall continue as though no such proceeding had been taken.

Section 6.05. Remedies Not Exclusive. No remedy herein conferred upon or reserved to the Bank is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

Section 6.06. Delay or Omission of Bank. No delay or omission of the Bank to exercise any right or power accruing upon any Event of Default shall impair any such right or power or shall be construed to be a waiver of any such Event of Default or any acquiescence herein; and every power and remedy given by this Article VI to the Bank, may be exercised from time to time and as often as may be deemed expedient.

Section 6.07. Application of Monies. Any monies received by the Bank while an Event of Default is continuing, and any available monies, and, in the case of a payment of principal, and premium if any, on the Loan, at the time such

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Event of Default occurs, shall be applied in the following order:

(a) Unless the principal of all the amounts outstanding shall have become or shall have been declared due and payable, all such monies shall be applied:

First: To the payment to the persons entitled thereto of all installments of interest then due on this Agreement, and, if the amount available shall not be sufficient to pay in full any particular installment, then to the payment ratably, according to the amounts due on such installment, to the persons entitled thereto, without any discrimination or privilege;

Second: To the payment to the persons entitled thereto of the unpaid principal and premium, if any, of this Agreement which shall have become due (other than amounts called for redemption for the payment of which monies are held pursuant to the provisions of this Agreement), in the order of their due dates, with interest on such amounts from the respective dates upon which they become due, and, if the amount available shall not be sufficient to pay in full amount due on any particular date, together with such interest, then to the payment ratably, according to the amount of principal due on such date, to the persons entitled thereto without any discrimination or privilege;

Third: To the payment of the interest on and the principal of this Agreement and premium, if any, and to the redemption of this Agreement all in accordance with the provisions of and priorities under this Agreement;

(a) If the principal of all amounts shall have become due or shall have been declared due and payable, all such monies shall be applied to the payment of the principal and interest then due and unpaid upon such amounts, without preference or priority of principal over interest or of interest over principal, or of any installment of interest over any other installment of interest, according to the amounts due respectively for principal and interest, to the persons entitled thereto.

(b) If the principal of all amounts shall have been declared due and payable, and if such declaration shall thereafter have been rescinded and annulled under the provisions of this Article then, subject to the provisions of paragraph (b) of this Section in the event that the principal of all amounts shall later become due or be declared due and payable, the monies shall be applied in accordance with the provisions of paragraph (a) of this Section.

(c) To the extent of the surplus, if any, to the City, if the City shall then not be in default under this Agreement, or to whomsoever may be lawfully entitled to receive the same, or as a court of competent jurisdiction may direct.

Whenever monies are to be applied pursuant to this Section 6.07, the Bank shall fix the date upon which such application is to be made, and upon such date interest on the amounts of principal to be paid on such date shall cease to accrue. The Bank shall give such notice as it may deem appropriate of the deposit with it of any such monies and of the fixing of any such date.

Section 6.08. Severability of Remedies. It is the purpose and intention of this Article VI to provide rights and remedies to the Bank which may be lawfully granted under the provisions of the Act, but, should any right or remedy herein granted be held to be unlawful, the Bank shall be entitled, as above set forth, to every other right and remedy provided in this Agreement.

## ARTICLE VII

### CONCERNING THE BANK

Section 7.01. Acceptance of Agreement. The Bank by execution of this Agreement, accepts the covenants hereby expressed but only upon the additional terms set forth in this Article VII. The permissive right of the Bank to do the things enumerated in this Agreement shall not be construed as a duty to take any specified course of action.

Section 7.02. Responsibility for Statements in Agreement. The recitals, statements and representations in this Agreement, shall be taken and construed as made by and on the part of the City and not by the Bank, and the Bank shall be under no responsibility or obligation for the correctness thereof.

Section 7.03. Responsibilities of Bank. The Bank shall not be responsible for the recording or filing of this Agreement, or for the sufficiency of the security for this Agreement; and the Bank shall not be bound to ascertain or inquire as to the performance or observance of any agreements on the part of the City except as herein set forth, but the Bank may require of the City full information and advice as to the performance of such agreements. The Bank shall not be required to give any bond or surety in connection with the performance of its duties hereunder.

The Bank may execute any of the powers hereof and perform any duties required of it by or through attorneys or agents and shall be entitled to advice of counsel concerning all questions arising hereunder or related hereto. The Bank shall not be answerable for the default or misconduct of any such attorney or agent selected by it with reasonable care or for the exercise of any discretion or power under this Agreement nor for anything whatever in connection with this Agreement, except only its own willful misconduct or negligence.

Section 7.04. No Duties to Notice Default. In the absence of actual knowledge, the Bank shall not be required to take notice or be deemed to have notice of any Event of Default (other than an Event of Default under Section 6.01(a) unless specifically notified in writing of such Event of Default.

For purposes of this Section 7.04, the Bank shall not be deemed to have actual knowledge of any Event of Default unless a person charged with the administration of the obligations of the Bank hereunder shall during the course of its duties have actual knowledge thereof.

Section 7.05. Rights and Powers During Default. The Bank shall exercise such of the rights and remedies vested in it by this Agreement and shall use the same degree of care in their exercise as a prudent man would exercise or use in the circumstances in the conduct of his own affairs; provided, that if in the opinion of the Bank such action may tend to involve expense or liability, it shall not be obligated to take such action unless it is furnished with indemnity satisfactory to it.

Section 7.06. Right to Rely upon Documents. The Bank shall be protected and shall incur no liability in acting or proceeding in good faith upon any resolution, notice, telegram, request, consent, waiver, certificate, statement, affidavit, voucher, bond, requisition or other paper or document which it shall in good faith believe to be genuine. The Bank shall be under no duty to make any investigation or inquiry as to any statements contained or matters referred to in any such instrument, but may accept and rely upon the same as conclusive evidence of the truth and accuracy of such statements.

Section 7.07. Right to Deal With City. The Bank, either as principal or agent, may also engage in or be interested in any financial or other transaction with the City and may act as depository, trustee or agent for the City.

Section 7.08. Interest upon Monies Received. The Bank shall not be under any liability for interest on any monies received under any of the provisions of this Agreement, except such as may be agreed upon between the Bank and the City.

Section 7.09. Construction of Provisions of Agreement. The Bank may construe any of the provisions of this Agreement insofar as the same may appear to be ambiguous or inconsistent with any other provision thereof, and any construction of any such provision hereof by the Bank in good faith shall be binding upon the City.

Section 7.10. Bank's Right to Make Advances. If the City shall fail to perform any of the covenants or agreements contained in this Agreement other than the covenants or agreements in respect of the payment of the principal of, premium, if any, or interest, the Bank may, in its uncontrolled discretion and without notice to the City, at any time and from time to time, make advances to effect performance of the same on behalf of the City, but the Bank shall be under no obligation so to do, and no such advance shall operate to relieve the City from any default hereunder.

Section 7.11. Intervention by Bank. The Bank may intervene in any judicial proceeding to which the City is a party and which, in the opinion of the Bank and its counsel, has a substantial bearing on its interests. The rights of the Bank under this Section 7.11 are subject to the approval of a court of competent jurisdiction.

## ARTICLE VIII

### MISCELLANEOUS

Section 8.01. Sole Benefit of Parties. Nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the parties hereto, any right, remedy or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the parties hereto.

Section 8.02. Severability of Provisions. In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement, but this Agreement shall be construed and enforced as if such illegal or invalid provisions had not been contained herein.

Section 8.03. Notices. All communications hereunder shall be in writing and, unless otherwise required under this Agreement, shall be deemed sufficiently given or made if delivered personally to the person who is to receive the same or if mailed to such person by first class mail, postage prepaid, addressed:

If to the City:

The City of Nitro  
Nitro City Hall  
Nitro, WV 25143  
Attention: Mayor

If to the Bank:

The National Bank of Commerce  
of Nitro  
1st Avenue  
Nitro, WV 25143  
Attention:  
President

The Bank and the City may, by notice given hereunder, designate any further or different address to which subsequent communications shall be sent.

Section 8.04. Successors and Assigns. None of the covenants, promises and agreements made in this Agreement by or on behalf of the City or the Bank shall be assignable by either of them except as expressly provided herein.

Section 8.05. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but all such counterparts shall together constitute but one and the same instrument.

Section 8.06. Governing Law. This Agreement, has been or will be executed and delivered under the laws of the State of West Virginia, and such laws shall govern the construction of this Agreement.

Section 8.07. Payments Due on Saturdays, Sundays and Holidays. In any case where the date for any payment on or with respect to this Agreement shall be a Saturday, a Sunday, a legal holiday or a day on which the Bank is authorized by law to close, and is closed, then payment shall be made on the next succeeding business day not a Saturday, a Sunday, a legal holiday or a day upon which the Bank is authorized by law to close, and no interest shall accrue for the intervening period.

Section 8.08. No Liability on City. No provisions, covenants or agreements contained in this Agreement or any obligations herein or therein imposed upon the City or the breach thereof, shall constitute or give rise to or impose upon the City a pecuniary liability other than herein set forth and provided or acts as a charge upon its general credit or taxing powers. In making the agreements, provisions and covenants set forth in this Agreement, the City has not obligated itself except with respect to its rights and interest in the System, as herein above provided. No officer or member of the City shall be personally liable on this Agreement.



IN WITNESS WHEREOF, The City of Nitro, West Virginia, has caused these presents to be signed by its Mayor and its corporate seal to be hereunder affixed and attested by its Recorder, and to evidence its acceptance of this Agreement, The Bank of Nitro, has caused these presents to be signed in its name and behalf by its Authorized Representative and its official seal to be hereunto affixed, and the same to be attested by one of its officers, all as of the day and year first above written.

THE CITY OF NITRO, WEST VIRGINIA

By: *Don Karno*  
Its: Mayor

ATTEST:

*Doris G. Carrier*  
Recorder

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

The undersigned Notary Public in and for the jurisdiction aforesaid hereby certifies that \_\_\_\_\_ and \_\_\_\_\_, whose names as Mayor and Recorder, respectively, of THE CITY OF NITRO, WEST VIRGINIA, are signed to the foregoing instrument, acknowledged the same before me in my jurisdiction aforesaid, as the act and deed of said City.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

My commission expires: \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public

THE NATIONAL BANK OF COMMERCE  
OF NITRO

By: \_\_\_\_\_  
President

(SEAL)

ATTEST:

\_\_\_\_\_  
Authorized Representative

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to-wit:

The undersigned Notary Public in and for the jurisdiction aforesaid hereby certifies that \_\_\_\_\_ and \_\_\_\_\_, whose names as the President and Authorized Representative, respectively, of THE NATIONAL BANK OF COMMERCE OF NITRO, are signed to the foregoing instrument, acknowledged the same before me in my jurisdiction aforesaid, as the act and deed of said national banking association.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

My commission expires: \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public

### ARTICLE III

#### MISCELLANEOUS

Section 3.01. Publication of Ordinance. The City Recorder is hereby authorized and directed to publish an abstract of this Ordinance as a Class II legal advertisement in compliance with the provisions of Chapter 59, Article 3 of the Code of West Virginia 1931, as amended in The Charleston Daily Mail, a newspaper of general circulation in the City, with a notice to all persons concerned stating that the Ordinance has been adopted, that the City contemplates entering into the Loan Agreement and that any person may appear before the Council, in the Council Chambers in City Hall, on the 4th day of December, 1990 at 7:30 o'clock p. m. as provided in such notice and present such protest or protests as to which such person may deem proper. The first date of the successive publications shall be at least ten days prior to said date for the hearing of protests and the last publication shall be prior to said hearing.

At such hearing all objection and suggestions shall be heard and the Council shall take such actions as it shall deem proper in the premises; provided, however, if at such hearing written protest is filed by thirty per cent (30%) or more of the owners of real estate in the City, then the Council shall not take further action unless four-fifths (4/5) of the qualified members thereof assent thereto.

Section 3.02. Effective Date. This Ordinance shall take effect immediately after public hearing thereon, as provided by law.

CITY OF NITRO  
COUNCIL MEETING MINUTES

DECEMBER 11, 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 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 Councilman at Large Rusty Casto and Councilman at Large David Casebolt.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 4, 1990 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved the Council Meeting Minutes of December 4, 1990 be approved as distributed. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Olaf Walker said at the end of the last meeting there was some confusion after the motion was made to adjourn. He said there were some items in the newspaper on some subject matter that was discussed after the meeting was adjourned, and said he would like to point out that whenever a motion is made to adjourn we want to be cautious to allow any discussion to be carried over after the meeting was adjourned.

Councilman at Large Olaf Walker referred to an item that was passed at the last meeting, and asked if we anticipated Council Chambers being too cold, or not large enough to accommodate the meeting on January 8, since he felt the place of the meeting should not have been changed. There was a review of the Code pertaining to the changing of a meeting place for Council Meetings. A Public Hearing was scheduled at the last Council Meeting. The City Attorney Phillip D. Gaujot said he did not think Council was doing anything illegal by having their meeting at another site.

AGENDA ITEM NO. 2 - MUNICIPAL LEVY SPECIAL ELECTION: - Mayor Karnes advised we have a Municipal Levy Special Election every three years which our City Recorder is in charge, and yielded this agenda item to her. The City Recorder Doris G. Carrier advised the current levy will expire June 30, 1991, and there is an election every 3 years. The purpose of the election is to help with the expenses of the City, such as the Fire Department, Street Maintenance and a variety of things. She informed we needed to pass a resolution to hold an election before March 28, 1991. She said the resolution must be approved at least 60 days prior to the election in order to allow time to have the ballots printed and make them available to the public 42 days prior to the election. After review of Chapters 8 and 11 of the WV Code,

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the City Attorney Phillip D. Gaujot suggested Council pass an ordinance to hold the election, and place on the agenda for the first reading on January 8, 1991. It was unanimously agreed upon the election would be held on Saturday, March 16, 1991.

Councilman George Atkins said he was talking with Chief Cochran a couple of weeks ago and was told by the Chief that he needed to hire a person in the police department and also in the communication department. Councilman Atkins said he informed Chief Cochran he could not hire anyone without being approved by Council as hiring was froze by Council in November, 1989. Mayor Karnes responded he authorized the hiring, and it was his understanding the hiring freeze was put into effect because there was a concern for the budget and this is a different budget year. Councilman Atkins said the hiring freeze was placed into effect to eliminate unnecessary hiring and wasting money. He said he feels before anyone is hired, it should come before Council so they could have a chance to vote on it. He said if Council wanted to interview and do all the hiring, it would be alright with him.

Councilman at Large Olaf Walker said he didn't feel Council wanted to interfere with the Mayor's management of the City, but Council approves a certain amount of money in the budget. The budget cannot exceed the certain amount of money without coming to Council. He said if a new person was going to be added, then Council should have been notified at the time the budget was prepared. Mayor Karnes told him a new person wasn't being added. Councilman at Large Olaf Walker said he asked the City Treasurer Ralph Allison to come to Council prepared to give a financial report of the monies available and his projections of revenues or any outstanding bills, not including payroll, coming in.

Mayor Karnes informed the Police Department may have problems with their budget because of an excessive amount of overtime due to the shortage of police officers.

Mayor Karnes advised he was concerned with the increase of our health insurance premium as it has increased from around \$90,000 to \$210,000 since they took office. Also, he said he feels we are going to have problems with the landfill cost. The cost was \$11.75 and it has increased to \$17.50 a ton. Through November, 1990 the Department of Public Works is underbudget \$1,400, but we don't have enough funds budgeted to handle the increased amount. Mayor Karnes said he talked with Connie Stephens, General Manager of the Sanitary Board and if they could figure a way to purchase a chipper then leaves, grass, tree limbs, etc. could be put into the chipper, then the Sanitary Board would use their manpower to operate the chipper and use it for composting and it wouldn't have to be dumped in the landfill. Mayor Karnes said the machine costs in the \$30,000 range.

Councilwoman Betty Jo Boggess said something needs to be done about the dogs running loose and getting into garbage on 16th and 18th Streets.

Councilman George Atkins asked if the new person in communications would only be working holidays and vacation, and Mayor Karnes said that would be up to the Department Head.

Councilman at Large Olaf Walker said the four accounts running in arrears need to be resolved. He said the arrears run from May, 1981 until October 9, 1990. He said this subject was addressed in a Finance Committee meeting and it was suggested that the City Treasurer Ralph Allison draft a letter to be sent to Mr. Brannon who called this matter to our attention in April, 1990. He said Mr. Allison drafted a letter and gave it to the Mayor for his consideration. Mr. Gaujot explained the court process. Councilman at Large Olaf Walker used Mr. Brannon's situation for an example, and said he feels we should negotiate and settle it even if we only get half of the amount due. Councilman at Large Olaf Walker said he feels each case has characteristics of its own, and should be handled separately. He said he suggested the Mayor respond to Mr. Brannon inviting him to come before the Finance Committee, the Mayor and possibly the City Treasurer to discuss the amount due. He said if they would negotiate and decide on a lesser amount, it would still be cheaper than going to Court. Councilman at Large Olaf Walker asked Mr. Gaujot if he could take legal action to make the City of Nitro perform its duty. Mr. Gaujot said it was called a writ of mandamus. Mayor Karnes said he feels these four were no different than anyone else that might fit this criteria. If our ordinance is legal, they have incurred this debt and they owe it. The same as a person paying taxes to support schools when they don't have any children in school.

Councilman George Atkins said he feels Mr. Brannon should be asked to come in and talk with the Finance Committee and then if it couldn't be resolved, he would say go to court. Mayor Karnes said he didn't object to asking any delinquent person to come in and make special arrangements to resolve the problem. Mr. Gaujot said it was proper to start with a letter to these people telling them to begin payment or legal action would be initiated. He said the letter to these people should come from him, and this would at least put it into the posture where they are talking. Then if talking breaks down, we could go ahead with the law suit. Discussion followed regarding the Brannon case. Councilman at Large Olaf Walker asked Mr. Gaujot if Council could give the Mayor and the Treasurer the authority to negotiate with Mr. Brannon, and he answered they could. Mayor Karnes responded he wasn't absolutely opposed to making a settlement with the subject person, but feels it is unfair to the ones who pay their bills. Councilman at Large Olaf Walker moved the Mayor with cooperation of the City Treasurer and the City Attorney draft a letter to the persons who are in arrears on their municipal fees for the last eight to nine years, and that the Committee be authorized

to enter into and make any negotiation with the customers in question to collect the monies due. Councilman Jim Hutchinson commented he wouldn't bargain with them. The motion was seconded. A vote was taken and it was unanimous.

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 9:15 p.m.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES

JANUARY 8, 1991

The special Council Meeting was called to order by Mayor Don Karnes at the Senior Citizens Nutrition Site on Bank Street 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 DECEMBER 11, 1990 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Minutes of the Council Meeting of December 11, 1990 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - LARRY ANGELL: - Mayor Karnes said Larry Angell requested to be placed on the agenda. However, he wasn't present.

AGENDA ITEM NO. 3 - MARCH OF DIMES REQUEST: - Mayor Karnes yielded this agenda to the City Recorder. The City Recorder Doris G. Carrier informed the March of Dimes has requested to hold their annual door-to-door solicitation between January 13, and January 26, 1991, and moved permission be granted. The motion was seconded. A vote was taken and it was unanimously approved.

AGENDA ITEM NO. 4 - RES 91-1 - METHOD OF ELECTION OF HOUSE OF DELEGATES: - Mayor Karnes explained this agenda item pertains to the method of election of the House of Delegates. Mayor Karnes introduced Mr. Prunty who offered further explanation and solicited the support of Council on this resolution. Councilman Robert Young suggested we add eliminating straight ticket voting to the resolution. Mr. Prunty suggested we do not add any other issues to this resolution. Councilman at Large Olaf Walker said he was in favor of the concept, but would like to have this matter held over until the next meeting to give him time to do some research. Mr. Prunty said he would like to have this passed as soon as possible. After further discussion, Councilman at Large Olaf Walker moved we adopt resolution 91-1. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 91-1 ATTACHED

AGENDA ITEM NO. 5 - FIREMEN'S PENSION - EXPENDITURE BUDGET: Mayor Karnes said that each year Council is asked to approve the estimated expenditure budget of the Firemen's and Police Pension

Funds. Council was furnished a copy of the expenditure budget for the calendar year of 1991. Mayor Karnes said in the past years, the miscellaneous amount had always been pretty insignificant and this year it is \$3,000. Firefighter Ronnie King advised they wanted to purchase a computer and a printer. Mayor Karnes asked if an expense for equipment would be a legitimate expense out of the Pension and Relief Fund, and Mr. Gaujot said he didn't know but would research the law and report back. Councilman at Large Olaf Walker asked what kind of an impact would this have on the City's operating budget, and Mayor Karnes said the way he understands the law is that part of the money comes from insurance premiums, part of the money comes out of the firefighters checks and the rest from the City of Nitro. Councilman at Large Olaf Walker ask if their budget would make a difference in our 1990-91 budget, and the City Treasurer Ralph Allison responded it would depend on when they would spend the \$3,000. He said if they spend the \$3,000 before June 30, 1991 it would. Firefighter King said he talked to a gentleman with the firm they wanted to have their acturial study made with, and was told the cost would be \$2,350, However, since this time he spoke with the gentleman again and the cost would be less as they could be considered a sister City to Charleston. Councilman at Large Olaf Walker asked what the computer would be used for, and Firefighter Ronnie King advised it would be used to store their records. He said it would be purchased solely for the Pension Board, but it would probably be used by the Fire Department also. Councilman at Large Olaf Walker said he would like for the \$3,000 for miscellaneous be removed from the expenditure budget at the present time and Mr. Allison and Mr. Morris determine if we can provide time for the Police and Fire Departments to use the present computer. Firefighter King said it was his understanding that Council had no jurisdiction in the Pension Fund monies. Mayor Karnes informed that in the past three years, the line item for miscellaneous expense was \$300. Councilman at Large Olaf Walker said it hadn't been demonstrated to him that we have the need for a computer for 15 people. Mayor Karnes said Firefighter King requested a meeting with the Fire Committee consisting of the 4 Ward Council Members and then schedule a regular meeting date every two weeks or once a month. The first meeting was scheduled for Tuesday, January 15, at 6:30 p.m. in Council Chambers prior to the Council Meeting. Councilman at Large Olaf Walker moved the expenditure budget of the Fire Pension be approved with the following exceptions: Misc. Expense be reduced to \$300 and the Treasurer, with the assistance of Mr. Morris, make a study and determine whether a \$3,000 computer is justified and could be utilized in the Fire Department in making them more efficient. The motion was seconded. In answer to a question as to which was the most important, the acturial study or computer, Firefighter King responded they would be having an acturial study made this year, probably within this month. He said he would begin laying the groundwork tomorrow. A vote was taken, it passed and Councilman Robert Young opposed.

EXPENDITURE BUDGET OF THE NITRO FIREMEN'S PENSION & RELIEF FUND 1991 ATTACHED.



AGENDA ITEM NO. 6 - POLICEMEN'S PENSION - EXPENDITURE BUDGET: - Councilman at Large Olaf Walker moved the estimated expenditure budget of the Nitro Policemen's Pension be adopted and made a part of the Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous.

POLICEMEN'S PENSION EXPENDITURE BUDGET ATTACHED.

AGENDA ITEM NO. 7 - ORD. 91-1 TO AUTHORIZE SPECIAL ELECTION: City Recorder Doris G. Carrier introduced Ordinance 91-1 to authorize a special election. Councilman at Large Olaf Walker moved the Recorder dispense reading the entire ordinance, and read the title only. The motion was seconded. A vote was taken and it was unanimous. After the reading of the title, Councilman Robert Young moved we adopt Ordinance 91-1. The motion was seconded. City Attorney Phillip D. Gaujot pointed out that on page 1, Article B should be corrected to state Article 8. Councilman at Large Olaf Walker said he knew Mr. Gaujot mentioned and the minutes reflects that this should be an ordinance, but in 1979, 1982, 1985 and 1988 it was a resolution. Mr. Gaujot said the Tax Department said it could be done by a resolution, but the Code says it must be by an Ordinance. A vote was taken, and it was unanimous.

ORDINANCE 91-1 ATTACHED.

There being no further business, Councilman Jim Hutchinson moved the meeting be adjourned at 8:25 p.m. The motion was seconded. A vote was taken and it was unanimous.

Don Karnes  
DON KARNES, MAYOR

Doris G. Carrier  
DORIS G. CARRIER, RECORDER



DON KARNES  
MAYOR

## RESOLUTION 91-1

WHEREAS, Kanawha County voters currently elect twelve members to the West Virginia House of Delegates on a county-wide, at large basis; and

WHEREAS, this method of selecting members to the House of Delegates does not promote the election of candidates representing the various geographic and socioeconomic segments of Kanawha County; and

WHEREAS, this method of election discourages many people from running for the House of Delegates because of the excessive financial cost and time commitment necessary to run an effective county-wide campaign for one of twelve seats; and

FURTHER, this method of election does not promote the casting of well-informed votes by those who participate in the election process; and

WHEREAS, the 1991 session of the West Virginia Legislature must revise the size and shape of state legislative districts in order to reflect the results of the 1990 census; and

WHEREAS, the election of two House of Delegate representatives from each of the six magisterial districts in Kanawha County will ensure the election of representatives from the various geographic and socioeconomic segments of Kanawha County, encourage new candidates to seek election by reducing the financial cost and time commitment necessary to run an effective campaign, and promote informed voter participation in the election process by localizing and personalizing campaigns for the House of Delegates and by presenting voters with the opportunity to select representatives who live in their own community.

BE IT THEREFORE RESOLVED that the City Council for the City of Nitro encourages the West Virginia Legislature to revise the boundaries of the six magisterial districts in Kanawha County so that each district includes approximately the same population, and further provide for the election of two representatives to the West Virginia House of Delegates from each of Kanawha County's six magisterial districts.

Passed this 8th day of January, 1991.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

## FIREMEN'S PENSION BOARD MEETING MINUTES


JANUARY 7, 1991

A meeting of the Nitro Firemen's Pension Board was called to order by Mayor Don Karnes at the Nitro Fire Department at 10:15 a.m. Present were Mayor Don Karnes, Sgt. E. W. Hedrick, Firefighters Paul Frank Strohl, Ronnie King and Shawn Alderman. Also present was the Secretary, Pansy Armstead.

AGENDA ITEM NO. 1 - NITRO FIREMEN'S PENSION & RELIEF FUND EXPENDITURE BUDGET - 1991: - Firefighter Ronnie King moved the proposed budget of the Nitro Firemen's Pension and Relief Fund for expenditures be approved. The motion was seconded by Firefighter Paul Frank Strohl. A vote was taken and it was unanimous.

1991 BUDGET OF EXPENDITURES ATTACHED.

There being no further business, Firefighter Ronnie King moved the meeting be adjourned at 10:16 a.m. The motion was seconded by Sgt. E. W. Hedrick, II. A vote was taken and it was unanimous.

  
PANSY ARMSTEAD, SECRETARY

**Nitro Fire Department**

NITRO, WEST VIRGINIA 25143

## NITRO FIREMEN'S PENSION &amp; RELIEF FUND

## EXPENDITURE BUDGET - 1991

CLYDE HARRIS	\$	7,949.34
C. MCDANIEL		7,300.50
D. RAWLINGS		7,300.50
K. KING		8,333.70
J. L. RAYNES		14,213.58
E. W. HEDRICK		18,378.78
R. L. FAULKNIER		13,000.56
SECRETARY		480.00
MISC. EXPENSE		3,000.00
ACTURIAL STUDY	+	<u>3,000.00</u>
	\$	82,956.96
10% FOR INVESTMENT		<u>+ 8,295.70</u>
		91,252.66

INCLUDES 5% INCREASE FOR THE COST OF LIVING RAISE WHICH IS BASED ON THE CONSUMER PRICE INDEX (CPI). EXACT PERCENTAGE NOT AVAILABLE UNTIL AFTER JUNE 1991.

NITRO POLICEMEN'S PENSION & RELIEF FUND

BUDGET OF EXPENDITURES - 1991

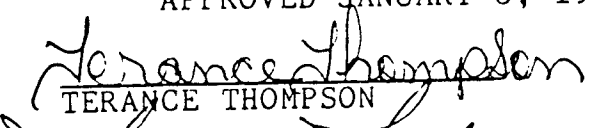
SHELBY HARRISON	\$ 11,725.08
KENNETH WEBB	10,578.24
ADA POST	4,380.78
BRUCE ANGELL	14,830.14
SECRETARY	300.00
MISC. EXPENSE	<u>300.00</u>

10% FOR INVESTMENT	<u>4,203.42</u>
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\$46,238.66

INCLUDES 5% INCREASE FOR THE COST OF LIVING RAISE WHICH IS BASED ON THE CONSUMER PRICE INDEX (CPI). EXACT PERCENTAGE NOT AVAILABLE UNTIL AFTER JUNE, 1991.

APPROVED JANUARY 8, 1990 AND RESPECTFULLY SUBMITTED,

  
TERANCE THOMPSON

  
JACK JORDAN

  
JOHN JOYCE

  
GARY BLANKENSHIP

## ORDINANCE 91-1

AN ORDINANCE TO EMPOWER A SPECIAL ELECTION  
TO AUTHORIZE ADDITIONAL LEVIES FOR THE  
FISCAL YEARS BEGINNING JULY 1, 1991, JULY  
1, 1992 AND JULY 1, 1993.

NOTICE OF SPECIAL ELECTION  
FOR  
ADDITIONAL MUNICIPAL LEVY

TO THE VOTERS OF NITRO, WEST VIRGINIA  
TAKE NOTICE

That a regular meeting of the Council of the City of Nitro,  
State of West Virginia, held on the 8th day of January, 1991, the  
following order was made and entered of record, to-wit:

The Council of the City of Nitro, being of the opinion that  
the maximum levies for current expenses authorized by Article 8,  
Chapter 11 of the Code of West Virginia, as amended, will not  
provide sufficient funds for the payment of the current expenses  
of the City of Nitro, including expenditures for the purposes  
hereinafter set forth, and that an election should be held to  
increase such levies under the provisions of Section 16, Article  
18, Chapter 11 of the Code of West Virginia, as amended, it is  
hereby ordered.

1. That the purpose for which additional funds are needed  
is as follows:
  - (a) Street Maintenance and Repairs.
  - (b) Parks and Recreation
  - (c) Firemen's Wages
  - (d) Additional Street Lighting
  - (e) Policemen's Wages
  - (f) Library
  - (g) Fire Hydrant Rental
2. That the approximate amount for each purpose is as  
follows:
  - (a) Street Maintenance and Repairs, \$20,030.00 for  
each fiscal year for a period of three years.

- (b) Parks and Recreation, \$15,315.00 for each fiscal year, for a period of three years.
  - (c) Firemen's Wages, \$22,385.00 for each fiscal year for a period of three years.
  - (d) Additional Street Lighting, \$11,782.00 for each fiscal year for a period of three years.
  - (e) Policemen's Wages \$34,169.00 for each fiscal year for a period of three years.
  - (f) Library, \$9,426.00 for each fiscal year for a three year period.
  - (g) Fire Hydrant Rental, \$4,716.00 for each fiscal year for a three year period.
3. That the total approximate amount for said purpose or purposes is \$117,823.00 for each fiscal year for a period of three years.
  4. That the separate and aggregate assessed valuation of each class of taxable property within the municipality of Nitro is as follows: Class I -\$3,270, Class II \$23,912; and on Class IV \$90,641. Aggregate: \$117,823.00
  5. That the proposed additional rate of levy in cents on class of property is as follows: Class I - 6.25¢; Class II - 12.5¢; and on Class IV -25¢.
  6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1991, July 1, 1992 and July 1, 1993.
  7. That the question of such additional levy shall be submitted to a vote at a special election to be held on the 16th day of March, 1991.
  8. That the notice calling such election shall be given by the publication of this Order at least once each week for two successive weeks before said election, within fourteen consecutive days next preceding the election. Printed copies of this Order shall also be posted at each place of voting at least ten days before said election. All the provisions of the laws concerning General Election shall be used at such election when held in connection with any other election.
  9. That the ballot to be used at such election shall be in for as follows:

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

Special election to authorize additional levies for the fiscal years beginning July 1, 1991, July 1, 1992 and July 1, 1993, for the following purposes and in the approximate amounts set forth as follows:

- (a) For street maintenance and repairs, the annual approximate amount of \$20,030.00.
- (b) For parks and recreation, the annual approximate amount of 15,315.00.
- (c) For firemen's wages, the annual approximate amount of \$22,385.00.
- (d) For additional street lighting, the annual approximate amount of \$11,782.00.
- (e) For policemen's wages, the annual approximate amount of \$34,169.00.
- (f) For the Library, the annual approximate amount of \$9,426.00.
- (g) For fire hydrant rental, the annual approximate amount of \$4,716.00.

\*\*\* The annual total approximate amount to be expended during the term of this levy is \$117,823.00.

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

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

( ) For the Levies

( ) Against the Levies

Council of the City of Nitro

ATTEST:

Arcis G. Carrier  
CITY RECORDER

BY: Don Karnes MAYOR

FIRST READING: JANUARY 8, 1991  
SECOND READING: \_\_\_\_\_



CITY OF NITRO  
COUNCIL MEETING MINUTES

JANUARY 15, 1991

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 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 Attorney Phillip D. Gaujot. Absent were Councilman at Large Rusty Casto and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 8, 1991 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of January 8, 1991 be approved. The motion was seconded. Councilman at Large Olaf Walker said he wanted to change the word "present" on page 2 to the "City's" computer meaning the one in Mr. Morris's office. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PUBLIC HEARING 1-8-91: - Councilman at Large Olaf Walker moved the minutes of the Public Hearing be approved and made a part of our minutes. The motion was seconded. A vote was taken and it was unanimous.

PUBLIC HEARING MINUTES ATTACHED.

AGENDA ITEM NO. 3 - ORD. 91-1 TO AUTHORIZE SPECIAL ELECTION: Mayor Karnes said this would constitute the second reading of Ordinance 91-1 and yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier moved we dispense reading the ordinance in its entirety. The motion was seconded. A vote was taken and it was unanimous. The City Recorder Doris G. Carrier read the title and moved we adopt said ordinance. The motion was seconded. Councilman at Large Olaf Walker suggested the Mayor notify the public by a press release so the people would know this would not increase their taxes and it is part of the City's budget and we depend on it. A vote was taken, and it was unanimous.

ORDINANCE 91-1 ATTACHED.

AGENDA ITEM NO. 4 - BUILDING DEPARTMENT ADMINISTRATIVE MANUAL: - Mayor Karnes said Mr. Sergeant placed a copy of a building department administrative manual in Councils' packets, for which he feels we need, at least in some form. He is not requesting any action by Council at this time, but wanted them to be made aware of it and advise if they feel any changes should be made and whether or not we should adopt it. Mr. Gaujot advised

Council that anytime they are contemplating a new ordinance or an amendment to an existing ordinance, to make sure it is not in conflict with the codified version of our ordinance.

AGENDA ITEM NO. 5 - ORD. 91-2 - AMENDING 531.04 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WV: - Mayor Karnes yielded this agenda item to the City Attorney Phillip D. Gaujot. Mr. Gaujot said that as Council was aware until this year, the sale of whiskey had to be through a state owned store. With the new law in effect and the selling of the stores, now whiskey will be sold by retailers. This ordinance places upon those retailers a license fee of \$1,500 for Class A license and \$500 for Class B. Mr. Gaujot said the only thing he sees that is open for discussion is the amounts. He explained that this was an ordinance suggested by the Municipal League of Cities and he turned it around to make it applicable to our proposed section of the new codified version of our ordinances. He informed Council that this ordinance could be approved tonight on the first reading, but before it is read the second time and adopted, the codified version of the ordinances should be approved. He said if they elect not to approve the codified version, the heading should be changed on this one.

Councilman at Large David Casebolt moved the Mayor read the title only. The motion was seconded. A vote was taken and it was unanimous. After Mayor Karnes read the title, Councilman at Large David Casebolt moved the Ordinance be approved on the first reading. The motion was seconded. Councilman at Large Olaf Walker said they adopted an ordinance several months ago changing some of the municipal license fee, and this needs to be amended because of some inequities in the fees adopted. Mr. Gaujot said that was Ordinance 90-3. Mr. Gaujot said the ordinance he prepared didn't include amending 90-3 and it may need to be. This ordinance has to do with bottled whiskey only. Mr. Gaujot recommended Council read the ordinance as is. He advised this would incorporate the \$1,500 for Class A and \$500 for Class B Licenses.. Also, he said sometime in the future we are going to have to incorporate 90-3 into the codified version. The City Recorder Doris Carrier informed she mailed all the ordinances adopted in 1990 to the Walter Drane Company. Mrs. Carrier said she feels the department heads should have the ordinance books for review. A vote was taken to pass the ordinance on the first reading, and it was unanimous.

ORDINANCE 91-2 ATTACHED.

AGENDA ITEM NO. 6 - FUND RAISER - FIREMEN'S ASSOCIATION: - Members of Council were furnished a copy of a request from the Nitro Firemen's Association to invite Columbia Productions, Inc. back into our City to help with the annual fund raising project. Councilman at Large Olaf Walker moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - FIREMEN'S PENSION FUND: - Mayor Karnes said Firefighter Ronnie King asked to address Council to continue discussing the Firemen's Pension Fund. Firefighter Ronnie King said as he mentioned at the last Council Meeting, Council did not have jurisdiction in the budget of the pension board. He said he reviewed the Code and furnished copies to Council. He said he was working with the City Treasurer Ralph Allison getting information together for an actuary study. Councilman at Large Olaf Walker said he did a little researching after the last Council Meeting. He said in Chapter 22, Paragraph 13 it says the Trustees made an annual report as per Firefighter King's statement, but also it says the City will pay for administrative costs such as for a secretary, paper, etc. Firefighter King said this expense comes out of the Pension Board's Fund. Councilman at Large Olaf Walker asked if in the actuarial study it was high, would the City's part be higher. Firefighter King explained the purpose of the actuarial study is a checks and balance system to make sure the monies that are suppose to be coming in is coming in, and they estimate the monies coming in from year to year into the fund. Councilman at Large Olaf Walker said he still feels the \$3,000 for a computer is not a legitimate expense for the pension fund. He said if we would have left the \$3,000 in the budget, it would have increased the fund by \$3,000. Firefighter King said it would have increased the estimated expenditures for that year by \$3,000. Firefighter King said the City was suppose to put roughly \$45,000 into the fund. Councilman at Large Olaf Walker said he didn't have any objections to this, but it shouldn't be put in the fund to buy equipment. Firefighter King stated it was the sole purpose of the Pension Board to decide how the money is to be spent. Councilman at Large Walker stated he was against using the money to purchase equipment. Firefighter King said the Pension Money does not belong to the City. Councilman Robert Young said it was his understanding Council didn't have a vote on this matter. Mayor Karnes said he didn't feel either side had the legal expertise to decide this question. He said Firefighter King asked him to address Council to make his original budget expenditure estimate presented and accepted by Council and to make it a part of these proceedings. He said not to pass on whether or not we agree with it, just to make it a part of these proceedings. Mr. Gaujot said he did some research on this matter after the last Council Meeting, and thinks both Councilman at Large Walker and Firefighter King are correct. He said the Firemen's Pension Fund is an independent legal entity, and the monies that goes into that fund, although part of it comes from the City, belongs to that entity. He said not to them individually, but belongs to that fund. There are certain standards they have to meet. He said those funds have to be a guarantee, and if they exceed that then they can use the excess money to buy whatever they feel necessary. They are Trustees, and are in a fiduciary relationship to the members of the fund, and they have to abide by the actuary direction. If they do not exercise diligence and the City has to make up for it, then they

are getting into what Council needs to be concerned about, which is into funds of the people of the City of Nitro. Mr. Gaujot said he didn't think this body had any right to change the budget and Council makes it a part of the Council Meeting Minutes. However, he said he didn't think there was anything to prohibit this body from going on record that they disapprove of any expenditure that the Pension Board thinks important. Mr. Gaujot said if they want to spend \$3,000 for a computer, then they had better make sure that they have the money in the account, and it better be a wise investment. Councilman at Large David Casebolt moved the 1991 estimated expenditure budget of the Firemen and Policemen's Pension be made a part of the minutes as presented. The motion was seconded. A vote was taken and it was passed with Councilman at Large Olaf Walker opposing.

ATTACHED TO COUNCIL MEETING MINUTES OF JANUARY 8, 1991.

City Recorder Doris G. Carrier asked if we had an evacuation plan, and was informed we did and drills had been made.

Councilwoman Betty Jo Boggess said she understood there was a vacancy on the Kanawha County Ambulance Authority Board, and would like to have it filled soon. She suggested we put someone on the board to try and get our ambulance back in the City.

Mayor Karnes informed that in the future, the agenda will be prepared on Friday prior to the meeting, and except for emergency situations, only those items on the agenda will be addressed at the Council Meeting. Councilman at Large David Casebolt and Councilman Jim Hutchinson commented they thought this was a good idea. Mr. Gaujot said he thought the Roberts Rules of Order calls for order on business.

Councilman Jim Hutchinson moved the meeting be adjourned at 8:25 p.m. The motion was seconded. A vote was taken and it was unanimous.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

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PUBLIC HEARING  
JANUARY 8, 1991

The Public Hearing was called to order by Mayor Don Karnes in the Senior Citizen's Nutrition Site on Bank Street at 7:00 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 Jim Withrow, Attorney for the Sanitary Board, Connie Stephens, General Manager of the Sanitary Board, Max Lemma, Treasurer of the Sanitary Board, City Attorney Phillip D. Gaujot, City Treasurer Ralph Allison and Mr. W. S. Shafer, a concerned citizen.

Mayor Karnes said he had an affidavit that this Public Hearing was advertised on December 17, 1990 and again on December 24, 1990, and pertains to an ordinance authorizing the Nitro Sanitary Board to obtain financing.

Mr. Jim Withrow said that in the last two Nitro City Council Meetings, Council approved an ordinance which authorizes the borrowing of an amount of money which is proposed to be used by the Sanitary Board for some treatment plant improvements. He said basically the improvements are to be funded through the monies available from EPA Grant and some monies the Nitro Sanitary Board has on hand. The primary purpose for this particular borrowing is to provide some interim financing because the EPA Grant money is not available until the project is completed, and the contractors want to be paid monthly. Therefore, the Sanitary Board has to pay the contractors and suppliers on a monthly basis and then ultimately in approximately 6 or 8 months, when the project is completed, then when EPA turns loose of their money the biggest portion of this borrowing will be repaid. He informed they were asking for an amount up to \$200,000. If it becomes necessary, they are asking for a permanent portion in an amount of \$60,000 which would be repaid over a term not to exceed 5 years. He said the Bank of Nitro has agreed to provide for this financing and to make the loan. He advised that the monies to repay the loan will come from the EPA Grant and secondly from funds that are otherwise available to the Sanitary Board. It will not be obtained through general City funds or City taxes, and there is no obligation on the part of the City or the City Council to appropriate funds to pay for this borrowing. Mr. Withrow opened the floor for questions and also asked if there were any persons present opposed to the above undertaking.

There being no questions or anyone voicing an opposition, the public meeting was adjourned.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

## ORDINANCE 91-1

AN ORDINANCE TO EMPOWER A SPECIAL ELECTION  
TO AUTHORIZE ADDITIONAL LEVIES FOR THE  
FISCAL YEARS BEGINNING JULY 1, 1991, JULY  
1, 1992 AND JULY 1, 1993.

NOTICE OF SPECIAL ELECTION  
FOR  
ADDITIONAL MUNICIPAL LEVY

TO THE VOTERS OF NITRO, WEST VIRGINIA  
TAKE NOTICE

That a regular meeting of the Council of the City of Nitro, State of West Virginia, held on the 8th day of January, 1991, the following order was made and entered of record, to-wit:

The Council of the City of Nitro, being of the opinion that the maximum levies for current expenses authorized by Article 8, Chapter 11 of the Code of West Virginia, as amended, will not provide sufficient funds for the payment of the current expenses of the City of Nitro, including expenditures for the purposes hereinafter set forth, and that an election should be held to increase such levies under the provisions of Section 16, Article 8, Chapter 11 of the Code of West Virginia, as amended, it is hereby ordered.

1. That the purpose for which additional funds are needed is as follows:
  - (a) Street Maintenance and Repairs.
  - (b) Parks and Recreation
  - (c) Firemen's Wages
  - (d) Additional Street Lighting
  - (e) Policemen's Wages
  - (f) Library
  - (g) Fire Hydrant Rental
2. That the approximate amount for each purpose is as follows:
  - (a) Street Maintenance and Repairs, \$20,030.00 for each fiscal year for a period of three years.

- (b) Parks and Recreation, \$15,315.00 for each fiscal year, for a period of three years.
  - (c) Firemen's Wages, \$22,385.00 for each fiscal year for a period of three years.
  - (d) Additional Street Lighting, \$11,782.00 for each fiscal year for a period of three years.
  - (e) Policemen's Wages \$34,169.00 for each fiscal year for a period of three years.
  - (f) Library, \$9,426.00 for each fiscal year for a three year period.
  - (g) Fire Hydrant Rental, \$4,716.00 for each fiscal year for a three year period.
3. That the total approximate amount for said purpose or purposes is \$117,823.00 for each fiscal year for a period of three years.
  4. That the separate and aggregate assessed valuation of each class of taxable property within the municipality of Nitro is as follows: Class I - \$3,270, Class II \$23,912; and on Class IV \$90,641. Aggregate: \$117,823.00
  5. That the proposed additional rate of levy in cents on class of property is as follows: Class I - 6.25¢; Class II - 12.5¢; and on Class IV - 25¢.
  6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1991, July 1, 1992 and July 1, 1993.
  7. That the question of such additional levy shall be submitted to a vote at a special election to be held on the 16th day of March, 1991.
  8. That the notice calling such election shall be given by the publication of this Order at least once each week for two successive weeks before said election, within fourteen consecutive days next preceding the election. Printed copies of this Order shall also be posted at each place of voting at least ten days before said election. All the provisions of the laws concerning General Election shall be used at such election when held in connection with any other election.
  9. That the ballot to be used at such election shall be in for as follows:

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

Special election to authorize additional levies for the fiscal years beginning July 1, 1991, July 1, 1992 and July 1, 1993, for the following purposes and in the approximate amounts set forth as follows:

- (a) For street maintenance and repairs, the annual approximate amount of \$20,030.00.
- (b) For parks and recreation, the annual approximate amount of 15,315.00.
- (c) For firemen's wages, the annual approximate amount of \$22,385.00.
- (d) For additional street lighting, the annual approximate amount of \$11,782.00.
- (e) For policemen's wages, the annual approximate amount of \$34,169.00.
- (f) For the Library, the annual approximate amount of \$9,426.00
- (g) For fire hydrant rental, the annual approximate amount of \$4,716.00.

\*\*\* The annual total approximate amount to be expended during the term of this levy is \$117,823.00.

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

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

( ) For the Levies

( ) Against the Levies

Council of the City of Nitro

ATTEST:

Alexis G. Carrier  
 CITY RECORDER

BY: Don Karna MAYOR

FIRST READING: JANUARY 8, 1991

SECOND READING: JANUARY 15, 1991



ORDINANCE NO. 91-2

ADOPTED BY COUNCIL \_\_\_\_\_

INTRODUCED IN COUNCIL January 15, 1991

AN ORDINANCE AMENDING, MODIFYING AND RE-ENACTING 521.04 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA, BY ADDING THERETO A NEW SECTION DESIGNATED SECTION 521.04(a) TO IMPOSE A RETAIL LICENSE FEE UPON RETAIL OUTLETS PRACTICING THE SALE OF LIQUOR BY THE BOTTLE IN THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA

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

WHEREAS, The State of West Virginia, under W.Va. Code Sec. 60-3A-2 has declared that the sale of liquor at retail should no longer be by the state, but rather by retail licensees; and

WHEREAS, W.Va. Code Sec. 60-3A-12 imposes an annual retail license fee period beginning July 1, to the 30th of June of the following year; and

WHEREAS, the State Class A retail license fee is \$1,500.00 per outlet; and

WHEREAS, the State Class B retail license fee is \$500.00 per outlet; and

WHEREAS, the City of Nitro, West Virginia, is authorized to require establishments selling liquor to first obtain license, but there is no ordinance in effect which would cover the retail sale by liquor stores by the bottle;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA, that Article 521.04 of the Codified Ordinances of Nitro, West Virginia be amended, modified and re-enacted by adding thereto a new section, designated Section 521.04(a) which shall read as follows:

SECTION 521.04(a)  
LIQUOR LICENSE FEE

(a) As the State of West Virginia shall require a retail outlet to obtain a liquor license from the State, the City of Nitro, West Virginia shall also issue liquor licenses subsequent to the retail outlet receiving a liquor license from the State. After the issuance of a State liquor license the applicant must then file an application with the Recorder of the City of Nitro, West Virginia.

(b) The annual retail license period shall be from the first day of July to the thirtieth day of June of the following year. The annual retail license fee, if an applicant holds a Class A retail license under State law shall be the sum of one thousand five hundred dollars (\$1,500.00) per outlet. The annual retail license fee if an applicant holds a Class B retail license shall be five hundred dollars (\$500.00) per outlet. The annual retail license fee for the initial year of issuance shall be prorated based on the number of days remaining between the date of issuance and the following thirtieth day of June.

(c) A retail license shall expire on the thirtieth day of June of each year and may be renewed only upon the submission to the Director of the Division of Finance of the City of Nitro, West Virginia.

(d) No person may sell liquor at any retail outlet if the retail license applicable to such outlet has been suspended or revoked, or has expired.

(e) All retail licenses issued or renewed under the provisions of this section shall expire and be of no further force or effect as of the first day of July, in the year two thousand. Licenses issued thereafter will be so issued in accordance with applicable law.

(f) Violations of the provisions of this ordinance shall be punishable by a fine of five hundred dollars (\$500.00) and/or imprisonment for up to thirty (30) days.

Passed on First Reading

JANUARY 15, 1991

Adopted on Second Reading

  
\_\_\_\_\_  
Mayor

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

CITY OF NITRO  
COUNCIL MEETING MINUTES

FEBRUARY 5, 1991

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 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 15, 1991 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved the Minutes of the January 15, 1991 Council Meeting be approved as written. The motion was seconded. Councilman at Large Olaf Walker said the Nitro Firemen's Expenditure Budget was addressed at the January 8, and January 15, 1991 Council Meetings. He questioned legal counsel regarding the two motions dealing with the same thing. He said there is a proper form to correct this action. Mr. Gaujot advised that the action taken on January 8, has no effect as Council did not have the authority to do what they did; which is considered a void action on behalf of Council. Mr. Gaujot explained that at the January 8, meeting, Councilman at Large Olaf Walker attempted to change what the Firemen's Pension Fund Board allowed for the purchase of a computer. This action was a void action because he feels Council doesn't have the authority to do that. After further discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - SANITARY BOARD - FINAL DOCUMENTS INTERIM FINANCING: - Mayor Karnes yielded this agenda item to the Nitro Sanitary Board's Attorney, Jim Withrow. Mr. Withrow explained this matter has been before Council on the first and second reading of the ordinance and the public hearing. It is down to the point where the final terms and conditions from the National Bank of Commerce of Nitro has been set forth and they were now before Council for final approval. He advised there were no substantial changes in anything they talked about. Mr. Withrow reminded Council the money was being used to provide funds for improvements in the treatment plant that are now under construction. He said the borrowing is not contemplated to cause any increase in the sanitary rates and will not be required to be paid with any monies from the City other than the regular sanitary fee charges. Mr. Withrow introduced a resolution which basically approves the financing and authorizes the Mayor and the City Recorder to sign the appropriate documents with the NBoFC of Nitro. Councilman at Large Olaf Walker moved the Mayor suspend reading the resolution in its entirety. The motion was seconded. A vote was taken and it was unanimous. After Mayor Karnes read

the title, Councilman Jim Hutchinson moved the resolution be approved. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 91-2 ATTACHED.

AGENDA ITEM NO. 3 - ORDINANCE 90-10 ADOPT THE 1991 CODIFIED ORDINANCES, ETC. (2ND READING): - Mayor Karnes said this would constitute the second reading of Ordinance 90-10. Mr. Gaujot said he would like to speak regarding Ordinances 90-10 and 91-2, and also he has prepared another ordinance which he feels Council should consider along with the other two ordinances. He said in 1990, Ordinance 90-3 was passed which was a list of various charges for retailers and various businesses in the City, and at a previous Council Meeting, Ordinance 91-2 was discussed which sets a retail license fee of \$1,500 for sale of liquor in the City of Nitro. Mr. Gaujot suggested Council accept 91-2 as prepared and submitted, and amend 90-3 which he believes would bring it all into order. He said it was his opinion Council should pass the codified version with the understanding that every year we would need to amend that version. He said since the codified version, there are already 10 or 11 ordinances that have been passed which should be submitted to the printer and there will probably be other amendments after all the input comes in from the various departments. Councilman at Large Olaf Walker said he was conceptually for this, but there are some areas which are incorrect and if the license tax ordinance is adopted, it should be included in this ordinance. Councilman at Large David Casebolt moved the Mayor read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved the ordinance be adopted and the Treasurer or Clerk come to the next Council Meeting with the summary of the total contract, the amount paid, dates paid and balance. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 90-10 ATTACHED.

AGENDA ITEM NO. 4 - ORDINANCE 91-2 AMENDING 531.04 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO (2ND READING): - Mayor Karnes yielded this agenda item to the City Attorney. Mr. Gaujot said this item is to amend the ordinance just passed. He explained they are establishing a rate for Class A & B Licenses for those stores selling liquor pursuant to the Code. Councilwoman Betty Jo Boggess moved the Mayor read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large David Casebolt moved the ordinance be adopted. The motion was seconded. Councilman at Large Olaf Walker said that under the old law, we received 5% of gross sales from the liquor store, and also received 5% from the Cross Lanes store. He informed that Nitro, St. Albans, Dunbar, Cross Lanes and South Charleston were all in one zone. He said there was a drop in gross revenues from the Nitro Store. He

asked if we should impose a \$500 license fee on the Class B owner and \$1,500 on a Class A owner. He said it is better for the City to receive no license fee and get \$40,000 B & O than to get \$500 and lose the store in 18 months as Mr. Craigo may move his store to St. Albans. A discussion followed and several members of Council disagreed. After further discussion, a vote was taken and the ordinance was passed with Councilman at Large Olaf Walker opposing.

ORDINANCE 91-2 ATTACHED.

ORDINANCE 91-3 - AMENDING ORDINANCE 90-3: - Mr. Gaujot distributed copies of Ordinance 91-3. Councilman at Large David Casebolt moved the Mayor suspend 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 George Atkins moved we adopt the ordinance. The motion was seconded. Councilman at Large Olaf Walker said there needed to be a reduction of the fee charged for laundromats. A vote was taken to adopt the ordinance, and it was unanimous. Councilman Jim Hutchinson commented he thought the fee of \$200 for a taxi cab company was high. Councilman at Large Olaf Walker said when they checked with other cities, this was the amount the rest of the towns charge, but they would look at this.

ORDINANCE 91-3 ATTACHED

AGENDA ITEM NO. 5 - LEVY ELECTION: - Mayor Karnes yielded this agenda item to the City Recorder. (A) ELECTION OFFICIALS (B) PRECINCT BOUNDARIES - City Recorder Doris G. Carrier presented a list of the election officials and Precinct Boundaries and moved they be approved for the March 16, 1991 Levy Election. The motion was seconded. A vote was taken and it was unanimous. (C) FEE STRUCTURE - Mrs. Carrier furnished members of Council a copy of the fee structure and informed the cost would be around \$4,052 for this election. Councilman at Large Olaf Walker moved Council approve the expenditures for the levy election in the area of \$4,052, which includes salaries, supplies and those things needed to conduct the election. The motion was seconded. A vote was taken and it was unanimous. (D) MEALS - City Recorder Doris G. Carrier advised she checked with Dunbar, South Charleston, St. Albans and Charleston and they do not provide meals for workers. After a short disucssion, it was decided the City would not furnish meals for the workers this year.

Mayor Karnes said on page 2 of ordinance 91-1, under item 4, the work valuation has been changed to tax, and under 6, the City will not issue bonds has been added. Mr. Gaujot said the title is suppose to tell what is in the ordinance and if the change is such that it does not, then it would be considered a major change.

COPY OF ELECTION OFFICIALS AND PRECINCT BOUNDARIES ATTACHED.

AGENDA ITEM NO. 6 - RECREATION COMMITTEE: - Mayor Karnes yielded this agenda item to Councilman George Atkins. He reported they had a Recreation Committee Meeting, and it was suggested they bring the problem at the lake that they've had for many years before Council for a possible resolution. Councilman George Atkins said they suggested passing an ordinance prohibiting feeding the ducks and geese, or put up signs asking people not to feed the ducks. He said they had a nice facility, but it couldn't be used because of the fowl. Councilman Atkins said he contacted the DNR and was told that it was Nitro's lake, and they could do what they wanted to with it. He said they told him they stock it with trout and govern the fishing laws. Councilman at Large David Casebolt moved we put signs up prohibiting feeding the duck, and police it more. The motion was seconded. A vote was taken and it was unanimously approved.

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

Don Karnes  
DON KARNES, MAYOR

Doris G. Carrier  
DORIS G. CARRIER, RECORDER

## RESOLUTION NO. 91-2

Resolution re: AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "AN ORDINANCE AUTHORIZING A LOAN AGREEMENT BY AND BETWEEN THE CITY OF NITRO, WEST VIRGINIA AND THE NATIONAL BANK OF COMMERCE OF NITRO IN PRINCIPAL AMOUNT NOT TO EXCEED \$212,000 TO PROVIDE FUNDS TO PAY IN PART THE COST OF CONSTRUCTION AND ACQUISITION OF CERTAIN BETTERMENTS, IMPROVEMENTS AND ADDITIONS TO THE MUNICIPAL SEWERAGE SYSTEM OF THE CITY; DEFINING AND PRESCRIBING THE TERMS AND PROVISIONS OF SAID LOAN AGREEMENT; PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE LENDER NAMED THEREIN; AND ADOPTING OTHER PROVISIONS RELATED THERETO.

WHEREAS, the Council (the "Governing Body") of The City of Nitro West Virginia (the "City"), on December 4, 1990, enacted an ordinance entitled "An Ordinance authorizing a Loan Agreement by and between The City of Nitro, West Virginia and The National Bank of Commerce of Nitro in principal amount not to exceed \$212,000 to provide funds to pay in part the cost of construction and acquisition of certain betterments, improvements and additions to the municipal sewerage system of the City; defining and prescribing the terms and provisions of said Loan Agreement; providing for the rights and remedies of and security for the Lender named therein: and adopting other provisions related thereto; and

WHEREAS, the Ordinance provides for the inclusion of certain information such as the maturity dates, interest rate, interest payment dates and principal amount of the loan which should be established by way of Supplemental Resolution thereto, as well as other matters relating to the loan be herein provided for; and

WHEREAS, it is the intention of Governing Body of the City of Nitro, West Virginia that this Resolution is, and the same shall be treated as, the Supplemental Resolution relative to the loan agreement as so provided for in said Ordinance; and

WHEREAS, the Governing Body deems it essential and desirable that this Supplemental Resolution be adopted and that the Loan Agreement and promissory note be approved, that the loan amount, the maturity date, the interest rate and the interest payment dates of the loan be fixed hereby in the manner stated herein, and that other matters relating to the loan be herein provided for.

NOW, THEREFORE, Be It Resolved by the Council of The City of Nitro, West Virginia:

1. The City has authorized by the Ordinance this Supplemental Resolution which is adopted and pursuant hereto there is authorized and ordered that the City enter into a Loan

Agreement with The National Bank of Commerce of Nitro, providing for a line of credit in an amount of up to Two Hundred Twelve Thousand Dollars (\$212,000.00) in principal amount (the "Loan Agreement").

2. The Loan Agreement shall be dated February 6, 1991, and the loan shall be evidenced by a promissory note of even date, a copy of which is attached hereto. The promissory note shall bear interest at the rate equal to 80% of "Prime Rate", as quoted by the Chase Manhattan Bank, as the same may change from time to time. Payments of interest only on the principal amount outstanding shall be payable on the first day of each month, beginning March 1, 1991, and continuing until February 1, 1992, at which time the principal amount outstanding shall be reduced to not more than \$60,000.00. Beginning March 1, 1992, the City shall make payments in the amount of \$3,000.00 per month until the entire principal balance, together with all accrued interest shall be fully paid. Provided that all outstanding principal and interest shall be fully due and payable on February 1, 1994.

The forms of the Loan Agreement made by and between the City and The National Bank of Commerce of Nitro, dated February 6, 1991, and the promissory note are hereby approved as to both form and content, a copies of which are hereby incorporated by reference.

3. The Mayor of the City is hereby authorized and directed to execute and deliver the Loan Agreement and promissory note made by and between the City and The National Bank of Commerce of Nitro; and the Mayor, the City Recorder, and other officers and employees of the City are hereby authorized and directed to do all things necessary and proper to cause the City to enter into the Loan Agreement and issue and deliver the promissory note, and to execute and deliver such other documents and certificates required or desirable in connection with the loan hereby and by the Ordinance approved and provided for.

4. It is understood that such line of credit shall be payable solely from the receipt of grant funds from the United States Environmental Protection Agency and from excess revenues of the municipal sewerage system and shall not be a general obligation of the City nor a charge on or a debt of the City's general revenues or taxing powers.

The City hereby designates the line of credit as a "qualified tax-exempt obligation" for the purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended. The City hereby represents that it and all subordinant entities do not reasonably anticipate to issue, during the calendar year 1991, qualified tax-exempt obligations in excess of \$10,000,000.

5. This Supplemental Resolution shall take effect immediately upon its adoption.



Motion by Councilman Jim Hutchinson seconded  
by Councilman at Large David Casebolt to adopt this Resolution.  
Motion carried unanimously.

ADOPTED: February 5, 1991.

Don K. Kinnick  
MAYOR

James H. Carrigan  
RECORDER

AN ORDINANCE TO ADOPT THE 1991 CODIFIED ORDINANCES; TO ADOPT NEW MATTER; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; AND TO DIRECT THAT THE STATUTORY REQUIREMENTS FOR THE CODIFICATION OF ORDINANCES BE COMPLIED WITH.

WHEREAS, the Council of the City of Nitro, West Virginia has deemed it necessary to recodify the City ordinances of a permanent and general nature;

WHEREAS, it has heretofore entered into a contract with Walter H. Drane Company to prepare and publish such codification;

WHEREAS, the recodification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Nitro, West Virginia, that:

Section I: The ordinances of the City of Nitro, West Virginia, of a general and permanent nature, as revised, codified, rearranged and consolidated into component codes, chapters, articles and sections are hereby approved, adopted and enacted as the Codified Ordinances of Nitro, West Virginia, 1991.

Section II: Pursuant to West Virginia Code 8-11-4(b):

- (a) Notice of the proposed adoption of the Codified Ordinances shall be given by publication as provided in West Virginia Code 8-11-4(a)(2);
- (b) Through authentication of this Ordinance the Mayor shall certify the 1991 Nitro Codified Ordinances which shall be filed as a permanent record in the office of the City Recorder.

Section III: The provisions of this Ordinance, including all provisions of the Codified Ordinances, shall be in full force and effect as provided by law. All ordinances and resolutions or parts thereof enacted prior to November 1, 1990, which are inconsistent with any provision of the Codified Ordinances, are hereby repealed as of the effective date of this Ordinance except as follows:

- (a) The enactment of the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provisions prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in the violation of any such legislative provisions, nor to affect any indictment or prosecution therefor. For such purposes, any such legislative provisions shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

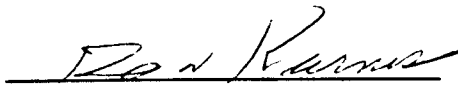
(b) The repeal provided above shall not affect:

- (1) The grant or creation of a franchise, license, right, easement or privilege.
- (2) The purchase, sale, lease or transfer of property.
- (3) The appropriation or expenditure of money or promise or guarantee of payment.
- (4) The assumption of any contract or obligation.
- (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness.
- (6) The levy or imposition of taxes, assessments or charges.
- (7) The establishment, naming, vacating or grade level of any street or public way.
- (8) The dedication of property or plat approval.
- (9) The annexation or detachment of territory.
- (10) Any legislation enacted subsequent to November 1, 1990.

Section IV: This ordinance shall become effective from and after its date of passage.

Passed on First Reading: 4th day of December, 19<sup>90</sup>.

Adopted on Second Reading: 5th day of February, 19<sup>91</sup>

  
DON KARNES, MAYOR

  
CITY RECORDER

ORDINANCE NO. 91-2

ADOPTED BY COUNCIL \_\_\_\_\_

INTRODUCED IN COUNCIL January 15, 1991

AN ORDINANCE AMENDING, MODIFYING AND RE-ENACTING 521.04 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA, BY ADDING THERETO A NEW SECTION DESIGNATED SECTION 521.04(a) TO IMPOSE A RETAIL LICENSE FEE UPON RETAIL OUTLETS PRACTICING THE SALE OF LIQUOR BY THE BOTTLE IN THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA

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

WHEREAS, The State of West Virginia, under W.Va. Code Sec. 60-3A-2 has declared that the sale of liquor at retail should no longer be by the state, but rather by retail licensees; and

WHEREAS, W.Va. Code Sec. 60-3A-12 imposes an annual retail license fee period beginning July 1, to the 30th of June of the following year; and

WHEREAS, the State Class A retail license fee is \$1,500.00 per outlet; and

WHEREAS, the State Class B retail license fee is \$500.00 per outlet; and

WHEREAS, the City of Nitro, West Virginia, is authorized to require establishments selling liquor to first obtain license, but there is no ordinance in effect which would cover the retail sale by liquor stores by the bottle;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA, that Article 521.04 of the Codified Ordinances of Nitro, West Virginia be amended, modified and re-enacted by adding thereto a new section, designated Section 521.04(a) which shall read as follows:

SECTION 521.04(a)  
LIQUOR LICENSE FEE

(a) As the State of West Virginia shall require a retail outlet to obtain a liquor license from the State, the City of Nitro, West Virginia shall also issue liquor licenses subsequent to the retail outlet receiving a liquor license from the State. After the issuance of a State liquor license the applicant must then file an application with the Recorder of the City of Nitro, West Virginia.

(b) The annual retail license period shall be from the first day of July to the thirtieth day of June of the following year. The annual retail license fee, if an applicant holds a Class A retail license under State law shall be the sum of one thousand five hundred dollars (\$1,500.00) per outlet. The annual retail license fee if an applicant holds a Class B retail license shall be five hundred dollars (\$500.00) per outlet. The annual retail license fee for the initial year of issuance shall be prorated based on the number of days remaining between the date of issuance and the following thirtieth day of June.

(c) A retail license shall expire on the thirtieth day of June of each year and may be renewed only upon the submission to the Director of the Division of Finance of the City of Nitro, West Virginia.

(d) No person may sell liquor at any retail outlet if the retail license applicable to such outlet has been suspended or revoked, or has expired.

(e) All retail licenses issued or renewed under the provisions of this section shall expire and be of no further force or effect as of the first day of July, in the year two thousand. Licenses issued thereafter will be so issued in accordance with applicable law.

(f) Violations of the provisions of this ordinance shall be punishable by a fine of five hundred dollars (\$500.00) and/or imprisonment for up to thirty (30) days.

Passed on First Reading

JANUARY 15, 1991

Adopted on Second Reading

FEBRUARY 5, 1991

*Don Carson*  
Mayor

*Doris G. Carrier*  
City Recorder

ORDINANCE NO. 91-2

ADOPTED BY COUNCIL \_\_\_\_\_

INTRODUCED IN COUNCIL February 5, 1991

AN ORDINANCE TO AMEND ORDINANCE 90-3 TO LEVY AND COLLECT AN ANNUAL LICENSE TAX ON PERSONS ACTIVELY ENGAGED IN THE PRACTICE OF CERTAIN PROFESSIONS, TRADE AND ACTIVITY RECOGNIZED AND REGULATED AS SUCH BY THE LAWS OF THE STATE OF WEST VIRGINIA

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

## SECTION 1.

There is hereby levied and shall be collected from persons actively engaged in the practice, within the corporate limits of the City of Nitro, Kanawha and Putnam Counties, West Virginia, of professions, trade or activity recognized and regulated as such by the laws of the State of West Virginia which are hereinafter named an annual license tax as follows:

## Nitro Municipal License Tax

	<u>Price Per Unit</u>	<u>Amount</u>
SPECIAL STORE (no cigarettes, tobacco products, or soft drinks sold on premises) . . . . .	\$ 5.00	_____
GENERAL STORE (sells or has cigarettes, tobacco products, soft drinks or self owned coin machines) . . . . .	15.00	_____
BEER (state license must be presented in Clerk's office)		
Brewer . . . . .	500.00	_____
Distributor . . . . .	250.00	_____
Retail Dealers:		
Class A (Restaurants, Bars, Clubs, Fraternal, Social, Organizations) . . . . .	100.00	_____
Class B (Grocery store, chilled/unchilled) . . . . .	50.00	_____
Class C (Grocery store only for consumption off the licensed premises) unchilled only . . . . .	15.00	_____
ALCOHOLIC BEVERAGES (liquor and wine)		
Retailers, wine only . . . . .	150.00	_____
Retailers, liquor . . . . .	1,500.00	_____
Class A (Non-profit Social <del>CLASS B</del> Veterans Fraternal Clubs) . . . . .	<del>500.00</del> 375.00	_____

Class B (Membership of 1000 or Less)	500.00	
Class C (Membership of 1000 or More)	1,250.00	
BOWLING LANES, BILLIARDS, POOL (1st Lane or Table)	25.00	
Each additional lane or table	15.00	
COIN MACHINES:		
Video Games (up to 20)	12.00	
(over 20 - \$6.00 each)		
1-cent machine	2.00	
25-cent machine	12.00	
50-cent machine	12.00	
\$1.00 machine	12.00	
MOTELS, HOTELS, RESTAURANTS	10.00	
GENERAL CONTRACTORS (Must Register - No Fee)		
MASTER PLUMBER (Must Register - No Fee)		
MASTER ELECTRICIAN (Must Register - No Fee)		
MEDICAL CORPORATIONS, CLINICS	300.00	
FUNERAL ESTABLISHMENTS	75.00	
INSURANCE COMPANY OR AGENCY	15.00	
INSURANCE BROKER	10.00	
EMPLOYMENT AGENCY	200.00	
LOAN COMPANIES, CREDIT UNION & BANKS	50.00	
COMMERCIAL RENTAL (Must Register - No Fee)		
RESIDENTIAL RENTAL (Over 3 Units, Must Register, No Fee)		
PROFESSIONAL:		
Architects, Physicians, Surgeons, Chiropractors, Engineer	25.00	
Auctioneers, Land Surveyor, Barbers, Beauticians, Real Estate Salespersons, Dentists, Funeral Director, Embalmers	15.00	
Attorney, Veterinarians	5.00	
FORTUNE TELLERS	200.00	
HAWKERS AND PEDDLERS:		
No Vehicle	10.00	
1/2-Ton Vehicle	15.00	
3/4-Ton Vehicle	50.00	
2-Ton Vehicle	100.00	
JUNK DEALERS:		
Resident Dealer	25.00	
Non-Resident Dealer	150.00	
LAUNDROMAT, CAR WASH:		
1 to 5 Machines or Bays	15.00	
Each Additional Machine or Bay	3.00	
TAXI-CAB COMPANIES	200.00	
THEATERS & PLACES FOR PUBLIC SHOWS	40.00	
CARNIVALS (Taxed in Accordance with State Code)		

## SECTION 2.

For the purposes of this ordinance, a person shall be deemed to be actively engaged in the practice of any profession, trade or activity previously named during any fiscal year if that person is licensed by the State of West Virginia to practice a particular profession and hold himself out to the public, or represents to the public that he is authorized and available to practice a particular profession and maintains any office, place of business, establishment, or the like, within the corporate limits of the City of Nitro.

## SECTION 3.

The license tax provided for in this ordinance shall be payable annually to the City Recorder at his/her office in the City Building of said City of Nitro, West Virginia, on or before the 1st day of July of each year, and this ordinance shall be effective on and after July 1, 1991.

## SECTION 4.

Any person who shall actively engage in the practice of, within the meaning of this ordinance, any profession named herein, without first paying the license tax herein provided for, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine, not to exceed Ten Dollars (\$10.00). Each day that said person shall practice without said license shall constitute a separate offense.

First Reading February 5, 1991

Second Reading \_\_\_\_\_

Don Karmas  
Mayor

Louis B. Carrier  
City Recorder



NITRO MUNICIPAL LEVY ELECTION  
MARCH 16, 1991  
ELECTION OFFICIALS

PRECINCTS 22 - 23

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

PRECINCT 401

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

PRECINCT 402

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

PRECINCT 403

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

PRECINCT 406

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

PRECINCT 408

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

NITRO PUTNAM ELEMENTARY SCHOOL

ALICE WOODALL - 3509 35TH ST.  
DOROTHY LAMB - 3409 34TH ST.  
WANDA THOMPSON - 3953 39TH ST.  
ETHEL HALL - 4116 41ST ST.  
ANN LLOYD - 2922 29TH ST.

NITRO HIGH SCHOOL

CATHERINE GOTTSCHALK - 109 BROOKHAVEN DR.  
MARJORIE MCLAUGHLIN - 109 BRENTWOOD DR.  
KATHERINE WEAVER - 110 BROOKHAVEN DR.  
FRANK GOTTSCHALK - 109 BROOKHAVEN DR.  
PATSY GOODE - 111 NORWOOD ROAD

NITRO HIGH SCHOOL

WILLA E. FRAZIER - 2333 23RD ST.  
IVY BAILES - 2123 21ST ST.  
IRIS ASHLEY - 2610 26TH ST.  
VIRGINIA HUNTER - 2511 25TH ST.  
TILLIE MYNES - 58 21ST ST.

NITRO ELEMENTARY SCHOOL

ISABELLE HUDNALL - 1511 15TH ST.  
KIRK CASTO - 2187 21ST ST.  
CORABELLE SMITH HANNA - 21 BLAKE RD.  
EZELLA PERRY - 2122 21ST ST.  
ISABELLE WOMACK - 1116 11TH ST.

BAKER ELEMENTARY SCHOOL

SYLVIA PULLINS - 1429 W. 14TH ST.  
DOROTHEA BARTOE - 101 LAYNE AVE.  
POLLY TUCKER - 103 LAYNE AVENUE  
CHARLES MILLER - 8 MAIN AVENUE  
OPAL MILLER - 8 MAIN AVENUE

USWA LOCAL UNION 12610

IRIS MILES - 708 MAIN AVENUE  
CHARLOTTE MATTHEWS - 110 DUPONT AVE.  
BONNIE JONES - 200 JUNIPER ST.  
CAMELLA BROWN - 901 WASHINGTON AVE.  
VIRGINIA COULTER - 809 WASHINGTON AVE.

PRECINCT 409

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

PRECINCT 411

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

SHAWNEE COMMUNITY CENTER

EMMA STEPHENS - 1440 SATTES CIRCLE  
CHRIS DUNLAP - 801 WASHINGTON AVE.  
WANDA SMITH - 203 WALKER ST.  
RUTH PHALEN - 1372 VALENTINE CIR.  
PAULINE WARNER - 1311 MAIN AVE.

SHAWNEE COMMUNITY CENTER

PANSY ZEIGLER - 714 KANAWHA AVE., S  
WENONA HAMMONDS - 701 KANAWHA AVE., S  
SUE GOODWIN - 103 CLEVELAND AVE.  
AMY YATES - 712 MICHIGAN AVE.  
OLLIE HANCOCK - 711 KANAWHA AVE.

PRECINCT BOUNDARIESPRECINCT NUMBER

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

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

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

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

406 On other side of railroad tracks (West) ~~down~~ <sup>up</sup>  
to Elm Street.

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

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

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

<u>PRECINCT</u>	<u>WARD</u>	<u>POLLING PLACE</u>
22 & 23	I	NITRO-PUTNAM ELEMENTARY SCHOOL
401	I	NITRO HIGH SCHOOL
402	II	NITRO HIGH SCHOOL
403	II	NITRO ELEMENTARY SCHOOL
406	III	BAKER ELEMENTARY
408	III	USWA LOCAL UNION 12610 510 MAIN AVENUE
409	IV	SHAWNEE HILLS COMMUNITY CENTER 234 LEE STREET
411	IV	SHAWNEE HILLS COMMUNITY CENTER 234 LEE STREET

CITY OF NITRO  
COUNCIL MEETING MINUTES

FEBRUARY 19, 1991

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.

The invocation was given by the Reverend James Cash.

AGENDA ITEM NO. 1 APPROVAL OF FEBRUARY 5, 1991 COUNCIL MEETING MINUTES: - Councilman at Large David Casebolt moved the Council Meeting Minutes of February 5, 1991 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - ORD. 91-3 TO AMEND ORD. 90-3 (2ND READING): - Mayor Karnes said this would constitute the second reading of Ordinance 91-3. Councilman at Large Olaf Walker moved the Mayor read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large David Casebolt moved the ordinance be adopted. The motion was seconded. Councilman at Large Olaf Walker requested permission to explain the changes that were discussed. He advised that under ALCOHOLIC BEVERAGES, Retailers, liquor - Class A \$1,500 and Retailers, Class B \$500. Councilman at Large Olaf Walker said there had been some problems regarding the amounts charged for licenses, and the City Recorder and he discussed changes. He said they planned to offer an amendment to the ordinance before the ordinance to raise the alcohol beverage fee was introduced. Councilman at Large Olaf Walker said they wanted MEDICAL CORPORATIONS, CLINICS fee changed from \$300 to \$25, FUNERAL ESTABLISHMENTS LOWERED FROM \$75 TO \$25, and EMPLOYMENT AGENCY FROM \$200 TO \$100. Councilman at Large Walker said an individual talked with the City Recorder regarding locating an employment agency in our City, but did not locate in Nitro and it could have been due to the license fee. Councilman at Large Olaf Walker said that under LAUNDROMAT, CAR WASH the fee would be \$15, with no cost for additional machines or bays. The fee of \$200 for TAXI-CAB COMPANIES to be lowered to \$100. Councilman at Large Olaf Walker moved we adopt the amendments. The motion was seconded. A vote was taken and it was unanimous. A vote was taken on the motion as amended, and it was unanimous.

ORDINANCE 91-3 ATTACHED

Per request at the last Council Meeting under Agenda Item No. 3, the City Treasurer Ralph Allison advised the total contract with Walker Drane Company was for \$16,000 signed January 3, 1990. The payment agreement was 30% within ten days after the acceptance of the agreement which \$4,800 was paid, the second 50% was within ten days after completion of the conference work. The \$8,000 was paid. Then 20% within ten days after the delivery which is \$3,200. This amount has not been paid. A discussion followed regarding the \$3 per page charge for any changes. Mr. Gaujot said he feels we should contact the company and find out the cost to add the twelve new ordinances.

City Recorder Doris G. Carrier moved the meeting be adjourned at 7:45 p.m. The motion was seconded. A vote was taken and it was unanimous.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

ORDINANCE NO. 91-3ADOPTED BY COUNCIL February 19, 19INTRODUCED IN COUNCIL February 5, 1991

AN ORDINANCE TO AMEND ORDINANCE 90-3 TO LEVY AND COLLECT AN ANNUAL LICENSE TAX ON PERSONS ACTIVELY ENGAGED IN THE PRACTICE OF CERTAIN PROFESSIONS, TRADE AND ACTIVITY RECOGNIZED AND REGULATED AS SUCH BY THE LAWS OF THE STATE OF WEST VIRGINIA

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

## SECTION 1.

There is hereby levied and shall be collected from persons actively engaged in the practice, within the corporate limits of the City of Nitro, Kanawha and Putnam Counties, West Virginia, of professions, trade or activity recognized and regulated as such by the laws of the State of West Virginia which are hereinafter named an annual license tax as follows:

## Nitro Municipal License Tax

	Price Per Unit	Amount
SPECIAL STORE (no cigarettes, tobacco products, or soft drinks sold on premises) . . . . .	\$ 5.00	_____
GENERAL STORE (sells or has cigarettes, tobacco products, soft drinks or self owned coin machines) . . . .	15.00	_____
BEER (state license must be presented in Clerk's office)		
Brewer . . . . .	500.00	_____
Distributor . . . . .	250.00	_____
Retail Dealers:		
Class A (Restaurants, Bars, Clubs, Fraternal, Social, Organizations) . . . . .	100.00	_____
Class B (Grocery store, chilled/unchilled) . . . . .	50.00	_____
Class C (Grocery store only for consumption off the licensed premises) unchilled only . .	15.00	_____
ALCOHOLIC BEVERAGES (liquor and wine)		
Retailers, wine only . . . . .	150.00	_____
Retailers, Liquor-Class A License	1,500.00	_____
Class B License	500.00	_____
Class A (Non-profit Social, Veterans Fraternal Clubs). .	375.00	_____

Class B (Membership of 1000 or Less)	500.00
Class C (Membership of 1000 or More)	1,250.00
BOWLING LANES, BILLIARDS, POOL (1st Lane or Table)	25.00
Each additional lane or table	15.00
COIN MACHINES:	
Video Games (up to 20) (over 20 - \$6.00 each)	12.00
1-cent machine	2.00
25-cent machine	12.00
50-cent machine	12.00
\$1.00 machine	12.00
MOTELS, HOTELS, RESTAURANTS	10.00
GENERAL CONTRACTORS (Must Register - No Fee)	
MASTER PLUMBER (Must Register - No Fee)	
MASTER ELECTRICIAN (Must Register - No Fee)	
MEDICAL CORPORATIONS, CLINICS	25.00
FUNERAL ESTABLISHMENTS	25.00
INSURANCE COMPANY OR AGENCY	15.00
INSURANCE BROKER	10.00
EMPLOYMENT AGENCY	100.00
LOAN COMPANIES, CREDIT UNION & BANKS	50.00
COMMERCIAL RENTAL (Must Register - No Fee)	
RESIDENTIAL RENTAL (Over 3 Units, Must Register, No Fee)	
PROFESSIONAL:	
Architects, Physicians, Surgeons, Chiropractors, Engineer	25.00
Auctioneers, Land Surveyor, Barbers, Beauticians, Real Estate Salespersons, Dentists, Funeral Director, Embalmers	15.00
Attorney, Veterinarians	5.00
FORTUNE TELLERS	200.00
HAWKERS AND PEDDLERS:	
No Vehicle	10.00
1/2-Ton Vehicle	15.00
3/4-Ton Vehicle	50.00
2-Ton Vehicle	100.00
JUNK DEALERS:	
Resident Dealer	25.00
Non-Resident Dealer	150.00
LAUNDROMAT, CAR WASH	15.00
TAXI-CAB COMPANIES	100.00
THEATERS & PLACES FOR PUBLIC SHOWS	40.00
CARNIVALS (Taxed in Accordance with State Code)	

## SECTION 2.

For the purposes of this ordinance, a person shall be deemed to be actively engaged in the practice of any profession, trade or activity previously named during any fiscal year if that person is licensed by the State of West Virginia to practice a particular profession and hold himself out to the public, or represents to the public that he is authorized and available to practice a particular profession and maintains any office, place of business, establishment, or the like, within the corporate limits of the City of Nitro.

## SECTION 3.

The license tax provided for in this ordinance shall be payable annually to the City Recorder at his/her office in the City Building of said City of Nitro, West Virginia, on or before the 1st day of July of each year, and this ordinance shall be effective on and after July 1, 1991.

## SECTION 4.

Any person who shall actively engage in the practice of, within the meaning of this ordinance, any profession named herein, without first paying the license tax herein provided for, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine, not to exceed Ten Dollars (\$10.00). Each day that said person shall practice without said license shall constitute a separate offense.

First Reading

FEBRUARY 5, 1991

Second Reading

FEBRUARY 19, 1991

Don Kanner  
Mayor

Doris G. Carrier  
City Recorder



CITY OF NITRO  
COUNCIL MEETING MINUTES

FEBRUARY 5, 1991

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 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 15, 1991 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved the Minutes of the January 15, 1991 Council Meeting be approved as written. The motion was seconded. Councilman at Large Olaf Walker said the Nitro Firemen's Expenditure Budget was addressed at the January 8, and January 15, 1991 Council Meetings. He questioned legal counsel regarding the two motions dealing with the same thing. He said there is a proper form to correct this action. Mr. Gaujot advised that the action taken on January 8, has no effect as Council did not have the authority to do what they did; which is considered a void action on behalf of Council. Mr. Gaujot explained that at the January 8, meeting, Councilman at Large Olaf Walker attempted to change what the Firemen's Pension Fund Board allowed for the purchase of a computer. This action was a void action because he feels Council doesn't have the authority to do that. After further discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - SANITARY BOARD - FINAL DOCUMENTS INTERIM FINANCING: - Mayor Karnes yielded this agenda item to the Nitro Sanitary Board's Attorney, Jim Withrow. Mr. Withrow explained this matter has been before Council on the first and second reading of the ordinance and the public hearing. It is down to the point where the final terms and conditions from the National Bank of Commerce of Nitro has been set forth and they were now before Council for final approval. He advised there were no substantial changes in anything they talked about. Mr. Withrow reminded Council the money was being used to provide funds for improvements in the treatment plant that are now under construction. He said the borrowing is not contemplated to cause any increase in the sanitary rates and will not be required to be paid with any monies from the City other than the regular sanitary fee charges. Mr. Withrow introduced a resolution which basically approves the financing and authorizes the Mayor and the City Recorder to sign the appropriate documents with the NBoFC of Nitro. Councilman at Large Olaf Walker moved the Mayor suspend reading the resolution in its entirety. The motion was seconded. A vote was taken and it was unanimous. After Mayor Karnes read

the title, Councilman Jim Hutchinson moved the resolution be approved. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 91-2 ATTACHED.

AGENDA ITEM NO. 3 - ORDINANCE 90-10 ADOPT THE 1991 CODIFIED ORDINANCES, ETC. (2ND READING): - Mayor Karnes said this would constitute the second reading of Ordinance 90-10. Mr. Gaujot said he would like to speak regarding Ordinances 90-10 and 91-2, and also he has prepared another ordinance which he feels Council should consider along with the other two ordinances. He said in 1990, Ordinance 90-3 was passed which was a list of various charges for retailers and various businesses in the City, and at a previous Council Meeting, Ordinance 91-2 was discussed which sets a retail license fee of \$1,500 for sale of liquor in the City of Nitro. Mr. Gaujot suggested Council accept 91-2 as prepared and submitted, and amend 90-3 which he believes would bring it all into order. He said it was his opinion Council should pass the codified version with the understanding that every year we would need to amend that version. He said since the codified version, there are already 10 or 11 ordinances that have been passed which should be submitted to the printer and there will probably be other amendments after all the input comes in from the various departments. Councilman at Large Olaf Walker said he was conceptually for this, but there are some areas which are incorrect and if the license tax ordinance is adopted, it should be included in this ordinance. Councilman at Large David Casebolt moved the Mayor read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved the ordinance be adopted and the Treasurer or Clerk come to the next Council Meeting with the summary of the total contract, the amount paid, dates paid and balance. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 90-10 ATTACHED.

AGENDA ITEM NO. 4 - ORDINANCE 91-2 AMENDING 531.04 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO (2ND READING): - Mayor Karnes yielded this agenda item to the City Attorney. Mr. Gaujot said this item is to amend the ordinance just passed. He explained they are establishing a rate for Class A & B Licenses for those stores selling liquor pursuant to the Code. Councilwoman Betty Jo Boggess moved the Mayor read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large David Casebolt moved the ordinance be adopted. The motion was seconded. Councilman at Large Olaf Walker said that under the old law, we received 5% of gross sales from the liquor store, and also received 5% from the Cross Lanes store. He informed that Nitro, St. Albans, Dunbar, Cross Lanes and South Charleston were all in one zone. He said there was a drop in gross revenues from the Nitro Store. He

asked if we should impose a \$500 license fee on the Class B owner and \$1,500 on a Class A owner. He said it is better for the City to receive no license fee and get \$40,000 B & O than to get \$500 and lose the store in 18 months as Mr. Craigo may move his store to St. Albans. A discussion followed and several members of Council disagreed. After further discussion, a vote was taken and the ordinance was passed with Councilman at Large Olaf Walker opposing.

ORDINANCE 91-2 ATTACHED.

ORDINANCE 91-3 - AMENDING ORDINANCE 90-3: - Mr. Gaujot distributed copies of Ordinance 91-3. Councilman at Large David Casebolt moved the Mayor suspend 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 George Atkins moved we adopt the ordinance. The motion was seconded. Councilman at Large Olaf Walker said there needed to be a reduction of the fee charged for laundromats. A vote was taken to adopt the ordinance, and it was unanimous. Councilman Jim Hutchinson commented he thought the fee of \$200 for a taxi cab company was high. Councilman at Large Olaf Walker said when they checked with other cities, this was the amount the rest of the towns charge, but they would look at this.

ORDINANCE 91-3 ATTACHED

AGENDA ITEM NO. 5 - LEVY ELECTION: - Mayor Karnes yielded this agenda item to the City Recorder. (A) ELECTION OFFICIALS (B) PRECINCT BOUNDARIES - City Recorder Doris G. Carrier presented a list of the election officials and Precinct Boundaries and moved they be approved for the March 16, 1991 Levy Election. The motion was seconded. A vote was taken and it was unanimous. (C) FEE STRUCTURE - Mrs. Carrier furnished members of Council a copy of the fee structure and informed the cost would be around \$4,052 for this election. Councilman at Large Olaf Walker moved Council approve the expenditures for the levy election in the area of \$4,052, which includes salaries, supplies and those things needed to conduct the election. The motion was seconded. A vote was taken and it was unanimous. (D) MEALS - City Recorder Doris G. Carrier advised she checked with Dunbar, South Charleston, St. Albans and Charleston and they do not provide meals for workers. After a short disucssion, it was decided the City would not furnish meals for the workers this year.

Mayor Karnes said on page 2 of ordinance 91-1, under item 4, the work valuation has been changed to tax, and under 6, the City will not issue bonds has been added. Mr. Gaujot said the title is suppose to tell what is in the ordinance and if the change is such that it does not, then it would be considered a major change.

COPY OF ELECTION OFFICIALS AND PRECINCT BOUNDARIES ATTACHED.

AGENDA ITEM NO. 6 - RECREATION COMMITTEE: - Mayor Karnes yielded this agenda item to Councilman George Atkins. He reported they had a Recreation Committee Meeting, and it was suggested they bring the problem at the lake that they've had for many years before Council for a possible resolution. Councilman George Atkins said they suggested passing an ordinance prohibiting feeding the ducks and geese, or put up signs asking people not to feed the ducks. He said they had a nice facility, but it couldn't be used because of the fowl. Councilman Atkins said he contacted the DNR and was told that it was Nitro's lake, and they could do what they wanted to with it. He said they told him they stock it with trout and govern the fishing laws. Councilman at Large David Casebolt moved we put signs up prohibiting feeding the duck, and police it more. The motion was seconded. A vote was taken and it was unanimously approved.

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

Don Karnes  
DON KARNES, MAYOR

Doris G. Carrier  
DORIS G. CARRIER, RECORDER

## RESOLUTION NO. 91-2

Resolution re: AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "AN ORDINANCE AUTHORIZING A LOAN AGREEMENT BY AND BETWEEN THE CITY OF NITRO, WEST VIRGINIA AND THE NATIONAL BANK OF COMMERCE OF NITRO IN PRINCIPAL AMOUNT NOT TO EXCEED \$212,000 TO PROVIDE FUNDS TO PAY IN PART THE COST OF CONSTRUCTION AND ACQUISITION OF CERTAIN BETTERMENTS, IMPROVEMENTS AND ADDITIONS TO THE MUNICIPAL SEWERAGE SYSTEM OF THE CITY; DEFINING AND PRESCRIBING THE TERMS AND PROVISIONS OF SAID LOAN AGREEMENT; PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE LENDER NAMED THEREIN; AND ADOPTING OTHER PROVISIONS RELATED THERETO.

WHEREAS, the Council (the "Governing Body") of The City of Nitro West Virginia (the "City"), on December 4, 1990, enacted an ordinance entitled "An Ordinance authorizing a Loan Agreement by and between The City of Nitro, West Virginia and The National Bank of Commerce of Nitro in principal amount not to exceed \$212,000 to provide funds to pay in part the cost of construction and acquisition of certain betterments, improvements and additions to the municipal sewerage system of the City; defining and prescribing the terms and provisions of said Loan Agreement; providing for the rights and remedies of and security for the Lender named therein: and adopting other provisions related thereto; and

WHEREAS, the Ordinance provides for the inclusion of certain information such as the maturity dates, interest rate, interest payment dates and principal amount of the loan which should be established by way of Supplemental Resolution thereto, as well as other matters relating to the loan be herein provided for; and

WHEREAS, it is the intention of Governing Body of the City of Nitro, West Virginia that this Resolution is, and the same shall be treated as, the Supplemental Resolution relative to the loan agreement as so provided for in said Ordinance; and

WHEREAS, the Governing Body deems it essential and desirable that this Supplemental Resolution be adopted and that the Loan Agreement and promissory note be approved, that the loan amount, the maturity date, the interest rate and the interest payment dates of the loan be fixed hereby in the manner stated herein, and that other matters relating to the loan be herein provided for.

NOW, THEREFORE, Be It Resolved by the Council of The City of Nitro, West Virginia:

1. The City has authorized by the Ordinance this Supplemental Resolution which is adopted and pursuant hereto there is authorized and ordered that the City enter into a Loan

Agreement with The National Bank of Commerce of Nitro, providing for a line of credit in an amount of up to Two Hundred Twelve Thousand Dollars (\$212,000.00) in principal amount (the "Loan Agreement").

2. The Loan Agreement shall be dated February 6, 1991, and the loan shall be evidenced by a promissory note of even date, a copy of which is attached hereto. The promissory note shall bear interest at the rate equal to 80% of "Prime Rate", as quoted by the Chase Manhattan Bank, as the same may change from time to time. Payments of interest only on the principal amount outstanding shall be payable on the first day of each month, beginning March 1, 1991, and continuing until February 1, 1992, at which time the principal amount outstanding shall be reduced to not more than \$60,000.00. Beginning March 1, 1992, the City shall make payments in the amount of \$3,000.00 per month until the entire principal balance, together with all accrued interest shall be fully paid. Provided that all outstanding principal and interest shall be fully due and payable on February 1, 1994.

The forms of the Loan Agreement made by and between the City and The National Bank of Commerce of Nitro, dated February 6, 1991, and the promissory note are hereby approved as to both form and content, a copies of which are hereby incorporated by reference.

3. The Mayor of the City is hereby authorized and directed to execute and deliver the Loan Agreement and promissory note made by and between the City and The National Bank of Commerce of Nitro; and the Mayor, the City Recorder, and other officers and employees of the City are hereby authorized and directed to do all things necessary and proper to cause the City to enter into the Loan Agreement and issue and deliver the promissory note, and to execute and deliver such other documents and certificates required or desirable in connection with the loan hereby and by the Ordinance approved and provided for.

4. It is understood that such line of credit shall be payable solely from the receipt of grant funds from the United States Environmental Protection Agency and from excess revenues of the municipal sewerage system and shall not be a general obligation of the City nor a charge on or a debt of the City's general revenues or taxing powers.

The City hereby designates the line of credit as a "qualified tax-exempt obligation" for the purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended. The City hereby represents that it and all subordinant entities do not reasonably anticipate to issue, during the calendar year 1991, qualified tax-exempt obligations in excess of \$10,000,000.

5. This Supplemental Resolution shall take effect immediately upon its adoption.

Motion by Councilman Jim Hutchinson seconded  
by Councilman at Large David Casebolt to adopt this Resolution.  
Motion carried unanimously.

ADOPTED: February 5, 1991.

Ed H. K. Smith  
MAYOR

James H. Carver  
RECORDER

AN ORDINANCE TO ADOPT THE 1991 CODIFIED ORDINANCES; TO ADOPT NEW MATTER; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; AND TO DIRECT THAT THE STATUTORY REQUIREMENTS FOR THE CODIFICATION OF ORDINANCES BE COMPLIED WITH.

WHEREAS, the Council of the City of Nitro, West Virginia has deemed it necessary to recodify the City ordinances of a permanent and general nature;

WHEREAS, it has heretofore entered into a contract with Walter H. Drane Company to prepare and publish such codification;

WHEREAS, the recodification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Nitro, West Virginia, that:

Section I: The ordinances of the City of Nitro, West Virginia, of a general and permanent nature, as revised, codified, rearranged and consolidated into component codes, chapters, articles and sections are hereby approved, adopted and enacted as the Codified Ordinances of Nitro, West Virginia, 1991.

Section II: Pursuant to West Virginia Code 8-11-4(b):

- (a) Notice of the proposed adoption of the Codified Ordinances shall be given by publication as provided in West Virginia Code 8-11-4(a)(2);
- (b) Through authentication of this Ordinance the Mayor shall certify the 1991 Nitro Codified Ordinances which shall be filed as a permanent record in the office of the City Recorder.

Section III: The provisions of this Ordinance, including all provisions of the Codified Ordinances, shall be in full force and effect as provided by law. All ordinances and resolutions or parts thereof enacted prior to November 1, 1990, which are inconsistent with any provision of the Codified Ordinances, are hereby repealed as of the effective date of this Ordinance except as follows:

- (a) The enactment of the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provisions prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in the violation of any such legislative provisions, nor to affect any indictment or prosecution therefor. For such purposes, any such legislative provisions shall continue in full force notwithstanding its repeal for the purpose of revision and codification.



(b) The repeal provided above shall not affect:

- (1) The grant or creation of a franchise, license, right, easement or privilege.
- (2) The purchase, sale, lease or transfer of property.
- (3) The appropriation or expenditure of money or promise or guarantee of payment.
- (4) The assumption of any contract or obligation.
- (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness.
- (6) The levy or imposition of taxes, assessments or charges.
- (7) The establishment, naming, vacating or grade level of any street or public way.
- (8) The dedication of property or plat approval.
- (9) The annexation or detachment of territory.
- (10) Any legislation enacted subsequent to November 1, 1990.

Section IV: This ordinance shall become effective from and after its date of passage.

Passed on First Reading: 4th day of December, 19<sup>90</sup>.

Adopted on Second Reading: 5th day of February, 19<sup>91</sup>

  
DON KARNES, MAYOR

  
CITY RECORDER

ORDINANCE NO. 91-2

ADOPTED BY COUNCIL \_\_\_\_\_

INTRODUCED IN COUNCIL January 15, 1991

AN ORDINANCE AMENDING, MODIFYING AND RE-ENACTING 521.04 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA, BY ADDING THERETO A NEW SECTION DESIGNATED SECTION 521.04(a) TO IMPOSE A RETAIL LICENSE FEE UPON RETAIL OUTLETS PRACTICING THE SALE OF LIQUOR BY THE BOTTLE IN THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA

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

WHEREAS, The State of West Virginia, under W.Va. Code Sec. 60-3A-2 has declared that the sale of liquor at retail should no longer be by the state, but rather by retail licensees; and

WHEREAS, W.Va. Code Sec. 60-3A-12 imposes an annual retail license fee period beginning July 1, to the 30th of June of the following year; and

WHEREAS, the State Class A retail license fee is \$1,500.00 per outlet; and

WHEREAS, the State Class B retail license fee is \$500.00 per outlet; and

WHEREAS, the City of Nitro, West Virginia, is authorized to require establishments selling liquor to first obtain license, but there is no ordinance in effect which would cover the retail sale by liquor stores by the bottle;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA, that Article 521.04 of the Codified Ordinances of Nitro, West Virginia be amended, modified and re-enacted by adding thereto a new section, designated Section 521.04(a) which shall read as follows:

SECTION 521.04(a)  
LIQUOR LICENSE FEE

(a) As the State of West Virginia shall require a retail outlet to obtain a liquor license from the State, the City of Nitro, West Virginia shall also issue liquor licenses subsequent to the retail outlet receiving a liquor license from the State. After the issuance of a State liquor license the applicant must then file an application with the Recorder of the City of Nitro, West Virginia.

(b) The annual retail license period shall be from the first day of July to the thirtieth day of June of the following year. The annual retail license fee, if an applicant holds a Class A retail license under State law shall be the sum of one thousand five hundred dollars (\$1,500.00) per outlet. The annual retail license fee if an applicant holds a Class B retail license shall be five hundred dollars (\$500.00) per outlet. The annual retail license fee for the initial year of issuance shall be prorated based on the number of days remaining between the date of issuance and the following thirtieth day of June.

(c) A retail license shall expire on the thirtieth day of June of each year and may be renewed only upon the submission to the Director of the Division of Finance of the City of Nitro, West Virginia.

(d) No person may sell liquor at any retail outlet if the retail license applicable to such outlet has been suspended or revoked, or has expired.

(e) All retail licenses issued or renewed under the provisions of this section shall expire and be of no further force or effect as of the first day of July, in the year two thousand. Licenses issued thereafter will be so issued in accordance with applicable law.

(f) Violations of the provisions of this ordinance shall be punishable by a fine of five hundred dollars (\$500.00) and/or imprisonment for up to thirty (30) days.

Passed on First Reading

JANUARY 15, 1991

Adopted on Second Reading

FEBRUARY 5, 1991

*Don Carrier*  
Mayor

*Donna G. Carrier*  
City Recorder

ORDINANCE NO. 91-2

ADOPTED BY COUNCIL \_\_\_\_\_

INTRODUCED IN COUNCIL February 5, 1991

AN ORDINANCE TO AMEND ORDINANCE 90-3 TO LEVY AND COLLECT AN ANNUAL LICENSE TAX ON PERSONS ACTIVELY ENGAGED IN THE PRACTICE OF CERTAIN PROFESSIONS, TRADE AND ACTIVITY RECOGNIZED AND REGULATED AS SUCH BY THE LAWS OF THE STATE OF WEST VIRGINIA

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

## SECTION 1.

There is hereby levied and shall be collected from persons actively engaged in the practice, within the corporate limits of the City of Nitro, Kanawha and Putnam Counties, West Virginia, of professions, trade or activity recognized and regulated as such by the laws of the State of West Virginia which are hereinafter named an annual license tax as follows:

## Nitro Municipal License Tax

	<u>Price Per Unit</u>	<u>Amount</u>
SPECIAL STORE (no cigarettes, tobacco products, or soft drinks sold on premises) . . . . .	\$ 5.00	_____
GENERAL STORE (sells or has cigarettes, tobacco products, soft drinks or self owned coin machines) . . . . .	15.00	_____
BEER (state license must be presented in Clerk's office)		
Brewer . . . . .	500.00	_____
Distributor . . . . .	250.00	_____
Retail Dealers:		
Class A (Restaurants, Bars, Clubs, Fraternal, Social, Organizations) . . . . .	100.00	_____
Class B (Grocery store, chilled/unchilled . . . . .	50.00	_____
Class C (Grocery store only for consumption off the licensed premises) unchilled only . . . . .	15.00	_____
ALCOHOLIC BEVERAGES (liquor and wine)		
Retailers, wine only . . . . .	150.00	_____
Retailers, liquor . . . . .	1,500.00	_____
Class A (Non-profit Social <del>CLASS B</del> Veterans Fraternal Clubs). . . . .	<del>500.00</del> 375.00	_____

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Class B (Membership of 1000 or Less)	500.00	_____
Class C (Membership of 1000 or More)	1,250.00	_____
BOWLING LANES, BILLIARDS, POOL (1st Lane or Table)	25.00	_____
Each additional lane or table	15.00	_____
COIN MACHINES:		
Video Games (up to 20)	12.00	_____
(over 20 - \$6.00 each)		
1-cent machine	2.00	_____
25-cent machine	12.00	_____
50-cent machine	12.00	_____
\$1.00 machine	12.00	_____
MOTELS, HOTELS, RESTAURANTS	10.00	_____
GENERAL CONTRACTORS (Must Register - No Fee)		_____
MASTER PLUMBER (Must Register - No Fee)		_____
MASTER ELECTRICIAN (Must Register - No Fee)		_____
MEDICAL CORPORATIONS, CLINICS	300.00	_____
FUNERAL ESTABLISHMENTS	75.00	_____
INSURANCE COMPANY OR AGENCY	15.00	_____
INSURANCE BROKER	10.00	_____
EMPLOYMENT AGENCY	200.00	_____
LOAN COMPANIES, CREDIT UNION & BANKS	50.00	_____
COMMERCIAL RENTAL (Must Register - No Fee)		_____
RESIDENTIAL RENTAL (Over 3 Units, Must Register, No Fee)		_____
PROFESSIONAL:		
Architects, Physicians, Surgeons, Chiropractors, Engineer	25.00	_____
Auctioneers, Land Surveyor, Barbers, Beauticians, Real Estate Salespersons, Dentists, Funeral Director, Embalmers	15.00	_____
Attorney, Veterinarians	5.00	_____
FORTUNE TELLERS	200.00	_____
HAWKERS AND PEDDLERS:		
No Vehicle	10.00	_____
1/2-Ton Vehicle	15.00	_____
3/4-Ton Vehicle	50.00	_____
2-Ton Vehicle	100.00	_____
JUNK DEALERS:		
Resident Dealer	25.00	_____
Non-Resident Dealer	150.00	_____
LAUNDROMAT, CAR WASH:		
1 to 5 Machines or Bays	15.00	_____
Each Additional Machine or Bay	3.00	_____
TAXI-CAB COMPANIES	200.00	_____
THEATERS & PLACES FOR PUBLIC SHOWS	40.00	_____
CARNIVALS (Taxed in Accordance with State Code)		_____

## SECTION 2.

For the purposes of this ordinance, a person shall be deemed to be actively engaged in the practice of any profession, trade or activity previously named during any fiscal year if that person is licensed by the State of West Virginia to practice a particular profession and hold himself out to the public, or represents to the public that he is authorized and available to practice a particular profession and maintains any office, place of business, establishment, or the like, within the corporate limits of the City of Nitro.

## SECTION 3.

The license tax provided for in this ordinance shall be payable annually to the City Recorder at his/her office in the City Building of said City of Nitro, West Virginia, on or before the 1st day of July of each year, and this ordinance shall be effective on and after July 1, 1991.

## SECTION 4.

Any person who shall actively engage in the practice of, within the meaning of this ordinance, any profession named herein, without first paying the license tax herein provided for, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine, not to exceed Ten Dollars (\$10.00). Each day that said person shall practice without said license shall constitute a separate offense.

First Reading

February 5, 1991

Second Reading

Don Karnus  
Mayor

Arria B. Carrion  
City Recorder

805

NITRO MUNICIPAL LEVY ELECTION  
MARCH 16, 1991  
ELECTION OFFICIALS

PRECINCTS 22 - 23

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

PRECINCT 401

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

PRECINCT 402

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

PRECINCT 403

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

PRECINCT 406

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

PRECINCT 408

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

NITRO PUTNAM ELEMENTARY SCHOOL

ALICE WOODALL - 3509 35TH ST.  
DOROTHY LAMB - 3409 34TH ST.  
WANDA THOMPSON - 3953 39TH ST.  
ETHEL HALL - 4116 41ST ST.  
ANN LLOYD - 2922 29TH ST.

NITRO HIGH SCHOOL

CATHERINE GOTTSCHALK - 109 BROOKHAVEN DR.  
MARJORIE MCLAUGHLIN - 109 BRENTWOOD DR.  
KATHERINE WEAVER - 110 BROOKHAVEN DR.  
FRANK GOTTSCHALK - 109 BROOKHAVEN DR.  
PATSY GOODE - 111 NORWOOD ROAD

NITRO HIGH SCHOOL

WILLA E. FRAZIER - 2333 23RD ST.  
IVY BAILES - 2123 21ST ST.  
IRIS ASHLEY - 2610 26TH ST.  
VIRGINIA HUNTER - 2511 25TH ST.  
TILLIE MYNES - 58 21ST ST.

NITRO ELEMENTARY SCHOOL

ISABELLE HUDNALL - 1511 15TH ST.  
KIRK CASTO - 2187 21ST ST.  
CORABELLE SMITH HANNA - 21 BLAKE RD.  
EZELLA PERRY - 2122 21ST ST.  
ISABELLE WOMACK - 1116 11TH ST.

BAKER ELEMENTARY SCHOOL

SYLVIA PULLINS - 1429 W. 14TH ST.  
DOROTHEA BARTOE - 101 LAYNE AVE.  
POLLY TUCKER - 103 LAYNE AVENUE  
CHARLES MILLER - 8 MAIN AVENUE  
OPAL MILLER - 8 MAIN AVENUE

USWA LOCAL UNION 12610

IRIS MILES - 708 MAIN AVENUE  
CHARLOTTE MATTHEWS - 110 DUPONT AVE.  
BONNIE JONES - 200 JUNIPER ST.  
CAMELLA BROWN - 901 WASHINGTON AVE.  
VIRGINIA COULTER - 809 WASHINGTON AVE.

PRECINCT 409

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

PRECINCT 411

CLERK  
CLERK  
SUPPLY COMMISSIONER  
COMMISSIONER  
COMMISSIONER

SHAWNEE COMMUNITY CENTER

EMMA STEPHENS - 1440 SATTES CIRCLE  
CHRIS DUNLAP - 801 WASHINGTON AVE.  
WANDA SMITH - 203 WALKER ST.  
RUTH PHALEN - 1372 VALENTINE CIR.  
PAULINE WARNER - 1311 MAIN AVE.

SHAWNEE COMMUNITY CENTER

PANSY ZEIGLER - 714 KANAWHA AVE., S  
WENONA HAMMONDS - 701 KANAWHA AVE., S  
SUE GOODWIN - 103 CLEVELAND AVE.  
AMY YATES - 712 MICHIGAN AVE.  
OLLIE HANCOCK - 711 KANAWHA AVE.



907  
907

PRECINCT BOUNDARIES

PRECINCT NUMBER

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

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

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

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

406 On other side of railroad tracks (West) ~~down~~ *up*  
to Elm Street.

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

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

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

<u>PRECINCT</u>	<u>WARD</u>	<u>POLLING PLACE</u>
22 & 23	I	NITRO-PUTNAM ELEMENTARY SCHOOL
401	I	NITRO HIGH SCHOOL
402	II	NITRO HIGH SCHOOL
403	II	NITRO ELEMENTARY SCHOOL
406	III	BAKER ELEMENTARY
408	III	USWA LOCAL UNION 12610 510 MAIN AVENUE
409	IV	SHAWNEE HILLS COMMUNITY CENTER 234 LEE STREET
411	IV	SHAWNEE HILLS COMMUNITY CENTER 234 LEE STREET

CITY OF NITRO  
COUNCIL MEETING MINUTES

FEBRUARY 19, 1991

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.

The invocation was given by the Reverend James Cash.

AGENDA ITEM NO. 1 APPROVAL OF FEBRUARY 5, 1991 COUNCIL MEETING MINUTES: - Councilman at Large David Casebolt moved the Council Meeting Minutes of February 5, 1991 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - ORD. 91-3 TO AMEND ORD. 90-3 (2ND READING): - Mayor Karnes said this would constitute the second reading of Ordinance 91-3. Councilman at Large Olaf Walker moved the Mayor read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large David Casebolt moved the ordinance be adopted. The motion was seconded. Councilman at Large Olaf Walker requested permission to explain the changes that were discussed. He advised that under ALCOHOLIC BEVERAGES, Retailers, liquor - Class A \$1,500 and Retailers, Class B \$500. Councilman at Large Olaf Walker said there had been some problems regarding the amounts charged for licenses, and the City Recorder and he discussed changes. He said they planned to offer an amendment to the ordinance before the ordinance to raise the alcohol beverage fee was introduced. Councilman at Large Olaf Walker said they wanted MEDICAL CORPORATIONS, CLINICS fee changed from \$300 to \$25, FUNERAL ESTABLISHMENTS LOWERED FROM \$75 TO \$25, and EMPLOYMENT AGENCY FROM \$200 TO \$100. Councilman at Large Walker said an individual talked with the City Recorder regarding locating an employment agency in our City, but did not locate in Nitro and it could have been due to the license fee. Councilman at Large Olaf Walker said that under LAUNDROMAT, CAR WASH the fee would be \$15, with no cost for additional machines or bays. The fee of \$200 for TAXI-CAB COMPANIES to be lowered to \$100. Councilman at Large Olaf Walker moved we adopt the amendments. The motion was seconded. A vote was taken and it was unanimous. A vote was taken on the motion as amended, and it was unanimous.

ORDINANCE 91-3 ATTACHED

Per request at the last Council Meeting under Agenda Item No. 3, the City Treasurer Ralph Allison advised the total contract with Walker Drane Company was for \$16,000 signed January 3, 1990. The payment agreement was 30% within ten days after the acceptance of the agreement which \$4,800 was paid, the second 50% was within ten days after completion of the conference work. The \$8,000 was paid. Then 20% within ten days after the delivery which is \$3,200. This amount has not been paid. A discussion followed regarding the \$3 per page charge for any changes. Mr. Gaujot said he feels we should contact the company and find out the cost to add the twelve new ordinances.

City Recorder Doris G. Carrier moved the meeting be adjourned at 7:45 p.m. The motion was seconded. A vote was taken and it was unanimous.

*Don Karnes*  
DON KARNES, MAYOR

*Doris G. Carrier*  
DORIS G. CARRIER, RECORDER

ORDINANCE NO. 91-3ADOPTED BY COUNCIL February 19, 1991INTRODUCED IN COUNCIL February 5, 1991

AN ORDINANCE TO AMEND ORDINANCE 90-3 TO LEVY AND COLLECT AN ANNUAL LICENSE TAX ON PERSONS ACTIVELY ENGAGED IN THE PRACTICE OF CERTAIN PROFESSIONS, TRADE AND ACTIVITY RECOGNIZED AND REGULATED AS SUCH BY THE LAWS OF THE STATE OF WEST VIRGINIA

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

## SECTION 1.

There is hereby levied and shall be collected from persons actively engaged in the practice, within the corporate limits of the City of Nitro, Kanawha and Putnam Counties, West Virginia, of professions, trade or activity recognized and regulated as such by the laws of the State of West Virginia which are hereinafter named an annual license tax as follows:

## Nitro Municipal License Tax

	Price Per Unit	Amount
SPECIAL STORE (no cigarettes, tobacco products, or soft drinks sold on premises) . . . . .	\$ 5.00	_____
GENERAL STORE (sells or has cigarettes, tobacco products, soft drinks or self owned coin machines) . . . . .	15.00	_____
BEER (state license must be presented in Clerk's office)		
Brewer . . . . .	500.00	_____
Distributor . . . . .	250.00	_____
Retail Dealers:		
Class A (Restaurants, Bars, Clubs, Fraternal, Social, Organizations) . . . . .	100.00	_____
Class B (Grocery store, chilled/unchilled . . . . .	50.00	_____
Class C (Grocery store only for consumption off the licensed premises) unchilled only . . . . .	15.00	_____
ALCOHOLIC BEVERAGES (liquor and wine)		
Retailers, wine only . . . . .	150.00	_____
Retailers, Liquor-Class A License . . . . .	1,500.00	_____
Class B License . . . . .	500.00	_____
Class A (Non-profit Social, Veterans Fraternal Clubs) . . . . .	375.00	_____

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Class B (Membership of 1000 or Less)	500.00	_____
Class C (Membership of 1000 or More) . . . . .	1,250.00	_____
BOWLING LANES, BILLIARDS, POOL (1st Lane or Table) . . . . .	25.00	_____
Each additional lane or table . .	15.00	_____
COIN MACHINES:		
Video Games (up to 20) . . . . .	12.00	_____
(over 20 - \$6.00 each)		
1-cent machine . . . . .	2.00	_____
25-cent machine . . . . .	12.00	_____
50-cent machine . . . . .	12.00	_____
\$1.00 machine . . . . .	12.00	_____
MOTELS, HOTELS, RESTAURANTS . . . .	10.00	_____
GENERAL CONTRACTORS (Must Register - No Fee)		_____
MASTER PLUMBER (Must Register - No Fee)		_____
MASTER ELECTRICIAN (Must Register - No Fee)		_____
MEDICAL CORPORATIONS, CLINICS . . . .	25.00	_____
FUNERAL ESTABLISHMENTS . . . . .	25.00	_____
INSURANCE COMPANY OR AGENCY . . . . .	15.00	_____
INSURANCE BROKER . . . . .	10.00	_____
EMPLOYMENT AGENCY . . . . .	100.00	_____
LOAN COMPANIES, CREDIT UNION & BANKS	50.00	_____
COMMERCIAL RENTAL (Must Register - No Fee)		_____
RESIDENTIAL RENTAL (Over 3 Units, Must Register, No Fee)		_____
PROFESSIONAL:		
Architects, Physicians, Surgeons, Chiropractors, Engineer . . . . .	25.00	_____
Auctioneers, Land Surveyor, Barbers, Beauticians, Real Estate Salespersons, Dentists, Funeral Director, Embalmers . . . . .	15.00	_____
Attorney, Veterinarians . . . . .	5.00	_____
FORTUNE TELLERS . . . . .	200.00	_____
HAWKERS AND PEDDLERS:		
No Vehicle . . . . .	10.00	_____
1/2-Ton Vehicle . . . . .	15.00	_____
3/4-Ton Vehicle . . . . .	50.00	_____
2-Ton Vehicle . . . . .	100.00	_____
JUNK DEALERS:		
Resident Dealer . . . . .	25.00	_____
Non-Resident Dealer . . . . .	150.00	_____
LAUNDROMAT, CAR WASH . . . . .	15.00	_____
TAXI-CAB COMPANIES . . . . .	100.00	_____
THEATERS & PLACES FOR PUBLIC SHOWS . .	40.00	_____
CARNIVALS (Taxed in Accordance with State Code)		_____

## SECTION 2.

For the purposes of this ordinance, a person shall be deemed to be actively engaged in the practice of any profession, trade or activity previously named during any fiscal year if that person is licensed by the State of West Virginia to practice a particular profession and hold himself out to the public, or represents to the public that he is authorized and available to practice a particular profession and maintains any office, place of business, establishment, or the like, within the corporate limits of the City of Nitro.

## SECTION 3.

The license tax provided for in this ordinance shall be payable annually to the City Recorder at his/her office in the City Building of said City of Nitro, West Virginia, on or before the 1st day of July of each year, and this ordinance shall be effective on and after July 1, 1991.

## SECTION 4.

Any person who shall actively engage in the practice of, within the meaning of this ordinance, any profession named herein, without first paying the license tax herein provided for, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine, not to exceed Ten Dollars (\$10.00). Each day that said person shall practice without said license shall constitute a separate offense.

First Reading

FEBRUARY 5, 1991

Second Reading

FEBRUARY 19, 1991

Don Karnes  
Mayor

Doris G. Carrier  
City Recorder

CITY OF NITRO  
COUNCIL MEETING MINUTES

MARCH 5, 1991

The Nitro City Council Meeting 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.

The invocation was given by the Reverend Jack Emerick from the First Presbyterian Church.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 19, 1991 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of February 19, 1991 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - KIRK KELLY MEMORIAL RUN: - Mayor Karnes yielded this agenda item to Mr. Dan Vadala, Chairman of the Kirk Kelly Memorial Run. Mr. Vadala advised they were planning the 6th annual Kirk Kelly Memorial Run Saturday, May 4. He informed the first recipient of the scholarship graduated in December. The run would begin at 8:00 a.m. and for the most part, it would end around 10:30 a.m. He said in the process, they go to Chief Cochran for police support, the Department of Public Works take care of the path around the lake, and also contact Jay Long for things they need to have done. Councilman at Large Rusty Casto moved permission be granted to hold the Kirk Kelly Memorial Run on May 4. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - CABLE TELEVISION FEE: - Mayor Karnes said at present we have a franchise with Harmon Cable providing the City with \$2,500 per year. Present law allows municipalities to impose a fee of 5% of the cable company's gross business. The only question is "How binding is the franchise agreement?" Councilman at Large David Casebolt moved the City Attorney write an ordinance enabling the city to charge the company 5% as outlined by State Statute. The motion was seconded. Councilman at Large Olaf Walker said the franchise would not expire until 2020, and the general manager of Harmon Cable asked that the City write a proposal in the form of an ordinance or a letter what they would like to get from Harmon Cable. He said Dunbar, Charleston and Huntington all get 5%, Parkersburg, Clarksburg and Bridgeport get 3%. Councilman at Large Olaf Walker said Harmon Cable Communication receives revenues of \$300,000 plus from the subscribers in Nitro and we get \$2,500. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - CONSIDER PURCHASE OF WOOD CHIPPER: - Mayor Karnes said as discussed at a previous meeting, if we purchase this piece of equipment it might possibly reduce some of our landfill cost, and also it would be something that would help the Sanitary Board. He said he knew of a chipper that was represented as a good one which could be purchased for \$4,500 to \$5,000. Councilman at Large Olaf Walker moved the Mayor along with anyone he wanted to take look at the chipper and then come back to Council with their recommendations. Councilman at Large David Casebolt asked Gene Williams to give them an estimate on the amount of trees dumped at the landfill. Mayor Karnes said he couldn't come up with an accurate amount because when they are hauling trash, they are hauling anything from hot water tanks to tree limbs. Councilman Robert Young said we should permit the Mayor to purchase the equipment for \$4,500. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - FIRE DEPARTMENT PROMOTIONS: - Mayor Karnes yielded this agenda item to Councilman Jim Hutchinson. Councilman Hutchinson reported the four ward councilmembers met with the Fire Department and discussed the three agenda items. He called on Chief Steve Hardman for further explanation. Chief Hardman said they have three shifts within the department and someone has to be in charge of each shift. He said they feel they should all receive the same pay for the same responsibility. He said the rank structure is set up at the present of two sergeants, one lieutenant and one captain, and they want to do away with one lieutenant and two sergeants and have two captain positions. Councilman Jim Hutchinson moved we accept the suggestion. The motion was seconded. Mayor Karnes said this would eliminate the sergeants and lieutenant positions and there would be three captains. Mayor Karnes pointed out that going back to two years prior rank, we have one person that is eligible to take the captain's test. Chief Hardman suggested creating the two captain positions because some day we might have 20 firefighters. Councilman at Large Olaf Walker suggested we hold this matter over until after the budget. Chief Hardman said the fire department members who serve as the same duty officers are entitled to the same pay, according to state statues, as the current officer. A vote was taken creating 2 captain's slots making a total of 3, eliminating 1 lieutenant slot and 2 sergeants when possible. Councilman at Large Olaf Walker commented he didn't think it was wise to vote to pay any additional money even though it was only \$1,200. Mayor Karnes said there would be an expense for testing also, and we also have the legal problem of how we can get around the promotional requirements. Chief Hardman said the testing could be done, and not go into effect until the money is there. Mayor Karnes said he was concerned about the legality of going over the sergeants position. A vote was taken to create 2 additional captain slots making a total of 3, eliminate the lieutenant slots, and as made



possible by the rules, eliminate the sergeants slot. The end result would be we would have firemen, captains and a chief. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - FIRE DEPARTMENT BOUNDARIES: - Mayor Karnes yielded this agenda item to Councilman Jim Hutchinson who yielded to Chief Hardman. Chief Hardman said they were having problems with the Putnam County and Kanawha County Coordinators as they have both been told by their respective judges that they are liable to see that the people in their two counties are covered and protected. So, the respective counties have assigned a lot of these areas within our "boundaries". They have assigned the Poca Fire Department to cover a lot of them in Putnam County and the Cross Lanes Fire Department to cover a lot of them in the Kanawha County area. He said it was territory they have been running for years. He said he spoke with the Committee regarding the friends in the bottom and didn't want to lose the funds donated to the City by the Civic Benefits Assn. Councilman at Large David Casebolt moved the boundaries be adopted. The motion was seconded. Mayor Karnes said he wasn't necessarily against this, but what if we went beyond our corporate limits or what is our responsibility (this would include the industrial complex because they pay us), but other than that why should we go out of the City limits and would we not be incurring additional liability by doing that very thing? Chief Hardman responded that if we don't respond to a fire on Bailes Drive, Blakes Creek Road or Cochran Circle, Tyler Mt. Volunteer Fire Department will make the run through our City and do we want them in our city limits? Also, he said there are provisions for the fire department to contract with Putnam County and Kanawha County people to provide fire service. He said the Putnam County people were already paying a fee to Putnam County. He said if this is adopted, we can then contract with Putnam County Fire Services to provide this service according to law. A portion of the fee paid to Putnam County would be paid to Nitro, but it wouldn't be much. Mayor Karnes said he thinks if we adopt boundaries, then we should also know what they want to give us. If a call would come in that there was a fire in Nitro and also Hulbert Heights, the Nitro Fire Department would respond to the first call received. Councilman at Large Olaf Walker said there needed to be some legal studies made on this matter. Mayor Karnes stated he agreed with Chief Hardman that we needed boundaries, but also agrees with Councilman at Large Walker that if we supply them all the services, why would they ever want to be a part of the City. Chief Hardman said if Poca or Cross Lanes is dispatched, and if they request mutual aid, then they have no choice but to run it. Mayor Karnes said during the time he has been in office, Putnam County has not financially assisted Nitro one penny, and Kanawha County has. Councilman at Large Rusty Casto asked Mr. Gaujot if he saw any problem with this, and Mr. Gaujot said if the City

extends beyond the boundaries, you are giving the people outside the corporate limits something for nothing, and yet your liability could be greater if you don't respond or if you do something improperly. He said if you restrict it to the city limits, then you are restricting it to the people that are paying for the service. He said if the fire would be beyond the city limits, the Nitro Fire Department would go anyway, especially if Poca or Cross Lanes requested it. Going by a request is entirely different than if the boundaries are expanded. He said it was his opinion that the liability would be greater, but couldn't say to what extent. Sgt. Hedrick advised Midwest Steel was in the CBA, but dropped out and went to Putnam County for reasons they do not know. Mayor Karnes said if we set a boundary he feels we should include the corporate limits and the industrial complex. Councilman at Large David Casebolt withdrew his motion, as did the City Recorder who seconded the motion. Councilman at Large David Casebolt moved this item be put back into the Committee and come back with boundaries agreeable with members of Council. After further discussion, Councilman at Large David Casebolt withdrew his motion and City Recorder Doris Carrier withdrew her second. Councilman at Large Rusty Casto moved we accept the boundaries as submitted. The motion was seconded. A vote was taken and it passed with Councilman at Large Olaf Walker abstaining.

AGENDA ITEM NO. 7 - FIRST RESPONDERS: - Mayor Karnes yielded this agenda item to Councilman Jim Hutchinson who yielded to Chief Steve Hardman. Chief Hardman explained this was the signing of a contract with Kanawha County Ambulance Authority where they could tone out the Nitro Fire Department within their boundaries to respond to any medical emergencies when they feel an ambulance is too far away to provide quick and efficient service to the individuals. Councilman at Large David Casebolt asked what the cost would be, and Chief Hardman said it would be for fuel to get the truck to the site. The men on duty would be the ones responding as they are at this time. He said this would clear up all the legalities between the City of Nitro and the Kanawha County Ambulance Authority. He said they have a liability policy that would cover the fire department personnel on the medical scene. Chief Hardman said medical supplies such as gauze, etc. are coming out of the fire department budget, but if the contract is signed a lot of the supplies would be restocked through the Kanawha County Ambulance system. He said that during normal operating time, the men on duty would respond and the regulars would be called out. Councilman at Large David Casebolt moved we adopt the First Responder's contract. The motion was seconded. Mayor Karnes said he didn't like the idea of taking the dispatch out of the hands of our dispatchers if we are going to continue to have a communication department. He asked legal counsel if he had a chance to review the contract, and he had not. After further discussion, Councilman at Large Olaf Walker moved we table the motion to allow our attorney a chance

to review the contract. The motion died for lack of second. Councilman George Atkins stated he feels we should have a ruling from legal counsel before we do anything on the contract. Councilman at Large David Casebolt withdrew his motion, but Councilman Jim Hutchinson would not withdraw his second. A vote was taken to accept the contract and it passed with City Recorder Doris G. Carrier, Councilman at Large Olaf Walker, Councilman at Large David Casebolt opposing and Councilman George Atkins abstaining.

AGENDA ITEM NO. 8 - GUM STREET LANDFILL: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt. Councilman Casebolt said he received a request that we get Gene Williams, Director of Public Works and Connie Stephens, General Manager of the Sanitary Board to report, at the next meeting if possible, on putting a drain pipe from the Exxon Station down through the swamp to the river. He asked how much footage this was, what size pipe and what the cost of the pipe would be. Also DNR needs to be contacted to see if this could be done. Also, could tree limbs, appliances, etc. be used to fill in. Councilman at Large David Casebolt said this was not in the form of a motion, but simply a request.

AGENDA ITEM NO. 9 - GARBAGE COLLECTION SERVICE: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt who said he would like to put a bid out for study purposes only on contracting our garbage pickup. Councilman at Large David Casebolt moved we obtain bids for garbage pickup. He said he would like for the bid to include curb side pickup once a week, the supplying of trash bags and the City being responsible for collecting the bills. Councilman at Large Olaf Walker said we could run an ad in the newspaper that as of July 1, 1991, we will no longer pick up the trash, or we could write a letter to the people who handle this, and he had a list of all of them in Kanawha County. He said we could send them a letter telling them we no longer intend to collect garbage, and they can respond if they are interested. He said we could give a contract as they must get approval from the Public Service Commission, and we will be out of it including the billing. Councilman at Large Olaf Walker said he wants us to get the figures and a study on this subject, and he thinks it would show the City of Nitro cannot go out of this business. He said that Class 2 cities, all have their own trash pickup, but some of them have contracts with haulers. The motion was seconded. After a discussion, a vote was taken to advertise for bids on vending out our garbage collection for a feasibility study, and it passed with Councilwoman Betty Jo Boggess opposing.

Councilman George Atkins moved the meeting be adjourned at 9:20 p.m. The motion was seconded. A vote was taken and it was unanimous.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES

MARCH 19, 1991

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes 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 everyone.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 5, 1991 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved to approve the Council Meeting Minutes of March 5, 1991. The motion was seconded. Councilman at Large Olaf Walker said on page 1, in the last paragraph he made the remark that the franchise for the cable television expired in the year of 2020, but this was in error, and it should state January 19, 2000. A vote was taken and it was unanimous.

Councilman at Large Olaf Walker moved we place Agenda Item No. 6 Budget to the bottom of the agenda. Mayor Karnes said we could not certify RIC until the budget is approved. Therefore, Councilman at Large Olaf Walker moved the budget be moved to Agenda item 8 and RIC to 9. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - M. T. RAINES: - Mayor Karnes yielded this agenda item to Councilman Jim Hutchinson. Councilman Hutchinson said he talked with Micky Raines about his problem with Sam's Market, and then yielded the floor to Mr. Raines. Mr. Raines expressed his concern about people driving the wrong way, problem about adults purchasing alcoholic beverages for minors and noise at Sam's Market. He said he lives behind Sam's Market, sees open containers in and on top of automobiles and last weekend he spoke with a police officer because he was under the assumption it was against the law to consume alcohol on the premises. He said he was told this was not against the law. He said men and women also relieve themselves in public, and his wife and daughter have been witnesses to this. Mr. Raines said he feels the police should patrol this area more and do something about these problems. Mr. Raines said he wasn't present to have a conflict with the City in anyway, but to state facts and ask for their assistance. Mayor Karnes said this makes it a matter of record in these minutes; our Police Department is well aware of the problems and if he continues to sell beer to teenagers, he will lose his license.

Mr. Raines distributed copies of ordinances from the City of Charleston, City of St. Albans, South Charleston and a copy of minutes of Nitro City Council regarding zoning and ordinances. He asked Council if they would consider an amendment to its current zoning laws. He suggested we require that all adjoining property owners be notified by certified mail, at no cost to the City for requested changes. The person applying for the zoning change, for instance, would supply the City with a list of all property owners surrounding that property within 200 to 250 feet of said property. Mr. Raines said he didn't want to change the ordinances, just add amendments. Councilman at Large Olaf Walker moved this matter be referred to the Planning and Zoning Commission for their study. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - BROOKFOREST SUBD. EXT OF NORWOOD RD. - Mayor Karnes furnished members of Council a copy of a letter from Richard Burns from R & B Builders, Inc. asking the City to accept Brookforest Subdivision. At the time the letter was received, he asked Bob Sergeant, Gene Williams, along with our engineer to look at the subdivision and they did not recommend we accept it the way it was at that time. Since then they have made all the recommended corrections and now it has been approved by everyone except Council. Councilman at Large Olaf Walker said he would like to see a map, drawing or engineering data or a deed prepared by a lawyer conveying the streets to the City of Nitro. Councilman at Large David Casebolt moved we accept this request. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - BOARD OF CANVASSERS RENEWAL - 3-16-91: - Mayor Karnes yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier notified Council that Thursday the Canvass for our Levy Election will be conducted as required by law. Councilman Jim Hutchinson moved the meeting start at 6:30 p.m. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - RES. FIRE DEPARTMENT PROMOTIONS: - Mayor Karnes yielded this agenda item to Councilman Jim Hutchinson who yielded to Chief Steve Hardman. Chief Hardman said as discussed at the last Council Meeting, they would like to have two additional captains making a full compliment of three captains. Mayor Karnes said this would authorize these positions, but does not create them. The next step would be that he would have to declare a vacancy. Mayor Karnes said there are some things he would like to clear up, such as Civil Service Requirements. Councilman at Large David Casebolt moved the Mayor read the title only. The motion was seconded. After Mayor Karnes read the title, Councilman at Large David Casebolt moved we adopt the resolution. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 91-3 ATTACHED.

AGENDA ITEM NO. 8 - RES. - FIRE DEPARTMENT BOUNDARIES: - Mayor Karnes yielded this agenda item to Councilman Jim Hutchinson. Councilman Hutchinson said he talked with Chief Hardman regarding this item, and after he spoke with our City Attorney he wants us to rescind or table this item. Per Councilman at Large Olaf Walker's explanation, Councilman Jim Hutchinson moved the question dealing with this issue which was voted upon at the last meeting be reconsidered at this time. The motion was seconded. A vote was taken and it was unanimous. After Councilman at Large Olaf Walker explained several reasons why we should not commit ourselves to go out of our boundaries. The City Attorney Phillip D. Gaujot said it wasn't necessarily a matter we would want to vote down and not necessarily a matter you want to approve because it cuts both ways. He said to keep in mind that we have an area outside the City that we do want to provide services to, and it's not a clear cut matter. He said he was speaking about the Industrial Park, and it's not a simple matter, and feels Chief Hardman recognized that. He said he feels reconsidering this matter and letting Chief Hardman look into this matter further would be the proper way to go. Councilman at Large David Casebolt moved we table the item. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 9 - FIRST RESPONDERS: - Mayor Karnes yielded this agenda item to Councilman Jim Hutchinson. Councilman Hutchinson said he was in favor of this, but didn't see any need of running the big fire truck on these calls, and asked if they had a smaller vehicle that could be used at a lessor cost to the City. Chief Hardman said they had plans to acquire another van for this purpose, but financially they could not. He said the van they have is not equipped, and if they have a fire they could respond without going back to the station. Mr. Gaujot said that the contract was discussed with Chief Hardman, and the contract as to form is okay. The first thought is there is no time limit on the contract, and on the second page, second paragraph it provides for a monthly training which must equal 40 hours a year, and his question was whether there would be overtime because of this. Chief Hardman said it would not result in overtime because training instructions would be provided when all the firefighters were together. He said he also had another question on page 3, which had to do with the manner in which the alerting is to be done. He said there is a differences of whether or not it is an effective process or not. Mr. Gaujot also pointed out his concern regarding the third paragraph stating "the City shall not transport a patient", and if there was an accident and there is an ambulance coming from Cross Lanes. Then the first responder, which would be the fire department, would go to the scene and would administer basic life support but the City of Nitro is not to transport. He said the question he has is what if we have a situation where the ambulance coming from Cross Lanes has a wreck, doesn't get the correct call or is side tracted and you have a patient that is dying, then he could see a potential problem with this. Chief Hardman said there were only

two types of vehicles to be used to transport a patient. Mr. Gaujot said the next question he has is on page 4, the first paragraph which states the first responder will be responsible to provide professional liability insurance for the group and he questioned what effect this would have on our present coverage. Mr. Gaujot said he feels there should be some communication between the City and insurance carrier. Also, Mr. Gaujot questioned the requirement for each individual first responder or group shall maintain the certification of training and questioned if there would be a cost to that in the future. On page 5, the second paragraph beginning "All first responder groups will have a delegated individual to oversee the operation" and attend bi-monthly meetings with the Authority and again he questioned overtime involved. On page 6, second paragraph, the contract calls for the First Responder Office will have medical training, at a minimum, as an EMT, and asked if all the firefighters had this training, and Chief Hardman answered they did not, but there was one qualified firefighter on each shift. Mr. Gaujot said there is always a need to provide assistance in a life threatening situation, and sometime minutes determine whether a person lives or dies. He said this is a serious matter, but he said he didn't feel he had full knowledge to tell Council whether or not they should do this. Mayor Karnes said we voted on this issue at the last meeting, and it passed 4 - 3. Councilman at Large David Casebolt said he was in favor of this matter, and complimented them for their short response time. Councilman at Large Rusty Casto said he was in favor of passing the contract with the required changes. Mr. Gaujot said he wasn't pointing out his concerns as being wrong. Mayor Karnes said he would like for Mr. Gaujot and Chief Hardman to write an agreement they would recommend Council sign. Chief Hardman said the cost involved would be for call outs and for fuel to operate the vehicle. Mayor Karnes and Councilman George Atkins were concerned that if we had an agreement as first responders, this would reduce our chances of getting ambulance service in Nitro. After further discussion, Councilman at Large David Casebolt moved the Mayor read the title of the resolution 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 the resolution be adopted. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 91-4 ATTACHED.

AGENDA ITEM NO. 6 - 1991-92 BUDGET: - Councilman at Large Olaf Walker said he wanted to apologize to any member of this Council who found his remarks and length of time he spent in discussing the proposed budget at the last meeting, and to personally apologize to the members who left the meeting. Also he said he was not conducting himself any different than he did 4 years ago.

Mayor Karnes yielded this agenda item to the City Treasurer Ralph Allison. Mr. Allison said a budget presented in the work

session last night showed revenue and expenses of a little over two million dollars. The revenue included an increase of municipal service fee of \$5.00 per month, and a registration fee on contractors. Mayor Karnes said we must adopt a balanced budget and he recommends the one presented. Councilman at Large Olaf Walker said he wanted to present an alternative budget and Council could decide on either three. He said the budget he wanted to present did not include layoffs, no increase in taxes and based strictly on last years expenditures. He distributed copies of a proposal which he called number one and previously discussed, and also his proposal which he called number two of a revised budget based on revenues and expenses based on revenues at the previous level a year ago. Councilman at Large Olaf Walker explained he didn't attend the budget meeting last night for reasons he stated earlier. He said then after the budget has been submitted to the State by March 28, then Council could list expenditures and needs of the City that we would all like to see. He said he listed \$5,000 for support of the senior citizens, \$100,000 to provide money to purchase new garbage truck or other capital equipment, \$26,000 for one additional policeman which would reduce overtime and provide security to the dog track. \$50,000 for street paving and other city services, also a pay raise for employees particularly those earning less than \$13,000 annually. He also allowed \$30,000 for dumping fees and \$60,000 extra for medical and other insurance. He said the next step would be to look at the revenues, and after approval to raise the money or enact the necessary legislation to get the money, then they could revise the budget, increase the revenue and list on the expense side those capital outlays and other expenses they hope to spend it on. Councilman at Large Olaf Walker said he was told that the property taxes were projected to increase 14.8% each year for the next three years and those 65 years old and older and have homestead exempt will start paying taxes. He said that all is required is that we submit a balanced budget. He suggested the Mayor issue an order that no overtime shall be worked, excluding emergencies, unless prior approval by the Mayor until Council finds sources of revenue. Mr. Allison explained the difference between the budget discussed at the work session and the one presented by Councilman at Large Olaf Walker is he increased property taxes \$55,000, eliminated the Mayor's travel expense, eliminated the money allocated for the senior citizens, eliminated overtime in the Fire and Police departments, eliminated lease on trucks plus took another \$50,000 from Public Works. Councilman at Large Walker said he eliminated \$25,000 for street paving and \$25,000 landfill cost. After further discussion, Councilman at Large David Casebolt said if he was understanding Councilman at Large Olaf Walker's proposed budget, there was no money going back to the City; just maintaining the present services. Mayor Karnes responded it would not even do that. Councilman at Large David Casebolt moved we adopt the City Treasurer Ralph Allison's proposal and then call a meeting of everyone with recommendations of what could be cut and amendments made. The motion was seconded. After further discussion, the



discussion, the motion passed with Councilman at Large Rusty Casto and Councilman at Large Olaf Walker opposing with City Recorder Doris G. Carrier abstaining.

Councilman at Large Olaf Walker said it had been discussed several times regarding going out of the trash pickup services, and that we would possibly save two or three hundred thousand dollars. Councilman at Large Olaf Walker moved there be a committee appointed consisting of Councilman at Large David Casebolt as Chairman, another Councilperson, Gene Williams, two women and two men from the City, two business people plus the Mayor to meet and gather facts of the advantages and disadvantages of the City going out of the garbage collection business and report back to Council by the second meeting in May to advise Council of their conclusions. The motion died for lack of second. Councilman at Large David Casebolt said he agrees we do need a committee, but we can't do this without receipt of the bids.

COPY OF 1991-92 BUDGET ATTACHED.


AGENDA ITEM NO. 5 - RIC CONTRIBUTION: - Mayor Karnes said every year RIC asked municipalities to approve their funding formula and mail them certification of this action. It is a requirement and our City's contribution is \$1,451.80. We do have this amount in the budget. Councilman at Large David Casebolt moved this be approved. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto asked if the Street Department would keep the City Park mowed this year, and Mayor Karnes said they would from now until July 1. Councilman at Large David Casebolt asked if there could be a mowing schedule made available.

Mayor Karnes said as a report back on the chipper, Councilman Young, Gene Williams, Councilman Walker and Councilman Atkins have looked at the chipper, and asked if anyone would be opposed to buying the Chipper for \$4,500.00. Councilman at Large David Casebolt moved we purchase the chipper. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto moved the meeting be adjourned at 9:20 p.m. The motion was seconded. A vote was taken and it was unanimous.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

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RESOLUTION NO. 91- 3

ADOPTED: March 19, 1991

RESOLUTION: AUTHORIZING THE NITRO FIRE DEPARTMENT TO PROVIDE FOR THE APPOINTMENT OF TWO ADDITIONAL CAPTAINS MAKING A FULL COMPLIMENT OF THREE CAPTAINS AND THUS LEAVING VACANT THE OFFICES OF LIEUTENANT AND SERGEANT.

WHEREAS, the Nitro Fire Department presently has eight (8) fulltime firemen presently holding the rank of Chief (1), Captain (1), Sergeant (1), and Firefighter (5); and

WHEREAS, under the present compliment of officers as aforesaid one (1) Sergeant and one (1) Firefighter are presently performing the same duties as the existing Captain, when said Sergeant and Firefighter commands his shift; and

WHEREAS, it is believed that shift commanders should hold the same rank because of the duties involved; and

WHEREAS, in the best interests of the citizens of Nitro and the Fire Department for the City of Nitro, it is essential to promote one (1) sergeant and one (1) firefighter to the rank of captain and leaving vacant the ranks of lieutenant and sergeant; and

WHEREAS, this Resolution has the unanimous consent of all the firemen employed by the City of Nitro.

NOW, THEREFORE, be it resolved by the Council of the City of Nitro, West Virginia:

1. That the Mayor of the City of Nitro declare two (2) positions of captain be opened and promotions to said positions be made in accordance with the Rules and Regulations of the Nitro Fire Civil Service Commission and the West Virginia Code.

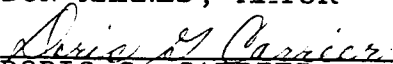
2. That so long as the Fire Department has three (3) captains and the total compliment of firemen does not exceed fifteen (15), then and in that event, the positions of lieutenant and sergeant shall remain vacant.

3. That this Resolution has the unanimous consent of all the firemen employed by the City of Nitro.

4. That this Resolution shall take effect immediately and any increase in wages be provided upon promotion to the rank of captain.

Motion by Councilman at Large David Cssebolt, seconded by Councilman Jim Hutchinson to adopt this Resolution. Motion carried unanimously.

  
DON KARNES, MAYOR

  
DORIS C. CARRIER, RECORDER

RESOLUTION NO. 91- 4

RESOLUTION: ALLOWING THE NITRO FIRE DEPARTMENT TO ENTER INTO A FIRST RESPONDER CONTRACT WITH THE KANAWHA COUNTY EMERGENCY AMBULANCE AUTHORITY, A PUBLIC CORPORATION.

WHEREAS, the Kanawha County Emergency Ambulance Authority is a public corporation charged with providing emergency medical services to the citizens of Kanawha County; and

WHEREAS, to provide prompt assistance to life-threatening incidents, it is in the interests of the citizens of Kanawha County in the City of Nitro that an agreement be entered into by and between the Nitro Fire Department and the Kanawha County Emergency Ambulance Authority to provide first responder personnel and equipment to stabilize injured patients until the arrival of more advanced services rendered by the Kanawha County Emergency Ambulance Authority.

NOW, THEREFORE, be it resolved by the Council of the City of Nitro, West Virginia:

1. That the Nitro Fire Department is hereby permitted to enter into a FIRST RESPONDER CONTRACT with the Kanawha County Emergency Ambulance Authority, a public corporation, to provide prompt assistance to life-threatening incidents, a copy of which said contract is attached hereto and marked "Exhibit 1" and incorporated herewith.

Motion by Councilman at Large David Casebolt seconded by Councilman at Large Rusty Casto to adopt this Resolution.  
Motion carried unanimously.

ADOPTED: March 19, 1991

Don Karnes  
MAYOR

Chris E. Carriere  
RECORDER

91-92 PROJECTED REVENUES

PROPERTY TAXES	355,000
BUILDING PERMITS	10,000
INSPECTIONS FEES	1,200
B & O TAX	500,000
UTILITY TAX	150,000
RECREATION	26,000
LIQUOR LICENSE	500
WINE/LIQUOR TAX	35,000
LICENSES	11,600 1.
DOG TRACK	190,000
INTEREST INCOME	3,000
CIVIC BENEFITS	146,200
RENTAL PROPERTIES	8,400
COURT COSTS	20,000
COLLECTION INCOME	7,000
LIBRARY FEES	1,000
MUNICIPAL FEES	489,503 2.
PAR INDUSTRIAL	20,000
FRANCHISE FEES	2,500
COAL SEVERANCE	12,000
REIMBURSEMENTS:	
CITY CALENDAR	3,500
MEDICAL INSURANCE	7,518
HUMANE OFFICER	6,887
LIABILITY INSURANCE	<u>10,000</u>
TOTAL PROJECTED REVENUES	<u>2,016,808</u>

91-92 PROJECTED EXPENSES

MAYOR	55,831
CITY COUNCIL	14,043
RECORDER	29,666
TREASURER	43,758
BUILDING INSPECTOR	42,701
HUMANE OFFICER	13,773
CITY HALL	474,572
LIBRARY	30,567
RECREATION	56,575
POLICE DEPT	414,266
FIRE DEPT	270,620
PUBLIC WORKS	<u>570,436</u>
TOTAL PROJECTED EXPENSES	<u>2,016,808</u>

1. CONTRACTORS REGISTRATION FEES OF \$100
2. \$5.00 PER MONTH MUNICIPAL SERVICE INCREASE

## 91-92 PROJECTED EXPENSES BY DEPARTMENT

MAYOR

KARNES	25,000	
ARMSTEAD	<u>17,000</u>	
TOTAL WAGES	42,000	
RETIREMENT	3,990	
FICA TAX	3,213	
DUES	2,128	
SUPPLIES	1,000	
TRAVEL	<u>3,500</u>	55,831

CITY COUNCIL

7 WAGES OF 1,200 EACH	8,400	
FICA TAX	643	
SENIOR CITIZENS	<u>5,000</u>	14,043

RECORDER

CARRIER	13,500	
RETIREMENT	1,283	
FICA TAX	1,033	
LEGAL ADS	2,500	
SUPPLIES	750	
TRAVEL	300	
RECORD BOOKS	300	
ELECTION	<u>10,000</u>	29,666

TREASURER

ALLISON	9,000	
FICA TAX	689	
CONTRACT SERVICES	2,000	
SUPPLIES	100	
WORKERS COMPENSATION	<u>31,969</u>	43,758

BUILDING INSPECTOR

SERGEANT	23,918
LAMB	<u>11,149</u>
TOTAL WAGES	35,067

RETIREMENT	3,331
FICA TAX	2,683
DUES	120
SUPPLIES	1,000
TRAVEL	<u>500</u>

42,701

HUMANE OFFICER

FISHER	9,452
RETIREMENT	898
FICA TAX	723
SHELTER FEES	2,400
UNIFORMS	<u>300</u>

13,773

CITY HALL

MORRIS	21,126
LEWIS	13,120
HARTLEY	11,386
PETERS	11,120
GRAHAM	<u>5,304</u>
TOTAL WAGES	62,056

RETIREMENT	5,895
FICA TAX	4,747
CONTRACT SERVICES	10,000
CITY ATTORNEY	20,600
CITY JUDGE	4,800
INSURANCE AND BONDS	53,780
BLUE CROSS (SEE PAGE 8)	174,744
SUPPLIES	10,000
COMPUTER SUPPLIES	4,000
ELECTRIC	24,000
GAS	5,000
WATER	24,000
TELEPHONE	18,000
FIRE HYDRANTS	12,150
STREET LIGHTS	<u>40,800</u>

474,572

LIBRARY

MARTIN	15,060
MILLER	<u>7,020</u>
TOTAL WAGES	22,080

RETIREMENT	2,098
FICA TAX	1,689
CONTRACT SERVICES	1,000
SUPPLIES	500
MAINT AND REPAIR	500
BOOKS	<u>2,700</u>

30,567

RECREATION

LONG	18,718
LIFEGUARDS	<u>15,000</u>
TOTAL WAGES	33,718

RETIREMENT	1,778
FICA TAX	2,579
CONTRACT SERVICES	1,000
SUPPLIES	9,000
MAINT AND REPAIR	5,000
CITY CALENDAR	<u>3,500</u>

56,575

POLICE DEPT

BLANKENSHIP	24,565
CHATTERTON	19,507
COCHRAN	25,467
COON	19,507
DEAN	22,053
JAVINS	19,032
JORDAN	19,585
JOYCE	19,485
THOMPSON	21,933
WINTER	19,475
PETE	19,378
- PERROCK	10,034
- SHREWSBURY	17,160
- SMITH	9,411
- BRABBIN	7,000
- CADLE	9,411
HARPER	2,847
SAVILLA	2,847
WORKMAN	2,847
OVERTIME	<u>25,000</u>
TOTAL WAGES	316,544
PENSION	21,000
RETIREMENT	7,456
FICA TAX	24,216
CONTRACT SERVICES	750
TELETYPE	7,300
SUPPLIES	4,000
UNIFORMS	4,000
AUTOMOTIVE	18,000
MAINT AND REPAIR	5,000
CRIME PREVENTION	1,500
FOOD AND DRUG	200
RENTAL	600
POLICE RESERVES	1,200
EQUIPMENT RENEWAL	<u>2,500</u>

414,266

THIS DEPARTMENT HAD APPROXIMATELY \$60,000 OF OVERTIME LAST YEAR.

THIS PROJECTION IS BASED UPON NO ONE BEING IN THE DRUG PROGRAMS OR AT THE DOG TRACK.



FIRE DEPT

STOVER	20,231	
HARDMAN	21,550	
HEDRICK	17,754	
JONES	16,897	
STROHL	16,927	
KING	16,846	
ALDERMAN	15,960	
ELKINS	15,930	
FIRE CALLS	4,530	
FIRE DRILLS	1,200	
OVERTIME	<u>13,500</u>	
TOTAL WAGES	161,325	
PENSION	45,000	
FICA TAX	12,341	
CONTRACT SERVICES	800	
VOLUNTEERS	6,000	
SUPPLIES	14,500	
UNIFORMS	3,000	
AUTOMOTIVE	5,000	
MAINT AND REPAIRS	6,000	
LAUNDRY	600	
FIRE TRUCK	<u>16,054</u>	270,620

THIS DEPARTMENT HAD APPROXIMATELY \$32,000 OF OVERTIME, FIRE CALLS AND FIRE DRILLS LAST YEAR.

PUBLIC WORKS

WILLIAMS	24,399
SMITH	17,752
LEWIS	16,920
MCNEALY	16,099
HILL	14,070
DIXON	15,838
TURLEY	13,904
TOLBERT	13,924
PARKER	11,324
EAGLE	14,040
HILL	11,387
ELLIS	13,612
COOK	11,135
FIELDS	11,137
GRANT	10,680
THOMAS	10,541
HILL	10,680
BOARD	10,659
OVERTIME	<u>7,500</u>
TOTAL WAGES	255,601

RETIREMENT	24,282
FICA TAX	19,553
CONTRACT SERVICES	15,500
SUPPLIES	26,000
GARBAGE BAGS	22,000
AUTOMOTIVE	28,500
REPAIRS TO BLDG.	4,000
REPAIRS TO EQUIPMENT	15,000
LANDFILL	125,000
STREET PAVING & REPAIR	25,000
LEASE ON TRUCKS	<u>10,000</u>

570,436

TOTAL ALL DEPARTMENTS

2,016,808

CITY OF NITRO  
COUNCIL MEETING MINUTES

APRIL 2, 1991

Mayor Don Karnes welcomed everyone, declared a quorum, and called the regular meeting of the Nitro City Council to order 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 MARCH 19, 1991 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the minutes of the Council Meeting held on March 19, 1991 be approved. The motion was seconded. Councilman at Large Olaf Walker said there was an error on page 5. Regarding the sentence, "He distributed copies of a proposal which he called #1 and previously discussed, and also his proposal which he called #2". However, since there were 3 proposals, asked that #2 be changed to #3. A vote was taken and it was unanimous.

Councilman at Large Olaf Walker asked if he could raise a point, and said there was a meeting of six members of Council last night which was a continuation of some meetings in the past. He said they discussed street paving at this meeting and asked it be put on the agenda this afternoon. However, it wasn't listed and he feels the members of Council that were at the meeting feel we should discuss this.

Councilman at Large David Casebolt said he had two different items he would like to have had on the agenda, and he would leave it to the Mayor's discretion.

Mayor Karnes said he didn't object to discussing street paving, but pointed out that at the Public Hearing Thursday evening he tried to schedule a budget meeting for Monday night, but it was the opinion of the group they didn't want to meet Monday night. Then, he makes commitments, and a meeting is scheduled. He said he feels everyone should be involved in these meetings and have adequate notice to be there.

Councilman at Large Olaf Walker said in the beginning, the Mayor started a policy of allowing each Council person to have some input or participate in the council meetings, and for some pretty good reasons he discontinued that. He said he feels it shouldn't have been discontinued, but probably just put a limit to how long an item would be discussed. Also, he said he feels members of Council should have an opportunity to discuss some things, but in all cases it wouldn't require action. Mayor

Karnes said it was his opinion there should be no action on anything that's not on the agenda and where everyone has had a chance to study it, and this is the reason for changing the procedure. Councilman at Large Olaf Walker moved Street Paving be placed on the agenda, item #7. The motion was seconded. Mayor Karnes said he didn't have a problem with discussing street paving, but didn't feel it was an emergency situation and that we could not do anything on this short of a notice. He said he feels we should decide when we should have our next budget meeting, and thinks this should be discussed at least to some degree so that we know what to expect on Council floor as a group. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - SPECIAL MEETING MINUTES 3-21-91: - Mayor Karnes said this was a meeting where Council acts as Board of Canvassers for our Levy Election and yielded to the City Recorder. City Recorder Doris G. Carrier said the Levy Election passed and the meeting went well. Councilman at Large Rusty Casto moved we accept the minutes. The motion was accepted. A vote was taken and it was unanimous.

SPECIAL MEETING MINUTES ATTACHED.

AGENDA ITEM NO. 3 - PUBLIC HEARING 3-28-91: - Mayor Karnes said a Public Hearing was held regarding property taxes which would bring to the City an additional \$7,867, and a motion was made, property seconded and passed unanimously not to make a decision on this until tonight at this meeting. Councilman at Large David Casebolt moved the minutes be approved. The motion was seconded. Councilman at Large Olaf Walker said on page 2, the 3rd paragraph from the top in the last sentence reading, "This year all of them will be paying taxes" changed to "This year most of them will be paying taxes." A vote was taken to approve the amended public hearing minutes, and it was unanimous.

PUBLIC HEARING MINUTES ATTACHED.

AGENDA ITEM NO. 4 - MEDICAL INS. PRESENTATION (CAROL ESTEP): Mayor Karnes yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier introduced Carol Estep, an agent from Association Benefits Corporation, a brokerage company out of Ky. She said there were several different insurance companies forming together as one to bear the burden of all the claims. She furnished members of Council a brochure and gave a presentation of the benefits, and then opened the floor for any questions. Councilman at Large David Casebolt moved we put this matter in the hands of a committee and bring it back at the next Council Meeting if two weeks gives the Committee enough time. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - FIRE PENSION BOARD MEETING MINUTES: - Mayor Karnes said members of Council were furnished a copy of the Minutes of the Fire Pension Board certifying the election results

of a member to the Board. Councilman at Large David Casebolt moved the minutes be made a part of the record of the City. The motion was seconded. A vote was taken and it was unanimous.

FIRE PENSION BOARD MEETING MINUTES ATTACHED.

AGENDA ITEM NO. 6 - PROPERTY TAX: - Mayor Karnes asked the City Treasurer Ralph Allison to refresh everyone's mind as to what was discussed at the Public Hearing. After a short discussion, Councilman at Large Olaf Walker moved we approve the levy dealing with the \$7,800 property tax increase. The motion was seconded. Councilman Jim Hutchinson said he stated at the last meeting he was strictly opposed to this, but after thinking it over, there were only two people in his ward at the meeting to express their opinion on the matter. He said he was on the telephone for quite sometime with a lady and she was very much opposed to it, but didn't come to the meeting. He said since the people in his ward were not interested enough to come to the hearing, he was in favor of it. A vote was taken and it passed with City Recorder Doris G. Carrier and Councilman Robert Young opposing.

AGENDA ITEM NO. 7 - STREET PAVING: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman at Large Olaf Walker said that through February 28, we have only spent \$12,000 on street paving and there was \$45,000 in the budget. He moved Council approve paving N. 21st Street - \$6,360, 14th Street between 1st and 2nd Avenue - \$3,185, 13th Street between 1st and 2nd Avenue - \$3,185, 900 Block of Kanawha - \$2,450, Main Avenue - Lock Street to Boundary - \$3,942 which totals \$19,122. He said he feels we should consider paving at least two streets the last week in April and two or three streets in May. Mayor Karnes said the decision for paving was made by the Committee a long time ago, but there was a freeze on spending at this time. After a discussion, City Treasurer Ralph Allison said he thought we might be able to afford paving these streets if we could prolong them until probably the first week in May and the the first week in June. The motion was seconded. A vote was taken and it was unanimous.


Councilman at Large David Casebolt said he wanted on the agenda for the next meeting a study from Gene Williams to determine if it would be feasible that the trash pickup be Monday through Thursday and don't pickup on Friday and have the houses they normally service then moved to another day during the week. Then, designate Friday as a general cleanup day for cutting the grass at the park, 1st Avenue and if the Council had an area needing attention, he could notify Gene Williams for assistance in cleaning drains, and this type of work. Mayor Karnes said that any day they get in early, they have assignments that is a punch list type of thing and they would do what was on the top of the list. He pointed out that if it would rain on Fridays, then there wouldn't be any other time designated to do it. Councilman at Large Olaf Walker said he thought Councilman at

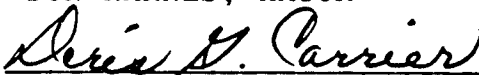
Large David Casebolt's idea had a lot of possibilities. Mayor Karnes said he feels all requests should come to him, and not to Gene Williams. Councilman at Large Olaf Walker agreed. Mayor Karnes said he uses a project work order and copies could be distributed to the Councilmember making the request when the work had been completed.

Councilman at Large David Casebolt said he also wanted on the agenda that Jay Long spend two days at the Park during the summer.

In response to Councilman at Large David Casebolt's inquiry, Mayor Karnes said a request from Mr. Raynes will be placed in the Zoning and Planning Commission for their recommendation to Council.

City Recorder Doris G. Carrier moved the meeting be adjourned at 8:30 p.m. The motion was seconded. A vote was taken and it was unanimous.

  
\_\_\_\_\_  
DON KARNES, MAYOR

  
\_\_\_\_\_  
DORIS G. CARRIER, RECORDER



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 21ST DAY OF MARCH, 1991 AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, NITRO, WEST VIRGINIA.

AGENDA:

1. BOARD OF CANVASSERS

SIGNED THIS THE 21ST DAY OF MARCH, 1991.

\_\_\_\_\_  
DON KARNES, MAYOR

*Doris G. Carrier*  
DORIS G. CARRIER, RECORDER

\_\_\_\_\_  
RUSTY CASTO, COUNCILMAN AT LARGE

*Olaf Walker*  
OLAF WALKER, COUNCILMAN AT LARGE

*David Casebolt*  
DAVID CASEBOLT, COUNCILMAN AT LARGE

\_\_\_\_\_  
ROBERT YOUNG, COUNCILMAN

*Betty Jo Boggess*  
BETTY JO BOGGESS, COUNCILWOMAN

*George Atkins*  
GEORGE ATKINS, COUNCILMAN

*Jim Hutchinson*  
JIM HUTCHINSON, COUNCILMAN

CITY OF NITRO  
SPECIAL COUNCIL MEETING MINUTES

MARCH 21, 1991

The Special Council Meeting was called to order by City Recorder Doris G. Carrier in Council Chambers at 7:40 p.m. Present were Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Absent were Mayor Don Karnes, Councilman at Large Rusty Casto, Councilman Robert Young, City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - BOARD OF CANVASSERS: - City Recorder Doris Carrier opened a challenged ballot from Precinct 22 due to the registration record of the voter was not found in the registration book. There were 31 votes received plus one challenge. Councilman at Large David Casebolt moved this be approved. The motion was seconded. A vote was taken and it was unanimous. No votes received in Precinct 23. In Precinct 401, there were 38 votes received. Councilman at Large Jim Hutchinson moved this be approved. The motion was seconded. A vote was taken and it was unanimous. In Precinct 402, two challenged votes received making a total of 31 votes. Councilman Jim Hutchinson moved they be accepted. A vote was taken and it was unanimous. There were 27 votes received in Precinct 403. Councilman at Large Olaf Walker moved these results be approved. The motion was seconded. A vote was taken and it was unanimous. 27 voted in Precinct 406. Councilman Jim Hutchinson moved for the approval. The motion was seconded. A vote was taken and it was unanimous. In Precinct 408, 52 votes were received. Councilman at Large David Casebolt moved for the approval. The motion was seconded. A vote was taken and it was unanimous. There were 51 voting in Precinct 409, plus 1 challenged ballot. Councilman at Large Olaf Walker moved we accept the challenge ballot as it was a worker voting out of her precinct. The motion was seconded. A vote was taken and it was unanimous. In Precinct 411, 23 votes were received. Councilman Jim Hutchinson moved this be accepted. The motion was seconded. A vote was taken and it was unanimous. Total affirmative votes received were 193, against 98, making the total number of votes received 291. Councilman Jim Hutchinson moved the total be approved. The motion was seconded. A vote was taken and it was unanimous. Signatures of Board of Canvassers were obtained.

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.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER





## PUBLIC HEARING

APRIL 2, 1991

The properly advertised public hearing was called to order 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 said members of Council were furnished a copy of the advertisement where the City is considering an application for a HUD Community Block Grant, and the purpose of the public hearing is to get public input of what we might want to apply for.

Mayor Karnes said that other than Councilmembers, there was no one present from the public that wanted to speak on this issue and he suggests we apply for the replacement of the 31st Street Bridge. Councilman Jim Hutchinson moved we apply for the grant. The motion was seconded. Councilman at Large Olaf Walker asked if this program could qualify for the repair of the 21st Street slip. A discussion followed and Mayor Karnes said this was already a state problem, but he would check with the Regional Intergovernmental Council. A vote was taken and it was unanimous.

There being no further business to be conducted regarding the Block Grant, Councilman at Large Olaf Walker moved the hearing be adjourned at 7:35 p.m.. The motion was seconded. A vote was taken and it was unanimous.

  
DON KARNES, MAYOR

  
DORIS G. CARRIER, RECORDER

## NITRO POLICEMEN'S PENSION BOARD MEETING MINUTES

APRIL 3, 1991

The Nitro Policemen's Pension Board Meeting was called to order by Mayor Don Karnes in Conference Chambers at 10:10 p.m. Present were Board Members Jack Jordan and Terance Thompson. Also present were City Recorder Doris G. Carrier and Pansy Armstead, Secretary.


AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 18, 1991 PENSION BOARD MEETING MINUTES: - Sgt. Terance Thompson moved the Pension Board Meeting Minutes of December 18, 1991 be approved as written. The motion was seconded by Officer Jack Jordan. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CERTIFY ELECTION RESULTS: - Lt. Gary Blankenship won the election for the 4 year term. He also received the most votes for filling the unexpired 3 year term, followed by Officer Michael Chatterton. However, Michael Chatterton submitted his resignation immediately followed by Lt. Gary Blankenship's resignation. Officer Jack Jordan moved we accept the election results. The motion was seconded by Sgt. Terry Thompson. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - TWO APPOINTMENTS TO THE POLICEMEN'S PENSION BOARD: - Sgt. Terance Thompson moved Officers Gregory Winter and Steve Pete be appointed to the Police Pension Board. The motion was seconded by Officer Jack Jordan. A vote was taken and it was unanimous.

NEW BUSINESS: - Sgt. Terance Thompson said they requested an acturary study in May, 1990 and asked the status, and also if they would be furnished a copy when it was received. The City Treasurer Ralph Allison will be notified of this question.

There being no further business to be conducted at this time, the meeting was adjourned.

  
PANSY ARMSTEAD, SECRETARY

CITY OF NITRO  
COUNCIL MEETING MINUTES

APRIL 17, 1991

The regular meeting of the Nitro City Council was called to order by Mayor Don Karnes in Council Chambers. Mayor Karnes welcomed everyone. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, 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 were Councilman at Large Olaf Walker and Councilman George Atkins.

The invocation was given by the Reverend Bea Burgess.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 2, 1991 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the Council Meeting Minutes of April 2, 1991 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PUBLIC HEARING MEETING MINUTES: - City Recorder Doris G. Carrier moved for the approval of Public Hearing Meeting Minutes of April 2, 1991. The motion was seconded. A vote was taken and it was unanimous.

PUBLIC HEARING MINUTES ATTACHED.

AGENDA ITEM NO. 3 - ANTIQUE CAR CLUB - BILL FORTUNE: - Mayor Karnes said he was told Mr. Fortune would be present this evening as he wanted to ask Council's permission to hold their annual parade and also display their vehicles on 21st Street. Councilman Jim Hutchinson moved permission be granted. The motion was seconded. Mayor Karnes said they would work in cooperation with the Police Department as before, and thought they wanted to have it in May. A vote was taken and it was unanimous. Mr. Fortune arrived at the meeting late, and said the car show is scheduled for May 18, from around 9:00 a.m. to 3:00 p.m. He said they discussed a parade, but thought they would do it the way it used to be done.

AGENDA ITEM NO. 4 - LAYING THE LEVY: - Mayor Karnes yielded this agenda item to City Treasurer Ralph Allison. Mr. Allison said he had a letter from Jon Snyder from the State Tax Commissioner's Office approving our levy rates for the fiscal year beginning July 1, 1991. Councilman at Large David Casebolt moved we adopt the levy rates. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - RECREATION DIRECTOR AT CITY PARK: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt. Councilman at Large Casebolt said that during

the last two or three months, he received voices of displeasure with the accomplishments of our Recreation Department. He said they had a pretty lively discussion at the Recreation Committee meeting Sunday about this matter, and the Recreation Committee have complete confidence in Jay Long and what he is trying to accomplish. He has come up with a pretty good list of things he is going to try to do this summer, and asked Mr. Long if he would report on the activities. Mr. Long said they have the third annual fishing derby planned for June 8. He said he met with Coach Chaney, from Nitro High School, and they will begin a men's basketball summer league June 1, at the City Park. He reported that in January, the Committee discussed a summer youth program, and he has a check in the amount of \$1,260 from the Nitro Moose. He read a letter he received from the Greater Kanawha Foundation approving a grant in the amount of \$900.60 to the Nitro Recreation Department for its 1991 supervised summer playground program for the children of the community. Mr. Long said some of the activities during the program would be volleyball, basketball, jump rope, horse shoe, checker games, other arts and crafts, etc. The only request from the City of Nitro is the use of the swimming pool. He said this wasn't geared to the less privileged children, but they will focus on this. He said they get to swim once a week at the pool. The Nitro-Cross Lanes Jaycees will donate \$250 for this event. Mr. Long said they worked hard in trying to obtain the grant, and he was proud of it. He said they would need a supervisor and an assistant to run the six week program. Councilman at Large David Casebolt said it took a lot of work by Judy Hudson, Chairperson of the Recreation Committee and Jay Long to obtain this grant. Mr. Long said a person very instrumental in this also was Mike Morris; he put it together for them and gets the credit. He told Council about the 4th of July celebration that is being planned. Mr. Long complimented the Jaycees and the Jayteens. He said they were working on a Cow-chip Jamboree, a donkey softball game, a puppet show and a haunted house. Mr. Long said that Councilman at Large David Casebolt asked him about being over to the park, and he told him it may be hard and he may have to work on Saturday and Sundays because we still have to run the pool, etc. Councilman at Large David Casebolt said Mr. Long worked out a schedule on the lifeguards which would result \$6,000 lower than the budget amount. Mr. Long said this was accomplished by moving personnel around and he would request opening the pool after school closes for the summer and closing around August 15. Councilman at Large Rusty Casto said it was his understanding the Recreation Director would be at the park to mow grass, trim and paint two days a week. Councilman at Large Rusty Casto moved we keep the Recreation Director at the park two days a week to work over there. He said this wasn't against Jay Long or anybody working the street department. No second received. Mayor Karnes said it was Administrative duty to handle personnel.

Bev Graham asked if she might address Council. She complained that Nitro had nothing to offer young people. She said Ridenour Lake used to be one of the most beautiful places in

the Kanawha Valley until the ducks took it over. She complained about the grass always needing cut, and also urged Council to pave the City Park parking lot at the Library. A short discussion followed.

City Recorder Doris G. Carrier commented she thought the City could afford playground equipment. Councilman at Large David Casebolt said Jay Long and Judy Hudson, Chairperson of the Recreation Committee applied for a grant and will know the outcome in June.

AGENDA ITEM NO. 6 - AGREEMENT FOR ANNUAL CODIFICATION SUPPLEMENT - THE WALTER H. DRANE CO.: - Mayor Karnes said members of Council were furnished a copy of the agreement for annual codification supplement for their review. He said this would put on the next agenda for action by Council.

AGENDA ITEM NO. 7 - POLICE PENSION BOARD MEETING MINUTES: - Councilman Robert Young moved the Police Pension Board Meeting Minutes certifying the election results be made a part of the record of the City. The motion was seconded. A vote was taken and it was unanimous.

COPY OF POLICE PENSION BOARD MEETING MINUTES ATTACHED.

AGENDA ITEM NO. 8 - ST. PAUL'S UNITED METHODIST YOUTH FELLOWSHIP REQUEST: - (A) SCAVENGER HUNT & (B) ST. JUDE'S BIKE-A-THON: - Members of Council were furnished copies of the St. Paul's United Methodist Youth Fellowship requests. He said the scavenger hunt was for items such as toothpaste, food, soap, etc. for the Nitro Community Center. Also, they are asking for permission to hold a Bike-A-Thon for St. Jude's Research Hospital. Councilman at Large Rusty Casto moved permission be granted for the scavenger hunt and St. Jude's Bike-A-Thon. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 9 - MUNICIPAL SERVICE FEE: - Mayor Karnes said this agenda item is in reference increasing our Municipal Service Fee \$5.00 a month as previously discussed, and also include a income per household cap whereby the people with a lower income would not be required to pay the additional \$5.00. Mr. Gaujot said this would be legal as long as we make it consistent. We would ask them to affirm that their joint income is lower than whatever amount is decided upon. After a discussion, Councilman at Large David Casebolt moved we ask counsel to write an ordinance for a \$5.00 municipal service fee increase or income level increase with the cap to be decided upon at a later date. The motion was seconded. A vote was taken and it passed with Councilman at Large Rusty Casto opposing.

There being no further business, City Recorder Doris G. Carrier moved the meeting be adjourned at 3:20 p.m. The motion was seconded. A vote was taken and it was unanimous.

\_\_\_\_\_  
DON KARNES, MAYOR

3 *Doris G. Carrier*  
DORIS G. CARRIER, RECORDER

## PUBLIC HEARING

APRIL 2, 1991

The properly advertised public hearing was called to order 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 said members of Council were furnished a copy of the advertisement where the City is considering an application for a HUD Community Block Grant, and the purpose of the public hearing is to get public input of what we might want to apply for.

Mayor Karnes said that other than Councilmembers, there was no one present from the public that wanted to speak on this issue and he suggests we apply for the replacement of the 31st Street Bridge. Councilman Jim Hutchinson moved we apply for the grant. The motion was seconded. Councilman at Large Olaf Walker asked if this program could qualify for the repair of the 21st Street slip. A discussion followed and Mayor Karnes said this was already a state problem, but he would check with the Regional Intergovernmental Council. A vote was taken and it was unanimous.

There being no further business to be conducted regarding the Block Grant, Councilman at Large Olaf Walker moved the hearing be adjourned at 7:35 p.m.. The motion was seconded. A vote was taken and it was unanimous.

Don Karnes  
DON KARNES, MAYOR

Doris G. Carrier  
DORIS G. CARRIER, RECORDER

LEVY RATE SHEET

RATES OF LEVY LAID BY:

CITY OF NITRO

(LEVYING BODY)

KANAWHA/PUTNAM

(COUNTY)

AND APPROVED BY THE STATE TAX COMMISSIONER FOR COUNTY, SCHOOL, OR MUNICIPAL PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 1991 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 16TH day of April, 1991  
and APPROVED BY THE STATE TAX COMMISSIONER.

*Loris M. Carrier*

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 Department of Tax and Revenue, Chief Inspector Division, P. O. Drawer 2389, Charleston, West Virginia 25328. Upon receipt, one copy will be stamped "Approved" and forwarded to the assessor of your county to be used in extending the levies.



## NITRO POLICEMEN'S PENSION BOARD MEETING MINUTES

APRIL 3, 1991

The Nitro Policemen's Pension Board Meeting was called to order by Mayor Don Karnes in Conference Chambers at 10:10 p.m. Present were Board Members Jack Jordan and Terance Thompson. Also present were City Recorder Doris G. Carrier and Pansy Armstead, Secretary.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 18, 1991 PENSION BOARD MEETING MINUTES: - Sgt. Terance Thompson moved the Pension Board Meeting Minutes of December 18, 1991 be approved as written. The motion was seconded by Officer Jack Jordan. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CERTIFY ELECTION RESULTS: - Lt. Gary Blankenship won the election for the 4 year term. He also received the most votes for filling the unexpired 3 year term, followed by Officer Michael Chatterton. However, Michael Chatterton submitted his resignation immediately followed by Lt. Gary Blankenship's resignation. Officer Jack Jordan moved we accept the election results. The motion was seconded by Sgt. Terry Thompson. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - TWO APPOINTMENTS TO THE POLICEMEN'S PENSION BOARD: - Sgt. Terance Thompson moved Officers Gregory Winter and Steve Pete be appointed to the Police Pension Board. The motion was seconded by Officer Jack Jordan. A vote was taken and it was unanimous.

NEW BUSINESS: - Sgt. Terance Thompson said they requested an acturary study in May, 1990 and asked the status, and also if they would be furnished a copy when it was received. The City Treasurer Ralph Allison will be notified of this question.

There being no further business to be conducted at this time, the meeting was adjourned.

  
PANSY ARMSTEAD, SECRETARY

There's a commercial for Danny's Rib House currently playing on T.V. which say's " the place to go is Nitro". Other then to eat at Danny's I can't think of to many other reasons for coming to Nitro. This town has nothing to offer young people. The parks are in shambles. Ridenour Lake used to be one of the most beautiful places in the Kanawha Valley. Until the ducks took over. You took away the paddle boats and built a gazebo which may be used a total of 10 times a year. There is no playground equipment and the weeds are usually knee deep. The grass at the park on the river gets its lawm mowed maybe once a month. And the ballpark never gets mowed unless the league does it. The bleachers are in such bad shape one child has already fell through them this year and hurt her leg. Is it going to take a law suit before something is done? I've never seen a town with such little pride in its appearance. On the evening of the big storm I was at the ball park with my 9 year old son and his friend. We ran for our cars only to be caught on the parking lot unable to see for the soot in our eyes and unable to breath for the thick cloud of soot. At on point I lost my son and couldn't find him for the thick soot. You could hear parents yelling for their children and you could hear children screaming but you couldn't see anything..... I don't understand why you continue to ignore that parking lot. That parking lot is used by the High School, Little League, the pool, the library, the park, and soon to be used by the senior citizens building. What does this parking lot say about our city? We have people coming to High School activities and baseball tournaments that use this parking lot. During a tournament I heard one lady from Beckley say she was afraid she would get stuck in one of the craters on the parking lot and never see her car again. In case you haven't noticed the enrollment at the schools are declining. Don't you think it's about time we started doing something to hold on to our young people. If you want Nitro to have a future you better start now with the youth, give them a reason to want to stay.

THANK YOU.

CITY OF NITRO  
COUNCIL MEETING MINUTES

MAY 7, 1991

The regular scheduled meeting 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 APRIL 16, 1991 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of April 16, 1991 be approved. The motion was seconded. Mayor Karnes pointed out that the letter from Ms Graham should have been attached to these minutes, but will be attached to the minutes of May 7. A vote was taken and it was unanimous.

MS GRAHAM'S STATEMENT ATTACHED.

Councilman at Large Olaf Walker moved Agenda Item #5 follow #2, and Item #8 follow the health insurance discussion. No objections received.

AGENDA ITEM NO. 2 - PETITION FROM RANDALL ASBURY: - Mayor Karnes yielded this agenda item to Councilwoman Betty Jo Boggess. Councilwoman Betty Jo Boggess then yielded the floor to Randall Asbury. Mr. Asbury said the church bells were a nuisance to him and his neighbors on 15th and 16th Streets. He said he lived between 2nd and 3rd Avenue, and the church sits on the corner of 2nd Ave. He said in front of the church you can hardly hear the bells, but in the back of the church is where all the noise is. He said he had a petition in the car signed by several neighbors. He said he wasn't suggesting they take the bells down as they could play them Wednesdays and Sundays before service. He said at noon and 6 o'clock every day is too much. Councilwoman Betty Jo Boggess said she spoke with the secretary at the church and was told the bell's had been disconnected toward Mr. Asbury's home. Becky Wright of 1624 16th Street said she would like to know the purpose, not the reason, of the ringing of the bells. She said they had nothing against the church. Mr. Bob Maddox was present and said he could tell them about the equipment. Mayor Karnes suggested the residents living in the area of the church and the people from the church have a meeting to see if they could resolve the problem. However, in the mean time he would ask the City Attorney do some research on this matter and report back at the next Council Meeting. Mr. Maddox said that after talking with Mrs. Asbury, they discontinued

playing them at 9:00 a.m. He explained that at noon, the timer starts the music and plays about 15 to 20 minutes. He said the volume has been turned down, and the bass control was turned to maximum and this was creating a problem and now the bass is completely out of it. He said the second play during the day is scheduled at about 5:45 p.m. and ending around 6:00 p.m. Mr. Maddox said he told Mr. Asbury he would disconnect the speaker facing his house, which he did around 2 weeks ago. He said they intended to raise the speakers so they would not be pointed in an eastward direction. He said they had hoped that by eliminating the 9:00 a.m. play and by disconnecting the speaker they would be able to satisfy Mr. Asbury's complaints. Mayor Karnes suggested all parties involved meet and try to resolve the problem. Councilman at Large Rusty Casto said we would need to check our ordinances, and if the church is breaking an ordinance, then the City would step in. However, if they are not in violation of an ordinance, there is nothing the City Government can do about it. It would be up to the neighbors. Mayor Karnes said he would check with our City Attorney regarding this matter.

AGENDA ITEM NO. 5 - HEALTH INSURANCE: - Mayor Karnes yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier said she had several discussions with Diane Quesenberry regarding health care insurance and she had a quote that she thought would be music to Councils' ears. Ms. Quesenberry said she had two quotes she wanted to share. The first was with Providence Indemnity with a \$100.00 deductible, and the other, which was her favorite, with Central Reserve Life with a \$250.00 deductible. She passed out information regarding the insurance and said the City might be able to save. She said with the \$250.00 with 3 to a family, an 80-20 plan, with a \$4,000 stop loss, which means the insured pays \$800.00 out of pocket or a total of \$1,050. She said that after 3 of these are met, then everybody is 100%. There is \$300.00 allowed for accidents, which would mean that if you have a cut or a broken bone, then the insurance company pays \$300 without a deductible. Maternity is handled the same as illness. She said they also have an incentive dental and physical exam testing and immunization. \$100.00 weekly income for disability, \$10,000 worth of life insurance, \$20,000 for accidental death. Prescriptions are paid as per plan. She said this was an excellent old company and pays claims within 10 - 15 days. There is a 12 month rate guarantee, and if it is increased it would not be a major increase. She said with the \$100 deductible, it would run around \$2,000 more than we are paying now. The City now carries a \$100 deductible plan with \$1,000 out of pocket, and that would be \$1,100 and with the plan she is showing, there would be a \$250 deductible and \$1,050.

She explained the plan with a \$100 deductible which didn't have dental coverage or accident. She said it was an excellent plan and would run \$16,555.

Ms Quensenberry said she compiled her figures on 46 families, 10 employee and spouses, and 14 singles. She said with Providence Indemnity the City would save \$2,487 per month. With Central Reserve there would be a savings of \$3,281 which would amount to \$39,375.84. City Treasurer Ralph Allison mentioned that if the Sanitary Board employees were figured in with her figures, then it would save both the City and Sanitary Board.

Councilman at Large Olaf Walker asked her how much savings she could give the City with the same coverage as we now have. Ms Quensenberry responded she could save the City \$3,281 a month, apples to apples or better than Blue Cross/Blue Shield. However, Blue Cross/Blue Shield is \$100 deductible and Central Reserve is \$250.

After a discussion, Councilman at Large David Casebolt moved this matter be placed in the hands of the committee with the authority to act. The motion was seconded. Ms Quensenberry said if the Committee should decide on her company, she needed the applications completed by May 15, and would cover pre-existing conditions. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - 91-4 - ORD. MUNICIPAL SERVICE FEE: - Councilman at Large Olaf Walker asked Mayor Karnes if he would explain to Council the reason for raising the municipal fee \$5. Mayor Karnes responded that this matter was discussed extensively at the Finance and Committee meetings. He said if we are going to do anything in this coming year, we must either increase revenue or reduce expenses. Councilman at Large Olaf Walker said he has never opposed a \$5.00 increase or the so-called Mayor's budget, but has said and still says that he is opposed to a \$5.00 increase in the way it is presently constituted or suggested. Councilman at Large Olaf Walker said he hated to see us put another fee on municipal service when we are not collecting what we are charging now. He said there was \$58,000 in delinquent municipal fees. He said we could take \$38,000 that might come to the City and 15% of the CBA money which is roughly \$25,000, and \$10,000 from the previous uncollected municipal fees and with the \$12,000 coal severance tax which the law states that only 25% of this tax shall be used for personal services. He said before we pass this ordinance, we might want to consider a commercial rate. Councilman at Large Olaf Walker said if we going to pass an ordinance to raise the fee \$5.00 to the general revenue of the City to buy paddle boats, putt putt courses and pay utility bills for certain people then he would vote against it. However, if we will see that this ordinance is passed with an expiration date of June 30, 1992 he would be in favor.

Councilman at Large David Casebolt said he didn't feel it was proper to pass the budget with the increase included, but also noted that other proposed budgets did not allow anything for capitol improvements or overtime. He asked the City

Treasurer Ralph Allison if he thought we could break even without the increase and without laying any employee off even with the reduction in the insurance. City Treasurer Ralph Allison said he did not think so. Councilman at Large David Casebolt said he agreed. He said he thought the only way we could eliminate a tax increase was to lay off employees and contract out our garbage pickup. Councilman at Large Rusty Casto asked Mayor Karnes what his goal would be to spend the money, and Mayor Karnes said he wanted to use the money for capitol improvements. Councilman at Large Olaf Walker said we if we pass the increase, then we could put this amount into a separate account and whatever Council decided to use the funds for, such as purchasing garbage trucks, paving, etc., then we could do it. He said if we have an expiration date on the ordinance, then the new Council taking office July 1, 1992 could either renew it or let it expire. City Recorder Doris G. Carrier said she was opposed to a \$5.00 increase because it is a lot of money to a lot of people such as the ones on fixed income. She said she thought we should try harder to collect monies that are due us and tighten our belts more. Councilman Jim Hutchinson said he was in agreement that we have to come up with some revenue somewhere, but the \$5.00 increase he has mixed emotions about it. He said he likes Councilman Walker's point that if we pass the \$5.00 increase to let it go for a year and earmark the revenue for capitol improvements. Councilman George Atkins said if we are not collecting the municipal fee now, who says we will collect it after we raise it \$5.00. He said we need some way to collect the revenue that hasn't been paid because if we can't control it now, he can't see where we will be able to control the \$5.00 increase. Councilwoman Betty Jo Boggess said she was thinking we should put the raise in increments over a 3 year period. Councilman at Large Olaf Walker said he did a lot of work on the budget, and thought we could get by without an increase if we would cut expenses, such as taking out \$3,500 for travel expense, \$5,000 for senior citizens and \$5,000 reduction in utility bills. He said that according to the March statement, we are running \$20,000 ahead of last year on B & O Taxes; \$1,000 on municipal fees. Councilman at Large David Casebolt moved we pass the first reading of the ordinance as proposed with an effective date as of the day of adoption, and schedule the Public Hearing prior to the next Council Meeting at 6:30 p.m. The motion was seconded. Councilman at Large Olaf Walker moved the motion be tabled until the first meeting in June. The motion was seconded. A vote was taken and voting for the motion was City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker and Councilman George Atkins. Those opposing were Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess and Councilman Jim Hutchinson. Mayor Karnes voted and broke the tie opposing the motion. Councilman at Large Rusty Casto asked if it would be possible to have Councilman at Large Walker and the City Treasurer Ralph Allison to get together and come up with another budget and present it at the next meeting. Mr. Allison responded that it

was up to Council to vote on Councilman at Large Olaf Walker's budget. Councilman George Atkins said it was his understanding we were to have other budget meetings. Mayor Karnes said we could have another budget meeting prior to the next reading of the ordinance if Council desired. Councilman George Atkins said the delinquent accounts concerned him. Councilman at Large Olaf Walker said he would like to amend the ordinance to expire June, 30, 1992, and that the revenues generated by the new ordinance be designated or dedicated for the purpose of capitol assets. The motion was seconded. Councilman at Large David Casebolt said we are earmarking this money, but in three months we might not want to handle it this way. Councilman at Large David Casebolt asked Mr. Allison if we passed the amendment, would we be able to meet budget next year. Mr. Allison said in his opinion, we would not. He said he thought the biggest percentage of the money could be set aside for capitol improvement, but not all of it. Mayor Karnes said that unless DNR back up, there would only be one landfill opened in Kanawha County and it would be in Charleston. Also, the City of Charleston will propose the fee would be \$40.00 a ton. He said the cheapest one that he knew of that meets the new requirements is \$35.00. Councilman at Large Olaf Walker said he feels we should dedicate at least half of the money to be spent on capitol improvements. The City Treasurer Ralph Allison said he feels we could designate 75% of the increase towards capitol improvements. Councilman at Large David Casebolt accepted Councilman at Large Olaf Walker's amendment as friendly. A vote was taken to pass the ordinance including the friendly amendments of Councilman at Large Walker's, and it passed with City Recorder Doris G. Carrier and Councilman George Atkins opposing.

ORDINANCE 91-4 ATTACHED.

AGENDA ITEM NO. 3 - BUILDING DEPT. ADMINISTRATIVE MANUAL: Mayor Karnes said at a past Council Meeting, our Building Inspector, Bob Sergeant, gave Council an administrative manual for their review as he feels we should adopt it. Mayor Karnes yielded this agenda item to Bob Sergeant. Mr. Sergeant said the City of Charleston has adopted the administrative manual. He said he deleted some of the things he felt Nitro didn't need that was in the manual. He said it had all the penalties, list of schedule of fees that has been in effect since 1978, and felt it was self-explanatory. Mr. Sergeant said it would cause the Building Department to be responsible for the licensing of all contractors. Councilman at Large Rusty Casto moved we adopt the City of Nitro Building Dept. Administrative Manual. The motion was seconded. Councilman at Large Olaf Walker asked Mr. Sergeant if this was in conflict with the city ordinances, and Mr. Sergeant said it wasn't as far as they could find. Councilman at Large Olaf Walker said our ordinance says the City Recorder is responsible for collecting license fees, and Mr. Sergeant said this could come through his department and then to the Recorder. After a short question and answer session, a vote was taken and it was unanimous.

BUILDING DEPARTMENT ADMINISTRATIVE MANUAL ATTACHED.

AGENDA ITEM NO. 4 - AGREEMENT FOR ANNUAL CODIFICATION SUPPLEMENT - THE WALTER H. DRANE COMPANY: - Mayor Karnes said he furnished members of Council a copy of an agreement received from the Walter H. Drane Co. Mr. Gaujot said as to form, the agreement was fine, but Council must decide whether or not they want to pay the \$900. He said they paid good money to have the laws codified, and it seems as though this would be a worthless act to not keep it up-to-date. Councilman at Large David Casebolt moved we agree to accept the agreement and put it into effect, once we agree that what they have done for us is correct and complete. The motion was seconded. The City Treasurer Ralph Allison said this amount was not budgeted. After a discussion, Mr. Gaujot said we might want to form a committee to take the codified ordinances and research each one. Councilman at Large Olaf Walker suggested either the Mayor or Recorder contact the company, and advise them we would like the date changed to July 1, 1991. A vote was taken, and if they accept July 1, and we agree that the codified ordinances are complete, it was unanimous.

AGENDA ITEM NO. 6 - PROGRESS REPORT ON RIDENOUR LAKE: - Mayor Karnes introduced Greg Harkins, President of the Nitro-Cross Lanes Jaycees who along with the Jayteens have done a lot of work at the lake, and yielded the floor to him for a progress report. Mr. Harkins said they mowed around the lake, painted some of the poles and have 300 more to go. They will finish these on Saturday, May 18. He said they were open for suggestions for other things that may need to be done at the lake. Mayor Karnes commended them on what a difference their hard work made in the appearance of the lake. Mayor Karnes suggested the Recreation Committee should invite Greg to all their meetings, or they might want to consider making him a member. Mr. Harkins said they had several people picking up trash, and they gathered 16 to 20 bags of trash. Mayor Karnes told Mr. Harkins he appreciated what they were doing.

AGENDA ITEM NO. 7 - ONE-WAY ON WINTZ ST. REQUEST: - Mayor Karnes yielded this agenda item to Councilwoman Betty Jo Boggess. She said they have been having problems with traffic on 19th Street, and she asked Chief Cochran to research this problem, and report back as to the feasibility of making Wintz St. one-way.

AGENDA ITEM NO. 9 - DUTIES OF RECREATION DIRECTOR: - Mayor Karnes yielded this agenda item to Councilman at Large Rusty Casto. Councilman at Large Rusty Casto said if he said anything at the last meeting that hurt anyone, he wanted to apologize. He said that anytime he mentioned the Recreation Department, it dissolved into a shouting match. He said he inquired if there was insurance on the haunted house, he was against the March of Dimes using the senior league field for Snowball Softball, and then at the last Council Meeting Councilman at Large Casebolt



made several statements that he was going to get personal with. Councilman at Large Rusty Casto asked that between now and June 1, the Recreation Director spend 3 days a week at the park. Mayor Karnes said Councils' duties for the most part are legislative type duties. People on a daily basis is administrative type duties. He said he didn't feel comfortable with Council telling any Department Head or any employee, per case basis, what they should do. Councilman Jim Hutchinson agreed with Mayor Karnes that the Recreation should not be required to cut grass, etc. at the park. Councilman at Large Rusty Casto left Council Chambers.

Mayor Karnes said Steve Cook and Dennis Eye came to Council this evening asking to address Council. Mr. Cook said he lived on the deadend of Broadway for 12 years and Mr. Eye lives in the apartment next to him. He said during the past 2 years, he can't sit out on the porch with his family because of the language of kids at the old water intake building. He said he wasn't critical of anyone, but he was getting mad about the problem. He said three years ago the property was posted, and asked why we couldn't keep people away. He also stressed they should keep kids away from the building for safety reasons. He said it was City property that was attracting nuisance, and asked if it shouldn't be fenced, posted and patrolled. Councilman George Atkins said he spoke with Gene Williams, the Director of Public Works and he has the posts cut to fix the fence. Mr. Cook said a tree fell on the part of the fence that was there now. Councilman George Atkins said Gene Williams told him today that he was getting a man to come in and give him an estimate on the entire job. Mayor Karnes said he would check with Gene Williams on this matter. Councilman George Atkins moved the Mayor check with Gene Williams and do whatever it is necessary to get it fixed, fenced and posted and do whatever needs to be done to secure it, and ask Chief Cochran if he would have police officers make routine checks daily, especially in the evenings. The motion was seconded. After further discussion, a vote was taken and it was unanimous.

There being no further business, City Recorder Doris G. Carrier moved the meeting adjourn at 10:10 p.m. The motion was seconded. A vote was taken and it was unanimous.

Don Karnes  
DON KARNES, MAYOR

Doris G. Carrier  
DORIS G. CARRIER, RECORDER

on T.V. which say's " the place to go is Nitro". Other then to eat at Danny's I can't think of to many other reasons for coming to Nitro. This town has nothing to offer young people. The parks are in shambles. Ridenour Lake used to be one of the most beautiful places in the Kanawha Valley. Until the ducks took over. You took away the paddle boats and built a gazebo which may be used a total of 10 times a year. There is no playground equipment and the weeds are usually knee deep. The grass at the park on the river gets its lawm mowed maybe once a month. And the ballpark never gets mowed unless the league does it. The bleachers are in such bad shape one child has already fell through them this year and hurt her leg. Is it going to take a law suit before something is done? I've never seen a town with such little pride in its appearance. On the evening of the big storm I was at the ball park with my 9 year old son and his friend. We ran for our cars only to be caught on the parking lot unable to see for the soot in our eyes and unable to breath for the thick cloud of soot. At on point I lost my son and couldn't find him for the thick soot. You could hear parents yelling for their children and you could hear children screaming but you couldn't see anything.. I don't understand why you continue to ignore that parking lot. That parking lot is used by the High School, Little League, the pool, the library, the park, and soon to be used by the senior citizens building. What does this parking lot say about our city? We have people coming to High School activities and baseball tournaments that use this parking lot. During a tournament I heard one lady from Beckley say she was afraid she would get stuck in one of the craters on the parking lot and never see her car again. In case you haven't noticed the enrollment at the schools are declining. Don't you think it's about time we started doing something to hold on to our young people. If you want Nitro to have a future you better start now with the youth, give them a reason to want to stay.

THANK YOU.

## CITY OF NITRO BUILDING DEPARTMENT ADMINISTRATIVE MANUAL

AS PASSED BY  
CITY COUNCIL.

Date: MAY 7, 1991

NITRO BUILDING DEPARTMENT  
20th STREET & 2nd AVENUE  
NITRO, WEST VIRGINIA 25143

Revised to:

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## ARTICLE I

## SECTION 100.0 BUILDING CODE

100.1 Official Building Codes: The Building Department, of The City of Nitro shall hereby enforce the West Virginia State Building Code as provided for in Section 5b, Article 3, Chapter 29 of the Code of West Virginia, 1931.

The aforementioned codes have been filled with the City Records Office for review. The official building code books, collectively or separately, may be obtained in the Building Officials Office for a fee.

100.2 Administration and Enforcement: The BUILDING Department of The City of Nitro shall enforce the official building codes outlined in Section 100.1 by administering the guidelines set forth in Article I, "Administration and Enforcement", of the West Virginia State Building Code.

## ARTICLE II

## SECTION 200.0 APPLICATION AND PERMIT REQUIREMENTS

200.1 Permit Required: Any owner, authorized agent or contractor who wishes to construct, enlarge, alter, repair, move, demolish or change a building or structure; to excavate or to pave/ to erect or construct a sign of any description; to install or alter fire extinguishing apparatus, elevators, or engines; to install a steam boiler, furnace, heater, incinerator or other heat producing apparatus, or air conditioning; to install, repair or upgrade any electrical system or apparatus or other appurtenances, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit therefor. Nothing in this code shall be construed as to prevent the owner from doing any work on his own building, provided he obtains the necessary permits and required inspections from the Building Official.

200.2 Owner Permit: An owner permit shall be issued to anyone owning property and will own said property three (3) months after completion. Any owner obtaining a permit shall list all subcontractors working under his supervision and shall be held solely responsible for all work being done by subcontractors.

200.3 Sidewalk and Excavation Permits: Any contractor, owner or owners representative, or utility company who wishes to replace any sidewalk, or excavate any city right-of-way, shall first make application to the City of Nitro Building Department and obtain a permit



therefor. All work upon city right-of-way shall be done in accordance with the requirements as specified on the permit issued and in accordance with the specifications set forth by the City Engineers.

200.3.1 Owner Permit: Any owner obtaining a permit to do work on city right-of-way, shall be at the site and assist in performing the work. Any contractor working on city right-of-way, shall be a licensed general contractor and shall furnish the city with a 10,000.00 bond.

200.3.2 Application: Each application for a permit, with the required fee, shall be filed with the Building Official, on a required form and shall contain a general description of the proposed work and location. The application shall be signed by the owner or his authorized agent.

## SECTION 201.1 DRAWINGS AND SPECIFICATIONS

201.1 Required: The Building Official shall require drawings showing the location of the proposed building or structure, and of every existing building or structure on the site or lot and adjoining lots. The drawings shall also show all existing grades and changes to be made therein, and all underground and overhead utility services and sewers. The Building Official may also require a boundary line survey, if necessary, prepared by a qualified surveyor.

201.2 Detailed Requirements: Two copies of specifications and of drawings drawn to scale with sufficient clarity and detailed to indicate the nature and character of the work., shall accompany each application. Such drawings and specifications shall contain information in the form of notes or otherwise as to the quality of materials, where quality is essential to conformity with the code. Such information shall be specific, and the code shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. The drawings shall include tabulation of floor areas, room areas, and window areas, both fixed and ventilating. The Building Official may require additional details, computations, stress diagrams, and other technical data necessary to describe the construction and basis of calculations. All plans shall bear the signature and seal of the architect or engineer, registered by the State of West Virginia, who is responsible for the design. All drawings and specifications for buildings and structures shall also bear the signatures of the owner or his agent. If a fire rated component system is used, the UL rated Number for that particular system shall be shown.

201.3 Special Supervision: All residences of fifty thousand dollars (\$50,000.00) or more, all other buildings, structures or alterations of fifteen thousand dollars (15,000.00) or more, and all buildings, structures, or alterations when required by the Building Official,

shall have plans drawn and construction supervised by a registered architect or a registered engineer. In addition to the inspections required by the Building Official, the owner or agent shall employ a special inspector who shall be present at all times during construction on the following types of work:

- (1) Concrete- On concrete work when the design is based on an f'c in excess of three thousand (3,000) pounds.
- (2) Welding- On all structure welding.
- (3) Reinforced Gypsum- When cast-in-place reinforced gypsum is being mixed or deposited.
- (4) Spēcīāl Cases- On special construction or work involving unusual hazards or requiring constant inspection.

EXCEPTION: The Building Official may waive the requirements for the employment of a special inspector if he finds that the construction work is such that no unusual hazards or conditions exists.

201.4 Spēcīāl Inspector: The special inspector shall be a qualified person approved by the Building Official. The special inspector shall furnish continuous inspection on the construction and work requiring his employment. He shall report, in writing, on a weekly basis to the Building Official noting all code violations and other information as required.

201.5 Exceptions: When authorized by the Building Official, plans and specifications need not be submitted for work not exceeding two hundred (200) square feet.

201.6 Special Plan Review: The Building Official can require plans to be reviewed by BOCA National for code compliance. All Costs incurred by the review shall be paid by the owner.

201.7 West Virginia Registered Architects and Engineers: For the purpose of constructing this manual, "Registered Architect" or "Registered Professional Engineer" are hereby defined, as and limited to, architects and engineers registered with the State of West Virginia.

## 202.0 ACTION ON APPLICATION

202.1 Plan Review Time: The Building Official should act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. Plan review for residential construction will require approximately twenty-four (24) hours. Plan review of commercial or industrial structures will exceed five (5) days unless special conditions arise.

202.2 Additional Compliance: The application, plans and specifications filed by an applicant for a permit, shall be checked by the Building Official. Such plans and specifications may be reviewed by other departments of the City to check compliance with the laws and ordinances under their jurisdiction.

202.3 Permit Issuance: If the Building Official is satisfied that the work described in an application for a permit and the drawings filed therewith conform to the requirements of this code and other pertinent laws and ordinances, he shall issue a permit therefor to the applicant. If changes are required, they shall be made, and revised drawings submitted prior to issuance of the permit. Minor changes can be made by the Building Official.

202.4 Permit Denied: If the application for the permit, and the drawings filed therewith, described work which does not conform to the requirements of this code, or other pertinent laws or ordinances, the Building Official shall not issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons therefor. Red lining of violations to be corrected on drawings shall become part of the plans since issuance of a permit is contingent upon items being corrected.

202.5 Reviewed Plans: When the Building Official issues a permit, he shall endorse, in writing, or stamp, both sets of plans as "Reviewed". One set of drawings, so reviewed, shall be retained by the Building Official until completion of the building, and then, be returned to the applicant and shall be kept at the site of the work open to inspection by the Building Official or his authorized representative.

202.6 Violation To Provisions Of Code: The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or approval of, any violation of the provisions of this code. No applicant shall consider the issuance of a permit as authority to violate or cancel the provisions of this code. The issuance of a permit, based upon plans and specifications, shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and specifications, or preventing operations from being carried on thereunder in violation of this code or any other ordinance of the city.

202.7 Permit Expiration: Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within six (6) months from the date of issuance.

If the building or work authorized by such permit is suspended or abandoned for a period of sixty (60) days at any time after the work is commenced, the permit shall expire. Before work can resume, a new permit shall first be obtained, and the fee therefor shall be one-half the amount required for the original plans and specifications for such work: and provided, further, that such suspension or abandonment has not exceeded one year. No residential permit shall extend beyond one year. The one year limitation may be extended by the Building Official, up to, but not beyond 18 months. AFTER 18 months, the applicant must reapply for a new permit and pay full permit fee. If the Building Official determines the applicant is creating a nuisance by failing to complete the work on the permit, he shall attach a fine to the permit. No work shall be done until after the reissuance of a new permit.

202.8 SPECIAL Foundation Permit: When an application for a permit to erect or enlarge a building has been filled, pending issuance of such permit, the Building Official, may, at his discretion, issue a special permit for the foundation of such building. The holder of such special permit shall proceed at his own risk and without the assurance that a permit for the superstructure will be granted.

#### SECTION 203.0 FEES

203.0 General: Any person desiring a building permit shall, in addition to filling an application therefor as provided in Section 202.0 of this code, pay to the Building Official (Make check to City of Nitro) a fee as required in this section prior to issuance. This fee shall be determined by cost of construction as shown by the applicant, or by the calculation of square footage of the structure in relation to the type of construction applied as shown in the most current BOCA table of construction costs, whichever is greater.

These tables are intended to apply to new construction only. To calculate costs of permit, for attached garages of Use Group R-3, use \$13.35 per square foot; for detached garages, use \$16.65 per square foot. The Table 1 values include footing foundation and slab-on-grade with minimum excavation. Unfinished basements and cellars can be computed at an average cost of \$10.05 per square foot of basement. Finished basements can be computed at an average cost of \$18.05 per square foot.

## Sample Computations

Type of Construction: 2C  
 Height: 3 Stories  
           35 feet  
 1 Elevator

Use Group: B  
 Area/Floor: 20,000 sq. ft.  
 Fire Suppression System  
 Standpipes: 3 Risers

## Solution:

1. Gross square footage:  
    3 stories X 20,000 square foot= 60,000 square feet
2. Compute square feet construction cost:
  - a. From Table 1:\$55.17/square feet
  - b. Fire suppression add-on: \$1.89/square feet
3. Compute construction cost:
  - a. 60,000 square feetx \$57.06/square feet (55.17 plus 1.89) =  
    \$3,423,600
  - b. Elevator add-on: \$27,000 plus (3 floors x 3,000/floor)=\$36,000
  - c. Standpipe add-on: 3 risers x 3 floors x \$1,400/riser-floor=  
    \$12,000 .

Total Construction Cost=\$3,423,600  
                              \$   36,000  
                              \$   12,600  
                              -----

Total Construction Cost=\$3,472,200

Construction cost shall include any and all plumbing an electrical work, and other mechanical equipment, etc. which will be incorporated in the project, regardless of who installed such equipment, devices, materials, etc. All minor repairs and/or construction, other than new building construction or additions, shall have a fee calculated upon the approximate cost of construction. Final calculation of the cost of construction is at the discretion of the Building Official.

203.1 Building Permit Schedule Of Fees: (See Appendix A)

203.2 Electrical Permit Fees: (See Appendix A)

203.3 Double Charge: Incase of any work for which a permit is required by this code has begun prior to obtaining a permit, the fee specified above shall be doubled, but the payment of such double fee shall not relieve any person from complying fully with the requirements of this code in the execution of the work, nor from other penalties prescribe herein.

203.4 Validation (Estimated Construction Cost): If, in the opinion of the Building Official, the validation of the building, alteration, or structure appears to be underestimated on the application, permit shall be denied unless the applicant can show a copy of contract documents or detailed estimated costs to satisfy the Building Official.

#### SECTION 204.0 VIOLATIONS AND PENALTIES

204.1 General: It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, remove, demolish, convert, equip, use or occupy or maintain any building or structure or any portion of any building or structure, contrary to, or in violation of, any provisions of this code; or cause, permit or suffer the same to be done.

204.2 Fine: Any person willfully violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of sepearte offensefor each and every day or portion thereof, during which any violation of any of the provisions of this code is committed, continued or permitted. Upon conviction of any such violation shall be punishable by a fine of not less than fifty dollars (50.00), nor not more than five hundred dollars (500.00), or by confinement in jail for not more than thirty (30) days, or by both such fines and imprisoment.

204.3 Definition: The term "person" within the meaning of this section, shall include: owner, architect, builder, engineer, carpenter, mason, contractor or subcontractor, foreman, employee, or any person employed to erect or construct, enlarge, alter, repair, pave, move, demolish, convert, or equip any building or structure, or any portion of any building, structure, or any building lot.

204.5 Issuance of Citation: The City of Nitro Building Official may issue a citation for violations of the City of Nitro Building Code. Violations for which citation may be issued include, but are not limited to:

- (1) Failing to correct code item as directed by the Building Official.

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- (2) Starting work prior to obtaining a permit.
  - (3) Failing to honor a stop-work-order issued by the Building Official.
  - (4) Tampering with, or rendering inoperable, on-premise firefighting equipment, fire detection equipment or fire alarm systems.

Each and every day during which any illegal erection, construction, reconstruction, alteration, maintenance or use continues after official notice has been given in writing, shall be deemed a separate offense and subject to being recited for the offense.

### SECTION 205.0 TIMBERING

105.1 Definition: Timbering shall be construed to include the removal by select-cut or clear-out of trees and brush, for commercial or personal purposes, which would allow the possibility of additional storm water runoff.

205.2 Application and Plans: A plan showing all haul roads, harvesting areas, property lines, skid trails, streams, and all affected city streets, shall be submitted to the Building Official for approval. This plan should also show all storm drainage and erosion control. Drainage calculations shall be submitted to indicate the proposed timbering operation on all affected watersheds. These submitted plans and specifications shall be reviewed by the City's Engineer's prior to issuance of a permit by the Building Official.

205.3 Speed Limits: Speed limits on all City streets to be traveled by all timbering trucks, shall be established by the City of Nitro Police Department prior to logging. The contractor shall exercise extreme caution in and around school zones. Any violations of speed limits shall be cause for revocation of permit, and immediate suspension of work.

205.4 Environmental Regulations: All applicable regulations issued by the state and local agencies shall be followed during the timbering operation. There shall include, but are not limited to, regulations of the West Virginia Department of Natural Resources and The Department of Agriculture.

205.5 Hours of Operation: In general, no logging trucks shall be in use before 6:00 a.m., or after 6:00 p.m. Additional limitations may be imposed if local requirements dictate the need for such limitations.

205.6 Street Repairs: The contractor shall agree to repair, at his own expense and in a timely manner, or compensate the City of Nitro in full, for any necessary repairs due to timbering including, but not limited to, repairing streets affected as determined by the City

Engineer. These repairs shall be preformed at any time necessary during the logging operation and immediately upon completion of the timbering operation.

205.7 Bonding Requirements: The contractor shall supply the city with a performance bond, (representative to be registered in West Virginia), in an amount to be determined by the City Building Official prior to the commencement of any work. This bond amount should not be construed in any manner to relieve the contractor of his obligations under Section 205.6 above. The amount of the bond shall not be considered as a maximum amount of obligation on the part of the contractor.

205.8 Truck Cleaning: All logging trucks shall be cleaned of any mud before entering upon city streets. as a minimum, the contractor shall place a stone blanket near the intersection of his haul road and the paved street with such length to insure the cleaning of mud from the logging truck tires.

205.9 Reimbursement For City Services: If, due to the negligence on part of the contractor or any other reason, the city is required to clean streets of mud and debris resulting from the operation, or is required to preform any emergency street repairs, the contractor shall be billed, and he shall compensate the City of Nitro for above work at a rate to be determined by the Director of Public Works.

#### SECTION 206.0 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

##### 206.1 Sanitation:

- (1) An adequate supply of potable water shall be provided at all construction sites.
- (2) Portable containers for all dispensing drinking water shall be capable of being tightly closed and equipped with a tap. Water shall not be dipped from containers.
- (3) Any containers used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.
- (4) The common drinking cup is prohibited.
- (5) Where single service cups, (to be used but once), are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.



## 206.2 Toilets at construction job sites:

- (1) Toilets shall be provided for employees according to the following table:

TABLE

Number of employees	Minimum number of facilities
5 to 20 .....	1
20 or more.....	1 toilet seat and 1 urinal per 40 workers.
200 or more.....	1 toilet seat and 1 urinal per 50 workers.

- (2) Under temporary field conditions, provisions shall be made to assure that not less than one toilet facility is available.
- (3) Job sites, not provided with a sanitary sewer, shall be provided with one of the following toilet facilities unless prohibited by local codes:
- (i) Privies (where use will not contaminate ground or surface water);
  - (ii) Chemical toilets;
  - (iii) Recirculating toilets;
  - (iv) Combustion toilets;

## ARTICLE III

## SECTION 300.0 DEMOLITION

300.1 Demolition Permit Required: No building or structure shall be demolished before a demolition permit has been obtained from the Building Official. Application for, and the issuing of such permits, shall conform to the requirements regardless of the costs of demolition. No fee shall be less than fifteen dollars (15.00). The estimated cost, upon which fees are based, shall be the estimated cost of labor and equipment involved in such wrecking or demolition. A time limit of thirty (30) days shall be placed upon a demolition permit after which a reapplication will be required. If an applicant fails to complete a demolition within the thirty ( 30 ) days, and a new permit has not been applied for, the Building Official shall, if in his opinion the structure is creating a dangerous situation to the public or adjoining property, declare the structure a hazard, and contract the necessary service to correct the situation and place a lien upon the property for all costs incurred.

300.2 Inspection Prior To Demolition: A fence, or an approved protection barrier, must be placed around the building as protection to the general public, and to prevent outsiders from entering the property while the demolition work is in progress. All electrical, gas, and sewer services to the building shall be properly disconnected and/or capped. Water services shall be properly disconnected or capped prior to completion of work.

300.3 Fire Protection: No fire is allowed on or near demolition site without special written permission of the City of Nitro Fire Dept. and notification to the Building Department.

300.4 Health Department Inspection: Before starting demolition, the Kanawha Health Department must be notified.

300.5 Demolishing: In demolishing any building, commencing at the top, story after story shall be completely removed. No material shall be placed upon the floor of any building in the course of demolition. The bricks, timbers and other parts of each story shall be lowered to the ground immediately upon replacement. Other methods may be used when specifically approved by the Building Official, and when proper protection to or separation from adjoining property or public right-of-way is provided. The material to be removed shall be properly wet down to lay dust incidental to removal. All debris shall be entirely removed from the lot after demolition of any building, and any disturbed ground shall be seeded and strawed.

300.6 Other Demolishing Procedures: A detailed outline of the proposed demolition procedure and, where required by the Building Official plans and calculations substantiating the procedure, shall be submitted and approved by the Building Official prior to starting to wreck or demolish any building or structure with one or more of the following features:

- (1) Walls more than 25' in height, story by story.
- (2) A basement which is closer than a distance equal to its depth from adjacent property or public right-of-way.
- (3) Footing, adjacent to and extending below the footing of another building.
- (4) When the entire structure is not to be demolished.
- (5) One or more party walls.
- (6) Any prestressed concrete structure.
- (7) When, in the opinion of the Building Official, a hazard is created.

300.7 Asbestos Removal: The contractor shall contact the appropriate state and federal environmental protection agencies with respect to asbestos removal and conform to all applicable regulations.

300.8 Chutes: Chutes for the removal of materials and debris shall be provided in all such parts of demolition operations that are more than 20 feet above the point where the removal of material is affected. These chutes shall be completely enclosed. They shall not extend in an unbroken line for more than 20 feet, but shall be equipped at intervals of 25 feet or less, with substantial stops to prevent descending material from attaining dangerous speeds.

The bottom of each chute shall be equipped with a gate or stop with suitable means for closing or regulating the flow of materials.

300.9 Unique Building Conditions: It shall be the responsibility of the demolition contractor to investigate and ascertain the existence of any unique building conditions such as common walls, plumbing, venting, heating, etc., so that proper action may be taken.

300.10 Filling Of Basements And Excavations: After demolition of any structure in the City of Nitro is completed, any basement or other excavation, left as a result of said demolition, shall be filled to grade level with such fill material as may be designated by the Building Official. Prior to any filling, any concrete or other hard surface floor shall be sufficiently cracked so as to allow for adequate drainage.

In the event a building permit is obtained within ten (10) days after the completion of the demolition to construct a new structure on this site, thereby using said basement or excavation as a part of the new structure, this section shall not be applicable.

300.11 Deposit for demolition permit: Before any permit is issued to authorize the demolition of any building or structure within the jurisdictional limits of the City of Nitro a minimum deposit of Two Hundred Dollars (\$200.00), in the form of a cashier's check or cash, shall be made by the applicant. In lieu thereof, a performance bond of the same amount with a corporate surety, shall be provided by the applicant to insure the demolition is performed in accordance with his code. Such minimum deposit or bond shall be provided for each building or structure to be demolished by said applicant. If, in the sound discretion of the Building Inspector, a deposit or bond larger than the minimum set forth above is required, he may so designate an amount sufficient to insure the proper performance of said demolition. Bonds will not be required for structures of less than 500 square feet.

If a deposit in the form of cash or a cashier's check is proposed by the applicant, he shall, upon meeting all other requirements for obtaining the permit, make such deposit with the Treasurer of the City of Nitro to be held in an escrow account until directed by the Building Inspector to repay the same to said applicant. After demolition is completed, the Building Inspector shall inspect the demolition site and, if all the requirements of this Code have been complied with and the site properly cleared, the Building Inspector shall direct the Treasurer, in writing, to repay said funds to the applicant. The Building Official shall have the right to waive said deposit or bond if conditions warrant such a waiver.

If the applicant presents a bond in compliance with the provisions of this section, the same shall be filed with the Building Inspector, and released by him upon satisfactory completion of the demolition work.

If the applicant fails to comply with any of the provisions of this Code or fails to properly leave said demolition site in a condition satisfactory to the Building Inspector within thirty days from the conclusion of the actual demolition, the said deposit shall be forfeited, or the bond enforced, and the city shall use said funds to put the site in proper order.

### SECTION 301.0 Moving of Structures

Any person shall move any building or structure over or upon the streets, alleys or sidewalks of the city without applying for, and obtaining, a license from the office of the Recorder. The fee for issuance of such license shall be twenty-five dollars (\$25.00) for each calendar year.

301.1 Inspection By Building Official: No owner of any building or structure shall be authorized to move the same to another location untill the Building Official has been notified. Within forty-eight (48) hours after receiving notice, the Building Official shall make a structural, exterior, interior, plumbing, heating and electrical wiring inspection. After the inspection has been completed, the Building Official shall notify the owner of the condition of the building or structure.

301.2 Bond: The applicant for a license for moving buildings or structures shall file with the City Recorder, a bond showing the City of Nitro as certificateholder, for the sum of Ten Thousand Dollars \$10,000.00 with sufficient sureties to be approved by the City Recorder. The applicant, if a license is granted to him, will be engaging in the occupation of moving structures. Said applicant will be responsible to the city for any and all damages to any pavement, sidewalk, hydrant, street, alley or other property of the City, occasioned or made by said applicant, his agents, servants or employees in the course of moving buildings or structures, and further conditioned that all liability for damages, costs, or expenses, arising, or which may arise in favor in of any person by reason of any negligence on the part or account of the applicant, his agents, servants or employees in connection with the moving of the building or structures over the sidewalks, alleys or streets of the city.

301.3 Permit From The Building Official: No owner of any building or structure shall be authorized to move the same, or cause the same to move over or upon any street, alley or sidewalk of the City without obtaining a permit therefore from the Building Official. Such permit shall describe the route to be taken in moving such building or structure or part thereof, and the length of time which may be consumed in the work. Such permit shall, upon the payment of a fee of twenty-five dollars (25.00), shall be issued by the Building Official if, in his judgement, the building or structure can be moved without endangering the property of the City or the property of any person.

301.4 Old Building Site Inspection: Old building sites must be inspected by the Health Department for sanitation and pest control, and by the Building Official for land fill and clean up.

301.5 Injury Or Removal Of Property Other Than That Of City: No license or permit granted pursuant to the terms of this article shall be construed as authorizing the holder thereof to break, injure or move any telegraph, telephone or electric poles or electric lines or wires or in any way to injure shade trees or any other property without securing permission from the owner thereof.

301.6 Obstructing Streets: No building, structure, or part thereof, shall be allowed to remain standing in any public ground of the city for more than twenty-four (24) hours, except that the Building Official shall be empowered to grant an extension of, in his judgement,

extension is reasonable necessary.

301.7 Fire Protection: The Fire Cheif of The City of Nitro must be supplied the date, time, and route of movement.

301.8 Warning Lights Required: It shall be unlawful to leave a building or structure standing on any street or alley of the city from thirty (30) minutes before sunset to thirty (30) after sunrise, unless the same shall be posted by an adequate number of red lights placed in such positions as will adequately warn pedestrians and vehicular traffic.

301.9 Moving Location: The owner of any building or structure shall not be authorized to move the same to another location in a residential area, unless notification has been made to the Building Official. The Building Official shall make full investigation to determine what residence district zone this building or structure is to be permitted to move into until a zoning review has been obtained.

301.10 Building Permits For New Location: All permits issued by the Building Official for moving a building onto a new location shall not be construed as permitting any violation of regulations that have, or may be set, by the Police, Fire, City Engineers, or the City Recorder, or any other authority having jurisdiction over the use of public street or highways.

301.10.1 Inspections Required: The following inspections must be made and approved prior to moving the structure.

- (1) Footer, Foundation, Final, Request for Certificate of Occupancy.

Footers must be ready to receive said building before moving begins.

- (2) Any underground plumbing.

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## ARTICLE IV

### SECTION 400.0 Mechanical Systems

401.0 Requirements for a permit: All mechanical systems shall conform to the requirements of this section.

401.1 Application: Application for a permit for any type of HVAC system shall be made on suitable forms provided by the Building Official. The application shall be accompanied by fees in accordance with the schedule of fees.

401.2 Plans and specifications: Mechanical plans and specifications shall be submitted to the Building Official in duplicate.

The Building Official shall determine, from examination of such plans and specifications, that the work will conform to the provisions of this code, and, when approved, return one stamped and approved set to the applicant.

These plans and specifications shall show in sufficient detail all pertinent features and clearances of the appliances and systems, including: size and type of apparatus, construction of flue stack or chimney, stack connections, kind of fuel, method of operation, safety devices, control system, and duct system.

A stamped and reviewed copy of the plans and specifications shall be available at the job site at all times.

402.0 Mechanical schedule of fees: (See Appendix A)

403.0 License required: No person shall, within the jurisdiction of this code, engage in or work at the business or occupation of installing, altering, repairing, cleaning or adding to any warm-air heating system, cooling system or any type of refrigeration, unless licensed to do so by the City of Nitro.

403.1 Licensing not required: Exempted from license requirements are property owners who install repair, alter, clean, or add to a warm-air heating system located in their own residence, provided that an owner who installs any type of HVAC system in his own residence, shall take out all permits for such work as required by the code and general ordinances of the City of Nitro and shall perform the installation.

403.2 Registration: The requirements for registration application, fees, examination, etc., are continued in Article VII, Section 300.0.

## ARTICLE V

## SECTION 500.0 PLUMBING &amp; GAS PIPING

501.1 Requirements For A Permit: Application for a permit for plumbing work shall be made on suitable forms provided by the Building Official. The application shall be accompanied by a fee in accordance with the schedule of fees.

501.2 Plans And Specifications: Plans and specifications shall be submitted to the Building Official in duplicate.

The Building Official shall determine from examination of such plans and specifications that the work will conform to the provisions of this Code and, when approved, return one stamped set to the applicant.

These plans and specifications shall cover, in detail, the water supply, method of sewage disposal, drainage and gas system, and shall include an isometric stack layouts of the soil, waste and vent lines of the sanitary plumbing and drainage systems. The quality, kind, sizes, and characteristics of materials, fixtures, and equipment intended to be used, shall be described and identified. The plans shall be drawn to scale, and shall indicate the location, direction of flow and sizes of all lines. They shall also show the location and size of the public sewer or other disposal system.

A stamped and reviewed copy of the plans and specifications shall be available at the construction site at all times.

502.0 Plumbing Schedule Of Fees: (SEE APPENDIX A)

503.0 Registration: The requirements for registration application, license, examination, fees, etc. are continued in Article VII, Section 800.0.

503.1 Limitations: Any person, duly licensed by virtue of any ordinance by the City of Nitro to perform sewer work, shall have the authority to install sewers and drains from a public sewer or other sewers of disposal to within five (5) feet of a building.

504.0 Gas Piping Installation: Piping for any and all types of gas used for fuel or lighting in buildings and structures shall be designed and installed so as to be safe to persons and property. Piping designed in conformance with the applicable provisions of the city Building Code, and this code, shall be deemed to be reasonably safe to persons and property.

504.1 Utility Standards: All piping must meet the applicable provisions of the "Standards For Gas Piping And Appliance Venting On Customer's Premises By Mountaineer Gas Company."



## ARTICLE VI

### SECTION 600.0 ELECTRICAL INSTALLATIONS CONFORMANCE

601.0 Permit Application: Application for a permit for electrical work shall be made on forms provided by the Building Official.

601.1 Plans and Specifications: Plans, specifications, and schedules, in sufficient detail, shall be filed, in duplicate, with the Building Official. They shall show the location and capacity of all lighting facilities, electrically operated equipment and light and power circuits required for all service equipment of the building or structure. Plans shall also show all electrically controlled devices, signal, alarm and communicating systems.

The Official shall determine, from examination of such plans and specifications, that the work will conform to the provisions of this code and when reviewed, return one stamped set to the applicant.

A stamped and reviewed copy of the plans and specifications shall be available at the construction site at all times.

602.0 Certification: Certification of electricians prior to performing electrical work within the jurisdictional limits of the City of [redacted] shall conform to the requirements of this section.

602.1 West Virginia Code Requirements: Pursuant to the provisions of Section Fourteen A, Article 12, Chapter 8 of the Code of West Virginia, One Thousand Nine Hundred and Thirty-One, as amended, no electrical work may be performed within the jurisdictional limits of the City of [redacted] after August 1, 1973, by an electrical contractor or electrician, as those terms are defined herein, unless such electrical work is performed by an electrician holding an unexpired certificate of competency for the level of electrical work in question, issued by the State Fire Marshall, as provided for in said section of the West Virginia Code.

602.2 Definition: As used in this section, "Electrical Contractor" means any person who engages in the business of, or employs others for, the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power "Electrician" means any individual who either on his own, or as an employee of an electrical contractor, is engaged in the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power "Electrical" pertains to the installation of wires and conduits for the purpose of transmitting electricity, the installation of fixtures and equipment in connection therewith, or [redacted] Provided, that the terms, "electrical contractor" and "electrician", shall not be construed so as to apply to: (1) any electrician who performs electrical work with respect to any property

owned or rented by him; (2) any electrician who performs electrical work at any manufacturing plant or other industrial establishment as an employee of the person operating such plant or establishment; (3) any electrician who, while employed by a person engaged in the business of selling appliances at retail, performs electrical work with respect to installation and repair of appliances as part of his regular duties; or (4) any electrician who, while employed by a public utility or any of its affiliates, performs electrical work in connection with the furnishing of public utility service.

## ARTICLE VII

## SECTION 700.0 SIGNS AND OUTDOOR DISPLAY STRUCTURES

701.0 Permit Required: No ground, roof, wall, projecting, or marquee signs shall be erected, moved or maintained by any person, firm or corporation, except as prescribed in this code, nor until a permit has been issued by the Building Official.

701.1 Application: No permit shall be granted until after an application, in the form prescribed by the Building Official has been filed with the Building Official showing the dimensions, materials and details of construction of the proposed structure, nor until all the provisions of this code relating to such structure shall have been complied with, nor until after the City of Nitro has been paid the prescribed fee for such permit.

701.2 Construction: Construction of all electrical signs must comply with the requirements of The National Electric Code, and be under the supervision of, as well as the Building Official.

702.0 Sign And Permit Fees: (SEE APPENDIX A)

702.1 License Required: No person, firm or corporation shall engage in the business of sign or outdoor advertising by painting, erecting, or maintaining ground, roof, wall, projecting or marquee signs within the corporate limits without first having procured a license from the City to conduct such business.

702.1.1 Registration: The requirements for registration, application fees, examination, bond, etc., are continued on Article IX, Section 800.0.

702.2 Owners Installing Signs On Their Property: The owner of property may erect a sign on his property without having to secure a sign license, providing he has obtained a sign permit and has submitted proof of liability insurance coverage.

702.3 Identification: Every off-premise sign hereafter constructed, erected, or maintained, shall be plainly marked with the name and license number of the person, firm, or corporation so doing, as directed by the Building Official.

702.4 Special Classifications: Permits for installation of awnings and canopies shall conform to the requirements of this section.

702.4.1 Awnings And Canopies: Awnings and canopies, with a sign or a

identification shown on the surface shall, be subject to review by the Planning Commission before issuance of a sign permit.

702.4.2 Awnings And Canopies Without Sign: Awnings and canopies, without a sign or identification shown on the surface shall be subject to review by the Planning Commission before issuance of building permit.

702.4.3 Existing Awning And Canopies: Signs, and/or identification, placed on existing awnings and canopies shall be subject to review by The Planning Commission before issuance of a sign permit for the area of the sign or identification only.

## ARTICLE VIII

## SECTION 800.0 REGISTRATION AND LICENSING

800.0 Definition and license required: The term "Building Contractor", hereby defined to mean any person who undertakes to, or offers to undertake, or submits a bid to, or does himself or through others, construct, alter, repair, add to, subtract from, improve, move, wreck, demolish, or pave with Portland cement or bituminous concrete, excavate, coat or treat, the whole or any part of a building, structure, or lot within the jurisdiction of the City of Nitro. The term "Building Contractor" includes subcontractor and specialty contractor.

801.1 Contractor Definition: Definitions, "Contractors", "Sub" and "Specialty", are hereby defined to mean any person, firm or corporation who works under bid or contract of a Building Contractor, or as a Contractor of a special line of work, to construct, enlarge, alter, repair, move, demolish, excavate, coat, install or treat any part of a building.

801.2 License: No person shall engage in the business of building contractor without first having obtained a license as hereinafter provided. The provisions of this section shall not apply to such occupations as are specifically licensed or registered under other provisions of this code.

801.3 Application: An application for a Building Contractor's license shall be made to the Building Official's office. The application shall state in which building trade specialty, or specialties, the applicant seeks a license. Where applicant is a firm or corporation, such applicant shall state in writing the name of the person who will submit qualifications. In case such person thereafter severs his connection with the firm or corporation, in the event that no member of said firm, or officer of said corporation, has qualified as required by this section, the license granted to such firm or corporation shall no longer be in force, and such firm or corporation shall be required to make new application for a license in the same manner as before.

801.4 Forms: Every applicant for a Building Contractor's license shall complete application forms supplied by the Building Official, stating the following information:

1. Name of individual applying and company name is desired.
2. Address and telephone number.
3. Federal Identification number or Social Security Number.
4. Two personal references.
5. Bank references.
6. Statement that workers' compensation is provided as required.

7. Certificate of liability insurance.
8. Two business references.

801.5 Registration Fee: Registration fee for the first year shall be One Hundred Fifty Dollars (\$150.00) and thereafter, the annual fee for such building contractor shall be Fifty Dollars (\$50.00).

801.6 License: Building Contractor's License shall be valid, and have force for a period of one (1) year beginning July 1, of each year. A contractor may not be issued a building permit unless his license has been duly renewed, and he has paid the registration fee. A contractor must re-register if he allows his license to lapse for one full year. No license issued hereunder shall be transferable.

801.7 Permit Required: It shall be the absolute duty and irrevocable responsibility of the building contractor to secure the appropriate and necessary building permits required under this code before undertaking to construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building or structure.

801.8 Registration: The Building Official shall be charged with the enforcement of the provision of this section and issue registration numbers of each contractor who obtains a license.

801.8.1 Reissuance Of Revoked License: No subsequent license shall be issued to a person whose said license has been revoked within a period of ninety (90) days from the date of such revocation.

801.8.2 Revoking Of License: A license, issued pursuant hereto, may be revoked by the Building Official at his discretion, when he finds that the licensee is guilty of fraudulent use of his license, or of incompetency in the exercise of the privileges of said license, or of fraud or misrepresentation in securing the license or permits granted, pursuant to the Building Department Administrative Manual, or refusal to conform his work to the requirements of law, or of such other branches of duty by the licensee hereunder as the Building Official may regard contrary to the intent and purposes of this code. Persistent failure to obtain permits shall be considered as direct violation of this code and grounds for revocation of license. In all cases involving revocation of licenses, at least fifteen (15) days notice of the contemplated revocation shall be served in the form of a summons, as provided by the laws of West Virginia in civil actions, and shall be served in the manner provided by said law of the service of said summons. It shall indicate the time and place of the hearing, the general grounds of said contemplated revocation, and shall advise the licensee of his right to appear at said hearing in person and defense. The Building Official may request legal advice from the City Attorney, and adopt such procedure for its decorum, and the dispatch of business at such hearings as it may regard advisable.

The decision of the Building Official shall be final, and no licensee, whose license has been revoked, shall be granted a new license untill the expiration of six months after the revocation and after payment of all fees as on the original instance. A revocation of a registration shall not entitle a licensee to a refund of any part of the license fee which he may have paid.

802.0 Mechanical Systems: The registration and licensing of mechanical contractors shall conform to the requirements of this section.

802.1 Board Of Examination Created: There is hereby created a Board of examiners of Mechanical Systems Contractors, consisting of the Building Official, the Fire Cheif, and three (3) mechanical contractors, all of whom shall be appointed annually by the Mayor for the term of one year, taking office on said board July 1, of each year. If no new appointments are made on July 1, the Board members from the previous year will continue.

802.2 Examination And Procedures: The Board shall make such rules and prescribe such procedures as may be necessary for its operation inconformity with this code. Its decisions shall be concurred with by at least three members of the Board. It shall have complete control over the examination of the applicants for license under this code. Examination of applicants shall be conducted once every (90) days if there are applicants who desire to be examined, and at such times and places as the Board may designate. Such examinations shall be written, consisting of material taken from the current manuals of The National Warm-Air Heating Association. The Board may make such rules and regulations governing examinations as it may see fit, provided that all rules and regulations governing examination shall be uniformly applied. It shall keep an accurate record of all applications for examinations, examinations given, and the results thereof. The Board shall certify to the Building Official the names of all successful applicants with recommendations for the issuance of licenses. It shall keep accurate minutes of all its meetings and keep such other records as may be required hereinafter.

802.3 Registration Fee. Licensing And Permits: All persons, firms, or corporations, regardless of residency, engaged in the business or occupation of installing, altering, repairing, cleaning, or adding to any mechanical system, in this city, shall be required to secure a license before engaging in such work. This license is to be issued by the Building Official, to the applicant provided the provisions of this code have been fulfilled. The initial registration fee shall be One Hundred Dollars (100.00), with a renewal of Fifty Dollars (50.00) annually. A license issued to a firm or corporation shall permit such firm or corporation to engage in said business or occupation for such portion of the term of said license as long as the particular member or members, officer or officers, agent or employee who has passed the examination pursuant to which license is granted, maintains

his connection with the firm or corporation; provided, however, that upon the termination of his connection with the firm or corporation, said license may be restored to effectiveness by the qualification of any of its members or officers who may have successfully passed the examination or by the employment of the person, firm or corporation of other agents or employees who have qualified by passing the examination. The firm or corporation will be granted a thirty day (30) grace period to secure another person who has passed, or to pass, the examination. Any person, persons, firm or corporation who or which operate more than one establishment, branch or outlet for the purpose of doing business as a mechanical contractor within the corporate limits of the City of Nitro shall be required to employ a separate license holder for each such establishment, branch or outlet. No license holder shall be able to secure a license for more than one (1) person, firm or corporation simultaneously. No part of any registration fee shall be refunded for any cause. No licenses are transferable.

802.4 Renewal: Any person, firm or corporation, holding a license to permit him to engage in the business or occupation of installing, altering, repairing, cleaning or adding to any mechanical system, who shall fail to procure a renewal of the license as herein provided within thirty (30) days from the date of expiration, shall be required to undergo examination with payment registration therefor, as in the original instance, before he is issued such license.

802.5 Examination and Fee Prerequisite to License: Before any person shall be issued a license under the provisions of this code, he shall be required to pass an examination administered by the Board, hereinbefore created, and have received from said Board, a certificate to the effect that he has duly qualified as a mechanical contractor. The examination fee shall be Five Dollars (\$5.00) and no part of said fee shall be refunded because of the failure of the applicant to qualify for a license.

802.6 Revocation: The Board of Examiners shall have the power to revoke all licenses issued under this code. A license shall be revoked immediately by the Board upon conviction of the holder thereof, duly held in a court of competent jurisdiction, of the violation of the laws of the City relative to the installation, repair, cleaning, alteration, or addition to warm-air furnaces, warm-air heating system or any system covered under the mechanical code. A license issued, pursuant hereto, may also be revoked by the Board at its discretion when it finds that the licensee is guilty of fraudulent use of his license or of incompetency in the exercise of the privileges of said license, or of fraud or misrepresentations in securing the license or permit, granted pursuant to the building code of the city, or refusal to conform his work to the requirements of law or of such other branches of duty by the licensee, hereunder as the Board may regard contrary to the intent and purpose of this code. In all cases involving revocation of



licenses, at least fifteen (15) days notice of the contemplated revocation of licenses shall be served upon the licensee whose license is in question, and said notice shall be in the form of a summons, as provided by said law, or for the service of said summons. It shall indicate the time and place of the hearing, the general grounds of said contemplated revocation, and shall advise the licensee of his right to appear at said hearing in person and represented by counsel, and be heard orally upon the merits of his defense. The Board may request legal advice from the City Legal Department, and adopt such procedure for its decorum and the dispatch of business at such hearings as it may regard advisable. The decision of the Board shall be final, and no licensee whose license has been revoked shall be granted a new license until the expiration of six (6) months after the revocation of aforesaid, and after successful examination and payment of all fees as in the original instance. A revocation of a license shall not entitle a licensee to a refund of any part of the registration fee which he may have paid.

803.0 Plumbing and gas piping, license required: No person shall engage in, or work at the business of a master or journeyman plumber, and no person, firm or corporation shall engage in, or work at the business of a plumbing contractor, unless licensed to do so in the manner herein provided.

803.1 Issuance: The Building Official is hereby authorized and empowered to grant and issue licenses and permits to master plumbers, journeyman plumbers, and plumbing contractors as hereinafter provided for.

803.2 Required: Every plumbing contractor shall be required at all times to have a licensed master plumber in charge of installing plumbing as a condition for the continuance of his or the firm's license. It shall be the responsibility of the contractor to hire licensed plumbers to complete said work.

803.3 Journeyman License: Before an applicant for a journeyman license is permitted to take the examination, he shall show satisfactory evidence that he has worked continually at the trade for a period of four (4) years, and has had a minimum of an eighth (8th) grade education.

803.4 Master License: Before an applicant for a master plumbers license is permitted to take the examination, he shall show satisfactory evidence that he has worked exclusively at the plumbing trade for a period of four (4) years as a journeyman prior to his application and has had a minimum of twelfth (12th) grade education.

OTE: Satisfactory evidence shall be notarized letters from former employers, military records, etc..

803.5 Registration and Business License: When an applicant has passed the examination for master plumber, the license therefor shall not be issued until he has paid a registration fee, been issued a store license by the City giving his business or home address, and indication that he is regularly engaged in the plumbing business.

If applicant lives outside the city, he must show a store license or certificate from the State Tax Commissioner of West Virginia that he is engaged in the plumbing business.

803.6 Permit: No person shall apply for, or secure, a plumbing permit to install plumbing for any use other than his personal or business use, nor shall he secure or apply for a permit for persons, firms or corporations where a Master Plumber's employees are not installing the plumbing work. "ANY VIOLATION" of this paragraph is described in Section 802.6 "REVOCATION OF LICENSES".

803.7 Reapplication for License: If applicant fails the examination, he shall wait a period of ninety (90) days before he reapplying for a license.

803.8 Board of Examiners: The Mayor is hereby authorized to appoint a Board of Examiners for the examination and registration of plumbers. The board shall consist of one (1) licensed journeyman plumber and one (1) licensed master plumber and the Building Official.

The Board of Examiners shall serve at the pleasure of the Mayor, or until their successors are appointed and qualified.

The Board of Examiners shall have power and authority, and it shall be its duty, to prescribe, amend and enforce rules and regulations for the examination and licensing of plumbing contractors consistent with this code.

Each member of the Board of Examiners, except the Building Official, shall receive a compensation of three dollars (\$3.00) for each examination given.

803.9 Examinations: The licenses of journeyman and master plumbers shall be issued by the Building Official upon the certificate of the Board of Examiners as herein provided.

803.10 Revocation of Licenses: The Board of Examiners shall have the power to revoke any journeyman's or master plumber's license, if same as obtained through error of fraud, or if the recipient thereof is shown to be grossly incompetent, and for a second willful violation of any rules and regulations prescribed by this Code.

The City Recorder shall also have power to revoke any plumbing contractor's license if the owner thereof shall be guilty of a second

willful violation of any rule or regulation prescribed by the City Council. Any person whose license has been revoked may, after the expiration of one (1) year from the day of such revocation, apply for a new license.

The City Recorder shall also have power to revoke plumber's licenses when ordered by the Examining Board, or when ninety (90) days in arrears of inspection fees.

803.11 Registration Fees: All journeyman plumbers, master plumbers or plumbing contractors engaged in business in this City, desiring to continue as such, are hereby required to procure a plumbers license from the Building Official. The fees for registration of such licenses are hereby fixed at:

Master Plumbers .....	\$50.00
Journeyman Plumbers .....	\$25.00
Renewal of Master Plumbers .....	\$50.00
Renewal of Journeyman Plumbers .....	\$10.00

Renewal fees shall be paid each year beginning July 1.

A fee of ten dollars (10.00) shall accompany each master plumber, plumbing contractor, and journeyman plumber application, which fee shall be forfeited in case the applicant fails to pass examination by the Board of Examiners, as prescribed in Section 803. All renewal fees shall be due and payable on July 1st of each year. If said fees are not paid to the City by September 1st of each year, a new application to continue as a master plumber, contracting plumber, or journeyman plumber shall be submitted, accompanied by the fee as herein provided, and an examination by the Board of Examiners taken. Upon certification by the Examining Board, a new license shall be issued and registration fees collected as herein above established.

803.12 Examination and License of Plumbers: The Board of Examiners shall meet at such time and place as the City Council may designate and at such times and places as may be necessary, and proceed to carry out the provisions of this code. For the examination of journeyman plumbers and master plumbers, the Board of Examiners shall sit in the City as often as may be necessary and convenient. The Board of Examiners shall examine all applicants for licenses as journeyman plumbers, master plumbers and plumbing contractors, as to their practical knowledge of plumbing and plumbing ventilation, and if satisfied as to fitness of such applicant to carry on the work of a journeyman or master plumber, the Board of examiners shall issue a certificate to that effect and, upon presentation of such certificate to the Building Official, a license shall be issued to such person on the payment of the registration fees herein provided.

804.0 Signs and Outdoor Display Structures: The licensing of all signs

contractors shall conform to the requirements of this section.

**804.1 Application:** Application for a license shall be made on forms provided by the Building Official - who shall examine such applicant at such time and place as he shall designate as to his, or the firms, qualifications and competency to engage in business.

**804.2 Examination:** The examination shall be practical and elementary in character, but sufficient to test the qualifications of the applicant in the most approved methods in connection with said business.

**804.3 License granted and refusal:** Should the Building Official refuse to grant any applicant a license for this purpose, an appeal of such decision may be taken to the Public Safety Committee of the City Council, whose ruling shall be final.

Such license shall not be transferable, and any license granted may be revoked by the Council if the license violates any provision of this code. When a license is revoked, a new license shall not again be granted to the same licensee for at least thirty (30) days.

**804.4 Fee:** The initial registration fee for such license shall be one hundred dollars (\$100.00). The license shall expire on the thirtieth (30th) day of June each year following the date of issuance. The registration fee for each yearly renewal shall be fifty dollars (\$50.00).

**804.5 Bond Required:** No person, firm or corporation, shall engage within the corporate limits, of this city in the business of outdoor advertising by painting, erecting or maintaining ground signs, roof signs, wall signs, marquee signs and/or projecting signs until such person, firm or corporation shall have filed with the city, a bond in the sum of five thousand dollars (\$5,000.00) with sureties to be approved by the city attorney, conditioned for the faithful observance of this code and to save and keep harmless the City of Nitro from all damages, liabilities, losses or judgments that may be recovered against the city by reason of the negligent erection or maintenance of any aforementioned signs.

**05.0 Refusal to renew annual license for failure to file tax returns or remit taxes due the City of Nitro** The Building Official shall refuse to renew an annual license issued under this section to any person or business who have failed to file any tax return or permit license application as required by this code or other city ordinance has failed to pay any delinquent taxes or fees or any interest or penalty thereon due and owing the City of Nitro by reason of operating a business within the city's jurisdiction. Any person or business which has been adversely affected by an order or decision of the Building Official relating to the granting of a renewal

license, may appeal such determination by requesting a hearing from the Building Official within thirty (30) days from receipt of such order or decision.

The Building Official shall issue a ruling within a reasonable time from date of the hearing. An appeal may be made by the person or business to the Circuit Court of Kanawha County within thirty (30) days after he shall have received notice from the Building Official of his determination as provided herein before in this section.

806.0 Disposition Of Fees: All licenses required by this code shall be issued by the Building Official and all money derived from the examination fees, registration fees, and permits, shall be paid to the Building Official's office.



APPENDIX A

SECTION 1- Valuation Chart

BUILDING PERMIT FEES

DON KARNES  
MAYOR

For every building where the valuation from \$100.00 up to \$1,000.00....	\$ 7.50
Over \$1,000.00 to \$2,000.00.....	\$15.00
Over \$2,000.00 to \$3,000.00.....	\$19.50
Over \$3,000.00 to \$4,000.00.....	\$24.00
Over \$4,000.00 to \$5,000.00.....	\$28.50
Over \$5,000.00 to \$6,000.00.....	\$33.00
Over \$6,000.00 to \$7,000.00.....	\$37.50
Over \$7,000.00 to \$8,000.00.....	\$42.00
Over \$8,000.00 to \$9,000.00.....	\$46.50
Over \$9,000.00 to \$10,000.00.....	\$51.00
Over \$10,000.00 to \$11,000.00.....	\$55.50
Over \$11,000.00 to \$12,000.00.....	\$60.00
Over \$12,000.00 to \$13,000.00.....	\$64.50
Over \$13,000.00 to \$14,000.00.....	\$69.00
Over \$14,000.00 to \$15,000.00.....	\$73.50
Over \$15,000.00 to \$16,000.00.....	\$77.25
Over \$16,000.00 to \$17,000.00.....	\$81.00
Over \$17,000.00 to \$18,000.00.....	\$84.75
Over \$18,000.00 to \$19,000.00.....	\$88.50
Over \$19,000.00 to \$20,000.00.....	\$92.25
Over \$20,000.00 to \$21,000.00.....	\$96.00
Over \$21,000.00 to \$22,000.00.....	\$99.75
Over \$22,000.00 to \$23,000.00.....	\$103.50
Over \$23,000.00 to \$24,000.00.....	\$107.25
Over \$24,000.00 to \$25,000.00.....	\$111.00
Over \$25,000.00 to \$26,000.00.....	\$114.75
Over \$26,000.00 to \$27,000.00.....	\$118.50
Over \$27,000.00 to \$28,000.00.....	\$122.25
Over \$28,000.00 to \$29,000.00.....	\$126.00
Over \$29,000.00 to \$30,000.00.....	\$129.75
Over \$30,000.00 to \$31,000.00.....	\$133.50
Over \$31,000.00 to \$32,000.00.....	\$137.25
Over \$32,000.00 to \$33,000.00.....	\$141.00
Over \$33,000.00 to \$34,000.00.....	\$144.75
Over \$34,000.00 to \$35,000.00.....	\$148.50
Over \$35,000.00 to \$36,000.00.....	\$152.25
Over \$36,000.00 to \$37,000.00.....	\$156.00
Over \$37,000.00 to \$38,000.00.....	\$159.75
Over \$38,000.00 to \$39,000.00.....	\$163.50
Over \$39,000.00 to \$40,000.00.....	\$167.25
Over \$40,000.00 to \$41,000.00.....	\$171.00
Over \$41,000.00 to \$42,000.00.....	\$174.75
Over \$42,000.00 to \$43,000.00.....	\$178.50
Over \$43,000.00 to \$44,000.00.....	\$182.25
Over \$44,000.00 to \$45,000.00.....	\$186.00
Over \$45,000.00 to \$46,000.00.....	\$189.75
Over \$46,000.00 to \$47,000.00.....	\$193.50
Over \$47,000.00 to \$48,000.00.....	\$197.25
Over \$48,000.00 to \$49,000.00.....	\$201.00

\$50,001.00	to	\$100,000.00 .....	\$204.75 for the first \$50,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and in- cluding \$100,000.00.
\$100,001.00	to	\$500,000.00 .....	\$354.75 for the first \$100,000.00 plus \$1.87 for each additional thousand or fraction thereof, to and in- cluding \$500,000.00.
\$500,001.00	and up.....		\$1,104.75 for the first \$500,000.00 plus \$1.12 for each additional thousand or fraction thereof.

APPENDIX AELECTRICALSCHEDULE OF FEES

INITIAL FEE..... For issuing each permit.....Based on Valuation chart

INSPECTION FEE..... Pursuant to Appendix A Section 17 of the Codified Ordinance.

Section III The following schedule of fees shall be charged by the Building Official for inspection services.

(a) Rough Wiring- All switches, lighting and receptacles to be counted as outlets.

1 to 5 outlets.....	\$3.75
6 to 10 outlets.....	\$7.50
11 to 40 outlets.....	\$10.00
41 to 75 outlets.....	\$12.50

For each additional 25 outlets or fraction thereof..... \$2.00

(b) Fixtures

1 to 5 fixtures.....	\$3.75
6 to 10 fixtures.....	\$7.50
11 to 40 fixtures.....	\$10.00
41 to 75 fixtures.....	\$12.50

For each additional 25 outlets or fraction thereof..... \$2.00

Complete installations, where wiring and fixtures are installed and can be inspected on one visit, apply rough wiring schedule based on total number of outlets. Otherwise, apply the fee for each of the above classification.

(c) Dwellings: Group Inspections- Where a single inspection visit can be made to cover three or more dwellings, not exceeding four apartments in each dwelling, so located as to constitute a group operation, apply fifty-percent (50%) of the above schedule, with a minimum charge for each building, of seven dollars and fifty cents (7.50) for rough wiring and/or fixtures.

(d) Heating, Cooking Equipment and Similar Appliances-

Outlet for a single unit of 30k.w. or less.....\$7.50

Each additional unit or outlet of 30k.w. or less.....\$7.50

On dwelling occupancies, a charge of two dollars (2.00), will be made for the first unit, or outlet of 30k.w. or less and fifty cents (50c) for each additional unit or outlet (including air conditioning) when subject to inspection with rough wiring and/or fixtures.



For units in excess of 30k.w., apply motor schedule.  
 Cable heat, first unit.....\$7.50  
 For each additional cable unit..... .75  
 Central heating and air conditioning units,  
 Electric furnances and welders apply motor  
 schedule.

(e) Motors; Generators; Transformers

Single unit or group not exceeding 5 motors, whose  
 total capacity does not exceed 1 h.p., k.w. or k.v.a. \$7.50  
 1 h.p. to 30 h.p. k.v.a. .... \$7.50  
 Over 30 h.p. to 75 h.p.,k.w. or k.v.a. .... \$8.75  
 Over 75 h.p., k.w. or k.v.a. .... \$10.50

(f) Capacitors

One unit..... \$7.50  
 Each additional unit..... \$ .50

Note: Motors equipped with capacitors during  
 original installation-no charge.

(g) Service; Meter Equipment and Feeders

Not over 100 amp. .... \$7.50  
 Over 100 amp. to 250 amp. .... \$9.50  
 Over 250 amp.to 800 amp..... \$11.25  
 Over 800 amp. .... \$15.00

On replacement of services exceeding 5 meters, seventy-five  
 cents (75¢) for each additional meter.

(h) Primary Transformers; Vaults; Enclosures; Sub-stations.

Not over 200 k.v.a. .... \$12.50  
 Over 200 to 500 k.v.a. .... \$15.75  
 Over 500 k.v.a. .... \$21.75

Note: Above applies to each bank of transformers.

(i) Electric Signs; Incandescent

Divide the total number of sockets by "4" applying rough  
 wiring schedule for each sign.

Electric discharge lighting systems over 1000 volts  
 Charge to be based on amp.rating of each sign

0 to 10 amp. .... \$7.50  
 Each additional 5 amp. or fraction thereof .... \$ .75  
 Charge for each combination incandenscent and gas tube  
 sign to be computed by adding charge for each class.

(j) Protective Signaling Systems

For the first 10 devices .....	\$18.75
For additional 10 devices .....	\$ 2.50
Pneumatic circuits; for the first two circuits	\$18.75
each additional circuit ..	\$ 2.50

Note: For systems in single family dwellings, apply rough wiring schedule.

(k) Radio and Television Transmitting Equipment

Commercial radio and television receiving and transmitting equipment. ....	\$7.50
Domestic radio transmitting installations other than C. B. Band .....	\$7.50

(1) Reinspection of Reintroduction of Current

Charge in relation to amount of supervision,  
but not less than. .... \$7.50  
Any equipment not heretofore approved, the  
schedule cover classifications to apply.

(m) Additional Inspection

For reported corrections of defects found in original installations, after second inspection and notice of correction.

Charge seventy five percent (75%) of the above charges  
for each inspection but not to exceed.....\$12.50

(2) Temporary Installations and Decorative Displays

Temporary installations and decorative displays other than Christmas decorations for not over 60 days, charge fifty percent (50%) of the schedule for permanent work.

No charge to be less than .....\$7.50

(c) Mobile and/or Prefabricated Structures

The schedule covering classifications to apply.

Issuance of duplicate certificate .....	31.29
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ction II PLUMBING PERMIT FEES.

e permit fee for all plumbing shall be based on the valuation chart  
Section 1.

e inspection fee for inspecting repairs and replacement fixtures shall  
\$1.00 per fixture.

e inspection fee for new installations shall be \$2.00 per fixture.



APPENDIX AHEATING AND AIR CONDITIONING PERMIT FEESSECTION IV

- (a) The permit fee shall be based on schedule of permit fees in Appendix A Section 1
- (b) The inspection fee for inspecting repairs, alterations and additions to an existing system shall be \$5.00 per unit.

The inspection fee for inspecting new installations shall be \$10.00 per unit. Air Condition and heating is two (2) units.

The fee for reinspection, in case it becomes necessary to make a reinspection of a heating, ventilation, air conditioning or refrigeration system, or boiler installation, shall be \$5.00.

400

CITY OF NITRO BUILDING DEPARTMENT  
WARNING - BUILDING CODE VIOLATION

State of West Virginia  
County of Kanawha & Putnam, City of Nitro, To-Wit:

The Nitro Building Official and Building Inspector(s) under authority of Section 204.5 of the Building Department Administrative Manual, hereby issues a warning to:

NAME \_\_\_\_\_  
Last First Middle

ADDRESS \_\_\_\_\_  
Street City

BUSINESS NAME \_\_\_\_\_  
BUSINESS ADDRESS \_\_\_\_\_  
Street City

That on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock  
\_\_\_\_M, the above named person or business did unlawfully violate the  
City of Nitro Building Code as follows:

1. \_\_\_\_\_ Failing to correct code item(s) as directed by the Building Official.
2. \_\_\_\_\_ Starting work prior to obtaining a permit.
3. \_\_\_\_\_ Failing to honor a stop-work order issued by the Building Official.
4. \_\_\_\_\_ Tampering with or rendering inoperable, on-premise fire fighting equipment, fire detection equipment or fire alarm systems.
5. \_\_\_\_\_ Other Building Code Violations (state offense and code section) \_\_\_\_\_

\_\_\_\_\_  
Person Issuing Warning And Title

Failure to comply with this warning will result in a citation to be issued to appear in The City Of Nitro Municipal Court.

\_\_\_\_\_  
\* Signature Of Violator

\* Signature of violator is not required unless they are present at the time warning is issued

CITY OF NITRO BUILDING DEPARTMENT

CITATION AND COMPLAINT

CITY OF NITRO BUILDING CODE VIOLATION

State of West Virginia  
County of Kanawha & Putnam, City of Nitro, To-Wit:

In the Municipal Court of The City of Nitro, the Undersigned,  
being duly sworn, upon his/her oath deposes and says:  
That on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.

NAME \_\_\_\_\_

last first middle

ADDRESS \_\_\_\_\_

Street City

BUSINESS NAME \_\_\_\_\_

BUSINESS ADDRESS \_\_\_\_\_

Street City

The above named person or business did unlawfully violate the City  
of Nitro Building Code as follows:

1. \_\_\_\_\_ Failing to correct item(s) as directed by the Building Official.
2. \_\_\_\_\_ Starting work prior to obtaining a permit.
3. \_\_\_\_\_ Failing to honor a stop-work order issued by the Building  
Official.
4. \_\_\_\_\_ Tampering with or rendering inoperable, on-premise fire fight-  
ing equipment, fire detection equipment or fire alarm systems.
5. \_\_\_\_\_ Other Building Code Violations (state offense and code section)

\*Signature of Violator

Signature of Person Issuing  
Citation and Title

\*Signature of Violator is not required, unless they are present at  
the time warning was issued. An arrest warrant will be issued upon  
failure to appear before Municipal Judge.

\*\*\*\*\*  
The undersigned further states that he/she has just and reasonable  
grounds to believe, and does believe, that the person or business  
named above committed the offense(s) herein set forth, contrary to  
law.

Person Issueing Citation and Title

Sworn to and subscribed before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Municipal Judge Signature

ORDINANCE NO. 91-4

ADOPTED BY COUNCIL \_\_\_\_\_

INTRODUCED IN COUNCIL MAY 7, 1991

AN ORDINANCE AMENDING, MODIFYING, AND RE-ENACTING ARTICLE 741, MUNICIPAL SERVICE FEES, OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA BY INCREASING RATES, HOWEVER, PROVIDING A CREDIT FOR THE LOW INCOME

WHEREAS, over the years the City of Nitro by and through its council passed various ordinances relating to municipal fees and more particularly the rates to be paid by residents and businesses; (for future references the ordinances referred to above are as follows:)

ORDINANCE 97, Book 2, Page 52, passed May 11, 1959  
ORDINANCE 136, Book 2, Page 178, passed January 1, 1965  
ORDINANCE 163, Book 2, Page 308, passed March 1, 1971  
ORDINANCE \_\_\_\_\_, Book 2, Page 323, passed March 1, 1971  
ORDINANCE 79-4, Book 3, Page 47, passed July 17, 1979  
ORDINANCE 85-4, Book 3, Page 269, passed April 16, 1985;  
and

WHEREAS, the City of Nitro by and through its council codified the general and permanent Ordinances of the City of Nitro, West Virginia, by Ordinance No. 90-10;

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

741.01 IMPOSITION; RATE.

- (a) (1) There is hereby levied and shall be collected a charge against residential users of municipal services and business establishments which use municipal services situate within the City for essential municipal services, including police protection, fire protection, street lighting, street maintenance, street cleaning, street improvements, ambulance service, recreation, and garbage and refuse collection, (excluding sewage and sewage disposal and other essential municipal services). The charge for such services shall be at the rate of Thirteen Dollars and Fifty Cents (\$13.50) for each single-family unit residence, per unit, and for each multiple-family dwelling or apartment house,



per each residential unit or apartment, whether or not occupied, and for each business establishment.

- (b) The City Recorder shall be charged with the duty of mailing a statement on a monthly basis to each residence or business establishment to be charged with the municipal fee hereby imposed for the fee due for the preceding month, but failure to mail any statement for monthly charges shall not be grounds for avoiding payment. A statement shall be mailed by the Recorder at least as frequently as once each month and any such statement may be consolidated by the Recorder with statements for other municipal fees or services due from such person or business establishment. If a monthly statement is mailed by the Recorder it may be mailed each month on a date selected by the Recorder but the Recorder shall render the monthly billing to such person or business establishment in a uniform manner so that each monthly bill is mailed at intervals of approximately thirty days.

- (c) Subject to such reasonable regulations as may be promulgated by the City Recorder, the record owner of the property upon which a single-family residence is situate shall be presumed to be the user of municipal service rendered for the benefit of such property and the record owner shall be liable to the City for such charges; the tenants or occupants of the residential units of a multi-family dwelling or apartment house shall be presumed to be the users of such municipal services and shall be liable to the City for such charges. Persons doing business as partners in a business establishment within the City shall be jointly and severally liable for such charges. However, in the event that a residential unit of a multi-family dwelling or apartment house is temporarily unoccupied, then and in that event the record owner of the property upon which such multi-family dwelling or apartment house is situate shall be presumed to be the user of the residential services provided to each such unoccupied unit and shall be liable to the City for such charges. Subject to such reasonable regulations as may be promulgated by the City Recorder, the record owner of the property upon which such multi-family dwelling or apartment house is situate shall be charged with the responsibility of collecting in advance, the charge imposed by this section from tenants or occupants of such dwelling units or apartments and properly remitting same to the City Recorder and shall be liable to the City in the amount of such charges for failure to do so or for failure to

maintain adequate records from which such liability may be ascertained.

- (d) When the aggregate gross income of all persons residing in a single family residential unit maintained and occupied by a resident of the City during the preceding calendar year of the City will be less than than Twelve Thousand Five Hundred Dollars (\$12,500.00), the rate to such residential unit during such fiscal year shall be reduced to Eight Dollars and Fifty Cents (\$8.50) per month, provided, that the resident who occupies such domestic establishment makes an application for such rate to the City Recorder and files therewith an affidavit pertaining to the relevant facts. The rate and charge shall become effective retroactively to the first day of the calendar quarter in which such application is made and affidavit filed.

In the event any person making application for reduced charges shall submit any false, erroneous or untrue information relative to the eligibility or qualifications of the applicant for such reduced charges as set forth herein, any such person supplying such false, erroneous or untrue information shall be subject to a penalty equal to One Hundred Fifty Percent (150%) of the prevailing rate then in effect.

- (e) The City Recorder is hereby authorized to adopt such rules and regulations as may be necessary for him to determine, and he shall determine, the classification of residences, multiple dwellings and other buildings and premises for the application of the rates, fees and charges established by any schedule enacted by the City Council pursuant to this section; and any person feeling aggrieved by the application of any such rule or regulation of the City Recorder to any rate, fee or charge sought to be collected from him by the City Recorder shall have the burden of proof to show that the City Recorder's rule or regulation is erroneous.

- (f) The City Council shall have the right to revise from time to time the schedule of rates, fees, and charges enacted herein to so adjust the rates, fees and charges that costs will be distributed as equitably as possible among all citizens of the city on the basis of benefit received. At no time, however, shall rates be continued which are disclosed to be producing less revenue than is required to meet all obligations and costs involved in rendering services to the public.

- (g) All accounts shall be considered delinquent if not paid by the last day of each following month for which the

service is rendered. All delinquent accounts are subject to stoppage of service without notice.

- (h) Each provision of this article shall be separable and if any part thereof shall be adjudged invalid by a court of competent jurisdiction, the remaining and valid portion of this ordinance shall remain in full force and effect.
- (i) All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- (j) This ordinance shall take effect as of the date of adoption.
- (k) The increased rate municipal fee rates shall terminate on June 30, 1992, and reverse back to Eight Dollars and Fifty Cents (\$8.50).
- (l). Seventy-Five Percent (75%) of the proceeds from the increased portion of the municipal fees (\$5.00) shall be paid into a special separate account to be expended on city capital improvements to be determined by council.

A public hearing concerning such proposed schedule of rates, fees and other charges for the use of the services is hereby called for all 6:30 o'clock p.m., on the 21st day of May, 1991, in Council Chambers, City Hall, Nitro, West Virginia, for the purpose of hearing all parties using or proposing to use such services and all other parties interested in such schedule of rates, fees and other charges, and that at said hearing on said date all such parties may appear before this Council and be heard and present any argument or evidence for or against the enactment of said proposed schedule of rates, fees and other charges.

The City Recorder is hereby authorized and directed to publish this ordinance and an appropriate notice of said public hearing once each week for two successive weeks in both Charleston newspapers.

First Reading May 7, 1991

Second Reading \_\_\_\_\_

Loris G. Carrier  
City Recorder

Don Kenna  
Mayor

