

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 21, 1991

Mayor Karnes declared a quorum and called the regular Council Meeting to order at 8:04 p.m. in Council Chambers. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 7, 1991 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the minutes of the May 7, 1991 Council Meeting be approved. The motion was seconded. Councilman at Large Olaf Walker referred to Agenda Item 8, and said the intention of his amendment to Councilman at Large David Casebolt's motion was that the ordinance would be effective July 1, 1991 and expire June 30, 1992. This correction should also reflect on the ordinance. A vote was taken to approve the minutes as amended and it was unanimous.

AGENDA ITEM NO. 2 - 2ND READING - ORD. 91-4 MUNICIPAL SERVICE FEE: - Councilman at Large Olaf Walker said we have a couple of agenda items to address this evening that could affect this budget, and for that reason, he moved this ordinance be moved and taken up as the first item of business at the first meeting in June. He said he had additional information he wanted to present to Council for their thought and consideration prior to voting. The motion was seconded. Councilman at Large David Casebolt said he was in favor of postponing any action until they review some of the options presented by the public. A vote was taken and it passed with Councilman Robert Young opposing. A budget meeting was scheduled for Thursday, May 23, 1991 at 7:00 p.m. However, no action will be taken at this meeting.

AGENDA ITEM NO. 3 - GARBAGE BIDS: - Mayor Karnes said as suggested, we advertised for a vendor to pick up trash and garbage and yielded to City Recorder Doris G. Carrier. She advised we ran a legal ad one day in both newspapers and received only one bid. The bidder was from Ed's All Clean Disposal, Inc. Councilman George Atkins suggested having it published more than one day. Mr. Gaujot suggested the bid be opened for consideration and action be taken on it.

City Recorder Doris G. Carrier opened the sealed bid and advised that his bid was \$8.68 per household, once a week, curb side pickup for household trash only. Their bid stated that special provisions for trash pickup will be made for the disabled or handicapped. Each household will be provided a box of 150

garbage bags per year. Billing will be processed through their business office, and all of the above services are rendered for a monthly rate of \$8.68 per household. This bid is good for 45 days and they are requesting a minimum of a two year contract. Due to spiraling landfill cost they reserved the right to increase their monthly service fee which will be kept to the very minimum. City Recorder Doris G. Carrier said she called the gentleman regarding trash pickup and was told that they pick up trash every Friday. For large appliances such washing machines, freezers, etc. they charge \$5.00 per item. Mayor Karnes said he feels we would be unfair if we acted on this matter at this time and suggested we refer this to a Committee consisting of all members of Council to be addressed at the work session. Councilman at Large Olaf Walker moved this be referred to a committee, then withdrew the motion. Councilman at Large David Casebolt said we had at least two more people wanting to submit bids, and moved we reject the bid received from Ed's All Clean Disposal, Inc. and run another advertisement. The motion was seconded. Mr. Gaujot said the bid must be considered and either voted up or down on the merit. Councilman at Large David Casebolt withdrew his motion and Councilman at Large Olaf Walker withdrew his second. Councilman at Large David Casebolt moved this be put into a committee of full Council and discussed Thursday night. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - ELMER DODSON: - Mayor Karnes yielded this agenda item to Mr. Dodson. Mr. Dodson said he would like to know why the City wouldn't do anything about the storm sewer backing up in his basement since last November. He said we wanted an increase in fees, and was told by the city employees they are not going to do anything. He said a guy from the Sanitary Board came to his house, and he didn't know anything about the sewers because they were put in before the city was incorporated. Mr. Dodson said they had a 12" sewer in the alley and his sewer is 6" down in it. He said they just flushed it out, but it would get the same way again. He said he was hooked on the same sanitary sewer with his neighbor in the alley, but this is not a problem. He said he was talking about the one under the street, and employees tell him that he isn't hooked to that. Mr. Dodson said the man at the Sanitary Board said he is not connected, and poured dye in the drain in the basement. He said he was told it would come out over on Broadway, but it didn't. The next morning all the dye and 2' of water was in his basement. Mayor Karnes said it sounds as though they were trying, but haven't corrected the problem yet. Mr. Dodson explained that his neighbor's was unhooked from his, and run in the alley and was told that this would cure his problem. Mr. Dodson said this wasn't the problem, and it did not cure it as there is no human waste. He said the liquid had gravel, dirt and mud in it. Mayor Karnes said he needed to check on the statement regarding the dye, because if the man put dye in the line and it came out on Broadway, and Mr. Dodson said it didn't he wanted to

know what made the worker think it did. Mr. Dodson said the man just wanted to get rid of the project. He said the public works man should take care of this. Mayor Karnes said he has heard discussion at the Nitro Sanitary Board meeting and also at the City Garage that they are working on his problem. Mr. Dodson said he called the Health Department and was told it was the City's responsibility, but the man at the Sanitary Board told him that it was his responsibility. Mr. Dodson said they needed a backhoe and dig a hole at the power pole, cut the sewer and put a reverse flow valve in it to keep it from coming back into the basement. He said it was caused by a storm sewer out front. He said there was a sewer stopped up and his property is the lowest and it comes back in his basement when we have a hard rain. He said he guessed he would have to prove to them he was hooked out front. He said he has lived there for 7 years and hasn't had a problem until this year. Mayor Karnes said this tells him that the flow of water has changed for some reason. Mayor Karnes said we would find the problem and try to correct it.

AGENDA ITEM NO. 5 - 1991 POOL EMPLOYEES: - Mayor Karnes yielded this agenda item to the Recreation Director Jay Long. Mr. Long furnished members of Council a copy of the names he is considering as life guards, cashiers and concession personnel at the pool. He said he plans to hire 5 new life guards, and plans to have 4 on duty at one time, 2 cashiers and 1 concession stand worker. However, the number of attendance may require more or less. He said the pool will open June 8. Mr. Long said the YMCA will be giving swimming lessons on 3 different occasions. On Thursday nights we will have adult swim time. Councilman at Large David Casebolt moved this item be put before the Recreation Committee for their recommendation and give them the authority to approve employment with a report back to Council of action taken. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto asked if we were going to try to do anything about the poor children living in Nitro being able to get in the pool. Councilman at Large David Casebolt responded that the Recreation Committee have considered this. There will be a summer youth program and swimming is included in this program.

AGENDA ITEM NO. 6 - CHURCH CHIMES: - Mayor Karnes yielded this agenda item to the City Attorney Phillip D. Gaujot for a report. Mr. Gaujot said he researched the law in the City, as well as the State Code and the law involving nuisances, Article 1129 of the City Code which generally states that people are prohibited from committing any act that is a nuisance. Then the code goes on to recite and enumerate certain nuisances. He said church chimes are not enumerated. In the State Code, it is likewise a general section and says basically that any person who disturbs the peace of others by violent, profane, indecent, boisterous conduct or language or by making unreasonably loud noise that is intended to cause annoyance or alarm to another

person is guilty of a misdemeanor and can be fined up to \$100. Mr. Gaujot said he feels we have a situation where some people consider the chimes a nuisance and others that like what they hear, so we have a clear difference of opinion. He said his advise to Council is the same as his advise on many, many matters involving disputes among property owners. When there is a property dispute his advice to the City has been this is a dispute between the property owners and the Circuit Court is the proper forum to resolve those issues. Therefore, his advise on this issue is that the Circuit Court is the proper forum to resolve the issue whether or not these church chimes are something nice or a nuisance. He said some of the factors you have to consider is whether it causes an injury to ones health. Mr. Gaujot said for this body to determine one way or the other, in his opinion, would be speculative. He said he feels a court is the proper place to resolve this matter. After further discussion, it was suggested Councilman George Atkins form a committee to try and resolve this matter and report back at the next Council Meeting. The committee members appointed were Councilman at Large Olaf Walker, Councilman Robert Young, Councilwoman Betty Jo Boggess and Chaired by Councilman Atkins.

AGENDA ITEM NO. 7 - GRANT APPLICATION (2ND PUBLIC HEARING DATE) GUM STREET AREA: - Mayor Karnes said we have had drainage and sanitary sewer problems at the Gum Street landfill or backwater, and first steps have been taken to apply for a grant up to \$500,000 to try and correct these problems. Councilman George Atkins moved Mayor Karnes be authorized to pursue the grant. The motion was seconded. Mayor Karnes read the advertisement of the notice of the public hearing scheduled May 28, 1991 in Council Chambers at 6:00 p.m. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8. - HEALTH INSURANCE: - Mayor Karnes yielded this agenda item to the City Recorder Doris G. Carrier. City Recorder Doris G. Carrier said we have received several bids wanting the City's health insurance. She said we are getting different deductibles and different amounts of life insurance and it makes it hard to compare. She reported the Insurance Committee met May 14, and decided we should run an advertisement stating what we were looking for, and this way we could make comparisons. She said at the last meeting of Council, we had a bid saving the City a lot of money. However, there were concerns about pre-existing clauses and we are still covered under Mountain State Blue Cross/Blue Shield. She said we needed to write the specifications of what we would like to have. Mayor Karnes said another meeting would be scheduled.

AGENDA ITEM NO. 9 - RES. 91-5 APPOINTING COUNCILWOMAN BETTY JO BOGGESS TO THE KANAWHA COUNTY AMBULANCE AUTHORITY: - Mayor Karnes said since he has been in office there has been a lot of discussion about our ambulance service in Nitro. He said Councilwoman Betty Jo Boggess has shown a lot of interest on this

issue and has spent time with it. Mayor Karnes said he would like to appoint Councilwoman Betty Jo Boggess to the Kanawha County Ambulance Authority Board. Councilman at Large Rusty Casto moved we accept Resolution 91-5. The motion was seconded. Mayor Karnes said he had a meeting with the Executive Director of the Ambulance Authority about a month or 6 weeks ago, and he appeared to be in favor of getting an ambulance back in Nitro. They met with the Fire Chief and discussed allowing space in the Fire Department to house two people and parking spaces for two vehicles. A vote was taken and it was unanimous.

Wanda Smith from the Home Life Department of the Womans Club said they talked with concerned citizens about getting an ambulance based in Nitro again and gave Councilwoman Betty Jo Boggess a petition with approximately 2,000 signatures.

Councilman at Large Olaf Walker said he would like to commend the members of the Woman's Club for putting the flowers in the barrels along First Avenue. All members of Council agreed they are to be commended.

RESOLUTION 91-5 ATTACHED

AGENDA ITEM NO. 10 - ONE-WAY - WINTZ STREET: - Mayor Karnes yielded this agenda item to Councilwoman Betty Jo Boggess. Councilwoman Betty Jo Boggess reported they needed a little more time to research this item.

Councilman at Large Rusty Casto said Dr. Marvin Frame is leaving Nitro. He will be moving the first week in June. Councilman at Large Olaf Walker said the church was having him a going away dinner June 9.

There being no further business, Councilman at Large David Casebolt moved the meeting be adjourned at 9:45. The motion was seconded. A vote was taken and it was unanimous.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER



DON KARNES
MAYOR

RESOLUTION 91-5

A RESOLUTION PASSED BY THE COUNCIL
OF THE CITY OF NITRO APPOINTING
COUNCILWOMAN BETTY JO BOGGESS TO A
POSITION ON THE BOARD OF DIRECTORS
TO THE KANAWHA COUNTY AMBULANCE
AUTHORITY

WHEREAS, in the opinion of the Nitro City Council, Betty Jo Boggess is well qualified to act in the capacity of a director on the Board of Directors to the Kanawha County Ambulance Authority by virtue of her concerns for the safety and well being of people and current official position; and

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

WHEREAS, the Council of the City of Nitro, in their official capacity, are desirous of endorsing Betty Jo Boggess for the aforesaid position.

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

Passed this 21st day of May, 1991.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JUNE 4, 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, Councilwoman 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 21, 1991 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved the Minutes of the Council Meeting of May 21, 1991 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PUBLIC HEARING MAY 21, 1991: - Councilman at Large Olaf Walker moved the Minutes of the Public Hearing of May 21, 1991 be approved as distributed. The motion was seconded. A vote was taken and it was unanimous.

PUBLIC HEARING MINUTES OF MAY 21, 1991 ATTACHED.

AGENDA ITEM NO. 3 - SPECIAL COUNCIL MEETING MINUTES 5-24-91: City Recorder Doris G. Carrier moved the Minutes of the Special Council Meeting of May 24, 1991 be approved. The motion was seconded. A vote was taken and it was unanimous.

SPECIAL COUNCIL MEETING ATTACHED.

AGENDA ITEM NO. 4 - PUBLIC HEARING MAY 28, 1991: - Mayor Karnes said this agenda item is regarding the Minutes of the Public Hearing meeting which was required in the application for a block grant. Councilman at Large Olaf Walker moved the Public Hearing Minutes be approved as written. The motion was seconded. A vote was taken and it was unanimous.

PUBLIC HEARING MINUTES ATTACHED.

AGENDA ITEM NO. 56 - COMMITTEE REPORT - CHURCH CHIMES: - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman Atkins read the minutes of the Committee Meeting regarding the Carolons at the Church of God located on 2nd Avenue. A copy of the minutes were distributed to Council. Councilman George Atkins moved these minutes be made a part of the Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous. (Minutes attached.)

AGENDA ITEM NO. 6 - DEAN MILLER: - Mayor Karnes said Mr. Dean Miller asked to be placed on the agenda to address a problem. Mr. Miller said he had three grievances, and appreciated being given permission to address Council. (1) The filling of dirt and broken concrete without a permit. (2) The disturbance of the landfill. (3) Unleashed dogs. Mr. Miller said last fall, dirt from the Moose Lodge was hauled in at #1 Smith St. on City property, and also to the rear of #2 Smith Street. He said at that time, there was a well established, natural drain where storm water crossed the property at #1 Smith Street, as well as the landfill. This drain existed and has existed in the 30 years he has lived there from about Dogwood Street up in the Fas Chek area running parallel with Main St. to Smith Street, then veers toward the Kanawha River through the landfill and a short distance, probably less than 50 feet, through the #1 Smith Street property, re-enters the landfill and goes to the Kanawha River. He said that during the dumping of this dirt, the natural drain crossing #1 Smith Street and a portion of the drain on the City property was filled with about 12 to 16 inches of dirt. The result of this caused the flow of water from north by northwest to south by southeast from the landfill to about Ash Street. Mr. Miller said that during the winter this created pools of water to a few inches deep to 12 to 16 inches deep behind the houses on the first block of Washington Street. He said this has obviously caused a health problem to everyone in that area. He said in early winter, an additional amount of dirt was hauled onto the same property, #1 Smith Street and on City property, from the Mills property located on Main St. and dumped in the same location raising again the fill by an additional few inches. In March or early April, about 10 to 15 loads of broken concrete was dumped in a huge pile on #1 Smith Street property. He said he came to City and asked the Building Inspector if a permit was needed to do filling and dumping, and he responded yes. A City employee was dispatched and concrete dumping was stopped and a City employee told him that the property owner had been informed not to do any further dumping. Then, approximately 2 weeks ago, a contractor from Poca, WV, showed up with a bulldozer and a dump truck and started leveling out the concrete which the property owner had been instructed, according to the City employee, not to disturb. He said he called City Hall and reported the activity, but was informed a permit was not needed. Then, a City employee was dispatched to the area and talked to the son of the property owner, and came to his house and said again, they had been informed to stop the dumping. He said they continued to fill and dump dirt for two days, and leveled out the dirt which again raised the level at least an additional 6 inches. He said the fill was not only made on #1 Smith Street property, but also on City property. Mr. Miller suggested that if the City Code does not require a permit to fill dirt within the City limits, as he was told, then he thinks this is a grievance error because it has created a health hazard and many problems. He said if a permit was required, then the City Inspector could go in on the property and see that it does not damage other properties in the

process. Also, he said if a permit was required, the City would have never had to do anything, but they entered the landfill area, which according to EPA, was not to be disturbed. He said the City dug a ditch on City property in the landfill area, and filled with water but did not drain the storm water. He said his patio was useless because of mosquitos. Mr. Miller said approximately 2 weeks later, the City re-entered the landfill and extended the ditch another 50' or more, digging up trash, garbage and releasing toxic vapors from the landfill. Mr. Miller suggested we notify EPA that the City has disturbed the landfill, they should also notify the Department of Health and let them establish what hazards now exists, they should approach the Department of Natural Resources and have them suggest what must be done. Also, they should notify the Solid Waste people concerning the garbage that is now exposed. He mentioned there were also dogs running loose in the neighborhood. Mr. Miller said the Department of Health and Department of Natural Resources people have already been at the site, but said he has not notified EPA. He said he feels the City was negligent for not requiring a permit for the dumping of the dirt. A short discussion followed Mr. Miller's complaint. Mayor Karnes said that within this week he would be meeting with DNR and the Solid Waste Authority as this has been a problem for many years.

AGENDA ITEM NO. 7 - JIM MORRIS: - Mayor Karnes yielded this agenda item to Mr. Jim Morris. Mr. Morris said he had a problem with a neighbor's two dogs who are constantly barking. Also, the odor from the dog waste is unbearable. He said he obtained a warrant for her. Mayor Karnes said he realized this was a serious problem and he would meet with Bob Sergeant, Chief Cochran and the City Attorney to try and find a solution. Discussion followed regarding the ordinance on this.

Mr. Miller said the dogs around his property are running loose, and the postal department refused to deliver mail to his residence on three different occasions.

AGENDA ITEM NO. 8 - 2ND READING - ORD. 91-4 - MUNICIPAL SERVICE FEE: - Councilman at Large Olaf Walker said because Agenda Items 9 and 10 could have an impact on the budget and also because of the decision to be made in regard to whether or not we go into contracting garage pickup, plus information he had he wanted to share with Council concerning income and fees that will affect the budget, moved the second reading of Ordinance 91-4 Municipal Service Fee be moved and addressed at the July 2, 1991 Council Meeting. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 9 - VOLUNTEER FIREMEN'S PAY: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt. Councilman at Large David Casebolt said in an effort to help reduce operating costs, moved we reduce the associate firemen's pay by half for both call out and drills effective July 1. The

motion was seconded. Firefighter Strohl said they have a new policy where they have split the drills whereby they bring one half one week and the other half the next week. Also, he said they are being extremely selective when they set the pagers off, and have probably cut this down by 60 to 70 percent since April on call outs. A vote was taken and it passed with Councilman at Large Rusty Casto, Councilman Robert Young and Councilwoman Betty Jo Boggess abstaining.

AGENDA ITEM NO. 10 - STREET ASSESSMENT: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt who explained this agenda item was simply a request for the City Attorney to come back with the proper procedure for street assessment repairs.

AGENDA ITEM NO. 11 - ZONING BOARD OF APPEALS MINUTES: - Councilman George Atkins moved the Zoning Board of Appeals Minutes be made a part of our Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous.

ZONING BOARD OF APPEALS MINTUES ATTACHED

AGENDA ITEM NO. 12 - RES. 91-6 - APPLICATION SMALL CITIES GRANT: - Mayor Karnes said resolutions 91-6, 91-7 and 91-8 relates to the grant application. Councilman at Large Olaf Walker moved the Mayor read the title only on Resolution 91-6. The motion was seconded. A vote was taken and it was unanimous. After Mayor Karnes read the title, Councilman at Large Olaf Walker moved Resolution 91-6 be adopted. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 91-6 ATTACHED.

AGENDA ITEM NO. 13 - RES. 91-7 CITIZENS PARTICIPATION PLAN: Councilman at Large David Casebolt moved Mayor Karnes read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman Jim Hutchinson moved we adopt Resolution 91-7. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 91-7 ATTACHED.

AGENDA ITEM NO. 14 - RES. 91-8 ANTI-DISPLACEMENT: - 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 Rusty Casto moved for the adoption of Resolution 91-8. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 91-8 ATTACHED.

AGENDA ITEM NO. 15 - ORD. 91-5 ORD. AMENDING AND RENACTING ORD. ESTABLISHING RATES & CHARGES FOR SERVICES RENDERED BY THE SANITARY BOARD: - Mayor Karnes explained that a few months back

Council approved a rate increase for the Sanitary Board. The law now provides that the Sanitary Board can charge a deposit. At the time the ordinance was passed this was not a part of the rate structure or a part of the ordinance. In order for the Sanitary Board to be able to do this, they need to amend their ordinance which would permit them to charge a deposit. 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 Jim Hutchinson moved the first reading of the ordinance be approved. The motion was seconded. A vote was taken and it was unanimous.


AGENDA ITEM NO. 16 - RES. 91-9 - AUTHORIZING SIGNATURE ON CITY CHECKS: - Mayor Karnes explained that the City Code dictates on the checking account, the Treasurer and Mayor and a third person designated by Council would be authorized to sign in the event the Mayor or Treasurer were not available. Mayor Karnes said he would like to designate Pansy Armstead to sign City checks. There being no objections, Mayor Karnes read the title only of the resolution. Councilman at Large Olaf Walker moved Resolution 91-9 be adopted. The motion was seconded. A vote was taken and it was unanimous.

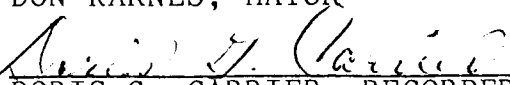
RESOLUTION 91-9 ATTACHED.

Mayor Karnes asked Councilwoman Betty Jo Boggess for a report of the Kanawha County Ambulance Authority Board meeting held May 29, 1991. Councilwoman Betty Jo Boggess said she was happy to report the ambulance will be returned to Nitro by August 1st, but they are pushing for July 1. She said she wanted to give a lot of credit to the Home Life Department of the Woman's Club of Nitro. She said they obtained over 2,000 signatures on a petition.

Councilman at Large David Casebolt said he thinks Councilwoman Betty Jo Boggess is to be commended on her success at the first meeting. Members of Council agreed.

Councilman at Large David Casebolt moved the meeting be adjourned at 8:38 p.m. The motion was seconded. A vote was taken and it was unanimous.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

PUBLIC HEARING

MAY 21, 1991

The properly advertised Public Hearing regarding the municipal fee increase was called to order by Mayor Don Karnes at 6:40 p.m. Members of Council present were City Recorder Doris G. Carrier, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Absent were Councilman at Large Rusty Casto, Councilman Robert Young and the City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

Mayor Karnes informed there was a sign in sheet, and he would recognize them in the order they signed in.

Ed Maguire of 1506 Fenton Circle asked what the \$5.00 increase would be used for and what would happen if it wasn't passed. He said he feels Nitro is a little lazy. He said that he sees in the newspaper that St. Albans is going to do something, he knows within 2 weeks, Nitro will follow in their footsteps. He asked if he might ask questions as he speaks. Councilman at Large Olaf Walker told Mr. Maguire that the purpose of the meeting tonight was to allow the citizens to express their views, then it would be up to Council whether or not they would pass the ordinance. He said at the present time, the posture is that out of the \$5.00, \$.75 of each \$1.00 will go to capital assets, and \$.25 will go for operating funds. This information was published in the newspaper. Councilman at Large Olaf Walker told him that it would amount to approximately \$3,250 for operating expense and roughly \$9,700 for capital assets. Mr. Maguire said that before when we had an increase of the service fee, it was spelled out where the money was going. Mayor Karnes explained that the ordinance would sunset June 30, 1992. The fee would revert back to what it is now. Mayor Karnes said those exempt from paying the \$5.00 increase would be households with a total gross income of \$12,500 or less. Mr. Maguire asked how this would be handled, and Mayor Karnes said probably by an affidavit. Mayor Karnes said we could require copies of their income tax return. Mr. McGuire asked if two dump trucks would be purchased on a lease purchase plan, and Mayor Karnes said it hadn't been determined, but he would rather buy them and pay for them. Mr. Maguire asked the cost per household to dump trash, and Mayor Karnes responded that we haven't done an indepth study in Nitro. However, in South Charleston and Charleston in general rounded terms it is \$110 to \$115 per year per household. This does not count any anticipated increases in landfill costs, as this was taken previously. Mr. Maguire asked if any of the monthly fee the citizens are paying at the present time is going to cancel the debt at the swimming pool, and Mayor Karnes said the pool is paid for.

Virginia Dodson, 17 Main Avenue, was the next person on the list, but said she would wait.

Ivan Meadows, 210 Dupont said he had been to the last 3 Council Meetings and there hadn't been enough chairs for the people to sit. He said he didn't see how we could pass a raise when we say we have about \$46,000 still outstanding. He said he feels we should try to collect it. Mayor Karnes said we do try to collect. He said we had more than \$46,000 outstanding, but if you would go back years and years and count what has been written off who knows what it would be. He said considering the volume of business we have, our records are real good. Mr. Meadows asked how the fee was set for an apartment where there is just one water meter. Mayor Karnes said the municipal service fee was based on the number of units. Mr. Meadows asked if we knew the number of units each had, and Mayor Karnes said he feels we do. Councilman at Large Olaf Walker responded the number is somewhere in the area between 2,700 and 2,800 units.

Mr. Darrell Sayre of 925 9th Street said he had been reading the newspaper and the opinions as to what the money is going to be spent for, and said it was hard to really speak against or for something when you really can't definitely say what it is being used for. He said he talked with Ben Savilla last evening and said Mr. Savilla had some very good points. He said he feels we could watch how we are spending the money we have and also we may have employees we may not need.

Mr. Ben Savilla of 4036 40th Street said he got interested in the subject 2 1/2 days ago. He said he thought he was just as guilty as a lot of people in this town by just sitting back and letting someone else worry about how things are run. He said that once he got into this, he got the feeling that something stunk and it wasn't the plants in Nitro. He said 10 years ago there were 8,900 plus people in Nitro and in the last 10 years we lost 1/3 of our population. We now have 6,074 people, and wondered what was going on. He said he made some comparison, and Dunbar has 8,683 residents. They have an annual budget of \$2,159,000 which Nitro's is comparable to Dunbar. They have 13 policemen, we have 11, they have 13 firemen, we have 8, they have 5 dispatchers, we have 5 and they have no building inspectors and we have 2. They have a part time building inspector and a part time plumbing inspector. They have 12 street department people and we have 19. Dunbar has 1 girl that is a secretary and she does all the typing and they have another girl that collects all of the sanitary and sewer bills. We have two cashiers. Mr. Savilla said we have dropped a third of our population, but we have 68 people on the payroll for a town of 6,000. Councilman at Large Olaf Walker said we did not have 68 people on the payroll. Mr. Savilla said he was counting the people for which we pay insurance on. Mr. Savilla said the City of Nitro passed a 2% addition to our property tax, and asked for the amount of the projected increase from this reappraisal. He said Nitro was getting one big increase in property taxes as revenue, plus they are planning on \$150,000 to \$200,000 out of the sanitary sewer increase. Councilman at Large Olaf Walker pointed out it was

\$160,000. He said he compared Nitro with St. Albans and they have twice the population. They have a budget twice the size of Nitro, and have a lot larger police and fire department. He said their street department is comparable to ours, and something was wrong somewhere. He said his estimate was 62% of our population is on fixed income, and Councilman at Large Olaf Walker responded that was too high. Mr. Savilla was critical the Mayor is driving a City car. He said we have a fire chief that doesn't pull a shift; he works days. He said we can't afford to have a fire chief that doesn't pull a shift like everybody else. We also have a full time police chief. He said Nitro has a full time Recreation Director, and he is a nice man, but Nitro can't afford a full time Recreation Director. Mr. Savilla said we no longer have the luxury of having the money and people. We need to utilize the people we have. We said he feels we should make the employees pay part of their insurance. He said if the 68 employees paid the same as he pays per month, they would raise \$32,640 which leaves a difference in the insurance premium of \$48,000. Councilman at Large David Casebolt said this might be about right, but feels it was more. Mr. Savilla asked how many cities in the State of West Virginia and throughout the country does a city of 6,000 have a fulltime Mayor and Recorder. Councilman at Large Olaf Walker told Mr. Savilla that the only way this could be changed was by Charter. Mr. Savilla said we must adjust to the times. He said the City has two building inspectors with a budget of \$54,000 per year. Councilman at Large Olaf Walker pointed out that this is not their salaries. Mr. Savilla said he would like to yield the floor to the next person with the option to speak again.

Eva Massey of 221 Easter Rd. said she didn't know anything about big business, but she knew if she ran her household the way the city is being run, she would have to file bankruptcy. She said that back in the 60's there were approximately 10,000 people in the City and there were 6 police officer, 6 firemen and approximately 20 others doing what had to be done. There was 1 driver on the garbage truck with 1 man working from the left and 1 man working from the right. She said they picked up the garbage where the residents chose, but now it must be brought to the curb and garbage bags are furnished. She said she can afford to buy garbage bags better than she could afford increases. She said the money must be going somewhere. She said she realizes the increase in fees and insurance but said we have all had these increases. She said we are losing people everyday. She said she had property for sale, and the real estate lady told her she would have trouble selling it because the City of Nitro, for quite some time even before Mayor Karnes took office, has been falling on its face. She said she has lived in Nitro for approximately 25 years and the police department was there when she needed them. She said the last time she called the police department she was told, "I only have one man and he is out."

She said they have drunk drivers on 40th Street on Friday and Saturday nights. She said when you drive on Easter Road on

Friday and Saturday nights, you are taking your life in your hands. She said if we have to give raises to get better service, then fine, but we are not getting anything for our money. She said she, for one, thinks that everybody should vote this raise down and from here on out we should vote things down until we get more for our money.

Bev Graham said she had a couple questions. She referred to the newspaper article she had published and the comment made by the Mayor that he really didn't think it was as bad as she said it was. Mayor Karnes said he wasn't sure what it stated in the paper, but he said he remembered saying that what was said could be said about any town in the United States. She said she disagreed with this. She said she wasn't blaming any administration for the condition of the parks. She said we wanted more money, but wasn't showing anything new. She said the town is falling apart. She said the parks are the pits and poison ivy is everywhere. She said they are tired of paying money and not getting anything for it. She also commented on the condition of the parking lot at the park. Also, they are tired of calling for police officers and not being any there, and now the City wants to increase the fee \$5.00. Councilman at Large Olaf Walker said he has followed the City budget for 6 years and would be happy to meet anyone to show them where the money is coming from and what it is being spent for. Councilman at Large Olaf Walker said the parking lot at the City Park has come up at least a dozen times since he has been on Council, and it will cost around \$20,000 to have it black topped. He said the proposed increase of \$5.00 was earmarked at the first reading for capital assets and would expire June 30, 1992. He said if what Council decides to do hasn't been done by the end of June, then the citizens can vote them out of office. He explained the increase of the municipal service fee in 1985. He said the dumping charge has increased from \$48,682 in 1988, in 1989 it was \$65,412 and in 1991 for 8 months it is \$51,197 and it will probably go higher. He said in 1988, the insurance premium was \$73,000, in 1989 it was \$98,000 and the last budget it was \$115,000 and we are projecting \$115,00. He said he feels we have a good bunch of employees, and most of them have been here a long time. He said they haven't had a raise since April, 1988.

Bev Graham said that Councilman Walker told her a lot of things, but didn't give her a good reason to move to Nitro. Councilman at Large Olaf Walker answered that the population of the State of West Virginia has declined about 11.8% and the population of Kanawha County is down 12%. The only area around that has shown an increase is Teays Valley. Ms Graham said if we want to make money, then we need to spend money such as having the paddle boats back at the lake. She said we could also have a town fair and charge a certain amount for booths. Bev Graham said instead of having an employee do an honest days work, we will hire two people to do what one person could do.

Debbi Mathes said she agreed with Ben Savilla regarding the raise. She said she thought the City of Nitro had too many employees. She said not because her brother was a fireman and her boyfriend was a police officer, but the two main things in this town we need are protection, both fire and police. It is very important. She said she used to be proud of this town, and Councilman at Large Olaf Walker said he still was. Councilman at Large Olaf Walker said he doesn't always agree with Mayor Karnes nor did he agree with the previous Mayor. He said in 1983, we had 54 full time employees and in January, 1991 we have 52 employees. He said we have never had 68 full time employees. Ben Savilla said he would go over the budget with Councilman Walker. Mayor Karnes pointed out the insurance figures include the Sanitary Board employees and they are a separate entity.

Debbi Mathes asked why we needed two building inspectors as we can't afford it. Councilman at Large Olaf Walker responded that on several occasions Council has discussed this issue but nothing had been resolved to date. Ms Mathes said that in a town of a little over 6,000 people, and if one guy can't handle this job, then he needs to be replaced. She said a small business cannot make it in this town. She said she wanted her kids to stay here and be raised up in this town because she loved it.

Mr. Maguire said Nitro is paying 2 1/2 times what they do in Dunbar for sewer. He said at the last public hearing he mentioned doing away with health insurance for the employees. He suggested giving them the premium the City is paying now, and let them get their own insurance policy. He said he hopes Council doesn't have any more secret meetings as this is against the law. He said all members of Council were present except Mayor Karnes and one other Councilman which was held he believes on April 1. Mayor Karnes said this wasn't an official meeting where any decisions were made. Mr. Maguire said they came to Council and said what streets they wanted paved, and Mayor Karnes said this was suggested. Mr. Maguire said it wasn't discussed in Council that the streets were going to get paved. Councilman at Large Olaf Walker said there was a motion made and also another street added to their suggested list at the Council Meeting. Mr. Maguire asked if the meetings of the members of Council were open to the public, and he was informed they were. Mr. Maguire said he obtained a copy of the regulations from the Attorney General's office pertaining to meeting. Councilman at Large David Casebolt said he agrees with some of Mr. Maguire's comments, but he has never attended a secret meeting but he was at the meeting in question.

Mr. Savilla said with reference to the budget, do not spend more than is received. He said if Council can't take 2.2 million dollars and do very well with a city of 6,000, then they don't need to be here as Council members. The City Recorder Doris G. Carrier informed him the 2.2 million is with the increase. Mr. Savilla asked if anyone had calculated the amount the City will

receive on the property tax increase. Councilman at Large Olaf Walker said his property tax, the same as all other property owners, will increase 14.8% as advertised in the newspaper. Mr. Savilla said he thought it would be 14.58%. Councilman at Large Olaf Walker said this City would capture a small portion of that for its operations, which figured less than \$3.00 a year on an appraised value of \$20,000. Councilman at Large Olaf Walker said he would meet with Mr. Savilla after the meeting. Mr. Savilla said he feels Council needs to vote the increase down and start living within the budget. He said instead of people sitting at their desk all day, put them out working. He said we have a time bomb sitting across the tracks, 8 firemen and 19 sanitary workers. He asked why there are two council meetings a month now, and Mayor Karnes said we have always had two as set up in the charter.

There being no further comments, Mayor Karnes declared the meeting adjourned at 8:04 p.m.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

MAY 24, 1991

W A R R A N T

TO THE MEMBERS OF COUNCIL OF THE CITY OF NITRO, WEST
VIRGINIA:

DORIS CARRIER

GEORGE ATKINS

RUSSELL CASTO

OLAF WALKER

ROBERT YOUNG

JAMES HUTCHINSON

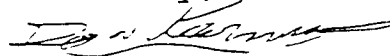
DAVID CASEBOLT

BETTY BOGGESE

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 the City Hall of the City on the 24th day of May, 1991, at 3:30 P.M. The meeting is called for the following purpose:

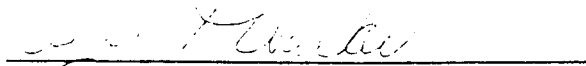
1. To address the bid received pertaining to garbage pick-up service.

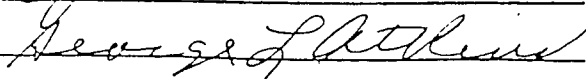
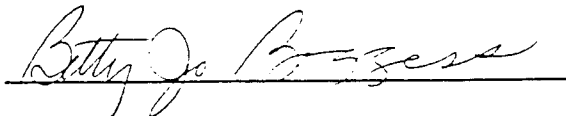
Sincerely,



Don Karnes, Mayor

The foregoing notice is hereby accepted as being both
sufficient and timely:






CITY OF NITRO
SPECIAL COUNCIL MEETING MINUTES

MAY 24, 1991

The special Council Meeting was called to order by Mayor Don Karnes in Council Chambers at 3:30 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 George Atkins. Absent were Councilman at Large Rusty Casto, Councilman Robert Young and Councilman Jim Hutchinson. Also absent were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

The purpose of the meeting was:

AGENDA ITEM NO. 1 - ADDRESS THE BID RECEIVED PERTAINING TO GARBAGE PICK-UP SERVICE: - Councilman at Large David Casebolt moved we reject the bid from Ed's All Clean Disposal, Inc. due to vagueness and inadequacies and notice be published to re-bid.

There being no further business, the meeting was adjourned at 3:35 p.m.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

PUBLIC HEARING

CITY OF NITRO

MAY 28, 1991

The properly advertised Public Hearing was called to order by Mayor Don Karnes in Council Chambers at 6:10 p.m. Present were Councilman Jim Hutchinson and Steve Pete.

The purpose of the meeting was to obtain the views and comments of City residents concerning the City of Nitro applying for up to \$500,000 from the HUD Small Cities Grant Program under the Governor's Office of Community and Industrial Development for two projects including: Construction of Gum Street Storm Sewer and 31st Street Bridge Replacement.

As there was no comments either written or verbal received, the meeting was adjourned at 6:12 p.m.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

**PUBLIC HEARING
CITY OF NITRO
BLOCK GRANT APPLICATION
PROPOSAL
MAY 28, 1991 AT 6:00 PM
NITRO CITY HALL COUNCIL CHAMBERS**

The city of Nitro will be applying for up to \$500,000 from the HUD Small Cities Block Grant Program under the Governor's Office of Community and Industrial Development for two projects including: Construction of Gum Street Storm Sewer and 31st Street Bridge Replacement.

The City of Nitro will conduct a public hearing to obtain the views and comments of City residents concerning the proposed application. The public hearing is scheduled for May 28, 1991, 6:00 pm at the Nitro City Hall Council Chambers. Citizens are urged to attend this meeting and express their views or submit written comments to the Honorable Don Karnes, Mayor, City of Nitro.

COMMITTEE MEETING MINUTES 5-27-91

A Committee meeting was held May 27, 1991 in the Council Chambers of the City of Nitro in regards to the playing of the Carolons at the Church of God located on 2nd Avenue, Nitro. Those in attendance were: Rev. Goodpasture, Gerald Sayre from the church, Mr. & Mrs. Randall Asbury representing themselves and a number of citizens, Councilman at Large Olaf Walker, Councilwoman Betty Jo Boggess, Councilman Robert Young and Councilman George Atkins.

After much discussion, the Council asked the church representative if they would consider playing the Carolons on Wednesday and Sunday before services.

Rev. Goodpasture stated that this would have to be taken before the Board of Trustees and then presented to the church congregation for acceptance or rejection.

Council asked the church to write a letter to the City in regards to their decision. As of now, we haven't heard from the church.

Councilman George Atkins, Chairman
June 4, 1991

ZONING BOARD OF APPEALS MEETING MINUTES

MAY 28, 1991

The Zoning Board of Appeals meeting was called to order by Herbert Sibley in Council Chambers at Nitro City Hall at 7:08 p.m. A quorum was declared. Present were Herbert Sibley, John R. Kautz, Charles Raynes and Gene Brightwell. Also present were Mrs. Kay Raynes, a concerned citizen and C. R. Sergent, the Building Inspector. Absent was Bill Murray.

Mr. Sibley explained the purpose of this meeting was to consider a variance request from Danny Jones, dba Danny's Rib House, 503 First Avenue, to use structure located between the business and Sam's Mart to house a "Security Guard."

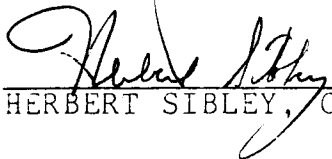
Mrs. Raynes expressed displeasure of an inferior building being made a residence, and suggested using a security service if protection is needed.

Bob Sergent stated the building was not of sufficient size to qualify as residence.

Asked for petitioner to make a statement. (No representative present.)

Asked for motion to approve or deny. Charles Raynes moved we deny the request. The motion was seconded by Robert Kautz. A vote was taken and it was unanimous.

There being no further business, Robert Kautz moved the meeting be adjourned at 7:15 p.m. The motion was seconded by Gene Brightwell. A vote was taken and it was unanimous and the meeting was adjourned.


HERBERT SIBLEY, CHAIRMAN

HS/pa

CC: Zoning Board Members
Mayor Don Karnes
Doris G. Carrier, Recorder
Nitro City Council
Mr. Danny Jones
C. R. Sergent



DON KARNES
MAYOR

RESOLUTION 91-6

AUTHORIZING THE SUBMISSION OF A SMALL
CITIES COMMUNITY DEVELOPMENT BLOCK
GRANT APPLICATION FOR THE CITY OF
NITRO, KANAWHA COUNTY, WEST VIRGINIA

WHEREAS, the City Council of the City of Nitro, West Virginia is aware of its need to construct storm sewers in the Gum Street area and replace the 31st Street Bridge; and

WHEREAS, said Council has identified the Small Cities Community Development Block Grant program as a source of funding for the improvements; and

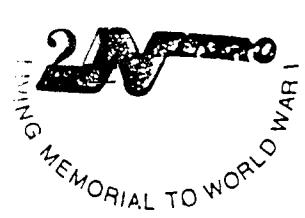
WHEREAS, it is necessary for the City Council to act expeditiously to prepare an application for Small Cities Community Development Block Grant funding.

NOW, THEREFORE, BE IT RESOLVED, that the Honorable Don Karnes, Mayor of the City of Nitro, is hereby authorized by the City Council to sign all documents pertaining to the preparation of said application, and to submit the application to the Governor's Office of Community and Industrial Development for funding consideration.

This resolution becomes effective as of this date. Passed the 4th of June, 1991.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER



Small Cities Block Grant Program

CITIZEN PARTICIPATION PLAN

RESOLUTION 91-7

I. The Requirement

This plan describes how the City of Nitro will involve citizens in the planning, implementation, and assessment of the Small Cities Block Grant (SCBG) Program.

II. Scope of Citizen Participation

- a. General. The City of Nitro will provide citizens with an adequate opportunity for meaningful involvement and participation in the planning, implementation and assessment of the SCBG program on a continuing basis. The City of Nitro will provide adequate information to citizens, hold public hearings at the initial stage of the planning process to obtain views and proposals of citizens on housing and community development needs, and provide citizens an opportunity to comment on the City of Nitro's proposal and community development performance. Nothing in these requirements, however, will be construed to restrict the responsibility and authority of the governing body of the City of Nitro for the development of the application and the execution of its Community Development Plan.
- b. Citizen Participation Plan. The City of Nitro will implement the following written citizen participation plan:
 - (1) The City of Nitro will provide for and encourage citizen participation, with particular emphasis on participation by persons of low- and moderate-income who are residents of slum and blight areas and of areas in which funds are proposed to be used.
 - (A) The views and proposals of citizens, particularly low- and moderate-income persons, members of minority groups, and residents of blighted areas and neighborhoods where activities are proposed or ongoing, will be solicited.
 - (B) The City of Nitro will identify its community development and housing needs, including the needs of low- and moderate-income persons. This process shall involve public participation.
 - (C) Citizen participation will be solicited during each stage of the application process:

(i) Preapplication stage.

a. Prior to the preparation of the application, the City of Nitro will, in accordance with this plan, hold a hearing to obtain the views and proposals of citizens with regard to the determination of community development and housing needs, including the needs of low- and moderate-income persons, and make available the following information:

- The total amount of funds that may be applied for by the City of Nitro for community development; and,
- The range of activities that may be undertaken with these funds, the kind of activities previously funded in the community (if applicable) and the progress made with respect to these activities;
- The fact that more applications will be submitted to the state than can be funded;
- The processes to be followed in soliciting and responding to the views and proposals of citizens in a timely manner, and
- A summary of other important program requirements.

b. Prior to public hearings, the City of Nitro will provide for adequate public notices.

(ii) Application stage. Prior to the submission of the application to the state, the City of Nitro will, in accordance with the written plan, hold a hearing to make available for comment and take into consideration those comments on the proposed application before adoption of a resolution or similar action by the City of Nitro authorizing the filing of the application with the state. Comments received, and responses thereto, will be

included in the application. An assurance will be submitted with the application assuring that all requirements have been met.

(iii) Post approval stage. Following the approval of its application will, in accordance with the written plan:

(a) Assure citizen participation when considering subsequent amendments to the Community Development Program; and

(b) Provide for citizen participation in the planning, implementation and assessment of the Community Development program, including the holding of a hearing on the Final Performance Report submitted to the state upon project completion.

(2) The City of Nitro will provide citizens with reasonable and timely access to local meetings, information, and records relating to the proposed use of funds and relating to the actual use of SCBG funds;

(A) Adequate notices of public hearings will be provided in a timely manner so as to make them accessible and understandable to all citizens. The time shall not be less than that required to allow the notice to appear at least five days prior to the date of the meeting. The City of Nitro will use general news releases, block ads, legal ads, or other methods deemed appropriate.

(B) Meetings to obtain citizen views and to respond to citizen proposals will be scheduled at times and locations which permit broad participation. Full public access to program information and affirmative efforts to get adequate information to citizens will be provided, particularly for persons of low- and moderate-income and residents of blighted neighborhoods and project areas.

- (C) Low- and moderate-income persons and minorities will be ensured substantial representation on an advisory committee, established by the City of Nitro.
- (3) The City of Nitro will provide for technical assistance to groups representative of persons of low- and moderate-income that request such assistance in developing proposals with the level and type of assistance to be determined by the applicant.
- (A) Tehnical assistance will be provided to citizen organizations and groups upon request.
 - (B) The level and type of assistance will support efforts to understand the CDBG program, application procedure, define policy, organize for the implementation of the program and other activities.
 - (C) Assistance will be provided in the form of staff or local presentations, informational hand-outs, research of a specific issue, obtaining assistance from another agency such as Regional Intergovernmental Council, or other short- or long-term efforts within the capability of the City of Nitro.
- (4) The City of Nitro will provide for public hearings to obtain citizen views and respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the handicapped.
- (5) The City of Nitro will provide for a timely written answer to written complaints and grievances, within 15 working days where practicable.
- (A) Citizens will be invited to submit comments on all aspects of program performance throughout the project period.
 - (B) Citizen compliants will be submitted in writing to the chief elected officer or other official designated by the chief elected officer. A written response to a citizen complaint will be prepared within 15 working days where practicable. Every effort will be made to resolve the complaint within 15 days. If it

cannot be resolved within 15 days, an explanation of what is occurring and a time schedule for resolution will be presented.

- (C) Program staff will be available during normal business hours to respond to citizen inquiries/complaints.
 - (D) If the citizen is not satisfied with the staff response, the citizen should first appeal the response to the City of Nitro City Council or county commission for a final administrative review and decision.
 - (E) The City of Nitro will be responsible for the development and administration of projects. However, should a citizen complaint be filed with the state, it will be forwarded to the City of Nitro for response according to the process set forth above. The state will judge the City of Nitro response to adequacy. State reviews will include (1) matters of regulation/law and (2) matters where the City of Nitro information is plainly inconsistent with available facts and data.
- (6) The City of Nitro will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.
- (A) The City of Nitro will assess its non-English speaking population and make a determination as to whether non-English speaking residents can reasonably be expected to attend. The City of Nitro will review census data to ensure compliance.
 - (B) Where significant number of non-English speaking residents can be reasonably expected to participate, the City of Nitro will address how notices of public hearings, summaries of basic information, and speakers at public meetings will be dealt with.
- (7) The City of Nitro will maintain citizen participation files which contain documentation that demonstrate compliance with all requirements contained in this Citizen Participation Plan.

Resolution of Adoption:

The City of Nitro adopts the above as the official Citizen Participation Plan to be followed as part of the HUD-SCBG application process at its meeting of 6/4/91.

Don Karmic
Mayor
City of Nitro

Noris G. Carver
Clerk

June 4, 1991
Date



RESOLUTION 91-8

Residential Anti-Displacement And Relocation Assistance Plan Under Section 104 (d) of the Housing and Community Development Act of 1974, as Amended

The City of Nitro will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496a(b), a copy of which is attached hereto.

All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Nitro will make public and advise the State that it is undertaking such an activity and, if requested, will submit to the State, information that identifies:

- (1) a description of the proposed assisted activity;
- (2) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- (3) a time schedule for the commencement and completion of the demolition or conversion;
- (4) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- (5) the source of funding and a time schedule for the provision of replacement dwelling units; and
- (6) the basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.

The City of Nitro will provide relocation assistance, as described in Section 570.496a(b), to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the Act, the City of Nitro will take all necessary steps to minimize the displacement of persons from their homes.

Adopted this 4TH day of JUNE, 1991, at a regular meeting of the City Council at which a quorum was present.

Don Karmes
Mayor

Doris G. Carrier
Clerk

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.

Residential Flat Rate: Each unmetered residential customer shall be charged a flat rate of \$14.24 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.

Security Deposit: A minimum cash deposit of \$50.00 shall be required from each new customer or from any customer whose account has been delinquent within the last year to secure payment of bills. Payment of a deposit shall not prevent a customer's water service from being terminated for non-payment of the sewer bill. Interest at the rate of a minimum of 4% per annum will be paid on each deposit in cash or by crediting the customer's account. Deposits will be retained for one year or until the customer establishes a satisfactory credit standing with the City.

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

June 4, 1991.

Public hearing held

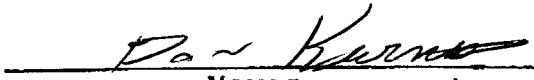
June 18, 1991.

Enacted on second reading

June 18, 1991.

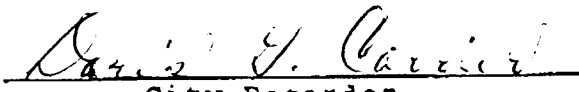
Effective date

August 2, 1991.



Mayor

Attest:



City Recorder



DON KARNES
MAYOR

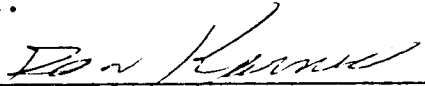
RESOLUTION 91-9

RESOLUTION AUTHORIZING PANSY ARMSTEAD TO
SIGN CITY CHECKS WHEN THE CITY TREASURER
OR MAYOR ARE ABSENT OR DISABLED.

WHEREAS, In accordance with the City Code, Article 135, Subsection 135.04, entitled SIGNATURES ON CITY CHECKS in the City Code, whereby all checks on City depositories shall be signed by the City Treasurer and countersigned by the Mayor; provided, that Council may by resolution provide alternate officers for such purposes to act when the City Treasurer or Mayor are absent or disabled.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Nitro by this resolution authorize Pansy Armstead to sign City checks in the absence of the Mayor or Treasurer.

Passed this 4th day of June, 1991.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JUNE 18, 1991

A quorum was declared and the regular scheduled Council Meeting was called to order by Mayor Don Karnes in Council Chambers at 7:35 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was Councilman at Large Olaf Walker.

AGENDA ITEM NO. 1- APPROVAL OF JUNE 4, 1991, COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the Council Meeting Minutes of June 4, 1991 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - RECYCLING - DONNA WOOTEN: - Mayor Karnes introduced Donna Wooten, a good citizen who volunteered to spend effort and time for the City and the ecology. Ms Wooten gave Council a letter at the last meeting, and said she wanted to let Council know what they could do to help support her recycling program. She said she knew a budget had been prepared for the next fiscal year, but also knew that it could be revised. Therefore, she asked if it would be possible that Council could help some with the recycling. She said she was working with people from Bob Wise's office and the Governor's office, with DNR and also Sally Shepherd from the Solid Waste Authority. They are trying to help her come up with some federal grant money or private grant funding. Ms Wooten said she was contacting local businesses asking for support to get this project going. She said if we really want it to work, then we are going to have to put something into it ourselves. She asked Council for their consideration, and encouraged them to be at the Community Assessment meeting at FMC in Institute at 7:00 p.m. regarding recycling. Sally Shepherd will speak and there will also be the recycling coordinator from DNR, Ollie Harvey. Mayor Karnes said he appreciated what Donna was doing, and believes it will prove to be a good thing for everybody. Mayor Karnes said he would recommend Council think about putting something in our budget for recycling. He said recycling was not free nor profitable, but needs to be done.

AGENDA ITEM NO. 3 - COMPREHENSIVE EDUCATIONAL FACILITIES PLANNING COMMITTEE - JANIS PRIDDY: - Mayor Karnes yielded this agenda item to Janis Priddy. Ms Priddy said she was a parent representative from Nitro Elementary School as was Harry Markham and Chuck Boggs was the representative from Baker Elementary School. She said they were asked to serve on the Comprehensive

Educational Facilities Planning Committee and said some of the concerns that have developed for our City that the Committee was presented with. The committee was formed by two parents from each school in their attendance area to represent his or her school. She said their attendance area includes the following schools: Nitro Elementary, Baker, Cross Lanes Elementary, Point Harmony, Borman Elementaries, Nitro High and Andrew Jackson Jr. High. The purpose of the committee was to close and/or consolidate elementary schools in our attendance area based upon criteria for elementary school facilities. Presently within the county there are 30 school too many. Two schools in our attendance area need to close based on the criteria given to them by the WV Building Authority, which is the organization that allocates money for facilities in WV. She informed how Baker and Nitro Elementary Schools fit into this criteria. Ms Priddy said there were two sets of criteria given the Committee, one for closure and one for receiving. Under the criteria for school closure, the committee grasped information about schools based on what was provided by the central office, which is the Board of Education. This information was brought to Council for their review. Each school in the criteria is listed, and each school is given a ranking. The lower the ranking, the better. She said in our attendance area, Nitro Elementary School scored the highest of the the 5 elementary schools which would place it first to close. Baker Elementary School scored second of the 5 elementary schools, which would make it second to close. Then, Ms Priddy said they had a graph criteria for each school as a receiving school. She said when one school is closed then another school must take on the children and that school is called the receiving school. She said based on the information they had, Baker Elementary scored the highest and Nitro Elementary scored the second highest in not being considered as receiving schools. This would mean that according to all the scores, the two schools that would have to close and the two schools that would not be considered for receiving schools is Nitro Elementary and Baker. Ms Priddy said there were 9 attendance areas in Kanawha County, and each area would be rating schools in their area and all of these scores will be put together. She said they found from their research based upon the existing grade structure of 10 to 12, the enrollment of Nitro High School will continually decline, and by the year 2000, our high school could close. She said the Committee had to come up with a decision that they wanted to maintain 1 elementary school for Nitro and also the high school. The only way to do this is to boost enrollment in schools, and there has already been a plan to boost enrollment which was accepted by the public in a previous meeting which she said she had no part of. She said the public is in favor of going to the middle school concept, where there is grades 9 - 12 in the high school, 6 - 8 in the junior high and k - 5 in the elementary, plus a preschool concept which is in the process of coming down from the State Board of Education. She said if this would happen, then the numbers would rise significantly for the high school, plus it would create some

equality in our high and elementary schools. Ms Priddy said the only way we can make this happen is we are going to need some parental involvement to support the schools and support from the city government. She said we must all be in agreement to keep our schools in Nitro, and if we choose to divide, then the alternative is the children will be bused to surrounding areas. Ms Priddy read the description of Nitro as found in the Comprehensive Educational Plan for the 90's book which is at the Board of Education. She said keeping an elementary and a high school in Nitro will affect how our community is viewed. She asked Council as individual members of this community and as collective members of our elected body, that they do all that is within their power to influence the Board of Education and support the cause to maintain a strong high school and elementary school within the town of Nitro. She asked if they would discuss comprehensive plans that this Council can take to keep our schools open and make our City more attractive to businesses and families. She said Mr. Greg Kees was spokesman for their committee, and anything that needed addressed should go through him. Ms Priddy encouraged Council's attendance at the Public Review on August 5th through 9th, but did not know where this would be held. Recommendations will be presented to the Board August 15, and presented to the School Building Authority August 30. Mayor Karnes thanked Janis Priddy for sharing her concerns, and said it would be devastating to any town to not have an elementary school. He told her that if there was anything he could do or the office could do, to let him know. He asked her to inform him of the meeting dates.

Councilman at Large Rusty Casto asked the City Attorney Phillip D. Gaujot how the City should go about defending our schools and trying to keep an elementary school and a high school in the City. Mr. Gaujot said that based on what he has seen, is just be heard, and also be united.

There was a short discussion regarding the report received from the Health Department regarding the park such as no hot water, etc. and Mrs. Rohmiller said she thought it would be profitable to have a caretaker at the Park to meet the needs of the people. Mayor Karnes said he thought we should have someone on duty anytime the park is open, but it is a matter of money.

Councilman at Large Rusty Casto said he made a motion twice to put Jay Long over at the park where he should be. Mayor Karnes said this was not the issue. Councilman at Large Rusty Casto said Jay could keep the restrooms clean, mow grass and pull weeds. Mayor Karnes said we need someone at the park, the lake, the pool and someone to do the planning, and a person to supervise and this is Jay Long's job.

City Recorder Doris G. Carrier said she feels outraged that we might lose our elementary schools and also our high school in

the year 2000, and what we need to do is go to those meetings. She said there is power in numbers and would like to be notified of the meeting dates.

Councilman at Large David Casebolt asked if a committee made up of community and council members would investigate the best way to notify everyone. Ms Priddy said this would be a good idea, and we would have a strong working group. Also, people would know who to go to for information and this group should have contact with Greg Kees as he is the spokesperson for this attendance area.

Harry Markham said he thought a committee should be forming and some behind the scene efforts should be going on to come out fighting if needed as a uniform body.

Councilman at Large David Casebolt moved the Mayor appoint a committee to represent us in a unified way to have an appropriate number with at least two members of Council. The motion was seconded. Councilman at Large David Casebolt asked if two weeks would be enough time to form a committee, and Ms Priddy said it would be. A vote was taken and it was unanimous.

Anthony Kinser, President of the Nitro/Cross Lanes Jaycees said they have a Jayteens Chapter involved with them which is a force of about 35 to 40 teenage kids representative of the junior high in the Nitro area. He was sure they have parents involved with this issue, and he said he would speak with the children, if a committee is formed, to see if they might want to work on the committee also.

AGENDA ITEM NO. 4 - ORD. 91-5 ORD. AMENDING & REENACTING ORD. ESTABLISHING RATES & CHARGES FOR SERVICES RENDERED BY THE SANITARY BOARD (2ND READING): - Mayor Karnes said this was the second reading of Ordinance 91-5 pertaining to the Public Hearing held prior to the Council Meeting. Councilman at Large David Casebolt moved the Mayor read the title only. The motion was seconded. A vote was taken and it was unanimous. Mayor Karnes read the title and Councilman at Large David Casebolt moved the ordinance be adopted. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 91-5 ATTACHED.

AGENDA ITEM NO. 5 - BIDS - GARBAGE/TRASH PICKUP: - Mayor Karnes yielded this agenda item to the City Recorder Doris G. Carrier. Mrs. Carrier said she received two sealed bids and Mrs. Smith from General Refuse was present to answer questions. The sealed bids were opened by the City Recorder. The first bid opened had a sample of a clear trash bag with it, and Councilman at Large Rusty Casto said the residents complained when we furnished clear bags one year. She read the bid as follows: "Option 1 - General Refuse Service will provide garbage removal

on a bag rate charge. She said those customer having very little garbage would pay smaller rates. The bag rate would be \$1.25 per bag, picked up at the curb side. The bags would be purchased prior to pickup either at a designated location or by phone and mail order. These bags are 30 gallon and shall not weight more than 50 pounds when placed on the curbside. The bags should be used to hold trash which comes from a household trash compactor. Option 2 - General Refuse Service will provide garbage removal and recycling service with a basic rate of \$4.00 per household billed monthly, and an additional charge of \$1.25 per bag picked up at the curbside. The rules as set forth in Option 1 will apply to this section. A recycling container will be issued on a consignment basis to each household to collect recyclables in and for placement at the curb. The volume of bags placed at the curb side each week for disposal should be less with the recycling effort. Option 3 - General Refuse Service will provide garbage removal service for a monthly household rate of \$8.50 per household. General Refuse Service will provide 100 bags to each household per year. The bags may be picked up on a designated group of days after the first billing has been completed. This will provide the household with a receipt to furnish for verification that they are one of the 2,800 household eligible for the 100 furnished bags. If option 2 is selected, General Refuse Service would request a 90 day start-up time in order to purchase the bins." City Recorder Doris G. Carrier asked Mrs. Smith for further explanation. Mrs. Smith said that Option 2, with the recycling would mean a monthly billed rate to each customer of \$4.00, and the billed rate would be their base rate to pay for the recycling program. Then each customer would, in a recycling bin, place those recyclable items and there would be at least three in the program. Then for the remainder of their garbage, they would place in garbage bags at the curbside, which they would purchase at \$1.25 per bag prior to taking it to the curbside. She said General Refuse Service would take grass clippings and those type things on a weekly basis. However, any other items such as old stoves, etc. the citizen would need to call and make arrangements prior to the pickup. She said the rate for pickup of old appliances, etc. would be fair. Mrs. Smith said they would operate 3 or 4 trucks in the City, and they would only be in the City 1 day. Mayor Karnes said a decision could not be reached this evening and this matter should be placed in a Committee. Mrs. Carrier said they had a lot more information, such as they pick up on all holidays except Christmas, and they won't accept tires.

Mrs. Smith said if the Public Service passed a landfill increase, they would pass it onto the residents. Mayor Karnes said Sycamore, Cummings and Kanawha West are slated for closure in November. Unless the DNR backup, there will be a landfill increase. Mrs. Smith said there will only be 14 landfills in the state after November, 1991. She said everybody will go up whether they haul for the City or they continue to haul it.

City Recorder Doris G. Carrier said Bid #2 is from L & S Sanitation, but was told it was from the same company. Mrs. Smith said it was not exactly the same company. It is two separate companies that have been issued certificates through the Public Service Commission. One is located in Lincoln County and the other is located in Putnam. She said she did both bids for the people, and they use the landfill in Putnam County. Mrs. Carrier opened the bid from L & S Sanitation which was as follows: "\$8.63 per month, and they will bill the residents. They will not take tires. They will pickup on holidays except Christmas. They will supply helping hands for disabled individuals. All rubbish, besides normal household trash, will be picked up on a designated day, example, the first Friday of each month. Business rates are negotiable. L & S will provide 100 bags to each household per year." Councilman at Large Rusty Casto questioned if the citizens would continue paying the \$8.50 per month charge, and Mr. Allison responded they would not. Discussion followed.

Councilman at Large David Casebolt moved this matter be put into a Committee. The motion was seconded. A vote was taken and it passed with Councilman at Large Rusty Casto abstaining. Committee members are: Councilman Atkins - Chairman, Mayor Karnes, Recorder Doris G. Carrier and Councilman at Large Walker.

AGENDA ITEM NO. 6 - STREET ASSESSMENT REPAIRS REPORT: - Mayor Karnes said this item is in reference to Councilman at Large David Casebolt's inquiry, and yielded the floor to the City Attorney Phillip D. Gaujot. Mr. Gaujot said if the City proceed with property assessments in improving streets and/or sewers, the property owners that abutt the street pay for the repairs. The initiation of this process could be done by either getting the majority of the property owners, abutting the street wishing to be improved, filing a petition with the City or without a petition, Council can initiate the process by an ordinance or resolution passed by three-quarters of Council. He said the City could take the obligation on and pay for the improvements and assess the property owners, and the property owners will pay on that on an annual basis not less than 5 years, nor more than 10 years unless the assessment is \$2.00 per foot. In this case, it would be less than 5 years. He said if the City didn't elect to pay out of its funds, it could be done by certificates or by bond. The property owners are to pay each year and there is a lien placed on their property and recorded in the Office of the Clerk of the County Commission of Kanawha County. The charge would be depending on the size of the property. Mr. Gaujot said he prepared a memo to Councilman at Large David Casebolt as he was the person requesting the information.

Mayor Karnes informed that Wednesday, June 19, they were going to pave 13th and 14th Street, but not by assessment.

AGENDA ITEM NO. 7 - ABANDONMENT PORTION OF GUM STREET: - Mayor Karnes said some time ago, we were asked to abandon a

portion of Gum Street which runs from Kanawha Avenue to the river. The adjoining property owners have ask the City to abandon that property and they would share ownership. Councilman at Large David Casebolt moved the necessary ordinance be prepared to abandon this portion of Gum St. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto moved permission be granted for the Little League parade Saturday, June 29, 1991 at 10:00 a.m. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - LIBRARY DEFICIT: - Mayor Karnes yielded this agenda item to Councilman at Large Rusty Casto who asked for this item to be placed on the agenda. Councilman at Large Rusty Casto said he was told about a year ago that when the addition to the Library was finished, their bills exceeded their revenues by \$13,000. He said they have had fund raising and received donations which bring their deficit down to \$7,300. He said he assumes this amount is owed to the Kanawha County Library Board. Mayor Karnes said that some time back, the Civic Benefits Association offered to help with this, but there was not an amount named. However, they are on strike at Monsanto and the Plant Manager is the President of the Civic Benefits Assn. Mayor Karnes said he knew they were going to help, but he didn't know to what extent. Mr. John Santrock said after July 15, they would be submitting a yearly report to Council. Mayor Karnes said he will try to get a commitment in the form of a number from the CBA.

AGENDA ITEM NO. 9 - FIRE DEPARTMENT (CHIEF HARDMAN): - Mayor Karnes yielded this agenda item to Chief Steve Hardman. Chief Hardman asked if Council would reconsider their actions taken at the last Council Meeting concerning reducing the wages of the call out men and put this into the Committee for their study. Councilman at Large David Casebolt said that from January to March, \$6,900 was paid in call out fee. Councilwoman Betty Jo Boggess moved this item be put into a Committee and come back to Council with their recommendations. The motion was seconded. A vote was taken and it was unanimous.

There being no further business, the meeting was adjourned at 9:18 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.

Residential Flat Rate: Each unmetered residential customer shall be charged a flat rate of \$14.24 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.

Security Deposit: A minimum cash deposit of \$50.00 shall be required from each new customer or from any customer whose account has been delinquent within the last year to secure payment of bills. Payment of a deposit shall not prevent a customer's water service from being terminated for non-payment of the sewer bill. Interest at the rate of a minimum of 4% per annum will be paid on each deposit in cash or by crediting the customer's account. Deposits will be retained for one year or until the customer establishes a satisfactory credit standing with the City.

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

June 4, 1991.

Public hearing held

June 18, 1991.

Enacted on second reading

June 18, 1991.

Effective date

August 2, 1991.



Mayor

Attest:



City Recorder

CITY OF NITRO
COUNCIL MEETING MINUTES

JULY 2, 1991

Mayor Karnes declared a quorum and called the Council Meeting 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 were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 18, 1991 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of June 18, 1991 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PUBLIC HEARING MINUTES 6-18-91: - Councilman at Large Rusty Casto moved for the approval of the minutes of June 18, 1991. The motion was seconded. Councilman at Large Olaf Walker said he was absent for the public hearing and asked if there were any questions with regard to what we might do to put on a similar deposit requirement to protect our municipal fee, and Mr. Gaujot said he would look into this. A vote was taken and it was unanimous.
PUBLIC HEARING MINUTES ATTACHED.

AGENDA ITEM NO. 3 - CARRIAGE WAY - ROD JENKINS: - Mayor Karnes said he had a petition from residents of Carriage Way with 104 signatures. Mayor Karnes yielded this agenda item to Mr. Rod Jenkins. Mr. Jenkins asked Council to take the petition into consideration and take over the streets as they are. Mr. Jenkins said they were annexed into the City in 1983 or 84, but the streets were not included in the annexation. Councilman at Large Rusty Casto said the residents requested the streets be held by the property owners. Mr. Jenkins said some of the residents did and some didn't, but the majority landholder there at that time was the developer. Mayor Karnes said we didn't have all the information at this time to make a decision on this, and asked the City Attorney the procedure to cause this to happen, and then Council could meet with some of the people from Carriage Way, if they desired, and make the decision on this petition. Mr. Gaujot said this could be done by a notice and Public Hearing to hear any objections that may come up as a result of the petition by freeholders that are adjacent to the rights-of-way and to have use of the rights-of-way. Mr. Gaujot said one other consideration was the cost to the City of maintaining the streets. He said prior Council considered the cost factor in maintaining these streets. Mayor Karnes said if we hold a public

hearing, there may be input that we need to hear. He said he feels that when something is annexed, you take the good, the bad and anything in between. Councilman at Large Olaf Walker said he thinks we should have either a professional person or Gene Williams to evaluate the condition of the streets now. He said the City is not in a position to take over these streets, and go out there next year and resurface or repave them. Councilman Robert Young said he feels the streets should be a part of the City. Councilman at Large David Casebolt moved we hold a Public Hearing prior to the first Council Meeting in August at 6:30 p.m. to evaluate the dedication of the streets of Carriage Way. The motion was seconded. Mr. Gaujot suggested the City obtain some type of Attorney's certificate that the petitioners have the authority to dedicate the streets. He said as he recalls, there was an issue of ownership of those streets, and asked that the motion be amended to have the freeholders get a legal opinion to present to Council, which Councilman at Large David Casebolt included in his motion as did Councilman Jim Hutchinson who seconded the motion. Mr. Gaujot said it would probably be better if they had the lawyer send the letter and also be present at a meeting. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto asked permission to introduce Joel Graves to City Council. Councilman Casto said we have some young people present who have accomplished great things and said he was pleased to say they were all from Nitro. He introduced Joel Graves and asked him to introduce the young people. Mr. Graves said on June 22, they held an All American Soapbox Derby for the State of WV. He announced that out of the 33 racers, there were 3 first and second place winners from Nitro. A big round of applause was given each of them. Mr. Graves said they would be competing in Akron on August 10, for the world championship. It will be on Channel 33 and ESPN. Congratulations, good luck and best wishes were extended to all participants.

AGENDA ITEM NO. 4 - FIRE HYDRANTS: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman Walker furnished Council a copy of the memo to Mayor Karnes and also an agreement of bill of sale prepared by the water company. He said we will need to adopt a motion to approve the sale and authorize the Mayor to sign two copies of the agreement and forward to the water company. They will mail one back for our files. The City has been paying \$437 annually for a fire hydrant on Jamestown Road, when we could have been paying \$130 and will be put under the service maintenance contract with the water company. Councilman at Large Olaf Walker moved the sale be approved. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved the Mayor be authorized to consummate the agreement with the water company. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Olaf Walker moved Agenda Item 7 be addressed prior to Agenda Item 5. No objections received.

AGENDA ITEM NO. 7 - POLICE COMMITTEE REPORT: - Mayor Karnes yielded this agenda item to the Chairman of the Police & Fire Committee, Councilman Jim Hutchinson. Councilman Hutchinson said the Committee met with three officers prior to Council Meeting. It was suggested that the car assigned to the Mayor be put in the Police Department and assign the blue car to him. However, Councilman Hutchinson said Mayor Karnes did not choose to do this as he would drive his own vehicle. Councilman Jim Hutchinson asked if the Mayor would share his notes, taken at the meeting, with Council. Mayor Karnes said there was some dispute over vacations and holidays and how it was treated particularly for dispatchers. The department would like to equip all cars the same. They need two additional men. Mayor Karnes said we have two ongoing drug programs for which two officers are assigned. Also, another officer is assigned to the race track at Tri-State Greyhound Park and they wanted to review this.

Councilman at Large Olaf Walker said about a year ago, the City Recorder sent a letter to all department heads asking them to furnish her a list of all moving vehicles they had with engine number, title number, the license tag number, mileage, etc. He suggested the Recorder ask for this information again this year.

Councilman at Large Olaf Walker asked clarification of the Committee Meeting Minutes held on June 6, regarding the possibility of funds being received of \$100,000. Chief Cochran said he wasn't aware of this amount. Councilman George Atkins said the police officers, Gary and the ones present, said we may get as much as \$100,000. Also, in the minutes it states there is \$7,000 in the bank after purchasing shot guns, typewriters and the Fax Machine. He asked whose bank account, who is the custodian, who writes the checks and decides what is to be purchased. Chief Cochran responded he was in charge. Councilman at Large Walker said these items were on the Police Department's "want list" at the time the budget was prepared, and said he feels an equivalent amount should be taken from the Police Department's budget. Chief Cochran disagreed. Mayor Karnes said that once we get some costs and information on their requests, then another meeting should be scheduled. Councilman Hutchinson said these meetings were very helpful and informative.

4th of July Parade: - Councilman Jim Hutchinson moved permission be granted for the parade on the 4th of July with the cooperation of the Police Department. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - ORD. 91-4 ORD. MUNICIPAL SERVICE (2ND READING): - Mayor Karnes asked the City Attorney to advise of the changes recommended. Mr. Gaujot said he was asked to change the rate from \$13.50 to \$12.00 per month. Also, the ordinance read at the first reading would expire after a year, and it was suggested this time be deleted. The other change would be the ordinance would become effective August 1, 1991. He said that

because of these types of changes, he considered them to be substantial in nature and, therefore, recommended a motion would be proper to kill the first reading of the ordinance as read and introduce this ordinance tonight at this meeting. Also, he suggested another notice be given in the Charleston newspapers for two successive weeks and a public hearing be held on July 23, 1991 at 6:30 p.m. prior to the next Council Meeting. This would require a motion to move the next scheduled meeting from July 16 to July 23, 1991. City Recorder Doris G. Carrier moved Ordinance read at the first reading be killed and declared null and void. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Olaf Walker moved the new Ordinance be changed to 91-5, and it was properly seconded. It was discovered 91-5 had already been used, therefore, there a friendly amendment made to use the next available number which was accepted by Councilman Walker making the motion and Councilman Casebolt who seconded the motion. A vote was taken and it was unanimous.

Councilman at Large Olaf Walker 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 of the ordinance, Councilman at Large David Casebolt moved the ordinance be adopted. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker said the Mayor, Treasurer and the Committee met and determined they wouldn't need to increase the municipal fee \$5. Councilman Robert Young asked if we would have funds to purchase garbage trucks, and Mayor Karnes said they had allotted funds for one. Mr. Gaujot said there was another change in the ordinance as the one that was killed earmarked the money for capitol improvements. Mayor Karnes said he talked with a company today that wanted to bid on a garbage truck.

Councilman at Large Rusty Casto moved we change the next Council Meeting date from the 2nd to the 4th Tuesday in July at 7:30 p.m. The motion was seconded. Mr. Gaujot said this notice should be published of the public hearing and an additional notice changing the Council Meeting date should also be published. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - TAG DAY - 7-27-91 FROM 10:00 A.M. TO 2:00 P.M. NITRO HIGH SCHOOL MAJORETTES: - Mayor Karnes yielded this agenda item to Councilman George Atkins. A request was received from Janet Martin to have Tag Day on July 27, 1991, to raise money for the Nitro majorettes. Councilman at Large Rusty Casto moved permission be granted with the stipulation they do not stop traffic. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - PLANNING COMMISSION MEETING MINUTES - MAY 2, 1991: - Councilman at Large Rusty Casto moved the Planning

Commission Meeting Minutes of May 2, 1991 be made a part of the City Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous. Mr. Gaujot said with regard to any changes of zoning, closing or abandonment of streets, we would need to give public notice.

PLANNING COMMISSION MEETING MINUTES OF MAY 2, 1991 ATTACHED.

AGENDA ITEM NO. 9 - PLANNING COMMISSION MEETING MINUTES: - Councilman at Large David Casebolt moved the Planning Commission Meeting Minutes of June 27, 1991 be made a part of these minutes. The motion was seconded. A vote was taken and it was unanimous.

PLANNING COMMISSION MEETING MINUTES OF JUNE 27, 1991 ATTACHED.

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


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

PUBLIC HEARING

JUNE 18, 1991

The Public Hearing was called to order by Mayor Karnes in Council Chambers at 7:30 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were the City Attorney Phillip D. Gaujot, City Treasurer Ralph Allison, General Manager of the Sanitary Board Connie Stephens and citizens who were present for the Council Meeting. Absent was Councilman at Large Olaf Walker.

Mayor Karnes said the public hearing was regarding an ordinance which would give the Nitro Sanitary Board the ability to charge a deposit on sanitary bills. The public hearings have been advertised and the first reading of the ordinance was June 4, 1991.

Ms Stephens explained if the ordinance was passed, it would allow the Sanitary Board to charge a deposit on new accounts. She said it would help them take care of some of "the run off and leave their bill" people. She said that any new customers that have had their water terminated for non payment of sewer bills, would be required to pay a deposit plus a reconnect and disconnect fee before they could have their water turned on. She said this would apply to any person requiring new sewer service or a person who have had their water terminated for non payment of sewer bills and in order to get their water turned back on, they must pay the \$50.00 deposit.

Mayor Karnes opened the floor to anyone wanting to address this particular issue.

A lady said asked if this also pertained to property owners, such as if someone would come in and buy a home. She said the electric company and places like that would not charge a deposit if a person is purchasing the home. Ms Stephens said this would apply to any new customer.

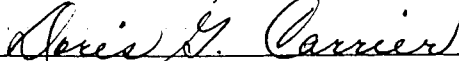
A gentleman asked if you are renting, and the renter goes off and leaves a bill, would the new renters pay the deposit or does the owner. Ms Stephens said this would be up to the owner, but usually the tenant pays it. She said tenants move in and then they move out leaving an unpaid bill that the owner has to pick up. This should help the owners.

The lady asked if the property owners were also responsible, and Ms Stephens said the property owners are responsible.

There being no further questions or comments, the meeting was adjourned at 7:35 p.m.



DON KARNES, MAYOR



DORIS G. CARRIER, RECORDER

ORDINANCE NO. 91-4

ADOPTED BY COUNCIL _____

INTRODUCED IN COUNCIL JULY 2, 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 Twelve Dollars (\$12.00) 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 August 1, 1991. 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 23rd day of July, 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 July 2, 1991

Second Reading _____

Don Karnus

Mayor

City Recorder

PLANNING COMMISSION MINUTES, CITY OF NITRO

May 2, 1991

The Planning Commission of the City of Nitro, WV, met Thursday, May 2, 1991, 8:00 p.m. in the Council Chambers at City Hall. The meeting was called to order by Margaret Hudson, Chairperson. Other members present were: David Miller, Chuck Boggs, Janet Martin and Dr. Guy Cassell.

The following items of business were considered:

1. Request by Linda Rae Markham Carte to rezone lot at 1236 Maine Avenue so a trailer could be placed on the back of the lot. Presently the property is zoned R-2. This request was denied by a unanimous vote.
2. Request by Charley Jividen, Jr. and Berta Vance to close a never used section of Gum Street that runs between their property from Kanawha Avenue to the Kanawha River. David Miller moved we "approve this request to close a portion of Gum Street." Dr. Guy Cassell seconded. Motion carried.
3. Request by David R. and Connie L. Cash to abandon a portion of a ten foot alley situate adjacent to Block "J" of the East Crawford Addition. The Commission took no action on this request since a map did not accompany the materials--a map is to be secured and the request will then be placed on the agenda for the next meeting of the Commission.

Information supplied by Mr. Raynes of Hillside Drive concerning the work of the Planning Commission from various other cities in the Kanawha Valley was distributed to members for their review and consideration.

The meeting was adjourned.


Margaret Hudson, Chairperson

March 21, 1991

Margaret Hudson, Chairperson
City Planning Commission
c/o Nitro City Hall
Nitro, WV 25143

Dear Miss Hudson:

Because of the physical and mental conditions of my two daughters, Annette and Billie, I would like to place a trailer on my lot at 1236 Main Avenue, Nitro, West Virginia. (Back of present house)

It isn't satisfactory for me as a retired person on disability (July 1) with bronchial asthma of 35 years to be in constant pressure. Both girls need supervision.

I would appreciate any
help or suggestions from the
City Planning Commission.

Thank you,

Linda Rae Markham Late
Daughter of the deceased
Gladys S. Markham
1236 Main Avenue
Murfreesboro, TN 37135
Phone: 1-304-727-3750

Nitro, W.V.

April 11, 1991

City of Nitro

Honorable Don Cannes, Mayor

Re: Proposed closing of portion
of 7th. Avenue (now Gum Street)
in the city of Nitro.....

Dear Sir and all concerned;

Please accept this proposal, with all pertinent information attached, to close that certain portion of 7th. Avenue (Gum Street) that lies between the Western right of way of ^{Kanawha Ave} Washington Street, and the right descending bank of Kanawha River, and more particularly described as follows:

Beginning at a point in the Western line of ^{Kanawha Ave} Washington street at its junction with the Southern line of 7th. Avenue, said point being corner to lot no. 1, block "A" of East Crawford City, M.B. 3, P. 102;
thence with the line of 7th. Avenue and lot 1, S 61° 07' E, 166.20 feet, passing edge of water at 145' to the rear line of lot 1, and end of 7th. Avenue;
thence with the end of 7th. Ave, Northerly, 40' to corner of lot no. 25, Block "F", Crawford City, Baker-Myer division;
thence with the line of 7th. Ave. and lot 25, N 61° 07' W, passing edge of water at 25', in all 165.80' to the West line of Kanawha Street;
thence with the West line of Kanawha Street, S 22° 19' E, 40.09' to the place of beginning

Berta Vance and Chanley Jividen, Jr. are the sole adjoining owners to the subject 7th. Avenue, and are in complete agreement as to the division as is shown on map attached.

No other property owner is affected.

Respectfully,

Berta Vance, Widow, Owner

Lots 24, 25

D.B. 2008 P. 695

Tax Pcl. 10, Map 11

Residence:

612 ^{Kanawha Ave} ~~Washington Street~~Berta Vance

Berta Vance, Owner

Chanley Jividen, Jr.

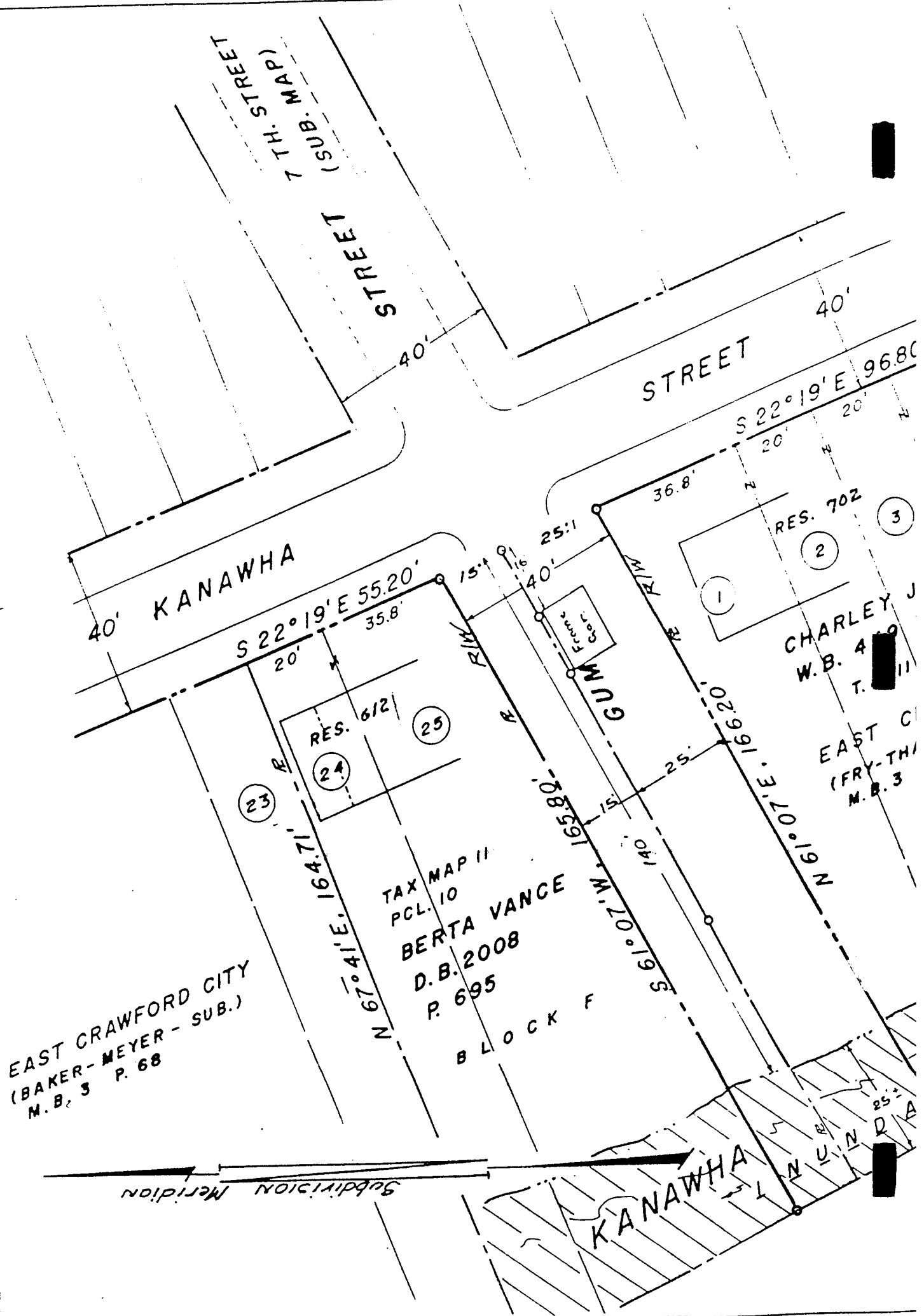
Lots 1, 2, 3 and 4

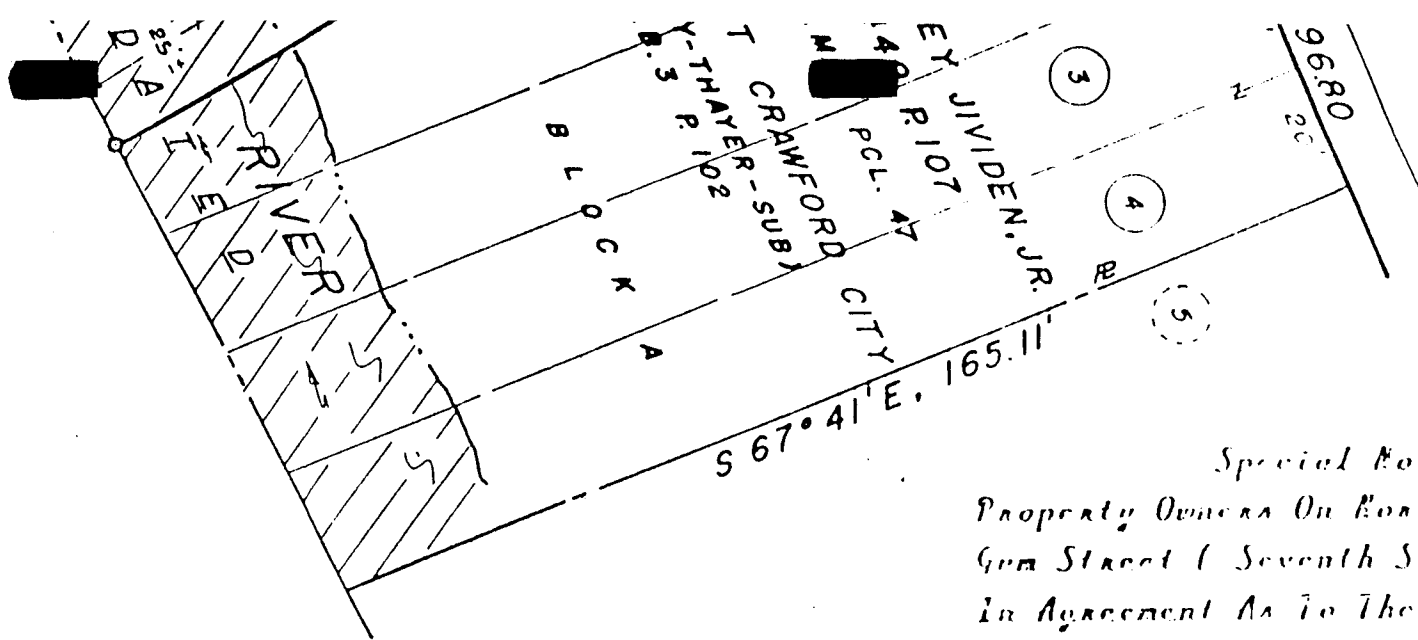
W.B. 449 P. 107

Tax Pcl. 47, Map 11

~~612~~ Washington (Property)
702 Kanawha Ave,Chanley Jividen Jr.

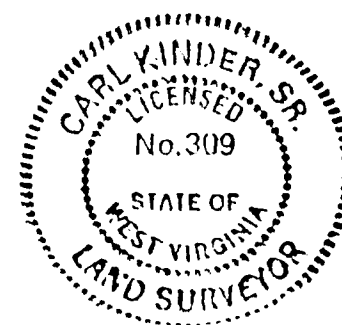






Special Notation:
 Property Owners On North And South Abutting
 Gun Street (Seventh Street, Sub. Map) Are
 In Agreement As To The Final Division Of
 This Subject Street, East Abandonment.....

*Map Showing Proposed Abandonment Of Gun Street (7th St. On Sub Map)
 Situate: Between KANAWHA STREET And The Right Descending Bank Of
 KANAWHA RIVER
 Nitro Town District, City Of Nitro,
 Kanawha County, West Virginia.*



Survey And Map Carl Kinder, Sr. *L.S.*
 Carl Kinder, Sr.
 St. Albans, West Virginia

Date: April 1, 1991--Scale: 1 Inch = 30 feet

TO THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA

IN RE: THE PETITION OF DAVID R. CASH AND CONNIE L. CASH, HIS WIFE, PRAYING THAT A PORTION OF THAT CERTAIN TEN (10) FOOT ALLEY SITUATE BETWEEN BLOCK "J" OF EAST CRAWFORD ADDITION TO THE CITY OF NITRO AND THE CONRAIL RAILROAD RIGHT OF WAY SITUATE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, BE ABANDONED AND VACATED BY ORDINANCE ENACTED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA.

The petitioners, David R. Cash and Connie L. Cash, his wife, in support of their Petition to vacate and abandon a portion of a ten (10) foot alley situate adjacent to Block "J" of the East Crawford Addition to the City of Nitro, Kanawha County, West Virginia, respectfully represent and allege as follows:

1. That the petitioners are the owners of those certain lots or parcels of real estate, along with the improvements thereon and the appurtenances thereunto belonging, situate in the City of Nitro, Kanawha County, West Virginia, and being described as Lots Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 in Block "J" of East Crawford Addition as set forth and designated upon the map of said East Crawford Addition duly of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, and being part of the same real estate conveyed unto the petitioners by Charles Lewis Alexander, an incompetent, by Patty Lou Russell, Committee for Charles Lewis Alexander, and Dorothy Ann Alexander, by Patty Lou Bonner Russell, her lawful attorney-in-fact, by deed dated December 7, 1989, and duly of record in the aforesaid Clerk's Office in Deed Book 2238 at page 613.

2. That the aforesaid parcel of real estate owned by the petitioners herein is contiguous with and abuts a certain ten (10) foot alley situate along the easterly boundary of said Block "J" of East Crawford Addition to the City of Nitro. The portion of said ten (10) foot alley abutting the real estate of the petitioners has at no time been open for public use and

has not been maintained or improved in any manner by the City of Nitro or any other person or entity.

3. The portion of said ten (10) foot alley proposed to be abandoned or vacated by the petitioners provides potential access to the following property owners:

(a) Consolidated Railroad Corporation (Conrail), Successor to New York Central Railroad, the owner of the real estate situate along the easterly right of way of the ten (10) foot alley proposed to be abandoned.

(b) James Russell Goins and Betty Lee Goins, his wife, the owners of Lots 5 and 6 in Block "J", East Crawford Addition, said real estate having been conveyed unto James Russell Goins and Betty Lee Goins, his wife, by Charles E. Austin and Velma Lee Austin, his wife, by deed dated February 1, 1973, and of record in the aforesaid Clerk's Office in Deed Book 1680 at page 299.

(c) Robert E. Lewis and Pamela J. Mooney, the owners of Lots 1, 2, 3, and 4 of Block "J", East Crawford Addition, said real estate having been conveyed unto Robert E. Lewis and Pamela J. Mooney by Gail Erlewine, widower, by deed dated February 9, 1978, and of record in the aforesaid Clerk's Office in Deed Book 1858 at page 180.

4. That no other party would suffer special or peculiar damage or inconvenience not common to the others by the abandonment and vacation of the portion of said ten (10) foot alley abutting to and contiguous to the real estate owned by the petitioners herein and other property owners of parcels situate in Block "J" of East Crawford Addition to the City of Nitro.

5. That the City Council of the City of Nitro is vested with the authority to vacate and abandon unused streets and alleys situate within the municipal limits of the City of Nitro pursuant to West Virginia Code, Chapter 8, Article 12, Section 5 (1).

WHEREFORE, the petitioners pray that the Petition herein be presented to the City Council of the City of Nitro for consideration thereof; that all interested parties be notified of the time, date and place of the meetings to be conducted by the City Council of the City of Nitro for the purpose of consideration of the matters set forth herein; that the City Council of the City of Nitro enact by proper proceeding an ordinance vacating and abandoning that portion of a ten (10) foot alley located between Spring Street and Owens Street situate adjacent to and contiguous with Block "J" of the East Crawford Addition to the City of Nitro, Kanawha County, West Virginia, and for such other relief as may be appropriate under the circumstances.

DAVID R. CASH and CONNIE
L. CASH, his wife
By Counsel



Jeremiah F. McCormick
CALWELL, McCORMICK & PEYTON, L.C.
2602 First Avenue
Nitro, West Virginia 25143

STATE OF WEST VIRGINIA,

COUNTY OF Xaxawha, TO-WIT:

DAVID R. CASH, the petitioner named in the foregoing Petition after being first duly sworn, deposes and says that the facts and allegations contained therein are true, except insofar as they are therein stated to be upon information and belief, and that as they are therein stated to be upon information and belief, he believes them to be true.

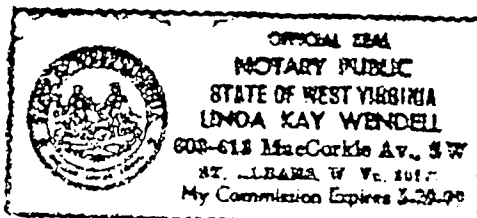
David R. Cash

DAVID R. CASH

Taken, subscribed and sworn to before me this 5 day of February, 1991.

My commission expires 3-29-99.

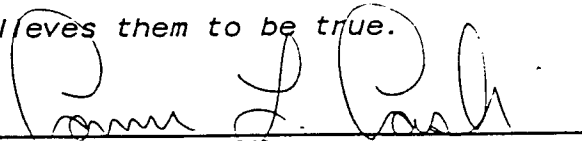
Linda Kay Wendell
NOTARY PUBLIC



STATE OF WEST VIRGINIA,

COUNTY OF Kanawha, TO-WIT:

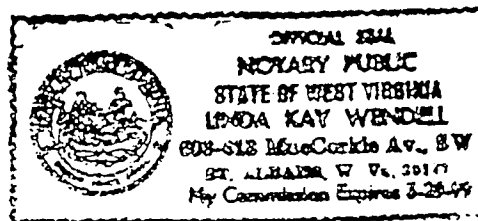
CONNIE L. CASH, the petitioner named in the foregoing Petition after being first duly sworn, deposes and says that the facts and allegations contained therein are true, except insofar as they are therein stated to be upon information and belief, and that as they are therein stated to be upon information and belief, she believes them to be true.


CONNIE L. CASH

Taken, subscribed and sworn to before me this 5 day of February, 1991.

My commission expires 3-29-99.


NOTARY PUBLIC



PLANNING COMMISSION MINUTES, CITY OF NITRO

June 27, 1991

The Planning Commission of the City of Nitro, WV, met Thursday, June 27, 1991, 7:30 p.m. in the Council Chambers of City Hall. The meeting was called to order by Margaret Hudson, Chairperson. Other members present were: Dr. Guy Cassell, William Harris, Chuck Boggs and Janet Martin.

The following items of business were considered:

1. Request by David R. and Connie L. Cash to abandon a portion of a ten foot alley situate adjacent to Block "J" of the East Crawford Addition. This item was carried over from the May meeting. A map was provided. A motion was duly made and seconded that this request be approved. Motion carried.
2. Request by residents of the 100 block of Kanawha Avenue South and Blackwood Street who have property bordering a never used (paper) alley running toward the river from the railroad that said alley be abandoned. Since Margaret Hudson was a signer of the petition she stepped down from the Chairmanship and Chuck Boggs conducted this portion of the meeting. A motion was duly made and seconded that this request be approved. Motion carried.
3. Request from James A. Withrow that portions of Lot A of the Carriage Way sub-division be changed from B-1 to R-1. This property is adjacent to Route 62 and was changed from R-1 to B-1 in 1984 at the request of Anthony Volpi of the Narberth Corporation. The feeling of the Commission seemed to be that (1) perhaps residential usage was appropriate and (2) perhaps the rezoning should encompass all of Lot A. A motion was duly made and seconded that the request as presented be rejected. Motion carried.

The Planning Commission on motion duly made, seconded and approved by unanimous vote adopted the following Format For Meetings.

The Planning Commission, City of Nitro, will meet at 7:00 p.m. in City Hall on the second Thursday of January, April, July and October, if there is business to be conducted. Special meetings as deemed necessary by the chairperson or a majority of the commission members may be called.

All requests for items to be placed on the agenda with the proper documentation must be submitted to

the chairperson at least two weeks prior to the meeting date.

The meeting was adjourned.

Margaret Hudson
Margaret Hudson, Chairperson

LOTS K
EAST C

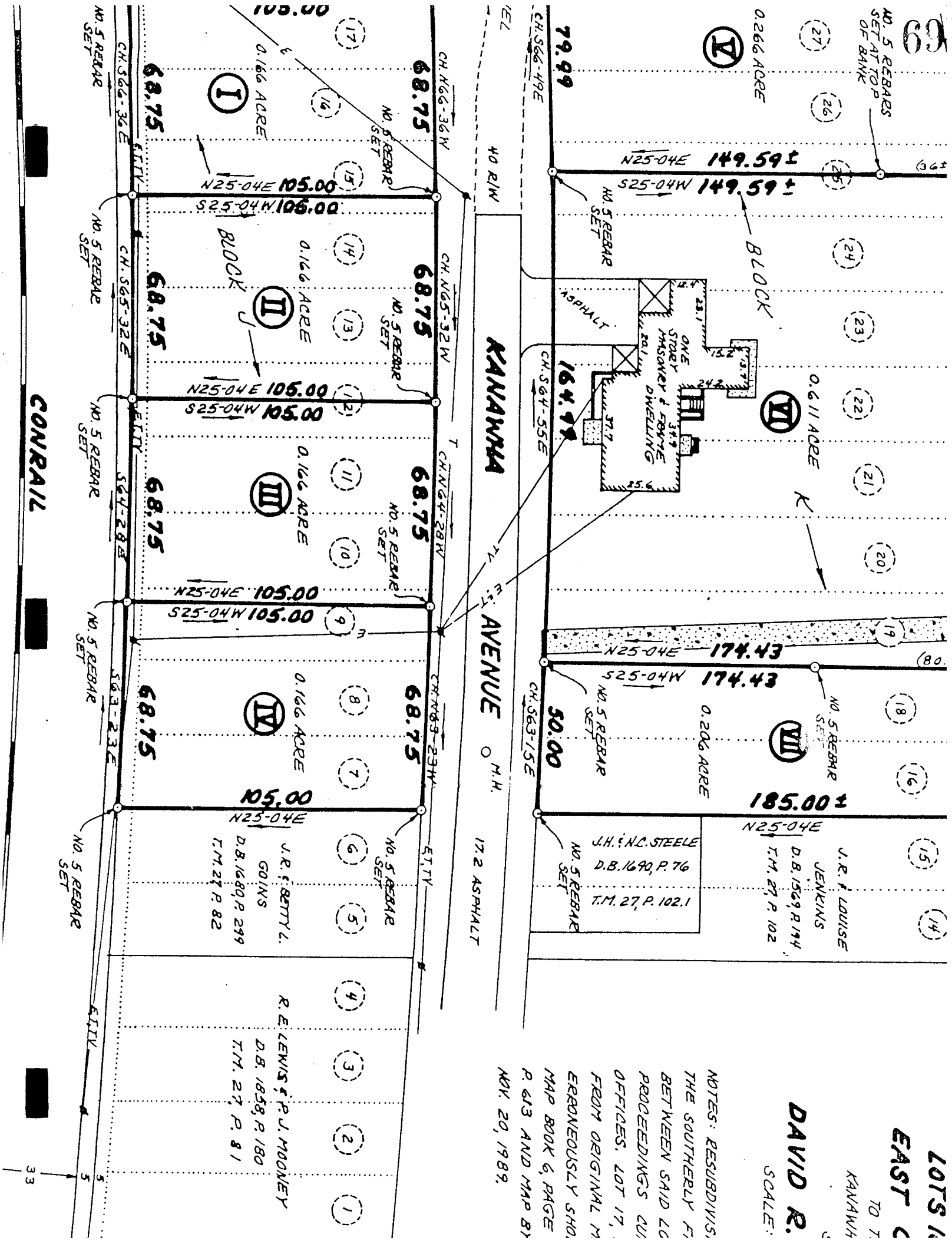
TO T.

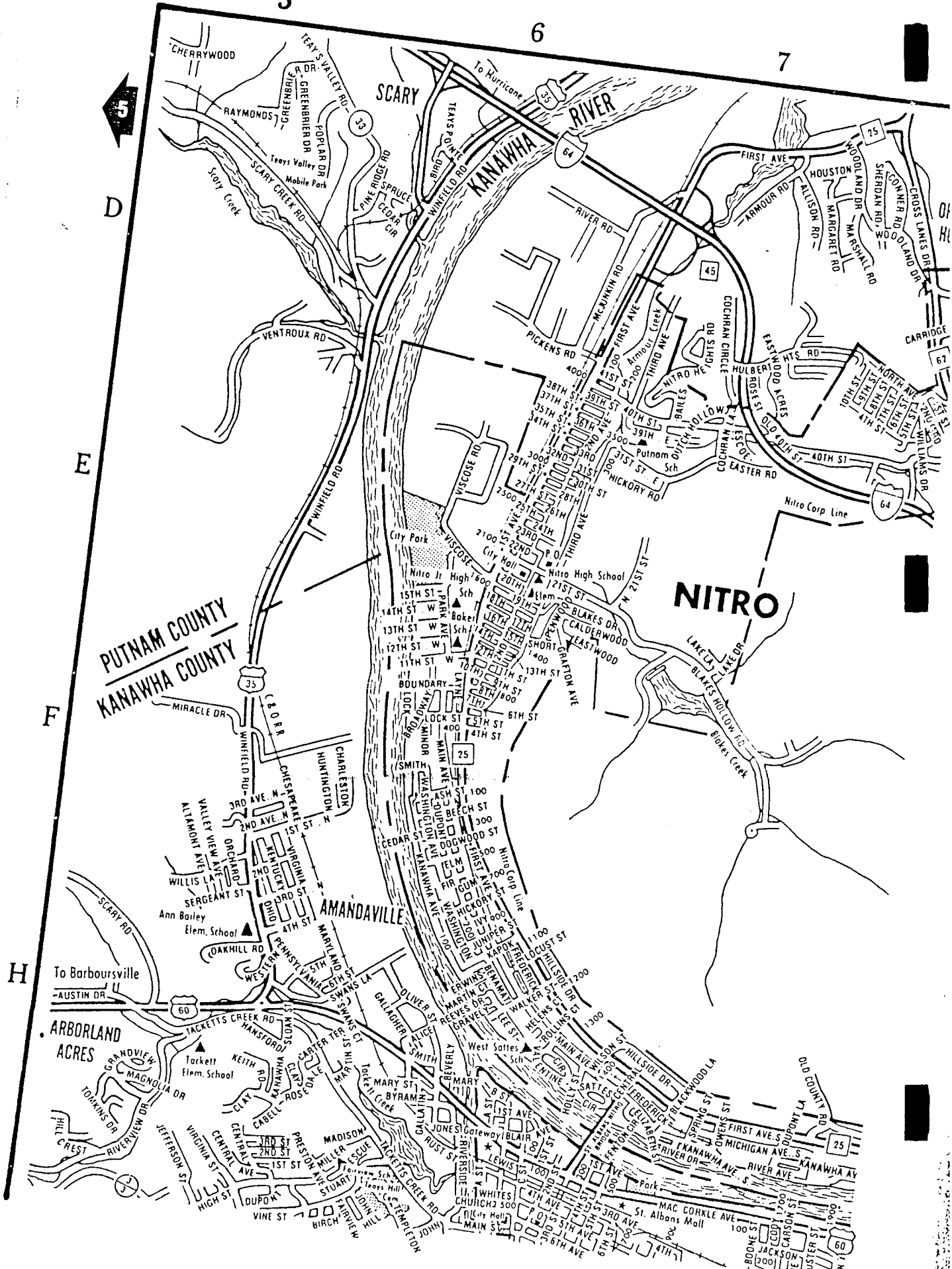
KANAWHA

DAVID R.

SCALE:

NOTES: RESUBDIVISION,
THE SOUTHERLY F,
BETWEEN SAID LC
PROCEEDINGS ON
OFFICES, LOT 17,
FROM ORIGINAL M.
ERONEOUSLY SHO.
MAP BOOK 6, PAGE
P. 613 AND MAP BY
NOV. 20, 1989.

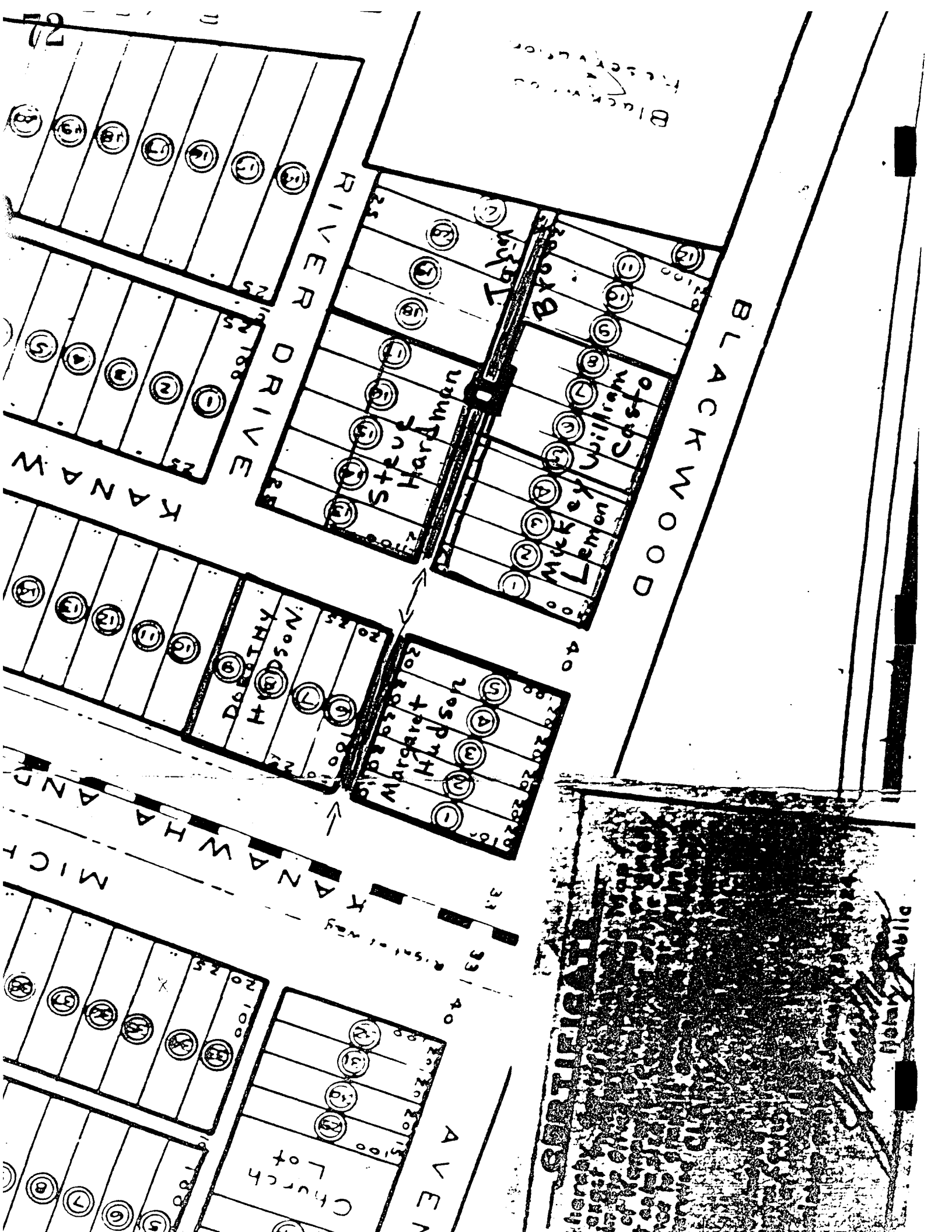




PETITION TO CLOSE AN ALLEY

We, property owners adjoining an alley (attached map shows the exact location and identifies each owner's property) request that the City of Nitro abandon said alley. This alley has, since it was laid-out in the early part of this century--some fifty years before the Sattes area became a part of Nitro, always been an unused or paper alley.

Property Owner	Date
<i>Stephen J. Hudson</i>	<i>6-27-91</i>
<i>Dorothy M. Hudson</i>	<i>6/27/91</i>
<i>Margaret Ann Hudson</i>	<i>6/27/91</i>
<i>M H Zenn</i>	<i>6/27/91</i>
<i>William L. OASO</i>	<i>6-27-91</i>



June 26, 1991

City of Natick
Planning Commission
Natick, West Virginia

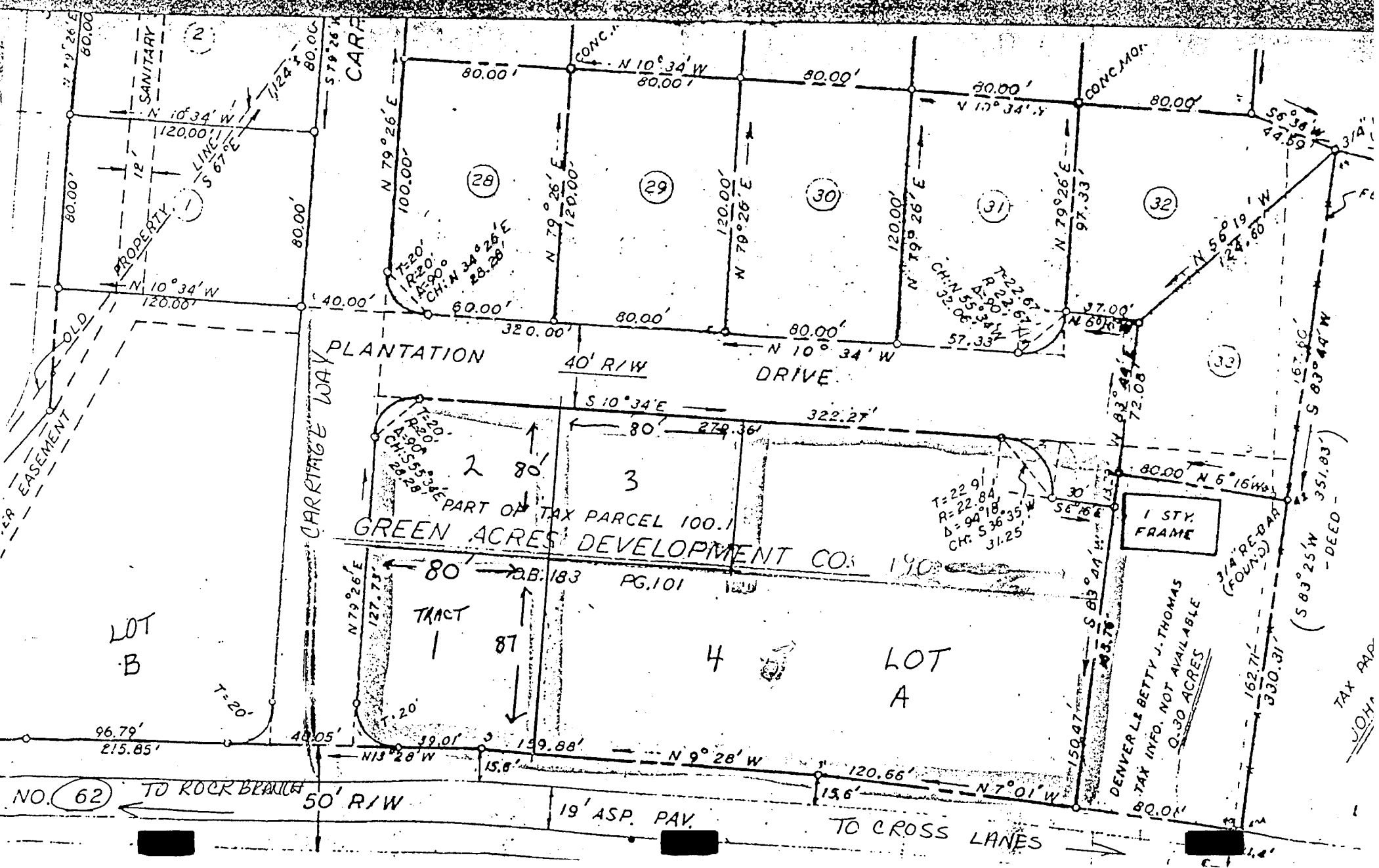
Dear Sirs:

I recently purchased Lot A of Green
Dance Development Company, in Canby Way
Sub. Division.

I plan to sub-divide this lot into
four parcels; I wish to have the three tracts,
numbered one through three on attached map,
zoned for residential use, leaving the remain-
ing tract four, facing Route 62, zoned commercial.

Yours truly,

James A. Whitman



CITY OF NITRO
COUNCIL MEETING MINUTES

JULY 23, 1991

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

AGENDA ITEM NO. 1 - APPROVAL OF JULY 2, 1991 COUNCIL MEETING MINUTES: - Councilman George Atkins moved for the approval of the July 2, 1991 Council Meeting Minutes. The motion was seconded. Councilman Jim Hutchinson said he feels we should continue having meetings with the Police and Fire Department personnel. Councilman George Atkins asked if there needed to be a permit issued for Tag Day on behalf of the Nitro High School Majorettes, and Councilman at Large David Casebolt said they needed to have one. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - RES. 91-10 - APPOINTING GUY CASSELL TO THE KVRTA BOARD: - Mayor Karnes said this would be considered a reappointment as Dr. Cassell has been on the KVRTA Board around 15 years. His term expired June 30, 1991. Mayor Karnes read the Resolution and Councilman at Large Olaf Walker moved the resolution be adopted appointing Guy Cassell to the KVRTA Board. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 91-10 ATTACHED.

AGENDA ITEM NO. 3 - FIRE COMMITTEE REPORT: - Mayor Karnes yielded this agenda item to Councilman Jim Hutchinson. Councilman Hutchinson said at one of the past Council Meetings, Council voted to cut the volunteer firefighter's pay in half. He said they wouldn't come out to work for three dollars and something an hour, and he didn't blame them. Councilman Hutchinson moved we rescind the previous motion reducing the volunteer firefighter's pay in half. The motion was seconded. Councilman Atkins said since the motion was passed, they have been coming out twice a month instead of every week for both firemen and volunteers. Councilman Hutchinson said when they work overtime, their overtime pay isn't paid during this period, and they were upset over this. Councilman Hutchinson said they also wanted to upgrade two men to Sergeants, which would be an increase of \$1,200 each per year, and moved we get the test papers and get rolling on this. Mayor Karnes said we needed to act on the previous motion. A vote was taken to rescind the action taken by Council reducing the volunteer firemen's pay, and it was unanimous. Mayor Karnes said the Fire Department wanted to create two captain's slots and to eliminate two sergeants positions and one lieutenant position in order to have equal rank

on each shift. Councilman Jim Hutchinson restated his motion and moved to remove the two sergeants and one lieutenant positions and add two additional captain positions. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - LIBRARY BOARD - FINANCIAL REPORT: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker who yielded to the Librarian, Sue Martin. Mrs. Martin furnished members of Council a copy of the Financial Report, from June 30, 1990 through June 30, 1991 which was given to her by Mr. John Santrock, Treasurer of the Library Board. She said the total income for the year was \$11,356.92 and with the balance brought forward makes \$11,605.09. A list of expenditures was also furnished totalling \$8,896.05 leaving a bank balance of \$2,709.04 from the income. She said she would meet with Fred Ranson from the Kanawha Library next week to see what her final budget deficit is. She said it would be less than \$7,300.00. Councilman at Large Olaf Walker said at one of the Council Meetings, they were concerned about how we were going to get this amount paid. He said the City of Nitro will pay the \$7,300.00, but it will be paid over a year. Mrs. Martin said the City pays the part-time person, and then the City billed Kanawha County and it was reimbursed out of the Grant-in-Aid Fund. Now, the City will not bill Kanawha County and they will keep that amount of money and the City will absorb her salary.

Councilman at Large Rusty Casto said he was impressed with the people we have at the library.

Councilman at Large Rusty Casto moved the report be made a part of the minutes. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - MAYOR'S CAR: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt. Councilman Casebolt moved the car the Mayor uses for official city business and for personal use be given back to the Police Department for their use only by July 28, 1991. The motion was seconded. Councilman Casebolt said the reason being the police need the vehicle and it is the best car. Councilman Robert Young very much disagreed with Councilman Casebolt's motion. Mayor Karnes said it didn't matter to him whether or not he drove that car, but said the facts are, now they have become an administrator instead of a legislative body and questioned Councils' authority. Discussion followed. Councilman at Large David Casebolt told the Mayor this is in no way, shape or form an attempt to embarrass him, as they had discussed this in private several times. He said each time the Mayor confirmed it was his plan to give the car to the police department. Councilman at Large Casebolt said the police needs the car more than the Mayor. City Recorder Doris G. Carrier said the City cannot afford to furnish the Mayor a car. Discussion continued. City Treasurer Ralph Allison mentioned Councilman Casebolt might want to include

in his motion the allocation of funds to bring the car up to police standards and advise what department the funds should be taken out of. Chief Cochran said it would cost around \$1,000. Councilman at Large Olaf Walker said we have general repairs to cars in the budget and opposed any attempt to insert any new money to upgrade any vehicle because we have money in there. Also, he said we have money in there to buy some equipment including a cruiser. Councilman at Large Casebolt said if they would come back to Council with an itemized statement of the cost, he would make the motion. City Treasurer Ralph Allison said just as long as the Chief was aware the money would be taken from his budget. A vote was taken, it passed with Councilman Robert Young opposing and Councilwoman Betty Jo Boggess abstaining.

AGENDA ITEM NO. 6 - CAPITAL EQUIPMENT: - Mayor Karnes asked Council to consider the purchasing of a used garbage truck from the City of Dunbar. Mayor Karnes said Dunbar purchased two new trucks, and have a good used one we can buy for \$5,000 which is better than any we have now. Mayor Karnes said he didn't want to buy this in lieu of a new one, but in addition to a new one. Councilman at Large Olaf Walker moved the Mayor proceed expeditiously to acquire the quotations that is necessary to inform Council of the new garbage collection truck by the last meeting of next month. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Rusty Casto moved we buy the used truck if the Mayor and Gene Williams thought it was a good deal and we have the money. Councilman at Large Olaf Walker made a friendly amendment to ask the Mayor to contact Mr. Bush to evaluate the truck, and contingent on his recommendation, the City purchase the truck. Councilman at Large Rusty Casto accepted this as a friendly amendment. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - EMPLOYEE HEALTH INS. BIDS: - Mayor Karnes yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier reported the Insurance Committee met and opened the two sealed bids, one from Provident Indemnity and the other from Central Benefits. After reviewing the bids, the Committee decided to stay with Mountain State Blue Cross.

AGENDA ITEM NO. 8 - ORD. 91- MUNICIPAL SERVICE FEE (2ND READING): - 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 at Large Rusty Casto moved the ordinance be adopted. The motion was seconded. Councilman at Large Olaf Walker said he had an amendment to make and would like to speak to his motion and reserve the right to close the debate on the motion. Councilman at Large Olaf Walker moved we reduce the increase of \$3.50 to \$3.00 making the municipal fee for residential customer \$11.50, if passed and read a statement he prepared in support of this.

The motion was seconded. Mayor Karnes said he agreed \$5.00 was too much, but didn't agree \$3.50 was more than we needed because of the need. He said once the need is filled if we don't need it, then reduce it, but he wasn't in favor of it. Councilman at Large Olaf Walker offered further argument on only charging a \$3.00 addition. A vote was taken to reduce the increase from \$3.50 to \$3.00, and City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker and Councilman George Atkins voting for the motion. Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess and Councilman Jim Hutchinson opposed and Mayor Karnes voted opposing breaking the tie. Councilman at Large David Casebolt moved we approve Ordinance 91-6 as amended. The motion was seconded by Councilman Walker. A vote was taken and it was unanimous.

ORDINANCE 91-6 ATTACHED.

AGENDA ITEM NO. 9 - 1991-92 BUDGET: - City Treasurer Ralph Allison suggested we do not act on the budget until we decide what to do with the \$5,000 truck and then he could make the amendment to the budget once. This was agreed upon.

Councilman at Large Olaf Walker offered some suggestions he wanted Council to think about. Councilman at Large Rusty Casto asked a copy of these suggestions be given to members of Council.

Councilman at Large Rusty Casto mentioned we might want to sell the swimming pool to a semi-private agency, similar to how Cross Lanes has it.

Councilman at Large David Casebolt asked Mayor Karnes if he needed any help to appoint the School Committee. Mayor Karnes said he was one short on his appointments. He asked Councilman at Large Casebolt if he would chair the Committee and said the City Recorder Doris G. Carrier has an interest in it. Mayor Karnes said he wanted on the Committee and had a couple of names of citizens he would like to appoint to serve on the Committee. He said they may suggest other names.

Janis Priddy said a consolidation meeting had been scheduled August 5, from 6:30 - 8:30 p.m. at Andrew Jackson Jr. High. She said it is not a public hearing, but a meeting for school representatives. However, the public is invited to view the proposal, and then there will be a comment sheet made available for the public to write how they feel. She encouraged citizens of Nitro to go out during August 5, through August 9, to express their support.

Ben Phillips asked for a few minutes of Councils' time. He said one of the areas of Nitro that has been grossly overlooked as far as a resource is recreation. He said it wasn't free and if recreation is managed properly they would realize an income from it.

Mr. Phillips said the issue he wanted to mention briefly is parking tickets being issued to people in the park. He said they were legitimate and he wasn't arguing this point. His only argument is the number of tickets issued were 99% to cars parked on the softball end of the recreation area. While at the same time, vehicles were parked on the other end and police never went to that area. He said if they were willing to let people park on one end, let them park on the entire park or stop, which is probably the best suggestion, parking at all. He said parking has been handled grossly unfair.

The Librarian Sue Martin said parking around the library has gotten out of hand. She said people playing ball use their parking lot and people can't get into the library. She said last Thursday evening one side was blocked by vehicles where people couldn't drive around that way to get into the library. She said they paid to have the gravel put in there, and it concerned her that people couldn't get in that way to the library. Mayor Karnes said we might be able to have the Public Works Department make a sign designating for library parking only.

There was also a discussion regarding the 18 wheelers parked on the parking lot. For safety reasons, it was mentioned a sign be made stating no overnight parking.

There being no further business, City Recorder Doris G. Carrier 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



DON KARNES
MAYOR

RESOLUTION 91-10

A RESOLUTION BY THE COUNCIL OF THE CITY OF NITRO
APPOINTING GUY R. CASSELL THE REPRESENTATIVE FROM
THE CITY OF NITRO TO THE KVRTA BOARD

WHEREAS, since the appointment of Guy R. Cassell to the Kanawha Valley Regional Transportation Authority (KVRTA) nearly 15 years ago, Mr. Cassell has very faithfully served the City of Nitro and the Board by his regular attendance and by taking the lead role in many committees appointed to handle the affairs of the Authority; and

WHEREAS, Guy Cassell was named to the Board's Executive Committee shortly after his term began, and was unanimously elected President of the Board in August, 1987 by his fellow Board Members; and

WHEREAS, Mr. Cassell's selection to become only the third Board President since the Authority was created reflects the confidence and esteem with which his fellow Board members view him;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Nitro does hereby go on record as appointing Guy R. Cassell representative from the City of Nitro to the KVRTA Board.

Passed this 23rd day of July, 1991.



DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

Nitro Public Library

July 15, 1991

1990-1991

Income:

7-17 Bal. Brought Forward		\$ 248.17
Womans Club Donstions	\$ 2,783.95	
Greater Kan. Valley Grant	2,500.00	
Pool Project	383.00	
Refund (Norandex)	51.50	
State of W.Va. -NLCA	3,275.00	
Donations (Industry, Business, Individual)	1,818.00	
Miscellaneous (Fax, Sale of books)	545.47	

Total income	\$11,356.92	11,356.92
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Total income	\$ 11,605.09
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Disbursements	8,896.05
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Balance in bank, 7-8-91	\$ 2,709.04
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Bills outstanding - Kanawha County Library
for Capital bills paid (Estimated by
Fred Ranson) \$ 7,300.00

Expenditures 1990-91

Check No.

--	7-17-90	Service Charge, Bal. under \$50.00	\$ 5.00
186	8-24	A.T.T. (Fax Aug. Bill)	1.88
187	9-18	Central Glass	84.00
188	9-23	Norandex	170.78
	9-26	U.S. Post Office - stamps	50.00
	8-20	Service Charge at bank	5.00
189	9-28	Sue Martin (Expenses state mtg.)	84.10
190	10-22	U.S. Postoffice (Mailing permit)	120.00
191	10-22	Avis Rubber Stamp post	20.20
192	10-31	Andrews Flooring	15.95
193	11-9	Kryzak Air Conditioning (repair)	341.12
194	11-9	Avis Rubber (Cancelled-see 191)	00.00
195	11-36	Sue Martin (miscellaneous purchase)	40.00
196	12-10	U.S. Postoffice (stamps - Mary)	136.80
197	12-10		33.48
198	1-17-91	Kan. County Library	3,115.00
199	3-4	Tickets (4) for Library Dinner	64.00
200	3-4	Kan. County Library	4,000.00
200-A	3-22	Service Office Supply	253.00
200-B	3-25	Kan. County Library (Magazines)	42.10
200-C	4-15	U.S. Post Office (Stamps)	198.00
201	6-7	U.S. Postoffice (319)	52.64
202	6-7	Pool Charge (Pool used for benefit of library)	60.00

Total Expenditures

\$8,896.05

ORDINANCE NO. 91-6ADOPTED BY COUNCIL 7/23/91INTRODUCED IN COUNCIL JULY 2, 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; (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 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 Twelve Dollars (\$12.00) 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.

- (b) The City Recorder shall be charged with the duty of mailing a statement on a monthly basis to each residence 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. 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 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. 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 August 1, 1991. 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 23rd day of July, 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 July 2, 1991

Second Reading July 23, 1991

Doris G. Carrier
City Recorder

Z. A. Kame
Mayor

CITY OF NITRO
COUNCIL MEETING MINUTES

AUGUST 6, 1991

Mayor Karnes welcomed everyone, and called the regularly scheduled meeting to order at 7:30 p.m. in Council Chambers. 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.

Councilman at Large Olaf Walker moved we move Agenda Item 6 to the bottom of the calendar. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 23, 1991 COUNCIL MEETING MINUTES: - Councilman at Large David Casebolt moved the Council Meeting Minutes of July 23, 1991 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PUBLIC HEARING JULY 23, 1991: - Councilman at Large Olaf Walker moved the Public Hearing Minutes be approved as written and made a part of these minutes. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - PRO. 91-1 - GREGORY VALLET DAY: - Mayor Karnes said we have a Nitro citizen that received the Distinguished Flying Cross for his service in the Persian Gulf. Mayor Karnes read the Proclamation declaring Wednesday, August 7, 1991, Captain Gregory Vallet Day in the City of Nitro. Councilman Robert Young moved the Proclamation be made a part of the City's record. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION 91-1 ATTACHED.

AGENDA ITEM NO. 5 - NEW MUNICIPAL RATES EXEMPTION GUIDELINES: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker who worked on an affidavit to be signed by citizens earning less than \$12,500 annually in order to be exempt from the increase as set forth in Ordinance 91-6. A copy of the form was distributed to members of Council along with a short form for exemption prepared by the City Attorney Phillip D. Gaujot. Councilman Jim Hutchinson moved we adopt the long form. The motion was seconded. The City Attorney Phillip D. Gaujot suggested we have added to the form a note advising of the penalty for filing false information. Councilman Jim Hutchinson accepted this as a friendly amendment to his motion, as did Councilman Robert Young who seconded the motion. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - REQUEST BY DAVID & CONNIE CASH TO ABANDON A PORTION OF A 10 FOOT ALLEY SITUATE ADJACENT TO BLOCK J OF EAST CRAWFORD ADDN.: - Mayor Karnes said we received the request from Mr. & Mrs. Cash in April to abandon a portion of a ten foot alley situate adjacent to Block "J" of the East Crawford Addn.. It was referred to the Planning Commission for their recommendation. At the Planning Commission meeting held on May 2, nothing was recommended as they needed a map. At the Planning Commission meeting held on June 27, and as stated in their minutes, "A map was provided. A motion was duly made and seconded that this request be approved. Motion carried." Members of Council were furnished a map of the property, and Mayor Karnes said it had already been abandoned in the next block. Mayor Karnes said the Sanitary Board reported they have no sewer lines in this alley, nor plans to put any in this area and no objections to the abandonment. Mr. Sergeant, Building Inspector, advised there is "nothing in the area to prevent abandonment known to me or Gene Williams, Director of Public Works or neighbors". Councilman Walker said Conrail was on one side and asked if they had been notified or was it necessary they be notified? Mr. Gaujot said he thinks it is necessary to notify everybody along the alleyway. Councilman at Large Olaf Walker said he would like for this item to be put into a committee to notify the people involved. After a short discussion, Councilman at Large Olaf Walker moved we lay this matter over until the next meeting in order for Council to look at it and to officially notify Conrail. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - MUNICIPAL LEAGUE ANNUAL MEETING: - Mayor Karnes informed Council of the Municipal League Annual Meeting on Thursday, Friday, Saturday and part of Sunday, August 8, 9, 10 and 11. Mayor Karnes said he planned to attend and requested approval of funds to pay for the trip. Councilman at Large Olaf Walker moved for the approval of expenditures for the Mayor and Recorder to attend the sessions they want to attend at the Municipal League meeting. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker asked if the Mayor would discuss in the Director's Meeting where a person could pay a certain fee for a particular session and not be required to pay the full registration fee.

AGENDA ITEM NO. 8 - PRESENTATION - SENATOR CRAIGO: - Mayor Karnes yielded this agenda item to Senator Craigo. Mayor Karnes apologized for the inconvenience of the cramped space, but due to the time frame, it wasn't possible to move the Council Meeting to a larger facility. Senator Craigo thanked the Mayor and Council for letting him share some ideas with them. Senator Craigo said he met with the Nitro Development Authority along with business people regarding ways to improve the City. He said they discussed what they could recommend that within the City's means could make an improvement in what they have to work with. Then they identified what they saw as problems such as odor to grass

mowing to cleanliness. He said we need a general "face lift". Senator Craigo said the two banks located in Nitro are willing to be a partner with the City, with the merchants and business people and make low interest loans if the property owners would clean up their buildings. He said we need to put together some method to pave the parking spots on the right hand side of First Avenue and also pave in front of our stores. Senator Craigo said Orders and Haynes would offer a group rate if we would coordinate it and do all the paving at one time in Nitro. He suggested we should focus on a War Museum, and putting emphasis on the museum. Senator Craigo said he spoke with Jack Moody today and they are in agreement on how all of this will work out. He said they were going to hire a professional, Scott Smith, an employee of the Cultural Center. He not only has the expertise, but has experience and know-how. Mr. Smith said he thinks the museum has great potential. Senator Craigo said they needed to purchase a computer because they have identified 87 sources of grants and foundations that give money to museums. He said Putnam County is planning to build an \$800,000 museum, and in downtown Charleston a \$40,000,000 museum is going to be built. The money is coming from grants, foundations, donations, etc. He said we can make a difference in the City as we have the credentials and we have the vehicle. However, we do need a computer. Senator Craigo cautioned City Council that we have to open the door, and said they were focusing on what it is right now. He begged of Council to not look at what they are seeing right now; look at what it can be. He said we could focus and promote school groups. We could promote the traveling public such as signs being posted in Ohio, Kentucky as well as West Virginia. He said it is unbelievable how many people would visit the museum by bus tours. Senator Craigo asked City Council to give seed money to develop the museum. Senator Craigo received a big round of applause. Councilman at Large David Casebolt asked the amount of the seed money and Senator Craigo responded it was his understanding the Civic Benefits Association generates \$172,000 a year, and this has the potential of getting 15% of that. Senator Craigo urged Council to let the seed money go toward the development of something that has the potential of being great for the City. He told Council he needed their help to get started. Councilman at Large David Casebolt moved we form a committee to investigate Senator Craigo's plan, and he would like to serve on the committee. Motion died for lack of second. Councilman at Large Olaf Walker said he recognizes the need for money, but the list of the City's needs is quite voluminous and we are short on money. Mayor Karnes responded we need a garbage truck today more than we need a museum. Mayor Karnes said he didn't feel Council could make a decision tonight as we had a motion on the floor to form a committee. Councilman at Large David Casebolt said he feels we could act on this matter tonight. Councilman at Large David Casebolt moved we give 50% of the museum foundation's money that is in the bank as seed money which is approximately 18,000. He said he thinks \$18,000 or so is a gamble worth taking. The motion was seconded. Mr. Smith commended Mr. Moody

on his artifacts, and said there was so much potential, the City couldn't let it get away. Mr. Ivan Meadows asked where Senator Craigo intended to have the museum. Senator Craigo said he sees masses of people coming to the museum, and they can't do it in that building. He said if the City was involved in it, he would be opposed to moving it anywhere else because he would move it across the street to the abandoned high school. He said we would need wide isles and be able to move people through it, but he said he would keep it on 21st Street. This way people must come all the way through town to get to the museum, and they would stop along the way and purchase something. Senator Craigo said he feels the high school will become available and a portion of it would be an excellent spot for the museum. Mayor Karnes said a committee is a much better idea than to commit that much money. He said we are making, to some extent, an emotional vote. Councilman at Large David Casebolt said he feels we should show our support to the businesses. After further discussion, Councilman at Large Olaf Walker moved this item be tabled. The motion was seconded. A vote was taken and it passed with Councilman at Large David Casebolt and Councilwoman Betty Jo Boggess opposing. Senator Craigo asked if Council would vote either yes or no at the next meeting. Mayor Karnes appointed Councilman at Large David Casebolt as Chairperson and Councilman at Large Olaf Walker. He asked the Chairman to choose others he sees fit to serve on the committee.

ORD. ESTABLISHING RATES AND CHARGES FOR SERVICES RENDERED BY THE SANITARY BOARD OF THE CITY OF NITRO TO ROCK BRANCH PUBLIC SERVICE DIST.: - Mayor Karnes asked Council if they would consider the above ordinance which came up since the agenda was prepared on Friday. Members of Council were furnished a copy of the ordinance increasing the rate charged Rock Branch Public Service District. 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 George Atkins moved we pass the ordinance. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE ATTACHED.

DELINQUENT MUNICIPAL FEES: - Councilman at Large David Casebolt requested approval to put something on the agenda as an open item. Councilman at Large David Casebolt said we have three very large delinquent municipal service fee payments: Towne N Country Lanes for \$8,030, Sangina Apartments of \$2,176, and Don Evans Apartments of \$12,157 as of October 8, 1990. Councilman at Large David Casebolt moved we instruct our City Attorney to start legal action against these and on anybody that is a year delinquent. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - RESOLUTION SUPPORTING SCHOOL CONSOLIDATION PLAN: - Mr. McClanahan asked if he would be out of

order to ask if the City would be interested in buying the old Nitro High School in case it was declared a surplus. Mayor Karnes said he would like to have this placed as an agenda item at a Nitro Authority meeting for recommendations. He said he thinks it is a good thought.

Mayor Karnes yielded this agenda item to the City Recorder Doris G. Carrier who yielded to the Chairman of School Committee Meeting Councilman at Large David Casebolt. Members of Council were furnished a copy of a resolution that the Committee support the consolidation of the two grade schools. He explained the consolidation plan in Nitro calls for the closing of Baker and the students to go to Nitro Elementary, and for Baker Elementary to become an annex to the high school. He said he feels this is an excellent plan and a long term plan. Mayor Karnes said without objection he would read the title of the resolution only. No objection received. Councilman at Large David Casebolt moved we approve the resolution. The motion was seconded. A vote was taken and it was unanimous.
RESOLUTION 91-11 ATTACHED.

Mayor Karnes passed the petition around supporting the school consolidation plan for those wanting to sign it.

PARKING SITUATION AT NEW HIGH SCHOOL: - Councilman George Atkins reported they had a second meeting of the Committee held at 9:00 a.m. on July 7, at the high school. Present representing the City were: Mayor Don Karnes, City Recorder Doris G. Carrier, Councilman at Large Olaf Walker, Councilman George Atkins and Police Chief Bob Cochran. Citizen representative were Dr. Hogshead and Jack Marrs. Board of Education were Paul McClanahan, the planner John Lyons and the Baker representative Chuck Boggs. Councilman Atkins said the Committee suggested to offer the City parking lot to be available for school parking provided they would pave the City Parking Lot at the Library. He said the Board of Education made a study on this and came up with a figure of \$60,000 to \$65,000 to do this. However, they did not take into consideration the City would do the excavating work and have it prepared for blacktop, thus reducing it by \$35,000. The Board did not feel they could lease City-owned property and using Board money to pay the cost of preparing it for school parking. Mr. Lyons said another factor against the Board using City-owned property was that he had determined the cost to be astronomical. He remarked that these two factors made it more feasible for the Board to prepare an area adjacent to the school's existing parking lot. Mr. McClanahan interjected that this would be a total of about 190 parking spots. Dr. Hogshead suggested parking blocks be installed directly in front of each parking spot facing Broadway to prevent people from exiting the lot onto the street from each spot. Everyone agreed. Janet Martin inquired about the consolidation of Nitro and Baker Schools. Mr. Lyons replied that there was a study being made concerning these two schools. Police Cochran added that Baker Elementary needs

about 18 to 20 "off street" parking spaces, and also a traffic light at 11th Street and 1st Ave. may be needed. Mr. Lyons told the Committee that he would discuss the Baker situation with people at the Board office. Councilman Atkins said he talked with Mr. McClanahan today. They haven't started on the additional work on the parking spaces, but was told they would be ready before school started.

Mr. Kees entered Council Chambers and distributed a draft of the proposed consolidation - Nitro. Mr. Kees informed that early last year the Kanawha County School Board held public hearings, and as a result of those meetings made some determinations and recommended we reduce the number of high schools in the county. Overwhelmingly the citizens throughout the county rejected that. Seconded, the citizens decided they wanted a middle school concept. The Board adopted a policy asking that citizens be appointed by each school to represent that school on an Attendance Area Consolidation Committee, and this was done. Mr. Kees said in our area we have Nitro High School, Andrew Jackson, Nitro Elementary, Baker Elementary, Cross Lanes Elementary, E. I. Boreman and Point Harmory. He said they were charged with coming up with a plan that would increase the educational opportunities for the children in the Nitro attendance area. They were not charged to close any building or make any changes, only the charge to adopt 9 - 12 grade configuration high school and to create a middle school system. Mr. Kees explained the proposal and also the estimated finance plan, and asked if there were any questions. A gentleman said we are speaking of a decline in attendance, but what if our state would make a comeback. Mr. Kees said he hopes this happens, but it is not predicted it will. If it does happen, the buildings that are being retrofitted in this consolidation project could be expanded. He said if more people would come back, the tax base increases and there would be more money available to build additional rooms. Janis Priddy and Mr. Kees were both commended on a job well done.

There being no further business, the meeting was adjourned at 9:50 p.m.

DON KARNES, MAYOR

Doris G. Carrier
DORIS G. CARRIER, RECORDER

CITY OF NITRO

PUBLIC HEARING

JULY 23, 1991

The Public Hearing was called to order by Mayor Don Karnes in Council Chambers at 6:35 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Olaf Walker, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were the City Treasurer Ralph Allison, Herb Sibley and Ivan Meadows. Absent were Councilman at Large Rusty Casto, Councilman at Large David Casebolt, Councilman Robert Young and City Attorney Phillip D. Gaujot.

Mayor Karnes read the legal advertisement of the Public Hearing regarding an ordinance to increase the municipal service fee, and opened the floor for public comments.

Ivan Meadows suggested the City charge an additional fee for trash pickup, and discussion followed.

There being no further public comment, the meeting was adjourned.

Don Karnes
DON KARNES, MAYOR

Doris G. Carrier
DORIS G. CARRIER, RECORDER



DON KARNES
MAYOR

PROCLAMATION 91-1

PROCLAIMING WEDNESDAY, AUGUST 7,
1991, "CAPTAIN GREGORY VALLET DAY"
IN THE CITY OF NITRO

WHEREAS, Captain Gregory Vallet, a United States Army helicopter pilot and Company Commander, performed with valor while serving in Operation Desert Storm; and

WHEREAS, Captain Gregroy Vallet was awared the Distinguished Flying Cross, which is the Nation's second-highest military decoration; and

WHEREAS, Captain Gregory Vallet is a Nitro native, and a graduate of Nitro High School; and

WHEREAS, Captain Gregory Vallet received a special commendation at the State Capitol on Thursday, July 4th; and

NOW, THEREFORE, I, Don Karnes, Mayor of the City of Nitro do hereby declare Wednesday, August 7, 1991, "CAPTAIN GREGORY VALLET DAY" in the City of Nitro, so that everyone may be reminded of his brave achievements on behalf of a grateful City, State and Nation.

Signed this 6th day of August, 1991.


DON KARNES, MAYOR



DON KARNES
MAYOR

RESOLUTION 91-11

NITRO
SCHOOL
SUPPORTERS

RESOLUTION SUPPORTING COMPREHENSIVE
EDUCATIONAL FACILITIES PLAN

WHEREAS, the City of Nitro considers proper education for the youth of West Virginia to be of paramount importance; and,

WHEREAS, the Kanawha County Board of Education has requested from various designated areas within Kanawha County, West Virginia, for suggestions pertaining to a Comprehensive Educational Facilities Plan; and,

WHEREAS, the area comprising the City of Nitro and the unincorporated area of Cross Lanes constitutes the Nitro Attendance Area as designated by the Kanawha County Board of Education; and,

WHEREAS, the Nitro Attendance Area has bonded together to support quality education and creating equality in the educational process; and,

WHEREAS, the Nitro Attendance Area Chairperson and Representatives have heretofore submitted its Comprehensive Educational Facilities Plan within the Nitro Attendance Area.

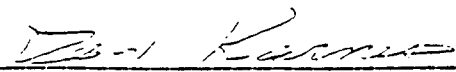
WHEREAS, said plan promotes curriculum equality and the highest quality of education at the lowest cost; and,

IT IS the City of Nitro's belief that the best interest of the children will be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Nitro, West Virginia, requests that the Kanawha County Board of Education support the Comprehensive Educational Facilities Plan as submitted by the Nitro Attendance Area Chairperson and Representatives.

Motion by Councilman at Large David Casebolt, Seconded by Councilman at Large Olaf Walker, to adopt this Resolution. Motion carried unanimously.

ADOPTED: August 6, 1991.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

AUGUST 20, 1991

Mayor Karnes said that prior to calling the meeting to order he would like to read a letter he just received from Janis Priddy who has been very active in the school consolidation efforts. Mayor Karnes read the letter which was addressed to the Mayor and Council Members thanking them for their active role taken in support of the consolidation plan in the Nitro Attendance Area.

Then Mayor Karnes called the Council Meeting to order and declared it to be in regular session in Council Chambers at 7:30 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 6, 1991 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of August 6, 1991 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CONFERENCE NFPA - LIFE SAFETY CODE 101: Mayor Karnes yielded this agenda item to our Building Official Bob Sergent. He said the State Fire Marshal, in conjunction with the NFPA, is sponsoring a seminar on the life safety code NFPA 101, which is a part of the state code, and never been available to the code enforcement officials before. He said the seminar will be held in Bridgeport, and would normally cost \$700, but since the State Fire Marshal is sponsoring it, the cost is \$35. Mr. Sergent said his budget did not have funds for this, and requested funds for four nights, \$35. and meals. Mayor Karnes said it would cost around \$300 to \$350. Councilman at Large Rusty Casto moved \$500 be put in the budget for Bob Sergent. The motion was seconded. A vote was taken and it was unanimous.

Mayor Karnes asked Mr. Sergent if he would explain more about the Administrative manual. Mr. Sergent said the Building Department Administrative Manual passed in April, 1991, but Mr. Gaujot, the City Attorney, felt it would be better and stronger if we would adopt this by an ordinance. Mr. Gaujot said he feels the manual should be implemented by 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. After Mayor Karnes read the title, Councilman at Large David Casebolt moved for the approval of the first reading. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 91-8 ATTACHED.

AGENDA ITEM NO. 3 - REQUEST TO ABANDON A PORTION OF A 10 FOOT ALLEY SITUATE ADJACENT TO BLOCK J OF EAST CRAWFORD ADDITION: Mayor Karnes said this item was on the agenda at the last meeting and there was a question regarding the railroad, and if they had an interest in the property and knew of the proposed abandonment. Mayor Karnes said Bob Sargent contacted Conrail and their response was that if it didn't cost them anything, then they didn't object. Councilman at Large Olaf Walker said he requested we contact Conrail buy he was hoping we would hear from them in an official manner instead of a note on a desk pad. Mr. Gaujot recommended a petition be filed to abandon the 10 foot alleyway, and then a written notice, stating the date and time of the public hearing, to go to all the property owners abutting the alleyway. Also, publish in the newspaper notice of abandonment of the alleyway. Then, have a hearing and determine if there are any objections. Mayor Karnes said the only property owner is the railroad, other than the owners requesting the abandonment. Mr. Gaujot asked if a petition had ever been sent to the railroad. Mayor Karnes said the Planning Commission advertised, held a Public Hearing and made recommendation. Mr. Gaujot said if the Planning Commission had done all of that, then there is nothing further to do except vote by this body based upon the recommendation of the Planning Commission. If everything was done correctly, all we would have to do is have the property owner get a deed prepared and give it to our City Attorney for his recommendation as to whether or not to sign it. Mr. Gaujot said it was his advise the railroad should have a written notice of a hearing, and the notice should come from the Planning Commission. He said that in addition to that, there should be a notice in the paper to the world or anybody else that may feel they have an interest. Mr. Gaujot said it was his understanding a notice was placed in the paper, but possibly a petition did not go to the railroad. Also, we have unofficial information that the railroad doesn't care, and they probably don't care. Mr. Gaujot said he thinks Council could go ahead, under the circumstances of this case, and abandon the alleyway, have those that are requesting the alleyway to be abandoned prepare a quitclaim deed, and they could still notify the railroad. If they have any objections, they can come in and voice the objection prior to the signing the deed. Mr. Gaujot said if 5 years down the road, the railroad would complain, it would not be the City's issue at that time; it would be those people requesting the abandonment. Mr. Gaujot said it was his recommendation they start over on this request, and send the railroad a copy of the petition and notice for a hearing. Councilman at Large Olaf Walker moved this matter be put back into the Planning Commission. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - RES. 91-12 AUTHORIZING DON KARNES TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE GOVERNOR'S OFFICE OF COMMUNITY AND INDUSTRIAL DEVELOPMENT: - Mayor Karnes read the resolution in its entirety, and Councilman at Large Olaf Walker

moved we adopt Resolution 91-12. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 91-12 ATTACHED.

AGENDA ITEM NO. 5 - ORD. 91-7 - ESTABLISH RATES AND CHARGES FOR SERVICES RENDERED BY THE SANITARY BOARD OF THE CITY OF NITRO TO ROCK BRANCH PUBLIC SERVICE DIST. (2ND READING): - Councilman at Large Olaf Walker moved the Mayor suspend reading the ordinance in its entirety. The motion was seconded. A vote was taken and it was unanimous. Councilman Jim Hutchinson moved for the adoption of Ordinance 91-7. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 91-7 ATTACHED.

AGENDA ITEM NO. 6 - BIDS - GARBAGE TRUCK: - Mayor Karnes said we have been trying for a long time to buy a new garbage paker. He said we properly advertised for bids and received three. One from Jefferds Corporation for \$54,604 for an International, and two from WV Tractor for a GMC \$53,336 and an International for \$54,070. Mayor Karnes passed the bid specifications, along with pictures, to Council for their review. Mr. Wayne Shumate from Mountain International said he had a truck outside that was similar to their bid. Mayor Karnes said Councilman Young is familiar with the truck, and he would like for him to chair a Committee made up of Gene Williams, Director of Public Works and anyone else he would like to have help him. Councilman at Large Olaf Walker moved the Mayor appoint the Committee as described and that Committee be empowered to make a decision on one of the three trucks and proceed immediately to order the truck. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - MUSEUM: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt. Councilman at Large Casebolt reported they had a meeting regarding the museum and there were a lot of concerns, questions that they could not answer and a lively discussion. He said that they were not properly prepared to make a motion tonight. Councilman at Large David Casebolt said at the meeting, they discussed a plan and were trying to act upon this plan to get a workfare program started in Nitro. He said they were trying to get a third lane between 19th Street and 40th Street. Also, he said that hopefully in the near future, they could have a meeting of all businessmen to discuss all the concerns. Mr. Lewis from 11th Street said he has been talking with different people. He said this was a nice town, but they want to increase fees because there is not money in the budget. He said the city employees do a fantastic job, and haven't had a raise for a long time. He said he thinks the citizens should have a voice in making the decision about the museum. He said there are more people against the museum than for it. Councilwoman Betty Jo Boggess said she

feels our business community needs a boost in some kind of direction, right or wrong. She said they are not getting any help from the City. Mayor Karnes said he would try to schedule a meeting at the high school in September, if possible, to allow comments or suggestions. Councilman Atkins said the possibility of a third lane has been discussed several times since he has been in office. Mayor Karnes said it was also an issue in the 70's when he was on City Council. Councilman at Large Rusty Casto said he feels the museum would be a waste of money, and can't see why anyone would want it in here. Two ams were received from the audience. Mayor Karnes said nothing was going to be resolved at this meeting, but we will have a public meeting.

AGENDA ITEM NO. 8 - ZONING BOARD OF APPEALS APPOINTMENT: - Mayor Karnes said Herb Sibley was a member of the Zoning Board of Appeals, and he thinks his job might, at some point, be a conflict of interest and submitted his resignation. Mayor Karnes said he would like to recommend the appointment of Preston Russell of 2165 N. 21st Street to fill the unexpired term ending December 30, 1991. Councilman at Large Rusty Casto moved Preston Russell be appointed to the Zoning Board of Appeals. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Olaf Walker moved Council direct the Treasurer to setup a savings account at the Nitro bank for the purpose of depositing monies this city government may receive to be deposited into this account to be spent as Council sees fit. He explained this would be any money that is not budgeted. He said the funds must be spent before June 30, 1992. The motion was seconded. Councilman at Large Olaf Walker asked Mr. Allison for his opinion, and he said he agreed with him on the \$50,000 but money collected from municipal service is part of the everyday business. Discussion followed, and Mr. Gaujot asked the legality of this. Councilman at Large Walker said this was legal; he checked it out. Discussion continued. A vote was taken with Councilman at Large David Casebolt and Councilman Robert Young opposing and Councilman at Large Rusty Casto abstaining.

There being no further business, the City Recorder Doris G. Carrier moved the meeting be adjourned at 8:55 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. 91-8

ADOPTED BY COUNCIL _____

INTRODUCED IN COUNCIL August 20, 1991

AN ORDINANCE TO ADOPT "THE CITY OF NITRO
BUILDING DEPARTMENT ADMINISTRATIVE MANUAL"
HEREINAFTER CITED AS ARTICLE 1705.07

WHEREAS, the Council of the City of Nitro, West Virginia, deems it necessary that the Building Department shall hereby enforce the West Virginia Building Code as provided for in Chapter 29, Article 3, Section 5 b of the West Virginia of 1931, as amended.

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

The City of Nitro Building Department Administrative Manual attached hereto be adopted and the Building Department shall hereby enforce the West Virginia Building Code as provided for in Chapter 29, Article 3, Section 5 b of the West Virginia Code of 1931, as amended.

First Reading AUGUST 20, 1991

Second Reading _____

Louis G. Carson
City Recorder

Don Karn
Mayor

CITY OF NITRO

MEMORIAL TO WORLD WAR I

DON KARNES
MAYOR

RESOLUTION 91-12

AUTHORIZING MAYOR DON KARNES TO
ENTER INTO A CONTRACTUAL AGREEMENT
WITH GOVERNOR'S OFFICE & COMMUNITY
& INDUSTRIAL DEVELOPEMENT

The City Council met on August 20, 1991 with a quorum present and passed the following resolution.

BE IT RESOLVED that the 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.

Doris G. Carrier
DORIS G. CARRIER, RECORDER

ORDINANCE ESTABLISHING RATES AND CHARGES
FOR SERVICES RENDERED BY THE
SANITARY BOARD OF THE CITY OF NITRO
TO ROCK BRANCH PUBLIC SERVICE DISTRICT

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 provides wastewater treatment service for Rock Branch Public Service District on a wholesale basis; 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 City's wastewater treatment plant for Rock Branch Public Service District in order to provide funds for the reasonable expenses of operation, repair, replacement and maintenance of the treatment plant and the payment of the sums required for debt service for which the District 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 rates and charges for the use of and services rendered by the wastewater treatment plant of the City of Nitro to Rock Branch Public Service District shall be 2.4322 for each 1,000 gallons of billed water usage for customers of the Rock Branch Public Service District.

2. Delayed Payment Penalty: The above schedule is net. Any bill 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.

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

Passed on first reading	August 6, 1991.
Public hearing held	August 20, 1991.
Enacted on second reading	August 20, 1991.
Effective date	October 4, 1991.

Don Kamm
Mayor

Attest:

Doris G. Carrier
City Recorder

CITY OF NITRO
COUNCIL MEETING MINUTES

SEPTEMBER 3, 1991

Mayor Karnes called the regular Council Meeting 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.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 20, 1991 COUNCIL MEETING MINUTES: - City Recorder Doris G. Carrier moved the August 20, 1991 Council Meeting Minutes be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PUBLIC HEARING MINUTES - AUGUST 20, 1991: - Councilman at Large Olaf Walker moved the attachment of the Public Hearing to the minutes of our Council Meeting. The motion was seconded. A vote was taken and it was unanimous.

PUBLIC HEARING MINUTES OF AUGUST 20, 1991 ATTACHED.

AGENDA ITEM NO. 3 - CARRIAGE WAY STREETS: - Mayor Karnes asked our attorney if he would get with Mr. Swisher and then advise what the next step would be. Mr. Rod Jenkins said the residents voted for annexation, but Mr. Volpi reserved the rights to keep the streets. He said he spoke with a representative of Evergreen Federal, the lienholder on the property and they said the bankruptcy didn't go through simply because they foreclosed on their properties and after Mr. Stonestreet got his property, there was nothing left. He said he checked with the bankruptcy court and it is no longer an open case, and was closed in February, 1987. Mr. Steve Taylor, a representative from Evergreen Federal, is sending Mr. Jenkins a letter stating they have no liens or any vested interest in the Carriage Way Subd. Mr. Gaujot said it was possible the bank and Mr. Stonestreet may have an interest in those streets. Mr. Jenkins said Mr. Stonestreet's property did not front any streets. He owned the mountain in back of Carriage Way, and there were no streets there. Mr. Gaujot said if Mr. Volpi owned the street, then someone else now owns everything that Mr. Volpi had whether it be the bank and/or Mr. Stonestreet. Mr. Gaujot said he would call Mr. Swisher and schedule an appointment, but the letter from Mr. Swisher did not state who owns the street. Mr. Gaujot said he would give an update on this matter at the next Council Meeting.

AGENDA ITEM NO. 4 - ORDINANCE 91-8 TO ADOPT THE CITY OF NITRO BUILDING DEPARTMENT ADMINISTRATIVE MANUAL (2ND READING): - Councilman at Large David Casebolt moved the Mayor read the title

only of Ordinance 91-8. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large David Casebolt moved we adopt this ordinance. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 91-8 ATTACHED.

AGENDA ITEM NO. 5 - REQUEST TO PURCHASE APPROXIMATELY 40' feet x 75' PART OF THE OLD WATER INTAKE PLANT FROM THE CITY OF NITRO: - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman Atkins said members of Council were furnished a copy of a letter from Mr. Larry Brannon requesting to purchase a parcel of property approximately 40' X 75' from the City of Nitro, and asked this matter be brought before Council for their discussion. Councilman Jim Hutchinson suggested this matter be brought before the Planning Commission for their recommendation. Mayor Karnes said unless Council makes the decision they will not sell the property, then it should be sent to the Planning Commission for recommendation. After further discussion, Councilman George Atkins moved this matter be sent to the Planning Commission for their recommendation. The motion was seconded. Councilman at Large Olaf Walker moved to amend the motion that the Planning Commission come up with some type of guidelines as to what value per foot the property is worth. Councilman Atkins responded they would probably have to get an appraiser for this, and he didn't recommend we spend money to have this done. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - COMMUNICATIONS COMPUTER: - Mayor Karnes yielded this agenda item to Chief C. R. Cochran. Chief Cochran submitted a proposal for a Bull Worldwide Computer which he feels would save the City money, and the budget would not have to be adjusted for this piece of equipment. After discussion regarding the charge for line mileage and maintenance, Councilman at Large Olaf Walker moved Council postpone action on this matter until the next meeting so they could check further on the maintenance and line mileage charge. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Olaf Walker introduced a resolution which would support an ordinance to waive the building permit fee and the B & O tax for a period of one year on construction cost above \$25,000 and up to \$100,000 of an alteration, restoration, improving or beautifying the exterior of the existing business structure. He also mentioned we might want to offer something similar to residents. Discussion followed.

Councilman George Atkins said the Mayor, Councilman Walker, and himself with the help of Gene Williams, provided enough guardrails from the State to put a fence around the parking lot at the Library. He said they would need some volunteer help to dig holes and set the posts. He said they also had some dirt hauled in and want to landscape around the library. Also, he said he thinks we should eliminate letting big trucks park on the lot.

Councilman George Atkins mentioned the traffic flow problem on 11th Street between Broadway and Park Avenues. He said it was only one lane and asked if something could be done about this. Chief Cochran said this was being monitored.

There being no further business, Councilwoman Betty Jo Boggess 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

PUBLIC HEARING

AUGUST 20, 1991

The properly advertised Public Hearing was called to order by Mayor Don Karnes in Council Chambers at 7:05 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Olaf Walker, Councilman at Large Rusty Casto, Councilman at Large David Casebolt, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot, City Treasurer Ralph Allison, Attorney James Withrow, Max Lemma, Treasurer of the Sanitary Board, Connie Stephens, General Manager of the Nitro Sanitary Board and citizens who were present for the Council Meeting following the Public Hearing. Absent were Councilman at Large David Casebolt and Councilwoman Betty Jo Boggess.

Mayor Karnes yielded the floor to the Nitro Sanitary Board Attorney Jim Withrow. Mr. Withrow said they were here this evening for a Public Hearing with respect to the request by the Sanitary Board for the adoption of an Ordinance that would increase the existing rates that are charged for services rendered by the Sanitary Board of the City of Nitro to Rock Branch Public Service District. He said Rock Branch Service District is a wholesale customer of the Sanitary Board. The Rock Branch Service District collects waste water and sewage throughout the Rock Branch area and transports it, basically to the Union Boiler pump station. At this point, it enters the Nitro Sanitary sewer system. He explained that because of the fact they utilize a portion of the Nitro collection and treatment system, the City of Nitro imposes a rate on Rock Branch on a per thousand gallon basis. Mr. Withrow said they, the Sanitary Board, hired Mr. Harold Howie, a CPA and a recognized utility rate analyst, to do this cost of service study. Members of Council were furnished a copy. Mr. Withrow said Mr. Howie recommended, based upon his review, that the rate to Rock Branch Public Service District be increased from the present .96 cents to approximately \$2.44 per thousand gallons. Council approved the first reading of the ordinance, and Mr. Withrow said they were asking it be adopted at the Council Meeting following.

Mayor Karnes asked if anyone wanted to speak on this issue. No response.

Councilman at Large Olaf Walker moved the public hearing be adjourned at 7:15 p.m. The motion was seconded. A vote was taken and it was unanimous.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

ORDINANCE NO. 91-8ADOPTED BY COUNCIL September 3, 1991INTRODUCED IN COUNCIL August 20, 1991

AN ORDINANCE TO ADOPT "THE CITY OF NITRO
BUILDING DEPARTMENT ADMINISTRATIVE MANUAL"
HEREINAFTER CITED AS ARTICLE 1705.07

WHEREAS, the Council of the City of Nitro, West Virginia, deems it necessary that the Building Department shall hereby enforce the West Virginia Building Code as provided for in Chapter 29, Article 3, Section 5 b of the West Virginia of 1931, as amended.

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

The City of Nitro Building Department Administrative Manual attached hereto be adopted and the Building Department shall hereby enforce the West Virginia Building Code as provided for in Chapter 29, Article 3, Section 5 b of the West Virginia Code of 1931, as amended.

First Reading AUGUST 20, 1991

Second Reading SEPTEMBER 3, 1991

Bruce L. Carrier
City Recorder

Don Karman
Mayor

CITY OF NITRO BUILDING DEPARTMENT ADMINISTRATIVE MANUAL

AS PASSED BY

ORDINANCE NUMBER:

DATE:

91-8

1st Reading August 20, 1991

2nd Reading September 3, 1991

NITRO BUILDING DEPARTMENT
20th STREET & 2nd AVENUE
NITRO, WEST VIRGINIA 25143

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ARTICLE ISECTION 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 Recorders Office for review. The official building code books, collectively or seperatly, 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 IISECTION 200.0 APPLICATION AND PERMIT REQUIREMENTS

200.1 Permit Required: Any owner, authbrized agent or contractor, who wishes to construct, enlarge, alter, repair, move, demolish or change a building or structure; to excavate or to pave, to errect 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 appartus, 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 constructed as to prevent the owner from doing any work on his own property or 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 to do anytype of such work being preformed in any type of constuted method

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 a 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 received 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 of 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) Special 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 Special 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 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. 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 payable to The 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 \$13.85 per square foot; for detached garages, use \$16.68 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 \$18.03 per square foot.

Sample Computations

Type of Construction: 2C

Use Group: B

Height: 3 Stories

Area/Floor: 20,000 sq. ft.

35 feet

Fire Suppression System

1 Elevator

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 been 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 prescribed herein.

203.4 Validation (Estimated Constrution 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, contrary to, or in violation of any provisions of this code, or cause, permit or suffer the same to be done.

204.2 Fine: A 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 seperate offense for 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), or 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 sub-contractor, foreman, employee, or any person employed to erect or constrect, enlarge, alter, repair, pave, move, demolish, convert, or equip any building or structure, or any building, structure, or any building lot.

204.4 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 item 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 firefighting equipment, fire detection equipment or fire alarm systems.

Each and every day during which any illegal erection, construction, reconstruction, alteration, maintenance or uses 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

205.1 Definition: Timbering shall be construed to include the removal by select-cut or clear-cut 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 haulroads, harvesting areas, property lines, skid trails, streams, and all affective city streets, shall be submitted to the Building Official for approval. This plan should show all storm drainage and erosion control. Drainage calculations shall be submitted to indicate the proposed timbering operation on all affective 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 Operations: 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 timely manner, or compensate the City of Nitro in full, for any necessary repairs do to timbering including, but not limited to, repairing streets affected as determined by the City.

122 engineer. These repairs shall be performed 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 perform 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 & 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) 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 cost 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 if in his opinion the structure is creating a dangerous situation to the public or adjoining property, declared the structure a hazard, and contract the necessary service to correct the situation and place a lien upon the property for all cost 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 sites without special written permission to 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 any 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 materials 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 cashiers 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 preformed in accordance with this 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 is required, he may so designate an amount sufficient to insure the proper performance of said demolition. Bonds will not be required for structure of less than 500 square feet.

If a deposit in the form of cash or 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 untill 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 Treasure, in writing, to repay said funds to the applicant. The Building Official shall have the right to waive said deposit or bond if condition warrants 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 (30) 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 STRUCTURE

No 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 City Recorder. The fee for issuance of such license shall be twenty-five dollars (\$25.00) for each calender year.

301.1 Inspection By Building Official: No owner of any building or structure shall be authorized to move the same to another location until 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 certificate holder; for the sum of Ten Thousand Dollars (\$10,000.00) with sufficient sureties to be approved by the City of Nitro 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 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 (\$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 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 Street: 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, such extension is reasonable necessary.

301.7 Fire Protection: The Fire Chief 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.

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.

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 types of apparatus, construction of flue stacks or chimney, stack connections, kind of fuel, method of operation, safety devices, control systems, 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 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 800.0.

ARTICLE V

SECTION 500.0 PLUMBING & 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 work schedules, in sufficient detail, shall be filed, in duplicate, with 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 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 within the jurisdictional limits of the City of Nitro shall conform to the requirements of this section.

602.1 West Virginia Code Requirements: Pursuant to the provisions of Section 14A, 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 Nitro 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.

602.3 Definition: As used in this section, "Electrical Contractor" means any person who engages in the business of, or employs others for, the construction, alterations 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 both. 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 a 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, projection, 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 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 thereafter 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 installations 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 Awnings 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

801.0 Definition And License Required: The term "Building Contractor", is 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 License: Registration fee for the first year shall be One Hundred Dollars (\$100.00) and thereafter, the 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 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 provisions 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 who said license has been revoked within a period of ninety (90) days from the date of such revocation.

801.8.2 Revoking Of A 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 of permits granted, pursuant to the Building Department Administration 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 purpose 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 represented by council, and be heard orally upon the merits of his defense. The Building Official may request legal advice from the City Legal Department (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 until the expiration of six (6) months after the revocation and after payment of all fees as on the original instances. 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 Chief, 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 in conformity with this code. Its decisions shall be concurred with by at least three (3) 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 ninety (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, engage 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 a 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 instances, 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 violations of the laws of the City relative to the installation, repair, cleaning, alteration, or addition to warm-air furnaces, warm-air heating systems 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 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 council, 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 untill the expiration of six (6) months after the revocation of aforesaid, and after successful examination and payment of all fees as in the original instances. 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 journey plumber, and no person, firm or corporation shall engage in, or work at the business of a plumber 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 license 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 a twelfth (12th) grade education.

NOTE: SATISFACTORY EVIDENCE SHALL BE NOTARIZED LETTERS FROM FORMER EMPLOYERS, MILITARY RECORDS ETC.

803.5 Registration and Building 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 limits, 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 LICENSE".

803.7 Reapplication For License: If applicant fails the examination, he shall wait a period of ninety (90) days before he reapplies 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 the 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 (\$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 Revocations of Licenses: The Board of Examiners shall have the power to revoke any journeymans or master plumbers license, if same was 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 the power to revoke any plumbing contractors 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 the power to revoke plumbers 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 The City of Nitro, 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 \$10.00 ten dollars 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 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 upon the payment of the registration fees herein provided.

804.0 Signs And Outdoor Display Structures: The licensing of all sign 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 connections with said business.

804.3 License Granted And Refused: 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 is 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 (30) day of June each year following the date issuance. The registration fee for each yearly renewal shall be fifty (\$50.00) dollars.

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 judgements that may be recovered against the city by reason of the negligent erection or maintenance of any aforementioned signs.

805.0 Refusal To Renew Annual License For Failing 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 or license application as required by this code or other city ordinance or 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 Officials office.

APPENDIX ASECTION 1 VALUATION CHARTBUILDING PERMIT 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.
\$100,000.00	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.
\$500,000.00	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 or 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 fee 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 ($\frac{1}{2}$) of the building permit fee as set forth in Section 107.4.

APPENDIX AELECTRICALSCHEDULE OF FEES

INITIAL FEE.....For issuing a 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 outlets 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
40 to 75 fixtures.....	\$12.50

For each additional 25 fixtures
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 of each building, of seven dollars and fifty cents (\$7.50) for rough wiring and/or fixtures.

(d) Heating, Cooking Equipment and Similar Appliances

Outlets for a single unit of 30 k. w. or less.....	\$7.50
Each additional unit or outlet of 30 k. w. or less.....	\$.50

On dwelling occupancies, a charge of two dollars (\$2.00), will be made for the first unit, or outlet of 30 k. w. or less and fifty cents (50¢) for each additional unit or outlet (including air conditioning) when subject to inspection with rough wiring and/or fixtures.

CONTINUED ON NEXT PAGE

ELECTRICAL PAGE 2

For units in excess of 30 k. w., apply motor schedule.
Cable heat, first unit.....\$7.50
For each additional 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 (75¢) for each additional meter.

(h) Primary Transformers; Vaults; Enclosurers; 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

(l) 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) 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

(n) 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

(o) Mobile and/or Prefabricated Structures

The schedule covering classifications to apply Issuance of duplicate certificate.....\$1.25

SECTION II PLUMBING PERMIT FEES

The permit fee for all plumbing shall be based on the valuation chart in Section I

The inspection fee for inspecting repairs and replacement fixtures shall be \$1.00 per fixture.

The 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.

CITY OF NITRO
COUNCIL MEETING MINUTES

SEPTEMBER 17, 1991

Mayor Karnes declared the Council Meeting in regular session and called the meeting 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, 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 SEPTEMBER 3, 1991 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the minutes of the Council Meeting of September 3, 1991 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CARRIAGE WAY STREETS REPORT: - Mayor Karnes yielded this agenda item to the City Attorney Phillip D. Gaujot. Mr. Gaujot said following the last Council Meeting and pursuant to the Mayors and Councils' instructions, tried to reach Mr. Swisher by telephone Wednesday and Thursday and left a message for him to return the call. On Friday Mr. Swisher returned his call, and Mr. Gaujot told him the matter was before Council. Mr. Gaujot told him that he was aware of the letter written to Mr. Jenkins with regards to the bankruptcy matter, and told him that he thought we needed some identifiable theory of why the streets should be brought into the city. Mr. Swisher understood this, and said he would contact the bankruptcy court to find out exactly what happened with regards to the streets in the bankruptcy court. Mr. Swisher said he thought a letter could come from whoever had been the trustee of the bankruptcy indicating that the streets were not considered assets on which the trustee would care to retain. Mr. Gaujot said he told Mr. Swisher the letter should come to the City. Mr. Swisher said that after talking with the bankruptcy trustee, he would do that. Mr. Gaujot said he received a letter, addressed to Rod Jenkins, from Steven Taylor, the Executive Vice President of Evergreen Federal Savings Bank stating that Evergreen Federal Savings Bank makes no claims against the streets in Carriage Way Subdivision. Mr. Gaujot said the bankruptcy trustee may have another thought. Mr. Gaujot said that once the Mayor and Council receives the letter from Mr. Swisher advising that in his opinion the streets can be taken into the City, then it is a matter to be addressed by Council.

AGENDA ITEM NO. 3 - NITRO ELEMENTARY SCHOOL REQUEST: - Mayor Karnes yielded this agenda item to the City Recorder Doris G. Carrier. City Recorder Doris G. Carrier said Ardith Rohmiller, the Principal of Nitro Elementary School, requested permission to

solicit for the school from July, 1991 to June, 1992. She said they are trying to raise money for educational materials, equipment for physical education, etc. City Recorder Doris G. Carrier said she told Mrs. Rohmiller this request was unusual as normally permission is granted for each fund raising function. After discussion, Councilman at Large Olaf Walker said he did have some reservations about granting permission for one year. City Recorder Doris G. Carrier said Mrs. Rohmiller told her that once they make a decision on a project, they might not have enough time to get it put on the agenda. Councilman at Large Olaf Walker moved the City Recorder, Doris G. Carrier be notified of each fund raising project and then she could issue a permit or bring it to Council. The motion was seconded. A vote was taken and it was unanimous.

Mr. Rod Jenkins entered Council Chambers, and Mr. Gaujot advised him of his conversation with Mr. Swisher.

AGENDA ITEM NO. 4 - RECREATION UPDATE: - Mayor Karnes yielded this agenda item to the Recreation Director Jay Long. Mr. Long mentioned the stone and rock placed at the base of the dam, and the merry-go-around and the trapzee swing which have been put in. He said both of these were obtained through grants. At the City Park, they had a 6 weeks Summer Youth Program that involved 72 children from the ages of 9 through 12. He said they averaged about 30 kids per day, and on Fridays they swam at the pool. Also, they had a 2 weeks summer basketball camp which 37 children participated. Mike Lamb was in charge of this, and it was very successful.

Mr. Long reported the pool was opened for a period of 80 days from June 7, through September 2, 1991. In fairness to the people buying season passes, the pool was opened through September 2, and the attendance was very low. Suggestions were to have the pool open on Memorial Day, make out of town and in town passes the same price and possibly closing the pool sometime in August. Mr. Long told Council that before long our pool will need a major overhaul. Councilman Robert Young moved this report be made a part of the minutes. The motion was seconded. A vote was taken and it was unanimous.

REPORT ATTACHED.

AGENDA ITEM NO. 5 - RES. 91-13 ENDORSING LEVY TO BE VOTED UPON SEPTEMBER 28, 1991: - Mayor Karnes yielded this agenda item to Councilwoman Betty Jo Boggess, our representative on the Board. Councilwoman Betty Jo Boggess said the levy has been ongoing since 1979, and encouraged everyone to vote for it. Councilman at Large Rusty Casto 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 pass

Resolution 91-13. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 91-13 ATTACHED.

AGENDA ITEM NO. 6 - LIBRARY PARKING LOT REPORT: - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman Atkins said he, along with Councilman at Large Olaf Walker, had a meeting with the Library Board to discuss the fencing of the parking lot. He showed them part of the materials they were going to build the fence with, and the Board Members were very enthused about this. Councilman Atkins said they needed a few more posts, and there would be a small expense to the City for materials, but they were not going to put the posts in concrete. He passed the drawing around to Council showing the proposed entrance and exits. Councilman at Large Olaf Walker said a deed for a lot 150 x 180 was made to the Library Commission a few years ago. He said he was not in favor of deeding the lawn beyond this point, but would like for Council to go on record allowing the Library to landscape, seed and maintain a lawn in the area. Councilman at Large Olaf Walker said in was their hope to get the lot paved at a later date.

AGENDA ITEM NO. 7 - RES. TO SUPPORT AN ORDINANCE TO WAIVE BUILDING PERMIT FEES AND B&O TAX IN CERTAIN INSTANCES: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman at Large Walker said he introduced this resolution at the last meeting for Council's review to be acted upon at this meeting. He said any part of the resolution could be changed, and pointed out this would only be for the exterior of a business. City Recorder Doris G. Carrier said she thought the \$25,000 floor should be lowered in order to help smaller businesses. Councilwoman Betty Jo Boggess said most of the downtown stores are rented property, and if any remodeling is done to the outside, the owners would probably raise the rent. She said if the owners of the buildings would do remodeling to the store fronts, it would be a great help. Mayor Karnes said it concerned him that unless the limit was altered, few, if any, would qualify. He said he has been working toward making available low cost interest rate loans for this very same purpose. After further discussion, and an inquiry to the City Attorney Phillip D. Gaujot if we can legally do this. Mr. Gaujot said he didn't need a resolution for him to prepare an ordinance, and commented he didn't see how we could give residents a break unless we did it on municipal fees. 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 Rusty Casto moved we accept the resolution. The motion was seconded. Councilman Robert Young made a friendly motion to amend the \$25,000 to \$5,000. The motion was seconded. Councilman at Large Olaf Walker pointed out that this would not relieve the business of their B & O Taxes, but it would eliminate the contractors from paying the taxes. The contractor would reap

he would be able to do the job cheaper. A vote was taken on the motion, as amended, and it was unanimous.

RESOLUTION 91-14 ATTACHED.

AGENDA ITEM NO. 8 - COMPUTER - COMMUNICATION OFFICE: - Mayor Karnes yielded this agenda item to Chief C. R. Cochran. Chief Cochran explained that at the present time, they lease a Benchmark system costing \$3,876 a year with a maintenance cost. He said he was asking permission to purchase a Bull Worldwide system costing \$2,134. He said there would not be a maintenance cost for the first year, and the second year would be \$217 a year. Councilman at Large David Casebolt moved permission be granted for the police department to purchase the Bull Worldwide computer. The motion was seconded. Councilman at Large Olaf Walker asked if this computer could be purchased out of the drug funds, and Chief Cochran responded that he didn't think he could. A vote was taken and it was unanimous.

AGENDA ITEM NO. 9 - REPORT ON 3RD LANE: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt. Councilman at Large David Casebolt said Mr. VanKirk or a representative from his department has agreed to meet with Council on Wednesday, September 25, 1991 at 7:00 p.m. He said he would like for the Mayor and members of Council meet Monday night to discuss how they would approach this meeting. He said a couple of Senators told him this had been engineered, and they will hopefully have a price quote Wednesday evening and will be accomplished by State money. A discussion followed, and a meeting was scheduled Monday, September 23, at 6:00 p.m.

AGENDA ITEM NO. 10 - NITRO HIGH SCHOOL BAND BOOSTERS REQUEST: - Mayor Karnes yielded this agenda item to the City Recorder Doris G. Carrier. City Recorder Doris G. Carrier said the Nitro High School Band Boosters requested to solicit funds on September 21, from 8:00 a.m. until 2:00 p.m. She said they would have containers and solicit outside businesses. They said last year they solicited funds at the stoplight on 21st Street, and reserves watched the children. Councilman at Large Jim Hutchinson moved for the approval of this request, but eliminate solicitating in the streets. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Olaf Walker asked permission to furnish Council a preliminary report on municipal service fees for the month of August under the new rate. He said the source was taken from the building status report, and the total accounts were 3,783 and not billed account 642. The not billed accounts means they are inactive for some reason such as they have moved or the final bill has been rendered. They are outstanding bills as far as the City is concerned. In June, the City Treasurer Ralph Allison gave members of Council a list of the accounts that he wanted Council to review and meet and try to come up with a recommendation of the ones they wanted wrote off. He said they

have 32 commercial accounts outside the City which receive sewer service, but not trash pickup. Also, there are 22 residential units outside the City receiving sewer service but not trash pickup. The total accounts in the City is 3,087. He reported as of this date, there are 136 receiving less than \$12,500 or less and exempt from the new municipal service rate and are paying \$8.50, a number of church sanctuaries paying \$8.50 and there are 8 city accounts paying nothing. This makes 165 accounts paying less than \$12.00 per month. He said some commercial accounts are paying more than \$12. He said they discovered one church had overpaid their account and now has 17 months credit. There was one commercial account outside the City that had been paying \$8.50 since August, 1986 which was not due. There was a discussion regarding the rates for churches, sanctuaries and parsonage. Councilman at Large Olaf Walker asked Council if they would review the report and get back with him if they had any questions. He pointed out the revenues received on municipal service, and suggested we direct the City Treasurer to write a check for \$4,000 from the General Revenue Fund to the special savings fund. He said then by Spring we would have enough money to purchase another garbage truck. Mayor Karnes said we could discuss this Monday.

Councilman at Large Olaf Walker said he would like to have a meeting to discuss this as well as consider what is going to be done regarding the rates of municipal fees for businesses. A meeting was scheduled Monday immediately following the meeting scheduled for 6:00 p.m.

There being no further business Councilman Robert Young moved the meeting be adjourned at 9:00 p.m.. The motion was seconded. A vote was taken and it was unanimous.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

1991
NITRO CITY POOL
JUNE 7, THROUGH SEPTEMBER 2, 1991
80 DAYS

REVENUE

SALE OF POOL PASSES		\$5,583.50
(61) FAMILY	\$4,270.	
(24) INDIVIDUAL	840.	
(1) NON-RESIDENT	100.	
(7) FAMILY PASSES 1/2 PRICE	245.	
(3) INDIVIDUAL 1/2 PRICE	52.50	
FAMILIES 5 OR MORE	<u>76.</u>	
 POOL PARTIES		 1,138.00
DAILY ADMISSION		13,460.00

ATTENDANCE

PERSONS WITH PASSES	5,836
PAYING AT GATE	6,730
CHILDREN ADMITTED FREE	1,367*

*INCLUDED JAYTEENS, SUMMER YOUTH PROGRAM AND CHURCH PROGRAM

13,933

CONCESSIONS

		\$ 12,161.25
CREDITS	PEPSI COLA	79.00
	OHIO VALLEY WHOLESALE	63.48

TOTAL REVENUE **\$ 32,485.23**

EXPENDITURES

POOL	
SALARIES, LIFEGUARDS	\$10,974.32
CASHIERS	2,272.40
SUPPLIES - MAINTENANCE	1,777.89
CHEMICALS	4,923.71
TOTAL POOL EXPENSES	\$19,948.32

CONCESSIONS

SALARIES	3,241.00
FOOD & SUPPLIES	6,706.08

TOTAL CONCESSION EXPENSES **\$ 9,947.08**

TOTAL EXPENDITURES **29,895.40**

TOTAL REVENUE: **\$32,485.23**

TOTAL EXPENDITURES: **\$29,895.40**

+ \$ 2,589.83



DON KARNES
MAYOR

RESOLUTION 91-13

A RESOLUTION ENDORSING THE
PROPOSED LEVY TO BE VOTED UPON
SEPTEMBER 28, 1991

WHEREAS, by order of the Kanawha County Commission, June 27, 1991, a levy election has been set for Saturday, September 28, 1991, to provide the voters of Kanawha County an opportunity to approve an excess tax levy for fiscal years 1992, 1993 and 1994 to support the operations of the Kanawha Valley Regional Transportation Authority (KVRTA); and


WHEREAS, the proposed excess levy is needed for the continued operation of KVRTA and KCEAA and will be used to provide funds for the acquisition of equipment, capital improvements; and

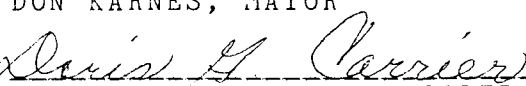
WHEREAS, KVRTA has otherwise conducted its operations in such a manner as to provide an essential public service; and

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Nitro does hereby endorse the proposed levy to be voted upon on September 28, 1991, and urges all voters of said City and all other County Voters to vote for the levy.

Passed this 17th day of September, 1991.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER



DON KARNES
MAYOR

RESOLUTION 91-14

SUPPORTING ORDINANCE TO WAIVE THE BUILDING PERMIT FEE & THE B & O TAX FOR A PERIOD OF ONE YEAR ON CONSTRUCTION COST ABOVE \$25,000 AND UP TO \$100,000.

WHEREAS, between 1950 and 1990, the State of West Virginia population declined from 2,005,552 to 1,793,447 for a loss of 312,105 citizens. During the last decade Kanawha County had a population drop of 23,795 people, and the City of Nitro had a 12% decline; and

WHEREAS, this out migration from the State and City most generally related to the young adults leaving for better employment opportunities; and

WHEREAS, City Council recognized that this out migration of our young people results in a medium age for Nitro of 38.7 years compared to 36.7 for the County and 35.4 for the State; and

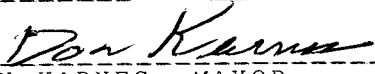
WHEREAS, City Council is cognizant to the fact that 31% of the total Class II property in the City receives the Homestead Exemption. Further, the Council is well aware that these factors have adverse impact on businesses in the City as well as its economic growth; and


WHEREAS, the City Council is vitally concerned and want to work and cooperate with the Business Community to improve the attractiveness of our town and business opportunities; and

WHEREAS, City Council recognizes it is never a source of goods, and everything produced is produced by the people through business enterprise.

NOW, THEREFORE, BE IT RESOLVED that the Council of Nitro will support an Ordinance to waive the building permit fee and the B & O tax for a period of one year on construction cost above \$25,000 and up to \$100,000 of an alteration, restoration, improving or beautifying the exterior of the existing business structure.

Passed this 17th day of SEPTEMBER, 1991


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

period of one (1) year on construction costs of Five Thousand Dollars (\$5,000.00) or more, for any alteration, restoration, improving or beautifying the exterior of any existing business structure.

First Reading October 1, 1991

Second Reading _____

Mayor

City Recorder





DON KARNES
MAYOR

PROCLAMATION 91-2

PROCLAIMING THE WEEK OF OCTOBER 6,
THROUGH OCTOBER 12, AS FIRE
PREVENTION WEEK

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

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

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

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

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

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

WHEREAS, the Nitro Firemen's Association is planning a parade on October 12, 1991, beginning at 12:30 p.m. and Open House from 1:00 p.m. - 5:00 p.m.

NOW, THEREFORE, I, Don Karnes, Mayor of the City of Nitro, West Virginia, do hereby proclaim the week of October 6 - 12, 1991 as

FIRE PREVENTION WEEK

Proclaimed this 1st day of October, 1991.

DON KARNES, MAYOR



ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OF THE ASSETS OF THE ROCK BRANCH PUBLIC SERVICE DISTRICT PURSUANT TO AN ACQUISITION AND MANAGEMENT SERVICE AGREEMENT, AUTHORIZING THE OPERATION OF THE SANITARY SEWER SYSTEM OF SUCH DISTRICT PENDING APPROVAL OF SUCH ACQUISITION BY THE PUBLIC SERVICE COMMISSION, AUTHORIZING THE MAYOR TO EXECUTE THE AFORESAID AGREEMENT AND OTHER MATTERS RELATING THERETO.

WHEREAS, The City of Nitro ("Nitro") is a municipal corporation, created and authorized to transact business in accordance with the laws of the State of West Virginia, and is engaged in providing sewer services to residences and businesses in and near the City of Nitro, West Virginia, pursuant to authority granted by the Public Service Commission of the State of West Virginia; and

WHEREAS, Rock Branch Public Service District ("Rock Branch") is a public service district, created and authorized to transact business in accordance with the laws of the State of West Virginia, and is engaged in providing sewer service near the City of Nitro, West Virginia, as a public utility in Putnam County, West Virginia; and

WHEREAS, Nitro and Rock Branch have determined that it is in their collective best interests and the best interests of their customers for Nitro to acquire all the assets and liabilities of Rock Branch and to allow Nitro to operate and maintain the public service facilities of Rock Branch prior to the approval of such acquisition; and

CITY OF NITRO
COUNCIL MEETING MINUTES

OCTOBER 1, 1991

Mayor Karnes welcomed everyone, declared a quorum, and the regular scheduled Council Meeting was called to order at 7:30 p.m. in Council Chambers. Present were City Recorder Doris G. Carrier, Councilman at Large Olaf Walker, Councilman at Large David Casebolt and Councilman George Atkins. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent were Councilman at Large Rusty Casto, Councilman Robert Young, Councilwoman Betty Jo Boggess and Councilman Jim Hutchinson.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 17, 1991, COUNCIL MEETING MINUTES: - Councilman George Atkins moved the Council Meeting Minutes of September 17, 1991 be approved. The motion was seconded. Councilman at Large Olaf Walker said in Agenda Item 6, the deed to the lot was 150x80 and not 150x180. Also, on page 5, the sentence should be corrected to read, "He reported as of this date, there are 136 receiving less than \$12,500 or less household income, and exempt from the new municipal service rate and are paying \$8.50, a number of church sanctuaries paying \$8.50 and there are 8 city accounts paying nothing." A vote was taken on the minutes, as amended, and was unanimously approved.

AGENDA ITEM NO. 2 - PRESENTATION KVRTA - MILTON BACK: - Mayor Karnes yielded the floor to Mr. Milton Back. Mr. Milton Back, a representative from KVRTA informed that KRT was having their 20 year anniversary. Mr. Back proudly announced he was present this evening to present a plaque to Mayor Don Karnes in grateful appreciation for his assistance in preserving public transportation services for the citizens of Kanawha County. The plaque was inscribed with a reprint from the Charleston Gazette on October 28, 1971 of James Dent's column. A round of applause was given Mayor Karnes.

AGENDA ITEM NO. 3 - REQUEST FROM CONFIDENCE ELEMENTARY: - Mayor Karnes yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier said Confidence Elementary School has requested permission to solicit from area merchants for their 1991-92 school carnival. Councilman at Large David Casebolt moved their request be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - NITRO HIGH SCHOOL PARADE REQUEST: - Mayor Karnes said Nitro High School requested permission to have a parade Friday, October 4, and yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier said Council was furnished a copy of the request with the parade route. Councilman at Large David Casebolt moved the request for the

parade be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - REQUEST TO REZONE - JAMES WITHROW: - Mayor Karnes said members of Council were furnished a copy of the documentation from the Planning Commission regarding the request to rezone property in Carriage Way. Mayor Karnes said the first request on this property was to rezone a portion of a lot, which was denied. Later the request was changed to rezone the entire lot to R-1, and the Planning Commission voted to approve the request. Councilman at Large David Casebolt moved we accept the recommendation from the Planning Commission. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - APPOINTMENT TO NITRO SANITARY BOARD: - Mayor Karnes explained Vic Wolford had been a member on the Nitro Sanitary Board since 1975. His job now puts him into conflict of interest to serve on the Board, and he resigned around 2 months ago. Mayor Karnes said Vic Wilford has been a valuable member to the Board. Mayor Karnes said as suggested by a member of Council, he would recommend appointing John Jakobs of #1 Brentwood Circle in Brookhaven. City Recorder Doris G. Carrier moved Mr. Jakobs be appointed to the Nitro Sanitary Board. The motion was seconded. A vote was taken and it was unanimous. Mayor Karnes advised Mr. Jakobs's term will expire November, 21, 1993.

AGENDA ITEM NO. 7 - EARLY WARNING SIREN PROJECT SIREN SITE AGREEMENT: - Mayor Karnes said members of Council were furnished a copy of the Early Warning Siren Project Siren Site Agreement, and explained this would enable the County to trigger sirens anywhere they want. Councilman at Large Olaf Walker moved the agreement be accepted, and Mayor Karnes be authorized to sign the agreement. The motion was seconded. A vote was taken and it was unanimous.

COPY OF AGREEMENT ATTACHED.

AGENDA ITEM NO. 8 - NITRO-CROSS LANES JAYCEES REQUESTS: - Mayor Karnes said the Jaycees furnished Council a floor plan of their "Haunted House" along with a calendar of dates they will be open. He said they will split the earnings with the City as they did last year. Councilman at Large Olaf Walker, along with Mayor Karnes, commended them on their information packet and also for the safety aspects of this type activity, by staying in touch with the Police and Fire Departments. Councilman at Large Olaf Walker moved the requests be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 9 - RECREATION COMMITTEE REQUEST - 10-31-91 TRICK OR TREAT 5:30 P.M. UNTIL 7:00 P.M.: - Mayor Karnes said the Recreation Department requested Trick or Trick from 5:30 p.m. until 7:00 p.m. on October 31, 1991, and asked Council to approve

this date and time for official trick or treat. Councilman at Large David Casebolt moved the request be approved. The motion was seconded. Councilman at Large David Casebolt amended his motion to include closing part of 21st Street for a block party. and Councilman George Atkins who seconded the motion considered this a friendly amendment. A vote was taken and it was unanimous.

AGENDA ITEM NO. 10 - PARADE REQUEST 10/12/91 - NITRO FIREMEN'S ASSN.: - Mayor Karnes yielded this agenda item to Chief Steve Hardman. Chief Hardman said in conjunction with National Fire Prevention Week, and on behalf of the Nitro Firemen's Assn. asked permission to hold a parade on October 12, beginning at 12:30 p.m. The parade would go down 2nd Avenue to 40th Street, down 40th Street to First Avenue and then back up First Avenue ending at the Fire Station. Also, he said they would be having an open house at the Fire Station with displays and demonstrations showing the public what they do. Councilman at Large David Casebolt moved the request be granted. The motion was seconded. Councilman at Large Olaf Walker said he hopes the open house will receive a lot of publicity, and feels this is a good idea. A vote was taken and it was unanimous.

AGENDA ITEM NO. 11 - REQUEST TO OPEN A PORTION OF MINOR AVENUE: - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman Atkins said this item had been brought up 8 - 10 years ago without any solution. The two parties involved had a meeting with the attorney. The attorney tried to appease both parties and get things settled in a peaceful manner. He said Council thought things had been settled, but it hasn't. He said it has cost the City money because we have had our engineers survey the property, and to mark the City's property. Councilman Atkins said he talked with Councilman at Large Walker, Gene Williams, Director of Public Works and Mayor Karnes, and moved taking a portion of the street, down the middle, 12 feet wide, stone it and pave it. It would be paved past their driveways, and would cost between \$1,200 - \$1,500. The motion was seconded. City Recorder Doris G. Carrier said she feels it is ridiculous to spend \$1,200 - \$1,500 to settle an argument when we have holes and other things throughout the City needing repair. Councilman Atkins said it is part of a City street, even if it only serviced one, two or a half dozen people. Councilman at Large Olaf Walker said he feels the paving might be worthwhile because if we go in there and pave a strip about 125 feet, 12' wide, the lawn of the people on the right would be delineated where the blacktop ends. The person on the left will have their property ending on the blacktop. This way it will end the question of where the property line ends. After discussion and comments, Mayor Karnes said we have been given advice by the City Attorney to leave this matter alone, and we are ignoring the City Attorney's suggestion. He said there is an appeals process for this and they have been told to go through the appeals

process but refused to do it. He said he would not oppose doing something to try and appease them, but he would oppose paving it. Mayor Karnes said if we had the money he wouldn't oppose paving this portion, but at this time there are other places needing paved and repaired. Councilman George Atkins asked Mayor Karnes if he would write the parties involved a letter, and Mayor Karnes said he would. 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. 12 - PROC. 91-2 FIRE PREVENTION WEEK: - Mayor Karnes introduced Proclamation 91-2 proclaiming the week of October 6 - 11, 1991 as Fire Prevention Week. Councilman at Large George Atkins moved the proclamation be adopted. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION 91-2 ATTACHED.

AGENDA ITEM NO. 13 - ORD. 91-9 CONSOLIDATION OF ROCK BRANCH PSD (1ST READING): - Mayor Karnes yielded this agenda to the General Manager Connie Stephens of the Nitro Sanitary Board. Ms Stephens explained the State Legislature passed a law stating Kanawha County PSD's have to merge into larger PSDs. Rock Branch is geared to be merged with North Putnam Greater PSD. The waste from Rock Branch comes to Nitro at this time. She said they have a PSD themselves and have Commissioners. Ms Stephens said the Commissioners of Rock Branch feel it is in the best interest of the people of Rock Branch, as well as the Nitro people, for Rock Branch to become a part of the Nitro system rather than be absorbed by the Greater North Putnam system. She said one of the reasons being Nitro already treats the waste.

Mayor Karnes added he thought it was a good idea from the date of inception in the 70's, but when we recently approved the rate increase to the Rock Branch Public Service Dist., we had to go through a lot of time and expense to get the Public Service Commission to review. Then, when Rock Branch PSD was notified of the increase they decided to go with this merge.

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, City Recorder Doris G. Carrier moved the first reading of the ordinance be approved. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 91-9 ATTACHED.

AGENDA ITEM NO. 14 - 2 GARBAGE TRUCKS, 1 POLICE CAR, 1 SMALL BACKHOE, STONE ON LIBRARY PARKING LOT, MOWING EQUIPMENT AND PRIVACY FENCE AT THE PW DEPT.: - Mayor Karnes said we have been able to collect funds from various sources that we were not sure of when the budget was prepared, and requested authorization from

Council to advertise for bids on the required items, and go ahead and purchase the others. Councilman at Large Olaf Walker moved we divide the issue into at least two questions, and discuss the matter of the garbage truck first because he was having second thoughts about the police car. The motion was seconded. He said he would like to have the police car, backhoe, mowing machine and the privacy fence referred to a committee to consider with some of the other things needed, such as pagers for the police and fire departments, fire hydrants, bridges needing repaired, repairs to the fire department truck and also increase our paving from \$30,000 to \$50,000. Councilman at Large David Casebolt said at a previous meeting, all these items were discussed for a couple of hours. Councilman at Large Olaf Walker suggested using the vehicle presently used at the dog track, etc. for a police car. Mayor Karnes responded this was a 2 door car and was not equipped for patrol or to bring in people under arrest. He said personally he didn't feel this should be used as a police cruiser. After further discussion, Councilman at Large David Casebolt said he thinks the Mayor presented a very good plan and was ready to go with it. Councilman at Large David Casebolt asked if the Mayor wanted approval by Council to seek bids for the equipment, and Mayor Karnes responded this was correct and added that in the case of the police car, for instance, go ahead and order it. Mayor Karnes said once the car has been ordered it will take 3 - 4 months for delivery. He explained they could piggyback with the State on a police cruiser and would not have to obtain bids. After further discussion, Councilman at Large Olaf Walker withdrew his motion as did Councilman George Atkins who seconded the motion. Councilman at Large David Casebolt moved we proceed with the plan which was putting out for bids the things we are required to, and buying the other items. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 15 - DELINQUENT MUNICIPAL SERVICE FEES: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman at Large Walker said at the last meeting, delinquent municipal fees were discussed. All members of Council received a copy of the 64 accounts that were delinquent in June, 1990. Connie Stephens, General Manager of the Sanitary Board stated she and her Board had approved writing off the sewer service fee. Councilman Walker said he checked the names on the September, 1991 billing report then discussed this with the City Treasurer, City Recorder and also Connie Stephens. Councilman at Large Olaf Walker suggested the City Recorder Doris G. Carrier, in cooperation with the City Treasurer Ralph Allison, to prepare the necessary letter to get these account written off as delinquent and uncollectable. Councilman at Large Olaf Walker also requested authorization for the City Treasurer, City Recorder, himself and any other interested person to contact some of the known bill collectors around the valley and visit with them or ask them to come in and discuss these write-offs. Ms Stephens said most of the people on the list are bankruptcies,

Early Warning Siren Project Siren Site Agreement

THIS AGREEMENT made and entered into this 1st day of October, 1991, by and between the City of Nitro and the Kanawha County Commission.

WHEREAS, the Commission intends to place an outdoor warning siren on the property of the above mentioned agency or corporation for the purpose of public warning in the event of a nuclear, natural or man made emergency.

WHEREAS, the agency or corporation and the Commission agree that installation of the siren at this site would be for the public good.

NOW THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereto, intending to be legally bound, hereby agree as follows:

1. The City of Nitro does hereby give permission for the Kanawha County Commission to install an outdoor warning siren on said property located at the Nitro City Hall, 20th Street, Nitro, West Virginia, 25143, for the purpose of public warning in the event of a nuclear, natural, or man-made emergency.
2. The agency or corporation agrees to supply an electrical source for the operation of the warning siren on a daily basis.
3. The agency or corporation agrees to allow the Kanawha County Commission to test said siren on a scheduled basis, not less than two (2) times per year.
4. The agency or corporation agrees to monitor the operation of the sirens on a regular basis (i.e. condition of batteries). If said siren should become inoperable, the agency or corporation agrees to immediately notify the County Commission.
5. In the case of sale, consolidation, merger or abandonment of the property located at the above mentioned site, the agency or corporation shall give the Kanawha County Commission one hundred and twenty (120) days notice as to give sufficient time to remove said siren from the site location.
6. In the case that the above mentioned property is the site of a volunteer fire department, the agency shall be permitted to use the siren to alert the fire department, whereby the fire alert will be limited to a one minute wail.

By Its MAVOR

X Louis H. Carrier

By Its RECORDER

\SIRENPRO\NITRO.SA

ORDINANCE NO. 91- 9

ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OF THE ASSETS OF THE ROCK BRANCH PUBLIC SERVICE DISTRICT PURSUANT TO AN ACQUISITION AND MANAGEMENT SERVICE AGREEMENT, AUTHORIZING THE OPERATION OF THE SANITARY SEWER SYSTEM OF SUCH DISTRICT PENDING APPROVAL OF SUCH ACQUISITION BY THE PUBLIC SERVICE COMMISSION, AUTHORIZING THE MAYOR TO EXECUTE THE AFORESAID AGREEMENT AND OTHER MATTERS RELATING THERETO.

WHEREAS, The City of Nitro ("Nitro") is a municipal corporation, created and authorized to transact business in accordance with the laws of the State of West Virginia, and is engaged in providing sewer services to residences and businesses in and near the City of Nitro, West Virginia, pursuant to authority granted by the Public Service Commission of the State of West Virginia; and

WHEREAS, Rock Branch Public Service District ("Rock Branch") is a public service district, created and authorized to transact business in accordance with the laws of the State of West Virginia, and is engaged in providing sewer service near the City of Nitro, West Virginia, as a public utility in Putnam County, West Virginia; and

WHEREAS, Nitro and Rock Branch have determined that it is in their collective best interests and the best interests of their customers for Nitro to acquire all the assets and liabilities of Rock Branch and to allow Nitro to operate and maintain the public service facilities of Rock Branch prior to the approval of such acquisition; and

WHEREAS, Nitro and Rock Branch have further determined it to be mutually beneficial and advantageous to them and their customers to enter into an Acquisition and Management Service Agreement ("Agreement") defining the respective duties and responsibilities of the parties thereto, all of which is subject to the approval of the Public Service Commission of the State of West Virginia, pursuant to the provisions of Chapter 24, Article 2, Section 12 of the West Virginia Code of 1931, as amended;

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

1. That the City of Nitro acquire all of the assets and liabilities of Rock Branch Public Service District, pursuant to the provisions of and Acquisition and Management Service Agreement (the "Agreement"), a copy of which is attached hereto, and the Mayor of the City is authorized to file an application with the West Virginia Public Service Commission for permission for such acquisition.

2. Pending approval of such acquisition, the Sanitary Board of the City is authorized to operate and maintain the Rock Branch sewer system pursuant to the terms of the Agreement.

3. The Mayor of the City is authorized hereby to execute and deliver the Agreement, on behalf of Nitro, and to take such other actions as may be necessary or desirable in connection with the acquisition of the Rock Branch sewer system.

Passed on first reading October 1, 1991.

Enacted on second reading October 15, 1991.

Don Karnes
 DON KARNES, MAYOR
 DORIS C. GARRER, RECORDER



DON KARNES
MAYOR

PROCLAMATION 91-2

PROCLAIMING THE WEEK OF OCTOBER 6,
THROUGH OCTOBER 12, AS FIRE
PREVENTION WEEK

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

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

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

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

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

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

WHEREAS, the Nitro Firemen's Association is planning a parade on October 12, 1991, beginning at 12:30 p.m. and Open House from 1:00 p.m. - 5:00 p.m.

NOW, THEREFORE, I, Don Karnes, Mayor of the City of Nitro, West Virginia, do hereby proclaim the week of October 6 - 12, 1991 as

FIRE PREVENTION WEEK

Proclaimed this 1st day of October, 1991.


DON KARNES, MAYOR

ORDINANCE NO. 91-10

ADOPTED BY COUNCIL _____

INTRODUCED IN COUNCIL _____ 1991

AN ORDINANCE AMENDING ARTICLE 7-11 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA, TO WAIVE BUILDING PERMIT FEE AND B & O TAX FOR A PERIOD OF ONE YEAR ON CONSTRUCTION COST OF \$5,000 OR MORE

WHEREAS, between 1950 and 1990, the State of West Virginia population declined from 2,005,552 to 1,793,447 for a loss of 312,105 citizens. During the last decade Kanawha County had a population drop of 23,795 people, and the City of Nitro had a 12% decline; and,

WHEREAS, this out migration from the State and City most generally related to the young adults leaving for better employment opportunities; and,

WHEREAS, City Council recognized that this out migration of our young people results in a medium age for Nitro of 38.7 years compared to 36.7 for the County and 35.4 for the State; and,

WHEREAS, City Council is cognizant to the fact that 31% of the total Class II property in the City receives the Homestead Exemption. Further, the Council is well aware that these factors have adverse impact on businesses in the City as well as its economic growth; and,

WHEREAS, the City Council is vitally concerned and want to work and cooperate with the Business Community to improve the attractiveness of our town and business opportunities; and,

WHEREAS, Chapter 8, Article 13, Section 5 (f) of West Virginia Code of 1931, as amended, gives municipalities authorities to offer tax credits as incentives for new and expanding businesses located within the corporate limits of the municipality; and,

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

That building permit fees and B & O taxes are waived for a

period of one (1) year on construction costs of Five Thousand Dollars (\$5,000.00) or more, for any alteration, restoration, improving or beautifying the exterior of any existing business structure.

First Reading October 1, 1991

Second Reading _____

Don Karm
Mayor

City Recorder

CITY OF NITRO
COUNCIL MEETING MINUTES

OCTOBER 15, 1991

Mayor Karnes welcomed everyone and called the meeting 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 was the City Treasurer Ralph Allison. Absent were Councilman Jim Hutchinson and City Attorney Phillip D. Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 1, 1991 COUNCIL MEETING MINUTES: - Councilman at Large David Casebolt moved the October 1, 1991, Council Meeting Minutes be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - THE SALVATION ARMY REQUEST: - Mayor Karnes said we received the annual request from The Salvation Army, and yielded this agenda item to the City Recorder Doris G. Carrier. City Recorder Doris G. Carrier said The Salvation Army desired permission again this year to place their kettles in our area from November 22, to December 24, 1991. Councilman at Large Olaf Walker moved their request be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - NITRO/CROSS LANES MIDGET FOOTBALL PARADE REQUEST: - Mayor Karnes said the Nitro/Cross Lanes Midget Football League requested permission to hold a parade Saturday, October 19, beginning at 4:00 p.m. Councilman at Large David Casebolt moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - ORDINANCE 91-9 (2ND READING) CONSOLIDATION OF ROCK BRANCH PSD: - Mayor Karnes said this will be the second reading on the consolidation of Rock Branch Public Service District with the Nitro Sanitary Board. 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. The motion was seconded. A vote was taken and it was unanimous. ORDINANCE 91-9

AGENDA ITEM NO. 5 - CONRAIL REQUEST: - Mayor Karnes said everyone had a copy from Conrail pertaining to the grade crossing at the intersection of Cleveland Avenue and Kanawha Avenue, South. The project would cost around \$125,000, and the City would be responsible for 10% of the cost. Councilman at Large Olaf Walker moved this matter be referred to the Street Committee to determine the useage of this crossing. The motion was seconded. After a discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - ORDINANCE 91-10 (SECOND READING) WAIVER OF BUILDING PERMIT FEE AND B & O TAX FOR A YEAR: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman at Large Olaf Walker said he didn't have any further discussion since the first reading, and 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. Mayor Karnes read the title, and Councilman George Atkins moved we adopt Ordinance 91-10. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Olaf Walker distributed members of Council a copy of the guidelines he prepared called Guidelines to Implement the Moratorium on the Cost of the Building Permit and B & O Tax Relating to Remodeling and Renovating the Exterior of a Business or Commercial Structure. He said these are guidelines that the Building Inspector could use, and asked Council to review and offer any suggestions they might have.

ORDINANCE 91-10 ATTACHED

AGENDA ITEM NO. 7 - MINOR AVENUE: - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman Atkins said he requested the Mayor draft a letter to the two parties involved. But, after further consideration feels it is a problem which has existed for 8 to 10 years, and thinks Council should make a decision instead of leaving it up to the two parties. He said it is a City owned street, and feels it is Councils' responsibility to get this resolved. Councilman at Large David Casebolt moved this matter be placed in the Street Committee for their recommendation. The motion was seconded. After a short discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - STREET LIGHTS: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt who yielded to Councilman at Large Olaf Walker. Councilman at Large Walker said he sketched an area and furnished members of Council a copy. He said the subject street was near the television station, an area called Rivervista Villa. He said turn right at the big sign, going towards Dunbar, and go across Spring Street across the railroad track, and make a right. He said Ms Hensley requested a street light in front of her townhouse. He said as there were street lights along the street, he would suggest we remove the middle light and relocate this one in front of the townhouse where Ms Hensley lives. Then he said we would upgrade the two lights on the street, and move the other light in front of the townhouse. Councilman at Large Walker said we would not be increasing our total street lights that are under the blanket contracts.

City Recorder Doris G. Carrier requested another street light to be put on Main Ave. Councilman at Large Olaf Walker said he, along with Councilman Atkins, looked in this area and

there is a light on every other pole, and in the other direction there is a light on every pole. He said they thought if they could take one of those lights and put it in front of 1231 Main Avenue, then this would give the people better lighting and still not increase the total street lights. He said it is important we be aware of the number of street lights under the blanket contract. If we increase this more than 10%, the power company has a right to reopen the agreement. He said we can still add some lights, but we should look at every case and try to shift some of them around.

Councilman Robert Young said he had some situations where there are 3 or 4 lights, and then there are several poles with no lights at all. He said he would get the pole numbers and we could address this some other time.

Councilman at Large David Casebolt moved we accept Councilman Walker's recommendation to upgrade and rearrange the street lights on Kanawha Avenue, South and Main Avenue, and also to include the installation of a new street light at the corner of Lee and Walker. The motion was seconded. A vote was taken and it was unanimous.

There being no further business, Councilman at Large David Casebolt moved the meeting be adjourned at 8:00 p.m. The motion was seconded. A vote was taken and it was unanimous.



DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

ORDINANCE NO. 91- o

ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OF THE ASSETS OF THE ROCK BRANCH PUBLIC SERVICE DISTRICT PURSUANT TO AN ACQUISITION AND MANAGEMENT SERVICE AGREEMENT, AUTHORIZING THE OPERATION OF THE SANITARY SEWER SYSTEM OF SUCH DISTRICT PENDING APPROVAL OF SUCH ACQUISITION BY THE PUBLIC SERVICE COMMISSION, AUTHORIZING THE MAYOR TO EXECUTE THE AFORESAID AGREEMENT AND OTHER MATTERS RELATING THERETO.

WHEREAS, The City of Nitro ("Nitro") is a municipal corporation, created and authorized to transact business in accordance with the laws of the State of West Virginia, and is engaged in providing sewer services to residences and businesses in and near the City of Nitro, West Virginia, pursuant to authority granted by the Public Service Commission of the State of West Virginia; and

WHEREAS, Rock Branch Public Service District ("Rock Branch") is a public service district, created and authorized to transact business in accordance with the laws of the State of West Virginia, and is engaged in providing sewer service near the City of Nitro, West Virginia, as a public utility in Putnam County, West Virginia; and

WHEREAS, Nitro and Rock Branch have determined that it is in their collective best interests and the best interests of their customers for Nitro to acquire all the assets and liabilities of Rock Branch and to allow Nitro to operate and maintain the public service facilities of Rock Branch prior to the approval of such acquisition; and

WHEREAS, Nitro and Rock Branch have further determined it to be mutually beneficial and advantageous to them and their customers to enter into an Acquisition and Management Service Agreement ("Agreement") defining the respective duties and responsibilities of the parties thereto, all of which is subject to the approval of the Public Service Commission of the State of West Virginia, pursuant to the provisions of Chapter 24, Article 2, Section 12 of the West Virginia Code of 1931, as amended;

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

1. That the City of Nitro acquire all of the assets and liabilities of Rock Branch Public Service District, pursuant to the provisions of and Acquisition and Management Service Agreement (the "Agreement"), a copy of which is attached hereto, and the Mayor of the City is authorized to file an application with the West Virginia Public Service Commission for permission for such acquisition.

2. Pending approval of such acquisition, the Sanitary Board of the City is authorized to operate and maintain the Rock Branch sewer system pursuant to the terms of the Agreement.

3. The Mayor of the City is authorized hereby to execute and deliver the Agreement, on behalf of Nitro, and to take such other actions as may be necessary or desirable in connection with the acquisition of the Rock Branch sewer system.

Passed on first reading October 1, 1991.

Enacted on second reading October 15, 1991.

~~BOB KARNES, MAYOR~~
Harold E. Clavin

ORDINANCE NO. 91-10ADOPTED BY COUNCIL OCTOBER 15, 1991INTRODUCED IN COUNCIL OCTOBER 1, 1991

AN ORDINANCE AMENDING ARTICLE 7-11 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA, TO WAIVE BUILDING PERMIT FEE AND B & O TAX FOR A PERIOD OF ONE YEAR ON CONSTRUCTION COST OF \$5,000 OR MORE

WHEREAS, between 1950 and 1990, the State of West Virginia population declined from 2,005,552 to 1,793,447 for a loss of 312,105 citizens. During the last decade Kanawha County had a population drop of 23,795 people, and the City of Nitro had a 12% decline; and,

WHEREAS, this out migration from the State and City most generally related to the young adults leaving for better employment opportunities; and,

WHEREAS, City Council recognized that this out migration of our young people results in a medium age for Nitro of 38.7 years compared to 36.7 for the County and 35.4 for the State; and,

WHEREAS, City Council is cognizant to the fact that 31% of the total Class II property in the City receives the Homestead Exemption. Further, the Council is well aware that these factors have adverse impact on businesses in the City as well as its economic growth; and,

WHEREAS, the City Council is vitally concerned and want to work and cooperate with the Business Community to improve the attractiveness of our town and business opportunities; and,

WHEREAS, Chapter 8, Article 13, Section 5 (f) of West Virginia Code of 1931, as amended, gives municipalities authority to offer tax credits as incentives for new and expanding businesses located within the corporate limits of the municipality; and,

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

That building permit fees and B & O taxes are waived for a

period of one (1) year on construction costs of Five Thousand Dollars (\$5,000.00) or more, for any alteration, restoration, improving or beautifying the exterior of any existing business structure.

This ordinance granting the waiver of building permit fees and B & O Tax on construction costs shall terminate on November 1, 1992, however, any construction begun prior November 1, 1992, is entitled to the waiver of the building permit fees and B & O Tax on construction for one (1) year after the proposed construction begins.

First Reading October 1, 1991

Second Reading October 15, 1991

Doris G. Carrion
City Recorder

Don Karns
Mayor

CITY OF NITRO

COUNCIL MEETING MINUTES

NOVEMBER 5, 1991

Mayor Karnes welcomed members of Boy Scout Troop 151 and their leaders, declared a quorum and called the Council Meeting to order in Council Chambers at 7:30 p.m. Present were Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent were City Recorder Doris G. Carrier and Councilman George Atkins.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 15, 1991 COUNCIL MEETING MINUTES: - Councilman at Large David Casebolt moved the Council Meeting Minutes of October 15, 1991 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - STREET COMMITTEE REPORT REGARDING CONRAIL REQUEST: (copy attached) - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman at Large Olaf Walker furnished members of Council a copy of a Committee Report with information regarding railroad crossings with options on what Council could do at this time regarding the Cleveland Avenue railroad crossing. Members on the Committee are Councilman at Large David Casebolt, Councilman at Large Rusty Casto and Councilman at Large Olaf Walker. Councilman at Large Olaf Walker said Conrail stated in their letter that it would be 90% federally funded, and asking the City to pay 10%. He said Conrail told him that there was a certain amount of risk that the City is faced with if they do not participate in this. He said he wasn't a lawyer, but has been with utilities for a number of years and other corporations and knew there was a certain responsibility on the part of corporations to make the public aware in some manner if there is a risk in operations or equipment. Councilman at Large Walker said if there was an accident, and someone brought suit, they would sue the railroad, the city and everyone involved. Mr. Kallmerten said he worked in the plants in the bottom, and asked why the crossing at McDonald was not considered. Mayor Karnes told him this crossing was not in the city limits. Mr. Gaujot said that over the years one of the most effective lobbys in Washington has been the railroad lobby. He said as a result, there are some funny laws on the books, and he brought some actions against railroads. He said railroads can pretty much do anything they want to do, and they are protected by law. Mr. Gaujot said he wanted to point out that railroads have an advantage because of the legislation that has been enacted over the years. Councilman at Large David Casebolt moved we notify Conrail and the WV Department of Highways that because of lack of funds, the City cannot share in

the cost of installing these devices at the Cleveland Avenue Crossing. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - REQUEST FROM MARCH OF DIMES: - Mayor Karnes said we have a request for a solitation permit from the WV State Chapter of the March of Dimes Defects Foundation for their annual Mother's March drive to be held January 12 - 26, 1992. Councilman at Large David Casebolt moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - GUIDELINES REGARDING ORD. 91-10: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman at Large Walker distributed a list of guidelines that might be used to implement the new ordinance whereby they were going to waive the building permit cost and B & O tax relating to improving the business exterior. Councilman at Large Olaf Walker moved the guidelines as presented to Council be adopted and entered into the record of the Council Meeting Minutes, a copy to the building department and also a copy attached to Ordinance 91-10. The motion was seconded. A vote was taken and it was unanimous.

GUIDELINES ATTACHED.

AGENDA ITEM NO. 5 - AMERICAN CANCER SOCIETY REQUEST: - Mayor Karnes said the Kanawha County Unit of the American Cancer Society is requesting permission to solicit funds in the Nitro area from September 1, 1991 to August 31, 1992. Councilman Robert Young said on a previous request such as this, we asked for more information such as specific dates and what type of solitation they are requesting. Councilman at Large Olaf Walker said we should send them a solitation form to be completed.

AGENDA ITEM NO. 6 - 2ND REPORT ON MUNICIPAL FEE INCREASE: - Mayor Karnes yielded this item to Councilman at Large Olaf Walker. Councilman at Large Walker said the information on the report was taken from the billing status report of billed and not billed dated October 10, 1991. He reported the total accounts billed for September was 3,089, less the accounts outside the city limits of 32 commercial and 22 residential making the total accounts inside the city 3,035. He reported there were 163 accounts approved for the exemption and are paying the \$8.50 per month 21 church sanctuaries, annex, etc. paying \$8.50 and 8 city accounts paying zero. This leaves 2,843 paying \$12.00 or more per month. Councilman at Large Olaf Walker said the amount billed in August, 1991 \$36,602, but he didn't know how much of this amount will be collected. In September, 1991 the amount billed was \$37,017. He said we had the residential section of our municipal fees in pretty good shape. He said we have 25 commercial accounts, but they are classified on the computer as residential. He said he was going to the water company with

Connie Stephens and try and get this changed. Councilman at Large Walker said he gave Gene Williams a copy of 50 or 60 commercial accounts with set fees ranging from \$10 to \$100. He said he hopes Mr. Williams will be able to meet with them to advise if the charges are too high or not high enough, so that we could have some guidance in setting the commercial rate.

AGENDA ITEM NO. 7 - TRASH PICKUP: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt. Councilman at Large Casebolt said at the present time every house has trash pickup once a month. Councilman at Large David Casebolt moved we place in the Committee to consider an alternative idea of simply having the residents call when they need their trash picked up, and also to consider designating a week in the spring for a "City Cleanup" week, and to consider obtaining whatever is needed to pick up refrigerators and other large items. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - GARBAGE CAN LINERS: - Councilman at Large Olaf Walker moved the City Recorder advertise for bids for garbage can liners as in the past and come back to Council with the bids. 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 at 8:05 p.m. The motion was seconded. A vote was taken and it was unanimous.



DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

COMMITTEE REPORT
RELATIVE TO THE CLEVELAND AVENUE
RAILROAD CROSSING

COMMITTEE: Councilman at Large David Casebolt
Councilman at Large Rusty Casto
Councilman at Large Olaf Walker

The Committee visited this RR Crossing and the adjacent neighborhood. The Committee obtained other information from the residents, WV Department of Highways, City Treasurer, reviewed the Council Minutes over the past several years, as well as discussed the sketch and the information with the Police Chief.

INFORMATION

The Cleveland Avenue RR Crossing (double tracks) has a railroad crossing sign, but no signal lights. Cleveland Avenue extends across the track and intersects Kanawha Avenue. Kanawha Avenue parallels the track and is a "dead end" road. The occupants of the 21 houses, their guests and service vehicles, must enter and leave Kanawha Avenue via this crossing.

From Cleveland Avenue to 11th Street there are 10 other crossings (see attached sketch). Four of these crossings have RR Crossing signs and signal lights. One crossing is closed. One crossing has RR crossing signs, signal lights and gate. Four crossings do not have RR crossing signs or signal lights.

As far as the Committee is able to determine, the City of Nitro does not pay any type of annual fee to Conrail for maintenance. The City has not shared in the cost of installing signals or other safety devices at RR crossings in the past.

It is believed, in terms of the number of vehicles crossing the railroad tracks in the City of Nitro, Center Street crossing would be number one, followed by Lock Street, 11th Street, Walker Street, Kapok Street, and Cleveland Avenue, in that order. If you assumed 8 crossings per day per house, that is only 168 crossings per day. Not many compared with the others.

The WV Department of Highways says that the Cleveland Avenue Railroad Crossing was selected by the Railroad Grade Crossing Diagnostic Team as a candidate for upgrading the safety devices for the following reasons.

- There has been two accidents at this crossing since 1975 (16 years).
- It is a double track, increasing the chance of accidents.

Committee Report
Page 2

- There is an estimated 250 vehicles per day crossing the track at this point.
- Gates are added to the crossing because it is a double track. Hopefully, to prevent the so-called "second train" accident.

The Committee did not discuss this project with all the residents in the area. However, those to whom we did, stated that they would prefer having S. Kanawha Avenue resurfaced.

COUNCIL OPTIONS:

1. We can notify Conrail and the WV Dept. of Highways because of the lack of funds, the City cannot share in the cost of installing these devices at the Cleveland Avenue crossing.
2. We can notify Conrail and the WV Department of Highways that the City Government has no objections if they wish to proceed as planned. However, without our financial sharing of the cost.
3. We can request that only signal lights be added to the Cleveland Avenue crossing safety system.
4. We can suggest that 11th Street, 19th Street (not shown on sketch), Walker Street and Kapok Street crossings be considered a candidate for "top of the line" upgrading of signal or safety devices.

GUIDELINES TO IMPLEMENT THE MORATORIUM ON THE
COST OF THE BUILDING PERMIT AND B & O TAX RELATING TO
REMODELING AND RENOVATING THE EXTERIOR OF A BUSINESS OR
COMMERCIAL STRUCTURE

1. The owner or occupant who remodels, renovates or otherwise improves the exterior of a business or commercial structure during the period beginning November 1, 1991, and ending October 31, 1992, will be entitled to waiver of building permit cost and B & O Tax relating to the job.
2. The date to determine the beginning of the project will be the date of the building permit.
3. The project, to be eligible for waiver of cost, must be started after November 1, 1991. However, the completion may be a reasonable time after October 31, 1992.
4. The contractor and/or business entity must comply with all other existing building codes and tax laws of the City.
5. The building inspector shall apply the same inspections on these jobs as he would normally.
6. The building inspector shall inform the City Treasurer as to name and location of each business or commercial establishment entitled to the waiver.

CITY OF NITRO
COUNCIL MEETING MINUTES

NOVEMBER 19, 1991

Mayor Karnes welcomed everyone and called the Council Meeting 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.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 5, 1991 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the minutes be approved as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - E.E.O.C.CASE (PHILLIP D. GAUJOT): - Mayor Karnes entertained a motion to move this agenda item to number 8 1/2. Councilman Robert Young moved we move Agenda Item 2 to Agenda Item 8 1/2. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - EQUIPMENT: - Members of Council were furnished a copy of the bid opening on equipment. Mayor Karnes said three different companies bid on a garbage packer with three different brands of vehicles. He said he would like for us to put these bids for equipment into a committee, consisting of Councilman George Atkins, Councilman Robert Young, along with the Public Works Director Gene Williams. Councilman at Large David Casebolt moved all bids on equipment be placed into a Committee to look at and give them the authority to make a decision and advise the Mayor what to do. The motion was seconded. Mr. Bush said the first truck had been manufactured and it is at the packer company at this time. Mr. Bush said the estimated date of delivery would be less than 3 weeks. Councilman at Large Olaf Walker said he objects to passing a motion to allow the committee to make a decision on all equipment at the present time. He said he didn't want it lumped together, but he wasn't opposed to pursuing the purchase of a packer. Councilman at Large Olaf Walker expressed further objections to the motion. He said he didn't feel enough study had been made to determine if this backhoe is more desirable or useful than some other piece of equipment we might buy. Mayor Karnes said there had been committee meetings regarding this and Councilman at Large Olaf Walker was present at these meetings. A vote was taken to look over the bids and make recommendation to the Mayor with authority to act on it, and it passed with Councilman at Large Rusty Casto and Councilman at Large Olaf Walker opposing and the City Recorder Doris G. Carrier abstained.

AGENDA ITEM NO. 4 - GARBAGE CAN LINER BIDS: - Mayor Karnes yielded this agenda item to the City Recorder Doris G. Carrier. The City Recorder Doris G. Carrier opened the sealed bids, the first being from Copco Papers. The total bid was \$15,520.00. The next bid was from Unijax for a bid of \$19,488.00. It was noted Copco Papers did not include a sample garbage bag. Councilman at Large David Casebolt moved this be put into a Committee for their review, and have Copco send us a sample bag. The motion was seconded. A vote was taken and it was unanimous. Mayor Karnes said timing on this is very important, and if we don't give the committee authority to act, then we would be required to wait until the next Council Meeting. Councilman at Large Rusty Casto moved the Committee be given the authority to act on the purchase of garbage bags. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - STREET COMMITTEE - MINOR AVENUE: - Mayor Karnes yielded this agenda item to Councilman at Large David Casebolt. Councilman at Large David Casebolt said this was still in Committee, and no definite recommendations made yet.

AGENDA ITEM NO. 6 - LIFE INSURANCE: - Mayor Karnes yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier said she was given a proposal from another insurance company on our life insurance and they assured her they could save the City money. She said we are now paying \$311.00 monthly for our life insurance premium for the employees, and the company with the proposal can provide the same coverage for \$282.00 a month which is a savings of \$29.00. She said they could also provide life insurance for the spouse and the dependents for \$75.00 a month which would be \$.78 a month per employee. The coverage would be \$10,000 for employee, \$5,000 for spouse and \$2,000 per child. Councilman at Large Rusty Casto moved this be placed into a Committee. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - MUNICIPAL ELECTION DATE: - Mayor Karnes yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier said she was informed there could not be a municipal election and a primary election within 25 days of each other because we do not have our separate books. She said we would need to change our election from June 2, to June 9, 1992, and this has been confirmed with the Secretary of State. Councilman at Large Olaf Walker asked Mr. Gaujot if changing the election date should be by a motion or by an ordinance, and Mr. Gaujot said he wasn't sure and he would check with the Secretary of State to see if they have a regulation on it, but it seems to him this could be done by a motion because there is a prevailing law. Mr. Gaujot reviewed the letter from Jan Casto of the Registration Office regarding the date. He said he would prepare an ordinance if Council desired. Councilman at Large David Casebolt moved the municipal election date be held on June 9, 1992, and an ordinance be prepared to this effect. The motion

was seconded. Councilman at Large Olaf Walker suggested the City Attorney indicate on the ordinance that this would apply to the 1992 election only. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - LIBRARY REPORT: - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman Atkins said they were getting the guard rails put around the parking lot and they have had several tons of gravel put down. He said as time and weather permits, they will continue to put the guard rails up. They want to have the guard rails up before the open house on December 19. He passed pictures of the library for Councils' review.

Councilman at Large Olaf Walker said the library lot is public parking, but we have experienced as many as 7 large tractor or trailers spending the weekend. Councilman at Large Olaf Walker moved this Council direct the Police Department to erect a sign prohibiting the parking of tractor and trailers or trailer trucks, tank trucks or any vehicle of a total outside width, including load, of more than 76 inches on the city owned lot known as the Nitro Library Parking lot. Chief Cochran said this could be handled by the same ordinance we already have on oversized vehicles.

Chief Cochran said angle parking is out on 11th Street. Parking is being permitted curbside, and there will be a sign erected for people to park after school hours for P.T.O. meetings, etc. No parallel parking permitted due to safety reasons.

AGENDA ITEM NO. 8 1/2 - E.E.O.C.CASE: - Mayor Karnes yielded this agenda to the City Attorney. Mr. Gaujot said he feels this should go into Executive Session. Councilman at Large David Casebolt moved we go into Executive Session at 8:20 p.m. The motion was seconded. A vote was taken and it was unanimous.

The regular Council Meeting reconvened at 8:43 p.m. Councilman George Atkins moved the City Attorney Phillip D. Gaujot be authorized to negotiate settlement and report back to Council with the final recommendation. The motion was seconded. A vote was taken and it was unanimous.

There being no further business, Councilman at Large David Casebolt moved the meeting be adjourned at 8:44 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

DECEMBER 3, 1991

Mayor Karnes welcomed everyone and called the Council Meeting to order at 7:35 p.m. in Council Chambers. 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 Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 19, 1991 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved the minutes of the November 19, 1991 Council Meeting be approved as distributed. The motion was seconded. Councilman at Large Olaf Walker said for clarification purposes on agenda Item 3 feels Mr. Bush should be identified by first name and the company represented. Also, on page 2, under Agenda Item 7 where Jan Casto is mentioned, he feels her title should be included. He said whenever we have someone other than City Government people, they should be identified with the full name as well as the company or organization they represent. A short discussion followed as to her what her title was. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PROC. 91-4 VISIT NITRO LIBRARY DAY: - Mayor Karnes read Proclamation 91-4 in its entirety, and Councilman at Large Olaf Walker moved the Proclamation be approved. The motion was seconded. Mr. John F. Santrock, a Library Board member said they were very pleased with the interest of the Council and citizens. A vote was taken and it was unanimous.

PROCLAMATION 91-4 ATTACHED.

AGENDA ITEM NO. 3 - GARBAGE TRUCK REPORT: - Mayor Karnes reported the garbage truck was at WV Tractor going through the final inspection, and we should have it before the end of the week.

Councilman George Atkins said we would need to get a rebid in the next couple days on the skid loader because it wasn't bid right the first time. Also, he said the parts for the chipper has been received and it is now ready for use.

AGENDA ITEM NO. 4 - TREASURER'S REPORT: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman at Large Walker said that after the last Council Meeting, he started thinking about some things that was said

about the list of equipment consisting of 2 garbage trucks, 1 police car, 1 backhoe, 1 mowing machine and 1 dump truck. He said Council was told it was economically feasible because we had the money. Councilman at Large Walker said another member of Council asked about how much money we had in the special account to buy this equipment. He said at one time, it was indicated it was as much as \$133,000, and based on this he wrote a letter to the Mayor asking the City Treasurer to prepare a report for Council indicating exactly where the money was that we received from Par Industries, CBA, delinquent municipal fees and the \$4,000 for the months of August, September and October. He said other members of Council were asking if these funds were being put into a special account. The City Treasurer Ralph Allison reported \$50,000 which was received August 21, was put in a savings account, \$9,000 received September 4, in the saving account, \$50,000 received from Par Industries on August 13, in the savings account and \$4,000 for August, September and October is in the savings account. He said we have over \$121,947. now that is unappropriated funds. He said when the invoice is received for the new truck, Council will need to approve a revision on this. Councilman at Large Walker said once we pay for the 2 new trucks we will have a balance of around \$13,000. Also, he said we spent \$5,600 for the stone at the library. Therefore, we only have around \$6,000 left and then talking about buying a backhoe, mowing machine, stockade fence and a dump truck. Councilman at Large Olaf Walker said the point he was trying to make was that we didn't weigh the need of the truck against some of the others things such as pagers and reconditioning the Mac Truck. Also, he said we didn't even talk about a pay raise. Councilman at Large Olaf Walker mentioned the automatic door to City Hall for handicapped and potholes should be given some consideration. He questioned the importance of a backhoe, and a discussion followed. Councilman at Large Olaf Walker said he didn't agree that we should purchase the list of equipment presented, and feels we should have addressed each item separately. Mayor Karnes said he didn't feel this was necessary and the general feel of Council didn't think it was necessary. He said if it seemed like a good plan, why not do it all? Councilman at Large Olaf Walker said he was pleased we happen to get this money, but feels we should give more consideration to other expenditures the town needs. Councilman Young said the decision had already been made. Mayor Karnes told Councilman at Large Walker that some of the things he mentioned needed attention, and once we get the other items paid for and accumulate some money, we can buy some of the other things. Councilman at Large Olaf Walker said the bridge at 23rd Street needs fixed. Mayor Karnes said some of the pieces were replaced, but we need to have it completely replaced. Councilwoman Betty Jo Boggess said the bridge on 31st Street needs to be taken care of too. Mayor Karnes said a couple of years ago, Dunn Engineers told him it would cost \$108,000 and if we used our manpower we could possibly cut the cost to around \$60,000.

AGENDA ITEM NO. 5 - CODIFICATION AGREEMENT: - Mayor Karnes said we were told at the outset, it would cost \$1,000 a year plus copies, etc. Mr. Kennewig, from the Walker Drane Co., told the City Recorder Doris G. Carrier that it would probably cost between \$1,800 to \$2,000 a year. Mayor Karnes suggested we ask our City Attorney Phillip Gaujot to look over the agreement and be a part of the Committee to make a recommendation to Council. Mr. Gaujot said we paid good money to have this done, and Councilman Robert Young added it would be a shame not to keep it up-to-date. Mayor Karnes placed this into the Ordinance Committee and invited any member of Council to set in on the meeting. Mr. Gaujot recommended we have a representative from The Walker Drane Company present when the Committee met.

AGENDA ITEM NO. 6 - MEDICAL INSURANCE: - Mayor Karnes yielded this agenda item to the City Recorder Doris G. Carrier. She said he had been notified by Mountain State Blue Cross/Blue Shield that our health insurance premium is increasing 50% effective January 1, 1992. City Recorder Doris G. Carrier informed we are now paying \$17,176.20 per month, and \$8,588.10 will be added to this amount. Councilman at Large Olaf Walker said part of the cost was paid by the Sanitary Board for their employees. Councilwoman Betty Jo Boggess asked if we obtained a better offer from other insurance companies, and City Recorder Doris G. Carrier said they had pre-existing clauses, etc. She said with the \$100.00 deductible we now have, a family policy will cost \$470.95 per month and with a \$500.00 deductible, it would be \$391.00 and with a \$250.00 deductible it would cost \$434.00. Mayor Karnes mentioned we might want to look at higher deductibles and other alternatives. He said the City of Charleston is self insured. Councilman at Large Rusty Casto suggested the Mayor check into this. Councilman at Large Olaf Walker suggested we might want to check with the Municipal League. Councilman George Atkins said he thought we should do a study on being self insured. Councilman at Large Rusty Casto said he was on the KRT Board, and now there are three from Nitro. He said KRT have built up around a million dollars just on saving insurance premiums and using interest off the money to pay their claims. Mayor Karnes said a previous Councilman Bob Evans offered to help us in anyway, and he wasn't interested in submitting a bid. Councilman at Large Rusty Casto moved we put the insurance into a Committee. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - GARBAGE CAN LINERS: - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman Atkins said at the last Council Meeting, bids were opened on garbage can liners. One was from Copco and the other was from Unijax. A motion was made to put it into a committee, and the committee decided to accept the low bid from Copco. The City Recorder Doris G. Carrier drafted a letter to Copco accepting their bid.

AGENDA ITEM NO. 8 - FIRE COMMITTEE REPORT: - Mayor Karnes yielded this agenda to Councilman Jim Hutchinson. Councilman Jim Hutchinson reported that he, along with Councilman George Atkins and Councilman Robert Young met with members of the Fire Department. Councilman Hutchinson read the memo requesting the Fire Department Committee to adopt smoke investigation, all known fires, auto accidents with possible injuries, auto extrication, bomb threats, box alarms, brush fire, chemical odors, chemical leaks, hazardous materials incidents, explosions, power line down, plan crash/possible plane crash, train accidents, train derailments, lost person or persons, water rescue emergency/non emergency, public assist, wash downs, mutual aid, unspecified rescues and medical first responders for immediate dispatching of Fire Department personnel and equipment. Also, they requested the committee to present this list to City Council for approval and adoption into the ordinance for the City of Nitro, Nitro Fire Department. Councilman Jim Hutchinson moved we adopt the above request. The motion was seconded. Councilman at Large Olaf Walker said he hasn't had a chance to study this, but it appears to him there are some police department jurisdiction included on these requests. Councilman George Atkins said he thinks it would be premature to accept this until Chief Cochran, Chief Hardman and the Mayor discuss it. Councilman at Large Rusty Casto asked why this matter would be brought before Council. A discussion followed regarding the dispatching by the communication officer. After further discussion and comments, Mayor Karnes said he feels 90% of this is a turf battle. A vote was taken with Councilman at Large Rusty Casto and Councilman Jim Hutchinson voted for it, and opposing were City Recorder Doris G. Carrier, Councilman at Large Olaf Walker, Councilman Robert Young, Councilwoman Betty Jo Boggess and Councilman George Atkins. Councilman at Large Olaf Walker moved this be put into a committee composed of full Council. The motion was seconded. Chief Cochran suggested having some members from the Police, Fire and Communications department as well as the Chiefs present for the meeting. A vote was taken and it was unanimous.

AGENDA ITEM NO. 9 - ORD. 91-11 CHANGE MUNICIPAL ELECTION DATE (FIRST READING): - Mayor Karnes read the ordinance in its entirety and Councilman at Large Olaf Walker moved for the approval of the Ordinance on the first reading, with an amendment. The motion was seconded. Councilman at Large Olaf Walker wanted added that this ordinance applies only to the Nitro Election of 1992, and becomes null and void at noon on June 10. Mr. Gaujot explained that this was already included because he cited part of Chapter 8, Article 5, Section 5 of the WV Code, and also pointed out that in the last paragraph it stated it shall be held on Tuesday, June 9, 1992 instead of June 2, 1992. A vote was taken and it was unanimous.

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



 DON KARNES, MAYOR

 DORIS G. CARRIER, RECORDER

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CITY OF NITRO



DON KARNES
MAYOR

PROCLAMATION 91-4

VISIT NITRO PUBLIC LIBRARY DAY

WHEREAS, the Nitro Public Library was founded on December 6, 1964 by:

The City of Nitro Government and interested citizens of the community and,

WHEREAS, since many improvements have been made giving greater opportunities to the total citizens - preschoolers through seniors and,

INASMUCH as the governing body of the community has recently improved parking facilities by topping with crushed stone covering the entire lot, and

In that additional donated funds to the Nitro Library Board from different sources including: The Woman's Club, City of Nitro, matching foundation monies, generous citizens, churches, industry and businesses, state legislature, has permitted valuable improvements with greater services during the 1990-91 year with an amazing average of over 1,600 patrons using the library monthly, an increase of over 25% from last year with 51 new patrons added last month.

THEREFORE, THE NITRO CITY COUNCIL proclaims Thursday, December 19, 2-8 p.m. as

VISIT YOUR PUBLIC LIBRARY DAY

Proclaimed by the Nitro City Council this 3rd day of December, 1991.


DON KARNES, MAYOR

ORDINANCE NO. 91- 11

ADOPTED BY COUNCIL _____

INTRODUCED IN COUNCIL _____ 1991

AN ORDINANCE TO CHANGE THE DATE OF CITY ELECTION

WHEREAS, the City election for the City of Nitro, West Virginia is presently scheduled for June 2, 1992; and,

WHEREAS, the State and County Primary election is presently scheduled for May 12, 1992; and,

WHEREAS, Chapter 8, Article 5, Section 5 of the West Virginia Code of 1931, as amended, provides in part that:

"A municipal election date established by Charter provision may fall within twenty-five (25) days of a County and State Primary Election only where separate registration books are provided and maintained for municipal elections."

WHEREAS, the City of Nitro's election date is established by charter provision, however, it does not maintain separate registration books for the municipal election.

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

The municipal election heretofore established by charter to be held on June 2, 1992, shall be held instead on Tuesday, June 9, 1992, pursuant to Chapter 8, Article 5, Section 5 of the West Virginia Code of 1931, as amended.

First Reading DECEMBER 3, 1991

Second Reading _____

Lorris G. Carrier
City Recorder

Don Karnus
Mayor

PLEASE NOTE: ONLY THOSE ITEMS ON THE AGENDA WILL BE ADDRESSED.
AGENDA

NITRO CITY COUNCIL MEETING

DECEMBER 17, 1991

DON KARNES, MAYOR
DORIS G. CARRIER, RECORDER
PHILLIP D. GAUJOT, CITY ATTORNEY
RALPH ALLISON, CITY TREASURER
COUNCILMAN AT LARGE RUSTY CASTO
COUNCILMAN AT LARGE OLAF WALKER
COUNCILMAN AT LARGE DAVID CASEBOLT
COUNCILMAN ROBERT YOUNG- WARD I
COUNCILWOMAN BETTY JO BOGGESS-WARD II
COUNCILMAN GEORGE ATKINS - WARD III
COUNCILMAN JIM HUTCHINSON - WARD IV

- | | |
|--|--------------|
| 1. APPROVAL OF DECEMBER 3, 1991
COUNCIL MEETING MINUTES | MAYOR KARNES |
| 2. MAYOR'S REPORTS | MAYOR KARNES |
| 3. ORD. 91-11 CHANGE MUNICIPAL
ELECTION DATE (SECOND READING) | MAYOR KARNES |
| 4. NITRO DEVELOPMENT AUTHORITY (BOB WHITE) | MAYOR KARNES |
| 5. CALENDAR REPORT | MAYOR KARNES |
| 6. ADJOURNMENT | |

only. The motion was seconded. A vote was taken and it was unanimous. After Mayor Karnes read the title, Councilman at Large Olaf Walker moved the Ordinance be adopted. The motion was seconded. A vote was taken and it was unanimous. Mayor Karnes said he hopes the news media publish it, and also, post it on the bulletin board at City Hall.

ORDINANCE 91-11 ATTACHED.

AGENDA ITEM NO. 4 - NITRO DEVELOPMENT AUTHORITY (BOB WHITE): Mayor Karnes yielded this agenda item to Bob White. Mr. White said he had been asked to bring Council up-to-date on the Nitro Development Authority. He said in order to make it easier, he put together a report of called meetings and available minutes of these meetings, along with several of the proposals that they listened to, and distributed a copy of the report to each member of Council. He said to summarize what is going on, the Nitro Development have had 8 meetings, and minutes of these meetings were taken. He said they have also had 3 separate formal presentations made by professional consultants to try to bring business or stimulate interest and that sort of thing within the City of Nitro. He said each of them indicated it would be necessary that the Nitro Development Authority purchase property and make major expenditures for development, and the group does not have nor do they have access to monies that it would require to put these projects into effect. He added that Nitro has had no major changes in the last 10 years to bring about any positive or progressive action to the City. He said the Nitro Development Authority felt the best approach was to select one small project and clean it up and aggressively promote it to improve Nitro and Nitro's image. The group has selected Nitro High School as its first project and will be actively pursuing to acquire it for a Nitro Community Center. He said after he had a chance to review this, he would be happy to make another report in January. Councilman at Large Olaf Walker said it appeared this was a good report, but wanted to have time to review it. He commented he felt the minutes should be a little more timely. Councilman at Large Olaf Walker asked if they had considered the commercial buildings that are available, and Mr. White answered they had. Councilman at Large Walker asked how far along was the high school project, and Mr. White said it was not quite off the ground.

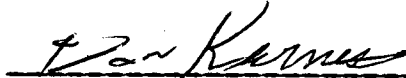
Councilman at Large Olaf Walker suggested the membership list be checked because he feels some of the members term has expired. Mayor Karnes said the Nitro Development Authority was formed in November, 1990 and terms of office were 1/3 for 1 year, 1/3 for 2 years and 1/3 for 3 years. The one year terms have expired, but those serving shall serve until qualified successors are seated. Mr. Gaujot said those in office at the expiration of their respective terms shall continue to serve until their successors have been appointed and have qualified. Councilman at


Large David Casebolt moved Max Galloway, Jewell McClanahan, Don Karnes and Wayne Shafer be reappointed for a three year term. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - CALENDAR REPORT: - Mayor Karnes reported the calendars were in and they cost \$4,900 for 3,500. The advertising fee was \$4,200 but all of this hasn't been collected as of this date. Mayor Karnes said Council would need to approve the difference between the advertising fees received and the actual cost of the calendar.

Councilman George Atkins said it has been a while since the City employees have had a raise. He said he was in favor of trying to work up some funds to give all the City employees a raise. He mentioned we have several people working for the City receiving less than \$5.00 an hour. Councilman Atkins moved this matter referred to the Finance Committee for their study and recommendation. The motion was seconded. A vote was taken and it was unanimous.

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


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

December 17, 1991

ORDINANCE NO. 91- 11

ADOPTED BY COUNCIL

INTRODUCED IN COUNCIL 1991AN ORDINANCE TO CHANGE THE DATE OF CITY ELECTION

WHEREAS, the City election for the City of Nitro, West Virginia is presently scheduled for June 2, 1992; and,

WHEREAS, the State and County Primary election is presently scheduled for May 12, 1992; and,

WHEREAS, Chapter 8, Article 5, Section 5 of the West Virginia Code of 1931, as amended, provides in part that:

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WHEREAS, the City of Nitro's election date is established by charter provision, however, it does not maintain separate registration books for the municipal election.

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

The municipal election heretofore established by charter to be held on June 2, 1992, shall be held instead on Tuesday, June 9, 1992, pursuant to Chapter 8, Article 5, Section 5 of the West Virginia Code of 1931, as amended.

First Reading DECEMBER 3, 1991

Second Reading DECEMBER 17, 1991

Alexis G. Carrier
City Recorder

Don Karmy
Mayor

CITY OF NITRO
COUNCIL MEETING MINUTES

JANUARY 7, 1992

Mayor Don Karnes declared a quorum and called the Council Meeting to order in Council Chambers at 7:33 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 Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 17, 1991 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of December 17, 1991 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - MAYOR'S REPORT: - Mayor Karnes reported the lake was stocked Monday, January 6, with 1,700 pounds of small trout from 7 - 12 inches in length, and 35 brood trout that weighed 300 pounds. He reminded everyone a fishing license and a trout stamp are requirements for fishing at the lake.

Mayor Karnes said as an update regarding the Rock Branch Public Service District, there has been verbal agreement but nothing signed. He said they have a meeting scheduled January 9.

AGENDA ITEM NO. 3 - APPOINTMENT TO ZONING BOARD OF APPEALS: Mayor Karnes said there were two people, Preston Russell and John E. Kautz whose terms expired December, 1991. He said they were willing to serve again, and recommended their reappointment. Councilman at Large Olaf Walker moved the Mayor's appointments be adopted. The motion was seconded. Mayor Karnes said there was a vacancy on the Board due to the death of Bill Murray. He said he feels this vacancy should be filled soon for the unexpired term ending December, 1992. He said if anyone had any suggestions on someone that has an interest to volunteer their time to serve on this Board to let him know. A vote was taken on the reappointments, and it was unanimous.

AGENDA ITEM NO. 4 - FIREMEN'S ASSOCIATION FUND DRIVE: - Mayor Karnes yielded this agenda item to Fire Chief Steve Hardman. Chief Hardman said this was a request for another fund drive as they have every year whereby a group sells coupons for a 10 x 13 family portrait for \$10.00. Councilman Jim Hutchinson moved this request be granted. The motion was seconded. Councilman Jim Hutchinson commented the photographer does good work, and he has never heard any complaints. A vote was taken and it was unanimous.

There being no further business, Councilman Jim Hutchinson moved the meeting be adjourned at 7:38 p.m. The motion was seconded. A vote was taken and it was unanimous.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER

JANUARY 21, 1992

CITY OF NITRO

COUNCIL MEETING MINUTES

Mayor Karnes welcomed everyone, declared a quorum and called the meeting to order at 7:30 p.m. in Council Chambers. Present were Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot. Absent were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 7, 1992 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of January 7, 1992 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CARRIAGE WAY STREETS: - Mayor Karnes yielded this agenda item to Councilman Robert Young. Councilman Robert Young said the letter distributed by Mary E. Young of 107 Carriage Way pretty well states the situation we are in. He said this has been brought before Council several times and placed into a committee, and he would like for Council to act on it tonight. He said we all knew that when Carriage Way was taken into the City, the developer did not want the streets to become the property of the City. Councilman Young said the people there are paying taxes on their homes, but yet the streets do not belong to the City. Councilman Jim Hutchinson said this matter should be resolved. He said if they are incorporated, he was of the opinion we should take the streets too. Councilman at Large Olaf Walker said Councilman Young has worked hard out there and gotten things done. However, on this issue he checked the records and found this item has been brought up in Council 9 different times since 1987. He said it showed in the minutes that the City Counsellor had made remarks concerning ownership of the streets. Councilman Walker said the last communication he knew about was that we were suppose to get a release from the trustee. He said he feels we need legal advise on this because the streets are not up to par. He said he wanted to take the streets into the City too, but he didn't want to burden the City with streets needing mending now, and asked the City Attorney for an update. The City Attorney Phillip Gaujot said as instructed, he attempted to contact Steve Swisher and didn't get a response. He said he didn't know who owned the streets. He said in a letter from Steve Swisher dated August 26, the only absolute way to be sure is obtain the release from the trustee, and said he didn't know if this had been done. He said he has been consistent all along and repeated that he wasn't telling Council to take the streets in because this is up to Council.

Mr. Gaujot said he thinks the City is increasing its liability if the streets are taken in, in the condition they are in right now. He gave an example of a hypothetical situation and the possible outcome. He said if the City takes the streets in, it enhances that person's claim against the City because you would allege that the City owns the streets, and knew the streets were in disrepair and did not repair the streets and, therefore, the City was negligent. Mr. Gaujot informed there was a method in the Code by which the streets can be repaired and by the property owners that adjoin the streets. He said often times in other jurisdictions when streets are wanting to be given to the City, the City require the streets be improved at least to a certain level of improvement acceptable by the City. Councilman Young said if this is the case, this should have been done before it became the City, and the streets should have been fixed before. Mr. Gaujot said apparently when the subdivision was taken in, the residence of that area were willing to allow it with the reservation of the streets through the developer. Mr. Gaujot said he wasn't sure the City could take the streets in under the facts as they exist now. He said if it was postured legally to take the streets in, then by taking them in, the City would enhance the risk of liability. He said as the lawyer for the City, he is also charged with determining the City's risk and he must advise Council of this. However, there are residents there paying taxes like other people in the City, and they are hoping to get street repairs like other areas of the City because they are paying these taxes. Councilman at Large Olaf Walker said he read a section of a law pertaining to bringing the streets up to a certain condition that is acceptable to the Municipality, and that way whenever the streets are taken in, the City is not burdened with a financial condition to repair the streets, but they must maintain them thereafter. Councilman George Atkins asked if the City Attorney said he wasn't sure if we could legally take the streets over at this time because a release hadn't been obtained. Mr. Gaujot said someone owns the streets, but he hadn't performed a title search on the streets. He said it was his understanding the developer owned the streets, but he went through bankruptcy so, therefore, the trustee would have title to that property. Also, he said it was his understanding the bankruptcy has been concluded, and there has to be some resolve of the ownership of the streets. Councilman Young yielded the floor to Mrs. Young who informed Council that when Mr. Volpi first went into bankruptcy, the trustee was Evergreen Federal. She said Evergreen Federal had been contacted several times over the past 4 or 5 years, and they say they do not have anything to do with the streets. They were involved with the property along the streets that houses are built on. She said Evergreen Federal has not or do they want to claim that the streets are part of Mr. Volpi's property. She said several years ago, they went to the Capitol, the Courthouse in Kanawha and Putnam Counties and they all tell them there is no way a street paved in front of anyones house has a title. There is no title,

and they told Council this several times. She said Mr. Swisher went back through the bankruptcy paper and could not find anything. She said if Council wanted them to prove this, then she suggest Council come back and show them where they are in the wrong, and this has not been done. Mrs. Young said we have been talking about liability, there is also liability that everyone is responsible for and that is people speeding through their subdevelopment. She said the Nitro Police cannot do anything to anyone speeding through their subdivision and hits any of the children in a car accident, or for vandalism and cars parked on the streets in front of their houses. A short discussion followed regarding annexation of Rt. 62. Mrs. Young said they have shown all the proof they can find. Councilman Robert Young moved we accept the streets in Carriage Way the way they are. The motion was seconded. Councilman at Large David Casebolt asked if an engineers report had been done, and Mayor Karnes said he reviewed a report on Plantation Dr. Mr. Gaujot told Council they just can't move to take streets in just because some people want the streets taken in. He said they would have to have notice, and public hearings to give anyone not wanting the streets taken in an opportunity to voice their complaints. Mayor Karnes said he wasn't opposed to taking the streets in for the City to maintain anymore than he would Brookhaven or any other subdivision. He said he knew in the past there were numerous cases where the streets were required to be brought up to some standand. He said he didn't know that this has ever happened in Nitro, and he wasn't suggesting causing the residents to spend a lot of money before they are taken into the City. However, he would take a position that we don't have a lot of money to spend on streets, but he would oppose doing it in a way that would not make a legal, absolute, without question deal. He said he agrees with the City Attorney, somebody owns every piece of land in the U.S. Mr. Gaujot explained that in his opinion, we have land owner A wanting to give you land owner B's property. Councilman at Large Olaf Walker said if we are going to vote on this tonight, he feels the motion should include that we have an engineer or somebody give us a drawing of what we are going to actually take in. Mr. Gaujot explained that the petitioners should come before Council completely prepared to prove who owns the streets, and find out if that person wants to dedicate those streets or let the City take in those streets. He said this is the job of the petitioners. Councilman at Large David Casebolt said he was in agreement with the City Attorney and moved the motion be tabled. The motion was seconded. A vote was taken and it passed with Councilman Robert Young opposing and Councilwoman Betty Boggess abstaining. Mayor Karnes explained a motion to table was not debatable, but for courtesy reasons let Mrs. Young make further statements as well as Paul Shockey and Opal Collins.

AGENDA ITEM NO. 3 - FINANCE COMMITTEE REPORT: -Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. He reported the Finance Committee met several times and on December 17, Councilman Atkins asked the Committee to make a study and

take under consideration an employee raise which was referred to the Finance Committee. Councilman at Large Olaf Walker said they had discussions if a raise could be given, how much of a raise and just how would it be distributed. At the last meeting, the Committee agreed to bring to Council floor the following: Employees earning less than \$10,999 would get a 5%, those making \$11,000 to \$12,999 would receive a 4% increase, those employees earning between \$13,000 to \$13,999 would receive 3%, and employees making \$14,000 to \$14,999 would get a 2% raise, and all employees earning above \$15,000 would receive 1%. He said there would be 56 employees of the City receiving an increase. Councilman at Large Olaf Walker moved the adoption of what he read be approved effective February 2. The motion was seconded. Councilman at Large David Casebolt said he would be voting in the negative against these raises, and the only reason why is he is against the mechanics of how they are doing it, but not against giving raises. A vote was taken and it passed with Councilman at Large David Casebolt opposing.

Councilman at Large Olaf Walker said on October 10, this Council approved of setting aside \$4,000 of the municipal fee increase each month, and the City Treasurer did that through January. Councilman at Large Olaf Walker moved beginning February, 1992, the City Treasurer be instructed to move \$2,000 from the asset account (unappropriated fund account) to the general operating fund to pay for the raises. The motion was seconded. A vote was taken and it was unanimous.

There being no further business, Councilman at Large Olaf Walker moved the meeting be adjourned at 8:23 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

FEBRUARY 4, 1992

Mayor Karnes declared a quorum and called the Council Meeting to order 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 the City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was Councilman at Large Rusty Casto.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 21, 1992 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the minutes of the January 21, 1992, Council Meeting be approved. The motion was seconded. Councilman at Large Olaf Walker suggested Mayor Karnes mail Mary Young a copy of the January 21, Council Meeting Minutes on behalf of Councilman Young. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - STATUS OF EQUIPMENT PURCHASE: - Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman at Large Walker said he had a couple of questions, but received answers to them prior to Council. He reported the second garbage truck has been ordered, and is expected around the middle or end of March. He said as indicated by the Treasurer's report we have the money available to pay for it when it comes in.

Councilman at Large Olaf Walker said we should start having meetings to prepare the budget, and recommended we start it Monday evening if this is convenient with everyone.

Councilman George Atkins said Mr. Williams said the skid loader would need to be advertised for bids again. He said Gene Williams said he would check with 2 or 3 dealers to get the right specs.

AGENDA ITEM NO. 3 - NDA REPORT (BOB WHITE): - Mayor Karnes yielded this agenda item to Mr. Bob White. Mr. White said he reported around a month ago that the Nitro Development Authority had selected its first project, the acquisition of the Nitro High School. He said they sent a proposal to the School Board for the purchase of the building, and it was accepted. He said there are several things they need to have done such as the title checked. He said they have made arrangements for the money. Mr. White said it was decided at the meeting of the NDA that the old Nitro High School be renamed Nitro Community Center. He said he felt the article, from the Mayor's Desk, in the Twin City Press summed it up very well. Mr. White said this is a building we

will all be proud of and it will help turn Nitro around. There is a lot of potential, but there is an awful lot of work to do also. He said they have several Committees presently working on the Nitro Development Authority, one is on the method of raising money to retire the loan and another is a group working to employ someone knowledgeable to allocate the space and have an income from the building.

Councilman at Large Olaf Walker asked if the press would point out that the Nitro Development Authority was a separate entity from the City of Nitro. The NDA will raise their own money to do what they want to do, and make the building marketable.

AGENDA ITEM NO. 4 - FD PROMOTIONS: - Mayor Karnes said Council authorized an exam be given to promote two firemen to Captain, making a total of three captains, one for each shift. Mayor Karnes yielded the floor to Chief Steve Hardman. Chief Hardman said he was glad to see these promotions, and said Sgt. E. W. Hedrick, II and Firefighter Frank Strohl have been promoted to Captains. Chief Hardman said the badges have not come in. Mayor Karnes extended his congratulations to both men.

Councilman at Large Olaf Walker said the minutes of July 23, do not reflect everything that was said at the meeting. He said he was told this was going to impact the budget about \$5,500, and asked if this was correct. Chief Hardman said he didn't think it was this high, but he would need to check with the Treasurer. Councilman George Atkins said the City Treasurer told him it would be around \$5,500, and it was misrepresented at the time it was addressed. Councilman at Large Olaf Walker said he didn't have any problem with the \$2,400. Chief Hardman said it is higher than this because we have had a 9% raise increase. He said the original figure of \$1,200 did not have the 9% increase included.

AGENDA ITEM NO. 5 - POLICE PENSION EXPENDITURE BUDGET: - Mayor Karnes said we needed a motion to include this as a part of our minutes. Councilman at Large Olaf Walker moved the expenditure budget be made a part of these minutes. The motion was seconded. A vote was taken and it was unanimous.

POLICE PENSION EXPENDITURE BUDGET.

AGENDA ITEM NO. 6 - HEALTH INSURANCE BIDS: - Mayor Karnes yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier said she received bids from 9 insurance companies, and the insurance committee looked at the bids, but they needed further study. Mayor Karnes said he talked with the City Recorder and they would like to have an insurance specialist that did not submit a bid review these and meet with the Insurance Committee. After this, they will report back to Council with their recommendation.

There being no further business, Councilman at Large David Casebolt moved the meeting be adjourned at 7:50 p.m. The motion was seconded. A vote was taken and it was unanimous.



DON KARNES, MAYOR



DORIS G. CARRIER, RECORDER

POLICE PENSION BUDGET

1992

WEBB	10,733.04
HARISON	11,896.68
POST	4,444.80
ANGELL	15,047.04
SECRETARY	300.00
MISCELLANEOUS	300.00
ACTUARY	2,500.00

45,221.56

10% FOR INVESTMENT

4,522.16

49,743.72

APPROVED JANUARY 21, 1991 AND RESPECTFULLY SUBMITTED

Terance E. ThompsonJ. D. WintersJ. A. JordanAttn: R. B.

CITY OF NITRO
COUNCIL MEETING MINUTES

FEBRUARY 18, 1992

Mayor Karnes welcomed everyone, declared a quorum and called the Council Meeting to order at 7:30 p.m. in Council Chambers. 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 Treasurer Ralph Allison. Absent were Councilman at Large Rusty Casto and City Attorney Phillip D. Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 4, 1992 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of February 4, 1992 be approved as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PRESENTATION BY JAYCEES - GREG HARKINS: Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman Atkins then yielded the floor to Greg Harkins, who presented a proposal to Council for their consideration of Air Bungee jumping, after recommendation by the Recreation Committee. In his presentation he also presented a video explaining in detail about this exciting adventure. His agreement was to offer \$500 per month to lease property at the City Park, and he would also keep the park clean and mowed on a regular basis. After a question and answer session, Councilman George Atkins moved for the approval of this recommendation. The motion was seconded. It was unanimously approved by Council but would ask the City Attorney to check on what liability this may incur. Mr. Harkins said hopefully this venture will start within the next six months.

AGENDA ITEM NO. 3 - MOOSE PARADE REQUEST 5-2-92 @ 10:00 a.m.: - Mayor Karnes said the Nitro Moose Lodge #565 requested permission to hold a parade on May 2, 1992 at 10:00 a.m. which would be in conjunction with the new addition to their lodge. Councilman Jim Hutchinson moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - INSURANCE REPORT: - Mayor Karnes yielded this agenda item to the City Recorder Doris G. Carrier. She advised the Insurance Committee met, opened the sealed bids and recommends we have an insurance consultant review them and offer his recommendation. Mayor Karnes said we have quotes with cheaper premiums, but didn't know what they would cover. Councilman at Large David Casebolt moved we have a study made on the bids. The motion was seconded. A vote was taken and it was unanimous. Mayor Karnes said we will receive a reply from the evaluation in about a month.

AGENDA ITEM NO. 5 - AGREEMENT FOR ANNUAL CODIFICATION SUPPLEMENT: - Mayor Karnes said members of Council were furnished a copy of a letter from our City Attorney with his recommendation we enter into the agreement for an annual codification. Mayor Karnes said he was in favor of entering into this agreement, because we are going to do something professional, we need the professionals to do it. Councilman at Large David Casebolt moved we enter into the agreement. The motion was seconded. Councilman at Large Olaf Walker inquired if we had ever received the corrected pages of the code, and the City Recorder Doris G. Carrier said we had not. He said there was a mistake on the date of the election and several mistakes in the B & O section. Mayor Karnes said he feels we should call their attention to this. A vote was taken and it was unanimous.


AGENDA ITEM NO. 6 - RES. 92-1 - AUTHORIZE ADMINISTRATION TO CONTINUE EFFORTS ON BEHALF OF CITY TO EFFECT A FINALIZED AGREEMENT WITH KANAWHA CO. LANDFILL AUTHORITY AND OTHER LOCAL MUNICIPALITIES: - Mayor Karnes said members of Council were furnished a copy of the resolution. He said the Solid Waste Authority for the County and the municipalities around the County, particularly the ones having their own trash and garbage pickup service, are trying to put together in a concerted effort to handle the solid waste problem in Kanawha County. He said it was hard to put that many government agencies in one pocket and come out with an agreement. He said the Council of the City of Charleston passed a similar resolution. 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 Olaf Walker moved we pass Resolution 92-1. The motion was seconded. A vote was taken and it was unanimous.

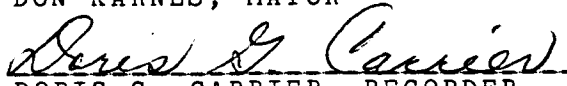
RESOLUTION 92-1 ATTACHED.

AGENDA ITEM NO. 7 - FOLLOW-UP ON FIRE DEPARTMENT PROMOTIONS: Mayor Karnes yielded this agenda item to Councilman at Large Olaf Walker. Councilman Walker said he wanted to make a couple of remarks before giving his report. He said he was being blamed on what might be interpreted as opposing the benefits or raises of the City employees. He said the record will show that he has supported the employees of Nitro in every case. Also, he said he thinks a good department head is always looking after his department to improve the conditions, morale and pay of the employees. Also, the department head has the responsibility to check with the boss, and in this case the boss is the Mayor and City Council and he should be factual and clear in his report. He said as a council person, he feels his responsibility is to the entire City, to all employees, not just a few in one particular department. He said back to the issue in front of Council which is the discussion regarding the promotions in the fire department. He said at the last meeting the question came up in regard to how much money was needed for this promotion. He said he was told prior to Council at that time it was going to be

somewhere in the area of \$5,500. Also, he said another member of Council was told the same thing. Councilman Walker read parts of the March 5, 1991 Council Meeting Minutes relating to this matter and money amounting to around \$1,200. Councilman at Large Walker said he didn't have any objections to the promotions, but had a problem with the money. He said the Treasurer came up with around \$5,500 prior to the last Council Meeting. He said he took the rank of the Captain and deducted their salary. In one case the difference was \$3,305 and the other \$2,483, making a total of \$5,700 each. He said they were told on more than one occasion that it would cost the City treasury \$1,200 per year for two promotions. He said his position is that we allow the promotions to stand as they are, but we should have a progression in the rate scale. Councilman at Large Walker suggested we approve \$600 for each one of the new Captains. In addition to the \$600, each one of them will get around a \$200 raise that we gave them on the general raise increase. He said they were going to come out pretty well, based on what the other employees throughout the City got. He said he would try to answer any questions anyone might have and asked Chief Hardman if he had any comments. Chief Hardman said this was the first time he heard about this, and did not have any comments at this time. Councilman Jim Hutchinson said the interpretation he had was that it would be \$1,200 a year. Mayor Karnes said the recommendation came from the Fire & Police Committee and he would like to see it put into the Committee for their review, and bring it back at the next Council Meeting. Councilman at Large Walker asked the progression rate, and Chief Hardman said a firefighter starts at a rate, then after 6 months he/she is increased and then given another increase after a year, etc. He said he had the amount in his files at the fire department and all the ranks are paid the same. Councilman at Large Walker responded that this is not true in every case. He said Captain Stover was employed in 1968 and well earned his rank, and the two in question are probably qualified but haven't been employed as long as Captain Stover. He said he has been trained that a person might be able to do the work as well as the next person, but you don't get as much pay until you spend a little time there. Chief Hardman said he wasn't aware of any fire department doing this. Councilman at Large David Casebolt moved this matter be placed back into the Fire & Police Committee and report back at the next meeting. The motion was seconded. A vote was taken and it was unanimous.

There being no further business to be conducted, the meeting was adjourned at 8:18 p.m.


DON KARNES, MAYOR


DORIS G. CARRIER, RECORDER



DON KARNES
MAYOR

RESOLUTION 92-1

"To authorize and direct the Administration to continue efforts on behalf of the City of Nitro to effect a finalized agreement with the Kanawha County Landfill Authority and other local municipalities regarding the operation of the Charleston Landfill."

WHEREAS, the Administration of the City of Nitro has been exploring various possibilities for the most economic and efficient continuation and future development of landfill facilities to accommodate the disposal of solid waste generated within the City of Nitro; and,

WHEREAS, the result of those efforts currently suggests that the most economical and feasible solution to the short and long range needs of the City of Nitro and surrounding areas would be a consortium of municipalities within Kanawha County, operating in conjunction with the Kanawha County Solid Waste Authority for the operation of the present Charleston Landfill, with assignment of the City's lease of said Landfill and/or sale of Charleston's interest therein and of certain improvements and machinery; and,

WHEREAS, such exploration of said project involves and requires the expenditure of considerable time and effort on the part of all participating municipalities and the Kanawha County Solid Waste Authority; and,

WHEREAS, the Kanawha County Solid Waste Authority has requested of the participating cities, namely, Nitro, Charleston, South Charleston, Dunbar and St. Albans, a non-binding resolution of commitment further exploration and development of such cooperative agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NITRO, WV that the City of Nitro does hereby declare a non-binding commitment to said project and encourages the Administration to carry on such efforts on behalf of the City of Nitro, if like commitments are made by the other municipalities, toward a finalized agreement for submission to Council.

Adopted by the City Council of the City of Nitro, this 18th day of February, 1992.


DON KARNES, MAYOR

CITY OF NITRO
COUNCIL MEETING MINUTES

MARCH 3, 1992

Mayor Karnes welcomed everyone, declared a quorum and called the Council Meeting to order in Council Chambers at 7:30 p.m. Present were Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was City Recorder Doris G. Carrier.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 18, 1992 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the February 18, 1992 Council Meeting Minutes be approved. The motion was seconded. A vote was taken and it was unanimous.

Mayor Karnes requested Agenda Item 5 be addressed at this time. Councilman at Large Olaf Walker moved Agenda Item 5 be moved per the Mayor's request. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - BRIDGE REPORT: - Mayor Karnes said we have a young fellow from Boy Scout Troop 151 wishing to become an Eagle Scout, and has asked to do a project for the City. At this time, Mayor Karnes introduced Jamin Jones and yielded the floor to him. Jamin said he wanted to replace the footbridge on 23rd Street, and furnished the Mayor a list of materials he would need. He said he would begin work March 27, and asked for a truck to haul away the old boards on the bridge or a fire permit to burn them. He said the total cost of the material is \$607.17. Jamin said he was doing this project for the highest rank of the Boy Scouts - the Eagle Scout award. Mayor Karnes said on behalf of Council he wanted to thank Jamin and the Boy Scouts in advance for doing this project. Mayor Karnes said Dave Jones and Chief Hardman will be supervising this job.

AGENDA ITEM NO. 2 - BID OPENING (SKID STEER LOADER): - Mayor Karnes passed the sealed bids to members of Council, and they were opened as follows: Cadle Sanitary Service for \$19,995, 1 used Case, Campbell Tractor of Summersville for a New Holland in the amount of \$19,060.45, Fairplain Tractor Sales, Inc. of Ripley for a New Holland for \$18,993.40, another bid from Fairplain in the amount of \$18,882, State Equipment on a Case for \$18,523, Jefferds Corporation on a Bobcat for \$20,315 and from Keefer's Service Center for a New Holland for a bid of \$19,419. Councilman at Large David Casebolt moved we put this matter into a committee and accept the recommendation of the committee as to which one to purchase and authorization to order same. The motion was seconded. A vote was taken and it was unanimous.,

AGENDA ITEM NO. 3 - STREET LIGHTS: - Mayor Karnes said for sometime we have been looking into the street light situation, and yielded this agenda item to the Chairman of the Street Light Committee, Councilman at Large David Casebolt who yielded to Councilman at Large Olaf Walker. Councilman Walker said members of Council were furnished a letter of what the Committee recommends regarding street lights per the suggestion of a police officer. The Committee recommends all 3,500 lumens street lights in the area between 23rd St. and 41st St. be upgraded to 9,500 lumens, high pressure sodium, recommends that one 9,500 lumen street light be installed on existing poles between 2nd Avenue and 1st Avenue from 32nd St. to 41st St. He said we could upgrade these lights for around \$600 or \$700 per year. Also, to obtain an approximate cost from APCO of installing pole and a lumen street light between 2nd Avenue and 1st Avenue on 23rd, 24th, 28th, 29th and 30th St. Councilman Walker introduced Wayne T. Pugh, Marketing & Customer Services Manager from APCO. Councilman Walker said by upgrading the street lighting in this area it will provide a feeling of better security for the residents and will greatly aid the policemen in observing the surroundings. Councilman George Atkins asked Mr. Pugh what was the best and less expensive light. Mr. Pugh said they primarily offer two lights sources, the mercury vapor which is bluish white light and most of the lighting along First Avenue falls in this category. He said they also offer high pressure sodium which is more of the amber color. He said a light per dollar is higher with the high pressure sodium. He said for \$5.60 per fixture, you get 7,000 in a mercury vapor fixture, and for \$5.81 you get 9,500 lumens. Mr. Pugh said they had a letter on file from Council authorizing them to upgrade 3,500 as they fail to 9,500. Also, any 7,000 lumen fixtures which fail are to be upgraded to 9,500 lumens, high pressure sodium. Mr. Pugh said this gives more light per dollar investment. Mr. Pugh said Ms Scott, APCO's engineer from St. Albans, did a drive through today, and she said there were a lot of 3,500 lumens on 2nd Avenue as well as the lights on 39th Street, but there some 7,000. He said if the lights were too close, they could be backed out if we wanted to stipulate this in our letter. Councilman at Large David Casebolt moved we accept the recommendations from Councilman George Atkins and Councilman at Large Olaf Walker. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - FIRE COMMITTEE REPORT: - Mayor Karnes yielded this agenda item to Councilman Jim Hutchinson. Councilman Hutchinson said he didn't have anything to report at this time as the meeting which was scheduled for tonight was moved to March 10, at 6:30 p.m.

AGENDA ITEM NO. 6 - RIC CONTRIBUTION: - Mayor Karnes said last March, we approved contribution of \$1,451 and this is the amount again this year. Councilman at Large David Casebolt moved for the approval of the \$1,451 contribution to RIC. The motion was seconded. A vote was taken and it was unanimous.

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

Don Karnes
DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

MARCH 17, 1992

Mayor Karnes declared a quorum and called the meeting to order at 7:48 p.m. in Council Chambers following the public hearing. 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 Attorney Phillip D. Gaujot. Absent were Councilman at Large Olaf Walker, Councilman at Large David Casebolt and City Treasurer Ralph Allison..

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 3, 1992 COUNCIL MEETING MINUTES: - Councilman at Large Rusty Casto moved the Council Meeting Minutes of March 3, 1992 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - FIRE COMMITTEE REPORT: - Mayor Karnes yielded this agenda item to Councilman Jim Hutchinson, Chairman of the Fire Committee. Councilman Hutchinson said he was unable to attend the last meeting, but the budget Chief Hardman submitted was \$3,000 less than the amount Council approved. He said with that in mind, he feels we should review this and then have a definite answer for the fire department at the next council meeting.

AGENDA ITEM NO. 3 - 1992-93 BUDGET: - Mayor Karnes reported the budget must be into the State by March 28. However, the budget is not quite complete, so another meeting has been scheduled for Tuesday, March 24, 1992 at 6:30 p.m. and a special meeting to be possibly scheduled immediately following the budget meeting.

The City Attorney Phillip D. Gaujot said back in the late 80's, the Environmental Protection Agency determined that there were emergency zones in the United States that needed to be cleaned up. In this particular zone was Nitro and more particularly the Fike Chemical Co. (Artel) site. In 1987, EPA sublet contracts for the work in this zone in which this site was located, and these contracts were pretty big contracts. Mr. Gaujot said the company working on the environmental problems at this site was O. H. Materials. He said the contract was around \$13 million initially. The way it worked is that the company would come in and do a certain amount of work and then they would get paid for that work, and it is sort of an open ended contract. They would do a piece of work and then they would file modifications. Mr. Gaujot said the contract was entered into in 1987 and the contract with regard to Artel was in 1988. This was before Artel was annexed into the City. Mr. Gaujot said the Mayor saw what was happening and he thought it was an appropriate

time to annex Artel and it was done. He said we annexed the site and then after annexing the site, we contacted O. H. Materials because we didn't know who the subcontractors were that were working over there. The Mayor contacted EPA and Herb Sibley has worked real hard on this since he came on board. The contractor said we couldn't collect any B & O Taxes because they entered into the agreement with EPA before the annexation. Mr. Gaujot said there was a section of the WV Code that provides that anytime you annex or anytime you access B & O Tax any contract that's entered into before you have authority to assess B & O Tax prohibits you from assessing B & O Taxes on that contract. Therefore, they said they wouldn't pay anything, and he was instructed by Mayor Karnes to stay after it and to be persistent, and he did. He said they took the position that they entered into a new contract each time, even though it was under the main contract. Mr. Gaujot said they had several meetings with O. H. Materials and their counsel, and in his opinion he feels O. H. Materials is a first class operation. It was one of those negotiations where everybody went into the negotiations and there was never a bad word said; it was a pleasant negotiation. Mr. Gaujot said they began work in 1988, but we didn't incorporate until 1989 and there was no way to access for work that had already been done before the annexation. After the annexation, a lot of the work was done off site. He said we had a million seven hundred ninety eight thousand dollars on which we could tax. Once this amount was determined, then there was a question of what rate. In our code there is a section dealing with contracting, where it is \$2.00 per \$100.00 of business. They thought it should be service, that they were doing service work. The representative from O. H. Materials said they were not going over there and digging drums up, that they were finding drums on top of the ground and stored in buildings. The service tax rate is \$.80 cents on every \$100. Mr. Gaujot said based on the City's figures, they came up with a tax of around \$35,000 that was owed at the contracting rate of 2%. Mr. Gaujot said when they negotiated a settlement with them for \$25,000 they did away with the issue of whether it was contracting vs services. Mr. Gaujot said this was important because if we would have battled for the \$35,000, we would have had to involve the EPA, and he didn't know how long it would take us to get it. Mr. Gaujot said they are going to do more work over there and said he feels from their indication, several million dollars worth, and O. H. Materials agreed to 2% on future work. He said they may not do this work, but they are a leader in the industry. Mr. Gaujot said he had an agreement that must be signed by the Mayor and Recorder agreeing with O. H. Materials to the terms as stated above. The \$25,000 will be ready as soon as the agreement is submitted. Mr. Gaujot said this contract goes up until March 15, and he wanted to make sure if there was a draw down on one of those other contracts, we get that on top of the \$25,000. Mr. Gaujot said O. H. Materials said they would keep a list of everybody that does work over there and they will furnish us with a list, and then we will know who the subcontractors are. Mr. Gaujot said he feels the credit for obtaining these funds should go to Mayor Karnes.

Mr. Gaujot said EPA doesn't necessarily agree with this agreement, but because it's a settlement of \$25,000, O. H. Materials can settle without EPA's approval. Councilman Jim Hutchinson stated he thought Mayor Karnes, Mr. Gaujot and Herb Sibley should be commended. Mr. Gaujot said he didn't feel he deserved any credit.

Mayor Karnes said without objection he would like to address three documents pertaining to the block grant. One is a resolution authorizing the Mayor to sign all necessary documents concerning the grant. Another is called Residential Anti-Displacement and Relocation Assistance Plan under Section 104 (d) of the Housing and Community Development Act of 1974, as amended and as resolution on Citizens Participation Plan.

RESOLUTION 92-2 - BLOCK GRANT APPLICATION: - Mayor Karnes read Resolution 92-2 pertaining to the Block Grant Application and Councilman Robert Young moved for the approval. A vote was taken and it was unanimous.

RESOLUTION 92-2 ATTACHED.

RESOLUTION 92-3 - ANTI-DISPLACEMENT: - Councilman Jim Hutchinson moved the Mayor read the title only. The motion was seconded. A vote was taken and it was unanimous. Mayor Karnes read the title and Councilman Jim Hutchinson moved this resolution be approved. A vote was taken and it was unanimous.

RESOLUTION 92-3 ATTACHED.

RESOLUTION 92-4 - CITIZENS PARTICIPATION PLAN: - Councilman Robert Young 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 this resolution. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 92-4 ATTACHED.

There being no further business to be conducted, Councilman George Atkins moved the meeting be adjourned at 8:10 p.m. The motion was seconded. A vote was taken and it was unanimous.

Don Karnes
DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

CITY OF NITRO

Residential Anti-Displacement And Relocation Assistance Plan
Under Section 104 (d) of the Housing and Community Development
Act of 1974, as Amended

The CITY of NITRO will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496a(b), a copy of which is attached hereto.

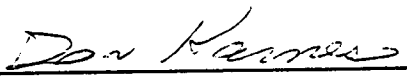
All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Nitro will make public and advise the State that it is undertaking such an activity and, if requested, will submit to the State, information that identifies:


- (1) a description of the proposed assisted activity;
- (2) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- (3) a time schedule for the commencement and completion of the demolition or conversion;
- (4) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- (5) the source of funding and a time schedule for the provision of replacement dwelling units; and
- (6) the basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.

The City of Nitro will provide relocation assistance, as described in Section 570.496a(b), to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the Act, the _____ of _____ will take all necessary steps to minimize the displacement of persons from their homes.

Adopted this ____ day of _____, 1992, at a regular meeting of the Town Council at which a quorum was present.


Mayor


Recorder

Resolution Authorizing the Submission
of a
Small Cities Community Development Block Grant Application
for the
City of Nitro
Kanawha County, West Virginia

WHEREAS, the City Council of the City of Nitro, West Virginia is aware of its need to replace the 31st Street Bridge and construct storm sewers in the Gum Street area; and

WHEREAS, said Council has identified the Small Cities Community Development Block Grant program as a source of funding for the improvements; and

WHEREAS, it is necessary for the City Council to act expeditiously to prepare an application for Small Cities Community Development Block Grant funding.

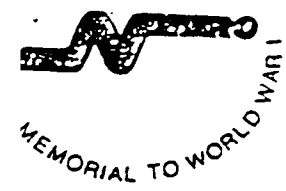
NOW, THEREFORE, BE IT RESOLVED, that the Honorable Don Karnes, Mayor, of the City of Nitro, is hereby authorized by the City Council to sign all documents pertaining to the preparation of said application, and to submit the application to the Governor's Office of Community and Industrial Development for funding consideration.

This Resolution becomes effective on April 7, 1992, pending the resolution of any citizen suggestions, alternatives, or changes proposed in the second public hearing to be held in April, 1992.

Passed this 17th day of March, 1992.

Don Karnes
Mayor

Doris G. Carrier
City Clerk



Small Cities Block Grant Program

CITIZEN PARTICIPATION PLAN

I. The Requirement

This plan describes how the City of Nitro will involve citizens in the planning, implementation, and assessment of the Small Cities Block Grant (SCBG) Program.

II. Scope of Citizen Participation

- a. General. The City of Nitro will provide citizens with an adequate opportunity for meaningful involvement and participation in the planning, implementation and assessment of the SCBG program on a continuing basis. The City of Nitro will provide adequate information to citizens, hold public hearings at the initial stage of the planning process to obtain views and proposals of citizens on housing and community development needs, and provide citizens an opportunity to comment on the City of Nitro's proposal and community development performance. Nothing in these requirements, however, will be construed to restrict the responsibility and authority of the governing body of the City of Nitro for the development of the application and the execution of its Community Development Plan.
- b. Citizen Participation Plan. The City of Nitro will implement the following written citizen participation plan:
 - (1) The City of Nitro will provide for and encourage citizen participation, with particular emphasis on participation by persons of low- and moderate-income who are residents of slum and blight areas and of areas in which funds are proposed to be used.
 - (A) The views and proposals of citizens, particularly low- and moderate-income persons, members of minority groups, and residents of blighted areas and neighborhoods where activities are proposed or ongoing, will be solicited.
 - (B) The City of Nitro will identify its community development and housing needs, including the needs of low- and moderate-income persons. This process shall involve public participation.
 - (C) Citizen participation will be solicited during each stage of the application process:

(i) Preapplication stage.

a. Prior to the preparation of the application, the City of Nitro will, in accordance with this plan, hold a hearing to obtain the views and proposals of citizens with regard to the determination of community development and housing needs, including the needs of low- and moderate-income persons, and make available the following information:

- The total amount of funds that may be applied for by the City of Nitro for community development; and,
- The range of activities that may be undertaken with these funds, the kind of activities previously funded in the community (if applicable) and the progress made with respect to these activities;
- The fact that more applications will be submitted to the state than can be funded;
- The processes to be followed in soliciting and responding to the views and proposals of citizens in a timely manner, and
- A summary of other important program requirements.

b. Prior to public hearings, the City of Nitro will provide for adequate public notices.

(ii) Application stage. Prior to the submission of the application to the state, the City of Nitro will, in accordance with the written plan, hold a hearing to make available for comment and take into consideration those comments on the proposed application before adoption of a resolution or similar action by the City of Nitro authorizing the filing of the application with the state. Comments received, and responses thereto, will be

included in the application. An assurance will be submitted with the application assuring that all requirements have been met.

- (iii) Post approval stage. Following the approval of its application will, in accordance with the written plan:
 - (a) Assure citizen participation when considering subsequent amendments to the Community Development Program; and
 - (b) Provide for citizen participation in the planning, implementation and assessment of the Community Development program, including the holding of a hearing on the Final Performance Report submitted to the state upon project completion.
- (2) The City of Nitro will provide citizens with reasonable and timely access to local meetings, information, and records relating to the proposed use of funds and relating to the actual use of SCBG funds:
 - (A) Adequate notices of public hearings will be provided in a timely manner so as to make them accessible and understandable to all citizens. The time shall not be less than that required to allow the notice to appear at least five days prior to the date of the meeting. The City of Nitro will use general news releases, block ads, legal ads, or other methods deemed appropriate.
 - (B) Meetings to obtain citizen views and to respond to citizen proposals will be scheduled at times and locations which permit broad participation. Full public access to program information and affirmative efforts to get adequate information to citizens will be provided, particularly for persons of low- and moderate-income and residents of blighted neighborhoods and project areas.

- (C) Low- and moderate-income persons and minorities will be ensured substantial representation on an advisory committee, established by the City of Nitro.
- (3) The City of Nitro will provide for technical assistance to groups representative of persons of low- and moderate-income that request such assistance in developing proposals with the level and type of assistance to be determined by the applicant.
 - (A) Technical assistance will be provided to citizen organizations and groups upon request.
 - (B) The level and type of assistance will support efforts to understand the CDBG program, application procedure, define policy, organize for the implementation of the program and other activities.
 - (C) Assistance will be provided in the form of staff or local presentations, informational hand-outs, research of a specific issue, obtaining assistance from another agency such as Regional Intergovernmental Council, or other short- or long-term efforts within the capability of the City of Nitro.
- (4) The City of Nitro will provide for public hearings to obtain citizen views and respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the handicapped.
- (5) The City of Nitro will provide for a timely written answer to written complaints and grievances, within 15 working days where practicable.
 - (A) Citizens will be invited to submit comments on all aspects of program performance throughout the project period.
 - (B) Citizen complaints will be submitted in writing to the chief elected officer or other official designated by the chief elected officer. A written response to a citizen complaint will be prepared within 15 working days where practicable. Every effort will be made to resolve the complaint within 15 days. If it

cannot be resolved within 15 days, an explanation of what is occurring and a time schedule for resolution will be presented.

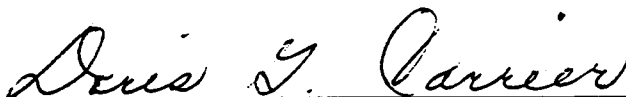
- (C) Program staff will be available during normal business hours to respond to citizen inquiries/complaints.
 - (D) If the citizen is not satisfied with the staff response, the citizen should first appeal the response to the City of Nitro City Council or county commission for a final administrative review and decision.
 - (E) The City of Nitro will be responsible for the development and administration of projects. However, should a citizen complaint be filed with the state, it will be forwarded to the City of Nitro for response according to the process set forth above. The state will judge the City of Nitro response to adequacy. State reviews will include (1) matters of regulation/law and (2) matters where the City of Nitro information is plainly inconsistent with available facts and data.
- (6) The City of Nitro will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.
- (A) The City of Nitro will assess its non-English speaking population and make a determination as to whether non-English speaking residents can reasonably be expected to attend. The City of Nitro will review census data to ensure compliance.
 - (B) Where significant number of non-English speaking residents can be reasonably expected to participate, the City of Nitro will address how notices of public hearings, summaries of basic information, and speakers at public meetings will be dealt with.
- (7) The City of Nitro will maintain citizen participation files which contain documentation that demonstrate compliance with all requirements contained in this Citizen Participation Plan.

Resolution of Adoption:

The City of Nitro adopts the above as the official Citizen Participation Plan to be followed as part of the HUD-SCBG application process at its meeting of March 17, 1992.



Mayor
City of Nitro



Recorder

Date

CITY OF NITRO
COUNCIL MEETING MINUTES

APRIL 7, 1992

Mayor Karnes welcomed everyone, declared a quorum and called the Council Meeting to order. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman David Casebolt, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present was City Attorney Phillip D. Gaujot. Absent were Councilman Robert Young and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 17, 1992 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of March 17, 1992 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - APPROVAL OF PUBLIC HEARING MINUTES OF MARCH 17, 1992: - Councilman George Atkins moved the Public Hearing Minutes of March 17, 1992 be approved as written. The motion was seconded. A vote was taken and it was unanimous.

PUBLIC HEARING MINUTES ATTACHED.

AGENDA ITEM NO. 3 - APPROVAL OF MARCH 24, 1992 SPECIAL COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved for the approval of the March 24, 1992 Special Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous.

SPECIAL COUNCIL MEETING MINUTES ATTACHED.

AGENDA ITEM NO. 4 - MAYOR'S REPORT: - Mayor Karnes reminded Council that Jamin Jones was going to do a project to earn his Eagle Scout badge, and reported the project has been completed. Mayor Karnes said, as requested, Jamin submitted the facts of the case. Mayor Karnes said the Scouts did a very good job, and suggested Council go down and take a look at the excellent workmanship by the Scouts and adults. He reported a total of 9 people pitched in to build the new footbridge last Friday and Saturday (3 adults and 6 Scouts). It took them 10 hours to finish the work. All together the Scouts worked 54 hours and 35 minutes. Mayor Karnes said he feels this was a very worthwhile project which cost just a little over \$500.

AGENDA ITEM NO. 5 - RECREATION REPORT: - Mayor Karnes yielded this agenda item to the Recreation Director Jay Long. Mr. Long said he applied for a grant from the Greater Kanawha Valley Foundation last year for a Summer Youth Program. He received the money from the grant, and had a very successful 6 week program, with 84 children participating from 6 to 12 years

old. He said he wanted to have this again this year and submitted another application to the Greater Kanawha Valley Foundation. He said the grant was approved for \$616.00, but this still left him short around \$1,260. to pay the 2 employees. However, he said he was happy to report that the Nitro Loyal Order of the Moose gave him a check for the \$1,260. again this year. He said the program would start around mid-July through August.

Mr. Long requested Council to allow him, on a one year trial basis, to set the swimming fee rates as follows:

- * \$70.00 family rate (Inside and Outside the City).
- \$35.00 individual.
- \$ 2.00 daily rate.
- \$ 1.00 daily rate for Senior Citizens.

*families with 5 or more will be charged \$1.00 for each additional person.

Children under 5 admitted free when accompanied by a paying adult whether or not they swim.

Mr. Long reported the opening date will be May 30, and will close August 16, 1992. Hours will be from 11:00 a.m. until 6:00 p.m. - Monday through Saturday, and Sunday from 1:00 p.m. until 6:00 p.m.

Effective July 15, 1992, the family and individual pass rates are to be cut in half.

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

Mr. Long said Mr. Harkins is present and would like to know the status of the Bungee jump. Mayor Karnes said we need to be sure of the liability problem, and yielded to the City Attorney. Mr. Gaujot said as long as we have sufficient insurance. Councilman at Large Olaf Walker asked Mr. Harkins if he had obtained any additional information as far as the regulations, etc. Mr. Harkins said this was regulated by the people in charge of the carnivals. Councilman at Large Walker asked if Mr. Harkins had to obtain a permit or license from them, and Mr. Harkins said he was sure they would. Mr. Harkins said WV is going by the laws of other states. He said a representative from the Labor Department sent him a packet of information. Mr. Harkins said they have a one million dollar per occurrence liability insurance policy. Mr. Gaujot explained that anytime you lease or sell land or sell property of any kind, you have to do it by an ordinance and, of course, have a public notice. Councilman at Large Walker asked Mr. Harkins if they had any kind of guidelines to determine how much area around the jump. Mr.

Harkins said there would be orange-type construction fences as required by the insurance company to keep spectators away from the jump area. Mr. Harkins said he would furnish the City a drawing specifying exactly how much area they would need, and he said he would when he receives the final dimension on his crane. Mr. Gaujot suggested Mr. Harkins submit to the City his plan along with a copy of the proposed insurance policy along with any authoritative regulation or rule. Mr. Gaujot said he feels Mr. Harkins should describe with particularity as possible when he wants to set it up and how much property would be needed with the metes and bounds description. Mr. Gaujot also suggested Mr. Harkins present Council with a lease agreement. Mr. Gaujot said once he receives the information from Mr. Harkins then it would be proper for him to review and advise Council based on what is presented. Mr. Gaujot said then he thinks there should be an ordinance so other people can come in and bid on it as well. Mr. Gaujot suggested Mr. Harkins obtain a lawyer. He said if he did it, it would be a conflict of interest because he has to look after the City's interest. Mr. Gaujot said we should also run this matter by the City's insurance company.

Mayor Karnes said every year we enter the All WV Communities competition. It has already been presented to the State Chamber of Commerce this year, but we haven't received our rating. Mayor Karnes said they have the video tape ready to begin. It is an 18 minute tape, and will be shown immediately following the Council Meeting.

There being no further business, Councilman at Large David Casebolt 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

MARCH 17, 1992

The properly advertised Public Hearing scheduled for March 17, 1992 was called to order in Council Chambers. Present were Mayor Don Karnes, 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 Attorney Phillip D. Gaujot. Diane Painter from RIC, Deputy Tax Treasurer Herb Sibley and Mr. & Mrs. Massey along with news media.

Mayor Karnes yielded the floor to Diane Painter who explained this is an annual application that can be submitted by each municipality. She said there were grant funds available through HUD that are administered through the State. The State titles them "Small Cities Block Grants". The funds available this year are seventeen million dollars statewide. \$11.6 million is available for distribution this year, and the State is accepting applications for these funds. There are 20 different eligible activities that the funds can be used for, but the catch is that an area must qualify first for the funds, and there are only 3 ways in which to qualify. The main way is the project that the City would be applying for would benefit a low and moderate income area. (51% of the residents of an area would need be low and moderate income families.) The second way to qualify a project is to alleviate a slum or blighted area, and the third way is to alleviate a health hazard or some other stressful area that has happened within the last 18 months. Once the project has qualified and is eligible, the Governor makes all funding decisions, and in his program design for this year there are certain projects he has stated will be given more attention to funds. Those are projects that would provide new water or sewer service in areas where there is no existing public water or sewer, projects that leverage other dollars or projects that are economic development related. She said last year there were 29 projects funded, 26 of those were water and sewer related.

Mrs. Painter said the purpose of this meeting is to get ideas from the citizens and decide if it is a project that would be eligible, and for the Mayor and Council to do the application. The application must be at the State by June 1, 1992, but RIC needs to have at least 3 or 4 weeks to prepare the application. However, if an income survey is needed, they need a much longer lead time. She said the City can apply up to \$500,000 with no match, and the cap is \$750,000. The dollars between 500,000 and \$750,000 has to be matched dollar for dollar.

Something new about the program this year is that the Governor has set aside a million dollars out of this funding for the Main Street program, but in region III, we don't have this type communities. She said they received around 160 applications last year, but only 29 awarded.

Mrs. Painter informed there was another type program which is called a Planning Grant which is separate from the infrastructure develop type project that has a cap of \$40,000, and this can be done for engineering. She explained that once a Planning Grant is received, then they would not be eligible, and 51% of the residents that would benefit from this grant must be low to moderate. The same qualifications apply to this type grant as mentioned earlier.

Mayor Karnes questioned if this grant might apply to the old high school building for plans on the feasibility of this building. Mrs. Painter said they would discuss this matter further, and that the City could apply for a planning grant, as well as a development project. Last year the City applied for a Gum Street sewer project and the 31st Street Bridge replacement which totaled \$500,000, but the City had to decide which project they considered its priority. She said they could resubmit these applications, with very little work on their part, as the income survey is still valid.

Mayor Karnes said there are a lot of projects the City needs, and the 31st Street Bridge is high on priority. We have been officially put on notice by the State Highway Department that the bridge is unsafe, and this is about a \$100,000 project. He said the unfortunate thing about that is we need to get in gear to see if we can get any help from anybody prior to the grant announcement. Mayor Karnes said we need to take some serious thought and action on this bridge. He said he couldn't think of a project that would be of more benefit to as many residents than the Gum Street project.

Mrs. Painter said it was stated the Governor will make decisions by September 30.

Mrs. Painter gave Mayor Karnes resolutions for the applications.

There being no further comments or questions, the public hearing was adjourned.



DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER



DON KARNES
MAYOR

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

PLEASE TAKE NOTICE THAT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF NITRO WILL BE HELD ON THE 24TH DAY OF MARCH, 1992 AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, NITRO, WEST VIRGINIA.

AGENDA:

1. 1992-93 BUDGET

SIGNED THIS THE 24TH DAY OF MARCH, 1992.


DON KARNES, MAYOR


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

SPECIAL COUNCIL MEETING

MARCH 24, 1992

Mayor Karnes called the Special Council Meeting to order following the discussion of the 1992-93 budget. Present were City Recorder Doris G. Carrier, Councilman at Large Olaf Walker, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present was the City Treasurer Ralph Allison. Absent were Councilman at Large Rusty Casto, Councilman at Large David Casebolt, Councilman Robert Young and City Attorney Phillip D. Gaujot.

AGENDA ITEM NO. 1 - 1992-93 CITY OF NITRO BUDGET: - Councilman at Large Olaf Walker moved for the approval of the 1992-93 budget of \$2,024,823. The motion was seconded. A vote was taken and it was unanimous.

1992-93 BUDGET ATTACHED.

1992-93 NITRO SANITARY BOARD BUDGET: - Councilman George Atkins moved the 1992-93 budget \$660,468 as submitted by the Sanitary Board be approved. The motion was seconded. A vote was taken and it passed with Councilman George Atkins opposing.

There being no further business, Councilwoman Betty Jo Boggess moved the meeting be adjourned. The motion was seconded. A vote was taken and it was unanimous.



DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

CITY OF NITRO
REVENUES

	BUDGET <u>91-92</u>	BUDGET <u>92-93</u>
BALANCE JULY 1, 1992	-	1,000
PROPERTY TAXES	401,197	421,734
BUILDING PERMITS	10,000	12,000
INSPECTION FEES	1,200	1,500
B & O TAX	520,000	506,595
UTILITY TAX	150,000	160,000
RECREATION	26,000	30,000
LIQUOR CLUB FEE	500	-
WINE/LIQUOR TAX	35,000	35,000
LICENSES	6,000	7,300
DOG TRACK	200,000	150,000
INTEREST INCOME	3,000	2,000
CBA	146,200	146,200
RENT INCOME	8,400	8,400
COURT COST	20,000	16,000
COLLECTION INCOME	7,000	7,000
LIBRARY FEES	1,000	1,000
MUNICIPAL SERVICE	413,050	415,000
PAR IND PARK	20,000	-
FRANCHISE FEES	2,500	2,500
COAL SEVERANCE	12,000	12,000
MISCELLANEOUS	6,000	7,000
REIMBURSEMENTS:		
DOG TRACK	8,700	6,500
CITY CALENDAR	3,500	3,500
BLUE CROSS	14,862	18,471
HUMANE OFFICER	6,887	7,148
DARE PROGRAM	-	13,200
LIABILITY INSURANCE	10,000	10,250
LIBRARY	8,094	7,800
DRUG PROGRAM	=	<u>7,500</u>
 TOTAL	 <u>2,041,090</u>	 <u>2,016,598</u>

BUDGET	BUDGET
<u>91-92</u>	<u>92-93</u>

MAYORS OFFICE

WAGES	42,000	42,830
RETIREMENT	3,990	4,069
FICA TAX	3,213	3,276
DUES	2,128	2,151
TRAVEL	3,000	3,000
SUPPLIES	<u>1,000</u>	<u>1,500</u>
	<u>55,331</u>	<u>56,826</u>

CITY COUNCIL

WAGES	8,400	8,400
FICA TAX	643	643
SENIOR CITIZENS	<u>5,000</u>	<u>7,200</u>
	<u>14,043</u>	<u>16,243</u>

RECORDER

WAGES	13,500	13,500
RETIREMENT	1,283	1,283
FICA TAX	1,033	1,033
LEGAL ADS	2,500	2,500
SUPPLIES	750	550
TRAVEL	300	-
RECORD BOOKS	300	300
ELECTION EXPENSES	<u>12,000</u>	<u>-</u>
	<u>31,666</u>	<u>19,166</u>

TREASURER

WAGES	9,000	9,000
FICA TAX	689	689
CONTRACT SERVICES	2,000	2,000
SUPPLIES	100	100
WORKERS COMPENSATION	<u>31,969</u>	<u>39,669</u>
	<u>43,758</u>	<u>51,458</u>

BUDGET
91-92BUDGET
92-93BUILDING INSPECTOR

WAGES	35,067	35,727
RETIREMENT	3,331	3,394
FICA TAX	2,683	2,733
DUES	120	220
SUPPLIES	1,000	900
TRAVEL	<u>500</u>	<u>600</u>
	<u>42,701</u>	<u>43,574</u>

HUMANE OFFICER

WAGES	9,452	9,898
RETIREMENT	898	940
FICA TAX	723	757
SHELTER FEES	2,400	2,400
UNIFORMS	<u>300</u>	<u>300</u>
	<u>13,773</u>	<u>14,295</u>

CITY HALL

WAGES	62,056	61,890
RETIREMENT	5,898	5,347
FICA TAX	4,747	4,735
CONTRACT SERVICES	10,000	5,000
CITY ATTORNEY	20,600	20,600
CITY JUDGE	4,800	4,800
INSURANCE AND BONDS	53,780	55,172
MEDICAL INSURANCE	174,741	208,800
SUPPLIES	10,000	10,000
COMPUTER SUPPLIES	4,000	4,000
ELECTRIC	24,000	24,000
GAS	6,900	6,900
WATER & SEWAGE	10,000	10,000
TELEPHONE	18,000	14,000
FIRE HYDRANTS	12,300	12,300
STREET LIGHTS	<u>40,800</u>	<u>40,800</u>
	<u>462,622</u>	<u>488,344</u>

BUDGET
91-92BUDGET
92-93LIBRARY

WAGES	22,080	22,562
RETIREMENT	2,098	1,442
FICA TAX	1,689	1,726
CONTRACT SERVICES	1,000	2,370
SUPPLIES	500	500
REPAIRS	500	500
BOOKS	2,700	3,000
CAPITAL IMPROVEMENTS	<u>7,300</u>	<u>=</u>
	<u>37,867</u>	<u>32,100</u>

RECREATION

WAGES	33,718	35,413
RETIREMENT	1,778	1,794
FICA TAX	2,579	2,709
CONTRACT SERVICES	1,000	1,000
SUPPLIES	9,000	9,000
REPAIRS	5,000	5,000
CITY CALENDAR	<u>3,500</u>	<u>3,500</u>
	<u>56,575</u>	<u>58,416</u>

POLICE DEPARTMENT

WAGES	306,544	331,377
PENSION	21,000	21,000
RETIREMENT	7,456	6,153
FICA TAX	24,216	25,350
CONTRACT SERVICES	750	750
TELETYPE	7,300	7,300
SUPPLIES	4,000	4,000
UNIFORMS	4,000	4,000
AUTOMOTIVE	18,000	18,000
REPAIRS	5,000	5,000
CRIME PREVENTION	1,500	1,500
FOOD AND DRUG	200	200
TOWER RENT	600	600
POLICE RESERVES	1,200	1,200
EQUIPMENT RENTAL	2,500	2,500
CAPITAL OUTLAY	<u>=</u>	<u>9,000</u>
	<u>404,266</u>	<u>437,930</u>

BUDGET
91-92BUDGET
92-93FIRE DEPARTMENT

WAGES	156,325	160,632
VOLUNTEERS	6,000	6,000
PENSION	45,000	45,000
FICA TAX	12,341	12,288
CONTRACT SERVICES	800	800
SUPPLIES	14,500	14,500
UNIFORMS	3,000	2,600
AUTOMOTIVE	5,000	5,000
REPAIRS	6,000	6,000
LAUNDRY	600	-0-
FIRE TRUCK	<u>16,054</u>	<u>16,054</u>
	<u>265,620</u>	<u>268,874</u>

PUBLIC WORKS

WAGES	255,601	255,548
RETIREMENT	24,282	23,275
FICA TAX	15,553	19,549
CONTRACT SERVICES	15,500	12,000
SUPPLIES	26,000	26,000
GARBAGE BAGS	22,000	17,500
AUTOMOTIVE	28,500	26,500
REPAIRS TO BLDGS	4,000	4,000
REPAIRS TO EQUIPMENT	15,000	10,000
LANDFILL	125,000	96,000
STREET REPAIR	10,000	35,000
CAPITAL OUTLAY	67,432	-0-
MISCELLANEOUS	<u>4,000</u>	<u>4,000</u>
	<u>612,868</u>	<u>529,372</u>

GRAND TOTAL2,041,0902,016,598

\$ 668,468

SALARIES (NO INCREASE)

240,792
18,421
22,875
50,938
366
10,999
500

RETIREMENT
HEALTH INSURANCE
STATE UNEMPLOYMENT
WORKMENS COMPENSATION
OTHER EMPLOYEE EXPENSES

TOTAL WAGE RELATED EXPENDITURES

\$ 344,891

UTILITIES

99,831

INSURANCE

18,500

SUPPLIES

10,000

MAINTENANCE & REPAIRS

30,000

VEHICLE REPAIRS & MAINTENANCE

4,000

GASOLINE

4,000

RENT

9,000

EQUIPMENT RENTAL

1,000

LEGAL SERVICES

5,000

BILLING COLLECTING & ACCOUNTING

30,000

SHOP & LAB

5,243

UTILITY TAXES

11,500

OPERATOR TRAINING

500

MISCELLANEOUS GENERAL EXPENSE

6,000

TOTAL OPERATIONS EXPENDITURES

234,574

CHARLESTON NAT'L BANK-NITRO

16,900

CITIZENS NATIONAL BANK

8,400

STATE SINKING FUND

46,800

FARMERS HOME ADMINISTRATION

8,784

TOTAL INTEREST & DEBT SERVICE

80,884

CAPITAL EXPENDITURES

& PREVENTATIVE MAINTENANCE

TOTAL ESTIMATED EXPENDITURES

668,349

INCREASE IN RESERVES

\$ 119

 DATA AT CURRENT RATE OF INCOME AND EXPENSES
 CURRENT BUDGET MONTHLY AVG. \$ [REDACTED] USED RATE PROJ. BUDGET
 ACCOUNTS REC.

 INCREASE &
 AMOUNT

ESTIMATED REVENUES

DOMESTIC	306464.00	43780.57	525366.86
RBP&D	32219.00	4602.71	55232.57
INDUSTRIAL	7820.00	1117.14	13405.71
TAP FEES			.00
MDSNG JOBBING		.00	.00
PENALTIES	9716.00	1388.00	16656.00
INTEREST INCOME	10491.00	1498.71	17984.57
UTILITY TAX INCOME	6313.00	901.86	10822.29
TOTAL ESTIMATED REVENUE	373023.00		639468.00

ESTIMATED EXPENSES

SALARIES	135582.00	19368.86	232426.29
FICA	10294.00	1470.57	17646.86
RETIREMENT	8743.00	1249.00	14988.00
HEALTH INSURANCE	29714.00	4244.86	50938.29
STATE UNEMPLOYMENT	.00	.00	.00
WORKMENS COMPENSATION	6416.00	916.57	10998.86
OTHER EMPLOYEE EXPENSES	196.00	28.00	336.00
TOTAL WAGE RELATED EXPENS	190945.00	27277.86	327334.29

UTILITIES	58235.00	8319.29	99831.43
INSURANCE	10500.00	1500.00	18000.00
SUPPLIES	5855.00	836.43	10037.14
SLUDGE HAND. EQ M&R	14653.00	2093.29	25119.43
VEHICLE REPAIRS & MAINT.	1598.00	228.29	2739.43
GASOLINE	2296.00	328.00	3936.00
RENT	5133.00	733.29	8799.43
EQUIPMENT RENTAL	5117.00	731.00	8772.00
BILLING COLLECTING & ACCT	16489.00	2355.57	28266.86
SHOP & LAB	1285.00	103.57	2202.86
UTILITY TAXES	6258.00	894.00	10728.00
OPERATOR TRAINING	310.00	44.29	531.43
MISC. GENERAL EXP.	3455.00	493.57	5922.86

TOTAL OPERATIONS EXPENSES

INTEREST EXPENSE	28743.00	4106.14	49273.71
CITIZENS NAT'L BANK LOAN	1130.00	161.43	1937.14
STATE SINKING FUND	27300.00	3900.00	46800.00
FARMERS HOME ADH. LOAN	5124.00	732.00	8784.00
TOTAL INTEREST & DEBT	62297.00	8899.57	106794.86

TOT. EST. BUDGET EXP.

384426.00 659016.00 659016.00

CITY OF NITRO
COUNCIL MEETING MINUTES

APRIL 21, 1992

Mayor Karnes welcomed everyone, declared a quorum and called the Council Meeting 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, 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 7, 1992 COUNCIL MEETING: - Councilman Robert Young moved the Council Meeting Minutes of April 7, 1992 be approved as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - APPROVAL OF PUBLIC HEARING MINUTES OF APRIL 7, 1992: - Councilman at Large Olaf Walker moved for the approval of the Public Hearing Minutes of April 7, 1992. The motion was seconded. A vote was taken and it was unanimous.

PUBLIC HEARING MINUTES ATTACHED.

AGENDA ITEM NO. 3 - 1992-93 BUDGET REVISION: - Mayor Karnes yielded this agenda item to the City Treasurer Ralph Allison. Mr. Allison gave members of Council a copy of the revised levy rates which need to be approved which was sent to us by the State Tax Commissioner to reduce our property tax by \$1,173. Councilman at Large Olaf Walker moved the revision be approved. The motion was seconded. A vote was taken and it was unanimous.

BUDGET REVISION ATTACHED.

AGENDA ITEM NO. 4 - ST. JUDE CHILDREN'S RESEARCH HOSPITAL BIKE-A-THON: - Mayor Karnes said Council had in their folders a request from Carmen Kostalensky from the St. Paul's United Methodist Church Youth to hold the annual St. Jude Children's Research Hospital Bike-a-thon on May 3, from 2:00 p.m. until approximately 5:00 p.m. Councilman at Large Olaf Walker moved permission be granted again this year. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - NITRO BUSINESS & PROFESSIONAL ASSN. REQUEST: - Mayor Karnes said the Nitro Business & Professional Association is requesting permission to block off 21st Street from 1st Avenue to Second Avenue on Saturday, May 16, from 6:00 a.m. until 10:00 p.m. for a flea market and entertainment with all day and evening activities. Also, they are requesting permission to hold a parade on May 16, at 3:00 p.m. beginning at

Nitro High School. He said they are planning a celebration called "Boom Town Nitro" starting Friday evening, May 15, and ending Sunday, May 17. Councilman at Large David Casebolt moved their requests be granted. The motion was seconded. A vote was taken and it was unanimous. There is a celebration at EPA (former Heck's Warehouse) between 11:30 a.m. and 1:30 p.m. on May 13.

AGENDA ITEM NO. 6 - APPOINTMENT OF BALLOT COMMISSIONERS: - Mayor Karnes yielded this agenda item to the City Recorder Doris G. Carrier who explained the term of appointments of the Ballot Commissioners were expiring. Mayor Karnes requested reappointing Dr. Guy Cassell of 223 Brookhaven Drive and Bess Stahl of 208 Broadway Avenue for another 4 year term. Councilman at Large David Casebolt moved for their reappointment. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 7 - MUNICIPAL ELECTION: - Mayor Karnes yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier said we needed to decide if we were going to have paper ballots or electronic devices. She said she was told with paper ballots we would have to hire 10 additional poll workers per precinct or 90 more workers. City Recorder Doris G. Carrier said using the electric devices would be cheaper. However, she said if we used paper ballots, we would save \$600 to \$700 on printing, but with the additional amount for poll workers there would be no comparison. Councilman at Large David Casebolt moved we use electronic devices for the municipal election. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - MAYOR'S REPORT: - Mayor Karnes said we received an invitation from the Nitro Moose addressed to Council Members which was passed around to Council. Councilwoman Betty Jo Boggess read the invitation which said the Officers and Members of the Nitro Moose Lodge #565 cordially invites you to the grand opening of their new lodge home, May 2, 1992. Parade 11:00 a.m. with open house 12:30 - 2:30 p.m.

Mayor Karnes said Jay Slater from Troop 151 wants to do an Eagle Scout award project. He wants to shape up, clean up and put some stone on the walk trail at the lake. He said the cost for this project would be around \$1,100 or \$1,200. City Treasurer Ralph Allison said we had the money, and Councilman George Atkins moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

Mayor Karnes said another project request would be coming up which is also worthwhile. Another scout asked if he could finish painting the street signs to earn his Eagle Scout award.

The City Attorney Phillip Gaujot complimented Greg Harkins on furnishing the information asked for on the Bungee jumping. He said Greg submitted a plat showing the property where he would

like to have Bungee jumping. There needs to be a lease proposal prepared and a metes and bounds description of the proposed site. He submitted a McDonough Caperton quote for a million dollar insurance policy. However, in a way, it excludes personal injury. and we would want our insurance representative to take a look at it. Mr. Gaujot said it appears this sport is regulated by the WV Department of Labor under the amusement rides and specifically under the Amusement Rides and Amusement Attractions Safety Act which also requires insurance of a million dollars and also a bond of a million dollars. He said if Council is inclined to do this, we should allow the public to participate at a Public Hearing and it should be published twice prior to the hearing.

There being no further business, City Recorder Doris G. Carrier moved the meeting be adjourned at 7:50 p.m. The motion was seconded. A vote was taken and it was unanimous.

Don Karnes
DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

PUBLIC HEARING

APRIL 7, 1992

The properly advertised Public Hearing scheduled for April 7, 1992, to obtain the views and comments of city residents concerning the proposed project of applying for up to \$500,000 from the HUD Small Cities Block Grant Program under the Governor's Office of Community and Industrial Development for two projects, including: 31st Street Bridge replacement and construction of Gum Street Storm Sewer, was called to order by Mayor Karnes. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large David Casebolt, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were Nathaniel Orr of 5318 Bentwood Rd., Brian Jamerson, 5305 Queensbury Lane in Cross Lanes, Recreation Director Jay Long, Ivan Meadows of 210 Dupont Avenue, W. W. Shafer of 1130 W. 11th St., Herb Sibley of 1121 W. 11th Street, Greg Harkins of 236 Meadowview Land, St. Albans, Jennifer Halstead of 2049 Wilson Avenue, St. Albans and Mary Lee from the Charleston Daily Mail.

Mayor Karnes read the notification of the Public Hearing as published in the Twin City Press, and opened the floor for comments.

There being no comments, the meeting was adjourned.


DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

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, 1992 IN ACCORDANCE WITH CHAPTER II, ARTICLE 8 OF THE
WEST VIRGINIA CODE, AS AMENDED.

	CURRENT LEVY RATE	EXCESS LEVY RATE	PUBLIC/PERM. IMPROVEMENT LEVY RATE	BOND LEVY RATE	TOTAL LEVY RATE
CLASS I	11.68	6.25			
CLASS II	23.36	12.50			
CLASSES AND/OR IV	46.72	25.00			
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 21st. day of April, 1992
and APPROVED BY THE STATE TAX COMMISSIONER.

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

NOTE: This form is to be submitted within three days after the governing body meets to lay the levy on the third Tuesday in April. **DO NOT MAIL IT WITH THE BUDGET DOCUMENT.** Retain the pink copy for your files and mail the white and yellow copies (along with your Levy Order) to the 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.

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 5, 1992

Mayor Karnes welcomed everyone, declared a quorum and called the Council Meeting 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 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 APRIL 21, 1992, COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of April 21, 1992, be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - COUNCIL MEETING DATE TO CERTIFY CANDIDATES AND NUMBER PLACEMENT ON BALLOT: - Mayor Karnes yielded this agenda item to the City Recorder. The City Recorder Doris G. Carrier said we needed to schedule a special Council Meeting in order to certify candidates and have a drawing for placement on the ballot. Councilman at Large Olaf Walker moved we schedule a meeting on Mother's Day, May 10, 1992 at 1:00 p.m. She said time is of the essence because the ballots needed to be ordered. The motion was seconded. Councilman at Large Rusty Casto said the question we had before was if someone would mail their petition in. Mayor Karnes explained that the way it was done in 1980, was that if any filings would come in by mail they would be placed in the order they were received and opened. A short discussion followed. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - ELECTION OFFICIALS: - Mayor Karnes yielded this agenda item to the City Recorder. The City Recorder Doris G. Carrier informed the County increased the pay for their poll workers and they are now receiving \$58 more than we are paying. She said she felt this may cause difficulty in obtaining workers for our election, as most of them work in both elections. After a discussion, City Recorder Doris G. Carrier moved we pay the same amount to the workers as they receive from the county which is \$75.00, plus \$25.00 for attending the training session, \$20.00 additional for the Supply Commissioner and \$10.00 for the escort, and also give the Ballot Commissioners an increase of \$20.00 making them \$100. each. The motion was seconded. A discussion followed regarding whether or not an ordinance would be needed. After research, Mr. Gaujot informed an ordinance would not be necessary. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - RES. 92-5 - POLICE WEEK 5-10 - 5-16-92): Mayor Karnes asked Chief Cochran if he would like to address this item, and Chief Cochran said Police Day is May 15, and we will have a luncheon on this day. He said May 10, through May 16, is National Police Week. Mayor Karnes read the title of the Resolution as unanimously approved by Council, and Councilman at Large Rusty Casto moved the Resolution be approved. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 92-5 ATTACHED.

AGENDA ITEM NO. 5 - FIREMEN'S PENSION BOARD MEETING MINUTES: Mayor Karnes said all members of Council were furnished a copy of the Firemen's Pension Board Meeting Minutes which need to be made a part of our record. Councilman at Large Rusty Casto moved these Minutes be made a part of Council Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous.

FIREMEN'S PENSION BOARD MEETING MINUTES ATTACHED.

AGENDA ITEM NO. 6 - 1992 POOL EMPLOYEES: - Mayor Karnes yielded this agenda item to the Recreation Director. Recreation Director Jay Long said the Recreation Committee met and approved the following list (copy furnished to members of Council) of employees for concession/lifeguards/cashiers and alternates for the pool during 1992:

Charlotte Hill	*(8)	Douglas Meadows	(2)	John Hager	(2)
Troy McGrew	(4)	Beth Vance	(2)	Michael Karnes	(1)
Brenda Hill	(2)	Tina Webster	(1)	Coda Javins	(1)
Melissa Martin	(0)	Michelle Lutz	(1)	Warren Westfall	(0)
Michael Brannon	(0)	Kerri Pringle	(0)	Danny Rohmiller	(1)
Eric Brightwell	(3)	Others as needed	*()	Years employed.	

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

Jay Long invited members of Council Wednesday, May 13, between the hours of 11:30 a.m. - 1:30 p.m. to the old L. A. Joe Warehouse for a "taste of the community" to welcome the employees of the Division of Environmental Protection made possible by the Nitro Business & Professional Association, Valley Publications and the Recreation Department.

AGENDA ITEM NO. 7 - ORD.92-1 - AMENDING SEC. 173.12 OF CODIFIED ORDINANCES ENTITLED "COURT COSTS, FEES & FINES: - Mayor Karnes yielded this agenda item regarding the ordinance to Chief C.R. Cochran. Chief Cochran said in lieu of going to court, first time minor traffic offenders have an option, if qualified. They may go to court or to a school. He said the school is new and is an administration school put on by a certified instructor. The City of Nitro would receive \$50.00 up front and the instructor \$10.00 which must be paid before attending the school.

For the first time minor traffic offense a person may attend the school and eliminate receiving points. He said South Charleston, St. Albans and Dunbar are also doing this. Mr. Gaujot said if the offender completes the course, the instructor will give evidence the course was completed. This is taken back to City Court within 60 days, and the Judge is presented the evidence of completion of the course, and the case is held on the docket until it expires. This pertains to 3 points or less. Councilman at Large Rusty Casto 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 Rusty Casto moved we approve the first reading of the ordinance. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 92-1 ATTACHED.

AGENDA ITEM NO. 8 - PLANNING COMMISSION PUBLIC HEARING MINUTES OF APRIL 4-16-92: - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman George Atkins said the Planning Commission discussed the abandonment of a portion of Ivy Street and to close a never used section of Gum St. The matter regarding the purchase of a parcel of property approximately 40 feet x 75 feet, a part of the old water intake plant and joins the east side of property at 306 Broadway Avenue, was referred back to Council as it was not the function of the Planning Commission to set value, hire an appraiser, or select a purchaser. He explained Mr. Brannon needed an easement so that he could get to the back part of his property, and suggested we give him permission or whatever is necessary to make it legal for him to use the that piece of property until the property is sold. Councilman at Large Olaf Walker said if this would be legal, he agreed that we have a lease prepared that Mr. Brannon could use this property for \$1.00 a year and that it would expire each year. Mayor Karnes said he would like to form a Committee of Councilman at Large Olaf Walker, Councilman George Atkins and himself and then they could make a recommendation on this matter. Councilman George Atkins moved the Planning Commission Minutes be made a part of our minutes. The motion was seconded. A vote was taken and it was unanimous.

Councilman at Large Rusty Casto asked about the lease on the Legion Building, and asked if the Committee would check on this, and they agreed to do so.

PLANNING COMMISSION MINUTES ATTACHED.

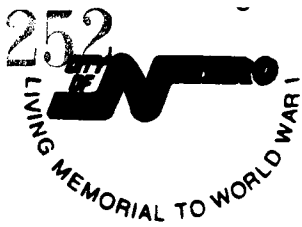
Councilman at Large Rusty Casto said he wasn't going to run for re-election and he would like to place a motion on the floor to give the Mayor an 8% increase, the Recorder \$1,000 and Council \$20.00 a month, effective July 1, 1992, since they haven't received an increase since 1984. Mayor Karnes said this would require an ordinance and this would require 2 readings before July 1, 1992. Mayor Karnes said he would like to refer this to

the Finance Committee which consists of the three Council at Large, City Treasurer and himself. He said after they met, and feels this would be a good idea, then an ordinance would be prepared for the May 19, meeting. Councilman at Large Olaf Walker said he would oppose this increase because at this 11th hour, isn't the time to do it.

There being no further business, the meeting was adjourned.

Don Karnes
DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER



DON KARNES
MAYOR

RESOLUTION 92-5

A RESOLUTION COMMEMORATING POLICE WEEK
MAY 10, THROUGH MAY 16, 1992

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

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

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

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

NOW, THEREFORE, I, Don Karnes, do hereby call upon all patriotic, civic, and educational organizations to observe the week of May 10, through May 16, 1992 as Police Week, with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon all citizens of Nitro to observe Friday, May 15, 1992, as Police Officers Memorial Day in honor of those peace officers who, through their courageous deeds have lost their lives or have become disabled in the performance of duty.

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

Passed this 5th day of May, 1992.


DON KARNES, MAYOR

NITRO FIREMEN'S PENSION BOARD MEETING MINUTES

APRIL 23, 1992

The Nitro Firemen's Pension Board Meeting was called to order at the Nitro Fire Department by Mayor Don Karnes. Present were Chief Steve Hardman, Captain Paul Frank Strohl, Firefighter Ronnie King, Firefighter Shawn Alderman and Secretary Pansy Armstead.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 21, 1992 MEETING MINUTES: - Chief Hardman moved the Minutes of January 21, 1992 be approved as written. The motion was seconded by Captain Strohl. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - FIREMEN'S EXPENDITURE BUDGET - 1992: - Mayor Karnes said the next item of business on the agenda to be addressed was the Firemen's Expenditure Budget for 1992. Firefighter King said he feels this needs to be checked out further concerning the 10% for investment. Chief Hardman said when they rewrote the law to include the cost of living in there, the formula was changed. Mayor Karnes said if this was the expenditure budget, this would not be included. Chief Hardman said the figures should include the cost of living raise also. After further discussion, Captain Strohl moved we table this item until the City Treasurer was present. The motion was seconded by Chief Hardman. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - CERTIFY ELECTION RESULTS: - Chief Hardman moved the election results be accepted whereby Firefighter Ronnie King was elected as Trustee for a four year term. The motion was seconded by Captain Strohl. A vote was taken and it was unanimous.

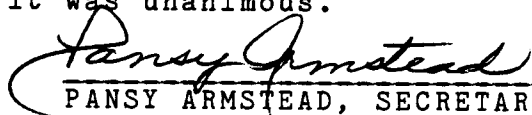
AGENDA ITEM NO. 4 - OLD BUSINESS: - Chief Hardman said they were in receipt of Dr. Joseph Saldanha's invoice for evaluation of William Perry Jones in the amount of \$450.00 for services in November, 1991. Captain Strohl read the law stating, "The expense of the member's transportation to such medical examination and the expense of the medical examination shall be paid by the Board of Trustees, such medical expense shall not exceed the reasonable and customary charges for such services." This amount was questioned because the other doctor involved charged \$100.00 for one visit. A discussion followed regarding the charges, and Captain Strohl moved before payment to Dr. Saldanha is made, that the Pension Board draft a letter of protest and ask him to give us something in writing why he feels he is justified in charging \$450.00, then we will consider payment. Firefighter Shawn Alderman said he feels we should get a better definition of the law too. Captain Strohl said we had to pay Firefighter Jones an extra two months disability because we could not get the report from Dr. Saldanha. Captain Strohl

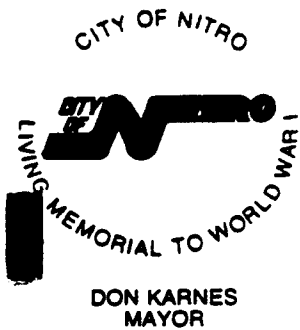
moved we draft a letter to Dr. Saldanha registering our protest to the extent of this charge and also include a copy of the law under 8-22-23A which states, "reasonable and customary charges for such services" and ask for an explanation why his rate is 3 1/2 times higher than the other doctor. The motion was seconded by Firefighter Alderman. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - NEW BUSINESS: - Chief Hardman said they have some questions regarding the acturary, but would need to talk with the City Treasurer Ralph Allison.

Captain Strohl said the Board Members were under the impression all of the money had been pulled out of Peoples Federal Credit Union, and they received a statement in the mail that they have \$4,285.68 on deposit there. Captain Strohl moved the City Treasurer Ralph Allison immediately close this account and put it in the Bank of Nitro or invest it somewhere, at his discretion either into the checking or savings account. The motion was seconded by Chief Hardman. A vote was taken and it was unanimous.

There being no further business, Chief Hardman moved the meeting be adjourned. The motion was seconded by Firefighter Alderman. A vote was taken and it was unanimous.


PANSY ARMSTEAD, SECRETARY



ORDINANCE 92-1

AN ORDINANCE AMENDING SECTION 172.12 OF
THE CODIFIED ORDINANCES OF THE CITY OF
NITRO, WEST VIRGINIA, ENTITLED "COURT
COSTS, FEES AND FINES"

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

Section 173.11 of the Codified Ordinances of the City of Nitro,
West Virginia, is hereby AMENDED to read as follows:

173.12 COURT COSTS, FEES AND FINES

(a) The Police Judge shall collect on behalf of the City
such Court Costs, fees and/or fines as authorized by state
law and the Ordinances of the City of Nitro.

(b) The Police Judge, in his or her discretion, may collect
costs or fees on behalf of the City pursuant to guidelines
adopted by the Municipal Court and filed with City Clerk for
elective alternative traffic school and for jail fees.

This ordinance shall be effective upon second reading and
adoption.

This ordinance shall be advertised in accordance with the
applicable provisions of the Codified Ordinances and CHARTER of
the City of Nitro, West Virginia.

This ordinance was introduced and read for the first time at
a regular meeting of City Council on May 5, 1992, and will come
up for second reading and adoption at a regular meeting of City
Council to be held on May 19, 1992.


DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

PLANNING COMMISSION MINUTES, CITY OF NITRO

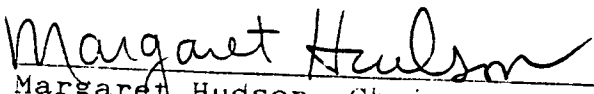
April 16, 1992

The Planning Commission of the City of Nitro, WV, met Thursday, April 16, 1992, 7:30 p.m., for a Public Meeting at City Hall. The meeting was called to order by Margaret Hudson, Chairperson.

The following items, as advertised in the Legal Notice published in both Charleston daily newspapers, were considered:

1. Request by Charley Jividen, Jr. and Berta Vance to close a never used section of Gum Street that runs between their properties from Kanawha Avenue to the Kanawha River. City Council requested that this item be reviewed at a Public Meeting--it had been approved at a May 2, 1991, Planning Commission meeting. This item was again discussed and a motion was made that "since there are no opposing arguments, we will stand with our original decision." The motion was properly seconded. Motion carried.
2. E. W. Dye and Bryon D. Honaker requests the City of Nitro abandon Ivy Street from Kanawha Avenue to the Kanawha River. A motion was made to "abandon said street so the adjoining property owners can divide it equally." The motion was properly seconded. Motion carried.
3. Request from Larry and Reba Brannon to purchase a parcel of property approximately 40 feet x 75 feet, a part of the old water intake plant and joins the east side of property at 306 Broadway Avenue. During discussion it was brought out that it is not the function of the Planning Commission to set value, hire an appraiser, or select a purchaser. A motion, however, was made "that the parcel of property approximately 40' x 75' joining the east side of property at 306 Broadway Avenue be sold by the City of Nitro." The motion was properly seconded. Motion carried.

The meeting was adjourned.


Margaret Hudson, Chairperson



DON KARNES
MAYOR

March 23, 1992

LEGAL NOTICE

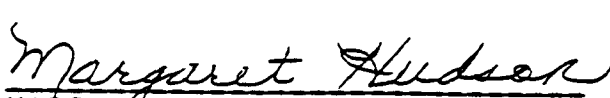
The Planning Commission of the City of Nitro, located in Putnam and Kanawha Counties, West Virginia, will hold a public hearing in City Hall, 20th Street and 2nd Avenue on Thursday, April 16, 1992, at 7:30 p.m. to consider the following:

Request from Larry & Reba Brannon to purchase a parcel of property approximately 40 feet x 75 feet, a part of the old water intake plant and joins the east side of property at 306 Broadway Avenue.

E. W. Dye and Bryon D. Honaker requests the City of Nitro abandon Ivy Street from Kanawha Avenue to the Kanawha River.

Request by Charley Jividen, Jr. and Berta Vance to close a never used section of Gum Street that runs between their properties from Kanawha Avenue to the Kanawha River.

Interested parties are invited to attend and express their views.


MARGARET HUDSON, CHAIRPERSON

Please publish in both papers on Friday:

March 27, 1992 and
April 3, 1992

NITRO, WEST VIRGINIA 25143



DON KARNES
MAYOR

February 21, 1992

Margaret Hudson
105 Kanawha Avenue
Nitro, West Virginia 25143

Dear Ms. Hudson:

Enclosed you will find a copy, forwarded here-in, of a request to purchase part of the Old Water Intake property. I have tried to reach you. Please feel free to call me at your convenience if you have any questions.

CRS/mwl

Thank You

A handwritten signature in cursive script that reads "Charles R. Sargent". The signature is written in dark ink and is positioned above the printed name.

Charles R. Sargent,
Building Official

NITRO, WEST VIRGINIA 25143

Larry T. Brannon
306 Broadway Avenue
Nitro, WV 25143

August 14, 1991

George L. Atkins
City Councilman
304 Kanawha Avenue
Nitro, WV 25143

Mr. Atkins,

This letter is in reference to our recent discussion of the possibility of purchasing a parcel of property approximately 40 feet x ⁷⁵~~50~~ feet from the city of Nitro.

This property is part of the old water intake plant and joins the east side of our present property at 306 Broadway Avenue.

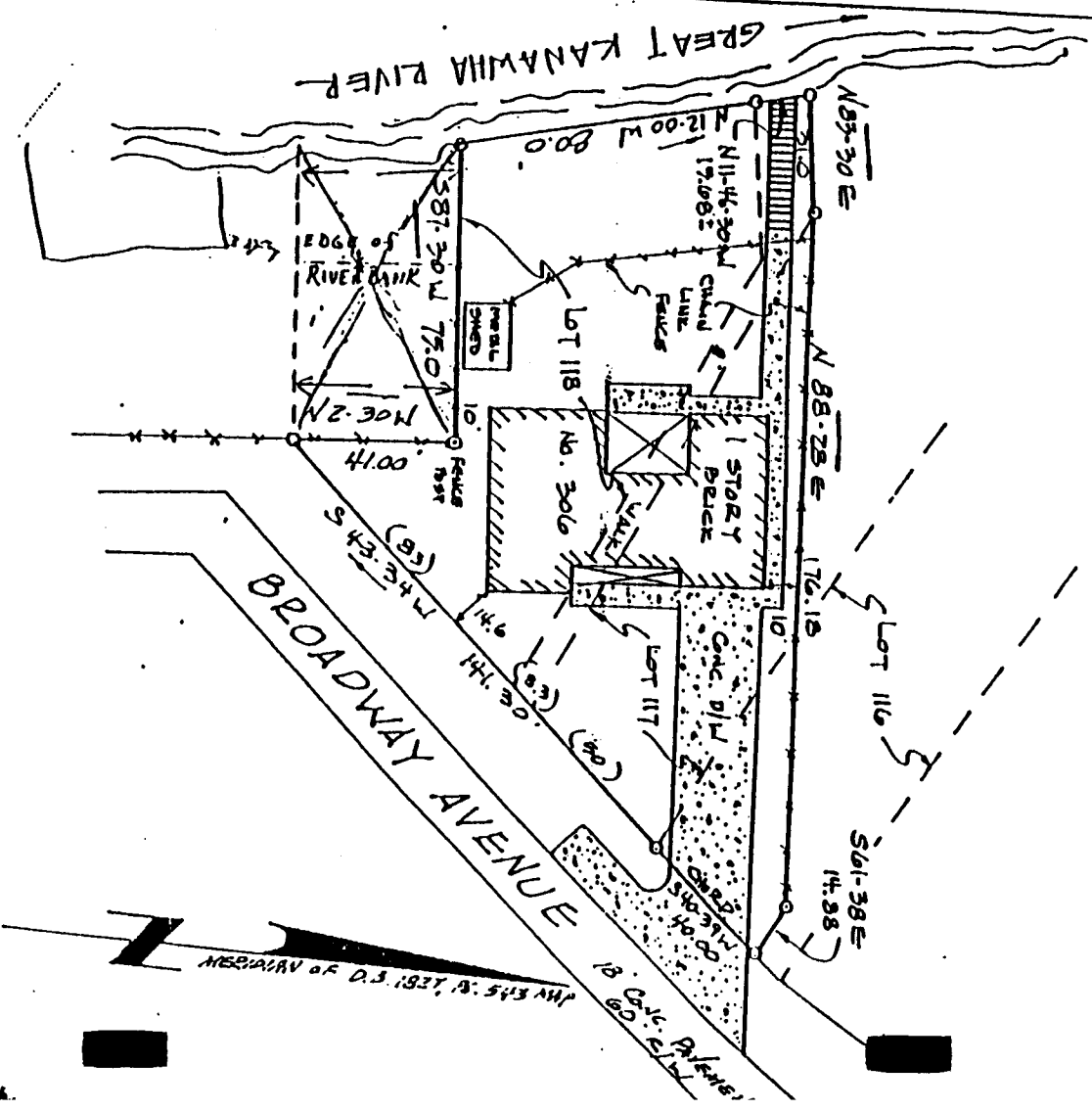
This added property would give us an access to the river which is in dire need of repair and a buffer zone in case of any future development of the water intake property.

We are willing to pay a fair price for this section of property and would replace the line fence between us with new fence.

I would appreciate hearing City Councils' feelings on this matter.

Respectfully yours,

Larry T. Brannon
Reba R. Brannon



MAP SHOWING

PARTS OF LOTS 116 & 117 AND ALL OF LOT 118,

AND A 8' WALK BETWEEN LOTS 117 & 118
EASTVIEW LAND COMPANY ADDITION

IN THE CITY OF NITRO

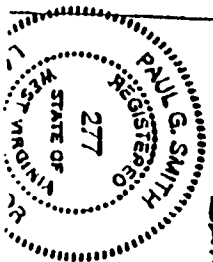
KANAWHA COUNTY, WEST VIRGINIA
TO BE CONVEYED TO

LARRY T. BRANNON & REBECCA R. BRANNON

SCALE 1"=40' AUGUST 28, 1989

Paul G. Smith

REGISTERED PROFESSIONAL SURVEYOR NO. 277



Building Inspector
City of Nitro
Nitro, W.V. 25143

July 1, 1991 261

Dear Sir:

We would like to petition the City of Nitro, W.V. to abandon Ivy Street from Kanawha Ave. to the Kanawha river.

In a discussion with Mayor, Don Karnes he advised us that we should present you with our petition.

We understand that there are rights of way for a water main and a storm sewer under this property and that any structures built on this property would be at our risk.

We understand we would be obligated to pay the expenses incurred by this action.

Very Truly Yours,
E. W. Lye
Byron D. Housler
Property Owners

DESCRIPTION OF IVY STREET
(FORMERLY KNOWN AS 9TH AVENUE)

Beginning at an iron pin located in the southwesterly right of way line of Kanawha Street, in the City of Nitro, Kanawha County, West Virginia; said beginning point being further located at the northeasterly corner of Lot No. 72, in Block "J" of Central City, a Resubdivision of Central Addition to Nitro; conveyed unto Earl W. Dye and Marie E. Dye, his wife, by Love, Inc., by deed dated September 29, 1950, of record in the Office of the Clerk of the County Commission, Kanawha County, West Virginia, in Deed Book 935 at page 479; thence leaving Kanawha Street and running with the northerly line of said Lot No. 72, S. 60 deg. 30' W. a distance of 150 feet, more or less, to the edge of Kanawha River; thence running with the meanders of Kanawha River, N. 29 deg. 11' W. a distance of 40 feet to a point in the line of East Crawford City, Fry and Thayer Subdivision, Block "A", thence leaving Kanawha River and running with the southerly line of the East Crawford City, Fry and Thayer Subdivision, N. 60 deg. 30' E. a distance of 150 feet more or less, to a point in the westerly line of Kanawha Street; thence running with the westerly line of Kanawha Street, S. 29 deg. 11' E. 40 feet to the place of beginning, as the same is shown upon a map made by J. Lewis Hark, Reg. Prof. Engineer, dated October 4, 1950, a copy of which map is attached hereto and made a part hereof.

55

50

50

50

TOOTH AVE. →

Paved Asphalt Surface

KANAWHA STREET

9TH AVE.

N-60°30'-E

Stone Monument



(72)

(73)

(74)

(75)

Kanawha River

Survey of
October 1950
by J. Lewis Hawk
Reg. Prof. Engineer

No. KANAWHA'S
Being
LOT No 72 BLOCK
CENTRAL CITY
RESUBDIVISION OF
CENTRAL ADDITION
TO
NITRO
IN DISTRICT
KANAWHA CO.
W.VA
PROPERTY OF
EARL W. DYE
MARIE E. DYE
SCALE 1 in. = 30'

St. W.
Dye →

PLANNING COMMISSION MINUTES, CITY OF NITRO

May 2, 1991

The Planning Commission of the City of Nitro, WV, met Thursday, May 2, 1991, 8:00 p.m. in the Council Chambers at City Hall. The meeting was called to order by Margaret Hudson, Chairperson. Other members present were: David Miller, Chuck Boggs, Janet Martin and Dr. Guy Cassell.

The following items of business were considered:

1. Request by Linda Rae Markham Carte to rezone lot at 1236 Maine Avenue so a trailer could be placed on the back of the lot. Presently the property is zoned R-2. This request was denied by a unanimous vote.
2. Request by Charley Jividen, Jr. and Berta Vance to close a never used section of Gum Street that runs between their property from Kanawha Avenue to the Kanawha River. David Miller moved we "approve this request to close a portion of Gum Street." Dr. Guy Cassell seconded. Motion carried.
3. Request by David R. and Connie L. Cash to abandon a portion of a ten foot alley situate adjacent to Block "J" of the East Crawford Addition. The Commission took no action on this request since a map did not accompany the materials--a map is to be secured and the request will then be placed on the agenda for the next meeting of the Commission.

Information supplied by Mr. Raynes of Hillside Drive concerning the work of the Planning Commission from various other cities in the Kanawha Valley was distributed to members for their review and consideration.

The meeting was adjourned.

Margaret Hudson
Margaret Hudson, Chairperson

City Attorney
said we
must have
a public
hearing

NOTICE
both paper
3/23/92
MJD

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 19, 1992

Mayor Don Karnes declared a quorum, welcomed everyone and called the Council Meeting 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, 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 David Casebolt and Councilman Robert Young.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 5, 1992, COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the May 5, 1992, Council Meeting Minutes be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - APPROVAL OF SPECIAL COUNCIL MEETING MINUTES OF MAY 11, 1992: - Councilman Jim Hutchinson moved for the approval of the Special Council Meeting Minutes of May 11, 1992. The motion was seconded. A vote was taken and it was unanimous.

SPECIAL COUNCIL MEETING ATTACHED.

AGENDA ITEM NO. 3 - ORD. REGARDING SIGNS: - Mayor Karnes said about a week before the Primary Election, he was attacked by environmentalist and beautification people demanding the enforcement of the State Law and City Ordinance regarding signs. He said one lady was real persistent, and he asked her to bear with him a few more days. He told her that after the Primary Election was over, the signs would be taken down, because at this point we would only be dealing with local candidates. He said he would place the sign issue on the agenda and ask Council what they wanted to do regarding placement of signs. He said he had people wanting the signs down and others wanting them left up, and asked Council for their suggestions on what they think we should do. Councilman George Atkins said since we didn't deal with the sign issue before the Primary Election, moved we forget about it at the present time until after the City Election and then we should enforce the ordinance. The motion was seconded. Councilman at Large Rusty Casto said he didn't feel Council had the right to make a motion on the floor to change an ordinance that is already on the books. Mayor Karnes said you could only change an ordinance with an ordinance, and the motion was to ignore an ordinance and not change one. After a short discussion, a vote was taken to cease enforcement until after the City Election, and it passed with Councilman at Large Rusty Casto opposing.

AGENDA ITEM NO. 4 - ELECTION OFFICIALS: - Mayor Karnes yielded this agenda to the City Recorder. City Recorder Doris G. Carrier said the election officials were selected, and submitted to Council for approval. Councilman George Atkins moved for the approval of the election officials. The motion was seconded. A vote was taken and it was unanimous.

LIST OF OFFICIALS ATTACHED.

AGENDA ITEM NO. 5 - PRECINCT BOUNDARIES: - Mayor Karnes yielded this agenda item to the City Recorder. City Recorder Doris G. Carrier said members of Council were furnished a copy of the precinct boundaries which should be made a part of the minutes. Councilman at Large Olaf Walker moved the precinct boundaries be made a part of the minutes. The motion was seconded. A vote was taken and it was unanimous.

PRECINCT BOUNDARIES ATTACHED.

AGENDA ITEM NO. 6 - ORD. 92-1 - AMENDING SEC. 173.12 OF CODIFIED ORDINANCES ENTITLE "COURT COSTS, FEES AND FINES": - Mayor Karnes said this would constitute the second reading of Ord. 92-1. Councilman at Large Olaf Walker moved the Mayor dispense reading the ordinance in its entirety, and read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman George Atkins moved the ordinance be adopted. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 92-1 ATTACHED.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER



DON KARNES
MAYOR

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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 11TH DAY OF MAY 1992, AT 6:00 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, NITRO, WEST VIRGINIA.

AGENDA:

1. CERTIFY CANDIDATES
2. NUMBER PLACEMENT OF CANDIDATES ON BALLOT

SIGNED THIS THE 11TH DAY OF MAY, 1992.

Don Karnes
DON KARNES, MAYOR

Doris G. Carrier
DORIS G. CARRIER, RECORDER

Rusty Casto
RUSTY CASTO, COUNCILMAN AT LARGE

Olaf Walker
OLAF WALKER, COUNCILMAN AT LARGE

David Casebolt
DAVID CASEBOLT, COUNCILMAN AT LARGE

Robert D. Young
ROBERT YOUNG, COUNCILMAN

Betty Jo Boggess
BETTY JO BOGGESE COUNCILWOMAN

George Atkins
GEORGE ATKINS, COUNCILMAN

Jim Hutchinson
JIM HUTCHINSON, COUNCILMAN

CITY OF NITRO
SPECIAL COUNCIL MEETING MINUTES

MAY 11, 1992

Mayor Karnes read the Notice of the special called Council Meeting, declared a quorum and called the meeting to order at 6:00 p.m. in Council Chambers. 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. Absent were Councilman at Large Rusty Casto, City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

Mayor Karnes read the names of all candidates filing, and said the candidates were certified, and he would ask someone not running to draw names for placement on the ballot. Councilman at Large David Casebolt was asked to draw as he was the only member on Council present that didn't file for re-election. No objections received by either members of Council or candidates present.

Mayor Karnes explained the order in which the names were drawn would be the way they would appear on the ballot, but there was no way of knowing his/her punch number at this time. Name placement on ballot were drawn as follows:

MAYOR

Don Karnes
Joan C. McClanahan
E. W. (Hatrack) Hedrick
Herbert A. Fitzsimmons
Dana F. "Shorty" Johnston

CITY RECORDER

Edith Ann Hughart
Herbert G. Sibley
Olaf K. Walker

COUNCIL AT LARGE

Steven E. West
Janet S. Strohl
Lawrence R. Hill
Rebecca (Pete) Hamilton, Ed. D.
Charles K. Blake, Jr.
Paul Franklin Johnston
Dean Miller

WARD I

Robert D. Young
Richard Savilla

WARD II

Betty Jo Boggess
David R. Miller
Donald R. Mitchell

WARD III


George L. Atkins
Charles W. Miller

WARD IV

Frank Grover, Jr.
Mayland T. "Mickey" Raynes
James E. Hutchinson
Harry K. Miller, III

Mayor Karnes mentioned the Financial Statements were available for candidates at City Hall which the first one was due in the Recorder's Office not less than seven nor more than ten days before the Municipal Election, and another not less than 25 nor more than 30 days after the Municipal Election.

There being no further business to be conducted, the meeting was adjourned.



DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

NITRO MUNICIPAL LEVY ELECTION
JUNE 9, 1992
ELECTION OFFICIALS

PRECINCTS 22 & 23FORMER NITRO PUTNAM ELEMENTARY SCHOOL

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER (ESCORT)
COMMISSIONER

ALICE WOODALL - 3509 35TH ST.
DOROTHY LAMB - 3409 34TH ST.
WANDA THOMPSON - 3953 39TH ST.
ETHEL HALL - 4116 41ST ST.
ANN LLOYD - 2922 29TH ST.

PRECINCT 401NITRO WOMAN'S CLUB

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER (ESCORT)
COMMISSIONER

CATHERINE GOTTSCHALK-109 BROOKHAVEN DR.
MARJORIE MCLAUGHLIN -109 BRENTWOOD RD.
CHARMAINE MAZZEI - 1 BARRINGTON RD.
FRANK GOTTSCHALK - 109 BROOKHAVEN DR.
CORA BELL HANNA - 21 BLAKE RD.

PRECINCT 402NITRO WOMAN'S CLUB

CLERK
CLERK (ESCORT)
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER

VIRGINIA HUNTER-2511 25TH ST.
MATILDA MYNES - 2158 21ST STREET
WILLA E. FRAZIER-2333 23RD STREET
CORA JARVIS - 2613 26TH ST.
GRACE MILLER - 2129 21ST ST.

PRECINCT 403NITRO ELEMENTARY SCHOOL

CLERK
CLERK
SUPPLY COMMISSISONER
COMMISSIONER
COMMISSIONER (ESCORT)

ISABELLE HUDNALL - 1522 15TH ST.
CARRIE JO JAVINS-1412 14TH ST.
V. E. "NEWT" TOWNSEND-14 BLAKE RD.
MINA MOORE - 2410 24TH ST.
ISABELLE WOMACK - 1116 11TH ST.

PRECINCT 406NITRO ELEMENTARY SCHOOL

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER
COMMISSIONER (ESCORT)

POLLY TUCKER-103 LAYNE AVE..
RHONDA MARCUM - 40 31ST ST.E..
LESTER H. HUDNALL,JR.113 KANAWHA AVE..
DORTHEA BARTOE - 101 LAYNE AVE..
SYLVIA PULLINS -1429 W. 14TH ST.

PRECINCT 408USWA LOCAL UNION 12610

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER (ESCORT)
COMMISSIONER

BONNIE JONES - 200 JUNIPER ST.
IRIS MILES - 708 MAIN AVE.
LEROY MILES -708 MAIN AVE.
RUTH A. MITCHELL - 824 8TH ST.
VIRGINIA COULTER- 809 WASH. 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 and the Kanawha County portion of 40th Street including 31st Street East and Easter Road

403 Other side (Right) of 21st Street to bridge, to Moose Lodge to railroad tracks (West Boundary)

406 On other side of railroad tracks (West) down to Elm Street

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

409 Middle of Kapok up to St. Albans Bridge, down Main to middle of Wilson 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	FORMER NITRO PUTNAM ELEMENTARY
401	I	NITRO WOMAN'S CLUB
402	II	NITRO WOMAN'S CLUB
403	II	NITRO ELEMENTARY SCHOOL
406	III	NITRO ELEMENTARY SCHOOL
408	III	USWA LOCAL UNION 12610 510 MAIN AVENUE
409 & 411	IV	SHAWNEE HILLS COMMUNITY CENTER (OLD WEST SATTES SCHOOL) 234 LEE STREET

PRECINCT 409

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER (ESCORT)
COMMISSIONER

SHAWNEE HILLS COMMUNITY CENTER

DORIS J. HUDNALL - 113 KANAWHA AVE. 755-2450
RUTH PHALEN-1372 VALENTINE CIR.727-5829
WANDA SMITH- 203 WALKER ST. 727-7801
PAULINE WARNER - 1311 MAIN AVE.
BARBARA JANE COX-1103 BENAMATI ST.-727-0827

PRECINCT 411

CLERK
CLERK
SUPPLY COMMISSIONER
COMMISSIONER (ESCORT)
COMMISSIONER

SHAWNEE HILLS COMMUNITY CENTER

PANSY ZEIGLER-714 KANAWHA AVE.S 727-3956
WENONA HAMMONDS-702 KANAWHA AVE.S 727-3876
SUE GOODWIN - 103 CLEVELAND AVE. 727-3780
AMY YATES - 712 MICHIGAN AVE. 727-1270
OLLIE HANCOCK-711 KANAWHA AVE.S 727-3792



ORDINANCE 92-1

AN ORDINANCE AMENDING SECTION 173.12 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA, ENTITLED "COURT COSTS, FEES AND FINES"

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

Section 173.12 of the Codified Ordinances of the City of Nitro, West Virginia, is hereby AMENDED to read as follows:

173.12 COURT COSTS, FEES AND FINES

- (a) The Police Judge shall collect on behalf of the City such Court Costs, fees and/or fines as authorized by state law and the Ordinances of the City of Nitro.
- (b) The Police Judge, in his or her discretion, may collect costs or fees on behalf of the City pursuant to guidelines adopted by the Municipal Court and filed with City Clerk for elective alternative traffic school and for jail fees.

This ordinance shall be effective upon second reading and adoption.

This ordinance shall be advertised in accordance with the applicable provisions of the Codified Ordinances and CHARTER of the City of Nitro, West Virginia.

This ordinance was introduced and read for the first time at a regular meeting of City Council on May 5, 1992, and will come up for second reading and adoption at a regular meeting of City Council to be held on May 19, 1992.


DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JUNE 2, 1992

The Council Meeting was called to order by Mayor Don Karnes in Council Chambers at 7:30 p.m. Present were Councilman at Large Olaf Walker, Councilman at Large Dave 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 were City Recorder Doris G. Carrier and Councilman at Large Rusty Casto.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 19, 1992 COUNCIL MEETING MINUTES: - Councilman at Large Olaf Walker moved the Council Meeting Minutes of May 19, 1992, be approved as distributed. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PUBLIC HEARING MINUTES OF MAY 19, 1992: Councilman at Large Olaf Walker moved the Public Hearing Minutes of May 19, 1992 be made a part of the minutes. The motion was seconded. A vote was taken and it was unanimous.

PUBLIC HEARING MINUTES ATTACHED.

AGENDA ITEM NO. 3 - PLANNING COMMISSION RECOMMENDATIONS: - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman George Atkins referred to the Planning Commission Minutes of April 16, 1992, wherein the request from Larry and Reba Brannon to purchase a parcel of property. He said a meeting was held and it was decided they should not get in the business of trying to sell the property described, however, they would lease it. Councilman Atkins said he mentioned this to Mr. Brannon and he said this would be alright, as he needed a portion of this property to gain access to the rear part of his property. Councilman Jim Hutchinson moved we lease the property to Mr. Brannon. The motion was seconded. Mayor Karnes explained that we would lease the property to the Brannons' with a lease agreement that would be acceptable to our City Attorney. Mayor Karnes suggested their attorney contact our City Attorney prior to preparing the release. Councilman George Atkins said he thought there should be a meeting with the Committee, because we wouldn't want the lease binding on the part of Mr. Brannon in the event the City would need the property, the lease could be broken. Councilman Robert Young moved the two attorneys work out the lease and then come to Council. Mayor Karnes said if they hold the City harmless and the City could void the lease at anytime, this should be sufficient. Members of Council agreed. Councilman Jim Hutchinson altered his motion to include that the lease be approved by our attorney, as did Councilman at Large Olaf Walker who seconded the motion. A vote was taken and it was unanimous.

Councilman George Atkins said it was recommended by the Planning Commission that the City of Nitro abandon Ivy Street from Kanawha Avenue to the Kanawha River, and the adjoining property owners divide it equally. Councilman George Atkins moved the City abandon this piece of property. The motion was seconded. A vote was taken and it was unanimous.

Also, the Planning Commission recommended the closing of a never used section of Gum street that runs between the properties of Charley Jividen, Jr. and Berta Vance a portion of Gum Street that runs from Kanawha Avenue to the Kanawha River. Councilman George Atkins moved we abandon this property. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - FIRE PENSION BOARD MEETING MINUTES: - Mayor Karnes said members of Council were furnished a copy of the Fire Pension Board Meeting Minutes and asked they be made a part of these proceedings. Councilman at Large Olaf Walker moved the Minutes of the Fire Pension Board Meeting be made a part of these minutes. The motion was seconded. A vote was taken and it was unanimous.

FIRE PENSION BOARD MEETING MINUTES ATTACHED.

AGENDA ITEM NO. 5 - JAYCEES/JAYTEENS REQUEST FOR BUM DAY: - Mayor Karnes yielded this agenda item to a member of the Jaycees, Mr. Chris Zagst. He asked permission to solicit funds, Saturday, June 6, 1992, for community projects such as the 4th of July fireworks, etc. at the end of 40th Street and 19th Street. He said they would not be in the street, but along side the streets. Councilman Jim Hutchinson moved permission be granted. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - BUDGET REVISION: - Members of Council were furnished a copy of the proposed budget revisions from the City Treasurer Ralph Allison for the fiscal year ending June 30, 1992. Mayor Karnes said this represents the difference in expenditures and budget expenditures and also the actual receipts and budgeted receipts. Councilman at Large Olaf Walker moved the revisions as prepared by the City Treasurer Ralph Allison be approved. The motion was seconded. A vote was taken and it was unanimous.

BUDGET REVISION ATTACHED.

The City Attorney, Mr. Gaujot, was bringing the following resolution, but had not arrived for the Council Meeting at this time. Therefore, Councilman at Large Olaf Walker moved the meeting be recessed for around 15 minutes awaiting the arrival of Mr. Gaujot. The motion was seconded. A vote was taken and it was unanimous.

The meeting reconvened at 8:00 p.m.

AGENDA ITEM NO. 7 - RESOLUTION 92-6 - BUNGEE JUMPING: - Mr. Gaujot said the resolution calls for an attached agreement, and it was provided to him in rough draft and he talked with the attorney representing Air Bungee and the final agreement should be forthcoming soon. He said the resolution may be passed subject to the City Attorney's approval. Mr. Gaujot said the agreement is to lease a piece of property over by the park, 250' x 120', for a year but it is really month to month. They will be paying \$500.00 a month for the lease of this track of land to be used for bungee jumping. He said it was his understanding they would use a crane for people to jump from. In addition to the \$500.00, they will provide the City with proper proof of insurance in the minimum amount of \$300,000 per incident up to a million dollars. He said this was pursuant to Article 10, Chapter 21, Section 12 of the WV Code. He said the guts of the agreement also holds the City harmless for any liability, and they will maintain the area and keep the trash picked up. Mr. Gaujot said it was his understanding this would not affect the City's insurance. Also, this allows for the cancellation of this agreement upon 30 days notice by either party. He said he made some changes to the draft and it is in the progress of being made. Mr. Gaujot said he suggests a copy of the Public Hearing Meeting Minutes be made a part of the resolution. Councilman at Large Olaf Walker moved the Mayor dispense reading the resolution in its entirety. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Olaf Walker moved the resolution be approved according to the proviso's mentioned by counsel. A vote was taken and it was unanimous.

RESOLUTION 92-6 ATTACHED.

Mayor Karnes reported Dr. Guy Cassell, one of the Ballot Commissioners, will be out of town Election Day and suggested we appoint Fred Bowen as temporary Ballot Commissioner until his return. Councilman Robert Young moved for the approval of Fred Bowen to serve as temporary Ballot Commissioner until the return of Dr. Guy Cassell. The motion was seconded. A vote was taken and it was unanimous.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

NITRO FIREMEN'S PENSION BOARD MEETING MINUTES

MAY 26, 1992

In the absence of Mayor Don Karnes and the City Recorder Doris G. Carrier, it was unanimously agreed upon that Firefighter Ronnie King chair the meeting. The meeting was called to order at the Nitro Fire Department at 9:07 p.m. Present were Chief Steve Hardman, Captain Paul Frank Strohl, Firefighters Shawn Alderman and Ronnie King. Also present were City Treasurer Ralph Allison and Secretary Pansy Armstead. Absent were Mayor Don Karnes and City Recorder Doris G. Carrier.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 23, 1992 MEETING MINUTES: - Captain Strohl moved the minutes of the April 23, 1992 meeting be approved. The motion was seconded by Firefighter Alderman. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - FIREMEN'S EXPENDITURE BUDGET: - Firefighter King said he was working on the expenditure budget, and questioned the deductions that were withheld from the pensioners checks for federal tax and two insurance premiums. He said he spoke with Mr. Allison prior to the meeting, and was told these amounts were counted as the City's contributions. Firefighter King said the Pension Board needed something in writing to this effect. Firefighter King said the monthly withholding from pension checks are as follows: Clyde Harris has \$67.21 Federal Tax withheld, C. McDaniel has \$30.00 FWT withheld, D. Rawlings has \$50.00 Federal Withholding tax, K. King doesn't have anything withheld from his check, J. L. Raynes has \$300.00 Federal Tax Withheld, E. W. Hedrick has \$436.00 for his Blue Cross/Blue Shield Ins. and R. L. Faulknier has \$470.25 Blue Cross/Blue Shield insurance premium. Firefighter King said we have five checks plus doctor bills which should be considered when calculating the budget. Mr. Allison said if we continue to handle the insurance and withholding taxes as we are now, the net amount needs to be shown on the expenditure report. The amount paid to Perry Jones was discussed, and the amount he was paid would not affect this years budget, but the current budget should have been amended to correct this. Firefighter King said we would also need to consider the CPI increase, which would come out in July. However, the pensioners are paid the 15th of the month for that month. He said the CPI was capped at 4% during the legislature, and suggested we use this to figure the amounts from July 1, through December 31, 1992. City Treasurer Ralph Allison said he feels last years budget should be amended to reflect payments made to Perry Jones with a copy going to the Mayor and City Treasurer. Firefighter King said it is not necessary to use the 10% for investment as was done in the past. He also explained there is a \$1,500 limit on the CPI increase according to the law. Chief Hardman pointed out there was one line in the bill, and if he wasn't making \$1,500 monthly at the time of retirement, then he would receive 4% on the amount he

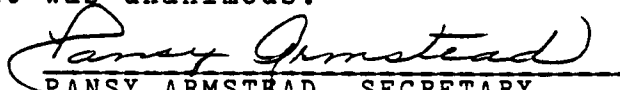
receives. He said retirees making \$1510. monthly at the time they retired then they would only receive the 4%. He said this would not affect the accrued amount. Firefighter King said he would check on this. Captain Strohl moved for a recess while the budget was calculated. The motion was seconded. A vote was taken and it was unanimous.

The meeting reconvened and Firefighter King said the budget was figured on the net amount and the City is paying the insurance premiums and federal withholding taxes withheld from the pensioners. The deductions are made on the gross wages of the pensioners and the City was paying the deductions out of City funds and considering this part of the City's contributions to the pension fund. Firefighter King said the budget was calculated with an estimated 4% which is the cap on the CPI increase. He said the cap on the CPI may be less, but it won't be any more. The 1992-93 expenditure budget for 1992-93 is \$65,020.16 and figured for the period of July 1, 1992 through June 30, 1993. Captain Strohl moved the budget be accepted as written and discussed. The motion was seconded by Chief Hardman. A vote was taken and it was unanimous.
EXPENDITURE BUDGET ATTACHED.

AGENDA ITEM NO. 3 - OLD BUSINESS: - Captain Strohl said we haven't paid the invoice from Dr. Saldanha in the amount of \$450.00. Firefighter Strohl said he checked the records on the charge this doctor charged for the examination of Ronnie Faulknier in 1986-87, and it was \$370.00 then. Captain Strohl moved we pay the bill. The motion was seconded by Chief Hardman. A vote was taken and it was unanimous and so ordered.

AGENDA ITEM NO. 4 - NEW BUSINESS: - City Treasurer Ralph Allison reported the Pension Fund still had \$13.09 in the State Investment Pool. Firefighter King asked the percentage they were paying, and Mr. Allison said during the month of March, they were paying 4.01%. Firefighter King said they left the small amount invested in the event they decided to place more with them, they wouldn't need to open another account. Captain Strohl moved the funds be withdrawn. The motion was seconded by Chief Hardman. A vote was taken and it was unanimous.

There being no further business, Chief Steve Hardman moved the meeting be adjourned. The motion was seconded by Firefighter Alderman. A vote was taken and it was unanimous.


PANSY ARMSTEAD, SECRETARY

1992-93 EXPENDITURE BUDGET

Clyde Harris	\$ 7,549.56
Clarence McDaniel	7,343.64
Denver Rawlings	7,103.64
Kenneth King	8,793.96
J. L. Raynes	11,398.44
E. W. Hedrick	14,039.76
R. L. Faulknier	7,811.16
Secretary	480.00
Misc. Expense	<u>500.00</u>

TOTAL: \$ 65,020.16

TO: MAYOR, CITY RECORDER AND COUNCIL

FROM: RALPH ALLISON, TREASURER

STATE TAX DEPARTMENT REGULATIONS REQUIRE US TO SUBMIT ANY BUDGET REVISIONS NEEDED FOR OUR CURRENT FISCAL YEAR IN TIME FOR THEM TO REVIEW AND RETURN TO US BEFORE JUNE 30, 1992.

I PROPOSE TO YOU THE FOLLOWING BUDGET REVISIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1992.

RECEIPTS

INCREASE IN BUILDING PERMITS	5,000
INCREASE IN B & O TAXES	175,000
INCREASE IN UTILITY TAXES	10,000
DECREASE IN DOG TRACK REVENUE	(45,000)
TOTAL RECEIPTS REVISIONS	<u>145,000</u>

EXPENDITURES

INCREASE IN GROUP INSURANCE	32,000
INCREASE IN POLICE WAGES	40,000
INCREASE IN POLICE RETIREMENT	2,800
INCREASE IN POLICE FICA TAX	3,000
INCREASE IN POLICE CAPITAL OUTLAY	12,200
INCREASE IN PUBLIC WORKS CAPITAL OUTLAY	<u>55,000</u>
TOTAL EXPENDITURES REVISIONS	<u>145,000</u>

RESOLUTION 92-6RESOLUTION TO LEASE REAL ESTATE TO
THE AIR BUNGEE COMPANY, A CORPORATION

WHEREAS, The Air Bungee Company is a corporation existing under the laws of the State of West Virginia, hereinafter referred to as Air Bungee; and

WHEREAS, Air Bungee wishes to operate and do business in the City of Nitro, West Virginia, promoting the sport of "bungee jumping"; and

WHEREAS, bungee jumping is a rapidly growing sport in the United States which consists of jumping from a high altitude while attached to a bungee rope; and

WHEREAS, Air Bungee wishes to lease real estate from the City of Nitro, West Virginia, to operate its business; and

WHEREAS, Air Bungee has signed an Agreement of Lease to lease .69 acre from the City of Nitro for the above-mentioned purposes.

Now, therefore, be it RESOLVED by the council of the City of Nitro, West Virginia:

1. That the Mayor of the City of Nitro is permitted and authorized to enter into a lease agreement with The Air Bungee Company, a West Virginia corporation, a copy of which agreement is attached hereto and marked Exhibit A and incorporated herewith. Copy of Public Hearing Minutes Attached Marked Exhibit B.

Motion made by Councilman at Large Olaf Walker,
seconded by Councilman Robert Young.

Adopted June 2, 1992.

RECORDER

Don Karner
MAYOR

EXHIBIT B

CITY OF NITRO

PUBLIC HEARING

MAY 19, 1992

Mayor Karnes called the Public Hearing to order in Council Chambers at 7:15 p.m. Present were City Recorder Doris G. Carrier, Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Treasurer Ralph Allison, Jay and Vi Long, Gregory Harkins, Ivan Meadows and Chris Zagst. Absent were Councilman at Large David Casebolt, Councilman Robert Young and City Attorney Phillip D. Gaujot.

Mayor Karnes read the notice which was properly advertised by the City Recorder stating: "A Public Hearing will be held Tuesday, May 19, at 7:15 p.m. in Council Chambers at Nitro City Hall, Nitro, WV concerning leasing a portion of land at Nitro City Park for the purpose of Bungee Jumping.

All interested parties are invited to attend and express their views."

Mayor Karnes asked if there were any comments. None received. Mayor Karnes advised Mr. Harkins to check with the City Attorney as to the next step.

The public hearing was adjourned at 7:20 p.m.


DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JUNE 16, 1992

After welcoming everyone and declaring a quorum, Mayor Karnes called the Council Meeting to order in Council Chambers at 7:30 p.m. Present were Councilman at Large Rusty Casto, Councilman at Large Olaf Walker, Councilman at Large Dave Casebolt, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison. Absent was City Recorder Doris G. Carrier.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 2, 1992 COUNCIL MEETING MINUTES: - Councilman Jim Hutchinson moved the Council Meeting Minutes of June 2, 1992 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CANVAS MEETING MINUTES: - Mayor Karnes said we could take a minute and review the Canvas Meeting Minutes of last night. Councilman at Large Rusty Casto asked about the decision of the one ballot that we were off in Precincts 22 and 23. Acting City Recorder Herb Sibley said it was net. He said Precincts 22, 23 & 401 had to be taken in context, and he explained that Precinct 22 was one short, and Precinct 23 was 2 over in the number of ballots remaining. 401 was exactly right. He said it was his understanding the consensus and by vote, the three precincts were voted as one, and they were accepted by the canvassers. This would in no way change the election results except by one vote. Councilman at Large Rusty Casto moved we approve the Canvas Meeting Minutes. The motion was seconded. A vote was taken and it was unanimous.

REMARKS FROM COUNCIL MEMBERS: - Mayor Karnes said as this is the last Council Meeting for this term, he would like to extend to members of Council an invitation to make closing remarks if they so desired.

JIM HUTCHINSON: - "Well, I would like to say this. I've enjoyed it. It has been a learning experience. I found out early on that you can't get everything you would like to have. I think Rusty can verify that. You didn't get your tennis courts. I didn't mean that as a bad remark against you, Rusty. I didn't mean that at all. But, I've enjoyed it, and I've learned too, that if you don't have the money to do it, there is no way you can do it. I feel this administration has accomplished more these past four years than any other four that I can remember since I've lived in Nitro. By that, I mean two new garbage trucks, a new dump truck, a mower, an endloader, a police car and the street paving down at the lower end. I think that is remarkable, so I will close with that."

GEORGE ATKINS: - "I've enjoyed the four years, and I'm fortunate enough to get to try it again, or unfortunate, I don't know which it is. I'll be here four more years, and there are a lot of things we have started that we need to complete. There are a lot of new things we need to work on. The Library is one thing we have started that I hope we all take an interest and see that it is completed. Without the help of Mr. Walker, we wouldn't have gotten along as far as we have. I'm sure with the new people coming I'm sure we will accomplish as much as we have in the past four years."

BETTY JO BOGGESS: - "I'm very pleased to have been re-elected. I've got some new projects in mind that I am going to try and work on in these new four years. I'll keep you up on that."

ROBERT YOUNG: - "You've got me for four more."

OLAF WALKER: - "First thing I want to do is to return the manual. The next thing I want to do is to take this opportunity to pass on my personal files. The files I am going to pass on to Council is an accumulation of over 25 years. These files contain a lot of historical background, a lot of good data on subjects and issues that certainly will be coming before Council again." (A memo listing the various files was passed out to members of Council.) "The first one is a notebook containing franchise agreements, council minutes and ordinances relative to Cable TV from 1965 to 1992. The next one is a notebook containing information concerning the incorporation and the dissolution of the Nitro Memorial Museum Foundation. During that period there were all kinds of rumors going around and discussion at Council Meetings, and if anyone is interested in exactly what happened, it's right here. It is a complete file. You won't find it anywhere else. The next notebook contains information on the Nitro Pool and its operations. I always found when I got a new job, when I was with Columbia Gas, one of the things was going back and reviewing all the correspondence of the preceding person who had the job; looking at the files and getting a field, a working knowledge of what the job was all about. I think this is going to provide the new council people that information. All the Council people on here probably some place has a copy of it. But this notebook contains information relative to the relocation and operation of the City Library, all the way back from the time it was over when the senior citizen's center is to where it is located now, and some of the problems we experienced. This notebook contains information about the formation and the operation of the Nitro Development Authority. One of the things I ran in to during my campaign was questions about the Nitro Development Authority. This Council does not have anything to do with the actions or the processes that the Nitro Development Authority does. They are an entirely separate entity. They can sue or be sued. The only thing that the code says that I can find is they are required to report to Council every month or

once every quarter, but you can read it and find out. This right here is probably the one that I would think to be of most interest to the new council people. This contains the information from the annexation of the dog track right up through the revenues of March of this year. This has the first order that was written to annex it. It has newspaper clippings in there showing a clipping where the Gazette said, "Dog Track Today, New York Stock Exchange Tomorrow" and so if you don't do anything else and you want to know. Another thing the people wanted to know was what happened to the dog track revenues. It is just down that's all, about 14 or 15% or maybe even more, but it is all in here if you are interested in it. The next book I have is the ordinances on annexation. This 3 ring notebook contains all the ordinances annexing the properties around Nitro from 1967, including Carriage Way, and I am sure Carriage Way will be back before you again. This file, I don't know how many of you remember, but at one time the City of Nitro was interested in or attempted to acquire the water company back in the 60's. This is a complete file on that. You may find these useful or in the morning, you may want to call Gene and have him take them to the dump. It doesn't make any difference to me; my wife was glad to get rid of them. I'll tell you if I was a new council person, I'd at least take the time to look through them. This bundle of files here is on budget preparation all the way back to 1983-84. It's got the new budget right on top. We have heard a lot, during the campaign, about the 21st Street slip. I've got a file here on that. It goes back to about 1977-79, and also there is information in it on the straightening of Route 25. It was not just brought up last year when we took the bashing from Senator Craigo. Here is a file on UDAG. For the benefit of the new members of Council, that is Urban Development Action Grant, and that part of the 50,000 that we had to buy the equipment. This file here is something if I was a new council person I would be very interested in. This is a folder with a letter from the State Tax Commissioner which also has attached the city uniform accounts. There is a system for municipalities to account for these revenues and expenditures. Here is a report, and inside you will find a typed copy which was prepared by me to all council people back in 1990, and it shows all the City's revenues and the source of those revenues as well as a copy of the WV Tax Study on Municipal Taxes. I have a file here on Brookhaven. This is a report on the study of the streets as well as the storm sewers out there in Brookhaven, the annexation as well as letters going all the way back to C. R. Winters whenever he opened up. This is a copy that I had, and it's for whoever wants to throw it away or look at it, or whatever. So, that's my report.

I've certainly enjoyed my eight years on Council, and I've always tried to research. I was called a researcher, an investigator and a record keeper during the campaign and I am all those. I did that because I like this type of work. Yesterday Bill Fortune was the lay speaker at the church, and he made his talk on the analogy of a human being parts, the church parts to an automobile mechanic. He loved automobiles, I think he said

since he was four years old. So, I just enjoyed doing this type of work. I always tried to be informed when I came to Council. Now the previous Mayor, Mayor Ashley, he and I fell out over that one night. He threw out an ordinance one night that he wanted passed and I hadn't seen it until then. So, I have always wanted to look at things first before I take action. I think too, a lot of this information will not get anywhere else, because you will not get it here. We never had any report, except when we asked for it, on financial situations. We never had a written report on any other function of the City. I hope that changes, because my position is to be a good council person, you've got to know a little bit about what is going on. I've said many times in this council meeting that whenever the time came that I would just come to council meeting two times a month and say, Yea or Nye, then that would be the end of my council work, because you are not doing the voters a good job if you are not researching. So, as I said, this is the part of the file. I have some loose correspondence I may send it out to some of the new people later on. But, as I said before, you can take time to look at this or you can call Gene in the morning and tell him to come over and get this trash and throw it away. It doesn't make any difference to me. But, I have certainly enjoyed my eight years on City Council."

Councilman George Atkins moved we retain these records for the future use of the new Council people. The motion was seconded. A vote was taken and it was unanimous.

DAVID CASEBOLT: "I think I finally understand why, in the 4 years, I never won an argument with Olaf. The last four years has been an incredible experience for me, and I have really enjoyed working with you folks. I just want to wish all the newcomers the best of luck and anything I can do to help, let me know."

RUSTY CASTO: - "When I started this job 12 years ago, I had hair." I've spent a third of my life, I figured up the other night, on City Council. I suppose I could say what Douglas McArthur said, "I shall return". I don't know in which form, but I will be back. But, the three reason I had to step down, my Grandmother, as you know, is quite ill with alzheimers and I need to spend time with her. I always said if there is anyway of keeping my grandparents out of a nursing home, depended on me, then I would do it. That is the basic reason I gave it up, and then Tuesday nights is the only night they offer Micro-Economic class at State, and if I'm going to get my teaching degree, then I have to go on Tuesday night. I don't know how I am going to get into Steve West's class because it is filled up by the time I get to the front of the line to sign up for class. I might have to come to a council member for some pull to get me in one of his classes, so I can get out of there. Then, I figured after twelve years it's time to just let somebody else have it for a while. Since I said I retired, Preacher Holley saw it in the paper and

he gave me the job of mowing Ortin Heights Cemetery for the month of July." Jay Long jokingly said, "I'm glad to see you are cutting grass, Rusty." Rusty and members of Council all laughed. "Then, I think I am going to be put in charge of the Kirk Kelley Run. So that is two things I have on me since I said I was going to retire. I might have been better off to have stayed on Council. But, all the people I've worked with, I've loved all of them. I know that's a word we over use or under use, but I appreciate all the people that I have served with on Council. Two people I would especially like to remember are Romie Hughart and a fellow I didn't know at all until 4 years ago, Mr. Jack Hill. He is a person I had a deep respect and appreciation for in the very short time I got to know him. And, Mayor I would have to put a feather in your hat by saying, I'll tell it like I told them down to the store. You're just a good ole country boy. You are layed back and you are not one of these guys who is afraid to do something, that you are standing there scared to death his name will get in the papers the wrong way like we had over the last Mayor. You are just a decent guy and I wish you the very best and the Council the very best over the next 4 years. I will still be around. I've got things to get done."

Mayor Karnes said on the Romie and Jack's list, he can add one more, Hugo Tidquist.

MAYOR KARNES: - "This Council has not always agreed, but I think we have always had the best interest of the taxpayer in mind. I've enjoyed working with everybody here, and it is certainly a learning experience. I expect it will always be a learning experience no matter how long you are here. Over the years I've served on the Sanitary Board, the Council, Recorder, Treasurer and Mayor. It's always been a learning experience, and I hope that will never stop."

Mayor Karnes said Doris didn't feel like being here this evening, and Councilman at Large Olaf Walker said Doris was a very dedicated, hard-working Recorder for the short time she was here. She was concerned about doing a good job for the citizens, and I would not have ran for City Recorder if she had been able to run. If she had been able to run, she certainly was deserving to be re-elected.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR

DORIS G. CARRIER, RECORDER

CITY OF NITRO

CANVAS OF MUNICIPAL ELECTION HELD 6-9-92

JUNE 15, 1992

Mayor Karnes declared a quorum, and the meeting to canvas the Municipal Election held on June 9, 1992, was called to order in Council Chambers at 6:30 p.m. Present were Councilman at Large Rusty Casto, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Jim Hutchinson. Also present were Acting Recorder, Recorder Elect Herb Sibley, Councilman at Large Elect Steve West, Councilman at Large Elect Dean Miller, Councilwoman at Large Elect Janet Strohl, Councilman Elect Frank Grover, Jr., Jan Casto, Alma King, Ballot Commissioners Bess Stahl, Dr. Guy Cassell and Fred Bowen. Absent were City Attorney Phillip D. Gaujot, City Treasurer Ralph Allison, Councilman at Large Olaf Walker and Councilman Dave Casebolt.

Mayor Karnes introduced the special guests and turned the meeting over to Mr. Sibley.

City Recorder Elect Herb Sibley thanked Ms Casto and Ms King for all of their help. He said this is a canvas of the Municipal Election which was held June 9, 1992, and the Board of Canvassers is the Council. He said we would begin by taking the ballots and proofing the number of ballots that we have on hand, the ones cast and voided, etc., and then verify the fact we have the proper number of ballots left. He said this would be done by precinct. We would take the challenged ballots and vote on them individually whether acceptable or cast out. It was unanimously approved that if the records that the registrar furnishes in regards to a person being properly registered coincides with the challenged ballot, then it will be accepted and counted.

Prior to opening the challenged ballots, Mr. Sibley read the rules for the Board of Canvassers that were observed for the General Election. Councilman George Atkins moved we establish the same rules. The motion was seconded. A vote as taken and it was unanimous.

COPY OF THE COUNTY COMMISSION RULES ATTACHED.

PRECINCT 22, 23 & 401: - Mr. Sibley separated the different envelopes, such as challenged, spoiled, poll tickets, etc. into precincts. He informed they used the same poll workers for Precincts 22 & 23, and it was noted no ballots were used from Precinct 23. There were 3 challenged ballots, opened by a Ballot Commissioner, because they were not in the registration book. Precinct 401 was a perfect count with no challenged ballots. After a recheck of the challenged ballots and their names were not located, Councilman Jim Hutchinson moved the ballots not be

counted. The motion was seconded. A vote was taken and it was unanimous. The ballots were initialed by members of Council. After comparing Precincts 22, 23 and 401, they were unanimously approved as correct.

PRECINCT 402 - This Precinct was counted and did not have any challenged ballots. Councilman George Atkins moved this precinct be approved. The motion was seconded. A vote was taken and it was unanimous.

PRECINCT 403 - There were 3 challenged ballots in this Precinct, and they were not counted. Councilman George Atkins moved we accept Precinct 403 as recorded. The motion was seconded. A vote was taken and it was unanimous.

PRECINCT 406 - There were 6 challenged ballots in this precinct with 4 ruled to be counted. The votes were as follows:

(07) Fitzsimmons	(06) Hedrick	(04) Karnes	(04) Karnes
(12) Hughart	(13) Sibley	(14) Walker	(12) Hughart
(18) West	(23) Johnston	(23) Johnston	(22) Blake
(20) Hill		(40) Miller, C.	(40) Miller, C.
(24) Miller D.			

Councilman George Atkins moved this Precinct be approved. The motion was seconded. A vote was taken and it was unanimous.


PRECINCT 408 - No challenged ballots. Councilman George Atkins moved we accept Precinct 408. The motion was seconded. A vote was taken and it was unanimous.

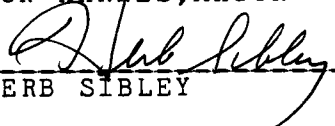
PRECINCT 409 - There was 1 challenged ballot which was counted as follows: (07) Fitzsimmons, (13) Sibley, (19) Strohl, (20) Hill. Councilman George Atkins moved we accept the count in Precinct 409. The motion was seconded. A vote was taken and it was unanimous.

PRECINCT 411 - There was 1 challenged ballot and it was counted as follows: (07) Fitzsimmons, (14) Walker, (19) Strohl, (21) Hamilton, (23) Johnston, (44) Raynes. Councilman George Atkins moved we accept Precinct 411.

Councilman Jim Hutchinson moved we accept the canvas as adjusted. The motion was seconded. A vote was taken and it was unanimous. The election results were declared official.

As it was required to certify the election results after 48 hours, a meeting was scheduled for Thursday, June 18, 1992, in the Council Chambers at 8:30 p.m. at Nitro City Hall, Nitro, WV.


 DON KARNES, MAYOR


 HERB SIBLEY

90-463 At a Regular Session of the County Commission of Kanawha County, West Virginia, held at the Courthouse thereof, on the 8th day of November, 1990, the following order was made and entered:

SUBJECT: RULES FOR THE BOARD OF CANVASSERS TO BE OBSERVED FOR THE GENERAL ELECTION, NOVEMBER 6, 1990

The following motion was offered by Louis H. Bloom,

Commissioner :

The County Commission of Kanawha County, West Virginia, does hereby adopt the following General Rules for the Board of Canvassers to be observed for the General Election of November 6, 1990:

1. The Canvass will be conducted at the Voter's Registration Office and will commence on Tuesday, November 13, 1990, starting at 8:00 A.M. and will be conducted each day until the conclusion of all canvass procedures, excepting Saturday, Sunday and holidays. The hours will be from 8:00 A.M. until not later than 8:00 P.M. The Canvass will be open to all candidates on the ballot, their representatives, the press and the public. Courtroom decorum shall be maintained at all times. There will be seating available for all observers. At least one (1) off-duty Kanawha County Deputy Sheriff will be employed to help maintain order and insure ballot security.
2. A Quorum of the Board of Canvassers shall be present during all procedures of the Canvass.
3. The Board will handle only one precinct at a time; and each precinct will be handled the same way.
4. Each precinct will have its own precinct tally sheet which will become a part of the official canvass record. A sample of this form is attached to this Order.
5. All records relative to a precinct will be examined, including but not limited to, the following: poll tickets, log sheets, write-in envelopes, statements of ballots used, unofficial election results and ballots.
6. Challenged Ballots: The Board will vote on all Challenges using the following as guidelines:
 - (a) The ballot of any properly registered poll worker working out of their precinct WILL be counted;
 - (b) If the challenge is for the name change and there is no allegation that the voter moved outside the precinct, that ballot WILL be counted;

- (c) Any ballots challenged which were cast by voters whose precincts did not open on time due to the late arrival of poll workers in their own precinct, WILL be counted after proper verification;
 - (d) The ballot cast by a voter who moved outside the precinct more than thirty (30) days before the election and did not change their address will NOT be counted;
 - (e) If the voter's registration form is not in the precinct book due to an office error - that voter's ballot WILL be counted;
 - (f) The ballot cast by a voter who registered by post card and did not show the poll clerks identification on election day will NOT be counted;
 - (g) The ballot cast by a handicapped voter whose polling place was not handicapped accessible on election day WILL be counted if it is determined that the precinct in which the handicapped voter was a properly registered voter in a non-handicapped accessible location;
 - (h) The Board will NOT open any challenge envelope until that challenge has been ruled on;
 - (i) If the Board rules to count the ballot, the ballot WILL be removed from the challenge envelope and that ballot shall be initialed by a majority of the Board and then tabulated by the election computer with the rest of that precinct's ballots;
 - (j) If the Board rules not to count the ballot, the envelope will NOT be opened and a majority of the Board shall initial the outside of that envelope.
7. Absentee Ballots: The Board will NOT count any late absentee ballots except those from military personnel which were post marked by November 6, 1990. Further, any absentee ballot sent to a properly registered voter which ballot was sent to an address outside Kanawha County and which ballot was returned to the Circuit Clerk bearing a postmark within Kanawha County will NOT be counted. However, absentee ballots mailed to the Circuit Clerk at a post office outside the County which were postmarked within Kanawha County as a result of the failure of the out-of-county post office to cancel all stamps will be counted, the Board being advised that the postmark affixed in the latter case is readily identifiable it being a different postmark than is regularly affixed by the post office.

8. Pink ballots WILL be used for the duplication of any damaged ballot.
9. Improperly Signed Ballots: In the absence of a showing of fraud or other substantial impropriety, ballots which do not have the signatures of both poll clerks, as well as ballots which do not have the signature of either poll clerk WILL be counted.
10. The hand count of five percent (5%) of the 236 precincts will be conducted at the Voter's Registration Office by persons employed or designated to do the hand count who will be under the supervision of the Board of Canvassers. These 12 precincts will be drawn at random as follows: 2 precincts from each of the 6 Magisterial Districts will be drawn at random. Those precincts which are to be hand counted will be designated by an Order of the Board at the beginning of the hand count.
11. The unofficial returns printed by the tabulating equipment, to which have been added write-in and other valid votes ordered counted by the Board of Canvassers, shall constitute the official returns for each precinct. The official returns shall be on a precinct by precinct basis.
12. After canvassing the returns of the election, the Board shall publicly declare the election results. They shall enter an Order certifying the election results forty-eight (48) hours, excluding Sunday, after their declaration if there is no request for a recount.
13. Other actions on specific matters will be considered and officially adopted during the Canvass process should any unique situations arise.
14. Write-In Ballots and Votes: The Board adopts the attached "Procedures For Handling and County Write-In Votes in Counties using Punch-Card Ballots" as set forth by the Secretary of State. In addition it is provided as follows:
 - (a) All valid write-in votes will be tallied, counted and be certified as part of the official election results;
 - (b) If any write-in candidate receives a higher number of votes than the candidates on the official ballot for that particular office, that person will be certified the winner for that office.

*Robert J. Libby
Acting Recorder*

CHALLENGE VOTES
406

NEW
COUNT 2116

FOR MAYOR:

DON KARNES	//	4	004	822	420	39	.6	01	
JOAN C. McCLANAHAN		5	005		377	18	.2	03	✓
E. W. (Hatrack) HEDRICK	/	6	006	587	566	28	.3	02	
HERBERT A. FITZSIMMONS	//	7	007	213	210	10	.1	04	✓
DANA F. "Shorty" JOHNSON		8	008		77	3	.7	05	✓

FOR CITY RECORDER:

EDITH ANN HUGHART	//	12	012	377	345	16	.9	03	✓
HERBERT G. SIDLEY	//	13	013	937	935	45	.9	01	✓
OLAF K. WALKER	//	14	014	759	757	37	.2	02	✓

FOR COUNCIL AT-LARGE:

STEVEN E. WEST	/	18	018	873	472	18	.4	01	✓
JANET S. STROHL	//	19	019	836	834	17	.6	03	✓
LAWRENCE R. HILL	//	20	020	676	474	14	.2	04	✓
REBECCA (Pete) HAMILTON	/	21	021	596	595	12	.3	06	✓
CHARLES K. BLAKE, JR.	/	22	022	285	284	6	.0	07	✓
PAUL FRANKLIN JOHNSON	//	23	023	645	642	13	.5	05	✓
DEAN MILLER	/	24	024	844	843	17	.8	02	✓

FOR COUNCIL WARD I:

ROBERT D. YOUNG		30	030		224	50	.7	01	✓
RICHARD SAVILLA		31	031		218	49	.3	02	✓

FOR COUNCIL WARD II:

BETTY JO BOGGESS		34	034		264	46	.6	01	✓
DAVID R. MILLER		35	035		201	35	.4	02	✓
DONALD R. MITCHELL		36	036		102	18	.0	03	✓

FOR COUNCIL WARD III:

GEORGE L. ATKINS		39	039		315	55	.8	01	✓
CHARLES W. MILLER	//	40	040	252	250	44	.2	02	✓

FOR COUNCIL WARD IV:

FRANK GROVER, JR.		43	043		143	34	.5	01	✓
HAYLAND T. "Mickey" RAYNES	/	44	044	54	53	12	.8	04	✓

15. Secrecy Envelope: In the event a secrecy envelope is found during the canvass without ballot enclosed upon which a write-in vote has been cast, the write-in vote will NOT be counted during the canvass. To account such write-in votes would give rise to potential for fraud.
16. The Uncounted Ballots: If during the canvass ballots are found in ballot boxes which were not counted at the counting center immediately after the closing of the polls on November 6, 1990, these ballots WILL be counted in the absence of a potential for fraud. In determining whether there is a potential for fraud in regard to such ballots, the Board of Canvassers will consider whether the number on the ballot indicates that the ballot was sent to the precincts in which precinct's ballot box the ballot was found and the poll tickets and the registration books to determine whether counting the ballot would result in counting more ballots than the poll tickets and registration books would indicate had properly voted in that precinct on election day. The Board of Canvassers may further consider such other matters which might deem proper to determine whether a potential for fraud exists.

Further, the County Commission directs the Clerk of the County Commission to post a copy of these General Rules at all entrances of the Courthouse Complex effective immediately. Such notice shall continue to be posted for public review until the formal conclusion of the November 6, 1990, General Election canvass.

The adoption of the foregoing motion having been moved by Louis H. Bloom, Commissioner, and duly seconded by Don Joe Hunt, Commissioner, the vote thereon was as follows:

Don Joe Hunt, President	<u>Aye</u>
Louis H. Bloom, Commissioner	<u>Aye</u>
William J. Reese, Commissioner	<u>Aye</u>

CITY OF NITRO
COUNCIL MEETING MINUTES

JULY 7, 1992

Mayor Karnes welcomed everyone, declared a quorum and called the Council Meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Herb Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilwoman at Large Janet Strohl, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Frank Grover, Jr. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 16, 1992 COUNCIL MEETING MINUTES: - Councilman Robert Young moved the Council Meeting Minutes of June 16, 1992 be approved. The motion was seconded by Councilman at Large Steve West who pointed out a typographical error of Councilman Jim Hutchinson's name. With this correction noted, a vote was taken and they were unanimously approved.

AGENDA ITEM NO. 2 - APPROVAL OF MINUTES OF JULY 1, 1992: - Councilman at Large Steve West moved for the approval of the Minutes of July 1, 1992. The motion was seconded. A vote was taken and it was unanimous.

MINUTES OF JULY 1, 1992 ATTACHED.

AGENDA ITEM NO. 3 - RES. 92-7 - LAND & WATER CONSERVATION FUND & SOIL CONSERVATION SERVICE RESOURCE CONVERSATION & DEVELOPMENT PROGRAMS: - Mayor Karnes said the Parks & Recreation Commission requests we pass the resolution which members of Council received a copy. Councilman Robert Young moved we pass Resolution 92-7. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 92-7 ATTACHED.

AGENDA ITEM NO. 4 - ORD. 92- (FIRST READING) INCREASE IN SANITARY RATES: - Mayor Karnes introduced Jim Withrow, the Sanitary Board's attorney, Max Lemma, the Treasurer and the General Manager Connie Stephens and yielded the floor to Mr. Withrow. Members of Council were furnished a copy of the proposed ordinance that increases the rates and charges of the sanitary sewer services by approximately 10%. Mr. Withrow explained that this increase is basically to keep up with the increased cost of service that has been ongoing for a number of years. He said approximatley 2 years ago, the Sanitary Board retained a consultant, a private accountant who used to be a rate analyst with the Public Service Commission to study the cost of providing service within the city and at that time, within the Rock Branch Area. He reminded Council the City has taken over this District. He said based upon figures ending June 30, 1990,

shows the suggested bottom rate of \$4.00 per 1,000 gallons, and they were requesting \$3.82 for the bottom rate. Council members were furnished a copy of the Nitro Sanitary Board's projected cash flow for fiscal year 1992-1993 which showed a deficit of around \$77,000. However, without Rock Branch the deficit would be greater. Mr. Withrow pointed out the proposed ordinance would increase rates for our service rendered by the City, whether in the City or Rock Branch to equal levels. Mr. Withrow said this increase would not be to fund any new project, but would be for the ongoing cost to do business. He said anything involving the environment is going to become more complicated and going to be more expensive. He said this increase is what you might call previews of coming attractions, and this isn't the last time they will be coming before Council. In answer to Councilman at Large Dean Miller's question, Mr. Lemma said 80% is labor related due to the new regulations due to monitoring and additional personnel requirements. He said operating costs are not increasing except to the extent they are having breakdowns and maintenance problems. Mr. Lemma said the 80% does not include any increase in wages, and one half is for new personnel and the other half is for increased insurance costs. Mr. Withrow said we are going to be required to have constant lab technicians testing on a daily basis. He said they were asking Council to pass the ordinance on the first reading in order to enact new rates. Mr. Withrow said as there are more and more requirements he foresees coming back to Council at a later date for an additional increase as the increase they are requesting in this ordinance would bring them back to a break even situation. Councilman at Large Steve West said it is hard to explain any rate increase, and to his understanding the Sanitary Board will be coming back to Council in six months to a year for an additional increase, and he didn't see why we couldn't consider both at this time. Mr. Lemma said they had considered this. After further discussion regarding the rules and regulations, Mr. Lemma said he didn't know what the ultimate cost would be at this time. Councilwoman Betty Jo Boggess said she was concerned about the increase because we have a lot of people on fixed income. Mr. Withrow said this is one respect they wanted to get into a posture when they wouldn't come in large intervals for large amounts, and a little more often with smaller amounts. He said this is something for Council to consider. Mayor Karnes said the proposed ordinance would increase the average household's monthly bill from \$14.50 to \$15.69 per month. Councilwoman at Large Janet Strohl asked for a breakdown on why the increase is needed. Mr. Lemma said to comply with regulations, there would be 3 new employees. He said they were short one employee now, and they have to hire someone part time to prevent overtime to maintain the system now. He said he believes there are some new requirements that requires someone to be in the lab fulltime. Mr. Lemma said they have seen increases in insurance over the past 3 to 4 years and this has used part of their budget. Mr. Withrow said the last rate increase was 10% approximately 2 1/2

years ago, and prior increase was in 1980. Councilman Robert Young said he too didn't want to increase the rates now and then again in approximately 6 months. Mr. Lemma said they discussed a series of increases to go into effect in the next four years. However, he said he couldn't justify it. Councilman George Atkins asked the status of the grant to relieve some of the sanitary storm sewer drainage, and Mr. Withrow said this wasn't awarded. Mayor Karnes informed we have another application for a grant of \$500,000 for the correction of drainage problems, sewer related problems and the Gum Street area. After further discussion, Mr. Lemma said they could take a shot at some of the future costs, and come back with a more comprehensive plan for four or five years. Councilman at Large Steve West said he would like this. Mr. Withrow invited the members of Council to call Connie Stephens and go to the plant to see what is done. She said she also had a video presentation. Councilwoman at Large Janet Strohl mentioned they didn't know what kind of mandates will come up. She said our main concern right now is to figure out what the increase is needed for right now, and not what the mandates are down the road. Councilman at Large Steve West moved the Mayor dispense reading the ordinance in its entirety and read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Steve West moved we adopt the ordinance on the first reading. The motion was seconded. Mayor Karnes said there has been a lot of discussion and each point has brought up another question and feels it would be to our best interest to table this and send it to a Committee, consisting of Council, chaired by Max Lemma, and bring it back to the floor at the next Council Meeting. Councilman at Large Steve West moved this item be tabled and brought back on the floor at the next Council Meeting. The motion was seconded. A vote was taken and it was unanimous.

The meeting of the Committee was scheduled prior to the next Council Meeting on Tuesday, July 21, 1992, at 6:00 p.m. in the Council Chambers.

AGENDA ITEM NO. 5 - SANITARY LANDFILL: - Mayor Karnes introduced Jerry Forester, County Manager with the Kanawha County Commission. He said Mr. Forester has worked very hard trying to put together the intergovernmental package so we will all have a place to take our trash and garbage. Mr. Forester informed that the Mayors have been meeting for a couple of months trying to put together the intergovernmental agreement (copy distributed to Council). The attorney for the Solid Waste Authority and the attorney for the City of Charleston worked on the documents, and spoke with the representatives of the Attorney General's office to make sure they were in forms that would be agreeable to the Attorney General once they are submitted as they must be approved by the Attorney General. He explained the Intergovernmental Agreement itself is dealing with the question of solid waste disposal, and the City of Charleston Landfill site which is in the Union Mission property behind Watt Powell Park is the

facility that would be utilized by the Intergovernmental Agreement. It establishes a Landfill Management Board with the majority of the Board consisting of Mayors who partake of this agreement. He said the City of Charleston has passed the agreement, and the County Commission has authorized the President of the Commission to sign. South Charleston has passed the agreement on the first reading, Nitro is taking it up now and St. Albans and Dunbar have the forms. He said the cost of the Charleston facility would be approximately 1.7 million dollars to close the existing area, and another 10 million dollars to improve some adjacent property. He said there is also a \$900,000 financial consideration for the value of the operation itself, and additional engineering cost. Mr. Forester said with all things considered, we are looking in the neighborhood of \$13,500,000 to \$14,000,000 worth of cost, which it is contemplated to issue bonds to finance these costs. Municipalities who are involved in this agreement will be repaying this bond debt through tipping fees. He said there was an additional \$8.75 per ton assessments from the State of WV at this time. He advised Mayor Hall and Mayor Karnes have been working with the State of WV to receive either a waiver of the \$4.00 per ton tipping fee for closure cost, if the State does not partake in assistance in the closure cost of Kanawha-Western, or if they don't waive the tipping fee, then the State would take on the responsibility of closing Kanawha Western Landfill, which is estimated at 4 million dollars on the average. However, it could be lower or higher. Mr. Forester said the County Commission feel this is a substantial Intergovernmental Agreement and believe it is the right approach dealing with disposal. He said they feel that all the municipalities jointly along with the Kanawha Commission jointly work together in dealing with the entire question of solid waste matter. He said there is a possibility that the Kanawha County Solid Waste Authority may become a regional solid waste authority in the near future. Mayor Karnes thanked Mr. Forester for the information he furnished on this very important issue. Councilman Robert Young asked the amount of the tipping fee now vs what Mr. Forester spoke of. Mr. Forester said Charleston was charging for its own fee \$8.00 per ton. The tipping fee was more than their operating fee. However, Charleston is suppose to go from \$8.00 to approximately \$25.00 for its own fee exclusive of the tipping fee, and then by January, 1994, or in preparation prior to that, it was estimated to be in the mid \$40.00's per ton. Mayor Karnes said each entity participating in this countywide landfill will have one representative on the Board. Councilman Robert Young moved we approve the first reading of the agreement. The motion was seconded. After further discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - PLANNING COMMISSION MEETING MINUTES:
Members of Council were furnished a copy of the Planning Commission Meeting Minutes of June 24, 1992 pertaining to a

request from SOLCO, Inc. and Southway Construction Company of subdivision approval. Councilman George Atkins moved the recommendation of the Planning Commission be approved. The motion was seconded. A vote was taken and it was unanimous.

COPY OF PLANNING COMMISSION MINUTES ATTACHED.

AGENDA ITEM NO. 7 - ZONING BOARD OF APPEALS MEETING MINUTES: Members of Council were furnished a copy of the Zoning Board of Appeals Minutes of June 18, 1992. A discussion followed regarding the variance granted to place a 14 ft x 74 ft. mobile home on property at 78 31st Street, East, and the Zoning Boards' recommendation to rezone this area to permit future homes of this type. Councilman at Large Dean Miller moved the Zoning Board of Appeals Meeting Minutes be made a part of these minutes. The motion was seconded. A vote was taken and it was unanimous.

COPY OF ZONING BOARD OF APPEALS MINUTES ATTACHED.

Mayor Karnes said there has been some misunderstanding regarding the paving project going on now from around 5th Street to Rock Branch on Route 25. They have cut out a lot of the blacktop all the way through Town, and taking the island out to put in a third turn lane. He said during this project, there will be a turn lane to 22nd Street. The curve at 21st Street and First Avenue is a different project, and this will be done in 1993.

Mayor Karnes said he would be appointing members of Council to Committees soon, and would mail a copy of the different committees and ask them if they would indicate the committees they desire to serve on.

There being no further business, Councilman Robert Young moved the meeting be adjourned at 9:25 p.m. The motion was seconded. A vote was taken and it was unanimous.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JULY 1, 1992

After the swearing in ceremony at 6:00 p.m., a general discussion followed in Council Chambers. Present were Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large Janet Strohl, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Frank Grover, Jr. Absent was City Recorder Herb Sibley.

A reception for the new members of Council followed in the Conference Room at Nitro City Hall, and was shared by family members of Council, City employees and friends.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER



DON KARNES
MAYOR

RESOLUTION 92-7

WHEREAS, the United States Department of the Interior's Land and Water Conservation Fund, and the Department of Agriculture's Soil Conservation Service Resource Conservation and Development programs are vital to the park, recreation, conservation, historical, and cultural development at the local and state levels, and

WHEREAS, the areas assisted through said programs directly affect the lives of people of all ages, all backgrounds, and all economic strata, as well as benefit education, health, economics, and the general welfare throughout our communities, West Virginia, and the entire nation.

NOW, THEREFORE, BE IT RESOLVED, by the City of Nitro that it hereby endorses the funding of said programs at the maximum levels, and encourages Senators Byrd and Rockefeller, Congressman Wise and President Bush to prioritize said programs, at the expense of other national issues, if need be, and further,

THAT, it hereby directs the Mayor and members of the Council to contact in writing, and otherwise, each of the above named to express the position and wishes of the City of Nitro and its constituents, and further,

THAT, it requests and urges every member of the Council and the public at large to actively work toward passage of maximum funding levels in fiscal year 1993 for the Land and Water Conservation Fund and Soil Conservation Service Resource Conservation and Development programs.

Passed this 7th day of July, 1992.


DON KARNES, MAYOR

PLANNING COMMISSION MINUTES, CITY OF NITRO

June 24, 1992

The Planning Commission of the City of Nitro met Wednesday, June 24, 1992, 7:00 p.m., for a Public Meeting at City Hall. The meeting was called to order by Margaret Hudson, Chairperson.

The following Item, as advertised in the Legal Notice published in both Charleston newspapers, was considered:

Request from SOLCO, Inc., and Southway Construction Company requesting Subdivision approval of property located along Lakewiew Drive to be known as Winwood Crossing.

After a discussion among Commission members, Dan and Randy McDavid (representing the proposed Subdivision), and Bob Sargent, the following motion was made by Dr. Guy Cassell and seconded by Janet Martin. "I move the approval of Phase One* for the development of Winwood Crossing Subdivision as laid out on the Plat Of A Survey For 'WINWOOD CROSSING SUBDIVISION,' dated April 30, 1992, and prepared by Garrett R. Lowe, Land Surveyor." Motion carried. Additional meetings of the Planning Commission will be called as necessary in order to deal with future phases, including additional specifications and/or requirements relating to the Winwood Crossing Subdivision.

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


Margaret A. Hudson, Chairperson

*Phase One is defined as lot layout--the size of all lots in Winwood Crossing meet or exceed the city requirement for R-1 Zoning.

ZONING BOARD OF APPEALS MEETING MINUTES

JUNE 18, 1992

The Zoning Board of Appeals held a public hearing, which was properly advertised, on June 18, 1992 at Nitro City Hall, Nitro, WV. to review the requests to install a mobile home at 78 31st Street and provide additional customer parking at Dairy Queen on 3605 36th St. Present were Board Members Gene Brightwell, John Kautz and Preston Russell. Also present were C. R. Sergeant, City Building Official, Jack L. Legg, Paul and Anna Harper.

PAUL D. HARPER - Permission is given to install a 14 ft. x 74 ft. mobile home on his property at 78 31st Street, East if he abides by all City Codes, and as long as a member of his family lives in the mobile home. Under no conditions can this be used as rental property. It is recommended that the City Council rezone this area to permit future homes of this type.

JACK L. LEGG - Permission is given to permit Dairy Queen customer parking on property located at 3605 36th St. as stipulated by Article XIII of the City Zoning Ordinance. One requirement is that any installed lighting be so directed that no light spills over and into any home in the area.

No person was present to express objections to the above variances.

There being no further business, the meeting was adjourned.

/S/ G. Preston Russell

G. PRESTON RUSSELL, CHAIRPERSON
ZONING BOARD OF APPEALS

CITY OF NITRO
COUNCIL MEETING MINUTES

JULY 21, 1992

Mayor Karnes welcomed everyone and called the meeting to order in Council Chambers at 7:31 p.m. Present were City Recorder Herb Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilwoman at Large Janet Strohl, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Frank Grover, Jr. Also present were City Attorney Phillip D. Gaujot and City Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 7, 1992 COUNCIL MEETING MINUTES: - Councilman George Atkins moved the Council Meeting Minutes of July 7, 1992 be approved. The motion was seconded. Councilman at Large Dean Miller said a correction should be made on page 5, and the sentence stating, "Councilman George Atkins moved the recommendation of the Planning Commission be approved" corrected to state, "Councilman George Atkins moved the recommendation of the Planning Commission Minutes be accepted as presented." A vote was taken to approve the minutes as amended, and it was unanimous.

NOTE: - After review of the tape of the July 7, 1992 Council Meeting Minutes, it was noted that a motion was made and seconded to approve the Planning Commissions' suggestion. After a discussion, a vote was taken and it was unanimously approved.

AGENDA ITEM NO. 2 - APPOINTMENT OF OFFICER: - Mayor Karnes said our present Treasurer Ralph Allison will be tendering his resignation, and he would like to appoint Herb Sibley Treasurer. Councilman Bob Young moved for the approval of the appointment of Herb Sibley as Treasurer. The motion was seconded. Mayor Karnes said he intends to pay Mr. Sibley \$9,000 for Treasurer as well as the \$13,500 designated for Recorder. Mr. Allison will assist the Treasurer as needed on an hourly basis. A vote was taken and it passed with City Recorder Herb Sibley abstaining.

RESOLUTION 92-8: - Mayor Karnes furnished Council a copy of a resolution authorizing Herb Sibley's signature on checks. After Mayor Karnes read the resolution, Councilman at Large Dean Miller moved the resolution be passed. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 92-8 ATTACHED.

AGENDA ITEM NO. 3 - ORD. 92- SANITARY RATE INCREASE: - Mayor Karnes said this agenda item was tabled at the last meeting to be brought back at this meeting. Full Council met at 6:00 p.m. at the Library to watch a video and discuss this matter. However, there are still a lot of questions unanswered. Councilman at

Large Steve West moved the ordinance pertaining to the Sanitary Rate increase be tabled until a later date. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - SANITARY LANDFILL (2ND READING): - Mayor Karnes distributed the ordinance and advised it is possible there will be minor changes made in the agreement distributed at the last Council Meeting. If we adopt the ordinance tonight, then if any changes are made, we would need to start from scratch. Therefore, he asked if Council would table the motion indefinitely. Councilman George Atkins moved this matter be tabled indefinitely. The motion was seconded. A vote was taken and it was unanimously.


AGENDA ITEM NO. 5 - UPDATE ON KANAWHA WEST LANDFILL: - Mayor Karnes reported that it has been decided by the Kanawha County Solid Waste Authority to start permanent closure of the Kanawha West Landfill which was scheduled to close March 31, 1993. Unless some drastic change, Kanawha West will not reopen. We are now transporting our trash to Putnam County to the Sycamore Landfill at the same price we paid Kanawha West. He said there are plans for building a new landfill. Sycamore is slated to close the latter part of 1993 if they don't build a new facility. Recycling was discussed.

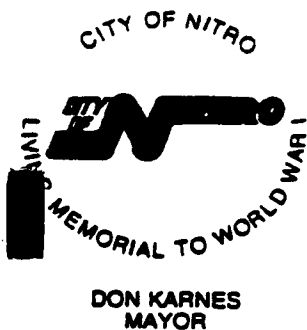
AGENDA ITEM NO. 6 - ZONING BOARD OF APPEALS MEETING MINUTES: Members of Council were furnished a copy of the Zoning Board of Appeals Meeting Minutes of June 29, 1992. Councilman at Large Steve West moved these minutes be made a part of the Council Meeting Minutes of July 21, 1992. The motion was seconded. A vote was taken and it was unanimous.

ZONING BOARD OF APPEALS MEETING MINUTES ATTACHED.

There being no further business to be conducted, Councilman Bob Young moved the meeting be adjourned. The motion was seconded. A vote was taken and the meeting was adjourned at 8:20 p.m.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER



RESOLUTION 92-8

RESOLUTION AUTHORIZING HERB SIBLEY TO
SIGN CITY CHECKS

WHEREAS, In accordance with the City Code, Article 135, Subsection 135.04, entitled "SIGNATURES ON CITY CHECKS" in the City Code, whereby all checks on City depositories shall be signed by the City Treasurer and countersigned by the Mayor; provided, that Council may by resolution provide alternate officers for such purposes to act when the City Treasurer or Mayor are absent or disabled.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Nitro by this resolution authorize Herb Sibley to sign City checks.

Passed this 21st day of July, 1992.



DON KARNES, MAYOR



HERB SIBLEY, RECORDER

ZONING BOARD OF APPEALS MEETING MINUTES
JUNE 29, 1992

The Zoning Board of Appeals meeting was called to order by Charles S. Raynes, in the absence of Preston Russell, in Council Chambers at 7:00 p.m. Board members present were John Kautz, Gene Brightwell and Charles Raynes. Also present were Bob Sergeant, Bill Gibson and Mr. Hack from Hack's Manufactured Homes, Douglas Sizemore and Mr. Sizemore, Patricia Evans and her son and daughter-in-law. Absent was Preston Russell.

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

DOUGLAS & LENA SIZEMORE: - Requesting permission to operate a business (live bait and tackle shop) at residence 1106 11th St. After a short discussion and a suggestion made by Mr. Russell, prior to the meeting, Mr. Sizemore was allowed to operate the business with an annual review up to three years. The stipulations were keeping the property in a clean, and business like manner and creating no parking problems. If such occurs, the Board could have a meeting and withdraw the request. This was unanimously approved.

BILL GIBSON: - Requesting permission to put a manufactured home on lot at 1216 12th St. This request was unanimously approved, provided it complies with the following stipulations:

1. Home to be no wider than 30 ft. or longer than 40 ft..
The building to be one story.
2. Home to have a gable roof with pitch of no less than 3 feet by 12 feet.
3. Home to rest on a permanent foundation constructed of a minimum of masonry block.
4. The unit must have a front entrance from 12th Street.
5. All wheels and towing brackets must be removed.
6. Installation must meet all City, State and Federal Codes for fire, electrical and plumbing per zone R-2.
7. Home value must be equal to or greater than the average home value on 12th Street.

PATRICIA ANN EVANS: - Requesting permission to put a 14x70 manufactured home on property at 85 31st St., East. Under Article II of the Zoning Ordinance stating "245 VARIANCE - Authorization by the Board of Zoning Appeals to an owner in the use of land or a structure when a literal enforcement of the Ordinance would result in unnecessary hardship. All variance must be forwarded to City Council and entered in their Official Minutes as a matter of public record." The motion was made by Gene Brightwell that this section of the code applied to this request, and moved permission be granted. The motion was seconded by Bob Kautz. A vote was taken and it was unanimously approved.

No objections were received on any of the above requests. There being no further business, the meeting was adjourned.

Preston Russell
PRESTON RUSSELL, CHAIRMAN

CITY OF NITRO
COUNCIL MEETING MINUTES

AUGUST 4, 1992

Mayor Karnes welcomed everyone, declared a quorum and called the Council Meeting to order at 7:30 p.m. Present were Recorder/Treasurer Herb Sibley, Councilman at Large Steven E. West, Councilman at Large Dean Miller, Councilwoman Janet Strohl, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Frank Grover, Jr. Also present was City Attorney Phillip D. Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 21, 1992, COUNCIL MEETING MINUTES: - Councilman at Large Steve West moved the Council Meeting Minutes of July 21, 1992, be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - NOTIFICATION OF PUBLIC HEARINGS: - Mayor Karnes yielded this agenda item to Councilman at Large Steve West. Councilman at Large Steve West said there had been some question regarding the Zoning Board of Appeals hearing that was held and Council did not know anything about it, and moved the Mayor inform all City Committees holding Public Hearings to notify Council in a timely manner. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - PLANNING COMMISSION MEETING MINUTES OF MINUTES OF 6-24-92: - Mayor Karnes yielded this agenda item to Councilman at Large Dean Miller. Councilman at Large Dean Miller said it was in the minutes where Councilman Atkins made a motion to approve the Planning Commission Minutes, and as a result, we rezoned. Therefore, Councilman at Large Dean Miller moved we rescind our approval of those minutes. The motion was seconded. A vote was taken and it was unanimous. After a short discussion, Mr. Gaujot said all Council could do is make the minutes part of the official record of the City, which are the Council Minutes. Mayor Karnes said after listening to the tape, the motion was structured whereby we actually approved their minutes. Per Mr. Gaujot's advice Councilman at Large Dean Miller moved we accept the Planning Commission Minutes as a record to be incorporated with the record of the City. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - APPOINTMENT TO NITRO SANITARY BOARD: - Mayor Karnes said in 1992, legislation was passed that says anytime a municipality includes other public service districts within their system and under their control, then that public service district has a legal right to have a person from their district on the Sanitary Board. Before the disbandment of the Rock Branch Public Service District, Joe Brewer was recommended. He was a member of their Board for around 15 years. Mr. Brewer

Lives in Glass Addition, and retired from Monsanto. Councilman Robert Young moved Joe Brewer be appointed to the Nitro Sanitary Board. The motion was seconded. After a discussion, a vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - FIRST AVENUE: - Mayor Karnes yielded

this agenda item to Councilman at Large Dean Miller. Councilman at Large Miller said First Avenue was about to be completed and far as the State is concerned, and he is quite interested and place anyone coming to Nitro sees, and when he was going door to door, the first complaint he heard was, "Why don't you clean up something very positive. He said he thinks we have an opportunity now to do Avenue and try to make it as attractive as we can. Therefore, Councilman at Large Dean Miller moved all the corners from one stripe the required distance immediately or as soon as we can after the State finishes. Mayor Karnes said this was a project that had already been started before the paving project. Councilwoman at Large Janet Strohl asked about grass cutting. Mayor Karnes said Mike Lamb has agreed to take on the duties of being in charge of this. She said she noticed the weeds were over her head as she exited the interstate. Councilwoman Janet Strohl said she seconded the motion, but wanted to extend it a little bit and try to get the grass cut. Mayor Karnes said we need to place this matter in a Committee. City Recorder/Treasurer Herb Sibley said he remembered a few years ago, there was a Citizens Committee that undertook keeping the grass cut. He said it seemed to him that we should not demand the City Government do all the work, when beautification is everybody's responsibility. Councilwoman at Large Janet Strohl said we needed to show the citizens we are concerned and willing to try and bring something together, but feels this can be accomplished through the Committee. The Summer Youth Program was discussed. Councilman at Large Steve West asked Councilman at Large Miller if his motion was to make this motion top priority, and Councilman at Large Miller responded that he thought we deserve it. Councilman at Large West said he didn't have a gripe with Councilman at Large Miller's intentions, but asked that if every time he had something he wanted the City to do, he was suppose to bring a motion before Council. Councilman Atkins said items of this nature should be referred to the Planning & Traffic Committee. Mayor Karnes agreed and added that there was more planning that goes in it. After further discussion, Councilman at Large Dean Miller withdrew his motion as did Councilman at Large Janet Strohl who seconded the motion.

Mayor Karnes appointed members of council to their respective committees. He said he tried to place them on the committees when they had their first meeting. He said other Chairperson would be formed on an as needed basis, and he would like to be an ex-officio member of all committees.

Councilman Robert Young said he received a telephone call this evening from a person from Carriage Way about their streets. He said they were having a meeting this evening and they would also be having another meeting prior to the next Council Meeting. He said he told them he would like to be invited to it, and if any member of Council would like to come, let him know and he would advise them of the date and time.

Councilwoman Betty Jo Boggess said she would like to serve on the Recreation Committee along with Councilman George Atkins and also Eva Massey expressed a desire to be on the committee.

Councilwoman Betty Jo Boggess said last Wednesday night her husband got sick, and she wanted to compliment the Nitro Fire Department and the Paramedics on an excellent job.

There being no further business, Councilman Robert Young moved the meeting be adjourned at 8:40 p.m. The motion was seconded. A vote was taken it was unanimous.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

AUGUST 18, 1992

Mayor Karnes welcomed everyone, declared a quorum and called the meeting to order. Present were City Recorder/Treasurer Herb Sibley, Councilman at Large Steven West, Councilman at Large Dean Miller, Councilwoman at Large Janet Strohl, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Frank Grover, Jr. Also present was City Attorney Phillip D. Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 4, 1992, COUNCIL MEETING MINUTES: - Councilman George Atkins moved the Council Meeting minutes of August 4, 1992 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PLANNING & TRAFFIC COMMITTEE: - Mayor Karnes yielded this agenda item to Councilman at Large Dean Miller. Councilman at Large Miller said they had a meeting prior to Council and he was appointed/elected Chairman of the Planning & Traffic Committee. He said they have a parking problem on Main Street which has been resolved by painting the driveways back 5 feet. Chief Cochran is going to take care of this. Also, on Main Street in the 1400 or 1500 block street repair is needed. Mayor Karnes said he would make the call. Councilman at Large Miller said they were going to request two additional stop lights for the City of Nitro, one at Center and Main Street and the other at 1st Avenue at 11th Street. Chief Cochran will write a letter requesting these. Councilman at Large Dean Miller said he would like copies of these letters.

Mayor Karnes said once the Chairperson is elected for each Committee to advise his office when a meeting has been scheduled so that all members may be notified.

Councilman Frank Grover said he would like to personally thank the committee for suggesting a light on Main Avenue and Center Street.

AGENDA ITEM NO. 3 - SPECIAL ASSIGNMENTS COMMITTEE: - Mayor Karnes yielded this agenda item to Councilman at Large Steve West. Councilman at Large West said some members of Council were talking about organizational plans and other sorts of problems. Therefore, Councilman at Large Steve West moved a Special Assignments Committee be formed to be concerned with any matter that is not on an existing committee. The motion was seconded. The membership will vary from time to time on whatever the issue happens to be. He explained it would be a Council Committee and formed at Council Meetings. Councilwoman at Large Janet Strohl moved Councilman at Large Steve West be the co-ordinator. The

motion was seconded. Mayor Karnes ruled this motion out of order as there was a motion on the floor. Councilman at Large Dean Miller moved for a friendly amendment to the motion designating Councilman at Large Steve West co-ordinator of the Committee. Councilman Frank Grover who seconded the motion accepted the amendment. A vote was taken on the motion as amended, and it was unanimous.

AGENDA ITEM NO. 4 - REPORT - MUNICIPAL LEAGUE: - Mayor Karnes yielded this agenda item to City Recorder/Treasurer Herb Sibley. City Recorder/Treasurer Herb Sibley said he did not stay for the entire meeting, but attended a meeting with around 20 Records from around the state. He said they exchanged ideas which he feels were beneficial. He said there were several meetings scheduled for Friday, and he chose insurance, deferred income and workmen's compensation. City Recorder/Treasurer Herb Sibley said we have a problem with regards to health insurance in our city as the cost is almost prohibitive. However, after listening to a presentation by John Boling of the Municipal League Insurance plan, he finds our Blue Cross/Blue Shield plan rate is not that bad. We are paying around \$435 for a family rate and their plan is \$5 cheaper. Also, there is a possibility that if we left Blue Cross/Blue Shield, the Municipal League insurance might refuse to take some of the employees or they might refuse us altogether. He said their deductible is \$250 as compared to our \$100.

City Recorder/Treasurer Herb Sibley said with regard to unemployment compensation, there are three methods at arriving at it. One method is by experience and state appointed, the second is for the concerned to pay the amount of unemployment paid to the employees, and the last is the one sponsored by the Municipal League and it is a rate that they assign you upon application. He said the Municipal League said they would guarantee you a 10% reduction, and they had a \$500,000 fund in order to pay the unemployment claims.

The other covered topic was deferred income which is open and presented by an independent organization. City Recorder/Treasurer Herb Sibley said he had a video and would offer it to any employee interested. He said as few as two people within the organization may join this deferred income plan. He said he also picked up some literature if anyone wanted to take a look at it.

Mayor Karnes added he attended different seminars, and that one of the things the standing legislative committee is going for this year is relaxed legislation on annexation.

Mayor Karnes said one of the seminars he attended was "What you Need to Know About Municipal Law" which was conducted by Mayor Ritchie Robb and the City Attorney from the City of South Charleston. He said this was enjoyable and very educational.

Councilman at Large Steve West mentioned the death of Robin Smith's grandfather passing away over the weekend. Mayor Karnes passed around a sympathy card for members of Council to sign.

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



DON KARNES, MAYOR



HERB SIBLEY, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

SEPTEMBER 1, 1992

The Nitro City Council Meeting was called to order by Recorder/Treasurer Herbert G. Sibley in Council Chambers at 7:30 p.m. Present were Councilman at Large Steven E. West, Councilman at Large Dean Miller, Councilwoman at Large Janet Strohl, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Frank Grover, Jr. Absent were Mayor Don Karnes and City Attorney Phillip D. Gaujot.

City Recorder/Treasurer Herb Sibley said he was sure everyone knew the Mayor lost his Father this week, and asked everyone to bow their heads in a moment of silent prayer.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 18, 1992, COUNCIL MEETING MINUTES: - Councilman Robert Young moved the Council Meeting Minutes of August 18, 1992, be approved as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PLANNING COMMISSION MINUTES: - City Recorder/Treasurer Herb Sibley said at the August 4, Council Meeting, there was a discussion regarding the Planning Commission Minutes of June 24, 1992. He said Council asked the opinion of the City Attorney Phillip D. Gaujot and he indicated that all we had to do was to make them a part of the official record of the City. At this meeting, Councilman at Large Miller moved we accept the Planning Commission Minutes as a record to be incorporated with the record of the City. The motion was seconded and it passed.

AGENDA ITEM NO. 3 - POOL REPORT: - City Recorder/Treasurer Herb Sibley yielded the floor to the Recreation Director Jay Long. First, Jay Long said in May, 1992, he sent a letter to the Greater Kanawha Valley Foundation asking for funds in the amount of \$1,688 for new bleacher frames at the City Park. He read a letter from the Greater Kanawha Valley Foundation approving a grant in the amount of \$1,000 if he was able to obtain the additional \$688 by September 1, 1992. Mr. Long said the Nitro Moose Lodge came through again, and donated the \$688. He said the bleachers have been ordered. Mr. Long said the Nitro Lions Little League donated \$2,000 on this project which includes labor and putting up pads. The Nitro Recreation Department will donate \$700 for the boards and the materials. We will be getting four new sets of bleachers at the City Park.

Mr. Long announced that on Saturday, September 26, 1992, again working with the Nitro Moose Lodge, we will be having an all day Father-Son, Mother-Daughter, Grandparents fishing derby at Ridenour Lake. The Moose will be having free hotdogs and

drinks. He said he is requesting from the DNR that no fishing license be required on this day. The lake will be stocked with fish prior to the derby. Mr. Long said the Lions Club will be assisting also, and requested Councils' participation in this event.

Mr. Long furnished members of Council a revenue and expense statement for the 63 days the pool was opened during 1992, on pool attendance and concession. Total revenue received from the pool and concessions was \$28,946.53. The expenses were \$15,735.93 at the pool. He said it was \$1,000 less than last year. Mr. Long said in the past we always kept the pool open until Labor Day, and after August 15, the pool attendance dropped from around 200 to 15 or 20 people. The expense for concession was \$9,402.82. Therefore, there was \$3,807.75 clear. He reported that through August 16, they took in \$1,025.00 from gazebo and shelter rentals. Therefore, the recreation department has \$4,832.75 above budget. Council commended Mr. Long on the fine report. Mr. Long said he knew the money would go to the general fund, but said there were several things the recreation department could use the money for. He said the deck at the pool was dangerous as some of it was 2 inches lower in areas. Mr. Wyatt from National Pools came down and said the cost of redoing the deck would be \$56,000. He said he asked Mr. Wyatt his opinion of the structure of the pool, and asked if we should close this pool and build another. Mr. Wyatt said he didn't feel we should do this as the pool was pretty stable, but recommended a new deck. Mr. Long said he is of great concern that someone will get hurt, and this matter needs to be addressed before next year. Mr. Long explained that the pool was built on kind of a quick sand foundation and we have to keep water in it all the time. It settled again half way during the season, and the pool had to be closed. However, thanks to the Public Works Department they got their men right on this job and found the leak.

City Recorder/Treasurer Herb Sibley added that he was working on a case and was contacted concerning an individual by the Assistant Prosecutor Attorney of Putnam County. We have a motel in town and there were some misunderstanding with regard to the motel tax. He said he was reading in the WV Code that we are required to take the motel tax we collect of 3% and use half of it on recreation. City Recorder/Treasurer Herb Sibley said if we consider back years, we will have around \$2,500.

Councilman at Large Steve West moved Mr. Long's request be referred to the Council Recreation Committee. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - APPOINTMENT TO NITRO DEVELOPMENT AUTHORITY: - City Recorder/Treasurer Herb Sibley said we have two vacancies on the Nitro Development Authority, and the President of the Authority suggested the appointment of Lloyd Phelps of Main Avenue and the Mayor recommends Chuck Boggs of Broadway Avenue. Councilman George Atkins moved Lloyd Phelps and Chuck Boggs be appointed to the Nitro Development Authority. The

motion was seconded. A vote was taken and it was unanimous.

City Recorder/Treasurer Herb Sibley said he has been meeting with the Nitro Development Authority, and they have had some pretty lively discussions and there has been some action taken with regard to the purchase of the former Nitro High School. He said he was afraid we would lose this building if some action isn't taken. He said he believes Council should possibly give some consideration to seeing if we could amend our budget enough to borrow the money or try to appropriate the money in order to buy this facility and turn it over to the Nitro Development Authority. Councilman Robert Young said he heard it pretty straight that if we don't do something this week we are going to lose it. The purchase price is \$81,000, but additional funds are needed for renovation. Councilman Young said it would be very beneficial to the City.

The Recreation Director Jay Long commented if we let this go through our hands, he will never be able to have the programs that he wants to have for the people in Nitro.

Councilwoman at Large Janet Strohl asked if there was or would be an agreement with the NDA which would allow the City to put the Communication Office, etc. there. City Recorder/Treasurer Herb Sibley said this could be arranged, but he did investigate that if the NDA would belly-up, then it would revert to the City.

Council discussed the asbestos in the building, and City Recorder/Treasurer Herb Sibley said the report was done by a certified asbestos investigator and it would take one to read it. However, if it was acceptable for the county school system, it should be acceptable by the bank. Councilman Frank Grover said the asbestos was sealed. Councilman at Large Dean Miller said his ex-boss was over this section and he could probably give him a call and ask if there were any reason for concern. City Recorder/Treasurer Herb Sibley asked if the gentleman would write us a letter of "cold comfort", and Councilman at Large Miller said he doubted it.

Councilman George Atkins moved this matter be referred to the Finance Committee plus the Council as a whole to discuss plans with regards to the Nitro Development Authority purchasing the former Nitro High School in a meeting following this meeting. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 5 - SPECIAL ASSIGNMENT COMMITTEE: - City Recorder/Treasurer Herb Sibley yielded this agenda item to Councilman at Large Steve West. Councilman at Large West said this request actually came from Connie Stephens. She asked if a Committee could be formed to study the Sanitary Board rate increase. Councilman at Large Dean Miller agreed to chair the committee to make recommendations to Council concerning the

request from the Sanitary Board. Other members on the Committee are Councilwoman at Large Strohl, Councilman at Large Steve West, Councilman Frank Grover. The City Treasurer is also invited.

City Recorder/Treasurer Herb Sibley reported the Finance Committee met last Friday, and they are looking into several matters at this time.

Councilman at Large Dean Miller said the Traffic Committee discussed Main Avenue and the driveways have been painted and the letter written concerning the traffic lights.

Councilman Frank Grover said during the City Election there were some controversy over the placement of signs. City Recorder/Treasurer Herb Sibley pointed out there was already an Ordinance in effect. Councilman Grover said he thinks something should be published about this. He wants everyone to be aware that before the next election, the candidates are not going to come down here and put signs up all over the City. Discussion continued regarding signs.

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


DON KARNES, MAYOR


HERB SIBLEY, RECORDER/TREAS.



DON KARNES
MAYOR

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


PLEASE TAKE NOTICE THAT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF NITRO WILL BE HELD ON THE 1ST DAY OF SEPTEMBER, 1992, AT 8:43 P.M. IN THE COUNCIL CHAMBERS, CITY HALL NITRO, WEST VIRGINIA.

AGENDA:

1. NITRO DEVELOPMENT AUTHORITY

SIGNED THIS THE 1ST DAY OF SEPTEMBER, 1992.

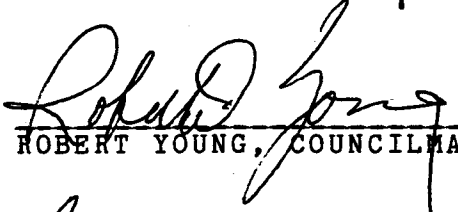
DON KARNES, MAYOR


HERBERT G. SIBLEY, RECORDER/TREAS.

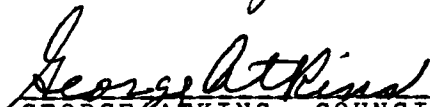

STEVEN WEST, COUNCILMAN AT LARGE

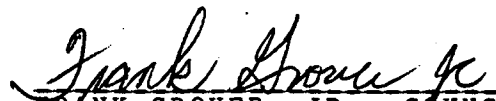

DEAN MILLER, COUNCILMAN AT LARGE


JANET STROHL, COUNCILMAN AT LARGE


ROBERT YOUNG, COUNCILMAN


BETTY JO BOGGESS COUNCILWOMAN


GEORGE ATKINS, COUNCILMAN


FRANK GROVER, JR., COUNCILMAN

SPECIAL COUNCIL MEETING

SEPTEMBER 1, 1992

The Special Council Meeting was called to order by City Recorder/Treasurer Herb Sibley in Council Chambers at 8:39 p.m. Present were Councilman at Large Steven E. West, Councilman at Large Dean Miller, Councilwoman at Large Janet Strohl, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Frank Grover, Jr. Absent were Mayor Don Karnes and City Attorney Phillip D. Gaujot.

City Recorder Herb Sibley said this special meeting was called with regards to questions considering Nitro Development Authority purchasing the old Nitro High School. He said the purpose of this meeting is to discuss what action Council should take. City Recorder Herb Sibley said he attended several meetings, and said it was decided definitely that the Authority did want to borrow the money to purchase this building, and that they had a contract with the Kanawha County School Board indicating a price of \$81,000. However, they felt this amount of money was insufficient because they needed to do certain things to get the building rentable, such as reconnect the plumbing. Council was furnished a copy of the proposed expenditure budget of \$11,000 per month. The Authority instructed the Treasurer, Preston Russell, to contact the Commerce Bank, which he did. Mr. Thomas from the bank came to a meeting and he and Mr. Russell talked some about the requirements necessary. The two most pertinent were an attempt to get leases on the property in order to have enough money to guarantee cash flow to meet the proposed budget and the asbestos report. Subsequent to this, it was discovered that the Kanawha County School Board had not only blueprints of the old school, but had an asbestos report done by a certified asbestos investigator who had been hired by the School Board. The report is now in the hands of the Authority. City Recorder/Treasurer Herb Sibley said at the present time there has been several intents of leases. At the last meeting, there was an organization that wanted five rooms and agreed to rentals for some \$1,500 per month. Another organization wanted to rent the gym one day a month and was willing to pay \$500 per month. Two or three other people have indicated a desire to rent storage rooms on a single room basis. The Senior Citizens agreed to renting a room in order to have bingo, and also renting a room for their organization at a reasonable price. City Recorder/Treasurer Herb Sibley said attempts were made to obtain more leases, and there was talk with regards to this, but nothing concrete came from it. For the past three weeks, no action has been taken. City Recorder/Treasurer Sibley said Mr. Thomas, from the bank, indicated that he would like to have the City of Nitro guarantee the loan.

Councilman at Large Steve West referred to State Code 7-12-12 that contributions may be made to the Authority, etc. and it specifically mentions municipal corporations. Based on this, Councilman at Large Steve West moved we take the necessary action

to complete the sales transaction between the Kanawha County School Board and the Nitro Development Authority through a legal co-signature arrangement with the Commerce Bank. The motion was seconded. Councilman George Atkins questioned the City's financial status, and City Recorder/Treasurer Herb Sibley said today we have money in the bank, but we also have obligations. There was a discussion as to whether this Council could obligate the City for longer than their term of office. Councilman Frank Grover asked if we would be obligating the City for the Authority who has control. City Recorder/Treasurer Herb Sibley said this was correct, but we have control of the Authority as they are an arm of the City. If the Authority would belly-up, then any assets they have would revert to the City along with any indebtness. Councilman Frank Grover said he could see great opportunities for the building.

Councilwoman at Large Janet Strohl questioned if we had something in writing that the Authority would allow the City to put offices in the building, and City Recorder/Treasurer Herb Sibley said we could obtain an agreement for this as co-signers.

Council was in agreement that they would like to see the Authority get the building. This would certainly be of benefit to the citizens of Nitro and surrounding areas.

Councilman at Large Steve West asked that the records show the attorney was not present at this meeting. Therefore, any action taken this evening is without the benefit of legal advice.

With reference to Councilwoman Betty Jo Boggess's inquiry, City Recorder/Treasurer Herb Sibley said the Authority signed an agreement that the transaction would be consummated by 7-1-92.

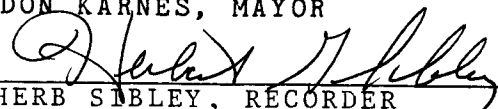
Councilman Bob Young said that if legal, he would like to turn this over to the Recorder and Mayor to see if something can't be done by Friday by letting the Kanawha County School Board know we are going to take the building. There are other people interested that are willing to pay more than the Authority has agreed to pay.

Councilman Frank Grover moved to amend the motion to co-sign for a line of credit up to \$125,000. This was considered a friendly amendment by Councilman at Large Steve West and also Councilman George Atkins who seconded the motion. A vote was taken and it was unanimous.

Councilman at Large Steve West moved the City Recorder/Treasurer Herb Sibley go to the bank for instructions with regards to the loan. The motion was seconded. A vote was taken and it was unanimous.

There being no further discussion, the meeting was adjourned.


DON KARNES, MAYOR


2 HERB SIBLEY, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

SEPTEMBER 15, 1992

Mayor Karnes declared a quorum and called the regular scheduled Council Meeting to order at 7:30 p.m. in Council Chambers. Present were City Recorder/Treasurer Herb Sibley, Councilman at Large Dean Miller, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Frank Grover, Jr. Also present was City Attorney Phillip D. Gaujot. Absent were Councilman at Large Steve West and Councilwoman Janet Strohl.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 1, 1992, COUNCIL MEETING MINUTES: - Councilman Robert Young moved the September 1, 1992, Council Meeting Minutes be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - SPECIAL COUNCIL MEETING OF SEPTEMBER 1, 1992: - Councilman George Atkins moved the Special Council Meeting Minutes of September 1, 1992 be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 3 - ORD. 92 - RAISING ROCK BRANCH CUSTOMERS RATES UP TO THE SAME RATE AS NITRO: - Mayor Karnes yielded this agenda item to Councilman at Large Dean Miller. Councilman at Large Dean Miller said the Committee met this evening and decided they would forego bringing this ordinance before Council and recommended we go back to the original proposal of the 10% increase. He requested the ordinance be placed on the next agenda.

AGENDA ITEM NO. 4 - POSTING OF SIGNS: - Mayor Karnes yielded this item to Councilman at Large Dean Miller who asked to be placed on the agenda for political signs. Councilman at Large Dean Miller said he has noticed that political signs are beginning to appear throughout Nitro. He said there was a very large sign at the end of 40th Street. There were 3 signs where 2nd and 1st Avenue come together, but they have been taken down. Also, on 1st Avenue there are two signs on the right-of-way or on public property. He said he noticed signs on telephone poles too. Councilman at Large Dean Miller moved the ordinance on the books be enforced. Mayor Karnes said we did not need a motion for this as it is the law. Mayor Karnes said the property between Route 25 and the sidewalk does not belong to the City. In a lot of cases, it belongs to abutting property owners or the Nitro Industrial Corporation. However, in either case it is considered private property. Discussion continued. Mr. Gaujot said there may be a test case on this issue going to the Supreme Court now regarding political signs.

AGENDA ITEM NO. 5 - CARRIAGE WAY: - Mayor Karnes yielded this agenda item to Councilman Robert Young. Councilman Young said we have discussed the Carriage Way streets for several years, and said he would like to bring it back on the floor for discussion or recommendations. Mr. Tom Young and 4 residents from Carriage Way were in attendance. Councilman Young said as he told them at the Homeowner's Association meeting the other night he was going to try to get a yes or no from Council. He told the Carriage Way property owners that Mr. Gaujot was not against them and that he was for the City of Nitro. Mr. Gaujot said when he was appointed City Attorney for Nitro, the night he was accepted by the City as the City Attorney it was either the action before or after his appointment, the annexation of Carriage Way was implemented by Council voting on the ordinance for the second reading and it became part of the City. He said he had no part in participating in the annexation of Carriage Way. However, over the years he became acquainted with Carriage Way. It is true that when Carriage Way was incorporated into the City of Nitro that there was a metes and bounds discription that was annexed to the City, and it is easy to read. He said contained within the metes and bounds description are the streets of Carriage Way; they are within the boundaries. He said he never questioned this. Mr. Gaujot said because something is in the boundaries of Nitro, doesn't mean it's Nitro's. He said the Carriage Way residents properties are within the boundaries of Nitro, but they don't belong to Nitro. Mr. Gaujot said he believes that the streets in the subdivision, and the subdivision were developed by Mr. Volpi, and he conveyed to each of the property owners their lot or lots with the right to use for ingress and egress the streets in the subdivision. When Volpi developed the subdivision, he owned all the land and then he subsequently divested himself of ownership of a certain portion of that land as it was sold. Ultimately, all or a majority of it was sold and he retained the streets and some of the lots that ended up in bankruptcy. Mr. Gaujot said he wasn't sure about the lots. But, if he sold all of the lots, he retained the streets because there is nothing in the record indicating that he conveyed out those streets. Therefore, he still owned those streets in legal term "in fee", just as the property owners own their property "in fee", he retained ownership of the streets in fee. Then, he subsequently filed bankruptcy, and the trustee in bankruptcy then became the owner of those streets and any other properties that Mr. Volpi and his company had that was filed in bankruptcy. He said back sometime ago, a petition was prepared by somebody for Carriage Way asking the City to allow them to dedicate those streets to the City. The petition was signed by Moody Wood, Catherine Moore and the Grigsbys. He said this was his first participation in whether or not the streets could be dedicated. This petition for dedication developed at a time when the streets became somewhat damaged. So, the question was, can Moody Wood, Catherine Moore and Mark Grigsby and Pam Grigsby lawfully dedicate streets that they do not own. The records at the Court House do not show these four people own the streets, and his opinion was they cannot dedicate something they don't own. Mr. Gaujot said there is absolutely nothing that shows that

the City was conveyed those streets, and this is the only way you can own something. Mr. Gaujot explained that at some point and time someone conveyed 80 acres and then Mr. Volpi transferred out 70 acres. He said there would not be a deed saying Mr. Volpi owned 10 acres. There is a deed that he owns 80 acres, but there are other deeds conveying 70 acres of them out. So, he retains 10, and it takes a lawyer to research the records to make that determination unless someone is familiar with abstracting titles. So, these properties that the Carriage Way folks own were conveyed out by Volpi and what wasn't conveyed out, he maintained, and when he filed bankruptcy those properties became the property of the trustee in bankruptcy. Mr. Volpi has absconded, and the Carriage Way residents are in a real problem because now they want the streets dedicated to the City, and in his opinion, only the owner can do that. He said he has maintained this opinion over the years. He said in 1989, another petition was filed and signed by a group of people. In the petition, they asked to dedicate the streets again and wanted some restrictions on the streets, such as they didn't want any through traffic and wanted the streets to remain dead-end. Mr. Gaujot said the same issue arose as to how they could dedicate streets they don't own in fee. He said at that time, Steve Swisher was their lawyer, and he received a copy of a letter from Mr. Swisher to Mr. Rodney Jenkins that the streets in fact did belong to the property owners because Mr. Volpi was gone. However, Mr. Swisher said in the letter that it would appear the streets belonged to the property owners. He didn't say it did; he said it would appear that it would belong to the property owners. Then Mr. Swisher said the only way it would be absolutely sure would be to get the trustee in bankruptcy to ask the City to dedicate the streets. We know at least the trustee in bankruptcy has some authority under law of ownership. Mr. Gaujot said he wrote a letter to Mr. Swisher, and had talked with him previously by telephone, and told him to give him some authority to show that the residents of Carriage Way have a right to ask the City that the streets be dedicated to the City. But, he said he never received a response to that letter. Mr. Gaujot said his advise to the the City is do whatever this Council wants to do, but he has to tell them if he thinks they are legal or not. He said somewhere down the line there could be a lawsuit. Mr. Young said he had been to the courts and they could not find any record of bankruptcy proceedings. Mr. Gaujot said he represents the City, and this benefits all citizens. He said it would be a simple matter if Steve Swisher is correct or if their current lawyer thinks they are correct to simply file a lawsuit. He said this wouldn't be anything major, just a friendly lawsuit. We would consider it a friendly lawsuit. He said he would defend and let the court decide who owns the streets. Once the court makes the legal decision of who owns the street, and assuming it would be the people living adjacent to the streets, then he feels the petition to dedicate the streets to the City are proper. Then, at that point he feels the City has a right to consider their petition. However, until this is done Mr. Gaujot's advice

to the City is that it is not properly before them and they cannot consider it. A question and answer session followed. Mr. Gaujot said he could not speak for Council, but one main issue that they will be confronted with is if the City takes the streets in the condition they are in, then we can be liable for them if someone gets hurt or killed. He said this might be enough incentive for Council to turn the Carriage Way streets down. However, if they go through the process of improving the streets through assessments, and everybody pay for it depending on the front footage, and they improve their streets, then they come back to City Council. This way they would have less of a problem of taking them in, but he wasn't saying there would be a problem. He said it was a primary consideration of the City to not take in streets that need immediate repair, not just Carriage Way Streets, but any streets. He said the City didn't have funds for major street repair. Mr. Gaujot told Mr. Young that anytime their attorney wanted to talk with him, he is available and willing, and encouraged their attorney to contact him.

PLANNING COMMISSION RECOMMENDATION: - Councilman Robert Young furnished members of Council a copy of the recommendation of the Planning Commission. The Planning Commission approved the preliminary plat and recommended City Council approve the subdivision. Mayor Karnes said Mr. Burgess must comply with BOCA Codes. Councilman Robert Young moved we accept the Planning Commission Minutes and approve their recommendation. The motion was seconded. After a discussion, Councilman Young amended his motion to include that it is subject to Bob Sargent advising Mr. Burgess on what should be done about the lighting. Councilman Atkins considered this a friendly amendment. After further discussion, a vote was taken and it was unanimous. Connie Stephens said they have had conversations, but Mr. Burgess hasn't submitted anything concrete to her. A vote was taken and it was unanimous.

PLANNING COMMISSION MINUTES ATTACHED.

AGENDA ITEM NO. 6 - RES. 92-9 TO APPLY FOR GOVERNOR'S COMMUNITY PARTNERSHIP GRANT: - Councilman Robert Young moved the Mayor read the title only of Resolution 92-9. The motion was seconded. A vote was taken and it was unanimous. Councilman Robert Young moved the Resolution be approved. The motion was seconded. A vote was taken and it was unanimous.

RESOLUTION 92-9 ATTACHED.

AGENDA ITEM NO. 7 - NDA REFERENCE AMERICAN LEGION BUILDING: Mayor Karnes said he would like to recommend that the City, if legal, convey the American Legion Property to the Nitro Development Authority to do whatever they see fit. He said he wasn't asking for passage, but asked that it be placed into the Planning Commission Committee and come back to Council with their recommendation and placed on the agenda of the next meeting.

Councilman George Atkins moved this matter be placed in the Planning Committee. The motion was seconded. Mayor Karnes said he feels this property is a liability. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - UNIFORMS FOR PUBLIC WORKS: - Mayor Karnes yielded this agenda item to Councilman George Atkins. Councilman Atkins suggested the employees of the Public Works Department be put in uniforms. He said for 18 men, at \$6.25 per man per week, it would cost the City around \$487.50 a month. Each person would receive 11 uniforms, plus 2 jackets. Councilman Atkins said the employees would be required to comply with restrictions as set forth by Mr. Williams. Mayor Karnes said we now have a clothing allowance in the Police Department, Fire Department and Communications. Councilman George Atkins moved the employees of the Nitro Public Works Department be furnished uniforms and paid for by the City. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - LIBRARY PARKING LOT: - Mayor Karnes said we need some paving done at the parking lot at the Library and asked that this item be placed in the Planning Committee. Councilman Frank Grover, Jr. moved this be placed in the Planning Committee. The motion was seconded. A vote was taken and it was unanimous.

Mayor Karnes said he received a letter from Councilwoman at Large Janet Strohl dated September 14, 1992, submitting her resignation as she is moving out of the City. Mayor Karnes said it is with regrets he must accept her resignation as she was headed in the right direction, and he feels she cared about what was happening in the City of Nitro.

COPY OF LETTER ATTACHED.

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


DON KARNES, MAYOR


HERB SIBLEY, RECORDER

PLANNING COMMISSION MINUTES, CITY OF NITRO

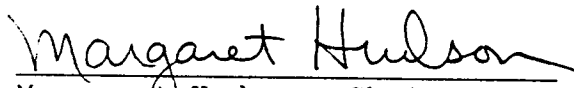
September 3, 1992

The Planning Commission of the City of Nitro met Thursday, September 3, 1992, 7:30 p.m. at City Hall for a Public Meeting. The meeting was called to order by Margaret Hudson, Chairperson.

The following item, as advertised in the Legal Notice published in both Charleston newspapers, was considered:

James V. Burgess, III, Owner, Broker of Burgess Real Estate--concerning a projected subdivision neighboring Carriage Way, an existing subdivision. Said property is located on Route 62.

Following a presentation by Mr. Burgess and many questions from Commission members and Council members and much discussion, Dr. Guy Cassell moved, "that the Planning Commission approve the preliminary plat and recommend to City Council subdivision approval." The motion was properly seconded. Motion carried.


Margaret Hudson, Chairperson



BURGESS REAL ESTATE

JAMES V. BURGESS III
Broker

City of Nitro

757-3766
3961 Teays Valley Rd.
Hurricane, W.V. 25526562-34
3611 Brookshire Drive
Hurricane, W.V. 25526

Charles R. Sargent

I am writing in reference to my conversation with Connie concerning a projected subdivision neighboring Carriage Way, an existing subdivision. Said property is located on Route 62 between Nitro and Crosslanes.

Projected Plans:

1. To develop approximately 60 acres for single family dwellings.
2. These 60 acres will be further divided into sections, and each section will have approximately 15 lots.
3. Lot size will range from 80 to 100 foot fronts.
4. Approximate price of houses being built will range from \$70,000.00 to \$110,000.00.

We plan to develop this subdivision with consistency and uniformity in quality.

My company, Burgess Real Estate, will develop this property. I am both the owner and broker and will be actively involved in every stage of the development of this property.

If you have any further questions, please feel free to contact me at my home, 562-3444, or my office, 757-3766.

Sincerely,

A handwritten signature in cursive script that reads 'James V. Burgess, III'.

James V. Burgess, III
Owner, Broker - Burgess Real Estate



NATIONWIDE HOMES

WELCOME TO THE NATIONWIDE HOMES

BUILDER ORGANIZATION

Since our beginning in 1959, Nationwide Homes has become one of the nation's leading modular manufacturers. Over 18,000 families in eleven states are living proof of our success.

The Operations Manual that you receive today is intended to help you become a successful Nationwide Homes' Builder. Please take the time to become familiar with our policies and procedures. In addition, study the products carefully to insure your knowledge of the homes that you will be offering to your customers. Builder bulletins will be issued during the year to update you on products, policies and procedures.

Our modular homes meet or exceed the conventional building code standards that exist in the eleven states that we serve. Our homes are certified by an independent third party inspection company that visits our plants regularly. This inspection company is authorized to place the state inspection seal on each home before it leaves the plant. Nationwide Homes also meets or exceeds VA, FHA and FmHA requirements.

Currently Nationwide Homes has over 40 different designs and floor plans for your use. We also will work with you to customize our plans to meet your customers' needs.

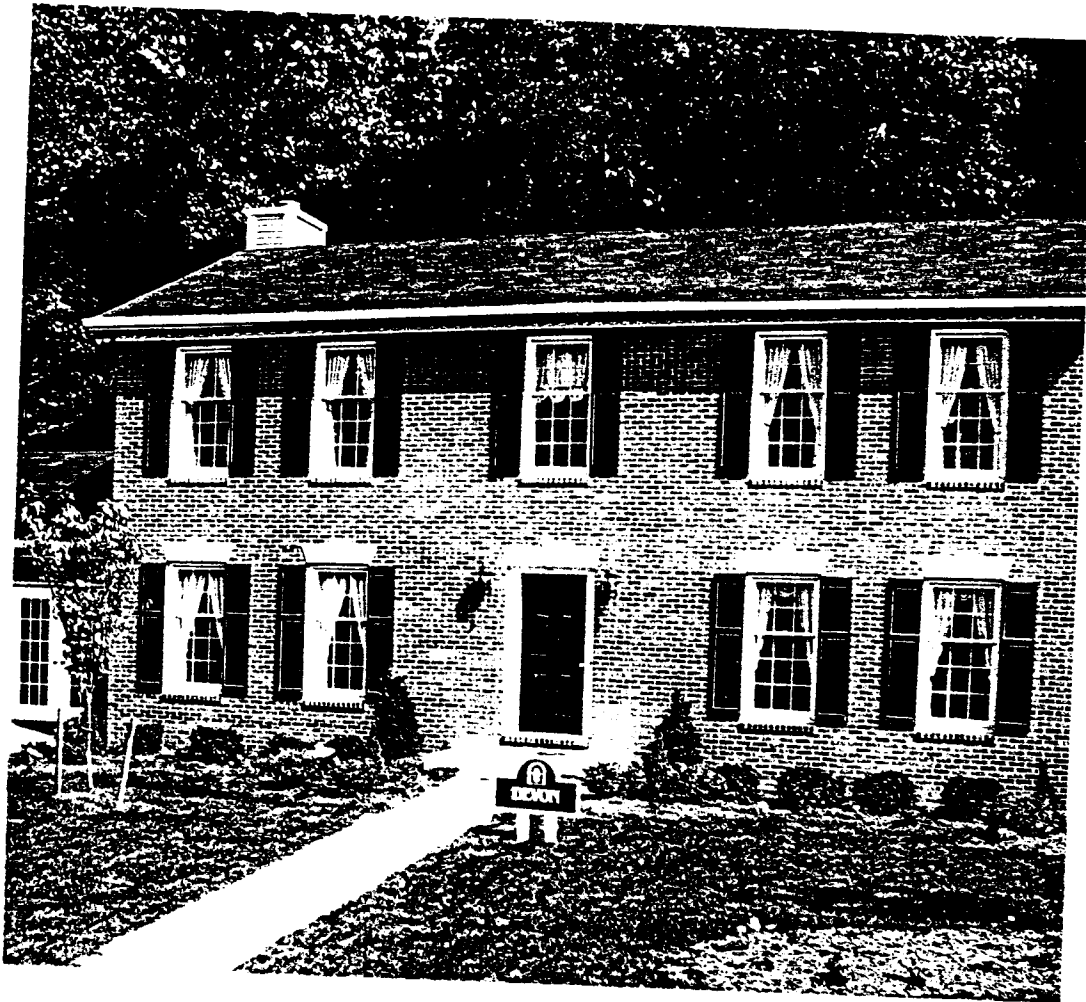
The information in this manual is confidential and for the sole use of authorized Nationwide Homes' Builders.

I wish you much success as a Nationwide Homes' Builder. We look forward to a long relationship that will be profitable and beneficial to you and Nationwide Homes.

Fredric J. Betz
President

NATIONWIDE

H O M E S



Nationwide Homes Fairfax II

■ A leading manufacturer of modular single family homes, commercial structures and multi-family residences with a reputation for high quality, design flexibility and innovative marketing.



RESOLUTION 92-9

RESOLUTION TO APPLY FOR GOVERNOR'S
COMMUNITY PARTNERSHIP GRANT

WHEREAS, the City of Nitro proposes to purchase and renovate the old Nitro High School building;

WHEREAS, the City Council has identified the Governor's Community Partnership Grant Program as a source of funding for the improvements;

WHEREAS, the City Council is acting expeditiously to prepare an application for a Governor's Community Partnership Grant funding.

NOW, THEREFORE, BE IT RESOLVED, that the Nitro City Council authorizes the application to the Governor's Community Partnership Grant Program and authorizes Don Karnes, Mayor, to execute and sign all documents necessary to the application to be submitted to the WV Development Office for funding consideration.

ADOPTED this the 15th day of September, 1992 at a meeting of the Nitro City Council at which a quorum was present and a majority voted affirmatively on the Resolution.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER

September 14, 1992

The Honorable Donald Karnes, Mayor
City of Nitro
Nitro, West Virginia 25143

Dear Mayor Karnes:

I regretfully submit to you my resignation as Councilwoman-at-Large for the City of Nitro.

We have found it necessary to move to another home we own in the Cross Lanes area. Even though we will still own our home in Nitro, I know that it is necessary to reside within the City in order to serve.

Just serving on Council for the short time that I have has been a pleasure. I feel confident that all of the members have the best interest of the City at heart, and are determined to work hard together to meet their goals to make Nitro an even better place to live.

If you, or any of the members of Council would like to talk with me personally, please feel free to call.

Sincerely yours,

Janet S. Strohl

Janet S. Strohl

CITY OF NITRO
COUNCIL MEETING MINUTES

OCTOBER 6, 1992

Mayor Karnes welcomed everyone, declared a quorum and called the Council Meeting to order in Council Chambers at 7:35 p.m. Present were City Recorder/Treasurer Herbert G. Sibley, Councilman at Large Steven E. West, Councilman at Large Dean Miller, Councilman Robert Young, Councilman George Atkins and Councilman Frank Grover, Jr. Also present was City Attorney Phillip D. Gaujot. Absent was Councilwoman Betty Jo Boggess.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 15, 1992 COUNCIL MEETING MINUTES: - Councilman Robert Young moved the September 15, 1992, Council Meeting Minutes be approved. The motion was seconded. Councilman George Atkins said there should be a correction under Agenda Item 7 to state, Planning Committee instead of Planning Commission Committee. Councilman Young considered this a friendly amendment as did Councilman Atkins who seconded the motion. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - COUNCIL VACANCY: - Mayor Karnes said there is a vacancy on Council due to the resignation of Councilwoman at Large Janet Strohl. Councilman Robert Young nominated Jim Hutchinson to fill the vacancy. Councilman Frank Grover nominated Lawrence Hill. City Recorder/Treasurer moved the nominations be closed. The motion was seconded. A vote was taken and it was unanimous. A vote was taken as to whether Jim Hutchinson or Lawrence Hill would fill the unexpired term of Councilman at Large, and Jim Hutchinson won. Members of Council voting for Lawrence Hill were Councilman at Large Dean Miller and Councilman Frank Grover. Those voting for Jim Hutchinson were City Recorder/Treasurer Herb Sibley, Councilman at Large Steve West, Councilman Robert Young and Mayor Karnes. Councilman George Atkins voted against both candidates.

AGENDA ITEM NO. 3 - PROCLAMATION 92-2 - FIRE PREVENTION WEEK: - Mayor Karnes introduced Pro. 92-2 recognizing Fire Prevention Week from October 4, through October 10. He said local elementary and nursery schools are visiting the fire department this week. After the reading of the proclamation, Councilman Robert Young moved Proclamation 92-2 be approved. The motion was seconded. A vote was taken and it was unanimous.

PROCLAMATION 92-2 ATTACHED.

AGENDA ITEM NO. 4 - ORD. 92- SANITARY BOARD RATE REQUEST: - Mayor Karnes yielded this agenda item to Councilman at Large Dean Miller. Councilman at Large Dean Miller said we have had numerous meetings regarding a 10% rate increase in the City's Sanitary Board rates. Councilman at Large Steve West said he

didn't know of any other matter that the Council has reviewed more. Councilman at Large Dean Miller moved the Mayor read the title only. The motion was seconded. A vote was taken and it was unanimous. The ordinance would allow for a 10% rate increase and also a \$15.00 charge for bad checks, as well as adding a surcharge for customers whose roof drains connect to the city's sewer system. After a discussion, Councilman at Large Dean Miller moved we approve the first reading of the ordinance. The motion was seconded. After further discussion, a vote was taken and it was unanimous. The required Public Hearing will be held prior to the next Council Meeting at 6:30 p.m. on October 20, 1992. The second reading of the ordinance will be at this Council Meeting.

ORDINANCE ATTACHED.

AGENDA ITEM NO. 5 - RECREATION COMMITTEE REPORT: - Mayor Karnes yielded this agenda item to the Recreation Director Jay Long. Mr. Long reported they had a very successful fishing derby which was held September 26, at Ridenour Lake. He requested Councils' approval to have Trick or Treat night in Nitro on October 31, from 6:00 p.m. until 8:00 p.m. Also, he requested that Council give permission to block off a portion of 21st Street to 2nd Avenue for a parade and street dance from 5:00 p.m. until 11:00 p.m. on October 31. Mr. Long said thanks to the Jaycees and Jayteens, the Haunted House is well underway and will be open through October. He advised the Nitro Business and Professional Association is sponsoring Nitro's 75th Birthday party at the new Nitro High School on the 14th of November beginning at 6:00 p.m. Details will follow on this. Mr. Long said he wanted to thank the Scoutmasters and the scouts for graveling the trail around the Lake. It is near completion. The Recreation Director requested that the Nitro Christmas Parade be scheduled for December 5, at 2:00 p.m. Councilman at Large Steve West moved Halloween Trick or Treat night in Nitro be held October 31, and that 21st Street be blocked off as requested by the Recreation Director. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 6 - PLANNING COMMISSION MEETING MINUTES: - Members of Council were furnished a copy of the Planning Commission Meeting Minutes of August 27, 1992, regarding the Winwood Cross section of Lakeview Subdivision. Councilman Robert Young moved the subdivision be approved and the minutes be made a part of the City's record. The motion was seconded. A vote was taken and it was unanimous.

PLANNING COMMISSION MINUTES ATTACHED.

AGENDA ITEM NO. 7 - ZONING BOARD OF APPEALS APPOINTMENT: - Mayor Karnes said we had a vacancy on the Zoning Board of Appeals and recommended the appointment of Kenneth Hudnall of 102 Juniper Street. Councilman George Atkins moved Kenneth Hudnall be

appointed to the Zoning Board of Appeals to fill an unexpired term. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 8 - AMERICAN LEGION BUILDING: - Mayor Karnes said he recommended that the City start the legal process to convey the American Legion property to the Nitro Development Authority to do whatever they see fit. At the last meeting, this matter was placed into the Planning Committee for their recommendation. It was suggested that the City of Nitro sell the building and use the funds to match Kanawha County Commission's \$5,000. Councilman George Atkins moved our City Attorney Phillip Gaujot prepare an ordinance for sale of the building. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 9 - ORD. LANDFILL: - Mayor Karnes said this item will be addressed at a later Council Meeting. No action required.

There being no further business, the meeting was adjourned.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER/TREASURER



PROCLAMATION 92-2

PROCLAIMING THE WEEK OF OCTOBER 4,
THROUGH OCTOBER 10, AS FIRE
PREVENTION WEEK

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

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

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

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

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

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

NOW, THEREFORE, I, Don Karnes, Mayor of the City of Nitro, West Virginia, do hereby proclaim the week of October 4 - 10, 1992, as

FIRE PREVENTION WEEK

Proclaimed this 6th day of October, 1992.


DON KARNES, MAYOR

ORDINANCE AMENDING AND REENACTING AN ORDINANCE
ESTABLISHING RATES AND CHARGES
FOR SERVICES RENDERED BY THE
SANITARY BOARD OF THE CITY OF NITRO
INCLUDING SERVICES RENDERED IN THE AREA FORMERLY
SERVED BY THE ROCK BRANCH PUBLIC SERVICE DISTRICT

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, including the area formerly served by the Rock Branch Public Service District; 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 City's sanitary sewer system in order to provide funds for the reasonable expenses of operation, repair, replacement and maintenance of such 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 rates and charges for the use of and services rendered by the sanitary sewer system of the City of Nitro shall be as follows:

First	2,000 gallons used per month	3.82 per 1,000 gallons
Next	3,000 gallons used per month	3.21 per 1,000 gallons
Next	25,000 gallons used per month	2.49 per 1,000 gallons
Next	70,000 gallons used per month	2.24 per 1,000 gallons
Next	100,000 gallons used per month	1.76 per 1,000 gallons
All Over	200,000 gallons used per month	1.32 per 1,000 gallons

Minimum Rate: No bill will be rendered for less than \$9.24 per month.

Residential Flat Rate: Each unmetered residential customer shall be charged a flat rate of \$15.66 per month.

Service Connection Inspection Fee: \$ 25.00
Service Connection (Tap) Fee: \$400.00

Delayed Payment Penalty: The above schedule is net. Any bill 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 fee are applicable when a customer's water service is disconnected at the request of the Sanitary Board for non-payment of the sewer bill.

Deposit: Each new customer shall be required to make a security deposit of not less than \$50.00.

Interest: In the event any bill is not paid within 30 days, interest on the amount of such bill will be charges at the rate of ten per cent (10%) per annum.

Return Check Charge: In the event any check, draft or order given in payment for a sanitary sewer bill is dishonored because of insufficient funds, a service charge of \$15.00 shall be imposed.

Surcharge for Roof Drains and Storm Sewers connected to the City of Nitro Sanitary Sewer System: The charge for roof drains, downspouts, storm sewers or similar facilities connected to the sanitary sewer system of the City of Nitro will be calculated on the basis of the following formula and will will not be cumulative upon any metered rate for sewer service charges:

$$S = A \times R \times .006233 \times C$$

- S - The Surcharge in Dollars.
- A - The Average Area Under Roof or the Area of Such Other Water Collecting Surface Connected to the Sanitary Sewer System in Square Feet.
- R - The Measured Monthly Rainfall in Inches: .006233 is the conversion factor to complete thousand gallons.

C - The Applicable Rate Per Thousand Gallons of Metered Water Usage.


2. The above rates and charges shall be applicable for any owner, tenant, or occupant of each and every lot or parcel of land or building situated within or outside the corporate limits of the City of Nitro, including the area formerly served by the Rock Branch Public Service District, and having any connection to the sanitary sewer system of the City.

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

Passed on first reading
Public hearing held
Enacted on second reading
Effective date

October 6, 1992.
October 20, 1992.
October 20, 1992
Dec 4, 1992

Attest:


City Recorder


Mayor

PLANNING COMMISSION MINUTES, CITY OF NITRO

August 27, 1992

The Planning Commission of the City of Nitro met Thursday, August 27, 1992, at 7:30 p.m. at City Hall. The meeting was called to order by Margaret Hudson, Chairperson.

Mr. Daniel J. McDavid presented the Commission with a topographical map (held by Bob Sergeant), road maintenance agreement (attached) and covenant (attached) for the Winwood Crossing Section of Lakeview Subdivision. All three were received and approved. Copies of the road maintenance agreement and covenant should, as a part of this report, be entered into City Council minutes as a matter of public record.

Margaret Hudson
Margaret Hudson, Chairperson



Solco, Inc.

P. O. Box 425
Nitro, WV 25143
304/755-7060 or
304/755-8171

August 27, 1992

City of Nitro
Planning Commission
Nitro, West Virginia 25143

Attention: To Whom It May Concern

SUBJECT: Subdivision Roads and Drainage

Gentlemen:

This letter serves as notice that Southway Construction Company and Solco, Inc. are maintaining responsibility for construction, drainage, and maintenance of roads located in Lakeview Subdivision within the city limits of Nitro, West Virginia. W. WOOD CROSSING SECTION II OF LAKEVIEW SUBDIVISION *RJM*.

These companies will abide by the specifications for construction, maintenance and drainage of those roads located in the city limits.

Very Truly Yours,



Daniel J. McDavid
Vice President
Solco, Incorporated
Southway Construction Company

DJM/kh

REVISED DECLARATION OF PROTECTIVE COVENANTS
AND RESERVATIONS PERTAINING TO PLOTS IN
LAKEVIEW ESTATES, SECTION I, AND SECTION II THEREOF
TO BE KNOWN AS WINWOOD CROSSING IN UNION DISTRICT,
KANAWHA COUNTY, WEST VIRGINIA

WHEREAS, Solco, Incorporated and Southway Construction Company, both West Virginia corporations, (hereinafter collectively sometimes called the "Developer"), are the owners of real estate located in Union District, Kanawha County, West Virginia, having acquired title thereof by deed dated November 16, 1977, executed by W. Paul McWhorter, Deed Book 1850, page 490; by deed dated September 15, 1977, executed by Anna Dean Allison, single, Paul W. Allison, her Attorney-in-Fact, Paul W. Allison, individually, and Brenda L. Allison, his wife, and Nancy Carol Allison Phalen, divorced, Deed Book 1985, page 738; by deed dated January 13, 1981, executed by Thacker Bryan Williams and Ernestine Louis Williams, his wife, Deed Book 1965, page 640; by deed dated July 11, 1981, executed by Winifred P. Chapman, Deed Book 1983, page 437, which deeds are recorded in the office of the Clerk of the County Commission of Kanawha County, West Virginia; and

WHEREAS, the Developer has subdivided into plots and streets a portion of that acreage into a subdivision known as Lakeview Estates in Union District, Kanawha County, West Virginia (hereinafter sometimes called "Lakeview"); and

WHEREAS, Developer desires to subdivide additional lands adjacent to Lakeview into plots and streets and to make it part of Lakeview and to call it Winwood Crossing - Section II of Lakeview (hereinafter sometimes called "Winwood Crossing"), and together Lakeview and Winwood Crossing are sometimes called the "Subdivision"; and

WHEREAS, Lakeview is currently subject to restrictive covenants and conditions as contained in "Declaration Of Protective Covenants And Reservations Pertaining To Plots In Section One Of

Lakeview Estates Subdivision In Union District, Kanawha County, West Virginia" dated December 14, 1981, of record in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 1991, page 784, and as amended by "Amendment To Declaration Of Protective Covenants And Reservations Pertaining To Plots In Section I Of Lakeview Estates Subdivision In Union District, Kanawha County, West Virginia" dated July 27, 1982, of record in said Clerk's office in Deed Book 2010, page 697, (collectively said Declaration and Amendment thereto are hereinafter sometimes called the "Declaration"); and

WHEREAS, Developer desires to amend and supplement the Declaration by this Revised Declaration of Protective Covenants And Reservations Pertaining To Plots In Lakeview Estates, Section I, And Section II Thereof To Be Known As Winwood Crossing In Union District, Kanawha County, West Virginia (hereinafter sometimes called "Revised Declaration"); and

WHEREAS, the Developer desires to sell plots in Lakeview and Winwood Crossing in accordance with a general and uniform plan of development.

NOW, THEREFORE, in consideration of the premises, the Developer declares that all persons, firms or corporations who or which hereinafter acquire plots in the Subdivision shall take title subject to the following, which shall be construed as covenants running with the land:

A. PROTECTIVE COVENANTS

1. The Subdivision plots shall be used only for residential purposes, and only one single-family dwelling with such private garage, attached or detached, as may be needed with it, shall be constructed on a plot (except as allowed hereafter). No building or other structure shall be erected, placed, changed or

remodeled on any plot in the Subdivision, nor any site preparation begun, until the proposed building plans, specifications, exterior finish, plot plans (showing among other things the proposed location of such building or structures, drives and parking areas), landscaping and construction schedules have been approved in writing by the Developer and shall conform to "Architectural Guidelines For Winwood Crossing Subdivision" hereto attached and made a part hereof. Refusal or approval thereof by the Developer may be based upon any reasonable grounds, including purely aesthetic grounds. A copy of all said plans and related items shall be furnished to the Developer. If the Developer fails to approve or disapprove the plans and related items within thirty (30) days after submitted to it in proper written or blueprint form, such approval will not be required, provided, that no building shall be erected which violates any of the covenants or restrictions herein contained.

2. No alterations may be made in said plans and related items after approval by the Developer except by and with the consent of the Developer or after September 1, 1993, the Board of Directors of the Lakeview Estates Maintenance Association, Inc. (hereinafter sometimes called the "Board of Directors").

3. No dwelling of a value of less than minimum appraised price of One Hundred Thousand Dollars (\$100,000.00), exclusive of land, based upon cost levels prevailing in Kanawha County, West Virginia on January 1, 1992, shall be constructed on plot in the Subdivision.

4. No dwelling or garage shall be located nearer than fifty (50) feet to a front plot line, or nearer than ten (10) feet to any side plot line in the Subdivision.

5. No noxious or offensive activities shall be carried on upon said plot or within the Subdivision which could constitute an annoyance or nuisance to the owner of any plot, or to the neighborhood.

6. Construction of all dwellings in the Subdivision shall be diligently and continuously prosecuted until completion, and no dwelling shall remain in an unfinished condition for a period of more than one year after construction is first commenced without approval of the Developer. No mobile home, incomplete dwelling or garage or structure of a temporary nature shall be used as a residence, either temporary or permanent.

7. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on a plot in the Subdivision, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.

8. No plot or other property within the Subdivision shall be used as a dumping ground for rubbish. Trash, garbage and other waste materials shall be kept except in sanitary containers and screened from public view and shall be maintained in clean and sanitary conditions.

9. No sign of any kind for public view shall be displayed on any plot except one professional sign of not more than six (6) square feet advertising the property for sale, or one sign of no greater size to advertise the property during the construction period.

10. No cinder block, concrete block or other unfinished surface shall be used as the finished surface of any exposed outside wall of any dwelling or garage.

11. There shall be no permanent parking on streets within the Subdivision.

12. Each dwelling in the Subdivision shall be connected to a sanitary septic system approved by Kanawha County Health Department and copy of approved permit submitted to Developer prior to construction, or a public service sewer system for Lakeview Plot No. 10 and Winwood Crossing Plots Nos. 2, 3, 5, 8 and 18A.

13. No plot conveyed by the Developer in the Subdivision may be subdivided or its boundary lines changed; provided, however, the Developer reserves the right to re-subdivide and change the boundary lines within the Subdivision which it has not conveyed so long as the changes do not materially reduce the size of any plot and does not cut off the right of access of any plot previously conveyed. However, Plot 8 of Winwood Crossing may be subdivided into two plots upon written approval by Developer and the Kanawha County Planning Commission.

14. Invalidity of any one or more of these covenants shall not invalidate any other provision hereof.

15. Any common area, including real property set aside for the common use by all plot owners and their families, shall be enjoyed, subject to rules established by the Maintenance Association.

16. All fences located within 100 feet of a road upon which the property abuts shall be constructed of wood, brick or stone material (no chain link fences).

17. All mail box support structures shall be constructed of wood, stone, brick or similar material as the exterior finish of the dwelling.

Lakewood Estates and Winwood Crossing plot owners in common and are not maintained by a governmental body, public utility or public service district; and to promote health, safety, security, welfare and recreation within the subdivision. The Maintenance Association shall operate in accordance with the provisions of its articles of incorporation and by-laws as they read and may from time to time hereafter be amended to read, which documents are incorporated herein and are made a part hereof by reference.

2. All owners of plots in Lakeview and Winwood Crossing, including the Developer, shall be members of the Maintenance Association. Members shall be entitled to one vote for each plot they own, whether or not a dwelling is constructed thereon; and if more than one person is an owner of any plot, all of such persons shall be members, but the vote for such plot shall be exercised as determined among themselves, and not more than one vote shall be cast for any one plot.

3. The Maintenance Association shall have the power to levy assessments against plots for the exclusive purpose of paying for services furnished by or on behalf of the Maintenance Association. Each assessment, together with interests thereon and costs of collection thereof, shall be a personal obligation of the member or members who own the plot at the time of the assessment and shall also be a charge against and a lien upon the plot to which it relates.

4. The assessment levied against a plot, and the owner thereof, for any one year shall not exceed the sum of Four Hundred Dollars (\$400.00), which \$400.00 sum shall be adjusted annually by increasing or decreasing it in an amount proportionate to the increase or decrease in the Consumer Price Index -- all items -- U.S. compared to the month of June, 1982, and assessments shall not be levied against a plot or its owners until construction of a dwelling is commenced thereon.

18. No easement or right-of-way of any kind or nature shall be granted by the owner of any plot to or for the benefit of any person, firm, corporation or property outside the boundaries of the Subdivision. The limitations of this paragraph shall not apply to the Developer.

19. These protective covenants shall remain in full force and effect until December 31, 1999, after which time they shall be automatically extended for successive periods of ten (10) years each unless an instrument is executed by the majority of the then owners of the plots in the Subdivision agreeing to change the covenants in whole or in part.

20. No trees six (6) inches in diameter or larger located more than fifteen (15) feet from any foundation, structure, driveway, walkway or patio will be removed without the prior written approval of the Developer and/or the Board of Directors after September 1, 1993. If any owner violates the terms of this paragraph, damages in the amount of One Hundred Dollars (\$100.00) shall be paid by the owner of the Maintenance Association (for each tree removed) to compensate the Maintenance Association for aesthetic damages to the Subdivision.

21. Plots purchased in the Subdivision before July 1, 1992, shall be subject to the Declaration. Plots purchased in the Subdivision after July 1, 1992 shall be subject to this Revised Declaration.

B. RESERVATIONS AND COVENANTS

1. Developer reserves title to and ownership of all streets in the Subdivision, but hereby grants to the purchasers of plots within the Subdivision, their invitees, successors and assigns, the right to use in common with it and other plot owners, the streets for access to and from public roads, and to and from

other plots within the Subdivision. Developer reserves the right to convey the streets to a governmental authority which will assume maintenance thereof; and further reserves the right, at any time at any time after construction of six (6) dwellings within Lakeview Estates and Winwood Crossing, to convey the streets to the Maintenance Association (hereinafter provided), following which conveyance the Maintenance Association shall assume maintenance of the streets.

2. Developer reserves, within the boundaries of each plot, easements ten (10) feet in width adjacent to the front and side lines of each plot, and ten (10) feet in width adjacent to the rear line of each plot for the construction, maintenance and removal of utility lines to serve the Subdivision.

3. Developer reserves title to and ownership of all water, and any other utility lines, tanks, treatment plants and related or similar facilities laid or constructed by it to serve the Subdivision, excluding individual sewer facilities. Developer reserves the right to transfer said facilities at any time to public utilities or public service districts which will assume operation and maintenance of the system, and further reserves the right, following construction of six (6) dwellings in Lakeview and Winwood Crossing to transfer the facilities to the Maintenance Association either of which transfers shall release and forever discharge the Developer from all obligations to thereafter maintain the facilities so transferred.

C. MAINTENANCE ASSOCIATION

1. Developer has caused or will cause the formation of Lakeview Estates Maintenance Association, Inc. (the "Maintenance Association"), a non-stock, non-profit corporation whose purpose is to maintain the streets, sidewalks, surface water drainage system, street lighting, and other facilities which are used by

5. The lien of assessments provided for herein shall be subordinate to the lien of any bona fide deed of trust placed upon a plot by an owner member.

D. AMENDMENTS

This Revised Declaration of Protective Covenants and Reservations may be amended by a majority vote of plot owners in Lakeview and Winwood Crossing at any time.

E. INCORPORATION IN DEEDS BY REFERENCE

The foregoing matters shall be incorporated by reference in deeds for all plots in the Subdivision, and shall be binding on the owners thereof as though set out verbatim in the deeds.

F. EXPANSION OF SUBDIVISION

Developer reserves the right to add additional lands to Lakeview and Winwood Crossing to expand the Subdivision. All additional lands added to the Subdivision shall be subject to this Revised Declaration and any amendments thereto.

G. PLOT NO. 10 OF LAKEVIEW

Plot No. 10 of Section 1 of Lakeview as shown on a map of Lakeview recorded in said Clerk's office in Photostatic Map Book 35, page 66, is hereby included in the Subdivision and shall be subject to this Revised Declaration.

H. ARCHITECTURAL GUIDELINES

1. Each dwelling shall not be less than 2500 square feet, excluding garage space.

2. No building shall be located within 10 feet of any side or back property line and at least 50 feet from front property line. In the case of Plot No. 77 and Plot No. 7 of Lakeview, set back from front property line shall be a minimum of 40 feet and 30 feet, respectively.

3. Grading - Property owners shall maintain as near as practical natural terrain and tree cover. Newly cut bank shall either be retained or sloped satisfactorily to maintain vegetation and soil.

4. Drainage - To be designed to work satisfactorily with site drainage system.

5. Grade - Grade to be made to maintain soil, prevent slippage and erosion.

6. Materials - Approved building materials are brick, wood, stone, and related variations of these materials.

7. Garages where practicable shall be placed so that garage doors do not face the road.

8. The Architectural Guidelines may be amended at a regular or special meeting of the members of the Maintenance Association by a vote of two-thirds (2/3) of the members present in person or by proxy.

9. All construction surface drainage and runoff must meet Soil Conservation District criteria.

10. The Developer reserves the right to extend guide variances to owners on a non-precedent basis where extenuating circumstances require special considerations in design.

11. Driveway shall be hard surfaced, such as asphalt or concrete.

12. Recreational vehicles, campers, heavy equipment, boats and related items shall not be parked on roads or on front of plot. They must be garaged, or stored beside, or behind house.

13. Satellite Dishes must be placed in the rear of the plot (behind line of back of house).

14. The restrictions of only one single-family dwelling per plot (Protective Covenants, Section A.1) does not apply to Plot No. 8. Plot No. 8 can be subdivided into two separate plots and all restrictions and covenants shall apply to each subdivided plot as if Plot No. 8 had been originally subdivided by Developer.

WITNESS the following signatures and seals:

SOLCO, INCORPORATED

By: Daniel J. McDavid
Its: Vice President

Consented to and approved
by the owners of Plot No.
10 of Lakeview Subdivision

Daniel J. McDavid
Daniel J. McDavid

Mary Ellen McDavid
Mary Ellen McDavid

SOUTHWAY CONSTRUCTION COMPANY

By: Daniel J. McDavid
Its: Vice President

STATE OF WEST VIRGINIA,

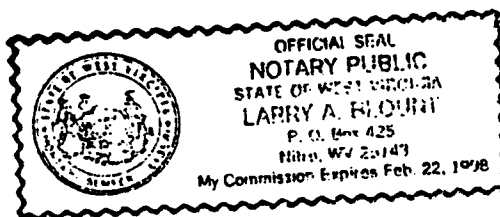
COUNTY OF Putnam, TO-WIT:

I, Larry A. Blount, a Notary Public of said County, do certify that David J. McDonald, who signed the writing above, bearing date the 25 day of August, 1992, for SOLCO, INCORPORATED, has this day in my said county, before me acknowledged the same to be the act and deed of said Corporation.

GIVEN under my hand this 25 day of August, 1992.

My commission expires Feb. 22, 1998.

Larry A. Blount
NOTARY PUBLIC



STATE OF WEST VIRGINIA

COUNTY OF Putnam — —, TO-WIT:

I, Larry A. Blount, a Notary Public of said County, do certify that David J. McDavid, who signed the writing above, bearing date the 25 day of August, 1992, for SOUTHWAY CONSTRUCTION COMPANY, has this day in my said county, before me acknowledged the same to be the act and deed of said Corporation.

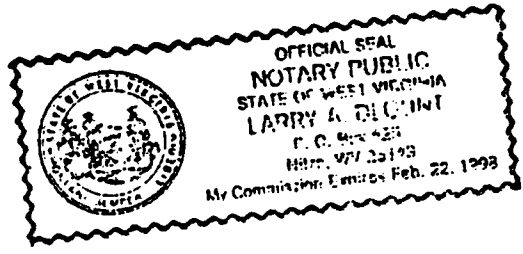
GIVEN under my hand this 25 day of August, 1992.

My commission expires Feb. 22, 1998.

Larry A. Blount
NOTARY PUBLIC

This instrument was prepared by:

Carl D. Andrews
Attorney at Law
BOWLES RICE McDAVID GRAFF & LOVE
16th Floor Commerce Square
Post Office Box 1386
Charleston, West Virginia 25325-1386
(304) 347-1100
75680



CITY OF NITRO
COUNCIL MEETING MINUTES

OCTOBER 20, 1992

Mayor Karnes welcomed everyone, declared a quorum and called the Council Meeting to order in Council Chambers at 7:42 p.m. Present were City Recorder/Treasurer Herb Sibley, Councilman at Large Steven E. West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Frank Grover, Jr. Also present was City Attorney Phillip D. Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 6, 1992 COUNCIL MEETING MINUTES: - Councilman Robert Young moved the October 6, 1992 Council Meeting Minutes be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - 2ND READING ORDINANCE 92-2 - SANITARY BOARD RATE INCREASE: - Mayor Karnes said this would constitute the second reading of the ordinance pertaining to the Sanitary Board rate increase, and yielded the floor to Councilman at Large Dean Miller who moved the Mayor dispense reading the ordinance in its entirety and read the title only. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large Dean Miller moved to put the ordinance on the floor, but wanted to reserve his comments until later. The motion was seconded. Councilman at Large Miller said he has probably spent more time on this one thing researching and asking questions, than he has on all issues during his previous term in office.

Councilman at Large Steve West said he didn't think it was fair that the people from Rock Branch haven't been paying the same as Nitro. He said he couldn't justify people living in Rock Branch paying half as much as the citizens of Nitro. He asked if the Public Service Commission would allow us to raise the rate of Rock Branch customers without raising the citizens of Nitro. Connie Stevens said we could raise Rock Branch up to our rate, but it wouldn't give us the funds we need. She explained that our rate would be a minimum of \$9.25 and theirs would too. Right now, our rate is \$8.42 and theirs is \$5.00, but this ordinance would bring their rate to the same as ours. She said we did not maintain the Rock Branch system; we just treated their waste. It is now a part of Nitro; Nitro owns that system.

Mayor Karnes informed that the ordinance would go into effect in 45 days if passed. Councilman at Large Steve West questioned if we could extend the effective date. City Attorney Phillip Gaujot said we could extend the date, but

could not shorten it. Ms Stephens said the new rate would not reflect on a billing until the first billing in January which would be the first week in January. Councilman George Atkins questioned the amount of the increase we would notice on an average bill. Mr. Withrow said around \$1.50.

City Recorder/Treasurer Herb Sibley said he didn't feel we had any alternative, but to pass the ordinance.

A vote was taken to adopt the Ordinance and it passed. Voting for the ordinance was Councilman at Large Steve West, Councilman at Large Jim Hutchinson, City Recorder/Treasurer Herb Sibley, Councilwoman Betty Jo Boggess, and Robert Young. Those voting against were Councilman at Large Dean Miller, Councilman Frank Grover and Councilman George Atkins.
ORDINANCE 92-2 ATTACHED

AGENDA ITEM NO. 3 - ABANDONMENT & JUNK CARS: - Mayor Karnes said Councilman at Large Dean Miller asked to be placed on the agenda, and yielded the floor to him. Councilman at Large Miller said he had a discussion with the Chief on this issue and didn't know the solution. Throughout Nitro we have a lot of problems with abandoned cars, cars that are not licensed and/or have an inspection sticker. He said he went up this afternoon and between the railroad track and Dupont Avenue, Beech Street and Elm counted 18 vehicles that were in some type of disrepair. He said most of them were on private property. Councilman Miller said this may be the heaviest concentrated area for abandoned cars, but said he couldn't imagine this many vehicles in that area. Chief Cochran said he suggested we should advertise that we are going to enforce this ordinance. He said the Police Department has addressed the issue in some areas, because he did see where they tagged some cars. Most of these cars are gone. Councilman at Large Miller said this proves that if something is done, the people will comply with the law.

Councilman George Atkins asked Chief Cochran how many unlicensed vehicles are allowed on private property. Chief Cochran informed you are allowed one.

Mayor Karnes said this is something we have been looking at, and also they have been looking at property that is in disrepair. Mayor Karnes thinks we should notify the person in violation of the ordinance.

Councilman George Atkins and the other Ward Council people will turn a list into the Chief.

Mayor Karnes said without objection, he would move Agenda Item 5 to address at this time.

AGENDA ITEM NO. 5 - PLANNING COMMISSION APPOINTMENT: - Mayor Karnes said Councilman Hutchinson has served on the

Planning Commission for several years, and if he will accept this position again, he would like to have a motion to appoint him. Councilman Frank Grover moved Councilman at Large Jim Hutchinson be appointed to the Planning Commission. The motion was seconded. A vote was taken and it was unanimous. Mayor Karnes informed that the law requires us to have a Council member on the Commission. Mayor Karnes also informed that Councilman at Large Jim Hutchinson has already taken the oath of office to serve as Council at Large.

AGENDA ITEM NO. 4 - FINANCE COMMITTEE REPORT: - Mayor Karnes yielded this agenda item to City Recorder/Treasurer Herb Sibley. City Recorder/Treasurer Herb Sibley distributed reports to all Council members. He said the first report was regarding individuals within our City Government making less than \$5.00 an hour. He said there was a request brought before the Committee to increase the four people in the police department, the communication department and the Humane Officer up to \$5.00 plus longevity. He reported there were 6 members of Council present at the Finance Committee. City Recorder/Treasurer Herb Sibley moved we approve the raises on the individuals making less than \$5.00 an hour plus longevity. The motion was seconded. After a discussion, a vote was taken and it passed with Councilman at Large Steve West abstaining. This would go into effect the next payday.

City Recorder/Treasurer Herb Sibley said there were only two members of the Finance Committee present, but there were 6 council members present. He said they discussed the fact that the employees of the Public Works Department got a uniform allowance, our police and fire personnel also have a clothing allowance and it is now less than the Public Works employees. He said the Public Works Department get the equivalent of around \$325. plus they also get cleaning done on these uniforms. The Police and Fire Department fulltime employees get a flat amount of \$300 per year. In the Finance Committee meeting, it was suggested we increase their allowance \$100 per year. Also, to give the Communication Officers and Humane Officer a \$50 increase. The total cost for the increase would be \$2,200 for all employees involved. City Recorder/Treasurer Herb Sibley moved the increase be approved to be effective November 1, 1992. The motion was seconded. Chief Cochran advised that the Police Reserves get \$100 a month or \$1,200 year, and out of this they are equipped. He said he has a Police Director in charge and if a person works out, a uniform is purchased. After a short discussion, Councilman Frank Grover moved to amend the original motion to include the purchase of coveralls for the Building Inspector and his Assistant. This was considered a friendly amendment. After a discussion, a vote was taken and it was unanimous. City Recorder/Treasurer Herb Sibley said the overalls could be taken out of the Building Department budget.

City Recorder Herb Sibley furnished Council a statement showing budget revisions that would need to be made showing revenues \$218,124 more than estimated and expenses \$133,834 more than was estimated in the budget. He said he wasn't asking for approval or disapproval, but he wanted to make Council aware we were in the black. He said they would have another Finance Committee meeting as only 2 of the Finance Committee members were present.

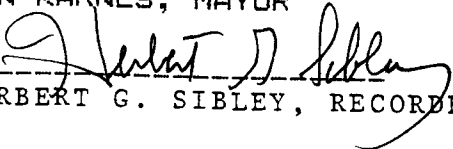
City Recorder/Treasurer Herb Sibley said the City has been paving, patching and doing work on streets. He said he had a request from Mr. Charles Boggs from Nitro Storage wanting to pave an alley 40' on an unopened, unused portion of Elm Street. The alley runs from Main Avenue and Central Railroad tracks and just about across from Fas Chek. Mayor Karnes said the gentlemen has been working with Bob Sargent about the requirements and agreed to do it to the City's specifications. City Recorder/Treas. Herb Sibley moved permission be granted to Mr. Boggs from Nitro Storage to pave a portion of the street right-of-way known as Elm Street from Main Avenue to Central railroad tracts according to the specifications of our building department. The motion was seconded. A vote was taken and it was unanimous.

Along the lines of paving, Councilman at Large Dean Miller reported the Library Committee have been working on paving a strip 24' wide by 102' for parking directly in front of the library. Then another strip 24' x 50' back to the entrance, and there would be a paved entrance up to the library parking. He said they obtained quotes from Orders and Haynes, West Virginia Paving and B & B Paving. They only received one from Orders and Haynes in the amount of \$3,600. Councilman at Large Dean Miller moved we approve the paving for the Library. The motion was seconded. Councilman at Large Steve West asked if this is paved, and any contents of Memorial Park is placed in the Library area, would any movement damage it. Councilman George Atkins responded that it would not. Mayor Karnes said where this pavement is suggested to be would not be conducive to that memorial.

Mayor Karnes said the next scheduled Council Meeting is November 3, which is a holiday and we need to address this unless we plan to have the meeting this date. He suggested we move the meeting to November 10. City Recorder/Treasurer moved we change the next Council Meeting to Tuesday, November 10, 1992, at 7:30 p.m. The motion was seconded. A vote was taken and it was unanimous.

There being no further business, the meeting was adjourned.


DON KARNES, MAYOR


HERBERT G. SIBLEY, RECORDER/TREASURER

ORDINANCE AMENDING AND REENACTING AN ORDINANCE
ESTABLISHING RATES AND CHARGES
FOR SERVICES RENDERED BY THE
SANITARY BOARD OF THE CITY OF NITRO
INCLUDING SERVICES RENDERED IN THE AREA FORMERLY
SERVED BY THE ROCK BRANCH PUBLIC SERVICE DISTRICT

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, including the area formerly served by the Rock Branch Public Service District; 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 City's sanitary sewer system in order to provide funds for the reasonable expenses of operation, repair, replacement and maintenance of such 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 rates and charges for the use of and services rendered by the sanitary sewer system of the City of Nitro shall be as follows:

First	2,000	gallons used per month	3.82	per 1,000	gallons
Next	3,000	gallons used per month	3.21	per 1,000	gallons
Next	25,000	gallons used per month	2.49	per 1,000	gallons
Next	70,000	gallons used per month	2.24	per 1,000	gallons
Next	100,000	gallons used per month	1.76	per 1,000	gallons
All Over	200,000	gallons used per month	1.32	per 1,000	gallons

358 Minimum Rate: No bill will be rendered for less than \$9.24 per month.

Residential Flat Rate: Each unmetered residential customer shall be charged a flat rate of \$15.66 per month.

Service Connection Inspection Fee: \$ 25.00
Service Connection (Tap) Fee: \$400.00

Delayed Payment Penalty: The above schedule is net. Any bill 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 fee are applicable when a customer's water service is disconnected at the request of the Sanitary Board for non-payment of the sewer bill.

Deposit: Each new customer shall be required to make a security deposit of not less than \$50.00.

Interest: In the event any bill is not paid within 30 days, interest on the amount of such bill will be charged at the rate of ten per cent (10%) per annum.

Return Check Charge: In the event any check, draft or order given in payment for a sanitary sewer bill is dishonored because of insufficient funds, a service charge of \$15.00 shall be imposed.

Surcharge for Roof Drains and Storm Sewers connected to the City of Nitro Sanitary Sewer System: The charge for roof drains, downspouts, storm sewers or similar facilities connected to the sanitary sewer system of the City of Nitro will be calculated on the basis of the following formula and will not be cumulative upon any metered rate for sewer service charges:

$$S = A \times R \times .006233 \times C$$

S - The Surcharge in Dollars.

A - The Average Area Under Roof or the Area of Such Other Water Collecting Surface Connected to the Sanitary Sewer System in Square Feet.

R - The Measured Monthly Rainfall in Inches: .006233 is the conversion factor to complete thousand gallons.

359
C - The Applicable Rate Per Thousand Gallons of Metered Water Usage.

2. The above rates and charges shall be applicable for any owner, tenant, or occupant of each and every lot or parcel of land or building situated within or outside the corporate limits of the City of Nitro, including the area formerly served by the Rock Branch Public Service District, and having any connection to the sanitary sewer system of the City.

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

Passed on first reading
Public hearing held
Enacted on second reading
Effective date

October 6, 1992.
October 20, 1992.
October 20, 1992
Dec 4, 1992

Attest:


City Recorder


Mayor

CITY OF NITRO
COUNCIL MEETING MINUTES

NOVEMBER 10, 1992

Mayor Karnes welcomed everyone, declared quorum and called the Council Meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder/Treasurer Herb Sibley, Councilman at Large Steven E. West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Robert Young, Councilman George Atkins. Also present City Attorney, Phillip D. Gaujot. Absent were councilwoman Betty Jo Boggess and Councilman Frank Grover.

Mayor Karnes said before going in to the Agenda he would like to offer a moment of silent prayer in memory of former Chief of Police, Dana "Shorty" Johnston.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 20, 1992 COUNCIL MEETING MINUTES: Councilman George Atkins moved the Oct. 20, 1992 council meeting minutes be approved. The motion was seconded. Vote was unanimous.

AGENDA ITEM NO. 2 - APPROVAL OF PUBLIC HEARING MINUTES. Councilman George Atkins moved for the approval of October 20th, 1992 Public Hearing Minutes. The motion was seconded. Vote was unanimous.

AGENDA ITEM NO. 3 - VALLEY ARTS GROUP - Mayor Karnes yielded this agenda item to the City Recorder/Treasurer, Herb Sibley who reported the Valley Arts Group, of So. Charleston a non profit organization, expressed an interest in reserving a weekend in April at our City Park. It will be for a profit type display and approximately 150 artists will have their art on display. There are a few problems that will need to be addressed in regard to parking and liability insurance.

City Recorder/Treasurer Herb Sibley said Mr. Arabia and Mr. Smith are present, and they furnished him a list of names of local individuals belonging to this organization. There will be an entry fee charged to the artists. Also, there will be an entrance fee, how to collect this fee has not been decided. Several problems were mentioned and left to be decided at a later date. Mr. Arabia indicated there would be music and concessions. Also, this organization ask for police protection for security purposes, an ambulance on site, and adequate parking. City Recorder/Treasurer Herb Sibley said his main concern is will the City incur any

indebtedness from this or will we be liable for any sort of accident. The floor was opened for discussion. Mr. Arabia said there would be no liability to the City. He suspects this will be good for the City of Nitro. As this event should bring many people in to the City. He said they would like to do this type of show year after year.

Councilman at Large Hutchinson made a motion, that City Recorder/Treasurer Herb Sibley, Jay Long, and the Art Group would meet to work out the various problems. Motion was seconded. Vote was unanimous.

AGENDA ITEM NO. 4 - SALE OF SURPLUS EQUIPMENT. Mayor Karnes ask the Police Department and Public Works Department to list all surplus vehicles or equipment. The list consists of four vehicles and other surplus equipment. A motion was made by Councilman George Atkins to run an ad for sale of these items. The motion was seconded. Vote was unanimous.

AGENDA ITEM NO. 5 - GARBAGE LINERS. Mayor Karnes reported the advertisment for garbage liners has been submitted.

AGENDA ITEM NO. 6 - City Recorder/Treasurer Herb Sibley reported he located the deed from Nitro Industrial Corporation to the Legion and from the Legion to the City. There are no restrictions except right-of-ways and things of this nature. This information was sent to the City Attorney for advice.

There being no further business, the meeting was adjourned at 8:10 p.m.

Don Karnes

Herb Sibley
Recorder

PUBLIC HEARING

OCTOBER 20, 1992

Mayor Karnes called the properly advertised Public Hearing to order at 6:30 p.m. in Council Chambers. Present were City Recorder/Treasurer Herb Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman George Atkins and Councilman Frank Grover. Also present were Jim Withrow, Attorney for the Nitro Sanitary Board, Connie Stephens, General Manager of the Nitro Sanitary Board, Max Lemma, Treasurer of the Sanitary Board, Pravin Sangani from the WV DEP of Water Resources, Brenda Kiser, Hope Morris of 1362 Valentine Circle, Deanna Grover, and Robert Harrison of 817 Washington Avenue. Absent were Councilman Robert Young and Councilwoman Betty Jo Boggess.

Mayor Karnes asked Mr. James Withrow to explain the legal mechanism for the proposed rate increase. Mr. Withrow explained that the procedures that are outlined in the WV State Code are that in order to raise a municipality operated utility rate the City Council has to adopt an ordinance. The ordinance was passed on the first reading, and after the first reading of the ordinance, a notice of the proposed ordinance and public hearing has to be published twice. He said he would furnish Mr. Sibley a copy of the affidavit of publication when he gets it. At this public hearing any user of the system or owners of property that are served by the system has the right to come in and make comments or relative statements regarding the increase.

Ms Stephens said she would briefly summarize some of problems they have that the proposed rate increase would address. She said they were under order by the Department of Environmental Protection to address some, what the Department of Environmental Protection calls, CSO (Combined Sewer Overflow) point sources. She said there were several things they had to do in order to comply, such as roof drains, downspouts still connected in the system, eliminate any infiltration, test the water that is going into the river during bypasses and find out what impact it is having on the waterways by doing testing above and below each of the plant sources into the river to see what effect the bypasses are having, address some of the corrective problems such as line flushing and ordinance enforcement. Also, she said they have plans for additional personnel which would allow them to do the necessary inspection of lines, flushing of lines, purchasing equipment and some replacement in some areas on line locations. She said everything they have planned, they can do with their own personnel with the exception of electrical work. Ms Stephens said another thing they are having to address is lab certification which is another requirement from DNR.

Max Lemma, Treasurer of the Nitro Sanitary Board, said as explained by Ms Stephens, we are now under some new requirements

that we didn't have in the past, and in looking at the budget for this year we appear to be \$110,000 deficit with the additional manpower and equipment that Ms Stephens required. He said with this rate ordinance, it would do two things. Rock Branch, before this year was a separate entity from Nitro, and the Public Service Commission determined what rate we billed the customers of Rock Branch. He said this rate remained constant for a number of years and had fallen below the rate paid by Nitro's customers. This proposed ordinance brings Rock Branch customers equal to Nitro's customers, and then it would effect a 10% increase overall to all customers to generate the other \$70,000 we need to have a balanced budget for the next year. Mr. Lemma pointed out that from 1987 to 1992, our revenues have remained constant due primarily from the loss of 331 customers, but during the same period, operating expenses have increased approximately \$90,000, of which \$30,000 of this amount is attributable directly to health insurance.

City Recorder/Treasurer Herb Sibley asked if any capital equipment is being bought, and Ms Stephens said they would be replacing pump systems as well as some controls, doing some electrical upgrading, purchasing a jet vac unit and addressing the sludge problem. She said they didn't know at this time which way they would go. She said they would have to buy equipment, but didn't know if it would be for something they would do on site, or if they would buy equipment that would truck it out. Ms Stephens said they were suppose to have received new regulations on sludge this month, but they don't have it so far.

Councilman George Atkins asked what Ms Stephens thought surface water and downspouts going into the sanitation sewers cost the City, and Ms Stephens said she could give an example of how much they increase the flow from dry weather to wet weather. She said usually they are from 8 to 9 hundred thousand gallons a day, but during wet weather it goes from 1 to 3 million gallons, and they have even hit 7 million. Ms Stephens said all they could handle was a million and a quarter. Councilman Atkins asked if there was anyway to eliminate this by having their downspouts going out in the streets instead of going into the sanitary sewer, and she answered this is one of the things they will be addressing.

Councilman at Large Dean Miller asked if the Sanitary Board plans to do anything regarding solving the problem at Gum Street. Ms Stephens said she is looking at Gum Street, but doesn't have a solution yet but is still working on it. She explained the line was deeper than she had anticipated.

Councilman at Large Steve West questioned Max Lemma, and called his attention about his concern of repetitive rate increases. He asked Mr. Lemma if he didn't say it would be enough to carry us through next year, and asked if he meant 1993. Mr. Lemma said unless something that we don't foresee

would come about, this is the minimum he could see to balance out this year, and that they have extraordinary expenses on starting up Rock Branch.

Councilman at Large Steve West asked Ms Stephens if she anticipated any further orders. She responded possibly with the sludge and Mr. Sangani said not on any major item, but they may have to look at toxics.

Mayor Karnes asked Ms Stephens where she would rate the Gum Street problem. She said they had worse areas than Gum Street. She said further up Dupont off Main Avenue and Washington Street areas were in worse condition. She said the areas of Gum Street would be less costly to correct, but the other areas are major.

Mayor Karnes asked Mr. Lemma to explain what effect of us taking over Rock Branch Public Service District has to do with the increase to our customers which includes those people. Mr. Lemma said with Rock Branch we have \$20,000 more profit a year just due to our billing and to absorb their administrative overhead and their billing and accounting. He said we were already providing service to Rock Branch, plus we have been 10 years getting their rate increased. He said from the Sanitary Board standpoint, they saw nothing negative with them absorbing Rock Branch.

Ms Stephens said we have treated the waste for Rock Branch since 1976, so now we have control over what is happening. For instance building standards. Mayor Karnes said we would be requesting more money if we had not taken Rock Branch.

In response to an inquiry, Ms Stephens said she plans to hire 2 fulltime labor employees soon, and then another one probably next spring.

Bob Harrison said if he understood Ms Stephens, part of this money goes to enforce the downspouts. He asked what part of it enforced the law that says the City has to separate the sanitary and storm sewers. He asked why the City could get by with what the citizens can't get by with. Mr. Harrison said everytime the lines are flushed in the Gum Street vicinity, his basement is flooded. Ms Stephens said she wasn't aware of this. He said what is good for the City should be good for the citizens. Mayor Karnes said that taking the downspouts out is a step in the right direction.

Mr. Sangani said he supported the Mayor in that there wasn't enough money unless the citizens paid \$100 - \$200 a month sewer bill. He said he has been with WV DEP for 18 years and he knows what is going on.

Mr. Harrison said he understood about the monies not being available, but it didn't answer his question. Mayor Karnes said

legally the City can't do anything that he can't do, but we don't have the money to do anything different. Mayor Karnes said he has tried to get grants to correct the problem in the Gum Street area.

Mr. Harrison said he wanted to go on record at this Public Hearing as one citizen of this City that is against any raise in the sanitary sewer fees until they do something with the sanitary sewers because he is tired of cleaning his basement.

Ms Stephens said the only money available now is through the Revolving Fund Grant money which is loan money at a 3% interest rate over 20 years. Mr. Lemma informed that on a million and a half dollars, it would cost us \$97,000 per year which would be another 12% increase to fund. She said it would be a minimum of three million to replace the main trunk of those areas. (Ballfield area to the bridge.)

Mayor Karnes said he didn't believe people realized that the cost of getting rid of garbage and sewer and getting clean water will increase for several years and the price will go up fast. He said the cost to the City for dumping garbage increased from \$6.00 a ton to \$23.75 in four years.

A lady said she feels the employees should share in the cost of the hospitalization insurance premium of at least 20%. Ms Stephens mentioned that the City and Sanitary Board employees are way behind in the pay scale. She said by the employer paying the insurance premium, it kind of offsets this. Mayor Karnes said he has tried to stay away from having the employees pay part of their premium because of the reason Ms Stephens stated. However, he said this is an issue they will to address. Mayor Karnes said they have done a lot of research on the insurance matter, but can't come up with anything that beats what we have.

Councilman George Atkins said if the ordinance is passed, what can the citizens expect to see that will come out of this increase. Ms Stephens said she is hoping that once we start going on these stations, we may be able to eliminate some of the backups. She said she was planning on installing dual speed pumps. Councilman Atkins asked if this would help Mr. Harrison's problem, and she said she could not say as she couldn't judge how much, but it has got to help some. However, the majority of it would have to be done by replacing the lines to get much relief. Councilman Atkins asked what it would cost the City to relieve the situation in the 21st St. area, and Ms Stephens said she thought it was around \$100,000. (This estimate was 6 or 7 years old.) It would probably be at least \$175,000 now. She said she found out that some of the property owners are not willing to sign right-of-ways and this would mean they would have to condemn which would increase the cost and we then don't know what the courts would award. Mayor Karnes said he hasn't given up on the

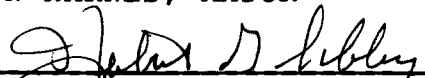
State fixing the slip. Ms Stephens said if the State would take care of the slip, we could replace the line with our own personnel.

Councilman at Large Steve West said the surcharge is an incentive for the people to get their downspouts out of the sewer. Brenda Kiser said she feels there will need to be exceptions to this charge because of the property owner protecting the flooding of their property.

The public hearing concluded at 7:40 p.m. to be continued during the Council Meeting.



DON KARNES, MAYOR



HERBERT G. SIBLEY, RECORDER/TREASURER

CITY OF NITRO
COUNCIL MEETING MINUTES

NOVEMBER 17, 1992

Mayor Karnes welcomed everyone, declared a quorum and called the Council Meeting to order in Council Chambers at 7:35 p.m. Present were Councilman at Large Steven E. West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Robert Young, Councilman George Atkins. Also present City Attorney, Phillip D. Gaujot. Absent was City Recorder/Treasurer Herb Sibley.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 17, 1992 COUNCIL MEETING MINUTES: Councilman at Large Steve West moved the minutes of November 17, 1992, be approved with the following corrections: Under agenda item 3, Mr. Smith should be changed to Dr. Smith and also under the same agenda item, change sentence stating, "Also, there will be an entrance fee to an admittance fee." The motion was seconded. Vote unanimous.

AGENDA ITEM NO. 2 - TANGLEWOOD SUBDIVISION: Mayor Karnes yielded the floor to Mr. Burgess to explain the changes in the original proposed plan. The lots were shortened to 80' x 100' also changed the location of the street. Councilman Young moved to accept the changes in the proposed plan. Motion was seconded. Vote unanimous.

AGENDA ITEM NO. 3 - RESOLUTION FOR ANNEXATION OF PORTIONS OF I-64: Mayor Karnes yielded the floor to Councilman at Large Steve West. Councilman West said the Annexation Committee approved a motion to recommend to Council that they accept the resolution entitled "A Resolution to annex territory contiguous with the present boundaries of the City of Nitro by minor boundary adjustment." This refers to the annexation of I-64 from the present Nitro City limits west to and including the Nitro interchange and east to including the Cross Lanes interchange, consisting of interstate right-of-ways. Councilman at Large West moved to accept and Councilman at Large Hutchinson seconded the motion. Vote was unanimous. Resolution 92-12 attached.

AGENDA ITEM NO. 4 - ORDINANCE 92: - AMERICAN LEGION Building. Mayor Karnes yielded the floor to the City Attorney, Phillip Gaujot, who presented Council with two ordinances. Both ordinances require public hearings. Councilman at Large Hutchinson moved to give the property to the Nitro Development Authority. This motion was seconded. After some discussion a vote was taken and this ordinance did

not pass.

Councilman at Large Steve West moved Ordinance 92-3 be passed on the first reading for the City to sell the property and give the money to the NDA. The motion was seconded. A vote was taken and it was unanimous.

Ordinance 92-3 attached.

AGENDA ITEM NO. 5 - RELOCATION OF MEMORIAL PARK: - Mayor Karnes furnish Council NDA's recommendation of relocating the Memorial Park to area in front of the Community Bldg. Councilman Frank Grover moved this matter be placed in Committee and bring back to Council at the next meeting. The motion was seconded. Vote was unanimous.

AGENDA ITEM NO. 6 - RESOLUTION RE: 92-10 GRANT FOR D.A.R.E. PROGRAM. Mayor yielded the floor to Chief Cochran, He said the D.A.R.E. program is on a part-time basis about ten hours/week, each year the grant gets smaller. Councilman at Large Steve West move to adopt the Resolution 92-10, the motion was seconded. Vote was unanimous. Res. 92-10 attached.

Mayor Karnes said there was another resolution which is not on the agenda. This being Resolution 92-11. Mayor Karnes read the resolution. Councilman at Large Steve West moved to add Resolution 92-11 to the agenda, motion was seconded and the vote was unanimous. Councilman at Large Steve West moved to adopt Resolution 92-11. This motion was seconded and vote was unanimous. Res. 92-11 attached.

There being no further business the meeting was adjourned



DON KARNES, MAYOR



HERB SIBLEY, RECORDER/TREASURER

RESOLUTION NO. 92-12A RESOLUTION TO ANNEX TERRITORY CONTIGUOUS
WITH THE PRESENT BOUNDARIES OF THE
CITY OF NITRO BY MINOR BOUNDARY ADJUSTMENT

WHEREAS, the City of Nitro, a municipal corporation, by its council wishes to apply to the Kanawha County Commission for permission to annex by minor boundary adjustment real estate in Kanawha County, West Virginia, adjoining and contiguous with the City of Nitro, West Virginia.

WHEREAS, the City Attorney, Phillip D. Gaujot, is directed to file with the Kanawha County Commission, an application to annex by minor boundary adjustment real estate in Kanawha County, West Virginia, adjoining and contiguous with the City of Nitro, as shown upon that certain metes and bounds description attached hereto and marked as Exhibit "A" and incorporated herewith; and,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Nitro, West Virginia, that the City Attorney, Phillip D. Gaujot, proceed with the application filed with the Kanawha County Commission to annex by minor boundary adjustment real estate in Kanawha County, West Virginia, adjoining and contiguous with the City of Nitro, as shown upon that certain metes and bounds description attached hereto and marked as Exhibit "A" and incorporated herewith.

Motion Made by Councilman, Steve West,

Seconded by Councilman Jim Hutchinson to

adopt this resolution.

Motion carried unanimously.

ADOPTED: November 17, 1992



MAYOR



RECORDER

ORDINANCE NO. 92- 03

AN ORDINANCE DIRECTING THE MAYOR OF THE CITY OF NITRO, WEST VIRGINIA, TO SELL REAL ESTATE BELONGING TO THE CITY OF NITRO COMMONLY KNOWN AS THE NITRO AMERICAN LEGION BUILDING AND TO GIVE PROCEEDS TO NITRO DEVELOPMENT AUTHORITY

WHEREAS, by deed dated March 24, 1976, and recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, Nitro American Legion Post No. 108, Incorporated, and THOMAS R. BOCH, SHELTON BREWER and GOLDEN T. JONES, as Trustees for the Nitro American Legion Post No. 108, conveyed to CITY OF NITRO, all that certain lot, tract or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in the City of Nitro, Union District, Kanawha County, West Virginia, containing eleven hundredths (.11) of an acre, more or less, and being a part of Plot No. Fifteen (15) as shown on a map or plat designated as "Map of U. S. Government Explosive Plant C. Showing Plots #1 to #25 Remaining Unsold, Nitro, West Virginia," prepared by C. R. Conner, C.E., September 11, 1929; and

WHEREAS, it is the desire of the City Council of the City of Nitro to sell said property and give to the Nitro Development Authority the proceeds from said sale to allow the Nitro Development Authority to carry out its purpose and objectives to create, 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.

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

That the Council of the City of Nitro hereby authorizes the mayor of the City of Nitro, West Virginia, after public hearing and notice thereof, to sell real estate belonging to the City of Nitro commonly known as the Nitro American Legion Building, including all that certain lot, tract or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in the City of Nitro, Union District, Kanawha County, West

Virginia, containing eleven hundredths (.11) of an acre, more or less, and being a part of Plot No. Fifteen (15) as shown on a map or plat designated as "Map of U. S. Government Explosive Plant C. Showing Plots #1 to #25 Remaining Unsold, Nitro, West Virginia," prepared by C. R. Conner, C.E., September 11, 1929; and to give to the Nitro Development Authority the proceeds from said sale to allow the Nitro Development Authority to carry out its purpose and objectives to create, 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.

Passed on First Reading

Adopted on Second Reading

November 17, 1992

Don R. Rame
Mayor

James J. Allen
City Recorder



DON KARNES
MAYOR

RESOLUTION 92-10

AUTHORIZING MAYOR DON KARNES TO
ENTER INTO A CONTRACTUAL AGREEMENT
WITH GOVERNOR'S OFFICE OF COMMUNITY
& INDUSTRIAL DEVELOPMENT.

The City Council met on November 17, 1992 with a quorum present and passed the following resolution.

BE IT RESOLVED that the 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.



DON KARNES, MAYOR

HERB SIBLEY, RECORDER/TREASURER



DON KARNES
MAYOR

RESOLUTION 92-11

AUTHORIZING MAYOR DON KARNES TO
ENTER INTO A CONTRACTUAL AGREEMENT
WITH THE WEST VIRGINIA DEVELOPMENT
OFFICE AND THE CITY OF NITRO.

WHEREAS, the city of Nitro received a state/local
contract between the West Virginia Development Office and the
City of Nitro.


WHEREAS, this contract outlines the conditions under
which the City of Nitro's Governor's Community Partnership
Grant program must be implemented.

WHEREAS, Legal counsel has reviewed the contract; and

WHEREAS, City Council accepts the conditions of the
contract; and authorize Don Karnes, Mayor of the City of
Nitro to sign the last page of said contract, and

WHEREAS, the WV. Development, Grants Management
Specialist's Office may process a grant agreement.

Passed by the City Council of the City of Nitro, this
17th day of November, 1992.



DON KARNES, MAYOR

CITY OF NITRO
COUNCIL MEETING MINUTES

DECEMBER 01, 1992

Mayor Karnes welcomed everyone, declared a quorum and called the Council Meeting to order in Council Chambers at 7:35 p.m. Present were Councilman at Large Steven E. West, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Frank Grover, Jr. Also present City Attorney, Phillip D. Gaujot. Absent was City Recorder/Herb Sibley.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 17, 1992, COUNCIL MEETING MINUTES: Councilman at Large Jim Hutchinson moved to approve the NOVEMBER 17, 1992 minutes. Motion was seconded and vote was unanimous.

AGENDA ITEM NO. 2 - ORDINANCE 92-03 AMERICAN LEGION BUILDING (2ND READING): Councilman at Large Steven West moved the Mayor read the title only. The motion was seconded. Vote unanimous. Councilman at Large Steven E. West moved to pass Ordinance 92-03 directing the Mayor of the City of Nitro, WV. to sell real estate belonging to the City of Nitro commonly known as the Nitro American Legion Bldg. and give proceeds to Nitro Development Authority. Motion was seconded. Councilman George Atkins amended the motion to include getting an appraisal of the property and possibility using that figure as the minimum bid. Also, bid opening brought before Council with the right to refuse. This amendment was considered friendly by Councilman at Large West who made the motion and the Councilman seconding the motion. The vote was unanimous.

AGENDA ITEM NO. 3 - RELOCATION OF MEMORIAL PARK: Mayor Karnes yielded the floor to Councilman at Large Jim Hutchinson. After considerable discussion Councilman Atkins made the motion to move this back to committee for further study. The motion was seconded, vote was unanimous.

AGENDA ITEM NO. 4 - BID OPENING - GARBAGE CAN LINERS: Councilman at Large Steven E. West read the bid from Unifax, 3,200 cases at \$6.16/case total dollar \$19,712.00. Motion to accept the bid was made by Councilman at Large Dean Miller. Motion was seconded and vote was unanimous.

AGENDA ITEM NO. 5 - DECEMBER 15, 1992 COUNCIL MEETING: Mayor Karnes stated the December Council Meeting was in conflict with the Annual Christmas Dinner. Councilman

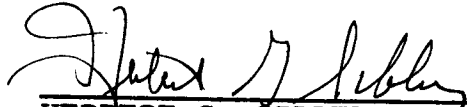
Hutchinson made the motion to change the council meeting date to December 14, 1992 at 7:30 p.m. This motion was seconded and vote was unanimous.

AGENDA ITEM NO. 6 - LIBRARY REPORT: Mayor Karnes yielded the floor to Councilman George Atkins. Councilman Atkins reported that Order & Haynes did a very good job on the portion of the Library parking lot that was approved for paving. This improvement makes it much nicer for the citizens using the Library.

There being no further business the meeting was adjourned.



DON KARNES, MAYOR



HERBERT G. SIBLEY, RECORDER

ORDINANCE NO. 92- 03

AN ORDINANCE DIRECTING THE MAYOR OF THE CITY OF NITRO, WEST VIRGINIA, TO SELL REAL ESTATE BELONGING TO THE CITY OF NITRO COMMONLY KNOWN AS THE NITRO AMERICAN LEGION BUILDING AND TO GIVE PROCEEDS TO NITRO DEVELOPMENT AUTHORITY

WHEREAS, by deed dated March 24, 1976, and recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, Nitro American Legion Post No. 108, Incorporated, and THOMAS R. BOCH, SHELTON BREWER and GOLDEN T. JONES, as Trustees for the Nitro American Legion Post No. 108, conveyed to CITY OF NITRO, all that certain lot, tract or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in the City of Nitro, Union District, Kanawha County, West Virginia, containing eleven hundredths (.11) of an acre, more or less, and being a part of Plot No. Fifteen (15) as shown on a map or plat designated as "Map of U. S. Government Explosive Plant C. Showing Plots #1 to #25 Remaining Unsold, Nitro, West Virginia," prepared by C. R. Conner, C.E., September 11, 1929; and

WHEREAS, it is the desire of the City Council of the City of Nitro to sell said property and give to the Nitro Development Authority the proceeds from said sale to allow the Nitro Development Authority to carry out its purpose and objectives to create, 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.

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

That the Council of the City of Nitro hereby authorizes the mayor of the City of Nitro, West Virginia, after public hearing and notice thereof, to sell real estate belonging to the City of Nitro commonly known as the Nitro American Legion Building, including all that certain lot, tract or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in the City of Nitro, Union District, Kanawha County, West

Virginia, containing eleven hundredths (.11) of an acre, more or less, and being a part of Plot No. Fifteen (15) as shown on a map or plat designated as "Map of U. S. Government Explosive Plant C. Showing Plots #1 to #25 Remaining Unsold, Nitro, West Virginia," prepared by C. R. Conner, C.E., September 11, 1929; and to give to the Nitro Development Authority the proceeds from said sale to allow the Nitro Development Authority to carry out its purpose and objectives to create, 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,

382 development and conduct of all kinds of business activity within
the City of Nitro.

Passed on First Reading

November 17, 1992

Adopted on Second Reading

December 1, 1992

Don Kerner
Mayor

Heidi A. Libby
City Recorder

CITY OF NITRO
PUBLIC HEARING

The properly advertised Public Hearing concerning the sale of real estate commonly known as the Nitro American Legion Building and to give the proceeds to the Nitro Development Authority was called to order in Council Chambers by Mayor Don Karnes. Present were Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Frank Grover. Also present were the City Attorney Phillip D. Gaujot, Sgt. Terance Thompson, Pansy Armstead and a reporter, who were there for the Council Meeting.

There being no comments, the meeting was adjourned.

Don Karnes
DON KARNES, MAYOR

Herb Sibley
HERB SIBLEY, RECORDER/TREAS.

CITY OF NITRO
COUNCIL MEETING MINUTES
DECEMBER 14, 1992

City Recorder Herb Sibley welcomed everyone, declared a quorum and called the Council Meeting to order in Council Chambers at 7:35 p.m. Present were Councilman at Large Steven E. West, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Frank Grover, Jr. Also present City Attorney, Phillip D. Gaujot. Absent was Mayor Don Karnes.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 01, 1992 COUNCIL MEETING MINUTES: Councilman Bob Young moved to approve the minutes. Motion seconded. The vote was unanimous.

AGENDA ITEM NO. 2 - APPROVAL OF THE PUBLIC HEARING MINUTES: Councilman George Atkins moved for the approval of the minutes. Motion seconded and the vote was unanimous. Copy attached.

AGENDA ITEM NO. 3 - COMMITTEE FOR MUNICIPAL FEE: City Recorder Herb Sibley yielded the floor to Councilman at Large Miller. Councilman at Large Miller reported for quite some time he had noted there are two things that should be considered concerning municipal fees. One was for building permits, which would require some type of a fee which would be refundable if the party involved took care of the old roofing or what ever trash needed to be taken care of. If not then the City use this fee to remove and clean up the area. Councilman at Large Miller recommended that this matter be put in committee. After some discussion it was decided to put this item in Maintenance and Garbage Comm. Also, Councilman at Large Miller stated we need to look at trash pick-up. At the present we have a once a month pickup which is free and even though there is a set time for this pickup, it tends to keep the City junked up. This should also be included in the committee.

Recorder Herb Sibley recognized and welcomed Scout Troop 188 to observe the City of Nitro Council in action.

AGENDA ITEM NO. 4 - REVIEW CODE ON JUNK AND ABANDONED CARS/FINES: Councilman at Large Dean Miller stated he feels this matter should be put in committee and look at the possibility of issuing warrants and set up a fine schedule, and the fine should always exceed the cost of towing away. Councilman at Large Miller states this committee should include the Building Inspector, Bob Sergeant. City Attorney

Phillip Gaujot stated on removal of debris after contracts, the committee might want to look at section 1705.05 of the code which already provides for any building permits, a person securing the permit shall give a cash bond (10 percent) of the building permit to be used to secure the cleanup after work is done and if it isn't done they forfeit the 10 percent and the City then uses the 10 percent to cleanup. Also in regard to abandoned cars, City Attorney Gaujot advised Committee to think in terms of a definition that is really suitable for abandoned cars. What is an abandoned vehicle, and what is one being worked on. He also stated where ever there is no fine, there is another code section that provides a fine. He said he believed it was a hundred dollars. This is a catch all section.

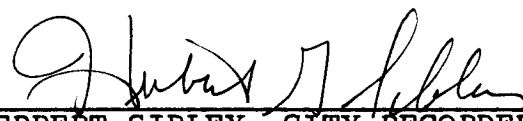
Councilwoman Betty Boggess acknowledged letter received from the First Presbyterian Church on 21st Street concerning vandalism and give copy to Chief of Police Bob Cochran.

Councilman at Large Steve West mentioned to Council that current negotiations are now underway either to close the Tri State Dog Tract and make it a seasonal one or make into a tract that operates from 1:00 in the afternoon until 11:00 at night. At this point it looks like the tract will be open 900 performances a year, which would affect our budget. If the contract is ratified, the tract will be offering both horse and dog racing.

There being no further business the meeting was adjourned.



DON KARNES, MAYOR



HERBERT SIBLEY, CITY RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES
JANUARY 05, 1993

Mayor Karnes welcomed everyone, declared a quorum and called the Council Meeting to order in Council Chambers at 7:35 p.m. Present were City Recorder Herbert Sibley Councilman at Large Steven West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins . Also present was City Attorney, Phillip D. Gaujot. Absent was Councilman Frank Grover, Jr.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 14, 1992 COUNCIL MEETING MINUTES: Councilman at Large Jim Hutchinson moved to approve the minutes with the following correction: Tri State Dog Tract should be changed to Tri State Dog Track found in last paragraph of the minutes. Motion was seconded and the vote was unanimous.

AGENDA ITEM NO. 2 - RELOCATION OF THE MEMORIAL PARK: Councilman at Large Jim Hutchinson reported after some discussion concerning location of the sanitary sewer lines at the Library the committee recommends we relocate the Memorial Park in front of the Community Center and install three flag poles and two dusk to dawn lights and made a motion to do this and add poles at the Library also. Mayor Karnes questioned if we had funds to cover this expense, and the City Recorder said this would not be a problem. Councilman at Large Miller questioned if we had a title to the tank, and said he thought we should look at long term plans. He also asked why the City has to accept the responsibility for the relocation. Mayor Karnes said the City was responsible because the Memorial Park belongs to the City. After some discussion the motion was seconded and the vote carried with Councilman at Large Miller opposing.

AGENDA ITEM NO. 3 - COMMITTEE REPORT (ABANDONED CARS) Councilman at Large Miller reported the committee did not meet during the holidays. A meeting of the Planning and Traffic Committee will be scheduled January 19, 1993 at 6:30 p.m. in the conference room at City Hall.

AGENDA ITEM NO. 4 - COMMITTEE REPORT (MUN.FEE)
The Committee has not met yet.

Mayor Karnes reported the garbage bags will be in January 7, 1993. Also Mayor Karnes said the Senior's first


bingo game will be January 21, 1993 at the Community Center and the first meal will be served Monday the 11th of January. Mayor Karnes complimented the Seniors for the work they have accomplished at the Community Center.

Councilman at Large Steve West commented that the Tri State Dog Track will be a year-round track at least this year. Starting the 12th of January races begin at 1:00 p.m. for the simulcast horse racing with dog racing at night. The track will be open six days a week. Closed on Mondays, open afternoons Tuesday thru Sunday and closed Monday and Tuesday nights.

Councilman at Large Dean Miller stated sometime in early spring the Nitro Business and Professional Assn. is planning a community cleanup. They are making plans now and would like to come before Council soon.

There being no further business the meeting was adjourned.


DON KARNES, MAYOR


HERBERT SIBLEY, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JANUARY 19, 1993

Mayor Karnes welcomed everyone, declared a quorum and called the Council Meeting to order in Council Chambers at 7:34 p.m. Present were City Recorder Herbert Sibley Councilman at Large Steven West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Frank Grover, Jr. Absent was City Attorney, Phillip D. Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 05, 1993 COUNCIL MEETING MINUTES: Councilman at Large Jim Hutchinson moved to accept the minutes as read, motion was seconded. Councilman at Large Steve West asked that a correction be made in the minutes under Agenda Item #1 as he made the correction of the spelling of Track. Councilman George Atkins moved to correct Item #2 to read two dusk to dawn lights along with the flag poles at the library. These were considered friendly amendments by Councilman at Large Jim Hutchinson and the Council person who seconded the motion. A vote was taken to approve the amended minutes, and it was unanimous.

AGENDA ITEM NO. 2 - PLANNING AND TRAFFIC COMMITTEE REPORT: Councilman at Large Dean Miller reported that the committee had a very productive meeting. Councilman at Large Miller commented that the Bldg. Inspector will be sending out notices to vehicles owners informing them there is no towing cost to the property owner if the title is surrendered with the vehicle. Councilman at Large Dean Miller said the next committee meeting will be February 2, 1993 at 6:30 p.m. Committee will report again next council meeting.


Councilman George Atkins stated he felt the traffic light at Center Street should be checked concerning the timing of the green turning arrow. Mayor Karnes ask Chief Cochran to call the State and ask them to check this problem.

AGENDA ITEM NO. 3 - COMMUNITY CLEANUP PROJECT NITRO BUSINESS AND PROFESSIONAL ASSN.: Mayor Karnes yielded the floor to Nathan Wills, Owner and Operator of Southern States. Nathan stated they had come up with a slogan "Dedicated to a Better Nitro". It would be for any type of improvement that will help the community of Nitro. In the past year the Association has tried to participate in the different affairs of the City. He said they would publish promotional information in the newspapers and distribute posters. They also want to entice people to shop in our community.

Mr. Wills explained if the citizens participated in the cleanup effort they would be entitled to a discount on cleaning materials from participating merchants. Also some of the local restaurants will be offering discounts. Mr. Wills said in order to do this they need participation from a lot of the businesses and of the City Officials. There was some discussion about hauling away of trash and garbage and how this might be handled. Also Mr. Wills ask if it would be possible to put a note on the back of the Sanitary Bill advertising the cleanup. Mayor Karnes said he would check with the Sanitary Board at the next meeting to see if this would be a possibility. The Association would like to include the surrounding areas in this project. The date of this cleanup is scheduled for the 1st week of April.

There being no further business the meeting was adjourned.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

FEBRUARY 02, 1993

Mayor Karnes welcomed everyone, declared a quorum and called the meeting to order in Council Chambers at 7:35 p.m. Present were: City Recorder Herbert Sibley, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Frank Grover, Jr. Also present, Phillip Gaujot, City Attorney. Absent was, Councilman at Large Steve West.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 19, 1993 COUNCIL MEETING MINUTES: Councilman at Large Jim Hutchinson moved to accept the minutes as read, motion was seconded. Vote was unanimous.

AGENDA ITEM NO. 2 - POSTMASTER: Mayor Karnes yielded the floor to the Recorder, Herb Sibley. Mr. Sibley introduced Mr. James Atkins acting as the Nitro Postmaster. Mr. Atkins wanted to make the City of Nitro familiar with the Postal Service and he also wanted to get more familiar with the City. He discussed some of the problems with the mail delivery in Nitro and ask if council had any complaints. Postmaster Atkins addressed several issues of interest to the City. A discussion followed.

AGENDA ITEM NO. 3 - BID OPENING, AMERICAN LEGION BLDG: City Recorder Herb Sibley said proper advertising was made, the ad ran for two weeks and two bids were received. A bid from Mr. Ronnie Joe Stone, 202 Juniper Street, Nitro, WV. in the amount of \$6169.00. The second bid was from Mr. J.W. Moody, 426 Blakes Rd. Nitro, WV. in the amount of \$6129.00. Councilman Robert Young moved to accept the high bid of \$6169.00. The Motion was seconded and the vote was unanimous.

AGENDA ITEM NO. 4 - PLANNING AND TRAFFIC COMMITTEE REPORT: Councilman at Large Dean Miller reported the committee meetings have been very productive, he said the Building Inspector, Bob Sergeant and the Police Chief, Bob Cochran were working in the area of abandoned vehicles, several vehicles have been moved and Councilman at Large Miller ask all City Councilmen to work with the Chief and the Building Inspector by feeding information to them so they can accomplish their goal.

AGENDA ITEM NO. 5 - COMMUNITY CLEANUP PROJECT: Mayor Karnes reported that several automobiles are gone, two pieces of property have been condemned, one dilapidated house and the pavilion at the park, Mayor Karnes said he considered the

pavilion to be dangerous, and he had ordered the discontinuance of the electricity there. A discussion followed.

AGENDA ITEM NO. 6 - FIREMEN'S PENSION BUDGET: Councilman Young moved to accept the report. The motion was seconded and vote was unanimous. Copy attached.

Mayor Karnes requested the Chairman of the Police and Fire Committee to meet with the Fire Chief, the Treasurer and the City Attorney within thirty (30) days to come up with a recommendation concerning the overtime issue. Mayor Karnes said he would like the situation handled as quickly as possible.

There being no further business the meeting was adjourned.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER

NITRO FIREMEN'S PENSION BOARD MEETING

JANUARY 19, 1993

The Nitro Firemen's Pension Board Meeting was called to order by City Recorder/Treasurer Herb Sibley. Present were Captain Paul Frank Strohl, Firefighter Ronnie King and Firefighter Shawn Alderman. Also present were Ralph Allison and Pansy Armstead, Secretary. Absent were Mayor Don Karnes and Chief Steve Hardman.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 26, 1992 MINUTES: - Captain Strohl moved the minutes of May 26, 1992 be approved as submitted. The motion was seconded by Firefighter Alderman. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - PROPOSED EXPENDITURE/RECEIPTS BUDGET: - Members of the Board were furnished a copy of the proposed expenditure budget and Firefighter King explained that the figures included the maximum CPI increase of 4% cap effective July 1, 1993. Captain Strohl moved the proposed budget be accepted as presented. The motion was seconded. A vote was taken and it was unanimous. Firefighter King raised the question if the necessary forms had been submitted to the State, and Mr. Allison informed they should be receiving a little over \$33,000 within the next 30 days.

Mr. Allison submitted a proposed receipts budget and Captain Strohl moved this be approved. The motion was seconded by Firefighter Alderman. A vote was taken and it was unanimous.

COPY ATTACHED.

AGENDA ITEM NO. 3 - INVESTMENTS: - Captain Strohl said they have been in contact with the Charleston National Bank and they presented a proposal with a sample contract for discussion. The Police Pension Board have their funds invested with them, and they handle investments for the Beckley Police, Charleston Police and Fire. He said he was impressed with what they have to offer, and was in favor of letting the Charleston National Bank handle the Fire Pension investments. All members of the Fire Department were made aware of the contract, and he hasn't received any negative comments. The monies will be invested in compliance with the WV Code.

City Recorder/Treasurer Herb Sibley said we have an auditor who will be working with the pension plans also. He said he spoke with the Auditor and was informed that through 1990, everything has been paid, and in fact, paid in advance. He said he wanted to have definite knowledge that both of the plans are paid up-to-date, and that we are getting the money due from the State.

Captain Strohl said the Firemen's Pension CD's mature January 27, 1993, \$100,0000 + from the Bank of Cross Lanes and a CD at the Commerce Bank of Nitro.

Firefighter Shawn Alderman asked for a 30 second recess, then the meeting reconvened.

Captain Strohl moved we contact Charleston National Bank to present us with a contract for approval, and in the mean while, if we do not contact our Treasurer of a problem, authorize him to withdraw the CD's and put in the checking account until the contract is finalized. The motion was seconded by Firefighter Shawn Alderman. A vote was taken and it was unanimous.

AGENDA ITEM NO. 4 - NEW BUSINESS: - Firefighter King asked Mr. Allison for a written explanation as to how the withholdings from the pensions checks for FWT, etc. was handled. Mr. Allison apologized, and said he would get this to them by the end of the month. Mr. Allison explained that the City pays this and considers it a part of their contribution.

Captain Sthrol moved the Nitro Firemen's Pension Board get a small post office box, and to authorize Firefighter Alderman to handle the paper work, and have check issued to pay the rental fee. The motion was seconded by Firefighter King and unanimously approved.

Ralph Allison furnished members of the Board a listing of the accumulated contributions by individuals up through December, 1992. Firefighter King asked if the list included the individual contributions for this year, and these were added to the list.

There being no further business, the meeting was adjourned.


PANSY ARMSTEAD, SECRETARY

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FIREMEN'S EXPENDITURE BUDGET - 1993-94

CLYDE HARRIS	\$ 8,481.96
CLARENCE MCDANIEL	7,789.68
DENVER ERAWLINGS	7,789.68
J. L. RAYNES	15,165.96
KENNETH KING	8,892.12
R. L. FAULKNIER	13,459.74
E. W. HEDRICK	19,314.12
SECRETARY	480.00
MISC. EXPENSE	500.00

TOTAL:	81,873.26
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NITRO FIREMENS PENSION BUDGET FOR 1993

RECEIPTS:

7% FROM EMPLOYEES	12,000.00
STATE INSURANCE PREMIUM	34,000.00
CITY CONTRIBUTION	44,000.00
INTEREST INCOME	18,000.00
TOTAL	108,000.00

CITY OF NITRO
COUNCIL MEETING MINUTES

FEBRUARY 16, 1993

Mayor Karnes welcomed everyone, declared a quorum and called the meeting to order in Council Chambers at 7:35 p.m. Present were, City Recorder Herb Sibley, Councilman at Large Steven E. West, Councilman at Large James Hutchinson, Councilman Robert Young, Councilwoman Betty Jo Boggess, Councilman George Atkins, and Councilman Frank Grover, Jr. and City Attorney Phillip D. Gaujot. Absent was Councilman at Large Dean Miller.

AGENDA ITEM NO. 1. APPROVAL OF FEBRUARY 02, 1993 COUNCIL MEETING MINUTES: Councilman at Large James Hutchinson moved to approve the minutes as read. Motion was seconded. Vote was unanimous.

AGENDA ITEM NO. 2. SYCAMORE LANDFILL AGREEMENT: Mayor Karnes explained the contract to Council and then ask Council for approval to pursue and have the City Attorney write an adequate ordinance. After some discussion, Councilman Young moved to make the approval a motion. The motion was seconded and the vote was unanimous.

AGENDA ITEM NO. 3. COMMUNICATIONS/CABLE: Mayor Karnes gave a brief explanation of the possible moving of the Police and Communication Department to the Community Center. This matter to be discussed at a later date.

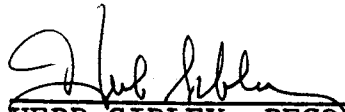
AGENDA ITEM NO. 4. VALLEY ARTS GROUP: Mayor Karnes yielded the floor to the City Recorder Herb Sibley. Mr. Sibley said the Valley Arts Group was scheduled to have a Arts and Craft show in April of 1993 at the City Park. At that time Mr. Phillip Arabia assured me they were properly registered with the State and Federal Government in regard to taxation. This week I received a call and a letter from Mr. Arabia stating they were not registered with the State or the Federal Government at this time. I am announcing there will not be a Arts and Craft show this April. This event has been cancelled.

AGENDA ITEM NO. 5. COMMUNITY CLEANUP PROJECT: Mayor Karnes reported there was nothing new to report, the junk cars are still being moved and the cleanup is still ongoing. A short discussion followed on how to get citizens to

participate in the cleanup effort.

There being no further business the meeting was adjourned.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER





