

CITY OF NITRO
COUNCIL MEETING MINUTES

MARCH 02, 1993

Mayor Karnes welcomed everyone, declared a quorum and called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Herb Sibley, Councilman at Large Councilman at Large Steven E. West, Councilman at Large James Hutchinson, Councilman George Atkins, Councilwoman Betty Jo Boggess, Councilman Frank Grover, Jr., and City Attorney Phillip D. Gaujot. Absent were Councilman at Large Dean Miller and Councilman Robert Young.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 02, 1993 MINUTES: Councilman at Large James Hutchinson moved to approve the minutes as read. Motion was seconded. Vote was unanimous.

AGENDA ITEM NO. 2 - FINANCE COMMITTEE REPORT: Mayor Karnes yielded the floor to the City Recorder. City Recorder Herb Sibley commented the Finance Committee had met several times and the majority of Council attended. This committee consists of four councilpeople. We have been working with the state of West Virginia on audits of our books. We are now audited thru June 30, 1992 with only minor recommendations. Mr. Sibley said actually it was a warning, by 1995 we will have to go to accrual accounting. During the audit we found the computers we now have are inadequate, we are now making a study and will follow thru as soon as possible as the budget amounts will allow for a new system and possibly a new method of operation. Hopefully this will tie all our various departments together with one input verses two or three which is costly. Another item considered is a pay adjustment for employees. He hoped there would be a way to recognize the employees for their dedication to the City. There was a minor pay adjustment last year. Also, he mentioned a different type of licensing for businesses is being studied. There will be three categories, general business, alcoholic beverages and contractors. This we will be in effect by the first quarter of our new fiscal year. The next meeting will be Wednesday the 10th at 6:30 p.m. in the Conference Room.

AGENDA ITEM NO. 3 - ORDINANCE/LANDFILL AGREEMENT: Mayor Karnes distributed information from DEP and presented each councilmember a copy of an ordinance authorizing him to enter into an agreement with Sycamore Landfill. After some discussion City Recorder Herb Sibley moved to accept the first reading of this Ordinance. The motion was seconded and the vote was unanimous. Mr. Chuck Forth from Sycamore Landfill was present to answer questions. Copy of Ordinance

attached.


AGENDA ITEM NO. 4 - COMMUNICATION/CABLE: Mayor Karnes reported on moving the Communication Dept. The estimate on running the cable from City Hall to the Community Bldg. is \$2700.00. Mayor Karnes stated the approximate cost for running the cable and the wiring inside the offices should be around \$5000.00. Also Mayor Karnes said he would be looking for some volunteer help on this job. The intentions now are to move the Police and Communication Dept. to the Community Bldg.

AGENDA ITEM NO. 5 - RECREATION COMMITTEE REPORT: Mayor Karnes yielded the floor to Recreation Director Jay Long. The Director brought to the attention of Council the condition of the pavilion at the Park. The pavilion has been condemned and must be torn down. It needs to be replaced as quickly as possible since it will effect the summer youth programs.

Councilman George Atkins moved to enter the Recreation Meeting Minutes as part of the Council Minutes. The motion was seconded and the vote was unanimous. Copies attached.

There being no further business the meeting was adjourned.


Don Karnes, Mayor


Herb Sibley, Recorder

ORDINANCE NO. 93- 7

AN ORDINANCE DIRECTING THE MAYOR OF THE CITY OF NITRO, WEST VIRGINIA, TO EXECUTE AND ENTER INTO A WASTE DISPOSAL AGREEMENT BETWEEN SYCAMORE LANDFILL, INC. AND THE CITY OF NITRO, WEST VIRGINIA, A MUNICIPAL CORPORATION.

WHEREAS, the City of Nitro believes it is desirable for the City to enter into the Agreement with Sycamore Landfill, Inc. in order to afford the public more efficient service; and

WHEREAS, the City of Nitro believes an additional long term benefit of such waste disposal may be a reduction in the cost of such services to the citizens of said City; and

WHEREAS, a copy of said Waste Disposal Agreement is attached hereto and marked Exhibit A and made a part hereof.

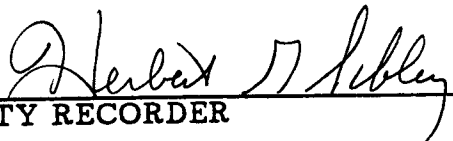
NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Nitro, West Virginia, that the Mayor is hereby authorized to enter into that certain Waste Disposal Agreement dated the 1st day of September, 1992, a copy of which is attached hereto and made a part hereof and marked as Exhibit No. A.

Passed on First Reading: March 2, 1993

Adopted on Second Reading: _____



DON KARNES, MAYOR



CITY RECORDER

WASTE DISPOSAL AGREEMENT

THIS AGREEMENT, made this 1st day of September, 1992, by and between SYCAMORE LANDFILL, INC., party of the first part, hereinafter sometimes called "Sycamore", and the CITY OF NITRO, a Municipal Corporation, party of the second part, hereinafter sometimes called "City".

That for and in consideration of the mutual promises and agreements herein contained the parties hereto agree as follows:

1. The party of the second part will dispose of a minimum of 200 tons and not more than 400 tons of municipal solid waste or other nonhazardous waste per month generated within the City at Sycamore Landfill located near Hurricane in Putnam County, West Virginia, hereinafter sometimes called the "Landfill"; provided that the party of the second part may dispose of additional amounts beyond 400 tons per month as may be agreed to by Sycamore subject, however, to available permitted capacity at the Landfill.

2. The party of the second part agrees that it will not dispose of any waste which is not approved for disposal at Sycamore Landfill by the West Virginia Division Environmental Protection. Sycamore reserves the right to refuse to accept any waste which its employees determine may not be

disposed of at the landfill in accordance with the applicable rules and regulations promulgated by the West Virginia Division of Environmental Protection. Any waste which is rejected by Sycamore shall be removed and disposed of at the City's expense. It is understood that the delivery, acceptance, and disposal of any waste under the terms of this Agreement shall be subject to all applicable federal, state, and local laws, rules, and regulations, and such regulations as the Landfill shall establish from time to time governing its operations and the delivery of waste to the Landfill.

The City shall indemnify, defend and hold harmless Sycamore, its officers, directors, employees, agents and contractors and its or their successors or assigns from and against any and all liability, action, damages, claims, judgements, penalties, fines, losses, costs and expenses, including reasonable attorney's fees arising out of or relating to the delivery by the City of any waste not approved for disposal at the Landfill pursuant to this paragraph or paragraph 4 below or any negligent or wilful act or omission by the City or its employees, agents or contractors.

3. The City will pay a tipping fee for each ton of waste disposed of at the Sycamore Landfill in accordance with the Tarriff approved by the Public Service Commission of West Virginia, the current approved Tarriff is Fourteen Dollars Seventy Five Cents (\$14.75) per ton. Provided that the City delivers less than 200 tons per month of waste to the Landfill, the City

will nevertheless pay Sycamore tipping fees equal to those fees that would apply if the City had delivered 200 tons of waste. In addition to the per ton tipping fee the City will pay any local, state, or federal taxes or fees that apply to or are based upon the receipt or disposal of solid waste at the Landfill. On the date of this contract taxes for waste accumulated and disposed of within waste shed "H" are Eight Dollars and Seventy Five Cents (\$8.75) per ton. It is understood that taxes and/or assessments may be increased by the various taxing authorities during the term of this Agreement.

4. In addition to the foregoing per ton costs the City will pay additional fees in accordance with any published rate schedule of Sycamore for the disposal of materials which require special handling. It is agreed, however, that the City will not be liable for any fee for special handling which has not been agreed upon in advance of the acceptance of the materials by Sycamore. The rate schedule attached hereto are the rates currently in effect for the materials listed therein. It is agreed that Sycamore will not accept for disposal asbestos or asbestos containing material and that Sycamore may from time to time identify other materials requiring special handling that Sycamore will not accept.

5. The City agrees to pay all costs and fees due to Sycamore pursuant to this Agreement within fifteen (15) days of receipt of monthly statement

from Sycamore which shall be rendered on or about the first of each month. Monthly statements will be mailed to City of Nitro, 20th & 2nd Avenue, Nitro, West Virginia, 25143 Attention: Mike Morris. All payments are to be mailed to Sycamore Landfill Inc., 6101 Tacony Street, Philadelphia, Pennsylvania, 19135. Sycamore agrees to provide detailed statements which reflect the number of tons disposed of by City, and the amount of local, state, or federal taxes, and the cost of any fee charged for special handling. Any required payment which is not timely made shall, in addition to being grounds for termination as set forth under paragraph 6, bear interest at the rate of 1% per month so long as such payment remains delinquent.

6. This Agreement shall be effective on September 1, 1992, and will remain in effect until 12:00 o'clock midnight on September 1, 1997, unless sooner terminated pursuant to the terms of this agreement. Sycamore may terminate this agreement should City breach a material condition of this agreement, but in the event of a breach, Sycamore agrees that prior to termination it will advise City of the breach in writing and allow City ten (10) days to correct the breach, provided that in the event that the breach consists of the delivery by City of waste not approved for disposal under this Agreement, the City shall no longer have the right to cure after the second such breach. For purposes of this paragraph, a material breach shall include, but not be limited to, delivery by the City to the Landfill of waste not

approved for disposal under this Agreement and failure to timely pay any costs and fees due.

7. If, as a result of any order of the West Virginia Division of Environmental Protection, or any other local, state or federal agency or court, or if as a result of any change in the applicable law or regulation of the State of West Virginia or of the United States of America or any change in any permit or approval issued to operate the Landfill, or denial or revocation of such permit or approval, or due to any natural calamity or act of God or other circumstances beyond Sycamore's reasonable control, Sycamore is unable to perform its obligations set forth herein, after notice to City, Sycamore shall be excused from performance for the period occasioned by its inability to perform provided such inability to perform does not result in a shutdown of the Landfill for more than fifteen (15) days or, at its option, Sycamore may terminate its obligations pursuant to this Agreement and thereafter Sycamore shall not be liable for its failure to perform.

8. Sycamore agrees that City may deliver waste to the Landfill between the hours of 6:15 o'clock a.m. and 3:30 o'clock p.m. daily Monday through Friday and 8:00 o'clock a.m. to 2:00 o'clock p.m. on Saturday except on Christmas Day, New Years Day, Labor Day, the Fourth of July, Memorial Day, or Thanksgiving Day. Also Sycamore will accept waste during such

extended hours as may be agreed to from time to time between the City and Sycamore.

9. This Agreement may not be assigned by either party without the prior consent of the other party, except that without such consent, either party may assign its interest hereunder (a) as collateral security for loans or other financing or (b) to any successor that shall assume all of its obligations under this Agreement.

10. This Agreement may not be amended except by the mutual written consent of the parties hereto.

WITNESS the following duly authorized signatures and seals as of the day, month and year first above written.

SYCAMORE LANDFILL, INC.
By: [Signature]
Its: Operations Manager
DATE: 8/4/92

CITY OF NITRO
By: Don Karnas
Its: MAYOR
DATE: _____

RATE SCHEDULE

Car Tires	At \$10.00 each
Truck Tires	At \$15.00 each
Mattresses/ Box Springs/ Large Furniture	At \$10.00 each
Appliances - Stoves, Microwaves, Washers, dryers, Etc.	At \$10.00 each
(No refrigerators or Air conditioners without certification of freon removal)	

RECREATION COMMITTEE MEETING MINUTES

MARCH 01, 1993

The Recreation Committee Meeting was called to order March 1st, 1993 at 7:00 p.m. at the Community Center by Chairperson Judith Hudson. New Member Frank Gibeaut was welcomed.

Topics discussed were, Summer Employees, Paddle Boats & Concessions at the lake. The Summer Youth Program for children 6 thru 12 years of age, 4th of July Celebration, Midget League Basketball, Haunted House, also the pavilion at the Park. The deterioration of the Pavilion was discussed at length. The Committee recommends that the Recreation Department look for funds to replace the structure.

We are now seeking a volunteer that could assist us in the designing, costs and etc. of this building. Our goal is to have it completed by June so we can have our Summer Youth Program and the 4th of July Celebration as well as other activities at the Park.

CITY OF NITRO COUNCIL MEETING MINUTES

MARCH 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 West, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilman George Atkins, and Councilman Frank Grover Jr. Absent were Councilman Robert Young, Councilwoman Betty Boggess and City Attorney Phillip Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 16, 1993 COUNCIL MEETING MINUTES: Councilman at Large Jim Hutchinson moved to approve the minutes as read. The motion was seconded and the vote was unanimous.

AGENDA ITEM NO. 2 - ORDINANCE/LANDFILL AGREEMENT/SECOND READING: City Recorder Herb Sibley moved to read only the title of Ordinance. Motion was seconded, vote was unanimous. Mayor Karnes read the ordinance title number 93-01. Councilman George Atkins moved to accept the ordinance. The motion was seconded, the vote was unanimous. Copy attached.

AGENDA ITEM NO. 3 - BUDGET/1993/1994: Mayor Karnes yielded the floor to City Recorder/Treasurer Herb Sibley. The Recorder/Treasurer stated there had been several changes in the budget, he said the State has completed the audits thru June, 1992. As a result of this audit the recommendation was to pick up the general fund which was primarily accounts receivable of different types and cash on hand in the amount of approximate \$400,000. The budget last year was two million sixteen thousand dollars, this years is two million five hundred and twenty nine thousand dollars. It will be restricted with regard to the amount of money spent within certain categories particularly capitol improvements. The Mayor has requested a pay adjustment be injected into the budget for employees of approximately 6 per cent with a minimum of \$1000 effective July 1, 1993. A motion was made by Councilman at Large Steve West to accept the 1993/1994 Budget. The motion was seconded and the vote was unanimous. Copy attached.

Mayor Karnes announced we have received a grant from Mr. Ed. Helms of St. Albans Window, in the amount of \$2500.00 for the scoreboard at the Nitro Community Center Gymnasium. Also another grant from Claude Worthington Benedum Foundation in the amount of \$20,000 for the renovation of Nitro Community Center Auditorium.

There being no further business the meeting was adjourned.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER

AN ORDINANCE DIRECTING THE MAYOR OF THE CITY OF NITRO, WEST VIRGINIA, TO EXECUTE AND ENTER INTO A WASTE DISPOSAL AGREEMENT BETWEEN SYCAMORE LANDFILL, INC. AND THE CITY OF NITRO, WEST VIRGINIA, A MUNICIPAL CORPORATION.

WHEREAS, the City of Nitro believes it is desirable for the City to enter into the Agreement with Sycamore Landfill, Inc. in order to afford the public more efficient service; and

WHEREAS, the City of Nitro believes an additional long term benefit of such waste disposal may be a reduction in the cost of such services to the citizens of said City; and

WHEREAS, a copy of said Waste Disposal Agreement is attached hereto and marked Exhibit A and made a part hereof.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Nitro, West Virginia, that the Mayor is hereby authorized to enter into that certain Waste Disposal Agreement dated the 1st day of September, 1992, a copy of which is attached hereto and made a part hereof and marked as Exhibit No. A.

Passed on First Reading: March 2, 1993

Adopted on Second Reading: March 16, 1993

Don Karnes
DON KARNES, MAYOR

Debra D. Sibley
CITY RECORDER

WASTE DISPOSAL AGREEMENT

THIS AGREEMENT, made this 1st day of September, 1992, by and between SYCAMORE LANDFILL, INC., party of the first part, hereinafter sometimes called "Sycamore", and the CITY OF NITRO, a Municipal Corporation, party of the second part, hereinafter sometimes called "City".

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1. The party of the second part will dispose of a minimum of 200 tons and not more than 400 tons of municipal solid waste or other nonhazardous waste per month generated within the City at Sycamore Landfill located near Hurricane in Putnam County, West Virginia, hereinafter sometimes called the "Landfill"; provided that the party of the second part may dispose of additional amounts beyond 400 tons per month as may be agreed to by Sycamore subject, however, to available permitted capacity at the Landfill.

2. The party of the second part agrees that it will not dispose of any waste which is not approved for disposal at Sycamore Landfill by the West Virginia Division Environmental Protection. Sycamore reserves the right to refuse to accept any waste which its employees determine may not be

disposed of at the landfill in accordance with the applicable rules and regulations promulgated by the West Virginia Division of Environmental Protection . Any waste which is rejected by Sycamore shall be removed and disposed of at the City's expense. It is understood that the delivery, acceptance, and disposal of any waste under the terms of this Agreement shall be subject to all applicable federal, state, and local laws, rules, and regulations, and such regulations as the Landfill shall establish from time to time governing its operations and the delivery of waste to the Landfill.

The City shall indemnify, defend and hold harmless Sycamore, its officers, directors, employees, agents and contractors and its or their successors or assigns from and against any and all liability, action, damages, claims, judgements, penalties, fines, losses, costs and expenses, including reasonable attorney's fees arising out of or relating to the delivery by the City of any waste not approved for disposal at the Landfill pursuant to this paragraph or paragraph 4 below or any negligent or wilful act or omission by the City or its employees, agents or contractors.

3. The City will pay a tipping fee for each ton of waste disposed of at the Sycamore Landfill in accordance with the Tarriff approved by the Public Service Commission of West Virginia, the current approved Tarriff is Fourteen Dollars Seventy Five Cents (\$14.75) per ton. Provided that the City delivers less than 200 tons per month of waste to the Landfill, the City

will nevertheless pay Sycamore tipping fees equal to those fees that would apply if the City had delivered 200 tons of waste. In addition to the per ton tipping fee the City will pay any local, state, or federal taxes or fees that apply to or are based upon the receipt or disposal of solid waste at the Landfill. On the date of this contract taxes for waste accumulated and disposed of within waste shed "H" are Eight Dollars and Seventy Five Cents (\$8.75) per ton. It is understood that taxes and/or assessments may be increased by the various taxing authorities during the term of this Agreement.

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5. The City agrees to pay all costs and fees due to Sycamore pursuant to this Agreement within fifteen (15) days of receipt of monthly statement

from Sycamore which shall be rendered on or about the first of each month.

Monthly statements will be mailed to City of Nitro, 20th & 2nd Avenue,

Nitro, West Virginia, 25143 Attention: Mike Morris. All payments are to be mailed to Sycamore Landfill Inc., 6101 Tacony Street, Philadelphia,

Pennsylvania, 19135. Sycamore agrees to provide detailed statements which reflect the number of tons disposed of by City, and the amount of local, state, or federal taxes, and the cost of any fee charged for special handling. Any required payment which is not timely made shall, in addition to being grounds for termination as set forth under paragraph 6, bear interest at the rate of 1% per month so long as such payment remains delinquent.

6. This Agreement shall be effective on September 1, 1992, and will remain in effect until 12:00 o'clock midnight on September 1, 1997, unless sooner terminated pursuant to the terms of this agreement. Sycamore may terminate this agreement should City breach a material condition of this agreement, but in the event of a breach, Sycamore agrees that prior to termination it will advise City of the breach in writing and allow City ten (10) days to correct the breach, provided that in the event that the breach consists of the delivery by City of waste not approved for disposal under this Agreement, the City shall no longer have the right to cure after the second such breach. For purposes of this paragraph, a material breach shall include, but not be limited to, delivery by the City to the Landfill of waste not

approved for disposal under this Agreement and failure to timely pay any costs and fees due.

7. If, as a result of any order of the West Virginia Division of Environmental Protection, or any other local, state or federal agency or court, or if as a result of any change in the applicable law or regulation of the State of West Virginia or of the United States of America or any change in any permit or approval issued to operate the Landfill, or denial or revocation of such permit or approval, or due to any natural calamity or act of God or other circumstances beyond Sycamore's reasonable control, Sycamore is unable to perform its obligations set forth herein, after notice to City, Sycamore shall be excused from performance for the period occasioned by its inability to perform provided such inability to perform does not result in a shutdown of the Landfill for more than fifteen (15) days or, at its option, Sycamore may terminate its obligations pursuant to this Agreement and thereafter Sycamore shall not be liable for its failure to perform.

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extended hours as may be agreed to from time to time between the City and Sycamore.

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9. This Agreement may not be assigned by either party without the prior consent of the other party, except that without such consent, either party may assign its interest hereunder (a) as collateral security for loans or other financing or (b) to any successor that shall assume all of its obligations under this Agreement.

10. This Agreement may not be amended except by the mutual written consent of the parties hereto.

WITNESS the following duly authorized signatures and seals as of the day, month and year first above written.

SYCAMORE LANDFILL, INC.

By: [Signature]

Its: Operations Manager

DATE: 8/4/92

CITY OF NITRO

By: [Signature]

Its: Mayor

DATE: _____

RATE SCHEDULE

Car Tires	At \$10.00 each
Truck Tires	At \$15.00 each
Mattresses/ Box Springs/ Large Furniture	At \$10.00 each
Appliances - Stoves, Microwaves, Washers, dryers, Etc.	At \$10.00 each
(No refrigerators or Air conditioners without certification of freon removal)	

PROJECTED REVENUES:

TAXES	416,000
BUILDING PERMITS	13,500
INSPECTION FEES	3,700
LICENSES	15,500
PARKS AND RECREATION	30,000
LIQUOR TAX	42,000
B & O TAX	630,000
UTILITY TAX	145,000
INTEREST INCOME	10,000
RENT	8,400
COURT FINES	12,000
LIBRARY FEES	1,000
MUNICIPAL SERVICE	429,000
CIVIC BENEFITS ASSOC	146,200
FRANCHISE FEES	2,500
TRI STATE DOG TRACK	150,000
COLLECTION INCOME	9,600
<u>REIMBURSEMENTS:</u>	
TRI STATE DOG TRACK	25,000
CITY CALENDAR	3,000
HEALTH INSURANCE	12,000
DOG CATCHER	7,500
LIABILITY INSURANCE	10,250
DRUG PROGRAM (DARE)	7,500
UNEXPENDED FUND BALANCE	<u>400,000</u>
TOTAL	<u>2,529,650</u>

CITY OF NITRO PROPOSED BUDGET FOR YEAR ENDING JUNE 30, 1994MAYOR

WAGES	41,938
RETIREMENT	3,984
FICA TAX	3,208
DUES	2,151
SUPPLIES	1,500
TRAVEL	<u>3,000</u>
	<u>55,781</u>

COUNCIL

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

RECORDER

WAGES	13,500
RETIREMENT	1,283
FICA TAX	1,033
ELECTIONS	5,000
LEGAL ADS	2,500
SUPPLIES	550
RECORD BOOKS	<u>300</u>
	<u>24,166</u>

TREASURER

WAGES	9,630
RETIREMENT	915
FICA TAX	737
WORKERS COMPENSATION	44,000
CONTRACT SERVICES	2,000
SUPPLIES	100
MISCELLANEOUS	<u>2,500 *</u>
	<u>59,882</u>

BUILDING INSPECTOR

WAGES	41,500
RETIREMENT	3,943
FICA TAX	3,175
DUES	220
SUPPLIES	900
TRAVEL	600
CONTINUING EDUCATION	<u>2,500 *</u>
	<u>52,838</u>

CITY HALL

WAGES	65,454
RETIREMENT	6,218
FICA TAX	5,007
CONTRACT SERVICES	5,000
PROFESSIONAL SERVICES	28,800
INSURANCE	56,000
GROUP INSURANCE	210,000
SUPPLIES	10,000
COMPUTER SUPPLIES	4,000
ELECTRIC	24,000
GAS	7,000
WATER	16,000
TELEPHONE	15,000
FIRE HYDRANTS	12,700
STREET LIGHTS	51,000
COMPUTER & PROGRAMS	<u>20,000 *</u>
	<u>536,179</u>

HUMANE OFFICER

WAGES	10,940
RETIREMENT	1,039
FICA TAX	837
SHELTER FEES	2,400
UNIFORMS	300
CAPITAL OUTLAY	<u>750 *</u>
	<u>16,266</u>

POLICE

WAGES	326,048
RETIREMENT	31,226
FICA TAX	24,943
PRINTING	750
TELETYPE	500
SUPPLIES	4,000
UNIFORMS	5,300
AUTO SUPPLIES	18,000
MAINT & REPAIRS	5,000
CRIME PREVENTION	1,500
FOOD & DRUGS	200
TOWER RENTAL	600
EQUIPMENT RENEWAL	2,500
POLICE RESERVES	1,200
CAPITAL OUTLAY	37,200 *
TRAINING	5,000 *
	<u>463,967</u>

FIRE

WAGES	194,780
RETIREMENT	45,000
FICA TAX	14,901
CONTRACT SERVICES	800
PROFESSIONAL SERVICES	6,000
SUPPLIES	14,500
UNIFORMS	3,400
AUTO SUPPLIES	5,000
MAINT & REPAIRS	6,000
CAPITAL OUTLAY	16,504
TRAINING	5,000 *
	<u>311,885</u>

PARKS & RECREATION

WAGES	55,217
RETIREMENT	1,931
FICA TAX	4,224
CONTRACT SERVICES	1,000
SUPPLIES	12,000
MAINT & REPAIRS	5,000
CITY CALENDAR	3,500
MISCELLANEOUS	55,000 *
	<u>137,872</u>

PUBLIC WORKS

WAGES	320,000	
RETIREMENT	30,400	
FICA TAX	24,480	
CONTRACT SERVICES	12,000	
TRASH BAGS	17,500	
SUPPLIES	26,000	
AUTO SUPPLIES	26,500	
BLDG. REPAIRS	4,000	
REPAIR EQUIPMENT	10,000	
LANDFILL	100,000	
ASPHALT & SAND	4,000	
STREET PAVING	35,000	
MISCELLANEOUS	<u>207,382</u>	*
	<u>817,262</u>	

LIBRARY

WAGES	26,967
RETIREMENT	3,279
FICA TAX	2,063
CONTRACT SERVICES	1,000
SUPPLIES	500
MAINT & REPAIRS	500
BOOKS	<u>3,000</u>
	<u>37,309</u>

TOTAL	<u>2,529,650</u>
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* THIS MONEY WILL ONLY BE SPENT IF COLLECTIONS MEET EXPECTATIONS. CITY TREASURER WILL INFORM DEPARTMENT HEADS IF THIS MONEY BECOMES AVAILABLE.

CITY OF NITRO COUNCIL MEETING MINUTES

APRIL 06, 1993

Mayor Karnes welcomed everyone, declared a quorum and called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Herb Sibley, Councilman at Large Steven West, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilman George Atkins, Councilman Frank Grover, Jr., Councilman Robert Young, Councilwoman Betty Boggess and City Attorney Phillip Gaujot.

Mayor Karnes ask for a moment of silent prayer in remembrance of one of our long time Mayors, Mayor W. W. Alexander.

AGENDA ITEM NO. 1- APPROVAL OF APRIL 06, 1993 COUNCIL MEETING MINUTES: Councilman at Large Jim Hutchinson moved to approve the minutes as read. The motion was seconded and vote was unanimous.

AGENDA ITEM NO. 2- PROCLAMATION 93-01 JAMES F. COMSTOCK DAY: Mayor Karnes ask Council to proclaim May 11th, 1993 James F. Comstock Day in the City of Nitro, West Virginia. Councilman at Large James Hutchinson moved to approve the proclamation. The motion was seconded and vote was unanimous. Copy attached.

AGENDA ITEM NO. 3- RESOLUTION 93-01 GENERAL FEDERATION OF WOMEN'S CLUB DAY: Councilman at Large Steven West moved to accept Resolution 93-01 making April 24, 1993 General Federation of Women's Club Day in the City of Nitro, WV. The motion was seconded and vote was unanimous. Resolution 93-01 attached.

AGENDA ITEM NO. 4- RESOLUTION 93-02 PARKS & RECREATIONS: Councilman Robert Young moved to approve Resolution 93-02 Conservation of Parks and Recreation. The motion was seconded and vote was unanimous. Resolution 93-02 attached.

AGENDA ITEM NO. 5- FIRE PENSION BOARD MINUTES: Councilman Robert Young moved to accept the Fire Pension Board Minutes as part of the Council Minutes. The motion was seconded and vote was unanimous. Copy attached.

AGENDA ITEM NO. 6- RIC CONTRIBUTION: Mayor Karnes yielded the floor to the City Recorder/Treas Herb Sibley. Recorder Sibley stated that RIC asked municipalities to approve their funding formula and mail them certification of this action. It is a requirement and our City's contribution is \$1451.80. Councilman Robert Young made the motion to approve this contribution. The motion was seconded and vote was unanimous.

AGENDA ITEM NO- 7 COMMENTS: Mayor Karnes stated he had ask Diana Painter to apply for two grants from RIC to replace the 31st Street bridge and to upgrade the backwater area and to do some drainage and sewer work in the area of Gum Street. The total amount of money he will ask for will exceed \$500,000. A public hearing is schedule for April 20, 1993 at 7:30 p.m. prior to the next council meeting.


Mayor Karnes said he has ask for input from the Citizens Recreation Committee concerning the location of the pavilion at the City Park.

Mayor Karnes announced the WV Development Office is coming down to the Nitro Community Center, April 07, around 1:30 p.m. to do some filming of the Center and the activities going on there to be shown on Public Broadcasting System.

A meeting of the Traffic Committee is scheduled for April 20, 1993 at 6:30 p.m. in the conference room at City Hall.

There being no further business the meeting was adjourned.


Don Karnes, Mayor


Herb Sibley, Recorder



CITY OF NITRO

DON KARNES
MAYOR

RESOLUTION NO.93-01

Resolution Proclaiming
April 24th as "General
Federation of" Women's
Club Day."

WHEREAS, the GFWC Woman's Club of Nitro is a member of the "WEST VIRGINIA FEDERATION OF WOMEN'S CLUBS and the GENERAL FEDERATION OF WOMEN'S CLUBS, the world's largest organization of volunteer women; and

WHEREAS, the GFWC Woman's Club of Nitro is one of nearly 11,000 clubs in the United States. The FEDERATION OF WOMEN'S CLUB promotes community service by active member participation and the contribution of funds; and

WHEREAS, the GFWC Woman's Club of Nitro has been actively serving the Nitro community for almost sixty years and has given over \$40,000 to a varied of community projects during the past ten years, and

WHEREAS, the object of the GFWC Woman's Club of Nitro is to train women to be leaders and encourage members to be active in community service, and

WHEREAS, the GFWC Woman's Club of Nitro has planned a "GFWC WEST VIRGINIA FEDERATION OF WOMEN'S CLUB DAY" April 24th to call attention to the accomplishments of the Federated Women's Club throughout the State of West Virginia; and

NOW, THEREFORE, BE IT RESOLVED I, DON KARNES, Mayor of the City of Nitro and the City Council do hereby adopt this resolution proclaiming April 24, 1993 as the "GFWC WEST VIRGINIA FEDERATION OF WOMEN'S CLUB DAY" and recognize the contributions to our City by the members of the GFWC WOMAN'S CLUB OF NITRO.

ADOPTED BY COUNCIL April 06, 1993


MAYOR



PROCLAMATION 93-1

PROCLAIMING TUESDAY, MAY 11,
1993, "JAMES F. COMSTOCK DAY"
IN THE CITY OF NITRO

WHEREAS, JAMES "JIM" F. COMSTOCK WAS BORN IN RICHWOOD,
WEST VIRGINIA IN 1911; AND

WHEREAS, HE SERVED HIS COUNTRY AS A COMMUNICATIONS
OFFICER AS A LIEUTENANT OF THE U. S. NAVY; AND

WHEREAS, HE LAUNCHED THE WEEKLY NEWS LEADER IN RICHWOOD,
AND THE WEST VIRGINIA HILLBILLY; AND

WHEREAS, BOTH OF THESE NEWSPAPERS ARE STILL BEING
PUBLISHED IN PARTNERSHIP WITH JIM'S SON, JAY.


WHEREAS, "THE SPIRIT OF LIFE" AWARD BANQUET IN HONOR OF
JAMES F. COMSTOCK IS SCHEDULED TUESDAY EVENING, MAY 11, 1993
AT 6:00 P.M. AT THE CHARLESTON MARRIOTT HOTEL IN CHARLESTON;
AND

WHEREAS, THE BANQUET FOR JIM WILL BENEFIT CITY OF HOPE
WITH PROCEEDS ESTABLISHING THE JAMES F. COMSTOCK RESEARCH
FELLOWSHIP IN DISEASES OF THE HEART; AND

WHEREAS, THE CITY OF HOPE WILL PRESENT JAMES F.
COMSTOCK, EDITOR/PUBLISHER OF WEST VIRGINIA HILLBILLY WITH
"THE SPIRIT OF LIFE" AWARD; AND

NOW, THEREFORE, I, DON KARNES, MAYOR OF THE CITY OF
NITRO HEREBY DECLARE TUESDAY, MAY 11, 1993, "JAMES F.
COMSTOCK DAY" IN THE CITY OF NITRO.

SIGNED THIS 11TH DAY OF MAY, 1993.



DON KARNES, MAYOR



DON KARNES
MAYOR

PARKS, RECREATION CONSERVATION

RESOLUTION 93-02

WHEREAS, the critical issues facing today's urban and rural communities deal with jobs, economy, health and wellness, youth at risk, deteriorated infrastructure, education and quality of environment, and;

WHEREAS, the City of Nitro views quality re-creational places, opportunities and programs as imperatives in the initiatives required to effectively address said issues, and;

WHEREAS, federal financial assistance directed to parks, recreation, and conservation at the local level will affect the lives of our people of all ages, all backgrounds, both sexes and regardless of race, color or creed.

NOW, THEREFORE BE IT RESOLVED, that the City of Nitro recommends the funding of programs by the United States Congress which will assist parks, recreation and conservation at the local level, such as, but not necessarily limited to:

- * maximum stateside Land and Water Conservation Fund (LWCF) (\$900 Million) funding;
- * substantial Soil Conservation Service (SCS) Resource Conservation and Development (RC&D) funding;
- * inclusion of parks, recreation and conservation funding assistance in Housing and Urban Development (HUD) Entitlement and Small Cities programs;
- * inclusion of parks, recreation, and conservation funding assistance in Appalachian Regional Commission (ARC) programs;
- * inclusion of parks, recreation, and conservation funding assistance in Department of Justice Title V Office of Juvenile Justice and Delinquency Prevention programs;
- * Historic Preservation and Cultural Programs funding, and;

THAT, it hereby directs the mayor of the City of Nitro to submit this resolution to Senators Robert C. Byrd, and John D. Rockefeller, IV; Congressmen Alan Mollohan, Nick J. Rahall, II, and Robert Wise;

President William Clinton; and Secretary of the Interior Bruce Babbitt; Secretary of Agriculture Michael Espy; Secretary of Housing and Urban Development Henry Cisneros; and Acting Administrator John Wilson, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, along with a cover letter to express the position and wishes of the City of Nitro and its citizens, and further

THAT, it requests and urges every member of the city council and the public at large to actively support the passage of and inclusion of maximum federal assistance funding levels for parks, recreation, and conservation in all short and long term economic, infrastructure, social, health, welfare, criminal justice, environmental, conservation, historic preservation and education budgets and legislation.

Presented and Approved April 06, 1993

Signed

Attested

Don Kanner
Robert J. Kelly

NITRO FIREMEN'S PENSION BOARD MEETING

MARCH 17, 1993

The Nitro Firemen's Pension Board Meeting was called to order by Mayor Don Karnes at 10:00 a.m. in the Conference Room at Nitro City Hall. Present were Chief Steve Hardman, Captain Paul Frank Strohl, Firefighter Ronnie King and Pansy Armstead, Secretary. Absent were City Recorder/Treasurer Herb Sibley and Firefighter Shawn Alderman.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 19, 1993

MINUTES: - Captain Strohl moved the January 19, 1993 Minutes be approved. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CERTIFY ELECTION RESULTS: - Chief Hardman moved the election results be accepted. The motion was seconded. A vote was taken and it was unanimous. Captain Strohl was re-elected for a four year term.

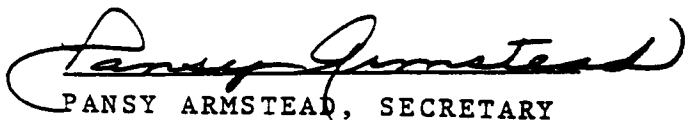
AGENDA ITEM NO. 3 - OLD BUSINESS - Firefighter King said at the last meeting he spoke with Mr. Allison concerning the paper work on the retirees withholdings from their checks, and was still waiting on the information as promised. Chief Hardman suggested Pansy go through Mr. Sibley to contact Mr. Allison regarding this.

Firefighter King mentioned that we should follow-up on the report from Mr. Allison that the Pension Board would be receiving around \$32,000 for the 1991/92 fiscal year and \$35,000 for the 1992/93 fiscal year from the State. Firefighter King said he would check with the State and the Secretary would check with Mr. Allison.

Chief Hardman mentioned the Pension Board obtained a P.O. box, but the bank statements were still coming to Box 241. Firefighter King said he checked with a representative at the post office, and was told the acting postmaster was responsible for the distribution of the mail. Captain Strohl suggested a change of address form be completed and given to the bank. Firefighter King said he would handle this.

AGENDA ITEM 4 - NEW BUSINESS: - Chief Hardman said the Firemen's Association and the Department are trying to come up with funds for a computer system. The Association informed they would allot \$1,000 for a computer system, in hopes the Pension Board and Firefighters would each contribute \$1,000. Chief Hardman moved the Nitro Firemen's Pension Board contribute a \$1,000 for a computer system. The motion was seconded. A vote was taken and it was unanimous. Mayor Karnes informed of plans to consolidate all of our computers.

There being no further business, the meeting was adjourned.


PANSY ARMSTEAD, SECRETARY

CITY OF NITRO COUNCIL MEETING MINUTES

APRIL 20, 1993

Mayor Karnes welcomed everyone, declared a quorum and called the meeting to order in Council Chambers at 7:55 p.m. Present were City Recorder Herb Sibley, Councilman at Large Steve West, Councilman at Large James Hutchinson, Councilman George Atkins, Councilwoman Betty Boggess and City Attorney Phillip Gaujot. Absent were Councilman at Large Dean Miller, Councilman Robert Young and Councilman Frank Grover, Jr.

AGENDA ITEM NO. 1-APPROVAL OF APRIL 06, 1993 COUNCIL MEETING MINUTES: Councilman at Large Jim Hutchinson moved to approve the minutes as read. The motion was seconded and vote was unanimous.

AGENDA ITEM NO. 2-TRAFFIC COMMITTEE REPORT: This report postponed due to the illness of Councilman at Large Dean Miller.

AGENDA ITEM NO. 3-APPROVAL OF LEVY ESTIMATE: Mayor Karnes yielded this agenda item to the City Recorder Herb Sibley. City Recorder, Herb Sibley read directions from the Secretary of State Office regarding Budget Control Report. Members of Council were furnished a copy of Levy Rate Sheet. Councilman George Atkins moved to lay the Levy as presented, motion was seconded and vote was unanimous. Copy attached.

AGENDA ITEM NO. 4-UPDATE ON PROGRESS OF NDA: Mayor Karnes yielded the floor to Mr. Bob White, a member of the Nitro Development Authority. Mr. White commented the City of Nitro and the Council had been very instrumental in helping the Authority purchase the High School Building. The donated labor that has gone into the building has really developed into a very favorable community project. As of now the Authority is working hard to get approximately 200 seats back in the auditorium that were removed by the Board of Education and expect to have the seats completed and returned by May 15th, 1993. Presently we are looking for programs to be conducted in the auditorium. Also Mr. White said The Parks and Recreation Director is in charge of gymnasium rental and there are free periods used by the youth of the City. Mr. White said rooms have been rented for class room training, taking applications, dance studios and karate. Occupancy at this time is about 70 percent. Mr. White thanked the senior citizens for their help and support.

Mr. White stated it may be necessary to have a legal document prepared for termination of any lease or rental agreement we may have had on the property at the ball park, if so, and its prepared we are ready to sign. A question and answer session followed. The City Attorney said a letter from

the Nitro Senior Citizens relinquishing the said property would be in order.

AGENDA ITEM NO. 5-COMMENTS: Concerning the Block Grant application, Mayor Karnes stated he felt the slip on 31st E, should be included in this project, the bridge and the slip are on the same street, even if the City has to come up with some matching funds. Councilman at Large Steve West moved to include 31st Street slip and bridge, also Gum Street in the Grant application. Motion was seconded and vote was unanimous.

There being no further business the meeting was adjourned.



Don Karnes, Mayor



Herb Sibley, Recorder

PUBLIC HEARING

APRIL 20, 1993

The Public Hearing was called to order by Mayor Karnes in Council Chambers at Nitro City Hall at 7:30 p.m. April 20, 1993. Present were Mayor Don Karnes, City Rec./Treasurer Herbert Sibley, Councilman at Large Steven West, Councilman at Large James Hutchinson, Councilwoman Betty Jo Boggess, Councilman George Atkins and City Attorney Phillip D. Gaujot. Also present were Diana Painter from RIC, two newspaper reporters and Citizens. Absent were Councilman at Large Dean Miller, Councilman Frank Grover, Jr. and Councilman Robert Young.

Mayor Karnes stated the purpose of this meeting is two-fold, to explain the Small Cities Community Development Block Grant Program, commonly referred to as the Small Cities Program, and to obtain views and ideas from the public and the towns community improvement needs including needs of the low income persons. Each idea mentioned will be listed and the list will be given to the town council and the town council will decide which activity or activities to form a basis for Kanawha City Grant application. Mayor Karnes yielded the floor to Diana Painter to explain further. Ms. Painter explained this is an annual appropriation from HUD to the State in form of a block grant. The State has been awarded twenty million dollars with fourteen million, seven hundred thousand available for new projects this year. However, there are certain qualifying factors that must be met and is very competitive. This meeting is to get ideas for potential projects in the City of Nitro.

There being no public input, the meeting was adjourned.


DON KARNES, MAYOR


HERBERT SIBLEY, 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, 1993 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	11.43	6.12			
CLASS II	22.86	12.24			
CLASSES III AND/OR IV	45.72	24.48			
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 20 day of April, 1993
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 04, 1993

Mayor Karnes welcomed everyone, declared a quorum and called the meeting to order in Council Chambers at 7:35 pm. Present were City Recorder, Herb Sibley, Councilman at Large Steven E. West, Councilman at Large James Hutchinson, Councilman Robert Young, Councilman Frank Grover and Councilwoman Betty Boggess and City Attorney Phillip D. Gaujot. Absent was Councilman at Large Dean Miller.

Note: Faulty tape of May 04 1993 minutes.

AGENDA ITEM NO. 1-APPROVAL OF APRIL 20, 1993 MINUTES: Councilman at Large Jim Hutchinson moved to approve the minutes as read. The motion was seconded and vote was unanimous.

AGENDA ITEM NO. 2-APPROVAL OF PUBLIC HEARING MINUTES: Councilman Robert Young moved to approve to approve the minutes as read. The motion was seconded and vote was unanimous. Copy attached.

AGENDA ITEM NO. 3-PROCLAMATION 93-02, NATIONAL DAY OF PRAYER: Councilman Robert Young moved to approve Proclamation 93-02. The motion was seconded and vote was unanimous. Copy attached.

AGENDA ITEM NO: 4-PARKS AND RECREATION REPORT: Mayor Karnes yielded the floor to the Recreation Director. Jay Long reported the pool employees have been chosen and hiring will begin immediately. Pool will open May 29, 1993 and close Aug. 15th, 1993. Hours are 11:00 a.m.- 6:00 p.m. Monday thru Saturday. Sunday hours are 1:00 p.m. to 6:00 p.m. Season tickets \$70.00/family, individual/\$35.00, daily/\$2.00, senior/\$1.00 and children under age 5/free. Also Mr. Long said the pool may be rented after hours \$25.00/hr.

June 12, 1993 Fishing Derby scheduled 8:00 a.m.- Noon no license required. This being sponsored by the Moose Club of Nitro. Free hot dogs will be served.

Director Long stated he has ordered 6 paddle boats and 3 row boats. Rental fee to be announced at a later date.

Free summer program with crafts, swimming and games for children ages 6yrs-12yrs, July 12, 1993 to August 20, 1993 scheduled at City Park. A grant of \$1000 from Nitro Moose Club for this project.

July 4th celebration will be Saturday July 3rd possibly

at Underwood Field. Also there will be fireworks.

Work to be started soon on pavilion at City Park on East entrance to Park.


Report by Mr. Long accepted by acclamation of Council.

AGENDA ITEM NO.-5 FINANCE COMMITTEE REPORT: An explanation of cash flow and receipts from various areas showing a positive balance for the year to date. Mayor Karnes requested a copy of this report be made a part of the council minutes. Councilman at Large Steve West moved to accept the report as part of the minutes. The motion was seconded and the vote was unanimous. Copy attached.

AGENDA ITEM NO.-6 ORDINANCE 93- (BUSINESS LICENSE): Introduction and partial reading by City Recorder Herb Sibley Councilman at Large Jim Hutchinson moved to accept Ordinance 93- . Motion was seconded. Questions raised by Councilman at Large Steve West. City Attorney recommended this ordinance go back to committee. Motion rescinded.

There being no further business the meeting was adjourned.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER

PUBLIC HEARING

APRIL 20, 1993

The Public Hearing was called to order by Mayor Karnes in Council Chambers at Nitro City Hall at 7:30 p.m. April 20, 1993. Present were Mayor Don Karnes, City Rec./Treasurer Herbert Sibley, Councilman at Large Steven West, Councilman at Large James Hutchinson, Councilwoman Betty Jo Boggess, Councilman George Atkins and City Attorney Phillip D. Gaujot. Also present were Diana Painter from RIC, two newspaper reporters and Citizens. Absent were Councilman at Large Dean Miller, Councilman Frank Grover, Jr. and Councilman Robert Young.

Mayor Karnes stated the purpose of this meeting is two-fold, to explain the Small Cities Community Development Block Grant Program, commonly referred to as the Small Cities Program, and to obtain views and ideas from the public and the towns community improvement needs including needs of the low income persons. Each idea mentioned will be listed and the list will be given to the town council and the town council will decide which activity or activities to form a basis for Kanawha City Grant application. Mayor Karnes yielded the floor to Dianna Painter to explain further. Ms. Painter explained this is an annual appropriation from HUD to the State in form of a block grant. The State has been awarded twenty million dollars with fourteen million, seven hundred thousand available for new projects this year. However, there are certain qualifying factors that must be met and is very competitive. This meeting is to get ideas for potential projects in the City of Nitro.

There being no public input, the meeting was adjourned.


DON KARNES, MAYOR


HERBERT SIBLEY, RECORDER



CITY OF NITRO

DON KARNES
MAYOR

Proclamation No:02

National Day of
Prayer.

WHEREAS, national days of prayer have been part of our country's heritage since the first one was declared by the Continental Congress in 1775. Through the years other national days of prayer have been declared. In 1952, by joint approval, the two houses of Congress called upon the President to set a suitable day each year as a National Day of Prayer.

WHEREAS, May 5, 1988 marked the signing of a bill which passed unanimously through Congress making the first Thursday of every May the National Day of Prayer.


WHEREAS, the National Day of Prayer Task Force of The National Prayer Committee, an independent, non-governmental group, would like everyone to recognize this day to acknowledge our dependence upon God: give thanks for the many blessings our country has received from Him through the years: to recognize our need for personal and corporate renewal of moral values, seek God's guidance for our nation's governmental and community leaders, commit ourselves to the restoration of marriage and family commitments, and intercede for healing and reconciliation within our nation.

WHEREAS, The Task Force is focusing special attention on mobilizing nationwide participation in the Day of Prayer in line with the theme. "Take 5 at 12". The Task Force is urging that, at 12 noon on May 6th bells and chimes be rung in every community, calling Americans to five minutes of unified prayer for our nation.

NOW, THEREFORE, I, DON KARNES, Mayor of the City of Nitro, do hereby proclaim Thursday, May 6th, 1993 as a

"DAY OF PRAYER"

in the county of Kanawha and call upon every citizen of this great state to gather together in our homes, at places of business and at places of worship, each after his or her own manner, and pray for unity of the hearts of all mankind.
"TAKE 5 AT 12".


DON KARNES, MAYOR

DATE: 4/28/93
TIME: 10:52

Receipts

PAID 41

01 TAXES	01 30-11 030
02 ANIMAL CONTROL	01 34-70 600
03 BUILDING	01 30-80 081
04 INSPECTION FEES	01 30-90 091
05 LICENSES	01 34-10 171
06 PARK & RECREATION	01 33-40 121
07 SWIMMING POOL REV	01 33-40 130
08 RIDENOUR PARK REV	01 33-40 140
09 SALE OF MATERIALS	01 31-70 538
10 SALE OF ASSETS	01 31-70 538
11 SALE OF BUILD BONDS	01 32-10 770
12 CONTRIBUTIONS	00 00-00 000
13 FEDERAL GRANTS	00 00-00 000
14 STATE GRANTS <i>KAN Fund</i>	01 32-33 253
15 COAL SEVERANCE TAX	01 39-90 997
16 REVENUE SHARING	01 39-95 998
17 LIQUOR TAX	01 33-80 160
18 B & O TAX	01 33-20 101
19 2% UTILITY TAX	01 33-30 111
20 POOL CONCESSIONS	01-33-45-160
21 CLUB FEES	01 33-50 130
22 INTEREST EARNED	01 34-40 792
23 RENTAL PROPERTIES	01 34-50 598
24 COURT COST & FINES	01 34-70 608
25 SWIMMING POOL PASS	01 33-40 150
26 LIBRARY FEES	01 34-90 628
27 MUNICIPAL SERVICES	01 36-70 708
28 DUE TO SANITARY BD	01 15-00 006
29 CIVIC BEN GRANT	01 34-45 712
30 FRANCHISE FEES	01 38-90 111
31 PAR INDUSTRIAL PARK	01 37-30 111
32 TRI STATE DOG RACE	01 34-30 111
33 DUMPING FEES	01-36-70-538
36 MISCELLANEOUS REV	01 39-96 999
37 DUE TO PHONE CO	01 15-00 006
38 DUE TO WATER CO	01 15-00 006
39 DUE TO GAS CO	01 15-00 006
40 DUE TO ELECTRIC CO	01 15-00 006
42 COLLECTION INCOME	01-34-80-111
43 REINB: DOG TRACK	01-38-20-111
44 REINB: CITY CALENDER	01-38-30-111
45 REINB: HEALTH INS	01-38-40-111
46 REINB: DOG CATCHER	01-38-50-111
47 REINB: DOG PROGRAM	01-38-60-111
48 REINB: OTHER INS	01-34-60-135

311,294

18,933

16,377

2500
15,071

63,095
650,724
185,494

12,993

7,000
14,392

213

377,136

146,200

125,168

42,586

5303

7056

2350

12920

633

REGISTER RECEIPTS FOR DEPOSIT

2,017,388

1,934,229

ACTUAL COUNT

STARTING CASH

ADJUSTED AMOUNT

83,159

OVERAGE AMOUNT

01 39-96 9999

SHORTAGE AMOUNT

01 39-96 9999

DEPOSIT

CITY OF NITRO COUNCIL MEETING MINUTES

MAY 18, 1993

Mayor Karnes welcomed everyone, declared a quorum and called the meeting to order in Council Chambers at 7:42 p.m. Present were Mayor Don Karnes, City Recorder Herb Sibley, Councilman at Large Steve West, Councilman at Large Jim Hutchinson, Councilwoman Betty Boggess, Councilman George Atkins, Councilman Robert Young, Councilman Frank Grover, Jr. and City Attorney Phillip Gaujot. Absent was Councilman at Large Dean Miller.

AGENDA ITEM NO. 1 APPROVAL OF MAY 04, 1993 MINUTES: Councilman at Large Steve West moved to approve the minutes as read. The motion was seconded and vote was unanimous.

AGENDA ITEM NO. 2 RESOLUTIONS - BLOCK GRANT: Mayor Karnes commented that there are four resolutions that must be passed before we can further the Block Grant applications. Councilman at Large Steve West moved to change the order of business until copies of resolutions were made. There being no objections these resolutions will be addressed later.

AGENDA ITEM NO. 3 FINANCE COMMITTEE REPORT: Mayor Karnes yielded the floor to City Recorder/ Treasurer Herb Sibley, Mr. Sibley said the primary reason for the committee meeting was to go over certain things within the proposed ordinance establishing certain rates, particularly rate of licensing for contractors and some changes within the present licensing unit we now have. Minor changes except for re-classification of contractors, as we will now have a charge for licensing. Other matters were discussed.

AGENDA ITEM NO. 4 ORDINANCE 93- BUSINESS LICENSE: City Recorder/Treasurer Herb Sibley introduced ordinance regarding the license fees. Councilman at Large Steve West asked to amend Ord. 93- by adding Contractor Renewals - \$50.00, without objection the request was made. Mayor Karnes read title only and ask for motion for first reading. Councilman at Large Steve West moved for approval of first reading. The motion was seconded. Motion taken and it was unanimous. Copy attached.

AGENDA ITEM NO. 5 FIREFIGHTERS WAGE & HOUR DISPUTE: Mayor Karnes yielded the floor to the City Attorney Phillip Gaujot. Attorney Gaujot stated a claim was filed by the firefighters with the Wage and Hour Division asking for a ruling stating they are entitled to time and a half for every hour over forty hours per week. As yet, there has not been a ruling on from the State. As a result of various meetings with the committee an agreement has been reached among the

firefighters in the City whereby the firefighters agree to dismiss their claim in return for the City agreeing to pay them time and a half for all over forty hours beginning July 1, 1993. An agreement has been prepared for each firefighter to sign as well as the Chief and Mayor Karnes. Also a release has to be signed from each firefighter releasing the City of any obligation to pay for any time prior to July 1st, 1993. Councilman Frank Grover moved to authorize Mayor Karnes to the sign the agreement on behalf of the City. Motion was seconded and vote was unanimous.

AGENDA ITEM NO. 2 RESOLUTIONS-BLOCK GRANTS: Mayor Karnes without objection read Resolution 93-3, Authorizing the Submission of Small Cities Community Dev. Block Grant App. Councilman at Large Steven West moved to adopt resolution 93-3. Motion was seconded and vote was unanimous. Copy attached.

Resolution 93-4, Resolution of intent on the Community Development Block Grant. Councilman Frank Grover, Jr. moved to adopt resolution 93-4. Motion was seconded and vote was unanimous. Copy attached.

Resolution 93-5, Resolution Residential Anti-Displacement and Relocation Assistance Plan. Councilman George Atkins moved to adopt resolution 93-5. Motion was seconded and vote was unanimous. Copy attached.

Resolution 93-6, Resolution Small Cities Block Grant Program. Councilperson Betty Boggess moved to adopt resolution 93-6. Motion was seconded and vote was unanimous. Copy attached.

AGENDA ITEM NO. 6 COMMENTS: Mayor Karnes announced Nitro Elementary School will be having a hayride, Friday May 21, 1993 from 8:00 A.M. until Noon. Also Mayor Karnes said there will be a parade July 3, 1993 at 12:00 Noon.

There being no further business the meeting was adjourned.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER

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

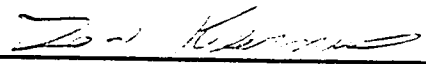
WHEREAS, the City Council of the City of Nitro, West Virginia is aware of its need to make improvements to 31st Street and 31st Street East including replacement of 31st Street bridge and correction of a slide on 31st Street East; and construct storm sewers in the Gum Street area; and

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

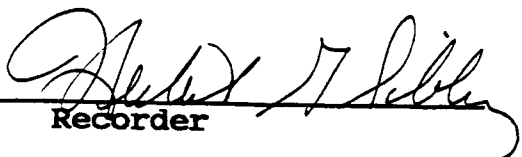
WHEREAS, it is necessary for the City Council to act expeditiously to prepare an application for Small Cities Community Development Block Grant funding.

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 West Virginia Development Office for funding consideration.

This Resolution becomes effective as of this date. Passed this 18th day of May, 1993.



Mayor



Recorder

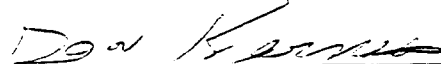
RESOLUTION OF INTENT ON THE COMMUNITY DEVELOPMENT BLOCK GRANT:

A RESOLUTION DECLARING INTENT OF THE COUNCIL OF THE CITY OF Nitro, WEST VIRGINIA, TO PROVIDE MATCHING FUNDS TO MATCH ANY GRANT RECEIVED FOR THE GUM STREET STORM SEWER PROJECT FROM THE SMALL CITIES BLOCK GRANT.

BE IT RESOLVED BY THE CITY OF NITRO, WEST VIRGINIA, THAT

The Council of the City of Nitro, West Virginia, does hereby DECLARE that should the City of Nitro receive a grant regarding its application for monies for the reconstruction upgrade or repair of the Gum Street storm which exist within the City of Nitro, West Virginia, as a result of its application for a Small Cities Block Grant for Community Facilities Development and should such grant require matching funds that the Council of the City of Nitro, West Virginia, hereby declares its intent to provide such matching funds from the general revenues of the City of Nitro, West Virginia, or, in the alternative, Council hereby declares its intent to obtain such matching funds by applying for a loan from the Farmers Home Administration or such other lending institution as Council may hereafter identify.

This, the 18th day of May, 1993.



Mayor



CITY CLERK

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.

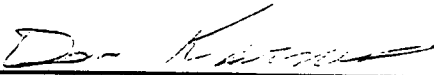
All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Nitro will make public and advise the State that 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.

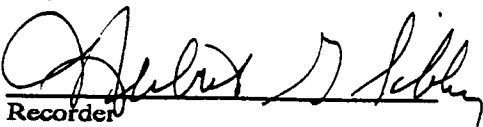
The City of Nitro or its agents, will provide relocation assistance, as described in Section 570.496a(b), to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

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 18th day of May, 1993, at a regular meeting of the City Council.



Mayor



Recorder

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) 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 _____.


Mayor
City of Nitro


Recorder

5/18/93
Date

INTRODUCED IN COUNCIL ON MAY 18, 1993

AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE 733.14 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA AND ORDINANCE 91-3 TO LEVY AND COLLECT AN ANNUAL LICENSE TAX ON PERSONS ACTIVELY ENGAGED IN THE PRACTICE OF CERTAIN PROFESSIONS, TRADE AND ACTIVITY RECOGNIZED AND REGULATED AS SUCH BY THE LAWS OF THE STATE OF WEST VIRGINIA

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

733.14 IMPOSITION OF TAX.

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

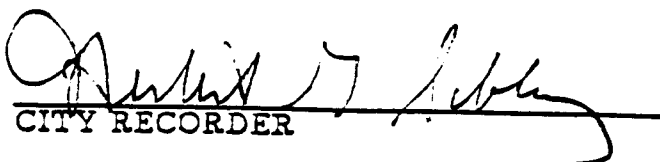
	<u>Price Per Unit</u>
<u>Profession. Trade or Activity</u>	
GENERAL STORE	\$ 15.00
BEER (State license must be presented in Clerk's Office)	
Retail Dealers:	
Class A (Restaurants, Bars, Clubs, Fraternal, Social Organizations	\$ 100.00
Class B (Grocery Store, chilled/unchilled)	\$ 50.00
ALCOHOLIC BEVERAGES (liquor and wine)	
Retailers, wine only	\$ 150.00
Retailers, Liquor, Class A License	\$1,500.00
Class B License	\$ 500.00
Class A (Non-profit Social, Veterans Fraternal Clubs)	\$ 375.00
Class B (Membership of 1000 or Less)	\$ 500.00
Class C (Membership of 1000 or More)	\$1,250.00
BOWLING LANES, BILLIARDS, POOL	
(1st Lane or Table)	\$ 25.00
Each additional lane or table	\$ 15.00

COIN MACHINES (Including Video Games) (Decal provided by City must be placed on each coin machine)	\$ 15.00
MOTELS, HOTELS, RESTAURANTS	\$ 10.00
GENERAL CONTRACTORS (Must register)	\$ 100.00
CONTRACTORS (RENEWAL)	\$ 50.00
MASTER PLUMBER (Must register)	\$ 50.00
MASTER ELECTRICIAN (Must register)	\$ 50.00
MEDICAL CORPORATIONS, CLINICS	\$ 25.00
FUNERAL ESTABLISHMENTS	\$ 25.00
EMPLOYMENT AGENCY	\$ 100.00
LOAN COMPANIES, CREDIT UNION & BANKS	\$ 50.00
COMMERCIAL RENTAL (Must register)	\$ 15.00
RESIDENTIAL RENTAL (Over 3 units must register)	\$ 15.00
PROFESSIONAL: Architects, Physicians, Surgeons, Chiropractors, Engineers Auctioneers, Land Surveyor, Barbers, Beauticians, Real Estate Salespersons, Dentists, Funeral Directors, Embalmers Insurance Company or Agency, Insurance Broker, Attorneys Accountants	\$ 25.00
ALL OTHER BUSINESS NOT LISTED ABOVE	\$ 25.00

Passed on First Reading: MAY 18, 1993

Adopted on Second Reading: 6/1/1993


DON KARNES, MAYOR


CITY RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JUNE 1, 1993

Mayor Don Karnes declared a quorum and called the meeting to order in Council Chambers at 7:35 p.m. Present were City Recorder/Treasurer Herb Sibley, Councilman at Large Steven E. West, Councilman at Large Dean Miller, 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 Jim Hutchinson and Councilman Robert Young.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 18, 1993 COUNCIL MEETING MINUTES: - City Recorder Herb Sibley said it was brought to his attention by Councilman at Large West that under Agenda Item 2, the last sentence should be deleted, and added that there was a motion to accept and passed by acclamation. Councilman George Atkins moved the minutes be approved as changed. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - APPROVAL OF PUBLIC HEARING OF MAY 18, 1993: - Councilman at Large Steve West moved the Minutes of the Public Hearing be approved. The motion was seconded. A vote was taken and it was unanimous.

PUBLIC HEARING MINUTES ATTACHED.

AGENDA ITEM NO. 3 - BUDGET REVISION: - Mayor Karnes yielded this agenda item to City Recorder/Treasurer Herb Sibley. City Treasurer Sibley said that during the Finance Committee meeting prior to Council Meeting, changes of various budget items were discussed of both expenditures and income amounting to \$356,340; thus, making the total budget \$2,242,000. Councilman at Large Steve West moved the budget adjustments as recommended by the Treasurer be approved. The motion was seconded. A vote was taken and it was unanimous.


AGENDA ITEM NO. 4 - ORDINANCE 93- (BUSINESS LICENSE) 2ND READING: - Mayor Karnes yielded this agenda item to the City Recorder/Treasurer Herb Sibley. City Recorder Herb Sibley moved we dispense with reading the ordinance in its entirety and read title only. The motion was seconded. A vote was taken and it was unanimous. Mayor Karnes read the title of the ordinance, and Councilman George Atkins moved the ordinance be adopted. The motion was seconded. A vote was taken and it was unanimous.

ORDINANCE 93-2 ATTACHED.

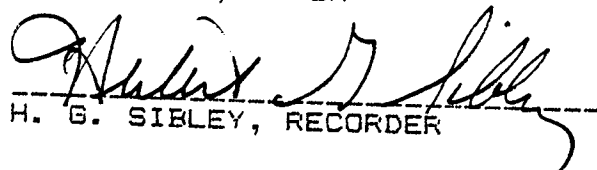
AGENDA ITEM NO. 5 - PROC. 93-3- (HANK TURLEY DAY): - Mayor Karnes introduced Proclamation 93-3 in honor of Hank Turley. Mayor Karnes said we are losing possibly the most dedicated, happiest employee of the City. Mayor Karnes read Proclamation 93-3, and it passed by acclamation. His co-workers had a retirement party for him last Thursday and gave him a bicycle. Mayor Karnes commented we were losing a mighty fine employee.

PROCLAMATION 93-3 ATTACHED.

There being no further business, Councilman at Large Steve West moved the meeting be adjourned at 7:55 p.m. The motion was seconded, a vote taken and it was unanimous.



DON KARNES, MAYOR



H. G. SIBLEY, RECORDER

TO: MAYOR AND CITY COUNCIL

FROM: HERB SIBLEY & RALPH ALLISON

WE ARE REQUIRED BY THE WV TAX DEPARTMENT TO SUBMIT BUDGET REVISIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1993, IN SUFFICIENT TIME FOR THEM TO REVIEW AND RETURN TO US BY JUNE 30, 1993.

WE WOULD LIKE TO PROPOSE THE FOLLOWING BUDGET REVISIONS FOR YOUR APPROVAL AT THE FIRST COUNCIL MEETING IN JUNE:

<u>DEPARTMENT:</u>	<u>FROM</u>	<u>TO:</u>
RECORDER	19,166	24,000
TREASURER	51,458	69,000
CITY HALL	488,344	605,000
POLICE	437,930	490,000
FIRE	268,874	335,000
PUBLIC WORKS	529,372	590,000
RECREATION	58,416	92,000
LIBRARY	32,100	37,000
<u>INCOME</u>		
PROPERTY TAXES	421,734	450,000
BUILDING PERMITS	12,000	13,000
INSPECTION FEES	1,500	2,500
B & O TAXES	506,599	751,669
UTILITY TAXES	160,000	195,000
INTEREST INCOME	2,000	15,000
MUNICIPAL SERVICE	415,000	430,000
COAL SEVERANCE	12,000	15,000
LIQUOR TAX	35,000	50,000

THE INCREASED EXPENSES ARE THE RESULT OF INCREASES IN CAPITAL OUTLAY, GROUP INSURANCE, LIABILITY INSURANCE, WAGES, TAXES, WORKERS COMPENSATION, TRASH BAGS AND AUTO SUPPLIES.

PUBLIC HEARING

MAY 18, 1993

The Public Hearing was called to order by Mayor Karnes in Council Chambers at 7:35 p.m. May 18, 1993. Present were Mayor Don Karnes, City Recorder Herb Sibley, Councilman at Large Steve West, Councilman at Large James Hutchinson, Councilwoman Betty Boggess, Councilman Robert Young, Councilman Frank Grover, Jr., Councilman George Atkins and City Attorney Phillip D. Gaujot. Also present were two newspaper reporters and citizens. Absent was Councilman at Large Dean Miller.

Mayor Karnes stated the purpose of this second public hearing was to obtain the views and comments of City residents concerning the proposed application for up to \$600,000 from the HUD Small Cities Block Grant Program under the WV Development Office. Funds to be used for improvements to the 31st Street bridge and the 31st East slip, and Gum Street storm sewer construction.

After a short question and answer session the meeting was adjourned.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER

INTRODUCED IN COUNCIL ON MAY 18, 1993

AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE 733.14 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA AND ORDINANCE 91-3 TO LEVY AND COLLECT AN ANNUAL LICENSE TAX ON PERSONS ACTIVELY ENGAGED IN THE PRACTICE OF CERTAIN PROFESSIONS, TRADE AND ACTIVITY RECOGNIZED AND REGULATED AS SUCH BY THE LAWS OF THE STATE OF WEST VIRGINIA

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

733.14 IMPOSITION OF TAX.

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

<u>Profession, Trade or Activity</u>	<u>Price Per Unit</u>
GENERAL STORE	\$ 15.00
BEER (State license must be presented in Clerk's Office)	
Retail Dealers:	
Class A (Restaurants, Bars, Clubs, Fraternal, Social Organizations)	\$ 100.00
Class B (Grocery Store, chilled/unchilled)	\$ 50.00
ALCOHOLIC BEVERAGES (liquor and wine)	
Retailers, wine only	\$ 150.00
Retailers, Liquor, Class A License	\$1,500.00
Class B License	\$ 500.00
Class A (Non-profit Social, Veterans Fraternal Clubs)	\$ 375.00
Class B (Membership of 1000 or Less)	\$ 500.00
Class C (Membership of 1000 or More)	\$1,250.00
BOWLING LANES, BILLIARDS, POOL	
(1st Lane or Table)	\$ 25.00
Each additional lane or table	\$ 15.00

COIN MACHINES (Including Video Games)

(Decal provided by City must be placed on each coin machine)

\$ 15.00 59

MOTELS, HOTELS, RESTAURANTS

\$ 10.00

GENERAL CONTRACTORS (Must register)

\$ 100.00

CONTRACTORS (RENEWAL)

\$ 50.00

MASTER PLUMBER (Must register)

\$ 50.00

MASTER ELECTRICIAN (Must register)

\$ 50.00

MEDICAL CORPORATIONS, CLINICS

\$ 25.00

FUNERAL ESTABLISHMENTS

\$ 25.00

EMPLOYMENT AGENCY

\$ 100.00

LOAN COMPANIES, CREDIT UNION & BANKS

\$ 50.00

COMMERCIAL RENTAL (Must register)

\$ 15.00

RESIDENTIAL RENTAL (Over 3 units must register)

\$ 15.00

PROFESSIONAL:

Architects, Physicians, Surgeons, Chiropractors, Engineers

Auctioneers, Land Surveyor, Barbers, Beauticians, Real

Estate Salespersons, Dentists, Funeral Directors, Embalmers

Insurance Company or Agency, Insurance Broker, Attorneys

Accountants

\$ 25.00

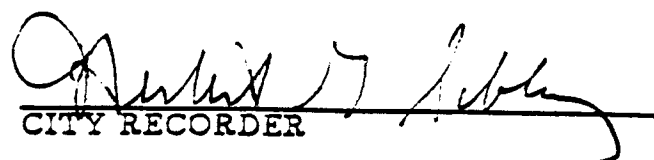
ALL OTHER BUSINESS NOT LISTED ABOVE

\$ 25.00

Passed on First Reading: MAY 18, 1993

Adopted on Second Reading: JUNE 1, 1993


DON KARNES, MAYOR


CITY RECORDER



DON KARNES
MAYOR

PROCLAMATION 93-3

PROCLAIMING JUNE 8, 1993
HOWARD "HANK" TURLEY DAY
IN NITRO

WHEREAS, Howard "Hank" Turley has been, not only a servant of the people in terms of serving the City, but also has been a longstanding and loyal employee; and

WHEREAS, he has been a part of the Department of Public Works since 1972; and

WHEREAS, "Hank" has been more than just an employee, but a member of our family; and

WHEREAS, he will be missed by his work family and friends; and

WHEREAS, his faithful service will always be remembered; and


INASMUCH AS HANK HAS DECIDED TO RETIRE, THEREFORE, be it resolved that Tuesday, June 8, be proclaimed as

HOWARD "HANK" TURLEY DAY

in the City of Nitro.

Passed this 1st day of June, 1993, and proclaimed unanimously by the Nitro City Council.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER

CITY OF NITRO COUNCIL MEETING MINUTES, JUNE 15, 1993

Recorder Herb Sibley declared a quorum and called the meeting to order in Council Chambers at 7:30 p.m. Present were Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman George Atkins, Councilman Frank Grover Jr., and Councilwoman Betty Boggess. Also present were City Attorney Phillip D. Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 01, 1993 MINUTES:
Councilman at Large Jim Hutchinson moved to approve the minutes as read. The motion was seconded and vote was unanimous.

AGENDA ITEM NO. 2 - ZONING BD. OF APPEALS MINUTES:
Councilman George Atkins moved to make the Zoning Board of Appeals Minutes a part of June 15, 1993 Council Minutes. The motion was seconded and vote was unanimous. Copy attached.


AGENDA ITEM NO. 3 - NEW LICENSING: Recorder Herb Sibley gave a brief explanation of the different types of licensing for the City Businesses. Recorder Sibley stated that all in all the new licensing has been accepted well.

AGENDA ITEM NO. 4 - MUNICIPAL SERVICE APPLICATIONS:
Recorder Sibley stated the applicants who applied last year for the reduced rate of municipal service must renew their application yearly to be eligible since incomes can change from year to year. Also he said notifications are being sent to the citizens receiving this reduction at this time.


AGENDA ITEM NO. 5 - COMMENTS: City Recorder Sibley yielded the floor to Mr. Bill Whitaker of W and M Enterprise. Mr. Whitaker requested permission to solicit residents for curb painting service. For a fee of \$10.00, they will paint a white bar on the curb with the address in glossy black. If there is no curb Mr. Whitaker said the address can be painted on the bottom of a concrete stairway or even on a slanted driveway. Also Mr. Whitaker said the company donates 10 per cent of its profits to the Fire Department. Councilman at Large Jim Hutchinson moved to grant license to the W & M Enterprise. The motion was seconded and vote was unanimous.

City Recorder Sibley stated council was furnished a copy of a letter regarding property on Park Avenue from Mr. Bob White President of Senior Citizens. Councilman at Large Miller moved this be made a part of the minutes. The motion was seconded and vote unanimous. Copy attached.

There being no further business the meeting was adjourned.



DON KARNES, MAYOR



HERBERT SIBLEY, RECORDER

ZONING BOARD OF APPEALS JUNE 8, 1993 MEETING MINUTES

The Zoning Board of Appeals meeting was called to order by Preston Russell in the Council Chambers at 7:00 p.m. Board Members present were Gene Brightwell, Kenneth Hudnall, Robert Kautz, Charles Raynes and Preston Russell. Also present were: Charles R. Sergeant, Building Official, Councilman at Large Dean Miller, Vernon C. Mills, Nitro Lock-N-Key, Tonya J. Mills, Nitro Lock-N-Key, Daniel Reese, Nitro Lock-N-Key, Gerald Sayre, Nitro Church of God, Pastor Harold Goodpaster, Nitro Church of Good, John Burgess, Tonya McCallister, Frank U. Gillispie and Phyllis Gillispie.

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

Nitro Church of God, 2nd Avenue and 16th Street - Add a 16' by 40' addition to church bldg. Action taken: The variance was unanimously approved.

Frank N. Gillispie, 103 Blackwood Street - Upgrade mobile homes (2) on corner of Michigan Avenue and Spring Street. Action taken: The variance denied due to insufficient square footage for two homes. However a variance was granted unanimously to permit the installation of a double wide unit.

Vernon Mills, 102 Ash Street - Build apartment over commercial garage. Action taken: Variance was unanimously approved.

John Burgess, 511 Michigan Avenue - Replace present mobile home with double wide. Action taken: The variance was unanimously approved.

There were no objections received on any of the above requests.

There being no further business the meeting was adjourned.

Preston Russell

Preston Russell, Chairman



NITRO SENIOR CITIZENS CENTER, INC

21st and 2nd Ave.

P.O. Box 444

Nitro, WV 25143

April 20, 1993

Nitro City Council
Nitro City Hall
Nitro, WV 25143

Dear Council:

The Nitro Senior Citizens' Advisory Council would like to relinquish the three quarters of property located on Park Avenue across from the Swimming Pool. This property was leased to us with the hopes of building a new building for the Nitro Senior Citizens before the Nitro Development Authority purchased the Old Nitro High School and renovated a new Center.

The Advisory Council would like to thank you for all of the support you have given us in the past and look forward to your continued support in the future.

Sincerely,

A handwritten signature in cursive script that reads "Robert A. White".

Robert A. White, Chairman
NSCC Advisory Council

CITY OF NITRO COUNCIL MEETING MINUTESJULY 06, 1993

Mayor Karnes declared a quorum and called the meeting to order in Council Chambers at 7:38 p.m. Present were City Recorder Herb Sibley, Councilman at Large Steven E. West, Councilman at Large Jim Hutchinson, Councilman at Large Dean Miller, Councilman Frank Grover, Jr., Councilman George Atkins, Councilwoman Betty Jo Boggess and Councilman Robert Young. Also present was City Attorney Phillip D. Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 15, 1993 MINUTES:

Councilman at Large Jim Hutchinson moved to approve the minutes as read. The motion was seconded. Councilman George Atkins stated he would like more details of the intent of the letter to be included in the minutes. His suggestion was treated as a friendly amendment to the motion. A vote was taken and unanimously approved.

AGENDA ITEM NO. 2 - FENTON CIRCLE (CAR WASH):

Spokeswoman Donna Gordon presented a petition with eighty or more signatures opposing a car wash at the corner of Main Ave, Fenton Circle and Center Street. Ms. Gordon stated their reasons for this action was mostly because of safety, and a car wash would obstruct their view making it even more difficult to travel in that area. Also she said the storm sewers in that area will not handle that much water. Ms. Gordon ask the City how and if they can help them prevent the Car Wash from going in at that area. Mr. John Baugh from 1507 Fenton Circle also spoke to reiterate mostly what Spokeswoman Gordon said. He said this intersection is one of the most congested intersection in the whole City of Nitro, especially during the rush hours and while the work is being done on the Interstate Highway. The residents have a very hard time getting out the way it is now. Mr. Baugh feels they cannot accommodate the volume of traffic a car wash would bring. Mayor Karnes said he would ask for a motion to make the petition part of the Council minutes, ask the City Attorney Phillip Gaujot to look into the legality of this matter. Councilman at Large Steve West so moved. The motion was seconded and vote was unanimous. Copy attached.

Mayor Karnes read the letter from West Virginia Department of Transportation denying the request for a traffic light at Main Avenue and Center Street. Discussion followed concerning this matter, Mayor Karnes stated he will look in to this problem to see what options are available.

AGENDA ITEM NO. 3 - REZONING REQUEST: Mayor Karnes

stated each council member has a copy of a map and a petition signed by residents of 40th St. Rd and Easter Rd. requesting rezoning. Councilman at Large Dean Miller moved to accept the petition as part of the Council minutes. The motion was seconded and vote was unanimous. Councilman at Large Steve West moved to refer this matter to the Planning Commission for their review. The motion was seconded and vote was unanimous. Copy attached.

AGENDA ITEM NO. 4 - COMMENTS: Mayor Karnes gave a brief summary of the July 4th Celebration.

Mayor Karnes said Councilwoman Betty Boggess has a copy of an ordinance from another town reference dogs and Councilman at Large West has one on noise and he recommends these ordinances be placed in Committee for review and recommendation. Councilman at Large Steve West moved these ordinances be placed in Committee. The motion was seconded. A vote was taken and it was unanimous. Councilman at Large West scheduled a Committee meeting for 7:00 p.m. prior to the next Council Meeting.

Mayor Karnes said there may be some problems resulting from the repaving of Main Avenue concerning the curbs. Mayor Karnes said he is working with the State Department of Highways and the City Public Works Department to work out a solution to the problems.

City Recorder Herbert Sibley moved to have an ordinance prepared by the City Attorney, an exchange of information for tax purposes. Ordinance name is Ordinance for Reciprocity. The motion was seconded and vote was unanimous.

There being no further business the meeting was adjourned.



DON KARNES, MAYOR



HERBERT SIBLEY, RECORDER

The undersigned are opposed to the building of a car wash on the lot located at Central Avenue and Main Street/Fenton Circle.

	<u>Name</u>	<u>Address</u>
1.	Donna Gordon	1517 Fenton Circle
2.	Cheryl Thomas	1519 Fenton Circle
3.	James O. Thomas	1519 Fenton Circle
4.	Joe H. Buford	1511 Main Ave
5.	Helen M. Buford	1318 Valentine Circle
6.	Nellie E. Lilly	1504 Fenton Cir
7.	Andy Kent	1503 Fenton Circle
8.	Diane Kent	1503 Fenton Cr.
9.	Kod Gordon	1517 Fenton Circle
10.	Debbie Cooper	1521 Fenton Circle
11.	Janet Willard	1534 Fenton Circle
12.	Paul Willard	1534 Fenton Circle
13.	Nancy Flanagan	1532 Fenton Circle
14.	E. Flanagan	1532 Fenton Circle
15.	John P. McTuckin	1524 FENTON CR.
16.	Michael Kynsick	1526 Fenton Circle
17.	Arnold K. Kinn	1513 Fenton Circle
18.	Claudia F. Ryan	1513 Fenton Circle
19.	Kelly Classen	1518 Fenton Cr.
20.	Bonita Boydall	1514 Fenton Cr.
21.	George T. Boydall	1514 Fenton Circle
22.	Gave D. Hill	1530 Fenton Circle
23.	Patricia J. Sanson	1538 Fenton Circle

24. Alvin Lawson Jr 1538 Fenton Cir.
25. Melissa Willard 1534 Fenton Cir.
26. Joyce Foster 1506 Fenton Circle
27. Long Harris 902 Dupont Ave Nitro
28. George M. Jenkins 2102 21st St. Nitro
29. Robert L. Higginbotham 3219 32nd St. NITRO
30. HAROLD W. HARMON 108 RIVER Nitro
31. Kim Ball 132 Main Ave Nitro-WV
32. Jeth Woods 3616 36th St Nitro W Va 25143
33. Ally Cooper 1521 Fenton Circle Nitro WV 25143
34. Rose Mary Cooper 229 Bee Ave Nitro WV 25143
35. Roger Jones 1516 Main Ave. Apt 4 Nitro W.V. 25143
36. Doris A. Leman 108 Blackburn Street Nitro, W Va.
37. Juanita Goss 103 Michigan Ave. Nitro
38. Dorothy Hudson 105 Kanawha Ave. So. Nitro W Va.
39. Essie Michelson
40. Samuel Bleske 1536 Fenton Circle Nitro W. Va
41. John Morant 1512 Fenton Circle Nitro W Va
42. Luella Hunter 1511 Fenton Circle Nitro WV
43. Daryl L. Hunter 1511 Fenton Circle Nitro W Va
44. Walt Shible 1516 Fenton Circle Nitro, W Va
45. Jim Shanklin 1516 Fenton Cir Nitro W Va
46. F. J. Morant 1512 Fenton Circle Nitro W Va
47. Nancy G. Luman 1520 Fenton Circle, Nitro, W. Va.
48. Strawn Jr 1540 Fenton Circle Nitro WV
49. James Newman 1506 Main Ave Nitro
50. Barbara Newman 1506 Main Ave Nitro
51. Betty Bailey 1522 Fenton Circle

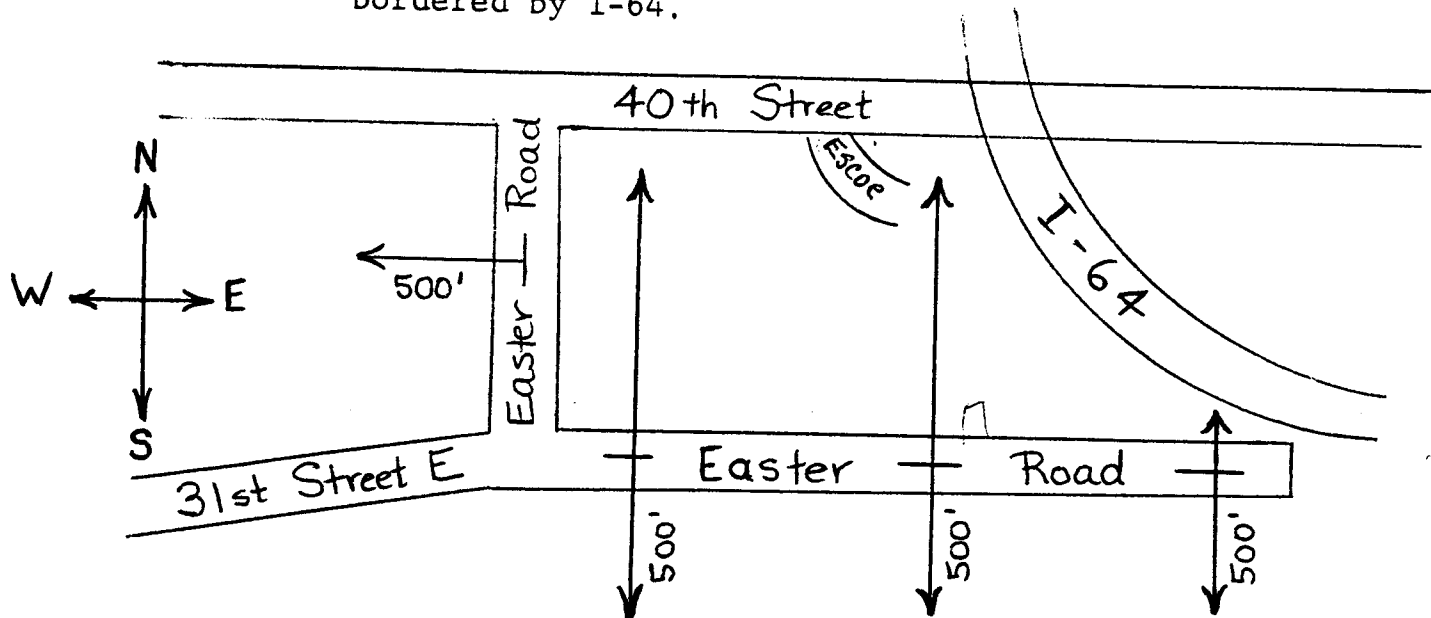
52. Joe Classey 1518 Fenton Cr.
53. Willie Blain 1510 Fenton Cr
54. Rahile East 1508 Fenton Circle
55. James & Hod 1505 Fenton Circle
56. Joseph Slater 102 Planch Dr.
57. Sheri Angus 1206 Main Ave
58. Sonia Patton 44 21st Street
59. Nancy Smith 40 W. 21st St.
60. Carmen Hardman 106 Kan. Ave. S.
61. Steve Hardman 106 Kan. Ave. S.
62. BEJAN L. ROBERTS 709 DuPont Ave.
63. Tami L. Roberts 709 DuPont Ave.
64. Tammy Arthur 1336 134th St.
65. Kim Laffer 301 Frederick St.
66. Deane Murphy 1420 W 14th St
67. Nikki Mann 1331 Park Ave.
68. Day Sayre 925 9th St.
69. Nancy Kuyke 301 Frederick St
70. Carol Sayre 925 9th St NITRO
71. Jim Ryle 806 DuPont Ave NITRO
72. Sisie Warner 1516 Fenton Circle
73. Norma Shumaker 1516 Fenton Circle
74. Russell McWhorter 1516 Fenton Circle
75. Karen Foster 1507 Fenton Circle
76. John W. H. Smith 1507 Fenton Circle
77. B. E. Rorie 1505 Fenton Circle
78. Ruby 243 1504 MAIN AVE NITRO NV

79. *Shoreway Telephone - 107 Hwy. Ave. So.*
80. *K. E. Jordan 107 K Ave. Ave. So.*
81. *Keight Young 1509 Senter Ave.*
82. _____
83. _____
84. _____
85. _____
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89. _____
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104. _____
105. _____
106. _____

We the undersigned residents of Easter Road, Escoe Drive, and adjacent areas as stated below, hereby petition the City Council of the City of Nitro, West Virginia, to change the following residential districts from R-2 and R-3 to R-1 status, single-family dwelling:

Easter Road from 40th Street running north to south to include 500 feet west along road center;

Easter Road running west to east from the junction of 31st Street E to the dead end at I-64, to include north to 40th Street, south 500 feet along road center and east bordered by I-64.



Name

Street Address

Louise Jones	216 Easter Road
Karl Angell	203 Easter Road
Lavania L. Hoffman	101 Easter Rd.
Jesse Hoffman	101 Easter Rd
Bruce D Angell	203 a Easter Rd
Dana Angell	203 a Easter Rd
Shelia Angell	203 Easter Rd
Mabel Angell	201 Easter Rd.

Name

Street Address

John Hughes	99 EASTER ROAD
Jina Hughes	99 Easter Rd.
Al. Jones	210 Easter Rd.
Sue Jones	210 Easter Rd.
Elmer Diggintotham	212 Easter Rd.,
Mary Diggintotham	217 "
Rich. Duggins	
William W. Duggins	226 Easter Rd.
Mary E. Gibson	236 Easter Rd.
James H. Gibson	236 Easter Rd.
Eva J. Massey	221 Easter Rd.
Gene Massey	221 Easter Rd.
Michell Massey	223 Easter Rd.
Angela Carpenter	223 Easter Rd.
Timothy Carpenter	223 Easter Rd.
Kelli Williams	222-A Easter Rd.
Donald E. Williams	222-A Easter Rd.
Ruby Hughes	228 Easter Rd.
James Hughes	228 Easter Rd.
Paula W. Brewer	224 Easter Rd.
Grady Zukagone	225 Easter Rd.

NAME

ADDRESS

Elizabeth Thomas
 Pat Hall
 Charles Swanson
 Michael Jones
 Freda Lawrence

3998 39th St.
 3999 39th St
 #5 Eads drive
 #2 Eads Drive
 #1 Eads Drive

CITY OF NITRO COUNCIL MEETING MINUTES

JULY 20, 1993

Mayor Karnes declared a quorum and called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Herb Sibley, Councilman at Large Steven E. West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman George Atkins, and Councilman Frank Grover, Jr., Also present was City Attorney Phillip D. Gaujot. Absent were Councilwoman Betty Jo Boggess and Councilman Robert Young.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 06, 1993 COUNCIL MEETING MINUTES: Councilman at Large Jim Hutchinson moved to approve the minutes as read. The motion was seconded, and vote was unanimous.

AGENDA ITEM NO. 2 - PLANNING & TRAFFIC COMMITTEE REPORT: Councilman at Large Miller stated the Committee recommends resubmitting the request to the Dept. of Highways for a traffic light at Center Street and Main Avenue.

The limited weight signs at the Nitro, St. Albans Bridge are located such that you are committed to crossing the bridge before you see the signs. It is recommended by the Committee that the Police Chief ask the Department of Highways to move the signs to a more appropriate place or add additional signs. The Committee also asks that we contact the Department of Highways and ask them to correct the "raised manhole" problem on Main Avenue and Elm Street.

AGENDA ITEM NO. 3 - NOISE & ANIMAL CONTROL COMMITTEE REPORT: A copy of the ordinance used by Charleston, "Noise is a nuisance" was reviewed by committee and they recommended the City Attorney prepare a similar ordinance concerning noise for the August 3rd meeting. The City Attorney was also ask to prepare an ordinance designed to tighten our controls on animals.

AGENDA ITEM NO. 4 - RDA RESOLUTION: Councilman Grover moved to approve a resolution appointing Mayor Don Karnes to serve on the Board of Directors of the Regional Development Authority. Term to expire June 30, 1995. Motion was seconded and the vote was unanimous. Copy attached.

AGENDA ITEM NO. 5 - COMMENTS: Mayor Karnes stated the spec's for the proposed drainage work at Valentine Circle have been received and we will advertise and accept bids as soon as time permits.

City Recorder Sibley stated license for vending needs to be studied by Finance Committee. There will be a meeting

scheduled at a later date.

Councilman Atkins said the pavilion needs protection by additional lighting, which will hopefully discourage vandalism.

There being no further business the meeting was adjourned.



Don Karnes, Mayor



Herb Sibley, Recorder



DON KARNES
MAYOR

RESOLUTION 93-07

WHEREAS, it is provided by Chapter 7, Article 12, Section 3 of the Code of West Virginia, relating to the Board of Members of County Redevelopment Authorities, that "the city and town council of each municipality located within the county shall submit to the County Court the name of one representative to be appointed to the Board",

NOW THEREFORE BE IT RESOLVED: That the council of the City of Nitro, Kanawha County, West Virginia, does hereby submit to the County Commission of Kanawha County the name of Don Karnes, Mayor, to be appointed as the representative of said City on the Board of the Regional Development Authority of Charleston, Kanawha County, West Virginia Metropolitan Region, to serve for a term of three years and until his successor has been appointed and qualified, unless sooner removed by appropriate action of said council.

BE IT FURTHER RESOLVED: That a certified copy of this resolution be forthwith delivered by the City Recorder to the Kanawha County Commission.

I, Herbert Sibley, Recorder of the City of Nitro, Kanawha County, West Virginia, hereby certify that the foregoing resolution was duly adopted at a regular meeting of the council of said City held on July 20, 1993.


RECORDER

CITY OF NITRO COUNCIL MEETING MINUTES

AUGUST 03, 1993

Mayor Karnes declared a quorum and called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Herb Sibley, Councilman at Large Steven West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman George Atkins, Councilman Frank Grover and Councilwoman Betty Jo Boggess. Also present was the City Attorney Phillip D. Gaujot. Absent was Councilman Robert Young.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 20, 1993 COUNCIL MEETING MINUTES: Councilman at Large Jim Hutchinson moved to approve the minutes as read. The motion was seconded and vote was unanimous.

AGENDA ITEM NO. 2 - ORDINANCE 93- NOISE CONTROL: Councilman at Large Steven West introduced the new revised ordinance which was the same except for adding section "J". Councilman at Large Steve West moved to read only the title. Motion seconded and vote was unanimous. Mayor Karnes read title of Ordinance 93-amending 509.04 "Disturbing the peace, Adding a violation for Excessive Noise". Councilman at Large Steve West moved to adopt Ord. 93- on first reading. Motion was seconded and vote was unanimous. Copy attached.

AGENDA ITEM NO. 3 - ORDINANCE 93- ANIMAL CONTROL: Councilwoman Betty Boggess moved the ordinance be returned to committee for further study. City Attorney Phillip Gaujot commented he had reviewed the chapter of the City Code and compared it with the City Code of Charleston which is basically the same with the exception of licensing. Attorney Gaujot said he had prepared an ordinance to amend chapter 505.29 and 30 of the code, actually it would be adding 505.29 and 30 to our existing code. Also he agrees this matter should go back to committee. Motion was seconded, and vote was unanimous.

AGENDA ITEM NO. 4 - CARRIAGE WAY: Mayor Karnes yielded the floor to City Attorney Gaujot for statement concerning the streets in Carriage Way. Attorney Gaujot stated Carriage Way homeowners have filed a lawsuit and in the course of filing the lawsuit they have ask for damages. Therefore, it falls within the area that is covered by insurance for the City. He said, he had prepared an answer to be filed in the event the Insurance Company refused to defend the City. The suit was forwarded by Mayor Karnes to Board of Risk and was then forwarded to the Insurance Company. The Insurance has now contacted the Law Firm of Cleek, Pullin and others and they will be filing an answer for the City and I will be working with Counsel monitoring, making sure, they are

properly representing the City. Reviewing the merits of the case I do not anticipate the City having to pay anything. Attorney Gaujot stated he had received two calls from Carriage Way residents concerning the banks not loaning money against their property, He advised them to petition the Homeowners Association to repair their streets, there is a code provision, a mechanism for people living in a subdivision to improve their street, they may file a petition with the City to improve the streets. The City can then either loan them the money or do it by way of certificate or bond. Each property owner adjacent to the streets would then be responsible for the payment of their proportionate share based on the front footage to the street. Copy Attached

AGENDA ITEM NO. 5 - COMMENTS: Mayor Karnes said each council person has a copy of the letter from the WV Development Office stating we will not get the grant for improvements on 31st Street East and the Gum Street storm sewer project. Copy attached.

Mayor Karnes stated there had been a request to rezone a section at 11th Street West. Also for variances within a zone at Dogwood and Main. Both requests will be going to the Zoning Board of Appeals and the Planning Commission. Dates of meetings to be announced.


Mayor Karnes commented the City bought a new police car today (Aug. 03, 1993). It will be ready for service in a few days. The boats are in the Lake and are busy. Mayor Karnes said there is a problem with vandalism at the pavilion (City Park). Also Mayor Karnes said, he made no promises when he was running for office, but he is making one now if I catch the person doing this, they will be prosecuted.

Mayor Karnes said the Valentine Circle drainage project has already been advertised for bids, the bids have to be in by August 9th, 1993. As soon as the bids are in, we will move as quickly as possible.

City Recorder/Treasurer Herb Sibley commented the pavilion is completed, most of the bills are in and we have Community Project Money to cover this expense. Much credit goes to the Superintendent, Harvey Roberts for keeping the expense down to a minimum. Mayor Karnes said he would like to commend all those who worked on this project for a job well done.

There being no further business the meeting was adjourned.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER



West Virginia Development Office

Gaston Caperton, Governor

Dyan Brasington, Executive Director

Charleston, West Virginia 25305-0311

July 28, 1993

The Honorable Don Karnes
Mayor
City of Nitro
Post Office Box 308
Nitro, West Virginia 25143

Dear Mayor Karnes:

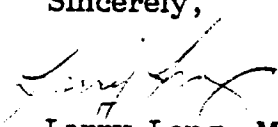
Thank you for submitting the Small Cities Block Grant application seeking \$537,500 from the 1993 program for the 31st Street improvements and Gum Street storm sewer projects.

I regret to inform you that we are unable to accommodate the request from the 1993 allocation. As in past years, the demand for funding has far exceeded the amount of funds available. This year 153 requests for funding were received totaling \$76.7 million, all competing for the \$14.7 million available for new projects.

Funding decisions are always very difficult, and this year is no exception. We have determined that while there is a local need for your project, funds are just not available to accommodate it this year. Counties and municipalities will be provided with an opportunity to participate in the development of the 1994 SCBG program design. We would expect to conduct public meetings concerning the program sometime early in 1994.

After the 1994 application guidelines and procedures are finalized, requests for assistance may again be submitted in accordance with the 1994 program design. We understand the need and will work with you during the coming year in this regard.

Sincerely,


Larry Long, Manager
Project Development

LL:cs

cc: Region III

ORDINANCE # 93-_____

ORDINANCE AMENDING 509.04 DISTURBING THE PEACE,
ADDING A VIOLATION FOR EXCESSIVE NOISE**509.04 DISTURBING THE PEACE**

No person shall:

- (a) On any street, highway, public building, in or on a public or private conveyance, or public place, engage in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed.
- (b) Willfully, or being intoxicated, whether willfully or not, disrupt any meeting of the governing body of any political subdivision of this State or a division or agency thereof, or of any school, literary society or place of religious worship, or any other meeting open to the public, if such disruption prevents or interferes with the orderly conduct of such meeting or has a direct tendency to cause acts of violence by the person or persons at whom, individually, such disruption is directed.
- (c) Engage in fighting, or threaten to harm persons or property unlawfully.
- (d) Make offensively coarse utterance, gesture or display, or communicate unwarranted and grossly abusive language to any person, which by its very utterance or usage inflicts injury or tends to incite an immediate breach of the peace.
- (e) Insult, taunt or challenge another under circumstances in which such conduct is likely to provoke a violent response.
- (f) Hinder or prevent the movement of persons or vehicles on a public street, road, highway right of way or to, from, within or upon public or private property, so as to interfere with the rights of others, by any act which serves no lawful and reasonable purpose.
- (g) Create a condition which presents a risk of physical harm to persons or property.
- (h) Urinate or defecate in any public place or upon the property of any other person, except this section shall not apply to the use of restrooms and/or bathrooms.
- (i) On any street or highway conduct himself in a manner annoying to persons passing by or occupants or residents of adjoining buildings.
- (j) Make, continue or cause to be made by the use of any horn, bell, radio or loud speaker, or by the operation of any instrument or device, any unreasonably loud, disturbing and unnecessary noise of such a character, intensity and duration as to disturb the peace and quiet of the community or to be detrimental to the life or health of any individual, and no person shall willfully conduct himself in a noisy, boisterous or other disorderly manner by either words or acts which disturb the good order and quiet of the community.

Nothing described herein shall be interpreted or construed to prevent any constitutionally protected activity including but not necessarily limited to exercise of one's constitutionally guaranteed rights of freedom of speech or assembly. No person may be convicted under this section when his sole intent for engaging in the activities for which he was arrested was to exercise one or more of the rights

guaranteed to him under the Constitution of the United States or the State Constitution or to exercise any other rights guaranteed to that person by law.

Passed on First Reading

Adopted on Second Reading



Mayor



City Recorder

Mayor Karnes declared a quorum and called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Herb Sibley, Councilman at Large Steven West, Councilman at Large Jim Hutchinson, Councilman at Large Dean Miller, Councilman Robert Young, Councilman George Atkins and Councilwoman Betty Boggess. Absent were City Attorney Phillip Gaujot and Councilman Frank Grover.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 03, 1993 COUNCIL MEETING MINUTES: Councilman at Large Jim Hutchinson moved to approve the minutes as read. The motion was seconded and vote was unanimous.


AGENDA ITEM NO. 2 - ORDINANCE 93-03 NOISE CONTROL: Councilman at Large Steve West moved to read the title only of the Ordinance. The motion was seconded. Mayor Karnes read title of Ordinance 93- amending 509.04 "Disturbing The Peace, Adding a violation for Excessive Noise". Councilman at Large Steve West moved to adopt Ord. 93 - for second reading. Motion was seconded and vote was unanimous. Copy attached.

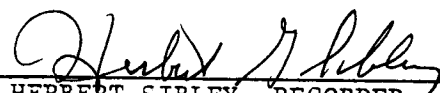
AGENDA ITEM NO. 3 - ORDINANCE 93- ANIMAL CONTROL: Mayor Karnes yielded the floor to Councilwoman Betty Boggess. Councilwoman Boggess gave a report on The Animal Control Ordinance and will bring back to Council after the committee has time to work out the details.

AGENDA ITEM NO. 4 - FINANCE COMMITTEE REPORT: Mayor Karnes yielded the floor to the City Recorder Herb Sibley. Recorder Sibley said we have successfully completed the 92/93 budget and came out in the black by \$80,000. However, this amount is unaudited by the State of WV. Recorder Sibley said the money will go into the 93/94 budget and he knows the Mayor would like to use some of the money for paving streets. He said the total collections for real property tax were \$102,000 short of the budget estimate. The shortage was balanced by higher than expected collections in other areas. He stated he would investigate and find the reason for this.

AGENDA ITEM NO. 5 - COMMENTS: Mayor Karnes commented we are going to be mandated soon to do a recycling program. Any town having a population of 10,000 or more is mandated to do so by October of this year. Mayor Karnes request that we form a committee of at least three council people. He said he would like to have them on a volunteer basis and let him know by the next council meeting.

There being no further business the meeting was adjourned.


DON KARNES, MAYOR


HERBERT SIBLEY, RECORDER

ORDINANCE AMENDING 509.04 DISTURBING THE PEACE,
 ADDING A VIOLATION FOR EXCESSIVE NOISE

509.04 DISTURBING THE PEACE

No person shall:

- (a) On any street, highway, public building, in or on a public or private conveyance, or public place, engage in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed.
- (b) Willfully, or being intoxicated, whether willfully or not, disrupt any meeting of the governing body of any political subdivision of this State or a division or agency thereof, or of any school, literary society or place of religious worship, or any other meeting open to the public, if such disruption prevents or interferes with the orderly conduct of such meeting or has a direct tendency to cause acts of violence by the person or persons at whom, individually, such disruption is directed.
- (c) Engage in fighting, or threaten to harm persons or property unlawfully.
- (d) Make offensively coarse utterance, gesture or display, or communicate unwarranted and grossly abusive language to any person, which by its very utterance or usage inflicts injury or tends to incite an immediate breach of the peace.
- (e) Insult, taunt or challenge another under circumstances in which such conduct is likely to provoke a violent response.
- (f) Hinder or prevent the movement of persons or vehicles on a public street, road, highway right of way or to, from, within or upon public or private property, so as to interfere with the rights of others, by any act which serves no lawful and reasonable purpose.
- (g) Create a condition which presents a risk of physical harm to persons or property.
- (h) Urinate or defecate in any public place or upon the property of any other person, except this section shall not apply to the use of restrooms and/or bathrooms.
- (i) On any street or highway conduct himself in a manner annoying to persons passing by or occupants or residents of adjoining buildings.
- (j) Make, continue or cause to be made by the use of any horn, bell, radio or loud speaker, or by the operation of any instrument or device, any unreasonably loud, disturbing and unnecessary noise of such a character, intensity and duration as to disturb the peace and quiet of the community or to be detrimental to the life or health of any individual, and no person shall willfully conduct himself in a noisy, boisterous or other disorderly manner by either words or acts which disturb the good order and quiet of the community.

Nothing described herein shall be interpreted or construed to prevent any constitutionally protected activity including but not necessarily limited to exercise of one's constitutionally guaranteed rights of freedom of speech or assembly. No person may be convicted under this section when his sole intent for engaging in the activities for which he was arrested was to exercise one or more of the rights

guaranteed to him under the Constitution of the United States or the State Constitution or to exercise any other rights guaranteed to that person by law.

Passed on First Reading

AUGUST 6, 1993

Adopted on Second Reading

AUGUST 17, 1993

Don Karm
Mayor

Heidi T. Libby
City Recorder

CITY OF NITRO COUNCIL MEETING MINUTES

SEPTEMBER 07, 1993

Mayor Karnes declared a quorum and called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Herb Sibley, Councilman at Large Steven West, Councilman at Large Jim Hutchinson, Councilman at Large Dean Miller, Councilman Frank Grover, Councilman George Atkins and Councilwoman Betty Boggess. Also present was the City Attorney Phillip Gaujot. Absent was Councilman Robert Young.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 17, 1993 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE MINUTES AS READ. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - TRASH BAG BIDS: COUNCILMAN AT LARGE DEAN MILLER MOVED TO AUTHORIZE THE MAYOR TO PROCEED WITH A LEGAL AD TO ACCEPT BIDS FOR TRASH BAGS FOR THE YEAR OF 1994. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 3 - ANIMAL CONTROL ORD: Mayor Karnes yielded the floor to Councilwoman Betty Boggess. Councilwoman Boggess stated the committee recommends we adopt the following ordinance dealing with licensing. Mayor Karnes read the title only, ORD. #93-04 ORDINANCE AMENDING 505 ANIMALS AND FOWL, ADDING SECTION 505.29 ANNUAL LICENSE REQUIRED; APPLICATION FOR LICENSE AND PAYMENT OF LICENSE FEE; LICENSE TAX AND 505.30 LICENSE FEES, EXPIRATION OF LICENSES.

COUNCILWOMAN BETTY BOGGESS MOVED TO ADOPT ORD. #93-04 ON THE FIRST READING. THE MOTION WAS SECONDED, AND MOTION PASSED WITH COUNCILMAN AT LARGE DEAN MILLER OPPOSING.

ORDINANCE #93-04 ATTACHED.

Resident Bob Taylor of 24 Penwood Avenue, commented he raises beagles, he said he had just built a \$8000 kennel and takes good care of his dogs. Mr. Taylor voiced concern if this ordinance also pertained to cats. A discussion followed.

AGENDA ITEM NO. 4 - RECIPROCAL AGREEMENT/ORD: Mayor Karnes yielded the floor to the City Recorder/Treasurer Herb Sibley. Recorder/Treasurer Sibley commented the purpose of the agreement was to give him the authority to exchange tax information with the WV. Tax Department. City Attorney Phillip Gaujot stated he has prepared an Ordinance amending a section of the City Code, adding a provision which would make it a misdemeanor offense to divulge facts or information obtained from returns or tax statements.

COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO AUTHORIZE MAYOR KARNES TO SIGN THE RECIPROCAL AGREEMENT. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

Without objection Mayor Karnes read title only ORD. 93-05 AN ORDINANCE TO AMEND THE CITY OF NITRO MUNICIPAL CODE BY ADDING TO SECTION 750.0 MAKING IT A MISDEMEANOR TO DIVULGE FACTS OR INFORMATION OBTAINED FROM TAX RECORDS OR TAX RETURNS OR TAX STATEMENTS.

COUNCILMAN GEORGE ATKINS MOVED TO APPROVED ORD. 93-05 THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

ORDINANCE 93-05 ATTACHED.

AGENDA ITEM NO. - 5: STATUS REPORT/CARRIAGE WAY: Mayor Karnes yielded the floor to City Attorney Phillip Gaujot for update. Attorney Gaujot commented there had been a number of meetings with Carriage Way Home Owners Asso. and they have now filed suit against the City for Declaratory Judgement Action asking the Court to declare the streets to be a part of the City. Attorney Gaujot said just because the City incorporated Carriage Way, that does not mean the City owns all of the property. Also they have asked that the City pay for the repair of the streets and they have ask for a sum of money that they should be compensated for their loss of use and enjoyment of their property, and for the loss of value of their real estate. Attorney Gaujot said he had already advised the Mayor to turn the Case over to the insurance carrier. The insurance carrier said they had referred this case to Council and the Council has filed an answer. The Council will keep Attorney Gaujot advised of pleadings.

COUNCILMAN AT LARGE STEVE WEST MOVED TO ADD AGENDA ITEM 5A TO THE AGENDA. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 5A - PLANNING COMMISSION COMMITTEE REPORT: Councilman at Large Jim Hutchinson stated the Planning Commission met and voted in favor of the rezoning request as the Planning Commission Minutes will show. The property in question is located on West 11th Street. It is now R-2 asking for rezoning to B-1. Attorney Gaujot said this requires proper advertising and a public hearing prior to the first reading of an ordinance reflecting the zoning change.

COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO MAKE THE PLANNING COMMISSION MINUTES A PART OF THE COUNCIL MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

Planning Commission minutes attached.

COUNCILMAN GEORGE ATKINS MOVED TO GIVE MAYOR KARNES

AUTHORIZATION TO ADVERTISE FOR A PUBLIC HEARING. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 6 - COMMENTS: Mayor Karnes commented there are two vacancies on the Planning Commission that needs to be filled. Also Mayor Karnes said as soon as material can be delivered the construction will begin at Valentine Circle. This date should be around the 20th of September.

Mayor Karnes said there has been a change order on the construction at the end of 21st Street. This change order will probably delay this job a couple of weeks. Construction should be completed by the end of September.

Mayor Karnes asked the Finance Committee to compare our current health insurance plan with what PEIA has to offer. It appears there could be a considerable savings but we want to make sure we do not lose any coverage. Finance Committee Chairman Mr. Sibley scheduled a meeting Tuesday, Sept. 14, 1993 at 6:30 p.m. in the conference room.

There being no further business the meeting was adjourned.


DON KARNES, MAYOR


HERBERT SIBLEY, RECORDER

ORDINANCE # 93- 04

ORDINANCE AMENDING 505 ANIMALS AND FOWL,
 ADDING SECTIONS 505.29 ANNUAL LICENSE REQUIRED;
 APPLICATION FOR LICENSE AND PAYMENT OF
 LICENSE FEE; LICENSE TAX
 AND
 505.30 LICENSE FEES; EXPIRATION OF LICENSES

**505.29 Annual License Required; Application for License and Payment
 of License Fee; License Tax**

Every person owning or harboring a dog in the city shall apply annually, on or before July 1, to the city collector for a license for each dog so owned or harbored, and at the time of application shall present and file with the collector information whether the dog is a male, unspayed female or spayed female. After the payment of the license fee set forth in section 505.30, the collector shall issue to such person a license and a copy of this article, together with an official license tag, which tag shall be fasted to the collar of the dog so licensed and shall be worn by such dog at all times while off the premises of its owner or custodian.

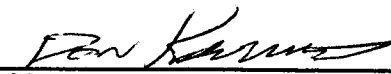
In the event of a dog attaining the age of six months, or being acquired or brought into the city after July 1 of any year, a license shall be obtained for such dog immediately after the date such dog attains the age of six months or is acquired or brought into the city.

505.30 License fees; expiration of licenses

As of July 1, 1993, the license fee for a dog license shall be three dollars for each male, spayed female dog or unspayed female dog. The license shall expire June 30 following the date of issue; provided, that the license fee mentioned shall not apply to dogs in a licensed kennel or veterinary hospital.

Passed on First Reading

Adopted on Second Reading



 Mayor



 City Recorder

ORDINANCE NO. 93- 05

AN ORDINANCE TO AMEND THE CITY OF NITRO'S
MUNICIPAL CODE BY ADDING THERETO SECTION 750.00
MAKING IT A MISDEMEANOR TO DIVULGE FACTS OR INFORMATION OBTAINED
FROM TAX RETURNS OR TAX STATEMENTS

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

That the following ordinance be added to the City of Nitro's Municipal Code as
Section 750.00.

Section 750.00. Penalties for Unlawful Disclosure of Information.

Any officer, employee or Agent of the City of Nitro or any former officer,
employee or agent of the City of Nitro who shall divulge facts or information obtained
from returns or tax statements other than for the purpose of administering such tax
shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a
fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment for not more
than one (1) year, or both, together with costs of prosecution.

Any officer, employee or agent of the City or Nitro or any former officer,
employee or agent of the City of Nitro who shall make unauthorized disclosure of
information received from the State Tax Commissioner under authority of Section
750.00 of this Code shall be guilty of a misdemeanor and, upon conviction thereof,
shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00) or
imprisonment for not more the one (1) year, or both, together with costs of
prosecution.

For the purposes of this Code, "unauthorized disclosure" shall mean the
release to any person of any tax information obtained by the City of Nitro from the
State Tax Commissioner unless (1) the person receiving the information is the
authorized counsel of the State or City of Nitro and shall be using the information

only for the purpose of administering Business and Occupation Tax, Sales Tax from single location businesses, or Liquor Sales Tax, or (2) the person who filed the return has authorized, in writing, its release, thereby waiving his right to secrecy.

Passed on First Reading: September 7, 1993

Adopted on Second Reading: _____



DON KARNES, MAYOR



CITY RECORDER

NITRO\DISCLOSURE.CFD



DON KARNES
MAYOR

PROCLAMATION 93-06

WEST VIRGINIA RECYCLING MONTH

OCTOBER 1993

CITY OF NITRO

WHEREAS, West Virginians are taking up the call to action to work toward a common goal...a cleaner, safer environment for this and future generations; and

WHEREAS, To achieve this vital goal, one of our most critical objectives must be to reduce the volume of solid waste our society creates; and

WHEREAS, Our legacy as a state and as a people rests on our ability to clean up the environment; our quality of life depends on the standards we set for ourselves and future generations; and

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

WHEREAS, The Governor of West Virginia has proclaimed the month of OCTOBER as RECYCLING MONTH

NOW, THEREFORE, I, DON KARNES, Mayor of the City of Nitro, do hereby proclaim the month of OCTOBER 1993 as RECYCLING MONTH in the City of Nitro, and urge all citizens to join in an effort to make "WEST VIRGINIA SHINE" through source reduction and recycling.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Nitro to be affixed this 21st day of October, Nineteen Hundred and Ninety Three.


DON KARNES, MAYOR

PLANNING COMMISSION, CITY OF NITRO

Public Meeting, August 31, 1993

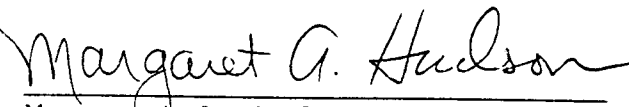
The Planning Commission held a Public Meeting on Tuesday, August 31, 1993, 7:30 p.m. in the Council Chambers at City Hall. Members present were Margaret Hudson, David Miller, Dr. Charles Byrd, Chuck Boggs, Dr. Guy Cassell and Jim Hutchinson. Bob Sergent also attended.

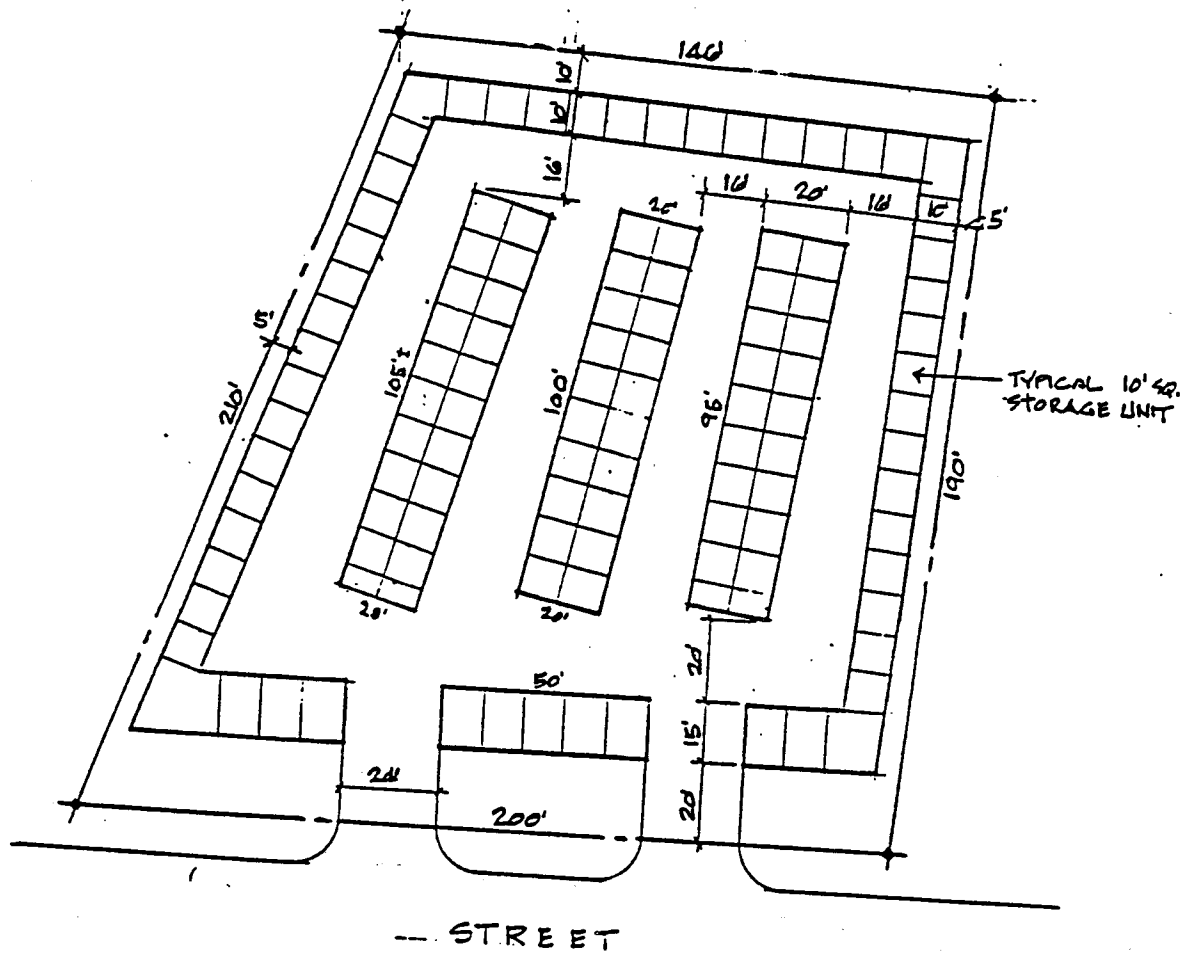
Margaret Hudson, Chairperson, opened the meeting and read the ad which had appeared in both Charleston newspapers on August 20 and 27 requesting that the property located at 11th Street West and First Avenue be rezoned from R-2 to B-1 in order to place mini-storage units on the parcel. After some discussion, Dr. Cassell moved "the property be rezoned from R-2 to B-1." Dr. Byrd second the motion. Motion passed unanimously. Chuck Boggs abstained from the vote.

Dr. Byrd talked about the good impression city entrance signs can have on visitors and after some discussion moved "we recommend that City Council explore the possibility of erecting attractive signs that call attention to the city limits and what the city has to offer at each entrance to the city." Dr. Cassell second the motion. Motion passed unanimously.

Bob Sergent gave us an up-date on the Winwood Crossing Subdivision. There was no additional business and so the meeting was adjourned.

Respectfully submitted,


Margaret A. Hudson



SITE PLAN

1" = 30'-0"



MINI-STORAGE FACILITY

MINI-STORAGE

DILL HEAVNER, ARCHITECT
HURRICANE 562-0525

CITY OF NITRO COUNCIL MEETING MINUTES

SEPTEMBER 21, 1993

Mayor Karnes declared a quorum and called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder/Treasurer Herb Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Robert Young, Councilman George Atkins, Councilman Frank Grover and Councilwoman Betty Boggess. Also Present was City Attorney Phillip Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 21, 1993 COUNCIL MEETING MINUTES: COUNCILMAN GEORGE ATKINS MOVED TO APPROVE THE MINUTES AS READ. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - FINANCE COMMITTEE REPORT: Mayor Karnes yielded the floor to City Recorder/Treasurer Herb Sibley. Mr. Sibley stated the committee is in the process of comparing the PEIA Insurance, for which the City qualifies, at a considerable savings. The present carrier is Blue Cross/BS.

Mr. Sibley said the Committee considered a slight change in the licensing. The City Counselor has prepared an ordinance which will be addressed later. Without objection Mayor Karnes moved Agenda Item # 2 to Agenda Item # 5A.

AGENDA ITEM NO. 3 - ANIMAL CONTROL ORD: Mayor Karnes yielded the floor to Councilwoman Betty Boggess. Councilwoman Boggess ask for the second reading of Ord. 93-04. Without objection Mayor Karnes read the title only of Ordinance 93-04 ORDINANCE AMENDING 505 ANIMALS AND FOWL, ADDING SECTION 505.29 ANNUAL LICENSE REQUIRED; APPLICATION FOR LICENSE FEE; LICENSE TAX AND 505.30 LICENSE FEES; EXPIRATION OF LICENSES.

COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO ADOPT ORDINANCE 93-04. THE MOTION WAS SECONDED. After a lengthy discussion CITY RECORDER HERB SIBLEY MOVED TO TABLE THIS AGENDA ITEM, ORDINANCE 93-04. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 4 - RECIPROCAL AGREEMENT/ORD 93-05: Mayor Karnes yielded the floor to City Recorder/Treasurer Herb Sibley. Without objection Mayor Karnes read title only of ORD 93-05, AN ORDINANCE TO AMEND THE CITY OF NITRO MUNICIPAL CODE BY ADDING TO SECTION 750.0 MAKING IT A MISDEMEANOR TO DIVULGE FACTS OR INFORMATION OBTAINED FROM TAX RECORDS OR TAX RETURNS OS TAX STATEMENTS. COUNCILMAN GEORGE ATKINS MOVED TO ADOPT ORDINANCE 93-05. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

ORDINANCE 93-05 COPY ATTACHED.

AGENDA ITEM NO. 5 - WV RECYCLING MONTH PROC 93-06: Mayor Karnes stated the Governor has ask the City of Nitro to proclaim the month of October as recycling month. Cities of 10,000 or larger are mandated to have a recycling program in place by October 1st, 1993. We are not mandated on that same law, but we are mandated by the County.

COUNCILMAN AT LARGE STEVE WEST MOVED TO APPROVE PROCLAMATION 93-06. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

PROCLAMATION 93-06 COPY ATTACHED.

AGENDA ITEM NO. 5A - ORDINANCE (LICENSING): Mayor Karnes yielded the floor to City Recorder/Treasurer Herb Sibley. Mr. Sibley reported there had been much discussion concerning the coin operated devices and this ordinance will correct the inequities in the licensing law now in effect. Without objection Mayor Karnes read title only of ORDINANCE 93-06, AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE 733.14 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA AND ORDINANCE 93-02 TO LEVY AND COLLECT AN ANNUAL LICENSE TAX ON PERSONS ACTIVELY ENGAGED IN THE PRACTICE OF CERTAIN PROFESSIONS, TRADE AND ACTIVITY RECOGNIZED AND REGULATED AS SUCH BY THE LAWS OF THE STATE OF WEST VIRGINIA.

ORDINANCE 93-06 COPY ATTACHED.

COUNCILMAN AT LARGE STEVE WEST MOVE TO ADOPT ORD. 93-06. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 6 - COMMENTS: Mayor Karnes commented he attended meeting of the Nitro Business and Professional Association. He said Nathan Wills was elected President of the Association. Mayor Karnes stated he would like for the City and the Association to work together. To help in this participation he ask Councilman at Large Dean Miller to report the activities of each meeting he attends.

Also Mayor Karnes said the Nitro Business and Professional Assn. have placed a " 1917 Nitro Bungalow" near the Nitro Library for restoration.

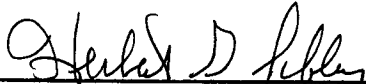
Mayor Karnes mentioned Councilman Frank Grover volunteered to serve as Chairman of a Recycling Committee. Also, he said Councilman Grover needs other volunteers to serve on the Committee. Chairman Grover stated he has a meeting scheduled Friday morning with people in the surrounding cities.

Mayor Karnes commented there is a bad place in the street at Brookhaven Circle and another area at Rockledge.

Both of these areas need repair.

There being no further business the meeting was adjourned.


DON KARNES, MAYOR


HERBERT SIBLEY, RECORDER

AN ORDINANCE TO AMEND THE CITY OF NITRO'S
MUNICIPAL CODE BY ADDING THERETO SECTION 750.00
MAKING IT A MISDEMEANOR TO DIVULGE FACTS OR INFORMATION OBTAINED
FROM TAX RETURNS OR TAX STATEMENTS

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

That the following ordinance be added to the City of Nitro's Municipal Code as
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Section 750.00. Penalties for Unlawful Disclosure of Information.

Any officer, employee or Agent of the City of Nitro or any former officer,
employee or agent of the City of Nitro who shall divulge facts or information obtained
from returns or tax statements other than for the purpose of administering such tax
shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a
fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment for not more
than one (1) year, or both, together with costs of prosecution.

Any officer, employee or agent of the City or Nitro or any former officer,
employee or agent of the City of Nitro who shall make unauthorized disclosure of
information received from the State Tax Commissioner under authority of Section
750.00 of this Code shall be guilty of a misdemeanor and, upon conviction thereof,
shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00) or
imprisonment for not more the one (1) year, or both, together with costs of
prosecution.

For the purposes of this Code, "unauthorized disclosure" shall mean the
release to any person of any tax information obtained by the City of Nitro from the
State Tax Commissioner unless (1) the person receiving the information is the
authorized counsel of the State or City of Nitro and shall be using the information

only for the purpose of administering Business and Occupation Tax, Sales Tax from single location businesses, or Liquor Sales Tax, or (2) the person who filed the return has authorized, in writing, its release, thereby waiving his right to secrecy.

Passed on First Reading: September 7, 1993

Adopted on Second Reading: Sept 21, 1993

Don Karnes
DON KARNES, MAYOR

Robert J. Fible
CITY RECORDER

WTRNO\DISCLOSURE.CFD



DON KARNES
MAYOR

PROCLAMATION 93-06

WEST VIRGINIA RECYCLING MONTH

OCTOBER 1993

CITY OF NITRO

WHEREAS, West Virginians are taking up the call to action to work toward a common goal...a cleaner, safer environment for this and future generations; and

WHEREAS, To achieve this vital goal, one of our most critical objectives must be to reduce the volume of solid waste our society creates; and

WHEREAS, Our legacy as a state and as a people rests on our ability to clean up the environment; our quality of life depends on the standards we set for ourselves and future generations; and

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

WHEREAS, The Governor of West Virginia has proclaimed the month of OCTOBER as RECYCLING MONTH

NOW, THEREFORE, I, DON KARNES, Mayor of the City of Nitro, do hereby proclaim the month of OCTOBER 1993 as RECYCLING MONTH in the City of Nitro, and urge all citizens to join in an effort to make "WEST VIRGINIA SHINE" through source reduction and recycling.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Nitro to be affixed this 21st day of October, Nineteen Hundred and Ninety Three.


DON KARNES, MAYOR

ORDINANCE NO. 93-06ADOPTED BY COUNCIL SEPTEMBER 21, 1993

INTRODUCED IN COUNCIL ON MAY 18, 1993

AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE 733.14 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA AND ORDINANCE 91-3 TO LEVY AND COLLECT AN ANNUAL LICENSE TAX ON PERSONS ACTIVELY ENGAGED IN THE PRACTICE OF CERTAIN PROFESSIONS, TRADE AND ACTIVITY RECOGNIZED AND REGULATED AS SUCH BY THE LAWS OF THE STATE OF WEST VIRGINIA

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

733.14 IMPOSITION OF TAX.

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

<u>Profession, Trade or Activity</u>	<u>Price Per Unit</u>
GENERAL STORE	\$ 15.00
BEER (State license must be presented in Clerk's Office)	
Retail Dealers:	
Class A (Restaurants, Bars, Clubs, Fraternal, Social Organizations)	\$ 100.00
Class B (Grocery Store, chilled/unchilled)	\$ 50.00
ALCOHOLIC BEVERAGES (liquor and wine)	
Retailers, wine only	\$ 150.00
Retailers, Liquor, Class A License	\$1,500.00
Class B License	\$ 500.00
Class A (Non-profit Social, Veterans Fraternal Clubs)	\$ 375.00
Class B (Membership of 1000 or Less)	\$ 500.00
Class C (Membership of 1000 or More)	\$1,250.00
COIN MACHINES (Providing Product)	\$ 15.00
MOTELS, HOTELS, RESTAURANTS	\$ 10.00
GENERAL CONTRACTORS (Must register)	\$ 100.00
MASTER PLUMBER (Must register)	\$ 50.00

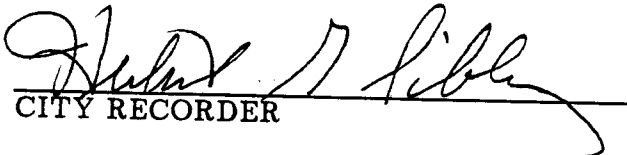
MASTER ELECTRICIAN (Must register)	\$ 50.00
MEDICAL CORPORATIONS, CLINICS	\$ 25.00
EMPLOYMENT AGENCY	\$ 100.00
LOAN COMPANIES, CREDIT UNION & BANKS	\$ 50.00
COMMERCIAL RENTAL (Must register)	\$ 15.00
RESIDENTIAL RENTAL (Over 3 units must register)	\$ 15.00
PROFESSIONAL: Architects, Physicians, Surgeons, Chiropractors, Engineers Auctioneers, Land Surveyor, Barbers, Beauticians, Real Estate Salespersons, Dentists, Funeral Directors, Embalmers Insurance Company or Agency, Insurance Broker	\$ 25.00
ALL OTHER BUSINESS NOT LISTED ABOVE	\$ 25.00

Passed on First Reading: September 21, 1993

Adopted on Second Reading: October 5, 1993



 DON KARNES, MAYOR



 CITY RECORDER

CITY OF NITRO COUNCIL MEETING MINUTES

OCTOBER 5, 1993

Mayor Karnes declared a quorum and called the Council Meeting to order in Council Chambers at 7:33 p.m. Present were Herb Sibley, City Recorder/Treasurer, Councilman at Large Steven E. West, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilman Robert Young, Councilman George Atkins, Councilman Frank Grover, Jr. Absent were Councilwoman Betty Boggess and City Attorney, Phillip Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 21, 1993 COUNCIL MEETING MINUTES. Councilman Robert Young moved to approve the minutes as read. The motion was seconded and vote was unanimous.

AGENDA ITEM NO. 2 - BID OPENING (GARBAGE BAGS) Mayor Karnes yielded the floor to City Recorder/Treasurer Herb Sibley. Recorder Sibley stated two bids had been received. One from M & P Industries Inc. Lesage WV. the other from Warren Interiors, Inc., Beckley, WV. Councilman at Large Jim Hutchinson opened the bids. M & P Industries bidding 3200 cases with the proper specifications at 58.89/per thousand. Also a bid was made for 6400 cases at \$5.63 a case. The second bid from Warren Interiors Inc. 821 South Kanawha Street, Beckley, random color was \$60.58 per thousand, black bags would be \$61.64 this being about the same as last year.

COUNCILMAN BOB YOUNG MOVED TO ACCEPT THE BID FROM M & P INDUSTRIES, INC. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 3 - POOL FINANCIAL REPORT: Mayor Karnes commented periodically we have a report on the financial condition of the pool, and the happenings over the summer that may be of interest to council. Mayor Karnes yielded the floor to the Recreation Director Jay Long. Director Long stated he would like to commend Mike Lamb for a tremendous job he and his fellow workers accomplished over the summer and are continuing to do at the lake and parks.

Mr. Long asked Council for permission to have Trick or Treat on Saturday, October 30, from 6:00 to 8:00 p.m. also with the option to close 21st St, so the Jaycees and Jayteens can have their street party.

Mr. Long said the Nitro Midget Football League has asked permission to have a parade, Saturday, October 16, beginning at the Moose Lodge with Police escort.

Also Director Long stated they had a great Fishing Derby this year with approximately 125 kids involved. Also he said, we had a good summer program made possible with grants from different foundations. Mr. Long gave each council member a copy of the Pool Income Report.

Councilman George Atkins asked if it may be more profitable to contract concessions. Mr. Long said this matter should be brought to the Finance Committee. Several other matters were discussed. Mayor Karnes stated he felt we should give the best service possible.

COUNCILMAN AT LARGE STEVE WEST MOVED TO ACCEPT THE RECREATION REPORT AND MAKE IT PART OF THE COUNCIL MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. COPY ATTACHED.

COUNCILMAN AT LARGE STEVE WEST MOVED TO MAKE SATURDAY, OCTOBER 30, 6:00 TO 8:00 P.M. TRICK OR TREAT NIGHT IN NITRO. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 4 - BUSINESS LICENSING ORD. 93-06:
Mayor Karnes yielded the floor to Recorder/Treasurer Herb Sibley. Recorder Sibley stated this was the second reading of Ordinance 93-06. The Ord. has been advertised twice and also a public hearing and there was no objection to this ordinance. Without objection Mayor Karnes read title only of Ordinance 93-06, INTRODUCED TO COUNCIL ON SEPTEMBER 21, 1993, AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE 733.14 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA AND ORDINANCE 91-3 TO LEVY AND COLLECT AN ANNUAL LICENSE TAX ON PERSONS ACTIVELY ENGAGED IN THE PRACTICE OF CERTAIN PROFESSIONS, TRADE AND ACTIVITY RECOGNIZED AND REGULATED AS SUCH BY THE LAWS OF THE STATE OF WEST VIRGINIA.

COUNCILMAN GEORGE ATKINS MOVED TO ADOPT ORDINANCE 93-06. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy Attached.

AGENDA ITEM NO. 5 - REZONING REQUEST PARCEL AT WEST 11TH STREET: Mayor Karnes said a request had been made to rezone parcel at West 11th from R-2 residential to B-1 business. The Planning Commission held a Public Hearing August 31, 1993 in the Council Chamber. DR. CASSELL MOVED THE PROPERTY BE REZONED FROM R-2 TO B-1. DR. BYRD SECOND THE MOTION AND VOTE WAS UNANIMOUS.

Mayor Karnes said the law requires that council have a Public Hearing. The ad was published in both papers and a Public Hearing was held in Council Chambers at 7:00 p.m. October 5, 1993.

COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO REQUEST CITY

ATTORNEY TO PREPARE AN ORDINANCE TO REZONE THIS PROPERTY.
THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 6 - ANIMAL CONTROL ORD.: Mayor Karnes stated each council member had a copy of a letter along with an ordinance from City Attorney Phil Gaujot, that he recommends. This ordinance deals with licensing of dogs only. Without objection Mayor Karnes read the title only of Ordinance 93-04 ORDINANCE AMENDING 505 ANIMALS AND FOWL, ADDING SECTIONS 505.29 ANNUAL LICENSE REQUIRED; APPLICATION FOR LICENSE AND PAYMENT OF LICENSE FEE; LICENSE TAX 505.30 LICENSE FEES; EXPIRATION OF LICENSES.

COUNCILMAN GEORGE ATKINS MOVED TO PASS ORDINANCE 93-04 ON FIRST READING. THE MOTION WAS SECONDED AND AFTER SOME DISCUSSION, THE MOTION PASSED WITH COUNCILMAN AT LARGE DEAN MILLER ABSTAINING. Ordinance 93-04 attached.

AGENDA ITEM NO. 7 - PLANNING COMMISSION APPOINTMENT. Mayor Karnes commented the Planning Commission is two members short. Mayor Karnes recommends Greg Patton, 100 Yorktown Dr. Carriage Way, Nitro WV. to replace Greg Smith, term to expire 01/31/94, and Chuck Hudson 804 Washington Avenue, Nitro, WV. to replace Bill Harris, term to expire 01/31/95.

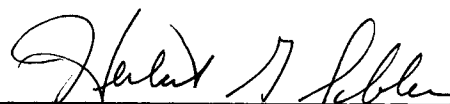
COUNCILMAN AT LARGE DEAN MOVED TO APPOINT GREG PATTON TO REPLACE GREG SMITH ON THE PLANNING COMMISSION. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

COUNCILMAN FRANK GROVER MOVED TO APPOINT CHUCK HUDSON TO REPLACE BILL HARRIS ON THE PLANNING COMMISSION. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 8 - COMMENTS: Mayor Karnes yielded the floor to Recorder/Treasurer Herb Sibley. Mr. Sibley said he had been working with Blue Cross/Blue Shield Insurance Company and plans to talk more with PEIA. Mr. Sibley stated he will call a meeting of the Finance Committee regarding this matter. A meeting of the Finance Committee is scheduled for Tuesday, Oct. 19th at 6:30 p.m. in conference room at City Hall.

There being no further business, the meeting was adjourned.


DON KARNES, MAYOR


HERBERT SIBLEY, RECORDER

RIDENOUR LAKE REVENUESRental of Shelters & Gazebo

April	-----	\$200.00
May	-----	\$335.00
June	-----	\$380.00
July	-----	\$423.35
August	-----	\$292.00
September	-----	\$153.00
TOTAL SHELTERS REVENUES-----		\$1,788.35

<u>Paddle Boats Rentals</u> -----	\$900.00
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TOTAL REVENUES -----	\$2,688.35
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1993 SEASON OF NITRO CITY POOL

Nitro City Pool was open from May 29-August 15, 1993 or 71 days

REVENUE

Sale of Passes-----	\$5,392.50
Family (58)-----	\$4,060.00
Individual (34)-----	\$1,190.00
Family (1) @ half price -----	\$ 35.00
Individual (1) @ half price----	\$ 17.50
Families of 5 or More-----	\$ 90.00
Pool Parties-----	\$ 2,507.50
Daily Admission-----	\$13,281.50
	<u>\$21,181.50</u>

ATTENDANCE

Persons with Passes-----	5,494
Paying at Gate-----	6,792
Free (Including 4th of July 521)-----	<u>1,806</u>
	14,092

CONCESSION

Food & Drink Sales-----	\$11,056.12
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CREDITS

Pepsi Cola-----	\$ 682.00
Ohio Valley Wholesale-----	\$ 161.13
	<u>\$ 843.13</u>

TOTAL REVENUE-----	\$33,080.75
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EXPENDITURESPOOL

Salaries (10 Employees) -----	\$16,165.00
**Supplies & Maintenance-----	\$ 7,728.84
	<u>\$23,893.84</u>

CONCESSION

Salaries (4 Employees)-----	\$ 6,636.00
Concession Items-----	\$ 6,663.60
	<u>\$13,299.60</u>

TOTAL EXPENDITURES-----	\$37,193.44
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TOTAL REVENUES-----	\$33,080.75
-	<u>\$ 4,112.69</u>

**Includes \$1,550 New Motor and \$2,000 Chemicals

INTRODUCED IN COUNCIL ON OCT. 05, 1993

AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE 733.14 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA AND ORDINANCE 91-3 TO LEVY AND COLLECT AN ANNUAL LICENSE TAX ON PERSONS ACTIVELY ENGAGED IN THE PRACTICE OF CERTAIN PROFESSIONS, TRADE AND ACTIVITY RECOGNIZED AND REGULATED AS SUCH BY THE LAWS OF THE STATE OF WEST VIRGINIA

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

733.14 IMPOSITION OF TAX.

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

	<u>Price Per Unit</u>
<u>Profession, Trade or Activity</u>	
GENERAL STORE	\$ 15.00
BEER (State license must be presented in Clerk's Office)	
Retail Dealers:	
Class A (Restaurants, Bars, Clubs, Fraternal, Social Organizations	\$ 100.00
Class B (Grocery Store, chilled/unchilled)	\$ 50.00
ALCOHOLIC BEVERAGES (liquor and wine)	
Retailers, wine only	\$ 150.00
Retailers, Liquor, Class A License	\$1,500.00
Class B License	\$ 500.00
Class A (Non-profit Social, Veterans Fraternal Clubs)	\$ 375.00
Class B (Membership of 1000 or Less)	\$ 500.00
Class C (Membership of 1000 or More)	\$1,250.00
COIN MACHINES (Providing Product)	\$ 15.00
MOTELS, HOTELS, RESTAURANTS	\$ 10.00
GENERAL CONTRACTORS (Must register)	\$ 100.00
MASTER PLUMBER (Must register)	\$ 50.00

MASTER ELECTRICIAN (Must register)	\$ 50.00
MEDICAL CORPORATIONS, CLINICS	\$ 25.00
EMPLOYMENT AGENCY	\$ 100.00
LOAN COMPANIES, CREDIT UNION & BANKS	\$ 50.00
COMMERCIAL RENTAL (Must register)	\$ 15.00
RESIDENTIAL RENTAL (Over 3 units must register)	\$ 15.00
PROFESSIONAL: Architects, Physicians, Surgeons, Chiropractors, Engineers Auctioneers, Land Surveyor, Barbers, Beauticians, Real Estate Salespersons, Dentists, Funeral Directors, Embalmers Insurance Company or Agency, Insurance Broker	\$ 25.00
ALL OTHER BUSINESS NOT LISTED ABOVE	\$ 25.00

Passed on First Reading: September 21, 1993

Adopted on Second Reading: October 5, 1993

Don Karnes
DON KARNES, MAYOR

Shirley G. Libby
CITY RECORDER

ORDINANCE # 93- 04

ORDINANCE AMENDING 505 ANIMALS AND FOWL,
 ADDING SECTIONS 505.29 ANNUAL LICENSE REQUIRED;
 APPLICATION FOR LICENSE AND PAYMENT OF
 LICENSE FEE; LICENSE TAX
 AND
 505.30 LICENSE FEES; EXPIRATION OF LICENSES

**505.29 Annual License Required; Application for License and Payment
 of License Fee; License Tax**

Every person owning or harboring a dog in the City shall apply annually, on or before July 1, to the Kanawha County Assessor for a license for each dog so owned or harbored, and at the time of application shall present and file with the Kanawha County Assessor information whether the dog is a male, unspayed female or spayed female. After the payment of the license fee set forth in section 505.30, the Kanawha County Assessor shall issue to such person a license and a copy of this article, together with an official license tag, which tag shall be fastened to the collar of the dog so licensed and shall be worn by such dog at all times while off the premises of its owner or custodian.


In the event of a dog attaining the age of six months, or being acquired or brought into the city after July 1 of any year, a license shall be obtained for such dog immediately after the date such dog attains the age of six months or is acquired or brought into the city.

505.30 License fees; expiration of licenses

As of July 1, 1993, the license fee for a dog license shall be three dollars for each male, spayed female dog or unspayed female dog. The license shall expire June 30 following the date of issue; provided, that the license fee mentioned shall not apply to dogs in a licensed kennel or veterinary hospital.

Passed on First Reading

Adopted on Second Reading


 Mayor


 City Recorder

CITY OF NITRO COUNCIL MEETING MINUTES

OCTOBER 19, 1993

Mayor Karnes declared a 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 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 Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 5, 1993 COUNCIL MEETING MINUTES. COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE MINUTES AS READ. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - PUBLIC HEARING - ZONING REQUEST: COUNCILMAN AT LARGE STEVE WEST MOVED TO MAKE THE PUBLIC HEARING - ZONING REQUEST MINUTES A PART OF THE COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. 3 - PUBLIC HEARING - LICENSE CHANGE: COUNCILMAN GEORGE ATKINS MOVED TO MAKE THE PUBLIC HEARING- LICENSE CHANGE MINUTES A PART OF THE COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. 4 - ORDINANCE 93-04, SECOND READING: COUNCILMAN FRANK GROVER, JR. MOVED TO BRING ORDINANCE 93-04 TO THE FLOOR FOR SECOND READING.

The motion died for lack of second.

AGENDA ITEM NO. 5 - RESOLUTION 93-08 UNFUNDED MANDATE: Mayor Karnes commented the Government requires cities to do many things, but does not supply the money to do so. Mayor Karnes said the intent of this resolution is to pass along this information, with the cooperation of the WV. Municipal League, to get as many towns across the State as possible to pass a resolution to make sure every town sends a copy of the resolution to the representatives in the State House.

COUNCILMAN AT LARGE STEVE WEST MOVED TO ADOPT RESOLUTION 93-08, AND REQUEST THAT MAYOR KARNES READ TITLE ONLY. THE MOTION WAS SECONDED. RESOLUTION 93-08 A RESOLUTION ON UNFUNDED MANDATES. THE VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. 6 - SALVATION ARMY REQUEST: Mayor Karnes yielded the floor to City Recorder/Treasurer Herb Sibley. Mr. Sibley stated that the Salvation Army would like to have

it noted in the Council Meeting Minutes that they will be in the City at Christmas time soliciting funds.

COUNCILMAN ROBERT YOUNG MOVED TO MAKE THIS REQUEST A PART OF THE COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy attached.

Mayor Karnes stated the Salvation Army will be in town November 19, 1993 until December 24, 1993. Mr. Sibley said a copy of the minutes will be sent to the Salvation Army for their records.

AGENDA ITEM NO. 7 - COMMENTS: Mayor Karnes yielded the floor to Councilman Grover for comments on recycling. Councilman Grover asked each councilman for names of three volunteers from their ward to get started on this project.

Mayor Karnes asked Councilman at Large West to work with the Business and Professional Association to form a committee and schedule a meeting to get their input and suggestions on the Memorial Park as related to 21st Street and First Avenue, also recommendations on the lighting in that area. The next scheduled meeting of the Nitro Business and Professional Association is 9:30 a.m., November 2nd, at Ginos.

There being no further business the meeting was adjourned.



DON KARNES, MAYOR



HERB SIBLEY, REC/TREASURER

PUBLIC HEARING

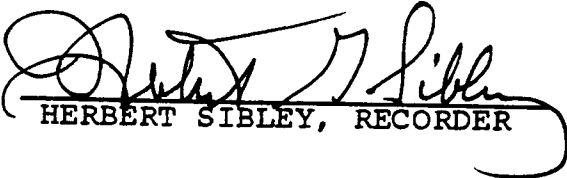
OCTOBER 5, 1993

The properly advertised Public Hearing was called to order by Mayor Karnes in Council Chambers at Nitro City Hall at 7:00 p.m. October 5, 1993. Present were City Recorder/Treasurer Herb Sibley, Chuck Boggs, Jay Long, George Atkins and Newspaper Reporter Tim Baker.

Mayor Karnes commented the purpose of this meeting is concerning a rezoning request of a parcel on 11th Street West, from R-2 to B-1.

There being no objections and no public input the meeting was adjourned.


DON KARNES, MAYOR


HERBERT SIBLEY, RECORDER

PUBLIC HEARING

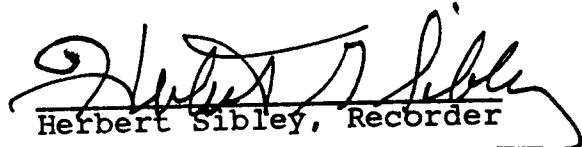
OCTOBER 5 1993

The properly advertised Public Hearing was called to order by Mayor Karnes in Council Chambers at Nitro City Hall at 7:15 p.m. October 5, 1993. Present were City Recorder/Treasurer Herbert Sibley, Chuck Boggs, Jay Long, George Atkins and Newspaper Reporter Tim Baker.

Mayor Karnes stated the purpose of this meeting is regarding Ordinance 93-06, to amend Chapter 7, Article 733.14 of the codified ordinances of the City of Nitro, WV. and Ordinance 91-03 to levy and collect an annual license tax on persons actively engaged in the practice of certain professions, trade and activity recognized and regulated as such by the laws of the State of West Virginia.

There being no objections or comments the meeting was adjourned.


Don Karnes, Mayor


Herbert Sibley, Recorder



RESOLUTION 93-08

DON KARNES
MAYOR

A RESOLUTION ON UNFUNDED MANDATES

WHEREAS, unfunded mandates on local governments have increased significantly in recent years;

WHEREAS, State mandates require cities and towns to perform duties without consideration of local circumstances or capacity;

WHEREAS, State Mandates require compliance regardless of other pressing local needs and priorities affecting the health, welfare, and safety of municipal citizens;

WHEREAS, excessive state burdens on local governments force some combination of higher local taxes and fees and/or reduced local services on citizens and local taxpayers;

WHEREAS, State Mandates are often inflexible, one size fits all requirements that impose unrealistic time frames and specify procedures or facilities where less costly alternatives might be just as effective;

WHEREAS, existing mandates impose harsh pressures on local budgets;

WHEREAS, The West Virginia Municipal League in conjunction with local government representatives, has begun a statewide public education campaign to help citizens understand and then reduce the burden and inflexibility of unfunded mandates, beginning with a State Unfunded Mandate's Day on October 27, 1993.

NOW, THEREFORE, BE IT RESOLVED, that the City of Nitro endorses the efforts of the West Virginia Municipal League and supports working with the WVML the impact of State Mandates on our governments and the pocketbooks of our citizens;

BE IT FURTHER RESOLVED, that the city of Nitro endorses organizing and participating in events to begin this process on October 27th; and

FINALLY, BE IT RESOLVED, that the City of Nitro resolves to redouble efforts to inform and work with members of our congressional delegation about the impact of State Mandates and actions necessary to reduce their burden on our citizens.

Passed this 19th day of October 1993

NITRO, WEST VIRGINIA 25143

DON KARNES, MAYOR

Area Command Office
301 Tennessee Avenue
P. O. Box 6130 - Phone (304) 343-4548
Charleston, West Virginia 25362

Wishes You A Very Merry Christmas

THIRTY
SEPTEMBER
1993

Mayor Don Karnes
City of Nitro
20th St. & 2nd Ave.
Nitro, WV 25143

Dear Mayor Karnes:

We are now making preparations for our 1993 Christmas Program.

During this season of the year, The Salvation Army serves several thousand individuals which means we must raise the funds to finance the program.

One of our principal sources of financing is the traditional Christmas Kettles which are placed in front of larger businesses in Charleston and the surrounding areas.

We are writing to request permission to place these kettles in your area from November 19th to December 24th. We will place them in a position where they will not interfere with the traffic.

We would appreciate hearing from you as soon as possible.

Thank you for your help as we work together to help others.

Sincerely,


Richard L. Jones/Major
AREA COMMANDER

RLJ:lh

The Gentle Art of Helping Others is The Gift of God.

CITY OF NITRO COUNCIL MEETING MINUTES

NOVEMBER 02, 1993

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:35 p.m. Present were Councilman at Large Steven West, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilwoman Betty Boggess and Councilman George Atkins. Also present, City Attorney Phillip Gaujot. Absent were City Recorder/Treasurer Herb Sibley, Councilman Robert Young and Councilman Frank Grover, Jr.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 02, 1993 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE MINUTES AS READ. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.


AGENDA ITEM NO. 2 - PROGRESS REPORT VALENTINE CIRCLE: Mayor Karnes commented it has been quite a long while since starting the Valentine Circle project. However, now the digging has started and the project is progressing. Weather permitting this project should be completed in a week or two.

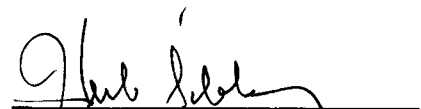
AGENDA ITEM NO. 3 - MUNICIPAL SERVICE - COMMERCIAL ACCTS: Mayor Karnes yielded the floor to the City Attorney, Phillip Gaujot, Counselor Gaujot stated that service fees relative to businesses can be somewhat different. Generally you are talking about picking up garbage, this can vary from one business to another. Therefore rates in the City can be different than what is charged for residential use. There should be a standard and it should be consistent. Probably the most common standard used is weight times the number of pickups. Mayor Karnes stated the Public Works Director will continue to study this matter and bring back a fee schedule for consideration.

AGENDA ITEM NO. 4 - ANIMAL ORDINANCE: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller said he has a concern about the Humane Officer's authority to pursue a dog onto private property and retrieve it. After considerable discussion on this matter COUNCILMAN AT LARGE JIM HUTCHINSON MOVED THAT IT BE REFERRED TO PROPER COMMITTEE FOR STUDY AND RECOMMENDATION. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 5 - COMMENTS: Mayor Karnes commented the Nitro Professional Businessmen's Association met today and they are working on recommendations regarding the 21st Street area. This report will be on the agenda for the next Council Meeting.

There being no further business, the meeting was adjourned.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER

CITY OF NITRO COUNCIL MEETING MINUTES

NOVEMBER 16, 1993

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Present were City Recorder/Treasurer Herb Sibley, Councilman at Large Steven West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman George Atkins, Councilman Robert Young, Councilman Frank Grover, Jr. and Councilwoman Betty Jo Boggess. Also present, City Attorney Phillip Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 02, 1993 COUNCIL MEETING MINUTES: COUNCILMAN FRANK GROVER MOVED TO APPROVE THE MINUTES AS READ. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - MEMORIAL PARK REPORT: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller supplied each Councilmember with a sketch prepared by Nathan Wills President of Nitro Business and Professional Association. Councilman Miller stated the Association's recommendation is to have additional parking, incorporate the War Memorial into the two islands and the installation of "Turn of the Century Lights". COUNCILMAN AT LARGE DEAN MILLER MOVED THAT WE PURSUE THE DEVELOPMENT OF 21ST AND BANK STREETS AS RECOMMENDED BY THE BUSINESS AND PROFESSIONAL ASSOCIATION. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

Also, Councilman at Large Miller said they were considering a welcoming package to be delivered by the Women's Club of Nitro, to the new residents of Nitro. This package will contain coupons from area businesses of Nitro and a letter from the Mayor welcoming them to the City. Councilman Miller said the Association will promote house decorating in December. Each ward will be presented with a trophy for the best Christmas decorations.

AGENDA ITEM NO. 3 - ANIMAL CONTROL REPORT: Councilwoman Betty Boggess yielded the floor to Councilman at Large Dean Miller. COUNCILMAN AT LARGE DEAN MILLER MOVED TO HAVE CITY ATTORNEY PREPARE AN ORDINANCE TO INCLUDE CATS UNDER LICENSING. THE MOTION WAS SECONDED. After considerable discussion there was question as to the legality of such an ordinance. Mayor Karnes stated this item should be put back in committee and don't bring it back until the committee agrees on a recommendation. COUNCILMAN FRANK GROVER MOVED TO TABLE THIS AGENDA ITEM. MOTION WAS SECONDED. A VOTE WAS TAKEN, MOTION PASSED WITH COUNCILMAN AT LARGE DEAN MILLER ABSTAINING.

AGENDA ITEM NO. 4 - REZONING ORDINANCE: Mayor Karnes commented the Planning Commission held a meeting and

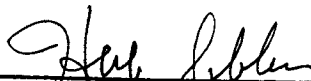
recommended rezoning of a piece of property at 11th Street and First Avenue from R-2 to B-1. COUNCILMAN AT LARGE STEVE WEST MOVED THE MAYOR READ TITLE ONLY OF THE REZONING ORDINANCE, AND ADOPT ON FIRST READING. THE MOTION WAS SECONDED. VOTE WAS UNANIMOUS. COPY ATTACHED.

AGENDA ITEM NO. 5 - REPORT INSURANCE BENEFITS: Mayor Karnes yielded the floor to City Recorder/Treasurer Herb Sibley. Mr. Sibley stated our insurance premium with Blue Cross is approximately \$ 23,500 per month, or \$300,000 per year. There is no way to get a reduction in the price, but they have offered to continue at the same rate. There is one option, a contingent premium is available. If the City keeps its current claim record the premium would be reduced 10 percent. If the claim record increases the premium would go up 10 percent. This rate would be locked in for one year. Recorder/Treasurer Sibley said he would put the savings into a separate account.

AGENDA ITEM NO. 6 - COMMENTS: Mayor Karnes commented the work at Valentine Circle was coming along well. Also, he said although they didn't have a very big turn out for the Public Hearing regarding the sewage project, we hope to further the project and try to make a real difference in our system.

There being no further business, the meeting was adjourned.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER

ORDINANCE NO. 93-07ADOPTED BY COUNCIL 11-16-93

INTRODUCED IN COUNCIL _____

**AN ORDINANCE TO RE-ZONE REAL ESTATE LOCATED AT 11TH STREET
WEST AND 1ST AVENUE FROM R-2 TO B-1**

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

WHEREAS, the Planning Commission held a public meeting on Tuesday, August 31, 1993, at 7:30 o'clock p.m., in the Council Chambers at City Hall, which public meeting had been properly advertised in both Charleston newspapers on August 20 and August 27, 1993, to consider a request that property located at 11th Street West and 1st Avenue be re-zoned from R-2 to B-1 in order to place mini-storage units on the parcel; and

WHEREAS, after discussion and properly moved, a motion passed unanimously that said real estate located at 11th Street West and 1st Avenue be re-zoned from R-2 to B-1 in order to place mini-storage units on the parcel; and

WHEREAS, on September 7, 1993, the City Council made as part of its minutes the Planning Commission report recommending the re-zoning of property located at 11th Street West and 1st Avenue from R-2 to B-1; and

WHEREAS, the City Council held a public meeting on the 5th day of October, 1993, at 7:00 p.m., in the Council Chambers at City Hall, which public meeting had been properly advertised in both Charleston newspapers on September 14 and September 21, 1993, to consider a request that property located at 11th Street West and 1st Avenue be re-zoned from R-2 to B-1 in order to place mini-storage units on the parcel; and

WHEREAS, there being no objection and after discussion and properly moved, a motion passed unanimously that said real estate located at 11th Street West and 1st Avenue be re-zoned from R-2 to B-1 in order to place mini-storage units on the parcel;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA, that all of that following-described lot or parcel of land with the appurtenances thereunto belonging, comprising a part of Area "A" in the Reservation of Nitro, in Nitro Independent School District, Kanawha County, West Virginia, is hereby re-zoned from R-2 to B-1:

Beginning at the point of intersection of the south street line of West 11th Street and the westerly line of the Kanawha & Michigan Railroad Company right-of-way, coordinate location North 20 + 35 and East 39 + 60 and running thence in a westerly direction along the said West 11th Street line for a distance of 200 feet; thence 90 degrees to the left for a distance of 180-47/100 feet to the intersection of the north line of the United Fuel Gas Company property; thence 82 degrees 32 minutes to the left with the said Gas Company's line for a distance of 146-6/10 feet to the intersection of the westerly line of Kanawha & Michigan Railroad property and thence 82 degrees 10 minutes to the left with the said railroad property for a distance of 206-9/10 feet to the point of beginning, embracing an area of 76/100 acre, being the same real estate conveyed by Lemma Realty Co., Inc., a corporation, to C. B. Boggs & Son, Inc., a corporation, doing business as Nitro Storage, by deed dated June 29, 1993, recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book No. 2319, at Page 60.

Passed on First Reading

11/16/93

Adopted on Second Reading

Don Karnes
Mayor

John D. Schley
City Recorder

CITY OF NITRO COUNCIL MEETING MINUTES

DECEMBER 07, 1993

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:32 p.m. Present were City Recorder/Treasurer Herb Sibley, Councilman at Large Steven West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman George Atkins, and Councilman Robert Young. Also present, City Attorney Phillip Gaujot. Absent were Councilwoman Betty Jo Boggess and Councilman Frank Grover, Jr.

AGENDA ITEM NO. 1- APPROVAL OF NOVEMBER 16, 1993 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE MINUTES AS READ. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2- SCHOOL LEVY: Mayor Karnes yielded the floor to Recorder Herb Sibley. Mr. Sibley stated he just wanted to mention to the Press, and Council to remind everyone this is election week for Kanawha County School Levy, and encourage everyone to vote.

AGENDA ITEM NO. 3- HISTORIC LANDMARKS: Mayor Karnes yielded the floor to Mr. Jack Moody, owner of the Nitro War Museum. Mr. Moody requested Council establish a landmark commission, which would be eligible for federal grants, to help preserve Nitro's history. He stated there are two cemeteries, which date to the 1800s, needing to be cleaned up. Also, he said he discovered from an old 1918 map that the Old Jamestown Pike from Virginia ran along 3rd Avenue.

COUNCILMAN AT LARGE STEVE WEST MOVED TO CREATE A CITY LANDMARK COMMISSION COMMITTEE, WITH DEAN MILLER SERVING AS CHAIRMAN. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 4- REZONING ORD. 2ND READING: Without objection Mayor Karnes read title only of Ordinance 93-07, an ordinance to rezone real estate at 11th Street West and 1st Avenue from R-2 to B-1. COUNCILMAN ROBERT YOUNG MOVED TO ADOPT ORDINANCE 93-07. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. 5- WVU RES: Mayor Karnes yielded the floor to Councilman at Large Steve West. Councilman West commented he would like to recognize the WV Mountaineer Football Team as the NO.1 Champions. COUNCILMAN AT LARGE STEVE WEST MOVED COUNCIL PASS RESOLUTION 93-09 DECLARING JANUARY 2ND, 1994, THE WVU MOUNTAINEERS FOOTBALL TEAM, CITY OF NITRO'S, NATIONAL CHAMPIONS. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. 6- CURFEW: Mayor Karnes yielded the floor to Councilman at Large Steve West. Councilman at Large Steve West stated some residents have become concerned following an attack and attempted robbery on an elderly gentleman. Councilman at Large West, said the City presently has an 11:00 p.m. curfew for minors. After some discussion, COUNCILMAN ATKINS MOVED THIS AGENDA ITEM GO TO SPECIAL COMMITTEE. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 7- COMMENTS: Mayor Karnes commented the Christmas Parade has been rescheduled for Saturday, December 11, at 4:00 p. m.

Also Mayor Karnes mentioned appreciation for the Veterans, this being 52nd anniversary of the Bombing of Pearl Harbor.

Council expressed sympathy to Sgt. Terry Thompson in the death of his Mother.

City Recorder, Herb Sibley stated Blue Cross Insurance has prepared a contract starting January 1st. with a contingent premium.

There being no further business, the meeting was adjourned.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER

ORDINANCE NO. 93-07ADOPTED BY COUNCIL 11-16-93

INTRODUCED IN COUNCIL _____

AN ORDINANCE TO RE-ZONE REAL ESTATE LOCATED AT 11TH STREET WEST AND 1ST AVENUE FROM R-2 TO B-1

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

WHEREAS, the Planning Commission held a public meeting on Tuesday, August 31, 1993, at 7:30 o'clock p.m., in the Council Chambers at City Hall, which public meeting had been properly advertised in both Charleston newspapers on August 20 and August 27, 1993, to consider a request that property located at 11th Street West and 1st Avenue be re-zoned from R-2 to B-1 in order to place mini-storage units on the parcel; and

WHEREAS, after discussion and properly moved, a motion passed unanimously that said real estate located at 11th Street West and 1st Avenue be re-zoned from R-2 to B-1 in order to place mini-storage units on the parcel; and

WHEREAS, on September 7, 1993, the City Council made as part of its minutes the Planning Commission report recommending the re-zoning of property located at 11th Street West and 1st Avenue from R-2 to B-1; and

WHEREAS, the City Council held a public meeting on the 5th day of October, 1993, at 7:00 p.m., in the Council Chambers at City Hall, which public meeting had been properly advertised in both Charleston newspapers on September 14 and September 21, 1993, to consider a request that property located at 11th Street West and 1st Avenue be re-zoned from R-2 to B-1 in order to place mini-storage units on the parcel; and

WHEREAS, there being no objection and after discussion and properly moved, a motion passed unanimously that said real estate located at 11th Street West and 1st Avenue be re-zoned from R-2 to B-1 in order to place mini-storage units on the parcel;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA, that all of that following-described lot or parcel of land with the appurtenances thereunto belonging, comprising a part of Area "A" in the Reservation of Nitro, in Nitro Independent School District, Kanawha County, West Virginia, is hereby re-zoned from R-2 to B-1:

Beginning at the point of intersection of the south street line of West 11th Street and the westerly line of the Kanawha & Michigan Railroad Company right-of-way, coordinate location North 20 + 35 and East 39 + 60 and running thence in a westerly direction along the said West 11th Street line for a distance of 200 feet; thence 90 degrees to the left for a distance of 180-47/100 feet to the intersection of the north line of the United Fuel Gas Company property; thence 82 degrees 32 minutes to the left with the said Gas Company's line for a distance of 146-6/10 feet to the intersection of the westerly line of Kanawha & Michigan Railroad property and thence 82 degrees 10 minutes to the left with the said railroad property for a distance of 206-9/10 feet to the point of beginning, embracing an area of 76/100 acre, being the same real estate conveyed by Lemma Realty Co., Inc., a corporation, to C. B. Boggs & Son, Inc., a corporation, doing business as Nitro Storage, by deed dated June 29, 1993, recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book No. 2319, at Page 60.

Passed on First Reading

Adopted on Second Reading

11/16/93
12/7/93

Deanna
Mayor

Herbert D. Libby
City Recorder

CITY OF NITRO

DON KARNES
MAYOR

RESOLUTION 93-09

RESOLUTION RECOGNIZING THE WVU
MOUNTAINEER FOOTBALL TEAM AS THE
CITY OF NITRO'S NATIONAL COLLEGIATE
CHAMPIONSHIP FOOTBALL TEAM.

WHEREAS, the City Council of the City of Nitro recognizes the 1993 undefeated 11-0 record of the WVU Mountaineers Football Team, and

WHEREAS, the defensive football coach, Steve Dunlap, of the said Mountaineers is a Nitro native, and

WHEREAS, said Council recognizes the disagreement of ranking by the two national polls, and

WHEREAS, said Council is willing to act to resolve this conflict, and

WHEREAS, said Council's poll determined the appropriate ranking of the WVU Mountaineer Football Team,

NOW, THEREFORE, BE IT RESOLVED, that the Honorable Don Karnes, Mayor of the City of Nitro, is hereby authorized by the City Council to declare the WVU Mountaineer Football Team as Nitro's U.S. National Collegiate Football Champions and declare January 2, 1994,

"WVU MOUNTAINEER FOOTBALL CHAMPIONSHIP DAY"

Passed this seventh day of December, 1993.



DON KARNES, MAYOR

CITY OF NITRO COUNCIL MEETING MINUTES

JANUARY 11, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Present were City Recorder Herbert Sibley, Councilman at Large Steven E. West, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilman Robert Young, Councilman George Atkins, and Councilwoman Betty Jo Boggess. Also present City Attorney Phillip D. Gaujot. Absent was Councilman Frank Grover, Jr.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 21, 1993 COUNCIL MEETING MINUTES: COUNCILMAN BOB YOUNG MOVED TO APPROVE THE MINUTES AS READ. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - NDA APPOINTMENT: COUNCILMAN BOB YOUNG MOVED TO APPROVE THE APPOINTMENT OF ROBERT WHITE, CHUCK BOGGS, LLOYD PHELPS AND CONDA MARTIN TO SERVE AS MEMBERS OF THE NITRO DEVELOPMENT AUTHORITY FOR A THREE YEAR TERM. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 3 - EXCESS LEVY: Mayor Karnes yielded the floor to Recorder Herb Sibley. Recorder Sibley stated an election of the excess levy is held every three years. This year's special election will be held March 12th, 1994. Funds raised by the levy pay for services such as street maintenance and lighting, parks and recreation, police and firefighters wages and the City's library. This levy should raise \$163,618.

COUNCILMAN GEORGE ATKINS MOVED MAYOR KARNES READ TITLE ONLY OF RESOLUTION 94-01, A RESOLUTION TO EMPOWER A SPECIAL ELECTION TO AUTHORIZE ADDITIONAL LEVIES FOR THE FISCAL YEARS BEGINNING JULY 1, 1994, JULY 1, 1995 AND JULY 1, 1996. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

COUNCILMAN GEORGE ATKINS MOVED TO ADOPT RESOLUTION 94-01. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. 4 - CURFEW COMMITTEE REPORT: Mayor Karnes yielded the floor to Councilman at Large Steve West. Councilman West stated due to bad weather, the meeting is rescheduled for January 18th at 7:00 p.m.

AGENDA ITEM NO. 5 - FIREMENS BUDGET 1994: COUNCILMAN AT LARGE STEVE WEST MOVED TO ACCEPT THE REPORT OF THE FIREMENS 1994 BUDGET AS PART OF JANUARY 11TH COUNCIL MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. 6 - COMMENTS: Mayor Karnes commented the City weathered last weeks snow covered streets with a few complaints but also received compliments on the fine job the street department was doing.

Mayor Karnes said several trees were down at the Lake, power lines to the dusk to dawn lights are down. Two of the shelters have trees down on top of them, with some damage.

Chief Blankenship stated several citizens owning 4-wheel drive vehicles called offering to deliver medicines, food or transportation to anyone needing this service. Also some of the businesses called offering to stay open to furnish fuel and food. Chief Blankenship said he would like to thank everyone for the help and support offered to the Police Department.

Mayor Karnes said the calendars and garbage bags are ready to be picked up at the Public Works Garage, Monday thru Friday from 7:00 A.M to 3:00 P.M.

There being no further business the meeting was adjourned.



DON KARNES, MAYOR



HERBERT SIBLEY, RECORDER

RESOLUTION 94-1

A RESOLUTION TO EMPOWER A SPECIAL ELECTION TO
AUTHORIZE ADDITIONAL LEVIES FOR THE FISCAL
YEARS BEGINNING JULY 1, 1994, JULY 1, 1995 AND
JULY 1, 1996.

NOTICE OF SPECIAL ELECTION

FOR

ADDITIONAL MUNICIPAL LEVY

TAKE NOTICE

That a regular meeting of the Council of the City of Nitro, State of West Virginia, held on the 11th day of January, 1994, the following order was made and entered of record, to-wit:

The Council of the City of Nitro, being of the opinion that the maximum levies for current expenses authorized by Article 8, Chapter 11 of the Code of West Virginia, as amended, will not provide sufficient funds for the payment of the current expenses of the City of Nitro, including expenditures for the purposes hereinafter set forth, and that an election should be held to increase such levies under the provisions of Section 16, Article 18, Chapter 11 of the Code of West Virginia, as amended, it is hereby ordered.

1. That the purpose for which additional funds are needed is as follows:
 - (a) Street Maintenance and Repairs.
 - (b) Parks and Recreation
 - (c) Firemen's Wages
 - (d) Additional Street Lighting
 - (e) Policemen's Wages
 - (f) Library
 - (g) Fire Hydrant Rental
2. That the approximate amount for each purpose is as follows:
 - (a) Street Maintenance and Repairs, \$27,815.00 for each fiscal year for a period of three years.
 - (b) Parks and Recreation, \$21,270.00 for each fiscal year, for a period of three years.
 - (c) Firemen's Wages, \$31,087.00 for each fiscal year for a period of three years.

- (d) Additional Street Lighting, \$16,362.00 for each fiscal year for a period of three years.
 - (e) Policemen's Wages, \$47,449.00 for each fiscal year for a period of three years.
 - (f) Library, \$13,089.00 for each fiscal year for a three year period.
 - (g) Fire Hydrant Rental, \$6,546.00 for each fiscal year for a three year period.
3. That the total approximate amount for said purpose or purposes is \$163,618.00 after consideration for uncollectables, for each fiscal year for a period of three years.
 4. That the separate and aggregate assessed valuation of each class of taxable property within the municipality of Nitro is as follows: Class I - \$6,847,560.00, Class II \$31,807,269.00, and on Class IV - \$54,252,894.00. Aggregate \$92,906,723.00.
 5. That the proposed additional rate of levy in cents on class of property is as follows: Class I - 6.12c; Class II - 12.24c; and on Class IV - 24.48c.
 6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1994, July 1, 1995 and July 1, 1996.
 7. That the City of Nitro will not issue bonds.
 8. That the question of such additional levy shall be submitted to a vote at a special election to be held on the 12th of March, 1994.
 9. That the notice calling such election shall be given by the publication of this Order at least once each week for two successive weeks before said election, within fourteen consecutive days next preceding the election. Printed copies of this Order shall also be posted at each place of voting at least ten days before said election. All the provisions of the laws concerning General Election shall be used at such election when held in connection with any other election.
 10. That the ballot to be used at such election shall be in for as follows:

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

Special election to authorize additional levies for the fiscal years beginning July 1, 1994, July 1, 1995 and July 1, 1996, for the following purposes and in the approximate amounts set forth as follows:

- (a) For street maintenance and repairs, the annual approximate amount of \$27,815.00.
- (b) For parks and recreation, the annual approximate amount of \$21,270.00.
- (c) For firemen's wages, the annual approximate amount of \$31,087.00.
- (d) For additional street lighting, the annual approximate amount of \$16,362.00.
- (e) For policemen's wages, the annual approximate amount of \$47,449.00.
- (f) For the Library, the annual approximate amount of \$13,089.00.
- (g) For fire hydrant rental, the annual approximate amount of \$6,546.00.

***The annual total approximate amount to be expended during the term of this levy is \$163,618.00.

Additional levy shall be on Class I property at 6.12c; on Class II property at 12.24c; and on Class IV at 24.48c.

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

() For the Levies

() Against the Levies

Council of the City of Nitro

By: Don Karnus MAYOR

ATTEST: [Signature] RECORDER

NITRO FIREMEN'S PENSION BOARD MEETING

JANUARY 10, 1994

Mayor Karnes called the Firemen's Pension Board Meeting to order in the Conference Room at 9:10 a.m. Present were Captain Paul Frank Strohl, Firefighter Ronnie King, City Recorder/Treasurer Herb Sibley, Ralph Allison and Pansy Armstead. Absent were Chief Steve Hardman and Firefighter Shawn Alderman.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 2, 1993 MEETING: Captain Strohl moved the minutes be approved. The motion was seconded by Firefighter King. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - BUDGET: - The estimated budget includes an amount in miscellaneous for a joint purchase of a computer. Captain Strohl moved the budget be approved and submitted to Council. The motion was seconded by Firefighter King. A vote was taken and it was unanimous. (COPY ATTACHED.)


AGENDA ITEM NO. 3 - ACTUARY INFO: - Firefighter King said he spoke with Ed Friend and advised him the changes in the wages. Mr. Friend asked for the figures and effective date. Also, Firefighter King said there were some dates wrong on the report submitted, and he posted the report and asked each firefighter to check their information. Mr. Allison will fax the corrected information when he receives it.

A discussion followed regarding the City's contribution. Mr. Allison explained the law states the City is responsible for keeping the fund solvent. Once we get the actuarial study with the updated figures, then it will tell the City exactly their obligation, and then we may need to amend the budget.

AGENDA ITEM NO. 4 - OLD BUSINESS: - Firefighter King said the invoice in question at the last meeting from EFI Actuaries had been paid.

AGENDA ITEM NO. 5 - NEW BUSINESS: - Captain Strohl moved the Pension Board be allowed to join in with IAFF #1822 and the Nitro Firemen's Association and spend up to \$500.00 for a computer.

There being no further business, the meeting was adjourned.


PANSY ARMSTEAD, SECRETARY

FIREMEN'S PENSION FUND

1994 BUDGET

RECEIPTS:

CITY CONTRIBUTION	\$ 57.500.00
EMPLOYEES CONTRIBUTION	13.000.00
STATE CONTRIBUTION	35.000.00
INVESTMENT INCOME	<u>14.000.00</u>
	119.500.00

DISBURSEMENTS:

RETIREMENT BENEFITS	82.561.00
SECRETARY	480.00
ACTUARY STUDY	2.500.00
MISCELLANEOUS	<u>1.000.00</u>
	86.541.00

EXCESS OF RECEIPTS OVER DISBURSEMENTS:	32.959.00
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CITY OF NITRO COUNCIL MEETING MINUTES

JANUARY 25, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilman George Atkins and Councilman Frank Grover Jr,. Also present City Attorney Phillip D. Gaujot. Absent were Councilman Robert Young and Councilwoman Betty Jo Boggess.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 11, 1994 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE MINUTES AS READ. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - PROCLAMATION 94-01: Mayor Karnes stated the American Heart Association requested Mayor Karnes declare February as " American Heart Month ". COUNCILMAN GEORGE ATKINS MOVED TO APPROVE PROCLAMATION 94-01, DESIGNATING FEBRUARY AS "AMERICAN HEART MONTH". THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy attached.

AGREND A ITEM NO. 3 - CURFEW COMMITTEE REPORT: Mayor Karnes yielded the floor to Councilman at Large Steve West. Councilman at Large West stated the committee recommends amending 525.05 curfew violations to include bicycles or motorized vehicles as modes of transportation. Also, he said private property in regard to the territorial aspect of the curfew, amend the hours from 11:00 until 10:00 P.M., E.S.T. Councilman at Large West said the next major changes were increasing the current penalties from \$5.00 to a \$50.00 fine for violations to \$100.00 and/or twenty hours of public service for each violator on first offense. Second offense, \$200.00 and/or forty hours of public service if second offense occurs within three months of the first offense. Third offense, within the three month period would be a \$500.00 fine and/or one hundred hours of public service. Councilman at Large West commented, it is the habitual violator they are concerned about. The committee's recommendation is that classes be established for both, parents and juveniles under direction of the Chief of Police. The classes will be designed to improve parenting skills and teach individual responsibility.

COUNCILMAN AT LARGE STEVE WEST MOVED CITY ATTORNEY AMEND 525.05 AS RECOMMENDED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 4 - APPROVAL OF POLL WORKERS: Mayor Karnes yielded the floor to City Recorder Herb Sibley. Recorder Sibley furnished council a copy of poll workers plus

alternates for the Excess Levy Election to be held March 12, 1994. The estimated cost for this election is between \$4500 and \$5000. This is a non-partisan election. Also Recorder Sibley ask for names from council members of persons willing to work in the election. Each workers gets paid \$25.00 for attending school and \$75.00 for working.

COUNCILMAN FRANK GROVER, JR. MOVED TO APPROVE POLL WORKERS AS SUBMITTED. THE MOTION WAS SECONDED AND THE VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. 5 - COMPUTER SYSTEMS PROGRESS: Mayor Karnes yielded the floor to City Recorder Herb Sibley. Recorder Sibley stated Council authorized the expenditure of \$20,000 to upgrade the computer system. The transition is near completion.

AGENDA ITEM NO. 6 - COMMENTS: Mayor Karnes commented the Public Works Dept should be commended for the good job of snow removal. Councilman Atkins said he had received several positive calls in regard to the Public Works, Police Dept and Fire Dept. for their performance during the last snow storm. They should be commended for a job well done.

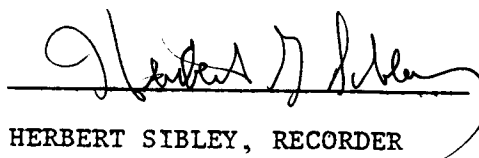
Also Mayor Karnes mentioned relocation of the Police Department to the Community Center and moving the Sanitary Board to City Hall is nearing construction time. Things are on the move.

Mayor Karnes said included in Councils' package was a letter of accommodation from the Office of the Prosecuting Attorney regarding three of our officers, and yielded the floor to Chief Blankenship. Chief Blankenship said Officers Jack Jordan, Mike Chatterton and Steve Pete should be commended on a recent murder case just concluded. From investigation to testifying, their work was excellent.

There being no further business the meeting was adjourned.



DON KARNES, MAYOR



HERBERT SIBLEY, RECORDER



DON KARNES
MAYOR

PROCLAMATION 94-01

AMERICAN HEART MONTH

Whereas, more than 3,000 American children smoke their first cigarette each day, and

Whereas, the highest rates of initiation into daily smoking in our community are in the junior high schools, among children ages 12-14, and

Whereas, smoking along with high blood pressure, high cholesterol and lack of exercise are the four major risk factors for cardiovascular diseases, and

Whereas, such diseases are the number one killer in Kanawha County, claiming the lives of more than 1,014 during 1991, and

Whereas, the American Heart Association is launching a nationwide education program aimed at reaching the children in our community with vital information about lifestyle habits that are established early in life, may reduce their risks of cardiovascular diseases as adults,

Whereas, the American Heart Association is the only voluntary health agency whose sole mission is to reduce death and disability from cardiovascular disease and stroke, and

Now, therefore, I, Mayor Don Karnes, proclaim the month of February as American Heart Month. I urge all citizens to support the lifesaving mission carried out by the Nitro American Heart Association volunteers during February. Contributions of time and money will help in the fight against heart disease and stroke. During 1992-1993 Kanawha County raised nearly \$70,000. I urge citizens to help the American Heart Association, Kanawha County Division, meet its goal of raising \$100,000 this year and during American Heart Month.


Don Karnes, Mayor

DATE

PROPOSED POLL WORKERS
LEVY ELECTION MARCH 12, 1994

PRECINCT #349 (Nitro Women's Club)

Marjorie McLaughlin ✓
109 Brentwood Rd.
Nitro, WV 25143

Catherine Gottschalk
109 Brookhaven
Nitro, WV 25143

Charmaine Mazzei
1 Barrington Rd.
Nitro, WV 25143

Frank Gottschalk ✓
109 Brookhaven
Nitro, WV 25143

Cora Bell Hanna ✓
21 Blake Road
Nitro, WV 25143

PRECINCT #350 (Nitro Women's Club)

Virginia Hunter
2511 25th St.
Nitro, WV 25143

Eve Frazier
2333 23rd St.
Nitro, WV 25143

Cora Jarvis
2613 26th St.
Nitro, WV 25143

Grace Miller
2129 21st St.
Nitro, WV 25143

Matilda Mynes
2158 21st St.
Nitro, WV 25143

PRECINCT #351 (Nitro Elementary)

Isabell Hudnall ✓
1522 15th St.
Nitro, WV 25143

V. E. "Newt" Townsend ✓
1436 14th St.
Nitro, WV 25143

Pauline Warner ✓
1311 Main Ave.
Nitro, WV 25143

Carrie Javins ✓
1412 14th St.
Nitro, WV 25143

David Wilkinson ✓
1527 15th St.
Nitro, WV 25143

PRECINCT #352 (Nitro Elementary)

Polly Tucker
103 Layne Ave.
Nitro, WV 25143

Lester Hudnall ✓
113 Kanawha Ave.
Nitro, WV 25143

Dorthea Bartoe ✓
101 Layne Ave.
Nitro, WV 25143

Ray Bartoe ✓
101 Layne Ave.
Nitro, WV 25143

Charlie Miller ✓
8 Main Ave.
Nitro, WV 25143

Opal Miller ✓
8 Main Ave.
Nitro, WV 25143

PRECINCT #353 (United Steelworkers Bldg)

Iris Miles ✓
708 Main Ave.
Nitro, WV 25143

LeRoy Miles
708 Main Ave.
Nitro, WV 25143

Ruth Mitchell
824 8th St.
Nitro, WV 25143

Don Mitchell
824 8th St.
Nitro, WV 25143

Kirk Casto
87 N 21st St.
Nitro, WV 25143

PRECINCT #354 (Shawnee Hills)

Ruth Phalen ✓
1372 Valentine Circle
Nitro, WV 25143

Doris Hudnall
113 Kanawha Ave.
Nitro, WV 25143

Wanda Smith ✓
203 Walker St.
Nitro, WV 25143

Barbara Cox
1103 Benamati ✓
Nitro, WV 25143

William Finch
111 Fairview
Nitro, WV 25143

PRECINCT #355 (Shawnee Hills)

✓ Pansy Zeigler
714 Kan. Ave., South
Nitro, WV 25143

✓ Wenena Hammonds
702 Kan. Ave., South
Nitro, WV 25143

Ollie Hancock
711 Kan. Ave., South
Nitro, WV 25143

Charlotte Quesenberry
1216 Main Ave.
Nitro, WV 25143

Todd Hudnall
113 Kanawha Ave.
Nitro, WV 25143

PRECINCTS #22 & 23 (Former Nitro-Putnam Elementary)

Alice Woodall
3509 35th St.
Nitro, WV 25143

Ethel Hall
4116 41st St.
Nitro, WV 25143

Velva Copen
4060 40th St.
Nitro, WV 25143

Arleen Hanna
3951 39th St.
Nitro, WV 25143

Jane Brogan
121 Bailes Dr.
Nitro, WV 25143



DON KARNES, MAYOR



HERB SIBLEY, RECORDER

CITY OF NITRO COUNCIL MEETING MINUTES

FEBRUARY 1, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Steven West, Councilman at Large Jim Hutchinson, Councilman Robert Young, Councilman Frank Grover, Jr., Councilwomen Betty Boggess. Also present City Attorney Phillip D. Gaujot. Absent were Councilman at Large Dean Miller and Councilman George Atkins.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 25, 1994 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE MINUTES AS READ. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - BUDGET: Mayor Karnes yielded the floor to City Recorder Herbert Sibley. Recorder Sibley commented he has requested each Department Head to turn in a tentative budget. He said there will be a meeting of the Finance Committee each Tuesday and Thursday beginning next Tuesday, (Feb. 08) at 6:30 p.m. in conference room until the budget is resolved. Also Recorder Sibley stated all tax forms have been printed and mailed.


AGENDA ITEM NO. 3 - CURFEW ORD. 94-0: Mayor Karnes yielded the floor to Councilman at Large Steve West. Councilman at Large West stated he had not had a chance to read Ordinance 94-0 and would suggest tabling this agenda item until next council meeting. COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO TABLE AGENDA ITEM NO. 3 UNTIL NEXT SCHEDULED MEETING. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 4 - COMMENTS: Mayor Karnes furnished Council with a copy of letter commending the Public Works Department for the fine job of snow removal.

Mayor Karnes attended the Mid-Winter WV Municipal League Conference this weekend. He said he felt it was the most productive conference he has attended. Under the leadership of the Honorable Emmett Pugh and our current Executive Director Lisa Dooley some 30 new members have joined the Municipal League. They should be commended for the energies they expended on this effort, and I commend them. Also, City Recorder Sibley attended some of the sessions, and expressed he concurred with the Mayor's statement.

There being no other business, the meeting was adjourned.


DON KARNES, MAYOR


HERBERT SIBLEY, RECORDER

CITY OF NITRO COUNCIL MEETING MINUTES

FEBRUARY 15, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Steven West, Councilman at Large Jim Hutchinson and Councilman Robert Young. Also present City Attorney Phillip D. Gaujot. Absent were Councilman at Large Dean Miller, Councilwoman Betty Boggess, Councilman George Atkins and Councilman Frank Grover, Jr.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 1, 1994 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE MINUTES AS READ. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - CURFEW - ORD. 94-: ^{ol} Mayor Karnes yielded the floor to Councilman at Large Steve West. Without objection Agenda Item No. 2 was moved to Agenda Item No. 4.5.

AGENDA ITEM NO. 3 - POLICE DEPT. ACTIVITIES REPORT: Mayor Karnes yielded the floor to Chief Blankenship. Chief Blankenship furnished Council with a copy of 1993 summary of activity for the Nitro Police Dept. Also, Chief Blankenship said the departments move to the Community Center was still on schedule around March 1st. Chief Blankenship stated the department was looking forward moving to the new location. Mayor Karnes commented the facility in the Community Center will be so much better for the Police Dept. and the Sanitary Board moving into the former police headquarters will benefit the citizens of Nitro, having all of the City's billing and collection under one roof. Copy Attached.

AGENDA ITEM NO. 4 - RESOLUTION 94-02: Mayor Karnes introduced a resolution to apply for Governor's Partnership Grant for \$25,000 which is part of the application to apply for the grant. If we are successful, the money will be used to install an elevator in the Nitro Community Center. Without objection, Mayor Karnes read the title only and COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO ADOPT THE RESOLUTION. THE MOTION WAS SECONDED, AND A VOTE WAS TAKEN AND IT WAS UNANIMOUS. (Copy Attached.)

AGENDA ITEM NO. 4.5 - CURFEW - ORDINANCE 94- Mayor Karnes yielded the floor to Councilman at Large Steve West. COUNCILMAN AT LARGE WEST MOVED THE MATTER BE REMOVED FROM THE TABLE. THE MOTION WAS SECONDED, A VOTE WAS TAKEN AND APPROVED. There were minor changes made to the ordinance as discussed at our last meeting and a new copy was made reflecting these changes. COUNCILMAN ROBERT YOUNG MOVED TO

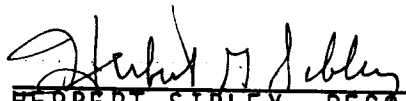
APPROVED. COUNCILMAN AT LARGE STEVE WEST MOVED WE ADOPT THE FIRST READING OF ORDINANCE 94-01 THE MOTION WAS SECONDED. A VOTE TAKEN AND IT WAS UNANIMOUS. Counselor Gaujot stated we need to hold a Public Hearing prior to the second reading of the ordinance. It was scheduled for 7:00 p.m. March 1, 1994. A question and answer session followed.

AGENDA ITEM NO. 5 - COMMENTS: Mayor Karnes commented a Finance Committee, Thursday 6:30 p.m. February 17, 1994. Mayor Karnes stated there has been some question as to who owns the Community Center. He said, he will write an article from the Mayors Desk addressing this matter.

There being no further business the meeting was adjourned.



DON KARNES, MAYOR



HERBERT SIBLEY, RECORDER

SUMMARY OF ACTIVITY OF NITRO POLICE DEPARTMENT FOR THE 1993 YEAR

The following is a brief summary of the calls that the officers of Nitro Police Department answered during the course of 1993. This is brief summary of the type of calls and the numbers. When applicable a brief explanation of the calls will be given.

Our department, like all of the departments across the nation are facing major out cries from the people in the communities and political leaders to make our country safer for the people. Law enforcement leaders are hearing this, along with the admonition, "Watch the budget". It now appears that on a national level a concentrated effort (and money) is going to be applied to crime fighting. It's a step, how be it small, in the right direction.

Our small city experienced an increase in crimes in different areas. The following will show some numbers in different categories. Attached you will find a chart indicating the monthly breakdowns, this is where the listed totals arrived from. The Officers are required to keep a record of the calls/activities during the month and then turn them in to Sgt. Dean, who keeps a running record of the totals.

This is what the activity sheets report:

1. That the officers of Nitro Police Department took a total of 154 felony reports.
2. That a total of 664 misdemeanor reports were taken.
3. The officers cleared a total 39 felonies.
4. Investigated 237 auto accidents with property damage.
5. Investigated 58 auto accidents with injuries (two of the accidents were fatalities).
6. Answered 4,989 calls for assistance (such as fights, loud music, ect.).
7. Issued 236 traffic citations.
8. Made 134 misdemeanor arrest.
9. Made 26 felony arrest.
10. A total of 132,097 miles were driven by the officers.
11. A total of 16,543 man hours were worked by a total of 9 officers.

Violent crimes in the city increased during the 1993 year. During the 1993 year there were two homicides in our city (both were cleared by arrest---one has been sentenced to life with mercy and the second defendant's trial is scheduled to begin in March). Our city has not had a homicide since 1986. The investigating officers done an excellent job in the investigations, which makes it easier for the Prosecutor's office to get a harder conviction. The total man hours it takes for this type of investigation is amazing. This is from the preliminary investigation, interviewing witnesses, getting statements, collecting/labeling evidence, to several different court dates, it starts to really add up. Fortunately, in both of these cases the officers did not lose sight of the main goal, that is to put the offender where he belonged. In addition, these officers also had to deal with the victim's family, to be compassionate in their time of grief, but still remain professional to see the investigation through.

Another area that our department saw an increase in was that of domestic violence. State laws have been enacted to protect the victim of domestic violence. Since July, 1993 our officers have served 39 domestic violence orders, that were issued by magistrates. This does not count the number of domestic violence calls that the officers responded to and the victim did not go for the D.V.O. Our officers are now required by law, when they respond to a domestic violence call to follow certain procedures. One of the main things is the documentation of the incident. This can be time consuming for the responding officers. In some cases the officers will have to go get the battery warrants against the offender, to help protect the victim. This ties the officer up in court on the magistrate level. In addition if a respondent violates the D.V.O. the officer will have to make an arrest, and again, he's out of the city, in magistrate court.

Our officers responded to a total of 41 battery calls during the year (this number represents the people that wanted a report made. It doesn't indicated the number of victims/offenders that left the area prior to our officer's arrival) This is an increase. Again, the officers are now responsible for obtaining the warrants

SUMMARY OF 1993 CALLS

PAGE THREE

and prosecuting the offender. This of course means more court time and less time on the road.

Another area which we are seeing increases is that of juvenile violence.....that is violence that is committed by a juvenile. Our council has recently taken measures in an attempt to help curb some of the problems within our city. An example of crimes committed by juveniles is that of egging, which is a aggravating problem, and juveniles bashing mail/paper boxes. In 1993 we had 135 reports of destruction of property. These reports range from vehicles begin egged to windshields being busted out, to vehicles being damaged by sharp object (such as keys). Many of these were committed by juveniles.

The number of larceny (petit/grand) for the year of 1993 was 120. This does not included the number of stolen vehicles, which the number of stolen vehicles was 10. Items taken range from money to guns, jewelry, and electronic. NOTE: Of the 10 vehicles stolen, 7 of the vehicles were recovered.

Along this same line, there were 95 breaking and enterings/ burglaries for the year. This appears to be an increase from 1992.

I'm sure that you noted on the chart that there were 154 felony reports taken by our officers during the year, and only 39 felonies cleared. I think this statistic would indicate that our department needs an officer designated as a full time investigator. A problem that is nation-wide in scope is the number of officers in relation to the population. At this time we normally have two officers on a shift. Nitro's current population is 6,500 (according to the 1990 census), which breaks down to one officer per 3,250 people. This means that the officers that take the reports are also the ones that are having to investigate them. This is difficult when the officer is taking statements, ect., and they have to stop and respond to an accident, or other calls that come up.

Another area of concern that needs to be addressed is that of a growing drug problem. We all want to feel, to believe that our small town is immune to this problem. Unfortunately, this is not the case. Again, this is where a designated investigator would be useful. He could do the follow-up on information obtained from the public, and or confidential informants.

A category that is not on any of the tally sheets that the officers are involved in, and which can be time consuming is that of talking with complainants that come in to the station, or call on the phone. Our officers frequently are asked for advise on a variety of subjects. Often it's questions about how to get possessions back from someone, how to get a vehicle "legal", what to do about harassing phone calls, ect. Many times people from outside of our city will call our department, because they know that they can usually talk with an officer, or they will be referred to the proper agency.

This was intended to be a brief summary of the calls, but knowledge is the key to unlocking the door to the future. I felt a desire to share this information with you, as it may help clear up any questions or misconceptions that may arise.

Our officers are faced with many new demands on their time. There are new regulations regarding the obtaining of warrants. The West Virginia Supreme Court has determined that criminal warrants must be obtained by law enforcement officers, that civilians do not have the right to obtain these warrants. This involves time in obtaining the warrants, the court time, and the investigation involved. Again, this is regulated by agencies outside of ours.

Another type of investigation that our officers are involved in is that of suicides. This is a difficult situation for all involved, the victim's family and the officer. Currently, our department does not have a critical incident debriefing after this type of situation. Our officers are humans also, this type of incident is hard on them, and may take awhile for them to become acclimated.

Again, I would like to reiterate my position about the need for an investigator. Our officers are currently having to investigate each of the reports that they take, or complaint that they receive. This is a difficult position they are placed in.

CITY OF NITRO



DON KARNES
MAYOR

RESOLUTION 94-02

RESOLUTION TO APPLY FOR
GOVERNOR'S COMMUNITY PARTNERSHIP GRANT

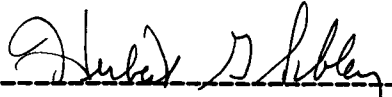
WHEREAS, the City of Nitro proposes to continue maintenance and upgrade of the Nitro Community Center housed in the old Nitro High School building;


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 West Virginia Development Office for funding consideration.

Adopted this the 15th day of February, 1994.


HERBERT SIBLEY, RECORDER


DON KARNES, MAYOR

CITY OF NITRO COUNCIL MEETING MINUTES

MARCH 01, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Present were City Recorder/Treasurer Herb Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilman George Atkins, Councilman Robert Young, Councilman Frank Grover, Jr., also present was City Attorney Phillip Gaujot. Absent was Councilwoman Betty Jo Boggess.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 15, 1994 COUNCIL MEETING MINUTES: COUNCILMAN ROBERT YOUNG MOVED TO APPROVE THE MINUTES AS READ. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - CURFEW-ORD 94- 2ND READING: WITHOUT OBJECTION MAYOR KARNES READ TITLE ONLY OF ORDINANCE 94-01 AN ORDINANCE AMENDING ARTICLES 525.05 AND 525.99 OF THE CODIFIED ORDINANCES FOR NITRO, WEST VIRGINIA, REGULATING THE PRESENCE AND CONDUCT OF MINORS ON STREETS AND OTHER PUBLIC PLACES; DEFINING DUTIES OF PARENTS OR OTHERS IN CARE OF MINORS; PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF. COUNCILMAN AT LARGE STEVE WEST TO ADOPT ORDINANCE 94-01. THE MOTION WAS SECONDED AND THE VOTE WAS UNANIMOUS. COPY ATTACHED.

AGENDA ITEM NO. 3 - FINANCE COMMITTEE REPORT: Mayor Karnes yielded the floor to City Recorder/ Treasurer, Herb Sibley. Mr. Sibley said the Finance Committee had been meeting regularly and had a varied number of people present at each meeting. The committee has gone thru the trauma of reduction of expense and, trying to find additional revenue. It is very important for the Excess Levy, a continuing levy be approved by the people. This levy constitutes about 8 percent of our budget. If this levy does not pass we will have to re-do the budget. We are having another meeting Thursday, March 3rd. at 6:30 p.m. mostly to finalize the numbers. A question and answer session followed.

AGENDA ITEM NO. 4 - COMMENTS: Mayor Karnes commented Nitro had lost a fine citizen and businessman and I have lost a good friend. Mr. Forrest "Tom" Thomas of Thomas Lawn Mower Service. Mr. Thomas was founder of Thomas Tire Service. He will be missed.

Also Mayor Karnes said he had planned a Town Meeting for Saturday, March 5th at the Nitro Community Center with representatives in the State House from Kanawha and Putnam Counties. This meeting has been cancelled and will be rescheduled.

Recorder Sibley stated they still need some alternates for the Levy Election.

Chief Blankenship reported the Police Department should be ready to move to the new quarters by April 1st.

There being no further business the meeting was adjourned.



DON KARNES, MAYOR



HERBERT SIBLEY, RECORDER

ORDINANCE NO. 94-01ADOPTED BY COUNCIL March 1, 1994INTRODUCED IN COUNCIL: February 15, 1994

**AN ORDINANCE AMENDING ARTICLES 525.05 AND 525.99 OF THE
CODIFIED ORDINANCES FOR NITRO, WEST VIRGINIA, REGULATING
THE PRESENCE AND CONDUCT OF MINORS ON STREETS AND OTHER
PUBLIC PLACES; DEFINING DUTIES OF PARENTS OR OTHERS IN CARE OF
MINORS; PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF**

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

WHEREAS, juvenile delinquency has increased in the City of Nitro; and

WHEREAS, there has been an increase of abuse and damage to parks, playgrounds and other property of the City of Nitro; and

WHEREAS, there is a need for governing the conduct of minors in the City of Nitro for the purpose of alleviating the problem of juvenile delinquency; and

WHEREAS, it is in the public interest to reduce noises and disturbances at late hours, and to prevent the reckless and noisy operation of motor vehicle at late hours within the City of Nitro; and

WHEREAS, it is the intent to amend 525.05 and 525.99 of the Codified Ordinances of Nitro, West Virginia.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA, that 525.05 CURFEW and 525.99 PENALTY shall be amended as follows:

525.05 CURFEW

(a) No minor under the age of eighteen (18) years shall loiter, idle, wander, stroll, or play in or upon the streets, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, either on foot or to cruise about without a set destination in any vehicle, in, about or upon any place in the City of Nitro, West Virginia, between the hours of 10:00 p.m. and 6:00 a.m. of the following day; provided, that the provisions of this Section shall not apply to a minor accompanied by his parent, guardian, custodian or other adult person having the care, custody or control of such minor, or while the minor is legally employed and is going to or from the place of employment or is engaged in the duties thereof or unless the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian, custodian or other adult person having the care, custody or control of such minor.

Any minor violating this section shall be deemed a delinquent under the provisions of State law and shall be dealt with as such under State law.

(b) Responsibility of Parent or Guardian. No parent, guardian, custodian or other adult person having the care, custody or control of a minor under the age of eighteen years shall knowingly permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, either on foot or to cruise about without a set destination in any vehicle, in, about or upon any place in the City of Nitro, West Virginia between the hours of 10:00 p.m. and 6:00 a.m. of the following day; provided that the provisions of this section shall not apply when the minor is accompanied by his parent, guardian, custodian or other adult person having the care, custody or control of the minor, or where the minor is upon an emergency errand or legitimate business directed by his parent, guardian, custodian or other adult person having the care, custody or control of the minor, or where the minor is lawfully employed and is going to or from the place of such employment or is engaged in the duties thereof.

525.99 PENALTY

(a) Whoever violates Section 525.04 shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than thirty days, or both.

(b) Whoever violates Section 525.05 shall be fined as follows:

- (1) For the first offense, a fine of one hundred dollars (\$100.00) or twenty hours of public service;
- (2) For the second offense occurring within three months of the first offense, a fine of two hundred dollars (\$200.00) or forty hours of public service;
- (3) For the third offense occurring within three months of the first offense, a fine of five hundred dollars (\$500.00) or one hundred hours of public service.

(c) If the minor or parent, guardian, custodian or other adult person having the care, custody or control of said minor elects public service, said minor or parent, guardian, custodian or other adult person having care of said minor may, as an alternative, attend an appropriate class of study under the direction of the Chief of Police. Upon satisfactory completion of such class, the fines listed in (b)(1), (2), and (3) above and public service shall be waived.

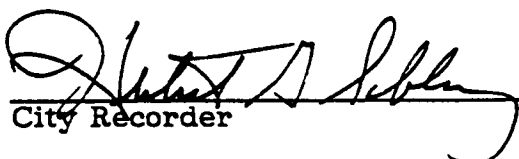
Passed on First Reading

2/15/94

Adopted on Second Reading

3/1/94


Mayor


City Recorder

CITY OF NITRO COUNCIL MEETING MINUTES

MARCH 15, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Present were City Recorder/Treasurer Herb Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilman George Atkins, Councilman Robert Young, Councilman Frank Grover, Jr. and Councilwoman Betty Boggess. Also present was City Attorney Phillip Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 01, 1994 COUNCIL MEETING MINUTES: COUNCILMAN GEORGE ATKINS MOVED TO APPROVE THE MINUTES AS READ. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - PUBLIC HEARING MINUTES: COUNCILMAN ROBERT YOUNG MOVED TO MAKE THE PUBLIC HEARING MINUTES A PART OF THE MARCH 15, 1994 COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. 3 - LEVY ELECTION: Mayor Karnes yielded the floor to City Recorder/Treasurer Herb Sibley. Recorder Sibley commented he was happy the Levy passed successfully by approximately 79 percent. He was a little disappointed with the turn out, 353 votes cast, 278 affirmative and 75 negative. I would like to thank all the people who helped in the election. The vote will be canvased Friday, March 18, 1994 by City Council. There were nine (9) absentee ballots, and one (1) challenged ballot.

AGENDA ITEM NO. 4 - RIC FUNDING: Mayor Karnes stated the Regional Intergovernmental Council asked municipalities to approve their funding formula and mail them certification of this action. The City of Nitro's contribution is \$1451.80. This is determined by the population of the City. COUNCILMAN AT LARGE DEAN MILLER MOVED TO APPROVE THIS CONTRIBUTION. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. 5 - BUDGET 94/95: Mayor Karnes yielded the floor to Rec/Treas. Herbert Sibley. Mr. Sibley said he would like to thank the Finance Committee, Ralph Allison and the other members of Council that attended the budget meetings. We have estimated the available funds as nearly as possible, and asked for budget requests from the Department Heads. Unfortunately we have had to reduce some of the request in order to balance the budget. Budget adjustments can be made anytime it is necessary as we progress thru this budget year. COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE 94/95 BUDGET. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy Attached.

AGENDA ITEM NO. 6 - SANITARY BOARD BUDGET 94/95: Mayor Karnes commented the Sanitary Board Budget is, in a broad sense, a part of the City's Budget. It is a barebone budget with no salary increases in it. Every year we are asked to accept their budget and make it a part of these proceedings. Copy attached.

After some discussion, COUNCILMAN AT LARGE STEVE WEST MOVED TO MAKE THE SANITARY BOARD BUDGET A PART OF COUNCIL RECORDS. THE MOTION WAS SECONDED. COUNCILMAN AT LARGE DEAN MILLER MOVED TO TABLE THE MOTION. THE MOTION WAS SECONDED. THE MOTION TO TABLE WAS DEFEATED. A VOTE WAS TAKEN ON THE ORIGINAL MOTION AND IT WAS APPROVED.

AGENDA ITEM NO. 7 - COMMENTS: Mayor Karnes commented he had been asked to proclaim a "Cool and Casual Day for MDA". April 14, 1994. Copy attached.

With the canvas and certification of the Levy Election being scheduled for Friday, March 18, 1994 at 7:00 p.m., the meeting was recessed until that time.

The meeting reconvened Friday, March 18, 1994 at 7:00 p.m. and Mayor Karnes called the meeting to order. Present were City Recorder/Treas. Herb Sibley, Councilman at Large Dean Miller, Councilman at Large Steve West, Councilman at Large Jim Hutchinson, Councilwoman Betty Jo Boggess and Councilman George Atkins. Absent were Councilman Frank Grover and Councilman Robert Young.

This meeting was to canvass the Levy Election held on Saturday, March 12. Mayor Karnes yielded the floor to City Recorder Herb Sibley.

City Recorder Herb Sibley along with the Ballot Commissioners Bess Stahl and Fred Bowen opened ballot boxes for Precincts 22 & 23. Voted ballots placed in container. No challenged ballots received. COUNCILMAN JIM HUTCHINSON MOVED THE TALLY SHEET SHOWING 34 FOR THE LEVY AND 12 AGAINST BE ACCEPTED. THE MOTION WAS SECONDED. A VOTE WAS TAKEN AND IT WAS UNANIMOUS.

The box for Precinct 349 was opened. No challenged ballots received and the voted ballots were placed in a container to be locked after this meeting. COUNCILWOMAN BETTY JO BOGGESS MOVED THE TALLY SHEET SHOWING 26 FOR THE LEVY AND 5 AGAINST THE LEVY BE APPROVED. MOTION SECONDED AND IT WAS UNANIMOUSLY APPROVED.

Box for Precinct 350 was opened. There was one challenged ballot where a poll worker voted out of their precinct. COUNCILMAN AT LARGE DEAN MILLER MOVED TO ACCEPT THE VOTE AND THE TOTAL TO 35 FOR THE LEVY AND 2 AGAINST.

MOTION SECONDED AND UNANIMOUSLY APPROVED. The ballots were placed in container to be locked after this meeting.

Box for Precinct 351 opened. No challenged ballots received. COUNCILMAN AT LARGE JIM HUTCHINSON MOVED FOR THE APPROVAL OF THE TALLY SHEET SHOWING 45 FOR THE LEVY AND 7 AGAINST. MOTION SECONDED. A VOTE TAKEN AND IT WAS UNANIMOUSLY APPROVED. The ballots were placed in container to be locked after this meeting.

Precinct box 352 opened which had 26 votes cast for the levy and 7 against. COUNCILMAN AT LARGE DEAN MILLER MOVED FOR THE APPROVAL OF THIS COUNT. THE MOTION SECONDED AND VOTE UNANIMOUSLY APPROVED. The ballots were placed in container to be locked after this meeting.

Box containing the ballots for Precinct 353 opened. No challenged ballots received. COUNCILMAN AT LARGE JIM HUTCHINSON MOVED FOR THE APPROVAL OF THE BALLOTS RECEIVED OF 47 FOR AND 15 AGAINST THE LEVY. MOTION SECONDED AND VOTE UNANIMOUSLY APPROVED. The ballots were placed in container to be locked after this meeting.

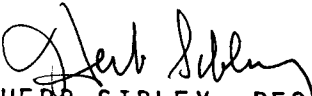
The box containing ballots for Precinct 354 was opened with 3 challenged ballots, which were poll workers voting out of their precinct. COUNCILMAN GEORGE ATKINS MOVED THEY BE COUNTED which made 50 for the Levy and 15 against. MOTION SECONDED AND THE VOTE WAS UNANIMOUSLY APPROVED. The ballots were placed in container to be locked after this meeting.

Precinct box 355 was opened and there being no challenged ballots, COUNCILMAN GEORGE ATKINS MOVED FOR THE APPROVAL OF THE RESULTS OF 18 VOTES FOR THE LEVY AND 13 AGAINST. THE MOTION WAS SECONDED AND THE VOTE WAS UNANIMOUSLY APPROVED. The ballots were placed in container to be locked after this meeting.

Total votes received for the Levy was 281 for and against the Levy 76. COUNCILMAN AT LARGE JIM HUTCHINSON MOVED FOR THE APPROVAL OF THE RESULTS. MOTION SECONDED AND IT WAS UNANIMOUS. Signatures of Board of canvassers were obtained. The results were posted.

The meeting was adjourned.

DON KARNES, MAYOR


HERB SIBLEY, RECORDER

PUBLIC HEARING

MARCH 01, 1994

The properly advertised Public Hearing was called to order by Mayor Karnes in Council Chambers at Nitro City Hall at 7:00 p.m. March 01, 1994. Present were City Recorder/Treasurer Herb Sibley, Frank Grover, George Atkins, Bob Young, Steve West, Dean Miller, Jim Hutchinson.

Mayor Karnes announced the purpose of the meeting is in regard to article 525.05, an ordinance amending articles 525.05 and 525.99 of the presence and conduct of minors on streets and other public places; defining duties of parents or others in care of minors; providing for penalties for violations thereof. Mayor Karnes stated " is there anyone here to speak to the issue?... is there anyone here to speak to the issue"? The chair hearing none, the hearing was dismissed at 7:15 p.m.



Don Karnes, Mayor



Herbert Sibley, Recorder

156 impartially examined the returns of election held on March 12, 1994, do here certify the results as follows on March 21, 1994.

H. G. Sibley
H. G. Sibley, Recorder

BOARD OF CANVASSERS

Special Election, March 12, 1994

City of Nitro, WV

The Board of Canvassers of the City of Nitro, located in the Counties of Kanawha and Putnam, State of West Virginia, having carefully and impartially examined the returns of the Special Election held in said County; in each Precinct thereof, on the 12th day of March, 1994, do certify that in said City in the Special Election the number of votes cast were as follows:

PRECINCT

FOR THE LEVIES

AGAINST THE LEVIES

PRECINCT 22

> 34

12

PRECINCT 23

26

5

PRECINCT 349

35

2

PRECINCT 350

45

7

PRECINCT 351

26

7

PRECINCT 352

27

15

PRECINCT 353

50

15

PRECINCT 354

18

13

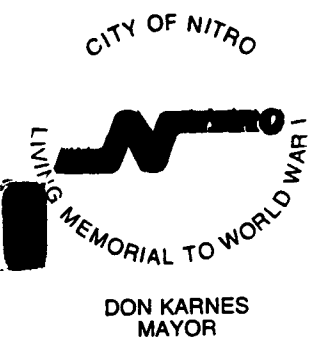
PRECINCT 355

We now declare on the 12 day of March, 1994, the Special Levy, receiving 281 positive votes cast and exceeding the 60% required for passage, to be officially recognized in effect for the years 1994-1997.

Board of Canvassers

E. E. Hutchinson
Dean Miller
Don Kerner
W. C. Burgess
Charles L. Atkins

Bess E. Hall
Frederick M. Brown
H. G. Sibley
Steven E. West



CERTIFICATION

I, Don Karnes, duly elected Mayor, of the City of Nitro, do hereby certify that the FY 1995 Budget and Funding Formula adopted by the BCKP Regional Intergovernmental Council was submitted to the City Council Council of the City of Nitro, and that said Budget and Funding Formula were approved by the City Council of Nitro and that the City of Nitro's financial contribution to the BCKP Regional Intergovernmental Council as set forth in said funding formula was approved and included in the City of Nitro FY 1995 Budget.

Don Karnes
Mayor

3/15/94
Date

Hal Libby
Recorder

3/15/94
Date

CITY OF NITRO PROJECTED BUDGET FOR YEAR ENDING JUNE 30, 1995

PROJECTED REVENUES

PROPERTY TAXES	516,248
BUILDING PERMITS	13,368
B & O TAX	730,000
UTILITY TAXES	103,403
RECREATION	31,601
WINE AND LIQUOR TAXES	68,000
LICENSES	20,163
DOG TRACK	120,485
INTEREST	6,083
CIVIC BENEFITS ASSOC	133,550
RENT	7,700
COURT COSTS	18,380
COLLECTION INCOME	4,313
LIBRARY FEES	589
MUNICIPAL SERVICE	405,000
FRANCHISE FEES	2,500
MISCELLANEOUS	24,221
COAL SEVERANCE	19,000
REIMBURSEMENTS::	
OTHER INSURANCE	36,000
CALENDAR	1,600
HOSPITALIZATION	8,359
HUMANE OFFICER	9,119
	<u>2,279,682</u>

<u>MAYOR</u>	
WAGES	41,938
RETIREMENT	3,984
FICA	3,208
DUES	2,500
SUPPLIES	1,500
TRAVEL	<u>3,000</u>
	<u>56,130</u>

<u>COUNCIL</u>	
WAGES	8,400
FICA	643
SENIOR CITIZENS	<u>7,200</u>
	<u>16,243</u>

<u>RECORDER</u>	
WAGES	13,500
RETIREMENT	1,283
FICA	1,033
LEGAL ADS	2,500
SUPPLIES	1,500
RECORD BOOKS	<u>600</u>
	<u>20,416</u>

<u>TREASURER</u>	
WAGES	10,000
RETIREMENT	950
FICA	765
WORKERS COMPENSATION	50,000
CONTRACT SERVICES	5,000
SUPPLIES	<u>1,000</u>
	<u>67,715</u>

<u>BUILDING INSPECTOR</u>	
WAGES	37,667
RETIREMENT	3,578
FICA	2,882
DUES	300
SUPPLIES	990
TRAVEL	800
CONTINUING EDUCATION	<u>2,000</u>
	<u>48,217</u>

CITY HALL

WAGES	
RETIREMENT	65,454
FICA	6,218
CONTRACT SERVICES	5,007
PROFESSIONAL SERVICES	7,500
INSURANCE	32,000
GROUP INSURANCE	70,000
SUPPLIES	225,000
COMPUTER AND PROGRAMS	10,000
ELECTRIC	5,000
GAS	26,400
WATER	7,700
TELEPHONE	17,600
FIRE HYDRANTS	16,500
STREET LIGHTS	14,700
	<u>56,000</u>
	<u>565,079</u>

POLICE DEPARTMENT

WAGES	
RETIREMENT	317,101
FICA TAX	33,557
PRINTING	24,258
TELETYPE	950
DEPT SUPPLIES	1,600
UNIFORMS	8,000
AUTO SUPPLIES	6,500
MISCELLANEOUS	18,000
MAINTENANCE AND REPAIRS	1,200
REFUNDS	6,000
CRIME PREVENTION	500
FOOD AND DRUGS	1,500
TRAINING/EDUCATION	400
TOWER RENTAL	5,000
CRIME VICTIM FUND	600
EQUIPMENT RENEWAL	3,500
POLICE RESERVE	2,600
CAPITAL OUTLAY	1,200
	<u>19,568</u>
	<u>452,034</u>

FIRE DEPARTMENT

WAGES	
RETIREMENT	194,780
FICA	36,000
CONTRACT SERVICES	14,901
PROFESSIONAL SERVICES	1,000
SUPPLIES	6,000
UNIFORMS	14,500
AUTO SUPPLIES	3,400
MAINTENANCE AND REPAIRS	6,500
TRAINING	6,000
CAPITAL OUTLAY	5,000
	<u>16,504</u>
	<u>304,585</u>

RECREATION DEPARTMENT

WAGES	35,000
RETIREMENT	1,800
FICA	2,678
CONTRACT SERVICES	1,000
MAINTENANCE AND REPAIRS	5,000
CALENDAR	4,900
SUPPLIES	<u>12,000</u>
	<u>62,378</u>

PARKS AND GROUNDS

WAGES	37,000
RETIREMENT	1,425
FICA	2,830
SUPPLIES	5,900
REPAIRS AND MAINTENANCE	2,500
CAPITAL OUTLAY	<u>6,000</u>
	<u>55,655</u>

PUBLIC WORKS

WAGES	283,000
RETIREMENT	28,975
FICA	21,650
CONTRACT SERVICES	12,000
TRASH BAGS	20,000
SUPPLIES	26,000
AUTO SUPPLIES	20,600
BUILDING REPAIRS	4,000
EQUIPMENT REPAIRS	7,500
LANDFILL	100,000
ASPHALT, SAND AND STONE	25,000
STREET PAVING	<u>20,000</u>
	<u>568,725</u>

LIBRARY

WAGES	31,590
RETIREMENT	2,482
FICA	2,417
CONTRACT SERVICES	3,000
SUPPLIES	500
MAINTENANCE AND REPAIRS	500
BOOKS	3,000
CONTINUING EDUCATION	<u>500</u>
	<u>43,989</u>

HUMANE OFFICER

WAGES	10,940
RETIREMENT	1,039
FICA	837
SHELTER FEES	2,400
UNIFORMS	300
AUTO SUPPLIES	2,400
MAINTENANCE AND REPAIRS	<u>600</u>
	<u>18,516</u>

NITRO SANITARY BOARD
CAPITAL EXPENDITURES
FISCAL YEAR: 1994-1995

ADMINISTRATIVE

GENERAL OFFICE	5000.00
MANAGEMENT	
BUILDING MAINTENANCE	

TOTAL ADMINISTRATIVE CAPITAL EXPENDITURES	5000.00
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PUMPING

BUILDING MAINTENANCE	6000.00
EQUIPMENT REPLACEMENT	16000.00
ELECTRICAL MAINTENANCE	5000.00
SHOP EQUIPMENT	1000.00

TOTAL PUMPING CAPITAL EXPENDITURES	28000.00
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COLLECTOR

EQUIPMENT REPLACEMENT	6000.00
BUILDING MAINTENANCE	
LINE REPLACEMENT FUND	13192.00

TOTAL COLLECTOR CAPITAL EXPENDITURES	19192.00
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TREATMENT

BUILDING MAINTENANCE	3000.00
ELECTRICAL MAINTENANCE	4000.00
LABORATORY EQUIPMENT	
GROUNDS EQUIPMENT	1000.00
EQUIPMENT REPLACEMENT	
SLUDGE MANAGEMENT EQUIPMENT	2000.00
MECHANICAL MAINTENANCE	1000.00

TOTAL TREATMENT CAPITAL EXPENDITURES	11000.00
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TOTAL PROJECTED CAPITAL EXPENDITURES &
PREVENTATIVE MAINTENANCE

63192.00

NITRO SANITARY BOARD
 APPROVED BUDGET
 FISCAL YEAR: 94/95

ESTIMATED REVENUES

\$ 867,082

SALARIES	\$ 266,386
FICA	20,379
MEDICAID	3,863
RETIREMENT	25,307
HEALTH INSURANCE	53,418
STATE UNEMPLOYMENT	400
WORKMENS COMPENSATION	7,246
OTHER EMPLOYEE EXPENSES	500

TOTAL WAGE RELATED EXPENDITURES	\$ 377,497
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UTILITIES	103,422
INSURANCE	27,703
SUPPLIES	14,000
MAINTENANCE & REPAIRS	84,142
VEHICLE REPAIRS & MAINTENANCE	4,762
GASOLINE	6,000
RENT	9,000
EQUIPMENT RENTAL	1,000
LEGAL SERVICES	5,000
BILLING COLLECTING & ACCOUNTING	36,710
SHOP & LAB	7,000
UTILITY TAXES	11,500
OPERATOR TRAINING	500
MISCELLANEOUS GENERAL EXPENSE	17,550

TOTAL OPERATIONS EXPENDITURES	328,289
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COMMERCE BANC OF NITRO	36,000
STATE SINKING FUND	46,800
FARMERS HOME ADMINISTRATION	8,784

TOTAL INTEREST & DEBT SERVICE	91,584
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CAPITAL EXPENDITURES & PREVENTATIVE MAINTENANCE	63,192
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TOTAL ESTIMATED EXPENDITURES	860,562
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INCREASE (DECREASE) IN RESERVES	\$ 6,520
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DON KARNES
MAYOR

PROCLAMATION 94-02

CITY OF NITRO
DON KARNES, MAYOR

Designating April 14, 1994 as
Cool & Casual Day for MDA

WHEREAS, the Muscular Dystrophy Association combats forty neuromuscular diseases that disable thousands of West Virginians and nearly one million Americans; and

WHEREAS, the Muscular Dystrophy Association provides a local and national program to provide medical services and durable medical equipment to clients and their families; and

WHEREAS, it is vitally important to find causes, treatments and cures for each of these 40 neuromuscular diseases -- a Herculean task; scientists funded by the Muscular Dystrophy Association have made important breakthroughs in these areas, but the bulk of the research is still ahead; and

WHEREAS, the National Cool & Casual Day for MDA with the participation of corporations and businesses throughout the city of Nitro aid in raising the funds needed to ensure this vitally important work continues.

NOW, THEREFORE, I, DON KARNES, Mayor of THE CITY OF NITRO do hereby proclaim April 14, 1994 as:

"COOL & CASUAL DAY FOR MDA"

throughout the City of
CITY OF NITRO on this 15th day
of MARCH, 1994.

CITY OF NITRO COUNCIL MEETING MINUTES

APRIL 05, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilman George Atkins, Councilman Robert Young, Councilman Frank Grover, Jr. and Councilwoman Betty Boggess. Also present was City Attorney Phillip Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 05, 1994 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

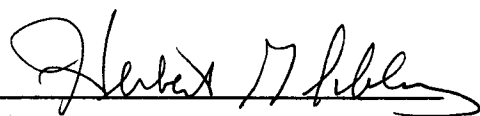
AGENDA ITEM NO. 2 - POLICE DEPARTMENT APPOINTMENT: Mayor Karnes complimented Chief Cochran on his service and congratulated him on his retirement. Mayor Karnes announced the appointment of Lt. Gary Blankenship, to acting Chief. Chief Blankenship was presented his badge by Mayor Karnes and extended his congratulations. COUNCILMAN GEORGE ATKINS MOVED THAT THE CITY COUNCIL CONFIRM THIS APPOINTMENT. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Councilman at Large Steve West ask if a pay increase went with the appointment. Mayor Karnes stated that Chief Blankenship's pay rate would be the same as Chief Cochrans.

AGENDA ITEM NO. 3 - LIBRARY PARKING LOT: Mayor Karnes stated Warren Smull (Project Co-ord of Fike/Artel) wants to pave a 70' x 216' section of the library parking lot in exchange for the use of the lot thru 1994. COUNCILMAN AT LARGE STEVE WEST MOVED TO GIVE MAYOR KARNES THE AUTHORITY TO NEGOTIATE AN AGREEMENT WITH MR. SMULL. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 4 - COMMENTS: Mayor Karnes discussed Block Grant application regarding 31st Street East, bridge and slip. Approximate cost of \$200,000.

There being no further business, the meeting was adjourned.


DON KARNES, MAYOR


HERBERT SIBLEY, RECORDER

CITY OF NITRO COUNCIL MEETING MINUTES

APRIL 19, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Jim Hutchinson, Councilman at Large Dean Miller, Councilman Robert Young and Councilman George Atkins. Also present was City Attorney Phillip Gaujot. Absent were Councilman at Large Steve West, Councilman Frank Grover, Jr. and Councilwoman Betty Boggess.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 05, 1994 COUNCIL MEETING MINUTES. COUNCILMAN ROBERT YOUNG MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - PROCLAMATION 94-03 NAT. DAY OF PRAYER: Mayor Karnes stated each year Rena M. Bolen, Coordinator of the National Day of Prayer for the State of West Virginia request all cities to proclaim May 5th as National Day of Prayer. Mayor Karnes said Rev. Jack Emrick will conduct a short service at 12:00 noon, in the Community Center on this day. COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO MAKE PROCLAMATION 94-03 A PART OF THE COUNCIL MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (Copy attached)

AGENDA ITEM NO. 3 - LAY THE LEVY: Mayor Karnes yielded the floor to City Recorder/Treasurer Herb Sibley. Recorder Sibley read a letter from the State Tax Department stating the levy was approved by the State Tax Commissioner. Mr. Sibley stated the levy is used to fund various municipal services and was made a part of the City's 1994-1995 budget last month. COUNCILMAN GEORGE ATKINS MOVED TO ADOPT THE LEVY RATES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 4 - COMMENTS: Mayor Karnes commented he has a proposal for paving a portion of the Library parking lot. The people that made the proposal were at the Library and they wanted to layout a section for our approval before they actually had the company to come in and do the paving. They have proposed 216' in length, but in order to keep one edge straight and the other edge in line with the City Park fence, it will vary in width from 70' to 105' so Bob Sergeant and I suggested that we shorten the length slightly so we can fill in that area toward the City Park that wasn't going to look good. So instead of 216' it is something less than that. Orders and Haynes have been contacted to do the paving job.

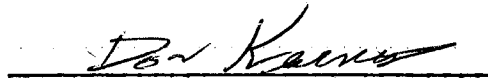
Also Mayor Karnes said due to the recent wind damage to

the Library roof, ceiling tile and several books at the Library have been damaged. Mayor Karnes said replacing the roof is a priority.

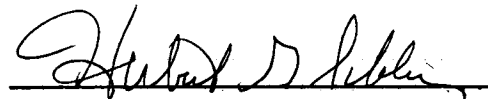
Mayor Karnes stated that there is some grant money available to us to hire another police officer provided we are willing to send one of our officers to work in the Metro Drug Unit. The grant pays for the wages and benefits for the new man. There are some pretty strict rules that go with the grant.

Mayor Karnes said he would like for this matter to be put in committee for study and recommendation.

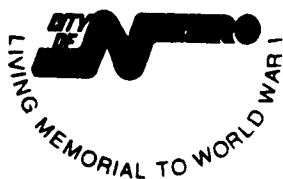
There being no further business, the meeting was adjourned.



DON KARNES, MAYOR



HERBERT SIBLEY, RECORDER



DON KARNES
MAYOR

PROCLAMATION 94-03 NATIONAL DAY OF PRAYER

Whereas, national days of prayer have been part of our country's heritage since the first one was declared by the Continental Congress in 1775. Through the years other national days of prayer have been declared. In 1952, by joint approval, the two houses of Congress called upon the President to set a suitable day each year as a National Day of Prayer.

Whereas, May 5, 1988 marked the signing of a bill which passed unanimously through Congress making the first Thursday of every May the National Day of Prayer.

Whereas, the National Day of Prayer Task Force of the National Prayer Committee, and independent, non-governmental group, would like everyone to recognize this day to acknowledge our dependence upon God: give thanks for the many blessings our country has received from Him through the years: to recognize our need for personal and corporate renewal of moral values, seek God's guidance for our nation's governmental and community leaders, commit ourselves to the restoration of marriage and family commitments, and intercede for healing and reconciliation within our nation.

Whereas, the Task Force is focusing special attention on mobilizing nationwide participation in the Day of Prayer in line with the theme. "Take 5 at 12". The Task Force is urging that, at 12 noon on May 5th bells and chimes be rung in every community, calling Americans to five minutes of unified prayer for our nation.

NOW, THEREFORE, I, Don Karnes, Mayor of the City of Nitro, do hereby proclaim Thursday, May 5th 1994 as a

" DAY OF PRAYER "

in the county of Kanawha, and call upon every citizen of this great state to gather together in our homes, at places of business and at places of worship, each after his or her own manner, and pray for unity of the hearts of all mankind.

" Take 5 at 12 "

LEVY RATE SHEET

169

RATES OF LEVY LAID BY:

City of Nitro

(LEVYING BODY)

Kanawha/Putnam

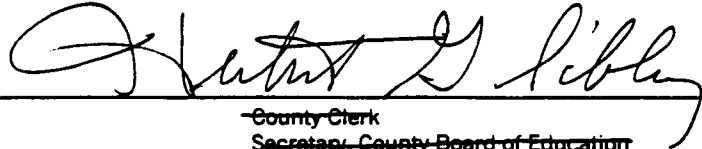
(COUNTY)

AND APPROVED BY THE STATE TAX COMMISSIONER FOR COUNTY,
SCHOOL, OR MUNICIPAL PURPOSES FOR THE FISCAL YEAR BEGINNING
JULY 1, 1994 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	9.88	5.45			
CLASS II	19.76	10.90			
CLASSES III AND/OR IV	39.52	21.80			
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 19 day of April, 1994
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.

LEVY ORDER

Prescribed by State Tax Commissioner

Nitro

ENTITY

Kanawha/Putnam

COUNTY

170

ASSESSED VALUATIONS - PROPOSED LEVY RATES AND TAXES LEVIED FOR ALL PURPOSES

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

Assessed Values Tax Purposes	Current Expense Taxes Levied	Excess Levy Taxes Levied	Improvement Taxes Levied	Bond Purpose Taxes Levied
Class I Property	(Class I Rate <u>9.88</u>)	(Class I Rate <u>5.45</u>)	(Class I Rate _____)	(Class I Rate _____)
Personal Property	\$ 5,533,159	\$ 5,467	\$	\$
Public Utilities	\$ 435,800	\$ 430	\$	\$
Total Class I	\$ 5,968,959	\$ 5,897	\$	\$
Class II Property	(Class II Rate <u>19.76</u>)	(Class II Rate <u>10.90</u>)	(Class II Rate _____)	(Class II Rate _____)
Real Estate	\$ 43,298,758	\$ 85,558	\$	\$
Personal Property	\$ 79,734	\$ 158	\$	\$
Total Class II	\$ 43,378,492	\$ 85,716	\$	\$
Class III Property	(Class III Rate _____)	(Class III Rate _____)	(Class III Rate _____)	(Class III Rate _____)
Real Estate	\$	\$	\$	\$
Personal Property	\$	\$	\$	\$
Public Utilities	\$	\$	\$	\$
Total Class III	\$	\$	\$	\$
Class IV Property	(Class IV Rate <u>39.52</u>)	(Class IV Rate <u>21.80</u>)	(Class IV Rate _____)	(Class IV Rate _____)
Real Estate	\$ 35,917,728	\$ 141,947	\$	\$
Personal Property	\$ 24,787,381	\$ 97,960	\$	\$
Public Utilities	\$ 6,216,700	\$ 24,568	\$	\$
Total Class IV	\$ 66,921,809	\$ 264,475	\$	\$
TOTAL PROJECTED PROPERTY TAX REVENUES	\$ 356,088	\$ 196,425	\$	\$
* Less Uncollectables, Exonerations and Delinquencies	15,222	8,397		
Less Tax Discounts	3,560	1,964		
Total Projected Property Tax Revenues	337,306			
Less Assessor's Valuation Fund	7,122			
Net Amount to be Raised by Levy	\$ 330,184	\$ 186,064	\$	\$

*(Total Amount to be raised from Municipal Bond Commission Letter)

*112 Uncollectable Taxes	\$ 13,000
*113 Exonerations	\$ 7,000
*239 Delinquencies	\$ 3,619
Total	\$ 23,619

The above is a true copy from the records of orders made and entered by this entity on the 19 day of April, 1994

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

CITY OF NITRO COUNCIL MEETING MINUTES

MAY 03, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilman Robert Young, Councilwoman Betty Boggess, Councilman George Atkins and Councilman Frank Grover Jr. Also present, City Attorney Phillip Gaujot.

AGENDA ITEM NO. 1- APPROVAL OF APRIL 19, 1994 COUNCIL MEETING MINUTES: COUNCILMAN ROBERT YOUNG MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND MOTION PASSED WITH ONE ABSTAINING.

AGENDA ITEM NO. 2-KANAWHA COUNTY AMBULANCE AUTHORITY: Mayor Karnes yielded the floor to Councilwoman Betty Boggess. Mrs Boggess stated, due to her busy schedule, she could no longer fill her obligation to the Kanawha County Ambulance Authority, therefore she would submit her resignation effective immediately. COUNCILMAN FRANK GROVER MOVED TO APPOINT COUNCILMAN AT LARGE JIM HUTCHINSON TO SERVE THE REMAINDER OF THE TERM. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (Copy Attached)

AGENDA ITEM NO. 3 - ANTIQUE CAR SHOW PARADE: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman at Large Miller stated the Nitro Businessmen Association has requested permission for a parade, starting at 10:00 a.m. at the lower end of town at McDonalds following Rt. 25 up to Center Street, back down Main Avenue, to Lock Street, cross to Second Avenue, and disband at 21st Street. This parade will consist of Antique Cars only, no marching bands will participate. COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO GRANT PERMIT FOR THE PARADE FOR THE ANTIQUE CAR SHOW. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 4 - CAR SHOW/USE OF 21ST STREET: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman at Large Miller said the Antique Car Club and the Businessmen's Association asked permission to close 21st Street from 6:00 p.m. Friday May 13th, to 10:00 p.m. on Saturday May 14th from Bank Street to Second Avenue. There will be a flea market and several vendors using the street. The Businessmen's Association and the Antique Car Club will assume the responsibility for cleaning up after the show. COUNCILMAN ROBERT YOUNG MOVED TO APPROVE REQUEST TO CLOSE 21ST STREET FROM BANK STREET TO SECOND AVENUE. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

yielded the floor to Councilman and Chairman of Police and Fire Committee, Frank Grover, Jr. Councilman Grover said he would like to take this opportunity to thank our new Police Chief and to compliment him on the job that is being done even though He is working short of people and also probably needs some new equipment. Chief Blankenship you are second to none, we appreciate you. Mayor Karnes read Proclamation 94-04, A PROCLAMATION COMMEMORATING POLICE WEEK MAY 15, THROUGH MAY 21, 1994. COUNCILMAN FRANK GROVER, JR. MOVED TO APPROVE PROCLAMATION 94-04. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (copy attached)

AGENDA ITEM NO. 6- COMMENTS: Mayor Karnes said he had received a couple of complaints of people doing construction, hammering and repairs to their homes late at night creating more noise than some like. I have been doing some research regarding the noise ordinance and I will give Chief Blankenship a copy of my findings when it is completed.

Mayor Karnes stated the parking along First Avenue between the road and railroad track, needs to be addressed. Some of the businesses in this area really need this parking. Mayor Karnes said he would like for the Business and Professional Group to study this situation and make a recommendation.

Mayor Karnes mentioned the Ministerial Association will be hold a small service in the Auditorium at the Community Center to honor the National Day of Prayer, May 5, 1994 at 11:30 a.m. until 11:50 a.m.


Mayor Karnes commented they had a meeting today regarding Carriage Way Streets. Mayor Karnes yielded the floor to City Counselor, Philip Gaujot. Counselor Gaujot stated Carriage Way has been a problem for a number of years. The streets over there are awful, and thats putting it mildly. One street has a slip that going to take a lot of money to fix it. Some of the people in that sub division and the Home Owners Assoc. feel, because the City uses the streets to pick-up garbage and for police protection that sort of thing, the streets belong to the City, even though there have been no formal application to dedicate the streets to the City or no affirmative action taken by the City to take the streets. It has been my position all along that the streets were reserved by the owner of the development or the developer when he developed the sub-division or whatever entity may have taken the property as a result of the bankruptcy. The City does not own the streets, never did own the streets and can not own the streets without taking some affirmative action to take the streets and that has not been done. I believe the property owners think if they can convince the City to take the streets, or if they can force the City or force through the Court of Law the issue that the streets do belong to the City for whatever reason, then the

City will repair the streets. They now have a law suit pending against the City at this time. The City will now file its brief, and in the event the Court should happen to rule the City owns the streets, those streets would have no preferential treatment over, for instance, the slip or the bridge or any other street in the City that needs repair. However, the streets are in disrepair and could be a liability. There are ways to get the street fixed. If the property owners insist. There is a mechanism in the code that allows the City to fix the streets and assess the cost to the property owner. I am not sure the people at Carriage Way want this. Right now the City does not have the authority, in my opinion, to fix the streets and assess the cost against the property owner. Counselor Gaujot said this is where we are at this time.

There being no further business the meeting was adjourned.



DON KARNES, MAYOR



HERBERT SIBLEY, RECORDER



DON KARNES
MAYOR

May 03, 1994


Don Karnes, Mayor
City of Nitro
Nitro, WV. 25143

Dear Mayor Karnes,

After considerable thought I have decided due to my busy schedule, I can no longer fill my obligation as a board member on the Kanawha County Ambulance Authority. I hereby submit my resignation effective May 03, 1994.

It has been a pleasure serving in this capacity and I would like to thank you for your support.

Sincerely,



BETTY BOGGESS, COUNCILPERSON

CITY OF NITRO

DON KARNES
MAYOR

PROCLAMATION 94-04

A PROCLAMATION COMMEMORATING POLICE
WEEK MAY 15, THROUGH MAY 21, 1994

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 plan 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 of 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 15, through May 21, 1994 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 Sunday, May 15, 1994, 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.

Passed this 3rd day of May, 1994.


DON KARNES, MAYOR

CITY OF NITRO COUNCIL MEETING MINUTES

MAY 17, 1994

Mayor Karnes welcomed everyone and declared a quorum, and called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Herbert Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Robert Young, Councilman George Atkins, Councilman Frank Grover, Jr. and Councilwoman Betty Boggess. Also Present was City Attorney, Phillip Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 03, 1994 COUNCIL MEETING MINUTES: COUNCILMAN GEORGE ATKINS MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - ZONING BOARD OF APPEALS MINUTES: COUNCILMAN AT LARGE STEVE WEST MOVED TO ACCEPT THE ZONING BOARD OF APPEALS MINUTES AS PART OF THE CITY OF NITRO COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (Copy attached)

AGENDA ITEM NO. 3 - BLOCK GRANT RESOLUTION: Mayor Karnes, without objection read title only of Resolution 94-0 A RESOLUTION AUTHORIZING THE SUBMISSION OF A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR THE CITY OF NITRO, KANAWHA COUNTY WEST VIRGINIA. COUNCILMAN FRANK GROVER, JR. MOVED TO ADOPT RESOLUTION 94-02. THE MOTION WAS SECONDED. (Copy attached)

Mayor Karnes yielded the floor to Diana Painter, a community development coordinator with the Regional Intergovernmental Council. Ms. Painter will be helping Nitro write the grant application. If the grant is awarded it will give Nitro about \$200,000 to repair the 31st St. bridge and the 31st East slip. She said last year only \$16 million in grants were made available, while more than \$70 million worth of projects were submitted. Priority is given to areas needing money for economic development and water and sewer projects. Ms. Painter stated an offer by Nitro to share costs would improve the City's chances of getting the money. A question and answer session followed.

THE MOTION PASSED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 4 - CITY POOL PASS RATES: Mayor Karnes yielded the floor to Recreation Director Jay Long asking him to make recommendations regarding the city pool. Mr. Long stated tht family pool pass will be \$70.00 and individual pass will be \$35.00. Daily passes will be \$2.00/person, and \$1.00/person for senior citizens. Children under 5 are admitted free, but must be accompanied by an adult. Mr.

Long said pool party cost has been increased from \$25.00/hr to \$40/hr. due to the expense of the lifeguards that must be on duty. (Copy attached)

Mr. Long said the pool will be open Memorial Day weekend thru Labor day, but will not have regular hours until June 8th. The hours are from 11:00 a.m./ 7:00 p.m. thru July 31, 1994. From August thru Labor Day the hours will be 11:00 a.m./6:00 p.m. Sunday hours are from 1:00 p.m./6:00 p.m.

Mr. Long said the pool's chlorination system will be improved. Simple chlorine tablets will be placed in containers set in the pump house, saving the City an estimated \$1000 this year and about \$2200 in 1995. Once the pool is filled and the water stabilized, the containers will require little maintenance.

Also Director Long said beginning Memorial Day, paddle boats will be available at Ridenour Lake. He said, the lake is stocked every three to four months with catfish, bass, trout and other fish. He said the lake received a good report from the Division of Natural Resources at its recent inspection. Ridenour Lake is the third most popular fishing spot in the State. Discussion on stocking followed.

AGENDA ITEM NO. 5 - COMMENTS: Mayor Karnes commented the Antique Car show was a big success, we had a lot of participation and we are looking forward to an even better one next year.

Councilman at Large Miller stated the Business & Professional group was very pleased with the Antique Car Show, He said they had not received any complaints from the businesses on the closing of the 21st Street.

Mayor Karnes stated, that one of our City employees, on Sunday morning, on his own time, with no one asking him, took his own vehicle and cleaned up, in addition to the others cleaning and took the rest of the debris over to the City Garage. He is just a good employee. (Andy Board)

COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE POOL RATES SUBMITTED BY RECREATION DIRECTOR JAY LONG. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

Mayor Karnes yielded the floor to Councilman Frank Grover, Jr. for a report of the Police Committee last meeting. Councilman Grover stated they had talked with the Metro Drug Unit. Also he said before making a recommendation to Council, they would like to meet with the Finance Committee. A meeting of the Finance Committee is scheduled for Tuesday, 6:30 p.m. May 24, 1994.

Councilman at Large Dean Miller stated the Business & Professional group would like to recommend a handicapped parking area at the City park.

Mayor Karnes said he will talk to Chief Blankenship regarding this matter.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR

HERBERT SIBLEY, RECORDER



RESOLUTION 94-02

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 make improvements to 31st Street East including replacement of 31st Street bridge and correction of a slide on 31st Street East; 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 WV Development Office for funding consideration.

This Resolution becomes effective as of this date. Passed this day of , 1994.

MAYOR

RECORDER

ZONING BOARD OF APPEALS APRIL 28, 1994 MEETING MINUTES

The Zoning Board of Appeals meeting was called to order by Preston Russell in the Council Chambers at 7:00 p.m. Board Members present were Kenneth Hudnall, Robert Kautz, Charles Raynes. Also present were Joe McCutcheon and another Lady, name unknown.

The purpose of the meeting was to consider a variance request as follows:

Joe McCutcheon's request to install a mini storage building, a C-1 zone type of construction, on his lot at the corner of 35th Street and 1st Avenue, a B-1 zone. After much discussion the meeting was adjourned at 9:00 p.m. without a decision.

The Zoning Board of Appeals reconvened May 3, 1994 at 7:00 p.m. in the City Hall Conference Room. The meeting was called to order by Preston Russell. Board Members present were Kenneth Hudnall, Robert Kautz, Charles Raynes, Gene Brightwell. Also present were Charles R. Sergent, Building Official for the City of Nitro.

Mr. Sergent explained to the Zoning Board of Appeals Members the various building zones within the City. Mr. Sergent excused himself from the meeting. The board after much discussion denied Mr. Joe McCutcheon's request for the variance. Four votes against and one member abstained.

During the meeting there was much desention centered around the fact that the Zoning Board of Appeals was not involved in the decision that permitted the installation of four mini storage buildings that were in violation of the zoning laws. The Board Members would like a written explanation as to why and how these decisions were reached.

The meeting was adjourned at 9:00 p.m.

G. Preston Russell

G. Preston Russell
Chairperson

cc: Mayor Don Karnes
Charles R. Sergent
Kenneth Hudnall
Robert Kautz
Charles Raynes
Gene Brightwell

POOL RATES & SCHEDULE - 1994

FAMILY	\$ 70.00
INDIVIDUAL	35.00
GATE	2.00
SENIOR CITIZENS	1.00

CHILDREN UNDER 5 FREE
(WHEN ACCOMPANIED BY RESPONSIBLE ADULT)

POOL PARTIES - \$40.00 PER HOUR

HOURS:

MONDAY THRU SATURDAY

11:00 A.M. - 7:00 P.M. THRU JULY

11:00 A.M. - 6:00 P.M. AUGUST 1 THRU LABOR DAY

SUNDAY - ~~11:00 A.M.~~ - 6:00 P.M.
1 P.M. -

OPEN MEMORIAL WEEKEND
CLOSE LABOR DAY

CITY OF NITRO COUNCIL MEETING MINUTES

JUNE 07, 1994

Mayor Karnes welcomed everyone, declared a quorum and called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Herbert Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilman Robert Young and Councilman George Atkins. Also present was City Attorney, Phillip Gaujot. Absent were Councilwoman Betty Boggess and Councilman Frank Grover, Jr.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 17, 1994 COUNCIL MEETING MINUTES: COUNCILMAN ROBERT YOUNG MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - PUBLIC HEARING MINUTES: COUNCILMAN ROBERT YOUNG MOVED TO MAKE THE PUBLIC HEARING MINUTES A PART OF JUNE 17, 1994 COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. 3 - FIRE PENSION MINUTES: COUNCILMAN ROBERT YOUNG MOVED TO MAKE THE FIRE PENSION MINUTES A PART OF THE JUNE 17, 1994 COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. 4 - BUDGET: Mayor Karnes yielded the floor to the Recorder/Treasurer Herb Sibley. Mr. Sibley stated there will be adjustments to the 93/94 budget for discussion and explanation next Tuesday, June 14, 1994 at 6:30 p.m. All of council was encouraged to attend. Mr. Sibley said he thought it was important to have as much input from Council as possible. Mayor Karnes said all the 93/94 adjustments have to be made before the end of the fiscal year. Recorder/Treasurer Sibley said the budget is a guide line and adjustments need to be made. Councilman at Large Dean Miller questioned what are these adjustments. Mayor Karnes commented, for example, we are ahead in 80 collections, income from the dog track has declined, overtime in some departments is greater then we anticipated, due to servere weather conditions this past year, so we have over spent the salary line item. We have to make adjustments to match what we actually did, for the State's record. Discussion followed.

AGENDA ITEM NO. 5 - COMMENTS: Mayor Karnes commented the City Pool was doing well. Over Memorial Day weekend there were over 500 people in attendance one day.

Mayor Karnes reported he has nothing in writing from the

Department of Highways on 21st Street and Bank St. as related to the placement of the War Memorial. Bob Sergent is going to followup on this matter.

Councilman at Large Dean Miller said the Business & Professional Association are looking at the sides of the road down First Avenue and have contacted the businesses in that area to get their input on what should be done between the road and the railroad. We have gotten several ideas and they will be put in a letter addressed to the City. Possibly this will be ready for the next Council Meeting.

Annexation Committee will be looking at the I-64 annexation.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR

HERBERT SIBLEY/TREA/REC

PUBLIC HEARING

MAY 17, 1994

The Public Hearing was called to order by Mayor Karnes in Council Chambers at Nitro City Hall at 7:15 p.m. Present were City Recorder Herb Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Robert Young, Councilwoman Betty Boggess, Councilman George Atkins and Councilman Frank Grover, Jr. Also present were Diana Painter from RIC, two newspaper reporters and Citizens.

The floor was yielded to Diana Painter from RIC who explained the purpose of this hearing was to obtain the views and comments of City residents concerning the proposed grant application for up to \$300,000 from the HUD Small Cities Block Grant Program under the WV Development Office for improvements to 31st Street Bridge and the 31st Street, East slip. She opened the floor for discussion or questions.

There being no input, the meeting was adjourned.


DON KARNES, MAYOR

HERBERT G. SIBLEY, RECORDER

NITRO FIREMEN'S PENSION BOARD MEETING MINUTES

MAY 4, 1994

Mayor Karnes called the Firemen's Pension Board Meeting to order in the Conference Room at 9:15 a.m. Present were Chief Steve Hardman, Captain Paul Frank Strohl, Firefighter Ronnie King and Firefighter Shawn Alderman. Also present were City Recorder/Treasurer Herb Sibley and Secretary Pansy Armstead.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 10, 1994

MINUTES: - Firefighter Ronnie King moved the Minutes of January 10, 1994 be approved as written. The motion was seconded. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - CERTIFY ELECTION RESULTS: - The sealed ballots of the Firemen's Pension Board was opened and Firefighter Jeffrey Elkins was elected to fill a four year term. Captain Frank Strohl moved to certify the election results. The motion was seconded by Firefighter Shawn Alderman. A vote was taken and it was unanimous.

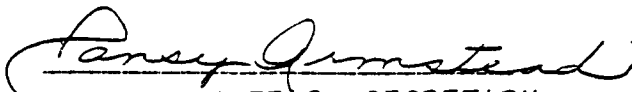
AGENDA ITEM NO. 3 - OLD BUSINESS: - Firefighter King said that at the last meeting they voted to join with Nitro Firefighters #1822 and the Nitro Firemen's Association and spend up to \$500.00 for a computer, but this amount was not sufficient. Firefighter Ron King moved the amount be increased to \$900.00. The motion was seconded. A vote was taken and it was unanimous. It was mentioned that someone might want to check with the State Surplus in Dunbar on a system.

There was a discussion regarding the City's contribution to the Pension Fund, and the City Recorder Herb Sibley suggested Firefighter King and himself talk with someone with the State, or he would investigate this matter himself. Chief Hardman asked Mr. Sibley to report his findings to the Board before taking action.

Firefighter King said we received the actuary study from Ed Friend, but hasn't seen the invoice.

AGENDA ITEM NO. 4 - NEW BUSINESS: - A new signature card was obtained from the Bank and all authorized signatures were obtained except the new board member, Firefighter Elkins. He will sign at a later date.

There being no further business, the meeting was adjourned.


PANSY ARMSTEAD, SECRETARY

CITY OF NITRO COUNCIL MEETING MINUTES

JUNE 21, 1994

Mayor Karnes welcomed everyone, declared a quorum and called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Herbert Sibley, Councilman at Large Steven West, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilman Robert Young. Also present, City Attorney Phillip Gaujot. Absent were Councilwoman Betty Jo Boggess, Councilman George Atkins and Councilman Frank Grover, Jr.,.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 07, 1994 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JAMES HUTCHINSON MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

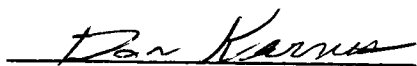
AGENDA ITEM NO. 2 - MUNICIPAL SERVICE ORD: Mayor Karnes explained to Council that our current rate structure for commercial accounts are not clearly defined. Mayor Karnes said he would ask the City Attorney to look into this matter and draft an ordinance that would clearly state the rate structure for all commercial accounts.

AGENDA ITEM NO. 3 - BUDGET ADJUSTMENTS: Budget adjustments proposed to meet State requirement of being within 3 percent of total budget were presented by Treasurer Sibley. TREASURER SIBLEY MOVED TO APPROVE BUDGET REVISIONS AS PRESENTED. THE MOTION WAS SECONDED. A discussion followed concerning some items to be adjusted, Treasurer Sibley indicated there was no time for delay in as much as the State Tax Dept. needed to be notified of this adjustment. COUNCILMAN AT LARGE DEAN MILLER MOVED TO TABLE THIS ISSUE. A VOTE WAS TAKEN TO TABLE AND IT WAS DEFEATED. A VOTE WAS THEN TAKEN ON THE MAIN MOTION AND PASSED WITH COUNCILMAN AT LARGE DEAN MILLER OPPOSING. (Copy attached)

AGENDA ITEM NO. 4 - COMMENTS: Mayor Karnes ask the City Attorney, Phillip Gaujot to bring Council up to date on Par Industrial Park as related to the U D A G Grant and repayment to the City. Counselor Gaujot explained to council that Par has filed a Chapter Eleven bankruptcy. The court has given them certain deadlines to meet regarding their reorganization plan. Their plan will include taxes and payments on the grant to the City. After further discussion Mayor Karnes thanked Attorney Gaujot for the report.

Mayor Karnes announced the Independence Day celebration to be held on the 2nd of July at City Park.

There being no further business the meeting was adjourned.



DON KARNES, MAYOR


HEPB SIBLEY RECORDER

CITY OF NITRO

SUGGESTED BUDGET REVISIONS

REVENUES

INCREASE B & O TAX	116.000
DECREASE DOG TRACK REVENUE	25.000
DECREASE REIMBURSEMENT DOG TRACK	<u>20.000</u>
	<u>71.000</u>

EXPENSES

INCREASE LANDFILL	10.000
INCREASE WORKERS COMPENSATION	17.000
INCREASE BLUE CROSS	33.000
INCREASE LIABILITY INS.	<u>11.000</u>
	<u>71.000</u>

CITY OF NITRO COUNCIL MEETING MINUTES

JULY 05, 1994

Mayor Karnes welcomed everyone, declared a quorum and called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Herbert Sibley, Councilman at Large Steven West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Frank Grover, Jr., and Councilwoman Betty Boggess. Also present was City Attorney Phillip Gaujot. Absent were Councilman George Atkins and Councilman Robert Young.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 21, 1994 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE COUNCIL MEETING MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - MUNICIPAL SERVICE ORD.: Mayor Karnes stated when we adjusted Municipal fees for the Residential customers, we did not recognize certain aspects of Commercial customers in that ordinance. Mayor Karnes yielded the floor to Attorney Gaujot for further explanation of the ordinance. Counselor Gaujot commented that in 1992 the municipal fee went from \$8.50 to \$12.00. This included a monthly payment for all essential municipal services, including police and fire protection, street lighting and cleaning, improvements, ambulance service, recreation and garbage /refuse, not including sewage or sewage disposal. Each single family house and each apartment unit, whether its a free standing apartment or multi family dwelling it is \$12.00 per residential unit. When the change was made, it did not change the amount being charged to businesses. In order to bring the businesses in line with everything else I have prepared an ordinance amending Article 741 of our code. It would levy \$15.00/month for each Commercial Business, per unit, whether its a free standing business or one that might be in an office bldg. or in a strip mall. There would be a bill for each firm, corporation or business per unit, a minimum fee \$15.00/mo. Attorney Gaujot recommended this matter should go to committee, also recommends a weight-based rate scale for the committee to use as a guide. Mayor Karnes suggested this be put in committee that includes all Council Members, Director of Public Works and our City Attorney to make recommendations. Mayor Karnes said time, frequency and volume should be considered. A lengthy discussion followed. (Ordinance attached)

COUNCILMAN AT LARGE STEVE WEST MOVED TO PUT THE MUNICIPAL SERVICE ORDINANCE IN COMMITTEE. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

Mayor Karnes stated he will schedule a meeting giving

everyone adequate notice.

AGENDA ITEM NO. 3 - PLANNING COMMISSION: Mayor Karnes yielded the floor to Councilman at Large Jim Hutchinson. Councilman at Large Hutchinson said the Planning Commission met and looked at Mr. Winter's property who just wanted to square off his property. The Commission agreed to this request.

The Commission agreed not to abandon the section of Fir Street from Main Ave. to the railroad right-a-way.

COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE RECOMMENDATIONS OF THE PLANNING COMMISSION. THE MOTION WAS SECONDED. Mayor Karnes stated he would like to include in the motion the cost of the conveyance be borne by Mr. Winters. Councilman at Large Jim Hutchinson considered this a friendly amendment as did Councilman Frank Grover who seconded the motion. THE MOTION PASSED UNANIMOUSLY AS AMENDED. (Minutes attached)

AGENDA ITEM NO. 4 - EASTWOOD ACRES ANNEX: Mayor Karnes commented two residents of Eastwood Acres, Mr. and Mrs Richard Spainhour would like to talk to Council regarding annexation procedures. Mayor Karnes yielded the floor to Richard Spainhour. Mr. Spainhour said they are interested in becoming part of the City because of poor street conditions. Mayor Karnes ask that he address his questions to Attorney Gaujot. City Attorney Gaujot said all residents affected would have to unanimously approve annexation. After several questions Mayor Karnes said he would prepare a cost and benefit analysis for the Couple.

AGENDA ITEM NO. 5 - POOL RATES: Mayor Karnes suggested that season the pool rates go to 1/2 price, as of July 15, 1994 family passes will be \$35.00 and individual passes \$17.50 for the remaining summer season. COUNCILMAN FRANK GROVER MOVED TO APPROVE THE REDUCED POOL RATES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 6 - SEWER RATES: Without objection, Mayor Karnes read title only of Ordinance 94-, an Ordinance mending and Reenacting an Ordinance Establishing Rates and Charges for Services Rendered by the Sanitary Board of the City of Nitro Including Service Rendered in the Area Formerly Served by the Rock Branch Public Service Dist. COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO ADOPT THE ORDINANCE ON THE FIRST READING. THE MOTION WAS SECONDED, A VOTE WAS TAKEN AND IT WAS UNANIMOUSLY APPROVED. Mayor Karnes explained it would be necessary to hold a Public Hearing prior to the second reading at the Council Meeting of July 19. The Nitro Sanitary Board will publish notice of this meeting. The change in the Ord. will do away with the security deposit and

change the collection procedure for cut-off notice for non payment of Sanitary Sewer Service.

AGENDA ITEM NO. 7 - BUDGET REPORT: Mayor Karnes yielded the floor to Rec/Treasurer Herb Sibley. Mr. Sibley said we have received approval from the State Tax Dept. to make the adjustments to our budget. We are making some office changes and plan timely finance meetings. Treasurer Sibley announced a finance meeting for next Tuesday, (July 12) at 7:00 p.m. for all Council Members, several matters with regards to budget and other items that need to be discussed by Council.

Councilman Frank Grover requested a few minutes of time with the Finance Committee during the next scheduled meeting for the Police Committee.

AGENDA ITEM NO. 8 - COMMENTS: Mayor Karnes presented Council with a Grant application for observation. It is completed and submitted but not funded. This will not be known until September or October. Mayor Karnes said we asked for a new bridge at 31st Street and to help repair a slip on 31st Street East, estimated cost of \$247,000.

Mayor Karnes reported at our Independenced Day Celebration, over 2000 hot dogs were served, 40 watermelons, 719 people in the pool, the most ever. We had three groups of entertainers, I thought all three were good. It was a long day but an enjoyable one. Mayor Karnes said we had no problems everything went very well.

There being no further business, the meeting was adjourned.

Don Karnes

DON KARNES, MAYOR

HERBERT SIBLEY, RECORDER

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 fee is applicable when the Sanitary Board requests that a customer's water service be disconnected for non-payment of the sewer bill, whether or not such service is actually disconnected.

The above reconnect fee is applicable when a customer's water service is disconnected for non-payment of the sewer bill, and such service is thereafter reconnected.

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.

PLANNING COMMISSION

CITY OF NITRO

JUNE 30, 1994

The Planning Commission of the City of Nitro, WV met at 7:00 p.m., Thursday, June 30, 1994 in City Council Chambers. The meeting was called to order by Chairperson, Margaret Hudson. Other members present were: Greg Patton, Dr. Guy Cassell, Charles (Chuck) Hudson, Chuck Boggs and Jim Hutchinson.

The first item of business was the request from Carl Winter, 809 Main Avenue, to abandon part of Ivy Street adjacent to his property line. A complete copy of this request with maps is attached and is a part of these minutes. Dr. Guy Cassell moved "we approve the Winter request as stated (zero feet at the front of the property to 14 feet at the rear of the property)." The motion was second by Greg Patton. Motion carried.

The second item of business was the request from Franklin D. Bailey, Sr., 515 Main Avenue, to abandon a portion of Fir Street adjacent to his property. A complete copy of this request with maps is attached and is a part of these minutes. After an visit to the site and a great deal of discussion with property owners on both sides of Fir Street on the portion of Fir Street under consideration, Jim Hutchinson moved "we not approve this request to abandon a portion of Fir Street that it seems like a civil matter between the two property owners and should be solved through an action such as being marked off for restricted parking." Dr. Cassell second the motion and added that he felt "it could be resolved through friendly negotiations." Motion carried.

It should be noted in these minutes that a Public Meeting addressing the requests of both Mr. Winter and Mr. Bailey was held as scheduled and published on Thursday, June 16, 1994 at 7:00 p.m. in City Council Chambers. Everyone present was allowed and encouraged to voice opinions.

There being no additional business, the meeting was adjourned.

Margaret A. Hudson
Margaret A. Hudson, Chairperson

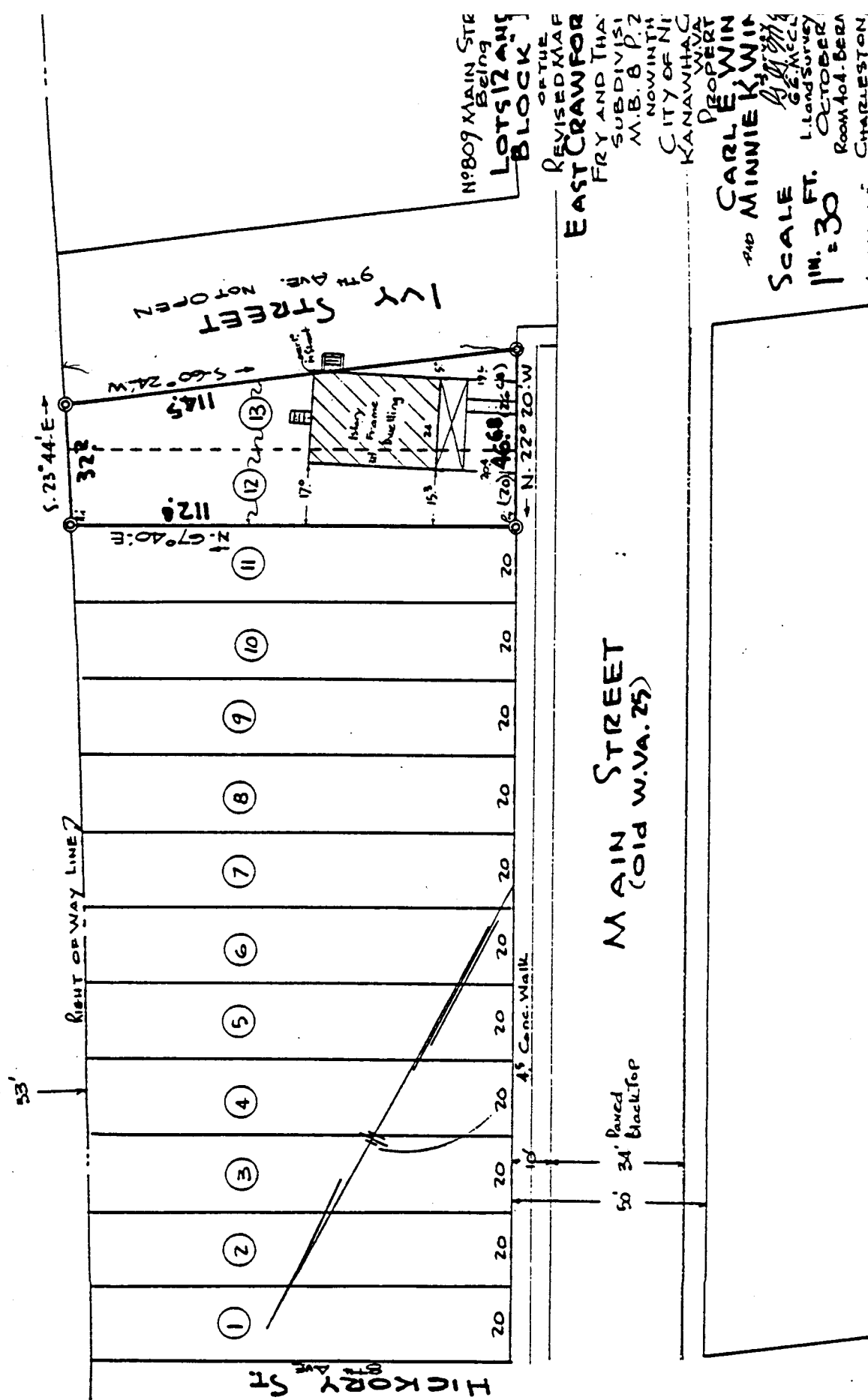
Planning Communism off City Mtrc

Carl Winter off 809 Maine Ave. Mtrc
would like for you to condemn part off
Ivy street (and Alley) That is Dead End
at Penn Central R.R.

For the purpose off Squaring my Home.
I would like To obtain zero feet Starting
in front facing Maine Ave. to four teen feet
at The property line at the Penn central R.R.

I have ben Maintaing and cutting grass
at This property for The past 22 years
and will do so for as long as i own
my Home

Thank you
Carl E Winter



NO 809 MAIN ST
Bellevue
Lots 12 and
Block

OF THE
 REVISED MAP
 EAST CRAWFORD
 FRY AND THAYER
 SUBDIVISION
 M.B. 8 p. 2
 NINTH
 CITY OF NEW
 KANAWHA COUNTY

PROPERTY
CARL E. WIN
AND MINNIE K. WIN
SCALE
11 IN. = 30 FT.
L. LAND SURVEY
OCTOBER
ROOM 404-BERN
CHARLESTON

ORDINANCE AMENDING ARTICLE 741,
MUNICIPAL SERVICE FEES

WHEREAS the City of Nitro by Ordinance has heretofore levied 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 were levied at a rate of \$12.00 per month for each single-family residence per unit, and for each multiple-family dwelling or apartment house, per each residential unit or apartment, whether or not occupied.

AND WHEREAS the City of Nitro wishes to levy and collect a charge against commercial premises for the same essential municipal services.

NOW THEREFORE BE IT ORDAINED that the City of Nitro hereby amends ARTICLE 741 MUNICIPAL SERVICE FEES as follows:

741.01 IMPOSITION; RATE.

(a) 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 a rate of Twelve Dollars (\$12.00) per

draft

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.

There is hereby levied and shall be collected a charge against commercial 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 minimum charge for such services shall be at a rate of Fifteen Dollars (\$15.00) per month for each commercial business, per unit, and in buildings where there are more than one commercial business unit, firm or corporation, each unit or business unit, firm or corporation, shall be considered as a separate unit with respect to service rendered under the terms hereof, and with the duty of subscribing for service and paying for service to the respective commercial unit. Any commercial business requiring the collection of bags or containers exceeding Forty (40) Gallons in capacity and Forty (40) Gallons per bag or can in weight, for each commercial business unit shall hereafter pay according to the following schedule:

WEIGHT PER WEEK	PICK-UP PER WEEK	MONTHLY CHARGE
41 - 100 LBS	1	\$25.00
100 - 150 LBS	1	\$50.00
150 - 200 LBS	1	\$100.00
200 - ABOVE	1	\$125.00

Passed on First Reading

Adopted on Second Reading

Don Karns
Mayor

City Recorder

NITRO\ordinanc.doc

MARCH 2, 1934

CITY OF NITRO
HONORABLE DON KARNES, MAYOR

RE: PROPOSED CLOSING OF
PORTION OF FIR STREET
BETWEEN MAIN AVENUE AND
RR RIGHT OF WAY

DEAR SIR AND ALL CONCERNED:

PLEASE ACCEPT THIS PROPOSAL, WITH ALL PERTINENT
INFORMATION ATTACHED, TO CLOSE THAT CERTAIN PORTION OF
FIR STREET AND ^{THE} EASTERN RIGHT OF WAY OF MAIN AVENUE, AND THE
CONRAIL RAILROAD RIGHT OF WAY, AND MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

ALONG THE SOUTH EASTERN LOT LINE OF LOT 17 BLOCK "W"
AND THE NORTH WEST LOT LINE OF LOT 1 BLOCK "V" IN
THE EAST CRAWFORD CITY SUBDIVISION. THIS PORTION
BEING APPROXIMATELY 100FT LONG AND 40FT WIDE

FRANKLIN DAVID BAILEY OWNER OF LOT 17 BLOCK "W" AND MARK
SANDERS OWNER OF LOT 1 BLOCK "V" ARE ADJOINERS TO THE
RIGHT OF WAY.

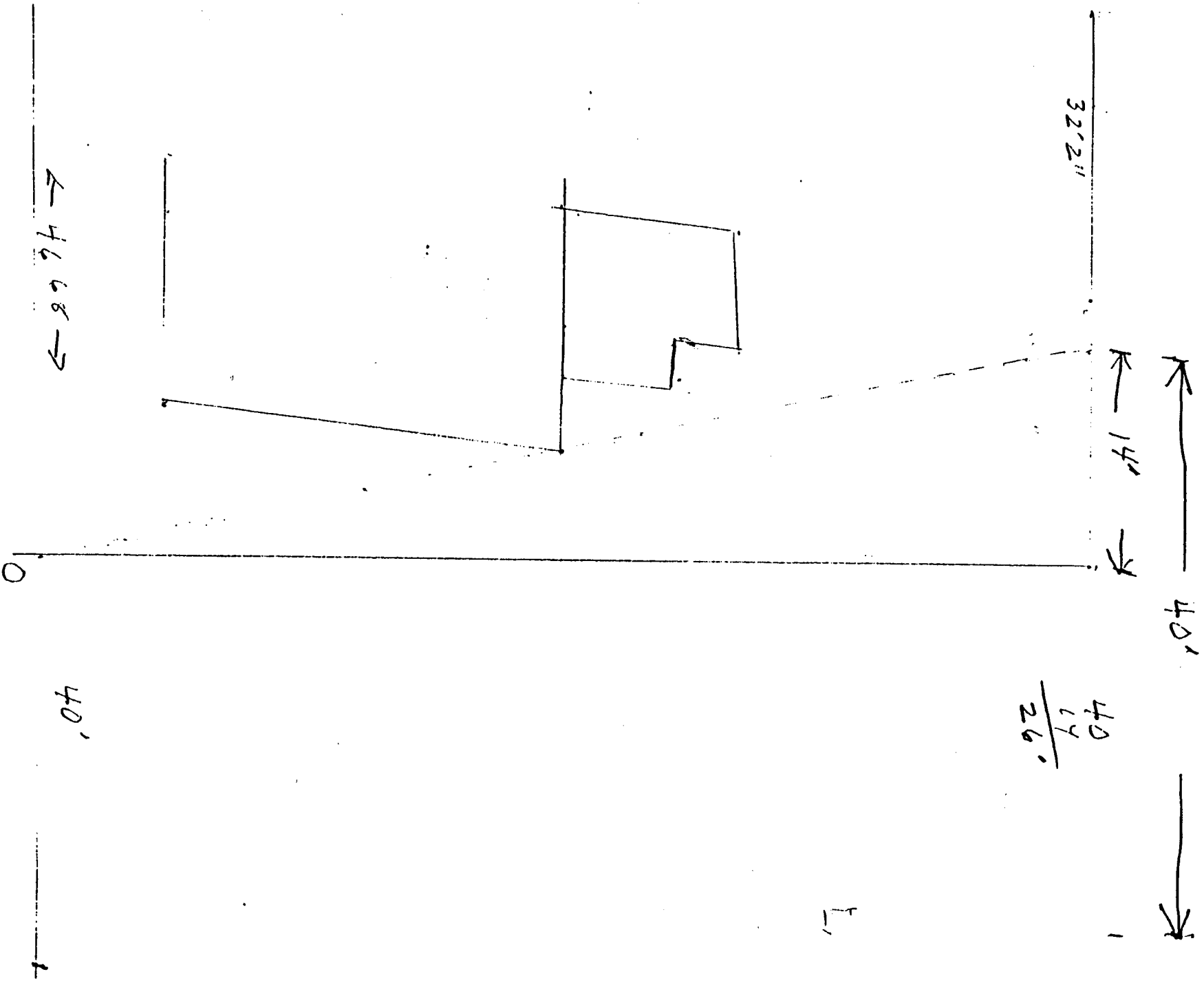
RESPECTFULLY,

Franklin D Bailey Sr

FRANKLIN BAILEY
LOTS 16, 17
RESIDENCE:
515 MAIN AVENUE NITRO

FRANKLIN BAILEY

Phone 755-7092



Doc/Fpage: 2239- / 814
 KANAWHA COUNTY, WEST VIRGINIA
 Dir/Time Recorded: 01/02/1990 13:36:48
 Inst #: 62204
 Clerk of the County Commission
 Total Recd/Dues: 3.00

THIS DEED, Made this the 11th day of December, 1989, by and between THELMA ANN BAILEY (formerly Thelma Ann Jackson), and FRANKLIN DAVID BAILEY, her husband, parties of the first part, and THELMA ANN BAILEY and FRANKLIN DAVID BAILEY, her husband, parties of the second part.

WHEREAS, by deed dated January 7, 1964, of record in the Office of the Clerk of the County Commission, Kanawha County, West Virginia, in Deed Book 1399 at page 679, Edward W. Smith and Forrest V. Smith, his wife, conveyed the hereinafter described real estate unto Noah Jackson and Thelma Ann Jackson (now Thelma Ann Bailey), husband and wife, and,

WHEREAS, the said Noah Jackson, died on March 23, 1985, and by virtue of the survivorship provision in the aforesaid deed all of his interest in said real estate became vested in the said Thelma Ann Jackson, (now Thelma Ann Bailey), and,

WHEREAS, the said Thelma Ann Bailey and Franklin David Bailey are now husband and wife, and,

WHEREAS, pursuant to Chapter 36-1-20a of the Code of West Virginia, the said Thelma Ann Bailey and Franklin David Bailey, her husband, now desire to own said real estate herein conveyed as joint tenants, with right of survivorship and not as tenants in common, making said conveyance to each other.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said parties of the first part do hereby GRANT and CONVEY unto the said parties of the second part, as joint tenants with right of survivorship, and not as tenants in common, all those certain lots, tracts or parcels of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in the City of Nitro, Union District, Kanawha County, West Virginia, and being Lot Number Sixteen (16) and Lot Number Seventeen (17), as

Mall Thelma Ann Bailey, 315 Main Ave. Nitro, WV 25

2239 814

7-5-7092
 FRANK

EAST CRAWFORD CITY

UNION OF THE
MICHIGAN AND KANAWHA RAILROAD

COUNTY ROAD

KANAWHA AND MICHIGAN RAILROAD

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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all in Block "W" of East Crawford City, Baker-Myer Subdivision of the Mohler-Gregory tract, as the same is shown upon a map of said Subdivision, duly of record in said Clerk's Office and to which deed and map reference is hereby made for a more complete description of the property hereby conveyed.

This conveyance is made subject to all reservations, restrictions, exceptions, conditions and covenants heretofore made and of record in the chain of title.

Subject to the foregoing, the parties of the first part covenant to and with the said parties of the second part that they will WARRANT GENERALLY the property hereby conveyed.

DECLARATION OF CONSIDERATION OF VALUE: The grantors herein do hereby declare that the property transferred by this document is not subject to State Excise Tax for the following reason: Conveyance is for the purpose of creating survivorship.

WITNESS the following signatures and seals:

Thelma Ann Bailey
THELMA ANN BAILEY
(SEAL)

Franklin David Bailey
FRANKLIN DAVID BAILEY
(SEAL)

915.14 SEWER RATES.

(a) From and after the effective date of this section, the following rates and charges shall be in effect for the use of and services rendered by the sanitary sewer system of the City.

SEWER SERVICE CHARGE

<u>Gallons Used Per Month</u>		<u>Per 1,000 Gallons</u>
First	2,000	\$ 3.82
Next	3,000	3.21
Next	25,000	2.49
Next	70,000	2.24
Next	100,000	1.76
All Over	200,000	1.32

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

Disconnect fee: \$ 20.00

Reconnect fee: 20.00

The above disconnect and reconnect fees are applicable when a customers' water service is disconnected at the request of the Sanitary Board for nonpayment 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 percent (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 sanitary sewer system: The charge for roof drains, downspouts, storm sewers or similar facilities connected to the sanitary sewer system of the City 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.

C - The applicable rate per thousand gallons of metered water usage.

CITY OF NITRO COUNCIL MEETING MINUTES

JULY 19, 1994

Mayor Karnes welcomed everyone, declared a quorum and called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Herbert Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Frank Grover, Jr., Councilwoman Betty Boggess, Councilman George Atkins. Absent was Councilman Robert Young. Also present was City Attorney Phillip Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 05, 1994 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE COUNCIL MEETING MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED. COUNCILMAN AT LARGE STEVE WEST REQUESTED A CORRECTION ON AGENDA ITEM #2, (ORDINANCE ATTACHED) BE REMOVED. THIS WAS CONSIDERED A FRIENDLY AMENDMENT. A VOTE WAS TAKEN TO APPROVE THE MINUTES AS AMENDED AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 2 - SEWER ORD. SECOND READING: Mayor Karnes said without objection he would read title only. ORDINANCE 94-02 AN 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. COUNCILMAN AT LARGE STEVE WEST MOVED TO APPROVE THE SECOND READING OF THE ORDINANCE 94-02. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Mayor Karnes commented this would go into effect forty five (45) days after passage. (Ordinance 94-02 attached)

AGENDA ITEM NO. 3 - RESOLUTION 94-04 - KRT APPOINTMENT: Mayor Karnes stated Nitro has a member on the Board of Directors of the Kanawha Regional Transportation Authority. Mayor Karnes furnished Council a copy of a letter from KRT requesting we re-appoint Guy R. Cassell, our representative for the past several years to the board. Without objection, Mayor Karnes read title only of resolution 94-04 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. COUNCILMAN FRANK GROVER, JR., MOVED TO ADOPT RESOLUTION 94-04. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (Copy attached)

AGENDA ITEM NO. 4 - FINANCE COMMITTEE REPORT: Mayor Karnes yielded the floor to City Recorder/Treas Herb Sibley. Mr. Sibley said the committee met last Tuesday night. Most Council Members were present. A brief discussion with regards to prior years adjustments and the budget. A Finance meeting will be scheduled each month and all Council is invited. Each Department Head will receive a copy of their

expenditures monthly. This should give them the information they need to stay within Budget. Several matters were discussed, however no decisions were made. The Finance meetings are tentatively scheduled for the second Tuesday of each month at 7:00 p.m., with a copy of the financial report for each member.

AGENDA ITEM NO. 5 - COMMENTS: Mayor Karnes said Councilman at Large Dean Miller is not only a representative of Council but also represents the City with the Business and Professional Group. Mayor Karnes said he will be on the agenda each Council Meeting with a report from the Group. Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman at Large Dean Miller said the Group had a lengthy discussion regarding the vandalism at both parks. New playground equipment is being put in at Ridenour Lake Park and they were concerned that this may be a waste of money if the vandalism continued. He said, presently the group is working on a project for newcomers in town, they will be addressing the building on the Library parking lot soon.

Mayor Karnes said we still do not have anything in writing from the Dept of Highways on the use of the right of way at 21st St. and 1st Avenue. Also Mayor Karnes said he would set a date convenient for the City Attorney and Committee Members for a meeting regarding municipal service soon.

There being no further business the meeting was adjourned.

-----*Don Karnes*-----
DON KARNES, MAYOR

-----*Herb Sibley*-----
HERB SIBLEY, RECORDER

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 fee is applicable when the Sanitary Board requests that a customer's water service be disconnected for non-payment of the sewer bill, whether or not such service is actually disconnected.

The above reconnect fee is applicable when a customer's water service is disconnected for non-payment of the sewer bill, and such service is thereafter reconnected.

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.

C - The Applicable Rate Per Thousand Gallons of Metered Water Usage.

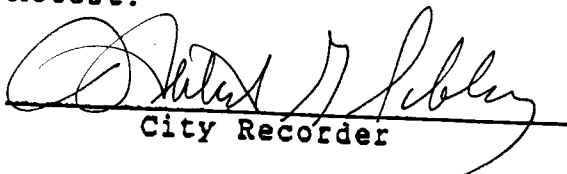
2. The above rates and charges shall be applicable for any owner, tenant, or occupant of each and every lot or parcel of land or building situated within or outside the corporate limits of the City of Nitro, including the area formerly served by the Rock Branch Public Service District, and having any connection to the sanitary sewer system of the City.

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

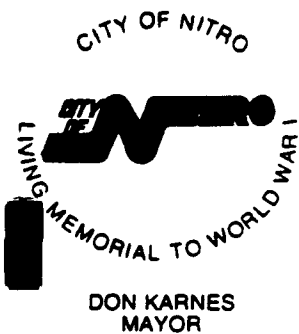
Passed on first reading
Public hearing held
Enacted on second reading
Effective date

July 5, 1994.
July 19, 1994.

Attest:


City Recorder


Mayor



RESOLUTION 94-04

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

WHEREAS, since the appointment of Guy R. Cassell to the Kanawha Valley Regional Transportation Authority (KVRTA) nearly 18 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

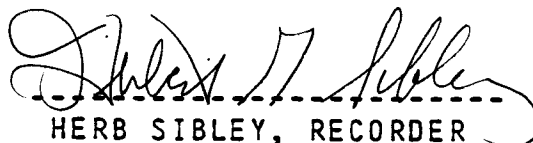
WHEREAS, Mr. Cassell's selection to become only the third Board President since the Authority was created reflects the confidence and esteem with which his fellow Board Members view him;

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 19th day of July, 1994.



DON KARNES, MAYOR



HERB SIBLEY, RECORDER

CITY OF NITRO COUNCIL MEETING MINUTES

AUGUST 02, 1994

Mayor Karnes welcomed everyone, declared a quorum and called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder/Treasure Herbert Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Frank Grover, Jr., Councilwoman Betty Boggess, Councilman Robert Young and Councilman George Atkins. Also present, City Attorney Phillip Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 19TH COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE COUNCIL MEETING MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND THE VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - PUBLIC HEARING MINUTES: COUNCILMAN ROBERT YOUNG MOVED TO MAKE THE PUBLIC HEARING MINUTES PART OF THE COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND THE VOTE WAS UNANIMOUS. (Copy Attached)

AGENDA ITEM NO. 3 - WATER PROBLEM (24TH ST.): Mayor Karnes introduced Mrs. Knight and her son, Steve Knight and yielded the floor to Steve Knight to discuss the problem. Steve Knight asked the Mayor what his opinion was regarding this problem. Mayor Karnes said he did not have an opinion, but he had called the City Engineers, (Dunn Engineers) to come down and evaluate the situation and would go from there, if it is a result of something the City has done, he will ask Council to approve money to correct the problem. Mr. Knight drew a sketch and then further explained the problem to Council. After a lengthy discussion it was decided to wait on the report from Dunn Engineers.

AGENDA ITEM NO. 4 - BUSINESS/PROFESSIONAL ASSN: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman at Large Miller reported they are trying to get a jump on the Christmas promotion this year. The Association will be writing letters to all businesses in Town (232) inviting them to a meeting at the Nitro Community Center, room 111 to get their input on what they would like to see the City of Nitro do for the Christmas promotion this year. The meeting will start at 8:30 A.M., August 16, the Mayor, Council and all City Officials are invited.

AGENDA ITEM NO. 5 - POLICE AND FIRE COMMITTEE REPORT: Mayor Karnes yielded the floor to Councilman Frank Grover, Jr. Councilman Grover stated sometime back Mayor Karnes said there was grant money available thru the Metro Drug Unit to hire new Police Officers and he would like for Councilman

Grover to check it out and come back with a recommendation. Councilman Grover stated they had two meetings but did not have a quorum, so he does not have a recommendation. Representatives from Metro came down to answer questions.

Councilman Grover said he would like to put it on the floor and see what their feelings are, to go with Metro or not to go with Metro. Recorder/Treas Herb Sibley stated until we have an adequate police force in Nitro we have no right to send one of our trained officers to Charleston or any other Metro Unit. I approve of Metro, but we are going to get a rookie that will be in training for at least a year and possibly not in the force for a year and a half. We are now paying a lot of overtime in the department because we are short police officers. I feel to trade a trained officer for a rookie is being very foolish.

Councilwoman Betty Boggess said that was the reason Nitro pulled the officer from Metro in the first place.

Mayor Karnes stated this matter has been discussed and I do not disapprove of the Drug Unit, I think we have to do everything we can to fight drugs. We are already short handed and now we have one officer applying for disability.

COUNCILMAN AT LARGE STEVE WEST MOVED THAT NITRO REJOIN THE METRO DRUG UNIT. THE MOTION WAS SECONDED.

Councilman Grover, said as far as getting a new rookie, we could do that, but we could get a trained officer from someplace else, thats the risk you take in saying you have a vacancy. The cost of that new officer will be paid by a grant for two years thru the Metro Drug Unit. They have available weapons that can be purchased for our Police Department. Any confiscated money, automobiles or weapons have to used for law enforcement, it cannot be used for a budgetary item. Councilman Grover said any member of the Legislative body can have access to the bank account to see how its being used.

Mayor Karnes said there is nothing any different legally today then there was five years ago. Its just that it seems, since we pulled out we have drawn more cooperation from them. After a lengthy question and answer session a vote was taken.

THE MOTION PASSED WITH CITY RECORDER HERBERT SIBLEY OPPOSING.

Counselor Gaujot explained the procedure of adding to the Police Force. Counselor Gaujot stated there is a list of eligibles, the list is good for three (3) years. Civil Service Commission will submit three choices to the Mayor.

Mayor Karnes said the reason for the testing is because he had asked for a eligibility list from the Civil Service Commission. There was none, so the Civil Service Commission develops one. Civil Service Commission advertises and goes thru the process of giving the test. Councilman Grover said we have three years to draw from this list being made up now.

Mayor Karnes said his understanding is, we have until September 1995 to send an officer to the Metro Drug Unit or to withdraw from the program.

COUNCILMAN FRANK GROVER, JR., MOVED TO GIVE MAYOR KARNES THE AUTHORITY TO SEEK FUNDING TO COMPLETE THE MOVE OF THE POLICE DEPARTMENT WHICH INCLUDES THE HEATING AND COOLING, COMMUNICATIONS, AND WHATEVER ELSE MAY BE NECESSARY. THE MOTION WAS SECONDED. THE VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 6 - RED OAK PAVING: Mayor Karnes stated he had been approached by a committee of residents from the Red Oak area, regarding paving of the street.

After some discussion with the group it was determined that all but approximately 400 feet of the street to be paved was out of the Nitro City limits. The delegation from Red Oak Dr. said the street paving project would be done by assessment and would like the City to participate. It could cost as much as \$2600.00. Mayor Karnes asked this issue be put into the Finance Committee for study and recommendation.

AGENDA ITEM NO. COMMENTS: Mayor Karnes stated the St. Albans Shoneys Restaurant was doing some remodeling and thru Wanda Reynolds we were able to get the entire salad bar for the Community Center, which will be turned over to the Senior's program for their use.

On a separate matter, Mayor Karnes asked Councilman at Large Dean Miller to pick a couple more council members and chair a committee to see that the Police Dept. move is completed. Councilmen Atkins and Grover agreed to serve on that committee.

There being no further business, the meeting was adjourned.


DON KARNES, MAYOR


HERBERT SIBLEY, RECORDER

PUBLIC HEARING

JULY 19, 1994

The properly advertised Public Hearing was called to order by Mayor Karnes in Council Chambers at Nitro City Hall at 7:15 p.m. Present were City Recorder Herbert Sibley, Councilman at Large Jim Hutchinson, Councilman at Large Dean Miller, Councilman at Large Steve West, Councilman Frank Grover, Jr., Councilman George Atkins, Councilwoman Betty Boggess and City Attorney Phillip Gaujot. Also present were two Newspaper reporters and Citizens. List of those attending attached.

Mayor Karnes explained the Hearing is regarding an Ordinance amending and reenacting an Ordinance establishing rates and charges for services rendered by the Sanitary Board of the City of Nitro including service rendered in the area formerly served by the Rock Branch Public Service District.

Mayor Karnes further explained the difference in the proposed ordinance and the current ordinance is as follows; The fifty dollar security deposit will be eliminated and the procedure used for disconnecting and reconnecting of water service for non payment of sewer service will be slightly modified but the fees will remain the same.

Mayor Karnes asked if there were any questions. After some discussion, but no specific questions the meeting was concluded.



DON KARNES, MAYOR



HERBERT SIBLEY, RECORDER

CITY OF NITRO COUNCIL MEETING MINUTES

AUGUST 16. 1994

Mayor Karnes welcomed everyone, declared a quorum and called the meeting to order in the Council Chambers at 7:30 p.m. Present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Robert Young, Councilman George Atkins. Absent were City Attorney Phillip Gaujot, Councilwoman Betty Jo Boggess and Frank Grover, Jr.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 02, 1994 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE COUNCIL MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND THE VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - ZONING BOARD OF APPEALS MINUTES: COUNCILMAN ROBERT YOUNG MOVED TO MAKE THE ZONING BOARD MINUTES A PART OF THE COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED. (Copy attached)

Mayor Karnes said sometime back the Planning Commission recommended that we allow Mr. Winter to square up his lot, we are required to have a public hearing and Mr. Winter is required to pay for the advertising. The ad is ordered, and a public hearing will be held as quickly as possible and still get the advertising in as required by law.

A VOTE WAS TAKEN AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 3.- FINANCE COMMITTEE REPORT: Mayor Karnes yielded the floor to City Recorder/Treasurer Herbert Sibley. Rec/Treasurer Sibley said the committee met Tuesday, July 26th in Council Chambers. We did not have a quorum so we do not have a recommendation on the Red Oak paving project.

Recorder/Treasurer Sibley stated he had compiled a brief budget report with regard to operations for the month of July. The fiscal year ended June 30 and as a result there are some figures that lap over from fiscal year to fiscal year. The B & O taxes collected during the month of July was \$110,000 compared to \$140,000 in July 1994. Additional sums of \$25,000 were collected in early August. Anticipated collection of property taxes for September 1994 will approximate \$150,000. As of this date all regular accounts payable are up to date.

AGENDA ITEM NO. 4 - BUSINESS & PROFESSIONAL ASSOCIATION REPORT: Mayor Karnes yielded the floor to Councilman at Large Dean Miller, a member of the Association. Councilman

at Large Miller said the primary purpose for the meeting this morning was to plan the Christmas promotion for the City of Nitro. We did not get the plans completed. A evening meeting will be scheduled in September, at the Community Center. Councilman at Large Dean Miller said invitations will be sent out to all elected officials.

Mayor Karnes presented council with a list of newly elected officers for the Business and Professional Association for the coming year.

AGENDA ITEM NO. - COMMENTS: Mayor Karnes stated the Nitro Development Authority met today and hired Truda Null as Manager of the Nitro Community Center effective September 01, 1994. She will be charged with the responsibility of managing the building from sidewalk to sidewalk and foundation to roof, including the auditorium and gymnasium. I would like to ask that we give Truda our full support. The Nitro Community Center is a fine facility and I believe she can make it even better.

Mayor Karnes said the youth of the Landmark Church of God competed in a National Bible Quiz in San Antonio, Tx and won 1st place in competition. Participants were, Eric Flipppo, Chad Flipppo, Shannon Gibbs, Marcus Gibbs, Marianne Taylor and Coach Matt Perry. Eric and Chad Flipppo are the sons of Pastor Mike Flipppo. Mayor Karnes said this is very significant and I would like to make this accomplishment part of the Council Minutes.

COUNCILMAN GEORGE ATKINS MOVED TO MAKE LANDMARK CHURCH OF GOD CHAMPIONSHIP PART OF COUNCIL MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (Copy attached)

Mayor Karnes commented 160 applications have been picked up for the Police Department eligibility test. The Police Civil Service Commissioners are going thru the applications and preparing for the examination.

Mayor Karnes said Dunn Engineers have not been down to look at the Knight property yet, however they are aware and this should take place soon.

Mayor Karnes said he will meet with the Benedum Foundation Thursday. They want to see how their grant of \$20,000 was used and they will be bringing with them a photographer. Any public exposure for our Community Center will be a plus. The facility is something we can all be proud of.

There being no further business, the meeting was adjourned.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER

ZONING BOARD OF APPEALS JUNE 9, 1994 MEETING MINUTES

The Zoning Board of Appeals meeting was called to order by Preston Russell in the Council Chambers at 7:00 p.m. Board Members present were John Kautz, Gene Brightwell, Charles Raynes and Preston Russell. Also present were Chuck Boggs, Ron King and Nathan Wills.

The purpose of this meeting was to consider variance requests as follows:

Jeffrey Woods, 13th Street - Construct a deck as per attached sketch. Decision delayed for additional investigation.

Kim Painter, 203 Broadway Ave. - Enlarge existing front porch by additional 5 feet. Attached sketch. Permission granted.

Oshel Craigo, 4119 First Avenue - Construct two efficiency apartments above new Convenient Store. Decision delayed for additional investigation.

There being no further business the meeting was adjourned at 9:00 p.m.

G. Preston Russell

G. Preston Russell, Chairman

cc: Bob Sergeant
John Kautz
Kenny Hudnall
Charles Raynes
Gene Brightwell

Minutes distributed 08/15/94

ZONING BOARD OF APPEALS AUGUST 4, 1994 MEETING MINUTES

The Zoning Board of Appeals Meeting was called to order by G. Preston Russell at 7:00 p.m. Present were John Kautz, Kenny Hudnall, Charles Raynes and Preston Russell.

The purpose of the meeting was to consider two variance request held over from the June 9th, 1994 meeting as follows:

Jeffrey Woods, 13th Street - Construct a deck as per attached sketch. Permission granted with the following compliance. Provide a written no objection statement from his neighbor at his right. Also at no future time can he enclose the deck or provide a roof over the deck.

Oshel Craigo, 4119 First Ave. - Construct two efficiency apartments above a new Convenient Store. Permission granted by majority vote.

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

G. Preston Russell

G. Preston Russell, Chairman

cc: Bob Sergent
John Kautz
Kenny Hudnall
Charles Raynes
Gene Brightwell

LANDMARK CHURCH OF GOD BIBLE QUIZ

The Landmark Church of God of Nitro Youth participated in a Bible quiz in San Antonio, Texas last week. This competition had representatives from each state. The local team won 1st place and now are the U.S. Champions.

Congratulations to, Eric Flipppo, Chad Flipppo, Shannon Gibbs, Marcus Gibbs and Marianne Taylor and also, Coach Matt Perry.

Eric and Chad Flipppo are the sons of Pastor Mike Flipppo. All of these participants will be attending college in the fall to further their education.

Nancy McVicker

776-3616

CITY OF NITRO
COUNCIL MEETING MINUTES

SEPTEMBER 6, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. in Council Chambers. Present were City Recorder/Treasurer Herb G. Sibley, Councilman at Large Steve West, Council at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman George Atkins and Councilman Frank Grover, Jr. Also present was City Attorney Phillip D. Gaujot. Absent were Councilman Robert Young and Councilwoman Betty Jo Boggess.

AGENDA ITEM NO. 1 - APPROVAL OF AUGUST 16, 1994 COUNCIL MEETING MINUTES: - COUNCILMAN GEORGE ATKINS MOVED THE COUNCIL MEETING MINUTES OF AUGUST 16, 1994 BE APPROVED AS SUBMITTED. THE MOTION WAS SECONDED. CITY RECORDER HERB SIBLEY SAID THERE SHOULD BE A CORRECTION UNDER AGENDA ITEM 3, THE \$110,000 B & O TAXES COLLECTED SHOULD HAVE STATED IN 1993 AS COMPARED TO \$140,000 IN JULY, 1994. ALSO, UNDER SAME AGENDA ITEM, THE SENTENCE, "AS OF THIS DATE ALL REGULAR ACCOUNT PAYABLE ARE UP TO DATE EXCEPT UNPROCESSED ACCOUNTING." THERE WERE NO OBJECTIONS TO THE CHANGES. A VOTE WAS TAKEN TO APPROVE THE AMENDED MINUTES, AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 2 - FIREMEN'S ASSOCIATION FUND RAISING: - Mayor Karnes yielded the floor to Bryan Casto to answer any questions regarding the request for fund raising. Mr. Casto explained they were approached by a company who sells fire safety calendars and sells advertisements to businesses in Nitro. The company delivers the calendars to the businesses when they are completed, and since they are using the Fire Department, the Firemen's Association will receive a minimum of \$500.00. Mr. Casto advised the company had good references. There were questions as to whether this would interfere with the City's calendars. After further discussion, COUNCILMAN GEORGE ATKINS MOVED PERMISSION BE GRANTED FOR THE FUND RAISER. THE MOTION WAS SECONDED, A VOTE WAS TAKEN AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 3 - BID OPENING: - City Recorder Herb Sibley asked permission to make a comment before addressing Agenda Item #3. Mayor Karnes said he was going to yield this item to him. City Recorder Sibley said there was a question raised with regard to the bids and the fact that at the meeting prior to the last Council Meeting and everyone was in agreement to complete the City Jail. It seems we need Councils' approval again as a matter of a motion. CITY RECORDER HERB SIBLEY MOVED WE APPROVE THE SUBMISSION FOR BIDS FOR COMPLETION OF THE AIR CONDITIONING AND HEATING SYSTEM IN THE JAIL AS FUNDS ARE AVAILABLE. THE MOTION WAS SECONDED. A

discussion followed as to when the funds would be available and how long the bid amounts made would be for. Councilman at Large Steve West said he objected to opening the bids if we didn't have the money as it wouldn't be fair to the bidders. Discussion followed. A VOTE WAS TAKEN TO CONTINUE THE PROJECT AS THE MONEY BECOMES AVAILABLE AND IT PASSED WITH COUNCILMAN AT LARGE DEAN MILLER OPPOSING.

COUNCILMAN AT LARGE STEVE WEST MOVED BIDS NOT BE OPENED. THE MOTION WAS SECONDED, A VOTE TAKEN AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 4 - GARBAGE CAN LINERS: - COUNCILMAN AT LARGE JIM HUTCHINSON MOVED WE ADVERTISE FOR GARBAGE CAN LINER. THE MOTION WAS SECONDED. FRANK GROVER MOVED WE AMEND THE MOTION TO INCLUDE ALONG WITH THE REGULAR SPECIFICATIONS A BIO-DEGRADABLE TRANSPARENT BAG. A VOTE WAS TAKEN TO APPROVE THE AMENDED MOTION AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 5 - BLUE CROSS UPDATE: - Mayor Karnes yielded the floor to the City Recorder Herb Sibley. Mr. Sibley said he received monthly statements from Blue Cross regarding claims on our Blue Cross/Blue Shield plan and through July there was a total amount of \$78,415 in claims. Council approved a proposal from Blue Cross at an earlier Council Meeting that in order to obtain the lower rate, part of the restrictions was that if we go beyond a certain amount of claims, then the City would have to pick up the next 20% up to 10% more than our premium rate. It is possible we will move into this increased premium rate past the 90%.

AGENDA ITEM NO. 6 - POLICE RELOCATION UPDATE: - Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller said he had a requisition for purchase from Chief Blankenship and it appears we still have \$62,565. that we will need to bid. He said the cost to relocate the Police Department is \$107,505. of which the majority has not yet been paid. Councilman Miller reported they have applied for UDAG money, but this will not cover the entire amount. It appears we will need to put in our budget around twenty two thousand dollars. Chief Blankenship said they would not need this piece of equipment at this time. Recorder Sibley said according to the prices furnished, we would only require around \$7,200.

AGENDA ITEM NO. 7 - CONFIDENCE ELEMENTARY SCHOOL: - Mayor Karnes yielded the floor to City Recorder Herb Sibley. Mr. Sibley read the request from Confidence Elementary School to solicit funds from area merchants in order to support their fall carnival. COUNCILMAN AT LARGE STEVE WEST MOVED PERMISSION BE DENIED. THE MOTION WAS SECONDED. After a short discussion, COUNCILMAN AT LARGE STEVE WEST WITHDREW HIS MOTION AS DID THE COUNCILMAN WHO SECONDED THE MOTION. COUNCILMAN AT LARGE DEAN MILLER MOVED TO TABLE THIS AGENDA

ITEM INDEFINITELY. A VOTE WAS TAKEN AND IT PASSED WITH 4 AFFIRMATIVE AND 2 OPPOSING VOTES.

AGENDA ITEM NO. 8 - BUSINESS & PROFESSIONAL GROUP
UPDATE: - Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller said the Business & Professional Association scheduled a special meeting regarding Christmas plans, Monday, September 12, at the Nitro Community Center from 6:00 p.m. to 8:00 p.m. All elected officials and businesses in Nitro were invited as well as Jay Long, the Recreation Director.

Councilman Miller said at the last meeting there was a discussion regarding the fatality on 40th Street, and there was a request signs be posted "children playing". Chief Blankenship said this was a State right-of-way, and he spoke with the sign shop.


AGENDA ITEM NO. 9 - COMMENTS: -Mayor Karnes advised the Municipal League officers effective September 1, 1994 are: President Thomas Esposito, Mayor of Logan, Vice President Arlie Johnson, Councilman from Huntington, Secretary Russell Holland, Mayor of Ft. Pleasant, Treasurer Eddie Bassitt, Mayor of St. Albans.

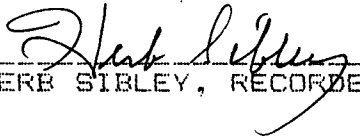
Mayor Karnes said a company at the League meeting out of Pennsylvania that research and supply street maps. They will distribute by mail one map to every residence and apartment in Nitro. Funds are raised by advertising. The Mayor said he would check into this further.

Mayor Karnes said there were over 200 at the Municipal League meeting which is by far the largest turnout at any League meeting.

Mayor Karnes mentioned items on the Municipal League agenda for the coming year such as solid waste, recycling, annexation, etc.

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


 DON KARNES, MAYOR


 HERB SIBLEY, RECORDER

CITY OF NITRO COUNCIL MEETING MINUTES

SEPTEMBER 20, 1994

Mayor Karnes called a quorum and called the Council Meeting to order at 7:30 p.m. in the Council Chambers. Present were Recorder/Treasurer Herbert Sibley, Councilman at Large Steve West, Council at Large Dean Miller, Councilman George Atkins, Councilman Frank Grover, Jr., Councilman Robert Young and Councilwoman Betty Jo Boggess. Also present was City Attorney Phillip D. Gaujot. Absent was Councilman at Large Jim Hutchinson.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 06, 1994 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE DEAN MILLER MOVED TO APPROVE SEPTEMBER 06, 1994 COUNCIL MEETING MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED. Councilman at Large Dean Miller stated that Agenda Item #7 of the September 6, 1994 Council meeting minutes incorrectly reflected his motion. After some discussion Council agreed that it should read as follows; There being no motion on the floor, the motion to table was out of order. COUNCILMAN AT LARGE STEVE WEST MOVED THE PERMIT TO SOLICIT BE DENIED. THE MOTION WAS SECONDED. COUNCILMAN AT LARGE DEAN MILLER MOVED TO TABLE THE MOTION. A VOTE WAS TAKEN AND IT PASSED WITH 4 VOTES AFFIRMATIVE AND 2 VOTES OPPOSING.

AGENDA ITEM NO. 2 - APPROVAL OF PUBLIC HEARING MINUTES: COUNCILMAN ROBERT YOUNG MOVED TO MAKE THE PUBLIC HEARING MINUTES A PART OF THE SEPTEMBER 20, 1994 COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND THE VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. 3 - RECREATION REPORT: Mayor Karnes yielded the floor to Recreation Director, Jay Long. Mr. Long stated before he gave the report he had a couple of requests for Council. The Jaycees and Jayteens would like to use the pavilion at City Park, October the 15th thru October 30th. They would like to use the facility for a haunted house with half of the proceeds going to the recreation department for the July 4th celebration and the other proceeds going back to the Jaycees/Jayteens. The hours are from 7:00 p.m. - 10:00 p.m. COUNCILMAN ROBERT YOUNG MOVED TO GIVE PERMISSION TO THE JAYCEES/JAYTEENS TO USE THE PAVILION FROM OCTOBER 15TH THRU OCTOBER 30TH. THE MOTION WAS SECONDED AND THE MOTION PASSED WITH ONE ABSTAINING.

Recreation Director Jay Long said Monday, October 31st is Halloween. After some discussion, Mayor Karnes suggested to go with the same date the County Commission set for trick or treat night. Jay Long also said the Jayteens would like to block off 21st Street, which ever night trick or treat

falls on, for the street dance.

COUNCILMAN FRANK GROVER, JR. MOVED TO GRANT THE REQUEST. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

Mr. Long stated the second request was from the friends of Jim Morris. They would like to obtain a permit for a vigil, "A March for Justice" on October 1st at 8:00 p.m. They would like to meet at the City Park for a picnic, and continue with a flash light vigil, just marching units. There will be no vehicles in this demonstration. They are asking for permission to march from City Park across 19th Street, coming up 21st Street, turning right, going back to 19th Street and then returning to Nitro Park in support of Jim Morris's defense. Also they would like to have police present. Chief Blankenship stated he did not see a problem with this as far as the Police Department is concerned.

COUNCILMAN FRANK GROVER, JR. MOVED TO GRANT THE REQUEST. THE MOTION WAS SECONDED. THE MOTION PASSED WITH ONE ABSTAINING.

Recreation Director Jay Long furnished members of council a copy of the 1994 pool report. After some discussion COUNCILMAN AT LARGE DEAN MILLER MOVED TO MAKE THE POOL REPORT A PART OF COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. - 4 BUSINESS AND PROFESSIONAL GROUP REPORT: Mayor Karnes yielded the floor to COUNCILMAN AT LARGE DEAN MILLER. Councilman at Large Miller said the Group met at the Community Center last night with 17 in attendance. The meeting continued this morning at Tudors. Councilman Miller commented the Seniors did a fine job preparing the food for the meeting. The Association announced the Christmas Parade will be November 26, 1994 at 10:00 A.M. Also they requested the City have the lights and a large tree up prior to the parade and limit the lights to the downtown area. A committee has been formed to add to and replace lights for next year. Harvey Peyton has agreed to be Chairman of the committee. Mayor Karnes said he suggested the committee work with Public Works department on putting up the lights. The Association will also be doing the 21 days of Christmas this year with the members providing the gifts to be given away, including the diamond ring to be given away on Christmas Eve. Each Business will be asked to decorate their area and again this year trophies will be given in each Ward for the best decorations.

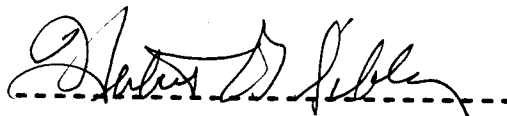
COUNCILMAN FRANK GROVER MOVED TO GRANT PERMISSION FOR THE CHRISTMAS PARADE. THE MOTION WAS SECONDED. Mayor Karnes stated whoever is in charge of the parade to notify and work with the Police Department setting up this parade. VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 5 - COMMENTS: Mayor Karnes stated all the years he had been involved in the Municipal League the only issue he has seriously challenged or lobbied for is to modify some of the annexation requirements. Mayor Karnes said he may call and ask Council Members to call their legislators concerning this issue. There has been very little change in the fourteen plus years I have been involved in City Government.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR



HERBERT SIBLEY, RECORDER

PUBLIC HEARING

SEPTEMBER 6, 1994

Mayor Karnes called the properly advertised Public Hearing to order at 7:16 p.m. in Council Chambers. Present were members of Council, reporters and citizens present for the scheduled Council Meeting.

Mayor Karnes explained the purpose of the hearing was to obtain views and/or comments regarding the transfer of zero to fourteen feet of Ivy Street at property line of Carl E. Winter at the Penn Central Railroad, and opened the floor for such. None received the meeting was adjourned.



DON KARNES, MAYOR

HERBERT G. SIBLEY, RECORDER

POOL - OPEN 82 DAYS

<u>PASSES</u> (Revenue)	\$ 5,075.00
FAMILY (58 - 1 @ $\frac{1}{2}$ price)	4,025.00
INDIVIDUAL (30 - 2 @ $\frac{1}{2}$ price)	1,050.00
GATE	11,882.50
PASSES	1,492.00
TOTAL	<u>\$18,429.50</u>

ATTENDANCE

FREE (including 739 on 4th of July)	1,925
GATE	6,746
PASSES	4,714
TOTAL	<u>13,385</u>

ATTENDANCE

MAY (open 3 days - average 194 per day)	583
JUNE (open 26 days - average 231 per day)	6,008
JULY (open 28 days - average 177 per day)	4,960
AUGUST (open 20 days - average 71 per day)	1,834
TOTAL	<u>13,385</u>

CONCESSION

MAY	\$ 816.52
JUNE	2,482.45
JULY	4,338.45
AUGUST	1,418.61
TOTAL	<u>\$ 6,055.98</u>

TOTAL REVENUE - \$30,485.48

POOL EXPENDITURESSALARIES

8 Lifeguards

2 Cashiers

\$16,461.36

CHEMICALS

2,846.85

PAINT

1,200.00

COMMON SINK, FIXTURES, SOAP, TISSUES,
TOWELS, ETC.

1,941.65

CASH REGISTER, CASE, TAPE

203.00

POOL INSPECTION

30.00

\$22,372.85

*PAINT IS CAPITAL EXPENSE

-1,200.00\$21,172.85CONCESSIONSALARIES

2 Concession Employees

\$ 2,484.99

GINO'S

4,527.50

PEPSI COLA

997.00

SAMS

436.47

FAS CHEK

290.50

\$ 8,736.46

POOL EXPENDITURES

21,170.85\$29,907.31

\$22,370.85

8,736.46\$31,107.31

CITY OF NITRO COUNCIL MEETING MINUTES

OCTOBER 04, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. in the Council Chambers. Present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Steven West, Councilman at Large Dean Miller, Councilman Robert Young, Councilman George Atkins, Councilman Frank Grover, Jr. and Councilwoman Betty Boggess. Also present was City Attorney Phillip D. Gaujot. Absent was Councilman at Large Jim Hutchinson.

Due to faulty tape recorder, the minutes were handwritten by Herbert Sibley, Recorder/Treasurer.

AGENDA ITEM NO. 1- APPROVAL OF SEPTEMBER 20, 1994 COUNCIL MEETING MINUTES: COUNCILMAN BOB YOUNG MOVED TO APPROVE THE SEPTEMBER 20, 1994 MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - BID OPENING: Mayor Karnes yielded the floor to City Recorder/Treasurer Herb Sibley. Rec/Treas Sibley stated two bids had been received, Unisource, Huntington, WV./\$27,232 and M & P Co. Lesage WV/\$21,280 COUNCILMAN AT LARGE STEVE WEST MOVED TO ACCEPT THE LOWER BID FROM M & P CO. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

Recorder Sibley said delivery time should be within two/ three weeks, 3200 boxes @ \$6.65 per 100 count box.

AGENDA ITEM NO. 3 - FINANCE REPORT: Mayor Karnes yielded the floor to Recorder/Treasurer Herb Sibley. Recorder/Treas Sibley said there was \$28,500 in savings to pay for the labor charged by the workmen for completion of the jail. COUNCILMAN GEORGE ATKINS MOVED TO APPROVE PAYMENT. THE MOTION WAS SECONDED AND THE MOTION PASSED.

Also Recorder/Treasurer Sibley said money has been put in savings as a reserve against premium penalty by Blue Cross (\$25000) will increase by \$5000/month to \$50000 maximum.

AGENDA ITEM NO. 4 - PARADE REQUEST: COUNCILMAN GEORGE ATKINS MOVED TO APPROVE NITRO HIGH SCHOOL HOMECOMING PARADE OCTOBER 7, 1994. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 5 - STREET LIGHT REQUEST: COUNCILMAN GEORGE ATKINS MOVED TO APPROVE LIMITED LIGHTING AT KAPOK STREET. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 6 - BUSINESS & PROFESSIONAL GROUP

REPORT: Mayor Karnes yielded the floor to Mr. Vernon Mills. He said, the Women's Club of Nitro will be hosting the annual Holiday Stocking at the Nitro Community Center, November 12, 1994 from 9:00 a.m. to 5:00 p.m. Mary Hill is in charge of this event and She said proceeds will be used to buy additional recreational equipment at Ridenour Park.

The Christmas Parade is scheduled, November 26, 1994 at 10:00 a.m. The parade will begin at Plant Rd. and end at 21st Street. Dot Kimberling, Ivan Meadows and Linda Wilson are in charge of the parade.

Mr. Mills said toys and food will collected and stored at Nitro Floral. (Paul Johnston).

The Christmas Tree will be furnished by City no later than November 26, 1994.

Breakfast with Santa, December 3rd, 1994, 9:00 a.m. till 12:00 p.m. Charge for this will be one (1) can of food.

Nitro Business & Professional Group will be sponsoring the 21 days of Christmas, daily gifts and grand prize of a diamond ring will be given December 23rd. (diamond ring).

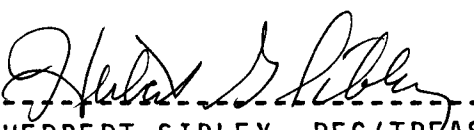
Christmas Lights and extended business hours to begin November 26, 1994.

AGENDA ITEM NO. 7 - COMMENTS: Mayor Karnes thanked Vernon Mills for the very informative report. Also Mayor Karnes said he will schedule a meeting soon to discuss and hear report on Sanitary Sewer System upgrade and improvement.

There being no further business the meeting was adjourned.



DON KARNES, MAYOR



HERBERT SIBLEY, REC/TREAS

CITY OF NITRO COUNCIL MEETING MINUTES

OCTOBER 18, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. in the Council Chambers. Present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilman George Atkins, Councilman Frank Grover, Jr., and Councilwoman Betty Boggess. Also present was City Attorney, Phillip Gaujot. Absent were Councilman at Large Steven West and Councilman Robert Young.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 04, 1994 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE COUNCIL MEETING MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - NDA REPORT: Mayor Karnes yielded the floor to Bob White, President of Nitro Development Authority. Mr. White stated, the dedication of the auditorium will be October 29, 1994 at 1:00 p.m. The auditorium will be dedicated to Kathy Mattea named in her honor, having graduated from Nitro High School. Mr. White read an invitation to Council. He said Kathy Mattea will be present to accept this honor. Mr. White presented each member an invitation for the dedication. Also Mr. White said he expects a very large influx of people for this event, possibly a thousand or fifteen hundred people.

AGENDA ITEM NO. 3 - RESOLUTION 94-05: Mayor Karnes furnished council with a copy of Resolution 94-05, a resolution to support the passage of an excess tax levy for the years 1995, 1996 and 1997 to support the operations of the Kanawha Valley Regional Transportation Authority and the Kanawha County Emergency Ambulance Authority. COUNCILMAN FRANK GROVER MOVED TO APPROVE RESOLUTION 94-05. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (COPY ATTACHED)

AGENDA ITEM NO. 4 - FINANCE REPORT: Mayor Karnes yielded the floor to Recorder/Treas Herb Sibley. Mr. Sibley reported to council that our bills are current and have sufficient funds on hand for the outstanding invoices. The approved construction costs for the police facility outstanding were paid. I have received approximately \$16,000 from B & O taxes to date and expect approximately another \$150,000 in receipts by the end of month. Recorder/Treasurer Sibley stated by the end of October the City should be in sound financial shape. I have accumulated enough money to pay any anticipated Blue Cross premium, which would be an over-premium and that is in a savings account.

AGENDA ITEM NO. 5 - BID OPENING (HEAT & COOL): Mayor Karnes yielded the floor to Recorder/Treasurer Herb Sibley.

Mr. Sibley stated we received three sealed bids opened by Councilman at Large Jim Hutchinson in the following order; Hedrick General Contractor \$24,500, Air Conditioning Design, Inc. \$28,670 and Kernstein Air Condition \$26,965.

COUNCILMAN FRANK GROVER, JR. MOVED TO REFER THIS ITEM TO THE FIRE AND POLICE COMMITTEE WITH THE BUILDING OFFICIAL BOB SERGENT ALSO SERVING ON THIS COMMITTEE AND HAVE A RECOMMENDATION READY FOR COUNCIL AT A SPECIAL COUNCIL MEETING TO BE HELD 10/25/94 AT 6:30 P.M. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 6 - COMMENT: Mayor Karnes yielded the floor to Councilman at Large Dean Miller for a report from the Business & Professional Association. Councilman at Large Miller stated he was absent at the last meeting and had nothing new to report. Vernon Mills said there will be a winner for the best Christmas decorations in all four wards. A discussion followed regarding Christmas tree and lighting.

Mayor Karnes yielded the floor to Chief Blankenship. Chief Blankenship said Patrolman John Joyce has retired from the force due to a medical problem. Patrolman Joyce has been with the department for 17 years. Throughout the years he has experienced problems with grip and grasping with his hands. He has been diagnosed with partial Parkinson disease, this being incurable, medical retirement was the recommendation.

Mayor Karnes stated with the retirement of John Joyce we now have three openings in the department. Also Mayor Karnes said, Chief Blankenship has gone thru the process of testing for new applicants. The Chief is doing background checks on the top six, he has asked for three slots in the November school.


Mayor Karnes stated Trick/Treat will be October 31, 1994 from 6:00 to 7:00 p.m.

Mayor Karnes reminded Council of special Sanitary Board Meeting October 25, at 6:30 p.m.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR



HERB SIBLEY, RECORDER

CITY OF NITRO
SPECIAL COUNCIL MEETING MINUTES

OCTOBER 25, 1994

Mayor Karnes declared a quorum and called the Special Council Meeting to order at 7:30 p. m. in the Council Chambers. Present were Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilwoman Betty Jo Boggess, Councilman George Atkins, Councilman Frank Grover, Jr., and City Recorder/Treasurer Herbert Sibley. Absent was Councilman Robert Young.

AGENDA ITEM: BID CONSIDERATION, HEATING AND COOLING.

AFTER CONSIDERABLE DISCUSSION, COUNCILMAN FRANK GROVER, JR., MOVED TO ACCEPT LOWEST BID, HEDRICK GENERAL CONTRACTING \$24,500. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

No further business, the meeting was adjourned.



DON KARNES, MAYOR



HERBERT SIBLEY, REC/TREAS



DON KARNES
MAYOR

R E S O L U T I O N 94-05

WHEREAS, by order of the Kanawha County Commission, dated August 25, 1994 a special levy election has been set for Tuesday, November 8, 1994, to provide the voters of Kanawha County an opportunity to approve an excess tax levy for the years 1995, 1996 and 1997 to support the operations of the Kanawha Valley Regional Transportation Authority (KVRTA), the owner and operator of the public bus transportation system serving Kanawha County and its environs and the Kanawha County Emergency Ambulance Authority (KCEAA) which has established and maintains an emergency ambulance system for Kanawha County; and

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

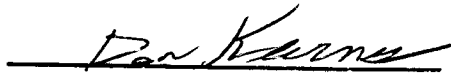
WHEREAS, KVRTA with the taxes provided by the property owners of Kanawha County pursuant to previous excess tax levies approved in 1973, 1976, 1979, 1982, 1985, 1988 and 1991 and with the assistance of the federal government, has fully implemented all proposals relating to service and the acquisition of new equipment made by it to the people of Kanawha County in advance of the

special levies approved in 1973, 1976, 1979, 1985, 1988 and 1991 and has otherwise conducted its operations in such a manner as to provide an essential public service; and

WHEREAS, KCEAA has in fact established and is currently operating an emergency ambulance system in many areas of Kanawha County pursuant to previous excess tax levies approved in 1979, 1982, 1985, 1988 and 1991, 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.

WHEREAS, the levy rate has been reduced to ensure that Kanawha County taxpayers will not face any increase in the taxes allocated for the Kanawha Valley Regional Transportation Authority (KVRTA), the Kanawha County Emergency Ambulance Authority (KCEAA) and the City of Charleston Ambulance service.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City (Town) of NITRO does hereby endorse the proposed special Levy to be voted upon on November 8, 1994, and urges all voters of said City (Town) to vote for the levy which will result in the continued operation and improvement of the urban mass transportation system and will provide for the continued operation and expansion of the emergency ambulance system both of which are essential to the general welfare of all of the people of the County.



Donald 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 25th day of October, 1994 at 6:30 p.m., in the Council Chambers, City Hall, Nitro, West Virginia.

AGENDA:

1. BID CONSIDERATION, HEATING & COOLING

Signed this 25th day of October, 1994

Don Karnes
Don Karnes, Mayor

Steven E. West
Steven West, Council/at Large

Jim Hutchinson
Jim Hutchinson, Council/at Large

Dean Miller
Dean Miller, Council/at Large

Betty Jo Boggess
Betty Jo Boggess, Councilwoman

George Atkins
George Atkins, Councilman

Robert D. Young
Robert Young, Councilman

Frank Grover, Jr.
Frank Grover, Jr. Councilman

Herb Sibley
Herb Sibley, Recorder/Trea.

CITY OF NITRO COUNCIL MEETING MINUTES

NOVEMBER 01, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. in the Council Chambers. Present were Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Frank Grover, Jr., Councilman George Atkins and Councilwoman Betty Boggess. Also present was City Attorney Phillip Gaujot. Absent were Councilman Robert Young and City Recorder/Treas Herbert Sibley.

AGENDA ITEM NO: 1 - APPROVAL OF OCTOBER 18, 1994 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND THE VOTE WAS UNANIMOUS.

AGENDA ITEM NO: 2 - SPECIAL COUNCIL MEETING MINUTES: COUNCILMAN GEORGE ATKINS MOVED TO APPROVE THE SPECIAL COUNCIL MEETING MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO: 3 - PLANNING COMMISSION MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO MAKE THE PLANNING COMMISSION MINUTES A PART OF COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (Copy attached)

AGENDA ITEM NO: 4 - BUSINESS AND PROFESSIONAL ASSOCIATION: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman at Large Miller stated there was nothing new to report. The plans regarding the Christmas parade and the twenty one days of Christmas are progressing as planned. Mayor Karnes commented Wild Man's Produce has offered to donate the Community Tree.

AGENDA ITEM NO: 5 - COMMENTS: Mayor Karnes commented the dedication of the auditorium went very well. He said Kathy Mattea seemed very pleased and appreciative of the proclamation. Also Mayor Karnes commended the Police Department for their work at the dedication.

Mayor Karnes said the street dance was very successful. Jay Long, Recreation Director gave away approximately 150 bags of candy. Mayor Karnes stated Jay Long is out of town and could not be here to thank the Police Department, Fire Department, Jayteens/ Jaycees for all their support, also Nitro Trophy for the donation of trophies.

Mayor Karnes reported the heating and cooling was well on the way of being installed in the Police Department at the Community Center.

There being no further business, the meeting was adjourned.


DON KARNES, MAYOR

HERBERT SIBLEY, RECORDER

PLANNING COMMISSION MINUTES, CITY OF NITRO

October 11, 1994

The Planning Commission of the City of Nitro met Tuesday, October 11, 1994, 7:00 p.m. at City Hall. Members present were: Dr. Charles Byrd, David Miller, Dr. Guy Cassell, Chuck Boggs, Janet Martin, Greg Patton and Margaret Hudson. The meeting was called to order by Margaret Hudson, Chairperson.

The first item of business was a Public Meeting in regard to a request from Frank Bailey, 515 Main Avenue "to abandon or sell a 5' x 102' section of Fir Street running from Main Avenue to the railroad property." This was advertised in both Charleston newspapers on September 30 and October 7. After a statement from Mr. Bailey, questions from the Commission members and a discussion period Dr. Cassell moved that the "city dispose of this property to Mr. Bailey in any manner that is reasonable--approximately 5', to where the fence now sets." The motion was second by Greg Patton. It carried unanimously.

Next on the agenda was a request from Lee Conrad of Quality Car and Truck Sales to appeal a previous denial to rezone "the property located immediately behind our business, abutting Frederick and Walker Streets, from R-2 Zoning to B-1 Zoning." The Planning Commission decided there is no reason to grant a rehearing on the request at the present time.

The third item of business considered was a request from Eva Summers of 227 Easter Road concerning the establishment of ownership of "the last driveway situated on the left side of Easter Road." Following a period of discussion, Dr. Byrd moved that the "Planning Commission recommend that City Council request the City Attorney to determine if any action has ever been taken to supersede the deed to make said street a public street." The motion received a second from David Miller. Motion passed unanimously.

A fourth item concerned the request from Dan McDavid for "a variance for Lorien Way of the Winwood Crossing Subdivision from the required 24 foot width to a 20 foot width." Dr. Cassell moved "approval of the variance." The motion was second by Chuck Boggs. (Bob Sergeant viewed the road site and did not foresee any problems as a result of this variance--it serves only three lots and city trucks, etc. should have plenty of room to turn.) Motion passed unanimously.

The last part of the meeting was devoted to an update from Dan McDavid concerning the development of a subdivision adjoining Lakeview Estates. A Planning Commission concern

about this subdivision, since much of it would be located within the city limits, was an entrance (road) directly to the development from the city. Members felt this would be a very desirable feature.

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

Margaret Hudson

Margaret Hudson, Chairperson



DON KARNES
MAYOR

August 08, 1994

City of Nitro Planning Commission
Margaret Hudson, Chairperson
105 Kanawha Avenue, South
Nitro, WV 25143

Dear Ms. Hudson:

The purpose of this correspondence is to submit to the Planning Commission a formal request to either abandon or sell a 5' x 102' section of Fir Street running from Main Avenue to the railroad property.

My fence has extended on to the Fir Street right of way by 5' for more than 35 years. The fence is getting old and is in need of replacement. As the code is now, I would not be permitted to replace it where it now stands. I have used and maintained this portion for all these years and I would like to place my fence back in the same place.

Thank you for giving this matter your undivided attention.

Sincerely,

Frank Bailey
515 Main Avenue
Nitro, WV 25143
755-7092

NITRO, WEST VIRGINIA 25143

QUALITY CAR AND TRUCK SALES
251 FIRS AVE.
NITRO, WV 25143
PHONE NUMBER: (304) 727-3300

JULY 26, 1994

CITY OF NITRO
ATTENTION: CHARLES R. SERGENT
P.O. BOX 308
NITRO, WV 25143

REF: SECOND REQUEST FOR APPEAL TO ZONE

DEAR MR. SERGENT,

THIS LETTER IS WRITTEN TO FOLLOW UP OUR LETTER FOR REQUEST FOR APPEAL TO ZONE ON DECEMBER 7, 1993. WE STILL DESIRE TO CHANGE THE PROPERTY LOCATED IMMEDIATELY BEHIND OUR BUSINESS, ABUTTING FREDERICK AND WALKER STREETS, FROM R-2 ZONING TO B-1 ZONING. THEREFORE, OUR REQUEST STILL STANDS FOR APPEAL. WE WOULD ALSO LIKE TO TAKE THIS TIME TO STRENGTHEN THE NEED FOR THIS CHANGE IN ZONING AND TO REFER BACK IN OUR LETTER DATED DECEMBER 7, 1993.

WE PURCHASED THE PROPERTY, WHICH IS BEING REQUESTED FOR ZONING CHANGE, ON MAY 9TH, 1994 FROM DON EVANS. RIGHT AFTER WE PURCHASED THE PROPERTY WE RECEIVED A LETTER ON MAY 11TH, 1994 FROM YOU FOR THE CITY OF NITRO IN REFERENCE TO SECTION 1129.03 - CERTAIN NUISANCES ENUMERATED (CODIFIED ORDINANCES). YOU GAVE US 5 DAYS TO CLEAR WEEDS AND BRUSH, WHICH WE DID. BUT FOR A MINUTE PLEASE REFER TO OUR LETTER DATED DECEMBER 7, 1993, ITEM 2. WE STATED IN THAT LETTER THAT WE WOULD CLEAR AND BEAUTIFY THE PROPERTY FROM ITS PRESENT CONDITION OF BRUSH, AND SWAMP LOOK, WHICH TAKES AWAY FROM THE APPEARANCE OF THE CITY. HOW LONG HAS THIS PROPERTY SET BREAKING THE SECTION 1129.03 AND NOTHING WAS DONE. WE HAVE JUST NOT CLEARED THE PROPERTY OF WEEDS AND BRUSH BUT HAVE PUT GRAVEL DOWN, PLANS ARE IN THE MAKING FOR A TENNIS COURT, TREES ARE BEING TAKING CARE OF, BIRDS AND OTHER ANIMALS ARE NOT BEING DISTURB FROM THERE NATURAL HABIT, AND I THINK YOU WILL AGREE WITH ME THAT IF YOU LOOK AT THE PROPERTY NOW THERE IS QUITE AN IMPROVEMENT.

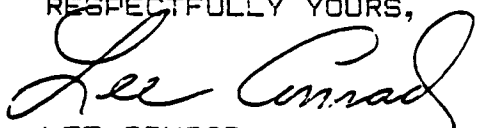
ALSO IN REFERENCE TO OUR LETTER DATED DECEMBER 7, 1993, ITEM NUMBER 4, STATED BY ZONING THE PROPERTY IT WILL DETER THE PARTIES OF DRUGS AND ALCOHOL, WHICH NOW TAKE PLACE ON THIS LOT AND CHURCH

LOT WHICH ADJOINS IT. THEREFORE, IT WILL HELP OUR YOUTH , LOWER CRIMES OF DRUG AND ALCOHOL RELATED, PUT BACK RESPECT FOR OUR RELIGIOUS COMMUNITY, AND MAKE FOR A SAFER COMMUNITY AND NEIGHBORHOOD FOR ALL. SINCE THIS ITEM WAS STATED LET ME POINT OUT A FEW VERY UGLY FACTS THAT HAVE HAPPENED. THE CHURCH WALL WAS WRITTEN ON WITH PAINT AND DEFACED WITH THE WORDS OF A GIRL'S NAME SAYING SHE WAS A GOOD _____, AND HER PHONE NUMBER. THIS GIRL CALLED THE CHURCH AND DEMANDED FOR THIS TO BE TAKEN OFF IMMEDIATELY. WHICH THE CHURCH DID. THERE HAS BEEN SEVERAL CALLS TO NITRO POLICE DEPARTMENT FOR INDIVIDUALS AS WELL AS OUR YOUTH USING DRUGS AND ALCOHOL ON THE PROPERTY AND THE CHURCH PROPERTY. THE CHURCH HAS BEEN BROKEN INTO SEVERAL TIMES AND DAMAGE TO THE PROPERTY AS WELL. A FEW OF THE PROBLEMS WE HAVE ENCOUNTERED WITH CRIME ON THE CAR LOT IS BREAKING AND ENTERING, APPROXIMATELY 30 RADIOS STOLEN, 4 WHEELS, ONE STARTER, ONE ALTERNATOR, TWO CARS STOLEN, 18 TO 25 WEST VIRGINIA INSPECTION STICKERS, AND THE LIST GOES ON. THE SAD PART IS ONE YOUNG MAN WAS CAUGHT TRYING TO BREAK INTO THE CAR LOT AND ANOTHER YOUNG MAN WAS INDICTED FOR GRAND THIEF AUTO. I HAVE TOOK THE TIME TO TALK TO SEVERAL PEOPLE AND HAVE FOUND THAT AMONG THE PLACES TO GO TO HANG OUT AND DRINK AND USE DRUGS IS ON THIS PROPERTY AND THE CHURCH LOT. ONE INDIVIDUAL THAT WORKS FOR ME NOW, SAID THAT HE HAS BEEN BACK THERE SEVERAL TIMES PARTYING AND CARRYING ON. THAT THE PROPERTY BACK THERE IS WELL KNOWN TO GO TO AMONG HIS FRIENDS.

NEEDLESS TO SAY WE ALL KNOW THIEF, VIOLENCE, DRUGS, ALCOHOL, CRIME,... IS ON THE RAISE EVERYWHERE. WE HAVE SUFFERED ASTRONOMICAL LOSSES AND THOSE AROUND US SUFFER. BY CHANGING THE ZONE ON THIS PROPERTY IS NOT GOING TO SOLVE THE WORLD'S PROBLEMS BUT IT WILL BE ONE STEP CLOSER TO SOLVING SOME OF THE PROBLEMS. IF WE AS CITIZENS, NEIGHBORS, FRIENDS, COMMUNITY LEADERS,... DO NOT PUT FORTH THE EFFORT TO MAKE CHANGES FOR THE BETTERMENT OF ALL, THEN WHEN THE WORSE HAPPENS AS A MURDER, RAPE, YOUTH OVERDOSE ON DRUGS... WHO IS TO BLAME? IF THOSE OF US WHO DO HAVE THE OPPORTUNITY TO MAKE THE DIFFERENCE AND DO NOTHING THEN WE ARE AS MUCH TO BLAME AND GUILTY AS ANYONE.

I WILL END THIS LETTER AS I DID ON DECEMBER 7, 1993. PLEASE GRANT US THE APPEAL IN WHICH WE REQUEST AND GIVE US THE OPPORTUNITY TO CONTRIBUTE TO THE CITY OF NITRO.

RESPECTFULLY YOURS,



LEE CONRAD
OWNER
QUALITY CAR AND TRUCK SALES

LC\jc

Eva Summers
227 Easter Road
Nitro, W.Va. 25143
(304) 755-2737

June 27, 1994.

To: City of Nitro Planning Commission.

This letter is concerning the last driveway situated on the left side of Easter Road, belonging to 227 Easter Road. We have recently been informed after 40 years of personal upkeep that the city of Nitro believes this to be a city street.

When we first moved to 227 Easter Road in Sept. 1953, the said driveway was exclusively used by ourselves and H. W. Pryor and Opal Pryor. This driveway ended at their garage. Along with us, the Pryors started hauling dirt, rocks, and bricks to build up the driveway to make it passable. It is stated in our deed, we have exclusive rights to this driveway, making our efforts to improve it, a way to enhance our property value and quality of life.

In 1963, Interstate 64 came thru and obtained the Pryor's land. This leaving us the only residents to use this driveway and the full responsibility of the upkeep.

Prior to June 2, 1973, we inquired thru the city about draping the top shoulder, making parking and exiting easier. We were told this was a private drive and upkeep was our own responsibility. We contracted Charleston Blacktop to pave the full length of the driveway.

The reason we have to ask to keep this a private drive, is because people turn and spin out the blacktop creating a huge hole, spanning 4 foot wide by 3 foot accross. This loose blacktop along with gravels creates a hazard by allowing every thing that crosses it to slide easily since it is on a grade. This also leads to people driving uncontrollable thru our property.

In Spring 1993, we attempted to place a sign as to keep people off the driveway so we could eventually start again with repairs. The city police was contacted and we were informed it was a city street and we were to remove the sign or suffer the legal penalties.

As previously stated we were again starting with repairs on the driveway. At this point we feel it is preposterous for anyone to expect us to continue the repairs. If the city feels the need to claim the driveway at 227 Easter Road as a city street, the repairs should be taken as seriously as the other streets in Nitro. The driveway needs to be paved and a guardrail put up to keep people from ruining our property. We requested a street light years ago and was told not on a private drive. As a elderly widow, I feel a street light would help deter any vandalism that may otherwise occur in such a dark unsecure area. Being so close to the interstate is also another reason for the light.

(2)

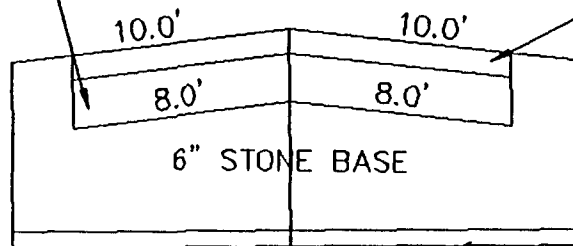
As of Monday, June 27, 1994, our request for help from the city of Nitro has been to no avail. The driveway continues to deteriorate and we would appreciate this matter being handled attentively and efficiently.

Sincerely,

Eva Summers.

Eva Summers

1 - 1/2" BITUMINOUS PAVEMENT WEARCOAT -
3" BITUMINOUS PAVEMENT BASE



TYPAR

LORIEN WAY ROADWAY
TYP ROADWAY SECTION
16.0' BLACKTOP
2.0' SHOULDER EACH SIDE

END OF BLACKTOP

LAKEVIEW ESTATES

6" GRAVEL TO
END OF ROAD

SET STONE

GRAPHIC SCALE F. JAMES WAUGH



(IN FEET)
1 inch = 125 ft.

LOT 7

ADD 12' OF 18" CMP DRAIN
TO THE NORTH END.

EXISTING 20' OF 18" CMP DRAIN PIPE

UNDERGROUND
ELEC. LINES

2 - 2" WATER
LINES

LOT 1

LOT 3

WINWOOD CROSSING SUBDIVISION

LOT 4
HENRY R. &
JAN L. BUSSEY

LOT 2

RICHARD L. & LINDA
WORKMAN
LOT 5

LAKEVIEW DRIVE TO CROSS LANES WVA

LORIEN WAY ROADWAY
WINWOOD CROSSING SUB.
CONNECTION TO
LAKEVIEW DRIVE
CITY OF NITRO WVA
KANAWHA CO. WVA
DATE: SEPT 22, 1994

SOLCO INCORPORATED
DEED BOOK 2012, PAGE 367
46.21 ACRES
TAX MAP 15, PARCEL 2
NITRO, DISTRICT

FILE WLORIEN
F.B. 63
DATE: 9/22/94



CITY OF NITRO COUNCIL MEETING MINUTES

NOVEMBER 15, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. in the Council Chambers. Present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Frank Grover, Jr., Councilman Robert Young and Councilwoman Betty Boggess. Also present was City Attorney Phillip Gaujot. Absent was Councilman George Atkins.

AGENDA ITEM NO: 1 - APPROVAL OF NOVEMBER 01, 1994 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE MINUTES AS DISTRIBUTED WITH CHANGES AS FOLLOWS: PRESENT WAS COUNCILMAN ROBERT YOUNG AND ABSENT WAS COUNCILMAN FRANK GROVER, JR. MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO: 2 - PAVING REPORT: Mayor Karnes said there were four streets remaining to be paved. Irwin Drive, Martins Court, Plank Drive and Fenton Circle. Weather permitting they will be worked on before the end of the year. Also Mayor Karnes asked council to prepare a priority list of street repairs in their ward for next year.

AGENDA ITEM NO: 3 - SALVATION ARMY REQUEST: Mayor Karnes stated the Salvation Army has requested permission again this year to place their kettles in the City for donations. COUNCILMAN FRANK GROVER, JR. MOVED TO GRANT THE SALVATION ARMY REQUEST. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO: 4 - BUSINESS & PROFESSIONAL REPORT: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman at Large Miller said the regular meeting was mostly rehashing the annual Christmas plans. There was some discussion regarding the Christmas Cantata to be held November 27, 1994, 3:00 p.m., at the Community Center, the Christmas Tree and the 21 days of Christmas starting December 01, 1994. Hopefully, the tree will be up by the 26th for the parade.

AGENDA ITEM NO: 5 - FINANCE REPORT: Mayor Karnes yielded the floor to City Rec/Treas. Herbert Sibley, Rec/Treas. Sibley said the city finances are in good shape. B & O taxes are coming in. Since the first of Nov. about \$33,000 has been collected. The CBA paid their regular donation and we received a bonanza from the property tax in Putnam Co., a bankruptcy paid taxes for 1989/90 of \$28,000. We have money saved for any overflow of BC/BS premium and have \$25000 in savings for heating/cooling commitment.

AGENDA ITEM NO: 6 - POLICE DEPT RECRUITS: Mayor Karnes stated three new police officers have been chosen to replace our retired officers. Robert W. Smith, James J. Savilla and Richmond Withrow will begin work in April after they complete police training. This will bring our force back up to 12, although one officer will work on the Metro Drug Unit.

Mayor Karnes yielded the floor to Chief Blankenship. Chief Blankenship said the recruits are required to attend 20 weeks of training at the Charleston Police Academy starting November 28 and ending April 7, 1995. Each candidate is required to have physical & psychological examinations. Cost per officer for training, uniforms and equipment is approximately \$1800 to \$2000. Probation time is one year. In that year they are required to ride with another police officer. COUNCILMAN FRANK GROVER MOVED TO AMEND BUDGET FOR THE COST OF THE NEW RECRUITS NOT TO EXCEED \$6500.00. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO: 7 - MAYOR'S REPORT: Mayor Karnes said he hopes a town meeting will help gauge public opinion over a possible \$3 million plus upgrade in the City's sanitary sewer system. He said the current system has been inadequate for years. During heavy rains, residents complain of sewage backing up into basements. The upgrade would end this problem and also eliminate the "famous hump" of 21st Street, caused by a slip. The upgrade would replace the sewer collection system, as needed and the facility's capacity would be increased. Mayor Karnes said he wants feedback as to whether council should look into drafting an ordinance to take on these improvements. The loans would be repaid through a rate increase of 20 to 22 per cent. There have been several requests for people outside the City limits to be connected to the Nitro Sewer System. That is something we will look into at a later date. Just for your information the Nitro Residents monthly sanitary fee of \$14.88 is low. The state average sewer billing is \$25.00/mo. The town meeting will be held Tuesday, November 22, 6:30 p.m. at the Community Center. Mayor Karnes asked the Sanitary Board Members, Engineers and Council to attend this meeting. Mayor Karnes said this is an important meeting and encouraged everyone to attend.

Recorder/Treasurer Herbert Sibley said the bill from Orders and Haynes in the amount of \$13,890 should be paid. COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO PAY THIS OUTSTANDING INVOICE. THE MOTION WAS SECONDED. A VOTE WAS TAKEN AND THE MOTION CARRIED WITH TWO OPPOSING VOTES.

Recorder/Treasurer Herb Sibley ask the City Attorney Phillip Gaujot if the money is in the budget for street improvements and the work is less than \$5000 per event, does Council need to approve each improvement as it is made? City Attorney Gaujot said if the money is allocated in the Budget

and the Treasurer has the money for payment it is not necessary to bring it before council again. However, it would not hurt anything if it was reintroduced to council.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR

HERBERT SIBLEY, REC/TREASURER

CITY OF NITRO COUNCIL MEETING MINUTES

DECEMBER 06, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. in Council Chambers. Present were City Recorder/Treasurer Herb Sibley, Councilman at Large Steven West, Councilman at Large Dean Miller, Councilman Robert Young, and Councilman George Atkins. Also Present was City Attorney Phillip Gaujot. Absent were Councilman at Large Jim Hutchinson, Councilman Frank Grover, Jr., and Councilwoman Betty Boggess.

AGENDA ITEM NO: 1 - APPROVAL OF NOVEMBER 15, 1994 MINUTES: COUNCILMAN ROBERT YOUNG MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO: 2 - BID OPENING: - Mayor Karnes yielded the floor to City Recorder/Treas. Herb Sibley. Recorder Sibley read the advertisement for the communication system, and advised we received three sealed bids. Members of Council opened the bids as follows: A T & T, Larry Williams a bid of \$13,609.28 with an additional charge for adding radio lines into the system making the grand total \$14,262.38, Challenge Communication of Winfield, Ron Deeds, a bid of \$12,000, Access Systems, Harriet Engle, Sales Representative with a bid of \$10,730.00. Mayor Karnes suggested a committee be formed consisting of the Mayor, Recorder, Police Chief, City Attorney for approval, and anyone else wanting on the committee. COUNCILMAN AT LARGE STEVE WEST MOVED THE BIDS RECEIVED BE PLACED INTO A COMMITTEE FOR DECISION. THE MOTION WAS SECONDED, AND VOTE WAS UNANIMOUS.

BID OPENING (EQUIPMENT): Recorder Sibley read the advertisement for communication equipment and received one bid. Lloyds Electronic's submitted bid with several items quoted: A model 3022 Instant Call Recorder with following options: Memory \$3,425, a Base Station \$125, a Camera \$870, Monitor \$225, a Sony Switcher \$280, Brackets and Cable Transformer, etc. \$460 with optional equipment of repeater \$7,348, a Motorola Desk Track Base \$2,541, a radio Dispatch Console \$7,260, and STS Custom Console Furniture \$10,485, 3 VFH control station antenna \$1,045, and base antenna \$1,175. Mayor Karnes said in the listing there were options discussed, but don't know yet if we want them at this time. COUNCILMAN AT LARGE STEVE WEST MOVED THIS BID BE PLACED IN THE SAME COMMITTEE FOR DECISION. MOTION WAS SECONDED AND UNANIMOUSLY APPROVED.

AGENDA ITEM NO. 3 - TOWN MEETING: Mayor Karnes yielded this agenda item to Councilman at Large Steve West.

Councilman West reported on November 22, a Town Meeting was held. George McClennen presented to Council basically the same as before, and that being up to 3.9 million dollar for three phases. The boundary to Kapok, line replacement, the 21st Street main and upgrading the treatment facilities. There were around 40 people at the meeting, and their actions were very favorable. It was explained that the average sewer bill would increase by \$3.00/3.50, and no objections received. Mr. McClennen also explained the average bill now was \$14 plus and it is way below the state average of \$25. Councilman West said the point that seemed to make the most friends was that if Nitro doesn't do something by Spring, 1995, then it is very possible regulations will be mandated and we won't have a choice. Councilman West said he got the impression of the feeling of the group present was for us to go ahead and do it the way we want to instead of waiting for someone to tell us what we have to do. According to how Council moves on this, we could start as early as Fall 1995. One citizen suggested we have neighborhood meeting to accommodate the senior citizens. The people present seemed to be real interested and understood the necessity of upgrading the treatment plant as we have been in violation a few times.

Mayor Karnes explained that we have asked for 3% interest over 20 years. If our average bill was over \$25, then it would be interest free, and if our average bill was over \$25 we would also be more likely to be able to get a grant.

Councilman at Large Dean Miller said he wasn't at the meeting but he has been receiving questions mainly why we should attach a cost of removing the 21st Street hump, which is a State Road, to a sewer bill. Mayor Karnes said in his opinion there is not a choice if it's going to be done. Another question was if it was legal to take City money to improve a state road, and Councilman West said there might be a possibility of recovering monies after it was done.

AGENDA ITEM NO. 4 - BUS. & PROFESSIONAL ASSOCIATION REPORT: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller ask the status of 21st Street, and Mayor Karnes said he didn't have a lease or contract, but inquired Thursday and the representative of Dunn Engineers is dealing directly with the Highway Department. They need more specifically what the City plans to do. In connection with this, the Bus. & Prof. Assn. would like the possibility of incorporating a tree to decorate. The Bus. & Prof. will purchase the tree and furnish decorations. Mayor Karnes said if it doesn't block visibility, he didn't see any problem. There will be a prize awarded in each Ward for the best Christmas decoration.

AGENDA ITEM NO. 5 - PAVING REPORT: - Mayor Karnes said

the paving just completed finishes the scheduled paving. He ask for a new paving list.

AGENDA ITEM NO. 6 - HEALTH INSURANCE: - Mayor Karnes yielded this agenda item to City Recorder/Treas. Herb Sibley. Recorder Sibley reported he received a telephone call from Blue Cross/Blue Shield and our rates will remain the same this coming year as it was last. He said we are covered with regard to any over-run on premium that would be forthcoming. We will continue another year with the same insurance company as we have had good experience with them.

AGENDA ITEM NO. 7 - FINANCIAL REPORT: - City Recorder/Treas Herb Sibley reported he had money in reserve to pay the balance of Communication. \$14,000 has already been paid on the heating and air conditioning system, and funds are in a savings account to pay the balance. Also, there is money set aside to pay for the garbage bags of \$21,000. He said financially we are in good shape. He reported that by using the percentage method of 5/12 of the year, we have \$280,000 over what was budgeted for revenue, and over expended \$6,300 over the estimated expenditures. Our income fluctuates considerably from quarter to quarter as the B & O Taxes are due. He anticipates that we will be able, with caution, to operate well within our budgeted amounts.

AGENDA ITEM NO. 8 - MAYOR'S REPORT: - Mayor Karnes distributed a copy of the letter received from the Director of the Community Development Division informing the Small Cities Block Grant application for \$247,000 from the 1994 program for the 31st Street improvements project was denied.

Mayor Karnes said another letter supported by a copy is a letter from Sycamore Landfill, Inc. informing of the new rate of \$45.00 per ton effective January 2, 1995, subject to review and approval of the Public Service Commission. At the present it is \$23.50 per ton.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR

HERB SIBLEY, RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

DECEMBER 20, 1994

Mayor Karnes declared a quorum and called the Council Meeting to order in Council Chambers at 7:30 p.m. Present were Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman Robert Young, Councilman George Atkins and Councilman Frank Grover, Jr. Absent were Herb Sibley, Recorder/Treasurer, Councilman at Large Jim Hutchinson, Councilwoman Betty Jo Boggess and City Attorney Phillip D. Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 6, 1994 COUNCIL MEETING MINUTES: - COUNCILMAN AT LARGE DEAN MILLER MOVED TO APPROVE THE COUNCIL MEETING MINUTES OF DECEMBER 6, 1994 AS WRITTEN. MOTION WAS SECONDED, VOTE TAKEN AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 2 - POST OFFICE NUMBERING: - Mayor Karnes yielded the floor to the Acting Carrier Supervisor from the Nitro Post Office, Todd Gross. Mr. Gross pointed out they have problems with delivery, for example, an address of Smith and Washington Streets, it goes 2, 4, 6B, 6B, and then 10. Also, 1, 1A, etc. He said they have problems such as this all over the City. He explained this would create a problem because sorting mail will be done by computers. He said the Post Office wants to assist in numbering new houses and buildings. House numbers should be assigned prior to the beginning of construction. Mayor Karnes said he thought the Building Department is already doing this, and will follow-up just to be sure.

AGENDA ITEM NO. 3 - BID COMMITTEE REPORT: - Mayor Karnes yielded this agenda item to Councilman at Large Dean Miller. Councilman Miller said they spoke with the representatives of the three companies bidding on the telephone system. He said he suggested bids be kept in the Committee and a decision be made shortly after the first of the year. Mayor Karnes said Councilman Miller is putting together different aspects of each of the bidders. He said Lloyd's is supplying everything in communications except the phones, and he should be finished by the later part of February, 1995.

AGENDA ITEM NO. 4 - BUSINESS & PROFESSIONAL REPORT: - Mayor Karnes yielded this agenda item to Councilman at Large Dean Miller. Councilman Miller attended the Council Meeting, and did not attend the Business Professional Meeting. The 21 days of Christmas is going well.

AGENDA ITEM NO. 5 - MAYOR'S REPORT: - Mayor Karnes talked a little about the City dinner at the Moose, and said there were around 180 present over 12 years old. There were over 50 children under 12 present. Also, in attendance was the show choir from Nitro High School presenting us with fine entertainment.

Mayor Karnes said we have to do something about the 31st Street Bridge. He informed that he had the State looking at it, and they would give us some help, but he didn't know how much. He said he asked Bob Sergent to lead on this. Mayor Karnes said he feels we will have to close the bridge until we get one in there. He said he didn't feel it was all that safe and it has been there too many years. If we must close the bridge, even during the course of construction, we will need to change 3rd Avenue to two-ways. He said Dunn Engineers did an estimate on it at one time, and it would run about \$108,000 at the time. He said what they have looked at is less than that because of the style, and if we do it similar to 21st Street it would be around \$110,000. He mentioned if we used a certain type pipe that is installed and then cement is poured over it, it would be cheaper and does a good job. This might be what Bob Sergent will suggest.

Councilman at Large Dean Miller said with regard to the hump on 21st Street, he thought we should attend the Town Meetings the Four Horsemen are having, and we should scream and yell about why the State Road doesn't take care of this problem. Mayor Karnes said he has attended several of their meetings. Councilman Grover said we should start there, but don't stop there. Discussion continued.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR

HERB SIBLEY, RECORDER

CITY OF NITRO COUNCIL MEETING MINUTES

JANUARY 03, 1995

Mayor Karnes declared a quorum and called the Council Meeting to order in Council Chambers at 7:30 p.m. Present were Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman Jim Hutchinson, Councilwoman Betty Jo Boggess and Councilman George Atkins. Absent were City Recorder/Treasurer Herb Sibley, Councilman Robert Young and Councilman Frank Grover, Jr. Also, absent was the City Attorney Phillip D. Gaujot.

Mayor Karnes asked Councilman at Large Dean Miller to open the meeting with a prayer on behalf of the Gibson family due to the death of Corky.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 20, 1994 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE STEVE WEST MOVED THE MINUTES BE APPROVED WITH THE FOLLOWING AMENDMENT: UNDER AGENDA ITEM NO. 3, DELETE, " HE SAID LLOYD'S IS SUPPLYING EVERYTHING IN COMMUNICATIONS EXCEPT THE PHONES, AND HE SHOULD BE FINISHED BY THE LATER PART OF FEBRUARY, 1995", AND REPLACE WITH "THE COMMITTEE MET DECEMBER 6, ACCEPTED THE BID BY LLOYDS ELECTRONICS OF \$28,330 FOR ELECTRONIC EQUIPMENT NECESSARY FOR THE POLICE DEPARTMENT MOVE. THEIR WORK IS SCHEDULED TO BE COMPLETED BY LATE FEBRUARY". MOTION WAS SECONDED, VOTE WAS TAKEN AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 2 - SOLID WASTE AGREEMENT: Mayor Karnes furnished each member with a copy of "Memorandum of Agreement" an agreement between Midatlantic Energy Company and the City. COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THIS AGREEMENT, THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. 3 - NITRO DEVELOPMENT AUTHORITY APPOINTMENTS: Mayor Karnes stated every year four members of the NDA term expires. Mayor Karnes recommendations are, Guy Cassell of 223 Brookhaven Dr. former member of City Council, Rev. Harold White, Pastor of Poca Baptist Church, Diana Painter 203 Broadway Avenue, experience in the Governor's Office, Economical Development and more recently Regional Intergovernmental Council working with grants for municipalities and Don Karnes, Mayor of City of Nitro. COUNCILMAN GEORGE ATKINS MOVED TO APPROVE THE APPOINTMENTS TO THE NDA FOR THREE YEAR TERMS, MR. GUY CASSELL, DIANA PAINTER, MAYOR KARNES AND REV. HAROLD WHITE TO FILL THE UNEXPIRED TERM OF ROBERT WHITE, PRESIDENT, TERM ENDING 11/06/96, WHO RESIGNED EFFECTIVE 12/31/94. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 4 - BUS.& PROF. REPORT: Vernon Mills commented the 21 days of Christmas was a huge success again this year.

AGENDA ITEM NO. 5 - FIREMEN'S EST. EXPENDITURE 1995 BUDGET: Mayor Karnes asked Council to make the 1995 Firemen's Budget a part of the Council minutes. COUNCILMAN AT LARGE DEAN MILLER MOVED TO ACCEPT THE FIREMEN'S EST. EXPENDITURE 1995 BUDGET AS PART OF THE COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. Copy attached.

AGENDA ITEM NO. 6 - MAYOR'S REPORT: Mayor Karnes said he has asked Dunn Engineers to look at the bridge at 31st Street and recommend exactly what is needed there. The City will have to come up with the funds to replace this bridge. An estimate to do a similar job was \$110,000. We are looking at a different design and structure of the bridge, with an estimated cost of approximately \$70,000. Mayor Karnes said he should have actual facts and figures for the next meeting.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR

HERBERT SIBLEY, RECORDER

NITRO FIREMEN'S PENSION & RELIEF FUND

ESTIMATED EXPENDITURE BUDGET

1995

RETIREMENT BENEFITS:	\$ 83,326.56
SECRETARY	480.00
MISCELLANEOUS	<u>2,000.00</u>
TOTAL:	\$ 85,806.56

MEMORANDUM OF AGREEMENT

This MEMORANDUM OF AGREEMENT entered into as of this ____ day of _____, 1994, between MIDATLANTIC ENERGY COMPANY, INC., a West Virginia corporation ("MAE") and THE CITY OF _____, a West Virginia municipal corporation (the "City");

WHEREAS, MAE is the developer of projects utilizing advance techniques in the reformation of municipal solid waste (the "Waste") involving the conversion of the hydrocarbons in such Waste into gases materials (the "Product") which is to be sold to third parties;

WHEREAS, City is required to dispose of its Waste and seeks to have reliable, long-term, environmentally benign means of disposing of such Waste;

WHEREAS, MAE needs a long-term commitment from the City in order to develop and finance a Project for the reformation of such Waste (the "Project");

WHEREAS, the City and other proximate municipalities in West Virginia (the "Municipal Group") have applied for grants to aid in developing the Project;

WHEREAS, any grants received by the Municipal Group will provide direct cost reduction to the City and other members of the Municipal Group for the disposal of its Wastes;

NOW, THEREFORE, the parties agree as follows:

Section 1. Joint Undertakings. The City and MAE agree to work jointly to:

(a) Secure all permits of an environmental and other nature to aid in the expeditious development of the Project.

(b) Secure a site which is readily accessible to City that can be permitted without environmental disturbance and can provide an economically feasible location for the transportation of the Product.

(c) Secure grants for the Municipal Group in order to secure the best long-term cost to the City for the participation in the Project.

Section 2. MAE Undertakings. MAE agrees, with respect to the Project, to be responsible for:

(a) Developing initial physical plans and schematic designs for the Project.

(b) Preparing an initial estimate of construction costs, other development costs and operating expenses for the Project based on such plans and designs.

(c) Preparing an analysis of the market for the Product, which shall include an evaluation of the prospects for obtaining contracts at rates consistent with the overall economic structure of the Project.

(d) Negotiating an engineering, procurement and construction contract ("EPC") or separate agreements with an engineer and general contractor for the design and construction of the Project.

(e) Negotiating operating and maintenance agreements, and other agreements which are deemed essential to the viability of the Project.

(f) Preparing a milestone schedule reflecting the legal, financial and other aspects of the Project.

(g) Identifying appropriate contractors, engineers, other professional consultants and a Project lender.

(h) Causing the final plans and specifications for the Project to be prepared by the engineer.

(i) Negotiating the construction financing and the related loan documentation.

(j) Negotiating any long-term financing and the related loan documentation.

(k) Negotiating any acquisition arrangements for the site of the Project and related facilities, including transmission facilities.

(l) Applying for and obtaining, or causing to be obtained, from all governmental agencies having jurisdiction, all permits, licenses and approvals required for the development and construction of the Project (hereinafter referred to as the "Permits") or firm assurances or commitments to issue the Permits.

(m) Completing any additional items necessary to ready the Project for construction.

(n) Preparing a pre-construction budget (hereinafter referred to as the "Development Budget") of all costs associated with the development of the Project to be incurred prior to the Closing, and preparing a budget (hereinafter referred to as the "Capital Budget") of construction costs, other development costs and operating expenses, each such budget to be accompanied by

breakdown as among fees payable and reimbursable costs and direct costs of the Project.

(o) Applying for and obtaining, or causing to be obtained, from all appropriate governmental agencies having jurisdiction, such further Permits as may be required for the development, construction and operation of the Project.

(p) Keeping in full force and effect, and complying with, all requirements and conditions respecting the Project contained in the loan documents including, without limitation, the time and completion requirements established therein.

(q) Negotiating for the acquisition of additional Waste from other members of the Municipal Group (on terms no more favorable than the terms hereof) and from private parties pursuant to the needs of the Project.

(r) Developing, preparing, and negotiating the EPC or separate contracts for the engineering and construction of the Project.

(s) Providing engineering support as necessary to support negotiation of the power sales contract and applications for all permits, licenses, and rights-of-ways.

(t) Developing, preparing and negotiating an operation and maintenance contract.

(u) Supervising, administering, and coordinating the performance of all work done on the Project including work done by the engineer and the contractor so as to ensure their compliance with all terms and conditions of all contracts relating to the Project including the EPC, or alternatively, a contract with the engineer and the construction contract as well as the plans and specifications for the Project prepared by the engineer and approved by the Project lender as the same from time to time may be modified or amended (hereinafter referred to as the "Plans and Specifications").

(v) Causing the Project to be constructed with all due diligence in accordance with the Plans and Specifications and in compliance with the terms and conditions of the engineer's agreement, the construction contract, and the loan documents relating thereto.

(w) Examining the contents of all applications for payments submitted by the engineer and the contractor and any other contractors engaged on the Project, verifying the contents of such applications, and preparing or causing to be prepared all certificates and other documents required by the loan documents to fulfill conditions precedent to each disbursement of the Loan.

(x) Approving modifications, clarifications or change orders necessary or desirable under the construction contract and any other contracts pertaining to the Project.

(y) Witnessing where appropriate, field tests and equipment performance tests and observing the start up and check out of major and specialized systems relating to the Project, such as, but not limited to generation, waste handling and transmission.

(z) Observing the safety and maintenance of the Project, including stored materials, and taking appropriate action if the contractor or any other responsible party fails to keep same in an efficient, clean and safe condition.

(aa) Ensuring that all warranties on equipment are provided in accordance with the requirements of applicable contract documents.

(bb) Taking appropriate action if a situation arises during the construction which in MAE's view requires the work be rejected.

Section 3. City Undertakings. The City agrees to:

(a) Work cooperatively with MAE on all phases of the development of the Project at the request of MAE, provided, however, that the City shall not be obligated to incur any costs pursuant hereto which are not reimbursable from the proceeds of any financing.

(b) Provide delivery of Waste to the Project site with the qualities and quantities described on Exhibit A to this Memorandum.

(c) Pay a tipping fee of \$_____ per ton based upon the formula set forth on Exhibit B hereto.

(d) Deliver the minimum tonnage set forth above for a period of not less than 20 years and for such greater period as the Project accepts such Waste.

Section 4. Miscellaneous. The following miscellaneous provisions shall apply to this Memorandum:

(a) This agreement and all future agreements between the parties relating to the subject matter hereof shall be assignable to an affiliate of MAE.

(b) It is mutually understood that while this Memorandum of Agreement is valid and binding upon the parties, the parties acknowledge that this Memorandum does not cover all matters which are required to be included in definitive documents for

purposes of financing the Project, and may be superseded by mutually acceptable definitive documents.

(c) This Agreement is governed by the laws of the State of West Virginia.

IN WITNESS WHEREOF, the parties have executed its Agreement in duplicate original copies as of the day and year first above written.

MIDATLANTIC ENERGY COMPANY, INC.

By: _____

Its: _____

THE CITY OF NITRO,
WEST VIRGINIA

By: Don Karns

Its: MAYOR

ABB06FD1

CITY OF NITRO COUNCIL MEETING MINUTES

JANUARY 17, 1995

Mayor Karnes declared a 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 Steve West, Councilman at Large Jim Hutchinson, Councilman at Large Dean Miller, Councilman Robert Young, Councilman George Atkins, Councilman Frank Grover, Jr., and Councilwoman Betty Boggess. Also present was City Attorney, Phillip Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 03, 1995 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - FIRST READING SANITARY BOARD ORD. ESTABLISHING RATES & CHARGES: Mayor Karnes yielded the floor to Connie Stephens, General Manager of the Sanitary Bd to update Council on the upgrading of the Sewer Plant. Ms. Stephens said the Sanitary Board was asking for a 21 percent increase to cover upgrading of sewer lines and the treatment plant. The first reading tonight, then a public hearing, then a second reading. The current minimum rate is \$9.24 and the average is \$15.66. The 21 percent increase will take the minimum to \$11.18 and the average to \$18.95. Rates shown in the ordinance reflect the 21 percent increase.

COUNCILMAN ROBERT YOUNG MOVED THAT MAYOR KARNES READ TITLE ONLY OF THE SANITARY SEWER UPGRADE ORD. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. ORD.95- AN 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.

COUNCILMAN AT LARGE STEVE WEST MOVED TO ADOPT ORDINANCE 95- ON FIRST READING. THE MOTION WAS SECONDED. A discussion followed. City Attorney reminded Council the public hearing must be advertised in the paper two consecutive weeks and have hearing not less than 10 days from the first reading. Mayor Karnes invited all persons having objections or interested parties to attend the public hearing THE VOTE WAS UNANIMOUS. (Copy attached)

AGENDA ITEM NO. 3 - LANDFILL TIPPING FEES: Mayor Karnes yielded the floor to City Recorder/Treasurer Herb Sibley. Mr. Sibley said the City has been paying \$23.50 per/ton and now the rate has jumped to \$40.35 as of January 2, 1995. An increase of an estimated \$40,000 for the remainder of the fiscal year and additional \$80,000 for next year. Mr. Sibley stated we do not have money to cover the balance of this

fiscal year.

Councilman at Large Dean Miller said he feels the City should be charging for pickup of mattresses, old appliances and furniture. Councilman at Large Miller states a fee should be charged. City Recorder/Treasurer Herb Sibley reminded Council someone would have to bill and collect. This could be a problem, since someone would have to be responsible for determining how much and to whom charged. There are many questions to be resolved. Mayor Karnes said the City may have to begin charging extra for picking up old appliances and furniture. Mayor Karnes said, on one end we want to reduce our tonnage and on the other, charge for some things we haven't in the past. Also, he said we are approximately 800 to 1000 tons a year above the national average per population, that's around \$40,000/year. Council also discussed beginning a recycling program. This issue was put in committee, along with Public Works Director, Gene Williams to establish commercial rates and the committee will meet next Tuesday, at 6:30 January 24th in the conference room at City Hall and bring back recommendations for the next council meeting February 7th.

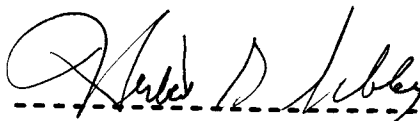
AGENDA ITEM NO. 4 - BUSINESS & PROF.GRP REPORT: Mayor Karnes yielded the floor to Vernon Mills. Mr. Mills said not much had been done so far this year. The new committees were appointed for the coming year. Also Mr. Mills stated they needed calendars for the packets for the newcomers in the City. Mr. Mills said there had been some discussion on restoring the Nitro bungalow, located at Library parking lot.

AGENDA ITEM NO. 5 - DELINQUENCY WRITE OFF: Mayor Karnes yielded the floor to City Recorder/Treasurer Herb Sibley. Mr. Sibley said the Nitro Sanitary Board sent a listing of bills for write-off approval. The amount of delinquency is \$12,941.30. Municipal Service total is \$5,600.68. Counselor Gaujot recommended this matter be sent back to the Sanitary Board for more information on what has been done regarding collection.

There being no further business the meeting was adjourned.



DON KARNES, MAYOR



HERB SIBLEY, REC/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	4.62 per 1,000 gallons
Next	3,000 gallons used per month	3.88 per 1,000 gallons
Next	25,000 gallons used per month	3.01 per 1,000 gallons
Next	70,000 gallons used per month	2.71 per 1,000 gallons
Next	100,000 gallons used per month	2.13 per 1,000 gallons
All Over	200,000 gallons used per month	1.60 per 1,000 gallons

Minimum Rate: No bill will be rendered for less than \$11.18 per month.

Residential Flat Rate: Each unmetered residential customer shall be charged a flat rate of \$18.95 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 fee is applicable when the Sanitary Board requests that a customer's water service be disconnected for non-payment of the sewer bill, whether or not such service is actually disconnect.

The above reconnect fee is applicable when a customer's water service is disconnected for non-payment of the sewer bill, and such service is thereafter reconnected.

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 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. Any industrial customer served pursuant to a specific sewer service agreement, shall be charged as provided in such agreement.

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

Passed on first reading
Public hearing held
Enacted on second reading
Effective date

January 17, 1995.

Feb 7, 1995. 7:00 PM
Feb 7 1995

Don Keene
Mayor

Attest:

Heidi D. Sibley
City Recorder

CITY OF NITRO COUNCIL MEETING MINUTES

FEBRUARY 07, 1995

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p. m. in the Council Chambers. Other members present were City Recorder/Treasurer Herb Sibley, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman George Atkins, and Councilman Frank Grover, Jr. Also present was City Attorney Phillip Gaujot. Absent were Councilman at Large Steve West, Councilwoman Betty Boggess and Councilman Robert Young.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 17, 1995 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE DEAN MILLER MOVED TO APPROVE THE COUNCIL MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - APPROVAL OF SPECIAL COMMITTEE MINUTES (PHONE SYSTEM): COUNCILMAN AT LARGE DEAN MILLER MOVED TO MAKE THE COMMITTEE MINUTES A PART OF THE FEBRUARY 07, 1995 COUNCIL MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (Copy attached)

Without objection, since Counsel has not arrived at the meeting Mayor Karnes moved to agenda item number 4.

AGENDA ITEM NO. 4 - INSURANCE: Mayor Karnes yielded the floor to City Recorder/Treasurer Herb Sibley. Mr. Sibley stated he met with a Representative Agent from Blue Cross, Blue Shield regarding health insurance. Although the City has a contract with Blue Cross/BS with a contingency premium, with a reduction of 10 percent or, up to an increase of not more then 10 percent, depending on the claims experience during the year. The Agent said there is a possibility of another 10 or 15 percent adjustment. Recorder/Treasurer said with Council's approval he will go ahead with investigating and researching of this plan and make recommendations at the next Council Meeting. COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE CITY RECORDER/TREASURER HERB SIBLEY'S REQUEST TO INVESTIGATE THE OPTIONS OF THE INSURANCE PLAN IN ORDER TO ATTEMPT TO GET A REDUCTION IN PREMIUM. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 3 - ORDINANCE 95-01: Mayor Karnes yielded the floor to City Attorney Phillip Gaujot and asked him to explain the ordinance. Counselor Gaujot said, whenever the City abandons, disposes or sells property it must be done by ordinance. It must have two readings, because of the type ordinance it is, there must be a public hearing. This is a petition to have a portion of Ivy Street conveyed to Mr. & Mrs. Carl Winter in order to square up their property line.

COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO READ TITLE ONLY OF THE REFERENCED ORDINANCE. MOTION WAS SECONDED, A VOTE WAS TAKEN AND IT WAS UNANIMOUS. Mayor Karnes read title only of Ordinance 95-01 an ORDINANCE TO ABANDON CERTAIN PORTION OF IVY STREET SITUATE ADJACENT TO PROPERTY OWNED BY CARL E. WINTER AND MINNIE K. WINTER IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, AND TO DEED A PORTION OF IVY STREET TO CARL E. WINTER AND MINNIE K. WINTER.

COUNCILMAN GEORGE ATKINS MOVED TO APPROVE THE FIRST READING OF ORDINANCE 95-01. THE MOTION WAS SECONDED AND THE VOTE WAS UNANIMOUS. (Copy attached)

Mayor Karnes yielded the floor to City Attorney Phillip Gaujot. Counselor Gaujot said he has news that may bring a conclusion to Carriage Way. On the 31st of January, Judge Berger ruled in favor of the City in the case of Carriage Way Homeowners verses City of Nitro. We do have a copy of the Judgement. The basis of the finding is, the City never took the streets in the system and questioned whether the people of Carriage Way even have the right to ask the City to do this since Mr. Volpe retained ownership of the streets. The bottom line is the City is not obligated to take these streets. Counselor Gaujot stated he has always recommended that the homeowners repair their own streets and there is a method for doing this. Once they bring the street up, then the City could take these streets in the system. My advice to the City, unfortunately is, not to do anything to maintain the streets, because once you do, that will indicate you are taking ownership. A discussion followed.

CITY RECORDER/TREASURER HERB SIBLEY MOVED TO MAKE THE CARRIAGE WAY JUDGEMENT A PART OF THE FEBRUARY 7, 1995 COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (Copy attached)

AGENDA ITEM NO. 5 - REFUGE COLLECTION: Mayor Karnes stated that the Municipal Waste Committee met. Chairwoman, Betty Boggess ask for input and ideas on how to curb our landfill cost. After a lengthy discussion with different ideas thrown out, it was decided to ask the City Counselor Phillip Gaujot to join with the Mayor to draft an ordinance that would include councils thoughts that had been discussed during the meeting. Councilman Grover stated there were two representatives present to discuss different methods of recycling. Both offered good examples of recycling. Another meeting has not been scheduled at this time. City Recorder/Treasurer Herb Sibley stated the increased cost for the landfill for the first 25 days of the January is \$4594.94.

AGENDA ITEM NO. 6 - BUSINESS & PROFESSIONAL GRP: Mayor Karnes yielded the floor to Councilman at Large Dean Miller, spokesman for the group. Mr. Miller said the group met this

morning and the main issue discussed was the old Nitro House that was to be restored. He said he along with several others had received many complaints. A meeting is scheduled in the morning (2/8/95) at 9:00 in Mayor's conference room and all Council is invited to attend this meeting to discuss this matter. A discussion followed this agenda item.

Mayor Karnes invited someone from the Business & Professional Group to attend the meeting of the NDA at 9:00 a.m. at the Community Center, February 21, 1995.

AGENDA ITEM NO. 7 - MAYOR'S REPORT: Mayor Karnes stated we are short of a fireman in the department and we need to hire a temporary fireman. Counselor Gaujot said he will check the code to advise how legally to handle this matter.

Mayor Karnes announced and invited Council to attend a Public Hearing regarding the upgrading of the Sanitary Board February 14th at 7:00 p.m. at the Community Center.

Mayor Karnes furnished Council with a list of the Nitro Development Authority Board membership. February 1st new officers were elected. Mayor Karnes was elected president, Chuck Boggs, Vice President, Preston Russell, Treasurer and Diana Painter Secretary.

Mayor Karnes yielded the floor to Chief Blankenship. Chief Blankenship stated Bob Wise's office called and said the City had been awarded a grant of \$56,025 from the Crime Bill. Mayor Karnes said the purpose of the grant is to pay a probationary officers wages for three years.

There being no further business the meeting was adjourned.

Don Karnes

DON KARNES, MAYOR

HERB SIBLEY, RECORDER/TREAS

JANUARY 24, 1995

MINUTES OF SPECIAL COMMITTEE

A MEETING OF THE SPECIAL COMMITTEE TO CONSIDER THE PURCHASE OF A NEW TELEPHONE SYSTEM FOR THE CITY WAS HELD AT 6:30 IN THE CITY HALL JANUARY 17, 1995.

PRESENT WAS MAYOR DON KARNES, RECORDER HERB SIBLEY, MR. PHILIP GUAJOT, LEGAL COUNCIL AS WELL AS ALL THE COUNCIL PERSONS.

ALL THE BIDS WERE REVIEWED. BIDS WERE RECEIVED FROM AT&T FOR \$13,609.28, ACCESS SYSTEMS FOR \$11,080.00 AND CHALLENGE COMMUNICATIONS FOR \$12,000.00 ALSO INCLUDED WERE QUOTES FOR MAINTENANCE CONTRACTS, LEASE AGREEMENTS, ETC.

THE BIDS WERE DISCUSSED BY ALL PRESENT. THE GREATEST DISCUSSION CENTERED AROUND BEING ABLE TO MAINTAIN THE EQUIPMENT ONCE IT HAS BEEN INSTALLED. THE GENERAL AGREEMENT BY ALL PRESENT WAS THAT AT&T PERHAPS COULD PROVIDE THE NECESSARY MAINTENANCE AND THIS WAS AN UNKNOWN BY THE OF THE OTHER TWO BIDDERS. THEREFORE THE COMMITTEE RECOMMENDS THAT THE CITY OF NITRO WOULD BE BETTER SERVED BY ACCEPTING THE BID OF AT&T.



HOMER DEAN MILLER
CHAIRMAN

ORDINANCE TO ABANDON CERTAIN PORTION
OF IVY STREET SITUATE ADJACENT TO
PROPERTY OWNED BY CARL E. WINTER
AND MINNIE K. WINTER IN THE CITY
OF NITRO, KANAWHA COUNTY, WEST VIRGINIA,
AND TO DEED A PORTION OF IVY STREET TO
CARL E. WINTER AND MINNIE K. WINTER

WHEREAS, Ivy Street is shown on certain plat of the City of Nitro, however, said Ivy Street has never been opened to public use and in fact does not exist as a street; and

WHEREAS, abutting property owners to Ivy Street are Carl E. Winter and Minnie K. Winter; and

WHEREAS, a request has been made to abandon a portion of Ivy Street by Carl E. Winter and Minnie K. Winter; and

WHEREAS, on June 30, 1994, the Planning Commission, for the City of Nitro, approved the request to abandon a portion of Ivy Street; and

WHEREAS, on July 5, 1994, at a regularly called City Council meeting, the City of Nitro, by its council, moved to abandon a portion of Ivy Street and close that portion to public use and to convey a portion of Ivy Street to Carl E. Winter and Minnie K Winter; and

WHEREAS, Notice of Abandonment was published in a newspaper of general circulation in the City of Nitro for one week commencing on the _____ day of _____, 1994, and ending on the _____ day of _____, 1994; and

WHEREAS, a public hearing was held on September 6, 1994, for the purpose of discussing the abandonment of a portion of Ivy Street and conveying a portion of Ivy Street to Carl E. Winter and

Minnie K. Winter, at which public hearing no one appeared and/or objected.

NOW THEREFORE, be it Ordained by the Council of the City of Nitro, West Virginia, that a portion of Ivy Street, situate in the City of Nitro, Kanawha County, West Virginia, more particularly bound and described as follows:

BEGINNING at a point, in the right-of-way line of Penn-Central Railroad, 33' from the center of said right-of-way, said point being the corner between Ivy Street and Lot No. 13, Block I of the revised map of East Crawford City; Thence S. 23 degrees 44'E. 14 feet to a point; Thence S. 22 degrees 20'W. to the southeast corner of said Lot 13; thence N. 29 degrees 36'E. to the beginning.

is hereby abandoned and the Mayor is hereby authorized to sign an appropriate deed conveying said portion of Ivy Street to Carl E. Winter and Minnie K. Winter.

PASSED ON FIRST READING: _____

ADOPTED ON SECOND READING: _____

Don Karnes
Mayor, City of Nitro

City Recorder, City of Nitro

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

CARRIAGE WAY HOMEOWNER'S
ASSOCIATION,

Plaintiff,

v.

CIVIL ACTION NO. 93-C-353

CITY OF NITRO, WEST VIRGINIA,

Defendant.

JUDGMENT ORDER

Pending before the Court are the cross-motions for summary judgment filed by the parties with regard to the issue of ownership of the streets within the Colonial Meadows subdivision in Nitro, West Virginia.

The issue has been briefed by both the plaintiff and defendant, and the parties have stipulated that the existing record in this case, as well as the oral argument presented to this Court on September 22, 1994, provide an adequate factual basis for the resolution of this issue.

And the Court, having requested and received proposed Orders including findings of fact and conclusions of law, and having maturely considered the pleadings and matters of record, FINDS, CONCLUDES and ORDERS as follows:

Findings of Fact

1. The Carriage Way/Colonial Meadows subdivision was developed in the early 1970's by Colonial Meadows, Ltd., a West Virginia corporation.

2. Included in the development of the subdivision was the construction of private streets allowing access throughout the subdivision.

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95 MAR 31 AM 11:30
CLERK OF COURT
KANAWHA COUNTY
NITRO, WEST VIRGINIA

3. The original developer of the subdivision, Robert Volpi and/or Colonial Meadows, Ltd., Inc., retained ownership of the streets within the subdivision.

4. Colonial Meadows no longer exists as a legal entity, having been dissolved in 1989 after filing bankruptcy. It is unknown whether the ownership of the subject streets was addressed in the bankruptcy petition.

5. The streets located in the Carriage Way subdivision do not provide a thoroughfare to and from the public streets in Nitro; rather, they are dead-end streets affording access only to the homes located within the subdivision.

6. In February, 1983, the land area comprising the subdivision was annexed into and made a part of the City of Nitro, West Virginia, pursuant to a general Annexation Order adopted by the Nitro City Council and the County Commission of Kanawha County, West Virginia.

7. The residents of the subdivision intended that the streets located within the subdivision remain private both before and after the annexation, as evidenced by certain written requests of the subdivision landowners.

8. Since the annexation, the City of Nitro has provided the residents of the subdivision with standard municipal services funded by their tax dollars including water, garbage and sewer service, fire and police protection, traffic regulation and snow removal.

9. The City of Nitro has not expended any funds for the maintenance and upkeep of the streets located within the

subdivision, and has routinely rejected requests of the subdivision landowners to do so.

10. Maintenance of streets requires special approval by the City of Nitro, and the City of Nitro has not provided approval for the maintenance of the streets located in the subdivision.

11. The only public use of the streets within the Carriage Way Subdivision is incidental to the provision of municipal services provided to all residents of the City of Nitro.

12. Several streets in the subdivision show evidence of deterioration, and a portion of Plantation Drive has slipped over the hillside and has been rendered impassable since at least August, 1991.

13. The landowners in the subdivision have offered to dedicate the streets to Nitro.

14. The City Council of Nitro had declined the landowners' offer to dedicate the streets of the subdivision to the City of Nitro.

15. Since the late 1970's, neither Colonial Meadows, Ltd., nor any creditors of the corporation, nor the corporation's shareholders, nor any related or subsidiary corporation of shareholders, has made any claim against the streets in the subdivision, nor has the City of Nitro expended any funds on their upkeep and maintenance or in any manner exercised any dominion or control over the subject streets.

Conclusions of Law

1. A public road or highway may be established in one of three ways: (1) by condemnation; (2) by continuous and adverse

use by the public for ten years, coupled with official recognition of such road by a public authority; or (3) by an offer of dedication by the owner and acceptance thereof by the proper public authority. Cramer v. W.Va. Dept. of Highways, 375 S.E.2d 568, 570 (W.Va. 1988).

2. The plaintiff, the Carriage Way Homeowner's Association, carries the burden of proof in establishing that the streets within the Carriage Way Subdivision have become public roads by clear and convincing evidence. Id. at 571.

3. Conversion of a privately owned street to a public street by dedication and acceptance must be evidenced by deliberate and unmistakable acts and overt conduct on the part of the proper authorities. Rose v. Fisher, 42 S.E.2d 249 (W.Va. 1947); Riddle v. Dept. of Highways, 279 S.E.2d 10, 13 (W.Va. 1971).

4. Overt action on the part of the proper authorities requires both (1) maintenance of the actual roadway surfaces, and (2) public use. Rose, 42 S.E.2d at 253; Bauer Enterprises, Inc. v. City of Elkins, 317 S.E.2d 798 (W.Va. 1984); City of Point Pleasant v. Caldwell, 87 W.Va. 277, 104 S.E. 610 (1920); Reger v. Wiest, 310 S.E.2d 499 (1983); Wilson v. Seminole Coal, Inc., 336 S.E.2d 30 (W.Va. 1985).

5. Public use requires use by the public in general, rather than use by only the landowners within the area where the streets are situated. Reger v. Wiest, 310 S.E.2d 499 (W.Va. 1983). The streets located within the Carriage Way subdivision are dead-end streets which do not provide a thoroughfare for residents of the City of Nitro to other parts of the city. Rather, the access

provided by the streets in Carriage Way Subdivision is ingress and egress for the abutting landowners, with only incidental public use by the City when providing standard municipal services to the residents of the subdivision.

6. Actual, exclusive, hostile, continuous, open and notorious use of the streets in the subdivision by the abutting landowners, together with a claim of title, has occurred for a period of ten years as against the present owners of the streets in the subdivision, but not as against the City of Nitro.

7. The streets located with Colonial Meadows/Carriage Way Subdivision have not been converted to public roads by virtue of common law acceptance and dedication, adverse possession, or by virtue of West Virginia Code Section 17-10-17.

8. That by virtue of the law of adverse possession, the private ownership of the streets of the Carriage Way Subdivision has passed to the plaintiff, the Carriage Way Homeowners Association, as against the true owner, Robert Volpi, Colonial Meadows, Ltd., Inc. or whoever the true owner may have been.

9. The streets located within the Carriage Way/Colonial Meadows subdivisions have, through adverse possession, become the common property of the plaintiff, Carriage Way Homeowners Association, effective as of the date of entry of this Order.

Based on the foregoing, it is hereby ORDERED:

1. That the plaintiff owns and is responsible for the maintenance and repair of the streets of the subdivision.

2. That the defendant, the City of Nitro, does not own and is not legally responsible for the maintenance and repair of said streets.

3. That JUDGMENT be, and hereby is, rendered for defendant, City of Nitro, West Virginia, with each party to bear its own costs, attorneys fees and expenses of litigation.

4. This matter is DISMISSED, with prejudice, and retired from this Court's active docket.

The Clerk is hereby directed to send certified copies of this JUDGMENT ORDER to counsel of record within 10 days of entry.

So Ordered. *The Court reserves the objection and exception of the Plaintiff*
Entered this 31st day of January, 1995. (JCS)

Irene C. Berger
HONORABLE IRENE BERGER, JUDGE
CIRCUIT COURT OF KANAWHA COUNTY

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS.
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY AND
IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE
COPY FROM THE RECORDS OF SAID COURT.
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 1
DAY OF February 1995
Cathy S. Gatson 26, CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

CITY OF NITRO COUNCIL MEETING MINUTES

FEBRUARY 21, 1995

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. in the Council Chambers. Others present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Steve West, Councilman at Large James Hutchinson, Councilman George Atkins, Councilman Frank Grover, Jr., and Councilwomen Betty Boggess. Absent were Councilman at Large Dean Miller and Councilman Robert Young.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 7, 1995 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JAMES HUTCHINSON MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND PASSED WITH COUNCILMAN AT LARGE STEVE WEST ABSTAINING.

AGENDA ITEM NO. 2 - PUBLIC HEARING SANITARY SEWER UPGRADE: COUNCILMAN AT LARGE JAMES HUTCHINSON MOVED TO MAKE THE PUBLIC HEARING MINUTES A PART OF THE FEBRUARY 21, 1995 COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (MINUTES ATTACHED)

AGENDA ITEM NO. 3 - SECOND READING ORD. 95-02: COUNCILMAN GEORGE ATKINS MOVED THAT MAYOR KARNES READ TITLE ONLY OF ORDINANCE 95-02. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. MAYOR KARNES READ TITLE OF ORD 95-02 AN 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. COUNCILMAN AT LARGE STEVE WEST MOVED TO PASS THE ORDINANCE ON THE SECOND READING. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (ORD. 95-02 ATTACHED)

AGENDA ITEM NO. 4 - 1995/96 BUDGET: Mayor Karnes yielded the floor to Recorder/Treasurer Herb Sibley. Mr. Sibley stated the Department Heads were getting estimates of the desired budget ready and a meeting is scheduled for February 28, 1995 at 6:30 p. m. in the Mayor's conference room at City Hall. Mr. Sibley urged all council members to attend.

AGENDA ITEM NO. 5 - 31 ST. STREET BRIDGE: Mayor Karnes presented each council member with a letter from Dunn Engineers regarding the bridge at 31st Street. Mayor Karnes said, we no longer have a choice, something must be done. Dunn Engineers has recommended four alternatives for repairing the bridge. Also, he said, there is very little cost difference from one alternative to the other. Mayor Karnes requested this matter be put in special committee with Rec/Treas Herb Sibley serving as chairperson, to decide which alternative to use and the best way to pay for it. A

discussion followed.

AGENDA ITEM NO. 6 - BUS & PROFESSIONAL GRP: Mayor Karnes yielded the floor to Vernon Mills. Mr. Mills said the Professional Group discussed ways to raise money to repair the Nitro bungalow. Also he said relocation of the house was mentioned. The Group would like to restore the house as nearly as possible to the original shape. Mayor Karnes said he will have Jay Long check to see if there is a possibility of obtaining a grant for this project.

AGENDA ITEM NO. 7 - MAYOR'S REPORT: Mayor Karnes yielded the floor to Dr. Charles Byrd. Dr. Byrd said the Commission met this afternoon and interviewed Bryan Casto for the temporary position open in the Fire Department, and they agreed to this appointment. Also Dr. Byrd asked the Mayor to advertised for candidates to form an eligibility list. City Attorney reminded Council that a temporary urgent appointment could only be for three months. A discussion followed.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR

REC/TREASURER HERB SIBLEY

PUBLIC HEARING

FEBRUARY 14, 1995

The properly advertised Public Hearing was called to order by Mayor Karnes at the Nitro Community Center at 7:05 p.m. Others attending were City Recorder/Treasurer Herbert Sibley, Sanitary Board Attorney Jim Withrow, General Manager Sanitary Board, Connie Stephens, Councilman George Atkins, Sanitary Board Member, Gary Creech and Nitro Citizens John Keller and David Dean.

Mayor Karnes stated the purpose of the hearing was to get public input regarding an 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.

After a general discussion regarding an increase of 21 percent per average bill the meeting was adjourned at 7:15 p.m.

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DON KARNES, MAYOR-----
HERBERT SIBLEY, RECORDER

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	4.62 per 1,000 gallons
Next	3,000 gallons used per month	3.88 per 1,000 gallons
Next	25,000 gallons used per month	3.01 per 1,000 gallons
Next	70,000 gallons used per month	2.71 per 1,000 gallons
Next	100,000 gallons used per month	2.13 per 1,000 gallons
All Over	200,000 gallons used per month	1.60 per 1,000 gallons

Minimum Rate: No bill will be rendered for less than \$11.18 per month.

Residential Flat Rate: Each unmetered residential customer shall be charged a flat rate of \$18.95 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 fee is applicable when the Sanitary Board requests that a customer's water service be disconnected for non-payment of the sewer bill, whether or not such service is actually disconnect.

The above reconnect fee is applicable when a customer's water service is disconnected for non-payment of the sewer bill, and such service is thereafter reconnected.

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. Any industrial customer served pursuant to a specific sewer service agreement, shall be charged as provided in such agreement.

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

Passed on first reading
Public hearing held
Enacted on second reading
Effective date

January 17, 1995.
_____, 1995.

_____.



Mayor

Attest:

City Recorder

CITY OF NITRO COUNCIL MEETING MINUTES

MARCH 7, 1995

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Other members present were City Recorder/Treasurer Herb Sibley, Councilman at Large Dean Miller, Councilman at Large Steve West, Councilman at Large James Hutchinson, Councilman George Atkins, Councilman Robert Young and Councilwoman Betty Boggess. Also present City Attorney Phillip Gaujot. Absent, Councilman Frank Grover, Jr.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 21, 1995 COUNCIL MEETING MINUTES: COUNCILWOMAN BETTY BOGGESS MOVED TO APPROVE THE FEBRUARY 21, COUNCIL MEETING MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - SANITARY BOARD BUDGET: COUNCILMAN BOB YOUNG MOVED TO MAKE THE SANITARY BOARD BUDGET A PART OF THE MARCH 7, 1995 COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (copy attached)

AGENDA ITEM NO. 3 - FIREMEN'S PENSION BD MINUTES: COUNCILMAN GEORGE ATKINS MOVED TO MAKE THE FIREMEN'S PENSION BD MINUTES A PART OF THE MARCH 7, 1995 COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (copy attached)

AGENDA ITEM NO. 4 - ZONING BOARD OF APPEALS MIN: COUNCILMAN BOB YOUNG MOVED TO MAKE THE ZONING BOARD OF APPEALS MINUTES A PART OF THE MARCH 7, 1995 COUNCIL MEETING MINUTES. COUNCILMAN AT LARGE DEAN MILLER MOVED TO TABLE THE MOTION UNTIL NEXT MEETING. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (copy attached)

AGENDA ITEM NO. 5 - FINANCE COMMITTEE REPORT: Mayor Karnes yielded the floor to City Recorder/Treasurer Herb Sibley. Recorder/Treas. Sibley said the Committee resolved several matters in the first meeting and I have just received the figures for the month of February and we are still in the black. Recorder/Treas Sibley announced another meeting is scheduled Tuesday, the 14th. at 6:30 p.m. However, Monsanto has scheduled a community meeting from 6:00 p.m. to 7:00 p.m and he encouraged Council to attend that meeting and to go on with the Finance Meeting after that. He said Ralph Allison is working on the property tax reporting and we should have firm figures for the next meeting. The deadline for budget approval is the next Council Meeting which has to be sent to the State Tax Department for approval, then we lay the levy in April. Councilman at Large Dean Miller asked if the budget would be by line item. Rec./ Treas Sibley said this is the way it must be presented to the State Tax Department. A discussion followed regarding the budget proposal.

Rec/Treas. Sibley, said there will be a line item printout for the next meeting.

AGENDA ITEM NO. 6 - RIC: Mayor Karnes stated the Regional Intergovernmental Council asked municipalities to approve their funding formula and mail them certification of this action. The City of Nitro's contribution is \$1451.80. This is determined by the population of the City. COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE CONTRIBUTION TO RIC. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 7 - SECOND READING ORD. 95-01: Without objection Mayor Karnes read title only of 95-01 an ORDINANCE TO ABANDON CERTAIN PORTION OF IVY STREET SITUATE ADJACENT TO PROPERTY OWNED BY CARL E. WINTER AND MINNIE K. WINTER IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, AND TO DEED A PORTION OF IVY STREET TO CARL E. WINTER AND MINNIE K. WINTER. COUNCILMAN GEORGE ATKINS MOVED TO ADOPT ORDINANCE 95-01 ON SECOND READING. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (copy attached)

AGENDA ITEM NO. 8 - FIREMEN'S FUND RAISING: Mayor Karnes yielded the floor to Firefighter Bryan Casto. Mr. Casto presented to Council their annual picture taking fund raising event. The photographer comes in, sells coupons or asks for donations for a 10 x 13 picture. The pictures will be taken at the Community Center. He said this is their biggest fund raiser and usually brings in approximately \$4000. COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE FUND RAISING. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 9 - RESOLUTION 95-01: A RESOLUTION AUTHORIZING MAYOR DON KARNES TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE WEST VIRGINIA DEVELOPMENT OFFICE AND THE CITY OF NITRO. COUNCILMAN AT LARGE STEVE WEST MOVED TO APPROVE RESOLUTION 95-01. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (Copy Attached)

AGENDA ITEM NO. 10 - BIKE-A-THON REQUEST: Mayor Karnes stated the First Presbyterian Church in Nitro would like to sponsor a bike-a-thon to help St. Jude's Children's Research Hospital to be held Sunday May 7, 1995 from 3:00 - 500 p.m. Carmen Kostelansky is contact person. The route will be decided at a later date. COUNCILMAN AT LARGE STEVE WEST MOVED TO GRANT THE REQUEST. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 11 - BUSINESS & PROF REPORT: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller said the Hospitality Committee has completed the "welcome packages" and they will be delivered within the next two weeks by the Women's Club of Nitro. Also he said the annual Antique Car Show is scheduled in May with

some arts and crafts at the Community Center.


AGENDA ITEM NO. 12 - PLANNING COMMISSION RECOMMENDATION:

Mayor Karnes stated back in October, 1994 the Planning Commission had a public meeting regarding a request from Mr. Frank Bailey of 515 Main Avenue to abandon or sell a 5 x 102 ft. section of Fir Street running from Main Avenue to railroad property. Properly advertised in both newspapers Sept. 30 and Oct 7, 1994. After a statement from Mr. Bailey, questions from Commission Members, and a discussion period Dr. Cassell moved that the City dispose of this property of Mr. Baileys in any manner that is reasonable approximately 5 feet from where the fence now sits. The motion was seconded by Greg Patton and passed unanimously. Mayor Karnes yielded the floor to City Attorney Phillip Gaujot. Counselor Gaujot said in order to dispose of property of any nature you have to have an ordinance. There must be a Public Hearing between the first and second reading of the ordinance. All adjoining property owners must be notified. The Planning Commission's recommendation was to abandon the property in favor of Mr. Bailey. After a lengthy discussion Mayor Karnes put this matter in committee, with Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman George Atkins and Margaret Hudson to bring recommendations at the next Council Meeting.

Mayor Karnes stated he asked City Counselor to structure an Ordinance to improve our trash and garbage service. Counselor Gaujot said he had looked at ordinances that had been adopted by some of the local towns. Counselor Gaujot recommended this matter to go back to committee for some fine tuning and then brought back to Council for consideration.

AGENDA ITEM NO. 13 - MAYOR'S REPORT: Mayor Karnes announced that Friday March 10, is election day as defined by Article 11, Chapter 11-1 of WV code. City Hall will be closed, but emergency departments will be open as usual.

There being no further business, the meeting was adjourned.



 DON KARNES, MAYOR

 HERBERT SIBLEY, RECORDER

NITRO SANITARY BOARD
 ****APPROVED BUDGET****
 FISCAL YEAR: 1995\1996

ESTIMATED REVENUES \$ 1,155,000

SALARIES (NO INCREASE)	\$ 266,386
FICA	16,516
MEDICAID	3,863
RETIREMENT	25,307
HEALTH/LIFE INSURANCE	53,418
STATE UNEMPLOYMENT	366
WORKMENS COMPENSATION	9,750
OTHER EMPLOYEE EXPENSES	500

TOTAL WAGE RELATED EXPENDITURES \$ 376,105

UTILITIES	103,428
INSURANCE	35,000
SUPPLIES	16,000
MAINTENANCE & REPAIRS	125,000
VEHICLE REPAIRS & MAINTENANCE	7,000
GASOLINE	6,000
RENT	9,000
EQUIPMENT RENTAL	2,000
LEGAL SERVICES	10,000
BILLING COLLECTING & ACCOUNTING	37,000
SHOP & LAB	10,000
UTILITY TAXES	13,915
OPERATOR TRAINING	600
MISCELLANEOUS GENERAL EXPENSE	17,500

TOTAL OPERATIONS EXPENDITURES* 392,443

HUNTINGTON BANK-NITRO	36,000
STATE SINKING FUND	46,800
FARMERS HOME ADMINISTRATION	8,784

TOTAL INTEREST & DEBT SERVICE 91,584

CAPITAL EXPENDITURES
 & PREVENTATIVE MAINTENANCE 75,000

TOTAL ESTIMATED EXPENDITURES 935,132

INCREASE IN RESERVES \$ 219,868
 ANY INCREASE TO BE APPLIED TOWARD UP-COMING PROJECTS

NITRO FIREMEN'S PENSION BOARD MEETING

FEBRUARY 22, 1995

The Firemen's Pension Board Meeting was called to order by Mayor Karnes in the Conference Room at Nitro City Hall. Present were Chief Steve Hardman, Firefighters Ronnie King and Jeff Elkins. Also present were Herb Sibley, Recorder/Treasurer and Pansy Armstead, Secretary.

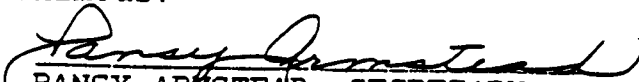
AGENDA ITEM NO. 1 - APPROVAL OF FIREMEN'S PENSION BOARD MEETING MINUTES OF JULY 21, 1994: Chief Hardman moved to approve the minutes of July 21, 1994 as written. Firefighter King seconded the meeting. A vote was taken and it was unanimous.

AGENDA ITEM NO. 2 - OLD BUSINESS: - Firefighter King questioned the service of Bank One. City Recorder/Treasurer Herb Sibley said it was great, and everything is working well. Firefighter King said he didn't understand the statement they receive. City Recorder/Treasurer Herb Sibley said they should only be most interested in the earnings. Mr. Sibley said he was concerned that with the fireman now, there must be a monthly withdrawal from the funds of \$2,500 or more and there is a short fall. Firefighter King said he thought the figure was in the actuary, but not for a person going on temporary disability seven months earlier.

AGENDA ITEM NO. 3 - NEW BUSINESS: - Firefighter King said Captain Stover has requested temporary disability and in order for him to receive it there were forms needing completed and mailed to the WV University School of Medicine in Charleston so they may start the process. Chief Hardman moved the necessary paper work be completed and submitted on James Stover. Firefighter King seconded the motion. A vote was taken and it was unanimous.

Firefighter King informed that Captain Frank Strohl resigned from the Pension Board, and the Board could appoint a Fireman to fill the unexpired term. He mentioned he hadn't discussed it with anyone at this time. There is an election in March. Chief Hardman's term expires and another meeting will be scheduled in March to count the ballots and canvass the election.

There being no further business, Chief Hardman moved the meeting adjourn. Motion seconded by Firefighter King. A vote was taken and it was unanimous.


PANSY ARMSTEAD, SECRETARY

ZONING BOARD OF APPEALS MEETING MINUTES

FEBRUARY 28, 1995

The Zoning Board of Appeals Meeting was called to order by Chairperson, Preston Russell at 7:00 p.m. Other Board Members present were, Gene Brightwell, Charles Raynes, Kenneth Hudnall and Building Official Bob Sargent.

The purpose of the meeting was to consider a variance request by Sam Hodroge to construct four (4), two (2) bedroom apartments on the 2nd level of his office. The building is currently under construction at 505 First Avenue, So. Nitro, WV. 25143.

Mayland Raynes, Herb Fitzsimmons and Donald Spears expressed their objections to the variance because, the apartments would increase additional people to gasoline vapors from the near by station, increase traffic, noise level and accidents.

The Zoning Board of Appeals reviewed all comments and after a lengthy discussion, voted to grant the variance request to permit apartments to be constructed. This variance is granted on the premise that Mr. Sam Hodroge occupy one of the apartments as his residence.

Also the Zoning Board of Appeals voted to notify the Planning Commission of a need to upgrade the commercial zones to permit apartments to be build on 2nd level of commercial building.

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

G. Preston Russell

G. Preston Russell, Chairperson

cc: Bob Sargent
Kenneth Hudnall
Charles Raynes
Gene Brightwell
Bob Kautz

REGIONAL INTERGOVERNMENTAL COUNCIL

LOCAL CONTRIBUTION SCHEDULE

<u>Member</u>	<u>Total Contribution</u>
Boone County	\$ 7,329.52
Clay County	2,347.84
Kanawha County	24,179.35
Putnam County	10,591.86
Bancroft	50.06
Belle	572.81
Buffalo	141.13
Cedar Grove	197.92
Charleston	23,982.82
Chesapeake	259.47
Clay	183.64
Clendenin	282.58
Danville	136.52
Dunbar	1,828.49
East Bank	144.61
Eleanor	259.62
Glasgow	718.40
Handley	66.80
Hurricane	1,046.60
Madison	580.18
Marmet	385.54
Nitro	1,451.80
Poca	208.75
Pratt	95.89
St. Albans	2,404.52
So. Charleston	5,333.35
Sylvester	26.62
Whitesville	103.20
Winfield	278.11
 TOTALS	 \$ 85,188.00

Approved by Full Council -- February 22, 1995

Don Kernes
Secretary

ORDINANCE TO ABANDON CERTAIN PORTION
OF IVY STREET SITUATE ADJACENT TO
PROPERTY OWNED BY CARL E. WINTER
AND MINNIE K. WINTER IN THE CITY
OF NITRO, KANAWHA COUNTY, WEST VIRGINIA,
AND TO DEED A PORTION OF IVY STREET TO
CARL E. WINTER AND MINNIE K. WINTER

WHEREAS, Ivy Street is shown on certain plat of the City of Nitro, however, said Ivy Street has never been opened to public use and in fact does not exist as a street; and

WHEREAS, abutting property owners to Ivy Street are Carl E. Winter and Minnie K. Winter; and

WHEREAS, a request has been made to abandon a portion of Ivy Street by Carl E. Winter and Minnie K. Winter; and

WHEREAS, on June 30, 1994, the Planning Commission, for the City of Nitro, approved the request to abandon a portion of Ivy Street; and

WHEREAS, on July 5, 1994, at a regularly called City Council meeting, the City of Nitro, by its council, moved to abandon a portion of Ivy Street and close that portion to public use and to convey a portion of Ivy Street to Carl E. Winter and Minnie K. Winter; and

WHEREAS, Notice of Abandonment was published in a newspaper of general circulation in the City of Nitro for one week commencing on the _____ day of _____, 1994, and ending on the _____ day of _____, 1994; and

WHEREAS, a public hearing was held on September 6, 1994, for the purpose of discussing the abandonment of a portion of Ivy

Minnie K. Winter, at which public hearing no one appeared and/or objected.

NOW THEREFORE, be it Ordained by the Council of the City of Nitro, West Virginia, that a portion of Ivy Street, situate in the City of Nitro, Kanawha County, West Virginia, more particularly bound and described as follows:

BEGINNING at a point, in the right-of-way line of Penn-Central Railroad, 33' from the center of said right-of-way, said point being the corner between Ivy Street and Lot No. 13, Block I of the revised map of East Crawford City; Thence S. 23 degrees 44'E. 14 feet to a point; Thence S. 22 degrees 20'W. to the southeast corner of said Lot 13; thence N. 29 degrees 36'E. to the beginning.

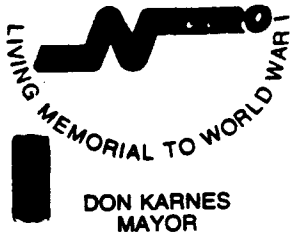
is hereby abandoned and the Mayor is hereby authorized to sign an appropriate deed conveying said portion of Ivy Street to Carl E. Winter and Minnie K. Winter.

PASSED ON FIRST READING: February 21, 1995

ADOPTED ON SECOND READING: March 07, 1995

Don Karnes
Mayor, City of Nitro

City Recorder, City of Nitro



RESOLUTION 95-01

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; 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
7th day of March, 1995.



DON KARNES, MAYOR

CITY OF NITRO COUNCIL MEETING MINUTES

MARCH 21, 1995

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Other members present were City Recorder/Treasurer Herb Sibley, Councilman at Large Dean Miller, Councilman at Large Steve West, Councilman at Large Jim Hutchinson, Councilman George Atkins, Councilman Robert Young, Councilman Frank Grover, Jr., and Councilwoman Betty Boggess. Also present City Attorney Phillip Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 21, 1995 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - RECYCLING COOPERATIVE: Mayor Karnes yielded the floor to Mr. Leff Moore of Wasteshed "H" Recycling Cooperative, Inc. Mr. Moore explained the purpose is to have multi county recycling and hauling working together to reduce cost of landfill participation. A discussion followed and was decided this matter go to committee for further study and recommendations.

AGENDA ITEM NO. 3 - FIRE DEPARTMENT'S REQUEST: Mayor Karnes yielded the floor to Fireman Ron King. He presented each council member a copy of letter from the Firemen's Union requesting study of pay method for that department. Fireman King read the letter in its entirety to council. (copy attached)

AGENDA ITEM NO. 4 - COMMITTEE REPORT\FIR STREET: Councilman at Large Dean Miller stated the committee did not meet due to illness of a member. No report given.

AGENDA ITEM NO. 5 - RESOLUTION/SANITARY RATES: Mayor Karnes read title only of RESOLUTION 95-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY NITRO, WV. DELAYING THE EFFECTIVE DATE OF NEW RATES AND CHARGES FOR THE USE OF THE CITY'S SANITARY SEWER SYSTEM. COUNCILMAN AT LARGE STEVE WEST MOVED TO ADOPT THE RESOLUTION. THE MOTION WAS SECONDED BY COUNCILMAN GEORGE ATKINS AND THE VOTE WAS UNANIMOUS.(copy attached)

AGENDA ITEM NO. 6 - BUDGET: MOTION FOR APPROVAL OF THE 1995/1996 BUDGET AS PRESENTED WAS MADE BY TREASURER/ RECORDER HERB SIBLEY, SECONDED BY COUNCILMAN BOB YOUNG. AFTER SOME DISCUSSION, THE BUDGET AMOUNTS WERE NOT QUESTIONED BUT A REQUEST WAS MADE FOR A TYPED COPY TO BE PRESENTED TO COUNCIL FOR THEIR APPROVAL. A VOTE WAS TAKEN. THE VOTE WAS 3 AYES, 4 NAYS AND 1 ABSTAINING.

AGENDA ITEM NO. 7 - FIREMEN PENSION BOARD MINUTES:
CITY RECORDER MOVED TO MAKE FIREMEN PENSION BOARD MINUTES A PART OF THE COUNCIL MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (copy attached)

AGENDA ITEM NO. 8 - NITRO BUSINESS AND PROF. ASSN:
Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller announced the Antique Car Show will be May 6, 1995. COUNCILMAN AT LARGE STEVE WEST MOVED TO CLOSE 21ST FROM 8:00 UNTIL 4:00 P.M. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 9 - MAYOR'S REPORT: Mayor Karnes said on behalf of the City Administration I would like to congratulate the Nitro High School Basketball Team on a job well done.

Also Mayor Karnes stated the fact that the 1995/1996 budget is left unresolved, I believe it is in order to recess this meeting to reconvene at 3:00 p.m. March 22, 1995.

Mayor Karnes reconvened Council at 3:00 p.m. March 22, 1995. Other members present were City Recorder/Treasurer Herb Sibley, Council at Large Steve West, Council at Large Dean Miller, Councilman George Atkins, Councilman Frank Grover, J., and Councilwoman Betty Boggess. Also present CPA Ralph Allison.

AGENDA ITEM: 1995/1996 BUDGET: Mayor Karnes yielded the floor to CPA Ralph Allison. Mr. Allison presented each Council member with a copy of the 1995/1996 budget. He said there was only one change made in the figures and that was; all the capital outlay was taken out of the Police Department and put in the Fire Department. CITY RECORDER/TREASURER HERB SIBLEY MOVED TO APPROVE THE 1995/1996 BUDGET AS PRESENTED. THE MOTION WAS SECONDED.

COUNCILMAN AT LARGE STEVE WEST MOVED TO AMEND THE 1995/1996 BUDGET TO INCREASE THE DOG TRACK FROM \$100,000 TO \$120,000 AND THAT WOULD INCREASE THE TOTAL ESTIMATED REVENUE TO \$2,530,120.00 AND TO INSERT A NEW LINE IN THE POLICE DEPARTMENT FOR CAPITAL OUTLAY OF \$20,000 FOR A NEW CAR AND WEAPON. THE MOTION WAS SECONDED. AFTER SOME DISCUSSION A VOTE WAS TAKEN ON THE AMENDMENT AND PASSED UNANIMOUSLY. A VOTE WAS THEN TAKEN ON THE MAIN MOTION AS AMENDED AND PASSED UNANIMOUSLY. (copy attached)

Mayor Karnes said the budget now goes to the State Department of Tax and Revenue for approval.

Employee wage increases were discussed. Mayor Karnes stated this matter should be sent to committee for recommendation.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR

HERB SIBLEY

Nitro Professional Firefighters, No. 1822

299

P. O. BOX 241 • NITRO, WEST VIRGINIA 25143



To: Mayor Don Karnes & The Nitro City Council
From: Nitro Professional Firefighters, Local No. 1822
Re: Recent Payroll Change
Date: March 21, 1995

The members of Local 1822 signed an agreement prior to June 30, 1993 with Mayor Karnes basically stating that all hours over 40 per week were to be paid as overtime. We have been compensated this way during Vacation, Holiday's, Sick leave and Funeral leave. We have never been penalized for taking time off in the nine years that I have worked for the City of Nitro Fire Department, until payroll ending March 12, 1995. At which time when I picked up my paycheck and discovered that my pay had been decreased because I had been on vacation. I immediately took up this situation with Mayor Karnes we discussed what had happened and He said that the way we were being paid did not follow The State Code and That he had to pay us according to the code. I told him I was dissapointed in the method he chose to change our pay. Without even calling a meeting to discuss the situation, with the members of the department. After briefly researching the code I brought it to the attention of the Mayor that if he was going to follow the code, Friday March 10, 1995 the levy election for Kanawha County was considered a holiday and questioned whether he had also changed the Fire Department Payroll to adequately compensate the Firefighters who worked, He advised that He had not and for the individuals affected to sign off on the hours that they were owed and for the Chief to also sign off on them and he gave me a card for this to be done on. Mayor Karnes stated that the way we were being paid was happening without his knowledge and that he had to pay us according to State code, I advised Mayor Karnes also that State Code also recognizes approximately 12 Holiday's plus Elections and other special situations. This is immediately going to create 42 additional 24 hour shifts of overtime.

Respectfully,
Fire Fighter Ron King
Vice President Local 1822

126
21
15 HOT

TO: MAYOR DON KARNES & THE NITRO CITY COUNCIL

FROM: FIRE FIGHTER RON KING

DATE: MARCH 21, 1995

RE: HOLIDAY'S

FOLLOWING PROCEDURE I PRESENTED A REQUEST TO CHIEF HARDMAN MARCH 19, 1995 FOR THE ADDITIONAL DAYS OFF THAT WE ARE NOW ENTITLED TO PER THE CONVERSATION I HAD WITH MAYOR KARNES, TUESDAY MARCH 14, 1995. THE CHIEF INFORMED ME THAT HE SPOKE WITH THE MAYOR REGARDING MY REQUEST AND THAT A DECISION HAD NOT BEEN MADE CONCERNING THE ADDITIONAL DAYS THAT THE STATE CODE RECOGNIZES .

ACORDING TO CITY CODE 157.06 VACATION & PAID HOLIDAY'S
SECTION (B) SUBSECTION (5) "NOT MORE THAN ONE PERSON IN A DEPARTMENT MAY TAKE A VACATION DURING THE SAME PERIOD UNLESS APPROVED BY THE MAYOR."

SO I WOULD LIKE TO KNOW IF I AM GOING TO RECIEVE MY ADDITIONAL DAYS OFF OR WILL I BE PAID FOR THEM? BECAUSE MY UNDERSTANDING OF THE CITY CODE IS IF WE NEGLECT TO TAKE THEM OFF BEFORE JUNE 30, 1995 WE LOSE THEM.

RESPECTFULLY, FIRE FIGHTER RON KING

TO: CHIEF HARDMAN
FROM: FIRE FIGHTER RON KING
DATE: 3-19-95
RE: RECENT PAY CHANGE

AFTER DISCUSSING THE PAYROLL CHANGE WITH MAYOR DON KARNES, AND HE INFORMED ME THAT HE HAD TO PAY BY THE STATE CODE AND ACORDING TO STATE CODE THERE ARE 12 OR SO HOLIDAY'S SO GOING ON THAT STATEMENT I WOULD LIKE TO SCHEDULE MY ADDITIONAL HOLIDAY'S THAT WE ARE ENTITLED TO. I WANT MARCH 27 & 30 AND APRIL 2 & 5 & 23 & 26.

RESPECTFULLY, RON KING



DON KARNES
MAYOR

RESOLUTION 95-02

RESOLUTION OF THE CITY COUNCIL OF THE CITY NITRO, WEST VIRGINIA, DELAYING THE EFFECTIVE DATE OF NEW RATES AND CHARGES FOR THE USE OF THE CITY'S SANITARY SEWER SYSTEM

WHEREAS, by virtue of an Ordinance adopted by the City Council on February 21, 1995, certain changes were made to the rates and charges established for the use of the City's sanitary sewer system, which new rates and charges were to be effective April 7, 1995: and

WHEREAS, Section 150-10-2 of the Procedural Rules of the Public Service Commission requires that certain notice be given prior to the effective date of new rates and charges: and

WHEREAS, Council has been advised that the effective of the new rates and charges should be delayed in order that proper notice may be given: and

WHEREAS, the Council intends that this resolution be deemed to delay the implementation of the new rates and charges for the use of the City's sanitary sewer system.

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

1. Effective date of the new rates and charges for the use of the sanitary sewer system shall be delayed until May 5, 1995.
2. The proper officials of the Sanitary Board are hereby authorized and directed to provide the notice required by Public Service Commission Rule 150-10-2.

The foregoing motion was offered by _____
and seconded by _____

Thereupon the vote on the motion was:

Ayes

Nays

Herbert G. Sibley, Recorder, City
of Nitro, West Virginia

NITRO FIREMEN'S PENSION BOARD MEETING

MARCH 21, 1995

The Firemen's Pension Board Meeting was called to order on March 21, 1995, at the Nitro Fire Department. Present were Chief Steve Hardman, Firefighter Ronnie King, City Recorder/Treasurer Herb Sibley and Pansy Armstead, Secretary.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 22, 1995 PENSION BOARD MEETING MINUTES: - Chief Hardman moved the minutes of February 22, 1995 be approved as distributed. Motion was seconded, vote taken and it was unanimously approved.

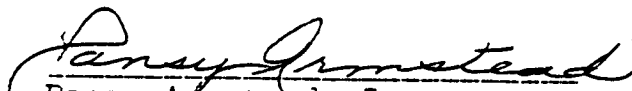
AGENDA ITEM NO. 2 - CERTIFY ELECTION RESULTS: - Firefighter Ronnie King moved we certify election results. Motion seconded, vote taken and it was unanimous. Chief Steve Hardman was elected to fill the four year term. There is an unexpired term of Captain Strohl, who resigned, ending 1997, and Firefighter King moved to appoint Captain Ernie Hedrick, II which agreed to accept this term. Motion was seconded, vote taken and it was unanimous. Terms of Board Members as follows:

Firefighter King	1996
Captain Hedrick	1997
Firefighter Elkins	1998
Chief Hardman	1999

AGENDA ITEM NO. 3 - OLD BUSINESS: - Firefighter King reported they have two WVU certified doctor's, (R. S. Iyer and Kee C. Lee), reports regarding James Stover, and both agreed he is temporarily disabled due to open heart surgery. Chief Hardman moved James Stover be placed on temporary disability and paid from the pension fund beginning 3/12/95 on the dates of regular payroll. Motion was seconded. A vote was taken and it was unanimously approved. His pension will be based on 63% of earnings for the last 30 days worked.

AGENDA ITEM NO. 4 - NEW BUSINESS: - Mr. Sibley advised that we have not received the funds from the State of WV, but Mr. Allison was executing the forms and the Pension Board should be receiving around \$30,000.00.

There being no further business, the meeting was adjourned.


Pansy Armstead, Secretary

FISCAL YEAR JUNE 30, 1996
CITY OF NITRO
LEVY ESTIMATE

STATE OF WEST VIRGINIA
CITY OF NITRO TO-WIT:

In accordance with Code #11-8-14, as amended, the Council proceeded to make an estimate of the amounts necessary to be raised by levy of taxes for the current fiscal year, and doth determine and estimated the several amounts to be as follows:

CURRENT REGULAR MUNICIPAL PURPOSES ESTIMATE

The amount due and the amount that will become due and collectible from every source during the fiscal year INCLUDING THE LEVY OF TAXES, is as follows:

<u>REVENUE SOURCE</u>	
PROPERTY TAXES	\$ 600,000
BUILDING PERMITS	20,000
INSPECTIONS	5,000
B & O TAX	740,000
UTILITY TAXES	169,000
RECREATION	35,000
WINE AND LIQUOR TAXES	56,000
LICENSES	35,000
DOG TRACK	120,000
INTEREST	6,000
CIVIC BENEFITS ASSOC	146,200
RENT	8,400
COURT COSTS	15,000
COLLECTION INCOME	4,800
LIBRARY FEES	2,000
MUNICIPAL SERVICE	486,220
FRANCHISE FEES	2,500
MISCELLANEOUS	24,000
COAL SEVERANCE	15,000
REIMBURSEMENTS	40,000
TOTAL ESTIMATED REVENUE	\$ <u>2,530,120</u>

<u>MAYOR</u>	
WAGES	\$ 42,040
RETIREMENT	3,994
FICA	3,216
DUES	2,500
SUPPLIES	1,500
TRAVEL	3,000
	<u>56,250</u>

<u>COUNCIL</u>	
WAGES	8,400
FICA	643
SENIOR CITIZENS	1,200
	<u>10,243</u>

<u>RECORDER</u>	
WAGES	13,500
RETIREMENT	1,283
FICA	1,033
LEGAL ADS	2,500
SUPPLIES	1,000
RECORD BOOKS	500
TRAVEL	400
ELECTION	7,689
	<u>27,905</u>

<u>TREASURER</u>	
WAGES	10,600
RETIREMENT	1,007
FICA	811
WORKERS COMPENSATION	46,000
CONTRACT SERVICES	2,500
SUPPLIES	2,500
TRAVEL	600
	<u>64,018</u>

<u>BUILDING INSPECTOR</u>	
WAGES	38,477
RETIREMENT	3,655
FICA	2,944
DUES	300
SUPPLIES	1,200
TRAVEL	1,000
CONTINUING EDUCATION	2,500
	<u>50,076</u>

CITY HALL

WAGES	65,454
RETIREMENT	6,218
FICA	5,007
CONTRACT SERVICES	7,500
PROFESSIONAL SERVICES	32,000
INSURANCE	76,000
GROUP INSURANCE	228,000
SUPPLIES	12,000
COMPUTER AND PROGRAMS	5,000
ELECTRIC	25,000
GAS	7,500
WATER	18,000
TELEPHONE	14,500
FIRE HYDRANTS	15,000
STREET LIGHTS	50,000
CAPITAL OUTLAY	5,000
PAY RAISES	<u>37,917</u>
	<u>610,096</u>

POLICE DEPARTMENT

WAGES	324,800
RETIREMENT	30,349
FICA TAX	24,847
TELETYPE	1,600
DEPT SUPPLIES	9,000
UNIFORMS	6,500
AUTO SUPPLIES	18,000
MISCELLANEOUS	1,200
MAINTENANCE AND REPAIRS	6,000
CRIME PREVENTION	1,500
FOOD AND DRUGS	400
TRAINING/EDUCATION	5,000
TOWER RENTAL	900
CRIME VICTIM FUND	3,500
EQUIPMENT RENEWAL	2,600
POLICE RESERVE	1,200
CAPITAL OUTLAY	<u>20,000</u>
	<u>457,396</u>

FIRE DEPARTMENT

WAGES	197,780
RETIREMENT	36,000
FICA	15,130
CONTRACT SERVICES	1,000
PROFESSIONAL SERVICES	6,000
SUPPLIES	14,500
UNIFORMS	4,700
AUTO SUPPLIES	7,000
MAINTENANCE AND REPAIRS	6,000
TRAINING	6,000
CAPITAL OUTLAY	<u>34,024</u>
	<u>328,134</u>

RECREATION DEPARTMENT

WAGES	75,000
RETIREMENT	5,243
FICA	5,738
CONTRACT SERVICES	1,000
MAINTENANCE AND REPAIRS	7,500
CALENDAR	4,900
SUPPLIES	18,800
CAPITAL OUTLAY	<u>7,200</u>
	<u>125,381</u>

PUBLIC WORKS

WAGES	283,000
RETIREMENT	26,885
FICA	21,650
CONTRACT SERVICES	12,000
TRASH BAGS	20,000
SUPPLIES	26,000
AUTO SUPPLIES	20,600
BUILDING REPAIRS	4,000
EQUIPMENT REPAIRS	7,500
LANDFILL	193,000
ASPHALT, SAND AND STONE	25,000
CAPTIAL OUTLAY	40,000
STREET PAVING	<u>53,100</u>
	<u>732,735</u>

LIBRARY

WAGES	34,482
RETIREMENT	2,745
FICA	2,638
CONTRACT SERVICES	1,500
SUPPLIES	500
MAINTENANCE AND REPAIRS	500
BOOKS	3,000
CONTINUING EDUCATION	500
CAPITAL OUTLAY	<u>1,500</u>
	<u>47,365</u>

HUMANE OFFICER

WAGES	11,627
RETIREMENT	1,105
FICA	889
SHELTER FEES	3,600
UNIFORMS	300
AUTO SUPPLIES	2,400
MAINTENANCE AND REPAIRS	<u>600</u>
	<u>20,521</u>

TOTAL ESTIMATED EXPENDITURES \$ 2,530,120

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA/PUTNAM

CITY OF NITRO, TO-WIT: I, Herb Sibley, City Recorder of the City of Nitro, do hereby certify that the foregoing are true copies from the record of the orders made and entered by the council of the City of Nitro on the 22nd day of March, 1995.



Herb Sibley



City Recorder

CITY OF NITRO COUNCIL MEETING MINUTES

APRIL 04, 1995

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Other members present were City Recorder/Treasurer Herb Sibley, Council at Large Steve West, Council at Large Dean Miller, Council at Large Jim Hutchinson, Councilman George Atkins, Councilman Robert Young and Councilwoman Betty Boggess. Also present City Attorney Phillip Gaujot. Absent Councilman Frank Grover, Jr.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 04, 1995 COUNCIL MINUTES: COUNCILMAN ROBERT YOUNG MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2 - PUBLIC HEARING MINUTES: COUNCILMAN AT LARGE DEAN MILLER MOVED TO MAKE THE MARCH 7, 1995 PUBLIC HEARING MINUTES A PART OF THE COUNCIL MINUTES. THE MOTION WAS SECONDED AND THE VOTE WAS UNANIMOUS. (Copy attached)

AGENDA ITEM NO. 3 - HAULERS/RECYCLERS: Following discussion, COUNCILMAN AT LARGE STEVE WEST MOVED TO APPROVE MAYOR KARNES TO BE PART OF BOARD OF DIRECTORS OF NON-PROFIT CORPORATION, THE WASTESHED "H" RECYCLING COOPERATIVE, INC. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 4 - FIR STREET: Committee Chairman, Council at Large, Dean Miller reported meeting was delayed due to illness. He stated they will inspect location of requested change and report next meeting.

AGENDA ITEM NO. 5 - PARK AVENUE PARKING: Councilman at Large, Dean Miller stated that the residents of Park Avenue have presented him with a petition seeking a solution to parking problems due to school activities. Mayor Karnes asked this matter to be put in the Traffic Committee and to include on this committee, Chief Blankenship, Paul McClanahan, Principal of Nitro High School and any citizen that might want to serve.

AGENDA ITEM NO. 6 - BUSINESS/PROF ASSN REPORT: Councilman at Large Dean Miller reported plans for the May 5/6 Antique Car Show are progressing. He said there will be a street dance May 6th from 6:30 p.m. until 8:30 p.m. on 21st Street. Twenty First Street will be closed from 1st Ave to 2nd Avenue. Also he said rest rooms will be available at the Community Center.

AGENDA ITEM NO. 7 - MAYOR'S REPORT: Mayor Karnes congratulated the Womans Club on sixty one years of dedication and service to the City of Nitro. The Mayor said

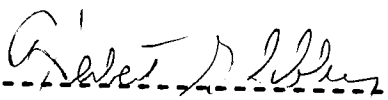
he would like to especially offer his congratulations to his first grade Teacher and one of his favorite people for Fifty years of service as a member of the Nitro Womans Club. Mrs. Cora Jarvis, I thank you for your dedication!

Mayor Karnes also talked about the deplorable condition of the 31st St. Bridge and suggested we do whatever necessary to replace it. The Mayor said we might be able to sell the old water company intake property to help fund the new bridge

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR



HERBERT SIBLEY, RECORDER

PUBLIC HEARING


March 7, 1995

The properly advertised Public Hearing was called to order by Mayor Karnes in Council Chambers at 7:30 p.m. Also present were City Rec/Treasurer Herbert Sibley, Councilmen at Large Steve West, Dean Miller and Jim Hutchinson, Councilman George Atkins, Bob Young and Councilwoman Betty Boggess, City Attorney Phillip Gaujot, Ron King, Barry Southall, Melanie Southall, Jill Zegeer, Margaret Hudson, Frank Bailey, Karen Phonce, Vernon Mills, and Bryan Casto.

Mayor Karnes explained the purpose of this meeting was in regard to the transfer of zero to fourteen feet of Ivy Street at property line of Carl E. Winter at the Penn Central Railroad. As there was no public input the meeting was adjourned.



DON KARNES, MAYOR



HERB SIBLEY, RECORDER

PETITION: THE RESIDENTS OF PARK AVE
NITRO, REQUEST A RESIDENTS ONLY PARKING
FOR THE RESIDENTIAL SIDE OF PARK AVE.

1. Gladys Foster 1217 23. Michael W. Kames 1223
2. Martha E. Smith 1215
3. John A. Smith 1215
4. Seldie Thornton 1111
5. Sarah S. Tidgust 1109
6. Gloria & Richard Johnson 1107
7. Resia Finney
8. Kenny Whittington
9. Forest Kees
10. Virginia Finney
11. Alma Kames 1223
12. David R. Kames 1223
13. Reba Adams 1325
14. Don C. Layre 1333
15. Frankie W. Layre 1333
16. John W. Emerson II 1435
17. Masel Rhodes 1439
18. Ernest Pegue Park & 15th Street
19. Kenneth McArthur 1215 Pull
20. Agathe McArthur 1215 Pull
21. E. W. & Dolly Thompson
22. Kenneth B.

CITY OF NITRO COUNCIL MEETING MINUTES

APRIL 18, 1995

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Other members present were Councilman at Large Steve West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Robert Young, Councilman George Atkins, Councilman Frank Grover, Jr. Also present, City Attorney Phillip Gaujot. Absent were City Recorder/Treasurer Herbert Sibley and Councilwoman Betty Boggess.

AGENDA ITEM NO. 1- APPROVAL OF APRIL 04, 1995 COUNCIL MEETING MINUTES: COUNCILMAN ROBERT YOUNG MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS.

AGENDA ITEM NO. 2- LAY THE LEVY: In absence of City Recorder/Treasurer Herbert Sibley Mayor Karnes read letter from State Tax Department stating the levy was approved by the State Tax Commissioner. COUNCILMAN AT LARGE DEAN MILLER MOVED TO ADOPT THE LEVY RATES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (Copy attached).

AGENDA ITEM NO. 3- INSURANCE REPORT: Mayor Karnes stated due to absence of Rec/Treas Herbert Sibley this item will be delayed until next council meeting.

AGENDA ITEM NO. 4- FIR STREET: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller presented council with a copy of the Special Committee Meeting Minutes. He said the committee met twice and by unanimous decision, the committee's recommendation is to leave Fir Street as is. COUNCILMAN AT LARGE DEAN MILLER MOVED TO MAKE THE SPECIAL COMMITTEE MEETING MINUTES, WITH SPELLING CORRECTIONS (GEORGE ATKINS AND MARGARET HUDSON) A PART OF COUNCIL MINUTES. THE MOTION WAS SECONDED AND VOTE WAS UNANIMOUS. (Copy attached).

AGENDA ITEM NO. 5- WEST SIDE PARKING: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller said the committee had two meetings. The first meeting at Nitro High School with Principal Paul McClanahan. The committee's recommendation is to have the students to load and unload on the school parking lot. Mr. McClanahan stated this recommendation must be approved by the County Board of Education. Also, He said signs will be posted at the end of the new addition of the building advising additional parking available in school parking lot. The second meeting was today just prior to Council Meeting regarding parking on Park Avenue. COUNCILMAN AT LARGE DEAN MILLER MOVED RESIDENTIAL PARKING ONLY SIGNS BE POSTED ON PARK AVENUE AS PER THE COMMITTEE'S RECOMMENDATION. THE MOTION WAS

SECONDED AND AFTER A LENGTHY DISCUSSION, COUNCILMAN AT LARGE STEVE WEST MOVED TO TABLE THE MOTION. A VOTE WAS TAKEN WITH COUNCILMEN FRANK GROVER, JR., BOB YOUNG AND STEVE WEST VOTING FOR THE MOTION. COUNCILMEN OPPOSING THE MOTION WERE, GEORGE ATKINS, DEAN MILLER AND JIM HUTCHINSON. MAYOR KARNES STATED THAT SPECIAL PARKING WOULD REQUIRE AN ORDINANCE AND VOTED TO TABLE, BREAKING TIE.

AGENDA ITEM NO. 6- BUSINESS/PROF. ASSN: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller reported no new plans since last meeting.

AGENDA ITEM NO. 7- MAYOR'S REPORT: Mayor Karnes said in regard to the 31st Street Bridge problem, he has spoken with a representative of a company that sells bridges already constructed with a cost of approximately \$30,000. Requiring foundations for both sides. This Company offered to furnish the plans for the foundation and supervise the installation, if we want to tackle as a Public Works project. At this time it is debatable if we have the qualifications or manpower. Also Mayor Karnes said, an engineering firm would probably need to be involved. Other things such as a crane would be needed to set the new bridge, and a concrete abutment needs to come out. Mayor Karnes said if we take this route, this job could be done for a little less than \$40,000.

Mayor Karnes stated he has started the wheels in motion to acquire the Artel Site for the City, once it has been cleaned. This may take as long as five years. It now belongs to the State.

Mayor Karnes commented that EPA has grants available due to Super Fund, called Browns Field Grants, \$200,000 for the purpose of study for new development of Super Fund Sites that are cleaned and returned for general use. A consultant firm working there now has agreed to put together an application with no obligation to the City. Again, this will take some time

Mayor Karnes said the Sanitary Board work is progressing. Hopefully we can start work in this construction season, however this depends on several unknowns, but we are pushing for some construction as soon as possible.

Chief Blankenship announced the new City Recruits graduated with honors. Out of 49 Graduates, the new Nitro Police Officers took five of the top six awards... two High Shooters, Outstanding Officer of the class, and three were in the top six.

There being no further business, meeting was adjourned.

-----*Don Karnes*-----
DON KARNES, MAYOR

-----*Herbert Sibley*-----
HERBERT SIBLEY, REC.



State of West Virginia
Department of Tax and Revenue

GASTON CAPERTON
GOVERNOR

TAX DIVISION
P. O. Box 2389
Charleston, WV 25328-2389

JAMES H. PAIGE III
SECRETARY

April 12, 1995

NOTICE OF APPROVAL OF THE LEVY ESTIMATE (BUDGET)

TO: City of Nitro

In accordance with the provisions of Chapter 11, Article 8 of the West Virginia Code, as amended, the State Tax Commissioner of West Virginia hereby approves your Levy Estimate for the fiscal year beginning July 1, 1995.

I find that any levy rates to be imposed in excess of those prescribed by the West Virginia Constitution were legally authorized by a vote of the people.

I find that the proper rates of levy are being used to retire any existing general obligation bond debt, and that such total debt is within the limits prescribed by the West Virginia Constitution and Code.

With this written approval, the levying body shall meet on the third Tuesday in April to hear and consider any objections and to officially adopt the rate of levy for property taxation. The secretary, within three days, shall prepare and forward to the tax commissioner the officially adopted levy rates and levy order.

If you have any questions, please contact the Chief Inspector Division at 558-2540.

Very truly yours,
James H. Paige III
State Tax Commissioner

Lisa Stanley
By: Lisa Stanley, Director
Chief Inspector Division

/ls

APRIL 18, 1995
SPECIAL COMMITTEE MEETING MINUTES

A MEETING OF THE SPECIAL COMMITTEE ON FIR STREET ABANDONMENT WAS HELD ON 4 APRIL 1995 AT 8:30 P.M. THOSE PRESENT WERE DEAN MILLER, GEORGE AKDINS, JIM HUTCHINSON AND MARGRET HUDSON. THE MEETING WAS HELD AT THE LOCATION ON FIR STREET.

A GENERAL DISCUSSION WAS HELD AFTER VIEWING THE LOCATION. SINCE THERE IS PRESENTLY BUSINESS PROPERTY WHICH JOINS THE STREET ON THE RIGHT SIDE FACING THE RAILROAD TRACKS. BY UNANIMOUS DECISION IT WAS DEEMED INAPPROPRIATE TO CLOSE FIR STREET. THEREFORE THE COMMITTEE'S RECOMMENDATION IS TO LEAVE FIR STREET OPEN, LEAVE THE FENCE AS IS, HOWEVER IF IN THE FUTURE THE CITY DECIDES THE STREET SHOULD BE OPENED TO ITS ENTIRE WIDTH THAT THE FENCE WOULD HAVE TO BE MOVED AT THE PROPERTY OWNERS EXPENSE.

THE MEETING WAS RECESSED AT APPROXIMATELY 9:00 P.M.

Dean Miller
DEAN MILLER, CHAIRMAN

CITY OF NITRO COUNCIL MEETING MINUTES

MAY 02, 1995

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Other members present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Robert Young, Councilman George Atkins, Councilman Frank Grover, Jr., and Councilwoman Betty Boggess. Also present City Attorney Phillip Gaujot. Absent was Councilman at Large Steve West.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 02, 1995 MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE COUNCIL MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN BOB YOUNG AND WAS CARRIED.

AGENDA ITEM NO. 2 - CARRIAGE WAY: Mayor Karnes yielded the floor to Joe Scarberry, resident of Carriage Way. Mr. Scarberry stated that they now know the sub division owns the streets. He questioned Council what if Carriage Way is willing to dedicate the streets to the City, would the City be willing to accept the streets? Secondly, if the City would accept the streets what condition or what needs of repair would the streets need to be in for the City to accept them? Thirdly, can the sub division dedicate the streets to the City and the City go ahead with repairs and then assess the homeowners accordingly. Mayor Karnes asked the City Attorney Phil Gaujot to advise how this might be done. Counselor Gaujot stated there are two ways you can do this. One way is for the residents of the sub division to pool their money and chose their own contractor to do the work. Another method is to petition the County Commission. Counselor Gaujot explained this method to the Carriage Way representatives. After a lengthy discussion, Mayor Karnes said He would appoint a committee with himself, the Ward Councilman, the Treasurer and the City Attorney to meet with the residents to make recommendations.

AGENDA ITEM NO. 3 - FINANCIAL REPORT: Mayor Karnes yielded the floor to City Recorder/Treasurer Herb Sibley. Rec/Treas Sibley took a moment to apologize for missing the last council meeting, to lay the property levy, due to illness. Also, he announced the next scheduled meeting of the Finance Committee will be next Tuesday, May 09, 1995 at 6:30 p.m. to make the necessary adjustments to the budget. Rec/Treas Sibley said he was pleased to announce we are operating with sufficient money to pay our current bills this year. We had \$205,000 more revenue than expenditures. Also, he said landfill costs are up by fifty percent of budgeted amounts. Our budget at present is \$100,000 for landfill and

it will be a \$150,000 expense by June 30th.

AGENDA ITEM NO. 4 - INSURANCE REPORT: Mayor Karnes yielded the floor to Recorder/Treasurer Herbert Sibley. Rec/Treas Sibley stated last January the City contracted with Blue Cross for a reduced premium of ten percent for hospitalization insurance. Total claims paid by the insurance company were \$240,726.00. From 1/1/94 to 3/31/95 this reduced rate saved the City \$11,788. We are on the same plan this year.

AGENDA ITEM NO. 5 - SALE WATER INTAKE BLDG: Mayor Karnes yielded the floor to Rec/Treas Herbert Sibley. Rec/Treas Sibley recommended to Council the need to sell the old water intake building. After discussion COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO GIVE MAYOR KARNES AUTHORITY TO INITIATE PROCEDURES FOR THE ABOVE SALE. THE MOTION WAS SECONDED BY COUNCILMAN BOB YOUNG AND WAS CARRIED.

AGENDA ITEM NO. 6 - SALE SANITARY BOARD PROPERTY: Mayor Karnes recommended to Council to sell excess property at pump station at Armours Creek. After a short discussion COUNCILMAN GEORGE ATKINS MOVED TO GIVE MAYOR KARNES AUTHORITY TO INITIATE PROCEDURES TO SELL THE SANITARY BOARD PUMP STATION EXCESS PROPERTY. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE JIM HUTCHINSON AND WAS CARRIED.

AGENDA ITEM NO. 7 - BUSINESS & PROFESSIONAL GROUP: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller announced the Antique Car Show, Saturday, May 6th, Friday night a cruise-in at McDonalds. There will be various vendors on the street, and WQBE will be present, and Saturday night will be the street dance. The Nitro Businessmen Assn will be selling ice cream. Also he announced the Senior Citizens will be serving breakfast at \$4.00 a plate. Councilman Miller thanked Mayor Karnes and all who have helped plan this event.

Mayor Karnes said without objection, he would change line items, taking item 9 first.

AGENDA ITEM NO. 9 - RESOLUTION: Mayor Karnes said this resolution came in late. Chief Blankenship needs this in order to apply for a grant for the Police Department. Mayor Karnes read Resolution 95-03 in its entirety. COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE RESOLUTION 95-03. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE DEAN MILLER AND WAS CARRIED. (Copy attached)

AGENDA ITEM NO. 8 - PIT REPRESENTATIVE: Mayor Karnes yielded the floor to the owner of the above establishment, Deborah A. Adkins. Ms. Adkins stated she was there to address City Council about the complaints against her establishment. She said she was not an unreasonable person

and would be willing to compromise and take measures to correct whatever problems exist. However, she commented there are some things beyond reason, such as; eleven police officers in the parking lot for three hours. Ms. Adkins feels the presence of so many officers suggests to parents, there is a problem there.


Second Speaker: Rick Hartman stated he helps keep track of the customers going in and out, who have paid. His main complaint was too many officers, maybe one or two to drive by occasionally would be sufficient. Also he said if there is a problem, we will call for assistance.

Third Speaker: Kay Postlethwaite said she was there as a concerned parent, stating her daughter works at this establishment. She said for years all we heard is, Nitro wants something for the kids. Well now we have something and the rumors are they are trying to close it down. I am concerned. The police come in asking questions and I do not want my daughter harassed and videoed for something like this.

In response to these statements Mayor Karnes said, it is a problem to the City when its a problem to the neighboring businesses. Mayor Karnes said he does not know all the problems but he said, this is a police matter. In reference of the intimidation to your customers from the police officers, just imagine the intimidation from your customers to the neighboring businesses, that is the problem. Again Mayor Karnes stated, this is a police matter. The City Council makes the laws and the Police Department enforces them. Mayor Karnes recommended a meeting with himself, the police chief and Ms. Adkins to try to work out a solution to this problem.

Ms. Adkins asked Council to state complaints they had received. After a few questions and answers Mayor Karnes stated this cannot be worked out on council floor.

There being no further business, the meeting was adjourned.


DON KARNES, MAYOR


HERBERT SIBLEY, RECORDER




DON KARNES
MAYOR

RESOLUTION 95-03

The City Council for the City of Nitro, West Virginia met on May 02, 1995 with a quorum present and passed the following resolution.

Be it resolved that the City Council of the City of Nitro hereby authorizes Don Karnes, Mayor of the City of Nitro to act on its behalf to enter into a contractual agreement with the Criminal Justice and Highway Safety Division to receive and administer grant funds pursuant to provisions of the Drug and Violent Crime Control Program.



DON KARNES, MAYOR

CITY OF NITRO COUNCIL MEETING MINUTESMAY 16, 1995

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Other members present were City Recorder/Treasurer Herbert Sibley, Councilmen at Large Dean Miller, Steve West and Jim Hutchinson. Councilmen Robert Young, George Atkins, Frank Grover, Jr., and Councilwoman Betty Boggess. Also present City Attorney Phillip Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 02, 1995 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE COUNCIL MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE DEAN MILLER AND WAS CARRIED.

AGENDA ITEM NO. 2 - WAR MEMORIAL: COUNCILMAN GEORGE ATKINS MOVED TO RESCIND THE PREVIOUS MOTION OF RELOCATING THE WAR MEMORIAL FROM 21ST STREET, TO IN FRONT OF THE COMMUNITY CENTER, BACK TO BANK AND 21ST STREET AND A COMMITTEE FORMED TO MAKE RECOMMENDATION. MOTION SECONDED BY COUNCILMAN GROVER AND CARRIED. THE COMMITTEE WILL BE CHAIRED BY COUNCILMAN ATKINS.

AGENDA ITEM NO. 3 - POLICE COMMITTEE REPORT: Mayor Karnes yielded the floor to Councilman Frank Grover. Councilman Grover stated the three new officers were hired before submitting the grant to the Federal Government. A program called "Fast Cops" is available. This grant will pay \$58,000 over a three year period, as long as the department increases their work force. The City applied and received this grant. However, the City has not pursued the grant. If the City wants to accept this grant, then we must hire an additional officer. After a short discussion COUNCILMAN AT LARGE DEAN MILLER MOVED TO PROCEED WITH HIRING AN ADDITIONAL POLICE OFFICER. THE MOTION WAS SECONDED BY COUNCILMAN ROBERT YOUNG AND CARRIED.

AGENDA ITEM NO. 4 - BUSINESS & PROFESSIONAL GRP: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller reported the Antique Car Show was very successful and the Business & Professional Group would like to thank the City for their cooperation in blocking 21st Street for the event.

AGENDA ITEM NO. 5 - POOL REPORT: Mayor Karnes yielded the floor to Recreation Director Jay Long. Director Long presented each member with a copy of the Pool Report. He stated the pool will open May 27th and the tentative closing date will be September 4th, 1995. The pool will be available for pool parties again this year. The hours and rates remain the same. COUNCILMAN BOB YOUNG MOVED TO APPROVE THE POOL

RATES, THE SAME AS LAST YEARS. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE JIM HUTCHINSON AND CARRIED. (Copy attached)


AGENDA ITEM NO. 6 - 8TH ANNUAL FISHING DERBY: The Mayor yielded the floor to Jay Long. Director Long said this will be the eighth year for the fishing derby. The Moose Lodge will furnish drinks, hot dogs and chips for the kids. Many other sponsors donating prizes. This derby will be held June 10th at Ridenour Lake, starting at 8:00 a.m. until noon. This contest is for children between the ages of 5 thru 15 yrs.

AGENDA ITEM NO. 7 - MAYOR'S REPORT: Mayor Karnes yielded the floor to Chief Blankenship. Chief Blankenship stated the Police Department has completed the move to the Community Center. He said there are still a few bugs left to be ironed out. Chief said with the new phone system, the department now has the equipment to communicate with hearing impaired.

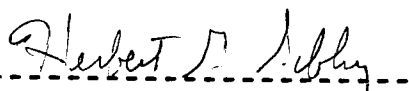
Mayor Karnes announced a meeting with Carriage Way Homeowners Assoc. is scheduled May 23rd at 6:30 p.m. All Council is invited.

Mayor Karnes announced a meeting June 7th, at 1:30 p.m. at the rest area near Hurricane Exit on I-64 of Waste "H" Cooperative Recycling. A non-profit group representing eight counties including Cabell, Lincoln, Putnam, Kanawha and Wayne Counties. Representatives from each county will be invited, and at least one member from the Solid Waste Authority will attend. Also, there will be a representative from the Governors Office.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR



HERBERT SIBLEY, RECORDER

NITRO POOL - 1995

OPENING DATE: MAY 27

TENATIVE CLOSING: SEPTEMBER 4

WEEKENDS ONLY UNTIL JUNE 11TH, THEN OPEN DAILY

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

RATES:

FAMILY PASS \$ 70.00
INDIVIDUAL \$ 35.00

AFTER JULY 14, RATES 1/2 PRICE ON PASSES ONLY.

DAILY RATE: AGE 6 & OVER \$2.00
5 & UNDER FREE (MUST BE ACCOMPANIED BY AN
ADULT)
SENIOR CITIZENS: \$1.00

AFTER CLOSING POOL PARTIES: \$40.00 HOUR

CITY OF NITRO COUNCIL MEETING MINUTES

JUNE 06, 1995

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Other members present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Steven West, Councilman at Large Dean Miller, Councilman at Large James Hutchinson, Councilman Robert Young, Councilman George Atkins, Councilman Frank Grover, Jr. Absent was Councilwoman Betty Boggess. Also present was City Attorney Phillip Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 16, 1995 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JAMES HUTCHINSON MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE DEAN MILLER AND WAS CARRIED.

AGENDA ITEM NO. 2 - POLICE DEPARTMENT: Mayor Karnes yielded the floor to Patrolman Gene Javins. Patrolman Javins stated He did not believe his holiday pay was correct. After some discussion, Mayor Karnes request this matter be put into committee. COUNCILMAN AT LARGE STEVE WEST MOVED TO HAVE THE POLICE COMMITTEE DESIGN A PAYROLL TIME SHEET THAT WILL WORK FOR ALL DEPARTMENTS TO SIMPLIFY PAYROLL. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE DEAN MILLER AND WAS CARRIED.

AGENDA ITEM NO. 3 - COUNCIL MEETING SCHEDULING: Mayor Karnes stated the next two Council Meetings are scheduled on holidays. COUNCILMAN GEORGE ATKINS MOVED TO OBSERVE JUNE 13, AND JULY 11, FOR THE NEXT TWO COUNCIL MEETINGS. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE DEAN MILLER AND WAS CARRIED.

AGENDA ITEM NO. 4 - BUDGET ADJUSTMENTS: Mayor Karnes yielded the floor to Rec/Trea. Herb Sibley. Recorder Sibley furnished council a copy of budget adjustments. COUNCILMAN GEORGE ATKINS MOVED TO APPROVE THE ADJUSTMENTS TO THE BUDGET. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE DEAN MILLER AND WAS CARRIED. (Copy attached)

AGENDA ITEM NO. 5 - BUSINESS & PROFESSIONAL REPORT: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller stated plans for the old Nitro house was addressed.

AGENDA ITEM NO. 6 - WAR MEMORIAL COMMITTEE REPORT: Mayor Karnes yielded the floor to Councilman George Atkins. Councilman Atkins furnished council a copy of committee meeting minutes. Committee recommendation was to move the War Memorial back to 21st and Bank Streets. RECORDER/TREAS SIBLEY MOVED TO MAKE THE WAR MEMORIAL COMMITTEE MINUTES A

PART OF THE COUNCIL MEETING MINUTES. THE MOTION WAS SECONDED BY COUNCILMAN FRANK GROVER, JR. AND WAS CARRIED.

AGENDA ITEM NO. 7 - MAYOR'S REPORT: Mayor Karnes read ad regarding a Public Hearing 3:00 p.m. at City Hall, June 7, 1995. (Copy Attached)

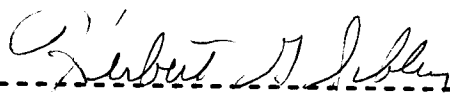
Mayor Karnes announced he received a letter from Jill Zegeer, Reporter for Charleston Daily Mail stating she has accepted employment with the Beckley Herald Newspaper and would like to thank Council for their cooperation.

Mayor Karnes reminded Council of the Wasteshed "H" Recycling Cooperative, Inc. reception at the Rest Area, East Bound Side I-64 at 1:30 p.m. June 7, 1995. Also Mayor Karnes read news release.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR



HERBERT SIBLEY, REC/TREAS

CITY OF NITRO
PROPOSED BUDGET ADJUSTMENTS
FOR THE YEAR ENDING JUNE 30, 1995

REVENUES:	INCREASE (DECREASE)
PROPERTY TAXES	42,710
B & O TAXES	50,000
UTILITY TAXES	40,000
LIQUOR TAXES	(8,000)
DOG TRACK	(10,000)
MUNICIPAL SERVICE	20,000
BLDG PERMITS & INSPECTIONS	5,000
LICENSES	5,000
MISCELLANEOUS REVENUES	5,000
<u>NET INCREASE IN REVENUE</u>	<u>149,710</u>
EXPENSES:	
POLICE DEPT:	
WAGES	28,000
FICA TAX	2,150
DEPT SUPPLIES	14,000
AUTOMOTIVE SUPPLIES	(8,000)
MAINT AND REPAIR	1,500
TRAINING	4,000
CRIME VICTIMS FUND	2,000
CAPITAL OUTLAY	28,000
FIRE DEPT:	
WAGES	12,000
FICA TAX	900
VOLUNTEER FIREMEN	3,000
AUTO SUPPLIES	1,500
PUBLIC WORKS:	
GARBAGE BAGS	1,660
AUTO SUPPLIES	20,000
REPAIR EQUIPMENT	3,000
LANDFILL	35,000
CITY HALL:	
DEPT SUPPLIES	5,000
COMPUTER SUPPLIES	(4,000)
<u>NET INCREASE IN EXPENSE</u>	<u>149,710</u>

PUBLIC HEARING

City of Nitro

BLOCK GRANT APPLICATION PROPOSAL

June 7, 1995 • 3:00 p.m. • Nitro City Hall

The City of Nitro is considering an application to the HUD Small Cities Block Grant Program administered by the West Virginia Development Office.

The City will conduct a public hearing to obtain the views and comments of City residents concerning community development and housing needs and the needs of low and moderate income persons.

The public hearing is scheduled for June 7, 1995, 3:00 p.m. at the City Hall 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, 20th Street and 2nd Avenue, Nitro, WV 25143.

JUNE 13, 1995

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Other members present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Steven West, Councilman George Atkins, and Councilman Frank Grover, Jr., Absent were Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Bob Young, and Councilwoman Betty Boggess. Also absent City Attorney Phillip Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 6, 1995 COUNCIL MEETING MINUTES: COUNCILMAN GEORGE ATKINS MOVED TO APPROVED THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN FRANK GROVER AND WAS CARRIED.

AGENDA ITEM NO. 2 - PUBLIC HEARING: COUNCILMAN AT LARGE STEVE WEST MOVED TO MAKE THE PUBLIC HEARING MINUTES A PART OF THE COUNCIL MINUTES. THE MOTION WAS SECONDED BY COUNCILMAN FRANK GROVER, JR. AND WAS CARRIED. (Copy attached)

AGENDA ITEM NO. 3 - ORDINANCE SANITARY BD.: Without objection Mayor Karnes read title only of Ordinance 95- , AN ORDINANCE AUTHORIZING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND BETTERMENT TO THE PUBLIC SEWERAGE SYSTEM FACILITIES OF THE CITY OF NITRO AND THE FINANCING CERTAIN PRELIMINARY COSTS THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$373,000.00 IN AGGREGATE PRINCIPAL AMOUNT OF SEWERAGE SYSTEM REVENUE BONDS, SERIES 1995 A, AND THE FINANCING TEMPORARILY OF CERTAIN COSTS THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$150,000.00 IN AGGREGATE PRINCIPAL AMOUNT OF SEWERAGE SYSTEM REVENUE BONDS, SERIES 1995 B; PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; APPROVING AND RATIFYING A LOAN AGREEMENT RELATING TO THE SERIES 1995 A BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.

COUNCILMAN AT LARGE STEVE WEST MOVED TO PASS ORDINANCE 95- ON FIRST READING. THE MOTION WAS SECONDED BY COUNCILMAN FRANK GROVER, JR., AND WAS CARRIED.

AGENDA ITEM NO. 4 - Mayor's Report: Mayor Karnes extended an invitation to all council members to visit the Bluegrass Regional Recycling Corporation, Lexington, Ky. We will travel on a tour bus, and hear a presentation on the history and the operational success of the cooperative, however, space is limited. Please RSVP by noon Thursday if interested.

There being no further business the meeting was adjourned.


DON KARNES, MAYOR


HERBERT SIBLEY, RECORDER

PUBLIC HEARING

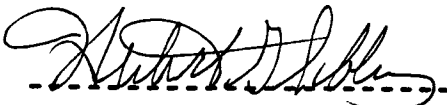
JUNE 7, 1995

The properly advertised Public Hearing was called to order by Mayor Karnes at 3:00 p.m. in Council Chamber, June 7, 1995. Other attending were John Romano, RIC. Recorder/Treasurer Herbert Sibley, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson and Councilman George Atkins and Citizens.

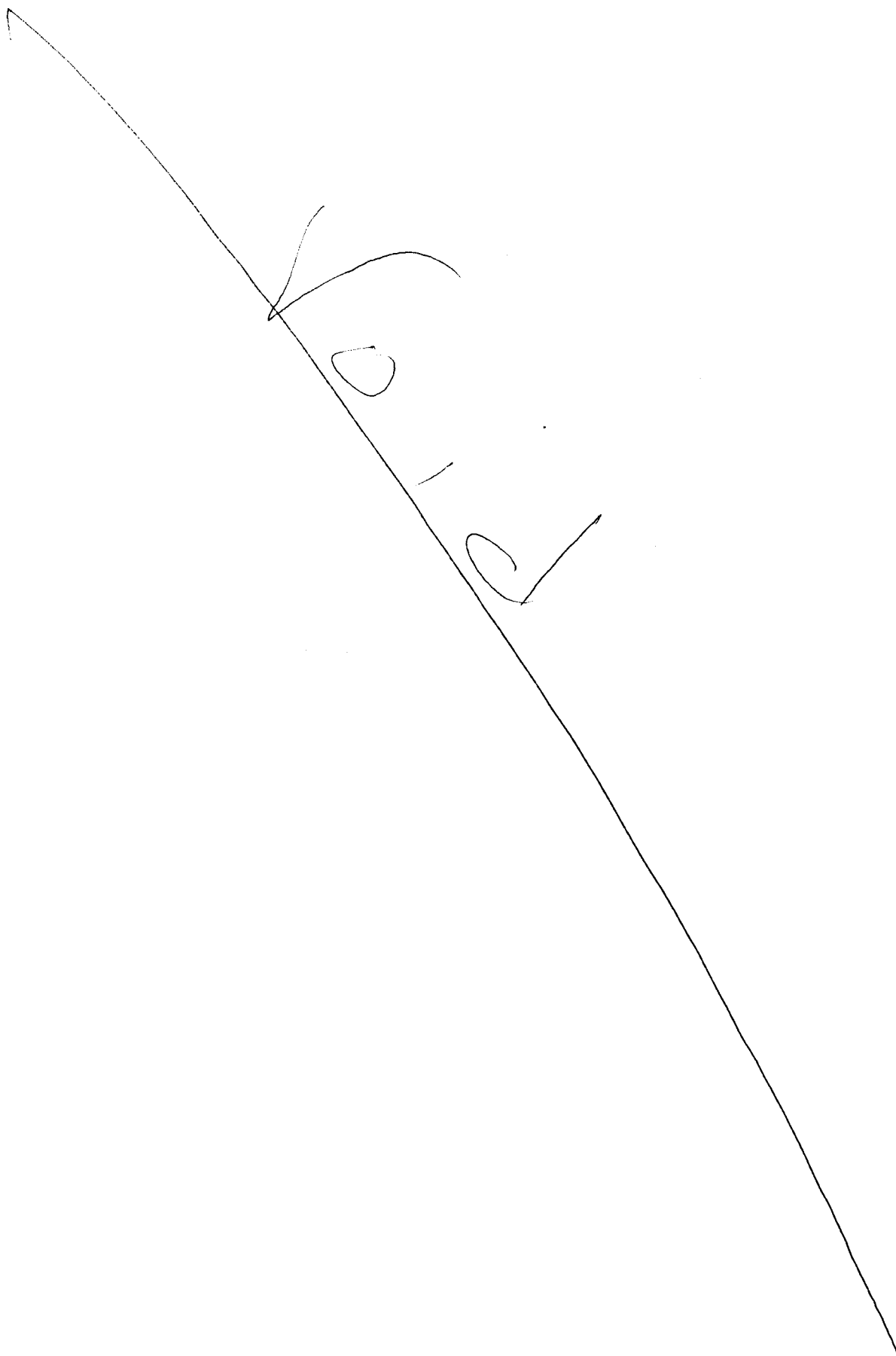
Mayor Karnes yielded the floor to John Romano from Regional Intergovernmental Council to explain the purpose of the hearing. Mr. Romano said this is a program operated by the State of WV. since 1982. HUD has given the State of WV approximately 21 million dollars. The State then divides among eligible communities, and Nitro is one of those. Some further discussion concerning HUD projects were made by the group and Mr. Romano suggested we submit an application as soon as possible.



DON KARNES, MAYOR



HERBERT SIBLEY, RECORDER



CITY OF NITRO COUNCIL MEETING MINUTES

JULY 11, 1995

Mayor Karnes declared a quorum called the Council Meeting to order at 7:30 p.m. Other members present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Steven West, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson, Councilman Robert Young and Councilwoman Betty Jo Boggess. Absent were Councilman George Atkins, and Frank Grover, Jr., Also absent, City Attorney Phillip Gaujot.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 13, 1995 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN BOB YOUNG AND WAS CARRIED.

AGENDA ITEM NO. 2 - SANITARY BOARD 2ND READING
ORDINANCE: Mayor Karnes said due to this being the second reading of the Sanitary Board Ordinance he invited Connie Stephens, General Manager of the Sanitary Board, Jim Withrow, Attorney and Jack Ramsey, Dunn Engineers to attend the council meeting to answer questions.

COUNCILMAN AT LARGE STEVE WEST MOVED TO ADOPT AND READ TITLE ONLY OF ORDINANCE 95- , THE MOTION WAS SECONDED BY RECORDER/TREASURER HERB SIBLEY AND WAS CARRIED.

Mayor Karnes read title only of Ordinance 95-03, AN ORDINANCE AUTHORIZING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND BETTERMENT TO THE PUBLIC SEWERAGE SYSTEM FACILITIES OF THE CITY OF NITRO AND THE FINANCING CERTAIN PRELIMINARY COSTS THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$373,000.00 IN AGGREGATE PRINCIPAL AMOUNT OF SEWERAGE SYSTEM REVENUE BONDS, SERIES 1995 A, AND THE FINANCING TEMPORARILY OF CERTAIN COSTS THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$150,000.00 IN AGGREGATE PRINCIPAL AMOUNT OF SEWERAGE SYSTEM REVENUE BONDS, SERIES 1995 B; PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; APPROVING AND RATIFYING A LOAN AGREEMENT RELATING TO THE SERIES 1995 A BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO. (copy attached)

Mayor Karnes yielded the floor to Jim Withrow, Attorney to explain Ord. 95- . Mr. Withrow stated this ordinance is a continuation of what we have been doing for the past six months to proceed with improvements and upgrading of the sewer system. The increase in the sanitary sewer rates will fund the cost. This particular ordinance authorizes two things, one is borrowing of \$373,000 from the WV Water

Development Authority. This money will be used for the primary design work and improvements to the system which has already started. The second thing, the authorizing of temporary financing of \$150,000 for improvements on 21st Street, due and payable in two years. The next part of the project is the permanent financing of 3.6 million for 20 years at 3% interest. Mr. Withrow stated the public hearing will be held July 25th at 3:00 p.m. in council chambers at City Hall. A short discussion followed.

Jack Ramsey, Engineer stated they were hoping to start moving dirt in early fall on 21st Street. Question and answer session followed.

AGENDA ITEM NO. 3 - FINANCE REPORT: Mayor Karnes yielded the floor to Rec/Treas Herb Sibley. Recorder/Treas Sibley said at the year ending June 30, 1995, we had an adjusted budget of \$2,429,392, revenue was \$2,503,137 which was \$73, 000 more than we had anticipated. Rec/Treasurer Sibley announced a finance meeting will be scheduled the second Tuesday, of each month, at 6:30 p.m.

AGENDA ITEM NO. 4 - JULY 4TH CELEBRATION: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller stated everything was wonderful, the fireworks were great. The only problem was that several individuals remained inside the park for the fireworks. A discussion followed regarding this matter.

AGENDA ITEM NO. 5 - BUS. & PROFESSIONAL GRP: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller stated the group had met and discussed the house on the Library lot. The group will submit a letter to Council requesting permission to ask the City for a permanent site. There seems to be an interest in restoring the house.

AGENDA ITEM NO. 6 - MAYOR'S REPORT: Mayor Karnes appointed Councilman George Atkins Chairman to form a committee of his choosing to establish a minimum bid for the Water Company property that we intend to sell. Mayor Karnes said he didn't feel we should have the property appraised, but he will ask Councilman Atkins to obtain a visual appraisal just as a guideline and report back to Council at the next meeting.

There being no further business, the meeting was adjourned.



DON KARNES, MAYOR



RECORDER HERBERT SIBLEY

CITY OF NITRO

ORDINANCE

ORDINANCE AUTHORIZING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND BETTERMENT TO THE PUBLIC SEWERAGE SYSTEM FACILITIES OF THE CITY OF NITRO AND THE FINANCING CERTAIN PRELIMINARY COSTS THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$373,000.00 IN AGGREGATE PRINCIPAL AMOUNT OF SEWERAGE SYSTEM REVENUE BONDS, SERIES 1995 A, AND THE FINANCING TEMPORARILY OF CERTAIN COSTS THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$150,000.00 IN AGGREGATE PRINCIPAL AMOUNT OF SEWERAGE SYSTEM REVENUE BONDS, SERIES 1995 B; PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; APPROVING AND RATIFYING A LOAN AGREEMENT RELATING TO THE SERIES 1995 A BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.

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

ARTICLE I

STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

Section 1.01. Authority for this Ordinance. This Ordinance (together with any ordinance, order or resolution supplemental hereto or amendatory hereof, the "Bond Legislation") is adopted pursuant to the provisions of Chapter 16, Article 13 and Chapter 22, Article 2 of the West Virginia Code of 1931, as amended (the "Act"), and other applicable provisions of law.

Section 1.02. Findings. It is hereby found, determined and declared that:

A. The City of Nitro (the "Issuer") is a municipal corporation and political subdivision of the State of West Virginia in Kanawha and Putnam Counties of said State.

B. The Issuer presently owns and operates a public sanitary sewerage collection and treatment system. However, it is deemed necessary and desirable for the health and welfare of the inhabitants of the Issuer that there be designed and constructed certain additions, betterments and improvements for the existing sewerage facilities of the Issuer consisting of the improvements and upgrading of the wastewater treatment plant and the replacement of certain wastewater collection

1 lines and all appurtenant facilities (the "Project") which
2 constitute properties for the collection and treatment of
3 wastewater (the existing sewerage system facilities of the
4 Issuer, the Project and any further additions thereto or
5 extensions thereof is herein called the "System") at an
6 estimated cost of \$3,625,000.00, in accordance with the plans
7 and specifications are being prepared by the Consulting
8 Engineers, which plans and specifications have been approved,
9 on a preliminary basis, by the Issuer.

11 C. The estimated revenues to be derived in each year
12 after completion of the Project from the operation of the
13 System will be sufficient to pay all the costs of the operation
14 and maintenance of said System, the principal of and interest
15 on the Bonds and all Sinking Fund, Reserve Account and other
16 payments provided for herein, all as such terms are hereinafter
17 defined.

19 D. It is deemed necessary for the Issuer to issue
20 its Sewerage System Revenue Bonds in the total aggregate
21 principal amount of not more than \$523,000.00 in two series,
22 being the Series 1995 A Bonds in the aggregate principal amount
23 of not more than \$373,000.00, and the Series 1995 B Bonds in
24 the aggregate of not more than \$150,000.00 (collectively, the
25 "Original Bonds"). The proceeds of the Series 1995 A Bonds
26 will be used to finance certain preliminary costs of the design
27 and preparation of the plans and specifications for the
28 construction and acquisition of the Project, and the proceeds
29 of the Series 1995 B Bonds will be used to finance temporarily
30 certain Project costs, consisting of the repair project on
31 21st Street. The proceeds of the Series 1995 A Bonds shall be
32 used to pay the preliminary engineering expenses for the
33 Project, and the proceeds of the Series 1995 B Bonds will be
34 used to provide interim financing for a portion of the
35 construction of the Project, known generally as the 21st Street
36 portion of the Project. Said costs shall be deemed to include
37 the cost of all property rights, easements and franchises
38 deemed necessary or convenient therefor; interest and upon the
39 Bonds prior to and during construction or acquisition and for a
40 period not exceeding 6 months after completion of construction
41 of the Project; amounts which may be deposited in the Reserve
42 Accounts; engineering, and legal expenses; expenses for
43 estimates of costs and revenues, expenses for plans,
44 specifications and surveys; other expenses necessary or
45 incident to determining the feasibility or practicability of
46 the enterprise, administrative expense, commitment fees, fees
47 of the Authority (as hereinafter defined), discount, initial
48 fees for the services of registrars, paying agents,
49 depositories or trustees or other costs in connection with the
50 sale of the Bonds and such other expenses as may be necessary
51 or incidental to the financing herein authorized, the
52 construction or acquisition of the Project and the placing of
53 same in operation, and the performance of the things herein

1 required or permitted, in connection with any thereof;
provided, that reimbursement to the Issuer for any amounts
3 expended by it for allowable costs prior to the issuance of the
Bonds or the repayment of indebtedness incurred by the Issuer
5 for such purposes, shall be deemed Costs of the Project, as
hereinafter defined.

7

E. The Issuer intends to finance such costs of
9 acquisition and construction of the project permanently through
the issuance of its revenue bonds to the West Virginia Water
11 Development Authority (the "Authority") in connection with West
Virginia Water Pollution Control Revolving Fund Program (the
13 "SRF Program"), pursuant to the Act, in order to take advantage
of the favorable terms available to the Issuer under the SFR
15 Program.

17 F. The period of usefulness of the System after
completion of the Project is not less than 20 years.

19

G. It is in the best interests of the Issuer that
21 its Series 1995 A Bonds be sold to the Authority (as
hereinafter defined) pursuant to the terms and provisions of a
23 loan agreement to be entered into by and among the Issuer, the
Authority and the West Virginia Division of Environmental
25 Protection, a division of the West Virginia Bureau of the
Environment ("DEP"), in form satisfactory to the Issuer, the
27 Authority and the DEP, as shall be approved herein. It is in
the best interest of the Issuer that the Series 1995 B Bonds be
29 sold to Huntington Bank, West Virginia, National Association.

31 H. There is not outstanding any obligations of the
Issuer which will rank prior to or on a parity with the Bonds
33 as to lien and source of and security for payment, other than
the City's Sewerage System construction loan dated February 6,
35 1991, presently outstanding in the amount of approximately
\$130,000, payable to the order of The National Bank of Commerce
37 of Nitro, which will rank on a parity with the Series 1995 A
Bonds and the Series 1995 B Bonds. The construction loan
39 referred to above, the Series 1995 A Bonds and the Series 1995
B Bonds shall be secured by a first lien on the revenues of the
41 System, which lien shall be shared on a proportionate basis
among the loan and each series of bonds.

43

I. The Issuer has complied with all requirements of
45 West Virginia law relating to authorization of the
construction, acquisition and operation of the Project and
47 issuance of the Bonds, or will have so complied prior to
issuance of any thereof, The undertakings contemplated by this
49 Ordinance do not require obtaining of a Certificate of
Convenience and Necessity from the Public Service Commission of
51 West Virginia.

1 J. The Issuer is a governmental unit which has
 2 general taxing powers to finance operations of or facilities of
 3 the nature of the Project and System, and the Issuer, all
 4 subordinate entities, all entities which issue obligations on
 5 behalf of the Issuer, and all entities formed or, to the extent
 6 provided under Section 148 of the Code, herein defined, availed
 7 of, to avoid the purposes of Section 148(f)(4)(C) of the Code
 8 and all other entities benefiting thereby reasonably expect to
 9 issue less than \$5,000,000 aggregate principal amount of
 10 tax-exempt obligations (other than private activity bonds)
 11 during the calendar year 1995.

13 K. Pursuant to the Act, the Issuer has heretofore
 14 established a Sanitary Board, and the Sanitary Board has
 15 petitioned the Council to issue the Series 1995 A Bonds and the
 16 Series 1995 B Bonds for the purposes set forth herein.

17 L. The Issuer hereby finds and determines that the
 18 amount of bonds, other than private activity bonds which it
 19 anticipates issuing during calendar year 1995 shall not exceed
 20 \$10,000,000 and therefore the City hereby designates the Series
 21 1995 B Bonds as "qualified-tax-exempt obligations" for purposes
 22 of Section 265(b) of the Code.

25 Section 1.03. Bond Legislation Constitutes Contract.
 26 In consideration of the acceptance of the Bonds by those who
 27 shall be the registered owners of the same from time to time,
 28 this Bond Legislation shall be deemed to be and shall
 29 constitute a contract between the Issuer and such Bondholders,
 30 and the covenants and agreements herein set forth to be
 31 performed by the Issuer shall be for the equal benefit,
 32 protection and security of the registered owners of any and all
 33 of such Bonds, all which shall be of equal rank and without
 34 preference, priority or distinction between any one Bond of a
 35 series and any other Bonds of the same series, by reason of
 36 priority of issuance or otherwise, except as expressly provided
 37 therein and herein.

39 Section 1.04. Definitions. The following terms shall
 40 have the following meanings herein unless the context expressly
 41 requires otherwise:

43 "Act" means Chapter 16, Article 13 and Chapter 22C,
 44 Article 2 of the West Virginia Code of 1931, as amended and in
 45 effect on the date of enactment hereof.

47 "Authority" means the West Virginia Water Development
 48 Authority, which is expected to be the original purchaser of
 49 the Original Bonds, or any other agency of the State of West
 50 Virginia that succeeds to the functions of the Authority.

51 "Authorized Officer" means the Mayor of the Issuer or
 52 any acting Mayor duly appointed by the Governing Body.

1

"Bank" means Huntington Bank, West Virginia, National Association, a national Banking association, in the State of West Virginia.

5

"Bond Construction Trust Fund" means the Bond Construction Trust Fund established by Section 4.01 hereof.

9

"Bondholder," "Holder of the Bonds," "Holder" or any similar term whenever used herein with respect to an outstanding Bond or Bonds, means the person in whose name such Bond is registered.

13

"Bond Legislation," "Ordinance," "Bond Ordinance" or "Local Act" means this Bond Ordinance and all ordinances, orders and resolutions supplemental hereto or amendatory hereof.

17

"Bond Registrar" means the bank or other entity to be designated as such in the Supplemental Resolution and its successors and assigns.

21

"Bond Year" means the 12 month period beginning on the anniversary of the Closing Date in each year and ending on the day prior to the anniversary date of the Closing Date in the following year except that the first Bond Year shall begin on the Closing Date.

27

"Bonds" means the Original Bonds, and any bonds on a parity therewith authorized to be issued hereunder.

31

"Closing Date" means, with respect to the Series 1995 A Bonds, the date upon which there is an exchange of the Bonds for the proceeds representing the purchase of the Bonds by the Authority, and with respect to the Series 1995 B Bonds, the date upon which there is an exchange of the Bonds for the proceeds representing the purchase of the Bonds by the Bank.

37

"Code" means the Internal Revenue Code of 1986, as amended, and Regulations.

41

"Commission" means the West Virginia Municipal Bond Commission or any other agency of the State of West Virginia that succeeds to the functions of the Commission.

45

"Consulting Engineers" means Dunn Engineers, Inc., Charleston, West Virginia, or any engineer or firm of engineers that shall at any time hereafter be retained by the Issuer as Consulting Engineers for the System.

49

"Costs" or "Costs of the Project" means those costs described in Section 1.02D hereof to be a part of the cost of construction and acquisition of the Project.

53

1 "Debt Service" means the scheduled amount of interest
and amortization of principal payable on the Bonds during the
3 period of computation, excluding amounts scheduled during such
period which relate to principal which has been retired before
5 the beginning of such period.

7 "Depository Bank" means the bank designated as such in
the Supplemental Resolution, and its successors and assigns.
9

11 "DEP" means the West Virginia Division of
Environmental Protection, a division of the West Virginia
Bureau of the Environment.
13

15 "Excess Investment Earnings" means an amount equal to
the sum of:

17 (A) The excess of

19 (i) The aggregate amount earned from the Closing
Date on all Nonpurpose Investments in which Gross
21 Proceeds of the Series 1995 A Bonds and Series 1995 B
Bonds are invested [other than amounts attributable to
23 an excess described in this clause (A) of this
definition of Excess Investment Earnings], over
25

27 (ii) The amount that would have been earned if
the Yield on such Nonpurpose Investments [other than
29 amounts attributable to an excess described in this
clause (A) of this definition of Excess Investment
Earnings] had been equal to the Yield on the Series
31 1995 A Bonds and the Series 1995 B Bonds, plus

33 (B) Any income attributable to the excess described in
35 clause (A) of this definition of Excess Investment Earnings.

37 "FDIC" means the Federal Deposit Insurance Corporation
and any successor to the functions of the FDIC.

39 "Fiscal Year" means each 12-month period beginning on
41 July 1 and ending on the succeeding June 30.

43 "Governing Body" means the Council of the Issuer, as
it may hereafter be constituted.

45 "Government Obligations" means direct obligations of,
or obligations the timely payment of the principal of and
47 interest on which is guaranteed by, the United States of
America.
49

51 "Gross Proceeds" means the sum of the following
amounts:

1 (i) Original proceeds, namely, net amounts received by
or for the Issuer as a result of the sale of the Series
3 1995 A Bonds and the Series 1995 B Bonds, excluding
original proceeds which become transferred proceeds
5 (determined in accordance with applicable Regulations) of
obligations issued to refund in whole or in part the Series
7 1995 A Bonds and the Series 1995 B Bonds;

9 (ii) Investment proceeds, namely, amounts received at
any time by or for the Issuer, such as interest and
11 dividends, resulting from the investment of any original
proceeds (as referenced in clause (i) above) or investment
13 proceeds (as referenced in this clause (ii)) in Nonpurpose
Investments, increased by any profits and decreased (if
15 necessary, below zero) by any losses on such investments,
excluding investment proceeds which become transferred
17 proceeds (determined in accordance with applicable
Regulations) of obligations issued to refund in whole or in
19 part the Series 1995 A Bonds and the Series 1995 B Bonds;

21 (iii) Transferred proceeds, namely, original proceeds
of any prior obligations, and interest earnings and profits
23 less losses resulting from investment of such original
proceeds in Nonpurpose Investments, which are used to
25 discharge the outstanding principal of any prior bonds and
which are deemed to become proceeds of the Series 1995 A
27 Bonds or the Series 1995 B Bonds, ratably as original
proceeds of the Series 1995 A Bonds or the Series 1995 B
29 Bonds, as the case may be, and interest earnings and
profits resulting from investment of such original proceeds
31 in Nonpurpose Investments, which are used to discharge the
outstanding principal of any such prior obligations, all on
33 the date of such ratable discharge;

35 (iv) Sinking fund proceeds, namely, amounts, other
than original proceeds, investment proceeds or transferred
37 proceeds (as referenced in clauses (i) through (iii) above)
of the Series 1995 A Bonds and the Series 1995 B Bonds,
39 which are held in any fund to the extent that the Issuer
reasonably expects to use such other fund to pay Debt
41 Service;

43 (v) Amounts in the Reserve Accounts and in any other
fund established as a reasonably required reserve or
45 replacement fund;

47 (vi) Investment Property pledged as security for
payment of Debt Service on the Series 1995 A Bonds and the
49 Series 1995 B Bonds by the Issuer;

51 (vii) Amounts, other than as specified in this
definition, used to pay Debt Service on the Series 1995 A
53 Bonds and the Series 1995 B Bonds; and

(viii) Amounts received as a result of investing amounts described in this definition.

"Gross Revenues" means the aggregate gross operating and non-operating revenues of the System, as hereinafter defined, determined in accordance with generally accepted accounting principles, after deduction of prompt payment discounts, if any, and reasonable provision for uncollectible accounts; provided, that "Gross Revenues" does not include any gains from the sale or other disposition of, or from any increase in the value of, capital assets (including Qualified Investments, as hereinafter defined, purchased pursuant to Article 7.01 hereof) or any Tap Fees, as hereinafter defined.

"Herein," "hereto" and similar words shall refer to this entire Bond Legislation.

"Independent Certified Public Accountants" shall mean any certified public accountant or firm of certified public accountants that shall at any time hereafter be retained by the Issuer to prepare an independent annual or special audit of the accounts of the System or for any other purpose except keeping the accounts of the System in the normal operation of its business and affairs.

"Investment Property" means any security (as said term is defined in Section 165(g)(2)(A) or (B) of the Code), obligation, annuity contract or investment-type property, excluding, however, obligations the interest on which is excluded from gross income, under Section 103 of the Code, for federal income tax purposes.

"Issuer" means The City of Nitro, in Kanawha and Putnam Counties, West Virginia, and, unless the context clearly indicates otherwise, includes the Governing Body of the Issuer.

"Loan Agreement" means the Loan Agreement to be entered into among the West Virginia Department of Environmental Protection, the Authority and the Issuer providing for the purchase of the Series 1995 A Bonds from the Issuer by the Authority, the forms of which shall be approved, and the execution and delivery by the Issuer authorized and directed by the Supplemental Resolution.

"Mayor" means the Mayor of the Issuer.

"Net Proceeds" means the face amount of the Series 1995 A Bonds and the Series 1995 B Bonds, plus accrued interest and premium, if any, less original issue discount, if any, and less proceeds deposited in the Reserve Account. For purpose of the Private Business Use limitations set forth herein, the term Net Proceeds shall include any amounts resulting from the

1 investment of proceeds of the Series 1995 A Bonds and the
 2 Series 1995 B Bonds, without regard to whether or not such
 3 investment is made in tax-exempt obligations.

5 "Net Revenues" means the balance of the Gross
 6 Revenues, remaining after deduction of Operating Expenses, as
 7 hereinafter defined.

9 "Nonpurpose Investment" means any Investment Property
 10 which is acquired with the Gross Proceeds of the Bonds and is
 11 not acquired in order to carry out the governmental purpose of
 12 the Bonds.

13 "Operating Expenses" means the reasonable, proper and
 14 necessary costs of repair, maintenance and operation of the
 15 System and includes, without limiting the generality of the
 16 foregoing, administrative, engineering, legal, auditing and
 17 insurance expenses, other than those capitalized as part of the
 18 Costs, fees and expenses of the Authority, fiscal agents, the
 19 Depository Bank, Registrar and the Paying Agent (all as herein
 20 defined), other than those capitalized as part of the Costs,
 21 payments to pension or retirement funds, taxes and such other
 22 reasonable operating costs and expenses as should normally and
 23 regularly be included under generally accepted accounting
 24 principles; provided, that "Operating Expenses" does not
 25 include payments on account of the principal of or redemption
 26 premium, if any or interest on the Bonds, charges for
 27 depreciation, losses from the sale or other disposition of, or
 28 from any decrease in the value of, capital assets, amortization
 29 of debt discount or such miscellaneous deductions as are
 30 applicable to prior accounting periods.

33 "Original Bonds" or "Bonds originally authorized
 34 hereby" or similar phrases mean, collectively, the not more
 35 than \$373,000.00 in aggregate principal amount of Series 1995 A
 36 Bonds and the not more than \$150,000.00 in aggregate principal
 37 amount of Series 1995 B Bonds, issued for the purpose of paying
 38 a portion of the Costs of the Project and for such other
 39 purposes permitted and authorized by this Bond Legislation.

41 "Outstanding," when used with reference to Bonds and
 42 as of any particular date, describes all Bonds theretofore and
 43 thereupon being authenticated and delivered except (i) any Bond
 44 cancelled by the Bond Registrar at or prior to said date; (ii)
 45 any Bond for the payment of which moneys, equal to its
 46 principal amount and redemption premium, if applicable, with
 47 interest to the date of maturity or redemption shall be in
 48 trust hereunder and set aside for such payment (whether upon or
 49 prior to maturity); (iii) any Bond deemed to have been paid as
 50 provided in Article IX hereof; and (iv) for purposes of
 51 consents or other action by a specified percentage of
 52 Bondholders, any Bonds registered to the Issuer.

1 "Parity Bonds" means additional Bonds issued under the
 3 provisions and within the limitations prescribed by Section
 6.07 hereof.

5 "Paying Agent" means the West Virginia Municipal Bond
 7 Commission, as paying agent for the Series 1995 A Bonds.

"Private Business Use" means use directly or
 9 indirectly in a trade or business carried on by a natural
 11 person, including all persons "related" to such person within
 the meaning of Section 144(a)(3) of the Code, or in any
 13 activity carried on by a person other than a natural person,
 including all persons "related" to such person within the
 15 meaning of Section 144(a)(3) of the Code, excluding, however,
 use by a state or local governmental unit and use as a member
 17 of the general public. All of the foregoing shall be
 determined in accordance with the Code, including, without
 19 limitation, giving due regard to "incidental use," if any, of
 the proceeds of the issue and/or proceeds used for "qualified
 improvements," if any.

21 "Project" means the acquisition and construction of
 23 certain improvements and betterments to the Issuer's wastewater
 collection and treatment facilities of the Issuer, consisting
 25 of the upgrading the wastewater treatment plant and certain
 collection lines and lift stations within the jurisdiction of
 27 the Issuer, and all necessary appurtenances.

29 "Purchase Price," for the purpose of computation of
 the Yield of the Series 1995 A Bonds and the Series 1995 B
 31 Bonds, has the same meaning as the term "issue price" in
 Sections 1273(b) and 1274 of the Code, and, in general, means
 33 the initial offering price of the Series 1995 A Bonds and the
 Series 1995 B Bonds to the public (not including bond houses
 35 and brokers, or similar persons or organizations acting in the
 capacity of underwriters or wholesalers) at which price a
 37 substantial amount of the Series 1995 A Bonds and the Series
 1995 B Bonds of each maturity is sold or, if the Series 1995 A
 39 Bonds or Series 1995 B Bonds are privately placed, the price
 paid by the first buyer of the Series 1995 A Bonds or the
 41 Series 1995 B Bonds or the acquisition cost of the first
 buyer. "Purchase Price," for purposes of computing Yield of
 43 Nonpurpose Investments, means the fair market value of the
 Nonpurpose Investments on the date of use of Gross Proceeds of
 45 the Series 1995 A Bonds and the Series 1995 B Bonds for
 acquisition thereof, or if later, on the date that Investment
 47 Property constituting a Nonpurpose Investment becomes a
 Nonpurpose Investment of the Series 1995 A Bonds and the Series
 49 1995 B Bonds.

51 "Qualified Investments" means and includes any of the
 following:

53

1 (a) Government Obligations;

3 (b) Government Obligations which have been stripped
of their unmatured interest coupons, interest coupons
5 stripped from Government Obligations, and receipts or
certificates evidencing payments from Government
7 Obligations or interest coupons stripped from Government
Obligations;

9 (c) Bonds, debentures, notes or other evidences of
11 indebtedness issued by any of the following agencies:
Banks for Cooperatives; Federal Intermediate Credit Banks;
13 Federal Home Loan Bank System; Export-Import Bank of the
United States; Federal Land Banks; Government National
15 Mortgage Association; Tennessee Valley Authority; or
Washington Metropolitan Area Transit Authority;

17 (d) Any bond, debenture, note, participation
19 certificate or other similar obligations issued by the
Federal National Mortgage Association to the extent such
21 obligation is guaranteed by the Government National
Mortgage Association or issued by any other federal agency
23 and backed by the full faith and credit of the United
States of America;

25 (e) Time accounts (including accounts evidenced by
27 time certificates of deposit, time deposits or other
similar banking arrangements) which, to the extent not
29 insured by the FDIC, shall be secured by a pledge of
Government Obligations, provided, that said Government
31 Obligations pledged either must mature as nearly as
practicable coincident with the maturity of said time
33 accounts or must be replaced or increased so that the
market value thereof is always at least equal to the
35 principal amount of said time accounts;

37 (f) Money market funds or similar funds whose only
assets are investments of the type described in paragraphs
39 (a) through (e) above;

41 (g) Repurchase agreements, fully secured by
investments of the types described in paragraphs (a)
43 through (e) above, with banks or national banking
associations which are members of FDIC or with government
45 bond dealers recognized as primary dealers by the Federal
Reserve Bank of New York, provided, that said investments
47 securing said repurchase agreements either must mature as
nearly as practicable coincident with the maturity of said
49 repurchase agreements or must be replaced or increased so
that the market value thereof is always at least equal to
51 the principal amount of said repurchase agreements, and
provided further that the holder of such repurchase
53 agreement shall have a prior perfected security interest in

1 the collateral therefor; must have (or its agent must have)
 3 possession of such collateral; and such collateral must be
 free of all claims by third parties;

5 (h) The West Virginia "consolidated fund" managed by
 7 the West Virginia State Board of Investments Pursuant to
 Chapter 12, Article 6 of the West Virginia Code of 1931, as
 9 amended; and

11 (i) Obligations of States or political subdivisions or
 agencies thereof, the interest on which is exempt from
 13 federal income taxation, and which are rated at least "A"
 by Moody's Investors Service, Inc. or Standard & Poor's
 15 Corporation.

17 "Registered Owner," "Bondholder," "Holder" or any
 similar term means whenever used herein with respect to an
 outstanding Bond or Bonds, the person in whose name such Bond
 19 or Bonds is registered.

21 "Registrar" means the Bond Registrar.

23 "Regulations" means temporary and permanent
 regulations promulgated under the Code, or any predecessor
 25 thereto.

27 "Renewal and Replacement Fund" means the Renewal and
 Replacement Fund established by Section 4.01 hereof.
 29

31 "Revenue Fund" means the Revenue Fund established by
 Section 4.01 hereof.

33 "Series 1995 A Bonds" or "Series A Bonds" means the
 not more than \$373,000.00 in aggregate principal amount of
 35 Sewerage System Revenue Bonds, Series 1995 A, of the Issuer.

37 "Series 1995 A Bonds Reserve Account" means the Series
 1995 A Bonds Reserve Account established in the Series 1995 A
 39 Bonds Sinking Fund pursuant to Section 4.02 hereof.

41 "Series 1995 A Bonds Reserve Requirement" means, as of
 any date of calculation, the maximum amount of principal and
 43 interest which will become due on the Series 1995 A Bonds in
 the then current or any succeeding year.
 45

47 "Series 1995 A Bonds Sinking Fund" means the Series
 1995 A Sinking Fund established by Section 4.02 hereof.

49 "Series 1995 B Bonds" or "Series B Bonds" means the
 not more than \$150,000.00 in aggregate principal amount of
 51 Sewerage System Revenue Bonds, Series 1995 B, of the Issuer.

53 "State" means the State of West Virginia.

1

"Supplemental Resolution" means any resolution, ordinance or order of the Issuer supplementing or amending this Ordinance and, when preceded by the article "the," refers specifically to the supplemental resolutions authorizing the sale of the Notes or the Original Bonds; provided, that any matter intended by this Ordinance to be included in the Supplemental Resolution with respect to the Original Bonds, and not so included may be included in another Supplemental Resolution.

11

"Surplus Revenues" means the Net Revenues not required by the Bond Legislation to be set aside and held for the payment of or security for the Bonds or any other obligations of the Issuer, including the Renewal and Replacement Fund and the Reserve Accounts, the proceeds of which Bonds or other obligations are to be used to pay Costs of the Project.

19

"System" means the existing sewerage system facilities as expanded by the Project, and all facilities and other property of every nature, real or personal, now or hereafter owned, held or used in connection with said sewerage system; and shall include any and all additions, extensions, improvements properties or other facilities at any time acquired or constructed for the System after completion of the Project.

27

"Recorder" means the Recorder of the Issuer.

29

"Yield" means that yield which, when used in computing the present worth of all payments of principal and interest (or other payments in the case of Nonpurpose Investments which require payments in a form not characterized as principal and interest) on a Nonpurpose Investment or on the Series 1995 A Bonds or the Series 1995 B Bonds produces an amount equal to the Purchase Price of such Nonpurpose Investment or the Bonds, all computed as prescribed in applicable Regulations.

39

Words importing singular number shall include the plural number in each case and vice versa; words importing persons shall include firms and corporations; and words importing the masculine, feminine or neutral gender shall include any other gender.

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ARTICLE III

AUTHORIZATION, TERMS, EXECUTION, REGISTRATION
AND SALE OF BONDS;
AUTHORIZATION AND EXECUTION OF LOAN AGREEMENT

Section 3.01. Authorization of Series 1995 A Bonds.

For the purposes of paying certain preliminary Costs of the Project not otherwise provided for and paying certain costs of issuance of the Series 1995 A Bonds and related costs, there shall be issued negotiable Series 1995 A Bonds of the Issuer, in an aggregate principal amount of not more than \$373,000.00. Said Series 1995 A Bonds shall be issued as a single bond and designated as "Sewerage System Revenue Bonds, Series 1995 A." The Series 1995 A Bonds shall bear no interest until June 1, 1996. From June 1, 1996 the Series 1995 A Bonds shall bear interest at the rate of two percent (2%) per annum. There shall also be payable on the Series 1995 A Bonds a one percent (1%) administrative fee. The Series 1995 A Bonds shall have such terms as set forth hereinafter and in the Supplemental Resolution. The proceeds of the Series 1995 A Bonds shall be deposited in the Bond Construction Trust Fund.

Section 3.01A. Authorization of Series 1995 B Bonds.

For the purposes of financing temporarily certain Costs of the Project not otherwise provided for and paying certain costs of issuance of the Series 1995 B Bonds and related costs, there shall be issued negotiable Series 1995 B Bonds of the Issuer, in an aggregate principal amount of not more than \$150,000.00. Said Series 1995 B Bonds shall be issued as a single bond and designated as "Sewerage System Revenue Bonds, Series 1995 B." The Series 1995 B Bonds shall bear interest at such rate or rates, not exceeding the then legal maximum, payable on such dates; shall mature on such dates and in such amounts; and shall be redeemable, in whole or in part, and shall have such other terms, all as the Issuer shall prescribe in a Supplemental Resolution. The proceeds of the Series 1995 B Bonds shall be disbursed to or account of the Issuer as provided herein.

Section 3.02. Terms of the Series 1995 A Bonds.

The Series 1995 A Bonds shall bear interest as set forth above; shall be payable and mature on such dates and in such amounts as set forth in Schedule Y attached hereto; and shall be redeemable, in whole or in part, all as the Issuer shall prescribe in a Supplemental Resolution, or as specifically provided in the Loan Agreement. The Series 1995 A Bonds shall be payable as to principal at the office of the Paying Agent, in any coin or currency which, on the dates of payment of principal is legal tender for the payment of public or private debts under the laws of the United States of America. Interest on the Series 1995 A Bonds shall be paid by check or draft of the Paying Agent mailed to the registered owner thereof at the

1 address as it appears on the books of the Bond Registrar, or by
 2 such other method as shall be mutually agreeable so long as the
 3 Authority is the Registered Owner thereof.

5 Unless otherwise provided by the Supplemental
 6 Resolution, the Series 1995 A Bonds shall be issued in the form
 7 of a single bond, fully registered to the Authority, with a
 8 record of advances and a debt service schedule attached,
 9 representing the aggregate principal amount of the Series 1995
 10 A Bonds, and shall mature in principal installments, all as
 11 provided in the Supplemental Resolution. The Series 1995 A
 12 Bonds shall be exchangeable at the option and expense of the
 13 Holder for other fully registered Bonds of the same series in
 14 aggregate principal amount equal to the amount of said Bonds
 15 then Outstanding and being exchanged, with principal
 16 installments or maturities, as applicable, corresponding to the
 17 dates of payment of principal installments of said Bonds;
 18 provided, that the Authority shall not be obligated to pay any
 19 expenses of such exchange.

21 Subsequent series of Bonds, if any, shall be issued in
 22 fully registered form and in denominations as determined by a
 23 Supplemental Resolution. The Bonds shall be dated as of the
 24 date specified in a supplemental resolution and shall bear
 25 interest from the date so specified therein.

27 Section 3.02A. Terms of the Series 1995 B Bonds. The
 28 Series 1995 B Bonds shall bear interest, shall be payable and
 29 mature on such dates and in such amounts, and shall be
 30 redeemable, in whole or in part, at any time at the option of
 31 Issuer at a redemption price equal to the principal amount
 32 thereof, plus interest to the redemption date; the Series 1995
 33 B Bonds shall be payable at the office of the Bank, in any coin
 34 or currency which, on the dates of payment of principal is
 35 legal tender for the payment of public or private debts under
 36 the laws of the United States of America. Interest on the
 37 Bonds shall be paid by check or draft of the City mailed to the
 38 registered owner thereof at the address as it appears on the
 39 books of the Bond Registrar, or by such other method as shall
 40 be mutually agreeable so long as the Bank is the Registered
 41 Owner thereof.

43 Unless otherwise provided by the Supplemental
 44 Resolution, the Series 1995 B Bonds shall be issued in the form
 45 of a single bond, fully registered to the Bank, representing
 46 the aggregate principal amount of such Bonds.

47 Section 3.03. Execution of Bonds. The Bonds shall
 48 be executed, either manually or by facsimile, in the name of
 49 the Issuer by the Mayor, and the seal of the Issuer shall be
 50 affixed thereto or imprinted thereon and attested by the
 51 Recorder. In case any one or more of the officers who shall
 52 have signed or sealed any of the Bonds shall cease to be such

1 officer of the Issuer before the Bonds so signed and sealed
 have been actually sold and delivered, such Bonds may
 3 nevertheless be sold and delivered as herein provided and may
 be issued as if the person who signed or sealed such Bonds had
 5 not ceased to hold such office. Any Bonds may be signed and
 sealed on behalf of the Issuer by such person as at the actual
 7 time of the execution of such Bonds shall hold the proper
 office in the Issuer, although at the date of such Bonds such
 9 person may not have held such office or may not have been so
 authorized.

11

Section 3.04. Authentication and Registration. No
 13 Bond shall be valid or obligatory for any purpose or entitled
 to any security or benefit under this Bond Legislation unless
 15 and until the Certificate of Authentication and Registration on
 such Bond, substantially in the forms set forth in Section 3.09
 17 shall have been manually executed by the Bond Registrar. Any
 such executed Certificate of Authentication and Registration
 19 upon any such Bond shall be conclusive evidence that such Bond
 has been authenticated, registered and delivered under this
 21 Bond Legislation. The Certificate of Authentication and
 Registration on any Bond shall be deemed to have been executed
 23 by the Bond Registrar if manually signed by an authorized
 officer of the Bond Registrar, but it shall not be necessary
 25 that the same officer sign the Certificate of Authentication
 and Registration on all of the Bonds issued hereunder.

27

Section 3.05. Negotiability, Transfer and
Registration. Subject to the provisions for transfer of
 29 registration set forth below, the Bonds shall be and have all
 31 of the qualities and incidents of negotiable instruments under
 the Uniform Commercial Code of the State of West Virginia, and
 33 each successive Holder, in accepting any of said Bonds shall be
 conclusively deemed to have agreed that such Bonds shall be and
 35 have all of the qualities and incidents of negotiable
 instruments under the Uniform Commercial Code of the State of
 37 West Virginia, and each successive Holder shall further be
 conclusively deemed to have agreed that said Bonds shall be
 39 incontestable in the hands of a bona fide holder for value.

41 So long as any of the Bonds remain outstanding, the
 Issuer, through the Bond Registrar or its agent, shall keep and
 43 maintain books for the registration and transfer of the Bonds.

45 The registered Bonds shall be transferable only upon
 the books of the Bond Registrar, by the registered owner
 47 thereof in person or by his attorney duly authorized in
 writing, upon surrender thereto together with a written
 49 instrument of transfer satisfactory to the Bond Registrar duly
 executed by the registered owner or his duly authorized
 51 attorney.

1 In all cases in which the privilege of exchanging
 3 Bonds or transferring the registered Bonds are exercised, Bonds
 5 shall be delivered in accordance with the provisions of this
 7 Bond Legislation. All Bonds surrendered in any such exchanges
 9 or transfers shall forthwith be cancelled by the Bond
 11 Registrar. For every such exchange or transfer of Bonds, the
 13 Bond Registrar may make a charge sufficient to reimburse it for
 15 any tax, fee or other governmental charge required to be paid
 17 with respect to such exchange or transfer and the cost of
 19 preparing each new Bond upon each exchange or transfer, and any
 other expenses of the Bond Registrar incurred in connection
 therewith, which sum or sums shall be paid by the Issuer. The
 Bond Registrar shall not be obliged to make any such exchange
 or transfer of Bonds during the period commencing on the 15th
 day of the month preceding an interest payment date on the
 Bonds or, in the case of any proposed redemption of Bonds, next
 preceding the date of the selection of Bonds to be redeemed,
 and ending on such interest payment date or redemption date.

21 Section 3.06. Bonds Mutilated, Destroyed, Stolen or
Lost. In case any Bond shall become mutilated or be destroyed,
 23 stolen or lost, the Issuer may, in its discretion, issue, and
 25 the Bond Registrar shall, if so advised by the Issuer,
 27 authenticate and deliver, a new Bond of the same series and of
 29 like tenor as the Bonds so mutilated, destroyed, stolen or
 31 lost, in exchange and substitution for such mutilated Bond,
 33 upon surrender and cancellation of such mutilated Bond, or in
 35 lieu of and substitution for the Bond destroyed, stolen or
 37 lost, and upon the Holder's furnishing satisfactory indemnity
 and complying with such other reasonable regulations and
 conditions as the Issuer may prescribe and paying such expenses
 as the Issuer and the Bond Registrar may incur. All Bonds so
 surrendered shall be cancelled by the Bond Registrar and held
 for the account of the Issuer. If any such Bond shall have
 matured or be about to mature, instead of issuing a substitute
 Bond, the Issuer may pay the same, upon being indemnified as
 aforesaid, and if such Bond be lost, stolen or destroyed,
 without surrender thereof.

41 Section 3.07. Bonds not to be Indebtedness of the
Issuer. The Series 1995 A Bonds shall not, in any event, be or
 43 constitute an indebtedness of the Issuer within the meaning of
 45 any constitutional or statutory provision or limitation, but
 47 shall be payable solely from the Net Revenues derived from the
 49 operation of the System as herein provided and amounts, if any,
 in the Series 1995 A Bonds Reserve Account. No holder or
 holders of any of the Series 1995 A Bonds shall ever have the
 right to compel the exercise of the taxing power of the Issuer
 to pay the Series 1995 A Bonds or the interest thereon.

51 The Series 1995 B Bonds shall not, in any event, be or
 53 constitute an indebtedness of the Issuer within the meaning of
 any constitutional or statutory provision or limitation, but

1 shall be payable solely from the Net Revenues derived from the operation of the System as herein provided and from the subsequent issuance of revenue bonds to finance permanently the Cost of the Project. No holder or holders of any of the Series 1995 B Bonds shall ever have the right to compel the exercise of the taxing power of the Issuer to pay the Series 1995 B Bonds or the interest thereon.

9 Section 3.08. Bonds Secured by Pledge of Net
Revenues; Series 1995 A Bonds to be on Parity with the Series
1995 B Bonds. The payment of the debt service of all the Series 1995 B Bonds and Series 1995 B Bonds shall be secured forthwith equally and ratably with each other, and with the Issuer 1991 construction loan, by a first lien on the Net Revenues derived from the System, which first lien shall be shared prorata among all the above described indebtedness. Such Net Revenues in an amount sufficient to pay the principal of and interest on and other payments for the Bonds and to make the payments into the Sinking Funds, the Reserve Accounts therein and the Renewal and Replacement Fund hereinafter established, are hereby irrevocably pledged to the payment of the principal of and interest on the Bonds as the same become due.

25 Section 3.09. Delivery of Bonds. The Issuer shall
 27 execute and deliver the Series 1995 A Bonds and the Series 1995 B Bonds to the Bond Registrar, and the Registrar shall
 9 authenticate register and deliver the Bonds to the original purchasers thereof upon receipt of the documents set forth below:

31
 33 A. If other than the Authority, a list of the names in
 35 which the Bonds are to be registered upon original
 37 issuance, together with such taxpayer identification and other information as the Bond Registrar may reasonable require;

39 B. A request and authorization to the Bond Registrar,
 41 on behalf of the Issuer, signed by an Authorized Officer, to authenticate and deliver the Bonds to the original purchasers; and

43 C. An unqualified approving opinion of bond counsel
 45 on the Bonds.

47 Section 3.10. Form of Original Bonds. The text of
 49 the Bonds shall be in substantially the following forms, with such omissions, insertions and variations as may be necessary and desirable and authorized or permitted hereby, or by any Supplemental Resolution adopted prior to the issuance thereof:

[Form of Series 1995 A Bond]

UNITED STATES OF AMERICA
 STATE OF WEST VIRGINIA
 THE CITY OF NITRO
 SEWERAGE SYSTEM REVENUE BOND
 SERIES 1995 A

11 No. AR-_____

\$373,000.00

KNOW ALL MEN BY THESE PRESENTS: That THE CITY OF NITRO, a municipal corporation and political subdivision of the State of West Virginia in Kanawha and Putnam Counties of said State (the "Issuer"), for value received, hereby promises to pay, solely from the special funds provided therefor, as hereinafter set forth, to the West Virginia Water Development Authority (the "Authority") or registered assigns the sum of Three Hundred Seventy Three Thousand Dollars (\$373,000.00), together interest thereon at the rate of two percent (2%) per annum and an administrative fee of one percent (1%) per annum, which interest and administrative fee shall begin accrue June 1, 1996, in installments on March 1, June 1, September 1 and December 1 of each year, beginning September 1, 1996, as set forth on the "Schedule of Annual Debt Service" attached as Exhibit A hereto and incorporated herein by reference with interest on each installment at the rate per annum set forth on said Exhibit A.

The interest rate on each installment shall run from the June 1, 1996, and shall be payable on March 1, June 1, September 1 and December 1 of each year, beginning September 1, 1996, as shown on the aforesaid Schedule. Principal installments of this Bond are payable in any coin or currency which, on the respective dates of payment of such installments, is legal tender for the payment of public and private debts under the laws of the United States of America, at the office of the West Virginia Municipal Bond Commission, Charleston, West Virginia (the "Paying Agent"). The interest on this Bond is payable by check or draft of the Paying Agent mailed to the registered owner hereof at the address as it appears on the books of _____, West Virginia, as registrar (the "Registrar") on the 15th day of the month next preceding an interest payment date, or by such other method as shall be mutually agreeable so long as the Authority is the Registered Owner hereof.

This Bond may be redeemed prior to its stated date of maturity in whole or in part, but only upon the express consent of the Authority, and upon the terms and conditions prescribed by, and otherwise in compliance with the Loan Agreement by and

1 among the Issuer, the Authority and the West Virginia Division
 of Environmental Protection, dated _____, 1995.

3
 5 This Bond is issued (i) to pay a portion of the costs
 of acquisition and construction of certain additions,
 7 improvements and betterments to the sewerage system facilities
 of the Issuer (the "Project"); and (ii) to pay certain costs of
 9 issuance hereof and related costs. This Bond is issued under
 the authority of and in full compliance with the Constitution
 and statutes of the State of West Virginia, including
 11 particularly Chapter 16, Article 13 of the West Virginia Code
 of 1931, as amended (the "Act"), and an Ordinance and
 13 Supplemental Resolution, duly enacted and adopted,
 respectively, by the Issuer on _____, 1995,
 15 and _____, 1995, (collectively called the "Bond
 Legislation"), and is subject to all the terms and conditions
 17 thereof. The Bond Legislation provides for the issuance of
 additional bonds under certain conditions, and such bonds would
 19 be entitled to be paid and secured equally and ratably from and
 by the funds and revenues and other security provided for the
 21 Bonds under the Bond Legislation.

23 THIS BOND IS ISSUED CONCURRENTLY WITH THE SEWERAGE
 SYSTEM REVENUE BONDS, SERIES 1995 B OF THE ISSUER (THE "SERIES
 25 1995 B BONDS"), ISSUED IN THE AGGREGATE PRINCIPAL AMOUNT OF
 \$150,000, WHICH SERIES 1995 B BONDS ARE ISSUED ON A PARITY WITH
 27 THIS BOND WITH REPECT TO LIENS AND SOURCES OF AND SECURITY FOR
 PAYMENT OF THE SERIES 1995 A BONDS.

29 This Bond is payable only from and secured by a first
 31 lien pledge of the Net Revenues (as defined in the Bond
 Legislation) to be derived from the operation of the System,
 33 moneys in the Reserve Account created under the Bond
 Legislation for the Bonds (the "Series 1995 A Bonds Reserve
 35 Account"), and unexpended proceeds of the Bonds. Such Net
 Revenues shall be sufficient to pay the principal of and
 37 interest on all bonds which may be issued pursuant to the Act
 and which shall be set aside as a special fund hereby pledged
 39 for such purpose. This Bond does not constitute a corporate
 indebtedness of the Issuer within the meaning of any
 41 constitutional or statutory provisions or limitations, nor
 shall the Issuer be obligated to pay the same or the interest
 43 hereon except from said special fund provided from the Net
 Revenues, the moneys in the Series 1995 A Bonds Reserve Account
 45 and unexpended Bond proceeds. Pursuant to the Bond
 Legislation, the Issuer has covenanted and agreed to establish
 47 and maintain just and equitable rates and charges for the use
 of the System and the services rendered thereby, which shall be
 49 sufficient, together with other revenues of the System, to
 provide for the reasonable expenses of operation, repair and
 51 maintenance of the System, and to leave a balance each year
 equal to at least 115% of the maximum amount required in any
 53 year for principal of and interest on the Series 1995 A Bonds,

1 the Series 1995 B Bonds, and all other obligations secured by a
2 lien on or payable from such revenues prior to or on a parity
3 with the Bonds or the Series 1995 B Bonds, provided however,
4 that so long as there exists in the Series 1995 A Bonds Reserve
5 Account an amount at least equal to the maximum amount of
6 principal and interest which will become due on the Bonds in
7 the then current or any succeeding year, and in the respective
8 reserve accounts established for the Series 1995 B Bonds and
9 any other obligations outstanding prior to or on a parity with
10 the Bonds or the Series 1995 B Bonds, an amount at least equal
11 to the requirement therefor, such percentage may be reduced to
12 110%. The Issuer has entered into certain further covenants
13 with the registered owners of the Bonds for the terms of which
14 reference is made to the Bond Legislation. Remedies provided
15 the registered owners of the Bonds are exclusively as provided
16 in the Bond Legislation, to which reference is here made for a
17 detailed description thereof.

18 Subject to the registration requirements set forth
19 herein, this Bond is transferable, as provided in the Bond
20 Legislation, only upon the books of the Registrar by the
21 registered owner, or by its attorney duly authorized in
22 writing, upon the surrender of this Bond together with a
23 written instrument of transfer satisfactory to the Bond
24 Registrar duly executed by the registered owner or its attorney
25 duly authorized in writing.

26 Subject to the registration requirements set forth
27 herein, this Bond, under the provision of the Act is, and has
28 all the qualities and incidents of, a negotiable instrument
29 under the Uniform Commercial Code of the State of West Virginia.

30 All money received from the sale of this Bond, after
31 reimbursement and repayment of all amounts advanced for
32 preliminary expenses as provided by law, shall be applied
33 solely to the payment of the Costs of the Project described in
34 the Bond Legislation, and there shall be and hereby is created
35 and granted a lien upon such moneys, until so applied, in favor
36 of the owner of this Bond.

37 IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all
38 acts, conditions and things required to exist, happen and be
39 performed precedent to and in the issuance of this Bond have
40 existed, have happened, and have been performed in due time,
41 form and manner as required by law, and that the amount of this
42 Bond, together with all other obligations of the Issuer, does
43 not exceed any limit prescribed by the Constitution or statutes
44 of the State of West Virginia and that a sufficient amount of
45 the revenues of the System has been pledged to and will be set
46 aside into said special fund by the Issuer for the prompt
47 payment of the principal of and interest on this Bond.

1 All provisions of the Bond Legislation, resolutions
and statutes under which this Bond is issued shall be deemed to
3 be a part of the contract evidenced by this Bond to the same
extent as if written fully herein.

5

IN WITNESS WHEREOF, THE CITY OF NITRO has caused this
7 Bond to be signed by its Mayor and its corporate seal to be
hereunto affixed and attested by its Recorder, and has caused
9 this Bond to be dated _____, 1995.

11

[SEAL]

13



Mayor

15

ATTEST:

17

19

Recorder

21

(Form of)

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of The City of Nitro Sewerage System Revenue Bonds, Series 1995 A, described in the within-mentioned Bond Legislation and has been duly registered in the name of the registered owner set forth above, as of the date set forth below.

Date: _____

as Registrar

By _____
Its Authorized Officer

1
3
5EXHIBIT A

SCHEDULE OF ANNUAL DEBT SERVICE

SCHEDULE OF ADVANCES

1		
3	Amount	Date
5		
7		
9		
11		
13		
15		
17		
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21		
23		
25		
27		

(Form of)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sells, assigns, and transfers unto

the within Bond and does hereby irrevocably constitute and appoint _____, Attorney to transfer the said Bond on the books kept for registration of the within Bond of the said Issuer with full power of substitution in the premises.

Dated: _____, _____.

In the presence of:

[Form of Series 1995 B Bond]

UNITED STATES OF AMERICA
STATE OF WEST VIRGINIA
THE CITY OF NITRO
SEWERAGE SYSTEM REVENUE BOND
SERIES 1995 B

11 No. BR-_____

\$150,000.00

KNOW ALL MEN BY THESE PRESENTS: That THE CITY OF NITRO, a municipal corporation and political subdivision of the State of West Virginia in Kanawha and Putnam Counties of said State (the "Issuer"), for value received, hereby promises to pay, solely from the special funds provided therefor, as hereinafter set forth, to Huntington Bank, West Virginia, National Association (the "Bank") or registered assigns the sum of One Hundred Fifty Thousand Dollars (\$150,000.00), together with interest at the rate of ____% per annum, which principal, together with any unpaid interest shall fully due and payable on July 1, 1997. Payments of accrued interest shall be paid on the first day of each, beginning on the first day of the month subsequent to the date of the issuance of this Bond.

The principal of and interest on this Bond is payable in any coin or currency which, on the respective dates of payment of such installments, is legal tender for the payment of public and private debts under the laws of the United States of America, at the office of the Bank.

This Bond may be redeemed prior to its stated date of maturity in whole or in part, upon not less than five days' notice to the Bank.

This Bond is issued (i) to finance temporarily a portion of the costs of acquisition and construction of certain additions, improvements and betterments to the sewerage system facilities of the Issuer (the "Project"); and (ii) to pay certain costs of issuance hereof and related costs. This Bond is issued under the authority of and in full compliance with the Constitution and statutes of the State of West Virginia, including particularly Chapter 16, Article 13 of the West Virginia Code of 1931, as amended (the "Act"), and an Ordinance and Supplemental Resolution, duly enacted and adopted, respectively, by the Issuer on _____, 1995, and _____, 1995 (collectively called the "Bond Legislation"), and is subject to all the terms and conditions thereof. The Bond Legislation provides for the issuance of additional bonds under certain conditions, and such bonds would be entitled to be paid and secured equally and ratably from and

1 by the funds and revenues and other security provided for the
Bonds under the Bond Legislation.

3

THIS BOND IS ISSUED CONCURRENTLY WITH THE SEWERAGE
5 SYSTEM REVENUE BONDS, SERIES 1995 A, OF THE ISSUER (THE "SERIES
1995 A BONDS"), ISSUED IN THE AGGREGATE PRINCIPAL AMOUNT OF
7 \$373,000, WHICH SERIES 1995 A BONDS ARE ISSUED ON A PARITY WITH
THE SERIES 1995 B BONDS WITH RESPECT TO LIEN AND SOURCES OF AND
9 SECURITY FOR PAYMENT OF THE BONDS.

11 This Bond is payable only from and secured by a first
lien pledge of the Net Revenues (as defined in the Bond
13 Legislation) to be derived from the operation of the System,
which first lien is shared with the holders of the Series 1995
15 A Bonds and the Issuer's 1991 Construction Loan. Such Net
Revenues shall be sufficient to pay the principal of and
17 interest on all bonds which may be issued pursuant to the Act
and which shall be set aside as a special fund hereby pledged
19 for such purpose. This Bond does not constitute a corporate
indebtedness of the Issuer within the meaning of any
21 constitutional or statutory provisions or limitations, nor
shall the Issuer be obligated to pay the same, except from said
23 special fund provided from the Net Revenues. Pursuant to the
Bond Legislation, the Issuer has covenanted and agreed to
25 establish and maintain just and equitable rates and charges for
the use of the System and the services rendered thereby, which
27 shall be sufficient, together with other revenues of the
System, to provide for the reasonable expenses of operation,
29 repair and maintenance of the System, and to leave a balance
each year equal to at least 115% of the maximum amount required
31 in any year for principal of and interest, if any, on the
series 1995 B Bonds, the Series 1995 A Bonds and all other
33 obligations secured by a lien on or payable from such revenues
prior to or on a parity with the Series 1995 A Bonds or the
35 Series 1995 B Bonds, provided however, that so long as there
exists in the Series 1995 A Bonds Reserve Account and the
37 reserve account established for the Series 1995 A Bonds,
respectively, amounts at least equal to the maximum amount of
39 principal and interest, if any, which will become due on the
Bonds and the Series 1995 A Bonds in the then current or any
41 succeeding year, and any reserve account for any such prior or
parity obligations is funded at least at the requirement
43 therefor, such percentage may be reduced to 110%. The Issuer
has entered into certain further covenants with the registered
45 owners of the Bonds for the terms of which reference is made to
the Bond Legislation. Remedies provided the registered owners
47 of the Bonds are exclusively as provided in the Bond
Legislation, to which reference is here made for a detailed
49 description thereof.

51 Subject to the registration requirements set forth
herein, this Bond is transferable, as provided in the Bond
53 Legislation, only upon the books of _____

1 _____, West Virginia, as registrar (the "Registrar")
 3 by the registered owner, or by its attorney duly authorized in
 5 writing, upon the surrender of this Bond together with a
 7 written instrument of transfer satisfactory to the Bond
 9 Registrar duly executed by the registered owner or its attorney
 11 duly authorized in writing.

13 Subject to the registration requirements as set forth
 15 herein, this Bond, under the provision of the Act is, and has
 17 all the qualities and incidents of, a negotiable instrument
 19 under the Uniform Commercial Code of the State of West Virginia.

21 All money received from the sale of this Bond, after
 23 reimbursement and repayment of all amounts advanced for
 25 preliminary expenses as provided by law, shall be applied
 27 solely to the payment of the Costs of the Project described in
 29 the Bond Legislation.

31 IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all
 33 acts, conditions and things required to exist, happen and be
 35 performed precedent to and in the issuance of this Bond have
 37 existed, have happened, and have been performed in due time,
 39 form and manner as required by law, and that the amount of this
 41 Bond, together with all other obligations of the Issuer, does
 43 not exceed any limit prescribed by the Constitution or statutes
 45 of the State of West Virginia and that a sufficient amount of
 47 the revenues of the System has been pledged to and will be set
 49 aside into said special fund by the Issuer for the prompt
 payment of the principal of this Bond.

51 All provisions of the Bond Legislation, resolutions
 53 and statutes under which this Bond is issued shall be deemed to
 55 be a part of the contract evidenced by this Bond to the same
 57 extent as if written fully herein.

59 IN WITNESS WHEREOF, THE CITY OF NITRO has caused this
 61 Bond to be signed by its Mayor and its corporate seal to be
 63 hereunto affixed and attested by its Recorder, and has caused
 65 this Bond to be dated _____, 1995.

67 [SEAL]

69 Do- K...
 Mayor

71 ATTEST:

73 _____
 Recorder

(Form of)

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of The City of Nitro Sewerage System Revenue Bonds, Series 1995 B, described in the within-mentioned Bond Legislation and has been duly registered in the name of the registered owner set forth above, as of the date set forth below.

Date: _____

as Registrar

By _____
Its Authorized Officer

(Form of)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sells, assigns, and transfers unto

the within Bond and does hereby irrevocably constitute and appoint _____ Attorney to transfer the said Bond on the books kept for registration of the within Bond of the said Issuer with full power of substitution in the premises.

Dated: _____, _____.

In the presence of:

1 Section 3.11. Sale of Series 1995 A Bonds;
2 Ratification of Execution of Loan Agreement with Authority.
3 The Series 1995 A Bonds shall be sold to the Authority,
4 pursuant to the terms and conditions of the Loan Agreement. If
5 not so authorized by previous ordinance or resolution, the
6 Mayor is specifically authorized and directed to execute the
7 Loan Agreement in the form attached hereto as "Exhibit A" and
8 made a part hereof and the Recorder is directed to affix the
9 seal of the Issuer, attest the same and deliver the Loan
10 Agreement to the Authority, and any such prior execution and
11 delivery is hereby authorized, ratified and approved.

12 Section 3.12. "Amended Schedule A" Filing. Upon
13 completion of acquisition and construction of the Project, the
14 Issuer will file with the Authority a schedule substantially in
15 the form of the "Amended Schedule A" to the Loan Agreement,
16 setting forth the actual costs of the Project and sources of
17 funding therefor.

ARTICLE IV

SYSTEM REVENUES AND APPLICATION THEREOF

Section 4.01. Establishment of Fund and Accounts with Depository Bank. The following special funds or accounts are created with and shall be held by, the Depository Bank separate and apart from all other funds or accounts of the Depository Bank and from each other:

(1) Revenue Fund;

(2) Renewal and Replacement Fund; and

(3) Bond Construction Trust Fund.

Section 4.02. Establishment of Funds and Accounts with Commission. The following special funds or accounts are hereby established with the Commission:

(1) Series 1995 A Bonds Sinking Fund;

(a) Within the Series 1995 A Bonds Sinking Fund, the Series 1995 A Bonds Reserve Account.

Section 4.03. System Revenues; Flow of Funds. A. The entire Gross Revenues derived from the operation of the System shall be deposited upon receipt in the Revenue Fund. The Revenue Fund shall constitute a trust fund for the purposes provided in this Bond Legislation and shall be kept separate and distinct from all other funds of the Issuer and the Depository Bank and used only for the purposes and in the manner herein provided.

(1) The Issuer shall, each month, pay from the Revenue Fund, all current Operating Expenses of the System and retain the sum permitted as working capital.

(2) (a) From the moneys remaining in the Revenue Fund, the Issuer shall next, on the first day of each month, pay the amount payable under the 1991 Construction loan.

(b) Simultaneously, the Issuer shall, commencing 3 months prior to the first date of payment of interest on the Series 1995 A Bonds, apportion and set apart out of the Revenue Fund and remit to the Commission, for deposit in the Series 1995 A Bonds Sinking Fund, a sum equal to 1/3rd of the amount of interest which will become due on said Series 1995 A Bonds on the next ensuing quarterly interest payment date; provided, that, in the event the period to elapse between the date of such initial deposit in the Series 1995 A Bonds Sinking Fund and the next quarterly

1 interest payment date is less than 3 months, then such
2 monthly payments shall be increased proportionately to
3 provide, one month prior to the next quarterly interest
4 payment date, the required amount of interest coming due on
5 such date.

7 (c) Simultaneously, the Issuer shall, commencing
8 3 months prior to the first date of payment of principal on
9 the Series 1995 A Bonds, apportion and set apart out of the
10 Revenue Fund and remit to the Commission for deposit in the
11 Series 1995 A Bonds Sinking Fund, a sum equal to 1/3rd of
12 the amount of principal which will mature and become due on
13 said Series 1995 A Bonds on the next ensuing principal
14 payment date; provided that, in the event the period to
15 elapse between the date of such initial deposit in the
16 Series 1995 A Bonds Sinking Fund and the next quarterly
17 principal payment date is less than 3 months then such
18 monthly payments shall be increased proportionately to
19 provide, one month prior to the next quarterly principal
20 payment date, the required amount of principal coming due
21 on such date.

23 (d) Simultaneously, the Issuer shall, commencing
24 3 months prior to the first date of payment of principal of
25 the Series 1995 A Bonds apportion and set apart out of the
26 Revenue Fund and remit to the Commission for deposit in the
27 Series 1995 A Bonds Reserve Account, an amount equal to
28 1/120th of the Series 1995 A Bonds Reserve Requirement;
29 provided, that no further payments shall be made into the
30 Series 1995 A Bonds Reserve Account when there shall have
31 been deposited therein, and as long as there shall remain
32 on deposit therein, an amount equal to the Series 1995 A
33 Bonds Reserve Requirement.

35 (e) Simultaneously, the Issuer shall pay to the
36 Bank, the amount then due on the Series 1995 B Bonds.

37
38 In the event there is insufficient in the Revenue Fund
39 to make the payments described in paragraph 2 above, the Issuer
40 shall use the available moneys and make the payments provided
41 for on a prorata basis.

43 (3) From the moneys remaining in the Revenue Fund, the
44 Issuer shall next, on the first day of each month,
45 commencing with the month succeeding the first full
46 calendar month after completion of the Project, transfer to
47 the Renewal and Replacement Fund a sum equal to 2 1/2% of
48 the Gross Revenues each month, exclusive of any payments
49 for account of the Series 1995 A Bonds Reserve Account.
50 All funds in the Renewal and Replacement Fund shall be kept
51 apart from all other funds of the Issuer or of the
52 Depository Bank and shall be invested and reinvested in
53 accordance with Article VII hereof. Withdrawals and

1 disbursements may be made from the Renewal and Replacement
3 Fund for replacements, emergency repairs, improvements or
5 extensions to the System; provided, that any deficiencies
7 in the Series 1995 A Bonds Reserve Account [except to the
9 extent such deficiency exists because the required payments
into such account have not, as of the date of determination
of a deficiency, funded such account to the maximum extent
required by Subsection 4.03(A)(2)(d)] shall be promptly
eliminated with moneys from the Renewal and Replacement
Fund.

11 Moneys in the Series 1995 A Bonds Sinking Fund shall
13 be used only for the purposes of paying principal of and
interest, if any, on the respective Series 1995 A Bonds as
15 the same shall become due. Moneys in the Series 1995 A
Bonds Reserve Account shall be used only for the purpose of
17 paying principal of and interest, if any, on the Series
1995 A Bonds, as the same shall come due, when other moneys
19 in the Sinking Fund are insufficient therefor, and for no
other purpose.

21 All investment earnings on moneys in the Sinking Fund
23 and Reserve Account shall be returned, not less than once
each year, by the Commission to the Issuer, and such
25 amounts shall, during construction of the Project, be
deposited in the Bond Construction Trust Fund, and
27 following completion of construction of the Project, shall
be deposited in the Series 1995 A Bonds Sinking Fund and
29 applied to the next ensuing interest payments, if any, due
on the Series 1995 A Bonds, and then to the next ensuing
31 principal payments due thereon.

33 Any withdrawals from the Series 1995 A Bonds Reserve
Account which result in a reduction in the balance of the
35 Series 1995 A Bonds Reserve Account to below the Series
1995 A Bonds Reserve Requirement shall be subsequently
37 restored from the first Net Revenues available after all
required payments set forth in Section 4.03(A)(2) above
39 have been made in full.

41 As and when additional Bonds ranking on a parity with
the Bonds are issued, provision shall be made for
43 additional payments into the respective Sinking Fund
sufficient to pay the interest on such additional parity
45 Bonds and accomplish retirement thereof at maturity and to
accumulate a balance in the appropriate Reserve Account in
47 an amount equal to the maximum provided and required to be
paid into the concomitant Sinking Fund in any year for
49 account of the Bonds of such series, including such
additional Bonds which by their terms are payable from such
51 Sinking Fund.

1 The Issuer shall not be required to make any further
2 payments into the Series 1995 A Bonds Sinking Fund or into
3 the Reserve Account therein when the aggregate amount of
4 funds in said Series 1995 A Bonds Sinking Fund and Reserve
5 Account are at least equal to the aggregate principal
6 amount of the Series 1995 A Bonds issued pursuant to this
7 Bond Legislation then Outstanding and all interest to
8 accrue until the maturity thereof.

9
10 The Commission is hereby designated as the fiscal
11 agent for the administration of the Sinking Fund created
12 hereunder, and all amounts required for said Sinking Fund
13 shall be remitted to the Commission from the Revenue Fund
14 by the Issuer at the times provided herein.

15
16 The payments into the Sinking Fund shall be made on
17 the first day of each month, except that when the first day
18 of any month shall be a Sunday or legal holiday then such
19 payments shall be made on the next succeeding business day,
20 and all such payments shall be remitted to the Commission
21 with appropriate instructions as to the custody, use and
22 application thereof consistent with the provisions of this
23 Bond Legislation.

24
25 Moneys in the Reserve Account shall be invested and
26 reinvested by the Commission in accordance with Section
27 7.01 hereof.

28
29 The Sinking Fund, including the Reserve Account
30 therein, shall be used solely and only for, and are hereby
31 pledged for, the purpose of servicing the Series 1995 A
32 Bonds and any additional Bonds ranking on a parity
33 therewith that may be issued and Outstanding under the
34 conditions and restrictions hereinafter set forth.

35 B. Whenever all of the required and provided
36 transfers and payments from the Revenue Fund into the several
37 special funds, as hereinbefore provided, are current and there
38 remains in said Revenue Fund a balance in excess of the
39 estimated amounts required to be so transferred and paid into
40 the Sinking Fund, including the Reserve Accounts therein, and
41 the Renewal and Replacement Fund during the following month or
42 such other period as required by law, such excess shall be
43 considered Surplus Revenues. Surplus Revenues may be used for
44 any lawful purpose of the System.

45
46 C. The Issuer shall remit from the Revenue Fund to
47 the Commission, the Registrar or the Depository Bank, on such
48 dates as the Commission, the Registrar or the Depository Bank,
49 as the case may be, shall require, such additional sums as
50 shall be necessary to pay the Depository Bank's charges then
51 due.

1 D. The moneys in excess of the sum insured by the
maximum amounts insured by FDIC in the Revenue Fund and the
3 Renewal and Replacement Fund shall at all times be secured, to
the full extent thereof in excess of such insured sum, by
5 Qualified Investments as shall be eligible as security for
deposits of state and municipal funds under the laws of the
7 State.

9 E. If on any monthly payment date the revenues are
insufficient to place the required amount in any of the funds
11 and accounts as hereinabove provided, the deficiency shall be
made up in the subsequent payments in addition to the payments
13 which would otherwise be required to be made into the funds and
accounts on the subsequent payment dates.

15
F. All remittances made by the Issuer to the
17 Commission shall clearly identify the fund or account into
which each amount is to be deposited.

19
G. The Gross Revenues of the System shall only be
21 used for purposes of the System.

23 H. All Tap Fees shall be deposited by the Issuer, as
received, in the Bond Construction Trust Fund, and following
25 completion of the Project, shall be deposited in the Revenue
Fund and may be used for any lawful purpose of the System.

27

ARTICLE V

BOND PROCEEDS; FUNDS AND ACCOUNTS

Section 5.01. Application of Series 1995 A Bond Proceeds; Pledge of Unexpended Bond Proceeds. The moneys received from the sale of the Series 1995 A Bonds, as requisitioned by the Issuer, shall be deposited in the Bond Construction Trust Fund and applied solely to payment of Costs of the Project in the manner set forth in Section 5.02.

The Depository Bank shall act as a trustee and fiduciary for the Bondholder with respect to the Bond Construction Trust Fund and shall comply with all requirements with respect to the disposition of the Bond Construction Trust Fund set forth in the Bond Legislation. Moneys in the Bond Construction Trust Fund shall be used solely to pay Costs of the Project and until so expended, are hereby pledged as additional security for the Series 1995 A Bonds.

Section 5.02. Disbursements From the Bond Construction Trust Fund. Payments for Costs of the Project shall be made monthly.

Disbursements from the Bond Construction Trust Fund (except for the costs of issuance of the Series 1995 A Bonds which shall be made upon request of the Issuer), shall be made only after submission to the Depository Bank of a certificate, signed by an Authorized Officer and the Consulting Engineers, stating:

(A) That none of the items for which the payment is proposed to be made has formed the basis for any disbursement theretofore made;

(B) That each item for which the payment is proposed to be made is or was necessary in connection with the Project and constitutes a Cost of the Project;

(C) That each of such costs has been otherwise properly incurred; and

(D) That payment for each of the items proposed is then due and owing, or that Issuer or the Sanitary Board has previously paid such item in connection with the Project is being reimbursed for such payment.

In case any contract provides for the retention of a portion of the contract price, the Depository Bank shall disburse from the Bond Construction Trust Fund only the net amount remaining after deduction of any such portion. All payments made from the Bond Construction Trust Fund shall be presumed by the Depository Bank to be made for the purposes set

1 forth in said certificate, and the Depository Bank shall not be
2 required to monitor the application of disbursements from the
3 Bond Construction Trust Fund. The Consulting Engineers shall
4 from time to time file with the Depository Bank written
5 statements advising the Depository Bank of its then authorized
6 representative.

7
8 Pending such application, moneys in the Bond
9 Construction Trust Fund, including any accounts therein, shall
10 be invested and reinvested in Qualified Investments at the
11 written direction of the Issuer.

12 After completion of the Project, as certified by the
13 Consulting Engineers, the Depository Bank shall transfer any
14 moneys remaining in the Bond Construction Trust Fund to the
15 Series 1995 A Bonds Reserve Account, and when fully funded,
16 shall return such remaining moneys to the Issuer for deposit in
17 the Revenue Fund. The Issuer shall thereafter, apply such
18 moneys in full, first to the next ensuing interest payments, if
19 any, due on the Series 1995 A Bonds and thereafter to the next
20 ensuing principal payments due thereon.

21
22 Section 5.03. Disbursement of the Proceeds of the
23 Series 1995 B Bonds. The Bank shall disburse the proceeds of
24 the Series 1995 B Bonds upon submission by the Issuer of a
25 requisition signed by an Authorized Officer and the Consulting
26 Engineers, stating:

27
28 (A) That none of the items for which the payment is
29 proposed to be made has formed the basis for any
30 disbursement theretofore made;

31
32 (B) That each item for which the payment is proposed
33 to be made is or was necessary in connection with the
34 Project and constitutes a Cost of the Project;

35
36 (C) That each of such costs has been otherwise
37 properly incurred; and

38
39 (D) That payment for each of the items proposed is
40 then due and owing, or that Issuer or the Sanitary Board
41 has previously paid such item in connection with the
42 Project is being reimbursed for such payment.
43

ARTICLE VI

ADDITIONAL COVENANTS OF THE ISSUER

Section 6.01. General Covenants of the Issuer. All the covenants, agreements and provisions of this Bond Legislation shall be and constitute valid and legally binding covenants of the Issuer and shall be enforceable in any court of competent jurisdiction by any Holder or Holders of the Bonds. In addition to the other covenants, agreements and provisions of this Bond Legislation, the Issuer hereby covenants and agrees with the Holders of the Bonds as hereinafter provided in this Article VI. All such covenants, agreements and provisions shall be irrevocable, except as provided herein, as long as any of said Bonds or the interest thereon is Outstanding and unpaid.

Section 6.02. Bonds not to be Indebtedness of the Issuer. The Bonds shall not be nor constitute an indebtedness of the Issuer within the meaning of any constitutional, statutory or charter limitation of indebtedness, but shall be payable solely from the funds pledged for such payment by this Bond Legislation. No Holder or Holders of any Bonds shall ever have the right to compel the exercise of the taxing power of the Issuer to pay said Bonds or the interest thereon.

Section 6.03. Bonds Secured by Pledge of Net Revenues. The payment of the debt service of the Series 1995 A Bonds and Series 1995 B Bonds issued hereunder shall be secured forthwith equally and ratably by a first lien on the Net Revenues derived from the operation of the System, which first lien is on a parity with shared with the Bank as lender under the Issuer's 1991 Construction Loan. The revenues derived from the System, in an amount sufficient to pay the principal of and interest on the Bonds and to make the payments into the Sinking Funds, including the Reserve Accounts therein, and all other payments provided for in the Bond Legislation are hereby irrevocably pledged, in the manner provided herein, to the payment of the principal of and interest on the Bonds as the same become due, and for the other purposes provided in the Bond Legislation.

Section 6.04. Initial Schedule of Rates and Charges. The initial schedule of rates and charges for the services and facilities of the System shall be as set forth in the ordinance of the Issuer enacted February 23, 1995.

Section 6.05. Sale of the System. Except as otherwise required by law, the System may not be sold, mortgaged, leased or otherwise disposed of except as a whole, or substantially as a whole, and only if the net proceeds to be realized shall be sufficient to pay fully all the Bonds Outstanding, or to effectively defease this Bond Legislation in

1 accordance with Section 9.01 hereof. The proceeds from any
such sale, mortgage, lease or other disposition of the System
3 shall, with respect to the Bonds, immediately be remitted to
the Commission for deposit in the Sinking Funds, and, with the
5 written permission of the Authority, or in the event the
Authority is no longer a Bondholder, the Issuer shall direct
7 the Commission to apply such proceeds to the payment of
principal at maturity of and interest on the Bonds. Any
9 balance remaining after the payment of all the Bonds and
interest thereon shall be remitted to the Issuer by the
11 Commission unless necessary for the payment of other
obligations of the Issuer payable out of the revenues of the
13 System.

15 The foregoing provision notwithstanding, the Issuer
shall have and hereby reserves the right to sell, lease or
17 otherwise dispose of any of the property comprising a part of
the System hereinafter determined in the manner provided herein
19 to be no longer necessary, useful or profitable in the
operation thereof. Prior to any such sale, lease or other
21 disposition of such property, if the amount to be received
therefor, together with all other amounts received during the
23 same Fiscal Year for such sales, leases or other dispositions
of such properties, is not in excess of \$25,000, the Sanitary
25 Board shall, by resolution, determine that such property
comprising a part of the System is no longer necessary, useful
27 or profitable in the operation thereof and may then provide for
the sale of such property. The proceeds of any such sale shall
29 be deposited in the Renewal and Replacement Fund. If the
amount to be received from such sale, lease or other
31 disposition of said property, together with all other amounts
received during the same Fiscal Year for such sales, leases or
33 other dispositions of such properties, shall be in excess of
\$25,000 but not in excess of \$50,000, the Sanitary Board shall
35 first, in writing determine with written approval of the
Consulting Engineers that such property comprising a part of
37 the System is no longer necessary, useful or profitable in the
operation thereof and may then, if it be so advised, by
39 resolution duly adopted, authorize such sale, lease or other
disposition of such property upon public bidding. The proceeds
41 derived from any such sale, lease or other disposition of such
property, aggregating during such Fiscal Year in excess of
43 \$25,000 and not in excess of \$50,000, shall with the written
consent of the Authority, be remitted by the Issuer to the
45 Commission for deposit in the Sinking Fund and shall be applied
only to the purchase of Bonds of the last maturities then
47 Outstanding at prices not greater than the par value thereof
plus 3% of such par value or otherwise. Such payment of such
49 proceeds into the Sinking Fund or the Renewal and Replacement
Fund shall not reduce the amounts required to be paid into said
51 funds by other provisions of this Bond Legislation. No sale,
lease or other disposition of the properties of the System
53 shall be made by the Issuer if the proceeds to be derived

1 therefrom, together with all other amounts received during the
 2 same Fiscal Year for such sales, leases, or other dispositions
 3 of such properties, shall be in excess of \$50,000 and
 4 insufficient to pay all Bonds then Outstanding without the
 5 prior approval and consent in writing of the Holders, or their
 6 duly authorized representatives, of over 50% in amount of the
 7 Bonds then Outstanding and the Consulting Engineers. The
 8 Issuer shall prepare the form of such approval and consent for
 9 execution by the then Holders of the Bonds for the disposition
 10 of the proceeds of the sale, lease or other disposition of such
 11 properties of the System.

13 Section 6.06. Issuance of Other Obligations Payable
 14 Out of Revenues and General Covenant Against Encumbrances.
 15 Except as provided in this Section 6.06 and in Section 6.07B,
 16 the Issuer shall not issue any other obligations whatsoever
 17 payable from the revenues of the System which rank prior to, or
 18 equally, as to lien on and source of and security for payment
 19 from such revenues with the Bonds; provided, however, that
 20 additional Bonds on a parity with the Bonds may be issued as
 21 provided for in Section 6.07 hereof. All obligations issued by
 22 the Issuer after the issuance of the Bonds and payable from the
 23 revenues of the System, except such additional parity Bonds,
 24 shall contain an express statement that such obligations are
 25 junior and subordinate, as to lien on and source of and
 26 security for payment from such revenues and in all other
 27 respects, to the Series 1995 A Bonds and the Series 1995 B
 28 Bonds; provided, that no such subordinate obligations shall be
 29 issued unless all payments required to be made into the Reserve
 30 Accounts and the Renewal and Replacement Fund at the time of
 31 the issuance of such subordinate obligations have been made and
 32 are current.

33 Except as provided above, the Issuer shall not create,
 34 or cause or permit to be created, any debt, lien, pledge,
 35 assignment, encumbrance or any other charge having priority
 36 over or being on a parity with the lien of the Bonds, and the
 37 interest thereon, upon any of the income and revenues of the
 38 System pledged for payment of the Bonds and the interest
 39 thereon in this Bond Legislation, or upon the System or any
 40 part thereof.

43 Section 6.07. Parity Bonds A. No Parity Bonds,
 44 payable out of the revenues of the System, shall be issued
 45 after the issuance of any Bonds pursuant to this Bond
 46 Legislation, except under the conditions and in the manner
 47 herein provided and with the written consent of the Authority
 48 and the DEP.

49 No such Parity Bonds shall be issued except for the
 50 purpose of financing the costs of the construction or
 51 acquisition of extensions, improvements or betterments to the
 52 System or refunding one or more series of Bonds issued pursuant
 53 hereto, or both such purposes.

1
 3 No Parity Bonds shall be issued at any time, however,
 5 unless there has been procured and filed with the Authority and
 7 the Bank a written statement by the Independent, Certified
 9 Public Accountants, based upon the necessary investigation and
 11 certification by the Consulting Engineers, reciting the
 13 conclusion that the Net Revenues actually derived, subject to
 15 the adjustments hereinafter provided for, from the System
 17 during any 12 consecutive months, within the 18 months
 immediately preceding the date of the actual issuance of such
 Parity Bonds, plus the estimated average increased annual Net
 Revenues to be received in each of the 3 succeeding years after
 the completion of the improvements to be financed by such
 Parity Bonds, shall not be less than 115% of the largest
 aggregate amount that will mature and become due in any
 succeeding Fiscal Year for principal of and interest on the
 following:

19 (1) The Bonds then Outstanding;

21 (2) Any Parity Bonds theretofore issued pursuant to
 23 the provisions contained in this Resolution then
 Outstanding; and

25 (3) The Parity Bonds then proposed to be issued.

27 The "estimated average increased annual Net Revenues
 29 to be received in each of the 3 succeeding years," as that term
 is used in the computation provided in the above paragraph,
 shall refer only to the increased Net Revenues estimated to be
 31 derived from (a) the improvements to be financed by such Parity
 Bonds and (b) any increase in rates adopted by the Issuer, the
 33 period for appeal of which has expired prior to the date of
 delivery of such Parity Bonds, and shall not exceed the amount
 35 to be stated in a certificate of the Consulting Engineers,
 which shall be filed in the office of the Recorder prior to the
 37 issuance of such Parity Bonds.

39 The Net Revenues actually derived from the System
 during the 12-consecutive-month period hereinabove referred to
 41 may be adjusted by adding to such Net Revenues such additional
 Net Revenues which would have been received, in the opinion of
 43 the Consulting Engineers and the said Independent Certified
 Public Accountants, as stated in a certificate jointly made and
 45 signed by the Consulting Engineers and said Independent
 Certified Public Accountants, on account of increased rates,
 47 rentals, fees and charges for the System adopted by the Issuer,
 the period for appeal of which has expired prior to issuance of
 49 such Parity Bonds.

51 Not later than simultaneously with the delivery of
 such Parity Bonds, the Issuer shall have entered into written
 53 contracts for the immediate construction or acquisition of such

1 additions, betterments or improvements, if any, to the System
that are to be financed by such Parity Bonds.

3

5 All covenants and other provisions of this Bond
Legislation (except as to details of such Parity Bonds
inconsistent herewith) shall be for the equal benefit,
7 protection and security of the Holders of the Bonds and the
Holders of any Parity Bonds subsequently issued from time to
9 time within the limitations of and in compliance with this
section. Bonds issued on a parity, regardless of the time or
11 times of their issuance, shall rank equally with respect to
their lien on the revenues of the System and their source of
13 and security for payment from said revenues, without preference
of any Bond of one series over any other Bond of the same
15 series. The Issuer shall comply fully with all the increased
payments into the various funds and accounts created in this
17 Bond Legislation required for and on account of such Parity
Bonds, in addition to the payments required for Bonds
19 theretofore issued pursuant to this Bond Legislation.

21 All Parity Bonds shall mature on the day of the years
of maturities, and the semiannual interest thereon shall be
23 payable on the days of each year, specified in a Supplemental
Resolution.

25

Parity Bonds shall not be deemed to include bonds,
27 notes, certificates or other obligations subsequently issued,
the lien of which on the revenues of the System is subject to
29 the prior and superior liens of the Series 1995 A Bonds and the
Series 1995 B Bonds on such revenues. The Issuer shall not
31 issue any obligations whatsoever payable from the revenues of
the System, or any part thereof, which rank prior to or, except
33 in the manner and under the conditions provided in this
section, equally, as to lien on and source of and security for
35 payment from such revenues, with the Series 1995 A Bonds or the
Series 1995 B Bonds.

37

No Parity Bonds shall be issued any time, however,
39 unless all the payments into the respective funds and accounts
provided for in this Bond Legislation with respect to the Bonds
41 then Outstanding, and any other payments provided for in this
Bond Legislation, shall have been made in full as required to
43 the date of delivery of such Parity Bonds, and the Issuer shall
then be in full compliance with all the covenants, agreements
45 and terms of this Bond Legislation.

47 B. Notwithstanding the foregoing, or any provision of
Section 6.06 to the contrary, additional Bonds may be issued
49 solely for the purpose of completing the Project as described
in the application to the Authority submitted as of the date of
51 the Loan Agreement without regard to the restrictions set forth
in this Section 6.07, if there is first obtained by the Issuer
53 the written consent of the Authority to the issuance of bonds
on a parity with the Bonds.

1
3 Section 6.08. Books and Records. The Issuer shall
5 keep complete and accurate records of the cost of acquiring,
7 constructing and installing the Project. The Issuer shall
9 permit the Authority and the DEP, or their agents and
11 representatives, to inspect all books, documents, papers and
13 records relating to the Project and the System at all
15 reasonable times for the purpose of audit and examination. The
17 Issuer shall submit to the Authority and DEP such documents and
19 information as they may reasonably require in connection with
21 the acquisition, construction and installation of the Project,
23 the operation and maintenance of the System and the
25 administration of the loan or any grants or other sources of
27 financing for the Project.

15
17 The Issuer shall permit the Authority and the DEP, or
19 their agents and representatives, to inspect all records
21 pertaining to the operation of the System at all reasonable
23 times following completion of construction of the Project and
25 commencement of operation thereof, or, if the Project is an
27 improvement to an existing System, at any reasonable time after
29 commencement of construction.

23
25 The Issuer will keep books and records of the System,
27 which shall be separate and apart from all other books, records
29 and accounts of the Issuer, in which complete and correct
31 entries shall be made of all transactions relating to the
System, and any Holder of a Bond or Bonds issued pursuant to
this Bond Legislation shall have the right at all reasonable
times to inspect the System and all parts thereof and all
records, accounts and data of the Issuer relating thereto.

33 The accounting system for the System shall follow
35 current generally accepted accounting principles and safeguards
37 to the extent allowed and as prescribed by the Public Service
39 Commission of West Virginia. Separate control accounting
41 records shall be maintained by the Issuer. Subsidiary records
43 as may be required shall be kept in the manner and on the
45 forms, books and other bookkeeping records as prescribed by the
Governing Body. The Governing Body shall prescribe and
institute the manner by which subsidiary records of the
accounting system which may be installed remote from the direct
supervision of the Governing Body shall be reported to such
agent of the Issuer as the Governing Body shall direct.

45
47 The Issuer shall file with the Consulting Engineers,
49 the Authority and DEP, or any other original purchaser of the
Bonds, and shall mail in each year to any Holder or Holders of
Bonds requesting the same, an annual report containing the
following:

51
53 (A) A statement of Gross Revenues, Operating
Expenses, Net Revenues and Surplus Revenues derived from
and relating to the System.

1
3 (B) A balance sheet statement showing all deposits
5 in all the funds and accounts provided for in this Bond
Legislation with respect to said Bonds and the status of
all said funds and accounts.

7 (C) The amount of any Bonds or other obligations
9 outstanding.

11 The Issuer shall also, at least once a year, cause the
13 books, records and accounts of the System to be audited by
15 Independent Certified Public Accountants and shall mail upon
17 request, and make available generally, the report of said
19 Independent Certified Public Accountants, or a summary thereof,
to any Holder or Holders of Bonds and shall submit said report
to the Authority and DEP, or any other original purchaser of
the Bonds. Such audit report submitted to the Authority and
DEP shall include a statement that the Issuer is in compliance
with the terms and provisions of the Loan Agreement and this
Bond Legislation.

21 Commencing on the date contracts are executed for the
23 acquisition and construction of the Project and for 2 years
following completion of the Project, the Issuer shall each
25 month complete a "Monthly Financial Report," a form of which
is attached to the Loan Agreement as Exhibit B, and forward a
27 copy to the Authority and DEP by the 10th day of each month.

29 The Issuer shall provide the DEP with all appropriate
documentation to comply with any special conditions established
31 by federal and/or state regulations as set forth in Exhibit E
of the Loan Agreement or as promulgated from time to time.

33 The Issuer shall permit the Authority or the DEP, or
35 their agents and representatives, to enter and inspect the
Project site and Project facilities at all reasonable times.
37 Prior to, during and after completion of the Project, the
Issuer shall also provide the Authority and the DEP, or their
39 agents and representatives, with access to the System site and
System facilities as may be reasonably necessary to accomplish
41 all of the powers and rights of the Authority and the DEP with
respect to the System pursuant to the Act.

43 Section 6.09. Rates. Equitable rates or charges for
45 the use of and service rendered by the System have been
established all in the manner and form required by law, and
47 copies of such rates and charges so established will be
continuously on file with the Recorder, which copies will be
49 open to inspection by all interested parties. The schedule of
rates and charges shall at all times be adequate to produce
51 Gross Revenues from said System sufficient to pay Operating
Expenses and to make the prescribed payments into the funds
53 created hereunder. Such schedule of rates and charges shall be

1 changed and readjusted whenever necessary so that the aggregate
of the rates and charges will be sufficient for such purposes.
3 In order to assure full and continuous performance of this
covenant, with a margin for contingencies and temporary
5 unanticipated reduction in income and revenues, the Issuer
hereby covenants and agrees that the schedule of rates or
7 charges from time to time in effect shall be sufficient,
together with other revenues of the System (i) to provide for
9 all reasonable expenses of operation, repair and maintenance of
the System and (ii) to leave a balance each year equal to at
11 least 115% of the maximum amount required in any year for
payment of principal of and interest on the Bonds and all other
13 obligations secured by a lien on or payable from such revenues
prior to or on a parity with the Bonds; provided that, in the
15 event an amount equal to or in excess of the Reserve
Requirement is on deposit in the Reserve Account and reserve
17 accounts for obligations prior to or on a parity with the Bonds
are funded at least at the requirement therefor, such balance
19 each year need only equal at least 110% of the maximum amount
required in any year for payment of principal of and interest
21 on the Bonds and all other obligations secured by a lien on or
payable from such revenues prior to or on a parity with the
23 Bonds. In any event, subject to any requirements of law, the
Issuer shall not reduce the rates and charges for set forth in
25 the rate ordinance described in the Section 6.04 hereof.

27 Section 6.10. Operating Budget and Audit. The
Issuer shall annually, at least 45 days preceding the beginning
29 of each Fiscal Year, prepare and adopt by resolution a
detailed, balanced budget of the estimated expenditures for
31 operation and maintenance of the System during the succeeding
Fiscal Year and shall submit a copy of such budget to the
33 Authority and DEP within 30 days of adoption thereof.. No
expenditures for the operation and maintenance of the System
35 shall be made in any Fiscal Year in excess of the amounts
provided therefor in such budget without a written finding and
37 recommendation by the Consulting Engineers, which finding and
recommendation shall state in detail the purpose of and
39 necessity for such increased expenditures for the operation and
maintenance of the System, and no such increased expenditures
41 shall be made until the Issuer shall have approved such finding
and recommendation by a resolution duly adopted. No increased
43 expenditures in excess of 10% of the amount of such budget
shall be made except upon the further certificate of the
45 Consulting Engineers that such increased expenditures are
necessary for the continued operation of the System. The
47 Issuer shall mail copies of such annual budget and all
resolutions authorizing increased expenditures for operation
49 and maintenance to the Authority and to any Holder of any
Bonds, who shall file his or her address with the Issuer and
51 request in writing that copies of all such budgets and
resolutions be furnished him or her and shall make available
53 such budgets and all resolutions authorizing increased

1 expenditures for operation and maintenance of the System at all
 2 reasonable times to any Holder of any Bonds or anyone acting
 3 for and in behalf of such Holder of any Bonds.

5 Section 6.11. No Competing Franchise. To the extent
 6 legally allowable, the Issuer will not grant or cause, consent
 7 to or allow the granting of, any franchise or permit to any
 8 person, firm, corporation, body, agency or instrumentality
 9 whatsoever for the providing of any services which would
 10 compete with services provided by the System.

11 Section 6.12. Engineering Services and Operating
 12 Personnel. The Issuer shall provide and maintain competent and
 13 adequate resident engineering services satisfactory to the
 14 Authority and DEP covering the supervision and inspection of
 15 the development and construction of the Project and bearing
 16 responsibility of assuring that construction conforms to the
 17 plans specifications and designs prepared by the Consulting
 18 Engineers, which have been approved by all necessary
 19 governmental bodies. Such resident engineer shall certify to
 20 the Authority, the DEP and the Issuer at the completion of
 21 construction that construction of the Project is in accordance
 22 with the approved plans, specifications and designs, or
 23 amendments thereto, approved by all necessary governmental
 24 bodies.

25 The Issuer shall require the Consulting Engineers to
 26 submit Recipient As-Built Plans, as defined in the SRF
 27 Regulations, to it within 60 days of the completion of the
 28 Project. The Issuer shall notify the DEP in writing of such
 29 receipt. The Issuer shall submit a "Performance Certificate,"
 30 a form of which is attached to the Loan Agreement as Exhibit A,
 31 to the DEP within 60 days of the end of the first year after
 32 the Project is completed.

33 The Issuer shall require the Consulting Engineers to
 34 submit the final Operation and Maintenance Manual, as defined
 35 in the SRF Regulations, to the DEP when the Project is 90%
 36 completed.

37 The Issuer agrees that qualified operating personnel
 38 properly certified by the State will be employed before the
 39 Project is 25% completed and agrees that it will retain wuch a
 40 certified operator(s) to operate the System during the entire
 41 term of the Loan Agreement. The Issuer will notify the DEP in
 42 writing of the certified operator employed are the 25%
 43 completion stage.

44 Section 6.13. Enforcement of Collections. The
 45 Issuer will diligently enforce and collect all fees, rentals or
 46 other charges for the services and facilities of the System,
 47 and take all steps, actions and proceedings for the enforcement
 48 and collection of such fees, rentals or other charges which

1 shall become delinquent to the full extent permitted or
authorized by the Act, the rules of the Issuer, the rules and
3 regulations of the Public Service Commission of West Virginia
and other laws of the State of West Virginia.

5
Whenever any fees, rates, rentals or other charges for
7 the services and facilities of the System shall remain unpaid
for a period of 30 days after the same shall become due and
9 payable, the property and the owner thereof, as well as the
user of the services and facilities, shall be delinquent until
11 such time as all such rates and charges are fully paid. To the
extent authorized by the laws of the State and the rules and
13 regulations of the Public Service Commission of West Virginia,
rates, rentals and other charges, if not paid, when due, shall
15 become a lien on the premises served by the System. The Issuer
further covenants and agrees that, it will, to the full extent
17 permitted by law and the rules and regulations promulgated by
the Public Service Commission of West Virginia, discontinue and
19 shut off the services of the System and any services and
facilities of the water system, if so owned by the Issuer, to
21 all users of the services of the System delinquent in payment
of charges for the services of the System and will not restore
23 such services of either system until all delinquent charges for
the services of the System, plus reasonable interest and
25 penalty charges for the restoration of service, have been fully
paid and shall take all further actions to enforce collections
27 to the maximum extent permitted by law, or, if the waterworks
facilities are not owned by the Issuer, the Issuer will, to the
29 extent allowed by law, use diligent efforts to enter into a
similar termination agreement with the provider of such water,
31 subject to any required approval of such agreement by the
Public Service Commission of West Virginia and all rules,
33 regulations and orders of the Public Service Commission of West
Virginia.

35
Section 6.14. No Free Services. The Issuer will not
37 render or cause to be rendered any free services of any nature
by the System, nor will any preferential rates be established
39 for users of the same class; and in the event the Issuer, or
any department, agency, instrumentality, officer or employee of
41 the Issuer shall avail itself or themselves of the facilities
or services provided by the System, or any part thereof, the
43 same rates, fees or charges applicable to other customers
receiving like services under similar circumstances shall be
45 charged the Issuer and any such department, agency,
instrumentality, officer or employee. The revenues so received
47 shall be deemed to be revenues derived from the operation of
the System, and shall be deposited and accounted for in the
49 same manner as other revenues derived from such operation of
the System.

51
Section 6.15. Insurance and Construction Bonds. A.
53 The Issuer hereby covenants and agrees that so long as any of

1 the Bonds remain Outstanding, the Issuer will, as an Operating
Expense, procure, carry and maintain insurance with a reputable
3 insurance carrier or carriers as is customarily covered with
respect to works and properties similar to the System. Such
5 insurance shall initially cover the following risks and be in
the following amounts:

7
9 (1) FIRE, LIGHTNING, VANDALISM, MALICIOUS MISCHIEF
AND EXTENDED COVERAGE INSURANCE, on all above-ground
11 insurable portions of the System in an amount equal to the
actual cost thereof. In time of war the Issuer will also
13 carry and maintain insurance to the extent available
against the risks and hazards of war. The proceeds of all
such insurance policies shall be placed in the Renewal and
15 Replacement Fund and used only for the repairs and
restoration of the damaged or destroyed properties or for
17 the other purposes provided herein for said Renewal and
Replacement Fund. The Issuer will itself, or will require
19 each contractor and subcontractor to, obtain and maintain
builder's risk insurance (fire and extended coverage) to
21 protect the interests of the Issuer, the Authority, the
Bank, the prime contractor and all subcontractors as their
23 respective interests may appear, in accordance with the
Loan Agreement, during construction of the Project on a
25 100% basis (completed value form) on the insurable portion
of the Project, such insurance to be made payable to the
27 order of the Authority, the Issuer, the Bank, the
contractors and subcontractors, as their interests may
29 appear.

31 (2) PUBLIC LIABILITY INSURANCE, with limits of not
less than \$1,000,000 per occurrence to protect the Issuer
33 from claims for bodily injury and/or death and not less
than \$100,000 per occurrence from claims for damage to
35 property of others which may arise from the operation of
the System, and insurance with the same limits to protect
37 the Issuer from claims arising out of operation or
ownership of motor vehicles of or for the System.
39

41 (3) WORKER'S COMPENSATION COVERAGE FOR ALL EMPLOYEES
OF OR FOR THE SYSTEM ELIGIBLE THEREFOR; AND PERFORMANCE AND
43 PAYMENT BONDS, such bonds to be in the amounts of 100% of
the construction contract and to be required of each
45 contractor contracting directly with the Issuer, and such
payment bonds will be filed with the Clerk of The County
Commission of the County in which such work is to be
47 performed prior to commencement of construction of the
Project in compliance with West Virginia Code, Chapter 38,
49 Article 2, Section 39.

51 (4) FLOOD INSURANCE, to the extent available at
53 reasonable cost to the Issuer.

1 (5) BUSINESS INTERRUPTION INSURANCE, to the extent
 3 available at reasonable cost to the Issuer.

5 (6) FIDELITY BONDS will be provided as to every
 7 officer, member and employee of the Issuer or the Sanitary
 9 Board having custody of the revenues or of any other funds
 of the System, in an amount at least equal to the total
 funds in the custody of such person at any one time.

11 B. The Issuer shall also require all contractors
 13 engaged in the construction of the Project to carry such
 15 workers compensation coverage for all employees working on the
 17 Project and public liability insurance, vehicular liability
 19 insurance and property damage insurance in amounts adequate for
 21 such purposes and as is customarily carried with respect to
 works and properties similar to the Project, provided that the
 amounts and terms of such coverage are satisfactory to the
 Authority and DEP. In the event the Loan Agreement so
 requires, such insurance shall be made payable to the order of
 the Authority, DEP, the Issuer, the prime contractor and all
 subcontractors, as their interests may appear.

23 The Issuer shall require all contractors engaged in
 25 the construction of the Project to furnish a performance bond
 27 and a payment bond, each in an amount at least equal to 100% of
 the contract price of the portion of the Project covered by the
 particular contract as security for the faithful performance of
 such contract.

29 Section 6.16. Completion of Project. The Issuer
 31 will complete the Project as promptly as possible and operate
 33 and maintain the System in good condition and in compliance
 with all federal and state requirements and standards.

35 The Issuer will obtain all permits required by state
 37 and federal laws for the acquisition and construction of the
 Project, and all orders and approvals from the Public Service
 Commission of West Virginia necessary for the acquisition and
 39 construction of the Project and the operation of the System.

41 Section 6.17. Tax Covenants. The Issuer hereby
 43 further covenants and agrees as follows:

A. PRIVATE BUSINESS USE LIMITATION. The Issuer shall
 45 assure that (i) not in excess of 10% of the Net Proceeds of the
 Bonds are used for Private Business Use if, in addition, the
 47 payment of more than 10% of the principal or 10% of the
 interest due on the Bonds during the term thereof is, under the
 49 terms of the Bonds or any underlying arrangement, directly or
 indirectly, secured by any interest in property used or to be
 51 used for a Private Business Use or in payments in respect of
 property used or to be used for a Private Business Use or is to
 53 be derived from payments, whether or not to the Issuer, in

1 respect of property or borrowed money used or to be used for a
Private Business Use; and (ii) and that, in the event that both
3 (A) in excess of 5% of the Net Proceeds of the Bonds are used
for a Private Business Use, and (B) an amount in excess of 5%
5 of the principal or 5% of the interest due on the Bonds during
the term thereof is, under the terms of the Bonds or any
7 underlying arrangement, directly or indirectly, secured by any
interest in property used or to be used for said Private
9 Business Use or in payments in respect of property used or to
be used for said Private Business Use or is to be derived from
11 payments, whether or not to the Issuer, in respect of property
or borrowed money used or to be used for said Private Business
13 Use, then said excess over said 5% of Net Proceeds of the Bonds
used for a Private Business Use shall be used for a Private
15 Business Use related to the governmental use of the Project, or
if the Bonds are for the purpose of financing more than one
17 project, a portion of the Project, and shall not exceed the
proceeds used for the governmental use of that portion of the
19 Project to which such Private Business Use is related.

21 B. PRIVATE LOAN LIMITATION. The Issuer shall assure
that not in excess of 5% of the Net Proceeds of the Bonds are
23 used, directly or indirectly, to make or finance a loan (other
than loans constituting Nonpurpose Investments) to persons
25 other than state or local government units.

27 C. FEDERAL GUARANTEE PROHIBITION. The Issuer shall
not take any action or permit or suffer any action to be taken
29 if the result of the same would be to cause the Bonds to be
"federally guaranteed" within the meaning of Section 149(b) of
31 the Code and Regulations promulgated thereunder.

33 D. INFORMATION RETURN. The Issuer will file all
statements, instruments and returns necessary to assure the
35 tax-exempt status of the Bonds and the interest thereon,
including without limitation, the information return required
37 under Section 149(e) of the Code.

39 E. FURTHER ACTIONS. The Issuer will take any and all
actions that may be required of it (including those deemed
41 necessary by the Authority) so that the interest on the Bonds
will be and remain excludable from gross income for federal
43 income tax purposes, and will not take any actions, or fail to
take any actions (including those determined by the Authority)
45 which would adversely affect such exclusion.

47 Section 6.18. Mandatory Connections. The mandatory
use of the System is essential and necessary for the protection
49 and preservation of the public health, comfort, safety,
convenience and welfare of the inhabitants and residents of,
51 and the economy of, the Issuer and in order to assure the
rendering harmless of sewage and water-borne waste matter
53 produced or arising within the territory served by the System.

ARTICLE VII

INVESTMENT OF FUNDS; NON ARBITRAGE

Section 7.01. Investments. Any moneys held as a part of the funds and accounts created by this Bond Legislation, other than the Revenue Fund, shall be invested and reinvested by the Commission, the Depository Bank, or such other bank or national banking association holding such fund or account, as the case may be, at the written direction of the Issuer in any Qualified Investments to the fullest extent possible under applicable laws, this Bond Legislation, the need for such moneys for the purposes set forth herein and the specific restrictions and provisions set forth in this Section 7.01.

Any investment shall be held in and at all times deemed a part of the fund or account in which such moneys were originally held, and the interest accruing thereon and any profit or loss realized from such investment shall be credited or charged to the appropriate fund or account. The investments held for any fund or account shall be valued at the lower of cost or then current market value, or at the redemption price thereof if then redeemable at the option of the holder, including the value of accrued interest and giving effect to the amortization of discount, or at par if such investment is held in the "Consolidated Fund." The Commission, the Depository Bank or such other bank or national banking association, as the case may be, shall sell and reduce to cash a sufficient amount of such investments whenever the cash balance in any fund or account is insufficient to make the payments required from such fund or account, regardless of the loss on such liquidation. The Depository Bank or such other bank or national banking association, as the case may be, may make any and all investments permitted by this section through its own bond department and shall not be responsible for any losses from such investments, other than for its own negligence or willful misconduct.

The Depository Bank shall keep complete and accurate records of all funds, accounts and investments, and shall distribute to the Issuer, at least once each year, a summary of such funds, accounts and investment earnings. The Issuer shall retain all such records and any additional records with respect to such funds, accounts and investment earnings so long as any of the Bonds are Outstanding.

Section 7.02. Arbitrage. The Issuer covenants that (i) it will restrict the use of the proceeds of the Bonds in such manner and to such extent as may be necessary, in view of the Issuer's reasonable expectations at the time of issuance of the Bonds, so that the Bonds will not constitute "arbitrage bonds" under Section 148 of the Code and Regulations, and (ii) it will take all actions that may be required of it (including,

1 Accordingly, every owner, tenant or occupant of any house,
dwelling or building located near the System, where sewage will
3 flow by gravity or be transported by such other methods
approved by the State Department of Health from such house,
5 dwelling or building into the System, to the extent permitted
by the laws of the State of West Virginia and the rules and
7 regulations of the Public Service Commission of West Virginia,
shall connect with and use the System and shall cease the use
9 of all other means for the collection, treatment and disposal
of sewage and waste matters from such house, dwelling or
11 building where there is gravity flow or transportation by such
other method approved by the State Health Department and such
13 house, dwelling or building can be adequately served by the
System, and every such owner, tenant or occupant shall, after a
15 30 day notice of the availability of the System, pay the rates
and charges established therefor.

17

Any such house, dwelling or building from which
19 emanates sewage or water-borne waste matter and which is not so
connected with the System is hereby declared and found to be a
21 hazard to the health, safety, comfort and welfare of the
inhabitants of the Issuer and a public nuisance which shall be
23 abated to the extent permitted by law and as promptly as
possible by proceedings in a court of competent jurisdiction.

25

Section 6.19. Compliance with Loan Agreement and
27 Law. The Issuer agrees to comply with all the terms and
conditions of the Loan Agreement. Notwithstanding anything
29 herein to the contrary, the Issuer will provide the DEP with
copies of all documents submitted to the Authority.

31

The Issuer also agrees to comply with all applicable
33 laws, rules and regulations issued by the Authority, the DEP or
other State, federal or local bodies in regard to the
35 acquisition and construction of the Project and the operation,
maintenance and use of the System.

37

1 without implied limitation, the timely filing of a Federal
 3 information return with respect to the Bonds) so that the
 5 interest on the Bonds will be and remain excluded from gross
 income for Federal income tax purposes, and will not take any
 actions which would adversely affect such exclusion.

7 Section 7.03. Rebate of Excess Investment Earnings to
the United States. In accordance with Section 148(f)(4)(C) of
 9 the Code, the Issuer covenants that it is a governmental unit
 with general taxing powers; that the Bonds are not private
 11 activity bonds as defined in Section 141 of the Code; that 95%
 or more of the Net Proceeds of the Bonds are to be used for
 13 local governmental activities of the Issuer (or of a
 governmental unit the jurisdiction of which is entirely within
 15 the jurisdiction of the Issuer); and that the aggregate face
 amount of all the tax-exempt obligations (other than private
 17 activity bonds as defined in Section 141 of the Code) issued by
 the Issuer during the calendar year in which the Bonds are
 19 issued will not exceed \$5,000,000, determined in accordance
 with Section 148(f)(4)(C) of the Code and the Regulations
 21 promulgated thereunder. For purposes of this Section 7.03 and
 for purposes of applying Section 148(f)(4)(C) of the Code, the
 23 Issuer and all entities which issue obligations on behalf of
 the Issuer shall be treated as one issuer; all obligations
 25 issued by a subordinate entity shall, for purposes of applying
 this Section 7.03 and Section 148(f)(4)(C) of the Code to any
 27 other entity to which such entity is subordinate, be treated as
 issued by such other entity; and an entity formed (or, to the
 29 extent provided by the Secretary, as set forth in the Code,
 availed of) to avoid the purposes of such Section 148(f)(4)(C)
 31 of the Code and all other entities benefiting thereby shall be
 treated as one issuer.

33
 Notwithstanding the foregoing, if in fact the Issuer
 35 is subject to the rebate requirements of Section 148(f) of the
 Code, and not exempted from such requirements, the Issuer shall
 37 take the following actions:

39 A. CREATION OF FUNDS. There are hereby created, to
 be held by the Depository Bank as separate funds distinct from
 41 all other funds and accounts held by the Depository Bank under
 this Bond Legislation, the Earnings Fund and the Rebate Fund.
 43 All interest earnings and profits on amounts in all funds and
 accounts established under this Bond Legislation, other than
 45 (i) interest earnings and profits on any funds referenced in
 Subsection C(5) of this Section if such earnings in any Bond
 47 Year are less than \$100,000, (ii) interest earnings and profits
 on amounts in funds and accounts which do not constitute Gross
 49 Proceeds, and (iii) interest earnings and profits on the Rebate
 Fund shall, upon receipt by the Depository Bank, be deposited
 51 in the Earnings Fund. In addition, all interest earnings and
 profits on Gross Proceeds in funds held by the Issuer shall,
 53 upon receipt, be paid to the Depository Bank for deposit in the
 Earnings Fund. Annually, on or before the 30th day following

1 the end of each Bond Year or on the preceding business day in
the event that such last day is not a business day, or such
3 earlier date as may be required under the Code, the Depository
Bank shall transfer from the Earnings Fund to the Rebate Fund
5 for purposes of ultimate payment to the United States an amount
equal to Excess Investment Earnings, all as more particularly
7 described in this Section. Following the transfer referenced
in the preceding sentence, the Depository Bank shall transfer
9 all amounts remaining in the Earnings Fund to be used for the
payment of Debt Service on the next interest payment date and
11 for such purpose, Debt Service due from the Issuer on such date
shall be credited by an amount equal to the amount so
13 transferred.

15 B. DUTIES OF ISSUER IN GENERAL. The Issuer shall
calculate Excess Investment Earnings in accordance with
17 Subsection C and shall assure payment of an amount equal to
Excess Investment Earnings to the United States in accordance
19 with Subsections D and E.

21 C. CALCULATION OF EXCESS INVESTMENT EARNINGS. Within
15 days following the last day of the first Bond Year, the
23 Issuer shall calculate, and shall provide written notice to the
Authority and Depository Bank of, the Excess Investment
25 Earnings referenced in clause (A) of the definition of Excess
Investment Earnings. Thereafter, within 15 days following the
27 last day of each Bond Year and within 15 days following the
date of the retirement of the Bond, the Issuer shall calculate,
29 and shall provide written notice to the Authority and
Depository Bank of, the amount of Excess Investment Earnings.
31 Said calculations shall be made or caused to be made by the
Issuer in accordance with the following:

33 (1) Except as provided in (2), in determining the
35 amount described in clause A(i) the definition of Excess
Investment Earnings, the aggregate amount earned on
37 Nonpurpose Investments shall include (i) all income
realized under federal income tax accounting principles
39 (whether or not the person earning such income is subject
to federal income tax) with respect to such Nonpurpose
41 Investments and with respect to the reinvestment of
investment receipts from such Nonpurpose Investments
43 (without regard to the transaction costs incurred in
acquiring, carrying, selling or redeeming such Nonpurpose
45 Investments), including, but not limited to, gain or loss
realized on the disposition of such Nonpurpose Investments
47 (without regard to when such gains are taken into account
under Section 453 of the Code relating to taxable year of
49 inclusion of gross income), and income under Section 1272
of the Code (relating to original issue discount) and (ii)
51 any unrealized gain or loss as of the date of retirement of
the Bonds in the event that any Nonpurpose Investment is
53 retained after such date.

1
3 (2) In determining the amount described in clause (A)
5 of the definition of Excess Investment Earnings, Investment
7 Property shall be treated as acquired for its fair market
9 value at the time it becomes a Nonpurpose Investment, so
that gain or loss on the disposition of such Investment
Property shall be computed with reference to such fair
market value as its adjusted basis.

11 (3) In determining the amount described in clause
13 (A)(ii) of the definition of Excess Investment Earnings,
15 the Yield on the Bonds shall be determined based on the
actual Yield of the Bonds during the period between the
Closing Date of the Bonds and the date the computation is
made (with adjustments for original issue discount or
premium).

17 (4) In determining the amount described in clause (B)
19 of the definition of Excess Investment Earnings, all income
21 attributable to the excess described in clause (A) of said
23 definition must be taken into account, whether or not that
income exceeds the Yield of the Bond, and no amount may be
treated as "negative arbitrage."

25 (5) In determining the amount of Excess Investment
27 Earnings, there shall be excluded any amount earned on any
29 fund or account which is used primarily to achieve a proper
31 matching of revenues and Debt Service within each Bond Year
33 and which is depleted at least once a year except for a
reasonable carryover amount not in excess of the greater of
1 year's earnings on such fund or account or 1/12th of
annual Debt Service as well as amounts earned on said
earnings if the gross earnings on such fund or account for
the Bond Year is less than \$100,000.

35 D. PAYMENT TO THE UNITED STATES. The Issuer shall
37 direct the Depository Bank to pay from the Rebate Fund an
amount equal to Excess Investment Earnings to the United States
39 in installments with the first payment to be made not later
than 30 days after the end of the 5th Bond Year and with
41 subsequent payments to be made not later than 5 years after the
preceding payment was due. The Issuer shall assure that each
43 such installment is in an amount equal to at least 90% of the
Excess Investment Earnings with respect to the Gross Proceeds
45 as of the close of the computation period. Not later than 60
days after the retirement of the Bonds, the Issuer shall direct
47 the Depository Bank to pay from the Rebate Fund to the United
States 100% of the theretofore unpaid Excess Investment
49 Earnings in the Rebate Fund. In the event that there are any
amounts remaining in the Rebate Fund following the payment
51 required by the preceding sentence, the Depository Bank shall
pay said amounts to the Issuer to be used for any lawful
53 purpose of the System. The Issuer shall remit payments to the
United States at the address prescribed by the Regulations as

1 the same may be in time to time in effect with such reports and
statements as may be prescribed by such Regulations. In the
3 event that, for any reason, amounts in the Rebate Fund are
insufficient to make the payments to the United States which
5 are required by this Subsection D, the Issuer shall assure that
such payments are made by the Issuer to the United States, on a
7 timely basis, from any funds lawfully available therefor.

9 E. FURTHER OBLIGATIONS OF ISSUER. The Issuer shall
assure that Excess Investment Earnings are not paid or
11 disbursed except as required in this Section. To that end the
Issuer shall assure that investment transactions are on an
13 arm's length basis and that Nonpurpose Investments are acquired
at their fair market value. In the event that Nonpurpose
15 Investments consist of certificates of deposit or investment
contracts, investment in such Nonpurpose Investments shall be
17 made in accordance with the procedures described in applicable
Regulations as from time to time in effect. The Depository
19 Bank shall keep the moneys in the Earnings Fund and Rebate Fund
invested and reinvested to the fullest extent practicable in
21 Government Obligations with maturities consonant with the
required use thereof and investment profits and earnings shall
23 be credited to the account of such fund on which earned.

25 F. MAINTENANCE OF RECORDS. The Issuer shall keep and
retain for a period of 6 years following the retirement of the
27 Bonds, records of the determinations made pursuant to this
Section 7.03.

29 G. INDEPENDENT CONSULTANTS. In order to provide for
31 the administration of this Section 7.03, the Issuer and the
Depository Bank (at the expense of the Issuer) may provide for
33 the employment of independent attorneys, accountants or
consultants compensated on such reasonable basis as the Issuer
35 or the Depository Bank may deem appropriate.

37 H. FURTHER AGREEMENT. Notwithstanding the foregoing,
the Issuer further covenants to comply with all Regulations
39 from time to time in effect and applicable to the Bonds, as may
be necessary in order to fully comply with Section 148(f) of
41 the Code.

43 I. REPORTING TO AUTHORITY. The Issuer shall furnish
to the Authority, annually, at such time as it is required to
45 perform its rebate calculations under the Code, a certificate
with respect to its rebate calculations and, at any time, any
47 additional information relating thereto as may be requested by
the Authority. In addition, the Issuer shall cooperate with
49 the authority in preparing rebate calculations and in all other
respects in connection with rebates and hereby consents to the
51 performance of all matters in connection with such rebates by
the Authority at the expense of the Issuer.

53

ARTICLE VIII

DEFAULT AND REMEDIES

Section 8.01. Events of Default. A. Each of the following events shall constitute an "Event of Default" with respect to the Series 1995 A Bonds:

(1) If default occurs in the due and punctual payment of the principal of or interest on the Series 1995 A Bonds; or

(2) If default occurs in the Issuer's observance of any of the covenants, agreements or conditions on its part relating to the Series 1995 A Bonds set forth in this Bond Legislation, any supplemental resolution or in the Series 1995 A Bonds, and such default shall have continued for a period of 30 days after the Issuer shall have been given written notice of such default by the Commission, the Depository Bank, Registrar or any other Paying Agent or a Holder of a Bond; or

(3) If the Issuer files a petition seeking reorganization or arrangement under the federal bankruptcy laws or any other applicable law of the United States of America,

B. Each of the following events shall constitute an "Event of Default" with respect to the Series 1995 B Bonds:

(1) If default occurs in the due and punctual payment of the principal of or interest on the Series 1995 B Bonds; or

(2) If default occurs in the Issuer's observance of any of the covenants, agreements or conditions on its part relating to the Series 1995 B Bonds set forth in this Bond Legislation, any supplemental resolution or in the Series 1995 B Bonds, and such default shall have continued for a period of 30 days after the Issuer shall have been given written notice of such default by the Bank; or

(3) If the Issuer files a petition seeking reorganization or arrangement under the federal bankruptcy laws or any other applicable law of the United States of America,

Section 8.02. Remedies. Upon the happening and continuance of any Event of Default, any Registered Owner of a Bond may exercise any available remedy and bring any appropriate action, suit or proceeding to enforce his or her rights and, in particular, (i) bring suit for any unpaid principal or interest then due, (ii) by mandamus or other

1 appropriate proceeding enforce all rights of such Registered
 Owners including the right to require the Issuer to perform its
 3 duties under the Act and the Bond Legislation relating thereto,
 including but not limited to the making and collection of
 5 sufficient rates or charges for services rendered by the
 System, (iii) bring suit upon the Bonds, (iv) by action at law
 7 or bill in equity require the Issuer to account as if it were
 the trustee of an express trust for the Registered Owners of
 9 the Bonds, and (v) by action or bill in equity enjoin any acts
 in violation of the Bond Legislation with respect to the Bonds,
 11 or the rights of such Registered Owners.

13 Section 8.03. Appointment of Receiver. Any
 Registered Owner of a Bond may, by proper legal action, compel
 15 the performance of the duties of the Issuer under the Bond
 Legislation and the Act, including, after commencement of
 17 operation of the System, the making and collection of
 sufficient rates and charges for services rendered by the
 19 System and segregation of the revenues therefrom and the
 application thereof. If there be any Event of Default with
 21 respect to such Bonds any Registered Owner of a Bond shall, in
 addition to all other remedies or rights, have the right by
 23 appropriate legal proceedings to obtain the appointment of a
 receiver to administer the System or to complete the
 25 acquisition and construction of the Project on behalf of the
 Issuer with power to charge rates, rentals, fees and other
 27 charges sufficient to provide for the payment of Operating
 Expenses of the System, the payment of the Bonds and interest
 29 and the deposits into the funds and accounts hereby
 established, and to apply such rates, rentals, fees, charges or
 31 other revenues in conformity with the provisions of this Bond
 Legislation and the Act.

33
 The receiver so appointed shall forthwith, directly or
 35 by his or her or its agents and attorneys, enter into and upon
 and take possession of all facilities of said System and shall
 37 hold, operate and maintain, manage and control such facilities,
 and each and every part thereof, and in the name of the Issuer
 39 exercise all the rights and powers of the Issuer with respect
 to said facilities as the Issuer itself might do.

41
 Whenever all that is due upon the Bonds and interest
 43 thereon and under any covenants of this Bond Legislation for
 Reserve, Sinking or other funds and upon any other obligations
 45 and interest thereon having a charge, lien or encumbrance upon
 the revenues of the System shall have been paid and made good,
 47 and all defaults under the provisions of this Bond Legislation
 shall have been cured and made good, possession of the System
 49 shall be surrendered to the Issuer upon the entry of an order
 of the court to that effect. Upon any subsequent default, any
 51 Registered Owner of any Bonds shall have the same right to
 secure the further appointment of a receiver upon any such
 53 subsequent default.

1
3 Such receiver, in the performance of the powers
5 hereinabove conferred upon him or her or it, shall be under the
7 direction and supervision of the court making such appointment,
9 shall at all times be subject to the orders and decrees of such
11 court and may be removed thereby, and a successor receiver may
13 be appointed in the discretion of such court. Nothing herein
15 contained shall limit or restrict the jurisdiction of such
17 court to enter such other and further orders and decrees as
19 such court may deem necessary or appropriate for the exercise
21 by the receiver of any function not specifically set forth
23 herein.

25
27 Any receiver appointed as provided herein shall hold
29 and operate the System in the name of the Issuer and for the
joint protection and benefit of the Issuer and Registered
Owners of the Bonds. Such receiver shall have no power to
sell, assign, mortgage or otherwise dispose of any assets of
any kind or character belonging or pertaining to the System,
but the authority of such receiver shall be limited to the
possession, operation and maintenance of the System for the
sole purpose of the protection of both the Issuer and
Registered Owners of such Bonds and the curing and making good
of any Event of Default with respect thereto under the
provisions of this Bond Legislation, and the title to and
ownership of said System shall remain in the Issuer, and no
court shall have any jurisdiction to enter any order or decree
permitting or requiring such receiver to sell, assign, mortgage
or otherwise dispose of any assets of the System.

ARTICLE IX

DEFEASANCE

Section 9.01. Defeasance of Series 1995 A Bonds. If the Issuer shall pay or cause to be paid, or there shall otherwise be paid, to the respective Holders of all Series 1995 A Bonds, the principal of and interest due or to become due thereon, at the times and in the manner stipulated therein and in this Bond Legislation, then with respect to the Series 1995 A Bonds only, the pledge of Net Revenues and other moneys and securities pledged under this Bond Legislation and all covenants, agreements and other obligations of the Issuer to the Registered Owners of the Series 1995 A Bonds shall thereupon cease, terminate and become void and be discharged and satisfied.

Series 1995 A Bonds for the payment of which either moneys in an amount which shall be sufficient, or securities the principal of and the interest on which, when due, will provide moneys which, together with the moneys, if any, deposited with the Paying Agents at the same or earlier time, shall be sufficient, to pay as and when due either at maturity or at the next redemption date, the principal installments of and interest on such Series 1995 A Bonds shall be deemed to have been paid within the meaning and with the effect expressed in the first paragraph of this section. All Series 1995 A Bonds shall, prior to the maturity thereof, be deemed to have been paid within the meaning and with the effect expressed in the first paragraph of this section if there shall have been deposited with the Commission or its agent, either moneys in an amount which shall be sufficient, or securities the principal of and the interest on which, when due, will provide moneys which, together with other moneys, if any, deposited with the Commission at the same time, shall be sufficient to pay when due the principal installments of and interest due and to become due on said Series 1995 A Bonds on and prior to the next redemption date or the maturity dates thereof. Neither securities nor moneys deposited with the Commission pursuant to this section nor principal or interest payments on any such securities shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal installments of and interest on said Series 1995 A Bonds; provided, that any cash received from such principal or interest payments on such securities deposited with the Commission or its agent, if not then needed for such purpose, shall, to the extent practicable, be reinvested in securities maturing at times and in amounts sufficient to pay when due the principal installments of and interest to become due on said Bonds on and prior to the next redemption date or the maturity dates thereof, and interest earned from such reinvestments shall be paid over to the Issuer as received by the Commission or its agent, free and clear of any trust, lien or pledge. For

1 the purpose of this section, securities shall mean and include
only Government Obligations.

3

Section 9.02. Defeasance of Series 1995 B Bonds. If
5 the Issuer shall pay or cause to be paid, or there shall
otherwise be paid, to the respective Holders of all Series 1995
7 B Bonds, the principal due or to become due thereon, at the
times and in the manner stipulated therein and in this Bond
9 Legislation, then with respect to the Series 1995 B Bonds only,
the pledge of Net Revenues and other moneys and securities
11 pledged under this Bond Legislation and all covenants,
agreements and other obligations of the Issuer to the
13 Registered Owners of the Series 1995 B Bonds shall thereupon
cease, terminate and become void and be discharged and
15 satisfied.

ARTICLE X

MISCELLANEOUS

Section 10.01. Amendment or Modification of Bond Legislation. No material modification or amendment of this Bond Legislation, or of any resolution amendatory or supplemental hereto, that would materially and adversely affect the respective rights of Registered Owners of the Bonds shall be made without the consent in writing of the Registered Owners of 66-2/3% or more in principal amount of the Series 1995 A Bonds or the Series 1995 B Bonds so affected and then Outstanding; provided, that no change shall be made in the maturity of any Bond or Bonds or the rate of interest thereon, or in the principal amount thereof, or affecting the unconditional promise of the Issuer to pay such principal and interest out of the funds herein respectively pledged therefor without the consent of the respective Registered Owner thereof. No amendment or modification shall be made that would reduce the percentage of the principal amount of Bonds required for consent to the above-permitted amendments or modifications. Notwithstanding the foregoing, this Bond Legislation may be amended without the consent of any Bondholder as may be necessary to assure compliance with Section 148(f) of the Code relating to rebate requirements or otherwise as may be necessary to assure the excludability of interest on the Bonds from gross income of the holders thereof.

Section 10.02. Bond Legislation Constitutes Contract. The provisions of the Bond Legislation shall constitute a contract between the Issuer and the Registered Owners of the Bonds, and no change, variation or alteration of any kind of the provisions of the Bond Legislation shall be made in any manner, except as in this Bond Legislation provided.

Section 10.03. Severability of Invalid Provisions. If any section, paragraph, clause or provision of this Ordinance should be held invalid by any court of competent jurisdiction, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the Supplemental Resolution or the Bonds.

Section 10.04. Headings, Etc. The headings and catchlines of the articles, sections and subsections hereof are for convenience of reference only, and shall not affect in any way the meaning or interpretation of any provision hereof.

Section 10.05. Conflicting Provisions Repealed. All ordinances, orders or resolutions and or parts thereof in with the provisions of this Ordinance are, to the extent of conflict, hereby repealed.

1 Section 10.06. Covenant of Due Procedure, Etc. The
 3 Issuer covenants that all acts, conditions, things and
 5 procedures required to exist, to happen, to be performed or to
 7 be taken precedent to and in the enactment of this Ordinance do
 9 exist, have happened, have been performed and have been taken
 11 in regular and due time, form and manner as required by and in
 full compliance with the laws and Constitution of the State of
 West Virginia applicable thereto; and that the Mayor, Recorder
 and members of the Governing Body were at all times when any
 actions in connection with this Ordinance occurred and are duly
 in office and duly qualified for such office.

13 Section 10.07. Effective Date. This Ordinance shall
 take effect immediately following public hearing hereon.

15 Section 10.08. Statutory Notice and Public Hearing.
 17 Upon adoption hereof, an abstract of this Bond Legislation
 19 determined by the Governing Body to contain sufficient
 21 information as to give notice of the contents hereof shall be
 published once a week for 2 successive weeks within a period of
 23 fourteen consecutive days, with at least 6 full days
 intervening between each publication, in The Charleston Daily
Mail, which is a qualified newspaper of general circulation in
 25 The City of Nitro, together with a notice stating that this
 Bond Legislation has been adopted and that the Issuer
 27 contemplates the issuance of the Bonds, and that any person
 interested may appear before the City Council upon a date
 29 certain, not less than ten days subsequent to the date of the
 first publication of the abstract and notice, and present
 31 protests, and that a certified copy of the Ordinance is on file
 with the Governing Body for review by interested persons during
 33 office hours of the Governing Body. At such hearing, all
 objections and suggestions shall be heard and the Governing
 Body shall take such action as it shall deem proper in the
 35 premises.

37 Passed on First Reading - JUNE 13, 1995
 39 Passed on Second Reading - JULY 11, 1995
 41 Effective Date Following
 43 Public Hearing - _____

45 Don Keenrod
 47 Mayor
 49 Herbert B. Libbey
 City Recorder

51

CITY OF NITRO COUNCIL MEETING MINUTES

JULY 18, 1995

Mayor Karnes declared a quorum and called the Council Meeting to order at 7:30 p.m. Other members present were City Recorder/Treasurer Herbert Sibley, Councilman at Large Dean Miller, Councilman at Large Jim Hutchinson and Councilman George Atkins. Also present, City Attorney Phillip Gaujot. Absent were Councilman Bob Young, Council woman Betty Jo Boggess and Councilman Frank Grover, Jr.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 11, 1995 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE JIM HUTCHINSON MOVED TO APPROVE THE MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE DEAN MILLER AND WAS CARRIED.

AGENDA ITEM NO. 2 - 31ST STREET BRIDGE: Mayor Karnes stated the 31st bridge is becoming a real problem. We have discussed selling surplus property to buy material to build the bridge. Mayor Karnes said the bridge will have to be closed even if we do not rebuild one. Mayor Karnes suggested the Finance Committee meet and hopefully authorize him to borrow the money to rebuild the bridge. Mayor Karnes said the approximate cost is \$50,000. Recorder/ Treasurer Herb Sibley announced a Finance Committee meeting is scheduled for next Tuesday, July 25th, at 6:30 p.m.

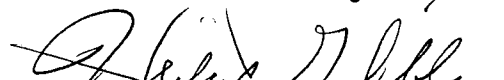
AGENDA ITEM NO. 3 - SANITARY BOARD MOVE: Mayor Karnes stated the work has started on minor remodeling of the Police Department making it ready for the Sanitary Board. Bill Graham a retiree from the Sanitary Board and an employee from Public Works Department will be doing the work. Mayor Karnes said the cost should be less than \$5000.

AGENDA ITEM NO. 4 - SURPLUS PROPERTY: Mayor Karnes yielded the floor to Councilman George Atkins. Councilman Atkins announced a short committee meeting tonight following council meeting. Attorney Phillip Gaujot advised different methods of accepting bids. Also Counselor Gaujot advised Councilman at Large Dean Miller not to serve on committee if he is interested in bidding on said property.

AGENDA ITEM NO. 5 - BUSINESS & PROFESSIONAL GRP: Mayor Karnes yielded the floor to Councilman at Large Dean Miller. Councilman Miller reported the Business Association is interested in restoring the old Nitro Bungalow. A discussion followed regarding ownership and insurance coverage.

There being no further business, the meeting was adjourned.


DON KARNES, MAYOR


HERB SIBLEY, RECORDER