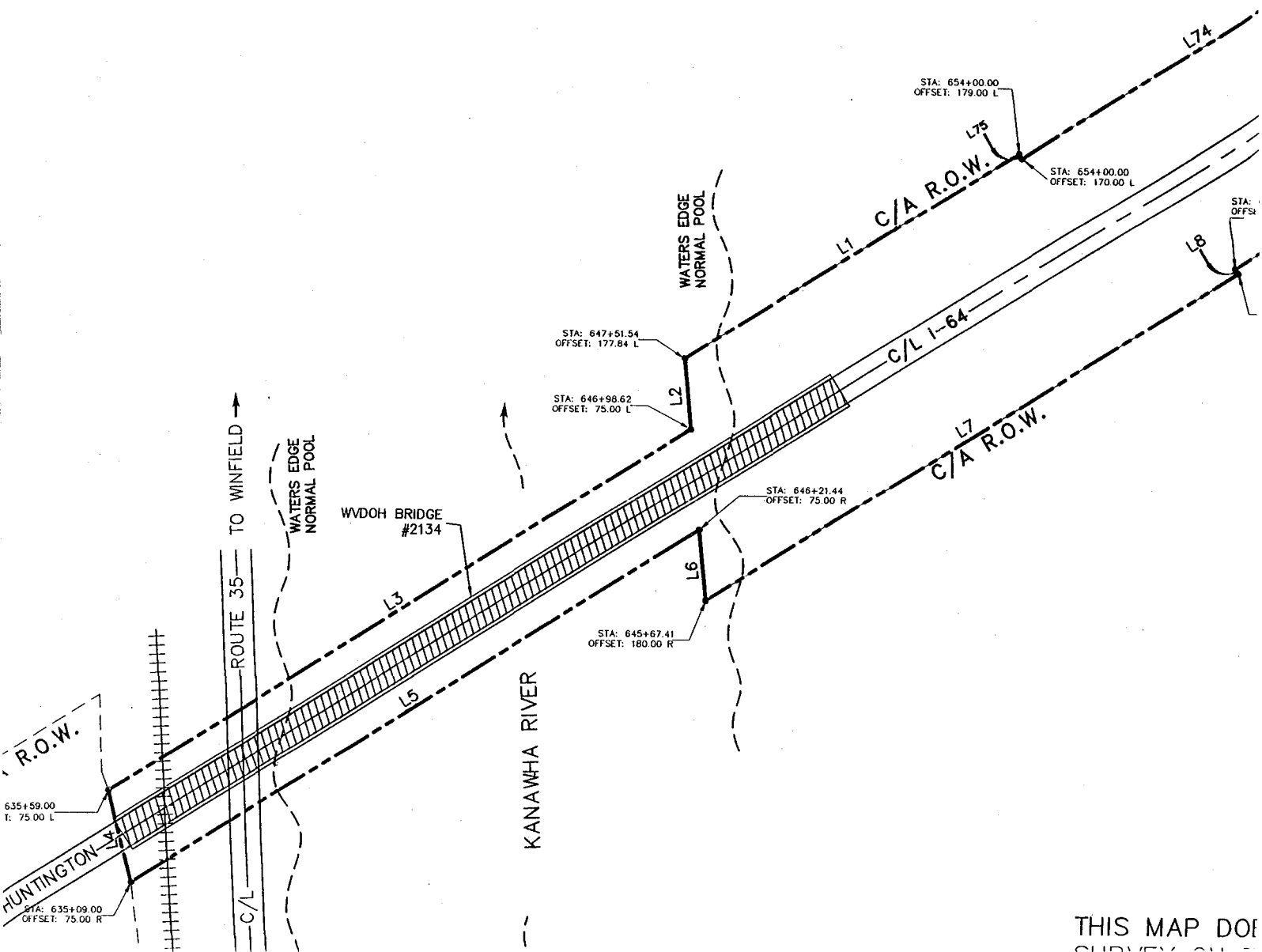
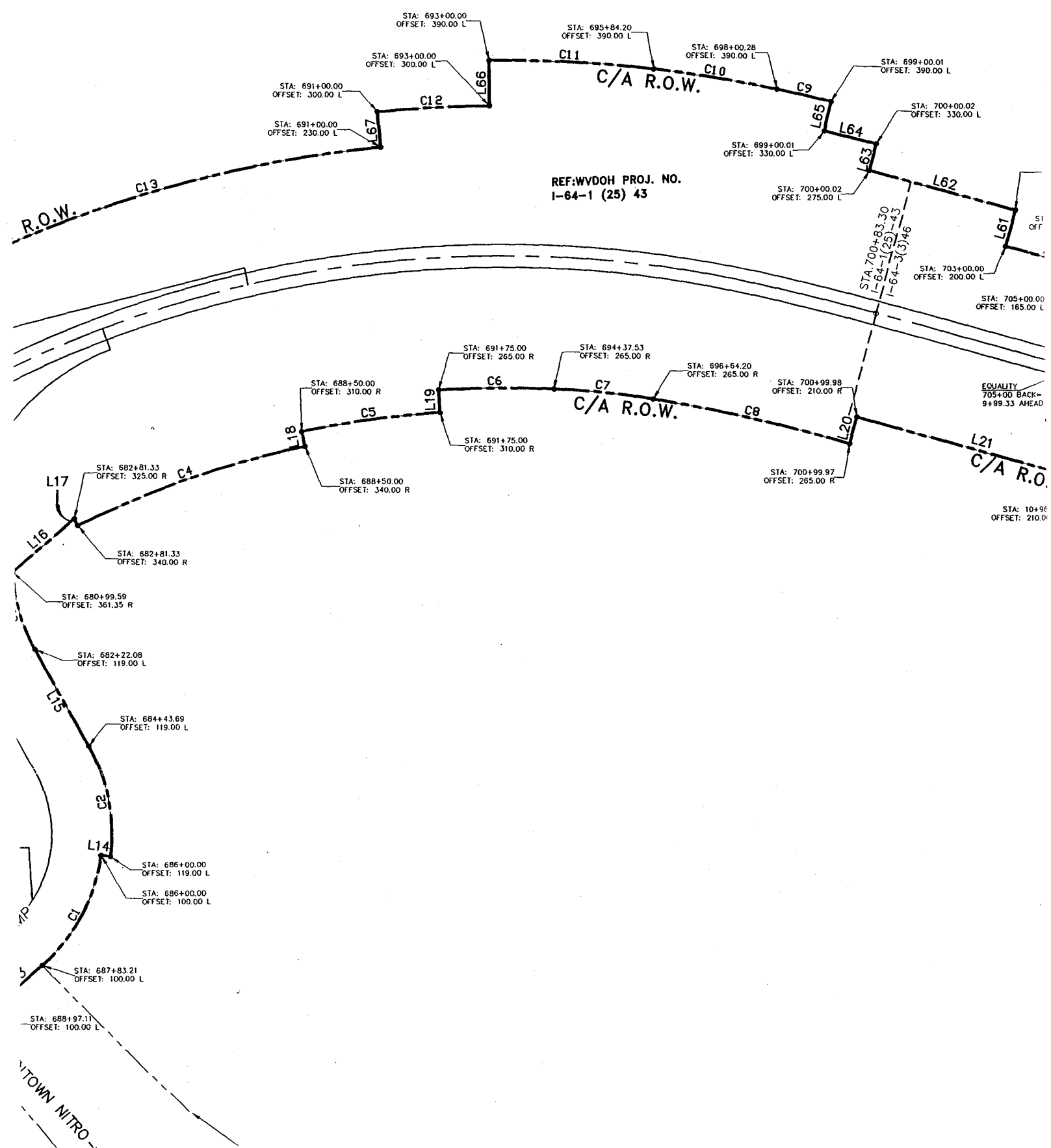
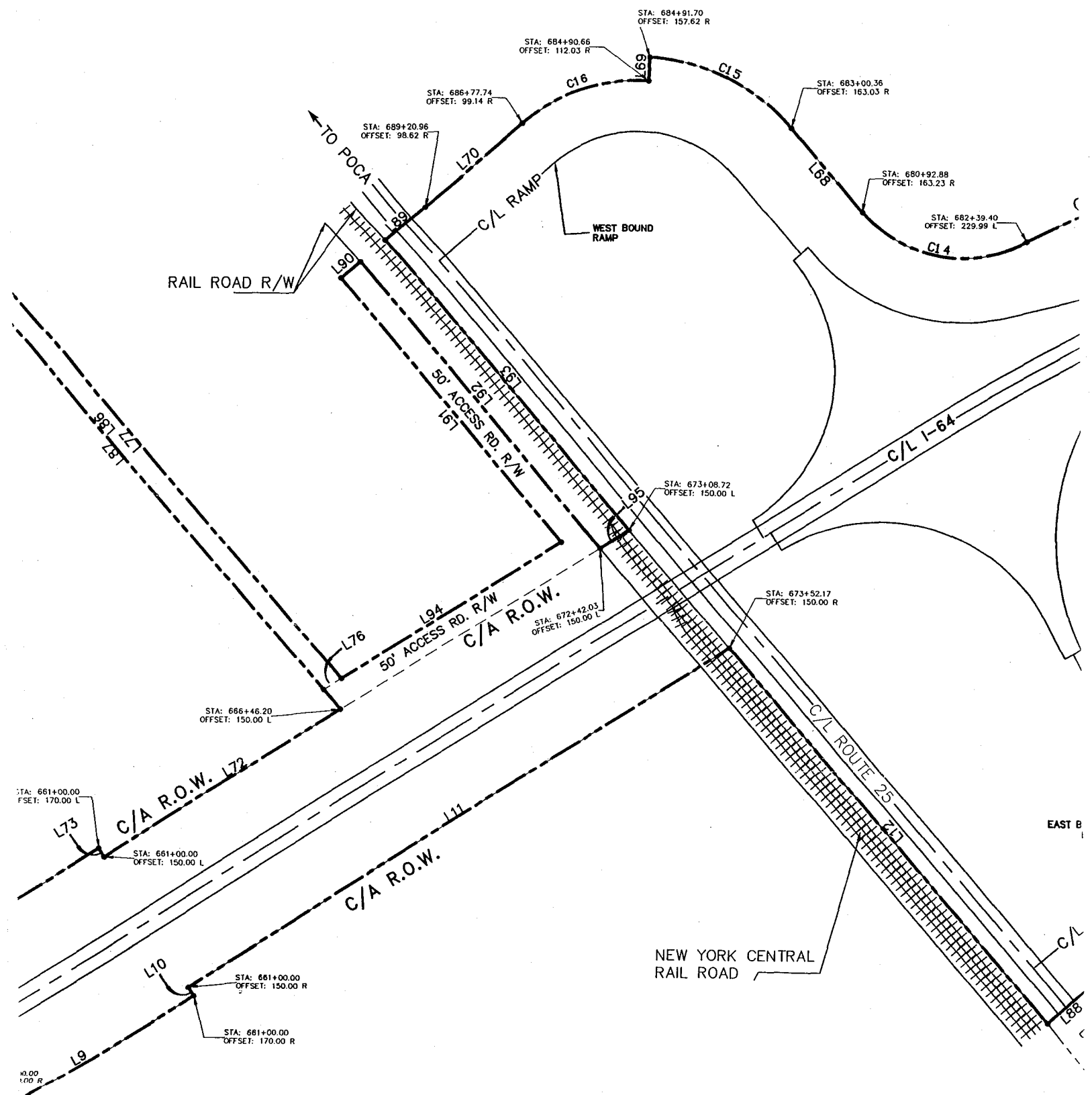


LEGEND

- ANNEXATION LINE
- PROPERTY CORNER
- C/A R.O.W. CONTROLLED ACCESS RIGHT OF WAY
- WATERS EDGE (AVERAGE)
- RAILROAD LINE







CITY OF NITRO COUNCIL MEETING MINUTES

APRIL 04, 2000

Mayor Rusty Casto declared a quorum and called the meeting to order at 7:30 p.m. Others present; City Recorder Don Karnes, Councilmen at Large Steve West, Robert Mattox, Richard Savilla, Councilmen Robert Young, George Atkins, David Miller and Frank Grover, Jr. Absent City Attorney Phil Gaujot and City Treasurer Ralph Allison.

**AGENDA ITEM NO. 1 INVOCATION:** Bob Mattox

**AGENDA ITEM NO. 2 APPROVAL OF MINUTES (03-21-00)** COUNCILMAN ROBERT YOUNG MOVED TO APPROVE THE 03-21-2000 MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE ROBERT MATTOX AND WAS CARRIED.

**AGENDA ITEM NO. 3 RALPH ALLISON:** No report

**AGENDA ITEM NO. 4 PHIL GAUJOT:** Mayor Casto stated City Attorney Phil Gaujot could not attend the meeting tonight and asked him to bring up a couple of items. The first being an ordinance to hold an auction at the city garage. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO READ TITLE ONLY OF ORDINANCE 2000 - 0 , THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE STEVE WEST AND WAS CARRIED.

ORDINANCE 2000 -03, AN ORDINANCE TO SELL VARIOUS ITEMS OF PERSONAL PROPERTY WHICH ARE IN DISREPAIR OR OBSOLETE AND OF NO USE TO THE CITY.

COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO ADOPT ORDINANCE 2000-03 ON SECOND READING. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE STEVE WEST AND WAS CARRIED. (Copy attached)

Also Mayor Casto reported he received a letter from Counselor Gaujot regarding the City election and according to the Secretary of State, the election should be moved to June 13, 2000 and the City should provide an ordinance for that date. Recorder Don Karnes stated since that decision was made based on two items, the codified ordinance of the city of Nitro, article 107.01 which provides for the election to be held on the first Tuesday in June. The other item was a certificate of incorporation of basic law. Code of Laws of 1975 provides for election on the first Tuesday of June. The opinion of the Secretary of State Office is, neither of these is the Charter. This opinion is based on the fact there is no charter. Recorder Don Karnes stated he took the first ordinance books of the city (1932), to the Secretary of State Office the first page reads "Charter and Ordinance of the City of Nitro" which establishes a two year term. Recorder Don Karnes said in 1952, (several amendments between 1932 and 1952) the City of Nitro Charter was amended to provide for the wards, municipal officials, terms of office and changed it to a four year term. Also Recorder Karnes said it states the election shall be the first Tuesday of June in each appropriate year. Recorder Karnes said all past elections have been held the first Tuesday in June. The Secretary of State's Office will render an opinion as quickly as possible. COUNCILMAN AT LARGE ROBERT MATTOX MOVED TO ACCEPT THE DECISION OF THE SECRETARY OF STATE, FOR



DATE OF ELECTION UPON REVIEW OF CITY ATTORNEY. THE MOTION WAS SECONDED BY COUNCILMAN ROBERT YOUNG AND WAS CARRIED.

Mayor Rusty Casto proclaimed week of April 9-15, 2000 as "**THE WEEK OF THE YOUNG CHILD**".

**AGENDA ITEM NO. 5 ELECTION DATE:** Addressed in Agenda Item No. 4.

**AGENDA ITEM NO. 6 BLAKES CREEK ANNEXATION:** Mayor Casto yielded the floor to Connie Stephens, General Manager of the Nitro Sanitary Board. Ms. Stephens stated the only thing to be addressed tonight is the "Line of Credit". April Boughton Attorney, Vaughan Law Firm presented council with a Line of Credit Ordinance. COUNCILMAN DAVID MILLER MOVED TO READ TITLE ONLY OF THE ORDINANCE. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. ORDINANCE 2000 - AN ORDINANCE THE FINANCING OF CERTAIN EXPENSES INCURRED IN OPERATION AND MAINTENANCE OF THE SEWERAGE FACILITIES OF THE CITY OF NITRO AND PROVIDING FOR OTHER CAPITAL IMPROVEMENTS WITHIN SAID CITY NOT OTHERWISE PROVIDED, THROUGH THE ENTERING INTO OF A LINE OF CREDIT WITH UNITED NATIONAL BANK, CHARLESTON, WEST VIRGINIA, NOT EXCEEDING \$1,500,000.00 IN PRINCIPAL AMOUNT, EVIDENCED BY A PROMISSORY NOTE; PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE HOLDER OF SUCH NOTE; AUTHORIZING EXECUTION AND DELIVERY OF A LINE OF CREDIT AGREEMENT, PROMISSORY NOTE AND OTHER DOCUMENTS RELATING THERETO; AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH LINE OF CREDIT AGREEMENT AND NOTE AND ADOPTING OTHER PROVISIONS RELATING THERETO.

COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO APPROVE SANITARY BOARD ORDINANCE-2000 - ON FIRST READING. THE MOTION WAS SECONDED BY COUNCILMAN ROBERT YOUNG AND WAS CARRIED.

**AGENDA ITEM NO. 7 CERTIFICATION OF PETITION FOR CANDIDACY:** Mayor Rusty Casto yielded the floor to Recorder Don Karnes. Recorder Karnes reported each candidate's petition has been examined and found to be sufficient in content and timely. Recorder Karnes said, council may act individually or as a group. Also Recorder Karnes suggested council act on these candidates as a group.

Recorder Don Karnes read names of each candidate. COUNCILMAN ROBERT YOUNG MOVED TO APPROVE CERTIFICATION OF PETITION OF CANDIDACY FOR ALL CANDIDATES. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE STEVE WEST AND WAS CARRIED.

**AGENDA ITEM NO. 8 BALLOT POSITION DRAWING:** Recorder Don Karnes put all envelopes with name of each candidate in a hat and asked if there is no objection, He would like to ask John Montgomery to do the drawing.

<b>MAYOR</b>	<b>RECORDER</b>	<b>COUNCIL/LARGE</b>
1 - RUSTY CASTO	1 JOAN MCCLANAHAN	1- MIKE SHREWSBURY
2 - DON KARNES	2 FRANK GROVER, JR.	2- HAROLD R SUMMERS
	3 STEVE WEST	3- DEAN MILLER
		4- ROBERT MATTOX
		5- BRENDA TYLER
		6- RICHARD SAVILLA
		7- TIM SIZEMORE
		8- JAMES C CASH, JR

**WARD I**

1 - ROBERT YOUNG  
2 - JOE SAVILLA

**WARD II**

1 - BETTY BOGGESS  
2 - DAVID MILLER  
3 - BILL CLARK

**WARD III**

1 - RAY DUNN  
2 - BOBBY SMITH

**WARD IV**

1 - HARRY K MILLER, III  
2 - JOHN FARLEY

Recorder Don Karnes stated the Ballot will be prepared as soon as possible and all candidates will be notified of their ballot position.

**AGENDA ITEM NO. 9 MAYOR'S COMMENTS:**

Councilman Frank Grover, Jr. , reminded council there are still water problems in ward 4.

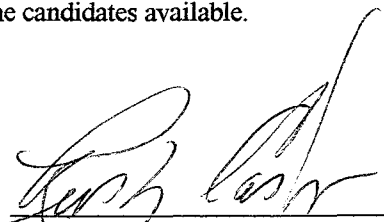
Councilman George Atkins, requested Councilman Miller to read letter from the Senior Citizens and requested the letter be made a part of record. COUNCILMAN GEORGE ATKINS MOVED TO MAKE LETTER A PART OF RECORD. THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. (Copy attached)

Councilman Robert Young, stated the entrance to Brookhaven has dropped two to four inches and in between the cracks there is a sewer line. I personally feel this line may have collapsed. Union Public Service has been contacted regarding this problem. Also Councilman Young stated He will keep council informed regarding this problem.

Councilman at Large Robert Mattox mentioned the Antique Car Show. Harry Miller stated the show will be more like a cruise-in this year. COUNCILMAN DAVID MILLER MOVED TO CLOSE SECOND AVENUE FROM 19TH STREET TO 21ST STREET MAY 20,00, FROM 8:00 A.M. TIL DARK. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Recorder Don Karnes, stated he had campaign finance forms for the candidates available.

There being no other business, the meeting was adjourned.

  
\_\_\_\_\_  
RUSTY CASTO, MAYOR

  
\_\_\_\_\_  
DON KARNES, RECORDER

ORDINANCE NO. 2000- 03

**AN ORDINANCE TO SELL VARIOUS ITEMS OF  
PERSONAL PROPERTY WHICH ARE IN DISREPAIR  
OR OBSOLETE AND OF NO USE TO THE CITY**

WHEREAS, Chapter 8, Article 12, Section 18 of the West Virginia Code of 1931, as amended, authorizes the City to sell any of its personal property for a fair and adequate consideration, such property to be sold at public auction at a place designated by the City, but, before making any such sale, notice of the time, terms and place of sale, together with a brief description of the property to be sold, shall be published as a Class II legal advertisement; and,

WHEREAS, the City of Nitro has various items of personal property, individually valued at less than \$1,000.00, which are in disrepair or obsolete and of no use to the City, which items are listed on the Exhibit attached hereto and marked as "Exhibit 1"; and,

WHEREAS, the City Council for the City of Nitro finds that it would be in the best interest of the City to dispose of said personal property listed on the exhibit attached hereto, marked as "Exhibit 1," by selling the same for a fair and adequate consideration at public auction or by receiving written bids; and,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Nitro, West Virginia, that the items of personal property, individually valued at less than \$1,000.00, which are in disrepair or obsolete and of no use to the

City, which items are listed on the Exhibit attached hereto and marked as "Exhibit 1," which items the Council of the City of Nitro finds are in disrepair or obsolete and of no use to the City, shall be sold at public auction on the 8th day of April, 2000, and that notice of said sale of said personal property and list of said personal property shall be duly published in a newspaper of general circulation, as a Class II legal advertisement.

It is further ORDAINED that said personal property shall be maintained by the City and made available for inspection by prospective purchasers between Monday and Friday, 8:00 o'clock a.m. to 3:00 o'clock p.m.

Motion made by \_\_\_\_\_,  
seconded by \_\_\_\_\_, on first reading,  
to adopt this Ordinance.

Motion made by \_\_\_\_\_,  
seconded by \_\_\_\_\_, on second  
reading, to adopt this Ordinance.

PASSED ON FIRST READING

Date: \_\_\_\_\_

ADOPTED ON SECOND READING

Date: \_\_\_\_\_

  
MAYOR

  
CITY RECORDER

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Nitro Business & Professional Association Report to Council  
4-4-2000

The NBPA met this morning. We finished filling the 800 Easter Eggs for the April 15, 2000 Easter Egg hunt at City Park. No other business was conducted.

Sorry I am not at the meeting. Putnam County Middle School Choral Festival is in the Auditorium.

Respectfully submitted

David M Perry

# CITY OF NITRO COUNCIL MEETING MINUTES

APRIL 18, 2000

Mayor Rusty Casto declared a quorum and called the meeting to order at 7:30 p.m. Others present; City Recorder Don Karnes, Councilmen at Large Steve West, Robert Mattox, Richard Savilla, Councilmen Robert Young, George Atkins, David Miller and Frank Grover, Jr. Also present City Treasurer, Ralph Allison. Absent City Attorney Phil Gaujot.

## CITIZEN OF THE MONTH

Mayor Casto announced Pastor Harold White and Wife Jaci "Citizens of the Month" for April and presented them with a gift certificate from Diehl's Restaurant of Nitro.

**AGENDA ITEM NO. 1 INVOCATION:** Dean Miller

**AGENDA ITEM NO. 2 APPROVAL OF MINUTES (04-04-00):** COUNCILMAN AT LARGE STEVE WEST MOVED TO APPROVE THE 4-4-00 MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE ROBERT MATTOX AND WAS CARRIED.

**AGENDA ITEM NO. 3 BUSINESS & PROFESSIONAL ASSOC:** Mayor Casto yielded the floor to Dave Perry. Mr. Perry read report of meeting 4-18-00 and announced past and coming events.

COUNCILMAN DAVID MILLER MOVED TO MAKE THE REPORT A PART OF RECORD. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. (Copy attached)

**AGENDA ITEM NO. 4. ANNEXATION (I-64):** Mayor Casto reported the city should receive approximately \$30,000 from the construction on 40th Street. Also Mayor Casto stated there will be three more bridges to be built on I-64 in Putnam County. Mayor Casto asked council to give him the authority to pursue getting this area annexed into the City. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO AUTHORIZE MAYOR RUSTY CASTO TO PURSUE THE ANNEXATION OF THE BRIDGES FROM THE KANAWHA COUNTY LINE TO THE WEST END OF I-64 KANAWHA RIVER BRIDGE. THE MOTION WAS SECONDED BY COUNCILMAN DAVE MILLER AND WAS CARRIED.

**AGENDA ITEM NO. 5 SANITARY BOARD (2nd reading Ord):** Mayor Casto yielded the floor to Denny Vaughan, Sanitary Board Attorney. Counselor Vaughan asked for a motion to amend the Ordinance as was discussed in the Public Hearing. COUNCILMAN AT LARGE ROBERT MATTOX MOVED TO AMEND THE ORDINANCE FOR THE REVOLVING LINE OF CREDIT TO CHANGE THE BASIS FROM A MONTHLY TO A QUARTERLY BASIS. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO READ TITLE ONLY. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE STEVE WEST AND WAS CARRIED.

ORDINANCE 2000-04 AN ORDINANCE AUTHORIZING THE FINANCING OF CERTAIN EXPENSES INCURRED IN OPERATION AND MAINTENANCE OF THE SEWERAGE FACILITIES OF THE CITY OF NITRO AND PROVIDING FOR OTHER CAPITAL IMPROVEMENTS WITHIN SAID CITY NOT OTHERWISE PROVIDED, THROUGH THE ENTERING INTO OF A LINE OF CREDIT WITH UNITED NATIONAL BANK, CHARLESTON, WEST VIRGINIA, NOT EXCEEDING \$1,500,000.00 IN PRINCIPAL AMOUNT, EVIDENCED BY A PROMISSORY NOTE; PROVIDING

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FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE HOLDER OF SUCH NOTE; AUTHORIZING EXECUTION AND DELIVERY OF A LINE OF CREDIT AGREEMENT, PROMISSORY NOTE AND OTHER DOCUMENTS RELATING THERETO; AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH LINE OF CREDIT AGREEMENT AND NOTE AND ADOPTING OTHER PROVISIONS RELATING THERETO.

COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO ADOPT SANITARY BOARD ORDINANCE 2000-04 ON SECOND READING. THE MOTION WAS SECONDED BY COUNCILMAN ROBERT YOUNG AND WAS CARRIED. (Copy attached)

**AGENDA ITEM NO. 6 ANNEXATION (BLAKES CREEK)** Mayor Casto yielded the floor to April Robertson Boughton, Attorney. Ms. Boughton presented a resolution regarding annexation of Blakes Creek. A RESOLUTION TO FILE NECESSARY APPLICATION FOR ANNEXATION BY MINOR BOUNDARY ADJUSTMENT WITH THE KANAWHA COUNTY COMMISSION PURSUANT TO CHAPTER 8, ARTICLE 6, SECTION 5 OF THE WEST VIRGINIA CODE OF 1931, AS AMENDED AND TO TAKE ANY AND ALL ACTIONS THAT ARE NECESSARY OR DESIRABLE TO CARRY OUT THE PROVISIONS OF THIS RESOLUTION AND THAT THE PARCELS HEREIN DESCRIBED SHOULD BE ANNEXED TO THE CITY PURSUANT TO CHAPTER 8, ARTICLE 5 OF THE WEST VIRGINIA CODE OF 1931, AS AMENDED, AS THE SAME IS CONTIGUOUS TO THE CURRENT BOUNDARY OF THE CITY.

COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO APPROVE RESOLUTION 2000-02 THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. (Copy attached)

Councilman at Large Steve West asked if residents of the proposed annexation would be permitted to vote in the June 2000 election as they could not meet the residency requirement. Counselor Dennis Vaughan stated they would not.

**AGENDA ITEM NO. 7 RALPH ALLISON:** Treasurer Ralph Allison reported he called the WV Lottery Commission and was told we should receive our first check for the City's share of the Coin Drop Machines. The Commission said they have reached the maximum amount of \$462,000 that the County gets and we will now start receiving a check weekly through June 30, 2000.

Treasurer Ralph Allison reported the State should be here in June to start the yearly audit. Also Mr. Allison presented Council with a copy of a letter from the State approving the budget for the year ending June 2001 and with that approval will need a motion to approve the levy. COUNCILMAN ROBERT YOUNG MOVED TO APPROVE THE LEVY RATES. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

**MAYOR COMMENTS:**

Mayor Casto said he thought the City Election would be June 6. Recorder Don Karnes stated he does not have anything in writing from the Secretary of State's Office. Hopefully, he will receive something in writing tomorrow.

Mayor Casto stated Janet Craig from Children's Home Society request the City of Nitro, lower the flag, April 28, 00 in remembrance of the children who die from poverty each year. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO LOWER THE FLAG TO HALF MAST APRIL 28, 2000 IN HONOR OF CHILDREN WHO DIED FROM POVERTY. THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

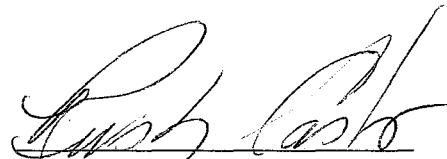
Councilman David Miller, requested reflection jackets for the Police Reserve Officers and free pool passes for their family.

Councilman at Large Richard Savilla, asked if any of the candidates had withdrawn. Recorder Don Karnes stated none except the candidate that withdrew from the recorder slot, and he said the last date to withdraw was Monday, April 03, 2000.

Councilman at Large Robert Mattox, asked if there would be a committee meeting regarding the pool.

Mayor Casto stated he had been working on the hiring of the lifeguards and will bring a report at the next council meeting.

There being no further business, the meeting was adjourned.

  
RUSTY CASTO, MAYOR  
DON KARNES, RECORDER

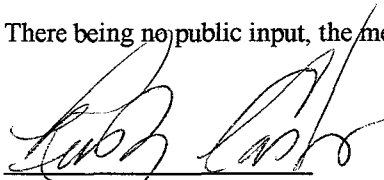


**PUBLIC HEARING****APRIL 18, 2000**

The Public Hearing was called to order by Mayor Rusty Casto at 7:30 p.m. at City Council Chambers. Those attending ; Denny Vaughan, Sanitary Board Attorney, April Robertson Boughton, Attorney Connie Stephens, General Manager Nitro Sanitary Board, City Recorder Don Karnes, City Treasurer, Ralph Allison, Councilmen Robert Mattox, Richard Savilla, Steve West, Robert Young, David Miller, George Atkins and Frank Grover, Charles Raynes, Dean Miller, John Montgomery, Harvey Collins, several city employees and other residents.

Mayor Casto yielded the floor to Counselor Denny Vaughan to explain the interim revolving "Line of Credit" which would provide financing for future sewer projects. Counselor Vaughan stated this method of financing would save the city money on closing costs. Counselor Vaughan told council they would be voting on an Ordinance later in the meeting authorizing the financing of certain expenses incurred in operation and maintenance of sewerage facilities of the City of Nitro and providing for other capital improvements.

There being no public input, the meeting was adjourned.



RUSTY CASTO, MAYOR



DON KARNES, RECORDER

## Nitro Business & Professional Association Report to Council April 18, 2000

The NBPA met this morning and the following took place :

- A report from the Nitro Seniors, voicing concern over losing an employee at the Senior Center. The April Senior Advisory Council meeting will be next week.
- Upcoming events at the Community Center : tonight Odyssey of the Mind Program; 24&25 Center Stage Players Auditions; May 6 & 13 dance recitals; May 12 next Gospel Jubilee; May 16 Hurricane Middle School Chorus Festival; May 19 5 band concert; May 20 Cruise In and May 26th Meet the Candidate
- This past Saturday's Easter Egg Hunt was discussed. Those thanked were : Community Cleaners, Marrs Jewelry, Nitro Senior Citizens, Nitro Development Authority, Four Star Video, Mouldagraph Corp, FMC, Nitro Hobby & Craft, Nitro Lions, Cooke Funeral Home, River City Chiropractic, Nitro Computers, Rock Branch Trophy & Engraving, Town N Country Lanes, Nitro Women's Club, Curreys Bike Shop & Mayor Casto. Also, Bobby Smith, who " sat on the nest " after they were hidden and guarded the eggs. We had over 40 young people hunting. We filled and hid over 1000 eggs. The goose population was not a problem. We had positive feedback from the parents, & inquiries as to whom they could thank for the hunt.
- David Perry reported that Town Square Graphics is going to produce & distribute a pictorial graphic of our Community & the surrounding area. It will be back printed with points of interest and City facts.

Respectfully submitted

David M Perry

## CITY OF NITRO

## ORDINANCE

ORDINANCE AUTHORIZING THE FINANCING OF CERTAIN EXPENSES INCURRED IN OPERATION AND MAINTENANCE OF THE SEWERAGE FACILITIES OF THE CITY OF NITRO AND PROVIDING FOR OTHER CAPITAL IMPROVEMENTS WITHIN SAID CITY NOT OTHERWISE PROVIDED, THROUGH THE ENTERING INTO OF A LINE OF CREDIT WITH UNITED NATIONAL BANK, CHARLESTON, WEST VIRGINIA, NOT EXCEEDING \$1,500,000.00 IN PRINCIPAL AMOUNT, EVIDENCED BY A PROMISSORY NOTE; PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE HOLDER OF SUCH NOTE; AUTHORIZING EXECUTION AND DELIVERY OF A LINE OF CREDIT AGREEMENT, PROMISSORY NOTE AND OTHER DOCUMENTS RELATING THERETO; AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH LINE OF CREDIT AGREEMENT AND NOTE AND ADOPTING OTHER PROVISIONS RELATING THERETO.

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

ARTICLE I

## STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

Section 1.01. Authority for this Ordinance. This Ordinance is enacted pursuant to the provisions of Article 19, Chapter 8 of the West Virginia Code of 1931, as amended (the "Act"), and other applicable provisions of law. The City of Nitro (the "City") is a municipal corporation and political subdivision of the State of West Virginia in Kanawha and Putnam Counties thereof.

Section 1.02. Findings and Determinations. It is hereby found, determined and declared as follows:

A. The City now has a public sewerage system, as defined in the Act, and the City reasonably expects to acquire and construct certain improvements and betterments to its existing sewerage system during the next several years that the City Council (the "Governing Body") may deem essential, convenient and desirable for the health, welfare, safety, advantage and

convenience of the inhabitants of the City.

B. Accordingly, it is hereby ordered, the financing and Projects hereby authorized and provided for are public purposes of the City and are ordered for the purpose of meeting and serving public convenience and necessity.

C. It is necessary for the City to enter into a line of credit agreement with United National Bank (the "Bank") providing for a revolving line of credit in the principal amount not to exceed \$1,500,000 to finance a portion of the cost of such acquisition and construction in the manner hereinafter provided.

D. The cost of such acquisition and construction shall be deemed to include, without being limited to, the acquisition, construction, and capital improvement Projects hereafter approved; the acquisition of any properties, property rights, easements and franchises deemed necessary and convenient therefor; fees and expenses of architects, engineers, accountants, rate analysts, fiscal agents and attorneys; expenses for estimates of costs and revenues; expenses for plans, specifications and surveys; and such other expenses as may be necessary or incidental to the acquisition and construction of the capital improvement Projects hereafter approved and the placing of the same in operation and the financing authorized hereby.

E. The period of usefulness of the System after completion of the Projects is not less than 50 years.

F. The line of credit will be secured by a second priority lien on the revenues of the System, together with a second priority lien on the assets of the System, which lien shall be second and subordinate to the lien of the 2000 A Bonds, hereinafter defined.

G. The City has complied with all requirements of West Virginia law relating to authorization of the acquisition, construction and operation of the Projects of the System and entering into the line of credit, or will have so complied prior thereto, including, among other things, the obtaining of all consents, approvals, authorizations, certificates and permits from all authorized entities or agencies. The Projects are ordinary extensions of the existing System in the usual course of business and are reasonably expected to be completed as a part of the System.

Section 1.03. Ordinance to Constitute Contract. In consideration of making the loan to the City by the Bank, this Ordinance (the "Ordinance") shall be deemed to be and shall constitute a contract between the City and the Bank, and the covenants and agreements set forth herein to be performed by the City shall be for the benefit, protection and security of the Bank.

Section 1.04. [RESERVED]

Section 1.05. Definitions. The following terms shall have the following meanings herein

unless the text otherwise expressly requires:

"Act" means Article 19, Chapter 8, of the West Virginia Code.

"Bank" means United National Bank, Charleston, West Virginia.

"Bond" , "Bonds" or "2000 A Bonds" means the Sewerage System Revenue Bonds, Series 2000 A, to be issued by the City in the principal amount of \$3,000,000.00

"Facilities" or "sewerage facilities" means all the tangible properties of the System and also any tangible properties which may hereafter be added to the System by additions, betterments, extensions and improvements thereto and properties, furniture, fixtures or equipment therefor, hereafter at any time constructed or acquired.

"Fiscal Year" means each year beginning on July 1 and ending on the succeeding June 30.

"Governing Body," "City Council" or "Council" means the City Council of the City.

"Herein" or "herein" means in this Ordinance.

"Line of Credit" means the revolving line of credit in the amount not exceeding \$1,500,000.00 provided by the Bank to the City pursuant to the terms of a line of credit agreement and this Ordinance.

"Line of Credit Agreement" means the Agreement for Secured Revolving Line of Credit dated April \_\_\_\_, 2000, between the City and the Bank.

"Mayor" means the Mayor of the City.

"Net Revenues" means the balance of the Gross Revenues, as defined below, remaining after deduction only of Operating Expenses, as defined below.

"Note" means the promissory note payable to the order of the Bank, to be executed and delivered in connection with the Line of Credit.

"Note Holder" or "Holder of the Note" means the owner and holder, from time to time, of the Note, which is initially United National Bank.

"Operating Expenses" means the current expenses, paid or accrued, of operation and maintenance of the System and its facilities, and includes, without limiting the generality of the foregoing, insurance premiums, materials and supplies, pumping costs, salaries, wages and

administrative expenses of the City relating and chargeable solely to the System, the accumulation of appropriate reserves for charges not annually recurrent but which are such as may reasonably be expected to be incurred, and such other reasonable operating and maintenance costs and expenses as are normally and regularly included under recognized accounting principles but shall not include depreciation.

"Ordinance" means this Ordinance and, unless the context otherwise requires, includes any ordinance or resolution supplemental hereto.

"Prime Rate" means the prime rate as determined by officers of The Chase Manhattan Bank which prime rate may change from time to time without notice to the City. In the event there is a change in the Prime Rate, the rate on the Line of Credit shall automatically change at the same time.

"Prior Bonds" means, collectively, the Series 1995 A Bonds and the Series 1996 A Bonds.

"Projects" shall include, but not be limited to, those which the Nitro Sanitary Board has heretofore contemplated and reasonably expects to do toward the acquisition and construction of certain additions, improvements and betterments to the City's sanitary sewerage facilities, including, but not limited to, the extension of the sanitary sewage collection system to service Dairy Road and Poca River Road in Putnam County, the extension of the sanitary sewage collection system to service Blakes Creek Road in Kanawha County, replacement and upgrade of the main collector system from 4<sup>th</sup> Street and 1<sup>st</sup> Avenue to 21<sup>st</sup> Street, replacement and upgrade of the main collector system from West 11<sup>th</sup> Street to West 15<sup>th</sup> Street, elimination of approximately 85 catch basins from the sanitary sewer system, replacement of the collector system in the Upper Bailes Drive area, installing liners to the existing lines from 4<sup>th</sup> Street (3<sup>rd</sup> Avenue to 1<sup>st</sup> Avenue) through 40<sup>th</sup> Street (2<sup>nd</sup> Avenue to 1<sup>st</sup> Avenue) to address infiltration problems on branch lines, and address other unsewered areas outside the Nitro city limits such as Nitro Park Addition, Red Oak Drive, Hulbert Heights/Eastwood Acres, and Route 62 as those areas are annexed into the City, all singularly or collectively referred to as the "Projects;"

"Projects Costs" shall have the meanings set forth in Section 1.02(E) hereof.

"Recording Officer," "Recorder" or "City Clerk" means the City Clerk of the City.

"Supplemental Resolution" means any resolution of the Governing Body of the City adopted or enacted supplementing this Ordinance, if any; provided, however, that any matter intended by this Ordinance to be included in the Supplemental Resolution and not so included may be included in another supplemental ordinance or resolution.

"System" means the complete sewerage system of the City as expanded by the Projects

and all sewerage facilities owned by the City and all facilities and other property of every nature, real or personal, now or hereafter owned, held or used in connection with the sewerage system; and shall also include any and all additions, extensions, improvements, properties or other facilities at any time acquired or constructed for the sewerage system after completion of the Projects.

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 masculine, feminine or neuter gender shall include any other gender.

## ARTICLE II

### AUTHORIZATION, TERMS AND EXECUTION OF LINE OF CREDIT

Section 2.01. Authorization of Line of Credit. Subject and pursuant to the provisions of this Ordinance, the City is hereby authorized to enter into a line of credit agreement with United National Bank in the principal amount not exceeding \$1,500,000 at any single point in time for the purpose of financing a portion of the cost of the acquisition and construction of the Projects as more particularly set forth hereinabove and for making other capital improvements within the System as may be set forth in a Supplemental Resolution.

Section 2.02. Description of Line of Credit. The line of credit shall be evidenced by a promissory note payable to the order of the Bank, and shall be dated the date of delivery. The Line of Credit shall be in the total principal amount of \$1,500,000 at any single point in time while the Line of Credit remains authorized, shall bear interest on the outstanding principal balance, payable at a rate equal to 65 % of the Prime Rate of The Chase Manhattan Bank, as the same may change from time to time, shall have a term of 3 years and shall have such other terms and conditions as set forth herein and in the Line of Credit agreement.

Section 2.03. Line of Credit Secured by Pledge of Revenues. The Line of Credit shall, in no event, be or constitute an indebtedness of the City within the meaning of any constitutional or statutory provision or limitation, but shall be payable solely from the Revenues derived from the operation of the System as herein provided. No holder of the Note shall ever have the right to compel the exercise of the taxing power of the City to pay the Note or the interest thereon. The payment of the debt service on the Note shall be secured forthwith by a second lien on the Revenues derived from the System, in addition to the statutory second mortgage lien on the System hereinafter provided for. The Revenues derived from the System in an amount sufficient to pay the principal of and interest on the Note, and to make the payments as hereinafter provided, are hereby irrevocably pledged to the payment of the principal of and interest on the Note as the same become due.

Section 2.04. Form of Line of Credit Agreement. Subject to the provisions hereof, unless otherwise provided in the Supplemental Resolution, the Line of Credit Agreement shall be of substantially the following tenor, with such omissions, insertions and variations as may be authorized or permitted hereby, by the Supplemental Resolution or by any ordinance adopted after the date of adoption hereof and prior to the issuance thereof:

(Form of Line of Credit Agreement)

AGREEMENT FOR SECURED REVOLVING LINE OF CREDIT

April \_\_\_\_, 2000

CITY OF NITRO, WEST VIRGINIA (the "City")  
P. O. Box 460  
Nitro, WV 26416

The City hereby applies to United National Bank (hereinafter referred to as the "Bank"), for loans to aid in the construction of Projects that are a part of the City's Sewerage System and other financial accommodations and in consideration of the Bank's extending the same on one or more occasion agrees to the following:

- A. One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00) shall be the maximum principal outstanding exclusive of interest, charges or other fees at any one time.
- B. City shall pay to Bank on a quarterly basis interest on the outstanding principal amount at a rate equal to 65 % of the Prime Rate of The Chase Manhattan Bank. This interest rate may be changed by the Bank at any time without notice to City
- C. All outstanding principal and interest is due at the end of three years.

CITY'S LOAN ACCOUNT: DISCRETIONARY LOANS

"City's Loan Account" means the account on the books of the Bank in which will be recorded loans and advances made by the Bank to the City pursuant to this agreement and payments made on such loans and other appropriate debits and credits as provided by this agreement.



The City's Loan Account may be debited and a loan created when the City shall furnish to the Bank a signed "Loan Request" form confirming the transaction. In the event the Loan Request is received by the Bank prior to noon such debit will be made on the day received. In the event such Loan Request is received after noon, such debit will be made on the following business day. Such Loan Request Form shall be substantially in the form contained on Exhibit "A".

Moneys resulting from the debit of City's Loan Account shall be deposited to City's account maintained with the Bank for such purpose or otherwise transferred to City according to its written instructions.

Insofar as the City may request and the Bank may be willing in its discretion to make loans to the City, the Bank shall enter such loans as debits in the City's Loan Account. The Bank shall also record the City's Loan Account all other charges, expenses, and other items properly chargeable to the City; all payments made by the City on account of indebtedness evidenced by City's Loan Account; all proceeds of collateral which are finally paid to the Bank in cash or credits; and other appropriate debits and credits. The debit balance of the City's Loan Account shall reflect the amount of the City's indebtedness to the Bank from time to time by reason of loans and other appropriate charges hereunder. The Bank shall send notice of each transaction to the City's Loan Account within reasonable time and such notice shall be considered correct and accepted by the City and conclusively binding upon the City unless City notifies the Bank to the contrary within ten days of the sending of said notice by the Bank to the City.

Promises to Pay. The City promises to pay to the Bank on a quarterly basis interest only on the outstanding principal balance at a rate equal to 65 % of the Prime Rate of The Chase Manhattan Bank. All outstanding principal together with accrued and unpaid interest, shall be fully due and payable 3 years from the date of this Agreement.

Security. As security for the repayment of the sums outstanding under this agreement, the City hereby assigns, transfers and grants a security interest to the Bank in the Net Revenues of the System, together with a statutory mortgage lien on the assets of the System, and acknowledges and agrees that future loans and the proceeds from the West Virginia Water Development Authority and the West Virginia Department of Environmental Protection involving the Projects as herein defined shall be used to pay and retire sums due under this agreement. Such security interest and statutory mortgage lien are second and subordinate to the lien in favor of the holders of the City's 2000 A Bonds and any Prior Bonds.

Events of Default: Acceleration. Any or all of the liabilities of the City to the Bank shall, at the option of the Bank and notwithstanding any time or credit allowed by any instrument evidencing a liability, be immediately due and payable without notice or demand upon the occurrence of any of the following events of default: (a) default in the payment or performance,

when due or payable, or any liability of the City or of any endorser, guarantor or surety for any liability of the City to the Bank; (b) the making by the City of any misrepresentation to the Bank for the purpose of obtaining credit or an extension of credit; (c) failure of the City after request by the Bank to furnish financial information or to permit the inspection of books or records; (d) issuance of an injunction, attachment or judgment against property of the City; (e) calling of a meeting of creditors, appointment of a committee of creditors or liquidating agents, or offering of a composition or extension to creditors by, for, or of the City; (f) insolvency of the City or any endorser, guarantor or surety for any liability of the City to the Bank; (g) such a change in the condition or affairs (financial or otherwise) of the City or of any endorser, guarantor, or surety for any liability of the City to the Bank as in the opinion of the Bank impairs the Bank's security or increases its risk; (h) default in the payment or performance of any obligation or agreement contained or referred to herein; (j) any event which results in the acceleration of the maturity of the indebtedness of the City to others under any indenture, agreement or undertaking.

Sound Financial Condition. The availability of debits and loans hereunder is predicated upon the continuing sound financial condition of the City in the opinion of the Bank and the timely furnishing of the ordinary and necessary accounting records and documents to the Bank to verify such financial condition. Reasonable access to premises is granted.

Waivers. The City waives demand, notice, protest, notice of acceptance of this agreement, notice of loans made, credit extended, collateral received or delivered, or other action taken in reliance hereon and all other demands and notices of any description.

City's Representation and Warranties. To induce the Bank to enter into this agreement, the City represents and warrants as follows:

City is a municipal corporation, duly organized and existing under the laws of the State of West Virginia and a political subdivision of the State of West Virginia.

The execution, delivery, and performance hereof are within the City's corporate powers, have been duly authorized, are not in contravention of law or the terms of the City's charter or bylaws, or of any indenture, agreement or undertaking to which the City is a party or by which it is bound.

Within sixty (60) days of the close of each fiscal year of the City, the City will furnish the Bank with a copy of its annual profit and loss statement, balance sheet, reconciliation or surplus and such other supporting statements and analyses as are customarily furnished in connection therewith. The Bank shall reserve the right to require interim financial statements at its option.

To maintain adequate fire (including so-called extended coverage), public liability and other insurance as Bank may reasonable require, in such form and written by such companies as may be satisfactory to Bank, and will upon request of Bank, deliver to it the policies

concerned. All policies covering property given as security for the loan shall have loss payable clauses in favor of Bank.

Without the prior written consent of Bank, City will not:

(a) Create or assume any additional obligation for money borrowed other than from Bank;

(b) Indorse, guarantee or become surety for the obligation for any person, firm or corporation, except that City may indorse checks or other instruments for deposit or collection in the ordinary course of business;

(c) Mortgage, pledge or otherwise encumber any of City's property, real or personal, now owned or hereafter acquired, or permit any lien or security interest to exist thereon except liens (i) for taxes not delinquent or being contested in good faith; (ii) or mechanics or material men with respect to obligations not overdue or being contested in good faith, (iii) resulting from deposits to secure payments of workmen's compensation resulting from deposits to secure payments of workmen's compensation or other social security obligations or to secure the performance of bids or contracts in the ordinary course of business, (iv) in favor of Bank.

No waiver hereunder shall be effective unless in writing. No delay in exercising any right shall operate as a waiver thereof. A waiver on any one occasion shall not be a waiver of any right or remedy on any future occasion. This agreement will terminate when all obligations of City to Bank have been paid in full. This agreement shall be governed by the Laws of the State of West Virginia.

IN WITNESS WHEREOF, and intending to be legally bound hereby, City has executed and delivered this Loan Agreement this \_\_\_\_ day of April 2000.

THE CITY OF NITRO, WEST VIRGINIA

By:   
Mayor

Attest:

  
City Recorder

## EXHIBIT "A"

LOAN REQUEST FORM

Date: \_\_\_\_\_

THE CITY OF NITRO, WEST VIRGINIA, (the "City"), acting by and through The Nitro Sanitary Board pursuant to the terms of the Revolving Line of Credit Agreement dated April \_\_\_\_\_, 2000, requests United National Bank to advance to it the sum of \$\_\_\_\_\_.

By making this request the City certifies the following:

- (1) All of the funds requested shall be used for such purposes as set forth in the Ordinance enacted by the City on April 18, 2000, and that such funds shall be used to better the System;
- (2) None of the amounts requested has been the subject matter or a portion of any prior loan request;
- (3) The amount of this request together with the principal amounts already outstanding do not exceed the total amount of the Bank's commitment under the Line of Credit Agreement; and
- (4) There has been no material adverse change in City's financial condition since the date on which the Revolving Line of Credit Agreement was executed.

Repayment of the amounts requested by this request are and will be secured in accordance with the provisions of the above-described Ordinance.

Very truly yours,

THE CITY OF NITRO, WEST VIRGINIA  
Acting by and through The Nitro Sanitary Board

By: \_\_\_\_\_

Chairman

Section 2.05. Form of Promissory Note. Subject to the provisions hereof, unless otherwise provided in the Supplemental Resolution, the Promissory Note shall be of substantially the following tenor, with such omissions, insertions and variations as may be authorized or permitted hereby, by the Supplemental Resolution or by any ordinance adopted after the date of adoption hereof and prior to the issuance thereof:

(Form of Promissory Note)

PROMISSORY NOTE

\$1,500,000.00

Charleston, West Virginia

FOR VALUE RECEIVED, the undersigned, CITY OF NITRO, WEST VIRGINIA, a municipal corporation and a political subdivision of the State of West Virginia, (the "City"), promises to pay in lawful money of the United States of America to the order of United National Bank, a national banking association, at 500 Virginia Street East, Charleston, West Virginia, the sum of One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00), together with interest at the rate equal to sixty-five percent (65 %) of the "Prime Rate" of The Chase Manhattan Bank, as more fully described in an Ordinance enacted by the City Council of the City on April 18, 2000, as the same may change from day to day. The City promises to pay to the Bank on a quarterly basis interest only on the outstanding principal balance at a rate equal to 65 % of the Prime Rate of The Chase Manhattan Bank. All outstanding principal together with accrued and unpaid interest, shall be fully due and payable 3 years from the date of this Note.

After maturity, whether such maturity occurs by lapse of time or by acceleration or otherwise, interest shall thereafter be due and payable at a rate which shall be two (2%) percentage points in excess of the rate of interest due hereon prior to maturity.

The City has the right to anticipate payment.

Any payments shall be credited first to the payment of accrued interest, and the balance of such payment in excess of said interest shall be credited upon the principal of this note, and thereafter interest shall be charged only upon the remaining unpaid part of the principal.

If any of the following events of default should occur, viz: (1) default in the payment of any installment due hereunder or in the performance of any obligation of the undersigned to Lender; or (2) if Lender shall for any reason deem itself insecure with respect to such indebtedness; or (3) if at any time the property furnished as security shall decline in value or become unsatisfactory to Lender, and the undersigned shall not immediately, upon demand, furnish additional security; or (4) if any of the conditions or agreements of any instrument given as security herefor shall become in default, Lender may, at its option, without notice, forthwith

accelerate the maturity hereof, and the obligation evidenced hereby shall thereupon become due and payable and Lender shall have the remedies of a secured party under the laws of the State of West Virginia with respect to all property given as security herefor.

From time to time, without affecting the obligation of the undersigned or the successors or assigns of the undersigned to pay the outstanding principal balance hereof and to observe the covenants of the undersigned contained herein, without affecting the guaranty of any person, corporation, partnership, or other entity for payment of the outstanding principal balance hereof, without giving notice to or obtaining the consent of the undersigned, the successors or assigns of the undersigned or of guarantors, and without liability on the part of Lender, Lender may, at its option, extend the time for payment of said outstanding principal balance or of any part thereof, reduce the payments thereon, release anyone liable on any of said outstanding principal balance, accept a renewal hereof, modify the terms and time of payment of said outstanding principal balance, join in any extension or subordination agreement, release any security given herefor, take or release other or additional security, and agree in writing with the undersigned to modify the rate of interest or period of amortization hereof or to change the amount of the installments payable hereunder.

All of the parties hereto, including endorsers and guarantors, hereby severally waive presentment, notice of dishonor, protest, and diligence in bringing suit against any party hereto; all the foregoing hereby severally consent that the time of payment may be extended an unlimited number of times before or after maturity without notice to them, and that none of them shall be discharged by reason of any such extension or extensions of time.

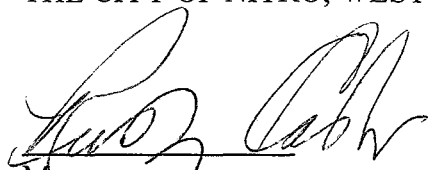
In the event any one or more installments are not received by Lender prior to the 15th business day after the same shall be due and payable, the undersigned agrees to pay Lender a service charge equal to five percent (5%) of the amount of such installment for each month such installment remains unpaid.

This Promissory Note has been designated by the City as a "qualified tax-exempt obligation" for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended, and the regulations duly promulgated thereunder, relating to the deductibility of the taxpayers interest expense allocable to tax-exempt interest.


This Promissory Note is issued pursuant to an Agreement for Revolving Line of Credit and the Ordinance described above, which shall govern advances, security and other provisions of the loan to the City for the betterment of the City's Sanitary Sewerage System. The obligations evidenced hereby may from time to time be evidenced by another promissory note or notes given in substitution, renewal, or extension hereof, and the Agreement for Revolving Line of Credit and the Ordinance shall remain in full force and effect notwithstanding any such substitution, renewal, or extension. All remedies provided for herein upon any default by the undersigned shall be cumulative and not exclusive.

\_\_\_\_ day of April 2000

THE CITY OF NITRO, WEST VIRGINIA

  
Mayor

Attest:

  
City Recorder

ARTICLE III

GENERAL COVENANTS

Section 3.01. General Statement. So long as the Line of Credit shall be outstanding and unpaid, the covenants and agreements contained herein shall be and constitute valid and legally binding covenants between the City and the Bank.

Section 3.02. Rates. The City will, in the manner provided in the Act, fix and collect such rates, fees, rentals, penalties or other charges for the services and facilities of the System, and revise the same from time to time whenever necessary, as will always provide Revenues in each Fiscal Year sufficient to produce Net Revenues equal to not less than 110% of the current annual debt service on the Note and sufficient to provide for an adequate depreciation fund as hereinabove provided and to pay all the necessary expenses of repair, operating and maintaining the System during such Fiscal Year; and such rates, fees, rentals, penalties and other charges shall not be reduced so as to be insufficient to provide adequate Revenues for such purposes.

Section 3.03. Sale of the System. The System or any part thereof, will not be sold without the prior written consent of the Bank so long as the Note is outstanding. Such consent will provide for disposition of the proceeds of any such sale.

Section 3.04. Covenant Against Encumbrances. The City shall not create, or cause or permit to be created, any debt, lien, pledge, assignment, encumbrance or any other charge, having priority over or being on a parity with the lien of the Note and the interest

thereon, upon any of the Revenues pledged for payment of the Note and the interest thereon, or upon the System or any part thereof.

Section 3.05. Insurance and Bonds. The City hereby covenants and agrees that it will, as an expense of construction, operation and maintenance of the System, procure, carry and maintain, so long as the Note remains outstanding, insurance with a reputable insurance carrier or carriers covering the following risks and in the following amounts:

(a) Fire, Lightning, Vandalism, Malicious Mischief and Extended Coverage Insurance, to be procured upon acceptance of any part of the Projects from the contractor, and immediately upon any portion of the System now in use, on all above-ground structures of the System in an amount equal to the actual cost thereof. In the event of any damage to or destruction of any portion of the System, the City will promptly arrange for the application of the insurance proceeds for the repair or reconstruction of such damaged or destroyed portion. The City will itself, or will require each contractor and subcontractor to obtain and maintain builder's risk insurance to protect the interests of the City during construction of the Projects in the full insurable value thereof.

(b) Public Liability Insurance, with limits of not less than \$500,000 for one or more persons injured or killed in one accident to protect the City from claims for bodily injury and/or death, and not less than \$200,000 to protect the City from claims for damage to property of others which may arise from the operation of the System, such insurance to be procured not later than the date of this Line of Credit Agreement.

(c) Vehicular Public Liability Insurance, in the event the City owns or operates any vehicle in the operation of the System, or in the event that any vehicle not owned by the City is operated at any time or times for the benefit of the City, with limits of not less than \$500,000 for one or more persons injured or killed in one accident to protect the City from claims for bodily injury and/or death, and not less than \$200,000 to protect the City from claims for damage to property of others which may arise from such operation of vehicles, such insurance to be procured prior to acquisition or commencement of operation of any such vehicle for the City.

(d) Worker's Compensation Coverage for All Employees of the City Eligible Therefor and Performance and Payment Bonds,



such bonds to be in the amounts of 100% of the construction contract, will be required of each prime contractor, and such payment bonds will be filed with the Clerk of the County Commission of said County prior to commencement of construction of the Projects in compliance with West Virginia Code Section 38-2-39. The City will maintain worker's compensation or similar coverage as required by law.

(e) Fidelity Bonds will be provided as to every member of the Governing Body and as to every officer and employee thereof having custody of any revenues or other funds of the City which are pledged to the repayment of the Line of Credit, in an amount at least equal to the total funds in the custody of any such person at any one time.

(f) Provided, however, and in lieu of and notwithstanding the foregoing provisions of this Section, during construction of the Projects and so long as the Note is outstanding, the City will carry insurance and bonds or cause insurance and bonds to be carried for the protection of the City, and during such construction will require each contractor and subcontractor to carry insurance, of such types and in such amounts as the Bank may specify, with insurance carriers or bonding companies acceptable to the Bank.

Section 3.06. Statutory Mortgage. For the further protection of the Holder of the Note, a second statutory mortgage lien upon the System is granted and created pursuant to the Act, which statutory mortgage lien is hereby recognized and declared to be valid and binding and shall take effect as to the Note immediately upon delivery and remain until payment in full of the principal and interest upon the Note.

Section 3.07. Events of Default. Each of the following events is hereby declared an "Event of Default":

(A) Failure to make payment of any monthly installment of principal or interest upon the Note at the date specified for payment thereof; or

(B) Failure duly and punctually to observe or perform any of the covenants, conditions and agreements on the part of the City contained in the Line of Credit Agreement or herein, or violation of or failure to observe any provision of any pertinent law; or

(C) If the City files a petition seeking reorganization or arrangement under the

federal bankruptcy laws or any other applicable law of the United States of America; or

(D) The occurrence of an Event of Default under the Line of Credit Agreement.

Section 3.08. Enforcement. Upon the happening of any Event of Default specified above, then, and in every such case, the Bank may proceed to protect and enforce its rights by an appropriate action in any court of competent jurisdiction, either for the specific performance of any covenant or agreement, or execution of any power, or for the enforcement of any proper legal or equitable remedy as shall be deemed most effectual to protect and enforce such rights or as otherwise allowed under the Act.

Upon application by the Bank, such court may, upon proof of such default appoint a receiver for the affairs of the City and the System. The receiver so appointed shall administer the System on behalf of the City, shall exercise all the rights and powers of the City with respect to the System, shall proceed under the direction of the court to obtain authorization to increase rates and charges of the System, and shall have the power to collect and receive all Revenues and apply the same in such manner as the court may direct.

Section 3.09. Fiscal Year; Budget. While the Note is outstanding and unpaid and to the extent not now prohibited by law, the System shall be operated and maintained on a Fiscal Year basis commencing on July 1 of each year and ending on the following June 30, which period shall also constitute the budget year for the operation and maintenance of the System. Not later than thirty days prior to the beginning of each Fiscal Year, the City agrees to prepare and adopt the annual budget for the ensuing year, and no expenditures for operation and maintenance expenses of the System in excess of the annual budget shall be made during such Fiscal Year unless unanimously authorized and directed by the Governing Body. The City shall mail copies of such annual budget and all resolutions authorizing increased expenditures for operation and maintenance to the Bank and to any Noteholder who shall file his address with the City and request in writing that copies of all such budgets and resolutions be furnished to him, and shall make available such budgets and all resolutions authorizing increased expenditures for operation and maintenance of the System at all reasonable times to any Noteholder or anyone acting for and in behalf of such Noteholder.

If for any reason the City shall not have adopted the annual budget before the first day of any Fiscal Year, it shall adopt a budget of current expenses from month to month until the adoption of the annual budget; provided, however, that no such monthly budget shall exceed the budget for the corresponding month in the next year preceding by more than ten per centum; and provided further, that adoption of a budget of current expenses shall not constitute compliance with the covenant to adopt an annual budget unless failure to adopt an annual budget be for a reason beyond the control of the City. Each such budget of current expenses shall be mailed immediately to the Bank.

Section 3.10. Covenant to Proceed and Complete. The City hereby covenants to proceed as promptly as possible with the acquisition and construction of the Projects to completion thereof in accordance with the plans and specifications on file with the Recording Officer on the date of adoption hereof, subject to permitted changes.

Section 3.11. Books and Records; Audits. The City will keep books, accounts and records of the System, which shall be separate and apart from all other books, records and accounts of the City, in accordance with the requirements of the Public Service Commission of the State of West Virginia and the Act, and in which complete and correct entries shall be made of all transactions relating to the System, and the Bank shall have the right at all reasonable times to inspect the System and all records, accounts and data of the City relating thereto. The City shall provide the Bank with quarterly statements of Revenue collections.

The City shall, at least once a year, cause said books, records and accounts of the System to be properly audited by an independent competent firm of certified public accountants and shall make the report of such accountants available at all reasonable times to the public, any Noteholder, any taxpayer or citizen of the City, or any person receiving services from such System, or anyone acting on behalf of such taxpayer, citizen, Noteholder or person, and shall promptly mail a copy of such audit report to the Bank.

Section 3.12. Maintenance of System. The City covenants that it will continuously operate, in an economical and efficient manner, repair and maintain the System as a revenue-producing utility as herein provided so long as the Note is outstanding and as provided in the Act.

Section 3.13. No Competition. The City will not permit competition with the System within its boundaries or within the territory served by it and will not grant or cause, consent to or allow the granting of any franchise, permit or other authorization for any person, firm, corporation, agency, public or private body, agency or instrumentality whatsoever to provide any of the services supplied by the System within the boundaries of the City or within the territory served by the System.

Section 3.14. Tax Covenants. The City hereby further covenants and agrees as follows:

A. PRIVATE BUSINESS USE LIMITATION. The City shall assure that (i) not in excess of 10% of the Net Proceeds of the Line of Credit are used for Private Business Use if, in addition, the payment of more than 10% of the principal or 10% of the interest due on the Line of Credit during the term thereof is, under the terms of the Line of Credit or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be 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 be derived from payments, whether or not to the City, in 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 (A) in excess of 5% of the Net Proceeds of the Notes are used for a Private Business Use, and (B) an amount in excess of 5% of the principal or 5% of the interest due on the Note during the term thereof is, under the terms of the Line of Credit or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for said Private 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 payments, whether or not to the City, in respect of property or borrowed money used or to be used for said Private Business Use, then said excess over said 5% of Net Proceeds of the Line of Credit used for a Private Business Use shall be used for a Private Business Use related to the governmental use of the Projects, or if the Line of Credit is for the purpose of financing more than one Projects, a portion of the Projects, and shall not exceed the proceeds used for the governmental use of that portion of the Projects to which such Private Business Use is related.

B. PRIVATE LOAN LIMITATION. The City shall assure that not in excess of 5% of the Net Proceeds of the Line of Credit are used, directly or indirectly, to make or finance a loan (other than loans constituting Nonpurpose Investments) to persons other than state or local government units.

C. FEDERAL GUARANTEE PROHIBITION. The City shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause the Line of Credit to be "federally guaranteed" within the meaning of Section 149(b) of the Code and Regulations promulgated thereunder.

D. INFORMATION RETURN. The City will file all statements, instruments and returns necessary to assure the tax-exempt status of the Line of Credit and the interest thereon, including without limitation, the information return required under Section 149(e) of the Code.

E. FURTHER ACTIONS. The City will take any and all actions that may be required of it so that the interest on the Note will be and remain excludable from gross income for federal income tax purposes, and will not take any actions, or fail to take any actions which would adversely affect such exclusion.

F. BANK ELIGIBILITY. The Line of Credit is hereby designated by the City as a "qualified tax-exempt obligation" for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended, and the regulations duly promulgated thereunder, relating to the deductibility of the taxpayers interest expense allocable to tax-exempt interest, and the City hereby certifies that it does not reasonably anticipate that it will issue more than \$10,000,000.00 in "qualified tax-exempt obligations in the year 2000.

Section 3.15. Arbitrage. The City covenants that (i) it will restrict the use of the proceeds of the Line of Credit in such manner and to such extent as may be necessary, in view of

the City's reasonable expectations at the time the Line of Credit is delivered, so that the Note 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, without implied limitation, the timely filing of a Federal information return with respect to the Line of Credit) so that the interest on the Note 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.

Section 3.16. Rebate of Excess Investment Earnings to the United States. In accordance with Section 148(f)(4)(C) of the Code, the City covenants that it is a governmental unit with general taxing powers; that the Line of Credit does not constitute private activity bonds as defined in Section 141 of the Code; that 95% or more of the Net Proceeds of the Line of Credit are to be used for local governmental activities of the City (or of a governmental unit the jurisdiction of which is entirely within the jurisdiction of the City); and that the aggregate face amount of all the tax-exempt obligations (other than private activity bonds as defined in Section 141 of the Code) issued by the City during the calendar year of 2000 will not exceed \$5,000,000, determined in accordance with Section 148(f)(4)(C) of the Code and the Regulations promulgated thereunder. For purposes of this Section 3.16 and for purposes of applying Section 148(f)(4)(C) of the Code, the City and all entities which issue obligations on behalf of the City shall be treated as one issuer; all obligations issued by a subordinate entity shall, for purposes of applying this Section 3.16 and Section 148(f)(4)(C) of the Code to any other entity to which such entity is subordinate, be treated as issued by such other entity; and an entity formed (or, to the extent provided by the Secretary, as set forth in the Code, availed of) to avoid the purposes of such Section 148(f)(4)(C) of the Code and all other entities benefiting thereby shall be treated as one issuer.

#### ARTICLE IV

#### RATES, ETC.

Section 4.01. Initial Schedule of Rates and Charges; Rules. A. The initial schedule of rates and charges for the services and facilities of the System, subject to change consistent with the provisions hereof, shall be as set forth in the ordinance and tariff of the City duly enacted, established, and in force as of the date of enactment of this Ordinance.

B. There shall not be any discrimination or differential in rates between customers in similar circumstances.

C. The City will not render or cause to be rendered any free services of any nature by the System nor any of the facilities; and in the event that the City or any department, board, agency, officer or employee thereof should avail itself or themselves of the services or facilities of the System, or any part thereof, the same fees, rates and charges applicable to other

covenants, agreements or provisions hereof should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed severable from the remaining covenants, agreements or provisions hereof, and shall in no way affect the validity of all the other provisions hereof or the Note.

Section 5.03. Conflicting Provisions Repealed. All other ordinances, resolutions or orders, or parts thereof, changed hereby or inconsistent herewith shall be null and void to the extent of such conflicts or changes.

Section 5.04. Effective Time. This Ordinance shall take effect following public hearing and final reading in accordance with the Act.

Section 5.05. Covenant of Due Procedure, Etc. The City covenants that all acts, conditions, things and procedures required to exist, to happen, to be performed or to be taken precedent to and in final enactment and passage of this Ordinance do exist, have happened, have been performed and have been taken 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, the Recorder and the members of the Governing Body of the City were at all times when any actions in connection with this Ordinance occurred and are duly in office and duly qualified for such office.

Section 5.06. Statutory Notice and Public Hearing. Upon adoption hereof, an abstract of this Ordinance, determined by the Governing Body to contain sufficient information as to give notice of the contents hereof, shall be published once a week for 2 successive weeks within a period of fourteen consecutive days, with at least 6 full days intervening between each publication, in The Charleston Gazette, there being no qualified newspaper published in The City of Nitro, together with a notice stating that this Ordinance has been adopted, that the City contemplates the entering into the Line of Credit, and that any person interested may appear before the Governing Body upon a certain date, not less than 10 days subsequent to the date of the first publication of such abstract of this Ordinance and such notice and not prior to the last date of such publication, and present protests, and that a certified copy of the Ordinance is on file with the Governing Body for review by interested persons during office hours of the Governing Body. At such hearing, all protests and suggestions shall be heard and the Governing Body shall take such action as it shall deem proper in the premises.

Passed on First Reading	-	April 4, 2000
Passed on Second Reading	-	April 18, 2000
Passed on Final Reading		
Following Public Hearing	-	April 18, 2000

customers receiving like services under similar circumstances shall be charged, such charges shall be paid as they accrue, and Revenues so received shall be deposited and accounted for in the same manner as other Revenues of the System.

D. The City may require any applicant for any service by the System to deposit a reasonable and equitable amount to insure payment of all charges for the services rendered by the System, which deposit shall be handled and disposed of under the applicable rules and regulations of the Public Service Commission of West Virginia.

E. The fees, rates and charges above provided will be increased whenever such increase is necessary in order to comply fully with all provisions hereof, and the City shall always be obligated to and shall fix, establish and collect fees, rates and charges for the services and facilities of the System which shall at all times be sufficient to provide Net Revenues to meet its obligations hereunder, but not less than 110% of the current annual debt service on the Note outstanding.

F. The City will diligently enforce and collect all rates, fees, rentals, penalties or other charges for the services and facilities of the System, and take all steps, actions and proceedings for the enforcement and collection of such rates, fees, rentals, penalties or other charges which shall become delinquent to the full extent permitted or authorized by the Act, the Charter of the City and other laws of the State of West Virginia.

G. The City will, to the full extent permitted by law, under reasonable rules and regulations, discontinue and shut off the services and facilities of the System to any customer for nonpayment of the fees, rentals, rates, penalties or other charges due from such customer for the services and facilities of the System, and will not restore the services of the System to such customer until all delinquent charges for the services and facilities of all parts of the System, plus reasonable penalties and charges for the restoration of service, have been fully paid.

## ARTICLE V

### MISCELLANEOUS

Section 5.01. Modification or Amendment. Except for the Supplemental Resolution, the Ordinance may not be modified or amended after final passage without the prior written consent of the Bank; provided, however, notwithstanding the foregoing, the City hereby covenants to make any amendment or supplement to this Ordinance to enable the Note to be issued in such form as to render the interest thereon exempt from Federal income taxation, without further consent of the Bank.

Section 5.02. Severability of Invalid Provisions. If any one or more of the

covenants, agreements or provisions hereof should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed severable from the remaining covenants, agreements or provisions hereof, and shall in no way affect the validity of all the other provisions hereof or the Note.

Section 5.03. Conflicting Provisions Repealed. All other ordinances, resolutions or orders, or parts thereof, changed hereby or inconsistent herewith shall be null and void to the extent of such conflicts or changes.

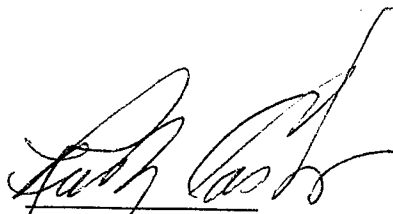

Section 5.04. Effective Time. This Ordinance shall take effect following public hearing and final reading in accordance with the Act.

Section 5.05. Covenant of Due Procedure, Etc. The City covenants that all acts, conditions, things and procedures required to exist, to happen, to be performed or to be taken precedent to and in final enactment and passage of this Ordinance do exist, have happened, have been performed and have been taken 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, the Recorder and the members of the Governing Body of the City were at all times when any actions in connection with this Ordinance occurred and are duly in office and duly qualified for such office.

Section 5.06. Statutory Notice and Public Hearing. Upon adoption hereof, an abstract of this Ordinance, determined by the Governing Body to contain sufficient information as to give notice of the contents hereof, shall be published once a week for 2 successive weeks within a period of fourteen consecutive days, with at least 6 full days intervening between each publication, in The Charleston Gazette, there being no qualified newspaper published in The City of Nitro, together with a notice stating that this Ordinance has been adopted, that the City contemplates the entering into the Line of Credit, and that any person interested may appear before the Governing Body upon a certain date, not less than 10 days subsequent to the date of the first publication of such abstract of this Ordinance and such notice and not prior to the last date of such publication, and present protests, and that a certified copy of the Ordinance is on file with the Governing Body for review by interested persons during office hours of the Governing Body. At such hearing, all protests and suggestions shall be heard and the Governing Body shall take such action as it shall deem proper in the premises.

Passed on First Reading	-	April 4, 2000
Passed on Second Reading	-	April 18, 2000
Passed on Final Reading		
Following Public Hearing	-	April 18, 2000



  
Mayor  
Recorder

## ABSTRACT OF ORDINANCE

Notice is hereby given to any person interested that on April 4, 2000, the City Council (the "Council") of the City of Nitro, West Virginia (the "City"), adopted an Ordinance that:

1. Determined that the City now owns a sanitary sewerage system (the "System"), and that the City contemplates the issuance of its Sewerage System Revenue Bonds, Series 2000 A, for the purpose of providing funds in order to acquire and construct certain additions and improvements to the System in the original amount of \$3,000,000.00 (the "Bonds").

2. Determined that it is necessary for the City to enter into a line of credit with United National Bank, Charleston, West Virginia, for a line of credit in an amount not to exceed \$1,500,000.00 in principal, in order to provide funds to acquire and construct extensions and improvements to the System, and all appurtenant facilities (the "Projects").

3. Provided that the line of credit shall bear interest at the a rate equal to 65% of the Prime Rate of The Chase Manhattan Bank, provided for the payment of interest only quarterly, with all remaining principal and interest amounts outstanding to be fully due and payable 3 years from the date of the line of credit, and provided that the line of credit may have such other terms, provisions, conditions and limitations as provided by the Ordinance and prescribed by supplemental resolution of Council.

4. Authorized the issuance of a promissory note to and the execution and delivery of a line of credit agreement with United National Bank.

5. Provided that the line of credit shall not be or constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter limitation of indebtedness, but shall be payable solely from the revenues of the System.

6. Provided that the line of credit shall be secured by second lien on the net revenues of the System, and by a second statutory mortgage lien on the assets of the System.

7. Provided that the rates and charges for the System shall always be sufficient to produce gross revenues to pay operating expenses and make payments into the funds and accounts created in the Ordinance and leave a balance each year equal to at least 110% of the average annual debt service on the line of credit and all obligations of the City payable from revenues of the System.

8. Provided that the System can be sold, transferred, mortgaged or leased under certain terms and conditions.

9. Provided for insurance coverage on the System; provided that the City will render no free service; provided for the enforcement of collection of fees, rates, rentals or other charges for service and provided for the discontinuance of service for non-payment of the fees, rates, rentals and other charges of the System.

10. Established that terms for defaults and the remedies of the holder of the note; provided for the security for and the rights and remedies of the holder of the note including the appointment of a receiver.

11. Provided that the City will take all actions that may be required of it so that the interest on the line of credit will be and remain excluded from gross income for federal

income tax purpose.

The City of Nitro contemplates the issuance of the line of credit described in, and under the conditions set forth in, the Ordinance abstracted above. Any person interested may appear before the Council of the City of Nitro at a meeting thereof at 7:30 p. m., on Tuesday, April 18, 2000, in Council Chambers, Nitro, West Virginia, and present protests and be heard as whether or not the Ordinance shall be put into effect.

A certified copy of the Ordinance as adopted by the Council of the City on April 4, 2000, is on file in the office of the Recorder of the City for review by interested persons during the regular office hours of such office.

Don Karnes, Recorder  
City of Nitro, West Virginia

NITRO SANITARY BOARD RESOLUTION ACCEPTING BID  
OF UNITED NATIONAL BANK AND AUTHORIZING  
CHAIRMAN TO SUBMIT PETITION UPON BEHALF OF  
SANITARY BOARD TO NITRO CITY COUNCIL SEEKING  
GOVERNING BODY ORDINANCE AUTHORIZING  
REVOLVING LINE OF CREDIT FOR PROSPECTIVE  
SANITARY SEWERAGE SYSTEM PROJECTS

WHEREAS, the Nitro Sanitary Board has heretofore contemplated and reasonably expects the acquisition and construction of certain additions, improvements and betterments to the City's sanitary sewerage facilities, including, but not limited, to the extension of the sanitary sewage collection system to service Dairy Road and Poca River Road in Putnam County, the extension of the sanitary sewage collection system to service Blakes Creek Road in Kanawha County, replacement and upgrade of the main collector system from 4<sup>th</sup> Street and 1<sup>st</sup> Avenue to 21<sup>st</sup> Street, replacement and upgrade of the main collector system from West 11<sup>th</sup> Street to West 15<sup>th</sup> Street, elimination of approximately 85 catch basins from the sanitary sewer system, replacement of the collector system in the Upper Bailes Drive area, installing liners to the existing lines from 4<sup>th</sup> Street (3<sup>rd</sup> Avenue to 1<sup>st</sup> Avenue) through 40<sup>th</sup> Street (2<sup>nd</sup> Avenue to 1<sup>st</sup> Avenue) to address infiltration problems on branch lines, and address other unsewered areas outside the Nitro city limits such as Nitro Park Addition, Red Oak Drive, Hulbert Heights/Eastwood Acres, and Route 62 as those areas are annexed into the City, all singularly or collectively referred to as the "Projects;" and

WHEREAS, the Projects are designed to benefit the residents of the currently existing and proposed Nitro Sanitary Board service area of Kanawha and Putnam Counties, and the public interest is promoted by the governing body's approval of the Projects; and

WHEREAS, it would be advantageous for the Board to secure a bank qualified, tax exempt, revolving line of credit in an amount not to exceed one million five hundred thousand

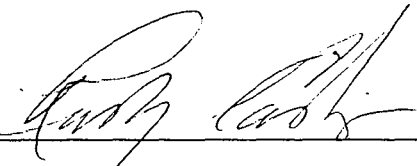
dollars (\$1,500,000.00) to finance the costs of said anticipated Projects and their attendant bond issues.

THEREFORE, the Sanitary Board for the City of Nitro hereby accepts the bid of UNITED NATIONAL Bank under the terms and conditions as set forth in the bid dated the 27 day of March 2000, which is attached hereto and made a part hereof for all pertinent purposes.

FURTHER, the Board calls upon the Chairman to submit a petition on behalf of the Board to the Nitro City Council seeking an ordinance pursuant to §§ 8-11-1 et seq., 8-16-1 et seq., and 16-13-5 of the West Virginia Code of 1931, as amended, authorizing the Nitro Sanitary Board to enter into a revolving line of credit with UNITED NATIONAL Bank under said terms and conditions.

Adopted this 28<sup>th</sup> day of March 2000, by the Sanitary Board of the City of Nitro, West Virginia, at its regularly scheduled meeting.

NITRO SANITARY BOARD

By: 

Its: CHAIRMAN

## VERIFICATION

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

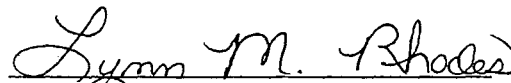
I, RUSTY CASTO, after being duly sworn, upon my oath depose and say that I am the CHAIRMAN of the Sanitary Board for the City of Nitro, West Virginia, that I have read and am familiar with the RESOLUTION adopted on behalf of the Nitro Sanitary Board, and that the facts and allegations contained therein are true, except so far as they are therein stated to be on information and belief, and that, so far as they are therein stated to be on information and belief, I believe them to be true.

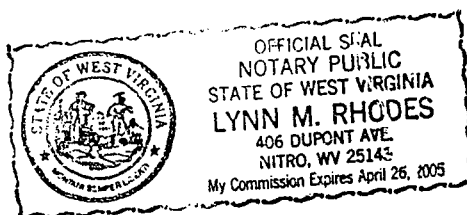


Taken, subscribed and sworn to before me, the undersigned authority, this the 28 day of March 2000.

My commission expires

April 26, 2005

  
Notary Public




RESOLUTION

WHEREAS, by virtue of Chapter 8, Article 6, Section 5 of the West Virginia Code of 1931, as amended, annexation by minor boundary adjustment for a municipality must be approved by the governing body of the municipality; and


WHEREAS, the governing body of the City of Nitro is desirous of annexing certain parcels of land currently outside the corporate limits of the City, which parcels are contiguous to the City and are more fully set forth in a metes and bounds description and are more fully shown on a map thereof attached hereto and made a part hereof for all pertinent purposes and marked as Exhibits A and B.

NOW, THEREFORE, BE IT FOUND AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, THAT the Mayor is hereby directed to file the necessary application for annexation by minor boundary adjustment with the Kanawha County Commission pursuant to Chapter 8, Article 6, Section 5 of the West Virginia Code of 1931, as amended, and to take any and all actions that are necessary or desirable to carry out the provisions of this Resolution, and that the parcels herein described should be annexed to the City pursuant to Chapter 8, Article 6, Section 5 of the West Virginia Code of 1931, as amended, as the same is contiguous to the current boundary of the City.

This Resolution duly presented to and adopted by the City Council of the City of Nitro this 18<sup>th</sup> day of April 2000, on a motion by Councilman \_\_\_\_\_ and seconded by Councilman \_\_\_\_\_.

  
Don Karnes, Recorder

I, Don Karnes, attest that this is a true and accurate copy of a Resolution passed by the City Council of the City of Nitro on April 18, 2000.

  
\_\_\_\_\_  
Don Karnes, Recorder



## CITY OF NITRO COUNCIL MEETING MINUTES

MAY 02, 2000

Mayor Rusty Casto declared a quorum and called the meeting to order at 7:30 p.m. Other present; Councilmen at Large Robert Mattox, Steve West, Richard Savilla, Councilmen Robert Young, David Miller and George Atkins. Absent Frank Grover, Jr. and City Treasurer Ralph Allison. Also present City Attorney Phil Gaujot.

### CITIZEN OF THE MONTH

Mayor Casto announced Emily Tidd as May "Citizen of the Month"

#### **AGENDA ITEM NO. 1 INVOCATION:**

#### **AGENDA ITEM NO. 2 APPROVAL OF 4-18-00 COUNCIL MEETING & PUBLIC HEARING:**

COUNCILMAN AT LARGE STEVE MOVED TO APPROVE THE 4-18-00 COUNCIL MEETING AND PUBLIC HEARING MINUTES. THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

**AGENDA ITEM NO. 3 BUSINESS & PROFESSIONAL ASSOCIATION:** Mayor Casto yielded the floor to David Perry. Mr. Perry read report of May 2, 2000 meeting. Also Mr. Perry announced Eve Frazier was re-elected as President of the Woman's Club of Nitro. Mr. Perry reminded everyone of the upcoming election.

COUNCILMAN DAVID MILLER MOVED TO MAKE THE BUSINESS & PROFESSIONAL REPORT A PART OF RECORD. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. (Copy attached)

**AGENDA ITEM NO. 4 RALPH ALLISON:** Absent

**AGENDA ITEM NO. 5 PHIL GAUJOT:** Counselor Gaujot explained the difference of opinions regarding the "City Charter" and the election date. Counselor Gaujot stated, after reviewing all the information, his recommendation is to hold the election on the first Tuesday in June.

Counselor Gaujot read a letter of resignation as Attorney for the City of Nitro. Effective June 30, 2000.

RECORDER DON KARNES MOVED TO ACCEPT COUNSELOR GAUJOT'S RESIGNATION AND MAKE THE LETTER A PART OF RECORD. THE MOTION WAS SECONDED BY COUNCILMAN ROBERT YOUNG AND WAS CARRIED. (Copy attached)

COUNCILMAN AT LARGE STEVE WEST MOVED TO CHANGE THE JUNE 6 COUNCIL MEETING TO JUNE 13, 2000. THE MOTION WAS SECONDED BY COUNCILMAN GEORGE ATKINS AND WAS CARRIED.

**AGENDA ITEM NO. 6 POOL:** Mayor Casto reported after talking with the Treasurer, they decided to leave the admission the same; \$3.00 adult, senior citizens and children under twelve years, \$1.00, pool pass \$70.00 for family, \$35.00 individual and advertise for bids for concessions, to be opened up at next council meeting.

COUNCILMAN AT LARGE STEVE WEST MOVED TO ADVERTISE FOR BIDS FOR THE CONCESSIONS AT THE POOL. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Councilman Robert Young asked how the city faired last year at the pool. A discussion followed regarding the expenses running the pool. Councilman George Atkins said there were unlimited passes given out last year. Councilman Robert Young stated he was not in favor of any free pool passes.

COUNCILMAN DAVID MILLER MOVED TO APPROVE THE PRICES OF ADMISSION, \$3.00 ADULT, SENIORS AND CHILDREN TWELVE AND UNDER \$1.00, POOL PASSES FAMILY \$70.00, AND \$35.00 INDIVIDUAL. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Councilman at Large Robert Mattox stated he felt it was a good idea to furnish the auxiliary policemen with free passes. A discussion followed.

**AGENDA ITEM NO. 7 POLL WORKERS LIST:** Recorder Don Karnes presented council with a list of poll workers and ballot commissioners. RECORDER DON KARNES MOVED TO APPROVE THE LIST OF POLL WORKERS FOR THE UPCOMING MUNICIPAL ELECTION. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE ROBERT MATTOX AND WAS CARRIED. (Copy attached)

A discussion followed regarding the advertising of the "levy election"

**AGENDA ITEM NO. 8 MAYOR'S COMMENTS:**

Councilman George Atkins, asked questions regarding the cost of the ramp dinner. Mayor Casto said the City sponsors the dinner. Also Mayor Casto stated he had to buy the ramps this year as opposed to being donated last year and said he would use the profit to buy playground equipment. Councilman Robert Young stated he felt the money should go toward the past-due city bills.

There being no further business, the meeting was adjourned.

  
RUSTY CASTO, MAYOR

  
DON KARNES, RECORDER

# Nitro Business & Professional Association Report to Council

## May 2, 2000

**Nitro Seniors** reported they had supported the Nitro High School After Prom & were planning a bus trip to ~~Amish Country~~.  
CASS

**Nitro Women's Club** reported officers were elected. Eve Frazier was re-elected as President. Also, they received 5 awards at the State convention this year.

**Nitro Community Center** events : May 5 Alpha 1 benefit concert, May 6, 13 & June 3 dance recitals. May 11 USEPA Dioxin meeting, May 12 Gospel Jubilee with The Prophets, The Royal Heirs & Heartland Harmony, May 15 Hurricane Middle Chorus, May 19 Nitro Elementary 5th grade graduation, May 20th Cruise In & dance, May 25th NHS Bacc Svc, May 26th Meet the Candidate.

**Old Business** It was determined that we need @ 1700 posters printed for the dance. Ivan will take care of distribution. Gary Smith will DJ for us. David & Jim will visit the schools prior to the dance to remind them. All members will be contacted about bringing signs to hang in the gym, when they come to help with the dance.

**New Business** Mary DeLoach expressed a desire for the members to seek assistance to advertise as a unit in publications. If this is done on a continuing basis, the downtown area could benefit. Willie will search the Internet for grants, & Mary will contact papers for prices. Eve spoke of the City of Spencer getting a grant for a consultant. David reminded everyone of the election May 9th, with attention called to the KCEAA & KRT levy vote, and encouraged members to vote for the levy.

Respectfully submitted

David M Perry

*Law Offices*  
*Phillip D. Gaujot*

177 WALNUT STREET  
 MORGANTOWN, WEST VIRGINIA 26505  
 304/292-3000  
 FAX: 304/292-1072

e-mail: gaujot@wvlawyer.com

GAUJOT LAW & PROFESSIONAL BUILDING  
 113 GOFF MOUNTAIN ROAD-CROSS LANES  
 CHARLESTON, WEST VIRGINIA 25313  
 304/776-2222  
 REPLY TO:

May 2, 2000

Morgantown, West Virginia

Rusty Casto, Mayor  
 Nitro City Building  
 20th Street & Second Avenue  
 Nitro, West Virginia 25143

City Council, City of Nitro  
 Nitro City Building  
 20th Street & Second Avenue  
 Nitro, West Virginia 25143

Dear Mayor Casto and Council Members:

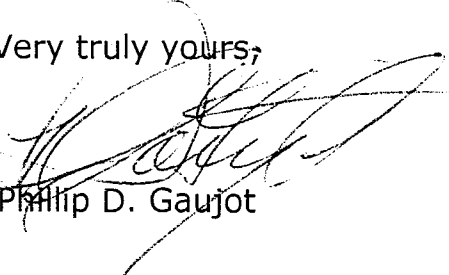
I hereby give notice of resignation as Attorney for the City of Nitro. I have served the City continuously since 1983, throughout three different administrations. I have watched the City of Nitro prosper and grow during the last 18 years and hope that my contribution helped in that regard. I take particular pleasure in assisting with the annexation of the PAR Industrial property, the dog track property, the Fike-Artel property and the Nitro Marketplace, all of which are or will soon be long lasting, revenue-producing entities. I have attempted to provide unbiased, objective advice when requested by the Mayor and/or Council.

It has been a pleasure and honor representing the City of Nitro. I particularly want all of you to know how much I appreciate the opportunity to have served your City and how much I value the friendships that have developed over the years. I will continue to have fond memories of all of you and of the many residents of the City that I have come to know.

Thanks again for allowing me to serve as City Attorney.

With kindest regards, I remain

Very truly yours,



Phillip D. Gaujot

PDG/hlk

]

]

]

# CITY OF NITRO COUNCIL MEETING MINUTES

MAY 16, 2000

Mayor Rusty Casto declared a quorum and called the meeting to order at 7:30 p.m. Others present; City Recorder Don Karnes, Councilmen at Large Robert Mattox, Richard Savilla, Steve West, Councilmen Robert Young, David Miller, George Atkins and Frank Grover, Jr. Absent City Attorney Phil Gaujot.

A moment of silence prayer was observed in honor of **David Perry, Building Manager of the Community Center.**

**AGENDA ITEM NO. 1 INVOCATION:** Councilman Robert Mattox

**AGENDA ITEM NO. 2 APPROVAL OF 05-02-00 MINUTES:** COUNCILMAN DAVID MILLER MOVED TO APPROVE 05-02-00 MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE STEVE WEST AND WAS CARRIED.

**AGENDA ITEM NO. 3 BUSINESS & PROFESSIONAL ASSOC:** Ivan Meadows announced a meet the "Candidates Night" at the Kathy Mattea Auditorium, 7:00 p.m. May 26, 2000.

**AGENDA ITEM NO. 4 SANITARY BD SUPPLEMENT TO THE LINE OF CREDIT:** Sanitary Board Attorney, Denny Vaughan reported the reason for the supplement was the date for the closing was April 18, 2000 and the transaction was not closed. The new target date now is May 25, 2000 and Counselor Vaughan said new language has to be written to reflect the new date.

Also Counselor Vaughan advised the second item relates to the Poca River Project and this is a LOC document which is referred to and entitled a bond purchase agreement with the Department of Environmental Protection. Basically this is the document between the City and DEP used for the purpose of DEP purchasing the City's bonds under the terms and conditions set forth in that agreement.

A discussion followed.

RECORDER DON KARNES MOVED TO READ TITLE ONLY OF THE SUPPLEMENTAL RESOLUTION TO THE LINE OF CREDIT. THE MOTION WAS SECONDED BY COUNCILMAN ROBERT YOUNG AND WAS CARRIED.

CITY RECORDER DON KARNES, READ TITLE OF SUPPLEMENTAL RESOLUTION AMENDING AND SUPPLEMENTING AND ORDINANCE AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE IN AN AMOUNT NOT TO EXCEED \$1,500,000.00 OF REVOLVING LINE OF CREDIT, PROVIDING AS TO PRINCIPAL AMOUNT, DATE, MATURITY DATE, INTEREST RATE, AND OTHER TERMS OF THE BONDS OF THE CITY OF NITRO; RATIFYING AND APPROVING A REVOLVING LINE OF CREDIT AGREEMENT, AND OTHER DOCUMENTS RELATING TO SUCH PROMISSORY NOTE AND REVOLVING LINE OF CREDIT; MAKING CORRECTIONS AND PROVIDING FOR OTHER PROVISIONS.

CITY RECORDER DON KARNES MOVED FOR ADOPTION OF SUPPLEMENTAL RESOLUTION. THE MOTION WAS SECONDED BY COUNCILMAN ROBERT YOUNG AND WAS CARRIED.  
(Copy attached.)

COUNCILMAN AT LARGE ROBERT MATTOX MOVED TO AUTHORIZE MAYOR CASTO AND RECORDER DON KARNES TO EXECUTE THE BOND PURCHASE AGREEMENT. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

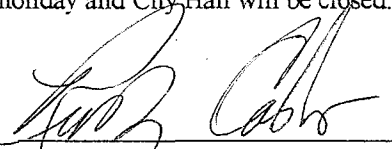
**AGENDA ITEM NO. 5 RALPH ALLISON:** Treasurer Ralph Allison presented council with copies of requests from the Police Department and he asked council to review them and they will act on them at the next council meeting.

Councilman Dave Miller asked about the status of the audit report. Treasurer Ralph Allison said the audit could not be completed because they could not locate all the records. However, Mr. Allison stated he has everything in order now for the Auditor and they will start the audit Monday morning, May 22, 2000.

Councilman Robert Young asked how the ramp dinner faired Saturday May 6, 2000. Mayor Casto reported they did not clear the cost, but the cooks at the Center were going to volunteer their time and have a hot dog sale to help make up the cost.

Treasurer Ralph Allison stated the loss on the ramp dinner was approximately \$900.00.

Recorder Don Karnes announced June 6, 2000 is a holiday and City Hall will be closed.

  
\_\_\_\_\_  
RUSTY CASTO, MAYOR  
\_\_\_\_\_  
DON KARNES, RECORDER

## THE CITY OF NITRO

SUPPLEMENTAL RESOLUTION

SUPPLEMENTAL RESOLUTION AMENDING AND SUPPLEMENTING AN ORDINANCE AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE IN AN AMOUNT NOT TO EXCEED \$1,500,000.00 OF REVOLVING LINE OF CREDIT, PROVIDING AS TO PRINCIPAL AMOUNT, DATE, MATURITY DATE, INTEREST RATE, AND OTHER TERMS OF THE BONDS OF THE CITY OF NITRO; RATIFYING AND APPROVING A REVOLVING LINE OF CREDIT AGREEMENT, AND OTHER DOCUMENTS RELATING TO SUCH PROMISSORY NOTE AND REVOLVING LINE OF CREDIT; MAKING CORRECTIONS AND PROVIDING FOR OTHER PROVISIONS.

WHEREAS, the Common Council (the "Governing Body") of The City of Nitro, (the "Issuer") has duly and officially enacted an ordinance, effective April 18, 2000 (the "Ordinance"), entitled:

ORDINANCE AUTHORIZING THE FINANCING OF CERTAIN EXPENSES INCURRED IN OPERATION AND MAINTENANCE OF THE SEWERAGE FACILITIES OF THE CITY OF NITRO AND PROVIDING FOR OTHER CAPITAL IMPROVEMENTS WITHIN SAID CITY NOT OTHERWISE PROVIDED, THROUGH THE ENTERING INTO OF A LINE OF CREDIT WITH UNITED NATIONAL BANK, CHARLESTON, WEST VIRGINIA, NOT EXCEEDING \$1,500,000.00 IN PRINCIPAL AMOUNT, EVIDENCED BY A PROMISSORY NOTE; PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE HOLDER OF SUCH NOTE; AUTHORIZING EXECUTION AND DELIVERY OF A LINE OF CREDIT AGREEMENT, PROMISSORY NOTE AND OTHER DOCUMENTS RELATING THERETO; AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH LINE OF CREDIT AGREEMENT AND NOTE AND ADOPTING OTHER PROVISIONS RELATING THERETO.

WHEREAS, capitalized terms used herein and not otherwise defined herein shall have the same meaning set forth in the Ordinance when used herein;

WHEREAS, the Ordinance provides for the issuance of a revolving line of credit, of the Issuer (the "LOC"), in the aggregate principal amount not to exceed \$1,500,000.00, and has authorized the execution and delivery of a line of credit agreement (the "LOC Agreement"), by and among the Issuer and United National Bank (the "Bank"), all in accordance with Chapter 16, Article 13 of the West Virginia Code of 1931, as amended (collectively, the "Act"); and in the Ordinance it is provided that the form of the Line of Credit Agreement and the exact principal amount, date, maturity date, interest rate, interest and principal payment dates, and other terms of



the LOC should be established by a supplemental resolution pertaining to the LOC; and that other matters relating to the LOC be herein provided for:

WHEREAS, the LOC Agreement has been presented to the Issuer at this meeting;

WHEREAS, capitalized terms used herein and not otherwise defined shall have the same meanings given to such terms in the Ordinance; and

WHEREAS, the Governing Body of the City deems it essential and desirable that this resolution (the "Supplemental Resolution") be adopted and that the definitions, the form of agreements, as amended, be ratified and approved by the Issuer, that the exact principal amount, the date, the maturity date, the interest rate, the interest and principal payment dates of the LOC be fixed hereby in the manner stated herein, and that other matters relating to the LOC be herein provided for.

NOW, THEREFORE, be it resolved by the Governing Body of The City of Nitro, West Virginia, as follows:

1. The definition of Line of Credit Agreement on page 3 of the Ordinance which reads "Line of Credit Agreement" means the Agreement for Secured Revolving Line of Credit dated April \_\_, 2000, between the City and the Band" shall be amended to read as follows:

"Line of Credit Agreement" means the Agreement for Secured Revolving Line of Credit dated May 25, 2000, between the City and the Bank."

2. The date on the form of Line of Credit Agreement on page 6 of the Ordinance shall be amended from April \_\_, 2000 to read May 25, 2000.

3. The Form of the Revolving Line of Credit Agreement on page 8 of the Ordinance shall be amended to provide.

"City will apply all West Virginia Water Development Authority an/or West Virginia Department of Environmental Protection grants or loans immediately upon receipt of the same to the outstanding principal under the Promissory Note and this Agreement."

4. The language on page 9 of the Ordinance "IN WITNESS WHEREOF, and intending to be legally bounded hereby, City has executed and delivered this Loan Agreement this \_\_ day of April 2000" shall be amended to read as follows:

IN WITNESS WHEREOF, and intending to be legally bounded hereby, City and Bank have executed and delivered this Agreement for Secured Revolving Line of Credit this 25<sup>th</sup> day of May, 2000.

Adding execution line for Bank as follows:

Approved:

UNITED NATIONAL BANK

By: \_\_\_\_\_  
 Its: Authorized Representative

5. The date on the "Exhibit A" Loan Request Form on page 10 of the Ordinance shall be amended to May 25, 2000.

6. The language on page 11 of the Ordinance, the Form of Promissory Note which reads as follows:

"FOR VALUE RECEIVED, the undersigned, CITY OF NITRO, WEST VIRGINIA, a municipal corporation and a political subdivision of the State of West Virginia, (the "City"), promises to pay in lawful money of the United States of America to the order of United National Bank, a national banking association, at 500 Virginia Street East, Charleston, West Virginia, the sum of One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00), together with interest at the rate equal to sixty-five percent (65 %) of the "Prime Rate" of The Chase Manhattan Bank, as more fully described in an Ordinance enacted by the City Council of the City on April 18, 2000, as the same may change from day to day. The City promises to pay to the Bank on a quarterly basis interest only on the outstanding principal balance at a rate equal to 65 % of the Prime Rate of The Chase Manhattan Bank. All outstanding principal together with accrued and unpaid interest, shall be fully due and payable 3 years from the date of this Note.:

shall be amended to read as follows:

"FOR VALUE RECEIVED, the undersigned, CITY OF NITRO, WEST VIRGINIA, a municipal corporation and a political subdivision of the State of West Virginia, (the "City"), promises to pay in lawful money of the United States of America to the order of United National Bank, a national banking association, at 500 Virginia Street East, Charleston, West Virginia (herein the "Bank" and/or "Lender"), the sum of One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00), together with interest at the rate equal to sixty-five percent (65 %) of the "Prime Rate" of The Chase Manhattan Bank, as more fully described in an Ordinance enacted by the City Council of the City on April 18, 2000, as the same may change from day to day. The City promises to pay to the Bank on a quarterly basis, each July 1, October 1, January 1 and April 1 of each year while the same is outstanding, interest only on the outstanding principal balance at a rate equal to 65 % of the Prime Rate of The Chase Manhattan Bank. All outstanding principal together with accrued and unpaid interest, shall be fully due and payable 3 years from the date of this Note."

7. Paragraph 3 of the form of the Promissory Note shall be amended to read as follows:

"The City has the right to anticipate payment and covenants that it will, upon receipt of grants and loans from the West Virginia Water Development Authority and/or West Virginia Department of Environmental Protection immediately apply the same to the outstanding principal on this Note."

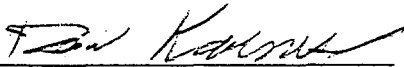
8. The date on the "Form of Promissory Note" on page 13 of the Ordinance shall be amended to May 25, 2000.

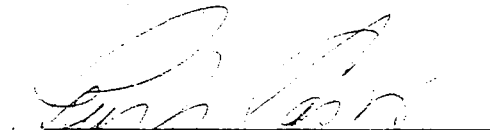
9. The Form of the Promissory Note shall reflect the seal of the City of Nitro.

10. All other provision relating to the Promissory Note, Revolving Line of Credit Agreement and any other documents relating thereto shall be as provided in the Ordinance and this Supplemental Resolution, and the same shall be in substantially the form provided in the Ordinance, with such changes, insertions and omissions as may be approved by the Mayor. The Mayor's execution of the Promissory Note shall be conclusive evidence of such approval.

This Supplemental Resolution shall take effect immediately upon its adoption.

Adopted this 16th day of May, 1999.

  
Recorder

  
Mayor

# SPECIAL COUNCIL MEETING

JUNE 01, 2000

MAYOR RUSTY CASTO HAS SCHEDULED A SPECIAL COUNCIL MEETING THURSDAY JUNE 01, 2000 AT 6:00 P.M. IN COUNCIL CHAMBERS AT THE COMMUNITY CENTER.

## AGENDA

TO DISCUSS PAVING AND MILLING OF 6TH STREET, PAVING FROM THE 700 BLOCK TO 1000 BLOCK OF WASHINGTON AVENUE AND PAVING OF 8TH STREET FROM 1ST AVE TO SECOND AVENUE.

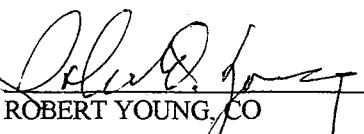
  
ROBERT MATTOX, CO/LG

  
RUSTY CASTO, MAYOR

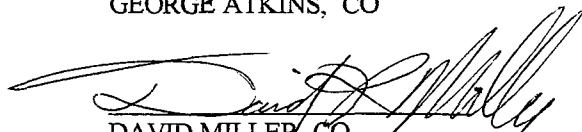
  
RICHARD SAVILLA, CO/LG

  
DON KARNES, RECORDER

  
STEVE WEST, CO/LG

  
ROBERT YOUNG, CO

  
GEORGE ATKINS, CO

  
DAVID MILLER, CO.

  
FRANK GROVER, JR. CO

I SIGN THIS  
DOCUMENT ON  
PROTEST THAT  
THE MEETING  
FAILS TO MEET  
THE MINIMUM  
REQUIREMENTS  
OF THE OPEN  
MEETING LAWS.  
(SUNSHINE)  
Don Karnes

**CITY OF NITRO SPECIAL COUNCIL MEETING****JUNE 01, 2000**

Mayor Rusty Casto declared a quorum and called the Special Council meeting to order at 6:00 p.m. in Council Chambers, others present; City Recorder, Don Karnes, Councilmen at Large Richard Savilla, Steve West, Robert Mattox, Councilmen Robert Young, David Miller, Frank Grover, Jr., and George Atkins.

**AGENDA ITEM NO. 1: TO DISCUSS PAVING AND MILLING OF 6TH STREET, PAVING FROM THE 700 BLOCK TO 1000 BLOCK OF WASHINGTON AVENUE AND PAVING OF 8TH STREET FROM 1ST AVE TO SECOND AVENUE.**

Mayor Casto told Council he received a grant for paving streets in Nitro and presented council with a request to discuss paving and milling of 6th Street, approve blacktopping of 700 block to 1000 block of Washington Avenue, blacktop and paving of 8th Street from First Avenue to Second Avenue. Mayor Casto asked for a motion for the paving request.

Recorder Don Karnes stated he had question regarding the legality of this special meeting and asked if the public was notified this meeting was going to take place. Recorder Karnes stated the public must have adequate notice and the only exception is, if it is an emergency meeting. Mayor Casto stated the rules as he read them, stated the "Mayor could call the council into session". Mayor Casto said he did notify the press. However, it was not advertised in the paper. Recorder Don Karnes stated he would not participate in the meeting, because, he felt it was illegal, but he would record the meeting and provide the minutes.

Councilman George Atkins asked how were these streets chosen and asked are all these streets in the same ward. Mayor Casto stated we must have a motion before we can discuss the issue. Recorder Don Karnes asked why not make a motion whether or not to have the meeting and read a line from the State Code "each governing body shall propagate by ruling, by the date, time and place and agenda of all regular meetings and the date, time, place and purpose of all special meetings are made available, in advance to the public and news media except in the event of an emergency requiring immediate action. Councilman David Miller stated it was announced on the radio. A discussion followed regarding this issue. COUNCILMAN DAVID MILLER MOVED TO ADVERTISE FOR BIDS FOR PAVING OF SPECIFIED STREETS. THE MOTION WAS SECONDED BY COUNCILMAN FRANK GROVER, JR.

Councilman at Large Steve West commented that Putnam County Board of Education got into a lot of trouble because they did not advertise a meeting and had to go back and do everything. I am concerned, that someone not living on these streets may feel their street needs work too and wants to raise question, they might feel they are being ignored. Councilman David Miller stated they might do that in a legal meeting.

Councilman Frank Grover, Jr. stated just for the record, please ask all attending to sign petition showing they did know about the meeting. One citizens stated he found out about the meeting from one of the council members.

Councilman Bob Young read from a municipal handbook for elected officials which states "emergency special situations sometime occur and may require convening a special meeting, often with little, if any

advance notice. Examples of special meetings items include, that are not limited to, emergency ordinances, unexpected matters requiring official action before the next regular scheduled meeting. Also emergency equipment replacement, financial problems and health and safety emergencies and the term of emergency should be used very carefully. The procedures for calling special meetings are generally provided in each municipality charter. However, special meetings not being routinely scheduled, if not advertised in advanced run the risk of violating the State open meeting act. Therefore, it is particularly important to conduct the special meetings to record the vote, which called the meeting and notice of the meet.

Mayor Casto stated according to the code book, the Mayor can call the meeting. A discussion followed.

Councilman Robert Young asked if West Virginia Paving was going to give us a bid. Because I know that the last one was paid by deducting the money from the B & O taxes because the city did not have the money to pay it. Mayor Casto stated that was an agreement between Ralph Allison and WV. Paving. Councilman Robert Young stated that did not have anything to do with Ralph Allison or anyone else, it was a bill and should have been paid. Councilman David Miller stated it determines where the money is. A discussion followed.

Councilman George Atkins stated it seems strange this thing just pops all of a sudden. Mayor Casto stated this is the way government works.


A discussion followed regarding different streets that need paved.

Recorder Don Karnes stated he has no problem with paving the streets but he does have a problem with the meeting, because he feels it is illegal. Also Recorder Karnes stated he believes never in the history of Nitro has a special meeting been called to assign paving to a certain street.

RECORDER DON KARNES MOVED TO TABLE THE MOTION. Mayor Rusty Casto denied the motion to table and took a vote on the original motion and it carried.

THE MOTION CARRIED.

There being no further business the meeting was adjourned.

  
RUSTY CASTO, MAYOR

  
DON KARNES, RECORDER

CITY OF NITRO COUNCIL MEETING MINUTES  
JUNE 13, 2000

Mayor Rusty Casto declared a quorum and called the meeting to order at 7:30 p.m. Others present; Councilman at Large Robert Mattox, Councilman at Large Richard Savilla, Councilman George Atkins, Councilman David Miller and Councilman Frank Grover, Jr. and City Treasurer Ralph Allison. Absent; City Recorder Don Karnes, Councilman at Large Steve West and Councilman Robert Young. Also absent City Attorney Phil Gaujot.

**AGENDA ITEM NO. 1 INVOCATION:** COUNCILMAN AT LARGE ROBERT MATTOX.

**AGENDA ITEM NO. 2 APPROVAL OF MINUTES (5-16-00) :** COUNCILMAN DAVID MILLER MOVED TO APPROVE MAY 16, 2000 MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

**AGENDA ITEM NO. 3 APPROVAL OF SPECIAL CO. MEETING (6-01-00)** COUNCILMAN AT LARGE ROBERT MATTOX MOVED TO APPROVE THE SPECIAL COUNCIL MEETING MINUTES (6-01-00). THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

**AGENDA ITEM NO. 4 2ND READ SANITARY BOARD ORD:** COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO READ TITLE ONLY OF POCA RIVER ORDINANCE. THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO ADOPT POCA RIVER PROJECT ORDINANCE 00-05, ON SECOND READING. THE MOTION WAS SECONDED BY COUNCILMAN DAVE MILLER AND WAS CARRIED. (Copy attached)

Also a public hearing was scheduled for June 27, 2000 at 7:30 p.m. prior to council meeting.

Mayor Casto announced a Council Meeting 10:00 a.m. July 1st, 2000.

**AGENDA ITEM NO. 5 PHIL GAUJOT:** ABSENT

**AGENDA ITEM NO. 6 RALPH ALLISON:** Executive Session

**AGENDA ITEM NO. 7 RESCHEDULE COUNCIL MEETING:** Due to the holiday (West Virginia Day) falling on the regular scheduled meeting, the next council meeting was moved to June 27, 2000.

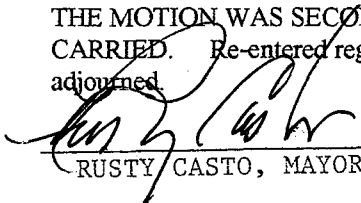
**AGENDA ITEM NO. 8 BUSINESS & PROFESSIONAL ASSOC.:** No report.

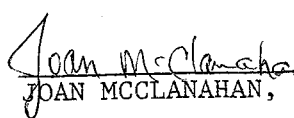
**AGENDA ITEM NO. 9 MAYOR'S COMMENTS:**

Mayor Casto reported he has contacted the official regarding the light at 40th Street and he said as soon as they can work this problem into their schedule they will fix the light.

Councilman at Large Richard Savilla asked about street paving bids. Mayor Casto stated they will be opened at next meeting.

COUNCILMAN AT LARGE ROBERT MATTOX MOVED TO ENTER INTO EXECUTIVE SESSION. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. Re-entered regular session at 8:17, there being no further business, the meeting was adjourned.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER

## ORDINANCE 2000-05

## THE CITY OF NITRO

## SUPPLEMENTAL RESOLUTION

Supplemental Resolution providing for the principal amount, date, maturity date, interest rate, interest and principal payment dates, sale prices and other terms of the Sewerage System Revenue Bonds, Series 2000 A, of the City of Nitro (the "Issuer"), designating a registrar, paying agent and depository bank, approving and ratifying a bond purchase agreement (the "Bond Purchase Agreement") and the sale of the Sewerage System Revenue Bonds, Series 2000 A to the West Virginia Water Development Authority (the "Authority") and making other provisions as to such Bonds.

WHEREAS, the City Council of the Issuer, on June 13, 2000, enacted an Ordinance, all as more fully set out therein; (said Ordinance is hereinafter referred to as the "Ordinance"); and

WHEREAS, the Ordinance provides for the issuance of Sewerage System Revenue Bonds, Series 2000 A (the "Series 2000 A Bonds"), of the Issuer in an aggregate principal amount not to exceed \$3,000,000, and has authorized the execution and delivery of the Bond Purchase Agreement relating to the Series 2000 A Bonds, by and among the Issuer, the Authority, and the West Virginia Division of Environmental Protection (the "DEP"), all in accordance with Chapter 16, Article 13 and Chapter 22C, Article 2 of the Code of West Virginia, 1931, as amended (collectively, the "Act"), and further provides that the principal amount, date, maturity date, interest rate, interest and principal payment dates, sale prices, and other terms of and matters relating to, the Series 2000 A Bonds should be established by Supplemental Resolution; and

WHEREAS, the Series 2000 A Bonds are proposed to be sold to the Authority pursuant to the Bond Purchase Agreement; and

WHEREAS, capitalized terms used herein and not otherwise defined shall have the meanings given such terms in the Ordinance; and

WHEREAS, the Governing Body of the Issuer deems it essential and desirable that this resolution (the "Supplemental Resolution"), be adopted, that the Bond Purchase Agreement be approved and ratified by the Issuer, and that the principal amount, the date, the maturity date, the interest rate, the interest and principal payment dates, and the sales prices of the Series 2000 A Bonds be fixed hereby in the manner stated herein, and that other matters relating to the Bonds be herein provided for.

NOW THEREFORE, be it resolved by the City Council of The City of Nitro as follows:

Section 1. Pursuant to the Ordinance and the Act, this Supplemental Resolution is adopted and there are hereby authorized and ordered to be issued the Sewerage System Revenue Bonds, Series 2000 A, in the aggregate principal amount of \$2,050,000.00, all in the form set forth in the Ordinance.

- 1 -



(A) The Series 2000 A Bonds of the Issuer shall be originally issued in the form of a single bond payable to the Authority, numbered AR-1, shall be in the principal amount of \$2,050,000. The Series 2000 A Bonds shall be dated as of June 28, 2000, or as of the date of closing and shall mature on September 1, 2031. The Series 2000 A Bonds shall bear interest at the rate of 0% per annum, together with a  $\frac{1}{2}\%$  administrative fee. The principal of and administrative fee on the Series 2000 A Bonds shall be payable quarterly on March 1, June 1, September 1 and December 1 of each year, commencing December 1, 2001, all as set forth on the Schedule Y attached to the Bond Purchase Agreement.

(B) The sale of the Series 2000 A Bonds to the Authority, which is hereby designated as the Original Purchaser of the Series 2000 A Bonds, and the Bond Purchase Agreement dated May 12, 2000, including all schedules and exhibits attached thereto, in the form attached to this Resolution as Exhibit A, is hereby ratified and approved. The Mayor is authorized and directed to execute and deliver the Bond Purchase Agreement with such changes and insertions as he may approve. The Mayor's signature on such Agreement shall be conclusive evidence of such approval.

Section 2. Except as herein provided, all other provisions relating to the Series 2000 A Bonds shall be as provided in the Ordinance, and the Series 2000 A Bonds shall be in substantially the form provided in the Ordinance with such changes, insertions and omissions as may be approved by the Mayor of the Issuer. The execution of the Series 2000 A Bonds by the Mayor shall be conclusive evidence of such approval.

Section 3. The Issuer hereby appoints and designates United National Bank, Charleston, West Virginia, as the Depository Bank.

Section 4. The Issuer hereby appoints and designates United National Bank, Charleston, West Virginia, as Registrar for the Bonds.

Section 5. The Issuer hereby appoints and designates the West Virginia Municipal Bond Commission, as Paying Agent for the Bonds.

Section 6. The Mayor and the Recorder of the Issuer are hereby authorized and directed to execute and deliver such other documents and certificates, including the Registrar's Agreement required or desirable in connection with the Series 2000 A Bonds in order for the Series 2000 A Bonds to be delivered to the Original Purchaser pursuant to the Bond Purchase Agreement.

Section 7. The Issuer hereby approves and authorizes all contracts relating to the financing, acquisition and construction of the Project.

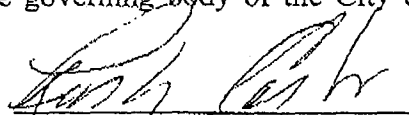
Section 8. The Issuer hereby determines to invest all moneys in the funds and accounts established by the Ordinance held by the Depository Bank until expended in money market accounts secured by a pledge of Government Obligations, and therefore, the Issuer hereby directs the Depository Bank to invest all moneys in such money market accounts until further directed in


writing by the Issuer. Moneys in the Series 2000 A Bonds Sinking Fund and the Series 2000 A Bonds Reserve Account shall be invested by the Commission in the West Virginia Consolidated Fund.

Section 9. The Issuer shall deliver a certificate as to use of proceeds or other similar certificate to be prepared by nationally recognized bond counsel relating to restrictions on the use of proceeds of the Series 2000 A Bonds as a condition to issuance of the Series 2000 A Bonds. In addition, the Issuer covenants (i) to comply with the Code and the Regulations from time to time in effect and applicable to the Series 2000 A Bonds as may be necessary in order to maintain the status of the Series 2000 A Bonds as governmental bonds; (ii) that it shall not take, or permit or suffer to be taken, any action with respect to the Issuer's use of the proceeds of the Series 2000 A Bonds which would cause any bonds, the interest on which is exempt from federal income taxation under Section 103(a) of the Code, issued by the Authority or the DEP, as the case may be, from which the proceeds of the Series 2000 A Bonds are derived, to lose their status as tax-exempt bonds; and (iii) to take such action, or refrain from taking such action, as shall be deemed necessary by the Issuer, or requested by the Authority or the DEP, to ensure compliance with the covenants set forth in this section.

Section 10. This Supplemental Resolution shall be effective immediately upon adoption.

Adopted this 27<sup>th</sup> day of June 2000, by the governing body of the City of Nitro, West Virginia.

  
Mayor

  
Recorder

## CITY OF NITRO COUNCIL MEETING MINUTES

JUNE 27, 2000

Mayor Rusty Casto declared a quorum and called the meeting to order following the Public Hearing. Others attending; Councilmen at Large Robert Mattox, Richard Savilla, Councilman David Miller and Frank Grover, Jr. Absent, Councilman at Large Steve West, Councilmen George Atkins, Robert Young, and City Recorder Don Karnes. Also present Phil Gaujot, City Attorney and Ralph Allison, City Treasurer.

**CITIZEN OF THE MONTH**

Mayor Casto announced Councilman at Large Robert "Bob" Mattox "July Citizen of the month".

**AGENDA ITEM NO. 1 INVOCATION:** Councilman at Large Robert Mattox.

**AGENDA ITEM NO. 2 APPROVAL OF MINUTES (06-13-00):** COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO APPROVE THE 6/13/00 MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. Mayor Casto asked for a motion to yield the floor to Nitro Sanitary Board. COUNCILMAN DAVID MILLER MOVED TO YIELD THE FLOOR TO THE SANITARY BOARD. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Mr. Tinsley from Poca River area thanked Connie Stephens for all the hard work and time spent on this sewer project. Mayor Casto commented Connie Stephens has worked very hard the last twenty nine years for the City of Nitro.

COUNCILMAN DAVID MILLER MOVED TO READ TITLE ONLY OF THE POCA RIVER SUPPLEMENTAL ORDINANCE 00-. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

A SUPPLEMENTAL RESOLUTION PROVIDING FOR THE PRINCIPAL AMOUNT, DATE, MATURITY DATE, INTEREST RATE, INTEREST AND PRINCIPAL PAYMENT DATES, SALE PRICES AND OTHER TERMS OF THE SEWERAGE SYSTEM REVENUE BONDS, SERIES 2000 A, OF THE CITY OF NITRO ( THE "ISSUER"), DESIGNATING A REGISTRAR, PAYING AGENT AND DEPOSITORY BANK, APPROVING AND RATIFYING A BOND PURCHASE AGREEMENT (THE "BOND PURCHASE AGREEMENT") AND THE SALE OF THE SEWERAGE SYSTEM REVENUE BONDS, SERIES 2000 A TO THE WEST VIRGINIA WATER DEVELOPMENT AUTHORITY (THE "AUTHORITY") AND MAKING OTHER PROVISIONS AS TO SUCH BONDS.

COUNCILMAN DAVID MILLER MOVED TO APPROVE THE SUPPLEMENTAL ORDINANCE 00- ON SECOND READING. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

**AGENDA ITEM NO. 3 ELECTION CERTIFICATION:** Mayor Casto declared the winners of the 2000 election; Mayor, Rusty Casto, City Recorder, Joan McClanahan, Council at Large; Timothy

Sizemore, Richard Savilla and Brenda Tyler. Ward Council I Joseph Savilla, Ward II David Miller, Ward III Bobby Smith and Ward IV Harry Miller, III. Nitro Levy Election passed.

COUNCILMAN AT LARGE ROBERT MATTOX MOVED TO MAKE THE ELECTION REPORT A PART OF RECORD. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. (Copy attached)

**AGENDA ITEM NO. 4 BID OPENING:** Mayor Rusty Casto reminded council the city received a check of \$20,000 from the Governor's Office for paving of Washington Avenue from 700 block to 1000 block, pave and mill Sixth Street and not sure if enough money to pave the lower part of Eighth Street.

Councilman David Miller opened first bid from West Virginia Paving, Inc.; 8th Street - \$1009.16; 6th Street - \$11,746.00; Washington Avenue - 700 thru 1000 block - \$5220.00.

Councilman at Large Richard Savilla opened second bid from Blacktop Industries, Inc.; 6th Street - lump sum \$ 25,946.

COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO ACCEPT WEST VIRGINIA PAVING BID OF \$ 20,966.00 FOR PAVING OF WASHINGTON AVENUE AND SIXTH STREET. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE ROBERT MATTOX AND WAS CARRIED.

Mayor Casto reported on grants he has requested for further paving other streets and should know tomorrow ( 6/28/00).

**AGENDA ITEM NO. 5 PHIL GAUJOT:** Counselor Gaujot reported Chief Blankenship presented him with a request to prepare an ordinance to increase fees for certain fines. An ordinance would take two readings and said, he thought it would be better for the new council to hear both readings. Counselor Gaujot stated he will be happy to help prepare the ordinance. Also Counselor Gaujot said he appreciated the opportunity to serve the city.

**AGENDA ITEM NO. 6 RALPH ALLISON:** No report

**AGENDA ITEM NO. 7 MAYOR'S COMMENTS:** Mayor Casto announced council meeting 10:00 a.m, Saturday, July 1, 2000. Also Mayor Casto reported he and Tim Sizemore met with the Kanawha County Planning and Development Commission and said they gave unanimous approval for the annexation of homes up Blakes Creek and the roads to Market Place. It will now go to Kanawha County Commission for further approval. A Public Hearing will be held Thursday, July 20, 2000 at 5:00 p.m. at the Court House at Kanawha County Commission.

Mayor Casto complimented Councilman Frank Grover for his service and dedication to the city.

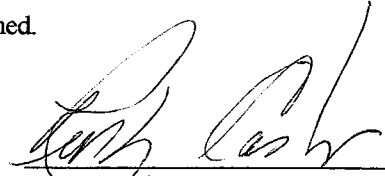
Councilman Frank Grover thanked Mayor Casto and the Council for their support and said he appreciated their help.

Councilman David Miller stated he was looking forward to another four years.

Councilman at Large Richard Savilla stated he also was looking forward to another four years and hoped it would go a little smoother this next four years.

Councilman at Large Robert Mattox said he had enjoyed the last four years serving the citizens of Nitro. Councilman Mattox commented he hoped the new council will work as a unit for the betterment of Nitro and he said, he was sure they would and will accomplish a great deal the next four years. Councilman Mattox thanked everyone.

There being no further business, the meeting was adjourned.

  
\_\_\_\_\_  
RUSTY CASTO, MAYOR  
\_\_\_\_\_  
JOAN MCCLANAHAN, RECORDER

CITY OF NITRO, WEST VIRGINIA  
MUNICIPAL ELECTION  
JUNE 6, 2000

WE, THE UNDERSIGNED CANVASSING BOARD OF THE ABOVE NAMED  
ELECTION JURISDICTION DO HEREBY CERTIFY THE FOLLOWING IS  
A CORRECT TABULATION OF THE VOTES CAST IN THE DIFFERENT  
PRECINCTS IN SAID ELECTION JURISDICTION.

DATED ..... 19 .....

*Don Karnes*

(NAME AND TITLE)

*Steven E. West*

(NAME AND TITLE)

*Robert K. Matthe*

(NAME AND TITLE)

*Frank E. Groves Jr*

(NAME AND TITLE)

*Gus L. Cano*

(NAME AND TITLE)

(NAME AND TITLE)

CITY OF NITRO, WEST VIRGINIA  
MUNICIPAL ELECTION  
JUNE 6, 2000

1 Registered Voters - TOTAL	6	WRITE-IN
2 Ballots Cast - TOTAL	FOR RECORDER	
3 Percent of Registered Voters	7	JOAN C. McCLANAHAN
FOR MAYOR	8	FRANK E. GROVER, JR.
4 RUSTY CASTO	9	STEVEN E. WEST
5 DON KARNES	10	WRITE-IN

	1	2.....3	4.....5.....6	7.....8.....9.....10
0349 NITRO WOMENS CLUB	334	179 53.59	111 66 0	48 51 61 0
0350 NITRO WOMENS CLUB	350	239 68.29	179 56 0	110 66 51 1
0351 NITRO ELEMENTARY SCHOOL	535	311 58.13	235 68 0	90 106 87 5
0352 NITRO ELEMENTARY SCHOOL	439	257 58.54	184 69 0	81 82 76 2
0353 UNITED STEEL WORKERS	460	263 57.17	191 60 0	88 94 61 6
0354 SHAWNEE HILLS COMM. CTR.	799	355..44.43	251.....91.....0	113.....151.....63.....3
0999 PUTNAM COUNTY PCT	600	261 43.50	213 41 0	143 75 32 2
TOTAL	3,517	1,865 53.03	1,364 451 0	673 625 431 19

15  
69

CANVASS OF VOTE TOTALS  
10:23:25 12-Jun-2000

Page 2

CITY OF NITRO, WEST VIRGINIA  
MUNICIPAL ELECTION  
JUNE 6, 2000

FOR COUNCIL MEMBER AT LARGE

Vote For Not More Than 3

11 MIKE SHREWSBURY  
12 HAROLD SUMMERS  
13 DEAN MILLER  
14 ROBERT R. "Bob" MATTOX  
15 BRENDA TYLER  
16 RICHARD SAVILLA

17

TIM SIZEMORE

18

JIM CASH

19

WRITE-IN

FOR COUNCIL MEMBER WARD 1

20

ROBERT D. YOUNG

21

A. A. "Joe" SAVILLA

22

WRITE-IN

	11.....	12.....	13.....	14.....	15.....	16.....	17.....	18.....	19	20.....	21.....	22
0349 NITRO WOMENS CLUB	74	35	33	89	51	71	52	32	2	101	68	0
0350 NITO WOMENS CLUB	73	60	42	63	94	78	134	47	3	.	.	.
0351 NITRO ELEMENTARY SCHOOL	81	61	91	107	98	101	192	40	5	.	.	.
0352 NITRO ELEMENTARY SCHOOL	111	34	77	94	90	68	119	53	3	.	.	.
0353 UNITED STEEL WORKERS	89	53	75	87	94	82	147	38	4	.	.	.
0354 SHAWNEE HILLS COMM. CTR.	71.....	53.....	104.....	142.....	147.....	111.....	158.....	49.....	2	.	.	.
0999 PUTNAM COUNTY PCT	64	55	49	47	103	136	138	39	2	49	193	2
TOTAL	563	351	471	629	677	647	940	298	21	150	261	2



CITY OF NITRO, WEST VIRGINIA  
MUNICIPAL ELECTION  
JUNE 6, 2000

FOR COUNCIL MEMBER WARD 2

23 BETTY JO BOGGESS  
24 DAVID R. MILLER  
25 BILL CLARK  
26 WRITE-IN

FOR COUNCIL MEMBER WARD 3

27 RAY DUNN  
28 BOBBY L. SMITH  
29 WRITE-IN

FOR COUNCIL MEMBER WARD 4

30 HARRY K. MILLER, III  
31 JOHN FARLEY  
32 WRITE-IN

CITY OF NITRO -SPECIAL LEVY ELECTION  
AUTH. ADD LEVIES/ 7-1-01/7-1-02/7-1-03

33 FOR THE LEVY  
34 AGAINST THE LEVY

	23	24	25	26	27	28	29	30	31	32	33	34
0349 NITRO WOMENS CLUB	.	.	.	.	.	.	.	.	.	.	139	36
0350 NITO WOMENS CLUB	34	101	94	3	.	.	.	.	.	.	164	57
0351 NITRO ELEMENTARY SCHOOL	68	112	106	6	.	.	.	.	.	.	203	86
0352 NITRO ELEMENTARY SCHOOL	.	.	.	.	72	132	6	.	.	.	157	81
0353 UNITED STEEL WORKERS	.	.	.	.	75	160	0	.	.	.	178	73
0354 SHAWNEE HILLS COMM. CTR.	.	.	.	.	.	.	.	200	99	1	215	122
0999 PUTNAM COUNTY PCT	.	.	.	.	.	.	.	.	.	.	186	56
TOTAL	102	213	200	9	147	292	6	200	99	1	1,242	511

## CANVASS TALLY SHEET

PRECINCT	BALLOTS COUNTED			TOTAL	BALLOTS NOT COUNTED		TOTAL
	TOTAL	CHALLENGED	OTHER		CHALLENGED	OTHER	
349	6	11		2	1111		4
22 & 23	9	1		1	8		8
350	6	11		2	1111		4
351	2	1		1	1		1
352	1	0		0	1		1
353	2	11		2	0		0
354	6	1111		4	11		2
				12			26

**CITY OF NITRO COUNCIL MEETING MINUTES****JULY 1, 2000**

Mayor Rusty Casto declared a quorum and called the meeting to order at 10:00 a.m.; Others present, Joan McClanahan, City Recorder, Council at Large, Brenda Tyler, Richard Savilla, Tim Sizemore, Councilmen David Miller, Bobby Smith and Harry Miller, III. Absent Councilman Joseph Savilla. Also present City Treasurer Ralph Allison.

**AGENDA ITEM NO. 1 INVOCATION:** Ivan Meadows

**AGENDA ITEM NO. 2 SWEARING IN CEREMONY:** Mayor Rusty Casto performed the swearing in ceremony of Jeff Wood, Judge. Judge Wood performed the swearing in ceremony of the new council all at one time, Judge Wood promptly proceeded with the swearing in of Mayor Rusty Casto and City Prosecutor Richard Lindroth. Councilman Joseph Savilla was sworn in earlier at the June 27, 2000 meeting.

**AGENDA ITEM NO. 3 RALPH ALLISON:** Treasurer Ralph Allison stated a motion was needed to designate Huntington Banks and Rock Branch Community Bank as the City's Banks for banking purposes. Also to authorize the Mayor, Recorder, Treasurer and Pansy Armstead to sign checks. Each check must have two signatures. COUNCILMAN HARRY MILLER, III MOVED TO DESIGNATE HUNTINGTON BANKS AND ROCK BRANCH COMMUNITY BANK AS THE CITY'S BANK AND TO AUTHORIZE THE MAYOR, RECORDER, TREASURER AND PANSY ARMSTEAD TO SIGN

CHECKS. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Treasurer Ralph Allison presented council with a copy of the current budget and requested a finance meeting for discussion. A finance meeting was scheduled for Thursday, July 6, 2000 at 7:00 p.m.

Treasurer Ralph Allison presented council a plan of supervision for the ladies in City Hall. COUNCILMAN HARRY MILLER, III MOVED TO MOVE THE MAYOR'S SECRETARY, TWO CLERKS IN CASHIER OFFICE, ACCOUNTS PAYABLE CLERK, PAYROLL CLERK AND BUILDING DEPARTMENT CLERK UNDER THE SUPERVISION OF THE CITY RECORDER. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

**AGENDA ITEM NO. 4. GOLF TOURNAMENT:** Mayor Casto announced a Golf Tournament, September 22, 2000, 8:00 a.m. at Big Bend with Kelli Frampton serving as Director. All proceeds will go toward the City Park Playground. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO APPROVE THE GOLF TOURNAMENT REQUEST WITH OKEY HARLESS, CHAIRMAN. THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

**AGENDA ITEM NO. 5 RESCHEDULE COUNCIL MEETING DATE:** Mayor Casto stated due to the next council meeting date falling on July 4th holiday, the next meeting will have to be rescheduled. After discussion, COUNCILMAN AT LARGE TIM SIZEMORE MOVED TO RESCHEDULE THE FIRST COUNCIL MEETING DATE TO JULY 11, 2000. THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

Mayor Rusty Casto reported Art Ashley has agreed to serve as a board member on the Nitro Sanitary Board. CITY RECORDER JOAN MCCLANAHAN MOVED APPROVE THE APPOINTMENT OF ART ASHLEY TO REPLACE GARY CREECH ON THE NITRO SANITARY BOARD. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

**AGENDA ITEM NO. 6 ANNEXATION:** No report

**AGENDA ITEM NO. 7 POLICE DEPARTMENT:** Robin Smith presented council with a resolution to secure a grant for a new computer for the Police Department. Also Ms. Smith presented a proposal for fine increases, telling council their fines and parking tickets are outdated. Ms. Smith stated this issue needs to be addressed. Mayor Casto read resolution in its entirety. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO APPROVE THE RESOLUTION AS READ. THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. (Copy attached)

**AGENDA ITEM NO. 8 MAYOR'S COMMENTS:** Mayor Casto stated he was looking forward to working with council. Also Mayor Casto told council executive session is required to discuss a city employee, and he invited council to come to his office to discuss any questions or problems they may have and he would always keep council informed of current happenings.

Reported street paving should be done next week. (Sixth Street, Washington Ave)

Councilman at Large Richard Savilla MOVED TO ENTER EXECUTIVE SESSION. THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

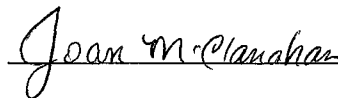
Entered executive session 10:35 resumed regular session 10:55

Council entered into discussion regarding free swimming on July 4th. After much discussion, COUNCILMAN DAVID MILLER MOVED TO ELIMINATE FREE SWIMMING FOR JULY 4TH. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

There being no further business, the meeting was adjourned.

A handwritten signature in cursive script, appearing to read "Rusty Casto", written over a horizontal line.

RUSTY CASTO, MAYOR

A handwritten signature in cursive script, appearing to read "Joan McClanahan", written over a horizontal line.

JOAN MCCLANAHAN, RECORDER



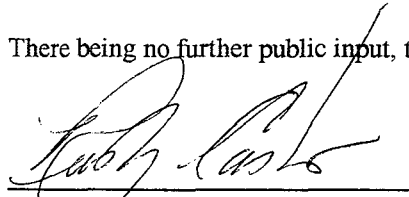
June 27, 2000

**PUBLIC HEARING**  
**POCA RIVER SEWER PROJECT**

Mayor Rusty Casto called the Public Meeting to order at 7:30 p.m. in Council Chambers. Others attending; Councilmen at Large Robert Mattox, Richard Savilla, City Attorney Phil Gaujot, City Treasurer Ralph Allison, Sanitary Board General Manager Connie Stephens, Attorney April Boughton, Joan McClanahan, Resident and two Residents from Poca River Area.

Mayor Casto opened the floor for questions and discussion regarding the sewer project for Poca River. Mr. Tinsley resident of Poca River, commented he would like to thank Ms. Stephens for her hard work, time and effort of putting this project together.

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

  
\_\_\_\_\_  
Rusty Casto, Mayor

## RESOLUTION

The City Council of the City of Nitro met on JULY 1, 2000 (date)  
with a quorum present and passed the following resolution.

Be it resolved that the City Council hereby authorizes Rusty Casto, Mayor of the City of Nitro to act on its behalf to enter into a contractual agreement with the Division of Criminal Justice Services to receive and administer grant funds pursuant to provisions of the Drug Control and System Improvement Grant Program.

Signed: .

Joan C. McClanahan  
City Clerk



# CITY OF NITRO COUNCIL MEETING MINUTES

JULY 11, 2000

Mayor Rusty Casto declared a quorum and called the meeting to order at 7:30 p.m. Others present; City Recorder Joan McClanahan, Council at Large, Brenda Tyler, Richard Savilla, Tim Sizemore, Councilmen David Miller, Bobby Smith and Harry Miller, III. and Joe Savilla

**AGENDA ITEM NO. 1 INVOCATION:** Councilman Joe Savilla

**AGENDA ITEM NO. 2 APPROVAL OF 6-27-00 COUNCIL MINUTES:** COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO APPROVE 6/27/00 MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

**AGENDA ITEM NO. 3 APPROVAL OF 6-27-00 PUBLIC HEARING MINUTES:** COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO APPROVE THE PUBLIC HEARING MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

**AGENDA ITEM NO. 4 APPROVAL OF 7-01-00 COUNCIL MINUTES:** COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO APPROVE 7-01-00 COUNCIL MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

**AGENDA ITEM NO. 5 TERRY MARTIN, RDA:** Mayor Casto yielded the floor to Mr. Terry Martin. Mr. Martin presented council with a brief explanation of street paving for the "Small Cities Block Grant". Mr. Martin stated there are three resolutions that need to be passed. Resolution #1- Authorization of submission of "Small Cities Block Grant" in the amount of \$68,000 to pave 2nd. Avenue from 20th to 40th Street. COUNCILMAN JOE SAVILLA MOVED TO AUTHORIZE MAYOR CASTO TO SIGN THE APPLICATION FOR THE SMALL CITIES BLOCK GRANT. THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. Mr. Martin stated this application will be evaluated by the Development Office and the Governor will make the decision by October. #2 - Resolution "Anti Displacement, Relocation" this resolution makes the City responsible for moving this person if necessary. COUNCILMAN JOE SAVILLA MOVED TO APPROVE "ANTI DISPLACEMENT RELOCATION" RESOLUTION. THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. #3 - Resolution "Adoption of Citizens Participation Plan". Mr. Martin said this includes the public hearings and public input. COUNCILMAN HARRY MILLER, III MOVED TO APPROVE THE CITIZENS PARTICIPATION PLAN RESOLUTION. THE MOTION WAS SECONDED BY COUNCILMAN JOE SAVILLA AND WAS CARRIED.

Mayor Casto and City Recorder Joan McClanahan signed the necessary papers for Mr. Martin to submit the application.

**AGENDA ITEM NO. 6 STREETS:** Mayor Casto announced Sixth Street and Washington Avenue from 700 block to 1000 block will be paved tomorrow (Wednesday July 12). Mayor Casto said this paving is the result of a grant from the Governor's office.

Also Mayor Casto asked the Ward Councilmen to give him a list of priority streets needing to be paved and as he receives grants they will pave these streets. Mayor Casto stated he will take responsibility of the State road streets and low income areas.

**AGENDA ITEM NO. 7 RALPH ALLISON:** Requested executive session.

**AGENDA ITEM NO. 8 MAYOR'S COMMENTS:** Mayor Casto announced the "fire works display" will be this weekend July 15, 2000 at 10:00 p.m., at City Park, breakfast at the Senior's, horse & buggy rides, several food vendors and arts and crafts at the Community Center.

Councilman David Miller thanked Mayor Casto for getting weeds cut on Third Avenue and other streets.

Councilwoman Brenda Tyler asked who was funding the "fireworks". Mayor Casto stated the City sponsors this event.

COUNCILMAN JOE SAVILLA MOVED TO ENTER EXECUTIVE SESSION. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Entered Executive Session at 7:45p.m., back in regular session at 8:03 p.m.

Treasurer Ralph Allison presented council with a copy of an ordinance to increase Municipal Service Fees from \$15.00 to \$20.00 per month. Mr. Allison stated if this ordinance is to be passed we need a first reading tonight and a public hearing before the August 1, 2000 council meeting. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO READ TITLE ONLY OF MUNICIPAL FEE INCREASE ORDINANCE. 00- AN ORDINANCE AMENDING PART SEVEN ARTICLE 741 MUNICIPAL SERVICE FEES.

COUNCILMAN JOE SAVILLA MOVED TO APPROVE ORDINANCE 00- MUNICIPAL FEE INCREASE ON FIRST READING. THE MOTION WAS SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Councilman David Miller said it should be explained why this increase is needed. Mayor Casto stated it was due to the failure of the Levy being passed. Councilman David Miller stated there is a possibility the increase could be removed once the new levy is in effect. A discussion followed.

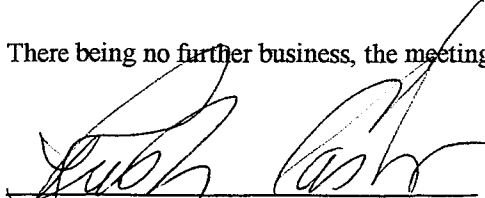
COUNCILMAN JOE SAVILLA MOVED TO SCHEDULE A PUBLIC HEARING AUGUST 1, 2000 AT 7:15 IN COUNCIL CHAMBERS. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

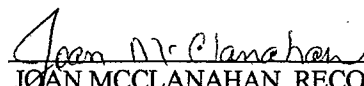
Mayor Casto reported he had a request to make Tidd Lane, located off of 40th Street Road, a city street.

COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO PUT "TIDD LANE " REQUEST IN PLANNING COMMISSION FOR CONSIDERATION AND BRING RECOMMENDATIONS BACK TO COUNCIL FOR APPROVAL. THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

COUNCILMAN JOE SAVILLA MOVED THAT THE MAYOR PREPARE A SHORT LIST OF FOUR OR FIVE NAMES OF ATTORNEYS TO BE CONSIDERED FOR FILLING VACANCY CREATED BY COUNSELOR PHIL GAUJOT'S RESIGNATION. THE MOTION WAS SECONDED BY COUNCILWOMAN BRENDA TYLER AND WAS CARRIED.

There being no further business, the meeting was adjourned.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER

## CITY OF NITRO COUNCIL MEETING MINUTES

JULY 18, 2000

Mayor Rusty Casto declared a quorum and called the council meeting to order at 7:30 p.m., Others present City Recorder Joan McClanahan, Treasurer, Ralph Allison, Council at Large, Brenda Tyler, Richard Savilla, Tim Sizemore, Councilmen David Miller, Bobby Smith and Harry Miller, III. Absent Councilman Joe Savilla.

**AGENDA ITEM NO. 1 INVOCATION:** Ivan Meadows

**AGENDA ITEM NO. 2 APPROVAL OF 7-11-00 MINUTES:** COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO APPROVE THE 7-11-00 MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

**AGENDA ITEM NO. 3 RECYCLING:** Mayor Casto yielded the floor to Public Works Director Alex Hill. Mr. Hill introduced Mr. Ken Rosier. Mr. Rosier representative of H&M Brown Enterprise, Kanawha City WV, Mr. Rosier presented Council with a copy of the proposed recycling plan and stated their company also owns Raleigh Junk, Krammer Iron & Steel and another company in Ohio. Mr. Rosier explained "2001 Grant Program" made available through the State. This grant is state funded and everything comes straight to the community for use in promoting recycling, educational recycling, procuring personnel, moneys for personnel, moneys for equipment needed. Also professional services can be obtained through this program. Approximately \$50,000 per year is available. This is a recurring program and can be applied for each year. The deadline for applying for this grant is July 31, 2000. Mr. Rosier stated he was not a grant writer. Mr. Rosier stated he is a Safety Health Environmental Director for H&M Brown. Mr. Rosier further briefed council on this program and a question and answer session followed. Recorder Joan McClanahan asked if the city has to provide the location. Mr. Rosier replied it may vary from city to city but Nitro's location is fine where it is. A discussion followed regarding personnel to maintain the recycling bin. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO AUTHORIZE MAYOR CASTO TO SIGN AND SUBMIT THE RECYCLING GRANT. THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

**AGENDA ITEM NO. 4 RALPH ALLISON:** Treasurer Ralph Allison presented council with a request for \$1800.00 for transportation of the canine unit. Councilman at Large Tim Sizemore requested Patrolman Oxley bring "Ricco" to the next council meeting to acquaint everyone with his capabilities. Also Chief Blankenship told council Judge Wood would like to be on the next agenda to speak with Council. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO APPROVE \$1000 TOWARD THE CANINE UNIT. THE MOTION WAS SECONDED BY COUNCILWOMAN BRENDA TYLER AND WAS CARRIED.

**AGENDA ITEM NO. 5 STREETS:** Mayor Casto asked if council had made a list of their priority streets needing to be paved. A discussion followed regarding streets that are in disrepair.

**MAYOR'S COMMENTS:**

Mayor Casto yielded the floor to Mr. & Mrs. Frazier, from Appalachian Software. Mr. Frazier gave a brief presentation of their services and asked council for consideration of their company when they need this type of service. Ralph Allison, Treasurer stated he will follow up on this matter.

Ivan Meadows reported the estimated count for the alumni reunion was 3500 people. Mr. Meadows stated there was probably 3000 people on the streets in Nitro Saturday. The Alumni Committee is requesting that Nitro have their "Homecoming" on the third Saturday of July every year.

Councilman at Large Tim Sizemore request a meeting to evaluate a future plan for the new council.

Councilwoman Brenda Tyler asked how the search for hiring an attorney was going. Mayor Casto asked Council if they wanted him to hire the Attorney or would they like to talk to the person and have some input in this decision.

Also Councilwoman Tyler stated she has had many calls regarding the guide lines for the pool, such as the dress code for the lifeguards and new rules for underage children without adult supervision. The lifeguards should not serve as babysitters. No action taken.

Recorder Joan McClanahan reminded council of the Public Hearing for the municipal service fee increase, prior to next council meeting.

Ivan Meadows requested the hours be cut at the pool due to lower attendance. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE HOURS AT THE POOLS BE CHANGED TO OPEN AT 12:00 AND CLOSE AT 6:00 P.M THROUGH JULY. THE MOTION WAS SECONDED BY COUNCILWOMAN BRENDA TYLER AND WAS CARRIED.

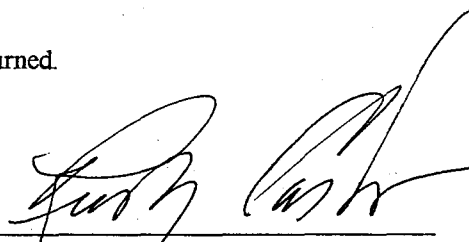
COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO ENTER EXECUTIVE SESSION AT 8:04 P.M. TO DISCUSS PERSONNEL MATTERS. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE.

Returned to regular session at 8:30 p.m.

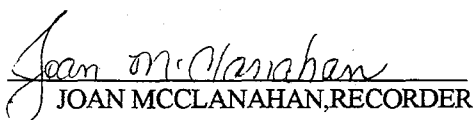
Mayor Casto announced a meeting with all City employees Friday 9:00 a.m. in Kathy Mattea Auditorium.

Treasurer Ralph Allison reported a new Police Cruiser was ordered and came in sooner then it was supposed to and we do not have the money at this time. However, Chief Blankenship has worked out a deal with Municipal League and Convest Leasing. Mr. Allison stated the city can get the car now and pay off Convest in October or November. COUNCILMAN AT DAVID MILLER MOVED TO APPROVE THE PURCHASE OF THE NEW POLICE CRUISER ON LEASE PURCHASE FROM CONVEST LEASING. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

There being no further business the meeting was adjourned.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

## CITY OF NITRO COUNCIL MEETING MINUTES

AUGUST 1, 2000

Mayor Rusty Casto declared a quorum and called the meeting to order at 7:30 p.m. Others present: Joan McClanahan City Recorder, Ralph Allison City Treasurer, Council at Large Brenda Tyler, Richard Savilla, Tim Sizemore, Councilmen Joe Savilla, David Miller, Bobby Smith and Harry Miller, III.

**AGENDA ITEM NO. 1 INVOCATION:** Joe Savilla

**AGENDA ITEM NO. 2 APPROVAL OF 7-18-00 MINUTES:** COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO APPROVE THE 7-18-00 MINUTES AS DISTRIBUTED. THE MOTION WAS SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

**AGENDA ITEM NO. 3 RICCO:** Patrolman Brian Oxley introduced his partner "Ricco" to council and the audience. Patrolman Oxley presented Council with copies of articles and booklets he uses in his visits to the schools and Dare Programs. Patrolman Oxley said Ricco is trained in protection, apprehension and narcotics. Patrolman Oxley further briefed Council on his qualifications.

**AGENDA ITEM NO. 4 ATTORNEY - APRIL BOUGHTON:** Mayor Casto introduced Attorney April Boughton and asked for a motion to appoint Ms. Boughton as City of Nitro Attorney. CITY RECORDER JOAN MCCLANAHAN MOVED TO APPROVE THE APPOINTMENT OF APRIL BOUGHTON AS ATTORNEY FOR THE CITY OF NITRO. THE MOTION WAS SECONDED BY COUNCILMAN JOE SAVILLA AND WAS CARRIED.

Mayor Casto furnished Council with a resolution from WV State Highway Department. Councilman David Miller read the resolution in its entirety. Mayor Casto said this basically transfers the up-keep of the streets Kapok, Walker & Lock (paving/snow removal) from the City to the State.

COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO APPROVE RESOLUTION 00-06 TO SWITCH MAINTENANCE OF NAMED STREETS FROM CITY TO STATE. THE MOTION WAS SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. (Copy attached)

**AGENDA ITEM NO. 5 JEFF WOOD, JUDGE:** NO REPORT

**AGENDA ITEM NO. 6 RALPH ALLISON:** Ralph Allison Treasurer stated we need to have the second reading of the Ordinance to increase the municipal service fee. COUNCILMAN JOE SAVILLA MOVED TO READ TITLE ONLY OF THE MUNICIPAL SERVICE FEE ORDINANCE. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. ORDINANCE 00-06, AN ORDINANCE AMENDING PART SEVEN ARTICLE 741 MUNICIPAL SERVICE FEES.

COUNCILMAN JOE SAVILLA MOVED TO ADOPT ORDINANCE 00-06, MUNICIPAL SERVICE FEES ON SECOND READING. THE MOTION WAS SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

**AGENDA ITEM NO. 7 SWIM PARTY (CITY EMPLOYEES):** Mayor Casto yielded the floor to Councilwoman Brenda Tyler. Ms. Tyler announced a swim party August 18, from 6:00 p.m. to 9:00 p.m. for all City employees and their families.

**AGENDA ITEM NO. 8 WARD COUNCIL:** Mayor Casto asked the Ward Councilmen for their priority of paving in their wards. Mayor Casto stated this is the time of the year to get money from the politicians.

Also Mayor Casto said the big weed eating machine from the State will be back in a week or so, if you have any weeds to be cut call Alex Hill to set-up the time.

**AGENDA ITEM NO. 9. MAYOR'S COMMENTS:**

Councilman Harry Miller, III stated he would like to suspend the "Employee Manual" due to some controversy and problems among employees.

COUNCILMAN HARRY MILLER, III MOVED TO SUSPEND THE CURRENT "EMPLOYEE MANUAL." THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

Also the Ward Councilmen mentioned their priority streets that need to be paved.

Councilmen at Large Tim Sizemore stated since there are two Fire Captains in the audience today I would like it to be noted in the minutes, why they take the truck with them when they go to lunch. It seems to be a whole lot more intelligent to take the vehicle with them in case of a call, then to come all the way back to the station to get the truck. Councilman Tim Sizemore said no one can tell them where to take their lunch, they can go anywhere they want to for lunch. They are not confined to the fire station.

Also, Councilman at Large Tim Sizemore asked Chief Blankenship what the speed limit is for 21st Street from Third Avenue to the Lake. Chief Blankenship stated it is 25mph. Councilman at Large Tim Sizemore replied it needs to be enforced and he said it is just like a race track.

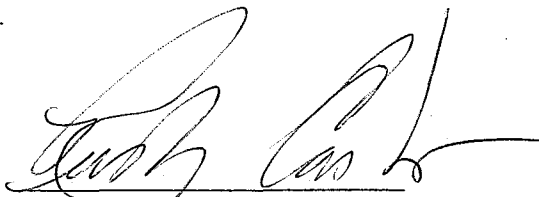
Councilwoman Brenda Tyler stated we need to work with the Fire Department on a problem at the end of 20th Street. When the Fire Department gets a call they just have to push their way through the light and She said, it is a dangerous situation, we need to get a system in place. A discussion followed.

Recorder Joan McClanahan thanked Brian Oxley for bringing "Ricco" and said, we will find a way to get you some donations for your program. Also Recorder McClanahan thanked the audience for the ones that came to be a part of the public hearing.

RECORDER JOAN MCCLANAHAN MOVED TO ENTER EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Entered executive session 8:15 resumed regular council meeting at 9:38.

There being no further business, the meeting was adjourned.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER

August 1, 2000

**PUBLIC HEARING**  
**CITY OF NITRO MUNICIPAL FEE**

Mayor Rusty Casto called the Public Meeting to order at 7:00 p.m. in Council Chambers. Others present: Cletus Buckland, Charles Williams, Earl Benton, Harry K. Miller, Jr., Harvey Collins, Perry Jones, Eve Frazier, Heather Meadows, Chief Gary Blankenship and Officer Joseph Savilla. Also in attendance, Joan McClanahan, Recorder, Ralph Allison, Treasurer, Councilmen at Large Tim Sizemore, Richard Savilla and Councilwoman Brenda Tyler. Councilmen David Miller, Harry Miller, III, Bobby Smith and Joe Savilla.

Mayor Casto stated this meeting was scheduled to discuss the \$5.00 increase in the municipal fee and yielded the floor to City Treasurer Ralph Allison. Mr. Allison stated the second reading of the ordinance to increase the municipal fee will be read tonight at Council Meeting. This Public Hearing is for public input regarding this matter. Also Mr. Allison reported the increase will generate approximately \$15,000 income per month. This fee will replace the levy income that was voted down. Mayor Casto stated the Levy was brought back up on the ballot at the City Election and passed two/one but will not go into effect until July 1, 2001. Mayor Casto said that is why he is supporting the increase. Councilman at Large Tim Sizemore asked if the \$15,000 would replace just a portion of the money lost through the failed levy.

Treasurer Ralph Allison stated that is correct, and this increase will replace a little more than one half of the loss. Treasurer Ralph Allison said by the levy being defeated, the citizens will receive a decrease in property tax, depending on the value of the house, it should be somewhere between \$40.00 and \$70.00 per year. The increase in the municipal fee will average about \$60.00 per year so this will be about even.

The floor was opened for public input and a discussion followed regarding past due accounts and how they are collected. Also extra charge for extra pickups, out of town drop-offs were addressed.

Mayor Casto reported a grant was signed today for a recycling program.

There being no further business, the meeting was adjourned.

Public Hearing - 8-1-00

Clute Buehler  
 Charles E. Williams  
 Carl Benton  
 Harry K. Miller Jr.  
 Harry H. Collins  
 Paul Jones  
 F. E. Frazier  
 Heather Meadows  
 Guy A. Thompson  
 J. J. A. S. La



City of Nitro....

A RESOLUTION OF COUNCIL RELINQUISHING THE MAINTENANCE AND UPKEEP OF THE STREETS SPECIFIED BELOW, LOCATED WITHIN THE CITY LIMITS OF NITRO, TO THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS.

Be it resolved, by the city council of Nitro, located within the counties of Kanawha and Putnam; that the city council of Nitro, West Virginia, upon recommendation of the mayor, does hereby relinquish the streets of Lock, Kapok and Walker--all located within the county of Kanawha, to the West Virginia Division of Transportation, Department of Highways, the maintenance and upkeep of said streets.

Description...

Lock Street.....	<u>1/4 mile</u>	25 mile.....	Curb to Curb
Kapok Street.....	<u>1/4 mile</u>	25 mile.....	Curb to Curb
Walker Street.....	<u>1/4 mile</u>	25 mile.....	Curb to Curb

(See Attached Documents)

The adoption of the resolution was made Richard Sav. 1/2  
and seconded by Harry Miller, and vote was as follows:

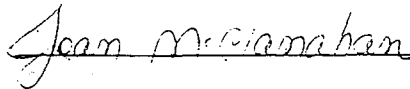
Joan McClanahan	<u>Yes Jm</u>
Tim Sizemore	<u>Yes TS</u>
Richard Savilla	<u>Yes RS</u>
Brenda Tyler	<u>Yes BT</u>
Joe Savilla	<u>Yes JS</u>
David Miller	<u>Yes DM</u>
Bob Smith	<u>Yes BS</u>
Harry Miller	<u>Yes HM</u>

Passed this 1st Day of August, in the year 2000 AD.

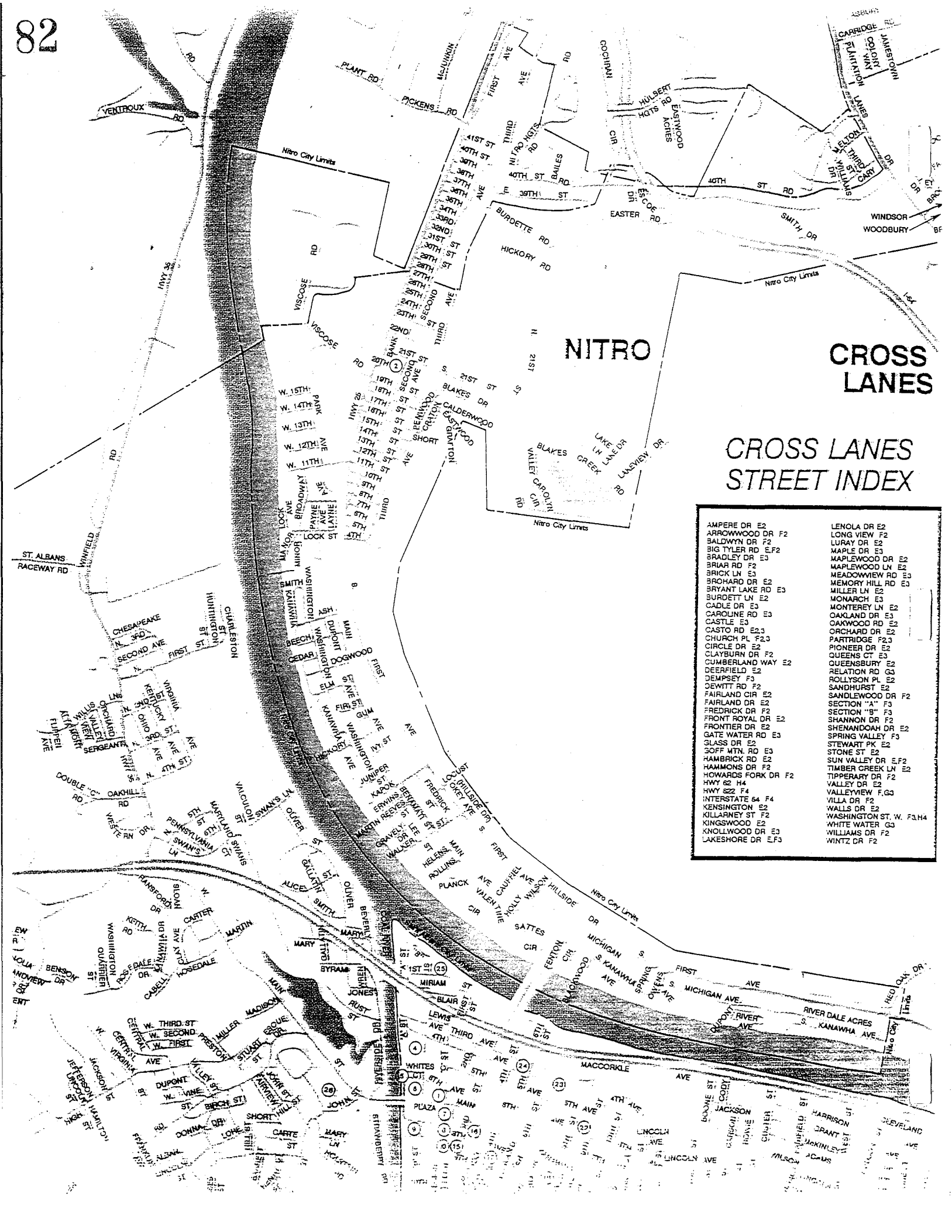
Whereupon, Mayor Rusty Casto, declared said resolution duly adopted and it is therefore adjudged and ordered that said resolution be, and the same hereby adopted as so stated above.



Rusty Casto, mayor



Joan McClanahan, city recorder



ORDINANCE 00-06

**ORDINANCE AMENDING PART SEVEN ARTICLE 741  
MUNICIPAL SERVICE FEES**

WHEREAS, the City of Nitro declares the necessity and convenience to increase the rate 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).

NOW THEREFORE, BE IT ORDAINED, that the City of Nitro hereby amends Part seven Article 741 titled "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 the rate of **Twenty Dollars (\$20.00)** per month for each single-family unit residence, per unit, and for each multiple-family dwelling or apartment house, per each residential unit of 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 **Twenty Dollars (\$20.00)** 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 business establishment requiring collection of garbage or refuse more frequently than once a week or having more than One Hundred (100) Pounds per week shall enter into a separate agreement with the City (**Board of Public Works Director**) and the fees for said collection shall be negotiated with the City. The minimum monthly charge of **\$20.00** is hereby levied and shall be collected against all business entities within the City whether said business entities use City services relative to garbage and refuse collection or contracts with others for the same service.

(b) The City Treasurer shall be charged with the duty of mailing a statement on a monthly basis to each residence and business to be charged with the municipal fee hereby imposed for the fee due for the preceding month, but failure to mail any statement for monthly charges shall not be grounds for avoiding payment. A statement shall be mailed by the Treasurer as least as frequently as once each month and any such statement may be consolidated by the Treasurer with statements for other municipal fees and services due from such person or business entity. If a monthly statement is mailed by the Treasurer, it may be mailed each month on a date selected by the Treasurer but the Treasurer shall render the

monthly billing to such person or business entity in a uniform manner so that each monthly bill is mailed at intervals of approximately thirty days.

(c) Subject to such reasonable regulations as may be promulgated by the City Treasurer and approved by City Council, the record owner of the property upon which a single-family residence or business is situate shall be presumed to be the user of municipal service rendered for the benefit of such property or business and the record the owner shall be liable to the City for such charges; the tenants or occupants of the business units or of the multi-business complex or residential units of a multi-family dwelling or apartment house shall be presumed to be the users of such municipal services and shall be liable to the City for such charges. However, in the event that a business unit or business unit of a multi-business complex or a residential unit of a multi-family dwelling or apartment house is temporarily unoccupied, then and in that event, the record owner of the property upon which such multi-business unit of multi-family dwelling or apartment house is situate shall be presumed to be the user of the municipal services provided to each such unoccupied unit and shall be liable to the City for such charges. Subject to such reasonable regulations as may be promulgated by the City Treasurer as aforesaid, the record owner of the property upon which such multi-business unit, multi-family dwelling of apartment house is situate shall be charged with the responsibility of collecting in advance the charge imposed by this section from the tenants or occupants of such business units, dwelling units or apartments and properly remitting same to the City Treasurer and shall be liable to the City in the amount of such charges for failure to do so or for failure to maintain adequate records from which such liability may be ascertained.

(d) When the aggregate gross income of all persons residing in a single family residential unit maintained and occupied by a resident of the City during the preceding calendar year of the City shall be less than **Sixteen Thousand Dollars (\$16,000.00)**, the rate to such residential unit during such fiscal year shall be reduced to **Ten Dollars (\$10.00)** per month, provided, that the resident who occupies such domestic establishment makes an application for such rate to the City Treasurer and files therewith an affidavit pertaining to the relevant facts. The rate and charge shall become effective retroactively to the first day of the calendar quarter in which such application is made and affidavit filed.

In the event any person making application for reduced charges shall submit any false, erroneous or untrue information relative to the eligibility or qualifications of the applicant for such reduced charges as set forth herein, any such person supplying such false, erroneous or untrue information shall be subject to a penalty equal to one hundred fifty percent (150%) of the prevailing rate then in effect.

(e) The City Treasurer is hereby authorized to adopt such rules and regulations as may be necessary for him to determine, and he shall determine, the classification of business, residences, multiple dwellings, business complexes, and other buildings and premises for the application of rates, fees and charges established by any schedule enacted by Council pursuant to this section; any person or business feeling aggrieved by the application of any such rule or regulation of the City Treasurer to any rate, fee or charge sought to be collected from it or him by the City Treasurer shall have the burden of proof to show that the City Treasurer's rule or regulation is erroneous.

(f) Council shall have the right to revise from time to time the schedule of rates, fees and charges enacted herein to so adjust the rates, fees and charges that costs will be distributed as equitably as possible among all businesses and residents of the City on the basis of benefit received. At no time, however, shall rates be continued which are disclosed to be producing less revenue that is required to meet all obligations and costs involved in rendering services to the public.

(g) All accounts shall be considered delinquent if not paid by the last day of each following month for which the service is rendered. All delinquent accounts are subject to stoppage of service with notice. Any billing unpaid by the last day of the following month for which the services were rendered shall, in addition, be charged a delinquent fee amounting to ten percent (10%) of the unpaid billing. After the delinquent fee has been assessed, the City shall notify the customer by letter and inform the customer of the amount owed; the failure to pay the amount in full within ten days will result in termination of service; and that amount will be collected through legal proceedings with the attorney fees of the City added thereto. The City shall have the power to waive any delinquency or interest charge, if in the City's discretion, such action is warranted.

Passed on First Reading on

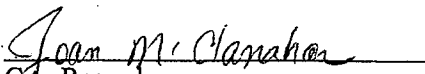
July 11, 2000

Adopted on Second Reading  
on the 1<sup>st</sup> day of August, 2000,  
after a public hearing held  
immediately prior to regular

August 1, 2000

Meeting of Council, on the  
1<sup>st</sup> day of August 2000.

  
\_\_\_\_\_  
Mayor

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

CITY OF NITRO  
COUNCIL MEETING MINUTES

AUGUST 15, 2000

Mayor Casto declared a quorum and called the Council Meeting to order in Council Chambers at 7:30 p.m. Present were Council at Large Tim Sizemore, Brenda Tyler, Richard Savilla, Councilmen A.A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present were City Attorney April Boughton and Treasurer Ralph Allison.

AGENDA ITEM NO. 1 - INVOCATION: - The invocation was given by Ivan Meadows.

AGENDA ITEM NO. 2 - APPROVAL OF 08-01-00 COUNCIL MEETING MINUTES:  
COUNCILMAN RICHARD SAVILLA MOVED THE COUNCIL MEETING MINUTES OF 8-01-00 BE APPROVED, SECONDED BY COUNCILMAN SMITH. A vote was taken and it carried.

AGENDA ITEM NO. 3 - APPROVAL OF 08-01-00 PUBLIC HEARING MINUTES:  
COUNCILMAN A. A. "JOE" SAVILLA MOVED THE PUBLIC HEARING OF 08-01-00 BE APPROVED AS WRITTEN. THE MOTION WAS SECONDED BY COUNCILMAN HARRY MILLER, II, AND WAS CARRIED.

AGENDA ITEM NO. 4 - RALPH ALLISON: - Mayor Casto yielded the floor to the City Treasurer. Mr. Allison said the Public Works Director approached him and requested the mechanic working on the cruisers be removed from his budget and put into the police department budget, due to call outs which causes overtime. CITY RECORDER JOAN MCCLANAHAN MOVED THE REQUEST BE APPROVED FOR BUDGET PURPOSES. MOTION SECONDED BY COUNCILMAN HARRY MILLER, II. VOTE TAKEN AND WAS CARRIED.

Members of Council were furnished a copy of a letter from Chief Blankenship concerning three police officers. When raises were given these three officers were in their probationary period and received \$.01 an hour raise, and when they finished their probationary period, they received \$.29 an hour making \$10.30 an hour. Chief Blankenship requested these 3 officers be increased up to \$10.75 an hour. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE REQUEST BE APPROVED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA. AFTER DISCUSSION, COUNCILWOMAN AT LARGE BRENDA TYLER STATED SHE COULDN'T JUSTIFY GIVING ANYONE AN INCREASE IN SALARY AS MONEY IS TOO TIGHT AT THIS TIME. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE MOTION BE TABLED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Mr. Allison asked Council for permission to get with the City Attorney and work up a suggested ordinance for Council to review concerning having the citizens of Nitro pay extra for anything over and above a certain number of garbage bags picked up per week. They would also address trash pickup. A committee chaired by Councilman A.A. "Joe" Savilla, consisting of Recorder Joan McClanahan, Councilman at Large Richard Savilla, Councilman Bob Smith, Treasurer Ralph Allison and A. J. Hill was formed.

AGENDA ITEM NO. 5 - APRIL BOUGHTON: - The City Attorney April Boughton reported on the lawsuit that was previously in the newspaper targeting Monsanto for the dioxin dumping in Putnam County. The City of Nitro was named as a defendant in this case as relates to the company utilizing the Heizer Creek Landfill. She contacted the Board of Risk for assistance in the defense of this lawsuit and is waiting for the determination.



Mayor Casto had a letter from Charles B. Boggs, Jr. requesting 1 97/100 A, Pt Lt 15, Area R, Nitro Tax Map 4, Parcel 20, 23rd St. which is a vacant lot, rezoned from B-2 to B-1. Also, a request from residents living adjacent to the unimproved street, known as Ivy Street that the street be declared as abandoned by the City of Nitro and ownership transferred to the property owners. These requests were referred to the Planning Commission. Requests attached.

AGENDA ITEM NO. 6 - ZONING BOARD OF APPEALS: - Mayor Casto said we have a vacancy on the Zoning Board of Appeals due to the death of Jim Arnold, and Brian Casto has agreed to serve on this board. COUNCILMAN AT LARGE TIM SIZEMORE MOVED BRIAN CASTO BE APPOINTED TO THE ZONING BOARD OF APPEALS. MOTION SECONDED BY A. A. "JOE" SAVILLA, AND WAS CARRIED.

AGENDA ITEM NO. 7 - DAVID MILLER, COUNCILMAN: - COUNCILMAN DAVID MILLER MOVED THAT THE CITY INSTIGATE A HIRING FREEZE AND A SPENDING FREEZE UNTIL WE ARE OUT OF THE SITUATION WE ARE IN NOW. THE SPENDING FREEZE WOULD BE FOR ALL NON-ESSENTIAL EXPENDITURES. THIS SHOULD GO BEFORE THE DEPARTMENT HEADS AND THE DEPARTMENT HEADS BRING THE REQUESTS BEFORE COUNCIL UNLESS IT IS AN EMERGENCY. THE MOTION WAS SECONDED BY COUNCILMAN TIM SIZEMORE, AND WAS CARRIED. Mr. Allison thanked Councilman Miller for this motion.

AGENDA ITEM NO. 8 - MAYOR'S COMMENTS: - Mayor Casto commented that Pastor Okey Harless and Kelly Frampton have been working extremely hard on the September 22, 2000 golf tournament. The proceeds will go toward the City Park playground.

Councilwoman at Large Brenda Tyler reminded city employees of the swimming party and cookout from 6:00 to 9:00 p.m. Friday. She said she had about 100 people registered.

A member of the Putnam County Development Authority passed out information regarding the developments during the past year and opened the floor for questions. Councilman A. A. "Joe" Savilla commended him on the accomplishments.

Councilman Harry Miller, III asked if everyone had a copy of the letter regarding residents of 27th Street, and Mayor Casto said this had been turned over to the Building Official Bob Sergent and it has been cleaned up.

Councilman David Miller said he wanted to thank everyone for the prayers for his Father.

Councilman A. A. "Joe" Savilla said he wanted to thank Council and the citizens of Nitro for bearing with us on what is going to be a very tough year.

Councilman at Large Tim Sizemore asked about basketball hoops on the street, which had been concreted in the ground. He was advised to take the complaints to the Building Official Bob Sergent.

After careful consideration of the finances of the City, COUNCILWOMAN BRENDA TYLER MOVED THAT WE TERMINATE 1 FULL TIME AND 1 PART TIME POSITION FROM THE CITY. THIS IS TO BE DONE AT THE DISCRETION OF THE CITY RECORDER. MOTION SECONDED BY HARRY MILLER, III. MOTION PASSED WITH COUNCILMAN AT LARGE RICHARD SAVILLA, COUNCILMAN A. A. "JOE" SAVILLA, AND DAVID MILLER ABSTAINING.

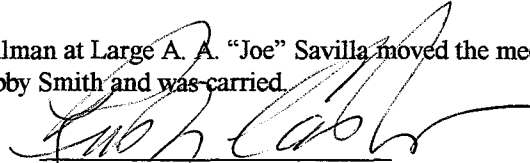
City Recorder Joan McClanahan ask for clarification of the above motion, and it was for her to eliminate 1 full time and 1 part time position, and she was to carry it out.

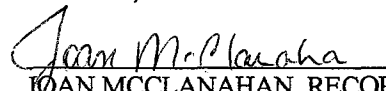
Recorder Joan McClanhan said she would like to thank the Nitro Woman's Club in advance for agreeing to purchase, plant and maintain flowers and shrubs in the fenced in area in front of City Hall.

Also, she said she would like to thank Mayor Casto for the repair of the lights illuminating the flags out front. We will try to have our fountain fixed in the spring. Councilman Richard Savilla asked to be informed of the cost, as he might be able to obtain some help.

Councilman at Large Tim Sizemore said when the plaques disappear off the front, don't be alarmed as he was having them removed, cleaned and refinished.

There being no further business, Councilman at Large A. A. "Joe" Savilla moved the meeting be adjourned. Motion seconded by Councilman Bobby Smith and was carried.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER

Boggs & Associates, Inc.

105 River Lane

Nitro, WV 25143

Bus: (304) 755-9559

Fax: (304) 755-8337

BoggsAsse@aol.com

July 26, 2000

Planning Commission

City Hall

Nitro, WV 25143

Attention: Margaret Hudson

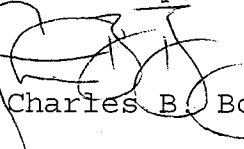
Dear Ms. Hudson:

REGARDING: 1 97/100A, Part Lot 15, Area R  
Nitro Tax Map 4, Parcel 20  
23rd Street - Vacant Lot

The zoning for the above listed parcel is currently B-2.  
I would like to have it reclassified as B-1.

Your consideration in the matter is appreciated.

Sincerely,



Charles B. Boggs, Jr.

The residents living adjacent to the unimproved street, known as Ivy Street, requests that the street be declared as "abandoned" by the City of Nitro and ownership transferred to the property owners along said street.

The subject property extends from Main Avenue to Kanawha Avenue, intersecting Dupont and Washington Avenues between the eight hundred (800) and nine hundred (900) blocks (reference attached drawing). The width of the property is approximately forty feet (40'). Each property owner would receive one-half, approximately twenty feet (20'), of said property, extending from the center point of Ivy Street and running the entire length of their current property lines.

The subject street has never been paved, it was created over fifty (50) years ago, nor have the property owners requested such. The property owners have always maintained the street in a neat and clean condition. They have tried to keep the street attractive by mowing the grass, cutting the weeds, picking up trash, filling mud holes and planting trees. In essence they have maintained the street as they have their own property, all without assistance from the city.

MAIN AVENUE

800 Block

DURONT AVENUE

800 Block

WASHINGTON AVENUE

800 Block

KANTAWHA AVENUE

IVY STREET

900 Block

900 Block

900 Block

# CITY OF NITRO

## COUNCIL MEETING MINUTES

SEPTEMBER 5, 2000

Mayor Rusty Casto declared a quorum and called the Council Meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Joan McClanahan, Council at Large Brenda Tyler, Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present were April Boughton, City Attorney and Treasurer Ralph Allison. Absent was Councilman at Large Richard Savilla.

AGENDA ITEM NO. 1 - INVOCATION: - The invocation was given by Councilwoman Brenda Tyler.

AGENDA ITEM NO. 2 - APPROVAL OF 8-15-00 COUNCIL MEETING MINUTES: - Councilman A. A. "Joe" Savilla moved the minutes be approved as written. The motion was seconded by Harry Miller, III. and was carried.

AGENDA ITEM NO. 3 - MERRILL MCELWAIN: - Mayor Casto yielded the floor to Councilman Harry Miller, III who introduced Merrill McElwain. Mr. McElwain said he came to Nitro High School in 1963 as Assistant Principal, but he wanted to be Principal at South Charleston Junior High. Mr. Levinstein told him that he couldn't be principal because he had to be an assistant principal first. Shortly after coming to Nitro, the principal of the junior high dropped dead and he was put in as principal. He reported Ray Arbogast taught him all he knew in three months. He said he was principal for 22 years, but the first eight were the best. Mr. McElwain said he was volunteering at Thomas Hospital to help to enlarge the emergency room which is a dire need. Mr. McElwain introduced Barry Kemerer, owner of Precision Pump and Valve to let him explain in detail.

Mr. Kemerer explained briefly what is going on at Thomas Hospital. He said he was serving as President of the Thomas Hospital Foundation Board of Directors and their job mission is to assist the hospital for needy families, scholarships and projects that are not normally funded out of the hospital budget. The Thomas Memorial Hospital Foundation is now involved in a community-wide effort to raise the \$3 million necessary to create a new Thomas Emergency Center as the facility is designed for 20,000 and they care for approximately 36,000. They have \$1.1 million already pledged from the Hospital Family (employees, medical staff, boards and volunteers). As of now, they have \$1.6 million in pledges. A packet from A Vital Partnership, Campaign for Thomas Emergency Center, was given to Council and a request was made that the City pledge \$25,000 to be paid over a three to five year period if necessary. Mr. Kemerer introduced Bob Gray, Vice President, from the hospital and Cecilia Wehrle, Executive Director of the Foundation. Councilman A. A. "Joe" Savilla explained we are financially strained at this time, but we may be in better shape next July. City Treasurer Ralph Allison commented we would take the request under consideration when preparing the budget next year.

AGENDA ITEM NO. 4 - APRIL BOUGHTON: - Mayor Casto yielded the floor to our City Attorney. Nothing new to report this evening.

Councilman David Miller got a copy of an ordinance from the City of Charleston on billing nonresident fire service, and changed the wording to Nitro and asked that the attorney take a look at the ordinance. April Boughton suggested when the City does establish new accounts with customers it would be a good practice to make copies of their first check to have on file.

AGENDA ITEM NO. 5 - JOAN MCCLANAHAN: - Mayor Casto yielded the floor to the City Recorder Joan McClanahan. She said there were several items previously discussed:

1. Raleigh Junk (Mud on roads) - The update on this matter is they are intending to pave the road before Fall.

2. Flooding - Another major concern we all hear about is the flooding, and proposed a committee be established consisting of Councilwoman at Large Brenda Tyler, Mayor Casto along with herself to try to get something started to eliminate or alleviate part of the flooding problems in town. They are multiple and we should let the citizens know we are attempting to get something done. CITY RECORDER JOAN MCCLANAHAN MOVED A COMMITTEE BE ESTABLISHED CONSISTING OF COUNCILWOMAN BRENDA TYLER, CHAIRPERSON ALONG WITH MAYOR CASTO AND RECORDER JOAN MCCLANAHAN TO LOOK INTO THE FLOODING PROBLEM AND BRING RECOMMENDATIONS BACK TO COUNCIL. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III. VOTE TAKEN AND IT WAS UNANIMOUS.

3. Planning Commission - Margaret Hudson, Chairperson of the Nitro Planning Commission reported they had a Public Hearing regarding the request to abandon a 5 foot wide, 112 foot long section of right-of-way north of Wilson Street. Ms Hudson said they did not have a quorum present at the Public Hearing and could not come to any decision. Since this time the request has been changed from abandonment to just giving them part of it. City Recorder Joan McClanahan suggested this be turned over to our City Attorney April Boughton for give her opinion to our Planning Commission Chairperson Margaret Hudson and then the Planning Commission report back to Council.

Councilman at Large Tim Sizemore furnished Council a letter regarding this request for abandonment and stated action should be taken on this. Councilman A. A. "Joc" Savilla suggested we sell them the property, and obtain an appraisal to see what this piece of property is worth.

CITY RECORDER JOAN MCCLANAHAN MOVED THE CITY ATTORNEY APRIL BOUGHTON LOOK IT OVER AND GET WITH MS HUDSON. SHE WILL STRONGLY SUGGEST THE PLANNING COMMISSION MAKE A DECISION AND HAVE IT BACK TO COUNCIL. MOTION SECONDED BY COUNCILMAN BOBBY SMITH, AND WAS CARRIED.

AGENDA ITEM NO. 6 - RALPH ALLISON: - Mayor Casto yielded the floor to the Treasurer Ralph Allison. Mr. Allison said he didn't have anything, but he passed out some information as a result of their meeting last week. Mr. Allison reported Mr. Montgomery had been through surgery also. Mayor Casto stated he would have mentioned him at the beginning of the meeting, but thought he had been on vacation.

AGENDA ITEM NO. 7 - 2001 CALENDAR BID: - COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE 2001 CALENDAR BID BE ADVERTISED TO BE OPENED THE FIRST MEETING IN OCTOBER. MOTION SECONDED BY HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 8 - GARBAGE CAN LINER BID: - COUNCILMAN A. A. "Joe" SAVILLA MOVED WE ADVERTISE FOR GARBAGE CAN LINERS. MOTION SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 9 - MAYOR'S COMMENTS: - Mayor Casto said he received a letter from KRT that Dr. Guy Cassell's term on the Board is expiring and Dr. Cassell would like to be reappointed. COUNCILMAN HARRY MILLER, III MOVED GUY CASSELL BE REAPPOINTED TO THE KRT BOARD. MOTION SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

Mayor Casto mentioned the Golf Tournament on September 22, 2000 at Big Bend starting at 8:00 a.m. with proceeds to go to our City Park Playground.

Councilman Harry Miller, III put a copy in Councils' packet of the Planning Committee Report of August 29, 2000. COUNCILMAN HARRY MILLER, III MOVED TO FORM AN ANNEXATION COMMITTEE CONSISTING OF COUNCILMAN AT LARGE TIM SIZEMORE, COUNCILMAN JOE SAVILLA, CHAIRED BY HIMSELF AND WOULD LIKE TO BE ABLE TO CALL ON ALL MEMBERS OF COUNCIL AND TREASURER RALPH ALLISON TO HELP AS NEEDED. MOTION SECONDED BY DAVID MILLER AND WAS CARRIED. MAYOR CASTO REQUESTED TO WORK ON THIS COMMITTEE.

Councilman Harry Miller said he received a complaint from a resident on Valentine Circle regarding heavy vegetation, cars and other junk behind Nitro Auto Repairs which is a breeding ground for mosquitoes. Mayor Casto said it was 1420 Main Avenue. Councilman Miller said they had 1 child that had contacted encephalitis possibly as a result of a mosquito bite. The residents are in touch with the Health Department, but we need to do whatever we can do. Mayor Casto responded they were up there last week and told the gentlemen the cars had to be removed. The State is supposed to bring down a big machine to clean the weeds and trees out. This should be resolved soon.

Councilman Harry Miller said the Putnam County Commission is considering closing their ambulance station in Poca and contracting with Duff Ambulance to run emergency calls. Councilman Harry Miller, III said his personal feeling is to try to get the Putnam County Commission to keep the Poca Ambulance station open. COUNCILMAN HARRY MILLER, III MOVED WE PASS A RESOLUTION, NOT ONLY TO KEEP THE POCA AMBULANCE STATION BUT ENHANCE IT. THE MOTION WAS SECONDED BY A. A. "JOE" SAVILLA, AND WAS CARRIED.

Councilman Harry Miller said we did not have a member on the KC Ambulance Authority, and he would be happy to serve. COUNCILMAN DAVID MILLER MOVED TO APPOINT HARRY MILLER, III TO THE KANAWHA COUNTY EMERGENCY AMBULANCE AUTHORITY. MOTION SECONDED BY A. A. "JOE" SAVILLA AND WAS CARRIED.

Councilman Bobby Smith asked about the abandonment on Ivy Street.

Councilman David Miller said he has received several complaints about weeds downtown, primarily below the post office, around 22nd Street, down the ramp and in the parking areas of downtown businesses. Mayor Casto said he would take care of this.

Councilman A. A. "Joe" Savilla mentioned the problem at Brookhaven. With all the runoff we have had, it has probably channeled out at the entrance to Brookhaven, and he is afraid we are going to have a major disaster.

Councilman A. A. "Joe" Savilla passed out a copy of a letter received from Jerie Whitehead from Brookhaven requesting a street light at the end of Rockledge Drive due to the visibility of the school bus picking up a child who is confined to a wheelchair.

Councilman Savilla said he would like to schedule a meeting Thursday evening at 4:00 p.m. with the Trash Pickup Committee (Joan McClanahan, Richard Savilla, Bob Smith, Ralph Allison and A. J. Hill).

Councilman Tim Sizemore said the basketball nets are going to have to be moved. It is his understanding that over the last 30 days, two of the portables were snagged by the garbage trucks and pulled down the street. Neighbors are complaining because they are playing ball until 1:00 a.m. The nets on the street should be moved and the portable ones moved off the street.

Councilman Sizemore asked when will the Finance Committee meet, and the Treasurer will get with him at the next council meeting.

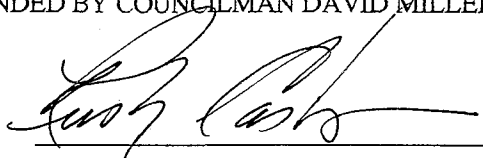
Councilwoman at Large Brenda Tyler - Nothing to report.



City Recorder Joan McClanahan said the rest room at Ridenour is nearly complete. Mayor Casto said they poured the floor this week, and that's when it takes off. Mr. Hill is looking for a volunteer block layer. The shelter rentals are almost booked solid up into cold weather.

Mayor Casto said we are working on getting another \$10,000 grant to put rock around the Lake. He said he thought they were going to give \$10,000 on our playground.

There being no further business, COUNCILMAN AT LARGE TIM SIZEMORE MOVED THE MEETING BE ADJOURNED. MOTION SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES

SEPTEMBER 19, 2000

Mayor Rusty Casto declared a quorum and called the meeting to order at 7:30 p.m. in Council Chambers. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Tim Sizemore, Councilmen David Miller, Bob Smith and Harry Miller, III. Also present were City Attorney April Boughton and Treasurer Ralph Allison. Absent was A.A. "Joe" Savilla.

AGENDA ITEM NO. 1 - INVOCATION: - The invocation was given by Ivan Meadows.

MAYOR CASTO ANNOUNCED JOHN MONTGOMERY AS SEPTEMBER CITIZEN OF THE MONTH. He was presented a certificate for a free dinner.

AGENDA ITEM NO. 2 - APPROVAL OF 09-05-00 MINUTES: - COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE MINUTES OF 9/5/00 BE APPROVED AS WRITTEN. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 3 - RES.00- RELINQUISHING 3RD AVE. TO STATE: - Mayor Casto said he received good news last week. Third Avenue from 21st Street to 40th Street will soon be taken over by the State. Mayor Casto yielded the floor to Councilman David Miller to read the resolution relinquishing the maintenance and upkeep of 3rd Avenue, from 21st Street to 40th Street to the WV Department of Transportation, Division of Highways. COUNCILMAN DAVID MILLER MOVED THE RESOLUTION BE ADOPTED. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. RESOLUTION 00-07 ATTACHED.

AGENDA ITEM NO. 4 - TRASH COMMITTEE MEETING REPORT: - In the absence of Councilman Joe Savilla, Mayor Casto yielded the floor to A. J. Hill. Mr. Hill said they were waiting on Councilman Savilla to obtain further information. City Recorder Joan McClanahan added this would need to be placed in an ordinance form before submitted to Council and Councilman Savilla could not be here tonight, but wanted to get everything together before submitting to Council.

AGENDA ITEM NO. 5 - FRANK DISNEY (BMX TRACK) - Mayor Casto yielded the floor to Frank Disney. Mr. Disney said he was interested in getting a BMX Track in Nitro. Members of Council were furnished a packet with an estimated budget and a preliminary construction outline. He mentioned the cost could be reduced through donations. He said they were looking at property between 2 and 3 acres for this project. He said the National Bicycle League provides insurance coverage to their members as shown in the brochure. Kanawha Stone said they would help with equipment and getting dirt. Other companies have said the same thing, and possibly we could get a grant. Mr. Disney asked consideration be given to the kids to get the property for this project.

AGENDA ITEM NO. 6 - CITY GOLF TOURNAMENT: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Mrs. Tyler said the golf tournament is scheduled for Friday, September 22, at Sandy Brae. Kelly Frampton is doing a good job organizing this tournament. As of today, there are 76 golfers but they have room for 6 more teams of 4. The proceeds from this tournament is going to the children's park. The Nitro Moose Lodge #565 made a very nice financial contribution and they will be providing the meal to the golfers Friday.

Mayor Casto passed around a preliminary sketch of a playground. for Councils' review.

AGENDA ITEM NO. 7 - PROCLAMATION - FIRE DEPARTMENT: - Mayor Casto yielded the floor to Councilman at Large Richard Savilla who read the proclamation. COUNCILMAN HARRY MILLER, II MOVED THE PROCLAMATION BE APPROVED PROCLAIMING OCTOBER 8 - 14 FIRE PREVENTION WEEK. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. PROCLAMATION ATTACHED.

AGENDA ITEM NO. 8 - POLICE DEPARTMENT GRANT: - Mayor Casto read the resolution authorizing him to enter into a contractual agreement with the Division of Criminal Justice Services Division to receive and administer grant funds pursuant to provisions of the Drug and Violent Crime Control Grant Program. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE RESOLUTION BE APPROVED. MOTION SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED. RESOLUTION 00-08 ATTACHED.

AGENDA ITEM NO. 9 - COMMITTEE REPORT ON FLOODING CONCERNS: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Mrs. Tyler said she would like to schedule and advertise a community information meeting prior to our next council meeting. She would invite the people in the flooding areas to come and let Council know of their problem. Also, she would welcome any ideas on how to eliminate the problem. A.J. took care of one problem in the 200 block of Main Street. (Put in a new 12" pipe and a new catch basin). We still have several areas in the city that are flooded when it rains, but Council needs input from the citizens to let them know where the flooding is, and what they suggest be done to eliminate the problem. Meeting scheduled Tuesday, October 3, 2000 at 7:00 p. m.

AGENDA ITEM NO. 10 - HOMECOMING PARADE PERMIT REQUEST: - Mayor Casto read a request from Nitro High School for a Homecoming Parade Friday, September 22, 2000. COUNCILMAN BOBBY SMITH MOVED REQUEST BE GRANTED. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 11 - RALPH ALLISON: - Mr. Allison requested a budget meeting (Finance Committee Meeting) to bring Council up-to-date on how we are doing so far this year and what he expects will happen through the calendar year. Meeting scheduled for Tuesday, September 26, 2000 at City Hall.

He reported as of this date, he has had two inquiries on the garbage bag bids.

AGENDA ITEM NO. 12 - PLANNING COMMITTEE APPOINTMENTS: - Mayor Casto requested we renew the appointment of the Planning Commission Members as follows: Dr. Charles Byrd 3 year term, Margaret Hudson, 3 year term, Kermit Thompson 3 year term, Jim Hutchinson - 2 year term, Guy Cassell, 1 year term and David Miller for a 1 year term. CITY RECORDER JOAN MCCLANAHAN MOVED THE REAPPOINTMENTS BE APPROVED. MOTION SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE. COUNCILMAN DAVID MILLER ASKED HIS NAME BE WITHDRAWN. A VOTE WAS TAKEN AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 13 - HALLOWEEN DATE: - Kanawha County Commissioners set Halloween trick-or-treat on October 31, from 6:00 p.m. to 7:30 p.m. CITY RECORDER JOAN MCCLANAHAN MOVED THIS DATE AND TIME BE SET FOR NITRO. MOTION SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

AGENDA ITEM NO. 14 - STREET DANCE: - Mayor Casto yielded the floor to the City Recorder Joan McClanahan. Mrs. McClanahan reported she attended a very informative meeting of the Nitro Business and Professional Association. She said they are a nice group of people and we need to work together. The local businesses are sponsoring a "Fall Fling" (street dance) Saturday, September 23, from 7:00 p.m. to 9:00 p.m. on 21st Street. She encouraged everyone to attend.

AGENDA ITEM NO. 15 - APRIL BOUGHTON: - Mayor Casto yielded the floor to the City Attorney April Boughton who said that the Treasurer Ralph Allison gave her information about delinquent municipal fees. She had a conference with a municipal court judge on various ways in handling this, and they both agreed that they will follow the examples set by some of the sister cities and start suing the non payers with Councils' permission. They will be sued in municipal court, and once judgment is rendered against them, we will execute a lien on their bank accounts for the amount due. She recommended the City Recorder Joan McClanahan work with the Court Clerk, Robin, to facilitate these lawsuits. April Boughton said she would draw up the necessary paper work, but the Court Clerk will do the bulk of the paper work once the forms are provided.

April Boughton said apparently there are some additional residences in the Blakes Creek area who requested to be annexed in. She advised we should consider that annexation temporarily closed because we can't be running back to the county commission every time someone wants in. Councilman at Large Tim Sizemore said he felt we should notify the three residents that want to come into the City, and advise them we will pursue their request in January, 2001, at which time we will request a change in boundaries again. However, we will pick up your garbage and trash. City Attorney April Boughton recommended this be referred to the Annexation Committee. City Recorder Joan McClanahan said they should not receive the services until they are annexed into the City. Mayor Casto commented he felt we should bring the new residents in on a calendar year. City Attorney April Boughton said there are two ways set up by law to do annexation, one is by election and one is by minor boundary adjustment. She said she feels the residents should work on our timetable. COUNCILMAN HARRY MILLER, III MOVED THIS ITEM BE TABLED. MOTION SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

April Boughton said there were requests for two street closings, Wilson and Ivy. She advised the City, by ordinance, decide to vacate, discontinue or close streets for public use. She said anytime we get a request like this, there should be street closing criteria. We should look to see if there is a unique circumstance or undue hardship that would justify the closing of such streets, such as poverty, low limited access or any other physical characteristics that justify the vacating of these street areas. Also, that there be mutual benefits for closing these streets to the City and adjacent property owners. If you get through these two criteria, then it would be worth looking at. The Planning Commission would be the appropriate place to look at this. (Potentially surveying the property and perhaps appraising it.) Come up with a reason for the closure and justification and look into any existing encroachments or right-of-ways that may exist that we are not aware of. Also look into if there are any other means other than vacating to come up with the desired results and a statement as to whether the proposed abandonment is part of a pattern of streets. She asked if we had more familiarity with these two particular streets that have already come before Council with these requests and maybe they are ready to move to the next step, the ordinance. If we are not ready for this, then she suggests the planning committee address this. City Attorney April Boughton suggested we go ahead and vacate these parcels. Selling is an option and we would think most logically the people that would buy these parcels would be the adjacent property owners. She said in reading the code, her first reaction was there must be a public hearing and a public auction, which would mean anyone could buy these parcels. She said she needed to research this further.

Mayor Casto announced that sometime in late September or early October on a Thursday afternoon, the St. Albans Bridge underpass study will present a very preliminary work session. They have designed a traffic study at the current location of the bridge, and one a mile in either direction with the pros and cons of each. The meeting will be advertised in the paper. The bridge will be four-lanes, with a sidewalk and a middle lane. He said it will probably be three times the size of the existing one.

COUNCILMAN DAVID MILLER said they drafted a letter to the Putnam County Commission, but they wanted to reword a couple things and then submit it.

Mayor Casto said from reading the Charleston Gazette Newspaper and talking with the Kanawha County Commission, they would like to join forces with the Putnam County and Kanawha County

Ambulance Service. He commented Nitro would be most affected by what goes on with the Putnam and Kanawha County Ambulance Service than any city around.

Councilman Harry Miller, III, representative of the Kanawha County Ambulance Authority, said he had his own opinion but invited Council for their direction in this matter. He is attending a Board Meeting, September 29, and will report back to Council.

Councilman at Large Tim Sizemore informed that at Court Monday night, the Judge told the people with carports they had 15 days to obtain a building permit and they would have to take this matter to the building inspector. He said you can't keep throwing this stuff back and forth to the boards. These people own property and live in the City and they expect some sort of answer. The citizens deserve an answer.

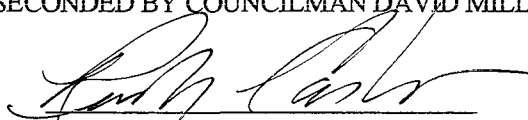
City Attorney April Boughton said basketball nets were brought up at the last meeting and that they were in the way and a nuisance, the City has the authority to say "get that out of here". There is an ordinance on the books, and basically they are in violation of this ordinance.

City Recorder Joan McClanahan said the members of the Woman's Club were planting flowers in front of City Hall this evening and she wanted to publicly say "Thank You to the Womans Club".

Mayor Casto said Thanks to Harvey Collins we have a light in front of City Hall.

Mayor Casto said he had been taking care of the area at Plant Road and asked Mr. McKinney to bring it up at a Board Meeting and the CBA picked up the cost of the beautification in this area.

There being no further business, COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE MEETING BE ADJOURNED. MOTION SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER

## CITY OF NITRO

A RESOLUTION OF THE CITY COUNCIL OF NITRO, WEST VIRGINIA RELINQUISHING THE MAINTENANCE AND UPKEEP OF 3<sup>RD</sup> AVENUE FROM 21<sup>ST</sup> STREET TO 40<sup>TH</sup> STREET, A STREET LOCATED IN THE CORPORATE BOUNDARIES OF THE CITY.

BE IT RESOLVED BY THE CITY COUNCIL OF NITRO, WEST VIRGINIA UPON RECOMMENDATION BY THE MAYOR OF THE CITY, RUSTY CASTO;

HEREBY RELINQUISHES TO THE STATE, THE MAINTENANCE AND UPKEEP OF 3<sup>RD</sup> AVENUE, FROM 21<sup>ST</sup> STREET TO 40<sup>TH</sup> STREET, A DISTANCE OF 1.2 MILES, TO THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS.

## Description

3 <sup>rd</sup> Avenue	1.2 miles	RW width-Curb to Curb
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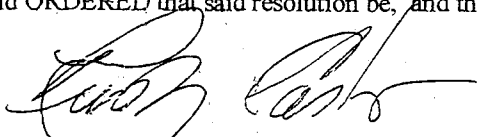
The adoption of the resolution was made by David Miller and seconded by Joe Savilla.

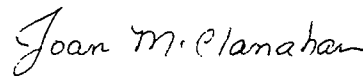
The vote was taken and passed by a vote of 8 votes in the aye and no votes in the negative.

Joan McClanahan.....	yes
Richard Savilla.....	yes
Tim Sizemore.....	yes
Brenda Tyler.....	yes
Joe Savilla.....	yes
David Miller.....	yes
Bob Smith.....	yes
Harry Miller.....	yes

Passed this 19<sup>th</sup> day of September, 2000.

Whereupon, Mayor Rusty Casto, has declared the resolution duly adopted and is therefore ADJUDGED and ORDERED that said resolution be, and the same is hereby adopted and so stated above.

  
Rusty Casto, mayor

  
Joan McClanahan, recorder

# Nitro Fire Department

P.O. Box 308  
NITRO, WEST VIRGINIA 25143

- Whereas Smoke and poisonous gases are the leading cause of death in fires, and can kill a person long before the flames will; and
- Whereas Underestimating the power of fire and the time it takes to escape a home fire put people at severe to fire death and injury; and
- Whereas Developing a home fire escape plan and practicing it at least twice a year are critical to escaping a fire safely; and
- Whereas A complete home escape plan includes everyone in the household knowing two ways out of each room, having an outdoor location where everyone will meet upon exiting the home, and memorizing the local fire department's emergency telephone number; and
- Whereas The Fire Prevention Week 2000 theme --"Fire Drills: The Great Escape!"-- emphasizes the importance of not only having a home escape plan but physically practicing it regularly; and
- Whereas NFPA, the official sponsor of Fire Prevention Week, has documented nearly 60 lives saved as a direct result of families' participating in "The Great Escape" over the past two years; and
- Whereas The fire service of Nitro is dedicated to the safety of life and property from the devastating effects of fire; and
- Whereas The members of the fire service are joined by other concerned citizens of Nitro, as well as other emergency service providers and safety advocates, businesses, schools, service clubs and organizations in their fire safety efforts;

I Rusty Casto, Mayor of Nitro, do hereby proclaim the week of October 8-14, 2000, as Fire Prevention Week. This week commemorates the Great Chicago Fire of 1871, which Killed more than 250 persons, left 100,000 homeless and destroyed more than 17,400 Buildings. For nearly 80 years since then, NFPA has successfully joined North American Fire departments each year during Fire Prevention Week in a shared mission of making the public safer from fire.

I call upon the people of Nitro to participate in fire prevention activities at home, work, and school, and to execute "The Great Escape" to ensure their safety of their families in the event of a fire.

In witness hereof, I hereunto set my hand this Third day of October, the year of two-thousand.

Mayor, Rusty Casto.

RESOLUTION 00-08

**RESOLUTION**

The **City Council** of the **City of Nitro** met on Sept. 19, 2000 (date)  
with a quorum present and passed the following resolution.

Be it resolved that the **City Council** hereby authorizes **Rusty Casto, Mayor** of  
the **City of Nitro**, to act on its behalf to enter into a contractual agreement with the  
Division of Criminal Justice Services Division to receive and administer grant funds  
pursuant to provisions of the Drug and Violent Crime Control Grant Program.

Signed: .

Joan C. McManahan  
City Clerk



CITY OF NITRO  
COUNCIL MEETING MINUTES

OCTOBER 3, 2000

The Council Meeting was called to order by Mayor Rusty Casto in Council Chambers at 7:30 p.m. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Richard Savilla, Councilmen A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present City Treasurer Ralph Allison. Absent were Councilman at Large Tim Sizemore and City Attorney April Boughton.

Invocation given by Ivan Meadows.

AGENDA ITEM NO. 1 - APPROVAL OF 9/19/00 MEETING MINUTES: - COUNCILMAN HARRY MILLER, III, MOVED FOR THE APPROVAL OF THE 9/19/00 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN BOB SMITH AND WAS CARRIED.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman at Large Brenda Tyler said with pleasure that she would like to introduce Kelly Frampton. KELLY is the "OCTOBER CITIZEN OF THE MONTH". She ran the golf tournament and has a marvelous report to give to us, and on behalf of all the citizens of Nitro thanked her.

AGENDA ITEM NO. 3 - GOLF TOURNAMENT REPORT: - Mayor Casto yielded the floor to Kelly Frampton. Mrs. Frampton reported they had 84 golfers in the tournament held on September 22, at Sandy Brae Golf Course. The weather was fabulous, and they brought in \$4,838.00. Included in this amount was \$1,000.00 donated by the Nitro Moose Lodge. They didn't have a lot of community support but they had individuals within the community helping. After expenses of \$2,200.54 it leaves a grand total of \$2,637.36. She was complimented on doing a great job. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED KELLY FRAMPTON BE GIVEN THE JOB OF RUNNING THE TOURNAMENT NEXT YEAR AND ALSO MAKE HER CHAIRPERSON OF THE PLAYGROUND COMMITTEE. MOTION SECONDED BY HARRY MILLER, III AND WAS CARRIED.

Kelly Frampton said that Ivan Meadows and Danny Hill helped that day, and did a great job.

AGENDA ITEM NO. 4 - BID OPENING - CALENDAR: - No bids received. COUNCILMAN JOE SAVILLA MOVED TO TABLE. MOTION SECONDED BY COUNCILMAN BOB SMITH, AND WAS CARRIED.

AGENDA ITEM NO. 5 - GARBAGE BAGS: - Mr. Montgomery opened the garbage can liner bids. Mr. Montgomery informed we received two separate bids from M&P Industries. Mr. Spencer explained that one bid meets the specifications and the other is one that the company sent us which did not meet specs. Since he did not know if we would require the specifications as stated or as the ones the city used last year. The one bid was for the 30 x 36 star sealed bottom, 3,200 cases at \$7.10 per case for \$22,720.00. The other is for 30 x 36 non gussted flat square sealed bottom, 100 bags per case, 3,200 cases at \$7.43 per case amounting to \$23,776.00. We have a bid from Central Poly Corporation from New Jersey 30 x 36" 1.7 mil flat square sealed bottom for 3,200 cases at \$5.40 per case - \$17,280.00. They also have another which is a thinner bag apparently, 55 cases at \$6.10 a case or \$396.50. Also a third bidder All American Poly for \$5.90 per case on 30" x 36" size. No total amount included with this bid. Also, 2" x 31" 4 mil at \$9.73 per case. COUNCILMAN A. A. "Joe" SAVILLA MOVED WE TABLE THIS

AGENDA ITEM. MOTION SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

AGENDA ITEM NO. 6 - PLANNING COMMISSION APPOINTMENTS: - Mayor Casto informed we have vacancies on the Planning Commission and suggested the appointment of Councilman Bob Smith, Lonnie Blaylock and Diane Painter. COUNCILMAN HARRY MILLER, III MOVED FOR THE APPOINTMENT OF COUNCILMAN BOB SMITH, LONNIE BLAYLOCK AND DIANA PAINTER TO THE PLANNING COMMISSION. MOTION WAS SECONDED BY A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 7 - PROCLAMATION: - Mayor Casto yielded the floor to City Recorder Joan McClanahan, who read the proclamation and moved for the adoption. Motion seconded by Councilman Harry Miller, III and was carried. (PROCLAMATION ATTACHED)

AGENDA ITEM NO. 8 - RALPH ALLISON: - Mayor Casto yielded the floor to City Treasurer Ralph Allison. Mr. Allison explained that with the defeat of the excess levy, we are doing without \$330,000 worth of income. On top of that, as probably they read in the newspaper, the commerce tax collections are not coming in as they have in prior years. So in order to prevent a deficit at year end, the Financial Committee, after several meeting suggest the following:

Eliminate the purchase of garbage bags at this time. He pointed out that the low bidder this year is the same low bidder last year and we received a lot of complaints and trouble with these bags.

Also, since we asked the citizens of Nitro to help in this by increasing the municipal service fee and taking away garbage bags, the Finance Committee feels the City should participate also. So, consequently the Finance Committee is asking for a \$62,000 reduction in the yearly payroll and employee benefits. Also, that each employee be charged \$12.50 each payday for their hospitalization insurance.

Councilman A. A. "Joe" Savilla explained they had agonized over this for several meetings and none of the things they came up with has been easy for this Council, but he feels they have no choice but to eliminate positions, charge each employee \$12.50 per paycheck, and eliminate the purchase of garbage bags. COUNCILMAN A. A. 'JOE' SAVILLA MOVED FOR THE APPROVAL OF THE RECOMMENDATIONS OF THE FINANCE COMMITTEE. MOTION WAS SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Alex Hill asked where would the cuts be made, and Mayor Casto repoded he would get with City Treasurer Ralph Allison and they will go over the \$60,000, and payroll cuts must be made. Mayor Casto said he would speak with the supervisors. The final decision will be made by the Mayor.

AGENDA ITEM NO. 9 - MAYOR'S COMMENTS: - Mayor Casto had a letter from the Salvation Army requesting kettles be placed in front of businesses from November 13, through December 24, 2000. COUNCILMAN HARRY MILLER, III MOVED PERMISSION BE GRANTED. MOTION SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

Councilman Harry Miller, III said the letter to the Putnam County Planning Commission had been approved by our attorney and he asked Council to sign so that he could get it in the mail.

Councilman Bob Smith asked about the abandonment of the property previously discussed. Mayor Casto said they had lines marked. Councilman Smith said if lines had to go through it, they would take their fence down. He said everyone in his area had agreed to this. Mayor Casto said he would have April Boughton prepare the papers and they would vote on it at the next meeting.

Councilman A. A. "Joe" Savilla said he wanted to reiterate on how tough the meeting was for the Finance Committee (all members of Council), and they feel badly on what has to be done to cut expenses.

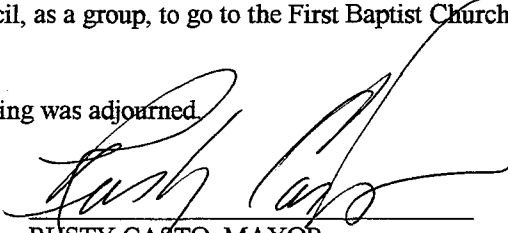
Brenda Tyler said she would like to recognize Mr. Mike Clifford who was at the meeting. He is a candidate for Prosecuting Attorney.

Mr. Mike Clifford said he came to Nitro tonight to thank the citizens of Nitro for their support in the Primary Election in May, and to introduce himself to the members of Council. He said in all the counties he has been, they are in the same situation as Nitro.

City Recorder Joan McClanahan said she was so sorry that they had to affect so many people in such an unfortunate way, and sincerely hopes with all her heart that before very long we will be on an upswing.

Mayor Casto said they were asking Council, as a group, to go to the First Baptist Church to the wake of Isaac "Jumbo" Hall.

There being no further business, the meeting was adjourned.

  
RUSTY CASTO, MAYOR  
JOAN MCCLANAHAN, RECORDER

# Proclamation

## For Alpha Delta Kappa Month

WHEREAS,

women in education constitute a great portion of the nation's working force and are constantly striving to serve their communities and nations in educational, civic, cultural, and charitable programs leading to harmony, happiness, and peace among all people, and....

WHEREAS,

major goals of Alpha Delta Kappa, International Honorary Sorority for Women Educators, are:

- \* to give recognition to outstanding educators
- \* to build a fraternal fellowship among educators adding to their effectiveness in the promoting of excellence in education
- \* to establish high standards of education
- \* to promote educational and charitable projects and activities enriching the lives of individuals everywhere and assisting these individuals into a happy, constructive, fulfilling life.

Therefore, I, \_\_\_\_\_ (Mayor)

City of \_\_\_\_\_ State of \_\_\_\_\_

by the authority vested in me do hereby proclaim the month of October as .....

"INTERNATIONAL ALPHA DELTA KAPPA MONTH"

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of this City of \_\_\_\_\_ to be affixed this the 1st day of October, 2000.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

## CITY OF NITRO

## EMERGENCY MEETING - CITY COUNCIL

OCTOBER 10, 2000

Mayor Casto called the meeting to order in Council Chambers at 7:00 p.m. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Robert Smith and Harry Miller, III. Absent was Councilman at Large Rich Savilla.

Mayor Casto explained the purpose of this meeting was to discuss the proposal from the Kanawha County Commission to switch to 911 per letter of October 4, 2000. Copy Attached. Mayor Casto and Councilman at Large Tim Sizemore attended a 911 executive committee meeting where the city was offered the following:

1. The County will hire the current dispatchers and move them to the 911 center in Charleston. The county would absorb the cost some \$100,000 currently being spent by the city. The County would not charge for services, and would be able to switch to 911 immediately. Mayor Casto and one more person would be offered a seat on the board.

Mayor Casto introduced Mr. Steve Sluss, Kanawha County Manager for the Kanawha County Commission, who introduced Denise Barker, Operations Supervisor from Metro 911, also Mr. Savage who works for 911 and Blaine Means, a resident of Nitro, who will be liaison between the City of Nitro and Metro 911 and will be assigned personally to oversee the transition. Mr. Sluss opened the floor for questions.

Councilman Tim Sizemore asked if the portion of 911 in Putnam County could be switched and was told it could; it is not a problem.

City Treasurer Ralph Allison asked if he understood it correctly that the City would not be charged a fee, and Mr. Sluss said the citizens of Nitro are already paying the 911 fee through their telephone bill, and the City is entitled to be a part of it. There will not be any additional charge to the City of Nitro for this.

City Recorder Joan McClanahan asked if there would be an annual fee, start-up fee or hidden cost, and Mr. Sluss responded there would not be, just the fee that is currently on the telephone bill.

Councilman Joe Savilla questioned the ones involved in Metro 911 now, and was told they currently handle dispatch for the City of Charleston which included the police, fire and ambulance and also they handle all of Kanawha County as well as eastern municipal police departments such as Chesapeake, Marmet and Clendenin, 9 total.

Councilwoman at Large Brenda Tyler questioned if she understood correctly that the Putnam County end of the City would be brought into 911 if Nitro decides to accept the offer to go with 911, and was told that it would.

Councilman Harry Miller, III asked if the police and fire would be currently dispatched on the frequency they are currently using, and was told they would like to have Nitro's dispatchers dispatch Nitro Police Department on their frequency at a separate radio position in Metro. The Fire Department, they would like to incorporate the frequency on the Kanawha County Fire Department radio and have it dispatched from there. It would not be a separate radio position, it would be on the Kanawha County Volunteer Fire Department, City of Charleston radio position.

City Recorder Joan McClanahan asked if the position mentioned in the letter from Mr. Carper would be temporary or permanent. Mr. Sluss answered they are planning on hiring the four dispatchers Nitro currently has.

Mayor Casto said it was his understanding the dispatchers would be temporarily assigned to Nitro, and then be absorbed into the Nitro system. Councilman at Large Tim Sizemore said that this was his understanding. It could be 4 months, 6 months or depending on how long it took. He said he didn't understand what was meant by how long it took.

Mr. Sluss said there would be a dispatcher dedicated to Nitro until such time as they get trained with the system, and everything gets to working smoothly, not only for the Nitro Fire Department and Police Department, but also ambulance. Once the period is over, all dispatchers, as the calls come in, will handle Nitro. There will not be any interruption in services. It will be done when both agencies get familiar with the system.

City Recorder Joan McClanahan asked if the calls were given as "stacked" calls. She said it was explained that a dispatcher would determine the priority and then it would be stacked. Mr. Sluss answered that if someone called 911 and say it is a shooting call, they put it in the system as a complaint call. This is what prioritizes that call, and that is considered a priority one. Dispatchers do not decide what priority it is. He said they do not hold calls. For example for the Charleston Police Department or Sheriff's Department, if they get a call in an area where that particular cruiser that it assigned to that area is busy, they refer this to the shift commander. They can also refer to Nitro's policies and procedures. This is what they do. The agencies tell them how they want it. City Recorder Joan McClanahan said we are responsible for our Nitro citizens, and another concern she heard that is if Charleston would have a big armed robbery, and there would be a call from Nitro, that this would be put on the back burner until Charleston was clear. He answered they could not do that. They owe it to all citizens the same thing.

Councilwoman at Large Brenda Tyler asked if Nitro would encounter any delays in dispatching a call. Now they call to the police department when they have a call, and usually our fire department is first on the scene, then the ambulance will arrive a short time later. Would this be an immediate call to the City of Nitro. Mr. Sluss said if they get a call from a person in Nitro that their house is on fire, they would immediately type in the call and the computer sends it to the fire dispatch. It's going to be dispatched along with other calls they have in the City of Charleston as well as the Kanawha County calls.

Councilman Bob Smith questioned that if a citizen called in now on 911 regarding a fire, what would happen? Mr. Sluss said they ask the person to stay on the telephone and then they transfer that call to Nitro communications. Councilman Smith asked if you dial 911 and they don't answer, and we don't have a dispatcher in Nitro, who do we call. He said his wife had a severe stroke and he called 911 and it rang 12 times and no answer. He called the police department and they answered on the first ring, 2 minutes later the fire truck pulled in front of his house. Mr. Sluss asked where the 911 rang in to, and it was determined it rang into Putnam County. Another citizen said their call goes into Kanawha County 911, and they had the same problem. Mr. Sluss said below 27th Street the calls ring into Putnam County. However, the telephone company can route your 911 call to Kanawha County 911. Mr. Sluss said he had been with Metro 911 fourteen years and the only time that he knew the phones went unanswered was when the helicopter crashed, and they had 400 calls in less than an hour.

Councilman Joe Savilla said Council and the citizens are concerned. We are a two county city, as part of the city is in Kanawha and the other Putnam. We have a system that is working quite well for us, and they have been doing a good job for the citizens of Nitro many years. We talked about this in the finance committee the other night, and we appreciate Mr. Carper's offer. He said they wanted to save the citizens of Nitro money, but without sacrificing anyone's health or safety. He said they appreciate the representatives from Metro 911 coming tonight.

Mr. Sluss answered that they share those concerns, because they are responsible for a large number of citizens from Kanawha County as well. They were not here to force 911 on Nitro but they made the offer and they are here to answer any questions. They will abide by Councils' decision.

Councilman Harry Miller, III said he appreciates Mr. Sluss and his representatives coming down tonight, and is very appreciative of the offer from Mr. Carper. He said we wouldn't be able to decide tonight, and feels we should defer the decision.

Councilman David Miller said we tried this in 1997 and there were problems. He didn't know if the cards were stacked against them at that time. There were slow responses and wrong addresses. There are a lot of questions the citizens have and didn't feel we should rush on it. When we first met, we said we would get input from the police and fire department, and we don't have that input yet.

Mayor Casto said he was told the letter was coming to him last Thursday, and he received it Friday, and he immediately notified Council. He said we say we are concerned about the health and safety of the citizens of Nitro, and believes Metro 911 is a better system. He said he wasn't trying to run this down their throat, but believes it is a better system.

Councilman Joe Savilla said the citizens are concerned because this is the largest crowd we have had in council chambers since they took office in July. He said they want to do what is right, and probably someday we may need to be in a 911 system. We want everyone to get together on this, the fire department, police department and ambulance to study this on how it will work for Nitro.

Councilman David Miller and Councilwoman at Large Brenda Tyler said they didn't think anyone was opposed to this, but there are a lot of unanswered questions.

Councilwoman at Large Brenda Tyler said she wanted to get input from the citizens and the concerns are with the police department. She said she hasn't had time to gather any input from our citizens or police department. She feels 911 is a very good system. Most people, when you have an emergency, you dial 911 and children are taught. We do not teach our children to dial a different number. She feels she will support the 911, but has a lot of questions that has to be answered before she could make a decision at this time.

Mayor Casto explained that the citizens are paying for 911 and also for the city to have a dispatch center, and if we go to 911, the city would save roughly \$100,000. a year.

Sherri Sutherland asked if her husband had a heart attack, would she have assistance in less than three minutes as she has now.

Blaine Means responded she would probably receive a faster response. As explained to the Mayor this afternoon, he said during baseball season he was at the ballpark and an ambulance is dispatched and went out Plant Road making a right hand turn on Rt. 25, and three minutes later the fire truck comes off the hill. Mr. Means told her she would be eliminating the one step. When a Nitro resident dials 911, the call goes to Charleston's metro center and is then transferred back to Nitro's center. Under the proposed merger, Nitro's calls would go directly into the Metro 911 center and Nitro police or fire would be dispatched.

Mr. Montgomery asked if Nitro's equipment would be used at the Metro Center, and was told that it would stay in Nitro. Also, he questioned if we could have a trial basis of several months to see what happens, and Mr. Sluss answered that this would not be a problem.

Robin Smith asked if there was anyway Metro 911 could go back and look at what their response time in receiving a call and call being dispatched, such as on a domestic, fire calls. Mr. Sluss said he

would be happy to do this. Mrs. Smith said this might give us a better idea on what to look forward to and what is actually going on.

There was a question as to how many agencies is one dispatcher handling at the same time. Mr. Sluss answered there would be three frequencies which would be Nitro, Charleston fire and Kanawha County fire. There is a relief operator in the event of a possible fire in the county and Charleston, which would take over.

Question as to how many agencies would be on the police radio, and Mr. Sluss said to his knowledge it would be strictly Nitro PD at least during the transitional phase.

Mr. Sluss said the way it will be set up initially is that we will have Nitro dispatchers dispatching Nitro police, and as far as he knows this would be a permanent thing. Nitro's frequency would not be changed.

Nitro's dispatchers must be APCO certified, and if their teletype certification has expired, they will get have to get them recertified. They will have to put them through a computer class so they can learn to use Metro 911 system. Also, they have to familiarize them with the phone system, and cross train them to learn how to take 911 calls.

In answer to the response time for Putnam County residents, Mr. Sluss informed that if Nitro decides to go with Metro 911 and they decide they want the entire city incorporated into, then it would be a matter of getting the telephone numbers transferred over or routed so that they call Metro 911, and they will dispatch as quickly as if they were in Kanawha County.

Councilman at Large Tim Sizemore suggested we schedule a public hearing on this matter. COUNCILMAN JOE SAVILLA MOVED FOR A PUBLIC HEARING ON OCTOBER 24, 200 AT 7:00 P.M. AND ALSO SCHEDULE A MEETING WITH THE POLICE AND FIRE DEPARTMENT, DISPATCHERS TO DISCUSS THIS. COUNCILMAN DAVID MILLER SECONDED THE MOTION AND WAS CARRIED.

Councilwoman at Large Brenda Tyler said she would like for Council to have some time with the department heads (the fire and police departments) and talk with them and get their input, but not in a public meeting.

Mayor Casto said at the time Metro 911 will hire Nitro's dispatchers, but if St. Albans or South Charleston would decide to join before Nitro, then the offer would be made to their dispatchers and our's would be left out in the cold if Nitro decided to go later which would be the only drawback.

Councilman Joe Savilla thanked everyone for coming out.

Mayor Casto said he called the meeting tonight because the county met this afternoon with their offer and he wanted Council to be made aware of this and not read it in the newspaper.

Members of Council expressed their thanks for the representatives for coming, and encouraged the residents present this evening to come to the meeting October 24, 2000. Councilwoman at Large Brenda Tyler said the residents could call her and express their feelings.

Harvey Collins said they have cities in the United States that have a bigger population that are on 911, and undoubtedly it works there.

Councilman David Miller stated they wanted to get as much input on this decision as possible. He said he wouldn't sign a contract unless our attorney takes a look at it.

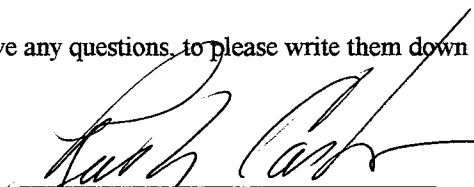


Councilman Bob Smith said Metro was offering this to Nitro free, and does free mean from now to eternity or will they at some time say you owe us such and such. Mr. Sluss answered there were no hidden costs. There certainly won't be any retroactive costs.

Councilman David Miller said as the system is setup now, the last time he tried to call in down here, he got a recorded message that the subscriber did not want to accept calls from a blocked phone. He tried both the emergency line and regular line. He said it might be his cellular phone. Then he called 911 and it worked perfectly. Vanessa Thompson said they receive several calls from a cellular phone from the interstate.

Mayor Casto announced the Public Hearing Tuesday, October 24, 2000 at 7:00 p.m. in the Kathy Mattea Auditorium.

Mayor Casto asked the citizens if they have any questions, to please write them down and he would get them printed out and give it to 911.

  
\_\_\_\_\_  
RUSTY CASTO, MAYOR

  
\_\_\_\_\_  
JOAN MCCLANAHAN, RECORDER

## KANAWHA COUNTY COMMISSION

Post Office Box 3627  
Charleston, West Virginia 25336



Telephone (304) 357-0101  
Fax (304) 357-0782

Henry C. Shores  
Commissioner

Louis H. Bloom  
Commissioner

W. Kent Carper  
Commissioner

October 4, 2000

The Honorable Rusty Casto  
Mayor of Nitro  
P.O. Box 308  
Nitro, WV 25143

Dear Mayor Casto:

As president of the Executive Board of the Metro Emergency Operations 911 Center, I am writing to again offer assistance in providing emergency service dispatching to the City of Nitro.

If you are interested in Metro providing those services, I would be willing to call an emergency meeting of the Metro 911 Executive Board and propose the following: (1) Metro immediately assume payroll for current city of Nitro dispatchers (2) immediate establishment of a position for exclusive dispatching of Nitro emergency services (this new position/dispatcher eventually would handle additional duties as determined by the Executive Board).

These steps would assist Nitro during its period of financial crunch and would provide the people of Nitro with continued experienced emergency service dispatching. In so doing, we can provide a safer method of dispatching with a position integrated into the Metro 911 system.

Please feel free to contact me if you would like to discuss this further.

Sincerely yours,

*W. Kent Carper*

W. Kent Carper  
President

cc: Members of City Council  
✓ Chief Gary Blankenship, Nitro Police Department  
Chief Steve Hardman, Nitro Fire Department



**CITY OF NITRO  
COUNCIL MEETING MINUTES  
OCTOBER 17, 2000**

Mayor Casto declared a quorum and called the Council Meeting to order at 7:30 p.m. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla and Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bob Smith and Harry Miller, III. Also present were City Attorney April Boughton and City Treasurer Ralph Allison.

THE INVOCATION WAS GIVEN BY COUNCILMAN JOE SAVILLA.

AGENDA ITEM NO. 1 - APPROVAL OF 10-3-00 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED THE MINUTES OF OCTOBER 3, 2000 BE APPROVED AS WRITTEN, SECONDED BY COUNCILMAN BOB SMITH AND WAS CARRIED WITH COUNCILMEN AT LARGE RICHARD SAVILLA AND TIM SIZEMORE ABSTAINING.

AGENDA ITEM NO. 2 - APPROVAL OF EMERGENCY MEETING OCTOBER 10, 2000: - COUNCILMAN JOE SAVILLA MOVED THE MINUTES OF OCTOBER 10, 2000 BE APPROVED, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA ABSTAINING.

AGENDA ITEM NO. 3 - JOHNNA MILLER: - Mayor Casto yielded the floor to Johnna Miller. Johnna Miller, a student at Nitro High School, announced a safe trick or treat activity October 31, from 6:00 p.m to 7:30 p.m. at the Brandywine Home Center sponsored by the Nitro High School Key Club. Children are invited to come and trick or treat, and the parents don't have to worry about traffic or something being wrong with the candy. Also, there will be games. COUNCILMAN JOE SAVILLA MOVED WE ENDORSE THE TRICK OR TREAT ACTIVITY SPONSORED BY THE NITRO HIGH SCHOOL KEY CLUB. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Council commended her on this project.

AGENDA ITEM NO. 4 - PROC. - KINDNESS WEEK: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. Members of Council were given a copy of the Proclamation on Kindness Week. CITY RECORDER JOAN MCCLANAHAN MOVED TO PROCLAIM THE WEEK OF NOVEMBER 6-13, 2000 AS "KINDNESS WEEK" IN THE CITY OF NITRO AND ENCOURAGE EVERYONE TO PARTICIPATE IN SPREADING KINDNESS AND PRACTICING RESPECT, GENEROSITY, PATIENCE, AND CONSIDERATION OF OTHERS AT ALL TIMES IN ORDER TO CREATE A BETTER, KINDER, SAFER AND MORE PEACEFUL CITY. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. (COPY ATTACHED.)

AGENDA ITEM NO. 5 - CHRISTMAS PARADE: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman Brenda Tyler announced the Christmas

Parade is scheduled Saturday, December 2, 2000 at 6:00 p.m. Lorrie Harmon and Allison Browning have agreed to take the responsibility of conducting the parade. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE CHRISTMAS PARADE BE HELD DECEMBER 2, 2000 BEGINNING AT 6:00 P.M. MOTION SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

AGENDA ITEM NO. 6 - CALENDAR BID: - Mayor Casto yielded the floor to City Recorder Joan McClanahan who informed we received one bid from Color Craft Printing in Charleston. She opened the sealed bid for 4,000 calendars for a price of \$5,783.00. COUNCILMAN BOB SMITH MOVED THE BID BE ACCEPTED, SECONDED BY HARRY MILLER, III. MAYOR CASTO SAID THIS WOULD NOT COST THE CITY AS THE CALENDAR WAS PAID FOR FROM ADVERTISEMENT. HE INFORMED THAT LAST YEAR WE MADE A LITTLE FROM THIS. A VOTE WAS TAKEN AND WAS CARRIED.

AGENDA ITEM NO. 7 - IVY STREET: - Mayor Casto yielded the floor to the City Attorney, April Boughton, and she informed that there is a Planning Commission meeting scheduled Thursday evening at 7:00 p.m. She explained the procedure on abandonment as set up by law, the citizens come to the City asking for abandonment, and then the Planning Commission has a public hearing and makes a recommendation back to Council. If Councils' grants the decision, an ordinance will be adopted and a quitclaim deed and it will be filed with the County Clerk's Office. She said she would attend the Planning Commission meeting. Councilman at Large Tim Sizemore stated he was coming to the meeting Thursday evening and then at the next Council Meeting if something is not done, pro or con, one way or the other, then he will be jumping five feet off the ground. There is no excuse for as long as they have had it. These people deserve an answer. City Attorney, April Boughton said the Planning Commission is required by law to meet four times a year, January, April, July and October, and at other regular times as set by the Commission or at special times. Councilman Bob Smith said the people on Wilson Street took their request for abandonment to the Planning Commission. He said the Commission brought it back to him, and told him they couldn't act on this, that they would be sued if they did. They told him to take it back to Council. They will have legal counsel present at the next meeting.

AGENDA ITEM NO. 8 - APRIL BOUGHTON: - Addressed in Agenda Item 7.

AGENDA ITEM NO. 9 - RALPH ALLISON: - Nothing to report.

AGENDA ITEM NO. 10 - METRO 911: - Mayor Casto said the City Attorney prepared an ordinance regarding 911. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE MAYOR READ TITLE ONLY, SECONDED BY COUNCILMAN DAVID MILLER, AND WAS CARRIED. Mayor Casto read the title of an ordinance directing the Mayor of the City of Nitro, West Virginia, to execute and enter into an emergency dispatching service agreement between Metro Emergency Operations 911 Center of Kanawha County and the City of Nitro, West Virginia, A Municipal Corporation. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED FOR THE APPROVAL OF THE FIRST READING OF ORDINANCE. MOTION SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER. Councilman Joe Savilla apologized for not being at the meeting and mentioned the important meeting scheduled October 24. Chief Gary Blankenship said that after a meeting with Fire Chief Hardman and members of council, he supports the merger. Mayor Casto said it should be noted that Nitro will be the first city on the western end of the county to go to 911 if adopted. All eyes of the county, press and citizens will

be on us. Councilwoman at Large Brenda Tyler added and also on Metro, and said she feels the move would be a good deal for the city and citizens of Nitro. She said she didn't think the City could afford to pass up this offer. There are already 50 percent of the emergency calls coming through 911.

Mayor Casto thanked Chief Hardman and Chief Blankenship for the open discussion last night. Mayor Casto said he wanted open communications between the departments and this council.

Councilman at Large Tim Sizemore said there were two appointments to be made on the Board, as he understood it, and suggested both Chiefs, if they will accept the position, be appointed.

After further discussion, a vote was taken and it was unanimous.

MAYOR'S COMMENTS: - Mayor Casto said the next scheduled council meeting is November 7, 2000 (election day), and questioned if Council would like to move it to Monday night in room 111 at the Community Center or keep the scheduled date. After a short discussion it was decided to keep the scheduled date.

Mayor Casto informed pictures are being taken for the 2001 calendar. This Sunday pictures will be taken at the Church of Christ.

Councilman David Miller said he would like to see everyone get out and vote for the Putnam County School Levy. It will benefit the children. The increase is going from 95 to 100% levy. This has nothing to do with consolidation, but a continuation levy from 1950, pretty much like our City Levy. COUNCILMAN DAVID MILLER MOVED WE SUPPORT THE PUTNAM COUNTY SCHOOL LEVY, SECONDED BY COUNCILMAN JOE SAVILLA AND WAS CARRIED.

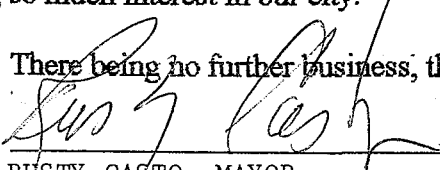
Councilman A. A. "Joe" Savilla said he is in support of this levy passing. His wife works for Putnam County, he has nieces, nephews and grandchildren going to Putnam County schools.

Councilman at Large Tim Sizemore said he would like to point out that they have been in office since July 1, 2000, and tonight they passed something that is positive. It took them around 100 days, but it was positive.

Mayor Casto said he feels he works well with this Council.

Councilwoman Brenda Tyler thanked the citizens for their cooperation and for being patient with them. They have had to make some really hard decisions, but feels it is positive for the City. She promised to continue doing for our citizens and supports our police and fire departments. We think they are the greatest. She also thanked Council for their support and for having so much interest in our city.

There being no further business, the meeting was adjourned.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER



## Proclamation

### KINDNESS WEEK NOVEMBER 6-13, 2000

**WHEREAS**, our daily news is dominated by tragic stories of crime, violence, and disaster, too often leaving average citizens with feelings of despair and helplessness; and

**WHEREAS**, the daily acts of kindness of most of the citizens of Nitro often go unrecognized; and

**WHEREAS**, by recognizing these daily acts of kindness during this week, everyone will be encouraged to participate in making this town a kinder, safer, and better place to live; and

**WHEREAS**, this week is being observed in over 500 cities and towns across this nation.

**NOW, THEREFORE**, I Rusty Casto, Mayor of the City, do hereby proclaim the week of November 6-13, 2000 as **KINDNESS WEEK** in the City of Nitro and encourage everyone to participate in spreading kindness and practicing respect, generosity, patience, and consideration of others at all times in order to create a better, kinder, safer, and more peaceful city.

ISSUED: This 17th day of October, 2000.

Rusty Casto, Mayor

CITY OF NITRO  
PUBLIC HEARING  
OCTOBER 24, 2000

A Public Hearing was called to order at 7:00 p.m. in the Kathy Mattea Auditorium at the Community Center to consider the 911 Merger. Present were Mayor Rusty Casto, City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bob Smith and Harry Miller, III. Also present were City Attorney April Boughton, Treasurer Ralph Allison, Fire Chief Steve Hardman and Police Chief Gary Blankenship, Kent Carper, President of the Kanawha County Commission and several of Metro employees, some city employees and a few residents.

Mr. Kent Carper, President of the Kanawha County Commission explained and showed a slide presentation of the Metro 911 dispatch system as compared with the present Nitro dispatch system. Not only would it save the city about \$100,000, but the changes will benefit the city's emergency services because of Metro 911's equipment, which he said is a huge difference. Copies of comparison of the enhanced 911 emergency services and present service were presented for review.

Mr. Carper said since Nitro is a bi-county community, the Mayor should contact the Putnam County Commission to obtain their cooperation.

After Mr. Carper presented the proposal and its benefits, the floor was opened for questions, comments and concerns.

A question was raised as to the timing of the follow-up of dispatched calls and that it had taken too long, and Mr. Carper called this a serious accusation.

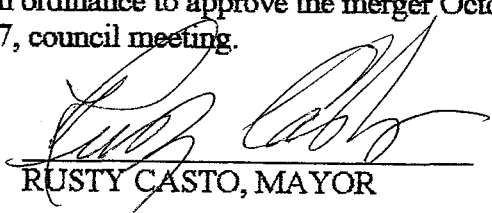
Lt. Terry Thompson voiced his concern regarding the officers' safety and the understaffed police force losing dispatchers, as the dispatchers assist police officers in the office if they are on call.

Sgt. E. W. Hedrick, II of the Nitro Fire Department offered his support to this merger.

City Recorder Joan McClanahan said she was sure there would be problems, but we will just have to work them out. She asked about the time frame and was told it should be in place around January, 2001.

Mr. Carper added that safety is more important, but we will have to work together to make the system the best we can. He explained they would hire the city's four dispatchers. He assured the calls would not be stacked.

City Council approved the first reading of an ordinance to approve the merger October 17, 2000, and will vote on the matter at the November 7, council meeting.

  
\_\_\_\_\_  
RUSTY CASTO, MAYOR  
\_\_\_\_\_  
JOAN MCCLANAHAN, RECORDER



## CITY OF NITRO

## COUNCIL MEETING MINUTES

NOVEMBER 7, 2000

Mayor Casto declared a quorum and called the meeting to order at 7:30 p.m. in Council Chambers. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla and Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present were City Attorney April Boughton and City Treasurer Ralph Allison.

Councilman A. A. "Joe" Savilla gave the invocation.

AGENDA ITEM NO. 1 - APPROVAL OF OCTOBER 17, COUNCIL MEETING MINUTES: - COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE MINUTES OF OCTOBER 17, 2000 BE APPROVED AS WRITTEN, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 2 - APPROVAL OF PUBLIC MEETING MINUTES OF OCTOBER 24, 2000: - COUNCILMAN JOE SAVILLA MOVED THE PUBLIC MEETING MINUTES OF OCTOBER 24, 2000 BE APPROVED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 3 - APPOINTMENT TO NDA: - Mayor Casto yielded the floor to Kenneth Kniceley, President of the Nitro Development Authority. Members of Council were furnished a copy of a letter to Mayor Casto from the NDA recommending the reappointment of J. F. McClanahan and Diana Painter for another three year term. Also, recommending H. E. "Gene" Brightwell, C. E. "Tom" Brewer and Herb Fitzsimmons be elected to the authority to fill vacancies that exist. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE REAPPOINTMENTS OF J. F. MCCLANAHAN AND DIANA PAINTER, AND THE RECOMMENDATION THAT H. E. "GENE" BRIGHTWELL, C. E. "TOM" BREWER AND HERB FITZSIMMONS BE ELECTED TO FILL THE VACANCIES. MOTION SECONDED BY COUNCILMAN BOB SMITH AND WAS CARRIED.

COUNCILMAN AT LARGE TIM SIZEMORE MOVED BRENDA TYLER BE THE LIAISON BOARD MEMBER FOR COUNCIL TO NDA. MOTION SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 4 - 2ND READING ORD. 00- ON 9-1-1: - COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO READ TITLE ONLY OF ORDINANCE, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED. CITY RECORDER JOAN MCCLANAHAN MOVED THE ORDINANCE BE ADOPTED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 5 - APRIL BOUGHTON: - Mayor Casto yielded the floor to the City Attorney April Boughton. She attended several Planning Commission meetings and they sent back recommendations to Council for approval. On October 19, they had a public meeting concerning a

request from Mr. Charles Boggs to change zoning from B-2 to C-1 on 23rd Street and his request was denied. They voted to abandon a section of Wilson Street north of Main Avenue and south of the railroad tracks, and added that the legal fees involved were to be split between the abutting property owners if an adequate survey doesn't make a discovery that would hinder it. The Planning Commission also agreed to abandon Ivy Street from Kanawha to Dupont Avenue, except the section through the alley and the Washington Avenue crossing. At that point in the discussion, the Planning Commission decided the City should not accept anymore petitions until a process has been established for the process of procedures and criteria. COUNCILMAN BOB SMITH MOVED THE PLANNING COMMISSION RECOMMENDATIONS BE APPROVED, SECONDED BY HARRY MILLER, III. A VOTE WAS TAKEN AND UNANIMOUSLY APPROVED.

City Attorney April Boughton advised the first item covered at the Planning Commission meeting on November 2, 2000 was a request to abandon Ash Street from Kanawha Avenue to the Kanawha River. After discussion, the Commission decided to refuse this request.

Secondly, another abandonment request to abandon the section of Michigan Avenue that joins the persons property making the request. This request was denied since the other abutting property owner is actually the railroad and there has been no input from the railroad. An inquiry to the railroad said they would rather not do it. The Planning Commission moved the request be denied.

The next item on the Planning Commission agenda was the STREET CLOSING PROCEDURE drafted by City Attorney April Boughton. Lately there have been several requests for abandonment of property, and there has been discussion that we have been giving property away for free. With the Street Closing Procedure there would at least be a nominal courtesy fee for handling. Prior to this we could not charge a fee. A copy of the resolution to establish criteria, procedures, and fees for closing, abandoning, or otherwise discontinuing as public streets, alleys, lanes, roads, or other public rights-of-way within the City of Nitro, WV, were given to Council. Mrs. Boughton advised this resolution was modeled after what some other cities are doing, and these procedures have stood up in cases. It pretty much has every safeguard to protect the city in abandonment issues. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED WE ADOPT RESOLUTION OF THE STREET CLOSING PROCEDURE. MOTION SECONDED BY HARRY MILLER, III AND WAS CARRIED. (RESOLUTION ATTACHED). The City Attorney April Boughton informed that the Planning Commission was a few members short of their required 10 members, and the Mayor is required to be a member. COUNCILMAN JOE SAVILLA MOVED MR. MONTGOMERY AND THE MAYOR BE APPOINTED TO THE PLANNING COMMISSION, MOTION SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. April Boughton advised the Planning Commission Minutes state the next scheduled meeting will be Thursday, January 2, 2001, but she thought it was January 25, 2001 at 7:00 p.m. COUNCILMAN BOB SMITH MOVED THE PLANNING COMMISSION MINUTES BE MADE A PART OF THE MINUTES, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. (COPY ATTACHED).

AGENDA ITEM NO. 6 - RALPH ALLISON: - Mayor Casto yielded the floor to City Treasurer Ralph Allison. He advised he had some figures prepared as requested by a member of council.

AGENDA ITEM NO. 7 - SMITH REQUEST: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. The City Recorder Joan McClanahan furnished Council with copies of a letter from Betty Lett and Brenda Smith, owners of property at 185 40th Street, Nitro. These letters are in response to notices that were sent to them by our building official. The first is in regard to a potential mosquito breeding problem which they were instructed to correct. The second addressees approximately four acres of grass over 10 inches in height they were instructed to cut. Mrs Smith and Mrs Lett both deny these allegations as explained in their letter, and asked Council for a final decision. Mayor Casto questioned what the recommendation of the Building Official was on this matter. City Recorder Joan McClanahan said if she was quoting him correctly, he didn't agree with having to send the letter in the first place. Due to extenuating circumstances COUNCILMAN JOE SAVILLA MOVED THIS MATTER BE TABLED AND BROUGHT BACK AT COUNCILS' DISCRETION. MOTION SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

MAYOR'S COMMENTS: - Mayor Casto announced a Veterans Day program in front of City Hall November 8, 2000 at 10:00 a.m.

CARPORTS: Jackie Frazier, Lana Gibson, Aubrey Cook and Fay Pauley accompanied by Attorney Christopher S. Butch. Members of Council were furnished carport history and additional facts regarding the above mentioned carports. Mrs. Frazier gave Council a brief summary of the contents of printed information. Councilwoman at Large Brenda Tyler commented that she thought if the carports were on the owners property, to leave them alone, but if they are on City property take them down. Attorney Christopher Butch said he was asking, on behalf of his clients, the order as prescribed by Municipal Court. Mr. Butch said he feels, in order for his clients to protect themselves, they should treat the letter as part of the order, but not supporting of the order of Judge Wood and appeal the case of the City of Nitro vs. Gibson to Circuit Court. City Attorney April Boughton said she spoke with Mr. Butch on the telephone and told him what had been told to her by the building official. There were variances throughout the city. This is allowable by the city building code if a resident applies for a variance they can be granted one if they can prove the need because of undue hardship. City Recorder Joan McClanahan suggested the City Attorney and Mr. Butch get together and come back to council with their recommendation. City Attorney April Boughton told Mr. Butch that Council could not do anything on this tonight. She said she hadn't looked at all the building permits nor had a transcript of the court proceedings before Judge Wood. Mr. Lamb, building inspector, commented that Council should keep in mind this type of request would happen again and whatever they do will set precedent. Councilwoman at Large Brenda Tyler asked if there was some way that if it was on the owners property to leave it alone, but if it is on City's property to remove it. Councilman Joe Savilla said they wanted to work with them and that they are a new council. Mayor Casto said hopefully our attorney and Mr. Butch could get together and bring this back to Council at the next meeting. Mr. Butch said he would like a representation from April Boughton that if we wait for that, that his time to appeal by agreement would not expire. This was granted. There were additional comments from the complainants. They were reminded that this is the first time some members of the newly elected Council knew there were any problems with carports in the city.

Councilman Joe Savilla read a letter commending the Department of Public Works for a job well done and wanted it to be a part of the record. (COPY ATTACHED)

Councilman at Large Tim Sizemore said we usually try to do something for the employees,

and he was willing to donate his November check for a gift certificate for Christmas or something. This would take the financial responsibility off the City. He suggested Council members think about this and they can act upon this at the next meeting. City Recorder Joan McClanahan and Councilwoman at Large Brenda Tyler said they would be happy to contribute. City Treasurer Ralph Allison said he didn't feel this would be necessary. Mayor Casto announced that on December 12, the Nitro Moose Lodge will be hosting a dinner for city employees.

Councilman at Large Tim Sizemore said we are in bad need of up-to-date ordinances on the books for instance, the Zoning Board of Appeals and Planning Commission.

Councilwoman at Large Brenda Tyler said the two ladies working on the Christmas parade would like the route changed so that instead of going across the tracks, it would continue up First Avenue and end at the Nitro Moose Lodge. She thanked everyone for coming to Council Meeting and asked them not to blame the new administration for things that has happened in the past, and they would work with them.

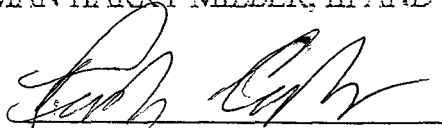
CITY RECORDER JOAN MCCLANAHAN MOVED TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS. MOTION SECONDED BY HARRY MILLER, III AND WAS CARRIED. ENTERED INTO EXECUTIVE SESSION AT 8:30 P.M.

OUT OF EXECUTIVE SESSION 9:00 P.M.

Councilman A. A. "Joe" Savilla said several months ago the Police Chief requested that three police officers be given a raise that were lost in the shuffle. They should have received a \$.43 on the hour raise over a year ago. COUNCILMAN JOE SAVILLA MOVED THE INCREASE BE GRANTED FOR THE THREE OFFICERS. MOTION SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

CITY RECORDER JOAN MCCLANAHAN MOVED WE BRING THE CHIEF OF THE FIRE DEPARTMENT UP TO THE SAME LEVEL AS THE POLICE CHIEF EFFECTIVE DECEMBER 1, 2000, AND ALSO WE RESERVE SOME MONEY FOR CONTRACT SERVICES AS THE BUILDING OFFICIAL BOB SERGEANT IS RETIRING. MOTION SECONDED BY COUNCILMAN JOE SAVILLA AND WAS CARRIED.

There being no further business, COUNCILMAN BOB SMITH MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER

ORDINANCE NO. 00-07

AN ORDINANCE DIRECTING THE MAYOR OF THE CITY OF NITRO, WEST VIRGINIA, TO EXECUTE AND ENTER INTO AN EMERGENCY DISPATCHING SERVICE AGREEMENT BETWEEN METRO EMERGENCY OPERATIONS 911 CENTER OF KANAWHA COUNTY AND THE CITY OF NITRO, WEST VIRGINIA, A MUNICIPAL CORPORATION.

WHEREAS, the Metro Emergency Operations 911 Center of Kanawha County has made certain representations to the City of Nitro regarding the dispatching of emergency response vehicles and personnel to emergency situations as they arise within the City; and

WHEREAS, the City of Nitro believes it is desirable for the City to enter into an Agreement with Metro Emergency Operations 911 Center in order to afford the public a more efficient emergency dispatching service; and


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

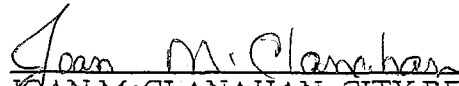
WHEREAS, the City hereby reserves the right to terminate said Agreement upon 45 days notice to Metro if not satisfied with the service provided by Metro.

NOW THEREFORE, BE IT ORDAINED, by at least two-thirds of the Council of the City of Nitro, West Virginia, that the Mayor is hereby authorized to enter into that certain emergency dispatching service Agreement dated the \_\_\_\_ day of October 2000, a copy of which is attached hereto and made a part hereof and marked as Exhibit A.

Passed on First Reading: October 17, 2000

Adopted on Second Reading: November 7, 2000

  
RUSTY CASTO, MAYOR

  
JOAN McCLANAHAN, CITY RECORDER.

RESOLUTION No. 00-09

**A RESOLUTION TO ESTABLISH CRITERIA, PROCEDURES, AND FEES FOR CLOSING, ABANDONING, OR OTHERWISE DISCONTINUING AS PUBLIC STREETS, ALLEYS, LANES, ROADS, OR OTHER PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF NITRO, WEST VIRGINIA.**

WHEREAS, the governing body of the City of Nitro, West Virginia, has plenary power and authority pursuant to Section Five, Article 12, Chapter 8 of the West Virginia Code of 1931, as amended, to vacate, discontinue and close, streets, alleys, lanes, roads, or other public rights-of-way, for the use of the public; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council, in order to facilitate said closures, hereby adopts the following criteria, procedures, and fees:

Section 1. Any person seeking to permanently close, abandon and discontinue a public street, alley, lane, road or other public right-of-way, must file:

1. A petition to the City Council in the office of the City Recorder which shall include the following:

- a. A statement of justification for the closure, together with the reasons the property is needed. For example, purposes of construction, improvements or other necessity;
- b. A statement as to why the reasons stated above could not be accomplished by any other means;
- c. A statement as to whether the right-of-way is a part of a pattern of streets;
- d. An accurately scaled map of such right-of-way including any encroachments on the right-of-way; and
- e. A list of persons owning property abutting on such right-of-way and their addresses, and a list of persons owning property within the same block as the abutting property and their addresses.

2. A non-refundable filing fee of one hundred dollars (\$100.00).

Section 2. Upon receipt of the petition, the City Council shall introduce the petition at the next council meeting for its first reading and referral to the Planning Commission for a public hearing, as prescribed by law.

Section 3. Prior to holding a public hearing, the Planning Commission shall notify all persons on the list supplied by the petitioner of the place, time and date of the hearing at least

fifteen (15) days prior to the public hearing. The Planning Commission should use the following criteria in evaluating potential street closings:

- a. There should be a unique circumstance or undue hardship that would justify the closing such as topography, slope, limited access, or any other physical constraints; and
- b. There should be a mutual benefit of the closing between the city and the property owners.

After considering the evidence which may come before the Planning Commission, the Planning Commission shall report its recommendation for passage or rejection of the petition to the City Council at the next council meeting.

Section 4. If the Planning Commission makes a recommendation for passage, City Council shall refer the petition and the Planning Commission's report to the City Attorney and the Finance Committee for their review.

Section 5. The Finance Committee shall report back to City Council with its determination of consideration of a nominal transfer fee of no less than one dollar (\$1.00) per square foot for a residential street and one dollar and fifty cents (\$1.50) per square foot for a business or commercial street. The Finance Committee may, in its discretion, adjust the transfer fee upward from the stated minimums if the situation so warrants. The transfer fee is to be prorated among the abutting property owners in equal shares.

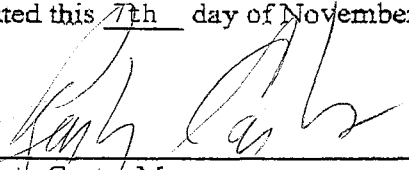
Section 6. The City Attorney shall draft an ordinance for enactment by the City Council to accomplish the requested closure.

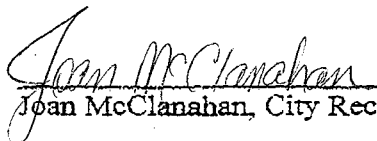
Section 7. Council shall then vote on the passage or rejection of the petition. Council's final action shall be a simple majority vote of the members present at a regular or special meeting.

Section 8. If Council votes to accept the petition, the City Attorney shall order a survey of the affected property and the cost of such survey shall be prorated among the abutting property owners in equal shares. The City Attorney will then draft a deed for the property transfer that reserves sewer easements for the City, and handle the real estate closing(s). The City Attorney also will apprise the appropriate taxing authorities of the property transfer.

This Resolution shall be effective from the date of its adoption.

Dated this 7th day of November 2000.

  
Rusty Casto, Mayor

  
Joan McClanahan, City Recorder

Post Office Box 3627  
Charleston, West Virginia 25336



Telephone (304) 357-0101  
Fax (304) 357-0786

Henry C. Shores  
Commissioner

Louis H. Bloom  
Commissioner

W. Kent Carper  
Commissioner

October 4, 2000

The Honorable Rusty Casto  
Mayor of Nitro  
P.O. Box 308  
Nitro, WV 25143

Dear Mayor Casto:

As president of the Executive Board of the Metro Emergency Operations 911 Center, I am writing to again offer assistance in providing emergency service dispatching to the City of Nitro.

If you are interested in Metro providing those services, I would be willing to call an emergency meeting of the Metro 911 Executive Board and propose the following: (1) Metro immediately assume payroll for current city of Nitro dispatchers (2) immediate establishment of a position for exclusive dispatching of Nitro emergency services (this new position/dispatcher eventually would handle additional duties as determined by the Executive Board).

These steps would assist Nitro during its period of financial crunch and would provide the people of Nitro with continued experienced emergency service dispatching. In so doing, we can provide a safer method of dispatching with a position integrated into the Metro 911 system.

Please feel free to contact me if you would like to discuss this further.

Sincerely yours,

*W. Kent Carper*

W. Kent Carper  
President

cc: Members of City Council  
Chief Gary Blankenship, Nitro Police Department  
Chief Steve Hardman, Nitro Fire Department





**METRO EMERGENCY OPERATIONS CENTER**

Special Meeting  
Executive Board of Directors  
October 10, 2000  
Minutes

Present: The Honorable Kent Carper, presiding  
Kimberly Lewis  
Steve Sluss  
Nancy Dodson, for Mayor Goldman  
Bill White  
Dan Blue

Staff: Denise Clark  
Michelle Barron  
Shane Mills  
Misi Savage  
Blaine Means

Guests: The Honorable Rusty Casto, Nitro Mayor  
Councilman Tim Sizemore

A quorum was established and the meeting was called to order at 4:05 p.m.

Commissioner Carper noted the presence of Mayor Rusty Casto and Councilman Tim Sizemore.

Commissioner Carper advised that this was a decision that the City of Nitro would have to make on its own. Commissioner Carper stated he feared that if another city decides to join Metro at a later time, there may not be room for Nitro's employees.

Commissioner Carper said that there are several complaints that are unwarranted. He said that Metro does a fine job. Councilman Sizemore was concerned about part of Nitro being in Kanawha County and some being in Putnam County. Commissioner Carper advised that there would not be a problem including both parts of Nitro into Metro.

The commissioner advised that it would be easy to not make this arrangement work. He advised that it would take complete cooperation for the endeavor to be a success.

Mayor Casto thanked Commissioner Carper and said that he appreciates us looking into this.

There was a motion on the floor to allow Metro to retain staff from Nitro if they so choose to join, to include the Mayor of Nitro and one other on the Board of Directors, to authorize the director to revise the budget to accept Nitro and its employees, and to designate a liaison between the City of Nitro and Metro.

Motion: Lewis

Second: Dodson

The motion carried unanimously.

Commissioner Carper advised that Blaine Means would be in attendance at the Nitro Council Meeting this evening. Lt. Means will also be the liaison between Metro and the City of Nitro.

Commissioner Carper advised Mayor Casto that Metro would be willing to take the burden off of Nitro if that is what they choose to do.

Mayor Casto again thanked the Board for their help.

The meeting was adjourned at 4:17 p.m.

Respectfully submitted,

## PLANNING COMMISSION MINUTES, CITY OF NITRO, WV

November 2, 2000

The Planning Commission of the City of Nitro met Thursday, November 2, 2000 at 7:00 p.m. in the Conference Room at the Community Center of Nitro. The meeting was called to order by Margaret Hudson, Chairperson. Other members present were Kermit Thompson, Dr. Charles Byrd, Diana Painter, Bob Smith and Lonnie Blaylock. The City Attorney, April R. Boughton, also attended the meeting. Dr. Guy Cassell was absent.

The first item of on the agenda was a request from Sandra Elmore of 102 Kanawha Avenue requesting that the City abandon Ash Street from Kanawha Avenue to the Kanawha River. The Public Hearing for this request was held May 18, 2000. Since a quorum was not present at that meeting, the Planning Commission could not take action on the request. After much discussion involving Commission members and the City Attorney, Kermit Thompson made a motion "to refuse the request to abandon Ash Street." The motion received a second from Lonnie Blaylock. Motion carried.

The second item of business was the request from April and Gregory Carte to abandon the section of Michigan Avenue that joins their property. At the May 18, 2000 Public Hearing they were asked to obtain information from the railroad (owners of the property on the other side of Michigan Avenue) as to their status concerning the request. Since the Planning Commission has heard nothing, Dr. Byrd moved "the request be denied." The motion received a second from Diana Painter. Motion carried.

The Planning Commission next discussed a document prepared by the City Attorney concerning street closing criteria and procedure. Dr. Byrd moved that "the draft of the STREET CLOSING PROCEDURE be amended by the City Attorney as suggested during the discussion and sent, with the recommendation for approval, to the City Council for action." The motion received a second from Kermit Thompson. Motion carried. (Council members will receive this document from the City Attorney.)

Ms. Boughton brought to the attention of the Planning Commission that we are still two members short of the ten required and that a vice-chairperson is to be elected.

It was suggested that the Planning Commission receive a copy of the City Council Minutes in order to "see" what happened to the recommendations sent to Council. The City Attorney inquired as to whether or not a Comprehensive Plan of Land Use and Zoning existed for Nitro. The next scheduled meeting is Thursday, January 2, 2001 at the Community Center. The meeting was adjourned at 8:13 p.m.

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Margaret Ann Hudson, Chairperson

To: Bob Sargent  
Planning and Zoning

From: Sandra J. Elmore of 102 Kanawha Ave. Nitro, WV. and  
Arthur H. Abshire of 2052 Lincoln Ave. St. Albans, WV

759-2236  
727-7192

Date: September 7, 1999

Re: Request to Nitro City Council

We are requesting that Nitro City Council abandon one-half of the right of way which is approximately 50 feet by 80 feet from the property line of the west side of parcel #1 Nitro Town Map 10 which is located adjacent to parcel #46 Nitro Town Map 9 allowing us to obtain separate deeds of 25 feet by 80 feet at this location.

We have maintained the property for several years. However, we have been unsuccessful in keeping strangers from coming across the property and throwing things in the river. This not only looks bad, but it could also obstruct the water from flowing freely from the storm drain.

We both agree to grant the City of Nitro a permanent access or right-of-way on this property to service the current storm drain at this location.

Should we fence this property we will construct a gate large enough for city trucks to pass through and give the City of Nitro a key to the lock on the fence. This will keep individuals from walking across the property to swim or throw things in the water.

The favorable response from Nitro City Council would be greatly appreciated. Thank you for your consideration and we hope that we shall hear from you soon.

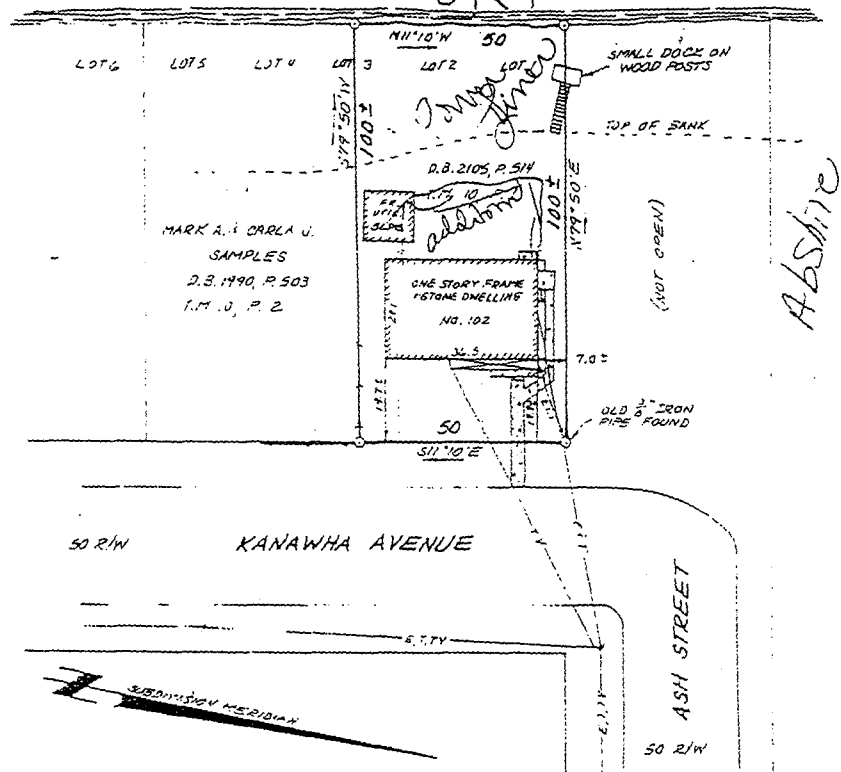
Sandra J. Elmore  
Sandra J. Elmore

Sept. 7, 1999  
Date

Arthur H. Abshire  
Arthur H. Abshire

Sept 7 1999  
Date

KANAWHA RIVER



LOTS 1 & 2 AND  $\frac{1}{2}$  OF LOT 3, BLOCK "K",

EAST CRAWFORD SUBDIVISION

KANAWHA COUNTY, WEST VIRGINIA

SANDRA J. ELMORE

WILLIAM R. GUNNOE  
REGISTERED  
No. 801

REGISTERED PROFESSIONAL SURVEYOR NO. 271

VAUGHAN LAW FIRM  
*Attorneys and Counsellors at Law*

DENNIS R. VAUGHAN, JR.  
APRIL ROBERTSON BOUGHTON

SUITE 200 CAPITOL CENTRE  
232 CAPITOL STREET  
CHARLESTON, WEST VIRGINIA 25301

TELEPHONE (304) 342-3900  
TELECOPY (304) 344-2386

MEMORANDUM

TO: Nitro Planning Commission  
FROM: April Robertson Boughton, City Attorney  
DATE: October 20, 2000  
RE: Street Closing Criteria and Procedure

Per the Committee's request at the October 19, 2000, meeting, the following criteria and procedure for closing streets are recommended for your review prior to the November 2 meeting:

**STREET CLOSING PROCEDURE**

Any person seeking to permanently close, abandon and discontinue a public street, alley, lane, road or other public right-of-way, must file:

1. A petition to the City Council in the office of the City Recorder which shall include the following:
  - a. A statement of justification for the closure, together with the reasons the property is needed. For example, purposes of construction, improvements or other necessity;
  - b. A statement as to why the reasons stated above could not be accomplished by any other means;
  - c. A statement as to whether the right-of-way is a part of a pattern of streets;
  - d. An accurately scaled map of such right-of-way including any encroachments on the right-of-way; and
  - e. A list of persons owning property abutting on such right-of-way and their addresses, and a list of persons owning property within the same block as the abutting property and their addresses.
2. A filing fee of one hundred dollars (\$100.00).

Upon receipt of the petition, the City Council shall introduce the petition at the next council meeting for its first reading and referral to the Planning Commission for a public hearing, as prescribed by law.

Prior to holding a public hearing, the Planning Commission shall notify all persons on the list supplied by the petitioner of the place, time and date of the hearing at least fifteen (15) prior to the public hearing.

The Planning Commission should use the following criteria in evaluating potential street closings:

1. There should be a unique circumstance or undue hardship that would justify the closing such as topography, slope, limited access, or any other physical constraints; and
2. There should be a mutual benefit of the closing between the city and the property owners.

After considering the evidence which may come before the Planning Commission, it shall report its recommendation for passage or rejection of the petition to the City Council at the next council meeting.

If the Planning Commission makes a recommendation for passage, City Council shall refer the petition and the Planning Commission's report to the City Attorney and the Finance Committee for their review.

The Finance Committee shall report back to City Council with its determination of consideration of a nominal fee of one dollar (\$1.00) per square foot for a residential street and one dollar and fifty cents (\$1.50) per square foot for a business or commercial street. The fee is to be prorated among the abutting property owners in equal shares.

The City Attorney shall draft an ordinance for enactment by the City Council to accomplish the requested closure.

Council shall then vote on the passage or rejection of the petition. Council's final action shall be a simple majority vote of the members present at a regular or special meeting.

The City Attorney shall order a survey of the affected property and the cost of such survey shall be prorated among the abutting property owners in equal shares.

Upon completion of the survey, the City Attorney will draft a deed for the property transfer that reserves sewer easements for the City, and handle the real estate closing(s). The City Attorney also will apprise the appropriate taxing authorities of the property transfer.

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## PLANNING COMMISSION MINUTES, CITY OF NITRO, WV

October 19, 2000

The Planning Commission of the City of Nitro met Thursday, October 19, 2000 at 7:00 p.m. in Council Chambers at the Community Center of Nitro. The meeting was called to order by Margaret Hudson, Chairperson. Other members present were Kermit Thompson, Dr. Charles Byrd, Jim Hutchinson, Diana Painter, Bob Smith and Lonnie Baylock. Dr. Guy Cassell was absent. The City Attorney, April R. Boughton, as well as several interested Nitro citizens were also present.

The first item of on the agenda was a Public Hearing (properly advertised in both of Charleston's daily newspapers) concerning a request from Charles B. Boggs to change zoning from B-2 to C-1 for 197/100 A, Part Lot 15, Area R, Nitro Tax Map 4, Parcel 20, 23<sup>rd</sup> Street, Vacant Lot, Nitro, WV. Mr. Boggs gave an overview of his request.

Mn

John Sandy, a resident of 23<sup>rd</sup> Street, spoke in opposition to this request citing the width of the paved (believed to be 22 ft) street and the fact that 23<sup>rd</sup> is a dead end street. Kermit Thompson stated that he took a personal survey of residents surrounding the property under discussion and, with one exception, found that all opposed the zoning change. Jim Hutchinson moved that "we decline the request to rezone." The motion received a proper second. Motion carried.

Dr. Byrd suggested re-looking at the City of Nitro Zoning Ordinance to see if modifications need to be made, if perhaps parts of it are out-of-date. A discussion period followed and the general consensus was that this was a good idea since the adoption date of the present Zoning Ordinance was October 6, 1970

The next item of business was the reintroduction of a March 6, 2000 request from Henry C. Davis, Jr. and Russell Hatcher for the abandonment of Wilson Street north of Main Avenue and south of the railroad track. The Public Hearing for this request was held May 18, 2000. After much discussion involving Commission members, the City Attorney and Nitro residents in attendance, a motion was made "that the request be granted and that legal fees involved be split among the abutting property owners, pending an adequate survey doesn't make discoveries." The motion received a second from Mr. Baylock. Motion carried-5 to 1.

The Michigan Avenue (Carte) and Kanawha Avenue (Elmore) issues were postponed until the next meeting.

Following a discussion concerning Ivy Street Bob Smith moved "that we abandon Ivy Street from Kanawha to DuPont Avenues with the exception of the two alleys and Washington Avenue." This motion received a second from Mr. Baylock. Motion carried-4 to 2.



The Planning Commission, following a period of discussion concerning the fact that there did not seem to be a process for the handling of requests to abandon property, received a motion "that the City not accept any more petitions for abandonment until a process has been established." The motion received a second from Dr. Byrd. Motion carried-6 to 0.

Margaret Hudson was elected to serve as the Chairperson. The meeting was adjourned at 8:50 p.m.

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Margaret Hudson, Chairperson

Boggs & Associates, Inc.

105 River Lane

Nitro, WV 25143

Bus: (304) 755-9559

Fax: (304) 755-8337

BoggsAssc@aol.com

October 9, 2000

Ms. Margaret Hudson  
105 Kanawha Avenue, South  
Nitro, WV 25143

Dear Ms. Hudson:

REGARDING: Zoning of Part Lot 15, Area R, Nitro Tax Map 4  
Parcel 20, 23rd Street, Vacant Lot, 1.96 Acres

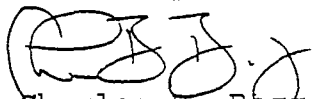
The letter is to inform you that Boggs & Associates, Inc. is requesting that the City of Nitro change the zoning classification of the above mentioned parcel from B-2 to C-1 to allow us to construct a multi-unit storage/warehouse facility. We already own and operate similar facilities at four locations in the City of Nitro.

Approximately 180 of these proposed units will follow the perimeter of the site and act as a security buffer. Other interior buildings will be included. Ingress/egress will be from 23rd Street with gated access open from 8:00 am to 9:00 pm daily. Enclosed is a survey map showing the site, flood determination and an outline of proposed building layouts.

If you need any further information, please contact me at 755-9559, extension 12.

Thank you for your attention to this matter.

Sincerely,



Charles B. Boggs, Jr.  
President



© 1993 DeLorme Mapping

LEGEND

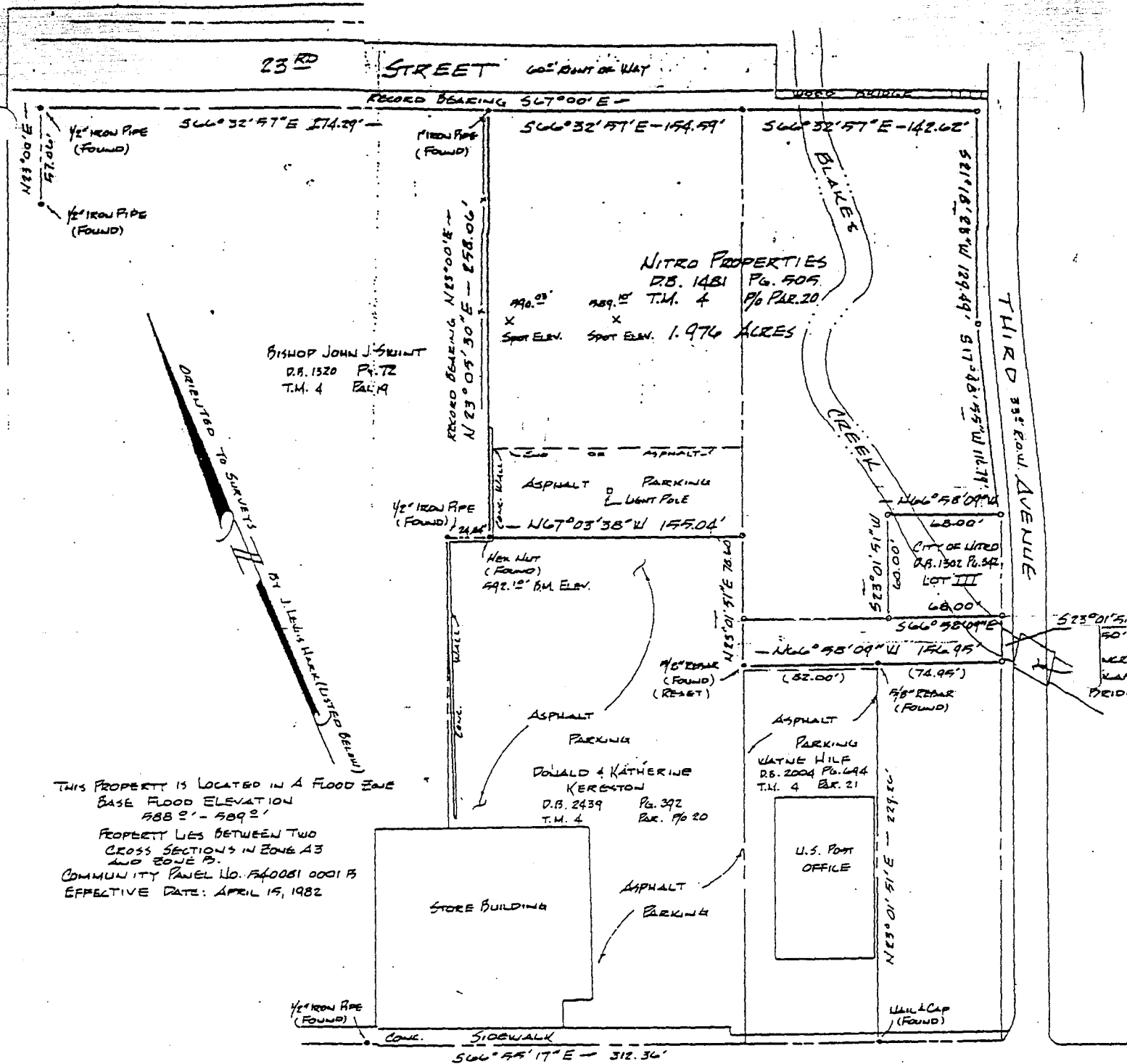
- County Boundary
- Population Center
- Street, Road
- = State Route
- +++ Railroad
- - - River
- Open Water

Scale 1:7,812 (at center)

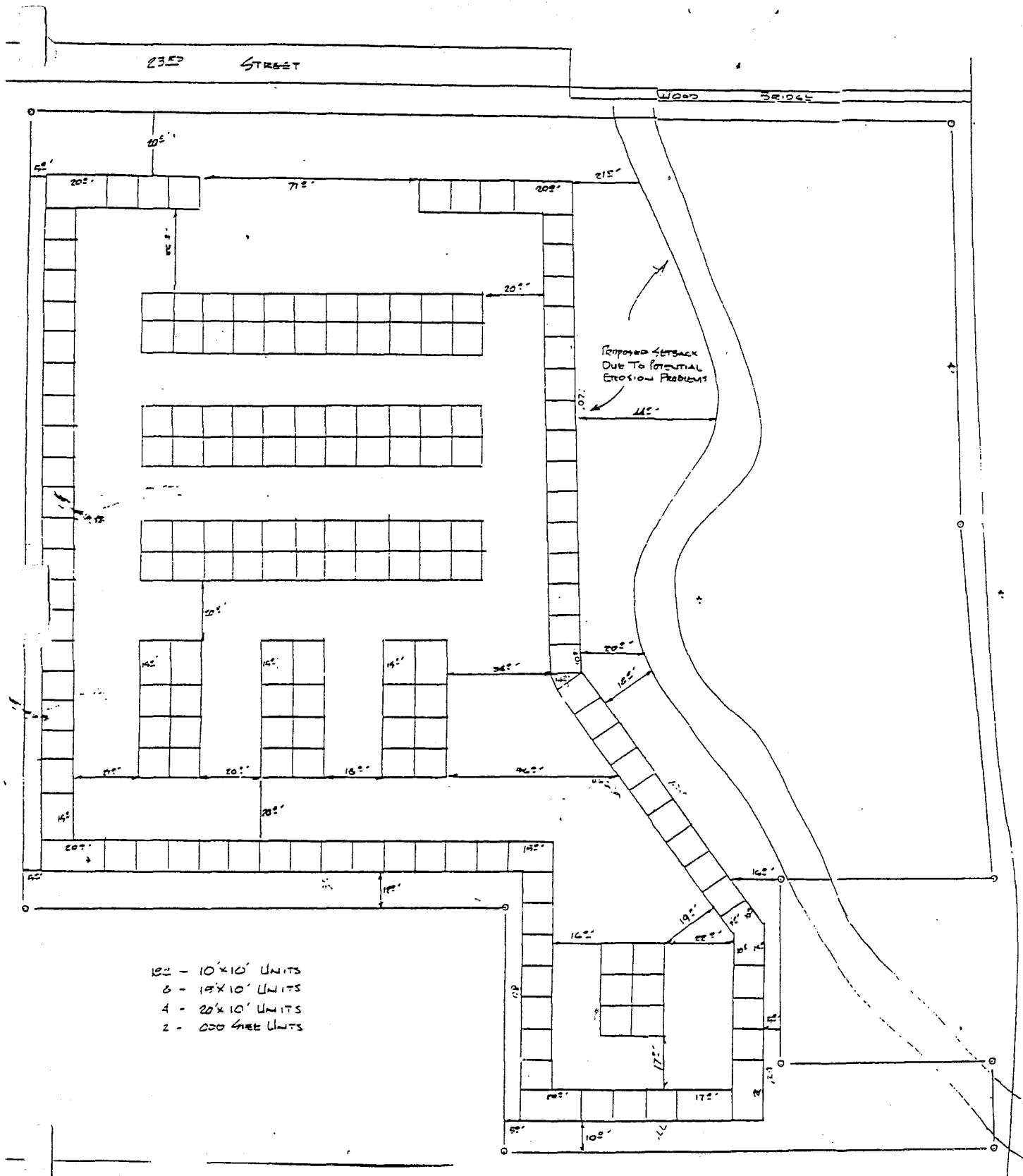
500 Feet

200 Meters

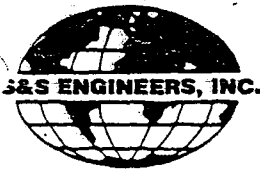
Mag 16.00  
Tue Oct 10 08:21:09 2000



JULY 26, 1998



PROPOSED STORAGE BUILDING LAYOUT  
 23RD STREET  
 CITY OF NITZO  
 KENNESHA COUNTY - WEST VIRGINIA  
 DATE 12-10-10 NO. 12-10-10



501 Eagle Mountain Road  
Charleston, WV 25311  
(304) 342-7168  
(304) 342-7169 FAX

- ENGINEERS
- DESIGNERS
- SURVEYORS

- ENVIRONMENTAL
- MUNICIPAL WASTE
- INDUSTRIAL WASTE
- SOLID WASTE
- CIVIL DESIGN
- LAND PLANNING
- LAND SURVEYS
- DIGITAL MAPS
- GEOLOGY
- HYDROLOGY
- ENVIRONMENTAL SITE ASSESSMENT
- GPS/GIS
- CONSTRUCTION MANAGEMENT

July 15, 1999

Mr. Chuck Boggs  
105 River Lane  
Nitro, WV 25143

Re: Flood Plain Study  
Blakes Creek  
Nitro, WV

Dear Mr. Boggs:

We have completed the flood plain study on your property located at the intersection of Third Avenue and 23<sup>rd</sup> Street in the City of Nitro. The study revealed that the majority of the developable (level) property is above the 100 year flood plain of 588.00 Mean Sea Level (MSL). The flood level is very near the top of the creek bank. This information was obtained by field surveying the site based on a nearby United States Geological Survey (USGS) bench mark monument. The 100 year flood elevation was obtained from Chart 03P of the FEMA Flood Insurance Study for the City of Nitro dated October 15, 1981 (attached chart). Also enclosed is a copy of the topographic map and the cross section which indicate the location of the 100 year flood level.

Based on the above information, we recommend that you develop this property per your plans as long as the slopes of the creek bank are undisturbed and the City of Nitro approves the development plan.

We appreciate the opportunity to provide this service. We will be glad to assist you in the development phase, if desired.

Please call me at (304) 342-7168, if you have any questions or need further information.

Very truly yours,

S & S ENGINEERS, INC.

Ashok M. Sanghavi, P.E., D.E.  
President

AMS/ejb

Enclosure

cc: Bob Sargent, City of Nitro, w/encl.

06 March 2000

Bob Sargent / City of Nitro  
20<sup>th</sup> Street & 2<sup>nd</sup> Avenue  
Nitro, WV 25143

RE: Request for abandonment of Wilson Street north of Main Ave and south of the railroad tracks.

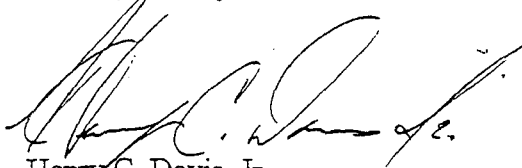
Bob Sargent / City of Nitro:

We, Henry C. Davis, Jr. of 1331 Main Avenue and Russell Hatcher of 1333 Main Avenue are requesting that the City of Nitro abandon the section of Wilson Street north of Main Avenue and south of the railroad track back to us as the adjacent landowners.

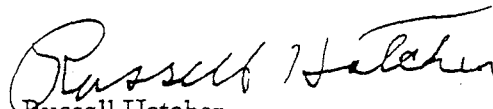
We will grant a utility easement if required by the City of Nitro for existing or future utilities needs.

Please contact Henry C. Davis, Jr. at 722-6169 with any questions.

Thank you for your assistance with this request,

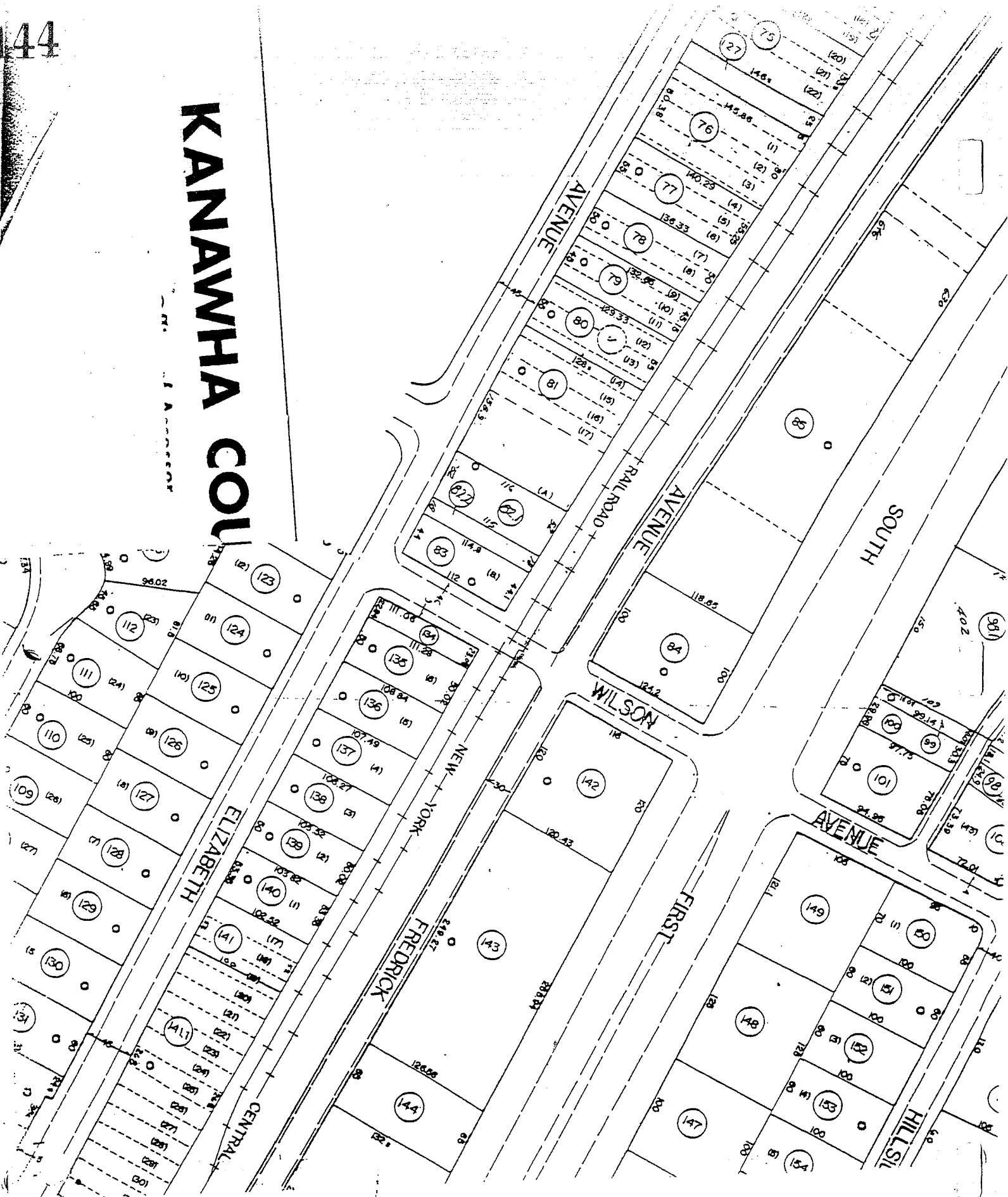


Henry C. Davis, Jr.  
1331 Main Avenue  
Nitro, WV 25143  
722-6169



Russell Hatcher  
1333 Main Avenue  
Nitro, WV 25143

# KANAWHA CO





## PLANNING COMMISSION MINUTES, CITY OF NITRO, WV

May 18, 2000

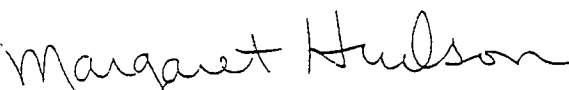
The Planning Commission of the City of Nitro met Thursday, May 18, 2000 at 7:00 p.m. for a Public Hearing (properly advertised in both of Charleston's daily newspapers) in Council Chambers at the Community Center of Nitro. The meeting was called to order by Margaret Hudson, Chairperson. Other members present were Guy Cassell and Kermit Thompson.

The first item of business was a request from Henry Davis and Russell Hatcher requesting the City of Nitro abandon the section of Wilson Street North of Main Avenue and South of the railroad track. Tim Sizemore spoke on behalf of the Mr. and Mrs. Harris. After some discussion, Mr. and Mrs. Harris withdrew their request since it did not reflect what they really wanted. They will submit another request at a later date.

The second item of business was from April and Gregory Carte requesting the City of Nitro abandon the section of Michigan Avenue that joins their property. The Carte's are to acquire additional information. Since the other part of Michigan Avenue joins railroad property, a letter from them is also needed. Mr. and Mrs. Carte are to obtain this and get back with the Planning Commission.

The third item of business was a request from Sandra Elmore of 102 Kanawha Ave. requesting that the City abandon Ash Street from Kanawha Ave to the Kanawha River. Since a quorum was not present, the Planning Commission could not take action on this request.

The meeting was adjourned.

  
Margaret Hudson, Chairperson

201 Main Avenue  
Nitro, WV 25143  
October 23, 2000

City of Nitro  
2187 21<sup>st</sup> Street  
Nitro, WV 25143

Dear Mayor,

This letter is being sent to express "our thanks" for a job well done. We really appreciated the efforts of A.J. and his men from the Department of Public Works for installing the larger drain pipe in front of our home at 201 Main Avenue. Whenever we had a hard rain the run-off from the road and surrounding properties always caused a flooding problem in front of our home, in our yard, and also in our driveway. At times it looked like a small lake.

After making a phone call to the Department of Highways and speaking to Chuck Smith we were able to get drain pipe donated but we needed the city's help in getting it installed. The state and city worked together to make this all happen.

Thanks again to all who had a hand in all of this. It's great knowing that there are still people out there willing to lend a hand.

Sincerely,  
*Larry + Sharon Dye*  
Larry and Sharon Dye

cc: A.J. at the Department of Public Works  
City Council members  
Chuck Smith of WVDOH

## CITY OF NITRO

## COUNCIL MEETING MINUTES

NOVEMBER 21, 2000

The Council Meeting was called to order by Mayor Rusty Casto in Council Chambers at 7:30 P.M. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bob Smith and Harry Miller, III. Also present were City Treasurer Ralph Allison and Dennis Vaughan, Attorney. Absent was Councilman at Large Richard Savilla.

IVAN MEADOWS GAVE THE INVOCATION.

AGENDA ITEM NO. 1 - APPROVAL OF 11-7-00 COUNCIL MEETING MINUTES: - COUNCILMAN A. A. "JOE" SAVILLA MOVED THE MINUTES BE APPROVED AS WRITTEN. MOTION SECONDED BY COUNCILMAN BOB SMITH AND WAS CARRIED.

AGENDA ITEM NO. 2 - DECEMBER CITIZEN OF THE MONTH: - Mayor Casto announced the December citizen of the month is the Moose Lodge. The Christmas parade is December 2, and the City Recorder Joan McClanahan will present the plaque to the Governor after the parade. Mayor Casto explained he will be greeting the Business and Professional Association guests at the reception at City Hall, and the City Recorder agreed to present the plaque. We appreciate all the good work of the Moose and the many dollars they have given the city.

AGENDA ITEM NO. 3 - APPOINTMENT TO THE ZB OF APPEALS: - City Recorder Joan McClanahan moved Pam Brewer be appointed to the Zoning Board of Appeals. Motion seconded by Councilman Harry Miller, III and was carried.

AGENDA ITEM NO. 4 - DEPARTMENT TRANSFER: - City Recorder Joan McClanahan mentioned that as everyone knew, Building Official Bob Sergeant was retiring the end of this month, Mike Lamb would continue the work in that department. He will need assistance, and the best way to get him that help is to put him under the supervision of the Chief of the fire department. CITY RECORDER JOAN MCCLANAHAN MOVED WE PUT THE BUILDING DEPARTMENT UNDER THE SUPERVISION OF THE CHIEF OF THE FIRE DEPARTMENT. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III, AND WAS CARRIED.

AGENDA ITEM NO. 5 - BMX TRACK: - Councilwoman at Large Brenda Tyler said we need a location to build the track. They need a promise of a location from the City, and the Mayor spoke with Horn Brothers about donating part of the lot they are trying to sell. When this was first addressed they talked about using property over by the pool. It is her understanding that if we promise a location, then they will present their plans to Council. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE PROMISE A LOCATION. WE KNOW WE HAVE ENOUGH LAND AT THE POOL EVEN THOUGH WE REALLY DON'T WANT IT THERE, BUT IF WE HAVE TO, WE CAN IF NOTHING ELSE IS AVAILABLE. MOTION WAS SECONDED BY COUNCILMAN HARRY MILLER, III. Councilman A. A. "Joe" Savilla asked how large the track would be, and Jim McDaniels informed that it would be an acre or an acre and one-half. Councilwoman at Large Brenda Tyler said it would be a competition track for both state and national. Mr. Frank Disney said the city must make a commitment before someone else does. After discussion, A VOTE WAS TAKEN AND IT WAS UNANIMOUSLY APPROVED.

AGENDA ITEM NO. 6 - CHRISTMAS PARADE: - Councilwoman at Large Brenda Tyler announced the Christmas parade will be December 2, beginning at 6:00 p.m., and the coordinators of the parade, Lori Harmon and Allison Browning has extended an invitation to Council to participate in the parade. They are going to lineup on 35th Street. They urge the new council to participate in the parade.

AGENDA ITEM NO. 7 - CITY ATTORNEY: - Mayor Casto introduced Dennis Vaughan, the attorney for the Nitro Sanitary Board for 30 years.

AGENDA ITEM NO. 8 - RALPH ALLISON: - Mayor Casto reported that in the past year we have reduced our payroll by 12 full-time and 1 part-time employee, and yielded the floor to City Treasurer Ralph Allison.

City Treasurer Ralph Allison said he had nothing to report. However, he suggested we check on the expense of the insurance on the BMX track. Mayor Casto already has a note to this effect. Mr. McDaniels said insurance would be covered by the BMX Company.

AGENDA ITEM NO. 9 - MAYOR'S COMMENTS: - Councilman A. A. "Joe" Savilla said the Mayor and entire Council wants to create a name change for one of our streets in Nitro. ON BEHALF OF THE ENTIRE COUNCIL AND MAYOR AS A GROUP MOVED AND SECONDED, TO CHANGE THE NAME OF BANK STREET TO DAVE PERRY WAY. Mayor Casto said that he feels to legally change the name of a street, it goes to the building department to make the recommendation. Attorney Dennis Vaughan said it should because we are offering what is already on the map of the city. It must go through the proper channels and notification to the post office. A VOTE WAS TAKEN TO CHANGE THE NAME OF BANK STREET TO DAVE PERRY WAY, AND WAS CARRIED.

Councilman at Large Tim Sizemore said he feels we should legally advertise for an attorney, and Mr. Vaughan agreed. Also, he mentioned there should be another Planning Commission meeting before next meeting.

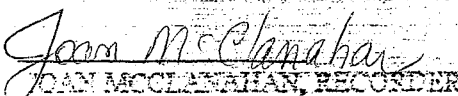
Mr. Vaughan mentioned that prior to the beginning of the meeting, Mr. Butch wanted an answer regarding the carpools within 2 weeks, but as we are going to put the attorney position out for bid he would notify Mr. Butch that it would be at least 2 weeks beyond Council making a determination.

Mayor Casto said it was his opinion that the Mayor makes a decision of the person he wants to represent Council as the attorney, and then Council would vote on this. No need to advertise. Dennis Vaughan told the Mayor he was correct on this matter. Mr. Vaughan said he wants what is best for the City.

Councilwoman at Large Brenda Tyler thanked everyone for coming and wished them a Happy Thanksgiving.

There being no further business Councilman Harry Miller, III moved the meeting be adjourned, seconded by Councilman Bob Smith, and was carried.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER

THE CITY OF NITRO  
COUNCIL MEETING MINUTES

DECEMBER 5, 2000

The Council Meeting was called to order by Mayor Rusty Casto in Council Chambers at 7:30 p.m. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bob Smith and Harry Miller, III. Also present were City Attorney April Boughton and City Treasurer Ralph Allison. Absent was Councilman at Large Richard Savilla.

Mayor Casto welcomed everyone to the meeting, and thanked them for coming out. He asked Councilman Savilla to remember Ernie Hedrick, II and Councilman David and Harry Miller's Mother. Also Sgt. Jack Jordan for the new duties he will be accepting.

THE INVOCATION WAS GIVEN BY COUNCILMAN A. A. "JOE" SAVILLA.

AGENDA ITEM NO. 1 - APPROVAL OF NOVEMBER 21, 2000 COUNCIL MEETING MINUTES: - COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE MINUTES BE APPROVED AS WRITTEN. THE MOTION WAS SECONDED BY HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. She informed that on Saturday night she and Councilman David Miller went to the Nitro Moose Lodge and presented them with a plaque naming them "Nitro December Citizen of the Month." They also thanked them for their generosity and everything they do for our city; they are invaluable. They were very appreciative.

Mayor Casto thanked her for going on his behalf. He was at City Hall with the gathering of the Businessmen's Association.

Councilman David Miller said he appreciates the Moose and all they have done for us, and hopes to continue the good working relationship.

AGENDA ITEM NO. 3 - APPOINTMENT OF CITY ATTORNEY: - Mayor Casto placed before Council his nomination of April Boughton as our City Attorney. COUNCILMAN A. A. "JOE" SAVILLA MOVED APRIL BOUGHTON BE APPROVED AS OUR CITY ATTORNEY. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

The City Attorney April Boughton said she was happy to be back, and that there was a lot of work to be done here.

AGENDA ITEM NO. 4 - APPOINTMENT OF POLICE CHIEF: - Mayor Casto asked Jack Jordan to come forward and entertained a motion to name Jack Jordan the Police Chief. COUNCILMAN A. A. "JOE" SAVILLA MOVED JACK JORDAN BE NAMED POLICE CHIEF. MOTION SECONDED AND WAS CARRIED. He is to take over as Chief on December 10,

2000.

Mayor Casto asked Jack Jordan to come up front, and invited anyone else that wanted to join him.

Jack Jordan took the oath of Police Chief of the City of Nitro. All extended congratulations.

Chief Jordan responded that it was an honor to have the chance to be police chief of the City of Nitro. He would try to have a good working relationship with the community.

Councilwoman at Large Brenda Tyler said this was not an easy decision to make. Four people were chosen to be interviewed and it was a unanimous decision on Jack.

Councilman A. A. "Joe" Savilla commented that there were four outstanding experienced police officers from which to choose. Nitro has a good police force with some really outstanding police officers. It was a very tough decision. He said he wanted to thank the other three applicants who interviewed for the job.

AGENDA ITEM NO. 5 - ANNEXATION: - Mayor Casto yielded the floor to the City Attorney April Boughton, and she advised we would attempt to do this annexation by minor boundary adjustment. This is by far the easier of the three methods provided by state law. The City Attorney read the resolution in its entirety allowing Mayor Casto to send a petition to the Putnam County Commission to annex part of Interstate 64 from the Putnam County line to the St. Albans exit. COUNCILMAN AT LARGE TIM SIZEMORE MOVED FOR THE APPROVAL OF THE RESOLUTION. MOTION SECONDED BY COUNCILMAN DAVID MILLER. Councilman David Miller said the fire department currently responds to that area. By being out of our area, there is a lot of times there is delay in getting law enforcement to that area. It is something he feels needs to be done. Councilman at Large Tim Sizemore informed of the area to be annexed, which would include the wastewater treatment plant. April Boughton advised it was just over 111 acres. Mayor Casto reported on accidents happening in this area, and by them being out of the City Limits, it slows down response time. Councilman A. A. "Joe" Savilla commented he feels it will be beneficial to Putnam County, people who travel this area, and to also bring the waste water treatment plant into our city. A VOTE WAS TAKEN AND IT WAS UNANIMOUS. (RESOLUTION ATTACHED)

AGENDA ITEM NO. 6 - SMITH RESPONSE: - Mayor Casto yielded the floor to the City Recorder Joan McClanahan. Members of Council were furnished a letter from Betty Lett and Brenda Smith regarding property on 40th Street. This was reference to the letter from the Building Department to cut grass over 10 inches in height, and a potential mosquito breeding ground. This agenda item was tabled in November. COUNCILMAN A. A. 'JOE' SAVILLA MOVED THIS BE BROUGHT OFF THE TABLE, SECONDED BY CITY RECORDER JOAN MCCLANAHAN, AND WAS CARRIED. A discussion followed, and it was suggested if it is used for hay, then we should have either a bill of sale or something stating the hay will be for personal use. The building official Mike Lamb reported it has been cut, but we need to let the ladies know they must continue to have it cut. The City Attorney April Boughton said that when a rural area is annexed the agriculture use is protected. However, she didn't know when this particular parcel became agriculture use for hay. We have the city ordinance against certain nuisances, and it is prohibited

to have any offensive or unwholesome substance or growth of grass, weeds, or brush upon any lot or parcel of ground. They were asked to cut it by the former building official, who communicated to the City Attorney that he thought this was an argument between two neighbors and he didn't want to get in the middle. Mayor Casto said if he was correct, the parcel has been incorporated since 1967 and the gentleman who lived there kept it for hay since the turn of the century. After further discussion, COUNCILMAN A. A. 'JOE' SAVILLA MOVED TO TABLE THIS AGENDA ITEM UNTIL THE MAYOR MEETS WITH THE PARTIES INVOLVED. MOTION SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 7 - RALPH ALLISON: - Mayor Casto yielded the floor to City Treasurer Ralph Allison. He said as Council was aware we will be starting budget meetings in February. In order to get a jump-start on this, he would like to have councils' permission to ask the department heads to make a list of at least one or two pieces of the equipment they need. Then go ahead and get some prices on some of it so that we can have that when we start our budget meeting. He said what he was anticipating is that some of this stuff will take six to nine months to get it. Maybe we should go ahead and get it ordered as soon as the budget is passed. Mr. Allison said he feels he knows some wants, and it will take from six to nine months to get some of it, in hopes it will arrive by August or September. He said he didn't want everyone to think we have a lot of money, but the street sweeper will be paid off in a couple months. Come July 1, we will have an extra \$2,500 that we won't have to pay for the sweeper. Mr. Allison requests we buy the equipment and put it on a three year lease purchase with a \$2,500 payment so that it will be paid for by the end of the current Councils' term. COUNCILMAN HARRY MILLER, III MOVED PERMISSION BE GRANTED FOR MR. ALLISON TO OBTAIN WHATEVER INFORMATION IS NECESSARY FROM THE DEPARTMENT HEADS. MOTION WAS SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

City Treasurer Ralph Allison reminded Council that the excess levy will kick in on July 1, 2001, and we will get a substantial property tax check next September which will include a lot of the excess levy dollars. When we get into our budget meetings, Council might want to think of some street paving. We could have street paving designated in the budget and anticipate it to be paid for in September, 2001. Mayor Casto asked the Ward Councilmen to submit one or two streets they felt needed paved. He said Brookhaven would not qualify for any of the grants from the state. However, there are certain streets in Councilman Harry Miller and David Miller's ward that do qualify. Councilman Joe Savilla said they had talked about the entrance to Brookhaven, and this needs something done. Councilwoman Brenda Tyler asked if we could possibly get some type of county funds as the school buses use this road. This is what caused a lot of the problems. Mayor Casto said he would check on this.

AGENDA ITEM NO. 8 - APRIL BOUGHTON: - Mayor Casto yielded the floor to our City Attorney. April Boughton informed that the Zoning Board of Appeals have started the process of updating the Nitro Zoning Ordinances. The process for that is really a function of the Planning Commission, but because the Zoning Board of Appeals are not totally familiar, and they have to interpret them, they are putting together some recommendations for the Planning Commissions' review. The Planning Commission will offer ideas into it and submit a report to Council for consideration and adoption. A member of the Zoning Board has stepped down from his appointment due to a conflict. He has accepted another capacity in City Government and State Law prohibits that. Another member appointed to serve on the Nitro Development Authority and the Zoning Board of Appeals is a conflict of interest and he is going to decide which one to step

down from. We need to replace one and maybe two on the Zoning Board of Appeals. April Boughton said she had the name and addressees of the members of the Zoning Board of Appeals, but they also need a term. Their next meeting is January 8, 2001, and we need a new appointment prior to this time. She advised there had been complaints from citizens about Ordinance 509.04 - Disturbing of the Peace. April Boughton said she spoke with Robin at the police department and she is drafting a letter for the chief's signature to send to the entity that is making the loud noise to see if they will cease and desist within 10 days.

AGENDA ITEM NO. 9 - RESPONSE FROM ST ALBANS ON NCIC: - Mayor Casto yielded the floor to City Recorder Joan McClanahan who read a letter addressed to Chief Blankenship from Chief Clark from the St. Albans Police Department regarding request for assistance on NCIC entries. Letter as follows: "At a meeting of the St. Albans Public Safety Committee, on November 29, 2000, I presented your request for the communications section of the St. Albans Police Department to make entries into NCIC for the Nitro Police Department. The Committee is going to recommend to council that a monthly fee of \$50.00 (fifty) dollars be paid for making the entries and that the City of Nitro also provide supplies as needed. I would ask that you advise me if the City of Nitro will want to pay the fee for the entries. This matter will go before the full council on Monday, December 4, 2000." St. Albans Council agreed. City Recorder Joan McClanahan advised St. Albans currently pays Nitro \$300.00 a month for a service we provide on NIBERS, and they will deduct the \$50.00 from our payment of \$300.00. COUNCILMAN A. A. 'JOE' SAVILLA MOVED FOR THE APPROVAL, SECONDED BY COUNCILMAN HARRY MILLER AND WAS CARRIED. St. Albans will be notified of Councils' approval.

AGENDA ITEM NO. 10 - CHRISTMAS DINNER: - Mayor Casto announced the Employee Christmas Dinner, Tuesday, December 12, at 6:00 p.m. at the Nitro Moose Lodge.

AGENDA ITEM NO. 11 - MAYOR'S COMMENTS: - Mayor Casto reported volunteers will be passing out the calendar this year. He asked if members of Council would like to assist. Nitro's Homecoming will be the 3rd Saturday in July. The Library open house will be Thursday, December 7, from 11:00 a.m. to 7:00 p.m.

Councilman Harry Miller called attention to a plaque that was presented to Rita Perry from the Kanawha County Ambulance Authority for a community service award for Dave Perry posthumous. He asked everyone to take a look at this award before leaving.

Councilman Bob Smith asked when would we be receiving the calendars. Mayor Casto said he would be going tomorrow to make final proof, and he expects them in next week. He said he would deliver in his ward.

Councilman A. A. "Joe" Savilla again wanted to thank the four police officers who interviewed for the police chief. They are all professionals. Also, he wanted everyone to know that Council unanimously approved to rename Bank Street to Dave Perry Way.

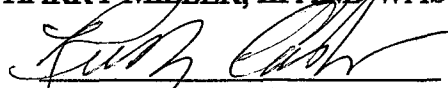
Councilman at Large Tim Sizemore reported on the ISO report. Nitro maintained a rating of 5. This rating is based on the Building Department and also the Fire Department will have a rating by ISO.

Mayor Casto thank Councilwoman Brenda Tyler on all her work on the parade. He said



that when anyone called him, he gave them her telephone number. She said she feels Lorrie Harmon and Allison Browning did a fine job, and suggested the Mayor write them a letter of appreciation. They are making plans for next year.

There being no further business, COUNCILMAN DAVID MILLER MOVED THE MEETING BE ADJOURNED, SECONDED BY HARRY MILLER, III AND WAS CARRIED.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER

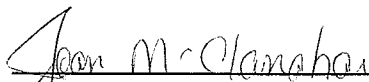
## RESOLUTION 00-10

WHEREAS, by virtue of Chapter 8, Article 6, Section 5 of the West Virginia Code of 1931, as amended, annexation by minor boundary adjustment for a municipality must be approved by the governing body of the municipality; and

WHEREAS, the governing body of the City of Nitro is desirous of annexing certain parcels of land currently outside the corporate limits of the City, which parcels are contiguous to the City and are more fully set forth in a metes and bounds description and are more fully shown on a map thereof attached hereto and made a part hereof for all pertinent purposes and marked as Exhibits A and B.

NOW, THEREFORE, BE IT FOUND AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, THAT the Mayor is hereby directed to file the necessary application for annexation by minor boundary adjustment with the Putnam County Commission pursuant to Chapter 8, Article 6, Section 5 of the West Virginia Code of 1931, as amended, and to take any and all actions that are necessary or desirable to carry out the provisions of this Resolution, and that the parcels herein described should be annexed to the City pursuant to Chapter 8, Article 6, Section 5 of the West Virginia Code of 1931, as amended, as the same is contiguous to the current boundary of the City.

This Resolution duly presented to and adopted by the City Council of the City of Nitro this 5<sup>th</sup> day of December 2000, on a motion by Councilman at Large Tim Sizemore and seconded by Councilman David Miller.

  
Joan McClanahan, Recorder

**LEGAL DESCRIPTION  
FOR  
CITY OF NITRO ANNEXATION  
I-64 AREA NORTH**

Being a parcel of land situate along Interstate I-64 extending from the western side of Kanawha River to the Armour Creek Annexation of 1967, in the County of Putnam, West Virginia, more particularly described to-wit:

Beginning at a point located at the intersection of relocated the southerly controlled access right-of-way line of I-64 the Armour Creek Annexation line of 1967 and the Kanawha and Putnam County line, said point being located 105.00 feet right and at right angle to I-64 centerline station 24+45;

Thence, leaving the Kanawha and Putnam County line and the Armour Creek Annexation line and with the southerly controlled access right of way line of I-64, the following thirty-three (33) lines:

- 1) N 23°45'58" W a distance of 80.34 feet to a point located 98 feet right and at right angle to I-64 centerline station 23+69, thence;
- 2) N 68°24'48" W a distance of 37.69 feet to a point located 123 right and at right angle to I-64 centerline station 23+42, thence;
- 3) N 4°26'22" E a distance of 79.32 feet to a point located 83 right and at right angle to I-64 centerline station 22+77, thence;
- 4) N 62°04'54" W a distance of 99.96 feet to a point located 145 right of and at right angle to I-64 centerline station 22+03, thence;
- 5) N 05°40'44" E a distance of 36.36 feet to a point located 128 feet right and at right angle to I-64 centerline station 21+73, thence;
- 6) N 75°49'57" W a distance of 57.69 feet to a point located 175 feet right and at right angle to I-64 centerline station 21+42, thence;
- 7) N 18°52'31" W a distance of 153.34 feet to a point located 175 right and at right angle to I-64 centerline station 20+00, thence;
- 8) N 12 18'23" W a distance of 70.35 feet to a point located 170 feet right and at right angle to I-64 centerline station 19+34, thence;
- 9) N 12 09'09" W a distance of 79.99 feet to a point located 166 feet right and at right angle to I-64 centerline station 18+58, thence;



- 10) N 13°43'40" W a distance of 96.56 feet to a point located 166 feet right and at right angle to I-64 centerline 17+65, thence;
- 11) N 5°00'14" W a distance of 120.66 feet to a point located 150 feet right and at right angle to I-64 centerline station 16+48, thence;
- 12) N 65°00'00" W a distance of 26.50 feet to a point located 171.12 feet right and at right angle to I-64 centerline station 16+32.19, thence;
- 13) N 13°39'48" W a distance of 133.46 feet to a point located 175 feet right and at right angle to I-64 centerline station 14+99.33, thence;
- 14) N 78°02'38" E a distance of 55.00 feet to a point located 120 feet right and at right angle to I-64 centerline station 14+99.33, thence;
- 15) N 11°57'22" E a distance of 350.00 feet to a point located 120 feet right and at right angle to I-64 centerline station 11+49.33, thence;
- 16) N 72°55'05" E a distance of 102.96 feet to a point located 210 feet right and at right angle to I-64 centerline station 10+96.72, thence;
- 17) N 11°57'45" E a distance of 497.94 feet to a point located 210 feet right and at right angle to I-64 centerline station 700+99.98, thence;
- 18) S 77°54'38" W a distance of 55.00 feet to a point located 265 feet radially right to I-64 centerline station 700+99.97, thence;
- 19) Thence, with a curve to the left having a radius of 3329.50 feet the chord of which bears N 14°30'28" W a distance of 405.04 feet to a point located 265 feet radially right of I-64 centerline station of 696+64.20, thence;
- 20) Thence, with a curve to the left having a radius of 1629.31 feet the chord of which bears N 21°31'15" W a distance of 200.40 feet to a point located 265 feet radially right of I-64 centerline station of 694+37.53, thence;
- 21) Thence, with a curve to the left having a radius of 2572.42 feet the chord of which bears N 27°37'54" W a distance of 232.07 feet to a point located 265 feet radially right of I-64 centerline station of 691+75.00, thence;
- 22) S 59°05'19" W a distance of 45.00 feet to a point located 310 feet radially right to I-64 centerline station 691+75.00, thence;
- 23) Thence, with a curve to the left having a radius of 1983.31 feet the chord of which bears N 34°58'16" W a distance of 280.83 feet to a point located 310 feet radially

right of I-64 centerline station of 688+50.00, thence;

- 24) S 50°58'08" W a distance of 30.00 feet to a point located 340 feet radially right to I-64 centerline station 688+50.00, thence;
- 25) Thence, with a curve to the left having a radius of 1953.31 feet the chord of which bears N 46°08'05" W a distance of 483.12 feet to a point located 340 feet radially right of I-64 centerline station of 682+81.33, thence;
- 26) N 36°45'41" E a distance of 15.00 feet to a point located 325 feet radially right to I-64 centerline station 682+81.33, thence;
- 27) N 68°10'00" W a distance of 163.17 feet to a point located 361.35 feet radially right to centerline station 680+99.59, thence;
- 28) Thence, with a curve to the left having a radius of 358.37 feet the chord of which bears S 47°19'11" W a distance of 163.42 feet to a point located 119 feet left and at right angle of I-64 access ramp centerline station of 682+22.08, thence;
- 29) S 34°08'21" W a distance of 221.61 feet to a point located 119 feet left and at right angle to I-64 access ramp centerline station 684+43.69, thence;
- 30) Thence, with a curve to the right having a radius of 368.11 feet the chord of which bears N 52°06'53" E a distance of 227.21 feet to a point located 119 feet radially left of I-64 access ramp centerline station of 686+00, thence;
- 31) N 19°54'33" E a distance of 19 feet to a point located 100 feet radially left to I-64 access ramp centerline station 686+00, thence;
- 32) Thence, with a curve to the right having a radius of 349.11 feet the chord of which bears S 88°50'25" E a distance of 251 feet to a point located 100 feet left and at right angle of I-64 access ramp centerline station of 687+83.21, said point being also located in the line of the Putnam County Annexation of 1967 to the City of Nitro; thence;
- 33) N 67°46'18" W with the Putnam County Annexation line a distance of 113.90 feet to a point located 100 feet left and at right angle to I-64 access ramp centerline station 688+97.11, said point is also located in the easterly right-of-way line of State Route 25, thence;

Thence, leaving the controlled access right-of-way of I-64 and continues with Putnam County Annexation line crossing State Route 25, N 67°46'18" W a distance of 104.06 feet to a point in the westerly right-of-way line of State Route 25 said point being also located in the right-of-way line of the New York Central Railroad;

Thence, leaving the Putnam County Annexation line and with the right-of-way line of State Route 25 and New York Central Railroad N 22°13'42" E a distance of 956.11 feet to a point in the southerly controlled access right-of-way line of I-64 said point being located 150 feet right and at right angle to I-64 centerline station 673+52.17, thence;

Thence, leaving the right-of-way line of State Route 25 and the New York Central Railroad and with the southerly controlled access right-of-way line of I-64 the following seven (7) lines:

- 1) N 59°31'41" W a distance of 1252.17 feet to a point located 150 feet right and at right angle to I-64 centerline station 661+00, thence;
- 2) S 30°28'19" W a distance of 20 feet to a point located 170 feet right and at right angle to I-64 centerline station 661+00, thence;
- 3) N 59°31'41" W a distance of 500 feet to a point located 170 feet right and at right angle to I-64 centerline station 656+00, thence;
- 4) S 30°28'19" W a distance of 10 feet to a point located 180 feet right and at right angle to I-64 centerline station 656+00, thence;
- 5) N 59°31'41" W a distance of 1032.59 feet to a point located 180 feet right and at right angle to I-64 centerline station 645+67.41 said point being located along the easterly edge of the Kanawha River, thence;
- 6) With the controlled access right-of-way line and the easterly edge of the Kanawha River N 57°42'00" E a distance of 118.08 feet to a point located 75 feet right and at right angle to I-64 centerline station 646+21.44, said point being located on the southerly side of I-64 Bridge No. 2134 that extends over the Kanawha River, thence;
- 7) With the controlled access right of way and across the Kanawha River N 59°31'41" W a distance of 1112.44 feet to a point located 75 feet right and at right angle to I-64 centerline station 635+09, thence;

Thence, leaving the southerly controlled access right-of-way line of I-64 and crossing said I-64, N 48°54'25" E a distance of 158.11 feet to a point in the northerly controlled access right-of-way line of I-64, said point being located 75 feet left of and at right angle to I-64 centerline station 635+59, thence with the northerly controlled access right-of-way line of I-64, the following seven (7) lines:

- 1) S 59°31'41" E a distance of 1139.62 feet crossing the Kanawha River to a point located 75 feet left and at right angle to centerline station 646+98.62 said point being located along the easterly edge of the Kanawha River, thence;

- 2) With the controlled access right-of-way line and the easterly edge of the Kanawha River N 57°42'00" E a distance of 116.96 feet to a point located 177.84 feet left and at right angle to centerline station 647+51.54, thence;
- 3) S 59°31'41" E a distance of 647.86 feet to a point located 179 feet left and at right angle to centerline station 654+00, thence;
- 4) S 30°28'19" W a distance of 9 feet to a point located 170 feet left and at right angle to centerline station 654+00, thence;
- 5) S 59°31'41" E a distance of 700 feet to a point located 170 feet left and at right angle to centerline station 661+00, thence;
- 6) S 30°28'19" W a distance of 20 feet to a point located 150 feet left and at right angle to centerline station 661+00, thence;
- 7) S 59°31'41" E 546.20 feet to a point located 150 feet left and at right angle to centerline station 666+48.20, said point is also located in the southerly line of a 50 foot access road right-of-way thence;

Leaving the northerly controlled access right-of-way line of I-64 and crossing the 50 foot access road right-of-way and with the property line of the City of Nitro Wastewater Treatment Plant property (Deed Book 136, Page 370), the following eleven (11) lines:

- 1) N 21°48'19" E a distance of 1331.84 feet to a point, thence;
- 2) N 22°42'19" E a distance of 86 feet to a point, thence;
- 3) N 17°26'41" W a distance of 703.43 feet to a point, thence;
- 4) N 63°56'19" E a distance of 393.38 feet to a point, thence;
- 5) N 60°24'19" E a distance of 320.75 feet to a point, thence;
- 6) N 60°00'19" E a distance of 195.40 feet to a point, thence;
- 7) N 58°16'19" E a distance of 38 feet to a point, thence;
- 8) S 49°53'41" E a distance of 37.35 feet to a point, thence;
- 9) With a curve to the left having a radius of 5916.94 feet the chord of which bears S 28°41' W a distance of 1317.96 feet, thence;
- 10) S 22°42'19" W a distance of 86 feet to a point, thence;

- 11) S  $21^{\circ}48'19''$  W a distance of 1238.40 feet to a point in the northerly line of a 50 foot access road right of way, thence;

Leaving the City of Nitro Wastewater Treatment Plant property and with the right-of-way line of the 50 foot access road the following four (4) lines:

- 1) S  $59^{\circ}31'41''$  E a distance of 505.22 feet to a point, thence;
- 2) N  $22^{\circ}13'42''$  E a distance of 671.82 feet to a point, thence;
- 3) S  $67^{\circ}46'19''$  E a distance of 50 feet to a point, said point being also located in the westerly right-of-way line of New York Central Railroad, thence continuing with the 50 foot access road right-of-way and the westerly right-of-way line of New York Central Railroad;
- 4) S  $22^{\circ}13'42''$  W a distance of 729.58 feet to a point in the northerly controlled access right-of-way line of I-64, said point being located 150 feet left and at right angle to centerline station 672+42.03, thence;

Leaving the right-of-way line of the 50 foot access road and with the northerly controlled access right-of-way line of I-64, S  $59^{\circ}31'41''$  E a distance of 66.69 feet to a point located 150 feet left and at right angle to centerline station 673+08.72, said point also being located in the westerly right-of-way line of State Route 25 and the easterly right-of-way line of New York Central Railroad, thence;

Leaving the northerly controlled access right-of-way line of I-64 and with the line of State Route 25 and New York Central Railroad, N  $22^{\circ}13'42''$  E a distance of 739.15 feet to a point, thence;

Leaving the line of the New York Central Railroad and crossing State Route 25, S  $67^{\circ}46'19''$  E a distance of 104.06 feet to a point in the northerly controlled access right-of-way line of I-64, said point being located 98.62 feet right and at right angle to I-64 access ramp centerline station 689+20.96, thence;

Leaving the easterly right-of-way line of State Route 25 and with the northerly controlled access right-of-way line of I-64 the following thirty-two (32) lines:

- 1) S  $67^{\circ}46'19''$  E a distance of 248.63 feet to a point located 99.14 feet right and at right angle to I-64 access ramp centerline station 686+77.74, thence;
- 2) With a curve to the right having a radius of 347.50 feet the chord of which bears S  $45^{\circ}45'51''$  E a distance of 260.44 feet to a point located 112.03 feet radially right to I-64 access ramp centerline station 684+90.66, thence;
- 3) N  $66^{\circ}14'36''$  E a distance of 45.61 feet to a point located 157.62 feet radially right



to I-64 access ramp centerline station 684+91.70, thence;

- 4) With a curve to the right having a radius of 393.11 feet the chord of which bears S  $00^{\circ}47'02''$  E a distance of 306.85 feet to a point located 163.03 feet right and at right angle to I-64 access ramp centerline station 683+00.36, thence;
- 5) S  $22^{\circ}11'19''$  W a distance of 212.19 feet to a point located 163.23 feet right and at right angle to I-64 access ramp centerline station 680+92.88, thence;
- 6) With a curve to the left having a radius of 256.97 feet the chord of which bears S  $16^{\circ}57'29''$  E a distance of 324.45 feet to a point located 229.99 feet left and at right angle to I-64 centerline station 682+39.40, thence;
- 7) With a curve to the right having a radius of 2523.31 feet the chord of which bears S  $43^{\circ}32'04''$  E a distance of 941.27 feet to a point located 230 feet left and at right angle to I-64 centerline station 691+00, thence;
- 8) N  $57^{\circ}12'54''$  E a distance of 70 feet to a point located 300 feet left and at right angle to I-64 centerline station 691+00, thence;
- 9) With a curve to the right having a radius of 2593.31 feet the chord of which bears S  $30^{\circ}17'12''$  E a distance of 226.09 feet to a point located 300 feet left and at right angle to I-64 centerline station 693+00, thence;
- 10) N  $62^{\circ}12'42''$  E a distance of 90 feet to a point located 390 feet left and at right angle to I-64 centerline station 693+00, thence;
- 11) With a curve to the right having a radius of 2683.31 feet the chord of which bears S  $24^{\circ}14'17''$  E a distance of 332.32 feet to a point located 390 feet left and at right angle to I-64 centerline station 695+84.20, thence;
- 12) With a curve to the right having a radius of 2749.24 feet the chord of which bears S  $18^{\circ}02'52''$  E a distance of 250.81 feet to a point located 390 feet left and at right angle to I-64 centerline station 698+00.28, thence;
- 13) With a curve to the right having a radius of 4303.09 feet the chord of which bears S  $14^{\circ}41'35''$  E a distance of 111.17 feet to a point located 390 feet left and at right angle to I-64 centerline station 699+00.01, thence;
- 14) S  $76^{\circ}06'35''$  W a distance of 60 feet to a point located 330 feet left and at right angle to I-64 centerline station 699+00.01, thence;
- 15) S  $13^{\circ}16'03''$  E a distance of 106.70 feet to a point located 330 feet left and at right angle to I-64 centerline station 700+00.02, thence;

- 16) S 77°16'23" W a distance of 55 feet to a point located 275 feet left and at right angle to I-64 centerline station 700+00.02, thence;
- 17) S 12°06'23" E a distance of 302.13 feet to a point located 275 feet left and at right angle to I-64 centerline station 703+00, thence;
- 18) S 78°02'38" W a distance of 75 feet to a point located 200 feet left and at right angle to I-64 centerline station 703+00, thence;
- 19) S 11°57'22" E a distance of 200 feet to a point located 200 feet left and at right angle to I-64 centerline station 705+00, thence;
- 20) S 76°56'50" W a distance of 35.01 feet to a point located 165 feet left and at right angle to I-64 centerline station 705+00, thence;
- 21) S 11°57'22" E a distance of 120 feet to a point located 165 feet left and at right angle to I-64 centerline station 11+20, thence;
- 22) S 23°02'09" W a distance of 73.24 feet to a point located 123 feet left and at right angle to I-64 centerline station 11+80, thence;
- 23) S 63°17'47" E a distance of 25.61 feet to a point located 143 feet left and at right angle to I-64 centerline station 11+96, thence;
- 24) S 11°57'22" E a distance of 165 feet to a point located 143 feet left and at right angle to I-64 centerline station 13+61, thence;
- 25) S 11°57'22" E a distance of 119 feet to a point located 143 feet left and at right angle to I-64 centerline station 14+80, thence;
- 26) S 06°42'05" E a distance of 87.34 feet to a point located 135 feet left and at right angle to I-64 centerline station 15+67, thence;
- 27) S 14°41'12" E a distance of 112.07 feet to a point located 140 feet left and at right angle to I-64 centerline station 16+80, thence;
- 28) S 12°38'33" E a distance of 61.73 feet to a point located 140 feet left and at right angle to I-64 centerline station 17+43, thence;
- 29) S 14°15'36" E a distance of 196.54 feet to a point located 140 feet radially left to I-64 centerline station 19+47, thence;
- 30) N 74°02'20" E a distance of 160 feet to a point located 300 feet radially left to I-64 centerline station 19+47, thence;

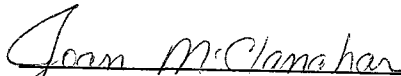
- 31) S 27°27'56" E a distance of 647.05 feet to a point located 311 feet radially left to I-64 centerline station 27+16, thence;
- 32) S 40°17'02" W a distance of 93.00 feet to a point located 110 feet radially left to I-64 centerline station 27+60, said point being at the intersection of the northern controlled access right-of-way line of I-64 and the Armour Creek Annexation line of 1967 to the City of Nitro, thence;

With the Armour Creek Annexation line of 1967 crossing I-64 N 83°07'08" W a distance of 430.24 feet to the point of beginning. Containing 4,793,498.23 square feet or 110.044 acres. Property being annexed is shown on a map prepared by S & S Engineers, Inc. titled "NITRO ANNEXATION I-64 AREA NORTH" dated December 18, 2000 and bearing the signature and seal of Randy Brooks Crace, P.S. No. 756.

PLEASE TAKE FURTHER NOTICE that, on February 6, 2001, at 10:00 o'clock a.m., a public hearing will be held before the Putnam County Commission, at the Putnam County Commission Courtroom, at the Putnam County Courthouse, located at Winfield, West Virginia, to consider the Application for annexation filed by the City of Nitro. Interested parties may appear at the public hearing and make any comments for or against said application for annexation.

*Rusty Casto*  
Mayor of the City of Nitro

I, Joan McClanahan, attest that this is a true and accurate copy of a  
Resolution passed by the City Council of the City of Nitro on December 5, 2000.

  
Joan McClanahan, Recorder

145546.1

## CITY OF NITRO

## COUNCIL MEETING MINUTES

DECEMBER 19, 2000

The Council Meeting was called to order by Mayor Rusty Casto in Council Chambers at 7:30 p.m. Present were City Recorder Joan McClanahan, Councilmen at Large Richard Savilla and Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present were City Attorney, April Boughton and Treasurer Ralph Allison. Absent was Councilwoman at Large Brenda Tyler.

Mayor Casto asked the Pastor VanFossen to remember Councilmen David Miller and Harry Miller's mother, Councilwoman Brenda Tyler and Councilman Joe Savilla's daughter-in-law, Cathy.

The invocation was given by Robert VanFossen from the Nitro Church of God.

**AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 5, COUNCIL MEETING MINUTES: -**

The City Attorney April Boughton had a correction to the minutes under agenda item no. 8. Sentence should read "The process for that is really a function of the Planning Commission, but because the Zoning Board of Appeals is totally familiar, and they have to interpret them, they are putting together some recommendations for the Planning Commissions' review. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE MINUTES BE APPROVED AS AMENDED. MOTION SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA ABSTAINING..

**AGENDA ITEM NO. 2 - CASTO AWARD: - Mayor Casto yielded the floor to the City Recorder.**

City Recorder Joan McClanahan asked Corky and Evelyn Casto please stand. They operated Casto Hardware for 53 years, and they are also the proud parents of our Mayor. City Recorder Joan McClanahan told them that when they announced their retirement and closing of Casto's Hardware, it left everyone with an empty heart, fond memories and wanting a way to honor you and thank you for many years of service and dedication to the City of Nitro. It is with great pleasure and honor to inform you, we are going to hang a plaque in Nitro City Hall and call it "The Evelyn and Corky Casto Award." Each year, with the recommendation coming from the Nitro Business Association, a business in Nitro will be named the Business of the Year. The year 2000 has been reserved for Casto Hardware. Evelyn and Corky, on behalf of this Council and the City of Nitro, we thank you and wish you both a long and happy retirement. We hope you can return for the unveiling of the plaque when it is ready to be hung. A big round of applause was given to Evelyn and Corky.

**AGENDA ITEM NO. 3 - APRIL BOUGHTON: - Mayor Casto yielded the floor to the City**

Attorney April Boughton. She prepared an ordinance to abandon a portion of Wilson Avenue and deed it over to the Davis and Hatchers, as approved by Council November 7. COUNCILMAN AT LARGE TIM SIZEMORE MOVED TO READ TITLE ONLY OF ORDINANCE. MOTION SECONDED BY COUNCILMAN BOB SMITH AND WAS CARRIED. Councilman David Miller read title of ordinance. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE FIRST READING OF ORDINANCE BE APPROVED. MOTION SECONDED BY COUNCILMAN BOB SMITH, AND WAS CARRIED.

She said the second reading would be at the next meeting, and hopefully by that time, the surveyor will be done with all the legal description on a similar abandonment of Ivy Street, and we will be able to have the first reading.

The Planning Commission submitted a letter to the Mayor suggesting that because Nitro does not have the requisite comprehensive plan in place that is required by State Law, to invite someone from the Regional Intergovernmental Council to a meeting to talk with us about what is involved in getting that project started.

City Attorney April Boughton said the employee handbook is under review at her firm. They have specialists who have made a living doing employee handbook and guidebooks for large chemical companies, and they are giving her guidance on it.

She said she needed input from Council on the I-64 annexation regarding the corporate limits of Nitro. We may need to petition Putnam County and Kanawha County. She said she would petition Putnam County as well as Kanawha County.

Mayor Casto met with Pastor VanFossen regarding the church chimes, and asked the City Attorney to address this. April Boughton said as she pointed out at an earlier meeting, the City of Nitro does have in the codified ordinances an ordinance regarding the disturbance of the peace. She read Article 509.04 in its entirety. This was adopted by Council August 17, 1993. She said they have had a handful of complaints from neighboring residents on the chimes, and they have asked the City to intervene on their behalf to grant them some relief. After research she found this ordinance on record, and there is also a state code regarding disturbing the peace and unreasonably loud noises. (There is also case law to support cases of loud chimes from churches.) It was her understanding they were going to proceed on a good-neighbor basis and have a friendly discussion with the church and let them know about the complaints, and ask them to turn the volume down or discontinue the chimes totally if the volume was not adjustable.

Mayor Casto reported he had an informal meeting with the pastor Sunday night, and asked Pastor VanFossen if they had decided anything about the chimes. Pastor VanFossen said they have had discussion about moving the chimes so they would not echo off the back alley. He said the noise has been gauged by professionals. They will move the chimes when weather permits.

AGENDA ITEM NO. 4 - RALPH ALLISON: - The City Treasurer Ralph Allison said with reference to the B & O situation, they have been pursuing a local business for several years trying to collect some B & O Tax. In their minds, it is questionable if they owe it or not, and we have been unsuccessful in collecting any tax, also unsuccessful in sitting up any meetings with them. He said he turned the file over to our City Attorney and her firm, and after reviewing the file, feel we have a case. Mr. Allison said they would pursue it.

Mr. Allison mentioned we just lost two policemen; one retired and the other quit. We have budgeted 13 policemen, and feels we should instruct Chief Jordan to hire 2 additional officers. COUNCILMAN A. A. 'JOE' SAVILLA MOVED FOR THE APPROVAL OF HIRING TWO POLICE OFFICERS. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Mr. Allison also said he would like to address a personnel matter in executive session if council permits.

AGENDA ITEM NO. 5 - ZONING BOARD APPOINTMENT: - Mayor Casto said he as asked several people to serve on the Zoning Board of Appeals, and Shelly Kostelansky has agreed to serve a one year term. CITY RECORDER JOAN MCCLANAHAN MOVED WE APPOINT SHELLEY KOSTELANSKY TO SERVE A ONE YEAR TERM ON THE ZONING BOARD OF APPEALS. MOTION SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA" AND WAS CARRIED.

AGENDA ITEM NO. 6 - CHRISTMAS LIGHTS AT PARK: - Councilman A. A. "Joe" Savilla read two requests from Mayor Casto as follows. One, the Christmas Lights—several of us have been talking about building a road over to the city park, enjoining the two roads which open up into the park. Along the road, we would build and install lights for the Christmas Season. (Similar to the light display at St. Albans), asking for donations to pay for the road and light display, I would ask four citizens, including myself to be on a committee to investigate and report back to Council on our findings.

Two, the Nitro Homecoming — on the third Saturday of July we would have a Nitro Homecoming to be held at the Nitro Community Center. (This would coincide with the all-class reunion, which is held every five years at the Charleston Civic Center, on the third Saturday in July).

At present, I have a national Doughboy reenactment group coming to Nitro.

I would ask Council to endorse the idea and request the all-class reunion take over the particulars, while the city would be in charge of the Doughboys, yard sales and entertainment.

COUNCILMAN A. A. "JOE" SAVILLA MOVED WE ACCEPT THE LETTER. MOTION SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

Ivan Meadows commented Hurricane had lights in their City Park and they just have a walking trail through it. He has heard good comments on their lights. We may have to start with a walking trail.

AGENDA ITEM NO. 8 - FIREMENS' PENSION EST. 2001 EXPENDITURE BUDGET: - COUNCILMAN DAVID MILLER MOVED THE FIREMENS ESTIMATED EXPENDITURE BUDGET FOR 2001 BE MADE A PART OF THE RECORD. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. COPY ATTACHED.

AGENDA ITEM NO. 9 - MAYOR'S COMMENTS: -

COUNCILMAN A. A. "JOE" SAVILLA - Keep all the citizens of Nitro in your prayers during this holiday season. Remember all the elderly, and do something nice for your neighbors.

COUNCILMAN DAVID MILLER: - Have a happy and safe holiday.

Mayor Casto said he wanted to say in public how much he appreciated working with this council. They have been a Christmas gift to him.

COUNCILMAN DAVID MILLER MOVED TO GO INTO EXECUTIVE SESSION AT 8:05 P.M. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

COUNCIL OUT OF EXECUTIVE SESSION 8:55 P.M.

THERE BEING NO FURTHER BUSINESS, COUNCILMAN AT LARGE TIM SIZEMORE MOVED THE MEETING BE ADJOURNED. MOTION SECONDED BY HARRY MILLER, III, AND WAS CARRIED.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER



## NTTRO FIREMENS PENSION &amp; RELIEF FUND

## ESTIMATED EXPENDITURE BUDGET

2001

PENSION DISBURSEMENTS (Includes est. CPI 3.7%)	\$ 148,362.85
SHARP ELECTRONICS	3,153.84
ACTUARY	6,000.00
SECRETARY	480.00
MISC. EXPENSE (PO BOX RENT, PRINTING, ETC.)	1,000.00
TOTAL:	\$ 159,996.69

CITY OF NITRO  
COUNCIL MEETING MINUTES

JANUARY 2, 2001

Mayor Casto declared a quorum and called the Council Meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla and Tim Sizemore, Councilmen David Miller, Bob Smith and Harry Miller, III. Also present were City Attorney April Boughton and City Treasurer Ralph Allison. Absent was Councilman A. A. "Joe" Savilla.

The invocation was given by Councilwoman at Large Brenda Tyler.

AGENDA ITEM NO. 1 - APPROVAL OF DECEMBER 19, COUNCIL MEETING MINUTES: - COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE DECEMBER 19, COUNCIL MEETING MINUTES BE APPROVED. MOTION SECONDED BY COUNCILMAN BOB SMITH. A VOTE WAS TAKEN AND WAS CARRIED WITH COUNCILWOMAN AT LARGE BRENDA TYLER ABSTAINING. Councilwoman at Large Brenda Tyler said she abstains because she wasn't present at this meeting. She said for the record she would like to make one comment, and that is she highly opposes the Mayor's nominee to the Zoning Board.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman at Large Brenda Tyler announced the January Citizens of the Month were unable to be with us this evening, but hopefully they will be at the next meeting. They are Lori Harmon and Allison Browning, who did a wonderful job with the Christmas parade.

AGENDA ITEM NO. 3 - ORD. ABANDON WILSON AVENUE - 2ND READING: COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO READ TITLE ONLY. MOTION SECONDED BY COUNCILMAN BOB SMITH AND WAS CARRIED. The City Attorney April Boughton read title of ordinance to abandon and discontinue as a public street, alley, lane road or other public right-of-way a portion of that certain right-of-way known and designated as Wilson Avenue in the City of Nitro, Kanawha County, West Virginia, which right-of-way is depicted on those certain plats attached hereto and marked as "exhibit Nos. 1 and 2," and reserving sewer easements for the City of Nitro, West Virginia. CITY RECORDER JOAN MCCLANAHAN MOVED THE ORDINANCE BE ADOPTED, SECONDED BY COUNCILMAN BOB SMITH. VOTE TAKEN AND WAS CARRIED. (COPY ATTACHED.)

AGENDA ITEM NO. 4 - APRIL BOUGHTON: - The City Attorney April Boughton reported we still need to have a public hearing on the Ivy Street abandonment. There was a public hearing held by the Planning Commission, but this was on a different portion. A notice needs to be published in the newspaper. COUNCILMAN DAVID MILLER MOVED A NOTICE BE PUBLISHED ON THE PUBLIC HEARING TUESDAY, JANUARY 16, 2001 AT 7:15 P.M. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

The City Attorney April Boughton informed the I-64 annexation is moving right along. The

Putnam County Commissioners were very receptive. They had a meeting on December 28, 2000, and Councilman at Large Tim Sizemore, Councilman Harry Miller and Recorder Joan McClanahan accompanied the City Attorney to this meeting. A Public Hearing is scheduled for February 6, at 10:00 a.m. It is the City's obligation to notify the public of this. Putnam County has adopted some strict guidelines for the notices.

At the last Council Meeting, April Boughton said she was directed to call the Regional Intergovernment Council to inquire as to what assistance is available with developing a comprehensive plan for municipalities. It is mandated by State Law, Section 8, 24-16 of the WV Code. The gentleman she spoke with was very helpful. He told her the entire project of developing a comprehensive plan is about a \$20,000 to \$50,000 project. He will come to the next Planning Commission Meeting scheduled for January 25, 2001, to discuss what is involved with a comprehensive plan. The City Attorney informed that the general purpose is to guide and accomplish a coordinated adjusted and harmonious development of the area.

Regarding the employment policy handbook they ask her to review, it appears to her that the City is in need of a policy manual; not just an employee handbook. It is a customized project. It will take some investigation and meetings with department heads beginning with the Mayor and Recorder. It falls beyond the scope of general legal representation, and she feels we need to put this out as a special project. This could cost between \$2,500 and \$5,000. She said we might be able to share this with some of our neighboring cities if they have recently gone through this process, and maybe they would be willing to share. After further discussion, it was agreed upon that this is something the city needs. City Treasurer Ralph Allison said he would research to ascertain if we have to put this out for bids, because we need a professional to handle this. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE GRANT APRIL BOUGHTON THE AUTHORITY TO GO AHEAD AND START WORKING ON THE MANUAL WITH A CAP OF \$5,000.00. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 5 - RALPH ALLISON: - Nothing to report.

AGENDA ITEM NO. 6 - MAYOR'S COMMENTS:- Mayor Casto thanked the City Recorder Joan McClanahan for putting in extra time while he has been recovering from eye surgery.

Councilman at Large Tim Sizemore asked if the Police or Fire Department could post the required five signs before Monday. They will also have to take pictures of them. They must be posted in five conspicuous places in the proposed territory of the annexation. Photographs must be taken and brought to the Public Hearing.

Mayor Casto told Councilwoman at Large Brenda Tyler it was good to see her back. She thanked everyone for their cards and calls. She said she was happy to report that her test is over and therapy worked and she is now cancer free again.

City Recorder Joan McClanahan said there is a bay that houses the ladder fire truck that was built in 1998, and is unheated. It is extremely cold in this bay, and the firefighters shouldn't have to come in already cold and wet into this area. They are unable to dry their hoses. At this time, they are using kerosene heat. Captain Hedrick said they are using approximately \$960.00

ORDINANCE NO. 01-01

AN ORDINANCE TO ABANDON AND DISCONTINUE AS A PUBLIC STREET, ALLEY, LANE, ROAD OR OTHER PUBLIC RIGHT-OF-WAY A PORTION OF THAT CERTAIN RIGHT-OF-WAY KNOWN AND DESIGNED AS WILSON AVENUE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH RIGHT-OF-WAY IS DEPICTED ON THOSE CERTAIN PLATS ATTACHED HERETO AND MARKED AS "EXHIBIT NOS. 1 AND 2," AND RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO, WEST VIRGINIA.

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

WHEREAS, Wilson Avenue is shown on a certain plat of the City of Nitro, however, said Wilson Avenue has never been opened to public use and in fact does not exist as a street except on paper; and

WHEREAS, abutting property owners to Wilson Avenue, Russell Hatcher and Josephine Hatcher, and Henry C. Davis and Diane Francis Davis, have requested that that portion of Wilson Avenue which abuts their properties be abandoned; and

WHEREAS a public hearing was held on May 18, 2000, for the purpose of discussing the abandonment of a portion of Wilson Avenue at which public hearing no one objected.

WHEREAS, on October 19, 2000, the Planning Commission for the City of Nitro approved the petitioners' request to abandon said portion of Wilson Avenue; and

WHEREAS, on November 7, 2000, at a regularly called City Council meeting, the City of Nitro, by its council, moved to abandon a portion of Wilson Avenue and close that portion to public use and to convey equal portions of Wilson Avenue to the Hatchers and to the Davises.

NOW THEREFORE, be it Ordained by the Council of the City of Nitro, West Virginia, that a portion of Wilson Avenue, situate in the City of Nitro, Kanawha County, West Virginia, more particularly bound and described as two parcels as follows:

Parcel No. 1:

BEGINNING at a #5 rebar set at the intersection of right of ways for Wilson and Main Avenues, said rebar also marking the southwesterly corner of Russell Hatcher and Josephine Hatcher (D.B. 2466 - Pg. 500),

THENCE with the northerly right of way line of Main Avenue N.  $48^{\circ}-01'-43''$  W. 18.43 feet to a P.K. nail set in the centerline of Wilson Avenue concrete pavement,

THENCE leaving said Main Avenue right of way and with the centerline of Wilson Avenue concrete pavement N.  $41^{\circ}-48'-02''$  E. 111.52 feet to a point in the southerly right of way line of the CSX Railroad,

THENCE with said railroad right of way S.  $46^{\circ}-12'-35''$  E. 18.32 feet to a point at the intersection of the easterly right of way line of Wilson Avenue, said point also marking the northwest corner of Russell Hatcher and Josephine Hatcher (D.B. 2466 - Pg. 500),

THENCE leaving said railroad right of way and with the easterly right of way line of Wilson Avenue S.  $42^{\circ}-13'-17''$  W. 110.94 feet to the point of beginning containing 2094.92 square feet, more or less.

Parcel No. 2:

BEGINNING at a #5 rebar set at the intersection of right of ways for Wilson and Main Avenues, said rebar also marking the southeasterly corner of Henry C. Davis, Jr. and Diane Frances Davis (D.B. 2492 - Pg. 910),

THENCE with the westerly right of way line of Wilson Avenue N.  $42^{\circ}-06'-17''$  E. 112.22 feet to a point in the southerly right of way line of the CSX Railroad,

THENCE with said railroad right of way S.  $46^{\circ}-12'-35''$  E. 21.93 feet to a point,

THENCE leaving said railroad right of way and with the centerline of Wilson Avenue concrete pavement S.  $41^{\circ}-48'-02''$  W. 111.52 feet to a P.K. nail set in the northerly right of way line of Main Avenue,

THENCE with said right of way line N. 48°-01'-43" W.  
21.58 feet to the point of beginning containing 2381.32 square feet,  
more or less.

All bearings are relative to the Magnetic Meridian of  
November 10, 2000.

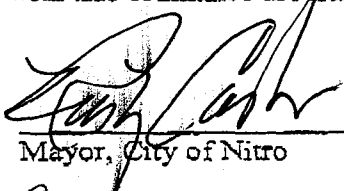
is hereby closed, abandoned, and discontinued.

The City of Nitro hereby reserves a sewer easement for the full length and width of the above described right-of-way for the purpose of construction, maintenance, repair, and removal of storm and sanitary sewer lines. No person shall construct improvements, plant trees or other vegetation, or take any other action which would interfere with this easement, nor alter the present surface profile or contour of subject right-of-way by more than one (1) foot without the written permission of the Sanitary Board of the City of Nitro and the Building Inspector of the City of Nitro.

The Mayor of the City of Nitro is hereby authorized and directed to execute, acknowledge, and deliver a proper deed conveying all right, title and interest in and to said portion of Wilson Avenue in equal shares to said abutting property owners herein named above on the condition that the City of Nitro, West Virginia, have adequate right-of-way easements for sanitary, sewer, and all other utilities crossing said real estate as described on "Exhibit Nos. 1 and 2" attached hereto, and upon payment by the petitioners of any legal fees due and owing to the City of Nitro for said abandonment.

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of the inconsistency.

Passed on first reading: DECEMBER 19, 2000

  
Mayor, City of Nitro

Passed on second reading: JANUARY 2, 2001

  
Recorder, City of Nitro

worth of kerosene and the heating is still inadequate. She says she feels this is an emergency situation because they need heat now. She said she had a quote from Airxperts from Hurricane, we will be able to get radiant heaters and everything it takes to connect them for just over \$2,000.00. The firefighters can do the installation, so we will save on labor. There is no excuse in the world this should continue. CITY RECORDER JOAN MCCLANAHAN MOVED WE DECLARE THIS AN EMERGENCY. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III, AND WAS CARRIED. CITY RECORDER JOAN MCCLANAHAN MOVED WE GIVE IMMEDIATE APPROVAL FOR THIS BID OF \$2,077.25 TO AIRXPPTS FROM HURRICANE FOR THE LIST FURNISHED TO PROPERLY HEAT THE BAY AT THE FIRE DEPARTMENT. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Mayor Casto commented that he is in agreement with this motion.

Councilwoman at Large Brenda Tyler said she has discovered that the City is not adequately protected from fire. The pumper truck is not working and may never work again. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED TO DECLARE AN EMERGENCY SITUATION AT THE FIRE DEPARTMENT. MOTION SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED. Councilwoman at Large Brenda Tyler said they have a proposal from the WV Truck and Trailer emergency equipment division on a lease to own 1999 fire truck that was only used for demo purposes at a very good price of \$299,000. This can be leased to own over a ten year period with the first payment not being due for one year. Mayor Casto said he didn't think the emergency truck purchase would fall under what we just voted. Councilman David Miller said he feels it would fall under the emergency situation. We are not adequately covered. Currently we have the ladder truck, a 1973 model truck and a borrowed truck from Poca that is a 1966 model. The two older trucks classify as antiques as far as ISO would have it. The pumper truck that was wrecked due to icy situations, the pump needed to be replaced, and we don't know when it will be back in service. Mayor Casto questioned if we could authorize purchase. There is a big difference between \$2,000 for a heater and \$300,000 for a fire truck. Councilman David Miller said the Mayor will have to explain it to the resident whose house burns. The City Attorney April Boughton said the governing body of every municipality shall have plenary power (absolute power and authority) to provide for the prevention and extinguishment of fires, etc. Councilwoman at Large Brenda Tyler said she feels we shouldn't have to borrow a truck from a volunteer fire department in order to protect the citizens of this town. Her basis for declaring an emergency is we cannot adequately protect the people in this city based on the equipment we have. Councilman at Large Richard Savilla commented the fire truck loaned from Poca could be called back at any time, and read Code 111.05 Emergency Purchases. After further discussion, COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE ENTER INTO A CONTRACT WITH WV TRUCK & TRAILER EMERGENCY EQUIPMENT DIVISION TO PURCHASE THE 1999 FIRE TRUCK. MOTION WAS SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

There being no further business, COUNCILMAN HARRY MILLER, III MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER

## CITY OF NITRO

## PUBLIC HEARING

JANUARY 16, 2001

Mayor Casto called the Public Hearing to order in Council Chambers at 7:15 p.m. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bob Smith and Harry Miller. Also present was City Attorney April Boughton. Citizens present were Mark Goodall, John Montgomery, Harry Miller, Sherry Thomas, Harold Thomas, Ernest W. Hedrick, Ivan Meadows, A. J. Shinn, Steve Hardman and Jack Jordan. Absent was Councilman at Large Rich Savilla.

The public hearing was scheduled regarding an ordinance to abandon and discontinue as a public street, alley, lane, road or other public right-of-way a portion of that certain right-of-way known and designated as Ivy Street in the City of Nitro, Kanawha County, West Virginia, reserving sewer easements for the City of Nitro, West Virginia.

No one came forward to object.

  
\_\_\_\_\_  
RUSTY CASTO, MAYOR

  
\_\_\_\_\_  
JOAN MCCLANAHAN, RECORDER



CITY OF NITRO  
COUNCIL MEETING MINUTES

JANUARY 16, 2001

Mayor Casto declared a quorum and called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bob Smith and Harry Miller, III. Also present were City Attorney April Boughton and City Treasurer Ralph Allison. Absent was Councilman at Large Rich Savilla.

THE INVOCATION WAS GIVEN BY IVAN MEADOWS.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 2, 2001 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED THE MINUTES BE APPROVED AS WRITTEN. MOTION SECONDED BY COUNCILMAN BOB SMITH AND WAS CARRIED.

Councilwoman at Large Brenda Tyler introduced Lee Painter, a student from Nitro Elementary School who presented Mayor Rusty Casto with a certificate as WSAZ-TV's "Hometown Hero". The Mayor received a round of applause and congratulations from members of Council.

AGENDA ITEM NO. 2 - BUNKER GEAR: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. Members of Council were furnished a copy of a quote for bunker gear for the fire department. Chief Steve Hardman said the fire department has been using the same gear for twelve years. The quote of \$28,229.00 is effective through January 30, 2001. This can be financed on a lease purchase, but the Treasurer will need Council's approval for financing of two years starting after July, 2001. CITY RECORDER JOAN MCCLANAHAN MOVED PERMISSION BE GRANTED TO FINANCE THE BUNKER GEAR ON A LEASE PURCHASE AGREEMENT FOR TWO YEARS BEGINNING IN JULY, 2001. MOTION SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND PASSED UNANIMOUSLY WITH MAYOR CASTO ADDING HIS VOTE IN THE AFFIRMATIVE..

AGENDA ITEM NO. 3 - REPORT ON CHURCH BELLS: - City Recorder Joan McClanahan reported she spoke with Pastor Van Fossen from Nitro Church of God regarding the relocation of the church bells. Pastor Van Fossen informed her that the church Board of Trustees are still working out the final details. The City Attorney April Boughton suggested that Mayor Casto write a letter to the Board requesting that someone attend the next council meeting and give Council a definite moving date.

AGENDA ITEM NO. 4 - COMPLAINTS REGARDING MUD ON ROADWAY: - City Recorder Joan McClanahan reported she received more complaints on Route 25, that is the result of trucks from Raleigh Junk. She contacted the manager of Raleigh Junk, Delbert Nichols, and he advised they had hired a professional street sweeping company and they swept every Tuesday and

Thursday nights. Mayor Casto said he would keep a check on it.

AGENDA ITEM NO. 5 - 1ST READING - ORD. 01-ABANDON IVY STREET: - Mayor Casto yielded the floor to the City Attorney April Boughton. The City Attorney April Boughton explained this was the first reading of ordinance to abandon and discontinue as a public street, alley, lane, road or other public right-of-way known and designated as Ivy Street in the City of Nitro, Kanawha County, West Virginia, which right-of-way is depicted on those certain plats, and reserving sewer easements for the City of Nitro, WV. COUNCILMAN A. A. 'JOE' SAVILLA MOVED TO READ TITLE ONLY, SECONDED BY COUNCILMAN BOB SMITH AND WAS CARRIED. CITY RECORDER JOAN MCCLANAHAN MOVED THE ORDINANCE BE APPROVED. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III, AND WAS CARRIED.

AGENDA ITEM NO. 6 - REPORT ON 3RD AVENUE: - Mayor Casto reported that last year, Council unanimously passed a resolution relinquishing the maintenance and upkeep of 3rd Avenue from 21st Street to 40th Street (1.2 Miles) to the WV Department of Transportation, Division of Highways. Mayor Casto said he received a response stating they would not accept the area from 31st Street to 40th Street due to the fact that there were two landslides in this area.

AGENDA ITEM NO. 7 - APRIL BOUGHTON: - The City Attorney April Boughton reported that she had attended a Kanawha County Commission meeting where the petition to dissolve some local cities was dismissed.

She announced the next Nitro Planning Commission Meeting is scheduled for January 25, 2001 at 7:00 p.m.

AGENDA ITEM NO. 8 - RALPH ALLISON: - The City Treasurer Ralph Allison reminded Council of the budget meeting scheduled February 5, in the Conference Room at Nitro City Hall.

AGENDA ITEM NO. 9 - MAYOR'S COMMENTS: - Mayor Casto informed that Gene Brightwell and Charlie Raynes had resigned as members of the Zoning Board of Appeals.

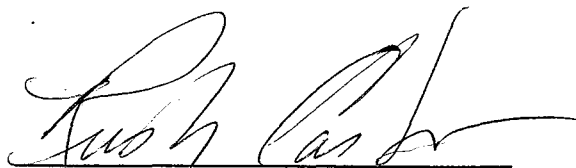
Councilman A. A. "Joe" Savilla thanked Mayor Casto for getting the street lights fixed.

Councilman at Large Tim Sizemore expressed deep concern about the people fishing and children playing on the ice at Ridenour Lake. After discussion, it was recommended our City Attorney contact our insurance agent, Mr. J.R. Marshall of Insurance Exchange to determine the city's liability and what can be done to eliminate or alleviate this problem.

COUNCILMAN HARRY MILLER, III MOVED TO ENTER INTO EXECUTIVE SESSION AT 8:00 P.M.. MOTION SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

Council out of executive session 8:15 p.m.

There being no further business, COUNCILMAN A. A. "JOE" SAVILLA MOVED THE MEETING BE ADJOURNED, SECONDED BY HARRY MILLER, III AND WAS CARRIED.

A stylized, cursive handwritten signature in black ink, appearing to read 'Rusty Casto'.

RUSTY CASTO, MAYOR

A cursive handwritten signature in black ink, appearing to read 'Joan McClanahan'.

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES

FEBRUARY 6, 2001

Mayor Casto declared a quorum and called the Council Meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla and Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, and Bobby Smith. Absent was Councilman Harry Miller, III. Also present were City Attorney April Boughton and City Treasurer Ralph Allison.

THE INVOCATION WAS GIVEN BY COUNCILMAN A. A. "JOE" SAVILLA.

Mayor Casto asked for a moment of silence for Pastor Farley's daughter who was killed in an automobile accident a week ago.

AGENDA ITEM NO. 1 - APPROVAL OF JANUARY 16, 2001 COUNCIL MEETING MINUTES: - COUNCILMAN A. A. "JOE" SAVILLA MOVED THE COUNCIL MEETING MINUTES BE APPROVED. MOTION SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA ABSTAINING.

AGENDA ITEM NO. 2 - APPROVAL OF JANUARY 16, 2001 PUBLIC HEARING MINUTES: - COUNCILMAN DAVID MILLER MOVED THE PUBLIC HEARING MINUTES BE APPROVED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA. MOTION CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA ABSTAINING.

AGENDA ITEM NO. 3 - CITIZEN OF THE MONTH: - Mayor Casto announced the City Recorder Joan McClanahan as Citizen of the Month, and presented her with two certificates for dinner at Diehl's Restaurant. She was given a big round of applause. Mayor Casto said he appreciated all the hard work she did on the annexation and while he was absent due to health problems. Councilman A. A. "Joe" Savilla said it was a pleasure working with her and that she was a very deserving person.

AGENDA ITEM NO. 4- SUPPLEMENTAL RESOLUTION - SANITARY BOARD: - Mayor Casto yielded the floor to Dennis Vaughan, Attorney for the Sanitary Board, who advised this agenda item was a supplemental resolution. Mr. Vaughan informed that a year ago when they started the Poca River Project, City Council, by ordinance, authorized the issuance of up to three million dollars in sewer revenue bonds. The Department of Environmental Protection found its desire to add 43 additional homes onto this project, and made available to the Sanitary Board the sum of \$543,000 at 1/2% interest. A copy of the petition was filed with the City Recorder, which is required by statute requesting that Council authorized the issue of \$543,800 worth of sewer revenue bonds. It is scheduled to close next Tuesday, at the Water Development Authority. He advised the Mayor, Recorder and City Attorney to be available at this time. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED FOR THE APPROVAL, SECONDED BY

COUNCILMAN BOB SMITH. Councilman David Miller questioned if current residents would be paying for this project and was told they would not, that these people all live on Poca River. He added that this does not involve the credit of the City. A VOTE WAS TAKEN AND IT PASSED WITH COUNCILMAN AT LARGE TIM SIZEMORE OPPOSING.

SUPPLEMENTAL RESOLUTION 01-01 ATTACHED.

AGENDA ITEM NO. 5 - RESOLUTION - PAVING: - Mayor Casto said he had four resolutions that need to be passed by Council for a joint Federal/State grant for low income areas. Mayor Casto asked Councilman A. A. 'Joe' Savilla to read ordinance regarding 2nd Avenue from 25th Street to 40th St. COUNCILMAN A. A. 'JOE' SAVILLA MOVED THE RESOLUTION BE ADOPTED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

RESOLUTION 01-02 ATTACHED.

Mayor Casto said the next resolution would be for paving the road surrounding the Ortin Heights Cemetery which is not in our City Limits, but it must be run through a local government according to law. Mayor Casto asked Councilman at Large Tim Sizemore to read the resolution. COUNCILMAN BOB SMITH MOVED THE RESOLUTION BE ADOPTED, MOTION SECONDED BY COUNCILMAN DAVID MILLER. A VOTE WAS TAKEN AND IT WAS UNANIMOUS. Mayor Casto said this paving would not be done if Ortin Heights Board of Directors do not receive the grant. RESOLUTION 01-03 ATTACHED.

Mayor Casto asked Councilman David Miller to read the resolution regarding 8th, 9th, 10th and 11th Streets in Nitro. COUNCILMAN DAVID MILLER MOVED THE RESOLUTION BE ADOPTED, SECONDED BY A. A. 'JOE' SAVILLA AND WAS CARRIED. RESOLUTION 01-04 ATTACHED.

Councilman David Miller read resolution regarding Cleveland Avenue, Michigan Avenue and Kanawha Avenue, S. COUNCILMAN DAVID MILLER MOVED THE RESOLUTION BE ADOPTED. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. RESOLUTION 01-05 ATTACHED.

AGENDA ITEM NO. 6 - PRESENTATION - FIRE DEPARTMENT: - Mayor Casto yielded the floor to Councilman David Miller who yielded the floor to Chief Hardman. Chief Hardman thanked the Mayor and Council for allowing their presentation. He exhibited the State of the Art new (only been out 3 months) weapon in the arson fire fighter. It is a thermal energy camera. Some may have seen the camera on TV. It actually picks up the heat of an individual that would be in a structure fire. Some members of Council saw the camera demonstrated in a smoke building outside prior to Council Meeting, and were also invited to view this after the meeting. He explained that this new technology would pick up any type of heat from a person's body. Chief Hardman said they have six individual, different companies and corporations that help them earn the money. The one large contributor on this fund was the Nitro Moose Lodge #565. Present this evening was Rick Harris, the Administrator and Phil Greenfield, an officer. Chief Hardman asked them to please come forward, and on behalf of the Nitro firefighters expressed his thanks, and presented them with a plaque in appreciation of their generous contribution. Chief Hardman said

he demonstrated a \$25,000 piece of equipment and the Nitro Moose Lodge contributed \$17,000 toward the purchase. A big round of applause was given the Moose Lodge.

Chief Jack Jordan said on behalf of the Nitro Police Department and the City of Nitro he wanted to express special thanks to the Nitro Moose Lodge for their donation of \$15,700. to purchase a Jeep Cherokee. Another round of applause was given to the Nitro Moose.

Rick Harris said that on behalf of the men and women of the Moose, they were happy to help the City. One of their main goals is to provide for their children and give some back to the community.

Councilwoman at Large Brenda Tyler said she had been involved with several organizations such as Little League, and the Moose Lodge has always been there. She greatly appreciates all the support they give throughout the community.

Councilman A. A. "Joe" Savilla endorsed what Councilwoman Tyler said and then some. They have always been there.

City Recorder Joan McClanahan said she would like to add her thanks as well. She would encourage everyone to go to the little smoke house out front. It will certainly give you a deeper appreciation of firemen.

AGENDA ITEM NO. 7 - ANNEXATION REPORT: - Mayor Casto announced the city annexed some 110 acres in the city limits. He thanked everyone who helped with this annexation, and who were present at the hearing with the Putnam County Commission. Mayor Casto presented Mr. Harry Miller, Sr. with the sign posted in City Hall showing the boundary of the annexation.

Councilman David Miller said this was something that was long overdue. He said this was attempted during the former administration, but didn't receive any cooperation.

Councilman at Large Tim Sizemore said Councilman Joe Savilla presented some good points today, which he feels made a big difference.

AGENDA ITEM NO. 8 - 2ND READING - ORD ABANDON IVY STREET: - COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE TITLE ONLY BE READ. MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. The City Attorney April Boughton read title only of ordinance, and COUNCILMAN DAVID MILLER MOVED ORDINANCE BE ADOPTED. MOTION SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

ORDINANCE 01-02 ATTACHED.

AGENDA ITEM NO. 9 - FUND RAISER - FIRE DEPARTMENT: - Mayor Casto yielded the floor to Councilman David Miller who turned it over to Firefighter Mark Jarrett. Mr. Jarrett said he was the treasurer of the Nitro Fireman's Association. He asked Councils' permission to have their annual Photo Shoot fund raiser. With Councils' permission, they plan to go door-to-door asking for a \$10.00 donation per coupon. The coupon is for a complementary 10'x13' portrait. Permission was granted.

Mayor Casto gave Firefighter Jarrett \$20.00 for the purchase of the first coupon.

AGENDA ITEM NO. 10 - APRIL BOUGHTON: - Mayor Casto yielded the floor to the City Attorney April Boughton. She said she had two more ordinances for Councils' consideration. The increase of fees for various traffic violations and criminal offences have not been increased for ten years and these are well under the state maximum amount charged. COUNCILMAN A. A. 'JOE' SAVILLA MOVED TO READ TITLE ONLY. MOTION SECONDED BY ENTIRE COUNCIL AND WAS CARRIED. City Attorney April Boughton read title of Ordinance increasing cash bonds for various traffic violations and criminal offenses, and assessing an administrative fee for failure to appear in the Municipal Court of the City of Nitro, West Virginia. After discussion, a word was added by which the first paragraph reading "WHEREAS, the City of Nitro, West Virginia, declares the necessity and convenience to increase the minimum cash bonds for certain traffic violations and criminal offenses committed within the municipality; and." COUNCILMAN BOB SMITH MOVED FOR THE APPROVAL OF THE FIRST READING OF ORDINANCE. MOTION SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

The other ordinance is regarding the acquisition of a new fire truck. COUNCILMAN DAVID MILLER MOVED TO READ TITLE ONLY. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. Mayor Casto read title only of ordinance declaring a state of emergency and authorizing the acquisition of a new fire truck by means of a lease with option to purchase agreement. City Attorney April Boughton pointed out that due to the emergency declared according to Chapter 8, Article 11, Section 4 D-1, we only need to have one reading. COUNCILMAN A. A. "JOE" SAVILLA MOVED FOR THE ADOPTION OF ORDINANCE. MOTION SECONDED BY COUNCILMAN DAVID MILLER AND WAS UNANIMOUSLY APPROVED.

ORDINANCE 01-03 ATTACHED.

April Boughton reported on the meeting of the Planning Commission and Zoning Board of Appeals. The Planning Commission had a presentation by Mark Felton of the RIC, and the attorney suggested that Margaret Hudson submit a request to Council for possible funding of a comprehensive plan.

The Zoning Board of Appeals are making good progress on updating the City's zoning ordinances. They have made their way over nine pages. They are really working hard.

AGENDA ITEM NO. 11 - RALPH ALLISON: - Mayor Casto yielded the floor to City Treasurer Ralph Allison. Mr. Allison said he would like to thank Council for their cooperation in the budget meeting last night. He has scheduled another budget meeting Monday, February 12, at 7:00 p.m. in the Conference Room.

AGENDA ITEM NO. 12 - MAYOR'S COMMENTS: - Mayor Casto said he would like to thank everyone today in getting the annexation through. He complimented Chief Hardman for doing a good job. He also thanked Councilman Smith for his work on Ivy Street.

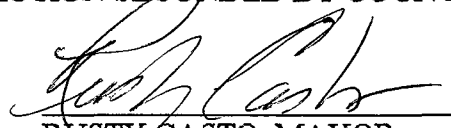
Councilman David Miller thanked the Nitro Moose Lodge again.

Councilman A. A. "Joe" Savilla thanked all the city employees present at the County Commission hearing today as well as City Recorder Joan McClanahan and members of Council. We were well represented. He said we have so many more things on the drawing board.

Councilman at Large Tim Sizemore said he also wanted to thank the Nitro Moose again.

Firefighter Mark Jarrett said they were here tonight in honor of the Moose and to thank them, but they also wanted to thank Council. He presented them a cap in appreciation for all they have done.

There being no further business, COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE MEETING BE ADJOURNED. MOTION SECONDED BY COUNCILMAN BOB SMITH AND WAS CARRIED.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER



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12

13

THE CITY OF NITRO  
SEWERAGE SYSTEM REVENUE BONDS,  
SERIES 2001 A

SUPPLEMENTAL RESOLUTION

SUPPLEMENTAL RESOLUTION AMENDING AN ORDINANCE PASSED BY THE CITY OF NITRO ON JUNE 13, 2000; PROVIDING FOR THE PRINCIPAL AMOUNT, DATE, MATURITY DATE, INTEREST RATE, PAYMENT SCHEDULE, SALE PRICE AND OTHER TERMS OF THE CITY OF NITRO SEWERAGE SYSTEM REVENUE BONDS, SERIES 2001 A ; AUTHORIZING AND APPROVING THE BOND PURCHASE AGREEMENT RELATING TO SUCH BONDS AND THE SALE AND DELIVERY OF SUCH BONDS TO THE WEST VIRGINIA WATER DEVELOPMENT AUTHORITY; DESIGNATING A REGISTRAR, PAYING AGENT AND DEPOSITORY BANK; AND MAKING OTHER PROVISIONS AS TO SUCH BONDS.

WHEREAS, the Council (the "Governing Body") of The City of Nitro (the "Issuer") has duly and officially passed a Bond Ordinance on June 13, 2000, effective June 27, 2000 (the "Bond Ordinance"), entitled:

AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXISTING PUBLIC SEWERAGE SYSTEM OF THE CITY OF NITRO AND THE FINANCING OF THE COSTS THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$3,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF SEWERAGE SYSTEM REVENUE BONDS, SERIES 2000 A, PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS, APPROVING AND RATIFYING A BOND PURCHASE AGREEMENT RELATING TO THE SERIES 2000 A

## RESOLUTION 01-01-A

BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.

WHEREAS, capitalized terms used herein and not otherwise defined herein shall have the same meaning set forth in the Bond Ordinance when used herein;

WHEREAS, the Bond Ordinance provides for the issuance of the Sewerage System Revenue Bonds, Series 2000 A (the "Series 2000 A Bonds"), of the Issuer, in an aggregate principal amount not to exceed \$3,000,000, in accordance with Chapter 16, Article 13 and Chapter 22C, Article 2 of the Code of West Virginia, 1931, as amended (collectively, the "Act");

WHEREAS, the Series 2000 A Bonds were issued on June 28, 2000, in the aggregate principal amount of \$2,050,000, to pay the costs of acquisition and construction of the Project and the costs of issuance of the Series 2000 A Bonds;

WHEREAS, the Issuer has requested, and the DEP has approved, a change order to the Project to extend sewerage service to 43 additional customers through the installation of a wastewater collection system, consisting of approximately 2000 linear feet of 6-inch and 4,700 linear feet of 8-inch gravity collection sewer line, 44 manholes, 1 6-inch cleanout and 2 grinder pump stations (the "Phase II Project");

WHEREAS, the Issuer has determined that it is necessary to issue its Sewerage System Revenue Bonds, Series 2001 A (the "Series 2001 A Bonds"), to pay the costs of acquisition and construction of the Phase II Project and the costs of issuance of the Series 2001 A Bonds, provided that, the total aggregate principal amount of both the Series 2000 A Bonds and the Series 2001 A Bonds together shall not exceed \$3,000,000;

WHEREAS, pursuant to Section 10.01 of the Bond Ordinance, the Issuer has obtained the consent of the Authority, the Registered Owner of the Series 2000 A Bonds, to amend Section 3.01 of the Bond Ordinance to authorize the issuance of the Series 2001 A Bonds;

WHEREAS, the Bond Purchase Agreement for the Series 2001 A Bonds has been presented to the Issuer at this meeting;

WHEREAS, the Series 2001 A Bonds are proposed to be purchased by the Authority pursuant to the Bond Purchase Agreement; and

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WHEREAS, the Governing Body deems it essential and desirable that this supplemental resolution (the "Supplemental Resolution") be adopted, that the Phase II Project be approved, that the Bond Ordinance be amended as described herein, that the Bond Purchase Agreement be approved and ratified by the Issuer, that the exact principal amount, date, maturity date, interest rate, payment schedule, sale price and other terms of the Series 2001 A Bonds be fixed hereby in the manner stated herein, and that other matters relating to the Series 2001 A Bonds be herein provided for.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF NITRO, WEST VIRGINIA, AS FOLLOWS:

Section 1. Pursuant to Section 10.01 of the Bond Ordinance, the Authority has consented to the amendment of, and the Issuer hereby amends, Section 3.01 of the Bond Ordinance to read as follows:

SECTION 3.01. AUTHORIZATION OF BONDS. For the purposes of paying certain Costs of the Project not otherwise provided for, paying certain costs of issuance of the Bonds and related costs, as determined by one or more Supplemental Resolutions, there shall be issued negotiable Bonds of the Issuer, in an aggregate principal amount of not more than \$3,000,000.00. Such Bonds shall be issued in one or more series, each as a single bond and designated as "Sewerage System Revenue Bonds, Series [Year of Issue] A." Such Bonds shall bear an annual interest rate of zero percent (0%) and shall be subject to the SRF Administration Fee of a half percent ( $\frac{1}{2}\%$ ). Such Bonds shall have such terms as set forth hereinafter and in the respective Supplemental Resolutions. The proceeds of such Bonds shall be deposited in Bond Construction Trust Fund.

Section 2. Pursuant to the Bond Ordinance and the Act, this Supplemental Resolution is adopted and there are hereby authorized and ordered to be issued the Sewerage System Revenue Bonds, Series 2001 A, of the Issuer, originally represented by a single Bond, numbered AR-1, in the original principal amount of \$543,800. The Series 2001 A Bonds shall be dated the date of delivery, shall finally mature December 1, 2031, and shall bear no interest. The principal of the Series 2001 A Bonds shall be payable quarterly on March 1, June 1, September 1 and December 1 of each year, commencing March 1, 2002, in the amounts as set forth in the Schedule Y attached to the Bond Purchase Agreement and incorporated in and made a part of the Series 2001 A Bonds. The Issuer hereby approves and shall pay the SRF Administrative Fee equal to 0.5% of the principal amount of the Series 2001 A Bonds set forth in the Schedule Y attached to the Bond Purchase Agreement. The Series 2001 A Bonds shall be subject to redemption upon the written consent of the Authority and the DEP, and upon payment of the redemption premium,

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if any, and otherwise in compliance with the Bond Purchase Agreement, so long as the Authority shall be the Registered Owner of the Series 2001 A Bonds.

Section 3. All covenants, agreements and provisions of the Bond Ordinance shall apply to the Series 2001 A Bonds and the text of the Series 2001 A Bonds shall be in substantially the form provided in the Bond Ordinance, with such changes, insertions and omissions as may be approved by the Mayor.

Section 4. The Issuer hereby ratifies, approves and accepts the Bond Purchase Agreement, including all schedules and exhibits attached thereto, a copy of which is incorporated herein by reference, and the execution and delivery of the Bond Purchase Agreement by the Mayor, and the performance of the obligations contained therein, on behalf of the Issuer, are hereby authorized, directed, ratified and approved. The Issuer hereby affirms all covenants and representations made in the Bond Purchase Agreement and in the application to the DEP and the Authority. The price of the Series 2001 A Bonds shall be 100% of par value, there being no interest accrued thereon, provided that the proceeds of the Series 2001 A Bonds shall be advanced from time to time as requisitioned by the Issuer.

Section 5. The Issuer hereby appoints and designates United National Bank, Charleston, West Virginia, to serve as Registrar (the "Registrar") for the Series 2001 A Bonds under the Bond Ordinance and approves and accepts the Registrar's Agreement to be dated the date of delivery of the Series 2001 A Bonds, by and between the Issuer and the Registrar, and the execution and delivery of the Registrar's Agreement by the Mayor, and the performance of the obligations contained therein, on behalf of the Issuer, are hereby authorized, directed and approved.

Section 6. The Issuer hereby appoints and designates the West Virginia Municipal Bond Commission, Charleston, West Virginia (the "Commission"), to serve as Paying Agent for the Series 2001 A Bonds under the Bond Ordinance. The Issuer hereby directs the Commission to establish the "Series 2001 A Bonds Sinking Fund" and the "Series 2001 A Bonds Reserve Account" for the Series 2001 A Bonds.

Section 7. The Issuer hereby appoints and designates Huntington National Bank, Nitro, West Virginia, to serve as Depository Bank under the Bond Ordinance.

Section 8. The proceeds of the Series 2001 A Bonds, as advanced from time to time, shall be deposited in the Bond Construction Trust Fund, as received for payment of costs of the Phase II Project, including costs of issuance of the Series 2001 A Bonds.

Section 9. The Mayor and Recorder are hereby authorized and directed to execute and deliver such other documents and certificates required or desirable in connection with the Series 2001 A Bonds hereby and by the Bond Ordinance approved and provided for,

to the end that the Series 2001 A Bonds may be delivered to the Authority pursuant to the Bond Purchase Agreement on or about February 13, 2001.

Section 10. The Issuer hereby approves the change order for the Phase II Project and authorizes the acquisition and construction of the Phase II Project in accordance with the plans and specifications prepared by the Consulting Engineer. The acquisition and construction of the Phase II Project and the financing thereof in part with proceeds of the Series 2001 A Bonds are in the public interest, serve a public purpose of the Issuer and will promote the health, welfare and safety of the residents of the Issuer.

Section 11. The Issuer has entered into contracts for the acquisition and construction of the Phase II Project compatible with the financing plan submitted to the DEP. The Issuer hereby approves, ratifies and accepts all contracts relating to the financing, acquisition and construction of the Phase II Project.

Section 12. The Issuer hereby determines to invest all moneys in the funds and accounts established by the Bond Ordinance held by the Depository Bank until expended, in money market accounts secured by a pledge of Government Obligations, and therefore, the Issuer hereby directs the Depository Bank to invest all moneys in such money market accounts until further directed in writing by the Issuer. Moneys in the Series 2001 A Bonds Sinking Fund and the Series 2001 A Bonds Reserve Account shall be invested by the Commission in the West Virginia Consolidated Fund.

Section 13. This Supplemental Resolution shall be effective immediately following adoption hereof.

Adopted this 6th day of February, 2001.

  
\_\_\_\_\_  
Mayor

RESOLUTION 01-01

**PETITION OF THE SANITARY BOARD  
OF  
THE CITY OF NITRO**

TO THE COUNCIL OF THE CITY OF NITRO:

WHEREAS, pursuant to the provisions of Chapter 16, Article 13, Section 5 of the Code of West Virginia, 1931, as amended, the Sanitary Board (the "Sanitary Board") of The City of Nitro (the "City"), has heretofore on January 25, 2000, petitioned the Council of the City (the "Council") to enact an ordinance to authorize the issuance of not more than \$2,200,00 of the Sewerage System Revenue Bonds, Series 2000 A (the "Series 2000 A Bonds"), to pay the costs of acquisition and construction of certain additions, betterments and improvements to the sewerage system of the City (the "Project");

WHEREAS, the City has passed a bond ordinance on June 13, 2000, effective June 27, 2000 (the "Bond Ordinance"), authorizing the issuance of the Series 2000 A Bonds in an aggregate principal amount not to exceed \$3,000,000;

WHEREAS, the City has issued the Series 2000 A Bonds on June 28, 2000, in an aggregate principal amount of \$2,050,000;

WHEREAS, the City has requested, and the DEP has approved, a change order to the Project to extend sewerage service to 43 additional customers through the installation of a wastewater collection system, consisting of approximately 2000 linear feet of 6-inch and 4,700 linear feet of 8-inch gravity collection sewer line, 44 manholes, 1 6-inch cleanout and 2 grinder pump stations (the "Phase II Project");

WHEREAS, the Sanitary Board has determined that it is necessary for the City to issue an additional series of bonds to pay the costs of acquisition and construction of the Phase II Project and the costs of issuance of such bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE SANITARY BOARD OF THE CITY OF NITRO, AS FOLLOWS:

The Sanitary Board hereby petitions the Council to amend the Bond Ordinance to issue an additional series of bonds to pay the costs of acquisition and construction of the Phase II Project and the costs of issuance of such bonds, provided that, the total aggregate principal amount of both the Series 2000 A Bonds and the additional series of bonds together shall not exceed \$3,000,000.

WITNESS our signatures on this 30 day of January, 2001.

THE SANITARY BOARD OF THE CITY OF NITRO

By: [Signature]

Mayor of the City and  
Chairman of Sanitary Board

*Joan C. McClanahan*

*my Commission expires  
August 30, 2010*

Member

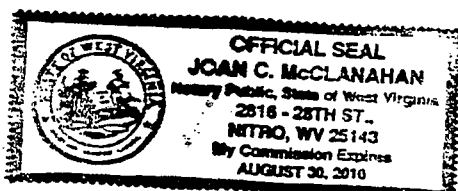
[Signature]

Member

[Signature]

Engineer-Member

01/12/01  
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## RESOLUTION 01-02

A Resolution of the city of Nitro, West Virginia

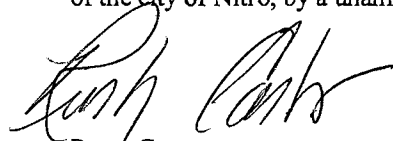
Whereas, the city of Nitro does hereby recognize the need for the paving of 2<sup>nd</sup> Avenue from 25<sup>th</sup> to 40<sup>th</sup> Street; and

Whereas, the city council had directed an income survey for the homes bordering the said Avenue; and

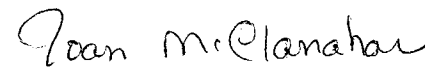
Whereas, the income survey showed that 57% of the homes were classified as low income; and

Whereas, the city council does hereby request the sum of \$69,000 dollars for the milling and paving of the said Avenue from the Governors Partnership Program;

Passed on this the 6<sup>th</sup> day of February, 2001 in the 138th year of the state of West Virginia and the 69<sup>th</sup> year of the city of Nitro, by a unanimous vote of the city council of the city of Nitro.



Rusty Casto, mayor



Joan McClanahan, recorder



## RESOLUTION 01-03

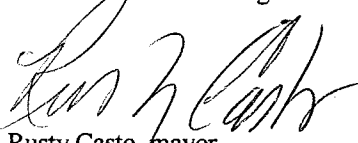
A Resolution of the City Council of the city of Nitro, West Virginia

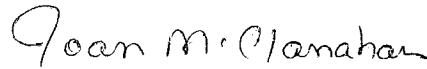
Whereas, the Nitro city council does hereby acknowledge the request from the board of directors of the Ortin Heights Cemetery to assist in the paving of the road which surrounds the cemetery; and

Whereas, the city council does hereby approve the use of city accounts for the receiving and distribution of a grant from the state of West Virginia for the paving of the road; and

Whereas, the city council will place for bid the paving of the road, for the bids to be opened by the council on March 20, 2001;

This action of the city council of Nitro, West Virginia done on this date, February 6, 2001, in the 138<sup>th</sup> year of the state of West Virginia and the 69<sup>th</sup> year of the city of Nitro.

  
Rusty Casto, mayor

  
Joan McClanahan, recorder

The city seal

## RESOLUTION 01-04

## Resolution of the Nitro City Council

Whereas, the Nitro city council does hereby recognize the need for the paving of 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Streets in the city of Nitro; and

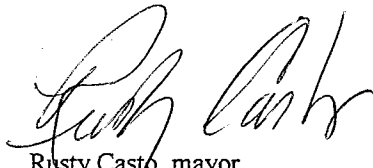
Whereas, the city council does hereby recognize that some one hundred homes are in this area, inhabited by a large number of senior citizens; and

Whereas, the price to pave the streets will cost an estimated \$55,000 dollars; and

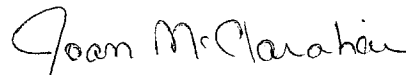
Whereas, the city council does hereby direct the mayor of said town to pursue a grant from the Governors Office to offset the cost of paving the said area; and

The city council of the city of Nitro, West Virginia does hereby request from the Governors Office a sum of \$45,000 dollars to assist the city in the cost of the paving;

Done on this 6<sup>th</sup> day of February of the year 2001, the 138<sup>th</sup> year of the state of West Virginia and the 69<sup>th</sup> year of the city of Nitro.



Rusty Casto, mayor



Joan McClanahan, recorder

The city seal

## RESOLUTION 01-05

Resolution of the City Council of Nitro, West Virginia

Whereas, on this the 6<sup>th</sup> Day of February 6, 2001,

The city council of the city of Nitro, does hereby request from the funding of the state of West Virginia,

The sum of \$25,000 dollars for the paving of:

Cleveland Avenue;

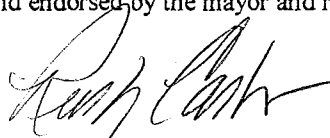
Michigan Avenue; and

Kanawha Avenue South;

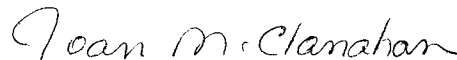
The said streets all located within the corporate limits of the city.

The city council also recognizes the area to be largely inhabited by senior citizens on a fixed income.

The above resolution was passed this 6<sup>th</sup> day of February of 2001, by a unanimous vote of the city council and endorsed by the mayor and recorder of the town.



Rusty Casto, mayor



Joan McClanahan, recorder

The city seal

ORDINANCE NO. 01-02

AN ORDINANCE TO ABANDON AND DISCONTINUE AS A PUBLIC STREET, ALLEY, LANE, ROAD OR OTHER PUBLIC RIGHT-OF-WAY A PORTION OF THAT CERTAIN RIGHT-OF-WAY KNOWN AND DESIGNATED AS IVY STREET IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH RIGHT-OF-WAY IS DEPICTED ON THOSE CERTAIN PLATS ATTACHED HERETO AND MARKED AS "EXHIBIT NOS. 1 THROUGH 8," AND RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO, WEST VIRGINIA.

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

WHEREAS, Ivy Street is shown on a 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 except on paper; and

WHEREAS, abutting property owners to Ivy Street have requested that that portion of Ivy Street which abuts their properties be abandoned; and

WHEREAS, on October 19, 2000, the Planning Commission for the City of Nitro approved the petitioners' request to abandon said portion of Ivy Street; and

WHEREAS, on November 7, 2000, 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 equal portions of Ivy Street to the abutting property owners.

WHEREAS a public hearing was held on January 16, 2001, for the purpose of discussing the abandonment of a portion of Ivy Street at which public hearing no one objected.

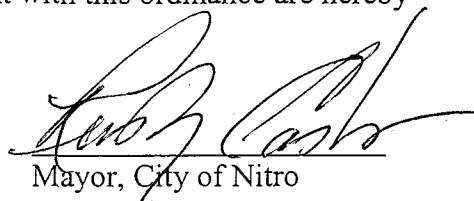
NOW THEREFORE, be it Ordained by the Council of the City of Nitro, West Virginia, that a portion of Ivy Street, situate in the City of Nitro, Kanawha County, West Virginia, more particularly bound and described and divided into eight parcels as shown on Exhibits "A" through "H" attached hereto is hereby closed, abandoned, and discontinued.

The City of Nitro hereby reserves a sewer easement for the full length and width of the above described right-of-way for the purpose of construction, maintenance, repair, and removal of storm and sanitary sewer lines. No person shall construct improvements, plant trees or other vegetation, or take any other action which would interfere with this easement, nor alter the present surface profile or contour of subject right-of-way by more than one (1) foot without the written permission of the Sanitary Board of the City of Nitro and the Building Inspector of the City of Nitro.

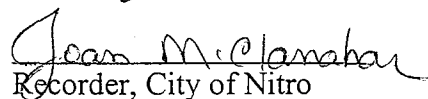
The Mayor of the City of Nitro is hereby authorized and directed to execute, acknowledge, and deliver proper deeds conveying all right, title and interest in and to said portion of Ivy Street in equal shares to said abutting property owners on the condition that the City of Nitro, West Virginia, have adequate right-of-way easements for sanitary, sewer, and all other utilities crossing said real estate as described on "Exhibit Nos. 1 through 8" attached hereto, and upon payment by the petitioners of any legal fees due and owing to the City of Nitro for said abandonment.

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of the inconsistency.

Passed on first reading: 01-16-01

  
Mayor, City of Nitro

Passed on second reading: 02-06-01

  
Recorder, City of Nitro

**LEGAL DESCRIPTION  
FOR  
CITY OF NITRO  
IVY STREET ABANDONMENT  
ERNEST M. & CAMILLA BROWN**

Being a parcel of land situate between Washington and Kanawha Avenues in the City of Nitro. Adjoining the northerly side of Lot 52, Block "G" of "Central City" a resubdivision of Central Addition to the City of Nitro as shown on a map recorded in the Office of the Kanawha County Clerk in Map Book 14, Page 63, and being more particularly described, to-wit:

Beginning at a point at the intersection of the westerly right-of-way line of Washington Avenue and the southerly right-of-way line of Ivy Street, said point being a corner to Lot 52, Block "G" Central City, thence;

Leaving the line of Washington Avenue and with the line of Lot 52 S 60°30' W a distance of 100.00 feet to a point in the easterly right-of-way line of a 10 foot wide alley, thence;

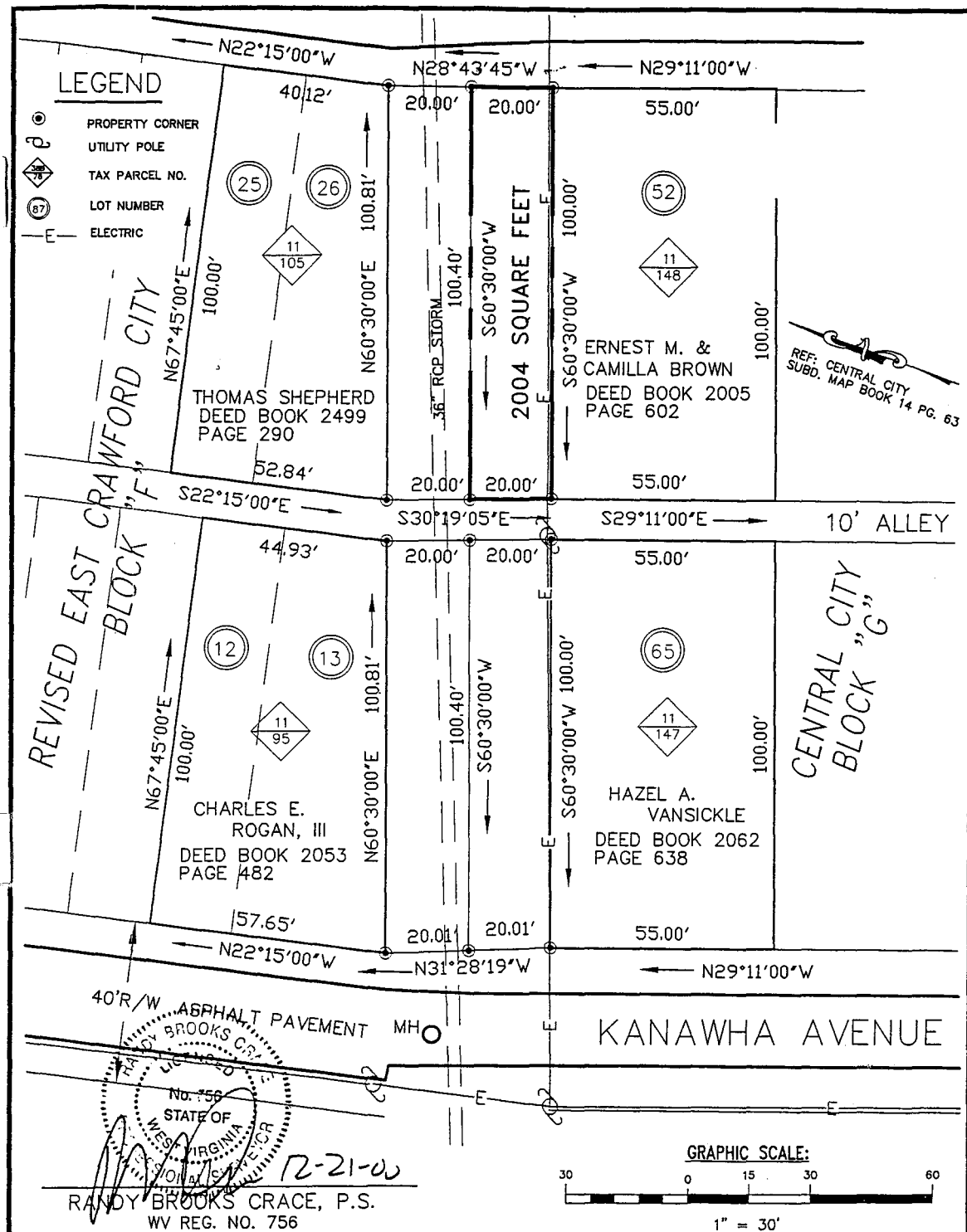
Leaving Lot 52 and with the right-of-way line of said 10 foot wide alley N 30°19'05" W a distance of 20.00 feet to a point in the centerline of Ivy Street, thence;

Leaving the easterly right-of-way line of said 10 foot wide alley and with the centerline of Ivy Street N 60°30' E a distance of 100.40 feet to a point in the westerly right-of-way line of Washington Avenue, thence;

Leaving the centerline of Ivy Street and with the westerly right-of-way line of Washington Avenue S 28°43'45" E a distance of 20.00 feet to the Point of Beginning. Containing 2,004 square feet as shown on a plat prepared by S & S Engineers, Inc. dated November 26, 2000 bearing the signature and seal of Randy B. Crace, West Virginia P.S. No. 756.

*[Handwritten Signature]* 12-21-00





MAP SHOWING 2004 SQUARE FEET LOT TO BE CONVEYED  
FROM: THE CITY OF NITRO  
TO: ERNEST M. & CAMILLA BROWN

SITUATE BETWEEN KANAWHA AND WASHINGTON AVENUES  
AND BEING PART OF IVY STREET IN THE CITY OF NITRO  
NITRO DISTRICT, KANAWHA COUNTY, WEST VIRGINIA

SURVEYED FOR THE CITY OF NITRO

EXHIBIT

tabbies

SCALE: 1" = 30'  
DATE: NOV. 26, 2000  
DRAWN BY: SHC  
CHECKED BY: JER

S & S ENGINEERS, INC.



501 EAGLE MOUNTAIN ROAD  
CHARLESTON, WV 25311

PHONE (304) 342-7168  
FAX (304) 342-7169

PROJECT: NITRO ABANDONMENT  
DRAWING: IVY\_KANAWHA  
APPROVED BY: RBC  
SHEET 1 OF 1

**LEGAL DESCRIPTION  
FOR  
CITY OF NITRO  
IVY STREET ABANDONMENT  
CHARLES & VIRGINIA COULTER**

Being a parcel of land situate between Washington and DuPont Avenues in the City of Nitro. Adjoining the southerly side of Lot 13, Block "G" of revised East Crawford City Addition to the City of Nitro as shown on a map recorded in the Office of the Kanawha County Clerk in Map Book 8, Page 26, and being more particularly described, to-wit:

Beginning at a point at the intersection of the easterly right-of-way line of Washington Avenue and the northerly right-of-way line of Ivy Street, said point being a corner to Lot 13, Block "G" revised East Crawford City, thence;

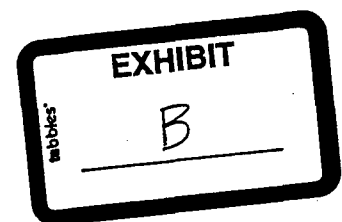
Leaving the line of Washington Avenue and with the line of Lot 13 N 60°30' E a distance of 100.81 feet to a point in the westerly right-of-way line of a 15 foot wide alley, thence;

Leaving Lot 13 and with the right-of-way line of said 15 foot wide alley S 27°26'03" E a distance of 20.01 feet to a point in the centerline of Ivy Street, thence;

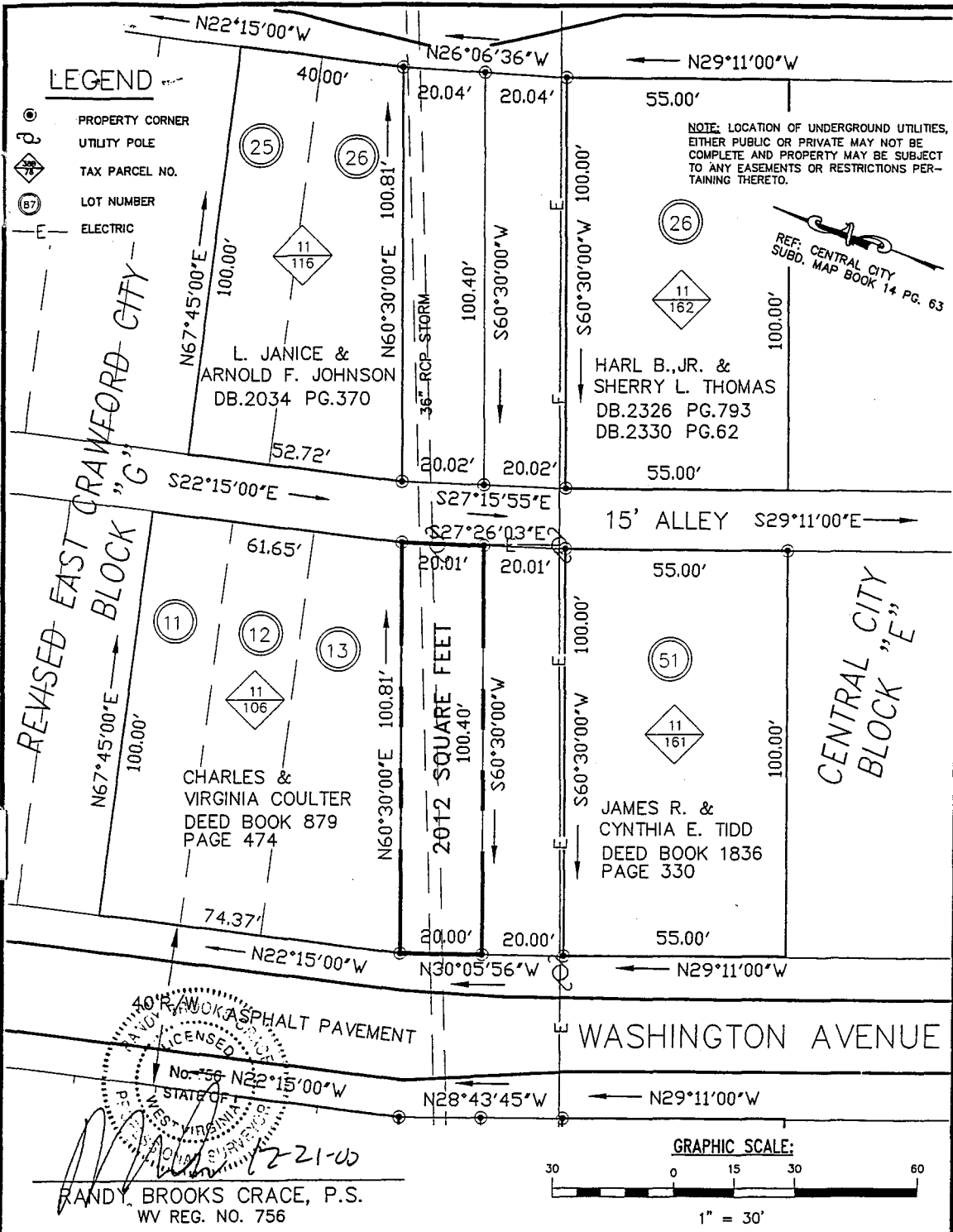
Leaving the westerly right-of-way line of said 15 foot wide alley and with the centerline of Ivy Street S 60°30' W a distance of 100.40 feet to a point in the easterly right-of-way line of Washington Avenue, thence;

With the easterly line of Washington Avenue N 30°05'56" W a distance of 20.00 feet to the Point of Beginning. Containing 2,012 square feet as shown on a plat prepared by S & S Engineers, Inc. dated November 26, 2000 bearing the signature and seal of Randy B. Crace, West Virginia P.S. No. 756.

*[Handwritten Signature]* 12-21-00







MAP SHOWING 2012 SQUARE FEET LOT TO BE CONVEYED  
FROM: THE CITY OF NITRO  
TO: CHARLES & VIRGINIA COULTER

SITUATE BETWEEN WASHINGTON AND DUPONT AVENUES  
AND BEING PART OF IVY STREET IN THE CITY OF NITRO  
NITRO DISTRICT, KANAWHA COUNTY, WEST VIRGINIA

SURVEYED FOR THE CITY OF NITRO

**EXHIBIT**

2

SCALE: 1" = 30'

DATE: NOV. 26, 2000

DRAWN BY: SHC

CHECKED BY: JER

S & S ENGINEERS, INC.



501 EAGLE MOUNTAIN ROAD  
CHARLESTON, WV 25311

PHONE (304) 342-7168  
FAX (304) 342-7169

PROJECT: NITRO ABANDONMENT

DRAWING: IVY\_WASHINGTON

APPROVED BY: RBC

SHEET 1 OF 1

**LEGAL DESCRIPTION  
FOR  
CITY OF NITRO  
IVY STREET ABANDONMENT  
L. JANICE & ARNOLD F. JOHNSON**

Being a parcel of land situate between Washington and DuPont Avenues in the City of Nitro. Adjoining the southerly side of Lot 26, Block "G" of revised East Crawford City Addition to the City of Nitro as shown on a map recorded in the Office of the Kanawha County Clerk in Map Book 8, Page 26, and being more particularly described, to-wit:

Beginning at a point at the intersection of the westerly right-of-way line of DuPont Avenue and the northerly right-of-way line of Ivy Street, said point being a corner to Lot 26, Block "G" revised East Crawford City, thence;

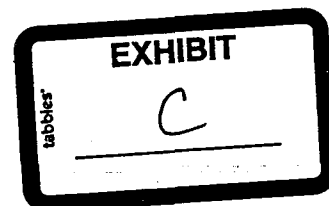
Leaving Lot 26 and the northerly right-of-way line of Ivy Street and with the westerly right-of-way line of DuPont Avenue S 26°06'36" E a distance of 20.04 feet to a point in the centerline of Ivy Street, thence;

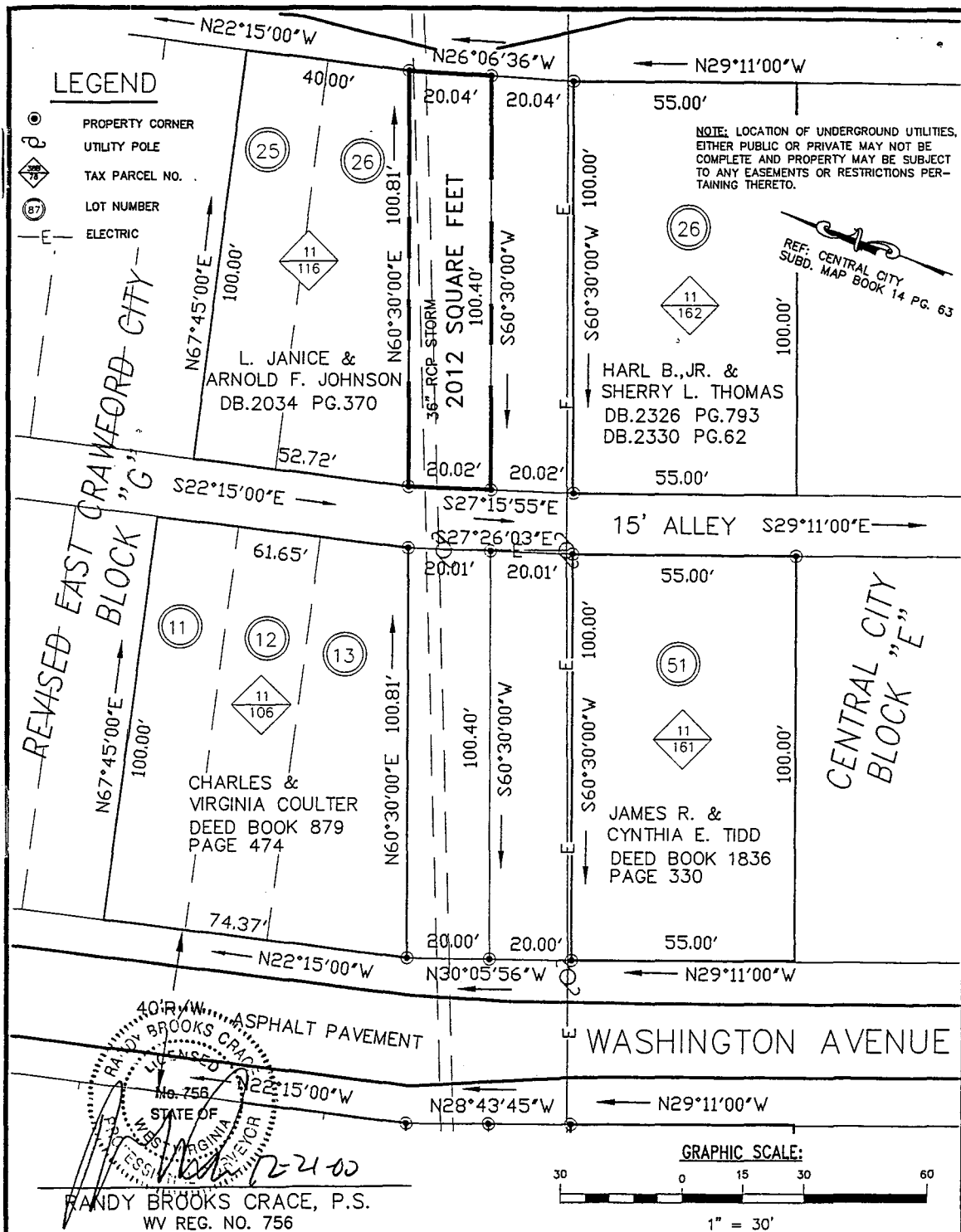
Leaving the line of DuPont Avenue and with the centerline of Ivy Street S 60°30' W a distance of 100.40 feet to a point in the easterly right-of-way line of a 15 foot wide alley, thence;

Leaving the centerline of Ivy Street and with the right-of-way line of said 15 foot wide alley N 27°15'55" W a distance of 20.02 feet to a point in the northerly right-of-way line of Ivy Street, said point being a corner to Lot 26 Block "G" revised East Crawford City, thence;

With the line of Lot 26 and the northerly right-of-way line of Ivy Street N 60°30' E a distance of 100.81 feet to the Point of Beginning. Containing 2,012 square feet as shown on a plat prepared by S & S Engineers, Inc. dated November 26, 2000 bearing the signature and seal of Randy B. Crace, West Virginia P.S. No. 756.

*[Handwritten Signature]* 12-21-00





MAP SHOWING 2012 SQUARE FEET LOT TO BE CONVEYED  
FROM: THE CITY OF NITRO  
TO: L. JANICE & ARNOLD F. JOHNSON

SITUATE BETWEEN WASHINGTON AND DUPONT AVENUES  
AND BEING PART OF IVY STREET IN THE CITY OF NITRO  
NITRO DISTRICT, KANAWHA COUNTY, WEST VIRGINIA

SURVEYED FOR THE CITY OF NITRO

EXHIBIT

3

SCALE: 1" = 30'

DATE: NOV. 26, 2000

DRAWN BY: SHC

CHECKED BY: JER

S & S ENGINEERS, INC.



501 EAGLE MOUNTAIN ROAD  
CHARLESTON, WV 25311

PHONE (304) 342-7168  
FAX (304) 342-7169

PROJECT: NITRO ABANDONMENT

DRAWING: IVY\_WASHINGTON

APPROVED BY: RBC

SHEET 1 OF 1

LEGAL DESCRIPTION  
FOR  
CITY OF NITRO  
IVY STREET ABANDONMENT  
CHARLES E. ROGAN, III

Being a parcel of land situate between Washington and Kanawha Avenues in the City of Nitro. Adjoining the southerly side of Lot 13, Block "F" of revised East Crawford City Addition to the City of Nitro as shown on a map recorded in the Office of the Kanawha County Clerk in Map Book 8, Page 26, and being more particularly described, to-wit:

Beginning at a point at the intersection of the easterly right-of-way line of Kanawha Avenue and the northerly right-of-way line of Ivy Street, said point being a corner to Lot 13, Block "F" revised Crawford City, thence;

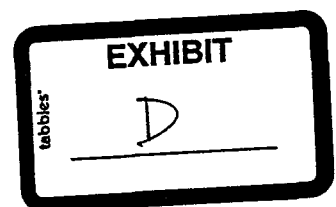
Leaving the line of Kanawha Avenue and with the line of Lot 13 N 60°30' E a distance of 100.81 feet to a point in the westerly right-of-way line of a 10 foot wide alley, thence;

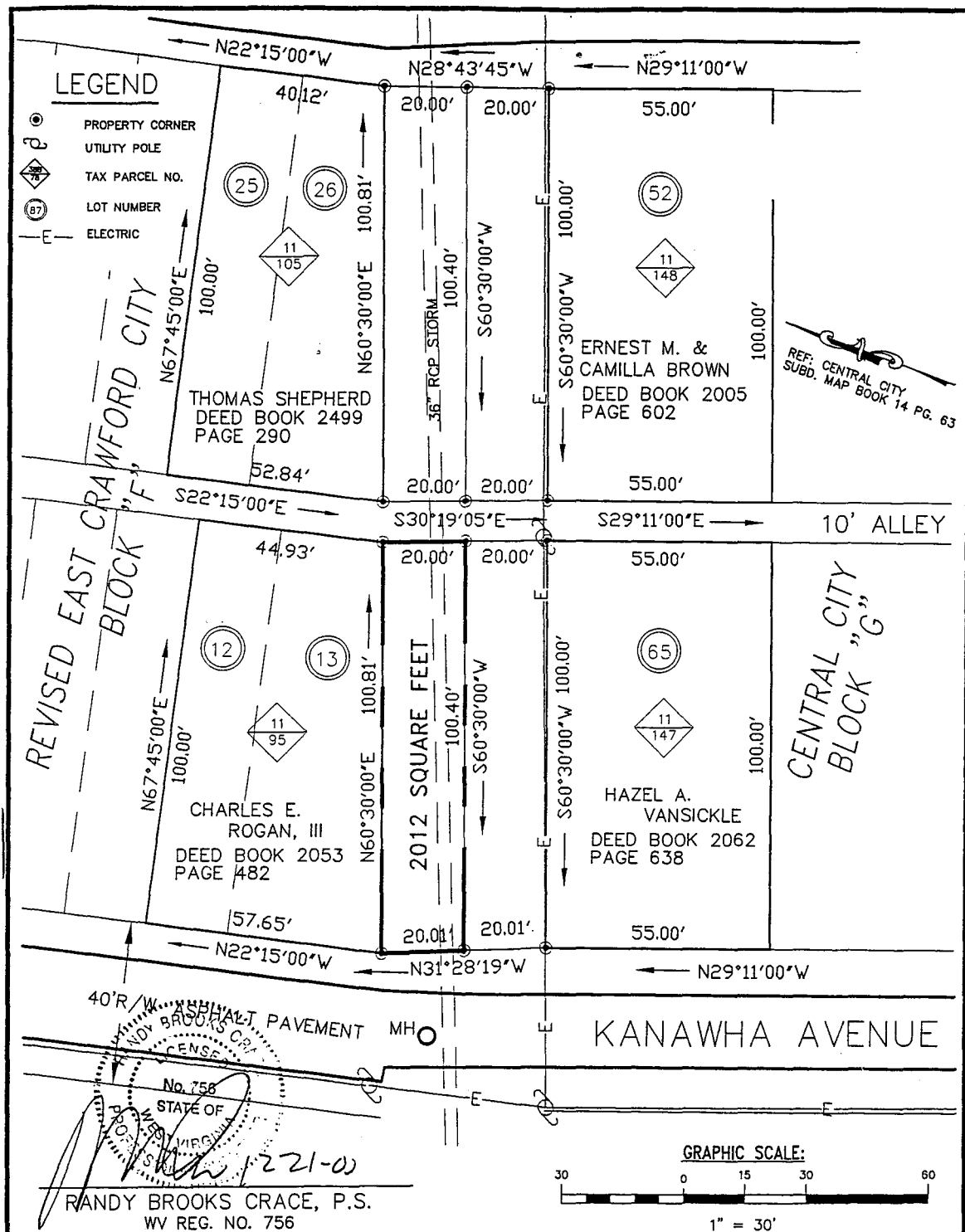
Leaving Lot 13 with the right-of-way line of said 10 foot wide alley S 30°19'05" E a distance of 20.00 feet to a point in the centerline of Ivy Street, thence;

Leaving the westerly right-of-way line of said 10 foot wide alley and with the center of Ivy Street, S 60°30'W a distance of 100.40 feet to a point in the easterly right-of-way line of Kanawha Avenue, thence;

Leaving the centerline of Ivy Street and with the easterly right-of-way line of Kanawha Avenue N 31°28'19" W a distance of 20.01 feet to the Point of Beginning. Containing 2,012 square feet as shown on a plat prepared by S & S Engineers, Inc. dated November 26, 2000 bearing the signature and seal of Randy B. Crace, West Virginia P.S. No. 756.

*[Handwritten Signature]* 12-21-00





MAP SHOWING 2012 SQUARE FEET LOT TO BE CONVEYED  
FROM: THE CITY OF NITRO  
TO: CHARLES E. ROGAN, III

SITUATE BETWEEN KANAWHA AND WASHINGTON AVENUES  
AND BEING PART OF IVY STREET IN THE CITY OF NITRO  
NITRO DISTRICT, KANAWHA COUNTY, WEST VIRGINIA

SURVEYED FOR THE CITY OF NITRO

EXHIBIT

4

SCALE: 1" = 30'

DATE: NOV. 26, 2000

DRAWN BY: SHC

CHECKED BY: JER

S & S ENGINEERS, INC.



501 EAGLE MOUNTAIN ROAD  
CHARLESTON, WV 25311

PHONE (304) 342-7168  
FAX (304) 342-7169

PROJECT: NITRO ABANDONMENT

DRAWING: IVY\_KANAWHA

APPROVED BY: RBC

SHEET 1 OF 1

LEGAL DESCRIPTION  
FOR  
CITY OF NITRO  
IVY STREET ABANDONMENT  
THOMAS SHEPHERD

Being a parcel of land situate between Washington and Kanawha Avenues in the City of Nitro. Adjoining the southerly side of Lot 26, Block "F" of revised East Crawford City Addition to the City of Nitro as shown on a map recorded in the Office of the Kanawha County Clerk in Map Book 8, Page 26, and being more particularly described, to-wit:

Beginning at a point at the intersection of the westerly right-of-way line of Washington Avenue and the northerly right-of-way line of Ivy Street, said point being a corner to Lot 26, Block "F" revised East Crawford City, thence;

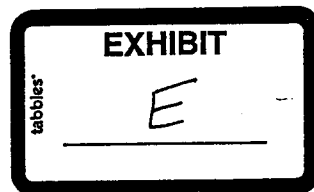
Leaving Lot 26 and the northerly right-of-way line of Ivy Street and with the westerly right-of-way line of Washington Avenue S 28°43'45" E a distance of 20.00 feet to a point in the centerline of Ivy Street, thence;

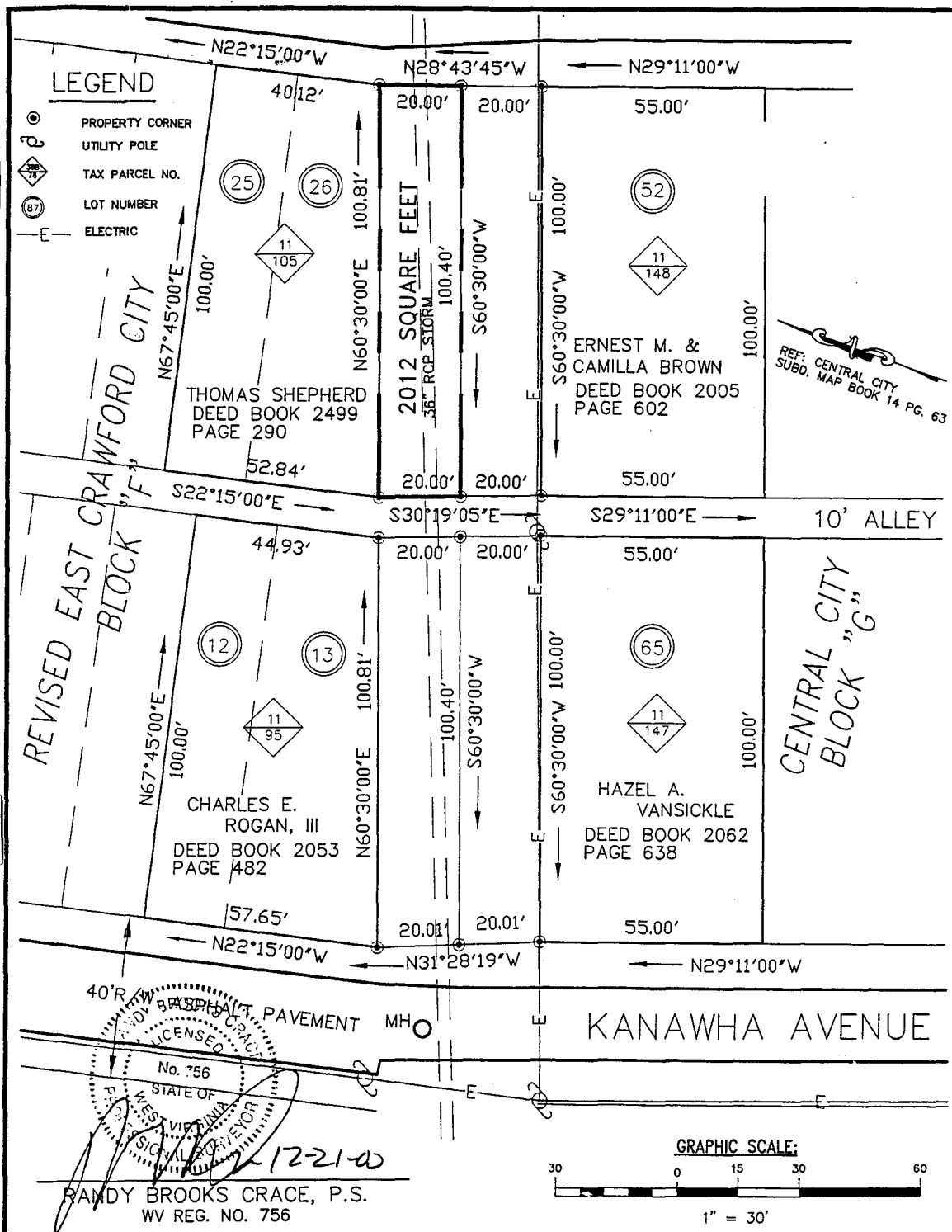
Leaving the line of Washington Avenue and with the centerline of Ivy Street S 60°30' W a distance of 100.40 feet to a point in the easterly right-of-way line of a 10 foot wide alley, thence;

Leaving the centerline of Ivy Street and with the right-of-way line of said 10 foot wide alley N 30°19'05" W a distance of 20.00 feet to a point in the northerly right-of-way line of Ivy Street, said point being a corner to Lot 26 Block "F" revised East Crawford City, thence;

With the line of Lot 26 and the northerly right-of-way line of Ivy Street N 60°30' E a distance of 100.81 feet to the Point of Beginning. Containing 2,012 square feet as shown on a plat prepared by S & S Engineers, Inc. dated November 26, 2000 bearing the signature and seal of Randy B. Crace, West Virginia P.S. No. 756.

 12-21-00





MAP SHOWING 2012 SQUARE FEET LOT TO BE CONVEYED  
FROM: THE CITY OF NITRO  
TO: THOMAS SHEPHERD

SITUATE BETWEEN KANAWHA AND WASHINGTON AVENUES  
AND BEING PART OF IVY STREET IN THE CITY OF NITRO  
NITRO DISTRICT, KANAWHA COUNTY, WEST VIRGINIA

SURVEYED FOR THE CITY OF NITRO

EXHIBIT

5

SCALE: 1" = 30'

DATE: NOV. 26, 2000

DRAWN BY: SHC

CHECKED BY: JER

S & S ENGINEERS, INC.



501 EAGLE MOUNTAIN ROAD  
CHARLESTON, WV 25311

PHONE (304) 342-7168  
FAX (304) 342-7169

PROJECT: NITRO ABANDONMENT

DRAWING: IVY\_KANAWHA

APPROVED BY: RBC

SHEET 1 OF 1

**LEGAL DESCRIPTION  
FOR  
CITY OF NITRO  
IVY STREET ABANDONMENT  
HARL B. THOMAS, JR. & SHERRY L. THOMAS**

Being a parcel of land situate between Washington and DuPont Avenues in the City of Nitro. Adjoining the northerly side of Lot 26, Block "E" of "Central City" a resubdivision of Central Addition to the City of Nitro as shown on a map recorded in the Office of the Kanawha County Clerk in Map Book 14, Page 63, and being more particularly described, to-wit:

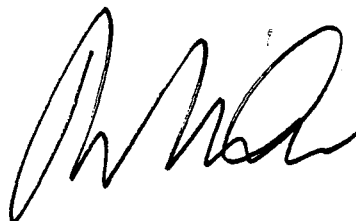
Beginning at a point at the intersection of the westerly right-of-way line of DuPont Avenue and the southerly right-of-way line of Ivy Street, said point being a corner to Lot 26, Block "E" Central City, thence;

Leaving the line of DuPont Avenue and with the southerly line of Ivy Street and the line of Lot 26 S 60°30' W a distance of 100.00 feet to a point in the easterly right-of-way line of a 15 foot wide alley, thence;

Leaving the southerly line of Ivy Street and with the right-of-way line of said 15 foot wide alley N 27°15'55" E a distance of 20.02 feet to a point in the centerline of Ivy Street, thence;

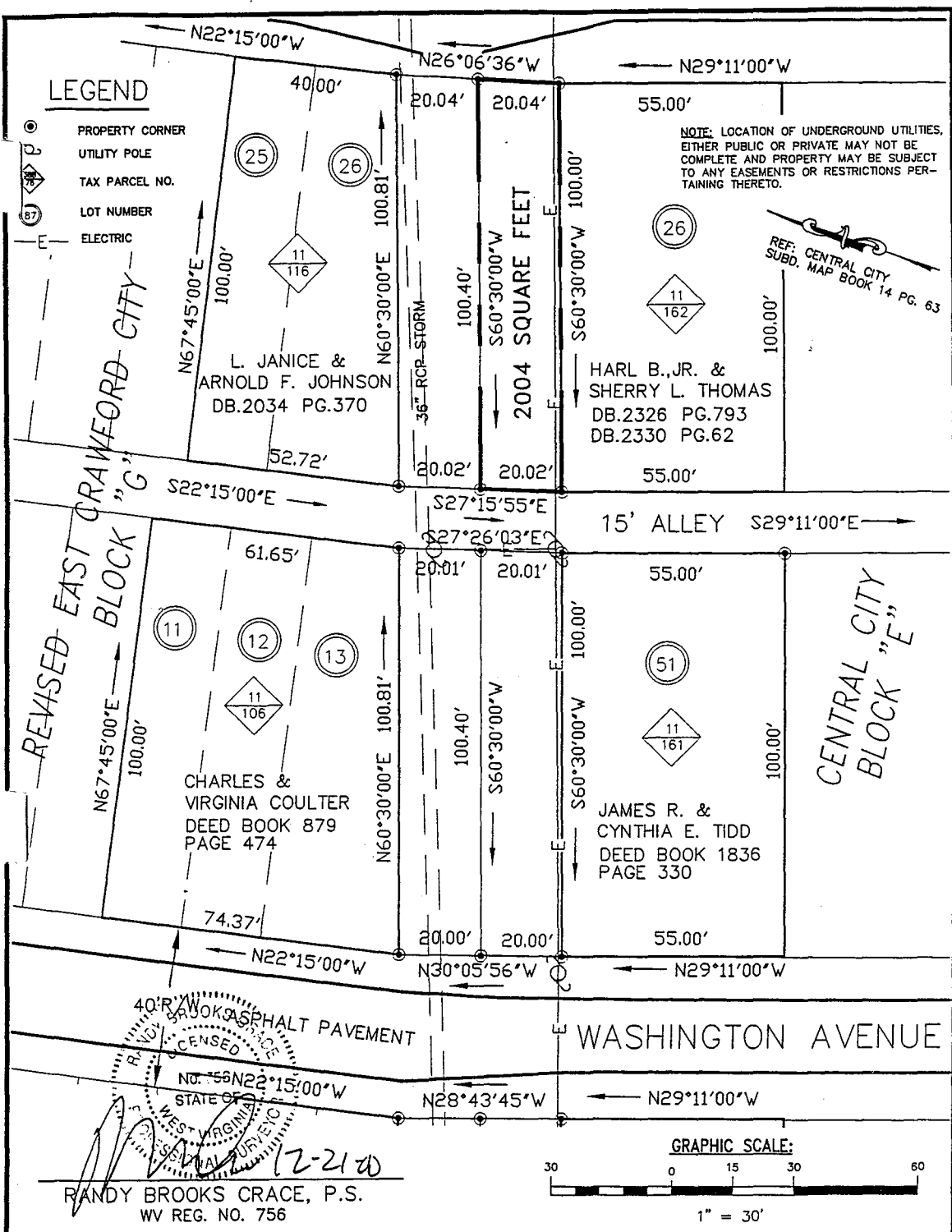
Leaving the easterly line of said 15 foot wide alley and with the centerline of Ivy Street, N 60°30' E to a point in the westerly right-of-way line of DuPont Avenue, thence;

With the westerly line of Dupont Avenue S 26°06'36" E a distance of 20.04 feet to the Point of Beginning. Containing 2,004 square feet as shown on a plat prepared by S & S Engineers, Inc. dated November 26, 2000 bearing the signature and seal of Randy B. Crace, West Virginia P.S. No. 756.

 12-21-03







MAP SHOWING 2004 SQUARE FEET LOT TO BE CONVEYED  
FROM: THE CITY OF NITRO  
TO: HARL B., JR. & SHERRY L. THOMAS

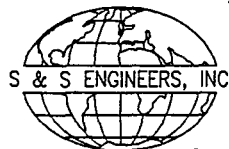
SITUATE BETWEEN WASHINGTON AND DUPONT AVENUES  
AND BEING PART OF IVY STREET IN THE CITY OF NITRO  
NITRO DISTRICT, KANAWHA COUNTY, WEST VIRGINIA

SURVEYED FOR THE CITY OF NITRO

**EXHIBIT**  
6

SCALE: 1" = 30'  
DATE: NOV. 26, 2000  
DRAWN BY: SHC  
CHECKED BY: JER

**S & S ENGINEERS, INC.**



501 EAGLE MOUNTAIN ROAD  
CHARLESTON, WV 25311

PHONE (304) 342-7168  
FAX (304) 342-7169

PROJECT: NITRO ABANDONMENT  
DRAWING: IVY\_WASHINGTON  
APPROVED BY: RBC  
SHEET 1 OF 1

**LEGAL DESCRIPTION  
FOR  
CITY OF NITRO  
IVY STREET ABANDONMENT  
JAMES R. & CYNTHIA E. TIDD**

Being a parcel of land situate between Washington and DuPont Avenues in the City of Nitro. Adjoining the northerly side of Lot 51, Block "E" of "Central City" a resubdivision of Central Addition to the City of Nitro as shown on a map recorded in the Office of the Kanawha County Clerk in Map Book 14, Page 63, and being more particularly described, to-wit:

Beginning at a point at the intersection of the easterly right-of-way line of Washington Avenue and the southerly right-of-way line of Ivy Street, said point being a corner to Lot 51, Block "E" Central City, thence;

Leaving Lot 51 and the southerly right-of-way line of Ivy Street and with the easterly right-of-way line of Washington Avenue N 30°05'56" W a distance of 20.00 feet to a point in the centerline of Ivy Street, thence;

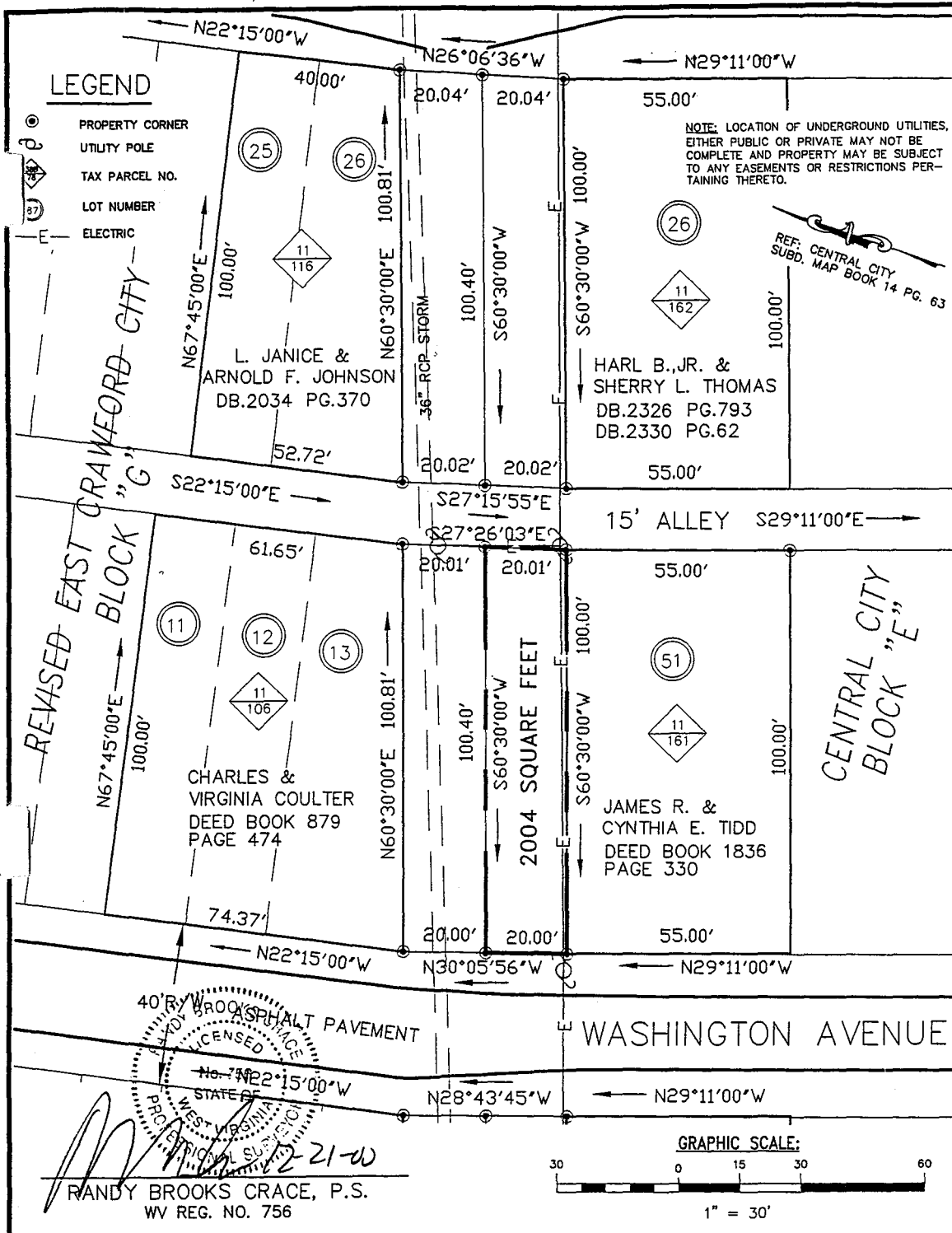
Leaving the line of Washington Avenue and with the centerline of Ivy Street N 60°30' W a distance of 100.40 feet to a point in the westerly right-of-way line of a 15 foot wide alley, thence;

Leaving the centerline of Ivy Street and with the right-of-way line of said 15 foot wide alley S 27°26'03" E a distance of 20.01 feet to a point in the southerly right-of-way line of Ivy Street, said point being a corner to Lot 51 Block "E" Central City, thence;

With the line of Lot 51 and the southerly right-of-way line of Ivy Street S 60°30' W a distance of 100.00 feet to the Point of Beginning. Containing 2,004 square feet as shown on a plat prepared by S & S Engineers, Inc. dated November 26, 2000 bearing the signature and seal of Randy B. Crace, West Virginia P.S. No. 756.

*Randy B. Crace* 12-21-00





MAP SHOWING 2004 SQUARE FEET LOT TO BE CONVEYED  
FROM: THE CITY OF NITRO  
TO: JAMES R. & CYNTHIA E. TIDD.

SITUATE BETWEEN WASHINGTON AND DUPONT AVENUES  
AND BEING PART OF IVY STREET IN THE CITY OF NITRO  
NITRO DISTRICT, KANAWHA COUNTY, WEST VIRGINIA

SURVEYED FOR THE CITY OF NITRO

**EXHIBIT**

7

SCALE: 1" = 30'

DATE: NOV. 26, 2000

DRAWN BY: SHC

CHECKED BY: JER

**S & S ENGINEERS, INC.**



501 EAGLE MOUNTAIN ROAD  
CHARLESTON; WV 25311

PHONE (304) 342-7168  
FAX (304) 342-7169

PROJECT: NITRO ABANDONMENT

DRAWING: IVY\_WASHINGTON

APPROVED BY: RBC

SHEET 1 OF 1

**LEGAL DESCRIPTION  
FOR  
CITY OF NITRO  
IVY STREET ABANDONMENT  
HAZEL A. VANSICKLE**

Being a parcel of land situate between Washington and Kanawha Avenues in the City of Nitro. Adjoining the northerly side of Lot 65, Block "G" of "Central City" a resubdivision of Central Addition to the City of Nitro as shown on a map recorded in the Office of the Kanawha County Clerk in Map Book 14, Page 63, and being more particularly described, to-wit:

Beginning at a point at the intersection of the easterly right-of-way line of Kanawha Avenue and the southerly right-of-way line of Ivy Street, said point being a corner to Lot 65, Block "G" Central City, thence;

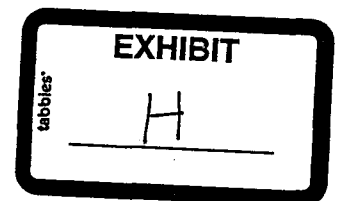
Leaving Lot 65 and the southerly right-of-way line of Ivy Street and with the easterly right-of-way line of Kanawha Avenue N  $31^{\circ}28'19''$  W a distance of 20.01 feet to a point in the centerline of Ivy Street, thence;

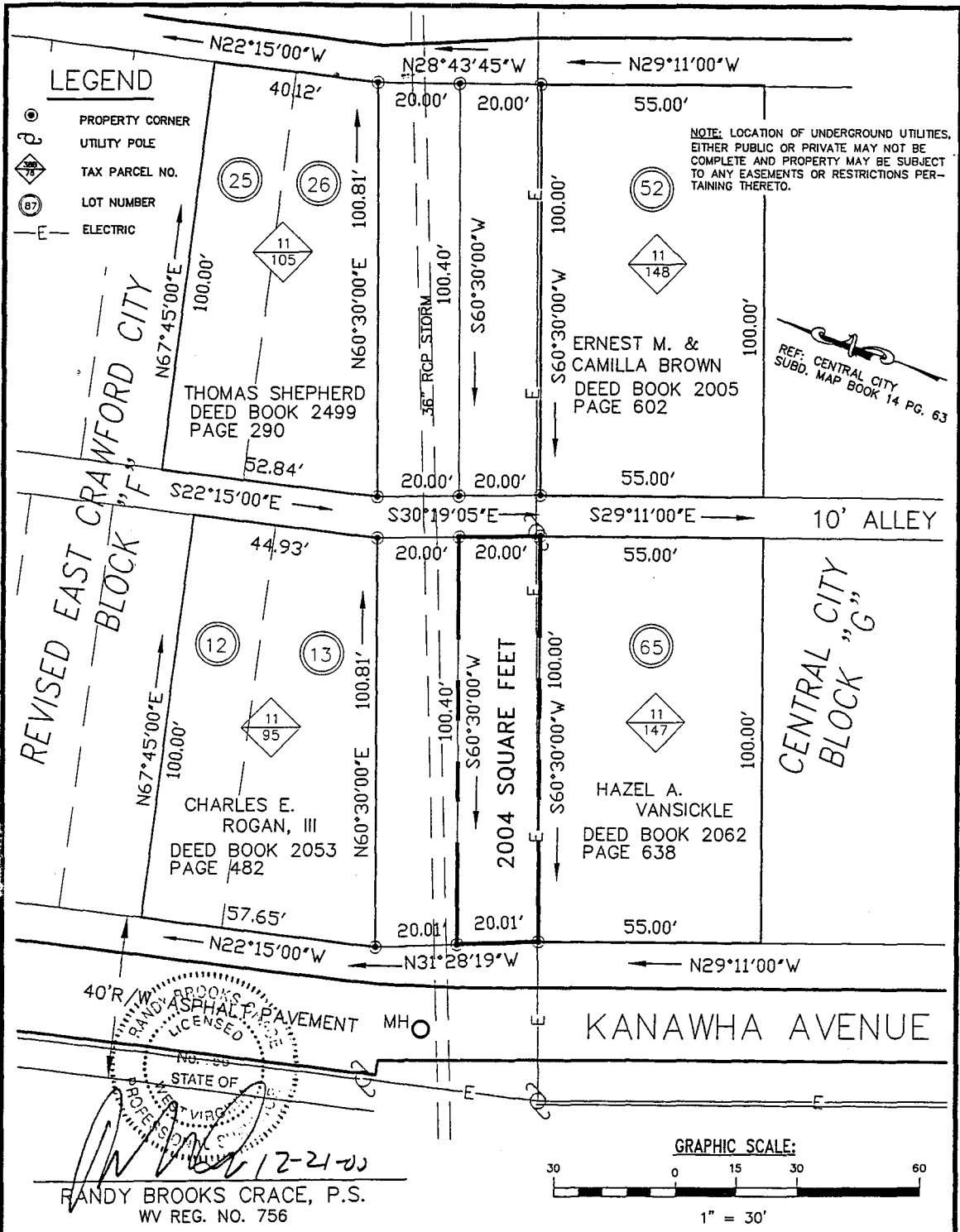
Leaving the line of Kanawha Avenue and with the centerline of Ivy Street N  $60^{\circ}30'$  E a distance of 100.40 feet to a point in the westerly right-of-way line of a 10 foot wide alley, thence;

Leaving the centerline of Ivy Street and with the right-of-way line of said 10 foot wide alley S  $30^{\circ}19'05''$  E a distance of 20.00 feet to a point in the southerly right-of-way line of Ivy Street, said point being a corner to Lot 65 Block "G" Central City, thence;

With the line of Lot 65 and the southerly right-of-way line of Ivy Street S  $60^{\circ}30'$  W a distance of 100.00 feet to the Point of Beginning. Containing 2,004 square feet as shown on a plat prepared by S & S Engineers, Inc. dated November 26, 2000 bearing the signature and seal of Randy B. Crace, West Virginia P.S. No. 756.

*Randy B. Crace* 12-21-00





40' R/W BROOKS RANDY ASPHALT PAVEMENT MH  
 LICENSED  
 NO. 88  
 STATE OF WEST VIRGINIA  
 PROJECT NO. 12-21-00  
 RANDY BROOKS CRACE, P.S.  
 WV REG. NO. 756

**MAP SHOWING 2004 SQUARE FEET LOT TO BE CONVEYED**  
**FROM: THE CITY OF NITRO**  
**TO: HAZEL A. VANSICKLE**

SITUATE BETWEEN KANAWHA AND WASHINGTON AVENUES  
 AND BEING PART OF IVY STREET IN THE CITY OF NITRO  
 NITRO DISTRICT, KANAWHA COUNTY, WEST VIRGINIA

**SURVEYED FOR THE CITY OF NITRO**

**EXHIBIT**  
**8**

SCALE: 1" = 30'	<b>S &amp; S ENGINEERS, INC.</b>  501 EAGLE MOUNTAIN ROAD CHARLESTON, WV 25311 PHONE (304) 342-7168 FAX (304) 342-7169	PROJECT: NITRO ABANDONMENT
DATE: NOV. 26, 2000		DRAWING: IVY_KANAWHA
DRAWN BY: SHC		APPROVED BY: RBC
CHECKED BY: JER		SHEET 1 OF 1

## ORDINANCE NO. 01-03

DECLARING A STATE OF EMERGENCY AND  
AUTHORIZING THE ACQUISITION OF A NEW FIRE TRUCK  
BY MEANS OF A LEASE WITH OPTION TO PURCHASE  
AGREEMENT

WHEREAS, the City Council of the City of Nitro, West Virginia, at its regularly scheduled meeting on January 2, 2001, duly and officially declared the existence of a bona fide emergency situation under Article 111.05 of the Codified Ordinances of the City of Nitro, West Virginia, whereby the City cannot adequately provide for the prevention and extinguishment of fires with the fire trucks currently in the Fire Department's fleet; and

WHEREAS, the City Council has determined that it is necessary and desirable and in the best interests of the City to enter into a Lease with Option to Purchase Agreement (the "Lease Agreement") with Public Capitol Corporation, a Delaware Corporation, for the purpose of obtaining one 1999 American La France Custom Rescue Pumper Fire Truck, Vehicle Identification Number 4Z36ESEBXXRB00718 (the "Equipment"); and

WHEREAS, the City Council has taken the necessary steps, to arrange for the acquisition of such Equipment by means of the Lease Agreement without competitive bids being required, pursuant to Chapter 8, Article 12, Section 10 of the West Virginia Code of 1931, as amended, and without complying with the usual and customary rules regarding ordinance procedures under the current emergency circumstances, pursuant to Chapter 8, Article 11, Section 4(d)(1) of the West Virginia Code of 1931, as amended.

THEREFORE, BE IT RESOLVED, by the City Council of the City of Nitro, as follows:

Section 1. Authorization. The City Council does hereby approve the Lease Agreement substantially in the form presented to this meeting, and does hereby authorize the Mayor to

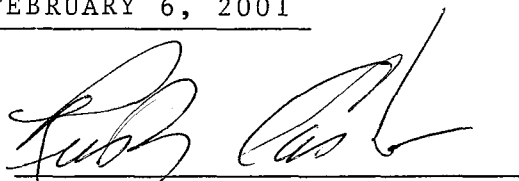
execute the Lease Agreement with such changes thereto as he deems appropriate, and any related documents necessary to the consummation of the transactions contemplated by the Lease Agreement. The Mayor is hereby authorized to take any and all actions which may from time to time be required by the City under the Lease Agreement. Any such action taken by the Mayor in his official capacity shall be deemed to be an act by the City and any such action shall be conclusive evidence that the same is authorized by this Ordinance.

Section 2. Designation as Qualified Tax-Exempt Obligation. Pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code"), the City hereby specifically designates the Lease Agreement as a "qualified tax-exempt obligation." The aggregate amount of tax-exempt obligations issued to date by the City, in the calendar year 2001, including the principal amount for the aforementioned Equipment, together with all other issues of such obligations reasonably expected in the calendar year 2001, shall not exceed \$10,000,000.

Section 3. Effective Date. This Ordinance shall be effective immediately upon Adoption hereof. The undersigned certifies that this Ordinance has not been repealed or amended and remains in full force and effect, and further certifies that the aforementioned Lease Agreement is the same as presented at said meeting of the City Council.

Passed and Adopted on first reading: FEBRUARY 6, 2001

Seal:

  
\_\_\_\_\_  
Rusty Casto, Mayor

CERTIFICATION

I hereby certify that I am the City Recorder of the City of Nitro and that the foregoing is a correct copy of the Ordinance passed as therein set forth, and that the same is now in full force.

Joan McClanahan

Joan McClanahan, City Recorder



CITY OF NITRO  
COUNCIL MEETING MINUTES

FEBRUARY 20, 2001

Mayor Casto declared a quorum and called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present were City Attorney April Boughton and City Treasurer Ralph Allison.

Mayor Casto informed we lost a former member of our City Council, Dr. Guy Cassell. He was fondly remembered by a number of people, and several remarks were made of his contributions to our City.

Last Thursday night during the girl's basketball game, Pat Vance had a very serious stroke. The family is requesting no visitors at this time.

Mayor Casto asked everyone to stand in a moment of silence in memory of Guy Cassell, and prayers for the recovery of Pat Vance.

COUNCILWOMAN AT LARGE BRENDA TYLER GAVE THE INVOCATION.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 6, 2001 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED MINUTES BE APPROVED AS WRITTEN. MOTION SECONDED BY COUNCILMAN A. A. 'JOE' SAVILLA, AND WAS CARRIED.

AGENDA ITEM NO. 2 - REPORT FROM NITRO BUS. & PROF. ASSN. (GREG CASTO): - Mayor Casto yielded the floor to Greg Casto. Mr. Casto explained the importance of the Business and Professional Association and asked for Councils' support. The Association is made up of small businesses and professionals. They have helped sponsor several events throughout the city. They have also started several events on their own which include the Easter egg hunt, street dance, community dances, purchase Christmas lights, concrete benches, secret Santa, Halloween treats that are passed out at the local elementary school. Also, they have help sponsor the antique car show, with donations, prizes and money to purchase trophies. Mr. Casto came this evening in hopes that we can draw interest to create a reason not to stop the Association. He said there is very little participation, and they wanted Council to know that there is a possibility of the Business and Professionals disbanding due to lack of interest. He was in hopes Council could help to keep this ongoing. There are around 30 participants, and it has been a wonderful Association for 30 years. Members of Council expressed great concern and was willing to help in anyway they could. Councilman A. A. "Joe" Savilla asked for a copy of the present members.

AGENDA ITEM NO. 3 - APPOINTMENTS TO ZONING BOARD OF APPEALS: - Mayor Casto said he found two people who are willing to serve on our Zoning Board of Appeals, Chris Rader and Judy Hartigan. CITY RECORDER JOAN MCCLANAHAN MOVED CHRIS

RADER AND JUDY HARTIGAN BE APPOINTED TO THE ZONING BOARD OF APPEALS. MOTION SECONDED BY HARRY MILLER, III, AND WAS CARRIED.

AGENDA ITEM NO. 4 - 2ND READING - ORD. INCREASING CASH BONDS FOR VARIOUS TRAFFIC VIOLATIONS AND CRIMINAL OFFENSES, AND ASSESSING AN ADMINISTRATIVE FEE FOR FAILURE TO APPEAR IN THE MUNICIPAL COURT OF THE CITY OF NITRO, WV. - Mayor Casto yielded the floor to the City Attorney April Boughton, who advised she had made the change that was requested at the last meeting. The first paragraph now reads, "Whereas, the City of Nitro, West Virginia, declares the necessity and convenience to increase the minimum cash bonds for certain traffic violations and criminal offenses committed within the municipality; and". COUNCILMAN A. A. "JOE" SAVILLA MOVED WE READ TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA, AND WAS CARRIED. After the City Attorney read the title, COUNCILMAN A. A. "JOE" SAVILLA MOVED FOR THE ADOPTION OF ORDINANCE, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

ORDINANCE 01-04 ATTACHED.

AGENDA ITEM NO. 5 - INK MIZER - SPRING FESTIVAL PROPOSAL: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. Members of Council were furnished a copy of Ink Mizer Spring Festival proposal. They are a firm from St. Albans. They want to have the festival over Easter weekend and requested to use the ballfields at City Park. She said Little League ball will be in full swing at this time, and they certainly wouldn't want to interfere with practice. In their proposal they mentioned charging \$1.00 admission fee at the gate, and she didn't think we could charge access in the city park. Mayor Casto commented he didn't want to go against anyone wanting to bring something nice to the city, but he couldn't understand the telephone conversations. A representative will be asked to attend the next Council Meeting for further explanation. CITY RECORDER JOAN MCCLANAHAN MOVED TO TABLE THIS ITEM, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 6 - NITRO HOMECOMING: - Mayor Casto said they were planning on Nitro Homecoming Saturday, July 21. They have a national group of the Doughboys Association coming in to set up camp. The Pioneer Group will be setting up. They have talked with the Native American Group. H & H Enterprises will be coming in, and he said he will contact the churches and businesses so they will know they are opening the community center so people could visit the old high school. The senior citizens should have a breakfast. Also, they are looking for talent for the auditorium.

AGENDA ITEM NO. 7 - ANNEXATION: - Mayor Casto gave Council a legal description of the proposed annexation for the City of Nitro Annexation I-64 area south (109.86 acres). The first reading of the ordinance will be at the next meeting. Mayor Casto questioned how would he contact Bidco and the highway department and give them notice, and the City Attorney April Boughton said she would let him know.

AGENDA ITEM NO. 8 - KRT: - Mayor Casto said Dr. Cassell has been our representative to the KRT. He said he was previously on the KRT, and would be willing to serve again. COUNCILMAN DAVID MILLER MOVED MAYOR CASTO BE APPOINTED TO THE KRT BOARD, SECONDED BY HARRY MILLER, III, AND WAS CARRIED.

Mayor Casto advised KRT are talking about the possibly of expanding the bus service to Putnam County. Cabell County would meet around the Winfield Interchange and somebody could board a bus in Huntington and ride to Montgomery. It was recommended KRT bring a terminal to Nitro. He explained the manner in which they vote. They can vote individually or by the number of votes allowed. Nitro has 8.

**AGENDA ITEM NO. 9 - APRIL BOUGHTON:-** - Mayor Casto yielded the floor to the City Attorney. She was asked to look into the city's liability in regard to ice fishing on the lake. She found that Nitro has an ordinance on record that passed 2-11-88. Ordinance 88-1 states that all persons walking or fishing on ice on Ridenour Lake must use safety ropes tied around them and attached to anchors on shore. Violators shall be fined not more than \$500.00 or imprisoned not more than 30 days, or both. April Boughton suggested signs be posted around the lake. Councilman A. A. "Joe" Savilla informed that signs were posted and they were made of wood which were later burned, and suggests the new ones be made of metal.

City Attorney April Boughton said she was asked if she could find any way that the city could get relief to a situation in the city where there is a lot of mud being put on the street. In the State Code that talks about if someone is depositing earth onto the road that rises to the level of being an obstruction, it could be considered a misdemeanor and punishable by a \$50.00 fine each day. She also said she would put together a draft ordinance regarding the weight limit for trucks using city streets.

The next Zoning Board of Appeals Meeting will be March 12, at 6:00 p.m in Council Chambers. New members will be notified of this meeting by City Recorder Joan McClanahan.

Mayor Casto said there were 2 places where we are getting mud on the road. One is at the end of 21st Street along Route 25. He said he contacted the state about putting in a curb and getting some dirt hauled in and planting this area in wildflowers. The other street is up near Raleigh Junk and he is trying to contact the proper person to talk with.

**AGENDA ITEM NO. 10 - RALPH ALLISON: (1. BUDGET):** - Mayor Casto yielded the floor to the City Treasurer Ralph Allison. Mr. Allison said the Finance Committee would like to recommend the budget for next year of \$3,213,415.00 for the year beginning July 1, 2001 and ending June 30, 2002. Included in this budget is a \$1,040.00 yearly pay increase for every full time city employee effective July 1, 2001. It also includes a new garbage truck,, a new industrial mower and possibly a new dump truck for public works. It includes 2 additional policemen and 2 firemen to be hired. It includes two police cruisers and a new fire truck to be purchased. In addition, it includes 20 sets of bunker gear. Mr. Allison said he appreciates the cooperative spirit everybody has had, and the timely matter which it has been completed. **COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE BUDGET BE APPROVED. MOTION SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. (BUDGET ATTACHED.)**

Members of Council expressed their appreciation to the Treasurer for all his hard work, and on an excellent job.

Councilwoman at Large Brenda Tyler said she appreciates the cooperation of the employees for standing by us. It has been hard on them. We have made some cutbacks and decisions that were hard, but because of these decisions we are able to do what we are doing.

Councilman A. A. "Joe" Savilla said one of the toughest things he has had to do is to lay people off. It was hard on the entire Council. He said he appreciates the employees and we need to take care of them, and give them a round of applause.

2. NITRO DEVELOPMENT AUTHORITY: - Treasurer Ralph Allison said the Nitro Development Authority wants us to put their manager on our payroll in order for him to receive some benefits. They have agreed to reimburse us the total expense of that employee which includes employee salary, FICA, retirement, workers' comp, state unemployment and hospitalization insurance. This adds up to \$21,600.00 and they have agreed to reimburse us on a monthly basis. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE EMPLOYEE BE PUT ON THE CITY'S PAYROLL. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 11 - MAYOR'S COMMENTS: - Mayor Casto said at the last Council Meeting we voted by Resolutions to send the road paving requests to the state for grants. The State ask that we submit them after July 1, 2001.

Councilman A. A. "Joe" Savilla asked if the Mayor had spoke with anyone from Union Public Service District about the entrance to Brookhaven. Mayor Casto responded that he had a meeting scheduled for next week.

COUNCILMAN DAVID MILLER MOVED WE OBTAIN SEALED BIDS ON PAVING 8TH STREET BETWEEN 1ST AND 2ND AVENUE TO BE OPENED BY MAYOR, RECORDER AND ONE COUNCIL PERSON. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Mayor Casto told Councilman Smith that he was able to obtain 180 feet of line from the State to put along Main Avenue between Ash and Beech Street to get rid of the standing water.

Ivan Meadows informed that Jim Currey received a rough sketch of the bike track, and when they come in to do the work, they will possibly change it. They are going to provide a fence, build the track, furnish the starting block needed, storage building and possibly pay for the lights. They need a little larger area than the pool. If we could get the corner at Horn Brothers, it would be a good place to put it. We have the dirt, equipment to haul the dirt and equipment to use to build the track. They said they would come in and it would take them anywhere from 10 days to two weeks to build the track. They want to start by the last of March.

Mayor Casto said the Presbyterian church is very much concerned about this going in near the senior's housing.

There being no further business, the meeting was adjourned.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER

Ordinance No. 01- 04

ORDINANCE INCREASING CASH BONDS FOR VARIOUS TRAFFIC VIOLATIONS AND CRIMINAL OFFENSES, AND ASSESSING AN ADMINISTRATIVE FEE FOR FAILURE TO APPEAR IN THE MUNICIPAL COURT OF THE CITY OF NITRO, WEST VIRGINIA

WHEREAS, the City of Nitro, West Virginia, declares the necessity and convenience to increase the minimum cash bonds for certain traffic violations and criminal offenses committed within the municipality; and

WHEREAS, the City of Nitro, West Virginia, declares the necessity and convenience to assess an administrative fee to those certain defendants who fail to appear in the Municipal Court of the City on citations or summons.

NOW THEREFORE, BE IT ORDAINED, that the City of Nitro hereby authorizes the Municipal Court Clerk to set an amount for the violations, offenses, and failures hereinbefore named, all in accordance with applicable state and local law.

Passed on first reading: February 6, 2001

Adopted on second reading: February 20, 2001

  
Mayor

  
City Recorder

150163

Breaking glass in a street	\$75.00
Burning without a permit	75.00
Defective equipment	50.00
Driving left of center	75.00
Driving without an operator's license	75.00
Expired motor vehicle license	50.00
Expired operator's license	50.00
Expired registration	50.00
Failure to appear in municipal court	10.00
Failure to dim headlights	50.00
Failure to give proper signal	50.00
Failure to have a child restraint	10.00
Failure to maintain control of vehicle	75.00
Failure to stop at officer's command	75.00
Failure to yield right-of-way	50.00
Failure to wear seat belt	25.00
Following too close	50.00
Open container	75.00

<b>REVENUE</b>		
		Final
		June 30, 2002
PROPERTY TAX		816,645
BUILDING PERMITS		20,000
INSPECTION FEES		2,000
PAR INDUSTRIES		168,000
B & O TAX		700,000
THF REALTY-B&O TAX		51,500
UTILITY TAX		220,000
PARKS AND POOL		24,000
LIQUOR TAX		18,500
BUSINESS LICENSES		34,000
DOG TRACK		44,000
DOG TRACK-LOTTERY		90,000
INTEREST INCOME		5,000
CIVIC BENEFITS ASSOC		120,000
RENT INCOME		15,600
COURT COSTS		36,000
COLLECTION INCOME		2,500
LIBRARY FEES		770
MUNICIPAL SERVICE		680,000
FRANCHISE FEES		24,000
COAL SEVERANCE		12,000
REIMBURSEMENTS:		
INSURANCE		21,000
CITY CALENDAR		7,000
FIRE TRUCK		54,000
HOSPITALIZATION		14,900
POLICE WAGES		32,000
		-
<b>TOTAL</b>		<b>3,213,415</b>

2









212

[illegible]



POLICE DEPARTMENT				
			Final	
			June 30, 2002	
SALARIES			479,362	
RETIREMENT			64,452	
FICA TAX			36,671	
SHELTER FEES			4,800	
TELETYPE			2,700	
DEPT SUPPLIES			25,000	
UNIFORMS			22,000	
AUTO SUPPLIES			45,000	
MAINT & REPAIR				
CRIME PREVENTION			2,000	
FOOD & DRUGS				
TRAINING			13,000	
RADIO TOWER RENTAL			3,600	
CRIME VICTIMS FUND			16,000	
EQUIPMENT RENEWAL			2,000	
POLICE RESERVES			1,500	
CAPITAL OUTLAY			60,000	
MISCELLANEOUS				
MEDICAL EXAMINATIONS			4,000	
MEDICAL SUPPLY			2,000	
			784,085	
			8	

[illegible]

[illegible]









## CITY OF NITRO

## COUNCIL MEETING MINUTES

MARCH 6, 2001

Mayor Casto declared a quorum and called the meeting to order at 7:30 p.m. in Council Chambers. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present were City Attorney April Boughton and Treasurer Ralph Allison.

THE INVOCATION WAS GIVEN BY COUNCILMAN A. A. "JOE" SAVILLA.

AGENDA ITEM NO. 1 - APPROVAL OF FEBRUARY 20, 2001 COUNCIL MEETING MINUTES: - COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE FEBRUARY 20, 2001 MINUTES BE APPROVED. MOTION SECONDED BY HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - The Citizen of the Month for March is Pat Vance of Nitro High School. Mayor Casto said he wanted to present the plaque at Nitro High School's Award Assembly in the year Mr. Vance was going to retire. Mayor Casto said he would much rather present the award to him in front of the student body due to the fact he is now facing a life threatening illness. Mayor Casto said he was in hopes Steve White could have been present this evening to accept the plaque for Pat Vance. Members of Council commented on what a loss to Nitro High School's Athletic Department and also that he is an all around good citizen.

AGENDA ITEM NO. 3 - PLAYGROUND: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman Brenda Tyler informed that Scott Williamson was working on trying to obtain a grant for the playground. We have about \$2,500 which was the proceeds from the Golf Tournament last year. Kelly Frampton is in the process of scheduling a date for the tournament this year. Also, she said she understood the proceeds from a ramp dinner will go toward the playground equipment. She said she feels we should decide just what type of equipment, and the amount of money needed. Mayor Casto said a gentleman from the Greater RC & D is working on grants and exactly what we want to make it handicapped accessible. Mayor Casto said he feels we should have a definite site for the equipment. Councilwoman at Large Brenda Tyler said we should get definite plans and a drawing and have it posted so people will know exactly what we are trying to do. She feels we will have more cooperation and donations coming in from the public.

AGENDA ITEM NO. 4 - POOL RATES: - Members of Council were furnished a copy of the proposed rate for pool passes for year 2001: (FAMILY SEASON PASS: \$70.00 IMMEDIATE FAMILY ONLY) (INDIVIDUAL SEASON PASS: \$35.00) (ADULT DAILY ADMISSION: \$3.00)

KIDS DAILY ADMISSION: \$1.00 (12 YEARS AND YOUNGER, UNDER 5 FREE WITH PAYING ADULT)(SENIORS \$1.00 - POOL RENTAL \$40.00 PER HOUR (2 HR MINIMUM). Councilman David Miller suggested the rental be changed to \$50.00 per hour. CITY RECORDER JOAN MCCLANAHAN MOVED TO APPROVE THE POOL RATE AS AMENDED. MOTION SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 5 - NITRO SANITARY BOARD BUDGET: - Mayor Casto yielded the floor to the General Manager of the Nitro Sanitary Board, Danny Lewis. Mr. Lewis furnished copies of the proposed 2001/02 and for comparison the 2000/01 budget for the Sanitary Board. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO ACCEPT THE SANITARY BOARD BUDGET. MOTION SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA. It was pointed out that they would lose around \$100,000 from Pepsi, but they would be receiving revenue from the Poca river project. AFTER A SHORT DISCUSSION, A VOTE WAS TAKEN AND WAS CARRIED.

COPY ATTACHED

Mayor Casto said he wanted the Board and engineers to come to the first meeting in April and explain to Council regarding the request for a rate increase. Mr. Lewis said he would furnish any information he had with Council. Councilman A. A. "Joe" Savilla suggested that if any member of Council hadn't met with the Sanitary Board, they should do so.

AGENDA ITEM NO. 6 - HOME COMING REPORT: - Mayor Casto reported the Homecoming will be Saturday, July 21, from 8 a.m. to 4 p.m. in the Community Center and he will contact someone from the Businessmen Assn., Ministerial Association, Lions Club and the Womans Club to help out with the Committee on the Nitro Homecoming. Members of council are invited to be on the committee. Every five years is the big reunion at the Civic Center. It is the third Friday of July.

AGENDA ITEM NO. 7 - SENIOR CITIZEN REQUEST: - Members of Council were furnished a request from the Senior Citizens. Mayor Casto said he would like to have a committee consisting of Council and a group of senior citizens meet and advise just what they want and expect from Council. CITY RECORDER JOAN MCCLANAHAN MOVED TO FORM A COMMITTEE REGARDING THIS AGENDA ITEM. MOTION SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. Councilman Savilla said this is an important center, but if we are expected to provide city money, we need to know what is going on. Councilman Bob Smith said he invited Conda Martin to come to the meeting this evening. Mayor Casto said a committee meeting will be scheduled.

AGENDA ITEM NO. 8 - STREET REPORTS: - Mayor Casto said regarding the mud on the street near the old Texaco station that he was going to work with KRT and get some money for rocks and get rid of all the mud there. On 21st Street between the bus stop and the corner, he has been waiting for 4 years for the State to upgrade the crossing. The Public Works Director has some dirt donated and we can build a curb for \$200.00 thus eliminating all of this mud. The trucks parked in this area are from Republic Container, he will ask them to park in front of the old hardware store where it is blacktopped. The Mayor said that Chief Jordan had worked with him this week on the area of Raleigh Junk and asked the Chief for a report. Chief Jordan said the

owner said they would pave the street and also sweep it. Also, they would wash the tires of the vehicle prior to coming out on the road. Chief Jordan said that if they didn't comply with this, then they would be down there on the 28th of March, 2001 and issue citations if a vehicle came out with mud on the tires.

AGENDA ITEM NO. 9 - APRIL BOUGHTON: - Mayor Casto yielded the floor to the City Attorney April Boughton. The City Attorney April Boughton said there was a map showing 24.354 area tract to be annexed into the City of Nitro. There is a tract of a small parcel in the vicinity which needs a survey. She said it was unclear if these two parcels are contiguous to one another. She said it has been settled that each of them in their own right are contiguous to the current city limits of the City of Nitro. Mayor Casto explained that he didn't want these two annexed together because when he went to the ground breaking ceremony, the preacher said when the building was complete they wanted to be annexed into the City. They decided not to build and have put the property up for sale. He said he contacted the elders of the church to see if they wanted to come into the city, and if they decide not be allow us to annex, we won't be able to annex it. This is the reason he wanted to bring up 2 parcels, then we can put the Kings way property aside. Councilman Bob Smith said he was a member of the Kings Way Church and he would check on this Thursday night. City Attorney April Boughton said she had a resolution prepared. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE CITY ATTORNEY READ TITLE ONLY, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. The City Attorney read title, "Resolution of the City of Nitro to annex by minor boundary adjustment contiguous parcels of land situate along interstate I-64 and Lakeview Drive extending from the easterly line of the Armour Creek annexation of 1967 to the present City of Nitro Corporation line at "The Nitro Marketplace" in Washington District, Kanawha County, into the present corporate limits of the City of Nitro, West Virginia." Councilman at Large Tim Sizemore said he feels this is in Union District. This will be corrected. COUNCILMAN A. A. "JOE" MOVED THE RESOLUTION BE APPROVED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND IT WAS UNANIMOUS.

RESOLUTION ATTACHED

COUNCILMAN AT LARGE TIM SIZEMORE MOVED THE ATTORNEY READ TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. The City Attorney read title only of "Resolution of the City of Nitro to annex by minor boundary adjustment a contiguous parcel of land situate along interstate I-64 extending from the eastern side of the Tri-State Greyhound Park annexation of 1988 and known as the King's Way property in Union District, Kanawha County, into the present corporate limits of the City of Nitro." COUNCILMAN AT LARGE TIM SIZEMORE MOVED THE RESOLUTION BE ADOPTED PENDING THE ATTORNEY'S APPROVAL. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

RESOLUTION ATTACHED.

AGENDA ITEM NO. 10 - RALPH ALLISON: - Mayor Casto yielded the floor to the City Treasurer, Ralph Allison. Mr. Allison said that in the upcoming budget we approved an industrial mower for the Public Works Department. With Councils' permission he would like to put this out for bid for delivery around May 1, so that we can have it during for the mowing season. COUNCILMAN A. A. "JOE" SAVILLA MOVED WE PUT THE MOWER OUT FOR BIDS TO

BE OPENED THE SECOND MEETING IN APRIL. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Also, Mr. Allison said he spent some time in the building department and they are having major difficulties trying to get the permits to come off of the computer. It prints part of a permit on one piece of paper and the rest of it on another sheet. Sometimes it will have old information on the new permit causing wasted paper and time. They have found a computer program which would hopefully solve these problems at a cost of \$2,300. There were questions regarding the compatibility of the new software and the computer they will be getting. Councilman A. A. "Joe" Savilla suggested we table this item until the next council meeting so that Mr. Allison can do research on the computer and the software program. COUNCILMAN AT LARGE TIM SIZEMORE MOVED WE GIVE MR. ALLISON THE AUTHORITY TO PURCHASE THE COMPUTER PROGRAM AND MAYBE THE COMPUTER IF WE CAN WORK IT OUT TO PAY FOR IT NEXT YEAR. COUNCILMAN A. A. "JOE" SAVILLA SECONDED THE MOTION AND WAS CARRIED.

Mr. Allison mentioned during the conversations when we were talking about going to 911, we had a clerk who was going to work in the police department from 5:00 p.m. until 2:00 or 3:00 p.m. in the morning to answer telephone and handle input. We had a clerk but now that clerk is in the building department. During the budget meetings, we failed to recognize we didn't have that clerk in the budget. Councilman David Miller informed this is not a new position; it is one that is already there. COUNCILMAN AT LARGE TIM SIZEMORE MOVED WE GO INTO EXECUTIVE SESSION TO FURTHER DISCUSS PERSONNEL MATTERS. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA. It was agreed by Council to enter into executive session following the next agenda item.

AGENDA ITEM NO. 11 - MAYOR'S COMMENTS: - Mayor Casto asked Councilman Smith if he feels we should abandon Cedar Street, and asked him to talk with Council and the neighbors in this area about this.

Councilman David Miller said he spoke with the City of Hurricane about their new signs, and was told they purchased them through a grant. They were not extremely expensive, the biggest sign was \$1,600.00. They ordered smaller ones at \$300.00. He said he was going to check with their vendor and have him give him a price. He said he also has the name of the person to contact about a grant.

Mayor Casto complimented the entire fire department for their work on the recent photo fund-raiser.

Councilman A. A. "Joe" Savilla reminded Council to keep the Pat Vance family in their prayers.

Mayor Casto said Council gave permission to obtain bids for paving on 8th Street from 1st to 2nd Avenue. He informed that there are so many people out there that don't like to share their price on paving, and he was going to put an ad in the paper that sealed bids will be accepted until the first Tuesday in April at 3:00 p.m., and opened at the Council Meeting.

City Recorder Joan McClanahan said A.J. Hill asked her to pass on information that he

was meeting with, Mr. Dawson, the WV State District I supervisor in the maintenance department. They are meeting regarding the Brookhaven entrance.

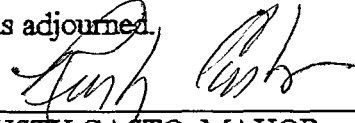
City Recorder Joan McClanahan said she took advantage of Chief Jordan's invitation to ride along with an officer. She said she rode with Sgt. Javins on an evening shift last week. She said she rode with him three hours out of an eight hour shift. She said she didn't know how they do everything they do. It was an enjoyable learning experience, and encourages everyone to take advantage of this opportunity.

Councilman A. A. "Joe" Savilla said he would like to thank two of the police officers for responding around 3:30 a.m. in the bitter cold to help move an elderly lady, Mrs. Minner, to a house with heat. The electric was off on 40th Street. She was very impressed with them.

A VOTE WAS TAKEN TO GO INTO EXECUTIVE SESSION AND WAS CARRIED.  
Entered into executive session at 8:25 p.m.

Out of executive session 8:50 p.m.

There being no further business, the meeting was adjourned.

  
\_\_\_\_\_  
RUSTY CASTO, MAYOR

  
\_\_\_\_\_  
JOAN MCCLANAHAN, RECORDER



RESOLUTION NO. 01-06

RESOLUTION OF THE CITY OF NITRO TO ANNEX BY MINOR BOUNDARY ADJUSTMENT CONTIGUOUS PARCELS OF LAND SITUATE ALONG INTERSTATE I-64 AND LAKEVIEW DRIVE EXTENDING FROM THE EASTERLY LINE OF THE ARMOUR CREEK ANNEXATION OF 1967 TO THE PRESENT CITY OF NITRO CORPORATION LINE AT "THE NITRO MARKETPLACE" IN UNION DISTRICT, KANAWHA COUNTY, INTO THE PRESENT CORPORATE LIMITS OF THE CITY OF NITRO, WEST VIRGINIA.

WHEREAS, by virtue of Chapter 8, Article 6, Section 5 of the West Virginia Code of 1981, as amended, annexation by minor boundary adjustment for a municipality must be approved by the governing body of the municipality; and

WHEREAS, the governing body of the City of Nitro is desirous of annexing certain parcels of land currently outside the corporate limits of the City, which parcels are contiguous to the City and are more fully set forth in a metes and bounds description and are more fully shown on a map thereof attached hereto and made a part hereof for all pertinent purposes and marked as Exhibits A and B.

NOW, THEREFORE, BE IT FOUND AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, THAT the Mayor is hereby directed to file the necessary application for annexation by minor boundary adjustment with the Kanawha County Commission pursuant to Chapter 8, Article 6, Section 5 of the West Virginia Code of 1931, as amended, and to take any and all actions that are necessary or desirable to carry out the provisions of this Resolution, and that the parcels herein described should be annexed to the City pursuant to Chapter 8, Article 6, Section 5 of the West Virginia Code of 1931, as amended, as the same is contiguous to the current boundary of the City.

This Resolution duly presented to and adopted by the City Council of the  
City of Nitro this 6<sup>th</sup> day of March 2001, on a motion by Councilman \_\_\_\_\_  
and seconded by Councilman \_\_\_\_\_.

Joan M. Clanahan  
Joan McClanahan, Recorder

I, Joan McClanahan, attest that this is a true and accurate copy of a  
Resolution passed by the City Council of the City of Nitro on March 6, 2001

Joan M. Clanahan  
Joan McClanahan, Recorder

1455461

**RESOLUTION NO. 01-07**

RESOLUTION OF THE CITY OF NITRO TO ANNEX BY MINOR BOUNDARY ADJUSTMENT A CONTIGUOUS PARCEL OF LAND SITUATE ALONG INTERSTATE I-64 EXTENDING FROM THE EASTERN SIDE OF THE TRI-STATE GREYHOUND PARK ANNEXATION OF 1988 AND KNOWN AS THE KING'S WAY PROPERTY IN UNION DISTRICT, KANAWHA COUNTY, INTO THE PRESENT CORPORATE LIMITS OF THE CITY OF NITRO, WEST VIRGINIA

WHEREAS, by virtue of Chapter 8, Article 6, Section 5 of the West Virginia Code of 1981, as amended, annexation by minor boundary adjustment for a municipality must be approved by the governing body of the municipality; and

WHEREAS, the governing body of the City of Nitro is desirous of annexing certain parcels of land currently outside the corporate limits of the City, which parcels are contiguous to the City and are more fully set forth in a metes and bounds description and are more fully shown on a map thereof attached hereto and made a part hereof for all pertinent purposes and marked as Exhibits A and B.

NOW, THEREFORE, BE IT FOUND AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, THAT the Mayor is hereby directed to file the necessary application for annexation by minor boundary adjustment with the Kanawha County Commission pursuant to Chapter 8, Article 6, Section 5 of the West Virginia Code of 1931, as amended, and to take any and all actions that are necessary or desirable to carry out the provisions of this Resolution, and that the parcels herein described should be annexed to the City pursuant to Chapter 8, Article 6, Section 5 of the West Virginia Code of 1931, as amended, as the same is contiguous to the current boundary of the City.

This Resolution duly presented to and adopted by the City Council of the  
City of Nitro this 6<sup>th</sup> day of March 2001, on a motion by Councilman \_\_\_\_\_  
and seconded by Councilman \_\_\_\_\_.

Joan McClanahan  
Joan McClanahan, Recorder

I, Joan McClanahan, attest that this is a true and accurate copy of a  
Resolution passed by the City Council of the City of Nitro on March 6, 2001

Joan McClanahan  
Joan McClanahan, Recorder

145546.1

## COMP SPRD

YEAR:	2001/2002				
ACCOUNT NAME	ACT NO.	BUDGET	MO BUD		
DOMESTIC SERVICE	3101	895,493.00	74,624.42		
INDUSTRIAL SERVICE	3131	137,904.00	11,492.00		
POCA RIVER SERVICE	3101	133,836.00			
PENALTIES	3170	34,236.00	2,853.00		
INTEREST INCOME	3201	11,088.00	924.00		
UTILITY TAX INCOME	3300	14,616.00	1,218.00		
MISCELLANEOUS INCOME	3162	56,868.00	4,739.00		
TOTAL INCOME		1,284,041.00	95,850.42		
SALARIES	7900	342,350.99	28,529.25		
FICA	8001	42,451.52	3,537.63		
MEDICAIDE	8001	9,928.18	827.35		
RETIREMENT	8002	32,523.35	2,710.28		
HEALTH/LIFE INSURANCE	8003	45,800.00	3,816.67		
STATE UNEMPLOYMENT		300.00	25.00		
WORKMEN'S COMP	7990	10,096.00	841.33		
OTHER EMPLOYEE EXPENSE	8004	500.00	41.67		
TOTAL WAGE RELATED EXPENDITURES		483,950.04	40,329.17		
UTILITIES	7934	120,000.00	10,000.00		
INSURANCE/LIAB/PRO/EQ	7980	35,000.00	2,916.67		
SUPPLIES	7930	33,744.00	2,812.00		
MAINTENANCE & REPAIRS	7952	24,912.00	2,076.00		
SLUDGE RELATED	7438	15,196.00	1,266.33		
VEHICLE EXPENSES	7031	16,660.00	1,388.33		
RENT	8030	8,400.00	700.00		
EQUIPMENT RENTAL	7036	1,857.00	154.75		
PROFESSIONAL SERVICES	7834	15,000.00	1,250.00		
BILLING COLLECT/ACCT.	7951	69,201.00	5,766.75		
SHOP & LAB	7246	5,152.00	429.33		
MISC. GENERAL EXP	8010	10,000.00	833.33		
RENEWAL/REPLACEMENT		8,904.00	742.00		
TOTAL OPERATING EXPENDITURES		364,026.00	30,335.50		
NITRO DEBT SERVICE		357,030.48	29,752.54		
POCA RIVER DEBT SERVICE 9 MONTHS		79,033.00			
TOTAL DEBT/INTEREST EXP.		436,063.48			
TOTAL ESTIMATED EXPENDITURES		1,284,039.52			

YEAR:	2000/2001				
ACCOUNT NAME	ACT NO.	BUDGET	MO BUD		
DOMESTIC SERVICE	3101	1,066,207.20	88,850.60		
INDUSTRIAL SERVICE	3131	104,300.80	8,691.73		
PENALTIES	3170	20,000.00	1,666.67		
INTEREST INCOME	3201	5,000.00	416.67		
UTILITY TAX INCOME	3300	28,000.00	2,333.33		
MISCELLANEOUS INCOME	3162	23,100.00	1,925.00		
TOTAL INCOME		1,246,608.00	103,884.00		
SALARIES	7900	342,350.99	28,529.25		
FICA	8001	42,451.52	3,537.63		
MEDICAIDE	8001	9,928.18	827.35		
RETIREMENT	8002	32,523.35	2,710.28		
HEALTH/LIFE INSURANCE	8003	45,800.00	3,816.67		
STATE UNEMPLOYMENT		300.00	25.00		
WORKMEN'S COMP	7990	10,096.00	841.33		
OTHER EMPLOYEE EXPENSE	8004	500.00	41.67		
TOTAL WAGE RELATED EXPENDITURES		483,950.04	40,329.17		
UTILITIES	7934	120,000.00	10,000.00		
INSURANCE/LIAB/PRO/EQ	7980	35,000.00	2,916.67		
SUPPLIES	7930	20,000.00	1,666.67		
MAINTENANCE & REPAIRS	7952	35,000.00	2,916.67		
SLUDGE RELATED		15,000.00	1,250.00		
GASOLINE	7031	10,000.00	833.33		
RENT	8030	9,000.00	750.00		
EQUIPMENT RENTAL	7036	8,000.00	666.67		
LEGAL SERVICES	7834	35,000.00	2,916.67		
BILLING COLLECT/ACCT.	7951	80,000.00	6,666.67		
SHOP & LAB	7246	10,000.00	833.33		
UTILITY TAXES	8011	15,000.00	1,250.00		
OPERATOR TRAINING	7950	500.00	41.67		
MISC. GENERAL EXP	8010	10,000.00	833.33		
RENEWAL/REPLACEMENT		3,127.48	260.62		
TOTAL OPERATING EXPENDITURES		405,627.48	33,802.29		
INTEREST EXPENSE	9010	357,030.48	29,752.54		
AMORTIZATION	9035				
TOTAL DEBT/INTEREST EXP.		357,030.48			
TOTAL ESTIMATED EXPENDITURES		1,246,608.00			

CITY OF NITRO  
COUNCIL MEETING MINUTES  
MARCH 20, 2001

Mayor Casto declared a quorum and called the meeting to order at 7:30 p.m. in Council Chambers. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present were April Boughton, City Attorney and Ralph Allison, Treasurer.

Mayor Casto said we want to remember Coach Vance in our prayers. Also, Council mentioned Jeanette Moss' family and Greg Casto's mother.

THE INVOCATION WAS GIVEN BY COUNCILWOMAN AT LARGE BRENDA TYLER.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 6, 2001 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED THE MINUTES OF THE MARCH 6, COUNCIL MEETING BE APPROVED. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 - BIDS - ORTIN HEIGHTS CEMETERY: - Mayor Casto said the Board of Directors of Ortin Heights Cemetery contacted him and asked if we could run this through our books in anticipation of getting this through the state legislature. City Recorder Joan McClanahan informed that we received six bids which were then opened by members of Council. Bids were as follows: Henry Tignor & Sons - \$17,000.00, Paving & Resurfacing, Inc. - \$12,632.00, WV Paving - \$12,436.00, Skilton Contracting of WV - \$14,191.00, WV Paving - \$13,434.00, Spencer Paving, Sealing & Striping - \$10,800.00. Mayor Casto said since this is not city money or road, he suggests we turn these bids over to the Ortin Heights Cemetery Assn., and let them accept the bid. Whatever money we receive from the state, turn this over to them and if they choose a higher bid, then they can pay the difference. Councilman A. A. "Joe" Savilla said we would need a letter from them stating they would pay. COUNCILMAN HARRY MILLER, III MOVED THE BIDS BE TURNED OVER TO THE ORTIN HEIGHTS CEMETERY ASSOCIATION, SECONDED BY COUNCILMAN DAVID MILLER. A VOTE WAS TAKEN AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 3 - REPORT ON FLOODED AREAS: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. She said she had a meeting with Mr. Lewis, from the Department of Highways, and invited A. J. Hill to go with her. They showed him the flooded area on Hillside Drive down Route 25 where the businesses flood, Okey Avenue, Frederick Street, Walker Street and Kapok. She presented an idea to him and told him that we needed a new drain line ran out Walker Street to the river in order to handle this water. Mr. Lewis was very receptive to this. Both Councilwoman Tyler and A. J. Hill are under the impression this will be done. Route 25 is also going to be made 3 lanes with a turning lane in the middle. He said it has

already been funded, but a startup date has not been set. The three lanes will go down below Twin City Bible Church. This should help with the traffic situation. Mr. Lewis said that there could be a possibility of talking with the church and making three lanes coming out of Kapok. The one thing the State wants to do is close the railroad at Walker Street because Kapok and Walker are so close, and maybe having a stoplight installed at Kapok.

**PLAYGROUND:** Councilwoman Tyler said she also had a meeting last week on the handicapped playground. They set a goal of \$70,000 for the playground. They realized there is a possibility of getting grants totaling \$60,000. They also found out after the meeting that the Hasbro Toy Company has a new project this year in which they are wanting to help fund handicapped playground. They are in contact with them, and the playground is looking very productive. Councilwoman at Large Brenda Tyler read Proclamation. PROCLAMATION ATTACHED. Mayor Casto thanked Councilwoman Brenda Tyler and Councilman David Miller for all the work they have done.

**BMX TRACK:** - Councilwoman Tyler said it has been a frustrating day regarding the BMX track. She felt all along we were dealing with one bike company. There are two bike companies, the American Bike Assn. and the National Bike. We have been talking with the National Bike. We have had contracts and drawings from them, and today she received a call from American Bike Association that they are under the impression that they are putting the bike track in. She advised any or/all decisions will be made by the City. In order to eliminate this confusion, COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE MAYOR CONTACT THESE TWO COMPANIES AND INVITE THEM TO OUR APRIL 3, 2001 MEETING AND MEET WITH COUNCIL AND MAKE THEIR PROPOSALS, AND GIVE US AN OPPORTUNITY TO TALK WITH THEM AND FIND OUT WHAT EACH COMPANY HAS IN MIND DOING. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III. Mayor Casto informed that he drove to Dayton yesterday which is the nearest BMX Track and looked at their track, and was very impressed with it. A VOTE WAS TAKEN AND IT WAS UNANIMOUSLY APPROVED.

AGENDA ITEM NO. 4 - Mayor Casto said the Putnam County Commission will be at the Council Meeting April 3, to address Council at 8:00 p.m. and requested we change the starting time to 7:00 p.m. CITY RECORDER JOAN MCCLANAHAN MOVED WE CHANGE THE BEGINNING TIME OF COUNCIL ON APRIL 3, 2001 FROM 7:30 P.M. TO 7:00 P.M. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 5 - **APRIL BOUGHTON:** - Mayor Casto yielded the floor to the City Attorney. The City Attorney April Boughton said she had three ordinances for first reading. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE ATTORNEY READ TITLE ONLY, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. The first ordinance is to amend and re-adopt Article 741 of the City Code of the City of Nitro, West Virginia, by adding a new section pertaining to the assessment of service fees and costs and expenses for use of disposable equipment and materials in responding to accidents and incidents involving persons who do not pay the city's fire service fee. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED APPROVAL OF FIRST READING OF ORDINANCE, SECONDED BY COUNCILMAN DAVID MILLER. Councilman David Miller said this is something that a lot of cities adopt. With most insurance companies, we are already paying for this, and it is money for which the city should be reimbursed for their services. Councilman Harry



Miller, III commented this is true, particularly in view of the number of responses on the interstate. Councilman A. A. "Joe" Savilla said it was one thing the Putnam County Commissioners brought up is that the City of Nitro has been responding to fire calls for thirty plus years, and in these years they have received \$1,000.00. He said he feels this is long overdue. A VOTE WAS TAKEN AND IT WAS UNANIMOUSLY APPROVED.

The next ordinance is to increase building permit fees in the city. COUNCILMAN A. A. 'JOE' SAVILLA MOVED TO READ TITLE ONLY, SECONDED BY HARRY MILLER, III AND WAS CARRIED. Ordinance amending Part Seventeen, Article 1705.06 of the Building and Housing Code for the City of Nitro, West Virginia, increasing permit fees for any construction within the City. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED FOR THE APPROVAL OF ORDINANCE, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

The next ordinance involves the Public Works Department and the collection of trash. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE ATTORNEY READ TITLE ONLY OF ORDINANCE, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. An Ordinance amending and re-adopting the City Code of the City of Nitro, West Virginia, by repealing, amending and adopting certain sections of Article 923 and adding a new section numbered 13, authorizing and requiring the imposition of service charges for certain municipal services provided by the Department of Public Works. COUNCILMAN A. A. "JOE" SAVILLA MOVED FOR THE APPROVAL OF ORDINANCE. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III. Councilman A. A. "Joe" Savilla said they had a meeting some time ago and he has talked with several other cities, thus increasing charges from the amounts suggested at this meeting. He said he typed up something a little different than this, and he would go ahead and give the amounts he had imposed. On supplemental collection of rubbish, they had talked about somewhere around \$25.00 to \$35.00, after talking with other cities, it should be \$35.00. Collection of appliances most cities charge from \$20.00 to \$40.00, and we should make our \$25.00 instead of \$20.00. If using a truck, the charge should be \$100.00. He said with the price of fuel and buying trucks we were low when we discussed it at an earlier meeting. Also, the landfill charges are going to go up. COUNCILMAN HARRY MILLER, III MOVED WE AMEND THE ORDINANCE AS SUGGESTED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN. A VOTE WAS TAKEN AND WAS CARRIED. CITY RECORDER JOAN MCCLANAHAN MOVED FOR THE APPROVAL OF FIRST READING AS AMENDED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Councilman Harry Miller said he wanted to commend Councilman Joe Savilla, City Recorder Joan McClanahan, A. J. Hill and everybody who worked on this ordinance.

City Attorney April Boughton stated that pursuant to State Code, we have to run notices in the newspapers within five days prior to the meeting where they will be adopted. We must allow the public the opportunity to make comments and be heard.

Regarding the annexation discussed at the last meeting, the petitions have been submitted to the Kanawha County Commission and it is on their agenda Thursday, March 22, to accept the petitions as filed, but not for a hearing. They will give them to the Planning Commission, and their meeting is scheduled for April 11. She said she was told by the county attorney that one of those annexations will probably not be approved.

AGENDA ITEM NO. 6 - RALPH ALLISON: - Mayor Casto yielded the floor to the City Treasurer Ralph Allison. Mr. Allison said he would like to thank Council for passing those three ordinances which they have been working on for eight years. It amazes him how fast this council works. He said that on March 14, our 2 ½ ton dump truck was totaled. The Director of Public Works gave him three proposals and they are in the \$42,000 range for a new replacement. However, we don't have funds for this right now. He asked Council for directions on what to do. The old truck was a 1980 model and doubts if the insurance proceeds will be very much. A discussion followed, and COUNCILMAN HARRY MILLER, III MOVED THAT WE CONSIDER THIS AN EMERGENCY AND BE ALLOWED TO SPEND UP TO \$20,000 ON A TRUCK. MOTION SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

Mr. Allison said he would like to schedule a planning meeting April 23, 2001 at 7:00 p.m. in Council Chambers to talk with the senior citizens, discuss employee manuals, talk about the pool and several other issues.

Mayor Casto said we would like to poll Council and people at Cedar Street to see about abandoning Cedar Street in the near future. Also, abandon Fir Street between Main Avenue and the railroad tracks.

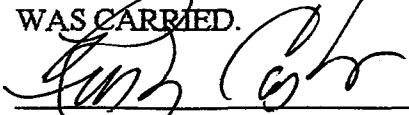
We came to an agreement with Raleigh Junk. They will be paving the area where they run their trucks, and will be putting in a wash when the factory opens. Councilman Harry Miller, III said he has received numerous complaints on this. He said he went up there this afternoon, and on First Avenue, there was probably a half-ton of mud, gravel and debris at least for a quarter of a mile in each direction. The street leading across the railroad track, there was an inch or two of mud and dirt, and they should be made to clean this up immediately. It is a very dangerous situation. Councilman A. A. "Joe" Savilla said there is an ordinance regarding this. COUNCILMAN HARRY MILLER MOVED THE CITY MAKE THEM CLEAN THIS UP. The Public Works Director A. J. Hill said they could clean it up and go back in a half an hour and it doesn't even look like they had touched it. He said they could go up and be sweeping it and the big trucks would be following them out as they swept.

Councilman David Miller said we need to look at making the residential side of 19th Street zoned residential.

Councilwoman at Large Brenda Tyler mentioned she was still working on the geese problem. She has been in contact with a man that is getting her some information. She understood they were allowed to feed the geese something that made them sick at Cedar Lakes and they left. It didn't kill them; just made them sick.

Mayor Casto introduced the guests' Kanawha County House of Delegates Ron Walters, Steve Harrison and Tim Armstead. Rusty Webb wasn't able to be with them.

There being no further business, COUNCILMAN A. A. 'JOE' SAVILLA MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER



RUSTY CASTO  
MAYOR

PROCLAMATION BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA

Whereas, the city council of the city of Nitro, does hereby recognize the need for a handicap accessible playground for the city park playground area; and

Whereas, the city council does hereby recognize the cost of materials for the playground to be in excess of \$70,000 dollars; and

Whereas, the city council challenges the PLAYGROUND COMMITTEE to contact area businesses and civic organizations to raise the sum of \$70,000 dollars; and

Whereas, the city council does hereby vote to ~~underwrite~~ the sum of \$7,300 dollars toward the cost of the playground, to be spent over the next eighteen months;

Done this 20th day of March, in the year 2001, the 138th year of the state of West Virginia and the 69th year of the city of Nitro.

  
\_\_\_\_\_  
RUSTY CASTO, MAYOR

## CITY OF NITRO

## PUBLIC HEARING

APRIL 3, 2001

A public hearing was scheduled April 3, 2001 at 7:00 p.m. Present were Mayor Rusty Casto, Joan McClanahan, Recorder, Councilwoman at Large Brenda Tyler, Councilman at Large Tim Sizemore, Councilmen David Miller, Bob Smith and Harry Miller, III. Absent were Councilman at Large Richard Savilla and Councilman A. A. "Joe" Savilla.

The meeting was scheduled prior to the second reading of the following ordinances. The public was invited to attend and express their views.

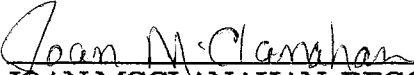
An Ordinance to amend and re-adopt article 741 of the City Code of the City of Nitro, West Virginia, by adding a new section pertaining to the assessment of service fees and costs and expenses for the use of disposable equipment and materials in responding to accidents and incidents involving persons who do not pay the city's fire service fee.

An Ordinance amending part seventeen, article 1705.06 of the building and housing code for the City of Nitro, WV increasing permit fees for any construction within the city.

An Ordinance amending and re-adopting the City Code of the City of Nitro, West Virginia, by repealing, amending and adopting certain sections of article 923 and adding a new section numbered 13, authorizing and requiring the imposition of service charges for certain municipal services provided by the department of public works.

No input from the public and the meeting was adjourned.

  
\_\_\_\_\_  
RUSTY CASTO, MAYOR

  
\_\_\_\_\_  
JOAN MCCLANAHAN, RECORDER

## CITY OF NITRO

## COUNCIL MEETING MINUTES

APRIL 3, 2001

Mayor Casto declared a quorum and called the meeting to order at 7:00 p.m. in Council Chambers. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Tim Sizemore, Councilmen David Miller, Bob Smith and Harry Miller, III. Absent were Councilman at Large Richard Savilla and Councilman A. A. "Joe" Savilla. Also present were City Attorney April Boughton and City Treasurer Ralph Allison.

Mayor Casto announced that the Putnam County Commissioners would be here at 8:00 p.m. to talk with Council and the citizens.

Mayor Casto read a thank you note from Mrs. Miller, wife of Harry Miller and Mother of Councilman at Large David Miller and Councilman Harry Miller, III. He asked everyone to stand in a moment of silence on behalf of Harry Miller.

THE INVOCATION WAS GIVEN BY IVAN MEADOWS.

AGENDA ITEM NO. 1 - APPROVAL OF MARCH 20, 2001 COUNCIL MEETING MINUTES: - COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE MARCH 20, 2001 MINUTES BE APPROVED, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

AGENDA ITEM NO. 2 - BMX TRACK PRESENTATIONS: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman Brenda Tyler informed we had representatives from the National Bike League and the American Bike Association present this evening. She asked the representatives from the National Bike League to step outside and yielded the floor to John David from the American Bike Association. A question and answer session followed. Both companies furnished proposals, and after the presentation from Donna Pugh from the National Bicycle League the floor was open for questions. COUNCILMAN AT LARGE TIM SIZEMORE MOVED A COMMITTEE BE FORMED CHAIRED BY COUNCILWOMAN AT LARGE BRENDA TYLER TO STUDY THIS AND REPORT BACK AT THE NEXT COUNCIL MEETING, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED. COUNCILWOMAN AT LARGE BRENDA TYLER SAID SHE WOULD HAVE A DEFINITE ANSWER AT THE NEXT COUNCIL MEETING.

AGENDA ITEM NO. 3 - PAVING BIDS: - Mayor Casto yielded the floor to the City Recorder. Recorder Joan McClanahan advised we received four bids on the paving of 8th Street and 10th Street between 1st and 2nd Avenue. Sealed bids were opened by members of Council. Bids received as follows: Paving & Resurfacing, Inc. - \$4,275.00, Blacktop Industries & Equipment - \$3,535.78, WV Paving - \$3,457.00 and Nichols & Wright Paving - \$5,128.00. COUNCILMAN DAVID MILLER MOVED WE ACCEPT THE LOWEST BID OF \$3,457.00 FROM WV PAVING, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 4 - LITTLE LEAGUE PARADE REQUEST: -Mayor Casto yielded the floor to the City Recorder. Recorder Joan McClanahan furnished members of Council a copy of the request from the Nitro Little League requesting permission for a parade on April 7, 2001, and MOVED PERMISSION BE GRANTED FOR THIS PARADE. MOTION SECONDED BY COUNCILMAN DAVID MILLER, AND WAS CARRIED.

AGENDA ITEM NO. 5 - POOL: - Mayor Casto yielded the floor to the City Recorder Joan McClanahan who yielded to the Pool Manager, Mark Jarrett. Mr. Jarrett furnished members of Council a packet with equipment needed for safety reasons listed and also equipment wanted. COUNCILMAN DAVID MILLER MOVED WE PURCHASE SAFETY EQUIPMENT AS SOON AS POSSIBLE, SECONDED BY CITY RECORDER JOAN MCCLANAHAN. Councilman at Large Tim Sizemore asked the Treasurer if we could afford this. Mr. Allison responded we could handle this by the first of May. A VOTE WAS TAKEN AND IT WAS UNANIMOUS. COUNCILMAN HARRY MILLER MOVED WE APPROVE THE HOURLY PAY RATES FOR POOL EMPLOYEES AS SUBMITTED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED. Mr. Jarrett said some of the employees made more than the amounts designated and if they come back, he would like to at least pay them the same as last year. City Recorder Joan McClanahan said Mr. Jarrett was doing a fine job. The pool will open Saturday of Memorial Day weekend, but it will be open prior to this for the high school and elementary school children. COUNCILMAN HARRY MILLER MOVED TO APPROVE THE POOL POLICIES AND SAFETY PROCEDURES MANUAL OF 2001 AND MAKE IT A PART OF THE RECORD, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED. Councilwoman at Large Brenda Tyler said she appreciated all the work Mark has put into this, and feels we will see a lot of improvements at our pool this year. City Recorder Joan McClanahan agreed.

COPY ATTACHED.

AGENDA ITEM NO. 6 - NITRO SANITARY BOARD ORD. - Mayor Casto yielded the floor to the General Manager Danny Lewis who yielded to Attorney Dennis Vaughan. Members were furnished a copy of a petition dated March 27, 2001 whereby the Nitro Sanitary Board petitions the City Council of the City of Nitro to adopt the tariff ordinance. Mr. Vaughan said the outset of this is our current rate ordinance is not in compliance with the rate covenants of our current bonds that are outstanding, and in that respect the rate must be adjusted. Mr. Vaughan introduced the Chairman of the Sanitary Board, Mayor Rusty Casto, Members of the Sanitary Board are Art Ashley, B. S. Saluja and Joe Brewer, Secretary and General Manager Danny Lewis and Treasurer Max Lemma. The engineers are Dunn Engineers with Doug Smith, Jeremy Graham and Wayne Hypes present. The accountant for the Sanitary Board is Ralph Layton also present this evening and the consultant to the Board is the former secretary and General Manager Connie Stephens. Mr. Vaughan said we, and he said he says that in a collective we, the Sanitary Board and the professionals associated with the Board are asking Council to adopt and enact the ordinance. Mr. Vaughan requests, in order to keep organization both now and at the Public Hearing and also the second reading, that the City's Attorney April Robertson Boughton act as a moderator in respect to their presentation and any questions Council may have and at the Public Hearing the public may have. Mr. Vaughan and Board Member Art Ashley shared their observations. Councilwoman at Large Brenda Tyler stated when she met with members of the Sanitary Board, she was told they had to have a 12% increase, then she was told they needed an additional 23% which would be a 35% increase. Upon reviewing the last page of the packet she

received from the Sanitary Board, it states a 32% increase will allow the Board to borrow \$8,700,000 at 1/2% for 30 years. Then, looking at the ordinance it states a 48% increase. On the rate review, based on 4,500 gallons, the current rate is \$20.85, and moving up to the deficiency of a 12% increase (breaking even) would be \$23.35. The projected rate they established is \$30.80. City Recorder Joan McClanahan said she came into office in July, and we have had to lay off employees and make other cut backs. She said people have come to her and said if the City of Nitro can lay off people and make other cutbacks, what has the Sanitary Board done to cut costs. She said she was uncomfortable about making a decision that she has absolutely no control over. She said she never sees their budget, expenditures or payroll. She said it was hard for her to justify when she never sees the records. Mr. Vaughan responded they are furnishing Council with a copy of the minutes of their meeting. He said he didn't have any problem of her knowing what people make, and she responded it wasn't that she wanted to know, it is just being able to answer to people who voted for her. Councilman at Large Tim Sizemore said he would like to take a look at a copy of the proposed Blakes Creek Project.

Mayor Casto excused himself and welcomed the Putnam County Commissioners and asked Jim Withrow to introduce his group, Jim Withrow, Commissioner, Jim Caruthers, Commissioner, Joyce Abbott, Mayor of Bancroft, Councilman Jim Corns, Bill Williams, Mayor of Buffalo and Jake Hunt, Mayor of Winfield.

Mayor Casto yielded the floor back to the Sanitary Board Attorney, Dennis Vaughan.

In the packet furnished Council by Dunn Engineers included Nitro Sanitary Board Upgrades/Capital Improvements Plan, City of Nitro - User Rate Review, comparative rate review for neighboring systems as well as the proposed rate increase. There were questions regarding the revenue loss from Pepsi Cola, and what if they decided to start manufacturing again it would create an excess, also discussion of the Blakes Creeks area project. There was a question as to the difference in the amount of the increase requested, and it was explained by Ralph Layton that they need 12% immediately to be in compliance with the bonds, then an additional 32% going level to be able to borrow \$8.7 million at 1/2% for 30 years. This would be 44%, and Mr. Layton stated that if you take it from the present rate up to 32% over the 12%. Technically, it is a two step process. The current rate is \$20.85, and they are requesting it go to \$30.80. After further presentation and questions and answer session, COUNCILMAN HARRY MILLER MOVED TO READ TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE, AND WAS CARRIED. Mayor Casto read title "Ordinance amending and reenacting an ordinance establishing rates and charges for services rendered by the Sanitary Nitro Board of the City of Nitro." COUNCILMAN HARRY MILLER, MOVED WE APPROVE THE FIRST READING OF ORDINANCE, SECONDED BY COUNCILMAN BOB SMITH. A VOTE WAS TAKEN WITH COUNCILWOMAN AT LARGE BRENDA TYLER, COUNCILMAN DAVID MILLER, AND COUNCILMAN HARRY MILLER, III VOTING IN THE AFFIRMATIVE AND CITY RECORDER JOAN MCCLANAHAN, COUNCILMAN AT LARGE TIM SIZEMORE AND COUNCILMAN BOB SMITH VOTING AGAINST. MAYOR CASTO VOTED FOR THE APPROVAL, AND A PUBLIC HEARING WILL BE HELD MAY 1, 2001 AT 7:00 P.M.

AGENDA ITEM NO. 7 - ORD TO AMEND AND RE-ADOPT ART 741 OF CITY CODE 2ND READING. - COUNCILMAN AT LARGE TIM SIZEMORE MOVED TO READ TITLE ONLY, SECONDED BY COUNCILMAN HARRY MILLER, III, AND WAS CARRIED. The City Attorney April Boughton read title "An ordinance to amend and re-adopt article 741 of the City Code

of the City of Nitro, West Virginia by adding a new section pertaining to the assessment of service fees and costs and expenses for the use of disposable equipment and materials in responding to accidents and incidents involving persons who do not pay the city's fire service fee." COUNCILMAN DAVID MILLER MOVED THE ORDINANCE BE ADOPTED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

ORDINANCE NO. 01-06 ATTACHED

AGENDA ITEM NO. 8 - ORDINANCE TO INCREASE PERMIT FEES - 2ND READING - CITY RECORDER JOAN MCCLANAHAN MOVED TO READ TITLE ONLY, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Title "Ordinance amending part seventeen, article 1705.06 of the building and housing code for the City of Nitro, West Virginia increasing permit fees for any construction within the City. CITY RECORDER JOAN MCCLANAHAN MOVED THE ORDINANCE BE ADOPTED, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

ORDINANCE NO. 01-07 ATTACHED

AGENDA ITEM NO. 9 - ORD. AUTHORIZING & REQUIRING THE IMPOSITION OF SERVICE CHARGES FOR CERTAIN MUNICIPAL SERVICES PROVIDED BY PUBLIC WORKS: IT WAS UNANIMOUSLY APPROVED BY COUNCIL THE TITLE ONLY BE READ. The City Attorney April Boughton read title "An ordinance amending and re-adopting the City Code of the City of Nitro, West Virginia, by repealing, amending and adopting certain sections of Article 923 and adding a new section numbered 13, authorizing and requiring the imposition of service charges for certain municipal services provided by the Department of Public Works. COUNCILMAN HARRY MILLER, III MOVED FOR THE APPROVAL OF ORDINANCE, SECONDED BY COUNCILMAN BOB SMITH AND WAS CARRIED.

ORDINANCE NO. 01-07 ATTACHED.

April Boughton reported the Kanawha County Planning Commission will entertain information and is expecting information on the petitions for annexation that has been submitted to the Kanawha County Commission on April 11, at 7:00 p.m. in the Kanawha County Commission Room. She said they need as many members of the Council as possible in attendance to adequately promote the annexations.

Draft copies of the employment policy manual that her firm had been working on was distributed to members of Council. The policies have been reviewed carefully and been prepared to current regulations. In addition, they have been reviewed by their labor attorneys to insure the accuracy, and at this stage they are ready for review by the City of Nitro officials. After Councils' review she proposed we take this up at the Planning Committee meeting scheduled for April 23, 2001. She said she would bring one of the people from the firm that has been working on this with her. Councilman David Miller said he wanted the department heads to have a copy prior to April 23, and the department heads should share with the employees. City Recorder Joan McClanahan said she would make copies for them.

AGENDA ITEM NO. 11 - RALPH ALLISON: - Nothing to report.

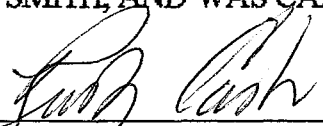


Councilman Harry Miller, III said he has a recurring problem - Raleigh Junk. Mayor Casto said they should be paving and put in a wheel wash within the next few days. If this is not taken care of he would be up there with Chief Jordan and issue citations to everyone that came out on the road with mud.

Councilman David Miller thanked everyone for their expression of sympathy in the death of his father.

COUNCILMAN AT LARGE TIM SIZEMORE MOVED WE CLOSE SECOND AVENUE FROM THE INTERSECTION OF 21ST STREET TO 19TH STREET, LEAVING A SERVICE ALLEY FOR EMERGENCY SERVICES ON THE EVENING OF MAY 11, 2001 FOR A CRUISE INBY THE ANTIQUE CAR CLUB, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

There being no further business, COUNCILMAN HARRY MILLER MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN BOB SMITH, AND WAS CARRIED.

  
\_\_\_\_\_  
RUSTY CASTO, MAYOR

  
\_\_\_\_\_  
JOAN MCCLANAHAN, RECORDER

**NITRO CITY POOL**

P.O. BOX 241  
NITRO, WEST VIRGINIA 25143

**EQUIPMENT NEEDED**

<b>ITEMS</b>		<b>UNIT PRICE</b>	<b>TOTAL</b>
1. 4 TREAD STAINLESS LADDER-	3 EACH	253.16	759.48
2. 3 TREAD STAINLESS LADDER-	2 EACH	228.20	456.40
3. ANCHOR SET JIG MOUNT	5 EACH	20.70	103.50
4. RESCUE TUBE	3 EACH	34.20	102.60
5. HANDRAIL 3 BEND	1 EACH	130.00	130.00
6.. LIFEGUARD SUITS	12 EACH	42.00	504.00
7.. LIFEGUARD STANDS	2 EACH	1000.00	2000.00
			<u>\$4055.98</u>

**EQUIPMENT WANTED**

<b>ITEMS</b>		<b>UNIT PRICE</b>	<b>TOTAL</b>
1. DOLPHIN SAFETY TUBE SLIDE	1 EACH	3162.00	3162.00
2. MARLIN SAFETY TUBE SLIDE	1 EACH	4978.50	4978.50

# NITRO CITY POOL

P.O. Box 241  
Nitro, West Virginia 25143  
(304) 755-5936

Hourly pay rate for pool employee's summer 2001:

Assistant Manager: \$ 7.00

Head Lifeguard: \$ 6.00

Lifeguard: \$ 5.50

Head concession: \$6.00

Concession worker: \$5.25

# NITRO CITY POOL

P.O. Box 241  
Nitro, West Virginia 25143  
(304) 755-5936

## **POOL POLICIES AND SAFETY PROCEDURES MANUAL**

**2001**

## CONTENTS

- I. Prerequisites for the job
- II. Job Description
- III. Causes for Dismissal
- IV. Emergency Action Plan
- V. Spinal Injuries
- VI. Blood Borne Pathogens
- VII. In-Service Training
- VIII. Rules of the Pool
- IX. Incident Report sample
- X. Daily log sample
- XI. Facility checklist sample
- XII. Refusal of care sample
- XIII. Emergency call out list

## PREREQUISITES FOR THE JOB

In order to be considered for a position as a lifeguard at Nitro City Pool, prospective applicants must meet the following the requirements:

1. be 15 years of age before the first day of work as a guard
2. hold a current life-guarding certification acceptable to the WV Health Dept (American Red Cross, YMCA, Ellis and Associates, etc.)
3. hold current CPR (American Red Cross CPR for Professional Rescuers or American heart Association "c" certificate) and First Aid certificates (American Red Cross or National Safety Council)

## JOB DESCRIPTION

Lifeguards at Nitro City Pool are responsible for ensuring the safety of the pool's patrons by preventing and responding to emergencies. Unless otherwise stated, the Nitro City Pool staff will follow all the guarding procedures taught in the Red Cross Life-guarding Today Program. All guards are responsible for keeping their knowledge and skills current in this program. Guards at Nitro City Pool should:

1. attend an orientation session prior to first shift of work
2. know the Emergency Action Plan for the pool
3. enforce all facility policies, rules, and regulations
4. be in excellent physical condition
5. keep constant an vigilant surveillance of the patrons and of the facility
6. not talk excessively to patrons while on duty
7. prevent injuries by minimizing or elimination hazardous situations or behaviors
8. wear the rescue tube strap and carry the tube while on duty
9. have a whistle, resuscitation mask, and latex gloves immediately available to you while on duty (carry in fanny pack, or in first aid box?)
10. sit in an elevated guard chair on the side of the pool, or patrol on the deck
11. use a short whistle blast for minor infractions and three short sharp blasts to clear the pool and signal that there's an emergency
12. recognize and respond effectively and quickly to emergencies
13. inspect the facility at the beginning and end of each work shift and report unsafe conditions and equipment to the supervisors
14. complete records and reports when necessary; at minimum, a daily log will be filled out for every day the pool is opened
15. participate in all in-service training sessions and attend staff meetings
16. be professional, courteous, polite, respectful, and consistent with patrons and other staff
17. open the First Aid Box at the beginning of your shift, and lock again at the end
18. ensure pool security by carefully locking up after each shift
19. let the pool manager know 24 hours in advance if you cannot work your scheduled hours
20. complete additional duties as assigned by the supervisor

## CAUSES FOR DISMISSAL

The following situations shall be considered just cause for dismissal:

1. failure to attend or perform in required training sessions
2. unexcused absences
3. leaving post and area unmanned
4. failure to wear prescribed attire (bathing suit)
5. failure to follow job orders from pool manager or head guard
6. inappropriate attitude in dealing with public
7. not ensuring pool security by locking up properly at closing
8. not keeping required certifications current
9. swimming alone in the pool
10. failure to follow responsibilities and instructions listed in job description

## EMERGENCY ACTION PLAN

In the event of any type of emergency where the guard needs to enter the pool or focus his attention on care for a patron on deck, the Emergency Action Plan needs to be activated. If only one guard is on duty, the other patrons need to be cleared from the pool using a whistle signal. Nitro City Pool's emergency signal will be three short blasts. This will also alert any other staff in the area that there's an emergency. If more guards are present, they will shift their zones of coverage toward the rescuing guard's zone while the rescue is performed. If necessary, the other guards can clear the pool while the rescue is taking place.

Once the whistle signal is given, the guard will contact the victim and bring the victim to safety using appropriate rescue techniques. All water rescues will be performed using a rescuer tube, and in accordance with the rescue skills taught in the Read Cross "Lifeguard Training" program. If the victim needs to be lifted from the pool while the rescue is taking place.

Once the victim is removed from the water, the guard will assess the victim's condition. If the victim is O.K. the guard can complete an incident report, check and replace any equipment used, take any corrective actions necessary, and return to duty.

If the victim needs care, guards will follow the emergency action principles learned in their CPR for the Professional Rescuer course. These principles are as follows:

1. Survey the scene
2. Do a primary survey to identify and care for immediate life-threatening conditions (airway, breathing, circulation, severe bleeding; **WEAR LATEX GLOVES!!**)
3. Summon additional medical personnel (activate the EMS system) if necessary. This can be done by calling 911 on the pool phone. The most highly trained and/or experienced guard in CPR should stay with the victim while another guard or bystander can make the call. If you are on your own and are caring for an immediate, life-threatening problem such as applying a pressure bandage to control severe bleeding, you may consider completing that care before making the call. However, if the victim is unconscious, give care for about one minute and then make the call as quickly as possible. Return to the victim immediately and continue care.

If giving rescue breathing or CPR to a child, you may also choose not to interrupt care to make the phone call, because there will be a better chance of recovery with continuous care.

EMS SHOULD BE CALLED WHEN:

- A. the victim is unconscious, has lost and then recovered consciousness, or is in an altered level of consciousness
  - B. the victim is having breathing difficulties, chest or abdominal pains, or pressure
  - C. the victim is not breathing
  - D. the victim has no pulse
  - E. there is severe bleeding
  - F. there are severe burns
  - G. the victim is vomiting blood or passing blood in feces or urine
  - H. there is poisoning or suspected poisoning
  - I. the victim has a seizure in the water, severe headache, or slurred speech
  - J. there are injuries to the head, neck, or back
  - K. any broken bones are suspected
  - L. any other serious illness or injury is suspected
4. Do a secondary survey to identify and care for any additional problems, if appropriate.

Before care can be given to a conscious victim, consent must be received to provide that care. If the victim adamantly refuses care, have a witness hear the person's refusal and document it on the appropriate document. If possible, ask the victim to sign a statement documenting their refusal. A person who is confused, unconscious, or seriously ill may not be able to grant consent. In such cases the law assumes the person would grant consent if able to do so. This is termed "implied consent". Minors under the age of 16 are not legally qualified to refuse care. A parent or legal guardian must agree to refuse treatment on the minor's behalf.

While waiting for EMS to arrive, the guard should stay with the victim to monitor their condition and to provide any additional care necessary. At this point the pool and deck should be cleared of other swimmers. If other lifeguards are present, they can return to the rescuing guard to provide additional help after 911 has been called. If additional help is not needed, a guard or a bystander can wait for EMS to arrive, so they can show them where to go. Once EMS has arrived, any information or additional help they may require should be provided. An incident report should be carefully filled out. Equipment should be checked and replaced. Any corrective actions necessary should be taken. Guards will be asked to participate in a staff discussion to see if our policies and procedures covered the incident well, and if we need to make any changes in those procedures to provide better care.

During and after the occurrence of any incidents or emergencies, **the lifeguard may not discuss the incident with anyone outside of the facility, aside from EMS or law enforcement personnel. Giving any information about a victim is a breach of confidentiality, and their privacy must be respected.** Direct any questions from the media, attorneys, insurance representatives, etc., to the pool manager.



## SPINAL INJURIES

In cases where there is a suspected spinal injury, are pool policy will be to always bring the victim to the shallow end of the pool. If possible, stabilize the victim in the pool and wait for EMS to arrive. A back-boarding and extraction from the pool should be done only if the victim is not breathing or any other immediate, life threatening conditions exists.

## BLOOD-BORNE PATHOGENS

If you are exposed to a victim's blood or body fluids you must let the pool manager know, as soon as possible. According to OSHA guidelines, shots may be necessary to prevent any possible transmission of disease. PLEASE use the Personal Protective Equipment (PPE, the latex gloves and protective eyewear provided in the first aid kit) also wash hands with soap and warm water anytime you deal with blood. In addition, be aware of where your bare feet are standing. There could be blood on the deck that you would want to avoid touching with your bare feet.

## IN- SERVICE TRAINING

All guards will be expected to attend in-service training sessions weekly or bi-weekly. This will help keep guards current in their skills and knowledge, and give everyone regular practice in emergency procedures. It will also give us the opportunity to work out any potential problems with are procedures. The session's times will be announced by the manager, posted regularly on the pool bulletin board, and every attempt will be made to accommodate different schedules.

**BE COOL, FOLLOW THE RULE**

1. Glass containers are not allowed in the pool area
2. Food, drinks, and smoking are not allowed in the pool area
3. Diving is allowed only in the deep section of the pool
4. Swimmers must wear appropriate attire
5. No running on deck
6. Kickboards and fins can be used only with the permission of the manager
7. A short whistle blast from the guard indicates that he needs your attention
8. Three short whistle blasts indicates that there is an emergency and that the pool must be cleared immediately
9. Only Coast Guard-approval floatation devices will be allowed
10. Horseplay such as; running, splashing, shoving, or dunking, is not allowed
11. Emergency equipment and lifeguard stands are to be used by guards only
12. The lifeguards has complete authority in the pool area
13. No children under the age of 12 permitted without an adult
14. No re-entry without a hand stamp
15. No rain-checks after 1p.m.

## Incident Report Form

Date of Report: \_\_\_\_\_ Date of Incident: \_\_\_\_\_

Time of Incident: \_\_\_\_\_ A.M. ☐ P.M. ☐

### Facility Information

Facility: \_\_\_\_\_ Phone # (\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### Personal Data — Injured Party

Name: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: Male ☐ Female ☐

Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number(s): Home (\_\_\_\_) \_\_\_\_\_ Work (\_\_\_\_) \_\_\_\_\_

Family Contact (Name and Phone #): \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_

### Incident Data

Location of Incident: \_\_\_\_\_

Description of Incident: \_\_\_\_\_

Was an injury sustained? Yes ☐ No ☐

If yes, describe the type of injury sustained: \_\_\_\_\_

#### Witnesses

1. Name: \_\_\_\_\_ Phone #: (\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

2. Name: \_\_\_\_\_ Phone #: (\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### Care Provided

Did victim refuse medical attention by staff? Yes ☐ No ☐

Was care provided by facility staff: Yes ☐ No ☐

Name of person that provided care: \_\_\_\_\_

Describe in detail care given: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Was EMS called? Yes ☐ No ☐ If yes, by whom? \_\_\_\_\_

Time EMS called: \_\_\_\_\_ A.M. ☐ P.M. ☐

Was the victim transported to an emergency facility? Yes ☐ No ☐

If yes, where? \_\_\_\_\_ If no, person returned to activity? Yes ☐ No ☐

Victim's signature (Parent's/Guardian's if victim is a minor): \_\_\_\_\_

### Facility Data

Number of lifeguards on duty at time of incident: \_\_\_\_\_

Number of patrons in facility at time of incident: \_\_\_\_\_

Weather condition at time of incident: \_\_\_\_\_

Water condition at time of incident: \_\_\_\_\_

Deck condition at time of incident: \_\_\_\_\_

Name(s) of lifeguard(s) involved in incident: \_\_\_\_\_

\_\_\_\_\_

### Report Prepared by:

Name (please print) \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_

# NITRO CITY POOL

P.O.BOX 241  
NITRO, WEST VIRGINIA 25143

## DAILY ATTENDANCE SIGN IN SHEET

DATE \_\_\_\_\_/2001

Name	Pass #	Time
1		
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**INSTRUCTIONS FOR EMERGENCY TELEPHONE CALLS**

**EMS 911**

**FIRE 911**

**POLICE 911**

Information to give emergency dispatcher

**LOCATION:** Nitro City Pool

**STREET ADDRESS:** Park Avenue & Republic Way

**DIRECTIONS:** Rt.25 to West 19<sup>th</sup> Street (Republic Way) to Park Avenue

**FACILITY PHONE NUMBER:** (304) 755-5936

**WHAT HAPPENED:** \_\_\_\_\_

**HOW MANY ARE INJURED:** \_\_\_\_\_

**CONDITION OF INJURED:** \_\_\_\_\_

**HELP (FIRST AID) BEING GIVEN:** \_\_\_\_\_

**OTHER IMPORTANT NUMBERS**

FACILITY MANAGER	<u>Mark Jarrett</u>	Work <u>755-1437</u>
		Home <u>776-3369</u>
		Pager <u>556-0386</u>

ASSISTANT MANAGER	<u>Tim Jones</u>	Work <u>755-1437</u>
		Home <u>755-9767</u>
		Pager <u>361-3440</u>

## ORDINANCE NO. 01- 05

AN ORDINANCE TO AMEND AND RE-ADOPT ARTICLE 741 OF THE CITY CODE OF THE CITY OF NITRO, WEST VIRGINIA, BY ADDING A NEW SECTION PERTAINING TO THE ASSESSMENT OF SERVICE FEES AND COSTS AND EXPENSES FOR THE USE OF DISPOSABLE EQUIPMENT AND MATERIALS IN RESPONDING TO ACCIDENTS AND INCIDENTS INVOLVING PERSONS WHO DO NOT PAY THE CITY'S FIRE SERVICE FEE.

WHEREAS, the City of Nitro declares the convenience and necessity to impose service fees for certain municipal services, including responding to automobile accidents and other incidents involving persons who do not pay the City's fire service fee, and the associated costs and expenses of the use of disposable equipment and materials in relation thereto.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Nitro, West Virginia, that the Code of said City be amended and re-adopted by adding the following section to Article 741, which section thereof shall read as follows:

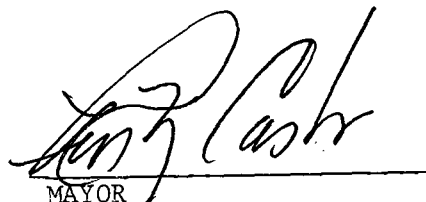
Sec. 741.03. Use of equipment and materials in motor vehicle emergencies and incidents involving individuals who are not assessed for fire service fees; enforcement.

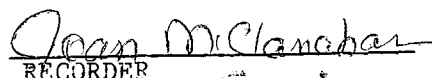
In the event it is necessary for the Fire Department or Emergency Services to extinguish a fire or abate any other emergency on or about a motor vehicle owned by an individual who is not assessed a fire service fee under Section 741.01 of this Code, the City Collector shall assess a fee of \$250.00 upon the owner of such vehicle, which shall be due and payable to the City within a time period to be fixed by the Collector. There shall be an additional fee of \$75.00 assessed upon such owner for each Fire Department vehicle remaining on the scene of the fire or other emergency for each half-hour increment after the initial first hour of emergency service. Such owner shall also be liable for, and the City shall have the right to recover from such owner, the cost and expense for the utilization of any specialized and disposable equipment or materials necessary to render an emergency scene safe and secure.

The Chief of the Fire Department shall have the discretion to assess additional lesser fees for certain other service calls including, but not limited to, the use of utility vehicles, boats, water rescue dive teams, and haz-mat response. The City Collector shall have plenary power and authority to enforce this section in accordance with and pursuant to West Virginia Code § 8-13-13.

Passed on first reading: March 20, 2001

Adopted on second reading on the 3rd day of April 2001, after a public hearing held immediately prior to regular meeting of April 3, 2001.

  
MAYOR

  
RECORDER

258 - A

## ORDINANCE NO. 01- 06

ORDINANCE AMENDING PART SEVENTEEN, ARTICLE 1705.06 OF THE BUILDING AND HOUSING CODE FOR THE CITY OF NITRO, WEST VIRGINIA, INCREASING PERMIT FEES FOR ANY CONSTRUCTION WITHIN THE CITY.

WHEREAS, the City of Nitro, West Virginia, declares the necessity and convenience to increase the permit fees for any construction within the City, including the moving of buildings or structures, and the demolition of buildings or structures.

NOW THEREFORE, BE IT ORDAINED, that the City of Nitro hereby amends Part Seventeen Article 1705.06 titled "Permit Fees" as follows:

**1705.06 PERMIT FEES.**

The following permit fees shall be collected by the Building Inspector prior to the issuance of a building permit for any construction within the City.

(a) Permit Fees.TOTAL VALUATIONFEE

\$100.00 or less

No fee, unless inspection required, in which case a \$10.00 fee for each inspection shall be charged.

\$101.00 to \$2,000

\$10.00 per thousand or fraction thereof.

\$2,001 to \$15,000

\$18.00 for the first \$2,000 plus \$6.00 for each additional thousand or fraction thereof, to and including \$15,000.

\$15,001 to \$50,000

\$101.00 for the first \$15,000 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.



\$50,001 to \$100,000

\$271.00 for the first \$50,000 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.

\$100,001 to \$500,000

\$471.00 for the first \$100,000 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.

\$500,001 and up

\$1,671.00 for the first \$500,000 plus \$2.00 for each additional thousand or fraction thereof.

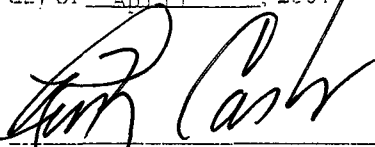
(b) Moving of Buildings or Structures For the moving of any building or structure, the fee shall be \$100.00

(c) Demolition of Buildings or Structures For the demolition of any building or structure, the fee shall be \$50.00

The remaining sections of Article 1705.06 remain intact.

Passed on first reading: March 20, 2001

Adopted on second reading on  
the 3rd day of APRIL  
2001, after a public hearing held  
immediately prior to regular  
meeting of Council, on the 3rd  
day of April, 2001

  
\_\_\_\_\_  
Mayor

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



ORDINANCE NO. 01- 07

AN ORDINANCE AMENDING AND RE-ADOPTING THE CITY CODE OF THE CITY OF NITRO, WEST VIRGINIA, BY REPEALING, AMENDING AND ADOPTING CERTAIN SECTIONS OF ARTICLE 923 AND ADDING A NEW SECTION NUMBERED 13, AUTHORIZING AND REQUIRING THE IMPOSITION OF SERVICE CHARGES FOR CERTAIN MUNICIPAL SERVICES PROVIDED BY THE DEPARTMENT OF PUBLIC WORKS.

WHEREAS, the City of Nitro declares the necessity and convenience to amend the definitions of garbage, rubbish, and refuse for purposes of this Article of the City Code : and

WHEREAS, the City of Nitro declares the necessity and convenience to impose service charges for certain municipal services, including the supplementary collection of refuse, the collection of bulky appliances, and the residential use of a municipal truck for refuse collection.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Nitro, West Virginia, that the Code of said City be amended and re-adopted by repealing, amending and re-adopting the following sections of Article 923, which sections or portions thereof shall read as follows:

Sec. 923.01 DEFINITIONS.

- (a) "Garbage" means every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables, and containers originally used for foodstuffs.
- (b) "Rubbish" means all other solid waste material and refuse of every character accumulated including trash, debris, yard waste, ashes, or similar substances.
- (c) "Refuse" means garbage, rubbish, or both.

#### Sec. 923.04 USE OF STREET REFUSE CANS.

No person shall use the street rubbish refuse cans provided by the City of any purpose whatsoever except the deposit by pedestrians of refuse as may be cast by passersby on the street and no such pedestrians or passersby shall throw any such substances upon the streets, sidewalks, gutters, open spaces, vacant lots, spaces between houses, or in any other place than the cans designated for the deposit of such articles. No owner, occupant, lessee, janitor or employee of any building or room within the City, or any other person shall deposit in the street refuse cans any refuse of any kind or nature whatsoever, which may have been removed from or which may have accumulated in any storeroom, office, restaurant, sleeping room or any other room or place within the City.

#### Sec. 923.05 DUTY OF OWNERS OR OCCUPANTS TO MAINTAIN PREMISES.

(c) No person shall suffer or permit any refuse to accumulate and remain on any premises owned or occupied by him or in his charge or custody, whether or not such refuse is in containers, for a period of more than one week in any case

#### Sec. 923.12 FREQUENCY OF COLLECTIONS.

(c) Rubbish accumulated by residences shall be collected at least once each month, unless more frequent collection is requested by the resident and then, only upon payment of the service charge provided in Section 923.13(a).

#### Sec. 923.13 SERVICE CHARGES IMPOSED.

The following service charges shall be collected by the Director of Public Works from residential users of certain public works services:

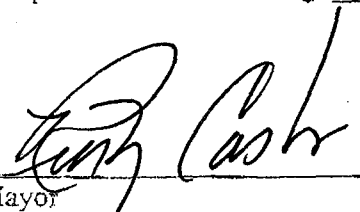
- (a) For the supplementary collection of rubbish in addition to the regular monthly collection service, the charge shall be \$35.00.
- (b) For the collection of bulky appliances, such as stoves, refrigerators, etc., the charge shall be \$25.00.
- (c) For the residential use of a municipal truck for refuse collection, the charge shall be \$100.00. This service will be provided through reservations only.
- (d) Under no circumstances will the City be responsible for the collection of used tires.

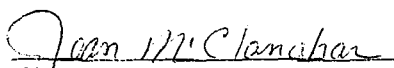
Sec. 923.15 SEPARABILITY.

The repeal and amendment of the provisions of this Ordinance shall not affect the validity of the remaining, undisturbed portions of Article 923.

Passed on first reading: 20<sup>th</sup> day of March 2001.

Adopted on second reading: 3<sup>rd</sup> day of April 2001.

  
\_\_\_\_\_  
Mayor

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

CITY OF NITRO  
COUNCIL MEETING MINUTES

APRIL 17, 2001

Mayor Casto declared a quorum and called the Council Meeting to order at 7:30 p.m. in Council Chambers. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Richard Savilla, Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present were City Attorney April Boughton and City Treasurer Ralph Allison.

Mayor Casto reminded everyone about the ramp dinner scheduled Saturday, April 28, at Nitro Elementary from 11:00 a.m. to 2:00 p.m. City Recorder Joan McClanahan said we need volunteers to help with the event.

Mayor Casto requested prayer for Jack Dougherty a friend of his that lives on 7th Street. He had open heart surgery and is having a rough time.

THE INVOCATION WAS GIVEN BY JAY LONG.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 3, 2001 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED THE MINUTES BE APPROVED, SECONDED BY COUNCILMAN BOB SMITH. City Attorney April Boughton said a couple of the ordinance numbers are incorrect in the minutes. Ord. 01-06 should be 01-05 (Fire Service Fee), and under Agenda Item 8, correct number of Ord. 01-06. A VOTE WAS TAKEN TO APPROVE THE AMENDED COUNCIL MEETING MINUTES AND IT CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA AND COUNCILMAN A. A. "JOE" SAVILLA ABSTAINING.

AGENDA ITEM NO. 2 - APPROVAL OF APRIL 3, 2001 PUBLIC HEARING MINUTES: - CITY RECORDER JOAN MCCLANAHAN MOVED THE PUBLIC HEARING MINUTES BE APPROVED AS WRITTEN, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA AND COUNCILMAN A. A. "JOE" SAVILLA ABSTAINING.

AGENDA ITEM NO. 3 - CITIZEN OF THE MONTH: Mayor Casto said the Citizen of the Month couldn't be present this evening. Her name is Dee Wegert of 107 Brookhaven Drive, and she works full-time with the children. Hopefully she will be present at the next meeting.

AGENDA ITEM NO. 4 - BMX TRACK: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. She reported she has considered all proposals, made telephone calls and spoke with lots of people concerning the bike track regarding some of the problems and concerns. UPON TAKING THEIR RECOMMENDATION, COUNCIL WOMAN AT LARGE BRENDA TYLER MOVED WE ACCEPT THE CONTRACT FROM AMERICAN BICYCLE ASSOCIATION. MOTION SECONDED BY CITY RECORDER JOAN MCCLANAHAN. Mr. J. R. Smith questioned where the location of the track would be, and was told it would not be at the senior little league baseball field. The City Attorney April Boughton

said the first reading of the ordinance will be held at the next meeting, but she would need the location to put in the ordinance. There could be a tentative location made subject to change. CITY RECORDER JOAN MCCLANAHAN MOVED THE LOCATION BE WHERE THE MEN PLAYED SOFTBALL, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA TO BE CONSIDERED A FRIENDLY AMENDMENT. CITY RECORDER JOAN MCCLANAHAN MOVED THIS AGENDA ITEM BE TABLED UNTIL THE NEXT MEETING SO THAT COUNSEL MAY PREPARE THE PROPOSAL AND CONTRACT, SECONDED BY COUNCILMAN HARRY MILLER, III. Mayor Casto yielded the floor to Dr. Rebecca Hamilton. Dr. Hamilton said she served 6 years on city council and did most of the park, built the pool and built the library. Also, they annexed Riverdale. Since 1980, the City has lost 8.6% of our residents. Over a third of our residents are 55 years old and older. She said she would like to see Council build a comprehensive recreation plan for Nitro. As for the BMX, she feels it would impact heavily on our area which already has a lot of traffic. Dr. Hamilton gave the Treasurer Ralph Allison a \$100.00 bill toward a BMX track at Nitro Marketplace.

Mr. J. R. Smith, president of the Parents Organization for the National Bicycle League, said he was concerned because they were going to run the bike track from the National Bicycle League, but it appears the City Council have agreed to go with the American Bicycle Association. He said he was disappointed. He commented the National Bicycle League treats their riders better. Their main office is just outside of Columbus, Ohio, and they will be here in 2 ½ hours. Mr. Smith said if we have a problem with American Bicycle Association, we would have to call Phoenix.

Ernie Smith, J. R. Smith's father, said they worked long and hard on trying to get a bicycle track in the City. He said he was sure ABA would ask for a contract for five years with an option of five more years. They are in it for a profit. Also, the city would be surrounded by NBL Tracts, the next one in South Charleston will be ready by the time Nitro gets their track. The parents will only buy one license, and it will probably be where they will get to ride the most. The nearest ABA track is in Dayton, Ohio and he didn't see parents taking their children to Dayton. Mr. Smith said if his son offended anyone, he apologizes. His son worked hard on this and he was prepared to give his time to the City of Nitro to run the BMX tract and run the Parents Association. If they go with ABA, the City would have to get someone to run the tract.

Dr. Rebecca Hamilton said the Soccer parents in Nitro had tried to get space for a soccer field. The soccer field they used were the ones the school board took for a baseball field. The children who play soccer from Nitro have to go across the interstate bridge to St. Albans Columbia Gas Field. She said she is concerned about the air pollution, noise and traffic. She said they have over 100 residents who signed a petition. There was supposed to be a road from 19th Street to 11th Street parallel to the railroad tracts. Councilwoman at Large Brenda Tyler said she served on the Committee that helped negotiate whenever the Nitro High School was moved over to the junior high. There are three things the county never did fulfill. They were to put in a new gymnasium, parking lot on the back part of the school, and a road put from 11th Street to 19th Street.

Councilman at Large Richard Savilla said there's not much we can do except offer our support as far as what the county does. It is sort of like punishment for trying to have some progress in our city and do something for our kids. The county won't help us on it. They created a problem that we had no control over. We can't sit and be stagnant because of what the county won't do. We would like to have something for our kids.

Ivan Meadows said the park was put in before any of the westside streets and football fields. The pool was put in before Village on Park was built.

A VOTE WAS TAKEN ON THE AMENDED MOTION AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 5 - F.D. BILLING: - Mayor Casto yielded the floor to Councilman David Miller, who introduced Scott Edwards from Firehouse Billing Company. Mr. Edwards furnished a portfolio to members of council. He explained they are a fairly new company in firehouse billing, and they are located in Hurricane. He said they would collect the data from the Fire Chief weekly, monthly or on whatever basis they desire, and bill the information to the insurance companies and send copies to the insured. They would make all collection calls and follow-up calls. There would be no cost to the fire department. When the payments come in at the end of the month, the Fire Department is issued 85% of the bill. Every quarter they issue a statement with the amount billed and the amount collected. After a question and answer session, COUNCILMAN DAVID MILLER MOVED WE PLACE THIS SERVICE OUT FOR BIDS TO BE OPENED THE SECOND MEETING IN MAY (5-15-01), SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

AGENDA ITEM NO. 6 - BIDS ON MOWER: - Sealed bids were opened by Council members as follows: Environmental Management, St. Albans, \$7,456.01, Fairplain Tractor Sales, \$6,995.00, Crede Tractor Sales & Service of Charleston, \$6,349.00 and Creative Lawn and Nursery of Hurricane - \$7,950.00. Mayor Casto suggested a committee be formed to review specs of bids at 9:00 a.m. Wednesday. Committee consists of Mayor Casto, City Recorder Joan McClanahan, Treasurer Ralph Allison and Alex Hill. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED A COMMITTEE BE FORMED TO REVIEW ALL BIDS RECEIVED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 7 - EST. OF ROOF REPAIR - CITY HALL: - Mayor Casto yielded the floor to the Treasurer Ralph Allison. Mr. Allison informed we have had a problem with a leak on the roof at City Hall. We have received several bids on it. A contractor came in yesterday and took some debris out of the drains, and then came back today to look at it again and the leak had stopped. Mr. Allison requested permission to spend up to \$2,000 to repair roof if needed. COUNCILMAN HARRY MILLER MOVED PERMISSION BE GRANTED TO SPEND UP TO \$2,000 TO REPAIR ROOF IF NEEDED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 8 - APRIL BOUGHTON: - Mayor Casto yielded the floor to the City Attorney. She reported that on April 9, there was scheduled a Zoning Board of Appeals meeting, but due to lack of attendance the meeting was canceled. She brought to the meeting, the International Zoning Code that one of the members suggested the City adopt instead of redrafting the City Code. She said she, along with a paralegal from her office, compared the existing City Zoning Code with the International Zoning Code. Copies were forwarded to the City Recorder Joan McClanahan who distributed to the members not present at the meeting with a cover letter saying it is the Attorney's recommendation that we pass this to the Planning Commission. There is a Planning Commission meeting scheduled for April 26, at 7:00 p.m.

On April 23, at 7:00 p.m. a Planning Meeting is already on the calendar. and one of the agenda items will be to discuss the draft of the employee manual.



The two annexation petitions the City had applied to Kanawha County Commission were taken up by the Kanawha County Planning Commission last week and they decided not to recommend the annexation of the Lakeview Drive that includes the Armed Forces Center and a portion of the interstate. The Kanawha County Commission had scheduled a Public Hearing on April 19, but due to the fact that it did not get published in the newspaper, as required by law, it will not be taken up on April 19. She said she would keep Council apprised of this. Recently the State Legislature took up Senate Bill 202, that totally rewrites the state law regarding the methods and procedures of annexation for municipalities. It has been approved and been sent to Governor Wise for his signature.

The other petition for annexation, which was Kings Way property, after discussion at the Kanawha County Planning Commission meeting, the City withdrew that petition.

AGENDA ITEM NO. 9 - RALPH ALLISON: - Mayor Casto yielded the floor to the City Treasurer Ralph Allison. He reported we received a letter from the State Tax Department approving our budget and also approving our levy rates. COUNCILMAN A. A. "JOE" SAVILLA MOVED WE OFFICIALLY LAY THE LEVY, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

COPY ATTACHED

Mr. Allison reported that on July 1, we will have a \$1,500 a month increase on our hospitalization insurance which is around a 7% increase. The first increase we have had since we went on PEIA.

Also, Mr. Allison reported the agenda was getting pretty heavy for the meeting scheduled Monday, April 23 at 7:00 p.m. The employee's manual will take up the majority of the meeting, and the senior citizens wanted to come and make their presentation. Several of the senior citizens have contacted him. Mr. Allison suggested we give the senior citizens \$5,000 at this time and another \$5,000 September 15. COUNCILMAN AT LARGE TIM SIZEMORE MOVED WE GIVE THE SENIOR CITIZENS \$5,000 AT THIS TIME AND ANOTHER \$5,000 CHECK SEPTEMBER 15, MOTION SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

City Recorder Joan McClanahan advised we received some memorial funds in honor of Harry K. Miller which is designated for the playground. It will be put in a saving account at this time.

The City Attorney April Boughton said the City Planning Commission needs to have between five and fifteen members. We are well below the fifteen. We are suppose to have a member of the governing body on the Planning Commission. Councilman Bob Smith is already on this Commission. She also advised that the Putnam and Kanawha County Planning Commission are in an advisory capacity and should be invited to attend our Planning Commission meetings.

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Councilman Bob Smith asked if THF might give the ground that was designated for the Fire Department as it wasn't feasible due to lack of water. The lines are run to the property line, and there will be a municipal building built. Councilman David Miller said they have a preliminary plan and they need funding. This is something that needs to be brought out at the meeting with the Kanawha County Commission. A committee needs to be formed.

Councilman David Miller thanked Councilwoman at Large Brenda Tyler and Councilman at Large Tim Sizemore as they were on the Development Authority when he made the presentation on purchasing the block.

Councilman David Miller said he spoke with the Mayor about a sidewalk between 4th and 5th Street, and putting up 2 x 4's and graveling it. Mayor Casto said a gentleman came down yesterday to look at the bottom of 8th & 10th Street, who is also doing Raleigh Junk, was showed the sidewalk and he is going to advise how much more it would cost.

Councilman A. A. "Joe" Savilla said baseball season is in now, and asked if there could be anyway we could get the state to put a caution light out near Cary Field to slow people down. He is afraid someone will get hit. It is really dangerous. He also asked if we are making any progress on the entrance to Brookhaven, and A. J. Hill said they would start on it next week.

Councilman at Large Tim Sizemore said we need something to alleviate the traffic problems in the school area.

Councilwoman at Large Brenda Tyler stated that with the different activities going on in the city such as the ramp dinner and Nitro Homecoming, MOVED A CITY ACTIVITIES COMMITTEE BE FORMED CONSISTING OF 12 OR 15 PEOPLE (REPRESENTATIVES FROM WOMANS CLUB, MOOSE LODGE, BUSINESS ASSOCIATION, ANTIQUE CAR CLUB, MR. LONG, AND SEVERAL PEOPLE THAT HAVE BEEN INVOLVED IN ACTIVITIES IN THE CITY AND LET THEM OVERSEE EVERY ACTIVITY THAT GOES ON IN THE CITY) MOTION SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Mayor Casto said they met on Thursday at 9:00 a.m., at the Methodist Church, but if we get a group together, they will have to schedule the meetings in the evening.

Councilwoman Tyler said she has been trying to work on the playground and moving forward with it with plans and grants that they are trying to get. If the playground goes as planned, that too will increase traffic in the area. It will be a handicap playground. We will need handicapped parking.

City Recorder Joan McClanahan complimented Mayor Casto on how well he represented the City today at the short notice hearing. She said she was very proud of him.

Councilman David Miller said he would like to see us plant a tree for the families in Nitro on Arbor Day on May 14. Mayor Casto said we are a member of the Arbor Day Foundation, which we joined when he became Mayor, and he would check with the Nitro Elementary School to see when the children could be present, and a tree will be planted.

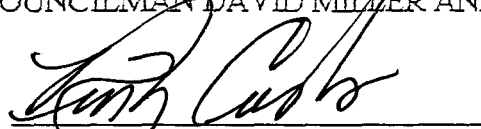
Mayor Casto reported that on Sunday, May 6, at 11:00 a.m. the First Baptist will have their 100th anniversary. He said he would like for members of council to make a point to attend this

special event

Mayor Casto reported that he went to the hospital to see Pat Vance and miracles never cease. He came home Sunday for two hours and is asking about everybody. He is on the road to recovery.

Councilwoman Brenda Tyler said a fund has been set up for Pat Vance at the Huntington Bank in Nitro.

There being no further business, COUNCILMAN A. A. "JOE" SAVILLA MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

  
\_\_\_\_\_  
RUSTY CASTO, MAYOR

  
\_\_\_\_\_  
JOAN MCCLANAHAN, RECORDER

CIN 12 21  
(REV 2000)

## LEVY ORDER AND RATE SHEET

Prescribed by State Auditor

Assessed Valuation - Proposed Levy Rates and Taxes Levied for All Purposes

City of Nitro

ENTITY

Putnam/Kanawha

COUNTY

The above named ENTITY, 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 the voters does hereby propose to adopt the following levy rates to be laid on each \$100 dollars of assessed valuation of each class of property.

	ENTER Assessed Values Tax Purposes	Current Expense Taxes Levied	Enter Rate Here	Excess Levy Taxes Levied	Enter Rate Here	Permanent Improvement Taxes Levied	Enter Rate Here	Bond Purpose Taxes Levied	Enter Rate Here
		CLASS I RATE		CLASS I RATE		CLASS I RATE		CLASS I RATE	
Class I Property	1,064,017	987	9.28	665	6.25				
Personal Property	202,861	188		127					
Public Utilities	1,266,878	1,175		792					
Total Class I									
Class II Property	66,455,370	123,341	18.56	83,069	12.50				
Real Estate	136,620	254		171					
Personal Property	66,591,990	123,595		83,240					
Total Class II									
Class III Property									
Real Estate									
Personal Property									
Public Utilities									
Total Class III									
Class IV Property	63,446,270	235,511	37.12	158,616	25.00				
Real Estate	47,521,664	176,400		118,804					
Personal Property	9,775,403	36,286		24,439					
Public Utilities	120,743,337	448,199		301,859					
Total Class IV	188,602,205								
Total Assessed Value									
Total Projected Property Tax Revenue.....		572,969		385,891					
Less Uncollectables.	Enter % here:								
Exonerations & Delinquencies	5	28,648		19,295					
Less Tax Discounts	2	11,459		7,718					
Total Projected Property Tax Collection		532,862							
Less Assessor's Valuation Fund	2	12,262							
NET AMOUNT TO BE RAISED BY LEVY.....		520,600		358,878					
*112 Uncollectable Taxes..... \$	17,169								
*113 Exonerations..... \$	2,865								
*239 Delinquencies..... \$	8,597								
Total..... \$	28,648								

The above is a true copy from the records of orders and entered by this entity on the 17 day of April, 2001

Signature: \_\_\_\_\_

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

\*Total amount to be raised from  
Municipal Bond Commission

Note: This is a four part form. When completed, retain the goldenrod copy for your files and mail the white and yellow copies to the WV State Auditor's Office, Chief Inspector Division, Room WW-420 and the pink copy to the WV State Auditor's Office, Public Utilities Division, Room WW-114, 1000 Kanawha Blvd. E., Building 1, Charleston, WV 25305.

CITY OF NITRO  
COUNCIL MEETING MINUTES  
MAY 1, 2001

Mayor Casto declared a quorum and called the meeting to order in Council Chambers. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present were City Attorney April Robertson and Treasurer Ralph Allison. Absent was Councilman at Large Richard Savilla.

Mayor Casto said he wanted to remember Valeida McClanahan, wife of J. F. McClanahan. She is gravely ill, and asked we remember her in prayer.

THE INVOCATION WAS GIVEN BY COUNCILMAN A. A. "JOE" SAVILLA.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 17, 2001 COUNCIL MEETING MINUTES - CITY RECORDER JOAN MCCLANAHAN MOVED THE MINUTES OF APRIL 17, 2001 BE APPROVED AS WRITTEN, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 2 - MOOSE PRESENTATION - Mayor Casto asked Rick Harris from the Nitro Moose Lodge to come forward and presented the Moose Lodge with a plaque for their generosity to the city. We needed our gym upgraded and the Moose Lodge paid \$8,000 to refinish the floor. A big round of applause was given to the Moose Lodge. Councilwoman at Large Brenda Tyler added that if anyone hadn't seen the gym floor, they should go look at it. It will certainly make you proud that it is in our city. Mayor Casto said Greg Casto was able to get the painters union to come by and paint the gym, and he was able to obtain a grant to put in a new scoreboard system and public announcement system. The Moose always helps us, and Council wanted to express their appreciation. Mr. Rick Harris said they appreciated the recognition and they try to work in cooperation with the city on projects like this. Anything they can do to help the city, they will.

AGENDA ITEM NO. 3 - 2ND READING - SANITARY BOARD RATE INCREASE - The City Attorney for the Nitro Sanitary Board, Dennis Vaughan, said the city has heard their presentation, and they have certain obligations to the current bond holders to take certain actions that are remedial and we are looking at projects that should have occurred long before now. He said he feels strongly that these projects should occur. COUNCILMAN A. A. "JOE" SAVILLA MOVED TITLE ONLY OF THE ORDINANCE BE READ, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED. Mayor Casto read title of ordinance. Councilman David Miller said this was engineered before, and the moratorium was lifted to allow for new construction from basically the head of 21st Street up, including the former Mayor's house. The moratorium was lifted after this went on line. It was told that the previous project would take care of the problem, but it didn't. The moratorium should not have been lifted if it would not correct the problem. He asked if it was under engineered or was there more flow through it? One of his concerns is that there will be more construction above that point which would mean more sewage in the line and would we have the problem in a few more years. Mr.

Wayne Hypes from Dunn Engineers answered with certainty that the 21st Street portion and what is the leading cause of the basement flooding is the backing up of Armour Creek. Right now you can't get the flow out of Armour Creek pump station. Councilman David Miller said previously there was additional bonding and the rates increased, but it obviously didn't take care of it. What's to keep this same thing from happening again? Mr. Hypes answered that we are not seeing backups in dry weather conditions. When this is happening is when we have the rains. During the project they are speaking of, it was too expensive to separate the storm sewer. Councilman David Miller said the citizens have been nickel and dimed to death, eventually the citizens bill will be increased to double. Councilman Harry Miller, III said that assuming we pass these rates, will it go into effect immediately, and was told it would be June 16. There would be approximately 50% each month, and in the meantime we are engineering it, accepting bids, etc. We will be building up all this money in the Sanitary Board account before we start borrowing money, and asked how this would work out. Mr. Vaughan said an engineer can't occur all these costs unless we know we have the money to pay for it. This also gives the Sanitary Board an opportunity to accumulate some funds to be used to reduce the amount of money they are going to borrow. It can be put in an escrow account if Council desires so that it is used and directed right to the capitol account. This is not a back door account. Councilwoman at Large Brenda Tyler asked, if the ordinance passed, what is the starting and ending date. Mr. Hypes said they would begin the preliminary stages immediately (engineering work, accounting and legal work), and looking at sometime next spring to start and year thereafter to complete construction. Mr. Vaughan added that is assuming there is not a wrath of bad weather. After a question and answer session from the audience, COUNCILMAN DAVID MILLER MOVED WE AMEND THE ORDINANCE AND APPROVE THE MINIMUM OF 12% AND OVER THE NEXT THREE YEARS, FIVE YEARS, WHATEVER BRINGS THIS ON LINE A LITTLE AT A TIME. MOTION SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA. This would satisfy the bonding. City Recorder Joan McClanahan stated she was not happy with any increase, but feels we have to do something. She suggested they do the same thing Council and the Mayor had to do, and that is to tighten their belts. Determine where you can cut costs and make some adjustments. Councilman A. A. "Joe" Savilla said there must be a line of communication between Council and the Sanitary Board. We must work together. He thanked all the people affiliated with the Sanitary Board for their explanation, meetings and all the hard work they put forth. A VOTE WAS TAKEN AND IT CARRIED WITH COUNCILMAN AT LARGE TIM SIZEMORE OPPOSING. Mr. Vaughan said they would prepare the ordinance in its amended form.

ORDINANCE 01-08 ATTACHED.

Mayor Casto asked the citizens how they felt about the separate mailing of the Sanitary Board and Municipal Service Charge. Mr. Collins said it seems a waste of postage, and City Recorder Joan McClanahan said she would check on bulk mailing. She said with respect to the separation of the two bills, there are some duplications, but they will be weeded out. The reason this was done is because the funds were intermingled in such a way as they should not have been. The Sanitary Board money belongs to the Sanitary Board, and this money does not go into our account. The money should have been separated long ago. She said if you pay your bills on time, you are not in arrears, but going through the records of a lot of people in Nitro, they don't pay their bills, but they will start. We are now in possession of that information. As long as the Sanitary Board did the billing, we didn't have any information or control over it. The citizens will be happier in the long run. Councilman Harry Miller, III said this will save us money. Councilman at Large Tim Sizemore added that it will cause bills to be paid that were never paid before.



Councilman at Large Tim Sizemore said instead of raising rates, we will go back and recover some of the outstanding fees. It will take a little time to work this out. Councilwoman at Large Brenda Tyler said that people having four or five apartments and paying only one fee, they will put a stop to that because it just isn't fair. Councilman David Miller said he feels everything will work out. Mr. Collins said he takes off his hat to the people responsible for having the bills separated. Mayor Casto asked the citizens to let them know what they think about the separation.

AGENDA ITEM NO. 4 - PAVING GRANT: - Mayor Casto said he and a couple of his friends went out and did an income survey of Second Avenue from 25th Street to 40th Street in an attempt to get a grant through the Governor's office. Mayor Casto yielded the floor to Mr. Martin. He explained this was a second hearing of a Small Cities Block Grant for a project that was started last year and never funded. It is a project of \$68,000 through the Small Cities Block Grant program to pave Second Avenue from 24th to 40th Streets. Mr. Martin informed that the Small Cities Block program requires two public hearings. He invited citizens comments on other project that could be used for Small Cities Block Grants. Councilman David Miller said he would like to see a new road at 31st Street, East including Easter Road. This falls in the same area. Mayor Casto said he thought the state was going to take this street. They looked at it and just threw up their hands. They rejected from 31st Street to 40th Street. Mr. Martin said we may have to do another survey or it may be better to go with the one at this time. Mr. Martin said the application is due by the 15th of July, and he will get the Mayor the information by the first of the week.

Mayor Casto declared a five minute recess in order to get more tapes for recording.  
Council Meeting back in order.

AGENDA ITEM NO. 5 (A) - BMX TRACK: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. She said at the last meeting, a motion was made to go with the ABA track, and the City Recorder Joan McClanahan moved to table this. Councilwoman at Large Brenda Tyler ask her to remove it from the table. CITY RECORDER JOAN MCCLANAHAN MOVED THIS AGENDA ITEM BE REMOVED FROM THE TABLE, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. Councilwoman at Large Brenda Tyler introduced Donna Pugh from the National Bicycle League. After a very informative presentation, there was a question and answer session. Dr. Rebecca Hamilton stated she didn't feel we should do anything with recreation in Nitro until we build a comprehensive plan. She feels a BMX track would be most suitable at Nitro Market Place.

(B) City Recorder Joan McClanahan introduced J. R. Joseph and Daniel Dixon from the Nitro Men's Softball League. Mr. Joseph said they were getting ready to start their softball league. They have 7 teams, and if the BMX track takes this field, there will be no more men's softball. He said the bike track sounds great, but it just doesn't sound so great in the middle of their softball field. There is a lot of tradition that will be gone if the bike track goes in. He said they are in hopes Council could find a 200 x 200 foot piece of property somewhere else so they could keep the league going. Councilwoman at Large Brenda Tyler asked how much money does the league contribute to the City of Nitro to use this field. Mr. Joseph responded that this is his first year running the league, and it was his idea to donate \$500.00 to the playground. Councilwoman at Large Brenda Tyler responded that they have never paid us anything, and she has witnessed things the players do in front of children that should not have been done.

Mr. Dixon said he understood. He is a born again Christian and he has seven kids and five

grandchildren and he didn't want his children exposed to what Councilwoman Tyler spoke of. He said he has played there for seven years. The league was given a key to the gate to get in, but would not give them a key to open the bathrooms. He asked about regulations, and the cops told them the players could drink beer out of a cup, but they didn't want to see it. Councilwoman Tyler said there is a sign at the park stating no alcoholic beverages. Mr. Dixon told her the men that were doing the drinking and the man that exposed himself don't play there anymore. They were never asked to pay any amount to use the field. Councilwoman at Large Brenda Tyler said she wanted something for the children to do.

There was a discussion as to the pros and cons of putting the track at the Nitro Market Place.

Councilman David Miller said they have checked with the police department regarding traffic. They could route traffic one-way in and one-way out. There is parking space enough to handle this. The youth of this town is the future of this town. This will give the youth something to do. Somebody has to give a little. He questioned why do the citizens of always look at ways to stop something.

COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE MAYOR READ TITLE ONLY OF ORDINANCE, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. Mayor Casto read title only, "An ordinance for the construction, development and operation of a BMX track in the City Park of the City of Nitro, WV." COUNCILMAN HARRY MILLER, III MOVED FOR THE APPROVAL OF FIRST READING, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER. Councilman David Miller said the youth of Nitro have to have something. We don't have the funds to hire someone to do a comprehensive plan. Councilman Harry Miller, III said he has heard the phrase comprehensive planning, and what this would do is cause delay. A VOTE WAS TAKEN AND IT WAS UNANIMOUS. COUNCILMAN A. A. "JOE" SAVILLA MOVED A PUBLIC HEARING TO DISCUSS THE ORDINANCE BE SCHEDULED FOR MAY 15, 2001 AT 7:00 P.M., SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

Councilwoman at Large Brenda Tyler said the previous plan was to put the track over by the pool. Art Ashley approached her and said the people on Park had an injunction and were going to stop it if we put it by the pool. She asked him that if they moved it to the park, would it satisfy him and his people and he told her it would. Then, the next thing they knew they were in court.

AGENDA ITEM NO. 6 - PLANNING COMMISSION APPOINTMENT: - Mayor Casto recommended Joan McClanahan be appointed to the Planning Commission. COUNCILMAN A. A. "JOE" SAVILLA MOVED CITY RECORDER JOAN MCCLANAHAN BE APPOINTED TO THE PLANNING COMMISSION, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 7 - APRIL ROBERTSON: - The City Attorney April Robertson reported the annexation petition (I-64 portion Lakeview Dr. including the Armed Forces Reserve Center) that the city had submitted to the Kanawha County Commission will be heard at a Public Hearing at the Kanawha County Commission meeting on May 17, at 5:00 p.m.. She said she would be drafting a form to be filled out for persons desiring to petition the city for street abandonments (based upon the resolution that was drafted last year where the City adopted specific criteria to be

followed in street abandonment.) They will be made available at City Hall.

Mayor Casto thanked Councilman Bob Smith for all his work on the Cedar Street abandonment. Councilman Bob Smith asked if one property owner adjacent to the abandonment didn't want the section of property adjoining them, could the property owner next to them have the property. City Attorney April Robertson said there are several steps along the way where this could be looked at, and she would look at it too.

City Attorney April Robertson said they need to reschedule the meeting regarding the employee manual. A meeting was scheduled Tuesday, May 8, at 7:30 p.m. in Council Chambers. The ethics commission issued an advisory regarding their committee on open government. They advised the County Commission that they need to have their agenda for their meetings available three days in advance of the meeting. She recommended the agenda for the city be ready by Friday. Mayor Casto commented we wait until Tuesday afternoon, but it is not to keep people off of the agenda, but to make sure everybody has a chance to be heard.

AGENDA ITEM NO. 9 - RALPH ALLISON: - Mayor Casto yielded the floor to City Treasurer Ralph Allison. Mr. Allison said Councilman Miller wanted the city to consider buying one of the slides for the pool this year. COUNCILMAN DAVID MILLER MOVED WE PURCHASE ONE SLIDE FOR \$3,125.00, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

Mr. Allison said we have the Nitro development Authority's Manager on our payroll and they reimburse us for his wages and benefits. Nitro Senior Citizens' requested they would like to have their employee handled the same way, and pay her \$6.00 an hour and put her on the City's payroll with all the benefits which amounts to \$18,547.00 annually. They will reimburse the City \$1,545.59 per month. COUNCILMAN HARRY MILLER, III MOVED THE SENIOR CITIZEN EMPLOYEE BE PUT ON THE CITY'S PAYROLL, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

AGENDA ITEM NO. 9 - REPORT ON RAMP DINNER: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. She reported there was a ramp dinner last Saturday, and the principal of Nitro Elementary School was kind enough to let them use the cafeteria. The Principal complimented the workers. She said it was the cleanest their windows had been in years. They made just over \$700.00 which will be used toward the handicapped accessible playground. Special thanks go to Danny Hill, Ivan Meadows, Mike Lamb and Alex Hill on a job well done. Volunteering were Mayor Casto and Recorder McClanahan. It was a great turnout. They plan to have another ramp dinner next year. Mayor Casto said they are now planning a pig roast. Mayor Casto thanked City Recorder Joan McClanahan and they both agreed it was a learning experience.

AGENDA ITEM NO. 10 - FIRE HOUSE COMMITTEE: - Mayor Casto asked City Recorder Joan McClanahan and Harry Miller, III to co-chair the committee with Councilwoman at Large Brenda Tyler, Councilman David Miller, Councilman at Large Richard Savilla, along with Chief Steve Hardman, Chief Jack Jordan and Mayor Casto to be on the committee. Mayor Casto said he would bring this up in front of the commission when they go up there. COUNCILMAN HARRY MILLER, III MOVED WE ACCEPT THE NAMES AS SUBMITTED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 11 - RESOLUTION WVDO GRANT: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. She explained that this grant was ongoing. It is a resolution authorization the Mayor to sign Governor's Community Partnership Grant Program Contract. It is a grant for \$7,000 which will be used toward making the entrance to City Hall handicapped accessible. CITY RECORDER JOAN MCCLANAHAN MOVED PERMISSION BE GRANTED FOR THE MAYOR TO SIGN THE RESOLUTION, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED

RESOLUTION 01-08 ATTACHED..

AGENDA ITEM NO. 12 - MAYOR'S COMMENTS: - Mayor Casto said he has a request for a St. Jude's Bike-A-Thon Sunday, May 6, from 3:00 p.m to 6:00 p.m. from the high school down to Broadway. COUNCILMAN AT LARGE TIM SIZEMORE MOVED PERMISSION BE GRANTED, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

Mayor Casto reported the First Baptist Church will have their 100th anniversary Sunday, May 6.

Councilman Harry Miller, III reported Raleigh Junk has paved their road and the wheel wash will be installed upon its arrival. He said he appreciated all the work done by Mayor Casto and Chief Jordan.

Councilman Bob Smith said the only thing he has is if one person can buy both sides of Cedar Street. He said everyone is in agreement except two people, and he has their names on a petition.

Councilman David Miller said he spoke with Dills today regarding the fire engine that is out of service. They are currently working on the insurance end of it. There is still roughly twelve thousand plus dollars needed on the pump to get it working. As it stands right now, unless we authorize them to ahead and do this work, once the insurance work is done, it will come back and it will basically be the way we sent it up there. It won't be able to pump. This needs to be taken care of. Mayor Casto asked Councilman David Miller to write something up on this and give it to the Treasurer. COUNCILMAN A. A. 'JOE' SAVILLA MOVED THE CITY TREASURER RALPH ALLISON CONTACT DILLS TO ASCERTAIN IF THEY WILL ACCEPT PAYMENTS. MOTION SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

Councilman David Miller asked about planting a tree on Arbor Day and said it is fast approaching. Mayor Casto said there are several Arbor Days, but he has contacted the Governor's Office to request he come down and plant the tree for us. They will get back with him just any day now.

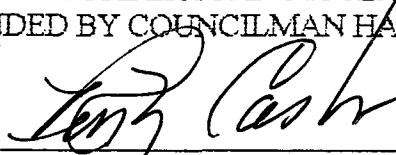
Councilman A. A. "Joe" Savilla said he wanted to thank the Mayor for contacting Steve Harrison and about getting the flashing light at the entrance to Brookhaven. Also, Public Works did an excellent job on fixing the hole at the entrance.

Councilman at Large Tim Sizemore informed that in Council's packet there is information on a workshop that will be at Chateau Lake and it is a leadership academy. He said we should

attempt to send someone. He has been told it is a good program for elected officials on state, county and municipal government. It is endorsed by the Municipal League of Cities. It is scheduled on June 2 and 3.

Councilwoman at Large Brenda Tyler reported she talked with Kelly Frampton and the Annual City Golf Tournament is scheduled July 27, at Sandy Brae for \$35 per person. The Greater Kanawha Valley Foundation gave a \$10,000 grant for the playground.

There being no further business, CITY RECORDER JOAN MCCLANAHAN MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

  
\_\_\_\_\_  
RUSTY CASTO, MAYOR

  
\_\_\_\_\_  
JOAN MCCLANAHAN, RECORDER

ORDINANCE NO 01- 08  
 ORDINANCE AMENDING AND REENACTING AN ORDINANCE  
 ESTABLISHING RATES AND CHARGES  
 FOR SERVICES RENDERED BY THE  
 SANITARY BOARD OF THE CITY OF NITRO

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

WHEREAS, the Governing Body of the City enacted an Ordinance on March 16, 1999, which amended certain rates and charges for the use of the City's sanitary sewer system; and

WHEREAS, the Sanitary Board of the City of Nitro has determined that a twelve percent (12%) rate increase in the existing rates is necessary to compensate for lost revenue resulting from the closure of the Pepsi bottling facility.

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 5.69 per 1,000 gallons
Next	3,000 gallons used per month 4.78 per 1,000 gallons
Next	25,000 gallons used per month 3.71 per 1,000 gallons
All Over	30,000 gallons used per month 3.34 per 1,000 gallons

Minimum Bill: \$11.38 based upon 2000 gallons.

Residential Flat Rate: Each un-metered residential customer shall be charged a flat rate of \$23.33 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 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:

$$S = A \times R \times .6233 \times C$$

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: .6233 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 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. POCA RIVER SERVICE AREA

From and after the date on which wastewater collection service is available to the residents of the Poca River service area, the rates and charges for the use of and services rendered to such customers by the sanitary sewer system of the City of Nitro shall be equal to the regularly enacted rates and charges for all other users of the system, plus a surcharge in the amount of \$13.69 per month.

TAP FEE

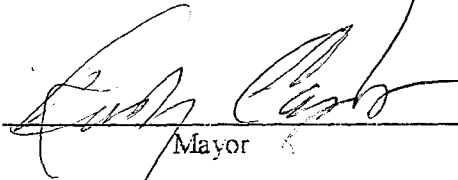
In the event any person owning developed property within the Poca River Service Area pays a connection or "tap" fee for the property prior to a building contractor bypassing the property, such tap fee will be \$200.00. Thereafter, the tap fee shall be the same as for all other users of the system.

The above surcharge shall be applicable for any owner, tenant, or occupant of each and every lot or parcel of land or building situated within Poca River Service Area and having any connection to the sanitary sewer system of the City.


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

Ordinance proposing 48% increased passed on first reading  
Public hearing held  
Amended and enacted on second reading  
Effective date

April 3, 2001.  
May 1, 2001.  
May 1, 2001.  
June 16, 2001.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Recorder



Notarized and sworn to before me this 23rd day of APRIL 2001. Published during the following days: 04/12/01 - 04/17/01.

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

WHEREAS, the City of Nitro, West Virginia, owns and operates a certain wastewater collection and treatment system in and around the City of Nitro, Kanawha and Putnam Counties, West Virginia; and the City enacted an Ordinance on March 14, 1979, which amended certain rates and charges for the use of the City's sanitary sewer system; and

WHEREAS, the Sanitary Board of the City of Nitro has determined that a forty-eight percent (48%) rate increase in the existing rates is necessary to compensate for the closure of the old Nitro City Sewerage Plant facility and to obtain low interest financing for an \$8.7 million project to relieve basement flooding and obtain in compliance with the order of the West Virginia Public Service Commission in State v. West Virginia Public Service Commission, Case No. 93-107 S.C. (September 26, 1993 Order), petition for appeal denied by the West Virginia Supreme Court of Appeals, Case No. 93-1212, (January 27, 1997), to comply with Federal combined sewer overflow regulations, and to construct long term improvements to assist in operations and

AND WHEREAS, the Sanitary Board of the City of Nitro has requested the Council of the City of Nitro to amend and reenact such Ordinance in order to provide for such rate increase;

NOW, THEREFORE, BE IT ORDAINED, AND BE IT 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 7.31 per 1,000 gallons  
Next 3,000 gallons used per month 4.31 per 1,000 gallons  
Next 25,000 gallons used per month 4.90 per 1,000 gallons  
All Over 25,000 gallons used per month 4.41 per 1,000 gallons

Minimum Bill: \$15.02 based upon 2000 gallons.  
Residential Flat Rate: Each unmetered residential customer shall be charged a flat rate of \$30.80 per month.  
Service Connection Inspection Fee: \$15.00  
Service Connection (Tie) 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 cent (10%) will be added to the net 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.  
In the event any bill is not paid within 30 days, interest in 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 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:  
 $S = A \times R \times .023 \times C$   
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.  
C - The conversion factor to complete thousand gallons.  
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 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.

**FOCAL RIVER SERVICE AREA**  
From and after the date on which wastewater collection service is available to the residents of the Focal River service area, the rates and charges for the use of and services rendered to such customers by the sanitary sewer system of the City of Nitro shall be equal to the rates and charges for all other users of the system, plus a surcharge in the amount of \$13.49 per month.

**LAPEES**  
In the event any person owning developed property within the Focal River Service Area has a connection or tap fee for the property or for a building contractor bypassing the property, such tap fee will be \$200.00. Thereafter, the tap fee shall be the same as for all other users of the system.  
The above surcharge shall be applicable for any owner, tenant, or occupant of each and every lot or parcel of land or building situated within Focal River Service Area and having any connection to the sanitary sewer system of the City.  
3. This Ordinance shall take effect forty-five days from its passage.  
First reading: April 3, 2001.  
Public hearing to be held: May 1, 2001.  
Second reading: May 15, 2001.  
Effective date: June 15, 2001.  
On second reading.

4. The City Council shall consider this Ordinance and vote upon its passage at the City Council meeting to be held on May 1, 2001 at 7:00 p.m. in the Nitro City Hall, 20th Street and 2nd Avenue, Nitro, West Virginia. Interested parties may appear and be heard. The City Recorder shall cause proper notice of this meeting to be made.

Rusty Costa  
Mayor

Attest:  
Joan McClanahan  
Recorder

ISSUE DATE	AD. TYPE	AD. NUMBER	AD. SIZE	DATE	AD. AMOUNT	NET AMOUNT
04/12/01	LEGAL DISCOUNT	25%				

Legal pricing is based upon 63 words per column inch at a rate of \$ .0975 per word. Each successive insertion is discounted by 25% of the first insertion rate (\$5.069375 per word).

INVOICE DATE	ACCOUNT NO.	STATE REP. ID	INVOICE NO.
04/20/01	037693003	0016	829763001



CHARLESTON NEWS-PAPERS  
P.O. Box 2993  
Charleston, West Virginia 25330  
Billing 344-898  
Classified 344-4448  
1-800-WVA-NEWS  
FEN 55-0676075

# LE L NOTICE

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

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

WHEREAS, the Governing Body of the City enacted an Ordinance on March 16, 1999, which amended certain rates and charges for the use of the City's sanitary sewer system; and

WHEREAS, the Sanitary Board of the City of Nitro has determined that a forty-eight percent (48%) rate increase in the existing rates is necessary to compensate for lost revenue resulting from the closure of the Pepsi bottling facility and to obtain low interest rate financing for an \$8.7 million project to relieve basement flooding problems in compliance with the order of the West Virginia Public Service Commission in *Ralph W. Peters v. Huntington Sanitary Board, P.S.C. Case No. 95-1099-S-C* (September 26, 1996 Order), petition for appeal denied by the West Virginia Supreme Court of Appeals, Case No. 92512, (January 29, 1997), to comply with federal combined sewer overflow regulations, and to construct long term improvements to assist in operations; and

WHEREAS, the Sanitary Board of the City of Nitro has requested the Council of the City of Nitro to amend and reenact such Ordinance in order to provide for such forty-eight percent (48%) increase.

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 the 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 7.51 per 1,000 gallons
Next	3,000 gallons used per month 6.31 per 1,000 gallons
Next	25,000 gallons used per month 4.90 per 1,000 gallons
AD Over	30,000 gallons used per month 4.41 per 1,000 gallons
Minimum Bill	\$15.02 based upon 2,000 gallons
Residential Flat Rate:	Each un-metered residential customer shall be charged a flat rate of \$30.80 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 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 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:

$$S = A \times R \times .6233 \times C$$

- 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: .6233 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 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.

### FOCA RIVER SERVICE AREA

From and after the date on which wastewater collection service is available to the residents of the Foca River service area, the rates and charges for the use of and services rendered to such customers by the sanitary sewer system of the City of Nitro shall be equal to the regularly enacted rates and charges for all other users of the system, plus a surcharge in the amount of \$13.69 per month.

### TAP FEE

In the event any person owning developed property within the Foca River Service Area pays a connection or "tap" fee for the property prior to a building contractor bypassing the property, such tap fee will be \$200.00. Thereafter, the tap fee shall be the same as for all other users of the system.

The above surcharge shall be applicable for any owner, tenant, or occupant of each and every lot or parcel of land or building situated within Foca River Service Area and having any connection to the sanitary sewer system of the City.

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

First reading April 3, 2001  
Public hearing to be held May 1, 2001  
Second reading May 1, 2001  
Effective date if enacted June 16, 2001  
on second reading

6. The City Council shall consider this Ordinance and vote upon its passage at the City Council meeting to be held on May 1, 2001 at 7:00 p.m. in the Nitro City Hall, 20th Street and 2nd Avenue, Nitro, West Virginia. Interested parties may appear and be heard. The City Council shall cause proper notice of this meeting to be made.

Mayor

ION

of Putnam, to wit:

Cost of Publication \$184.24

worn upon my oath, do depose and say that I am Publisher of PUTNAM DEMOCRAT, a Democratic newspaper; that I recite all affidavits of publication; that such newspaper has been published weekly on Thursday, for at least fifty years, in Winfield, Putnam County, West Virginia; that such general circulation," as that term is defined in article three, West Virginia, 1931, as amended, within the publication jurisdiction and county; that such newspaper averages inclusive of any cover, per issue; that such newspaper is at a definite price or consideration; that such newspaper is a public resort for passing events of a political, religious, and for current happenings, announcements, miscellaneous and.

ince - City of Nitro

for Services - Sanitary Board

newspaper once a week for 2 (successive) week(s),

he 12th day of April 20 01

19th day of Apr. 20 01, (and was posted,

on

, 20

1st Phyllis Robinson

Phyllis Robinson, Publisher  
The Putnam Democrat

o before me in my said county this 23rd

20 01

May 4, 2008

VIRGINIA Frederick A. Whitney  
Notary Public of Putnam County, West Virginia

1 2008

System in Square Feet.

R- The Measured Monthly Rainfall in Inches: .6233 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 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. POCA RIVER SERVICE AREA

From and after the date on which wastewater collection service is available to the residents of the Poca River service area, the rates and charges for the use of and services rendered to such customers by the sanitary sewer system of the City of Nitro shall be equal to the regularly enacted rates and charges for all other users of the system, plus a surcharge in the amount of \$13.69 per month.

#### TAP FEE

In the event any person owning developed property within the Poca River Service Area pays a connection or "tap" fee for the property prior to a building contractor bypassing the property, such tap fee will be \$200.00. Thereafter, the tap fee shall be the same as for all other users of the system.

The above surcharge shall be applicable for any owner, tenant, or occupant of each and every lot or parcel of land or building situated within Poca River Service Area and having any connection to the sanitary sewer system of the City of Nitro.

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

First reading April 3, 2001.

Public Hearing to be held May 1, 2001.

Second reading May 1, 2001.

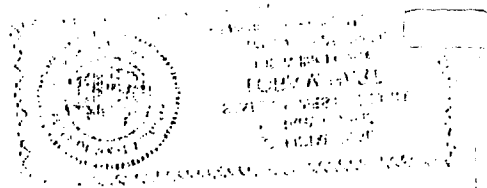
Effective date if enacted on second reading June 16, 2001.

6. The City Council shall consider this Ordinance and vote upon its passage at the City Council meeting to be held on May 1, 2001 at 7:00 p.m. in the Nitro City Hall, 20th Street and 2nd Avenue, Nitro, West Virginia. Interested parties may appear and be heard. The City Recorder shall cause proper notice of this meeting to be made.

Attest: \_\_\_\_\_ Mayor

Recorder

4-12-21



## RESOLUTION: 01-08

A RESOLUTION TO SIGN GOVERNOR'S COMMUNITY  
PARTNERSHIP GRANT PROGRAM CONTRACT

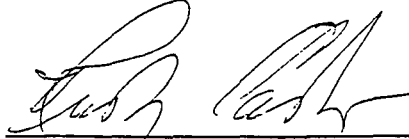
WHEREAS, The Governor of the State of West Virginia, through the West Virginia Development Office, awarded to the City of Nitro, a Community Partnership Grant to make city hall accessible to the handicapped.

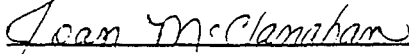
WHEREAS, the City Council of the City of Nitro finds that the Governor's Community Partnership Grant Program will benefit the City of Nitro.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Nitro that the Mayor is hereby authorized to enter into the Governor's Community Partnership Grant Program Contract between the West Virginia Development Office and the City of Nitro, a copy of which is attached hereto and made a part hereof.

Motion made by City Recorder Joan McClanahan, seconded  
by Councilman A. A. "Joe" Savilla.

Adopted May 1, 2001.

  
\_\_\_\_\_  
Rusty Casto, Mayor

  
\_\_\_\_\_  
Joan McClanahan, Recorder



Bob Wise, Governor *A Vision Shared*

**WEST VIRGINIA DEVELOPMENT OFFICE**  
[www.wvdo.org](http://www.wvdo.org)

1900 Kanawha Boulevard, East  
Charleston, WV 25305-0311  
304-558-2234

February 26, 2001

The Honorable Rusty Casto  
Mayor  
City of Nitro  
Post Office Box 308  
Nitro, West Virginia 25143

Dear Mayor Casto:

Congratulations on the recent Community Partnership Grant award to the city of Nitro to make city hall accessible to the handicapped. I will be your point of contact regarding the Governor's Community Partnership Grant program's guidelines, rules, and regulations.

Enclosed with this correspondence is a state/local contract between the West Virginia Development Office and the city of Nitro. This contract outlines the conditions under which the Governor's Community Partnership grant must be implemented.

Once the city of Nitro and legal counsel have reviewed the contract, the city of Nitro must pass a formal resolution accepting the conditions of the contract and authorizing your signature on the last page. We will be unable to process a grant agreement until a signed contract and resolution are returned to this office.

I am looking forward to working with you on this worthwhile project. If you have any questions, please contact me at (304) 558-4010.

Sincerely,

  
Angela White Negley  
Community Development Specialist

AWN:bo

Enclosure

**GOVERNOR'S COMMUNITY PARTNERSHIP  
GRANT PROGRAM CONTRACT  
between the  
WEST VIRGINIA DEVELOPMENT OFFICE  
and the  
CITY OF NITRO**

THIS AGREEMENT, entered into this 1st day of July, 1996, by the West Virginia Department of Finance and Administration on behalf of the West Virginia Development Office hereinafter called the "WVDEVO" and the city of Nitro and its authorized officers, agents, and representatives, hereinafter called the "Grantee."

**WITNESS THAT:**

WHEREAS, the WVDEVO has promised and agreed to assist the Grantee to perform such tasks hereafter described in the scope of services, which is to be partially financed by funds made available through the Governor's Community Partnership Grant program.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. **Assistance of the Grantee.** The WVDEVO hereby agrees to assist the Grantee including all authorized officers, agents, and representatives, to perform such tasks and functions as set forth below in the scope of services.
2. **Scope of Services.** The Grantee, or its designated agent, shall do, perform and carry out, in a satisfactory and proper manner as determined by the WVDEVO, and appropriate regulatory agencies, if required, all duties, tasks, and functions necessary to make city hall accessible to the handicapped.
3. **Personnel.** The Grantee represents that it has, or will secure at its own expense, personnel with the necessary qualifications and experience required to perform

the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with WVDEVO.

4. **Time Performance.** The Grantee will commence its duties under this Contract on July 1, 1996, and such duties shall be undertaken and completed in such sequences as to assure their expeditious completion in the light of the purpose of the Contract; but, in any event, all of the services required hereunder shall be completed by June 30, 2001. Completion date of this Contract may only be extended by mutual written agreement of both parties dependent on the reappropriation of funds under the Governor's Community Partnership Grant program.

5. **Compensation.** In consideration of the services rendered by the Grantee, the WVDEVO agrees to pay the Grantee the sum of \$7,000. This amount constitutes complete compensation for all services rendered. In no instance shall the agreed upon compensation exceed \$7,000 without the written consent of the Governor of the State of West Virginia.

6. **Method of Payment.** In order to receive payments under the terms of this Agreement, the Grantee shall submit the following: (a) a Letter of Transmittal containing a progress report, and (b) a Request for Payment Financial Report. The final ten percent shall be made available upon submission of certification of completion and acceptance of the project by the Grantee.

Upon receipt of said documents, the WVDEVO shall review the same for reasonableness and appropriateness.

7. **Termination of Contract for Cause.** If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner his obligations under this Contract, or if the Grantee shall violate any of the covenants, agreements, or stipulations of this Contract, the WVDEVO shall thereupon have the right to terminate this Contract by giving written notice to the Grantee of such termination and specifying the effective date thereof, at least fifteen days before the effective date of such termination. The Grantee shall be

entitled to receive just and equitable compensation for any satisfactory work completed on the described project.

Notwithstanding the above, the Grantee shall not be relieved of liability to the WVDEVO for damages sustained by the WVDEVO by virtue of any breach of the Contract by the Grantee, and the WVDEVO may withhold any payments to the Grantee for the purpose of set-off until such time as the exact amount of damages due the WVDEVO from the Grantee is determined.

8. Termination for Convenience of WVDEVO. The WVDEVO may terminate this Contract at any time by giving written notice to the Grantee of such termination and specifying the effective date of termination. If the Contract is terminated by the WVDEVO as provided herein, the Grantee will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this Contract, less payments of compensation previously made.

9. Termination by the Grantee. The Grantee may unilaterally rescind this agreement at any time prior to the commencement of the project. After project commencement, this agreement may be rescinded, modified, or amended only by mutual agreement. A project shall be deemed commenced when the Grantee makes any expenditure or incurs any obligation with respect to the project.

10. Changes. The WVDEVO and the Grantee may, from time to time, require changes in the scope of the services of the work to be performed hereunder. Such changes, including any increase or decrease in the amount of the Grantee's compensation and work to be performed, which are mutually agreed upon by and between the WVDEVO and the Grantee, shall be incorporated in written amendments to this Contract.

11. Equal Employment Opportunity. With respect to employment in carrying out the program objectives, the Grantee agrees:



That it will not discriminate against any employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap.

12. **Project Wage Rates.** No contract involving construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work which involves the employment of an "outside" contractor and/or subcontractors shall be awarded through funds provided under this agreement which does not comply with the West Virginia Act on Wages on Construction of Public Improvements (Article 5A, Chapter 21 of the West Virginia Code). Such provisions shall include the payment of the Fair Minimum Wage Rates as determined by the West Virginia Commissioner of Labor for each craft or classification of all workmen needed to perform the contract in the locality in which the public work is performed. For projects involving federal funds which are covered by the provisions of the Davis Bacon Act (40 U.S.C. 276-a 276a-5), the Grantee shall cause the contractor and/or subcontractors to pay the higher wage rate, federal or state.

Further, the Grantee shall cause these wage rates as determined to be printed on all bidding blanks, and attention should be specifically noted to these facts within the body of the advertisement for bids. The Grantee shall also have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance including copies of contractor's payrolls.

13. **Competitive Bid Procedures.** The Grantee shall solicit sealed bids for all commodities or supplies related to this project which have an estimated value of over ten thousand dollars (\$10,000). Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$10,000 may be cause for termination of an agreement under the provisions of Paragraph 7.

These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions of Article Three, Chapter Fifty-Nine, of the Code<sup>7</sup> of West Virginia. This notice shall be published by the Grantee in the newspaper with the largest

circulation serving the general area twice within fourteen days next preceding the final date of submitting bids. The Grantee shall also, where feasible, solicit sealed bids by listing the project in the F. W. Dodge Reports, sending requests by mail to prospective suppliers or contractors, and by posting notice on a bulletin board in a public place. The Grantee shall have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance with these procedures.

The Grantee shall procure architectural or engineering services in accordance with Chapter 5G of the West Virginia Code and the grantee shall procure construction contracts in accordance with Chapter 5-22-1 of the West Virginia State Code.

14. **Bonding.** The Grantee shall secure bonding in accordance with Chapter 38-2-39 of the West Virginia Code.

15. **Facilities Accessible to the Handicapped.** The Grantee shall require any facilities constructed under the auspices of this Contract to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.1-1961, as modified (41CFR101-17.1703 and (13CFR309.14)). The Grantee shall be responsible for conducting inspections to ensure compliance with these specifications.

16. **Facilities Operation.** The Grantee shall operate and maintain all facilities constructed under the auspices of this Contract in accordance with minimum standards as may be required or prescribed by the applicable federal, state and local statute, law, ordinance or regulation as to actual construction procedures, as well as maintenance and operation of such facilities upon completion.

17. **Interest of Members of WVDEVO and Others.** No officer, member or employee of the WVDEVO or officer, member or employee of the Grantee who exercises any function or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he

is directly or indirectly interested or has any personal or pecuniary interest, nor shall any officer, member of, or employee of, the Grantee or any member of its governing body, or officer, member, or employee of the contractor have any interest, direct or indirect, in this Contract or the proceeds thereof.

18. **Officials Not To Benefit.** No member of the Legislature of the State of West Virginia, or individual performing a service for the Grantee in connection with this project, shall be admitted to any share thereof or to any benefit to arise from this Agreement.

19. **Inspections of Project Records.** At any time during normal business hours and as often as the WVDEVO or its designated representative may deem necessary, there shall be made available to the WVDEVO or its designated representative for examination, all of its records with respect to all matters covered by this Contract and permit the WVDEVO or its designated representative to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records and personnel, conditions of employment and other data relating to all matters covered by this Contract during the entire time period beginning with project approval and ending three years after the final disbursement of grant funds.

20. **Project Audits.** (a) The Grantee shall cause an audit of this program to be included in the audit of the Grantee performed by the West Virginia State Auditor's or its designated representative in accordance with Chapter 6, Article 9, Section 7 of the State Code. The audit shall be performed in conformance with generally acceptable accounting procedures.

(b) In accordance with Chapter 12, Article 4, Section 14 of the West Virginia State Code, if the grantee is not audited by the West Virginia State Auditor's and the grantee received state funds or grants in the amount of fifteen thousand dollars or more, the grantee shall file an audit of the disbursement of funds with the legislative auditor's office. The audit shall be filed within two years of the disbursement of funds or

grants by the grantee and shall be made by an independent certified public accountant at the cost of the corporation, association or other organization, and must show that the funds or grants were spent for the purposes intended when the grant was made. State funds or audits of state funds or grants under fifteen thousand dollars may be authorized by the joint committee on government and finance to be conducted by the legislative auditor's office at no cost to the grantee.

21. **Reporting.** The Grantee shall submit any reports requested by the WVDEVO concerning financial status and program progress. Failure to provide such reports as required by WVDEVO in a timely manner shall be cause for termination of this Contract under the terms of Paragraph 7.

22. **Fiscal Management.** The Grantee shall be responsible for establishing and maintaining adequate procedures and internal financial controls governing the management and utilization of funds provided under this Contract, as well as funds provided as the Grantee's matching share.

23. **Political Activity.** No officer or employee of the Grantee whose principal employment is in connection with any activity which is financed in whole or in part pursuant to this agreement shall take part in any of the activities expressly prohibited by the Hatch Act.

24. **Repayment.** The Grantee shall refund to the State any expenditures determined to be made for an ineligible purpose for which State funds were received.

25. **Resolution of Disputes.** Resolution of disputes between the State and the Grantee concerning administrative and programmatic matters during the terms of this Agreement shall be initiated through consultation and discussion at the State's Administrative Offices with final decision on questions of policy or fact being determined by the Director of the Community Development Division or his/her designated representative. Nothing in this Agreement shall be construed as making the final decision on a question of law, or to limit in any manner any remedies or recourses available under

applicable laws. Citizen's complaints or disputes regarding Grantee performance or actions relative to the approved project are the responsibility of the Grantee.

26. **Signing.** This Contract shall be signed by the Executive Director of the West Virginia Development Office and by the Mayor of the city of Nitro upon authorization of the city of Nitro by adoption and passage of a resolution, motion or similar official action.

IN WITNESS WHEREOF, the WVDEVO and the Grantee have executed this Agreement as of the date first above written.

STATE OF WEST VIRGINIA  
WEST VIRGINIA DEVELOPMENT OFFICE

\_\_\_\_\_  
John R. Snider, Executive Director

CITY OF NITRO

By: \_\_\_\_\_

Rusty Casto, Mayor

Federal Employee Identification Number

55-6000223

\_\_\_\_\_  
F.E.I.N.

CITY OF NITRO  
COUNCIL MEETING MINUTES

MAY 15, 2001

Mayor Casto welcomed everyone, declared a quorum and called the Council Meeting to order at 7:30 p.m. in Council Chambers. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present were City Attorney April Robertson and City Treasurer Ralph Allison.

THE INVOCATION WAS GIVEN BY COUNCILWOMAN AT LARGE BRENDA TYLER.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 1, 2001 COUNCIL MEETING MINUTES: - COUNCILMAN A. A. "JOE" SAVILLA MOVED FOR THE APPROVAL OF THE MAY 1, 2001 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA ABSTAINING.

AGENDA ITEM NO. 2 - APPROVAL OF MAY 1, 2001 PUBLIC HEARING MINUTES: COUNCILMAN HARRY MILLER, III MOVED THE PUBLIC HEARING MINUTES BE APPROVED AS WRITTEN, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA ABSTAINING.

AGENDA ITEM NO. 3 - PRESENTATION TO GARY BLANKENSHIP: - Mayor Casto asked the former Chief of Police Gary Blankenship to come up front, and then yielded the floor to Chief Jack Jordan. Chief Jordan said he would like to recognize the former Chief Gary Blankenship as a distinguished member of the department with 23 years of dedicated service. Chief Jordan presented the former chief with his department issued weapon. A big round of applause was given Gary Blankenship. Former Chief Blankenship said he wanted to thank Chief Jordan, Mayor Casto, City Council, Mrs. McClanahan, April Robertson, fire department, all city employees and citizens for all the good times he had while employed by the City. Former Chief Blankenship received another round of applause.

Mayor Casto told Gary Blankenship that he was a man who served his country well in Vietman and nearly lost his life. He said he appreciated having a citizen such as Gary in town.

Councilwoman at Large Brenda Tyler said she could always count on Gary. She said she called him many times and said go get my kid.

City Recorder Joan McClanahan told him that it was a pleasure to consider him a friend.

Councilman at Large Tim Sizemore said he put the first 500 miles on Gary and also a few gray hairs.

Councilman David Miller, III told Gary that he investigated his first car wreck. He stated

they had the pleasure of working four tough years with him.

Gary Blankenship commented that he misses the police department, citizens and miss the town, but he went into something that he likes also. He said he was squadron 1st Sgt. for security forces up at the Air Guard and works full time under the state.

Councilman Harry Miller, III told Gary that it was good working with him during all the years he has been on the fire department.

Mayor Casto told Gary he was welcome to come to City Council or to City Hall, he appreciates having him. Gary commented that he has worked with some good people throughout the years and really enjoyed it. He thanked everyone.

Mayor Casto acknowledged another former Chief of Police C.R. Cochran present. A round of applause was given Bob Cochran.

**AGENDA ITEM NO. 4 - BMX TRACK LOCATION:**

**AGENDA ITEM NO. 5 - ORD. FOR CONSTRUCTION, DEVELOPMENT AND OPERATION OF BMX TRACK IN CITY PARK, CITY OF NITRO, WV - COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE MAYOR READ TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE, AND WAS CARRIED.** Mayor Casto read title of ordinance, "An Ordinance for the construction, development and operation of a BMX Track in the City Park of the City of Nitro." COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE ORDINANCE BE ADOPTED, SECONDED BY COUNCILMAN HARRY MILLER, III. Councilman Tim Sizemore asked if there was a clause in the contract where we can escape out of it. City Attorney April Robertson said the lease has terms and conditions that both parties are to live up to, and there is a line in the contract where it says that if any breach is made it is cause for termination. A vote was taken and was carried.

Description will be put on ordinance.

ORDINANCE 01-09 ATTACHED.

**AGENDA ITEM NO. 6 - PIG ROAST:** - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. COUNCILWOMAN AT LARGE BRENDA TYLER SAID MAYOR CASTO ORDERED A PIG AND MOVED THAT ON THE DAY THE BIKE TRACK OPENS, THE CITY SPONSOR A PIG ROAST, WITH ALL PROCEEDS FROM THE PIG ROAST DESIGNATED FOR THE HANDICAP ACCESSIBLE PLAYGROUND. Mayor Casto said it would probably be June 9, the day for the pig roast. Danny Hill will cook the pig, have pork and beans and we will dig a hole and cook corn on the cob and bread. It will be held under the shelter, and if the track opens on June 9, this will be the day of the pig roast. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

**AGENDA ITEM NO. 7 - BIDS FOR FD BILLING:** - Mayor Casto yielded the floor to Councilman David Miller. Councilman David Miller opened the one bid we received on the Fire Department billing. The bid was from the company that came in for the presentation, Fire House Billing Co. from Teays, WV. City Recorder Joan McClanahan said there will be no charge to the city, and the fire department receives 85% of all that is collected. Mayor Casto pointed out that

anything stating the fire department receiving funds, should be changed to the City of Nitro because everything must come through city funds. COUNCILMAN DAVID MILLER MOVED WE ACCEPT THE FIRE HOUSE BILLING COMPANY SUBJECT TO OUR CITY ATTORNEY'S APPROVAL. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA. Councilman Tim Sizemore stated that he wanted to buy the stamp to be placed on the first bill going out. City Treasurer Ralph Allison reported that the Tyler Mountain Volunteer Fire Department started billing the first of the year, and through the end of April they have billed around \$8,000. A VOTE WAS TAKEN AND IT WAS UNANIMOUSLY APPROVED.

Councilman Harry Miller, III reported that the fire department responded to the leak in Hurricane. It basically involved a leak in hazardous waste material. The Hazmat team responded at the request of Putnam County. They also responded to the spill in Charleston about two weeks ago, and also an overturned tanker in Mason County.

AGENDA ITEM NO. 8 - APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney. The City Attorney April Robertson said she wanted to remind Council that the Kanawha County Commission will take up the City's petition to annex a portion of Lakeview Drive and I-64, Thursday at 5:00 p.m. She reported she received a letter from the Nitro Sanitary Board's attorney indicating that the bond closing for the Phase II Poca River extension project is back on the calendar for June 5, at 10:00 a.m. Also, Judge Bloom signed our order that we drafted in the case when Lemma Village brought against the City for their petition for a temporary injunction and in addition to signing the order, he hand wrote in that he was directing the clerk to strike it from the docket of active cases. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE ORDER SIGNED BY JUDGE BLOOM BE MADE A PART OF THE MINUTES, SECONDED BY COUNCILMAN HARRY MILLER, III, AND WAS CARRIED.

Mayor Casto said he had residents from Cedar Street present this evening, and they wanted to ask a few questions. Councilman Bob Smith advised they are having one problem with Cedar Street and that is the price of the property. COUNCILMAN BOB SMITH MOVED WE DRAW UP ANOTHER ORDINANCE STATING THAT THEY WOULD PAY \$1.00 PER SQUARE FOOT AND FOR THE SURVEYING OF THE PROPERTY AND \$100.00 FOR THE PETITION. Councilman at Large Tim Sizemore said we discussed this, and our intent was to recover the cost we would incur. We were to make sure the survey was done, make sure the city attorney would draw the necessary paperwork up. This was to have our attorney do the paperwork because we wanted it done our way. We all agreed that we were not in the business of selling property. Councilman Smith said the ordinance we all agreed upon that we would charge \$1.00 per square foot. This was passed on the first and second reading, and then they found out that other people had it given to them. COUNCILWOMAN AT LARGE BRENDA TYLER SECONDED THE MOTION. Councilman David Miller said he wanted to make sure that the fee structure we come up with will cover all of our cost. After discussion, COUNCILMAN A. A. "JOE" SAVILLA MOVED THIS ITEM BE TABLED. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA, AND WAS CARRIED.

AGENDA ITEM NO. 9 - RALPH ALLISON: - Mayor Casto yielded the floor to City Treasurer Ralph Allison. Mr. Allison informed that according to state law, we need to amend the budget that we now operating under, and mail the budget revisions to the state tax department so that they can review it and get it back to us by June 30, 2001. He explained that we received more revenue than was budgeted. COUNCILMAN HARRY MILLER, III MOVED THE BUDGET



REVISIONS BE APPROVED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Mr. Allison said the Building Department received a map from the census bureau indicating the boundaries of the city limit. Mr. Allison said he wants to make sure we get all the taxes due us, and requested permission for an engineering firm to look at it, and give us recommendations. Councilman at Large Tim Sizemore said he could tell by looking at the map that it was Nitro, but when he started looking at the street names, they were everywhere than where they were suppose to be. COUNCILMAN HARRY MILLER, III MOVED THAT CITY TREASURER RALPH ALLISON HAVE AN ENGINEER REVIEW THE CENSUS MAP, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Councilwoman at Large Brenda Tyler said she asked A. J. Hill to draw up a cost estimate on building some bathrooms at City Park. His proposal would be five stalls in the women bathroom, one handicap accessible and three stalls and three urinals in the mens. A copy of the estimate was given to members of Council. His cost estimate is \$10,000 and it could vary either way. Mayor Casto pointed out that we are either going to have to build these bathrooms or rent portables from May to October. Mayor Casto said there are two groups he was going to ask for \$5,000 each, and ask for a motion on the floor that we spend up to \$10,000 for the restrooms and the Mayor will try to obtain grants. COUNCILMAN A. A. "JOE" SAVILLA MOVED WE BUILD THE BATHROOMS, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 10 - MAYOR'S COMMENTS: - Councilman Harry Miller, III said he would like to schedule a meeting of the Fire Station Construction Committee, Monday, May 21, at 7:30 p.m.

Councilman Harry Miller, III asked for an update on Raleigh Junk. Mayor Casto reported they did some paving and they are bringing in permanent washers. It is 99% better.

Councilman David Miller said they had talked about cutting the shorter holly in front of City Hall and planting a white birch tree dedicated to the families in Nitro.

Mr. Davis said he had a man that wanted to donate \$150,000 worth of equipment to work on Ridenour Lake. He said he would need a bulldozer and rocks. Mayor Casto told Mr. Davis to ask the gentleman that owns Underwater Services and wanted to donate the equipment to come by City Hall and talk with him.

Councilman David Miller said it looks like the Kanawha County Commission is giving money to everyone but us. He read a letter to Kanawha County Commissioner Kent Carper from Mayor Robb of South Charleston. Councilman Miller informed that our fire truck covers a lot of Kanawha County that is not in Nitro, and we are a Kanawha County Station. Our police officers respond to areas outside of the City of Nitro in lieu of Kanawha County Deputy Sheriffs responding for no reimbursement. When asked, they say if you ever need us, call us. We have, but we don't always get help. We don't get anything from Kanawha County Commission, and our citizens pay as much or more taxes than most people.

Councilman at Large Tim Sizemore asked the City Attorney April Robertson would she

advise where in the City Code or State Code it speaks of abandonment or condemning property under unsafe structure.

Councilman Sizemore said he has received two calls on the eighteen wheelers parking on First Avenue. Mayor Casto said they have been parking near Republic Container, but they are going to have to move from this location. Last week the State gave Mayor Casto permission to clean this up.

Councilman Sizemore said he was having the bronze plaques displayed on the War Memorial in front of City Hall redone. They are going to try to have them back by Memorial Day. He reported it cost more than he had anticipated, and he will accept donations. The cost is \$900.00.

Councilwoman at Large Brenda Tyler reported that THF will lease property to the softball league for \$1.00 a year at Nitro Marketplace. Mayor Casto has the name and telephone number of the person to contact if they are interested. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE BACKSTOP AT THE SOFTBALL FIELD BE GIVEN TO THE LEAGUE SO THEY COULD TAKE IT OUT TO THE MARKETPLACE IF THEY DECIDE TO LOCATE THERE, MOTION SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Councilwoman Tyler said she had a drawing that was submitted for the playground from Game Time, and also has a proposal from them. She explained that there are two sections, one for two to five years old and another for five to twelve years of age. There are over twenty-four units on this playground, and they are still working on grants and requesting donations.

Councilwoman Tyler read a letter to A. J. Hill from Chief Jack Jordan. A copy of this letter was put in Councils' file. She thanked Chief Jordan for not taking our municipal services department for granted and thanks to Alex and his men for all their hard work. A round of applause was given to both departments.

City Recorder Joan McClanahan said she came to the Antique Car Show Friday evening and it was enjoyable. The ice cream was delicious. She congratulated the sponsors.

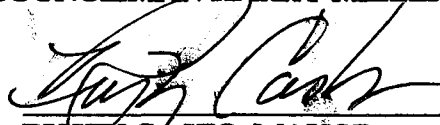
Our City Attorney April Robertson requested we prepare our agenda Friday, and City Recorder Joan McClanahan said she received a request from Julie Moore, Chairperson of a Committee overseeing the reception for the fifth grade class which will be leaving Nitro Elementary School. They are in desperate need of funding as their RSVP far exceeds their expectation. CITY RECORDER JOAN MCCLANAHAN MOVED WE DONATE \$100.00 TO THEM FOR THE RECEPTION NEXT TUESDAY NIGHT, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

Also, after the agenda was prepared Mr. Herman Baker wants to have an auction and either rent the Gazebo at Ridenour Lake, a room at the Community Center or the shelter at City Park. He has three storage units full, and wants to have an auction. It will be for one day only. Councilman A. A. "Joe" Savilla suggested the location at the indoor flea market. City Recorder Joan McClanahan said she would recommend he have it on the parking lot of the flea market on 21st Street.

COUNCILMAN A. A. "JOE" SAVILLA MOVED TO GO INTO EXECUTIVE SESSION AS REQUESTED BY THE TREASURER RALPH ALLISON. MOTION SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA, AND WAS CARRIED.

ENTERED INTO EXECUTIVE SESSION AT 9:00 P.M.  
COUNCIL BACK INTO REGULAR SESSION AT 9:30 P.M.

There being no further business, COUNCILMAN A. A. "JOE" SAVILLA MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER

CITY OF NITRO

PUBLIC HEARING

MAY 15, 2001

Mayor Casto called the Public Hearing to order at 7:00 p.m. on May 15, 2001. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Tim Sizemore, Councilmen David Miller, Bobby Smith and Harry Miller, III. Also present were City Attorney April Robertson, City Treasurer Ralph Allison and concerned citizens. Absent was Councilman A. A. "Joe" Savilla.

Mayor Casto read the title of ordinance for the construction, development and operation of a BMX track in the City Park of the City of Nitro, West Virginia.

Mayor Casto opened the floor for comments from Council. Councilwoman at Large Brenda Tyler said she feels this a positive move on Council's part for the children in Nitro. She said there has been concerns about traffic in the Park Avenue area, and they are looking at it. They had plans to address this such as the police patrolling this and directing traffic up 19th Street and back out 19th Street on the day of the tournaments. Also, there are concerns about the children of Nitro High School. She advised that she was going to schedule a meeting along with Councilman at Large Tim Sizemore with the School Superintendent and see if they can't work out some kind of agreement to ease the problem on Park Avenue for the residents living there. Mayor Casto opened the floor to the general public for comments.

Harvey Collins questioned who would be leasing the property, and Mayor Casto answered the City will lease to the National Bicycle League to build the track which will then be opened to the young people to ride on. Mr. Collins ask if there would be a charge to attend a bicycle race, and Councilwoman Brenda Tyler answered there would not be a charge. The only fee that is charged is to the riders that decide to become members of the National Bicycle League, and that is a fee that is charged by the League. There would not be a charge for spectators or children in the area going over there and riding their bikes. Mr. Collins asked the purpose of having a league, and Councilwoman Tyler responded that the National Bicycle League will own the track and they will conduct the tournaments. City Recorder Joan McClanahan said we must remember that they are going to invest quite a lot of money in building the track, and they need some sort of guarantee that in three months we are not going to say they must go.

A gentlemen commented that the softball players were told they had to go, and Councilwoman Tyler explained that they didn't have a lease.

Evelyn Walter asked how long is the lease for, and Councilwoman Tyler answered it was five years. This was a good faith gesture by both parties.

Daniel Dixon spoke on behalf of the softball league that was at the park. He said they didn't get to say very much at the last meeting. He said he couldn't change what they did before. He said he played there for the past seven years, and knows what went on in the past. He said they tried to change things, but the other teams, which are not there now, wouldn't cooperate. He agrees the children need something to do, but why does it have to be at the park. Councilwoman Tyler answered because they have no other place to put it. He suggested building the track on the

vacant lot between Horn Brothers and the Sanitary Board, and was told this property does not belong to the City. He then suggested Ridenour Lake, and was told we are not allowed to build anything on that. Councilwoman at Large Brenda Tyler told him that they had researched all this and looked and tried to negotiate a deal with Horn Brothers for property there. She explained that this was not our first choice, it is our last choice. She said we are at a deadline for getting our track built. It was a choice of letting the men play or letting the children.

Brian Harless asked who absorbs the cost for the track, and he was told it would be the leagues cost.

Evelyn Walter said she lives on Park Avenue at the Village, and asked if the property at the pool, park, high school and where the Village on Park is was designated for recreation in the beginning, and if so, why did they allow the Village on Park to be built. Councilwoman at Large Brenda Tyler responded that this question was raised and a lot of people protested this, but got no where. Mrs. Walter asked if they planned to build the children's playground near the Village on Park, and Councilwoman Tyler answered that a handicapped accessible playground is going to be built next to the pool. She questioned the extra parking, and Councilwoman Tyler said it was not final at this time, but she had a proposal to bring before Council to add extra parking around the pool area and around the playground area. Mrs. Walter asked if there would be a privacy fence installed, and Councilwoman Tyler said it would be totally enclosed. Mrs. Walter told Council that the Village on Park was their only home and they would like to be considered to that point.

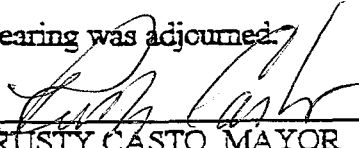
Ernie Smith asked where the parking would be for the tournaments, and was told it would be at City Park on the parking lot.

Councilman at Large Tim Sizemore asked the City Attorney April Robertson if there was anyway the city could get out of the contract if it was necessary. The City Attorney April Robertson said there are terms in the contract, and they could spell out the terms and conditions that both parties would be expected to fulfil and the breach of any of those would be cause for termination.

Ernie Smith said he knew there were concerns about the BMX Track. He said they talked about the senior apartment when the BMX first came up. He said they want to make sure that things go the way they should within the city park area. Mr. Smith said they had some children suggest to them that they have a senior citizens day at one of the bike races. He said before they leave at the end of the race, they make sure the park is as nice as it was when they got there. He said they will have some problems, but they will have to be worked out.

Councilwoman Brenda Tyler informed that NBL will provide insurance coverage during races and the city will provide it for all other times under a blanket policy.

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

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER

ORDINANCE NO. 01- 09

AN ORDINANCE FOR THE CONSTRUCTION, DEVELOPMENT AND OPERATION OF A BMX TRACK IN THE CITY PARK OF THE CITY OF NITRO, WEST VIRGINIA, AND FOR THE LEASE OF SAID TRACK TO THE NITRO-KANAWHA VALLEY BMX GROUP, AN AFFILIATE OF THE NATIONAL BICYCLE LEAGUE.

WHEREAS, there is a need for a safe and controlled place for the youth of our City to ride their bicycles; and

WHEREAS, the City of Nitro established the Nitro City Park for the public use in pursuit of recreation; and

WHEREAS, various groups, organizations and civic-minded citizens have endorsed the proposal that a BMX Track be established upon a portion of the land within the existing City Park, encompassing approximately one acre; and

WHEREAS, the City of Nitro, acting through its City Council, has endorsed the establishment of the BMX Track pursuant to West Virginia Code §§ 8-12-18(c) and 10-2A-1 et seq. and have duly held a public hearing with reference to the BMX Track; and

WHEREAS, an agreement has been reached between the parties mentioned here, namely: the Nitro-Kanawha Valley BMX Group, an affiliate of the National Bicycle League, and the City of Nitro, which is attached to and made a part of this Ordinance; and

WHEREAS, the National Bicycle League has offered to make a substantial contribution to the establishment of such track at the location described above, upon the terms and under the conditions which are contained in the agreement.

THEREFORE, be it ordained by the City Council of the City of Nitro:

That Mayor Rusty Casto and City Recorder Joan McClanahan are directed to execute and attest, respectively, the agreement between the Nitro-Kanawha Valley BMX Group, an affiliate of the National Bicycle League, and the City of Nitro, providing for the construction, development, and operation of a BMX Track to be known as "Nitro-Kanawha Valley BMX" under the terms and conditions being contained in the agreement which is attached to and made a part of this Ordinance.

Passed on first reading: MAY 1, 2001 Passed on second reading  
after public hearing: MAY 15, 2001

  
Mayor

Attest:   
City Recorder

## IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

LEMMA VILLAGE, INC., d/b/a  
VILLAGE ON PARK,

Petitioner,

v.

Civil Action No. 01-C-1325

CITY OF NITRO,

Defendant.

**ORDER DENYING PETITIONER'S PETITION FOR EX PARTE  
TEMPORARY RELIEF AND PERMANENT INJUNCTIVE RELIEF**

This 17<sup>th</sup> day of April, 2001, came the Petitioner, Lemma Village, Inc., d/b/a Village on Park, by counsel Jeffrey L. Barton, and Defendant, City of Nitro, by counsel, April R. Boughton and Corey T. Zurbuch, for a hearing on "Petitioner's Petition for Ex Parte Temporary Relief and Permanent Injunctive Relief and for Hearing." The Court having reviewed the Petitioner's Petition, and having heard argument of counsel and testimony of witnesses, all of which given mature consideration, makes the following findings:

1. The Petitioner failed to show lack of adequate alternative remedies at law;
2. The Petitioner failed to show that immediate and irreparable injury, loss or damage would likely occur without the issuance of the requested injunction;
3. The Petitioner failed to show that it would be likely to succeed on the merits of its Petition; and
4. The balancing the likelihood of irreparable harm to the Petitioner against the likelihood of harm to the Defendant weighs in favor of denial of Petitioner's Petition.

61 MAY -4 PM 4:01  
CATHY S. SATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

0053

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED that Petitioner's Petition for Ex Parte Temporary Relief and Permanent Injunctive Relief be DENIED and Petitioner's Petition is hereby dismissed without prejudice to the Petitioner.

Petitioner's objections are duly noted.

Additionally, the Clerk is hereby directed to forward certified copies of this Order to all counsel of record.

Prepared by: *All matters being resolved. The clerk is directed to retire this matter from the docket*

*April Robertson Broughton*  
April Robertson Broughton (WV State Bar # 7888)  
Corey T. Zurbuch (WV State Bar # 7249)  
Spilman Thomas & Battle, PLLC  
P. O. Box 273  
Charleston, WV 25321-0273  
(304) 340-3800

*Counsel for City of Nitro*

*Mr. H. Blum 5/4/01*

Reviewed by:

*Jeffrey E. Barton*  
Jeffrey E. Barton (WV State Bar No. 7056)  
60-B Lewis Avenue  
St Albans, WV 25177  
(304) 727-4193  
*Counsel for Plaintiff Lemma Village, Inc., d/b/a  
Village on Park*



## CITY OF NITRO

## COUNCIL MEETING MINUTES

JUNE 5, 2001

Mayor Casto declared a quorum and called the Council Meeting to order at 7:30 p.m. in Council Chambers. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Richard Savilla, Councilmen A. A. "Joe" Savilla, David Miller and Bobby Smith. Also present were City Attorney April Robertson and City Treasurer Ralph Allison. Absent were Councilman at Large Tim Sizemore and Councilman Harry Miller, III.

THE INVOCATION WAS GIVEN BY COUNCILWOMAN AT LARGE BRENDA TYLER.

AGENDA ITEM NO. 1 - APPROVAL OF MAY 15, 2001 COUNCIL MEETING MINUTES: - COUNCILMAN A. A. "JOE" SAVILLA MOVED THE MAY 15, 2001 COUNCIL MEETING MINUTES BE APPROVED AS WRITTEN, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

Mayor Casto yielded the floor to Ken Kniceley, President of the Nitro Development Authority, to report on the Fike/Artel site. Mr. Kniceley reported a lot of people have worked hard to try and get this site ready to put back into productive use. He reported that in the last two years the NIDA have been pushing to get this land back to a useful piece of property. There are twelve acres of land one-half in Kanawha County and the other half in Putnam County. The NIDA has an agreement with the Fike Artel Trust Fund people and EPA not to sue once the property has been turned over to NIDA. We will not be held responsible for anything of the past. We are getting closer and closer. The EPA will issue their final opinion on the property by the end of this month, then will accept public opinion for 60 days. By the end of September, 2001, the City should know where it stands on accessing the property.

Mayor Casto said on behalf of Council he wanted to let Mr. Kniceley know how much they appreciated all the hard work he had done on this project. The next meeting for the Fike/Artel group will be August 7, at 6:00 p.m.

Mayor Casto reported that Mr. Ellison from the State is working to get the Smith Street Landfill released to the City.

AGENDA ITEM NO. 2 - APPROVAL OF MAY 15, 2001 PUBLIC HEARING MINUTES: CITY RECORDER JOAN MCCLANAHAN MOVED THE PUBLIC HEARING MINUTES OF MAY 15, 2001 BE APPROVED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 3 - CITIZEN OF THE MONTH: - Mayor Casto yielded the floor to the City Recorder Joan McClanahan. She said they made the announcement during the last week of school that the June citizens of the month are the Staff and Faculty at Nitro Elementary School. She

congratulated them on doing such a good job with our children and grandchildren. We appreciate the time they have spent with our children. Councilwoman at Large Brenda Tyler stated that the Principal, Karen Price is a great asset.

AGENDA ITEM NO. 4 - LANDMARK CHURCH OF GOD PARADE REQUEST: - Mayor Casto said the Landmark Church of God requested permission to hold a parade Saturday, June 9 beginning at 9:00 a.m. at the church parking lot to go down Park Avenue in front of the high school, up 11th Street, down Second Avenue to 40th Street and back to the church up First Avenue. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED PERMISSION BE GRANTED TO THE CHURCH TO HOLD THE PARADE, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

AGENDA ITEM NO. 5 - TRI-STATE REQUEST FOR APPROVAL OF OUTDOOR CONCERT: - Mayor Casto yielded the floor to the City Recorder Joan McClanahan. City Recorder Joan McClanahan furnished members of Council a copy of a request from Dawn Dunn, Marketing Director of Tri-State Racetrack & Gaming Center for an outdoor concert to be held at their facility at 6:00 p.m. June 17, 2001. CITY RECORDER JOAN MCCLANAHAN MOVED PERMISSION BE GRANTED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 6 - REQUEST TO RENT KAYAKS: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. She furnished Council a copy of a request from Mark Botkin of 1230 W. 12th Street, business license application and information on Kayaks. Mr. Botkins wants to rent Kayaks on the Kanawha River. His property is zoned residential, and there would be a parking problem and she wasn't sure if this would be permissible. There was a discussion regarding the zoning. COUNCILMAN DAVID MILLER MOVED TENTATIVE PERMISSION BE GRANTED SUBJECT TO THE CITY ATTORNEY APRIL ROBERTSON'S APPROVAL, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED WITH CITY RECORDER JOAN MCCLANAHAN OPPOSING.

AGENDA ITEM NO. 7 - DATE OF NEXT COUNCIL MEETING: - Mayor Casto advised that on June 19, he had a meeting scheduled with a Mr. Lewis from Alderson. He is going to attempt to get the City a drain from Walker St. from Route 25 to the river. They are planning to make Route 25 three lanes and he felt he could acquire the funds. Councilwoman at Large Brenda Tyler said she was told by the four Horsemen that they would assist in anyway they could. This would eliminate most of the flooding in the Frederick Street, Walker Street, Hillside Drive, Okey Avenue and Main Avenue areas. Mayor Casto said he would not be back until around 9:00 on the 19th. COUNCILMAN DAVID MILLER MOVED THE NEXT MEETING IN JUNE BE CHANGED TO JUNE 26, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 8 - APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. She said speaking of date changes, the first meeting in July would be July 3 and asked if Council wanted to change this date also. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE JULY 3, COUNCIL MEETING BE CHANGED TO JULY 10, AND THE SCHEDULED JULY 17, MEETING BE CHANGED TO JULY 24, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

The City Attorney April Robertson said she drafted a couple of ordinances for Councils' review (copies distributed to Council). At the last Council Meeting she was requested to draw up an amendment to street closing procedures after a discussion regarding the current fee may prove costly for the person seeking the property through abandonment. She advised the minutes that reflect this subject was tabled at the last council meeting. COUNCILMAN DAVID MILLER MOVED THIS ITEM BE REMOVED FROM TABLE, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. City Attorney April Robertson said the amendment takes out the part of charging \$1.00 per square foot in residential areas and \$1.50 per square foot in commercial areas. She explained that the amended resolution would still allow the city to pay for a survey which would be prorated among the property owners. She explained that if someone does not want to purchase their portion, then they would need to submit a letter of relinquishment from that person. COUNCILMAN A. A. "JOE" SAVILLA MOVED WE PLACE THIS ITEM BACK ON THE TABLE UNTIL EVERYONE GOT A CHANCE TO REVIEW IT, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

The City Recorder Joan McClanahan requested the City Attorney April Robertson draft an ordinance modeled after a similar ordinance that Huntington has on their books regarding pawnbrokers and second hand dealers. She suggested no action be taken tonight until everyone has a chance to review it.

Councilwoman at Large Brenda Tyler asked about the contract with the BMX Track company. City Attorney April Robertson said she consulted with members of her law firm and did a lot of research. She said she apologizes for the delay but she wants to do everything possible to protect the city.

AGENDA ITEM NO. 9 - RALPH ALLISON: - Mayor Casto yielded the floor to the City Treasurer Ralph Allison. He reported he had a gentleman approach him from AFLAC and wanted to speak with all employees regarding a supplemental policy which they could have taken as a payroll deduction. He asked if he could meet with each department at one time. Mayor Casto suggested that the agent put a proposal in writing and we will give it to each department head. If the employee is interested, they could call him.

AGENDA ITEM NO. 10 - MAYOR'S COMMENTS: - Mayor Casto reported he had a letter from Frank Bailey requesting the city gave him five foot of land at 515 Main Avenue. He gave this request to the City Attorney April Robertson to ascertain if this was legal. If so, bring it back to Council and they could put it in a committee.

Councilman David Miller said the weeds in the downtown area needs to be cut. Also, he gave the City Recorder Joan McClanahan three sketches for Welcome to Nitro signs. City Recorder Joan McClanahan said she has some prices and they are very expensive. She said she asked if the Telephone Pioneers did things like this. She said the sketches are beautiful and Councilman David Miller came up with some good ideas. She will obtain quotes and bring it back to the next meeting. Councilman Miller said he would like to see the new signs up before Homecoming.

Mayor Casto said the next Homecoming meeting is scheduled Thursday, June 7, at St. Paul's United Methodist Church at 9:00 a.m.

Councilwoman Brenda Tyler told the Mayor that it seems strange to her that we are going

to have fireworks on the 7th of July. Mayor Casto explained that St. Albans set their fireworks off on the first Saturday of July, and Charleston and Hurricane set theirs off on July 4. He said we normally go with the Saturday after July 4, so we are not in competition with anybody. Councilwoman Tyler suggested we have it on Homecoming. Mayor Casto said if Council wanted to schedule it next year on Friday night during Homecoming then it would not be a problem. July 7, is the day of the city picnic.

Councilman David Miller said nothing has been done on the tree, and Mayor Casto responded that Todd McGrew said he was coming over and design the yard and tell us where to plant the tree. Mayor Casto said he was talking with him Wednesday.

Councilman A. A. "Joe" Savilla said the State turned down the request for a light at the end of Brookhaven Drive and Cary Field. He asked Chief Jordan if the speed limit could be reduced to 35 MPH in the Nitro city limits of Route 62. Mayor Casto said he would check with a gentleman tomorrow on this.

Also, Councilman A. A. "Joe" Savilla said he received calls, during the recent high water, from people down at the end of 39th Street and Easter Road about the water backing up. Mayor Casto said A. J. Hill has already checked on this. City Recorder Joan McClanahan said she spoke with a gentleman who lives there and he feels the problem originates from Ridenour Lake. She said she was told they may need another level of drain. She said she had the name and telephone number of a gentleman with the Army Corp of Engineers Division in Huntington. Another problem in this area is that entire section of creek needs to be dredged. City Recorder Joan McClanahan agreed.

Councilman A. A. "Joe" Savilla advised that a gentleman in Brookhaven is really upset because the City did not furnish garbage bags.

Councilman Joe Savilla said there are a lot of houses that need to be torn down. A big tree has fallen down and is laying across what used to be the foundation of a house around 36th Street. City Recorder Joan McClanahan said this house is still inhabited.

City Attorney April Robertson said Councilman at Large Tim Sizemore had asked her to furnish him the state code on uninhabited structures, and she brought him a copy this evening. City Recorder Joan McClanahan said she would make copies for council.

Councilman at Large Richard Savilla asked how we stood on the last annexation which included the Reserve Center that was turned down by the Kanawha County Commission. City Attorney April Robertson advised we could appeal to the State Supreme Court. COUNCILMAN RICHARD SAVILLA MOVED WE APPEAL TO THE STATE SUPREME COURT, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

Councilwoman at Large Brenda Tyler asked the progress as far as Wildman's Produce, and Mayor Casto advised the State turned down our request. City Recorder Joan McClanahan advised that Wildman Produce is on a State right-of-way, and he was issued a permit for beautification by the state. Mayor questioned the City Attorney April Robertson if we must renew his license which expires June 30, 2001.

City Recorder Joan McClanahan said she has a copy of a letter that was sent to Mark Jarrett, Manager of the Nitro Pool, who we can all take pride in. It is from Nitro High School thanking him for letting the PE classes swim the last days of the school year. They complimented him on how clean the pool was and that everything looked so fresh and nice. They also complimented the lifeguards on their professionalism and kindness toward the students. They said they really appreciated the City's continued hospitality. The letter was signed by Judy Fortner.

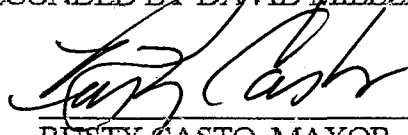
City Recorder Joan McClanahan said she again wanted to congratulate Mark on what he has done and he is doing the city proud. We can all share in this as we helped him along.

Mayor Casto said he has a couple of nominees for members of the Sanitary Board, and will bring them up for a motion at the next meeting.

CITY RECORDER JOAN MCCLANAHAN MOVED TO GO INTO EXECUTIVE SESSION, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

ENTERED INTO EXECUTIVE SESSION 8:35 P.M.  
RETURNED TO REGULAR SESSION 8:55 P.M.

There being no further business, COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE MEETING BE ADJOURNED, SECONDED BY DAVID MILLER AND WAS CARRIED.

  
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RUSTY CASTO, MAYOR

  
\_\_\_\_\_  
JOAN MCCLANAHAN, RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES

JUNE 26, 2001

The Council Meeting of June 26, 2001 was called to order by Mayor Rusty Casto in Council Chambers at the Nitro Community Center at 7:30 p.m. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present were City Attorney April Robertson and City Treasurer Ralph Allison.

Mayor Casto asked Council to remember Jeff Elkins's mother and Councilman Joe Savilla's brother. Councilwoman Tyler said we should also remember Joe Harmon who was in a serious automobile accident today.

THE INVOCATION WAS GIVEN BY COUNCIL WOMAN AT LARGE BRENDA TYLER.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 5, 2001 COUNCIL MEETING MINUTES: - COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE MINUTES OF JUNE 5, 2001 BE APPROVED, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED WITH COUNCILMAN AT LARGE TIM SIZEMORE AND COUNCILMAN HARRY MILLER, III ABSTAINING.

AGENDA ITEM NO. 2 - REPORT ON ENTRANCE SIGNS: - Mayor Casto yielded the floor to the City Recorder Joan McClanahan. She advised she obtained a quote for five 4' x 6' "Welcome to Nitro Signs" with post from Screen Printing, Inc. for a total amount of \$1,250.00. Councilman David Miller was congratulated on the sketches of the signs. We would like to have the signs up by Homecoming, and if this is approved, Tim, from Screen Printing will be able to have the signs ready. CITY RECORDER JOAN MCCLANAHAN MOVED WE APPROVE THE MONEY TO PURCHASE THE SIGNS, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED. Mayor Casto thanked Councilman David Miller and City Recorder Joan McClanahan for all their work on getting this done.

Mayor Casto said we had a special guest present this evening, and yielded the floor to City Recorder Joan McClanahan and Councilwoman at Large Brenda Tyler. City Recorder Joan McClanahan introduced Karen Price, Principal at Nitro Elementary School last year, and they found out for sure tonight that she will be principal next year. A big round of applause was given her. At a school function, City Recorder Joan McClanahan presented Karen Price with a plaque for citizens of the month on behalf of the Nitro Faculty and Staff. Another round of applause was given her.

AGENDA ITEM NO. 3 - BMX TRACK CONTRACT & SKATEBOARD PARK: - Mayor Casto yielded the floor to the gentlemen from Balzout, Mort Tabor and Greg White. Mr. Tabor gave Council a copy of the plans of a skateboard park near the BMX track. He informed they had

talked with the President of their company, Mr. Cable, about funding. He said this would be good for Nitro as there would be media coverage and professional contests. They asked Council to consider providing land at the city park for the skateboard park, and advised Balzout officials will fund the project with donations accepted from businesses. Councilwoman at Large Brenda Tyler said there are enough space in the park for this. Councilman at Large Richard Savilla said he was in favor of the park, but wanted to see how everything is laid out first, and wants everyone to be able to work together. After a very informative presentation from Mort Tabor, COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THIS ITEM BE PLACED IN A COMMITTEE, SECONDED BY COUNCILMAN HARRY MILLER, III, AND WAS UNANIMOUS. The Committee will include Mayor, Recorder and all members of Council.

BMX TRACK CONTRACT: Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. She said she was in contact with Donna Pugh and representatives from the BMX company. The contract is about ready and they will be getting it to our City Attorney April Boughton probably before the end of the week. Councilwoman Tyler said she spoke with Mr. Smith from St. Albans and they are ready to begin as soon as the contract is signed.

Councilman at Large Richard Savilla moved a committee meeting be scheduled at the picnic area at the park Thursday at 7:30 p.m.

AGENDA ITEM NO. 4 - APPOINTMENT TO SANITARY BOARD: - Mayor Casto informed we have a vacancy on the Nitro Sanitary Board, and suggested Kim Painter from Broadway Avenue be appointed. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED KIM PAINTER BE APPOINTED TO THE NITRO SANITARY BOARD, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 5 - BUS PARKING: - Mayor Casto asked Council for permission for the state to park buses at the City Garage, if needed. The State will pay the City for the rights to park bus; and requested all money be donated to city playground. COUNCILMAN HARRY MILLER, III MOVED THE STATE OF WV BE ALLOWED TO PARK BUSES AT THE CITY GARAGE, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS UNANIMOUS.

AGENDA ITEM NO. 6 - JULY COUNCIL MEETING DATES: - Mayor Casto reminded Council that the July Council meetings will be the second and fourth Tuesday of the month.

AGENDA ITEM NO. 7 - CITY PICNIC & FIREWORKS REPORT - JULY 7: - Mayor Casto announced the City Picnic will be Saturday, July 7, beginning at 6:00 p.m. and the fireworks will be at 10:00 p.m. He said he would have a bucket available and ask for donations for playground equipment. Members of Council will serve at the picnic.

AGENDA ITEM NO. 8 - HOMECOMING & FISHING DERBY (CLOSE 2ND AVENUE BETWEEN 19TH AND 21ST STREET): - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman Tyler said the Mayor came by her office today and requested she ask Council to approve the spending of \$600.00 to stock the lake with fish for a fishing tournament for the homecoming. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE CITY BE REIMBURSED FOR THE FUNDS THEY SPEND AND THE REMAINDER GO TOWARD THE PLAYGROUND, SECONDED BY CITY RECORDER JOAN MCCLANANAN, AND WAS UNANIMOUS.

COUNCILMAN A. A. "JOE" MOVED WE CLOSE 2ND AVENUE BETWEEN THE CORNER OF 20TH STREET TO 21ST STREET FOR THE HOMECOMING ACTIVITIES, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 9 - APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney. April Robertson reported that at the last Council Meeting, Council moved to table discussion on an ordinance and resolution. Chief Jordan said he had no problem with reducing the speed limit on Rt. 62.

COUNCILMAN A. A. "JOE" SAVILLA MOVED THE RESOLUTION AMENDING, MODIFYING, AND REENACTING RESOLUTION NO. 00-09 OF THE CITY OF NITRO, WEST VIRGINIA, REGARDING THE CRITERIA, PROCEDURES, AND FEES FOR CLOSING, ABANDONING, OR OTHERWISE DISCONTINUING AS PUBLIC STREETS, ALLEYS, LANES, ROADS, OR OTHER PUBLIC RIGHTS-OF-WAY WITHIN THE MUNICIPAL LIMITS. BE REMOVED FROM TABLE, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

Council agreed that as long as the City is recovering their expenses, they didn't have a problem with the resolution. City Attorney April Robertson said they would leave the \$100.00 filing fee as is, and divide any survey or engineer work pro-rata between the property owners involved.

COUNCILMAN AT LARGE RICHARD SAVILLA MOVED WE READ TITLE ONLY OF RESOLUTION, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. The City Attorney April Robertson read title only, "A resolution amending, modifying, and reenacting resolution No. 00-09 of the City of Nitro, West Virginia, regarding the criteria, procedures, and fees for closing, abandoning, or otherwise discontinuing as public streets, alleys, lanes, roads or other public rights-of-ways within the municipal limits. COUNCILMAN DAVID MILLER MOVED THE RESOLUTION BE ACCEPTED, SECONDED BY COUNCILMAN HARRY MILLER AND WAS UNANIMOUS. RESOLUTION 01-10 ATTACHED.

The City Attorney April Robertson reported she received a couple of petitions requesting abandonment. One came in at the last meeting from Mr. Frank Bailey for approximately five feet of land adjacent to his property at 515 Main Avenue. This has gone before the Planning Commission during the previous administration. The City Attorney suggested we send Mr. Bailey a copy of the form and if he complies, then it will go through the regular channels. Councilman Smith informed that if we allow the gentleman his section of the street, then we will have another party on the other side wanting his section. Attorney Robertson said he is entitled to file a petition with a \$100.00 non-refundable filing fee.

April Robertson said she also has a request from Oshel Craigo and Leff Moore, represented by Attorney Frank Gritt. He drafted a formal petition but it doesn't comply with all that is requested in the city's criteria. She informed that she contacted Mr. Gritt and sent him the resolution. He was not aware of the adoption procedures. They are essentially requesting the city vacate an unused alley ten feet in width extending from the right-of-way boundary of US Rt. 25 on 1st Avenue on Route 25 to the right of way boundary on 11th Street.



City Attorney April Boughton prepared a draft of a resolution to reduce the speed limit on Route 62 pursuant to Councilman Joe Savilla's suggestion. She advised we must seek permission from the State Highways Commissioner before we are allowed to reduce the speed limit on any state highway. COUNCILMAN A. A. "JOE" SAVILLA MOVED WE AUTHORIZE THE MAYOR TO SEND A LETTER TO THE STATE REQUESTING REDUCED SPEED LIMIT ON ROUTE 62 WITHIN THE CORPORATE LIMITS OF THE CITY OF NITRO, SECONDED BY COUNCILMAN HARRY MILLER, III, AND WAS CARRIED.

The fire house billing contract to bill for the fire service calls, should be ready around July 1.

At the last Council Meeting, Council asked the City Attorney to look into two other matters regarding one a request from a gentleman seeking to open a kayak rental business out of his home. As this is an R-1 zone, a person may operate a business out of their home with the approval of the Zoning Board of Appeals. Also, they need to seek permission from the US Army Corp of Engineers. This is the responsibility of the person wanting the business, and April Robertson recommended the City not grant any permits unless he seeks and obtains the necessary permits from the federal government.

April Robertson reported on the status of the business next to the Nitro Moose Lodge and she said she spoke with the folks at the State that handle issuing permits on state right-of-ways. She said she explained the situation and they were ready to revoke the permit upon doing site inspection. He was issued the permit because of beautification, and they did find flowers there. As long as they find flowers there, they can't revoke the permit. Discussion followed.

AGENDA ITEM NO. 10 - RALPH ALLISON: - The City Treasurer Ralph Allison reminded everyone that Monday we start a new year and a new budget. All the money they expected to receive has been budgeted. He explained that the reason he is telling them this is because we are going to have to be very careful about any projects that come up that are not in the budget. Also, Mr. Allison reminded Council of the employee meeting Friday, July 6, at 9:00 a.m.

Mr. Allison said he received some literature in the mail regarding a drive-up payment drop box where the citizens of Nitro may drive up in their cars and drop their payments in. A copy of this box was given to members of Council. The cost would be \$850.00 plus installation, but this is something he would like to put on the back burners at this time. If we get some extra money, this might be something we would want to look at. Mayor Casto said this is something that might fall under the handicap grant receipts when we tear out the doors. We have \$850.00 left over from the grant amount, and this is something we can check on.

AGENDA ITEM NO. 11 - MAYOR'S COMMENTS: - Mayor Casto said he requested from Budget Digest, money for the playground at the park, to pave Michigan Avenue, Kanawha Avenue, South and Cleveland Avenue. He should find out by early next week if the money came through. If it does, he would like permission to put the streets mentioned out for bids. COUNCILMAN DAVID MILLER MOVED THE MAYOR PUT MICHIGAN AVENUE, KANAWHA AVENUE, SOUTH AND CLEVELAND AVENUE OUT FOR BIDS IF THE MONEY COMES IN, SECONDED BY COUNCILMAN HARRY MILLER AND WAS CARRIED.

Councilman A. A. "Joe" Savilla said he heard several compliments on how well the pool looked this year. When we get the BMX Track and Skateboard Park, we are going to have a nice recreation area. He said he was very pleased with the cooperation of the Chief of Police. We always get a quick response. Also, he has received a lot of good comments on our police department. He complimented the departments on taking the cuts and went on about their business.

Councilman at Large Richard Savilla agreed with Councilman Joe Savilla that he was really impressed on the appearance of the pool. Also, the cleanliness was outstanding.

Councilman David Miller said he would like to echo the same thing regarding the pool. There is professionalism on the swim team.

Councilman at Large Richard Savilla stated that Councilman Sizemore took something upon himself and feels it is all of our responsible. He had the memorials in front of city all cleaned and redone. The cost was \$815.00, and feels we should pay for it even if it is in payments. Councilman A. A. "Joe" Savilla and City Recorder Joan McClanahan did not feel these funds should be taken out of city funds.

Councilman at Large Richard Savilla said he received a request from Chief Jordan to restructure his ranks. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED WE APPROVE THE RESTRUCTURING OF THE RANK, CHANGE OF COMMAND, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. COPY OF LETTER OF REQUEST ATTACHED.

Councilwoman at Large Brenda Tyler thanked Mark Jarrett, pool manager, for the work done at the pool. She said as we come to the end of our first year, she feels Council has strived to do the best they can for the city and employees. They have worked hard and made rough decisions. They are very much appreciative to those employees who have stood behind them and trusted them, and worked with them to get the city back on its feet. She hopes next year we can see more improvements made than we have this past year.

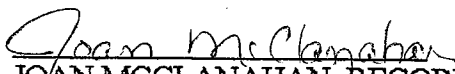
City Recorder Joan McClanahan said A. J. Hill asked her to report that there is a drainage problem on 39th Street, East. He has been in contact with a fellow from the state and they are meeting to determine exactly who is responsible, and A. J. Will report to Council.

Councilman A. A. "Joe" Savilla asked who they could contract regarding dredging from the lake to Armor Creek. City Recorder Joan McClanahan said she would contact someone.

CITY RECORDER JOAN McCLANAHAN MOVED TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL AND LITIGATION, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

ENTERED INTO EXECUTIVE SESSION AT 9:00 P.M.  
BACK INTO REGULAR SESSION AT 9:45 P.M.

There being no further business, COUNCILMAN HARRY MILLER, III MOVED THE MEETING BE ADJOURNED, SECONDED BY CITY RECORDER JOAN McCLANAHAN AND WAS CARRIED.

  
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RUSTY CASTO, MAYOR  
\_\_\_\_\_  
JOAN MCCLANAHAN, RECORDER

A RESOLUTION AMENDING, MODIFYING, AND RE-ENACTING RESOLUTION NO. 00-09 OF THE CITY OF NITRO, WEST VIRGINIA, REGARDING THE CRITERIA, PROCEDURES, AND FEES FOR CLOSING, ABANDONING, OR OTHERWISE DISCONTINUING AS PUBLIC STREETS, ALLEYS, LANES, ROADS, OR OTHER PUBLIC RIGHTS-OF-WAY WITHIN THE MUNICIPAL LIMITS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that Resolution No. 00-09 is hereby AMENDED, MODIFIED, and RE-ENACTED to read as follows:

Section 4. If the Planning Commission makes a recommendation for passage, City Council shall refer the petition and the Planning Commission's report to the City Attorney for review.

Section 5. The City Attorney shall draft an ordinance for enactment by the City Council to accomplish the requested closure.

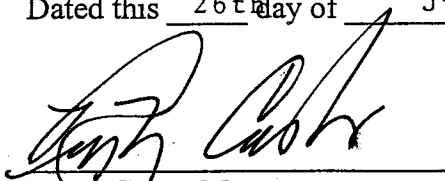
Section 6. Council shall then vote on the passage or rejection of the petition. Council's final action shall be a simple majority vote of the members present at a regular or special meeting.

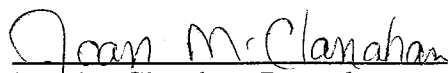
Section 7. If Council votes to accept the petition, the City Attorney shall order a survey of the affected property and the cost of such survey shall be prorated among the abutting property owners in equal shares. The City Attorney will then draft deeds for the property transfers that reserve sewer easements for the City, and handle the real estate closings. The City Attorney also will apprise the appropriate taxing authorities of the property transfer.

BE IT FURTHER RESOLVED that all other sections and subsections of Resolution 00-09 shall remain in full force and effect until further Resolution of this Council.

This Resolution shall be effective from the date of its adoption.

Dated this 26<sup>th</sup> day of June 2001.

  
Rusty Casto, Mayor

  
Joan McClanahan, Recorder



20th Street and Second Avenue  
Nitro, West Virginia 25143  
(304) 755-0701 FAX (304) 755-7472

TO: Honorable Rusty Casto  
Joan McClanahan, City Recorder  
Ralph Allison, City Treasurer  
April Boughton, City Attorney  
Members of Council

FROM: Chief Jack A. Jordan

A handwritten signature in black ink, reading "Jack A. Jordan". The signature is fluid and cursive, with a long horizontal stroke at the end.

RE: Restructuring the Ranks within Nitro Police Department

DATE: June 8, 2001

I am forwarding this formal request for inspection and approval by the executive and legislative bodies for the City of Nitro for a modification of the present rank structure for Nitro Police Department.

This request is being forwarded after much consideration and review. A deliberate review was made of the present manpower needs and with thought to the future. Nitro Police Department is still in the process of evolving into the greater professional department. As the geographical territory changes the demands on the department change.

A brief review of the current rank structure is as follows:

RANK	NUMBER OF POSITIONS
Captain	1
Lieutenant	1
Sergeant	5

The remainder of the force is in the rank of Patrolman.  
Again, after much consideration the following changes are being requested:

TO SERVE AND PROTECT

RANK	NUMBER OF POSITIONS
Captain	2
Lieutenant	2
Sergeant	2
Corporal	2

The remainder of the force will remain in the rank of patrolman until such time vacancies within the supervisory ranks come open.

Thought to these changes were in mind when the preparation for the 2001-2002 fiscal budget was made. Funds were allocated in this budget to cover the cost involved with these proposed changes, therefore additional monies would not be needed.

In my estimation, these proposed changes can impact not only the City of Nitro, but the department in a very positive manner. The impact that these changes can be to the morale of the members of the police department is immeasurable. It can be an incentive for highly motivated officers to stay with the department, and a goal for others to work towards.

Upon approval of these modifications promotional testing will commence. The competitive test are administered pursuant to West Virginia Code 8-14-17. The purpose of these test are to help maintain a high level of competence and capability in the supervisory officers. In addition this process eliminates the potential for political machinations to be involved. It provides for the best qualified candidate to be promoted.

Thank you for your consideration of this request.

June 28, 2001

Jack E. William  
Nitro Police Civil Service Commission  
#5 Martin Court  
Nitro, WV 25143

Dear Jack:

RE: RANK RESTRUCTURING OF  
NITRO POLICE DEPARTMENT

In a Council meeting held on June 26, 2001, the administration approved the proposed restructuring plan for Nitro Police Department. The current rank structure was as follows:

- 1 Chief
- 1 Captain
- 1 Lieutenant
- 5 Sergeants
- Patrolmen

As stated this structure was modified as reflected below:

- 1 Chief
- 2 Captains
- 2 Lieutenants
- 2 Sergeants
- 2 Corporals

Much forethought was put into this proposal. It was determined this would be the best way to utilize the personnel. These positions have been budgeted in the 2001-2002 fiscal budget.

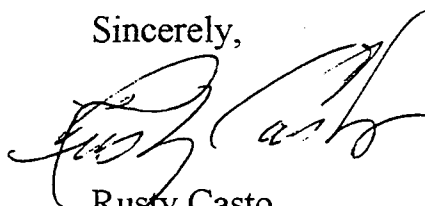
This is to declare the vacancies for the following positions:

Two (2) Captains positions  
Two (2) Lieutenants positions,  
One (1) Sergeant position.  
Two (2) Corporals

This is to request that the appropriate procedures be put into place in order for this positions to be filled as quickly as possible.

Thank you, and the other Commissioners for all the work that you have put into the Nitro Police Department. Not only is it appreciated, but it is also to be commended.

Sincerely,



Rusty Casto  
Mayor  
City of Nitro

XC: FILE  
DAN WELCH  
BEN SAVILLA  
JOAN MCCLANAHAN  
RALPH ALLISON



CITY OF NITRO

COUNCIL MEETING MINUTES

JULY 10, 2001

The Council Meeting of July 10, 2001 was called to order by Mayor Rusty Casto in Council Chambers at the Nitro Community Center at 7:30 p.m. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Tim Sizemore, Councilmen David Miller, Bobby Smith and Harry Miller, III. Also present was City Attorney April Robertson. Absent were Councilman A. A. "Joe" Savilla and City Treasurer Ralph Allison.

THE INVOCATION WAS GIVEN BY COUNCILWOMAN AT LARGE BRENDA TYLER.

AGENDA ITEM NO. 1 - APPROVAL OF JUNE 26, COUNCIL MEETING MINUTES: - CITY RECORDER JOAN MCCLANAHAN MOVED THE COUNCIL MEETING MINUTES OF JUNE 26, BE APPROVED, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED. (SEE AMENDMENT OF MINUTES UNDER AGENDA ITEM NO. 11).

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Casto informed that the Citizen of the Month was on vacation and will be at the meeting next month.

AGENDA ITEM NO. 3 - JON W. MCKINNEY: - Mayor Casto said Mr. McKinney called at 4:00 p.m. today and informed he had an appointment and will be here at the next council meeting.

AGENDA ITEM NO. 4 - LIBRARY - MR. LORE: - Mayor Casto yielded the floor to Mr. Lore. Mr. Lore shared a brief history of his life, and expressed his concern for the Nitro Library. He complimented the employees of the Nitro Library especially on his first visit. He expressed his concerns over the cutbacks at the Library. He requested that the funds be reinstalled and the additional \$20,000 will allow them to be opened the normal hours, and restaff people who used to be there, and be able to open the children's room. Mayor Casto explained that we had to submit a balanced budget to the State by March 31, at which time we were in bad financial shape. As money came in, the first thing we did was give the senior citizens back a portion of their money, and the next thing we are looking at is the library. Councilman David Miller said they met with several members of the Board, and they were told at the time, that we won't know what we are getting until September. We can't bank on what we don't have. He said his family uses the library as much as anyone in town, and he didn't want to see it go, but we must be realistic and they prepare the budget based on figures we have. Councilwoman at Large Brenda Tyler said we actually allotted the money we knew we would have, and said that in September when money starts coming in, if we have more money than we budgeted, then we will go back and look at the library. Councilman at Large Tim Sizemore explained that as money became available, we would go back and review the library and try to restore the funding to the library. Come September we will be at a shortfall, and will have to go back through it all again, we may have to take a portion each one. Councilwoman at Large Brenda Tyler commented that we are going to live within

our means. We are out of debt, and we are going to keep the city out of debt. We are going to take care of the necessities first; we are going to pick up the trash, get police protection and fire protection. If we have money available, then we will start looking at the library. We are not going in debt for it. Councilman David Miller said what we need from the library is co-operation up to that point, such as stay within the budget and work as a team.

AGENDA ITEM NO. 5 - ALLEY CATS: - Mayor Casto advised Charleston is not going to build a new ballpark. The people who own Tri-State Greyhound Park may go to the Kanawha County Commission Thursday night and announce they will buy the ball team and build the ballpark out next to the Tri-State Greyhound Park in Nitro at no cost to the citizens. He will keep Council informed.

AGENDA ITEM NO. 6 - NITRO SANITARY BOARD: - Mayor Casto informed that last Thursday Danny Lewis and he were called into a meeting with DEP and they are wanting the City to come up with a long range control plan very shortly. COUNCILMAN AT LARGE TIM SIZEMORE MOVED WE HAVE A COMMITTEE MEETING, MONDAY, JULY 16, AT 7:00 P.M. AND INVITE ALL PARTIES NECESSARY as he feels this is something that needs to be talked about at length. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA, AND WAS CARRIED. Mayor Casto advised that if Council would turn down any further increase for betterment of the system, we would wind up in court. Then we would have to raise the rates to pay the lawyers and fines. The money that could have been spent to upgrade our system, would go to pay lawyers and court costs. The meeting will be held in the Community Center.

Mayor Casto announced the Fike Artel meeting Wednesday, July 18.

AGENDA ITEM NO. 7 - PLANNING COMMISSION MEETING MINUTES: - Mayor Casto yielded the floor to the City Recorder Joan McClanahan. She furnished members of Council a copy of the Planning Commission Meeting Minutes of July 2, 2001. There were two items addressed at this meeting. One request was from John W. Miller to rezone from R-1 to B-1, and the other was a request from Stanley K. Miller to rezone from R-3 to B-1, and were approved by the Planning Commission. CITY RECORDER JOAN MCCLANAHAN MOVED THEIR RECOMMENDATION BE APPROVED AND MAKE THE MINUTES A PART OF OUR RECORD, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER, AND WAS CARRIED.

COPY OF PLANNING COMMISSION MINUTES ATTACHED.

AGENDA ITEM NO. 8 - CONCERT - AUGUST 25, CITY PARK: - Mayor Casto said he wanted to inform Council about the concert on August 25. Mike Suter will be singing celebrate WV songs, and is very talented. We will have a picnic at the park, and will start serving food around 4:30 p.m. and he will start singing at 5:00 p.m. WV Public Radio will be here to broadcast it live or either tape it and broadcast later.

AGENDA ITEM NO. 9 - PAVING 8TH STREET: - Mayor Casto said he was looking at the streets in Nitro, and 8th Street is getting down to where we are going to lose the street if we don't do something. Money has been set aside in the budget to mil and pave it. COUNCILMAN DAVID MILLER MOVED WE PUT 8TH STREET OUT FOR BID BETWEEN SECOND AND

THIRD AVENUE, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 10 - BID ON PLAYGROUND: -Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED TO ADVERTISE FOR BIDS A HANDICAP ACCESSIBLE PLAYGROUND AND ACCEPT SEALED BIDS UNTIL 3:00 P.M. AUGUST 7, 2001, TO BE SUBMITTED TO THE CITY RECORDER'S OFFICE. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III. Mayor Casto said the check he will receive Thursday hopefully will easily carry us through the first year payments. He said he feels we can get a grant each year to cover the lease payments on the playground. Councilwoman Tyler said before we consider the lease purchase, she would like to make sure we have at least half the money on hand. She said money is starting to come in. We received a grant of \$5,000 from Dow Chemical, and as soon as they get the poster they may come through with another \$5,000. VOTE TAKEN ON PUTTING THE HANDICAP ACCESSIBLE PLAYGROUND OUT FOR BIDS, AND IT WAS UNANIMOUS.

Mayor Casto informed they will begin tomorrow paving the Ortin Heights Cemetery from the grant we received from the State.

Councilwoman at Large Brenda Tyler informed they will start construction on the bike park Monday. It should be completed within two weeks.

AGENDA ITEM NO. 11 - APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. She apologized for being late as she wasn't present when the minutes were approved and she had a couple of corrections. Under Agenda Item 9, on page 3, in the last paragraph, City Attorney April Robertson wanted the following corrections made in the last two sentences. "He was not aware of the abandonment procedures. They are essentially requesting the city vacate an unused alley ten feet in width extending from the right-of-way boundary of US Rt. 25 on 1st Avenue to the right-of-way boundary of Locust Street." CITY RECORDER JOAN McCLANAHAN MOVED FOR THE APPROVAL OF THE AMENDMENT AS POINTED OUT BY THE CITY ATTORNEY APRIL ROBERTSON, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

April Robertson passed out revised Employment Provisions manuals. She called Councils' attention to Sec. 157-90 relating to vacation leave, and Sec. 157-97 relating to holidays. Included in the holiday section is election day, and special days as declared by the governor's office. City Attorney April Robertson recommended Council review the draft during the next two weeks, and if everything is satisfactory they may adopt it at the next council meeting.

The City Attorney April Robertson informed that she hadn't heard anything from the skateboard park. Mayor Casto said they will contact her after the BMX track get their outline where they will put the track. Councilwoman at Large Brenda Tyler said she spoke with the representative from the skateboard park, and was told they just about had everything ready to mail to our City Attorney.

April Robertson said she spoke with Chief Jordan regarding drafting an ordinance about false alarms in the city. She will have this prepared at the next meeting.

AGENDA ITEM NO. 12 - RALPH ALLISON - Not present

AGENDA ITEM NO. 13 - MAYOR'S COMMENTS: - Mayor Casto reported the Homecoming will be held on the third Saturday of each year. There will be arts and crafts, the Community Center will be open, senior citizens will have food, the Pioneering Group will come in. Next year we will have several historical groups come in.

Mayor Casto said for the highlight of the day, he asked either Councilmen David or Harry Miller to make a report on this. Councilman David Miller said his Grandmother will turn 100 years old in September, and she is looking forward to being at this Homecoming. They refer to it as the "Queens Coronation". People may come by and kiss her ring. Councilwoman at Large Brenda Tyler said it was discussed to make September 1, Virginia Miller day in the city.

Mayor Casto said the Nitro Community Chorus have been asked to sing. They will be practicing at 3:00 p.m. Sunday, at the Presbyterian Church. They will practice songs Mrs. Miller has asked them to sing.

Mayor Casto called on Ivan Meadows to report on the Catfish Tournament. He informed the City has a catfish tournament July 21. All money has been donated to pay for the tag fish, also for the prizes. All money collected, after expenses, will go to our City Park Playground. The time is from 7:00 a.m. until 7:00 p.m. with a charge of \$7.00 for the first pole and \$3.00 for additional pole if you pre-register. On the day of the tournament, the cost is \$3.00 for the first pole and \$4.00 for additional pole.

Mayor Casto announced the Golf Tournament will be held Friday, July 27, at the Sandy Brae Golf Course beginning at 8:00 a.m. The cost is \$35.00 per person.

Mayor Casto said he found out that the State needs a resolution to obtain money for the choir grant. COUNCILMAN DAVID MILLER MOVED THE MAYOR BE GIVEN PERMISSION TO SIGN A RESOLUTION AND MAIL TO THE STATE TO OBTAIN MONEY FOR THE CHOIR GRANT, SECONDED BY COUNCILMAN BOB SMITH AND WAS CARRIED.

Councilman Harry Miller, III asked what the Mayor came up with Raleigh Junk's failure to keep the mud and dirt off the road. Mayor Casto reported they had been working up there, they painted the building. A state inspector has really been on them.

Councilman Harry Miller, III commended the employees and volunteers at the pool on their hard work who spent a lot of time cooking and selling novelties to raise money for the purchase of a water slide.

Councilman Bob Smith said we have been made fools of by the library. He said he feels we should close it down in August, and then open it up in September with a new Board and everyone. City Recorder Joan McClanahan agreed. She said if any other department in the City would have put public notices in the paper and tried to undermine what this Council is trying to do or manipulate, they would have been gone, and yet, in her opinion, we have allowed this particular group to dictate to us. Councilman David Miller commented he felt these comments should have been stated when the others were present. City Recorder Joan McClanahan stated those present were not members of the Library Board. Councilman David Miller said they have a

budget, and they must adhere to it. Councilwoman at Large Brenda Tyler said she feels Council should meet with the Library Board one more time, and the negative advertising should stop that they have been putting out, and this Council needs to look into why a \$40,000 room cost \$85,000. She said she personally feels that the reason the children's room isn't open is because they don't have the money to wire it. They need wire for the computers. She would like to know the problem, why the negative advertising, and also why they are behaving the way they are. Councilman David Miller said he thought this was suppose to have been what happened tonight. Councilman Harry Miller, III said a certified return receipt requested letter or hand delivered letter should be directed to the Library Board directing them to be at the next council meeting to address this situation. If they will not cooperate with us, this could be interpreted as cause to remove them according to their by-laws. COUNCILMAN HARRY MILLER, III MOVED TO CONTACT THE LIBRARY BOARD AND ASK THEY BE PRESENT AT THE NEXT COUNCIL MEETING, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

Councilman Harry Miller, III said some of Council may be aware of problems the fire department has had with the Kanawha County Ambulance Authority communicating with Putnam County Emergency Medical Services. He requested Council authorize him to draft a letter outlining these concerns and bring it back to the next council meeting. CITY RECORDER JOAN MCCLANAHAN SAID SHE WAS AWARE OF THE PROBLEMS, AND MOVED COUNCILMAN HARRY MILLER, III BE AUTHORIZED TO SEND A LETTER, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. Councilman Harry Miller said he would submit the letter to our Counsel and to other members of Council.

Councilman David Miller said we needed to get Third Avenue cut, painting curbs on Third Avenue side, and all the streets especially 12th Street. This is really tight. Mayor Casto said he spoke with the state about getting the mower down here, and he will speak with Alex Hill about painting the curb.

Councilman David Miller mentioned the Mayor needs to contact the State about guardrails up toward Twin City Church. Also, on both sides of the main access road to the lake up Blakes Creek Road.

Councilman at Large Richard Savilla said he wanted to talk about a couple of things in executive session.

Councilman at Large Tim Sizemore reported Sherry Brewer called him and advised of a meeting at her house at 1416 W. 14th St. Wednesday evening, July 18 at 7 p.m. Councilwoman at Large Brenda Tyler informed there would be two Board Members present.

Councilwoman at Large Brenda Tyler reported there is a house at 703 Kanawha Avenue that needs to be abandoned. Mayor Casto informed that this house is owned by a lady in a nursing home with alzheimers. He said he has tried everything to get this resolved. Councilman at Large Brenda Tyler said this is a dangerous situation and rats are in the house. The roof is falling in. Mayor Casto said the house is in pretty good shape. The City Attorney April Robertson said the city cannot sell her house for her, but they could condemn it if it is uninhabitable. The State Code and City Codes allows us to do this. Mayor Casto asked the City Attorney to get the information for him.

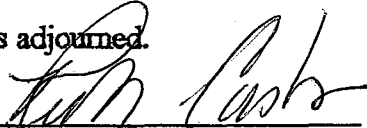
Councilwoman Tyler thanked Ivan and Danny and the other employees for working so hard at the picnic Saturday preparing and serving the food.

COUNCILMAN AT LARGE RICHARD SAVILLA MOVED WE GO INTO EXECUTIVE SESSION, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

ENTERED INTO EXECUTIVE SESSION 8:45 P.M.  
OUT OF EXECUTIVE SESSION 10:00 P.M.

COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE GIVE THE SENIORS \$338.00 TO PAY THE SUBSTITUTE DRIVER OF THE SENIOR CITIZEN VAN WHILE THEIR DRIVER IS ON VACATION, WITH THE UNDERSTANDING THIS WILL BE THE LAST TIME THAT THIS IS DONE OUTSIDE THE BUDGET, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

There being no further business, the meeting was adjourned.

  
\_\_\_\_\_  
RUSTY CASTO, MAYOR

  
\_\_\_\_\_  
JOAN MCCLANAHAN, RECORDER

PLANNING COMMISSION MINUTES  
CITY OF NITRO  
July 2, 2001

The Planning Commission of the City of Nitro met Monday, July 2, 2001 at 7:00 p.m. in the Board Room of the Nitro Community Center. Public Hearings concerning Items I and II of these minutes were held--both had been properly advertised (June 20 and June 25, 2001) in the Charleston newspapers--and additional issues, as recorded, were addressed. Commission members present were: Bob Smith, Kermit Thompson, Jim Hutchinson, John Montgomery, Joan McClanahan, Lonnie Blaylock, Charles Byrd and Margaret Hudson. Other present included Bryan Casto, John Miller and Stan Miller. The Meeting was called to order by the Chairperson, Margaret Hudson.

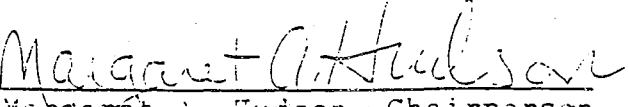
ITEM I--Request from John W. Miller--1229 Main Avenue to rezone property from R-1 to B-1 to extend brick yard. Following comments from Mr. Miller and Mr. Thompson (a Commission member who had visited the area and talked with residents who were not opposed to this change), a motion was made by Kermit Thompson to "approve the request." Bob Smith second the motion. Motion carried. (Attachment No. 1)

ITEM II--Request from Stanley K. Miller--1127 First Avenue, South to change zoning from R-3 to B-1. Following comments from Mr. Miller, Dr. Charles Byrd (who resides in the area) moved that the "request be approved." Jim Hutchinson second. Motion carried. (Attachment No. 2)

Bryan Casto brought Commission members up-to-date on the work being done by the City Attorney on revising the International Code to meet the needs of the City of Nitro. Copies of the rough draft were distributed to those members who needed one.

A discussion was held on the zoning under which annexed areas are brought into the city.

The next meeting was scheduled for 7:00 p.m., July 23, 2001 and the meeting was adjourned.

  
Margaret A. Hudson, Chairperson

REQUEST FOR ACTION BY THE  
PLANNING COMMISSION OF THE CITY OF NITRO

Name of Person Making Request: John W. McMillan

Address of Person Making Request: 1229 Main Ave.

Nitro, WV 25143

Telephone Numbers of Person Making Request: (H) 343-2296 (W) 722-4601

REQUEST INFORMATION—this must state the actual request and include the reasons justifying the request. Maps, photographs or other materials which would be helpful in describing the property, its surrounding area, and the nature of the intended use of said property and renderings of proposed buildings are desirable items to present. In addition, the Planning Commission or the City Council may request additional information needed to properly evaluate a request.

Statement of Request:

Request to have property at 1229 Main Ave Nitro  
re-zoned from residential to commercial for the  
purpose of installing a 24" High fence wall with  
A 5' Chain Link fence on top to separate property  
from a block property to the business property and to be able  
to maintain a nice west fence line

Supporting Documents Attached:

1. Sketch of Property and proposal
2. Aerial Photo of Property
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Date of Request: 6/26/2001 Signature of Requestor: John W. McMillan

The fee of \$ 25<sup>00</sup> (payable to The City of Nitro) to cover the cost of the legal ad is attached.

When the meeting date for the public hearing is established, you will be notified so that you can attend and present your request as well as answer questions.

Your fee and this form is to be returned to Finance Dept at City Hall.



33' From Center of main line

11-7-44

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Kamahi  
back

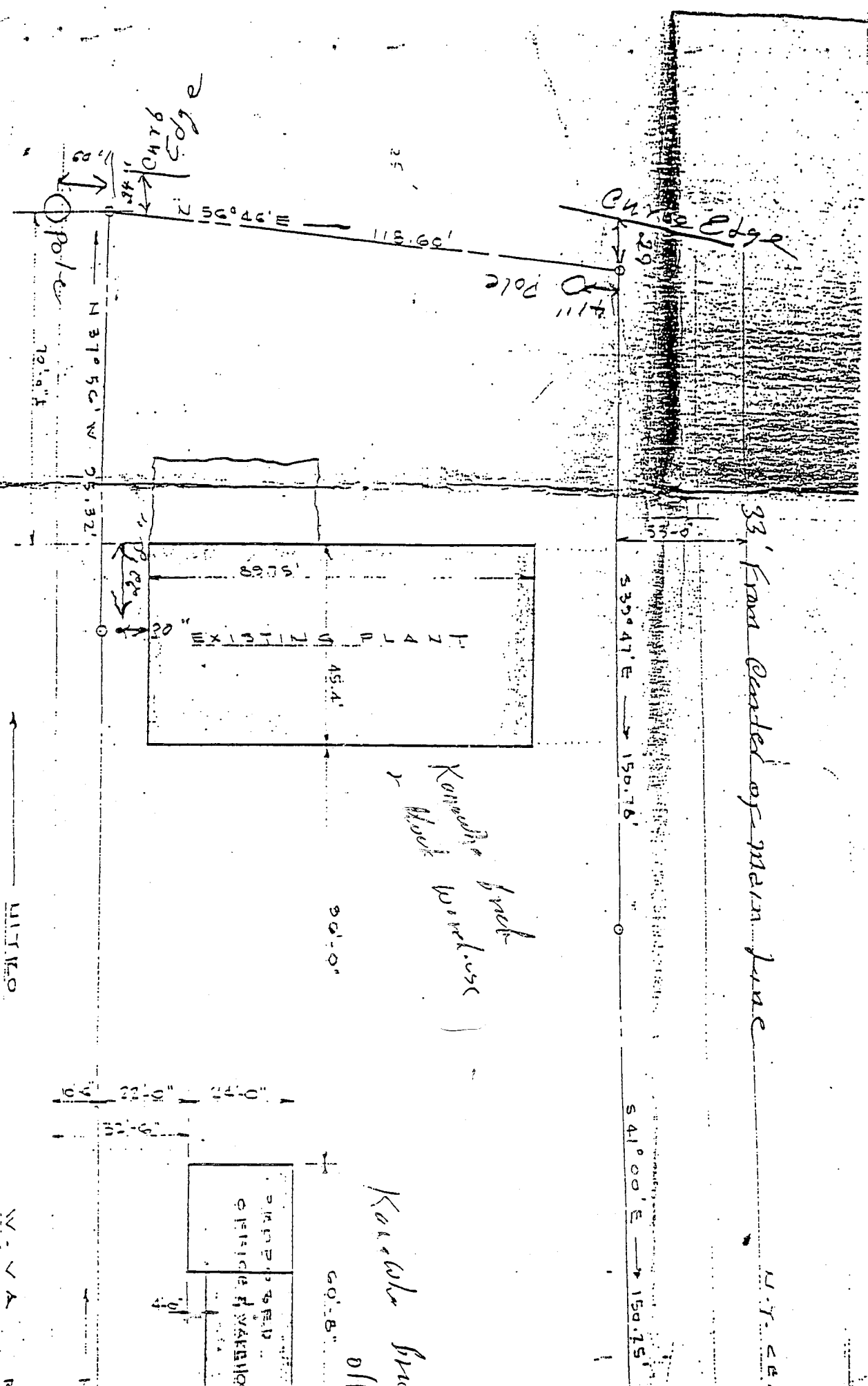
Karaka

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051-515

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511/1



MRS. Buggess

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54  
50  
+ 12'  

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720.62  
measures  
721'

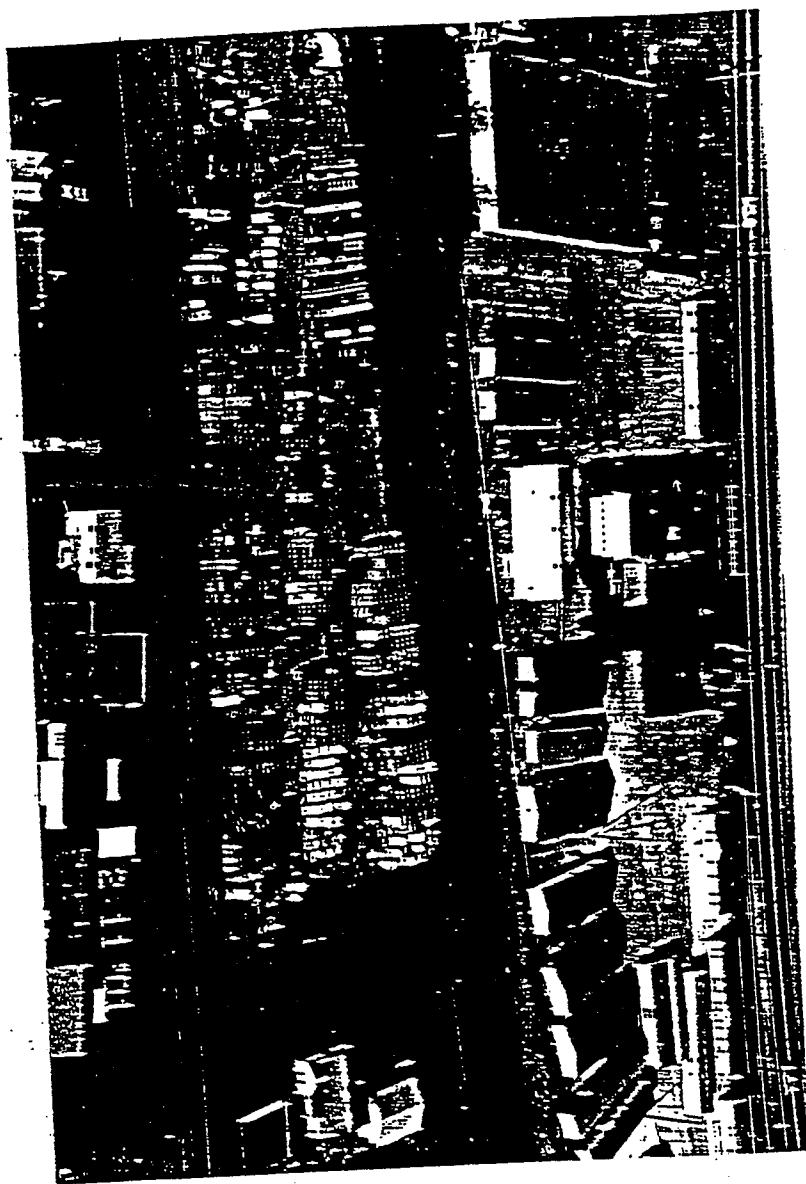
50 x 147  
50 x 150.6  
54 x 155  
50 x 155  
for end  
Bor  
Rough

721' back  
700'

Note: install 24" knee wall  
with 5' chain link  
fence on top to separate  
Kennel's Brick & Block property  
from the Buggess property  
by 1/2 mile. all to maintain  
A fence west fence

CHADLSTON

509.30'



REQUEST FOR ACTION BY THE  
PLANNING COMMISSION OF THE CITY OF NITRO

Name of Person Making Request: STANLEY K MILLER

Address of Person Making Request: 184 RIVERBEND B W D  
ST ALBANS WV 25177

Telephone Numbers of Person Making Request: (H) 727-4178 (W) 727-0444

REQUEST INFORMATION—this must state the actual request and include the reasons justifying the request. Maps, photographs or other materials which would be helpful in describing the property, its surrounding area, and the nature of the intended use of said property and renderings of proposed buildings are desirable items to present. In addition, the Planning Commission or the City Council may request additional information needed to properly evaluate a request.

Statement of Request:

CHANGE ZONING FOR 1127 1st Ave SE. FROM  
RESIDENTIAL TO COMMERCIAL.

Supporting Documents Attached:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Date of Request: 3-26-01 Signature of Requestor: Stanley K Miller

The fee of \$ 25.00 (payable to The City of Nitro) to cover the cost of the legal ad is attached.

When the meeting date for the public hearing is established, you will be notified so that you can attend and present your request as well as answer questions.

Your fee and this form is to be returned to Donna Coste at City Hall.

1st Ave No Side

1st

So Side

1117

1122

1117A

1126

1119

1128

1121 Scarberry

1130 Mallory

1125 Smith

1134

1139 Dailey

1136

1140

1142 EADS?

O-o Centre Rd

7 Tyree?

8 Burford

35 Carter

33 Carter

13 Hawk

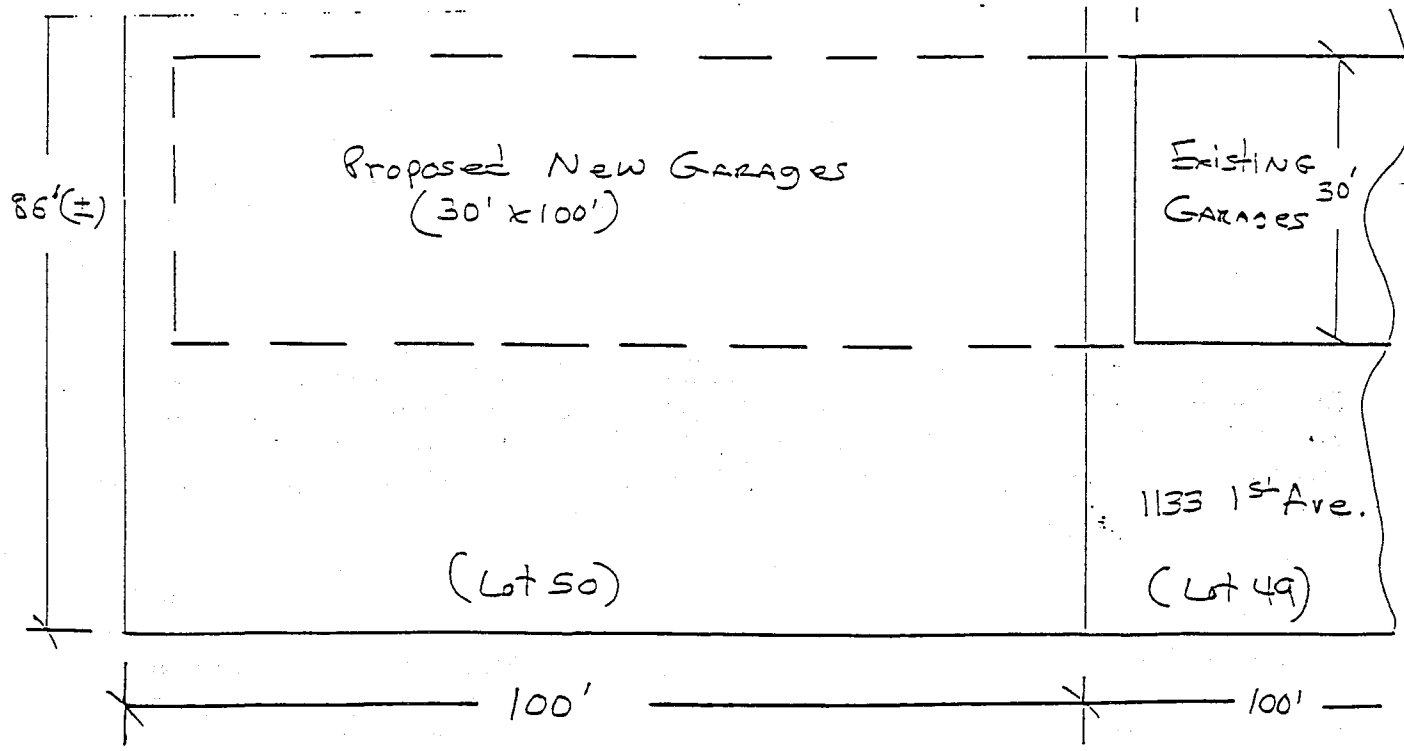
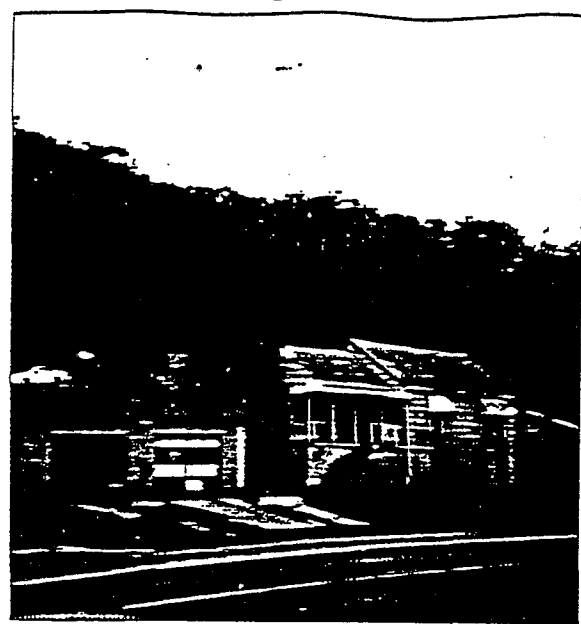
23 Cooke

Michigan Ave

714 A

714 Brian White

713 Copen



Proposed Plot Plan

RITENOUR & SONS, INC.  
401 Fifth Street  
ST. ALBANS, WV 25177  
(304) 722-6254

JOB Stan Miller 1131 1st Ave - Nitro  
SHEET NO. 1 OF 1  
CALCULATED BY Bob DATE 4/16/01  
CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
SCALE 1" = 20'

## CITY OF NITRO

## COUNCIL MEETING MINUTES

JULY 24, 2001

Mayor Rusty Casto declared a quorum and called the Council Meeting to order in Council Chambers in the Nitro Community Center at 7:30 p.m. Present were Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also, present were City Attorney April Robertson and City Treasurer Ralph Allison. Absent was City Recorder Joan McClanahan.

Mayor Casto asked that we remember Councilman Joe Savilla's wife in the loss of her mother, and Councilman David Miller also asked we remember the flood victims in our prayers.

Virginia Miller, grandmother of Councilmen David and Harry Miller, III had a wonderful time Saturday meeting with everyone at the Community Center during homecoming. She will be 100 years old on September 1.

THE INVOCATION WAS GIVEN BY COUNCILWOMAN AT LARGE BRENDA TYLER.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 10, 2001 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED THE MINUTES OF JULY 10, 2001 BE APPROVED AS WRITTEN, SECONDED BY COUNCILMAN BOB SMITH AND WAS CARRIED.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Casto announced Debbie Jordan as citizen of the month for her tireless efforts at the pool, and with the Park High School Show Choir. She received a round of applause. The pool manager, Mark Smith, reported she raised \$1,030.00 in about seven hours. She will receive a plaque and certificate for dinner for two at Dicks. Council complimented her on what a good job she does.

AGENDA ITEM NO. 3 - FISHING TOURNAMENT/HOMECOMING: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman Tyler reported they deposited \$2,554.50 from the fishing tournament. They have paid everyone except the salaries of the two employees which amounts to around \$900.00. She said she appreciated Danny Hill and Mike Lamb for their hard work. Throughout the day she said she visited the lake from time to time Saturday, and they talked about ways to improve the tournament next year. Also, we received some suggestions from the fishermen, especially concerning the catfish. They felt we should have the tournament at night because the fish bite better.

Councilwoman Brenda Tyler said there seemed to be a lot of people in town for the Homecoming. The event for Mrs. Virginia Miller went well. She was very happy, and she will be celebrating 100 years all year long.

Councilman David Miller stated he appreciated the hard work the Homecoming Committee put in for this event. Councilman Harry Miller also expressed his appreciation.

Mayor Casto reported that as of now, we have roughly \$38,000 in our handicapped accessible playground account. Councilwoman at Large Brenda Tyler informed we received \$25,000 from the Kanawha County Commission, \$5,000 check from Dow Chemical with the promise of another five to come in, money from the golf tournament last year, and we took the money from the catfish tournament and deposited that amount, and the city golf tournament will be held Friday, July 27, beginning at 8:00 a.m. at Scarlet Oaks.

Mayor Casto said next year the Homecoming will be held from July 19 through July 21. Debbie Jordan will oversee the arts and crafts and heritage aspect of the homecoming, public works will oversee the catfish tournament, Rich Hively has agreed to oversee and work the golf tournament, Mayor Casto will be in charge of the living history characters, Ivan Meadows will oversee the festivities at the City Park, and Mark Jarrett will oversee the swimming pool festivities.

Councilman at Large Tim Sizemore said Clyde Willard is trying desperately to put together an entire library of all the Nitro annuals, and anyone who has some old Nitro annuals they would like to donate, he would appreciate it.

AGENDA ITEM NO. 4 - JON W. MCKINNEY: Mayor Casto presented Mr. McKinney with a plaque for the work the Civic Benefits Association does in our City. Mr. McKinney expressed his appreciation and said he would put it up in sight. Everyone was furnished information on the Chemical Alliance Zone. This was started about four years ago when a group of plant manager sitting around thinking how they could improve the chemical industry in our state. In the chemical alliance zone are Cabell, Kanawha, Putnam and Wayne Counties. The Global Chemical Industry is healthy and growing. It is \$1.5 trillion dollars, with significant new investment, with 68% coming to the U.S. Many foreign companies interested in adding investment in the U.S. The chemical industry is an essential contributor to the standard of living. The U.S. is the world's largest producer (\$440 billion), and the biggest exporter in the US. In WV the chemical industry output is \$3.1 billion, and 46% of the manufacturing output. A chemical worker in our state earns about \$57,000 which is 74% higher than the average manufacture worker. The chemical industry in WV has changed from smokestack to high tech industries. It is one of the safest industries. The jobs in the Kanawha Valley have declined. He advised that every chemical job supports five jobs out in the community. The dilemma that they came to is a \$60 billion dollar dilemma in new investment. The question is will WV go after and get its fair share of the growth. The goal of the Chemical Alliance Zone is to retain and expand existing chemical plants and to attract new chemical-related businesses to the state. Mr. McKinney said he feels the chemical alliance zone will be a catalyst for public and community efforts to stabilize and improve the region business conditions. Also, they could market the region and its resoures in order to attract new chemical investment, and as a vehicle for region's existing chemical plants to conduct joint activities. We have a lot of positive areas in our valley. We have an experienced workforce, low startup costs due to existing infrastructure, experienced support industry for chemical manufacturing, brownfield sites, community and government involvement and public strong support. Mr. McKinney explained that the issues they face are media negativity, litigating climate and workers comp cost. The issue really becomes how can we work together as a group of people and work on those issues that we face as far as attracting others and expanding business. The Chemical Alliance Zone will be a very inclusive process. The executive order was signed by Governor Underwood on December 7, 1999. The committees they have functioning are Executive Committee, Finance Committee, Economic Development Committee, Outreach Committee and



Workforce Readiness Committee. Over the next ten years, they have determined to go after \$4 billion worth of investment in this valley. The next steps are to obtain funding. First thing they did was to go to the chemical companies, and every chemical company contributed. Then they went to the Legislature and the Legislature contributed. Now they are in the process of going to City and County Government and they have had many cities and several county governments already contribute to this. They are trying to do is make this inclusive, and to make it inclusive they are asking that the City put up a stake in this as well. Those contributing to date are all chemical plants, WV legislature, Kanawha and Cabell Counties, South Charleston and Bidco in kind. They have also talked with St. Albans and Putnam County as well. At the end of Mr. McKinney's presentation he asked, "Can we count on you?" He asked if we would help in this endeavor and be part of what they consider the solution of trying to go after what they think is virtually important for our area of expanding and doing new chemical business in the valley. The floor was opened for questions. Mayor Casto asked what type of commitment they were looking for from the City. Mr. McKinney answered that he would love for the city to make a commitment over three years, anywhere from \$2,500 to \$5,000 a year. Mayor Casto asked the Treasurer Ralph Allison to take this under advisement and check the budget. Mr. McKinney asked if the city would issue a resolution showing support.

**AGENDA ITEM NO. 5 - PAVING BIDS:** - Mayor Casto informed he received three sealed bids on paving of 8th Street. Councilman David Miller opened the first bid from Blacktop Industries for \$9,986.00, Councilman A. A. "Joe" Savilla opened the bid from WV Paving for \$11,880.00 and Councilman Bob Smith opened the bid from Skelton Contracting of WV in the amount of \$9,450.00. COUNCILMAN DAVID MILLER MOVED WE ACCEPT THE LOW BID OF \$9,450.00 FROM SKELTON CONTRACTING, SECONDED BY COUNCILMAN BOBBY SMITH AND WAS CARRIED.

COUNCILMAN DAVID MILLER MOVED WE PUT 11TH STREET FROM 1ST TO 3RD AVENUE OUT FOR BID, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

**AGENDA ITEM NO. 6 - EMPLOYMENT PROVISIONS MANUAL:** - Mayor Casto yielded the floor to the City Attorney April Robertson. Ms Robertson informed that after the last meeting, she realized we had not properly addressed the fact that the City was in need of progressive disciplinary procedure with provisions for written reprimand, and also a privacy and search of city of property procedure. Basically, this covers the fact that employees should have no expectation of privacy from the status of their office as it is a city office. She distributed these two addendums to the City Recorder, and hopefully she made copies for Council. The sections are 157.32 and 157.33. These additions were not in Council's packet. April Robertson was going to suggest Council accept the policy as written barring any changes that might be brought out, but she feels Council should have a chance to review these additions as they are pretty important. COUNCILMAN A. A. "JOE" SAVILLA MOVED THIS AGENDA ITEM BE TABLED UNTIL THE NEXT MEETING, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

**AGENDA ITEM NO. 7 - NITRO SANITARY BOARD:** - Mayor Casto yielded the floor to the General Manager Danny Lewis. Mr. Lewis informed that at the meeting held on July 16, 2001, it was suggested that three members of Council meet with three members of the Sanitary Board and discuss the CSO requirements. Members of Council are Councilman David Miller, Councilman

Harry Miller, III and Councilman A. A. "Joe" Savilla. Members of the Sanitary Board are Mr. Saluja, Mr. Ashley and Mr. Painter. Mayor Casto will be the moderator.

Mayor Casto informed that Connie Stephens announced today that at the end of this month she is officially stepping down from her consultant job to the Nitro Sanitary Board.

Mayor Casto advised that when we set the rates to charge people for the sanitary service, we cannot set the requirements for the water that we discharge. This is done by the EPA and DEP. We have to set the charges to meet those requirements. Mayor Casto said in his opinion we have to raise the rates, either pay lawyers to fight it out in court or secondly to upgrade the system. Councilman David Miller commented that it is not either or. You will pay the lawyers and upgrade the system or we will simply upgrade the system.

AGENDA ITEM NO. 8 - ZONING BOARD OF APPEALS MINUTES: - COUNCILMAN DAVID MILLER MOVED THE ZONING BOARD OF APPEALS MINUTES BE MADE A PART OF THE COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

COPY OF ZONING BOARD OF APPEALS MINUTES ATTACHED.

AGENDA ITEM NO. 9 - APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. Ms Robertson said she was requested by Chief Jordan to prepare an ordinance regarding false alarm calls, and this is still work in progress.

City Attorney April Robertson said she was asked to look at procedures in state code to decreasing corporate limits (the opposite of annexation), and there are two ways to do this. You could have an election or by minor boundary adjustment.

City Attorney April Robertson said Council also asked her to advise the city on the procedures on demolition of unsafe structures and there is a very detailed procedure in the state code regarding this. The property owner must be given adequate notice, and provides for recovery of cost to the city. She discussed this procedure with the Mayor by telephone, but she will draw it up in a more formal manner.

Ms Robertson said she had a litigation to report and suggested we go into executive session after the agenda items are addressed.

AGENDA ITEM NO. 10 - RALPH ALLISON: - Nothing to report.

AGENDA ITEM NO. 11 - MAYOR'S COMMENTS: - Councilman Harry Miller, III asked the status of Raleigh Junk, and Mayor Casto advised they are still working up there. The State is now after them.

Councilman Bobby Smith reported he hopes to have the abandonments finished by the next Council Meeting.

Councilman David Miller said in talking with the residence of the 11th Street area where we have moved a substantial amount of dirt, we need to get them some relief on cleaning their

houses and cars. Mayor Casto responded that the first thing we need to do is contact Mr. Marshall from our insurance company and discuss the situation with him.

Councilman A. A. "Joe" Savilla thanked everyone for their expression of sympathy on the recent death of his mother-in-law.

Mayor Casto announced that Wednesday, July 25, they would break ground on the skateboard park at 11:00 a.m. Councilwoman Brenda Tyler said we didn't have a contract. Mayor Casto said this would work the same way as the Little League. Once it is put in, it belongs to the City.

Councilman at Large Tim Sizemore said Wednesday the Building Inspector and he met with the County Engineer concerning Park Avenue regarding parking, etc. The County is looking at expanding their parking areas; they want to do what they can. There is a lot of construction that scheduled to be done in the next two years. They are starting to work on an auxiliary gymnasium. The next thing is a health and science center, and it will be constant construction. Nothing was resolved regarding the parking problem, and we will need to address this again. The Engineer said he was going to draw up some plans regarding bus turning and submit them to the Department of Transportation for their review.

Councilman Sizemore reported he received a letter from the Business and Professional Association, and as of August 31, it will cease to exist due to lack of participation.

Councilman Sizemore informed that he was a representative of the RDA, and they are starting to do some work on future planning for county-wide sewer projects. This is areas where there are no sewage projects going on. They will probably start construction on their first project late next year. There are almost 98% of all households in Kanawha County that can say they have running water in their homes. This is the only county in the state at this point that can say that.

Councilwoman at Large Brenda Tyler asked Mr. Smith from NBL to bring them up-to-date on the BMX track. Mr. Smith reported there are 268 truck loads of dirt sitting in the middle of the softball field. They originally started to plan to build last Thursday, but on Wednesday night we had a heavy rain storm. The contractor would not haul dirt because of the mud. He contacted Bob Todesto from NBL and advised him of this. He then called Mr. Todesto and was told that because of the world championship that is going on in Louisville this weekend, which is riders from about 40 different countries, we won't be able to come down and build the track. August 7, will be the earliest they could come down. He said it would take about a week to complete the track.

Mayor Casto asked if Mr. Smith knew exactly where the track will be, so the people would know how to put the skateboard track. Mr. Smith answered that they had the dirt situated on the way the tract is going to run. Councilman at Large Tim Sizemore commented that if the line of dirt is the way the track will go, we need to talk about this more. This would take about four acres of ground, and we only agreed on one acre. Mayor Casto said it is suppose to be 200 x 200. Councilwoman at Large Brenda Tyler said it seems the track has gotten a lot larger than when she met with Mr. Smith. Mr. Smith said the layout he received from Ivan said they could go all the way to the light poles, and would take in up to the girl's softball, and up to the basketball court and up to the blacktop area where the parking is. He said the whole area would not be used for the track, but we would have to have spectator area around the track. He said people must have a

place to watch the races, and if we don't have enough room for the participants and spectators, then we won't have any regional races in the future. Councilman Joe Savilla asked if we had a contract, and the City Attorney April Robertson advised NBL had not returned the executed contract.. Mr. Smith said he had the City's copy of the lease. NBL kept their copy, and they returned the other two, one for the Parents Group and one for the City. The City Attorney April Robertson stated the only way we can resolve this is to have a survey with legal description. Further discussion continued regarding the size of the track, and Mayor Casto suggested Council meet with Mr. Smith at the park at 9:00 a.m. Wednesday morning. Public Works Director A. J. Hill and the Building Inspector Bryan Casto will also be invited to attend. City Attorney April Robertson said they should memorialize what they agreed upon, if anything, in writing and cause it to be recorded.

Some members of the Library Board are present, and Mayor Casto yielded the floor to Mary Trout. Councilman Harry Miller, III said they had concerns about the addition to the library. He asked if \$83,000 has been spent on this addition to date, and Mrs. Trout said this was correct. He commented that this seemed to be a large amount of money for a very small addition. Mrs. Trout informed they were open for bids last May a year ago, and the only person who bid on this project, bid \$150,000. She said they worked and worked and finally found David Morris, a former member of this community. His parents live in Valentine Circle. He felt it would be a community service if he did this project. He didn't make very much money on this. It was a gift of love to the City of Nitro as he went to Nitro High School and has fond memories of this community. She said the books are open if anyone wants to see them. Councilman Harry Miller, III said he wasn't meaning to be critical, he just wanted some background. Marg Sales said David Morris built the room well. Ms Sales said they were promised the refund of the B & O taxes paid by Mr. Morris as he paid for the carpet out of his own money. Councilwoman at Large Brenda Tyler said they could not find where he paid any. Councilman Harry Miller asked the Board if they would obtain an itemized list of materials. He explained that this is not simply for him, other people have asked him about it, and he would like to be in a position to provide the information. Councilman Harry Miller, III said it hurts that they are constantly being slammed by the media, it appears the information is prepped because the information is very factual in nature and appears to come from the board. Mary Trout assured Council that the Library Board had nothing to do with the negative coverage, and Marg Sales agreed. She said from the very beginning that they were not a part of the group that was present at the last council meeting. Mrs. Trout said they were being blamed for things they haven't done. Councilman A. A. "Joe" Savilla said what hurts this Council is the people have been slandering them in media and sending letters to all of them ---- the people who obviously love and support the library like they all do. They should be able to read and comprehend. This City has been \$365,000 in the red because the excess levy didn't pass. They laid people off, down sized departments and agonized over this budget weeks before it was put out and explained to every department. Every department represented cooperated, agreed and understood what Council was trying to work through. Councilman Joe Savilla said we are going to keep our library. We want the same reaction from the Library Board as we put toward them; we have to have communication with each other. Mrs. Trout said the Board is getting blamed for something they didn't do. Councilman Joe Savilla said we would revisit the budget of the library just as quickly as the money becomes available. Council members were very much concerned about the internal problem. The information is coming from inside. Councilman Harry Miller, III said he appreciated the Library Board coming out tonight to clear the air on this. Councilman Joe Savilla thanked Mary Trout and Marg Sales for coming to the meeting this evening.

Mayor Casto reported that EPA hopes to give us the Fike/Artel property by the end of September. If so, Ken Kniceley said it would be paved sometime next year and leased out.

Councilman at Large Rich Savilla asked if we had filed with Circuit Court on our annexation proposal, and City Attorney April Robertson responded we had not. She said she just received the transcript which included the final order and the Kanawha County Commission executed the order at their July 12, meeting. She reported she had a meeting tomorrow on this issue.

COUNCILMAN A. A. "JOE" SAVILLA MOVED WE ENTER INTO EXECUTIVE SESSION PER THE CITY ATTORNEY'S REQUEST, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

ENTERED INTO EXECUTIVE SESSION AT 9:13 P. M.

OUT OF EXECUTIVE SESSION AT 9:39 P.M.

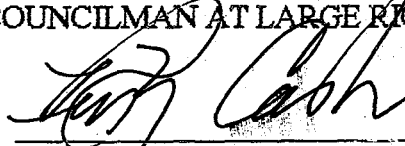
Councilman at Large Richard Savilla asked the Treasurer if the clothing allowance could be paid in a lump sum each year starting next year. City Treasurer Ralph Allison said we would, but this year we will pay one-half this week and the balance on September 15.

Mayor Casto reported that paving from 24th Street to 40th Street has been sent to the state. He said he was going to meet with the Governor and try to get this accomplished.

Mayor Casto said he might have a chance to meet with Senator Robert Byrd within a week or two regarding the purchase of the Museum, and asked Council for gas money for this trip.

Mayor Casto said he was talking with Councilwoman Brenda Tyler about selling bricks as a fund raiser for the playground. Individuals would pay \$50.00 and have their name on a brick.

There being no further business, COUNCILMAN HARRY MILLER, III MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER



**CITY OF NITRO  
ZONING BOARD OF APPEALS**

July 23, 2001

Meeting to discuss permission to place manufactured house on lot #78 E 31<sup>st</sup>:  
Jennifer M. Craigo of 5303 LISA CT Apt#1106 Cross Lanes, WV 25313.

Board Members Present:

Mike Zirkle  
Shelley Kostelansky  
Pam Brewer  
Judy Hartigan

Also present Building Inspector-Bryan Casto

Not Present:

Kris Rader

At issue:

- wants to put a manufactured home on lot #78 E 31<sup>st</sup>
- the lot is in a R-2 which is general residence and doesn't allow manufactured homes
- there were supporting documents:
  - pictures of land
  - picture of new home
  - price est
  - map of property

Issues discussed:

- the property that the manufactured home will be placed on is owned by Jennifer Craigo's grandmother
- discussed that it will be placed on permanent foundation
- will comply with all other building codes
- notice was given in The Gazette and Daily Mail on July 13, 2001 and July 16, 2001
- there was no opposition by residents
- discussed the lay of the land with petitioner



Conditions considered by the board:

- the fact that it was family owned property
- has to be placed on permanent foundation and not underpinning and piers
- there are existing manufactured homes in the neighborhood
- will be an attractive addition and is in line with the value of the homes in the area

Decision:

- After a great deal of consideration a variance was granted unanimously by all members present

Board Members:

MS 17.1  
Sam Brewer  
Judy Hartigan  
Shelly Fattarone



**CITY OF NITRO  
ZONING BOARD OF APPEALS**

July 23, 2001

Meeting to discuss permission to add an attached garage to existing dwelling:  
James F. Jones 1006 Washington Ave Nitro, WV 25143.

Board Members Present:

Mike Zirkle  
Shelley Kostelansky  
Pam Brewer  
Judy Hartigan

Also present Building Inspector-Bryan Casto

Not Present:

Kris Rader

At issue:

- add an attached garage to existing dwelling, comes out 16 ½ ft with a 2ft overhang
- there were supporting documents:
  - pictures of existing area, alley and other homes around area
  - drawings
  - map of property

Issues discussed:

- the garage will leave 1 1/2ft from the overhang to the property line
- the width of the house is 32ft, will be coming in one ft on each side of the house
- will comply with all other building codes
- there are other buildings in area closer to property line then proposed garage
- the property line in question does not affect property owners nor does it impede alley traffic
- notice was given in The Gazette and Daily Mail on July 13,2001 and July 16,2001
- there was no opposition by residents





Conditions considered by the board:

-all the above

Decision:

-After a great deal of consideration a variance was granted unanimously by all members present

Board Members:

M.P.Z.1  
Sam Brewer  
Ned Hartigan  
Shelly Fortson



**CITY OF NITRO  
ZONING BOARD OF APPEALS**

July 23, 2001

Meeting to discuss permission to operate a repair garage in R-2 area:  
Kyle L. Hayzlett Jr 600 Washington Ave Nitro, WV 25143.

Board Members Present:

Mike Zirkle  
Shelley Kostelansky  
Pam Brewer  
Judy Hartigan

Also present Building Inspector-Bryan Casto

Not Present:

Kris Rader

At issue:

- variance to operate a repair garage in R-2 area which is a general residence
- there were supporting documents:
  - map of property

Issues discussed:

- has been in business at this location for over 10 years
- if for any reason this falls out of the hands of Mr Hayzlett the variance will be dropped
- notice was given in The Gazette and Daily Mail on July 13,2001 and July 16,2001
- there was no opposition by residents



Conditions considered by the board:

- all the above
- neighbor was present to support the variance

Decision:

-After a great deal of consideration a variance was granted unanimously by all members present

Board Members:

M.A. 3-1  
Sam Brewer  
Judy Hartigan  
Shelley Zolotarev

CITY OF NITRO  
COUNCIL MEETING MINUTES

AUGUST 7, 2001

Mayor Casto declared a quorum and called the Council Meeting to order in Council Chambers at the Nitro Community Center at 7:30 p.m. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla and Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III.

THE INVOCATION WAS GIVEN BY VERNON CASEBOLT.

AGENDA ITEM NO. 1 - APPROVAL OF JULY 24, 2001 COUNCIL MEETING MINUTES: - COUNCILMAN A. A. "JOE" SAVILLA MOVED THE COUNCIL MEETING MINUTES OF JULY 24, 2001 BE APPROVED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED WITH CITY RECORDER JOAN MCCLANAHAN ABSTAINING.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Casto announced the Citizen of the Month for August will be Rich Hively. He was unable to be here this evening. Mr. Hively is the first to put up a change box at his place of business, Checkers, to accept donations for the playground.

AGENDA ITEM NO. 3 - PAVING BIDS: - Three bids were received to mill and pave 11th Street from 1st to 3rd Avenue. Councilman A. A. "Joe" Savilla opened the sealed bid from Blacktop Industries and Equipment Company of Kenova in the amount of \$12,859.40, Councilman David Miller opened bid from WV Paving, Inc. for \$13,990.00 and Councilman Harry Miller opened bid from Skilton Contracting of WV, LLC in the amount of \$11,277.00. COUNCILMAN A. A. "JOE" SAVILLA MOVED WE ACCEPT THE LOW BID OF \$11,277.00 FROM SKILTON CONTRACTING, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 4 - PLAYGROUND BIDS: - Councilman Tim Sizemore opened bid from Taylor's Sport and Recreation of South Charleston for the total amount of \$71,080.00, Councilwoman at Large Brenda Tyler opened bid from Game Time for \$102,822.00, and City Recorder Joan McClanahan opened bid from Don Walsh and Associates, Inc. of Winfield for \$70,448.00. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THESE BIDS BE SENT TO THE PLAYGROUND COMMITTEE AND NOT TAKE ACTION UNTIL WE HAVE THE THREE COMPANIES PLACING THE BIDS MEET AND GIVE US A PRESENTATION ON THE EQUIPMENT, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE, AND WAS CARRIED. A meeting was scheduled Tuesday, August 14, at 9:00 a.m. at St. Paul's Methodist Church. Meeting opened to all members of Council and the public. Mayor Casto announced that through grants and fundraisers, we have roughly \$35,000 in the playground account.

AGENDA ITEM NO. 5 - RESOLUTION - GOVERNORS PARTNERSHIP GRANT (COMMUNITY CHORAL GROUP SUPPLIES): - Mayor Casto informed the State requested a resolution for the community choral group supplies grant. Councilman David Miller read the resolution in its entirety. CITY RECORDER JOAN MCCLANAHAN MOVED WE APPROVE THE RESOLUTION TO ALLOW THE MAYOR TO ENTER INTO THE CONTRACT, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS UNANIMOUS.

RESOLUTION 01-11 ATTACHED.

AGENDA ITEM NO. 6 - FISHING TOURNAMENT: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman at Large Brenda Tyler informed they had discussed having additional fishing tournaments at Ridenour Lake. However, we found that as long as the Department of Natural Resources is stocking the lake, we are not allowed to have tournaments. The lake is stocked three times a year, and DNR advised if we wanted to continue having tournaments, they would stop stocking the lake, and we could do it ourselves. COUNCILMAN HARRY MILLER, III MOVED THIS BE REFERRED TO THE RECREATION COMMITTEE, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 7 - BUNGALOW: - Mayor Casto said Council would like to donate the bungalow at City Park. An individual told him he would take it, and we have roughly \$770.00 in the bungalow account. He said it would cost roughly \$2,000 to move it. Mayor Casto said a business is seriously considering taking the bungalow, and comments were to let them have it as long as they paid the moving fee. Mayor Casto suggested we use \$770.00 out of our bungalow account and then let them pay the balance. Councilman A. A. "Joe" Savilla commented we should let them move it. Councilman at Large Tim Sizemore said he feels we received the money on a state grant and thinks it must be spent on the bungalow. He said there may be cost to have the electric disconnected. The \$770.00 cannot be spent on anything but the bungalow. Councilman Joe Savilla said if we are going to give somebody a building, the city shouldn't pay to move it. COUNCILMAN A.A. "JOE" SAVILLA MOVED THE CITY TREASURER RALPH ALLISON CONTACT THE STATE OFFICE TO ASCERTAIN WHAT MUST BE DONE WITH THE BALANCE OF \$770.00, SECONDED BY COUNCILMAN HARRY MILLER, III. Mayor Casto said the WV Development Office states the funds must be spent on the bungalow. A VOTE WAS TAKEN AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 8 - PLANNING COMMISSION MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED WE TABLE THIS AGENDA ITEM UNTIL THE NEXT COUNCIL MEETING IN ORDER FOR COUNCIL TO REVIEW ACTION TAKEN, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA. City Recorder Joan McClanahan advised there was only one request approved. The other two were not allowed. The Building Inspector Bryan Casto was present to answer any questions. Bryan Casto said the one in question concerned rezoning Robin Road. He explained that anytime we annex an area, it comes in the City as R-1, single family dwelling. Robin Road is not necessarily R-1 territory. The lady in question has a new double wide home on Robin Road, and Kanawha County issued a permit in error as they did not know she was in the city. He said he put a stop work order on this, and is awaiting approval from Council on the Planning Commission's decision. There was no opposition to this request. COUNCILMAN HARRY MILLER, III WITHDREW HIS MOTION TO TABLE, AS DID COUNCILMAN A. A. "JOE" SAVILLA WHO SECONDED THE MOTION. COUNCILMAN DAVID MILLER MOVED FOR THE APPROVAL TO REZONE ROBIN ROAD FROM R-1 TO

R-3, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. PLANNING COMMISSION MINUTES ATTACHED.

AGENDA ITEM NO. 9 - APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. She distributed a copy of an ordinance for Councils' review and consideration which was brought up at the last meeting. Chief Jordan requested an ordinance regulating the alarms in the city that are on residences and businesses, to institute the registration program and to implement penalties assigned for failure to register the alarms and for false alarms. COUNCILMAN A. A. "JOE" SAVILLA MOVED TO READ TITLE ONLY OF ORDINANCE, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. MAYOR CASTO READ TITLE "ESTABLISHING A BUSINESS AND RESIDENTIAL ALARM REGISTRATION SYSTEM WITHIN THE CITY OF NITRO, WEST VIRGINIA, AND PROVIDING PENALTIES FOR FAILURE TO REGISTER SUCH ALARM SYSTEMS WITH THE CITY, FAILURE TO NOTIFY THE POLICE DEPARTMENT OF ANY CHANGES IN SAME, AND FOR CERTAIN FALSE ALARMS." COUNCILMAN HARRY MILLER, III MOVED FOR THE APPROVAL OF FIRST READING OF ORDINANCE, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

City Attorney April Robertson advised we still needed to address the Employment Provisions and hopes Council received a copy of the two newer Sections 157-32 Disciplinary Procedure and 157-33 Privacy and Search of City Property. COUNCILMAN HARRY MILLER MOVED TITLE ONLY BE READ, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED. The City Attorney April Robertson referred to an Ordinance to adopt an Employment Policy Manual for the Municipal Employees of the City of Nitro. COUNCILMAN HARRY MILLER, III MOVED THE FIRST READING OF THE PROPOSED ORDINANCE BE APPROVED, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED. Councilman Joe Savilla suggested a copy of the new sections be distributed to the department heads.

City Attorney April Robertson said she had been requested to review the city and state code regarding the demolition of unsafe structures, draft a memo and send it to the Mayor. It is her understanding that she draft an ordinance regarding this. There is already an ordinance in the City Code which does not come near the state code very closely. What she will be doing is amending the current code and adopting similar procedures provided in the state code.

In looking at the skateboard park, she has talked with their attorney and it is a different situation from the BMX Track. They are not going to be doing the operating, just giving us the money. It will be held similar to Haddad River Front Park in Charleston. Ms Robertson said there would be no need for a contract per se. However, about 4:30 this afternoon, they faxed her the hold harmless agreement they would like the city to sign. It basically says if anyone gets hurt, the City agrees to indemnify and hold harmless their company, Balzout. Council was furnished a list of safety features that should be adhered to. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE MAYOR BE GIVEN PERMISSION TO SIGN THE AGREEMENT ONCE OUR CITY ATTORNEY APRIL ROBERTSON MAKES SURE EVERYTHING IS LEGAL AND MEETS HER APPROVAL, SECONDED BY COUNCILMAN DAVID MILLER. Councilman Bob Smith asked who would build the track, and the Mayor answered that the Skateboard company would. COUNCILMAN HARRY MILLER MOVED TO MAKE A FRIENDLY AMENDMENT TO THE MOTION TO INCLUDE ANY RULES THAT COUNCIL MIGHT MODIFY. COUNCILMAN A.

A. "JOE" SAVILLA ACCEPTS THE AMENDMENT AS DID COUNCILMAN DAVID MILLER. A VOTE WAS TAKEN AND IT WAS UNANIMOUSLY APPROVED.

Attorney April Robertson said a hearing had been scheduled in Municipal Court for the delinquent B & O Tax litigation Friday, August 24, 2001 at 10:00 a.m.

AGENDA ITEM NO. 10 - RALPH ALLISON: - Mayor Casto yielded the floor to the City Treasurer Ralph Allison. Treasurer Ralph Allison reported the police department has an air conditioning problem. They keep making repairs, and asks Councils' permission to take care of this matter. They are working on it now, but we may need a new unit. COUNCILMAN HARRY MILLER, III MOVED THE TREASURER BE GIVEN PERMISSION TO HANDLE THIS MATTER, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

Councilman Harry Miller, III said he would like to make note of a memo that he received from the police department regarding a Thermal Imaging camera, and wanted to commend Chief Jordan and the officers on the department that worked on this: We appreciate their efforts.

Councilman David Miller said he would like to thank all of the departments who helped clean up the mess on 11th Street. He said at one time we had every department of the City represented, and there was a lot of cooperation from the departments. He thanked them all.

Councilman David Miller said a few things had been brought to his attention that he would like our City Attorney to look into. One is a car stereo noise ordinance and there is one at Oak Hill that we could look at, and the other is "Jake Brakes". They have an ordinance on this in Beckley.

Mayor Casto thanked Councilman David Miller on the work he did on the new Nitro signs. They have been put up since the last meeting.

Councilman A.A. "Joe" Savilla thanked Chief Jordan for his update on the scientific experiment which made National news. (Cloning). Also, he wants to thank Greg Casto for having such a sharp eye.

Councilman at Large Tim Sizemore said there was something in the Nitro Sanitary Board Minutes about changing its name. Mayor Casto explained that with all the new homes coming in out Poca River, adding hundreds and hundreds there, one of the members of the Board would like to make it more inclusive with the Poca area people, but still leave it Nitro Sanitary Board.

COUNCILMAN DAVID MILLER MOVED THE NITRO SANITARY BOARD MINUTES BE MADE A PART OF OUR MINUTES, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. City Recorder Joan McClanahan stated the Financial Statements are not included, and Councilman David Miller said they should have included their financial statement.

MINUTES ATTACHED

Councilman Tim Sizemore reported on the Fike/Artel Meeting held this evening. He said they are down to planning the last stages now on what the final outcome will be on the cap for the

remedy on the property. Both the Putnam and Kanawha Counties deeds are completed and the NDA has possession of the property. The final remedy (ROD) would be issued sometime in October. He said by next summer it should be turned over for development. They are going to develop a five year program, and the program is going to test the ground water that runs off of the property and they will monitor it. If it becomes a problem to where it needs to be pumped and treated, they will reserve the CST, not to be used for that specific purpose. It will have a special cap over it, and won't be the same as the rest.

Councilman at Large Tim Sizemore advised of seminars to be held in Charleston offering, for instance, financial management, law enforcement, public safety I, lobbying and representation of issues, local government law, creative problem solving, economic development, open meeting law, campaign finance and election laws and personnel management. The registration fee is \$125.00.

COUNCILMAN HARRY MILLER, III MOVED THAT IF ANY OF COUNCIL WANTED TO ATTEND, THAT WE AUTHORIZE PAYMENT OF THE REGISTRATION FEE, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER. Councilman A. A. "Joe" Savilla said he feels we should pay our own way. A VOTE WAS TAKEN AND IT WAS UNANIMOUS.

Councilwoman at Large Brenda Tyler said she would like to recognize Ivan Meadows.

Ivan Meadows said he had three checks from the Business Association for \$500.00 each. One for the handicap-accessible playground, one to be used for Christmas decorations and one for the new children's room at the Library. The Nitro Business Association probably dissolved today due to lack of members.

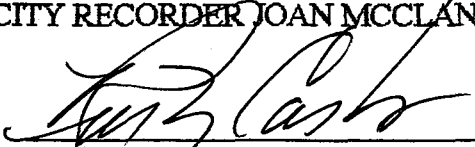
For clarification purposes, City Recorder Joan McClanahan said during the past several weeks, she received several calls from people who received letters of termination that their water was going to be turned off, and most of them she could refer to the Sanitary Board. One in particular caught her attention. The family came to her at her home and came into the office the next day with the letter. The gentleman has always paid his bills, but he has been very ill since last November. He received a termination notice from the Sanitary Board that his water would be turned off, and he owed exactly \$24.75. She said this troubles her. Someone paid the bill so he doesn't have to worry for another month. Her point of clarification is, that's not the City of Nitro doing this; it is the Nitro Sanitary Board.

Mayor Casto announced on Saturday, August 25, 2001, we received a grant from WV Department of Art and Education, and Mr. Souter will be here to sing WV songs and tell WV stories. There will be a hot dog supper starting at 4:30 p.m., and he will perform at 5:00 p.m. There will be a "jug" to accept donations for the playground.

Mayor Casto said he received word from DEP that a certain chemical company will let them know by August 15, if they intend to clean-up the Smith Street Landfill. These are drums placed in there back in the 50's and 60's. If they decide to come in and clean it up, it would be a large step toward the boat launch the City is hoping to get.



There being no further business, COUNCILMAN HARRY MILLER MOVED THE MEETING BE ADJOURNED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

  
\_\_\_\_\_  
RUSTY CASTO, MAYOR  
\_\_\_\_\_  
JOAN MCCLANAHAN, RECORDER

## RESOLUTION 01-11

A RESOLUTION TO SIGN GOVERNOR'S COMMUNITY PARTNERSHIP  
GRANT PROGRAM CONTRACT

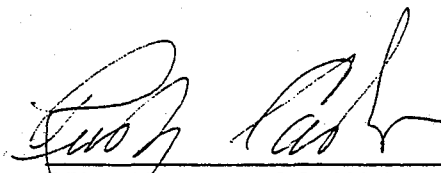
WHEREAS, The Governor of the State of West Virginia, through the West Virginia Development Office, awarded to the City of Nitro, a Community Partnership Grant to purchase supplies for the community choral group.

WHEREAS, the City Council of the City of Nitro finds that the Governor's Community Partnership Grant Program will benefit the City of Nitro.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Nitro that the Mayor is hereby authorized to enter into the Governor's Community Partnership Grant Program Contract between the West Virginia Development Office and the City of Nitro, a copy of which is attached hereto and made a part hereof.

Motion made by City Recorder Joan McClanahan, seconded by Councilman Harry Miller,  
III.

Adopted August 7, 2001.

  
\_\_\_\_\_  
RUSTY CASTO, MAYOR

  
\_\_\_\_\_  
JOAN McCLANAHAN, RECORDER

**GOVERNOR'S COMMUNITY PARTNERSHIP  
GRANT PROGRAM CONTRACT**  
between the  
**WEST VIRGINIA DEVELOPMENT OFFICE**  
and the  
**CITY OF NITRO**

THIS AGREEMENT, entered into this 1st day of July, 1999, by the West Virginia Department of Finance and Administration on behalf of the West Virginia Development Office hereinafter called the "WVDEVO" and the city of Nitro and its authorized officers, agents, and representatives, hereinafter called the "Grantee."

**WITNESS THAT:**

WHEREAS, the WVDEVO has promised and agreed to assist the Grantee to perform such tasks hereafter described in the scope of services, which is to be partially financed by funds made available through the Governor's Community Partnership Grant program.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. **Assistance of the Grantee.** The WVDEVO hereby agrees to assist the Grantee including all authorized officers, agents, and representatives, to perform such tasks and functions as set forth below in the scope of services.
2. **Scope of Services.** The Grantee, or its designated agent, shall do, perform and carry out, in a satisfactory and proper manner as determined by the WVDEVO, and appropriate regulatory agencies, if required, all duties, tasks, and functions necessary to purchase music and supplies for city sponsored community performances.
3. **Personnel.** The Grantee represents that it has, or will secure at its own expense, personnel with the necessary qualifications and experience required to perform

the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with WVDEVO.

4. **Time Performance.** The Grantee will commence its duties under this Contract on July 1, 1999, and such duties shall be undertaken and completed in such sequences as to assure their expeditious completion in the light of the purpose of the Contract; but, in any event, all of the services required hereunder shall be completed by June 30, 2001. Completion date of this Contract may only be extended by mutual written agreement of both parties dependent on the reappropriation of funds under the Governor's Community Partnership Grant program.

5. **Compensation.** In consideration of the services rendered by the Grantee, the WVDEVO agrees to pay the Grantee the sum of \$5,000. This amount constitutes complete compensation for all services rendered. In no instance shall the agreed upon compensation exceed \$5,000 without the written consent of the Governor of the State of West Virginia.

6. **Method of Payment.** In order to receive payments under the terms of this Agreement, the Grantee shall submit the following: (a) a Letter of Transmittal containing a progress report, and (b) a Request for Payment Financial Report. The final ten percent shall be made available upon submission of certification of completion and acceptance of the project by the Grantee.

Upon receipt of said documents, the WVDEVO shall review the same for reasonableness and appropriateness.

7. **Termination of Contract for Cause.** If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner his obligations under this Contract, or if the Grantee shall violate any of the covenants, agreements, or stipulations of this Contract, the WVDEVO shall thereupon have the right to terminate this Contract by giving written notice to the Grantee of such termination and specifying the effective date thereof, at least fifteen days before the effective date of such termination. The Grantee shall be

entitled to receive just and equitable compensation for any satisfactory work completed on the described project.

Notwithstanding the above, the Grantee shall not be relieved of liability to the WVDEVO for damages sustained by the WVDEVO by virtue of any breach of the Contract by the Grantee, and the WVDEVO may withhold any payments to the Grantee for the purpose of set-off until such time as the exact amount of damages due the WVDEVO from the Grantee is determined.

8. **Termination for Convenience of WVDEVO.** The WVDEVO may terminate this Contract at any time by giving written notice to the Grantee of such termination and specifying the effective date of termination. If the Contract is terminated by the WVDEVO as provided herein, the Grantee will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this Contract, less payments of compensation previously made.

9. **Termination by the Grantee.** The Grantee may unilaterally rescind this agreement at any time prior to the commencement of the project. After project commencement, this agreement may be rescinded, modified, or amended only by mutual agreement. A project shall be deemed commenced when the Grantee makes any expenditure or incurs any obligation with respect to the project.

10. **Changes.** The WVDEVO and the Grantee may, from time to time, require changes in the scope of the services of the work to be performed hereunder. Such changes, including any increase or decrease in the amount of the Grantee's compensation and work to be performed, which are mutually agreed upon by and between the WVDEVO and the Grantee, shall be incorporated in written amendments to this Contract.

11. **Equal Employment Opportunity.** With respect to employment in carrying out the program objectives, the Grantee agrees:

That it will not discriminate against any employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap.

12. **Project Wage Rates.** No contract involving construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work which involves the employment of an "outside" contractor and/or subcontractors shall be awarded through funds provided under this agreement which does not comply with the West Virginia Act on Wages on Construction of Public Improvements (Article 5A, Chapter 21 of the West Virginia Code). Such provisions shall include the payment of the Fair Minimum Wage Rates as determined by the West Virginia Commissioner of Labor for each craft or classification of all workmen needed to perform the contract in the locality in which the public work is performed. For projects involving federal funds which are covered by the provisions of the Davis Bacon Act (40 U.S.C. 276-a 276a-5), the Grantee shall cause the contractor and/or subcontractors to pay the higher wage rate, federal or state.

Further, the Grantee shall cause these wage rates as determined to be printed on all bidding blanks, and attention should be specifically noted to these facts within the body of the advertisement for bids. The Grantee shall also have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance including copies of contractor's payrolls.

13. **Competitive Bid Procedures.** The Grantee shall solicit sealed bids for all commodities or supplies related to this project which have an estimated value of over ten thousand dollars (\$10,000). Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$10,000 may be cause for termination of an agreement under the provisions of Paragraph 7.

These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions of Article Three, Chapter Fifty-Nine, of the Code of West Virginia. This notice shall be published by the Grantee in the newspaper with the largest

circulation serving the general area twice within fourteen days next preceding the final date of submitting bids. The Grantee shall also, where feasible, solicit sealed bids by listing the project in the F. W. Dodge Reports, sending requests by mail to prospective suppliers or contractors, and by posting notice on a bulletin board in a public place. The Grantee shall have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance with these procedures.

The Grantee shall procure architectural or engineering services in accordance with Chapter 5G of the West Virginia Code and the grantee shall procure construction contracts in accordance with Chapter 5-22-1 of the West Virginia State Code.

14. **Bonding.** The Grantee shall secure bonding in accordance with Chapter 38-2-39 of the West Virginia Code.

15. **Facilities Accessible to the Handicapped.** The Grantee shall require any facilities constructed under the auspices of this Contract to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.1-1961, as modified (41CFR101-17.1703 and (13CFR309.14)). The Grantee shall be responsible for conducting inspections to ensure compliance with these specifications.

16. **Facilities Operation.** The Grantee shall operate and maintain all facilities constructed under the auspices of this Contract in accordance with minimum standards as may be required or prescribed by the applicable federal, state and local statute, law, ordinance or regulation as to actual construction procedures, as well as maintenance and operation of such facilities upon completion.

17. **Interest of Members of WVDEVO and Others.** No officer, member or employee of the WVDEVO or officer, member or employee of the Grantee who exercises any function or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he

is directly or indirectly interested or has any personal or pecuniary interest, nor shall any officer, member of, or employee of, the Grantee or any member of its governing body, or officer, member, or employee of the contractor have any interest, direct or indirect, in this Contract or the proceeds thereof.

18. **Officials Not To Benefit.** No member of the Legislature of the State of West Virginia, or individual performing a service for the Grantee in connection with this project, shall be admitted to any share thereof or to any benefit to arise from this Agreement.

19. **Inspections of Project Records.** At any time during normal business hours and as often as the WVDEVO or its designated representative may deem necessary, there shall be made available to the WVDEVO or its designated representative for examination, all of its records with respect to all matters covered by this Contract and permit the WVDEVO or its designated representative to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records and personnel, conditions of employment and other data relating to all matters covered by this Contract during the entire time period beginning with project approval and ending three years after the final disbursement of grant funds.

20. **Project Audits.** (a) The Grantee shall cause an audit of this program to be included in the audit of the Grantee performed by the West Virginia State Auditor's or its designated representative in accordance with Chapter 6, Article 9, Section 7 of the State Code. The audit shall be performed in conformance with generally acceptable accounting procedures.

(b) In accordance with Chapter 12, Article 4, Section 14 of the West Virginia State Code, if the grantee is not audited by the West Virginia State Auditor's and the grantee received state funds or grants in the amount of fifteen thousand dollars or more, the grantee shall file an audit of the disbursement of funds with the legislative auditor's office. The audit shall be filed within two years of the disbursement of funds or



grants by the grantee and shall be made by an independent certified public accountant at the cost of the corporation, association or other organization, and must show that the funds or grants were spent for the purposes intended when the grant was made. State funds or audits of state funds or grants under fifteen thousand dollars may be authorized by the joint committee on government and finance to be conducted by the legislative auditor's office at no cost to the grantee.

21. **Reporting.** The Grantee shall submit any reports requested by the WVDEVO concerning financial status and program progress. Failure to provide such reports as required by WVDEVO in a timely manner shall be cause for termination of this Contract under the terms of Paragraph 7.

22. **Fiscal Management.** The Grantee shall be responsible for establishing and maintaining adequate procedures and internal financial controls governing the management and utilization of funds provided under this Contract, as well as funds provided as the Grantee's matching share.

23. **Political Activity.** No officer or employee of the Grantee whose principal employment is in connection with any activity which is financed in whole or in part pursuant to this agreement shall take part in any of the activities expressly prohibited by the Hatch Act.

24. **Repayment.** The Grantee shall refund to the State any expenditures determined to be made for an ineligible purpose for which State funds were received.

25. **Resolution of Disputes.** Resolution of disputes between the State and the Grantee concerning administrative and programmatic matters during the terms of this Agreement shall be initiated through consultation and discussion at the State's Administrative Offices with final decision on questions of policy or fact being determined by the Director of the Community Development Division or his/her designated representative. Nothing in this Agreement shall be construed as making the final decision on a question of law, or to limit in any manner any remedies or recourses available under

applicable laws. Citizen's complaints or disputes regarding Grantee performance or actions relative to the approved project are the responsibility of the Grantee.

26. **Signing.** This Contract shall be signed by the Executive Director of the West Virginia Development Office and by the Mayor of the city of Nitro upon authorization of the city of Nitro by adoption and passage of a resolution, motion or similar official action.

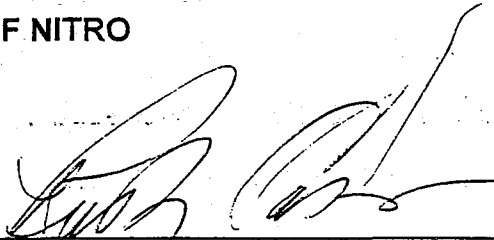
IN WITNESS WHEREOF, the WVDEVO and the Grantee have executed this Agreement as of the date first above written.

STATE OF WEST VIRGINIA  
WEST VIRGINIA DEVELOPMENT OFFICE

\_\_\_\_\_  
John R. Snider, Executive Director

CITY OF NITRO

By: \_\_\_\_\_



Rusty Casto, Mayor

Federal Employee Identification Number

55-6000223

F.E.I.N.

## PLANNING COMMISSION MINUTES, CITY OF NITRO, WV

July 26, 2001

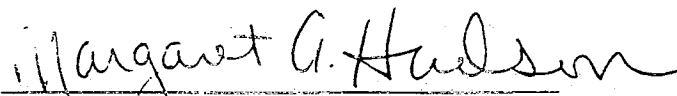
The Planning Commission of the City of Nitro met Thursday, July 26, 2001 at 7:00 p.m. in Room 111 of the Community Center of Nitro for a Public Meeting as properly advertised in the Charleston Newspapers on July 13 and 19--see Attachment No. 1. The meeting was called to order by Margaret Hudson, Chairperson. Other members present were Kermit Thompson, John Montgomery, Diana Painter, Bob Smith and Lonnie Blaylock. Bryan Casto, City Building Inspector, as well as interested community citizens listed on Attachment No. 2 attended the meeting.

The first item of on the agenda was a request from Miguol Aguirre (see Attachment No. 3) requesting permission to allow restaurant employee parking in the back yard of the residence at 113 Hillside Drive. After much discussion and input from those present, including Attachment No. 4--a letter from Charles and Mildred Turley, Kermit Thompson moved "we refuse this request." The motion received a second from Lonnie Blaylock. Motion carried.

The second item of business was a request from Jack Oxley (see Attachment No.5) to abandon the North 21<sup>st</sup> Street Extension ending at his property at 2192 N. 21<sup>st</sup> Street. There was no action taken on this request. After a great deal of discussion (the Oxleys spoke in favor and Randy McDavid--whose company owns land that would be affected--spoke in opposition) the Commission decided to meet for an informal walk-see-study at 6:00 p.m. on Thursday, August 23.

The third item, the "Blakes Creek Areas 1 and 2 be rezoned from R-1 to R-3" was the result of a request (see Attachment No. 6) from Janet Cable. Instead of approaching this issue on a one-place-at-a-time basis, the recently annexed Blakes Creek area was looked at in an overall manner. A great deal of discussion was held among those present. Kermit Thompson had visited the area and had found some concern (many had not realized that it became R1 immediately when it became a part of the City) but no opposition. Bob Smith moved that "the request be approved as stated." Lonnie Blaylock second. Motion carried.

The next regular meeting of the Planning Commission was scheduled for Thursday, September 20, at 7:00 p.m. The meeting was adjourned.

  
Margaret A. Hudson, Chairperson



RUSTY CASTO  
MAYOR  
755-0705

JOAN McCLANAHAN  
RECORDER  
755-0707

PUBLIC NOTICE

Please take notice that the Planning Commission of the City of Nitro located in Kanawha and Putnam Counties will hold a Public Hearing Thursday, July 26, 2001 at 7:00 p.m. in the Nitro Community Center to consider requests of:

MIGUOL AGUIRRE - Request permission to allow restaurant employees parking in back yard of residence at 113 Hillside Drive.

JACK OXLEY - Abandon North 21st Street Extension ending at his property at 2192 N. 21st Street.

REQUEST THE ZONING OF BLAKES CREEK AREAS 1 AND 2 BE REZONED FROM R-1 TO R-3.

Interested parties are invited to attend and express their views.

*Margaret Hudson*  
Margaret Hudson, Chairperson

PLEASE PUBLISH IN BOTH PAPERS FRIDAY, JULY 13, &  
THURSDAY, JULY 19

*old fax*  
FAX TO: 3482  
FROM: *[initials]*

July 26, 2001

(367)

Public Hearing  
NITRO Plan. Com

Name

Address

Jack & Theresa Opley  
~~James Opley~~

2192 N 21<sup>st</sup> St., Nitro

503 FIRST AVE NITRO WV 2514

Robert Conly

111 Hillside Ave Nitro

Richard L. Front

108 Hillside Dr. Nitro

Charles Sinsley

115. " " Nitro

Herb Fitzsimmons

105 " " "

David W. Spears

109 " " "

John Underwood

202 " " "

Randy McDavid 755-4474

224 Brooke Lane NITRO

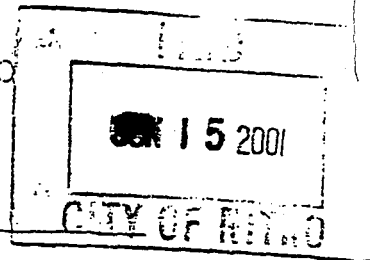
Yvette Ball

1030 Tenth St. Nitro

Janet Cable

1030 10th St, Nitro

REQUEST FOR ACTION BY THE  
PLANNING COMMISSION OF THE CITY OF NITRO



Name of Person Making Request: MIGUEL AGUIRRE

Address of Person Making Request: 613 HILLSIDE DR

NITRO WV 25143

Telephone Numbers of Person Making Request: (H) 304 722 6694 (W) \_\_\_\_\_

REQUEST INFORMATION—this must state the actual request and include the reasons justifying the request. Maps, photographs or other materials which would be helpful in describing the property, its surrounding area, and the nature of the intended use of said property and renderings of proposed buildings are desirable items to present. In addition, the Planning Commission or the City Council may request additional information needed to properly evaluate a request.

Statement of Request:

SEEKING PERMISSION TO ALLOW EMPLOYEE PARKING  
IN BACK YARD OF RESIDENCE. EMPLOYEES OF  
OWNER WORK IN ADJOINING RESTAURANT

Supporting Documents Attached:

1. HOUSE PLAN
2. PHOTO SHEET
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Date of Request: 6-15-01 Signature of Requestor: [Signature]

The fee of \$ \_\_\_\_\_ (payable to The City of Nitro) to cover the cost of the legal ad is attached.

When the meeting date for the public hearing is established, you will be notified so that you can attend and present your request as well as answer questions.

Your fee and this form is to be returned to \_\_\_\_\_ at City Hall.

Received  
7-26-01  
MATT

(4)

What's happening here to-night is not fair or right to the residents who have made and built this neighborhood.

For almost a half of a century these people have, in good faith, worked and built to make this neighborhood what it is to-day.

Speaking for ourselves, Charles & Mildred Turley, being the first family to move in on this street, it has been our hope, our dreams and our labor to build our home as a resident should build. All our neighbors, who have moved in, had the same ideal - We spent our lifetime working to develop and improve our property, and we have done a very good job. We are proud of our neighborhood.

This land was sold to us, and together we have made it what it is to-day; many homes, husbands and wives and children and it should not be changed. It should be left as it is. No one should have the right to destroy what we have built. We have put our time, our hopes and energy and our dreams of a lifetime into our neighborhood.

As long as all business stays on 1st Avenue, including parking lots, we are happy but

no one should have the privilege of taking away our rights.

We have put our time, our money and our energy, our hopes and dreams of a lifetime into our neighborhood.

As long as all business stays on 1st Avenue we are happy but it should not be allowed cross the line on our properties. This is a neighborhood not a business district.

We bought our land, lived by all the rules and regulations and now we expect our city to uphold our rights.

I am 85 yrs. of age and Charles is 86

Charles & Mildred Turley

Please excuse the writing - I got out of the hospital yesterday and this is the best I can do.

Thank you



(5)

REQUEST FOR ACTION BY THE  
PLANNING COMMISSION OF THE CITY OF NITRO

Name of Person Making Request: JACK L. OXLEY  
 Address of Person Making Request: 2192 N 21<sup>st</sup> St  
NITRO WV  
 Telephone Numbers of Person Making Request: (H) (304) 755-9544 (W) \_\_\_\_\_

REQUEST INFORMATION—this must state the actual request and include the reasons justifying the request. Maps, photographs or other materials which would be helpful in describing the property, its surrounding area, and the nature of the intended use of said property and renderings of purposed buildings are desirable items to present. In addition, the Planning Commission or the City Council may request additional information needed to properly evaluate a request.

Statement of Request:

see Attached

Supporting Documents Attached:

1. PICTURES - Did not copy
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Date of Request: 5/24/01 Signature of Requestor: Jack L Oxley

The fee of \$ \_\_\_\_\_ (payable to The City of Nitro) to cover the cost of the legal ad is attached.

When the meeting date for the public hearing is established, you will be notified so that you can attend and present your request as well as answer questions.

Your fee and this form is to be returned to \_\_\_\_\_ at City Hall.

May 29, 2001

I am requesting that the City of Nitro give the abandoned street that starts at the end of North 21st Street and ends at the end of my property at 2192 N. 21st St. This part of North 21st Street was referred to as N. 21st Street Extention when we moved to Nitro in 1972.

When we moved here, we were told that this portion of the road was our "right of way". The street was in very poor condition with deep ruts and no drainage ditches along the road. We went to see Mayor Alexander and asked if the city could provide some slag or let us buy some at the city's cost. He advised us that since we were not in the city limits, that they could not help us. He also advised that we received fire and police protection "our of the goodness of our hearts". For 29 years we have provided the slag, cleaned ditches, filled in ruts and cared for the road. We have asked for help with snow removal when there was heavy snowfall and was told that we were not in the city and they could not help us.

We recently found out that the 1967 annexation of Armor Creek included our property. We have since purchased the property adjacent to ours at 2191 N. 21st Street.

The mail does not get delivered to our door, the newspaper does not get delivered to our door, and the city does not pick up the garbage at our home. We have a mailbox and paper box at the end of our road and also take our garbage and trash down there. We're still going to do that.

Since we've taken care of this property for 29 years, we feel that this property already belongs to us.

We are leaving on vacation on Saturday, June 2 and will be gone through June 10. Our pictures of the road are in the process of being developed and will be available when we return if you need them.

Thank you for considering our request.

*Dwanda Tyler*  
*Council at Large*  
*City of Nitro*

*Therrell Ginner*  
*Council at Large*  
*City of Nitro*

REQUEST FOR ACTION BY THE  
PLANNING COMMISSION OF THE CITY OF NITRO

Name of Person Making Request: Janet S. Cable

Address of Person Making Request: 1030 10th St

Nitro, WV 25143

Telephone Numbers of Person Making Request: (H) 755-9855 (W) 746-2647

REQUEST INFORMATION—this must state the actual request and include the reasons justifying the request. Maps, photographs or other materials which would be helpful in describing the property, its surrounding area, and the nature of the intended use of said property and renderings of proposed buildings are desirable items to present. In addition, the Planning Commission or the City Council may request additional information needed to properly evaluate a request.

Statement of Request:

Request that the zoning of 107 Robin Road be  
changed from R1 to R3 - to allow for  
installation of new double-wide home.

Supporting Documents Attached:

1. Building permit from Kanawha Co.
2. Property map with drawing of double wide
3. Stop work order
4. Sales agreement
5. Pictures of double-wide

Date of Request: 6-28-01 Signature of Requestor: Janet S. Cable

The fee of \$ 25.00 (payable to The City of Nitro) to cover the cost of the legal ad is attached.

When the meeting date for the public hearing is established, you will be notified so that you can attend and present your request as well as answer questions.

Your fee and this form is to be returned to \_\_\_\_\_ at City Hall.

# BUILDING PERMIT

# Flood Plain Management Program

## KANAWHA COUNTY, WV

PERMIT NO. 2001-21

District    Union                      FIRM MAP# 54007-                      TAX MAP                      21

**PARCEL 47 DATE ISSUED 6/15/01 EXPIRATION DATE 12/15/01**

**Issued to: Janet S. Cable**

**Address:** 1030 10<sup>th</sup> St. Nitro, WV 25143

**Location of Property:** 107 Robin Rd., Nitro, WV

Type of Structure: SF Residential - Mobile Home

**IN FLOOD PLAIN** (Required first floor elevation) \_\_\_\_\_  
Zone A-\_\_\_\_\_  
Zone B-\_\_\_\_\_

  X   NOT IN FLOOD PLAIN

*Kathleen J. Kessell*  
Permit Office Approval

NOTE: -Approval denotes conformity to the Kanawha County Flood Plain Management Program ordinance.  
-Construction must commence within six (6) months from the date of this Permit to be valid.  
-This permit is not transferable.

## VALIDATION

By: Kanawha/Charleston Health Department Or: \_\_\_\_\_

Public Service District

PERMIT TO BE DISPLAYED AT BUILDING SITE

# LEGAL NOTICE

Date 6-26-01

WHEREAS, violations of { Article 1313, Section 01 of the Zoning Ordinance }  
{ Article \_\_\_\_\_, Section \_\_\_\_\_ of the Building Code } have been found on  
{ Article \_\_\_\_\_, Section \_\_\_\_\_ of the \_\_\_\_\_ Code }

these premises, IT IS HEREBY ORDERED in accordance with the above Code that all persons cease, desist from, and

## STOP WORK

at once pertaining to construction, alterations or repairs on these premises  
known as 107 ROBIN RD.

All persons acting contrary to this order or removing or mutilating this notice are liable to arrest unless such action is authorized by the Department.

Don C. Costa  
CODE OFFICIAL

# CONTRACT TO PURCHASE AND DEPOSIT AGREEMENT

Mail Monthly Payment To:  
Oakwood Acceptance Corporation

P.O. Box 96011

Charlotte NC 28296-0011

Seller: OAKWOOD MOBILE HOMES INC.  
DBA FREEDOM HOMES

Address: 417 FIRST AVE.

NITRO WV 25143-

Telephone: 304-722-7127

NAME JANET S CABLE

DATE 05/09/2001

ADDRESS 1030 10th st  
NITRO WV 25143-

TELEPHONE RES.304-755-9855  
BUS.

MANUFACTURER OAKWOOD		MAKE OAKWOOD		MODEL & YEAR 2032000 2000	
B. ROOMS 3		APPROX. SQ. FOOTAGE 1280		SERIAL NUMBER HONCO5532928 A/B	
DELIVERED TO: County KANAWHA		State WV		SALESPERSON JACOB MCCARTHY	
IN TRADE FOR:		MAKE		PAYOFF TO?	
SERIAL NUMBER		YEAR 0		LENGTH	
WIDTH		BEDRMS.		ACCT. NUMBER	
OPTIONAL EQUIPMENT, LABOR AND ACCESSORIES				CASH PRICE OF HOME	
FREEDOM TO ADD: DELIVERY, SET UP, CENTRAL AIR AND				\$ 45000.00	
SKIRTING CUSTOMER TO PICK UP FREE SET OF WOOD				SUB-TOTAL \$ 45000.00	
METAL STEPS AT SALES CENTER. FREEDOM TO				State Tax 1350.00	
OMIT: WHEELS, TIRES, AND AXLES REMAIN THE PROPERTY OF				City Tax	
FREEDOM HOMES.				County Tax	
				Local Tax	
SET UP AGREEMENT				Mobilowners Insurance Premium 0 Yrs. 0.00	
FREEDOM TO SET HOME TO MANUFACTURES SPECS, AS LOW				Credit Life Insurance Premium 0 Yrs. 0.00	
TO, THE GROUND AS POSSIBLE. CUSTOMER TO PROVIDE				Home Buyer's Protection Ins. Premium 0 Yrs. 0.00	
READY AND EASY ACCESS TO HOME SITE AND FUNISH				Filing Fee	
DOZER OR WRECKER IF NEEDED FOR DELIVERY.				Title Fee 20.00	
REMARKS					
3/4 PLASTIC WATER LINE AND 3" PLASTIC SEWER LINE				1. CASH PRICE \$ 46370.00	
MUST BE STUBBED OUT AT TIME OF DELIVERY FOR HOOK				TRADE-IN ALLOWANCE \$	
UP. SALE IS FINAL AT CLOSE				LESS BALANCE DUE ON ABOVE \$	
				NET ALLOWANCE \$	
				CASH DOWNPAYMENT \$ 2500.00	
				2. LESS TOTAL CREDITS 2500.00	
				3. UNPAID BALANCE OF CASH SALE PRICE \$ 43870.00	

**MINUTES OF THE MEETING  
OF THE  
NITRO SANITARY BOARD**

Counties of Kanawha and Putnam, West Virginia

June 26, 2001

**THOSE ATTENDING:** Chairman, Rusty Casto; Board Members, Art Ashley; Joe Brewer, BS Saluja, Secretary/General Manager Danny Lewis, Consultant Connie Stephens, Treasurer Max Lemma, Attorney Denny Vaughan, Jim Kelsh, Dunn Engineers Wayne Hypes, Jeremy Graham, S&S Engineers Ashok Sanghavi, Accountant Ralph Laton

**Visitors:**

**Call to Order** Chairman Casto called the meeting to order.

**NEXT MEETING DATE:** Mr. Ashley made the motion to conduct the next meeting on July 24, 2001 at 3:00 PM. Mr. Saluja seconded and motion was passed.

**APPROVAL OF MINUTES:** Mr. Ashley made the motion to approve the minutes of the April 24 2001 meeting. Mr Brewer seconded and motion was carried.

**FINANCIAL REPORT:** Mr. Lemma stated that the April financial has not been completed at this time. Mr. Lemma said that the shortfall of income will soon be remedied with the increase taking effect in August.

**POCA RIVER:** Mr. Sanghavi stated that both Phases of the project are complete with cleanup remaining. Mr. Brewer made the motion to pay Rover Final Invoice of \$35,819.57. Mr. Saluja seconded and motion was carried. Mr. Saluja made the motion to pay Rover for additional force main extension down Dairy Road, by-passing the homes, to solve the odor problem in the sum of \$ 33,060. Mr. Brewer seconded and motion was carried.

**WV STEEL CORPORATION:** Mr. Lewis said that WV Steel is wanting to discharge their waste pond into our system. This waste consist of, according to Terradon Corporation, around 22,000 gallons of wastewater and 22,000 of sludge. Mr. Lewis handed out the analytical results that were supplied by Terradon. Mr. Saluja evaluated the results and stated that the sludge results were to high in metals and solids for Nitro to accept. Mr. Saluja said that the water part of the pond would be acceptable if these results were correct. He said that we could accept the water as long as an employee of the Sanitary Board would be there to supervise the pumping to make sure no sludge was pumped with the water. Mr. Saluja suggested that Mr. Lewis go and evaluate the pond and determine what would be the best way to handle the water. Matter was discussed some more and will be brought up next meeting.

**BOB MORRISON:** Mr. Lewis said that Mr. Morrison lives at # 6 Red Oak Drive. He said that Mr. Morrison

Page 2.

and his neighbor share a septic tank. The septic tank is broke and sewage is flowing into the creek behind their house. Mr. Lewis said that Mr. Morrison has requested to hook up to our main line. Mr. Lewis questioned Mr. Vaugahn or Mr. Kelsh on who is responsible to install this line. Mr. Kelsh stated that the customers are required to install service lines at their own expense. He said that the Sanitary Board will charge a tap fee and have an employee to inspect the work.

**RENAMING OPERATIONS:** Mr. Lewis said that Mr. Ashley has came up with Nitro Regional Public Service Utility as the new name of the operations part of our system. Mr. Lewis passed around a logo he had made up showing the new name. Mr. Ashley said the reason behind the suggestion was that the total body including those people working on sewer lines or anywhere else, are known by name as the Nitro Sanitary Board. He said that is misleading because they are not a board per say. He said this body here is the Board, and the Utility that we govern should have a name that is more meaningful and demonstrates the essence of what we are about. Mr. Ashley made a motion to accept the name as presented and to take the necessary steps to bring this change about. Mr. Vaughan said it will be an operations component name. Mr. Ashley said that is correct. Matter was discussed and to keep any confusion to a minimum Mr. Saluja amended the motion to call the operations part of our system the Nitro Regional Wastewater Utility. Mr. Ashley seconded and motion was carried.

**BLAKES CREEK:**

Mr. Graham stated that he would update the progress report of the project as Mr. Lewis gave his report.

Mr. Lewis passed out a draft report to everyone present concerning the Blakes Creek Project. Mr. Lewis said as everyone now knows, we are having problems with the project, to say the least. He said what he has done is went back through the minutes and outlined what has happened. He said the report shows the time line of the project and what has transpired. Mr. Lewis told Mr. Graham to look through the report and verify its contents.

Mr. Lewis said that the project started out with a deferred payment plan. He said at the present, we have no deferred payment agreement, and does not think we will in the future. Mr. Lewis said that Mr. Vaughan and himself had a phone conversation with Mike Johnson of DEP at the Poca River Project Phase II bond closing, and was told there would be no deferred payment plan. Mr. Vaughan stated that is correct. He said that the state operates under regulations that require payments to begin at least one year after completion of construction. Mr. Vaughan said it would be impossible for an accountant to sign papers certifying rates due to the payment changing in a deferred payment scheme. He said this is not something Mr. Lewis and himself has conjured up as a problem, it came up during our systematic inspection of the deferred payment. Mr. Vaughan said you have to have two things, you have to have people and you have to have some form of financing and in this case there were questions on both items from myself and Mr. Lewis. He said when Mr. Lewis questioned him about it he thought it can not work, because they cannot do it themselves.

Ms. Stephens said then why did Mike Johnson say we could. Ms. Stephens and Mr. Lemma both stated that Mike told them they could get a deferred payment.

Mr. Lewis said that he had a copy with the attendance of the meeting that Mike Johnson, Jack Ramsey, Carrie Grimm, David Byrd, Max Lemma, Connie Stephens, Jim Withrow and Doug Schmidt had on July 24, 1998.

Mr. Vaughan said that Mike probable said that he would try and provide some kind of methodology to help accomplish this plan. Mr. Lemma said that is correct, he said Mike told them if they would raise the rates ten percent he could do it. Mr. Vaughan said that as he started looking at it and talked to the lawyers, he found out that he could not do that because then he would be violating the regulations that he has to operate under. Mr. Vaughan said Mike is at the mercy of the bond holders. He said the conversation we had with Mike on June 5, 2001, he showed no inclination, as of that moment, to work with us on any deferred payment plan.

Mr. Lewis then started going over the financing part of the report. He said that if we would receive the one million dollar grant from A.R.C. we would need a two and one half million dollar bond.

Mr. Lewis turned the floor over to Mr. Laton to go over the payments.

Mr. Laton stated you would have a fourteen thousand dollar payment per month plus fourteen hundred dollar per month reserve payment. Mr. Lewis ask if this was on a three percent bond.

Mr. Laton said yes. Mr. Laton then said even if the deferred payment was offered, there would not be enough income generated to pay the interest payment.

Mr. Lewis said the financial part of the report shows the different payments on the scenarios



that could happen. He said that even if we had the whole area out there we could barely pay the interest payment.

Mr. Ashley ask Mr. Graham if there was anything he would like to add to this report.

Mr. Graham stated that everything Mr. Lewis said is correct.

Mr. Lewis ask if we are obligated to run lines up the Blakes Creek and Robin Road area.

This issue was going to be checked on.

Mr. Ashley stated that it looks like we are not going to be able to turn this project around. He said the basic projections of revenue were wrong, and this was the basis of going in the direction we went to begin with. He said the foundation was that the business was going to be there, and those projections were very wrong. He said at this time he does not know who is responsible for that, but what ever it is we are stuck with this at this point. Mr. Ashley said the question of deferred payment, critical to the entire project. Without it we had no business doing business. Then the idea of the Union Public Service District, when we have people saying they can not handle what they have and they are going to need our help, and then it turns out they say no, we do not need your help, we are fine. Mr. Ashley stated that what direction he is moving in is to make the best of a bad situation and stop where we are right now, separate ourself's from this project entirely, then address our obligations to the citizens that lives in the Blakes Creek and Robin Road area. He said to not spend any more money than we have to.

Mr. Lemma said that if it could be completed, in the long run there will be sufficient revenue from the development that will build in that area. He said the question is how long will it take and finding a way to put it together.

Mr. Saluja stated that at this time we should put the project on hold, have a complete look at it again. In light of this new information or disinformation we now have in hand. He said we need to keep it on hold until we receive all, if any, commitments from Union and Pete Storage. Mr. Saluja said that we have liabilities, which is why it needs to be on hold, not shut down right away.

Matter was discussed some more with the conclusion being to halt the project until more information can be gathered. Mr. Vaughan said that United National should be notified that the project is on hold.

#### C.S.O. PROJECT:

Mr. Lewis said that he just wanted to say the public meeting that was held on June 21, 2001 with Richard Lewis on environmental laws was very insightful. He said he wished more people would have been able to attend.

Mr. Lewis said the direction the CSO issues are heading is in a state of confusion. He said he has talked to Tom Marshall of DEP over the CSO issues and was told what ever we planned will have to be acceptable to EPA.

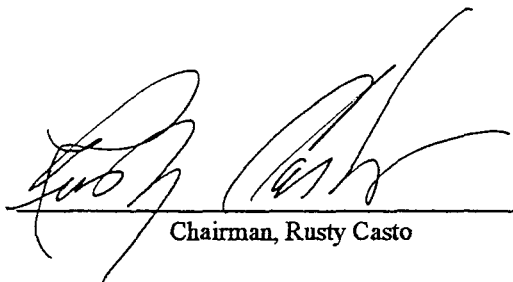
Mr. Hypes stated that the one thing we do know is the current schedule we have turned in and has been approved by DEP, you are behind that scatole. He said the EPA is looking at CSO policies and making it a stipulation on new permits.

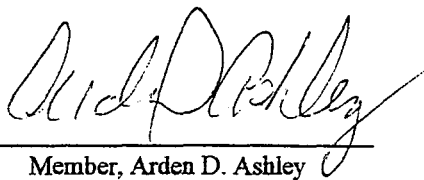
Mr. Lemma said that we all knew it was coming.

Mr. Lewis said he was told that it would become a part of our new permit.

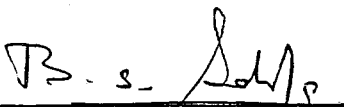
#### Adjournment:


As there was no further business Mr. Saluja made a motion to adjourn. Mr. Ashley seconded and motion was carried.

  
 Chairman, Rusty Casto

  
 Member, Arden D. Ashley

\_\_\_\_\_  
 Member, Joseph Brewer

  
 Member, B. S. Saluja

  
 General Manager, Secretary, Danny L. Lewis

CITY OF NITRO  
COUNCIL MEETING MINUTES

AUGUST 21, 2001

Mayor Casto welcomed everyone, declared a quorum and called the Council Meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder, Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller and Bobby Smith. Absent were Councilman at Large Richard Savilla and Councilman Harry Miller, III. Also present were City Attorney April Robertson and Treasurer Ralph Allison.

Mayor Casto announced Saturday, August 25, at 4:30 p.m. at City Park there will be a hot dog dinner, followed by Mick Souter who will be singing songs regarding WV and WV history. This was made possible from a grant from the WV Department of Arts and Culture.

Mayor Casto also announced that our BMX Track will open Saturday.

Mayor Casto asked that we remember Ben Savilla in our prayers.

THE INVOCATION WAS GIVEN BY VERNON CASEBOLT.

AGENDA ITEM NO. 1 - APPROVAL OF 08-07-01 COUNCIL MEETING MINUTES: - COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE COUNCIL MEETING MINUTES OF AUGUST 7, BE APPROVED, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

CITY RECORDER JOAN MCCLANAHAN MOVED WE ADDRESS AGENDA ITEM NO. 7 AT THIS TIME, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

AGENDA ITEM NO. 7 - ABANDONMENT OF CEDAR STREET: - Mayor Casto yielded the floor to Councilman Bobby Smith. COUNCILMAN SMITH MOVED WE REFER THE REQUEST TO ABANDON CEDAR STREET TO THE PLANNING COMMISSION, SECONDED BY CITY RECORDER JOAN MCCLANAHAN.

Joe Prine asked to address Council. He asked what procedure is followed to get a petition to abandon a street. Mayor Casto told him this petition was originated by Councilman Smith. He took it to the property owners adjoining Cedar Street and brought it to Council and they voted that it be referred to the Planning Commission. Councilman at Large Tim Sizemore said it becomes a part of public record tonight because it has to be included in our records. Mr. Prine asked if we had a petition that represents 12 households adjoining Cedar Street. Councilman Bobby Smith answered that there are 12 petitions; each household completed one of their own. All twelve are in favor of the abandonment. Councilman at Large Tim Sizemore responded that we are sending these requests to the body of government that this is their expertise, their area. We have to accept almost any type of reasonable request that is made, but we must send it to the proper commission. Councilwoman at Large Brenda Tyler stated it is not approving the closing of the street, it is

approving a hearing or a meeting on the closure. The people on Cedar Street petitioned the City to abandon the street. A citizen said Tuesday was the first he heard of the closing of the Street, and that was when a neighbor ask him to sign a petition. He was very much concerned because none of the neighbors that he spoke with that would oppose this abandonment of this street didn't know anything about this. The meeting will be advertised in the newspaper and each adjoining resident will be notified. Councilman Smith explained that the street doesn't have much traffic, and doesn't cost the city any money because it isn't paved. If the planning commission recommends the city abandon the strip, council must vote to approve it. Six residents on each side of the secondary road would get about 20 feet of the 40-foot road. After further discussion, A VOTE WAS TAKEN TO REFER THIS PETITION TO THE PLANNING COMMISSION AND IT WAS UNANIMOUSLY APPROVED.

AGENDA ITEM NO. 2 - BMX OPENING/RULES: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman at Large Brenda Tyler advised the BMX Track is open, and the grand opening is scheduled September 15. The National Bicycle Association will be here at that time and there will be food and they will be giving away prizes. There will be professional riders doing demonstrations that day. The track is now open and free for any of the children that want to ride on the track. They are required to wear helmets and safety gear in order to be on the track. Rules have been posted and it will be supervised.

Mayor Casto said he would like to thank Councilwoman Tyler for all the work she put in on the track. He said he feels if it wasn't for her, the track would not have been possible.

AGENDA ITEM NO. 3 - PLAYGROUND: - Councilwoman at Large Brenda Tyler advised they met with the three people placing bids, Game Time, Cunningham Associates and Taylor Sports which represents Miracle. She said members of Council visited playgrounds as far away as Ripley and spoke with principals that have these playgrounds. They visited churches and parks that have these playgrounds. It was not an easy decision. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED TAYLOR SPORTS AND RECREATION, WHICH REPRESENTS MIRACLE, BE AWARDED THE CONTRACT FOR THE PLAYGROUND, SECONDED BY CITY RECORDER JOAN MCCLANAHAN. Mayor Casto informed that as of this date, we have roughly \$40,000 raised for the playground. A VOTE WAS TAKEN AND IT WAS UNANIMOUSLY APPROVED. Councilwoman Brenda Tyler said the plan of the Playground Committee is to work very diligently on this during the winter. All money will be in hand before this playground is built. It is coming from grants and will cost the city nothing. Hopefully, by spring we will be able to break ground, and have a playground in the City of Nitro that it totally handicap accessible and one of the largest of this type in the State of WV.

AGENDA ITEM NO. 4 - BRICKS: - Councilwoman Brenda Tyler said at the last Council Meeting, the Mayor brought up the idea of selling bricks in order to make a walkway into the playground. We would sell the bricks for \$50.00 and engrave peoples name in honor of, a memorial to or in recognition of persons. She advised we could buy the brick for \$.46 and Rich Hively said he could engrave the brick for \$5.00 a brick. Councilwoman Tyler said she knew this idea would work because when she was in Tennessee this year, this was taking place. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE APPROVE SELLING THE BRICKS IN ORDER TO RAISE MONEY FOR THE PLAYGROUND, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. Mayor Casto asked Council if they would review the letter which will be distributed to citizens and advise of any additions or

corrections. Mayor Casto said he would like to buy the first brick, and put it in honor of Pat Vance.

Mayor Casto said he spoke with a gentleman today, and he was willing to bring his Stern wheeler which would hold around 60 people. They would have a country band and serve a steak dinner aboard sometime in October to earn money for the playground.

AGENDA ITEM NO. 5 - SCHOOL CROSSING GUARD: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. City Recorder Joan McClanahan said as Council will recall it was necessary that we dispense with the funding of school crossing guards due to our budget cut. Mrs. Price, Principal of Nitro Elementary School, spoke with her and Councilwoman at Large Brenda Tyler regarding this. After conferring with the City Treasurer Ralph Allison regarding the availability of the \$2,000, CITY RECORDER JOAN MCCLANAHAN MOVED WE DONATE \$2,000 TO THE SCHOOL WHICH THEY WILL PROBABLY USE FOR A SCHOOL CROSSING GUARD IF THEY CAN'T GET ENOUGH VOLUNTEERS. IT IS NOT ENOUGH TO COVER THE COST, BUT IT IS A STEP IN THE RIGHT DIRECTION. MOTION SECONDED BY COUNCILMAN BOB SMITH, AND WAS CARRIED.

AGENDA ITEM NO. 6 - RECREATION MEETING 8/27/01: - City Recorder Joan McClanahan said that with Councils' permission she would like to schedule a Recreation Meeting, Monday, August 27, at 7:00 p.m. in Council Chambers. Mayor Casto, A. J. Hill and Mark Jarrett will be present. All members of Council are invited to attend. Ridenour Lake needs attention and we would like to start making plans and by next spring we will know in what direction to go. Also, it will be determined where we will locate the skateboard park, and discuss fishing tournaments.

AGENDA ITEM NO. 8 - PARKING - 19TH STREET: - Mayor Casto yielded the floor to Councilman David Miller. Councilman David Miller said he was approached by a group requesting that we make 19th Street residential parking only from 2nd Avenue to 3rd Avenue, the opposite side of the street from the school. COUNCILMAN DAVID MILLER MOVED 19TH STREET BE DESIGNATED RESIDENTIAL PARKING ONLY FROM 2ND AVENUE TO 3RD AVENUE, SECONDED BY COUNCILMAN BOBBY SMITH. Councilwoman at Large Brenda Tyler commented that it concerns her that we are picking streets and making residential parking. She said that soon we will have every street in Nitro requesting that nobody be allowed to park on their streets but the residents. She feels we should look into this and see if this causes any kind of hazard in parents picking up children. The buses have the front side and 19th Street is the only street parents have to use. Councilman David Miller explained that there is a difference in parking and stopping to pick up kids. He said he didn't feel this would be a hardship on parents. The citizens deserve their parking. Councilwoman at Large Brenda Tyler said we need to look at this when school is in session, and where parents go to pick up their kids. It was suggested the Principal, Mrs. Price, advise the staff not to park on the street. AFTER FURTHER DISCUSSION, A VOTE WAS TAKEN AND WAS CARRIED WITH COUNCILWOMAN AT LARGE BRENDA TYLER OPPOSING.

AGENDA ITEM NO. 9 - 2ND READING - ORD. EMPLOYMENT POLICY MANUAL: Mayor Casto yielded the floor to the City Attorney April Robertson. Ms Robertson advised we had first reading at the last meeting on the Employment Manual. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE ATTORNEY READ TITLE ONLY, SECONDED BY COUNCILMAN

AT LARGE TIM SIZEMORE, AND WAS CARRIED. The City Attorney April Robertson read title, "Ordinance Amending and Re-adopting the Municipal Code of the City of Nitro, West Virginia, by Repealing, Amending and Adopting Article 157 Relating to Employment Provisions for the Municipal Employees of the City of Nitro. COUNCILMAN A. A. "JOE" SAVILLA MOVED FOR THE ADOPTION OF ORDINANCE, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

ORDINANCE 01-09 & EMPLOYMENT POLICY MANUAL ATTACHED.

AGENDA ITEM NO. 10 - APRIL ROBERTSON: - The City Attorney April Robertson said she had a first reading for ordinance regarding the demolition of buildings that are unsafe for human habitation. She explained that basically it is codification of the memo that she outlined a few weeks ago. It provides a step by step procedure. Mayor Casto said this would put Bryan Casto, and someone the Mayor designates along with himself on a committee. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE ATTORNEY READ TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED. City Attorney April Robertson read title, an Ordinance Amending and Re-adopting the Municipal Code of the City of Nitro, West Virginia, by Adding Section 2, Article 1129, Regulating the Repair, Closing or Demolition of Dwellings or Buildings unfit for Human Habitation. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE FIRST READING OF THE ORDINANCE BE APPROVED, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

City Attorney April Robertson said the false alarm ordinance for which we had the first reading on August 7, did not get published in the newspaper in time to have the second reading at tonight's meeting. Therefore, we will have to postpone the 2nd reading until the first meeting in September.

Ms Robertson informed that on the car stereo noise ordinance and jake brake noise ordinance, she had received a couple of sample ordinances from other cities. She spoke with the City Attorney in Beckley and they are working on a new ordinance. She suggested they give her two weeks and she will bring it back to Council.

AGENDA ITEM NO. 11 - RALPH ALLISON: - Nothing to report.

AGENDA ITEM NO. 12 - MAYOR'S COMMENTS: - Mayor Casto announced that Saturday, August 25, 2001 at 4:30 p.m. there will be a hot dog dinner at the park, and Mike Souter from Elkins will put on a WV history songfest beginning at 5:00 p.m.

Mayor Casto informed that we have paved 8th and 11th Street since our last meeting.

Mayor Casto thanked Councilman Bob Smith on his work for getting the children to wear bike helmets.

Councilman David Miller issued an invitation to his Grandmother, Virginia Miller's, birthday party on September 1, at St. Paul's Methodist Church from 3:00 p.m. to 5:00 p.m. Councilwoman at Large Brenda Tyler said she had a correction. She said she had a talk with Grandmother and she said two hours are not enough for her, and she assured her that they would start at 3:00 p.m. and party all night.

Councilman David Miller said he had a sample employment agreement, which is a basic contract between the new hires, fire department and the City. This agreement was faxed to our City Attorney today by the City Recorder, but she hasn't had time to review it.


COUNCILMAN A. A. "JOE" SAVILLA MOVED WE CHANGE THE COUNCIL MEETING DATES IN SEPTEMBER TO SEPTEMBER 11, AND SEPTEMBER 25, 2001, SECONDED BY COUNCILMAN BOB SMITH, AND WAS CARRIED.

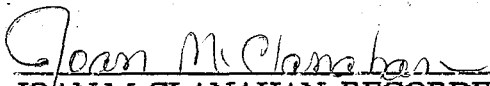
Councilwoman at Large Brenda Tyler said she would like for the City to set a day this Fall as City Cleanup Day. We need to get the trash out of the City, and we need city-wide cleanup.

City Recorder Joan McClanahan said Patrolman Oxley, the proud owner of Hammer the drug dog, spoke with her about getting a bullet proof vest for his dog. She said she was sure they could have gotten donations from various organizations, but he wanted something that involved children in this project. City Recorder McClanahan said she spoke with the Principal of the elementary school and a couple of the teachers. They talked with a young lady that would spearhead this. She said she feels the more we get the children involved, it will make them more aware of what the dog does and the importance of what he does. She said she would report the progress on this as time goes on.

A gentleman asked what had to be done to get 14 feet of curb put in on 11th Street. Mayor Casto said this was on the schedule to be done.

There being no further business to be conducted, CITY RECORDER JOAN MCCLANAHAN MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER

ORDINANCE NO. 01- 10

AN ORDINANCE AMENDING AND RE-ADOPTING THE MUNICIPAL CODE OF THE CITY OF NITRO, WEST VIRGINIA, BY REPEALING, AMENDING AND ADOPTING ARTICLE 157 RELATING TO EMPLOYMENT PROVISIONS FOR THE MUNICIPAL EMPLOYEES OF THE CITY OF NITRO.

WHEREAS, the City of Nitro, West Virginia, ("City") declares the necessity and convenience to communicate the personnel policies and procedures of the City; and

WHEREAS, the City desires to have a reference guide for department heads and supervisors in the day-to-day management of the City's personnel program; and

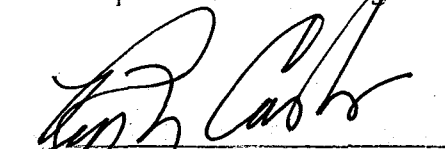
WHEREAS, said guide shall incorporate the objectives and operating philosophies of the City; and

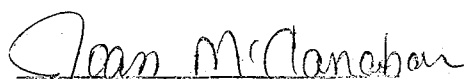
WHEREAS, all City employees shall be governed by these policies and procedures except for the police department and fire department which shall be governed by these policies and procedures only where they do not conflict with civil service rules and regulations.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Nitro, West Virginia, that the Codified Ordinances of said City be amended and re-adopted by repealing, amending and re-adopting Article 157, entitled "Employment Provisions," which Article shall read as attached hereto and be incorporated herein by reference.

Passed on first reading: 7<sup>th</sup> day of August 2001.

Adopted on second reading: 21<sup>st</sup> day of August 2001.

  
Mayor

  
City Recorder



## ARTICLE 157

EMPLOYMENT PROVISIONS

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Sec. 157-02	Employment at Will
Sec. 157-03	Equal Opportunity
Sec. 157-04	Administration
Sec. 157-05	Alcohol and Drug Free Workplace
Sec. 157-06	Official Bonds
Sec. 157-07	Compensation of Officers and Employees
Sec. 157-08	Federal Social Security
Sec. 157-09	City Is a Participating Public Employer; State Employees Retirement System
Sec. 157-10	Personnel Files and Records
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## RECRUITMENT AND APPOINTMENT

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Sec. 157-21	Appointment Criteria
Sec. 157-22	Reserved
Sec. 157-23	Employment of Relatives
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## CONDITIONS OF EMPLOYMENT

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Sec. 157-31	Performance Evaluation
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Sec. 157-35	Reserved
Sec. 157-36	Political Activity
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Sec. 157-38	Rest Periods and Breaks
Sec. 157-39	Gifts and Favors
Sec. 157-40	Nondiscrimination
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Sec. 157-45	Reserved
Sec. 157-46	Surrender of Property

Employment Provisions

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Sec. 157-47	Confidential Information Procedures
Sec. 157-48	Privacy of Employee Records
Sec. 157-49	Travel
Sec. 157-50	Training and Development
Sec. 157-51	Complaint Resolution Process for Non-Civil Service Employees
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## PERSONNEL STATUS CHANGES

Sec. 157-60	Personnel Status Changes
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## CLASSIFICATION AND PAY

Sec. 157-80	Position Classification Plan
Sec. 156-81	Pay Plan
Sec. 157-82	Starting Pay
Sec. 157-83	Reserved
Sec. 157-84	Regular Rate of Pay
Sec. 157-85	Overtime Rate of Pay
Sec. 157-86	Regular Weekly Schedule
Sec. 157-87	Pay Periods
Sec. 157-88/157-89	Reserved

## NON-SALARY COMPENSATION AND BENEFITS

Sec. 157-90	Vacation Leave
Sec. 157-91	Paid Sick Leave
Sec. 157-92	Unpaid Sick Leave-FMLA
Sec. 157-93	Military Service Leave
Sec. 157-94	Workplace Injury
Sec. 157-95	Reserved
Sec. 157-96	Civil Leave
Sec. 157-97	Holidays
Sec. 157-98	Bereavement Leave
Sec. 157-99/157-119	Reserved

04/2001  
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Sec. 157 Employment Provisions

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Sec. 157-01 Purpose of Section 157-Employment Provisions, Forward

- (a) Purpose: The purpose of this chapter is to communicate the personnel policies and procedures of the City of Nitro, W.Va. ("City"). It is designed to serve as a reference guide for department heads and supervisors in the day-to-day management of the City's personnel program. Incorporated in this chapter are the objectives and operating philosophies of the City.
- (b) Covered Employees: All City employees shall be governed by these policies and procedures with two exceptions. The police department and fire department shall be governed by these policies and procedures only where they do not conflict with civil service rules and regulations.

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Sec. 157-02 Employment At Will

- (a) Policy: Employment with the City is on an at-will basis. This means that either the employee or the City may terminate the employee's employment at any time for any or no reason, with or without notice. Further, it is specifically understood that no employee of the City has the authority to enter into any agreement, either orally or in writing, for any period of time or to make any agreement with an employee personally that could be terminated only for "good cause." Under no circumstances are Section 157-Employment Provisions and/or its included policies intended to be construed as an employment contract or an offer of an employment contract.
- (b) Covered employees: Sec. 157-02 applies to all City employees except civil service employees.

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166472.v2.

Sec. 157-03 Equal Employment Opportunity

- (a) Policy: It is the policy of the City to select, develop and promote employees based on individual ability and job performance. It has been, and shall continue to be, the policy of the City to provide equal employment opportunity to all people in all aspects of employer-employee relations without discrimination because of race, color, creed, sex, national origin, age, or physical disability. It has been, and shall continue to be, the City's policy to maintain a working environment free of sexual harassment and intimidation. It is further the policy to comply with applicable local, state, and federal statutes concerning employment opportunity.
- (b) Notification: This policy must be discussed, verbally and in writing, with all City employees, supervisors, and officials annually. All new employees, supervisors, and officials must be informed of this policy.
- (c) Postings: Federal and state government nondiscrimination posters, unemployment compensation, family leave, and state fair labor standards, as well as this Policy Statement must be displayed permanently in conspicuous locations in all facilities where notices to employees and applicants for employment are placed.
- (d) Discipline: Any established incidents of discrimination or sexual harassment by any employee will result in immediate and severe disciplinary action, including possible termination. It shall be further the responsibility of every City employee, particularly supervisors and Department Heads, to bring to the City's attention any evidence of discrimination or sexual harassment so that the matter can be investigated and appropriate action taken. Generally, such information should be given to the City Recorder and/or the Mayor.
- (e) Covered employees: All City employees are covered by this article.

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Sec. 157-04 Administration

- (a) Policy: The Mayor shall be the administrative head of the city government and is directly responsible to the City Council. The Mayor shall be the chief supervisor of City personnel, directing personnel activities, approving personnel actions and administering personnel policies. The Mayor shall develop and effect any supplementary policies necessary to accomplish the purposes or provisions of this personnel policy, with council approval. These supplementary policies shall be reviewed by the City Council and shall become a permanent part of Section 157 of the City codes.
- (b) Personnel Files: The Mayor shall be responsible for administering official personnel files (records) for the employees of the City containing information relating to employee merit and changes of status. The guidelines for the personnel files are found in Sec 157-10 of the City codes.
- (c) Delegation to City Recorder: In carrying out these responsibilities, the Mayor may assign all or part of the personnel administration to the City Recorder, but the Mayor shall retain ultimate authority and responsibility for City personnel matters.

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149755.v2.

Sec. 157-05 Alcohol and Drug Free Workplace

- (a) It shall be the policy of the City to provide an alcohol and drug (controlled substances) free workplace for all employees.
- (b) The City prohibits the possession of, the presence of or the use of alcohol or drugs on City property or premises, in City vehicles, while the employee is on the job or while the employee is representing the City.
- (c) The City recognizes that certain employees are employed in sensitive positions. All current City employees in sensitive positions from a health and safety viewpoint are subject to random drug-screening. The administrator of this program is the City Recorder.
- (d) Post offer of employment persons will be screened and tested to detect illegal substance and alcohol abuse.
- (e) The City may have a reasonable cause to screen certain individuals. The following list is not all-inclusive but does give examples of when the City may determine an individual inquiry is justified.
  - (1) Erratic job performance or behavior.
    - Slurred speech
    - Stumbling
  - (2) Frequent injuries, accident patterns or "near misses" where the circumstances indicate the possible presence of alcohol and/or drugs.
  - (3) Frequent absenteeism of the type that suggest the likely presence and/or use of alcohol/drugs.
  - (4) Frequent medical care and/or high disability costs that indicate related possible use of alcohol/drugs.
  - (5) Documented substance abuse or positive findings in/or outside the work environment.
- (f) If the City determines an employee is engaged in selling any drug or controlled substance on City premises, notwithstanding test results of that employee, the City may suspend an employee pending an investigation. Selling a drug or controlled substance on or off City premises shall subject an employee to discharge. Any indictment, warrant, or arrest of an employee for off-premises drug or controlled substances offenses shall subject the employee to suspension pending final legal adjudication.
- (g) An employee found in violation of 157-05-b, 157-05-c, 157-05-d, 157-05 e and 157-05-f will be subject to appropriate discipline up to and including termination.

## Sec. 157-06 Official Bonds

- (a) Every officer, employee, or agent of the City who in the course of his official duties receives, handles, or has custody of or control of City funds, negotiable instruments, or securities at any time shall, before entering upon his duties as such officer, employee, or agent and within ten days of his election or appointment, give bond, payable to the City with corporate surety, in such amount not less than five hundred dollars (\$500.00) as shall be determined by Council, and conditioned upon the faithful performance of his duties, to give a true accounting of all City funds, negotiable instruments, and securities received or handled by him or coming within his custody or under his control, and payment thereof to the City; provided, that the bond of the City Treasurer shall be in the amount of not less than fifteen thousand dollars (\$15,000); and provided further, that during any period when two (2) or more positions are held by the same person, the bond for such person shall be in the amount of not less than the highest amount required for anyone of such positions.
- (b) Council may adopt a system of "blanket" faithful performance and honesty bonding as an alternative to the individual bonds provided in subsection (a) hereof; provided, that the minimum amounts as specified in subsection (a) for the positions named therein shall remain the same as therein specified.
- (c) All officers, employees and agents of the City who, in the line of duty, are required or authorized to carry firearms, shall give bond, payable to the City, with corporate surety, in such amount not less than ten thousand dollars (\$10,000) as may be specified by Council, and conditioned upon the faithful performance of their respective duties and the payment of any judgment or decree which may be rendered against them for the negligent or unlawful use or handling of such firearm and to save the City harmless from all claims and demand whatsoever for the negligent or unlawful use or handling of such firearm.
- (d) The City Attorney shall approve all bonds required by this section with respect to their form and legality, and the premiums thereon shall be paid by the City. Council shall approve all bonds required by this section. All bonds shall be in the custody of the City Recorder, except that the bond of the Recorder shall be in the custody of the Mayor.

## Sec. 157-07 Compensation of Officers and Employees

The Mayor, Council members and other City officers and employees shall receive such salaries and wages as may be provided for them from time to time by Council in the annual budget or other ordinances; provided, that the salary of no elective City officer shall be increased or diminished during the term for which he or she was elected.



Sec. 157-08 Federal Social Security

Council having heretofore elected to extend the benefits of the Title II of the Federal Social Security Act to all eligible city officers and employees, as provided in West Virginia Code § 5-7-5 (1975), hereby declares that the plan for extending those benefits, as heretofore submitted to and approved by the State Auditor in his capacity as the "State Agency" shall continue in full force and effect and that the city shall conform to all applicable provisions of West Virginia Code § 5-7-1 to 5-7-10 (1975).

Sec. 157-09 City Is a Participating Public Employer; State Employees Retirement System

(a) Council, having elected on July 1, 1961, by three-fifths vote of its members, to have the City become a participating public employer and thereby include its eligible officers and employees in the membership of the State Employees Retirement System, hereby declares that the City shall continue to be a participating public employer and shall conform to all applicable provisions of West Virginia Code § 5-10-1 to 5-10-51 (1975).

(b) Covered Employees: This section does not apply to civil service employees.

04/2001  
155314.v1.

Sec. 157-10 Personnel Files and Records

- (a) Policy: The City has confidential employee records that shall be kept in a secure fashion and may be reviewed by an employee.
- (b) Definition: A Personnel File is a locked, secure, restricted access file in which pertinent employment information about an employee is kept. The file is confidential and access to that file is restricted to certain people who are defined in a subsequent paragraph.
- (c) Employee Review: Employees may review their own personnel file within three (3) business days by giving a written and signed notice to their immediate supervisor. A copy of his/her personal file (or portion thereof) may be obtained via written request to the City Recorder with the expense of copying be paid by the requesting employee.
- (d) Disputes About File Contents: Information disputed by the employee may be removed (or added) 1) with a consensus opinion of the employee, his/her supervisor, and the City Recorder, or 2) via the grievance procedure specified in this City employee policy manual or the Civil Service Codes, whichever is applicable.
- (e) Restricted Access: Access to a personnel file is restricted to the employee, his/her supervisor, other supervisors with a need to know the information, and the City Recorder.
- (f) File Removal: Personnel files may not be removed from the City Recorder's office.
- (g) Biannual Review: Each file shall be reviewed by the City Recorder biannually to ensure accuracy and to remove or correct irrelevant, outdated, misleading, or inaccurate information.
- (h) Records Related to Employment that will be kept in the Personnel File are:
  - Employment application and/or resume
  - High school and college transcripts
  - Job descriptions
  - Records relating to hiring, promotion, demotion, transfer, layoff, rates of pay, other forms of compensation, and education and training records
  - Records relating to other employment practices
  - Family Employment/Supervision Waivers
  - Letters of recognition
  - Disciplinary notices or documents
  - Performance evaluations
  - Test documents used by City to make employment decisions
  - Exit interviews
  - Termination records
- (i) Records that will be kept in separate, secure, restricted access files and not in the personnel file are:
  - Medical Records—All medical records including physical examinations, medical leaves, worker's compensation claims, and drug and alcohol testing
  - Safety Training records
  - Immigration (I-9) forms

Continued - - Sec. 157-10 Personnel Files and Records

pg. 2 of 2.

Equal Employment Opportunity  
Invitation to Self-Identify Disability or Veterans Status

Sec. 157-11/157-19 Reserved

04/2001  
149328.v2.

## RECRUITMENT AND APPOINTMENT

## Sec. 157-20 Recruitment Procedures

- (a) Policy: All employment opportunities shall be made available to as large a group of the public as appropriate and practical in order to have the best applicants apply for a City job position.
- (b) Responsibility: All advertisements of employment opportunities shall be the responsibility of the Mayor's office. Copies of employment advertisements shall be kept for two (2) years by the Mayor's office.
- (c) Public Notice: All employment opportunities shall be advertised in a newspaper having general circulation in the county or city and shall be published at least seven (7) days prior to the deadline for receiving applications. In addition, other appropriate means of advertisement such as journal advertisements, posted notices, e-mail postings, or letters to community organizations are encouraged. The manner and extent of advertising shall be suitable for the position to be filled. However limited notices may be used when recruiting for part-time or temporary personnel.
- (d) Public Notice Requirements: Notices of employment opportunities shall specify qualifying requirements, pay information, and shall state that the City is an equal opportunity employer.
- (e) Location: All applications for employment shall be taken at the Mayor's office. Applications shall be numbered and completed inside the Mayor's office.
- (f) Employees covered: This section does not apply to civil service employees.

04/2001  
149809.v1.

Sec. 157-21 Appointment Criteria

- (a) Policy: Applicants for employment shall be recruited, screened, appointed, and promoted based on job-related experience, training, skills, knowledge, and abilities, the quality of past performance, and on the ability to perform the essential functions of the job.
- (b) References: References given during the application process will be checked.
- (c) Testing: Post offer of employment persons will be required to take appropriate medical examinations, including illegal drug and alcohol screening, related to the required work.
- (d) Employees Covered: This section does not apply to civil service employees.

Sec. 157-22 Reserved

04/2001  
149905.v2.

## Sec. 157-23 Employment of Relatives

- (a) Policy: No relatives of any member of the governing body shall be employed by the City. No members of the immediate family of any supervisor shall be employed in that supervisor's department unless written permission is obtained from the Mayor.
- (b) Documentation: The signed written permission, from (a) above, shall be kept in the personnel file of the supervisor and the family member as long as the supervisor-employee relationship exists within City employment.
- (c) Definitions:
- (1) Relative shall be defined as the spouse, brother, sister, parent, child, grandchild, aunt, uncle, niece, nephew, grandparent or cohabitant of the employee and/or spouse of the member of the City governing body.
  - (2) Immediate Family shall be defined as the father, mother, spouse, grandparent, sister, brother, child, stepmother, stepfather, stepbrother, stepsister, father-in-law, and mother-in-law of the City employee.

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166668.v2.